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**Recommended Conditions of Approval
and Final Agency Approval Memos**

**PLANNING COMMISSION HEARING – JULY 19, 2017
RECOMMENDED CONDITIONS OF APPROVAL**

**GARDINER HORSE FACILITY
USE PERMIT (P15-00394)
2002 JAMES CREEK ROAD, POPE VALLEY, CALIFORNIA
APN 016-090-021**

This Permit encompasses and shall be limited to the project commonly known as Gardiner Horse Facility, located at 2002 James Creek Road, Pope Valley. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved.

Where conditions are not applicable or relevant to this project, they shall be noted as “Reserved” and, therefore, have been removed.

When modifying a legally established entitlement related to this project, these conditions are not intended to be retroactive or to have any effect on existing vested rights except where specifically indicated.

PART I

1.0 PROJECT SCOPE

This Permit encompasses and shall be limited to:

- 1.1 Approval of a Use Permit to operate a commercial facility for the board and care of horses and fostering of retired and rescued horses to include:
 - a. The boarding of a maximum of 30 horses (property owner’s horses, rescued horses, and horses boarded by outside owners);
 - b. Horse training and lessons for horse owners and visitors;
 - c. Use of the existing barn, mare hotel, stalls, loafing sheds, pavilion, round pen, and corral;
 - d. Trail riding on the property;
 - e. On-site composting, use, storage, and sale or give away manure, at a quantity under 1,000 cubic yards;
 - f. Installation of a fodder production unit (approximately 10’x20’ storage container);
 - g. Construction of an accessible restroom in the existing hay barn or other existing building;
 - h. Installation of a new gravel driveway to the hay barn;
 - i. Use of 20 parking stalls;
 - j. Daily hours of operation: boarding 24 hours a day; employees 8:00 a.m. - sunset; non-residence boarder access 8:00 a.m. - sunset; training 9:00 a.m. - sunset;
 - k. Allow two full time workers and one trainer; and
 - l. Use of an existing well.

The Use Permit 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 (the County Code). It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved. Any expansion of or change in use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

2.0 STATUTORY AND CODE SECTION REFERENCES

All references to statutes and code sections shall refer to their successor as those sections or statutes may be subsequently amended from time to time.

3.0 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 of approval 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 to the property owner or permittee. 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 a \$500 deposit for construction compliance monitoring that shall be retained until issuance of a Final Certificate of 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 a compliance deficiency is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the permittee'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 proceedings in accordance with the County Code.

PART II

4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

Permittee shall comply with the following during operation of the project:

4.1 GROUND WATER MANAGEMENT – WELLS

This condition is implemented jointly by the Public Works and PBES Departments:

The permittee shall be required (at the permittee's expense) to record well monitoring data (specifically, static water level no less than quarterly, and the volume of water withdrawn no less than monthly). Such data will be provided to the County, if the Director of Planning, Building, and Environmental Services

(PBES Director) determines that substantial evidence¹ indicates that water usage at the project is affecting, or would potentially affect, groundwater supplies or nearby wells. If data indicates the need for additional monitoring, and 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. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

In order to support the County's groundwater monitoring program, well monitoring data as discussed above will be provided to the County if the Director of Public Works determines that such data could be useful in supporting the County's groundwater monitoring program. The project well will be made available for inclusion in the groundwater monitoring network if the Director of Public Works determines that the well could be useful in supporting the program.

In the event that changed circumstances or significant new information provide substantial evidence¹ that the groundwater system referenced in this use permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

4.2 AMPLIFIED MUSIC

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

4.3 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (4 p.m. to 6 p.m. weekdays, 12 p.m. to 2 p.m. Saturdays, and 12 p.m. to 2 p.m. Sundays). 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.

4.4 PARKING

The location 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 authorized events. For authorized events, overflow parking may occur in the areas allowed per COA No. 1.0 above. In no case shall parking impede emergency vehicle access or public roads.

^{1.} Substantial evidence is defined by case law as evidence that is of ponderable legal significance, reasonable in nature, credible and of solid value. The following constitute substantial evidence: facts, reasonable assumptions predicated on facts; and expert opinions supported by facts. Argument, speculation, unsubstantiated opinion or narrative, or clearly inaccurate or erroneous information do not constitute substantial evidence.

4.5 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

Please contact the Building Division with any questions regarding the following:

In accordance with the California Building Code (CBC), no change shall be made in the use or occupancy of an existing building unless the building is made to comply with requirements of the current CBC as for a new building.

4.6 FIRE DEPARTMENT – TEMPORARY STRUCTURES **[RESERVED]**

4.7 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM **[RESERVED]**

4.8 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, MECHANICAL EQUIPMENT, AND TRASH ENCLOSURE AREAS

- a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County.
- b. All landscaping shall be permanently maintained in accordance with the landscaping approved by the County.
- c. All outdoor screening, storage, mechanical equipment and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items shall exceed the height of the screening. Exterior equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.
- d. The colors used for the roof, exterior walls and built landscaping features of the project shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The permittee shall obtain the written approval of the Planning Division prior to any change in paint color that differs from the approved building permit. Highly reflective surfaces are prohibited.
- e. Designated trash enclosure areas shall be made available and properly maintained for intended use.

4.9 NO TEMPORARY SIGNS

Temporary off-site signage, such as “A-Frame” signs are prohibited.

4.10 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES - OPERATIONAL CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies’ requirements. 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 operational conditions as stated in their Memorandum dated April 28, 2016.

- b. Environmental Health Division operational conditions as stated in their Memorandum dated April 7, 2017.
- c. Building Division operational conditions as stated in their Memorandum dated July 6, 2017.

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 County 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 this permit.

4.11 OPERATIONAL MITIGATION MEASURES **[RESERVED]**

4.12 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. No public events are authorized by this permit.
- b. The earthen berm around the manure composting area shall be permanently maintained in accordance with the plans approved by the County.

4.13 PREVIOUS CONDITIONS **[RESERVED]**

PART III

5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

5.1 PAYMENT OF FEES

No building, grading or sewage disposal permits shall be issued or other permits authorized until all accrued planning permit processing fees have been paid in full. This includes all fees associated with plan check and building inspections, associated development impact fees established by County Ordinance or Resolution, and the Napa County Affordable Housing Mitigation Fee in accordance with County Code.

6.0 GRADING/DEMOLITION/ENVIRONMENTAL/BUILDING PERMIT/OTHER PERMIT PREREQUISITES

Permittee shall comply with the following with the submittal of a grading, demolition environmental, building and/or other applicable permit applications:

6.1 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES - PLAN REVIEW, CONSTRUCTION AND PREOCCUPANCY CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' 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 operational conditions as stated in their Memorandum dated April 28, 2016.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated April 7, 2017.
- c. Building Division operational conditions as stated in their Memorandum dated July 6, 2017.
- d. California Department of Fish and Wildlife email correspondence with Garrett Allen, June 26, 2017.

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 County 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 permit.

6.2 BUILDING DIVISION – GENERAL CONDITIONS

Please contact the Building Division with any questions regarding the following:

- a. A building permit shall be obtained for all construction occurring on the site not otherwise exempt by the CBC or any State or local amendment adopted thereto.
- b. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities, a separate demolition permit shall be required from the Building Division prior to removal. The permittee shall provide a “J” number from the Bay Area Air Quality Management District (BAAQMD) at the time the permittee applies for a demolition permit if applicable.
- c. All areas of newly designed and newly constructed buildings, facilities and or site improvements must comply with the CBC accessibility requirements, as well as, American with Disabilities Act requirements when applicable. When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided as required per the CBC.

6.3 LIGHTING – PLAN SUBMITTAL

- a. Two (2) 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 CBC.
- b. All exterior lighting, including landscape lighting, shall be shielded and directed downward; located as low to the ground as possible; the minimum necessary for security, safety, or operations; on timers; and

shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. 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.

6.4 LANDSCAPING – PLAN SUBMITTAL **[RESERVED]**

6.5 COLORS

The colors used for the roof, exterior walls and built landscaping features of the project shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The permittee shall obtain the written approval of the Planning Division in conjunction with building permit review and/or prior to painting the building. Highly reflective surfaces are prohibited.

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

- a. Details of outdoor storage areas and structures shall be included on the building and landscape plans. All outdoor storage of equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item shall 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.
- b. New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and the County Code) shall be placed underground or be made virtually invisible from the subject roadway.

6.7 MECHANICAL EQUIPMENT

- a. Roof mounted equipment shall be screened by a parapet wall of equal or greater height than the highest piece of roof mounted equipment or vent. Equipment may be screened by a separate roof screen that is architecturally integrated with the building if screening by a parapet wall is not feasible or is architecturally undesirable. When separate roof screens are used, roof equipment should be organized into major groups screening a smaller number of units rather than multiple areas. The PBES Director may approve exceptions for solar equipment. All screening is subject to review and approval by the PBES Director. Any skylights shall be subject to review and approval by the PBES Director prior to the issuance of building permits.
- b. The term "equipment" includes roof mounted equipment or vents, electrical equipment, gas meter, communication antennas, irrigation valves, storage tanks, or other mechanical equipment. The manner of screening shall be as follows: Communications equipment, including microwave equipment, may remain unscreened if visually integrated with the building design through color, location, and construction; all building mounted equipment, including but not limited to louvers, pipes, overhead

doors or service doors, access ladders, downspouts, conduit, and electrical/service boxes, shall be painted consistent with the color scheme of the building.

- c. Ground mounted equipment shall be screened by walls or landscaping to the satisfaction of the PBES Director.
- d. Exterior equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

6.8 TRASH ENCLOSURES

Adequate area must be provided for collection and loading of garbage and recyclables generated by the project. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the pedestrian and vehicle access needed for the collection site. The garbage and recycling enclosure shall meet the minimum enclosure requirements established by staff and the franchised hauler, which shall be included in the building permit submittal.

6.9 ADDRESSING

All project site addresses shall be determined by the PBES Director, and be reviewed and approved by the United States Post Office. The PBES 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.

6.10 HISTORIC RESOURCES **[RESERVED]**

6.11 DEMOLITION ACTIVITIES **[RESERVED]**

6.12 VIEWSHED – EXECUTION OF USE RESTRICTION **[RESERVED]**

6.13 PERMIT PREREQUISITE MITIGATION MEASURES

- a. **HWQ-1 - Hydrology-Water Quality**
In order to prevent contamination of potential Waters of the State (drainage swale and seasonal wetlands) that might occur as a result of placement of composted manure in the onsite pastures, the permittee shall place composted manure on the flat areas of the property and shall avoid placement of composted manure on the hillside within 50 feet of the drainage swale and seasonal wetlands.

Method of Monitoring: Prior to commencement of any on-site land preparation or construction, the applicant shall submit project improvement plans to the Planning Division. The plans shall show all water courses (drainage and seasonal wetlands) and all proposed on-site civil improvements, including but not limited to the excavation, fill, general grading, drainage, surface drainage, storm drainage, and process wastewater conveyance (Patrick Ryan, Engineering Division Approval Memorandum dated April 28, 2016). The plans shall be prepared by a

registered civil engineer, which will be reviewed and approved by the Napa County PBES Department Engineering and Planning Divisions.

Responsible Agency: Planning Department

6.14 PARCEL CHANGE REQUIREMENTS **[RESERVED]**

6.15 FINAL MAPS **[RESERVED]**

6.16 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

- a. Should tree removal be required, the permittee shall submit a tree replacement plan that incorporates the recommendations of the California Department of Fish and Wildlife as described in the email correspondence of June 26, 2017.

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENT

Please contact Engineering Services with any questions regarding the following:

a. GRADING & SPOILS

All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by the PBES Director, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.

b. 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 when average wind speeds exceed 20 mph.

c. AIR QUALITY

During all construction activities the permittee shall comply with the most current version of BAAQMD Basic Construction Best Management Practices including but not limited to the following, as applicable:

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.

3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
4. Remove all visible mud or dirt tracked onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. 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.
7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required State Regulations). Clear signage shall be provided for construction workers at all access points.
8. 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. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfaq_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

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 State Regional Water Quality Control Board.

7.2 **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 PBES 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 project development, all work in the vicinity must be halted, and the Napa County Coroner informed, so that the Coroner 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 permittee shall comply with the requirements of Public Resources Code Section 5097.98.

7.3 CONSTRUCTION NOISE

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall be staged, loaded, and unloaded on the project site, if at all practicable. 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 only shall occur daily between the hours of 8:00 AM to 5:00 PM.

7.4 CONSTRUCTION MITIGATION MEASURES

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

a. BIO-1: Nesting Passerine Birds

Prior to any construction activities occurring between March 1 and September 1, a qualified biologist shall conduct a preconstruction nesting bird survey. The nesting survey(s) shall cover the proposed construction site/area of disturbance and a zone of influence including those areas adjacent to the construction site/area of disturbance where birds could be disturbed by earth-moving vibrations or construction noise.

If project site disturbance associated with the project would commence between March 1 and August 31st, the nesting surveys shall be completed 15 days prior to commencing with the work. If common (that is, not special-status) birds for example, California towhee, western scrub jay, or Nuttall's woodpeckers are identified nesting on or adjacent to the project site, a non-disturbance buffer of 75 feet shall be established or as otherwise prescribed by a qualified ornithologist based on the nesting birds' response and acclimation to existing noise/disturbance. For special-status passerine bird species, for example, the purple martin, the nesting buffer shall be 100 feet or as otherwise prescribed by a qualified ornithologist. The buffer shall be demarcated with orange construction fencing. Disturbance around an active nest shall be postponed until it is determined by a qualified ornithologist that the young have fledged and have attained sufficient flight skills to leave the area.

Typically, most passerine birds in the region of the project site are expected to complete nesting by August 1st. However, many species can complete nesting by the end of June or in early to mid-July. Regardless, nesting buffers shall be maintained until August 1st unless a qualified ornithologist determines that young have fledged and are independent of their nests at an earlier date. If buffers are removed prior to August 1st, the qualified biologist conducting the nesting surveys shall prepare a report that provides details about the nesting outcome and the removal of buffers. This report shall be submitted to the Napa County Planning

Department prior to the time that buffers are removed if the date is before August 1st.

Method of Monitoring: Prior to commencement of construction, the applicant shall submit to the Planning Division documentation of completion of a pre-construction survey.

Responsible Agency: Planning Division

b. BIO-2 Nesting Raptors

Prior to commencement of construction or demolition, that would occur between February 1 and August 31, a nesting survey shall be conducted. If nesting raptors are identified during the surveys a 300-foot radius around the nest tree or ground-nesting location must be staked with bright orange construction fencing. If the tree or ground nest is located off the project site, then the buffer shall be demarcated per above where the buffer occurs on the project site. The size of the buffer may be altered if a qualified raptor biologist conducts: 1) an analysis of geographic barriers between the nest and the project site and believes that the nesting attempt will not be affected by the proposed project activities or 2) behavioral observations determines the nesting raptors are acclimated to human disturbance at a level and to a degree that proposed activities at the project site would not be expected to impact the nesting outcome. If a modified buffer is prescribed by the raptor biologist it shall allow sufficient buffer to prevent undue disturbance/harassment to the nesting raptors. No construction or earth-moving activity shall occur within the established buffer until it is determined by a qualified raptor biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones or that the nesting cycle is otherwise complete. This typically occurs by July 15th for smaller raptors and by August 1st for larger raptors. Nesting date may be completed earlier or later, and would have to be determined by the qualified raptor biologist. If a qualified biologist is not hired to watch the nesting raptors then nest protection buffers shall be maintained in place through the month of August. Work within the buffer can commence September 1st.

Method of Monitoring: Prior to commencement of construction or demolition (between February 1 and August 31) the applicant shall submit to the Planning Division documentation of completion of a pre-construction survey.

Responsible Agency: Planning Division

c. BIO-3 Bats

Prior to commencement of removal of trees or building demolition, a qualified biologist shall survey trees and buildings that would be impacted by the project. Surveys shall occur no fewer than 15 days prior to commencing work. All bat surveys shall be conducted by a biologist with experience surveying for bats. If no special-status bats are found during the surveys, then there would be no further regard for special-status bat species.

If special-status bat species are found roosting on the project site, the biologist shall determine if there are young bats present (i.e., the biologist shall determine if there are maternal roosts). If young are found roosting in any tree or building that will be impacted by the project, such impacts shall be avoided until the young are flying free and are feeding on their own. A non-disturbance buffer fenced with orange construction fencing shall also be established around the maternity site. The size of the buffer zone shall be determined by a qualified bat biologist at the time of the surveys.

If adults are found roosting in a tree or building on the project site, incorporate a two-step tree removal method to be conducted over two consecutive days. On day one, create noise and vibration by cutting non-habitat branches and limbs from habitat trees using chainsaws only (no excavators or other heavy machinery). The noise and vibration disturbance, together with the visible alteration of the tree, is very effective in causing bats that emerge nightly to feed, to not return to the roost that night. The remainder of the tree shall be removed on day two. Removal of trees containing suitable potential bat roosting habitat in the form of crevices, cavities, or exfoliating bark, as with exclusion/eviction from buildings, must be conducted only during seasonal periods of bat activity, and under supervision of a qualified biologist.

Method of Monitoring: Prior to commencement of removal of trees or building demolition, the applicant shall submit to the Planning Division documentation of completion of a bat survey.

Responsible Agency: Planning Division

7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL **[RESERVED]**

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES

A Temporary Certificate of Occupancy (TCO) may be granted pursuant to the County Code to allow specific limited use of the project (non-general public occupancy of buildings) prior to completion of all project improvements. Permittee shall comply with the following before a TCO is granted:

8.1 TEMPORARY OCCUPANCY

All life and safety conditions shall be addressed prior to issuance of a TCO by the County Building Official. TCOs shall not be used for the occupancy of hospitality buildings and shall not exceed the maximum time allowed by the County Code which is 180 days. In special circumstances, Departments and/or Agencies with jurisdiction over the project are authorized as part of the TCO process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

Permittee shall comply with the following before a Final Certificate of Occupancy is granted by the County Building Official, which upon granting, authorizes all use permit activities to commence:

9.1 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.

9.2 SIGNS

Detailed plans, including elevations, materials, color, and lighting for any project identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. Administrative review and approval is not required if the signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this permit approval. All signs shall meet the design standards as set forth in the County Code. Any off-site signs allowed shall be in conformance with the County Code.

9.3 GATE/ENTRY STRUCTURES

Any gate installed at the project entrance shall be reviewed by the PBES Department and the Fire Department to assure that the design allows 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 pursuant 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 permit approval.

9.4 LANDSCAPING **[RESERVED]**

9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS **[RESERVED]**

9.6 DEMOLITION ACTIVITIES **[RESERVED]**

9.7 GRADING SPOILS

All spoils piles shall be removed in accordance with the approved grading permit and/or building permit.

9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**

9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**



A Tradition of Stewardship
A Commitment to Service

David Morrison
Director

MEMORANDUM

To: Emily Hedge Planning Division	From: Patrick C. Ryan Engineering Service
Date: April 28, 2016	Re: Permit No. P15-00394 Gardiner Horse Facility Conditions of Approval APN: 016-090-021

The County of Napa Planning, Building, and Environmental Services Department (PBES), Engineering Division has received a referral for comments on a Use Permit application, generally requesting the following:

Allow commercial horse boarding and training at an existing facility.

After careful review of the Gardiner Horse Facility Use Permit application the Engineering Division has determined that sufficient information has been provided to complete an evaluation of the project. Providing no changes are made to the proposed project or to Federal, State or Local codes and regulations this Divisions supports this proposed development with the following required conditions listed herein.

REQUIRED CONDITIONS:

ROAD & STREET STANDARDS:

1. Any roadway, existing and/or proposed new or reconstructed, shall be constructed with an all-weather surface capable of support the imposed load of fire apparatus weighing at least 75,000 pounds, and to provide a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These traffic lanes shall provide two-way traffic flow through-out the facility to support emergency vehicle and civilian egress.
2. Any proposed or required new/reconstructed parking shall meet the requirements outlined in the 2016 Napa County RSS, Section 9 and/or Detail D-8, page 82.

SITE IMPROVEMENTS:

3. All on site civil improvements proposed including but not limited to the excavation, fill, general grading, drainage, surface drainage, storm drainage, and process wastewater conveyance shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Napa County PBES Department Engineering Division prior to the commencement of any on site land preparation or construction. Plans shall be wet signed and

submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.

4. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.
5. Grading and drainage improvements shall be constructed according to the current Napa County RSS, Napa County Stormwater Quality Ordinance 1400, and the California Building Codes (CBC).

CONSTRUCTION SITE RUNOFF CONTROL REQUIREMENTS:

6. All earth disturbing activities shall include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with Napa County Stormwater Ordinance 1400 and the latest adopted state regulations. Best Management Practices (BMPs) shall also be implemented to minimize dust at all times.
7. All hazardous materials stored and used on-site during construction that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, 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.
8. All trash enclosures must be covered and protected from rain, roof, and surface drainage.
9. The property owner shall inform all individuals, who will take part in the construction process, of these requirements.

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:

10. For each development or construction project subject to the post-construction measures requirements described in Napa County's Stormwater Management and Discharge Control Ordinance, or where required by the nature and extent of a proposed project and where deemed appropriate by the enforcement official. The project applicant shall implement those measures which reduce stormwater pollutant discharges through the construction, operation and maintenance of source control measures, low impact development design, site design measures, stormwater treatment measures and hydromodification management measures. Increases in runoff shall be managed in accordance with the post construction requirements.

ANY CHANGES IN USE OR DESIGN MAY NECESSITATE ADDITIONAL REVIEW AND CONDITIONS FOR APPROVAL.

If you have any questions regarding the above items please contact Patrick Ryan from Napa County PBES Department Engineering Division at (707) 253.4892 or via e-mail at Patrick.Ryan@countyofnapa.org.



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A Commitment to Service

Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

MEMORANDUM

To: Emily Hedge, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: April 7, 2017	Re: Gardiner Horse Facility 2002 James Creek Road Assessor Parcel #016-090-021 File # P15-00394

The application requesting approval to operate a horse boarding, training and care facility has been reviewed. Please include the following conditions if the project is approved:

1. Any improvements necessary for the existing septic system serving the new restroom must be completed under permit issued by this Division and must be obtained prior to this Division approving the building permit for the new restroom.
2. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
3. The proposed water system to serve this project is not currently required to be regulated as a small public water system by this Division under California Code of Regulations, Title 22, or Napa County Code.



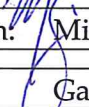
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David Morrison
Director

MEMORANDUM

To: Emily Hedge	From:  Michael Zimmer, Chief Building Official
Date: July 6, 2017	Re: Gardiner Horse Facility P15-00394

Building Inspection Division Planning Use Permit Review Comments

Address: 2002 James Creek Rd., Pope Valley

APN: 016-090-021-000

Project: Gardiner Horse Facility P15-00394

Owner: William A. & Deborah A. Gardiner

Contact: John Stitt

Description: Use Permit to allow commercial horse boarding and training at existing facilities. Upgrade septic system. Bring existing buildings up to code. Install fodder production facility. Seasonal drainage/ponds onsite.

Comments: The Building Division is not reviewing this project for compliance with the California Building Standards Codes at this time; the Building Division is reviewing the proposed Planning entitlements only. The Building Division has no issues or concerns with the approval of the Use Permit P15-00394; it is a Planning entitlement and does not in itself authorize any construction activities. Separate building permits shall be required.

The plans provided for Use Permit application P15-00394 do not provide enough information in sufficient detail to determine all code requirements. A complete and thorough plan review will be performed at the time an application is made for the required building, plumbing, mechanical, and electrical and any other construction permits required by other Napa County Agencies. The following comments are provided to make the applicant aware of what codes the applicant will be required to comply with, as well as issues that may need to be addressed prior/during the building permit application and review process.

1. In accordance with the California Building Code, Chapter 1, Division 1, Section 1.1.9, which states, "only those standards approved by the California Building Standards Commission that are effective at the time of application for a building permit is submitted shall apply to the plans and specifications for, and to the construction under that permit". The codes adopted at this time are 2013 California Building Standards Codes, Title 24, part 2, Building volumes 1 & 2, part 3 Electrical, part 4 Mechanical, part 5, Plumbing, part 6 Energy, part 9 Fire, and Part 11 Green Buildings.
2. The site and associated buildings are required to be accessible to persons with disabilities. This includes, but not limited to, a van accessible parking stall, accessible path of travel from the parking stall to all buildings and areas on the site that are available to employees and the public. The plans provided for this Use Permit P15-00394 do not show compliance with the Americans with Disabilities Act and/or the California Building Code (CCBC), chapter 11B, which provides for accessibility in non-residential buildings and sites.
3. This is a change of occupancy from private to commercial public use. All current requirements will apply including lighting, accessible bathrooms, parking, path of travel and clearances.

Issues of compliance with the California Building Code, Title 24, will be addressed during the building permit application, review and approval process.

If the applicant has any questions or need any additional information please have them contact me at (707)259-8230.

All plans and documents for commercial projects are required by California Law to be prepared and coordinated under the direction of a California Licensed Design Professional, such as an Architect and/or Engineer in accordance with California Business and Professions Code Chapter 3, and the California Building Code, Chapter 1.

Michael Zimmer
Chief Building Official
mike.zimmer@countyofnapa.org

From: [Allen, Garrett@Wildlife](mailto:Allen.Garrett@Wildlife)
To: [Hedge, Emily](mailto:Hedge.Emily)
Subject: SCH# 2017062040: Gardiner Horse Facility, CDFW's Comments on the Mitigated Negative Declaration
Date: Monday, June 26, 2017 1:35:22 PM

Hello Emily,

Thank you for submitting the above referenced project's CEQA document for CDFW's review and comment. CDFW would like to submit the following comments:

The Biological Resources section of the Mitigated Negative Declaration (MND) states that trees may be removed from the project site if deemed necessary, however, the MND does not address how it will mitigate for tree removal.

CDFW recommends tree replacement at a 3:1 ratio for natives and a 1:1 ratio for non-natives. Oak trees should be retained on-site to the maximum extent feasible. Access roads, utilities or building sites should be routed where they will require the minimum amount of disturbance to oaks. If impacts to oak woodland are unavoidable, the project should first consider on-site restoration or enhancement of oak woodland. If on-site mitigation is inadequate to minimize impacts, the project should develop off-site mitigation and be monitored for a period of 5 years to insure at least 80% survival of planted oak trees.

At a minimum, CDFW recommends individual oaks trees be mitigated at the following ratios: 4:1 replacement for impacted trees 5- to 10-inches in diameter; 5:1 replacement for impacted trees greater >10- to 15-inches in diameter; trees greater than 15-inches in diameter are considered old growth oaks and should be mitigated at a ratio of 15:1.

Mitigation Measure BIO-3 (MM BIO-3) states that if adult bats are found roosting in a tree or building on the project site, but no maternal roost sites are found, then the adult bats can be flushed or a one-way eviction door can be placed over the tree cavity (or building access opening) for a 48 hour period prior to the time the tree or building in question would be removed or disturbed.

CDFW is unclear of this measure's intent. CDFW recommends the following mitigation measure instead, with regards to removing potential bat roosting trees:

Incorporate a two-step tree removal method to be conducted over two consecutive days. On day one, create noise and vibration by cutting non-habitat branches and limbs from habitat trees using chainsaws only (no excavators or other heavy machinery). The noise and vibration disturbance, together with the visible alteration of the tree, is very effective in causing bats that emerge nightly to feed, to not return to the roost that night. The remainder of the tree shall be removed on day two. Removal of trees containing suitable potential bat roosting habitat in the form of crevices, cavities, or exfoliating bark, as with exclusion/eviction from buildings, must be conducted only during seasonal periods of bat activity, and under supervision of a qualified biologist.

CDFW recommends the following considerations be incorporated into the plans to avoid impacts to

sensitive bat species:

- 1) Bats should always be humanely evicted prior to construction, or work performed only when no bats are present.
- 2) Evaluate the length of time of disturbance, equipment noise, and type of habitat present within the Project footprint.
- 3) Timing of work activities should specifically exclude species inactivity periods and maternity season during the winter. Recommended work windows for building demolition, tree trimming, or tree removal in the Napa County area are typically August 31 through October 15, when young would be self-sufficiently volant and prior to hibernation, and between March 1 to April 15 to avoid hibernating or maternity colonies.
- 4) Identify an appropriate buffer area when working outside of appropriate work windows listed above.
- 5) Identify species appropriate habitat replacement to offset significant impacts to bat colonies on-site. Habitat replacement should consider the type of roost habitat, day or night, and be replaced in kind. Loss of building habitat cannot automatically be mitigated for by using bat houses, since relatively few species use them, and should be specific to the species previously inhabiting the structure.

Let me know if you have any questions.

Regards,
Garrett Allen
Environmental Scientist, CDFW
Bay Delta Region
(707) 944-5565