

COUNTY OF NAPA
CONSERVATION, DEVELOPMENT & PLANNING DEPARTMENT
1195 THIRD ST., SUITE 210
NAPA, CA 94559
(707) 253-4416

Notice of Intent to Adopt a Mitigated Negative Declaration

Project Title: V-12 Winery Use Permit P07-00598-UP

Property Owner: James E. Vasser Jr., 583 Soscol Avenue, Napa, CA 94559

Contact person and phone number: Christopher M. Cahill, Project Planner, (707) 253.4847, ccahill@co.napa.ca.us

Project location and APN: The project is located on a 42.4 acre parcel located on the west side of Soda Canyon Road adjacent to its intersection with Chimney Rock Road within the AW (Agricultural Watershed) zoning district. APN: 039-630-011. 2001 Soda Canyon Road, Napa, CA 94559.

Project Sponsor's Name and Address: Bob Kleis, 583 Soscol Avenue, Napa, CA 94559, (707) 320.2003, bob@jimmyvasserchevytoyota.com.

Hazardous Waste Sites: This project site is not on any of the lists of hazardous waste sites enumerated under Government Code §65962.5.

Project Description - Approval of a Use Permit and an Exception to the Road and Street Standards to establish a new 36,000 gallon per year winery with:

- a 7,000 sq. ft. winery cave including production, storage, office, and tasting room facilities;
- a 5,500 sq. ft. uncovered outdoor crush pad and loading area;
- a 1,800 sq. ft. winery/agricultural storage barn, including 900 sq. ft. of winery equipment storage;
- two full-time and two part-time employees;
- eleven parking spaces;
- by-appointment tours and tastings with a maximum of 16 visitors per day and 36 per week;
- a marketing plan with four 50-person max. marketing events and one 100-person max. wine auction event annually;
- an exception to the Road and Street Standards to allow a new winery access road with widths between 14 and 18 ft. (18 ft. required); and
- the construction of four turnouts on Chimney Rock Road.

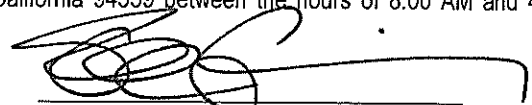
NOTE TO REVIEWERS: This document is also reviewing future ministerial actions under §15022 & §15268 of the State CEQA Guidelines as foreseeable projects, including all work associated with the construction of the proposed improvements, the ongoing operation of the winery facility as limited by the terms of any adopted use permit, and the potential construction of a residence at a yet-to-be determined location on the property. Building permit application(s) for work associated with this project have not been submitted as of the date of this document.

PRELIMINARY DETERMINATION:

The Conservation, Development and Planning Director of Napa County has tentatively determined that the following project would not have a significant effect on the environment as mitigated herein and the County intends to adopt a **mitigated negative declaration**. Documentation supporting this determination is contained in the attached Initial Study Checklist and is available for inspection at the Napa County Conservation, Development and Planning Department Office, 1195 Third St., Suite 210, Napa, California 94559 between the hours of 8:00 AM and 4:45 PM Monday through Friday (except holidays).

September 4, 2008

DATE:



BY: Christopher M. Cahill

WRITTEN COMMENT PERIOD: September 5, 2008 through October 14, 2008

Please send written comments to the attention of Chris Cahill at 1195 Third St., Suite 210, Napa, California 94559, or via e-mail to ccahill@co.napa.ca.us. A public hearing on this project is tentatively scheduled for the Napa County Conservation, Development and Planning Commission at 9:00 AM or later on Wednesday, October 15, 2008. You may confirm the date and time of this hearing by calling (707) 253-4417.

COUNTY OF NAPA
CONSERVATION, DEVELOPMENT & PLANNING DEPARTMENT
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NAPA, CA 94559
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Initial Study Checklist
(reference CEQA, Appendix G)

1. **Project Title:** V-12 Winery Use Permit P07-00598-UP
2. **Property Owner:** James E. Vasser Jr., 583 Soscol Avenue, Napa, CA 94559
3. **Contact person and phone number:** Christopher M. Cahill, Project Planner, (707) 253-4417, ccahill@co.napa.ca.us
4. **Project location and APN:** The project is located on a 42.4 acre parcel located on the west side of Soda Canyon Road adjacent to its intersection with Chimney Rock Road within the AW (Agricultural Watershed) zoning district. APN: 039-630-011. 2001 Soda Canyon Road, Napa, CA 94559.
5. **Project Sponsor's Name and Address:** Bob Kleis, 583 Soscol Avenue, Napa, CA 94559, (707) 320.2003, bob@jimmyvasserchevytoyota.com.
6. **General Plan description:** Agriculture, Watershed, & Open Space (AWOS)
7. **Zoning:** Agricultural Watershed (AW)
8. **Project Description - Approval of a Use Permit and an Exception to the Road and Street Standards to establish a new 36,000 gallon per year winery with:**
 - a 7,000 sq. ft. winery cave including production, storage, office, and tasting room facilities;
 - a 5,500 sq. ft. uncovered outdoor crush pad and loading area;
 - a 1,800 sq. ft. winery/agricultural storage barn, including 900 sq. ft. of winery equipment storage;
 - two full-time and two part-time employees;
 - eleven parking spaces;
 - by-appointment tours and tastings with a maximum of 16 visitors per day and 36 per week;
 - a marketing plan with four 50-person max. marketing events and one 100-person max. wine auction event annually;
 - an exception to the Road and Street Standards to allow a new winery access road with widths between 14 and 18 ft. (18 ft. required); and
 - the construction of four turnouts on Chimney Rock Road.
9. **Environmental setting and surrounding land uses:**

The project is located on a 42.4 acre parcel located on the west side of Soda Canyon Road adjacent to its intersection with Chimney Rock Road. The proposed winery site is on the western slopes of Soda Canyon, a steep canyon carved by Soda Creek, which drains Foss Valley to the north and eventually joins the Napa River just to the west of the intersection of Soda Canyon Road and the Silverado Trail. The parcel looks something like an airline seat with over-ample lumbar support. The headrest is located adjacent to Soda Creek at the base of Soda Canyon, while the seat stretches up and over the ridge that separates Soda Canyon from the Napa Valley and continues downslope and to the west in the direction of Chimney Rock Winery. Soda Canyon Road, a rural two lane road with no through access, abuts the subject property along its eastern edge while Chimney Rock Road, a narrow private road, runs along the parcel's northern flank.

Slopes on the parcel range between 5 and more than 30 percent, though most of the land area is characterized by slopes in the 15 to 30 percent range. Based on Napa County environmental resource mapping and the *Soil Survey of Napa County, California* (G. Lambert and J. Kashiwagi, Soil Conservation Service), the subject property includes soil classified as Rock Outcrop-Hambright Complex (50 to 75 percent slopes), Rock Outcrop-Hambright Complex (30 to 75 percent slopes), and Cortina Very Gravelly Loam (0 to 5 percent slopes). While Cortina Very Gravelly Loam dominates the easternmost portion of the property adjacent to Soda Creek, the majority of the development associated with this project would occur on Rock Outcrop-Hambright Complex soils. The Rock Outcrop-Hambright Complex soil series is characterized by areas of rock outcrop and soils on south-facing slopes. The soils formed in material weathered from basic igneous rock and rhyolite. Rock outcrops are generally between one and five acres in size and consist of basic igneous boulders and massive rhyolitic escarpments, stones, and outcrops. Runoff off of the various Rock Outcrop-Hambright Complex soils is rapid and the

threat of erosion is very high, though submitted geotechnical studies indicate that the threat of erosion on this parcel is lower than would otherwise be expected (please see **Geology and Soils "b."**) Native vegetation types in the project vicinity include small shrubs, lichens, scattered brush, and patches of annual grasses and forbs.

Development on the property presently includes a residence (recently damaged by fire) located to the west of the ridgeline and approximately six acres of vineyards, which are not yet producing. Four additional acres of vineyard land have been permitted by the County pursuant to erosion control plan approvals 02471 and P05-0249, but are yet to be planted. Land uses in the area are predominantly open space with a scattering of rural residences and vineyards. The historic, and now largely ruined, Napa Soda Springs resort is located directly to the east of the subject property across Soda Canyon Road. There are relatively few wineries located near the project site- Waug Winery, which is approved but not yet operating, is located approximately one mile to the north and Vandendriessche Vineyards is located approximately one mile to the south. There are also a number of wineries located on the Silverado Trail more than a mile to the west.

10. **Other agencies whose approval is required** (e.g., permits, financing approval, or participation agreement).
ABC/TTB

Responsible (R) and Trustee (T) Agencies
Department of Fish and Game

Other Agencies Contacted

ENVIRONMENTAL IMPACTS AND BASIS OF CONCLUSIONS:

The conclusions and recommendations contained herein are professional opinions developed in accordance with current standards of professional practice. They are based on a review of Napa County Environmental Resource Maps, the Napa County Baseline Data Report, specific documents referenced herein, other sources of information included or referenced in the record file, comments received, conversations with knowledgeable individuals, the preparer's personal knowledge of the area, and visits to the site and surrounding areas. For further information, please see the permanent record file on this project, available for review at the offices of the Napa County Department of Conservation, Development, and Planning, 1195 Third Street, Napa, California.

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

Christopher M. Cahill, Planner

September 4, 2008

Date

Napa County Department of Conservation, Development & Planning

ENVIRONMENTAL CHECKLIST FORM

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a.-b. The development associated with this project is proposed to include a cave, cave portal, a large cave spoil fill area below the proposed portal, a two story agricultural barn/winery storage building, the widening of an existing driveway, and the future construction of a new residence at a yet to be determined site. All of the proposed winery development is located to the east of the minor ridgeline which divides Soda Canyon from the Napa Valley. As such, it will not be visible from Highway 29, the Silverado Trail, or any other Viewshed Road (see N.C.C. Chapter 18.106 for details of the County’s Viewshed Protection Ordinance.) Visibility from Soda Canyon Road and other properties within Soda Canyon is not regulated by the Viewshed Ordinance, but would be limited to the cave portal, fill area, and portions of the road alignment; most of the proposed roadway and the proposed storage barn will be well screened from off-site vantage points by existing vegetation and site topography. Please see item “c.” below, for a discussion of and mitigation measures relating to the cave portal and fill slope. No specific location has been identified for the potential development of a new residence on this property and any development visible from a Viewshed Road (meaning, practically, anything located on the ridgeline or to its west) would be subject to the requirements of the Viewshed Ordinance; thereby mitigating any potential impacts on scenic resources. The project is not located near any identified scenic vista, nor is it within a scenic highway.
- c. The proposed cave portal, along with the substantial fill slope proposed below it, will be visible from portions of Sage Canyon Road and from nearby properties, particularly those located on the eastern slopes of Soda Canyon. The cave portal is proposed to be 12 to 15 feet tall and approximately 175 feet long, while the fill slope will occupy nearly 23,000 square feet of land area between the 280 and the 320 foot contours. If these substantial structural and engineered fill alterations are not effectively screened, re-landscaped, or otherwise blended with the existing natural environment, they have the potential to substantially degrade the existing visual character or quality of the site and its surroundings. Mitigation measures designed to decrease these impacts to a less than significant level are incorporated below.
- d. Pursuant to standard Napa County conditions of approval for wineries, all outdoor lighting will be required to be shielded and directed downwards with only low level-lighting allowed in parking areas. With the adoption of standard conditions of approval, this project will not create a substantial new source of light or glare.

Mitigation Measures: Mitigation Measures:

1. Prior to the issuance of a building permit, the permittee shall submit final color and material details for the facing of the proposed cave portal wall for the review and approval of the Planning Director (or her designee). The wall shall be finished with a material that blends with the color of surrounding vegetation and landforms. Stone or stone-look facing is preferred.
2. Prior to the issuance of a building permit, the permittee shall submit a cave spoils fill slope landscape/ revegetation plan for the review and approval of the Planning Director (or her designee). The plan shall include, without limitation, native plants and trees to the greatest extent possible, specimen-sized trees and other trees and shrubs sited to screen views of the cave portal wall from off-site, and automatic irrigation as deemed necessary by a qualified landscape architect or certified arborist to ensure the proper establishment of the newly planted native plants and trees.

Method of Mitigation Monitoring:

Mitigation Measures № 1 and 2 require submission of additional plans and/or specifications for the review and approval of the Planning Director prior to the issuance of a building permit. If the mitigation measures are not complied with, no building permit will be issued.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
II. AGRICULTURE RESOURCES. In determining impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Important (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to a non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. Based on a review of Napa County environmental resource mapping (Department of Conservation Farmlands 2006), no portion of the subject property is located on mapped farmland of state or local importance. As a result, any eventual residential development on this property would not be located on prime farmland, unique farmland, or farmland of statewide importance. The County General Plan recognizes wineries, and any use clearly accessory to a winery, as agriculture. As a result, this application will not result in the conversion of mapped farmland to a non-agricultural use.
- b. The subject property is not currently subject to a Williamson Act contract.
- c. As discussed at item "a." above, the winery and winery accessory uses proposed in this application are defined as agricultural by the Napa County General Plan. Given the large size of the property and the relatively small portion (approximately six acres) which was only recently planted to vineyards, it is not foreseeable that the applicant would choose to locate a new residence in an area that would require significant vineyard removal. Neither this project, nor any foreseeable consequence thereof, would result in changes to the existing environment which would result in the conversion of mapped farmland to a non-agricultural use.

Mitigation Measures: None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. The proposed project would not conflict with or obstruct the implementation of any applicable air quality plan. Wineries as proposed here are not producers of air pollution in substantial volumes. The project site lies within Soda Canyon, which forms one of the climatologically distinct sub regions (Napa County Sub region) within the San Francisco Bay Area Air Basin. The topographical and meteorological features of the valleys of Napa County and their side canyons create a relatively high potential for air pollution. Over the long term, emissions resulting from the proposed project would consist primarily of mobile sources including production-related deliveries and visitor and employee vehicles traveling to and from the winery. The Bay Area Air Quality Management Plan states that projects that do not exceed a threshold of 2,000 vehicle trips per day will not impact air quality and categorically do not require further study (BAAQMD CEQA Guidelines, p. 24). The applicant has submitted a "Seasonal Trip Generation Report," which concludes that this project would result in a daily average of 15 vehicle trips, a figure which is well below the established threshold of significance.
- b. Please see "a.", above. There are no projected or existing air quality violations in the area to which this proposal would contribute. The project would not result in any violations of applicable air quality standards.
- c. Please see "a.", above. The proposed project would not result in a cumulatively considerable net increase in a criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard. Standard conditions of approval require the application of dust palliatives during construction activities as a dust control measure.
- d. Emissions and dust associated with cave excavation and road and structural construction will be both minor and temporary, having a less than significant impact on nearby receptors. Standard conditions of approval regarding dust suppression serve to limit impacts to a less than significant level.
- e. Earthmoving and construction activities required for project construction may cause a minimal temporary degradation in air quality from construction phase dust and heavy equipment air emissions. While construction on the site will generate dust particulates in the near term, the impact would be less than significant given dust control measures as specified in Napa County standard conditions of approval. The area surrounding the subject property is largely given over to open space and agriculture. The project will not create objectionable odors affecting a substantial number of people.

Mitigation Measure(s): None are required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IV.	BIOLOGICAL RESOURCES. Would the project:				
	a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. A thorough Biological Resource Report was completed for this property by Kjeldsen Biological Consulting pursuant to an earlier erosion control plan approval for the installation of approximately 16 acres of vineyard on the property. (Kjeldsen, Chris and Kjeldsen, Daniel, "A Biological Resource Reconnaissance Survey Report, James Vasser Property, 2001 Soda Canyon Road," August 12, 2002) That survey was updated by a report dated August 8, 2008 and based on surveys conducted between April and July 2008. The 2008 report analyzes the details of the current application, any changes to special status species and their mapped sensitivity areas occurring between 2002 and 2008, and any changes to the property itself during the same period. (Kjeldsen, Chris and Kjeldsen, Daniel, "2008 Updated Spring Special Status Survey," August 8, 2008) The revised report, which is based on available resource mapping and the Spring 2008 follow-up site surveys, finds no evidence of the presence of any of the special status species listed by the California Native Plant Society, the California Department of Fish and Game, or the US Fish and Wildlife Service. According to the report, there is also no habitat for the Northern Spotted Owl, California Yellow-Legged Frog, or Northwestern Pond Turtle on the site. No wildlife corridors or raptor nests were observed. As analyzed in the submitted biological resources survey, project impacts on candidate, sensitive, or special status species are expected to be less than significant.
- b.-c. As discussed above, several biological reports have been completed on this property, the most recent of which was based on a series of surveys completed by Kjeldsen Biological consulting in the Spring of 2008. According to submitted reports, no critical habitat areas or sensitive natural communities are located on the subject parcel. The three habitats present in the vicinity of the project area are "Ruderal," "Grassland (Agrestal/Pastoral Grasslands," and "Oak Woodland." No wetlands or potential wetlands have been identified on the subject parcel. The 2002 Kjeldsen biological report classified Soda Creek, which runs along the property's western extent, as U.S. Army Corps of Engineers jurisdictional waters ("Tributaries to Waters of the U.S."). Project-associated development in the vicinity of Soda Creek will include limited improvements to the existing driveway along its current alignment. No additional work in the direction of the creek is proposed and all roadway improvements will maintain the Conservation Regulations-required 45 foot setback from the stream.

Corinne Gray, Environmental Scientist with the Yountville Office of the Department of Fish and Game, has visited the site and identified no substantial adverse effects related to wetlands, riparian habitat, or other sensitive natural communities resulting from the project. She did, however, identify an area of rock outcroppings on the lower portion of the property which is endemic to Soda Canyon and of local interest. While the shallow rock area is not a wetland or "sensitive natural community" as covered by the CEQA checklist, she asked the applicant to limit road widening in the vicinity. The applicant agreed, and has amended his project to reflect her request. However, because the change requires additional areas of driveway which will not conform to the County's Road and Streets Standards, the Planning Division and the Department of Public Works required that the area be permanently protected by a deed restriction in exchange for our support of the Road and Streets Standard Exception. The applicant has agreed and draft conditions of approval require the recordation of a deed restriction protecting the area prior to project final. (revised 11.7.08 consistent with State CEQA Guidelines §15073.5(c){3}, "Measure or conditions of approval... added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects, and are not necessary to mitigate an avoidable significant effect.")

Impacts on federally protected wetlands, riparian habitats, and other sensitive natural communities are expected to be less than significant.

- d. The proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors; it will not impede the use of native wildlife nursery sites. The various submitted Kjeldsen biological reports all conclude that there will be no potential impact on migratory corridors or wildlife nursery sites within the project area. The project boundaries do not overlay any area identified as critical biological habitat, unique, or sensitive habitat and the remainder of the property will be left in existing, largely undisturbed, condition. Any eventual construction of a residence or associated residential-accessory improvements would be subject to the County's Conservation Regulations, which protect significant habitat areas by restricting development near streams and on steep slopes.
- e. A significant amount of tree removal on this parcel was permitted pursuant to erosion control plan approvals 02471 and P05-0249. While a portion of approved vineyard development (and its associated tree removal) is yet to occur, those removals were analyzed in previous mitigated negative declarations and are part of the assumed baseline for this analysis. This application proposes the removal of nine additional trees greater than six inches dbh, including live oaks, a valley oak, and a madrone. While there is no County-mapped oak woodland sensitive biotic area located on the subject property (Sensitive Biotic Group- Oak Woodland Layer), General Plan Policy CON-24 requires, in part, that the applicant "provide replacement of lost oak woodlands or preservation of like habitat at a 2:1 ratio when retention of existing vegetation is found to be infeasible." Eight individual oak trees are proposed to be removed as part of this project, though the trees to be removed are widely spaced throughout the relatively large property. Given both the scope of the project and its location on a predominantly wooded hillside, the applicant has done well to limit removals to nine trees. If a winery project is to be approved on this site, a certain level of tree removal is assumed and the preservation of the entirety of the oak woodlands on the parcel is likely infeasible.

While the submitted biological report states that, "the proposed project will not have a significant impact to wildlife in the area or contribute any significant cumulative impacts to wildlife or special status species," it also concludes that project impacts will include the, "loss of

limited area for foraging for wildlife *and removal of oak woodlands*" (emphasis added). As the Kjeldsen survey indicates that the project will result in impacts, though admittedly limited, to existing oak woodlands, General Plan Policy CON-24 requires replacement or preservation at a 2 to 1 ratio. A mitigation measure implementing the requirements of CON-24 is incorporated below.

- f. There are no Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional, or state habitat conservation plans applicable to the subject project site.

Mitigation Measures: Mitigation Measures:

- 3. The cave spoils fill slope landscape/ revegetation plan required at Mitigation Measure № 2 shall include a note indicating that trees greater than 6" dbh that are removed or substantially damaged as a result of the project shall be replaced elsewhere on the property in like kind and at a 2 to 1 ratio. Replacement trees shall be provided with automatic irrigation as deemed necessary by a qualified landscape architect or certified arborist to ensure the proper establishment of the newly planted trees. Prior to project final, the permittee shall submit an accounting of project-associated tree removal and of replacement trees planted for the review and approval of the Planning Division to confirm compliance with the required notation. Replacement tree planting is subject to on-site inspection by the Planning Division.

Method of Mitigation Monitoring:

Mitigation Measure № 3 requires submission of additional plans and/or specifications for the review and approval of the Planning Division prior to the issuance of a building permit. If the mitigation measures are not complied with, the permittee additionally will not be issued a final certificate of occupancy.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. According to Napa County Environmental Resource Mapping (historic sites layers), no historic resources are known to be located on or in the direct vicinity of the project site. The Napa Soda Springs resort, a designated historic resource, is located across Soda Canyon Road and to the east of the subject parcel, but this project will not impact the resort ruins in any appreciable way. Neither this project nor any foreseeable resulting ministerial activity will cause a substantial adverse change in the significance of a historic resource.
- b. According to Napa County Environmental Resource Mapping (archaeology surveys, archeology sites, archeologically sensitive areas, and archeology flags layers), portions of the subject property are located in a mapped archeologically sensitive area. In order to develop a more detailed and site-specific picture of this archeological sensitivity, the Planning Division requested an archeological analysis. The applicant contracted with Archeological Resource Service of Petaluma, who submitted a report dated February 7, 2008, (Flynn, Katherine and Smith, Craig, "A Cultural Resources Evaluation of the Proposed V12 Winery Property, 2001 Soda Canyon Road, Napa County, California," February 7, 2008) which does not identify any likely archeological resources in the project area. According to the submitted report;

...no historic or prehistoric artifacts, sites, or features were observed during the surface reconnaissance of the project areas and the pre-field review of data found that there are no previously recognized prehistoric or historic sites located within the proposed project area. Although the pre-field research indicates that there is a moderate sensitivity that evidence of prehistoric use of the area in the form of isolated flakes or implements made from obsidian might be present in the area, it appears that no cultural resources will be affected as a result of this project.

This project will not cause an adverse change in the significance of any known archeological resource.

- c. No unique paleontological or geological features are known to be located on or in the vicinity of the project site. As a result, neither this project nor any foreseeable resulting ministerial activity will cause a substantial adverse change in the significance of a paleontological or geological resource.
- d. No formal cemeteries are known to exist within the project area and no evidence of historic and/or prehistoric Native American settlement exists on the site. Section 5097.98 of the Public Resources Code details procedures to follow in case of the accidental discovery of human remains.

Mitigation Measure(s): None are required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VI.	GEOLOGY AND SOILS. Would the project:				
	a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- ai. The project site is not located within an Alquist-Priolo Earthquake Fault Zone. A slope stability evaluation was conducted on the property (Fugro West, "Slope Stability Evaluation, Proposed Vasser Vineyard," August 15, 2002) as part of the vineyard development erosion control plan permitting process. The submitted study determined that three short local faults extend across the property and intersect in the parcel's southwest corner. According to the submitted study, these faults pose no risk to development. The Soda Creek fault is located east of the property and is not considered currently active by the State of California Geological Survey. This project is expected to have a less than significant impact with respect to fault rupture.
- aii. The entirety of the Bay Area is subject to strong seismic ground shaking. The winery must comply with all the latest building standards and codes at the time of construction, including the California Building Code, which would reduce any potential impacts to a less than significant level.
- aiii. Napa County Environmental Resource Mapping (liquefaction layer) indicates that the entire property is subject to a very low threat of liquefaction.

- aiv. According to the above-mentioned Fugro West slope stability evaluation report and a later follow-up slope stability evaluation (Kleinfelder, "Landslide Hazard Evaluation, Vasser Vineyards, Soda Canyon, Napa, California," July 14, 2004), a landslide area and an area of unstable soils were previously mapped on the parcel. On-site evaluation undertaken as part of the erosion control plan review process indicated that these features do not exist as mapped and, as a result, there do not appear to be any potentially significant adverse effects associated with landslides.
- b. The majority of the proposed development area is composed of Rock Outcrop-Hambright Complex (176) soils, which have a high erosion hazard and very rapid runoff. Rock Outcrop-Hambright Complex (176) soils are typically located on south-facing slopes at gradients of 50% to 75%. The remaining area of the project site is composed of Hambright-Rock Outcrop (152) soils, which have high erosion hazard and rapid to very rapid runoff. Hambright-Rock Outcrop (152) soils are typically located on uplands with gradients of 30% to 75%. Typical slopes within the project site range from 12% to 26%, with an average slope of 18%. The submitted Fugro West and Kleinfelder studies state that the thin soil cover and presence of near surface bedrock on the subject property actually results in low erosion potential. The proposed project will require incorporation of best management practices and will be subject to the Napa County Stormwater Ordinance, which addresses sediment and erosion control measures and dust control, as applicable, to ensure that development does not impact adjoining properties, drainages, or roadways.
- c-d. Bedrock underlies the surficial soils in the project area. Based on Napa County Environmental Sensitivity Mapping (liquefaction layer) the project site has a very low liquefaction predilection. Issues related to landslides and expansive soils are discussed at items "a" to "aiv", above. Construction of the facility must comply with all the latest building standards and codes at the time of construction, including the California Building Code, which would reduce any potential impacts to a less than significant level.
- e. The Napa County Department of Environmental Management has reviewed this application and recommends approval based on the submitted wastewater feasibility report and process and domestic wastewater improvement plans, all of which were prepared by licensed professionals. Soils on the property have been determined to be adequate to support the wastewater system proposed here.

Mitigation Measure(s): None are required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VII.	HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
	a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	f) For a project within the vicinity of a private airstrip, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury or death involving wild-land fires, including where wild-lands are adjacent to urbanized areas or where residences are intermixed with wild-lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a.-b. A Hazardous Materials Management Plan will be required by the Department of Environmental Management prior to occupancy of the new winery facility. Such plans provide information on the types and amounts of hazardous materials stored on the project site. The proposed project would not result in a release of hazardous materials into the environment.
- c. There are no schools located within one-quarter mile of the project site; the closest school is in excess of four miles distant.
- d. The subject property is not on any known list of hazardous materials sites.
- e.-f. The project site is not located within two miles of any airport, be it public or private.
- g. The project has been designed to comply with emergency access and response requirements and has been reviewed by the Napa County departments responsible for emergency services; it will not have a negative impact on emergency response planning.
- h. The open grass and woodland biomes which dominate the subject parcel and the remainder of Soda Canyon are subject to a heightened wildland fire risk during the dry season. A number of large wildfires have burned through the Soda Canyon area in the past, including the 1960 Napa Soda Springs fire, the 1960 Fossberg fire, and the 1981 Atlas Peak fire. The County Fire Marshall's office has reviewed this application and recommends approval both of the use permit and of the requested road and streets standards exception. The Fire Marshall believes that the intent of the road and street standards with regard to adequate emergency vehicle access can be achieved by the proposed roadways. With standard conditions related to fire protection and adequate fire flow capacity, exposure of persons or structures to risks associated with wildland fire are expected to be less than significant.

Mitigation Measure(s): None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a. The proposed project will not violate any known water quality standards or waste discharge requirements. The process waste water treatment system would include a Cromaglass batch reactor, followed by recirculation through a 2,000 gallon Advantex treatment pod, and will ultimately be used to irrigate slightly more than seven acres of vineyard. A domestic wastewater treatment system including Advantex treatment pods and subsurface field disposal is also proposed and has been sized to adequately treat and dispose of the winery domestic waste and residential domestic waste for a new residence of up to seven bedrooms. Details of the proposed wastewater treatment and disposal systems are included in the R.E.B. Engineering "Septic Feasibility Report" dated August 9, 2007 and available for review at the offices of the Napa County Department of Conservation, Development, and Planning. The Napa County Department of Environmental Management has reviewed the proposed wastewater systems and recommends approval as conditioned. Additionally, the applicant will be required to obtain all necessary permits from the Napa County Department of Public Works, including a Stormwater Pollution Management Permit. The stormwater management permit will provide for adequate on site containment of runoff during storm events through placement of siltation measures around the development area.

b. Minimum thresholds for water use have been established by the Department of Public Works using reports by the United States Geological Survey (USGS). These reports are the result of water resources investigations performed by the USGS in cooperation with the Napa County Flood Control and Water Conservation District. Any project which reduces water usage or any water usage which is at or below the established threshold is assumed not to have a significant effect on groundwater levels.

Based on the submitted phase one water availability analysis, the 42.4 acre subject parcel has a water availability calculation of 21.2 acre feet per year (af/yr). Existing water usage on the parcel is approximately 6.6 af/yr, including 0.8 af/yr for residential use and 5.8 af/yr for existing and permitted future vineyards. This application proposes 0.8 af/yr of winery water use, 0.5 af/yr for landscaping, and 0.6 af/yr of potential new residential use. As a result, annual water demand for this parcel would increase to 8.6 af/yr. Based on these figures, the project would be below the established threshold for groundwater use on the parcels and is deemed not to result in a substantial depletion of groundwater supplies. Groundwater extraction will also be limited as a result of the use of treated process wastewater to irrigate approximately seven acres of existing vineyard.

The project will not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level.

c.-e. There are no existing or planned stormwater systems that would be affected by this project. Because this application will likely result in disturbance to more than one acre of land, the permittee will be required to comply with the requirements of the Regional Water Quality Control Board addressing stormwater pollution during construction activities. The Fugro West and Kleinfelder slope stability surveys (see **Geology and Soils** "ai" and "aiv") submitted as part of the 2002-2004 erosion control plan review process indicate that the thin soil cover and presence of near surface bedrock on the parcel result in low erosion potential.

f. There is nothing included in this proposal that would otherwise substantially degrade water quality. The Department of Environmental Management has reviewed the process and sanitary wastewater feasibility report and has found the proposed systems adequate to meet the facility's wastewater needs as conditioned. No information has been encountered that would indicate a substantial impact to water quality.

g.-i. According to Napa County Environmental Resource Mapping (floodplain, flood zone, and dam levee inundation layers), the project site is not located within a mapped floodplain or dam levee inundation area. This project will not expose people or structures to significant risks associated with flooding.

- j. The site's location on the upper slopes of Soda Canyon makes it extremely unlikely that this project could ever expose people or structures to a significant risk of inundation from tsunami, seiche, or mudflow.

Mitigation Measures: None are required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IX.	LAND USE AND PLANNING. Would the project:				
	a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. The proposed project is located in an area dominated by agricultural and open space uses and the improvements proposed here are in support of the ongoing agricultural use of the property. This project will not divide an established community.
- b. The subject parcel is located in the AW (Agricultural Watershed) zoning district, which allows wineries and uses accessory to wineries subject to use permit approval. The project is fully compliant with the physical limitations of the Napa County Zoning Ordinance and no variance is required to allow the requested use permit. The County has adopted the Winery Definition Ordinance (WDO) to protect agriculture and open space and to regulate winery development and expansion in a manner that avoids potential negative environmental effects.
- Goal AG/LU 1 of the County's 2008 General Plan states that the County shall, "preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County." The property's General Plan land use designation is AWOS (Agriculture, Watershed, and Open Space), which allows "agriculture, processing of agricultural products, and single-family dwellings." More specifically, General Plan Policy AG/LU-2 recognize wineries and other agricultural processing facilities, and any use clearly accessory to those facilities, as agriculture. The proposed project allows for the continuation of agriculture as a dominant land use within the county and is fully consistent with the Napa County General Plan.
- c. There are no habitat conservation plans or natural community conservation plans applicable to the property.

Mitigation Measures: None are required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
X.	MINERAL RESOURCES. Would the project:				
	a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a.-b. Historically, the two most valuable mineral commodities in Napa County in economic terms have been mercury and mineral water. More recently, building stone and aggregate have become economically valuable. Mines and mineral deposits mapping included in the Napa County Baseline Data Report (*Mines and Mineral Deposits*, BDR Figure 2-2) indicates that there are no known mineral resources nor any locally important mineral resource recovery sites located on the subject parcel. While the historic Napa Soda Springs mineral water spring and bottling plant was located across Soda Canyon Road, approximately ½ mile from the proposed cave portal, this project will not in any way impact that known resource

Mitigation Measures: None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a.-d. The proposed project will result in a temporary increase in noise levels during the project construction phase. Construction activities will be limited to daylight hours using properly muffled vehicles and noise generated during this time is not anticipated to be significant. The proposed project would not result in long-term significant construction noise impacts. Construction activities would generally occur during the period between 7 am and 7 pm on weekdays- normal waking hours. All construction activities will be conducted in compliance with the Napa County Noise Ordinance (County Code Chapter 8.16).

Noise from winery operations is generally limited; however, the proposed marketing plan could create additional noise impacts. The submitted marketing plan includes four 50-person maximum marketing events and one 100-person wine auction event annually. The Napa County Exterior Noise Ordinance, which was adopted in 1984, sets the maximum permissible received sound level for a rural residence as 45 db between the hours of 10 p.m. and 7 a.m. While the 45 db limitation is strict (45 db is roughly equivalent to the sound generated by a quiet conversation), the area surrounding the subject property is very lightly developed, with no more than four residences located within 1,000 feet of the proposed winery cave. Continuing enforcement of Napa County's Exterior Noise Ordinance by the Department of Environmental Management and the Napa County Sheriff, including the prohibition against outdoor amplified music, should ensure that marketing events and other winery activities do not create a significant noise impact.

e.-f. The project site is not located within an airport land use plan nor is it within two miles of a public airport or private airstrip.

Mitigation Measures: None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. This project includes the widening of and other improvements to an existing access driveway and the foreseeable construction of a new residence. Construction of a new residence would be allowed by-right under the parcel's AW zoning, provided that the existing residence is demolished or converted to another allowed use. The applicant is also requesting approval to allow two full time and two part time winery employees. The Association of Bay Area Governments' *Projections 2003* figures indicate that the total population of Napa County is projected to increase some 23% by the year 2030 (*Napa County Baseline Data Report*, November 30, 2005). Additionally, the County's *Baseline Data Report* indicates that total housing units currently programmed in county and municipal housing elements exceed ABAG growth projections by approximately 15%. The potential new residence and the two full time and two part time positions which are part of this project will almost certainly lead to some population growth in Napa County. However, relative to the county's projected low to moderate growth rate and overall adequate programmed housing supply, that population growth does not rise to a level of environmental significance. In addition, the project will be subject to the County's housing impact mitigation fee, which provides funding to meet local housing needs.
- b. The foreseeable construction of a new residence on this property may result in the demolition of the existing residence; however, there would be no net decrease in housing units. This project will not result in the net loss of any housing units and will not necessitate the construction of replacement housing elsewhere.
- c. No residential structures are proposed to be demolished as part of this application. While the foreseeable construction of a new residence may result in the demolition of the existing residence, it is more likely that the existing residence will be modified to create an allowed residential second unit. No substantial number of persons will be displaced as a result of this project.

Mitigation Measures: None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIII. PUBLIC SERVICES. Would the project result in:				
a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. Fire protection measures are required as part of the development pursuant to Napa County Fire Marshall conditions and there will be no foreseeable impact to emergency response times with the adoption of standard conditions of approval. The Fire and Public Works Departments have reviewed the requested exception to the County's Road and Street Standards and recommend approval. School impact mitigation fees, which assist local school districts with capacity building measures, will be levied pursuant to building permit submittal. The proposed project will have little to no impact on public parks. County revenue resulting from any building permit fees, property tax increases, and taxes from the sale of wine will help meet the costs of providing public services to the property. The proposed project will have a less than significant impact on public services.

Mitigation Measures: None are required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XIV.	RECREATION. Would the project:				
	a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a.-b. This application proposes the construction and operation of a new 36,000 gallon per year winery. No portion of this project, nor any foreseeable result thereof, would significantly increase the use of existing recreational facilities. This project does not include recreational facilities that would have a significant adverse effect on the environment.

Mitigation Measures: None are required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XV.	TRANSPORTATION/TRAFFIC. Would the project:				
	a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d) Substantially increase hazards due to a design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a.-b. The site is located on Soda Canyon Road, approximately three miles northeast of its intersection with the Silverado Trail. Population densities in the Soda Canyon area are very light and traffic generally flows freely on the lower portions of the road between the project site and the Trail. Tight curves and narrow travel lanes further to the north (in the direction of Foss Valley) constrain traffic flow beyond the project site, but this project should result in little to no traffic generation to the north of the subject parcel. According to submitted traffic information, this project would result in 8 total employee trips, 6 visitor trips, and less than 1 truck delivery trip on an average day. The application proposes a maximum average daily traffic of 18 trips per day to and from the site according to the Department of Public Works (see September 29, 2008 Department of Public Works approval memo). When added to a potential residential baseline traffic load on Chimney Rock Road of 80 trips per day, the potential average maximum daily traffic load at the Chimney Rock Road/ Soda Canyon Road intersection is 98 daily trips. The traffic count for Soda Canyon Road was 1,365, taken east of Silverado Trail in June 2002. The Department of Public Works indicates that the available traffic counts for Soda Canyon Road and the total trips proposed at the existing roadway do not indicate that a left-turn lane is needed (revised 11.3.08 consistent with State CEQA Guidelines §15073.5(c)(4), "New information... which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration."). Annually, the busiest day would be that of the 100 person wine auction event. No trip generation information has been submitted for the wine auction event, but based on numbers submitted for previous winery use permits that included wine auction activities of a similar scale, (see for instance the Budge Brown Family Winery, P07-00431) busiest day employee trips could reach 40, visitor trips could increase to approximately 40, and truck delivery trips could reach 2. ~~On an average day, then, this project would result in 15 additional vehicle trips and on the busiest day annually it would result in perhaps 82 additional trips.~~ Given both the limited scope of the traffic impacts proposed here and the lack of traffic congestion in the ~~Pope Valley Soda Canyon~~ Soda Canyon area generally (revised 9.10.08 consistent with State CEQA Guidelines §15073.5(c)(4), "New information... which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration."), this project will not result in a significant increase in traffic or a net negative change in the existing roadway level of service either individually or cumulatively.
- c. This proposed project would not result in any change to air traffic patterns.
- d.-e. No alterations to the access to and from the property onto Soda Canyon Road are proposed in this application. The parcel's current entry off of Soda Canyon Road will be utilized and, having first crossed Soda Creek, access to the proposed winery will be along an existing vineyard road alignment running generally to the south and from there up the ridgeline to the proposed cave portal. While the County's Road and Street Standards require an 18 foot paved roadway width and 2 foot shoulders for winery access drives, this application proposes a driveway with widths ranging between 14 and 18 feet with intervisible turnouts. Both the Public Works Department and the County Fire Marshall have reviewed the requested Road and Street Standards exception and recommend approval as conditioned. Additionally, at the request of the Fire Marshall, this application also proposes to add four turnouts to Chimney Rock Road, a private roadway providing access to the existing residence and a number of other parcels, in order to provide adequate secondary fire access. Project impacts related to traffic hazards and emergency access are expected to be less than significant.
- f. This application proposes eleven parking spaces including one disabled-accessible space. With two full time and two part time winery employees and 16 busiest day by-appointment tours and tasting visitors, the 11 proposed parking spaces should be more than adequate. Standard conditions of approval disallowing parking in the right-of-way and requiring the shuttling of special event visitors from off-site where special marketing event visitation exceeds parking capacity would guarantee adequate parking during the largest 100 person wine auction special event. Impacts to parking capacity will be less than significant.
- g. There is no aspect of this proposed project that would conflict with any adopted policies, plans, or programs supporting alternative transportation.

Mitigation Measures: None are required.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI.	UTILITIES AND SERVICE SYSTEMS. Would the project:				
	a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Require or result in the construction of a new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Require or result in the construction of a new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. The project will not exceed wastewater treatment requirements as established by the Regional Water Quality Control Board and will not result in a significant impact on the environment relative to wastewater discharge. Wastewater disposal will be accommodated on-site and in compliance with State and County regulations.
- b. This application proposes a new process wastewater treatment system that would include Cromaglass batch reactor treatment, recirculation through a 2,000 gallon Advantex treatment pod, and ultimate disposal through the irrigation of slightly more than seven acres of vineyard. A domestic wastewater treatment system is also proposed, including Advantex treatment pods and subsurface field disposal, sized to adequately treat and dispose of the winery domestic waste and residential domestic waste for a new residence of up to seven bedrooms. Details of the proposed wastewater treatment and disposal systems are included in the R.E.B. Engineering "Septic Feasibility Report" dated August 9, 2007 and available for review at the offices of the Napa County Department of Conservation, Development, and Planning. The Napa County Department of Environmental Management has reviewed the proposed wastewater systems and recommends approval as conditioned. Required wellhead setbacks and ongoing monitoring of the process and domestic wastewater systems by the Department of Environmental Management should reduce any impacts on water quality to less than significant levels. Given the location of proposed wastewater treatment improvements in areas already approved for vineyard development, their construction will not result in significant environmental impacts over permitted baseline levels.
- c. The project will not require or result in the construction of new storm water drainage facilities or an expansion of existing facilities which would cause a significant impact to the environment.
- d. As discussed at the **Hydrology and Water Quality** section, above, this project will result in a slight increase in groundwater usage which remains below the established threshold for the parcel.
- e. Wastewater will be treated on-site and will not require a wastewater treatment provider.
- f. The project will be served by a landfill with sufficient capacity to meet the project's demands. No significant impact will occur from the disposal of solid waste generated by the project.
- g. The project will comply with all federal, state, and local statutes and regulations related to solid waste.

Mitigation Measure(s): None are required.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. The project would have a less than significant impact on wildlife resources. The proposed winery facility is located in an area that is in and directly adjacent to areas which were approved for vineyard development through erosion control plan approvals 02471 and P05-0249, the environmental implications of which were analyzed in adopted mitigated negative declarations. An updated biological study has been submitted and it establishes that no rare, threatened, or special status plants or animals are known to exist on the property. Proposed mitigation measures will ensure that limited impacts on oak woodland areas and views to the site from Soda Canyon Road and neighboring properties are mitigated to a less than significant level. As analyzed in a thorough cultural resources evaluation submitted for the review of this Department, the project would not eliminate important examples of California's history or pre-history.
- b. As discussed above, the proposed project does not have impacts that are individually limited, but cumulatively considerable.
- c. There are no environmental effects caused by this project that would result in substantial adverse effects on human beings, whether directly or indirectly. No hazardous conditions resulting from this project have been identified and, as mitigated, the project would not have any environmental effects that would result in significant impacts.

Mitigation Measure(s): As discussed above.