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Napa County Planning, Building & Environmental Services  
**NAPA COUNTY  
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES**  
1195 THIRD STREET, SUITE 210, NAPA, CALIFORNIA, 94559 • (707) 253-4417

**APPLICATION FOR VIEWSHED PROTECTION PROGRAM**

FOR OFFICE USE ONLY

ZONING DISTRICT: \_\_\_\_\_ DATE SUBMITTED: \_\_\_\_\_  
TYPE OF APPLICATION: \_\_\_\_\_ DATE PUBLISHED: \_\_\_\_\_  
REQUEST: \_\_\_\_\_

Project Type: Structure \_\_\_ Driveway \_\_\_ Road \_\_\_ Reservoir \_\_\_ Mass Grading \_\_\_ Other \_\_\_  
Other Permits Applied/Pending/Required:  
ECP \_\_\_ Grading Permit \_\_\_ Use Permit \_\_\_ Variance \_\_\_  
SDSDS \_\_\_ Groundwater Permit: \_\_\_  
# \_\_\_ # \_\_\_ # \_\_\_ # \_\_\_ # \_\_\_ # \_\_\_

Review Agencies: PBES: X County Consultant: \_\_\_ Name/Contact: \_\_\_\_\_

Final Approval: PBES X Date: \_\_\_ / \_\_\_ / \_\_\_ Conditions: Yes \_\_\_ No \_\_\_

TO BE COMPLETED BY APPLICANT  
(Please type or print legibly)

Applicant's Name: Tench Winery, LLC.

Telephone #: (646) 660 - 4200 Fax #: ( ) - \_\_\_\_\_ E-Mail: rem@tenchvineyards.com

Mailing Address: 7631 Silverado Trail, Napa, CA 94558  
No. Street City State Zip

Status of Applicant's Interest in Property: Winery Developer

Property Tench Family Vineyards, LLC Owner's Name: \_\_\_\_\_

Telephone #: (707) 944 - 2352 Fax #: ( ) - \_\_\_\_\_ E-Mail: \_\_\_\_\_

Mailing Address: 7631 Silverado Trail, Napa, CA 94558  
No. Street City State Zip

Site Address/Location: 7631 Silverado Trail, Napa, CA 94558  
No. Street City State Zip

Assessor's Parcel #: 031 - 070 - 006 Parcel Size: 60.86 acres Development Area Size: 1.45 acres

Slope Range of Development Area: 24 % to 34 %

(NOTE: Contour map/survey is required for all development areas with an estimated slope of 15% or greater and for all road/driveway projects, Contour map must include all areas within 100' of the cut and fill edges. Percent slope shall be calculated and presented as whole numbers. (Please see attached Slope Determination Methodology)

I hereby certify that all the information contained in this application, including but not limited to, this application form, the supplemental information sheets, site plan, plot plan, cross sections/elevations, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for evaluation of this application and preparation of reports related thereto, including the right of access to the property involved.

R. Reigersman 07/15/2015 Brian Tench 07/15/2015  
Signature of Applicant Date Signature of Property Owner Date

Remmelt Reigersman  
Print Name

Brian Tench  
Print Name

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

Application Fee: \$ \_\_\_\_\_ Receipt No. \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_

## INDEMNIFICATION AGREEMENT

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.



Applicant



Property Owner (if other than Applicant)

07/15/2015

Date

Tenck Winery

Project Identification

July 22, 2015

8091.01

Napa County Planning, Building and Environmental Services  
 1195 Third Street, Suite 210  
 Napa, CA 94559

Attention: Jason Hade, AICP, Planner III

Subject: Tench Winery- Use Permit No. P15-00001  
 7631 Silverado Trail Napa CA (APN 031-070-006)

Dear Mr. Hade:

This letter transmits revisions to the use permit application for the planned Tench Winery in Oakville, California. The revisions are based on the results of a June 11, 2015 meeting among representatives of LACO, Tench Winery, and Napa County, and Napa County's completeness letter dated June 11, 2015. In response to the comments we received during our site meeting and contained in the June 11th letter, we have made significant revisions to the project. Most notably, the revised proposal does not require a variance or a conservation exception request.

While the size, capacity, and marketing plan of the proposed winery remain the same, the proposed location has been adjusted and the turnaround area on top of the hill has been eliminated. With these changes we have reduced overall grading and necessary tree removal significantly and now meet the 600 foot setback from the centerline of Silverado Trail. Table 1 provides a summary of the changes.

Table 1. Summary of Changes

	Previous Submittal	Current proposal
<b>Grading</b>	17,250 cubic yards cut	12,940 cubic yards cut
<b>Tree removal</b>	150	51 to 69
<b>Setback from Silverado Trail</b>	512 feet	600 feet

Below, you will find a brief summary of each comment in the July 11, 2015 letter, followed by our response. The sheet numbers referenced correspond to the revised plan set dated July 21, 2015 that is included with this letter.

Planning Division

**1.a Submit a completed Viewshed and Conservation Exception Application.**

Response: Pages 3 and 4 of the Viewshed Application have been completed and are included with this package.

Using the County's Slope Determination Methodology, the average slope within the contiguous development area is 29%. Because the average slope is under 30%, the project no longer requires a conservation exception.

*Discussion of Viewshed Findings (Section 18.106.050.B)*

The project has been designed and modified to substantially conform to the County's viewshed protection manual. As noted above, the project area as modified has an average slope that is under 30% and a conservation exception is no longer required.

The project is located more than 25' below the minor ridgeline. The winery will be approximately 45 feet below the minor ridgeline as shown on Sheet A6.1.

The viewshed analysis demonstrates that the winery will only be partially and momentarily visible to southbound travelers on Silverado Trail. Northbound travelers would view the winery, screened through oak trees along the property line and with a backdrop of the vegetated hillside. Landscaping around the winery will further soften the view as will the use of natural, muted exterior colors.

The project design has been modified to reduce the amount of vegetation removal required. A 20' wide paved access road to the top of the hill has been eliminated and replaced with a 10' wide gravel road that can maneuver around existing vegetation. The winery is proposed at the base of the hillside to make use of the existing driveway and parking area. By using the existing infrastructure, the need to further encroach into the hillside and remove additional vegetation is reduced.

A revised landscape plan is shown on Sheet A1.3. The winery structure will be substantially screened through landscaping, retention of natural vegetation, and replanting of oak trees.

Proposed landscaping at the site will be limited to approximately 1,547 square feet and focused on drought tolerant plants that add interest and color to the winery facility but are subordinate to the native vegetation.

The majority of the screening of the facility will be provided by retaining the existing vegetation. There are approximately 492 trees over 6 inches at diameter breast height on the hillside where the winery is proposed. The hillside area is identified on Sheet A4.1, Oak Replacement and Preservation Plan. Table 2 below summarizes the total hillside tree count.

Table 2. Hillside Tree Summary

	Tree Diameter at Breast Height (Inches)			Totals
	6-10"	11"-18"	18"+	
<b>Live Oak</b>	111	95	56	262
<b>Blue Oak</b>	53	41	12	106
<b>Black Oak</b>	3	0	3	6
<b>California Bay</b>	10	6	3	19
<b>California Buckeye</b>	50	37	12	99
			<b>Total</b>	492

Of the 492 trees on the hillside, only 51 to 69 oak trees are proposed for removal; 86% to 90% of the trees will remain. 18 trees have been identified as being potentially subject to removal. A determination of removal

will be made in consultation with an arborist depending on individual tree root growth with the goal of limiting any oak tree removal. Based on feedback from an arborist, many oak trees along the rock wall are in poor shape and will need to be evaluated during the construction process. If ultimately removed, such oak trees in poor health will be replaced by two new healthy plantings.

To offset the proposed tree removal and provide additional vegetative screening, oak trees will be replanted over the cave areas. Within 10 years, the coverage over the cave areas will create a similar canopy effect to the existing trees.

#### *Oak Replacement and Planting Plan*

The proposed project has been revised to avoid oak removal to the maximum extent feasible. The previous proposal required the removal of approximately 150 oak trees. The current proposal is limited to 51 - 69 oak trees to be removed within an approximately .78 acre area. The overall reduction has been achieved by focusing development at the base of the hillside, making use of existing developed areas for parking and creating a low impact meandering gravel access road to the top of the hill to maintain existing and proposed water tanks. By constructing a gravel access road, it can be designed to meander through the existing vegetation and eliminate the need for additional oak tree removal. Please see the revised detailed project description dated July 21, 2015, for a complete description of the oak replacement and replanting plan.

Alternative locations have been considered for the winery but eliminated due to various constraints. The goal of the project is to construct a winery that is sustainable, energy efficient and minimizes visual impacts both for the immediate neighbors and the community in general while preserving the agricultural use of the site.

Locating a winery on the valley floor would increase visual impacts to the immediate neighbors and travelers on Silverado trail. Additionally, because of high groundwater at the site, caves would not be suitable for a valley floor location and the goal of energy efficiency would be lost.

Any location on the valley floor would require the removal of operational vineyards and be inconsistent with the findings of fact found in the winery definition ordinance. Specifically finding of fact (e)

"Napa County is one of the smallest counties in California and within the County areas suitable for quality vineyards are limited and irreplaceable. Any project that directly or indirectly results in the removal of existing or potential vineyard land from use depletes such land forever."

Additionally, finding of fact (f) states:

"The cumulative effect of such projects is far greater than the sum of individual projects. The interspersing of non-agricultural structures and activities throughout agricultural areas in excess of what already exists will result in a significant increase in the problems and costs of maintaining vineyard's and discourage the continued use of the land for agricultural purposes."

The proposed placement of the winery is most sensitive to protecting the agricultural resource of the irreplaceable vineyard lands on the property.

Other locations on the hillside were also explored. However, due to the limited areas to locate the septic leach fields and the presence of cultural resources, alternative locations were not deemed to be viable.

The proposed location meets the goals of the project given the constraints of the site and reduces the need for oak tree removal to the maximum extent feasible.

**1.b Biological Survey- Mid- June results**

Please see the attached letter, Late Season Biological Survey Results, dated June 19, 2015. The biologist conducted the late spring survey (mid-June) and did not identify the presence of any rare plants or animal species.

*Engineering Services Division*

1. Applicant shall modify the Stormwater Control Plan to include the entire driveway.

Response: The Stormwater Control Plan has been revised to be consistent with the proposed project revisions as well as updated to include the entire driveway.

2. **Applicant shall indicate new impervious surfaces for the left turn lane and if over 5,000 square feet then the applicant shall propose an approved post-construction best management practice.**

Response: Approximately 9,176 square feet of new impervious surface will be required for the left turn lane. The proposed best management practice proposed for the left turn lane is included in the Stormwater Control Plan.

*Environmental Health Division*

In the wastewater system feasibility report, the calculations for amount of leach line required are incorrect. Using the peak flow (1251 gpd), the soil application rate (0.5 gpd/sf) and effective infiltrative surface (3sf/lf) yields a required leach field of 834 lineal feet. It doesn't appear there is enough area with acceptable soil to install a conventional system for both the primary and reserve systems in the area identified.

Response: The Septic Feasibility Report, dated April 9, 2015, concludes that treated domestic and process effluent can be disposed of via a standard, or an alternative, sewage treatment system and that the type and configuration of the disposal system will be determined during design. During a telephone conversation with Kim Withrow, R.E.H.S., Napa County Environmental Health Supervisor, it was agreed that an underground wastewater disposal system is feasible at the project site, that a determination as to whether or not a conventional or an alternative wastewater disposal system will be made during the design phase, and on this basis, the wastewater component of the use permit application is complete.

If you have any questions about the above information please do not hesitate to contact me at [burkse@lacoassociates.com](mailto:burkse@lacoassociates.com) or 707-443-5054. We look forward to continuing the application process and working with you towards scheduling the public hearing for the project.

Sincerely,  
LACO Associates



Elizabeth Burks, AICP  
Senior Planner

EAB/JER:jrb