



A Tradition of Stewardship
A Commitment to Service

Environmental Management

1195 Third Street, Suite 101
Napa, CA 94559
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Steven Lederer
Director

MEMORANDUM

To:	Napa County Planning Department Hillary Gitelman, Planning Director	From:	Napa County Environmental Management Department Kim Withrow, Senior Environmental Health Specialist
Date:	January 26, 2009	Re:	Use Permit Application for David Busby Located at Technology Way Assessor Parcel # 057-250-023 File #P08-00654

We have reviewed the above proposal and recommend approval of the application providing the following are included as conditions of approval:

1. All sanitary waste water lines of the proposed development must be connected to the Napa Sanitation District.
2. Any hazardous waste produced on the site including any laboratory wastes, must be stored and disposed of in a manner consistent with Division 20, Chapter 6.5 of the California Health and Safety Code and with Title 22, Division 4.5, of the California Code of Regulations. A Hazardous Waste Generator Permit must be obtained from Environmental Management.
3. Pursuant to Chapter 6.5 & 6.95 of the California Health and Safety Code, businesses that generate hazardous waste and/or store hazardous materials above threshold amounts shall file a Hazardous Waste Generator Application and/or Hazardous Materials Business Plan with the Department of Environmental Management within 30 days of said activities. All businesses must submit the required Business Activities Form which can be obtained from the Department of Environmental Management
4. Plans for the proposed hold and haul system shall be designed by a Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be granted until such plans are approved by the Department of Environmental Management.

5. A permit for the installation of the holding tanks and alarm system must be secured from the Department of Environmental Management prior to issuance of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system. To secure this permit you will be required to submit a scaled plot plan showing the location of the proposed septic system relative to the proposed project and other structures, the required 100% expansion area as well as the proposed trench detail. If special design sewage disposal plans are required, such plans shall fulfill this requirement.
6. An annual sewage permit must be obtained for the engineered/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.
7. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
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.
9. Adequate area must be provided for collection of recyclables. The applicant must contact the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site.
10. All diatomaceous earth and/or bentonite must be dried and disposed of as solid waste or in another appropriate manner. If the proposed septic system is either a special design sewage disposal system or a private sewage disposal system, the plan submitted for review and approval must address diatomaceous earth/ bentonite disposal.
11. The proposed parcel(s) must be connected to the City of American Canyon water system.

cc: Darrell Choate, Senior Environmental Health Specialist
David Busby, 455 Technology Way, Napa, CA 94558



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Conservation, Development and Planning

1195 Third Street, Suite 210
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Main: (707) 253-4417
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Hillary Gitelman
Director

5-9-09

Building Inspection Department review comments for inclusion with:

Planning Department permit: P08-00654 Use Permit General

Status of Building Department review of this Permit: Approved

At property: 057-250-023-000
Technology Way, Napa, CA

Owner: David Busby

Description of permit: Wine production facility with associated crush, barrel storage, case storage, and shipping. Project includes winery business administration, laboratory, etc. No public tours or tastings.

Comments:

The Building Department has no issues or concerns with the approval of the Use Permit General. No significant California Building Standards Code issues can be foreseen at this time based on the information presented. Any such issues will be dealt with during future building permit application and review processes.

All plans and documents for commercial projects are required by State Law to be prepared and coordinated under the direction of a California Licensed Architect, or other allowable properly CA-Licensed Design Professional in Responsible Charge (Business and Professions Code, Chapter 3, Division 3 & California Building Code, Appendix Chapter 1).

Prior to any future construction work applicable building permits for the work must first be obtained; all work must comply with all applicable code requirements, including accessibility requirements of CBC Chapter 11B. Submit complete & appropriate plans, specifications, energy compliance and engineering, etc. when applying for permits.

Eric Banvard
Plans & Permit Supervisor
Conservation Development & Planning
Napa County, CA 94559



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Department of Public Works

1195 Third Street, Suite 201
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Main: (707) 253-4351
Fax: (707) 253-4627

Robert J. Peterson, P.E.
Director of Public Works

GROUNDWATER MEMORANDUM

DATE: May 13, 2009

TO: Conservation Development and Planning Department

FROM: Jeannette Doss, Assistant Engineer *JD*
Phone: 707-259-8179
Email: jdoss@co.napa.ca.us

SUBJECT: Busby Wine Production Facility, APN# 057-250-023, File # P08-00654

The application will allow the applicant to construct a wine production facility totaling 18,162 sq ft with a total production of 50,000 gal/yr and the associated site improvements. The project is located near the corner of Technology Way and Morris Court in the Airport Industrial Area in Napa.

RECOMMENDED CONDITIONS:

1. The applicant has submitted a will serve letter from the City of American Canyon dated April 7, 2009 for water service. No on site wells shall/will be used to serve this parcel. No further analysis is necessary.



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Department of Public Works
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Donald G. Ridenhour, P.E.
Director of Public Works
County-Engineer
Road Commissioner

INTEROFFICE MEMORANDUM

To: Conservation Department and Planning Department. Project Planner - Sean Trippi	From: Napa County Public Works Drew Lander, Assistant Engineer 707-253-4892
Date: June 18, 2009	Re: Request For Review: Busby Technology Way Winery APN 057-250-023 P08-00654

The application is for the permit of a new wine production facility totaling 18,162 sqft with a total production of 50,000gal/yr and the associated site improvements. The project is located west of Technology Way approximately 200ft south of the intersection with Morris Court.

Engineering Discussion/Findings:

1. The site is part of an existing business park with all of the necessary utilities and infrastructure in place within Technology Way.
2. The site is mostly flat sloping to the West.
3. No improved encroachment has been constructed.
4. No existing impervious surface is found on the property.
5. There are no existing road or drainage improvements on the proposed parcel.
6. The northeasterly boundary is bordered by Sheehy Creek which conveys water to the south.
7. The southern boundary is developed as light industrial.
8. The westerly boundary is developed as light industrial.
9. Parking surface is currently nonexistent.
10. The applicant has submitted a will serve letter from the City of American Canyon for water service dated April 7th, 2009. No on site wells will be used to serve this parcel. No further analysis is necessary.

RECOMMENDED CONDITIONS:

As used throughout these Conditions of Approval, professional titles such as "engineer", surveyor, and "architect" refer to persons currently certified or licensed to practice their respective professions in the State of California.

GROUNDWATER

1. *The Developer must comply with all associated requirements and exhibits relating to water conditions to be imposed on all parcels as described in Napa County Agreement No. 7070, between the County of Napa and the City of American Canyon. This agreement and all its parts shall be effective as of July 3rd, 2008. (See Attached Exhibits E,F,G,H)*

NEW DRIVEWAY:

2. Access driveways shall be designed to meet the Airport Industrial Area standards. Structural section shall be a minimum section equivalent to support an H20 load designed by an engineer and shall not be less than two inches of asphalt concrete over five inches of Class II Aggregate or equivalent. (County Road and Street Standards, Page 9, Par. 12)

PARKING:

3. Any additional parking proposed by the Developer or required by the Planning Commission as a condition of this use permit must have a minimum structural section equivalent to support an H20 load designed by an engineer and shall not be less than two inches of asphalt concrete over five inches of Class II Aggregate. (County Road and Street Standards, Page 27, Section 19).
4. Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards.

SITE IMPROVEMENTS:

5. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.
6. The applicant shall furnish a complete set of the electronic files of all approved improvement plans on a storage media acceptable to the County Engineer. The files shall be saved in a standard file format so they may be fully retrievable through a basic AutoCAD program or CAD file viewer.
7. At the completion of construction, and prior to the final approval by the County, the applicant shall verify that all electronic files provided to the County reflect any changes to the approved plans made during construction and that all plans reflect the as built conditions.
8. Grading and drainage improvements shall be constructed according to the latest "Napa County Road and Street Standards" and the California Building Code. Specifically, all cuts and fills slopes shall be setback to meet the latest CBC.
9. The Developer must obtain an encroachment permit for any work performed within the Napa County Right-of-Way.
10. The applicant shall furnish proof of easements, or written permission, as appropriate, from those owners of all abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments will occur prior to issuance of any construction permits.

AIRPORT SPECIFIC CONDITIONS:

11. Developer will pay all applicable Napa County Airport Road Improvement and Development Fees prior to receiving any building permits for this project. Upon approval of this use permit, the Developer should contact the Public Works office to obtain information regarding the determination of this fee.
12. All Public Works related improvements shall conform to the latest Napa County Road and Street Standards and the latest Napa County Airport Area Specific Plan.

MAINTENANCE:

13. Prior to final occupancy the property owner must legally record an “implementation and maintenance agreement” approved by the Public Works department to ensure all post-construction structures on the property remain functional and operational for the indefinite duration of the project.
14. Each year the entity responsible for maintenance is required to complete an annual report that includes copies of completed inspection and maintenance checklists to document that maintenance activities were conducted during the previous year. The annual report shall be retained for a period of at least five years and made available upon request by the County.

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:

15. Project must conform and incorporate all appropriate site design Best Management Practices as required by the Napa County manual for *Post-Construction Runoff Management Requirements* which is available at the Public Works office.
16. In design of retention facilities, the maximum percolation rate shall be two inches per hour.
17. For on-site common retention basins, the side slopes shall not exceed 3:1.
18. The development shall be graded to permit storm flow in excess of retention capacity to flow out of the development through a designated overflow and into the historic drainage relief routes.
19. If any discharge of concentrated surface waters is proposed into any “Waters of the State,” the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board prior to the issuance of applicable construction permits.
20. The application shall incorporate Site Design, Source Control and Treatment control Best Management Practices to comply with County and State water quality standards.
21. Post-development runoff volume shall not exceed pre-development runoff volume for the 2-year, 24-hour storm event. Post-development runoff volume shall be determined by the same method used to determine pre-development conditions. If post-development runoff volume exceeds pre-development runoff volume after the site design BMPs are incorporated into the project’s overall design, a structural BMP (e.g. bio-retention unit) may be used to capture and infiltrate the excess volume. Waivers from this requirement can only be granted by the Director of Public Works.
22. Provide concrete stamping, or equivalent, of all stormwater conveyance system inlets and catch basins within the project area with prohibitive language (e.g., “No Dumping – Drains to Napa

River”). Signage shall identify the receiving water the drain discharges to and include a message in Spanish.

23. Trash storage areas shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, and screened or walled to prevent off-site transport of trash. Trash storage areas must contain attached lids on all trash containers that exclude precipitation or must be stored under a roof or awning to minimize direct contact with stormwater.

CONSTRUCTION STORMWATER MANAGEMENT REQUIREMENTS:

24. The site plans indicate that the construction activity will result in disturbance of greater than one acre of total land area. Therefore, the permittee will be required to obtain coverage in accordance with Napa County’s General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ) issued by the Regional Water Quality Control Board (SRWQCB). To achieve this, the permittee shall file a Notice of Intent with the SRWQCB prior to any grading or construction activity. Construction activity subject to this permit includes but is not limited to clearing, grading and disturbances to the ground such as stockpiling, or excavation
25. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which will be approved by this Department. If any discharge of concentrated surface waters is proposed into any “Waters of the State,” the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.
26. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP should contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP must list Best Management Practices (BMPs) the discharger will use to protect storm water runoff and the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Section A of the Construction General Permit describes the elements that must be contained in a SWPPP.

OTHER RECOMMENDATIONS:

27. All improvements shall be constructed according to plans prepared by an engineer which will be reviewed and approved by this office. Improvement plans shall be submitted with the building permit. A plan check fee will apply.
28. Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee and County shall survey and document the condition of County roads before construction begins, and then reevaluate conditions at the end of construction. Prior to Occupancy of any buildings

or commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.

29. Storm drain calculations within the Public Right of way shall be analyzed using the following design criteria:

- a) 10 year storm is conveyed within the pipe
- b) 100 year storm event is conveyed without entering the travel way

30. Cover over the storm drain lines shall meet the County standard trenching requirements. Therefore, Engineer shall provide a design report confirming that the County standards can be met or equivalent.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items please contact Drew Lander at 253-4351. For groundwater questions, please contact Jeannette Doss.

EXHIBIT E

Water Conditions To Be Imposed On All Parcels (City Customers and Outside Customers) For Which New Water Service is Requested

The City of American Canyon ("City") may impose the conditions listed below on new water services for Outside Customers by including these conditions in the "will-serve" letters that the City provides to such Outside Customers, but only if the City also imposes the same conditions on all new water services for parcels with similar uses within the City's limits. The County shall include these same conditions in all new land use development permits for parcels within the Airport Industrial Area Specific Plan area.

1. **City Capacity Fees and Conditions of Approval for Water Service.** Capacity Fees charged for parcels within the City's Water Service Area shall be established by the City and will be periodically reviewed and updated. Capacity Fees (also known as Connection Fees) will be uniform throughout the Water Service Area, regardless of whether the parcel to which the fee applies is inside or outside the City's Limits. The Capacity Fee and any conditions on new water service will be determined based on the Water Supply Report, which shall contain the analysis described in Part II.C. of Exhibit "F" of this Agreement, and which will be consistent with the City's Zero Water Footprint Policy, adopted by the City on October 23, 2007.
2. **Cost of Water Service.** The cost of new water service shall be imposed through the capacity fees in the City's Ordinance 2007-09 or through new capacity fees approved by the County and enacted in a new City ordinance. However, if the Water Supply Report finds, consistent with the City's Zero Water Footprint Policy (see Exhibit F), that the City will have to obtain additional water supplies to meet "dry year" shortfalls, then the cost of water to meet such "dry year" shortfalls will be the sole responsibility of the Applicant. In determining whether or not such "dry year" shortfalls will occur, the City shall include in the base supplies available to the City during "dry years" the new water supplies that have been or will be included in the calculations used to set the City's Capacity Fees and water rates. The City will conclude that "dry year" shortfalls will occur only if such base supplies will not be adequate to meet anticipated "dry year" demands. The City may not impose any costs on the Applicant under this section to reimburse the City for any capital or operating costs that have been or will be included in the calculations used to set the City's Capacity Fees or water rates. The City may impose the additional costs described in the preceding sentence on Outside Customers only if the City also imposes such additional costs uniformly on City Customers.
3. **Maximum Allowable Water Use.** Water received from the City for use on parcels within the Airport Industrial Area Specific Plan area and on parcels with similar uses within the City's limits shall be limited to an average of 650 gallons of water per day per acre (measured monthly), and Applicants for new or increased City water service for all such parcels shall be required to demonstrate to the City while the City is preparing the Water Supply Report for the Applicant the maximum extent to which the Applicant can further reduce its water consumption by applying the following best management practices:

- **No Flow or Low Flow Fixtures.** These Applicants shall be required to install no flow or low flow water fixtures, and to implement other reasonable water conservation measures that are described in the City's Water Conservation Guidelines adopted in the City's Resolution No. 2008-08 or in new City water conservation guidelines approved by the County and adopted in a new City ordinance or resolution.
- **Drought Tolerant Landscape & Irrigation with Recycled Water.** These Applicants shall be required to use only drought tolerant landscaping, and they may only irrigate landscaped areas with recycled water, when it is available.
- **Purple Pipe.** These Applicants shall be required to dual plumb their buildings and install "purple pipe" in all landscape areas in anticipation of the availability of recycled water and shall use the recycled water when available.
- These Applicants shall follow the water conservation methods that are described in the Water Conservation Guidelines adopted in the City's Resolution No. 2008-08 or in new City water conservation guidelines approved by the County and adopted in a new City ordinance or resolution.

The City may apply the provisions of this Paragraph 3 to Applicants for new or increased City water service for parcels within the Airport Industrial Area Specific Plan area only if the City also uniformly applies these provisions to all Applicants for new or increased City water service for parcels with similar uses within the City's limits.

4. **Water Offsets.** Applicants for City water service for parcels within the Airport Industrial Area Specific Plan area and for parcels with similar uses within the City's limits that wish to use more than an average of 650 gallons of water per day per acre (measured monthly) shall offset the proposed water use over 650 gallons per day per acre (measured monthly) through the use of one or more options that are made available by the City to the Applicants. These options include, but are not limited to, retrofitting of existing residences with low flow fixtures, purchase of otherwise developable land as permanent open space, or acquisition of other water supply resources as provided for by a water supply analysis that follows the Zero Water Footprint Methodology described in Exhibit F. The City shall make all such options available uniformly to Applicant for City water service for parcels within the Airport Industrial Area Specific Plan area and for parcels with similar uses within the City's limits, and that seek such offsets.

5. **Drought Restrictions.** To the extent permitted by law, the City may curtail or ration the use of water provided by the City below the limit of 650 gallons per day per acre (measured monthly) in dry years through the imposition of drought restrictions that are uniformly applied throughout the City's Water Service Area.

EXHIBIT F

Zero Water Footprint and Water Supply Report Methodology

I. PURPOSE

To implement the Zero Water Footprint Policy adopted by the City Council on October 23, 2007. In this policy, "Zero Water Footprint" is defined as:

"No loss in reliability or increase in water rates for existing water service customers due to requested increased demand for water within the City's Water Service Area."

II. PROCEDURES

- A) **Initial Request.** Applicants for all projects requiring additional water supplies from the City of American Canyon, either inside City limits or in the City's Water Service Area but outside of City limits, shall complete a water supply worksheet estimating average and peak use for indoor and outdoor uses and provide the completed worksheet to the City's Engineering Division.
- B) **Evaluation of Water Footprint.** The Engineering Division shall evaluate the water footprint of the project, using the water supply worksheet provided by the Applicant, to determine whether a Water Supply Report is required. A Water Supply Report will not be required if the project meets the adopted Zero Water Footprint definition. This can be accomplished by projects with no additional water demand or by projects which offset increased water demand by off-site conservation measures.
- C) **Water Supply Report.** A Water Supply Report shall be prepared for all projects that do not meet the adopted Zero Water Footprint definition. The Water Supply Report shall be prepared by the City of American Canyon at the cost of the project applicant. The Water Supply Report shall be substantially in the form of the report approved in the City's Resolution No. 2008-02, or in a new form approved by the County and approved by the City in a new resolution and shall include the following analysis:
 - 1) Water service request
 - a) Description of project
 - b) Water service request
 - (i) Average Daily Demand
 - (ii) Peak Day Demand
 - c) Conservation Measures Included in Project
 - 2) Consistency
 - a) Urban Water Management Plan
 - b) Recycled Water Facilities Plan
 - c) Water Conservation Implementation Guidelines
 - 3) Water footprint
 - a) Zero Water Footprint Definition
 - b) Project's impact on reliability
 - c) Project's impact on rates

- d) Project's water footprint
- 4) Project's contribution
 - a) Capacity fee
 - b) Reimbursable improvements
- 5) Capital program status
 - a) Summary
 - b) System planning status
 - c) Water supply
 - (i) Water supply implementation status
 - (ii) Water supply alternatives
 - d) Water treatment
 - (i) Water treatment implementation status
 - (ii) Water treatment alternatives
 - e) Water storage, transmission, and distribution status
 - f) Water capital program financial status
- 6) Vineyards analysis
 - a) Vineyards decision
 - b) Facts with respect to solutions to water supply problems
 - c) Water supply over the life of the project
 - d) Impacts of likely future water sources
 - e) Possible replacement sources and their impacts
- 7) Recommended mitigations
 - a) Long term water mitigations
 - b) Short term water mitigations
- 8) Opportunities to reduce project's water footprint
 - a) On-site conservation opportunities
 - b) Off-site conservation opportunities

D) Applicant Review of Water Supply Report. The Water Supply Report, once approved by the City, will be furnished to the project applicant. If the applicant elects to revise the project to reduce the water footprint, the Water Supply Report may be revised at the applicant's cost.

E) Water Will Serve Letter. Water will-serve letters are required for projects outside of the Napa Valley Gateway project limits that are requesting increased water services from the City. The Napa Valley Gateway project is subject to the terms and conditions of a will-serve letter for the entire project agreed upon between the City of American Canyon and Charles Slutzkin of Napa Valley Gateway Limited in a will-serve letter agreement dated December 13, 2002. So long as the terms and conditions of that will-serve letter agreement are complied with, developments of parcels within the Napa Valley Gateway project limits will not require any Water Supply Report or additional will-serve letters.

EXHIBIT G

Appeal Procedure: Zero Water Footprint Methodology

1. **Grounds for Appeal- Conditions of Approval.** If the water service application is for a parcel outside the City's limits, then the City shall, within 30 days of receipt of such application, provide to the Applicant and the County any conditions of approval that the City proposes to impose on the parcel at least 90 days before imposing the conditions of approval.

Conditions of approval that result from the Water Supply Report and that the City proposes to include in a water service will-serve letter that will be issued by the City for a parcel outside of the City's limits may be appealed by an Applicant under the process described in Section 3 below.

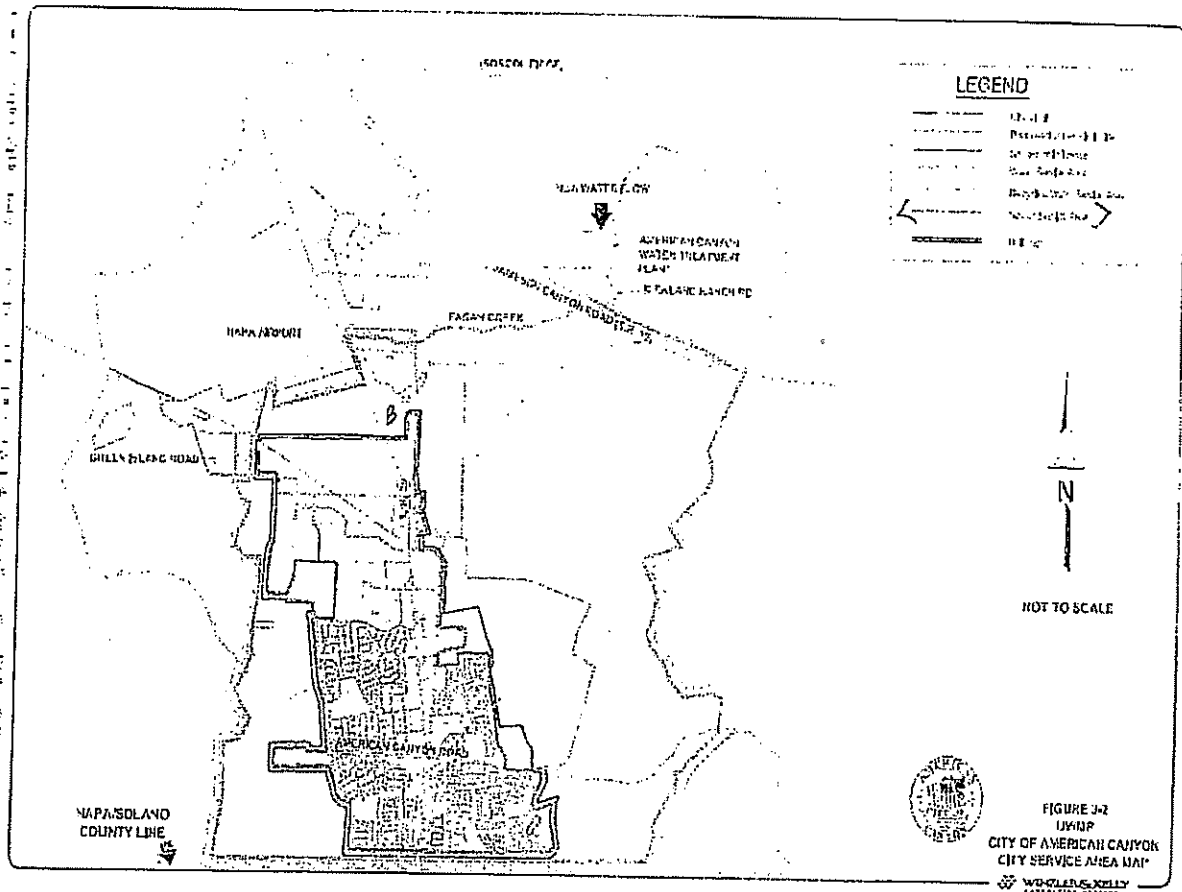
2. **Exceptions:** An appeal may not challenge water rates imposed by the City that are consistent with *Hansen v. City of San Buenaventura* (1986) 42 Cal.3d 1172, and the City's Ordinance 2007-13. An appeal also may not challenge Capacity Fees that are set pursuant to the City's Ordinance 2007-09, or new capacity fees approved by the County and enacted in a new City ordinance.

3. **Appeal Process and Appeal Panel.** An appeal of water service conditions of approval that the City proposes for a parcel outside the City's limits may be filed within ninety (90) days after the proposed conditions are forwarded to the Applicant and the County for inclusion in a development permit. The appeal will be heard by the panel described in the following paragraph, and this panel will determine whether any of the conditions under appeal is inconsistent with any provision of this Agreement.

The Appeal Panel will be made up of one member selected by the County Executive Officer, one member selected by the City Manager and one member selected by the two appointed members. If the two appointed members cannot agree on the third member, the name of each candidate shall be placed in a hat to be drawn for selection. The decision of the Appeal Panel will be final, but subject to judicial review pursuant to Code of Civil Procedure section 1094.5. The reasonable cost of the Appeal Panel shall be borne by the Applicant.

EXHIBIT H

City's Water Service Area



INTER-OFFICE MEMO



TO: Conservation, Development, and Planning Department

FROM: Alicia Amaro, Fire Department

DATE: May 1, 2009

SUBJECT: Busby Wine Production Facility Use Permit
Apn: 057-250-023 PO8-00654

Site Address: Technology Way, Napa

The Napa County Fire Marshal staff has reviewed the Use Permit application to construct an 18,162 square foot wine production and storage facility at the address above.

This application does not warrant additions to the fire protection conditions submitted on January 14, 2009 as long as **all construction, and use of the facility complies with all applicable standards, regulations, codes and ordinances at the time of building permit issuance.**

If there are any questions please feel free to contact the Napa County Fire Marshal's Office at (707) 967-1425 to discuss any other fire protection issue you may have regarding your project.

Alicia Amaro
Assistant Fire Marshal

CITY OF AMERICAN CANYON

Public Works Department

Gateway to the Napa Valley



April 7, 2008

Hilary Gitelman
Napa County Planning Department
1195 Third Street, Room 210
Napa, CA 94559

SUBJECT: February 27, 2008, Request for Water Service "Will Serve" Letter
Napa County APN 057-250-023
Busby Warehouse

Dear Ms. Gitelman:

The City of American Canyon ("City") has received a request from Mr. David Busby ("the Applicant") for a "Will Serve" letter for improvements and use as described below related to the proposed improvement of real property located on Technology Way at Napa County Assessor's Parcel Number 057-250-023 ("the Property"). The request is subject to both City and State legal requirements as detailed below.

At the May 6, 2000, City Council meeting, the City of American Canyon adopted Ordinance No. 2000-04, which revised the City's "Will Serve" policy for development outside the City's Urban Limit Line but inside its Water Service Area. Under City Ordinance No. 2000-04, the City is required to impose certain conditions and exactions prior to receiving water service for the above parcel. On October 23, 2007, the City Council of the City of American Canyon adopted a Zero Water Footprint Policy, further defining its water policy. The City's understanding of the development of this property is based on the representations of the Applicant in a communication dated February 27, 2008, from Mr. David Busby which states that the proposed development and use of the Property is warehouse space.

The Applicant is proposing to develop a project which consists of a 19,500-square-foot warehouse building on approximately 1.29 acres. The following table outlines the anticipated water usage at the proposed development.

The use and water use are as follows:

Warehouse:	19,500 square feet
Total lot acreage:	1.29 acres

Maximum Daily Water Demand in gallons per day:

Irrigation:	0 gpd
Warehouse:	827 gpd
Combined peak daily water usage:	827 gpd

Annual Average Daily Water Demand in gallons per day:

Irrigation:	0 gpd
Warehouse:	827 gpd
Combined peak daily water usage:	827 gpd

City records as of the date of this letter indicate 143,400 gpd are being used by existing projects or have been allocated to permitted development projects within Napa Valley Gateway. This property was issued a Will Serve letter on October 28, 2005. The 827 gpd is included as a permitted development project in the 143,400 gpd; therefore, there is no change to the allocation to the Napa Valley Gateway development. The 143,400 is less than the cap of 191,100 gpd agreed upon between the City of American Canyon and Mr. Charles Slutzkin of Napa Valley Gateway Development on December 13, 2002.

City Review

The City review of the proposed development is required as described previously, as well as established by City procedures which are meant to ensure that Will Serve letters are only issued based on assumed water and sewer demands for specified allowed densities of development, taking into account the overall demand for water and the overall demand for effluent discharge within the City's system.

The City will provide the level of water service requested by the Applicant, subject to the following conditions and/or the continued existence of the following described conditions:

1. Applicant shall be subject to the City's rules and regulations in force at the time application for service for the authorized and described development is made, including all fees and charges, unless otherwise agreed in writing.
2. Applicant shall construct all facilities required to serve the development property which shall be determined by the City based on the authorized and described development. Applicant shall bear 100% of the costs of the facilities required to serve the development property, subject to review and approval of the City's Public Works Department. Applicant shall also be responsible for paying its proportionate fair-share allocation of any additional regional facilities required to serve the development property, including, but not limited to, participation in a mutual beneficial assessment district to be initiated by others.
3. Applicant shall submit to the City cost estimates for the construction of all on- and off-site public water facilities required for the authorized and described development. If the City finds the costs reasonable, the Applicant shall pay to the City an amount equal to Applicant's proportionate fair share of 5% of the agreed-upon construction costs to cover plan check and inspection services by the City. This fee is fixed and non-refundable. This Will Serve letter is conditional upon the City's agreeing in writing to the estimated costs.
4. The Applicant shall waive all present and future protest(s) to a 40% surcharge on water rates for outside-the-City users or such other surcharge on water rates for outside-the-City uses as may be formulated by the City.
5. Because the City faces a cutback of up to 96% in its allocation from the State Water Project during extremely dry years, as documented by the City's Urban Water Management Plan, it is seeking additional water supply in the form of transfers of rights. The cost of this water supply is not known, nor is it included in the current City rates. The City is considering a drought surcharge on all customers, existing and new, in order to finance a drought reserve. The Applicant agrees to waive any protest to such a drought surcharge during its formulation and implementation and review under the

California Environmental Quality Act, Public Resources Code section 21000 *et seq.* ("CEQA").

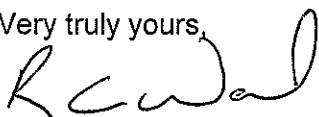
6. The City of American Canyon has submitted an application to the Local Agency Formation Commission ("LAFCO") to expand the City's Sphere of Influence to be consistent with its approved and adopted General Plan. The Applicant, Owner and its agents agree to actively support in writing the City in its SOI application before LAFCO.
7. LAFCO is currently considering how the City may extend water service outside its City Limits and SOI in association with the provisions of Government Code section 56133. The City represents that the provision of water service set forth in this communication is subject to LAFCO review as may be provided consistent with the provisions of Government Code 56133.
8. As a result of *Vineyard Area Citizens for Responsible Growth v. Rancho Cordova* (2007) 40 Cal.4th 412, the lead agency as defined under CEQA, here the County, in its environmental review of a development project, including what is currently proposed by the Applicant, must at a minimum accomplish an environmental review under CEQA that: (a) presents sufficient facts to evaluate the pros and cons of supplying the water that the project will need; (b) presents an analysis that assumes that all phases of the project will be built and will need water, and includes an analysis to the extent reasonably possible of the consequences of the impacts of providing water to the entire project; and (c) where it is impossible to determine that anticipated future water sources will be available, some discussion of possible replacement sources or alternatives to use of anticipated water and of the environmental consequences of those impacts must be presented. *Vineyard, supra*, 40 Cal.4th 430-434.

This Will Serve letter supersedes all prior purported Will Serve letters and service commitments to the development of the Property with any use. This Will Serve letter will remain valid for a period of two years from its date and is only valid for the authorized development. The City reserves the right to further condition extension of water service if development different from that presently proposed and authorized is pursued or if events out the City's control impact the City's ability to furnish water.

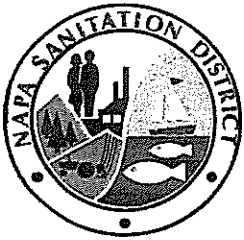
Except to the extent set forth, this letter does not create a liability or responsibility to the Applicant or to any third party on behalf of the City. The City does not make a determination as to land use entitlements required for the proposed project, and the issuance of this Will Serve Letter shall not be construed to be an expression of the City of a position regarding the use or intensity of use of the development property or that the County has complied with applicable law in assessing the proposed project under CEQA.

This Will Serve letter only becomes effective upon acceptance of the conditions set forth in this letter by execution of the acceptance provision set forth below and the transmittal of the executed acceptance to the City Public Works Department.

Very truly yours,



Robert C. Weil
Public Works Director



Dedicated to Preserving the Napa River for Generations to Come

935 HARTLE COURT
P.O. BOX 2480
NAPA, CALIFORNIA 94558-0522
TELEPHONE (707) 258-6000
FAX (707) 258-6048

April 6, 2008

Conservation, Development and Planning Department
County of Napa
1195 Third Street, Room 210
Napa, CA 94559

Re: APN 57-250-023 Lot 3 in Napa Valley Gateway Unit 3 Phase 7

To Whom it May Concern:

The Napa Sanitation District has received a request to provide a "Will Serve" letter for a proposed 19,000 square foot building to be constructed on the aforementioned parcel. It is anticipated that the building will be used as a warehouse with associated offices. The District has been informed that proposed development will generate approximately 1000 gallons of wastewater per day which is equivalent to approximately five single-family dwellings.

This property is within the District's boundaries, and the downstream sanitary sewer facilities are adequate to serve this development. The District will allow the proposed development to connect to the public sanitary sewer system upon payment of the appropriate connection and inspection fees, and shall be subject to all applicable rules and regulations of the District. Additional conditions of approval may be established by the District at the time a formal application is submitted to the County of Napa Planning Department.


Additionally, it should be noted that this area is within the District's Reclaimed Water Benefit Zone. The development will be required to install the necessary facilities to utilize reclaimed water for landscape irrigation.

This "Will Serve" letter is valid for a period of five years from the date of this letter. If the proposed development has not obtained its required Connection Permits from the District at the end of this time, this "Will Serve" letter shall become void.

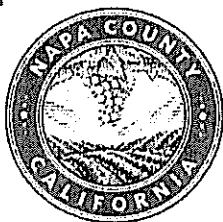
If you have any questions regarding this matter, please feel free to contact me.

Sincerely,

Timothy B. Healy, P.E.
Assistant General Manager/District Engineer


by: Todd Herrick
Senior Engineering Technician

cc: David Busby



A Tradition of Stewardship
A Commitment to Service

SEAN FILE #: P08-00654
Conservation Development and Planning

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

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

Hillary Gitelman
Director

**PERMIT APPLICATION AND INITIAL STUDY
REQUEST FOR COMMENTS**

LOT 3 - 3-7

TO: NAPA SANITATION DISTRICT

APPLICATION TITLE: Busby Wine Production Facility APN: 57-250-023

DESCRIPTION OF PROJECT: New wine production facility; 50,000 gal/yr;
18,162 sq. ft. building - No tours and tasting or marketing events;
located on Technology Way

RESPONSE REQUEST DATE: 1/8/09 RESPONSE RETURN DATE: 1/22/09

PLEASE RESPOND VIA E-MAIL TO: Strippi @co.napa.ca.us
OR FAX TO (707) 299-

This application (see enclosed project description and maps) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

1. Do you have any comments on this project? ☒ Yes ☐ No
2. Do you have jurisdiction by law over this project? ☒ Yes ☐ No
3. Attach your agencies comments, or list below: ☒ Comments attached
☐ Comments below.

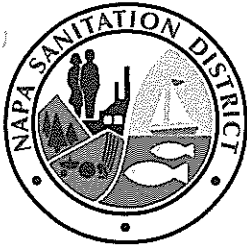
Name of contact person: TODD HERRICK Telephone #: (707) 258-6000 x 507

RECEIVED

JAN 26 2009

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Email: THERRICK@CO.NAPA.CA.US
Title: SR ENG. TECH
Date: 1/23/09



Dedicated to Preserving the Napa River for Generations to Come

935 HARTLE COURT
P.O. BOX 2480
NAPA, CALIFORNIA 94558-0522
TELEPHONE (707) 258-6000
FAX (707) 258-6048

January 23, 2009

Napa Sanitation District Conditions of Approval for Project P08-00654 (APN 057-250-023)

1. On page 8 of the application under Section II – Liquid Waste, Sub Section A – Disposal Method, it is noted that the applicant is proposing to off-haul the winery waste. However, drawing UP2 – Grading and Utility Plan shows the winery waste to be discharged to NSD. The applicant needs to clarify which disposal method will be used.
2. If the applicant proposes to discharged the winery and/or process wastewater to the District, the following conditions of approval are applicable:
 - a. The owner will be required to obtain an Industrial Waste Discharge Permit from the District for the proposed winery operation. Permit conditions will be established by the District at the time an application is made by the owner.
 - b. The owner shall install a flow meter and sampler on the process waste stream in accordance with District Guidelines. All winery and/or process waste water shall go through the flow meter and sampler.
 - c. The design of the pretreatment system and the building plans shall be submitted to the District for review. The pretreatment system shall be designed to insure that discharge of the winery and/or process wastewater conforms to the District's Local Limits.
3. If the applicant proposes to remove the winery and/or process wastewater by a hold and haul method, documentation of who will be hauling the waste and who will be accepting the waste shall be provided to the District.
4. The proposed project falls within the District's Reclaimed Water Benefit Zone. The proposed project shall utilize reclaimed water for all irrigation purposes. The onsite reclaimed water irrigation system shall be installed per NSD's "Water Reuse Program" manual.
5. The owner shall install a 3" private reclaimed water main across the frontage of the parcel in accordance with the N.V. Gateway Reclaimed Water Master Plan.

6. A plan and profile of the required sanitary sewer and reclaimed water line improvements shall be prepared by a registered civil engineer conforming to NSD standards, and shall be submitted to the District for approval.
7. The owner shall pay Connection, Inspection and Plan Check Fees as required by NSD Ordinance to the District prior to the issuance of building permits by the County of Napa and/or the issuance of an Industrial Waste Discharge Permit by the District.