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Agenda Date: 12/17/2008

Agenda Placement: 9E

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: John McDowell for Gitelman, Hillary - Director
Conservation, Development & Planning

REPORT BY: Trish Hornisher, PLANNER III - 299-1349

SUBJECT: Cimarossa Winery Use Permit

RECOMMENDATION

CIMAROSSA WINERY / DINO DINA – USE PERMIT REQUEST - #P07-00719-UP

CEQA STATUS: Mitigated Negative Declaration Prepared. According to the Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: Biological Resources, and Utilities/Service Systems. This project site is not on any of the lists of hazardous waste sites enumerated under Government code section 65962.5.

REQUEST: Approval of a Use Permits to establish a new 10,000 gallon per year winery with: (1) a 3,613 square foot two-story winery building, a 902 square foot covered outdoor work area, 2,500 square feet of caves and conversion of an existing 1,360 square foot barn to wine barrel storage for a winery totaling 8,375 square feet; (2) two full-time and two part-time employees; (3) five parking spaces; (4) tours and tasting by appointment only with a maximum of eight visitors per day and 56 visitors per week; (5) a marketing plan with: two 20-person events per month; two 40-person events per year; and, two 100-person Wine Auction related events per year (all events to be catered); (6) installation of fire protection and winery use water tanks totaling 20,000 gallons on a 400 square foot concrete pad; (7) installation of a wastewater treatment system; and, (8) approval of an Exception to the County Road and Street Standards to allow: (A) improvements and routine maintenance to be made to Friesen Drive (an existing private road that is currently 10 to 16 feet wide serving the winery) and, (B) widening the existing private winery driveway to an average of 10 to 14 feet with a 2 foot shoulder and 2 fire turn-around areas (18 feet plus two foot shoulders required for both roads). The winery project is located on a 56.81 acre parcel on the south side of Friesen Drive approximately 1.25 miles northwest of its intersection with North White Cottage Road. Friesen Drive is accessed via Buckeye Lane which begins 550 feet north of the intersection of Keyes Avenue and North White Cottage Road within an AW (Agricultural Watershed) zoning district. (Assessor's Parcel #: 018-060-069). 1185 Friesen Drive, Angwin.

Staff Recommendation: Adopt the Mitigated Negative Declaration, and approve the project as proposed with conditions of approval.

Staff Contact: Patricia Hornisher 299-1349

EXECUTIVE SUMMARY**Proposed Action:**

1. That the Planning Commission adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program based on findings 1-6 of Exhibit A (attached); and,
2. That the Planning Commission approve the requested Road and Street Standards Exception for P07- 00719-UP based on findings 12-14 of Exhibit A; and,
3. That the Planning Commission approve Use Permit P07-00719-UP for Cimarossa Winery based on findings 7-11 of Exhibit A and subject to the recommended conditions of approval (Exhibit B).

Discussion: This application requests approval of a use permit to establish a new 10,000 gallon per year winery. It is located on a 56.8 acre parcel located off Friesen Drive west of Angwin and the site is currently developed with an existing residence, barn, 13 acres of hillside vineyards and 1.4 acres of olive orchards. The applicant proposes to construct a 3,613 square foot, two-story winery building with an outdoor terrace areas on the 2nd floor, a covered work area and 2,500 square feet of caves for wine storage. An existing 1,360 square foot barn will be converted for wine barrel storage bringing the winery total to 8,375 square feet. Also requested are tours and tasting By Appointment Only with a maximum of eight visitors per day and 56 visitors per week and a marketing plan with two 20-person events per month; two 40-person events per year and two 100-person Wine Auction events. An exception to the Napa County Road and Street Standards for Friesen Drive and the driveway to the winery will be required as part of the project. The Napa County Public Works Department and the California Department of Forestry have reviewed the Road and Streets Standards exceptions and recommend approval based on compliance with all specified conditions of approval. Several neighbors have expressed concerns about requested levels of visitation and marketing, traffic, and the extent of road improvements.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration Prepared. According to the Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: Biological Resources, and Utilities/Service Systems. This project site is not on any of the lists of hazardous waste sites enumerated under Government code section 65962.5.

BACKGROUND AND DISCUSSION

Owner: Dino Dina Trust

Applicant: Dr. Dino Dina

Representative (Project Manager): Donna Oldford

Zoning: AW (Agricultural Watershed)

General Plan Designation: AWOS (Agriculture, Watershed, & Open Space)

Filed: September 27, 2007 **Resubmitted:** October 10, 2008 **Complete for CEQA Review:** October 10, 2008

Building Size: a 3,613 square foot winery building with a 902 square foot covered crush pad and a 1,360 square foot existing barrel storage barn.

Cave Size: 2,500 square feet

Production Capacity: 10,000 gallons per year

Visitation: A maximum of 8 visitors per day with no more than 56 persons per week.

Marketing: Two 20-person events per month; two 40-person events per year; and two 100-person Wine Auction events annually with all events to be catered.

Number of Employees: Two full-time and two part-time employees

Hours of Operation: 6:00 AM to 6:00 PM, seven days a week

Parking: 5 parking spaces, including one ADA-accessible space

Adjacent Zoning / Land Use:

North - AW – Watershed/Open Space - including a 51.4 acre undeveloped parcel encompassing Newton and Fawn Lakes (Howell Mountain Mutual Water Co, Inc.);

South - AW - Open Space/Rural Residential/Vineyard/Winery – bordered by a single 63 acre rural residential parcel with vineyards and a winery (O'Shaughnessy Del Oso, LLC);

East - AW – Watershed/Open Space/Rural Residential/Private Utility - a 94 acre parcel encompassing Whitehead, Orville and Henne Lakes with a private water utility company (Howell Mountain Mutual Water Company, Inc.); and a 19 acre rural residential parcel;

West - AW - Open Space - a 305 acre undeveloped parcel (Napa County Land Trust).

Nearby Wineries (within one mile to the northeast and southeast of the project site):

Winery	Address	Approval Date	Gallon/Yr	Sq. Ft.	Visitation
O'Shaughnessy Winery	1185 Friesen Dr	2/16/2000	15,000	21,200	By Appt
Robert Craig Winery	2475 Summit Lake Dr	4/7/1999	20,000	10,944	By Appt
Outpost Wines	2075 Summit Lake Dr	3/1/1987	1,800	1,584	Tst Only Appt
Dunn Vineyards	805 White	3/1/1982	5,000	1,200	Tst Only

	Cottage Rd				Appt
White Cottage Ranch Winery	501 North White Cottage Rd	3/192003	20,000	12,017	By Appt
Neal Winery	716 Liparita Rd	1/19/2000	35,000	13,242	By Appt

Property History & Evolution of this Application:November 1979

The County issues a final for building permit # 24499 for a 432 sq. ft. pavilion accessory to existing main residence.

May 1980

The County issues a certificate of occupancy for building permit #24498 for a two story, 2,456 sq. ft. single family residence.

August 1980

The County issues a final for building permit #27031 for a 1,196 sq. ft barn.

May 1998

A Track 1 Erosion Control Plan #1997468 is approved to allow installation of two separate on-site vineyards of 6.6 acres and 11.2 acres which incorporate several acres of producing olive trees.

December 1998

A Williamson Act Type "H" contract is recorded for the property inclusive of 56.81 acres for vineyard and olive tree agricultural uses.

August 2005

A use permit for a Home Occupation is issued for a 135 sq. ft. office to be used for order taking and record keeping in association with wholesale wine sales.

September 2007

The applicant submits use permit application #P07-00719 for the Cimarossa Winery.

September 2007

Applicant requests two exceptions to road and street standards for Friesen Drive and the on-site winery access road.

October 2008

The applicant submits project revisions for the original winery use permit application involving square footage clarifications, reduction in the average number of visitors per week, and revising the winery development area to eliminate the need for an exception to the Conservations Regulations for slopes > 30%.

July 2008

Public Works and California Dept of Forestry / Napa County Fire Marshall recommend applicant's request for a road exception be granted with conditions as incorporated into the use permit request.

October 2008

The Department of Fish and Game reviews the project submittal and requests a complete, updated assessment of the habitats, flora and fauna within and adjacent to the project area as well as the possible requirement for a Streambed Alteration Agreement for any activity that will involve impact to a stream bed, channel or bank.

October 2008

The Planning Division formally requests the applicant submit an updated biological survey of the project area and a Streambed Alteration Agreement as required by the Department of Fish and Game.

November 2008

Planning staff schedules the use permit application for a hearing before the Commission.

Code Compliance History:

Based on a review of Planning and Building files, there are no open code compliance issues on the property.

Discussion Points:

I. Environmental Review - Mitigated Negative Declaration

An Initial Study has been prepared for the project and is attached for the Commission's review. With incorporation of mitigation measures addressing Biological Resources and Utilities and Services Systems as discussed below, no significant environmental impacts have been identified.

Biological Resources

This application proposes to remove approximately one-half acre of valley and live oak and mixed evergreen woodland for the winery site which is located on the knoll above the vineyard areas. Other mature oak trees will be removed along the existing driveway access to the winery as a result of the California Department of Forestry's requirement to widen it for fire safety. In total, 37 valley and live oak trees (6"-16" in diameter) and 6 pine trees (8"-12" in diameter) will be removed. The trees vary in diameter between 6" and 36". At the intersection of Friesen Drive and the winery driveway, 1 - 2 trees will be removed.

Currently the 2008 Napa County General Plan, calls for the maintenance and improvement of oak woodland habitat by providing replacement of lost oak woodlands or preservation of like habitat at a 2:1 ratio when retention of existing vegetation is found to be infeasible (**Policy CON-24**). Compliance with the Oak Woodland Preservation Act (PRC Section 21083.4) is also called for under Policy CON-24 (b.). If the winery project is approved on this site, preservation of the above listed trees will be infeasible due to the slope of the winery development area and resulting engineering design requirements. Therefore, to comply with current General Plan policies, the applicant has submitted plans designating an approximately 1.5 acre area located at the northwest corner of the parcel to be utilized for a permanent oak woodland replacement site.

To determine whether the permanent tree replacement area is a viable habitat for re-establishment of the oak woodland, a biological assessment will be performed. It should be mentioned that two different biological assessments were performed on the property in 2000 and again in 2005. The first was for the installation of the two vineyard areas on each side of the property and the second for a water rights application for the State. Both reports concluded that no unique biological resources, sensitive habitat or associated special-status species would be impacted as a result of these projects. In addition, the Napa County Environmental Resources Mapping layers (Calif. Dept. Fish & Game Natural Diversity Database, vernal pools, vegetation and CNPS plant layers) do not show the presence of any sensitive plant or animal species within the entire project area. Staff concluded from this evidence that there would be a less than significant impact on any riparian habitat or other sensitive plant or animal species as a result of the project. In response to comments made by the Department of Fish and Game, staff is recommending a condition of approval requiring a subsequent biological assessment be completed prior to issuance of the winery grading and building permits to confirm biological resources are not impacted.

In addition, the applicant has agreed to **Mitigation Measure 1** requiring a biological assessment of the proposed tree replacement plan area and a 2:1 Tree Replacement Plan to be submitted with the overall Landscaping Plan for the winery prior to issuance of the winery mass grading and building permit. The Tree Replacement Plan will outline the species, number, size and quantity as well as the methods for installation and long term maintenance of the oak woodland.

Utilities and Service Systems

The parcel is located within the Hennessey, Friesen Lakes and Bell Canyon Reservoir Municipal Watersheds with the proposed winery structure being located entirely within the Bell Canyon Reservoir Municipal Watershed. Existing and proposed water requirements for domestic, vineyard, winery and fire protection needs will be provided by two existing on-site wells. Two new water storage tanks will be added to those already existing to meet the domestic and fire protection needs for the new winery.

The proposed winery domestic and process wastewater systems are described in full in the submitted wastewater and septic feasibility report submitted by Bartelt Engineering, September 2007. (See on-line attachment.) The report is based on the assumption that the existing residential septic system will be abandoned and the proposed new septic system will be designed to accommodate both the winery and existing residence sanitary and winery process wastewater systems. It also assumes that By Appointment Only Tours & Tasting and Marketing (or Wine Auction) Events will not occur on the same day and that portable facilities will be used for all events with more than 40 guests in attendance. (See feasibility report, pg. 3.)

Two system alternatives for the property are proposed in the report. One system consists of treating and disposing of the sanitary wastewater from the proposed winery and the existing residence via a septic tank and leach field type disposal system and disposing of the process wastewater from the proposed winery via surface drip irrigation at the existing onsite olive orchard. The alternative system proposes to treat and dispose of the sanitary and process wastewater from the proposed winery as well as the sanitary wastewater for the existing residence via a septic tank and leach field disposal system. Both designs meet required septic system setbacks to cave structures and wellheads.

The report concludes that both proposed designs are feasible alternatives from a wastewater disposal standpoint with the assumptions included as part of the project. Therefore, to meet State and County regulations as proposed in the septic and wastewater designs, **Mitigation Measure 2** requires that tours and tasting by appointment only and marketing events as approved in the use permit marketing plan, will not occur on the same day and that portable sanitary facilities will be used for all events with more than 40 guests in attendance.

The Department of Environmental Management has reviewed the proposed wastewater treatment systems and recommends approval as conditioned with ongoing monitoring of the approved system. With the inclusion of the above mitigation, the wastewater disposal system will be accommodated on site in compliance with State and County regulations and potentially significant environmental impacts will be reduced to a less than significant level.

Groundwater Availability

Water for the proposed winery and existing vineyards, orchard and residence will be supplied by two existing on-site wells and existing and proposed water storage tanks. The Phase 1 Water Availability Analysis was prepared by Bartelt Engineering. It indicates that the estimated water demand for the site will be 19.2 acre-feet of water per year including: 0.3 af/yr for winery production, 12.8 af/yr for existing vineyards, 0.5.6 af/yr for other agriculture and 0.5 af/yr for domestic use. This represents an increase of 0.3 acre-feet/year over existing uses.

This project is located in the mountain areas of the Napa Valley which have an established acceptable water use criteria of 0.5 acre foot per acre per year. Therefore, the water use threshold for a 56.8 acre parcel is 28.4 acre feet per year. Since the increase is well within the water use threshold for the property, the project will not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level.

Fire Protection

The applicant indicates a 400 square foot tank pad located on the property will house up to 20,000 gallons of water is planned for winery use and fire protection.

Archaeological Resources

No recognized archaeological resources exist on-site and therefore no significant impact on such resources is projected. This project also includes road improvements to Friesen Drive which is located adjacent to Conn Creek. While areas next to creeks and springs are considered spots where cultural artifacts might be encountered, no archaeological materials were discovered when major road improvements were made to Friesen Drive some 5 – 7 years ago as part of the O'Shaughnessy winery use permit.

The road improvements to Friesen Drive that are adjacent to Conn Creek are proposed only to repave and improve the existing conditions. Therefore, the County's standard conditions of approval which require that all work be halted if archeological materials are encountered, provides adequate assurance that no adverse impacts on cultural resources will result.

II. Winery Design and Relation to Viewshed Roads, Road Setbacks and Exception of Conservation Regulations for Slopes > 30%

The project is located approximately 1.5 miles northwest of North White Cottage Road and 1,475 feet west of the existing private access driveway, well within the required 300' setback for wineries from private roads. Neither the winery nor any associated development will be visible from the adopted viewshed roads North White Cottage Road or Howell Mountain Road because as positioned, it is obscured by intervening ridges to the northeast and southeast and therefore is not subject to the Viewshed Ordinance.

The winery itself is small in massing and height and designed to blend with the natural environment through the use of earth tone stucco, a dark metal roof and dark brown wood trimming on the exterior. The caves, designated as Type I with no public access allowed, will be constructed at the rear of the winery building and will not have any exterior visibility. Existing forest vegetation beyond the winery excavated area will be retained and act to screen the winery from residences located along neighboring hillsides. As designed, the entirety of the winery development is considered by staff to blend well with its natural surroundings and will convey "permanence and attractiveness" as required by **General Plan Policies AG/LU-10 and CC-2**.

The proposed project development covers 2.5 acres with 1,475 linear feet of driveway. The applicant proposes to cut into a steeply sloping hillside on the property to create the development area for the new 3,613 square foot two-story winery building (plus 973 square feet for the 2nd floor outdoor terrace and balcony) and construct a 902 square foot covered outdoor work area, water tank pad and 2,500 square feet of wine storage caves. Also proposed is: a new five car parking area including one ADA space, septic and process wastewater improvements, two new water tanks totaling 20,000 gallons for fire protection and winery use. The plan includes conversion of an existing 1,360 square foot barn located 350 feet below the winery site for additional wine barrel storage.

Because the barn and access road to the barn are included in the project for the winery, the average slope over this

area of the development is 28% and no exception to the Conservation Regulations for slopes greater than 30% is required. Staff confirmed the average slope calculation made by the Bartelt Engineering over this area of the development. A Stormwater Pollution Management Permit which includes Best Management Practices, and a pre and post monitoring program as required by the Napa County Public Works Department, are adequate to control storm water runoff and prevent soil erosion.

III. Roadways and Winery Access Driveway

Friesen Drive is a private road that serves agricultural, residential and winery uses and varies in width from 10 to 16 feet over approximately 1.2 miles from North White Cottage Road to the subject parcel. Some 5 – 7 years ago, it was re-paved with asphalt and substantial road improvements were made (albeit under an exception to the Napa County Road and Street Standards) to its current condition as part of the O'Shaughnessy Winery project. The applicant for Cimarossa Winery has also requested an exception to the Road and Street Standards for both Friesen Drive and the private driveway to the winery where an 18 foot road width and 2 foot shoulders is the current required standard. To avoid impacts due to steep slopes, tree removal and riparian corridors, both Napa County Public Works and Napa County Fire Departments have recommended approval of the exceptions with conditions as stated in their comments dated July 2008.

The applicant's proposal will improve Friesen Drive by reconstructing and repaving existing turn-outs (but with no road widening, new turn-outs or tree removal) to within 250 feet of the winery entrance. Routine maintenance of the existing storm drain structures along Conn Creek is also proposed. The remaining 250' portion of Friesen Drive to the winery entrance will be widened to approximately 14 feet with turnouts provided at both sides of the existing gate to allow vehicles to pass. The private driveway to the winery is then proposed to be widened to a width of 10 to 14 feet requiring the removal of seven mature oak trees that border the existing driveway. Turn-around areas at the winery and winery storage barn will be installed. Pursuant to Napa County fire safety requirements, trees and shrubs must be trimmed a minimum of 10' on each side of both roadways to provide adequate defensible space for emergency ingress and egress.

As mentioned above, Napa County standard conditions of approval for landscaping require replacement of removed trees at a 2:1 ratio of equivalent caliper and like habitat. As previously discussed, a copy of the Streambed Alteration Agreement as required by the Department of Fish and Game will be required as a condition of approval prior to issuance of any grading permits for the roads. Given the limited scope of the winery size, production, grape importation and additional traffic trips projected, staff agrees that widening Friesen Drive is not justified at this time and that the road exception as conditioned meets the required criteria to: 1) protect and ensure the preservation of unique features of the natural environment; and, 2) provides the same overall practical effect as the standard does in providing defensible space and does not adversely affect the life, safety and welfare of the public or the persons coming to the property.

IV. Winery Operation and Traffic Loads

Based on the traffic information sheet provided by the applicant, operation of the proposed winery may generate an increase of up to a 29 trips / day in traffic on Friesen Drive and Buckeye Lane. This includes vehicle trips generated by full-time and seasonal employees, event support staff, visitors and truck deliveries. Such increases are not substantial in relation to the 200 to 350 trips per day estimated to be currently carried by these roads nor are they significant from a traffic congestion or safety stand point. They may, however, be a source of concern due to increased disruption to the other users of Friesen Drive and the inhabitants of the 4 residences along Buckeye Lane who are used to a less encumbered roadway and a quieter, rural environment but from a CEQA standpoint, the impacts are only slightly discernable.

Staff believes the applicant has attempted to limit traffic trip concerns to a certain extent. For example, visitation and marketing will not occur on the same day; the size of the winery is quite small, limiting its use for large marketing events; and production is a nominal 10,000 gallons per year with most of the grapes being grown on site – a factor which will significantly reduce truck traffic during harvest. County signage limiting visitation to appointment only will also help limit drop-in traffic.

Conversely, Cimarossa's proposed visitation numbers (averaging 22 visitors per week) are somewhat high compared to other approved wineries when considering its production level of 10,000 gallons per year. It can be seen from the table below that some of the higher producers were approved for fewer tours and tasting and marketing visitors:

Winery	Address	Approval	Gallon/Year	Sq. Ft.	Trs & Tst	Trs & Tst Visitors Ave/Wk or (*Max/Yr)	Marketing Events Max per Year
O'Shaughnessy Winery	1185 Friesen Dr	2/16/2000	15,000	21,200	By Appt	7 Ave/Wk (*365 Max/Yr inclusive of vist & marktng)	4 <= 20 (*Included in total for Trs&Tst)
Robert Craig Winery	2475 Summit Lake Dr	4/7/1999	20,000	10,944	By Appt	6 Ave/Wk	4 <=25 3<=75
Outpost Wines	2075 Summit Lake Dr	3/1/1987	1,800	1,584	Tst Only Appt	None	None
Dunn Vineyards	805 White Cottage Rd	3/1/1982	5,000	1,200	Tst Only Appt	1 Ave/Wk	None
White Cottage Ranch Winery	501 North White Cottage Rd	3/19/2003	20,000	12,017	By Appt	40 Ave/Wk	12 <=25
Neal Winery	716 Liparita Rd	1/19/2000	35,000	13,242	By Appt	35 Ave/Wk	5 <=75
Cimarossa Winery	1185 Friesen Drive	Pending	10,000	8,375	By Appt	22 Ave/Wk	24 <= 20 2 <= 40 2 <= 100

V. Neighbor Comments and Concerns

Several neighboring property owners have voiced concerns about this application. The Commission can review neighbor comments submitted as of the date of this report at Attachment I. In general, the concerns received on or prior to November 28th are related to: 1) the extent of the road improvements; 2) misrepresentation of traffic trips; 3) high visitation request; 4) high marketing request; and, 5) concerns over groundwater contamination to the Friesen Lakes/Lake Hennessey watershed due to disposing of the

process wastewater from the proposed winery via surface drip irrigation onto the existing onsite olive orchard.

The applicant sent a letter on two different occasions to the surrounding neighbors welcoming a chance to meet and discuss the project and any of their concerns. The letters were sent to the neighbors within 300 feet of the property and in addition, 300 feet of the boundary of Friesen Drive. (One Friesen Drive neighbor was missed due to being outside the boundary.) The two letters are provided as attachments. As of December 9th, 2008, the applicant has indicated that he has received no response from any of the neighbors to his solicitations to meet and also that no response was received by the applicant's engineer to attend the neighbor meeting.

Consistency with Standards:

Zoning

The project is consistent with AW (Agricultural Watershed) zoning district regulations. A winery (as defined in Napa County Code § 18.08.640) and uses in connection with a winery (see Napa County Code § Section 18.16.030) are permitted in the AW district with an approved use permit. This application complies with the Winery Definition Ordinance and the setbacks and other requirements of the Zoning Code.

Building Division Requirements

The Building Division recommends approval with standard conditions. Please see their October 14, 2007 memo (attached).

Fire Department Requirements

The Fire Department memo of August 4, 2008 recommends approval of the requested winery use permit and Type 1 wine cave with standard conditions noting special non-public access and other conditions for the wine cave. Also included in their standard conditions is the requirement for the applicant to provide a minimum of 10' of defensible space on each side of all fire apparatus access roads. The Exception to Napa County Road and Street Standards is recommended for approval under a separate memo dated July 21, 2008. Please see their attached memos for details.

Public Works Department Requirements

The Public Works Department recommends approval with standard conditions under their memo dated July 24, 2008. In addition, they recommend approval of the Exception to Napa County Road and Street Standards under a separated memo dated July 23, 2008. Please see their memos attached.

Environmental Management Department Requirements

The Department recommends approval with standard conditions. Please see their memo of July 10, 2008.

Sheriff's Department Requirements

The Sheriff's Department has reviewed this application and has no comment.

Howell Mountain Mutual Water Company

No comment received as of November 26, 2008.

San Francisco Bay Regional Water Quality Control Board

No comment received as of November 26, 2008.

State Department of Fish and Game

The State Department of Fish and Game (Yountville) has reviewed this application and provided comments on October 8, 2008 requesting a biological assessment of the project area and a Lake and Streambed Alteration Agreement to be obtained if needed. Please see attached memo.

Cal OSHA (for caves)

Cal OSHA reviewed this application and comments are attached. Please see their memo dated October 21, 2008.

SUPPORTING DOCUMENTS

- A . Exhibit A - Findings Required for Approval of a Use Permit and Road Exception
- B . Exhibit B - Proposed Conditions of Approval
- C . Building Division Conditions of Approval Memo
- D . Environmental Management Conditions of Approval Memo
- E . Public Works Winery Conditions of Approval Memo
- F . Public Works Road Exception Conditions of Approval Memo
- G . Fire Marshall's Winery Conditions of Approval Memo
- H . Fire Marshall's Road Exception Conditions of Approval Memo
- I . State Department of Fish & Game Conditions Memo
- J . Cal Osha Comments Memo
- K . Initial Study & Mitigated Negative Declaration
- L . Project Revision Statement & Mitigation Monitoring & Reporting Program
- M . Application Materials with 75% Grape Source Agreement
- N . Owner Letter of Intent & Neighbor Concern Letters
- O . Cimarossa Road Exception Request
- P . Cimarossa Phase One Water Availability Study
- Q . Cimarossa Wastewater Feasibility Study
- R . Presentation Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell