

**NAPA COUNTY CONSERVATION, DEVELOPMENT & PLANNING DEPARTMENT
CONSERVATION & DEVELOPMENT PLANNING COMMISSION**

**Proposed
CONDITIONS OF APPROVAL
LAKE LUCIANA GOLF COURSE
USE PERMIT # P07-00398-UP
(Dated: 1/21/09 Vers No. 1)**

1. **SCOPE:** This use permit shall be limited to construction and operation of an 18-hole private membership (not open to the general public) golf course with the following attendant buildings and site improvements:
- (A) Lake-side recreational uses with a small boat dock of approximately 15 feet wide extending 200 feet into Weeks Lake and an approximately 1,800 square foot boat storage pavilion for canoes, kayaks, and small sailboats located at the end of the dock;
 - (B) Construction of paved access roads to serve the golf course and adjacent 17 parcels including a new private road connecting to Pope Valley Road approximately 1,000 north of its intersection with Ink Grade Road which will serve as the primary access to the golf course clubhouse. These roads will primarily involve the improvement of existing dirt and gravel farm access roads, but in several areas involve new alignments where roads do not presently exist¹;
 - (C) Removal of existing vegetation associated with excavation and/or placement of fill for grading of fairways for the golf course, golf cart and pedestrian pathways, and ancillary approved buildings and facilities;
 - (D) An approximately 4,429 square foot golf clubhouse building including locker rooms, a pro shop, a small commercial kitchen with a private 900 square foot (not open to the general public), 50 seat food service / dining room and lounge, and an approximately 1,960 square foot exterior deck that can accommodate a maximum of 75 seats (see project plans sheet 1.1 for size of individual components);
 - (E) A maintenance facility of approximately 10,500 square feet for storage and maintenance of golf carts, mowers, tractors, other equipment and an area for employee bathrooms and break room located in the southern portion of the site (see project plans sheets 1.1 and 1.2 for size of individual components);
 - (F) A golf cart storage cave for storage of approximately 40 golf carts;
 - (G) A "starter" shack of approximately 500 square feet;
 - (H) 2 on-course restrooms or comfort stations;
 - (I) A 150,000 gallon pool complex for golf members and guests only;
 - (J) A pergola located on the peninsula west;
 - (K) Landscaping and irrigation of the golf course;
 - (L) Construction of four on-site septic systems and one well for potable water;
 - (M) Construction of an on-site wash station of approximately 300 square feet;
 - (N) Restoration of riparian habitat along the portions of the reach running through the golf course for an unnamed intermittent creek and its two tributaries that drain to Weeks Lake;
 - (O) Construction of approximately 25 stream (12), lake (3) and wetland (10) crossings for vehicular and pedestrian travel;

¹ For purposes of these Conditions of Approval, the 17 adjacent parcels pertains to pre-lot line adjustment APNs listed on Page 237 of the Final EIR as 018-260-017, 018-290-001, 018-290-013, 018-290-002, 018-290-003, 018-290-004, 018-290-005, 018-290-006, -007, 018-290-008, -009, 018-290-010, -011, 018-290-012, 018-080-056, -057, 018-080-058 018-080-061, -062, 018-240-009, 018-080-063, and 018-080-064.

- (P) 70 parking spaces (parking shall comply with American with Disabilities Act and the accessibility requirements of the International Building Code);
- (Q) Irrigation of the golf course with surface water provided by the Juliana Mutual Water Company including use of Weeks Lake and associated agricultural water lines for use in irrigating the golf course;
- (R) Stream set back encroachments as shown in the Draft and Final EIRs;
- (S) Demolition and removal of the pole barn near the maintenance facility; and
- (T) Clubhouse and maintenance facility proposed and approved to LEED-Silver standard by LEED-certified architects, landscape architects, and engineers. California has adopted new energy standards on commercial buildings effective July 1, 2011, however the permittee has voluntarily agreed to make every effort to meet the new standards, even if building permits are secured prior to adoption of the new State Green Building Standards.

The golf course and attendant facilities shall be designed in substantial conformance with the submitted site plan (June 1, 2007), drawings, and other submittal materials except as modified by these conditions of approval. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations to all designers, contractors, employees, and guests of the project to ensure compliance is achieved. Any potential expansion or changes in use shall be approved in accordance with County Code Section 18.124.130 and may be subject to the Use Permit modification process.

2. **GOLF COURSE OPERATIONS:** The golf course operations shall be limited to:

- (A) A maximum of 25 employees on site on any non-holiday weekend;
- (B) A maximum of 80,18-hole equivalent rounds of golf on weekdays (Mon – Fri). A “round of golf” equals one golfer;
- (C) A maximum of 37 employees on site on any weekend day or holiday;
- (D) A maximum of 120 rounds of golf on weekends (Sat and Sun) or holidays;
- (E) The only special events that shall be allowed by this Use Permit are twelve (12) golf tournaments per year with a maximum of 144 players per tournament. No private events for members or the permittee have been proposed, approved or analyzed as part of this permit;
- (F) The hours of operation for the golf course, boat dock and boating, and swimming pool shall be one half hour before sunrise to one half hour after sunset; no nighttime rural recreation activities are authorized;
- (G) The clubhouse shall not be open past 10 p.m., including special events. Facility cleaning can occur after 10 p.m. and shall be completed by 11 p.m.;
- (H) A maximum of 500 golf members, and no social (non-golfing) members. There shall be no special memberships, partial memberships or short term membership (1 year or less) that would grant a person, group or other entity the right to conduct special events, conferences, or other temporary use of the facility;
- (I) No portions of the facility shall be rented, leased, nor used by entities other than owners and members of the facility, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Chapter 5.36);
- (J) Members may invite a maximum of five (5) guests to the property at any one time consistent with the approved hours of operations. Members must be present on the site when their guests are on site;
- (K) The permittee has committed to operational sustainability and shall use locally sourced foods and products to the extent feasible and organically farmed foods where available. The permittee has further committed to selecting vendors that share sustainable values; and
- (L) The permittee has committed to recycle and enact a composting system to the maximum extent feasible and shall educate employees in sustainable practices.

The permittee shall maintain a log book of the number of rounds of golf played per year, and shall provide such information to the Conservation, Development and Planning Department (CDPD) upon request. The dining room is approved as an accessory use to the golf course and shall be for use solely by golf course employees, members and member's guests only. The dining room shall not be open to the general public.

3. PROJECT SPECIFIC DESIGN REQUIREMENTS:

- (A) So as to reduce mass hillside grading in close proximity to Weeks Lake, the main access to the golf clubhouse shall be realigned from adjacent to Weeks Lake to run to the north of the small knoll (east of the clubhouse) so that it connects to the parking lot through the small saddle immediately south of the proposed cart storage cave.
- (B) All improvements associated with the golf course, including greens, fairways, rough, cart paths, accessory buildings and septic system shall not encroach on the existing vineyard located adjacent to portions of holes 13 and 14. No vines shall be removed to construct the rural recreation use.
- (C) Cave spoils from the golf cart storage cave shall be incorporated into the on-site grading plan for the project. All grading and spoils generated by construction of the project shall be disposed of per Department of Public Works (DPW) Grading Permit requirements and direction. All spoils piles shall be removed prior to temporary occupancy.
- (D) Final design of the golf course irrigation system shall be subject to review and approval by CDPD and DPW, and plans shall indicate that ground water wells are not connected to the irrigation systems, either directly or indirectly. Ground water shall not be used to irrigate the golf course or any project-related landscaping.
- (E) Water tanks for fire suppression have not been proposed or approved as part of this use permit. In the event that the final fire suppression system design requires water tanks, the final placement and design of the water tanks shall be subject to review and approval by the CDPD Director and Fire Marshal, and may trigger submittal of a use permit modification if the tanks are located outside of the previously evaluated golf course development areas, or if the tanks result in new roads, grading or environmental disturbance.
- (F) All construction related traffic shall not use Barnett Road to access or depart the property. Construction bid and contract documents shall include a requirement for the contractor and all sub-contractors to avoid the use of Barnett Road.

4. MITIGATION MEASURES:

The permittee shall comply with all of the mitigation measures identified in the Draft and Final Environmental Impact Reports prepared for the project as follows:

Aesthetics

- (A) Prior to issuance of a building permit for any structures or for installation of any lighting, the permittee shall prepare a photometric analysis and lighting plan for the golf course project. This analysis shall include an assessment of potential lighting impacts based on the height, location, light fixtures, direction and illumination intensity and hours of operation. This analysis shall identify any potential light spill beyond the site boundaries. The lighting plan shall be designed to control light energy and ensure that exterior lighting is directed downward, in compliance with the most current edition of the *Non-Residential Compliance Manual for California's 2005 Efficiency Standards*. (Mitigation Measure AES-1).

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. All lighting shall be shielded or placed such that it does not shine directly on any adjoining properties, impact aircraft overflight, or impact vehicles on adjacent streets. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Prior to issuance of any building permit for construction two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for CDPD review and approval. All lighting shall comply with the Uniform Building Code (UBC).

Agricultural Resources

- (B) The permittee shall permanently preserve one acre of existing farmland of equal or higher quality for each acre of State-designated Prime Farmland, Farmland of Statewide Importance, and Unique Farmland that is converted to non-agricultural uses via farmland easements or other similar mechanism. The preserved farmland shall be located within Napa County. The permittee shall provide evidence of the mechanism of preservation and the location of the farmland that has been permanently preserved to CDPD prior to commencing any earthmoving activities. (Mitigation Measure AG-1)

Biological Resources

- (C) Prior to commencing grading or earthmoving activities, the permittee shall prepare and submit a grading plan to the DPW for review and approval. No grading or earthmoving shall be allowed within 50 feet of any jurisdictional wetlands and other waters of the United States prior to the preparation and implementation of a wetland mitigation and monitoring plan approved by the regulatory agencies and the County. The wetland mitigation and monitoring plan shall be fully developed in conjunction with the required permit applications, but in general shall adhere to the following guidelines: New wetlands shall be created at a minimum of 2:1 ratio (created: impacted) on site. The wetlands (minimum one acre) shall be created using minor excavation and berms to hold ponded water that would result in enlargement of the area of existing wetland adjacent to the stream that runs between Granary Lake and Weeks Lake. Similar measures shall be used to create additional wetlands in the swale between the 2nd and 4th fairway. Created and adjacent existing wetlands shall be enhanced by planting native wetland herbaceous vegetation (rushes, sedges, native wetland grasses) and native woody riparian shrubs and trees (willow, cottonwood, valley oak). Wetland mitigation success (no net loss of wetland area or value) shall be ensured by regulatory agency oversight requiring maintenance and corrective actions until performance criteria are attained. (Mitigation Measure BIO-1)
- (D) In the golf course areas adjacent to Weeks Lake, the permittee shall place a fence between the proposed grading areas and the lake shore to discourage adult female turtles from entering and nesting in these areas. Installation of the fence shall be supervised by a qualified biologist. The fence mesh shall be of a size to allow hatchling turtles to pass through, but exclude adult females (approximately 3x3 inches). The fence shall be in place prior to April 1 and grading within the fenced off areas shall be delayed until July 1. This delay will allow hatching turtles that have over-wintered in the proposed grading area to leave the nest and return to aquatic habitat in the lake. After the first year of grading, construction within the fenced areas may be conducted throughout the year because nesting females would have been excluded from these areas and nests would not be present. After golf course construction is complete, the turtle exclusion fence may be removed. (Mitigation Measure BIO-2a)
- (E) The permittee shall place signs along cart paths in areas adjacent to Weeks Lake to alert golfers to the potential presence of turtles. The permittee shall be responsible for periodically monitoring signage and replacing it, as needed. (Mitigation Measure BIO-2b)

- (F) During project construction and operation of the proposed golf course, the permittee shall not disturb stumps, downed logs, and other basking sites in Weeks Lake. (Mitigation Measure BIO-2c)
- (G) If vegetation removal is scheduled between March 1 and August 31, a qualified biologist shall survey the area where vegetation is to be removed within two weeks of the scheduled removal. If an active nest is found, a 25 to 50 foot buffer (depending on the nesting species and habitat) shall be established around the nest site and maintained until the young have fledged or the nest has failed, as determined by a qualified biologist. If a special-status species is found nesting within a proposed construction area, a 200-foot buffer shall be established and maintained around the nest site. If a raptor species is found nesting within a proposed construction area, a 500-foot buffer shall be established and maintained around the nest site. (Mitigation Measure BIO-3)
- (H) Prior to grading/earthmoving and/or construction within any of the 17 adjacent parcels, a special-status plant survey shall be conducted by a qualified biologist (botanist) to update and verify that the information on the Northwest Biosurvey 2006 map reflects current conditions. As a condition of any subsequent grading/earthmoving permit, the property owner of each of the 17 parcels shall be required to avoid any special-status plant occurrences by relocating building envelopes, driveways/access roads, or any other development. The permittee shall ensure that this requirement is conveyed and disclosed to prospective purchasers of any of the 17 adjacent residential parcels via any materials advertising the parcels for sale and in the Conditions, Covenants and Restrictions (CC&Rs). Additionally, the permittee shall record a deed restriction (in a form acceptable to County Counsel) against each of the 17 adjacent parcels of this plant survey requirement within 30 days of Use Permit approval. (Mitigation Measure BIO-4a)
- (I) Prior to issuance of the first building permit for a residence located on any of the 17 parcels adjacent to the golf course, the permittee shall submit to CDPD for review and approval Landscape Guidelines pertaining to the development of residences on the subject parcels. The Guidelines shall be incorporated into the CC&Rs (or other County-authorized recorded instrument), applicable to all of the 17 adjacent parcels and shall include design requirements addressing the following:
- i) The use of native plants known to occur in Pope Valley;
 - ii) Prohibition of the use of invasive non-native landscape species;
 - iii) Incorporation of design features to reduce the likelihood of non-native plants invading local vegetation communities;
 - iv) Oak tree removal mitigation standards consistent with Napa County oak woodland policies; and
 - v) Tree preservation standards for trees located in close proximity to construction areas. (Mitigation Measure BIO-4b and BIO-5)
- (J) Before issuing grading/earthmoving permits for proposed stream crossings, each owner of the 17 adjacent parcels shall obtain the required permits from relevant agencies, submit evidence to CDPD that such permits have been obtained, and shall implement the permit conditions, as required. The permittee shall ensure that this requirement is conveyed and disclosed to prospective purchasers of any of the 17 adjacent residential parcels via any materials advertising the parcels for sale and in the CC&Rs. Additionally, the permittee shall record a deed restriction (in a form acceptable to County Counsel) against each of the 17 adjacent parcels of this requirement within 30 days of Use Permit approval. (Mitigation Measure BIO-6a) The permittee shall locate and design proposed stream crossings in a manner that avoids impacts to breeding and tadpole rearing habitat (pools and riffled) for foothill yellow-legged frog. (Mitigation Measure BIO-6b)

Geology, Soils & Seismicity

- (K) Prior to construction, the permittee shall submit buildings plans to CDPD for review and approval. Structures built for the golf course shall be designed by a Professional Engineer licensed in the state of California, in accordance with the latest building codes and with consideration for the site's location in this seismically active region. Nonstructural building elements, such as glass, fixtures, furnishings, equipment, and other building contents shall be anchored sufficiently within the structures to reduce their hazard in the event of a seismic event. (Mitigation Measure GEO-1a)
- (L) The permittee shall ensure that prior to construction on the 17 adjacent parcels, the future owners of the adjacent parcels and for any residence proposed on the golf course parcel shall submit buildings plans to CDPD for review and approval. The building plans shall comply with all applicable Napa County and California regulations. The permittee shall ensure that this requirement is conveyed and disclosed to prospective purchasers of any of the 17 adjacent residential parcels via any materials advertising the parcels for sale and in the CC&Rs. Additionally, the permittee shall record a deed restriction against each of the 17 adjacent parcels of this requirement (in a form acceptable to County Counsel) within 30 days of Use Permit approval. (Mitigation Measure GEO-1b)
- (M) The permittee shall ensure that prior to commencing grading, the permittee and the future owners of the 17 adjacent parcels shall obtain grading permits from the DPW. Permittees shall communicate progress and work status to the DPW who will monitor and enforce permit conditions. To minimize the risk of soil loss by erosion during grading the following measures shall be implemented:
- i) In compliance with the U.S. Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES), the construction site operator shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and comply with it prior to and during construction. All grading work shall be performed in accordance with Napa County Code and the SWPPP. Sediment control Best Management Practices (BMPs) shall be followed.
 - ii) Silt fences shall be erected near the toes of slopes, below areas that have the potential for sheet runoff. Particular care shall be taken when construction will occur within 100 feet of a creek.
 - iii) In swales and other topographic lows that might concentrate flow in the event of rain, straw bales shall be anchored in place to reduce the velocity of storm flow and the potential for sediment delivery to downstream creeks and lakes; or, alternative erosion control measures designed by a registered engineer, geologist, or forester shall be emplaced providing equivalent efficacy.
 - iv) All grading and sediment control plans shall be approved by Napa County in advance of construction.

For ground disturbance on the golf course and 17 adjacent parcels that is one acre or greater in area, a SWPPP shall be prepared in accordance with DPW requirements and shall incorporate sediment control BMPs. The permittee shall ensure that this requirement is conveyed and disclosed to prospective purchasers of any of the 17 adjacent residential parcels in any materials advertising the parcels for sale and in the CC&Rs. Additionally, the permittee shall record a deed restriction against each of the 17 adjacent parcels of this requirement (in a form acceptable to County Counsel) within 30 days of Use Permit approval. (Mitigation Measure GEO-2)

- (N) The permittee shall ensure that prior to commencement of any earthmoving activities, the permittee and/or future owners of the 17 adjacent parcels shall obtain and comply with grading permits from the DPW. Appropriate geotechnical methods shall be employed in the construction of all roads, buildings, and other structures, with particular attention to drainage and grade control where the right-of-way is to cross terrain mapped as active or inactive landslides by the USGS. Site-specific measures appropriate to individual instabilities shall be employed, such as the excavation, buttressing, compaction or drainage of unsound soils designed by a licensed professional with active California registration. Compliance with this mitigation measure shall be enforced by the CDPD and/or DPW. The permittee shall ensure that this requirement is conveyed and disclosed to prospective purchasers of any of the 17 adjacent residential parcels via any materials advertising the parcels for sale and in the CC&Rs. Additionally, the permittee shall record a deed restriction against each of the 17 adjacent parcels of this requirement (in a form acceptable to County Counsel) within 30 days of Use Permit approval. (Mitigation Measure GEO-3)
- (O) The permittee shall ensure that prior to the commencement of any earthmoving activities, the permittee and/or future owners of the 17 adjacent parcels shall obtain a grading permit from the DPW. Roadways and structures located on expansive soils shall be designed by geotechnical or civil engineers using one or more of several acceptable methods for controlling shrink-swell damage. Feasible measures are likely to include: a) excavation of clay-rich soils with replacement by high quality structural fill for buildings placed on footings, b) shallow piers to anchor structures directly to the bedrock, c) the top 1-2 feet of road rights-of-way may be over-excavated and replaced with gravel or other stabilizing materials before paving. Similarly, utilities may be placed in excavated trenches and backfilled with higher quality fill, rather than native clay. The permittee shall ensure that this requirement is conveyed and disclosed to prospective purchasers of any of the 17 adjacent residential parcels via any materials advertising the parcels for sale and in the CC&Rs. Additionally, the permittee shall record a deed restriction against each of the 17 adjacent parcels of this requirement (in a form acceptable to County Counsel) within 30 days of Use Permit approval. (Mitigation Measure GEO-4)

Hazards & Hazardous Material

- (P) All development on the golf course and 17 adjacent parcels shall comply with the requirements of the Napa County Fire Department and the Uniform Fire Code. These requirements address emergency access, provision of emergency water, fire suppression design elements, and fire prevention design elements. All construction and use of buildings and site improvements shall comply with applicable standards, regulations, codes, and ordinances at the time of building permit issuance. (Mitigation Measure HAZ-1)

Hydrology & Water Quality

- (Q) As a condition of approval of the final grading plans, the permittee shall apply for coverage under the NPDES General Construction Activity Permit from the State Water Quality Control Board by filing a Notice of Intent (NOI), and, as part of the permit and monitoring process, prepare and implement a SWPPP. The permittee shall submit the General Construction Activity Permit to the DPW as part of the County's Site Improvement Plan review.

A SWPPP is required of all construction projects totaling one acre or more. The SWPPP shall include design details and construction specifications for all site drainage control and other water quality control strategies. It shall also detail the implementation schedule, methods and locations of erosion and water quality control features. The California Stormwater Quality Association Construction Handbook (CASQA, 2003) provides guidance for selecting and

implementing BMPs that will eliminate or reduce the discharge of pollutants from construction sites to waters of the state. Three levels of BMPs are considered for each potential pollutant: source control, management control, and treatment control. BMPs which could be implemented as part of the SWPPP include: hydroseeding, straw mulch, temporary stream bank stabilization, silt fences, sediment traps, temporary stream crossings, stockpile management, and spill prevention and control. (Mitigation Measure HYDRO-1a)

(R) The permittee shall adhere to the measures detailed in the Integrated Golf Course Management Plan (IGCMP) prepared by Blankinship & Associates (2007) to eliminate or reduce the introduction of fertilizers, pesticides and sediment into surface, storm and groundwater. Adherence to the IGCMP reduces the amount and types of chemical loads at their sources. The IGCMP: 1) describes BMPs that will be implemented to minimize impacts to water resources; 2) provides an overview of the structure and guidance for turf grass management; 3) describes how Integrated Pest Management (IPM) will be implemented on the golf course; and 4) identifies who is responsible for each element of the IGCMP. BMPs include, but are not limited to, the maintenance of rough buffer zones, evapotranspiration-based water application, fertilizer application based on agronomic need, use of adjuvants to reduce or eliminate runoff or drift of pesticides, use of wind foils to prevent drift of pesticides, and storage and handling requirements for fertilizers and pesticides. Monitoring of pre-project water quality has begun, the evaluation of post-construction monitoring data shall be informed by these data. (Mitigation Measure HYDRO-1b)

(S) As part of final grading plans, the permittee shall prepare a Storm Water Management Plan (SWMP) for review and approval by the DPW. This document shall set forth the strategy for post-construction (or 'operational phase') storm water quality as required by the Regional Water Quality Control Board. The SWMP shall minimize or eliminate storm water-related impacts both on- and off-site, using a three-tiered approach to storm water management:

Level I: Site Design sets the stage for an effective plan, primarily by limiting impervious areas and the connections between impervious areas.

Level II: Source Control focuses on preventing or limiting the release of constituents and flows of concern.

Level III: Treatment Control aims to reduce constituents and flows of concern once they are mobilized.

At each level, the plan shall utilize structural or design elements known as BMPs, which refer to any kind of procedure or device designed to minimize the quantity of pollutants that enter local water resources. BMPs that may be included in the SWMP include a site design that maintains a vegetated buffer between project elements and water bodies, reduction of pollutant sources as detailed in the IGCMP, and treatment BMPs such as vegetated swales.

The DPW shall ensure that the SWMP is prepared and is adequate prior to approval of the final grading plan. (Mitigation Measure HYDRO-1c)

(T) The permittee shall place signs at the Pope Creek bridge cautioning not to cross the bridge at high water. (Mitigation Measure HYDRO-2)

(U) The permittee shall include clear span bridges for the channels adjacent to proposed golf course hole 16. The bridge abutments shall be placed outside the channel, beyond the tops of the banks. (Mitigation Measure HYDRO-3a)

- (V) The 17 adjacent parcel owners shall avoid mudflow hazards in small headwater channels. Such avoidance measures may include using clear-span bridges and situating structures away from mudflow-prone areas. The permittee shall ensure that this requirement is conveyed and disclosed to prospective purchasers of any of the 17 adjacent residential parcels via any materials advertising the parcels for sale and in the CC&Rs. Additionally, the permittee shall record a deed restriction against each of the 17 adjacent parcels of this requirement (in a form acceptable to County Counsel) within 30 days of Use Permit approval. (Mitigation Measure HYDRO-3b)
- (W) Prior to construction, each owner of the 17 adjacent parcels shall obtain all applicable building, grading, and discharge permits from the County, as well as state and federal regulatory agencies. As a condition of approval, each of the property owners shall implement standard BMPs, as described in the California Stormwater Quality Association Construction Handbook (CASQA, 2003) and Napa County Stormwater Management Program. These BMPs could include, in order of priority, 1) appropriate site design that reduces directly connected impervious area, 2) source control that limits the introduction of pollutants like fertilizers, pesticides and excessive sediment, and 3) treatment controls that treat storm water prior to discharge into receiving waters through swales, flow-through planters or other structures. These BMPs would eliminate or reduce the discharge of pollutants, including sediment, into nearby waters. The permittee shall ensure that this requirement is conveyed and disclosed to prospective purchasers of any of the 17 adjacent residential parcels in any materials advertising the parcels for sale and in the CC&Rs. Additionally, the permittee shall record a deed restriction against each of the 17 adjacent parcels of this requirement (in a form acceptable to County Counsel) within 30 days of Use Permit approval. (Mitigation Measure HYDRO-4)

Traffic & Circulation

- (X) The permittee shall incorporate into the final project design the following recommendations, outlined in the traffic impact analysis:
- i) The final design of the main access connection shall confirm that the sight distance to the south of Pope Valley Road exceeds the 580 feet required for the observed speeds.
 - ii) Signs within the project site direct outbound traffic to the main access via Pope Valley Road to reduce trips on Barnett Road. (Mitigation Measure CIR-1)

Air Quality

- (Y) Consistent with guidance from the BAAQMD, the permittee shall implement the following measures on the project site during the construction period:
- i) Water all active construction areas at least twice daily.
 - ii) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - iii) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
 - iv) Sweep daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.
 - v) Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
 - vi) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
 - vii) Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.). (Mitigation Measure AIR-1)

Cultural Resources

- (Z) If deposits of prehistoric or historical archaeological materials are encountered during project activities, the permittee shall redirect all work within 50 feet of the discovery and retain a qualified archaeologist to assess the finds and make recommendations. Adverse effects to such deposits shall be avoided by project activities to the extent feasible. If such deposits cannot be avoided, they should be evaluated for their California Register of Historical Resources eligibility. If the deposits are not significant, avoidance is not necessary. If the deposits are eligible, they shall be avoided or adverse effects must be mitigated. Upon completion of the assessment, the permittee shall direct the archaeologist to prepare a report documenting the methods and results, and provide recommendations for the treatment of the archaeological materials discovered. The report shall be submitted to the project proponent, CDPD, and the Northwest Information Center (NWIC). (Mitigation Measure CULT-1)
- (AA) If paleontological resources are identified within the project area during the construction of the project, the permittee shall redirect all work within 25 feet of the discovery and retain a qualified paleontologist to evaluate the finds and make recommendations. If the paleontological resources are not significant, no further protection is necessary. If such paleontological resources are found to be significant, they shall be avoided by project activities to the extent feasible. If avoidance is not feasible, adverse effects to such paleontological resources shall be mitigated. Mitigation may include, but is not limited to, field recovery of the specimen(s), documentation of the recovery context through photography and notes, and curation of the find at an appropriate paleontological repository, such as the University of California Museum of Paleontology (UCMP). Upon completion of the paleontological assessment, a report shall be prepared documenting the methods and results, as well as recommendations. The report shall be submitted to the UCMP and CDPD. (Mitigation Measure CULT-2)
- (BB) If human remains are encountered, the permittee shall redirect all work within 25 feet of the discovery and notify the County Coroner immediately. At the same time, an archeologist shall be retained to assess the situation. Project personnel shall not collect or move any human remains or associated materials. If the human remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

Upon completion of the assessment, the permittee shall direct the archaeologist to prepare a report documenting the methods and results, and provide recommendations regarding the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to the permittee, the NWIC, and CDPD. (Mitigation Measure CULT-3)

5. COLORS:

Exterior finishes and colors of the building, roof, parking lot and walkways shall be subject to approval by the CDPD, prior to the issuance of a building permit, and shall consist of earth tones. Highly reflective surfaces and materials shall not be permitted.

6. SIGNS:

No project identification signage has been proposed or approved as part of this use permit. Signage is permitted in accordance with Chapter 18.116 of Napa County Code. Prior to installation of any signage, detailed plans for monument (ground mounted), directional and building mounted signage

shall be submitted to CDPD for administrative review. Building or ground mounted signs may be externally illuminated only. All lighting for wall or ground mounted signs shall be shielded or placed such that it does not shine directly on any adjoining properties or impact vehicles on adjacent streets or roads.

Prior to issuance of a building permit, the permittee shall install directional signage on Pope Valley Road to direct all project-related traffic to the new private access road and away from Barnett Road. Final design and placement of the directional signage shall be subject to review and approval by the CDPD Director.

7. GATES/ENTRY STRUCTURES:

Any gates installed at the project entrance shall be reviewed by CDPD and DPW to assure that it is designed to allow large vehicles 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.

8. LANDSCAPING:

(A) Two (2) copies of a detailed landscaping plan for the golf course parcel shall be submitted for review and approval prior to issuance of a building permit. The required landscape plan shall indicate plant location, species, size at planting, quantity of each, method of planting, underground automatic sprinkler system, and similar landscape design information.

The minimum size of shrubs shall be five (5) gallon. The minimum tree size shall be fifteen (15) gallon (3/4" to 1" trunk caliper). **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.**

(B) A minimum of one (1) tree for each three (3) parking spaces shall be provided in the parking areas. All landscaped areas and sidewalks, as applicable, shall be separated from parking and drive aisle areas by a minimum 6 inch raised concrete curb except where openings are needed to allow the parking lot to drain through grassy swales, buffer strips, or sand filters.

(C) Oaks and other native trees removed as a result of the project shall be replanted at a 3:1 ratio for oaks and 4:1 ratio for all other trees. Replacement trees shall be of local stock from the Pope Valley region to the extent feasible.

9. PARKING/ACCESS/TRAFFIC:

(A) All parking, driveways, and internal access roadways shall comply with the Napa County Road and Street standards. Two feet of required parking stall depth may overhang into non-required landscape planters and sidewalks. Standard sized parking stalls are required to have a minimum depth of 19 feet, and compact stalls may be 16 feet. A maximum of 35% of the parking stalls may be compact.

(B) Re-occurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will not occur during peak (4-6 p.m.) travel times to the maximum extent possible. All road improvements on private property required per the DPW shall be maintained in good working condition.

(C) Prior to approval of project improvement plans, the permittee shall prepare an internal traffic control plan for review and approval by the DPW and CPDP. This shall include specific plans

for internal signage (size, message and placement), configuration of internal intersections on the main access road, any proposal for gated access.

10. OUTDOOR STORAGE/SCREENING:

All open storage areas shall be screened from view from adjacent properties to the satisfaction of the CDPD Director, such as with a solid wall or fence, or a chain link fence with slats, and/or with landscaping with a minimum height of 6 feet. No item in storage is to exceed a height of 6 feet. No outdoor storage is permitted within the required 20 foot front yard setback.

11. FENCING:

No fencing has been proposed or approved as part of this use permit. In the event that fencing is proposed, it shall be subject to review and approval of the Planning Director and depending on what is proposed potentially subject to a use permit modification and subsequent CEQA review. Any fencing proposed shall be open-style, such as chain link or deer fencing not exceeding 8 feet in height. Protective fencing intended to control errant golf balls and/or perimeter security shall be permitted to a height of 20 feet subject to review and approval of the final location by the CDPD Director. A building permit may be required for any fence exceeding 6 feet in height.

12. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:

The permittee shall comply with applicable zoning regulations and all other applicable building codes, zoning standards and requirements of various County departments and other agencies including the following:

- (A) Department of Environmental Management memo, dated January 14, 2009
- (B) Department of Public Works memo, dated October 24, 2008, and January 6, 2009.
- (C) Napa County Fire Department letter, dated April 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.

13. 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. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. All activities associated with this project shall be in compliance with County Code Section 18.40.200(D), for sound.

14. ADDRESSING:

All project site addresses shall be determined by the CDPD Director, and reviewed and approved by the U.S. Post Office, prior to issuance of any building permit. The CDPD 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. OUTDOOR SCREENING OF STORAGE AND UTILITIES:

All outdoor storage of winery 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. 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 Chapter 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.

16. INDEMNIFICATION:

An indemnification agreement, in the form attached hereto, shall be signed and returned to the County within twenty (20) days of the granting of this approval.

17. AFFORDABLE HOUSING MITIGATION:

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Trust Fund Mitigation Fee in accordance with the requirements of County Code Chapter 15.60 or as may be amended by the Board of Supervisors.

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. Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

Prior to issuance of any building or grading permits, and prior to commencing construction, the permittee shall deposit \$25,510 into an escrow account upon which County can draw funds. Said amount is equivalent to one-quarter of the County's costs for a Planner III position for one year to cover the estimated costs associated with administering the Mitigation Monitoring Plan for the project. In the event the account is depleted prior to completion of all monitoring, the permittee shall promptly deposit additional funds in an amount determined by CDPD upon request by CDPD.

19. TEMPORARY AND FINAL OCCUPANCY:

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 prior to completion of all project improvements. 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.

20. STREAM SETBACKS:

Final plans submitted for building permit issuance shall include a site plan prepared by a qualified professional showing all streams, stream setbacks, existing and proposed improvements and slopes. No new construction or earthmoving activities have been proposed or approved within established

setbacks as part of this Use Permit except as specifically enumerated in Section 1 (Scope), above. Temporary construction fencing shall be placed at stream setback lines to prevent unauthorized encroachments. Fencing shall be installed, and inspected and authorized by CDPD prior to commencing any construction.

21. WELLS:

The permittee may be required (at the permittee's expense) to provide well monitoring data if the Director of Environmental Management determines that water usage at the clubhouse is affecting, or would potentially affect groundwater supplies or nearby wells. Data requested could include, but may not be limited to, water extraction volumes and static well levels. If permittee is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gage potential impacts on the groundwater resource utilized for the project proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices. In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the Director of Environmental Management shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the director has provided notice and the opportunity for hearing in compliance with the County Code Section 13.15.070(G-K).

This Use Permit approval does not authorize, permit or allow the use of groundwater to irrigate the golf course or landscape. If in the future, the permittee desires to use groundwater, either in part or in total, to irrigate the golf course, the permittee shall submit a request for a Use Permit modification to CDPD.

22. MEMBERSHIPS AND OWNERSHIP RESTRICTIONS:

Prior to issuance of any permit to commence construction of any aspect of the project, the permittee shall record a deed restriction (in a form acceptable to County Counsel) against the golf course parcel and each of the 17 adjacent parcels prohibiting fractional ownership of the proposed residences, with the intent of ensuring that future owners do not use the homes as short term rentals (less than 30 days), vacation rentals, time shares and the like or to support corporate and club memberships. Conventional tenant-in-common ownership arrangements involving multiple owners would still be allowed.

23. DEED RESTRICTION/CONSERVATION AREA:

Prior to issuance of any permit to commence construction of any aspect of the project, the permittee shall submit to CDPD a proposed irrevocable deed restriction or similar legal instrument (in a form acceptable to County Counsel) creating a permanent conservation easement or forever "wild" area on a portion of the 15 adjacent parcels north and east of the proposed golf course to permanently protect the wildlife corridors, preserve wildlife linkages between publicly owned lands, hillside views and sensitive resources as generally shown on the Map attached as Exhibit "A" and incorporated here by reference. The deed restriction shall: (1) include a map that shows the proposed "wild" area and identifies the acreage of each parcel that would be permanently set aside; and (2) prohibit fencing of any kind within the conserved area. Fencing along the area's boundary shall be allowed only if it allows free passage of wild animals while also controlling horses or other similar livestock. Upon approval by County Counsel of the proposed deed restriction, the permittee shall promptly record the deed restriction against each of the 15 adjacent parcels and shall provide evidence of such recordation to the County.

24. CONDITIONS, COVENANTS AND RESTRICTIONS:

Prior to issuance of any permit to commence construction of any aspect of the project, the permittee shall submit proposed Conditions, Covenants and Restrictions to CDPD (in a form acceptable to County Counsel). Upon approval by County Counsel of the proposed CC&Rs, the permittee shall promptly record the CC&Rs against each of the 17 adjacent parcels and shall provide the CDPD with evidence of recordation. The CC&Rs shall include those components specified in these Conditions of Approval. The CC&Rs shall also provide the County with authority as a third party beneficiary to enforce sections of the CC&Rs that relate to these Conditions of Approval and shall further provide that the CDPD Director provide written authorization prior to any future amendments, modifications or rescissions to the specific sections of the CC&Rs that relate to these Condition of Approval.

25. NOTIFICATION UPON SALE:

The permittee shall notify the County of any sale, mortgage, hypothecation, assignment or transfer of the golf course parcel within ten (10) days of the close of escrow. Said notice shall include the names and addresses of the parties to the transaction.

Attachments: Indemnification Agreement (Paragraph 16)
Exhibit A - Map (Paragraph 23)

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