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Conservation Regulations Exception Application Packet

O'Brien Winery P18-00175-MOD & Conservation Regulations
Exception P18-00305
Planning Commission Hearing March 20, 2019



FILE # _____

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: O'BRIEN ESTATE

Assessor's Parcel #: 035-041-015 Existing Parcel Size: 26.93 AC

Site Address/Location: 1200 ORCHARD AVE. NAPA, CA 94558
No. Street City State Zip

Property Owner's Name: BARTON & BARBARA O'BRIEN

Mailing Address: 1200 ORCHARD AVE NAPA, CA 94558
No. Street City State Zip

Telephone #: (707) 332-3117 Fax #: () ☞ E-Mail: BART@O'BRIENESTATE.COM

Applicant's Name: BARTON & BARBARA O'BRIEN

Mailing Address: 1200 ORCHARD AVE NAPA, CA 94558
No. Street City State Zip

Telephone #: (707) 332-3117 Fax #: () ☞ E-Mail: BART@O'BRIENESTATE.COM

Status of Applicant's Interest in Property: OWNER

Representative Name: DAVID B. GILBRETH

Mailing Address: 1152 HARDMAN NAPA, CA 94558
No. Street City State Zip

Telephone # (707) 337-6412 Fax #: () ☞ E-Mail: DBGILBRETH@GMAIL.COM

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.

Barton O'Brien
Signature of Applicant Date _____
BARTON O'BRIEN
Print Name

Barton O'Brien 7/3/18
Signature of Property Owner Date _____
BARTON O'BRIEN
Print Name

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

Application Fee Deposit: \$ _____ Receipt No.: _____ Received by: _____ Date: _____

SUPPLEMENTAL APPLICATION FORM
USE PERMIT EXCEPTION TO CONSERVATION REGULATION

1. Please explain the reason for the exception request.

TO COMPLY W/ APPLICABLE LAWS REQUIRING
WINERY PRODUCTION AREAS TO BE COVERED

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

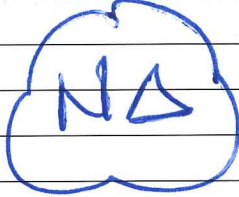
NO

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).

THE PROJECT SATISFIES ALL FINDINGS BECAUSE THE
4 SUPPORT COLUMNS WILL BE LOCATED ON THE
EXISTING HARD SURFACE AREAS...

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).



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.

NO GRADING OR EARTHMOVING IS NECESSARY

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.

NA

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

NA

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

YES

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.

CORRECT

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;

N/A

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

CORRECT

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.

CORRECT

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.



Applicant



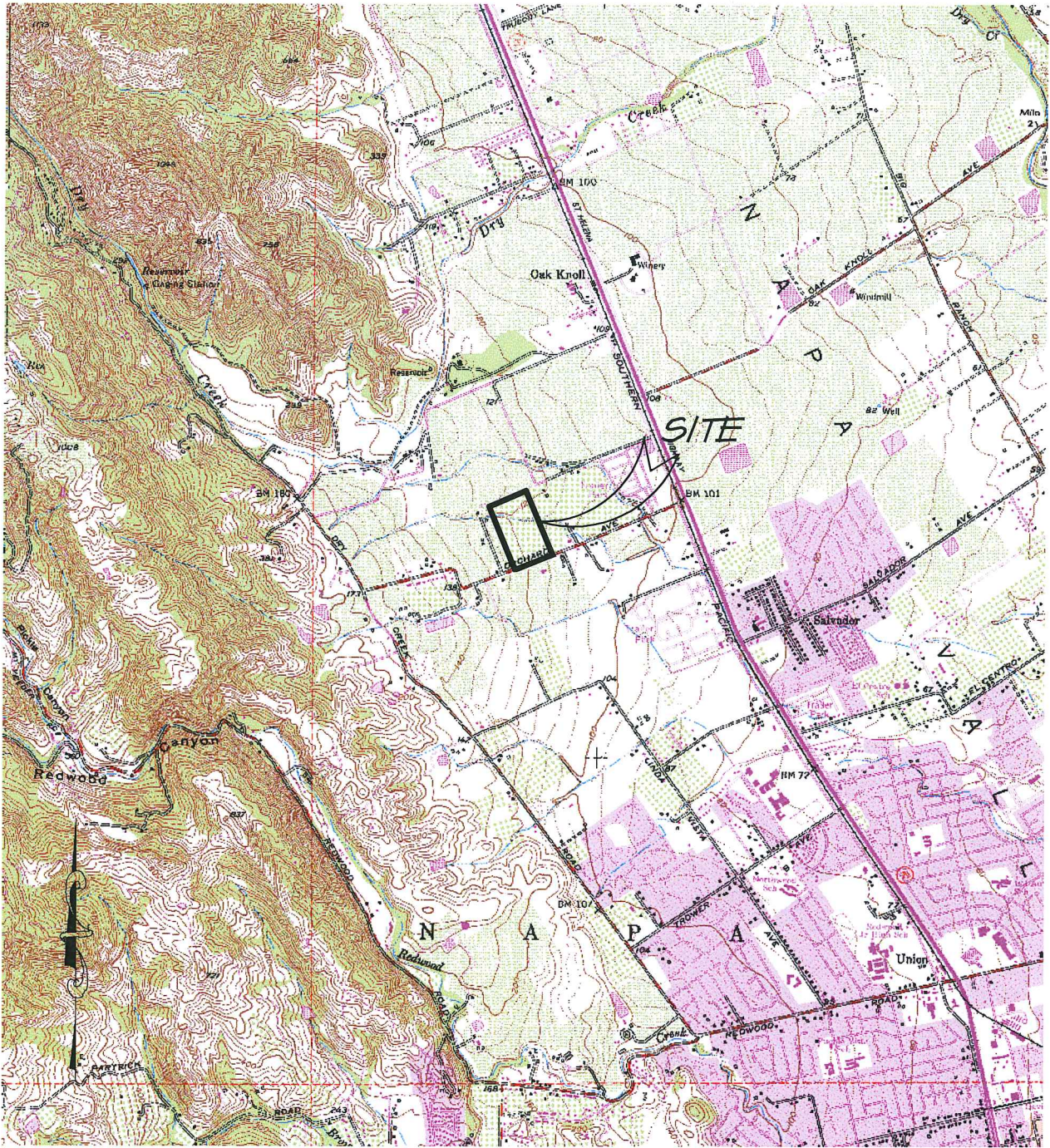
Property Owner (if other than Applicant)

2/3/2018

Date

Project Identification

OBRIEN WINERY USGS MAP



USGS MAP
SCALE: 1" = 3000'

RSA⁺	1515 FOURTH STREET
	NAPA, CALIF. 94559
	OFFICE 707 252.3301
	+ www.RSAcivil.com +

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Aug 24, 2017 4116036.0 Exh-Vic Map.dwg