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Previous Project Conditions



NAPA COUNTY

CONSERVATION -- DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY REDDING
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

May 19, 1994

Assessor's Parcel # 30-090-21

John & Julie Williams
Frog's Leap Winery
P.O. Box 189
Rutherford, CA 94573

Dear Mr. & Mrs. Williams:

Please be advised that Use Permit Application Number 93397-UP has been approved by the Napa County Conservation, Development and Planning Commission based upon the following conditions. (SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

APPROVAL DATE: May 18, 1994

EXPIRATION DATE: May 28, 1995

The use permit becomes effective ten (10) working days from the approval date unless an appeal is filed with the Napa County Board of Supervisors pursuant to Title XIII of the Napa County Code. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be notified.

Pursuant to Section 12806 of the Napa County Code, the use permit must be activated within one (1) year and ten (10) calendar days from the approval date or the use permit shall automatically expire and become void. A one-year extension of time in which to activate the use permit may be granted by the County provided that such extension request is made thirty (30) days prior to the expiration date and provided that any modification of the permit has become final. A request for an extension of time is subject to payment of a \$385.00 filing fee.

This letter serves as the only notice you will receive regarding the expiration date of your permit or procedures for extensions.

Very truly yours,

A handwritten signature in cursive script that reads "Michael Miller".

MICHAEL MILLER
Deputy Planning Director

attachment

cc: Jeffrey Redding, Director
John Tuteur, County Assessor
Gary Brewen, Building Codes Administrator
Richard Mendelson, DP&F

mmp12

**CONDITIONS OF APPROVAL
FROG'S LEAP WINERY/WILLIAMS
93397-UP**

1. The permit shall be limited to establishing a 240,000 gallon per year winery in several phases consistent with the attached site plan and other materials including:
 - a. Phase 1a: Conversion of the historic red barn of 8476 sq.ft. to winery use. Removing a 2640 sq.ft. shed on the south end of the barn and replacing it with a 1288 sq.ft. bottling and equipment building. All work on the red barn would follow the Secretary of the Interior's Standards for Rehabilitation. Move the existing manufactured home to the site of the future main house and use it temporarily as an office until the new office is constructed.
 - b. Phase 1b: Construction of a 4260 sq.ft. office building. The existing residence/temporary office on the site would be moved off-site, to allow the construction of the main residence.
 - c. Phase 2: Construction of a 9600 sq.ft. barrel storage building. An existing 1250 sq.ft. equipment shed/office at this site would be removed.
2. Tours, tasting and retail sales will be by appointment only, will be limited to 50 visitors per day and will occur between 9:00 AM and 3:30 PM on weekdays, and between 9:00 AM and 4:30 PM on Saturdays. The winery shall be closed for tours, tastings, retail sales and marketing events on Sundays, except for marketing events held during the Wine Auction week and when leap year day occurs on a Sunday. A sign at the entrance shall state "Tours and Tastings by Appointment Only," and a "closed" sign shall be posted when the maximum number of visitors in one day has been reached and/or at the beginning of the PM peak hours. A daily log book shall be kept by the winery of the visitor activity to be made available to the Department upon request.
3. A detailed landscaping plan shall be submitted for Department review and approval prior to the issuance of any building permits. Said plan shall include all existing trees to be removed, all plant material (trees, shrubs and ground cover) to be planted including botanical names, size and quantity. Adequate evergreen screening shall be provided between the new improvements and the residential uses off-site. The Phase 1a construction shall include the tree planting for the entire winery site to allow them to become established to provide effective screening of the future phases.
4. The winery's marketing activities shall be limited to private events no more than three times per month, with an average attendance of 25 people and catered food if any is served. No more than one such event may be held on a Saturday per month. Marketing events shall cease by 11:00 PM, with allowance for clean-up and departures until midnight.
- 4A. Except for approved marketing events, no tourist visits to the winery shall be scheduled to occur in full-sized coaches. No bus engines shall idle while parked.
5. Any expansion or changes in use shall be by separate Use Permit submitted for Planning Commission consideration.

**CONDITIONS OF APPROVAL
USE PERMIT #93397-UP (Frog's Leap Winery)**

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6. Prior to the issuance of any building permit for the above winery conversion, an agreement shall be recorded, after being reviewed and approved by the County, granting the winery the right to use and maintain the winery facilities located on the neighboring property consisting of the wastewater pond and the joint drip irrigation, frost protection system. Also, proof shall be given to the Planning Department that agreements have been recorded to grant joint easements for the shared access drive and its maintenance.
7. Prior to the issuance of any permits for the office building (Phase 1b), a revised site plan shall be submitted to, reviewed and approved by the Department that provides for the required building setbacks, parking and maneuvering area on the winery parcel and avoidance of granted access easements over the winery parcel. All such easements shall be shown.
8. Compliance with all 14 of the signed Mitigation Measures in the Project Revision Statement incorporated herein by reference.
9. Compliance with all applicable building codes, zoning standards and requirements of various County departments and other agencies including the following:
 - The Department of Public Works comments dated Mar 28, 1994
 - The Department of Environmental Management comments dated Apr 5, 1994
 - The Department of Forestry comments dated Apr 4, 1994
 - The Building Inspection Division comments dated Mar 7, 1994
 - Caltrans dated Mar 29, 1994
10. Except as provided in Condition #17 below, parking shall be limited to approved parking spaces shown on the site plan, and shall not occur on shoulders of the access drive nor on agricultural roads.
11. All flood lighting shall be shielded to direct the light down and shield the light source from off-site and shall only be used as needed during the crush period. Other safety/security lighting shall be limited to low level intensity on low (ground level) standards.
12. The approved Lot Line Adjustment shall be recorded prior to any building permits being issued for construction of the winery. The property owner(s) should consider amending the Williamson Act Contracts to conform to the new parcel configuration.
13. Seventy five percent (75%) of the wine produced each year shall be from Napa County grapes. The winery owner shall report to the Planning Department in December of each year the source of his grapes. Said report shall list the tons of grapes obtained from each Assessor's Parcel within the County. This report is proprietary and shall not be made available to the public. A separate statement for the public record indicating the overall percentage of Napa County grapes utilized shall be provided with said report.

**CONDITIONS OF APPROVAL
USE PERMIT #93397-UP (Frog's Leap Winery)**

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14. Except as may be specifically authorized under the Temporary Events Ordinance, no outdoor amplified music shall be permitted, and any outdoor dining, outdoor wine tasting or outside social activities, including marketing events with live music, shall be restricted to the courtyard.
15. No winery facilities, nor portions thereof, including but not limited to offices, kitchens, barrel storage areas, and warehousing space shall be rented, leased nor used by entities other than the on-site winery itself, except as may be specifically authorized pursuant to the Temporary Events Ordinance.
16. Retail sales shall be limited to wine fermented and bottled at the winery, wine produced by or for the winery, and wine glasses if sold in conjunction with tasting. Only wine produced under the Frog's Leap label may be sold at retail at the winery prior to the start of on-site wine production. If on-site production has not commenced by the end of 1996, retail sales and tasting shall cease until on-site production occurs.
17. A detailed parking plan shall be submitted for review and approval prior to the Phase 1a building permit issuance. Vehicles shall park only in the designated parking spaces with two exceptions: 1.) during crush when seasonal employees may park outside of the designated spaces, and 2.) during approved marketing or special events.
18. Any gate installed on the entry road shall be set back far enough to allow the stacking of at least two cars outside of the Conn Creek Road right-of-way. In addition, the entry design shall permit a motor home type of vehicle to turn around to exit the site if the gate is closed to avoid having to back out onto the roadway.
19. No outdoor signs shall be installed without prior Planning Department review and approval with regard to the design, area, height and placement. Plans for any proposed signs shall be submitted to the Department at least 15 working days before the anticipated installation date. The use of moveable or portable signs is prohibited, except for a sign informing the public the winery is closed. The winery may install up to one (1) off-site directional sign, one foot high by three feet long, pursuant to the standards of the Napa County Code.
20. The Administrative Building shall not exceed 28'6" in height from finished grade.
21. The Administrative Building shall be painted in muted, earth-tone colors with light to white trim.



NAPA COUNTY

CONSERVATION, DEVELOPMENT and PLANNING DEPARTMENT

Jeffrey Redding
Director

1195 Third Street, Room 210 • Napa, CA 94559-3092
Telephone 707/253-4416 FAX 707/253-4336

August 20, 1999

John Williams
FROGS' LEAP WINERY
P.O. BOX 189
Rutherford, CA 94573

RE: Request for Use Permit #98501-MOD (Frogs' Leap Winery)
Assessor's Parcel Number: 30-090-033

Dear Mr. Williams:

Please be advised that Use **Permit Modification Application #98501-MOD** has been **APPROVED** by the Napa County, Development & Planning Commission on August 18, 1999 based on the attached conditions.

The permit becomes effective ten (10) working days from the approval date 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 may appeal the conditions of approval. If an appeal is filed by another, you will be notified.

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within one year and ten calendar days from the approval date, or it shall automatically expire and become void.

EXPIRATION DATE: September 1, 2000

An extension of time in which to activate the use permit may be granted for a maximum of 12 months, upon application at least 30 days prior to expiration, and payment of fees in effect at the time of application, **and** provided that any approved modification of the permit has become final. This letter is your only notice regarding expiration and procedures for extension of this permit.

You are hereby further notified, pursuant to Government Code Sec.66020(d)(1), that the 90-day period in which you would have to protest imposition of any fees, dedications, reservations, or other exactions that may have been attached as conditions of approval, has begun.

Very truly yours,

A handwritten signature in cursive script that reads "Jeffrey R. Redding".

Jeffrey R. Redding
Director

cc. John Tuteur, Assessor
Gary Brewen, Building Codes Administrator
Michael Miller, Deputy Planning Director

**CONDITIONS OF APPROVAL
FROGS' LEAP WINERY
98501-MOD
Meeting of August 18, 1999**

1. The Use Permit Modification shall be limited to an increase in the size of the approved 9600 sq.ft. barrel storage building to 18,404 sq.ft. with the addition of a basement, and include bottling, wine storage tanks and miscellaneous storage within the building; revising and relocating the water tank/pump house, revising the barrel building exterior, with no increase in the 240,000 gal./yr. production capacity or other aspects of the winery operation. Any other expansions or changes in use, construction or design shall be subject to the approval of the Zoning Administrator or the County Planning Commission.
2. All previous use permit conditions shall remain in force, unless specifically modified or superseded by these conditions.
3. The design, materials and color of the new building shall be compatible with the existing winery building to comply with the General Plan policy for winery appearance. The new structure as proposed fulfills this requirement.
4. The applicant shall comply with all applicable building codes, and requirements of various County departments and agencies, including:
 - the Department of Environmental Management dated June 24, 1999;
 - the Building Division dated May 5, 1999;
 - the Fire Department dated July 29, 1999
5. A detailed landscaping plan for the new winery building area shall be submitted to the Department for review and approval indicating names and locations of plant materials along with the method of maintenance prior to the issuance of the building permit. The landscaping shall be installed prior to approval of the final occupancy permit. All landscaping shall be permanently maintained in accordance with the approved landscaping plans.
6. The spoils from the barrel building excavation shall be removed from the site and properly disposed of/utilized within 6 months of excavation. The Department shall be informed in writing of the location of the off-site disposal. If it is on-site after October 15th, the spoils shall be stabilized and protected from having sediment leave the site. If any spoils remain on-site after 6 months, the area shall be stabilized with plant material and screened from off-site with evergreen landscaping.
7. All staff costs associated with monitoring compliance with these conditions, previous use permit conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.

CONDITIONS OF APPROVAL
USE PERMIT #93397-UP (Frog's Leap Winery)

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- 1.2. 2 things
- 10/95 ✓
6. 10/95 ✓ Prior to the issuance of any building permit for the above winery conversion, an agreement shall be recorded, after being reviewed and approved by the County, granting the winery the right to use and maintain the winery facilities located on the neighboring property consisting of the wastewater pond and the joint drip irrigation, frost protection system. Also, proof shall be given to the Planning Department that agreements have been recorded to grant joint easements for the shared access drive and its maintenance.
- 10/9 ✓ To be rec'd class 2sc

1.6. 7. Prior to the issuance of any permits for the office building (Phase 1b), a revised site plan shall be submitted to, reviewed and approved by the Department that provides for the required building setbacks, parking and maneuvering area on the winery parcel and avoidance of granted access easements over the winery parcel. All such easements shall be shown.

Revised Site Plan for relocated buildings...

8. Compliance with all 14 of the signed Mitigation Measures in the Project Revision Statement incorporated herein by reference.
9. Compliance with all applicable building codes, zoning standards and requirements of various County departments and other agencies including the following:

The Department of Public Works comments dated Mar 28, 1994
The Department of Environmental Management comments dated Apr 5, 1994
The Department of Forestry comments dated Apr 4, 1994
The Building Inspection Division comments dated Mar 7, 1994
Caltrans dated Mar 29, 1994

10. Except as provided in Condition #17 below, parking shall be limited to approved parking spaces shown on the site plan, and shall not occur on shoulders of the access drive nor on agricultural roads.

- final of 1.2. 11. All flood lighting shall be shielded to direct the light down and shield the light source from off-site and shall only be used as needed during the crush period. Other safety/security lighting shall be limited to low level intensity on low (ground level) standards.

- 1.2. 12. 6/94 ✓ The approved Lot Line Adjustment shall be recorded prior to any building permits being issued for construction of the winery. The property owner(s) should consider amending the Williamson Act Contracts to conform to the new parcel configuration.

13. Seventy five percent (75%) of the wine produced each year shall be from Napa County grapes. The winery owner shall report to the Planning Department in December of each year the source of his grapes. Said report shall list the tons of grapes obtained from each Assessor's Parcel within the County. This report is proprietary and shall not be made available to the public. A separate statement for the public record indicating the overall percentage of Napa County grapes utilized shall be provided with said report.

CONDITIONS OF APPROVAL
USE PERMIT #93397-UP (Frog's Leap Winery)
page 3

14. Except as may be specifically authorized under the Temporary Events Ordinance, no outdoor amplified music shall be permitted; and any outdoor dining, outdoor wine tasting or outside social activities, including marketing events with live music, shall be restricted to the courtyard.
15. No winery facilities, nor portions thereof, including but not limited to offices, kitchens, barrel storage areas, and warehousing space shall be rented, leased nor used by entities other than the on-site winery itself, except as may be specifically authorized pursuant to the Temporary Events Ordinance.
16. Retail sales shall be limited to wine fermented and bottled at the winery, wine produced by or for the winery, and wine glasses if sold in conjunction with tasting. Only wine produced under the Frog's Leap label may be sold at retail at the winery prior to the start of on-site wine production. If on-site production has not commenced by the end of 1996, retail sales and tasting shall cease until on-site production occurs.
17. ^{part of Landscaping Plan} A detailed parking plan shall be submitted for review and approval prior to the Phase 1a building permit issuance. Vehicles shall park only in the designated parking spaces with two exceptions: 1.) during crush when seasonal employees may park outside of the designated spaces, and 2.) during approved marketing or special events.
18. Any gate installed on the entry road shall be set back far enough to allow the stacking of at least two cars outside of the Conn Creek Road right-of-way. In addition, the entry design shall permit a motor home type of vehicle to turn around to exit the site if the gate is closed to avoid having to back out onto the roadway.
19. No outdoor signs shall be installed without prior Planning Department review and approval with regard to the design, area, height and placement. Plans for any proposed signs shall be submitted to the Department at least 15 working days before the anticipated installation date. The use of moveable or portable signs is prohibited, except for a sign informing the public the winery is closed. The winery may install up to one (1) off-site directional sign, one foot high by three feet long, pursuant to the standards of the Napa County Code.
- 1.b. 20. The Administrative Building shall not exceed 28'6" in height from finished grade.
- 1.b. 21. The Administrative Building shall be painted in muted, earth-tone colors with light to white trim.



COUNTY of NAPA

OFFICE OF CONSERVATION, DEVELOPMENT & PLANNING

PLANNING DIVISION

HILLARY GITELMAN
Director

PATRICK LYNCH, AICP
Assistant Director

STEVE LEDERER
Deputy Director

JOHN MCDOWELL
Project Manager

ROBERT NELSON
Supervisor

HEATHER
MCCOLLISTER
Principal Planner

SEAN TRIPPI
Principal Planner

BARBARA ABATE
Planner

TRISH HORNISHER
Planner

NAOMI BEATTIE
Planner

NANCY JOHNSON
Planner

SUZIE GAMBILL
Planning Technician

C. RENEE' LEDERER
Planning Administrative
Specialist

January 19, 2005

John Williams
Frog's Leap Winery
PO Box 189
Rutherford, CA 94573.

RE: Use Permit Modification #P04-0427-MOD
APN: APN:030-090-033

Dear Mr. Williams:

Please be advised that the above-referenced **Use Permit** was **APPROVED** by the Napa County, Development & Planning Commission on **January 19, 2005**, based on the attached conditions, the Napa County departments' comments, and applicable County regulations. The permit becomes effective on February 2, 2005, if not appealed pursuant to Napa County Code Chapter 2.88.

EXPIRATION DATE: January 19, 2007

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.

Very truly yours,

Steven Lederer
Deputy Planning Director

cc. John Tuteur, Assessor
Gary Brewen, Building Codes Administrator
Larry Bogner
Christine Secheli

1195 THIRD STREET
SUITE 210

NAPA, CALIFORNIA
94559

TELEPHONE:
707-253-4417

FAX:
707-253-4336

WWW.CO.NAPA.CA.US

CONDITIONS OF APPROVAL
Frog's Leap Winery
Use Permit Modification #04-0427
APN: 030-090-033

1. **SCOPE:** The permit shall be limited to:

- Construct a 10,400 sq. ft. administration/visitor center building, replacing the approved but not constructed 4,260 sq. ft. building with no change in location;
- Increase the permitted height of the new administration/visitor center building from the approved 28'6" to a 29'6" two-story building with basement;;
- Relocate the visitor parking lot from the front of the Red Barn to a point north of the new administration/visitor center.
- Relocate and re-align the existing driveway from Conn Creek Rd (State Rte. 128) approximately 30 feet to the south with a new curvilinear alignment
- Relocate the existing tasting room modular building to a temporary location during the construction of the new administration/visitor center building, to be removed from the site within 30 days from the issuance of final occupancy of the new administration/visitor center; and,
- Convert the existing building used for winery administration offices into a single-family residence within 30 days from the issuance of final occupancy of the new administration/visitor center.

It is the responsibility of the applicant to communicate the requirements of these conditions and all mitigations to all designers, constructors, 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. **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 Department for administrative review and approval. All signs shall meet the design standards as set forth on Chapter 18.116 of the 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".

3. **GATES/ENTRY STRUCTURES:**

Any gate installed at the winery entrance shall be reviewed by the Planning and Public Works Departments and the Napa County Fire Department to assure that it is designed to allow a 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 the County Code.

4. **LIGHTING:**

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety, or operations and shall incorporate the use of motion detection sensors to the greatest extent practical. No floodlighting 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 for construction of the winery, two (2) copies of a separate detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Department review and approval.

CONDITIONS OF APPROVAL
Frog's Leap Winery
Use Permit Modification #04-0427
APN: 030-090-033

5. LANDSCAPING/PARKING:

Two (2) copies of a detailed landscaping plan, including parking details, shall be submitted for review and approval prior to issuance of building permits. The plan shall indicate the names and locations of all plant materials to be used along with the 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.**

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.

No trees greater than 6" DBH shall be removed, except for those identified on the submitted site plan. Any trees that are removed shall be replaced elsewhere on the property on a 2 for 1 basis of equivalent caliper. Replaced trees shall be identified on the landscaping plan. Trees to be retained shall be protected during construction.

Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and off-site residences that can view the structures. Parking shall be limited to the approved parking spaces only and shall not occur along access roads or in other locations except during harvest or 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 applicant shall arrange for off-site parking and shuttle service to the winery.

6. OUTDOOR STORAGE/SCREENING:

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.

7. RENTAL/LEASING:

No winery facilities, nor portions thereof, including but not limited to offices, kitchens, barrel storage areas, and warehousing space, shall be rented, leased, nor used by entities other than the on-site winery itself, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Section 5.36.010)

8. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:

The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies, including but not limited to:

Department of Environmental Management as stated in their letter of November 24, 2004
Department of Public Works as stated in their letter of October 18, 2004
County Fire Department as stated in their letter of September 22, 2004
Building Division as stated in their letter of September 17, 2004

CONDITIONS OF APPROVAL
Frog's Leap Winery
Use Permit Modification #04-0427
APN: 030-090-033

9. SPOILS:

All spoils generated by construction of the project facilities, including cave spoils, shall be disposed of per Public Works direction. All spoils piles shall be removed prior to occupancy.

10. WELLS:

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

11. 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 amplified sound system or amplified music utilized outside of approved, enclosed winery buildings unless a special permit to that effect has been secured through the County.

12. COLORS:

The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones, to be extended to include the gray tones presented to the Commission on January 19, 2005, that will blend the facility into the colors of the surrounding buildings and vegetation and shall be reviewed and approved by the Department prior to the issuance of any building permits. Highly reflective surfaces shall be prohibited.

13. 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.

CONDITIONS OF APPROVAL
Frog's Leap Winery
Use Permit Modification #04-0427
APN: 030-090-033

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 Department will be contacted for further guidance, which will likely include the requirement for the applicant 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. TRAFFIC:

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will occur during non-peak (4-6 PM) travel times to the maximum extent possible.

16. STORM WATER CONTROL:

For any construction activity that results in disturbance of greater than five acres (or one acre following the upcoming change in State regulations) of total land area, applicant shall file a Notice of Intent with the California Regional Quality Control Board (SRWQCB) prior to any grading or construction activity. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall 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 applicant 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.

17. 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.

18. MITIGATION COMPLIANCE:

The applicant shall comply with any and all mitigation measures identified in the Initial Study and Project Revision Statement.

19. COMPLIANCE WITH PRIOR CONDITIONS:

The permittee shall comply with all applicable conditions and measures which were included in the previously approved use permit 93397-UP and its modification #98501-MOD). Any conditions that are in conflict with the requirements of this permit shall be null and void.

CONDITIONS OF APPROVAL
Frog's Leap Winery
Use Permit Modification #04-0427
APN: 030-090-033

20. MONITORING COSTS:

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the applicant and/or property owner. Generally costs associated with planning review for building plan clearance and certification of occupancy are not to be charged per this condition. However, costs associated with conditions and mitigation measures that require monitoring outside of those two processes, 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 #95-77 or as such Resolution may be amended from time to time, or in accordance with the hourly consulting rate established by the Department at the time of the monitoring (\$116.00/hour as of January, 2004). Violations of conditions of approval or mitigation measures caused by the applicant's contractors, employees, and guests are the responsibility of the applicant.



A Tradition of Stewardship
A Commitment to Service

Conservation Development and Planning

1195 Third Street, Suite 210
Napa, CA 94559
www.co.napa.ca.us

Main: (707) 253-4417
Fax: (707) 253-4336

Hillary Gitelman
Director

August 4, 2010

Frog's Leap Winery
PO Box 189
Rutherford, CA. 94573

Re: FROG'S LEAP WINERY
APN: 030-090-033
8815 Conn Creek Road., Napa, CA
Use Permit #P10-00157-UP

To Whom It May Concern:

Please be advised that your request for a Napa County Use Permit (under file #P10-00157-UP) were **APPROVED** by the Napa County Conservation, Development and Planning Commission (hereinafter the Commission) on **August 4, 2010**, subject to the attached final Conditions of Approval, Napa County departmental comments, and all applicable Napa County regulations. In approving the above application, the Commission adopted the negative declaration on file with the Conservation, Development, and Planning Department.

This permit becomes effective immediately unless an appeal is filed with 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 and you will be notified should an appeal be filed by another party.

Pursuant to Napa County Code §18.124.080, the use permit must be activated within two (2) years of the approval date or it shall automatically expire on August 4, 2012, and become void. This letter serves as the only notice you will receive regarding the expiration date of your use permit.

Pursuant to Government Code §66020(d)(1), you are hereby further notified that the ninety day period in which to protest the imposition of any fees, dedications, reservations, or other exactions which may have been adopted as conditions of approval has begun.

If you have any questions regarding this letter, please feel free to contact me at: 707-299-1348 or via email: Linda.StClaire@countyofnapa.org. On behalf of the Conservation, Development and Planning Department, it was a pleasure serving you.

Best Regards,

Linda St. Claire
Planner

cc: Jeffery Redding, Jeff Redding, 2423 Renfrew, Napa, CA 94558
Applicant file
Chron. File
Napa County Planning Winery Database Staff
Napa County Assessor
Napa County Environmental Management
Napa County Public Works
Napa County Fire Marshall

encls (4): Adopted Conditions of Approval
Initial Study
Other Agency Conditions

Exhibit B

**CONDITIONS OF APPROVAL
Frog's Leap Winery
Use Permit Application № P10-00157
8815 Conn Creek Road, St. Helena, Ca. 94573
Assessor's Parcel № 030-090-033-000**

1. **SCOPE:** This approval shall be limited to a use permit to allow the following:

- **Tours and tasting (by appointment only) from Monday through Sunday for 50 persons per day maximum.**

No changes to winery production levels (240,000 gal/yr) or to site and building improvements are proposed.

Except as they may be modified by these conditions of approval, 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 §18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

2. **MARKETING:** Marketing events are limited as follows (in accordance with 93397-UP):

- Pursuant to the original use permit marketing events will not be held on the same day as tours and tastings.

"Marketing of wine" means any activity of a winery which is conducted at the winery on a pre-arranged 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 arrange for off-site parking and shuttle service to the winery.

3. **TOURS AND TASTING:**

Tours and tasting (by appointment only) *from* Monday through Sunday for 50 persons per day maximum.

“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 Sec. 18.16.030(G)(5)(c).

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

4. **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, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (N.C.C. Chapter 5.36).

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

The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies, including but not necessarily limited to:

- Department of Environmental Management as stated in their memo of June 4, 2010
- Department of Public Works as stated in their memo of June 3, 2010;
- County Fire Department as stated in their memos of May 14, 2010; and
- Building Division as stated in their final project memo of July 14, 2010.

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

6. **COMPLIANCE WITH EXISTING USE PERMITS:**

The permittee shall comply with all previous conditions of approval for Use Permit #93397-UP, Mod #98501, and P04-0427 except as modified by this action. To the extent there is a conflict between previous conditions of approval and these conditions of approval, these conditions shall control and supersede earlier ones.

7. **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 shall be maintained in good working condition subject to the review and approval of the Department of Public Works.

8. **INDEMNIFICATION:**

An indemnification agreement was signed and submitted with initial application materials.

9. **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. 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 Conservation, Development, and 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.