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

Maxville Lake Winery P17-00225-MOD & Conservation Regulations  
Exception P18-00189  
Planning Commission Hearing September 5, 2018

**PLANNING COMMISSION HEARING – ~~AUGUST 1~~ SEPTEMBER 5, 2018**  
**REVISED RECOMMENDED CONDITIONS OF APPROVAL**

**Maxville Lake Winery Major Modification Use Permit**  
**Application Number P17-00225-MOD & Use Permit Conservation Regulation Request**  
**Application Number P18-00189-UP**  
**4105 Chiles Pope Valley Road, St. Helena, California**  
**APN# 025-020-023**

This permit encompasses and shall be limited to the project commonly known as Maxville Lake Winery, located at 4105 Chiles Pope Valley Road. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved.

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

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

**PART I**

**1.0 PROJECT SCOPE**

The permit encompasses and shall be limited to:

- 1.1 Approval of a Conservation Regulations Exception to allow construction of the proposed new access driveway to Chiles Pope Valley Road to encroach into the required 55-foot stream setback by approximately 45 feet for Maxwell Creek and associated wetland for approximately 120 lineal feet.
- 1.2 Approval to modify an existing 59,000 gallon per year winery, previously approved under Use Permit No. 97484-UP, Use Permit Modification No. 98354-MOD, Use Permit Modification No. 02354-MOD, Use Permit Modification No. 03224-MOD, and Use Permit Modification No. P16-00294-VMM to allow the following:
  - a. Conversion of approximately 2,069 square feet of the existing wine storage caves from a type I to a type III cave for hospitality use and conversion of approximately 3,056 square feet of existing winery building floor space to hospitality use;

- b. Installation of a commercial kitchen and conversion of the existing mezzanine area to employee offices within the existing 23,662 square foot winery building;
- c. Increase annual permitted maximum production to ~~240,000~~ 155,000 gallons up to year 2024 and up to 225,000 gallons per year maximum annual production thereafter upon proof submitted to the Zoning Administrator that planting of an additional 49 acres of vineyards on-site has occurred;
- d. Visitation, tours and tasting, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;
- e. Upgrade the existing wastewater system and associated infrastructure consistent with County Code; convert the existing storage ponds to a wastewater treatment pond; and install on-site drainage systems and fire suppression systems;
- f. On-premises consumption of wine as set forth in COA No. 4.4 below;
- g. Hours of operation: 7:30 am to 6:00 pm daily (production hours) and 10:00 am to 6:00 pm Monday through Sunday (visitation hours);
- h. Maximum number of employees: 15 full-time employees and nine (9) part-time employees;
- i. Number of parking spaces: 50 parking spaces; and
- j. Construct a new access driveway to Chiles Pope Valley Road.

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 permittee 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 change in winery use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

## **2.0 STATUTORY AND CODE SECTION REFERENCES**

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

## **3.0 MONITORING COSTS**

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

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of a compliance deficiency is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the 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 proceedings in accordance with the County Code.

## **PART II**

### **4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT**

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

#### **4.1 GENERAL PROVISIONS**

Consistent with the County Code, tours and tastings and marketing 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."

Tours and tastings (defined below) 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.

Retail sales of wine shall be permitted as set forth in the County Code.

#### **4.2 TOURS AND TASTINGS/VISITATION**

Tours and tastings shall be by appointment only and shall be limited to the following:

- a. Frequency: seven days per week, Monday through Sunday
- b. Maximum number of persons per day: 25 (Monday through Thursday), 75 (Friday through Sunday)
- c. Maximum number of persons per week: 325
- d. Hours of visitation: 10:00 am to 6:00 pm

"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. To the maximum extent feasible, scheduling of visitors shall not occur during peak travel times 3:30 PM to 6:00 PM, Monday through Sunday.

A log book (or similar record) shall be maintained to document the number of visitors to the winery (for either tours and tastings or marketing events), and the

dates of the visits. This record of visitors shall be made available to the Planning, Building and Environmental Services (PBES) Department upon request.

#### 4.3 MARKETING

Marketing events shall be limited to the following:

a. **Type 1**

1. Frequency: ~~96~~ 36 times per year
2. Maximum number of persons: 30
3. Time of Day: ~~11:00 am~~ 12:00 pm to ~~10:00~~ 3:30 pm, Monday through Sunday

b. **Type 2**

1. Frequency: 24 times per year
2. Maximum number of persons: ~~95~~ 75
3. Time of Day: 11:00 am to 10:00 pm, Monday through Sunday

c. **Type 3**

1. Frequency: 6 times per year
2. Maximum number of persons: ~~400~~ 95
3. Time of Day: ~~11:00 am~~ 2:00 pm to ~~10:00~~ 4:00 pm, Monday through Sunday

d. **Type 4 (Wine Auction Related)**

1. Frequency: ~~6~~ 2 times per year
2. Maximum number of persons: 75
3. Time of Day: 11:00 am to 10:00 pm, Monday through Sunday

e. Food service to be prepared in on-site commercial kitchen or by licensed caterers and use of outdoor patio area permitted for tasting and marketing events.

f. Marketing events shall not begin nor end during the hours of 3:30 PM to 6:00 PM, Monday through Sunday.

g. Tours and tastings authorized in COA No. 4.2 shall not occur when Type ~~2~~ or 3 or 4 marketing events are scheduled.

h. Shuttle buses shall be utilized for guest transportation for all marketing events of 75 persons or greater.

"Marketing of wine" means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to the County Code. Marketing of wine may include cultural and social events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of wine may

include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery. Business events are similar to cultural and social events, in that they will only be considered as “marketing of wine” if they are directly related to the education and development of customers and potential customers of the winery and are part of a marketing plan approved as part of the winery’s Use Permit. To be considered directly related to the education and development of customers or potential customers of the winery, business events must be conducted at no charge except to the extent of cost recovery, and any business content unrelated to wine must be limited.

Careful consideration shall be given to the intent of the event, the proportion of the business event’s non-wine-related content, and the intensity of the overall marketing plan (County Code).

All marketing event activity, excluding quiet clean-up, shall cease by 10:00 pm. 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 not be limited to, valet service or off-site parking and shuttle service to the winery.

Auction Napa Valley (ANV) events need not be included in a participating winery’s marketing plan because they are covered by ANV’s Category 5 Temporary Permit. The winery may utilize any ANV event authorized in this permit for another charitable event of similar size.

#### 4.4 ON-PREMISES CONSUMPTION

In accordance with State law and the PBES Director’s July 17, 2008 memo, “Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises,” on-premises consumption of wine produced on-site and purchased from the winery may occur solely in the tasting areas and outdoor patio. Any and all visitation associated with on-premises consumption shall be subject to the maximum per person weekday and weekend daily tours and tastings visitation limitation and/or applicable limitations of permittee’s marketing plan set forth in COA Nos.4.2 and 4.3 above.

#### 4.5 RESIDENCE OR NON-WINERY STRUCTURES

Unless specifically authorized by this permit or a previously approved permit, the existing single-family residence and guest cottage shall not be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery. If the residence is rented, it shall only be rented for periods of 30 days or more, pursuant to the County Code.

#### 4.6 GRAPE SOURCE

At least 75% of the grapes used to make the winery’s still wine or the still wine used by the winery to make sparkling 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 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 PBES Department upon request, but shall be considered proprietary information and not available to the public.

#### 4.7 COMPLIANCE REVIEW

Permittee shall obtain and maintain all permits (use permits and modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC) and 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 the required ABC and/or TTB permits and/or licenses are suspended or revoked, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are reinstated.

Visitation log books, visitor reports, 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. The permittee (and their successors) shall be required to participate fully in the winery code compliance review process.

#### 4.8 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 winery, such as alternating proprietors and custom producers, except as may be specifically authorized in this Permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

#### 4.9 GROUND WATER MANAGEMENT - WELLS

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

The permittee shall be required (at the permittee's expense) to record well monitoring data (specifically, static water level no less than quarterly, and the volume of water no less than monthly). Such data will be provided to the County, if the PBES Director determines that substantial evidence<sup>1</sup> indicates that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. If data indicates the need for additional monitoring, and if the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

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

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

In the event that changed circumstances or significant new information provide substantial evidence<sup>1</sup> that the groundwater system referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

4.10 AMPLIFIED MUSIC

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

4.11 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (3:30 pm to 6:00 pm weekdays; 3:30 pm to 6:00 pm Saturdays and Sundays). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

4.12 PARKING

The location of 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.

4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

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

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

4.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES

Please contact the Fire Department with any questions regarding the following:

The permittee and/or designee shall obtain a tent permit from the Fire Department for any temporary structures utilized for authorized marketing events allowed per COA No. 4.3 above.



- 4.15 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM **[RESERVED]**
- 4.16 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, AND TRASH ENCLOSURE AREAS
- a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County. Lighting utilized during harvest activities is exempt from this requirement.
  - b. All landscaping and outdoor screening, storage, and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items shall exceed the height of the screening. Exterior winery equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.
  - c. 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. The permittee shall obtain the written approval of the Planning Division prior to any change in paint colors that differs from the approved building permit. Highly reflective surfaces are prohibited.
  - d. Designated trash enclosure areas shall be made available and properly maintained for intended use.
- 4.17 NO TEMPORARY SIGNS  
Temporary off-site signage, such as “A-Frame” signs, is prohibited.
- 4.18 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – OPERATIONAL CONDITIONS  
The attached project conditions of approval include all of the following County Divisions, Departments and Agencies’ requirements. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:
- a. Engineering Services Division operational conditions as stated in their Memorandum dated January 18, 2018.
  - b. Environmental Health Division operational conditions as stated in their Memorandum dated June 29, 2018.
  - c. Building Division operational conditions as stated in their Memorandum dated June 22, 2017.
  - d. Department of Public Works operational conditions as stated in their Memorandum dated February 8, 2018.

- e. Fire Department operational conditions as stated in their Inter-Office Memo dated July 3, 2017.

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

#### 4.19 OPERATIONAL MITIGATION MEASURES

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

- a. **MM TRANS-1:** Employee shifts at the winery shall be scheduled so that no employees end their work day between 3:30 PM and 6:00 PM on weekdays to minimize the outbound trips during the evening peak hour.

Method of Monitoring: A Transportation Demand Management Plan which prohibits winery employees from ending their work day between 3:30 PM and 6:00 PM on weekdays shall be prepared and submitted to the Planning Division prior to the issuance of a Final Certificate of Occupancy. After issuance of a Final Certificate of Occupancy, an Ongoing Monitoring and Reporting Statement shall be submitted to the Planning Division on January 15 of each year. Planning Division staff will review the statement to ensure compliance with the TDM Plan. Enforcement steps will be taken, if needed, to attain compliance status.

Responsible Agency: PBES

- b. **MM TRANS-2:** Events at the winery shall be scheduled to conclude before 3:30 PM or after 6:00 PM on weekdays to minimize the outbound trips during the evening peak hour.

Method of Monitoring: A Transportation Demand Management Plan which requires events at the winery to be scheduled to conclude before 3:30 PM or after 6:00 PM on weekdays shall be prepared and submitted to the Planning Division prior to the issuance of a Final Certificate of Occupancy. After issuance of a Final Certificate of Occupancy, an Ongoing Monitoring and Reporting Statement shall be submitted to the Planning Division on January 15 of each year. Planning Division staff will review the statement to ensure compliance with the TDM Plan. Enforcement steps will be taken, if needed, to attain compliance status.

Responsible Agency: PBES

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT ~~[RESERVED]~~

- a. Prior to increasing maximum annual production to 225,000 gallons per year in 2024, proof that an additional 49 acres of vineyards has been planted on-site (APN 025-020-023) shall be submitted to the Zoning Administrator for consideration at a public hearing. Alternative Napa County fruit source information (grape growing contracts) may be provided to the Zoning Administrator prior to 2024 for any increase in production beyond the initial maximum annual production increase to 155,000 gallons per year.

4.21 PREVIOUS CONDITIONS

The permittee shall comply with the following previous conditions of approval for the winery use as consolidated into the attached document as Exhibit A. To the extent there is a conflict between a previous condition of approval identified in the attached document and these conditions, the more stringent condition shall control.

### PART III

## 5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

### 5.1 PAYMENT OF FEES

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

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

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

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

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

- a. Engineering Services Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated January 18, 2018.

- b. Environmental Health Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated June 29, 2018.
- c. Building Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated June 22, 2017.
- d. Department of Public Works plan review/construction/ preoccupancy conditions as stated in their Memorandum dated February 8, 2018.
- e. Fire Department plan review/construction/ preoccupancy conditions as stated in their Inter-Office Memo dated July 3, 2017.

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

#### 6.2 BUILDING DIVISION – GENERAL CONDITIONS

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

#### 6.3 LIGHTING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the CBC.
- b. All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations; on timers; and shall incorporate the use of motion detection sensors to the

greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Lighting utilized during harvest activities is exempt from this requirement.

#### 6.4 LANDSCAPING – PLAN SUBMITTAL

- a. 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 Use Permit. The plan shall be prepared pursuant to the County’s Water Efficient Landscape Ordinance (Chapter 18.118 of the County Code) requirements in effect at the time of building permit application submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.
- b. Plant materials shall be purchased locally when practical, and to the greatest extent possible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner’s office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.
- c. No trees greater than 6” diameter at breast height shall be removed, except for those identified on the submitted site plan. Any Oak trees removed as a result of the project shall be replaced at a 2:1 ratio and shown on the landscaping plans for the Planning Division’s review and approval. 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.
- d. Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and any off-site residence from which these areas can be viewed.

#### 6.5 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. The permittee shall obtain the written approval of the Planning Division in conjunction with building permit review and/or prior to painting the building. Highly reflective surfaces are prohibited.

#### 6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

- a. Details of outdoor storage areas and structures shall be included on the building and landscape plans. All outdoor storage of winery equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item shall exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.
- b. New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and the County Code) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.
- c. Exterior winery equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

6.7 TRASH ENCLOSURES

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

6.8 ADDRESSING

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

6.9 HISTORIC RESOURCES [RESERVED]

6.10 DEMOLITION ACTIVITIES [RESERVED]

6.11 VIEWSHED – EXECUTION OF USE RESTRICTION [RESERVED]

6.12 PERMIT PREREQUISITE MITIGATION MEASURES

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

- a. **MM BIO-1:** If vegetation clearing or other land disturbance is proposed during the bird breeding season (February 15 through August 31), the

work shall be preceded by a survey for special-status bird species and migratory passerines (perching birds) by a qualified biologist within 14 days prior to the beginning of work. In the event that nesting birds are found during the survey, construction buffers shall be established by the biologist in cooperation with the California Department of Fish and Wildlife. These buffers shall remain in place until offspring have fledged or after August 31.

Method of Monitoring: If vegetation clearing or other land disturbance is proposed during the bird breeding season (February 15 through August 31), the special-status bird species and other migratory passerines (perching birds) survey shall be submitted to Planning Division staff prior to issuance of the grading permit.

Responsible Agency: PBES

- b. **MM BIO-2:** Prior to commencement of vegetation removal and earth-disturbing activities during nesting season from March 15 to August 31, a qualified wildlife biologist shall conduct preconstruction surveys for Northern Spotted Owls using the U.S. Fish and Wildlife Service's (USFWS) *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls (2012)* within 500-feet of earthmoving activities. The preconstruction survey shall be conducted no more than 14 days prior to vegetation removal and ground disturbing activities are to commence. A copy of the survey shall be provided to the County Planning Division and the California Department of Fish and Wildlife (CDFW) prior to commencement of work. If Northern Spotted Owls are found during preconstruction survey, a 500-foot no-disturbance buffer shall be created around active owl sites. These buffer zones may be modified in coordination with CDFW based on existing conditions at the project site. Buffer zones shall be incorporated into the project plans and maintained for the duration of the project. If a 15 day or greater lapse of project-related work occurs, another pre-construction survey and consultation with CDFW shall be required before project work can be reinitiated.

No surveys shall be required if construction activity occurs outside of the nesting season from March 15 to August 31.

Method of Monitoring: If construction activity is to occur during the nesting season from March 15 to August 31, the pre-construction survey prepared by a qualified wildlife biologist shall be submitted to Planning Division staff prior to issuance of the grading permit.

Responsible Agency: PBES

- c. **MM BIO-3:** Tree trimming and/or removal should only be conducted during seasonal periods of bat activity; August 31 through October 15,

when young bats would be able to fly and forage independently, and March 1 to April 15 to avoid hibernating bats, and prior to formation of maternity colonies. Any trees proposed for removal containing suitable bat roost habitat shall be removed using a two-day phased removal method. On day one (in the afternoon), limbs and branches would be removed using chainsaws only. Limbs with cavities, crevices, and deep bark fissures would be avoided. On day two, the rest of the tree would be removed under the supervision of a qualified bat expert. If tree removal must occur outside of the seasonal activity periods mentioned above, i.e., between October 16 and February 28/29, or between April 16 and April 30, a qualified bat expert should conduct pre-construction surveys within 14 days of starting construction. Survey methods, timing, duration, and species should be reviewed and approved by CDFW prior to starting construction. If bats or evidence of their presence is found during the survey then the qualified bat expert should develop a plan for removal and exclusion, in conjunction with CDFW.

Method of Monitoring: If trees are to be removed outside of the dates listed above, the pre-construction bat survey shall be submitted to Planning Division staff prior to issuance of the grading permit.

Responsible Agency: PBES

- d. **MM BIO-4:** Prior to project commencement, appropriate perimeter erosion and sediment control measures (i.e. silt fencing, straw wattles) shall be installed around any stockpiles of soil or other materials which could be transported by rainfall or other flows in order to reduce the possibility of soil erosion and sediments flowing into natural habitats. All access, staging, and work areas shall be the minimum size necessary to conduct the work, and shall be sited in previously developed areas to the maximum extent feasible. All staging, maintenance, and storage of construction equipment shall be performed in a manner to preclude any direct or indirect discharge of fuel, oil, or other petroleum products into the project area. No other debris, rubbish, soil, silt, sand, or other construction-related materials or wastes shall be allowed to enter into or be placed where they may be washed by rainfall or runoff into wetland areas. All such debris and waste shall be picked-up daily and shall be properly disposed of at an appropriate facility. If a spill of fluid materials occurs, the area shall be cleaned and contaminated materials disposed of properly. The affected spill area shall be restored to its natural condition. Disturbance or removal of vegetation shall not exceed the minimum necessary to conduct the work.

Method of Monitoring: Prior to the issuance of a grading permit, the project plans shall reflect the implementation of the best management practices (BMPs) detailed in MM BIO-4.

Responsible Agency: PBES



- e. **MM BIO-5:** To avoid potentially impacting seasonal wetlands and the intermittent stream, all road paving within 50 feet of the intermittent stream and seasonal wetlands shall be conducted during the dry season of May 1 to October 15 to minimize water quality impacts. Prior to construction, the delineated wetland boundary shall be demarcated in the field and an erosion control silt fence shall be installed between the edge of the delineated wetland boundary and the road to ensure all construction activities avoid the wetland, and no accidental discharge occurs. The fencing shall remain in place until construction is complete.

Method of Monitoring: Prior to the issuance of a grading permit, the delineated wetland boundary shall be demarcated on the improvements plans and an erosion control silt fence shall be shown between the edge of the delineated wetland boundary and the road.

Responsible Agency: PBES

- f. **MM BIO-6:** If any placement of fill within the seasonal wetlands or intermittent stream identified in the *Biological Resources Assessment Maxville Lake Winery and Vineyard Permit Modification Project Napa County, California*, is proposed, consultation and permitting must be obtained from the U.S Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife prior to and during the construction.

Method of Monitoring: Proof of the required permits (404 permit by the U.S. Corps of Engineers, 401 Water Quality Certification from the Regional Water Quality Control Board, and 1604 Stream Alteration Agreement from the California Department of Fish and Wildlife) and consultation for any placement of fill within the seasonal wetlands or intermittent stream identified in the *Biological Resources Assessment Maxville Lake Winery and Vineyard Permit Modification Project Napa County, California* from the agencies identified above shall be submitted to Planning Division staff prior to the issuance of a grading permit.

Responsible Agency: PBES

- g. **MM BIO-7:** Prior to issuance of a grading permit, a final tree removal plan shall be prepared by a certified arborist.

Method of Monitoring: The final tree removal plan shall be submitted for review and approval to Planning Division staff with recommendations regarding trees to be retained or removed prior to issuance of the grading permit.

Responsible Agency: PBES

- h. **MM TRI-1:** Prior to commencement of construction of project improvements at the project site, the permittee shall coordinate with an archaeological monitor and a representative of Yocha Dehe Wintun Nation and a representative of Middletown Rancheria. Pre-construction coordination shall, at a minimum, include the following: (a) Submittal of copies of grading plans to the archaeological monitor and tribal representatives, concurrently with submittal of the grading permit application to the Napa County Planning, Building & Environmental Services (PBES) Department; (b) Execution of a Standard Monitoring Agreement with Yocha Dehe Wintun Nation and Middletown Rancheria; (c) Training of construction field crews, by an archaeological monitor and tribal representative, of the potential for presence of Native American resources on the property, the potential types of resources that could be found on-site, and the procedures to follow in the event of discovery of such resources; and (d) Presence of an archaeological monitor and tribal representative on-site during survey/marketing and initial rough grading of improvements (new driveway, parking stalls, water storage and fire protection tank installation, and septic tank installation) on the Maxville Lake Winery parcel.

Method of Monitoring: Concurrently with submittal of the grading application for Maxville Lake Winery parcel improvements to Engineering and Building staff of PBES, the permittee shall submit confirmation of submittal of the grading plans to the archaeological monitor and tribal representatives previously identified. If the permittee neglects to submit such confirmation to PBES, then Planning staff of PBES will convey a copy of the plans to the archaeological monitor and tribal representatives upon receipt of the grading permit application.

Responsible Agency: PBES

6.13 PARCEL CHANGE REQUIREMENTS **[RESERVED]**

6.14 FINAL MAPS **[RESERVED]**

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS **[RESERVED]**

## 7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

### 7.1 SITE IMPROVEMENTS

Please contact Engineering Services with any questions regarding the following.

#### a. GRADING AND SPOILS

All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by the

PBES Director, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.

b. DUST CONTROL

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur when average wind speeds exceed 20 mph.

c. AIR QUALITY

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

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
4. Remove all visible mud or dirt traced onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required by State Regulations). Clear signage shall be provided for construction workers at all access points.
8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration

Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ [http://www.arb.ca.gov/portable/perp/perpfact\\_04-16-15.pdf](http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf) or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. **STORM WATER CONTROL**

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

7.2 **ARCHEOLOGICAL FINDING**

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

If human remains are encountered during project development, all work in the vicinity must be halted, and the Napa County Coroner informed, so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the permittee shall comply with the requirements of Public Resources Code Section 5097.98.

7.3 **CONSTRUCTION NOISE**

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site, if at all practicable. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur daily between the hours of 8 am to 5 pm.

7.4 **CONSTRUCTION MITIGATION MEASURES [RESERVED]**

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

**8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES**

A Temporary Certificate of Occupancy (TCO) may be granted pursuant to the County Code to allow the commencement of production activities prior to completion of all

project improvements. Permittee shall comply with the following before a TCO is granted:

8.1 TEMPORARY OCCUPANCY

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

**9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES**

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

9.1 FINAL OCCUPANCY

All project improvements, including compliance with applicable codes, conditions, and requirements of all Departments and Agencies with jurisdiction over the project, shall be completed.

9.2 SIGNS

Detailed plans, including elevations, materials, color, and lighting for any winery identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this permit approval. All signs shall meet the design standards as set forth in the County Code. At least one legible sign shall be placed at the property entrance with the words “Tours and Tasting by Prior Appointment Only” to inform the public of same. Any off-site signs allowed shall be in conformance with the County Code.

9.3 GATES/ENTRY STRUCTURES

Any gate installed at the winery entrance shall be reviewed by the PBES Department and the Fire Department to assure that the design allows large vehicles, such as motorhomes, to turn around if the gate is closed without backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required pursuant to the County Code and in accordance with the Napa County Roads and Street Standards. A separate entry structure permit is not required if the entry structure is consistent with entry structure plans submitted, reviewed, and approved as part of this permit approval.

9.4 LANDSCAPING

Landscaping shall be installed in accordance with the approved landscaping plan.

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

9.6 DEMOLITION ACTIVITIES **[RESERVED]**

9.7 GRADING SPOILS

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

9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY

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

- a. **MM BIO-8:** Prior to final occupancy, an oak replacement and preservation plan shall be implemented in consultation with a certified arborist. The oak replacement and preservation plan is to include the planting of 2 times the number of oak trees removed within an appropriate location on the property as determined in consultation with a certified arborist with the replanting schedule to match the oak species to be removed. The oaks are to be gallon sized and planted at approximately 20 feet on center or as otherwise advised by a certified arborist. The oaks will be watered by hand, as necessary, during the first three years to promote survival. Successful planting will be considered an 80 percent survival rate at five years. If less than 80 percent of the trees are surviving, replanting will be necessary.

Method of Monitoring: A letter from a certified arborist certifying that the replanting plan has been fully implemented shall be submitted to Planning Division staff prior to issuance of a Final Certificate of Occupancy.

Responsible Agency: PBES

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

## Exhibit A

**Maxville Lake Winery  
Application Number P17-00225-MOD & P18-00189  
4105 Chiles Pope Valley Road, St. Helena, California  
APN #025-020-023**

### PREVIOUS CONDITIONS

- 4.21 The permittee shall comply with the following previous conditions of approval for the facility as consolidated in this document. To the extent there is a conflict between a previous condition of approval identified in this document and the Recommended Conditions of Approval, the more stringent condition shall control.

#### A. USE PERMIT NO. #97484-UP

##### COA No. 1: Scope

The permit is limited to the construction of a 23,662 square foot winery with a production capacity of 59,000 gallons per year, with tours and tastings by appointment only, and retail sales. No public tours, tastings, or outdoor picnic area are allowed.

The project shall conform to the approved site plan, floor plan, building elevations, application information sheet, and supplemental information sheet for winery uses, including typical hours of operation. Any expansion of production capacity, changes in use, or changes in construction shall be subject to approval by the County.

##### ~~COA No. 2: To be replaced by COA 4.11 above.~~

~~Visitor traffic generated by the winery, private tours and tastings, and marketing activities shall be scheduled to avoid the 5:00 to 6:00 PM peak traffic period.~~

##### ~~COA No. 3: To be replaced by COA 4.3 above.~~

~~The marketing of wine shall be as defined in Section 18.08.370 of the Napa County Code and shall include:~~

~~Limiting those attending to members of the wine trade, persons who have 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 pre-arranged basis;~~

~~Limiting the activity to the education and development of persons or groups listed above; and~~

~~Shall not include cultural and social events unrelated to such education and development.~~

~~a. Private tours and tastings by appointment for wine trade personnel: 10 per day average with not more than 30 persons per day on the weekends.~~

~~b. Private promotional meals for the wine trade and invited guests up to 75 persons per event and a maximum of one event per quarter.~~

~~The property owner shall maintain a visitor log book for public inspection.~~

COA No. 4:

Wine production shall average no more than 59,000 gallons per year over any consecutive three (3) year period, and shall not exceed 65,000 gallons in any given year. The winery owner shall report to the planning department by January of each year the number of gallons of wine produced during the preceding year. (BATF annual reporting forms will meet this reporting requirement). No custom production is authorized under this use permit.

COA No. 7:

Retail sales by appointment only shall be limited to wine as specified in Napa County Code Section 18.20.030(H)(5)(c). No accessory items may be sold.

~~COA No. 8: To be replaced by COA 4.10 above.~~

~~Except as may be specifically authorized pursuant to the Temporary Event Ordinance, no outdoor marketing activities shall involve amplified music.~~

~~COA No. 9: To be replaced by COA 4.8 above.~~

~~No winery facilities, or portions thereof, including but not limited to offices, barrel storage areas, and warehousing space shall be rented, leased, or used by entities other than the on-site winery, except as may be specifically authorized pursuant to the Temporary Events Ordinance.~~

~~COA No. 11: To be replaced by COA 4.16 and 6.3 above.~~

~~Any outdoor lighting shall be shielded and directed downward and away from adjacent properties.~~

COA No. 16:

The well supplying water to this winery shall be metered. The property owner shall submit an annual report of water use in January.



**B. USE PERMIT MODIFICATION NO. 98354-MOD**

COA No. 1: Scope

The modification is limited to the construction of a new 74,450 sq. ft. wastewater treatment and fire protection pond and spray disposal system in lieu of the underground wastewater system approved in #97484-UP. The location and use of the facility shall conform to the site plans and application materials received by Napa County on February 3, 1999. Any expansion of, or changes to, the uses described above shall be made by separate use permit submitted for Commission or Zoning Administrator consideration.

**C. USE PERMIT MODIFICATION REQUEST NO. 02354-MOD**

COA No. 1: Scope

This approval applies only to the project as described in your proposal (use of a 14,995 square foot cave for wine storage, currently under construction, in the location and configuration described in your proposal of August 7, 2002).

**D. USE PERMIT MODIFICATION REQUEST NO. 03224-MOD**

COA No. 1: Scope

The permit is limited to the use of the winery facilities for custom crush activities for 6,500 gallons of the winery's existing total permitted annual production, including crushing, fermentation, barrel aging, bottling, and case goods storage.

**E. USE PERMIT MODIFICATION REQUEST NO. P16-00294-VMM**

COA No. 1: Scope

The permit shall be limited to:

- a) The installation of a fire suppression system, consisting of two 34,000 gallon water storage tanks on a 30' x 42' concrete pad;
- b) Dismantling and relocation of the existing pump and diesel pad for the fire pond to the new fire suppression system location;
- c) No other improvements or modification;
- d) The site improvements shall be designed in substantial conformance with the submitted site plan, except as modified by these conditions of approval. It is the responsibility of the applicant to communicate the requirements of these conditions to all designers, contractors, and employees to ensure compliance is achieved. Any expansion of change in use, or project changes, which are necessitated by the requirements of other departments or agencies, are subject to further County approval.



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Planning, Building & Environmental Services

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David Morrison  
Director

## MEMORANDUM

To: Jason Hade, Planning	From: Daniel Basore, Engineering <i>DB</i>
Date: January 18, 2018	Re: P17-00225 Maxville Lake Winery Major Mod. APN: 025-020-023

The Engineering and Conservation division ('Engineering') has reviewed the use permit application P17-00225 for the Maxville Lake Winery Major Modification located on assessor's parcel number 025-020-023-000. In general the project proposes the following:

*"Increase production, increase daily tasting, revise the marketing plan, new access road, and minor building modifications."*

Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

### RECOMMENDED APPROVAL CONDITIONS:

#### OPERATIONAL CHARACTERISTICS

1. The facility is designated as a discharger that discharges stormwater associated with industrial activity to waters of the United States. Therefore, the facility shall maintain or apply for coverage under the State Water Resources Control Board's Industrial General Permit (IGP), including meeting all applicable provision and protocols of the IGP. If the facility fails to meet the discharge prohibitions of the IGP, Napa County may require the facility to make the necessary improvements to eliminate all exposures to stormwater of the pollutant(s) for which the water body is impaired.

#### PREREQUISITES FOR ISSUANCE OF PERMITS

2. Any roadway, access driveway, and parking areas, proposed new or reconstructed shall meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for Commercial development at the time of use permit approval. The property owner shall obtain a grading permit for all proposed roadway improvements.
3. 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 the Engineering Division of the Napa County Planning, Building, and

Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.

4. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code.
5. **Prior to issuance of a building permit** the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December 2014.
6. **Prior to issuance of a building permit** the owner shall prepare a Regulated Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
7. **Prior to issuance of a building permit**, an Operation and Maintenance Plan shall be submitted and tentatively approved by the Engineering Division in PBES. **Before final occupancy** the property owner must legally record the "Operation and Maintenance Agreement", approved by the Engineering Division in PBES.

#### **PREREQUISITES DURING PROJECT CONSTRUCTION**

8. Required on-site pre-construction meeting with the Napa County PBES Engineering Division **prior to start of construction.**

#### **PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY**

9. All roadway/parking lot improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit Modification. **\*\* If no temporary occupancy is requested, then this becomes a requirement prior to final occupancy.**

#### **PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY**

10. Operations and Maintenance Agreement for post construction Stormwater facilities must be legally recorded.
11. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.

**Any changes in use may necessitate additional conditions for approval.**

If you have any questions regarding the above items, please contact Daniel Basore from Napa County Planning, Building, and Environmental Services Department, Engineering and Conservation Division, at (707)259-8328 or by email at [Daniel.Basore@countyofnapa.org](mailto:Daniel.Basore@countyofnapa.org)





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David Morrison  
Director

## MEMORANDUM

To: Jason Hade, Project Planner	From: Kim Withrow, Environmental Health Supervisor <i>KW</i>
Date: June 29, 2018	Re: Use Permit Application for Maxville Lake Winery Located at 4105 Chiles Pope Valley Road Assessor Parcel #025-020-023 Permit# P17-00225

Environmental Health Division staff has reviewed an application requesting approval to modify an existing use permit by increasing annual production, increasing visitation and modifying the marketing plan as detailed in application materials. This Division has no objection to approval of the application with the following conditions of approval:

### Prior to building permit issuance:

1. The applicant shall secure a discharge requirement or waiver of same from the Central Valley Regional Water Quality Control Board (CVRWQCB) for the proposed process wastewater treatment pond improvements.
2. The proposed sanitary wastewater treatment 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 approved until such plans are approved by this Division.
3. A permit to construct the proposed sanitary wastewater treatment system must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.
4. The water supply and related components must comply with the California Safe Drinking Water Act and Related Laws. The water system must be upgraded to a non-transient non-community water system, which will require plan review and approval prior to approval of building permits. Prior to occupancy, the owner must apply for and obtain an annual operating permit for the water system from this Division. The technical report must be

completed by a licensed engineer with experience in designing water systems. The applicant must comply with all required monitoring and reporting.

5. Complete plans and specifications for the food preparation, service area(s), storage area(s) and the employee restrooms must be submitted for review and approval by this Division prior to issuance of any building permits for said areas. An annual food permit will be required.
6. Adequate area must be provided for collection of recyclables. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site. The garbage and recycling enclosure must meet the enclosure requirements provided during use permit process and be included on the building permit submittal. The designated area shall remain available and be properly maintained for its intended use.

**During construction and/or prior to final occupancy being granted:**

7. An annual alternative sewage treatment system monitoring permit must be obtained for the sanitary wastewater treatment system /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.
8. 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.

**Upon Final occupancy and thereafter:**

9. Any proposed food service that will be catered must be prepared and served by a Napa County permitted caterer. If the caterer selected does not possess a valid Napa County Permit to operate, refer the business to this Division for assistance in obtaining the required permit prior to providing any food service.
10. Within 30 (thirty) days of initiation of the use or change of tenants, an updated Hazardous Materials Business shall be submitted to <http://cers.calepa.ca.gov/> and approved by this Division.
11. The use of the absorption field/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.
12. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.

13. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system the plan submitted for review and approval must address bentonite disposal.





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David Morrison  
Director

To: Jason Hade, Project Planner	From: Marie Taylor, Building Inspector
Date: June 22, 2017	Re: Use Permit – Maxville Lake Winery Major Modification File # P17-00225 Address: 4105 Chiles Pope Valley Rd. St. Helena, Ca. 94574 APN: 025-020-023

**Building Inspection Division; Planning Use Permit Review Comments**

The plans provided for the Use Permit application P17-00225 do not provide enough information in sufficient detail to determine code requirements. A complete plan check will be performed at the time of application and plan submittal to the building division for required permits. The following are provided to prepare the applicant for some standard submittal requirements for the plan review of the building permit process.

Any existing structures and/or buildings on the property that will be demolished require a separate demolition permit issued by The Napa County Building Division prior to demolition. The applicant will be required to provide a J number form Bay Area Air Quality Management District at the time of application for the permit.

The site and associated buildings are required to be accessible to persons with disabilities. This includes but not limited to, parking, accessible path of travel from parking to all buildings and areas on site that are available to employees and the public. Plans must also include all accessibility features for the interior work. An Accessible Upgrade Worksheet must be submitted with plans as a part of the permit process.

Occupant load will determine occupancy types, exiting requirements, and restroom facilities.

Any change in occupancy or use will require building to comply with the requirements of the California Building Code for a new occupancy or use.

Should you have any questions, please contact Marie Taylor at (707) 299-1359



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**Steven Lederer**  
Director

## MEMORANDUM

To: PBES Staff	From: Mike Hawkins, PE Interim Transportation Engineer
Date: February 8, 2018	Re: Maxville Lake Winery P17-00225

Thank you for the opportunity to review the subject permit application. I have reviewed the Traffic Impact Study dated January 4, 2018 and prepared by W-Trans to describe the potential impacts on the transportation network in the vicinity of the Maxville Lake Winery project site. I offer the following comments from the Department of Public Works:

**Project Description.** My understanding of the project description is that the winery is increasing wine production from 59,000 to 240,000 gallons per year, increasing employment from 7 full-time to 15 full time and 9 part time employees, and increasing the maximum daily visitation from 10 weekday and 30 weekend to 20 weekday and 60 weekend maximum daily guests. The winery's marketing program is also being changed to allow up to 8 events per month for 30 guests, 2 events per month for 95 guests, and 6 events per year for 100 guests.

**Left Turn Lane Not Required.** Based on the existing volumes on Chiles Pope Valley Road and expected daily volumes at the project driveways, a left turn lane is not required at either of the two proposed project driveways per the County's standard left turn lane warrant.

**Sight Distance Adequate.** Based on existing and proposed driveway locations and existing roadway geometry, sight distance is adequate at both locations per Caltrans *Highway Design Manual* methodologies.

**Conditions of Approval.** I agree with all of the methodologies and conclusions reached in the Traffic Study. I offer the following recommended conditions of approval:

- 1. Events.** All marketing events must not start or end during the weekday PM peak period (3:30 – 6 PM). Further, the tasting room should be closed to the general public during all events larger than 30-persons.
- 2. Employee Shifts.** Employee shifts must end before 3:30 PM or after 6:00 PM on weekdays.
- 3. Bicycle Parking.** Applicant should provide a minimum of two bicycle parking spacing on the site plan.

**Encroachment Permit needed.** An encroachment permit will be required in order to commence work on the proposed second driveway within the County's right of way. Please contact the Roads department to initiate the encroachment permit process.

Please contact me at [Michael.Hawkins@countyofnapa.org](mailto:Michael.Hawkins@countyofnapa.org) or call (707) 259-8279 if you have questions or need additional information.





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Napa County Fire Department  
Fire Marshal's Office  
2741 Napa Valley Corporate Drive, Bldg 2  
Napa, CA 94558

Office: (707) 299-1464  
Direct: (707) 299-1463

James Bales  
Assistant Fire Marshal

## INTER-OFFICE MEMORANDUM

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TO: Jason Hade  
Planning, Building and Environmental Services

FROM: James Bales  
Fire Department

DATE: July 3, 2017

SUBJECT: P17-00225

**SITE ADDRESS: Maxville Lake Winery Major MOD APN: 025-020-023**

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

- 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. Existing cave converted to a Type III classification shall have a automatic NFPA 13 fire sprinkler system and an NFPA 72 fire alarm system installed throughout per Napa County local ordinances.**
- 3. Commercial kitchens with grease laden vapor producing equipment shall have UL-300 listed fire suppression systems installed as a separate fire submittal.**

Please note that the comments noted above are based on a Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Should you have any questions of me, contact me at (707)299-1463 or email at [james.bales@fire.ca.gov](mailto:james.bales@fire.ca.gov).

James Bales  
**CAL FIRE/ Fire Captain**  
Assistant Fire Marshal