

# Notice of Determination

# FILED

MAY 22 2002

JOHN TUTEUR  
Napa County Recorder - County Clerk  
By [Signature]  
DEPUTY RECORDER - CLERK

To: ( ) Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814  
  
(X) County Clerk  
County of Napa

From: Napa County  
Conservation, Development & Planning Dept.  
1195 Third Street, Room 210  
Napa, CA 94558

## **Subject:**

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Calistoga Cellars Winery/Calistoga Partners Use Permit Request #01074-UP

## **Project Title**

Robert Nelson

707- 253-4416

State Clearing House Number  
(If submitted to Clearinghouse)

Lead Agency Contact Person

Area Code/Telephone/Extension

On 19.84 ± acres (following a lot line adjustment) located on the south side of Tubbs Lane, approximately 800 feet northeast of its intersection with State Highway 128, Calistoga Napa County.

## **Project Location (include county)**

**Project Description:** Use Permit application to establish a 20,000 gallon/year winery, including 25% (5,000 gallons/year) of the production capacity used for custom production (crushing, fermentation, barrel aging, bottling, retail wine sales, tasting, distribution/shipping) for 2 entities; the construction of a 3,043 sq. ft. winery structure, maximum 35 feet in height; 2 full-time employees; retail wine sales, tours and tasting by appointment, marketing activities, a business identification sign and two off-site directional signs on Assessor's Parcels APN: 17-210-008,018, 013

Michael Butler  
1148 Tubbs Lane  
Calistoga CA 94515-1054

This is to advise that the Board of Supervisors has approved the above described  
(X)Lead Agency ( )Responsible Agency

project on May 7, 2002 and has made the following determinations regarding the above described project:  
(Date)

1. The project will not have a significant effect on the environment.
2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of this project.
4. A statement of Overriding Considerations was not adopted for this project.
5. Findings were made pursuant to the provisions of CEQA.

[Signature]

Signature

5/21/02

Date

Deputy Planning Director

Title

**DRAFT**  
**MITIGATED NEGATIVE DECLARATION**

The Conservation, Development and Planning Director of Napa County has tentatively determined that the following project, with Mitigation measures incorporated, would not have a significant effect on the environment. Documentation supporting this determination is on file for public inspection at the Napa County Conservation, Development and Planning Department Office, 1195 Third St., Room 210, Napa, California 94559. For further information call (707) 253-4416.

**Project title:** Calistoga Cellars Winery/Calistoga Partners Use Permit Request #01074-UP

**Project location:** on 36.36± acres located on the south side of Tubbs Lane, approximately 800 feet northeast of its intersection with State Highway 128, Calistoga APN: 17-210-008,018, 013, 017., within the Agricultural Watershed zoning district and Agricultural Resource General Plan land use designation.

**Description of Project:** Approval to establish a 20,000 gallon/year winery, including 25% (5,000 gallons/year) of the production capacity used for 2 custom producers (crushing, fermentation, barrel ageing, bottling, retail wine sales, tasting, distribution/shipping); the construction of a 3,043 sq. ft. winery structure, maximum 35 feet in height; 2 full-time employees; retail wine sales, tours and tasting by appointment (25 visitors on the busiest day), and marketing activities; (proposed monthly events with a maximum 30 persons, and two events with a maximum of 100 persons), a business identification sign and two off-site directional signs.

Mitigation measures included in the subject project are specified in the Project Revision Statement attached to the appended Initial Study.

WRITTEN COMMENT PERIOD: January 31 to February 20, 2002

DATE: January 29, 2002

BY THE ORDER OF

CHARLES WILSON

Director

Napa County Conservation, Development and Planning Department

**COUNTY OF NAPA**  
**CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT**  
**1195 Third Street, Rm. 210**  
**Napa, California, 94559**  
**(707) 253-4416**

**Initial Study Checklist**  
**(reference CEQA, Appendix G)**

1. **Project title:** Calistoga Cellars Winery/Calistoga Partners Use Permit Request #01074-UP
2. **Lead agency name and address:** Napa County Conservation, Development & Planning Department  
1195 Third Street Rm 210, Napa California, 94559
3. **Contact person and phone number:** Robert Nelson (707) 253-4417
4. **Project location:** on 36.36± acres located on the south side of Tubbs Lane, approximately 800 feet northeast of its intersection with State Highway 128, Calistoga APN: 17-210-008,018, 013, 017.
5. **Project sponsor's name and address:** Calistoga Partners, LP 3241 Ehlers Lane St. Helena CA 94574
6. **General Plan description:** Agricultural Resource
7. **Zoning:** Agricultural Preserve
8. **Description of Project:** Approval to establish a 20,000 gallon/year winery, including 25% (5,000 gallons/year) of the production capacity used for 2 custom producers (crushing, fermentation, barrel ageing, bottling, retail wine sales, tasting, distribution/shipping) and for the construction of a 3,043 sq. ft. winery structure. The winery will be 35 feet in height with wood frame and plaster siding, ceiling-mounted porch lights, and low level security lighting. Operations will occur six days a week 7:00 AM to 5:00 PM with 2 full-time employees and two part-time employees and will include retail wine sales, tours and tasting by appointment (25 visitors on the busiest day); and marketing activities ; (proposed monthly events with a maximum 30 persons, and two events with a maximum of 100 persons) A business identification sign is proposed at the driveway entrance and two off-site directional signs are to be located about 500 feet from the winery on Tubbs Lane. The project is located over several parcels, and the lot lines will be adjusted to result in a 19.84 acre parcel where all winery facilities will be located. A new well will be drilled for the new parcel, but during interim, water will be provided from an existing well on an adjacent parcel. Projected winery water use will be .53 acre feet per year.
9. **Surrounding land uses and setting:** Nearly level area (slopes typically 0-2%) elevation 390 MSL, located ½ mile northwest of the City of Calistoga. Foundation materials consist of Quaternary fluvial deposits overlain by Class II soils of the Bale loam and Bale clay loam series. Runoff is slow and the hazard of erosion is slight. A portion of the property lies within the designated 100 year floodplain of the Napa River, but the site of the proposed improvements is outside the floodplain. Vegetative cover is primarily vineyards with tree windbreak plantings along the property lines. The existing land use is agriculture, an 18 acre vineyard. Surrounding land uses include agriculture, residential and commercial activities (market, and tourist attraction-Old Faithful Geyser). The closest residences are approximately 500 feet (to east) and 700 feet (to south) from the winery site. There is geothermal activity in the area, with noted steaming areas and an active geyser to the north of the property.
10. **Other agencies whose approval is required** (e.g., permits, financing approval, or participation agreement).  
Alcohol Control Board  
Bureau of Alcohol, Tobacco and Firearms

**JURISDICTIONAL BACKGROUND: Public Plans and Policies**

Based on an initial review, the following findings have been made for the purpose of the Initial Study and do not constitute a final finding by the County in regard to the question of consistency.

	YES	NO	N/A
Is the project consistent with:			
a) Regional and Subregional Plans and Policies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) LAFCOM Plans and Policies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) The County General Plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Appropriate City General Plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Adopted Environmental Plans and Goals of the Community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Pertinent Zoning?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics         | <input type="checkbox"/> Agriculture Resources              | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources          | <input checked="" type="checkbox"/> Cultural Resources      | <input type="checkbox"/> Geology / Soils        |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality          | <input type="checkbox"/> Land Use/Planning      |
| <input type="checkbox"/> Mineral Resources             | <input checked="" type="checkbox"/> Noise                   | <input type="checkbox"/> Population/Housing     |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance |   |

## DETERMINATION. (by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature Wyntress Chatman Balcher, Planning Consultant

Date \_\_\_\_\_

## ENVIRONMENTAL CHECKLIST FORM

- |   | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With Mitigation<br>Incorporation | Less Than<br>Significant<br>Impact  | No<br>Impa               |
|---|--------------------------------------|--|-------------------------------------|--------------------------|
| I. AESTHETICS. Would the project:                       |                                      |  |                                     |                          |
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/>             | <input type="checkbox"/>                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b.) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c.) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:** The project site is not located on a scenic vista and would not be expected to damage scenic resources. The design of the 3,043 sq.ft. winery building will be a 35-foot, two story wood frame structure with plaster siding and a standing seam metal roof in a style frequently used, incorporating a covered porch. The winery will utilize low voltage ground, safety, accent lighting and exterior lighting, introducing a new source of light into the area affecting nighttime views in the area, where the residential density is relatively low. Therefore, the exterior lights should be limited to the amount necessary for security and safety and that such exterior lighting be low to the ground and shielded downward, to reduce any significant adverse impact. (see mitigation measure).

I. **AGRICULTURE RESOURCES.** In determining impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Important (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:** The project is not currently under a Williamson Act Contract. The project proposes to establish a facility for the processing of agricultural produce, therefore supporting continuation of agriculture.

III. **AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:** The uses proposed do not include activities that would be expected to generate odors or air emissions, reducing any concern to a level of insignificance. Compliance with County health regulations regarding the storage of all solid waste from the facility will ensure that potential odors will not be generated, reducing odor concerns to a level of insignificance.

I. **BIOLOGICAL RESOURCES.** Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:** The site of the proposed structure is not located within an area designated biologically sensitive on the County Environmental Resource Maps. The project is located outside the 100 year flood plain of the Napa River and no wetlands will be affected by the project. Therefore no adverse biological impacts would be expected to result from the project.

I. **CULTURAL RESOURCES.** Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:** The site of the proposed winery is not located within an area designated as sensitive for cultural resources on the County Environmental Sensitivity Maps, however, there are areas of sensitivity nearby. Although no adverse impact to archaeological materials are expected, there is still a potential and the discovery of any artifactual materials should require that work be stopped and that the find be evaluated. (see environmental mitigation measure).

VI. **GEOLOGY AND SOILS.** Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:** The project is not located within an area designated as sensitive for geologic instability on the County Environmental Sensitivity Maps. The property is located on slopes that are less than 5% and no significant amounts of soil erosion would be expected. Although this is an area of interesting geological features, such as hot springs and geysers, there is no evidence to indicate that significant adverse environmental impacts from geological hazards is expected.

VII. **HAZARDS AND HAZARDOUS MATERIALS.** Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wild-land fires, including where wild-lands are adjacent to urbanized areas or where residences are intermixed with wild-lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:** The project will not require the utilization or transport significant amounts of hazardous materials, other than those minor items used in normal winery production. Therefore, no adverse environmental impact for hazardous materials would be expected. The project is not located within an airport area nor located in a high fire hazard area.

VIII. **HYDROLOGY AND WATER QUALITY.** Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Impact Discussion:** The southeasterly portion of the property is located within the 100 year flood plain of the Napa River, however the winery will be placed a substantial distance from the flood hazard area and no alterations to the river or vegetation approval is proposed. The project includes a waste disposal feasibility study which found that an engineered waste disposal system will be required for the winery, which will be constructed in compliance with County regulations, reducing waste disposal concerns to a level of insignificance. The project is not located within an area designated as a water shortage area. The projected water use outlined in the Phase I water study prepared for the project estimates that there will be an water use increase on the property of .53 acre-feet (3% over the existing vineyard use) for winery operations, which is within the established threshold for the property and not expected to affect adjacent wells. The property is located on lands that slope less than 2% and all improvement plans for the winery that introduce impervious surfaces must comply with Public Works regulations that drainage shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties, reducing drainage concerns to a level of non-significance..

**IX. LAND USE AND PLANNING.** Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Impact Discussion:** The project is a use that is permitted within the zoning district, consistent with the goals and standards of the County General Plan, and is not located within an area delineated as environmentally sensitive on the County Environmental Resource Maps.

**X. MINERAL RESOURCES.** Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Impact Discussion:** The project is not located within an area designated as a mineral resource area on the County's environmental resources maps.

**XI. NOISE.** Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Impact Discussion:** Construction activities and operational activities may generate noise that may have an adverse significant impact on adjacent residences. The closest residence is approximately 200 feet from the site of the proposed winery. Limitation on the hours of noise-production construction activities to weekdays during daylight hours would reduce construction noise impacts to a level of insignificance. The design of the operational equipment, to be placed below grade and muffled, would not be expected to generate significant loud noise, reducing potential adverse noise from operational activities to a level of insignificance. (see mitigation measures)

**XII. POPULATION AND HOUSING.** Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:** The proposed number of employees is not significant and there is no proposal in the project which would require the removal of any existing housing.

XIII. **PUBLIC SERVICES.** Would the project result in:

a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:** The project would not require the development of new public facilities nor result in a significantly higher demand for services.

XIV. **RECREATION.** Would the project:

a) increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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**Impact Discussion:** The proposed project would not be expected to generate significant demands on recreational facilities due to the small number of employees involved.

**XV. TRANSPORTATION/TRAFFIC.** Would the project:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially increase hazards due to a design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Result in inadequate emergency access?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Result in inadequate parking capacity?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Impact Discussion:** The project has a 20-foot wide frontage on Tubbs Lane, an improved arterial county road. Recent traffic counts on Tubbs Lane were 4,704 east of the State Hwy 128 intersection (7/28/99) and 4,384 west of the intersection with State Hwy 29 (8/2/99). The road is straight and there is good sight distance from the future project driveway. Grapes are currently exported from this site (22 deliveries) which will now be processed on-site and two proposed deliveries will be expected during harvest. One truck delivery every two weeks for non-harvest deliveries is expected. Operations will include two full-time employees, two part-time, with an expected average of 10 visitors per day, maximum of 25 visitors on the busiest day. Therefore, a total of 20 vehicle trips during the period 7:00 am to 5:00pm would be expected, which will not be a significant impact on the traffic on the arterial road. Public Works indicates in their memo of October 17, 2001, that based upon the number of trips estimated, a left turn lane on Tubbs Lane is not required at this time, but a deferred construction agreement will be executed between the County and applicant to defer construction until such time as neighboring property owners are required to construct similar improvements or upon direction by the Department, addressing future traffic impact concerns to a level of insignificance.

**XVI. UTILITIES AND SERVICE SYSTEMS.** Would the project:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Require or result in the construction of a new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Require or result in the construction of a new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?          | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impact Discussion:** The project would not require the development of new public facilities nor would it result in a significantly higher demand for services.

#### XVII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:** The project is not located within an area designated as an environmentally sensitive area on the County Environmental Resource Maps regarding geology, biology, or historic/cultural resources. The project will not generate significant amounts of traffic (less than 1% increase on the busiest day) on Tubbs Lane, an arterial county road providing access to properties between the two state highways providing access between Napa, Sonoma and Lake Counties. Grapes for the winery will be primarily grown on-site, reducing grape transit from the property, however, custom crush activities with deliveries from adjacent vineyards off-set the reduction in trips. New night-time light will be introduced into the area but not enough to result in substantial adverse effects on residents since proposed lighting will be located low to ground and directed downward.

## PROJECT REVISION STATEMENT

I hereby revise my proposal to establish a 20,000 gallon/year winery, including 25% (5,000 gallons/year) of the production capacity used for custom production (crushing, fermentation, barrel aging, bottling, retail wine sales, tasting, distribution/shipping) for 2 entities; the construction of a 3,043 sq. ft. winery structure maximum 35 feet in height; 2 full-time employees; retail wine sales, tours and tasting by appointment marketing activities, a business identification sign and two off-site directional signs on Assessor's Parcel: APN: 17-210-008,018, 013, 017 (Use Permit Request # Request #01074-UP to include the measures specified below:

### AESTHETICS (light glare)

1. All exterior lighting shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety or operations, incorporating the use of motion detection lighting to the greatest extent possible.

### CULTURAL RESOURCES

2. The applicant/property owner and their successor's-in-interest shall see that all work is halted within 35 feet of the find if concentrated artifactual materials (i.e., worked stone, bone, charcoal, human remains, etc) are encountered during any ground disturbing activities associated with this project. Said work shall remain stopped until a qualified professional archaeologist (on the Society of Professional Archeologist's (SOPA) list) has evaluated the find, developed any mitigation measures needed, prepared a report of his findings, and filed said report with the Napa County Conservation, Development and Planning Department. All mitigation measures suggested shall, with the concurrence of the Director of the Planning Department, be implemented. All contractors doing work on this project shall be informed of, and bound by contract to honor, the requirement to stop work immediately if artifactual materials are encountered.

### NOISE

3. All construction activities which would utilize vehicles and motorized equipment shall be limited to the hours of 7:00 AM and 5:00 PM, unless written waiver of this requirement by the inhabitants of every residence within 1300 feet shall be submitted to the Napa County Conservation, Development and Planning Department.
4. All construction equipment shall be properly and adequately muffled or acoustically shielded at all times. All noisy stationary construction equipment shall be placed as distant as possible from nearby residences

I further commit myself, and by recording this statement, my successors-in-interest, to communicate the above specified requirements to any future purchasers or successors to interest in the property prior to transfer of title.

I understand and explicitly agree that with respect to all deadlines of the Permit Streamlining Act, Government Code Sections 63920 - 63962, and applicable deadlines of CEQA, that the date of receipt of an executed copy of these revisions constitutes a new date on which the application herein modified is considered "complete."

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
date

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
date