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NAPA COUNTY

Planning, Building, and Environmental Services



A Tradition of Stewardship
A Commitment to Service

USE PERMIT APPLICATION



Planning, Building, & Environmental Services
 1195 Third Street, Suite 210
 Napa, CA 94559
 Main: (707) 253-4417
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PLANNING APPLICATION FORM

Applicant Information

A Tradition of Stewardship
 A Commitment to Service

Applicant's Name: 9 Buttons, LLC, Jeff Smith	Phone: 707-968-9332	E-Mail Address: jeff@hourglasswine.com
Applicant's Mailing Address: 1104 Adams St, Suite 104	City: St Helena	State/Zip Code: CA/94574
Property Owner's Name: (if different from Applicant)	Phone:	E-Mail Address:
Property Owner's Mailing Address:	City:	State/Zip Code:
Agent's Name: (if different from Applicant) Albion Surveys, Inc, Jon Webb	Phone: 707-963-1217	E-Mail Address: jwebb@albionsurveys.com
Agent's Mailing Address: 1113 Hunt Ave	City: St Helena	State/Zip Code: CA/94574
Other Representative: (Engineer/Architect)	Phone:	E-Mail Address:
Representative's Mailing Address:	City:	State/Zip Code:

Property Information

Project Name and Address: Hourglass Winery Use Permit Major Modification, 817 Lommel Rd, Callstoga, CA 94515

Assessor's Parcel Number(s): Portions of 018-060-024 & 021-010-001

Site of site (acreage and/or square footage): 15 Ac

General Plan Designation: AWOS Zoning: AW

Application Type¹ (For Staff Use)

Administrative	Zoning Administrator	Planning Commission/ALUC/BOS	Misc. Services
<input type="checkbox"/> Admin Viewshed	<input type="checkbox"/> Certificate of Legal Non Conformity	<input type="checkbox"/> AG Preserve Contract	<input type="checkbox"/> Use Determination
<input type="checkbox"/> Erosion Control Plan: Track II	<input type="checkbox"/> Viewshed	<input type="checkbox"/> Development Agreement	<input type="checkbox"/> Status Determination
<input type="checkbox"/> Erosion Control Plan: Track I	<input type="checkbox"/> Minor Modification	<input type="checkbox"/> Airport Land Use Consistency Determination	
<input type="checkbox"/> Fence Entry Structure Permit	<input type="checkbox"/> Road Exception	<input type="checkbox"/> General, Specific or Airport Land Use Plan Amendment	
<input type="checkbox"/> Land Division/Mergers	<input type="checkbox"/> Variance	<input type="checkbox"/> Use Permit	
<input type="checkbox"/> Site Plan Approval/Modif.		<input checked="" type="checkbox"/> Major Modification	
<input type="checkbox"/> Temporary Event: _____		<input type="checkbox"/> Variance	
<input type="checkbox"/> Very Minor Modification		<input type="checkbox"/> Zoning Map/Text Amendment	
<input type="checkbox"/> Addressing		<input type="checkbox"/> Road Exception	
<input type="checkbox"/> Signs		<input type="checkbox"/> Con. Reg. Exception	
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

¹: Include corresponding submittal requirements for each application type.

Detailed Project Description (required): A typed, detailed project description is required that describes the proposed development or use(s); the existing site conditions/uses; the number, size, type and nature of any proposed residential dwelling units or total amount of new non-residential square-footage by type of use. Please refer to specific Supplemental Application submittal handouts for details to describe the project and required special studies.

Conditions of Application

1. All materials (plans, studies, documents, etc.) and representations submitted in conjunction with this form shall be considered a part of this application and publicly available for review and use, including reproduction.
2. The owner shall inform the Planning Division in writing of any changes.
3. Agent authorization: The property owner authorizes the listed agent(s) and/or other representative(s) to appear before staff, the Director, the Zoning Administrator, and Planning Commission to represent the owner's interests and to file applications, plans and other information on the owner's behalf.
4. Certification and Indemnification Form: Refer to attached form for notifications and required signature.
5. Fees: The applicant agrees to pay the County any and all processing fees imposed by Board of Supervisor Resolution No. 2018-102 including the establishment of an hourly fee application agreement and initial deposit (Section 80.250 Hourly Project Policies and Procedures). Applicant understands that fees include, but not limited to: Planning, Engineering, Public Works, and County Counsel staff time billed at an hourly rate; required Consultant service billed rates; production or reproduction of materials and exhibits; public notice advertisements; and postage. In the event the property owner is different than the applicant, the property owner must sign to indicate consent to the filing and agreement to pay fees in the event of the applicant's failure to pay said fees. Failure to pay all accumulated fees by the time of public hearing will result in a continuance.
6. This form, together with the corresponding application forms for specific permits, will become the Permit Document.

I have read and agree with all of the above. The above information and attached documents are true and correct to the best of my knowledge. All property owners holding a title interest must sign the application form. If there are more than two property owners, list their names, mailing addresses, phone numbers and signatures on a separate sheet of paper.

If you wish notice of meetings/correspondence to be sent to parties other than those listed on Page 1, please list them on a separate piece of paper.

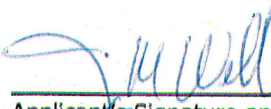
 3-22-19

Property Owner's Signature and Date

Property Owner's Signature and Date

Applicant/Agent Statement

I am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I declare that the foregoing is true and correct and accept that false or inaccurate owner authorization may invalidate or delay action on this application.

 3-22-19

Applicant's Signature and Date

Agent

Date Received: 3/25/19	Application Fees	
Received by: Dana Ayers	Deposit Amount	\$ 10,000
Receipt No. 134509	Flat Fee Due	\$
File No. P19-00102	Total	\$ 10,000
	Check No	13155, 6542

Checklist of Required Application Materials

Please make sure that the following documents are complete and legible. Consistent with the State Permit Streamlining Act and Departmental policy, the Planning, Building and Environmental Services (PBES) Department will make an application completeness determination within thirty days of application submittal and the payment of all required initial fees.

- ☐ **General Application Form:** The attached General Application Form must be completed in full and signed by the property owner or their authorized agent. Corporations, partnership, and the like have special signature requirements as noted on the Form.
- ☐ **Application Fee:**
 - Use Permit/Major Modification (All Uses):** Total Fees are based on actual time and materials and flat fees. A deposit in the amount of \$10,000. Check made payable to County of Napa.
 - Small Winery Exemption (Winery Uses):** Total fees are based on actual time and materials and flat fees. A deposit in the amount of \$5,000. Check made payable to County of Napa.
 - Minor Modification (Winery Uses):** Total fees are based upon flat rates with exception to Engineering Services which are based on actual time and materials over 3 hours for Roads & Street Standards evaluation. All County Counsel fees are based on actual time and materials. Check made payable to County of Napa.
 - Administrative Permit (Winery Uses):** Total Fees are based on actual time and materials and flat fees. A deposit in the amount of \$1,500. Check made payable to County of Napa.
 - Minor Modification (Non-Residential & Residential Uses):** Total fees are based upon flat rates. All County Counsel fees are based on actual time and materials. Check made payable to County of Napa.
 - Very Minor Modification (Non-Residential & Residential Uses):** Total fees are based upon flat rates. All County Counsel fees are based on actual time and materials. Check made payable to County of Napa.
- ☐ **Read and Sign the Hourly Fee Agreement**
- ☐ **Detailed Project Description:** The Project Description should address all of the applicable items listed below:
 1. Existing site conditions and uses.
 2. Proposed type of development and size, proposed uses/business, development phases, changes or alterations to the property or building including new/modified improvements and off-site improvements.
 3. Days of the week and hours of operation.
 4. Maximum number of employees per shift and hours of shifts.
 5. Are there additional licenses and/or approvals from outside agencies needed from a Special District, Regional, State, Federal?
 6. What is your water supply? How/where is liquid/solid waste disposed?
- ☐ **To-Scale Site Development Plans (ALL plans must be to an identified architect's or engineer's scale and shall be legible):**

Submit **three (3) 24" X 36"** and **one 11" x 17"** copies of plans consistent with information contained in the *Building Division – Design Information - Sample Site Plan Handout*: <https://www.countyofnapa.org/1890/Building-Documents> .
- ☐ **To-Scale Floor Plans (ALL plans must be to an identified architect's or engineer's scale, shall show the existing and proposed conditions of the building and shall be legible):**

Submit **three (3) 24" X 36"** and **one 11" x 17"** copies of plans with the following information and details:

 1. Dimensions and area of all rooms, hallways and covered or partially enclosed outdoor areas.
 2. Use of each area within each structure/building.
 3. Location of emergency exists.
- ☐ **To-Scale Building Elevations (ALL plans must be to an identified architect's or engineer's scale, shall show the existing and proposed conditions of the building and shall be legible):**

Submit **three (3) 24" X 36"** and **one 11" x 17"** copies of plans with the following information and details:

 1. All relevant dimensions.
 2. Exterior materials.
 3. Exterior colors.
 4. Existing grade.
 5. Finished grade.
 6. Finished floor level.
 7. Building height consistent with Figure 209-1 of the 1997 UBC Handbook.

☐ **Technical Information and Reports**

The following technical information and studies are generally required unless waived by County Planning Staff at or following a Pre-Application Review Meeting. Please see County Planning Staff for a list of pre-qualified consultants.

1. FOR WINERY PROJECTS: Additional submittal information is necessary and should be included with the submittal packet consistent with the Winery Use Permit Supplemental Submittal Requirements.
2. Traffic Study consistent with Traffic Impact Study Preparation Requirements. Please fill out the enclosed current Trip Generation Sheet for existing and proposed project to determine the need for the preparation of a Traffic Impact Study.
3. Archeological/Cultural Resources Study (consistent with *Guidelines for Preparing Cultural Resource Surveys* and State of California requirements)
4. Historic Resources Study (consistent with State Office of Historic Preservation requirements)
5. Biological Study – Includes Special Status Survey (consistent with *Guidelines for Preparing Biological Resources Reconnaissance Surveys* and *Guidelines for Preparing Special-Status Plant Studies*)
6. Water Availability/Groundwater Study (consistent with the WAA *Guidance Document* adopted by the Board 5/12/2015). Please refer to the following link: <https://www.countyofnapa.org/876/Water-Availability-Analysis>.
7. For projects located within Sensitive Domestic Water Supply Drainages and/or within the Agricultural Watershed (AW) zoning district, please provide vegetation coverage removal and retention information/analysis based on 1993 Vegetation totals and parcel configuration, including a map or figure that includes the following information:

Tree canopy coverage:

Tree canopy cover (1993): _____ acres
Tree canopy cover to be removed: _____ acres _____ %
Tree canopy cover to be retained: _____ acres _____ %

Understory (i.e. brush, shrubs, grasses):

Understory cover (1993): _____ acres
Understory to be removed: _____ acres _____ %
Understory to be retained: _____ acres _____ %

This information may be provided as part of the Biological Report if one is required for your project. Guidance on how to prepare vegetation removal and retention calculations can be found in the County's Water Quality & Tree Protection Ordinance Implementation Guide, located on our website:

<https://www.countyofnapa.org/DocumentCenter/View/12882/WOTPO-implementation-guide?bidId=>

8. Special Studies (The following may be required on a project-specific basis at the discretion of the PBES Director.)
 - ☐ Noise Study (demonstrating consistency with Napa County Code Chapter 8.16).
 - ☐ Aviation Compatibility Study (consistent with Airport Land Use Compatibility Plan requirements)
 - ☐ Visual Impacts Study (Photographic simulations)
 - ☐ Geological/Geotechnical Hazard Report – Alquist Priolo Act
 - ☐ Hydraulic Analysis (flood impact) if within Floodplain and/or Floodway
 - ☐ Stormwater Control Plan (consistent with Napa County BASMAA Post Construction Manual)
 - ☐ Other: _____
 - ☐ Other: _____

☐ **Additional Information Required by the Environmental Health Department:**

1. Soil Evaluation Report if an on-site septic system is proposed.
2. Septic Feasibility Report for any new or upgraded septic systems or any expansion of use relying on an existing septic system.
3. Water System Feasibility Report if the water supply system will serve 25 or more people inclusive of employees, visitors, and residents or if kitchen is proposed. See enclosed handout provided by Environmental Services.
4. Water and/or Sewage Disposal Easement if an off-site spring, well, reservoir, storage tank, or individual sewage disposal system is proposed.
5. Completed Business Activities form, enclosed.
6. Solid Waste & Recycling Storage area location and size included on overall site plan. See guidelines at www.countyofnapa.org/DEM/.
7. Cave setback plan if a cave is proposed. See handout provided by Environmental Services.

Please click on Other Information tab at <https://www.countyofnapa.org/1904/Environmental-Health-Division> for forms and handouts related to use permit application submittal.

☐ **Additional Information Required by the Engineering Services:**

2020 Napa County Road & Street Standards

<https://www.countyofnapa.org/DocumentCenter/View/3787/Napa-County-Road-and-Street-Standards---2020-PDF>

Project Guidance for Stormwater Compliance

<https://www.countyofnapa.org/DocumentCenter/View/3778/Project-Guidance-for-Stormwater-Quality-Compliance-PDF>

BASMAA Post-Construction Stormwater Management Manual

<https://www.countyofnapa.org/DocumentCenter/View/3780/Bay-Area--Stormwater-Management-Agencies-Association-BASMAA-Post-Construction-Manual-PDF>

Napa Countywide Stormwater Pollution Prevention Program (NCSPPP) Erosion and Sediment Control Plan Guidance

<https://www.countyofnapa.org/DocumentCenter/View/3780/Bay-Area--Stormwater-Management-Agencies-Association-BASMAA-Post-Construction-Manual-PDF>

☐ ***Please Note***

While this checklist includes all information generally required to process a Use Permit/Major Modification or other Use Permit related application, it is primarily focused on winery uses. Additional information may be required at the discretion of the Deputy Planning Director, and in particular in those cases where non-winery commercial uses (such as restaurants) or residential use related projects are proposed. **The Planning Division will make every effort to identify any additional required information at or directly following the Pre-application Review Meeting.**

☐ **Plans and Studies provided electronically via file share (coordinated at intake).**

Hourly Fee Agreement

PROJECT File: _____; request for _____

Winery Use Permit Major Modification _____, I,

9 Buttons LLC-Jeff Smith _____, the undersigned, hereby authorize the County of Napa to process the above referenced permit request in accordance with the Napa County Code. I am providing \$ 5,000 as a deposit to pay for County staff review, coordination and processing costs related to my permit request based on actual staff time expended and other direct costs. In making this deposit, I acknowledge and understand that the deposit may only cover a portion of the total processing costs. Actual costs for staff time are based on hourly rates adopted by the Board of Supervisors in the most current Napa County fee schedule. I also understand and agree that I am responsible for paying these costs even if the application is withdrawn or not approved.

I understand and agree to the following terms and conditions of this Hourly Fee Agreement:

1. Time spent by Napa County staff in processing my application and any direct costs will be billed against the available deposit. "Staff time" includes, but is not limited to, time spent reviewing application materials, site visits, responding by phone or correspondence to inquiries from the applicant, the applicant's representatives, neighbors and/or interested parties, attendance and participation at meetings and public hearings, preparation of staff reports and other correspondence, or responding to any legal challenges related to the application during the processing of your application. "Staff" includes any employee of the Planning, Building and Environmental Services Department (PBES), the Office of the County Counsel, or other County staff necessary for complete processing of the application. "Direct costs" include any consultant costs for the peer review of materials submitted with the application, preparation of California Environmental Quality Act (CEQA) documents, expanded technical studies, project management, and/or other outside professional assistance required by the County and agreed to by the applicant. The cost to manage consultant contracts by staff will also be billed against the available deposit.
2. Staff will review the application for completeness and provide me with a good faith estimate of the full cost of processing the permit. Any requested additional deposit shall be submitted to PBES to allow continued processing of the project.
3. I understand that the County desires to avoid incurring permit processing costs without having sufficient funds on deposit. If staff determines that inadequate funds are on deposit for continued processing, staff shall notify me in writing and request an additional deposit amount estimated necessary to complete processing of my application. I agree to submit sufficient funds as requested by staff to process the project through the hearing process within 30 days of the request.
4. I understand that if the amount on deposit falls below zero, staff will notify me and stop work on the application until sufficient additional funds are provided.
5. If the final cost is less than the amount remaining on deposit, the unused portion of the deposit will be refunded to me. If the final cost is more than the available deposit, I agree to pay the amount due within 30 days of billing.
6. If I fail to pay any invoices or requests for additional deposits within 30 days, the County may either stop processing my permit application, or after conducting a hearing, may deny my permit application. If I fail to pay any amount due after my application is approved, I understand that my permit may not be exercised, or may be subject to revocation. I further agree that no building, grading, sewage, or other project related permits will be issued if my account is in arrears.

7. I may file a written request for a further explanation or itemization of invoices, but such a request does not alter my obligation to pay any invoices in accordance with the terms of this agreement.

Name of Applicant responsible for payment of all County processing fees (Please Print):

9 Buttons LLC-Jeff Smith

Mailing Address of the Applicant responsible for paying processing fees:

1104 Adams Street, Suite 104, St Helena, CA 94574

Signature:*

Email Address: jeff@hourglasswine.com

Date: 3-18-19

Phone Number: 707-968-9332

*ATTENTION - The applicant will be held responsible for all charges.

Use Permit Information Sheet

Use

Narrative description of the proposed use (please attach additional sheets as necessary):

Please see attached project narrative for details

What, if any, additional licenses or approvals will be required to allow the use? **None will be required**

District _____ Regional _____

State _____ Federal _____

Improvements

Narrative description of the proposed on-site and off-site improvements (please attach additional sheets as necessary):

Please see project Narrative for details

Improvements, cont.

Total on-site parking spaces: 8 existing 14 proposed

Loading areas: 1 existing 1 proposed

Fire Resistivity (check one; if not checked, Fire Marshal will assume Type V – non rated):

☐ Type I FR ☐ Type II 1 Hr ☐ Type II N (non-rated) ☒ Type III 1 Hr ☐ Type III N

☐ Type IV H.T. (Heavy Timber) ☐ Type V 1 Hr. ☐ Type V (non-rated)

(for reference, please see the latest version of the California Building Code)

Is the project located in an Urban/Wildland Interface area? ☐ Yes ☒ No

Total land area to be disturbed by project (include structures, roads, septic areas, landscaping, etc): 1 acre

Employment and Hours of Operation

Days of operation: 7 existing 7 proposed

Hours of operation: 7am-5pm existing 7am-5pm proposed

Anticipated number of employee shifts: 1 existing 1 proposed

Anticipated shift hours: 7am-5pm existing 7am-5pm proposed

Maximum Number of on-site employees:

☐ 10 or fewer ☒ 11-24 ☐ 25 or greater (specify number) _____

Certification and Indemnification

Applicant certifies that all the information contained in this application, including all information required in the Checklist of Required Application Materials and any supplemental submitted information including, but not limited to, the information sheet, water supply/waste disposal information sheet, site plan, floor plan, building elevations, water supply/waste disposal system site plan and toxic materials list, is complete and accurate to the best of his/her knowledge. Applicant and property owner hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, *including the right of access to the property involved.*

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

9 Buttons, LLC - Jeff Smith

Print Name of Property Owner

Print Name Signature of Applicant (if different)

Signature of Property Owner

Date

Signature of Applicant

Date

3-22-19

Supplemental Application for Winery Uses

Operations

Please indicate whether the activity or uses below are already legally **EXISTING**, whether they exist and are proposed to be **EXPANDED** as part of this application, whether they are **NEWLY PROPOSED** as part of this application, or whether they are neither existing nor proposed (**NONE**).

Retail Wine Sales	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Tours and Tasting- Open to the Public	<input type="checkbox"/> Existing			
Tours and Tasting- By Appointment	<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Food at Tours and Tastings	<input type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Marketing Events*	<input checked="" type="checkbox"/> Existing	<input checked="" type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Food at Marketing Events	<input checked="" type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Will food be prepared...	<input checked="" type="checkbox"/> On-Site?	<input checked="" type="checkbox"/> Catered?		
Public display of art or wine-related items	<input type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input type="checkbox"/> Newly Proposed	<input checked="" type="checkbox"/> None

* For reference please see definition of "Marketing," at Napa County Code §18.08.370 - <http://library.municode.com/index.aspx?clientId=16513>

Production Capacity *

Please identify the winery's...

Existing production capacity: 30,000 gal/y Per permit No: P06-01161-UP Permit date: 4-18-2007

Current maximum actual production: 30,000 gal/y For what year? 2018

Proposed production capacity: 60,000 gal/y

* For this section, please see "Winery Production Process," at page 11.

Visitation and Hours of Operation

Please identify the winery's...

Maximum daily tours and tastings visitation:	<u>10</u> existing	<u>20</u> proposed
Average daily tours and tastings visitation ¹ :	<u>6</u> existing	<u>18</u> proposed
Visitation hours (e.g. M-Sa, 10am-4pm):	<u>M-Sun 10-5</u>	<u>M-Sun 10-5</u> proposed
Non-harvest Production hours ² :	existing <u>7-5</u>	<u>7-5</u> proposed
	existing	

¹ Average daily visitation is requested primarily for purposes of environmental review and will not, as a general rule, provide a basis for any condition of approval limiting allowed winery visitation.

² It is assumed that wineries will operate up to 24 hours per day during crush.

Grape Origin

All new wineries and any existing (pre-WDO) winery expanding beyond its winery development area must comply with the 75% rule and complete the attached "Initial Statement of Grape Source". See Napa County Code §18.104.250 (B) & (C).

Marketing Program

Please describe the winery's proposed marketing program. Include event type, maximum attendance, food service details, etc. Differentiate between existing and proposed activities. (Attach additional sheets as necessary.)

The existing marketing program will change, additional marketing events are proposed. The existing events are as follows:

15 per year, maximum 30 people, between Noon and 4pm and between 6pm and 10pm

1 Wine Auction Event maximum 100 people between Noon and 4 pm and between 6pm and 10pm

Additional, proposed events are: 3 Marketing Events up to 250 people. 1 Wine release, marketing event of 500 people and 39 Marketing Events up to 30 people(Total of 54-30person events).

Wine purchased on-premise may be consumed on-premise pursuant to Assembly Bill 2004.

Food Service

Please describe the nature of any proposed food service including type of food, frequency of service, whether prepared on site or not, kitchen equipment, eating facilities, etc. Please differentiate between existing and proposed food service. (Attach additional sheets as necessary.)

Food will be prepared by caterers off property and the proposed kitchen in the caves will be used by caterers for prep and serving. Employees may use the kitchen for their meals.

i A Commercial kitchen is proposed in the Hospitality building

Food for small events(30 or less people) will be prepared in the on-site commercial kitchen. Food for events over 30 people will be prepared offsite by caterers.

Definitions

The below are paraphrased from County Code, please see referenced code sections for full text.

- a. **Winery Development Area** – All aggregate paved or impervious or semi-permeable ground surface areas of the production facility which includes all storage areas (except caves), offices, laboratories, kitchens, tasting rooms and paved parking areas for the exclusive use of winery employees. *See Napa County Code §18.104.210*
- b. **Winery Coverage** – The total square foot area of all winery building footprints, all aggregate paved or impervious ground surface areas of the production facility which includes all outside work, tank and storage areas (except caves); all paved areas including parking and loading areas, walkways, and access driveways to public or private roads or rights-of-way; and all above-ground wastewater and run-off treatment systems. *See Napa County Code §18.104.220*
- c. **Production Facility** – (For the purpose to calculate the maximum allowable accessory use) The total square footage of all winery crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratory, equipment storage and maintenance facilities, and employee-designated restrooms but does not include wastewater treatment or disposal areas which cannot be used for agricultural purposes. *See Napa County Code §18.104.200*
- d. **Accessory Use** - The total square footage of area within winery structures used for accessory uses related to a winery that are not defined as “production facility” which would include offices, lobbies/waiting rooms, conference/meeting rooms, non-production access hallways, kitchens, tasting rooms (private and public areas), retail space areas, libraries, non-employee designated restrooms, art display areas, or any area within winery structures not directly related to wine production. *See Napa County Code §18.104.200*

Conservation Development and Planning

Winery Production Process



The Napa County Code contains various references to winery production and refers to production capacity as “the wine bottled or received” at a winery and refers to “bottling and storage of bottled wine and shipping and receiving of bulk and bottled wine.” (Code Section 18.16.030(G)(4)).¹

This handout was developed by the County planning staff with the assistance of a number of local industry representatives to assist property owners and other interested parties in interpreting Napa County Code references to winery production. It does not create a new definition or regulation.

A winery’s total annual production equals either (1) the sum of all wine created through fermentation in a given year, plus the net total of all fermented bulk wine received and shipped in the same year, including all bottled wine received on the premises during the same year; or (2) the amount of wine bottled on the premises in the same given year, *whichever is greater*.

Using the diagram on the right, this means the greater of $A + (B - C)$, or D. If $B - C$ is a negative number, total production is equal to either A or D, whichever is greater.

This interpretation holds true for all physical winery facilities regardless of the number of business entities (e.g. Alternating Proprietors/Custom Crush) they accommodate or the date that their production capacity was established or recognized. However, wineries occupying multiple facilities are governed by the specific terms of their use permit or Certificate of Legal Non-conformity (CLN), which may vary.

Quantities represented by items A through D on the diagram can be determined by reviewing a winery’s annual submittals to the federal Bureau of Alcohol, Tobacco and Firearms (ATF). The County may periodically request a copy of these submittal(s) as a way to monitor compliance with previously adopted conditions/requirements. The County recognizes that annual variations can occur due to the grape harvest and the timing of finishing/bottling, and will generally review and average three to five consecutive years of data.

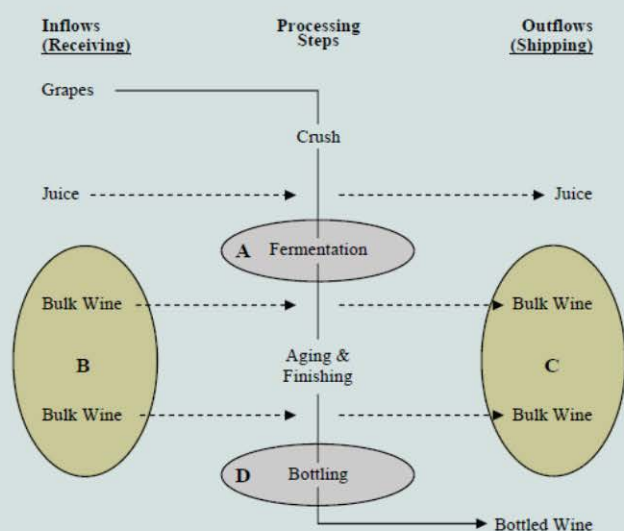


Figure 1. Winery Production Process

¹ The complexity of these statements can be attributed to the authors’ desire to avoid “double counting” bulk wine that is both received and bottled at a winery, and the fact that multiple vintages are present within a winery at any given time.

Winery Coverage and Accessory/Production Ratio

Winery Development Area. Consistent with the definition at “a.,” at page 11 and with the marked-up site plans included in your submittal, please indicate your proposed winery development area. If the facility already exists, please differentiate between existing and proposed.

Existing	<u>56,130</u>	sq. ft.	<u>1.3</u>	acres
Proposed	<u>67,730</u>	sq. ft.	<u>1.6</u>	acres

Winery Coverage. Consistent with the definition at “b.,” at page 11 and with the marked-up site plans included in your submittal, please indicate your proposed winery coverage (maximum 25% of parcel or 15 acres, whichever is less).

<u>37,215</u>	sq. ft.	<u>0.85</u>	acres	<u>2.2</u>	% of parcel
---------------	---------	-------------	-------	------------	-------------

Production Facility. Consistent with the definition at “c.,” at page 11 and the marked-up floor plans included in your submittal, please indicate your proposed *production* square footage. If the facility already exists, please differentiate between existing and proposed.

Existing	10,450 sq. ft.	Proposed	<u>55,340</u>	sq. ft.
----------	----------------	----------	---------------	---------

Accessory Use. Consistent with the definition at “d.,” at page 11 and the marked-up floor plans included in your submittal, please indicate your proposed *accessory* square footage. If the facility already exists, please differentiate between existing and proposed. (maximum = 40% of the production facility)

Existing	<u>490</u>	sq. ft.	<u>4.7</u>	% of production facility
Proposed	<u>9,950</u>	sq. ft.	<u>18</u>	% of production facility

Caves and Crushpads

If new or expanded caves are proposed please indicate which of the following best describes the public accessibility of the cave space:

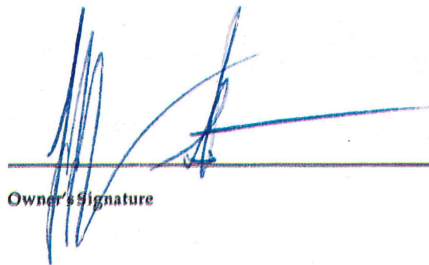
- ☐ None – no visitors/tours/events (**Class I**) ☐ Guided Tours Only (**Class II**) ☒ Public Access (**Class III**)
- ☐ Marketing Events and/or Temporary Events (**Class III**)

Please identify the winery’s... 6,400 Constructed

Cave area	Existing: <u>10,400</u>	Approved	sq. ft.	Proposed: Add 28,382 + 10,400=38,372 sf
Covered crush pad area	Existing: <u>8,250</u>	sq. ft.	Proposed: <u>8,250</u>	sq. ft.
Uncovered crush pad area	Existing: <u>0</u>	sq. ft.	Proposed: <u>0</u>	sq. ft.

Initial Statement of Grape Source

Pursuant to Napa County Zoning Ordinance Sections 12419(b) and (c), I hereby certify that the current application for establishment or expansion of a winery pursuant to the Napa County Winery Definition Ordinance will employ sources of grapes in accordance with the requirements of Section 12419(b) and/or (c) of that Ordinance.



Owner's Signature

3/22/19

Date

Letters of commitment from grape suppliers and supporting documents may be required prior to issuance of any building permits for the project. Recertification of compliance will be required on a periodic basis. Recertification after initiation of the requested wine production may require the submittal of additional information regarding individual grape sources. Proprietary information will not be disclosed to the public.

Water Supply/ Waste Disposal Information Sheet

Water Supply

Please attach completed Phase I Analysis sheet.

Proposed source of water

(e.g., spring, well, mutual water company, city, district, etc.):

Domestic

Well

Emergency

Well

Name of proposed water supplier

(if water company, city, district):

Is annexation needed?

☐ Yes ☐ No

☐ Yes ☐ No

Current water use:

650 gallons per day (gal/d)

Current water source:

Well

Anticipated future water demand:

_____ gal/d

_____ gal/d

Water availability (in gallons/minute):

180 gal/m

_____ gal/m

Capacity of water storage system:

15,000 gal

_____ gal

Type of emergency water storage facility if applicable

(e.g., tank, reservoir, swimming pool, etc.):

Tanks and Reservoir

Liquid Waste

Please attach Septic Feasibility Report

Type of waste:

Domestic

sewage

Other

Disposal method (e.g., on-site septic system, on-site ponds, community system, district, etc.):

Septic

Name of disposal agency

(if sewage district, city, community system):

Is annexation needed?

☐ Yes ☐ No

☐ Yes ☐ No

Current waste flows (peak flow):

1000 Wine Processing gal/d

Anticipated future waste flows (peak flow):

Future waste disposal design capacity:

2190 gal/d

Solid Waste and Recycling Storage and Disposal

Please include location and size of solid waste and recycling storage area on site plans in accordance with the guidelines available at www.countyofnapa.org/dem.

Hazardous and/or Toxic Materials

If your facility generates hazardous waste or stores hazardous materials above threshold planning quantities (55 gallons liquid, 500 pounds solid or 200 cubic feet of compressed gas) then a hazardous materials business plan and/or a hazardous waste generator permit will be required.

Grading Spoils Disposal

Where will grading spoils be disposed of?

(e.g. on-site, landfill, etc. If off-site, please indicate where off-site): Hauled to Lake County



A Tradition of Stewardship
A Commitment to Service

WINERY TRIP GENERATION WORKSHEET

Planning, Building & Environmental Services

1195 Third Street, Suite 210

Napa, CA 94559-3082

(707) 253-4417

PROJECT DESCRIPTION

Winery Name: _____	Date Prepared: _____
---------------------------	-----------------------------

Existing/Permitted Winery		Harvest	Non-Harvest
Number of Full Time Employees*	Weekday		
	Weekend		
Number of Part Time Employees*	Weekday		
	Weekend		
Maximum Daily Visitation	Weekday		
	Weekend		
Annual Gallons of Production			
Annual Tons of Grape Haul			N/A
Number of Visitors at the Largest Event that occurs two or more times per month, on average	Weekday		
	Weekend		

Proposed Winery		Harvest	Non-Harvest
Number of Full Time Employees*	Weekday		
	Weekend		
Number of Part Time Employees*	Weekday		
	Weekend		
Maximum Daily Visitation	Weekday		
	Weekend		
Annual Gallons of Production			
Annual Tons of Grape Haul			N/A
Number of Visitors at the Largest Event that occurs two or more times per month, on average	Weekday		
	Weekend		

*Number of full time and part time employees should represent the max number of employees that will be working on any given day (including all vendors and contractors employed for the largest event that occurs two or more times per month on average).

TRIP GENERATION

Existing Winery				Harvest	Non-Harvest
<u>Maximum Daily Weekday Traffic (Friday)</u>					
	<u>Harvest</u>	<u>Non-Harvest</u>			
FT Employees		3.05 one way trips/employee	FT Employee Daily Trips		
PT Employees		1.9 one way trips/employee	PT Employee Daily Trips		
Max Visitors		2.6 visitors/vehicle for 2 one way trips	Max Visitor Daily Trips		
Max Event		2.6 visitors/vehicle for 2 one way trips	Max Event Daily Trips		
Gallons of Production		0.000018 truck trips	Production Daily Trips		
Tons of Grape Haul#		0.013889 truck trips	Grape Haul Daily Trips		
			Total Weekday Daily Trips		
			Total Weekday Peak Hour Trips*		
<u>Maximum Daily Weekend Traffic (Saturday)</u>					
	<u>Harvest</u>	<u>Non-Harvest</u>			
FT Employees		3.05 one way trips/employee	FT Employee Daily Trips		
PT Employees		1.9 one way trips/employee	PT Employee Daily Trips		
Max Visitors		2.8 visitors/vehicle for 2 one way trips	Max Visitor Daily Trips		
Max Event		2.8 visitors/vehicle for 2 one way trips	Max Event Daily Trips		
Gallons of Production		0.000018 truck trips	Production Daily Trips		
Tons of Grape Haul#		0.013889 truck trips	Grape Haul Daily Trips		
			Total Weekend Daily Trips		
			Total Weekend Peak Hour Trips*		
<u>Maximum Annual Traffic</u>					
			Total Annual Trips**		

Proposed Winery				Harvest	Non-Harvest
<u>Maximum Daily Weekday Traffic (Friday)</u>					
	<u>Harvest</u>	<u>Non-Harvest</u>			
FT Employees		3.05 one way trips/employee	FT Employee Daily Trips		
PT Employees		1.9 one way trips/employee	PT Employee Daily Trips		
Max Visitors		2.6 visitors/vehicle for 2 one way trips	Max Visitor Daily Trips		
Max Event		2.6 visitors/vehicle for 2 one way trips	Max Event Daily Trips		
Gallons of Production		0.000018 truck trips	Production Daily Trips		
Tons of Grape Haul#		0.013889 truck trips	Grape Haul Daily Trips		
			Total Weekday Daily Trips		
			Total Weekday Peak Hour Trips*		
<u>Maximum Daily Weekend Traffic (Saturday)</u>					
	<u>Harvest</u>	<u>Non-Harvest</u>			
FT Employees		3.05 one way trips/employee	FT Employee Daily Trips		
PT Employees		1.9 one way trips/employee	PT Employee Daily Trips		
Max Visitors		2.8 visitors/vehicle for 2 one way trips	Max Visitor Daily Trips		
Max Event		2.8 visitors/vehicle for 2 one way trips	Max Event Daily Trips		
Gallons of Production		0.000018 truck trips	Production Daily Trips		
Tons of Grape Haul#		0.013889 truck trips	Grape Haul Daily Trips		
			Total Weekend Daily Trips		
			Total Weekend Peak Hour Trips*		
<u>Maximum Annual Traffic</u>					
			Total Annual Trips**		

Net New Trips				Harvest	Non-Harvest
<u>Maximum Weekday Traffic (Friday)</u>					
If total net new daily trips is greater than 110, a TIS is required			Net New Weekday Daily Trips		
			Net New Weekday Peak Hour Trips*		
<u>Maximum Weekend Traffic (Saturday)</u>					
If total net new daily trips is greater than 110, a TIS is required			Net New Weekend Daily Trips		
			Net New Weekend Peak Hour Trips*		
<u>Maximum Annual Traffic</u>					
			Net New Annual Trips**		

#Trips associated with Grape Haul represent harvest season only.

*Weekday peak hour trips are calculated as 38% of daily trips associated with visitors and production plus one trip per employee. Weekend peak hour trips are calculated as 57% of daily trips associated with visitors and production plus one trip per employee.

**Annual trips represent a conservative calculation that assumes 11 weeks of harvest, all weekdays are Fridays, all weekends are Saturdays, and assumes that the largest event that occurs two or more times per month on average occurs every day.

Traffic Information Sheet Addendum

Information for Caltrans Review

Application should include:

Project Location

- Site Plan showing all driveway location(s)
- Show detail of Caltrans right-of-way
- Aerial photo at a readable scale

Trip Generation Estimate

- Please provide separate **Winery Traffic Information / Trip Generation Sheets** for existing and proposed operations.

Napa County Winery Traffic Generation Characteristics

Employees

Half-hour lunch: All - 2 trips/day (1 during weekday PM peak)
Hour lunch: Permanent Full-Time – 3.2 trips/day (1 during weekday PM peak)
Permanent Part-Time – 2 trips/day (1 during weekday PM peak)
Seasonal: 2 trips/day (0 during weekday PM peak)—crush
see full time above—bottling
Auto Occupancy: 1.05 employees/auto

Visitors

Auto occupancy:
Weekday = 2.6 visitors/auto
Weekend = 2.8 visitors/auto

Peaking Factors:

Peak Month: 1.65 x average month
Average Weekend: 0.22 x average month
Average Saturday: 0.53 x average weekend
Peak Saturday: 1.65 x average Saturday
Average Sunday: 0.8 x average Saturday
Peak Sunday: 2.0 x average Sunday

Peak Weekend Hour: Winery (3-4 PM) - 0.57 x total for weekend day involved

Average 5-Day Week (Monday-Friday) - 1.3 x average weekend

Average Weekday: 0.2 x average 5-day week

Peak Weekday Hour: Winery (3-4 PM) - 0.57 x total for weekday involved

Roadway PM Peak(4-5 PM?) - 0.38 x total for weekday involved

Service Vehicles

Grapes (36 days (6weeks)/season): 1.52 trips/1000 gals/season (4 ton loads assumed)

Materials/Supplies (250 days/yr): 1.47 trips/1000 gals/yr

Case Goods (250 days/yr): 0.8 trips/1000 gal/yr



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services - David Morrison, Director
1195 Third Street, Napa, CA 94559 - (707) 253-4417 - www.countyofnapa.org

Project name & APN: _____

Project number if known: _____

Contact person: _____

Contact email & phone number: _____

Today's date: _____

Voluntary Best Management Practices Checklist for Development Projects

Napa County General Plan Policy CON-65 (e) and Policy CON-67 (d) requires the consideration of Greenhouse Gas (GHG) emissions in the review of discretionary projects and to promote and encourage "green building" design. The below Best Management Practices (BMPs) reduce GHG emissions through energy and water conservation, waste reduction, efficient transportation, and land conservation. The voluntary checklist included here should be consulted early in the project and be considered for inclusion in new development. It is not intended, and likely not possible for all projects to adhere to all of the BMPs. Rather, these BMPs provide a portfolio of options from which a project could choose, taking into consideration cost, co-benefits, schedule, and project specific requirements. Please check the box for all BMPs that your project proposes to include and include a separate narrative if your project has special circumstances.

Practices with Measurable GHG Reduction Potential

The following measures reduce GHG emissions and if needed can be calculated. They are placed in descending order based on the amount of emission reduction potential.

Already Plan
Doing To Do

ID # BMP Name

- | | | |
|---|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | BMP-1 Generation of on-site renewable energy |
| <i>If a project team designs with alternative energy in mind at the conceptual stage it can be integrated into the design. For instance, the roof can be oriented, sized, and engineered to accommodate photovoltaic (PV) panels. If you intend to do this BMP, please indicate the location of the proposed PV panels on the building elevations or the location of the ground mounted PV array on the site plan. Please indicate the total annual energy demand and the total annual kilowatt hours produced or purchased and the potential percentage reduction of electrical consumption. Please contact staff or refer to the handout to calculate how much electrical energy your project may need.</i> | | |
| <hr/> | | |
| <hr/> | | |
| <hr/> | | |

- | | | |
|---|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | BMP-2 Preservation of developable open space in a conservation easement |
| <i>Please indicate the amount and location of developable land (i.e.: under 30% slope and not in creek setbacks or environmentally sensitive areas for vineyards) conserved in a permanent easement to prohibit future development.</i> | | |
| <hr/> | | |
| <hr/> | | |

Already Plan
Doing To Do

☐ ☐ **BMP-3 Habitat restoration or new vegetation (e.g. planting of additional trees over 1/2 acre)**

Napa County is famous for its land stewardship and preservation. Restoring areas within the creek setback reduces erosion potential while planting areas that are currently hardscape (such as doing a bio-retention swale rather than underground storm drains) reduces storm water and helps the groundwater recharge. Planting trees can also increase the annual uptake of CO₂e and add the County's carbon stock.

☐ ☐ **BMP-4 Alternative fuel and electrical vehicles in fleet**

The magnitude of GHG reductions achieved through implementation of this measure varies depending on the analysis year, equipment, and fuel type replaced.

Number of total vehicles

Typical annual fuel consumption or VMT

Number of alternative fuel vehicles

Type of fuel/vehicle(s)

Potential annual fuel or VMT savings

☐ ☐ **BMP-5 Exceed Title 24 energy efficiency standards: Build to CALGREEN Tier 2**

The California Building Code update effective January 1, 2011 has new mandatory green building measures for all new construction and has been labeled CALGREEN. CALGREEN provides two voluntary higher levels labeled CALGREEN Tier I and CALGREEN Tier II. Each tier adds a further set of green building measures that go above and beyond the mandatory measures of the Code. In both tiers, buildings will use less energy than the current Title 24 California Energy Code. Tier I buildings achieve at least a 15% improvement and Tier 2 buildings are to achieve a 30% improvement. Both tiers require additional non-energy prerequisites, as well as a certain number of elective measures in each green building category (energy efficiency, water efficiency, resource conservation, indoor air quality and community).

☐ ☐ **BMP-6 Vehicle Miles Traveled (VMT) reduction plan**

Selecting this BMP states that the business operations intend to implement a VMT reduction plan reducing annual VMTs by at least 15%.

Tick box(es) for what your Transportation Demand Management Plan will/does include:

- ☐ employee incentives
- ☐ employee carpool or vanpool
- ☐ priority parking for efficient transportation (hybrid vehicles, carpools, etc.)
- ☐ bike riding incentives
- ☐ bus transportation for large marketing events
- ☐ Other:

Estimated annual VMT

Potential annual VMT saved

% Change

Already
Doing

Plan
To Do

☐ ☐ **BMP-7 Exceed Title 24 energy efficiency standards: Build to CALGREEN Tier 1**

See description below under BMP-5.

☐ ☐ **BMP-8 Solar hot water heating**

Solar water heating systems include storage tanks and solar collectors. There are two types of solar water heating systems: active, which have circulating pumps and controls, and passive, which don't. Both of them would still require additional heating to bring them to the temperature necessary for domestic purposes. They are commonly used to heat swimming pools.

☐ ☐ **BMP-9 Energy conserving lighting**

Lighting is approximately 25% of typical electrical consumption. This BMP recommends installing or replacing existing light bulbs with energy-efficient compact fluorescent (CF) bulbs or Light Emitting Diode (LED) for your most-used lights. Although they cost more initially, they save money in the long run by using only 1/4 the energy of an ordinary incandescent bulb and lasting 8-12 times longer. Typical payback from the initial purchase is about 18 months.

☐ ☐ **BMP-10 Energy Star Roof/Living Roof/Cool Roof**

Most roofs are dark-colored. In the heat of the full sun, the surface of a black roof can reach temperatures of 158 to 194 °F. Cool roofs, on the other hand, offer both immediate and long-term benefits including reduced building heat-gain and savings of up to 15% the annual air-conditioning energy use of a single-story building. A cool roof and a green roof are different in that the green roof provides living material to act as a both heat sink and thermal mass on the roof which provides both winter warming and summer cooling. A green (living) roof also reduces storm water runoff.

☐ ☐ **BMP-11 Bicycle Incentives**

Napa County Zoning Ordinance requires 1 bicycle rack per 20 parking spaces (§18.110.040). Incentives that go beyond this requirement can include on-site lockers for employees, showers, and for visitor's items such as directional signs and information on biking in Napa. Be creative!

☐ ☐ **BMP-12 Bicycle route improvements**

Refer to the Napa County Bicycle Plan (NCPTA, December 2011) and note on the site plan the nearest bike routes. Please note proximity, access, and connection to existing and proposed bike lanes (Class I: Completely separated right-of-way; Class II: Striped bike lane; Class III: Signed Bike Routes). Indicate bike accessibility to project and any proposed improvements as part of the project on the site plan or describe below.

Already Plan
Doing To Do

☐ ☐ **BMP-13 Connection to recycled water**

Recycled water has been further treated and disinfected to provide a non-potable (non-drinking water) water supply. Using recycled water for irrigation in place of potable or groundwater helps conserve water resources.

☐ ☐ **BMP-14 Install Water Efficient fixtures**

WaterSense, a partnership program by the U.S. Environmental Protection Agency administers the review of products and services that have earned the WaterSense label. Products have been certified to be at least 20 percent more efficient without sacrificing performance. By checking this box you intend to install water efficient fixtures or fixtures that conserve water by 20%.

☐ ☐ **BMP-15 Low-impact development (LID)**

LID is an approach to land development (or re-development) that works with nature to manage storm water as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. By implementing LID principles and practices, water can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem or watershed. Please indicate on the site or landscape plan how your project is designed in this way.

☐ ☐ **BMP-16 Water efficient landscape**

If your project is a residential development proposing in excess of 5,000 sq. ft. or a commercial development proposing in excess of 2,500 sq. ft. The project will be required to comply with the Water Efficient Landscape Ordinance (WELO).

Please check the box if you will be complying with WELO or If your project is smaller than the minimum requirement and you are still proposing drought tolerant, zeroscape, native plantings, zoned irrigation or other water efficient landscape.

☐ ☐ **BMP-17 Recycle 75% of all waste**

Did you know that the County of Napa will provide recycling collectors for the interior of your business at no additional charge? With single stream recycling it is really easy and convenient to meet this goal. To qualify for this BMP, your business will have to be aggressive, proactive and purchase with this goal in mind.

Already Plan
Doing To Do

☐ ☐ **BMP-18 Compost 75% food and garden material**

The Napa County food composting program is for any business large or small that generates food scraps and compostable, including restaurants, hotels, wineries, assisted living facilities, grocery stores, schools, manufacturers, cafeterias, coffee shops, etc. All food scraps (including meat & dairy) as well as soiled paper and other compostable - see <http://www.naparecycling.com/foodcomposting> for more details.

☐ ☐ **BMP-19 Implement a sustainable purchasing and shipping programs**

Environmentally Preferable Purchasing (EPP) or Sustainable Purchasing refers to the procurement of products and services that have a reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. By selecting this BMP, you agree to have an EPP on file for your employees to abide by.

☐ ☐ **BMP-20 Planting of shade trees within 40 feet of the south side of the building elevation**

Well-placed trees can help keep your building cool in summer. If you choose a deciduous tree after the leaves drop in autumn, sunlight will warm your building through south and west-facing windows during the colder months. Well-designed landscaping can reduce cooling costs by 20%. Trees deliver more than energy and cost savings; they are important carbon sinks. Select varieties that require minimal care and water, and can withstand local weather extremes. Fruit or nut trees that produce in your area are great choices, providing you with local food as well as shade. Please use the site or landscape plan to indicate where trees are proposed and which species you are using.

☐ ☐ **BMP-21 Electrical Vehicle Charging Station(s)**

As plug-in hybrid electric vehicles (EV) and battery electric vehicle ownership is expanding, there is a growing need for widely distributed accessible charging stations. Please indicate on the site plan where the station will be.

☐ ☐ **BMP-22 Public Transit Accessibility**

Refer to <http://www.ridethevine.com/vine> and indicate on the site plan the closest bus stop/route. Please indicate if the site is accessed by transit or by a local shuttle. Provide an explanation of any incentives for visitors and employees to use public transit. Incentives can include bus passes, informational hand outs, construction of a bus shelter, transportation from bus stop, etc.

Already Plan
Doing To Do

☐ ☐ **BMP-23**

Site Design that is oriented and designed to optimize conditions for natural heating, cooling, and day lighting of interior spaces, and to maximize winter sun exposure; such as a cave.

The amount of energy a cave saves is dependent on the type of soil, the microclimate, and the user's request for temperature control. Inherently a cave or a building burned into the ground saves energy because the ground is a consistent temperature and it reduces the amount of heating and cooling required. On the same concept, a building that is oriented to have southern exposure for winter warmth and shading for summer cooling with an east-west cross breeze will naturally heat, cool, and ventilate the structure without using energy. Please check this box if your design includes a cave or exceptional site design that takes into consideration the natural topography and sitting. Be prepared to explain your approach and estimated energy savings.

☐ ☐ **BMP-24 Limit the amount of grading and tree removal**

Limiting the amount of earth disturbance reduces the amount of CO2 released from the soil and mechanical equipment. This BMP is for a project design that either proposes a project within an already disturbed area proposing development that follows the natural contours of the land, and that doesn't require substantial grading or tree removal.

☐ ☐ **BMP-25 Will this project be designed and built so that it could qualify for LEED?**

BMP-25 (a)	<input type="checkbox"/>	LEED™ Silver (check box BMP-25 and this one)
BMP-25 (b)	<input type="checkbox"/>	LEED™ Gold (check box BMP-25, BMP-25 (a), and this box)
BMP-25 (c)	<input type="checkbox"/>	LEED™ Platinum (check all 4 boxes)

Practices with Un-Measured GHG Reduction Potential

☐ ☐ **BMP-26 Are you, or do you intend to become a Certified Green Business or certified as a "Napa Green Winery"?**

As part of the Bay Area Green Business Program, the Napa County Green Business Program is a free, voluntary program that allows businesses to demonstrate the care for the environment by going above and beyond business as usual and implementing environmentally friendly business practices. For more information check out the Napa County Green Business and Winery Program at www.countyofnapa.org.

☐ ☐ **BMP-27 Are you, or do you intend to become a Certified "Napa Green Land"?**

Napa Green Land, fish friendly farming, is a voluntary, comprehensive, "best practices" program for vineyards. Napa Valley vintners and growers develop farm-specific plans tailored to protect and enhance the ecological quality of the region, or create production facility programs that reduce energy and water use, waste and pollution. By selecting this measure either you are certified or you are in the process of certification.

Already Plan
Doing To Do

☐ ☐ **BMP-28 Use of recycled materials**

There are a lot of materials in the market that are made from recycled content. By ticking this box, you are committing to use post-consumer products in your construction and your ongoing operations.

☐ ☐ **BMP-29 Local food production**

There are many intrinsic benefits of locally grown food, for instance reducing the transportation emissions, employing full time farm workers, and improving local access to fresh fruits and vegetables.

☐ ☐ **BMP-30 Education to staff and visitors on sustainable practices**

This BMP can be performed in many ways. One way is to simply put up signs reminding employees to do simple things such as keeping the thermostat at a consistent temperature or turning the lights off after you leave a room. If the project proposes alternative energy or sustainable winegrowing, this BMP could include explaining those business practices to staff and visitors.

☐ ☐ **BMP-31 Use 70-80% cover crop**

Cover crops reduce erosion and the amount of tilling which is required, which releases carbon into the environment.

☐ ☐ **BMP-32 Retain biomass removed via pruning and thinning by chipping the material and reusing it rather than burning on-site**

By selecting this BMP, you agree not to burn the material pruned on site.

☐ ☐ **BMP-33 Are you participating in any of the above BMPS at a 'Parent' or outside location?**

☐ ☐ **BMP-34 Are you doing anything that deserves acknowledgement that isn't listed above?**

Comments and Suggestions on this form?

Sources:

1. *Napa County Bicycle Plan*, NCTPA, December 2011
2. *California Air Pollution Control Officers Associate (CAPCOA)*. January 2008. *CEQA and Climate Change*
3. *Napa County General Plan*, June 2008.
4. *California Office of the Attorney General*. 2010. *Addressing Climate Change at the Project Level* available at http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf
5. *U.S. Green Building Council (2009)*. *LEED 2009 for New Construction and Major Renovations Rating System*. Washington, DC: United States Green Building Council, Inc.
6. *California Energy Commission (2008)*. *Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings*. Sacramento, CA: California Energy Commission.
7. *U.S. Department of Energy (2010)*. *Cool roof fact sheet*.
8. <http://www1.eere.energy.gov/buildings/ssl/ledlightingfacts.html>
9. *Compact Fluorescent Light Bulbs*". *Energy Star*. Retrieved 2013-05-01.
10. <http://energy.gov/energysaver/articles/solar-water-heaters>. Retrieved 2013-05-02.
11. <http://energy.gov/energysaver/articles/solar-water-heater>. Retrieved 2013-05-09
12. http://www.bchydro.com/powersmart/residential/guides_tips/green-your-home/cooling_guide/shade_trees.html
13. <http://www.napagreen.org/about>. Retrieved 2013-05-09
14. <http://www.countyofnapa.org/pages/departmentscontent.aspx?id=4294971612>
15. <http://www.napasan.com/Pages/ContentMenu.aspx?id=109>
16. <http://water.epa.gov/polwaste/green/index.cfm>

COUNTY OF NAPA
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

USE PERMIT
EXCEPTION TO CONSERVATION REGULATIONS

APPLICATION PACKET

1. Checklist
2. Application Review Procedures
3. Application
4. Supplemental Application Form
5. Indemnification Statement
6. Adjoining Property Owner Requirements
7. Plan Requirements
8. Sample Graphics

PRE-SUBMISSION REQUIREMENTS

Prior to the submission of your application materials, please call Planning Division Secretary at (707) 253-4417 to schedule a pre-submittal application review meeting (See Completeness Checklist). The purpose of the meeting is to review your application to make sure it is complete for submittal. According to state law, your application will receive a determination of completeness within thirty (30) days after submittal.

USE PERMIT EXCEPTION TO CONSERVATION REGULATIONS

APPLICATION CHECKLIST

1. X Completed signed application
2. X Completed supplemental application form
3. X Site Location Map (on 7" by 7½" portion of a 7½-minute U.S. Geological survey topographic map)
4. X Complete Site Plan with all existing and proposed improvements shown, including structures, parking, roads, driveways, easements and leach field.
5. * Title Insurance Co. Certified List of All Property Owners within 1000 feet of the subject parcel specifying name, address, and parcel number.
6. * Assessor's pages used in compiling property owners list.
7. X Make checks out to the **County of Napa**. (*Amount to be determined at the pre-application meeting*).
8. N/A Pre-Submittal application review meeting with Planning Division Staff (Date: _____)
9. N/A Additional information that may be required by Planning Division.
10. N/A Erosion Control Plan only for agricultural projects (vineyard conversions, etc.)

APPLICATION REVIEW PROCEDURES

USE PERMIT EXCEPTION TO THE CONSERVATION REGULATIONS

A Use Permit for an exception to the Conservation Regulations must be approved by the Planning Commission prior to development. Development may not begin until all necessary permits have been obtained, including any building or grading permits.

NOTE: The Use Permit application is not complete until all the information listed on the checklist is submitted for review.

The Use Permit applies to the land, not to the property owner. Therefore, once a Use Permit is approved for a given parcel of land, any new owner may operate under the same Use Permit pursuant to the conditions and applicable mitigation measures under which it was approved.

THE INFORMATION THAT YOU PROVIDE IN THE USE PERMIT APPLICATION, INCLUDING THE SUPPLEMENTAL APPLICATION AND EROSION CONTROL PLAN WILL PROVIDE THE BASIS FOR THE EVALUATION OF YOUR APPLICATION, INCLUDING ENVIRONMENTAL REVIEW. THE INFORMATION WILL ALSO BE USED AS A BASIS FOR THE ESTABLISHMENT OF CONDITIONS OF APPROVAL.

Application

1. The attached application and supplemental information forms require that you provide some basic information as well as a detailed erosion control plan for the proposed project. Prior to submittal, the applicant must schedule a pre-application meeting with a representative of the Planning Division to determine whether or not the proposed project can meet the minimum standards and requirements of the Conservation Regulations. When the application is submitted, a filing fee is collected to cover the costs of processing and analysis time, legal advertising, field investigations, and similar matters.
2. Within 30 days of receiving an application, the Planning Division will review the materials submitted to make sure that all the items listed on the application completeness checklist have been provided. Each item submitted will be reviewed for accuracy and completeness. In addition, an initial environmental review of the project will be undertaken. If all pertinent items on the checklist have been provided, each item supplied is complete and accurate, and no additional environmental data is needed, the application will be deemed complete. All applications accepted for processing will be referred to applicable County and public agencies for review, recommendation, and conditions. If the application is incomplete the applicant will be informed as to what additional materials, information and/or studies are needed to make the application complete. Upon submission of **all** the materials requested, the application will be found complete and distributed for review and comment.

Processing Time Limits

3. Use Permit applications are subject to processing time limits pursuant to California Government Code Section 65950. Generally, upon a determination by the County that the application is complete, the County is required to take action on a Use Permit within 180 days unless an environmental impact report (EIR) is required pursuant to the California

Environmental Quality Act of 1970 et seq. If an EIR is required, the permit must be approved or denied within 1 year.

Environmental Assessment

4. After any application has been accepted as complete, an assessment of the project's potential impact(s) on the environment will be conducted. If the Planning Division determines, based on that assessment, that the project is exempt from further environmental review, the project will be scheduled for a noticed public hearing. If the project is located in any recognized environmentally sensitive area or has other potentially significant environmental impacts, one or more detailed studies may be required to determine the extent of these impacts. If it is determined that significant environmental impacts could result from the project, the applicant will be required to prepare an Initial Study/Mitigated Negative Declaration or an Environmental Impact Report (EIR).

Public Hearing

5. Upon completion of the environmental assessment for the project and preparation of the appropriate environmental document (i.e., categorical exemption, negative declaration, or EIR), the project will be scheduled for a noticed public hearing before the Planning Commission. The purpose of the hearing is to receive public testimony, evaluate the appropriateness of the environmental determination made by the Planning Division, determine compliance with County regulations, and either approve or deny the project. A notice of public hearing containing a brief description of the project and the date, time, and location of the hearing will be published and mailed to all property owners within 1000 feet of the project site, 30, 20 or 10 days prior to the scheduled hearing.
6. At the public hearing, the report and recommendation of the Planning Division is presented. The applicant and project proponents are given an opportunity to present testimony in support of the Use Permit. Opponents to the request are given an opportunity to express their reasons why the environmental determination is not appropriate or why the Use Permit should not be granted. At the close of the hearing, the Planning Commission will consider the request, the Planning Division Report, and the testimony received during the public hearing and take formal action to approve, conditionally approve, or deny the Use Permit.

Appeal

7. Following action on the project, there is a 10 working day appeal period before the use permit becomes effective. During this period, the decision of the Planning Commission may be appealed to the Board of Supervisors by a County department, the applicant, or project opponents by filing a written appeal on a form provided by the Department, including payment of an appeal fee that varies with the length of the public hearing that has been held on the project. Once a proper appeal has been filed, a public hearing on the appeal will be set within 90 days. At the conclusion of the public hearing, the Board will either approve, deny, or modify the decision or action being appealed. Reconsideration of the Board's action can be sought if a request for reconsideration is filed within 30 days of the Board's decision.



A Tradition of Stewardship
A Commitment to Service

FILE # _____

NAPA COUNTY
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES
1195 Third Street, Suite 210, Napa, California, 94559 • (707) 253-4417

APPLICATION FOR USE PERMIT
EXCEPTION TO CONSERVATION REGULATIONS

FOR OFFICE USE ONLY

ZONING DISTRICT: _____ Date Submitted: _____
TYPE OF APPLICATION: _____ Date Published: _____
REQUEST: _____ Date Complete: _____

TO BE COMPLETED BY APPLICANT
(Please type or print legibly)

PROJECT NAME: Hourglass Winery

Assessor's Parcel #: 018-060-024 & 021-010-001 Existing Parcel Size: 29.97 ±

Site Address/Location: 701 Lommel Road Calistoga CA 94515
No. Street City State Zip

Property Owner's Name: 9 Button Vineyard LLC Care of: Jeff Smith

Mailing Address: 1104 Adams Street, Suite 103 Saint Helena CA 94574
No. Street City State Zip

Telephone #: (707) 968 - 9332 Fax #: () - E-Mail: jeff@hourglasswine.com

Applicant's Name: Same as property owner.

Mailing Address: _____
No. Street City State Zip

Telephone #: () - Fax #: () - E-Mail: _____

Status of Applicant's Interest in Property: Owner

Representative Name: Mike Muelrath, P.E.

Mailing Address: 2160 Jefferson Street, Suite 230 Napa CA 94559
No. Street City State Zip

Telephone #: (707) 320-4968 Fax #: () E-Mail: mike@appliedcivil.com

I certify that all the information contained in this application, including but not limited to the information sheet, water supply/waste disposal information sheet, site plan, plot plan, floor plan, building elevations, water supply/waste disposal system plot plan and toxic materials list, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved.

Jeff Smith 9/29/23
Signature of Applicant Date

Print Name

Jeff Smith 9/29/23
Signature of Property Owner Date

Print Name

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

Application Fee Deposit: \$ _____ Receipt No.: _____ Received by: _____ Date: _____

SUPPLEMENTAL APPLICATION FORM
USE PERMIT EXCEPTION TO CONSERVATION REGULATION

1. Please explain the reason for the exception request.

The proposed widening of an existing winery driveway as a requirement of a pending winery use permit modification application. Part of the pre-existing winery driveway is located within within the setback corridor along the blue line stream commonly referred to as Biter Creek which flows along the south side of the existing driveway. Along the north side of the driveway is pre-existing vineyards. The Road and Street Standards require widening of the existing driveway and therefore an exception is required as the widening work is within the stream setback area.

It is important to note that the existing driveway was construced prior to 1991 when the Conservation Regulations were adopted and stream setbacks were established. This request is to allow an exception to widen this existing legal road and not to create a new road within the stream setback zone.

2. Are there any alternatives to the project which would not require an exception? Please explain. One alternative would be to build a completely new driveway outside of the stream setback area.

This would displace over one acre of existing producing vineyards. Furthermore, this would create at 0.7 acres of new impervious surface and grading, vegetation removal and land disturbance covering at least once acre of surface area in close proximity to the stream corridor. This alternative is not feasible due to the associated land disturbance and loss of vineyards.

A second alternative would be to ask for an exception to the Road and Street Standards to allow the driveway to remain in its current condition. This alternative is not feasible because it is possible to widen the driveway without removal of any native vegetation in most areas (only vineyard land is impacted by a majority of the proposed widening) and therefore the findings for an exception to the Road and Street Standards cannot be made other than in one discrete area where an exception to the Road and Street Stanards is being sought to allow a reduced width to preserve oak trees located along the edge of the driveway.

3. Describe how the project can meet the findings described in Section 18.104.040 A (structural or road project), or Section 18.108.040B (agricultural project).

This project is considered a structural project and therefore the findings required by Section 18.108.040A are outlined below.

Section 18.108.040.A. Structural/road development projects

- a. Roads, driveways, buildings and other man-made structures have been designed to complement the natural landform and to avoid excessive grading: (Please describe).

The driveway widening located within the stream setback has been designed to complement the natural landform and minimize grading and vegetation removal within the stream setback area by utilizing the pre-existing road bed and limiting all required widening to the north side of the driveway, away from the stream. This approach ensures that the existing setback / buffer area between the driveway and the stream will remain in its current condition and will not be reduced in size. Minimal grading is required since the area for widening is currently used as part of the vineyard road and is level with the existing driveway.

- b. Primary and accessory structures employ architectural and design elements which in total serve to reduce the amount of grading and earthmoving activity required for the project, including the following elements:

- i. Multiple-floor levels which follow existing, natural slopes;
- ii. Foundation types such as poles, piles, or stepping level which minimize cut and fill and the need for retaining walls;
- iii. Fence lines, walls, and other features which blend with the existing terrain rather than strike off at an angle against it.

No structures are proposed within the setback area. The structures that are proposed as part of the overall use permit modification project are located out of the stream setback and in full compliance with the County Viewshed requirements which address the items listed above. Therefore, by conforming to Viewshed standards the project will also be complying with the provisions of this section.

- c. The development project minimizes removal of existing vegetation , incorporates existing vegetation into final design plans, and replacement vegetation of appropriate size, quality and quantity is included to mitigate adverse environmental effects.

The driveway widening design preserves all existing native vegetation in the stream setback area with the exception of one tree that will be removed. All other trees and other native vegetation will be preserved.

The widening will only impact the existing vineyard / cover crop and the entire buffer between the existing driveway and the stream will be preserved.

4. Adequate fire safety measures have been incorporated into the design of the proposed development.

The project proposes full compliance with all required fire safety measures including: 1) Driveway widening to comply with the Napa County Road and Street Standards with one noted exception;

2) All buildings are fully sprinklered; 3) Fire hydrant(s) are provided onsite in compliance with California Fire Coderequirements; 4) Onsite water storage provided in tanks to meet all required fire hydrant and fire sprinkler demands; and 5) Vegetation management will be employed to provide defensible space in accordance with CalFire requirements.

5. Disturbance to streams and watercourses shall be minimized, and setbacks shall be retained as specified in Section 18.108.025.

No disturbance to streams will occur as part of this project. The work within the stream setbacks will be strictly limited to the area needed to create safe ingress and egress driveway improvements. The widening will occur on the side of the driveway away from the stream and the existing buffer / setback between the existing driveway and the stream will be fully preserved.

6. The project does not adversely impact threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the county's environmental sensitivity maps.

The entire project area was reviewed by Kjeldsen Biological Consulting. Kjeldsen's review and analysis determined that there are no endangered plant or animal habitats that will be impacted by the proposed project.

Section 18.108.040.B. Agricultural projects, or Agricultural roads as defined by Planning, Building, and Environmental Services, Engineering Division

7. The erosion rate that results two years from the completion of the proposed agricultural development does not exceed the soil tolerance factor approved by the Natural Resource Conservation Service for the soil type, topography and climatic conditions in which the project is located;

Not Applicable - not an agricultural project

8. Impacts on streams and watercourses are minimized, and adequate setbacks along these drainageways are or will be maintained.

Not Applicable - not an agricultural project

9. The project does not adversely impact sensitive, rare, threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the county's environmental sensitivity maps.

Not Applicable - not an agricultural project

INDEMNIFICATION AGREEMENT

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

Applicant

Date

Property Owner (if other than Applicant)

Hourglass Winery
Project Identification

ADJOINING PROPERTY OWNER LIST REQUIREMENTS

All applications shall include a list of the current owners of all the properties whose outer perimeters are within **1000 feet** of the property boundary of the project site. The list shall include the property owner's names, their addresses and the assessor's parcel numbers of the property owned.

Preparation, verification and submission of this list of property owners is the responsibility of the applicant. Lists of the property owners appearing on County tax rolls in the form required are available from all local title insurance companies. Each such list must be certified by a title insurance company as reflecting the most recent County tax roll information.

INSTRUCTIONS TO TITLE COMPANY

Please prepare the property owners' list as follows:

1. Type the property owners' names, parcel numbers, and mailing addresses on an 8½" by 11" sheet of Avery #5351 Plain Paper Copier Labels so that this information can be readily copied on to new labels for use in mailing by Planning, Building, and Environmental Services.
2. Submit a full page copy of the assessors' parcel book page(s) and a copy of the latest equalized assessment roll used to compile the property owners' list. Please indicate the location of all parcels listed, by check mark or colored parcel number circled, on the pages.

If you should have any questions, please contact the Planning, Building, and Environmental Services at (707) 253-4417.

PLAN REQUIREMENTS

SITE LOCATION MAP REQUIREMENTS

One (1) copy of a site location map. Said map shall consist of a 7" by 7 1/2" portion of the **7 1/2 minute** U.S. Geological Survey Topographic map that covers the project vicinity or an accurate reproducible copy thereof. This map section shall be pasted or taped (not stapled) in the space provided on the site location map blank contained in this application packet. The following information shall be **accurately** plotted thereon:

- a) The location of the boundary lines of all existing parcels involved and any new parcels to be formed.
- b) The location of all existing improvements to be used including but not limited to existing access roads.
- c) The location of all new improvements proposed including but not limited to buildings and access roads/driveways. For the purpose of this section proposed building sites on parcel/subdivision maps along with all the associated improvements necessary to put a home at the location selected shall be considered as "new improvements".

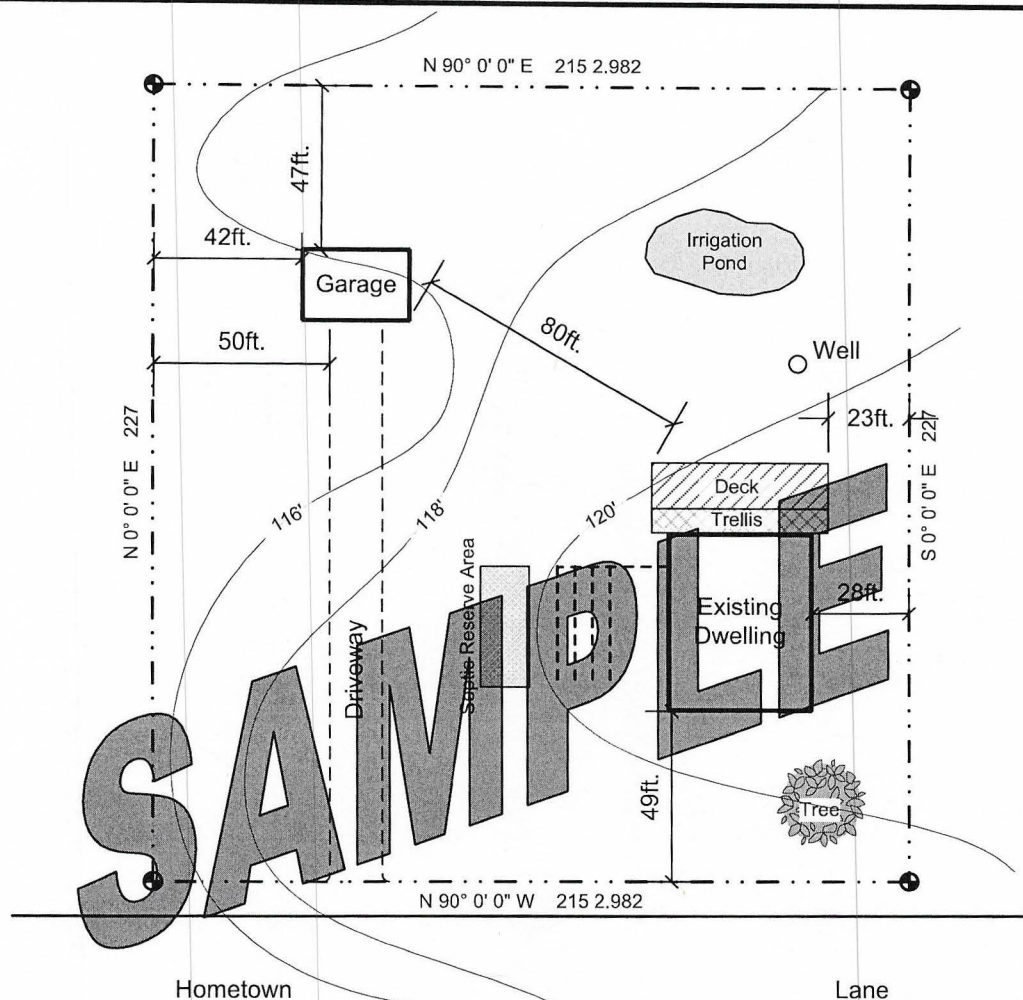
The location of all boundary lines and improvements plotted must be accurate to within 50 feet (i.e., 1/20th of an inch).

The symbols to be used in preparing this location map are specified in the legend on the site location map blank provided.

EROSION CONTROL PLAN REQUIREMENTS

Four (4) additional copies of the erosion control plan and narrative prepared in accordance with Section 18.108 et seq. of the county Code.

A clear, clean, readable, black-line reduction on 11" X 17" paper may be required to accompany the project. This will be determined at the Pre-application meeting.

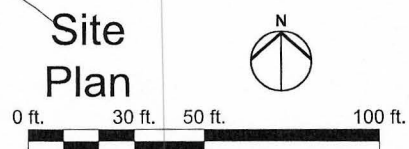


Each different plan shall fill a minimum 11" x 17" sheet of paper.
Plans and notes shall be legible.
Provide all of the information requested in the title blocks.
Indicate the scale and show a North Arrow on each site plan.
Did you remember to:

- Show access to property.
- Show all property lines and the distances of all structures to those property lines.
- Show all roads, streets, driveways, rivers, reservoirs, dams, creeks, streams, paths and the distance from centerline of roads, streets and highways.
- Show all buildings and/or structures on the property, existing and proposed and the distances between those buildings and/or structures.
- Show all easements.
- Show all water wells, fire hydrants, water storage tank(s), LP gas tank(s).
- Show all septic system(s) and required 100% expansion area (reserve area). *
- Show stock pile(s) of dirt, soil, rocks and/or earth.

Five copies of the site plan are required for all building permits.

* Reserve area is a County code requirement. You must identify an adequate reserved area on your site plan. This reserve area will be reviewed on a case by case basis. If you have a very small parcel or a parcel with unusual site constraints you may be required to prove reserve area before a clearance on your building permit may be issued.



APN:

Name:

Address:

Phone:



A Tradition of Stewardship
A Commitment to Service

COUNTY of NAPA

OFFICE OF PLANNING, BUILDING & ENVIRONMENTAL SERVICES
Sample Site Plan for Permit Submission

COUNTY OF NAPA
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

VIEWSHED PROTECTION PROGRAM

APPLICATION PACKET

1. Applicant's Checklist
2. Viewshed Protection Program Application
3. Indemnification Agreement
4. Application Completeness Requirements and Checklist
5. Adjoining Property Owner's List Requirements
6. Excerpts from Viewshed Protection Program Ordinance
7. Viewshed Protection Design Manual
8. Slope Determination Methodology

NOTE:

PLEASE INCLUDE THREE COPIES OF
ALL REQUIRED APPLICATION MATERIALS SUBMITTED.

VIEWSHED PROTECTION PROGRAM

APPLICANT'S CHECKLIST

**Please refer to enclosed cover letter for descriptions of all required items listed below.*

1. ☒ Completed and Signed Application and Indemnification Form*

*A signed Indemnification Form will only be required if a public hearing is conducted (i.e. if this is an item before the Zoning Administrator or Commission).
2. ☒ Vicinity Map
3. ☒ Proposed Site Plan
4. ☒ Topographic Map/Preliminary Grading Plan
5. ☒ Building/Structural Elevations
6. ☒ Landscaping and/or Vegetation Retention Plan
7. ☒ Exterior Lighting Plan
8. ☒ Visual Impact Analysis
9. ☒ Title Insurance Company Certified List of Adjoining Property Owners within 1000 feet
9. ☒ Application Fee of \$_____ (to be determined at time of Pre Application meeting) (Napa County Policy Manual, Part 3 § 80.050). Checks made payable to the County of Napa.

Note:

- 1) Items numbered 2-4 above may be combined and submitted on the same drawing.
- 2) A detailed list of all the required submittal items is provided herein under "Application Completeness Requirements and Checklist".
- 3) Many of the items required for review under the Viewshed Ordinance are the same items that would be normally be required for an Erosion Control Plan (ECP) Review. If you are concurrently applying for an ECP Review, provide us with a copy of the appropriate items. Please, do not duplicate your efforts.



A Tradition of Stewardship
A Commitment to Service

FILE # _____

NAPA COUNTY
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES
1195 THIRD STREET, SUITE 210, NAPA, CALIFORNIA, 94559 • (707) 253-4417

APPLICATION FOR VIEWSHED PROTECTION PROGRAM

FOR OFFICE USE ONLY	
ZONING DISTRICT: _____	DATE SUBMITTED: _____
TYPE OF APPLICATION: _____	DATE PUBLISHED: _____
REQUEST: _____	
Project Type: Structure ____ Driveway ____ Road ____ Reservoir ____ Mass Grading ____ Other ____ Other Permits Applied/Pending/Required: ECP ____ Grading Permit ____ Use Permit ____ Variance ____ SDSDS ____ Groundwater Permit: ____ # ____ # ____ # ____ # ____ # ____ # ____	
Review Agencies: PBES: <u>X</u> County Consultant: ____ Name/Contact: _____	
Final Approval: PBES <u>X</u> Date: ____ / ____ / ____ Conditions: Yes ____ No ____	

TO BE COMPLETED BY APPLICANT (Please type or print legibly)	
Applicant's Name: <u>Jeff Smith</u>	
Telephone #: <u>(707) 968 - 9332</u>	Fax #: () - _____ E-Mail: <u>jrsmith@napanet.net</u>
Mailing Address: <u>1104 Adams Street, Suite 104</u>	<u>Saint Helena</u> <u>CA</u> <u>94574</u>
<small>No. Street City State Zip</small>	
Status of Applicant's Interest in Property: <u>Property Owner</u>	
Property <u>9 Buttons LLC, Jeff Smith</u>	Owner's Name: _____
Telephone #: <u>(707) 968 - 9332</u>	Fax #: () - _____ E-Mail: <u>jrsmith@napanet.net</u>
Mailing Address: <u>1104 Adams Street, Suite 104</u>	<u>Saint Helena</u> <u>CA</u> <u>94574</u>
<small>No. Street City State Zip</small>	
Site Address/Location: <u>701 Lommel Road</u>	<u>Calistoga</u> <u>CA</u> <u>94515</u>
<small>No. Street City State Zip</small>	
Assessor's Parcel #: <u>see below</u>	Parcel Size: <u>39</u> acres Development Area Size: <u>+/- 1 acre</u> acres
Slope Range of Development Area: <u><5</u> % to <u>28</u> % APNs: 018-060-024 & 021-010-001	
<p>(NOTE: Contour map/survey is required for all development areas with an estimated slope of 15% or greater and for all road/driveway projects, Contour map must include all areas within 100' of the cut and fill edges. Percent slope shall be calculated and presented as whole numbers. (Please see attached Slope Determination Methodology)</p>	
<p>I hereby certify that all the information contained in this application, including but not limited to, this application form, the supplemental information sheets, site plan, plot plan, cross sections/elevations, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for evaluation of this application and preparation of reports related thereto, including the right of access to the property involved.</p>	
<u>[Signature]</u> Signature of Applicant Jeff Smith _____ Print Name	<u>9/29/23</u> Date <u>[Signature]</u> Signature of Property Owner 9 Buttons LLC, Jeff Smith _____ Print Name

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES			
Application Fee: \$ _____	Receipt. No. _____	Received by: _____	Date: _____

INDEMNIFICATION AGREEMENT

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

Applicant

Property Owner (if other than Applicant)

Date

Project Identification

VIEWSHED PROTECTION PROGRAM

APPLICATION COMPLETENESS REQUIREMENTS AND CHECKLIST

1. ☐ Completed and Signed Application and Indemnification Form.
2. ☐ Vicinity Map.
 - A. A 7" by 5 1/2" portion of a 7.5-minute (1"=2000') United States Geological Survey (USGS) topography map.
 - B. Map shall show improvements in their relationship to abutting properties/structures and major and minor ridgelines.
3. ☐ Proposed Site Plan. A proposed site plan shall be prepared to locate only the proposed site improvements and areas to be disturbed (i.e. building site, graded area). Scale of the plan shall be appropriate to the area disturbed either through grading, construction or clearing of vegetation. The area surrounding the building pad/site shall be scaled at 1" = 20' or finer and roads or driveways at 1"=100' or finer. A scaled Site Plan shall include:
 - A. Location of all existing structure(s) to be removed or remain on site; note on plan whether to remain or to be removed.
 - B. Location of all existing vegetation six inches in diameter or greater, measured in diameter at breast height (DBH), including variety, height and canopy width.
 - C. Location of all proposed impervious surfaces (i.e. driveways, motor courts, patios).
 - D. Location of all wastewater disposal systems on site.
 - E. Proposed setbacks from property lines(s) and other structures.
 - F. Location of all spoils/stock pile area for all excavated and/or imported soils.
 - G. Total floor area shown, including all floors, of all structures, regardless of use.
4. ☐ Topographic Map/Preliminary Grading Plan. Map shall note the following:
 - A. Existing and proposed contours of the building site before and after all construction is completed, drawn at 2' or 5' intervals at a scale of 1"=20' or better; driveways or access roads must show 5' intervals at a scale of 1"=100' or better.
 - B. Map shall include the following section(s) at minimum:
 - i. Disturbed areas, including proposed/existing roads;
 - ii. Building(s) height(s), measured according to the most recently County adopted California Building Code;
 - iii. Roadways/Driveways, shown at intervals as required in County Slope Determination Methodology, Conservation Regulations Exhibit A (Resolution 91-61), shorter intervals may be required in areas of changing topography;
 - iv. Retaining walls or man-made embankments and berms, illustrating location and height (scale of 1/4" = 1').
 - C. Preliminary drainage plans for the site, showing the pattern and direction of flow, as well as any on site natural or man-made drainage/waterways.
 - D. Highest point of the proposed structure(s) measured vertically to top of nearest ridgeline.
5. ☐ Building/Structure Elevations.
 - A. Elevations shall scaled and include type of building material, color treatment and sample color-chip, roofing material and color.
 - B. Include information on window reflectivity and extent of window coverage.
 - C. "Building Height(s)," as defined in the most recent County adopted edition of the California Building Code, must also be shown on the elevations (See item #3 C. Determining Building Height in the Viewshed Protection Manual for measurement details).

6. ☐ Landscaping and/or Vegetation Retention Plan. Newly planted vegetation for the purpose of visual screening, must be of sufficient size to adequately screen the proposed structure(s) in two (2) to five (5) years. A complete plan shall include the following:
- A. Identify and locate all the existing vegetation to remain as visual screening for the proposed structure(s), indicate variety, height and canopy width.
 - B. Identify initial planting sizes and varieties of all materials to be installed.
 - C. Illustrate the size and canopy width of planted materials, as they would appear 10 years after installation.
 - D. Distinguish the natural and/or installed landscaping to be included in the visual impact analysis.
 - E. Installed landscaping must be compatible with existing vegetation and landscape.
 - F. Establish a comprehensive landscape maintenance program, including a protection and pruning program for existing and planted trees.
7. ☐ Exterior Lighting Plan. Identifying the location, type of fixture, focus/purpose, as well as the use of any timers or motion sensor devices
8. ☐ Visual Impact Analysis. One or more of the following may be required to determine the visual impact of the structure(s) and its associated improvements and their conformance with the Viewshed Protection Program.
- A. Story poles (the temporary placement of a mock wooden skeleton in the general shape of the building, then draping plastic orange snow fencing around the roofline to portray the visual prominence and bulk of the proposed structure).
 - B. Computer simulation.
 - C. Photomontage.
 - D. Picture or visual as viewed from designated public road at point(s) where the structure(s) is/are visible.
 - E. Appropriately scaled model.
 - F. Additional views or materials as required by staff from other vantage points.
9. ☐ Title Insurance Company Certified List of Adjoining Property Owners within 1000 feet. Identifying all property owners within 1000' of the subject parcel, specifying name, address and parcel number; included on two sets of mailing labels with accompanying Assessor's Pages used to compile the above property owner list. Please see "ADJOINING PROPERTY OWNER LIST REQUIREMENTS" for details on preparing the requested list.
10. ☐ Application Fee of \$_____ (to be determined at Pre-App meeting) plus an Initial Environmental Review Fee (if applicable) of \$_____ (to be determined at Pre-App meeting) (Napa County Policy Manual, Part 3 § 80.050). Checks made payable to the County of Napa.

ADJOINING PROPERTY OWNER LIST REQUIREMENTS

All applications shall include a list of the current owners of all the properties whose outer perimeters are within **1000 feet** of the property boundary of the project site. The list shall include the property owner's names, their addresses and the assessor's parcel numbers of the property owned.

Preparation, verification and submission of this list of property owners is the responsibility of the applicant. Lists of the property owners appearing on County tax rolls in the form required are available from all local title insurance companies. A title insurance company must certify each such list, ensuring that it reflects the most recent County tax roll information.

INSTRUCTIONS TO TITLE COMPANY

Please prepare the property owners' list as follows:

1. Type the property owners' names, parcel numbers and mailing addresses on an 8½" by 11" sheet of Avery #5160 Laser Labels so that this information can be readily used in mailing by Planning, Building, and Environmental Services.
2. Submit a full page copy of the assessors' parcel book page(s) and a copy of the latest equalized assessment roll used to compile the property owners' list. Please indicate the location of all parcels listed, by check mark or colored parcel number circled on the pages.

If you should have any questions, please contact Planning, Building, and Environmental Services at (707) 253-4417.

Chapter 18.106 - VIEWSHED PROTECTION PROGRAM

18.106.010 - Purpose.

The purpose and intent of these regulations is to protect the public health, safety, and community welfare and to otherwise protect the scenic quality of the county both for visitors to the county as well as for its residents by ensuring that future improvements are compatible with existing land forms, particularly county ridgelines and that views of the county's many unique geologic features and the existing landscape fabric of the county's hillside areas are protected and preserved. These regulations are consistent with the goals and policies of the Napa County general plan, particularly as specified in the land use, open space and conservation, circulation and the scenic highways elements. Furthermore, it is intended that these regulations accomplish the following:

- A. Provide hillside development standards to minimize the impact of man-made structures and grading on views of existing landforms, unique geologic features, existing landscape features and open space as seen from designated public roads within the county;
- B. Protect and preserve views of major and minor ridgelines from designated public roads;
- C. Create a development review process that maximizes administrative, staff level approval of projects which meet administrative standards, while also providing a vehicle for review by the zoning administrator or planning commission of those projects that do not meet the administrative standards;
- D. Minimize cut and fill, earthmoving, grading operations and other such man-made effects on the natural terrain to ensure that finished slopes are compatible with existing land character; and
- E. Promote architecture and designs that are compatible with hillside terrain and minimize visual impacts.

18.106.030 - General provisions.

- A. **Applicability—New and Expanded Structures.** No building permit, erosion control plan for structural development, grading or other administrative permit shall be issued by any county staff, agency or department for any new structure or improvement to an existing structure if the structure is located on a slope of fifteen percent or more as defined in Section 18.106.020 or if the structure is located on any minor or major ridgeline as defined in Section 18.106.020 except as specifically provided for herein. The ordinance codified in this section shall apply to all new structures located on slopes of fifteen percent or more or located on a minor or major ridgeline. In the event of a conflict among the regulations in this chapter and those elsewhere in this code, the regulations in this chapter shall prevail. The provisions of this chapter shall also apply to projects undertaken by public agencies and special districts except for the maintenance of existing county public roads within existing rights-of-way.
- B. **Applicability—Grading or Earthmoving Activities.** No permit or administrative or discretionary approval shall be issued to authorize any grading or earthmoving activity, including grading or earthmoving necessary to create or improve an existing or new driveway, road or other access, or benches or shelves, if such earthmoving or grading would occur on slopes of fifteen percent or more until the applicant has complied with the applicable provisions of this chapter. Agricultural roads within planted areas subject to erosion control plans under Chapter 18.108 of the code shall not be subject to this requirement.
- C. **Relationship to the Review of Tentative Parcel Maps, Final Maps, and Subdivision Maps.** All future building sites identified on either a tentative parcel map, final map, or subdivision map shall be reviewed and conditions of approval established to ensure conformity with the purpose and intent of this chapter.

- D. Relationship to Previously Approved Use Permits and Small Lot Subdivisions. All structures described in a use permit approved prior to the effective date of Ordinance Number 1189 shall not be subject to the requirements of this chapter. Parcels in small lot subdivisions (defined as groups of at least five parcels of less than two acres each for the purposes of this section) established prior to the effective date of Ordinance Number 1268 shall not be subject to the requirements of this chapter.
- E. Relationship to Previously Accepted or Approved Building Permits. All residential structures or accessory structures for which a building permit was approved prior to the effective date of Ordinance Number 1189, or for which a building permit application had been accepted and deemed complete for departmental review by the county prior to December 1, 2001, shall not be subject to the requirements of this chapter. Such structures and the accompanying permits may be modified prior to the final occupancy inspection if the predominant portion of the proposed modifications to the structure is screened from view from a designated public road by natural vegetation, landscaping, architectural design, and color/tone that is in accordance with the Design Manual and provisions of this chapter.
- F. Relationship to Use Permit Applications. Applications requiring the issuance of a use permit or use permit modification, as required by the code, will be reviewed for their adherence to the requirements of this chapter during the application process for the issuance of the use permit or use permit modification.
- G. Relationship to Conservation Regulations. The structures or activities referred to in Section 18.108.050, except subsections (A) and (B), shall be exempt from the requirements of this chapter and will be cleared for further processing.
- H. Determination of Adverse Effects on Ridgelines. The director shall determine whether the proposed location of a structure could adversely affect a minor or major ridgeline for the purpose of administering this chapter based upon elevation of the proposed structure, the height of its roof line and the location of the structure in relationship to surrounding topography.
- I. Application Form and Fee. Applications for new, expanded or remodeled structures subject to this chapter shall be submitted to the department on a form provided by the department accompanied by a fee determined by a resolution adopted by the board of supervisors.

(Ord. 1278 § 1 (part), 2006; Ord. 1268 § 8, 2005; Ord. 1232 § 2, 2003; Ord. 1189 § 3 (part), 2001)

18.106.040 - Projects subject to administrative review.

- A. General Provisions. Permit applications which meet the criteria in subsection (A) or (E) of Section 18.106.030, and/or grading or earthmoving activities meeting the criteria in subsection (B) of Section 18.106.030, shall be submitted to the department for review by the director. If the application, either as submitted, or upon the inclusion of specified measures, meets the criteria specified in subsection (B) or (C) of this section, the director shall certify that the project complies with the applicable provisions of this chapter and the project will then be cleared for continuing processing pursuant to Title 15 of the code. The director may require the submittal of additional information including, but not limited to, a photo or computer simulation of the project and associated improvements, prior to determining that the project meets the criteria contained in this chapter.
- B. Visibility Determination. If the director determines that the project cannot be viewed from any designated public road, because of its relationship to surrounding topography or existing vegetation, then the project will be cleared for further processing pursuant to the code. If the determination was made based on existing vegetation coverage, then the property owner, prior to the issuance of a building permit, shall be required to execute and record in the county recorder's office a use restriction, in a form approved by county counsel, requiring the existing covering vegetation to be maintained, or replaced with equivalent

vegetation, by the owner or the owner's successors, so as to prevent the project from being viewed from any designated public road.

C. Administrative Criteria. A project shall be certified and cleared for further processing, if the director determines that a project meets all of the following conditions:

1. The highest point of the proposed structure is located more than twenty-five vertical feet below a major or minor ridgeline;
2. The project as designed and sited meets all of the following standards and substantially conforms to the Design Manual:
 - a. The maximum floor area, including all floors, of the main residence or agricultural structure is four thousand square feet or less and the maximum floor area, including all floors, for accessory structures are a combined total of two thousand five hundred square feet or less,
 - b. The height of the structure is twenty-four feet or less as measured from finished grade along fifty percent or more of the longest wall as viewed from any designated public road,
 - c. The improvement(s), including any required earthmoving or grading associated with the structure shall minimize removal of existing vegetation with emphasis on preserving mature trees. If the improvements require the removal of any tree with a diameter of six inches or greater, a detailed landscaping plan shall be prepared showing the location and replacement of trees and vegetation in a manner which screens the improvements from substantial views from designated public roads and provides for defensible space in conformance with state law,
 - d. A significant portion of natural on-site vegetation has been retained to naturally screen the project from views of designated public roads,
 - e. Landscaping will be installed and designed to screen the project from substantial views from designated public roads,
 - f. The project lighting, including site lighting, has been designed to minimize off-site visibility and glare,
 - g. The exterior color treatment of the structure will blend with the color of surrounding vegetation and landforms,
 - h. Exterior windows and trim are nonreflective, and
 - i. Roof angles and composition are designed to conform to existing landforms and landscape;
3. If the structure is an addition to an existing residence or an agricultural structure, the total floor area, including all floors shall not exceed four thousand square feet. If the addition pertains to an accessory structure, the total floor area, including all floors, shall not exceed a combined total of two thousand five hundred square feet;
4. The project as sited and designed shall be in substantial compliance with the Design Manual to reduce its visual impact on the views of major and minor ridgelines as viewed from any designated public road and unique topographic or geologic features as viewed from any county road. The following landforms will be considered to be unique topographic or geologic features for the purposes of this subsection: Mt. St. Helena, Stag's Leap, Calistoga Palisades, Round Hill, Mt. George and Mt. St. John;
5. Involves the grading of less than one and one-half acres of land;

6. Future structures, including roads, driveways, wastewater disposal systems, and necessary earthmoving to construct project improvements shall be located to avoid environmentally sensitive areas as defined by Section 18.08.270 of the code;
 7. A detailed landscape plan prepared by a qualified landscape professional shall be prepared which incorporates the criteria set forth in the Design Manual for review and approval by the director.
- D. Prior to the issuance of a building permit for any project authorized under this section, the property owner shall be required to execute and record in the county recorder's office a use restriction, in a form approved by county counsel, requiring building exteriors, and existing and proposed covering vegetation, as well as any equivalent level of replacement vegetation, to be maintained by the owner or the owner's successors so as to maintain conformance with either subsection (B) or (C) of this section.
- E. Projects that do not satisfy the criteria and standards contained in Section 18.106.040 shall be subject to review and approval under Section 18.106.050

(Ord. 1278 § 1 (part), 2006; Ord. 1232 § 3, 2003; Ord. 1189 § 3 (part), 2001)

18.106.050 - Processing of projects subject to review and approval by the zoning administrator or the commission.

- A. If the director determines that a project does not meet the criteria in Section 18.106.040 the project shall not be cleared for further processing until the findings contained in subsection (B) of this section are made and a permit is issued by the zoning administrator, or upon referral, by the commission.
- B. The zoning administrator or commission shall make all of the following findings prior to approving a project:
1. The project as designed or modified is consistent with Chapter 18.108 of the code;
 2. If the highest point of the proposed project is located more than twenty-five vertical feet below a major or minor ridgeline, that measures have been included in the project to reduce its visual impact on the major or minor ridgeline through use of existing natural vegetation, landscaping, topographical siting, architectural design, and colortone; or if the highest point of the proposed structure is within twenty-five vertical feet of a major or minor ridgeline, that the existing vegetation, proposed landscaping, topographical siting, architectural design, and colortone screen the predominant portion of the proposed structure;
 3. The proposed structure, access roads and other site improvements are sited and designed to minimize adverse effects on views from designated public roads;
 4. The proposed structure, access road and other site improvements, including earthmoving or grading, and benches or shelves minimize the removal of vegetation;
 5. The siting and design of site improvements and access roads minimize grading and alteration of natural landforms and topography;
 6. A landscape and/or vegetation retention plan in conformance with the Design Manual has been submitted and approved for the site that would provide maximum screening from designated public roads through preservation of existing vegetation and the planting of new vegetation and provide for defensible space in conformance with state law;
 7. The proposed structure and associated improvements substantially conform with the Design Manual in order to reduce their visual impact on the views of major and minor ridgelines as viewed from any designated public road and unique topographic or geologic features as viewed from any county road. The following landforms will be considered to be unique topographic or

geologic features for the purposes of this subsection: Mt. St. Helena, Stag's Leap, Calistoga Palisades, Round Hill, Mt. George and Mt. St. John;

- C. Prior to the issuance of a building permit for any project authorized under this section, the property owner shall be required to execute and record in the county recorder's office a use restriction, in a form approved by county counsel, requiring building exteriors, and existing and proposed covering vegetation, as well as any equivalent level of replacement vegetation, to be maintained by the owner or the owner's successor so as to maintain conformance with subsection (B) of this section;
- D. If one or more of the findings in subsection (B) of this section cannot be made, the application shall be forwarded to the commission for a possible exception pursuant to Section 18.106.070

(Ord. 1278 § 1 (part), 2006; Ord. 1232 § 4, 2003; Ord. 1189 § 3 (part), 2001)

18.106.060 - Required public and private notification.

- A. Within seven days of the issuance of a tentative decision that the project is subject to administrative approval under Section 18.106.040, the director shall give notice of his tentative decision, including the date on which the tentative decision will become final, which date shall be ten calendar days following the date notice of the tentative decision is mailed.
 - 1. The notice shall be provided to the city or town closest to where the project is proposed to be built and to all public or private property owners located within three hundred feet of the outer perimeter of the property on which the project would be constructed as shown on the latest equalized assessment roll.
 - 2. The tentative decision shall be final once the period identified in the notice has expired unless an appeal has been filed by the applicant or any interested person pursuant to Chapter 2.88 of this code, in which case the tentative decision shall become final only if and when the appeal is withdrawn, dismissed or denied. If the appeal is granted, in whole or in part, the decision of the board on appeal shall become final in the manner and within the time set forth in Chapter 2.88
- B. At least ten days prior to a decision by the zoning administrator or the commission under Section 18.106.050 or 18.106.070, notice of a public hearing shall be provided to the city or town closest to where the project is proposed to be built and to all property owners located within three hundred feet of the outer perimeter of the property on which the project would be constructed as shown on the latest equalized assessment roll.

(Ord. 1278 § 1 (part), 2006; Ord. 1232 § 5, 2003; Ord. 1201 § 7, 2002; Ord. 1189 § 3 (part), 2001)

18.106.070 - Exceptions.

Upon application by the property owner of a site, an exception to the requirement contained in subsection (B) of Section 18.106.050 may be granted by the commission. Such exception may be granted if, after conducting a public hearing and reviewing available building sites on the subject property, the commission makes all of the following findings:

- A. Compliance with the provisions of subsection (B) of Section 18.106.050 would result in greater visual impact than would the proposed construction on the proposed building site;
- B. Compliance with the provisions of subsection (B) of Section 18.106.050 would result in greater impact on existing landforms and landscape than would the proposed construction on the proposed building site;
- C. Measures have been included in the project to reduce its visual impacts as seen from any designated public roads. Such measures include but are not limited to:

1. Installation of landscaping designed to screen the project from view of designated public roads;
 2. Low level lighting on buildings and site which minimize off-site visibility and glare;
 3. Nonreflective exterior windows and window frames;
 4. Use of earth tone colors on building exteriors;
 5. Roof angles and composition designed to conform with the existing land forms and landscape; and
 6. Building height has been designed to minimize the silhouetting against the sky when viewed from any designated public road or open space owned or managed by a public agency or land trust.
- D. Prior to the issuance of a building permit for any project authorized under this section, the property owner shall be required to execute and record in the county recorder's office a use restriction, in a form approved by county counsel, requiring building exteriors, and existing and proposed covering vegetation, as well as any equivalent level of replacement vegetation, to be maintained by the owner or the owner's successors so as to maintain conformance with subsection (C) of this section.
- E. The project as designed or modified is consistent with the requirements of Chapter 18.108 of the code.

(Ord. 1278 § 1 (part), 2006: Ord. 1232 § 6, 2003: Ord. 1189 § 3 (part), 2001)

VIEWSHED PROTECTION DESIGN MANUAL

VIEWSHED PROTECTION PROGRAM

A. Purpose.

The purpose of this manual is to detail the requirements of the Viewshed Protection Ordinance. The manual utilizes text and graphical examples accompanied with brief explanations intended to standardize hillside development and convey the intent of the Ordinance. Where possible, the manual provides examples explains of practices intended to minimize the impact of man-made structures and grading on views of existing landforms and landscape, unique geologic features as seen from designated public roads within Napa County.

B. General Requirements and Conventions.

1. All final grades, including all cut and fill slopes, visible from any designated public road shall be:
 - a. Consistent with the existing landscape to the greatest extent possible, avoiding uninterrupted slope surfaces that stand out against existing topographic contours;
 - b. Contoured to resemble existing terrain by varying slope increments and breaking the visual surface of banks and inclines both vertically and horizontally as naturally as possible;
 - c. Constructed to allow for the creation of berms or mounding at the top of slopes and in other locations for the screening of structures and assurance proper site drainage.
2. Design, height and massing of hillside development shall:
 - a. Maintain a balance of scale and proportion using design components that are harmonious with natural landforms and landscaping;
 - b. Be small scale and low in height, conforming with hillside topography by stepping or staggering the mass of the proposed building up or down slope, avoiding flat pad construction and vertical massing;
 - c. Utilize structural elements, building materials and color tones which blend artificial surfaces with surrounding native elements;
 - d. Utilize construction materials, glass, roofing and other surfaces that are of a non-reflective nature;
 - e. Ensure articulated walls that utilize reveals, cornice detailing, alcoves or other features which are appropriate to the scale of the building and building projections, trellises, landscaping or other devices, which in total, serve to break up long, continuous building walls which are visible from designated public roads; and
 - f. Ensure that the proposed structure is not silhouetted against the sky when viewed from any designated public road.
3. Roadways, driveways and utility alignments shall be:
 - a. Located to minimize grading and earthmoving activity, by following existing contours and positioned upon gradual slopes whenever possible;
 - b. Constructed to blend with the existing landscape, through alignment with the natural curving contour of the land instead of keeping to straight lines or geometric patterns;
 - c. Concealed from view through preservation and maintenance of existing vegetation or through planned landscaping that is constant with the natural character of the area.
4. Landscape planting and vegetation preservation shall:
 - a. Incorporate trees where appropriate, planted in random groupings or clusters that mimic or maintain natural assemblages rather than in systematic rows;
 - b. Maintain vegetation lines which convey the existing slope of the hillside;
 - c. Preserve native vegetation, including grasses and open space when ever possible;
 - d. Use native materials to the greatest extent possible and/or non-natives that are compatible with indigenous vegetation and confined to the adjacent vicinity of the proposed structure;

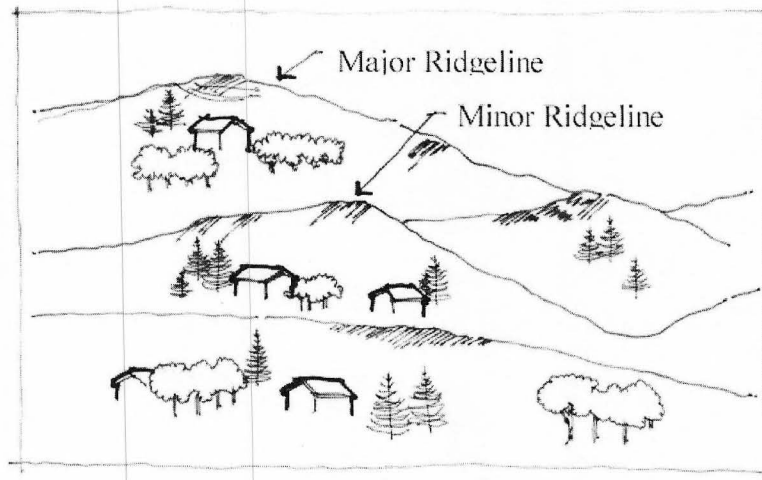
- e. Include a sufficient irrigation, maintenance and monitoring program designed to provide species requirements as well as protect against sedimentation, soil loss and land sliding;

5. Exterior and landscape lighting applications shall be:

- a. Designed to minimize nighttime disruption and visual glare by shielding lamp sources downward and away from view of designated public roads;
- b. Controlled by timers and/or motion sensors, to limit the duration of use and reduce prolonged glare;
- c. Sized with the minimum wattage possible to meet desired application.

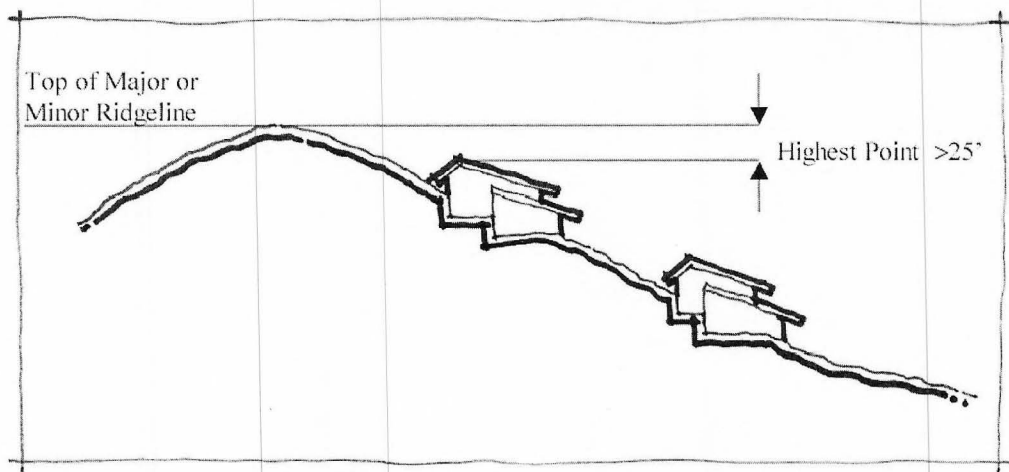
C. Graphical examples.

1. Major and minor ridgelines:



- a. "Major Ridgelines" shall mean a ridgeline, which is prominently visible from a substantial land area within the County, characterized by the lack of a topographical backdrop where the sky is visible beyond the ridge;
- b. "Minor Ridgelines" shall mean a ridgeline that is not prominently visible to a large area of the County and those typically lower in height, when compared to the surrounding terrain and which may be visible only to a limited area, or have a backdrop of a nearby higher topographical feature.

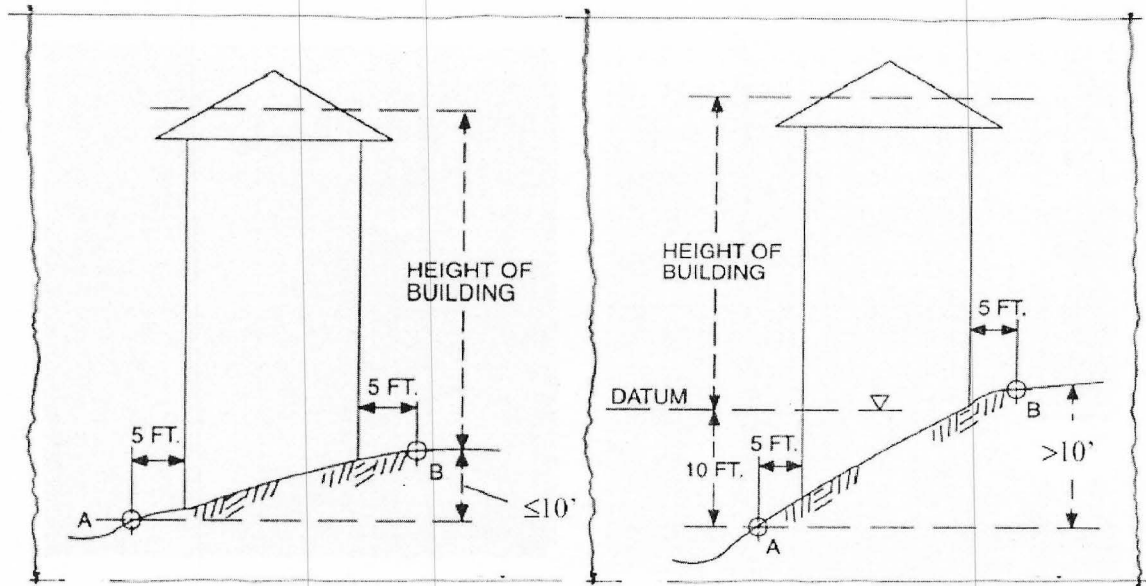
2. Restricted development area for administrative review:



- a. A project shall be certified and cleared for further processing under 18.106.040(B) if the project cannot be seen from a designated public road or under 18.106.040(C) if all the administrative criteria listed in

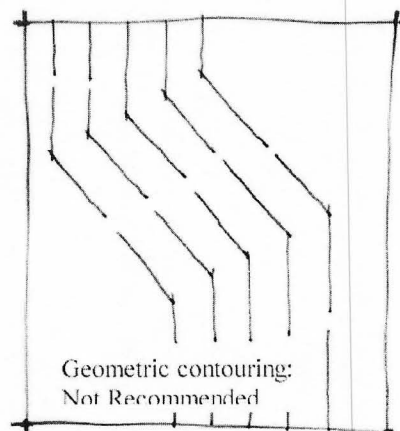
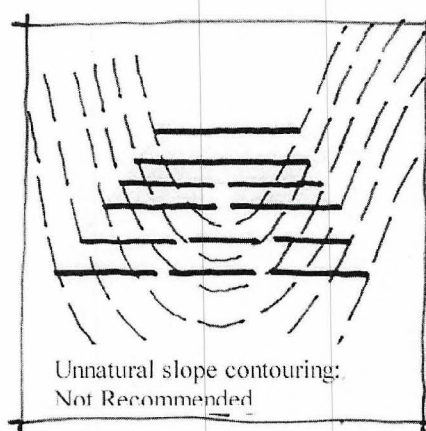
that section are met, including that the highest point of the proposed structure is located more than 25' below a major or minor ridgeline.

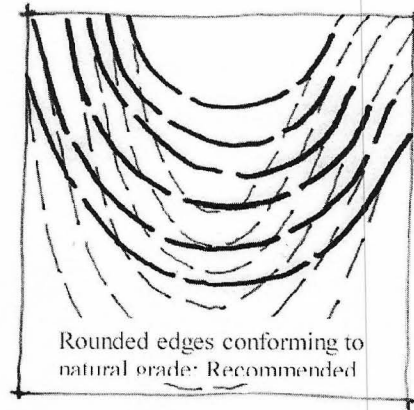
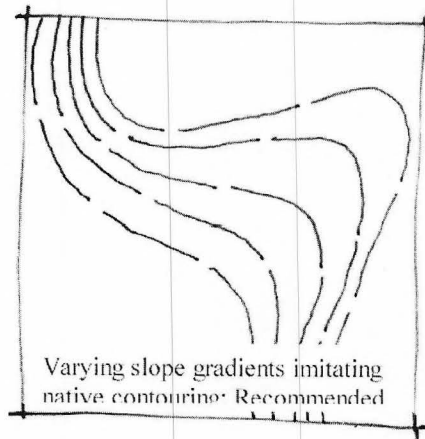
3. Determining height of a building:



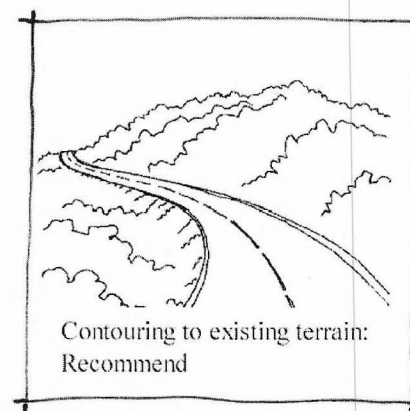
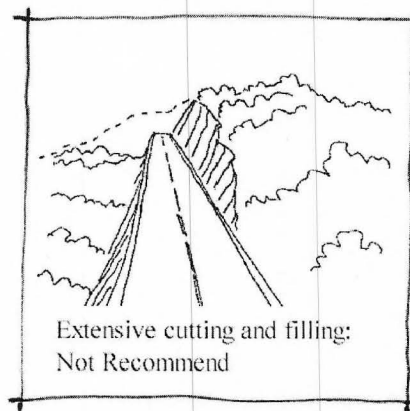
- a. Height of a building is the vertical distance above the highest point of the coping of a flat roof or deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be either of the following, whichever yields the greater height of building:
 - i. The elevation of the highest adjoining sidewalk or ground surface within a 5' horizontal distance of the exterior wall when such sidewalk or ground surface is not more than 10' above lowest grade;
 - ii. An elevation 10' higher than the lowest grade when the sidewalk or ground surface described in item a. above is more than 10' above lowest grade;
- b. The height of a stepped or terraced building is the maximum height of any segment of the building.

4. Grading cut and fill slopes, roadways and driveways:

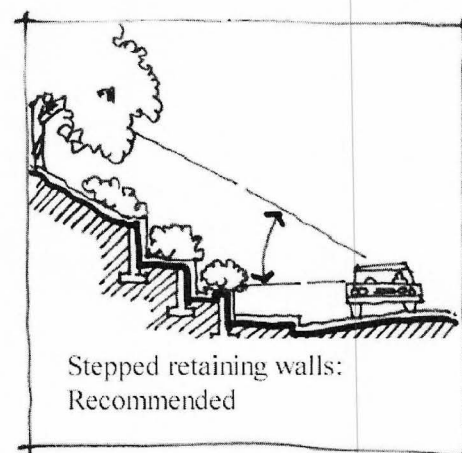
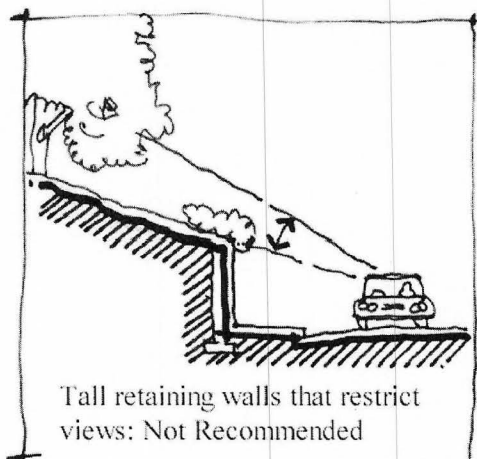


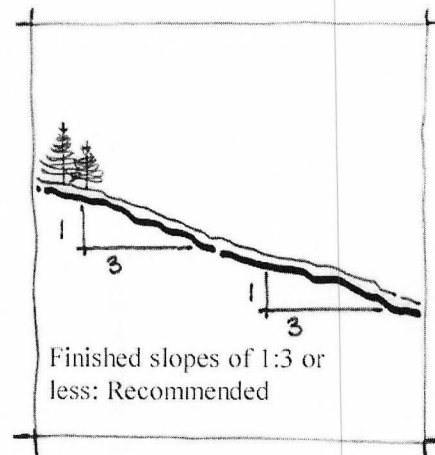
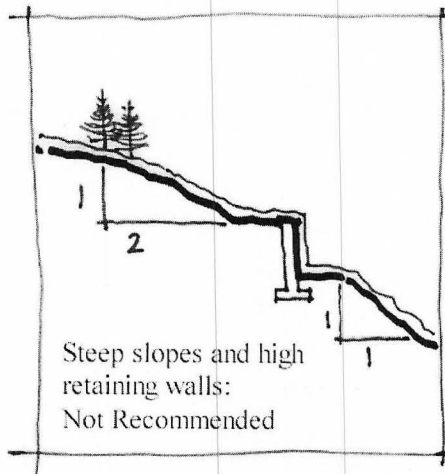


- a. Finished cut and fill slopes shall be constructed to blend with the existing landscape, curving with the natural contour of the land, avoiding straight lines and/or geometric patterns;



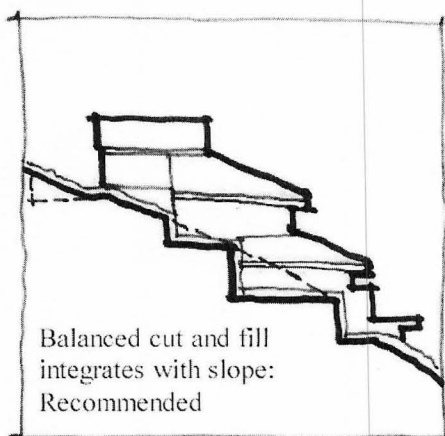
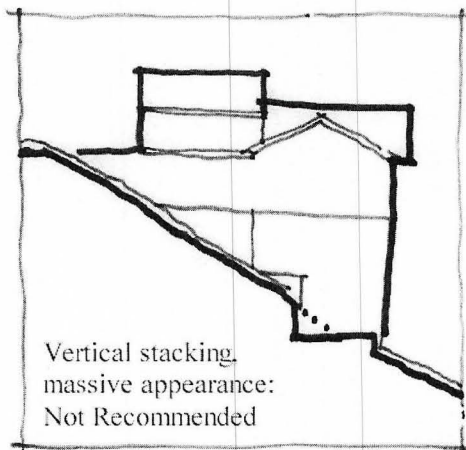
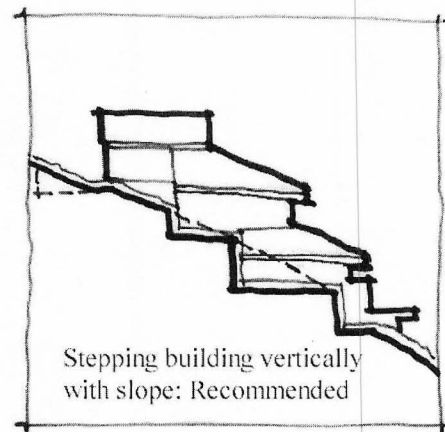
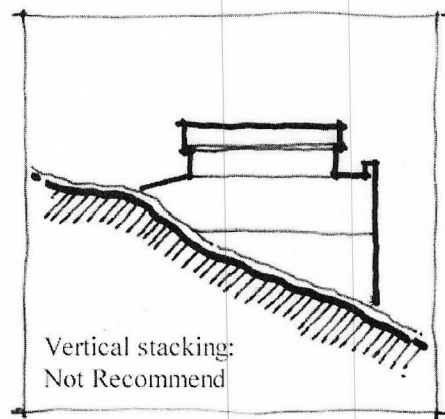
- b. Unwarranted cutting and filling should be avoided when constructing roads, driveways and other related structures, using measures such as laterally balancing cut and fills, alignment with natural contours and restricting development to gentle climbing gradients;

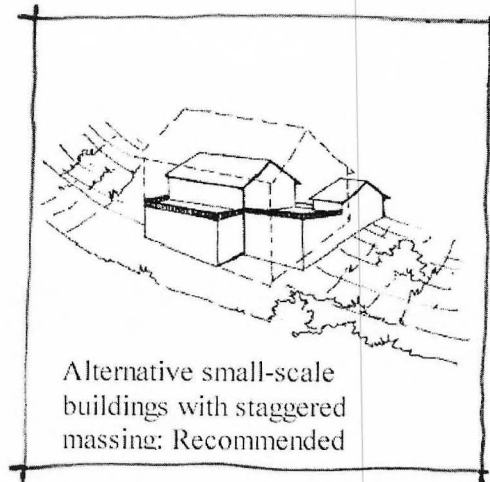
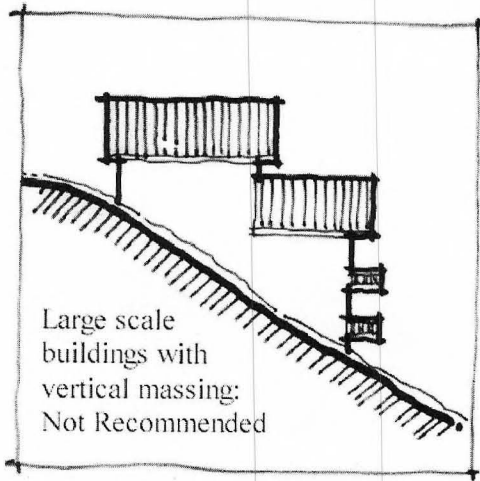




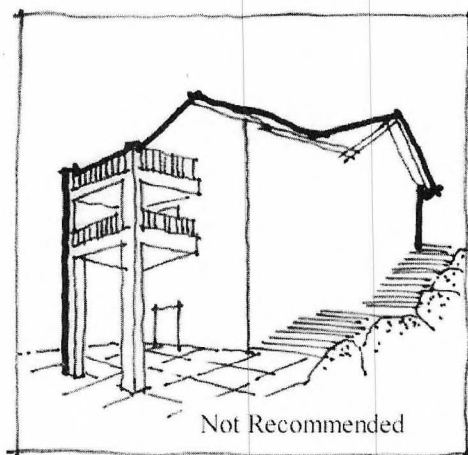
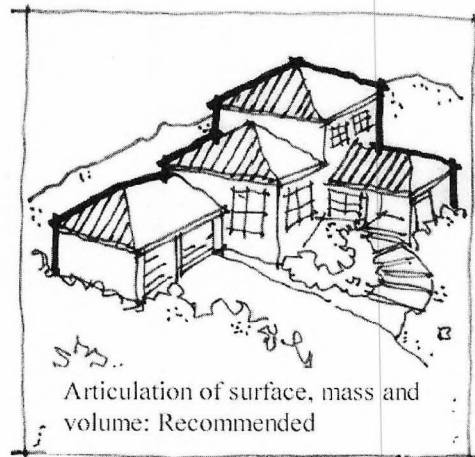
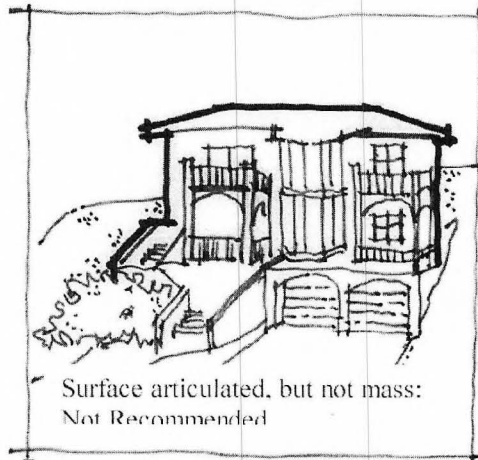
- c. Retaining walls along roadways or associated with structural developments should be stepped and terraced incrementally, avoiding tall flat surfaces that restrict views and slopes steeper than 1:3;

5. Building design, massing and configuration:

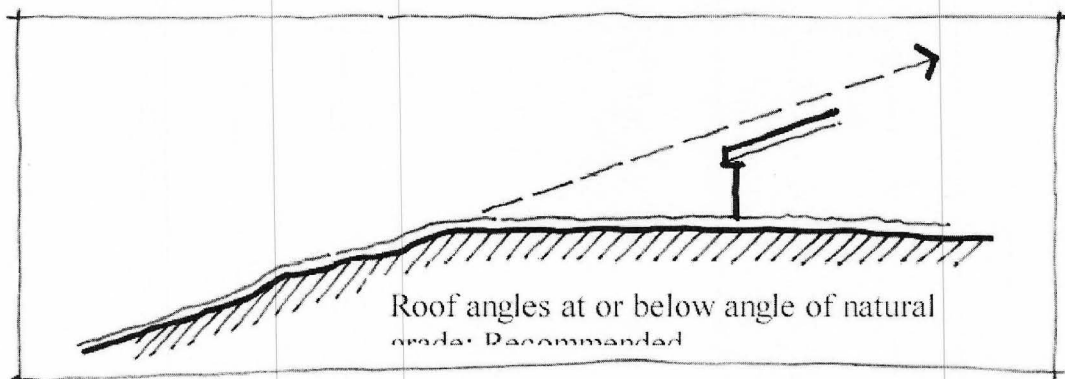
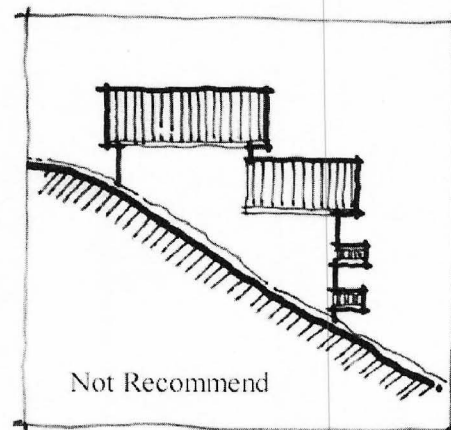
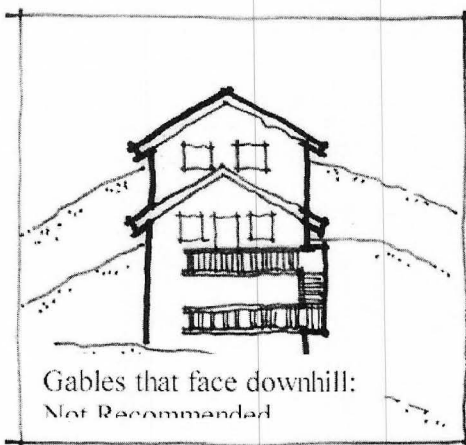
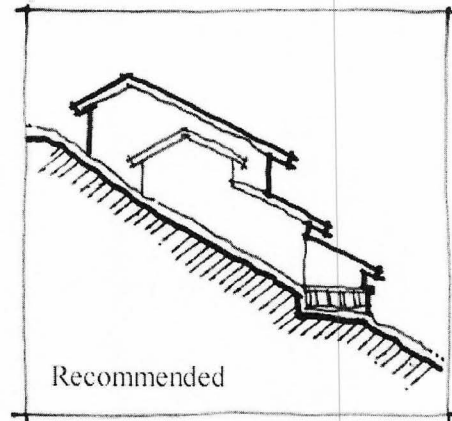
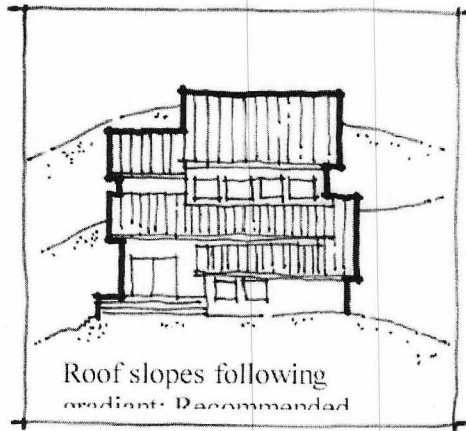




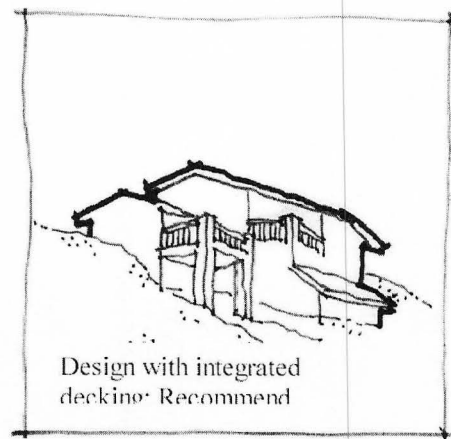
- a. Small scale and low in height construction is recommended, conforming with hillside topography by stepping or staggering the mass of the proposed structure up or down slope, avoiding flat pad construction;
- b. Maintain a balance of scale and proportion using design components which are harmonious with natural landforms and landscaping;



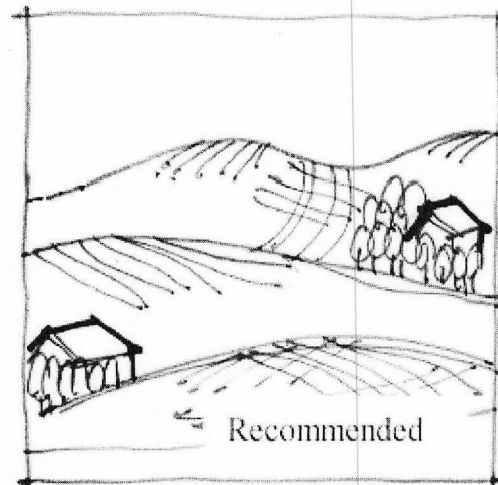
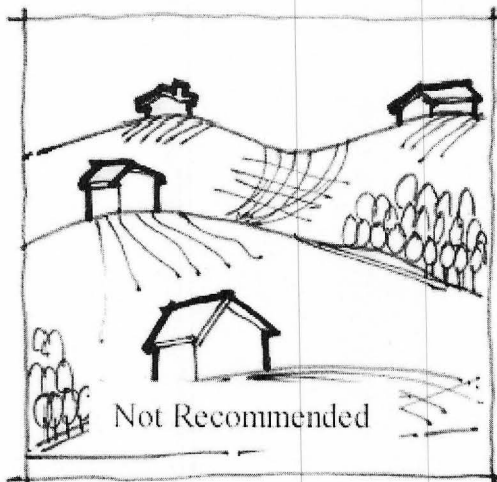
- c. Building shall ensure articulated walls and utilize reveals, cornice detailing, alcoves or other features which breakup the scale of the building. Uses of projections, trellises, landscaping or other devices which in total serve to break up long, continuous building walls is encouraged;



- d. Roof slopes that follow the gradient of the site are recommended over those that diverge from the hill slope;
- e. Construction materials, glazing, roofing and other surfaces that are of a non-reflective nature are encouraged;

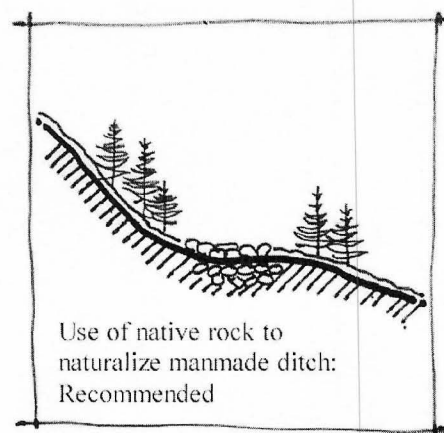
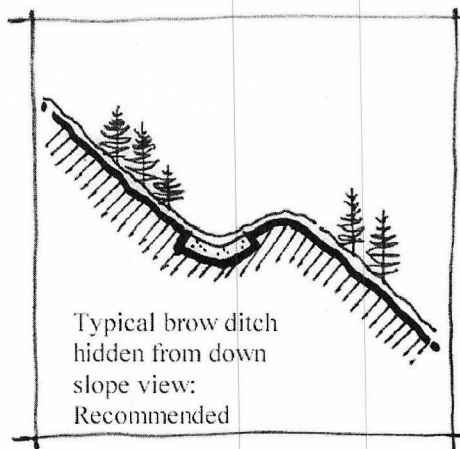
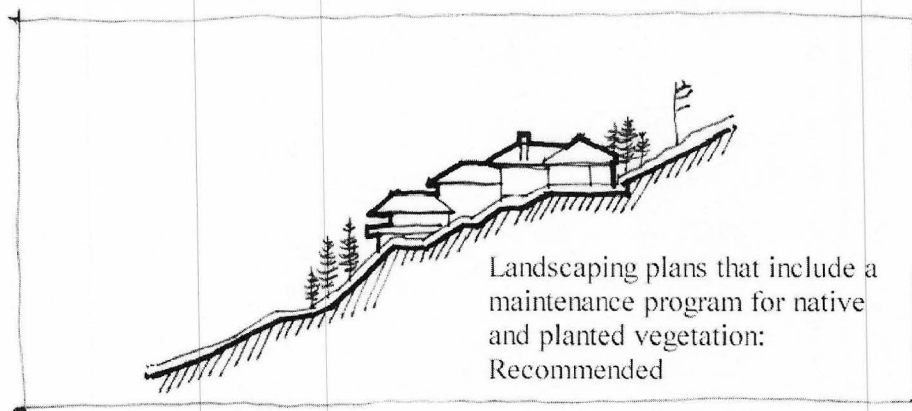
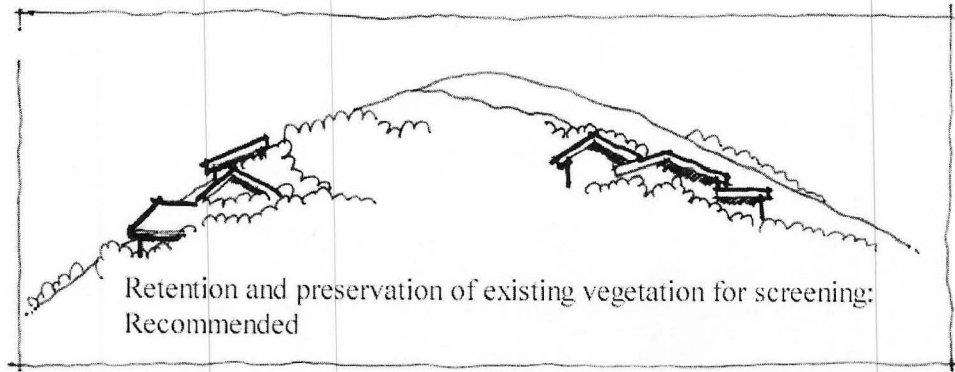


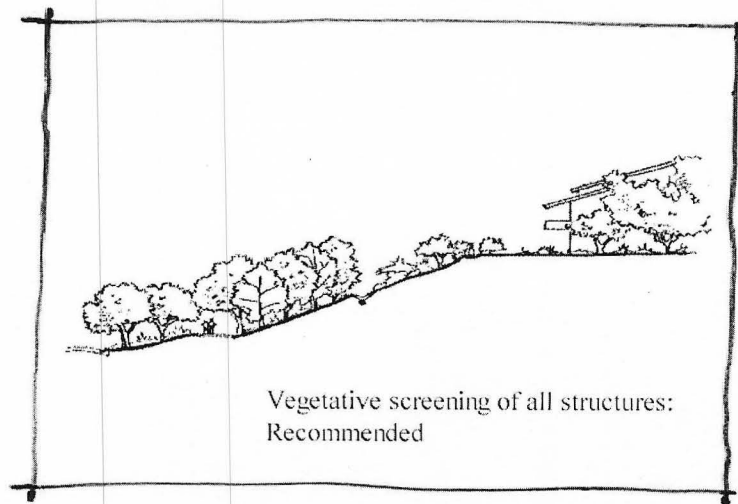
- f. Installation of decking that is integrated into the building is recommended over that which is attached or tacked on to exterior walls;
- g. To the greatest extent possible, structural elements, building materials and color tones shall blend artificial surfaces with surrounding native elements;



- h. Proposed structures shall not be sited atop peaks nor silhouetted against the sky when viewed from any designated public road.

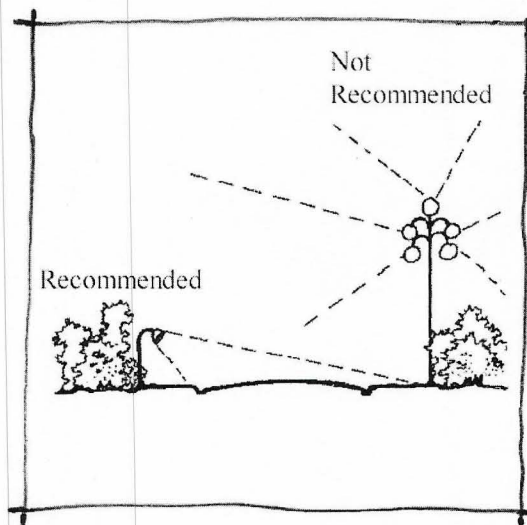
6. Landscape planning and vegetation preservation:





- a. Whenever possible, structures, including roads shall be concealed from view through preservation and maintenance of existing vegetation or through planned landscaping that is consistent with the natural character of the area.

7. Exterior lighting of structures and landscaping:



- a. Outdoor lighting shall be designed to minimize nighttime disruption. Lamp sources should be shielded from view and light source directed downward. Timers and motion detectors should be used wherever possible.

NOTE: The Viewshed Protection Manual has not been updated to reflect the revisions to the Viewshed Protection Program Ordinance. The Ordinance shall prevail if there's a conflict between the Manual and the Ordinance

SLOPE DETERMINATION METHODOLOGY
VIEWSHED PROTECTION PROGRAM

Slope is the ratio of the vertical distance to the horizontal distance, or the elevation change in feet divided by the distance in feet. The percent slope of a development area (ie, the entire contiguous area that will be disturbed by the land clearing, grading, or other earthmoving activities) is the natural slope of the existing terrain, **NOT** the finished or proposed percent slope resulting from the project.

Structures & Related Improvements: The percent slope of each contiguous development area shall be measured perpendicular to the contours across the area being disturbed including the driveway when the driveway is less than 50 feet in length. Its average slope shall be determined by averaging at least 3 typical cross sections. The slope determination will be made using a site plan with a contour interval of 2 to 5 feet and a scale of 1"=20' or better.

When a driveway exceeds 50 feet in length, the slope of the "structural development area" is measured perpendicular to the contours across the area being disturbed excluding the driveway. The driveway slope is measured separately as identified in the Roads and Driveways category below.

If the average slope of each development area is less than 30%, an administrative approval may be granted. If the average slope of any development area is 30% or greater, work in that area cannot be undertaken unless a use permit is approved by the Napa Co. Zoning Administrator or Conservation Development and Planning Commission. If the average slope is greater than 50%, approval of a variance will be required (*For further information regarding a variance please contact a planner*).

Roads & Driveways: The percent slope of a road or driveway longer than 50 feet shall be measured using the following procedure:

- a) Stations will be established on the plan along the centerline of the proposed roadway at 100 foot intervals with 0+00 being assigned to the point where grading commences (at the new roads juncture with the existing road)
- b) Cross sections at a scale of 1" = 10' horizontal and vertical extending **100 feet** from outer limits (edges) of the grading shall be taken at each station (i.e. at 0+00, 1+00, 2+00 etc). When the roadway is less than 200' long, 3 equally spaced cross sections shall be taken. The axis of each cross section shall be perpendicular to the existing contours pertinent to that section. The average slope of each cross section shall be calculated by dividing the difference in elevation of the cut and/or fill catch points by the intervening distance.
- c) The average slope of the roadway shall be determined by averaging all these cross sections excluding those measured at less than 5% slope.

This slope determination will be made by evaluating a site plan with a contour interval of 5 feet or less and a scale of 1"= 100' or better.

If the average slope calculated is less than 30%, an administrative approval may be issued. If the average is 30% or greater **OR** if three (3) or more cross sections exceed 50%, road development cannot be undertaken unless a use permit is approved by the Napa Co Conservation Development and Planning Commission. If the average slope is greater than 50%, approval of a variance will be required (*For further information regarding a variance please contact a planner*).

General Land Clearing: The methodology for determining slope and the criteria applied thereto are the same as those utilized for agricultural projects under the Conservation Regulations (see section below).

Agriculture: The percent slope of each contiguous area cleared (i.e., each area not separated by roads, streams, or non-cleared areas) shall be measured perpendicular to the contours across said area. Its average slope shall be determined by averaging at least 3 typical cross sections

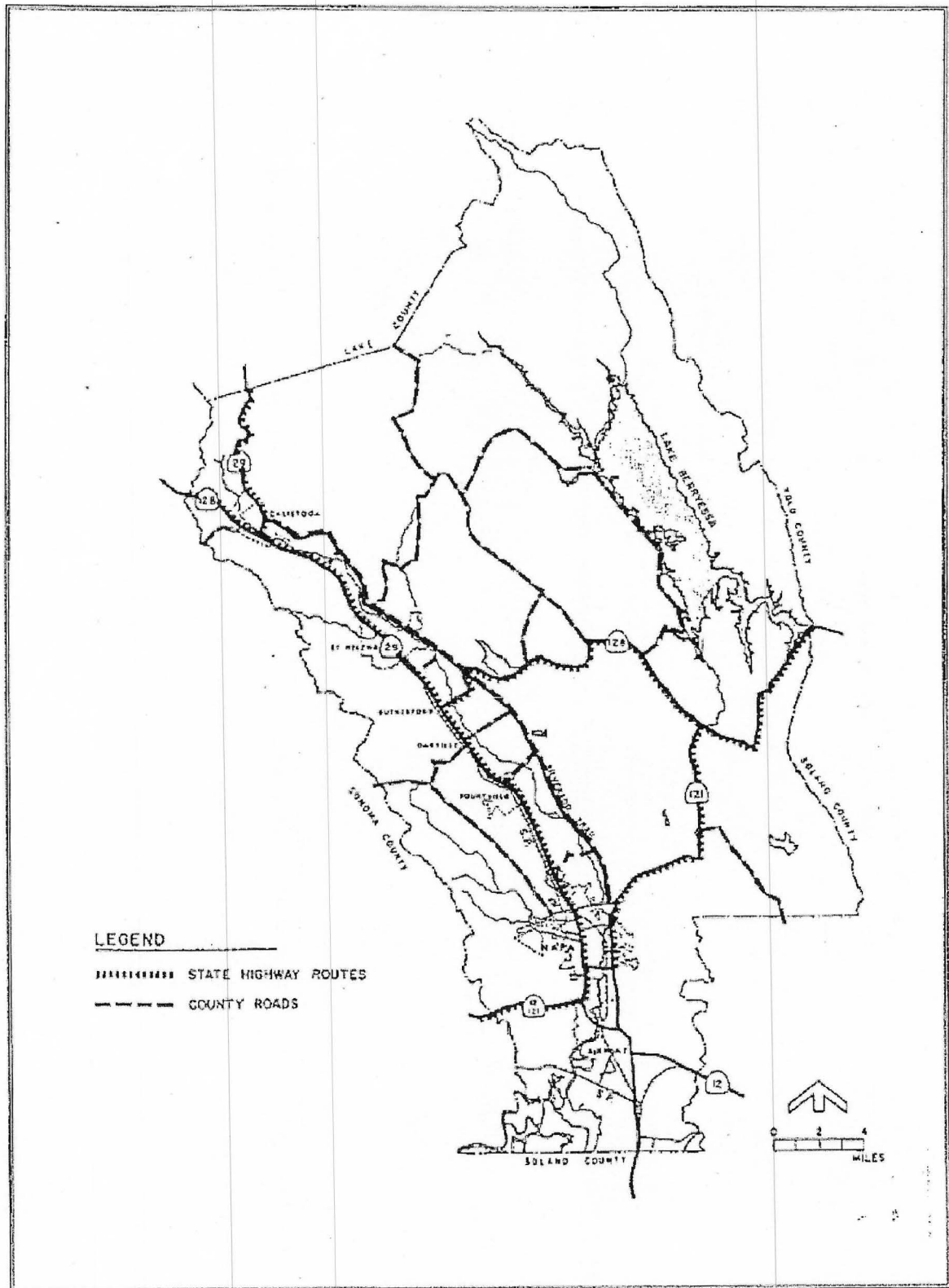
The slope determination will be made by evaluating a site plan with a scale of 1"=200' or greater. When the project involves less than 30 acres contour intervals of 20 feet or less shall be used. When the project involves more than 30 acres, contours intervals of 5 feet or an interval acceptable to the CDPD shall be used.

If the slopes of all portions of each contiguous area are less than 30%, an administrative approval may be issued. However, if any portion within each contiguous area to be cleared is 30% or greater in slope, the following standards then apply:

- a) If the total area of the contiguous clearing is larger than 1 acre, sub-areas completely inside the boundaries of the area being cleared up to 1 acre in size in the 30%-50% slope range may upon the recommendation of the Napa Co Resource Conservation District or County Consultant AND written approval by the Director or his/her designee be cleared. Clearing of areas in the 30%-50% slope range (1) adjacent to the boundaries of the proposed clearing, or (2) exceeding 1 acre in size will require approval of a use permit by the Napa Co Conservation, Development and Planning Commission.
- b) If the total contiguous area to be cleared or graded is less than 1 acre, up to 1/3 of the area to be cleared or graded may exceed 30% in slope but only upon the recommendation of the Napa Co Resource Conservation District or County Consultant AND written approval by the Director or his/her designee.
- c) Any area with a greater than 50% slope cannot be cleared or graded unless a variance is approved (*For further information please contact a planner*)

If the average slope of any area is 30% or greater development of that area cannot be undertaken unless the Napa County Planning, Building, and Environmental Services and Planning Commission approve a use permit. Moreover, any area with an average slope greater than 50% cannot be cleared or graded unless a variance is approved (*For further information regarding a variance please contact a planner*).

FIGURE 75: CANDIDATES FOR SCENIC HIGHWAY DESIGNATION



DESIGNATED PUBLIC ROADS

(Figure 76 – Scenic Highways Element Napa County General Plan)

COUNTY ROADS

Silverado Trail
Dry Creek Road – Oakville Grade
Petrified Forest Road
Deer Park Road and Howell Mountain Road (from St. Helena to Pope Valley Road)
Butts Canyon, Pope Valley and Chiles Valley Roads
Pope Canyon Road
Wooden Valley Road
Berryessa Knoxville Road
Oak Knoll Avenue
Yountville Cross Road
Zinfandel Lane
Lodi Lane
Bale Lane
Jameson Canyon Rd from Hwy 29 to the Solano County Line;
American Canyon Rd from Flosden/Fairgrounds Rd. to Interstate 80;
Highway 29 in its entirety;
Mt. Veeder Road;
Partrick Road;
Lokoya Road;
Wall Road;
Larkmead Lane;
Dunaweal Lane;
Tubbs Lane;
Redwood Road;
Spring Mountain Road; and
Old Sonoma Road

STATE HIGHWAYS

State Hwy 128 (from Rutherford to Monticello Dam)
State Hwy 29 (from American Canyon to Lake County Line)
State Hwy 121 (from Sonoma County to Napa; from Napa to State Hwy 128)

VIEWSHED UPDATES

ORDINANCE #1232 adopted 12-9-03 amended the Viewshed regulations to include the following;

1. The extension of applicability to include “benches and shelves” which are defined as “flat areas which could be used as a building site which are otherwise surrounded by slopes of fifteen percent or greater”;
2. The definition of “substantially” as “fifty one percent or more of viewable areas as it relates to views or screening of structures and benches and shelves from the designated road(s)”; and
3. A requirement, depending on the project, to execute and record a “use restriction” prior to the issuance of building permit.

Be advised that the above is only a summary of the amendments. For specific information on the viewshed program and regulations in its entirety, consult Chapter 18.106 of the Napa County Code.

STATEMENT OF REQUEST

9 Buttons LLC and Hourglass Winery
Lommel Road Calistoga
NCAPN 018-060-024 and 021-010-001

The Owner of the subject 39 acre parcel, Mr. Jeff Smith/9 Buttons LLC, is applying for a Major Modification of his 30,000 Gallon Winery Use Permit approved April 18, 2007 under Use Permit P06-01161-UP. The Owner is filing this Major Modification application as part of the County initiated Winery Compliance program and to also request increases in the permitted Employees, Visitation by Appointment, Marketing Events and Wine Production.

Since March 2019 when this application was filed, the 39 acre property was burned in the September 2020 Glass Fire. Exterior portions of the winery were destroyed by the Glass fire as was the Residence. Currently there exists the winery 6,400 square foot (sf) cave structure, 1,000 sf mechanical area, winery septic system, 8,250 sf post-fire constructed covered crush and tank pad and the residence swimming pool.

The winery will continue to use Lommel Road for access to the Silverado Trail. The property contains 5 water wells. Well #5 will be used solely for the Winery. A Tier 1, Tier II and Tier III Water Availability Analysis (WAA) report was prepared by Richard Slade and Associates and is included in this application. The results of the Analysis determined Well #5 is more than adequate to serve the winery under the current County Water Use guidelines. There are five existing water storage tanks on the property. Two of the water tanks are above the winery on the hillside and will be removed as part of this permit. The location of the two tanks being removed will be restored to native conditions. The existing septic system will be expanded to accommodate the proposed increase in production, employees and visitors.

Due to the proximity of the existing winery access road to Biter Creek, a road widening exception is being requested over portions of the existing road to protect significant trees and Biter Creek in this area.

The current Use Permit allows for 1 full time employee and 2 part time employees. The facility currently has 2 full time production employees and 2 hospitality employees on site. There are also 2 additional full time administration employees working from offices in St Helena. This application is requesting approval for 10 full time, on-site employees and 2 part time, on-site employees.

The current Use Permit allows for 10 visitors a day and 22 visitors a week. Pre Glass Fire, the facility had 18 visitors a day on average. This application is requesting approval to have up to 20 visitors a day and up to 140 per week in total.

The current Use Permit allows for fifteen (15), 30 person marketing events and one (1) 100 person marketing event. In addition to these approved events, this application is requesting approval of a) thirty-nine (39), 30 person marketing events, bringing the total to fifty-four (54) 30 person marketing events, b) three (3) additional marketing events up to 250 people per event and c) one (1) additional marketing event up to 500 people.

The current use permit allows for a production limit of 30,000 gallons of wine per year. The facility currently operates within this limit based upon a 3 year average(2017-2019). In 2018, due to a large harvest, the Winery produced 45,000 gallons. This application is requesting approval to increase the annual winery production from 30,000 gallons to 60,000 gallons per year.

The approved winery facility is 10,400 square feet (sf) of type 3 caves, of which 6400 square feet have been constructed, an 8,250 covered crush and tank pad, and a mechanical pad and bathroom totaling 1,000 square feet.

This application is requesting approval to increase the caves by 28,382 square feet, totaling 38,782 square feet(10,400 sf + 28,382 sf). The caves will include a small kitchen(300 sf) for staff meals and catering preparation and 2 bathrooms totaling 449 sf. The Cave Spoils not utilized for on-site construction will be hauled to Lake County. Additionally, a 3,889 square foot uncovered utility pad and 578 sf bathroom/employee room is proposed adjacent to the existing utility pad.

This application is also requesting approval of a 6,259 sf hospitality and office building which will contain offices for staff, a commercial kitchen, hospitality rooms, bathrooms and covered outdoor deck area. Additionally, a 916 square foot "lookout" hospitality building is being proposed under this application. The "lookout" hospitality building is comprised of a 523 square foot tasting room, a bathroom (57 sf) and a covered deck (336 sf).

There will be a two-way driveway to the Winery Production/caves area. A one-way road will "loop" from the end of the two-way road for access to the "lookout" building and connect back to the two-way road.

There will be a two-way, dead end "spur" road accessing the parking area and the Hospitality building. The two-way "spur" road will branch off of the two-way road described in the above paragraph.

Prepared by Albion Surveys, Inc for Jeff Smith and 9 Buttons LLC,

Jon Webb

Jon M Webb

June 4, 2024