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**Previous Conditions of Approval
Staglin Family Vineyards Major
Modification
P18-00253-MOD**



NAPA COUNTY

CONSERVATION, DEVELOPMENT and PLANNING COMMISSION

Jeffrey Redding
Secretary-Director

1195 Third Street, Room 210 • Napa, CA 94559-3092
Telephone 707/253-4416 FAX 707/253-4336

September 15, 1999

Garen and Shari Staglin
Staglin Family Partners
1570 Bella Oaks Land
Oakville, CA 94573

RE: Request for Use Permit # 98072-UP (Assessor Parcel No. 27-250-38 & 36)

Dear Mr. and Mrs. Staglin:

Please be advised that **Use Permit Application #98072-UP** was **APPROVED** by the Napa County Board of Supervisors on September 14, 1999 based on the attached conditions.

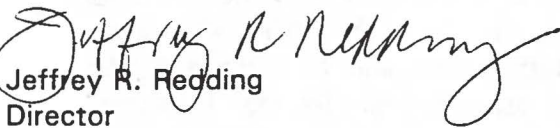
Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within one year from the approval date, or it shall automatically expire and become void.

EXPIRATION DATE: September 14, 2000

An extension of time in which to activate the use permit may be granted for a maximum of 12 months, upon application at least 30 days prior to expiration, and payment of fees in effect at the time of application, and provided that any approved modification of the permit has become final. This letter is your only notice regarding expiration and procedures for extension of this permit.

You are hereby further notified, pursuant to Government Code Sec.66020(d)(1), that the 90-day period in which you would have to protest imposition of any fees, dedications, reservations, or other exactions that may have been attached as conditions of approval, has begun.

Very truly yours,


Jeffrey R. Redding
Director

cc. John Tuteur, Assessor
Gary Brewen, Building Codes Administrator
Michael Miller, Deputy Planning Director
Linda Emerson with copy of conditions of approval

H:\shared\wipdocs\staglin approval ltr BOS 9-14-99

**CONDITIONS OF APPROVAL
USE PERMIT APPLICATION #98072-UP (STAGLIN)**

1. The permit shall be limited to approval to establish a 36,000 gallon per year winery with tours and tastings by prior appointment only which includes (1) construction of approximately 20,688 square feet of caves for wine production and storage, with two portals; (2) use of 1,175 square feet of an existing residence for winery-related offices, (3) construction of a 420 square foot building with attached 120 square foot covered roof area for mechanical, office, restroom and work area located in the vicinity of the relocated south portal of the cave, and in any event south of the "Buffer Line" referenced below, (4) a concrete work pads at the southern cave portal totaling no more than 1,200 square feet, and (5) establishment of a marketing plan as described in Condition #3 below. The project shall conform to the approved site plan, floor plans, and elevations, and to these conditions. In locating any of the improvements covered by this permit, the language of the conditions shall prevail. All winery facilities, including production activities, outdoor slab, parking facilities serving the winery, and structures other than the northern cave portal, shall be located south of a "Buffer Line" shown as such on the approved plot plan incorporated in this permit. Revised drawings conforming to these conditions shall be incorporated in the permit by reference after approval by the Director. Any other changes to the project shall be subject to further County approval.
2. The production capacity shall not exceed 36,000 gallons as averaged over any consecutive three (3) year period with a maximum 20 percent annual variation, and the permittee shall report to the Planning Department in December of each year the number of gallons produced during that year.
3. Marketing events shall be limited to a maximum of eight events per year with a maximum attendance of 45 persons and one annual release event with a maximum attendance of 200 persons. This condition supersedes the provisions set forth in Mitigation Measure #6 of the Project Revision Statement. Marketing events shall be held inside or adjacent to the residence; up to four of the annual events may include areas inside the cave or outdoors adjacent to the south portal of the cave. At least 48 hours advance notice of each marketing event shall be provided by the permittee to the Department and to one legal representative for the "Interested Parties" represented at the time of this approval by Linda Emerson of Dickenson. Peatman and Fogarty. Emerson shall be responsible for advising the permittee of any change in representation. Permittee is obligated by this condition to inform only the Department, and Emerson or a single person identified subsequently by her and any successors thereto identified in the same manner.

CONDITIONS OF APPROVAL
USE PERMIT APPLICATION #98072-UP (STAGLIN)

4. Prior to the issuance of any building permit for winery facilities, the permittee shall record a lot line adjustment to create the proposed 11.8 acre winery parcel depicted on the site plan, or such configuration as is necessary to include all winery facilities on a single parcel.
5. At least seventy-five percent of the grapes used to make the winery's still wine, or the still wine used by the winery to make sparkling wine, shall be grown within the County of Napa. The permittee shall report to the Department on an annual basis the source of his grapes verifying that 75% of the approved production is from Napa County grapes. The report shall include the Assessor's Parcel Number and grape tonnage. That report shall be proprietary and not available to the public. For the public record, the permittee shall annually submit to the Department for the file a statement regarding compliance with the sourcing requirement and indicating the percentage of Napa County grapes utilized.
6. Retail sales shall be limited to that wine allowed by Section 18.16.030.5.c of the Napa County Code.
7. There shall be no use or leasing of space within the winery facilities for other uses, except as approved under a temporary event license.
8. Plans for any outdoor signs for the winery shall be submitted to the Planning Department for administrative review and approval, but may include no signage in the vicinity of Highway 29. No off-site directional signs shall be permitted.
9. The permittee shall comply with the 20 Mitigation Measures contained in the attached Project Revision Statement and Exhibit E, as modified by this action.
10. The permittee shall comply with all building codes, zoning standards and requirements of various agencies including, but not limited to, the following:
 - a. County Public Works Department written comments of August 19, 1998.
 - b. County Environmental Management Department written comments of February 18, 1999.
 - c. County Fire Department written comments of November 24, 1998.
 - d. County Building Department written comments of August 18, 1998 and February 2, 1998.
 - e. Regional Water Quality Control Board written comments received August 28, 1998.
11. The permittee shall obtain all necessary approvals and permits from the State Department of Alcoholic Beverage Control and the federal Bureau of Alcohol, Tobacco and Firearms.

**CONDITIONS OF APPROVAL
USE PERMIT APPLICATION #98072-UP (STAGLIN)**

12. The residence may not be used for winery office facilities until a certificate of occupancy has been issued for all winery production facilities.
13. All staff costs associated with monitoring compliance with these conditions and project revisions and all previously imposed conditions related to this project shall be borne by the permittee and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.
14. All Conditions of Approval and Mitigation Measures contained herein shall be recorded once a new parcel number is assigned to the adjusted winery parcel. A copy of the recorded document shall be submitted to the Division within 10 days of recordation.
15. Cave spoils that are not hazardous for mercury content may be utilized on property owned by the permittee; any spoils not used as part of other permitted improvements shall be removed from the property within ninety (90) days of completion of the cave construction.
16. During construction of the caves, all reasonable measures shall be taken to reduce the stockpiling of cave spoils. North of the Buffer Line, no cave spoil pile shall exceed fifteen (15) feet in height, and all spoils shall be removed from this area by September 30 of any year in which they are generated.
17. The area north of the designated "Buffer Line" may be utilized only for construction activities (including but not limited to temporary storage of cave spoils as limited by Condition #16), emergency access, and agricultural and other non-winery activities such as installation of vineyard, landscaping, or minimum necessary accessways for emergency and farm equipment.
18. Improvements at the relocated south portal shall be designed to minimize noise and visual effects. At least 14 days prior to submittal for County approval of any permit or improvement plan for these facilities, permittee shall notify the representative of the "Interested Parties" (see Condition #3 above) of the availability of Plans for review.



NAPA COUNTY

CONSERVATION, DEVELOPMENT and PLANNING DEPARTMENT

Jeffrey Redding
Director

1195 Third Street, Room 210 • Napa, CA 94559-3092
Telephone 707/253-4416 FAX 707/253-4336

January 22, 2001

GAREN AND SHARI STAGLIN
STAGLIN FAMILY VINEYARD
C/O CHARLES MEIBEYER
1236 SPRING ST.
ST. HELENA, CA 94574

RE: Request for Use Permit Modification# 99546-UP

Dear Mr. Meibeyer:

Please be advised that **Use Permit Modification #99546-UP** has been **APPROVED** by the Napa County, Development & Planning Commission on January 17, 2001 based on the attached conditions.

The Modification permit becomes effective ten (10) working days from the approval date unless appealed to the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You may appeal the conditions of approval. If an appeal is filed by another, you will be notified.

Because the Use Permit being modified (File #98072-UP) has not yet been completed, this modification will not affect any dates for project completion or construction activity specified in the original conditions of approval except as specifically modified herein.

You are hereby further notified, pursuant to Government Code Sec. 66020(d)(1), that the 90-day period in which you would have to protest imposition of any fees, dedications, reservations, or other exactions that may have been attached as conditions of approval, has begun.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael Miller".

Michael Miller
Deputy Planning Director

cc. Jeffrey Redding, Director
John Tuteur, Assessor
Gary Brewen, Building Codes Administrator

CONDITIONS OF APPROVAL
Use Permit Modification #99546-MOD (Staglin Family Vineyard)

1. The permit shall be limited to (1) an increase in cave size from 20,688 square feet to approximately 22,756 square feet (2) addition of a third cave portal, (3) elimination of the approved exterior office building with the relocation of said office space to the cave, and (4) replacement of the approved exterior concrete work pad with a gravel staging area with use limited to receipt of grapes. The project shall conform to the approved site plan, floor plans, and elevations. Any expansion or changes in use, or project changes which are necessitated by the requirements of other departments or agencies, are subject to further County approval.
2. The permittee shall comply with all building codes, zoning standards and requirements of various County departments and agencies, including but not limited to the following:
 - a. County Fire Department written comments of January 4, 2001.
3. All conditions of Use Permit #98072-UP shall remain in full force and effect, except as modified by the conditions herein.
4. All staff costs associated with monitoring compliance with these conditions and project revisions and all previously imposed conditions related to this project shall be borne by the permittee and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.



NAPA COUNTY

CONSERVATION • DEVELOPMENT and PLANNING DEPARTMENT

Charles Wilson
Director

1195 Third Street, Room 210 • Napa, California 94559-3092
Telephone 707/253-4416 FAX 707/253-4336

Garen & Shari Staglin
1570 Bella Oaks Lane
Oakville, CA 94573

Re USE PERMIT MODIFICATION #02044-MOD
Staglin Family Partners APN 027-250-057 *59 064*

Dear Mr. & Mrs. Staglin,

Please be advised that Use Permit application has been **APPROVED** by the Napa County, Development & Planning Commission on May 15, 2002 based on the attached conditions.

The permit becomes effective ten (10) working days from the approval date unless appealed to the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You may appeal the conditions of approval. If an appeal is filed by anyone, you will be notified.

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within one year and ten calendar days from the approval date, or it shall automatically expire and become void.

EXPIRATION DATE: May 27, 2003

An extension of time in which to activate the use permit may be granted for a maximum of 12 months, upon application at least 30 days prior to expiration, and payment of fees in effect at the time of application, **and** provided that any approved modification of the permit has become final. This letter is your only notice regarding expiration and procedures for extension of this permit.

You are hereby further notified, pursuant to Government Code Sec.66020 (d)(1), that the 90-day period, in which you would have to protest imposition of any fees, dedications, reservations, or other exactions that may have been attached as conditions of approval, has begun.

Should you have any questions, please contact me at hmccolli@co.napa.ca.us or at (707) 253-4417.

Sincerely,

A handwritten signature in cursive script that reads "Charles Wilson".

Charles Wilson
Director

cc. file

Meibeyer Law Group, Attn. Charles Meibeyer, 1236 Spring St., St. Helena, CA 94574
John Tuteur, Assessor
Gary Brewen, Building Codes Administrator
Larry Bogner, Public Works
Christine Secheli, Environmental Management
Barbara Easter, County Fire Department

CONDITIONS OF APPROVAL

CDPC Meeting Date: April 17, 2002
Staglin Family Partners File # 002044-MOD
APN: #027-250-057

1. **USE PERMIT:** The approval is limited to the following:
 - a. Modification of Use Permit #98072-UP to allow the production of red wine within the allocated 36,000 gallons/year and to bottle all red and white wine produced on site within 546 sq.ft. the existing caves. There will be no other changes in the production activities or winery operations already approved.
 - b. The above project shall be consistent with the approved application materials, site plan and elevations. Any other changes will require review and approval of a use permit modification by the County.
2. **COMPLIANCE WITH OTHER DEPARTMENT AND AGENCIES:** The permittee shall comply with all building codes, zoning standards and requirements of County Departments and agencies at the time of use of this use permit, including but not limited to comments by:
 - a) Napa County Building Inspection Division, dated February 11, 2002;
 - b) Napa County Public Works Department, dated February 26, 2002;
 - c) Napa County Fire Department, dated February 25, 2002;
 - d) Napa County Department of Environmental Management, dated February 26, 2002;
3. **NOISE:** There shall be no amplified sound system or amplified music utilized outside. Musical programs shall be limited to those permitted in conjunction with an event and approved by Temporary Event License (Napa County Code Chapter 5.36). All mechanical equipment such as ventilation systems, compressors for refrigeration and generators shall be located inside the facility or within acoustic enclosures. Construction activities shall comply with Section 8.16 of the Napa County Code.
4. **GRAPE SOURCE:** At least seventy-five percent (75%) of the grapes used to make the winery's wine shall be grown within the County of Napa. The permittee shall submit a report to the Napa County Planning Division in January of each year specifying the source of the grapes used to make the wine of each of his custom producers. Said report shall list the tons of grapes obtained from each Assessor's Parcel within the County along with the total tons of grapes utilized. This report is proprietary and shall not be made available to the public. For the public record, the applicant shall annually submit to the Department for the file a statement regarding compliance with the sourcing requirement and indicating the percentage on Napa County grapes utilized.
5. **DUST:** Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced.
6. **WELL:** Extraction of water from the applicant's well as utilized will not result in impacts to water availability on neighboring properties or affect the replenishment of surface water features. Water usage shall be minimized by the use of best available technology and best water management conservation practices. These practices include the use of sprinkler timers, xeriscape landscaping techniques, bubblers and drip irrigation, and avoiding the use of broadcast sprinklers.
7. **SIGNS:** No signs are included in this permit. Any signs shall require the submittal of a Comprehensive Sign Permit (CSP) request to the Zoning Administrator, pursuant to the requirements of Napa County Code Section 18.116.035. Plans for any outdoor signs shall include the proposed design, area, height, colors, materials, and placement/location. Any identification sign shall include legible working i.e. to direct the flow of traffic and conference attendees.

AGENDA ITEM NO.

8. **RENTAL/LEASING:** No facilities, nor portions thereof, including but not limited to offices, kitchens, and conference space shall be rented, leased, or used by entities other than those previously approved or except as specifically authorized by a temporary event license issued pursuant to the Napa County Temporary Events Ordinance, (Section 5.36.010 of the Napa County Code).
9. **PREVIOUS APPROVALS:** The permittee shall comply with all applicable conditions and measures that were included in the previously approved use permit(s). Any conditions that are in conflict with the requirements of this permit shall be null and void.
10. **MONIROTING COSTS:** All staff costs associated with monitoring compliance with these conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution # 95-77 or as such Resolution may be amended from time to time.



A Tradition of Stewardship
A Commitment to Service

Conservation Development and Planning

1195 Third Street, Suite 210
Napa, CA 94559
www.co.napa.ca.us

Main: (707) 253-4417
Fax: (707) 253-4336

Hillary Gitelman
Director

July 10, 2008

Staglin Family Vineyards
Garen and Shari Staglin
1390 Bella Oaks Lane
St. Helena, CA. 94574

SUBJECT: Staglin Family Vineyards Use Permit Modification
Bella Oaks Lane, St. Helena, CA 94574
Use Permit Modification P08-00053
APN: 027-250-064

Dear Mr.& Mrs. Staglin:

Your application for a Minor Modification (P08-00053) to Use Permit #98072-UP) has been considered by the Zoning Administrator on July 10, 2008. The request includes: (1) convert a single family residence and cabana, recently added to the winery parcel after a lot line adjustment, to winery accessory use; (2) relocate five off-site offices to the converted single family residence and cabana; (3) utilize the converted single family residence for three of the previously approved daytime tours and tastings per week and four marketing events per year; and (4) increase full time employees from five to eight. Please be advised that your request has been **APPROVED** by the Zoning Administrator subject to the attached Exhibit A ,Conditions of Approval and as follows.

The proposed modification is **Categorically Exempt** from the provisions of CEQA, the California Environmental Quality Act. Pursuant to CEQA Section 15301, Class 1, Existing Facilities, and Appendix B, Class 1, Existing Facilities of Napa County's Local Procedures for Implementing the California Environmental Quality Act, the project consists of a minor alteration to a previously approved project involving no expansion in production or marketing activities and it is not located in an environmentally sensitive area.

Please note: Building permits are required prior to commencing any new construction, alterations, repairs or demolition of any structure. Please contact the Building Division at (707) 253-4417 if you any questions or need additional information regarding the building permit process.

The modification becomes effective immediately unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be notified.

EXPIRATION DATE: July 10, 2010

Pursuant to Section 18.124.080 of the Napa County Code, this minor modification must be activated within two (2) years from the approval date, or it shall automatically expire and become void. This letter serves as the only notice you will receive regarding the expiration date of your very minor modification permit. In addition, approval of this very minor modification has no effect on the time limits in which to activate the original project use permit.

You are hereby further notified, pursuant to Government Code Sec.66020 (d)(1), that the 90-day period, in which you would have to protest imposition of any fees, dedications, reservations, or other exactions that may have been attached as conditions of approval, has begun.

Should you have any questions, please contact Linda St. Claire, Project Planner at (707)299-1348 or e-mail at lstclair@co.napa.ca.us.

Sincerely,



John McDowell, Zoning Administrator

Napa County Conservation, Development and Planning Department

cc: John Tuteur, County Assessor
Darrel Mayes, Chief Building Official
Garen and Shari Staglin
Chuck Meibeyer
Mike Witek
File, Chron

EXHIBIT A

**Staglin Family Vineyards
1390 Bella Oaks Lane (APN# 027-250-064)
Use Permit Modification, P08-00053**

Conditions of Approval

1. SCOPE: This approval is limited to the following:

- a. convert a single family residence (Manley house) and cabana to winery accessory use;
- b. authorize no more than 4 marketing events per year and 3 days of tours and tastings per week to occur in the Manley house. The tours and tastings will occur between the hours of 10 a.m. and 4 p.m. The marketing events will comply with the provisions set forth in the original use permit and no expansion of marketing and visitation approved beyond allowable limits in Use Permit #98072-UP and subsequent modifications;
- c. renovate Manley house to include additional 572 square feet of interior space for two offices on the main floor, 886 sq. ft. kitchen; 863 sq. ft. tasting/marketing room, three offices upstairs and a 1,286 square foot addition to the porch;
- d. convert cabana to include additional 432 square feet of interior space, two offices, a conference room and a 136 square foot addition to the porch;
- e. add eight parking spaces;
- f. site improvements consisting of new access drive via the winery entrance on Bella Oaks Lane and abandoning the Manley land entrance, landscaping and pivoting the existing garage to create an additional barrier along the northern property line;
- g. recognize #W07-01025 Lot Line Adjustment that occurred on Oct. 11, 2007 and expanded the size of the winery parcel from that shown in #98072-UP Use Permit increasing the parcel from 10.10 acres to 11.9 acres;
- h. relocate five off-site offices to the Manley House and cabana;
- i. abandon home occupation permit #99227-HO;
- j. increase full time employees from five to eight;
- k. install perimeter landscaping along the northern property line to screen the accessory use buildings from the neighboring properties to the north subject to final review and approval by the Planning Director. Screening shall consist of olive trees or an approved equivalent.
- l. Reconstruct on-site drainage in the vicinity of the Manley house including provision of adequate drainage facilities to accommodate waters draining onto the site from the adjoining property to the north
- m. for all marketing events held in the Manley house, 48 hour notice shall be given to the property owner to the north (APN 027-250-049);
- n. re-evaluate the marketing activities at the Manley House at a Zoning Administrator meeting in 2 years from the date of this modification, July 19, 2008 if notice of a request for a hearing

is made by either the applicant or the northern neighbor at least thirty days in advance in writing;

- o. modify condition of approval #3 of use permit #98072-UP concerning the 'buffer line' to allow marketing events and visitation to occur within the Manley house
- p. utilize the connector road from the Manley House to the production facility and cave (i.e. the connector road along the northern property line from the parking lot near the Manley House to the north portal) for emergency use, agricultural use and use by the Staglin immediate family. No winery related use for marketing/visitation is allowed on this connector road.

The activities permitted on the site are limited to those shown on the plans and information submitted with the modification dated May 15, 2008, June 17 and to include revisions dated July 2, 2008 and subsequent submittal information. Any substantial change in use is subject to review and approval as determined by the CDPD Director in accordance with the Zoning Ordinance.

The use permit modification shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be by the approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

2. SIGNS:

Prior to installation of any other identification or directional signs other than the monument sign submitted, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning Department for administrative review and approval. All signs shall meet the design standards as set forth on Chapter 18.116 of the County Code.

3. GATES/ENTRY STRUCTURES:

Any gate installed at the entrance shall be reviewed by the Planning and Public Works Departments and the Napa County Fire Department to assure that it is designed to allow a large vehicles such as motor homes to turn around if the gate is closed without backing into the public roadway and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required according to the County Code.

4. LIGHTING:

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety, or operations and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Prior to issuance of any building permit for construction of the cave portal, two (2)

copies of a separate detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Department review and approval.

5. LANDSCAPING/PARKING:

Two (2) copies of a detailed landscaping plan for construction, including parking details, shall be submitted for review and approval prior to issuance of any building permits that address landscaping for each of the proposed phases. The landscape plan(s) shall indicate plant location, species, size at planting, quantity of each, method of planting, underground automatic sprinkler system, and similar landscape design information. The plan(s) shall indicate the names and locations of all plant materials to be used along with the method of maintenance. Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County. As per Section 18.34.080, all required parking shall be located and designed to minimize the view of parked vehicles from public streets and adjacent residential uses. Parking lots shall be landscaped at a minimum ratio of one tree per six parking spaces for double-loaded stalls and one tree per three spaces for single loaded stalls. Parked shall not be located within any required setback areas.

The location of employee and visitor parking and truck loading zone areas (if any) shall be identified along with proposed circulation. Landscaping and parking shall be completed prior to occupancy of each phase and shall be permanently maintained in accordance with the landscaping plan.

6. OUTDOOR STORAGE/SCREENING/UTILITIES:

All outdoor storage of equipment shall be screened from the view of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage is to exceed the height of the screening. Water tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.

New utility lines required for this project that are visible from any designated scenic transportation route (see Chapter 7 of the General Plan and Section 18.106 of the Napa County Zoning Ordinance for designated roads) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

7. RENTAL/LEASING:

No winery facilities, or portions thereof, including, without limitation, kitchens, barrel storage areas, and warehousing space, shall be rented, leased, or used by entities other than persons producing and/or storing wine at the on-site winery, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (N.C.C. Chapter 5.36).

8. NOISE:

Construction noise shall be minimized to the maximum extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Chapter 8.16 and as mitigated to consist of operations between 7:00 AM and 5:00 PM. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road condition require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8:00 AM to 5:00 PM. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Code. There shall be no amplified sound system or amplified music utilized outside of approved, unless authorized with a Temporary Events Permit.

9. COLORS:

The colors used for Manley house, cabana and garage will be limited to earth tones that will blend the facility into the colors of the surrounding vegetation and shall be reviewed and approved by the Department prior to the issuance of any building permits. Highly reflective surfaces shall be prohibited.

10. GRADING & SPOILS

All grading and spoils generated by construction of the project facilities, shall be disposed of per Public Works direction. All spoils piles shall be stored onsite temporarily and transported later to an approved site.

11. DUST CONTROL:

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Construction activities shall not occur during windy periods.

12. ARCHEOLOGICAL FINDING:

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The Department will be contacted for further guidance, which will likely include the requirement for the applicant to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required. If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such

remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

13. TRAFFIC

Reoccurring and scheduled vehicle trips to and from the site for employees, and deliveries will not occur during peak (4:00 PM – 6:00 PM) travel times to the maximum extent possible. All road improvements on private property required per the Department of Public Works shall be maintained in good working condition.

14. ADDRESSING

All project site addresses shall be determined by the Director, and reviewed and approved by the U.S. Post Office, prior to issuance of any building permit. The Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any building permit to ensure proper identification and sequencing of numbers. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.

15. STORM WATER CONTROL

For any construction activity that results in disturbance of greater than one acre of total land area, permittee shall file a Notice of Intent with the California Regional Water Quality Control Board (SRWQCB) prior to any grading or construction activity. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots shall be designed to drain through grassy swales, buffer strips, or sand filters prior to any discharge from the impervious surface into a watercourse. If any discharge of concentrated surface waters is proposed in the any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

16. PREVIOUS CONDITIONS:

The permittee shall comply with all applicable conditions of approval, including the requirements of other County Departments and agencies, and mitigation measures which were included in the previously approved use permits: # 98072-UP, #99546-MOD and #002044-MOD. To the extent there is a conflict between this modification and any prior use permit, this modification and these conditions of approval shall control.

17. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:

The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies, including but not limited to:

- (a) Department of Environmental Management comments dated June 26, 2008.
- (b) Department of Public Works comments dated June 11, 2008.
- (c) County Fire Department comments dated March 18, 2008.
- (d) Building Division comments dated March 16, 2008.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Departments and Agencies shall be determined by those Departments or Agencies. The inability to substantially comply with the requirements of other County Departments and Agencies may result in the need to modify the approved use permit.

18. MONITORING COSTS:

All staff costs associated with monitoring compliance with these conditions, previous permit conditions and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring (\$145.44/hour as of July, 2008). Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if it is so warranted, to commence revocation hearings in accordance with section 18.124.120 of the County Code.

All project improvements, including compliance with all applicable codes, conditions and requirements from all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the project, such as commencement of production activities, prior to completion of all project improvements. Marketing, Tours and Tastings are not typically authorized until grant of Final Occupancy, but exceptions can be requested due to extenuating circumstances and are subject to review and approval by the County Building Official, County Fire Marshal, and the Director of Conservation, Development and Planning. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.