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Previous Project Conditions



A Tradition of Stewardship
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P.08.00428
036.160.003.000
UP. APVL

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

Mr. Christopher G. Zock
Cunat Premium Vineyard/Materra Winery
5400 W. Elm Street
McHenry, IL 60050

Re: **Approval for Use Permit #P08-00428 UP**
APN 036-160-030-003

Dear Mr. Zock,

Please be advised that Use Permit #P08-00428 UP was **APPROVED** by the Napa County Planning Commission **on January 7, 2009**, based on the attached conditions, the Napa County Department comments, and applicable County regulations.

The use permit will become effective unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code within 10 working days of public hearing. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be noticed.

*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 on January 7, 2011** and become void. This letter serves as the only notice you will receive regarding the expiration date of your 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. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

Should you have any questions, please contact Mary Doyle at (707) 299-1350 or by e-mail: mdoyle@co.napa.ca.us.

Regards,

Mary Doyle
Project Planner

cc: DPW
EM
FIRE
Assessor
chron, file

Exhibit B

**SCOPE & CONDITIONS OF APPROVAL
Cunat Premier Vineyards/Materra Winery
Use Permit Application № P08-00428-UP
4324 Big Ranch Road, Assessor's Parcel № 036-160-003**

1. SCOPE: This approval shall be limited to allow

- Wine production of no more than 50,000 gallons per year (consistent with the Napa County Winery Production Process);
- Construction of a 15,371 sq. ft. winery building including production, storage, office, and a 5,094 sq. ft. tasting room facilities in two phases;
- Construction of a 1,545 sq. ft. uncovered outdoor crush pad and 3,600 sq. ft. loading area;
- Three full-time, three part-time employees and 2-4 seasonal employees;
- Construction of 24 parking spaces, including one ADA-accessible space;
- Construction of a new winery access road on Big Ranch Road;
- Installation of three 10,000 gallon fire flow and domestic water tanks;
- Treated process wastewater system subject to ongoing permitting and regulation by the Department of Environmental Management; and
- Hours of operation for the winery shall be limited to 7 AM to 5 PM, Monday through Friday. During harvest and crush the days of operation will include Saturday and Sunday.

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

2. MARKETING: This approval shall be limited to:

- 12 marketing events annually with a maximum of 25 persons per event;
- 12 marketing events annually with a maximum of 50 persons per event; and
- Two harvest events annually with a maximum of 100 persons.

Marketing events may include catered food, but may not include outdoor amplified music.

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

The start and finish time of all activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM. Parking during marketing events shall be subject to all requirements enumerated elsewhere in these conditions of approval and in those documents incorporated herein by reference.

3. TOURS AND TASTING: This approval shall be limited to:

- Tours and tastings by appointment only with a maximum of 18 visitors per day.

"Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to members of the wine trade, persons invited by a winery who have pre-established business or personal relationships with the winery or its owners, and persons who have made unsolicited prior appointments for tours or tastings. (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 Planning Department upon request.

4. MITIGATION MEASURES: The following environmental mitigation measures are adopted as part of the approved project:

- Prior to the issuance of a building permit, an encroachment permit/grading permit or building permit construction of the first phase of the winery, the permittee shall submit plans for the main winery entrance on Big Ranch Road to be located minimally 200 feet south from the T-intersection of Big Ranch Road and Oak Knoll Avenue (west) or directly across Oak Knoll Avenue (west) at the T-intersection with Big Ranch Road.

5. GRAPE SOURCE:

At least 75% of the grapes used to make all wine shall be grown within the County of Napa. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the production is from Napa County grapes. The report shall recognize the Agriculture Commission's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the Conservation, Development, and Planning Department upon request, but shall be considered proprietary information not available to the public.

6. SIGNS:

No winery signage is approved at this time.

7. GATES/ENTRY STRUCTURES:

No winery gate/entry structure is approved at this time.

8. LIGHTING:

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations, and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.

Prior to issuance of any building permit pursuant to this approval, two copies of a detailed lighting plan showing the location and specifications for all lighting

fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the California Building Code. No lighting visible from the floor of the Napa Valley is proposed in this application and none is approved hereby.

9. LANDSCAPING/PARKING:

Two (2) copies of a detailed final landscaping plan, including parking details, shall be submitted for Planning Division review and approval prior to the issuance of building permits and shall be in substantial conformance with the application submittal. 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. Before the start of any clearing, excavation, construction, or other work on the site, every tree greater than 6" DBH in the vicinity of the project area which is not marked for removal on the submitted site plan shall be securely fenced-off at the dripline. Such fences shall remain continuously in place for the duration of the work undertaken in connection with the winery development. **In no case shall construction materials or debris be stored within the fenced tree protection area.**

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

Parking shall be limited to approved parking spaces only. Parking shall not occur in other locations except during harvest and approved marketing events. In no case shall parking impede emergency vehicle access, public roads, or any private road providing access to other properties.

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.

10. OUTDOOR STORAGE/SCREENING/UTILITIES:

All outdoor storage of winery equipment shall be permanently screened from the view of adjacent properties by a visual barrier consisting of 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 and are subject to the review and approval of the Planning Department. New utility lines required for this project that are visible from any designated scenic transportation route (see Chapter 7 of the General Plan and Chapter 18.106 of the Napa County Zoning Ordinance for designated roads) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

11. RENTAL/LEASING:

No winery facilities, or portions thereof, including, without limitation, kitchens, barrel storage areas, and 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).

12. 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 memo of October 1, 2008;
- Department of Public Works as stated in their memo of October 20, 2008;
- County Fire Department as stated in their memos of July 5, 2008 and
- Building Division as stated in their printed comments of December 13, 2008.

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.

13. GRADING AND SPOILS:

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

14. WELLS:

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

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

15. 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.

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.

16. COLORS:

The colors used for the roof, exterior walls and built landscaping features of the winery shall be in substantial compliance with submitted plans and specifications and shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The applicant shall obtain the written approval of the Planning Division prior to painting the building. Highly reflective surfaces are prohibited.

17. DUST CONTROL:

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

18. 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 Conservation, Development, and Planning Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required. If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

19. TRAFFIC:

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will not occur during peak (4 pm to 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.

20. ADDRESSING:

All project site addresses shall be determined by the Conservation, Development, and Planning Director, and be reviewed and approved by the United States Post Office, prior to issuance of any building permit. The Conservation, Development, and Planning 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.

21. TEMPORARY EVENTS:

The permittee shall fully comply with the requirements of the Napa County Temporary Events Ordinance (N.C.C. Chapter 5.36). No charitable or other event which would otherwise be subject to the requirements of the Napa County Temporary Events Ordinance shall be deemed to be a marketing activity simply because attendance at the event is by invitation only.

22. STORM WATER CONTROL:

The permittee shall file a Notice of Intent with the California Regional Water Quality Control Board (SRWQCB) prior to any grading or construction activity and shall submit a Stormwater Pollution Prevention Plan for the review and approval of the Department of Public Works prior to the issuance of a building, grading, or any other development permit.

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 permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

23. INDEMNIFICATION:

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

24. AFFORDABLE HOUSING MITIGATION:

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of County Code Chapter 15.60 or as may be amended by the Board of Supervisors.

25. 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 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.

26. TEMPORARY AND FINAL OCCUPANCY:

All project improvements, including compliance with applicable codes, conditions, and requirements of all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the project, such as commencement of production activities, prior to completion of all project improvements. Marketing and/or Tours and Tastings are not typically authorized until grant of Final Occupancy, but exceptions where extenuating circumstances exist and are subject to review and approval by the County Building Official, County Fire Marshal, and the Director of Conservation, Development, and Planning. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.



COUNTY of NAPA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

STEVEN LEDERER
Director

CHRISTINE M. SECHELI, R.E.H.S.
Assistant Director

TO: Napa County Planning Department
Hillary Gitelman, Planning Director

FROM: Napa County Environmental Management Department
Christine Secheli, R.E.H.S., Assistant Director

SUBJECT: Use Permit Application for Materra Winery
Located at 4324 Big Ranch Road
Assessor Parcel 036-160-003
File # P08-00428

DATE: September 29, 2008

We have reviewed the above proposal and recommend approval of the application providing the following are included as conditions of approval:

1. Pursuant to Chapter 6.5 & 6.95 of the California Health and Safety Code, businesses that generate hazardous waste and/or store hazardous materials above threshold amounts shall file a Hazardous Waste Generator Application and/or Hazardous Materials Business Plan with the Department of Environmental Management within 30 days of said activities. All businesses must submit the required Business Activities Form which can be obtained from the Department of Environmental Management
2. Any hazardous waste produced on the site including any laboratory wastes, must be stored and disposed of in a manner consistent with Division 20, Chapter 6.5 of the California Health and Safety Code and with Title 22, Division 4.5, of the California Code of Regulations.
3. Discharges of wastewater or wash water from activities including (but not limited to) equipment washing, vehicle washing, auto body related activities, parking lot washing and mobile detailing that may contain oil, grease, metals, or other deleterious materials must be properly disposed of. Contact your local sewer agency for discharge requirements. If sanitary sewer is not available and sewage disposal is via an on-site septic system, all such wastewater must be characterized and properly disposed of off site or by an on-site closed loop treatment system. If the waste stream is determined to be a hazardous waste, the waste must be stored and disposed of in accordance with the requirements of Division 20, Chapter 6.5 of the California Health and Safety Code and Title 22, Division 4, Chapter 30 of the California Code of Regulations.

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4. Plans for the proposed private sewage disposal system shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be granted until such plans are approved by the Department of Environmental Management.
5. A permit for the installation of the combined sanitary and process wastewater system must be secured from the Department of Environmental Management prior to issuance of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system. To secure this permit you will be required to submit a scaled plot plan showing the location of the proposed septic system relative to the proposed project and other structures, the required 100% expansion area as well as the proposed trench detail. If special design sewage disposal plans are required, such plans shall fulfill this requirement.
6. An annual sewage permit must be obtained for the engineered/private sewage disposal system prior to issuance of a final on the project. The septic system monitoring, as required by this permit, must be fully complied with.
7. If any uncovered outdoor processing areas are proposed, prior to the issuance of a sewage permit for the process wastewater system the applicant must submit a proposal from their engineer that addresses the proper diversion and direction of storm water and process wastewater. The proposal must include a detail on the diversion valve and must clearly show that the valve and both the stormwater and the process wastewater lines are clearly labeled.
8. The use of the drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc., over the system.
9. Because the proposed facility will have a kitchen that will be used for food preparation for marketing events, this kitchen must be regulated and permitted by this department. As such, complete plans and specifications containing equipment layout, finish schedule and plumbing plans for the food preparation/food service area and the employee restrooms, must be submitted for review and approval by the County Department of Environmental Management prior to issuance of any building permit for said areas. Additionally, as a condition of approval and permitting of this food facility, the owner will have to comply with water system sampling and reporting as required. Owner shall apply for and obtain an annual food permit prior to issuance of a final on this project.
10. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
11. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the

applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.

12. Adequate area must be provided for collection of recyclables. The applicant must contact the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site.

13. All diatomaceous earth and/or bentonite must be dried and disposed of as solid waste or in another appropriate manner. If the proposed septic system is either a special design sewage disposal system or a private sewage disposal system, the plan submitted for review and approval must address diatomaceous earth/ bentonite disposal.

cc: Doug Calhoun, Environmental Health Supervisor
Mary Doyle, CDPD
Chris Zock, Cunat Premium Vineyards, LLC, Materra Winery, 5400 W. Elm St.,
McHenry, IL 60050
Michael R. Muelrath, Applied Civil Engineering Inc., 2074 West Lincoln Ave., Napa,
CA 94558

PUBLIC WORKS DEPARTMENT INTER-OFFICE MEMO



A Tradition of Stewardship
A Commitment to Service

DATE: October 20th, 2008

TO: Conservation Development and Planning Department

FROM: Drew Lander, Assistant Engineer

SUBJECT: Materra Winery, APN 036-160-003, #P08-00428

The applicant proposes to demolish the existing structures located on the property and construct a new 50,000 gal/yr winery processing facility totaling 17,115sq feet including 15,371sq feet of proposed production facility and 5094 sq ft of office and tasting room facilities. Application proposes 3 full time employees and 3 part time employees. The existing driveways will be demolished and new access and parking areas will contain 27 parking stalls and truck loading area. All construction is proposed to be located outside of designated flood hazard areas.

EXISTING CONDITIONS:

1. Napa County Parcel 036-160-003 is located on the East side of Big Ranch Road and South of Oak Knoll Avenue (East) and East of the intersection of Oak Knoll Avenue (West) and Big Ranch.
2. Site contains two residential structures and two existing accessory structures.
3. Driveway currently exists with two existing connections on Big Ranch Road.
4. Project frontage exists along Big Ranch Road and Oak Knoll Avenue (East).
5. Parcel contains FEMA floodway, 100 yr flood hazard area as well as 500 year flood hazard area.
6. Traffic counts are 3818 ADT taken South of Oak Knoll Avenue (West) in 2006.
7. There are two existing wells serving this parcel.

RECOMMENDED CONDITIONS:

GROUNDWATER

1. We have reviewed the phase one, water availability analysis for the proposed project. The 50.00 acre parcel is located in the "valley floor" area, with an extraction threshold of 1.0 AF/Acre, resulting in a total parcel threshold of 50.00 AF/Year. The estimated water demand of 38.78 AF/Year is below the established threshold for the property. Therefore, the projected water use for this project should not have a significant impact on static water levels of neighboring wells. No further analysis is necessary.

DRIVEWAY

2. All driveway access to the public right of way must conform to the latest edition of the Napa County Road and Street Standards (Page 54, Detail P-4)
3. The applicant must obtain an encroachment permit for any work performed within the Napa County Right-of-Way.
4. The new proposed driveway connections on Big Ranch Road shall be located either directly across from Oak Knoll Avenue (East) or a minimum of 200ft from the same intersection to the South on Big Ranch Avenue.
5. The proposed average daily traffic of 31 vehicles per day does not require a left hand turn lane as determined by the Napa County left-turn warrant chart (Napa County Road and Street Standards 16-A).

PARKING

6. Any additional parking proposed by the applicant or required by the Planning Commission as a condition of this use permit must have a minimum structural section equivalent to support an H20 load designed by a licensed Civil or Geotechnical Engineer and shall not be less than two inches of asphalt concrete over 5 inches of Class II Aggregate. (County Road and Street Standards, Page 27, Section 19).
7. Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards.

SITE IMPROVEMENTS

8. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking, and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by this office prior to the commencement of any on site land preparation or construction. Plans shall be submitted with the building permit documents at the time of building permit application. A plan check fee will apply.
9. All site improvements must conform to the latest addition of the Napa County Road and Street Standards.
10. Proposed drainage for the development shall be shown on the improvement plans and shall avoid the diversion or concentration of stormwater runoff onto adjacent properties. Plan shall also include a hydraulic analysis for the drainage improvements indicating the path and changes of runoff.

OTHER RECOMMENDATIONS

11. Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee and County shall survey and document the condition of County roads before construction begins, and then reevaluate conditions at the end of construction. Prior to Occupancy of any buildings or commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.

CONSTRUCTION STORMWATER REQUIREMENTS

12. 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 the Napa County Stormwater Ordinance. Best Management Practices shall also be implemented to minimize dust at all times.
13. 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.

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS

14. Project must conform and incorporate all appropriate site design Best Management Practices as required by the Napa County manual for *Post-Construction Runoff Management Requirements* which is available at the Public Works office.

15. Parking lots and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which will be approved by this Department. If any discharge of concentrated surface waters is proposed into any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board prior to the issuance of applicable construction permits.
16. The application shall incorporate Site Design, Source Control and Treatment control Best Management Practices to comply with County and State water quality standards.
17. Prior to final occupancy the property owner must legally record an "implementation and maintenance agreement" approved by the Public Works department to ensure all post-construction structures on the property remain functional and operational for the indefinite duration of the project.
18. Each year the entity responsible for maintenance is required to complete an annual report that includes copies of completed inspection and maintenance checklists to document that maintenance activities were conducted during the previous year. The annual report shall be retained for a period of at least five years and made available upon request by the County.
19. Loading/unloading dock and processing areas must be covered or designed to preclude stormwater run-on and runoff. All direct connections to storm drains from depressed loading docks (truck wells) are prohibited.
20. Post-development runoff volume shall not exceed pre-development runoff volume for the 2-year, 24-hour storm event. Post-development runoff volume shall be determined by the same method used to determine pre-development conditions. If post-development runoff volume exceeds pre-development runoff volume after the site design BMPs are incorporated into the project's overall design, a structural BMP (e.g. bio-retention unit) may be used to capture and infiltrate the excess volume.
21. Provide concrete stamping, or equivalent, of all stormwater conveyance system inlets and catch basins within the project area with prohibitive language (e.g., "No Dumping - Drains to Napa River"). Signage shall identify the receiving water the drain discharges to and include a message in Spanish.
22. Trash storage areas shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, and screened or walled to prevent off-site transport of trash. Trash storage areas must contain a roof or awning to minimize direct precipitation or contain attached lids on all trash containers that exclude rain.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items please contact Drew Lander or Erich Kroll at 253-4351. For groundwater questions, please contact Anna Maria Martinez.

INTER-OFFICE MEMO



TO: Conservation, Development, and Planning Department
FROM: Gabrielle Avina, Fire Department
DATE: July 5, 2008
SUBJECT: Materra Winery Use Permit Comments
Apn: 036-160-003 P08-00428

Site Address: 4324 Big Ranch Rd. Napa

The Napa County Fire Marshal staff has reviewed the Use Permit application to construct approximately 20,000 square feet of new winery facilities. We recommend the following items be incorporated as project conditions if the project is approved.

1. **All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of building permit issuance.**
2. The ***minimum*** required fire flow for the protection of the proposed project is 400 gallons per minute for 60 minutes duration at 20 pounds residual water pressure with a water storage volume of 12,000 gallons. The fire flow has been reduced by 50% because the winery will be protected by an automatic fire sprinkler system. The fire flow and storage volume in a sprinklered building is in ***addition*** to the water demand for the sprinkler system.
3. An approved automatic fire sprinkler system will be required for all proposed structures 3,600 square feet or greater. The fire sprinkler system shall be installed and maintained in accordance with the *National Fire Protection Association Standard (NFPA) #13 (Installation of Sprinkler System, 2002 edition)*. A minimum of 60 minutes of water storage for the sprinkler system will be required.
4. A fire pump may be required to meet the fire flow requirements. The fire pump shall be installed and maintained in accordance to the *National Fire Protection Standard #20 (Installation of Stationary Pumps for Fire Protection 2002 edition)*. Fire pumps are required to be listed and tested by an approved testing agency and are required to be either diesel driven or electric. Electric fire pumps also require a secondary power source.
5. The private fire service mains shall be installed and maintained in accordance with

the *National Fire Protection Standard # 24 (Installation of Private Fire Service Mains and Their Appurtenances 2002 edition)*.

6. The location, number and type of fire hydrants connected to the water supply shall be in accordance with the *California Fire Code, 2007 edition*. A fire hydrant will be required within 250 feet of all exterior portions of the structure.
7. All post indicator valves, control valves, waterflow devices and fire pumps shall be monitored by an approved remote station or central alarm monitoring company. Digital alarm communicator system panel shall be installed and maintained in accordance with the *National Fire Protection Standard #72 (Fire Alarm Code, 2002 edition)*.
8. Fire apparatus access roads shall be provided to within 150 feet of all exterior portions of the structures.
9. Access roads from the public and/or private right-of- ways to the project/ building site shall comply with Napa County Road and Street Standards and shall be reviewed by the Napa County Public Works Department.
10. Fire apparatus access roads shall be cleared of flammable vegetation on 10 feet of each side of the roadway. Dry grass shall be cut to less than 4" in height, ladder fuel from trees shall be removed up to 8', brush shall be cut or removed and all dead fuel shall be removed.
11. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide driving capabilities in all weather conditions. Said access shall be provided prior to any construction or storage of combustible materials on site.
12. A defensible space zone shall be created around all structures. This defensible space zone shall be 100' from all portions of a structure. Flammable vegetation shall be removed and/or modified in the defensible space zone to create a fuel break that will help protect the structures from an encroaching wildland fire and will protect the surrounding wildland areas from a structure fire originating on-site.
13. A rapid emergency key entry system shall be installed at an approved location by the Napa County Fire Marshal's Office on any proposed gates accessing the property.
14. The approved address numbers shall be placed on the building by the applicant in such a position as to be plainly visible and legible from the street or streets fronting the property and shall be placed as to be seen from all entrances. Proposed address shall be indicated on the elevation drawings contained within the building plan

plan submittal. The address numbers shall be a minimum of 4" in height, contrasting in color with their background and shall be illuminated.

15. An approved access walkway shall be provided to all exterior doors and openings required by either the California Building Code or California Fire Code. A concrete walkway or other approved hard surface will meet the intent of the access walkway requirement. Adequate space adjacent to the access walkway, vertically and horizontally, shall be provided to allow firefighters to access required building openings in order to effectively perform rescue operations and allow for equipment maneuverability. Any landscaping adjacent to the access walkway shall be such that it does not obstruct the functional purpose of the walkway upon maturity.
16. An approved project sign shall be placed at vehicle access points into the project during construction to assist emergency responders. The sign shall identify the project name and address. Such signs shall be clearly visible and legible from the street fronting the project.
17. The applicant shall properly identify all required fire lanes. Fire lanes shall be painted red with white letters to read "NO PARKING FIRE LANE CVC 22500.1, stenciled every 30 feet on top of the curb.
18. A Knox cabinet will be required to allow emergency vehicle access to the site. Because an alarm system is required the Knox cabinet will require "tamper monitoring".
19. The Knox cabinet shall have one or all of the following items placed in the Knox cabinet, dependant on requirements of this facility:
 1. A minimum of 2 master keys to the structure(s) for emergency access.
 2. 2 scaled site plans of the facility, identifying all buildings, hydrants, fire department access around the facility, and location of all water, electric, and gas shut-off valves.
 3. 2 scaled floor plans of all structures showing doors, offices, etc.
 4. **A digital file of the site plans in a PDF format must be submitted at building final in addition to the hard copies listed above.**
 5. Napa County Hazardous Materials Business including all MSDS forms, etc.
20. A complete set of Building Plans shall be submitted to the Fire Department for review and approval for egress requirements. **The submitted plans show only one exit for the proposed basement of the tasting room. The basement area will require a minimum of two exits.**
21. The request for beneficial occupancy ***will not*** be considered until all fire and life safety issues have been installed, tested and finalized.

22. Barricades shall be provided to protect any natural gas meter, fire hydrant, or other fire department control device, which may be subject to vehicular damage. Approved signs may be required to identify the location of fire protection devices.
23. Technical assistance in the form of a fire protection engineer or consultant acceptable, and reporting directly, to the NCFD shall be provided by the applicant at no charge to the County for the independent peer review of alternate methods proposals.
24. Plans detailing compliance with the fire and life safety conditions-of-approval shall be submitted to the Napa County Fire Marshal's Office for review and approval prior to building permit issuance and /or as described above.
25. A digital file of the site plans in a PDF format must be submitted at building final in addition to the hard copies listed in the condition describing the contents of the Knox Box.



HILLARY GITELMAN
Director

COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

PERMIT APPLICATION AND INITIAL STUDY REQUEST FOR COMMENTS

TO: Dispersed Building Inspection Div.

APPLICATION TITLE: MATEZZA Winery APN: 836 160 005

DESCRIPTION OF PROJECT: ESTABLISH 50,000 GAL/YR WINE Winery; 20,000 sqft structure

RESPONSE REQUEST DATE: 7.14.08 RESPONSE RETURN DATE: 7.18.08

PLEASE RESPOND VIA E-MAIL TO: M DOYLE @co.napa.ca.us
OR FAX TO (707) 299-1356

This application (see enclosed project description and maps) is being sent to you for your review and comment .

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

1. Do you have any comments on this project? Yes No
2. Do you have jurisdiction by law over this project? Yes No
3. Attach your agencies comments, or list below: Comments attached Comments below.

See attached printout of comments in Acoela

Name of contact person: Eric Banvard

Telephone #: 299-1359

Email: ebanvard@co.napa.ca.us

Title: Plans & Permit Supervisor

Date: 7.2.13.08



Napa County

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Workflow

Application #: P08-00428

Application Type: Planning / PL Permits / Use Permit / Use Permit General

Address: 4324 BIG RANCH ROAD, NAPA, CA

<ul style="list-style-type: none"> ✓ Application Acceptance ● Environmental Review ● Public Works Review ✓ Fire Review ✓ EM Review ● County Council Review ● Planning Review ✓ Building Review Planning Approval Closure <p><input type="button" value="Task Activation"/></p>	<p>Task Details - Building Review</p> <p>Assigned Date: 06/23/2008 Due Date:</p> <p>Assigned To: Department: Building Department</p> <p>Current Status: Approved Status Date: 12/13/2008</p> <p>Action By: Eric Banvard Department: Building Department</p> <p>Status Comment:</p> <p>Prior to any construction work applicable building permits for the work must first be obtained; all work must comply with all applicable code requirements, including accessibility requirements of CBC Chapter 11B; submit complete & appropriate plans, specifications, energy compliance and engineering, etc. when applying for permits. (Note: Tasting Room building basement wine cellar would require access by ramp or elevator if this is part of the accomodation sought and used by the public. See 2007 CBC 1103B.1 Exception 2.2, it us unclear if portions of the ground/accessible floor provide the same use as the basement cellar. Issue can be addressed at Building permit submittal - doesn't effect use permit approval by the Building Department.)</p>
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Cunat Premium Vineyards/ Materra Winery

File #P08-00428-UP

APN: 036-160-036


MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Monitoring Responsibility	Monitoring/Reporting Action and Schedule	Monitoring Compliance Complete (Name / Date)
Transportation/Traffic (Section XV)			
The main winery entrance shall be located on Big Ranch Road <u>minimally</u> 200 feet south of the T-intersection of Oak Knoll Avenue (west) and Big Ranch Road, or shall be located directly across from Oak Knoll Avenue (west) at the T-intersection of Oak knoll Avenue(west) and Big Ranch Road.	Napa County Department of Public Works, and Planning Department	The project sponsor shall submit the revised entrance location plan to the County prior to the issuance of a building permit, an encroachment permit/grading permit or building permit for construction of the first phase of the winery. The entrance will be constructed per approved plans prior to occupancy of the winery.	

Environmental Review

I hereby revise my request to include the measures specified above.

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



 Signature of Owner(s) Interest

Christopher G. Zack

 Print Name



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

Mr. Christopher G. Zock
Cunat Premium Vineyard/Materra Winery
5400 W. Elm Street
McHenry, IL 60050

Re: Approval for Use Permit #P08-00428 UP
APN 030-200-030

Dear Mr. Zock,

Please be advised that Use Permit #P08-00428 UP was **APPROVED** by the Napa County Planning Commission **on January 7, 2009**, based on the attached conditions, the Napa County Department comments, and applicable County regulations.

The use permit will become effective unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code within 10 working days of public hearing. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be noticed.

*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 on January 7, 2011** and become void. This letter serves as the only notice you will receive regarding the expiration date of your 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. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

Should you have any questions, please contact Mary Doyle at (707) 299-1350 or by e-mail: mdoyle@co.napa.ca.us.

Regards,

A handwritten signature in blue ink that reads "M. Doyle".

Mary Doyle
Project Planner

cc: DPW
EM
FIRE
Assessor
chron, file ✓

Exhibit B

**SCOPE & CONDITIONS OF APPROVAL
Cunat Premier Vineyards/Materra Winery
Use Permit Application № P08-00428-UP
4324 Big Ranch Road, Assessor's Parcel № 036-160-003**

1. SCOPE: This approval shall be limited to allow

- Wine production of no more than 50,000 gallons per year (consistent with the Napa County Winery Production Process);
- Construction of a 15,371 sq. ft. winery building including production, storage, office, and a 5,094 sq. ft. tasting room facilities in two phases;
- Construction of a 1,545 sq. ft. uncovered outdoor crush pad and 3,600 sq. ft. loading area;
- Three full-time, three part-time employees and 2-4 seasonal employees;
- Construction of 24 parking spaces, including one ADA-accessible space;
- Construction of a new winery access road on Big Ranch Road;
- Installation of three 10,000 gallon fire flow and domestic water tanks;
- Treated process wastewater system subject to ongoing permitting and regulation by the Department of Environmental Management; and
- Hours of operation for the winery shall be limited to 7 AM to 5 PM, Monday through Friday. During harvest and crush the days of operation will include Saturday and Sunday.

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

2. MARKETING: This approval shall be limited to:

- 12 marketing events annually with a maximum of 25 persons per event;
- 12 marketing events annually with a maximum of 50 persons per event; and
- Two harvest events annually with a maximum of 100 persons.

Marketing events may include catered food, but may not include outdoor amplified music.

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

The start and finish time of all activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM. Parking during marketing events shall be subject to all requirements enumerated elsewhere in these conditions of approval and in those documents incorporated herein by reference.

3. TOURS AND TASTING: This approval shall be limited to:

- Tours and tastings by appointment only with a maximum of 18 visitors per day.

"Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to members of the wine trade, persons invited by a winery who have pre-established business or personal relationships with the winery or its owners, and persons who have made unsolicited prior appointments for tours or tastings. (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 Planning Department upon request.

4. MITIGATION MEASURES: The following environmental mitigation measures are adopted as part of the approved project:

- Prior to the issuance of a building permit, an encroachment permit/grading permit or building permit construction of the first phase of the winery, the permittee shall submit plans for the main winery entrance on Big Ranch Road to be located minimally 200 feet south from the T-intersection of Big Ranch Road and Oak Knoll Avenue (west) or directly across Oak Knoll Avenue (west) at the T-intersection with Big Ranch Road.

5. GRAPE SOURCE:

At least 75% of the grapes used to make all wine shall be grown within the County of Napa. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the production is from Napa County grapes. The report shall recognize the Agriculture Commission's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the Conservation, Development, and Planning Department upon request, but shall be considered proprietary information not available to the public.

6. SIGNS:

No winery signage is approved at this time.

7. GATES/ENTRY STRUCTURES:

No winery gate/entry structure is approved at this time.

8. LIGHTING:

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations, and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.

Prior to issuance of any building permit pursuant to this approval, two copies of a detailed lighting plan showing the location and specifications for all lighting

fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the California Building Code. No lighting visible from the floor of the Napa Valley is proposed in this application and none is approved hereby.

9. LANDSCAPING/PARKING:

Two (2) copies of a detailed final landscaping plan, including parking details, shall be submitted for Planning Division review and approval prior to the issuance of building permits and shall be in substantial conformance with the application submittal. 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. Before the start of any clearing, excavation, construction, or other work on the site, every tree greater than 6" DBH in the vicinity of the project area which is not marked for removal on the submitted site plan shall be securely fenced-off at the dripline. Such fences shall remain continuously in place for the duration of the work undertaken in connection with the winery development. **In no case shall construction materials or debris be stored within the fenced tree protection area.**

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

Parking shall be limited to approved parking spaces only. Parking shall not occur in other locations except during harvest and approved marketing events. In no case shall parking impede emergency vehicle access, public roads, or any private road providing access to other properties.

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.

10. OUTDOOR STORAGE/SCREENING/UTILITIES:

All outdoor storage of winery equipment shall be permanently screened from the view of adjacent properties by a visual barrier consisting of 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 and are subject to the review and approval of the Planning Department. New utility lines required for this project that are visible from any designated scenic transportation route (see Chapter 7 of the General Plan and Chapter 18.106 of the Napa County Zoning Ordinance for designated roads) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

11. RENTAL/LEASING:

No winery facilities, or portions thereof, including, without limitation, kitchens, barrel storage areas, and 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).

12. 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 memo of October 1, 2008;
- Department of Public Works as stated in their memo of October 20, 2008;
- County Fire Department as stated in their memos of July 5, 2008 and
- Building Division as stated in their printed comments of December 13, 2008.

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.

13. GRADING AND SPOILS:

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

14. WELLS:

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

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

15. 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.

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.

16. COLORS:

The colors used for the roof, exterior walls and built landscaping features of the winery shall be in substantial compliance with submitted plans and specifications and shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The applicant shall obtain the written approval of the Planning Division prior to painting the building. Highly reflective surfaces are prohibited.

17. DUST CONTROL:

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

18. 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 Conservation, Development, and Planning Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required. If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

19. TRAFFIC:

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will not occur during peak (4 pm to 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.

20. ADDRESSING:

All project site addresses shall be determined by the Conservation, Development, and Planning Director, and be reviewed and approved by the United States Post Office, prior to issuance of any building permit. The Conservation, Development, and Planning 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.

21. TEMPORARY EVENTS:

The permittee shall fully comply with the requirements of the Napa County Temporary Events Ordinance (N.C.C. Chapter 5.36). No charitable or other event which would otherwise be subject to the requirements of the Napa County Temporary Events Ordinance shall be deemed to be a marketing activity simply because attendance at the event is by invitation only.

22. STORM WATER CONTROL:

The permittee shall file a Notice of Intent with the California Regional Water Quality Control Board (SRWQCB) prior to any grading or construction activity and shall submit a Stormwater Pollution Prevention Plan for the review and approval of the Department of Public Works prior to the issuance of a building, grading, or any other development permit.

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 permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

23. INDEMNIFICATION:

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

24. AFFORDABLE HOUSING MITIGATION:

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of County Code Chapter 15.60 or as may be amended by the Board of Supervisors.

25. 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 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.

26. TEMPORARY AND FINAL OCCUPANCY:

All project improvements, including compliance with applicable codes, conditions, and requirements of all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the project, such as commencement of production activities, prior to completion of all project improvements. Marketing and/or Tours and Tastings are not typically authorized until grant of Final Occupancy, but exceptions where extenuating circumstances exist and are subject to review and approval by the County Building Official, County Fire Marshal, and the Director of Conservation, Development, and Planning. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.



COUNTY of NAPA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

STEVEN LEDERER
Director

CHRISTINE M. SECHELI, R.E.H.S.
Assistant Director

TO: Napa County Planning Department
Hillary Gitelman, Planning Director

FROM: Napa County Environmental Management Department
Christine Secheli, R.E.H.S., Assistant Director

SUBJECT: Use Permit Application for Materra Winery
Located at 4324 Big Ranch Road
Assessor Parcel 036-160-003
File # P08-00428

DATE: September 29, 2008

We have reviewed the above proposal and recommend approval of the application providing the following are included as conditions of approval:

1. Pursuant to Chapter 6.5 & 6.95 of the California Health and Safety Code, businesses that generate hazardous waste and/or store hazardous materials above threshold amounts shall file a Hazardous Waste Generator Application and/or Hazardous Materials Business Plan with the Department of Environmental Management within 30 days of said activities. All businesses must submit the required Business Activities Form which can be obtained from the Department of Environmental Management
2. Any hazardous waste produced on the site including any laboratory wastes, must be stored and disposed of in a manner consistent with Division 20, Chapter 6.5 of the California Health and Safety Code and with Title 22, Division 4.5, of the California Code of Regulations.
3. Discharges of wastewater or wash water from activities including (but not limited to) equipment washing, vehicle washing, auto body related activities, parking lot washing and mobile detailing that may contain oil, grease, metals, or other deleterious materials must be properly disposed of. Contact your local sewer agency for discharge requirements. If sanitary sewer is not available and sewage disposal is via an on-site septic system, all such wastewater must be characterized and properly disposed of off site or by an on-site closed loop treatment system. If the waste stream is determined to be a hazardous waste, the waste must be stored and disposed of in accordance with the requirements of Division 20, Chapter 6.5 of the California Health and Safety Code and Title 22, Division 4, Chapter 30 of the California Code of Regulations.

1195 Third Street, Suite 101 • Napa, California 94559
Telephone: (707) 253-4471 • Fax: (707) 253-4545 • www.co.napa.ca.us

4. Plans for the proposed private sewage disposal system shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be granted until such plans are approved by the Department of Environmental Management.
5. A permit for the installation of the combined sanitary and process wastewater system must be secured from the Department of Environmental Management prior to issuance of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system. To secure this permit you will be required to submit a scaled plot plan showing the location of the proposed septic system relative to the proposed project and other structures, the required 100% expansion area as well as the proposed trench detail. If special design sewage disposal plans are required, such plans shall fulfill this requirement.
6. An annual sewage permit must be obtained for the engineered/private sewage disposal system prior to issuance of a final on the project. The septic system monitoring, as required by this permit, must be fully complied with.
7. If any uncovered outdoor processing areas are proposed, prior to the issuance of a sewage permit for the process wastewater system the applicant must submit a proposal from their engineer that addresses the proper diversion and direction of storm water and process wastewater. The proposal must include a detail on the diversion valve and must clearly show that the valve and both the stormwater and the process wastewater lines are clearly labeled.
8. The use of the drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc., over the system.
9. Because the proposed facility will have a kitchen that will be used for food preparation for marketing events, this kitchen must be regulated and permitted by this department. As such, complete plans and specifications containing equipment layout, finish schedule and plumbing plans for the food preparation/food service area and the employee restrooms, must be submitted for review and approval by the County Department of Environmental Management prior to issuance of any building permit for said areas. Additionally, as a condition of approval and permitting of this food facility, the owner will have to comply with water system sampling and reporting as required. Owner shall apply for and obtain an annual food permit prior to issuance of a final on this project.
10. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
11. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the

applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.

12. Adequate area must be provided for collection of recyclables. The applicant must contact the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site.

13. All diatomaceous earth and/or bentonite must be dried and disposed of as solid waste or in another appropriate manner. If the proposed septic system is either a special design sewage disposal system or a private sewage disposal system, the plan submitted for review and approval must address diatomaceous earth/ bentonite disposal.

cc: Doug Calhoun, Environmental Health Supervisor
Mary Doyle, CDPD
Chris Zock, Cunat Premium Vineyards, LLC, Materra Winery, 5400 W. Elm St.,
McHenry, IL 60050
Michael R. Muelrath, Applied Civil Engineering Inc., 2074 West Lincoln Ave., Napa,
CA 94558

**PUBLIC WORKS DEPARTMENT
INTER-OFFICE MEMO**



A Tradition of Stewardship
A Commitment to Service

DATE: October 20th, 2008
TO: Conservation Development and Planning Department
FROM: Drew Lander, Assistant Engineer
SUBJECT: Materra Winery, APN 036-160-003, #P08-00428

The applicant proposes to demolish the existing structures located on the property and construct a new 50,000 gal/yr winery processing facility totaling 17,115sq feet including 15,371sq feet of proposed production facility and 5094 sq ft of office and tasting room facilities. Application proposes 3 full time employees and 3 part time employees. The existing driveways will be demolished and new access and parking areas will contain 27 parking stalls and truck loading area. All construction is proposed to be located outside of designated flood hazard areas.

EXISTING CONDITIONS:

1. Napa County Parcel 036-160-003 is located on the East side of Big Ranch Road and South of Oak Knoll Avenue (East) and East of the intersection of Oak Knoll Avenue (West) and Big Ranch.
2. Site contains two residential structures and two existing accessory structures.
3. Driveway currently exists with two existing connections on Big Ranch Road.
4. Project frontage exists along Big Ranch Road and Oak Knoll Avenue (East).
5. Parcel contains FEMA floodway, 100 yr flood hazard area as well as 500 year flood hazard area.
6. Traffic counts are 3818 ADT taken South of Oak Knoll Avenue (West) in 2006.
7. There are two existing wells serving this parcel.

RECOMMENDED CONDITIONS:

GROUNDWATER

1. We have reviewed the phase one, water availability analysis for the proposed project. The 50.00 acre parcel is located in the "valley floor" area, with an extraction threshold of 1.0 AF/Acre, resulting in a total parcel threshold of 50.00 AF/Year. The estimated water demand of 38.78 AF/Year is below the established threshold for the property. Therefore, the projected water use for this project should not have a significant impact on static water levels of neighboring wells. No further analysis is necessary.

DRIVEWAY

2. All driveway access to the public right of way must conform to the latest edition of the Napa County Road and Street Standards (Page 54, Detail P-4)
3. The applicant must obtain an encroachment permit for any work performed within the Napa County Right-of-Way.
4. The new proposed driveway connections on Big Ranch Road shall be located either directly across from Oak Knoll Avenue (East) or a minimum of 200ft from the same intersection to the South on Big Ranch Avenue.
5. The proposed average daily traffic of 31 vehicles per day does not require a left hand turn lane as determined by the Napa County left-turn warrant chart (Napa County Road and Street Standards 16-A).

PARKING

6. Any additional parking proposed by the applicant or required by the Planning Commission as a condition of this use permit must have a minimum structural section equivalent to support an H20 load designed by a licensed Civil or Geotechnical Engineer and shall not be less than two inches of asphalt concrete over 5 inches of Class II Aggregate. (County Road and Street Standards, Page 27, Section 19).
7. Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards.

SITE IMPROVEMENTS

8. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking, and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by this office prior to the commencement of any on site land preparation or construction. Plans shall be submitted with the building permit documents at the time of building permit application. A plan check fee will apply.
9. All site improvements must conform to the latest addition of the Napa County Road and Street Standards.
10. Proposed drainage for the development shall be shown on the improvement plans and shall avoid the diversion or concentration of stormwater runoff onto adjacent properties. Plan shall also include a hydraulic analysis for the drainage improvements indicating the path and changes of runoff.

OTHER RECOMMENDATIONS

11. Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee and County shall survey and document the condition of County roads before construction begins, and then reevaluate conditions at the end of construction. Prior to Occupancy of any buildings or commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.

CONSTRUCTION STORMWATER REQUIREMENTS

12. 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 the Napa County Stormwater Ordinance. Best Management Practices shall also be implemented to minimize dust at all times.
13. 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.

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS

14. Project must conform and incorporate all appropriate site design Best Management Practices as required by the Napa County manual for *Post-Construction Runoff Management Requirements* which is available at the Public Works office.

15. Parking lots and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which will be approved by this Department. If any discharge of concentrated surface waters is proposed into any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board prior to the issuance of applicable construction permits.
16. The application shall incorporate Site Design, Source Control and Treatment control Best Management Practices to comply with County and State water quality standards.
17. Prior to final occupancy the property owner must legally record an "implementation and maintenance agreement" approved by the Public Works department to ensure all post-construction structures on the property remain functional and operational for the indefinite duration of the project.
18. Each year the entity responsible for maintenance is required to complete an annual report that includes copies of completed inspection and maintenance checklists to document that maintenance activities were conducted during the previous year. The annual report shall be retained for a period of at least five years and made available upon request by the County.
19. Loading/unloading dock and processing areas must be covered or designed to preclude stormwater run-on and runoff. All direct connections to storm drains from depressed loading docks (truck wells) are prohibited.
20. Post-development runoff volume shall not exceed pre-development runoff volume for the 2-year, 24-hour storm event. Post-development runoff volume shall be determined by the same method used to determine pre-development conditions. If post-development runoff volume exceeds pre-development runoff volume after the site design BMPs are incorporated into the project's overall design, a structural BMP (e.g. bio-retention unit) may be used to capture and infiltrate the excess volume.
21. Provide concrete stamping, or equivalent, of all stormwater conveyance system inlets and catch basins within the project area with prohibitive language (e.g., "No Dumping - Drains to Napa River"). Signage shall identify the receiving water the drain discharges to and include a message in Spanish.
22. Trash storage areas shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, and screened or walled to prevent off-site transport of trash. Trash storage areas must contain a roof or awning to minimize direct precipitation or contain attached lids on all trash containers that exclude rain.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items please contact Drew Lander or Erich Kroll at 253-4351. For groundwater questions, please contact Anna Maria Martinez.

INTER-OFFICE MEMO



TO: Conservation, Development, and Planning Department
FROM: Gabrielle Avina, Fire Department
DATE: July 5, 2008
SUBJECT: Materra Winery Use Permit Comments
Apn: 036-160-003 P08-00428

Site Address: 4324 Big Ranch Rd. Napa

The Napa County Fire Marshal staff has reviewed the Use Permit application to construct approximately 20,000 square feet of new winery facilities. We recommend the following items be incorporated as project conditions if the project is approved.

1. **All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of building permit issuance.**
2. The minimum required fire flow for the protection of the proposed project is 400 gallons per minute for 60 minutes duration at 20 pounds residual water pressure with a water storage volume of 12,000 gallons. The fire flow has been reduced by 50% because the winery will be protected by an automatic fire sprinkler system. The fire flow and storage volume in a sprinklered building is in addition to the water demand for the sprinkler system.
3. An approved automatic fire sprinkler system will be required for all proposed structures 3,600 square feet or greater. The fire sprinkler system shall be installed and maintained in accordance with the *National Fire Protection Association Standard (NFPA) #13 (Installation of Sprinkler System, 2002 edition)*. A minimum of 60 minutes of water storage for the sprinkler system will be required.
4. A fire pump may be required to meet the fire flow requirements. The fire pump shall be installed and maintained in accordance to the *National Fire Protection Standard #20 (Installation of Stationary Pumps for Fire Protection 2002 edition)*. Fire pumps are required to be listed and tested by an approved testing agency and are required to be either diesel driven or electric. Electric fire pumps also require a secondary power source.
5. The private fire service mains shall be installed and maintained in accordance with

the *National Fire Protection Standard # 24 (Installation of Private Fire Service Mains and Their Appurtenances 2002 edition)*.

6. The location, number and type of fire hydrants connected to the water supply shall be in accordance with the *California Fire Code, 2007 edition*. A fire hydrant will be required within 250 feet of all exterior portions of the structure.
7. All post indicator valves, control valves, waterflow devices and fire pumps shall be monitored by an approved remote station or central alarm monitoring company. Digital alarm communicator system panel shall be installed and maintained in accordance with the *National Fire Protection Standard #72 (Fire Alarm Code, 2002 edition)*.
8. Fire apparatus access roads shall be provided to within 150 feet of all exterior portions of the structures.
9. Access roads from the public and/or private right-of- ways to the project/ building site shall comply with Napa County Road and Street Standards and shall be reviewed by the Napa County Public Works Department.
10. Fire apparatus access roads shall be cleared of flammable vegetation on 10 feet of each side of the roadway. Dry grass shall be cut to less than 4" in height, ladder fuel from trees shall be removed up to 8', brush shall be cut or removed and all dead fuel shall be removed.
11. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide driving capabilities in all weather conditions. Said access shall be provided prior to any construction or storage of combustible materials on site.
12. A defensible space zone shall be created around all structures. This defensible space zone shall be 100' from all portions of a structure. Flammable vegetation shall be removed and/or modified in the defensible space zone to create a fuel break that will help protect the structures from an encroaching wildland fire and will protect the surrounding wildland areas from a structure fire originating on-site.
13. A rapid emergency key entry system shall be installed at an approved location by the Napa County Fire Marshal's Office on any proposed gates accessing the property.
14. The approved address numbers shall be placed on the building by the applicant in such a position as to be plainly visible and legible from the street or streets fronting the property and shall be placed as to be seen from all entrances. Proposed address shall be indicated on the elevation drawings contained within the building plan

plan submittal. The address numbers shall be a minimum of 4" in height, contrasting in color with their background and shall be illuminated.

15. An approved access walkway shall be provided to all exterior doors and openings required by either the California Building Code or California Fire Code. A concrete walkway or other approved hard surface will meet the intent of the access walkway requirement. Adequate space adjacent to the access walkway, vertically and horizontally, shall be provided to allow firefighters to access required building openings in order to effectively perform rescue operations and allow for equipment maneuverability. Any landscaping adjacent to the access walkway shall be such that it does not obstruct the functional purpose of the walkway upon maturity.
16. An approved project sign shall be placed at vehicle access points into the project during construction to assist emergency responders. The sign shall identify the project name and address. Such signs shall be clearly visible and legible from the street fronting the project.
17. The applicant shall properly identify all required fire lanes. Fire lanes shall be painted red with white letters to read "NO PARKING FIRE LANE CVC 22500.1, stenciled every 30 feet on top of the curb.
18. A Knox cabinet will be required to allow emergency vehicle access to the site. Because an alarm system is required the Knox cabinet will require "tamper monitoring".
19. The Knox cabinet shall have one or all of the following items placed in the Knox cabinet, dependant on requirements of this facility:
 1. A minimum of 2 master keys to the structure(s) for emergency access.
 2. 2 scaled site plans of the facility, identifying all buildings, hydrants, fire department access around the facility, and location of all water, electric, and gas shut-off valves.
 3. 2 scaled floor plans of all structures showing doors, offices, etc.
 4. **A digital file of the site plans in a PDF format must be submitted at building final in addition to the hard copies listed above.**
 5. Napa County Hazardous Materials Business including all MSDS forms, etc.
20. A complete set of Building Plans shall be submitted to the Fire Department for review and approval for egress requirements. **The submitted plans show only one exit for the proposed basement of the tasting room. The basement area will require a minimum of two exits.**
21. The request for beneficial occupancy will not be considered until all fire and life safety issues have been installed, tested and finalized.

22. Barricades shall be provided to protect any natural gas meter, fire hydrant, or other fire department control device, which may be subject to vehicular damage. Approved signs may be required to identify the location of fire protection devices.
23. Technical assistance in the form of a fire protection engineer or consultant acceptable, and reporting directly, to the NCFD shall be provided by the applicant at no charge to the County for the independent peer review of alternate methods proposals.
24. Plans detailing compliance with the fire and life safety conditions-of-approval shall be submitted to the Napa County Fire Marshal's Office for review and approval prior to building permit issuance and /or as described above.
25. A digital file of the site plans in a PDF format must be submitted at building final in addition to the hard copies listed in the condition describing the contents of the Knox Box.



HILLARY GITELMAN
Director

COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

PERMIT APPLICATION AND INITIAL STUDY REQUEST FOR COMMENTS

TO: Developmental Building Inspection Div.

APPLICATION TITLE: MATEPPA WILDERLY APN: 836 160 003

DESCRIPTION OF PROJECT: ESTABLISH 50,000 GAL/YR WELLS
WILDERLY; 20,000 SQ FT STRUCTURE

RESPONSE REQUEST DATE: 7.14.08 RESPONSE RETURN DATE: 7.15.08

PLEASE RESPOND VIA E-MAIL TO: M DOYLE @co.napa.ca.us
OR FAX TO (707) 299-1359

This application (see enclosed project description and maps) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

1. Do you have any comments on this project? Yes No
2. Do you have jurisdiction by law over this project? Yes No
3. Attach your agencies comments, or list below: Comments attached Comments below.

See attached printout of comments in Accord

Name of contact person: Eric Banvard

Telephone #: 299-1359
Email: ebanvard@co.napa.ca.us
Title: Plan & Permit Supervisor
Date: 7.2.13.08



SmartManager	Application	Property	People	Fees	Workflow	Attachments	Reports	Condition
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Workflow

Application #: P08-00428

Application Type: Planning / PL Permits / Use Permit / Use Permit General

Address: 4324 BIG RANCH ROAD, NAPA, CA

<ul style="list-style-type: none"> ✓ Application Acceptance ● Environmental Review ● Public Works Review ✓ Fire Review ✓ EM Review ● County Council Review ● Planning Review ✓ Building Review Planning Approval Closure <p><input type="button" value="Task Activation"/></p>	<p>Task Details - Building Review</p> <p>Assigned Date: 06/23/2008 Due Date:</p> <p>Assigned To: Department: Building Department</p> <p>Current Status: Approved Status Date: 12/13/2008</p> <p>Action By: Eric Banvard Department: Building Department</p> <p>Status Comment:</p> <p>Prior to any construction work applicable building permits for the work must first be obtained; all work must comply with all applicable code requirements, including accessibility requirements of CBC Chapter 11B; submit complete & appropriate plans, specifications, energy compliance and engineering, etc. when applying for permits. (Note: Tasting Room building basement wine cellar would require access by ramp or elevator if this is part of the accomodation sought and used by the public. See 2007 CBC 1103B.1 Exception 2.2, it us unclear if portions of the ground/accessible floor provide the same use as the basement cellar. Issue can be addressed at Building permit submittal - doesn't effect use permit approval by the Building Department.)</p>
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Versi

Cunat Premium Vineyards/ Materra Winery

File #P08-00428-UP

APN: 036-160-036


MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Monitoring Responsibility	Monitoring/Reporting Action and Schedule	Monitoring Compliance Complete (Name / Date)
Transportation/Traffic: (Section XV)			
The main winery entrance shall be located on Big Ranch Road <u>minimally</u> 200 feet south of the T-intersection of Oak Knoll Avenue (west) and Big Ranch Road, or shall be located directly across from Oak Knoll Avenue (west) at the T-intersection of Oak knoll Avenue(west) and Big Ranch Road.	Napa County Department of Public Works, and Planning Department	The project sponsor shall submit the revised entrance location plan to the County prior to the issuance of a building permit, an encroachment permit/grading permit or building permit for construction of the first phase of the winery. The entrance will be constructed per approved plans prior to occupancy of the winery.	

Environmental Review

I hereby revise my request to include the measures specified above.

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



 Signature of Owner(s) Interest

Christopher G. Zack

 Print Name



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

Pete Parkinson
Interim Director

P-MOD-APVL
P13-00283
036-160-003

March 24, 2014

Mr. Brian Cunat
Materra Winery
5400 W. Elm St, #110
McHenry, Illinois 60050

Re: Materra Winery - Use Permit #P13-00283-Very Minor Modification
4326 Big Ranch Road, Napa (APN: 036-160-003)

Dear Mr. Cunat,

Please be advised that Use Permit Very Minor Modification #P13-00283 VMM, an amendment to Use Permit #P08-00428 Very Minor Modification has been **APPROVED** through an administrative decision on March 24, 2014, based on the attached conditions, Napa County Department comments, and applicable County regulations.

This very minor modification will allow for:

- an increase in the production facility from the previously approved 15,371 square feet to 22,850 square feet;
- a decrease in the tasting/hospitality area from the previously approved 5,094 square feet to 3,268 square feet;
- the relocation and construction of the main winery entrance on Big Ranch Road to 200 feet south of the T-intersection of Big Ranch Road and Oak Knoll Ave (west); and
- On-site consumption of wine produced on site.
- The design/style of the winery facilities will change to a French farmhouse chateau style.

No other changes are being requested. There will be no increase in employees, visitors, marketing activities or production capacity.

The facility is located on a 50-acre parcel within the AP (Agricultural Preserve) zoning district, at 4326 Big Ranch Road, Napa.

The proposed project is **Categorically Exempt** from the provisions of the California Environmental Quality Act (CEQA), which exempts minor expansions to existing structures,

pursuant to CEQA Section 15303, Class 1, Existing Facilities and Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B, Class 1: minor modification of an existing use permit in conformance with Section 18.124.130 of the County Code.

The modification is effective immediately unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 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 Government Code Sec.66020 (d)(1), you are hereby further notified that the ninety day period in which to protest imposition of any fees, dedications, reservations, or other exactions that may have been adopted as conditions of approval has begun.

EXPIRATION DATE: March 24, 2016

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.

You are hereby further notified, pursuant to Government Code Sec.66020 (d)(1), that the 10-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. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

Should you have any questions, please contact Mary Doyle, Project Planner at (707) 299-1350 or by e-mail mary.doyle@countyofnapa.org.

Regards,

Pete Parkinson,
Interim Director



BY: Mary Doyle, Project Planner

Attachments

cc: PBES
 Napa County Assessor
 Chron/File

**Materra Winery
Use Permit Minor Modification P13-00238 VMM
4324 Big Ranch Road
APN 036-160-003**

1. SCOPE

The permit modification shall be limited to:

1. Construction of a 11,543 square feet production facility to include approximately:
 - a. 9,866 square foot production area,
 - b. 184 square foot laboratory,
 - c. 133 square foot restroom,
 - d. 710 square foot office area, and
 - e. 152 square foot employee break area
2. Construction of a 15,738 square feet barrel storage and tasting area facility to include approximately:
 - a. 12,087 square foot barrel storage area, and
 - b. 3,641 square foot tasting/hospitality area including approximately:
 - i. 1,390 square foot tasting area,
 - ii. 92 square foot kitchen area,
 - iii. 316 square foot wine library,
 - iv. 234 square foot office area,
 - v. 316 square foot wine library,
 - vi. 208 square foot storage area,
 - vii. 482 square foot entry hallway, and
 - viii. 546 square foot restroom.
3. Construction of a new winery main entrance to be location on Big Ranch Road approximately 200 feet south of its T-intersection with Oak Knoll Ave (west);
4. Construction of an entry gate structure to include a winery identification sign; and
5. On-premise wine consumption of wine purchased at the winery consistent with Assembly Bill 2004 (Evans) may occur solely in the tasting room/hospitality and barrel storage facility and adjacent landscaped area.

No other changes are being requested, no change in annual production, no change in hours of operation, no change in visitation or marketing program, and no change in marketing program. NOTE: The design/style of the winery facilities will change to a French farmhouse chateau style.

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 by the approved in accordance with Section 18.124.130 of the Napa County Code and may be subject to the Use Permit modification process.

2. PROJECT SPECIFIC CONDITIONS

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

A. Evans Consumption

Consistent with Assembly Bill 2004 (Evans) and the Planning, Building, and Environmental Services Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises," on-premise consumption of wine purchased from the winery may occur solely in the tasting room/hospitality and barrel storage facility and adjacent landscaped area. Any and all visitation associated with on-premise consumption shall be subject to the **18** person maximum daily tours and tastings visitation limitation and/or applicable limitations of permittee's marketing plan.

B. Entry/gate structure and sign

The entry/gate structure and sign will be in substantial conformance with the application submittal dimensions. The entry structure shall be 80 feet in length, 42 inch high wing walls with two 3-foot square high by 6 foot high pillars supporting an wrought iron gate 6 foot high with a 20 foot wide clear opening, On the wing walls will be the winery identification sign with raised dark bronze letter with LED back lighting. The lettering shall be approximately 12 inches in height.

3. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES

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

A. Engineering Services Division as stated in their Memorandum dated February 26, 2014.

B. Environmental Health Division as stated in their Memorandum dated September 29, 2008 (remain applicable).

C. Fire Department as stated in their Inter-Office Memo dated September 18, 2013.

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

4. VISITATION

Consistent with Sections 18.16.030 and 18.20.030 of the Napa County Code, marketing and tours and tastings may occur at a winery only where such activities are accessory

and "clearly incidental, related, and subordinate to the primary operation of the winery as a production facility." Marketing and/or Tours and Tastings are not typically authorized until grant of Final Occupancy, but exceptions where extenuating circumstances exist and are subject to review and approval by the County Building Official, County Fire Marshal, and the Director of Planning, Building and Environmental Services.

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

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

"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).

5. **RENTAL/LEASING**

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

6. **SIGNS**

Installation of the winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be in substantial conformance with the submitted application materials to the Planning, Building, and Environmental Services Department. All signs shall meet the design standards as set forth in Chapter 18.116 of the Napa County Code. At least one sign placed and sized in a manner to inform the public must legibly include wording stating "Tours and Tasting by Prior Appointment Only".

7. **LANDSCAPING**

Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the Building Permit application package for the Planning Division's review and approval prior to the issuance of any building permit associated

with this approval. The plan shall be prepared pursuant to the County's Water Efficient Landscape Ordinance (WELO), as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

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

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

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

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

8. **OUTDOOR STORAGE/SCREENING/UTILITIES**

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

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

9. **COLORS**

The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation, and shall be in substantial conformance with the submitted application materials to the Planning, Building, and Environmental Services Department. Highly reflective surfaces are prohibited.

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

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

A. **GRADING AND SPOILS**

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

B. TRAFFIC

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

C. DUST CONTROL

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

D. STORM WATER CONTROL

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

E. PARKING

The location of employee and visitor parking and truck loading zone areas shall be in substantial conformance with the submitted application material identified along with proposed circulation and traffic control signage (if any).

Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations except during harvest activities and approved marketing events. In no case shall parking impede emergency vehicle access or public roads. If any event is held which will exceed the available on-site parking, the permittee shall prepare an event-specific parking plan which may include but, shall not necessarily be limited to, valet service or off-site parking and shuttle service to the winery.

F. GATES/ENTRY STRUCTURES

Any gate installed at the winery entrance shall be reviewed by the Planning, Building & Environmental Services Department, Public Works Department, and the Napa County Fire Department to assure that it is designed to allow large vehicles, such as motorhomes, to turn around if the gate is closed without backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required according to the Napa 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 in substantial conformance with entry structure plans submitted, reviewed, and approved as part of this use permit approval.

11 ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS

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

A. WELLS

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

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

B. NOISE

Construction noise shall be minimized to the greatest extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with Napa County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Napa County Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.

12. ARCHEOLOGICAL FINDING

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

If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted

to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

13. ADDRESSING

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

14. INDEMNIFICATION

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

15. AFFORDABLE HOUSING MITIGATION

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

16. PREVIOUS CONDITIONS

As applicable, the permittee shall comply with previous conditions of approval (#P08-00428 UP, #P09-00159 VMM and #P12-00131 UD) for the winery use except as they may be explicitly 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.

17. MONITORING COSTS

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

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Commission at some time in the future, the Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning

Commission may also use the data, if so warranted, to commence revocation hearings in accordance with §18.124.120 of the Napa County Code.

18. TEMPORARY AND FINAL OCCUPANCY

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



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Planning, Building & Environmental Services

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

Pete Parkinson
Interim Director

MEMORANDUM

To: Mary Doyle, Planning Division	From: Peter Corelis, Engineering and Conservation Division
Date: February 26 th , 2014	Re: Materra Winery Use Permit P13-00283 Minor Mod APN: 036-160-003

The Engineering Division received a submittal of a proposal for a use permit generally requesting the following:

To approve a winery with a tasting room and barrel storage building, a production building with adjacent covered outdoor work area and crush pad for a maximum production of 50,000 gallons per year, an uncovered racking loading/unloading work area, other ancillary mechanical and operational support structures, 7 employee parking spaces, 17 visitor parking spaces, demolition of several existing vineyard operation structures, abandonment of two driveway entrances near the existing residence, creation of a new main winery entrance beginning 200 feet south of the intersection of Oak Knoll Avenue West and Big Ranch Road, and further development of an existing entrance to the south, all connecting to the County maintained road. The proposed project is located at 4326 Big Ranch Road in the County of Napa.

After careful review of the Materra Winery Use Permit application package the Engineering Division recommends the following conditions for approval.

RECOMMENDED CONDITIONS FOR APPROVAL:

DRIVEWAY IMPROVEMENTS

1. The main winery access road must be paved to meet the Napa County Road and Street Standards requirement of a commercial common drive. Design criteria shall include a typical section consisting of 18 feet of travelway and 2 feet of shoulder. The structural section shall be capable of supporting H20 live loading.
2. The main winery entry gate/structure must provide a minimum 20 feet of clear inside distance to accommodate two-way traffic.

3. All entrances off the County road frontage must be paved to prevent gravel and sediment tracking onto the road and degradation of the edge pavement along Big Ranch Road.
4. Vehicle turnaround areas between the County road and the entrance structure must remain clear at all times. 'No Parking' signage shall be provided to prevent parking in the hammerhead turnaround provided. Low profile signs may be utilized.

POST-CONSTRUCTION RUNOFF MANAGMENT

5. Any increase in impervious surface and re-development which exceeds 10,000 square feet in area will require the applicant to comply with Napa County Post-Construction storm water runoff regulations over the entire site. Improvement plans shall address the retention of increased runoff as required.
6. The application for a construction permit shall incorporate all applicable Site Design, Source Control, and Treatment Control Best Management Practices (BMPs) to comply with County and State water quality standards.
7. The trench drain located in the uncovered racking, work and loading area must be fitted with an automated diversion valve to divert the first flush resulting from a storm event to the process waste system. Manual diversion valves are not an acceptable Source Control to prevent shock loading of the stormwater treatment facilities by constituents intended to be treated by the process waste system.
8. Trash enclosures must be paved with an impervious surface, designed not to allow run-on from adjoining areas, and screened or walled to prevent off-site transport of trash. Trash storage areas must contain a roof or awning to minimize direct precipitation or contain attached lids on all trash containers. This shall include pomace bin enclosures.
9. Processing areas shall be paved and performed indoors or under a cover to keep rainwater out of the processing area. If the processing area is outdoors, grade or berm the processing area to prevent run-on from surrounding areas. Installation of storm drains in processing areas is prohibited. For processing areas that generate liquid waste slope the area to drain to the process waste system.

CONSTRUCTION SITE RUNOFF

10. 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 the Napa County Stormwater Ordinance. Best Management Practices shall also be implemented to minimize dust at all times.
11. Project must remain compliant with County stormwater runoff construction management regulations during all phases of construction.
12. Final occupancy and closure of the applicable construction permits will only be granted once the site disturbance associated with the project is shown to be stabilized either via the landscaping in the

improvement plans, or, quasi-permanent stabilization including mulching, seeding, and other erosion control BMPs.

PARKING

13. Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards.
14. Direct runoff from paved surfaces to appropriate landscaping to infiltrate and treat stormwater.

SITE IMPROVEMENTS

15. 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.
16. Any necessary storm drainage improvements shall conform to the latest "Napa County Road and Street Standards".
17. All changes to the Civil site improvements shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by this office. Improvement plans and the related storm water management plans shall be submitted with the building permit. A plan check fee will apply.
18. All other necessary permits from other agencies having jurisdiction over the project must be obtained.

Should you have any questions please feel free to contact me at (707) 259-8757 or peter.corelis@countyofnapa.org



COUNTY of NAPA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

STEVEN LEDERER
Director

CHRISTINE M. SECHELI, R.E.H.S.
Assistant Director

TO: Napa County Planning Department
Hillary Gitelman, Planning Director

FROM: Napa County Environmental Management Department
Christine Secheli, R.E.H.S., Assistant Director

SUBJECT: Use Permit Application for Materra Winery
Located at 4324 Big Ranch Road
Assessor Parcel 036-160-003
File # P08-00428

DATE: September 29, 2008

We have reviewed the above proposal and recommend approval of the application providing the following are included as conditions of approval:

1. Pursuant to Chapter 6.5 & 6.95 of the California Health and Safety Code, businesses that generate hazardous waste and/or store hazardous materials above threshold amounts shall file a Hazardous Waste Generator Application and/or Hazardous Materials Business Plan with the Department of Environmental Management within 30 days of said activities. All businesses must submit the required Business Activities Form which can be obtained from the Department of Environmental Management
2. Any hazardous waste produced on the site including any laboratory wastes, must be stored and disposed of in a manner consistent with Division 20, Chapter 6.5 of the California Health and Safety Code and with Title 22, Division 4.5, of the California Code of Regulations.
3. Discharges of wastewater or wash water from activities including (but not limited to) equipment washing, vehicle washing, auto body related activities, parking lot washing and mobile detailing that may contain oil, grease, metals, or other deleterious materials must be properly disposed of. Contact your local sewer agency for discharge requirements. If sanitary sewer is not available and sewage disposal is via an on-site septic system, all such wastewater must be characterized and properly disposed of off site or by an on-site closed loop treatment system. If the waste stream is determined to be a hazardous waste, the waste must be stored and disposed of in accordance with the requirements of Division 20, Chapter 6.5 of the California Health and Safety Code and Title 22, Division 4, Chapter 30 of the California Code of Regulations.

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Telephone: (707) 253-4471 • Fax: (707) 253-4545 • www.co.napa.ca.us

4. Plans for the proposed private sewage disposal system shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be granted until such plans are approved by the Department of Environmental Management.
5. A permit for the installation of the combined sanitary and process wastewater system must be secured from the Department of Environmental Management prior to issuance of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system. To secure this permit you will be required to submit a scaled plot plan showing the location of the proposed septic system relative to the proposed project and other structures, the required 100% expansion area as well as the proposed trench detail. If special design sewage disposal plans are required, such plans shall fulfill this requirement.
6. An annual sewage permit must be obtained for the engineered/private sewage disposal system prior to issuance of a final on the project. The septic system monitoring, as required by this permit, must be fully complied with.
7. If any uncovered outdoor processing areas are proposed, prior to the issuance of a sewage permit for the process wastewater system the applicant must submit a proposal from their engineer that addresses the proper diversion and direction of storm water and process wastewater. The proposal must include a detail on the diversion valve and must clearly show that the valve and both the stormwater and the process wastewater lines are clearly labeled.
8. The use of the drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc., over the system.
9. Because the proposed facility will have a kitchen that will be used for food preparation for marketing events, this kitchen must be regulated and permitted by this department. As such, complete plans and specifications containing equipment layout, finish schedule and plumbing plans for the food preparation/food service area and the employee restrooms, must be submitted for review and approval by the County Department of Environmental Management prior to issuance of any building permit for said areas. Additionally, as a condition of approval and permitting of this food facility, the owner will have to comply with water system sampling and reporting as required. Owner shall apply for and obtain an annual food permit prior to issuance of a final on this project.
10. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
11. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the

applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.

12. Adequate area must be provided for collection of recyclables. The applicant must contact the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site.

13. All diatomaceous earth and/or bentonite must be dried and disposed of as solid waste or in another appropriate manner. If the proposed septic system is either a special design sewage disposal system or a private sewage disposal system, the plan submitted for review and approval must address diatomaceous earth/ bentonite disposal.

cc: Doug Calhoun, Environmental Health Supervisor
Mary Doyle, CDPD
Chris Zock, Cunat Premium Vineyards, LLC, Materra Winery, 5400 W. Elm St.,
McHenry, IL 60050
Michael R. Muelrath, Applied Civil Engineering Inc., 2074 West Lincoln Ave., Napa,
CA 94558



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Napa County Fire Department
Fire Marshal's Office
Hall of Justice, 2nd Floor
1195 3rd Street
Napa, CA 94559

Office: (707) 299-1461

Pete Muñoa
Fire Marshal

INTER-OFFICE MEMORANDUM

TO: Charlene Gallina
Planning, Building and Environmental Services

FROM: Pete Muñoa
Fire Department

DATE: September 18, 2013

Subject: P13-00283 APN# 036-160-003

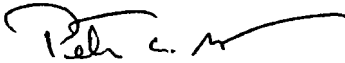
**SITE ADDRESS: 4324 Big Ranch Road, Napa CA 94558
Materra Winery**

The Napa County Fire Marshal's Office has reviewed the Use Permit Modification application for the project listed above. I am requesting that the comments below be incorporated into the project conditions should the Planning Commission approve this request.

1. **All construction and use of the facility shall comply with all applicable standards, codes, regulations, and standards at the time of building permit issuance.**
2. All fire department access roads and driveways shall comply with the **Napa County Public Works Road and Street Standards.**
3. The numerical address of the facility shall be posted on the street side of the buildings visible from both directions and shall be a minimum of 4-inches in height on a contrasting background. Numbers shall be reflective and/or illuminated.
4. All buildings over 3,600 square feet shall be equipped with an automatic fire sprinkler system conforming to NFPA 13 2010 edition with water flow monitoring to a Central Receiving Station.
5. The required minimum fire flow for this project is 400 GPM for a 60 minute duration with 20 psi residual pressure. A UL listed fire pump conforming to NFPA 20, 2010 edition may be required to meet or exceed the required fire flow for the project.

6. Provide a minimum of 12,000 gallons of water dedicated for fire protection. Water storage for fire sprinkler systems shall be in addition to the water storage requirement for your fire flows and domestic use.
7. Provide fire department access roads to within 150 feet of any exterior portion of the buildings. Fire department access roads shall be a minimum of 20 feet in width with a 14 foot clear vertical clearance.
8. Blue dot reflectors shall be installed 12-inches off centerline in front of all fire hydrants.
9. All fire hydrants shall be painted chrome/safety yellow.
10. Approved steamer fire hydrants shall be installed a maximum distance of 250 feet from any point on approved fire apparatus access roads. Private fire service mains shall be installed, tested and maintained per NFPA 24 2010 edition.
11. Currently serviced and tagged 2A 10BC fire extinguishers, at a minimum, shall be mounted 3.5 to 5 feet from the top of all extinguishers to the finished floor and be reachable within 75 feet of travel distance from any portion of all buildings.
12. All exit doors shall open without the use of a key or any special knowledge or effort.
13. Install illuminated exit signs throughout the buildings per the California Building Code 2010 edition.
14. Install emergency back-up lighting throughout the buildings per the California Building Code 2010 edition.
15. Install laminated 11" x 17" site plans and building drawings in NCFD specified KNOX CABINET. Two Master keys to all exterior doors shall be provided in the KNOX CABINET. A PDF file shall be sent to the Napa County fire Marshal's Office.
16. Beneficial occupancy **will not be granted** until all fire department fire and life safety items have been installed, tested and finalized.
17. Provide 100 feet of defensible space around all structures.
18. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.
19. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus in all weather conditions.
20. Designated fire lanes shall be painted red with white 4 inch high white letters to read "NO PARKING FIRE LANE-CVC22500.1" stenciled on the tops of the curbs every 30 feet.
21. Barricades shall be provided to protect any natural gas meter, fire hydrants, or other fire department control devices, which may be subject to vehicular damage.

22. Plans detailing compliance with the fire and life safety conditions of approval shall be submitted to the Napa County Fire Marshal's Office for review and approval prior to building permit issuance and/or as described above.
23. All post indicator valves and any other control valve for fire suppression systems shall be monitored off site by a Central Station or Remote receiving Station in accordance with NFPA 72 2010 edition.
24. A complete set of building drawings and civil drawings shall be submitted to the Napa County Fire Marshal's Office for plan review and approval prior to building permit issuance.

A handwritten signature in black ink, appearing to read "Pete Muñoa", with a long horizontal flourish extending to the right.

Pete Muñoa
Fire Marshal



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Planning, Building & Environmental Services

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

David Morrison
Director

September 17, 2015

Beth Painter
Balanced Planning
1455 First Street, Suite 217
Napa, CA 94559

**Re: Materra, Cunat Premium Vineyards – Major Modification to Use Permit,
Application P15-00071 – MOD
4326 Big Ranch Road, Assessor's Parcel No. 036-160-003**

Dear Ms. Painter,

Please be advised that Major Modification to Use Permit, Application P15-00071 – MOD was **APPROVED** by the Napa County Planning Commission (hereinafter, "Commission") on September 16, 2015, subject to the attached and adopted final conditions of approval, Napa County departmental comments, and all applicable Napa County regulations. In approving the above application, the Commission adopted the Subsequent Negative Declaration on file with the Planning, Building and Environmental Services Department.

This permit becomes effective immediately unless an appeal is filed with the Napa County Board of Supervisors consistent with 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. You are hereby further notified that the 90-day period, established by California Government Code Section 66020(d)(1), in which to protest the imposition of any fees, dedications, reservations, or other exactions that may have been adopted as conditions of approval, has commenced.

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

USE PERMIT EXPIRATION DATE: September 16, 2017

If you have any questions about this letter, please contact me by telephone at (707) 253-4388 or by email at dana.ayers@countyofnapa.org.

Sincerely,

Dana Ayers
Planner III

Enclosures: Adopted Conditions of Approval and Departmental Requirements
Copies to: J. Tuteur (Napa County Assessor), Project File

Planning Division
(707) 253-4417

Building Division
(707) 253-4417

Engineering & Conservation
(707) 253-4417

Environmental Health
(707) 253-4471

Parks & Open Space
(707) 259-5933

EXHIBIT A - FINDINGS

PLANNING COMMISSION HEARING – SEPTEMBER 16, 2015

**Materra, Cunat Premium Vineyards
Use Permit Major Modification, P15-00071 – MOD
4326 Big Ranch Road
Assessor's Parcel No. 036-160-003**

ENVIRONMENTAL:

On January 7, 2009, the Planning Commission adopted a Mitigated Negative Declaration (MND) for the Materra Winery (Use Permit No. P08-00428 – UP). The initial study (IS) that informed the MND analyzed the potential environmental impacts of the then-proposed Materra Winery and identified a potentially significant impact in the area of Traffic and Transportation. With adoption of the MND, the Commission adopted a mitigation measure that required re-alignment of the winery access driveway from Big Ranch Road so as not to create unsafe vehicular traffic movements at the intersection of Big Ranch Road with Oak Knoll Avenue. The applicant has complied with this mitigation measure with the recently-built winery site improvements. Potential impacts in all other areas discussed in the initial study were found to be less than significant.

The proposed Major Modification to increase permitted annual wine production is a change in the scope of the project as described in the 2009 IS/MND. The Planning Commission has received and reviewed the Subsequent Initial Study for the Major Modification request, pursuant to the provisions of the California Environmental Quality Act (CEQA) and Napa County's Local Procedures for Implementing CEQA, and finds that:

1. The Planning Commission has read and considered the Subsequent Initial Study, as well as any comments received thereon, prior to taking action on the statement of Subsequent Negative Declaration and the proposed project.
2. The Subsequent Negative Declaration is based on independent judgment exercised by the Planning Commission.
3. The Subsequent Initial Study and Subsequent Negative Declaration were prepared and considered in accordance with the requirements of the California Environmental Quality Act.
4. There is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment.
5. There is no evidence, in considering the record as a whole that the proposed project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends.
6. The site of this proposed project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5 and is not within the boundaries of any airport land use plan.
7. The Secretary of the Planning Commission is the custodian of the records of the proceedings on which this decision is based. The records are located at the Napa County

Planning, Building & Environmental Services Department, 1195 Third Street, Room 210, Napa, California.

USE PERMIT:

The Commission has reviewed the use permit request in accordance with the requirements of the Napa County Code Section 18.124.070 and makes the following findings:

8. The Commission has the power to issue the Use Permit under the Zoning Regulations in effect as applied to property.

Analysis: The winery is located on property located in the AP (Agricultural Preserve) District. Wineries in the AP District require Planning Commission approval of a conditional use permit; likewise, amendments and modifications to approved use permits to increase production capacity require Planning Commission approval (Napa County Code Sections 18.16.030 and 18.104.250.A.4). With the exception of the addition of a new, 2,000-gallon underground septic tank behind the production building, no physical changes to the property are proposed. There is no companion action, necessary for the requested Use Permit Major Modification, that would require action by the Board of Supervisors.

9. The procedural requirements for a Use Permit set forth in Chapter 18.124 of the Napa County Code (zoning regulations) have been met.

Analysis: The Use Permit Major Modification application has been appropriately filed, and notice and public hearing requirements have been met. The notice of public hearing and intent to adopt a Subsequent Negative Declaration to the 2009 IS/MND were published in the Napa Valley Register and posted with the Napa County Clerk on August 26, 2015, and copies of the notice were mailed via first class mail to owners of property within 1,000 feet of the subject parcel, as well as other interested parties. The public comment period ran from August 27, 2015, through September 15, 2015.

10. The grant of the Use Permit, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: Granting the Major Modification to the Use Permit as proposed and conditioned will not affect the health, safety or welfare of the County. Various County divisions and departments have reviewed the project and commented regarding waste disposal and water demands. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health, safety, and welfare.

11. The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan.

Analysis: Compliance with the Zoning Ordinance

The proposed use is consistent with the regulations of the AP District in which the property is located. Wineries are conditionally permitted uses in the AP District (Napa County Code Section 18.16.030), and the existing site improvements currently comply with the development regulations of the AP District, including the minimum 600-foot road setback for winery buildings, 35-foot maximum building height, and maximum 12.5 percent lot coverage standards as prescribed in County Code Sections 18.104.010, 18.104.220 and 18.104.230.

Installation of a new, 2,000-gallon septic tank would be necessary to accommodate the proposed production increase but would be below ground surface and would also occur outside of any required setbacks.

Analysis: Consistency with the General Plan

As proposed and as conditioned, the requested Major Modification is consistent with the overall goals and objectives of the General Plan (2008). The General Plan land use designation for the subject parcel is Agricultural Resource.

General Plan Agricultural Preservation and Land Use Goal AG/LU-1 guides the County to “preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.” General Plan Goal AG/LU-3 states that the County should “support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.” Goal AG/LU-3 and Policy AG/LU-2 recognize wineries as agricultural uses.

The approved use of the property for fermenting and processing of grape juice into wine, as well as the requested increase in the production of wine, supports the economic viability of agriculture within the County, consistent with Goal AG/LU-3 and Policy AG/LU-4 (“The County will reserve agricultural lands for agricultural use including land used for grazing and watershed/open space...”) By allowing the existing permitted winery to increase its annual production in anticipation of a projected increase in on-site fruit yield, the proposed Major Modification supports the economic viability of both the vineyard and agricultural product processing uses on the property, consistent with Economic Development Goal E-1 and Policy E-1.

The “Right to Farm” is recognized throughout the General Plan and is specifically called out in Policy AG/LU-15 and in the County Code. “Right to Farm” provisions ensure that agriculture remains the primary land use in Napa County and is not threatened by potentially competing uses or neighbor complaints. Napa County’s adopted General Plan reinforces the County’s long-standing commitment to agricultural preservation, urban centered growth, and resource conservation.

The project is also consistent with General Plan Conservation Policy CON-53 and CON-55, which require that applicants, who are seeking discretionary land use approvals, prove that adequate water supplies are available to serve the proposed use without causing significant negative impacts to shared groundwater resources. The applicant submitted with the modification request a water availability analysis (WAA) prepared in accordance with the County’s adopted WAA Guidelines (May 2015). The WAA estimates demonstrated that the requested increase in production, though it would increase water demand of the winery, would not generate a need for more than one acre-foot of well water per parcel-acre per year. Thus, the proposed modification is consistent with General Plan Goals CON-10 and CON-11, as well as the policies mentioned above that support reservation and sustainable use of groundwater for agricultural and related purposes. Greenhouse gas reduction measures specified by the project applicant also indicate intent to recycle 75 percent of all waste, including food and garden material, consistent with General Plan policy (Policy CON-87) to reduce solid waste throughout the County. (The specifically-identified goals and policies with which the proposed Major Modification is consistent are listed at the conclusion of these findings).

12. That the proposed use would not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on an affected groundwater basin in Napa County, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Sections 13.15.070 or 13.15.080 of the County Code.

Analysis: The property is not located in any groundwater deficient area defined by Napa County Code Title 13, Map 13-1. No new water system would need to be installed to serve the winery. Concurrently with the submittal of the use permit modification application, the applicant's engineer submitted an estimate of water use associated with the production increase. The report was prepared in accordance with current Napa County Water Availability Analysis Guidelines (May 2015) and indicated that with the proposed increased production, estimated water use at the site would be 40.51 acre-feet per year (an increase of 1.73 acre-feet for the increase in production and adjustment in vineyard irrigation), and would be within the maximum 50 acre-feet per year (one acre-foot per acre on the property) that the County has established as a sustainable level of water use. It is further noted that the 40.51 acre-feet per year does not account for reductions in groundwater draws as a result of 76.5 acre-feet per year that the property owner is licensed to draw from the Napa River (California State Water Resources Control Board, Division of Water Rights, License 11513, Amended September 2008), and so, it is considered a conservative estimate of water use associated with the proposed modification.

Applicable Napa County General Plan goals and policies:

- Goal AG/LU-1: Preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.
- Goal AG/LU-3: Support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.
- Policy AG/LU-2: “Agriculture” is defined as the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses. Agriculture also includes farm management businesses and farm worker housing.
- Policy AG/LU-4: The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/open space, except for those lands which are shown on the Land Use Map as planned for urban development.
- Policy AG/LU-8: The County’s minimum agricultural parcel sizes shall ensure that agricultural areas can be maintained as economic units.
- Policy AG/LU-15: The County affirms and shall protect the right of agricultural operators in designated agricultural areas to commence and continue their agricultural practices (a “right to farm”), even though established urban uses in the general area may foster complaints against those agricultural practices. The “right to farm” shall encompass the processing of agricultural products and other activities inherent in the definition of agriculture provided in Policy AG/LU-2.
- Goal CON-10: Conserve, enhance and manage water resources on a sustainable basis to attempt to ensure that sufficient amounts of water will be available for the uses allowed by this General Plan, for the natural environment, and for future generations.
- Goal CON-11: Prioritize the use of available groundwater for agricultural and rural residential uses rather than for urbanized areas and ensure that land use decisions recognize the long-term availability and value of water resources in Napa County.
- Policy CON-53: The County shall ensure that the intensity and timing of new development are consistent with the capacity of water supplies and protect groundwater and other water supplies by requiring all applicants for discretionary projects to demonstrate the availability of an adequate water supply prior to approval. Depending on the site location and the specific circumstances, adequate demonstration of availability may include evidence or calculation of groundwater availability via an appropriate hydrogeologic analysis or may be satisfied by compliance with County Code “fair-share” provisions or applicable State law. In some areas, evidence may be provided through coordination with applicable municipalities and public and private water purveyors to verify water supply sufficiency.

Policy CON-55: The County shall consider existing water uses during the review of new water uses associated with discretionary projects, and where hydrogeologic studies have shown that the new water uses will cause significant adverse well interference or substantial reductions in groundwater discharge to surface waters that would alter critical flows to sustain riparian habitat and fisheries or exacerbate conditions of overdraft, the County shall curtail those new or expanded water uses.

Policy CON-81: The County shall require dust control measures to be applied to construction projects consistent with measures recommended for use by the BAAQMD [Bay Area Air Quality Management District].

Policy CON-87: The County shall promote solid waste source reduction, reuse, recycling, composting and environmentally-safe transformation of waste. The County shall seek to comply with the requirements of AB [Assembly Bill] 939 with regard to meeting state-mandated targets for reductions in the amount of solid waste generated in Napa County.

Goal E-1: Maintain and enhance the economic viability of agriculture.

Policy E-1: The County's economic development will focus on ensuring the continued viability of agriculture in Napa County.

PLANNING COMMISSION HEARING – SEPTEMBER 16, 2015
EXHIBIT B – CONDITIONS OF APPROVAL

Materra, Cunat Premium Vineyards
Application Number P15-00071 – MOD
4326 Big Ranch Road
APN 036-160-003

1.0 SCOPE

This permit shall be limited to:

- 1.1 Approval of a Use Permit Major Modification (P15-00071 – MOD) to:
 - A. Increase in the winery’s permitted annual production from 50,000 gallons of wine to 85,000 gallons of wine; and
 - B. Modify the existing septic system on-site to include a new, 2,000-gallon, below-ground septic tank alongside the 5,000-gallons of underground tank storage area behind (east of) the new winery production building, in order to accommodate the additional process waste water from the proposed increase in production.

The winery buildings and outdoor processing areas on-site shall not be expanded for sake of this production increase, and no increases shall be made to the winery’s approved parking, employment, or visitation and marketing programs.

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 (the 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 County Code Section 18.124.130 and may be subject to the Use Permit modification process.

2.0 PROJECT SPECIFIC CONDITIONS

Should any of the Project Specific Conditions below conflict with any of the other, standard conditions included in this document (beginning in Section 3.0 and following), the Project Specific Conditions shall supersede and control.

- 2.1 No project specific conditions are adopted with this project modification.

3.0 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES

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:

- 3.1 Engineering Services Division as stated in their Memorandum dated April 2, 2015.

3.2 Environmental Health Division as stated in their Memorandum dated March 18, 2015.

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

4.0 GRAPE SOURCE

At least 75% of the grapes used to make the winery's wine shall be grown within Napa County. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the annual production is from Napa County grapes. The report shall recognize the Agricultural Commissioner's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the PBES Department upon request, but shall be considered proprietary information and not available to the public.

5.0 COMPLIANCE REVIEW

Permittee shall obtain and maintain all permits (Use Permits and Modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC), United States Tax and Trade Bureau (TTB), and California Department of Food and Agriculture (CDFA) Grape Crush Inquiry data, all of which are required to produce and sell wine. In the event permittee loses the required ABC or TTB permits and licenses (or permit/license is revoked), permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are re-established.

Visitation log books, custom crush client records, and any additional documentation determined by staff to be necessary to evaluate compliance may be requested by the County for any code compliance or code enforcement process. The permittee (and their successors) shall be required to participate fully in the winery code compliance or enforcement process.

6.0 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 or entities producing and/or storing wine at the winery, such as alternating proprietors and custom producers, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

7.0 SIGNS

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

8.0 LIGHTING

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations, shall be on timers, and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Lighting utilized during harvest activities is not subject to this requirement.

Prior to issuance of any building permit pursuant to this approval, 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 California Building Code.

9.0 OUTDOOR STORAGE/SCREENING/UTILITIES

All outdoor storage of winery equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage 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.

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 County Code Chapter 18.106) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

10.0 SITE IMPROVEMENT CONDITIONS

Please contact Engineering Services with any questions regarding the following:

10.1 GRADING AND SPOILS

All grading and spoils generated by construction of the project facilities, including cave spoils, shall be managed per Engineering Services direction. All spoils piles shall be removed prior to issuance of a Final Certificate of Occupancy.

10.2 TRAFFIC

Reoccurring and scheduled vehicle trips to and from the site for employees, contractors, deliveries, and visitors shall not occur during peak hours, between 4:00 p.m. and 6:00 p.m., to the maximum extent possible. All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Road and Street Standards.

10.3 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.

10.4 AIR QUALITY

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

- a. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The Air District's phone number shall also be visible.
- b. All exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) shall be watered two times per day.
- c. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- d. All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- e. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- f. 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.
- g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points.
- h. 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.

10.5. 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 (SRWQCB).

10.6 PARKING

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

Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations except during harvest activities and approved marketing events. In no case shall parking impede emergency vehicle access or public roads.

11.0 ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS

Please contact Environmental Health with any questions regarding the following:

11.1 WELLS

The permittee shall (at the permittee's expense) provide well monitoring data monthly and the total annual groundwater pumped. Data requested shall include, but not necessarily be limited to, water extraction volumes and static well levels. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

- a. No new on-site or off-site water sources, including but not limited to wells, imported water, new ponds/reservoir(s) or other surface water impoundments, or use of an existing pond shall be permitted without additional environmental review and may be subject to a modification to this use permit. A new Water Availability Analysis shall be required prior to approval of any new water source(s) on the property.
- b. All monitoring shall commence within six months of the issuance of the use permit, or immediately upon commencement of the winery use, whichever occurs first and shall be submitted annually thereafter.

11.2 NOISE

Construction noise shall be minimized to the greatest extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8:00 a.m. to 5:00 p.m. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the County Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.

12.0 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 the development, all work in the vicinity must be, by law, 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 nearest tribal relatives as determined by the State Native American Heritage Commission shall be contacted by the permittee 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.

13.0 INDEMNIFICATION

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

14.0 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 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 owner. 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 grant of 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 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 County Code Section 18.124.120.

15.0 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.

16.0 PAYMENT OF FEES AS PREREQUISITE FOR ISSUANCE OF PERMITS

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.

17.0 PREVIOUS CONDITIONS

As applicable, the permittee shall comply with any previous conditions of approval (Use Permit P08-00428 – UP and Very Minor Modification P13-00238 – VMM) for the winery use except as they may be explicitly 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.



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Planning, Building & Environmental Services

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Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

MEMORANDUM

A handwritten signature in blue ink, appearing to read "C. Secheli", is written over the "From:" field of the memorandum header.

To: Dana Ayers, Project Planner	From: Christine Secheli
Date: 3/18/2015	Re: Use Permit Application for Mattera Winery APN# 036-160-003 P15-00071

Environmental Health Division staff has reviewed an application to increase production from 50,000 gallons per year to 85,000 gallons per year as outlined in the application materials. This Division has no objection to approval of the application with the following conditions of approval:

Upon approval of Use Permit:

1. A permit for the installation of an additional process wastewater septic tank must be secured from the Environmental Health Division. This will require a plan submittal for approval.
2. An annual alternative sewage treatment system monitoring permit must be obtained for the private sewage disposal system prior to issuance of a final on the project. The septic system monitoring, as required by this permit, must be fully complied with. As a part of this operation permit the applicant will be required to contract with an approved service provider for maintenance and annual inspections of the system.



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David Morrison
Director

MEMORANDUM

To: Dana Ayers, Planning Division	From: Jeannette Doss, Engineering and Conservation Division <i>JD</i>
Date: April 2, 2015	Re: Materra, Cunat Family Vineyards Use Permit Major Mod – Engineering CoA 4326 Big Ranch Road, Napa, CA P15-00071 APN 036-160-003

The Engineering Division received a referral for comments on a Major Modification to an existing Use Permit, generally requesting the following:

To amend the previously approved Use Permit for Materra Winery (P08-00428 - New 50,000 g.p.y. winery in approximately 20,000 square feet of new facilities proposed to be constructed in two phases. All existing structural development on the property is proposed to be demolished) and subsequent very minor modification (P13-00283 -increase the size of the total building by 5,476 sf. No changes to production, visitation or marketing program.) to allow an increase in production from 50,000 gallons per year to 85,000 gallons per year. This modification proposes no further changes to the onsite or offsite improvements, number of employees, or visitation and marketing program.

After careful review of the use permit modification submittal, the Engineering Division recommends approval of the project and has no additional recommended conditions of approval. The previous Engineering Division recommended conditions of approval for original Use Permit P08-00428 dated October 20, 2008 and signed by Drew Lander and the subsequent conditions of approval for the Minor Modification application P13-00283 dated February 26, 2014 and signed by Peter Corelis shall apply to this modification.

Note: Any changes in use may necessitate additional conditions for approval.

Please note that the comments noted above are based on Engineering Division review only. There may be additional comments or information requested from other County Departments, Divisions, or regulatory agencies reviewing this application submittal package. If you have any questions regarding the above items please contact Jeannette Doss from the Napa County PBES Department Engineering Division at (707) 259-8179 or via e-mail at Jeannette.Doss@countyofnapa.org