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Previous Conditions

CONDITIONS OF APPROVAL

**PARADUXX WINERY (Duckhorn Wine Company)
#00165-VAR and #00164-UP
APN: 031-170-019**

- 1) The permit is limited to:
 - a) Establishment of a 156,000 gallon/year winery
 - b) New construction and modification of existing structures as delineated on the attached site plan, consistent with the application forms, project statement, supplemental winery information sheet and landscaping plan, to include:
 - i) The new construction of a 11,000 ft² fermentation and barrel building and a 5,000 ft² barrel building ($\pm 10\%$ for construction flexibility),
 - ii) The modification of existing barn to a 2,926 ft² barrel building, lab, storage and office,
 - iii) The modification of existing house to a 3,800 ft² office and hospitality facility, existing garage to a 714 ft² tasting and retail space and use of existing outdoor grill area for outdoor hospitality and food preparation,
 - c) Tours, tasting and retail sales by appointment only. All tours of the winery and/or tasting of wine are limited to the members of the wine trade, persons invited by the winery who have pre-established business or personal relationships with the winery or its owners, and persons who have made unsolicited prior appointments for tours or tastings (§18.080.620),

Any expansion or changes in use, or project changes which are necessitated by the requirements of other departments or agencies are subject to further County approval.

- 2) Marketing activities are limited to the following private promotional tours, tastings and meals:
 - a) Only private tours for invited consumers and wine industry representatives will be permitted. Only two tours per day for groups of 10 to 15 persons each, averaging 15 to 25 total persons per day will be allowed,
 - b) Up to two special marketing events per week will be allowed to pair food with wine for 12 to 20 invited guests per each event,
 - c) Two annual wine auction related events are allowed for a maximum of 500 persons each,
 - d) For larger events or events not reflected above, the appropriate license and/or permit must be secured as required by local agencies and County Departments, including but not limited to temporary events (§5.36.010).
 - e) All marketing events are limited to the hours between 10:00AM and 4:00PM or after 6:30pm to minimize the impact on local traffic.
 - f) Except as permitted by County Ordinance and this permit, no outside social activities, including picnicking, outside dining, wine tasting, live music, outdoor festivals or other activity of a similar nature shall occur beyond that requested in

the applicant's Use Permit Application Supplemental Information Sheet For Winery Uses.

The winery will not be open to the public for tours and tastings. Marketing activities are limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a pre-arranged basis.

- 3) Normal hours of operation for the winery shall be limited to weekdays from 7:00AM to 6:00PM, except during harvest or other peak operational times such as bottling. Hospitality operations and activities are allowed to occur throughout the week as permitted under this permit and pursuant County regulations. Employees will be allowed flexible work hours to avoid peak travel time on Silverado Trail.
- 4) The permit holder shall comply with all applicable building codes and zoning standards, as well as the requirements of County Departments and other agencies, including but not limited to:
 - a) Napa County Environmental Management Department given in their letter dated October 18, 2000.
 - b) Napa County Building Division per their letter dated October 9, 2000.
 - c) Napa County Fire Department as stated in their letter dated October 19, 2000.
 - d) Napa County Public Works Department letter and attached comments dated October 23, 2000.
 - e) California Regional Water Quality Control Board, San Francisco Bay Region in their letter dated October 19, 2000.
- 5) The permit holder shall report the Department on an annual basis by December 31st the source of his/her grapes, verifying that 75% of the annual production resulted from Napa County grapes. The report shall include the grape tonnage and the Assessor's Parcel Number(s) where they were grown. Such report shall be proprietary information and not available to the public. A separate report, for the public record, shall include a statement certifying compliance with the source requirement and indicate the percentage of Napa County grapes utilized.
- 6) All facilities of the winery, including offices, shall be for the exclusive use of the on-site winery. No portion of the structure shall be rented or leased, nor shall the winery facility be used for events hosted by entities other than the winery itself, except those holding an approved temporary event license pursuant to Chapter 5.36 of the Napa County Code.
- 7) The permit holder shall submit three (3) copies of a detailed landscaping plan for Departmental review indicating the location (if any) outdoor plumbing and electrical improvements, fencing, off-street parking, entry and landscape features, existing, removed and planned plantings with botanical names, size and method of maintenance. The said plan is to be submitted and approved before issuance of any building permit for the winery. All elements delineated on the landscaping plan will

be completed prior to final occupancy. Landscaping shall be permanently maintained in accordance to the approved landscaping plan on file with the Department.

- 8) Any outdoor winery production equipment or storage there of, shall be screened from view of public roads and adjacent parcels by means of a visual barrier consisting of fencing and/or dense landscaping. No open storage is to exceed the height of the screening.
- 9) A detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Departmental review and approval prior to the issuance of any building permit for the construction of the winery. All exterior lighting shall be shielded, directed downward and located as low to the ground as possible, and shall be the minimum necessary for security or operations. Security lighting shall be motion-sensor activated to the greatest extent possible. No floodlighting of the buildings is permitted.
- 10) Parking shall be limited to the twenty-two (22) spaces as delineated on the submitted Site Plan. No parking shall occur along access roads or in other locations except during harvest and allowed marketing events. In no case shall parking be allowed along Silverado Trail or impede emergency vehicle access.
- 11) If a gated entrance is planned, it shall include a turn around area to allow a large vehicle (i.e. motor home) to turn around if the gate is closed. Both the Department of Public Works and the Planning Department shall review and approve any plans prior to any entry construction. As appropriate, a use permit for a fence/entry structure shall be obtained before commencing any construction on a fence/entry structure as defined in Sections 18.104.270 and 18.104.275 of the County Code.
- 12) Beyond those signs allowed in Section 18.116.020 of the County Code, a Comprehensive Sign Plan must be submitted and approved by the Department prior to the installment of any winery identification sign (§18.116.035). The director shall allow signs as outlined in Section 18.116.030, upon issuance of a sign permit.
- 13) The construction and operation of the winery shall comply with the County Noise Ordinance as regulated in Chapter 8.16, including but not limited to:
 - a) Construction equipment muffling and hours of operation from 7:00AM to 7:00pm,
 - b) Any exterior winery machinery equipment shall be sufficiently enclosed or muffled and maintained so as not to create a noise disturbance,
 - c) Placement of any exterior on-site electrical generator must meet the approval of the Department, be acoustically shielded and positioned in such a manner as to reduce its noise effects on neighboring parcels.
- 14) The permit holder shall comply with all six (6) Mitigation Measures describe in the Project Revision Statement signed by the applicant.

15) All staff costs associated with monitoring compliance with these conditions and projects revisions shall be borne by the permit holder and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.

PROJECT REVISION STATEMENT

Paraduxx Winery, Duckhorn Wine Company
Use Permit Request #00164-UP
Variance Request #00165-VAR

I hereby revise my request to (description of changes required, mitigation measures, and any or all other requirements, amendments, etc., etc.), to include the measures specified below:

1. **Aesthetics** – A subdued building color will be used that blends all the structures into the natural environment. Appropriate and effectively scaled vegetative screening will be planted and maintained along the southern edge of the project site. The intent of these measures is to mitigate to less than significant levels the visual impact of the project on northbound traffic along Silverado Trail. All outdoor lighting will be focused downward and shielded from neighboring properties. The intensity of all outdoor lighting will be controlled to lowest levels possible.
2. **Biological Resources** – The riparian habitat along the southern bank of Rector Creek located on the property adjacent to the project site will be preserved or enhanced and will be included as part of the approved landscaping plan for the project. Any runoff from the project area will be controlled to avoid any possible contamination of Rector Creek.
3. **Cultural Resources** – The owner will preserve any cultural resource that may exist within the project site. A professional site survey by a qualified archeologist has been conducted and submitted to supplement the Use Permit application. No archaeological sites were identified in the survey (Tom Origer & Associates 6/25/01). However, nearby areas are known to be culturally sensitive. If cultural resources are discovered during excavation, the owner shall agree to halt all grading and earthmoving activity on site until the discovery can be identified and catalogued by a professional archeologist.
4. **Hydrology and Water Quality** – To properly manage site runoff and avoid any possibility of contamination of Rector Creek the project will develop and implement a Storm Water Pollution Prevention Plan (SWPPP) under the direction and approval of the California Regional Water Quality Control Board.
5. **Noise** – The temporary noise generated during the construction of the project will be mitigated by only conducting construction activity during daylight hours, use of muffled vehicles as required by state law and adjusting backup alarms to their lowest allowable levels consistent with the safety requirements of OSHA. Annual harvesting and crushing activities are expected to take place beyond normal winery operational hours of 7:00AM to 6:00PM and will likely generate a degree of noise beyond that normally associated with normal farming practices. Noise levels from harvesting and crushing activities must not exceed the limits as regulated in the County Code (Chapter 8.16). All other outdoor activities will be conducted so as to minimize any noise impact upon neighboring properties.
6. **Traffic** – Marketing events will be scheduled from 10:00AM to 4:00PM or after 6:30PM to avoid peak hour traffic periods.

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

Duckhorn Wine Company by
 Signature of Owner(s) Alex Ryan Print Name Alex Ryan - COO Interest Owner

DUCKHORN/PARADUXX WINERY

#03249-MOD

APN: 31-170-019

1. **SCOPE:** The approval allows modification of Use Permit #00164-UP and is limited to the following:
 - Relocation of Production/Barrel Building (5,000 sq. ft.) and Fermentation/Barrel Building as delineated on site plan (Sheet A1.2);
 - Reduction of the square footage of the Hospitality facility from 4,514 sq. ft. to 3,939 sq. ft.;
 - Construction of 11, 267 sq. ft. of additional concrete areas as follows:
 - ~ 1,798 sq. ft. generator/production pad
 - ~ 1,074 sq. ft. water tank pad
 - ~ 6,200 sq. ft. production adjacent to Production/Barrel Building (5,000 sq. ft.)
 - ~ 810 sq. ft. production pad adjacent to Barn (2,926 sq. ft.)
 - ~ 1,385 sq. ft. of additional driveway
 - Modification of winery access road as delineated on site plan.
 - Relocation of the approved 22 employee/visitor parking spaces as delineated on site plan (Sheet A1.2);
 - Establish a Phasing Plan and timeline as discussed below:
 - Phase 1:** (Completion by January, 2005)
Site Preparation
Production/Barrel Building
 - Phase 2:** (Completion by July, 2005)
Fermentation/Barrel Building
Renovation of existing Barn/Shipping Building
 - Phase 3:** (Completion by January, 2006)
Hospitality Building
Renovation of Outdoor BBQ/Hospitality
 - The above project shall be consistent with the approved application materials. Any other changes will require review and approval of a use permit modification by the County.
2. **REFERRALS:** The permittee shall comply with all building codes, zoning standards and requirements of County Departments and agencies at the time of use of this use permit, including but not limited to comments by:
 - a. Napa County Environmental Management Department, dated August 13, 2003;
 - b. Napa County Fire Department, dated July 17, 2003;
 - c. Napa County Building Inspection Division, dated July 16, 2003;
 - d. Napa County Public Works Department dated August 14, 2003.
3. **OUTDOOR STORAGE/SCREENING:** All outdoor storage of winery equipment shall be screened from the view of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage is to exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.

CONDITIONS OF APPROVAL

Paraduxx Winery

P04-0202 MOD

APN: 31-170-019

1. **SCOPE:** The permit shall be limited to:

- Construction of two 2,100 square foot barrel storage buildings (single-story), 178 square foot pump house, and additional
- Relocation of the Hospitality and Fermentation buildings as proposed in submitted site plan dated 4-20-2004.
- Removal of the existing barn (2,926 square feet) and latilla (1,273 sq. ft.)
- Changes to existing driveway as proposed in submitted site plan dated 4-20-2004.

The above project shall be consistent with the approved application materials. Any other changes will require review and approval of a use permit modification by the County.

2. **LIGHTING:**

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety, or operations and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Prior to issuance of a building permit for construction, two (2) revised copies of a separate detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Department review and approval.

3. **LANDSCAPING/PARKING:**

Prior to issuance of any building permit for construction, two (2) revised copies of a detailed landscaping plan, including parking details. The plan shall indicate the names and locations of all plant materials to be used along with the method of maintenance. Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

No trees greater than 6" DBH shall be removed, except for those identified on the submitted site plan. Any trees that are removed shall be replaced elsewhere on the property on a 2 for 1 basis of equivalent caliper. Replaced trees shall be identified on the landscaping plan. Trees to be retained shall be protected during construction.

4. **OUTDOOR STORAGE/SCREENING/UTILITIES:**

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

5. **COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:**

The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies, including but not limited to:

Department of Public Works as stated in their letter of May 24, 2004

CONDITIONS OF APPROVAL

Paraduxx Winery

P04-0202 MOD

APN: 31-170-019

6. **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 vegetation and shall be reviewed and approved by the Department prior to the issuance of any building permits. Highly reflective surfaces shall be prohibited.

7. **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. Construction activities shall not occur during windy periods.

8. **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. Generally costs associated with planning review for building plan clearance and certification of occupancy are not to be charged per this condition. However, costs associated with conditions and mitigation measures that require monitoring outside of those two processes, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time, or in accordance with the hourly consulting rate established by the Department at the time of the monitoring (\$88.00/hour as of December, 2002). Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the 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 it is so warranted, to commence revocation hearings in accordance with section 18.124.120 of the County Code.

9. **PREVIOUS CONDITIONS:**

The permittee shall comply with all applicable conditions and measures which were included in the previously approved use permit #00164-UP and #03249-MOD. (Any conditions that are in conflict with the requirements of this permit shall be null and void).

CONDITIONS OF APPROVAL

Paraduxx Winery

P04-0279 MOD

APN: 31-170-019

1. **SCOPE:** The permit shall be limited to:

- Construction of an 18,527 sq. ft two-story barrel building (ground level area of $\pm 7,888$ sq. ft and upper floor area of $\pm 10,639$ sq. ft.) with an attached 5,507 sq. ft covered work area.
- Revision of the approved phasing plan as follows:
Phase III – Fermentation Building/Barrel Cellars
Phase IV – Barrel Building (Phase II)

The above project shall be consistent with the approved application materials. Any other changes will require review and approval of a use permit modification by the County.

2. **LIGHTING:**

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety, or operations and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. **Prior to issuance of a building permit for construction, two (2) revised copies of a separate detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Department review and approval.**

3. **LANDSCAPING/PARKING:**

Prior to issuance of any building permit for construction, two (2) revised copies of a detailed landscaping plan, including parking details. The plan shall indicate the names and locations of all plant materials to be used along with the method of maintenance. **Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.**

No trees greater than 6" DBH shall be removed, except for those identified on the submitted site plan. Any trees that are removed shall be replaced elsewhere on the property on a 2 for 1 basis of equivalent caliper. Replaced trees shall be identified on the landscaping plan. Trees to be retained shall be protected during construction.

4. **OUTDOOR STORAGE/SCREENING/UTILITIES:**

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

5. **COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:**

The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies, including but not limited to:

CONDITIONS OF APPROVAL

Paraduxx Winery

P04-0279 MOD

APN: 31-170-019

Department of Public Works as stated in their letter of May 24, 2004

County Fire Department as stated in their letter of July 20, 2004

Building Division as stated in their letter of June 21, 2004

Department of Environmental Management as stated in their letter of June 29, 2004

6. **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 vegetation and shall be reviewed and approved by the Department prior to the issuance of any building permits. Highly reflective surfaces shall be prohibited.

7. **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. Construction activities shall not occur during windy periods.

8. **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. Generally costs associated with planning review for building plan clearance and certification of occupancy are not to be charged per this condition. However, costs associated with conditions and mitigation measures that require monitoring outside of those two processes, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time, or in accordance with the hourly consulting rate established by the Department at the time of the monitoring (\$88.00/hour as of December, 2002). Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the 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 it is so warranted, to commence revocation hearings in accordance with section 18.124.120 of the County Code.

9. **PREVIOUS CONDITIONS:**

The permittee shall comply with all applicable conditions and measures which were included in the previously approved use permit #00164-UP, #03249-MOD, and #P04-0202. (Any conditions that are in conflict with the requirements of this permit shall be null and void).

**CONDITIONS OF APPROVAL
PARADUXX WINERY
USE PERMIT MODIFICATION P04-0472
APN: 31-170-019**

1. SCOPE: The permit shall be limited to

- Relocating entry at Silverado Trail, removal of existing asphalt and widening loop road as delineated on plans dated September 29, 2004.

The project shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials. Any changes to approved plans shall be by the Use Permit modification process.

2. 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. Generally costs associated with planning review for building plan clearance and certification of occupancy are not to be charged per this condition. However, costs associated with conditions and mitigation measures that require monitoring outside of those two processes, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time, or in accordance with the hourly consulting rate established by the Department at the time of the monitoring (\$116.00/hour as of January, 2004). Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the 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 it is so warranted, to commence revocation hearings in accordance with section 18.124.120 of the County Code.

3. DUST CONTROL:

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

4. SPOILS:

All spoils generated by construction of the project shall be disposed of per Public Works direction. All spoils piles shall be removed prior to occupancy. **No equipment or spoils shall be stored within the required 40 foot stream setback to Rector Creek.**

5. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:

The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies, including but not limited to:

Department of Public Works as stated in their letter of November 8, 2004

**CONDITIONS OF APPROVAL
PARADUXX WINERY
USE PERMIT MODIFCIATION P04-0472
APN: 31-170-019**

6. **PREVIOUS CONDITIONS:** The permittee shall comply with all applicable conditions and measures which were included in the previously approved Use Permit #00164-UP and subsequent modifications to this Use Permit (Any conditions that are in conflict with the requirements of this permit shall be null and void).

EXHIBIT B

CONDITIONS OF APPROVAL
(as revised March 7, 2012 Planning Commission)
Paraduxx Winery Use Permit Modification
#P08-00671 MOD
St Helena
Assessor's Parcel #: 031-170-019

Approval of Use Permit request #P08-00671-MOD to allow the following:

1. SCOPE:

- Increase the annual production by 40,000 gallons (from 156,000 gallon to 200,000 gallons),
- Increase the administrative space by 3,384 square feet to be located the second floor existing barrel storage structure (currently production space),
- Reduce the production area by 3,384 square feet,
- Increase the existing winery wastewater system to accommodate the increase in annual production and winery visitors,
- Increase the parking spaces by 18 (from 22 to 40 spaces),
- Increase employees from 5 FTEs & 4 PTEs to 36 FTEs & 5 PTEs,
- Recognize an existing indoor 170 square foot kitchen location in the hospitality building, and
- Removal of the outdoor kitchen/BBQ and all associated equipment (within 60 days of this approval date), with the exception that the counter top (associated cabinets & shelving) and small 12"x12" sink may remain in the structure.

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

2. PROJECT SPECIFIC CONDITIONS

Visitation may occur on the same day as marketing events, excepting that the maximum number of visitors on such days shall not exceed 160 total visitors. On days when large marketing events are occurring (500 visitor events), no tours and tastings shall occur.

3. VISITATION

Consistent with Sections 18.16.030 and 18.20.030 of the Napa County Code, marketing and tours and tastings may occur at a winery only where such activities are accessory and "clearly incidental, related, and subordinate to the primary operation of the winery as a production facility." Marketing, Tours and Tastings are not typically authorized until grant of Final Occupancy, but exceptions can be requested due to extenuating circumstances and are subject to review and approval by the County Building Official, County Fire Marshal, and the Director of Conservation, Development and Planning.

Permittee shall obtain and maintain all permits and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB)

EXHIBIT B

CONDITIONS OF APPROVAL
(as revised March 7, 2012 Planning Commission)
Paraduxx Winery Use Permit Modification
#P08-00671 MOD
St Helena
Assessor's Parcel #: 031-170-019

required to produce and sell wine, including minimum levels of crush and fermentation. In the event permittee loses required ABC and/or TTB permits and licenses, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are re-established.

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

A. TOURS AND TASTING

Tours and tastings are limited to the following:

Frequency: 7 days per week, Monday through Sunday
Maximum number of persons per day: 50
Maximum number of persons per week: 350
Time of operation: 8 AM to 6 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 appointment for tours or tastings. Tours and tastings may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant. (Ord 1340 §2, Sec. 18.08.062). On-premise wine consumption consistent with Assembly Bill 2004 (Evans) is allowed.

Start and finish time of tours and tastings shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM, and shall be limited to those wines set forth in Napa County Code Sec. 18.16.030(G)(5)(c).

B. MARKETING

Marketing events are limited to the following:

- a. Type of Event: Small events
Frequency: 5 events per week, 240 events per year
Number of persons: 24 maximum
Time of Day: 11:00 AM to 10:00 PM
- b. Type of Event: Industry/Open House
Frequency: 5 times year
Number of persons: 125 maximum
Time of Day: 11:00 AM to 10:00 PM

EXHIBIT B

CONDITIONS OF APPROVAL
(as revised March 7, 2012 Planning Commission)
Paraduxx Winery Use Permit Modification
#P08-00671 MOD
St Helena
Assessor's Parcel #: 031-170-019

- c. Type of Event: Cultural/other events
Frequency: 10 times per year
Number of persons: 24 maximum
Time of Day: 11:00 AM to 10:00 PM
- d. Type of Event: Auction
Frequency: 2 times per year
Number of persons: 500 maximum
Time of Day: 11:00 AM to 10:00 PM
- e. Participation in Auction Napa Valley

"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 Chapters 18.16 and 18.20 of the Napa 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. Marketing plans in their totality must remain "clearly incidental, related and subordinate to the primary operation of the winery as a production facility" (subsection (G)(5) of Sections 18.16.030 and subsection (I)(5) of 18.20.030 of the Napa County Code). 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 recovery of variable costs, 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. (Ord. 1340, 2010: Ord. 1104 § 11, 1996: Ord. 947 § 9 (part), 1990: prior code § 12071).

All activity, including cleanup, shall cease by 10:00 PM. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM. If any event is held which will exceed the available on-site parking, the applicant shall have 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.

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4. GRAPE SOURCE: (A signed statement was submitted with the application.)

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

5. PREVIOUS CONDITIONS

The permittee shall comply with all previous conditions of approval for Use Permit #00164-UP through #P04-0472 MOD, except as modified by this action. To the extent there is a conflict between previous conditions of approval and these conditions of approval, these conditions shall control and supersede earlier ones.

6. LANDSCAPING/PARKING:

Two (2) copies of a detailed landscaping plan, including parking details, shall be submitted for review and approval prior to issuance of building permits. The plan shall indicate the names and locations of all plant materials to be used along with the method of maintenance. **Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.** The location of employee and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any). Landscaping and parking shall be completed prior to occupancy, and shall be permanently maintained in accordance with the landscaping plan.

All existing trees within the area planned for development shall be indicated on the landscaping plan according to species and size. Trees planned for removal shall be indicated on the detailed landscaping plan. No trees greater than 6" DBH shall be removed, except for those identified on the submitted site plan. Any trees that are removed shall be replaced elsewhere on the property on a 2 for 1 basis of equivalent caliper. Replaced trees shall be identified on the landscaping plan. Trees to be retained shall be protected during construction.

Evergreen screening shall be permanently installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and off-site residences that can view these areas. This permanent screening requirement shall also include any cave portal, cave portal retaining wall and entrance pad that are visible from a public or private road.

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Parking shall be limited to approved parking spaces only and shall not occur along access roads or in other locations except during harvest or approved marketing events. In no case shall parking impede emergency vehicle access or public roads. If any event is held which will exceed the available on-site parking, the applicant shall arrange for valet or off-site parking and shuttle service to the winery. Nothing herein shall restrict property owner's right to access or use of the northern driveway for non-winery related use.

7. RENTAL/LEASING:

No winery facilities, nor portions thereof, including but not limited to offices, kitchens, barrel storage areas, and warehousing space, shall be rented, leased, nor used by entities other than persons producing and/or storing wine at the on-site winery, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Chapter 5.36).

8. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:

The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies, including but not limited to:

- Department of Environmental Management as stated in their memo dated (Revised) March 20, 2012,
- Department of Public Works Department as stated in their memos dated January 13, 2009 and dated November 18, 2012,
- Code Enforcement Division as stated in their e-mail dated December 12, 2010,
- Building Division as stated in their memo dated July 12, 2009, and
- County Fire Department as stated in their memo dated January 19, 2012.

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

9. GRADING AND SPOILS:

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

10. WELLS / WATER SYSTEMS:

The permittee may be required (at the permittee's expense) to provide well monitoring data if the Director of Environmental Management determines that water usage at the winery is affecting, or would potentially affect groundwater supplies or nearby wells.

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Data requested could include, but may not be limited to, water extraction volumes and static well levels. If applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gage potential impacts on the groundwater resource utilized for the project proposed.

Water usage shall be minimized by use of best available control technology and best water management conservation practices. In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the director of environmental management shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the director has provided notice and the opportunity for hearing in compliance with the County Code section 13.15.070.G-K.

11. NOISE:

Construction noise shall be minimized to the maximum extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road condition require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM.

Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed winery buildings.

12. DUST CONTROL:

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

13. ARCHEOLOGICAL FINDING:

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

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measures are required. If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

14. TRAFFIC:

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will not occur during peak (4-6 PM) travel times to the maximum extent possible. All road improvements on private property required per the Department of Public Works shall be maintained in good working condition.

15. STORM WATER CONTROL:

For any construction activity that results in disturbance of greater than one acre of total land area, permittee shall file a Notice of Intent with the California Regional Water Quality Control Board (SRWQCB) prior to any grading or construction activity. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots shall be designed to drain through grassy swales, buffer strips, or sand filters prior to any discharge from the impervious surface into a watercourse. If any discharge of concentrated surface waters is proposed in the any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

16. INDEMNIFICATION:

An indemnification agreement, in the form attached hereto, shall be signed and returned to the County within twenty (20) days of the granting of this approval. (A signed agreement was submitted with the application.)

17. AFFORDABLE HOUSING MITIGATION:

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

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18. MONITORING COSTS:

All staff costs associated with monitoring compliance with these conditions, previous permit conditions and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring. Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the 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 it is so warranted, to commence revocation hearings in accordance with section 18.124.120 of the County Code.

19. TEMPORARY AND FINAL OCCUPANCY:

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