

**NAPA COUNTY PLANNING, BUILDING & ENVIRONMENTAL SERVICES DEPARTMENT  
PLANNING COMMISSION**

**Planning Commission Hearing July 2, 2014  
Conditions of Approval**

**Yountville Hill Winery  
Use Permit & Exception to the Conservation Regulations (P13-00279), Variance (P13-00417)  
and Viewshed (P13-00416)  
7400 St. Helena Highway, APN: #031-130-028 & 029**

**1. SCOPE:**

- A. This permit shall be limited to establishing a new winery with an annual production capacity of 100,000 gallons as follows:
1. construct two new winery buildings with approximately 14,019 sq. ft. of floor area, including a 1,208 sq. ft. reception building and a 12,811 sq. ft. winery, administration and visitor center building with 9,605 sq. ft. of unenclosed terraces;
  2. construct approximately 35,588 sq. ft. of cave area, including a warming kitchen;
  3. provide 37 on-site parking spaces;
  4. allow tours and tastings which may include food paring(s) by appointment (see item 4A, below);
  5. establish a Marketing Plan (see item 4B, below);
  6. establish hours of operation from 6 AM to 3 PM (production staff), 8 AM to 5 PM (administrative staff) and 9:30 AM to 6:30 PM (hospitality staff – visitation would occur between 10 AM and 6 PM); 7 days a week;
  7. allow on-premise consumption of the wines produced on-site in the winery administration and visitor center building and terraces pursuant to the Evans Bill (AB2004);
  8. employ up to 19 people;
  9. install a new on-site winery process and domestic wastewater treatment system; and,
  10. new landscaping, driveway improvements, approximately four 10,500 gallon water storage tanks in the southwest corner of the site, and signage.

The approval also includes an exception to the conservation regulations to grade/construct improvements on slopes exceeding 30%, a viewshed application to construct on slopes 15% or greater and visible from a viewshed designated roadway (State Route 29) and a variance to allow the lower cave portal and winery related activities on the pad in front of the cave to encroach approximately 300-feet into the 600-foot setback from State Route 29, winery building encroachment into the 300-foot setback from a shared driveway, a staircase at the rear of the winery building to encroach 6-feet into a 20-foot rear yard and a non-habitable portion of the structure/landscaped terrace and stairs at the third or roof level to encroach 15-feet into the 20-foot rear yard. The project site is comprised of two parcels that will be combined (see item 2B, below). An existing 4,000 sq. ft. residence (former bed & breakfast) and garage, the existing driveway from State Route 29 to the structures, and a cave will be removed as part of the proposal to facilitate construction of the winery, a new driveway, and associated improvements.

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

- C. Alternative locations for cave spoils and fire suppression tanks are permitted, subject to review and approval by the Director of Planning, Building, and Environmental Services, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.

**2. PROJECT SPECIFIC CONDITIONS:**

Should any of the Project Specific Conditions below conflict with any of the other, standard conditions included in this document, the Project Specific Conditions shall supersede and control.

**A. Evans Consumption**

Consistent with Assembly Bill 2004 (Evans) and the Planning, Building, and Environmental Services Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises," on-premise consumption of wine produced and purchased from the winery may occur solely in the winery administration and visitor center building and terraces. Any and all visitation associated with on-premise consumption shall be subject to the maximum daily tours and tastings visitation limitation and/or applicable limitations of permittee's marketing plan.

**B. Parcel Merger**

The two parcels shall be combined prior to the issuance of building permits.

**C. Grading and Cave Spoils**

All grading and spoils generated by construction of the project facilities shall be hauled off-site to an approved landfill or used on existing vineyard rows acceptable alternative.

**D. Viewshed Use Restriction**

Prior to the issuance of a building permit, the property owner shall execute and record in the county recorder's office a use restriction, in a form approved by county counsel, requiring building exteriors, and existing and proposed covering vegetation, as well as any equivalent level of replacement vegetation, to be maintained by the owner or the owner's successor so as to maintain conformance with Zoning Ordinance Section 18.106.050B.

**E. Driveway Improvements**

Prior to issuance of a certificate of occupancy for the winery building, the permittee shall complete all driveway improvements approved and/or required pursuant to this use permit.

**F. Visitation (Tours & Tastings/Marketing) – Wine and Food Pairings**

Any food provided with wine during marketing activities may be provided by a licensed catering service.

**G. Project Statement Addendum**

The permittee shall implement the water conservation measures, groundwater monitoring measures, lighting, evening uses, light reflection stipulated in the June 3, 2014 Project Statement Addendum and winter hours of operation stipulated in the June 11, 2014 Project Statement Second Addendum as stated below:

**1. Wine Production Water Conservation Measures.**

The winery shall implement the following water conservation measures:

- a. Water efficient clean-in-place (CIP) systems will be installed wherever feasible.

- b. Water efficient nozzles will be installed on all hoses used for cleanup.
  - c. A water conservation plan will be adopted as standard operating procedure for all wine production activities. Employees will be trained in the procedures outlined in the water conservation plan. The water conservation plan will include, among other things, the following practices:
    - i. Tanks and barrels will be washed in a sequential process in which the final rinse water from one container is used to pre-rinse the next container in the sequence.
    - ii. Floors will be dry-swept instead of hosed down for cleaning.
    - iii. Sub-meters will be installed to monitor water use for key uses; employees will be trained in the use of the sub-meters to insure compliance with the adopted water conservation practices.
    - iv. Racking, blending, filtration, and other wine movements will be organized to minimize the number of transfers and the number of tanks and/or barrels requiring cleaning.
2. Groundwater Monitoring.  
Meters shall be installed on the output of all wells used on the property, and meter readings will be recorded. The applicant will provide these records to the Planning Director upon request. In addition, the treated wastewater used to irrigate the vineyard will also be metered, and records of that use will be kept.
3. Lighting.  
A detailed lighting plan will be submitted for review and approval by the Planning Director at the same time as the final landscaping plan. The plan shall be prepared in conformance with the following criteria:
- a. The amount of exterior lighting is kept to the minimum needed for safety and wayfinding.
  - b. All exterior lighting will be shielded and directed downward.
  - c. All exterior lighting is located as low to the ground as possible.
  - d. The winery driveway shall have lighting only at the curves, with a low-to-the-ground bollard fixture (Vision 3 dual head path light). These lights will be motion activated and timed, so that they are turned on only when a car is driving the road and then turn off automatically.
  - e. No flood lights or sodium lights shall be used.
  - f. Low level, indirect lighting shall be used wherever exterior lighting is installed at the buildings.
  - g. The winery, administration and visitor building shall be equipped with louvers that will significantly diminish the amount of light escaping the building.
  - h. All project lighting will be compliant with the most recent update of the "Nonresidential Compliance Manual for California's Energy Efficiency Standards" and the most recent update of the California Building Code.
4. Evening Uses.  
Based on the Use Permit application for the project, there will be marketing events occurring at the winery after 6:30 pm a maximum of 32 nights out of the year.
- Of the 32 annual evening marketing events proposed in the Use Permit application, 24 will be scheduled for the months with longer days, minimizing the amount of time when any building lights will be at all noticeable (i.e., in 2014, from March 21 through September 21, the average time of sunset is approximately 7:55 pm, with the sky turning dark approximately 30 minutes later, or at 8:25 pm.) Thus, for the 24

evening events proposed during the period between the spring equinox and the fall equinox, the winery, administration and visitor building will have lights on for approximately 90 minutes after dark. For the period between the fall equinox and the spring equinox, the average time of sunset is approximately 5:23 pm, with the approximate time at which the sky is dark at 5:53 p.m. thus, for the 8 evening events that will fall during the darker time of year, the winery, administration and visitor building will have lights on for approximately 4 hours after dark.

On all those days when there are no evening events, the tasting room will be closed at 6:00 pm, with lights out in the entire winery, administration and visitor building by 7:00 pm. For more than six months of the year, there will be no lights on in the winery, administration and visitor building after dark, except for the relatively few nights when there are evening events. In the darkest part of the winter, when the sun sets at approximately 5:00 p.m, and the sky is dark at about 5:30, except for those evenings when there are nighttime marketing events, there will be lights on in the winery, administration and visitor building for only 90 minutes after dark.

5. Light Reflection.

A combination of three techniques shall be used to minimize reflection on the glass at the winery, administration and visitor building: louvers, exterior motorized shades, and non-reflective glass. These strategies (particularly the louvers and shades) will also reduce the amount of light emitted from the building on nights where the building is lit up after dark.

6. Winter Hours of Operation

In order to minimize the number of days and length of time when the winery, administration and visitor building is in use after dark during normal operating hours, during the months of November, December, January and February, the tours and tastings will end at 4:00 p.m., all hospitality staff will depart at 4:30 p.m., and the offices will close at 5:00 p.m. Daylight Savings Time ends on the first Sunday in November, with the result that in 2014, sunset in Yountville occurs at 6:11 p.m. on November 1, and 5:10 p.m. on November 2<sup>nd</sup>. In the month of December, 2014, time of sunset in Yountville falls between 4:49 p.m. at the earliest and 4:58 p.m. at the latest. By closing the tasting room at 4:00 p.m. in the winter months, the length of time when the winery, administration and visitor building is open after dark – other than for special events – is limited to 10 to 15 minutes, and even then only on the shortest days.

H. Tours and Tastings

For a minimum of two years after final occupancy, winery visitation is limited to a maximum of 420 visitors/week (Phase I). Thereafter, applicant shall not increase visitation to the Phase II level until there has been an administrative review of use permit compliance by staff with a report to the Planning Commission certifying that the applicant is in compliance with the terms of this permit (First Compliance Certification).

For a minimum of 12 months after the First Compliance Certification, winery visitation is limited to a maximum of 700 visitors/week (Phase II). Thereafter, applicant shall not increase visitation to the Phase III level of 1,000 visitors/week until (a) the winery has produced a minimum of 50,000 gallons of wine and (b) there has been a second administrative review of use permit compliance and a second report to the Planning Commission certifying that the applicant is in compliance with the terms of this permit (Second Compliance Certification). Once the Second Compliance Certification has been approved by the Planning Commission, winery visitation is limited to a maximum of 1000 visitors/week.

I. Mitigation Measures

The permittee shall comply with all mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Project Revision Statement/Mitigation Monitoring and Reporting Program prepared for the project, inclusive of the following:

**Mitigation Measure BIO-1:** Prior to issuance of a building or grading permit for the proposed driveway improvements and/or box culvert, the project applicant shall provide documentation from the California Department of Fish and Wildlife (CDFW) that a streambed alteration agreement has been issued or that said department does not deem such permitting necessary. The terms and conditions of that permitting are subject to CDFW concurrence and may be modified as deemed necessary by that department. If deemed necessary by CDFW, a habitat restoration plan that describes the impacts and proposed compensation measures will be provided to the agency(ies) for their approval prior to installation of the new crossing. Mitigation will be at a 2:1 compensation to loss ratio so that a minimum of 0.08 acres of mixed riparian woodland will be planted along the drainage channel as mitigation. The mitigation/restoration plan, prepared by a qualified biologist will have the following elements:

- A list of native trees and shrubs to be planted, sizes and spacing.
- Mitigation will be at 2:1 compensation to loss ratio or 0.08 acres.
- Plant species selected shall be native species adapted to the area and be species known to grow within the existing plant community.
- Plantings will be done during the optimal season for the species being planted which is typically in the winter season.
- An 80% survival rate over a period of 5 years for new plantings will be the target success criteria.
- Invasive exotic plant species will be controlled to the maximum extent practicable to accomplish the revegetation effort. Himalayan blackberry, giant reed, periwinkle and non-native trees such as weeping willow, blackwood acacia, and English hawthorne specifically will be targeted for removal within the restoration area.
- Chemical control of invasive exotic plant species will be conducted by a certified pesticide applicator per labeled directions and all other federal, state, and local laws and regulations and will be certified for use in an aquatic environment.
- All disturbed areas will be seeded with a native herbaceous seed mix to be developed as part of the restoration plan.
- An annual report will be prepared each year for a minimum of five years and submitted to Napa County Planning Division, and CDFW that describes the revegetation effort, survival of the plantings and any recommendations for maintenance and work needed to ensure a successful restoration effort.
- work in the drainage should be conducted when the creek is dry, generally after the month of June.

**Method of Monitoring:** The applicant shall submit evidence of permits from CDFW to the Planning Division, if required, prior to issuance of permits related to improvements affecting the drainage channels and a habitat restoration plan is so required.

**Mitigation Measure BIO-2:** Prior to any earth-disturbing activities occurring during the nesting season (February 15 to August 15), a pre-construction nesting bird (both passerine and raptor) survey of the grasslands and adjacent trees shall be performed by a qualified biologist within seven (7) days of ground breaking. If no nesting birds are observed no further action is required and grading shall occur within one week of the survey to prevent “take” of individual birds that could begin nesting after the survey.

If active bird nests (either passerine and/or raptor) are observed during the pre-construction survey, a disturbance-free buffer zone shall be established around the nest tree(s) until the young have fledged, as determined by a qualified biologist. The radius of the required buffer zone can vary depending on the species, (i.e., 75-100 feet for passerines and 200-300 feet for raptors), with the dimensions of any required buffer zones to be determined by a qualified biologist in consultation with CDFW.

To delineate the buffer zone around a nesting tree, orange construction fencing shall be placed at the specified radius from the base of the tree within which no machinery or workers shall intrude. After the fencing is in place there will be no restrictions on grading or construction activities outside the prescribed buffer zones.

**Method of Monitoring:** Applicant shall be responsible for conducting surveys. If species are found the DFG shall be consulted to determine if any significant impacts are anticipated and what mitigation measures, if any, will be required.

**Mitigation Measure BIO-3a:** To prevent direct mortality of bats that may occupy or re-occupy the residence and cave or begin to roost in the pump house, sheds, garage and outbuilding, the following measures are required:

- Partial dismantling shall be used to reduce the roost suitability of the residence and detached garage, and will be conducted no fewer than 7 days prior to building demolition.
- Partial dismantling shall occur between approximately March 1 or when evening temperatures are above 45°F and rainfall less than ½" in 24 hours occurs, and April 15, prior to parturition of pups. The next acceptable period is after pups become self-sufficiently volant – September 1 through about October 15, or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½" in 24 hours.
- To reduce roost suitability, the central portions of the flat roof sections of the residence, including the tower, shall be modified by cutting several 3' x 3' sections through the roof materials, underlayment, and if deemed safe, the roof rafters. Concurrently, all doors and windows shall be opened and remain open no fewer than 7 days prior to demolition.
- Seven days prior to demolition of sheds and garage outbuilding, all doors shall be opened or removed.
- Seven days prior to construction activities inside the wine cave, the front doors should be opened during daylight hours. Additionally, installing tight-fitting rubber weather stripping around the door perimeter is recommended to prevent entry by bats.

**Mitigation Measure BIO-3b:** To prevent direct mortality of bats that may roost in tree cavities, crevices, exfoliating bark, or foliage within the 33 trees identified on the site, the following measures are recommended:

- Potential habitat trees shall be removed only between approximately March 1 or when evening temperatures are above 45°F and rainfall less than ½" in 24 hours occurs, and April 15, prior to parturition of pups. The next acceptable period is after pups become self-sufficiently volant – September 1 through about October 15, or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½" in 24 hours.
- Tree removal shall be conducted using a two-stage process over two consecutive days (e.g. Tuesday and Wednesday, or Thursday and Friday). With this method,

small branches and small limbs containing **no** cavity, crevice or exfoliating bark habitat on habitat trees, as identified by a qualified bat biologist are removed first on Day 1, **using chainsaws only** (no dozers, backhoes, etc.). The following day (Day 2), the remainder of the tree is to be removed. The disturbance caused by chainsaw noise and vibration, coupled with the physical alteration, has the effect of causing colonial bat species to abandon the roost tree after nightly emergence for foraging. Removing the tree the next day prevents re-habitation and re-occupation of the altered tree.

- Trees containing suitable potential habitat must be trimmed with chainsaws on Day 1 under initial field supervision by a qualified bat expert to ensure that the tree cutters fully understand the process, and avoid incorrectly cutting potential habitat features or trees. After tree cutters have received sufficient instruction, the qualified bat expert does not need to remain on the site.
- All other vegetation other than trees within the Limit of Work should be removed prior to tree removal, according to the dates provided above. If vegetation must be removed outside those dates, a 50' buffer around each habitat tree should be observed to reduce likelihood of abandonment of the roost and young.
- If non-habitat trees must be removed outside seasonal periods of bat activity as described above, a 50' buffer around each habitat tree should be observed to reduce likelihood of abandonment of the roost and young.
- In order to minimize potential take of solitary bats such as *L. blossevillii* or *L. cinereus*, tree removal should begin with the smaller trees and vegetation on the site, followed by smaller trees in each location where trees are to be removed. Only chainsaws should be used, to create a noise disturbance that will be sufficient to cause roosting individual *L. blossevillii* or *L. cinereus* to abandon the site. Using these methods will prevent take of colonial roosting bats and minimize potential for take of individual, obligate tree-roosting bats, while being economically and logistically feasible.

**Method of Monitoring:** Applicant shall be responsible for conducting surveys. If species are found the DFG shall be consulted to determine if any significant impacts are anticipated and what mitigation measures, if any, will be required.

**Mitigation Measure CULT-1:** Should any previously unknown prehistoric or historic resources be encountered during onsite construction activities, earthwork within 100 feet of these materials shall be stopped and evaluated by a qualified archaeologist. Once the archaeologist has had the opportunity to evaluate the significance of the find and suggest appropriate mitigation measures, as necessary, said measures shall be carried out prior to any resumption of related ceased earthwork. All significant cultural resource materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.

**Method of Monitoring:** A qualified archaeologist shall evaluate any finds of potentially significant surface scatter or buried cultural material. The qualified archaeologist will coordinate with the project owner's construction manager to stop all work in the vicinity of the find until it can be assessed. If the discovery is determined to not be significant then work will be allowed to continue.

**Mitigation Measure TRANS-1:** The project applicant shall remove the shrub/low tree north of the project driveway causing the obstruction identified in the Traffic Study prior to final occupancy of the winery.

**Method of Monitoring:** The existing vegetation causing the obstruction shall be removed prior to final occupancy of the winery.

**Mitigation Measure TRANS-2:** The applicant shall provide a right turn taper at the project driveway.

**Method of Monitoring:** Prior to final occupancy of the winery, a right turn taper shall be completed at the project driveway.

J. Air Quality

During all construction activities the permittee shall comply with the Bay Area Air Quality Management District Basic Construction Mitigation Measures as provided in Table 8-1, May 2011 Updated CEQA Guidelines as follows:

1. All exposed surfaces (e.g. parking areas, staging areas, soil piles, grading areas, and unpaved access (road) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

(Source: Bay Area Air Quality Management District CEQA Guidelines Updated May 2011 Table 8-1 Basic Construction Mitigation Measures)

**3. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:**

Project conditions of approval include all of the following County, Division, Departments and Agency requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and Agencies at the time of submittal and may be subject to change. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- A. Engineering Services Division as stated in their Memorandum dated March 12, 2014.
- B. Environmental Health Division as stated in their Memorandum dated March 12, 2014.

- C. Fire Department as stated in their Memorandum dated September 19, 2013.
- D. Department of Public Works in their Memorandum dated November 20, 2013.

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

**4. VISITATION:**

Consistent with Sections 18.16.030 and 18.20.030 of the Napa County Code, marketing and tours and tastings may occur at a winery only where such activities are accessory and “clearly incidental, related, and subordinate to the primary operation of the winery as a production facility.” Marketing and/or Tours and Tastings are not typically authorized until grant of Final Occupancy, but exceptions where extenuating circumstances exist and are subject to review and approval by the County Building Official, County Fire Marshal, and the Director of Planning, Building, and Environmental Services.

Permittee shall obtain and maintain all permits and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB) required to produce and sell wine, including minimum levels of crush and fermentation. In the event permittee loses required ABC and/or TTB permits and licenses, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are re-established.

A log book (or similar record) shall be maintained which documents the number of visitors to the winery (be they tours and tastings or marketing event visitors), and the dates of their visit. This record of visitors shall be made available to the Department upon request.

**A. TOURS AND TASTING**

Tours and tastings are limited to the following (see item 2.H, above phasing details):

- 1. Frequency: 7 days per week, Monday through Sunday
- 2. Maximum number of persons per week Phase 1: 420
- 3. Maximum number of persons per week Phase 2: 700
- 4. Maximum number of persons per week Phase 3: 1,000
- 5. Time of operation: 10:00 AM to 6:00 PM

“Tours and tastings” means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings.

Tours and tastings may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant. (Ord. 1340, 2010; Ord. 947 § 9 (part), 1990; prior code § 12070).

Start and finish time of tours and tastings shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM, and shall be limited to those wines set forth in Napa County Code 18.16.030(G)(5)(c) – AP Zoning. (see item G.6, above, for specific hours of operation to minimize peak hour trips)

## B. **MARKETING**

Marketing events are limited to the following:

1. 48 food and wine pairings per year with up to 50 guests at each event (half of the events will be scheduled to begin after 6:30 PM);
2. Six (6) food and wine pairings per year with up to 100 guests at each event (scheduled to begin after 6:30 PM);
3. Two (2) food and wine pairings per year with up to 200 guests at each event (scheduled to begin after 6:30 PM); and,
4. Two (2) wine auction events per year.

"Marketing of wine" means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to Chapters 18.16 and 18.20 of the Napa County Code. Marketing of wine may include cultural and social events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of wine may include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery.

Business events are similar to cultural and social events, in that they will only be considered as "marketing of wine" if they are directly related to the education and development of customers and potential customers of the winery and are part of a marketing plan approved as part of the winery's use permit. Marketing plans in their totality must remain "clearly incidental, related and subordinate to the primary operation of the winery as a production facility" (subsection (G)(5) of Sections 18.16.030 and subsection (I)(5) of 18.20.030 of the Napa County Code). To be considered directly related to the education and development of customers or potential customers of the winery, business events must be conducted at no charge except to the extent of recovery of variable costs, and any business content unrelated to wine must be limited. Careful consideration shall be given to the intent of the event, the proportion of the business event's non-wine-related content, and the intensity of the overall marketing plan. (Ord. 1340, 2010; Ord. 1104 § 11, 1996; Ord. 947 § 9 (part), 1990; prior code § 12071).

All activity, including cleanup, shall cease by 10:00 PM. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM. If any event is held which will exceed the available on-site parking, the applicant shall have prepared an event specific parking plan which may include, but not be limited to, valet service or off-site parking and shuttle service to the winery. (see item G.4, above, for specific hours of operation during evening hours to reduce lighting related issues)

## 5. **GRAPE SOURCE**

At least 75% of the grapes used to make the winery's wine shall be grown within the County of Napa. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the production is from Napa County grapes. The report shall recognize the Agriculture Commission's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the

Planning, Building & Environmental Services Department upon request, but shall be considered proprietary information not available to the public.

**6. RENTAL/LEASING**

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

**7. SIGNS**

Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning, Building, and Environmental Services Department for administrative review and approval. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this use permit approval. All signs shall meet the design standards as set forth in Chapter 18.116 of the Napa County Code. At least one sign placed and sized in a manner to inform the public must legibly include wording stating "Tours and Tasting by Prior Appointment Only".

**8. LIGHTING**

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, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.

Prior to issuance of any building permit pursuant to this approval, two copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the California Building Code.

**9. LANDSCAPING**

Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the Building Permit application package for the Planning Division's review and approval prior to the issuance of any building permit associated with this approval. The plan shall be prepared pursuant to the County's Water Efficient Landscape Ordinance (WELO), as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

No trees greater than 6" DBH shall be removed, except for those identified on the submitted site plan. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.

Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and off-site residence that can view these areas.

Landscaping shall be completed prior to final occupancy, and shall be permanently maintained in accordance with the landscaping plan.

**10. OUTDOOR STORAGE/SCREENING/UTILITIES**

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

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

**11. COLORS**

The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation and the applicant shall obtain the written approval of the Planning, Building, & Environmental Services Department prior to painting the building. Highly reflective surfaces are prohibited.

**12. SITE IMPROVEMENTS AND ENGINEERING SERVICES-SPECIFIC CONDITIONS**

Please contact (707) 253-4417 with any questions regarding the following.

**A. GRADING AND SPOILS**

All grading and spoils generated by construction of the project facilities, including cave spoils, shall be managed per Engineering Services direction. All spoils piles shall be removed prior to final occupancy, except as otherwise permitted by Engineering Services.

**B. TRAFFIC**

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will not occur during peak (4-6 PM) travel times to the maximum extent possible. All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

**C. DUST CONTROL**

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

**D. STORM WATER CONTROL**

The permittee shall comply with all construction and post-construction storm water pollution prevention protocols as required by the County Engineering Services Division, and the California Regional Water Quality Control Board (SRWQCB).

**E. PARKING**

The location of employee and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any).

Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations except during harvest activities and approved marketing events.

In no case shall parking impede emergency vehicle access or public roads. If any event is held which will exceed the available on-site parking, the permittee shall prepare an event-specific parking plan which may include but, shall not necessarily be limited to, valet service or off-site parking and shuttle service to the winery.

**F. GATES/ENTRY STRUCTURES**

Any gate installed at the winery entrance shall be reviewed by the Planning, Building, & Environmental Services Department, and the Napa County Fire Department to assure that it is designed to allow large vehicles, such as motorhomes, to turn around if the gate is closed without backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required according to the County Code and in accordance with the Napa County Roads and Street Standards. A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed, and approved as part of this use permit approval.

**13. ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS**

Please contact (707) 253-4471 with any questions regarding the following.

**A. WELLS**

The permittee may be required (at the permittee's expense) to provide well monitoring data if the Director of Planning, Building, and Environmental Services determines that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. Data requested could include, but would not necessarily be limited to, water extraction volumes and static well levels. If the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the Director of Planning, Building, and Environmental Services shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the Director has provided notice and the opportunity for hearing in compliance with the Napa County Code §13.15.070 (G-K).

**B. NOISE**

Construction noise shall be minimized to the greatest extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with Napa County Code Chapter 8.16. Equipment shall

be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Napa County Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.

#### **14. ARCHEOLOGICAL FINDING**

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the Planning, Building and Environmental Services Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required.

If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

#### **15. ADDRESSING**

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

#### **16. INDEMNIFICATION**

If an indemnification agreement has not already been signed and submitted, one shall be signed and returned to the County within twenty (20) days of the granting of this approval using the Planning, Building, and Environmental Services Department's standard form.

#### **17. AFFORDABLE HOUSING MITIGATION**

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of Napa County Code Chapter 18.107 or as may be amended by the Board of Supervisors.

#### **18. MONITORING COSTS**

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of \$500 deposit for construction compliance monitoring that shall be retained until grant of

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

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

#### **19. TEMPORARY AND FINAL OCCUPANCY**

All project improvements, including compliance with applicable codes, conditions, and requirements of all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the project, such as commencement of production activities, prior to completion of all project improvements. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements. Consistent with Board of Supervisors Resolution *No* 2010-48, "Temporary Certificates of Occupancy are generally not to be used to allow production of wine for more than one year."