

EXHIBIT B – CONDITIONS OF APPROVAL

NAPA COUNTY CONSERVATION, DEVELOPMENT & PLANNING DEPARTMENT CONSERVATION & DEVELOPMENT PLANNING COMMISSION

JOHN FISHER SUBDIVISION / CLAIRE LOUISE FISHER 1997 TRUST- JILL RANDAL FISHER 1997 TRUST- JOHN FISHER TENTATIVE TRACT MAP # P06-01290-TM APN 050-010-024, 030 and -043

August 19, 2009

1. SCOPE

This approval shall be limited to:

- A tentative tract map to subdivide three existing parcels (approximately 322.0, 428.2 and 391.79 acres) into six new parcels approximately 207.8 acres (Parcel 1), 165.6 acres (Parcel 2), 166.5 acres (Parcel 3), 188.7 acres (Parcel 4), 232.6 acres (Parcel 5) and 180.8 acres (Parcel 6) in size as indicated on plans dated June 11, 2009 prepared by Albion Surveys, Inc.;
- Construction of 1) a private access road along a shared, 40-foot wide access and utility easement, including shoulder turnouts every 400-feet, to provide access for Parcels 1, 2 and 3 building sites from Partrick Road, and 2) construction of rural driveways from Partrick Road to Parcels 4, 5 and 6 building sites, all subject to Public Works Department requirements; and
- No other development plans or change of use. Subsequent construction plans for single-family development on the six new parcels will be subject to Napa County regulations in effect at the time of development including, but not limited to, the Zoning Ordinance, Uniform Building, Plumbing, Electrical and Mechanical Codes and the Uniform Fire Code.

2. TRACT MAP

This tentative tract map shall be in substantial conformance with the submitted site plan and other submitted materials and shall comply with all requirements of the Napa County Code. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations to all designers, contractors, employees and guest to ensure compliance is achieved.

Any changes to the approved buildings and site improvements are not a part of this project, and are subject to subsequent review and approval, as applicable.

3. COUNTY SURVEYOR

The applicant shall submit a Final/Parcel Map to the Department of Public Works for review and approval by the County Surveyor. The applicant shall pay the map checking fee as established by resolution of the Napa County Board of Supervisors in effect at the time of submittal of the final/parcel map.

4. EASEMENTS:

All shared access and utility easements with adjacent properties shall be updated to reflect new property lines resulting from this subdivision and recorded as part of the Final Map.

5. UTILITIES

As required by Sec. 17.14.230 of the Napa County Code, the following statements shall appear on the final map:

"No sewage system is provided for any parcel located within this subdivision as of the date of recordation of this document. Prior to the issuance of a building permit or any other permit permitting development of any lot requiring a sewage system, the requirements of Division II of Title 13 of the Napa County Code (commencing with Section 13.16.010) must first be satisfied."; and

"No water supply is provided for any parcel located within this subdivision as of the date of recordation of this document. Prior to the issuance of a building permit or any other permit permitting development of any lot requiring a domestic water supply, the requirements of Division 1 of Title 13 of the Napa County Code (commencing with Section 13.04.010) must first be satisfied. Where that permit requires or is anticipated to require a groundwater supply, the requirements of Chapter 13.15 must also first be satisfied."

6. ADDRESSING

The CDPD Director reserves the right to issue or re-issue appropriate situs addresses at the time of issuance of any future 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.

7. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES

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

- Department of Environmental Management memo dated October 12, 2006;
- County Fire Department comments dated February 27, 2009; and
- Department of Public Works memo dated June 24, 2009.

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

8. INDEMNIFICATION

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

9. MONITORING COSTS

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and/or mitigation measures shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring (\$157.00/hour as of July, 2009). Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

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

10. AGRICULTURAL PRESERVE CONTRACTS:

All previous conditions and terms of Napa County Agricultural Preserve Contracts #02195-AGK for APN 050-010-024, #02208-AGK for APN 050-010-030 and #02210 for APN 050-010-043 shall remain in full force and effect and shall be binding unless in conflict with or superseded with these conditions of approval.

11. FAMILY JOINT MANAGEMENT AGREEMENT

Pursuant to Government Code Section 5230.1 and the terms of Napa County Agricultural Preserve Contracts #02195-AGK for APN 050-010-024, #02208-AGK for APN 050-010-030 and #02210-AGK for APN 050-010-043, recordation of a Family Joint Management Agreement between the owners and the immediate family members of the owner who are parties to the proposed transfer of parcels to be created by the subdivision map, subject to Napa County Counsel review and approval, shall take place concurrently with recordation of the Final Map.