

(WINERY APPLICATIONS)

PLANNING COMMISSION HEARING – (DATE)  
CONDITIONS OF APPROVAL

(Project Name)  
(Application Number(s) PXX-XXXX)  
(Project Address)  
(APN #XXX-XXX-XXX)

1.0 PROJECT SCOPE

This Permit encompasses and shall be limited to: **OR**  
**[If applicable, insert the following for Modifications:** This Permit encompasses and replaces the terms of Use Permit (and/or Use Permit Modification) \_\_\_\_\_ and shall be limited to:]

1.1 **[If applicable, insert detailed Variance request description including how much encroachment is granted e.g., 400 feet into 600 foot setback]** Approval of a Variance to allow a \_\_\_\_\_ to encroach \_\_\_\_\_ feet into the required \_\_\_\_\_ foot setback from \_\_\_\_\_.

1.2 **[If applicable, insert other detailed request description, such as Road Modification, Tentative Parcel Map, or Viewshed.]**

1.3 Approval of a Use Permit for a new \_\_\_\_\_ gallon per year winery [**or Approval to modify an existing \_\_\_\_\_ gallon per year winery previously approved under \_\_\_\_\_ [IDENTIFY ALL APPLICABLE USE PERMIT/MODIFICATION PERMIT NUMBERS]**] to allow the following:

**[Provide a detailed description of proposed winery components]**

- a. Construction Activities (buildings, crush pad, caves, etc.) **[Denote square feet what purpose it serves (accessory/production)];**
- b. Conversion Activities **[Denote square feet and what purpose it serves (accessory/production)];**
- c. Demolition Activities;
- d. Visitation, tours and tastings, and a marketing plan set forth in Condition of Approval (COA) 8.2 below;
- e. On-premises consumption of wine as set forth in COA 8.3 below;
- f. Hours of operation (winery operation and/or visitation);
- g. Maximum number of employees;
- h. Number of parking spaces;
- i. Installation of a waste water system;
- j. Installation of water system **[Specify type e.g., Community];**
- k. Temporary and/or final location of cave spoils;
- l. Off-site improvements (such as roads, and turn lanes);
- m. Extent of driveway/new road improvements; and
- n. Installation of fire suppression and other type of water tank(s) **[Denote number, size and location]**

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

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

**2.0 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES**

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

- 2.1 Engineering Services Division as stated in their Memorandum dated \_\_\_\_\_.
- 2.2 Environmental Health Division as stated in their Memorandum dated \_\_\_\_\_.
- 2.3 Building Division as stated in their Memorandum dated \_\_\_\_\_.
- 2.4 Department of Public Works as stated in their Memorandum dated \_\_\_\_\_.
- 2.5 Fire Department as stated in their Inter-Office Memo dated \_\_\_\_\_.
- 2.6 [NOTE OTHER AGENCY(IES)] as stated in their letter dated \_\_\_\_\_.

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

**3.0 PAYMENT OF FEES AS PREREQUISITE FOR ISSUANCE OF PERMITS**

No building, grading or sewage disposal permits shall be issued or other permits authorized until all accrued planning permit processing fees have been paid in full.

#### **4.0 PRIOR TO ISSUANCE OF A GRADING PERMIT AND/OR BUILDING PERMIT**

Permittee shall comply with the following with the submittal of a Grading and/or Building Permit Application:

##### **4.1 BUILDING DIVISION – GENERAL CONDITIONS**

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

- a. A building permit shall be obtained for all construction occurring on the site not otherwise exempt by the California Building Code or any State or local amendment adopted thereto, and all fees associated with plan check and building inspections, and associated development impact fees established by County Ordinance or Resolution shall be paid prior to issuance of a building permit.
- b. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities, a separate demolition permit shall be required from the Building Division prior to removal. The permittee shall provide a “J” number from the Bay Area Air Quality Management District (BAAQMD) at the time the permittee applies for a demolition permit if applicable.
- c. The site and associated buildings shall be accessible to persons with disabilities. This shall include, but not limited be to, a van accessible parking stall, accessible path of travel from the parking stall to all buildings and areas on the site that are available to employees and the public.

##### **4.2 LIGHTING**

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

##### **4.3 LANDSCAPING – PLAN SUBMITTAL**

- a. Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the building permit application package for the Planning Division’s review and approval prior to the issuance of any building permit associated with this Permit. The

plan shall be prepared pursuant to the Water Efficient Landscape Ordinance (WELO) requirements in effect at the time of building permit application submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

- b. Plant materials shall be purchased locally when practical, and, to the greatest extent possible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.
- c. No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. Any Oak trees removed as a result of the project shall be replaced at a 2:1 ratio on the project site and shown on the landscaping plans for the Planning Division's review and approval. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.
- d. Evergreen screening shall be installed between the industrial portions of the operation (e.g., tanks, crushing area, parking area, etc.) and any off-site residence from which these areas can be viewed.

#### 4.4 COLORS

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

#### 4.5 OUTDOOR STORAGE/SCREENING/UTILITIES

- a. Details of outdoor storage areas and structures shall be included on the building and landscape plans. All outdoor storage of winery equipment shall be screened from the view of residences of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No stored item shall exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.
- b. New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and County Code Chapter 18.106) shall be placed underground or be made virtually invisible from the subject roadway.

- c. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the County Code.

4.6 TRASH ENCLOSURES

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

4.7 ADDRESSING

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

4.8 AFFORDABLE HOUSING FEE

The permittee shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of County Code Chapter 18.107.

4.9 **(INSERT IF APPLICABLE) HISTORIC RESOURCES**

All permitted work performed on any historic resources shall follow the latest edition of the Secretary of Interior's standard for Historic Preservation and Guidelines for Treatment of Historic Properties (Standards). Written verification that such work meets the Standards shall be submitted by a qualified historic architect for review and approval by the PBES Department prior to issuance of any grading or building permit.

4.10 **(INSERT IF APPLICABLE) DEMOLITION ACTIVITIES**

- a. Final demolition plans of the \_\_\_\_\_ **(Description of buildings/utilities to be removed)** shall be submitted for building permit issuance. A site plan prepared by a qualified professional shall denote streams, stream setbacks, existing and proposed improvements and slopes. No new construction or earthmoving activities that have not been proposed or approved within established stream setbacks as part of this permit unless specifically enumerated in COA 1.0 (Scope), above. As determined by the PBES Director or designee, temporary construction fencing shall be placed at the stream setback line to prevent unauthorized encroachments. If applicable, a "J" number from the BAAQMD shall also be provided at the time the permittee applies for a demolition permit.
- b. A landscape plan for the demolition area (existing residential and accessory structures) shall be submitted showing how the area will be restored back to

its natural vegetation state to the extent feasible. Said landscape plan shall be approved by the PBES Director or designee prior to installation.

- 4.11 **(INSERT IF APPLICABLE) VIEWSHED – EXECUTION OF USE RESTRICTION**  
The property owner shall execute and record in the county recorder's office a use restriction, in a form approved by County Counsel, requiring \_\_\_\_\_  
**[SPECIFY APPLICABLE DESCRIPTION - building exteriors, water tanks, and existing and proposed covering vegetation, as well as any equivalent level of replacement vegetation]** to be maintained by the owner or the owner's successor so as to maintain conformance with County Code Section 18.106.050(C).
- 4.12 **(INSERT IF APPLICABLE) MITIGATION MEASURES**  
The permittee shall comply with all mitigation measures identified in the adopted Initial Study/Mitigated Negative Declaration and Project Revision Statement/Mitigation Monitoring and Reporting Program prepared for the project, inclusive of the following:
- a. [Insert measure]  
Method of Monitoring:  
Responsible Agency(ies):
  - b. [insert measure]  
Method of Monitoring:  
Responsible Agency(ies):
- 4.13 **(INSERT IF APPLICABLE) PARCEL CHANGE REQUIREMENTS**
- a. **PARCEL MERGER**  
The \_\_\_\_\_ parcels shall be combined prior to the issuance of building permits.
  - b. **LOT LINE ADJUSTMENTS**  
The lot line adjustment ( \_\_\_\_\_ **Permit Number**) shall be recorded prior to the issuance of building permits.
  - c. **EASEMENTS**  
Required easements shall be recorded prior to issuance of building permits.
- 4.14 **(INSERT IF APPLICABLE) OTHER CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL**

## 5.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

- 5.1 **SITE IMPROVEMENT**  
Please contact Engineering Services with any questions regarding the following:

- a. **GRADING & SPOILS**  
All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. All spoils piles shall be removed prior to issuance of a Final Certificate of Occupancy.
- b. **DUST CONTROL**  
Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur when average wind speeds exceed 20 mph.
- c. **AIR QUALITY**  
During all construction activities the permittee shall comply with the BAAQMD Basic Construction Best Management Practices, as provided in Table 8-1, May 2011 Updated CEQA Guidelines:
1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
  2. All exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) shall be watered two times per day.
  3. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  4. All visible mud or dirt tracked out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
  6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  7. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
  8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated

equipment operated within the BAAQMD's jurisdiction needs either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ [http://www.arb.ca.gov/portable/perp/perpfaq\\_04-16-15.pdf](http://www.arb.ca.gov/portable/perp/perpfaq_04-16-15.pdf) or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. **STORM WATER CONTROL**

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

5.2 **ARCHEOLOGICAL FINDING**

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

If human remains are encountered during project development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission shall be contacted by the permittee to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

5.3 **CONSTRUCTION NOISE**

Construction noise shall be minimized to the greatest extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur daily between the hours of 8:00 AM to 5:00 PM.

5.4 **(INSERT IF APPLICABLE) CONSTRUCTION MITIGATION MEASURES**

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

- a. [Insert measure]



Method of Monitoring:  
Responsible Agency(ies):

b. [insert measure]  
Method of Monitoring:  
Responsible Agency(ies):

5.5 **(INSERT IF APPLICABLE) OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL**

**6.0 PRIOR TO AUTHORIZATION OF A TEMPORARY CERTIFICATE OF OCCUPANCY**

Permittee shall comply with the following before a Temporary Certificate of Occupancy (TCO) is granted:

6.1 **TEMPORARY OCCUPANCY**

A TCO may be granted pursuant to County Code Section 15.08.070(B) to allow commencement of production activities prior to completion of all project improvements. All life and safety conditions shall be addressed prior to issuance of a TCO by the County Building Official. TCOs shall not be used for the occupancy of hospitality buildings and shall not exceed the maximum time allowed by the Napa County Code Section 15.08.070(B) which is 180 days. In special circumstances, Departments and/or Agencies with jurisdiction over the project are authorized as part of the TCO process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.

**7.0 PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY**

Permittee shall comply with the following before a Final Certificate of Occupancy is granted:

7.1 **FINAL OCCUPANCY**

All project improvements, including compliance with applicable codes, conditions, and requirements of all Departments and Agencies with jurisdiction over the project, shall be completed prior to issuance of a Final Certificate of Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence.

7.2 **SIGNS**

Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the PBES Department for administrative review and approval. Administrative review and approval is not required if the signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this Permit approval. All signs shall meet the design standards as set forth in County Code Chapter 18.116. At least one sign placed and sized at the property entrance in a manner to inform the public must legibly post the words "Tours and Tastings by Prior Appointment Only". The only off-site signs allowed shall be in conformance with the County Code Chapter 18.116. Temporary off-site signage, such as "A-Frame" signs are prohibited under County Code Section 18.116.065(E). **[Pre-WDO signs to be addressed specifically for each project.]**

7.3 GATE/ENTRY STRUCTURES

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

7.4 LANDSCAPING

Landscaping shall be completed prior to issuance of a Final Certificate of Occupancy, and shall be permanently maintained in accordance with the landscaping plan.

7.5 **(INSERT IF APPLICABLE) ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS**

The permittee shall construct \_\_\_\_\_ prior to the issuance of a Final Certificate of Occupancy by the Building Division. The design of the \_\_\_\_\_ shall be submitted to the Public Works Department for review and approval. The \_\_\_\_\_ shall be designed in substantial conformance with the submitted site plan, and other submittal materials and shall comply with all requirements of the County Code and Napa County Road and Street Standards.

7.6 **(INSERT IF APPLICABLE) DEMOLITION ACTIVITIES**

Prior to the issuance of a Final Certificate of Occupancy for the winery, all demolition activities associated with the \_\_\_\_\_ **(Description of structures)** shall be completed, landscaping installed, and debris cleared from the subject parcel.

7.7 **(INSERT IF APPLICABLE) MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY**

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

a. [Insert measure]  
Method of Monitoring:  
Responsible Agency(ies):

b. [insert measure]  
Method of Monitoring:  
Responsible Agency(ies):

7.8 **(INSERT IF APPLICABLE) OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY**

## 8.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

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

### 8.1 GENERAL PROVISIONS

Consistent with County Code Section 18.16.030, tours and tastings and marketing may occur at a winery only where such activities are accessory and “clearly incidental, related, and subordinate to the primary operation of the winery as a production facility.”

Tours and tastings and marketing (defined below) may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant. (County Code Section 18.08.620 - Tours and Tastings)

Retail sales shall be limited to only those persons visiting by appointment or attending marketing events. No drop-in retail sales shall be permitted.

**[Statement Applies to Post WDO Wineries Only]**

### 8.2 TOURS AND TASTINGS/VISITATION

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

- a. Frequency: X days per week, Monday through Sunday **[or otherwise specified]**
- b. Maximum number of persons per day: X
- c. Maximum number of persons per week: X
- d. Hours of visitation: X to X
- e. 5 The maximum annual visitation shall be limited to \_\_\_\_\_ persons including the guests of the \_\_\_\_\_ marketing events permitted in COA No. 8.2 below.
- f. **Insert any special conditions related to tours and tastings**

“Tours and tastings” means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings. To the maximum extent feasible, scheduling of visitors shall not occur during peak travel times (**State applicable hours based upon traffic impact study**).

Tours and Tastings shall be limited to those wines set forth in the County Code Sections 18.16.030(G)(5)(c) - AP Zoning and 18.20.030(I)(5)(c) AW Zoning.

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

### 8.3 MARKETING

Marketing events shall be limited to the following:

- a. Type of Event:
  1. Frequency: X times per year or month or week
  2. Maximum number of persons: XX **[no averages]**
  3. Time of Day: **[Permittee requests, Planning Commission decides – typically 11:00 AM to 10:00 PM]**
  
- b. **[List other events here as requested.]**  
 Type of Event:
  1. Frequency: X times per year or month or week
  2. Maximum Number of persons: XX **[no averages]**
  3. Time of Day: **[Permittee requests, Planning Commission decides – typically 11:00 AM to 10:00 PM]**
  
- c. **[List other events here as requested.]**  
 Type of Event:
  1. Frequency: X times per year or month or week
  2. Maximum Number of persons: XX **[no averages]**
  3. Time of Day: **[Permittee requests, Planning Commission decides – typically 11:00 AM to 10:00 PM]**
  
- d. **Insert any special conditions related to marketing events**

“Marketing of wine” means any activity of a winery which is conducted at the winery on a prearranged basis for the education and development of customers and potential customers with respect to wine which can be sold at the winery on a retail basis pursuant to the County Code Chapters 18.16 and 18.20. Marketing of wine may include cultural and social events directly related to the education and development of customers and potential customers provided such events are clearly incidental, related and subordinate to the primary use of the winery. Marketing of wine may include food service, including food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery.

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

Careful consideration shall be given to the intent of the event, the proportion of the business event’s non-wine-related content, and the intensity of the overall marketing plan. (County Code Section 18.08.370 - Marketing of Wine)

All activity, including cleanup, shall cease by \_\_\_\_\_ PM. If any event is held which will exceed the available on-site parking, the permittee shall prepare an

event-specific parking plan which may include, but not be limited to, valet service or off-site parking and shuttle service to the winery.

**[INCORPORATE THIS SECTION ONLY IF PROPOSING CHANGES TO PRE-WDO VISITATION & MARKETING.] RECOGNITION OF PRE-WDO MARKETING AND VISITATION**

Existing Public Tours & Tastings:

Frequency:

Maximum number of persons per day:

Maximum number of persons per week:

Hours of operation:

Existing Marketing Program: **[Describe if they have one]**

Marketing events are limited to the following:

Type of event:

Frequency:

Number of persons:

Time of Day:

**8.4 ON-PREMISES CONSUMPTION**

In accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 and the PBES Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) and the Sale of Wine for Consumption On-Premises," on-premises consumption of wine produced on-site and purchased from the winery may occur solely in the \_\_\_\_\_ **[Identify the location]**. Any and all visitation associated with on-premises consumption shall be subject to the maximum per person weekday and weekend daily tours and tastings visitation limitation and/or applicable limitations of permittee's marketing plan set forth in COAs 8.1 and 8.2 above.

**8.5 RESIDENCE OR NON-WINERY STRUCTURES**

The existing \_\_\_\_\_ **[SPECIFY TYPE: single-family residence, second unit, guest house, or other non-winery structures]** shall not be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery. If the residence is rented, it shall only be rented out for periods of 30 days or more, pursuant to County Code Section 18.104.410, Transient Commercial Occupancies of Dwelling Units Prohibited.

**8.6 GRAPE SOURCE**

At least 75% of the grapes used to make the winery's wine shall be grown within Napa County. **(ADD THE FOLLOWING STATEMENT IF A PRE-WDO WINERY:** ; provided that this requirement does not apply to the winery's original \_\_\_\_\_ gallons of production that were approved prior to the adoption of the Winery Definition Ordinance.) The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the annual production is from Napa County grapes. The report shall recognize the Agricultural Commissioner's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the PBES

Department upon request, but shall be considered proprietary information and not available to the public.

#### 8.7 COMPLIANCE REVIEW

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

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

#### 8.8 RENTAL/LEASING

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

#### 8.9 GROUND WATER MANAGEMENT – WELLS

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

- a. The permittee shall (at the permittee's expense) maintain data regarding monthly well monitoring and the total annual groundwater pumped. Such data shall include water extraction volumes and static well levels of the well. All monitoring shall commence within six months of the issuance of this Permit, or immediately upon commencement of the expansion authorized by this Permit, whichever occurs first, and shall be submitted not later than January 31st every calendar year thereafter and available upon the County's request at any other time.

Water usage shall be minimized by use of best available control technology and best water management conservation practices.

- b. No new on-site or off-site water sources (other than those evaluated or approved as part of this Permit) proposed to be used for the winery, including but not limited to wells, imported water, new or existing ponds/reservoir(s) or other surface water impoundments, to serve the winery, shall be allowed without additional environmental review, if necessary, and may be subject to a modification to this permit. A new Water Availability Analysis shall be required prior to approval of any new water source(s) on the property.

- c. Permittee shall limit groundwater use for the winery to \_\_\_\_\_ acre-ft. per year. Any exceedance of this amount in a calendar year is a material breach of this permit.
- d. If water use for the winery from the well exceeds \_\_\_\_\_ acre-ft. per year in a calendar year by 10% or more (a significant exceedance), the permittee shall both immediately notify the County and cease any activity causing the exceedance, shall begin daily well monitoring, and shall promptly prepare a report to be submitted to the PBES Director regarding the reasons for the significant exceedance and the measures immediately taken and to be taken to bring the significant exceedance into compliance with this condition.

The PBES Director may set this Permit for a revocation or modification hearing before the Planning Commission within 60 calendar days of discovery of the significant exceedance for possible modification, revocation, or suspension.

- e. If the water use for the winery from the well exceeds \_\_\_\_\_ acre-ft. in a calendar year by less than 10%, the permittee shall notify the County, and promptly provide a report of the following:
  1. water volume used;
  2. the reason for exceedance;
  3. the plan the winery has for reducing water use so as not to exceed the allocation the following year; and
  4. other information that may be affecting water use.

If after two calendar years of reporting the monitoring shows that the annual water allocation identified above continues to be exceeded by less than 10%, the PBES Director shall schedule the Permit for review by this Planning Commission and possible modification, revocation or suspension.

- f. The permittee shall be required to include the well in the County's Groundwater Monitoring program upon the County's request.

**8.10 AMPLIFIED MUSIC**

There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings. Please contact Environmental Health with any questions.

**8.11 TRAFFIC**

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (\_\_\_\_\_ weekdays; \_\_\_\_\_ Saturdays; and \_\_\_\_\_ Sundays). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

8.12 PARKING

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

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

8.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

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

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

8.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES

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

The permittee and/or designee shall obtain a tent permit from the Fire Department for any temporary structures utilized for authorized marketing events set forth in COA 8.3 above.

8.15 **(INSERT IF APPLICABLE) NAPA COUNTY MOSQUITO ABATEMENT PROGRAM**

The installation, operation and maintenance of the \_\_\_\_\_ **[Identify applicable large water feature such as ponds, reservoirs, and fountains, etc.]** shall be in conformance with the Napa County Mosquito Abatement District's program for eliminating mosquito sources and managing mosquito-breeding areas in order to reduce mosquitoes to a tolerable and healthful level.

8.16 **(INSERT IF APPLICABLE) OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT**

**9.0 MISCELLANEOUS**

9.1 STATUTORY AND CODE SECTION REFERENCES

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

9.2 MONITORING COSTS

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



compliance monitoring that shall be retained until issuance of a Final Certificate of Occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

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

9.3 **[OPTIONAL TO BE USED ONLY IF A MAJOR MODIFICATION] PREVIOUS CONDITIONS**

The permittee shall comply with the following previous conditions of approval, including revisions where so indicated, for the winery use. Original language to remain is shown unchanged, original language to be removed is shown in strikethrough, and proposed language is underlined:

- a. **[Carry over previous applicable non-construction and/or operational conditions. Reference Use Permit and/or Modification number, as well as, applicable condition number, and provide a brief explanation of any proposed changes to the condition.]**