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Previous Conditions of Approval  
Pickett Road Wine Company Major  
Modification  
P19-00172-MOD



# COUNTY of NAPA

OFFICE OF CONSERVATION, DEVELOPMENT & PLANNING

PLANNING DIVISION

October 5, 2006

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Paul & Kelly Fleming  
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Rutherford, CA 94573  
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FAX and Hard Copy Sent

Use Permit # P05-0441-UP & Use Permit # P05-0459-CONSETB  
2343 Pickett Road, Calistoga, CA, APN 018-050-067

Dear Mr. & Mrs. Fleming,

Please be advised that Conditional Use Permit # P05-0441-UP & Use Permit # P05-0459-CONSETB and have been **APPROVED** with amended conditions by the Planning Commission on October 4, 2006 based on the information provided and applicable County regulations, subject to the attached conditions of approval. The two use permits establish a new 12,000 gallon per year winery consisting of: 1) a 6,305 square feet winery building and 7,000 square feet of caves for a total winery area of approximately 13,305 square feet; 2) three full-time and two part-time employees; 3) six on-site parking spaces; 4) a marketing plan with appointment-only tours and wine tastings with up to 8 visitors in one day (up to 60 visitors per week maximum) and six activities per year consisting of two auction events with a maximum of 125 people and four catered private food and wine pairing events with a maximum of 60 people; 6) a Road Exception for reduced access road width; and 7) a Conservation Ordinance Setback Exception in the form of a Use Permit to reduce the 45-foot and 55-foot stream setback to 22-feet for a portion of the 20-foot wide winery access roadway and zero for utility service line support structures.

The permit becomes effective ten (10) working days (October 28, 2006) from the approval date unless appealed to the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You may appeal the conditions of approval. If an appeal is filed by anyone, you will be notified.

Good luck on your project. Should you have any questions, please contact Ronald Gee at 707-253-4417 or by e-mail: [rgee@co.napa.ca.us](mailto:rgee@co.napa.ca.us).

Sincerely,

John McDowell  
Acting Deputy Planning Director

cc: Donna Oldford, Oldford Planning Associates, 2620 Pinot Way, St. Helena 94559  
Greg Swaffer, Summit Engineering, Inc., 463 Aviation Boulevard, Suite 200,  
Santa Rosa 95403  
Gretchen Stranzl McCann, 1785 Third Street, Napa CA 94559  
John Tuteur, County Assessor  
File

1195 THIRD STREET  
SUITE 210

NAPA, CALIFORNIA  
94559

TELEPHONE:  
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**NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT  
PLANNING COMMISSION  
USE PERMIT # P05-0441-UP & USE PERMIT EXCEPTION # P05-0459-CONSETB  
PICKETT ROAD WINERY LLC / PAUL & KELLY FLEMING  
APN: 018-050-067**

**CONDITIONS OF APPROVAL**

1. **SCOPE:** The permit shall be limited to:

- A. Wine production of no more than 12,000 gallons per year;
- B. Construction of a 6,305 square feet building and 7,000 square feet of caves for an approximately 13,305 square feet winery;
- C. Three full-time and two part-time employees;
- D. Six on-site parking spaces;
- E. A Use Permit Exception request pursuant to Chapter 18.108 of the Napa County Code (Conservation Regulations – Stream Setbacks) to reduce the 45 feet and 55 feet stream setback to 22 feet for portions of the approximately 550 feet long, 20-foot wide paved winery access roadway and to reduce the setback to zero for utility service pipes bridge abutments;
- F. Installation of a new waste disposal system;
- G. Improvements to the project access road consistent with a Road Exception Permit for reduced road width;
- H. Approval of a Marketing Plan as detailed below.

Winery construction shall be designed in substantial conformance with the submitted site plans, elevations drawings, and other submittal materials. It is the responsibility of the applicant 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 by the approved Use Permit modification process.

2. **MARKETING:** Marketing events shall be limited as follows:

- A. Catered Wine and Food Pairing Events  
Frequency: 4 (four) times per year  
Number of persons: 60 (sixty) maximum  
Time of Day: 10:00 AM to 10:00 PM
- B. Annual Wine Auction  
Frequency: 2 (two) times per year  
Number of persons: 125 maximum  
Time of Day: 10:00 AM to 10:00 PM

"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development. (Ord. 1104 § 11, 1996: Ord. 947 § 9 (part), 1990: prior code § 12071). All activity, including cleanup, shall cease

by 10:00 PM. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 5:30 PM.

### **3. TOURS AND TASTING:**

Public tours and tastings shall be limited to a maximum of 8 persons/day, 60 persons/week. "Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to members of the wine trade, persons invited by a winery who have pre-established business or personal relationships with the winery or its owners, and persons who have made unsolicited prior appointments for tours or tastings. (Ord. 947 § 9 (part), 1990: prior code § 12070). Tours and tasting shall complete by 4:00 PM. Retail sale of wines shall complete by 4:30 PM and shall be limited to those wines set forth in Napa County Code Sec. 18.16.030(G)(5)(c). A log book (or similar record) shall be maintained which documents the number of visitors to the winery, and the dates of their visit. This record of visitors shall be made available to the Department upon request.

### **4. GRAPE SOURCE:**

At least 75% of the 12,000 gallons per year of grapes used to make the winery's still wine shall be grown within the County of Napa. The applicant shall report to the Department on an annual basis by December 31 the source of grapes verifying that 75% of the approved production is from Napa County grapes. The report shall include the Assessor's Parcel Number and the grape tonnage. The report shall be proprietary and not available to the public. For the public record, the applicant shall annually submit to the Department for the file a statement regarding compliance with the sourcing requirement and indicating the percentage of Napa County grapes utilized.

### **5. SIGNS:**

Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning Department for administrative review and approval. All signs shall meet the design standards as set forth on Chapter 18.116 of the County Code. At least one sign placed and sized in a manner to inform the public shall legibly include wording stating "Tours and Tasting by Prior Appointment Only."

### **6. GATES/ENTRY STRUCTURES:**

Any gate installed at the winery entrance shall be reviewed by the Planning and Public Works Departments and the Napa County Fire Department to assure that it is designed to allow a large vehicles such as motor homes 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.

### **7. LIGHTING:**

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety, or operations and shall incorporate the use of motion detection sensors to the greatest extent practical. 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. Prior to issuance of any building permit for construction of the winery, two (2) copies of a separate detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Department review and approval.

**8. LANDSCAPING/PARKING:**

Two (2) copies of a detailed landscaping plan and riparian enhancement plan, including access road and parking details, additional creek enhancement up to and including the accessory utility service area, utility service line creek crossings, gap areas between the creek and new access roadway, and removal of debris located in riparian areas and along the existing fencing, shall be submitted for review and approval prior to issuance of building permits for the main winery building. The landscape plan(s) shall indicate plant location, species, size at planting, quantity of each, method of planting, underground automatic sprinkler system, and similar landscape design information. The plan(s) shall indicate the names and locations of all plant materials to be used along with the method of maintenance. Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

The location of employee and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any). Landscaping and parking shall be completed prior to occupancy of each phase and shall be permanently maintained in accordance with the landscaping plan.

No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. Any trees that are removed shall be replaced elsewhere on the property on a 2 for 1 basis of equivalent caliper. Replaced trees shall be identified on the landscaping plan. Trees to be retained shall be protected during construction.

In order to provide vegetative screening on a year-round basis, trees and/or evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and off-site residences that can view the structures.

Parking shall be limited to approved parking spaces only and shall not occur along access roads or in other locations except during harvest or approved marketing events. In no case shall parking impede emergency vehicle access or public roads. If any event is held which will exceed the available on-site parking, the applicant shall arrange for off-site parking and shuttle service to the winery.

**9. OUTDOOR STORAGE/SCREENING/UTILITIES:**

All outdoor storage of winery equipment shall be screened from the view of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage is to 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.

New utility lines required for this project that are visible from any designated scenic transportation route (see Chapter 7 of the General Plan and Chapter 18.106 of the Napa County Code for designated roads) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

10. **RENTAL/LEASING:**

No winery facilities, nor portions thereof, including but not limited to offices, kitchens, barrel storage areas, and warehousing space, shall be rented, leased, nor used by entities other than the on-site winery itself, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Section 5.36.010)

11. **COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:**

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

Department of Environmental Management as stated in their comment dated January 4, 2006;

Department of Public Works as stated in their comments dated January 11, 2006 and September 28, 2006;

County Fire Department as stated in their comment dated January 4, 2006; and  
California Department of Fish & Game as stated in their letter of September 19, 2006.

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

12. **SPOILS:**

All spoils generated by construction of the project facilities, if applicable, shall be disposed of per Public Works Department direction. All spoils piles shall be removed prior to occupancy.

13. **WELLS:**

The permittee may be required (at the permittee's expense) to provide well monitoring data if it the Director of Environmental Management determines that water usage at the winery is affecting, or would potentially affect groundwater supplies or nearby wells. Data requested could include, but may not be limited to, water extraction volumes and static well levels. If applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gage potential impacts on the groundwater resource utilized for the project proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices. In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the director of environmental management shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the director has provided notice and the opportunity for hearing in compliance with the county code section 13.15.070.G-K.

**14. NOISE:**

Construction noise shall be minimized to the maximum 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 condition 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 between the hours of 8:00 AM to 5:00 PM. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed winery buildings unless authorized -with a Temporary Events Permit.

**15. 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 vegetation and shall be reviewed and approved by the Department prior to the issuance of any building permits. Highly reflective surfaces shall be prohibited.

**16. 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. Construction activities shall not occur during windy periods.

**17. 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 Department will be contacted for further guidance, which will likely include the requirement for the applicant to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required. If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he 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 would be contacted 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.

**18. TRAFFIC**

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will not occur during peak (4:00 PM – 6:00 PM) travel times to the maximum extent possible. All road improvements on private property required per the Department of Public Works shall be maintained in good working condition.

**19. ADDRESSING**

All project site addresses shall be determined by the Director, and reviewed and approved by the U.S. Post Office, prior to issuance of any building permit. The 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.

**20. STORM WATER CONTROL:**

For any construction activity that results in disturbance of greater than one acre of total land area, permittee shall file a Notice of Intent with the California Regional Water Quality Control Board (SRWQCB) prior to any grading or construction activity. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots shall be designed to drain through grassy swales, buffer strips, or sand filters prior to any discharge from the impervious surface into a watercourse. If any discharge of concentrated surface waters is proposed in the any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

**21. STREAM SETBACKS:**

The winery access road shall maintain a minimum 22 feet setback from the designated Simmons Creek top-of-bank by Conservation Section and Resource Conservation district staff. Utility service line bridge abutments and creek crossings shall be hand-dug and constructed as free-span structures outside designated top-of-bank, as determined by the Conservation Section and Resource Conservation District staff. Prior to road and bridge abutment construction, all required permits for construction in or near Simmons Creek shall be obtained from affected agencies, including but not limited to the California Department of Fish & Game and County Public Works Department. Copies of applicable stream-related construction permits and revegetation/riparian enhancement plans, as detailed in Condition #8 above, shall be submitted for Planning Director review and approval prior to issuance of County Building and Road Exception Permits.

**22. INDEMNIFICATION:**

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

**23. 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 and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring (\$125.00/hour as of January, 2006). Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.



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

24. **MITIGATION MEASURE COMPLIANCE:**

The applicant shall comply with all mitigation measures contained in the mitigated negative declaration prepared and adopted for this project.



**HILLARY GITELMAN**  
Director

# COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

**JOHN McDOWELL**  
Acting Deputy Planning Director

December 18, 2007

Paul & Kelly Fleming  
Pickett Road Winery Company LLC  
P.O. Box 14  
Rutherford, CA 94573  
Fax: 707-942-6469

FAX and Hard Copy Sent

Use Permit Minor Modification # P07-00834-MOD  
2343 Pickett Road, Calistoga, CA, APN 018-050-067

Dear Mr. & Mrs. Fleming,

Please be advised that Use Permit Minor Modification # P07-00834-MOD has been **APPROVED** with amended conditions by the Zoning Administrator on December 18, 2007 based on the information provided and applicable County regulations, subject to the attached conditions of approval.

This modification amends earlier Use Permit # P05-0441-UP and # P05-0459-CONSETB that established a new 12,000 gallon per year winery consisting of: 1) a 6,305 square foot winery building and 7,000 square feet of caves for a total winery area of approximately 13,305 square feet; 2) three full-time and two part-time employees; 3) six on-site parking spaces; 4) a marketing plan with appointment-only tours and wine tastings with up to 8 visitors in one day (up to 60 visitors per week maximum) and six activities per year consisting of two auction events with a maximum of 125 people and four catered private food and wine pairing events with a maximum of 60 people; 6) a Road Exception for reduced access road width; and 7) a Conservation Ordinance Setback Exception in the form of a Use Permit to reduce the 45-foot and 55-foot stream setback to 22-foot for a portion of the 20-foot wide winery access roadway and zero for utility service line support structures.

The modification consists of a revised winery building design from a one-story to two-story structure (27 feet to 32 feet height) with an approximately 5% reduction in the building foot-print and like production pad area increase. Building materials will now reflect the existing residence on the property. No changes to the existing use permit winery production level, access road, parking area, cave size or winery marketing plan are requested; the existing conservation setback use permit exception is not affected.

This use permit modification becomes effective ten (10) working days (January 3, 2007) from the approval date unless appealed to the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You may appeal the conditions of approval. If an appeal is filed by anyone, you will be notified.

Good luck on your project. Should you have any questions, please contact Ronald Gee at 707-253-4417 or by e-mail: [rgee@co.napa.ca.us](mailto:rgee@co.napa.ca.us).

Sincerely,

John McDowell  
Acting Deputy Planning Director

cc: Donna Oldford, Oldford Planning Associates, 2620 Pinot Way, St. Helena 94559  
Taylor Lombardo Architects, LLP, 529 Commercial Street, Suite 400, San Francisco, CA 94111  
Greg Swaffer, Summit Engineering, Inc., 463 Aviation Boulevard, Suite 200, Santa Rosa 95403  
Gretchen Stranzl McCann, 1785 Third Street, Napa CA 94559  
John Tuteur, County Assessor  
File



A Tradition of Stewardship  
A Commitment to Service

Conservation, Development and Planning

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**Hillary Gitelman**  
Director

October 3, 2008

Paul & Kelly Fleming  
Pickett Road Winery Company LLC  
P.O. Box 14  
Rutherford, CA 94573  
Fax: 707-942-6469

FAX and Hard Copy Sent

Use Permit Very Minor Modification # P08-00538-MOD  
2343 Pickett Road, Calistoga, CA, APN 018-050-067

Dear Mr. & Mrs. Fleming,

Please be advised that Use Permit Very Minor Modification # P08-00538-MOD has been **APPROVED** with amended conditions by the Zoning Administrator on October 3, 2008 based on the information provided and applicable County regulations, subject to existing conditions of approval, as amended by this permit.

This modification amends Use Permit # P05-0441-UP and # P05-0459-CONSETB that established a new 12,000 gallon per year winery consisting of: 1) a 6,305 square feet winery building and 7,000 square feet of caves for a total winery area of approximately 13,305 square feet; 2) three full-time and two part-time employees; 3) six on-site parking spaces; 4) a marketing plan with appointment-only tours and wine tastings with up to 8 visitors in one day (up to 60 visitors per week maximum) and six activities per year consisting of two auction events with a maximum of 125 people and four catered private food and wine pairing events with a maximum of 60 people; 6) a Road Exception for reduced access road width; and 7) a Conservation Ordinance Setback Exception in the form of a Use Permit to reduce the 45-foot and 55-foot stream setback to 22-feet for a portion of the 20-foot wide winery access roadway and zero for utility service line support structures. Use Permit Minor Modification # P07-00834-MOD, approved on December 18, 2007, amended the winery building design from a one-story to two-story structure with a reduced building footprint and corresponding increase in production area.

This very minor modification request consists of: 1) further revisions to the winery building design including a second-story terrace with a barbeque, new pizza oven and pantry area with sink, a reduced size bath, revised office and storage area; 2) modification of the cave portal design to recognize and correct Building Permit # B06-01409 violations; and 3) minor changes to the Simmons Creek riparian restoration plan to correct placement of cave spoils adjacent to the creek, located northeast of the winery building site, as part of other Grading Permit # W06-01388 violations. All corrective measures conform with California Department of Fish & Game, Building, Planning and Public Works Department requirements. No changes to the existing use permit winery production level, access road, parking area, cave size or winery marketing plan are requested; the existing conservation setback use permit exception is not affected except for the minor revisions to the riparian restoration plan.

Use Permit Very Minor Modification # P08-00538-MOD  
Pickett Road Winery Company LLC  
October 3, 2008

This use permit modification becomes effective ten (10) working days (October 17, 2008) from the approval date unless appealed to the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You may appeal the conditions of approval. If an appeal is filed by anyone, you will be notified.

Good luck on your project. Should you have any questions, please contact Ronald Gee at 707-253-4417 or by e-mail: [rgee@co.napa.ca.us](mailto:rgee@co.napa.ca.us).

Sincerely,

John McDowell  
Deputy Planning Director

cc: Donna Oldford, Oldford Planning Associates, 2620 Pinot Way, St. Helena 94559  
Shannon Slattery, Taylor Lombardo Architects, LLP, 529 Commercial Street, Suite 400,  
San Francisco, CA 94111  
Greg Swaffer, Summit Engineering, Inc., 463 Aviation Boulevard, Suite 200, Santa Rosa 95403  
Gretchen Stranzl McCann, 1785 Third Street, Napa CA 94559  
John Tuteur, County Assessor  
File