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Previous Project Conditions



A Tradition of Stewardship
A Commitment to Service

Conservation Development and Planning

1195 Third Street, Suite 210
Napa, CA 94559
www.co.napa.ca.us

Main: (707) 253-4417
Fax: (707) 253-4336

Hillary Gitelman
Director

September 28, 2009

Mr. Duane Kanuha
Kohala Investment Works, LLC.
101 Aupuni Street, Suite 206
Hilo, HI 96721

Re: WHEELER WINERY
APN: 030-260-016
588 Zinfandel Lane, St. Helena, CA 94574
Use Permit #P08-00672-UP and Variance #P09-00347-VAR

Dear Mr. Duane Kanuha:

Please be advised that Use Permit #P08-00672-UP and Variance #P09-00347-VAR were **APPROVED** by the Napa County Conservation, Development and Planning Commission (hereinafter the Commission) on **September 16, 2009**, subject to the attached final Conditions of Approval, Napa County departmental comments, and all applicable Napa County regulations. In approving the above application, the Commission adopted a Negative Declaration in accordance with the California Environmental Quality Act on file with the Conservation, Development, and Planning Department.

This permit becomes effective immediately unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You have the right to appeal the Conditions of Approval and you will be notified should an appeal be filed by another party.

Pursuant to Napa County Code §18.124.080, the use permit must be activated within two (2) years of the approval date or it shall automatically expire on September 16, 2011, and become void. This letter serves as the only notice you will receive regarding the expiration date of your permit.

Pursuant to Government Code §66020(d)(1), you are hereby further notified that the ninety day period in which to protest the imposition of any fees, dedications, reservations, or other exactions which may have been adopted as conditions of approval has begun.

If you have any questions regarding this letter please feel free to contact me at: 707-299-1349 or via email: thornish@co.napa.ca.us. On behalf of the Conservation, Development and Planning Department, it was a pleasure serving you.

Best Regards,



Patricia Hornisher
Planner III

cc: Ms. Donna Oldford, Project Consultant
Applicant file
Chron. file
Napa County Assessor
Napa County Environmental Management
Napa County Public Works
Napa County Fire Marshall

encl: (2): Adopted Conditions of Approval
Other Agency Conditions

EXHIBIT B

CONDITIONS OF APPROVAL

**Wheeler Winery Use Permit
#P08-00672-UP & #P09-00347-VAR
588 Zinfandel Lane, St. Helena
Assessor's Parcel #'s: 030-260-016**

1. SCOPE: The permit shall be limited to:

Phase I:

- Wine production of no more than 50,000 gallon per year (consistent with the Napa County Winery Production Process);
- Demolition of three of the four existing on-site residential structures, pool, patio, and tennis court;
- Removal of one of two 60,000 gallon water tanks—second tank to remain for frost protection;
- Construction of a two-story fermentation building with a below ground barrel storage cellar totaling 14,479 square feet, a two-story administrative/hospitality building with a covered breezeway totaling 4,083 square feet and a 2,680 square foot covered crush pad (all new construction to be located in approximately the same footprint as the demolished structures) for a winery totaling approximately 21,242 square feet;
- Days and Hours of Operation limited to 6:00 AM to 6:00 PM Seven days a week (Marketing Event Days and Hours – see below.);
- Two full-time and two part-time employees;
- Six parking spaces (including one ADA-accessible space);
- Tours and Tasting By Appointment Only for a maximum of 32 visitors per day (224 visitors per week);
- A Marketing plan with four 24-person events per month, four 75-person events per year and participation in the annual Napa Valley Wine Auction as a Category 5 Temporary Event (all events will serve food items);
- Installation of a pressure distribution type disposal system for winery process wastewater & winery and domestic sanitary wastewater;
- Construction of a main and secondary winery production access road with a 200 foot portion of the secondary access to include an Exception to the Napa County Road and Street Standards to allow this portion of roadway to be constructed with 12 feet of surfaced roadway with 2 foot shoulders. (18 feet of surfaced roadway plus two foot shoulders required.)
- Installation of a gate at the entrance to the east/west driveway to the winery from the secondary winery access to be completed prior to final occupancy of Phase I of the winery construction;
- Approval of a Variance from the winery road setback requirements of Napa County Code Section 18.104.230 (A) (1) & (2) to allow a winery structure to be constructed 200 feet from the centerline of a public road (Zinfandel Lane) and 168 feet from the centerline of a private easement used by the public where 300 feet is required; and,

Phase II:

- Construction of a separate 4,000 square foot two-story barrel storage building approximately 70 feet to the east of the proposed Phase I winery structure bringing the winery to a total of approximately 25,242 square feet.
- Assessor's Parcel Number (inclusive of Phase I and II): 030-260-016-000.

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CONDITIONS OF APPROVAL

**Wheeler Winery Use Permit
#P08-00672-UP & #P09-00347-VAR
588 Zinfandel Lane, St. Helena
Assessor's Parcel #'s: 030-260-016**

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. *MARKETING: Marketing events shall be limited as follows:

- a. Frequency: 4 times per month (and shall not be held on the same day as any other marketing event.)
Number of persons: 24 maximum
Time of Day: 11:00 AM to 10:00 PM
Days per Week: Seven
- b. Frequency: 4 times per year (and shall not be held on the same day as any other marketing event.)
Number of persons: 75 maximum
Time of Day: 11:00 AM to 10:00 PM
Days per Week: Seven
- c. Participation in the annual Napa Valley Wine Auction is permitted as a Category 5 Temporary Event.
- d. Any single Marketing Event may include food that is either catered or prepared in an on-site commercial kitchen in accordance with Napa County Department of Environmental Management.
- e. Portable sanitary facilities shall be used for all events with greater than 75 participants.

****"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis.**

Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development. (Ord. 1104 § 11, 1996: Ord. 947 § 9 (part), 1990: prior code § 12071). All activity, including cleanup, shall

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**Wheeler Winery Use Permit
#P08-00672-UP & #P09-00347-VAR
588 Zinfandel Lane, St. Helena
Assessor's Parcel #'s: 030-260-016**

cease by 10:00 PM. Start and finish time of all activities shall be scheduled to minimize all vehicles arriving or leaving between 4:00 PM and 6:00 PM.

3. *TOURS AND TASTING:

Tours and tastings shall be limited to a maximum of 32 visitors per day (224 visitors per week);

***"Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to members of the wine trade, persons invited by a winery who have pre-established business or personal relationships with the winery or its owners, and persons who have made unsolicited prior appointments for tours or tastings. (Ord. 947 § 9 (part), 1990: prior code § 12070).

Start and finish time of tours and tastings shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 6:00 PM, and shall be limited to those wines set forth in Napa County Code Sec. 18.16.030(G)(5)(c). A log book (or similar record) shall be maintained which documents the number of visitors to the winery, and the dates of their visit. This record of visitors shall be made available to the Department upon request.

4. GRAPE SOURCE:

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. SIGNS:

Prior to installation of any winery identification or directional signs, detailed site plans and sign design plans, including locations, elevations, materials, color, and lighting, shall be submitted to the Planning Department for administrative review and approval. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this use permit approval. All signs shall meet the design standards as set forth in Chapter 18.116 of the County Code. At least one sign placed and sized in a manner to inform the public must legibly and visibly include wording stating: "Tours and Tasting by Prior Appointment Only". An additional sign shall be placed at the entrance to the private easement road on the east side of the winery parcel from Zinfandel Lane. The sign

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Wheeler Winery Use Permit
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588 Zinfandel Lane, St. Helena
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shall include legible and visible wording stating: "Private Road – No public access; No parking at any time".

6. GATES/ENTRY STRUCTURES:

Any gate installed at the winery entrance shall be reviewed by the Conservation, Development and Planning Department, Public Works Department and the Napa County Fire Department to assure that it is designed to allow large vehicles, such as motorhomes, to turn around if the gate is closed without backing into the public roadway, and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required according to the County Code. 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 use permit approval. An entry gate shall be installed at the entrance to the proposed east/west driveway of the winery from the private easement road.

7. 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 any building permit for construction of the winery, 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 Department review and approval. All lighting shall comply with Uniform Building Code (UBC).

8. 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.

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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 landscaping which shall be installed on the north side of the winery for the purpose of providing additional screening for off-site residences to the north.

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 off-site parking and shuttle service to the winery. Parking shall be prohibited along the private easement road located outside the gated area of the east/west driveway.

9. 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. 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.

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

10. 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).

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**Wheeler Winery Use Permit
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11. 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 revised letter dated August 3, 2009.

Department of Public Works Department as stated in their letter of August 19, 2009 and letter for Groundwater dated February 25, 2009 and May 13, 2009 and letter for Traffic dated August 5, 2009.

County Fire Department as stated in their letter of June 17, 2009.

Building Division as stated in their letter of August 17, 2009.

City of St. Helena as stated in their letter dated March 19, 2009 and clarifying email dated September 14, 2009. (NOTE: See also Condition #13. WELLSWATER SYSTEMS.)

Napa County Sheriff's Department has no comment.

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.

12. 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.

13. WELLS / WATER SYSTEMS:

The City's moratorium for water connections outside the St. Helena City Limits is in effect. The proposed winery shall not be connected to the City of St. Helena Water system. The existing single family residence may remain connected to the existing city residential meter only if it remains a residential use and any change of use or connection to the winery may subject it to termination (See Comments letter City of St. Helena, March 19, 2009 and clarifying email September 14, 2009 attached.) Future desire to use the City of St. Helena public water system for winery use will require a use permit modification from Napa County as well as all required approvals from the City of St. Helena.

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The permittee may be required (at the permittee's expense) to provide well monitoring data if the Director of Environmental Management determines that water usage at the winery is affecting, or would potentially affect groundwater supplies or nearby wells. Data requested could include, but 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 gauge potential impacts on the groundwater resource utilized for the project proposed.

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

14. 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.

15. COLORS:

The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation and the applicant shall obtain written approval by the Conservation, Development and Planning Department prior to painting the building. Highly reflective surfaces shall be prohibited.

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**Wheeler Winery Use Permit
#P08-00672-UP & #P09-00347-VAR
588 Zinfandel Lane, St. Helena
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16. 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.

17. ARCHEOLOGICAL FINDING:

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the Conservation, Development and Planning Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required. If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

18. 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.

19. ADDRESSING

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

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**Wheeler Winery Use Permit
#P08-00672-UP & #P09-00347-VAR
588 Zinfandel Lane, St. Helena
Assessor's Parcel #'s: 030-260-016**

20. 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.

21. 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.

22. 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.

23. 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

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**Wheeler Winery Use Permit
#P08-00672-UP & #P09-00347-VAR
588 Zinfandel Lane, St. Helena
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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.

Within one year after the Certificate of Occupancy is issued to the winery, the Planning Department shall report on the compliance status of the winery to the Planning Commission.

24. 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.



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Conservation, Development and Planning

1195 Third Street, Suite 210
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Hillary Gitelman
Director

August 29, 2011

Mr. Duane Kanuha
Kohala Investment Works, LLC
101 Aupuni Street, Suite 206
Hilo, HI 96721

Re: Use Permit #P11-00289 VMM (Very Minor Modification to use permit #P08-00672 UP and Variance #P09-00347 VAR)
(APN 030-260-016)

Dear Mr. Kanuha,

Your application for a **Very Minor Modification (#P11-00289 VMM)** has been reviewed by the Director. The project is a one-year time extension in which to implement the previously approved #P08-00672 UP/#P09-00347 VAR. The project site is located on 11.66 acre property zoned AP (Agricultural Preserve) located at 588 Zinfandel Lane, St Helena.


Please be advised that your request has been **APPROVED** by the Napa County Conservation, Development and Planning Department subject to the Conditions of Approval for #P08-00672 UP/#P09-00347 VAR including the Napa County Department comments, and applicable County regulations.

This use permit modification permit becomes effective immediately unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You have the right to appeal the conditions of approval and you will be notified should an appeal be filed by another.

Pursuant to Section 18.124.080 (A) of the Napa County Code, this very minor modification #P11-00289 VMM inclusive with Conditions of Approval for #P08-00672 UP/#P09-00347 VAR must be activated within one (1) year from the approval date, or shall automatically expire and become void on September 16, 2012. This letter serves as the only notice you will receive regarding the expiration date of your very minor modification/use permit/variance.

Should you have any questions regarding this permit, please contact Mary Doyle, Project Planner at 707-299-1350 or mary.doyle@countyofnapa.org.

Regards,



Hillary Gitelman, Director
Napa County Conservation, Development and Planning Department

BY: Mary Doyle, Project Planner

Cc: EM
PW
FIRE
BLDG

Assessor
File
Chron



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Planning, Building & Environmental Services

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Hillary Gitelman
Director

October 11, 2012

Donna Oldford
2620 Pinot Way
St Helena Ca 94574

Re: Request for Time Extension; Very Minor Modification #P12-00305
588 Zinfandel Lane (APN 030-260-016-000)

Dear Ms. Oldford,

Your application for a **Very Minor Modification (#P12-00305 VMM)** has been reviewed by the Director of Planning, Building and Environmental Services. The project is a one-year time extension in which to implement the previously approved Use Permit #P08-00672. The project site is located on 11.66 acre property zoned AP (Agricultural Preserve) located on the north side of a Zinfandel Lane, St Helena.

Please be advised that your request has been **APPROVED** by the Director subject to the Conditions of Approval for Very Minor Modification #P12-00305 including the Napa County Department comments, and applicable County regulations.

Environmental Analysis: In approving the above application, the Planning Director found the project Categorically Exempt pursuant to Appendix B, Class 1, Subsection 3, of Napa County's Local Procedures for Implementing the California Environmental Quality Act. The project is a very minor alteration to the expiration date of the approval memo.

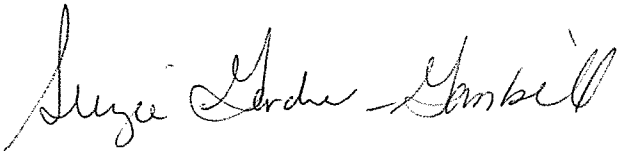
This use permit modification permit becomes effective immediately unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You have the right to appeal the conditions of approval and you will be notified should an appeal be filed by another.

Pursuant to Section 18.124.080 (A) of the Napa County Code, this very minor modification #P12-00305 inclusive with Conditions of Approval for #P08-00672- UP must be activated within one (1) year from the approval date, or shall automatically expire and become void on **October**

11, 2013. This letter serves as the only notice you will receive regarding the expiration date of your very minor modification.

Should you have any questions, please contact Suzie Gardner-Gambill, Planner at (707)299-1334 or e-mail at suzie.gambill@countyofnapa.org.

Sincerely,
Hillary Gitelman
Director of Conservation, Development and Planning Department

A handwritten signature in cursive script that reads "Suzie Gardner-Gambill".

By: Suzie Gardner-Gambill
Planner
Napa County Conservation, Development and Planning Department

Kohala Investment Works LLC
c/o Hermann Fernandez
PO box 249
Hawaii HI 96719



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Planning, Building & Environmental Services

1195 Third Street, Suite 210
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www.countyofnapa.org

Hillary Gitelman
Director

July 10, 2013

Donna Oldford
Plans4Wine
2620 Pinot Way
St. Helena, CA 94574

Re: Use Determination Request #P13-00216
Confirmation of "Use" of the Wheeler Winery Use Permit #P08-00672-UP
588 Zinfandel Lane (APN 030-260-016)

Dear Ms. Oldford:

The Planning Division has completed review of your request with supporting evidence for confirmation of "use" of the Wheeler Winery Use Permit located at 588 Zinfandel Lane. Your request includes documentation that \$66,005.25 in costs have been incurred directly related toward implementation of the project. Please be advised that the Department has determined your actions satisfy Napa County Code Section 18.124.A.1.c and thus constitute the expenditure of sufficient funds for "use" of the subject permit.

Pursuant to Section 15162 of the California Environmental Quality Act, the above action is within the scope of the previously adopted environmental document for the project. There are no substantial changes to the project, no changes to circumstance under which the project is being undertaken, no new substantial information, and therefore no further environmental review is required.

The determination becomes effective immediately unless an appeal is filed to the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. If an appeal is filed by another, you will be notified.

Planning Division
(707) 253-4417

Building Division
(707) 253-4417

Engineering & Conservation
(707) 253-4417

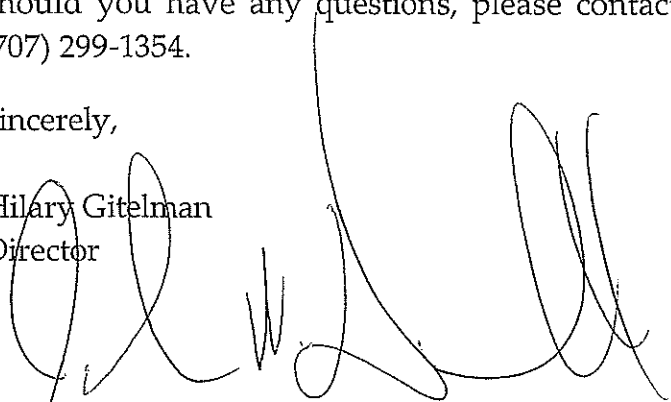
Environmental Health
(707) 253-4471

Parks & Open Space
(707) 259-5933

Should you have any questions, please contact me at john.mcdowell@countyofnapa.org or at (707) 299-1354.

Sincerely,

Hilary Gitelman
Director



By: John McDowell
Deputy Planning Director

cc: file



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A Commitment to Service

Planning, Building & Environmental Services

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

David Morrison
Director

December 19, 2014

Mailed December 19, 2014

Bart and Daphne Araujo
1751 Skellenger Lane
Napa, California 94562

**Re: Accendo Cellars Winery Minor Modification P14-00283
588 Zinfandel Lane; (APN 030-260-016)**

Dear Mr. and Mrs. Araujo:

Your application for a minor modification (P14-00283) to the previous Use Permit #P08-00672-UP and Variance #P09-00347-VAR has been reviewed by the Planning, Building, and Environmental Services Department. The modification would allow for: (1) minor building site revisions within the winery development area of the original use permit including moving the proposed fermentation building an additional 43 feet from the centerline of Zinfandel Lane, moving the production building an additional five feet from the centerline of the private easement along the east property line, and moving the administration building one foot closer to the west property line (Exhibit A); (2) minor modifications of approved buildings sizes and an increase in the underground barrel storage resulting in an approximately 23 percent increase in the overall approved square footage (Exhibit A); (3) approval of a LYVE or similar wastewater treatment facility to replace the approved in-ground septic system; (4) incorporation of an updated landscape plan that accomplishes the original screening requirements and saves two additional mature oak trees; (5) installation of a gate and winery sign; (6) removal of the second existing 60,000 gallon water tank, construction of two replacement 50,000 gallon irrigation water tanks, and construction of one 50,000 gallon fire/domestic water storage tank as required by the original use permit conditions of approval; (7) removal of the fourth existing residential structure; and (8) removal of the construction phasing plan. No changes in annual production, hours of operation, number of employees, visitation, or marketing are proposed.

Please be advised that this request has been **APPROVED** by the Director subject to the attached conditions of approval. It should be noted that all previous conditions of approval not in conflict with this modification will still apply.

On September 16, 2009, the Napa County Planning Commission adopted a Negative Declaration, reviewed under the California Environmental Quality Act (CEQA), for the original use permit and variance. This modification request has been found to be within the winery development area evaluated, such that the proposed changes will not result in any new significant environmental impacts. Therefore, no mitigation measures would be required.

This approval becomes effective immediately unless an appeal is filed with the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be notified.

Pursuant to Section 18.124.080 of the Napa County Code, the permit must be activated within two (2) years from the approval date, or it shall automatically expire and become void. This letter serves as the only notice you will receive regarding the expiration date of this permit.

EXPIRATION DATE: December 19, 2016

Pursuant to Government Code Sec.66020 (d)(1), you are hereby further notified that the ninety day period in which to protest imposition of any fees, dedications, reservations, or other exactions that may have been adopted as conditions of approval has begun.

Should you have any questions, please contact Emily Hedge at (707) 259-8226 or by e-mail at emily.hedge@countyofnapa.org.

Sincerely,


John McDowell
Zoning Administrator

By: Emily Hedge, Planner II
Napa County Planning, Building and Environmental Services Department

Enclosures

cc: Donna Oldford, Applicant Representative
Napa County Departments – Engineering Services, Environmental Health, Building, Fire,
Assessor (J. Tuteur), Jeff Tangen
Project file

EXHIBIT A
CONDITIONS OF APPROVAL
ACCENDO CELLARS WINERY MINOR MODIFICATION (P14-00283)
588 Zinfandel Lane (APN 030-260-016)

1. SCOPE: The permit shall be limited to:

- Minor building site revisions within the winery development area of the original use permit including moving the proposed fermentation building an additional 43 feet from the centerline of Zinfandel Lane, moving the production building an additional five feet from the centerline of the private easement along the east property line, and moving the administration building one foot closer to the west property line (see table below);
- Minor modifications of approved buildings sizes and an increase in the underground barrel storage resulting in an approximately 23 percent increase in the overall approved square footage (see table below);
- Approval of a LYVE or similar wastewater treatment facility to replace the approved in-ground septic system;
- Incorporation of an updated landscape plan that accomplishes the original screening requirements and saves two additional mature oak trees;
- Installation of a gate and winery sign;
- Removal of the second existing 60,000 gallon water tank, construction of two replacement 50,000 gallon irrigation water tanks, and construction of one 50,000 gallon fire/domestic water storage tank as required by the original use permit conditions of approval;
- Removal of the fourth existing residential structure; and
- Removal of the construction phasing plan. No changes in annual production, hours of operation, number of employees, visitation, or marketing are proposed.

Setback to closest structure	Approved Use Permit and Variance	Proposed Minor Modification	Difference in setback
Fermentation building setback from the centerline of Zinfandel Lane	200	243	+43
Production building setback from the centerline of the private easement along the east property line	168	173	+5
Administration building setback from the western property line	234	233	-1

Building Description	Approved Use Permit	Proposed Minor Mod.	Difference in sq. ft.
2 Story fermentation building	8,735	9,106	+371
Below ground barrel storage (Spoils will be deposited on site)	5,744	12,608	+6,864
2 story Admin/hospitality building with covered breezeway	4,083	3,804	-279
Crush pad	2,680	2,431	-249
2-Story Production Building (originally approved as a 4,000 sq. ft. 2-story barrel storage building)	4,000	3,136	-864
Total	25,242	31,085	+5,843
% Change			23.15%

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

**Alternative locations for cave spoils and fire suppression tanks are permitted, subject to review and approval by the Director of Planning, Building, and Environmental Services, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.

2. PROJECT SPECIFIC CONDITIONS

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

A. The permittee shall comply during all construction activities with the Bay Area Air Quality Management District Basic Construction Mitigation Measures (Table 8-1, May 2011 Updated CEQA Guidelines) as provided below:

1. All exposed surfaces (e.g. parking areas, staging areas, soil piles, grading areas, and unpaved access (road) shall be watered two times per day.

2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. 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.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. 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.
8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

B. General Compliance and Annual Audits

Permittee shall obtain and maintain all permits (Use Permits and Modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC), United States Tax and Trade Bureau (TTB), Department of Food and Agriculture (CDFA) Grape Crush Inquiry data, all of which are required to produce and sell wine. In the event permittee loses required ABC 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.

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

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

Project conditions of approval include all of the following County, Division, Departments and Agency 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, including, but not limited to:

- A. Engineering Services Division as stated in their Memorandum dated December 1, 2014.

B. Environmental Health Division as stated in their Memorandum dated October 3, 2014.

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

4. **SIGNS**

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

5. **LANDSCAPING**

Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the Building Permit application package for the Planning Division's review and approval prior to the issuance of any building permit associated with this approval. The plan shall be prepared pursuant to the County's Water Efficient Landscape Ordinance (WELO Napa County Code Chapter 18.118), as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

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

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

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

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

6. **LIGHTING**

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

Prior to issuance of any building permit pursuant to this approval, two copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the California Building Code. Lighting utilized during harvest activities is not subject to this requirement.

7. **OUTDOOR STORAGE/SCREENING/UTILITIES**

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

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

8. **GATES/ENTRY STRUCTURES**

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

9. **ARCHEOLOGICAL FINDING**

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

If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that the coroner can determine if an

investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission shall be contacted by the permittee to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

10. **PREVIOUS CONDITIONS**

As applicable, the permittee shall comply with any previous conditions of approval for the winery use except as they may be explicitly modified by this action. To the extent there is a conflict between previous conditions of approval and these conditions of approval, these conditions shall control.

11. **MONITORING COSTS**

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

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Commission at some time in the future, the Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation hearings in accordance with §18.124.120 of the Napa County Code.

12. **TEMPORARY AND FINAL OCCUPANCY**

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

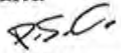
guarantee completion of unfinished improvements. Consistent with Board of Supervisors Resolution № 2010-48, "Temporary Certificates of Occupancy are generally not to be used to allow production of wine for more than one year."



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David Morrison
Director

MEMORANDUM

To: Emily Hedge, Planning Division	From: Peter Corelis, Engineering and Conservation Division 
------------------------------------	--

Date: December 1 st , 2014	Re: Accendo Cellars Winery Use Minor Mod. Permit: P14-00283 APN: 030-260-016
---------------------------------------	--

The Engineering Division received a request for comment on an application submittal package for a proposed use permit modification requesting the following:

To approve a modification to use permi P08-00672 to increase the building footprint by 23.1% for underground barrel storage, alter building siting and configuration, updated landscaping plans, increased employee count from 2 full-time and 2 part-time to 8 full-time and 2 part-time, and approval of a LYVE or similar wastewater system. The proposed project is located at 588 Zinfanel Lane in the County of Napa.

After careful review of the Accendo Cellars Winery use permit modification application package the Engineering Division recommends the following conditions of approval:

- 1) Grading and site work shall be performed so as to prevent diversion or concentration of stormwater onto adjacent properties or alterations to existing drainage patterns.
- 2) All earth disturbing activities shall include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with the Napa County Storm water Ordinance. Best Management Practices shall also be implemented to minimize dust at all times.
- 3) All grading shall conform to the requirements of the 2007 California Building Code: Appendix J – Grading, including surface preparations, benching, fill material specifications, compaction and maximum slopes, as required.
- 4) The application shall incorporate all applicable Site Design, Source Control, and Treatment Control Best Management Practices (BMPs) to comply with County and State water quality standards current at the time of application for a building permit.

- 5) Grading, drainage and parking improvements shall be constructed according to the latest Napa County Road and Street Standards. A drainage study shall demonstrate that post-construction stormwater runoff rates for the 10-year and 100-year storms do not exceed the pre-development rates into the County maintained storm drain, unless the storm drain system is analyzed and determined to have adequate capacity to pass the 10-year flow without developing head in the drainage structures, and the 100-year flow without surcharging the system.
- 6) A separate encroachment permit must be obtained from the Department of Public Works to perform all work within the County Right-of-Way.
- 7) New and improved access driveways shall conform to the latest addition of the Napa County Road and Street Standards for a Common Drive (detail C-7, pg29) and shall be designed by a licensed Civil engineer to withstand a minimum H20-44 loading criteria and must have a minimum structural section of 5 inches of Class II Aggregate Base (AB) plus a 2 inches of Hot Mixed Asphalt (HMA) or equivalent, whichever is greater.
- 8) Parking stalls and lots shall meet the Napa County Road and Streets Standards minimum design criteria.
- 9) Proposed trash enclosures must be designed to preclude stormwater runoff by way of grade control and must be covered, or, include trash containers with lids to prevent direct precipitation into the bins. Trash enclosures shall be screened or walled to prevent off-site transport of trash. Storm drains are not allowed in the immediate vicinity of the trash enclosure. The trash area shall be paved with an impervious surface to mitigate spills.
- 10) Processing areas must be covered and drain to an approved process waste handling system. Runoff shall be diverted from processing areas with grade breaks.
- 11) Final inspection and issuance of the certificate of occupancy will require the recordation of a notarized Maintenance and Operation Agreement with the Recorder's Office signed by designees of the County and the owner. The agreement will identify all post-construction structural BMPs built as part of the project and required scheduled maintenance thereof, and include legible and reproducible 8½" x 11" reference exhibits clearly showing the approved BMPs to be used for quick identification and inspection, to run with the title to the land.

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



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

David Morrison
Director

MEMORANDUM

To: Emily Henderson, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: October 3, 2014	Re: Application for Accendo Winery Located at 588 Zinfandel Lane Assessor Parcel # 030-260-016 File # P14-00283

We have reviewed the application requesting to modify an approved use permit, UP P08-00672, including modification to the building location and size, increase in employees and changes to proposed waste water treatment system as described in application materials. This Division has no objection to approval of the application providing the following are included as conditions of approval:

1. 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.
2. The water supply and related components must comply with the California Safe Drinking Water Act and Related Laws. This 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.
3. A C-57 licensed well drilling contractor must obtain a permit(s) from this Division prior to drilling or destroying any well.
4. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that store hazardous materials above threshold planning quantities (55 gallons liquid, 200 cubic feet compressed gas, or 500 pounds of solids) shall obtain a permit and file an approved Hazardous Materials Business Plan with this Division within 30 days of said activities. If the business does not store hazardous materials above threshold planning quantities, the applicant shall submit the Business Activities Page indicating such.

5. The applicant shall secure a discharge requirement or waiver of same, from the Regional Water Quality Control Board (RWQCB) for the proposed treatment to surface disposal of combined process waste water and sanitary waste water. No building permits will be issued before approval from the RWQCB is obtained.
6. A permit to construct the proposed wastewater treatment systems 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.
7. Plans for the proposed alternative sewage 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.
8. An annual alternative sewage treatment system monitoring permit must be obtained for the alternative sewage 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.
9. A septic tank destruction permit must be obtained from this Division prior to obtaining a permit to demolish the existing structures on the property.
10. 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.
11. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
12. 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.
13. Adequate area must be provided for collection of recyclables. The applicant must contact the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site. The garbage and recycling enclosure must meet the enclosure requirements provided during use permit process and be included with the plans submitted to obtain a building permit.
14. All diatomaceous earth and/or bentonite must be dried and disposed of as solid waste or in another appropriate manner. If the proposed septic system is either a special design sewage

disposal system or a private sewage disposal system, the plan submitted for review and approval must address diatomaceous earth/ bentonite disposal.

15. The applicant shall file a Notice of Intent (NOI) and complete a Storm Water Pollution Prevention Plan with the State of California Water Resources Control Board's (SWRCB) Industrial Permitting program, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Additional information, including a list of regulated SIC codes, may be found at:

http://www.swrcb.ca.gov/water_issues/programs/stormwater/industrial.shtml

Additionally, the applicant shall file for a storm water permit from this Division, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Certain facilities may be exempt from storm water permitting. A verification inspection will be conducted to determine if exemption applies.



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www.countyofnapa.org

David Morrison
Director

May 8, 2015

Katherine Philippakis
899 Adams Street
St. Helena, California 94574

**Re: Request #P15-00113 for Confirmation of "Use" of Use Permit Modification #P14-00283
588 Zinfandel Lane, Napa; APN 030-260-016**

Dear Ms. Philippakis:

Thank you for your submittal on April 10, 2015, which included receipts demonstrating the dollar amount spent, over \$150,000, for the preparation of site improvement plans, septic system improvement plans, a stormwater pollution prevention plan, a transient non-community water system report, purchase of a wastewater system bioreactor and lift station, and a PG&E nonrefundable deposit. Please note that the costs incurred in applying for a building permit cannot be included in the calculation of funds expended.

Based on the information provided, please be advised that the Department has determined that your actions, completed prior to the expiration date of the subject use permit modification, satisfy the Napa County Code (Section 18.124) for "use" of the subject permit.

Should you have any questions, please feel free to contact me at emily.hedge@countyofnapa.org or at (707) 259-8226.

Sincerely,

A handwritten signature in cursive script that reads "Emily Hedge".

Emily Hedge
Planner II

cc: Project file



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Planning, Building & Environmental Services

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

Main: (707) 253-4417
Fax: (707) 253-4336

David Morrison
Director

September 17, 2015

Donna Oldford
2620 Pinot Way
Saint Helena, California 94574

Re: Wheeler Farms Winery, Use Permit Very Minor Modification P15-00244
588 Zinfandel Lane, St. Helena; APN 030-260-016

Dear Ms. Oldford:

Please be advised that Use Permit Very Minor Modification (P15-00244) has been reviewed by the Planning, Building, and Environmental Services Department. The modification would allow for: (1) converting an outdoor access area (previously a ramp to the cellar) to an enclosed covered production area and (2) addition of on-premises consumption on the patio to the north side of the hospitality building. There would be no increase in employees, visitation, marketing events, or annual production capacity.

Please be advised that this request has been **APPROVED** by the Director subject to the attached conditions of approval. It should be noted that all previous conditions of approval not in conflict with this modification will still apply.

The Department has determined this application to be Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Napa County's Local Procedures for implementing the California Environmental Quality Act Appendix B, Class 1 (3) (Very Minor and Minor modifications of existing use permit in conformance with Section 18.124.130 of the Napa County Code).

The approval becomes effective immediately unless appealed to the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You may appeal the conditions of approval. If an appeal is filed by anyone, you will be notified.

Pursuant to Section 18.124.080 of the Napa County Code, the use permit modification must be activated within two (2) years, or it shall automatically expire and become void on the expiration date noted below. This letter serves as the only notice you will receive regarding the expiration date of your permit.

EXPIRATION DATE: September 17, 2017

Pursuant to Government Code Sec. 66020 (d)(1), you are hereby further notified, that the ninety day period in which to protest imposition of any fees, dedications, reservations, or other exactions which may have been adopted as conditions of approval, has commenced.

Should you have any questions, please contact me at (707) 259-8226 or emily.hedge@countyofnapa.org.

Sincerely,

David Morrison
Director



By: Emily Hedge, Planner II
Napa County Planning, Building and Environmental Services Department

Enclosures

cc: Napa County Departments – Assessor (J. Tuteur), GIS (M. Lamborn)
Project file

CONDITIONS OF APPROVAL

**Wheeler Farms Winery
Application Number P15-00244
588 Zinfandel Lane, St. Helena
APN #030-260-016**

1.0 SCOPE

This permit shall be limited to:

1.1 Approval of Very Minor Modification to allow:

- a. Conversion of an outdoor access area (previously a ramp to the cellar) to an enclosed covered production area; and
- b. Addition of on-premises consumption on the patio to the north side of the hospitality building.

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

2.0 PROJECT SPECIFIC CONDITIONS

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

2.1 On-Premises Consumption

In accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 and the PBES Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) and 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 outdoor patio north of the winery accessory building as specified in the application. 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 Section 4.0 below.

3.0 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES

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

- 3.1 Engineering Services Division as stated in their Memorandum dated August 17, 2015.

3.2 Fire Department as stated in their Inter-Office Memo dated August 27, 2015.

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

4.0 VISITATION

There are no changes proposed to the existing visitation or marketing program.

5.0 LIGHTING

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

Prior to issuance of any building permit pursuant to this approval, two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the California Building Code.

6.0 OUTDOOR STORAGE/SCREENING/UTILITIES

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

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

7.0 SITE IMPROVEMENT CONDITIONS

Please contact Engineering Services with any questions regarding the following:

7.1 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.

7.2 AIR QUALITY

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

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

8.0 ENVIRONMENTAL HEALTH-SPECIFIC CONDITIONS

Please contact Environmental Health with any questions regarding the following:

8.1 NOISE

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

9.0 MONITORING COSTS

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

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Commission at some time in the future, the Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation hearings in accordance with County Code Section 18.124.120.

10.0 TEMPORARY AND FINAL OCCUPANCY

All project improvements, including compliance with applicable codes, conditions, and requirements of all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Final Certificate of Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. However, a Temporary Certificate of Occupancy may be granted pursuant to County Code Section 15.08.070(B) to allow commencement of production activities prior to completion of all project improvements. 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.

11.0 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.

12.0 PREVIOUS CONDITIONS

As applicable, the permittee shall comply with any previous conditions of approval for the winery use except as they may be explicitly modified by this action. To the extent there is a conflict between previous conditions of approval and these conditions of approval, these conditions shall control.



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Planning, Building & Environmental Services

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

David Morrison
Director

MEMORANDUM

To: Emily Hedge Planning Division	From: Patrick C. Ryan Engineering Service
Date: August 17, 2015	Re: Permit No. P15-00244 Wheeler Farms Winery Conditions of Approval APN: 030-260-016

The County of Napa Planning, Building, and Environmental Services Department (PBES), Engineering Division has received a referral for comments on a Use Permit application, generally requesting the following:

Covering outdoor work area and adding AB 2014 picnicking.

After careful review of the Wheeler Farms Winery Use Permit Modification application the Engineering Division has determined that all items are complete and sufficiently detailed. As long as no additional changes are made to the proposed improvements this Division recommends approval of the project with the following conditions:

RECOMMENDED CONDITIONS:

ROAD & STREET STANDARDS:

1. All roadway construction shall be permitted and completed prior to issuance of the proposed winery facilities occupancy.
2. Any roadway, proposed new or reconstructed, not included in the above mentioned Road Exception Evaluation shall meet the requirements for a Commercial, Industrial, Non-Residential driveway. Provide a minimum of 18-foot wide driveway with 2-feet of shoulder from the publicly maintained road to the improved the improved structure. Pavement structural sections shall be determined by the designed Traffic Index. The minimum structural section shall be 2-inches of hot mix asphalt (HMA) over 5-inches of Class II Aggregate Base (AB) or an engineered equivalent section in accordance with Section 27 of the 2011 Napa County Road and Street Standards (RSS). All residential, agricultural, and fire lane access shall be clearly identified with signage, as proposed in the Use Permit Plan submittal, Sheet UP4, and meet the minimum design criteria for classified access roadway per the current RSS.

Planning Division
(707) 253-4417

Building Division
(707) 253-4417

Engineering & Conservation
(707) 253-4417

Environmental Health
(707) 253-4471

Parks & Open Space
(707) 259-5933

SITE IMPROVEMENTS:

3. Grading and drainage improvements shall be constructed according to the current Napa County RSS, Napa County Stormwater Program, and the California Building Code (CBC). Specifically, all cut and fill slopes shall be setback to meet the latest CBC.
4. If excess material is generated that cannot be used onsite, the Owner shall furnish to the Napa County PBES Department Engineering Division evidence that the Owner has entered into agreements with the property owners of the site involved and has obtained the permits, licenses and clearances prior to commencing any off-hauling operations.

CONSTRUCTION SITE RUNOFF CONTROL REQUIREMENTS:

5. Any Project that requires a building or grading permit shall comply with Napa County's Stormwater Management and Discharge Control Ordinance No. 1400, Napa County Code Section 16.28.
6. All earth disturbing activities shall include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with Napa County Stormwater Ordinance 1400 and the latest adopted state regulations. Best Management Practices (BMPs) shall also be implemented to minimize dust at all times.
7. The property owner shall inform all individuals, who will take part in the construction process, of these requirements.

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:

8. All site drainage shall be collected and conveyed to an approved treatment and hydromodification facility as determined in the approved Stormwater Control Plan.
9. Outdoor material and equipment storage areas which contain materials and/or waste associated with wine production and process is prohibited and shall be stored under cover and in an area designed to preclude stormwater run-on and temporarily covered with tarps during rain events.
10. Processing areas, including but not limited to wine grape crushing/pressing, juice fermentation, blending and fining, filtration and bottling, shall be paved and performed indoors; installation of storm drains in processing areas is prohibited. For processing areas that generate liquid wastes, slope the area to a drain an approved collection system.
11. Interior floor drains shall be plumbed to the sanitary sewer system or closed loop system and shall not be connected to storm drains.

ANY CHANGES IN USE MAY NECESSITATE ADDITIONAL CONDITIONS FOR APPROVAL.

If you have any questions regarding the above items please contact Patrick Ryan from Napa County PBES Department Engineering Division at (707) 253.4892 or via e-mail at Patrick.Ryan@countyofnapa.org. For groundwater questions, please contact Anna Maria Martinez at (707) 259.8600.



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A Commitment to Service

Napa County Fire Department
Fire Marshal's Office
2751 Napa Valley Corporate Drive
Napa, CA 94558

Office: (707) 299-1464

James Bales
Assistant Fire Marshal

INTER-OFFICE MEMORANDUM

TO: Emily Hedge
Planning, Building and Environmental Services

FROM: James Bales
Fire Department

DATE: August 27, 2015

Subject: P15-00244 Wheeler Farms APN# 030-260-016

SITE ADDRESS: 588 Zinfandel Lane

The Napa County Fire Marshal's Office has reviewed the project identified above. I am requesting that the comments below be incorporated into the project conditions.

1. **All construction and use of the facility shall comply with all applicable standards, codes, regulations, and standards at the time of building permit issuance.**
2. **All covered areas attached to existing sprinklered buildings or structures shall be required to install an automatic fire sprinkler system conforming to NFPA 13 2013 edition.**

James Bales
CAL FIRE/ Fire Captain
Assistant Fire Marshal, NCFD