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Use Permit Exception to the Conservation Regulations Application Packet

Shed Creek Winery Use Permit P16-00327 and
Use Permit Exception to the Conservation Regulations P17-00178
Planning Commission Hearing November 15, 2017



FILE # P17-00178

**NAPA COUNTY
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES**
1195 Third Street, Suite 210, Napa, California, 94559 • (707) 253-4417

A Tradition of Stewardship
A Commitment to Service

**APPLICATION FOR USE PERMIT
EXCEPTION TO CONSERVATION REGULATIONS**

FOR OFFICE USE ONLY

ZONING DISTRICT: _____ Date Submitted: _____

TYPE OF APPLICATION: _____ Date Published: _____

REQUEST: _____ Date Complete: _____

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

PROJECT NAME: SHED CREEK WINERY

Assessor's Parcel #: 033-170-002 Existing Parcel Size: 287.38

Site Address/Location: 80 GRAPEVINE LANE NAPA CA 94558
No. Street City State Zip

Property Owner's Name: WILLIAM MORGAN

Mailing Address: 80 GRAPEVINE LANE NAPA CA 94558
No. Street City State Zip

Telephone #: (707) 718-0044 Fax #: () - E-Mail: _____

Applicant's Name: BOB MORGAN

Mailing Address: 450 OAK VIEW DR VACAVILLE CA 95688
No. Street City State Zip

Telephone #: (707) 718-0044 Fax #: () - E-Mail: BOBM@MORGANOUTDOORLIVING.COM

Status of Applicant's Interest in Property: SON OF OWNER

Representative Name: _____

Mailing Address: _____
No. Street City State Zip

Telephone # () Fax #: () E-Mail: _____

I certify that all the information contained in this application, including but not limited to the information sheet, water supply/waste disposal information sheet, site plan, plot plan, floor plan, building elevations, water supply/waste disposal system plot plan and toxic materials list, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved.

[Signature] 4-18-2017 [Signature] 4-18-2017
Signature of Applicant Date Signature of Property Owner Date

Robert W. Morgan W. E. Morgan
Print Name Print Name

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

Application Fee Deposit: \$ Billed to P14-00346 Receipt No.: _____ Received by: e.hedge Date: _____

SUPPLEMENTAL APPLICATION FORM
USE PERMIT EXCEPTION TO CONSERVATION REGULATION

1. Please explain the reason for the exception request.

WE ARE REQUESTING THE EXCEPTION BECAUSE THE NAPA COUNTY FIRE MARSHAL AND ENGINEERING DEVISION ARE REQUIRING THE DRIVEWAY TO BE UPGRADED TO THE MOST RECENT VERSION OF THE NAPA COUNTY ROAD AND STREET STANDARDS AS PART OF THE USE PERMIT APPROVAL PROCESS. DOING THIS REQUIRES SOIL TO BE DISTURBED WITHIN THE STREAM SETBACK.

2. Are there any alternatives to the project which would not require an exception? Please explain.

THE NAPA COUNTY FIRE MARSHAL AND ENGINEERING DEVISION HAVE REVIEWED MANY ALTERNATIVES TO DISTURBING SOIL WITHIN THE CREEK SETBACK AND HAVE REJECTED THEM ALL. CURRENTLY ALL ALTERNATIVES HAVE BEEN EXPLORED AND REJECTED. THIS IS THE ONLY WAY THE ABOVE SAID COUNTY REPS WILL ALLOW THE PROJECT TO MOVE FORWARD.

3. Describe how the project can meet the findings described in Section 18.104.040 A (structural or road project), or Section 18.108.040B (agricultural project).

Section 18.108.040.A. Structural/road development projects

a. Roads, driveways, buildings and other man-made structures have been designed to complement the natural landform and to avoid excessive grading: (Please describe).

NAPA COUNTY CONSERVATION STAFF, ENGINEERING STAFF AND FIRE MARSHAL STAFF MET ONSITE AND DESCRIBED THE AREAS WHERE DRIVEWAY IMPROVEMENTS WOULD BE ALLOWED. LARGE HERITAGE OAKS ARE TO BE AVOIDED AS MUCH AS POSSIBLE. THE DRIVEWAY IMPROVEMENTS ARE PROPOSED TO BE DIRECTLY ADJACENT TO THE EXISTING DRIVEWAY. ALL EFFORTS TO AVOID EXCESSIVE GRADING HAVE BEEN MADE. NO DRIVEWAY IMPROVEMENTS ARE BEING PROPOSED BEYOND WHAT FIRE AND ENGINEERING STAFF ARE REQUIRING.

b. Primary and accessory structures employ architectural and design elements which in total serve to reduce the amount of grading and earthmoving activity required for the project, including the following elements:

- i. Multiple-floor levels which follow existing, natural slopes;
- ii. Foundation types such as poles, piles, or stepping level which minimize cut and fill and the need for retaining walls;
- iii. Fence lines, walls, and other features which blend with the existing terrain rather than strike off at an angle against it.

NOT APPLICABLE. ALL BUILDINGS ARE EXISTING AND NOT BEING EXPANDED.

c. The development project minimizes removal of existing vegetation , incorporates existing

vegetation into final design plans, and replacement vegetation of appropriate size, quality and quantity is included to mitigate adverse environmental effects.

NOT APPLICABLE. ALL BUILDINGS ARE EXISTING AND NOT BEING EXPANDED.

4. Adequate fire safety measures have been incorporated into the design of the proposed development.

YES. THE FIRE MARSHAL AND HIS STAFF HAVE BEEN THE DRIVING FORCE BEHIND THESE IMPROVEMENTS. WE FEEL THE IMPROVEMENTS ARE MORE THAN ENOUGH FOR THE MINISCULE AMOUNT OF TRAFFIC THIS DRIVEWAY WILL SEE.

5. Disturbance to streams and watercourses shall be minimized, and setbacks shall be retained as specified in Section 18.108.025.

THERE WILL BE NO DISTURBANCE TO THE ACTUAL STREAMS. SOIL DISTURBANCE IS TAKING PLACE WITHIN STREAM SETBACKS AS REQUIRED BY COUNTY FIRE AND ENGINEERING STAFF. CONSERVATION STAFF HAS MET ONSITE WITH FIRE AND ENGINEERING STAFF AND POINTED OUT AREAS WHERE STREAM SETBACKS CAN BE ENCROACHED UPON TO IMPROVE PUBLIC SAFETY. THIS APPLICATION AND ATTACHED PLANS REFLECT THESE DISCUSSIONS.

6. The project does not adversely impact threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the county's environmental sensitivity maps.

TO OUR KNOWLEDGE THE PROJECT WILL NOT ADVERSELY IMPACT THREATENED OR ENDANGERED PLANT OR ANIMAL HABITATS. IMPROVEMENTS ARE LIMITED TO THE EXISTING FENCED OFF DRIVEWAY CORRIDOR. THE MAJORITY OF THE IMPROVEMENTS ARE TAKING PLACE ON EXISTING ROAD BASE OR SHOULDER WHICH IS CURRENTLY SUBJECT TO VEHICLE TRAVEL.

Section 18.108.040.B. Agricultural projects, or Agricultural roads as defined by Planning, Building, and Environmental Services, Engineering Division

7. The erosion rate that results two years from the completion of the proposed agricultural development does not exceed the soil tolerance factor approved by the Natural Resource Conservation Service for the soil type, topography and climatic conditions in which the project is located; (Please attach a copy of the USLE worksheet used to determine the erosion rate).

NOT APPLICABLE

8. Impacts on streams and watercourses are minimized, and adequate setbacks along these drainageways are or will be maintained.

NOT APPLICABLE

9. The project does not adversely impact sensitive, rare, threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the county's environmental sensitivity maps.

NOT APPLICABLE

INDEMNIFICATION AGREEMENT

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

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

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

Robert W. Morgan
Applicant

4-18-2017
Date

XW E Morgan
Property Owner (if other than Applicant)

SHED CREEK WINERY
Project Identification