



HILLARY GITELMAN
Director

COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

April 4, 2007

Robert Foley Vineyards Winery
PO Box 847
Angwin Ca 94508

RE: Foley Winery; APN 018-230-004; Use Permit № P07-01275

Dear Robert,

Please be advised that Use Permit № P07-01275 was **APPROVED** by the Napa County Conservation, Development and Planning Commission on April 4, 2007, subject to the attached conditions of approval, mitigation monitoring program, Napa County departmental comments, and all applicable Napa County regulations. All work shall conform to the submitted application materials except as amended by the adopted conditions of approval. In approving the above applications, the Conservation, Development and Planning Commission adopted the Mitigated Negative Declaration with attached monitoring program.

This permit becomes effective April 18, 2007 unless appealed to the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You have the right to appeal the conditions of approval. If an appeal is filed by anyone, you will be notified.

Pursuant to Section 18.124.080 of the Napa County Code, the Use Permit must be activated within two (2) years from the approval date, or it shall automatically expire and become void. This letter serves as the only notice you will receive regarding the expiration date of your permit.

If you have any questions about this letter please feel free to contact Suzanne Gardner-Gambill at 707.299.1334 or via email at sgambill@co.napa.ca.us.

Sincerely,

Suzanne Gardner – Gambill
Planner I

Attached: adopted conditions of approval; 9/20/06 Environmental Management comments; 9/08/06 Public Works comments; 9/07/06 County Fire comments; and 9/22/06 Building comments.

Cc: file

**CONDITIONS OF APPROVAL
ROBERT FOLEY VINEYARDS WINERY
P06-01275-UP**

1. **SCOPE:** The permit shall be limited to:
- a new 30,000 gallon per year winery
 - +/- 12,350 square feet of winery located inside a cave with primary and secondary access portals;
 - +/- 7,600 square feet of uncovered crush pad area;
 - +/- 15,000 square feet of reconstructed access roadways;
 - 1 full-time employee (and 1 additional employee at harvest);
 - 2 parking spaces;
 - No Tours or Tastings;
 - No Marketing Plan;
 - Construction of a septic and process waste disposal systems, requiring permits;
 - Staging and removal of cave spoils from the property;
 - Removal of approximately 26 trees; and
 - Installation of a new 12,500 gallon water tank for fire suppression.

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

2. **MARKETING:**

No marketing events are allowed or authorized by this Use Permit.

"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. "Marketing of wine" is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development. (Ord. 1104 § 11, 1996: Ord. 947 § 9 (part), 1990: prior code § 12071).

installed on the property shall be submitted for Department review and approval.

8. **LANDSCAPING/PARKING:**

26 trees will be removed with this project, consisting of nine madrone trees ranging between six and 12 inches in diameter, 11 fir trees ranging between six and 51 inches in diameter, five oak trees ranging between 15 and 38 inches in diameter, and one pine tree that is 48 inches in diameter. To remain consistent with County Code section 18.108.100(C), trees not designated for removal shall be protected through the use of barricades or other appropriate methods during the construction phase. Consistent with County Code section 18.108.100(E), if any trees, other than the 26 designated on the application materials, are removed, they shall be replaced at a ratio of 2:1 with fifteen gallon trees at locations approved by the director or designee, or replaced with smaller trees at a higher ratio as determined by the director or their designee.

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

Existing screening shall be maintained between the industrial portions of the operation (e.g. water and/or process tanks, crushing area, parking area, etc.), cave portals, and off-site residences that can view them. Existing screening shall also be maintained between cave portals and Summit Lake Drive. Parking shall be limited to approved parking spaces only and shall not occur along access roads or in other locations except during harvest. In no case shall parking impede emergency vehicle access or public roads.

9. **OUTDOOR STORAGE/SCREENING/UTILITIES:**

All outdoor storage of winery equipment shall be screened from the view of adjacent properties and Summit Lake Drive 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 Zoning Ordinance for designated

potential impacts on the groundwater resource utilized for the project proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices. In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the director of environmental management shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the director has provided notice and the opportunity for hearing in compliance with the county code section 13.15.070.G-K.

14. NOISE:

Construction noise shall be minimized to the maximum extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road condition require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 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 Code. There shall be no use of outdoor amplified sound systems or amplified music.

15. COLORS:

No structures are approved with this project. However, the colors of any structures or built landscaping features which receive County approval in the future shall be limited to earth tones that will blend the facility into the colors of the surrounding vegetation and shall be reviewed and approved by the Planning Department prior to the issuance of any building permits. Highly reflective surfaces shall be prohibited.

16. DUST CONTROL:

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

be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots shall be designed to drain through grassy swales, buffer strips, or sand filters prior to any discharge from the impervious surface into a watercourse. If any discharge of concentrated surface waters is proposed in the any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

21. **INDEMNIFICATION**

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

22. **MONITORING COSTS:**

All staff costs associated with monitoring compliance with these conditions, previous permit conditions and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring (\$125.00/hour as of July 2006). Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

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

PROJECT REVISION STATEMENT

Robert Foley Vineyards Winery
P06-01181-UP
APN 018-230-004

RECEIVED

MAR 14 2007

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT

I hereby revise my request to include the measures specified below:

Mitigation Measure IV:

1. To avoid impacts to the California Red Legged Frog, the project shall, prior to work adjacent to the ephemeral drainage, prevent all work within 50 feet of the drainage by placing a barrier fence along its length until flows within the drainage have ceased, and all pools and sources of surface water have been dry for at least two weeks (either as determined by a qualified biologist or no earlier than July 1). The barrier fence shall be placed prior to commencement of work in the vicinity of the ephemeral drainage.
2. The applicant shall obtain all necessary permits from the California Department of Fish and Game, the U.S. Army Corps of Engineers, and the California Regional Water Quality Control Board prior to conducting any activities within the drainage.
3. To avoid impacts to nesting birds, any work (grading, tree removal, spoils management) between April 1 and August 1 must be preceded by a survey by a qualified biologist for nesting Cooper's hawks, sharp-shinned hawks and purple martin. If nesting birds are observed, no work within 300 feet of the nest sites will be allowed until after August 1, or until nesting and fledging is completed as determined by a qualified biologist. A copy of the survey shall be provided to the County Planning Department prior to commencement of work.

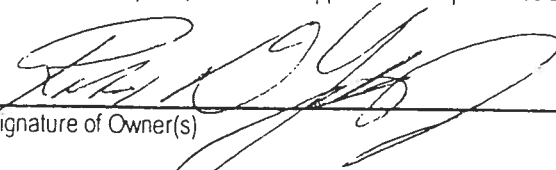
Mitigation Measure V:

4. In accordance with CEQA Subsection 15064.5(f), should any previously unknown historic or prehistoric resources, including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable soils, glass, metal, ceramics, wood or similar debris, be discovered during construction, earthwork within 100 feet of these materials shall be stopped until a professional archaeologist certified by the Registry of Professional Archaeologists (RPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigations, as determined necessary.
5. In the event that human skeletal remains are uncovered during project construction, the owner shall immediately halt work, contact the Napa County Coroner to evaluate the remains, and follow the procedures and protocols pursuant to Section 15064(e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the owner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavations and site preparation activities shall cease until appropriate arrangements are made.

Mitigation Measure VI:

6. Based on Napa County Department of Public Works discussions with the Lake Hennessey Water Purveyor, the project shall limit handling and management of temporary cave spoil stockpiles to less than 50 cubic yards at any one time between September 1 and April 1 (wet season).

I understand and explicitly agree that with regards to all California Environmental Quality Act, Permit Streamlining Act, and Subdivision Map Act processing deadlines, this revised application will be treated as a new project, filed on the date this project revision statement is received by the Napa County Conservation, Development and Planning Department. For purposes of Section 66474.2 of the Subdivision Map Act, the date of application completeness shall remain the date this project was originally found complete.


 Signature of Owner(s) _____ Print Name ROBERT A FOLEY JR Interest OWNER