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Recommended Conditions of Approval and Final Agency Approval Memos

Soscol Ferry Solar P19-00338-UP
Planning Commission Hearing Date December 18, 2019

PLANNING COMMISSION HEARING – DECEMBER 18, 2019
RECOMMENDED CONDITIONS OF APPROVAL

**SOSCOL FERRY SOLAR
USE PERMIT (#P19-00338-UP)
1200 BLOCK OF SOSCOL FERRY ROAD
APN's: #057-170-001**

This Permit encompasses and shall be limited to the project commonly known as the Soscol Ferry Solar Facility, located at the 1200 block of Soscol Ferry Road (APN: 057-170-001). Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved.

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

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

PART I

1.0 PROJECT SCOPE

This Permit encompasses and shall be limited to:

1.1 A Use Permit for the Soscol Ferry Solar Facility as follows:

1. 15-acres of solar arrays for a commercial renewable energy facility including 7,896 solar modules and 16 string inverters and associated site improvements, including perimeter fencing and electric utility connections.
2. A Variation to the development regulations of the Napa Valley Business Park Specific Plan to:
 - a. Provide on-site access from a 12 ft. wide special purpose gravel access road in lieu of a 20 ft. wide paved driveway;
 - b. Waive all site landscaping requirements;

The Soscol Ferry Solar Facility 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 Valley Business Park Specific Plan and Napa County Code (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 the general public to ensure compliance is achieved. Any expansion of or change in use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

2.0 STATUTORY AND CODE SECTION REFERENCES

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

3.0 MONITORING COSTS

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

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of a compliance deficiency is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the 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 proceedings in accordance with the County Code.

PART II

4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

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

4.1 GROUND WATER MANAGEMENT – WELLS **[RESERVED]**

4.2 AMPLIFIED MUSIC **[RESERVED]**

4.3 TRAFFIC **[RESERVED]**

4.4 PARKING **[RESERVED]**

4.5 TENANCY CHANGE

Any future change of tenancy within the structure shall require administrative review and approval by the PBES Department prior to occupancy. The permittee shall provide the PBES Department with a written profile of the proposed tenant, including name, present address, phone number, description of proposed use, employees, a list of any hazardous materials, and any other information deemed necessary by the PBES Department. The permittee shall also provide a detailed floor plan of the entire structure identifying the location and square footage of all uses within the structure prior to any new tenancy.

Parking based on the use of the tenant/building shall be provided in compliance with the Napa Valley Business Park (NVBP) prior to issuance of a Final Certificate of Occupancy. Parking shall be provided in accordance with the NVBP upon any change of use and/or tenancy, subject to review and approval by the PBES Director. The installation of parking may be deferred until such time as building tenancy requires, subject to review and approval by the PBES Director. Additional landscaping shall be provided in place of any deferred parking spaces.

4.6 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

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

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

4.7 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 events allowed per COA No. 1.0 above.

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

4.9 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, MECHANICAL EQUIPMENT, AND TRASH ENCLOSURE AREAS **[RESERVED]**

4.10 NO TEMPORARY SIGNS **[RESERVED]**

4.11 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES - OPERATIONAL CONDITIONS

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

- a. Engineering Services Division operational conditions as stated in their Memorandum dated December 9, 2019.

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

4.12 OPERATIONAL MITIGATION MEASURES **[RESERVED]**

4.13 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. A Decommissioning Plan shall be submitted and approved by the Director of PBES prior to the issuance of Building Permits for the proposed American Canyon Solar project. The Decommissioning Plan shall include, but not be limited to the following components: removal of all above and below ground improvements; restoration of the surface grade, placement of topsoil over all removed structures, revegetation and erosion control as deemed necessary by the Director of PBES; a timeframe for improvement removal and site restoration; an engineer's cost estimate for all aspects of the removal and restoration plan; an agreement signed by the property owner and operator that they take full responsibility to implement the Decommissioning Plan; a plan to comply with all state and federal requirements for reuse, recycling and/or disposal of potentially hazardous waste.
- b. Financial Assurance shall be provided to Napa County in a form and amount acceptable to the County to secure the expense of decommissioning and restoring the project site consistent with the approved Decommissioning Plan. Financial Assurance shall be submitted and accepted by Napa County prior to final occupancy/finalizing the Building Permit.

4.14 PREVIOUS CONDITIONS **[RESERVED]**.

PART III

5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

5.1 PAYMENT OF FEES

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

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

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

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

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

- a. Engineering Services Division operational conditions as stated in their Memorandum dated December 9, 2019.

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

6.2 BUILDING DIVISION – GENERAL CONDITIONS

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 CBC or any State or local amendment adopted thereto
- b. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities, a separate demolition permit shall be required from the Building Division prior to removal. The permittee shall provide a “J” number from the Bay Area Air Quality Management District (BAAQMD) at the time the permittee applies for a demolition permit if applicable.
- c. All areas of newly designed and newly constructed buildings, facilities and or site improvements shall comply with the CBC accessibility requirements, as well as, American with Disabilities Act requirements when applicable. When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided, as required per the CBC.

6.3 LIGHTING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the CBC.
- b. All exterior lighting, including landscape lighting, shall be shielded and directed downward; 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.

6.4 LANDSCAPING – PLAN SUBMITTAL **[RESERVED]**

6.5 COLORS **[RESERVED]**

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

Details of outdoor storage areas and structures shall be included on the building and landscape plans. No outdoor storage is permitted as part of this action. Any proposal for outdoor storage and proposed screening is subject to separate review and approval by the PBES Department. New utility lines required for this project shall be placed underground.

6.7 MECHANICAL EQUIPMENT

- a. Roof mounted equipment shall be screened by a parapet wall of equal or greater height than the highest piece of roof mounted equipment or vent. Equipment may be screened by a separate roof screen that is architecturally integrated with the building if screening by a parapet wall is not feasible or is architecturally undesirable. When separate roof screens are used, roof equipment should be organized into major groups screening a smaller number of units rather than multiple areas. The PBES Director may approve exceptions for solar equipment. All screening is subject to review and approval by the PBES Director. Any skylights shall be subject to review and approval by the PBES Director prior to the issuance of building permits.
- b. The term "equipment" includes roof mounted equipment or vents, electrical equipment, gas meter, communication antennas, irrigation valves, storage tanks, or other mechanical equipment. The manner of screening shall be as follows: Communications equipment, including microwave equipment, may remain unscreened if visually integrated with the building design through color, location, and construction; all building mounted equipment, including but not limited to louvers, pipes, overhead doors or service doors, access ladders, downspouts, conduit, and electrical/service boxes, shall be painted consistent with the color scheme of the building.
- c. Ground mounted equipment shall be screened by walls or landscaping to the satisfaction of the PBES Director.
- d. Exterior equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

6.8 TRASH ENCLOSURES [RESERVED]

6.9 BICYCLE PARKING [RESERVED]

6.10 CONSTRUCTION CRANES

Any crane used in the construction of the phases shall be lighted and have flags for improved visibility from aircraft; no crane shall exceed 80 feet in height without first obtaining the Federal Aviation Administration's express approval.

6.11 AIRCRAFT OVERFLIGHT EASEMENT

Upon building permit submittal, the permittee shall submit verification that an aircraft overflight easement has been recorded on the property that provides for the right of aircraft operation, overflight and related noises, and for the regulation of light emissions, electrical emissions, or the release of substances such as steam or smoke which could interfere with aircraft operations.

6.12 ADDRESSING

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

6.13 HISTORIC RESOURCES **[RESERVED]**

6.14 DEMOLITION ACTIVITIES **[RESERVED]**

6.15 VIEWSHED – EXECUTION OF USE RESTRICTIONS **[RESERVED]**

6.16 PERMIT PREREQUISITE MITIGATION MEASURES

a. General Construction Measures

MM BIO-1. Prior to working on the Project, all Project personnel will attend a preconstruction environmental training to review potential special-status wildlife that could be found in the Project Area and ensure that AMMs for the Project are understood and implemented.

MM BIO-2. Work areas, staging areas, and access roads will be limited to those shown in the final Project description. All heavy equipment, vehicle, and construction activities will be confined to these designated areas.

MM BIO-3. All trash and waste items generated by construction or crew activities will be properly contained and removed from the Project Area.

MM BIO-4. All Project personnel will visually check for animals beneath vehicles and equipment immediately prior to operation. Any pipes, culverts, or other open-ended materials and equipment stored on-site for one or more overnight periods will be inspected for animals prior to moving, burying, or capping to assure that no animals are present within the materials and equipment.

MM BIO-5. To prevent accidental entrapment of wildlife during construction, all excavated holes, ditches, or trenches greater than 1-ft-deep will be covered at the end of each work-day by suitable materials, or escape routes will be constructed. After opening, and before filling such holes, ditches, and trenches will be thoroughly inspected for trapped animals.

MM BIO-6. If a special-status species is discovered in the Project Area, the Project Manager will be contacted. The Project Manager will report the sighting to the appropriate natural resource agency(ies) (e.g., CDFW, USFWS) within 24 hours. The animal will be allowed to move offsite on its own. Special-status species will not be taken or harassed.

MM BIO-7. A copy of all applicable permits and approvals, with associated maps, conditions, and AMMs will be kept on-site at all times. All migratory birds are protected under the Migratory Bird Treaty Act. A number of migratory birds

were observed in the Project Area, and may utilize structures, trees and other vegetation, or pastureland for nesting. All trees and vegetation have the potential to be active nest sites for a number of avian species. Tree and vegetation removal could potentially impact nesting migratory birds if conducted during the nesting season (February 1-August 31).

MM BIO-8. If feasible, Project activities should be scheduled outside of the nesting bird season, in order to avoid impacts to nesting migratory birds of all types.

Monitoring: Prior to the issuance of a grading permit, the project plans shall reflect the implementation of the best management practices (BMPs) for construction activities, including verification to the PBES Department that all Project personnel have attended preconstruction environmental training detailed in MM BIO-1 through BIO-8. The project plans shall also include trees to be retained as documented in the Garcia & Associates Supplemental memorandum, dated December 13, 2019. A tree preservation plan shall be included within building permit plans for the project for the purposes of preserving those on-site trees depicted in Figure 3-1 of the Garcia memorandum, including any such trees known to have previously provided nesting locations for raptors, as of the effective date of the Use Permit. If the project applicant/sponsor intends to remove additional on-site trees in the future, including those evaluated as potential nesting habitat, a Use Permit modification with accompanying environmental review will be required. If vegetation clearing or other land disturbance is proposed during the bird breeding season (February 15 through August 31), the special-status bird species and other migratory passerines (perching birds) survey shall be submitted to Planning Division staff prior to issuance of the grading permit.

b. Measures for Special-status Birds

MM BIO-9. Project activities shall occur outside of the breeding season for SWHA (i.e., September 1- February 28/29). If Project activities¹ must occur during the breeding season (March 1- August 31), a qualified biologist should conduct several surveys according to the Swainson's Hawk Technical Advisory Committee's (TAC) *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys In California's Central Valley*. If active SWHA nests are observed within 0.5 miles of the Project site during surveys, Project activities shall wait until a qualified biologist determines that all young have fledged, or the nest is no longer active. Alternatively, the Project proponent can obtain a California Endangered Species Act (CESA) Incidental Take Permit (ITP) from CDFW prior to starting Project activities, to cover all potential take that may occur during construction and over the life of the Project. Additionally, in the event that construction activities occur (e.g., vegetation removal, ground disturbing activities [pile driving, trenching, inverter pad installation, and access road construction], assembly of solar array, other use of heavy equipment, etc.) anytime during the nesting/breeding season of the Swainson's hawk, other raptors, or other bird species listed in the Migratory Bird Treaty Act (typically February 1 through August 31), a qualified biologist (experienced with the nesting behavior of bird species of the region) shall conduct preconstruction surveys for nesting birds. This survey shall be conducted within 14 days prior to the commencement of construction activities that would occur during the nesting/breeding season. The

¹ Project activities potentially disruptive to nesting birds include vegetation removal, ground disturbing activities [pile driving, trenching, inverter pad installation, and access road construction], assembly of solar array, other use of heavy equipment, etc.

intent of the survey will be to determine if active nests are present within or adjacent to the construction zone within approximately 250 feet (300 feet for other raptors). The survey shall also be conducted in accordance with the protocol of the Swainson's Hawk Technical Advisory Committee's (TAC) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. The survey shall commence early in the Swainson's hawk nesting season (late March to early April) and surveys will be conducted within a minimum 0.25-mile radius of the Project area. The surveys shall be timed such that the last survey is concluded no more than two weeks prior to initiation of construction. If ground disturbance activities are delayed following a survey, then an additional pre-construction survey and SWHA survey shall be conducted such that no more than two weeks will have elapsed between the last survey and the commencement of ground disturbance activities. If active nests are found in areas that could be directly or indirectly affected by the project, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. If any active Swainson's hawk nests are found during the survey, CDFW recommends a disturbance buffer of at least a 0.25 mile to avoid a "take" or adverse impacts to Swainson's hawk. If golden eagle or white-tailed kite is observed nesting in the Project area during preconstruction surveys, Project activities shall be delayed until a qualified biologist determines that the young have fledged or that the nest is no longer active. If Project activities must occur during the nesting season, the Project proponent shall consult with CDFW on appropriate avoidance measures to ensure no take occurs. No trees or vegetation shall be removed from the project site during the breeding period. The size of the buffer zones and types of construction activities restricted within them should be determined through consultation with the CDFW depending on the species, taking into account factors such as the following:

- Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;
- Distance and amount of vegetation or other screening between the construction site and the nest; and
- Sensitivity of individual nesting species and behaviors of the nesting birds.

The buffer zone around an active nest should be established in the field with orange construction fencing or another appropriate barrier and construction personnel should be instructed on the sensitivity of nest areas. The qualified biologist should serve as a construction monitor during those periods when construction activities would occur near active nest areas of special status bird species to ensure that no impacts on these nests occur.

Monitoring: The permittee shall have a nesting bird survey completed prior to any construction activities scheduled to occur on the site from February 1 through August 31. Additionally, if construction occurs during the SWHA breeding season (March 1- August 31), a qualified biologist should conduct several surveys according to the Swainson's Hawk Technical Advisory Committee's (TAC) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys In California's Central Valley. If active SWHA nests are observed within 0.5 miles of the Project site during surveys, Project activities shall wait until a qualified biologist determines that all young have fledged, or the nest is no longer active. The survey shall also be conducted in accordance with the protocol of the

~~Swainson's Hawk Technical Advisory Committee's (TAC) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley.~~ The survey results shall be provided to the Napa County Planning, Building and Environmental Services. In the event any special-status or other protected nesting birds are found to occur on-site (or within 0.5 mile for Swainson's hawk, golden eagle, and white-tailed kite) construction activities will be scheduled to avoid nesting and breeding periods and consultation will be sought with CDFW to develop appropriate measures to reduce potential impacts to nesting Swainson's hawk, golden eagle, or white-tailed kite which may include preservation of potential foraging habitat.

c. Measures for Special-Status Plants and Vegetation Communities

MM BIO-10. No known occurrences of special-status plant taxa occur at this time. However, if special status plants are found, the Project Manager will be notified. Individuals will be marked (e.g., with flagging or construction fencing) and avoided during construction activities. Environmental training for construction personnel will include identification and location of on-site special status plants.

Monitoring: Prior to the issuance of a grading permit, the project plans shall reflect the implementation of the best management practices (BMPs) for construction activities, including verification to the PBES Department that all Project personnel have attended preconstruction environmental training including identification and location of on-site special status plants. If special status plants are found during construction activities, the Project Sponsor shall notify the PBES Department. A qualified professional biologist shall mark all individuals plants (e.g., with flagging or construction fencing) and avoid during construction activities.

d. Wetland and Water Feature Measures

MM BIO-11. Complete avoidance of Suscol Creek and associated riparian woodland along the northern boundary of the Project is planned. Plans call for a typical setback of 150 ft (Appendix F) as required by the Napa Valley Business Park Specific Plan, and a minimum setback of 35-45 ft is required, depending on slope (NCBS 2019). The setback from Suscol Creek will be demarcated by fencing, flagging, or other highly visible material.

MM BIO-12. Extreme caution will be exercised when using the access bridge crossing Suscol Creek (Photo 11). When handling and/or storing chemicals (fuel, hydraulic fluid, etc.) near waterways, all applicable laws/regulations and best management practices (BMPs) will be followed. Appropriate materials will be kept on site to prevent and manage spills. All construction equipment will be well maintained to prevent fuel, lubricants, or other fluid leaks. Equipment, when not in use, will be stored in upland areas outside of the boundaries of the stream-channel or other water bodies.

MM BIO-13. Erosion, sediment, and material stockpile BMPs will be employed between work areas and adjacent wetlands or waterways. No fill or runoff will be allowed to enter wetlands or waterways.

MM BIO-14. Any erosion and sediment control materials (e.g., hay bales, straw wattles, erosion blankets, etc.) will not include micro-filament netting, to avoid entrapment of wildlife. Any straw erosion and sediment control materials will be

composed of certified weed free material.

Monitoring: Prior to the issuance of a grading permit, the delineated wetland boundary shall be demarcated on the improvements plans and an erosion control silt fence shall be shown between the edge of the delineated wetland boundary and the road.

e. Cultural Resources

MM CULT-1: Prior to commencing ground disturbing construction activities within the Project area, the Project sponsor shall require all Project personnel attend a preconstruction training conducted by the Yocha Dehe Wintun Nation Tribe to review potential tribal cultural resources that could be found in the Project Area and ensure that permit conditions for the Project are understood and implemented.

Monitoring: Prior to the issuance of a grading permit, the Project Sponsor shall provide verification to PBES Department that preconstruction training for all Project personnel has been conducted by the Yocha Dehe Wintun Nation Tribe.

MM CULT-2: A qualified archaeological monitor and consulting Native American monitor shall be present during all ground-disturbing activity (including but not limited to vegetation clearing/grubbing, piledriving, transformer and inverter pads, trenching, gravel access roads, etc.) for project development. In the event subsurface archaeological materials are encountered, all ground disturbing activities must be suspended within 50-feet of the find. The landowner, project proponent, Napa County Planning Department shall be notified immediately if any such finds until an archaeologist meeting the Secretary of the Interior's (SOI) Professional Qualifications Standards in archaeology can evaluate the finds and recommend appropriate action.

If the resource cannot be avoided, then a data recovery mitigation program shall be developed and implemented. At the discretion the principal archaeologist and in coordination the County, once a sufficient sample of materials has been observed resulting in negative findings, and/or bedrock/paleosols or disturbed soils (i.e. fill) are encountered, monitoring may be reduced to spot-checking or as-needed.

Monitoring: A qualified archaeological monitor and consulting Native American monitor shall be present during all ground-disturbing activity (including but not limited to vegetation clearing/grubbing, piledriving, transformer and inverter pads, trenching, gravel access roads, etc.) for project development. 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 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 permittee shall comply with the requirements of Public Resources Code Section 5097.98.

MM CULT-3: In the event of discovery of human remains the following actions promulgated in Public Resources Code 5097.97 and Health and Human Safety

Section 7050.5(b) of the California Health and Safety Code shall apply. Upon identification of human remains all excavation or disturbance of the location must be halted in the vicinity of the find, and the County coroner contacted. If the coroner determines the remains are Native American, the coroner shall contact NAHC, which will identify the most likely descended (MLD) person or persons from the deceased Native American. The MLD will provide recommendations regarding the treatment of the remains with appropriate dignity (refer to PRC 5097.94 for complete guidelines).

Monitoring: 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 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 permittee shall comply with the requirements of Public Resources Code Section 5097.98.

f. Geology and Soils

MM GEO-1: Should paleontological resources be encountered during project subsurface construction activities located in previously undisturbed soil and bedrock, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. For purposes of this mitigation, a "qualified paleontologist" shall be an individual with the following qualifications: 1) a graduate degree in paleontology or geology and/or a person with a demonstrated publication record in peer-reviewed paleontological journals; 2) at least two years of professional experience related to paleontology; 3) proficiency in recognizing fossils in the field and determining their significance; 4) expertise in local geology, stratigraphy, and biostratigraphy; and 5) experience collecting vertebrate fossils in the field.

If the paleontological resources are found to be significant and project activities cannot avoid them, measures shall be implemented to ensure that the project does not cause a substantial adverse change in the significance of the paleontological resource. Measures may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the County for review. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California Museum of Paleontology, along with significant paleontological materials. Public educational outreach may also be appropriate.

The Project sponsor shall inform its contractor(s) of the sensitivity of the project site for paleontological resources and shall verify that the following directive has been included in the appropriate contract specification documents:

"The subsurface of the construction site may contain fossils. If fossils are encountered during project subsurface construction, all ground-disturbing

activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Fossils can include plants and animals, and such trace fossil evidence of past life as tracks or plant imprints. Marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Contractor acknowledges and understands that excavation or removal of paleontological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5.”

Monitoring: 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 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 permittee shall comply with the requirements of Public Resources Code Section 5097.98.

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 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. Alternative locations for spoils are permitted, subject to review and approval by the PBES Director, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.

b. DUST CONTROL

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

c. AIR QUALITY

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

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust

complaints. The BAAQMD's phone number shall also be visible.

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

7.2 **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 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 permittee shall comply with the requirements of Public Resources Code Section 5097.98.

7.3 CONSTRUCTION NOISE

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall be staged, loaded, and unloaded on the project site, if at all practicable. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities only shall occur daily between the hours of 8:00 AM to 5:00 PM.

7.4 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL

- a. The permittee shall file a notice with the Federal Aviation Agency 45 days prior to the commencement of construction in accordance with 14 CFR Part 77.9. Documentation that the notice has been filed with the FAA shall be provided to the Director prior to the commencement of any construction activities.
- b. The permittee shall install curb, gutter and a driveway apron along the property frontage adjoining Soscol Ferry Road as set forth in the Engineering Division memo date December 9, 2019.
- c. Tree trunks, downed limbs, brush piles, and agricultural structures and equipment shall be removed from the 80 ft. wide access corridor, and along the western boundary of the site prior to grant of final occupancy.

7.5 CONSTRUCTION MITIGATION MEASURES

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

a. General Construction Measures

MM BIO-1. Prior to working on the Project, all Project personnel will attend a preconstruction environmental training to review potential special-status wildlife that could be found in the Project Area and ensure that AMMs for the Project are understood and implemented.

MM BIO-2. Work areas, staging areas, and access roads will be limited to those shown in the final Project description. All heavy equipment, vehicle, and construction activities will be confined to these designated areas.

MM BIO-3. All trash and waste items generated by construction or crew activities will be properly contained and removed from the Project Area.

MM BIO-4. All Project personnel will visually check for animals beneath vehicles and equipment immediately prior to operation. Any pipes, culverts, or other open-ended materials and equipment stored on-site for one or more overnight periods will be inspected for animals prior to moving, burying, or capping to assure that no animals are present within the materials and equipment.

MM BIO-5. To prevent accidental entrapment of wildlife during construction, all excavated holes, ditches, or trenches greater than 1-ft-deep will be covered at the end of each work-day by suitable materials, or escape routes will be constructed. After opening, and before filling such holes, ditches, and trenches will be thoroughly inspected for trapped animals.

MM BIO-6. If a special-status species is discovered in the Project Area, the Project Manager will be contacted. The Project Manager will report the sighting to the appropriate natural resource agency(ies) (e.g., CDFW, USFWS) within 24 hours. The animal will be allowed to move offsite on its own. Special-status species will not be taken or harassed.

MM BIO-7. A copy of all applicable permits and approvals, with associated maps, conditions, and AMMs will be kept on-site at all times. All migratory birds are protected under the Migratory Bird Treaty Act. A number of migratory birds were observed in the Project Area, and may utilize structures, trees and other vegetation, or pastureland for nesting. All trees and vegetation have the potential to be active nest sites for a number of avian species. Tree and vegetation removal could potentially impact nesting migratory birds if conducted during the nesting season (February 1-August 31).

MM BIO-8. If feasible, Project activities should be scheduled outside of the nesting bird season, in order to avoid impacts to nesting migratory birds of all types.

Monitoring: Prior to the issuance of a grading permit, the project plans shall reflect the implementation of the best management practices (BMPs) for construction activities, including verification to the PBES Department that all Project personnel have attended preconstruction environmental training detailed in MM BIO-1 through BIO-8. **The project plans shall also include trees to be retained as documented in the Garcia & Associates Supplemental memorandum, dated December 13, 2019. A tree preservation plan shall be included within building permit plans for the project for the purposes of preserving those on-site trees depicted in Figure 3-1 of the Garcia memorandum, including any such trees known to have previously provided nesting locations for raptors, as of the effective date of the Use Permit. If the project applicant/sponsor intends to remove additional on-site trees in the future, including those evaluated as potential nesting habitat, a Use Permit modification with accompanying environmental review will be required.** If vegetation clearing or other land disturbance is proposed during the bird breeding season (February 15 through August 31), the special-status bird species and other migratory passerines (perching birds) survey shall be submitted to Planning Division staff prior to

issuance of the grading permit.

b. Measures for Special-status Birds

MM BIO-9. Project activities shall occur outside of the breeding season for SWHA (i.e., September 1- February 28/29). If Project activities² must occur during the breeding season (March 1- August 31), a qualified biologist should conduct several surveys according to the Swainson's Hawk Technical Advisory Committee's (TAC) *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys In California's Central Valley*. If active SWHA nests are observed within 0.5 miles of the Project site during surveys, Project activities shall wait until a qualified biologist determines that all young have fledged, or the nest is no longer active. Alternatively, the Project proponent can obtain a California Endangered Species Act (CESA) Incidental Take Permit (ITP) from CDFW prior to starting Project activities, to cover all potential take that may occur during construction and over the life of the Project. Additionally, in the event that construction activities occur (e.g., vegetation removal, ground disturbing activities [pile driving, trenching, inverter pad installation, and access road construction], assembly of solar array, other use of heavy equipment, etc.) anytime during the nesting/breeding season of the Swainson's hawk, other raptors, or other bird species listed in the Migratory Bird Treaty Act (typically February 1 through August 31), a qualified biologist (experienced with the nesting behavior of bird species of the region) shall conduct preconstruction surveys for nesting birds. This survey shall be conducted within 14 days prior to the commencement of construction activities that would occur during the nesting/breeding season. The intent of the survey will be to determine if active nests are present within or adjacent to the construction zone within approximately 250 feet (300 feet for other raptors). The survey shall also be conducted in accordance with the protocol of the Swainson's Hawk Technical Advisory Committee's (TAC) *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley*. The survey shall commence early in the Swainson's hawk nesting season (late March to early April) and surveys will be conducted within a minimum 0.25-mile radius of the Project area. The surveys shall be timed such that the last survey is concluded no more than two weeks prior to initiation of construction. If ground disturbance activities are delayed following a survey, then an additional pre-construction survey and SWHA survey shall be conducted such that no more than two weeks will have elapsed between the last survey and the commencement of ground disturbance activities. If active nests are found in areas that could be directly or indirectly affected by the project, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. If any active Swainson's hawk nests are found during the survey, CDFW recommends a disturbance buffer of at least a 0.25 mile to avoid a "take" or adverse impacts to Swainson's hawk. If golden eagle or white-tailed kite is observed nesting in the Project area during preconstruction surveys, Project activities shall be delayed until a qualified biologist determines that the young have fledged or that the nest is no longer active. If Project activities must occur during the nesting season, the Project proponent shall consult with CDFW on appropriate avoidance measures to ensure no take occurs. No trees or vegetation shall be removed from the project site during the breeding period. The size of the buffer zones and types of construction activities restricted within them should be determined through consultation with the CDFW depending on the

² Project activities potentially disruptive to nesting birds include vegetation removal, ground disturbing activities [pile driving, trenching, inverter pad installation, and access road construction], assembly of solar array, other use of heavy equipment, etc.

species, taking into account factors such as the following:

- Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;
- Distance and amount of vegetation or other screening between the construction site and the nest; and
- Sensitivity of individual nesting species and behaviors of the nesting birds.

The buffer zone around an active nest should be established in the field with orange construction fencing or another appropriate barrier and construction personnel should be instructed on the sensitivity of nest areas. The qualified biologist should serve as a construction monitor during those periods when construction activities would occur near active nest areas of special status bird species to ensure that no impacts on these nests occur.

Monitoring: The permittee shall have a nesting bird survey completed prior to any construction activities scheduled to occur on the site from February 1 through August 31. Additionally, if construction occurs during the SWHA breeding season (March 1- August 31), a qualified biologist should conduct several surveys according to the Swainson's Hawk Technical Advisory Committee's (TAC) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys In California's Central Valley. If active SWHA nests are observed within 0.5 miles of the Project site during surveys, Project activities shall wait until a qualified biologist determines that all young have fledged, or the nest is no longer active. The survey shall also be conducted in accordance with the protocol of the Swainson's Hawk Technical Advisory Committee's (TAC) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. The survey results shall be provided to the Napa County Planning, Building and Environmental Services. In the event any special-status or other protected nesting birds are found to occur on-site (or within 0.5 mile for Swainson's hawk, golden eagle, and white-tailed kite) construction activities will be scheduled to avoid nesting and breeding periods and consultation will be sought with CDFW to develop appropriate measures to reduce potential impacts to nesting Swainson 's hawk, golden eagle, or white-tailed kite which may include preservation of potential foraging habitat.

d. Measures for Special-Status Plants and Vegetation Communities

MM BIO-10. No known occurrences of special-status plant taxa occur at this time. However, if special status plants are found, the Project Manager will be notified. Individuals will be marked (e.g., with flagging or construction fencing) and avoided during construction activities. Environmental training for construction personnel will include identification and location of on-site special status plants.

Monitoring: Prior to the issuance of a grading permit, the project plans shall reflect the implementation of the best management practices (BMPs) for construction activities, including verification to the PBES Department that all Project personnel have attended preconstruction environmental training including identification and location of on-site special status plants. If special status plants are found during construction activities, the Project Sponsor shall notify the PBES Department. A qualified professional biologist shall mark all individuals plants (e.g., with flagging or construction fencing) and avoid during construction

activities.

d. Wetland and Water Feature Measures

MM BIO-11. Complete avoidance of Suscol Creek and associated riparian woodland along the northern boundary of the Project is planned. Plans call for a typical setback of 150 ft (Appendix F) as required by the Napa Valley Business Park Specific Plan, and a minimum setback of 35-45 ft is required, depending on slope (NCBS 2019). The setback from Suscol Creek will be demarcated by fencing, flagging, or other highly visible material.

MM BIO-12. Extreme caution will be exercised when using the access bridge crossing Suscol Creek (Photo 11). When handling and/or storing chemicals (fuel, hydraulic fluid, etc.) near waterways, all applicable laws/regulations and best management practices (BMPs) will be followed. Appropriate materials will be kept on site to prevent and manage spills. All construction equipment will be well maintained to prevent fuel, lubricants, or other fluid leaks. Equipment, when not in use, will be stored in upland areas outside of the boundaries of the stream-channel or other water bodies.

MM BIO-13. Erosion, sediment, and material stockpile BMPs will be employed between work areas and adjacent wetlands or waterways. No fill or runoff will be allowed to enter wetlands or waterways.

MM BIO-14. Any erosion and sediment control materials (e.g., hay bales, straw wattles, erosion blankets, etc.) will not include micro-filament netting, to avoid entrapment of wildlife. Any straw erosion and sediment control materials will be composed of certified weed free material.

Monitoring: Prior to the issuance of a grading permit, the delineated wetland boundary shall be demarcated on the improvements plans and an erosion control silt fence shall be shown between the edge of the delineated wetland boundary and the road.

e. Cultural Resources

MM CULT-1: Prior to commencing ground disturbing construction activities within the Project area, the Project sponsor shall require all Project personnel attend a preconstruction training conducted by the Yocha Dehe Wintun Nation Tribe to review potential tribal cultural resources that could be found in the Project Area and ensure that permit conditions for the Project are understood and implemented.

Monitoring: Prior to the issuance of a grading permit, the Project Sponsor shall provide verification to PBES Department that preconstruction training for all Project personnel has been conducted by the Yocha Dehe Wintun Nation Tribe.

MM CULT-2: A qualified archaeological monitor and consulting Native American monitor shall be present during all ground-disturbing activity (including but not limited to vegetation clearing/grubbing, piledriving, transformer and inverter pads, trenching, gravel access roads, etc.) for project development. In the event subsurface archaeological materials are encountered, all ground disturbing activities must be suspended within 50-feet of the find. The landowner, project proponent, Napa County Planning Department shall be notified

immediately if any such finds until an archaeologist meeting the Secretary of the Interior's (SOI) Professional Qualifications Standards in archaeology can evaluate the finds and recommend appropriate action.

If the resource cannot be avoided, then a data recovery mitigation program shall be developed and implemented. At the discretion the principal archaeologist and in coordination the County, once a sufficient sample of materials has been observed resulting in negative findings, and/or bedrock/paleosols or disturbed soils (i.e. fill) are encountered, monitoring may be reduced to spot-checking or as-needed.

Monitoring: A qualified archaeological monitor and consulting Native American monitor shall be present during all ground-disturbing activity (including but not limited to vegetation clearing/grubbing, piledriving, transformer and inverter pads, trenching, gravel access roads, etc.) for project development. 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 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 permittee shall comply with the requirements of Public Resources Code Section 5097.98.

MM CULT-3: In the event of discovery of human remains the following actions promulgated in Public Resources Code 5097.97 and Health and Human Safety Section 7050.5(b) of the California Health and Safety Code shall apply. Upon identification of human remains all excavation or disturbance of the location must be halted in the vicinity of the find, and the County coroner contacted. If the coroner determines the remains are Native American, the coroner shall contact NAHC, which will identify the most likely descended (MLD) person or persons from the deceased Native American. The MLD will provide recommendations regarding the treatment of the remains with appropriate dignity (refer to PRC 5097.94 for complete guidelines).

Monitoring: 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 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 permittee shall comply with the requirements of Public Resources Code Section 5097.98.

f. Geology and Soils

MM GEO-1: Should paleontological resources be encountered during project subsurface construction activities located in previously undisturbed soil and bedrock, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies

as appropriate, and make recommendations for the treatment of the discovery. For purposes of this mitigation, a “qualified paleontologist” shall be an individual with the following qualifications: 1) a graduate degree in paleontology or geology and/or a person with a demonstrated publication record in peer-reviewed paleontological journals; 2) at least two years of professional experience related to paleontology; 3) proficiency in recognizing fossils in the field and determining their significance; 4) expertise in local geology, stratigraphy, and biostratigraphy; and 5) experience collecting vertebrate fossils in the field.

If the paleontological resources are found to be significant and project activities cannot avoid them, measures shall be implemented to ensure that the project does not cause a substantial adverse change in the significance of the paleontological resource. Measures may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the County for review. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California Museum of Paleontology, along with significant paleontological materials. Public educational outreach may also be appropriate.

The Project sponsor shall inform its contractor(s) of the sensitivity of the project site for paleontological resources and shall verify that the following directive has been included in the appropriate contract specification documents:

“The subsurface of the construction site may contain fossils. If fossils are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be halted and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Fossils can include plants and animals, and such trace fossil evidence of past life as tracks or plant imprints. Marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Contractor acknowledges and understands that excavation or removal of paleontological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5.”

Monitoring: 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 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 permittee shall comply with the requirements of Public Resources Code Section 5097.98.

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES

A Temporary Certificate of Occupancy (TCO) may be granted pursuant to the County Code to allow specific limited use of the warehouse and office areas prior to completion of all project improvements. Permittee shall comply with the following before a TCO is granted:

8.1 TEMPORARY OCCUPANCY

All life and safety conditions shall be addressed prior to issuance of a TCO by the County Building Official. TCOs shall not be used for general public occupancy of buildings and shall not exceed the maximum time allowed by the County Code 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.

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

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

9.1 FINAL OCCUPANCY

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

9.2 SIGNS **[RESERVED]**

9.3 GATE/ENTRY STRUCTURES

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

9.4 LANDSCAPING **[RESERVED]**

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

9.6 DEMOLITION ACTIVITIES **[RESERVED]**

9.7 GRADING SPOILS **[RESERVED]**

9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY – See conditions 6.18 & 7.5.

9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY – See conditions 7.4(b) & (c).