

**COUNTY OF NAPA**  
**CONSERVATION, DEVELOPMENT, AND PLANNING DEPARTMENT**  
1195 3<sup>rd</sup> Street, Suite 210  
Napa, Calif. 94559  
(707) 253-4417

**Notice of Intent to Adopt a Mitigated Negative Declaration**

1. **Project Title:** Shutters Winery Use Permit Application № P09-00222-UP and Variance Application № P09-00223-VAR
2. **Property Owner:** Provo Land Partners LLC (c/o David Deniger), 2722 Fairmount Street, Dallas, Tex., 75201
3. **Contact person and phone number:** Christopher M. Cahill, Project Planner, 707.253.4847, [ccahill@co.napa.ca.us](mailto:ccahill@co.napa.ca.us)
4. **Project location and APN:** The project is located on a 15 acre parcel located at the terminus of Lommel Road, approximately 1 mile northeast of its intersection with the Silverado Trail and within the AW (Agricultural Watershed) zoning district. APN: 018-060-027. No Present Address, Lommel Road, Calistoga, Calif., 94515
5. **Project Sponsor's Name and Address:** Tim McDonald for Provo Land Partners and Jon Webb for Albion Surveys, 1113 Hunt Avenue, St. Helena, Calif., 94574, 707.963.1217, [jwebb@albionsurveys.com](mailto:jwebb@albionsurveys.com)
6. **Hazardous Waste Sites:** This project site is not on any of the lists of hazardous waste sites enumerated under Government Code §65962.5.
7. **Project Description:**

Variance to allow construction of a new winery within required road setbacks (300 feet required, 69 feet proposed).

Use Permit to establish a new 50,000 gallon per year winery with:

- a 9,034 sq. ft. three level barrel storage building with adjoining courtyard;
- an approximately 11,600 sq. ft. wine production and storage cave;
- three full-time and three part-time employees;
- fourteen parking spaces;
- by-appointment tours and tastings with a maximum of 18 visitors per day and 40 per week;
- a marketing plan with twelve 25-person events, twelve 50-person events, two 50-person harvest events, and participation in Auction Napa Valley (all marketing events include catered food service);
- relocation of the existing private drive extending from Lommel Road;
- new domestic and process wastewater treatment systems; and
- two new upslope water tanks totaling approximately 90,000 gallons.

**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 and the ongoing operation of the winery facility as limited by the terms of any adopted use permit. Building permit application(s) for work associated with this project have not been submitted as of the date of this document.

**PRELIMINARY DETERMINATION:**

The Director of Conservation, Development, and Planning has tentatively determined that the following project would not have a significant effect on the environment as mitigated herein and Napa 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).

May 12, 2010

DATE:



BY: Christopher M. Cahill

**WRITTEN COMMENT PERIOD: May 17, 2010 through June 15, 2010**

*Please send written comments to the attention of Chris Cahill at 1195 Third St., Suite 210, Napa, Calif. 94559, or via e-mail to [ccahill@co.napa.ca.us](mailto: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, June 16, 2010. You may confirm the date and time of this hearing by calling (707) 253.4417.*

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**Initial Study Checklist**

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6. **General Plan Land Use Designation**  
AWOS (Agriculture, Watershed, and Open Space)
7. **Current Zoning**  
AW (Agricultural Watershed)
8. **Project Description**  
Variance to allow construction of a new winery within required road setbacks (300 feet required, 69 feet proposed).

Use Permit to establish a new 50,000 gallon per year winery with:

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- relocation of the existing private drive extending from Lommel Road;
- new domestic and process wastewater treatment systems; and
- two new upslope water tanks totaling approximately 90,000 gallons.

## 9. Environmental Setting and Surrounding Land Uses:

The project is proposed on a 15 acre parcel located at the end of Lommel Road, northeast of and immediately adjacent to the Calistoga Ranch resort. The parcel, which is roughly rectangular, is transected by Biter Creek, which has its headwaters about 1 ¼ miles up-canyon from the subject property, and flows into Dutch Henry Creek and from thence into the Napa River just north of Bale Lane on the floor of the Napa Valley. The creek divides a roughly 3 ½ acre portion of the parcel from the remainder, creating a triangular area on the property's northwestern corner in which all of the development proposed here would be located. With the exception of the existing unpaved extension of Lommel Road, which crosses the northwestern corner of the parcel, the subject property is primarily undeveloped open space which has historically been used for cattle grazing. According to the submitted biological resource survey (see **BIOLOGICAL RESOURCES**, below, for reference and additional information), the plant communities on the property consist of a riparian corridor associated with Biter Creek, a limited area of Ruderal grasslands, and a much larger area of Blue oak woodlands. Slopes are generally steep, as the property includes the channel of Biter Creek and the canyon walls both to the north and the south.

Based on Napa County environmental resource mapping and the *Soil Survey of Napa County, California* (G. Lambert and J. Kashiwagi, Soil Conservation Service), the 15 acre subject parcel includes soils classified as Hambright Rock-Outcrop Complex (30 to 75 percent slopes), Forward-Kidd Complex (50 to 75 percent slopes), and Boomer-Forward-Felta Complex (5 to 30 percent slopes). The Hambright Rock-Outcrop series is characterized by well drained soils in uplands; it consists of a mix of Hambright soils with a surface layer of dark grayish brown and brown very stony loam and of Rock Outcrop soils, which are a mix of basic igneous boulders, massive rhyolitic escarpments, stones, and/or outcrop areas of up to 5 acres. Forward-Kidd soils are identified as very steep soils on uplands, commonly with Forward soils on toe slopes and Kidd soils on slope sides. Runoff in the Forward-Kidd group is rapid and the hazard of erosion is high in less sloping areas; on steeper slopes runoff is very rapid and erosion hazards are very high. The Boomer-Forward-Felta Complex formed in material weathered from acidic and basic igneous rocks and in gravelly old alluvium which was uplifted in volcanic areas. The gently sloping to moderately steep Boomer-Forward-Felta soils are located on uplands, with the Felta subtype occurring in benchlike areas on side slopes. Generally, in Boomer-Forward-Felta soils the permeability is moderately slow, runoff is medium, and erosion hazards range from slight to moderate.

Native vegetation in the project vicinity includes a mix of mixed oak woodlands, coniferous scrub, scattered brush, rock outcrops and patches of annual grasslands. The subject property has historically been used as grazing and/or open space land and was likely utilized (whether formally or informally) by the campground which predated the Calistoga Ranch Resort for hiking and other outdoor recreational uses. The County's 1940 aerial photos show most of the property given over to oak woodland, with an area proximate to the current project footprint which may have been a barn, water tanks (or a series of tanks), or perhaps a corral- the relatively low resolution of the black and white 1940 aerial photos makes it difficult to identify the structure conclusively.

Access to the subject parcel, as mentioned above, is from Lommel Road, which is a public road connecting to Silverado Trail southwest of the neighboring Calistoga Ranch property. As it enters Calistoga Ranch, Lommel becomes a private drive, across which the subject property has vehicular access easement rights. In order to reach the site, one must first check in at the main Calistoga Ranch gate, and then proceed via the Lommel extension, which is a paved roadway functioning as a service road through the resort, to the easternmost edge of Calistoga Ranch property. Access to the subject parcel, and to other properties lying to its east, is through the gate and up a dirt ranch road which continues up the Biter Creek canyon from that point.

Land uses in the vicinity of the project are a mix of relatively undisturbed open space uses, including some limited cattle grazing, and the intensively developed Calistoga Ranch resort already mentioned. South of

Calistoga Ranch is the Pan-Macedonian Club retreat, a longstanding picnic and outdoor recreation venue for a national ethnic organization. The only other winery located within 1/2 mile of the project area is Hourglass Winery (approved, *but not yet producing*, 701 Lommel Road, 30,000 gallons/year, tours and tasting by appointment). Zoning in the area is generally AW (Agricultural Watershed), with AP (Agricultural Preserve) zoning beginning more than a mile to the west, on the far side of the Silverado Trail.

10. Other agencies whose approval is required: (e.g., permits, financing approval, or participation agreement).  
N/A

Responsible (R) and Trustee (T) Agencies:

Department of Fish and Game

Other Agencies Contacted:

Department of Alcoholic Beverage Control, Federal Taxation Trade Bureau


**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 the 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, Calif.

**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.

May 12, 2010

  
BY: Christopher M. Cahill  
Project Planner  
Napa County Conservation, Development, & Planning

Date

## Environmental Checklist Form

|  | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporation | Less Than<br>Significant<br>Impact  | No<br>Impact             |
|--|--------------------------------------|---|-------------------------------------|--------------------------|
| <b>I. AESTHETICS. Would the project:</b>   |                                      |   |                                     |                          |
| 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 type="checkbox"/>  | <input checked="" 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.-c. Visual resources are those physical features that make up the environment, including landforms, geological features, water, trees and other plants, and elements of the human cultural landscape. A scenic vista, then, would be a publicly accessible vantage point such as a road, park, trail, or scenic overlook from which distant or landscape-scale views of a beautiful or otherwise important assembly of visual resources can be taken-in. As generally described in the **Environmental Setting and Surrounding Land Uses** section, above, the project area is defined by a mix of resort recreational and open space uses, set against a background of steep undeveloped hills. The proposed winery location is highly secluded. The structure will only be visible, if at all, from the Calistoga Ranch property and the building design and siting is generally in-keeping with the neighboring resort. The two proposed water tanks, one of which will be quite large at 80,000 gallons, are to be located further up Biter Creek canyon from the winery and will be sited in such a way that they should be all but invisible from public vantage points. Seen as a whole, nothing in this project will substantially alter a scenic vista or substantially degrade the existing visual character of the site or its immediate surroundings. The project is not in, nor is it near, any state scenic highway. Impacts related to scenic resources will be less than significant.

d. Pursuant to standard Napa County conditions of approval for wineries, outdoor lighting will be required to be shielded and directed downwards with only low level lighting allowed in parking areas. The standard winery condition of approval relating to lighting states that;

*All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations, and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted. Architectural highlighting and/or spotting are not allowed. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. All lighting shall comply with the California Building Code.*

With standard conditions of approval, this project will not create a substantial new source of light or glare.

**Mitigation Measures:** No mitigation measures are required.

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|--|--------------------------------|---|------------------------------|-------------------------------------|
| <b>II. AGRICULTURE RESOURCES. Would the project:</b>   |                                |   |                              |                                     |
| 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 non-agricultural use?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

**Discussion:**

- a. Based on a review of Napa County environmental resource mapping (*Department of Conservation Farmlands, 2008* layer), the subject parcel is entirely identified as "other land" and no portion of the property qualifies as "prime" or "unique" farmland. General Plan Agricultural Preservation and Land Use policies Ag/LU-2 and Ag/LU-13 recognize wineries, and any use consistent with the Winery Definition Ordinance and clearly accessory to a winery, as agriculture. As a result, this application will not result in the conversion of special status farmland to a non-agricultural use.
- b. As discussed at "a.," above, the proposed winery is consistent with the parcel's AW agricultural zoning. The parcel is not subject to a Williamson Act contract.
- c. As discussed at items "a." and "b.," above, the winery and winery accessory uses proposed in this application are defined as agricultural by the Napa County General Plan and are allowed under the parcel's AW (Agricultural Watershed) zoning. Neither this project, nor any foreseeable consequence thereof, would result in changes to the existing environment which would result in the conversion of special status farmland to a non-agricultural use.

**Mitigation Measures:** No mitigation measures are required.

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| <b>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:</b> |                                |   |                              |           |



|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact        | No Impact                |
|---|--------------------------------|---|-------------------------------------|--------------------------|
| 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 Note on Greenhouse Gasses**

Construction and operation of the project analyzed in this initial study would contribute to the overall increases in GHG emissions by generating emissions associated with transportation to and from the site, emissions from energy used within buildings, and emissions from the use of equipment. In addition, the project would marginally affect carbon sequestration through the removal of approximately one acre of existing wood- and grass-lands.

The project-specific increase in GHG emissions would be relatively modest, given the estimated average of 17 new vehicle trips per day, and increasingly stringent Title 24 energy conservation requirements imposed as part of the building permit process. Changes in sequestration would also be modest due to the very limited acreage involved in the project- not substantially more than one acre, including all roadway improvements.

Neither the State nor Napa County has adopted explicit thresholds of significance for GHG emissions, although the State has recently adopted changes to the State CEQA Guidelines which suggest that agencies may consider (among other factors) the extent to which a project complies with requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG (State CEQA Guidelines Section 15064.4(b) (3)). Also, the Bay Area Air Quality Management District (BAAQMD) has proposed compliance with a "qualified climate action plan" as a threshold of significance, along with a quantitative threshold of 1,100 MTCO<sub>2</sub>e/yr (metric tons of carbon dioxide equivalents per year) for land use projects.

Overall increases in green house gas (GHG) emissions in Napa County were assessed in the Environmental Impact Report (EIR) prepared for the Napa County General Plan Update and certified in June 2008. GHG emissions were found to be significant and unavoidable despite adoption of mitigation measures that incorporated specific policies and action items into the General Plan.

Consistent with these General Plan action items, Napa County participated in development of a community-wide GHG emissions inventory and "emission reduction framework" for all local jurisdictions in the County in 2008-2009. This planning effort was completed by the Napa County Transportation and Planning Agency (NCTPA) in December 2009,



and is currently serving as the basis for development of a refined inventory and emission reduction plan for unincorporated Napa County.

During the ongoing planning effort, the County requires project applicants to consider methods to reduce GHG emissions consistent with Napa County General Plan Policy CON-65(e). The applicants here have incorporated GHG reduction methods including: bicycle parking facilities, high density insulation, high-efficiency landscape irrigation, recycled water, certified wood products, and employee carpool/bike/pedestrian incentives into their project

Pursuant to State CEQA Guidelines Section 15183, because this initial study assesses a project that is consistent with an adopted General Plan for which an environmental impact report (EIR) was prepared, it appropriately focuses on impacts which are "peculiar to the project," rather than the cumulative impacts previously assessed. The relatively modest increase in emissions expected as a result of the project would be well below the significance threshold suggested by BAAQMD, and in compliance with the County's General Plan would include the efforts to reduce emissions described above. For these reasons, project impacts related to GHG emissions are considered less than significant.

- 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 volumes substantial enough to result in an air quality plan conflict. The project site lies within the Napa Valley, 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 Valley 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 do not require further study (*BAAQMD CEQA Guidelines*, p. 24). The use permit proposed here includes 3 full-time employees, 3 part-time employees, 18 busiest-day tours and tasting visitors, and potentially 4 busiest-day production and/or process waste hold and haul truck pickups/deliveries; meaning that this project should account for 17 maximum daily trips on a day with no marketing events (this assumes 1 occupant per car for employees and 2.6 occupants per car for visitors). The application also proposes occasional marketing events, with up to 50 people at the largest event; at 2.6 persons per car that would add up to 20 additional trips on the day of a large marketing event. The resulting busiest day plus marketing total of 37 project-related trips is well below the established threshold of significance. (It's worth noting here that this analysis assumes a condition of approval, standard in cases like this, that two marketing events may not occur on the same day.)
- 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 and "d.-e." below. The proposed project would not result in a cumulatively considerable net increase in any 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 for any construction project would require standard dust control measures.
- d.-e. Earthmoving and construction activities required for project construction may cause odors and a temporary degradation in air quality from dust and heavy equipment air emissions during the construction phase. While construction on the site will generate dust particulates in the short-term, the impact would be less than significant with dust control measures as specified in Napa County standard condition of approval relating to dust;

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

A relatively substantial number of sensitive receptors exist at the adjacent Calistoga Ranch Resort. However, wineries are not known operational producers of pollutants capable of causing substantial negative impacts to sensitive receptors. Construction-phase pollutants will be reduced to a less than significant level by the above-noted standard condition of approval. The project will not create pollutant concentrations or objectionable odors affecting a substantial number of people.

**Mitigation Measure(s):** No mitigation measures are required.

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|--|--------------------------------|---|------------------------------|-------------------------------------|
| <b>IV. BIOLOGICAL RESOURCES. Would the project:</b>  |                                |   |                              |                                     |
| 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 checked="" type="checkbox"/>                 | <input 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 checked="" type="checkbox"/>                 | <input 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 checked="" type="checkbox"/>                 | <input 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 checked="" type="checkbox"/>                 | <input 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 checked="" 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. Napa County Environmental Resource Maps (*Red-legged Frog, Vernal Pools, CNDDDB, Plant Surveys, and CNPS* layers) identify the subject parcel as potential habitat for Cobb Mountain lupine, a native perennial herb which is

included in the California Native Plant Society *Inventory of Rare and Endangered Plants* (for reference, see [http://www.calflora.org/cgi-bin/species\\_query.cgi?where-calrecnum=5210](http://www.calflora.org/cgi-bin/species_query.cgi?where-calrecnum=5210)). In response to this known sensitivity, the Planning Division required a biological resources survey, which was completed by Kjeldsen Biological Consulting in Spring 2008 (Kjeldsen Biological Consulting, *Biological Resource Survey APN # 018-060-027 Winery Use Permit Application Napa County, California*, December 10, 2008 updated December 23, 2009). The survey, which is based on available resource mapping and a biotic and floristic survey including April 1, 2008; April, 24 2008; May 15, 2008; June 20, 2008; and July 15, 2008 site reconnaissances, 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 in the project area; specifically including the Cobb Mountain lupine. The submitted survey describes the project area as follows;

*The property is located in the hills on the east side of the Napa Valley below Flat Top Mountain. The property as evidenced by old fences and exotic/non-native grasses has been historically used as pasturelands. A camper shell indicates that the site has been used most recently for summer recreation... The plant communities on the property consist of Riparian corridor associated with Biter Creek, Ruderal Grasslands, and Blue Oak Woodlands. The CNPS list rare plants for California associates with "Habitat Types." The habitat type on the site prior to agriculture would be "Valley and Foothill Grassland" and "Cismontane Woodland."*

According to the submitted survey, the project area (which is identified, along with survey boundaries, in Plate III of the submitted study - attached hereto) is not presently home to and would not support any special status plants or animals, nor does it include habitat, "vegetation associates," or "edaphic conditions" that might indicate an environment amenable to their future habitation. In addition;

*There are no significant biological resources associated with the proposed project footprint. No wildlife dens, nests, or burrows were observed. The site does not contain any significant natural roosting habitat for bats.*

The survey does, however, describe the following known biological sensitivity:

*Raptors are known from the local area. A pre-construction survey is recommended prior to initiation of construction if ground breaking is initiated during the raptor nesting season.*

Potential impacts to special status species and sensitive environmental resources are, therefore, limited to raptors which may nest on or near the proposed winery site prior to the commencement of construction. A mitigation measure requiring pre-construction raptor surveying should construction be undertaken during the nesting season, as recommended in the Kjeldsen biological resource assessment, is incorporated below. As mitigated, impacts on special status species will be less than significant.

b.-c. As discussed above, a biological survey was completed by Kjeldsen Biological consulting in Spring and early-Summer, 2008. According to the submitted study;

*There were no critical, unique, or sensitive habitats associated with the proposed footprint of (the) project. No vernal pools, riparian corridors, or wetlands were present on the proposed project site.*

However, the relocated winery access road will cross "an unnamed drainage with a definable bed and bank." As a result, Army Corps and Department of Fish and Game permitting will likely be necessary in order to install the small bridge or culvert necessary to cross the minor unnamed drainage. However, because the crossing will be at a 90 degree angle to the drainage and because federal and state permitting will be necessary, the road as proposed does not conflict with Napa County's Conservation Regulations. A mitigation measure requiring submission of evidence that all required permitting has been completed prior to Napa County's issuance of a

grading or building permit for the project is incorporated below. As mitigated, impacts on federally protected wetlands, riparian habitats, and other sensitive natural communities are expected to be less than significant.

d. The Kjeldsen study states that "Biter Creek is considered to be a significant wildlife resource, which must be protected by a top of bank setback." The project, as proposed, complies with Napa County's stream setback requirements, which are designed to ensure that watercourse wildlife corridors and biotic communities are preserved. However, the Kjeldsen study proposes additional protections, including a requirement for construction fencing to keep equipment out of the creek area and construction stormwater management that all-but forecloses construction-phase sedimentation of Biter Creek. As mitigated (below) to address these concerns, the project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species, their corridors, or their nursery sites.

e. While Napa County does not have a tree preservation ordinance, General Plan Policy CON-24 requires the County to "maintain and improve oak woodland habitat." In addition, the submitted biological survey states that;

*Oak replacement plantings are considered standard for the removal of any mature oak trees. Three to one replacement plantings on suitable sites on the property of local genetic material is recommended.*

The subject project would necessitate the removal (or probable removal) of approximately 30 trees, including 18 Live oaks ranging from 12" to 35" dbh, 8 Blue oaks ranging in size from 12" to 22" dbh, 3 pines ranging from 18" to 24" dbh, and one 10" dbh manzanita. None of the oaks slated for removal are "species of limited distribution" in Napa County, so it is not necessary to "avoid (them) to the maximum extent feasible" as required at Policy CON-24. However, CON-24 does require "replacement of oak woodlands or preservation of like habitat at a 2:1 ratio when retention of existing vegetation is found to be infeasible." Preservation of all of the existing on-site oaks is clearly infeasible here, as there is little to no area on the property not currently covered in oak woodland. A mitigation measure requiring tree protection fencing for trees to be preserved and in-like-kind 2:1 replacement of the 18 Live oaks and 8 Blue oaks slated for removal, either on-site or on the adjacent Napa County Land Trust property, 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 Measure(s):**

1. The applicant/owner shall implement the following elements to avoid disturbing raptor nests:
  - For earth disturbing activities occurring during the breeding season (February 1 through July 31), a qualified wildlife biologist shall conduct preconstruction surveys of all potential nesting habitat for raptors within 500 feet of earthmoving activities and related project construction activities. Survey results shall be submitted for the review and approval of the Planning Director, or her designee.
  - If active nests are found during preconstruction surveys, a 500-foot no-disturbance buffer will be created around active raptor nests during the breeding season or until it is determined that all young have fledged. A 250-foot buffer zone shall be created around the nests of other special-status birds. If non-special status active bird nests are present, the nests shall be left undisturbed. These buffer zones are consistent with California Department of Fish and Game (CDFG) avoidance guidelines; however, they may be modified in coordination with CDFG based on existing conditions at the project site.

- If preconstruction surveys indicate that nests are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required.
  - If earth-disturbing activities are delayed or suspended for more than one month after the preconstruction survey, the areas within 500 feet of earthmoving activities shall be resurveyed.
2. Prior to the issuance of a grading or building permit for any activity associated with the subject project, the permittee shall provide evidence acceptable to the Planning Director or her designee that they have obtained all federal and/or state permits which may be necessary to work in or adjacent to waters of the United States or the State of California.
  3. Prior to the issuance of a grading or building permit for any activity associated with the subject project, the permittee shall submit final erosion control/ stormwater pollution prevention plans for the review and approval of the Director of Public Works or his designee. Equipment movement and site clearing shall be limited to the project footprint as identified in the project biological resources survey. Erosion control measures during construction must be implemented and construction fencing installed to prevent any equipment movement in the area of Biter Creek and of the drainage north of the winery footprint. Site storm water runoff must not enter Biter Creek directly and should use standard engineering design with sediment traps to prevent any sediment or significant increase in flow to Biter Creek.
  4. Prior to the issuance of a grading or building permit, the permittee shall submit a tree replacement/preservation plan for the review and approval of the Planning Director or her designee.

The submitted plan shall incorporate and depict tree protection fencing as follows: Before the start of any clearing, excavation, construction, or other work on the site, every tree greater than 6" dbh in the vicinity of the project area which is not marked for removal on the submitted site plan shall be securely fenced-off at the dripline. Such fences shall remain continuously in place for the duration of the work undertaken in connection with the development.

The submitted plan shall also include in-like-kind 2:1 replacement of all oak trees proposed to be removed as a result of this project. Replacement planting shall occur on the subject parcel or, with the permission of the Napa County Land Trust, on their adjacent holdings. Local genetic material shall be used. Provision for irrigation of the newly-planted trees shall be described in the plan and provided at installation, as shall fencing or other measures as necessary to protect the newly-planted trees from deer and/or other grazers.

**Method of Mitigation Monitoring:**

Mitigation Measures № 1 - 4 require the permittee to submit surveys, plans, or other documentation for the review and approval of relevant County agencies prior to the issuance of building and/or grading permits. If the mitigation measures are not complied with, the County shall not issue requisite permits for the project.

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|                                      |   |                                    |              |
|--------------------------------------|---|------------------------------------|--------------|
| Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With<br>Mitigation<br>Incorporation | Less Than<br>Significant<br>Impact | No<br>Impact |
|--------------------------------------|---|------------------------------------|--------------|

**V. CULTURAL RESOURCES. Would the project:**

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact        | No Impact                           |
|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.57    | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.57 | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" 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* layer), no historic resources are known to be located on or in the direct vicinity of the project site. With the exception of a dirt ranch road and some livestock watering devices, the subject parcel is currently undeveloped. 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), the project area is not part of any known archeologically sensitive area. As a result, neither this project nor any resulting ministerial activity will foreseeably cause a substantial adverse change in the significance of an 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 significant evidence of historic and/or prehistoric Native American settlement was found in the project area. Public Resources Code §5097.98, Health and Safety Code §7050.5, and CEQA §15064.5(e) detail the procedures to follow in case of the accidental discovery of human remains, including requirements that work be stopped in the area, that the County Coroner be notified, and that the most likely descendents be identified and notified via the Native American Heritage Commission. Foreseeable project-specific impacts to human remains are less than significant.

**Mitigation Measure(s):** No mitigation measures are required.

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
|--|--------------------------------|---|------------------------------|-----------|

VI. GEOLOGY and SOILS. Would the project:



|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact        | No Impact                           |
|--|--------------------------------|---|-------------------------------------|-------------------------------------|
| 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 type="checkbox"/>            | <input checked="" 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. There are no known faults on the project site as shown on the most recent Alquist-Priolo earthquake fault map. As such, the proposed facility would result in a less than significant impact with regard to rupturing a known fault.
- aii. All areas of the Bay Area are subject to strong seismic ground shaking. The proposed improvements must comply with all the latest building standards and codes at the time of construction, including the California Building Code, which will function to reduce any potential impacts to a less than significant level.
- aiii. No subsurface conditions have been identified on the project site that would indicate a high susceptibility to seismic-related ground failure or liquefaction. Napa County Environmental Resource Mapping (*liquefaction layer*) indicates that the project area is generally subject to a "very low" tendency to liquefy. The proposed 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 related to liquefaction to a less than significant level.
- aiv. Napa County Environmental Resource Maps (*landslide line, landslide polygon, and landslide geology layers*) do not indicate the presence of landslides or slope instability on the subject property.



- b. Based on Napa County environmental resource mapping and the *Soil Survey of Napa County, California* (G. Lambert and J. Kashiwagi, Soil Conservation Service), the 15 acre subject parcel includes soils classified as Hambright Rock-Outcrop Complex (30 to 75 percent slopes), Forward-Kidd Complex (50 to 75 percent slopes), and Boomer-Forward-Felta Complex (5 to 30 percent slopes). The Hambright Rock-Outcrop series is characterized by well drained soils in uplands; it consists of a mix of Hambright soils with a surface layer of dark grayish brown and brown very stony loam and of Rock Outcrop soils, which are a mix of basic igneous boulders, massive rhyolitic escarpments, stones, and/or outcrop areas of up to 5 acres. Forward-Kidd soils are identified as very steep soils on uplands, commonly with Forward soils on toe slopes and Kidd soils on slope sides. Runoff in the Forward-Kidd group is rapid and the hazard of erosion is high in less sloping areas; on steeper slopes runoff is very rapid and erosion hazards are very high. The Boomer-Forward-Felta Complex formed in material weathered from acidic and basic igneous rocks and in gravelly old alluvium which was uplifted in volcanic areas. The gently sloping to moderately steep Boomer-Forward-Felta soils are located on uplands, with the Felta subtype occurring in benchlike areas on side slopes. Generally, in Boomer-Forward-Felta soils the permeability is moderately slow, runoff is medium, and erosion hazards range from slight to moderate. Erosion hazards amongst the many soil types identified on the subject property range from slight to very high, with the risk of erosion generally increasing in tandem with the inclination of the site. 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, and roadways.
- c.-d. Bedrock underlies the surficial soils in the project area. 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 will function to 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 septic improvement plans. Soils on the property have been determined to be adequate to support the proposed septic improvements. Please see the **HYDROLOGY AND WATER QUALITY** section, below, for a discussion of proposed wastewater treatment improvements.

**Mitigation Measure(s):** No mitigation measures are required.

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact        | No Impact                |
|---|--------------------------------|---|-------------------------------------|--------------------------|
| <b>VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:</b>   |                                |   |                                     |                          |
| 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"/> |

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact        | No Impact                           |
|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| 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"/> |
| 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 type and amount of hazardous materials stored on the project site. The proposed project will not result in a significant risk of release of hazardous materials into the environment.
- c. There are no schools located within ¼ mile of the project site; the closest school is Calistoga Elementary School, which is located more than 4 miles to the northwest.
- d.-f. Napa County environmental resource mapping (*hazardous facilities* layer) indicates that the subject property is not on any known list of hazardous material sites. 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 project is located in the wildland-urban interface, an area dominated by upslope forests and wildland areas. Due to their location on and adjacent to wooded hillsides, this and surrounding parcels are subject to a heightened wildland fire risk during the dry season. The subject parcel is, however, located approximately two miles from the Big Tree Road CalFire/ Napa County Fire station and approximately four miles from the City of Calistoga fire station. The Napa County Fire Marshal has reviewed this application and believes there is adequate fire service in the area. Risks associated with wildland fire are expected to be less than significant.

**Mitigation Measure(s):** No mitigation measures are required.

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact        | No Impact                           |
|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| <b>VIII. HYDROLOGY AND WATER QUALITY. Would the project:</b>  |                                |   |                                     |                                     |
| 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 type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 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"/> |

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact        | No Impact                |
|--|--------------------------------|---|-------------------------------------|--------------------------|
| 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow?  | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Discussion:**

a. The proposed project will not violate any water quality standards or waste discharge requirements. The proposed domestic wastewater system would incorporate Orenco Advantex AX-20 pretreatment and final discharge to a 245 linear foot Geoflow subsurface drip dispersal system. Two options are proposed for the process wastewater system; the first would include Orenco Advantex AX-100 pretreatment, wet-season storage in approximately 80,000 gallons of above-ground tanks, and eventual irrigation use on slightly less than one acre of "native grass, decorative landscaping, and similar vegetation." The proposed irrigation area is located upslope and to the northeast of the proposed winery; the submitted study notes that there is the possibility that a vineyard could later be installed in that location in place of the existing native grasses, however no vineyard installation is proposed at this time and any future vineyard plant would be subject to agricultural erosion control plan review and approval at the time of proposal. As analyzed by the submitted septic feasibility study, irrigation to existing grasslands is adequate to dispose of process wastewater in the absence of any future vineyard plant. A second process wastewater disposal option would be a hold and haul system with 12,000 gallons of storage capacity in three separate 4,000 gallon precast holding tanks. The Napa County Department of Environmental Management has reviewed the proposed domestic and process 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 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 15 acre subject mountain-area parcel has a water availability calculation of 7 ½ acre feet per year (af/yr), which is arrived at by multiplying the 15 acre size by a ½ af/yr/acre fair share water use factor. This application proposes 0.53 af/yr of winery water use. Based on these figures, the project would be below the established threshold for groundwater use on the property. 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. As the project 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. The area directly surrounding the project is pervious ground and will generally remain in a natural wooded condition, providing capacity to absorb runoff.

- f. There is nothing included in this proposal that would otherwise substantially degrade water quality. As discussed in greater detail at, "a.," above, the Department of Environmental Management has reviewed the sanitary wastewater proposal and has found the proposed system adequate, as conditioned, to meet the facility's septic needs. 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 Zones, 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. In coming years, higher global temperatures are expected to raise sea level by expanding ocean water, melting mountain glaciers and small ice caps, and causing portions of Greenland and the Antarctic ice sheets to melt. The Intergovernmental Panel on Climate Change estimates that the global average sea level will rise between 0.6 and 2 feet over the next century (IPCC, 2007). However, the project area is located at approximately 600 feet in elevation and there is no known history of mud flow in the vicinity. The project will not subject people or structures to a significant risk of inundation from tsunami, seiche, or mudflow.

**Mitigation Measures:** No mitigation measures are required.

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|---|--------------------------------|---|------------------------------|-------------------------------------|
| <b>IX. LAND USE AND PLANNING. Would the project:</b>  |                                |   |                              |                                     |
| 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 ongoing agricultural uses county-wide as they provide a market for grapes grown within Napa County. 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. As proposed, the project would be fully compliant with the physical limitations of the Napa County Zoning Ordinance. 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.

Agricultural Preservation and Land Use Policy AG/LU 1 of the 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 Agricultural Preservation and Land Use Policy AG/LU-2 recognizes wineries and other agricultural processing facilities, and any use clearly accessory to those facilities, as agriculture. The project would allow for the continuation of agriculture as a dominant land use within the county and is fully consistent with the Napa County General Plan.

The proposed use of the property for the “fermenting and processing of grape juice into wine” (NCC §18.08.640) supports the economic viability of agriculture within the county consistent with General Plan Agricultural Preservation and Land Use Policy AG/LU-4 (“The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/ open space...”) and General Plan Economic Development Policy E-1 (“The County’s economic development will focus on ensuring the continued viability of agriculture...”).

- c. There are no habitat conservation plans or natural community conservation plans applicable to the property.

**Mitigation Measures:** No mitigation measures are required.

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|---|--------------------------------|---|------------------------------|-------------------------------------|
| <b>X. MINERAL RESOURCES. Would the project:</b>   |                                |   |                              |                                     |
| 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 or adjacent to the subject parcel. The nearest known resource is the Basalt Rock Company (Glass Mountain) obsidian mine, located several miles to the south of the project.

**Mitigation Measures:** No mitigation measures are required.

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
|  |                                |   |                              |           |

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact        | No Impact                           |
|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| <b>XI. NOISE. Would the project result in:</b>  |                                |   |                                     |                                     |
| 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 ground-borne vibration or ground-borne 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 would 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, as a result, 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 (N.C.C. 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 a number of annual events, several of which would include up to 50 visitors. 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 to the north, east, and south of the subject property is almost entirely undeveloped. To the west of the property is the Calistoga Ranch resort, which is heavily occupied during the evening and weekend hours in which winery events are most likely to occur.

Standard winery conditions of approval are designed to minimize noise impacts on neighboring properties associated with outdoor amplified music by requiring;



*There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.*

In addition, continuing enforcement of Napa County's Exterior Noise Ordinance by the Department of Environmental Management and the Napa County Sheriff, including a separate and reinforcing 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 subject to an airport land use plan nor is it located within two miles of a public airport or private airstrip.

**Mitigation Measures:** No mitigation measures are required.

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact        | No Impact                           |
|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| <b>XII. POPULATION and HOUSING. Would the project:</b>  |                                |   |                                     |                                     |
| 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 type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Discussion:**

- a. The Association of Bay Area Governments' *Projections 2009* figures indicate that the total population of Napa County is projected to increase some 7.2% by the year 2035, while county-wide employment is projected to increase by 29% in the same period (Metropolitan Transportation Commission, *Superdistrict and County Summaries of ABAG's Projections 2009 - 2000-2035 Data Summary*, September 2009). The new employee positions which are part of this project may lead to some population growth within 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.

Cumulative impacts related to population and housing balance were identified in the 2008 General Plan EIR. As set forth in Government Code §65580, the County of Napa must facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community. Similarly, CEQA recognizes the importance of balancing the prevention of environmental damage with the provision of a "decent home and satisfying living environment for every Californian." (See Public Resources Code §21000(g).) The 2008 General Plan sets forth the County's long-range plan for meeting regional housing needs, during the present and future housing cycles, while balancing environmental, economic, and fiscal factors and community goals. In addition, the project will be subject to the County's housing impact mitigation fee, which provides funding to meet local housing needs.

b.-c. This application will not displace any persons or any existing housing units and will not necessitate the construction of replacement housing elsewhere.

**Mitigation Measures:** No mitigation measures are required.

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact        | No Impact                |
|---|--------------------------------|---|-------------------------------------|--------------------------|
| <b>XIII. PUBLIC SERVICES. Would the project result in:</b>  |                                |   |                                     |                          |
| 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. Public services are currently provided to directly adjacent parcels and, as a result, the additional demand placed on existing services should be marginal. 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 application and recommend approval as conditioned. 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 building permit fees, property tax increases, and taxes from the sale of wine will help meet the costs of providing public services to the facility. The proposed project will have a less than significant impact on public services.

**Mitigation Measures:** No mitigation measures are required.

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|--|--------------------------------|---|------------------------------|-------------------------------------|
| <b>XIV. RECREATION. Would the project:</b>   |                                |   |                              |                                     |
| 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 a new winery, including construction of new winery facilities and systems, new on-site employment, tours and tasting by appointment, and a number of marketing events. 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:** No mitigation measures are required.

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact        | No Impact                           |
|--|--------------------------------|---|-------------------------------------|-------------------------------------|
| <b>XV. TRANSPORTATION/TRAFFIC. Would the project:</b>  |                                |   |                                     |                                     |
| 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"/>            |

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|--|--------------------------------|---|------------------------------|-------------------------------------|
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/>       | <input type="checkbox"/>                            | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

**Discussion:**

a.-b. The project site is located at the end of Lommel Road, a private roadway extending from a public road of the same name which ends more or less at the main entry to Calistoga Ranch approximately 1/2 mile to the west of the subject property. The public portion of Lommel Road runs from Calistoga Ranch a further 1/2 mile to the west/southwest to the Silverado Trail, a major local roadway connecting southern Napa County to the City of Calistoga. There is no left hand turn lane at the Lommel Road Silverado Trail intersection; however, there is a combined bike lane/right hand turn taper that allows protected right hand turns into Lommel Road out of the northbound traffic lane.

Traffic conditions on roads and at intersections are generally characterized by their "level of service" or LOS. LOS is a convenient way to express the ratio between volume and capacity on a given link or at a given intersection, and is expressed as a letter grade ranging from LOS A through LOS F. Each level of service is generally described as follows:

- LOS A- Free-flowing travel with an excellent level of comfort and convenience and freedom to maneuver.
- LOS B- Stable operating conditions, but the presence of other road users causes a noticeable, though slight, reduction in comfort, convenience, and maneuvering freedom.
- LOS C- Stable operating conditions, but the operation of individual users is substantially affected by the interaction with others in the traffic stream.
- LOS D- High-density, but stable flow. Users experience severe restrictions in speed and freedom to maneuver, with poor levels of comfort and convenience.
- LOS E- Operating conditions at or near capacity. Speeds are reduced to a low but relatively uniform value. Freedom to maneuver is difficult with users experiencing frustration and poor comfort and convenience. Unstable operation is frequent, and minor disturbances in traffic flow can cause breakdown conditions.
- LOS F- Forced or breakdown conditions. This condition exists wherever the volume of traffic exceeds the capacity of the roadway. Long queues can form behind these bottleneck points with queued traffic traveling in a stop-and-go fashion. (2000 Highway Capacity Manual, Transportation Research Board)

According to the 2008 Napa County General Plan Update EIR, the segment of Silverado Trail between Bale Lane and Deer Park Road, which is located just south of the Lommel Road/Silverado Trail intersection, has an existing LOS of "C." Projected 2030 traffic volumes along the Bale Lane - Deer Park Road segment would remain at LOS "C" under all of the cumulative scenarios analyzed in the General Plan EIR, including a no-roadway-improvements scenario. (Dowling Associates, Inc. 2006. Technical Memorandum Supporting the Findings and Recommendations for: The Napa County General Plan Update EIR. September 2006.) As analyzed at Air Quality, above, the use permit proposed here includes 3 full-time employees, 3 part-time employees, 18 busiest-day tours and tasting visitors, and potentially 4 busiest-day production and/or process waste hold and haul truck pickups/deliveries; meaning that this project should account for 17 maximum daily trips on a day with no marketing events (this assumes 1 occupant per car for employees and 2.6 occupants per car for visitors). The application also proposes occasional marketing events, with up to 50 people at the largest event; at 2.6 persons per car that would add up to 20 additional trips on the day of a large marketing event. The resulting busiest day plus marketing trip generation total would be 37 trips. Because up the entirety of the winery's proposed

production would be from grapes grown off-site, somewhere between 50 and 76 grape truck trips would also be generated annually (with an average of 2 per day during the harvest season).

On an average say, then, this project would result in less than 19 vehicle trips and on the busiest day annually it would result in perhaps 39 trips. Given both the limited scope of the traffic impacts proposed here and the existing and cumulatively foreseeable acceptable LOS C "stable operating conditions" at the Silverado Trail in the vicinity of the proposed winery, this project will not result in a significant increase in traffic or a decrease 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. Access to the property would be via the public ½ mile of Lommel Road connecting the Silverado Trail to Calistoga Ranch and from there along the private Lommel Road extension, which functions as an approximately ½ mile service road running the length of Calistoga Ranch. The existing dirt road on the property will be widened, improved, and paved from the western property boundary to some 100 feet east of the winery. The Department of Public Works has reviewed this project and recommends approval with standard conditions related to driveway improvements. The Napa County Fire Marshall has reviewed this application and has identified no significant impacts related to emergency vehicle access provided that standard conditions of approval are incorporated. Project impacts related to traffic hazards and emergency access are expected to be less than significant.
- f. This application proposes 14 parking spaces in a paved and striped parking area, including 1 disabled-accessible space located more directly adjacent to the winery. With 3 full time and 3 part time winery employees and 18 busiest by-appointment tours and tasting visitors, the 14 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 should guarantee adequate parking during the largest 50 person special marketing 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:** No mitigation measures are required

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact                           |
|---|--------------------------------|---|------------------------------|-------------------------------------|
| <b>XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:</b>                                       |                                |   |                              |                                     |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <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                           |
|---|--------------------------------|---|-------------------------------------|-------------------------------------|
| 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"/>            |
| 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 type="checkbox"/>            | <input checked="" 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 new domestic and process wastewater systems as described at **HYDROLOGY AND WATER QUALITY**, above. The Napa County Department of Environmental Management has reviewed the proposed domestic and process wastewater systems and recommends approval as conditioned. Required wellhead setbacks and ongoing monitoring of the facility's wastewater systems by the Department of Environmental Management should reduce any impacts on water quality to less than significant levels. The new wastewater treatment system 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, groundwater usage will remain below the property's fair share volume. No new or expanded entitlements are necessary.
- e. Domestic wastewater will be treated on-site and will not require a wastewater treatment provider. Process wastewater may be shipped off-site as a component of a Department of Environmental Management permitted

hold and haul system. However, consistent with standard Department of Environmental Management protocols, if a hold and haul system is constructed, backup process wastewater disposal facilities will be available on site.

- 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):** No mitigation measures are required.

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact        | No Impact                |
|--|--------------------------------|---|-------------------------------------|--------------------------|
| <b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE</b>  |                                |   |                                     |                          |
| 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:**

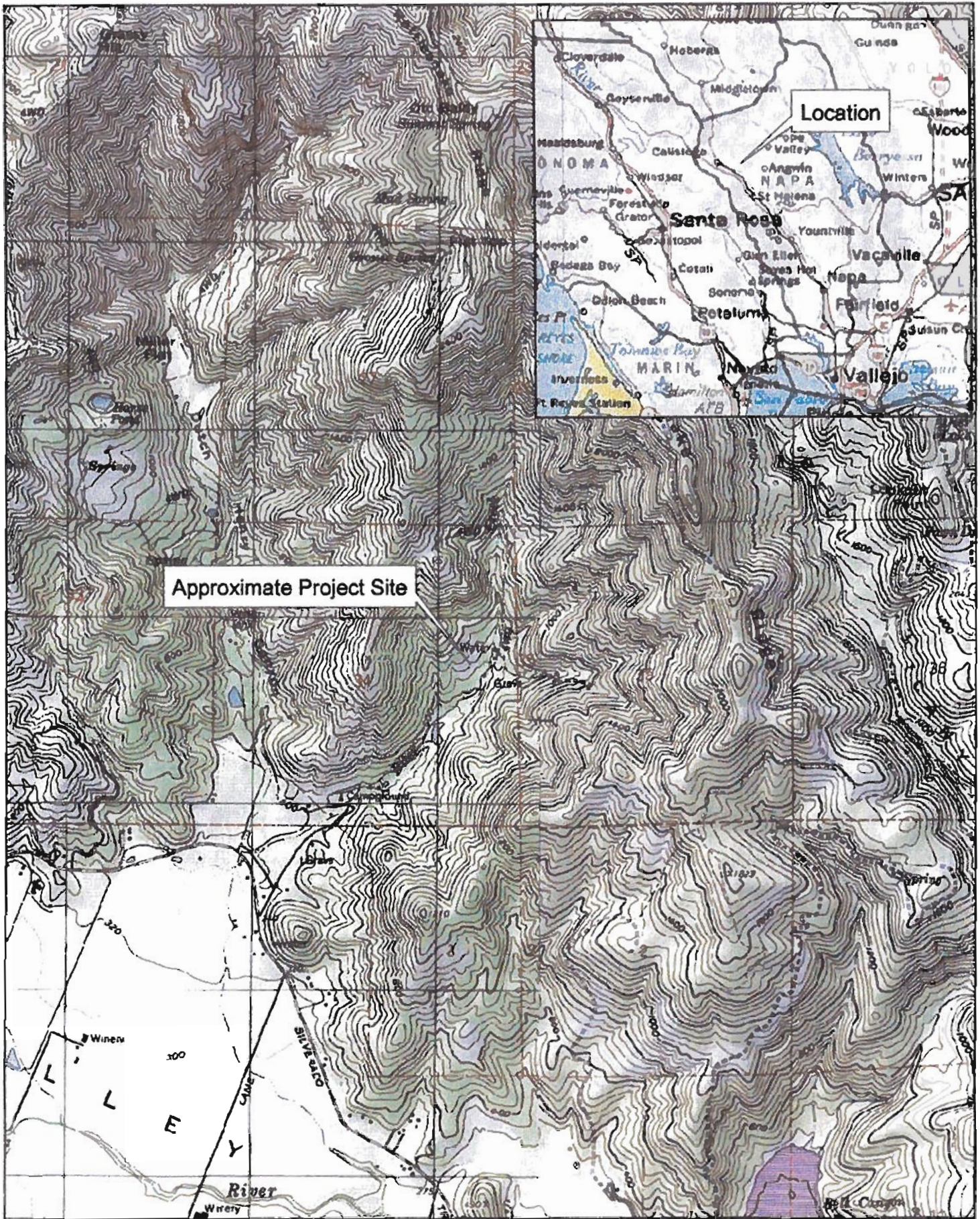
- a. The project would have a less than significant impact on wildlife resources. As analyzed above and mitigated herein, no sensitive resources or biologic areas will be converted or affected by this project. Also as analyzed above, the project would not result in a significant loss of native trees, native vegetation, or important examples of California's history or pre-history.
- b. As discussed above, and in particular under **Air Quality, Transportation/Traffic, and Population and Housing** the proposed project does not have impacts that are individually limited, but cumulatively considerable.
- c. As mitigated herein, 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. The project would not have any environmental effects that would result in significant impacts.

**Mitigation Measure(s):** No additional mitigation measures are required.





Approximate Project Site

Location

Plate I. Site / Location Map

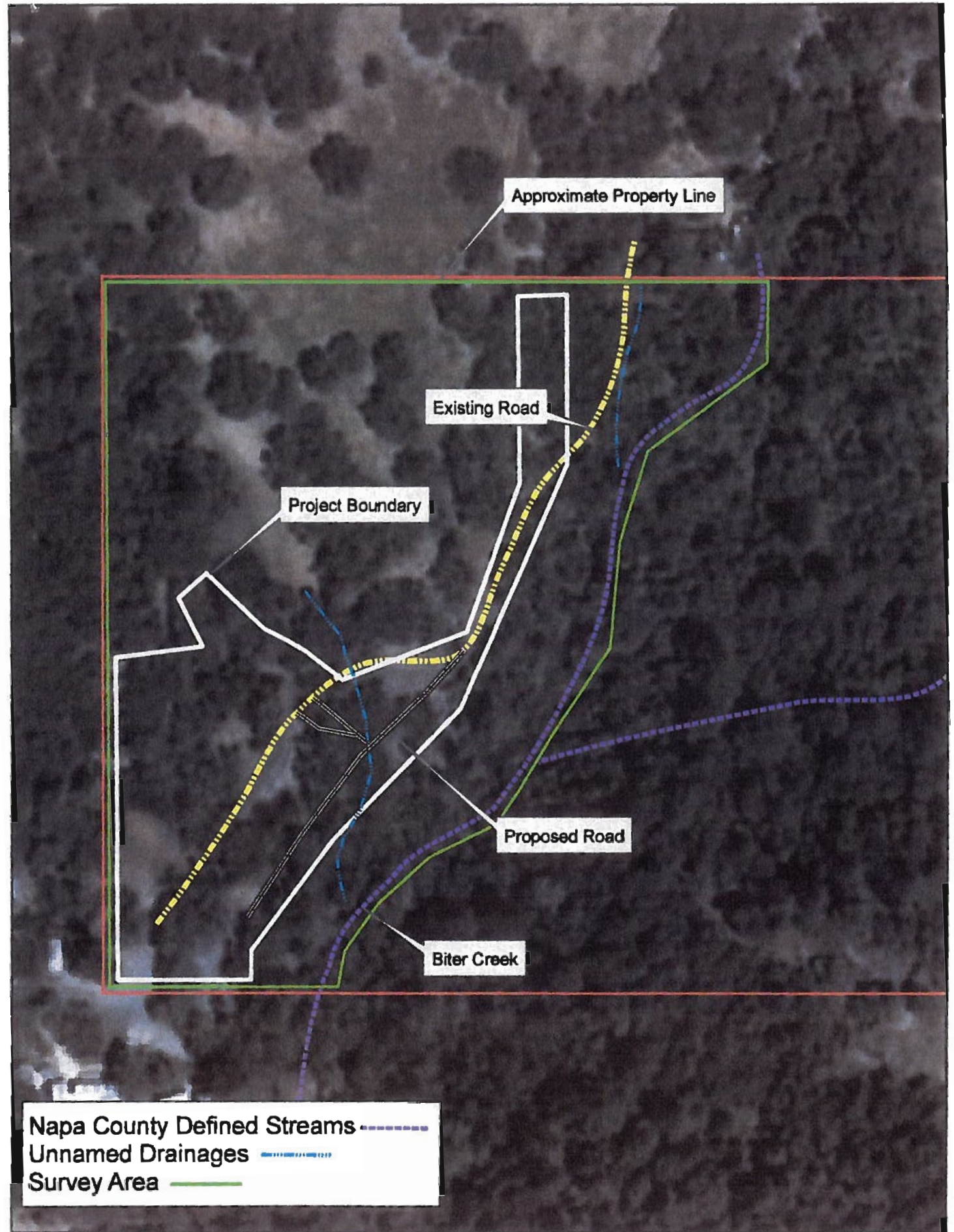
(Calistoga Quadrangle)











Napa County Defined Streams - - - - -  
Unnamed Drainages . . . . .  
Survey Area ———

Plate III. Aerial Photo





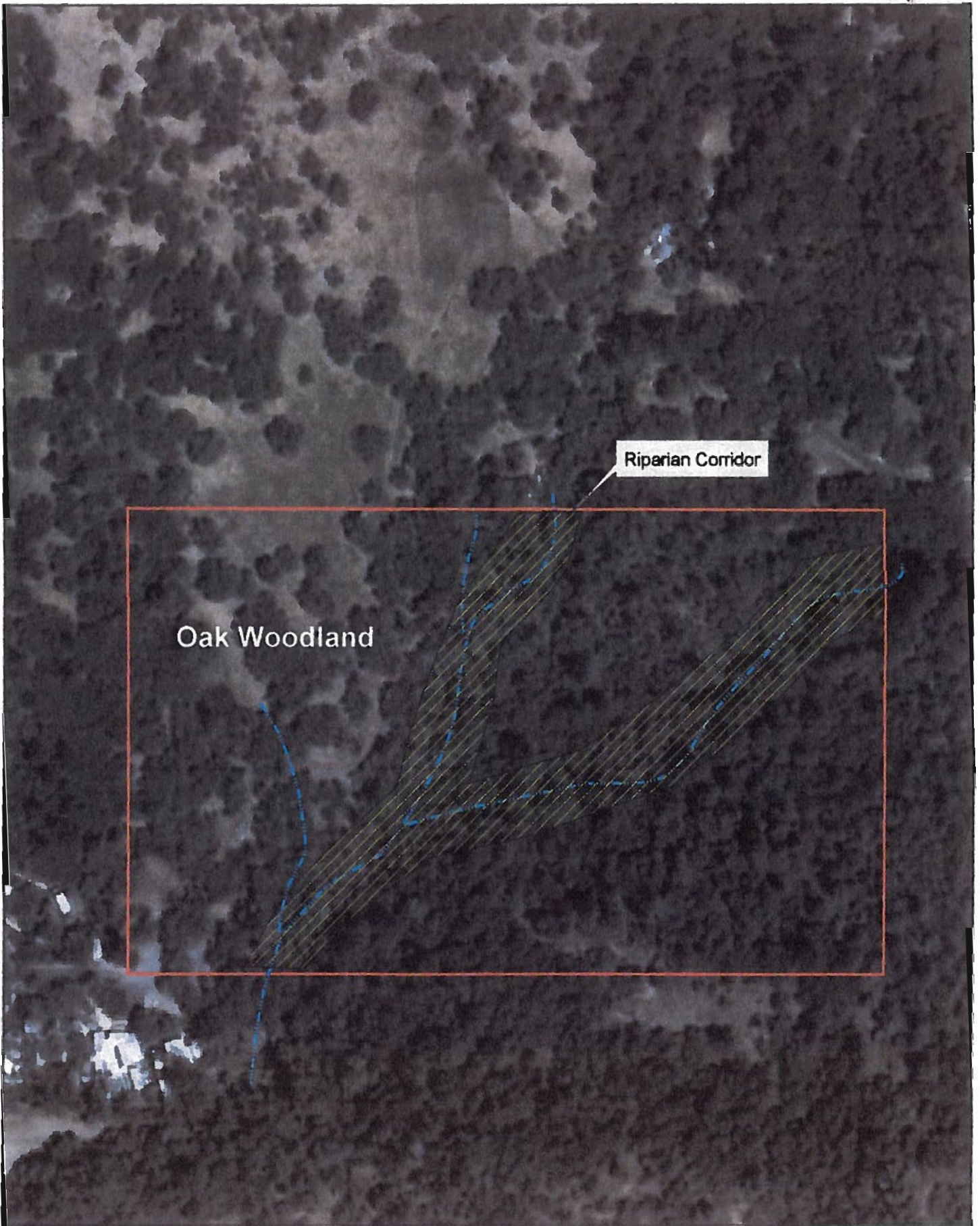
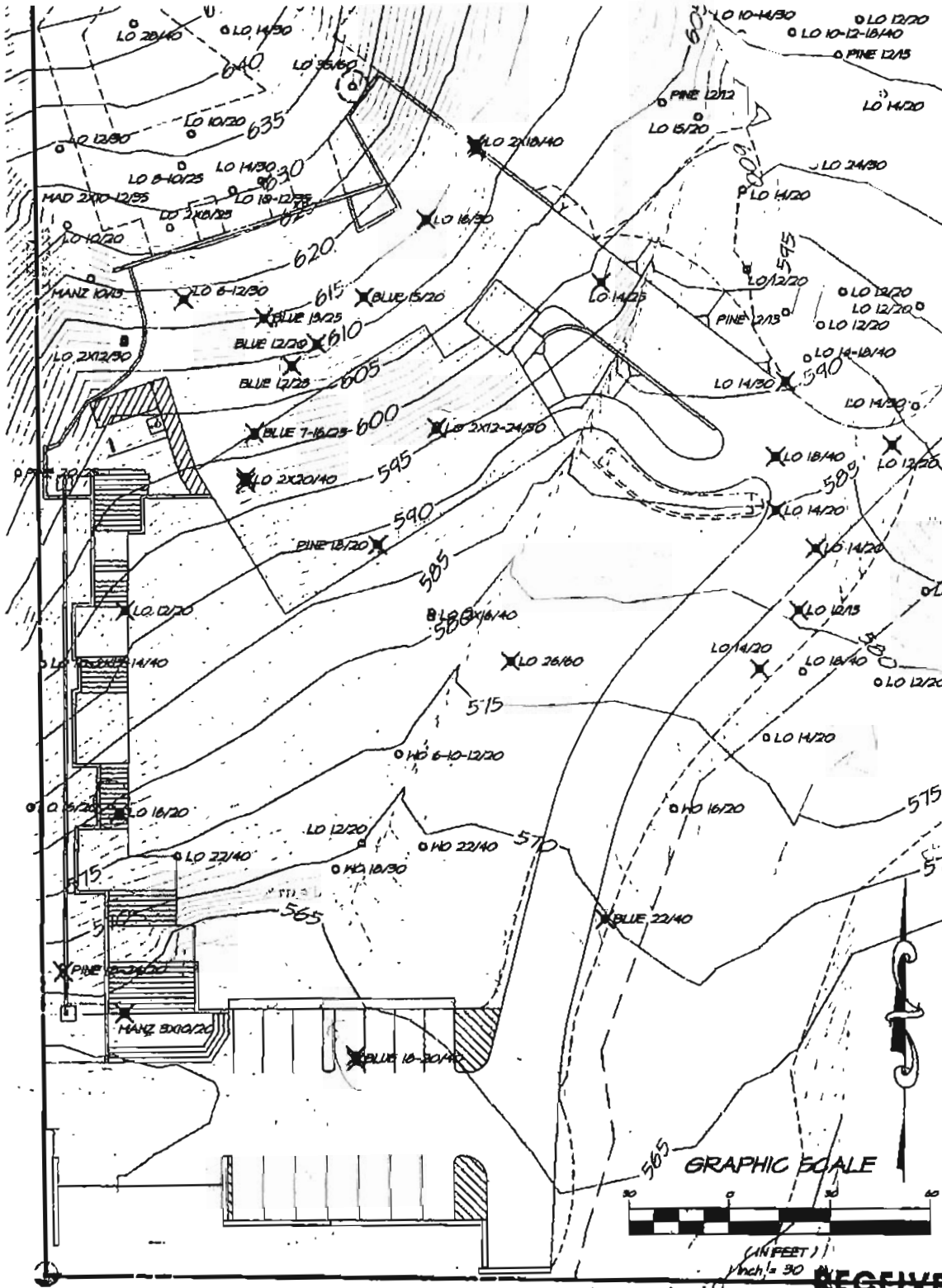


Plate IV. Aerial Photo Vegetation Map



# SHUTTERS WINERY TREE IMPACT EXHIBIT NAPA COUNTY, CALIFORNIA

SCALE 1" = 30'



**LEGEND:**

- OAK 6-9/40 EXISTING TREE WITH TRUNK SIZE(S)/CANOPY SIZE (6" AND 9" TRUNKS WITH 40 FT CANOPY)  
[LO - LIVE OAK, HO - WHITE OAK, BLUE - BLUE OAK, MANZ - MANZANITA, MAD - MADRONE]
- ✕ EXISTING TREE TO BE REMOVED
- EXISTING TREE MAY BE IMPACTED

**RECEIVED**

NOV 23 2009



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