

Attachment J
Conditions of Approval



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

David Morrison
Director

February 20, 2020

Julie Arbuckle
Anthem Winery
40 Braewood Place,
Dallas TX 75248

**Re: Anthem Winery - Major Modification, Viewshed, and Road and Street Standards Exception
No. P14-00320-MOD, and Vineyard Conversion No. P14-00322-ECPA
3123 Dry Creek Road (APN 035-460-038) and 3454 Redwood Road (APN 035-470-046)**

Dear Mrs. Arbuckle,

Please be advised that Major Modification Application P14-00320–MOD and Vineyard Conversion, Agricultural Erosion Control Plan (ECPA) P14-00322-ECPA. was **APPROVED** by the Napa County Planning Commission (hereinafter, "Commission") on February 5, 2020, subject to the attached and adopted final conditions of approval (as revised by the Planning Commission), Napa County departmental comments (as revised), and all applicable Napa County regulations. In approving the above application, the Commission adopted the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program on file with the Planning, Building and Environmental Services Department.

This permit becomes effective immediately unless an appeal is filed with the Napa County Board of Supervisors consistent with 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. You are hereby further notified that the 90-day period, established by California Government Code Section 66020(d)(1), in which to protest the imposition of any fees, dedications, reservations, or other exactions that may have been adopted as conditions of approval, has commenced.

Pursuant to Napa County Code Section 18.124.080, the approved Use Permit Major Modification must be activated within two years of the approval date, or it will automatically expire and become void. This letter serves as the only notice you will receive regarding the expiration of your permit.

USE PERMIT MAJOR MODIFICATION EXPIRATION DATE: FEBRUARY 5, 2022

If you have any questions about this letter, please contact me by telephone at (707) 299-1338 or by email at donald.barrella@countyofnapa.org.

Sincerely,



Donald Barrella
Planner III

Enclosures: Adopted Conditions of Approval

Copies to: Julie and Justin Arbuckle, 3454 Redwood Road, Napa CA 94558
Rob Anglin, Holman Teague Roche Anglin LLP, 1455 1st St, Napa, CA 94559
M. Lamborn (GIS); M. Zimmer (Building Division); P. Ryan (Engineering Division); K. Withrow
(Environmental Health Division); L. St. Claire (Code Enforcement); J. Bales (Fire Dept.); S. Lederer
(Public Works Dept.); C. Apallas (County Counsel); J. Tuteur (Napa County Assessor); RSA+; Richard
Slade and Associates; Chron, Project File

**PLANNING COMMISSION HEARING – FEBRUARY 5, 2020
FINAL REVISED CONDITIONS OF APPROVAL**

**Anthem Winery Use Permit Major Modification, Exception to the Napa County Road &
Street Standards, and Viewshed Application #P14-00320-MOD;
3454 Redwood Road, Napa APN 027-310-039 (Winery Parcel) and
3123 Dry Creek Road, Napa, APN 035-460-038 (Access Parcel)**

This permit encompasses and shall be limited to the project commonly known as **Anthem Winery**, located at 3454 Redwood Road. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved.

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

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

PART I

1.0 PROJECT SCOPE

The permit encompasses and shall be limited to: [As Revised by the Planning Commission]

- 1.1 Approval of an exception request to the Napa County Road and Street Standards (NCRSS) to allow the Anthem Winery Use Permit Modification to be approved without meeting the commercial driveway standards for approximately 1,700 lineal feet of the access drive, as measured from Dry Creek Road. Generally, this section of the access drive would consist of a 16 to 18 foot wide paved travel way (14 foot wide travel way for the bridge segment) that requires exceptions to the following: the two 10 foot wide traffic lanes and 22 feet of horizontal clearance, the 22 foot wide turnouts, and slope exception for road grades exceeding 18% without the required transition zones of 10% in two driveway sections. The exception requests are necessitated by the physical constraint presented by the 20.5 foot wide flagpole section of the Access Parcel’s connection with Dry Creek Road, and an easement constraint located within the northwest corner of the abutting parcel to the east (Lands of Rowe, 3109 Dry Creek Road, APN 035-460-024) due to the abutting owner's objection to utilizing this access easement. The remaining 650 feet of proposed access drive located west/southwest of the proposed clear span bridge would meet applicable NCRSS standards.

- 1.2 Approval of a Viewshed Application pursuant to Napa County Code Chapter 18.106 to address construction of the proposed Winery Facility on slopes of 15% or greater.
- 1.3 Approval of a Use Permit Major Modification to an existing 30,000 gallon per year winery to allow the following (Winery Parcel):
- a. Construction of a new 10,388 square foot Winery Facility (that includes two 4,000 square foot Fermentation Buildings that will also house two crush pads, and a 2,833 square foot Bottle Room that also contains lab, restroom and service/mechanical areas; a new 1,508 square foot Tasting Room; a new 1,724 square foot Office, Catering and Conference Room Building that includes a commercial kitchen; three outdoor marketing event areas totaling approximately 4,600 square feet, and 29,053 square feet of caves (that includes 18,331 square feet of barrel storage, 2,645 square feet of water storage to store 400,000 gallons of water, 1,282 square feet of hospitality/tasting area, 6,092 square feet of extensions (4,158 sq.ft Cave Extension and 1,934 sq.ft. House Cave Extension); and 703 square feet of mechanical space), and a 1,257 square foot cave terrace (not inclusive of overall cave area) and associated portal, resulting in the following;
 - i. Removal of approximately 60 trees (approximately 52 oak, and 8 bay laurel);
 - ii. Earth-disturbing activities covering approximately 3.35 acres, with spoils (approximately 23,300 cubic yards) being utilized on-site for site and access drive development, with the remaining being stored on-site;
 - b. Visitation, tours and tasting, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below, allowing annual visitation of 7,623 guests;
 - c. On-premises consumption of wine as set forth in COA No. 4.4 below;
 - d. Hours of operation: 8:00 AM to 8:00 PM (10:00 AM to 6:00 PM. tasting, and 8:00 AM to 8:00 PM non-harvest production) 7 days a week;
 - e. Employee increase from one-part time employee up to a maximum of seven (7) full-time employees and five (5) part time employees;
 - f. Employee hours: 8:00 AM to 8:00 PM, 1 shift;
 - g. Construction of 22 parking spaces (21 standard spaces and one ADA space);
 - h. Improvement of approximately 1,700 to 2,000 feet of the existing driveway from Dry Creek Road, in addition to the construction of approximately 650 feet of new driveway including a ±60 foot long clear span bridge over a drainage channel to provide adequate access the Winery Facility (i.e. Driveway Entry Option 2) which would include the following;
 - i. Approximately 3,400 cubic yards of cut and fill balanced on site (inclusive of the spoils identified in 1.b.ii);
 - ii. ±950 lineal feet of wood retaining walls ranging in height from 2 to 6 feet, and;
 - iii. Removal of approximately 68 trees (approximately 30 oak and 38 bay laurel);

- i. Installation of approximately 34,720 sq. ft. of landscaping;
- j. Installation of a wastewater treatment system;
- k. Construction of eight 10,000 gallon water storage tanks (20,000 gallons for domestic water, 10,000 gallons for process water, 30,000 gallons for irrigation water, and 20,000 gallons for process waste water/irrigation water), and use of three existing wells, and demolition of one existing well;
- l. Construction of a rainwater harvesting system, and a winery process wastewater recycling/reuse system as part of the winery facility;
- m. The temporary removal of approximately 1 acre of existing vineyard to accommodate on-site spoils placement/storage: removed vineyard would reestablished/replanted after the Winery Facility is constructed; and
- n. The construction of the Anthem Winery will be completed in three phases as follows: (i) construction of the driveway, parking, septic system, winery production structures, bottle room, outdoor tasting area, and cave storage tanks for harvested rainwater; (ii) construction of the caves; and (iii) construction of the Tasting Room and Office, Catering and Conference Room 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 permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or change in winery use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

2.0 STATUTORY AND CODE SECTION REFERENCES

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

3.0 MONITORING COSTS

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

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of a compliance deficiency is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount

determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation proceedings in accordance with the County Code.

PART II

4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

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

4.1 GENERAL PROVISIONS

Consistent with the County Code, tours and tastings and marketing may occur at a winery only where such activities are accessory and “clearly incidental, related, and subordinate to the primary operation of the winery as a production facility.”

Tours and tastings (defined below) may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant.

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

4.2 TOURS AND TASTINGS/VISITATION

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

- a. Frequency: 7 days per week, Monday through Sunday
- b. Maximum number of persons per day: 26 Monday through Friday
- c. Maximum number of persons per day: 36 Saturday and Sunday
- d. Maximum number of persons per week:
 - i. Winter/Spring Season (November 16 through March 31): 120
 - ii. Summer/Fall Season (April 1 through November 15): 170
- e. Hours of visitation: 10:00 AM to 6:00 PM
- f. Food and Wine Parings

“Tours and tastings” means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings. To the maximum extent feasible, scheduling of visitors shall not occur during peak travel times on Dry Creek Road, which occur Monday through Friday from 4:30 PM to 5:30 PM and during the weekend peak hour(s) as defined by COA No. 4.20(b).

A log book (or similar record) shall be maintained to document the number of visitors to the winery (for either tours and tastings or marketing events), and the dates of the visits. This record of visitors shall be made available to the Planning, Building and Environmental Services (PBES) Department upon request.

4.3 MARKETING

Marketing events shall be limited to the following:

- a. Event Type 1
 1. Frequency: Twenty (20) per year
 2. Maximum number of persons: 30
- b. Event Type 2
 1. Frequency: Two (2) per year
 2. Maximum number of persons: 50
- c. Event Type 3
 1. Frequency: One (1) per year
 2. Maximum number of persons: 100
- d. Portable toilet facilities for guest use shall be required during events of 100 persons.
- e. Time of day: 11:00 AM to 10:00 PM on weekdays, 11:00 AM to 10:00 PM on weekends.
- f. Food service to be prepared in on-site commercial kitchen or by licensed caterers.
- g. Tours and Tastings shall not occur on any day when a marketing event is scheduled to occur during the winery's tasting room hours as defined in Condition 1.3(d), above (10:00 AM to 6:00 PM).
- h. Shuttle service shall be provided for marketing events of 50 or more guests.
- i. A minimum of 30 days prior notice of marketing events when 100 or more guests are held shall be provided by the permittee to the owners of properties located within 1000' radius of the Winery Parcel (i.e. 3123 Dry Creek Road, Napa, APN 035-460-038) as reconfigured/modified by COA No. 4.20(f), and the Dry Creek Road Association. Said notice will include a cell phone number of a contact person who will be on-site during the event with authority to immediately address any issues that may arise. Copies of such notices shall be provided to the PBES Department.
- j. Prior to the Final Certificate of Occupancy for Phase I and commencement of visitation and marketing activities, the permittee shall submit for review and approval by the Napa County Fire Marshal and Planning Division a fire safety and evacuation plan in accordance with Section 403 of California Fire Code which includes but not is not limited to winery personnel training, access routes, and an evacuation plan from the cave and winery buildings, and outdoor areas for winery guests and employees during an emergency event.

"Marketing of wine" means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to the County Code. Marketing of wine may include cultural and social events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of wine may include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery.

Business events are similar to cultural and social events, in that they will only be considered as “marketing of wine” if they are directly related to the education and development of customers and potential customers of the winery and are part of a marketing plan approved as part of the winery’s Use Permit. To be considered directly related to the education and development of customers or potential customers of the winery, business events must be conducted at no charge except to the extent of cost recovery, and any business content unrelated to wine must be limited.

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

All marketing event activity, excluding quiet clean-up, shall cease by 10:00 PM. If any event is held which will exceed the available on-site parking, the permittee shall prepare an event-specific parking plan which may include, but not be limited to, valet service or off-site parking and shuttle service to the winery.

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

4.4 ON-PREMISES CONSUMPTION

In accordance with State law and the PBES Director’s July 17, 2008 memo, “Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises,” on-premises consumption of wine produced on-site and purchased from the winery may occur solely within: the three outdoor Event/Terrace areas located (i) immediately west of the Fermentation building (ii) immediately west of the Tasting Room, and (iii) immediately west of the Office, Catering and Conference Room Building; the Roof Terrace; the Cave; and the Cave Terrace located in the central portion of the parcel and as designated in the Project Plans. Any and all visitation associated with on-premises consumption shall be subject to the maximum per person weekday and weekend daily tours and tastings visitation limitation and/or applicable limitations of permittee’s marketing plan set forth in COA Nos.4.2 and 4.3 above.

4.5 RESIDENCE OR NON-WINERY STRUCTURES

Unless specifically authorized by this permit or a previously approved permit, the existing single-family residence on the Winery Parcel (3454 Redwood Road: APN 035-470-046) and the existing single-family residence and guest cottage on the Access Parcel (3123 Dry Creek Road: APN 035-460-038) shall not be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery. If the residence is rented, it shall only be rented for periods of 30 days or more, pursuant to the County Code.

4.6 GRAPE SOURCE

At least 75% of the grapes used to make the winery’s still wine or the still wine used by the winery to make sparkling wine shall be grown within Napa County.

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

4.7 COMPLIANCE REVIEW

Permittee shall obtain and maintain all permits (use permits and modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB), and California Department of Food and Agriculture (CDFA) Grape Crush Inquiry data, all of which are required to produce and sell wine. In the event the required ABC and/or TTB permits and/or licenses are suspended or revoked, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are reinstated.

Visitation log books, visitor reports, custom crush client records, and any additional documentation determined by Staff to be necessary to evaluate compliance may be requested by the County for any code compliance. The permittee (and their successors) shall be required to participate fully in the winery code compliance review process.

4.8 RENTAL/LEASING

No winery facilities, or portions thereof, including, without limitation, any kitchens, barrel storage areas, or warehousing space, shall be rented, leased, or used by entities other than persons producing and/or storing wine at the winery, such as alternating proprietors and custom producers, except as may be specifically authorized in this Permit or pursuant to the Temporary Events Ordinance (County Code Chapter 5.36).

4.9 GROUND WATER MANAGEMENT - WELLS

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

The permittee shall be required (at the permittee's expense) to record well monitoring data (specifically, static water level no less than quarterly, and the volume of water no less than monthly). Such data will be provided to the County, if the PBES Director determines that substantial evidence¹ indicates that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. If data indicates the need for additional monitoring, and if the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

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

County's groundwater monitoring program. The project well will be made available for inclusion in the groundwater monitoring network if the Director of Public Works determines that the well could be useful in supporting the program.

In the event that changed circumstances or significant new information provide substantial evidence¹ that the groundwater system referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

4.10 AMPLIFIED MUSIC

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

4.11 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (Monday through Friday 7:15 AM to 8:15 AM, and 4:30 PM to 5:30 PM: Saturdays and Sundays as defined in COA No. 4.20(b)). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

4.12 PARKING

The location of visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any).

Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations except during harvest activities and approved marketing events. In no case shall parking impede emergency vehicle access or public roads.

4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

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

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

4.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES

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

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

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

4.15 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM **[RESERVED]**

4.16 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, AND TRASH ENCLOSURE AREAS

- a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County. Lighting utilized during harvest activities is exempt from this requirement.
- b. All landscaping and outdoor screening, storage, and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items shall exceed the height of the screening. Exterior winery equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.
- c. The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The permittee shall obtain the written approval of the Planning Division prior to any change in paint colors that differs from the approved building permit. Highly reflective surfaces are prohibited.
- d. Designated trash enclosure areas shall be made available and properly maintained for intended use.

4.17 NO TEMPORARY SIGNS

Temporary off-site signage, such as “A-Frame” signs, is prohibited.

4.18 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – OPERATIONAL CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies’ requirements. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division operational conditions as stated in their Memorandums dated June 14, 2018.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated September 24, 2018.
- c. Building Inspection Division plan operational conditions as stated in their Memorandum dated May 15, 2017.

- d. Public Works Department operational conditions as stated in their Memorandums dated August 9, 2018 and August 14, 2018 (as updated February 10, 2020).
- e. Cal Fire operational conditions as stated in their Memorandum dated December 14, 2017.

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

4.19 OPERATIONAL MITIGATION MEASURES **[RESERVED]**

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Public Works Department operational conditions as stated in their Memorandum dated and August 14, 2018 (as updated February 10, 2020): also see Condition of Approval #4.18(d) and #4.9 (Groundwater Management).
 - 1. The project parcels (Parcel 1, 3123 Dry Creek Road, APN 035-460-038; and Parcel 2, 3454 Redwood Road, APN 035-470-046) shall be limited overall to 4.60 acre-feet of groundwater per year for all groundwater consuming activities on the project parcels (as calculated in the RSA+, February 5, 2020, Tier 1 Water Use Calculations). Groundwater Demand Management Program shall be developed and implemented for the project property as outlined in COA No. 6.15(a) below.
 - 2. The planned transfer of groundwater from Parcel 2 (3454 Redwood Road: APN 035-470-046) to supply existing residential uses on Parcel 1 (3123 Dry Creek Road: APN 035-460-038), shall be documented and memorialized through the recordation of an "Agreement for Grant of Easement and Water Right" as described in Appendix E of the Water Availability Analysis Guidance Document (Napa County, 2015). The Agreement shall be on a form approved by the County and shall be recorded by the owner/permittee prior to commencement of any activities authorized by #P14-00320-UP.
 - 3. The planned transfer of reclaimed winery process wastewater from Parcel 2 (3454 Redwood Road: APN 035-470-046), to supply the proposed additional vineyard acreage on Parcel 1 (3123 Dry Creek Road: APN 035-460-038), shall be documented and memorialized through the recordation of an "Agreement for Grant of Easement and Water Right" as described in Appendix E of the Water Availability Analysis Guidance Document (Napa County, 2015). The Agreement shall be on a form approved by the County and shall be recorded by the owner/permittee prior to commencement

of any activities authorized by #P14-00320-MOD or #P14-00322-ECPA.

4. The applicant/Permittee shall verify prior to issuance of a certificate of occupancy, that water storage capacity sufficient to meet the maximum monthly storage requirements exists on-site (1.06 acre-feet as calculated from the February 5, 2020, Tier 1 Water Use Calculations), in addition to any storage required for fire safety, as detailed in the water balance information provided in the revised "Tier 1 Water Use Calculations" prepared by RSA+ August 30, 2017. The "Tier 1 Water Use Calculations" are also appended the Peer Review Response dated October 19, 2017 prepared by Richard C. Slade & Associates LLC.
 5. No new or existing on-site or off-site water sources, other than that evaluated as part of this Use Permit (#P14-00320-MOD) and Agricultural Erosion Control Plan (#P14-00322-ECPA) shall be used for winery operations or vineyard irrigation. Any other proposed irrigation source, including but not limited to wells, imported water, new or existing ponds/reservoir(s) or other surface water impoundments, to serve the winery or vineyard, shall not be allowed without additional environmental review, if necessary, and may be subject to a modification to this UP and ECPA.
- b. Traffic Demand Management Plan: Prior to issuance of a building permit, the permittee shall submit a Traffic Demand Management Plan to the Planning Division and the Public Works Department for review and approval which should include, but not limited to, the following measures that will reduce peak-hour vehicle trips program such as encouraging guests to carpool or use a shuttle or van measures for marketing events below 50 persons, promoting employee carpooling, implementing Guaranteed Ride Home (GHR) program, providing lunch on-site, and identify weekend peak hours. Such plan shall be implemented upon County authorization and may be subject to submittal of annual reporting requirements upon request in response to the County development of a Vehicle Mile Traveled (VMT) Reduction Program.
 - c. The tanks for fire protection water will initially be filled prior to commencement of winery operations. The initial fire protection water may be sourced from rainwater or groundwater, but the permittee shall not pump groundwater in excess of the limitation in conditions 4.20(a). In the event the winery's fire protection water is used (in whole or in part), required fire protection water volumes shall be restored prior to resuming winery operations. Replacement fire protection water may be sourced from rainwater, groundwater, or trucked water, but permittee shall not pump groundwater in excess of the limitations in condition 4.20(a). Trucked water may only be used to replenish fire protection water following a fire event.
 - d. Visitation and Marketing Activities identified in Conditions of Approval #1.4 and #4.1 through #4.3, shall not commence until construction of Phase I of the project, which consists of a driveway, parking, septic

system, production structures, outdoor tasting areas and cave storage tanks and life safety issues, is completed and a Final Certificate of Occupancy is granted by the County Building Official for Phase I. A site plan delineating locations of where visitation and marketing will be occurring after completion of Phase I of the winery development shall be submitted to the Planning Division for review and approval prior to commencement of visitation and marketing activities.

- e. Landscaping at the project driveways shall be maintained to not interfere with sight lines required for safe stopping distance on public right-of way. No items that are wider than 18 inches can be taller than 30 inches other than street trees and traffic devices. Street trees should be deciduous and have branches lower than 4 feet in height removed once the tree is established: Public Works Memorandum dated August 14, 2018 (as updated February 10, 2020): COA No. 4.18(d).
- f. Prior to issuance of any permit for the proposed winery or access road, the permittee shall record a lot line adjustment approved by Napa County that places the winery on the same parcel as the access road onto Dry Creek Road. The parcel configuration shall be generally consistent with the draft parcel configuration (prepared by RSA+, dated February 4, 2020) presented by the permittee to the Planning Commission on February 5, 2020.

4.21 PREVIOUS CONDITIONS

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

PART III

5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

5.1 PAYMENT OF FEES

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

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

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

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

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

- a. Engineering Services Division operational conditions as stated in their Memorandums dated June 14, 2018.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated September 24, 2018.
- c. Building Inspection Division plan operational conditions as stated in their Memorandum dated May 15, 2017.
- d. Public Works Department operational conditions as stated in their Memorandum dated August 9, 2018 and August 14, 2018 (as updated February 10, 2020).
- e. Cal Fire operational conditions as stated in their Memorandum dated December 14, 2017.

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

6.2 BUILDING DIVISION – GENERAL CONDITIONS

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

6.3 LIGHTING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the CBC.
- b. All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations; on timers; and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Lighting utilized during harvest activities is exempt from this requirement.

6.4 LANDSCAPING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the building permit application package for the Planning Division’s review and approval prior to the issuance of any building permit associated with this Use Permit. The plan shall be prepared pursuant to the County’s Water Efficient Landscape Ordinance (Chapter 18.118 of the County Code) requirements in effect at the time of building permit application submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.
- b. Plant materials shall be purchased locally when practical, and to the greatest extent possible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner’s office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.
- c. No trees greater than 6” diameter at breast height shall be removed, except for those identified on the submitted site plan. Any Oak trees removed as a result of the project shall be replaced at a 2:1 ratio and shown on the landscaping plans for the Planning Division’s review and approval. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.
- d. Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and any off-site residence from which these areas can be viewed.

6.5 **COLORS**

The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The permittee shall obtain the written approval of the Planning Division in conjunction with building permit review and/or prior to painting the building. Highly reflective surfaces are prohibited.

6.6 **OUTDOOR STORAGE/SCREENING/UTILITIES**

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

6.7 **TRASH ENCLOSURES**

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

6.8 **ADDRESSING**

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

6.9 **HISTORIC RESOURCES [RESERVED]**

6.10 **DEMOLITION ACTIVITIES [RESERVED]**

6.11 **VIEWSHED – EXECUTION OF USE RESTRICTION**

The property owner shall execute and record in the County Recorder's office a use restriction, in a form approved by County Counsel, requiring implementation

of the landscaping plan, retention of existing vegetation, and exterior treatments (stained wood and natural stone siding, Tesla solar roof tiles or corrugated metal with low reflectivity, dark bronze metal doors and window frames, and brown or tan wood doors) and earth tone exterior building colors (with the color variations of greys, tans, browns) to be maintained by the owner or the owner's successor so as to maintain conformance with the County Code.

6.12 PERMIT PREREQUISITE MITIGATION MEASURES

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

- a. **MM BIO-1:** Prior to commencement of any earthmoving activities, a qualified wildlife biologist shall conduct preconstruction to accurately identify the locations of special status plant species (i.e. native grassland) within the project site. Temporary fencing shall be installed along the outer boundary of native grassland identified through the preconstruction survey. No disturbance, including grading, placement of fill material, storage of equipment, shall occur within the designated areas for the duration of project construction. All fencing shall be maintained for the duration of winery and vineyard construction

Method of Monitoring: The precise locations of the protection fencing shall be inspected and approved by the Planning Division prior to the commencement of any earthmoving activities

Responsible Agency: PBES

- b. **MM BIO-2:** If vegetation clearing or other land disturbance is proposed during the bird and raptor breeding season (February 15 through August 31), the work shall be preceded by a survey for special-status bird species and migratory passerines (perching birds) by a qualified biologist within 14 days prior to the beginning of work. In the event that nesting birds or raptors are found during the survey, construction buffers shall be established by the biologist in cooperation with the California Department of Fish and Wildlife. These buffers shall remain in place until offspring have fledged or after August 31

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

Responsible Agency: PBES

- c. **MM BIO-3:** Tree trimming and/or removal should only be conducted during seasonal periods of bat activity; August 31 through October 15, when young bats would be able to fly and forage independently, and March 1 to April 15 to

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

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

Responsible Agency: PBES

- d. **MM BIO-4:** Prior to any earthmoving activities, temporary fencing shall be placed at the edge of the dripline of oak woodland and trees to be retained that are located within 50-feet of the project area. No disturbance, including grading, placement of fill material, storage of equipment, etc. shall occur within the designated area for the duration of winery facility development and vineyard installation. All fencing shall be maintained for the duration of winery and vineyard construction. Trees of 5+ inches in diameter at 4.5 feet from natural grade that are removed during the winery and vineyard construction and that are not within the boundary of the project and/or not identified for removal as part of #P14-00320-UP or #P14-00322-ECPA, shall be replaced on-site with fifteen-gallon trees at a ratio of 2:1 at locations approved by the director, or replaced with small trees at a higher ratio to be determined by the director or designee. Replacement trees shall be native species consistent with those removed or occurring within the parcel. Furthermore, the Permittee shall refrain from severely trimming trees to be retained that are adjacent to the winery development areas and vineyard conversion areas, other than that necessary to provide defensible space in accordance with CalFire recommendations and requirements

Method of Monitoring: The precise locations of said fences shall be inspected and approved by the Planning Division prior to the commencement of any earthmoving activities.

Responsible Agency: PBES

- d. **MM GEO-1:** Building and/or grading permit application(s) and plans shall include ground improvements such as over-excavation of building pads a

minimum of 5 feet deep (to penetrate through the unconsolidated soil layer into relatively competent bedrock) and that extend a minimum of 5-feet beyond building footprints, and restoring the excavation with compacted engineered fill reinforced with geogrid, as recommended by Ryan Geological Consulting (February 2015 and June 2018). Geogrid shall be biaxial in tensile strength and cover the entire excavation. Three layers of geogrid shall be spaced 12-inches vertically with the lowest layer at the base of the excavation. Fill placed in the excavation shall be engineered to a minimum of 3 percent over optimum moisture content and a minimum of 90% relative compaction. The upper 12-inches of the excavations shall be restored with ½ to ¾ inch diameter rounded gravel covered with two (2) layers of 15-mil smooth plastic and 2-inches of clean sand. Building and/or grading permit application(s) shall also be accompanied by documentation that a professional geologist has reviewed the plans and concurs with the ground improvements identified therein.

All site excavations for structural components of the winery shall be evaluated by an engineering geologist during site development. The engineering geologist shall observe all building pad over-excavations to check for indications of unidentified faults or any other adverse geologic conditions that may affect safe development of the site. If unidentified faults or other adverse geologic conditions are encountered during building pad over-excavation the engineering geologist shall provide recommendation(s) to address the identified condition to the Planning Department for review and approval prior to implementing of corrective measures. Should the recommended corrective measures result in a substantial deviation for the approved plan a use permit modification may be necessary to implement the corrective measures.

Method of Monitoring: The owner/Permittee shall provide adequate documentation to the Planning Department as part of building and/or grading permit review and issuance, that engineering geologist has review the plans and appropriate geotechnical ground improvements per the engineering geologist, have been incorporated into the design. The owner/Permittee shall also provide adequate documentation to the Planning Department during project construction to demonstrate that site excavations have been observed by an engineering geologist. Said documentation shall be required to issue a Certificate of Occupancy to the winery.

Responsible Agency: PBES

6.13 PARCEL CHANGE REQUIREMENTS **[RESERVED]**

6.14 FINAL MAPS **[RESERVED]**

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

- a. Obtaining prior to commencement of construction any and all other required Local, State and Federal permits necessary to implement and/or operate this Project.

- b. Groundwater Demand Management Program: Public Works Department operational conditions as stated in their Memorandum dated August 14, 2018 (as updated February 10, 2020).
1. The permittee shall install a meters on each well serving the project parcels (i.e. Parcels 1 and 2) and on any other water sources used to supply the project water (i.e. rainwater harvesting system and reclaimed/recycled winery process wastewater system). Each meter shall be placed in a location that will allow for the measurement of all groundwater, harvested rainwater and reclaimed water use on the project parcels. Additionally, groundwater level data for each well serving the project parcels shall be recorded and reported as described in 5 and 7 below. Prior to the issuance of a grading or building permit for the winery or commencement of vineyard development, the permittee shall submit for review and approval by the Director of Public Works a groundwater demand management plan which includes a plan for the location and the configuration of the installation of a meter on all wells serving the parcels (including method of groundwater level measurement), and the installation of a meter on all other winery water source.
 2. The Plan shall identify how best available technology and best management water conservation practices will be applied throughout the parcels.
 3. The Plan shall identify how best management water conservation practices will be applied where possible in the structures on site. This includes but is not limited to the installation of low flow fixtures and appliances.
 4. As a groundwater consuming activity already exists on the properties, meter installation and monitoring shall begin immediately.
 5. For the first twelve months of operation under the Use Permit, the applicant/permittee shall read the meters at the beginning of each month and provide the data to the Public Works Director and the Planning Department monthly. If the water usage on the properties exceeds, or is on track to exceed, 4.6 acre-feet per year, or if the permittee fails to report, additional reviews and analysis and/or a corrective action program at the permittee's expense, shall be required and shall be submitted to the Public Works Director and the PBES Director for review and action.
 6. The permittee's wells shall be included in the Napa County Groundwater Monitoring program if the County finds the well suitable.
 7. At the completion of the reporting period per 5 above, and so long as the water usage is within the 4.6 acre-feet per year as specified above, the permittee may begin the following meter reading schedule:

- a. On or near the first day of each month the permittee shall read the water meters, and provide the data to the Public Works Director during the first weeks of April and October. The Public Works Director, or his designated representative, has the right to access and verify the operation and readings of the meters during regular business hours.
- b. Water monitoring data collection and reporting shall be conducted for a minimum of five years from the start of winery production or the completion of the vineyard, whichever is later.
- c. Prior to the issuance of a grading or building permit, the permittee shall obtain an encroachment permit from the Public Works Department for any new improvements and/or realignment to the Dry Creek Road driveway entrance.
- d. Cultural and Archeological Finding:
 - 1. In accordance with CEQA Subsection 15064.5(f), should any previously unknown historic or prehistoric resources, including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable solids, glass, metal, ceramics, wood or similar debris, be discovered during grading, trenching or other on-site excavation(s), earth work within 100-feet of these materials shall be stopped until a professional archaeologist certified by the Registry of Professional Archaeologists (RPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), as determined necessary.
 - 2. Prior to the commencement of construction of the Winery Facility (#P14-00320-MOD) or vineyard (#P14-00322-ECPA), owner/Permittee shall provide documentation to the Napa County Planning Department that a Monitoring Agreement with the Yocha Dehe Wintun Nation has been entered into. Should the owner/Permittee be unsuccessful in entering into a monitoring agreement with the Yocha Dehe Wintun Nation, the owner/Permittee shall provide, for review and approval by Napa County, a Cultural Monitoring Plan prepared by a professional archaeologist certified by the Registry of Professional Archeologists (RPA). The Cultural Monitoring Plan shall outline monitoring requirements including but not limited to, sensitivity training for site workers, identification of project activities and project site areas requiring an on-site monitor, find procedures, and monitoring documentation and reporting procedures.
 - 3. If human remains are encountered the Napa County Coroner shall be informed to determine if an investigation of the cause of death is required and/or if the remains are of Native American origin. Pursuant to Public Resources Code Section 5097.98, if such remains are of Native American origin the nearest tribal relatives

as determined by the State Native American Heritage Commission will be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity.

4. In the event that a discovery of a breas, true, and/or trace fossils are discovered during ground disturbing activities, all work within 100 feet of the fined shall be temporarily halted of diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agencies to determine procedures that should be followed before ground disturbing activities are allowed to resume at the location of the find.
5. All persons working on-site shall be bound by contract and instructed in the field to adhere to these provisions and restrictions.

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENTS

Please contact Engineering Services with any questions regarding the following.

a. GRADING AND SPOILS

All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by the PBES Director, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.

b. DUST CONTROL

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

c. AIR QUALITY

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

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.

3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
4. Remove all visible mud or dirt traced onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required by State Regulations). Clear signage shall be provided for construction workers at all access points.
8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. **STORM WATER CONTROL**

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

7.2 **ARCHEOLOGICAL FINDING [RESERVED]**

7.3 **CONSTRUCTION NOISE**

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

7.4 CONSTRUCTION MITIGATION MEASURES

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

- a. **MM BIO-1:** See Condition of Approval #6.12(a)
- b. **MM BIO-2:** See Condition of Approval #6.12 (b)
- c. **MM BIO-3:** See Condition of Approval #6.12 (c)
- d. **MM BIO-4:** See Condition of Approval #6.12 (d)

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

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES

A Temporary Certificate of Occupancy (TCO) may be granted pursuant to the County Code to allow the commencement of production activities prior to completion of all project improvements. Permittee shall comply with the following before a TCO is granted:

8.1 TEMPORARY OCCUPANCY

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

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

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

9.1 FINAL OCCUPANCY

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

9.2 SIGNS

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

9.3 GATES/ENTRY STRUCTURES

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

9.4 LANDSCAPING

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

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

9.6 DEMOLITION ACTIVITIES **[RESERVED]**

9.7 GRADING SPOILS

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

9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**

9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY

- a. All required meters shall be installed and all groundwater usage monitoring required in COA Nos. 4.9, 4.20(a) and 6.15(b) shall commence prior to final occupancy.
- b. Demonstration that the access drive has been installed per plan and that the traffic control features specified in the Project's Emergency Ingress/Egress Plan are installed and functioning correctly to provide adequate emergency access in accordance with the Exception to the Napa County Road and Street Standards.
- c. The applicant/Permittee shall verify prior to issuance of a certificate of occupancy, that water storage capacity sufficient to meet the maximum monthly storage requirements exists on-site (1.06 acre-feet as calculated from the February 5, 2020, Tier 1 Water Use Calculations), in addition to any storage required for fire safety, as detailed in the water balance information provided in the revised "*Tier 1 Water Use Calculations*" prepared by RSA+ August 30, 2017. The "*Tier 1 Water Use Calculations*" are also appended the Peer Review Response dated October 19, 2017 prepared by Richard C.Slade & Associates LLC. Also see COA No. 4.18(d).

- d. The Operations and Maintenance Agreement for post construction Stormwater facilities must be legally recorded, and the site shall be completely stabilized from erosion and sedimentation to the satisfaction of the County Engineer prior to Final Occupancy. Also see COA No. 4.18(a).



A Tradition of Stewardship
A Commitment to Service

Department of Public Works

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Steven E. Lederer
Director

MEMORANDUM

To: Planning Department Charlene Gallina	From: Department of Public Works Steven Lederer
Date: August 14, 2018 <u>Updated February 10, 2020</u>	Re: Anthem Winery #P14-00320- <u>MOD</u> Water Availability Analysis 3454 Redwood Road APN 035-470-046

Charlene:

The Department of Public Works in collaboration with Luhdorff & Scalmanini Consulting Engineers (L&S) have reviewed the Water Availability Analysis (WAA) responses provided in the memorandum prepared by Richard C. Slade & Associates LLC (RCS), dated March 23, 2018. The March 2018 RCS memo was prepared in response to comments by L&S dated January 22, 2018 in response to L&S’s peer review of the Project’s April 2017 Water Availability Analysis prepared by RCS.

The following summarizes our review of the documentation and responses provided in March 23, 2018 RCS letter.

Item 1 (Updated Hydrographs and Totalizer Data for Project Wells 3, 6, and 8)

- a. The memorandum dated 3/22/2018 addresses the request for additional data, and the Applicant’s consultant notes “based on the available data, the total groundwater extraction at the property does not appear to have exceeded the estimates presented in the RSA+ Tier 1 calculations for existing uses” (p.2).
 - 1. The groundwater pumping data provided do show that the three project wells have produced enough water annually to meet the existing annual demands documented in the WAA, although the data show that Well 8 has supplied the majority of the groundwater produced by all three wells in two of the three years. This is inconsistent with the statement in the Draft Addendum to the WAA, dated October 19,2017, that “Well 8 was drilled and constructed to help support the proposed project, and is not need[ed] to meet the existing water demands on Parcel 1 or Parcel 2” (p. 5).
 - 2. As requested, the water level hydrographs included in the 3/22/2018 memorandum provide updated groundwater data through February 2018. The updated hydrographs, along with the reported groundwater pumping volumes, highlight the relatively limited capacity of the project wells.

The response is sufficient in providing additional information to demonstrate adequate groundwater availability to meet current demands, though the Applicant's consultant may want to provide clarification as to the need for using Well 8 to meet existing groundwater demands. The additional data also highlight the need for conditions of approval, as described on our letter dated January 22, 2018 (also see below), to ensure that groundwater conditions and water use are tracked and reported going forward, and to ensure that the three project wells are able to meet increased future groundwater demands over multiple years and different water year types.

Item 2 (regarding the 5 gallon water/1 gallon wine rate of use for the proposed winery)

- a. The response provides additional professional opinion from consultants RSA+ that the proposed winery is designed to meet the stated rate of water use for winery processes.

Item 3 (regarding the lack of losses anticipated in recycling winery process water for re-use to meet irrigation demands)

- a. The response by consultants RSA+ provides additional information, as requested, specifying that the project incorporates infrastructure and operation Best Management Practices to minimize losses.

Item 4 (additional documentation for 2013 and 2014 trucked water deliveries)

- a. The response addresses the request for documentation to support the summary presented in the WAA, and is sufficient to meet the need for the additional data that we identified.

Based on the County's review, in collaboration with L&S, of the documentation provided in the Project's April 10, 2017 Water Availability Analysis, and subsequent October 19, 2017 and March 23, 2018 peer review responses, the County has determined the WAA to be adequate. This determination has been made because the WAA adequately discloses potential impacts of the project, which are anticipated to be less than significant. Additionally, conditions of approval developed for this project, as described below, are anticipated to maintain potential impacts at a less than significant level. The proposed Conditions of Approval for this project have been developed in collaboration with L&S. Any changes in use may necessitate additional conditions for approval.

Feel free to contact the Public Works Department or L&S with any questions, or if you would like to discuss this matter further.

Furthermore, as a result of the changes made to the project by both the applicant and Planning Commission at the February 5, 2020 hearing on this application, in particular the reduction in production capacity to 30,000 gallons and reduction in overall annual visitation to 7,623 visitors, the permittee has provided updated Tier 1 Water Use Calculations (RSA+, February 5, 2020) for the project as modified. The modified project also includes a lot line adjustment between the project parcels so that the winery and its access will be located on the same parcel.

Based on review of the updated Tier 1 Water Use Calculations (February 2020), in conjunction with the lot line adjustment between the project parcels, the Public Works Department is recommends the following revised conditions of approval.

Recommended Conditions of Approval:

Condition 4.9 will remain as originally recommended.

4.9 GROUND WATER MANAGEMENT - WELLS

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

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

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

In the event that changed circumstances or significant new information provide substantial evidence¹ that the groundwater system referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary, to meet the requirements of the County Code and to protect public health, safety, and welfare.

Condition 4.20 is being revised to reduce the overall groundwater use on the project parcels due to the reduced production capacity and visitation, and remove the parcel specific groundwater use limitations as a result of the lot line adjustment between the project parcels. Additionally, this conditions has been renumber to 4.20(a) for consistency with overall condition numbering.

4.20(a) OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

1. The project parcels (Parcel 1, 3123 Dry Creek Road, APN 035-460-038; and Parcel 2, 3454 Redwood Road, APN 035-470-046) shall be limited overall to **4.60 acre-feet of groundwater per year** for all groundwater consuming activities on the project parcels (as calculated in the RSA+, February 5, 2020, Tier 1 Water Use Calculations). A Groundwater Demand Management Program shall be developed and implemented for the project property as outlined in COA 6.15(a) below.
2. The planned transfer of groundwater from Parcel 2 (3454 Redwood Road: APN 035-470-046) to supply existing residential uses on Parcel 1 (3123 Dry Creek Road: APN 035-460-038), shall be documented and memorialized through the recordation of an "Agreement for Grant of

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

Easement and Water Right” as described in Appendix E of the Water Availability Analysis Guidance Document (Napa County, 2015). The Agreement shall be on a form approved by the County and shall be recorded by the owner/permittee prior to commencement of any activities authorized by #P14-00320-UP.

3. The planned transfer of reclaimed winery process wastewater from Parcel 2 (3454 Redwood Road: APN 035-470-046), to supply the proposed additional vineyard acreage on Parcel 1 (3123 Dry Creek Road: APN 035-460-038), shall be documented and memorialized through the recordation of an “Agreement for Grant of Easement and Water Right” as described in Appendix E of the Water Availability Analysis Guidance Document (Napa County, 2015). The Agreement shall be on a form approved by the County and shall be recorded by the owner/permittee prior to commencement of any activities authorized by #P14-00320-MOD or #P14-00322-ECPA.
4. The applicant/Permittee shall verify prior to issuance of a certificate of occupancy, that water storage capacity sufficient to meet the maximum monthly storage requirements exists on-site (1.06 acre-feet as calculated from the February 5, 2020, Tier 1 Water Use Calculations), in addition to any storage required for fire safety, as detailed in the water balance information provided in the revised “*Tier 1 Water Use Calculations*” prepared by RSA+ August 30, 2017. The “*Tier 1 Water Use Calculations*” are also appended the Peer Review Response dated October 19, 2017 prepared by Richard C. Slade & Associates LLC.
5. No new or existing on-site or off-site water sources, other than that evaluated as part of this Use Permit (#P14-00320-MOD) and Agricultural Erosion Control Plan (#P14-00322-ECPA) shall be used for winery operations or vineyard irrigation. Any other proposed irrigation source, including but not limited to wells, imported water, new or existing ponds/reservoir(s) or other surface water impoundments, to serve the winery or vineyard, shall not be allowed without additional environmental review, if necessary, and may be subject to a modification to this UP and ECPA.

Condition 6.15 is being revised to reduce the overall groundwater use on the project parcels due to the reduced production capacity and visitation. This condition has also been renumbered to 6.15(b) for consistency with overall condition numbering.

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

b. Groundwater Demand Management Program

1. The permittee shall install a meter on each well serving the project parcels (i.e. Parcels 1 and 2) and on any other water sources used to supply the project water (i.e. rainwater harvesting system and reclaimed/recycled winery process wastewater system). Each meter shall be placed in a location that will allow for the measurement of all groundwater, harvested rainwater and reclaimed water use on the project parcels. Additionally, groundwater level data for each well serving the project parcels shall be recorded and reported as described in 5 and 7 below. Prior to the issuance of a grading or building permit for the winery or commencement of vineyard development, the permittee shall submit for review and approval by the Director of Public Works a groundwater demand management plan which includes a plan for the location and the configuration of the installation of a meter on all wells serving the parcels (including method of groundwater level measurement), and the installation of a meter on all other winery water source.
2. The Plan shall identify how best available technology and best management water conservation practices will be applied throughout the parcels.
3. The Plan shall identify how best management water conservation practices will be applied where possible in the structures on site. This includes but is not limited to the installation of low flow fixtures and appliances.

4. As a groundwater consuming activity already exists on the properties, meter installation and monitoring shall begin immediately.
5. For the first twelve months of operation under the Use Permit, the applicant/permittee shall read the meters at the beginning of each month and provide the data to the Public Works Director and the Planning Department monthly. If the water usage on the properties exceeds, or is on track to exceed, 4.6 acre-feet per year, or if the permittee fails to report, additional reviews and analysis and/or a corrective action program at the permittee's expense, shall be required and shall be submitted to the Public Works Director and the PBES Director for review and action.
6. The permittee's wells shall be included in the Napa County Groundwater Monitoring program if the County finds the well suitable.
7. At the completion of the reporting period per 5 above, and so long as the water usage is within the 4.6 acre-feet per year as specified above, the permittee may begin the following meter reading schedule:
 - a. On or near the first day of each month the permittee shall read the water meters, and provide the data to the Public Works Director during the first weeks of April and October. The Public Works Director, or his designated representative, has the right to access and verify the operation and readings of the meters during regular business hours.
 - b. Water monitoring data collection and reporting shall be conducted for a minimum of five years from the start of winery production or the completion of the vineyard, whichever is later.

Condition 9.9 will be revised to include COA 4.9 and renumber COA 6.15 for consistency with overall condition numbering.

- 9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY
- a. All required meters shall be installed and all groundwater usage monitoring required in COA 4.9, 4.20(a) and 6.15(b) shall commence prior to final occupancy.



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MEMORANDUM

To: Don Barrella Planning Division	From: Patrick C. Ryan Engineering Services
Date: June 14, 2018	Re: P14-00320 – Anthem Winery Road Exception Evaluation APN: 035-470-046

ROAD EXCEPTION REQUEST:

The Engineering Services Division received a revised request, dated January 12, 2018, for an exception to the Napa County Road and Street Standards (NCRSS) for the proposed Anthem Winery located at 3454 Redwood Road, Napa, California 94558 (APN: 034-470-046). The Anthem Winery project is pursuing a Major Modification of an existing Use Permit to build a larger winery facility including a tasting room, fermentation buildings, offices, and wine caves. The proposed winery facilities will be located on the southern parcel APN 035-470-046 or two adjacent parcels, with the winery traffic conveying through the norther parcel APN 035-460-038. Both parcels are owned and maintained by the applicants, Mr. and Mrs. Arbuckle. The existing driveway on the northern parcel currently serves a single-family dwelling and guest cottage. The proposed winery development proposes to improve the northern parcel driveway to serve the winery. The existing winery is currently served by an access road off Redwood Road. The access road off Redwood Road is constrained by surrounding steep terrain, dense forest, and narrow access easement corridors restricting improvements.

As part of the Major Modification, the applicant is requesting and exception to the commercial driveway standards. The exception request provide existing environmental, physical and legal constraints as the findings restricting the existing access drive from being improved to meet the current NCRSS. The applicant provides improvement plans for two (2) proposed driveway options that delineates the extent of the requested exception. In addition, a separate Emergency Ingress/Egress Plan was provided, outlining permanent and operational control measures intended to support access for emergency responders.

The proposed driveway options provided by the applicant’s engineering consultants, RSA+, the Engineering Division focuses its evaluation on Option 2, as illustrated on RSA+’s Anthem Winery Driveway Entry Option 2, dated January 12, 2018, due to the infeasibility of Option 1 based on easement constraints on Assessor’s Parcel 035-460-024. The proposed access for Option 2 travels along an existing driveway on the 20-foot wide flagpole section of the northern parcel connecting to Dry Creek Road. The existing access is proposed to be improved to the maximum extent feasible. Option 2 driveway entrance and drainage crossing do not utilize the existing residential easement, granted by the owner of adjacent parcel (APN 035-460-024). The existing

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easements will not be used for winery traffic without the servient estate owner's permission, and unless permission is granted, will provide access and/or a turnout for residential use only.

The proposed commercial drive design proposes the following exceptions to the Napa County Road and Street Standards:

- Station 61+16 to 61+35 A vertical curve length exception from 100 linear feet to approximately 20 linear feet for vertical curve length. The vertical curve length exception is requested to accommodate the physical site limitation of grade differential between Dry Creek Road and the existing grade of the adjacent properties of the flagpole section of the lot. The proposed design will provide the same overall practical effect by providing an extended entrance pavement width outside the required 20 feet horizontal radius at the connection to Dry Creek Road, allowing northbound vehicles on Dry Creek Road to make a wider turn into the proposed winery access.
- Station 61+16 to 62+25 A width exception from 20 feet wide travel way to 17.7 feet travel way. A width exception is request to accommodate the legal constraint of the 20-foot wide right-of-way and physical site limitations of the existing grade differential of the adjacent properties. The proposed design will provide the same overall practical effect by providing 22 feet wide turnout for residential and emergency vehicles, extending into the adjacent driveway easement. The ensuing segment will be improved to the maximum extent practicable, providing 16 feet travel way and 18 feet horizontal clearance within the 20-foot right-of-way.
- Station 61+35 to 63+00 A slope exception for road grades exceeding 18% without the required transitions zones of 10% or less for 100 feet on the proceeding segments. A slope exception is requested to accommodate the physical site limitation of grade differential between Dry Creek Road and the existing grade of adjacent properties on the flagpole section of the lot. The proposed design will provide the same overall practical effect by providing a surface equal to or greater than 3" of HMA over 5" of Class 2 AB, and a roadway grade not exceeding 10% for 100 feet immediately. A 100-foot vertical curve will be provided at the end of the segment exceeding 18%.
- Station 61+46 An exception to the required gate width of 22 feet to 17 feet. The gate width exception is request to accommodate the legal constraints of the 20-foot wide right-of-way and physical site limitations of the existing grade differential of the adjacent properties. The proposed design states that it provided the same overall practical effect by conforming finish grade to the existing AC pavement within the easement and allowing for a turnout area on each side of the gate.
- Station 62+30 to 63+25 A width exception from 20 foot wide travel way to 16 foot travel way. A width exception is requested to accommodate the legal constraint of the 20-foot wide right-of-way and physical site limitations of the existing grade differential of the adjacent properties. The proposed design will provide the same overall practical effect by providing 17 feet of horizontal clearance within the segment,

*All road stations referenced throughout this document are based on the associated Use Permit Plan Set entitled "Anthem Winery Driveway Option 2" dated January 12, 2018 prepared by RSA Consulting Civil Engineers

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- a 22-foot wide intervisible turnout in the preceding segment, and a 20-foot wide drivable width, intervisibility, and signage at the ensuing segment.
- Station 3+25 to 5+00 A width exception from 20 feet of travel way to 18 feet of travel way. A width exception is requested to accommodate the legal constraints of the 20-foot wide right-of-way and physical site limitations of the existing grade differential of the adjacent properties. The proposed design provides the same overall practical effect by widening the existing roadway to the maximum extent practicable and providing a 20 foot drivable width in the 20 foot wide right-of-way by utilizing a 16 inch AC dike on each shoulder.
- Station 5+00 to 7+50 A width exception from 20 feet of travel way to 16 feet of travel way. A width exception is requested to accommodate the legal constraints of the 20-foot wide right-of-way and physical site limitations of the existing grade differential of the adjacent properties. The proposed design provides the same overall practicable effect by providing 17 feet clear drivable width within the segment, and a 20-foot drivable width, intervisibility, and signage at eh preceding and ensuing segments.
- Station 7+50 to 9+00 A width exception from 20 feet of travel way to 18 feet of travel way. A width exception is requested to accommodate the legal constraints of the 20-foot wide right-of-way and physical site limitations of the existing grade differential of the adjacent properties. The proposed design provides the same overall practical effect by widening the existing roadway to the maximum extent practicable and providing a 20 foot drivable width in the 20 foot wide right-of-way by utilizing a 16 inch AC dike on each shoulder.
- Station 9+00 to 10+00 A width exception from 20 feet of travel way to 14 feet of travel way. A width exception is necessary to accommodate the legal constraints of the 20-foot wide right-of-way and physical site limitations of the existing grade differential of the adjacent properties. The proposed design provides the same overall practical effect by providing a 20-foot clear drivable width, intervisibility and signage at the preceding and ensuing segments.
- Station 10+00 to 11+00 A width exception from 20 feet of travel way to 16 feet of travel way. A width exception is necessary to accommodate the legal constraints of the 20-foot wide right-of-way and physical site limitations of the existing grade differential of the adjacent properties. The proposed design provides the same overall practical effect by providing a 17-foot clear drivable width within the segment by utilizing a drivable AC dike on one shoulder, and a 20-foot clear drivable width and signage at the ensuing segment and at the intervisible preceding segment.
- Station 11+00 to 12+00 A width exception from 20 feet of travel way to 18 feet of travel way. A width exception is requested to accommodate the legal constraints of the 20-foot wide right-of-way and physical site limitations of the existing grade differential of the adjacent properties. The proposed design provides the same overall practical effect by widening the existing roadway to the maximum extent

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- practicable and providing a 20 foot drivable width in the 20 foot wide right-of-way by utilizing a 16 inch AC dike on each shoulder.
- Station 12+00 to 15+50 a width exception from 20 feet of travel way to 16 feet of travel way. A width exception is requested to accommodate the legal constraints of the 20-foot wide right-of-way and physical site limitations of the existing grade differential of the adjacent properties. The proposed design provides the same overall practicable effect by providing 17 feet clear drivable width within the segment, and a 20 foot drivable width, intervisibility, signage at the preceding and ensuing segments, and a convex mirror at the high point of the road to improve intervisibility.
- Station 76+00 to 78+50 A width exception from 20 feet of travel way to 14 feet of travel way consisting of a proposed bridge and approaches with retaining walls on each side. A width exception is requested to accommodate the legal constraints of the 20-foot wide right-of-way and physical site limitations of the existing grade differential of the adjacent properties. The proposed design provides the same overall practical effect by providing signage at the bridge and a compliant road segment ensuing the drainage crossing. The road is proposed to conform on both sides of the existing driveway. The adjacent 40-foot easement (No. 1996-014263, NCR, and 1996-026341) would be used for all residential traffic and would provide emergency pullout area to allow passage of emergency vehicles. Additional signage and traffic controls are included in the Emergency Ingress/Egress Plan.
- Station 79+25 to 23+90 A slope exception for roadway grades of 18% for a length of 555 feet is requested to accommodate the physical site limitation of grade differential between the drainage crossing and the building site and to preserve unique features of the natural environment. The proposed design will provide the same overall practical effect by providing a surface equal to or greater than 3 inches of HMA over 5 inches of Class 2 AB.

ENGINEERING DIVISION EVALUATION AND RECOMMENDATION:

Engineering Division staff has reviewed the Request for Option 2 noted above with the applicant's authorized agents, Engineering staff and the Fire Marshal's office. With respect to Section (3) of the NCRSS as adopted by Resolution No. 2017-156 by the Board of Supervisors on September 26, 2017, this Division has determined the applicant has met the findings for and exception to the NCRSS. Provided the following conditions are met, the proposed roadway design meets the same overall practical effect as the State Responsibility Area (SRA) Fire Safe Regulations.

The request for exception to the Napa County Road and Street Standards (NCRSS) for a reduction in vertical curve length from Station 61+16 to 61+35 to accommodate the physical site limitation is supported provided that a fully loaded fire apparatus can navigate the sag with a minimum clearance of 4 inches.

The request for exception to the NCRSS for a reduction in the commercial drive width of 20 feet at Station 61+16 to 62+25; 62+30 to 63+25; 3+25 to 5+00; 5+00 to 7+50; 7+50 to 9+00; 9+00 to 10+00; 10+00 to 12+00; 12+00 to

*All road stations referenced throughout this document are based on the associated Use Permit Plan Set entitled "Anthem Winery Driveway Option 2" dated January 12, 2018 prepared by PSA Consulting Civil Engineers

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15+50 and 76+00 to 78+50 to accommodate the legal constraint of the 20 foot wide right-of-way and physical site limitations of the existing grade differential of the adjacent properties is supported by this Division provided the driveway is widened to the maximum extent practical, signage is provided as proposed and the proposed intervisible vehicular turnouts proposed can accommodate the passage of a fire apparatus and the largest vehicle required for the operations of the uses for the properties served by the access drive.

The request from exception to the NCRSS for a roadway grades exceeding 18% without the inclusion of transition zones of roadway grades of less than 10% and for exceeding the maximum length of 300 feet for roadway grades exceeding 18% at Station 61+35 to 63+00 and Station 79+25 to 23+90, respectively. The exception is to accommodate the physical site limitation of grade differential between Dry Creek Road and the existing grade of adjacent properties on the flagpole section of the lot and the physical site limitation of grade differential between the drainage crossing and the building site, including preserve unique features of the natural environment. The slope exception is supported provided the roadway surfacing provides unobstructed access to conventional drive vehicles and are capable of supporting apparatus weighing 75,000 pounds, with a minimum section equal or greater than 3 inches of HMA over 5 inches of Class 2 AB.

The request for a reduction in the required gate horizontal clearance at Station 61+46 to accommodate the legal constraints of the 20 foot wide right-of-way and physical site limitations of the existing grade differential of the adjacent properties may be supported by this Division. Provided the proposed gate and its location does not obstruct the proposed 22 foot wide turnout for residential and emergency vehicles, extending into the adjacent driveway easement from Station 61+16 to 62+25, meets the minimum setbacks of the NCRSS, meets the required angle of approach and departure for emergency apparatus, and has the required means of emergency operation.

The road exception request for Option 2 as illustrated and described in RSA+'s plans and road exception request narrative, dated January 12, 2018, has provided the necessary documentation as required by RSS Section 3(D) for the Engineering Division to support the Exception Request for approval by the required approving body. The following conditions are in addition to all conditions previously placed on the project as part of this discretionary application:

1. Horizontal and vertical vegetation management shall be implemented along the entire length of the private lane and around any existing and proposed structures to create defensible space.
2. All portions of commercial driveway not identified herein shall fully complies with the 2017 Napa County Road and Street Standards.
3. The roadway improvements shall be constructed and maintained to the approved condition prior to any new commercial use and/or occupancy. Maintenance of the roadway shall continue throughout the life of the parcel and its proposed use. The County may require future road design changes if changes in use or intensity are proposed in the future.
4. The private drive surface and structures shall be periodically maintained by the property owner to assure sufficient structural section for loading conditions equivalent to the HS20-44 criterion and the design Traffic Index.

Attachments: Exception Request Letter Option 2, dated January 12, 2018, prepared by RSA+.



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David Morrison
Director

MEMORANDUM

To: Don Barrella, Planning	From: Patrick Ryan, Engineering
Date: June 14, 2018	Re: P14-00320 – Anthem Winery Engineering Conditions of Approval APN: 035-470-0046

The Engineering Division (“Engineering”) has reviewed the use permit application P14-00320 for the proposed Anthem Winery located on assessor’s parcel number 035-470-046. In general the project proposes the following:

Construct a new winery facility; increase wine production from 30,000 gallons per year to 50,000 gallons per year; allow tours and tastings by appointment; retail sales and marketing events; request of a road exception for winery traffic through the access drive off Dry Creek Road.

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

RECOMMENDED APPROVAL CONDITIONS:

OPERATIONAL CHARACTERISTICS

1. The facility is designated as a discharger that discharges stormwater associated with industrial activity to waters of the United States. Therefore, the facility shall maintain or apply for coverage under the State Water Resources Control Board’s Industrial General Permit (IGP), including meeting all applicable provision and protocols of the IGP. If the facility fails to meet the discharge prohibitions of the IGP, Napa County may require the facility to make the necessary improvements to eliminate all exposures to stormwater of the pollutant(s) for which the water body is impaired.
2. Implement the permanent and operational control measures identified in the Emergency Ingress/Egress Plan to support access for emergency responders, safe civilian evacuation, and avoid delays in emergency response.

PREREQUISITES FOR ISSUANCE OF PERMITS

3. Any roadway, access driveway, and parking areas, proposed new or reconstructed shall meet the requirements as outlined in the Engineering Division’s Road Exception Evaluation, dated June 14, 2018, and the latest edition of the Napa County Road & Street Standards for Commercial development at the time of use permit approval. The property owner shall obtain a grading permit for all proposed roadway improvements.

4. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer. Those improvements will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and Environmental Services Department (PBES) prior to the commencement of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.
5. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code.
6. **Prior to issuance of a development permit** (e.g. building permit and/or grading permit) the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December 2014.
7. **Prior to issuance of a development permit**, the owner shall prepare and/or update a Regulated Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
8. Prior to issuance of a development permit, an Operation and Maintenance Plan shall be submitted and tentatively approved by the Engineering Division in PBES. Before final occupancy the property owner must legally record the "Operation and Maintenance Agreement", approved by the Engineering Division in PBES.

PREREQUISITES DURING PROJECT CONSTRUCTION

9. Required on-site pre-construction meeting with the Napa County PBES Engineering Division prior to start of construction.
10. All earthwork activity is subject to Napa County Code Section 18.108.070(L) Grading Deadline (winter shutdown); and will be required to submit a grading extension application to the Engineering Division for approval prior to commencing any earthwork activities on slopes greater than five percent during the winter shutdown.

PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

11. All health and safety improvements shall be completed prior to execution of any new entitlements approved under this Use Permit. ** If no temporary occupancy is requested, then this becomes a requirement prior to final occupancy.

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

12. Operations and Maintenance Agreement for post construction Stormwater facilities must be legally recorded.
13. Site shall be completely stabilized from erosion and sedimentation to the satisfaction of the County Engineer prior to Final Occupancy.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items, please contact Patrick Ryan from Napa County Planning, Building, and Environmental Services Department, Engineering and Conservation Division, at (707)253-4892 or by email at Patrick.Ryan@countyofnapa.org



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David Morrison
Director

MEMORANDUM

To: Don Barrella, Project Planner	From: Kim Withrow, Environmental Health Supervisor
Date: September 24, 2018	Re: Use Permit Modification Anthem Winery APN 035-460-038 File # P14-00320

Environmental Health staff has reviewed a revised application requesting approval to modify an existing use permit by constructing a new winery, caves and related improvements as described and depicted in application materials. Environmental Health has no objection to approval of the application with the following conditions of approval:

Prior to building permit issuance:

1. Plans for the proposed sanitary and process wastewater treatment systems 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 Phase 1 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.
2. Permits to construct the proposed sanitary and process wastewater treatment systems must be secured from this Division prior to approval of a Phase 1 building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.
3. 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. The technical report must be completed by a licensed engineer with experience in designing water systems. The preliminary technical report must be submitted to the Regional Water Quality Control Board staff a minimum of six (6) months prior to beginning any water-related improvement in accordance with the California Health and Safety Code, Section 116527. Prior to occupancy, the owner must apply for and obtain an annual operating permit for the water system from this Division. The applicant must comply with all required monitoring and reporting.

4. 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.
5. Adequate area must be provided for collection of recyclables. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site. The garbage and recycling enclosure must meet the enclosure requirements provided during use permit process and be included on the building permit submittal. The designated area shall remain available and be properly maintained for its intended use.

During construction and/or prior to final occupancy:

6. The applicant shall apply for annual operating permits for the wastewater systems, food facility and water system prior to obtaining final occupancy.
7. 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 primary and reserve septic system include equipment storage, soil stockpiling, traffic, parking, pavement, livestock, etc.
8. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.

Upon final occupancy and thereafter:

9. Some proposed food service will be catered; therefore, catered food must be prepared and served by a Napa County permitted caterer. If the caterer selected does not possess a valid Napa County Permit to operate, refer the business to this Division for assistance in obtaining the required permit prior to providing any food service.
10. The applicant shall maintain regular monitoring of the above ground process waste water treatment system as required by this Division which includes submitting quarterly monitoring reports. An annual operating permit is required for the waste water system.
11. An annual sanitary wastewater 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.

12. The applicant shall provide portable toilet facilities for guest use during events of 100 persons or more as indicated in the septic feasibility report/use permit application. A Napa County permitted pumping company must pump the portable toilet facilities.
13. 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, file an approved Hazardous Materials Business Plan to <http://cers.calepa.ca.gov/>, and be approved by this Division within 30 days of said activities.
14. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
15. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system the plan submitted for review and approval must address bentonite disposal.



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David Morrison
Director

MEMORANDUM

To: <i>Donald Barrella</i>	From: <i>Kevin Ruybal</i>
Date: <i>5/15/2017</i>	Re: <i>Anthem Winery P14-00320</i>

Building Inspection Division Planning Use Permit Review Comments

Address: 3123 Drycreek Creek Rd

APN: 035-460-038

Project: Anthem Winery P14-00320

Owner: Arbuckle Justin H. and Julie A.

Contact:

Description: Construction of larger winery facility, a tasting room, offices and caves. Increase production from 30,000 gpy to 50,000 gpy.

Comments: The Building Division is not reviewing this project for compliance with the California Building Standards Codes at this time; the Building Division is reviewing the proposed Planning entitlements only. The Building Division has no issues or concerns with the approval of the Use Permit P14-00320; it is a Planning entitlement and does not in itself authorize any construction activities. Separate building permits shall be required.

The plans provided for Use Permit application P14-00320 do not provide enough information in sufficient detail to determine all code requirements. A complete and thorough plan review will be performed at the time an application is made for the required building, plumbing, mechanical, and electrical and any other construction permits required by other Napa County Agencies. The following comments are provided to make the applicant aware of what codes the applicant will be required to comply with, as well as issues that may need to be addressed prior/during the building permit application and review process.

1. In accordance with the California Building Code, Chapter 1, Division 1, Section 1.1.9, which states, **“only those standards approved by the California Building Standards Commission that are effective at the time of application for a building permit is submitted shall apply to the plans and specifications for, and to the construction under that permit”**. The codes adopted at this time are 2016 California Building Standards Codes, Title 24, part 2, Building volumes 1 & 2, part 3 Electrical, part 4 Mechanical, part 5 Plumbing, part 6 Energy, part 9 Fire, and part 11 Green Buildings.
2. Please verify the Code Analysis includes the proposed Use, Occupancy Group, Type of Construction, whether or not the building is Fire Sprinkled, Floor Area (S.F.), Number of Stories and Occupant Load. Justify compliance with the maximum allowable building areas. Reference CBC Sec. 111, 302.1, 401, 503, 508, 601, 903 & 1004.1.
3. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities a separate demolition permit will be required from the Napa County Building Division prior to the removal. Please note the applicant will be required to provide a “J” number from the Bay Area Quality Management District at the time the applicant applies for a demolition permit if applicable.
4. The site and associated buildings are required to be accessible to persons with disabilities. This includes, but not limited to, a van accessible parking stall, accessible route of travel from the parking stall to all buildings and areas on the site that are available to the public and employees. Accessibility requirements shall comply with CBC Chapter 11B. Based on the preliminary plans; there is not enough information to provide any information as to what items may or may not be out of compliance. Complete details and dimensions shall be included in the plans to indicate all requirements. It may be suitable to consult with a CASp to determine accessible features that are out of compliance at the facility.
5. There appears to be several blended walks adjacent to vehicular travel areas. Please be sure to fully detail a continuous detectable warning that separates walks, means of egress access and the boundary between the areas. 11B-247.1.2.5 and 11B-705.1.2.5.
6. Path of travel. An identifiable accessible route within an existing site, building or facility by means of which a particular area may be approached, entered and exited, and which connects a particular area with an exterior approach (including sidewalks, streets and parking areas), an entrance to the facility, and other parts of the facility. When alterations, structural repairs or additions are made to existing buildings or facilities, the term "path of travel" also includes the toilet and bathing facilities, telephones, drinking fountains and signs serving the area of work. Reference Sec. 202 & 11B-202
7. A detailed means of egress plan with dimensions shall be provided to indicate compliance with Chapter 10 for all exiting and egress requirements. The outdoor cave patio appears to exceed maximum allowed travel distance for a Type III cave. Please identify travel distance to proposed wine cave tasting areas. There shall be a plan for exiting from the cave to include all travel distances and paths of travel. All egress and exiting components shall be detailed into the plans to comply with CBC Chapter 10 with accessible elements complying with CBC Chapter 11B.
8. The exit discharge shall provide a direct and unobstructed access to the public way. Where access to the public way cannot be provided, a safe dispersal area must be provided complying with a the requirements found in section 1028.5 CBC. Please be sure to include safe dispersal and design in the means of egress plan.

9. All cooking equipment in occupancies other than residential shall be commercial grade. Commercial kitchens are required to comply with the California Mechanical Code. Cooking equipment used in processes producing steam, smoke or grease-laden vapors shall be equipped with an exhaust system that complies with all the equipment and performance requirements of the Mechanical Code, and all such equipment and performance shall be maintained per the Mechanical Code during all periods of operation of the cooking equipment. Specifically, the following equipment shall be kept in good working condition: A. Cooking Equipment. B. Hoods. C. Ducts. D Fans. E. Fire suppression systems. F. Special effluent or energy control equipment. All airflows shall be maintained. Maintenance and repairs shall be performed on all components at intervals necessary to maintain working conditions. If there is not a kitchen proposed for this winery disregard this comment.
10. Please be sure to provide a plumbing fixture calculations the for increase occupant loads, be sure to justify the number of fixtures required for any proposed change in occupancy use. Reference CA Plumbing Code.
11. All plans and documents for commercial projects are required by California Law to be prepared and coordinated under the direction of a California Licensed Design Professional, such as an Architect and/or Engineer in accordance with California Business and Professions Code Chapter 3, and the California Building Code, Chapter 1.

Issues of compliance with the California Building Code, Title 24, will be addressed during the building permit application, review and approval process. If the applicant has any questions please have the applicant give me a call at (707)259-8230.

Kevin Ruybal
Chief Building Official
Napa County Building Division
1195 Third St.
Napa Ca. 94559
(707)259-8230
Kevin.Ruybal@countyofnapa.org



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Department of Public Works

1195 Third Street, Suite 101
Napa, CA 94559-3092
www.countyofnapa.org/publicworks

Main: (707) 253-4351
Fax: (707) 253-4627

Steven Lederer
Director

MEMORANDUM

To: PBES Staff	From: Janice Spuller Interim Transportation Engineer
Date: August 9, 2018	Re: Anthem Winery P14-00320

Thank you for the opportunity to review the subject permit application. I offer the following comments from the Department of Public Works:

I have reviewed the information in the *Amended Final Traffic Analysis for Anthem Winery*, prepared by W-Trans and dated March 7, 2018. The study adequately demonstrates that the proposed use in the proposed location will not result in any significant impacts, either project-specific or cumulative, on traffic circulation in the vicinity. Therefore, no mitigation measures are required with this project.

Left-Turn Lane not required. Based on the forecast of traffic to be generated by the proposed project, and the volume of traffic on Dry Creek Road, this project will not require the installation of a left-turn lane at the location of the project access driveway.

Encroachment Permit required. The project discloses driveway improvements to Dry Creek Road a County-maintained road. An encroachment permit will be required during the building permit phase. Please contact the Roads office at (707) 944-0196 to initiate the encroachment permit process

Additional Comment. Should the project pursue an additional access point via Redwood Road an updated traffic analysis will be required.

Recommended Conditions of Approval. I offer the following recommended conditions of approval:

1. Conceptual layout plans show sight lines from the proposed project driveways will meet standards assuming landscaping is maintained in a manner which does not interfere with these sight lines. Project Condition: **landscaping at the project driveways shall be maintained to not interfere with sight lines required for safe stopping distance on public right-of way. No items that are wider than 18 inches can be taller than 30 inches other than street trees and traffic devices. Street trees should be deciduous and have branches lower than 4 feet in height removed once the tree is established.**

Please contact me at Janice.Spuller@countyofnapa.org or call (707) 259-8279 if you have questions or need additional information.



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Napa County Fire Department
Fire Marshal's Office
Hall of Justice, 2nd Floor
1125 3rd Street
Napa, CA 94559

Office: (707) 299-1461

Garrett Veyna
Fire Marshal

MEMORANDUM

TO: Planning Division	DATE: 12/14/17
FROM: Chase Beckman Fire Department	
SUBJECT: P14-00320	APN: 035-460-038

The Napa County Fire Marshal's Office has reviewed the submittal package for the above proposed project. The Fire Marshal approves as submitted and requires the following conditions to be incorporated as part of permit issuance.

Items listed in **bold** are not represented on the plan sets.

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance.
2. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested and finalized.
3. Separate submittals required for Underground Fire Lines, Fire Pump, Automatic Fire Sprinklers, Fire Alarm Systems, Kitchen Hood Extinguishing Systems, High Piled Storage (any combustible stored over 12 feet in height).
4. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards.
5. Provide fire department access roads to within 150 feet of any exterior portion of the buildings as measured by an approved route around the exterior of the building or facility.
6. Roadways shall be a minimum of 20 feet in width with a 2 foot shoulder and 15 foot vertical clearance.
7. Driveways shall be a minimum of 10 feet in width with a 4 foot shoulder and 15 foot vertical clearance.
8. Turnouts shall be a minimum of 22 feet in width, 30 foot in length and 25 foot taper on each end. **Indicate locations on site plans**



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Garrett Veyna
Fire Marshal

MEMORANDUM

9. Turnarounds are required on driveways and dead end roadways.
10. Grades for all roadways and driveways shall not exceed 16 percent.
11. Roadway radius shall not have an inside radius of less than 50 feet. And additional surface width of 4 feet shall be added to curves of 50-100 feet radius and 2 feet to curves of 100-200 feet radius.
12. Gates for driveways and/or roadways shall comply with the California Fire Code, section 503.5 and the Napa County Road & Street Standards and CA Fire Safe Regulations for projects within SRA.
13. Commercial - Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16 licensed contractor, or registered engineer indicating compliance with Table B105.2 through Table 105.4 of the Napa County Code Amendments.
14. Commercial - Approved steamer hydrants shall be installed within 250 feet of any exterior portion of the building as measured along vehicular access roads. Private fire service mains shall be installed, tested and maintained per NFPA 24 2013 edition.
15. Commercial - Fire Department Connections (FDC) for automatic sprinkler systems shall be located fully visible and recognizable from the street or fire apparatus access roads. FDC shall be located within 50 feet of an approved fire hydrant.
16. Commercial - The minimum main size of all fire hydrants shall be 6 inches in diameter. Piping shall be installed with C-900 class 200 piping or ductile iron or equivalent per NFPA 24, 2013 edition for the installation of Underground Fire Protection Mains
17. Commercial - Developments in excess of 10,000 square feet require looped fire mains of a minimum of ten (10) inch diameter to supply fire hydrants spaced at a maximum of 300-foot intervals.
18. An automatic fire sprinkler system shall be installed in accordance with provisions set forth in the California Fire Code as amended by the County of Napa and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.



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Fire Marshal

MEMORANDUM

19. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware and exit illumination.
20. Provide 100 feet of defensible space around all structures.
21. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.
22. Emergency responder radio coverage **in** new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building.

Please note that the comments noted above are based on a Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Napa County Fire Marshal's Office Development Guidelines can be found @ www.countyofnapa.org/firemarshal. Should you have any questions of me, contact me at (707)299-1467 or email at chase.beckman@fire.ca.gov

EXHIBIT A

ANTHEM WINERY

Use Permit Major Modification and Exception to the Napa County Road & Street Standards, Variance and Viewshed Application #P14-00320-UP and #P14-00321-VAR; 3454 Redwood Road, Napa APN 027-310-039 (Winery Parcel) and 3123 Dry Creek Road, Napa, APN 035-460-038 (Access Parcel)

PREVIOUS CONDITIONS

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

A. Use Permit #96006-UP

Condition of Approval (COA) #1: **To be replaced by COA #1.4, #4.1, #4.2, and #4.3** Planning Commission Hearing, October 3, 2018, Recommended Conditions of Approval Anthem Winery (Attachment 2):

~~The permit shall be limited to establishing a 30,000 gallon per year winery consisting of 1,600 sq.ft. Plus a bathroom and a tank pad for two fermentation tanks, consistent with the attached materials and site plan and elevations. There shall be no public tours, tasting or retail sales (even by appointment), no marketing events, no crush, no office uses or case goods storage. Can have occasional wine trade for tasting: 4-5 a day averaging 1 day a week.~~

~~Any changes will require review and approval of a use permit modification that would be reviewed by the Zoning Administrator or the Commission.~~

COA #6: **To be replaced by COA #4.6**, Planning Commission Hearing, October 3, 2018 Recommended Conditions of Approval Anthem Winery (Attachment 2):

~~At least 75% of the grapes used to make the winery's still wine shall be grown within the County of Napa. The applicant shall report to the Department on an annual basis the source of grapes verifying that 75% of his approved production is from Napa County grapes. The report shall include the Assessor's Parcel Number and the grape tonnage. The report shall be proprietary and not available to the public. For the public record, the applicant shall annually submit to the Department for the file a statement regarding compliance with the sourcing requirement and indicating the percentage of Napa County grapes utilized.~~

COA #10:

These Conditions of Approval are to be recorded by the applicant within 30 days of use permit approval and evidence of the recording shall be submitted to the Department.

B. Use Permit Modification #99033-UP:

COA #1: **To be replaced by COA #1.4, #4.1, #4.2 and #4.3** Planning Commission Hearing, October 3, 2018, Recommended Conditions of Approval Anthem Winery (Attachment 2):

~~The permit is limited to the modification of Use Permit #96006-UP Condition #1 to read in full: "1. The permit shall be limited to establishing a 30,000 gallon per year winery consisting of 1,600 sq.ft. plus an 80 sq.ft. bathroom and a 240 sq. ft tank pad for three fermentation tanks, consistent with the attached materials and site plan and elevations. There shall be no public tours, tasting or retail sales (even by appointment); no marketing events except occasional wine trade for tastings: 4-5/day & avg. 1/week; no office uses or case goods storage. Crushing activities shall be included as part of the winery operations."~~

~~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.~~

COA #2: To be replaced by COA #6.6

~~All outdoor storage of wine production materials shall be screened from view of Redwood Road and adjacent properties by a visual barrier consisting of fencing and/or dense landscaping. No open storage is to exceed the height of the screening~~

COA#4

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, leased and the winery facility shall not be used for events hosted by entities other than the winery itself, except those approved for temporary event license pursuant to Chapter 5.36 Napa County Code.

C. Very Minor Modification #P12-00084-VMM

COA #1, Scope: **To be replaced by COA #1.4, #4.1, #4.2 and #4.3** Planning Commission Hearing, October 3, 2018, Recommended Conditions of Approval Anthem Winery (Attachment 2)

~~This approval is limited to the following:~~

~~To reduce barrel storage and add case goods, to an existing, and approved winery.~~

~~This permit does not include any increase to annual production, tours and tasting and marketing visitor numbers, numbers of employees, hours of operation, etc.~~

~~The activities permitted on the site are limited to those shown on the plans and information submitted with the Modification. Any substantial change in use is subject to review and approval as determined by the CDPD Director in accordance with the Zoning Ordinance.~~

**FINAL REVISED RECOMMENDED FINDINGS
AND CONDITIONS OF APPROVAL
PLANNING COMMISSION HEARING – FEBRUARY 5, 2020**

**Anthem Winery Agricultural Erosion Control Plan #P14-00322-ECPA
3454 Redwood Road, Napa APN 027-310-039 (Winery Parcel) and
3123 Dry Creek Road, Napa, APN 035-460-038 (Access Parcel)**

Notice is hereby given by the Planning Commission (Commission) of Napa County (the “County”) that:

1. Julie and Justin Arbuckle, Trustees of the Arbuckle Family Trust, have requested approval of Agricultural Erosion Control Plan (ECPA) Application #P14-00322-ECPA for the Anthem Winery Vineyard Conversion (the “Project”);
2. An Initial Study and Mitigated Negative Declaration (State Clearinghouse #2018-082072) were prepared for the Project and duly circulated for public review and comment;
3. The Initial Study, Mitigated Negative Declaration, and all written comments received during the public review process have been considered;
4. The Commission, as Lead Agency, finds on the basis of the whole record that there is no substantial evidence that the Vineyard Conversion/ECPA Project will have a significant effect on the environment so long as the mitigation measures identified in the Mitigation Negative Declaration are implemented;
5. The Commission further finds that these mitigation measures have been incorporated into the project as conditions of approval and through the project revision statement will be implemented as delineated in the Mitigation Monitoring and Reporting Program for the Project dated February 5, 2020, and hereby adopted. The Vineyard Conversion/ECPA Project, as mitigated, therefore has no potential to have a significant effect on the environment;
6. The Mitigated Negative Declaration for the Anthem Winery (Anthem Winery, Use Permit #P14-00320-MOD and #P14-00322-ECPA, Napa County, August 30, 2018) reflects the independent judgment and analysis of the Commission and is hereby adopted;
7. The Commission has read and considered the information contained in the adopted Mitigated Negative Declaration prior to taking action on the Project;
8. The Commission hereby approves the Vineyard Conversion/ECPA Project subject to the terms and conditions contained in the project’s conditions of approval attached as Exhibit A and dated February 5, 2020; **AND**
9. The location and custodian of materials and documents which constitute the record of proceedings are located at the Napa County Planning, Building & Environmental Services Department, 1195 Third Street, Suite 210, Napa, California, 94559

EXHIBIT A

REVISED CONDITIONS OF APPROVAL ANTHEM WINERY VINEYARD CONVERSION #P14-00320-ECPA 3454 Redwood Road, Napa APN 027-310-039 (Winery Parcel) and 3123 Dry Creek Road, Napa, APN 035-460-038 (Access Parcel)

This permit encompasses and shall be limited to the project commonly known as the **Anthem Winery Vineyard**, located at 3454 Redwood Road. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, lessees, and successors in interest of the vineyard to ensure compliance is achieved.

1. Strictly conform to all provisions of approved Agricultural Erosion Control Plan #P14-00322-ECPA, including but not limited to the provisions listed below. Any changes or modifications to the approved plan may necessitate that you file a plan revision with the Conservation Division prior to implementing the desired changes. In that case, further environmental review may need to be undertaken.
 - a. Temporary erosion control measures/materials, such as but not limited to straw wattles, shall be composed of biodegradable materials so that animals do not become entangled within them.
 - b. Refrain from disposing of debris, storage of materials, or constructing/operating the vineyard, including vineyard avenues, outside the boundaries of the approved plan, or within required setbacks Pursuant to Napa County Code Section 18.108.025 (General Provisions – Intermittent/perennial streams). Furthermore, consistent with Condition of Approval #7(f) below, all operational activities that include the use or handling of hazardous materials, such as but not limited to agricultural chemical storage and washing, portable restrooms, vehicular and equipment refueling/maintenance and storage areas, soil amendment storage and the like, shall occur at least 100 feet from groundwater wells, water courses, streams and any other water resource to avoid the potential risk of surface and groundwater contamination, whether or not such activities have occurred within these areas prior to this ECPA approval.
 - c. Obtaining prior to commencement of work any/all other required Local, State and Federal permits necessary to implement this project
2. The Permittee shall fully comply with **Mitigation Measures BIO-1** through **BIO-1** in the attested Project Revision Statement (dated August 30, 2018: restated below):
 - a. **MM BIO-1:** Prior to commencement of any earthmoving activities, a qualified wildlife biologist shall conduct preconstruction to accurately identify the locations of special status plant species (i.e. native grassland) within the project site. Temporary fencing shall be installed along the outer boundary of native grassland identified through the preconstruction survey. No disturbance, including grading, placement of fill material, storage of equipment, shall occur within the designated areas for the duration of project construction. All fencing shall be maintained for the duration of winery and vineyard construction.

Monitoring: The precise locations of the protection fencing shall be inspected and approved by the Planning Division prior to the commencement of any earthmoving activities.

- b. **MM BIO-2:** If vegetation clearing or other land disturbance is proposed during the bird and raptor breeding season (February 15 through August 31), the work shall be preceded by a survey for special-status bird species and migratory passerines (perching birds) by a qualified biologist within 14 days prior to the beginning of work. In the event that nesting birds or raptors are found during the survey, construction buffers shall be established by the biologist in cooperation with the California Department of Fish and Wildlife. These buffers shall remain in place until offspring have fledged or after August 31.

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

- c. **MM BIO-3:** Tree trimming and/or removal should only be conducted during seasonal periods of bat activity; August 31 through October 15, when young bats would be able to fly and forage independently, and March 1 to April 15 to avoid hibernating bats, and prior to formation of maternity colonies. Any trees proposed for removal containing suitable bat roost habitat shall be removed using a two-day phased removal method. On day one (in the afternoon), limbs and branches would be removed using chainsaws only. Limbs with cavities, crevices, and deep bark fissures would be avoided. On day two, the rest of the tree would be removed under the supervision of a qualified bat expert. If tree removal must occur outside of the seasonal activity periods mentioned above, i.e., between October 16 and February 28/29, or between April 16 and August 30, a qualified bat expert should conduct preconstruction surveys within 14 days of starting construction. Survey methods, timing, duration, and species should be reviewed and approved by CDFW prior to starting construction. If bats or evidence of their presence is found during the survey then the qualified bat expert should develop a plan for removal and exclusion, in conjunction with CDFW.

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

- d. **MM BIO-4:** Prior to any earthmoving activities, temporary fencing shall be placed at the edge of the dripline of oak woodland and trees to be retained that are located within 50-feet of the project area. No disturbance, including grading, placement of fill material, storage of equipment, etc. shall occur within the designated area for the duration of winery facility development and vineyard installation. All fencing shall be maintained for the duration of winery and vineyard construction. Trees of 5+ inches in diameter at 4.5 feet from natural grade that are removed during the winery and vineyard construction and that are not within the boundary of the project and/or not identified for removal as part of #P14-00320-UP or #P14-00322-ECPA, shall be replaced on-site with fifteen-gallon trees at a ratio of 2:1 at locations approved by the director, or replaced with small trees at a higher ratio to be determined by the director or designee. Replacement trees shall be native species consistent with those removed or occurring within the parcel. Furthermore, the Permittee shall refrain from severely trimming trees to be retained that are adjacent to the winery development areas and vineyard conversion areas, other than that necessary to provide defensible space in accordance with CalFire recommendations and requirements.

Monitoring: The precise locations of said fences shall be inspected and approved by the Planning Division prior to the commencement of any earthmoving activities.

3. Pre-construction meeting: No more than two weeks prior to the commencement of any vegetation removal, earth-disturbing activities, or other development activities associated with this ECPA, the owner shall schedule an on-site pre-construction meeting that shall include the project planner, Permittee or owner's agent, plan preparer, vineyard manager, contractor(s), and any other parties deemed necessary by Engineering and Conservation Division staff, such as but is not limited to: County Engineering and Conservation Division staff, the project biologist, or representatives of any affected responsible or trustee agency. The purpose of this meeting will be to review the development requirements of #P14-00322-ECPA including but not limited to: implementation and compliance with project specific conditions of approval, timing of development activities and winterization of the site, the details of the approved plan, and ECPA modification process. All required protective buffers, including buffer fencing/delineation, shall be installed prior to the pre-construction meeting for inspection by Engineering and Conservation Division staff. Development activities associated with #P14-00322-ECPA shall not commence until the owner/Permittee has received written clearance from the Engineering and Conservation Division indicating that all pre-construction conditions have been satisfied.

4. Erosion and Runoff Control (i.e. Hydromodification) Installation and Operation: The following conditions shall be incorporated by referenced into #P14-00322-ECPA pursuant to NCC Chapter 18.108 (Conservation Regulations):
 - a. Permanent Erosion and Runoff Control Measures: Pursuant to NCC Section 18.108.070(L) installation of runoff and sediment attenuation devices and hydromodification facilities including, but not limited to straw wattles and cover crop. Additionally, pursuant to NCC Section 18.108.135 "Oversight and Operation" the qualified professional that has prepared this erosion control plan (#P14-00322-ECPA) shall oversee its implementation throughout the duration of the project, and that installation of erosion control measures specified for the vineyard have be installed and are function correctly. Prior to the first winter rains after construction begins, and each year thereafter until the project has received a final inspection from the county or its agent and been found complete, the qualified professional shall inspect the site and certify in writing to the planning director, through an inspection report or formal letter of completion verifying that all of the erosion control measures, required at that stage of development have been installed in conformance with the plan and related specifications, and are functioning correctly.

 - b. Cover Crop Management/Practice: The permanent vineyard cover crop shall not be tilled (i.e. shall be managed as a no till cover crop) for the life of the vineyard and the owner/Permittee shall maintain a plant residue density of 80% within the vineyard and vineyard avenues. The cover crop may be spot sprayed, no greater than 12 inches wide at the base of vines, with post-emergent herbicides from April 1st to September 1st. Should the permanent no till cover crop need to be replanted/renewed during the life of the vineyard, cover crop renewal efforts shall follow the County "Protocol for Replanting/Renewal of Approved Non-Tilled Vineyard Cover Crops" July 19, 2004, or as amended.

5. Discovery of historical, archaeological, paleontological resources, or human remains during construction, grading, or other earth moving activities.

- a. In accordance with CEQA Subsection 15064.5(f), should any previously unknown historic or prehistoric resources, including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable solids, glass, metal, ceramics, wood or similar debris, be discovered during grading, trenching or other on-site excavation(s), earth work within 100-feet of these materials shall be stopped until a professional archaeologist certified by the Registry of Professional Archaeologists (RPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), as determined necessary.
 - b. Prior to the commencement of construction of the Winery Facility (#P14-00320-MOD) or vineyard (#P14-00322-ECPA), owner/Permittee shall provide documentation to the Napa County Planning Department that a Monitoring Agreement with the Yocha Dehe Wintun Nation has been entered into. Should the owner/Permittee be unsuccessful in entering into a monitoring agreement with the Yocha Dehe Wintun Nation, the owner/Permittee shall provide, for review and approval by Napa County, a Cultural Monitoring Plan prepared by a professional archaeologist certified by the Registry of Professional Archeologists (RPA). The Cultural Monitoring Plan shall outline monitoring requirements including but not limited to, sensitivity training for site workers, identification of project activities and project site areas requiring an on-site monitor, find procedures, and monitoring documentation and reporting procedures.
 - c. If human remains are encountered the Napa County Coroner shall be informed to determine if an investigation of the cause of death is required and/or if the remains are of Native American origin. Pursuant to Public Resources Code Section 5097.98, if such remains are of Native American origin the nearest tribal relatives as determined by the State Native American Heritage Commission will be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity.
 - d. In the event that a discovery of a breas, true, and/or trace fossils are discovered during ground disturbing activities, all work within 100 feet of the fined shall be temporarily halted of diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agencies to determine procedures that should be followed before ground disturbing activities are allowed to resume at the location of the find.
 - e. All persons working on-site shall be bound by contract and instructed in the field to adhere to these provisions and restrictions.
6. Implementation of the following Air Quality Best Management Practices during construction activities, and vineyard maintenance and operations:
- a. All exposed surfaces (graded areas, staging areas, stockpiles, and unpaved roads) shall be covered or water twice per day.
 - b. All trucks hauling soil, sand and other loose materials shall be covered in accordance with Section 23114 of the California Vehicle Code during transit to and from the site.
 - c. The site access road and adjacent public roads shall be swept daily with wet power vacuum street sweepers, if visible soil material is carried/tracked out onto roadways.
 - d. Traffic on unpaved areas and roads shall be limited to 15 mph.
 - e. Grading and earthmoving activities shall be suspended when winds exceed 25 mph.

- f. 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). Signs clearly indicating this provision shall be installed at all access points.
 - g. All construction equipment shall be maintained and properly tuned in accordance in manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - h. A sign with the telephone number and person to contact at the Lead Agency regarding dust complaints shall be visibly posted at the site. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
7. Implementation of the following Hazardous Materials Best Management Practices during vineyard maintenance and operations:
- a. Workers shall follow manufacturer's recommendations on use, storage and disposal of chemical products;
 - b. Workers shall avoid overtopping fuel gas tanks and use automatic shutoff nozzles where available;
 - c. During routine maintenance of equipment, properly contain and remove grease and oils;
 - d. Discarded containers of fuel and other chemicals shall be properly disposed of;
 - e. Spill containment features shall be installed at the project site wherever chemicals are stored overnight
 - f. All refueling, maintenance of vehicles and other equipment, handling of hazardous materials, and staging areas shall occur at least 100 feet from water courses, the existing groundwater well, and any other water resource to avoid the potential for risk of surface and groundwater contamination; and,
 - g. To prevent the accidental discharge of fuel or other fluids associated with vehicles and other equipment, all workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

8. Groundwater management – Wells. This condition is implemented jointly by the Public Works and PBES Departments:

The Permittee shall be required (at the Permittee's expense) to record well monitoring data (specifically, static water level no less than quarterly, and the volume of water withdrawn no less than monthly) for all wells supplying water to the project. Such data will be provided to the Public Works Director in April and October, and upon request if the Director of Planning, Building, and Environmental Services (PBES Director) determines that substantial evidence indicates that water usage at the project is affecting, or would potentially affect, groundwater supplies or nearby wells. If data indicates the need for additional monitoring, and if the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project. Water usage shall be minimized by use of best available control technology and best water management

conservation practices.

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

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

9. Installation of wildlife exclusion fencing:

- a. Installation of wildlife exclusion fencing shall generally be limited to the perimeter of the proposed vineyard areas to ensure adequate wildlife movement and use through the remainder of the property.
- b. Exit gates shall be installed at the corners of wildlife exclusion fencing to allow trapped wildlife to escape. Smooth wire instead of barbed wire shall be utilized to top wildlife exclusion fencing to prevent entanglement.

10. All persons working on-site shall be bound by contract and instructed in the field to adhere to all provisions and restrictions specified above.

11. Monitoring Costs: All staff costs associated with monitoring compliance with the above conditions shall be borne by the Permittee and/or property owner. The Permittee shall make an initial deposit of \$5,000 within 30 days of the effective date of this approval to fund staff monitoring. 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 at the rate in effect at the time monitoring occurs. Violations of conditions of approval or mitigations

EXHIBIT A

REVISED CONDITIONS OF APPROVAL ANTHEM WINERY VINEYARD CONVERSION #P14-00320-ECPA 3454 Redwood Road, Napa APN 027-310-039 (Winery Parcel) and 3123 Dry Creek Road, Napa, APN 035-460-038 (Access Parcel)

This permit encompasses and shall be limited to the project commonly known as the **Anthem Winery Vineyard**, located at 3454 Redwood Road. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, lessees, and successors in interest of the vineyard to ensure compliance is achieved.

1. Strictly conform to all provisions of approved Agricultural Erosion Control Plan #P14-00322-ECPA, including but not limited to the provisions listed below. Any changes or modifications to the approved plan may necessitate that you file a plan revision with the Conservation Division prior to implementing the desired changes. In that case, further environmental review may need to be undertaken.
 - a. Temporary erosion control measures/materials, such as but not limited to straw wattles, shall be composed of biodegradable materials so that animals do not become entangled within them.
 - b. Refrain from disposing of debris, storage of materials, or constructing/operating the vineyard, including vineyard avenues, outside the boundaries of the approved plan, or within required setbacks Pursuant to Napa County Code Section 18.108.025 (General Provisions – Intermittent/perennial streams). Furthermore, consistent with Condition of Approval #7(f) below, all operational activities that include the use or handling of hazardous materials, such as but not limited to agricultural chemical storage and washing, portable restrooms, vehicular and equipment refueling/maintenance and storage areas, soil amendment storage and the like, shall occur at least 100 feet from groundwater wells, water courses, streams and any other water resource to avoid the potential risk of surface and groundwater contamination, whether or not such activities have occurred within these areas prior to this ECPA approval.
 - c. Obtaining prior to commencement of work any/all other required Local, State and Federal permits necessary to implement this project
2. The Permittee shall fully comply with **Mitigation Measures BIO-1** through **BIO-1** in the attested Project Revision Statement (dated August 30, 2018: restated below):
 - a. **MM BIO-1:** Prior to commencement of any earthmoving activities, a qualified wildlife biologist shall conduct preconstruction to accurately identify the locations of special status plant species (i.e. native grassland) within the project site. Temporary fencing shall be installed along the outer boundary of native grassland identified through the preconstruction survey. No disturbance, including grading, placement of fill material, storage of equipment, shall occur within the designated areas for the duration of project construction. All fencing shall be maintained for the duration of winery and vineyard construction.

Monitoring: The precise locations of the protection fencing shall be inspected and approved by the Planning Division prior to the commencement of any earthmoving activities.

- b. **MM BIO-2:** If vegetation clearing or other land disturbance is proposed during the bird and raptor breeding season (February 15 through August 31), the work shall be preceded by a survey for special-status bird species and migratory passerines (perching birds) by a qualified biologist within 14 days prior to the beginning of work. In the event that nesting birds or raptors are found during the survey, construction buffers shall be established by the biologist in cooperation with the California Department of Fish and Wildlife. These buffers shall remain in place until offspring have fledged or after August 31.

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

- c. **MM BIO-3:** Tree trimming and/or removal should only be conducted during seasonal periods of bat activity; August 31 through October 15, when young bats would be able to fly and forage independently, and March 1 to April 15 to avoid hibernating bats, and prior to formation of maternity colonies. Any trees proposed for removal containing suitable bat roost habitat shall be removed using a two-day phased removal method. On day one (in the afternoon), limbs and branches would be removed using chainsaws only. Limbs with cavities, crevices, and deep bark fissures would be avoided. On day two, the rest of the tree would be removed under the supervision of a qualified bat expert. If tree removal must occur outside of the seasonal activity periods mentioned above, i.e., between October 16 and February 28/29, or between April 16 and August 30, a qualified bat expert should conduct preconstruction surveys within 14 days of starting construction. Survey methods, timing, duration, and species should be reviewed and approved by CDFW prior to starting construction. If bats or evidence of their presence is found during the survey then the qualified bat expert should develop a plan for removal and exclusion, in conjunction with CDFW.

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

- d. **MM BIO-4:** Prior to any earthmoving activities, temporary fencing shall be placed at the edge of the dripline of oak woodland and trees to be retained that are located within 50-feet of the project area. No disturbance, including grading, placement of fill material, storage of equipment, etc. shall occur within the designated area for the duration of winery facility development and vineyard installation. All fencing shall be maintained for the duration of winery and vineyard construction. Trees of 5+ inches in diameter at 4.5 feet from natural grade that are removed during the winery and vineyard construction and that are not within the boundary of the project and/or not identified for removal as part of #P14-00320-UP or #P14-00322-ECPA, shall be replaced on-site with fifteen-gallon trees at a ratio of 2:1 at locations approved by the director, or replaced with small trees at a higher ration to be determined by the director or designee. Replacement trees shall be native species consistent with those removed or occurring within the parcel. Furthermore, the Permittee shall refrain from severely trimming trees to be retained that are adjacent to the winery development areas and vineyard conversion areas, other than that necessary to provide defensible space in accordance with CalFire recommendations and requirements.

Monitoring: The precise locations of said fences shall be inspected and approved by the Planning Division prior to the commencement of any earthmoving activities.

3. Pre-construction meeting: No more than two weeks prior to the commencement of any vegetation removal, earth-disturbing activities, or other development activities associated with this ECPA, the owner shall schedule an on-site pre-construction meeting that shall include the project planner, Permittee or owner's agent, plan preparer, vineyard manager, contractor(s), and any other parties deemed necessary by Engineering and Conservation Division staff, such as but is not limited to: County Engineering and Conservation Division staff, the project biologist, or representatives of any affected responsible or trustee agency. The purpose of this meeting will be to review the development requirements of #P14-00322-ECPA including but not limited to: implementation and compliance with project specific conditions of approval, timing of development activities and winterization of the site, the details of the approved plan, and ECPA modification process. All required protective buffers, including buffer fencing/delineation, shall be installed prior to the pre-construction meeting for inspection by Engineering and Conservation Division staff. Development activities associated with #P14-00322-ECPA shall not commence until the owner/Permittee has received written clearance from the Engineering and Conservation Division indicating that all pre-construction conditions have been satisfied.

4. Erosion and Runoff Control (i.e. Hydromodification) Installation and Operation: The following conditions shall be incorporated by referenced into #P14-00322-ECPA pursuant to NCC Chapter 18.108 (Conservation Regulations):
 - a. Permanent Erosion and Runoff Control Measures: Pursuant to NCC Section 18.108.070(L) installation of runoff and sediment attenuation devices and hydromodification facilities including, but not limited to straw wattles and cover crop. Additionally, pursuant to NCC Section 18.108.135 "Oversight and Operation" the qualified professional that has prepared this erosion control plan (#P14-00322-ECPA) shall oversee its implementation throughout the duration of the project, and that installation of erosion control measures specified for the vineyard have be installed and are function correctly. Prior to the first winter rains after construction begins, and each year thereafter until the project has received a final inspection from the county or its agent and been found complete, the qualified professional shall inspect the site and certify in writing to the planning director, through an inspection report or formal letter of completion verifying that all of the erosion control measures, required at that stage of development have been installed in conformance with the plan and related specifications, and are functioning correctly.

 - b. Cover Crop Management/Practice: The permanent vineyard cover crop shall not be tilled (i.e. shall be managed as a no till cover crop) for the life of the vineyard and the owner/Permittee shall maintain a plant residue density of 80% within the vineyard and vineyard avenues. The cover crop may be spot sprayed, no greater than 12 inches wide at the base of vines, with post-emergent herbicides from April 1st to September 1st. Should the permanent no till cover crop need to be replanted/renewed during the life of the vineyard, cover crop renewal efforts shall follow the County "Protocol for Replanting/Renewal of Approved Non-Tilled Vineyard Cover Crops" July 19, 2004, or as amended.

5. Discovery of historical, archaeological, paleontological resources, or human remains during construction, grading, or other earth moving activities.

- a. In accordance with CEQA Subsection 15064.5(f), should any previously unknown historic or prehistoric resources, including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable solids, glass, metal, ceramics, wood or similar debris, be discovered during grading, trenching or other on-site excavation(s), earth work within 100-feet of these materials shall be stopped until a professional archaeologist certified by the Registry of Professional Archaeologists (RPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), as determined necessary.
 - b. Prior to the commencement of construction of the Winery Facility (#P14-00320-MOD) or vineyard (#P14-00322-ECPA), owner/Permittee shall provide documentation to the Napa County Planning Department that a Monitoring Agreement with the Yocha Dehe Wintun Nation has been entered into. Should the owner/Permittee be unsuccessful in entering into a monitoring agreement with the Yocha Dehe Wintun Nation, the owner/Permittee shall provide, for review and approval by Napa County, a Cultural Monitoring Plan prepared by a professional archaeologist certified by the Registry of Professional Archeologists (RPA). The Cultural Monitoring Plan shall outline monitoring requirements including but not limited to, sensitivity training for site workers, identification of project activities and project site areas requiring an on-site monitor, find procedures, and monitoring documentation and reporting procedures.
 - c. If human remains are encountered the Napa County Coroner shall be informed to determine if an investigation of the cause of death is required and/or if the remains are of Native American origin. Pursuant to Public Resources Code Section 5097.98, if such remains are of Native American origin the nearest tribal relatives as determined by the State Native American Heritage Commission will be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity.
 - d. In the event that a discovery of a breas, true, and/or trace fossils are discovered during ground disturbing activities, all work within 100 feet of the fined shall be temporarily halted of diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agencies to determine procedures that should be followed before ground disturbing activities are allowed to resume at the location of the find.
 - e. All persons working on-site shall be bound by contract and instructed in the field to adhere to these provisions and restrictions.
6. Implementation of the following Air Quality Best Management Practices during construction activities, and vineyard maintenance and operations:
- a. All exposed surfaces (graded areas, staging areas, stockpiles, and unpaved roads) shall be covered or water twice per day.
 - b. All trucks hauling soil, sand and other loose materials shall be covered in accordance with Section 23114 of the California Vehicle Code during transit to and from the site.
 - c. The site access road and adjacent public roads shall be swept daily with wet power vacuum street sweepers, if visible soil material is carried/tracked out onto roadways.
 - d. Traffic on unpaved areas and roads shall be limited to 15 mph.
 - e. Grading and earthmoving activities shall be suspended when winds exceed 25 mph.

- f. 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). Signs clearly indicating this provision shall be installed at all access points.
 - g. All construction equipment shall be maintained and properly tuned in accordance in manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - h. A sign with the telephone number and person to contact at the Lead Agency regarding dust complaints shall be visibly posted at the site. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
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