

Napa County

1195 THIRD STREET
SUITE 310
NAPA, CA 94559



Agenda

Wednesday, August 7, 2024

9:00 AM

**Board of Supervisors Chambers
1195 Third Street, Third Floor
Napa, CA 94559**

Planning Commission

*District 1, Kara Brunzell
District 2, Dave Whitmer (Chair)
District 3, Heather Phillips (Vice-Chair)
District 4, Andrew Mazotti
District 5, Megan Dameron*

*Brian D. Bordona, Director
Laura Anderson, County Counsel
Michael Parker, Planning Manager
Alexandria Quackenbush, Meeting Clerk
Angie Ramirez-Vega, Meeting Clerk*

How to Watch or Listen to the Napa County Planning Commission Meetings

The Napa County Planning Commission will continue to meet pursuant to the adopted calendar located at the following link:

<https://www.countyofnapa.org/DocumentCenter/View/30839/2024-PC-Regular-Meeting-Calendar?bidId=>

The Napa County Planning Commission realizes that not all County residents have the same ways to stay engaged, so several alternatives are offered. Remote Zoom participation for members of the public is provided for convenience only. In the event that the Zoom connection malfunctions for any reason, the Planning Commission reserves the right to conduct the meeting without remote access.

Please watch or listen to the Planning Commission meeting in one of the following ways:

1. Attend in-person at the Board of Supervisors Chambers, 1195 Third Street, Napa, Third Floor.
2. Watch online at <https://napa.legistar.com/calendar.aspx> (click the "In Progress" link in the "Video" column).
3. Watch on Zoom using the attendee link: <https://countyofnapa.zoom.us/j/87621457786>. Make sure the browser is up-to-date.
4. Listen on Zoom by calling 1-669-900-6833 (Meeting ID: 876-2145-7786).

If you are unable to attend the meeting in person and wish to submit a general public comment or a comment on a specific agenda item, please do the following:

1. Email your comment to meetingclerk@countyofnapa.org. Emails will not be read aloud but will still become part of the public record and shared with the Planning Commission.
2. Use the Zoom attendee link: <https://Countyofnapa.zoom.us/j/87621457786>. Make sure the browser is up-to-date. When the Chair calls for the item on which you wish to speak, click "raise hand". Please limit your remarks to three minutes.
3. Call the Zoom phone number: 1-669-900-6833. (Meeting ID: 876-2145-7786). When the Chair calls for the item on which you wish to speak, press *9 to raise hand. Please limit your remarks to three minutes.

****Please note that phone numbers in their entirety will be visible online while speakers are speaking****

For more information, please contact us via telephone at (707) 253-4417 or send an email to meetingclerk@countyofnapa.org

ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE COMMISSION:

ON A MATTER ON THE AGENDA

Please proceed to the podium when the matter is called and, after receiving recognition from the Chair, give your name and your comments or questions. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair or Commission, but is generally limited to three minutes.

ON A MATTER NOT ON THE AGENDA

Public comment is an opportunity for members of the public to speak on items that are not on the agenda but are within the subject matter jurisdiction of the Commission. Public comment is limited to three minutes per speaker, subject to the discretion of the Chair. Comments should be brief and focused, and speakers should be respectful of one another who may have different opinions. Please remember this meeting is being recorded and broadcast on live television. The County will not tolerate profanity, hate speech, abusive language, or threats. Also, while public input is appreciated, the Brown Act prohibits the Commission from taking any action on matters raised during public comment that are not on the agenda.

- 1. CALL TO ORDER; ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CITIZEN COMMENTS AND RECOMMENDATIONS**
- 4. APPROVAL OF MINUTES**

The Clerk of the Commission request approval of Minutes for the meeting held on: July 17, 2024 (Commissioner Mazotti was excused)

- 5. AGENDA REVIEW**
- 6. DISCLOSURES**
- 7. PUBLIC HEARING ITEMS**

- A. KEVIN & ANN MORRISON TR / HILLWALKER VINEYARDS [24-1316](#)
WINERY / EXCEPTION TO THE CONSERVATION REGULATIONS
NO. P23-00239-UP, USE PERMIT NO. P23-00101-UP & EXCEPTION
TO THE NAPA COUNTY ROAD & STREET

CEQA STATUS: Consideration and possible adoption of a revised Mitigated Negative Declaration. According to the proposed, revised Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures. Mitigation measures are proposed for the following areas: Agriculture and Forest Resources and Biological Resources. The project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

REQUEST: Approval of a Use Permit to allow a new winery with an annual production capacity of 7,000 gallons with the following characteristics:

- 1) Convert a 1,500 sq. ft. residential cave to a commercial cave for wine production and storage;
- 2) Conduct visitation activities in an existing 298 sq. ft. covered patio area and allow on-site consumption in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 (AB2004-Evans Bill);
- 3) Allow tours and tastings by appointment with a weekly maximum of 113 visitors;
- 4) Allow a marketing program of 12 marketing events per year with up to 45 guests per event;
- 5) Up to two (2) fulltime and three (3) part-time employees;
- 6) Production and visitation hours between 10 a.m. and 6 p.m. Monday through Sunday;
- 7) Convert the existing pool house restroom (80 sq. ft.) to an accessible restroom;
- 8) Provide on-site parking for seven (7) vehicles including an accessible parking space and an electric vehicle charging station; and
- 9) Installation of an 2,500-gallon hold and haul tank for winery process wastewater.

The project also includes an Exception to the Napa County Road and Street Standards (RSS) for selective reduction in the width of the private access road. A request for an Exception to the Conservation Regulations in the form of a Use Permit is also being requested to allow road improvements within a stream setback. The project is located on a ±20.46-acre site within the Agricultural Watershed (AW) zoning district on the west side of a private road, one (1) mile west of its intersection with

Mount Veeder Road. The project site is General Plan designated as Agriculture, Watershed and Open Space (AWOS); APNs: 034-110-047. Address is 1871 Mount Veeder Road, Napa. Access to the property is through APNS 034-100-020, 034-100-043, and 034-110-059.

STAFF RECOMMENDATION: Adopt the revised Mitigated Negative Declaration and approve the Exception to the Conservation Regulations, Exception to the County Road and Street Standards (RSS), and Winery Use Permit subject to the recommended conditions of approval.

STAFF CONTACT: Wendy Atkins, Planner II, (707) 259-8757 or wendy.atkins@countyofnapa.org

APPLICANT REPRESENTATIVE CONTACT: Kevin P. Morrison, Hillwalker Vineyards; 405 Alexander Avenue, Larkspur, CA 94939; (415) 509-4739; kmo@hillwalkervineyards.com

Attachments: [Attachment A Recommended Findings](#)
[Attachment B Recommended Conditions of Approval](#)
[Attachment C Initial Study - Revised Mitigated Negative Declaration](#)
[Attachment D Use Permit Application Packet](#)
[Attachment E Use Permit Exception to Conservation Regulations Application Packet](#)
[Attachment F Road Exception Request](#)
[Attachment G Water Availability Analysis](#)
[Attachment H Wastewater Treatment and Disposal Feasibility Study](#)
[Attachment I Northern Spotted Owl Habitat Assessment](#)
[Attachment J Biological Habitat Assessment](#)
[Attachment K Graphics](#)
[Attachment L Winery Comparison Analysis](#)
[Attachment M Correspondence](#)
[Attachment N Revised Project Revision Statement](#)
[Item 7A-Hillwalker Vineyards COA Memo\(added after initial agenda posting\).pdf](#)
[Item 7A-Water Audit comment Hillwalker Vineyard\(added after initial agenda posting\).pdf](#)

B. Proposed Napa County Code Amendments Related to Housing [24-1349](#)

Request: This is a County-initiated amendment to the Napa County Code for Titles 17 (Subdivisions) and 18 (Zoning), to bring the Code into alignment with current State law and the County's recently certified Housing Element to the General Plan.

Staff Recommendation: Hold a public hearing and recommend to the Board of Supervisors adoption of the Housing Ordinance amendment to the Napa County Code.

Staff Contact: David Morrison, Special Projects Director, 916-719-6797 or david.morrison@countyofnapa.org.

- Attachments:** [Omnibus Housing Ordinance](#)
[Redline Omnibus Housing Ordinance](#)
[Omnibus Housing Ordinance Summary](#)
[Omnibus Housing Ordinance Guide](#)
[Item 7B-AG Land Use Foster Road\(added after initial agenda posting\).pdf](#)
[Item 7B-KNGG-NapaCountyPlanning Commission_08.05.2024\(added after initial agenda po\).pdf](#)
[Item 7B- Please vote NO changing zoning foster Rd site\(added after initial agenda p\).pdf](#)
[Item 7B-Foster Road Re-Zoning\(added after initial agenda posting\).pdf](#)

8. ADMINISTRATIVE ITEMS

9. DIRECTOR OR DIRECTOR'S DESIGNEE REPORT

- DISCUSSION OF ITEMS FOR THE AUGUST 21, 2024 REGULAR MEETING
- BOARD OF SUPERVISORS ACTIONS
- OTHER DEPARTMENT ACTIVITIES
- CODE COMPLIANCE REPORT
- ZONING ADMINISTRATOR ACTIONS
- OTHER PENDING PROJECTS' STATUS

10. COMMISSIONER COMMENTS/COMMITTEE REPORTS

11. ADJOURNMENT

I HEREBY CERTIFY THAT THE AGENDA FOR THE ABOVE STATED MEETING WAS POSTED AT A LOCATION FREELY ACCESSIBLE TO MEMBERS OF THE PUBLIC AT THE NAPA COUNTY ADMINISTRATIVE BUILDING, 1195 THIRD STREET, NAPA, CALIFORNIA ON 8/2/2024 BY 5:00 P.M. A HARDCOPY SIGNED VERSION OF THE CERTIFICATE IS ON FILE WITH THE CLERK OF THE COMMISSION AND AVAILABLE FOR PUBLIC INSPECTION.

ALEXANDRIA QUACKENBUSH (By e-signature)
Alexandria Quackenbush, Clerk of the Commission



Napa County
Board Agenda Letter

1195 THIRD STREET
SUITE 310
NAPA, CA 94559
www.countyofnapa.org
Main: (707) 253-4580

Planning Commission

Agenda Date: 8/7/2024

File ID #: 24-1316

TO: Napa County Planning Commission
FROM: Brian D. Bordona - Director of Planning, Building and Environmental Services
REPORT BY: Wendy Atkins - Planner II
SUBJECT: Hillwalker Vineyards Winery Use Permit P23-00101-UP and Exception to the Conservation Regulations P23-00239-UP

RECOMMENDATION

KEVIN & ANN MORRISON TR / HILLWALKER VINEYARDS WINERY / EXCEPTION TO THE CONSERVATION REGULATIONS NO. P23-00239-UP, USE PERMIT NO. P23-00101-UP & EXCEPTION TO THE NAPA COUNTY ROAD & STREET

CEQA STATUS: Consideration and possible adoption of a revised Mitigated Negative Declaration. According to the proposed, revised Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures. Mitigation measures are proposed for the following areas: Agriculture and Forest Resources and Biological Resources. The project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

REQUEST: Approval of a Use Permit to allow a new winery with an annual production capacity of 7,000 gallons with the following characteristics:

- 1) Convert a 1,500 sq. ft. residential cave to a commercial cave for wine production and storage;
- 2) Conduct visitation activities in an existing 298 sq. ft. covered patio area and allow on-site consumption in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 (AB2004-Evans Bill);
- 3) Allow tours and tastings by appointment with a weekly maximum of 113 visitors;
- 4) Allow a marketing program of 12 marketing events per year with up to 45 guests per event;
- 5) Up to two (2) fulltime and three (3) part-time employees;
- 6) Production and visitation hours between 10 a.m. and 6 p.m. Monday through Sunday;

- 7) Convert the existing pool house restroom (80 sq. ft.) to an accessible restroom;
- 8) Provide on-site parking for seven (7) vehicles including an accessible parking space and an electric vehicle charging station; and
- 9) Installation of an 2,500-gallon hold and haul tank for winery process wastewater.

The project also includes an Exception to the Napa County Road and Street Standards (RSS) for selective reduction in the width of the private access road. A request for an Exception to the Conservation Regulations in the form of a Use Permit is also being requested to allow road improvements within a stream setback. The project is located on a ±20.46-acre site within the Agricultural Watershed (AW) zoning district on the west side of a private road, one (1) mile west of its intersection with Mount Veeder Road. The project site is General Plan designated as Agriculture, Watershed and Open Space (AWOS); APNs: 034-110-047. Address is 1871 Mount Veeder Road, Napa. Access to the property is through APNS 034-100-020, 034-100-043, and 034-110-059.

STAFF RECOMMENDATION: Adopt the revised Mitigated Negative Declaration and approve the Exception to the Conservation Regulations, Exception to the County Road and Street Standards (RSS), and Winery Use Permit subject to the recommended conditions of approval.

STAFF CONTACT: Wendy Atkins, Planner II, (707) 259-8757 or wendy.atkins@countyofnapa.org

APPLICANT REPRESENTATIVE CONTACT: Kevin P. Morrison, Hillwalker Vineyards; 405 Alexander Avenue, Larkspur, CA 94939; (415) 509-4739; kmo@hillwalkervineyards.com

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Adopt the revised Mitigated Negative Declaration and the Mitigation Monitoring Program based on findings 1-7 in Attachment A;
2. Approve an Exception to the Napa County Road and Street Standards, based on Findings 8-9 in Attachment A and subject to the recommended Conditions of Approval in Attachment B;
3. Approve an Exception to the Conservation Regulations No. P23-00239, based on Findings 10-14 in Attachment A and subject to the recommended Conditions of Approval in Attachment B; and
4. Approve Use Permit P23-00101 based on recommended Findings 15-19 of Attachment A and subject to the

recommended Conditions of Approval included in Attachment B.

Discussion:

The project applicant requests approval of an Exception to the Conservation Regulations, Exception to the Napa County RSS, and Winery Use Permit application to allow the establishment of a new 7,000 gallon per year winery. The proposed winery facility is located on a property currently developed with a 3,100 sq. ft. residence with a covered patio, 650 sq. ft. covered porch, 685 sq. ft. pool, 336 sq. ft. pool house, 1,860 sq. ft. detached garage, and 1,500 sq. ft. residential cave. The proposed winery facility consists of the conversion of a 1,500 sq. ft. residential cave to a commercial cave for winery production and storage, conducting visitation activities within a 298 sq. ft. covered patio, conversion of an existing 78 sq. ft. restroom within the 336 sq. ft. pool house to an accessible restroom, and improvements to the existing shared gravel driveway. A total of ten (10) trees are proposed to be removed, including nine (9) Oak trees. The winery would include a visitation and marketing plan that would allow 47 days of tours and tastings with up to 35 visitors; 306 days of tours and tastings with up to 19 visitors; 25 or more people will be allowed at the winery for a maximum of 59 days per year. Visitation would be limited to a weekly maximum of 113 visitors. The marketing plan would consist of a maximum of one (1) marketing event per month (up to 12 marketing events per year). Marketing events would have a maximum of forty-five (45) guests. All food served at the winery will be prepared offsite by a professional catering service. No winery visitation for tours and tastings will be held on the same day as a marketing event. Parking for marketing events will be in vineyard avenues or offsite. Valet parking may be used to ensure cars are parked safely and do not block fire access roads.

A total of seven (7) parking spaces are proposed, including one (1) accessible space and an electric vehicle charging station. For larger events, vineyard rows can accommodate a number of valet-parked vehicles or at offsite locations. The applicant requests up to two (2) full-time employees, and three (3) part-time employees.

The proposed winery is about 4,400 feet (by road) from the nearest public road, Mt. Veeder Road. The existing gravel driveway is approximately 14-feet wide and serves 1871 Mount Veeder Road (the project site), two additional residences, and three agricultural properties. The Napa County Road & Street Standards (RSS) require a driveway width of 22-feet to serve the winery. Nine turnouts are proposed along eight segments of the driveway totaling approximately 622-feet in length. In addition, 1,300-feet of driveway will be widened to 22-feet resulting in a request for an exception to the Napa County RSS. Five (5) of the turnouts are proposed within the stream setback resulting in the request for an exception to the Conservation Regulations.

Staff has reviewed the proposed project and supports granting approval, subject to the attached findings and recommended Conditions of Approval included in Attachments A and B, respectively. Wineries are conditionally permitted uses within the Agricultural Watershed (AW) zoning district. The project is not located within 0.3-miles of any existing wineries and is surrounded with vineyards, wineries, and residential development on large parcels. Approximately two-thirds of the project parcel is undeveloped and located on a steep hillside, the remaining one-third of the parcel is existing vineyard and the proposed winery development

area (720 sq. ft.). The proposed winery site is located to the south of the existing residence. The decrease in water demand from implementation of the winery would be approximately 1.15 acre-feet per year (af/yr), bringing the parcel's proposed water usage to 1.63 af/yr. The Water Availability Analysis, prepared by Stillwater Civil Design, details that the proposed 1.63 af/yr water usage is below the parcel's estimated yearly groundwater recharge total of 2.23 af/yr. Wastewater disposal is proposed to be accommodate by a hold and haul process wastewater disposal system that was evaluated in the Wastewater Treatment and Disposal Feasibility Study, prepared by Stillwater Civil Design.

Based on the reasons stated above, staff recommends approval of the project, subject to the recommended Conditions of Approval.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures. Mitigation measures are proposed for the following areas: Agriculture and Forest Resources and Biological Resources. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Owner/Applicant: Kevin Morrison; 405 Alexander Avenue, Larkspur, CA 94939;
kmo@hillwalkervineyards.com

Zoning: Agricultural Watershed (AW)

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

Parcel Size: 20.46 acres

Application Filed: April 19, 2023

Resubmittals: July 11, 2023; September 7, 2023; September 8, 2023; October 19, 2023; October 23, 2023; October 26, 2023; November 9, 2023, December 6, 2023, January 30, 2024, February 9, 2024, March 5, 2024, March 6, 2024, March 14, 2024.

Application Deemed Complete: April 14, 2024

Courtesy Notice Sent: May 30, 2023, and November 28, 2023

State Clearinghouse Number: 2024070222

Existing Development: 3,100 sq. ft. residence, septic leach field and septic reserve area, a spring fed cistern, detached garage, 336 sq. ft. pool house, pool, residence septic pretreatment area, including a 3,000-gallon septic/recirculation tank and 1,500-gallon dosing tank, and a 1,500 sq. ft. residential cave.

Proposed Winery Building Size: Conversion of approximately 80 sq. ft. of the pool house to provide an accessible restroom. No new winery buildings are proposed.

Proposed Cave Size: 1,500 sq. ft. (Type II)

Proposed Winery Development Area: 720 sq. ft. or 0.02 acres

Proposed Winery Coverage Area: 10,563 sq. ft or 0.24 acres (maximum allowed: 25 percent or approximately 5 acres

Proposed Accessory/Production Ratio: 27 percent (maximum allowed: 40 percent)

Proposed Production Capacity: 7,000 gallons

Proposed Number of Employees: Two (2) full time and three (3) part time

Proposed Visitation: Hosted daily tours and tastings by appointment only as follows, with a weekly maximum of 113 visitors:

- 47 days of tours and tastings with up to 35 visitors
- 306 days of tours and tastings with up to 19 visitors
- 25 or more people will be allowed at the winery for a maximum of 59 days per year

Proposed Marketing Program: A total of twelve (12) marketing events per year with up to 45 guests. The total amount of annual marketing guests allowed under the proposed program is 540.

Proposed Days and House of Winery Production: 10:00 a.m. - 6:00 p.m. Monday through Sunday

Proposed days and Hours of Visitation: 10:00 a.m. - 6:00 p.m. Monday through Sunday

Proposed Hours of Marketing Events: 10:00 a.m. - 10:00 p.m.

Proposed Parking: Seven (7) parking stalls, including one (1) accessible parking stall and one (1) electric vehicle charging station

Setbacks:

Required road setback: 300 feet from centerline of Mt. Veeder Road.

Required property line setbacks: 20 feet side and rear setback.

Existing Setbacks:

Pool house (conversion): 308 ft. front, 160 ft. east side, 677 ft. west side, 450 ft. rear

Proposed Setbacks: No new structures are proposed.

Adjacent General Plan Designation / Zoning / Land Use:

North: Agriculture, Watershed and Open Space (AWOS) General Plan land use designation / Agriculture Watershed (AW) Zoning District / agriculture and single-family residential

South: Agriculture, Watershed and Open Space (AWOS) General Plan land use designation / Agriculture Watershed (AW) Zoning District / agriculture

East: Agriculture, Watershed and Open Space (AWOS) General Plan land use designation / Agriculture

Watershed (AW) Zoning District / agriculture

West: Agriculture, Watershed and Open Space (AWOS) General Plan land use designation / Agriculture
Watershed (AW) Zoning District / agriculture

Wineries in 1 Mile Vicinity:

Mt. Veeder Winery, 1999 Mt. Veeder Road

Chateaufeuf Do Pott Winery, 2072 Mt. Veeder Road

Parcel History: On August 20, 2019, a Home Occupation Permit was approved to allow the use of a ±100 sq. ft. portion of an existing ± 3,100 sq. ft. residence with limited storage as an office for order taking and record keeping in association with wine brokerage sales as a home occupation in compliance with Napa County Code Section 18.08.310 and 18.104.090.

Code Compliance History: There are no records of prior code violations related to the project site.

Discussion Points:

As part of this application, staff analyzed the following requested application types:

- 1) A Request for a Use Permit Exception to the Conservation Regulations;
- 2) An Exception to the Napa County Road and Street Standards (RSS); and
- 3) A Winery Use Permit

Exception to the Conservation Regulations (P23-00239) Road and Streets Standards Exception Request and Use Permit: Napa County Code (NCC) Section 18.108.040 allows landowners or leaseholders to request exceptions to the requirements of the County's Conservation Regulations. Such requests are made in the form of a use permit application, which is subject to a decision by the Planning Commission.

When analyzing this application, the proposed project would utilize the alignment of an existing gravel road. The applicant proposes to improve the existing shared driveway to the extent possible without damaging the natural environment, grading on steep slopes, or impacting the stream. In addition to installing nine (9) turnouts, the proposal includes widening the driveway to twenty-two (22) feet, for a length of 622 feet. Ultimately, the final grading plans will be reviewed, approved, and conditioned by the Engineering Division, which imposes construction and post-construction pollution prevention requirements to ensure that there is no

potential for significant on- or off-site erosion, impacts to siltation, or flooding. A preliminary Stormwater Control Plan has been submitted and reviewed for consistency with NCC Section 16.28.100 (Reduction of pollutants in stormwater). A Regulated Project Stormwater Control Plan (SCP) in accordance with the latest edition of the Bay Area Stormwater Management Agencies (BASMA) Post-Construction Manual for review and approval by the Engineering Division in PBES shall be submitted prior building permit issuance, as indicated in Attachment B. Soil erosion from a project of this scale is negligible. Additionally, there are no unique geologic features within or near the project site. Vegetation removal and maintenance will also be performed to maintain sight distance and visibility.

NCC Section 18.108.020 prohibits earthmoving activity, grading or removal of vegetation or agricultural uses of land within the stream setback areas, unless exempt or unless an exception is granted through the use permit process. The first 2,400 feet of the existing shared gravel driveway lies within the stream setback as defined by NCC Section 18.108.025. The proposed road improvements within the stream setback are minimized and limited to approximately 250 feet of road widening from 14 feet to 22 feet, and installation of five (5) turnouts. It should be noted that three of the five proposed turnouts located within the stream setback do not propose to disturb ground which is closer to the stream. The following proposed road improvements are located in the creek setback:

- STA 0+ 00 to STA 2+50: widen existing gravel driveway from 14 to 22 feet. This proposed improvement is located over an existing culvert. No tree removal in this area.
- Turnout #1: increase the width of the road to provide for a 22-foot wide turnout at STA 8+00 and remove three (3) trees [one (1) 12-inch diameter Live Oak, one (1) 8-inch diameter Live Oak, and one (1) 8-inch diameter Buckeye). Removal of the three trees occur in the creek setback.
- Turnout #2: increase the width of the road to provide for a 22-foot wide gravel turnout at STA 12+00 and remove one (1) Live Oak tree cluster with trucks of 12-inches, 8-inches, and 6-inches. Removal of the tree cluster occurs in the creek setback.
- Turnout #3: increase the width of the road to provide for a 22-foot wide gravel turnout at STA14+00 and remove three (3) Live Oak trees [one (1) 12-inch diameter, one (1) 10-inch diameter, and one (1) 10-inch diameter]. Removal of the three trees occur in the creek setback.
- Turnout #4: increase the width of the road to provide for a 22-foot wide gravel turnout at STA 17+50, no tree removal in this area.
- Turnout #5: increase the width of the road to provide for a 22-foot wide gravel turnout at STA 19+50, no tree

removal in this area.

The following sections are not located in the creek setback:

- Turnout #6: increase the width of the road to provide for a 22-foot wide gravel turnout at STA 24+00 and remove three (3) trees [two (2) Black Oak trees (8-inch diameter) and one (1) Live Oak tree (twelve 12-inch diameter)].
- STA 25+ 50 to STA 28+00: widen existing gravel driveway from 14 to 22 feet. No tree removal in this area.
- Turnout #7: increase the width of the road to provide for a 22-foot wide gravel turnout at STA30+ 00, no tree removal in this area.
- Turnout #8: increase the width of the road to provide for a 22-foot wide gravel turnout at STA 32+ 00, no tree removal in this area.
- Turnout #9: increase the width of the road to provide for a 22-foot wide gravel turnout at STA 34+ 00, no tree removal in this area.
- STA36+00 to end of driveway: widen existing gravel driveway from 14 to 22 feet.

Pursuant to NCC Section 18.124.070, the Commission's decision to grant or deny a use permit must be based on findings that the granting of the use permit would not adversely affect public health, safety, or welfare of the county, and that the request is consistent with the policies and standards of the County's General Plan. Among the purposes of the Conservation Regulations (County Code Section 18.108) are intentions for the County to:

- 1) Minimize the effects of cut, fill, earthmoving, grading operations and similar activities on the natural terrain;
- 2) Minimize soil erosion caused by human modifications to the natural terrain;
- 3) Maintain and improve water quality by regulating stormwater quality and quantity;
- 4) Preserve riparian areas and other natural habitat near streams; and
- 5) Encourage development that minimizes impacts to existing land forms, avoids steep slopes and preserves existing vegetation and unique geologic features.

The proposed driveway improvements follow the existing driveway alignment and will require minimal

grading. Approximately 1,300-feet will be widened from 14 to 22 feet with nine (9) turnouts along the remaining portions of the existing access drive. The expanded driveway width and five turnouts proposed in the stream setback. The project site is zoned Agricultural Watershed (AW), which allows wineries upon granting of a use permit. According to the Napa County Environmental resource maps (based on the following layers - Sensitive Biotic Oak Woodlands, Agriculture, and Riparian Woodland Forest) the project site contains Oak woodlands, specifically Coast live oak woodland and trees. The proposed project would result in a loss of up to ten (10) trees, including the removal of eight (8) Live Oak, one (1) California Buckeye, and one (1) California Black Oak. The removal of the scattered of up to ten trees of is consistent with the definition of Vegetation Canopy Cover pursuant to NCC Section 18.108.030; therefore, their removal would need to be mitigated pursuant to NCC Section 18.108.030.D. Removal of the ten scattered trees is required to install the upgrades to the existing shared driveway required by the Napa County Road and Street Standards. The approximate vegetation canopy cover area was developed by presuming the tree canopy of one mature Oak tree is encompasses approximately 60-100 square feet (this area was corroborated by aerial imagery interpretation, to not exceed 100 square feet per tree removed) equating to approximately 0.062 acres, which would yield a total vegetation canopy cover preservation ratio of 0.07 acres (100 feet multiplied by 9 trees multiplied by 3 equals 2,700 square feet and converts to 0.062 acres). The implementation of Mitigation Measure AG-1, requiring a vegetation canopy cover preservation easement or other similar mechanism, requiring the long-term preservation of existing oak vegetation at a ratio of 3:1 would result in a less than significant impact to oak resources. The project does not adversely impact threatened or endangered plant or animal habitats as designated by state or federal agencies or identified as special status species, sensitive biotic communities or habitats of limited distribution in the county's Baseline Data Report (2005 or as amended) or Environmental Resources Mapping System. As conditioned, the project would not result in anticipated threats to water quality.

Engineering staff has reviewed the latest iteration of the Stormwater Control Plan (SCP), dated March 14, 2024, and determined it is acceptable and consistent with the requirements of Napa County Code Section 16.28.100.

Staff has determined that the necessary findings can be made to approve the requested exceptions to the Conservation Regulations in this case, as conditioned, because the retention and maintenance of the existing gravel road, nine turnouts, and removal of ten (10) trees, would not result in substantial effects to environmentally sensitive areas and without anticipated threats to water quality. Providing the nine turnouts is required by the Napa County Fire Department, and grading of the proposed turnouts would be limited to the minimum requirements outlined in the Napa County RSS.

Staff has reviewed the proposal and found it to be consistent with the Zoning Ordinance and applicable General Plan policies. Based upon the evidence, Staff has determined that the necessary findings can be made to approve the requested exception to the Conservation Regulations, as identified in Attachment A of the staff report. The Napa County Engineering Division and Fire Department have evaluated this request, and support approval.

Road and Street Standards Exception Request: The Engineering Division and Fire Marshal's office received a request for an Exception to the RSS dated August 23, 2023, revised on October 26, 2023, and March 6, 2024,

for the shared access roadway design criteria as part of a Use Permit application for a winery and Exception to the Conservation Regulations. As identified in the Engineering memo dated June 25, 2024 (Attachment B), the parcel is located at 1871 Mount Veeder Road. The subject parcel is served by an existing gravel road that starts at the intersection of Mt. Veeder Road. From Mt. Veeder Road, the road runs adjacent to a blueline stream for about 2,200 feet and then meanders to terminate its 4,400-foot length at the proposed site. The Napa County RSS requires a 22-foot minimum width for roads serving commercial uses such as the proposed winery. The majority of the existing road does not meet the minimum width requirement. The Hillwalker Vineyards winery project is seeking exceptions to the Napa County RSS to accommodate environmental and physical constraints that forbid compliance with the standards. Specifically, a RSS Exception Request is requested for three segments of the road: STA 2+50 to 22+00, STA 22+00 to 26+00, and STA 28+00 to 36+00.

Road Segment: STA 2+50 to 22+00

Napa County Road and Street Standards (NCRSS) requires a 22 ft minimum width for commercial access roads. This segment of the road is constrained by steep slopes and an adjacent blueline stream that runs parallel to the road. These existing conditions prevent road expansion to the compliant width. Six turnouts are proposed for this segment, five of the six turnouts are spaced only 300 ft apart. Only the last two turnouts have a 500 ft interval between them. Turnouts are placed to ensure intervisibility and, vegetation removal and maintenance will be performed to maintain clear sight lines along the road and between turnouts. These measures will serve to provide the same overall practical towards providing defensible space, in accordance with the SRA Fire Safe Regulations.

Road Segment: STA 22+00 to 25+50 and 28+00 to 36+00

The Napa County Road and Street Standards (NCRSS) requires a 22 ft minimum width for commercial access roads. This segment of the road is constrained by steep slopes exceeding 30%, prohibiting road expansion to the compliant minimum width. Three turnouts are proposed for this 800 ft segment. There is a 200 ft interval between turnouts and, they are placed to be inter-visible. Vegetation removal and maintenance will be performed to maintain clear sight lines along the road and between turnouts. These measures will serve to provide the same overall practical towards providing defensible space, consistent with the SRA Fire Safe Regulations

Use Permit: The project applicant requests approval of a use permit to allow for the establishment of a 7,000 gallon per year winery, convert an existing 1,500 sq. ft. residential cave to a commercial cave for production and storage only, and conduct visitation activities within a 298-sq. ft. patio area. The winery would include a visitation and marketing plan by appointment only as follows, with a weekly maximum of 113 visitors:

- 47 days of tours and tastings with up to 35 visitors.

- 306 days of tours and tastings with up to 19 visitors.
- 25 or more people will be allowed at the winery for a maximum of 59 days per year.
- A marketing program of 12 marketing events per year with up to 45 guests.

Two (2) full-time and three (3) part-time employees during harvest and non-harvest seasons are proposed. One of the owners of the parcel will live and work on-site. Production and visitation would occur Monday through Sunday, between the hours of 10:00 a.m. and 6:00 p.m. The existing pool house restroom would be converted to an accessible restroom. The proposal also includes construction of a parking area with seven (7) parking stalls, including one accessible stall and an electric vehicle charging station. And installation of a 2,500-gallon hold and haul tank for winery process wastewater.

Staff has reviewed the proposed project and supports granting approval, subject to the attached findings and recommended conditions of approval included in Attachments A and B, respectively. Wineries are conditionally permitted uses with the Agricultural Watershed (AW) zoning district. The project is located with one mile of two (2) wineries, and surrounding uses include vineyards, wineries, and residential development on large parcels. Approximately one third of the project site is developed with vineyards, which would provide wine grapes for onsite wine production. While a winery building is not proposed, the winery development area would consist of 720 sq. ft. (4 employee parking spaces), the production facility would take place within the existing 1,500 sq. ft. cave, and accessory use would consist of the 114 sq. ft. accessible restroom and 298 sq. ft. feet of outdoor porch area adjacent to the residence.

A preliminary Stormwater Control Plan has been submitted and reviewed for consistency with Napa County Code Section 16.28.100 (Reduction of pollutants in stormwater). A Regulated Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES shall be submitted prior building permit issuance, as indicated in Attachment B.

Setting - Access to the project site is located off of Mt. Veeder Road, approximately two (2) miles southwest of the City of Yountville and four (4) miles northwest of the City of Napa. The project includes four (4) parcels APNs 034-110-047, 034-100-020, 034-100-043, 034-110-059, approximately 20.46 acres and includes an existing shared driveway and approximately 4.5 acres of vineyards. The proposed new winery is located on APN 034-110-047, and proposed improvements to the shared driveway are located on APNs 034-100-020, 034-100-043, 034-110-059. Existing conditions include a single-family residence, covered porch, residential cave, swimming pool, pool house, and detached garage. Immediately adjacent to the driveway, the property is relatively flat with slopes from zero (0) and five (5) percent, with the lowest elevation of 1,015 feet above mean sea level (msl). Moving further to the north the parcel slopes up to fifteen (15) percent and the property rises to achieve a height of 1,045 feet above msl. Further to the west the parcel elevation rises significantly, achieving slopes of over fifty (50) percent and property rises to achieve its highest elevation at 1,165 feet above msl. According to County of Napa Environmental Mapping (GIS Vegetation layer) the lower elevations of the property are identified as Agriculture while the sloped portions of the property to the west are identified as

Oak woodlands. Soil types include Bressa-Dibble Complex (15 to 30-percent slope). Major Lan Resource Area (MLRA) 15 - Central California Coastal Range. Land uses in the area are dominated by large lot residential properties, wineries, and vineyards. The closest residence is located 780 feet from the proposed winery.

Winery Proposal - There are no new buildings proposed with the application. Construction is limited to remodeling the existing 80 sq. ft. residential pool house restroom to provide an accessible restroom, installing seven (7) parking stalls, including an accessible parking stall and installation of an electric vehicle charging station. Visitation and marketing events would occur on the existing 298 sq. ft. outdoor patio area.

Road and Access Improvements - The project proposes to install nine (9) turnouts and widen the driveway to twenty-two (22) feet along three segments of the access road for a total length of 1,300 feet.

Visitation and marketing - Consistent with the definition of “marketing of wine” (County Code Section 18.08.370), the applicant proposes a visitation and marketing daily tours and tastings by appointment only as follows, with a weekly maximum of 113 visitors:

- 47 days of tours and tastings with up to 35 visitors
- 306 days of tours and tastings with up to 19 visitors
- 25 or more people will be allowed at the winery for a maximum of 59 days per year

Visitation would be by appointment only and would occur between the hours of 10:00 a.m. and 6:00 p.m., Monday-Sunday. The applicant also proposes a total of twelve (12) marketing events per year allowing a maximum of 45 guests. The total amount of annual marketing guests allowed under the proposed program is 540.

Ground Water - A Water Availability Analysis was prepared by Stillwater Civil Design, dated February 9, 2024. As directed by the County Water Availability Guidelines (May 2015) the report includes a Tier 1 calculation for the existing and proposed water uses and a Parcel Specific Groundwater Recharge Analysis because the parcel is located outside of the GSA Subbasin. Existing water use for the property is approximately 2.78 af/yr, which includes 2.25 af/yr for the vineyard, 0.5 af/yr for the residence, and 0.025 af/yr for residential landscaping. The projected water use for the project is 1.63 af/yr, which includes 0.9 af/yr for the vineyards, 0.22 af/yr for the winery, 0.5 af/yr for the residence, and 0.025 af/yr for residential landscaping which represents a decrease of approximately 1.15 af/yr. The site-specific groundwater recharge for the property is estimated to be 2.23 acre-feet per year. Wells on neighboring properties were located through field visits and through Napa County Records research. While the closest well located on neighboring properties is 300 feet from the onsite well, there is no new or increased water use proposed for the project. Therefore, a Tier 2 Water Availability Analysis is not required, and this project will not pose any significant impact to the groundwater use or neighboring

property wells. In addition, the project wells are approximately 2,656-feet from a significant stream, therefore a Tier III analysis is not required.

Public Trust - The public trust doctrine requires the state and its legal subdivisions to “consider,” give “due regard,” and “take the public trust into account” when considering actions that may adversely affect a navigable waterway. (Environmental Law Foundation v. State Water Resources Control Bd.; San Francisco Baykeeper, Inc. v. State Lands Com.) There is no “procedural matrix” governing how an agency should consider public trust uses. (Citizens for East Shore Parks v. State Lands Com.) Rather, the level of analysis “begins and ends with whether the challenged activity harms a navigable waterway and thereby violates the public trust.” (Environmental Law Foundation, 26 Cal.App.5th at p. 403.). As demonstrated in the Environmental Law Foundation vs State Water Resources Control Board Third District Appellate Court Case, that arose in the context of a lawsuit over Siskiyou County’s obligation in administering groundwater well permits and management program with respect to Scott River, a navigable waterway (considered a public trust resource), the court affirmed that the public trust doctrine is relevant to extractions of groundwater that adversely impact a navigable waterway and that Counties are obligated to consider the doctrine, irrespective of the enactment of the Sustainable Groundwater Management Act (SGMA). As disclosed and assessed in the Initial Study/Mitigated Negative Declaration and the WAA, the County concludes that no harm to (or less-than-significant impacts on) public trust resources would result from the proposed project as the project wells are not within 1,500-feet of a significant stream.

Sanitary Waste Disposal - A Wastewater Treatment and Disposal Feasibility Study, dated February 8, 2024, was prepared by Stillwater Civil Design. A hold and haul system is proposed to collect winery process wastewater. A trucking company will be hired to collect winery process wastewater from the hold and haul tanks and transported to an approved wastewater treatment facility for disposal. The existing onsite domestic wastewater system is an engineered septic system that was installed in 2007. The existing engineered septic system was approved for 900 gallons per day or 6 bedrooms. The existing engineered septic system was installed with excess capacity that will be available to support the increased use from employees and visitors to the proposed winery.

Production - Production will take place within the existing wine cave and at a custom crush facility.

Greenhouse Gas Reduction Strategies - The applicant intends to implement voluntary best management practices to reduce GHG emission resulting from implementation of the project (Attachment D). These practices include installation of an electrical vehicle charging station. The project will also utilize solar hot water heating, energy conserving lighting, water efficient fixtures, water efficient landscaping, recycle 75% of all waste, site design that is oriented and designed to optimize conditions for natural heating and cooling and day lighting of interior spaces, and to maximize winter sun exposure; such as a cave, limit the amount of grading and tree removal, and retain biomass removed via pruning and thinning by chipping the material and reusing it rather than burning on-site. Conditions of approval Nos. 4.20.b and 6.15.d will ensure this is reviewed and implemented at the time of construction.

Grape Sourcing - The proposed winery will have a maximum production of 7,000 gallons of wine. The 4.5 acres of on-site vineyards will provide approximately 1,380 gallons of wine. The remaining 5,620 gallons to achieve maximum production will be procured from other grape sources in the Napa County. The applicant has signed the County's 75 Percent Grape Source Agreement.

Noise - The proposed project would result in a temporary increase in noise levels during grading and the intermittent increase of ambient noise resulting from wine making and visitation. However, noise generated by construction activities would be limited to daylight hours and the use of properly muffled vehicles. Outdoor amplified music is not proposed. However, with implementation of Condition of Approval 7.3 (Construction Noise), the proposed project would result in less than significant impacts for construction noise.

Biology - Immediately adjacent to the driveway, the property is relatively flat with slopes from zero (0) and five (5) percent, with the lowest elevation of 1,015 feet above msl. Moving further to the north the parcel slopes up to fifteen (15) percent and the property rises to achieve a height of 1,045 feet above msl. Further to the west the parcel elevation rises significantly, achieving slopes of over fifty (50) percent and property rises to achieve its highest elevation at 1,165 feet above msl. According to County of Napa Environmental Mapping (GIS Vegetation layer) the lower elevations of the property are identified as Agriculture while the sloped portions of the property to the west are identified as Oak woodlands.

California Giant Salamander - While no occurrence was observed on the parcels where work will occur, there are identified occurrences of the species within one (1) mile of the subject property. The California giant salamander (*Dicamptodon ensatus*), a California Species of Special Concern, have potential to occur in areas adjacent to the project site. The California giant salamander frequents damp woods in or near streams and may be found under logs, bark, or rocks. However, this species is unlikely to occur in the majority of the project area due to the gravel groundcover. Their breeding requires clear cold perennial streams such as Redwood Creek located to the south. Adult California giant salamander will disperse overland after metamorphosis. The ephemeral drainage that runs north along the driveway is not expected to support breeding on this property, but occurrences of this species have been detected within 0.41 mile in Redwood Creek. However, with implementation of Mitigation Measure BIO-2 - (California Giant Salamander, Foothill Yellow-Legged Frog, and Western Pond Turtle), the proposed project would result in less than significant impacts on California Giant Salamander. As such, the project would not result in significant impacts to California Giant Salamander.

Foothill Yellow-Legged Frog - The foothill yellow-legged frog (*Rana boylei*, pop 1, FYLF) North Coast DPS, a California Species of Special Concern, have potential to occur in areas adjacent to the project site. The FYLF is a frog of the streams and rivers of the forest, woodland, and chaparral. The frogs may occur in intermittent drainages but are typically found in association with flowing water, especially riffles, and breed after high flows subside. As the streams dry, the juvenile and adult frogs will disperse to the upland to seek moisture elsewhere, under leaf litter and vegetation on the forest floor. Foothill yellow-legged frogs do not often leave the immediate vicinity of their home stream or pool (Stanford University 1999) although recent studies have shown

frogs disperse considerable distances (Bourque 2008, Thomson et al. 2016). Different life cycle stages for this species utilize various habitat types for foraging, developing, and overwintering (Thomson et al. 2016). There are two historic occurrence records, 1973 and 1956, approximately 2 miles of the project site, but the steep ephemeral drainage weaving through the driveway is not expected to support breeding of this species as the inundation period may be insufficient for metamorphosis. However, with implementation of Mitigation Measure BIO-2 - (California Giant Salamander, Foothill Yellow-Legged Frog, and Western Pond Turtle), the proposed project would result in less than significant impacts on Foothill Yellow-Legged Frog. As such, the project would not result in significant impacts to Foothill Yellow-Legged Frog.

Western Pond Turtle - The western pond turtle (*Emmys marmorata*, WPT), a California Species of Special Concern, and proposed federally threatened species, have potential to occur in the detention basin adjacent to the project site. The steep ephemeral drainage that runs intermittently through the project area drains to a fabric lined detention basin near the entrance of the Hillwalker property. The detention basin provides potentially suitable habitat for western pond turtles to reside, though none were observed during the January visit due to the lack of presence or aestivation. Adult western pond turtle will nest in sandy soils and can disperse over several miles. Northwestern pond turtle populations require sufficient numbers of individuals and connectivity for long-term survival, especially in relation to stochastic events such as severe droughts (USFWS 2023b). There are two historic occurrence records from 1999 and 2002 of this species observed more than 2 miles from the project area. However, with implementation of Mitigation Measure BIO-2 - (California Giant Salamander, Foothill Yellow-Legged Frog, and Western Pond Turtle) the proposed project would result in less than significant impacts on Western Pond Turtle. As such, the project would not result in significant impacts to Western Pond Turtle.

CNDDDB Owl Habitat - According to the Northern Spotted Owl (NSO) habitat Assessment conducted by LSA dated October 12, 2023, there are no known NSO nesting sites or activity centers that have been previously identified within or adjacent to the project site; however, there are four activity centers within a 2-mile radius of the project site. The last definitive observation within 2 miles of the project site was an owl heard by a retired CDFW Biologist in 2009, approximately 0.5 miles west of the project site. Based on the above discussion and field assessment, the oak woodland within 330 feet of the project site does not appear to provide suitable nesting and/or diurnal roosting habitat for NSO due to its generally low stature and lack of large multi-canopied trees; however, this woodland could provide nocturnal foraging and dispersal habitat for NSO. The ten (10) trees proposed for removal average between 6 and 12 inches in diameter at breast height, are adjacent to an existing active driveway. Therefore, the removal of these trees would not likely adversely affect the nesting and or diurnal roosting NSO. However, the presence of NSO in the project area cannot be completely ruled out. Pursuant to recommendations found in Mitigation Measure BIO-2 - (Northern Spotted Owl) will ensure the proposed driveway improvements related to the widening/turnout areas would not be expected to adversely affect NSO.

An unnamed blue line tributary of Pickle Creek crosses under the driveway through culverts at two locations and drains to a detention basin (pond) which runs along the shared gravel driveway for about 2,200 ft. Five (5) of the nine proposed driveway turnouts are located in the creek setback area. A temporary wildlife fence shall be installed between the edge of the pond and the driveway improvement locations to prevent animals from

entering the work area consistent with Condition of Approval 7.5.g. In addition, ten (10) trees are proposed to be removed in the creek setback to allow for the installation of the proposed road turnouts. However, with Mitigation Measure AG-1. (Vegetation Canopy Cover Preservation Ratio) the project would not result in conflicts with any local policies or ordinances. A less than significant impact would occur.

Cultural - On August 25, 2023, County Staff sent invitations to consult on the proposed project to Native American tribes who had a cultural interest in the area and who as of that date had requested to be invited to consult on projects, in accordance with the requirements of Public Resources Code section 21080.3.1. No responses were received within 30-days of the tribe's receipt of the invitations. In the event that any archaeological materials are encountered during earth-disturbing activities when an archaeologist is not present the project would be expected to comply with standard Condition of Approval 7.2, and construction of the project would be required to cease, and a qualified archaeologist would be retained to investigate the site. Compliance with cultural resource conditions of approval is expected to keep potential impacts to cultural resources less than significant.

Transportation - As proposed the project would not conflict with any plans, ordinances or policies addressing the circulation system. Existing pedestrian and transit facilities serving the site are limited, given the rural location of the project site and anticipated demand for these modes, this is considered an acceptable condition.

Public Comments - At the time of publication of this staff report, one comment letter was received from the California Department of Fish and Wildlife (CDFW) concluding their review of project documents. While CDFW's letter (included in Attachment M) did not identify new environmental impacts, they requested three (3) additional mitigation measures in order to amplify the MND, which will further decrease any potential environmental impacts. Mitigation Measures to be added to the project approval include requiring preconstruction surveys for Northern Spotted Owls, Special-Status Herpetofauna, and Special-Status Plans. CDFW also requested a fourth mitigation measure be added requiring a thorough assessment for potential impacts to the stream including the placement, construction, and operation of the driveway modifications and tree removal.

CDFW's proposed mitigation measures have been incorporated into the Recommended Conditions of Approval (Attachment B) and Initial Study/Revised Mitigated Negative Declaration and Mitigation Monitoring Program (Attachment C). These Mitigation Measures have also be included in the revised Project Revision Statement, which has been accepted by the applicant and included as Attachment (N).

California Environmental Quality Act (CEQA) guidelines § 15073.5(c)(4) outlines that recirculation of a Mitigated Negative Declaration is not required with the addition of new information which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration. With no significant environmental effects anticipated, and the project's consistency with adopted County policies and regulations, staff believes that the necessary findings for the project can be made and recommends approval of the Use Permit and Exception to the Conservation Regulations.

Decision Making Options:

As noted in the Executive Summary Section above, staff recommends that the Planning Commission approve the project as proposed, subject to the findings and Conditions of Approval in Attachment A and B, respectively. However, staff has provided the following options for consideration by the Planning Commission.

Option 1 - Approve the Applicant' Proposal (Staff Recommendation)

Disposition - This option would result in approval of the Use Permit Exception to the Conservation Regulations, an Exception to the Napa County RSS, and Use Permit application. Staff recommends this option as the request is consistent with the Zoning Ordinance, applicable General Plan policies, and other County regulations. There will be no significant environmental impacts to the site, as discussed in the Mitigated Negative Declaration.

Action Required - Follow the proposed action listed in Executive Summary. If conditions of approval are to be amended, specify conditions to be amended at time motion is made. This option has been analyzed for its environmental impacts, which were found to be less than significant.

Option 2: Modify the Applicant's Proposal

Disposition - This option would result in modification to the applicant's project to address concerns of the Commission and/or public comments if solicited.

Action Required - Follow proposed action listed in Executive Summary and amend scope and project specific conditions of approval to further address potential impacts or concerns identified. This option would have proportionately fewer environmental impacts compared to those discussed in the staff report, and thus, no new analysis beyond that already discussed above would be necessary. If major revisions of the conditions of approval are required, item will need to be continued to a future date.

Option 3 - Deny Proposed Project

Disposition - In the event the Commission determines that the project does not or cannot meet the required findings for the granting of the Use Permit Exception to the Conservation Regulations, an Exception to the Napa County RSS, and Viewshed application, Commissioners should identify what aspect or aspects of the project are in conflict with the required findings. State Law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed Use Permit Exception, RSS exception and Viewshed request is not being approved.

Action Required - Commission would take tentative motion to deny the project and remand the matter to staff for preparation of required findings to return to the Commission on a specific date.

Option 4 - Continuance Option

The Commission may continue an item to a future hearing date at its own discretion.

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval

- C. Initial Study - Revised Mitigated Negative Declaration
- D. Use Permit Application Packet
- E. Use Permit Exception to Conservation Regulations Application Packet
- F. Road Exception Request
- G. Water Availability Analysis
- H. Wastewater Treatment and Disposal Feasibility Study
- I. Northern Spotted Owl Habitat Assessment
- J. Biological Habitat Assessment
- K. Graphics
- L. Winery Comparison Analysis
- M. Correspondence
- N. Revised Project Revision Statement

“A”

Recommended Findings

Hillwalker Vineyards Winery Use Permit P23-00101-UP and Exception
to the Conservation Regulations P23-00239-UP
Planning Commission Hearing Date (August 7, 2024)

**PLANNING COMMISSION HEARING – AUGUST 7, 2024
RECOMMENDED FINDINGS**

**HILLWALKER VINEYARDS WINERY
CONSERVATION REGULATIONS EXCEPTION # P23-00239, EXCEPTION TO THE ROAD
AND STREET STANDARDS, AND WINERY USE PERMIT APPLICATION # P23-00101
APNs 034-110-047, 034-100-020, 034-100-043, & 034-110-059**

ENVIRONMENTAL:

The Planning Commission (Commission) has received and reviewed the proposed Revised Mitigated Negative Declaration pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County's Local Procedures for Implementing CEQA, and finds the project:

1. The Planning Commission has read and considered the Mitigated Negative Declaration prior to taking action on said Negative Declaration and the proposed project.
2. The Mitigated Negative Declaration is based on independent judgment exercised by the Commission.
3. The Mitigated Negative Declaration was prepared and considered in accordance with the requirements of the California Environmental Quality Act (CEQA).
4. There is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment provided that measures to mitigate potentially significant impacts to biological resources and agriculture and forest resources are incorporated into the project approval.
5. There is no evidence, in considering the record as a whole that the proposed project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends.
6. The site of this proposed project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5 and is not within the boundaries of any airport land use plan.
7. The Secretary of the Commission is the custodian of the records of the proceedings on which this decision is based. Records are located at the Napa County Planning, Building, and Environmental Services Department, 1195 Third Street, Room 210, Napa, Calif.

EXCEPTION TO ROAD AND STREET STANDARDS:

The Commission has reviewed the attached described Road and Street Standards Exception request in accordance with Road and Street Standards Section 3 and makes the following findings:

8. The exception will preserve unique features of the natural environment which includes, but is not limited to, natural water courses, steep slopes, geological features, heritage oak trees, or other trees of least six inches in diameter at breast height and found by the decision-maker to be of significant importance, but does not include human altered

environmental features such as vineyards and ornamental or decorative landscaping, or artificial features such as, rock walls, fences or the like.

Analysis: The driveway design has followed the existing gravel driveway alignment. The two segments of the driveway subject to the exception to the RSS are constrained by steep slopes and an adjacent blueline stream, which, forbids road expansion to the compliant width.

9. The exception is necessary to accommodate physical site limitations such as grade differentials.

Analysis: The driveway design has followed the existing gravel driveway alignment. The two driveway segment subject to the RSS are constrained by steep slopes and an adjacent blueline stream, which, forbids road expansion to the compliant width. To achieve the same overall practical effect, nine turnouts were proposed at locations to be inter-visible. These measure will serve to provide the same overall practical effect towards providing defensible space, consistent with the SRA Firs Safe Regulations

See Engineering Services Division memorandum dated June 25, 2024, and Recommended Approval Conditions dated August 23, 2023, for further analysis and proposed conditions.

CONSERVATION REGULATIONS EXCEPTION

10. Roads, driveway, building and other man-made structures have been designed to complement the natural landform and to avoid excessive grading.

Analysis: The proposed driveway improvements follow the existing driveway alignment and will require minimal grading. Approximately 1,300-feet will be widened from 14 to 22 feet with nine (9) turnouts along the remaining portions of the existing access drive.

11. 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: a) multiple-floor levels which follow existing, natural slopes; b) foundation types such as poles, piles, or stepping levels which follow minimize cut and fill and the need for retaining walls; c) fence lines, walls, and other features which blend with the existing terrain rather than strike off at an angel against it.

Analysis: There are no new buildings associated with the proposed new winery.

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

Analysis: The expanded driveway width (approximately 1,300 ft. in length) and five turnouts proposed in the stream setback. The project site is zoned Agricultural Watershed (AW), which allows wineries upon grant of a use permit. According to the Napa County Environmental resource maps (based on the following layers – Sensitive Biotic Oak Woodlands, Agriculture, and Riparian Woodland Forest) the project site contains Oak woodlands, specifically Coast live oak woodland and trees. The proposed project would

result in a loss of up to ten (10) trees, including the removal of eight (8) Live Oak, one (1) California Buckeye, and one (1) California Black Oak. The removal of the scattered ten trees of is consistent with the definition of Vegetation Canopy Cover pursuant to NCC Section 18.108.030; therefore, there removal would need to be mitigated pursuant to NCC Section 18.108.030.D. Removal of the ten scattered trees is required to install the upgrades to the existing shared driveway required by the Napa County Road and Street Standards. The approximate vegetation canopy cover area was developed by presuming the tree canopy of one mature Oak tree is encompasses approximately 60-100 square feet¹ (this area was corroborated by aerial imagery interpretation, to not exceed 100 square feet per tree removed) equating to approximately 0.062 acres, which would yield a total vegetation canopy cover preservation ratio of 0.07 acres (100 feet multiplied by 9 trees multiplied by 3 equals 2,700 square feet and converts to 0.062 acres). The implementation of Mitigation Measure AG-1, requiring a vegetation canopy cover preservation easement or other similar mechanism, requiring the long term preservation of existing oak vegetation at a ratio of 3:1 would result in a less than significant impact to oak resources.

13. Disturbance to streams and watercourses shall be minimized, and the encroachment if any, is the minimum necessary to implement the project.

Analysis: The project does not adversely impact threatened or endangered plant or animal habitats as designated by state or federal agencies or identified as special status species, sensitive biotic communities or habitats of limited distribution in the county's Baseline Data Report (2005 or as amended) or Environmental Resources Mapping System.

14. An erosion control plan, or equivalent NPDES stormwater management plan, has been prepared in accordance with Section 18.108.080 and has been approved by the director; and

Analysis: Engineering staff has reviewed the latest iteration of the Stormwater Control Plan (SCP), dated March 14, 2024, and determined it is acceptable and consistent with the requirements of Napa County Code Section 16.28.100.

USE PERMIT

15. That the commission or board has the power to issue a use permit under the zoning regulations in effect as applied to the property.

Analysis: The project is consistent with Agricultural Watershed (AW) zoning district regulations. A winery (as defined in Napa County Code Section 18.08.640) and uses in connection with a winery (see Napa County Code Section 18.20.030) are permitted in an AW zoned district with an approved use permit. The project, as conditioned, complies with the requirements of the Winery Definition Ordinance (Ord. No. 947, 1990) and the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code) as applicable.

¹ Gilman, E.F. and Waston, D.G (1993). *Quercus virginiana*: Southern Live Oak. University of Florida. <http://edis.ifas.ufl.edu/st564>

16. That the procedural requirements set forth in Chapter 18.124 of the Napa County Code (zoning regulations) have been met.

Analysis: The use permit application has been appropriately filed, noticed, and public hearing requirements have been met. The hearing notice and intent to adopt a Mitigated Negative Declaration were posted and published in the Napa Valley Register on July 6, 2024, and copies of the notice were forwarded to property owners within 1,000 feet of the Property, as well as other interested parties. The public comment period ran from July 6, 2024, to August 7, 2024.

17. That grant of the use permit, as conditioned, will not adversely affect the public health, safety or welfare of the county.

Analysis: Granting the Use Permit for the project as proposed and conditioned will not adversely affect health, safety or welfare of the County. Various County divisions and departments have reviewed the project and commented regarding the proposed site access, grading, drainage, hold and haul system, parking, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health, safety, and welfare.

18. That the proposed use complies with the applicable provisions of this code and is consistent with the policies and standards of the general plan and any applicable specific plan.

Analysis: Compliance with the Zoning Ordinance

The project is consistent with the AW zoning district regulations. A winery (as defined in the Napa County Code Section 18.08.640) and uses in connection with a winery (refer to Napa County Code Section 18.20.030) are permitted in the AW District subject to an approved use permit. The proposed project includes the establishment of a new winery including the winery’s visitation and market program. The project, as conditioned, complies with the Napa County Definition Ordinance (WDO) and all other requirements of the Zoning Code as applicable.

Analysis: Compliance with the General Plan

As proposed and conditioned, the requested Use Permit is consistent with the overall goals and policies of the 2008 Napa County General Plan. The General Plan land use designation for the subject parcel is Agricultural, Watershed, and Open Space (AWOS).

General Plan Agricultural Preservation and Land Use Goal AG/LU-1 guides the County to “preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.” General Plan Goal AG/LU-3 states that the County should “support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.” Goal AG/LU-3 and Policy AG/LU-2 recognize wineries as agricultural uses.

The use of the property for fermenting and processing grape juice into wine supports the economic viability of agriculture within the County, consistent with Goal AG/LU-3 and Policy AG/LU-4 (“The County will reserve agricultural lands for agricultural use including land used for grazing and watershed/open space...”). By allowing the proposed agricultural use, the requested Use Permit supports the economic viability of the existing

vineyards and agricultural product processing, consistent with Economic Development Goal E-1 and Policy E-1.

The “Right to Farm” is recognized throughout the General Plan and is specifically called out in Policy AG/LU-15 and in the County Code. “Right to Farm” provisions ensure that agriculture remains the primary land use in Napa County and is not threatened by potentially competing uses or neighbor complaints. Napa County’s adopted General Plan reinforces the County’s long- standing commitment to agricultural preservation, urban centered growth, and resource conservation.

Applicable Napa County General Plan goals and policies:

Goal AG/LU-1: Preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.

Goal AG/LU-3: Support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.

Policy AG/LU-4: The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/open space, except for those lands which are shown on the Land Use Map as planned for urban development.

Policy AG/LU-8: The County’s minimum agricultural parcel sizes shall ensure that agricultural areas can be maintained as economic units.

Policy AG/LU-15: The County affirms and shall protect the right of agricultural operators in designated agricultural areas to commence and continue their agricultural practices (a “right to farm”), even though established urban uses in the general area may foster complaints against those agricultural practices. The “right to farm” shall encompass the processing of agricultural products and other activities inherent in the definition of agriculture provided in Policy AG/LU-2.

Goal CON-10: Conserve, enhance and manage water resources on a sustainable basis to attempt to ensure that sufficient amounts of water will be available for the uses allowed by this General Plan, for the natural environment, and for future generations.

Goal CON-11: Prioritize the use of available groundwater for agricultural and rural residential uses rather than for urbanized areas and ensure that land use decisions recognize the long-term availability and value of water resources in Napa County.

Policy CON-53: The County shall ensure that the intensity and timing of new development are consistent with the capacity of water supplies and protect groundwater and other water supplies by requiring all applicants for discretionary projects to demonstrate the availability of an adequate water supply prior to approval. Depending on the site location and the specific circumstances, adequate demonstration of availability may include evidence or calculation of groundwater availability via an appropriate hydrogeological analysis or may be satisfied by compliance with County Code “fair-share” provisions or applicable State law. In some areas, evidence may be provided through coordination with applicable municipalities and public and private water purveyors to verify water supply sufficiency.

Policy CON-55: The County shall consider existing water uses during the review of new water uses associated with discretionary projects, and where hydrogeological studies have shown that the new water uses will cause significant adverse well interference or substantial reductions in groundwater discharge to surface waters that will alter critical flows to sustain riparian habitat and fisheries or exacerbate conditions of overdraft, the County shall curtail those new or expanded water uses.

Policy CON-77: All new discretionary projects shall be evaluated to determine potential significant project-specific air quality impacts and shall be required to incorporate appropriate design, construction, and operational features to reduce emissions of criteria pollutants regulated by the state and federal governments below the applicable significance standard(s) or implement alternate and equally effective mitigation strategies consistent with Bay Area Air Quality Management District's (BAAQMD) air quality improvement programs to reduce emissions. In addition to these policies, the County's land use policies discourage scattered development which contributes to continued dependence on the private automobile as the only means of convenient transportation. The County's land use policies also contribute to efforts to reduce air pollution.

Policy CON-81: The County shall require dust control measures to be applied to construction projects consistent with measures recommended for use by the BAAQMD [Bay Area Air Quality Management District].

Goal E-1: Maintain and enhance the economic viability of agriculture.

Policy E-1: The County's economic development will focus on ensuring the continued viability of agriculture in Napa County.

Policy SAF-20: All new development shall comply with established fire safety standards. Design plans shall be referred to the appropriate fire agency for comment as to:

- 1) Adequacy of water supply.
- 2) Site design for fire department access in and around structures.
- 3) Ability for a safe and efficient fire department response.
- 4) Traffic flow and ingress/egress for emergency vehicles.
- 5) Site-specific build-in fire protection
- 6) Potential impacts to emergency services and fire department response

19. That, in the case of other groundwater basins, or areas which do not overlay an identified groundwater basin, substantial evidence has not been presented which demonstrates that the new water system or improvement might cause a significant adverse affect on any underlying groundwater basin, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Section 13.15.070 or 13.15.080 of this code.

Analysis: The subject property is not located in a "groundwater deficient area" as identified in Section 13.15.010 of the Napa County Code and is consistent with General Plan Conservation Policies CON-53 and CON-55 which require that applicants, who are seeking discretionary land use approvals, prove that adequate water supplies are available to serve the proposed use without causing significant negative impacts to shared groundwater resources.

Based on the submitted Water Availability Analysis (WAA) by Stillwater Civil Design, the subject 20.46-acres, has an estimated groundwater recharge of 2.23-acre feet per year (af/yr). Water Demand Calculations submitted for the project placed the water demand for existing (and proposed) uses on the property as follows: residence 0.5 af/yr; vineyards 0.9 af/yr; winery 0.064 af/yr; total domestic water use 0.14 af/yr; landscaping 0.025 af/yr. The estimated water use for the existing and proposed vineyards, winery, and residence is 1.63 af/yr. Based upon this figure, the project would not increase groundwater extraction beyond the parcel's yearly estimated groundwater recharge of 2.23- af/yr. The County is not aware of, nor has it received any reports of, groundwater shortages near the project area. The project will not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level. Therefore, the project is considered not to have potential to significantly impact groundwater resources. Because the projected water demand for the project is below the estimated groundwater recharge for the parcel, the requested Use Permit is consistent with General Plan Goals CON-10 and CON-11, as well as the policies mentioned above that support preservation and sustainable use of groundwater for agricultural and related purposes. The project will not require a new water system or other improvements and will not have a negative impact on local groundwater.

“B”

Recommended Conditions of Approval and Final Agency Approval Memos

Hillwalker Vineyards Winery Use Permit P23-00101-UP and Exception
to the Conservation Regulations P23-00239-UP
Planning Commission Hearing Date (August 7, 2024)

**PLANNING COMMISSION HEARING – AUGUST 7, 2024
RECOMMENDED CONDITIONS OF APPROVAL**

**HILLWALKER VINEYARDS USE PERMIT EXCEPTION TO THE CONSERVATION
REGULATIONS (P23-00239), EXCEPTION TO THE NAPA COUNTY ROAD AND STREET
STANDARDS, AND USE PERMIT APPLICATION (P23-00101)
1871 Mount Veeder Road, Napa, CA 94558
APNS 034-110-047, 034-100-020, 034-100-043, 034-110-059**

This permit encompasses and shall be limited to the project commonly known as Hillwalker Vineyards Winery Use Permit Exception to the Conservation Regulations P23-00101, Exception to the Napa County Road and Street Standards, and Use Permit Application, located at 1871 Mount Veeder Road. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved.

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

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

PART I

1.0 PROJECT SCOPE

The permit encompasses and shall be limited to:

- 1.1 Approval of an Exception to the Napa County Roads and Street Standards to allow for selective widening to three road sections (Stations STA 0+ 00 to STA 2+50, STA 25+ 50 to STA 28+00, and STA36+00 to end of driveway) pursuant to the plans dated March 14, 2024, prepared by Still water Civil Design.
- 1.2 Approval of a Use Permit to the Conservation Regulations to allow proposed driveway widening (Station STA 0+00 to STA 2+50) and turnouts that will encroach into the stream setback of an unnamed blue line creek at five (5) locations (STA 8+00, STA 12+00, STA 14+00, STA 17+50, and STA 19+50) pursuant to the plans dated March 14, 2024, prepared by Still water Civil Design.
- 1.3 Approval of a Use Permit for a 7,000 gallon per year winery to allow the following:
 - a. Convert a 1,500 sq. ft. residential cave to a commercial cave for wine production and storage only;

- b. Conduct visitation activities within an existing 298 sq. ft. covered patio area adjacent to the existing residence;
- c. Visitation, tours and tastings, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;
- d. On-premises consumption of wines as set forth in Condition of Approval No. 4.4 below;
- e. Two (2) fulltime and three (3) part-time employees during harvest and non-harvest seasons;
- f. Production and visitation hours between 10 a.m. and 6 p.m. Monday through Sunday;
- g. Convert the existing pool house restroom (80 sq. ft.) to an accessible restroom;
- h. Installation of a parking area with seven (7) parking stalls, including one (1) accessible stall and an electric vehicle charging station; and,
- i. Installation of a 2,500-gallon hold and haul tank for winery production wastewater.

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

2.0 STATUTORY AND CODE SECTION REFERENCES

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

3.0 MONITORING COSTS

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

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of a compliance deficiency is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed

until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation proceedings in accordance with the County Code.

PART II

4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

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

4.1 GENERAL PROVISIONS

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

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

Retail sales of wine shall be permitted as set forth in the County Code.

4.2 TOURS AND TASTINGS/VISITATION

Tours and tastings by appointment only as follows, with a weekly maximum of 113 visitors:

- a. Seven days per week, Monday through Sunday
- b. Frequency: 47 days of tours and tastings with up to 35 visitors maximum.
- c. Frequency: 306 days of tours and tastings with up to 19 visitors maximum.
- d. Frequency: 25 or more people will be allowed at the winery for a maximum of 59 days per year.
- e. Hours of visitation: 10:00 am to 6:00 pm

“Tours and tastings” means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings. To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (2:30 p.m. to 3:30 p.m. on weekdays and 2:00 p.m. to 3:00 p.m. on Saturdays and Sundays).

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

4.3 MARKETING

Marketing events shall be limited to the following:

- a. Private Food and Wine Tastings
 - 1. Frequency: 12 times per year
 - 2. Maximum number of persons: 45
 - 3. Time of Day: 10:00 a.m. to 10 p.m.
- b. All food for the marketing events will be catered and prepared off-site.
- c. No winery visits for tours and tastings will be held on the same day as a marketing event.

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

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

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

All marketing event activity, excluding quiet clean-up, shall cease by 10:00 p.m. If any event is held which will exceed the available on-site parking, the permittee shall prepare an event-specific parking plan which may include, but not be limited to, valet service or off-site parking and shuttle service to the winery.

Auction Napa Valley (ANV) events need not be included in a participating winery's marketing plan because they are covered by ANV's Category 5 Temporary Permit. The winery may utilize any ANV event authorized in this permit for another charitable event of similar size.

4.4 ON-PREMISES CONSUMPTION

In accordance with State law and the PBES Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises," on-premises consumption of wine produced on-site and purchased from the winery may occur solely in the 298 sq. ft. covered patio area adjacent to the existing

residence. Any and all visitation associated with on-premises consumption shall be subject to the maximum per person weekday and weekend daily tours and tastings visitation limitation and/or applicable limitations of permittee's marketing plan set forth in COA Nos.4.2 and 4.3 above.

4.5 RESIDENCE OR NON-WINERY STRUCTURES

Unless specifically authorized by this permit or a previously approved permit, the existing single-family residence, covered porch, garage, and swimming pool shall not be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery. If the residence is rented, it shall only be rented for periods of 30 days or more, pursuant to the County Code.

4.6 GRAPE SOURCE

At least 75% of the grapes used to make the winery's still wine or the still wine used by the winery to make sparkling wine shall be grown within Napa County. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the annual production is from Napa County grapes. The report shall recognize the Agriculture Commission's format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the PBES Department upon request, but shall be considered proprietary information and not available to the public.

4.7 COMPLIANCE REVIEW

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

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

4.8 RENTAL/LEASING

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

4.9 GROUND WATER MANAGEMENT - WELLS

This condition is implemented by the Planning, Building and Environmental Services Department:

The permittee shall be required (at the permittee's expense) to record well monitoring data (specifically, static water level no less than quarterly, and the volume of water no less than monthly). Such data will be provided to the County, if the PBES Director determines that substantial evidence¹ indicates that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. If data indicates the need for additional monitoring, and if the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

In order to support the County's groundwater monitoring program, well monitoring data as discussed above will be provided to the County if the Director of PBES determines that such data could be useful in supporting the County's groundwater monitoring program. The project well will be made available for inclusion in the groundwater monitoring network if the Director of PBES determines that the well could be useful in supporting the program.

In the event that changed circumstances or significant new information provide substantial evidence¹ that the groundwater system referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

4.10 AMPLIFIED MUSIC

There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.

4.11 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (2:30 p.m. to 3:30 p.m. on weekdays and 2:00 p.m. to 3:00 p.m. on Saturdays and Sundays). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

4.12 PARKING

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

¹ Substantial evidence is defined by case law as evidence that is of ponderable legal significance, reasonable in nature, credible and of solid value. The following constitute substantial evidence: facts, reasonable assumptions predicated on facts; and expert opinions supported by facts. Argument, speculation, unsubstantiated opinion or narrative, or clearly inaccurate or erroneous information do not constitute substantial evidence.

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

4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

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

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

4.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES

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

The permittee and/or designee shall obtain a tent permit from the Fire Department for any temporary structures utilized for authorized marketing events allowed per COA No. 4.3 above.

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

4.16 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, AND TRASH ENCLOSURE AREAS

- a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County. Lighting utilized during harvest activities is exempt from this requirement.
- b. All landscaping and outdoor screening, storage, and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items shall exceed the height of the screening. Exterior winery equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.
- c. The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The permittee shall obtain the written approval of the Planning Division prior to any change in paint colors that differs from the approved building permit. Highly reflective surfaces are prohibited.
- d. Designated trash enclosure areas shall be made available and properly maintained for intended use.

4.17 NO TEMPORARY SIGNS

Temporary off-site signage, such as “A-Frame” signs, is prohibited.

4.18 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – OPERATIONAL CONDITIONS

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

- a. Engineering Services Division operational conditions as stated in their Memorandum dated August 23, 2023.
- b. Engineering Services Division Road Exception Request conditions as stated in their Memorandum dated June 25, 2024.
- c. Environmental Health Division operational conditions as stated in their Memorandum dated April 9, 2024.
- d. Fire Department operational conditions as stated in their Inter-Office Memo dated August 22, 2023.
- e. Department of Fish and Wildlife letter dated July 31, 2024 (see Mitigation Measures incorporated in COA 6.12.d. through g.)

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

4.19 OPERATIONAL MITIGATION MEASURES **[RESERVED]**

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. The project area includes pool ancillary facilities, including but not limited to the pool deck area which shall not be available to winery visitors. For the pool and ancillary areas to be considered non-public, an enclosure compliant with Section 3119B must be constructed, separating the pool and ancillary areas from areas accessed by winery visitors.
- b. Greenhouse Gas Best Management Practices – Operational items checked on the attached Voluntary Best Management Practices Checklist for Development Projects, submitted by the applicant dated April 14, 2024, shall be implemented and evidence of implementation shall be provided to staff upon request.

4.21 PREVIOUS CONDITIONS **[RESERVED]**

PART III

5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

5.1 PAYMENT OF FEES

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

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

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

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

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

- a. Engineering Services Division operational conditions as stated in their Memorandum dated August 23, 2023.
- b. Engineering Services Division Road Exception Request conditions as stated in their Memorandum dated June 25, 2024.
- c. Environmental Health Division operational conditions as stated in their Memorandum dated April 9, 2024.
- d. Fire Department operational conditions as stated in their Inter-Office Memo dated August 22, 2024.
- e. Department of Fish and Wildlife letter dated July 31, 2024 (see Mitigation Measures incorporated in COA 6.12.d. through g.)

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

6.2 BUILDING DIVISION – GENERAL CONDITIONS

- a. A building permit shall be obtained for all construction occurring on the site not otherwise exempt by the California Building Code (CBC) or any State or local amendment adopted thereto.
- b. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities, a separate demolition permit shall be required from the Building Division prior to removal. The permittee shall provide a “J” number from the Bay Area Air Quality Management District (BAAQMD) at the time the permittee applies for a demolition permit if applicable.
- c. All areas of newly designed and newly constructed buildings, facilities and on-site improvements must comply with the CBC accessibility requirements, as well as, American with Disability Act requirements when applicable. When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided as required per the CBC.

6.3 LIGHTING – PLAN SUBMITTAL

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

6.4 LANDSCAPING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the building permit application package for the Planning Division’s review and approval prior to the issuance of any building permit associated with this Use Permit. The plan shall be prepared pursuant to the County’s Water Efficient Landscape Ordinance (Chapter 18.118 of the County Code) requirements in effect at the time of building permit application submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.
- b. Plant materials shall be purchased locally when practical, and to the greatest extent possible, the plant materials shall be the same native plants

found in Napa County. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

- c. No trees greater than 6" diameter at breast height shall be removed, except for those identified on the submitted site plan. Any Oak trees removed as a result of the project shall be replaced at a 2:1 ratio and shown on the landscaping plans for the Planning Division's review and approval. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.
- d. Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and any off-site residence from which these areas can be viewed.

6.5 COLORS

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

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

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

6.7 TRASH ENCLOSURES

Adequate area must be provided for collection and loading of garbage and recyclables generated by the project. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the pedestrian and vehicle access needed for the collection site. The garbage and recycling enclosure shall meet the minimum enclosure requirements

established by staff and the franchised hauler, which shall be included in the building permit submittal.

6.8 ADDRESSING

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

6.9 HISTORIC RESOURCES **[RESERVED]**

6.10 ACTIVITIES **[RESERVED]**

6.11 VIEWSHED – EXECUTION OF USE RESTRICTION **[RESERVED]**

6.12 PERMIT PREREQUISITE MITIGATION MEASURES

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

- a. Mitigation Measure AG-1 – The owner/permittee shall implement the following measure to comply with NCC Section 18.108.020 (D) 3:1 vegetation canopy cover preservation ratio. Prior to building permit issuance, a vegetation canopy cover area shall be identified on the subject property and shall permanently preserve a minimum of 0.7 acres of developable oak woodland (i.e., on land with slopes less than 30% and located outside of aquatic resource setbacks pursuant to NCC Sections 18.108.025 and 18.108.026), this area shall be identified as Vegetation Canopy Cover Preservation Area on the site plan prepared for the building permit. The vegetation canopy cover preservation area shall also be recorded with an easement or other similar mechanism prepared by Napa County.

Method of Monitoring: Prior to building permit issuance, a vegetation canopy cover area shall be identified on the subject property and shall permanently preserve a minimum of 0.7 acres of developable oak woodland (i.e., on land with slopes less than 30% and located outside of aquatic resource setbacks pursuant to NCC Sections 18.108.025 and 18.108.026), this area shall be identified as Vegetation Canopy Cover Preservation Area on the site plan prepared for the building permit. The vegetation canopy cover preservation area shall also be recorded with an easement or other similar mechanism prepared by Napa County.

Responsible Agency(ies): PBES

- b. Mitigation Measure BIO-1 – Northern Spotted Owl: Prior to the start of construction, a biologist would provide a training session for all work personnel to identify any sensitive species, including northern spotted owl, that may be in the area, their basic

habits, how they may be encountered in their work area, and procedures to follow when they are encountered. Any personnel joining the work crew later would receive the same training before beginning work. Upon completion of the education program, employees would sign a form stating they attended the program and understand all protection measures. A pamphlet that contains images of sensitive species that may occur within the project area, environmentally sensitive areas within the project area, key avoidance measures, and employee guidance would be given to each person who completes the training program. These forms would be made available to the resource agencies upon request.

Even though the presence of NSO within 330 feet of the project site is unlikely, the presence of this species in this area cannot be completely discounted. Therefore, to ensure that potential adverse noise or visual impacts on NSO are avoided and/or minimized, a preconstruction survey will be conducted in areas of potential NSO habitat within the 330-foot visual line of disturbance contour of the project site. The focus of the survey should be on the detection of the species and potential active nest sites that could be affected by proposed project work. If an active nest is found within the 330-foot contour visual line of disturbance, the start of construction will be delayed until the young have fledged. Young NSO generally leave the nest (that is, fledge) in late May or June. If an active nest is found within the 330-foot visual line of disturbance contour, it will be monitored by a qualified biologist to document when the young have left the nest and construction can start.

If project activities take place between February 1 and September 30, then a qualified biologist shall conduct a preconstruction survey for other nesting birds no more than 3-days before tree removal. If active nests are found, then an appropriate buffer would be established, and the nest would be monitored for compliance with the federal Migratory Bird Treaty Act and California Fish Game Code Section 3503.

No project work shall be conducted at night.

To minimize noise generated from the proposed action to the degree possible, all construction equipment, fixed or mobile, will be fitted with properly operating and maintained mufflers consistent with manufacturer's standards.

Method of Monitoring: If project activities take place between February 1 and September 30, then a qualified biologist shall conduct a preconstruction survey for other nesting birds no more than 3-days before tree removal. If active nests are found, then an appropriate buffer would be established, and the nest would be monitored for compliance with the federal Migratory Bird Treaty Act and California Fish Game Code Section 3503.

Responsible Agency(ies): PBES

- c. Mitigation Measure BIO-2 – California Giant Salamander, Foothill Yellow-Legged Frog and Western Pond Turtle: Prior to the start of construction, a biologist would provide a training session for all work personnel to identify any sensitive species, including California giant salamander, foothill yellow legged frog, western pond

turtle, and northern spotted owl that may be in the area, their basic habits, how they may be encountered in their work area, and procedures to follow when they are encountered. Any personnel joining the work crew later would receive the same training before beginning work. Upon completion of the education program, employees would sign a form stating they attended the program and understand all protection measures. A pamphlet that contains images of sensitive species that may occur within the project area, environmentally sensitive areas within the project area, key avoidance measures, and employee guidance would be given to each person who completes the training program. These forms would be made available to the resource agencies upon request.

No project work shall be conducted at night.

If logs, bark, or rocks are in the driveway improvement areas, a biological monitor shall be present during clearing and grubbing activities.

Install a temporary wildlife exclusion fence between the edge of the pond and driveway improvement locations to prevent animals from entering the work area.

Method of Monitoring: Prior to the start of construction, a biologist would provide a training session for all work personnel to identify any sensitive species, including California giant salamander, foothill yellow legged frog, western pond turtle, and northern spotted owl that may be in the area, their basic habits, how they may be encountered in their work area, and procedures to follow when they are encountered.

Responsible Agency(ies): PBES

- d. Mitigation Measure BIO-3 – Northern Spotted Owl Surveys: A qualified biologist shall provide an assessment of potential NSO nesting habitat within the Project area and a 0.25 mile radius and obtain CDFW’s written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between March 15 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the USFWS Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, Surveys for Disturbance-Only Projects. If breeding NSO are detected during surveys, a 0.25-mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW’s written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 15 and July 31 each year. Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled

Murrelets in Northwestern California, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW. If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal ESA.

- e. Mitigation Measure BIO-4 – Special-Status Herpetofauna: For all Project activities that occur within 500 feet of stream or wetland habitat, prior to ground-disturbing activities, a qualified biologist shall conduct a pre-construction survey within 48 hours prior to the start of Project activities, focusing on the presence of CGS, FYLF, and WPT and their nests. If any of these special-status species are discovered during the survey, Project activities shall not begin until CDFW has been consulted and approved in writing measures to avoid and minimize impacts to special-status species, and the measures have been implemented.
- f. Mitigation Measure BIO-5 – Pre-Project Special-Status Plant Surveys: Prior to the start of Project activities, a Qualified Biologist shall conduct a habitat assessment for special-status plants. If potential habitat for special-status plants is present, botanical surveys shall be conducted during the appropriate blooming period and conditions for all special-status plants that have the potential to occur within or near the Project where they may be directly or indirectly impacted by for example, modifications to hydrological conditions. More than one year of surveys during appropriate conditions may be necessary. Surveys and associated reporting shall be conducted according to CDFW's 2018 Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (See <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>), including visiting reference sites. The habitat assessment and survey reports shall be submitted to CDFW prior to the start of construction. Project activities shall not proceed until CDFW has provided written approval of the habitat assessment and survey reports. If any special-status plant species are observed, the Project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to Project activities. If impacts to special status plants cannot be avoided, the Project shall provide habitat compensation at a 3:1 mitigation to impact ratio including permanent protection of habitat through a conservation easement and funding and implementing a long-term management plan, prior to Project activities, unless otherwise approved in writing by CDFW.
- g. Mitigation Measure BIO-6 – Impacts to the Stream and placement, construction, and operation of the driveway modifications and tree removal: If impacts to the bed, bank, channel, and riparian area of the stream cannot be avoided, the Project shall notify CDFW for potential Project impacts to the ephemeral stream. More information for the notification process is available at <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>. The Project shall comply with all measures of the LSA, if issued, and shall not commence activities with potential to impact the stream until the LSA process has been completed.

Please be advised that a LSA, if issued for the Project, would likely include the above recommended mitigation measures, as applicable, and may include additional measures to protect fish and wildlife resources Riparian Areas: Prior to the commencement of Project Activities, the Project shall conduct a thorough assessment for potential impacts to the stream including, but not limited to, the placement, construction, and operation of the driveway modifications and tree removal. If impacts to the bed, bank, channel, and riparian area of the stream cannot be avoided, the Project shall notify CDFW for potential Project impacts to the ephemeral stream. More information for the notification process is available at <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>. The Project shall comply with all measures of the LSA, if issued, and shall not commence activities with potential to impact the stream until the LSA process has been completed. Please be advised that a LSA, if issued for the Project, would likely include the above recommended mitigation measures, as applicable, and may include additional measures to protect fish and wildlife resources.

While there may be a lack of documented occurrences on the Project site, CNDDDB is a positive sighting database; information on negative sightings is only included when it pertains to previously documented occurrences. It is important to emphasize that absence of data is not proof of absence. There are areas of the state that have not been surveyed or where data have not been submitted to the CNDDDB program. Just because a species has not been documented in the CNDDDB at a given location does not necessarily mean the species does not occur there. The absence of data in the CNDDDB is NOT proof of absence and does not constitute an adequate basis for determining lack of presence (CDFW 2020). CNDDDB shows 11 special-status plant species occurring within 5 miles of the Project area. The MND does not include or discuss impacts to special-status plant species resulting from Project activities including driveway modifications and tree removal, nor was an adequate scientific methodology utilized for a special-status plant assessment. Specific impacts and why they may occur and be significant: If survey protocols and results for special-status plants are not fully reported, impacts may go undetected, and state listed plants or other plants considered rare per CEQA guidelines section 15380 could be taken. Therefore, the presence of Special Status plants in the project area cannot be completely ruled out. Mitigation Measure BIO-5 would reduce impacts to Special Status plants to less than significant.

The Project includes installing turnouts and widening sections on a driveway which runs adjacent to and crosses over an unnamed tributary of Pickle Creek at two culverted sections. A total of 10 trees have been identified for complete or partial removal as part of the driveway modification project. The stream and adjoining riparian habitat is subject to CDFW jurisdiction and Fish and Game Code 1602 et. seq, notwithstanding seasonality of flows. Specific impacts and why they may occur and be significant: Construction activities and tree removal pose numerous threats to streams and the habitats they support. Impacts include

inputs of deleterious materials, removal of riparian vegetation, obstructions and diversions, equipment staging and operation, and disturbances to riparian corridors, special-status wildlife and their habitats, and nesting birds. In order for the Project to consider impacts to the stream and riparian habitat resulting from the driveway modifications and tree removal, the implementation of Mitigation Measure BIO-6, considering impacts to the stream and placement, construction, and operation of the driveway modifications and tree removal would result in a less than significant impact to biological resources.

6.13 PARCEL CHANGE REQUIREMENTS **[RESERVED]**

6.14 FINAL MAPS **[RESERVED]**

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

- a. The project area includes pool ancillary facilities, including but not limited to the pool deck area which shall not be available to winery visitors. For the pool and ancillary areas to be considered non-public, an enclosure compliant with Section 3119B must be constructed, separating the pool and ancillary areas from areas accessed by winery visitors.
- b. In conjunction with building permit application submittal, the permittee shall not include natural gas appliances or natural gas plumbing within new buildings or the renovation of existing buildings.
- c. In conjunction with building permit application submittal, the project shall comply with electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
- d. In conjunction with building permit application submittal, the permittee shall provide documentation confirming to the Planning Division that all checked Voluntary Best Management Practices Measures submitted with the project Use Permit application shall be addressed through project construction and/or implemented through winery operation.

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 **SITE IMPROVEMENTS**

Please contact Engineering Services with any questions regarding the following.

a. **GRADING AND SPOILS**

All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by the PBES Director, when such alternative locations do not change the overall concept, and do

not conflict with any environmental mitigation measures or conditions of approval.

b. DUST CONTROL

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

c. AIR QUALITY

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

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

http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. **STORM WATER CONTROL**

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

7.2 **ARCHEOLOGICAL FINDING**

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

If human remains are encountered during project development, all work in the vicinity must be halted, and the Napa County Coroner informed, so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the permittee shall comply with the requirements of Public Resources Code Section 5097.98.

7.3 **CONSTRUCTION NOISE**

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

7.4 **CONSTRUCTION MITIGATION MEASURES [RESERVED]**

7.5 **OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL [RESERVED]**

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES

A Temporary Certificate of Occupancy (TCO) may be granted pursuant to the County Code to allow the commencement of production activities prior to completion of all project improvements. Permittee shall comply with the following before a TCO is granted:

8.1 **TEMPORARY OCCUPANCY**

All life and safety conditions shall be addressed prior to issuance of a TCO by the County Building Official. TCOs shall not be used for the occupancy of hospitality buildings and shall not exceed the maximum time allowed by the County Code which is 180 days. Departments and/or agencies with jurisdiction over the project are authorized as part of the TCO process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

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

9.1 FINAL OCCUPANCY

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

9.2 SIGNS

Detailed plans, including elevations, materials, color, and lighting for any winery identification or directional signs shall be submitted to the Department for administrative review and approval prior to installation. Administrative review and approval is not required if signage to be installed is consistent with signage plans submitted, reviewed and approved as part of this permit approval. All signs shall meet the design standards as set forth in the County Code. At least one legible sign shall be placed at the property entrance with the words “Tours and Tasting by Prior Appointment Only” to inform the public of same. Any off-site signs allowed shall be in conformance with the County Code.

9.3 GATES/ENTRY STRUCTURES

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

9.4 LANDSCAPING

Landscaping shall be installed in accordance with the approved landscaping plan.

9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS [RESERVED]

9.6 DEMOLITION ACTIVITIES [RESERVED]

9.7 GRADING SPOILS

All spoils shall be removed in accordance with the approved grading permit and/or building permit.

9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**

9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY

- a. All required parking spaces shall be marked in compliance with the County's Road and Street Standards for a total of seven (7) parking spaces.
- b. Temporary fencing, required above, shall be removed prior to final occupancy.



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MEMORANDUM

To: Wendy Atkins, Planning	From: Raulton Haye, Engineering
Date: August 23, 2023	Re: P23-00101 Hillwalker Winery APN: 034-110-047

The Engineering Division has reviewed the use permit application P23-00101 for the proposed Winery Use Permit located on assessor’s parcel number 034-110-047. Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

RECOMMENDED APPROVAL CONDITIONS:

OPERATIONAL CHARACTERISTICS

1. The facility is designated as a discharger that discharges stormwater associated with industrial activity to waters of the United States. Therefore, the facility shall maintain or apply for coverage under the State Water Resources Control Board’s Industrial General Permit (IGP), including meeting all applicable provision and protocols of the IGP. If the facility fails to meet the discharge prohibitions of the IGP, Napa County may require the facility to make the necessary improvements to eliminate all exposures to stormwater of the pollutant(s) for which the water body is impaired.

PREREQUISITES FOR ISSUANCE OF PERMITS

2. Any roadway, access driveway, and parking areas, proposed new or reconstructed shall meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for Commercial development at the time of use permit approval. The property owner shall obtain a grading permit for all proposed roadway improvements.
3. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.

4. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code.
5. **Prior to issuance of a building permit** the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December 2014.
6. **Prior to issuance of a building permit** the owner shall prepare a Regulated Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
7. **Prior to issuance of a building permit**, an Operation and Maintenance Plan shall be submitted and tentatively approved by the Engineering Division in PBES. **Before final occupancy** the property owner must legally record the "Operation and Maintenance Agreement", approved by the Engineering Division in PBES.

PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

8. All roadway improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit. **** If no temporary occupancy is requested, then this becomes a requirement prior to final occupancy.**

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

9. Operations and Maintenance Agreement for post construction Stormwater facilities must be legally recorded.
10. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items, please contact Raulton Haye from Napa County Planning, Building, and Environmental Services Department, Engineering Division, at (707)253-4621 or by email at Rauton.Haye@countyofnapa.org



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Brian D Bordona
Director

MEMORANDUM

To: Wendy Atkins, Planning	From: Raulton Haye, Engineering
Date: June 25, 2024	Re: P23-00101 Hillwalker Winery Road Exception Evaluation APN: 034-100-020,-043, 034-110-047, -059

ROAD EXCEPTION REQUEST:

The Engineering Services Division received a request for an exception to the Napa County Road and Street Standards (NCRSS) for the shared access road serving the proposed winery located at 1871 Mt. Veeder Road, Napa CA.

The subject parcel is served by an existing gravel road that starts at the intersection of Mt. Veeder Road. From Mt Veeder Road, the road runs adjacent to a blueline stream for about 2200 ft, and then meanders to terminate its 4400 ft length at the proposed site. The Napa County Road and Street Standards (NCRSS) requires a 22ft minimum width for roads serving commercial uses such as this proposed winery. The majority of the existing road does not meet the minimum width requirement. The Hillwalker Winery project is seeking exception to the NCRSS to accommodate environmental and physical constraints that present challenging obstacles to the installation of a fully compliant road. The Engineering and Fire Divisions have visited the site to evaluate the exception request.

Driveway Exception Request

STA 2+50 to 25+50

The Napa County Road and Street Standards (NCRSS) requires a 22ft minimum width for commercial access roads. This segment of the road is constrained by steep slopes and an adjacent blueline stream that runs parallel to the road. These existing conditions prevent road expansion to the compliant width. Six turnouts are proposed for this segment, five of the six turnouts are spaced only 300 ft apart. Only the last two turnouts have a 500ft interval between them. Turnouts are placed to ensure intervisibility and, vegetation removal and maintenance will be performed to maintain clear sight lines along the road and between turnouts. These measures will serve to provide the same overall practical towards providing defensible space, in accordance with the SRA Fire Safe Regulations.

STA 28+00 to 36+00

The Napa County Road and Street Standards (NCRSS) requires a 22ft minimum width for commercial access roads. This segment of the road is constrained by steep slopes exceeding 30%, prohibiting road expansion to the compliant minimum width. Three turnouts are proposed for this 800ft segment. There is a 200ft interval between turnouts and, they are placed to be inter-visible. Vegetation removal and maintenance will be performed to maintain clear sight lines along the road and between turnouts. These measures will serve to provide the same overall practical towards providing defensible space, consistent with the SRA Fire Safe Regulations.

STAs 0+00 to 2+50, 25+50 to 28+00 and 36+00 to 44+00

Exceptions are not being requested for these segments; a standard roadway width will be installed.

ENGINEERING DIVISION EVALUATION AND RECOMMENDATION:

Engineering Division staff has reviewed the Request noted above with the applicant's authorized agents, Engineering staff and the Fire Marshal's office. With respect to Section (3) of the NCRSS as adopted by Resolution No. 2023-059 by the Board of Supervisors on April 18, 2023, this division has determined that the applicant has met the provisions for an exception to the NCRSS. The proposed improvement achieves the same overall practical effect by installing inter-visible turnouts along sub-standard segments of the road, and implementing vegetation management measures to maintain line of sight. The applicant will also consider implementing additional mitigation measures which includes signage at the beginning of the access road at Mt Veeder to indicate distances, fire water connections and fire water volume.

Any changes in use or design may necessitate additional review and approval. If you have any questions regarding the above items please contact Raulton Haye from Napa County PBES Department Engineering Division at (707) 253-4621 or via e-mail at raulton.haye@countyofnapa.org



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**Brian Bordona
Director**

MEMORANDUM

MSB

To: Wendy Atkins, Project Planner	From: Maureen S. Bown, Senior Environmental Health Specialist
Date: April 9, 2024	Re: Hillwalker Vineyards Winery- Use Permit 1871 Mount Veeder Road, Napa APN 034-110-047-000 P23- 00101

This Division has reviewed an application requesting approval to construct new 7,000 gallon winery as depicted in application materials. This Division has no objection to approval of the application with the following conditions of approval:

Prior to issuance of building permits:

1. Plans for the proposed process wastewater Hold and Haul system and reserve area, as described in the Onsite Wastewater Disposal Feasibility Report, dated February 8, 2024, shall be submitted for review and approval by this Division. No building clearance for any structure that generates process wastewater to be disposed of by this system will be approved until such plans are approved by this Division.
2. Permits to construct the process wastewater Hold and Haul system must be secured from this Division prior to approval of a building permit for any structure that generates wastewater to be disposed of by this system.
3. The water system to serve this residence and winery is not currently required to be regulated as a small public water system by this Division under California Code of Regulations, Title 22, or Napa County Code. The applicant will be required to provide a Declaration, prior to approval of a building permit.
4. Prior to the approval of a building permit, a current inspection/monitoring report of the Alternative Treatment Sewage System must be available, and the system must be in good working order and in compliance with the Annual Operating Permit requirements.

Prior to granting final occupancy:

5. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.

Upon final occupancy and thereafter:

6. Food service will be catered; therefore, all food must be prepared and served by a Napa County permitted caterer. If the caterer selected does not possess a valid Napa County Permit to operate, refer the business to this Division for assistance in obtaining the required permit prior to providing any food service.
7. The winery must comply with California Health and Safety Codes- HSC 118375, 118380.
8. A commercial food facility is not included in this project.
9. The existing pool will be used for residential purposes only.
10. Adequate area must be provided for collection of recyclables. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site. The garbage and recycling enclosure must meet the enclosure requirements provided during use permit process and be included on the building permit submittal. The designated area shall remain available and be properly maintained for its intended use.
11. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that store hazardous materials above threshold planning quantities (55 gallons liquid, 200 cubic feet compressed gas, or 500 pounds of solids) shall obtain a permit, file an approved Hazardous Materials Business Plan to <http://cers.calepa.ca.gov/>, and be approved by this Division within 30 days of said activities.
12. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors, and odors.
13. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system, the plan submitted for review and approval must address bentonite disposal.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



July 31, 2024

Wendy Atkins, Planner II
County of Napa
1195 Third Street
Napa, CA 94559
Wendy.Atkins@CountyofNapa.org

Subject: Hillwalker Vineyards Winery Use Permit #P23-00101-UP, Exception to the NCRSS, and Use Permit Exception to the Conservation Regulations P23-00239-UP, Mitigated Negative Declaration, SCH No. 2024070222, Napa County

Dear Ms. Atkins:

The California Department of Fish and Wildlife (CDFW) received a Notification of Intent to adopt a Mitigated Negative Declaration (MND) from the County of Napa (County) for the Hillwalker Vineyards Winery Use Permit #P23-00101-UP, Exception to the NCRSS, and Use Permit Exception to the Conservation Regulations P23-00239-UP (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

CDFW is submitting comments on the MND to inform the County, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Lake and Streambed Alteration (LSA) Agreement, or other provisions of the Fish and Game Code that afford protection to the state’s fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Proponent: Kevin Morrison, Hillwalker Vineyards Winery

Objective: Develop a new winery including the following: 1) conversion of a 1,500-square foot (sq. ft.) residential cave to a commercial cave for wine production and

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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storage; 2) conducting visitation activities in an existing unenclosed 298-sq. ft. covered patio area and allowing on-site consumption in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 (AB2004-Evans Bill); 3) provide on-site parking for 7 vehicles including an accessible parking space and an electric vehicle charging station; and, 4) installation of a 2,500-gallon hold and haul tank for winery process wastewater and 5) modifications to the existing driveway with the construction of 9 turnout shoulders and 3 areas of driveway widening, involving the removal of native trees and vegetation.

Location: The Project is located on approximately 20.46 acres at 1871 Mount Veeder Road, in unincorporated Napa County; and at approximately 38.35265 °N, -122.3983 °W; at Assessor Parcel Number (APN) 034-110-047. Access to the property is through APNs 034- 110-029 and 034-100-020. The driveway follows an unnamed tributary of Pickle Creek.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in “take” of plants or animals listed under CESA, either during construction or over the life of the Project. **The Project has the potential to impact Northern spotted owl (*Strix occidentalis caurina*), CESA listed as threatened species, as further described below.** Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065.). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency’s FOC does not eliminate the Project proponent’s obligation to comply with CESA.

Lake and Streambed Alteration

An LSA Notification, pursuant to Fish and Game Code section 1600 et. seq. is required for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a

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river, lake or stream. **The Project has potential to impact an unnamed tributary of Pickle Creek and therefore, an LSA Notification may be needed, as further described below.** Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to LSA notification requirements. CDFW, as a Responsible Agency under CEQA, would consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

Raptors and Other Nesting Birds

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including the below recommendations and those in the Draft Mitigation, Monitoring and Reporting Program (Attachment 1), CDFW concludes that an MND is appropriate for the Project.

Mitigation Measure Related Impact Shortcomings

MANDATORY FINDING OF SIGNIFICANCE. Does the Project have potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species?

AND

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS)?

COMMENT 1: Northern Spotted Owl

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Issue: Thank you for providing the Northern Spotted Owl (NSO) Habitat Assessment, which concludes on page 5 that while "...there are four activity centers within a 2-mile radius of the project site.", "...the oak woodland within 330 feet of the project site does not appear to provide suitable nesting and/or diurnal roosting habitat for NSO due to its generally low stature and lack of large multi-canopied trees; however, this woodland could provide nocturnal foraging and dispersal habitat for NSO." Regarding habitat and trees along the driveway, the NSO Habitat Assessment (page 5) states that "The 11 trees proposed for removal average between 1 and 6 inches in diameter at breast height, are adjacent to an existing active driveway, and are too small to provide suitable NSO nesting and/or diurnal roosting habitat." This is inconsistent with the provided Table A of the assessment which includes 12 trees with diameters at breast height ranging from 6 to 12 inches. Furthermore, **this assessment did not analyze or survey for NSO occurrence within a 0.25-mile radius from the Project site** as described in the *Protocol for Surveying Proposed Management Activities that May Impact Northern Spotted Owls* (USFWS 2012). NSO can be impacted through visual or auditory disturbance up to 0.25 miles away from a project. Although typically associated with old-growth or mature forests, NSO can utilize a wide variety of forested habitat types. While typical NSO habitat characteristics include a multi-storied structure and high canopy cover (Press et al. 2010), NSO exhibit flexibility in their use of different forested areas for nesting, roosting, and feeding requirements. Finally, 2024 Google Earth satellite imagery suggests that potential habitat, including multi-storied structure and a high canopy, appears to occur within 0.25 miles of Project area, including the areas slated for driveway modifications and development for the winery. Based on this data, there is reasonable potential for NSO nesting habitat to be present within 0.25 miles of the Project.

Specific impacts and why they may occur and be significant: If active NSO nests are not detected within the 0.25-mile range of potential disturbance, NSO could be impacted by Project activities resulting in nest abandonment and loss of eggs or reduced health and vigor and loss of young, thereby substantially reducing the number of the species. NSO is CESA listed as a threatened species and is also listed under the federal Endangered Species Act (ESA), and therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. Therefore, if an active NSO nest is disturbed by the Project, the Project may result in a substantial reduction in the number of a threatened species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommendation: To reduce impacts to NSO to less-than-significant and comply with CESA, CDFW recommends that the MND include an analysis of potential impacts to NSO and add the below mitigation measure.

Mitigation Measure BIO-1 Northern Spotted Owl Surveys: A qualified biologist shall provide an assessment of potential NSO nesting habitat within the Project area and a

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0.25-mile radius and obtain CDFW's written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between March 15 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the USFWS *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls*, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, *Surveys for Disturbance-Only Projects*. If breeding NSO are detected during surveys, a 0.25-mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 15 and July 31 each year.

Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, *Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California*, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.

If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal ESA.

COMMENT 2: Special-Status Herpetofauna

Issue: Thank you for including in the MND and Biological Habitat Assessment (BHA) a discussion on nearby occurrences and potential for impacts to special-status herpetofauna including California giant salamander (*Dicamptodon ensatus*, CGS), foothill yellow legged frog (*Rana boylei*, FYLF), and western pond turtle (*Actinemys marmorata*, WPT). The MND (page 30) states that "Construction activities could temporarily preclude the movement of some wildlife including small mammals, reptiles, and amphibians. However, after the driveway improvements are constructed, wildlife that may move across the site would be able to continue to do so. In addition, the California giant salamander, Foothill yellow-legged frog, and Western pond turtle are not expected to be within the compacted gravel driveway improvement areas or ephemeral drainage...". However, the MND and Mitigation Measure BIO-2 do not include methodology for the detection and avoidance of these species.

Specific impacts and why they may occur and be significant: The Project could impact stream or upland dispersal habitat or refugia for the above special-status herpetofauna through vegetation removal and construction activities, potentially injuring or killing them. Individual western pond turtles, a Species of Special Concern (SSC) can move more than four miles up or down stream; therefore, the Project site is within the

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mobility range of other western pond turtle California Natural Diversity Database (CNDDDB) documented observations (Holland 1994). The species may also survive outside of aquatic habitat for several months in uplands up to several hundred feet from aquatic habitat (Purcell et al. 2017; Zaragoza et al. 2015). Foothill yellow-legged frogs, SSC, have been documented moving up to 500 feet from the wetted channel of a stream across upland habitat (CDFW 2018). Based on the above information, if these special-status herpetofauna occur within the Project area, Project impacts to special-status herpetofauna would be potentially significant.

Recommended Mitigation Measure: For an adequate environmental setting and to reduce impacts to special-status plants to less-than-significant, CDFW recommends including the below mitigation measure in the MND.

Mitigation Measure BIO-2 Special-status Herpetofauna: For all Project activities that occur within 500 feet of stream or wetland habitat, prior to ground-disturbing activities, a qualified biologist shall conduct a pre-construction survey within 48 hours prior to the start of Project activities, focusing on the presence of CGS, FYLF, and WPT and their nests. If any of these special-status species are discovered during the survey, Project activities shall not begin until CDFW has been consulted and approved in writing measures to avoid and minimize impacts to special-status species, and the measures have been implemented. If California red-legged frog is encountered, the Project shall consult with USFWS pursuant to the federal ESA and obtain any required authorization for impacts.

I. Environmental Setting Related Impact Shortcomings

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS?

COMMENT 3: Special-Status Plants

Issue: The MND (page 9) states that “According to County of Napa Environmental Mapping (CNDDDB layer) there are no Special Species plants on the parcel.” While there may be a lack of documented occurrences on the Project site, CNDDDB is a positive sighting database; information on negative sightings is only included when it pertains to previously documented occurrences. It is important to emphasize that absence of data is not proof of absence. There are areas of the state that have not been surveyed or where data have not been submitted to the CNDDDB program. Just because a species has not been documented in the CNDDDB at a given location does not necessarily mean the species does not occur there. The absence of data in the CNDDDB is NOT proof of absence and does not constitute an adequate basis for determining lack of presence

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(CDFW 2020). CNDDDB shows 11 special-status plant species occurring within 5 miles of the Project area. The MND does not include or discuss impacts to special-status plant species resulting from Project activities including driveway modifications and tree removal, nor was an adequate scientific methodology utilized for a special-status plant assessment.

Specific impacts and why they may occur and be significant: If survey protocols and results for special-status plants are not fully reported, impacts may go undetected, and state listed plants or other plants considered rare per CEQA guidelines section 15380 could be taken. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065.).

Recommended Mitigation Measure: For an adequate environmental setting and to reduce impacts to special-status plants listed above to less-than-significant, CDFW recommends incorporating the below mitigation measure.

Mitigation Measure BIO-3 Pre-Project Special-Status Plant Surveys: Prior to the start of Project activities, a Qualified Biologist shall conduct a habitat assessment for special-status plants. If potential habitat for special-status plants is present, botanical surveys shall be conducted during the appropriate blooming period and conditions for all special-status plants that have the potential to occur within or near the Project where they may be directly or indirectly impacted by for example, modifications to hydrological conditions. More than one year of surveys during appropriate conditions may be necessary. Surveys and associated reporting shall be conducted according to CDFW's 2018 Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>), including visiting reference sites. The habitat assessment and survey reports shall be submitted to CDFW prior to the start of construction. Project activities shall not proceed until CDFW has provided written approval of the habitat assessment and survey reports. If any special-status plant species are observed, the Project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to Project activities. If impacts to special-status plants cannot be avoided, the Project shall provide habitat compensation at a 3:1 mitigation to impact ratio including permanent protection of habitat through a conservation easement and funding and implementing a long-term management plan, prior to Project activities, unless otherwise approved in writing by CDFW.

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?

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COMMENT 4: Stream Alteration

Issue: According to the BHA (page 3 and Figure 2), The Project includes installing turnouts and widening sections on a driveway which runs adjacent to and crosses over an unnamed tributary of Pickle Creek at two culverted sections. The BHA also states that “A total of 11 trees have been identified for complete or partial removal as part of the driveway modification project.” It’s not clear that the Project has considered impacts to the stream and riparian habitat resulting from the driveway modifications and tree removal. Please be advised that the stream and adjoining riparian habitat is subject to CDFW jurisdiction and Fish and Game Code 1602 et. seq, notwithstanding seasonality of flows.

Specific impacts and why they may occur and be significant: Construction activities and tree removal pose numerous threats to streams and the habitats they support. Impacts include inputs of deleterious materials, removal of riparian vegetation, obstructions and diversions, equipment staging and operation, and disturbances to riparian corridors, special-status wildlife and their habitats, and nesting birds.

Recommendation: To comply with Fish and Game Code section 1600 et seq., CDFW recommends including the below mitigation measure.

Mitigation Measure BIO-4 Impacts to the Stream and Riparian Areas: Prior to the commencement of Project Activities, the Project shall conduct a thorough assessment for potential impacts to the stream including, but not limited to, the placement, construction, and operation of the driveway modifications and tree removal. If impacts to the bed, bank, channel, and riparian area of the stream cannot be avoided, the Project shall notify CDFW for potential Project impacts to the ephemeral stream. More information for the notification process is available at <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>. The Project shall comply with all measures of the LSA, if issued, and shall not commence activities with potential to impact the stream until the LSA process has been completed. Impacts to waters, wetlands, and riparian areas subject to the permitting authority of CDFW shall be mitigated by providing compensatory mitigation at a minimum 3:1 ratio in area for permanent impacts and 1:1 ratio for temporary impacts, unless otherwise approved in writing by CDFW.

Please be advised that an LSA, if issued for the Project, would likely include the above recommended mitigation measures, as applicable, and may include additional measures to protect fish and wildlife resources.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make

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subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (See Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Nicholas Magnuson, Environmental Scientist at (707) 815-4166 or Nicholas.Magnuson@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2024070222)

REFERENCES

CDFW. 2018. Considerations for Conserving the Foothill Yellow-Legged Frog.
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157562&inline>

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CNDDDB. 2020. California Natural Diversity Database (CNDDDB) Management Framework. California Department of Fish and Wildlife. Sacramento, CA

Holland, Dan C. 1994. The western pond turtle: habitat and history. Unpublished final report, U. S. Dept. of Energy, Portland, Oregon.

Press, D., D. Adams, H. Jensen, K. Fehring, W. Merkle, M. Koenen, and L. A. Starcevich. 2010. San Francisco Bay Area Network northern spotted owl monitoring protocol: Version 6.4. Natural Resource Report NPS/SFAN/NRR—2010/245. National Park Service, Fort Collins, Colorado.

Purcell, Kathryn L.; McGregor, Eric L.; Calderala, Kathryn. 2017. Effects of drought on western pond turtle survival and movement patterns. *Journal of Fish and Wildlife Management*. 8(1): 15-27.

Zaragoza, George; Rose, Jonathan P.; Purcell, Kathryn.; Todd, Brian. 2015. Terrestrial habitat use by western pond turtles (*Actinemys marmorata*) in the Sierra Foothills. *Journal of Herpetology*. 49(3): 437-441.

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ATTACHMENT 1

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following mitigation measure (MM) language to be incorporated into the MMRP for the Project.

Biological Resources (BR)			
Mitigation Measure (MM)	Description	Timing	Responsible Party
MM BIO-1	<p>MM BIO-1 Northern Spotted Owl Surveys: A qualified biologist shall provide an assessment of potential NSO nesting habitat within the Project area and a 0.25 mile radius and obtain CDFW’s written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between March 15 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the USFWS <i>Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls</i>, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, <i>Surveys for Disturbance-Only Projects</i>. If breeding NSO are detected during surveys, a 0.25-mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW’s written acceptance of the</p>	Prior to Ground Disturbance	Project Applicant

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	<p>qualified biologist and survey report prior to Project construction occurring between March 15 and July 31 each year.</p> <p>Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, <i>Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California</i>, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.</p> <p>If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal ESA.</p>		
<p>MM BIO-2</p>	<p>MM BIO-2 Special-status Herpetofauna: For all Project activities that occur within 500 feet of stream or wetland habitat, prior to ground-disturbing activities, a qualified biologist shall conduct a pre-construction survey within 48 hours prior to the start of Project activities, focusing on the presence of CGS, FYLF, and WPT and their nests. If any of these special-status species are discovered during the survey, Project activities shall not begin until CDFW has been consulted and approved in writing measures to avoid and minimize impacts to special-status species, and the measures have been implemented.</p>	<p>Prior to Ground Disturbance and continuing over the course of the Project</p>	<p>Project Applicant</p>
<p>MM BIO-3</p>	<p>Mitigation Measure BIO-3: Pre-Project Special-Status Plant Surveys: Prior to the start of Project activities, a Qualified Biologist shall conduct a habitat assessment for special-status plants. If potential habitat for special-status plants is present, botanical surveys shall be conducted during the appropriate</p>	<p>Prior to Ground Disturbance and continuing over the</p>	<p>Project Applicant</p>

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	<p>blooming period and conditions for all special-status plants that have the potential to occur within or near the Project where they may be directly or indirectly impacted by for example, modifications to hydrological conditions. More than one year of surveys during appropriate conditions may be necessary. Surveys and associated reporting shall be conducted according to CDFW's 2018 <i>Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities</i> (See https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline), including visiting reference sites. The habitat assessment and survey reports shall be submitted to CDFW prior to the start of construction. Project activities shall not proceed until CDFW has provided written approval of the habitat assessment and survey reports. If any special-status plant species are observed, the Project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to Project activities. If impacts to special-status plants cannot be avoided, the Project shall provide habitat compensation at a 3:1 mitigation to impact ratio including permanent protection of habitat through a conservation easement and funding and implementing a long-term management plan, prior to Project activities, unless otherwise approved in writing by CDFW.</p>	<p>course of the Project</p>	
<p>MM BIO-4</p>	<p>MM BIO-4: Impacts to the Stream and Riparian Areas: Prior to the commencement of Project Activities, the Project shall conduct a thorough assessment for potential impacts to the stream including, but not limited to, the</p>	<p>Prior to Ground Disturbance and continuing over the</p>	<p>Project Applicant</p>

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	<p>placement, construction, and operation of the driveway modifications and tree removal. If impacts to the bed, bank, channel, and riparian area of the stream cannot be avoided, the Project shall notify CDFW for potential Project impacts to the ephemeral stream. More information for the notification process is available at https://wildlife.ca.gov/Conservation/Environmental-Review/LSA. The Project shall comply with all measures of the LSA, if issued, and shall not commence activities with potential to impact the stream until the LSA process has been completed.</p> <p>Please be advised that a LSA, if issued for the Project, would likely include the above recommended mitigation measures, as applicable, and may include additional measures to protect fish and wildlife resources</p>	course of the Project	
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**COUNTY OF NAPA
PLANNING, BUILDING AND ENVIRONMENTAL SERVICES DEPARTMENT
1195 THIRD STREET SUITE 210
NAPA, CA 94559
(707) 253-4417**

**Initial Study Checklist
(form updated January 2019)**

State Clearinghouse # 2024070222

1. **Project Title:** Hillwalker Vineyards Winery Use Permit #P23-00101-UP, Exception to the Napa County Road & Street Standards, and Use Permit Exception to the Conservation Regulations #P23-00239-UP
2. **Property Owner:** Kevin Morrison, 405 Alexander Avenue, Larkspur, CA 94939. Phone: (415) 509-4739 or email: kmo@hillwalkervineyards.com
3. **County Contact Person, Phone Number and email:** Wendy Atkins, Planner II, Planning, Building & Environmental Services, 1195 Third Street, Second Floor, CA 94559. Phone: (707) 259-8757 or email: wendy.atkins@countyofnapa.org
4. **Project Location and Assessor's Parcel Number (APNs):** The project is located on approximately 20.46 acres within the AW (Agricultural Watershed) zoning district at 1871 Mt. Veeder Road, Napa. APN 034-110-047. Access to the property is through APNs 034-100-020, 034-110-059, and 034-100-043.
5. **Project sponsor's name and address:** Kevin Morrison, 405 Alexander Avenue, Larkspur, CA 94939. (415) 509-4739 or email: kmo@hillwalkervineyards.com
6. **General Plan description:** Agriculture, Watershed and Open Space (AWOS)
7. **Zoning:** AW (Agricultural Watershed)
8. **Background/Project History:** The Project parcel has contained 4.5 acres of vineyards for many decades, five (5) wells, as well as several stands of mature native trees. Additional site improvements include a 3,100 sq. ft. residence, septic leach field and septic reserve area, a spring fed cistern, detached garage, pool house, pool, residence septic pretreatment area 3,000 gallon septic/recirculation tank and 1,500 gallon dosing tank, and a 1,500 sq. ft. residential cave. On August 20, 2019, a Home Occupation Permit (P19-00341) was approved to allow an ±100 sq. ft. portion of the existing ±3,100 sq. ft. residence, with limited storage as an office, for order taking and record keeping in association with wine brokerage sales as a home occupation in compliance with Section 18.08.310 and 18.104.090 of the Napa County Code.
9. **Description of Project:** Approval of a Use Permit to allow a new 7,000-gallon winery with the following characteristics:
 - a. Convert a 1,500 sq. ft. residential cave to a commercial cave for wine production and storage only.
 - b. Conduct visitation activities within a 298 sq. ft. patio area and allow on-site consumption in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 (AB2004-Evans Bill).
 - c. Tours and tastings by appointment only as follows, with a weekly maximum of 113 visitors:
 - 47 days of tours and tastings with up to 35 visitors.
 - 306 days of tours and tastings with up to 19 visitors.
 - 25 or more people will be allowed at the winery for a maximum of 59 days per year.
 - d. A marketing program of 12 marketing events per year with up to 45 guests at each event.
 - e. Two (2) fulltime and three (3) part-time employees during harvest and non-harvest seasons.
 - f. Production and visitation hours between 10 a.m. and 6 p.m. Monday through Sunday.
 - g. Convert the existing pool house restroom (80 sq. ft.) to an accessible restroom.
 - h. Construction of a parking area with seven (7) parking stalls, including an accessible parking stall and an electric vehicle charging

station.

- i. Installation of a 2,500-gallon hold and haul tank for winery process wastewater.

The request also includes an exception to the Napa County Road & Street Standards (RSS) from the commercial driveway width standard of 22-feet for two stretches totaling approximately 2,100-feet of the 4,400-foot-long access road where the roadway width is 14-feet and is located within a stream setback and abuts steep slopes.

An Exception to the Conservation Regulations in the form of a Use Permit is also being requested to allow road improvements within the required 105-foot setback from a blueline stream.

10. **Describe the environmental setting and surrounding land uses.**

The 20.46-acre project site is located approximately 1,740 feet from the south side of Mt. Veeder Road, and zoned Agricultural Watershed. Approximately 4.5 of the 20.46 acres are planted in vineyards and are producing and currently being sold. Native vegetation in the area consists of canyon live oak (*Quercus chrysolepis*), California black oak (*Quercus kelloggii*), coast live oak (*Quercus agrifolia*), California buckeye (*Aesculus californium*), bigleaf maple (*Acer macrophyllum*), California madrone (*Arbutus menziesii*), tanoak (*Litocarpus densiflorus*), California bay (*Umbellularia californica*), and scattered small Douglas fir (*Pseudotsuga menziesii*). The soils on site are Bressa-Dibble Complex (15 to 30-percent slope). An unnamed tributary of Pickle Creek crosses under the driveway through culverts at two locations and drains to a detention basin. In addition to the vineyards, the parcel is developed with a single-family residence, five (5) wells, a septic leach field and septic reserve area, a spring fed cistern, detached garage, pool house, pool, carport, residence septic pretreatment area including a 3,000 gallon septic/recirculation tank and 1,500 gallon dosing tank, and a residential cave. The surrounding land uses include vineyards, wineries (Mt. Veeder Winery, Chateaneuf Du Pott Winery, and Lagier Meredith Winery), and residential development on large parcels, the nearest of which is approximately 800 feet from the proposed winery.

11. **Other agencies whose approval is required** (e.g., permits, financing approval, or participation agreement).

The project would also require various ministerial approvals by the County, including but not limited to building permits, grading permits, waste disposal permits, and an encroachment permit, in addition to meeting CalFire standards. Permits may also be required by the Department of Alcoholic Beverage Control and Bureau of Alcohol, Tobacco, & Firearms.

Responsible (R) and Trustee (T) Agencies

California Department of Fish and Wildlife

Other Agencies Contacted

Federal Trade and Taxation Bureau

Department of Alcoholic Beverage Control

California Department of Fish and Wildlife

12. **Tribal Cultural Resources.** Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resource, procedures regarding confidentiality, etc.?

Notice of the proposed project was sent to Middletown Rancheria, Mishewal Wappo Tribe of Alexander Valley, and Yocha Dehe Wintun Nation on August 25, 2023. The Yocha Dehe, Middletown Rancheria, and Mishewal Wappo Tribe of Alexander Valley did not request consultation with the 30-day notification period, and because no response to the consultation invitation was received, the consultation time period elapsed.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

ENVIRONMENTAL IMPACTS AND BASIS OF CONCLUSIONS:

The conclusions and recommendations contained herein are professional opinions derived in accordance with current standards of professional practice. They are based on a review of the Napa County Environmental Resource Maps, the other sources of information listed in the file, and the comments received, conversations with knowledgeable individuals; the preparer's personal knowledge of the area; and, where necessary, a visit to the site. For further information, see the environmental background information contained in the permanent file on this project.

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a (SUBSEQUENT) NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A (SUBSEQUENT) MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



7/5/24

Signature

Date

Name: Wendy Atkins

Wendy Atkins, Planner II
Napa County Planning, Building and Environmental Services Department

I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. Visual resources are those physical features that make up the environment, including landforms, geological features, water, trees and other plants, and elements of the human cultural landscape. A scenic vista, then, would be a publicly accessible vantage point such as a road, park, trail, or scenic overlook from which distant or landscape-scale views of a beautiful or otherwise important assembly of visual resources can be taken in. As generally described in the Environmental Setting and Surrounding Land Uses section, above, this area is defined by a mix of vineyard, winery, and residential uses. The project would not result in substantial damage to scenic resources or substantially degrade the visual character or quality of the site and its surroundings. The project site is currently developed with vineyards, five (5) wells, as well as several stands of mature native trees. Additional site improvements include a single-family residence, septic leach field and septic reserve area, a spring fed cistern, detached garage, pool house, pool, carport, residence septic pretreatment area including a 3,000 gallon septic/recirculation tank and 1,500 gallon dosing tank, and a residential cave. There is no potential to damage historic buildings, as no external building modifications are proposed. The proposal includes improvements to the wine cave to meet code and increase wine production, accessible improvements to the pool house restroom, and reconfigured winery access road and parking space.
- b. The project does not endanger any scenic resources within a state scenic highway, such as trees, rock outcroppings or historic buildings, because the project is not viewable from a designated state scenic highway. There are no rock outcroppings visible from the road or other designated scenic resources on the property.
- c. Mt. Veeder and Redwood Roads are Viewshed designated roads per County Code Chapter 18.106 Viewshed Protection Program. The Viewshed Program applies to development on slopes greater than 15 percent to review and apply design criteria to minimize effects on the natural terrain and views from designated roads. The existing development is located on slopes less than 15 percent; therefore, the project is not subject to the Viewshed ordinance. Neither road are state scenic highways. Changes to the site would be limited and potential impacts to scenic vistas, scenic resources, and the existing views of the site would be less than significant.
- d. The proposed interior modifications to the pool house and the cave will not result in the installation of additional lighting that may have the potential to impact nighttime views. Pursuant to standard Napa County conditions of approval for wineries, outdoor lighting will be required to be shielded and directed downwards, with only low level lighting allowed in parking areas. As designed, and as subject to the standard condition of approval, below, the project will not have a significant impact resulting from new sources of outside lighting.

6.3 LIGHTING – PLAN SUBMITTAL

- b. All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety, or operations and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Lighting utilized during harvest activities is not subject to this requirement. Prior to issuance of any building permit for construction of the winery, two (2) copies of a detailed lighting plan showing the location and

specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with California Building Code.

Mitigation Measures: None are required.

II. AGRICULTURE AND FOREST RESOURCES. ¹ Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Important (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land as defined in Public Resources Code Section 12220(g), timberland as defined in Public Resources Code Section 4526, or timberland zoned Timberland Production as defined in Government Code Section 51104(g)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use in a manner that will significantly affect timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, or other public benefits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. As shown on the Napa County Important Farmland Map 2002 prepared by the California Department of Conservation District, Division of Land Resource Protection, pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, a portion of the 20.46-acre project site includes approximately 12 acres as "Other Land". This area includes slope of 0 to over 50% and is densely covered in trees. An approximate 8.46-acre portion in the center of the parcel is designated "Unique Farmland", which includes the single-family residence, detached garage, pool house, pool, carport, residential cave, and 4.5 acres planted with vineyards. With project approval a portion of the area would include the hammerhead turnaround and seven (7) additional parking spaces. Although portions of the Unique Farmland would be developed with winery infrastructure, in total approximately 4.5 acres of the property would continue to be planted in vineyards. Land on the property would continue to be used for an agriculture use.
- b. General Plan Agricultural Preservation and Land Use policies AG/LU-2 and AG/LU-13 recognize wineries, and any use consistent with the Winery Definition Ordinance and clearly accessory to a winery, as agriculture. The proposed project would not conflict with existing zoning for agricultural uses. There are no Williamson Act contracts recorded for the parcel. Therefore, there will be no conflicts with existing zoning, or a Williamson Act contract and no impacts will occur.
- c/d. The project site is zoned Agricultural Watershed (AW), which allows wineries upon grant of a use permit. According to the Napa County

¹ "Forest land" is defined by the State as "land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits." (Public Resources Code Section 12220(g)) The Napa County General Plan anticipates and does not preclude conversion of some "forest land" to agricultural use, and the program-level EIR for the 2008 General Plan Update analyzed the impacts of up to 12,500 acres of vineyard development between 2005 and 2030, with the assumption that some of this development would occur on "forest land." In that analysis specifically, and in the County's view generally, the conversion of forest land to agricultural use would constitute a potentially significant impact only if there were resulting significant impacts to sensitive species, biodiversity, wildlife movement, sensitive biotic communities listed by the California Department of Fish and Wildlife, water quality, or other environmental resources addressed in this checklist.

Environmental resource maps (based on the following layers – Sensitive Biotic Oak Woodlands, Agriculture, and Riparian Woodland Forest) the project site contains Oak woodlands, specifically Coast live oak woodland and trees. The proposed project would result in a loss of up to ten (10) trees, including the removal of eight (8) Live Oak, one (1) California Buckeye, and one (1) California Black Oak. The removal of the scattered ten trees is consistent with the definition of Vegetation Canopy Cover pursuant to NCC Section 18.108.030; therefore, their removal would need to be mitigated pursuant to NCC Section 18.108.020.D. Removal of the ten scattered trees is required to install the upgrades to the existing shared driveway required by the Napa County Road and Street Standards. The approximate vegetation canopy cover area was developed by presuming the tree canopy of one mature Oak tree encompasses approximately 60-100 square feet² (this area was corroborated by aerial imagery interpretation, to not exceed 100 square feet per tree removed) equating to approximately 0.062 acres, which would yield a total vegetation canopy cover preservation ratio of 0.07 acres (100 feet multiplied by 9 trees multiplied by 3 equals 2,700 square feet and converts to 0.062 acres). The implementation of Mitigation Measure **AG-1**, requiring a vegetation canopy cover preservation easement or other similar mechanism, requiring the long term preservation of existing oak vegetation at a ratio of 3:1 would result in a less than significant impact to oak resources.

- e. The project does not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use. No impacts will occur.

Mitigation Measures:

Mitigation Measure AG-1 – Vegetation Canopy Cover Preservation Ratio: The owner/permittee shall implement the following measure to comply with NCC Section 18.108.020 (D) 3:1 vegetation canopy cover preservation ratio. Prior to building permit issuance, a vegetation canopy cover area shall be identified on the subject property and shall permanently preserve a minimum of 0.07 acres of developable oak woodland (i.e., on land with slopes less than 30% and located outside of aquatic resource setbacks pursuant to NCC Sections 18.108.025 and 18.108.026), this area shall be identified as Vegetation Canopy Cover Preservation Area on the site plan prepared for the building permit. The vegetation canopy cover preservation area shall also be recorded with an easement or other similar mechanism prepared by Napa County.

III.	AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

On June 2, 2010, the Bay Area Air Quality Management District's (BAAQMD) Board of Directors unanimously adopted thresholds of significance to assist in the review of projects under the California Environmental Quality Act. These Thresholds are designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA and were posted on BAAQMD's website and included in BAAQMD's updated CEQA Guidelines (updated May 2012). The Thresholds are advisory and may be followed by local agencies at their own discretion.

The Thresholds were challenged in court. Following litigation in the trial court, the court of appeal, and the California Supreme Court, all of the Thresholds were upheld. However, in an opinion issued on December 17, 2015, the California Supreme Court held that CEQA does not generally require an analysis of the impacts of locating development in areas subject to environmental hazards unless the project would exacerbate existing environmental hazards. The Supreme Court also found that CEQA requires the analysis of exposing people to environmental hazards in specific

² Gilman, E.F. and Waston, D.G (1993). *Quercus virginiana*: Southern Live Oak. University of Florida. <http://edis.ifas.ufl.edu/st564>

circumstances, including the location of development near airports, schools near sources of toxic contamination, and certain exemptions for infill and workforce housing. The Supreme Court also held that public agencies remain free to conduct this analysis regardless of whether it is required by CEQA.

In view of the Supreme Court's opinion, local agencies may rely on Thresholds designed to reflect the impact of locating development near areas of toxic air contamination where such an analysis is required by CEQA or where the agency has determined that such an analysis would assist in making a decision about the project. However, the Thresholds are not mandatory and agencies should apply them only after determining that they reflect an appropriate measure of a project's impacts. These Guidelines may inform environmental review for development projects in the Bay Area, but do not commit local governments or BAAQMD to any specific course of regulatory action.

The Air District published a new version of the Guidelines dated May 2017, which includes revisions made to address the Supreme Court's 2015 opinion in *Cal. Bldg. Indus. Ass'n vs. Bay Area Air Quality Mgmt. Dist.*, 62 Ca 4th 369.

a./b. The mountains bordering Napa Valley block much of the prevailing northwesterly winds throughout the year. Sunshine is plentiful in Napa County, and summertime can be very warm in the valley, particularly in the northern end. Winters are usually mild, with cool temperatures overnight and mild-to-moderate temperatures during the day. Wintertime temperatures tend to be slightly cooler in the northern end of the valley. Winds are generally calm throughout the county. Annual precipitation averages range from about 24 inches in low elevations to more than 40 inches in the mountains.

Ozone and fine particle pollution, or PM2.5, are the major regional air pollutants of concern in the San Francisco Bay Area. Ozone is primarily a problem in the summer, and fine particle pollution in the winter. In Napa County, ozone rarely exceeds health standards, but PM2.5 occasionally does reach unhealthy concentrations. There are multiple reasons for PM2.5 exceedances in Napa County. First, much of the county is wind-sheltered, which tends to trap PM2.5 within the Napa Valley. Second, much of the area is well north of the moderating temperatures of San Pablo Bay and, as a result, Napa County experiences some of the coldest nights in the Bay Area. This leads to greater fireplace use and, in turn, higher PM2.5 levels. Finally, in the winter easterly winds often move fine-particle-laden air from the Central Valley to the Carquinez Strait and then into western Solano and southern Napa County (BAAQMD, *In Your Community: Napa County*, April 2016)

The impacts associated with implementation of the project were evaluated consistent with guidance provided by BAAQMD. Ambient air quality standards have been established by state and federal environmental agencies for specific air pollutants most pervasive in urban environments. These pollutants are referred to as criteria air pollutants because the standards established for them were developed to meet specific health and welfare criteria set forth in the enabling legislation. The criteria air pollutants emitted by development, traffic and other activities anticipated under the proposed development include ozone, ozone precursors oxides of nitrogen and reactive organic gases (NOx and ROG), carbon monoxide (CO), nitrogen dioxide (NO2), and suspended particulate matter (PM10 and PM2.5). Other criteria pollutants, such as lead and sulfur dioxide (SO2), would not be substantially emitted by the proposed development or traffic, and air quality standards for them are being met throughout the Bay Area.

The thresholds of significance for use in determining whether a proposed project will have a significant impact on GHG's and climate change (BAAQMD, April 2022) did not affect the Air Quality CEQA Thresholds of Significance for the above mentioned air pollutants (i.e., ROG, NOx, PM10 and PM2.5) identified in Table 3-1 of the BAAQMD 2022 Guidelines. As such, those thresholds will be used to determine the significance of potential air quality impacts associated with air pollutant emissions.

BAAQMD has not officially recommended the use of its thresholds in CEQA analyses and CEQA ultimately allows lead agencies the discretion to determine whether a particular environmental impact would be considered significant, as evidenced by scientific or other factual data. BAAQMD also states that lead agencies need to determine appropriate air quality thresholds to use for each project they review based on substantial evidence that they include in the administrative record of the CEQA document. One resource BAAQMD provides as a reference for determining appropriate thresholds is the *California Environmental Quality Act Air Quality Guidelines* developed by its staff in 2010 and as updated through April 2022. These guidelines outline substantial evidence supporting a variety of thresholds of significance.

Table 4-1 Single Land Use Construction and Operational Criteria Air Pollutant and Precursor Screening Levels was used as the screening criteria. Given the size of the entire project, which is approximately 1,500 square feet of enclosed floor area (cave) for wine production with 400 square feet of space dedicated to tasting/hospitality uses compared to the BAAQMD's screening criterion of 105,000 square feet (high quality restaurant) and 998,000 square feet (general light industry) for NOX (oxides of nitrogen), the project would contribute an insignificant amount of air pollution and would not result in a conflict or obstruction of an air quality plan. (Please note: a high quality restaurant is considered comparable to a winery tasting room for purposes of evaluating air pollutant emissions, but grossly overstates

emissions associated with other portions of a winery, such as office, barrel storage and production, which generate fewer vehicle trips. Therefore, a general light industry comparison has also been used for other such uses.) The project falls well below the screening criteria as noted above, and consequently will not significantly affect air quality individually or contribute considerably to any cumulative air quality impacts.

- c-d. In the short term, potential air quality impacts are most likely to result from earthmoving and construction activities required for project construction related to the conversion of the pool house to a commercial restroom and the infrastructure improvements. Earthmoving and construction emissions would have a temporary effect; consisting mainly of dust generated during grading and other construction activities, exhaust emissions from construction related equipment and vehicles, and relatively minor emissions from paints and other architectural coatings, if applicable. The proposed grading plan has been designed to minimize cut and fill. Road widening will require digging down twelve (12) inches and replacing the same soil with compaction, and eight (8) inches of compacted gravel will be added. These potential construction impacts would be temporary in nature and subject to standard conditions of approval from the Engineering Division as part of the grading permit or building permit review process. The Air District recommends incorporating feasible control measures as a means of addressing construction impacts. If the proposed project adheres to these relevant best management practices identified by the Air District and the County's standard conditions of project approval, construction-related impacts will not expose sensitive receptors to substantial pollutant concentrations and are considered less than significant:

7.1 SITE IMPROVEMENT

c. AIR QUALITY

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

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
4. Remove all visible mud or dirt tracked onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required State Regulations). Clear signage shall be provided for construction workers at all access points. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications.
8. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfaq_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>

Furthermore, while earthmoving and construction on the site will generate dust particulates in the short-term, the impact would be less than significant with dust control measures as specified in Napa County's standard condition of approval relating to dust:

7.1. SITE IMPROVEMENT

b. DUST CONTROL

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

Mitigation Measures: None are required.

IV.	BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

A Biological Habitat Assessment for Hillwalker Winery Use Permit 1871 Mount Veeder Road, Napa, Napa County was prepared by LSA on October 12, 2023, and an addendum was prepared on February 3, 2024. The assessments included site inspections on September 25, 2023, and January 10, 2024. The study area is comprised of a driveway on a northeast-facing slope along an elevation gradient from about 800 feet in the north to 1,000 feet by the vineyards, dwellings, and outbuildings. An unnamed tributary of Pickle Creek crosses under the driveway through culverts at two locations and drains to a detention basin; no other wetland features were observed on the propped site.

- a. The project consists of converting a 1,500 sq. ft. residential cave to a commercial cave for production and storage only, converting the existing poolroom restroom to a commercial restroom, and improvements to the existing gravel driveway. According to County of Napa Environmental Mapping (GIS Vegetation layer) half of the parcel is identified as Agriculture, while the other half of the parcel is identified as Oak woodlands. Soil types are limited to Felton gravelly loam and Bressa-Dibble complex. The proposed project proposes the removal of ten (10) trees. As discussed in subsection (e) and (f) of this section, Oak woodland preservation and retention has been incorporated to comply with County code. Riparian habitat or other sensitive natural communities were not identified on site. According to County of Napa Environmental Mapping (CNDDDB layer) there are no Special Species plants on the parcel. The Napa County Baseline Data Report emphasizes preservation of wildlife corridors and prevention of habitat fragmentation. According to County of Napa Environmental

Mapping (GIS CNDDDB layer) there are no wildlife corridors on the parcel. ~~Less than significant impacts would occur. While there may be a lack of documented occurrences on the Project site, CNDDDB is a positive sighting database; information on negative sightings is only included when it pertains to previously documented occurrences. It is important to emphasize that absence of data is not proof of absence. There are areas of the state that have not been surveyed or where data have not been submitted to the CNDDDB program. Just because a species has not been documented in the CNDDDB at a given location does not necessarily mean the species does not occur there. The absence of data in the CNDDDB is NOT proof of absence and does not constitute an adequate basis for determining lack of presence (CDFW 2020). CNDDDB shows 11 special-status plant species occurring within 5 miles of the Project area. In order to address impacts to special-status plant species resulting from Project activities including driveway modifications, tree removal, and special-status plant assessment an assessment shall be performed. Specific impacts and why they may occur and be significant: If survey protocols and results for special-status plants are not fully reported, impacts may go undetected, and state listed plants or other plants considered rare per CEQA guidelines section 15380 could be taken. Therefore, the presence of Special Status plants in the project area cannot be completely ruled out. Mitigation Measure BIO-5 would reduce impacts to Special Status plants to less than significant.~~

- b. The Project includes installing turnouts and widening sections on a driveway which runs adjacent to and crosses over an unnamed tributary of Pickle Creek at two culverted sections. A total of 10 trees have been identified for complete or partial removal as part of the driveway modification project. The stream and adjoining riparian habitat is subject to CDFW jurisdiction and Fish and Game Code 1602 et. seq, notwithstanding seasonality of flows. Specific impacts and why they may occur and be significant: Construction activities and tree removal pose numerous threats to streams and the habitats they support. Impacts include inputs of deleterious materials, removal of riparian vegetation, obstructions and diversions, equipment staging and operation, and disturbances to riparian corridors, special-status wildlife and their habitats, and nesting birds. In order for the Project to consider impacts to the stream and riparian habitat resulting from the driveway modifications and tree removal, the implementation of Mitigation Measure BIO-6, considering impacts to the stream and placement, construction, and operation of the driveway modifications and tree removal would result in a less than significant impact to biological resources.

According to the GIS layer – CNDDDB Owl Habitat, potential for owl habitat occurs on the subject parcel. As part of this application a Northern Spotted Owl Habitat Assessment for Hillwalker Winery Use Permit 1871 Mount Veeder Road, Napa, Napa County was prepared on October 12, 2023, and revised on June 10, 2024, was prepared by LSA(Assessment). The assessment found, based on the most recent data, there are no known Northern Spotted Owls (NSO) nesting sites or activity centers that have been previously identified within or adjacent to the project site; however, there are four activity centers within a 2-mile radius of the project site. The last definitive observation within 2 miles of the project site was an owl heard by a retired CDFW Biologist in 2009, approximately 0.5 miles west of the project site. Based on the above discussion and field assessment, the oak woodland within 330 feet of the project site does not appear to provide suitable nesting and/or diurnal roosting habitat for NSO due to its generally low stature and lack of large multi-canopied trees; however, this woodland could provide nocturnal foraging and dispersal habitat for NSO. The 10 trees proposed for removal average between 6 and 12 inches in diameter at breast height and are adjacent to an existing active driveway. Therefore, the removal of these trees would not likely adversely affect the nesting and/or diurnal roosting NSO. However, the presence of NSO in the project area cannot be completely ruled out. **Mitigation Measure BIO-1 and Mitigation Measure BIO-3** would reduce impacts to NSO to less than significant. In addition, an addendum to the Biological Habitat Assessment for Hillwalker Vineyards Winery, 1871 Mount Veeder Road, Napa, Napa County, dated February 3, 2024, prepared by LSA, found that although the California giant salamander, Foothill yellow-legged frog, and Western pond turtle are not expected to be within the compacted gravel driveway improvement areas or ephemeral drainage, **Mitigation Measure BIO-2 and Mitigation Measure BIO-4** would reduce impacts to less than significant.

- c. According to the Napa County Environmental resource maps based on the following GIS layer – Wetlands and vernal pools and National Wetlands Inventory) there are no wetlands on the site. The project will not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- d. The project involves driveway improvements adjacent to a detention basin. As indicated in subsection (b.) of this section, **Mitigation Measure BIO-2** has been included to require a temporary wildlife exclusion fence to be installed between the edge of the detention basin and the driveway improvement locations to prevent animals from entering the work area. Construction activities could temporarily preclude the movement of some wildlife including small mammals, reptiles, and amphibians. However, after the driveway improvements are constructed, wildlife that may move across the site would be able to continue to do so. The movement of birds and bats would not be impeded. Any impact restricting wildlife movement would be less than significant after implementation **Mitigation Measure BIO-2**.
- e. Chapter 18.108 of the Napa County Zoning Code (Conservation Regulations) in part, encourages the preservation of natural resources through project design that minimizes grading operations (cut, fill, earthmoving) and other such man-made effects in the natural terrain,

preserves natural habitat, minimizes impacts on existing land forms, avoids steep slopes, and preserves existing vegetation.

As stated in Section II Agriculture and Forest Resources, the implementation of **Mitigation Measure AG-1**, requiring a vegetation canopy cover preservation easement or other similar mechanism, requiring the long term preservation of existing oak vegetation at a ratio of 3:1 would result in a less than significant impact to agricultural resources.

- f. The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional or state habitat conservation plans because there are no plans applicable to the subject site. No impacts would occur.

Mitigation Measures:

Mitigation Measure BIO-1 – Northern Spotted Owl: Prior to the start of construction, a biologist would provide a training session for all work personnel to identify any sensitive species, including northern spotted owl, that may be in the area, their basic habits, how they may be encountered in their work area, and procedures to follow when they are encountered. Any personnel joining the work crew later would receive the same training before beginning work. Upon completion of the education program, employees would sign a form stating they attended the program and understand all protection measures. A pamphlet that contains images of sensitive species that may occur within the project area, environmentally sensitive areas within the project area, key avoidance measures, and employee guidance would be given to each person who completes the training program. These forms would be made available to the resource agencies upon request.

Even though the presence of NSO within 330 feet of the project site is unlikely, the presence of this species in this area cannot be completely discounted. Therefore, to ensure that potential adverse noise or visual impacts on NSO are avoided and/or minimized, a preconstruction survey will be conducted in areas of potential NSO habitat within the 330-foot visual line of disturbance contour of the project site. The focus of the survey should be on the detection of the species and potential active nest sites that could be affected by proposed project work. If an active nest is found within the 330-foot contour visual line of disturbance, the start of construction will be delayed until the young have fledged. Young NSO generally leave the nest (that is, fledge) in late May or June. If an active nest is found within the 330-foot visual line of disturbance contour, it will be monitored by a qualified biologist to document when the young have left the nest and construction can start.

If project activities take place between February 1 and September 30, then a qualified biologist shall conduct a preconstruction survey for other nesting birds no more than 3-days before tree removal. If active nests are found, then an appropriate buffer would be established, and the nest would be monitored for compliance with the federal Migratory Bird Treaty Act and California Fish Game Code Section 3503.

No project work shall be conducted at night.

To minimize noise generated from the proposed action to the degree possible, all construction equipment, fixed or mobile, will be fitted with properly operating and maintained mufflers consistent with manufacturer's standards.

Mitigation Measure BIO-2 – California Giant Salamander, Foothill Yellow-Legged Frog and Western Pond Turtle: Prior to the start of construction, a biologist would provide a training session for all work personnel to identify any sensitive species, including California giant salamander, foothill yellow legged frog, western pond turtle, and northern spotted owl that may be in the area, their basic habits, how they may be encountered in their work area, and procedures to follow when they are encountered. Any personnel joining the work crew later would receive the same training before beginning work. Upon completion of the education program, employees would sign a form stating they attended the program and understand all protection measures. A pamphlet that contains images of sensitive species that may occur within the project area, environmentally sensitive areas within the project area, key avoidance measures, and employee guidance would be given to each person who completes the training program. These forms would be made available to the resource agencies upon request.

- No project work shall be conducted at night.
- If logs, bark, or rocks are in the driveway improvement areas, a biological monitor shall be present during clearing and grubbing activities.
- Install a temporary wildlife exclusion fence between the edge of the pond and driveway improvement locations to prevent animals from entering the work area.

Mitigation Measure BIO-3 – Northern Spotted Owl Surveys: A qualified biologist shall provide an assessment of potential NSO nesting habitat within the Project area and a 0.25 mile radius and obtain CDFW's written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between March 15 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the USFWS Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, Surveys for Disturbance-Only Projects. If breeding NSO are detected during surveys, a 0.25-mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance

of the qualified biologist and survey report prior to Project construction occurring between March 15 and July 31 each year. Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW. If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal ESA.

MM BIO-4 – Special-Status Herpetofauna: For all Project activities that occur within 500 feet of stream or wetland habitat, prior to ground-disturbing activities, a qualified biologist shall conduct a pre-construction survey within 48 hours prior to the start of Project activities, focusing on the presence of CGS, FYLF, and WPT and their nests. If any of these special-status species are discovered during the survey, Project activities shall not begin until CDFW has been consulted and approved in writing measures to avoid and minimize impacts to special-status species, and the measures have been implemented.

Mitigation Measure BIO-5 – Pre-Project Special-Status Plant Surveys: Prior to the start of Project activities, a Qualified Biologist shall conduct a habitat assessment for special-status plants. If potential habitat for special-status plants is present, botanical surveys shall be conducted during the appropriate blooming period and conditions for all special-status plants that have the potential to occur within or near the Project where they may be directly or indirectly impacted by for example, modifications to hydrological conditions. More than one year of surveys during appropriate conditions may be necessary. Surveys and associated reporting shall be conducted according to CDFW's 2018 Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (See <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>), including visiting reference sites. The habitat assessment and survey reports shall be submitted to CDFW prior to the start of construction. Project activities shall not proceed until CDFW has provided written approval of the habitat assessment and survey reports. If any special-status plant species are observed, the Project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to Project activities. If impacts to special status plants cannot be avoided, the Project shall provide habitat compensation at a 3:1 mitigation to impact ratio including permanent protection of habitat through a conservation easement and funding and implementing a long-term management plan, prior to Project activities, unless otherwise approved in writing by CDFW.

Mitigation Measure BIO-6 – Impacts to the Stream and placement, construction, and operation of the driveway modifications and tree removal: If impacts to the bed, bank, channel, and riparian area of the stream cannot be avoided, the Project shall notify CDFW for potential Project impacts to the ephemeral stream. More information for the notification process is available at <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>. The Project shall comply with all measures of the LSA, if issued, and shall not commence activities with potential to impact the stream until the LSA process has been completed. Please be advised that a LSA, if issued for the Project, would likely include the above recommended mitigation measures, as applicable, and may include additional measures to protect fish and wildlife resources Riparian Areas: Prior to the commencement of Project Activities, the Project shall conduct a thorough assessment for potential impacts to the stream including, but not limited to, the placement, construction, and operation of the driveway modifications and tree removal. If impacts to the bed, bank, channel, and riparian area of the stream cannot be avoided, the Project shall notify CDFW for potential Project impacts to the ephemeral stream. More information for the notification process is available at <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>. The Project shall comply with all measures of the LSA, if issued, and shall not commence activities with potential to impact the stream until the LSA process has been completed. Please be advised that a LSA, if issued for the Project, would likely include the above recommended mitigation measures, as applicable, and may include additional measures to protect fish and wildlife resources.

V.	CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- c) Disturb any human remains, including those interred outside of dedicated cemeteries?

Discussion:

a./b. According to the Napa County Environmental Resource Maps (based on the following layers – Historical sites points & lines, Archaeology surveys, sites, sensitive areas, and flags) no historical or archaeological sites or unique geological features have been identified on the property. Based on the proposed project plans, there would be no impact to cultural resources. However, if resources are found during any earth disturbing activities associated with the project, construction of the project is required to cease, and a qualified archaeologist would be retained to investigate the site in accordance with the following standard condition of approval:

7.2 ARCHEOLOGICAL FINDING

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

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

- c. No human remains have been previously encountered on the property and no information has been encountered that would indicate that this project would encounter human remains. However, if resources are found during grading of the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with standard condition of approval noted above.

Mitigation Measures: None are required.

VI.	ENERGY. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Result in potentially significant environmental impact due to wasteful, inefficient or unnecessary consumption of energy resources during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. The proposed project would comply with Title 24 energy use requirements and would not result in significant environmental impacts due to wasteful, inefficient or unnecessary consumption of energy resources during project construction or operation. Impacts would be less than significant.
- b. The proposed project would not conflict with the provisions of a state or local plan for renewable energy efficiency because there are no plans applicable to the subject site. No impacts would occur.

Mitigation Measures: None are required.

VII.	GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) Be located on expansive soil creating substantial direct or indirect risks to life or property? Expansive soil is defined as soil having an expansive index greater than 20, as determined in accordance with ASTM (American Society of Testing and Materials) D 4829.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a.

- i.) There are no known faults on the project site as shown on the most recent Alquist-Priolo Earthquake Fault Zoning Map. As such, the proposed project would result in a less than significant impact with regards to rupturing a known fault.
- ii.) All areas of the Bay Area are subject to strong seismic ground shaking. Construction of the project will be required to comply with all the latest building standards and codes, including the California Building Code that would reduce any potential impacts to a less than significant level.
- iii.) No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or liquefaction. Although the project site is identified as having a VL Very Low (br) liquefaction potential according to the Napa County Environmental Resource Maps (liquefaction layers), compliance with the latest edition of the California Building Code for seismic stability would result in less than significant impacts.
- iv.) According to the Napa County Environmental Resource Maps (Landslides line, polygon, and geology layers) there are no

landslide deposits in the proposed development area.

- b. The proposed development is minimal and will occur on slopes ranging from 0% to 5%. Based upon the Soil Survey of Napa County, prepared by the United States Department of Agriculture (USDA), the soils on site are comprised of Bressa-Dibble Complex (15 to 30-percent slope). The project will require incorporation of best management practices and will be subject to the Napa County Stormwater Ordinance which addresses sediment and erosion control measures and dust control, as applicable.
- c/d. According to preliminary geologic mapping of the St. Helena Quadrangle, performed by the California Geologic Survey (CGS-2004), the property is underlain by Early Tertiary Assemblages and Great Valley Complex (Cretaceous – Jurassic). Based on the Napa County Environmental Sensitivity Maps (liquefaction layer) the project site has a very low susceptibility for liquefaction. Development will be required to comply with all the latest building standards and codes, including the California Building Code that would reduce any potential impacts to the maximum extent possible.
- e. A Wastewater Feasibility Study, dated February 9, 2024, was prepared by Stillwater Civil Design. A hold and hall tank is proposed for winery production wastewater. The system will be designed by a licensed engineer and will be reviewed and approved by the Division of Environmental Health. There does not appear to be any limitation on this parcel's ability to support a hold and hall tank, which will be able to support the proposed project. The Division of Environmental Health reviewed this report and concurred with its findings, conditioning that the plans shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and approved by the Division of Environmental Health.
- f. No paleontological resources or unique geological features have been identified on the property or were encountered on the property when the existing development was constructed or when the vines were planted. The project as proposed would require minimal earth disturbing activities and construction is unlikely to uncover paleontological or unique geological features. Impacts would be less than significant.

Mitigation Measures: None are required.

VIII.	GREENHOUSE GAS EMISSIONS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Generate a net increase in greenhouse gas emissions in excess of applicable thresholds adopted by the Bay Area Air Quality Management District or the California Air Resources Board which may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Conflict with a county-adopted climate action plan or another applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

On April 20, 2022, the BAAQMD adopted updated thresholds of significance for climate impacts (CEQA Thresholds for Evaluating the Significance of Climate Impacts, BAAQMD April 2022).³ The updated thresholds to evaluate GHG and climate impacts from land use projects are qualitative and geared toward building and transportation projects. Per the BAAQMD, all other projects should be analyzed against either an adopted local Greenhouse Gas Reduction Strategy (i.e., Climate Action Plan (CAP)) or other threshold determined on a case-by-case basis by the Lead Agency. If a project is consistent with the State's long-term climate goals of being carbon neutral by 2045, then a project would have a less-than-significant impact as endorsed by the California Supreme Court in Center for Biological Diversity v. Department of Fish & Wildlife (2015) 62 Cal. 4th 204). There is no proposed construction-related climate impact threshold at this time. Greenhouse gas (GHG) emissions from construction represent a very small portion of a project's lifetime GHG emissions. The proposed thresholds for land use projects are designed to address operational GHG emissions which represent the vast majority of project GHG emissions.

Napa County has been working to develop a Climate Action Plan (CAP) for several years. In 2012, a Draft CAP (March 2012) was recommended

³ <https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines>, April 2022

using the emissions checklist in the Draft CAP, on a trial basis, to determine potential greenhouse gas (GHG) emissions associated with project development and operation. At the December 11, 2012, Napa County Board of Supervisors (BOS) hearing, the BOS considered adoption of the proposed CAP. In addition to reducing Napa County's GHG emissions, the proposed plan was intended to address compliance with CEQA for projects reviewed by the County and to lay the foundation for development of a local offset program. While the BOS acknowledged the plan's objectives, the BOS requested that the CAP be revised to better address transportation-related greenhouse gas, to acknowledge and credit past accomplishments and voluntary efforts, and to allow more time for establishment of a cost-effective local offset program. The BOS also requested that best management practices be applied and considered when reviewing projects until a revised CAP is adopted to ensure that projects address the County's policy goal related to reducing GHG emissions. In addition, the BOS recommended utilizing the emissions checklist and associated carbon stock and sequestration factors in the Draft CAP to assess and disclose potential GHG emissions associated with project development and operation pursuant to CEQA.

In July 2015, the County re-commenced preparation of the CAP to: i) account for present day conditions and modeling assumptions (such as but not limited to methods, emission factors, and data sources), ii) address the concerns with the previous CAP effort as outlined above, iii) meet applicable State requirements, and iv) result in a functional and legally defensible CAP. On April 13, 2016, the County, as part of the first phase of development and preparation of the CAP, released Final Technical Memorandum #1: 2014 Greenhouse Gas Emissions Inventory and Forecast, April 13, 2016. This initial phase included: i) updating the unincorporated County's community-wide GHG emissions inventory to 2014, and ii) preparing new GHG emissions forecasts for the 2020, 2030, and 2050 horizons. On July 24, 2018, the County prepared a Notice of Preparation of a Draft Focused EIR for the Climate Action Plan. The review period was from July 24, 2018, through August 22, 2018. The Draft Focused EIR for the CAP was published May 9, 2019. Additional information on the County CAP can be obtained at the Napa County Department of Planning, Building and Environmental Services or online at <https://www.countyofnapa.org/589/Planning-Building-Environmental-Services>. The County's draft CAP was placed on hold when the Climate Action Committee (CAC) began meeting on regional GHG reduction strategies in 2019. The County is currently preparing an updated CAP to provide a clear framework to determine what land use actions will be necessary to meet the State's adopted GHG reduction goals, including a quantitative and measurable strategy for achieving net zero emissions by 2045.

For the purposes of this assessment the carbon stock and sequestration factors identified within the 2012 Draft CAP are utilized to calculate and disclose potential GHG emissions associated with agricultural "construction" and development and with "ongoing" agricultural maintenance and operation, as further described below. The 2012 Draft CAP carbon stock and sequestration factors are utilized in this assessment because they provide the most generous estimate of potential emissions. As such, the County considers that the anticipated potential emissions resulting from the proposed project that are disclosed in this Initial Study reasonably reflect proposed conditions and therefore are considered appropriate and adequate for project impact assessment.

Regarding operational emissions, as part of the statewide implementation of Senate Bill (SB) 743, the Governor's Office of Planning and Research (OPR) settled upon automobile vehicle miles of travel (VMT) as the preferred metric for assessing passenger vehicle-related impacts under CEQA and issued revised CEQA Guidelines in December 2018, along with a Technical Advisory on Evaluating Transportation Impacts in CEQA to assist practitioners in implementing the CEQA Guidelines revisions. The CEQA Guidelines and the OPR Technical Advisory concluded that, absent substantial evidence otherwise, the addition of 110 or fewer daily trips could be presumed to have a less than significant VMT impact.

The County maintains a set of Transportation Impact Study Guidelines (TIS Guidelines) that define situations and project characteristics that trigger the need to prepare a TIS. The purpose of a TIS is to identify whether the project is likely to cause adverse physical or operational changes on a County roadway, bridge, bikeway or other transportation facility, to determine whether the project should be required to implement or contribute to improvement measures to address those changes, and to ensure that the project is developed consistent with the County's transportation plans and policies. Per the County's current TIS Guidelines, a project is required to prepare a TIS if it generates 110 or more net new daily vehicle trips.

The TIS Guidelines also include VMT analysis requirements for projects based on trip generation, which includes a screening approach that provides a structure to determine what level of VMT analysis may be required for a given project. For a new project that would generate less than 110 net new daily vehicle and truck trips, not only is the project not required to prepare a TIS, it is also presumed to have a less-than-significant impact for VMT. However, applicants are encouraged to describe the measures they are taking and/or plan to take that would reduce the project's trip generation and/or VMT. Projects that generate more than 110 net new passenger vehicle trips must conduct a VMT analysis and identify feasible strategies to reduce the project's vehicular travel; if the feasible strategies would not reduce the project's VMT by at least 15%, the conclusion would be that the project would cause a significant environmental impact.

- a./b. Overall increases in Greenhouse Gas (GHG) emissions in Napa County were assessed in the Environmental Impact Report (EIR) prepared for the Napa County General Plan Update and certified in June 2008. GHG emissions were found to be significant and unavoidable in that document, despite the adoption of mitigation measures incorporating specific policies and action items into the General Plan.

Consistent with these General Plan action items, Napa County participated in the development of a community-wide GHG emissions inventory and "emission reduction framework" for all local jurisdictions in the County in 2008-2009. This planning effort was completed by the Napa County Transportation and Planning Agency in December 2009, and served as the basis for development of a refined inventory and emission reduction plan for unincorporated Napa County.

The County requires project applicants to consider methods to reduce GHG emissions consistent with Napa County General Plan Policy CON-65(e). Pursuant to State CEQA Guidelines Section 15183, this assessment focuses on impacts that are “peculiar to the project,” rather than the cumulative impacts previously assessed, because this Initial Study assesses a project that is consistent with an adopted General Plan for which an EIR was prepared. GHGs are the atmospheric gases whose absorption of solar radiation is responsible for the greenhouse effect, including carbon dioxide (CO₂), methane, ozone, and the fluorocarbons, which contribute to climate change. CO₂ is the principal GHG emitted by human activities, and its concentration in the atmosphere is most affected by human activity. It also serves as the reference gas to which to compare other GHGs. For the purposes of this analysis potential GHG emissions associated with winery ‘construction’ and ‘development’ and with ‘ongoing’ winery operations have been discussed.

GHG emissions from construction represent a very small portion of a project’s lifetime GHG emissions. The BAAQMD recommended thresholds do not include a construction-related climate impact threshold at this time. One time “Construction Emissions” associated with the project include: emissions associated with the energy used to develop and prepare the project area, construction, and construction equipment, and worker vehicle trips (hereinafter referred to as Equipment Emissions). The physical improvements associated with this project include the conversion of a pool house to a commercial restroom and driveway improvements. As discussed in Section III. Air Quality, construction emissions would have a temporary effect and BAAQMD recommends incorporating feasible control measures as a means of addressing construction impacts. If the proposed project adheres to relevant best management practices identified by the BAAQMD and the County’s standard conditions of project approval, construction-related impacts are considered less than significant. See Section III. Air Quality for additional information.

The BAAQMD proposed thresholds for land use projects are designed to address “Operational” GHG emissions which represent the vast majority of project GHG emissions. Operational emissions associated with a winery generally include: i) any reduction in the amount of carbon sequestered by existing vegetation that is removed as part of the project compared to a “no project” scenario (hereinafter referred to as Operational Sequestration Emissions); and ii) ongoing emissions from the energy used to maintain and operate the winery, including vehicle trips associated with employee and visitor trips (hereinafter referred to as Operational Emissions).

As noted above, Napa County has not adopted a qualified GHG reduction strategy or an air quality plan, therefore projects will be evaluated per the BAAQMD recommended minimum design elements.

Specifically for buildings, the project must not:

- Include natural gas appliances or natural gas plumbing (in both residential and nonresidential development); and
- Result in any wasteful, inefficient, or unnecessary electrical usage as determined by the analysis required under CEQA section 21100(b)(3) and CEQA Guidelines section 15126.2(b).

The project will be required, through conditions of project approval, to prohibit the use of natural gas appliances or plumbing. Additionally, at the time of construction the project will be required to comply with the California Building Code, which is currently being updated to include regulations to assist in the reduction of air quality impacts associated with construction, such as prohibiting natural gas appliance and plumbing. The new construction will be required to install energy efficient fixtures complying with CA Building Code Title 24 standards. See section VI. Energy for additional information on energy usage.

Specifically for transportation, the project must:

- Achieve compliance with electric vehicle requirements in the most recently adopted version of CALGreen Tier 2, and
- Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target reflecting the following recommendations:
 - Residential projects: 15 percent below the existing VMT per capita;
 - Office projects: 15 percent below the existing VMT per employee; or
 - Retail projects: no net increase in existing VMT.

The project will be required to comply with the recently adopted version of CALGreen Tier 2. Project approval will include a condition of approval to ensure this is reviewed and implemented at the time of construction through adherence to the California Building Code.

As discussed above and in section XVII. Transportation, the County maintains TIS Guidelines that include VMT analysis requirements for projects based on trip generation. The project trip generation numbers did not require completion of a traffic study and VMT analysis. See section XVII. Transportation for additional detail.

The applicant proposes implementing a GHG reduction strategy through installation of an electrical vehicle charging station. The project

will also utilize solar hot water heating, energy conserving lighting, water efficient fixtures, water efficient landscaping, recycle 75% of all waste, site design that is oriented and designed to optimize conditions for natural heating and cooling, and day lighting of interior spaces, and to maximize winter sun exposure; such as a cave, limit the amount of grading and tree removal, and retain biomass removed via pruning and thinning by chipping the material and reusing it rather than burning on-site. A condition of approval will be included to require implementation of the checked Voluntary Best Management Practices Measures submitted with the project application. If the proposed project adheres to these relevant design standards identified by BAAQMD, the requirements of the California Building Code, and the County's conditions of project approval, impacts are considered less than significant.

As stated in Section IV, Biological Resources, Chapter 18.108 of the Napa County Zoning Code (Conservation Regulations) in part, encourages the preservation of natural resources through project design that minimizes grading operations (cut, fill, earthmoving) and other such man-made effects in the natural terrain, preserves natural habitat, minimizes impacts on existing land forms, avoids steep slopes, and preserves existing vegetation. Removal of the ten trees is required to install the upgrades to the existing shared driveway required by the Napa County Road and Street Standards. As stated in Section II Agriculture and Forest Resources, the vegetation canopy cover ratio was calculated by presuming the tree canopy of one Oak tree is 100 feet, which would yield a vegetation canopy cover preservation ratio of 0.07 acres (100 feet multiplied by 9 trees multiplied by 3 equals 2,700 square feet and converts to 0.062 acres). The implementation of **Mitigation Measure AG-1**, requiring a vegetation canopy cover preservation easement or other similar mechanism, requiring the long term preservation of existing oak vegetation at a ratio of 3:1 would result in a less than significant impact to agricultural resources.

Mitigation Measures: None are required.

IX.	HAZARDS AND HAZARDOUS MATERIALS. Would the project	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wild-land fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. The proposed project will not involve the transport of hazardous materials other than those small amounts normally used in winery operations. A Business Plan will be filed with the Environmental Health Division should the amount of hazardous materials reach reportable levels. However, in the event that the proposed use or a future use involves the use, storage or transportation of greater than 55 gallons or 500 pounds of hazardous materials, a use permit and subsequent environmental assessment would be required in accordance with the Napa County Zoning Ordinance prior to the establishment of the use. During construction of the project some hazardous materials, such as building coatings/ adhesives/ etc., will be utilized. However, given the quantities of hazardous materials and the limited duration, they will result in a less-than- significant impact.
- b. Hazardous materials such as diesel, maintenance fluids, and paints would be used onsite during construction. Should they be stored onsite, these materials would be stored in secure locations to reduce the potential for upset or accident conditions. The proposed project consists of the operations of a new winery that would not be expected to use any substantial quantities of hazardous materials. Therefore, it would not be reasonably foreseeable for the proposed project to create upset or accident conditions that involve the release of hazardous materials into the environment. Impacts would be less than significant.
- c. There are no schools located within one-quarter mile from the proposed winery. According to Google Earth, the nearest school to the project site is Justin-Siena High school, located approximately 2.7 miles to the east. No impacts would occur.
- d. Based on a search of the California Department of Toxic Substances Control database, the project site does not contain any known EPA National Priority List sites, State response sites, voluntary cleanup sites, or any school cleanup sites. No impact would occur as the project site is not on any known list of hazardous materials sites.
- e. No impact would occur as the project site is not located within an airport land use plan.
- f. The proposed access road improvements and on-site circulation configuration meet Napa County Road and Street Standards. The project has been reviewed by the County Fire Department and Engineering Services Division and found acceptable, as conditioned. Therefore, the proposed project would not obstruct emergency vehicle access and impacts would be less than significant.
- g. The project would not increase exposure of people and/or structures to a significant loss, injury or death involving wild land fires. The proposed road improvements would provide adequate access to Spring Mountain Road. The project would comply with current California Department of Forestry and California Building Code requirements for fire safety. Impacts would be less than significant.

Mitigation Measures: None are required.

X.	HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces which would:				
i)	result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- | | | | | | |
|------|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| iii) | create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv) | impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) | In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) | Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

On April 21, 2021, Governor Gavin Newsom declared a drought emergency in the state of California and as of July 8, 2021, 50 counties are under the drought state of emergency, including Napa County. The Governor directed the Department of Water Resources to increase resilience of water supplies during drought conditions. On June 8, 2021, the Napa County Board of Supervisors adopted a resolution declaring a Proclamation of Local Emergency due to drought conditions which are occurring in Napa County. On October 19, 2021, the Governor issued a proclamation extending the drought emergency statewide. The County requires all discretionary permit applications (such as use permits and ECPAs) to complete necessary water analyses in order to document that sufficient water supplies are available for the proposed project and to implement water saving measures to prepare for periods of limited water supply and to conserve limited groundwater resources.

In March 2022, Governor Newsom enacted Executive Order N-7-22, which requires prior to approval of a new groundwater well (or approval of an alteration to an existing well) in a basin subject to the Sustainable Groundwater Management Act and that is classified as medium- or high-priority, obtaining written verification from the GSA (Groundwater Sustainability Agency) managing the basin that groundwater extraction would not be inconsistent with any sustainable groundwater management program established in any applicable GSP (Groundwater Sustainability Plan) and would not decrease the likelihood of achieving sustainability goals for the basin covered by a GSP, or that the it is determined first that extraction of groundwater from the new/proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure. Because the project contains an existing well which is not being altered, Executive Order N-7-22 does not apply.

On March 28, 2022, August 9, 2022, and November 8, 2022, the Napa County Board of Supervisors adopted resolutions proclaiming a continued state of Local Emergency due to the 2021-2022 drought. On June 7, 2022, the Napa County Board of Supervisors provided direction regarding interim procedures to implement Executive Order N-7-22 for issuance of new, altered or replacement well permits and discretionary projects that would increase groundwater use during the declared drought emergency. The direction limits a parcel's groundwater allocation to 0.3-acre ft. per acre per year, or no net increase in groundwater use if that threshold is exceeded already for parcels located in the GSA Subbasin. For parcels not located in the GSA Subbasin (i.e., generally located in the hillsides), a parcel-specific Water Availability Analysis would suffice to assess potential impacts on groundwater supplies. Although the Governor, through Executive Order No. N-5-23, rolled back some of the drought emergency provisions in late March 2023, due to current water conditions, the Governor's Emergency Order N-7-22 remains in place and the remaining criteria for the County's interim actions and procedures also remain. On May 30, 2023, the Napa County Board of Supervisors terminated the Local Emergency due to the 2021-2022 drought but acknowledged that there are still adverse conditions that will continue to affect the Napa Valley groundwater subbasin and the need to continue groundwater management efforts including the interim actions and procedures still exists. The project is not located in the GSA Subbasin and therefore a parcel specific WAA was prepared.

- a. As discussed in Section VII. Geology and Soils a Wastewater Feasibility Study, dated February 9, 2024, was prepared by Stillwater Civil Design. A hold and haul tank is proposed for winery production wastewater. The system will be designed by a licensed engineer and will be reviewed and approved by the Department of Environmental Health. There does not appear to be any limitation on this parcel's ability to support a hold and hall tank, which will be able to support the proposed project. The existing engineered domestic septic system for the residential use has a capacity of up to 900 gallons per day. Adequate septic reserve area was previously permitted by the County. The Division of Environmental Health reviewed this report and concurred with its findings, conditioning that the plans shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and approved by the Division of Environmental Health.
- b. A Water Availability Analysis was prepared by Stillwater Civil Design, dated February 9, 2024. As directed by the County Water Availability Guidelines (May 2015), the report includes Tier 1 calculations for the existing and proposed water uses and a groundwater recharge analysis. The project site includes (5) existing wells which will be used to serve the property and proposed project. Current water use for the property is 2.78 af/yr, which includes 2.25 af/yr for the vineyard, 0.5 af/yr for the residence, and 0.025 af/yr for residential landscaping.

The projected water use for the project is 1.63 af/yr, which includes 0.9 af/yr for the vineyards, 0.064 af/yr for the winery, 0.5 af/yr for the residence, and 0.025 af/yr for residential landscaping which represents a decrease of approximately 1.15 af/yr.

	Existing Condition (af/yr)	Proposed Condition (af/yr)
Total Usage on the Project Parcel	2.78 af/yr	1.63 af/yr
Residential Use – Primary & Secondary, Pool and Landscaping	0.525 af/yr	0.525
Winery Use		0.064 af/yr
Employee (Full & Part-Time)/Guest Use (Visitation & Marketing)		0.14
Vineyard Use	2.25 af/yr	0.9 af/yr

Due to the parcel location outside of the GSA boundary, a parcel specific recharge calculation was prepared. In calculating the recharge for the 20.46-acre project site, the analysis concluded approximately 8.5 acres is estimated to be on slopes less than 30%. Slopes over 30% are not considered to contribute to groundwater recharge. The average rainfall 10-year PRISM data is shown to be 31.76 inches annually for the property. The percent of rainfall that contributes to groundwater recharge is found in the Napa County document titled, Updated Hydrogeologic Conceptualization and Characterization of Conditions, completed by Luhdorff & Scalmanini Consulting Engineers and MK Engineers, dated January 2013. Approximately 10% of rainfall may contribute to groundwater recharge. Therefore, the average annual recharge can be estimated as 31.56 inches X 1 ft/12 in X 8.5 X 0.10 = 2.23 acre-feet of groundwater recharge per year.

Tier II and Tier III analyses are required if the project wells are within 500-feet of any off-site wells and if the project wells are within 1,500-feet of a significant stream, respectively. There is an off-site well approximately 300-feet from one of the project wells, however estimated water demand will decrease as a result of the project and the projects wells are more than 1,500-feet from a significant stream, therefore a Tier II and Tier III analysis are not required for this project.

Staff has considered impacts to public trust resources in the event the project wells may be connected to a navigable waterway. The ground water/surface water criteria are presumptively met if the distance standards and well construction assumptions are met per Tables 3, 4, and 5 of the County's WAA Guidance document when a well is within 1,500-feet of a significant stream. Staff determined that because the project engineer has demonstrated that the project well is not within 1,500-feet of a significant steam, there is not a hydraulic connection to a navigable waterway and therefore no impacts to public trust resources. County has satisfied its duty to consider impacts to trust resources and no further analysis is required. The winery, as part of its entitlement would include the County's standard condition of approval, below, requiring well monitoring as well as the potential to modify/alter permitted uses on site should groundwater resources become insufficient to supply the use. The proposed project would result in a slight decrease on the demand of ground water supplies and therefore would not interfere with groundwater recharge or lowering of the local groundwater level.

4.9 GROUND WATER MANAGEMENT – WELLS

This condition is implemented jointly by the Public Works and PBES Departments:

The permittee shall be required (at the permittee's expense) to record well monitoring data (specifically, static water level no less than quarterly, and the volume of water no less than monthly). Such data will be provided to the County, if the PBES Director determines that substantial evidence⁴ indicates that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. If data indicates the need for additional monitoring, and if the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

In order to support the County's groundwater monitoring program, well monitoring data as discussed above will be provided to the County if the Director of Public Works determines that such data could be useful in supporting the County's groundwater monitoring program. The project well will be made available for inclusion in the groundwater monitoring network if the Director of Public Works determines that the well could be useful in supporting the program.

In the event that changed circumstances or significant new information provide substantial evidence⁴ that the groundwater system

⁴ Substantial evidence is defined by case law as evidence that is of ponderable legal significance, reasonable in nature, credible and of solid value. The following constitute substantial evidence: facts, reasonable assumptions predicated on facts; and expert opinions supported by facts. Argument, speculation, unsubstantiated opinion or narrative, or clearly inaccurate or erroneous information do not constitute substantial evidence.

referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

- c. The project proposal will not alter any drainage patterns on site or cause an increase in erosion on or off site. Improvement plans prepared prior to the issuance of a grading or building permit would ensure that the proposed project does not increase runoff flow rate or volume as a result of project implementation. General Plan Policy CON-50 requires discretionary projects, including this project, to meet performance standards designed to ensure peak runoff in 2-, 10-, 50-, and 100-year events following development is not greater than predevelopment conditions. The proposed project would implement standard stormwater quality treatment controls to treat runoff prior to discharge from the project site. The incorporation of these features into the project would ensure that the proposed project would not create substantial sources of polluted runoff. In addition, the proposed project does not have any unusual characteristics that create sources of pollution that would degrade water quality. The project would be required to incorporate an erosion control plan to manage onsite surface drainage and erosion of onsite soils during construction and winter months (October to April). By incorporating a Standard Measures erosion control plan, this project would have a less than significant impact on drainage and siltation. There are no existing or planned stormwater systems that would be affected by this project.
- d. The project location is not in a flood hazard, tsunami, or seiche zones, and does not risk the release of pollutants due to project inundation. No impacts would occur.
- e. As discussed above, the parcel specific groundwater recharge analysis estimated a recharge potential of 2.23 af/yr which is greater than the estimated use of 1.63 af/yr. Water quality would be maintained through standard stormwater quality treatment control measures and compliance with Engineering Division Conditions of Approval. No impacts would occur.

Mitigation Measures: None are required.

XI.	LAND USE AND PLANNING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a./b. The project would not occur within an established community, nor would it result in the division of an established community. The project complies with the Napa County Code and all other applicable regulations. The subject parcel is located in the AW (Agricultural Watershed) zoning district, which allows wineries and uses accessory to wineries subject to use permit approval. The proposed project is compliant with the physical limitations of the Napa County Zoning Ordinance. The County has adopted the Winery Definition Ordinance (WDO) to protect agriculture and open space and to regulate winery development and expansion in a manner that avoids potential negative environmental effects. Agricultural Preservation and Land Use Policy AG/LU-1 of the 2008 General Plan states that the County shall, "preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County." The property's General Plan land use designation is AWOS (Agriculture, Watershed, and Open Space), which allows "agriculture, processing of agricultural products, and single-family dwellings." More specifically, General Plan Agricultural Preservation and Land Use Policy AG/LU-2 recognizes wineries and other agricultural processing facilities, and any use clearly accessory to those facilities, as agriculture. The project would allow for the continuation of agriculture as a dominant land use within the county and is fully consistent with the Napa County General Plan. The proposed use of the property for the "fermenting and processing of grape juice into wine" (NCC §18.08.640) supports the economic viability of agriculture within the county consistent with General Plan Agricultural Preservation and Land Use Policy AG/LU-4 ("The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/

open space...” and General Plan Economic Development Policy E-1 (The County’s economic development will focus on ensuring the continued viability of agriculture...). The General Plan includes two complimentary policies requiring wineries to be designed generally of a high architectural quality for the site and its surroundings. There are no applicable habitat conservation plans or natural community conservation plans applicable to the property.

Mitigation Measures: None are required.

XII. MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a./b. Historically, the two most valuable mineral commodities in Napa County in economic terms have been mercury and mineral water. More recently, building stone and aggregate have become economically valuable. Mines and Mineral Deposits mapping included in the Napa County Baseline Data Report (Mines and Mineral Deposits, BDR Figure 2-2) indicates that there are no known mineral resources nor any locally important mineral resource recovery sites located on the project site. No impacts would occur.

Mitigation Measures: None are required.

XIII. NOISE. Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a./b. The project will result in a temporary increase in noise levels during the brief construction of the project. Construction activities will be limited to daylight hours using properly muffled vehicles. Noise generated during this time is not anticipated to be significant. The project

would not result in potentially significant temporary construction noise impacts or operational impacts. Given the proximity to the neighbors, the closest of whom is located over 800 feet away from the winery building, there is a relatively low potential for impacts related to construction noise to result in a significant impact. Furthermore, construction activities would generally occur during the period of 7:00 a.m. 7:00 p.m. on weekdays, during normal hours of human activity. All construction activities will be conducted in compliance with the Napa County Noise Ordinance (Napa County Code Chapter 8.16). The proposed project will not result in long-term significant construction noise impacts. The winery, as part of its entitlement would include the County's standard condition of approval, below, requiring construction activities to be limited to daylight hours, vehicles to be muffled, and backup alarms adjusted to the lowest allowable levels.

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

Additional regulations contained within County Code Chapter 8.16 establish exterior noise criteria for various land uses in the County. As described in the Project Setting, above, land uses that surround the proposed parcel are predominantly large lot residential properties and vineyards; of these land uses, the residential land use is considered the most sensitive to noise. Based on the standards in County Code section 8.16.070, noise levels, measured at the exterior of a residential structure or residential use on a portion of a larger property, may not exceed 50 decibels for more than half of any hour in the window of daytime hours (7:00 a.m. to 10:00 p.m.). Noise impacts of the proposed project would be considered bothersome and potentially significant if sound generated by it had the effect of exceeding the standards in County Code more than 50 percent of the time (i.e., more than 50 decibels for more than 30 minutes in an hour for a residential use).

Noise from winery operations is generally limited and intermittent, meaning the sound level can vary during the day and over the course of the year, depending on the activities at the winery. The primary noise-generating activities are equipment associated with wineries including refrigeration equipment, bottling equipment, barrel washing, de-stemmers and press activities occurring during the harvest crush season, delivery trucks, and other vehicles. The Napa County General Plan EIR indicates the average, or equivalent, sound level (Leq) for winery activities is 51dBA in the morning and 41dBA in the afternoon. Audibility of a new noise source and/or increase in noise levels within recognized acceptable limits are not usually considered to be significant noise impacts, but these concerns should be addressed and considered in the planning and environmental review processes.

The nearest off-site residence to the proposed winery is approximately 800 ft. to the north. Winery operations would occur between 10:00 a.m. and 6:00 p.m., Monday through Sunday (production, excluding harvest) and 10:00 am to 6:00 pm (hospitality). The potential for the creation of significant noise from visitation is significantly reduced since the tasting area is limited to the covered patio area. Continuing enforcement of Napa County's Noise Ordinance by the Division of Environmental Health and the Napa County Sheriff, including the prohibition against amplified music, should further ensure that marketing events and other winery activities do not create a significant noise impact. Events and non-amplified music, including clean-up are required to finish by 10:00 p.m. Amplified music or sound systems would not be permitted for outdoor events as identified in Standard Condition of Approval 4.10 below. Temporary events would be subject to County Code Chapter 5.36 which regulates proposed temporary events. The proposed project would not result in long-term significant permanent noise impacts.

4.10 AMPLIFIED MUSIC There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.

c. The project site is not located within the boundaries of an airport land use plan or within two miles of a public airport or within the vicinity of a private airstrip.

Mitigation Measures: None are required.

XIV.	POPULATION AND HOUSING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a. Cumulative impacts related to population and housing balance were identified in the 2008 General Plan EIR. As set forth in Government Code §65580, the County of Napa must facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community. Similarly, CEQA recognizes the importance of balancing the prevention of environment damage with the provision of a “decent home and satisfying living environment for every Californian.” (See Public Resources Code §21000(g).) The 2008 General Plan sets forth the County’s long-range plan for meeting regional housing needs, during the present and future housing cycles, while balancing environmental, economic, and fiscal factors and community goals. The policies and programs identified in the General Plan Housing Element function, in combination with the County’s housing impact mitigation fee, to ensure adequate cumulative volume and diversity of housing. Cumulative impacts on the local and regional population and housing balance will be less than significant.

The State of California’s Department of Finance projects the total population of Napa County to increase 4% between the year 2020 and 2060 (State of California Department of Finance Projections, July 19, 2021, <https://dof.ca.gov/forecasting/demographics/projections/>). Unincorporated Napa County, and the five incorporated jurisdictions, all have existing state compliant Fifth Cycle (2014-2022) Housing Elements and are working on developing compliant Sixth Cycle (2023-2031) Housing Elements, as required by state law. Complaint Housing Elements indicates that the jurisdictions have enough dwelling units programed over the cycle to meet or exceed state growth projections.

The project is proposing two (2) full time employees and three (3) part time employees. Relative to the County’s projected low to moderate growth rate and overall adequate programmed housing supply that population growth does not rise to a level of environmental significance. In addition, the project would be subject to the County’s housing impact mitigation fee, which provides funding to meet local housing needs. Cumulative impacts on the local and regional population and housing balance would be less than significant.

The proposed project does not require installation of any additional, new infrastructure, including that which might induce growth by extending services outside of the boundaries of the subject site or increasing the capacity of any existing roadway. Napa County collects fees from developers of nonresidential projects to help fund local affordable housing (see Napa County Code Section 18.107.060 – Nonresidential developments – Housing fee requirement). The fees are assessed with new construction and are collected at time of building permit issuance for new construction of winery buildings.

The policies and programs identified in the General Plan Housing Element, in combination with the County’s housing impact mitigation fee, ensure adequate cumulative volume and diversity of housing. With limited staffing proposed and no off-site expansion of utilities or facilities to serve other developments, the project would have less than significant impact on population growth.

b. This application will not displace any existing housing or a substantial number of people and will not necessitate the construction of replacement housing elsewhere.

Mitigation Measures: None are required.

XV.	PUBLIC SERVICES. Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
	i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a. Public services are currently provided to the project site and the additional demand placed on existing services would be marginal. Fire protection measures are required as part of the development pursuant to Napa County Fire Marshall conditions and there will be no foreseeable impact to emergency response times with the adoption of standard conditions of approval. The Fire Department and Engineering Services Division have reviewed the application and recommend approval as conditioned. School impact mitigation fees, which assist local school districts with capacity building measures, will be levied pursuant to building permit submittal. The proposed project will have little to no impact on public parks. County revenue resulting from any building permit fees, property tax increases, and taxes from the sale of wine will help meet the costs of providing public services to the property. The proposed project will have a less than significant impact on public services.

Mitigation Measures: None are required.

XVI.	RECREATION. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. The project would not significantly increase the use of recreational facilities, nor does the project include recreational facilities that may have a significant adverse effect on the environment.
- b. No new public recreational amenities are proposed to be built with, or as a result of, the requested use permit application. The proposed project would have no impact.

Mitigation Measures: None are required.

XVII. TRANSPORTATION. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with General Plan Policy CIR-14, which requires new uses to meet their anticipated parking demand, but to avoid providing excess parking which could stimulate unnecessary vehicle trips or activity exceeding the site's capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a/c/d. As proposed the project would not conflict with any plans, ordinances or policies addressing the circulation system. Existing pedestrian and transit facilities serving the site are limited, though given the rural location of the project site and anticipated demand for these modes, this is considered an acceptable condition. The existing driveway entrance is not proposed to be disturbed. Therefore, would not increase hazards due to a geometric design feature. The parcel is served by an existing gravel road that starts at the intersection of Mt. Veeder Road. From Mt. Veeder Road, the road runs adjacent to a blue line stream for about 2,200 ft., and then meanders to terminate its 4,400 ft. length at the proposed site. The NCRSS requires a 22 ft. minimum width for roads serving commercial uses such as this proposed winery. The majority of the existing road does not meet the minimum width requirement. The Hillwalker winery project is seeking exception to the NCRSS to accommodate environmental and physical constraints that forbid compliance to the standards. Engineering Division staff has reviewed the Request noted above with the applicant's authorized agents, Engineering staff and the Fire Marshal's office. With respect to Section (3) of the NCRSS as adopted by Resolution No. 2023-59 by the Board of Supervisors on April 18, 2023, the Engineering Division has determined that the applicant has met the provisions for an exception to the NCRSS. The proposed improvement achieves the same overall practical effect by installing intervisible turnouts along sub-standard segments of the road and implementing vegetation management measures to maintain the line of sight. Access onto and throughout the parcel includes design components to accommodate fire and emergency apparatus. The Fire Marshal's office has reviewed the plans, which demonstrate that the project would have adequate emergency access to the proposed project. The Napa County Fire Department and Engineering Division have reviewed the proposed plans for access and circulation and found them to be in compliance with the Napa County Road and Street Standards.
- b. As part of the statewide implementation of Senate Bill (SB) 743, the Governor's Office of Planning and Research (OPR) settled upon

automobile vehicle miles of travel (VMT) as the preferred metric for assessing passenger vehicle-related impacts under CEQA and issued revised CEQA Guidelines in December 2018, along with a Technical Advisory on Evaluating Transportation Impacts in CEQA to assist practitioners in implementing the CEQA Guidelines revisions.

The County's General Plan Circulation Element contains a policy statement (Policy CIR-7) indicating that the County expects development projects to achieve a 15% reduction in project-generated VMT to avoid triggering a significant environmental impact. Specifically, the policy directs project applicants to identify feasible measures that would reduce their project's VMT and to estimate the amount of VMT reduction that could be expected from each measure. The policy states that "projects for which the specified VMT reduction measures would not reduce unmitigated VMT by 15 or more percent shall be considered to have a significant environmental impact." That policy is followed by an action item (CIR-7.1) directing the County to update its CEQA procedures to develop screening criteria for projects that "would not be considered to have a significant impact to VMT" and that could therefore be exempted from VMT reduction requirements.

The new CEQA Guidelines and the OPR Technical Advisory note that CEQA provides a categorical exemption (Section 15303) for additions to existing structures of up to 10,000 square feet, so long as the project is in an area that is not environmentally sensitive and where public infrastructure is available. OPR determined that "typical project types for which trip generation increases relatively linearly with building footprint (i.e., general office building, single tenant office building, office park, and business park) generate or attract 110-124 trips per 10,000 square feet". They concluded that, absent substantial evidence otherwise, the addition of 110 or fewer daily trips could be presumed to have a less than significant VMT impact.

The County maintains a set of Transportation Impact Study Guidelines (TIS Guidelines) that define situations and project characteristics that trigger the need to prepare a TIS. The purpose of a TIS is to identify whether the project is likely to cause adverse physical or operational changes on a County roadway, bridge, bikeway or other transportation facility, to determine whether the project should be required to implement or contribute to improvement measures to address those changes, and to ensure that the project is developed consistent with the County's transportation plans and policies. Per the County's current TIS Guidelines, a project is required to prepare a TIS if it generates 110 or more net new daily vehicle trips. Based on the County's winery trip generation assumptions, the proposed project would be expected to generate 39 new daily trips on a Friday and 36 on Saturdays, including 14 new trips during the Friday p.m. peak hour and 18 during the Saturday p.m. peak hour, compared to permitted conditions. During harvest the proposed project would be expected to generate 39 new daily trips on a Friday and 37 on Saturdays, including 14 new trips during the Friday p.m. peak hour and 18 during the Saturday p.m. peak hour. The trip generation does not exceed 110 net new daily trips; therefore, the project is not required to prepare a traffic impact study (TIS). In addition, the hold and haul trips generated from production wastewater would not exceed 12 trips per year.

The County's TIS Guidelines include VMT analysis requirements for projects based on trip generation, which includes a screening approach that provides a structure to determine what level of VMT analysis may be required for a given project. Furthermore, The TIS Guidelines state that if the net cumulative result of all project modifications after January 1, 2022, would generate less than 110 net new daily passenger vehicle and truck trips, the project is presumed to have a less than significant impact for VMT. As noted above, based on the trip generation sheet, the maximum employee and visitor/guest data for the harvest/crush season, the proposed project would not exceed the 110 trip threshold and is therefore presumed to have a less than significant impact. The project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). Impacts would be less than significant.

- e. Developers of new or expanded land uses are required to provide adequate parking or demonstrate that adequate parking exists to meet their anticipated parking demand. Excess parking that could stimulate unnecessary vehicle trips or commercial activity exceeding the site's capacity is discouraged. The project is proposing seven (7) parking stalls, one (1) of which will be ADA compatible, which should accommodate employees and visitors. The proposed project would not be in conflict with General Plan Policy CIR-14 .

Mitigation Measures: None are required.

XVIII. TRIBAL CULTURAL RESOURCES. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a./b. On August 25, 2023, County Staff sent invitations to consult on the proposed project to Native American tribes who had a cultural interest in the area and who as of that date had requested to be invited to consult on projects, in accordance with the requirements of Public Resources Code section 21080.3.1. The Yocha Dehe, Middletown Rancheria, and Mishewal Wappo Tribe of Alexander Valley did not request consultation within the 30-day notification period, and because no response to the consultation invitation was received, the consultation time period elapsed.

Mitigation Measures: None are required.

XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of a new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Discussion:

- a. As discussed in Section VII. Geology and Soils, a Wastewater Feasibility Study, dated February 9, 2024, was prepared by Stillwater Civil Design. A hold and hall tank is proposed for winery production wastewater. The system will be designed by a licensed engineer and will be reviewed and approved by the Department of Environmental Health. There does not appear to be any limitation on this parcel's ability to support a hold and hall tank, which will be able to support the proposed project. The Division of Environmental Health reviewed this report and concurred with its findings, conditioning that the plans shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and approved by the Division of Environmental Health. Additionally, the applicant proposes installing a water tank on the west side of the winery building. The proposed water tank will be used for fire suppression. Impacts will be less than significant.
- b. As discussed in Section X. Hydrology, a Water Availability Analysis (WAA) was prepared by Stillwater Civil Design, dated February 9, 2024. As directed by the County WAA Guidelines (May 2015), the report includes a Tier 1 calculations for the existing and proposed water uses and a groundwater recharge analysis. The parcel specific groundwater recharge analysis estimated a recharge potential of 2.23 af/yr which is greater than the estimated use of 1.63 af/yr demonstrating that the subject parcel has enough capacity to serve the proposed use. No impacts would occur.
- c. A hold and haul process wastewater disposal system is proposed and will be installed to dispose of the process wastewater. The existing engineered domestic septic system for the residential use has a capacity of up to 900 gallons per day. Adequate septic reserve area was previously permitted by the County The Division of Environmental Health reviewed this report and concurred with its findings, conditioning that the selected design and plans shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and approved by the Division of Environmental Health. The project is not served by a wastewater treatment provider; therefore, no impact would occur.
- d/e. According to the Napa County Baseline Data Report, all of the solid waste landfills where Napa County's waste is disposed have sufficient capacity related to the current waste generation. The project would comply with federal, state, and local statutes and regulations related to solid waste. Therefore, impacts would be less than significant.

Mitigation Measures: None are required.

XX.	WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Due to slope, prevailing winds and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Discussion:

- a. There are no proposed project features that would substantially impair an adopted emergency response plan or emergency evacuation plan. The existing road and proposed project will be designed and improved to meet commercial standards as defined in the Napa County Road and Street Standards (NCRSS). The parcel is served by an existing gravel road that starts at the intersection of Mt. Veeder Road. From Mt. Veeder Road, the road runs adjacent to a blueline stream for about 2,200 ft., and then meanders to terminate its 4,400 ft. length at the proposed site. The NCRSS requires a 22 ft. minimum width for roads serving commercial uses such as this proposed winery. The majority of the existing road does not meet the minimum width requirement. The Hillwalker winery project is seeking exception to the NCRSS to accommodate environmental and physical constraints that forbid compliance to the standards. Engineering Division staff has reviewed the Request noted above with the applicant' authorized agents, Engineering staff and the Fire Marshal's office. With respect to Section (3) of the NCRSS as adopted by Resolution No. 2023-59 by the Board of Supervisors on April 18, 2023, the Engineering Division has determined that the applicant has met the provisions for an exception to the NCRSS. The proposed improvement achieves the same overall practical effect by installing intervisible turnouts along sub-standard segments of the road and implementing vegetation management measures to maintain the line of sight. Access onto and throughout the parcel includes design components to accommodate fire and emergency apparatus. The Fire Marshal's office has reviewed the plans, which demonstrate that the project would have adequate emergency access to the proposed project. The cave would be equipped with sprinklers and fire suppression equipment as required by the CA building Code. No impacts would occur.
- b. According to the Napa County Environmental resource maps (based on the following GIS layer – Fire Hazard Severity Zones), the proposed project is located within a moderate fire hazard severity zone and in the State Responsibility (SRA) zone. The private road terminates at Mount Veeder Road and provides access to State Highway 29 and the City of Napa. The proposed project's access road provides access to the winery and is adjacent to an existing vineyard, which is situated on slopes ranging from 0 to over 15 percent. The Fire Marshal's office and Engineering Division have reviewed the plans and determined that the proposed improvements would not result in a physical modification to the slope of the site, change prevailing winds, or alter other factors that would likely exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Impacts of the project would be less than significant.
- c. The existing driveway will be improved to meet NCRSS. This development is not considered a type of improvement that exacerbates wildfire risk or significant environmental risk. Impacts will be less than significant.
- d. The physical improvements are limited to converting an existing pool house to a commercial restroom. The proposed project would not physically alter the site in a way, which would expose people or structure to risks such as downstream or downslope flooding or landslides resulting from runoff, post-fire instability or drainage changes. Impacts would be less than significant.

Mitigation Measures: None are required.

XXI.	MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Discussion:

As discussed in Section IV. Biological Resources, a Northern Spotted Owl Habitat Assessment for Hillwalker Vineyards Winery, 1871 Mount Veeder Road, Napa, Napa County dated October 12, 2023, was prepared by LSA. The report found based on the most recent data, there are no known NSO nesting sites or activity centers that have been previously identified within or adjacent to the project site; however, there are four activity centers within a 2-mile radius of the project site. The last definitive observation within 2 miles of the project site was an owl hear by a retired CDFW Biologist in 2009, approximately 0.5 miles west of the project site. Based on the above discussion and field assessment, the oak woodland within 330 feet of the project site does not appear to provide suitable nesting and/or diurnal roosting habitat for NSO due to its generally low stature and lack of large multi-canopied trees; however, this woodland could provide nocturnal foraging and disposal habitat for NSO. The 10 trees proposed for removal average between 6 and 12 inches in diameter at breast height, are adjacent to an existing active driveway. Therefore, the removal of these trees would not likely adversely affect the nesting and or diurnal roosting NSO. However, the presence of NSO in the project area cannot be completely ruled out. Therefore, **Mitigation Measure BIO-1 and Mitigation Measure BIO-3** ~~is-are~~ required to be followed, and the proposed driveway improvements related to the widening/turnout areas would not be expected to adversely affect NSO. The project shall comply with 18.108.020; therefore, tree removal would need to be mitigated pursuant to NCC Section 18.108.020.D and, therefore **Mitigation Measure AG-1** is required to be followed. Removal of the ten scattered trees is required to install the upgrades to the existing shared driveway required by the Napa County Road and Street Standards. The potential for ~~this project the driveway improvements~~ to have an impacts on ~~special status species-stream and placement, construction, and operation of the driveway modifications and tree removal areis~~ less than significant with **Mitigation Measure BIO-6**. Also discussed in Section IV. Biological Resources, a temporary wildlife exclusion fence shall be installed between the edge of the detention basin and the driveway improvement locations to prevent animals from entering the work area. **Mitigation Measure BIO-2** would reduce impacts to less than significant. Construction activities could temporarily preclude the movement of some wildlife including small mammals, reptiles, and amphibians. However, after the driveway improvements are constructed, wildlife that may move across the site would be able to continue to do so. In addition, the California giant salamander, Foothill yellow-legged frog, and Western pond turtle are not expected to be within the compacted gravel driveway improvement areas or ephemeral drainage, however: **Mitigation Measure BIO-2 and Mitigation Measure BIO-4** would reduce impacts to less than significant. Finally, the presence of Special Status plants in the project area cannot be completely ruled out. Mitigation Measure BIO-5 would reduce impacts to Special Status plants to less than significant.

a.

As identified in Section V. Cultural Resources, according to the Napa County Environmental Resource Maps there are no known cultural or historic structures on the site. There are no records of cultural resources observed during prior development of the site. The project would not result in significant impacts or eliminate important examples of the major periods of California history or prehistory. Impacts would be less than significant.

b. The project does not have impacts that are individually limited, but cumulatively considerable. Potential impacts to aesthetics, agriculture, air quality, biology, energy, geology and soils, greenhouse gas emissions, hazard and hazardous materials, hydrology and water quality, noise, population, public services, transportation, utilities and service systems, and wildfire are discussed in the respective sections above and were determined to have a less than significant impact. As discussed in Section VIII. Green House Gas and Section XVII. Transportation, potential impacts to air pollution and GHG emissions are being addressed through meeting BAAQMD recommended design elements, with the addition of Greenhouse Gas Voluntary Best Management Practices, as included on the form dated November 6, 2023. Section X. Hydrology includes detail on the Water Availability Analysis which demonstrates that the proposed project would decrease water use from the existing conditions by approximately 1.15 af/yr from 2.78 af/yr to a total of 1.63 af/yr The groundwater recharge analysis estimates 2.23 af/yr which is greater than the proposed use of 1.63 af/yr Consequently, the project would not interfere with groundwater recharge or lowering of the local groundwater level. The project did not reach the County thresholds for preparation of a VMT analysis, assuming a less than significant impact. Per County TIS Guidelines any future modification to the winery would look at a VMT analysis for the net cumulative result of all project modifications after January 1, 2022, including this project. Overall, potential cumulative impacts would be less than significant.

- c. All impacts identified in this MND are either less than significant after mitigation or less than significant and do not require mitigation. Therefore, the proposed project would not result in environmental effects that cause substantial adverse effects on human being either directly or indirectly. Impacts would be less than significant.

Mitigation Measures: None are required.

“D”

Use Permit Application Packet

Hillwalker Vineyards Winery Use Permit P23-00101-UP and Exception
to the Conservation Regulations P23-00239-UP
Planning Commission Hearing Date (August 7, 2024)

NAPA COUNTY

Planning, Building and Environmental Services



A Tradition of Stewardship
A Commitment to Service

USE PERMIT/MAJOR MODIFICATION APPLICATION
WINERY USES

Before you file an application...

Before you submit your application materials, and generally as early in the process as possible, you may want to schedule a Pre-Application Review Meeting (or Pre-App) with a member of the Planning Department Staff.

Pre-Application Meetings

Pre-application meetings are an opportunity to meet with staff from all Divisions and receive valuable feedback on your project. In particular, staff can identify the type of application and related permits that may be necessary, permit processing steps and timelines, and pertinent information and technical studies that will be required to submit a complete application.

To schedule a pre-application meeting, please complete the pre-application meeting form and submit with payment to the Planning Division at 1195 Third Street, Suite 210, Napa, CA 94559.

Contents

___	General Application Form
___	Use Permit/Major Modification Checklist of Required Application Materials
___	Signed Indemnification Form
___	Signed Hourly Fee Agreement
___	Supplemental Application for Winery Uses
___	Voluntary Best Management Practices Checklist for Development Projects
___	Form Adjoining Property Owner List Requirements



A Tradition of Stewardship
 A Commitment to Service

PLANNING APPLICATION FORM

Applicant Information

Applicant Contact Name: _____ Mailing Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ E-Mail Address: _____	Property Owner Contact Name: _____ Mailing Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ E-Mail Address: _____
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Agent Contact Name: _____ Mailing Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ E-Mail Address: _____	Other Representative Contact <input type="checkbox"/> Engineer <input type="checkbox"/> Architect <input type="checkbox"/> Agent Name: _____ Mailing Address: _____ City: _____ State: _____ Zip: _____ Phone: _____ E-Mail Address: _____
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Property Information

Project Name: _____

Project Address: _____

Assessor's Parcel Number(s): _____

Size of site (acreage and/or square footage): _____

General Plan Designation: _____ Zoning: _____

Application Type¹

File No(s) _____

Administrative	Planning Commission/ALUC/BOS	Zoning Administrator
Erosion Control Plan: <input type="checkbox"/> Track I <input type="checkbox"/> Track II <input type="checkbox"/> Admin Viewshed <input type="checkbox"/> Fence Entry Structure Permit <input type="checkbox"/> Land Division/Mergers <input type="checkbox"/> Site Plan Approval/Modification <input type="checkbox"/> Winery Administrative Permit <input type="checkbox"/> Other Very Minor Modification <input type="checkbox"/> Addressing <input type="checkbox"/> Signs Temporary Event: <input type="checkbox"/> 51-400 <input type="checkbox"/> 401+ <input type="checkbox"/> Late Application Submittal <input type="checkbox"/> Application Entitled to Fee Waiver <input type="checkbox"/> Other: _____	Major Modification: <input type="checkbox"/> Winery <input type="checkbox"/> Other Use Permit: <input type="checkbox"/> Winery <input type="checkbox"/> Other <input type="checkbox"/> Viewshed <input type="checkbox"/> AG Preserve Contract <input type="checkbox"/> Development Agreement <input type="checkbox"/> Airport Land Use Consistency Determination <input type="checkbox"/> General, Specific or Airport Land Use Plan Amendment <input type="checkbox"/> Variance <input type="checkbox"/> Zoning Map/Text Amendment <input type="checkbox"/> Road Exception <input type="checkbox"/> Con. Reg. Exception <input type="checkbox"/> Other: _____	<input type="checkbox"/> Certificate of Legal Non Conformity <input type="checkbox"/> Other Minor Modification <input type="checkbox"/> Road Exception <input type="checkbox"/> Small Winery Exemption <input type="checkbox"/> Winery Minor Modification <input type="checkbox"/> Variance <input type="checkbox"/> Viewshed <input type="checkbox"/> Other: _____ <div style="background-color: #e0e0e0; text-align: center; padding: 2px;">Misc. Services</div> <input type="checkbox"/> Use Determination <input type="checkbox"/> Status Determination <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 the Board of Supervisor's current Fee Resolution including the establishment of an hourly fee application agreement and initial deposit. 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.

Kevin P. Fournier 11/6/23
 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.

 Applicant's Signature and Date

Application Fees	
Date Received: _____	Deposit Amount \$
Received by: _____	Flat Fee Due \$
Receipt No. _____	Total \$
File No. _____	Check No

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).

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.

 11/6/23
Print Name of Property Owner

Print Name Signature of Applicant (if different)

Signature of Property Owner

Date

Signature of Applicant

Date

Hourly Fee Agreement

PROJECT File: _____; request for _____
_____. I, _____

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 \$ _____ 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):

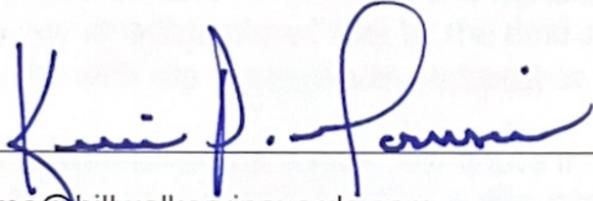
Kevin P. Morrison

Mailing Address of the Applicant responsible for paying processing fees:

405 Alexander Ave

Larkspur, CA 94939

Signature:*



Email Address: kmo@hillwalkervineyards.com

Date:

11/6/23

Phone Number: 415 - 509 - 4739

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

Supplemental Application for Winery Uses

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*

Planning, Building & Environmental Services

Winery Production Process



A Tradition of Stewardship
A Commitment to Service

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 Alcohol and Tobacco Tax and Trade Bureau (TTB). 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 consecutive years of data.

**Inflows
(Receiving)**

Grapes

Juice

Bulk Wine

B

Bulk Wine

Processing Steps

Crush

A Fermentation

Aging & Finishing

D Bottling

**Outflows
(Shipping)**

Juice

Bulk Wine

C

Bulk Wine

Bottled Wine

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.

February 2019

WINERY 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 type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input checked="" 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 type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input checked="" type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Food at Tours and Tastings	<input type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input checked="" type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Marketing Events*	<input type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input checked="" type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Food at Marketing Events	<input type="checkbox"/> Existing	<input type="checkbox"/> Expanded	<input checked="" type="checkbox"/> Newly Proposed	<input type="checkbox"/> None
Will food be prepared...	<input 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
Wine Sales/Consumption – AB 2004	<input type="checkbox"/> Existing		<input checked="" type="checkbox"/> Proposed	<input 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 permitted production capacity: 200 gal/y Per permit : P19-00341 Permit date: 8/20/2019

Current maximum actual production: 200 gal/y For what year? _____

Average 3 year production: 200 gal/y

Proposed production capacity: 7,000 gal/yr

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

Visitation and Operations

Please identify the winery's...

Maximum daily tours/tastings visitation: _____ existing 35 proposed

Maximum weekly tours/tastings visitation: _____ existing 245 proposed

Visitation hours (e.g. M-Sa, 10am-4pm): _____ existing 10am to 6pm proposed

Production days and hours¹: _____ existing 6am to 6pm proposed

¹ 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). The project description should include information on location and quantity of grapes.

See attached Project Description.

Marketing Program

Please describe the winery's proposed marketing program. Include event type, maximum attendance, hours, location/facilities to be used, food service details, etc. Provide a site plan showing where the marketing event activities will occur, including overflow/off-site parking. Differentiate between existing and proposed activities. (Attach additional sheets as necessary.)

See attached Project Description.

On-Site Consumption

If requesting On-Site Consumption, please provide a site plan showing where such activities will occur.

See attached Project Description and Site Plan.

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 and existing type of commercial kitchen (low, medium or high risk) and/or food preparation areas authorized by the County Environmental Health Division. (Attach additional sheets as necessary.)

See attached Project Description. No food service proposed.

Winery Coverage and Accessory/Production Ratio

Winery Development Area. Consistent with the definition at “a.,” 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 _____ sq. ft. _____ acres
 Proposed 720 sq. ft. _____ acres

Winery Coverage. Consistent with the definition at “b.,” 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).

10,563 sq. ft. _____ acres 1.1 % of parcel

Production Facility. Consistent with the definition at “c.,” 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 _____ sq. ft. Proposed 1,500 sq. ft.

Accessory Use. Consistent with the definition at “d.,” 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 _____ sq. ft. _____ % of production facility
 Proposed 398 sq. ft. 26 % of production facility

Caves and Crush pads

If new or expanded caves are proposed, please indicate which of the following best describes the public accessibility of the proposed and existing cave space: Please denote on cave floor plans the location of existing and proposed cave type/activities and identify location of on-site cave spoils on a site plan.

Existing Cave:

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

Expanded or New Cave:

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

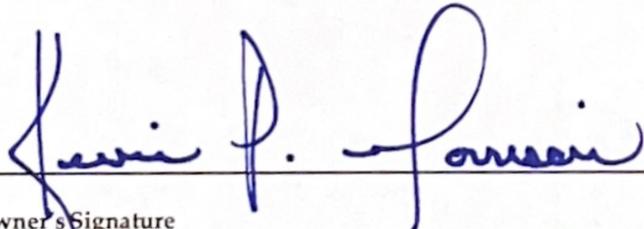
Please identify the winery’s...

Cave area (total) Existing: 1,500 sq. ft. Proposed: 1,500 sq. ft.
 Cave area (Production) Existing: _____ sq. ft. Proposed: 1,500 sq. ft.
 Cave area (Accessory) Existing: _____ sq. ft. Proposed: _____ sq. ft.
 Covered crush pad area Existing: _____ sq. ft. Proposed: _____ sq. ft.
 Uncovered crush pad area Existing: _____ sq. ft. Proposed: _____ sq. ft.
 Cave Spoils total: Proposed: _____ cy.

Cave Spoils Use: Onsite Offsite

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

11/6/23
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.



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 Entitled 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 40, 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 40, 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.



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services - Hillary Gitelman, 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

BMP-1 Generation of on-site renewable energy
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.

BMP-2 Preservation of developable open space in a conservation easement
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.

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 Plan
Doing 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/global_warming/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.
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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/departmentcontent.aspx?id=4294971612>
15. <http://www.napasan.com/Pages/ContentMenu.aspx?id=109>
16. <http://water.epa.gov/polwaste/green/index.cfm>

Adjoining Property Owner List Requirements

All applications shall include a list of the current owners of all the properties whose outer perimeters are within **1,000 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. The list may be expanded to include other affected property owners at the discretion of the Planning Director as well as individuals having a request for notice on file with the Commission Clerk.

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. While the mailing list is not necessarily required at initial project submittal, the project cannot be noticed for hearing without it.

Instructions to the 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 the Planning, Building & Environmental Services Department.
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 have any questions, please contact the Planning, Building & Environmental Services Department at (707) 253-4417.

Hillwalker Vineyards

Winery Use Permit Application

June 10, 2024

Property Information:

1871 Mt. Veeder Road
Napa, CA 94558
APN: 034-110-047-000
Zoning: Agricultural Watershed
Parcel Size: 20.46 acres

Owner Information:

Kevin Morrison
1871 Mt. Veeder Road
Napa, CA 94558
kmo@hillwakervineyards.com

Civil Engineer:

Stillwater Civil Design
Rangel Gonzales, P.E.
(707) 974-9261
rangel@stillwatercivil.com

Project Description:

Existing Site Description and Use:

The proposed winery will be located at 1871 Mt. Veeder Road, APN: 034-110-047. This property is accessed down a long shared private driveway that is approximately 4,400 feet long. We purchased our property in March of 2018. There is an existing residence and accessory buildings on the property, including an approximately 1,500 square foot cave in the hill adjacent to the house. The existing house has 5 potential bedrooms. It is assumed that up to 6 people could potentially reside in the house. There are 4.5 acre vineyard on the property. These vineyards have been under vine since the mid-70's and were replanted in 2003.

While the original intent was to continue growing and selling fruit, we decided to embark on a project to transition the vineyards from conventional farming practices to organic/bio-dynamic practices and dry-farming, and to work to produce a high caliber wine in the cave on-site. To support our initial winemaking efforts, we applied for and received a Home Occupancy permit from Napa County in 2019 and have been producing wine in the cave since that time.

Philosophically, this project has been about pursuing a certain ethos of care for the land and vines, conservation, and utilizing very low impact farming and wine making practices, with the goal of creating something that stands for these values and is represented in the wine we are producing. When we started, the soil was completely dead in the vineyards due to extensive herbicide use over the years and soil compaction. As a result, the vineyards were essentially bare soil and vines. We are now on our 5th year of utilizing organic/bio-dynamic farming practices. We have not put a drop of pesticide or herbicide in the vineyards, nor have we irrigated since 2019. We use plant-based teas and whey protein from a dairy in Sonoma to balance the nutritional needs of the vines. These vineyards have been utterly transformed. They are healthy, the ground is green and full of life, and while the fruit yield has dropped due to dry-farming, the quality of the fruit is superb and has improved every year.

While our farming practices have been beneficial for fruit quality, they have also resulted in significant water conservation. These vineyards were previously irrigated with up to 0.5 acre-feet per acre per year (733,000 gallons per year [2.25 ac-ft/yr]). The vineyards are no longer irrigated so the only proposed water use for this winery is limited to landscaping near the house and winemaking. No new landscaping is proposed for the winery use permit.

This Winery Use Permit Application proposes an annual wine production of up to 7,000 gallons. Up to 7,000 gallons of wine will be produced onsite in the existing 1,500 sf cave. The existing 4.5 acres of onsite vineyards will not produce enough fruit to produce 7,000 gallons of wine per year. Grapes will be procured from other vineyards in Napa County to produce up to 7,000 gallons of wine per year.

Grape Origin:

- o 4.5 acres of onsite vineyards will be used to produce wine onsite. Onsite vineyards currently produce up to 2 tons/acre.
- o Other grape sources from other vineyards in Napa County will be procured to produce up to 7,000 gallons of wine per year.

Proposed Development and Use:

Proposed changes to the existing facilities are minimal. We will make any required improvements to the existing wine cave to meet code and increase wine production. The Pool House bathroom will be improved to meet California Accessibility Code for guest use. Tasting/tours are intended to take place on the existing covered porches adjacent to the house with no proposed physical changes. Marketing events will also be held outdoors and not inside the cave.

Production: Increase wine production on-site from 200 gallons per year under the existing Home Occupancy Permit to 7,000 gallons per year under a Winery Use Permit. We plan to produce up to 7,000 gallons of wine per year onsite in the existing cave.

Winery Tours and Tastings: We do envision hosting guests from time-to-time for tours and tastings. However, we do not intend to build any additional structures for this purpose. Rather, we intend to host people primarily on the covered porch next to the house. We do not intend to obtain a State of California Permit for a Community Water System to use the existing onsite wells. Therefore, twenty-five (25) or more people will be allowed at the winery property for 59 days per year. Twenty-four (24) or less people will be allowed at the winery property for 306 days per year. It is assumed that up to 6 people will live in the existing house at any given time. We propose to host between 13 and 35 guests per day. We do not intend to complete a traffic impact study for this project and therefore, we will have no more than 5 employees and 35 visitors at the winery other than during marketing events that will occur once per month. All food served at the winery will be prepared offsite by a professional catering service.

Marketing Events: We propose to have a maximum of one marketing event per month (up to 12 marketing events per year). Marketing events will have a maximum of 45 guests and 5 employees. All food served at the winery will be prepared offsite by a professional catering service. No winery visits for tours and tastings will be held on the same day as a marketing event. Parking for marketing events will be in vineyard avenues or offsite. Valet parking may be used to ensure cars are parked safely and do not block fire access roads.

A summary of winery visitation is as follows:

- 12 marketing events per year with up to 45 guests and 5 employees
- 47 days of tours and tastings with up to 35 visitors 5 employees
- 306 days of tours and tastings with up to 13 visitors and 5 employees
- 25 or more people will be allowed at the winery for a maximum of 59 days per year

Further details on the proposed winery are detailed below:

Winery Development Area:

- 720 square feet. Consists of four (4) employee parking spaces. Cave (1,500 sf) is excluded. Tasting takes place outside on existing house porch and is not included.

Winery Coverage:

- 11,570 square feet including driveway (approximately 345 feet long from property line to hammerhead turnaround [9,710 sf]), guest parking areas (685 sf), accessible walkways (726 sf), outdoor tasting area (298 sf), accessible bathroom (80 sf) and wine glass washing and storage (71 sf). Cave (1,500 sf) is excluded.

Production Facility:

- Production will take place within the existing 1,500 square foot wine cave on the property where we are currently making wine under the Home Occupancy permit.
- Winery employees will use the bathroom in the Pool House

Accessory Use:

- Accessible Bathroom in Pool House: 80 square feet
- Wine Glass Washing Area & Storage: 71 square feet
- Tasting Area: Approximately 298 square feet of outdoor porches adjacent to the house.
- Total winery accessory area = 449 square feet
- Percentage accessory to production = 30%

Hours of Operation:

- 10:00AM to 6:00PM, Mon – Sun, for Tours and Tastings
- 10:00AM to 10:00PM, for Marketing Events

Employees:

- Two (2) full time employees including the owner
- Up to three (3) part-time employees
- Shifts will generally be from 10:00AM – 6:00PM, except during harvest/wine production which may include 1-2 8:00PM – 6:00AM shifts

Additional Licenses/Permits:

- TTB Permit CA-W-23472 issued/current
- ABC 02-Winegrower #614610 – issued/current

Water Supply:

Even if we used the aggressive assumption of 6 gallons of water for each gallon of wine produced, which is far more than we actually use, the water used for wine production would still be less than one tenth of the maximum water use the property experienced under the prior farming methods. On the topic of water use in wine making, we have a similar philosophy as in farming. We use very little water in the wine making process, only for sanitation, and take steps to minimize the impact on the environment like neutralizing high acid water before it's discarded. We also add no chemicals other than sulfur to our wine, and only use citric acid or sulfur in our cleaning and sanitization practices. Additionally, we have transitioned largely to concrete vessels for aging, which reduces barrel use, conserves water that would otherwise be used for barrel cleaning, and results in less waste in the form of discarded barrels. Lastly, we utilize other techniques that reduce our carbon footprint, such as no hedging and no mowing in the vineyards.

- Water used in wine production and for drinking purposes is provided by two existing wells on the property that feed Reverse Osmosis filtration and UV sterilization system with 2,500 gallons of storage.
- Water supplies are intended to serve 24 people or less on normal days, inclusive of visitors and employees. More than 24 people can be served by the domestic water system for a maximum of 59 days per year.

Waste Disposal:

- Domestic wastewater is handled by the existing engineered septic system that has capacity of 900 gallons/day. See wastewater feasibility report.
- Wine glasses for tasting may be supplied by a service and taken offsite for cleaning. An onsite dishwasher is also proposed. For marketing events, all dirty dishes will be taken and cleaned offsite by a catering company.
- All food served at the winery will be prepared offsite by a professional catering service.
- Solid waste will be removed from the property and disposed of through proper municipal waste services.
- Production Wastewater:
 - Proposed installation of hold and haul tank for winery process wastewater.

Wine Cave:

- Production activities will take place in the existing wine cave.
- No wine tasting will take place in the cave.
- Winery guests may only enter cave on a guided tour.
- The cave is designated as a Type 2 Cave
- Proposed changes to bring the cave up to code will be:
 - Installing a keyed lock to an interior room
 - Installing a panic bar to the exit door

Winery Visitation/Wine Tasting:

- Wine tasting will take place on the covered porch outside of the existing main house.
- The existing pool will not be used for winery visitors. The existing pool has a built-in security cover. The existing security cover will be closed when winery guests are present. The existing built-in pool cover is capable to supporting the weight of any person that may walk onto the pool cover. The existing built-in pool cover provides more security and safety than a fence.
- Winery visitors may be taken on a guided tour of the cave, however, no wine tasting will take place in the cave.

Exceptions:

- We will be seeking an exception to the Napa County Road and Street Standards for existing gravel driveway improvements. See attached road exception request.
- We will be seeking a Use Permit Exception to the Conservation Regulation for existing gravel driveway improvements in the blue line stream setback. See attached application.

“E”

Use Permit Exception to Conservation Regulations Packet

Hillwalker Vineyards Winery Use Permit P23-00101-UP and Exception
to the Conservation Regulations P23-00239-UP
Planning Commission Hearing Date (August 7, 2024)

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. Hourly Fee Agreement
7. Adjoining Property Owner Requirements
8. Plan Requirements
9. 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. _____ Completed signed application
2. _____ Completed supplemental application form
3. _____ **Signed** Indemnification statement
4. _____ **Signed** Hourly Fee Agreement
5. _____ Site Location Map (on 7" by 7½" portion of a 7½-minute U.S. Geological survey topographic map
4. _____ 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. _____ Make checks out to the **County of Napa**. (*Amount to be determined at the pre-application meeting*).
8. _____ Pre-Submittal application review meeting with Planning Division Staff (Date: _____)
9. _____ Additional information that may be required by Planning Division.
10. _____ 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: HILLWALKER VINEYARDS WINERY

Assessor's Parcel #: 034-110-047-000 Existing Parcel Size: 20.46 acres

Site Address/Location: 1871 Mt. Veeder Road Napa CA 94558
No. Street City State Zip

Property Owner's Name: Kevin Morrison

Mailing Address: 1871 Mt. Veeder Road Napa CA 94558
No. Street City State Zip

Telephone #: () - - Fax #: () - - E-Mail: kmo@hillwalkervineyards.com

Applicant's Name: Rangel Gonzales, P.E., Stillwater Civil Design

Mailing Address: 1090 Shetter Ave Napa, CA 94559
No. Street City State Zip

Telephone #: (707) 974 - 9261 Fax #: () - - E-Mail: rangel@stillwatercivil.com

Status of Applicant's Interest in Property: Project Management

Representative Name: N/A

Mailing Address: _____
No. Street City State Zip

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

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.

Rangel Gonzales 11/6/23 Kevin P. Morrison 11/6/23
Signature of Applicant Date Signature of Property Owner Date

Rangel Gonzales Kevin Morrison
Print Name 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.

**This project proposes a new winery under Napa County permit P23-00101. This winery is required to meet the Napa County Road and Street Standards (NCRSS) to provide a 22-ft wide driveway per NCRSS Section 13. An existing shared driveway extends from Mt. Veeder road approximately 4,400 to the subject property at 1871 Mt. Veeder Road. The existing shared driveway has a gravel surface and is approximately 14 feet wide. The existing shared driveway is shown on Sheet UP 3.0 of the Preliminary Improvement Plans for use Permit P23-00101. The first 2,400 feet of existing shared gravel driveway lies within the stream setbacks as defined in Napa County Code Section 18.108.025. This exception request has been completed to request an exception to Napa County Code Section 18.108.025 to be able to improve the driveway within the stream setbacks. The proposed road improvements within the stream setback are minimized to limit impacts to the natural environment. This project is separately requesting a Road Exception for this project to minimize widening the driveway within the stream setback. The proposed driveway improvements are as follows:
Widen existing driveway from 14 ft to between 22 ft and 26 ft for a length of approximately 250 feet of driveway length.
Install six (6) turnouts per NCRSS Detail C-11. Three of the six proposed turnouts located within the stream setback do not propose to disturb ground any closer to the stream than where the road is currently located.**

2. Are there any alternatives to the project which would not require an exception? Please explain.

Napa County Road and Street Standards and the SRA Fire Safe Regulations require driveways serving a commercial winery of any kind to meet certain standards. In order to meet these standards, improvement to the existing gravel driveway must be completed. A road exception request is being submitted as part of this project to minimize disturbance of the natural environment and to prevent grading on slopes over 30%. This exception to the conservation regulations will not be required if the Napa County Engineering Division and Fire Marshall grant a road exception that would not require improvements to the existing gravel driveway within the blue line stream setback.

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).

Section 18.108.040 A applies for the proposed driveway improvement. The existing gravel driveway was installed decades ago and was constructed to follow the natural land form and avoided excessive grading. The proposed slight improvements to the existing gravel driveway will utilize space available alongside the existing driveway for the proposed improvements. Minimal earth disturbance will be performed to improve the driveway as needed to permit the micro-winery project. The proposed improvements will be constructed on relatively flat areas and will avoid removal of trees and vegetation to the extent possible. The proposed improvements will not impact animal habitats as only minimal earth disturbing activities will take place along side the existing driveway. An erosion and sediment control plan will be completed for the project to prevent soil loss and runoff.

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 existing gravel driveway was installed decades ago and was constructed to follow the natural land form and avoided excessive grading. The proposed slight improvements to the existing gravel driveway will utilize space available alongside the existing driveway for the proposed improvements. Minimal earth disturbance will be performed to improve the driveway as needed to permit the micro-winery project. The proposed improvements will be constructed on relatively flat areas and will avoid removal of trees and vegetation to the extent possible.

- 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.

This is not applicable as no primary or accessory structures are being proposed.

- 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 proposed slight improvements to the existing gravel driveway will utilize space available alongside the existing driveway for the proposed improvements. Minimal earth disturbance will be performed to improve the driveway as needed to permit the micro-winery project. The proposed improvements will be constructed on relatively flat areas and will avoid removal of trees and vegetation to the extent possible.

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

The purpose of the road improvement requirement is to improve fire safety on the property. The proposed improvements to the existing gravel driveway will significantly improve fire safety on the driveway by allowing vehicles traveling in opposite directions to pass safely.

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

No disturbance to any streams or water courses are proposed. All improvements are proposed a significant distance away from the top of bank of the blue line stream. The proposed improvements are within the blue line stream setback defined in Napa County Code Section 18.08.025. The proposed slight improvements to the existing gravel driveway will utilize space available alongside the existing driveway for the proposed improvements. Minimal earth disturbance will be performed to improve the driveway as needed to permit the micro-winery project. The proposed improvements will be constructed on relatively flat areas and will avoid removal of trees and vegetation to the extent possible.

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 proposed improvements will not impact animal habitats as only minimal earth disturbing activities will take place along side the existing driveway. No significant trees or habitat will be disturbed as part of this project. See attached biological study report.

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, no agricultural developments are proposed.

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

Not applicable, no agricultural developments are proposed.

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, no agricultural developments are proposed.

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.

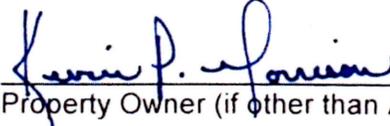
Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, 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
11/6/23

Date



Property Owner (if other than Applicant)

Project Identification

“F”

County Road & Street Standards Exception Application

Hillwalker Vineyards Winery Use Permit P23-00101-UP and Exception
to the Conservation Regulations P23-00239-UP
Planning Commission Hearing Date (August 7, 2024)

Brian Bordona
Director
Napa County Planning, Building & Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559

March 6, 2024

Re: Request for Exception to the Napa County Road and Street Standards to allow use of existing shared driveway access road that does not meet the 22 ft minimum width requirement in multiple segments as required by the Napa County Road and Street Standards Section 13 and Detail C-7.

Mr. Bordona,

The proposed project is located at 1871 Mt. Veeder Road in Napa County. The assessor's parcel number is 034-110-047-000.

This project is proposing a micro-winery on this 20.46-acre parcel. The proposed micro-winery will produce 2,000 gallons of wine from existing onsite vineyards in an existing onsite, 1,500 sf, cave. The micro-winery proposes a maximum of 10 visitors per day. This property is accessed down a long shared private driveway that is approximately 4,400 feet long. There is an existing residence and accessory buildings on the property, including an approximately 1,500 square foot cave in the hill adjacent to the house. There is an existing 4.5-acre vineyard on the property. This property has a Home Occupancy permit from Napa County that was obtained in 2019.

The existing shared driveway is shown on Sheet UP 3.0 of the Preliminary Improvement Plan for the use permit application. The existing shared driveway is a well-maintained gravel driveway with a minimum width of 14 feet. This existing driveway is currently being used to access two residential properties and many acres of vineyards. One residence is located on parcel 034-100-043 with an address of 1881 Mt Veeder Road. The second residence is the subject property on parcel 034-110-047 with an address of 1871 Mt Veeder Road. Domain Chandon owns parcels 034-110-040, 034-110-049 & 034-110-059. No houses exist on these three parcels, however, Domain Chandon maintains approximately 315 acres of vineyards on these three parcels. Domain Chandon currently maintains the existing shared driveway as they are the predominate user of this shared gravel driveway.

The proposed micro-winery project is proposing a very small commercial use that will not significantly increase use of this existing shared driveway. The existing shared driveway is located through a mountainous area and travels next to a blue line creek. Widening of this existing shared driveway as required in Section 13 of the Napa County Road and Street Standards is not feasible due to steep slopes, unique environmental features, and proximity to a blue line stream. This project is requesting a Road Exception per Section 3(d)i., of the Napa County Road and Street Standards which states...

i. The exception will preserve unique features of the natural environment which includes, but is not limited to, natural water courses, steep slopes, geological features, heritage oak trees, or other trees of least six inches in diameter at breast height and found by the decision-maker to be of significant importance, but does not include human altered environmental features such as vineyards and ornamental or decorative landscaping, or artificial features such as, rock walls, fences or the like

The project proposes to improve the existing shared driveway as required without damaging the natural environment, grading on steep slopes, or impacting the blue line stream. As shown on plan Sheet UP 3.0, the project proposes to install nine (9) turnouts and widen the driveway up to 26 ft wide for a length of 1,300 feet. The overall length of the existing driveway from Mt. Veeder Road to the project site is

approximately 4,400 feet. A separate Use Permit Exception to the Conservation Regulations is also being submitted as part of this project since some of the turnouts are proposed within the conservation setback to the blue line stream.

The proposed improvements to the existing shared driveway will provide the same overall practical effect as the Napa County Road and Street Standards and the SRA Fire Safe Regulations towards providing defensible space, and consideration towards life, safety and public welfare. The mitigating factors are as follows.

1. Turnouts that meet the Napa County Road and Street Standards Detail C-11 will be provided in strategic locations to allow vehicles to pull over and pass safely. Turnouts will be placed to provide as much sight distance as possible to be able to see if vehicles are coming in the opposite direction.
2. The driveway will be widened in suitable locations for a total distance of approximately 1,300 feet.
3. Undergrowth vegetation removal and maintenance will be performed to maintain sight distance to be able to see if vehicles are coming in the opposite direction.

Other mitigating items may include signage at the beginning of the driveway at Mt. Veeder Road to indicate private road, addresses, distances, fire water connection locations and fire water volume.

Please accept this letter along with the attached Preliminary Road Improvement Plan, Sheet UP 3.0 completed by Stillwater Civil Design for a complete road exception application. These documents provide findings for the road exception request, and provide mitigating factors to show that the proposed driveway improvements will provide the same overall practical effect of the Napa County Road and Street Standards and the SRA Fire Safe Regulations. Please feel free to contact Stillwater Civil Design if any further information is required.





J. Rangel Gonzales, P.E.
Stillwater Civil Design

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Water Availability Analysis

Hillwalker Vineyards Winery Use Permit P23-00101-UP and Exception
to the Conservation Regulations P23-00239-UP
Planning Commission Hearing Date (August 7, 2024)

February 9, 2024



Hillwalker Vineyards

Water Availability Analysis Winery Use Permit Application

This project is located at 1871 Mt. Veeder Road in Napa County, California, APN: 034-110-047. The parcel is approximately 20.46 acres. This property is currently developed with a 5-bedroom main house, a 1,500-sf finished cave, a garage, pool, four wells, water storage tanks and an engineered septic system. The 4 existing onsite wells will be used to supply water for the proposed winery. No new wells are proposed for this project.

This winery use permit is proposing to produce 7,000 gallons of wine per year. This project proposes to convert the existing residential cave into a winery that will produce up to 7,000 gallons of wine per year onsite. The proposed winery will perform crushing, fermenting and bottling onsite in the existing cave. The winery use permit application proposes minimal winery visitation for tours and tastings.

Water Use Estimate

Approximately 4.5 acres of vineyard are currently on the property. The Hillwalker Vineyard Winery strives for very low impact farming and wine making practices. The Hillwalker Vineyard Winery strives to use very little water by implementing dry farming of the vineyard. The existing vineyard was previously irrigated with up to 0.5 acre-feet per acre per year (733,000 gallons per year [2.25 ac-ft/yr]). The vineyards are no longer irrigated which will provide a very large water saving.

The winery proposes to produce up to 7,000 gallons of wine per year. The Hillwalker Vineyard Winery strives to use very little water by implementing water conservation techniques in wine production. The proposed 7,000 gallons of wine that will be produced onsite is estimated to use less than 3 gallons of water per gallon of wine during the wine making process.

Estimated annual water use for vineyard irrigation and wine projection are as follows:

Vineyards-

4.5 acres of vineyard (dry farmed) @ 0.2 acre-feet per acre per year = 0.9 acre-feet

Winery-

7,000 gal of wine produced using 3 gal of water/gal of wine = 21,000 gallons (0.064 ac-ft)

Domestic Water Use for Employees and Guests-

5 employees @ 15 gallons/employee/day * 365 days/year = 27,375 gallons/year

35 guests for wine tasting @ 3 gal/guest/day * 47 days/year = 4,935 gal/yr

13 guests for wine tasting @ 3 gal/guest/day * 306 days/year = 11,934 gal/yr

45 guests for wine marketing events @ 5 gal/guest/day * 12 days/yr = 2,700 gal/yr

Total Domestic Water Use = 46,944 gallons per year (0.14 ac-ft)

Landscaping-

0.5 ac-ft/year/100,000 gal wine * 5,000 gal wine = 0.025 ac-ft

Total estimated water use for vineyard and winery =

0.9+0.064+0.14+0.025 = **1.13 ac-ft per year**

Estimated water use for existing onsite residence-

0.5 ac-ft per year

Total estimated water use for vineyards, winery and residence = 1.13 + 0.5 = 1.63 ac-ft per year

Water Use Screening Criteria

The proposed winery is located in the southwestern portion of Napa County. It is located in the forested area accessed from Mt. Veeder Road between Pickle Canyon and Redwood Canyon. The site is located at an elevation of approximately 1,000 feet above mean sea level.

According to the Napa County Water Availability Analysis Guidance Document, Table 1, characterizes the property to be located in "All Other Areas". Under this Project Screening Criteria Applicability, the project is required to perform a Tier 1. The water use estimate below satisfies the Tier 1 requirements. The Tier 2 analysis requires Well and Spring Interference Criterion when a neighboring non-project well is located within 500 feet of the onsite project well. A Tier 2 analysis is not required for this project as no new wells are being proposed and the proposed water use for this project is estimated to be less than pre project water use for vineyard irrigation.

Tier 1 Allowable Water Allocation and Site Specific Groundwater Recharge Analysis

The proposed winery is located in the mountainous areas to the west of the Napa Valley Floor. The parcel is located outside of the Napa Valley Subbasin and is subject to a Parcel Specific Recharge Analysis for the Tier 1 Water Availability Analysis. Of the 20.46 acre parcel, approximately 8.5 acres is estimated to be on slopes less than 30%. Slopes over 30% are not considered to contribute to groundwater recharge. The average rainfall 10-year PRISM data is shown to be 31.76 inches annually for the property. The percent of rainfall that contributes to groundwater recharge is found in the Napa County document titled, Updated Hydrogeologic Conceptualization and Characterization of Conditions, completed by Luhdorff & Scalmanini Consulting Engineers and MBK Engineers, dated January 2013. Table 8-10 of this document show that approximately 10% of rainfall may contribute to groundwater recharge. Therefore, the average annual recharge can be estimated as 31.56 inches X 1 ft/12 in X 8.5 X 0.10 = **2.23 acre-feet** of groundwater recharge per year.

The proposed water use for the project is 1.63 ac-ft per year which is less than the estimated groundwater recharge rate of 2.23 acre-feet per year.

Conclusion

The project takes pride in minimizing impacts to the environment. The project uses dry farming techniques and water conscientious wine making techniques. This project is estimated to use less water than was previously used to irrigate onsite vineyards. The proposed Hillwalker Vineyards Winery proposes to use a very small amount of water that is estimated to be 1.63 acre-feet per year. This is a very small amount of proposed water use for this 20.46-acre property. The site specific groundwater recharge for the property is estimated to be 2.23 acre-feet per year.

February 9, 2024



Hillwalker Vineyards

Water Availability Analysis Winery Use Permit Application

This project is located at 1871 Mt. Veeder Road in Napa County, California, APN: 034-110-047. The parcel is approximately 20.46 acres. This property is currently developed with a 5-bedroom main house, a 1,500-sf finished cave, a garage, pool, four wells, water storage tanks and an engineered septic system. The 4 existing onsite wells will be used to supply water for the proposed winery. No new wells are proposed for this project.

This winery use permit is proposing to produce 7,000 gallons of wine per year. This project proposes to convert the existing residential cave into a winery that will produce up to 7,000 gallons of wine per year onsite. The proposed winery will perform crushing, fermenting and bottling onsite in the existing cave. The winery use permit application proposes minimal winery visitation for tours and tastings.

Water Use Estimate

Approximately 4.5 acres of vineyard are currently on the property. The Hillwalker Vineyard Winery strives for very low impact farming and wine making practices. The Hillwalker Vineyard Winery strives to use very little water by implementing dry farming of the vineyard. The existing vineyard was previously irrigated with up to 0.5 acre-feet per acre per year (733,000 gallons per year [2.25 ac-ft/yr]). The vineyards are no longer irrigated which will provide a very large water saving.

The winery proposes to produce up to 7,000 gallons of wine per year. The Hillwalker Vineyard Winery strives to use very little water by implementing water conservation techniques in wine production. The proposed 7,000 gallons of wine that will be produced onsite is estimated to use less than 3 gallons of water per gallon of wine during the wine making process.

Estimated annual water use for vineyard irrigation and wine projection are as follows:

Vineyards-

4.5 acres of vineyard (dry farmed) @ 0.2 acre-feet per acre per year = 0.9 acre-feet

Winery-

7,000 gal of wine produced using 3 gal of water/gal of wine = 21,000 gallons (0.064 ac-ft)

Domestic Water Use for Employees and Guests-

5 employees @ 15 gallons/employee/day * 365 days/year = 27,375 gallons/year

35 guests for wine tasting @ 3 gal/guest/day * 47 days/year = 4,935 gal/yr

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Wastewater Treatment and Disposal Feasibility Study

Hillwalker Vineyards Winery Use Permit P23-00101-UP and Exception
to the Conservation Regulations P23-00239-UP
Planning Commission Hearing Date (August 7, 2024)

February 8, 2024



Hillwalker Vineyards

Wastewater Treatment and Disposal Feasibility Study Winery Use Permit Application

This project is located at 1871 Mt. Veeder Road in Napa County, California, APN: 034-110-047. The parcel is approximately 20.46 acres. This property is currently developed with a 5-bedroom main house, a 1,500-sf finished cave, a garage, pool, pool bathroom building, several wells, water storage tanks and an engineered septic system.

This project proposes to convert the existing residential cave into a winery. The proposed winery will perform crushing, fermenting and bottling onsite in the existing cave. The winery proposes to produce up to 7,000 gallons of wine per year. A hold and haul system will be used to collect winery process wastewater. A trucking company will be hired to collect winery process wastewater from the hold and haul tanks to be transported to an approved wastewater treatment facility for disposal. The existing onsite domestic wastewater system is an engineered septic system that was installed in 2007 under permit E06-01102. This existing engineered septic system was approved for 900 gallons per day. This existing engineered septic system was installed with excess capacity that will be available to support the increased use from visitors to the proposed winery.

Septic History

A septic site evaluation was conducted in 2004 for a residential development under permit E04-0176. This septic site evaluation was used to permit an engineered drip dispersal septic system to serve up to 900 gallons per day. This existing engineered septic system was permitted and installed under Napa County permits E06-0158 and E06-01102.

The existing house has 5 potential bedrooms. The existing engineered septic system was permitted for 900 gallons per day. Each potential bedroom generates 120 gallons per day. Therefore, there is an excess daily capacity of 300 gallons available for use for domestic wastewater from the proposed winery.

Adequate septic reserve area is available on the property. Please see Napa County Records for the existing septic reserve area.

Proposed Process Wastewater Production

The proposed winery will perform crushing, fermenting and bottling to produce up to 7,000 gallons of wine per year onsite. The Hillwalker Vineyard Winery strives for very low impact farming and wine making practices. The Hillwalker Vineyard Winery strives to use very little water by implementing dry farming of the vineyard and using water conservation techniques in wine production. The proposed 7,000 gallon per year winery estimates to produce less than 3 gallons

of process wastewater per gallon of wine.

A hold and haul process wastewater disposal system will be permitted and installed to dispose of the process wastewater. It is estimated by the property owner and wine maker that the total process wastewater production will be approximately 3.0 gallons per gallon of wine or 21,000 gallons per year.

The peak daily winery process wastewater production is calculated as follows:

Annual Winery Production in Gallons = 7,000 gallons per year

Multiplication Factor = 1.5

Crush Days for Wineries Producing 20,000 Gallons or Less = 30 days

Daily Peak Process Wastewater Production = $7,000 \text{ gal} * 1.5 / 30 \text{ day} = 350 \text{ gal/day}$

It is estimated that the peak daily wastewater flow from the proposed winery will be 350 gallons per day.

It is required to provide at least 7 days of storage for a hold and haul winery process wastewater system. The minimum required holding tank will be $7 * 350 \text{ gallons} = 2,450 \text{ gallons}$. One 2,500 gallon holding tank will be proposed to be installed for the hold and haul system.

Process wastewater reserve area will be available through onsite treatment and surface drip irrigation to the existing vineyard. The property has two vineyards. An upper vineyard is approximately 1.5 acres and the lower vineyard is approximately 3.0 acres. The upper vineyard contains the existing domestic wastewater system and reserve area. Portions of the upper vineyard also falls within groundwater well setbacks. The upper vineyard is not proposed to be used for the winery process wastewater reserve area. The lower vineyard is outside of all setback and is proposed to be used as the winery process wastewater reserve area. The lower vineyard is approximately 3.0 acres. There are approximately 900 vines per acre for a total of 2,700 vines in the lower 3-acre vineyard. The estimated peak daily process wastewater flow is 350 gallons per day. Irrigation of 350 gallons per day over 2,700 vines would be 0.12 gallons or 0.45 liters per vine. Therefore, the existing available 3-acre lower vineyard will be more than sufficient reserve area for winery process wastewater treatment and disposal. A process wastewater treatment system and treated effluent storage tank would be required as part of this reserve system.

Proposed Domestic Wastewater Production

The proposed Hillwalker Vineyard Winery proposes up to 45 visitors per day. The proposed winery is proposing to have 2 full-time employees and 3 part-time employees. The existing engineered septic system has an approved capacity of 900 gallons per day.

5 bedroom house @ 120 gallons/bedroom = 600 gallons

5 employees @ 15 gallons/employee = 75 gallons

35 guests for daily tours and tastings @ 3 gallons/guest = 105 gallons

45 guests for wine marketing events @ 5 gallons/guest = 225 gallons

The largest daily wastewater volume will be generated during a wine marketing event. Daily tours and tastings will not be held on the same day as a wine marketing event. The peak daily wastewater volume will be a combination of residential, employee and marketing event guests. The total peak daily wastewater volume is calculated below.

Total Peak Domestic Wastewater Production = 600 gallons + 75 gallons + 225 gallons = **900 gallons**

The existing engineered domestic septic system has a capacity of up to 900 gallons per day. Adequate septic reserve area is shown on the approved septic system plan permitted under E06-01102.

“ | ”

Northern Spotted Owl Habitat Assessment

Hillwalker Vineyards Winery Use Permit P23-00101-UP and Exception
to the Conservation Regulations P23-00239-UP
Planning Commission Hearing Date (August 7, 2024)

June 10, 2024

Kevin Morrison
Hillwalker Vineyards Winery
405 Alexander Avenue
Larkspur, CA 94939

Subject: Northern Spotted Owl Habitat Assessment for Hillwalker Vineyards Winery,
1871 Mount Veeder Road, Napa, Napa County

Dear Mr. Morrison:

This letter report provides a habitat assessment for northern spotted owl (*Strix occidentalis caurina*) (NSO) for the above-referenced project site (Assessor’s Parcel No. 034-110-047) in Napa County. The Napa County Planning Department (County), in a letter addressed to Mr. Morrison (dated August 10, 2023), requested the NSO habitat assessment as part of a Use Permit application because this federal and State-listed threatened species is known to occur in the region of the project site. The report was prepared to address the County’s concerns of the potential effects of the proposed project on NSO.

PROJECT DESCRIPTION

Hillwalker Vineyards is proposing driveway improvements for fire code purposes as part of the Use Permit application. The project, beginning at Mt Veeder Road, include the construction of 9 turnout shoulders and 3 areas of intermittent driveway widening along 4,390-feet of driveway (Figure 1; all figures provided in Attachment B). Portion of the proposed project area occurs within potential habitat for NSO.

METHODS

Prior to conducting fieldwork, the Spotted Owl (SO) Observations Database was reviewed for NSO observations within a 2-mile radius around the project site (California Department of Fish and Wildlife [CDFW] 2023; all references provided in Attachment A). In addition, other readily available literature (Smith 2003) was reviewed for NSO occurrence records in the project vicinity.

LSA biologist Gretchen Zantzing conducted a field survey to assess the potential nesting and roosting/foraging habitat for NSO within an area approximately 330 feet or the greatest extent feasible around the project site; this distance is based on the visual/auditory impact distance suggested by United States Fish and Wildlife Service ([USFWS] 2020). The 330-foot survey area includes the area when most noise (e.g., general construction activity and Mt. Veeder Road noise) and/or visual line-of-sight disturbance distance from a nest would occur (USFWS 2020). The field survey was conducted by walking the driveway and making observations of the adjacent forest. The habitat assessment focused on identifying general habitat characteristics of NSO including forest type, dominant tree species, tree size, relative canopy cover, and slope aspect. In addition, the understory was characterized by identifying shrubs and other dominant plant species and density. The presence of potential prey species, such as the dusky-footed woodrat (*Neotoma fuscipes*), was also noted. Special attention was made to identify any potential nest sites, such as cavities in large

mature trees, broken off snags, mistletoe (*Phoradendron* sp.) clumps, and/or debris accumulations on large horizontal branches that offer typical nesting substrate for NSO. Interpretation of aerial imagery (Google Earth) and available vegetation maps of the area contributed to the habitat assessment as well.

NORTHERN SPOTTED OWL DATABASE RECORDS

Figure 3 shows observations within a 2-mile radius of the project site. Observations in the SO Observations Database are categorized as nest sites, young, pairs, or activity centers. Spotted owls are characterized as central-place foragers; individuals forage over a wide area and subsequently return to a nest or roost location that is often centrally located (CDFW 2023) within the home range. Activity centers are a site or point within an owl's core use area that represents this central location. Nest sites are typically used to identify activity centers, or in cases where nests have not been identified, breeding-season roost sites or areas of concentrated nighttime detections may be used to identify activity centers.

Activity centers are assigned a unique "MASTEROWL" (MO) number. Generally, each MO number is associated with a cluster of related observations in the same geographic area. Usually (but see below), only one observation per MO number is designated as an activity center. The MO number does not explicitly refer to an individual owl or pair of owls and is not necessarily synonymous with an owl's territory. The group of observations that share an MO number are best thought of as a survey history for a known NSO site, (i.e., a patch of habitat that is currently occupied [or has been occupied in the past] by one or more NSO). The spider diagram aids in visualizing the geographic extent of the site and shifts in habitat use over time.

Based on the SO Observations Database search, a single activity center is within 2 miles of the project site: MO NAP0038 (0.46 mile north of the project site) (Figure 3). This activity center was identified in 1997 by NSO expert Ted Wooster and is west of the Hillwalker Vineyard. Six NSO detections associated with this activity center were made in 2009, 2008, 2005, 2004, 1997, and 1998 and range from 0.15 to 0.65 mile from the project site; most of these detections were west of the project site (Figure 2). There is no data in the SO Observations Database after 2009 for this activity center.

The median home range radius for NSO in interior areas, such as Napa County, is 1.3 miles (USFWS 2012). Based on this data, the project site could be within the MO NAP0038 home range. The latest positive observation associated with this Activity Center was in 2009. Based on the field survey and Google Earth imagery, the habitat surrounding MO NAP0038 is a patchwork of oak woodland, grassland, and agriculture.

HABITAT ASSESSMENT

The driveway is on a northeast-facing slope along an elevation gradient from about 800 feet in the north to 1,000 feet by the vineyards, dwellings, and outbuildings. An unnamed tributary of Pickle Creek crosses under the driveway through culverts at two locations and drains to a detention basin; no other wetland features were observed on the project site. To the west, the slope rises toward the

ridge line of Bismark Knob at 2,340 feet in elevation; Bismark knob lies on the ridgeline that divides Napa County from Sonoma County.

The primary vegetation type within the project vicinity is oak woodland or riparian woodland forest with an overstory dominated by oaks such as canyon live oak (*Quercus chrysolepis*), California black oak (*Quercus kelloggii*), coast live oak (*Quercus agrifolia*), California buckeye (*Aesculus californium*), bigleaf maple (*Acer macrophyllum*), California madrone (*Arbutus menziesii*), tanoak (*Lithocarpus densiflorus*), California bay (*Umbellularia californica*), and scattered small Douglas fir (*Pseudotsuga menziesii*). Native Coyote brush (*Baccharis pilularis*), poison oak (*Toxicodendron diversilobum*) and snowberry (*Symphoricarpos mollis*) is present adjacent to the driveway and within the survey area. Non-native species such as Scotch broom (*Cytisus scoparius*) and Himalayan blackberry (*Rubus armeniacus*) are also present in the understory. Based on the Napa Baseline Data Report the woodland in the project area is mapped as oak woodland; Thorne et al. (2019) maps this woodland as mixed oak.

A total of 10 trees have been identified for complete or partial removal as part of the driveway modification project.

Table A: Trees to be Removed

Turnouts	Tree Species	DBH (inches)	Proposed for Removal
Turnout 1	Coast Live Oak	8	1
	Coast live Oak	12	1
	California Buckeye	6	1
Turnout 2	Coast Live Oak Cluster	12, 8, 6	3
Turnout 3	Coast Live Oak	12, 10, 10	3
Turnout 4	No Tree Removal		0
Turnout 5	No Tree Removal		0
Turnout 6	California Black Oak	8	1
	Live Oak		0
	Live Oak		0
Turnout 7	No Tree Removal		0
Turnout 8	No Tree Removal		0
Turnout 9	No Tree Removal		0

Source: Compiled by LSA from Rangel Gonzales Civil Plans (2023).

DBH = diameter at breast height (about 4 feet above grade)

The forest within the survey area has a generally closed canopy with a shaded, cool understory; however, the canopy is broken and relatively open in some areas, particularly near the vineyards and on the slopes above Mt. Veeder Road. There are scattered, small (less than 10-inches in diameter at breast height) snags in some of the more open canopy areas, but none were observed in the driveway improvement locations. One dusky-footed woodrat nest was observed at the base of a California black oak upslope of the driveway, indicating the presence of this native mammal in the forest. As previously noted, dusky-footed woodrats are an important prey species of NSO. In general, the oak woodland is low in stature and lacking large, mature trees and a multilayered canopy. As noted above, NSO prefer closed canopy stands of forest with large, old trees with cavities, broken tops, snags, and/or platforms such as mistletoe clumps that provide suitable nesting

sites. This suggests that the woodland along the driveway (within 330 feet) is not suitable nesting/diurnal roosting habitat for NSO but could provide nocturnal foraging and dispersal habitat for these birds.

The upland annual grasslands and forbs cover type is present around the vineyard and dwelling area (Figure 4). This area is dominated primarily by weedy, non-native grasses and forbs and is not a habitat generally used by NSO.

RECOMMENDED AVOIDANCE AND MINIMIZATION MEASURES

Although NSO nesting and/or diurnal roosting sites are not expected to be present within 330 feet of the proposed project work areas, the following avoidance and minimization measures are recommended.

- Prior to the start of construction, a biologist would provide a training session for all work personnel to identify any sensitive species, including NSO, that may be in the area, their basic habits, how they may be encountered in their work area, and procedures to follow when they are encountered. Any personnel joining the work crew later would receive the same training before beginning work. Upon completion of the education program, employees would sign a form stating they attended the program and understand all protection measures. A pamphlet that contains images of sensitive species that may occur within the project area, environmentally sensitive areas within the project area, key avoidance measures, and employee guidance would be given to each person who completes the training program. These forms would be made available to the resource agencies upon request.
- Even though the presence of NSO within 330 feet of the project site is unlikely, the presence of this species in this area cannot be completely discounted. Therefore, to ensure that potential adverse noise or visual impact effects on NSO are avoided and/or minimized, a preconstruction survey will be conducted in areas of potential NSO habitat within the 330-foot visual line of disturbance contour of the project site. The focus of the survey should be on the detection of the species and potential active nest sites that could be affected by proposed project work. If an active nest is found within the 330-foot contour visual line of disturbance, the start of construction will be delayed until the young have fledged. NSO young generally leave the nest (that is, fledge) in late May or June. If an active nest is found within the 330-foot visual line of disturbance contour, it will be monitored by a qualified biologist to document when the young have left the nest and construction can start.
- If project activities take place between February 1 and September 30, then a qualified biologist should conduct preconstruction survey for other nesting birds no more than 3 days before tree removal. If active nests are found, then an appropriate buffer would be established, and the nest would be monitored for compliance with the federal Migratory Bird Treaty Act and California Fish Game Code Section 3503.

- No project work should be conducted at night.
- To minimize noise generated from the proposed action to the degree possible, all construction equipment, fixed or mobile, will be fitted with properly operating and maintained mufflers consistent with manufacturers' standards.

SUMMARY AND CONCLUSIONS

Based on the most recent data, there are no known NSO nesting sites or activity centers that have been previously identified within or adjacent to the project site; however, there are four activity centers within a 2-mile radius of the project site (Figure 3). The last definitive observation within 2 miles of the project site was an owl heard by retired CDFW Biologist Ted Wooster in 2009, approximately 0.5 mile west of the project site (Figure 3). Based on the above discussion and field assessment, the oak woodland within 330 feet of the project site does not appear to provide suitable nesting and/or diurnal roosting habitat for NSO due to its generally low stature and lack of large multi-canopied trees; however, this woodland could provide nocturnal foraging and dispersal habitat for NSO. The 11 trees proposed for removal average between 1 and 6 inches in diameter at breast height, are adjacent to an existing active driveway, and are too small to provide suitable NSO nesting and/or diurnal roosting habitat. Therefore, the removal of these trees would not likely adversely affect the nesting and or diurnal roosting NSO. However, as noted above, the presence of NSO in the project area cannot be completely ruled out. Therefore, the above avoidance and minimization measures are provided and, if followed, the proposed driveway improvements related to the widening/turnout areas would not be expected to adversely affect NSO.

If you have any questions or comments, please contact me at (510) 710-9112 or gretchen.zantzinger@lsa.net or Eric Lichtwardt at (510) 376-5767 or eric.lichtwardt@lsa.net.

Sincerely,

LSA Associates, Inc.



Gretchen Zantzinger
Senior Wildlife Biologist

Attachments: A: References
B: Figures

- Figure 1: Regional Location
- Figure 2: Proposed Project and Survey Results
- Figure 3: Land Cover Within 1 Mile
- Figure 4: Spotted Owl Occurrences
- Figure 5: Site Photographs

ATTACHMENT A

REFERENCES

California Department of Fish and Wildlife (CDFW). 2023. Spotted Owl Observations Database. Website: <https://wildlife.ca.gov/Data/CNDDDB/Spotted-Owl-FAQ> (accessed September 5, 2023).

Smith, Ann, ed. 2003. *Breeding Birds of Napa County*. Vallejo, California: Napa-Solano Audubon Society.

Thorne, J.H., R.M. Boynton, A. Merritt, S.K. Rice, E. Kalalipour, and J. Patrick. 2019. The 2016 update to the Napa Vegetation Map of 2004. University of California, Davis.

United States Fish and Wildlife Service (USFWS). 2012. Protocol for Surveying Proposed Management Activities that may Impact Northern Spotted Owls. Portland, Oregon: USFWS. January 9.

_____. 2020. Revised Transmittal of Guidance: Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California.

ATTACHMENT B

FIGURES

- Figure 1: Regional Project Location
- Figure 2: Proposed Project and Survey Results
- Figure 3: Land Cover Within 1 Mile
- Figure 4: Spotted Owl Occurrences
- Figure 5: Site Photographs

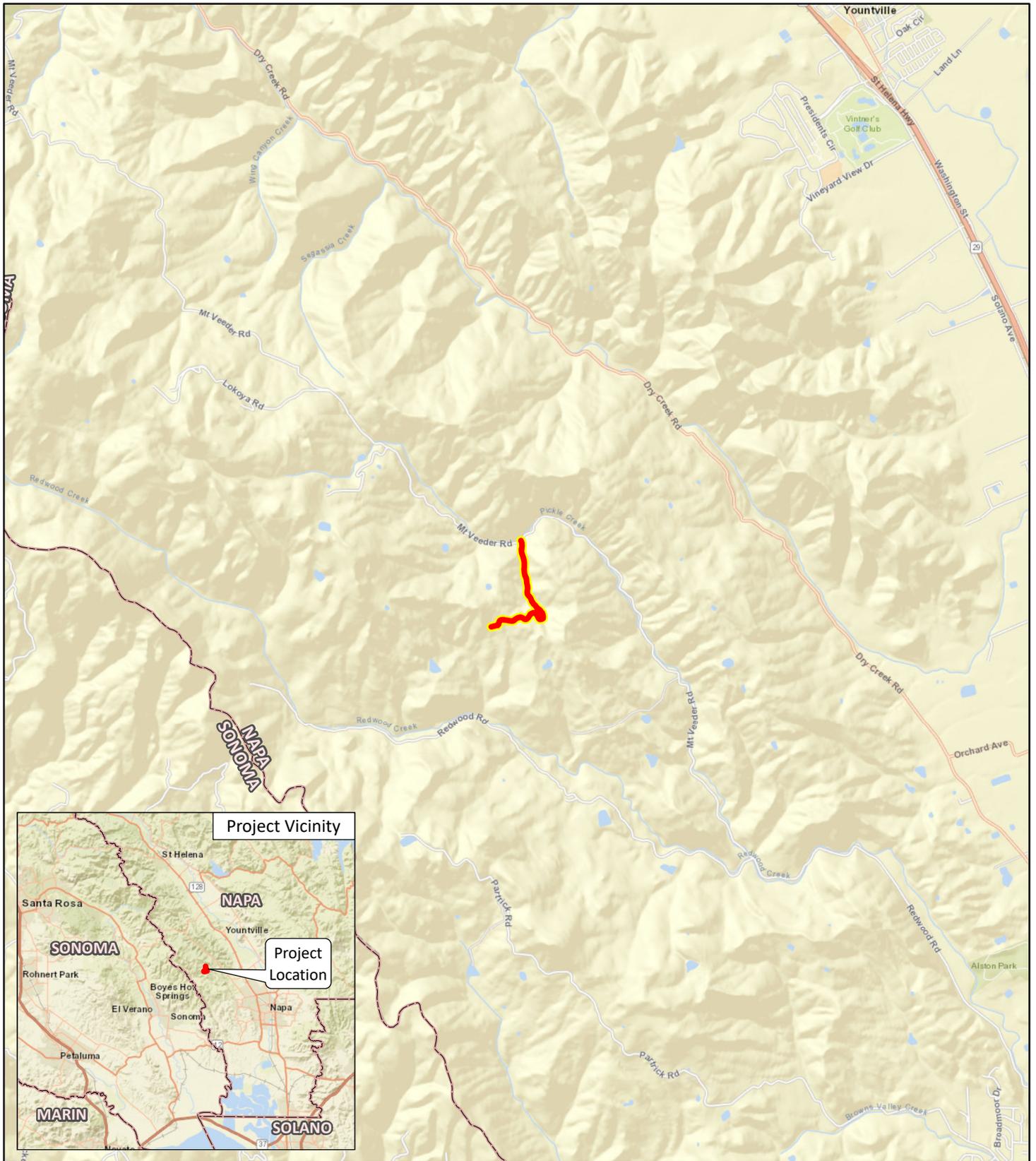


FIGURE 1

LSA

LEGEND

 Project Location



0 2000 4000
FEET

SOURCE: Stillwater Civil Design (07/2023); Esri World Street Map (2023).

I:\20231115\GIS\MXD\Bio Report\Figure 1_Regional Location.mxd (9/25/2023)

1871 Mt. Veeder Rd
Napa County, California
Regional Location

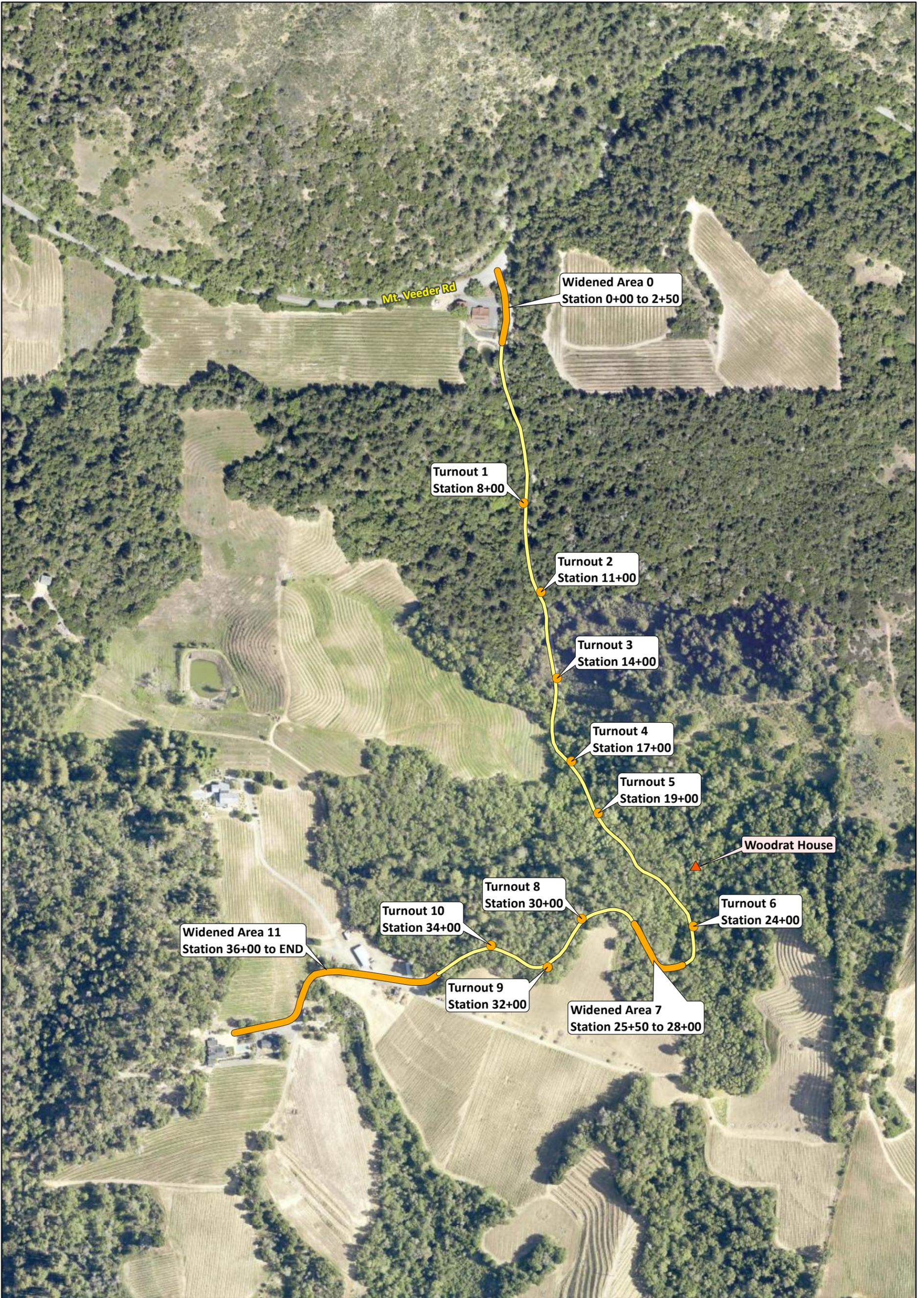


FIGURE 2

LSA

LEGEND

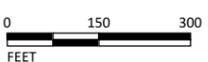
Driveway

Existing Gravel Driveway

Proposed Minimum 22' Wide Gravel Driveway

Proposed 22' Wide Gravel Turnout Location

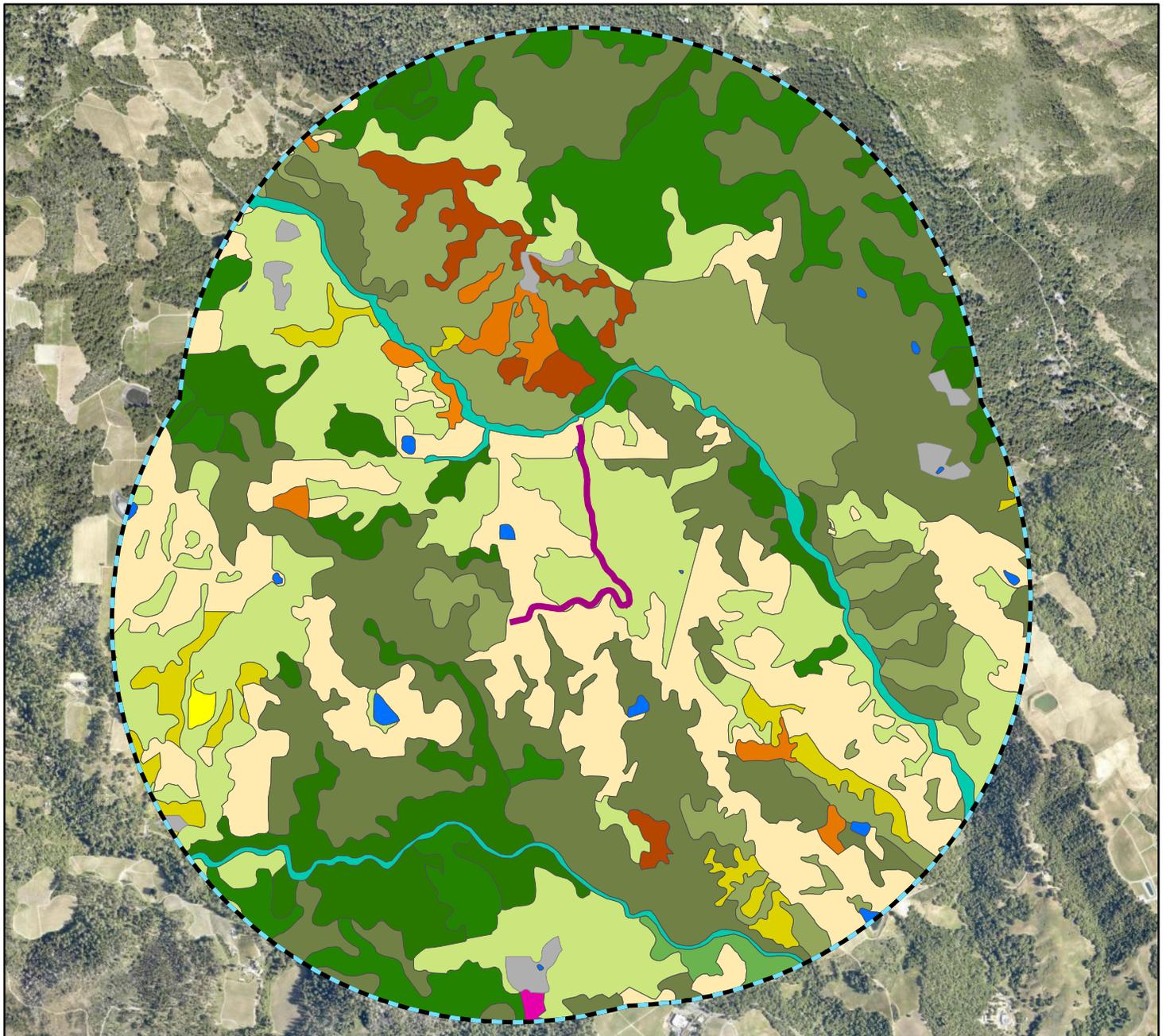
San Francisco Dusky-footed Woodrat House



1871 Mt. Veeder Rd
Napa County, California
Proposed Project and Survey Results

SOURCE: Stillwater Civil Design (07/2023); Napa County Orthos (04/2021); LSA (09/02/2023).

I:\20231115\GIS\MXD\Bio Report\Figure 2_Proposed Project and Survey Results.mxd (9/25/2023)



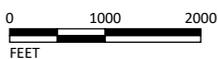
Land Cover Types

 Coast Redwood - Douglas-fir / California Bay	 Chamise Alliance
 Douglas-fir	 Mixed Manzanita - (Interior Live Oak - California Bay - Chamise) West County
 Valley Oak - (California Bay - Coast Live Oak - Walnut - Ash) Riparian Forest	 Sclerophyllous Shrubland
 California Bay - Madrone - Coast Live Oak - (Black Oak Big Leaf Maple)	 California Annual Grasslands
 Coast Live Oak	 Upland Annual Grasslands & Forbs Formation
 Eucalyptus	 Agriculture
 Mixed Oak	 Urban or Built-up
 White Alder (Mixed Willow - California Bay - Big Leaf Maple) Riparian Forest	 Water

LSA

LEGEND

-  Driveway
-  1-mile Buffer of Driveway

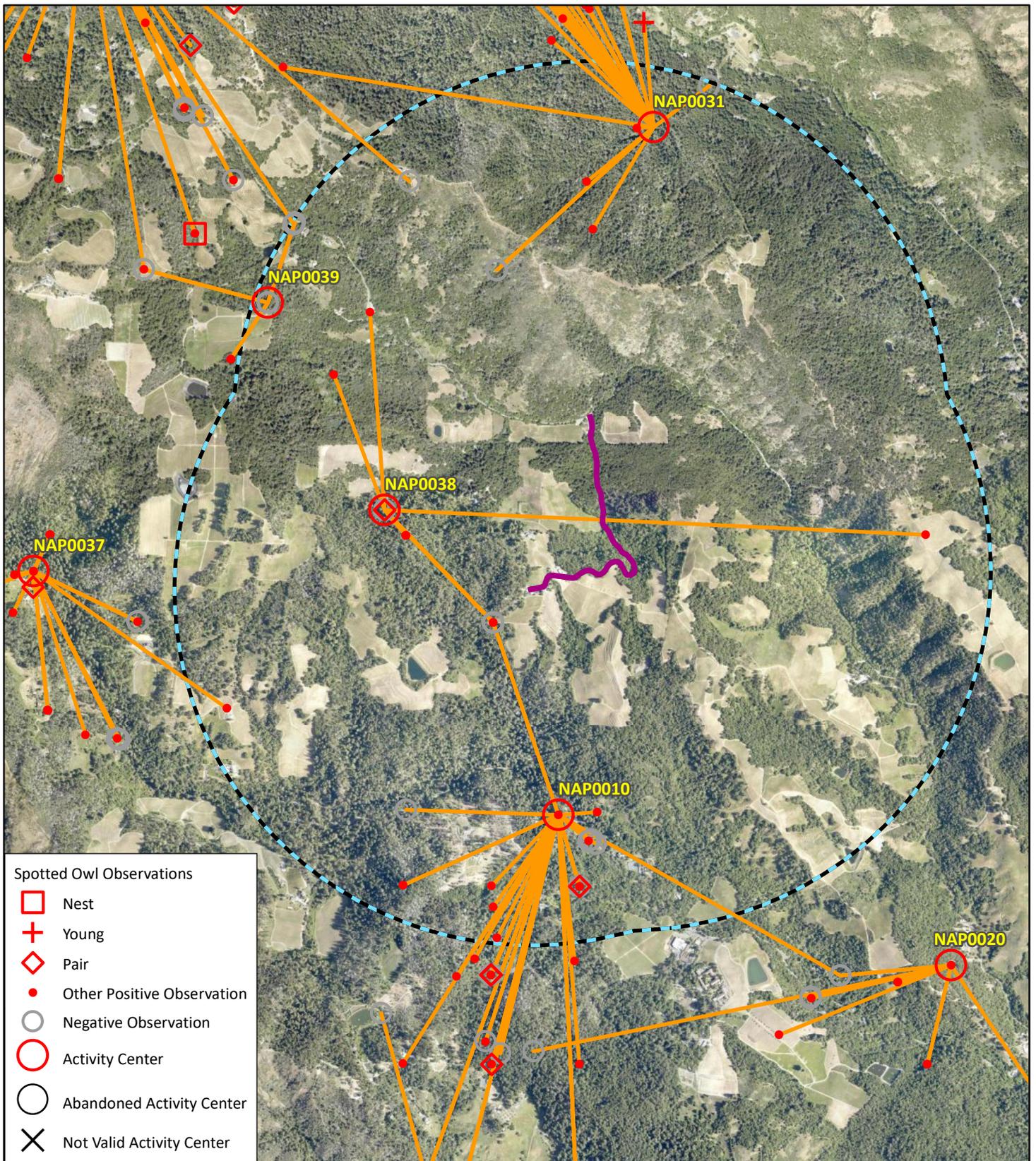


SOURCE: Thorne JH, et al. (06/2019); Esri World Imagery (2023).

I:\20231115\GIS\MXD\Bio Report\Figure 3_Land Cover within 1 Mile.mxd (10/9/2023)

FIGURE 3

1871 Mt. Veeder Rd
Napa County, California
Land Cover within 1 Mile

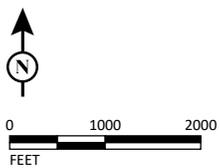


- Spotted Owl Observations
- Nest
 - + Young
 - ◇ Pair
 - Other Positive Observation
 - Negative Observation
 - Activity Center
 - Abandoned Activity Center
 - ✕ Not Valid Activity Center

LEGEND
— Driveway

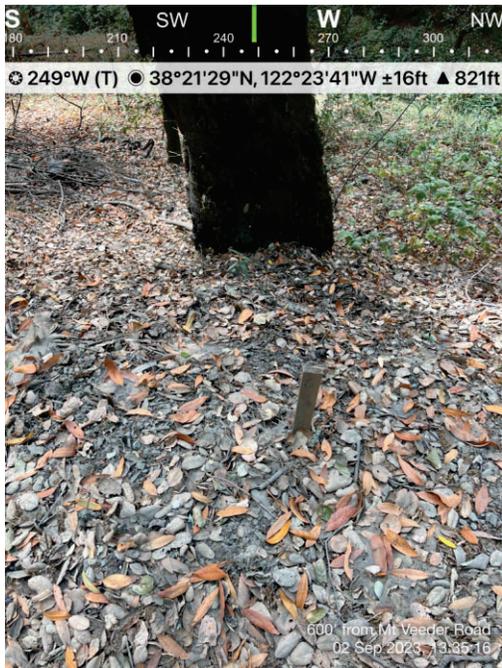
LSA

FIGURE 4



SOURCE: Use Upper and Lower Case Fonts (MM/YY)
 I:\20231115\GIS\MXD\Bio Report\Figure 4_Spotted Owl Occurrences.mxd (10/6/2023)

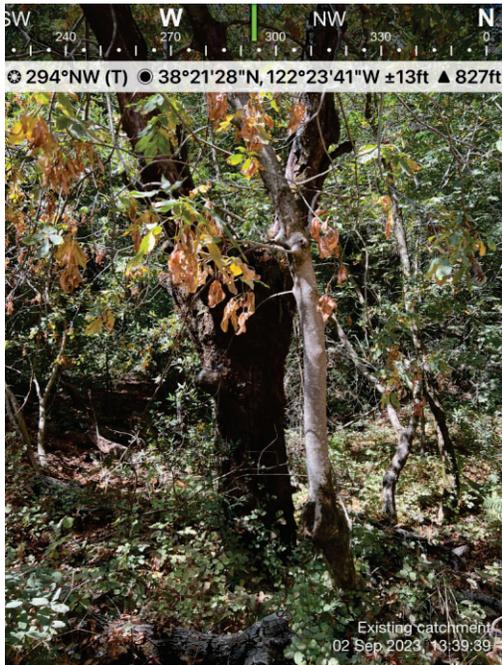
1871 Mt. Veeder Rd
 Napa County, California
 Spotted Owl Occurrences



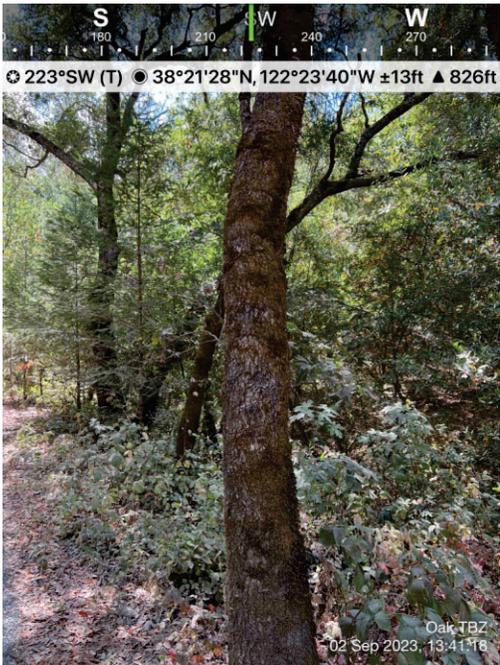
Turnout 1



Turnout 2



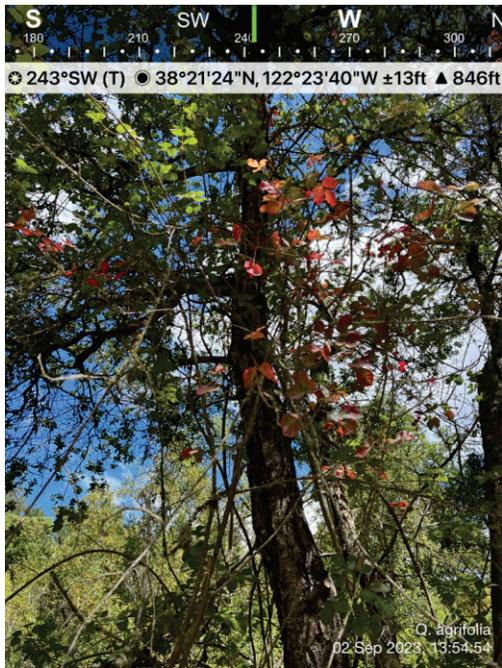
Turnout 3



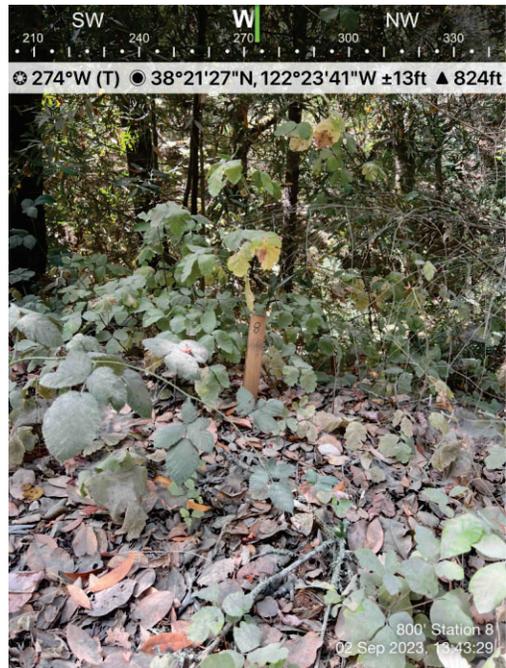
Turnout 4

LSA

FIGURE 5
Page 1 of 3



Turnout 5



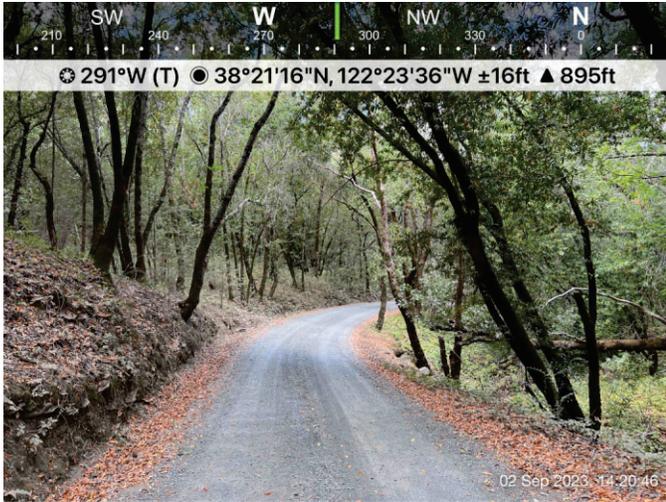
Turnout 6



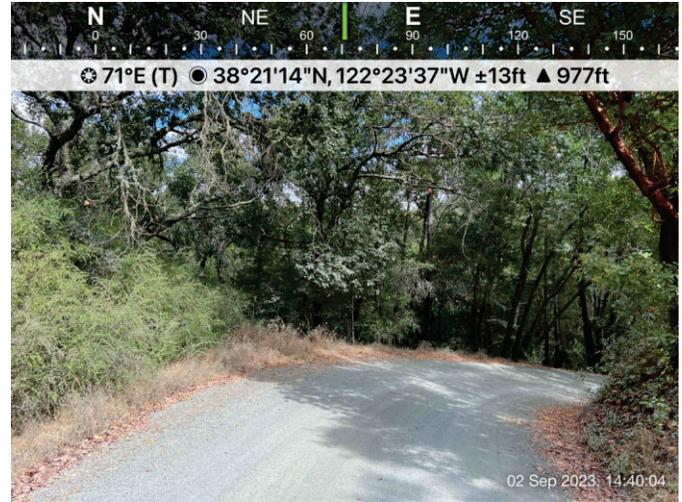
Turnout 7



Turnout 8



Turnout 9



Widening Area 10

“J”

Biological Habitat Assessment

Hillwalker Vineyards Winery Use Permit P23-00101-UP and Exception
to the Conservation Regulations P23-00239-UP
Planning Commission Hearing Date (August 7, 2024)

February 03, 2024

Kevin Morrison
Hillwalker Vineyards
405 Alexander Avenue
Larkspur, CA 94939

Subject: Biological Habitat Assessment for Hillwalker Winery Use Permit
1871 Mount Veeder Road, Napa, Napa County

Dear Kevin:

This letter report provides a focused biological habitat assessment for California giant salamander, foothill yellow-legged frog, and western pond turtle for the above-referenced project site (Assessor's Parcel No. 034-110-047) in Napa County. The Napa County Planning Department (County), in a Zoom meeting with Mr. Morrison (dated December 13, 2023), requested this follow up biological habitat assessment as part of a Winery Use Permit application because a portion of the proposed project area occurs within potential habitat for California giant salamander, foothill yellow-legged frog, and western pond turtle. The California giant salamander and foothill yellow-legged frog are not formally listed; the western pond turtle is proposed for federal listing. These species are known to occur in the region of the project site. This report was prepared to address the County's concerns of the potential effects of the proposed project on these three additional species. A northern spotted owl report that includes the biological setting of the site was previously submitted to you on October 12, 2023. This report was prepared as an addendum to the NSO report that includes a discussion of the natural communities and vegetation map that encompasses the project area.

PROJECT DESCRIPTION

Hillwalker Vineyards is proposing driveway improvements for fire code purposes as part of the Winery Use Permit application. The project, beginning at Mt Veeder Road, includes the construction of 9 turnout shoulders and 3 areas of intermittent driveway widening along 4,390-feet of driveway (Figure 1; all figures attached).

METHODS

Prior to conducting fieldwork, the California Department of Fish and Wildlife's Natural Diversity Database was reviewed for occurrence records within a 2-mile radius around the project site (CDFW 2024)¹.

¹ California Department of Fish and Wildlife. 2024. California Natural Diversity Database. RareFind 5 (version 5.2.14). Website: <https://wildlife.ca.gov/Data/CNDDDB> (accessed January 2024).

In addition, other readily available literature (AmphibiaWeb 2024²; Stebbins 2003³) was reviewed for observations in the project vicinity.

LSA biologist Gretchen Zantzing conducted a field survey on January 10, 2024, to assess the potential breeding and estivation habitats for these three herpetological species to the greatest extent feasible around the project site. The survey area includes the locations where general construction activity is proposed to occur and potential dispersal distance from the aquatic features. The field survey was conducted by walking the driveway and making observations of the adjacent forest. The habitat assessment focused on identifying general habitat characteristics of these species including forest type, as described in the previous NSO report. In addition, the understory was characterized by identifying shrubs and other dominant plant species and density. Interpretation of aerial imagery (Google Earth) and available vegetation maps of the area contributed to the habitat assessment as well.

DATABASE RECORDS

Figure 2 shows previously recorded observations within a 2-mile radius of the project site.

HABITAT ASSESSMENT

The driveway is on a northeast-facing slope along an elevation gradient from about 800 feet in the north to 1,000 feet by the vineyards, dwellings, and outbuildings. An unnamed tributary of Pickle Creek crosses under the driveway through culverts at two locations and drains to a detention basin; no other wetland features were observed on the project site. To the west, the slope rises toward the ridge line of Bismark Knob at 2,340 feet in elevation; Bismark knob lies on the ridgeline that divides Napa County from Sonoma County. See attached NSO report for vegetation type discussion and associated map.

California Giant Salamander

The California giant salamander (*Dicamptodon ensatus*), a California Species of Special Concern, have potential to occur in areas adjacent to the project site. The California giant salamander frequents damp woods in or near streams and may be found under logs, bark, or rocks. However, this species is unlikely to occur in the majority of the project area due to the gravel groundcover. Their breeding requires clear cold perennial streams such as Redwood Creek located to the south. Adult California giant salamander will disperse overland after metamorphosis. The ephemeral drainage that runs north along the driveway is not expected to support breeding on this property, but occurrences of this species have been detected within 0.41 mile in Redwood Creek.

Foothill Yellow-Legged Frog

The foothill yellow-legged frog (*Rana boylei*, pop 1, FYLF) North Coast DPS, a California Species of Special Concern, have potential to occur in areas adjacent to the project site. The FYLF is a frog of

² AmphibiaWeb. 2024. AmphibiaWeb. University of California, Berkeley. Website: <https://amphibiaweb.org> (accessed January 2024).

³ Stebbins, Robert C. 2003. *Western Reptiles and Amphibians*. Third Edition.

the streams and rivers of the forest, woodland, and chaparral. The frogs may occur in intermittent drainages but are typically found in association with flowing water, especially riffles, and breed after high flows subside. As the streams dry, the juvenile and adult frogs will disperse to the upland to seek moisture elsewhere, under leaf litter and vegetation on the forest floor. Foothill yellow-legged frogs do not often leave the immediate vicinity of their home stream or pool (Stanford University 1999) although recent studies have shown frogs disperse considerable distances (Bourque 2008, Thomson et al. 2016). Different life cycle stages for this species utilize various habitat types for foraging, developing, and overwintering (Thomson et al. 2016). There are two historic occurrence records, 1973 and 1956, approximately 2 miles of the project site, but the steep ephemeral drainage weaving through the driveway is not expected to support breeding of this species as the inundation period may be insufficient for metamorphosis.

Western Pond Turtle

The western pond turtle (*Emmys marmorata*, WPT), a California Species of Special Concern, and proposed federally threatened species, have potential to occur in the detention basin adjacent to the project site. The steep ephemeral drainage that runs intermittently through the project area drains to a fabric lined detention basin near the entrance of the Hillwalker property. The detention basin provides potentially suitable habitat for western pond turtles to reside, though none were observed during the January visit due to the lack of presence or aestivation. Adult western pond turtle will nest in sandy soils and can disperse over several miles. Northwestern pond turtle populations require sufficient numbers of individuals and connectivity for long-term survival, especially in relation to stochastic events such as severe droughts (USFWS 2023b). There are two historic occurrence records from 1999 and 2002 of this species observed more than 2 miles from the project area.

RECOMMENDED AVOIDANCE AND MINIMIZATION MEASURES

Although the above referenced species are not expected to be within the compacted gravel driveway improvement areas or ephemeral drainage, the following avoidance and minimization measures are recommended.

- Prior to the start of construction, a biologist would provide a training session for all work personnel to identify any sensitive species, including California giant salamander, foothill yellow-legged frog, western pond turtle, and northern spotted owl that may be in the area, their basic habits, how they may be encountered in their work area, and procedures to follow when they are encountered. Any personnel joining the work crew later would receive the same training before beginning work. Upon completion of the education program, employees would sign a form stating they attended the program and understand all protection measures. A pamphlet that contains images of sensitive species that may occur within the project area, environmentally sensitive areas within the project area, key avoidance measures, and employee guidance would be given to each person who completes the training program. These forms would be made available to the resource agencies upon request.

- No project work should be conducted at night.
- If logs, bark, or rocks are in the driveway improvement areas, a biological monitor should be present during clearing and grubbing activities.
- Install a temporary wildlife exclusion fence between the edge of the pond and driveway improvement locations to prevent animals from entering the work area.

SUMMARY AND CONCLUSIONS

Based on the most recent, available recorded data, there are 4 observations of California giant salamander and 2 observations of foothill yellow-legged frog within 2 miles. No observations of western pond turtle that have been previously identified within 2 miles or adjacent to the project site. Based on the above discussion and field assessment, the Hillwalker property woodland could provide foraging and dispersal habitat for these species. Though driveway improvements are unlikely to impact these species, as noted above, the presence of these special status species in the project area cannot be completely ruled out. Therefore, the above avoidance and minimization measures are provided and, if followed, the proposed driveway improvements related to the widening/turnout areas would not be expected to adversely impact these special-status species.

If you have any questions or comments, please contact me at (510) 710-9112 or gretchen.zantzinger@lsa.net.

Sincerely,

LSA Associates, Inc.



Gretchen Zantzinger
Senior Wildlife Biologist

Attachments: Figure 1: Regional Location
Figure 2: Special-Status Herpetological Occurrence Results
Figure 3: Representative Photo Pages
CNDDDB Occurrence Records
NSO Report

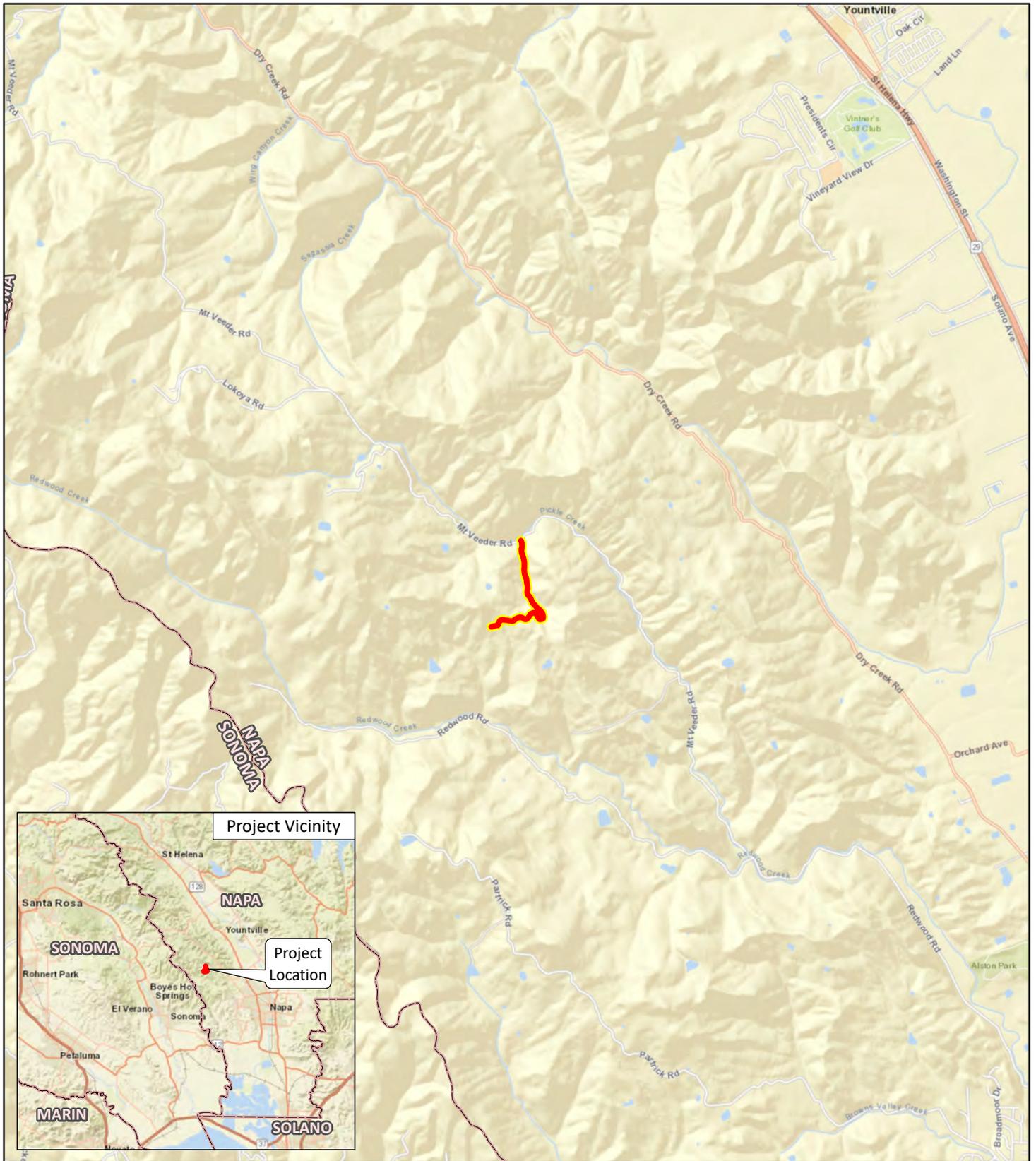


FIGURE 1

LSA

LEGEND

 Project Location

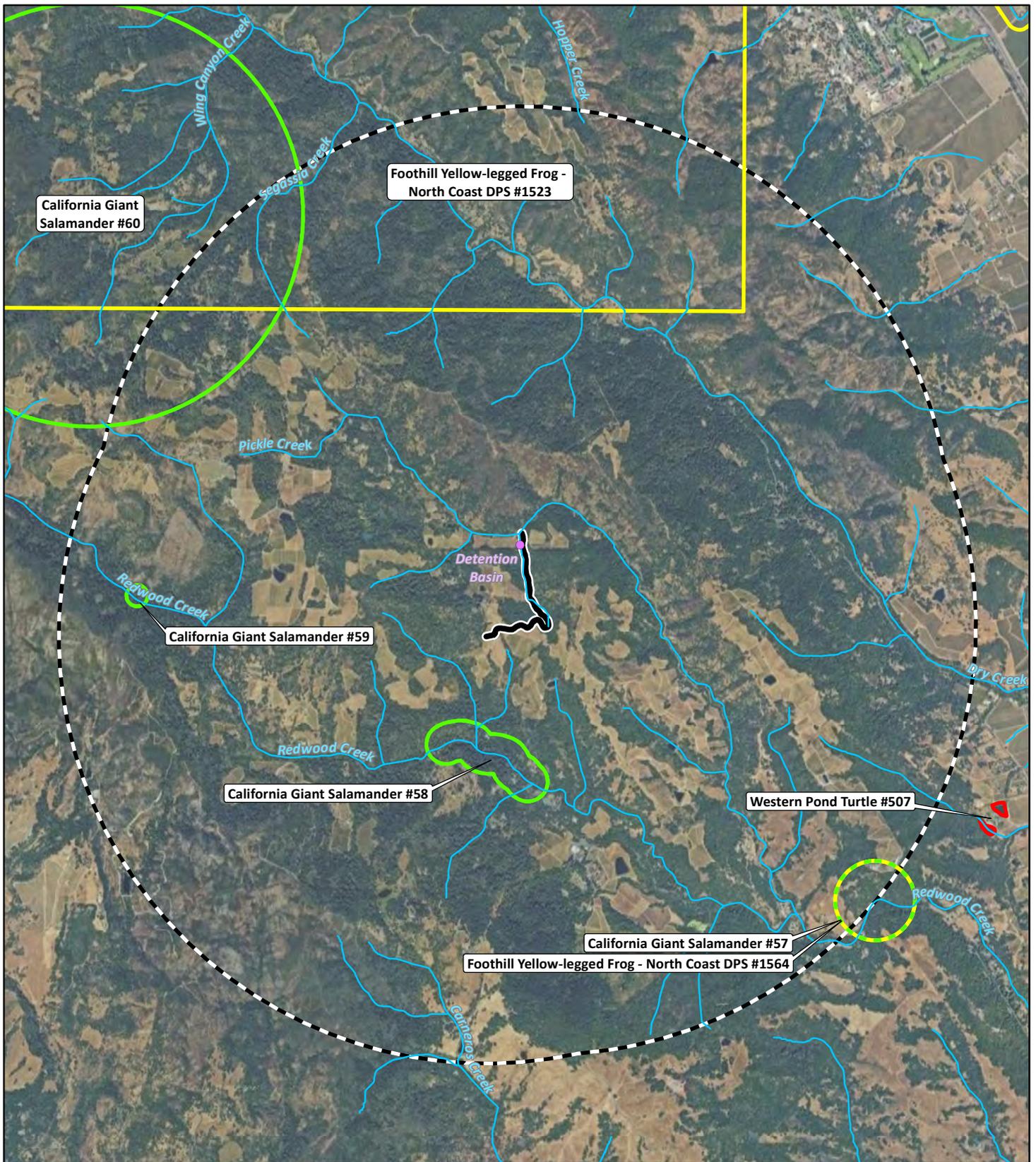


0 2000 4000
FEET

1871 Mt. Veeder Rd
Napa County, California
Regional Location

SOURCE: Stillwater Civil Design (07/2023); Esri World Street Map (2023).

I:\20231115\GIS\MXD\Bio Report\Figure 1_Regional Location.mxd (1/26/2024)



LSA

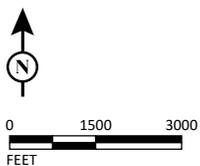
LEGEND

- Driveway
- 2-mile Buffer of Driveway
- USGS Blueline Streams
- Detention Basin

CNDDDB Occurrences

- California Giant Salamander
- Foothill Yellow-legged Frog - North Coast DPS
- Western Pond Turtle

FIGURE 2



SOURCE: CDFW CNDDDB (01/2024); Napa County (01/2004); Google Maps (2024)..

I:\20231115\GIS\MXD\Herps\Figure 2_Special-status Reptile and Amphibian Occurrences.mxd (2/1/2024)

1871 Mt. Veeder Rd
 Napa County, California
 Special-status Reptile and Amphibian
 Occurrences within 2 Miles



Photo 1: Ephemeral Drainage



Photo 2: Ephemeral Drainage



Photo 3: Detention Basin (Upper)



Photo 4: Detention Basin (Lower)



Photo 5: Culvert flow during precipitation.



Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database



Query Criteria: EONDx IS (41494 OR 59707 OR 76049 OR 98371 OR 98372 OR 98373 OR 98391)

Map Index Number: 97122	EO Index: 98371
Key Quad: Napa (3812233)	Element Code: AAAAH01020
Occurrence Number: 57	Occurrence Last Updated: 2015-08-05

Scientific Name: <i>Dicamptodon ensatus</i>	Common Name: California giant salamander
Listing Status:	Rare Plant Rank:
Federal: None	
State: None	Other Lists: CDFW_SSC-Species of Special Concern
CNDDDB Element Ranks:	IUCN_NT-Near Threatened
Global: G2G3	
State: S2S3	

General Habitat: KNOWN FROM WET COASTAL FORESTS NEAR STREAMS AND SEEPS FROM MENDOCINO COUNTY SOUTH TO MONTEREY COUNTY, AND EAST TO NAPA COUNTY.	Micro Habitat: AQUATIC LARVAE FOUND IN COLD, CLEAR STREAMS, OCCASIONALLY IN LAKES AND PONDS. ADULTS KNOWN FROM WET FORESTS UNDER ROCKS AND LOGS NEAR STREAMS AND LAKES.
---	---

Last Date Observed: 1979-01-10	Occurrence Type: Natural/Native occurrence
Last Survey Date: 1979-01-10	Occurrence Rank: Unknown
Owner/Manager: PVT	Trend: Unknown
Presence: Presumed Extant	

Location:
ALONG REDWOOD CREEK, ABOUT 3.9 ROAD MILES ALONG REDWOOD ROAD FROM HIGHWAY 29, WEST OF NAPA.

Detailed Location:
MAPPED WITH RESPECT TO THE SPECIMEN DESCRIPTION AND AN AREA OF REDWOOD CREEK THAT MIGHT BE MORE ACCESSIBLE; SEVERAL HOMES ALONG ROAD, BUT THE CREEK AND HABITAT MAY BE ACCESSIBLE WHERE THE ROAD CROSSES OVER THE CREEK.

Ecological:

Threats:

General:
ONE COLLECTED ON 10 JAN 1979.

PLSS: T06N, R05W, Sec. 25, S (M)	Accuracy: 1/5 mile	Area (acres): 0
UTM: Zone-10 N4243166 E555534	Latitude/Longitude: 38.33491 / -122.36456	Elevation (feet): 350

County Summary: Napa	Quad Summary: Napa (3812233)
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Sources:
JON79S0003 JONES, R. - MVZ #170922 COLLECTED 3.9 MI W (BY ROAD) NAPA REDWOOD RD 1979-01-10



Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database



Map Index Number: 97123	EO Index: 98372
Key Quad: Sonoma (3812234)	Element Code: AAAAH01020
Occurrence Number: 58	Occurrence Last Updated: 2015-08-05

Scientific Name: <i>Dicamptodon ensatus</i>	Common Name: California giant salamander
Listing Status:	Rare Plant Rank:
Federal: None	
State: None	Other Lists: CDFW_SSC-Species of Special Concern IUCN_NT-Near Threatened
CNDDB Element Ranks:	
Global: G2G3	
State: S2S3	

General Habitat: KNOWN FROM WET COASTAL FORESTS NEAR STREAMS AND SEEPS FROM MENDOCINO COUNTY SOUTH TO MONTEREY COUNTY, AND EAST TO NAPA COUNTY.	Micro Habitat: AQUATIC LARVAE FOUND IN COLD, CLEAR STREAMS, OCCASIONALLY IN LAKES AND PONDS. ADULTS KNOWN FROM WET FORESTS UNDER ROCKS AND LOGS NEAR STREAMS AND LAKES.
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Last Date Observed: 1985-05-19	Occurrence Type: Natural/Native occurrence
Last Survey Date: 1985-05-19	Occurrence Rank: Unknown
Owner/Manager: PVT	Trend: Unknown
Presence: Presumed Extant	

Location:
ALONG REDWOOD CREEK / REDWOOD RD, ABOUT 0.75 MI E OF CASTLE ROCK, ABOUT 6.5 ROAD MILES NW OF HIGHWAY 29, WEST OF NAPA.

Detailed Location:
MAPPED NON-SPECIFICALLY WITH RESPECT TO SPECIMEN LOCALES.

Ecological:
Threats:

General:
ONE COLLECTED ON 10 JAN 1979. TEN COLLECTED ON 19 MAY 1985.

PLSS: T06N, R05W, Sec. 22, S (M)	Accuracy: non-specific area	Area (acres): 72
UTM: Zone-10 N4244279 E552529	Latitude/Longitude: 38.34512 / -122.39886	Elevation (feet): 650

County Summary: Napa	Quad Summary: Sonoma (3812234)
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Sources:

GOO85S0007	GOOD, D. & W. RAINEY - MVZ #203123, 203124, 203125, 203126, 203127, 203128, 203129, 203130, 203131 & 203132 COLLECTED FROM REDWOOD CREEK, 6.7 MI W HWY 29 (IN NAPA) ON REDWOOD RD 1985-05-19
JON79S0004	JONES, R. - MVZ #192614 COLLECTED 6.2 MI W (BY ROAD) NAPA REDWOOD RD 1979-01-10



Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database



Map Index Number: 97124	EO Index: 98373
Key Quad: Sonoma (3812234)	Element Code: AAAAH01020
Occurrence Number: 59	Occurrence Last Updated: 2015-08-05

Scientific Name: <i>Dicamptodon ensatus</i>	Common Name: California giant salamander
Listing Status: Federal: None State: None	Rare Plant Rank:
CNDDB Element Ranks: Global: G2G3 State: S2S3	Other Lists: CDFW_SSC-Species of Special Concern IUCN_NT-Near Threatened

General Habitat: KNOWN FROM WET COASTAL FORESTS NEAR STREAMS AND SEEPS FROM MENDOCINO COUNTY SOUTH TO MONTEREY COUNTY, AND EAST TO NAPA COUNTY.	Micro Habitat: AQUATIC LARVAE FOUND IN COLD, CLEAR STREAMS, OCCASIONALLY IN LAKES AND PONDS. ADULTS KNOWN FROM WET FORESTS UNDER ROCKS AND LOGS NEAR STREAMS AND LAKES.
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Last Date Observed: 2005-02-06	Occurrence Type: Natural/Native occurrence
Last Survey Date: 2005-02-06	Occurrence Rank: Unknown
Owner/Manager: LAND TRUST OF NAPA COUNTY	Trend: Unknown
Presence: Presumed Extant	

Location:
ALONG REDWOOD CREEK IN DEVILS CANYON, 1.7 MILES SSE OF MOUNT VEEDER, ARCHER TAYLOR PRESERVE, NW OF NAPA.

Detailed Location:
MAPPED TO SPECIMEN COORDINATES.

Ecological:
Threats:

General:
1 COLLECTED ON 6 FEB 2005.

PLSS: T06N, R05W, Sec. 20, NE (M)	Accuracy: 80 meters	Area (acres): 0
UTM: Zone-10 N4245403 E549955	Latitude/Longitude: 38.35540 / -122.42824	Elevation (feet): 1,300

County Summary: Napa	Quad Summary: Sonoma (3812234)
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Sources:
DEV05S0012 DEVITT, T. & S. CAMERON - MVZ #249022 COLLECTED AT DEVILS CANYON, ARCHER TAYLOR PRESERVE, NAPA CO, CA, 353 M, 38.35541, -122.42825, WGS 84 2005-02-06



Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database



Map Index Number: 97142	EO Index: 98391
Key Quad: Rutherford (3812244)	Element Code: AAAAH01020
Occurrence Number: 60	Occurrence Last Updated: 2015-08-06

Scientific Name: <i>Dicamptodon ensatus</i>	Common Name: California giant salamander
Listing Status:	Rare Plant Rank:
Federal: None	
State: None	Other Lists: CDFW_SSC-Species of Special Concern IUCN_NT-Near Threatened
CNDDDB Element Ranks:	
Global: G2G3	
State: S2S3	

General Habitat: KNOWN FROM WET COASTAL FORESTS NEAR STREAMS AND SEEPS FROM MENDOCINO COUNTY SOUTH TO MONTEREY COUNTY, AND EAST TO NAPA COUNTY.	Micro Habitat: AQUATIC LARVAE FOUND IN COLD, CLEAR STREAMS, OCCASIONALLY IN LAKES AND PONDS. ADULTS KNOWN FROM WET FORESTS UNDER ROCKS AND LOGS NEAR STREAMS AND LAKES.
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Last Date Observed: 1981-04-02	Occurrence Type: Natural/Native occurrence
Last Survey Date: 1981-04-02	Occurrence Rank: Unknown
Owner/Manager: PVT	Trend: Unknown
Presence: Presumed Extant	

Location:
ALONG MOUNT VEEDER ROAD NEAR LOKOYA AND ENCHANTED HILLS ON EAST SIDE OF MOUNT VEEDER, ABOUT 4 MILES WSW OF YOUNTVILLE.

Detailed Location:
SPECIMEN LOCALE STATED AS MOUNT VEEDER. CONSIDERING ACCESSIBILITY AND OTHER COLLECTIONS BY WAKE ET AL. ON THIS DATE, IT IS MOST PLAUSIBLE THAT THE COLLECTION OCCURRED ALONG MOUNT VEEDER ROAD. NEED RESEARCH.

Ecological:

Threats:

General:

ONE COLLECTED ON 2 APR 1981.

PLSS: T06N, R05W, Sec. 08 (M)	Accuracy: 1 mile	Area (acres): 0
UTM: Zone-10 N4248271 E549571	Latitude/Longitude: 38.38127 / -122.43243	Elevation (feet): 1,300

County Summary: Napa, Sonoma	Quad Summary: Sonoma (3812234), Rutherford (3812244)
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Sources:

SES81S0001 SESSIONS, S. & D. WAKE - MVZ #192638 COLLECTED FROM MT VERDER [ASSUMED TYPO OF MT VEEDER] 1981-04-02



Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database



Map Index Number: 59671

EO Index: 59707

Key Quad: Rutherford (3812244)

Element Code: AAABH01051

Occurrence Number: 1523

Occurrence Last Updated: 2005-01-27

Scientific Name: *Rana boylei pop. 1*

Common Name: foothill yellow-legged frog - north coast DPS

Listing Status: **Federal:** None

Rare Plant Rank:

* SENSITIVE *

State: None

Other Lists: BLM_S-Sensitive
CDFW_SSC-Species of Special Concern
USFS_S-Sensitive

CNDDDB Element Ranks: **Global:** G3T4

State: S4

General Habitat:

NORTHERN COAST RANGES NORTH OF SAN FRANCISCO BAY ESTUARY, KLAMATH MOUNTAINS, AND CASCADE RANGE INCLUDING WATERSHED SUBBASINS (HU 8) LOWER PIT, BATTLE CREEK, THOMES CREEK, AND BIG CHICO CREEK IN LASSEN, SHASTA, TEHAMA, AND BUTTE COUNTIES.

Micro Habitat:

PARTLY SHADED SHALLOW STREAMS AND RIFFLES WITH A ROCKY SUBSTRATE IN A VARIETY OF HABITATS. NEEDS AT LEAST SOME COBBLE-SIZED SUBSTRATE FOR EGG-LAYING AND AT LEAST 15 WEEKS TO ATTAIN METAMORPHOSIS.

Last Date Observed: 2003-09-19

Occurrence Type: Natural/Native occurrence

Last Survey Date: 2003-09-19

Occurrence Rank: Fair

Owner/Manager:

Trend: Unknown

Presence: Presumed Extant

Location:

SENSITIVE LOCATION INFORMATION SUPPRESSED.

Detailed Location:

PLEASE CONTACT THE CALIFORNIA NATURAL DIVERSITY DATABASE, CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, FOR MORE INFORMATION: (916) 322-2493

Ecological:

HABITAT CONSISTS OF A PERENNIAL SEEP, WHICH FLOWS INTO A SMALL TRIBUTARY TO DRY CREEK; SURROUNDING HABITAT IS CHAPARRAL, WITH PATCHES OF MIXED EVERGREEN.

Threats:

General:

PLSS: **Accuracy:** 2/5 mile **Area (acres):** 0

UTM: **Latitude/Longitude:** **Elevation (feet):** 1,600

County Summary:	Quad Summary:
Napa	Rutherford (3812244)

Sources:

MIC03F0002 MICHAUD, J. (PRUNUSKE CHATHAM, INC.) - FIELD SURVEY FORM FOR RANA BOYLII 2003-09-19



Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database



Map Index Number: 97122
Key Quad: Napa (3812233)
Occurrence Number: 1564

EO Index: 76049
Element Code: AAABH01051
Occurrence Last Updated: 2018-08-20

Scientific Name: *Rana boylei* pop. 1

Common Name: foothill yellow-legged frog - north coast DPS

Listing Status: **Federal:** None
 State: None
CNDDDB Element Ranks: **Global:** G3T4
 State: S4

Rare Plant Rank:
Other Lists: BLM_S-Sensitive
 CDFW_SSC-Species of Special Concern
 USFS_S-Sensitive

General Habitat:

NORTHERN COAST RANGES NORTH OF SAN FRANCISCO BAY ESTUARY, KLAMATH MOUNTAINS, AND CASCADE RANGE INCLUDING WATERSHED SUBBASINS (HU 8) LOWER PIT, BATTLE CREEK, THOMES CREEK, AND BIG CHICO CREEK IN LASSEN, SHASTA, TEHAMA, AND BUTTE COUNTIES.

Micro Habitat:

PARTLY SHADED SHALLOW STREAMS AND RIFFLES WITH A ROCKY SUBSTRATE IN A VARIETY OF HABITATS. NEEDS AT LEAST SOME COBBLE-SIZED SUBSTRATE FOR EGG-LAYING AND AT LEAST 15 WEEKS TO ATTAIN METAMORPHOSIS.

Last Date Observed: 1972-10-15
Last Survey Date: 1972-10-15
Owner/Manager: UNKNOWN
Presence: Possibly Extirpated

Occurrence Type: Natural/Native occurrence
Occurrence Rank: None
Trend: Unknown

Location:

ALONG REDWOOD CREEK; ABOUT 3 ROAD MILES WNW OF DRY CREEK RD & REDWOOD CREEK RD JCT NW OF NAPA.

Detailed Location:

MVZ STATED LOCALITY: "REDWOOD CREEK, 3 MI FROM JCT REDWOOD AND DRY CREEK RDS; NAPA COUNTY."

Ecological:

Threats:

General:

1 COLLECTED ON 15 OCT 1972 (MVZ 136250). IT APPEARS THAT JENNINGS & HAYES INDICATE THAT THIS SITE IS EXTIRPATED. NEEDS FURTHER FIELD RESEARCH AND REPORTING.

PLSS: T06N, R05W, Sec. 25, S (M)	Accuracy: 1/5 mile	Area (acres): 0
UTM: Zone-10 N4243166 E555534	Latitude/Longitude: 38.33491 / -122.36456	Elevation (feet): 350

County Summary:

Napa

Quad Summary:

Napa (3812233)

Sources:

- CAS72S0012 CASE, S. (UNIVERSITY OF CALIFORNIA, BERKELEY) - MVZ #136250 REDWOOD CREEK, 3 MI FROM JCT. REDWOOD AND DRY CREEK RDS. 1972-10-15
- JEN94R0001 JENNINGS, M. & M. HAYES - AMPHIBIAN AND REPTILE SPECIES OF SPECIAL CONCERN IN CALIFORNIA. FINAL REPORT SUBMITTED TO DFG, INLAND FISHERIES DIVISION, RANCHO CORDOVA. 255 PP. 1994-11-01



Occurrence Report

California Department of Fish and Wildlife

California Natural Diversity Database



Map Index Number: 41494	EO Index: 41494
Key Quad: Napa (3812233)	Element Code: ARAAD02030
Occurrence Number: 507	Occurrence Last Updated: 1999-08-18

Scientific Name: <i>Emys marmorata</i>	Common Name: western pond turtle
Listing Status:	Rare Plant Rank:
Federal: Proposed Threatened	
State: None	Other Lists:
CNDDDB Element Ranks:	BLM_S-Sensitive
Global: G3G4	CDFW_SSC-Species of Special Concern
State: S3	IUCN_VU-Vulnerable
	USFS_S-Sensitive

General Habitat: A THOROUGHLY AQUATIC TURTLE OF PONDS, MARSHES, RIVERS, STREAMS AND IRRIGATION DITCHES, USUALLY WITH AQUATIC VEGETATION, BELOW 6000 FT ELEVATION.	Micro Habitat: NEEDS BASKING SITES AND SUITABLE (SANDY BANKS OR GRASSY OPEN FIELDS) UPLAND HABITAT UP TO 0.5 KM FROM WATER FOR EGG-LAYING.
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Last Date Observed: 1999-05-15	Occurrence Type: Natural/Native occurrence
Last Survey Date: 1999-05-15	Occurrence Rank: Fair
Owner/Manager: PVT	Trend: Unknown
Presence: Presumed Extant	

Location:
WSW OF THE INTERSECTION OF DRY CREEK ROAD AND ORCHARD AVENUE, NNW OF NAPA.

Detailed Location:
SITE CONSISTS OF TWO AGRICULTURAL RESERVOIRS USED FOR VINEYARD IRRIGATION AND FROST PROTECTION.

Ecological:
HABITAT CONSISTS OF TWO AGRICULTURAL RESERVOIRS SURROUNDED BY ABANDONED VINEYARD AND UPLAND OAK WOODLAND.

Threats:
General:
15+ ADULTS OBSERVED ON 15 MAY 1999. SITE IS GOING TO BE REPLANTED AS A VINEYARD AND ONE OF THE RESERVOIRS WILL BE EXPANDED.

PLSS: T06N, R05W, Sec. 25 (M)	Accuracy: specific area	Area (acres): 3
UTM: Zone-10 N4243870 E556471	Latitude/Longitude: 38.34120 / -122.35380	Elevation (feet): 250

County Summary: Napa	Quad Summary: Napa (3812233)
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Sources:
KJE99F0001 KJELDSSEN, D. & C. KJELDSSEN (KJELDSSEN BIOLOGICAL CONSULTING) - FIELD SURVEY FORM FOR CLEMMYS MARMORATA MARMORATA 1999-05-15

October 12, 2023

Kevin Morrison
Hillwalker Vineyards
405 Alexander Avenue
Larkspur, CA 94939

Subject: Northern Spotted Owl Habitat Assessment for Hillwalker Winery Use Permit
1871 Mount Veeder Road, Napa, Napa County

Dear Mr. Morrison:

This letter report provides a habitat assessment for northern spotted owl (*Strix occidentalis caurina*) (NSO) for the above-referenced project site (Assessor’s Parcel No. 034-110-047) in Napa County. The Napa County Planning Department (County), in a letter addressed to Mr. Morrison (dated August 10, 2023), requested the NSO habitat assessment as part of a Winery Use Permit application because this federal and State-listed threatened species is known to occur in the region of the project site. The report was prepared to address the County’s concerns of the potential effects of the proposed project on NSO.

PROJECT DESCRIPTION

Hillwalker Vineyards is proposing driveway improvements for fire code purposes as part of the Winery Use Permit application. The project, beginning at Mt Veeder Road, include the construction of 9 turnout shoulders and 3 areas of intermittent driveway widening along 4,390-feet of driveway (Figure 1; all figures provided in Attachment B). Portion of the proposed project area occurs within potential habitat for NSO.

METHODS

Prior to conducting fieldwork, the Spotted Owl (SO) Observations Database was reviewed for NSO observations within a 2-mile radius around the project site (California Department of Fish and Wildlife [CDFW] 2023; all references provided in Attachment A). In addition, other readily available literature (Smith 2003) was reviewed for NSO occurrence records in the project vicinity.

LSA biologist Gretchen Zantzing conducted a field survey to assess the potential nesting and roosting/foraging habitat for NSO within an area approximately 330 feet or the greatest extent feasible around the project site; this distance is based on the visual/auditory impact distance suggested by United States Fish and Wildlife Service ([USFWS] 2020). The 330-foot survey area includes the area when most noise (e.g., general construction activity and Mt. Veeder Road noise) and/or visual line-of-sight disturbance distance from a nest would occur (USFWS 2020). The field survey was conducted by walking the driveway and making observations of the adjacent forest. The habitat assessment focused on identifying general habitat characteristics of NSO including forest type, dominant tree species, tree size, relative canopy cover, and slope aspect. In addition, the understory was characterized by identifying shrubs and other dominant plant species and density. The presence of potential prey species, such as the dusky-footed woodrat (*Neotoma fuscipes*), was also noted. Special attention was made to identify any potential nest sites, such as cavities in large

mature trees, broken off snags, mistletoe (*Phoradendron* sp.) clumps, and/or debris accumulations on large horizontal branches that offer typical nesting substrate for NSO. Interpretation of aerial imagery (Google Earth) and available vegetation maps of the area contributed to the habitat assessment as well.

NORTHERN SPOTTED OWL DATABASE RECORDS

Figure 3 shows observations within a 2-mile radius of the project site. Observations in the SO Observations Database are categorized as nest sites, young, pairs, or activity centers. Spotted owls are characterized as central-place foragers; individuals forage over a wide area and subsequently return to a nest or roost location that is often centrally located (CDFW 2023) within the home range. Activity centers are a site or point within an owl's core use area that represents this central location. Nest sites are typically used to identify activity centers, or in cases where nests have not been identified, breeding-season roost sites or areas of concentrated nighttime detections may be used to identify activity centers.

Activity centers are assigned a unique "MASTEROWL" (MO) number. Generally, each MO number is associated with a cluster of related observations in the same geographic area. Usually (but see below), only one observation per MO number is designated as an activity center. The MO number does not explicitly refer to an individual owl or pair of owls and is not necessarily synonymous with an owl's territory. The group of observations that share an MO number are best thought of as a survey history for a known NSO site, (i.e., a patch of habitat that is currently occupied [or has been occupied in the past] by one or more NSO). The spider diagram aids in visualizing the geographic extent of the site and shifts in habitat use over time.

Based on the SO Observations Database search, a single activity center is within 2 miles of the project site: MO NAP0038 (0.46 mile north of the project site) (Figure 3). This activity center was identified in 1997 by NSO expert Ted Wooster and is west of the Hillwalker Vineyard. Six NSO detections associated with this activity center were made in 2009, 2008, 2005, 2004, 1997, and 1998 and range from 0.15 to 0.65 mile from the project site; most of these detections were west of the project site (Figure 2). There is no data in the SO Observations Database after 2009 for this activity center.

The median home range radius for NSO in interior areas, such as Napa County, is 1.3 miles (USFWS 2012). Based on this data, the project site could be within the MO NAP0038 home range. The latest positive observation associated with this Activity Center was in 2009. Based on the field survey and Google Earth imagery, the habitat surrounding MO NAP0038 is a patchwork of oak woodland, grassland, and agriculture.

HABITAT ASSESSMENT

The driveway is on a northeast-facing slope along an elevation gradient from about 800 feet in the north to 1,000 feet by the vineyards, dwellings, and outbuildings. An unnamed tributary of Pickle Creek crosses under the driveway through culverts at two locations and drains to a detention basin; no other wetland features were observed on the project site. To the west, the slope rises toward the

ridge line of Bismark Knob at 2,340 feet in elevation; Bismark knob lies on the ridgeline that divides Napa County from Sonoma County.

The primary vegetation type within the project vicinity is oak woodland or riparian woodland forest with an overstory dominated by oaks such as canyon live oak (*Quercus chrysolepis*), California black oak (*Quercus kelloggii*), coast live oak (*Quercus agrifolia*), California buckeye (*Aesculus californium*), bigleaf maple (*Acer macrophyllum*), California madrone (*Arbutus menziesii*), tanoak (*Lithocarpus densiflorus*), California bay (*Umbellularia californica*), and scattered small Douglas fir (*Pseudotsuga menziesii*). Native Coyote brush (*Baccharis pilularis*), poison oak (*Toxicodendron diversilobum* and snowberry (*Symphoricarpos mollis*) is present adjacent to the driveway and within the survey area. Non-native species such as Scotch broom (*Cytisus scoparius*) and Himalayan blackberry (*Rubus armeniacus*) are also present in the understory. Based on the Napa Baseline Data Report the woodland in the project area is mapped as oak woodland; Thorne et al. (2019) maps this woodland as mixed oak.

A total of 11 trees have been identified for complete or partial removal as part of the driveway modification project.

Table A: Trees to be Removed

Turnouts	Tree Species	DBH (inches)	Proposed for Removal
Turnout 1	Coast Live Oak	8	1
	Coast live Oak	12	1
	California Buckeye	6	1
Turnout 2	Coast Live Oak Cluster	12, 8, 6	3
Turnout 3	Coast Live Oak	12, 10, 10	3
Turnout 4	No Tree Removal		0
Turnout 5	No Tree Removal		0
Turnout 6	California Black Oak	8	1
	Live Oak	8	1
	Live Oak	12	1
Turnout 7	No Tree Removal		0
Turnout 8	No Tree Removal		0
Turnout 9	No Tree Removal		0

Source: Compiled by LSA from Rangel Gonzales Civil Plans (2023).

DBH = diameter at breast height (about 4 feet above grade)

The forest within the survey area has a generally closed canopy with a shaded, cool understory; however, the canopy is broken and relatively open in some areas, particularly near the vineyards and on the slopes above Mt. Veeder Road. There are scattered, small (less than 10-inches in diameter at breast height) snags in some of the more open canopy areas, but none were observed in the driveway improvement locations. One dusky-footed woodrat nest was observed at the base of a California black oak upslope of the driveway, indicating the presence of this native mammal in the forest. As previously noted, dusky-footed woodrats are an important prey species of NSO. In general, the oak woodland is low in stature and lacking large, mature trees and a multilayered canopy. As noted above, NSO prefer closed canopy stands of forest with large, old trees with cavities, broken tops, snags, and/or platforms such as mistletoe clumps that provide suitable nesting

sites. This suggests that the woodland along the driveway (within 330 feet) is not suitable nesting/diurnal roosting habitat for NSO but could provide nocturnal foraging and dispersal habitat for these birds.

The upland annual grasslands and forbs cover type is present around the vineyard and dwelling area (Figure 4). This area is dominated primarily by weedy, non-native grasses and forbs and is not a habitat generally used by NSO.

RECOMMENDED AVOIDANCE AND MINIMIZATION MEASURES

Although NSO nesting and/or diurnal roosting sites are not expected to be present within 330 feet of the proposed project work areas, the following avoidance and minimization measures are recommended.

- Prior to the start of construction, a biologist would provide a training session for all work personnel to identify any sensitive species, including NSO, that may be in the area, their basic habits, how they may be encountered in their work area, and procedures to follow when they are encountered. Any personnel joining the work crew later would receive the same training before beginning work. Upon completion of the education program, employees would sign a form stating they attended the program and understand all protection measures. A pamphlet that contains images of sensitive species that may occur within the project area, environmentally sensitive areas within the project area, key avoidance measures, and employee guidance would be given to each person who completes the training program. These forms would be made available to the resource agencies upon request.
- Even though the presence of NSO within 330 feet of the project site is unlikely, the presence of this species in this area cannot be completely discounted. Therefore, to ensure that potential adverse noise or visual impact effects on NSO are avoided and/or minimized, a preconstruction survey will be conducted in areas of potential NSO habitat within the 330-foot visual line of disturbance contour of the project site. The focus of the survey should be on the detection of the species and potential active nest sites that could be affected by proposed project work. If an active nest is found within the 330-foot contour visual line of disturbance, the start of construction will be delayed until the young have fledged. NSO young generally leave the nest (that is, fledge) in late May or June. If an active nest is found within the 330-foot visual line of disturbance contour, it will be monitored by a qualified biologist to document when the young have left the nest and construction can start.
- If project activities take place between February 1 and September 30, then a qualified biologist should conduct preconstruction survey for other nesting birds no more than 3 days before tree removal. If active nests are found, then an appropriate buffer would be established, and the nest would be monitored for compliance with the federal Migratory Bird Treaty Act and California Fish Game Code Section 3503.

- No project work should be conducted at night.
- To minimize noise generated from the proposed action to the degree possible, all construction equipment, fixed or mobile, will be fitted with properly operating and maintained mufflers consistent with manufacturers' standards.

SUMMARY AND CONCLUSIONS

Based on the most recent data, there are no known NSO nesting sites or activity centers that have been previously identified within or adjacent to the project site; however, there are four activity centers within a 2-mile radius of the project site (Figure 3). The last definitive observation within 2 miles of the project site was an owl heard by retired CDFW Biologist Ted Wooster in 2009, approximately 0.5 mile west of the project site (Figure 3). Based on the above discussion and field assessment, the oak woodland within 330 feet of the project site does not appear to provide suitable nesting and/or diurnal roosting habitat for NSO due to its generally low stature and lack of large multi-canopied trees; however, this woodland could provide nocturnal foraging and dispersal habitat for NSO. The 11 trees proposed for removal average between 1 and 6 inches in diameter at breast height, are adjacent to an existing active driveway, and are too small to provide suitable NSO nesting and/or diurnal roosting habitat. Therefore, the removal of these trees would not likely adversely affect the nesting and or diurnal roosting NSO. However, as noted above, the presence of NSO in the project area cannot be completely ruled out. Therefore, the above avoidance and minimization measures are provided and, if followed, the proposed driveway improvements related to the widening/turnout areas would not be expected to adversely affect NSO.

If you have any questions or comments, please contact me at (510) 710-9112 or gretchen.zantzinger@lsa.net or Eric Lichtwardt at (510) 376-5767 or eric.lichtwardt@lsa.net.

Sincerely,

LSA Associates, Inc.



Gretchen Zantzinger
Senior Wildlife Biologist

- Attachments: A: References
B: Figures
- Figure 1: Regional Location
 - Figure 2: Proposed Project and Survey Results
 - Figure 3: Land Cover Within 1 Mile
 - Figure 4: Spotted Owl Occurrences
 - Figure 5: Site Photographs

ATTACHMENT A

REFERENCES

California Department of Fish and Wildlife (CDFW). 2023. Spotted Owl Observations Database. Website: <https://wildlife.ca.gov/Data/CNDDDB/Spotted-Owl-FAQ> (accessed September 5, 2023).

Smith, Ann, ed. 2003. *Breeding Birds of Napa County*. Vallejo, California: Napa-Solano Audubon Society.

Thorne, J.H., R.M. Boynton, A. Merritt, S.K. Rice, E. Kalalipour, and J. Patrick. 2019. The 2016 update to the Napa Vegetation Map of 2004. University of California, Davis.

United States Fish and Wildlife Service (USFWS). 2012. Protocol for Surveying Proposed Management Activities that may Impact Northern Spotted Owls. Portland, Oregon: USFWS. January 9.

_____. 2020. Revised Transmittal of Guidance: Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California.

ATTACHMENT B

FIGURES

- Figure 1: Regional Project Location
- Figure 2: Proposed Project and Survey Results
- Figure 3: Land Cover Within 1 Mile
- Figure 4: Spotted Owl Occurrences
- Figure 5: Site Photographs

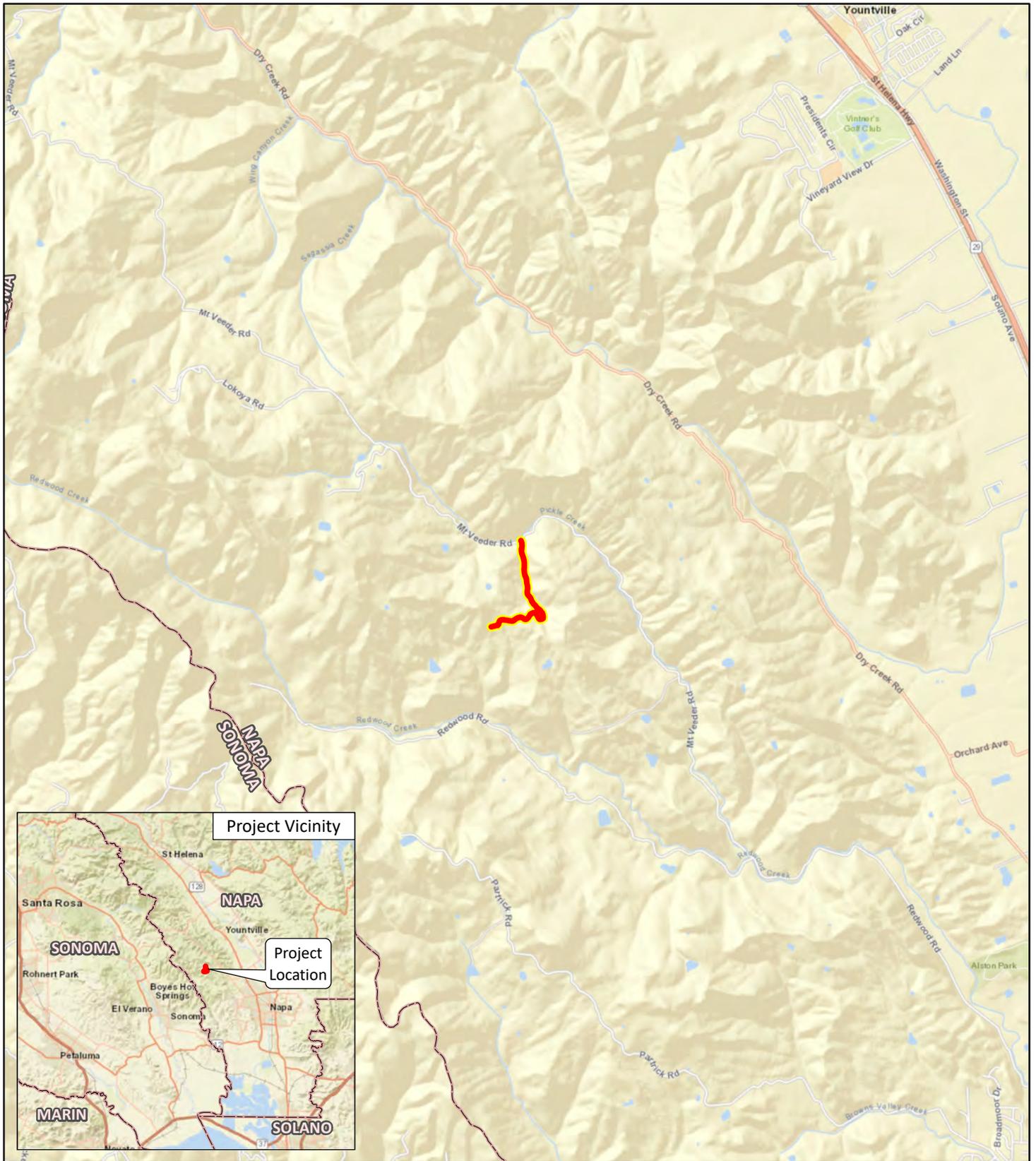


FIGURE 1

LSA

LEGEND

 Project Location



0 2000 4000
FEET

1871 Mt. Veeder Rd
Napa County, California
Regional Location

SOURCE: Stillwater Civil Design (07/2023); Esri World Street Map (2023).

I:\20231115\GIS\MXD\Bio Report\Figure 1_Regional Location.mxd (9/25/2023)



FIGURE 2

LSA

LEGEND

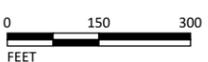
Driveway

Existing Gravel Driveway

Proposed Minimum 22' Wide Gravel Driveway

Proposed 22' Wide Gravel Turnout Location

San Francisco Dusky-footed Woodrat House

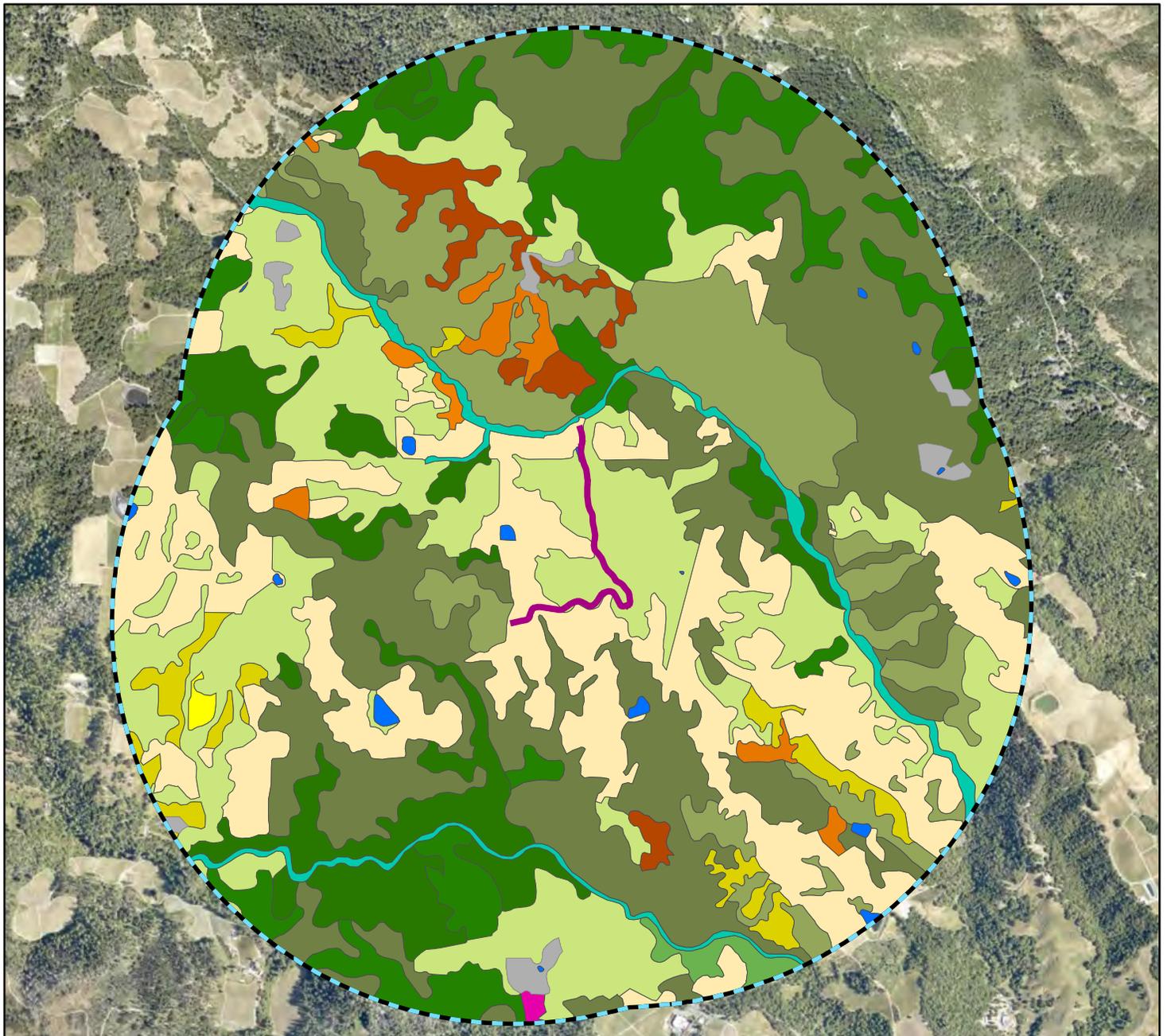


1871 Mt. Veeder Rd
Napa County, California

Proposed Project and Survey Results

SOURCE: Stillwater Civil Design (07/2023); Napa County Orthos (04/2021); LSA (09/02/2023).

I:\20231115\GIS\MXD\Bio Report\Figure 2_Proposed Project and Survey Results.mxd (9/25/2023)



Land Cover Types

 Coast Redwood - Douglas-fir / California Bay	 Chamise Alliance
 Douglas-fir	 Mixed Manzanita - (Interior Live Oak - California Bay - Chamise) West County
 Valley Oak - (California Bay - Coast Live Oak - Walnut - Ash) Riparian Forest	 Sclerophyllous Shrubland
 California Bay - Madrone - Coast Live Oak - (Black Oak Big Leaf Maple)	 California Annual Grasslands
 Coast Live Oak	 Upland Annual Grasslands & Forbs Formation
 Eucalyptus	 Agriculture
 Mixed Oak	 Urban or Built-up
 White Alder (Mixed Willow - California Bay - Big Leaf Maple) Riparian Forest	 Water

LSA

LEGEND

-  Driveway
-  1-mile Buffer of Driveway

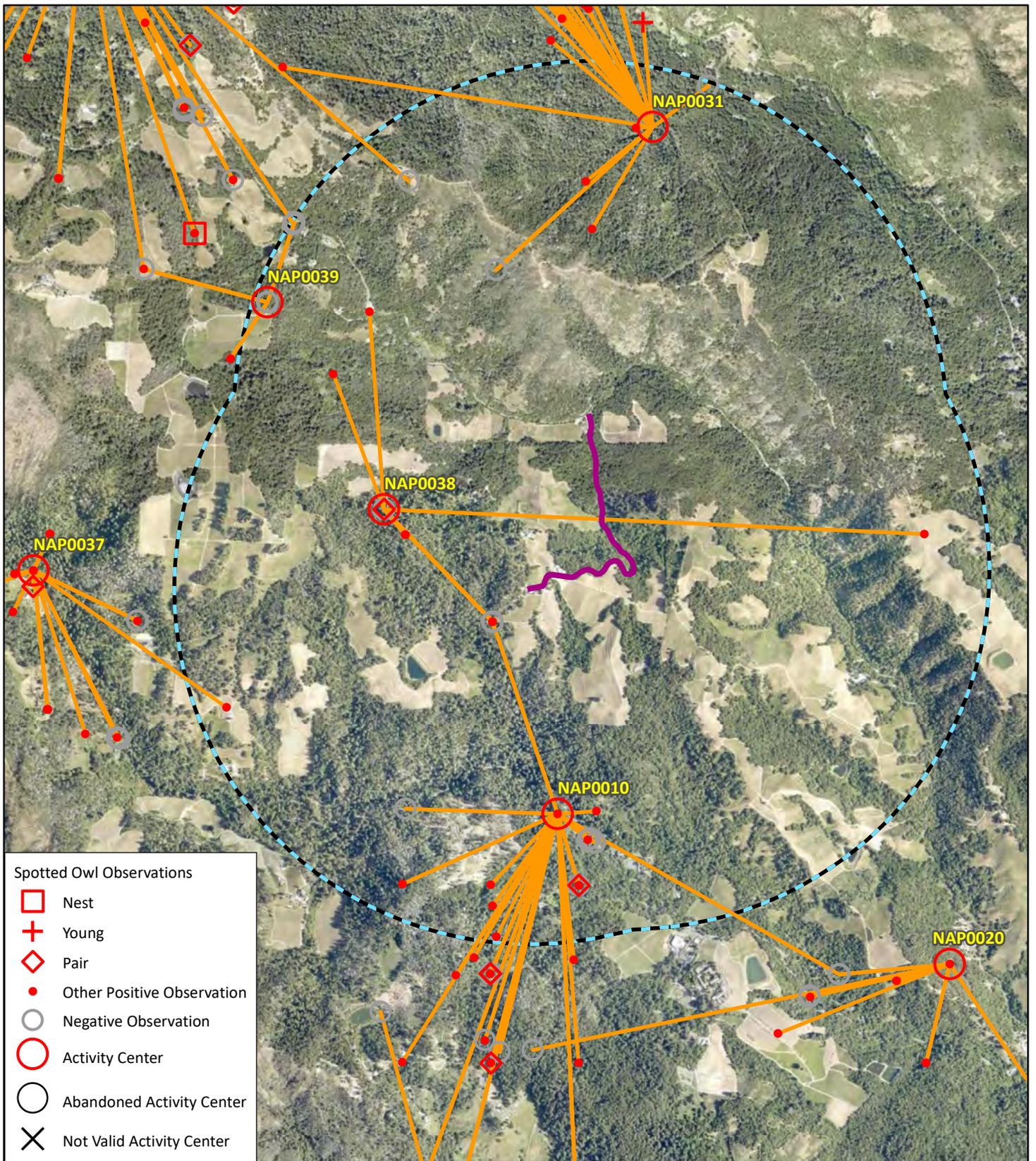


SOURCE: Thorne JH, et al. (06/2019); Esri World Imagery (2023).

I:\20231115\GIS\MXD\Bio Report\Figure 3_Land Cover within 1 Mile.mxd (10/9/2023)

FIGURE 3

1871 Mt. Veeder Rd
Napa County, California
Land Cover within 1 Mile

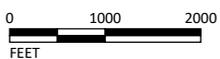


LSA

LEGEND

— Driveway

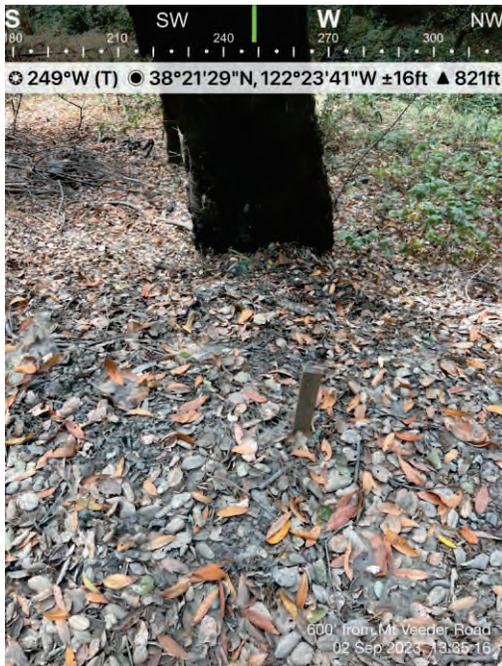
FIGURE 4



SOURCE: Use Upper and Lower Case Fonts (MM/YY)

I:\20231115\GIS\MXD\Bio Report\Figure 4_Spotted Owl Occurrences.mxd (10/6/2023)

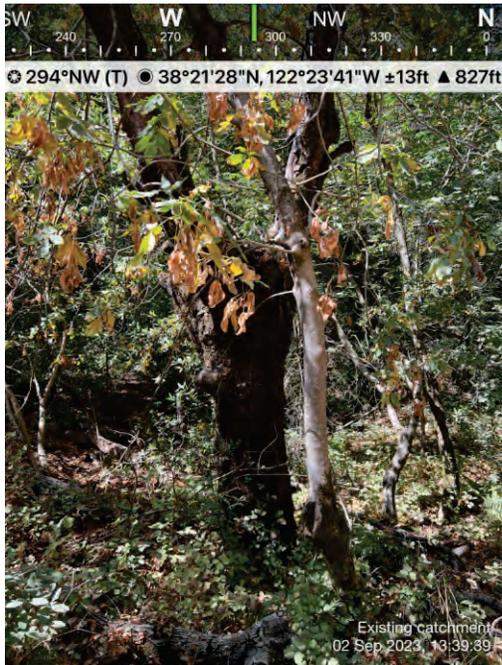
1871 Mt. Veeder Rd
Napa County, California
Spotted Owl Occurrences



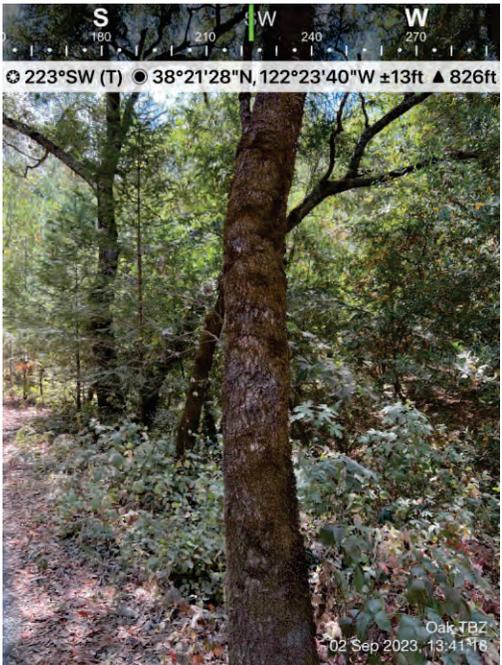
Turnout 1



Turnout 2



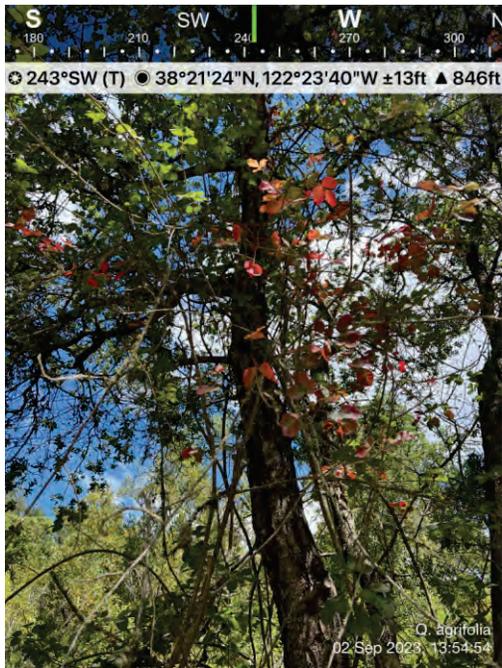
Turnout 3



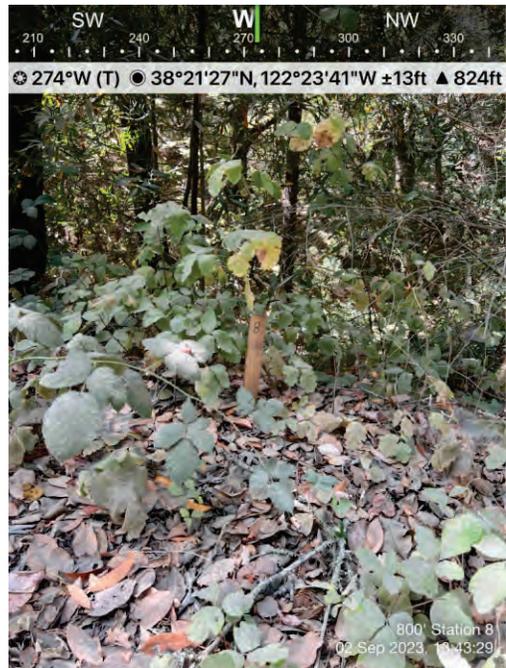
Turnout 4

LSA

FIGURE 5
Page 1 of 3



Turnout 5



Turnout 6



Turnout 7



Turnout 8



Turnout 9



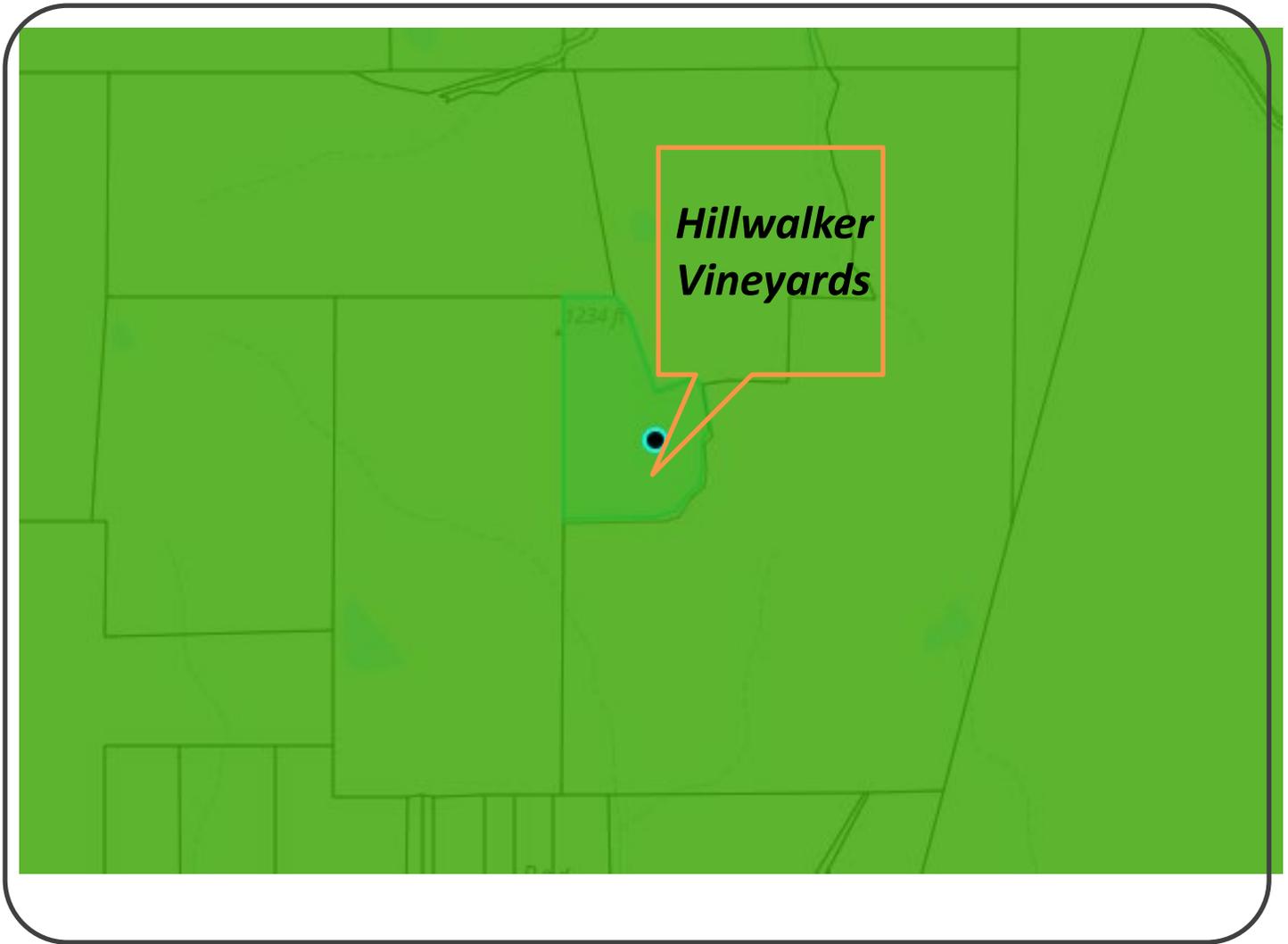
Widening Area 10

“K”

Graphics

Hillwalker Vineyards Winery Use Permit P23-00101-UP and Exception
to the Conservation Regulations P23-00239-UP
Planning Commission Hearing Date (August 7, 2024)

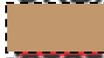
NAPA COUNTY LAND USE PLAN 2008 – 2030



LEGEND



URBANIZED OR NON-AGRICULTURAL

-  Study Area
-  Cities
-  Urban Residential*
-  Rural Residential*
-  Industrial
-  Public-Institutional

OPEN SPACE

-  Agriculture, Watershed & Open Space
-  Agricultural Resource

TRANSPORTATION

-  Mineral Resource
-  Limited Access Highway
-  American Canyon ULL
-  City of Napa RUL
-  Landfill - General Plan
-  Road
-  Airport
-  Railroad
-  Airport Clear Zone

* See Action Item AG/LU-114.1 regarding agriculturally zoned areas within these land use designations



**Project Parcel(s)
APN 034-110-047**

LEGEND

- Zoning
- Parcels



ZONING MAP



Existing Conditions

STILLWATER CIVIL DESIGN

1090 SHETLER AVE.
NAPA, CA 94559

(707) 974-9261

rangel@stillwatercivil.com



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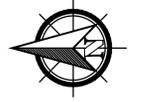
ARG
J. RANGEL, GONZALEZ P.C.E. 74712

HILLWALKER VINEYARDS WINERY USE PERMIT

1871 MT. VEEDER RD - NAPA, CA 94559
APN: 034-110-047

PRELIMINARY OVERALL SITE PLAN

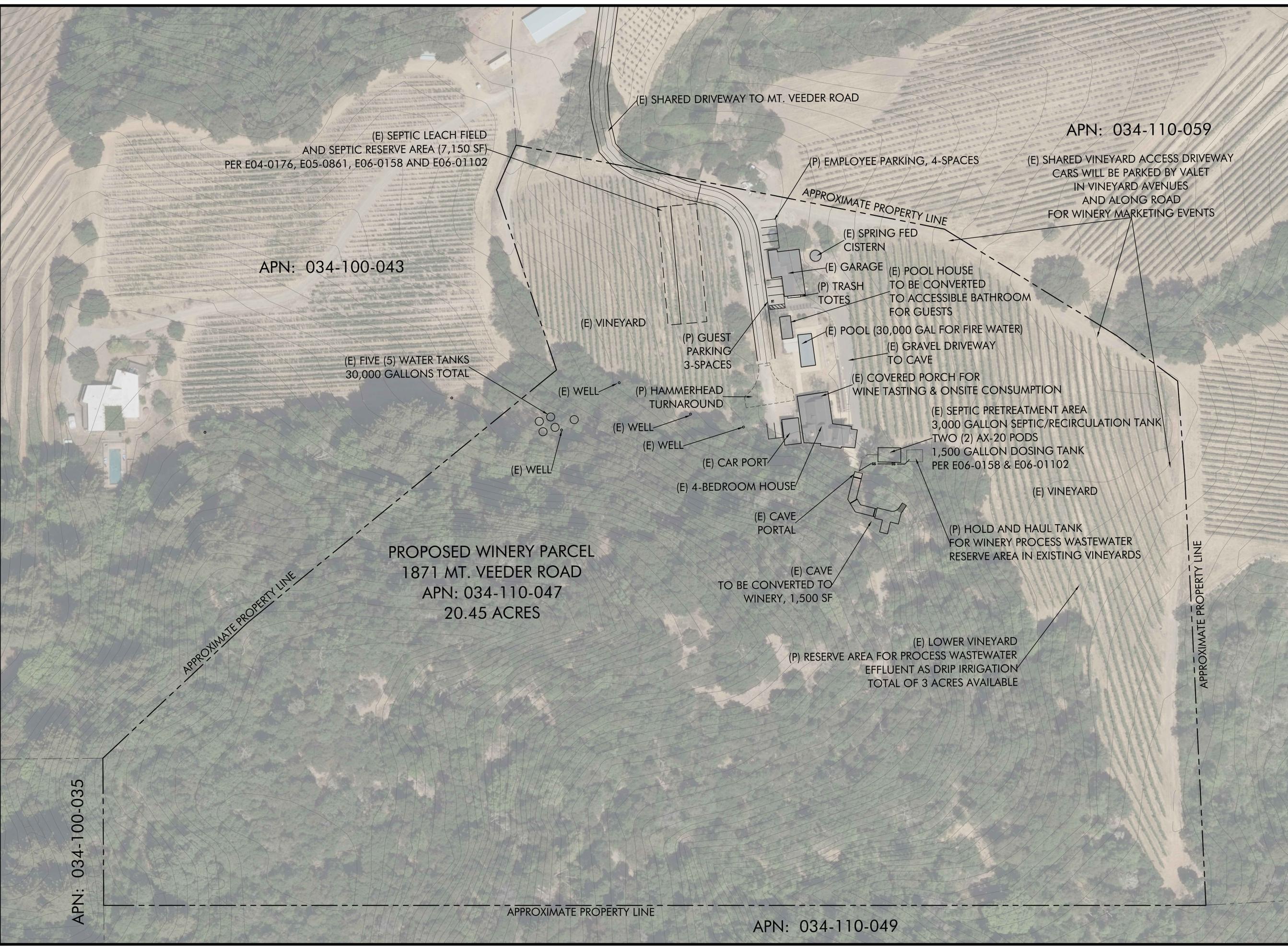
NAPA COUNTY



SCALE: 1" = 50'
0 50' 100'

UP 1.0
OF 6 SHEETS

3/14/24



APN: 034-100-035

APN: 034-100-043

PROPOSED WINERY PARCEL
1871 MT. VEEDER ROAD
APN: 034-110-047
20.45 ACRES

APN: 034-110-059

APN: 034-110-049

APPROXIMATE PROPERTY LINE

APPROXIMATE PROPERTY LINE

APPROXIMATE PROPERTY LINE

(E) SHARED DRIVEWAY TO MT. VEEDER ROAD

(E) SEPTIC LEACH FIELD AND SEPTIC RESERVE AREA (7,150 SF) PER E04-0176, E05-0861, E06-0158 AND E06-01102

(E) SHARED VINEYARD ACCESS DRIVEWAY
CARS WILL BE PARKED BY VALET IN VINEYARD AVENUES AND ALONG ROAD FOR WINERY MARKETING EVENTS

(P) EMPLOYEE PARKING, 4-SPACES

APPROXIMATE PROPERTY LINE

(E) SPRING FED CISTERN

(E) GARAGE

(P) TRASH TOTES

(E) POOL HOUSE TO BE CONVERTED TO ACCESSIBLE BATHROOM FOR GUESTS

(E) POOL (30,000 GAL FOR FIRE WATER)

(E) GRAVEL DRIVEWAY TO CAVE

(E) COVERED PORCH FOR WINE TASTING & ONSITE CONSUMPTION

(E) SEPTIC PRETREATMENT AREA
3,000 GALLON SEPTIC/RECIRCULATION TANK
TWO (2) AX-20 PODS
1,500 GALLON DOSING TANK
PER E06-0158 & E06-01102

(E) VINEYARD

(P) HOLD AND HAUL TANK FOR WINERY PROCESS WASTEWATER RESERVE AREA IN EXISTING VINEYARDS

(E) CAVE TO BE CONVERTED TO WINERY, 1,500 SF

(E) CAVE PORTAL

(E) 4-BEDROOM HOUSE

(E) CAR PORT

(P) HAMMERHEAD TURNAROUND

(E) WELL

(E) WELL

(E) WELL

(E) WELL

(E) VINEYARD

(P) GUEST PARKING 3-SPACES

(E) FIVE (5) WATER TANKS 30,000 GALLONS TOTAL

STILLWATER CIVIL DESIGN

1090 SHETLER AVE.
NAPA, CA 94559

(707) 974-9261

rangel@stillwatercivil.com



PREPARED UNDER THE DIRECTION OF:



J. RANGEL GONZALEZ P.C.E. 74712



HILLWALKER VINEYARDS

WINERY USE PERMIT

1871 MT. VEEDER RD - NAPA, CA 94559

APN: 034-110-047

PRELIMINARY WINERY LAYOUT PLAN

WINERY DEVELOPMENT AREA = 720 SF

- EMPLOYEE PARKING (720 SF)

WINERY COVERAGE = 11,570 SF

- ONSITE DRIVEWAY (9,710 SF)

- GUEST PARKING (685 SF)

- ACCESSIBLE WALKWAYS (726 SF)

- OUTDOOR TASTING AREA (298 SF)

- ACCESSIBLE BATHROOM (80 SF)

- WINE GLASS WASHING & STORAGE AREA (71 SF)

PRODUCTION FACILITY = 1,500 SF

- CAVE (1,500 SF)

ACCESSORY USE = 449 SF

- ACCESSIBLE BATHROOM (80 SF)

- WINE GLASS WASHING & STORAGE AREA (71 SF)

- OUTDOOR TASTING AREA (298 SF)

NAPA COUNTY



SCALE: 1" = 20'



UP 2.0

OF 6 SHEETS

3/14/24

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HILLWALKER VINEYARDS
WINERY USE PERMIT
1871 MT. VEEDER RD - NAPA, CA 94559
APN: 034-110-047
PRELIMINARY WINERY FLOOR PLANS

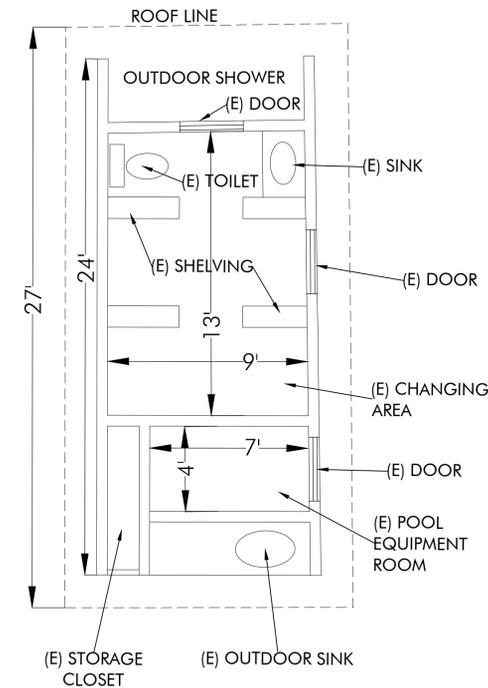
NAPA COUNTY



SCALE: 1" = 20'
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UP 3.0
OF 6 SHEETS

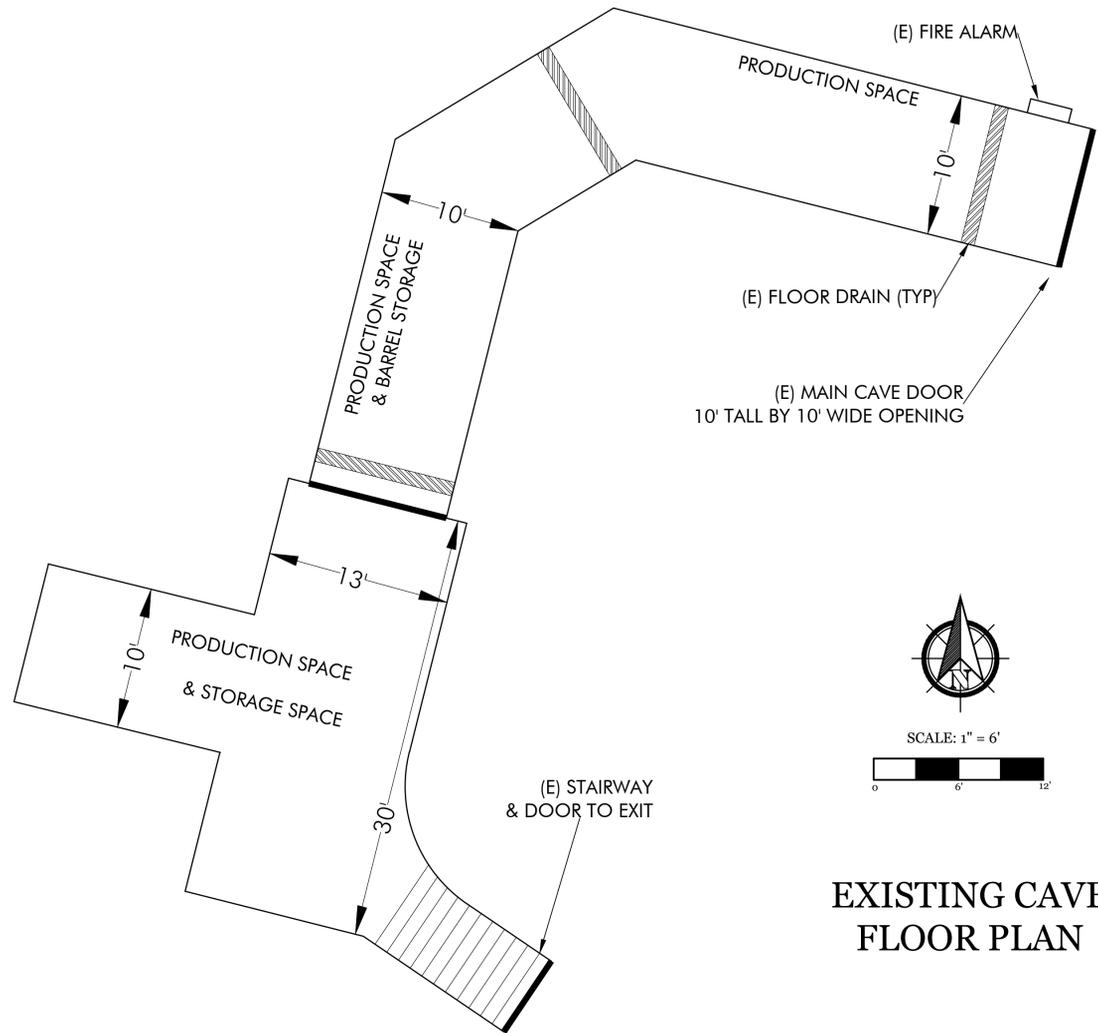
3/14/24



EXISTING POOL BATHROOM FLOOR PLAN



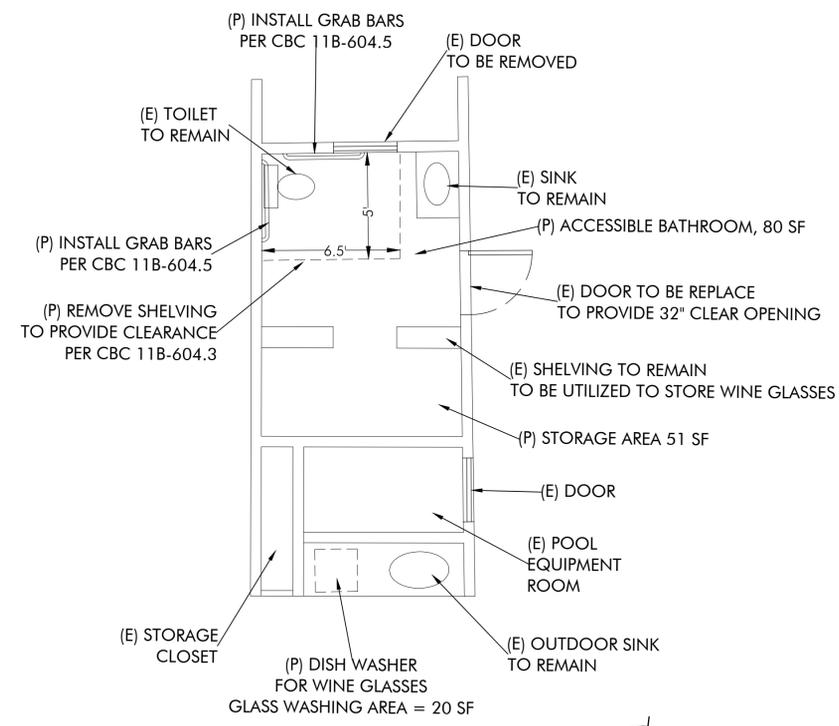
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EXISTING CAVE FLOOR PLAN



SCALE: 1" = 6'
0 6 12



PROPOSED ACCESSIBLE BATHROOM FLOOR PLAN



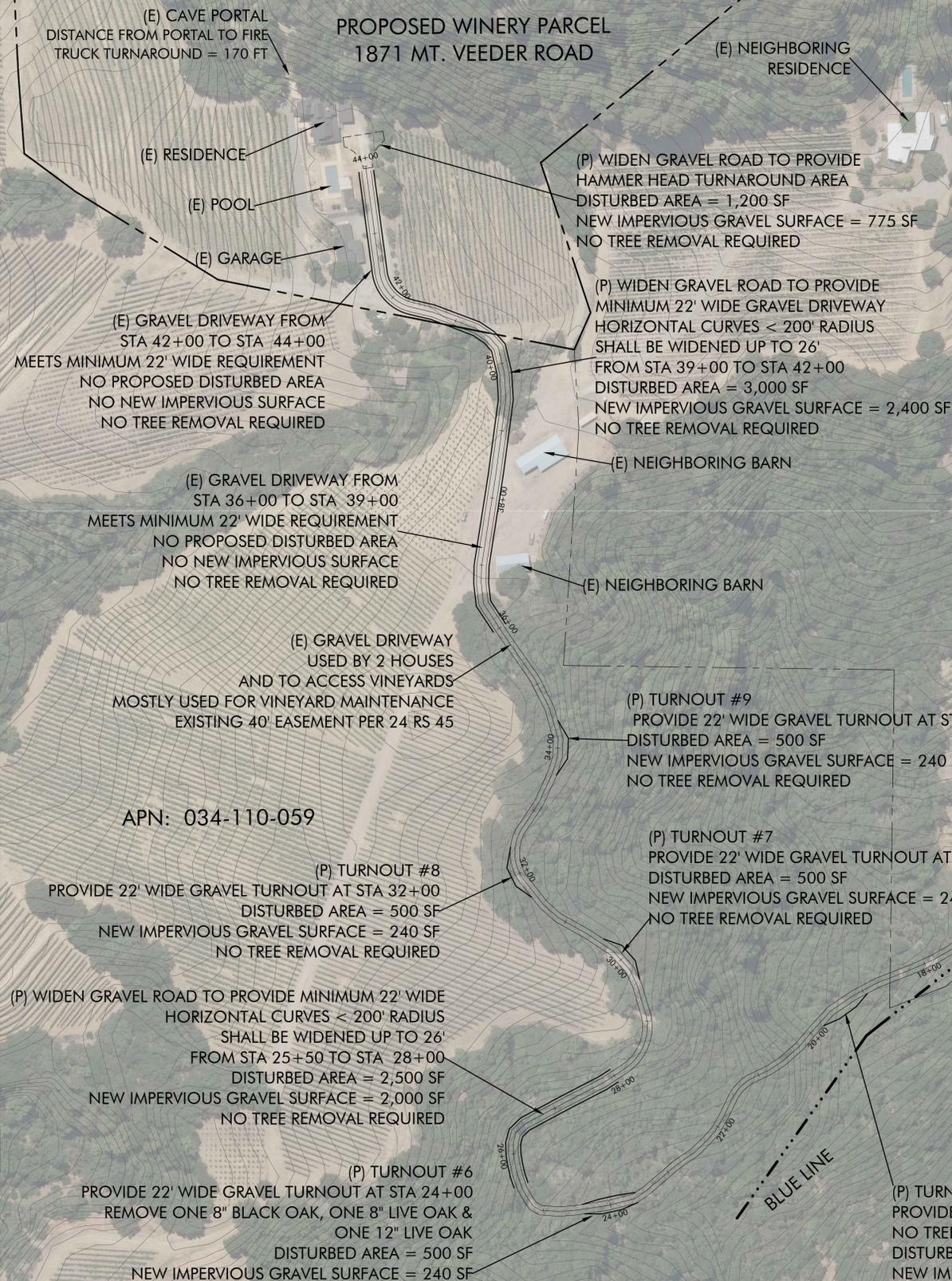
SCALE: 1" = 4'
0 4 8

TREE REMOVAL:

A TOTAL OF 10 SMALL TREES ARE PROPOSED TO BE REMOVED TO DEVELOP ROAD TURNOUTS AS REQUIRED BY NAPA COUNTY ROAD AND STREET STANDARDS AND FIRE ACCESS REGULATIONS. TURNOUTS 1, 2, 3 & 6 REQUIRE TREE REMOVAL. SEE TURNOUT LABELS.

APN: 034-110-047

PROPOSED WINERY PARCEL
1871 MT. VEEDER ROAD



DRIVEWAY EXCEPTION REQUEST:

EXISTING GRAVEL DRIVEWAY PROVIDES A MINIMUM OF 14-FT WIDTH, ALL TURNS PROVIDE A RADIUS OF AT LEAST 50-FT, & DRIVEWAY SLOPE DOES NOT EXCEED 18%.

DRIVEWAY CANNOT BE WIDENED DUE TO STEEP SLOPES, TREES AND STREAMS.

DRIVEWAY CANNOT BE PAVED DUE TO HEAVY USE BY AGRICULTURAL VEHICLES ON OTHER PARCELS.

SAME OVERALL PRACTICAL EFFECT CAN BE PROVIDED BY INSTALLING TURNOUTS AND WIDENING AS SHOWN.

A USE PERMIT EXCEPTION TO THE CONSERVATION REGULATIONS WILL BE REQUIRED TO PROVIDE TURNOUTS IN THE STREAM SETBACK.

STORMWATER NOTES:

SEE SHEET UP 6.0 FOR EROSION AND SEDIMENT CONTROL PLAN.
THIS PROJECT PROPOSES TO DISTURB A COLLECTIVE AREA OF 11,200 SF FOR DRIVEWAY IMPROVEMENTS.

NEW IMPERVIOUS AREA IS LIMITED TO COMPACTED GRAVEL AS NEEDED TO IMPROVE DRIVEWAY. NO NEW CONTINUOUS IMPERVIOUS AREA EXCEEDS 2,500 SQUARE FEET. SEE NOTES THIS SHEET. NO STORMWATER CONTROL PLAN IS REQUIRED FOR THIS PROJECT.

ALL NEW IMPERVIOUS DRIVEWAY AREAS SHALL CONFORM TO EXISTING DRAINAGE PATTERNS. ALL NEW IMPERVIOUS DRIVEWAY AREAS SHALL FLOW TO PERVIOUS VEGETATED AREAS.

APN: 034-100-043

(P) TURNOUT #1
PROVIDE 22' WIDE GRAVEL TURNOUT AT STA 8+00
REMOVE 3 TREES (12" LIVE OAK, 8" LIVE OAK, 6" BUCKEYE)
DISTURBED AREA = 500 SF
NEW IMPERVIOUS GRAVEL SURFACE = 240 SF

(P) TURNOUT #2
PROVIDE 22' WIDE GRAVEL TURNOUT AT STA 12+00
REMOVE 1 LIVE OAK TREE CLUSTER WITH 3 TRUNKS (12', 8", 6" TRUNKS)
DISTURBED AREA = 500 SF
NEW IMPERVIOUS GRAVEL SURFACE = 240 SF

(P) TURNOUT #3
PROVIDE 22' WIDE GRAVEL TURNOUT AT STA 14+00
REMOVE 3 LIVE OAK TREES (12', 10", 10")
DISTURBED AREA = 500 SF
NEW IMPERVIOUS GRAVEL SURFACE = 240 SF

(P) TURNOUT #4
PROVIDE 22' WIDE GRAVEL TURNOUT AT STA 17+50
NO TREE REMOVAL REQUIRED
DISTURBED AREA = 500 SF
NEW IMPERVIOUS GRAVEL SURFACE = 240 SF

(P) TURNOUT #5
PROVIDE 22' WIDE GRAVEL TURNOUT AT STA 19+50
NO TREE REMOVAL REQUIRED
DISTURBED AREA = 500 SF
NEW IMPERVIOUS GRAVEL SURFACE = 240 SF

(E) GRAVEL DRIVEWAY USED BY 2 HOUSES AND TO ACCESS VINEYARDS
MOSTLY USED FOR VINEYARD MAINTENANCE
EXISTING 40' EASEMENT PER 24 RS 45

APN: 034-100-020

(E) GRAVEL DRIVEWAY FROM STA 0+00 TO STA 2+50
MEETS MINIMUM 22' WIDE REQUIREMENT
NO PROPOSED DISTURBED AREA
NO NEW IMPERVIOUS SURFACE
NO TREE REMOVAL REQUIRED

APN: 034-100-020

STILLWATER CIVIL DESIGN

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NAPA, CA 94559

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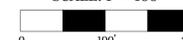


HILLWALKER VINEYARDS
WINERY USE PERMIT
1871 MT. VEEDER RD - NAPA, CA 94559
APN: 034-110-047
PRELIMINARY DRIVEWAY PLAN
ROAD EXCEPTION REQUEST

NAPA COUNTY



SCALE: 1" = 100'



UP 4.0
OF 6 SHEETS

3/14/24

STILLWATER CIVIL DESIGN

1090 SHETLER AVE.
NAPA, CA 94559

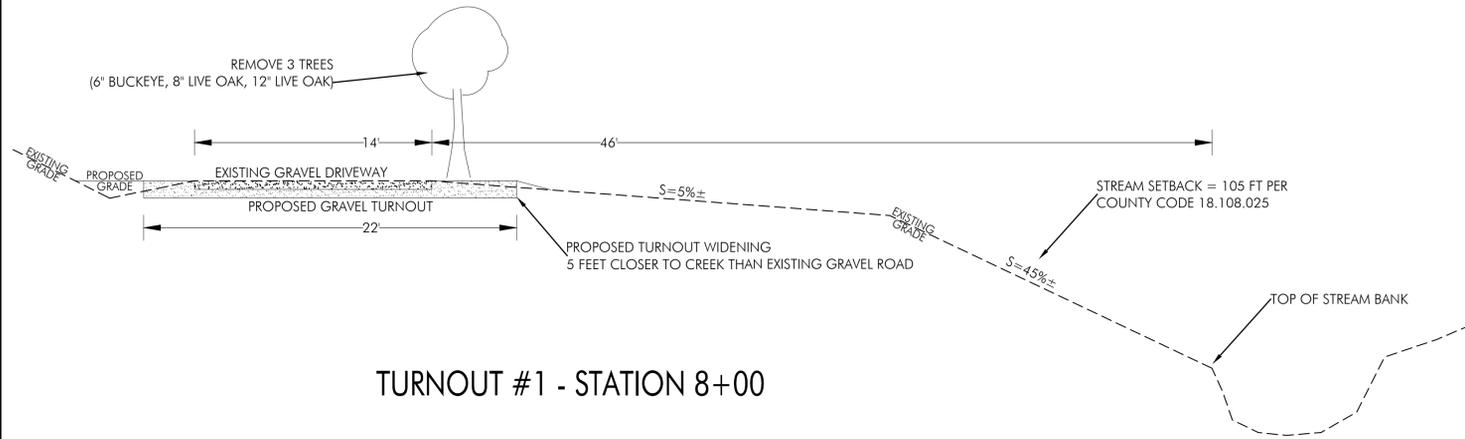
(707) 974-9261

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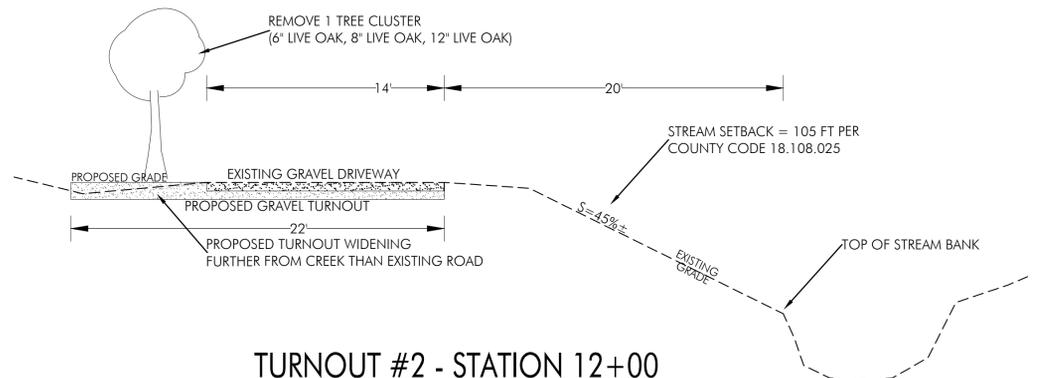


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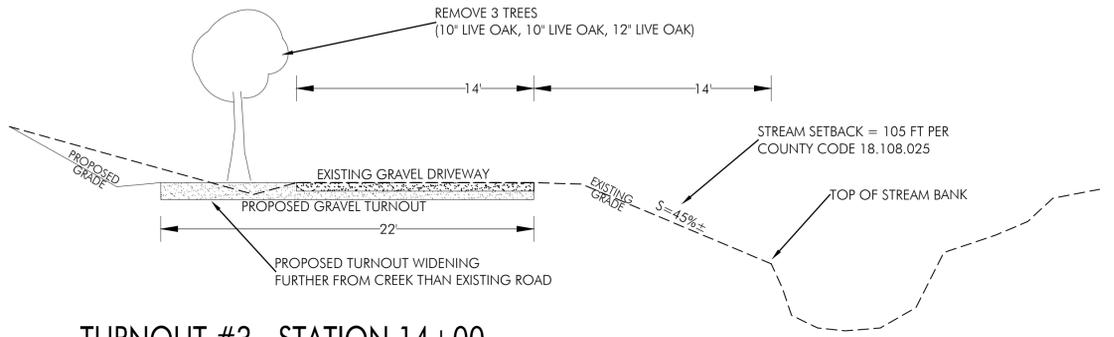
APG
J. RANGEL GONZALEZ P.E. 74712



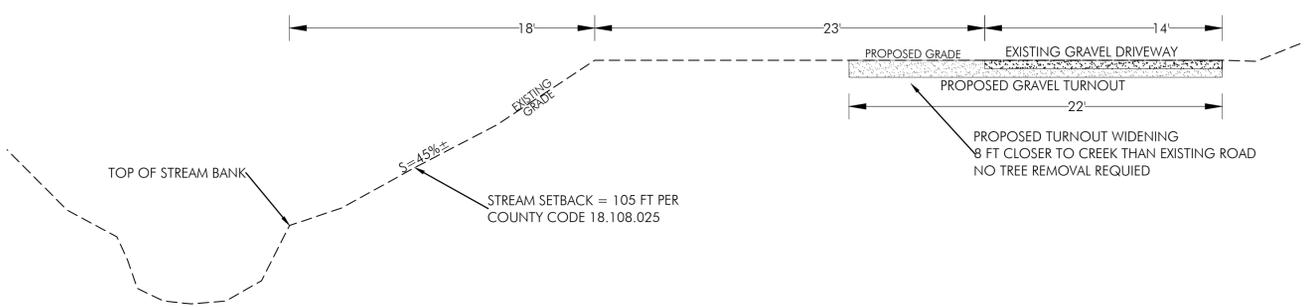
TURNOUT #1 - STATION 8+00



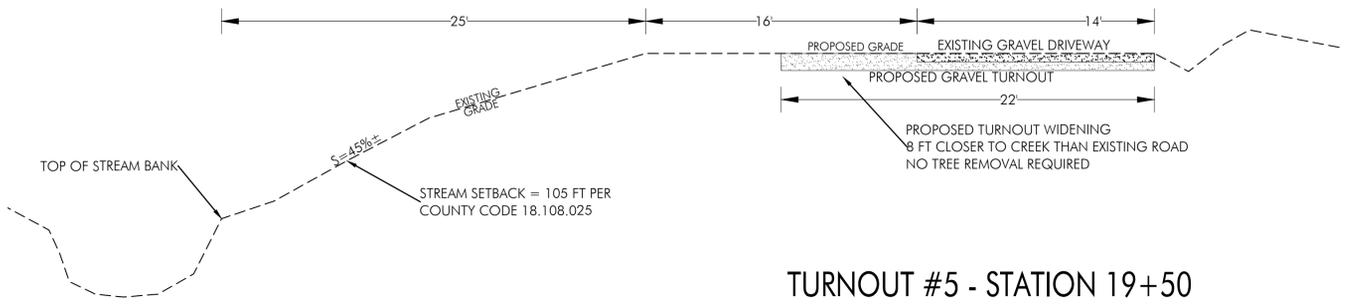
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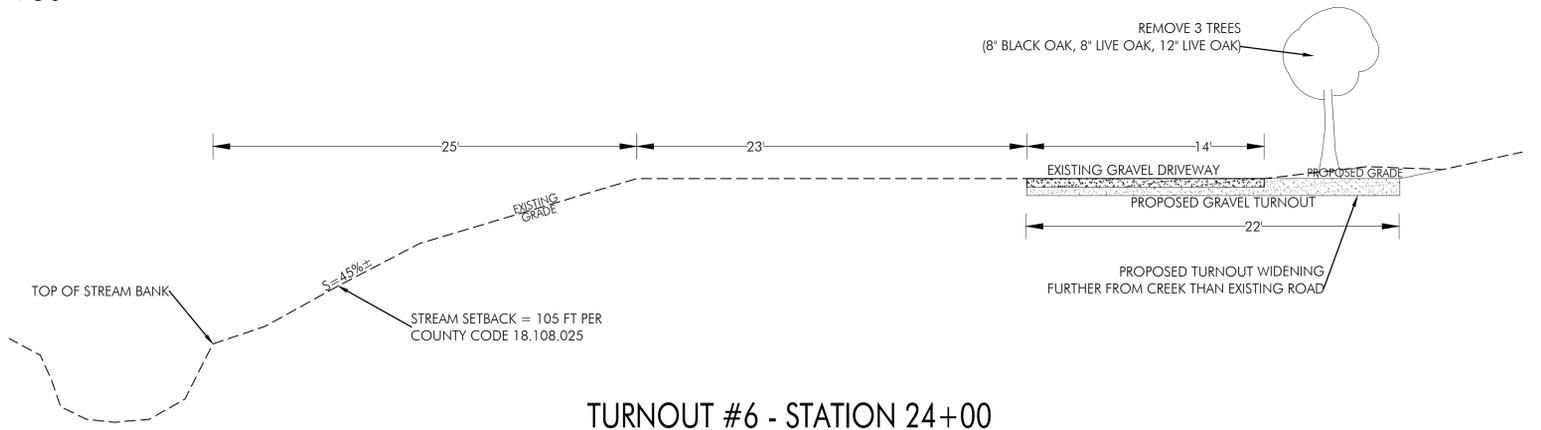
TURNOUT #3 - STATION 14+00



TURNOUT #4 - STATION 17+50



TURNOUT #5 - STATION 19+50



TURNOUT #6 - STATION 24+00

HILLWALKER VINEYARDS

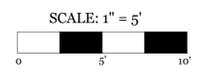
WINERY USE PERMIT

1871 MT. VEEDER RD - NAPA, CA 94559

APN: 034-110-047

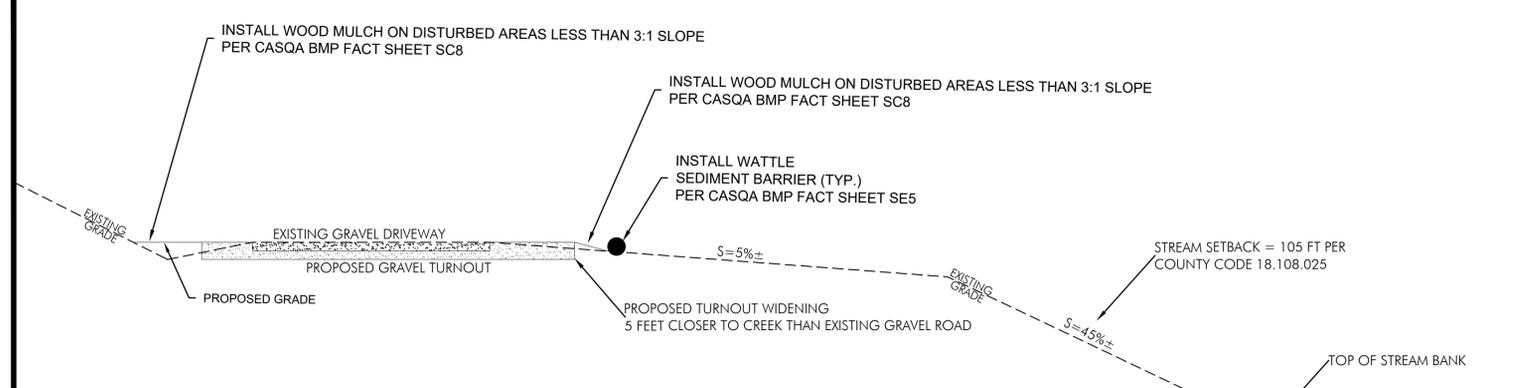
TURNOUTS IN STREAM SETBACK

NAPA COUNTY

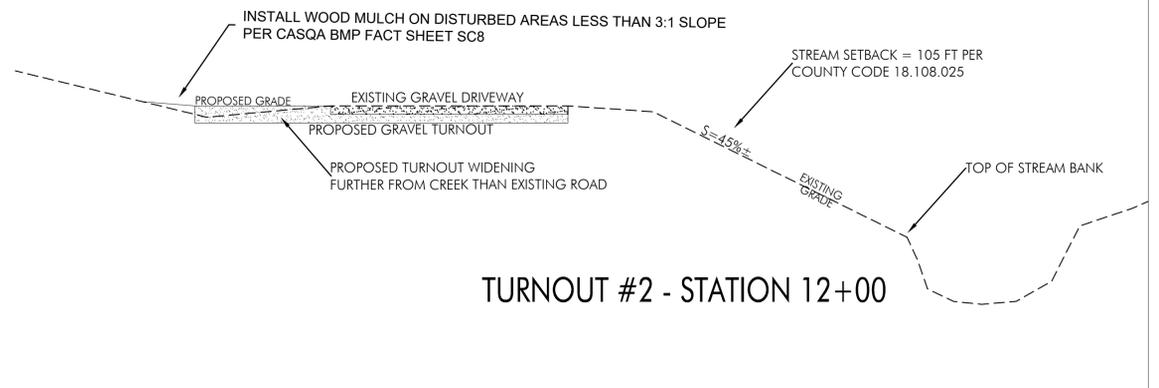


UP 5.0
OF 6 SHEETS

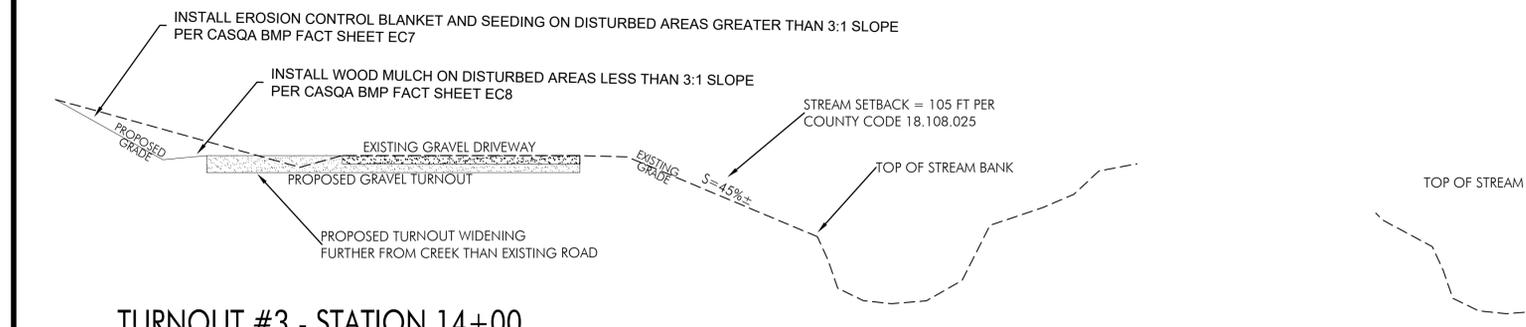
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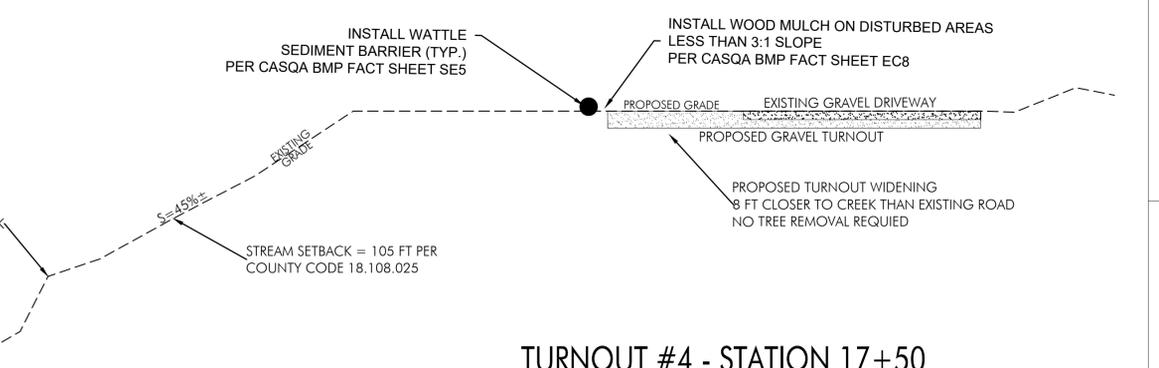
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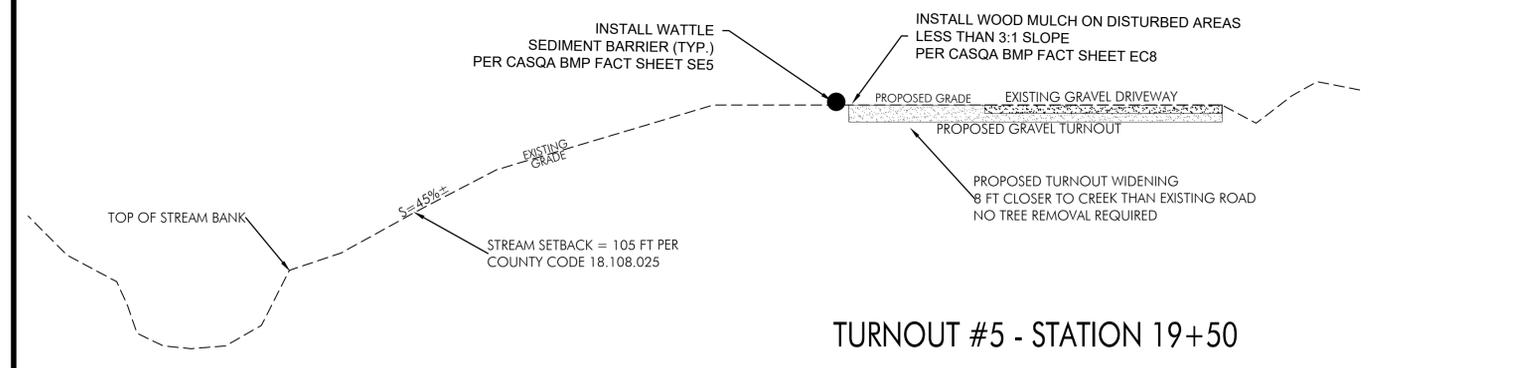
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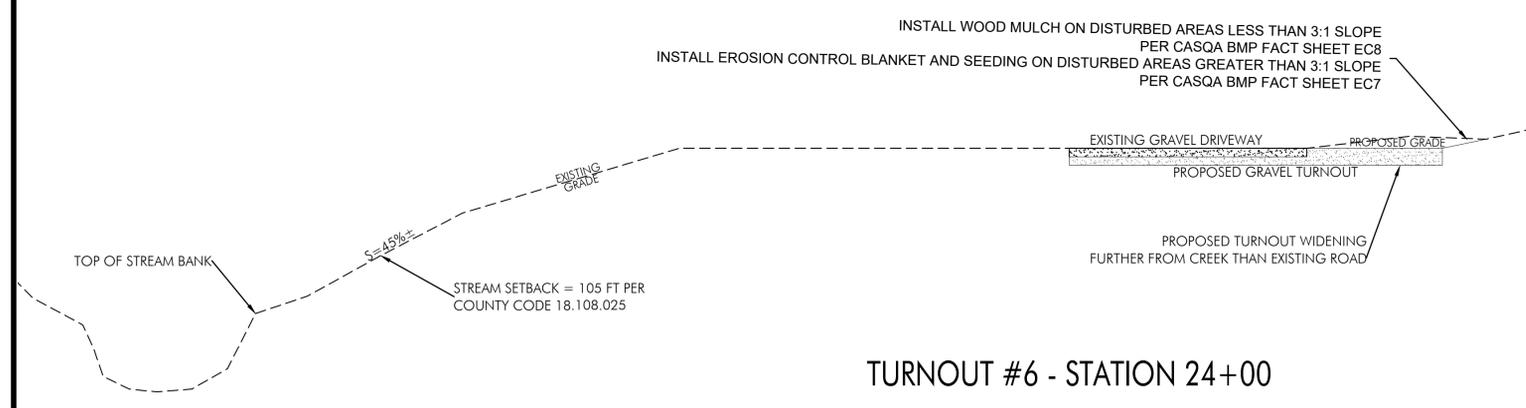
TURNOUT #3 - STATION 14+00



TURNOUT #4 - STATION 17+50



TURNOUT #5 - STATION 19+50



TURNOUT #6 - STATION 24+00

THE FOLLOWING CASQA EROSION AND SEDIMENT CONTROL BMP MEASURES MAY BE UTILIZED FOR THIS PROJECT. SEE CASQA HANDBOOK FOR DETAILS

EC1 - SCHEDULING
EC4 - HYDROSEEDING
EC8 - WOOD MULCHING
EC16 - NON-VEGETATIVE STABILIZATION
SE5 - FIBER ROLLS
WE1 - WIND EROSION CONTROL
WM3 - STOCKPILE MANAGEMENT
WM4 - SPILL PREVENTION & CONTROL
WM9 - SANITARY/SEPTIC WASTE MANAGEMENT
NS1 - WATER CONSERVATION PRACTICES
NS7 - POTABLE WATER/IRRIGATION
NS10 - VEHICLE AND EQUIPMENT MAINTENANCE

EROSION CONTROL NOTES:

- GRADING FOR THIS PROJECT SHALL BE LIMITED TO IMPROVEMENT AREAS AS SHOWN ON THESE PLANS. A TOTAL AREA OF 15,010 SQUARE FEET WILL BE DISTURBED FOR THIS PROJECT. THE DISTURBED AREAS CONSIST OF ROAD WORK FOR INSTALLATION OF TURNOUTS, ROAD WORK FOR ROAD WIDENING, AND INSTALLATION OF SIDEWALK AND PARKING SPACES. THE EROSION AND SEDIMENT CONTROL MEASURES SHOWN ON THIS PLAN IS LIMITED TO THE AREA SUBJECT TO AN EXCEPTION TO THE CONSERVATION REGULATIONS. THIS AREA IS LIMITED TO THE ROAD IMPROVEMENTS LOCATED WITHIN THE CREEK SETBACK. AN EROSION AND SEDIMENT CONTROL PLAN FOR OTHER AREAS OUTSIDE OF THE CREEK SETBACK WILL BE PROVIDED WITH FUTURE BUILDING AND GRADING PERMIT APPLICATIONS.
- ALL DISTURBED AREAS AND STOCKPILES SHALL BE COVERED AND APPROPRIATE SEDIMENT BARRIERS SHALL BE PUT INTO PLACE BEFORE ANY PREDICTED RAIN EVENT. CONTRACTOR SHALL INFORM ENGINEER OF STORMWATER BEST MANAGEMENT PRACTICES FOR APPROVAL WHEN REQUIRED. STORMWATER BEST MANAGEMENT PRACTICES SHALL BE INSPECTED EACH DAY DURING RAIN EVENTS.
- DISTURBED AND GRADED AREAS SHALL BE SEEDED OR MULCHED AS SOON AS POSSIBLE. SEEDING AND MULCHING SHALL BE PERFORMED ON A CONTINUOUS BASIS UNTIL VEGETATION HAS BEEN ESTABLISHED AND THE SITE HAS BEEN STABILIZED.
- ALL STOCKPILES SHALL BE COVERED WITH PLASTIC AND WEIGHED DOWN PRIOR TO ANY PREDICTED STORM EVENT PER CASQA BMP WM3.
- CONTRACTOR SHALL INFORM ALL CONSTRUCTION SITE WORKERS ABOUT EROSION AND SEDIMENT CONTROL REQUIREMENTS AND SEEK THEIR COOPERATION IN AVOIDANCE OF DISTURBANCE OF THESE CONTROL MEASURES.
- CONTRACTOR SHALL CONDUCT ALL GRADING OPERATIONS IN SUCH A MANNER AS TO PRECLUDE WIND BLOWN DIRT AND DUST AND RELATED DAMAGE TO NEIGHBORING PROPERTIES. SUFFICIENT WATERING TO CONTROL DUST IS REQUIRED AT ALL TIMES. CONTRACTOR SHALL ASSUME LIABILITY FOR CLAIMS RELATED TO WIND BLOWN MATERIAL. IF THE DUST CONTROL IS INADEQUATE AS DETERMINED BY THE PUBLIC WORKS DIRECTOR OR HIS DESIGNATED REPRESENTATIVE, THE CONSTRUCTION WORK SHALL BE TERMINATED UNTIL CORRECTIVE MEASURES ARE TAKEN.
- A SPILL KIT SHALL BE KEPT ON SITE AT ALL TIMES TO CLEAN UP CHEMICAL SPILLS FROM VEHICLES OR CONSTRUCTION PRODUCTS.
- EROSION AND SEDIMENT CONTROL SUCH AS FIBER ROLLS, MULCHING OR GEOTEXTILE MATS SHALL BE IMPLEMENTED 48 HOURS PRIOR TO A PREDICTED RAIN EVENT. EROSION AND SEDIMENT CONTROL BMPS SHALL BE AVAILABLE FOR IMPLEMENTATION UNTIL THE SITE IS STABILIZED.
- A CONTRACTOR STAGING AREA SHALL BE LOCATED ON THE PROPERTY ON THE EXISTING GRAVEL DRIVEWAY. VEHICLE STAGING AND MAINTENANCE SHALL ONLY OCCUR ON THIS DESIGNATED STAGING AREA. BATHROOM FACILITIES ARE AVAILABLE ONSITE AND NO PORTABLE TOILETS ARE REQUIRED FOR THIS PROJECT.

STILLWATER CIVIL DESIGN

1090 SHETLER AVE. NAPA, CA 94559

(707) 974-9261

rangel@stillwatercivil.com

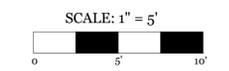


PREPARED UNDER THE DIRECTION OF:

J. RANGEL GONZALEZ P.E. 74712

HILLWALKER VINEYARDS
 WINERY USE PERMIT
 1871 MT. VEEDER RD - NAPA, CA 94559
 APN: 034-110-047
 EXCEPTION TO CONSERVATION REGULATIONS
 EROSION & SEDIMENT CONTROL PLAN

NAPA COUNTY



UP 6.0 OF 6 SHEETS

3/14/24

“L”

Winery Comparison Analysis

Hillwalker Vineyards Winery Use Permit P23-00101-UP and Exception
to the Conservation Regulations P23-00239-UP
Planning Commission Hearing Date (August 7, 2024)

Hillwalker Vineyards Winery
Permit #P23-00101-UP
Summary of Location and Operation Criteria

LOCATIONAL CRITERIA	STAFF COMMENTS
Size of Parcel	4.5 acres
Proximity of Nearest Residence	838 feet
Number of Wineries Located Within One Mile	4
Located Within the Napa Valley Business Park (AKA Airport Industrial Area)	No
Primary Road Currently or Projected to be Level of Service D or Below	No
Primary Road a Dead End	No
Located Within a Flood Zone	No
Located Within a Municipal Reservoir Watershed	No
Located Within a State Responsibility Area or Fire Hazard Severity Zone	State Responsibility Area Moderate/Very High Fire Hazard Severity Zone
Located Within an Area of Expansive Soils	No
Located Within a Protected County Viewshed	No
Result in the Loss of Sensitive Habitat	No
OPERATIONAL CRITERIA	STAFF COMMENTS
Napa Green Certified or Other Related Program	The winery is not and does not intend to become a Certified Green Business or certified as a "Napa Green Winery" and/or certified as "Napa Green Land".
Percentage of Estate Grapes Proposed	4.5 acres - approximately 720 gallons - 10.3%
Number of Proposed Variances	None
Wastewater Processed On-Site	No
Voluntary Greenhouse Gas Emission Reduction Measures Proposed	Generation of on-site renewable energy; solar hot water heating; energy conserving lighting; install water efficient fixtures; low-impact development; recycle 75% of all waste; install an electrical vehicle charging station; site design oriented and designed to optimize conditions for natural heating, cooling, and say lighting of interior spaces, and to maximize winter sun exposure, such as a cave; limit amount of grading and tree removal; retain biomass removed via pumping and thinning chipping the material and reusing it rater than burning it.
Vanpools, Flexible Work Shifts, Shuttles, or Other Traffic Congestion Management Strategies Proposed	No
Violations Currently Under Investigation	No
High Efficiency Water Use Measures Proposed	Yes
Existing Vineyards Proposed to be Removed	No
On-Site Employee or Farmworker Housing Proposed	Yes
Site Served by a Municipal Water Supply	No

Hillwalker Vineyards Winery
Permit #P23-00101-UP
Summary of Location and Operation Criteria

Site Served by a Municipal Sewer System	No
Recycled Water Use Proposed	No
New Vineyards Plantings Proposed	No
Hold & Haul Proposed	Yes
Trucked in Water Proposed	No
Closest fire station(s)	Approximately 5.9 miles (Dry Creek-Lokoya Volunteer Fire Department)

Hillwalker Vineyards Use Permit
 Permit #P123-00101-UP
 Gallons By Appt. Only Comps

BY APPOINTMENT WINERIES 7,000 TO 8,000 GALLONS											
Name	Bldg Size	Cave Size	Production	Daily Visitors	Weekly Visitors	Annual Visitors	Annual Marketing Visitors	Number of Marketing Events	Annual Visitation	Acres	Location
STONY HILL VINEYARD	0	0	8700	0	4	208	0	0	208	153.76	Hillside
MASKED MAN WINERY	3040	0	8000	4	10	520	200	7	720	10.15	Valley Floor
SABINA VINEYARDS	1600	0	1800	0	0	0	0	0	0	8	Hillside
BERGMAN FAMILY WINERY	895	7620	8000	0	0	0	0	0	0	16.24	Hillside
FLYING LADY WINERY	1500	0	7500	10	20	20	1040	1	1055	12.92	Hillside
PRAGER WINERY	3352	0	4000	6	42	42	2184	0	2184	1	Residential
BRYANT FAMILY WINERY	9293	8000	8500	20	30	30	1560	6	1880	35.48	Hillside
ARDENTE ESTATE WINERY	900	0	8000	0	0	0	0	0	0	24.44	Atlas Peak
TULOCAY WINERY	1160	0	2400	0	0	0	0	0	0	1.07	MST
GRACE FAMILY WINERY	2960	0	3000	10	20	20	1400	0	1040	3.5	Hillside
Proposed											
Hillwalker VINEYARDS (Existing)	2,500	0	5,000	0	0	0	0	0	0	5.78	hillside
Hillwater Vineyards (Proposed)	-	1,500	700	35	108	5,323	45	1	5,368	5.78	hillside

Hillwalker Vineyards Use Permit
 Permit #P123-00101-UP
 Wineries Within One Mile

Name	Address	Bldg Size	Cave Size	Production	Tours/ Tastings	Weekly Visitors	Number of Marketing Events	Employees
Mt. Veeder Winery	1999 Mt. Veeder Road	3,300	N/A	6,000	By Appointment	2	0	0
Chateauneuf Du Pott Winery	2072 Mt. Veeder Road	3,640	N/S	20,000	By Appointment	70	3	5

**Hillwalker Vineyards Use Permit
Permit #P123-00101-UP
Summary of Changes**

EXISTING CONDITIONS - Home Occupation	PROPOSED REQUEST - Use Permit	NET CHANGE ANALYZED
Production (Gallons)		
200.00	7,000.00	6,800
Visitation		
No public or by appointment visitation	Between 19-35 Visitors/Day	Net increase of between 19-35 Visitors/Day
	Between 112-245 Visitors/Week	Net increase of between 112-245 Visitors/Week
Trade - Anticipated 2/Day 10/Week		Trade/Industry visitation included in total permitted visitation
Marketing Program		
None	Twelve (12) events/year @ 45 guests	Net Increase of twelve (4) events/year @ 30 guests
	12 Total Events	Net increase 12 Total Events
	170 Marketing Guests/year	Net increase 170 Marketing guests
Employees:		
One (1) full-time employee	two (2) full time employees	Net increase of two (2) full-time employees
	three (3) part-time employees	Net increase of three (3) full-time employees

“M”

Correspondence

Hillwalker Vineyards Winery Use Permit P23-00101-UP and Exception
to the Conservation Regulations P23-00239-UP
Planning Commission Hearing Date (August 7, 2024)



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



July 31, 2024

Wendy Atkins, Planner II
County of Napa
1195 Third Street
Napa, CA 94559
Wendy.Atkins@CountyofNapa.org

Subject: Hillwalker Vineyards Winery Use Permit #P23-00101-UP, Exception to the NCRSS, and Use Permit Exception to the Conservation Regulations P23-00239-UP, Mitigated Negative Declaration, SCH No. 2024070222, Napa County

Dear Ms. Atkins:

The California Department of Fish and Wildlife (CDFW) received a Notification of Intent to adopt a Mitigated Negative Declaration (MND) from the County of Napa (County) for the Hillwalker Vineyards Winery Use Permit #P23-00101-UP, Exception to the NCRSS, and Use Permit Exception to the Conservation Regulations P23-00239-UP (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

CDFW is submitting comments on the MND to inform the County, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Lake and Streambed Alteration (LSA) Agreement, or other provisions of the Fish and Game Code that afford protection to the state’s fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Proponent: Kevin Morrison, Hillwalker Vineyards Winery

Objective: Develop a new winery including the following: 1) conversion of a 1,500-square foot (sq. ft.) residential cave to a commercial cave for wine production and

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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 County of Napa
 July 31, 2024
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storage; 2) conducting visitation activities in an existing unenclosed 298-sq. ft. covered patio area and allowing on-site consumption in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 (AB2004-Evans Bill); 3) provide on-site parking for 7 vehicles including an accessible parking space and an electric vehicle charging station; and, 4) installation of a 2,500-gallon hold and haul tank for winery process wastewater and 5) modifications to the existing driveway with the construction of 9 turnout shoulders and 3 areas of driveway widening, involving the removal of native trees and vegetation.

Location: The Project is located on approximately 20.46 acres at 1871 Mount Veeder Road, in unincorporated Napa County; and at approximately 38.35265 °N, -122.3983 °W; at Assessor Parcel Number (APN) 034-110-047. Access to the property is through APNs 034- 110-029 and 034-100-020. The driveway follows an unnamed tributary of Pickle Creek.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in “take” of plants or animals listed under CESA, either during construction or over the life of the Project. **The Project has the potential to impact Northern spotted owl (*Strix occidentalis caurina*), CESA listed as threatened species, as further described below.** Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065.). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency’s FOC does not eliminate the Project proponent’s obligation to comply with CESA.

Lake and Streambed Alteration

An LSA Notification, pursuant to Fish and Game Code section 1600 et. seq. is required for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a

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Page 3

river, lake or stream. **The Project has potential to impact an unnamed tributary of Pickle Creek and therefore, an LSA Notification may be needed, as further described below.** Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to LSA notification requirements. CDFW, as a Responsible Agency under CEQA, would consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

Raptors and Other Nesting Birds

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including the below recommendations and those in the Draft Mitigation, Monitoring and Reporting Program (Attachment 1), CDFW concludes that an MND is appropriate for the Project.

Mitigation Measure Related Impact Shortcomings

MANDATORY FINDING OF SIGNIFICANCE. Does the Project have potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species?

AND

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS)?

COMMENT 1: Northern Spotted Owl

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Issue: Thank you for providing the Northern Spotted Owl (NSO) Habitat Assessment, which concludes on page 5 that while "...there are four activity centers within a 2-mile radius of the project site.", "...the oak woodland within 330 feet of the project site does not appear to provide suitable nesting and/or diurnal roosting habitat for NSO due to its generally low stature and lack of large multi-canopied trees; however, this woodland could provide nocturnal foraging and dispersal habitat for NSO." Regarding habitat and trees along the driveway, the NSO Habitat Assessment (page 5) states that "The 11 trees proposed for removal average between 1 and 6 inches in diameter at breast height, are adjacent to an existing active driveway, and are too small to provide suitable NSO nesting and/or diurnal roosting habitat." This is inconsistent with the provided Table A of the assessment which includes 12 trees with diameters at breast height ranging from 6 to 12 inches. Furthermore, **this assessment did not analyze or survey for NSO occurrence within a 0.25-mile radius from the Project site** as described in the *Protocol for Surveying Proposed Management Activities that May Impact Northern Spotted Owls* (USFWS 2012). NSO can be impacted through visual or auditory disturbance up to 0.25 miles away from a project. Although typically associated with old-growth or mature forests, NSO can utilize a wide variety of forested habitat types. While typical NSO habitat characteristics include a multi-storied structure and high canopy cover (Press et al. 2010), NSO exhibit flexibility in their use of different forested areas for nesting, roosting, and feeding requirements. Finally, 2024 Google Earth satellite imagery suggests that potential habitat, including multi-storied structure and a high canopy, appears to occur within 0.25 miles of Project area, including the areas slated for driveway modifications and development for the winery. Based on this data, there is reasonable potential for NSO nesting habitat to be present within 0.25 miles of the Project.

Specific impacts and why they may occur and be significant: If active NSO nests are not detected within the 0.25-mile range of potential disturbance, NSO could be impacted by Project activities resulting in nest abandonment and loss of eggs or reduced health and vigor and loss of young, thereby substantially reducing the number of the species. NSO is CESA listed as a threatened species and is also listed under the federal Endangered Species Act (ESA), and therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. Therefore, if an active NSO nest is disturbed by the Project, the Project may result in a substantial reduction in the number of a threatened species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommendation: To reduce impacts to NSO to less-than-significant and comply with CESA, CDFW recommends that the MND include an analysis of potential impacts to NSO and add the below mitigation measure.

Mitigation Measure BIO-1 Northern Spotted Owl Surveys: A qualified biologist shall provide an assessment of potential NSO nesting habitat within the Project area and a

Wendy Atkins
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0.25-mile radius and obtain CDFW's written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between March 15 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the USFWS *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls*, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, *Surveys for Disturbance-Only Projects*. If breeding NSO are detected during surveys, a 0.25-mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 15 and July 31 each year.

Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, *Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California*, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.

If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal ESA.

COMMENT 2: Special-Status Herpetofauna

Issue: Thank you for including in the MND and Biological Habitat Assessment (BHA) a discussion on nearby occurrences and potential for impacts to special-status herpetofauna including California giant salamander (*Dicamptodon ensatus*, CGS), foothill yellow legged frog (*Rana boylei*, FYLF), and western pond turtle (*Actinemys marmorata*, WPT). The MND (page 30) states that "Construction activities could temporarily preclude the movement of some wildlife including small mammals, reptiles, and amphibians. However, after the driveway improvements are constructed, wildlife that may move across the site would be able to continue to do so. In addition, the California giant salamander, Foothill yellow-legged frog, and Western pond turtle are not expected to be within the compacted gravel driveway improvement areas or ephemeral drainage...". However, the MND and Mitigation Measure BIO-2 do not include methodology for the detection and avoidance of these species.

Specific impacts and why they may occur and be significant: The Project could impact stream or upland dispersal habitat or refugia for the above special-status herpetofauna through vegetation removal and construction activities, potentially injuring or killing them. Individual western pond turtles, a Species of Special Concern (SSC) can move more than four miles up or down stream; therefore, the Project site is within the

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 Page 6

mobility range of other western pond turtle California Natural Diversity Database (CNDDDB) documented observations (Holland 1994). The species may also survive outside of aquatic habitat for several months in uplands up to several hundred feet from aquatic habitat (Purcell et al. 2017; Zaragoza et al. 2015). Foothill yellow-legged frogs, SSC, have been documented moving up to 500 feet from the wetted channel of a stream across upland habitat (CDFW 2018). Based on the above information, if these special-status herpetofauna occur within the Project area, Project impacts to special-status herpetofauna would be potentially significant.

Recommended Mitigation Measure: For an adequate environmental setting and to reduce impacts to special-status plants to less-than-significant, CDFW recommends including the below mitigation measure in the MND.

Mitigation Measure BIO-2 Special-status Herpetofauna: For all Project activities that occur within 500 feet of stream or wetland habitat, prior to ground-disturbing activities, a qualified biologist shall conduct a pre-construction survey within 48 hours prior to the start of Project activities, focusing on the presence of CGS, FYLF, and WPT and their nests. If any of these special-status species are discovered during the survey, Project activities shall not begin until CDFW has been consulted and approved in writing measures to avoid and minimize impacts to special-status species, and the measures have been implemented. If California red-legged frog is encountered, the Project shall consult with USFWS pursuant to the federal ESA and obtain any required authorization for impacts.

I. Environmental Setting Related Impact Shortcomings

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS?

COMMENT 3: Special-Status Plants

Issue: The MND (page 9) states that “According to County of Napa Environmental Mapping (CNDDDB layer) there are no Special Species plants on the parcel.” While there may be a lack of documented occurrences on the Project site, CNDDDB is a positive sighting database; information on negative sightings is only included when it pertains to previously documented occurrences. It is important to emphasize that absence of data is not proof of absence. There are areas of the state that have not been surveyed or where data have not been submitted to the CNDDDB program. Just because a species has not been documented in the CNDDDB at a given location does not necessarily mean the species does not occur there. The absence of data in the CNDDDB is NOT proof of absence and does not constitute an adequate basis for determining lack of presence

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(CDFW 2020). CNDDDB shows 11 special-status plant species occurring within 5 miles of the Project area. The MND does not include or discuss impacts to special-status plant species resulting from Project activities including driveway modifications and tree removal, nor was an adequate scientific methodology utilized for a special-status plant assessment.

Specific impacts and why they may occur and be significant: If survey protocols and results for special-status plants are not fully reported, impacts may go undetected, and state listed plants or other plants considered rare per CEQA guidelines section 15380 could be taken. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065.).

Recommended Mitigation Measure: For an adequate environmental setting and to reduce impacts to special-status plants listed above to less-than-significant, CDFW recommends incorporating the below mitigation measure.

Mitigation Measure BIO-3 Pre-Project Special-Status Plant Surveys: Prior to the start of Project activities, a Qualified Biologist shall conduct a habitat assessment for special-status plants. If potential habitat for special-status plants is present, botanical surveys shall be conducted during the appropriate blooming period and conditions for all special-status plants that have the potential to occur within or near the Project where they may be directly or indirectly impacted by for example, modifications to hydrological conditions. More than one year of surveys during appropriate conditions may be necessary. Surveys and associated reporting shall be conducted according to CDFW's 2018 Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>), including visiting reference sites. The habitat assessment and survey reports shall be submitted to CDFW prior to the start of construction. Project activities shall not proceed until CDFW has provided written approval of the habitat assessment and survey reports. If any special-status plant species are observed, the Project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to Project activities. If impacts to special-status plants cannot be avoided, the Project shall provide habitat compensation at a 3:1 mitigation to impact ratio including permanent protection of habitat through a conservation easement and funding and implementing a long-term management plan, prior to Project activities, unless otherwise approved in writing by CDFW.

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?

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COMMENT 4: Stream Alteration

Issue: According to the BHA (page 3 and Figure 2), The Project includes installing turnouts and widening sections on a driveway which runs adjacent to and crosses over an unnamed tributary of Pickle Creek at two culverted sections. The BHA also states that “A total of 11 trees have been identified for complete or partial removal as part of the driveway modification project.” It’s not clear that the Project has considered impacts to the stream and riparian habitat resulting from the driveway modifications and tree removal. Please be advised that the stream and adjoining riparian habitat is subject to CDFW jurisdiction and Fish and Game Code 1602 et. seq, notwithstanding seasonality of flows.

Specific impacts and why they may occur and be significant: Construction activities and tree removal pose numerous threats to streams and the habitats they support. Impacts include inputs of deleterious materials, removal of riparian vegetation, obstructions and diversions, equipment staging and operation, and disturbances to riparian corridors, special-status wildlife and their habitats, and nesting birds.

Recommendation: To comply with Fish and Game Code section 1600 et seq., CDFW recommends including the below mitigation measure.

Mitigation Measure BIO-4 Impacts to the Stream and Riparian Areas: Prior to the commencement of Project Activities, the Project shall conduct a thorough assessment for potential impacts to the stream including, but not limited to, the placement, construction, and operation of the driveway modifications and tree removal. If impacts to the bed, bank, channel, and riparian area of the stream cannot be avoided, the Project shall notify CDFW for potential Project impacts to the ephemeral stream. More information for the notification process is available at <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>. The Project shall comply with all measures of the LSA, if issued, and shall not commence activities with potential to impact the stream until the LSA process has been completed. Impacts to waters, wetlands, and riparian areas subject to the permitting authority of CDFW shall be mitigated by providing compensatory mitigation at a minimum 3:1 ratio in area for permanent impacts and 1:1 ratio for temporary impacts, unless otherwise approved in writing by CDFW.

Please be advised that an LSA, if issued for the Project, would likely include the above recommended mitigation measures, as applicable, and may include additional measures to protect fish and wildlife resources.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make

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subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (See Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Nicholas Magnuson, Environmental Scientist at (707) 815-4166 or Nicholas.Magnuson@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2024070222)

REFERENCES

CDFW. 2018. Considerations for Conserving the Foothill Yellow-Legged Frog.
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157562&inline>

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CNDDDB. 2020. California Natural Diversity Database (CNDDDB) Management Framework. California Department of Fish and Wildlife. Sacramento, CA

Holland, Dan C. 1994. The western pond turtle: habitat and history. Unpublished final report, U. S. Dept. of Energy, Portland, Oregon.

Press, D., D. Adams, H. Jensen, K. Fehring, W. Merkle, M. Koenen, and L. A. Starcevich. 2010. San Francisco Bay Area Network northern spotted owl monitoring protocol: Version 6.4. Natural Resource Report NPS/SFAN/NRR—2010/245. National Park Service, Fort Collins, Colorado.

Purcell, Kathryn L.; McGregor, Eric L.; Calderala, Kathryn. 2017. Effects of drought on western pond turtle survival and movement patterns. *Journal of Fish and Wildlife Management*. 8(1): 15-27.

Zaragoza, George; Rose, Jonathan P.; Purcell, Kathryn.; Todd, Brian. 2015. Terrestrial habitat use by western pond turtles (*Actinemys marmorata*) in the Sierra Foothills. *Journal of Herpetology*. 49(3): 437-441.

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ATTACHMENT 1

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following mitigation measure (MM) language to be incorporated into the MMRP for the Project.

Biological Resources (BR)			
Mitigation Measure (MM)	Description	Timing	Responsible Party
MM BIO-1	<p>MM BIO-1 Northern Spotted Owl Surveys: A qualified biologist shall provide an assessment of potential NSO nesting habitat within the Project area and a 0.25 mile radius and obtain CDFW’s written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between March 15 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the USFWS <i>Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls</i>, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, <i>Surveys for Disturbance-Only Projects</i>. If breeding NSO are detected during surveys, a 0.25-mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW’s written acceptance of the</p>	Prior to Ground Disturbance	Project Applicant

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	<p>qualified biologist and survey report prior to Project construction occurring between March 15 and July 31 each year.</p> <p>Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, <i>Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California</i>, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.</p> <p>If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal ESA.</p>		
<p>MM BIO-2</p>	<p>MM BIO-2 Special-status Herpetofauna: For all Project activities that occur within 500 feet of stream or wetland habitat, prior to ground-disturbing activities, a qualified biologist shall conduct a pre-construction survey within 48 hours prior to the start of Project activities, focusing on the presence of CGS, FYLF, and WPT and their nests. If any of these special-status species are discovered during the survey, Project activities shall not begin until CDFW has been consulted and approved in writing measures to avoid and minimize impacts to special-status species, and the measures have been implemented.</p>	<p>Prior to Ground Disturbance and continuing over the course of the Project</p>	<p>Project Applicant</p>
<p>MM BIO-3</p>	<p>Mitigation Measure BIO-3: Pre-Project Special-Status Plant Surveys: Prior to the start of Project activities, a Qualified Biologist shall conduct a habitat assessment for special-status plants. If potential habitat for special-status plants is present, botanical surveys shall be conducted during the appropriate</p>	<p>Prior to Ground Disturbance and continuing over the</p>	<p>Project Applicant</p>

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	<p>blooming period and conditions for all special-status plants that have the potential to occur within or near the Project where they may be directly or indirectly impacted by for example, modifications to hydrological conditions. More than one year of surveys during appropriate conditions may be necessary. Surveys and associated reporting shall be conducted according to CDFW's 2018 <i>Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities</i> (See https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline), including visiting reference sites. The habitat assessment and survey reports shall be submitted to CDFW prior to the start of construction. Project activities shall not proceed until CDFW has provided written approval of the habitat assessment and survey reports. If any special-status plant species are observed, the Project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to Project activities. If impacts to special-status plants cannot be avoided, the Project shall provide habitat compensation at a 3:1 mitigation to impact ratio including permanent protection of habitat through a conservation easement and funding and implementing a long-term management plan, prior to Project activities, unless otherwise approved in writing by CDFW.</p>	<p>course of the Project</p>	
<p>MM BIO-4</p>	<p>MM BIO-4: Impacts to the Stream and Riparian Areas: Prior to the commencement of Project Activities, the Project shall conduct a thorough assessment for potential impacts to the stream including, but not limited to, the</p>	<p>Prior to Ground Disturbance and continuing over the</p>	<p>Project Applicant</p>

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	<p>placement, construction, and operation of the driveway modifications and tree removal. If impacts to the bed, bank, channel, and riparian area of the stream cannot be avoided, the Project shall notify CDFW for potential Project impacts to the ephemeral stream. More information for the notification process is available at https://wildlife.ca.gov/Conservation/Environmental-Review/LSA. The Project shall comply with all measures of the LSA, if issued, and shall not commence activities with potential to impact the stream until the LSA process has been completed.</p> <p>Please be advised that a LSA, if issued for the Project, would likely include the above recommended mitigation measures, as applicable, and may include additional measures to protect fish and wildlife resources</p>	course of the Project	
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“N”

Revised Project Review Statement

Hillwalker Vineyards Winery Use Permit P23-00101-UP and Exception
to the Conservation Regulations P23-00239-UP
Planning Commission Hearing Date (August 7, 2024)

REVISED PROJECT REVISION STATEMENT

Hillwalker Vineyards Winery Use Permit #P23-00101-UP, Exception to the Napa County Road & Street Standards, and Use Permit Exception to the Conservation Regulations #P23-00239-UP

I hereby revise the Hillwalker Vineyards Winery Use Permit #P23-00101-UP, Exception to the Napa County Road & Street Standards, and Use Permit Exception to the Conservation Regulations #P23-00239-UP to allow a new 7,000-gallon winery with the following characteristics:

- a. Convert a 1,500 sq. ft. residential cave to a commercial cave for wine production and storage only.
- b. Conduct visitation activities within a 298 sq. ft. patio area and allow on-site consumption in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5 (AB2004-Evans Bill).
- c. Tours and tastings by appointment only as follows, with a weekly maximum of 113 visitors:
 - 47 days of tours and tastings with up to 35 visitors.
 - 306 days of tours and tastings with up to 19 visitors.
 - 25 or more people will be allowed at the winery for a maximum of 59 days per year.
- d. A marketing program of 12 marketing events per year with up to 45 guests at each event.
- e. Two (2) fulltime and three (3) part-time employees during harvest and non-harvest seasons.
- f. Production and visitation hours between 10 a.m. and 6 p.m. Monday through Sunday.
- g. Convert the existing pool house restroom (80 sq. ft.) to an accessible restroom.
- h. Construction of a parking area with seven (7) parking stalls, including an accessible parking stall and an electric vehicle charging station.
- i. Installation of a 2,500-gallon hold and haul tank for winery process wastewater.

located on one parcel totaling approximately 20.45 acres (Assessor's Parcel Nos. 034-110-047) 1871 Mt. Veeder Road, Napa, California), to include the following three (3) measures specified below:

Mitigation Measure AG-1 – Vegetation Canopy Cover Preservation Ratio: The owner/permittee shall implement the following measure to comply with NCC Section 18.108.020 (D) 3:1 vegetation canopy cover preservation ratio. Prior to building permit issuance, a vegetation canopy cover area shall be identified on the subject property and shall permanently preserve a minimum of 0.07 acres of developable oak woodland (i.e., on land with slopes less than 30% and located outside of aquatic resource setbacks pursuant to NCC Sections 18.108.025 and 18.108.026), this area shall be identified as Vegetation Canopy Cover Preservation Area on the site plan prepared for the building permit. The vegetation canopy cover preservation area shall also be recorded with an easement or other similar mechanism prepared by Napa County

Method of Monitoring: Prior to building permit issuance, a vegetation canopy cover area shall be identified on the subject property and shall permanently preserve a minimum of 0.7 acres of developable oak woodland (i.e., on land with slopes less than 30% and located outside of aquatic resource setbacks pursuant to NCC Sections 18.108.025 and 18.108.026), this area shall be identified as Vegetation Canopy Cover Preservation Area on the site plan prepared for the building permit. The vegetation canopy cover preservation area shall also be recorded with an easement or other similar mechanism prepared by Napa County.

Mitigation Measure BIO-1 – Northern Spotted Owl: Prior to the start of construction, a biologist would provide a training session for all work personnel to identify any sensitive species, including northern spotted owl, that may be in the area, their basic habits, how they may be encountered in their work area, and

procedures to follow when they are encountered. Any personnel joining the work crew later would receive the same training before beginning work. Upon completion of the education program, employees would sign a form stating they attended the program and understand all protection measures. A pamphlet that contains images of sensitive species that may occur within the project area, environmentally sensitive areas within the project area, key avoidance measures, and employee guidance would be given to each person who completes the training program. These forms would be made available to the resource agencies upon request.

Even though the presence of NSO within 330 feet of the project site is unlikely, the presence of this species in this area cannot be completely discounted. Therefore, to ensure that potential adverse noise or visual impacts on NSO are avoided and/or minimized, a preconstruction survey will be conducted in areas of potential NSO habitat within the 330-foot visual line of disturbance contour of the project site. The focus of the survey should be on the detection of the species and potential active nest sites that could be affected by proposed project work. If an active nest is found within the 330-foot contour visual line of disturbance, the start of construction will be delayed until the young have fledged. Young NSO generally leave the nest (that is, fledge) in late May or June. If an active nest is found within the 330-foot visual line of disturbance contour, it will be monitored by a qualified biologist to document when the young have left the nest and construction can start.

If project activities take place between February 1 and September 30, then a qualified biologist shall conduct a preconstruction survey for other nesting birds no more than 3-days before tree removal. If active nests are found, then an appropriate buffer would be established, and the nest would be monitored for compliance with the federal Migratory Bird Treaty Act and California Fish Game Code Section 3503.

No project work shall be conducted at night.

To minimize noise generated from the proposed action to the degree possible, all construction equipment, fixed or mobile, will be fitted with properly operating and maintained mufflers consistent with manufacturer's standards.

Method of Monitoring: Prior to start of construction, a biologist shall provide a training session for all work personnel to identify any sensitive species, including northern spotted owl, that may be in the area, and procedures to follow when they are encountered. If project activities take place between February 1 and September 30, then a qualified biologist shall conduct a preconstruction survey for other nesting birds no more than 3-days before tree removal. If active nests are found, then an appropriate buffer would be established, and the nest would be monitored for compliance with the federal Migratory Bird Treaty Act and California Fish Game Code Section 3503.

Mitigation Measure BIO-2 – California Giant Salamander, Foothill Yellow-Legged Frog and Western Pond Turtle: Prior to the start of construction, a biologist would provide a training session for all work personnel to identify any sensitive species, including California giant salamander, foothill yellow legged frog, western pond turtle, and northern spotted owl that may be in the area, their basic habits, how they may be encountered in their work area, and procedures to follow when they are encountered. Any personnel joining the work crew later would receive the same training before beginning work. Upon completion of the education program, employees would sign a form stating they attended the program and understand all protection measures. A pamphlet that contains images of sensitive species that may occur within the project area, environmentally sensitive areas within the project area, key avoidance measures, and employee guidance would be given to each person who completes the training program. These forms would be made available to the resource agencies upon request.

- No project work shall be conducted at night.
- If logs, bark, or rocks are in the driveway improvement areas, a biological monitor shall be present during clearing and grubbing activities.
- Install a temporary wildlife exclusion fence between the edge of the pond and driveway improvement locations to prevent animals from entering the work area.

Method of Monitoring: Prior to the start of construction, a biologist would provide a training session for all work personnel to identify any sensitive species, including California giant salamander, foothill yellow legged frog, western pond turtle, and northern spotted owl that may be in the area, their basic habits, how they may be encountered in their work area, and procedures to follow when they are encountered.

MM BIO-3 Northern Spotted Owl Surveys: A qualified biologist shall provide an assessment of potential NSO nesting habitat within the Project area and a 0.25 mile radius and obtain CDFW's written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between March 15 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the USFWS Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, Surveys for Disturbance-Only Projects. If breeding NSO are detected during surveys, a 0.25- mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 15 and July 31 each year. Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW. If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal ESA.

Timing: Prior to Ground Disturbance.

MM BIO-4 Special-status Herpetofauna: For all Project activities that occur within 500 feet of stream or wetland habitat, prior to ground-disturbing activities, a qualified biologist shall conduct a pre-construction survey within 48 hours prior to the start of Project activities, focusing on the presence of CGS, FYLF, and WPT and their nests. If any of these special-status species are discovered during the survey, Project activities shall not begin until CDFW has been consulted and approved in writing measures to avoid and minimize impacts to special-status species, and the measures have been implemented.

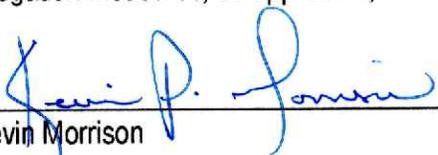
Timing: Prior to Ground Disturbance and continuing over the course of the Project.

Mitigation Measure BIO-5: Pre-Project Special-Status Plant Surveys: Prior to the start of Project activities, a Qualified Biologist shall conduct a habitat assessment for special-status plants. If potential habitat for special-status plants is present, botanical surveys shall be conducted during the appropriate blooming period and conditions for all special-status plants that have the potential to occur within or near the Project where they may be directly or indirectly impacted by for example, modifications to hydrological conditions. More than one year of surveys during appropriate conditions may be necessary. Surveys and associated

reporting shall be conducted according to CDFW's 2018 *Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (See <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>), including visiting reference sites. The habitat assessment and survey reports shall be submitted to CDFW prior to the start of construction. Project activities shall not proceed until CDFW has provided written approval of the habitat assessment and survey reports. If any special-status plant species are observed, the Project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to Project activities. If impacts to special-status plants cannot be avoided, the Project shall provide habitat compensation at a 3:1 mitigation to impact ratio including permanent protection of habitat through a conservation easement and funding and implementing a long-term management plan, prior to Project activities, unless otherwise approved in writing by CDFW.

Timing: Prior to Ground Disturbance and continuing over the course of the Project.

Mitigation Measure BIO-6: Impacts to the Stream and placement, construction, and operation of the driveway modifications and tree removal. If impacts to the bed, bank, channel, and riparian area of the stream cannot be avoided, the Project shall notify CDFW for potential Project impacts to the ephemeral stream. More information for the notification process is available at <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>. The Project shall comply with all measures of the LSA, if issued, and shall not commence activities with potential to impact the stream until the LSA process has been completed. Please be advised that a LSA, if issued for the Project, would likely include the above recommended mitigation measures, as applicable, and may include additional measures to protect fish and wildlife resources Riparian Areas: Prior to the commencement of Project Activities, the Project shall conduct a thorough assessment for potential impacts to the stream including, but not limited to, the placement, construction, and operation of the driveway modifications and tree removal. If impacts to the bed, bank, channel, and riparian area of the stream cannot be avoided, the Project shall notify CDFW for potential Project impacts to the ephemeral stream. More information for the notification process is available at <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>. The Project shall comply with all measures of the LSA, if issued, and shall not commence activities with potential to impact the stream until the LSA process has been completed. Please be advised that a LSA, if issued for the Project, would likely include the above recommended mitigation measures, as applicable, and may include additional measures to protect fish and wildlife resources.


Kevin Morrison

Date 8/01/24

Brian Bordona
Director
Napa County Planning, Building & Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559

January 8, 2024

Re: Request for Exception to the Napa County Road and Street Standards to allow use of existing shared driveway access road that does not meet the 22 ft minimum width requirement in multiple segments as required by the Napa County Road and Street Standards Section 13 and Detail C-7.

Mr. Bordona,

The proposed project is located at 1871 Mt. Veeder Road in Napa County. The assessor's parcel number is 034-110-047-000.

This project is proposing a 7,000 gallon winery on this 20.46-acre parcel. The winery proposes to produce up to 7,000 gallons of wine in an existing onsite, 1,500 sf, cave. The winery proposes a maximum of 35 visitors and 5 employees per day. This property is accessed down a long shared private driveway that is approximately 4,400 feet long. There is an existing residence and accessory buildings on the property, including an approximately 1,500 square foot cave in the hill adjacent to the house. There is an existing 4.5-acre vineyard on the property. This property has a Home Occupancy permit from Napa County that was obtained in 2019.

The existing shared driveway is shown on Sheet UP 3.0 of the Preliminary Improvement Plan for the use permit application. The existing shared driveway is a well-maintained gravel driveway with a minimum width of 14 feet. This existing driveway is currently being used to access two residential properties and many acres of vineyards. One residence is located on parcel 034-100-043 with an address of 1881 Mt Veeder Road. The second residence is the subject property on parcel 034-110-047 with an address of 1871 Mt Veeder Road. Domain Chandon owns parcels 034-110-040, 034-110-049 & 034-110-059. No houses exist on these three parcels, however, Domain Chandon maintains approximately 315 acres of vineyards on these three parcels. Domain Chandon currently maintains the existing shared driveway as they are the predominate user of this shared gravel driveway.

The proposed winery project is proposing a very small commercial use that will not significantly increase use of this existing shared driveway. The existing shared driveway is located through a mountainous area and travels next to a blue line creek. Widening of this existing shared driveway as required in Section 13 of the Napa County Road and Street Standards is not feasible due to steep slopes, unique environmental features, and proximity to a blue line stream. This project is requesting a Road Exception per Section 3(d)i., of the Napa County Road and Street Standards which states...

i. The exception will preserve unique features of the natural environment which includes, but is not limited to, natural water courses, steep slopes, geological features, heritage oak trees, or other trees of least six inches in diameter at breast height and found by the decision-maker to be of significant importance, but does not include human altered environmental features such as vineyards and ornamental or decorative landscaping, or artificial features such as, rock walls, fences or the like

The project proposes to improve the existing shared driveway as possible without damaging the natural environment, grading on steep slopes, or impacting the blue line stream. As shown on plan Sheet UP 3.0, the project proposes to install nine (9) turnouts and widen the driveway to 22 ft wide for a length of 1,300 feet. The overall length of the existing driveway from Mt. Veeder Road to the project site is approximately

4,400 feet. A separate Use Permit Exception to the Conservation Regulations is also being submitted as part of this project since some of the turnouts are proposed withing the conservation setback to the blue line stream.

The proposed improvements to the existing shared driveway will provide the same overall practical effect as the Napa County Road and Street Standards and the SRA Fire Safe Regulations towards providing defensible space, and consideration towards life, safety and public welfare. The mitigating factors are as follows.

1. Turnouts that meet the Napa County Road and Street Standards Detail C-11 will be provided in strategic locations to allow vehicles to pull over and pass safely. Turnouts will be placed to provide as much sight distance as possible to be able to see if vehicles are coming in the opposite direction.
2. The driveway will be widened in suitable locations for a total distance of approximately 1,300 feet.
3. Undergrowth vegetation removal and maintenance will be performed to maintain sight distance to be able to see if vehicles are coming in the opposite direction.

Other mitigating items may include signage at the beginning of the driveway at Mt. Veeder Road to indicate private road, addresses, distances, fire water connection locations and fire water volume.

Please accept this letter along with the attached Preliminary Road Improvement Plan, Sheet UP 3.0 completed by Stillwater Civil Design for a complete road exception application. These documents provide findings for the road exception request, and provide mitigating factors to show that the proposed driveway improvements will provide the same overall practical affect of the Napa County Road and Street Standards and the SRA Fire Safe Regulations. Please feel free to contact Stillwater Civil Design if any further information is required.





J. Rangel Gonzales, P.E.
Stillwater Civil Design

From: [Mindy Schultheis](#)
To: [Atkins, Wendy](#)
Subject: Kevin Morrison project
Date: Friday, August 2, 2024 3:46:03 PM

[External Email - Use Caution]

Hi. This is Mindy Schultheis and Jeff Strauss. We live at 1881 Mt Veeder Road. Kevin and Ann Morrison are our direct neighbors. And not only are they wonderful people but they have proven to be amazing neighbors. Always, happy to pop by and troubleshoot or help out with whatever we need.

They have filled us in on their small winery project and we are completely on board and excited about this. We have full confidence that they will continue to be conscientious neighbors, continue to employ farming and wine making practices that conserve resources, and will operate the winery in a way that minimizes its impact.

If you have any questions for us please feel free to reach out.

Mindy Schultheis
Jeff Strauss.
Sent from my iPhone

Karen & Greg Crouse
1801 Mount Veeder Rd
Napa CA 94558

August 4, 2024

Napa County Planning Commission
Attn: Ms. Wendy Atkins

Dear Ms. Atkins,

We are writing in support of the proposed Hill Walker Winery located at 1871 Mount Veeder Road in Napa (*P23-00101*). We own the parcel below The Morrisons'. In fact, access to subject property is through our road.

Based on Hill Walker Winery's proposed plan, and considering their limited production and responsible farming methods, there will be minimal public traffic on our shared road. Further, we believe that this project will have little to no impact or disruption to the neighborhood.

The Morrisons have been responsible neighbors who act as stewards of the land. They produce wines that are worthy of the Napa Valley and Mount Veeder appellations and sub-appellations respectively.

In closing, as neighbors, we have the greatest potential to be affected by this project and feel there is no concern. We are in full support for approval of this winery permit.

Thank you.

Sincerely,
Karen and Greg Crouse



WATER AUDIT CALIFORNIA

A PUBLIC BENEFIT CORPORATION

952 SCHOOL STREET #316 NAPA CA 94559

VOICE: (707) 681-5111

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August 6, 2024

7A. KEVIN & ANN MORRISON TR / HILLWALKER VINEYARDS WINERY / EXCEPTION TO THE CONSERVATION REGULATIONS NO. P23-00239-UP, USE PERMIT NO. P23-00101-UP & EXCEPTION TO THE NAPA COUNTY ROAD & STREET

To Napa County Planning Commission:

Water Audit California raises the following objections to the above application. The watercourse adjacent to the access road is as habitat to federally identified endangered fish. (*CEMAR, 2003.*) Existing work is unpermitted, and proposed work is not adequately mitigated. The applicant does not adequately address environmental injury that will occur as the result of the proposed project.

1. Procedurally, the Agenda Packet files are not equal to CEQA State Clearing House, County Current Projects Folder, County Parcel Report, or County Electronic Document Retrieval. In short, the Commission is not reviewing the same project as was reviewed by the interested state agencies. Incomplete Applications include the absence of CalFire or Caltrans Memoranda
- .2. For example, CEQA does not include Water Availability Analysis, Wastewater Feasibility, CalTrans Review, CalFire Review, Archaeological/Cultural, Application Revised Project Statement
3. Current Project identifies Project as "Micro-Winery" but Application in agenda packet identifies Winery Permit is Major Modification with winery production 7,000 gallons.
4. Current Projects Attachment B. COA includes CalFire Memo with conditions regarding access road "design and maintained to support the imposed loads of fire apparatus and shall be surfaced to provide all-weather driving capabilities. Provide engineered analysis of the proposed roadway noting its ability in support apparatus

weighing 75,000 lbs." That Memo is removed from the Agenda Packet and the CDFW comment letter is inserted.

5. No Access Road Design Plan or Driveway Profiles.
6. No Road & Street Standards pre-application or meeting. The driveway study is inadequate.
7. The CDFW comment letter states that the Applicant's Biological Habitat Assessment omitted Riparian Areas, i.e. a mile of access driveway.. At agenda packet page 60 it is "not clear the Project considered impacts to stream & riparian habitat." The Mitigation Measures required "Impacts to Riparian areas" to be addressed. Staff removed the word "Impacts" from the proposed conditions of approval and did not provide CDFW with Riparian Area consideration from Biological Consultant. In the absence of cross sections and adequately detailed drawings it is impossible to fully assess unlawful intrusions into the riparian way. The proposed increase in traffic will make the environmental injury appreciably worse.

8. Attachment B. Conditions of Approval includes 6.12b. Mitigation Measure BIO-1 & c. BIO-2 incorrectly names "Responsible Agency(ies) PBES" and omits it from BIO 3, 4, 5, 6. All BIO Mitigation Measures omits "Prior to ground disturbances and continuing over the course of the project."

9. Attachment J. Biological Habitat Assessment FIGURE 3 Photo 4 Detention Basin (Lower) appears to have a pump in Pickle Creek tributary. The stream appears to be blocked and not a natural basin. The obstruction has not been permitted by a CDFW LSA. There are no pictures of the two bridges crossing the stream, and no CDFW LSA permits for that work. There is also indication of unlawful diversion of flow, diminishing a blue water creek to an ephemeral watercourse.

For the foregoing reasons we ask that the exception be denied.

Respectfully,

William McKinnon

William McKinnon
General Counsel
Water Audit California
Legal@WaterAuditCA.org
Direct voice: 530 575 5335



Napa County
Board Agenda Letter

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Planning Commission

Agenda Date: 8/7/2024

File ID #: 24-1349

TO: Napa County Planning Commission
FROM: David Morrison for Brian D. Bordona, Director of Planning, Building, and Environmental Services
REPORT BY: David Morrison, Special Projects Director
SUBJECT: Amendment to Titles 17 and 18 of the Napa County Code Related to Housing

RECOMMENDATION

Proposed Napa County Code Amendments Related to Housing

Request: This is a County-initiated amendment to the Napa County Code for Titles 17 (Subdivisions) and 18 (Zoning), to bring the Code into alignment with current State law and the County's recently certified Housing Element to the General Plan.

Staff Recommendation: Hold a public hearing and recommend to the Board of Supervisors adoption of the Housing Ordinance amendment to the Napa County Code.

Staff Contact: David Morrison, Special Projects Director, 916-719-6797 or david.morrison@countyofnapa.org.

EXECUTIVE SUMMARY

Proposed Action:

Staff recommends that the Planning Commission hold a public hearing and recommend to the Board of Supervisors approval of the proposed omnibus ordinance implementing the Housing Element.

Discussion:

To implement the recently adopted County Housing Element and in response to numerous recent legislative

changes to State housing law, staff from Planning, Building, and Environmental Services and County Counsel, as well as outside legal consultants, have prepared a series of recommended draft amendments to the Napa County Code. On July 17, 2024, the Planning Commission held a study session to review the recommended changes, take any public comments, and provide direction regarding the proposal. PBES staff has incorporated the Commission's direction into the ordinance and has made other, technical changes to ensure the ordinance conforms with State law. Staff is now recommending that the Commission recommend that the Board approve the ordinance.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: On January 24, 2023, the Napa County Board of Supervisors adopted a resolution certifying an Environmental Impact Report (EIR) (State Clearinghouse # 2022010309) and adopting Findings, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program pursuant to CEQA for the Napa County General Plan Housing Element and Safety Element Updates (HEU & SEU). The project description provided in the certified EIR included zoning changes proposed in this action. No supplemental or subsequent EIR is required, in that no additional zoning changes are proposed that affect the physical environment, and no new information or changes to circumstances have occurred which involve new significant environmental effects or a substantial increase to the severity of previously identified effects.

In addition, the zoning ordinance revisions are exempt from the California Environmental Quality Act based on the following:

1. The zoning changes are covered by the "common sense exemption" (CEQA Guidelines Section 15061(b)(3)) that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that the adoption of the ordinance may have a significant effect on the environment, in that the ordinance simply incorporates into the County Code provisions required by state law and adopted in the County's Housing Element. Failure by the County to act to implement the Housing Element may permit the Department of Housing and Community Development to revoke its approval of the County's Housing Element and refer the County to the Attorney General. (Government Code Sections 65585(i), (j).)

2. Adoption of an accessory dwelling unit ordinance to implement the provisions of state law is statutorily exempt from CEQA. (Public Resources Code Section 21080.17.)

Adoption of an ordinance to implement provisions of SB 9 (Government Code Sections 65852.21 and 66411.7) is not a project under CEQA. (Government Code Sections 65852.21(j) and 66411.7(n).)

BACKGROUND AND DISCUSSION

The draft ordinance implements several actions in the recently adopted Napa County Housing Element, as well

as recent housing legislation enacted by the State: Senate Bills (SB) 9 and 35.

The Napa County Housing Element is a required element within the General Plan that establishes housing goals and policies for the unincorporated area and must be updated every eight years. The 2022 Housing Element was recommended for approval by the Planning Commission in December of 2023 and was adopted by the Board of Supervisors in February of 2024.

SB 9 (Government Code Sections 65852.21 and 66411.7) was signed by the Governor in 2021. This bill requires ministerial approval, in a census-designated urban area, of a housing development of no more than two units in a single-family zone (duplex), the subdivision of a parcel zoned for residential use into two parcels (lot split), or both.

SB 35 (Government Code Section 65913.4) was signed by the Governor in 2017 and has been amended numerous times since. This bill creates a streamlined, ministerial approval process for infill developments in jurisdictions that have failed to meet their regional housing needs assessment (RHNA) numbers. This bill applies to a site that is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster or a site in which at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. SB 35 cannot be used on land zoned or designated for agricultural preservation by a voter-approved ballot measure.

In general, the draft ordinances provide detailed implementation of the Housing Element and legislation in the following areas:

- Establishes procedures for allowing parcels to be divided in single family residential zones, in a ministerial process without a public hearing, so long as specific criteria are met. (Required by SB 9.)
- Includes second units and guest cottages within the definition of accessory dwelling unit. Allows two-unit housing developments in all residential zones. Also exempts accessory dwelling units from development standards related to parking and height. (Required by ADU statutes (Government Code Sections 66314 et seq.) and SB 9.)
- Defines low barrier navigation centers, supportive housing, permanent supportive housing, transitional housing, and emergency shelters and allows them where required as ministerial uses without a public hearing in agricultural, residential, and industrial zones. (Government Code Sections 65650 et seq., 65660 et seq. and 65582(c)(3).)
- Allows medium residential care facilities as ministerial uses without a public hearing in agricultural and residential zones. Also allows large residential care facilities in the Residential Country (RC) zone with a use permit. (Housing Element Objective H-5f; Government Code Sections 65585(i)(j).)
- Establishes minimum densities and limits the development standards to be applied to Specified Priority Housing Development Sites as identified in the Housing Element. (Government Code Section 65583.2; Housing Element Objective H-5f; Government Code Sections 65585(i)(j).)

- Allows farmworker centers to be subdivided into 1,200 square foot parcels to allow for individual home ownership. Also allows non-government organizations to own and/or operate farmworker centers. (Housing Element Objective H-5f; Government Code Sections 65585(i)(j).)
- Reduces parking requirements for accessory dwelling units, residential care facilities, and emergency shelters. (ADU statute; Housing Element Objective H-5f; Government Code Sections 65583(a)(4); 65585(i)(j).)
- Creates a streamlined and expedited process for the consideration of applications for ministerial housing projects. (Housing Element Objective H-5f; Government Code Sections 65585(i)(j).)
- Amends the County’s density bonus provisions to conform with state law. (Government Code Section 65915.)
- Amends the County’s reasonable accommodation ordinance to be consistent with regulations adopted by the Civil Rights Council.

This ordinance was presented to the Planning Commission by staff on July 17, 2024. There were no public comments made in opposition to the proposed ordinance. At that time, the Commission directed staff to revise the draft ordinance to require that medium residential care facilities obtain a Use Permit in the AP (Agricultural Preserve) and AW (Agricultural Watershed) Zones.

Since the presentation on July 17, 2024, staff has made the following changes, both in response to Commission direction and to resolve additional staff concerns:

- Section 18.08.380:

A new definition of “multiple-family dwelling unit” has been added.

- Section 18.10.020.A.9:

Medium residential care facilities in agricultural zones will continue to require a Use Permit, with discretionary decision-making authority resting with the Zoning Administrator.

- Section 18.16.020.C:

Medium residential care facilities have been deleted as not requiring a Use Permit in the AP Zone.

- Section 18.16.020.F:

Clarification has been added to indicate that accessory dwelling unit(s) and one junior accessory dwelling unit are allowed in the AP Zone without a Use Permit, so long as the conditions in Section 18.104.080 are satisfied. Subsection M has been deleted and merged into subsection F.

- Section 18.18.030.M:

Medium residential care facilities in the AP Zone would require a Use Permit.

- Section 18.20.020.C:

Clarification has been added to indicate that accessory dwelling unit(s) and one junior accessory dwelling unit are allowed in the AW Zone without a Use Permit, so long as the conditions in Section 18.104.080 are satisfied. Subsection M has been deleted and merged into subsection F.

- Section 18.20.020.D:

Medium residential care facilities have been deleted as not requiring a Use Permit in the AW Zone.

- Section 18.20.030.Q:

Medium residential care facilities in the AW Zone would require a Use Permit.

- Section 18.104.065.B.4:

This requirement has been clarified to require that emergency shelters provide laundry facilities. The phrase “adequate to meet the needs of the residents” has been deleted as adequacy is not defined in state or local regulation and so not considered an objective standard.

- Section 18.104.065.B.9:

This requirement regarding outdoor lighting has been clarified to delete the phrase “minimum necessary for security, safety, or operations,” as minimum lighting standards related to these concerns are not defined in state or local regulation.

- Section 18.104.065.B.10:

The requirement that parking and outdoor facilities be designed to provide security has been deleted in its

entirety, as security is not defined in state or local regulation.

- Section 18.104.180.2:

Clarification has been added to allow accessory dwelling units to be located within proposed primary single-family homes.

- Section 18.104.180.3:

Clarification has been added to limit junior accessory dwelling units to single-family homes, as required by state law.

Decision-Making Options:

Upon consideration of additional public comment and close of the public hearing, the Commission may take one of the following actions:

Option 1: Recommend Approval of the Draft Ordinance (Staff Recommendation)

Discussion - This option would allow the amendment of the County Code to reflect recent legislative changes regarding housing development, as well as the policies and actions in the recently certified County Housing Element.

Staff supports this option because it brings the County into compliance with State requirements and into consistency with the Housing Element, and is exempt from CEQA.

Action Required - Follow the proposed action listed in the Executive Summary. If any changes to the draft ordinance are requested, specify the changes at the time the motion is made.

Option 2: Recommend Denial of the Draft Ordinance

Denial of the draft ordinance would not correct existing inconsistencies and omissions in the County Code regarding housing policy implementation. This option may result in additional review of County actions by the California Housing and Community Development Department and/or Attorney General. For these reasons, Staff does not recommend this option.

In the event the Commission determines that the draft ordinance does not or cannot meet the required findings for adoption, the Commissioners should articulate what aspect or aspects of the project are in conflict with the required findings. State law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the draft ordinance is not being recommended for approval.

Action Required - Commission would adopt a tentative motion to deny the project and remand the matter to staff for preparation of required findings to return to the Commission at a future hearing date.

Option 3: Continuance Option

The Commission may continue the item to a future hearing date, at its discretion.

1.04.170 Successor provisions.

References to local, state, or federal codes, statutes, or regulations include successor provisions.

17.02.050 - Advisory agency.

"Advisory agency" means:

- A. The administrator in the case of the following procedures:
 - 1. Merger of substandard parcels;
 - 2. Summary reversions to acreage pursuant to Section 17.50.070;
 - 3. Extensions of the life of a tentative map;
 - 4. Minor changes to approved tentative maps pursuant to subsection (B) of Section 17.26.040;
 - 5. Modifications to or Elimination of Slope Easements. A slope easement may be modified administratively if findings are made that the revised easement provides an equivalent or greater similar level of protection and will not decrease the county's ability to maintain the existing roadway or drainage-way; and in addition, a slope easement may be eliminated administratively provided a finding is made that the easement was erroneously designated on the lot and is not needed; and
 - 6. All other procedures not set forth in subsection (B) or (C) of this section.
- B. The commission in the case of the following procedures:
 - 1. Approval of tentative maps for which a parcel or final map is required; and
 - 2. Waiver of parcel maps pursuant to Section 17.06.040 of this title.
- C. The director of planning in the case of the following procedures:
 - 1. Issuance of certificates of correction pursuant to Section 17.26.050 of this title;
 - 2. Issuance of notices of violation of the Subdivision Map Act or this title; and
 - 3. Issuance of ministerial urban lot splits pursuant to Chapter 17.17 and other maps requiring ministerial approval by state law.
- D. The county surveyor in the case of the following procedures:
 - 1. Issuance of Certificates or Conditional Certificates under Chapter 17.52 of this title.

17.04.030 - Exemptions to Title 17 regulations.

Title 17 of this code shall not apply to the following:

- A. The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobilehome parks, trailer parks or recreational vehicle parks;
- B. Mineral, oil or gas leases;
- C. Land dedicated for cemetery purposes under the Health and Safety Code of the state;
- D. Lot line adjustments; provided, however, that Sections 17.46.020 through 17.46.050, which establish a procedure for processing lot line adjustments, are applicable;
- E. Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party;

- F. Any separate assessment pursuant to Section 2188.7 of the Revenue and Taxation Code;
- G. Unless a parcel or final map was approved by the county, the conversion of a community apartment project or stock cooperative to a condominium, if the requirements set forth in Section 66412 subparagraph (g) in the case of a community apartment project or Section 66412 subparagraph (h) in the case of a stock cooperative, are met;
- H. The leasing of or the granting of an easement to a parcel of land, or any portion or portions thereof in conjunction with the financing and erection, and subsequent sale or lease, of a wind-powered electrical generation device on the land, if the project must secure a use permit or other discretionary permit from the county prior to becoming operational;
- I. The financing or leasing of any parcel of land, or any portion thereof in conjunction with the construction of commercial or industrial buildings on a single parcel unless the project will not be subject to review by any other county ordinance regulating design and improvement;
- J. The financing or leasing of existing separate commercial or industrial buildings on a single parcel;
- K. The construction, financing or leasing of dwelling units pursuant to Section 65852.1 or accessory dwelling units pursuant to Article 2 (commencing with Section 66314) of Chapter 13 of Division 1 of the Government Code. This title shall, however, apply to the sale or transfer of such units;
- L. Leases of land for agricultural purposes. As used in this subsection, "agricultural purposes" means the cultivation of food or fiber, or the grazing or pasturing of livestock; and
- M. Any other land division expressly exempted from the Map Act by state law.

17.06.010 - Map filing requirements.

- A. A tentative and final map shall be required for all subdivisions creating five or more parcels, five or more condominiums or townhouse units, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where:
 - 1. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the advisory agency; or
 - 2. Each parcel created by the division has a gross area of twenty acres or more and has access approved by the director of planning to a maintained public street or highway; or
 - 3. Each parcel created by the division has a gross area of not less than forty acres or is not less than a quarter of a quarter section;
 - 4. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which meets the road standards as to alignment and width.
- B. A tentative and a parcel map shall be required for all subdivisions creating not more than four parcels, not more than four condominium units, not more than four townhouse units, community apartment projects containing four or less parcels or for the conversion of a dwelling to a stock cooperative containing not

more than four dwelling units; and for those subdivisions described in subsections (A)(1) through (A)(4) of this section

- C. A parcel map shall be required for all urban lot splits conforming to the provisions of Chapter 17.17.

17.14.040 - Acceptance and processing.

- A. After an application has been deemed complete, one or more public hearings on the map shall be scheduled before the advisory agency, except for ministerial urban lot splits conforming to the provisions of Chapter 17.17, which shall not require a public hearing, and other subdivisions subject to ministerial approval by state law.
- B. After closing the final public hearing, the advisory agency shall, in a manner consistent with this title, approve, approve with conditions, or disapprove the tentative map and mail a copy thereof to the subdivider and their authorized agent within ten days.
- C. The advisory agency shall approve, conditionally approve, or disapprove the tentative map within fifty days after the certification of the environmental impact report, adoption of a negative declaration, or determination that the application is exempt from the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 and following).
- D. The decision of the advisory agency shall be final unless appealed in the manner prescribed in Section 17.14.280.
- E. Amendments to approvals granted pursuant to this chapter, whether for change of project, conditions, expiration date or time limits, shall be processed in accordance with Chapter 17.26 of this title.

17.14.060 - Approval of map—Conditions.

- A. The advisory agency, or on appeal the board, shall deny approval of a tentative map if it makes any of the following findings:
 - 1. The proposed map is consistent with applicable general and specific plans. A proposed subdivision shall be deemed consistent with the Napa County general plan and any applicable specific plan the county has officially adopted for the area where the land is located if the proposed subdivision or related land uses are compatible with objectives, policies, general land uses and programs specified by such plan or plans;
 - 2. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
 - 3. The site is physically suitable for the type of development;
 - 4. The site is physically suitable for the proposed density of development;
 - 5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
 - 6. The design of the subdivision or the type of improvements is not likely to cause serious public health or safety problems;
 - 7. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through, or the use of property within, the proposed subdivision. The advisory agency, or on appeal the board, may approve the map if it finds that

alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and the approving officer or body shall not use this subdivision (7) to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

- B. Notwithstanding subsection (A)(5) of this section, a tentative map may be approved even though an environmental impact report was prepared with respect to the project that identified significant adverse environmental effects if a finding is made pursuant to subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.
- C. Pursuant to Government Code Section 66411.7, ministerial urban lot splits conforming to the requirements of Chapter 17.17 shall be approved if they conform to all applicable requirements of the Subdivision Map Act, unless the finding required by Section 17.17.040 is made by the Building Official. Other subdivisions subject to ministerial approval by state law shall be approved if they conform to all applicable requirements of state law and applicable provisions of the County Code.

CHAPTER 17.17 URBAN LOT SPLITS

17.17.010 - Purpose.

The purpose of this chapter is to provide objective standards for urban lot splits within single-family residential zones to implement the provisions of Government Code Section 66411.7, to facilitate the development of new residential housing units consistent with the County's Housing Element, and to ensure public health and safety.

17.17.020 - Approval of map.

As provided by Government Code Section 66411.7 and this section, urban lot splits that meet the qualifying criteria for ministerial approval under this section shall be processed in accordance with Title 17 and approved by the director of planning without a hearing. Within the time required by the Subdivision Map Act and Title 17, the director of planning shall determine if a parcel map for the urban lot split meets all the following requirements:

- A. The parcel being subdivided meets the location requirements specified in Section 18.104.440.B.
- B. Both resulting parcels are no smaller than 1,200 square feet.
- C. Neither resulting parcel shall be smaller than 40 percent of the lot area of the parcel proposed for the subdivision.
- D. The proposed lot split would not require demolition or alteration of any of the following types of housing:
 - 1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate-, low- or very low-income.
 - 2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

3. A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
4. Housing that has been occupied by a tenant in the last three years.
- E. The parcel is not located within a historic district or on property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or within a site that is designated or listed as a Napa County landmark or historic property or historic district pursuant to a Napa County ordinance.
- F. The parcel being subdivided was not created by an urban lot split as provided in this chapter.
- G. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided in this section.
- H. The development proposed on the parcels complies with all objective zoning standards, objective subdivision standards, and objective design review standards applicable to the parcel as provided in the zoning district in which the parcel is located, and all applicable objective Napa County ordinances; provided, however, that:
 1. The application of such standards shall be modified if the standards would have the effect of physically precluding the construction of two units on either of the resulting parcels created pursuant to this chapter or would result in a unit size of less than 800 square feet. Any modifications of development standards shall be the minimum modification necessary to avoid physically precluding two units of 800 square feet each on each parcel.
 2. Notwithstanding subsection (H)(1) above, required rear and side yard setbacks shall equal four feet, except that no setback shall be required for an existing legally created structure or a structure constructed in the same location and to the same dimensions as an existing legally created structure.
- I. Each resulting parcel shall have access to, provide access to, or adjoin the public right-of-way.
- J. Proposed adjacent or connected dwelling units shall be permitted if they meet building code safety standards and are designed sufficient to allow separate conveyance. The proposed dwelling units shall provide a separate gas, electric and water utility connection directly between each dwelling unit and the utility.
- K. Parking. One parking space shall be required per unit constructed on a parcel created pursuant to the procedures in this section, except that no parking may be required where:
 1. The parcel is located within one-half mile walking distance of either a stop located in a high-quality transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3; or
 2. There is a designated parking area for one or more car-share vehicles within one block of the parcel.
- L. Compliance with Subdivision Map Act. The urban lot split shall conform to all applicable objective requirements of the Subdivision Map Act (commencing with Government Code Section 66410)), except as otherwise expressly provided in Government Code Section 66411.7. Notwithstanding Government Code Section

66411.1, no dedications of rights-of-way or the construction of offsite improvements may be required as a condition of approval for an urban lot split, although easements may be required for the provision of public services and facilities.

- M. The correction of nonconforming zoning conditions may not be required as a condition of approval.
- N. Parcels created by an urban lot split may be used for residential uses only and may not be used for rentals of less than 30 days. No more than two dwelling units may be located on any lot created through an urban lot split, including primary dwelling units, accessory dwelling units, junior accessory dwelling units, density bonus units, and units created as a two-unit development.
- O. If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300.5 *et seq.*

17.17.030 – Application and Map Requirements

- A. A parcel map complying with the requirements of Title 17, including but not limited to the applicable provisions of Sections 17.08.030 and 17.08.040, and the Subdivision Map Act shall be submitted for approval of an urban lot split.
- B. Owner-Occupancy Affidavit. The applicant for an urban lot split shall sign an affidavit, in the form approved by county counsel, stating that the applicant intends to occupy one of the housing units on the newly created lots as its principal residence for a minimum of three years from the date of the approval of the urban lot split. This subsection shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.
- C. Additional Affidavit. If any existing housing is proposed to be altered or demolished, the owner of the property proposed for an urban lot split shall sign an affidavit, in the form approved by county counsel, stating that none of the conditions listed in Section 17.17.020.D exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three years (five years if an existing unit is to be demolished). The owner and applicant shall also sign an affidavit stating that neither the owner nor applicant, nor any person acting in concert with the owner or applicant, has previously subdivided an adjacent parcel using an urban lot split.
- D. Recorded Covenant. Prior to the recordation of the parcel map, the applicant shall record a restrictive covenant in the form prescribed by county counsel, which shall run with the land and provide for the following:
 - 1. A prohibition against further subdivision of the parcel using the urban lot split procedures as provided for in this section; and
 - 2. A prohibition on non-residential uses of any units developed or constructed on either resulting parcel, including a prohibition against renting or leasing the units for fewer than 30 consecutive calendar days.
- E. Terms used in this Chapter 17.17 are defined as in Section 18.104.440.A.

17.17.040 Specific Adverse Impact

In addition to the criteria listed in this chapter, a proposed urban lot split may be denied if the building official makes a written finding, based on a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A "specific adverse impact" is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation and eligibility to claim a welfare exemption are not specific health or safety impacts.

17.17.050 Enforcement

County counsel shall be authorized to abate violations of this chapter and to enforce the provisions of this chapter and all implementing agreements and affidavits by civil action, injunctive relief, and any other proceeding or method permitted by law. Remedies provided for in this chapter shall not preclude the county from any other remedy or relief to which it otherwise would be entitled under law or equity.

18.08.015 - Accessory dwelling unit.

"Accessory dwelling unit" means a residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing single-family or multifamily primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated, as set forth in Government Code section 66313 or successor provision. The accessory dwelling unit may be attached or detached or located within a primary residence or accessory building, as described below. An accessory dwelling unit may consist of an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, or a manufactured home, as defined in Section 18007 of the Health and Safety Code.

- A. "Attached accessory dwelling unit," means an accessory dwelling unit that is added and attached to a proposed or existing primary dwelling unit.
- B. "Detached accessory dwelling unit" means an accessory dwelling unit that is not attached to or located within a proposed or existing primary dwelling unit or accessory building.
- C. "Interior accessory dwelling unit," means an accessory dwelling unit located entirely within a proposed or existing primary dwelling unit or within an existing accessory building.

18.08.332 - Junior accessory dwelling unit.

The term "junior accessory dwelling unit" means a unit as set forth in Government Code section 66313(d) or successor provision and means a unit that is no more than five hundred square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

18.08.353 - Low barrier navigation center

"Low barrier navigation center" means a facility as defined in Government Code Section 65660(a) that meets all of the requirements of Government Code Sections 65660 et seq.

18.08.380 – Multiple-family dwelling unit.

“Multiple-family dwelling unit” means dwelling units contained in a building designed to house two or more families living independently of each other, but not including a single-family dwelling unit that includes an accessory dwelling unit or junior accessory dwelling unit and not including two-unit developments pursuant to Section 18.104.440.

18.08.550 – (Reserved)

18.08.601 – Solid waste transfer station.

“Solid waste transfer station” means a facility either owned by, operated by, or on behalf of a governmental agency, or through a joint powers agreement (Government Code Section 6500 et seq.), which receives solid wastes, temporarily stores, separates, converts, or otherwise processes the materials in the solid wastes, or transfer the solid wastes directly from smaller to larger vehicles for transport. This does not include a facility whose principal function is to process wastes which have already been separated for reuse and are not intended for disposal.

18.08.602 – Supportive housing.

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community, or as otherwise defined in Government Code Section 65582(g). The “target population” is as defined in Government Code Section 65582(i).

18.08.603 – Supportive housing, permanent.

“Supportive housing, permanent” means housing as defined in Government Code Section 65650(a) serving the target population as defined in Government Code Section 65650(c) that meets all of the requirements of Government Code Sections 65650 et seq.

18.08.624 – Transitional housing.

“Transitional housing” means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance, or as otherwise defined in Government Code Section 65582(j).

18.10.020 Duties—Specific subjects.

The zoning administrator shall hear and decide all applications for the following unless, in the zoning administrator's sole discretion, the zoning administrator determines that the matter (1) is of a size, importance, or unique nature such that it is judged not to be a routine matter; (2) involves potentially significant environmental impacts; or (3) is such that the public interest would be furthered by having a particular application heard and decided by the planning commission:

- A. Permits and modifications thereof for the following:
 - 1. Farmworker housing as defined by Section 18.08.294 of this code;

2. Cottage food operations;
3. Kennels and veterinary facilities;
4. (Reserved);
5. Following a public hearing noticed in accordance with Section 18.136.040, use permits for Micro-wineries as defined by Section 18.08.377 of this code. No application for a new micro-winery use permit or modification of a micro-winery use permit, whether minor or major, shall be considered beginning three years after May 5, 2022 (the effective date of this Ordinance), unless the provisions in this code pertaining to micro-wineries are extended, re-adopted or amended by the board of supervisors. Applications that are accepted by the director as complete prior to the deadline shall be allowed to complete their processing. In the event that the provisions in this code pertaining to micro-wineries are not extended, readopted or amended by the board of supervisors, use permits for micro-wineries that have been issued under these provisions shall remain valid unless allowed to expire pursuant to Section 18.124.080 or revoked pursuant to 18.124.120;
6. Undergrounding of gas, electric, telephone, or cable television lines;
7. Noncommercial wind energy and conversion systems;
8. Child day care centers;
9. Residential care facilities (medium) and (large);
10. Following a public hearing noticed in accordance with Section 18.136.040, use permits for small wineries as defined by Section 18.08.600 of this code that were issued a certificate of exemption prior to February 22, 1990, recognizing the extent of existing legal entitlements or allowing the following uses provided the application meets all of the following qualifications:
 - a. Has an annual maximum of 20,000 gallons or less of wine production;
 - b. Generates no more than 40 Average Daily Trips (ADT) (20 round trips) by tasting room visitors, all winery employees including seasonal employees, and deliveries to the winery. The use permit will not trigger application of the Napa County Road and Street Standards unless the total ADT from all uses exceeds 40 ADT or the inspection authority determines that improvements are required to comply with the State Fire Code, State Responsibility Area Regulations, or adopted left-turn warrants required for all projects;
 - c. Has a maximum of 10,000 square feet of occupied space, including buildings, caves, and cut and cover caves, but excluding unenclosed space, such as covered crush pads;
 - d. Conducts a maximum of 11 marketing events per year. Ten such events may allow attendees up to a total amount of vehicle trips that does not exceed 24 ADT (12 daily round trips) and one such event may allow attendees up to a total amount of vehicle trips that does not exceed 40 ADT (20 daily round trips). The ADT for all winery uses, including deliveries, tours and tastings, and employees, on days when a marketing event occurs shall not exceed 40 ADT; and
 - e. Following approval of a use permit under this subsection, no subsequent application for an increase in production of wine, tasting

room visitation, or marketing events shall be considered within two years after approval;

11. (Reserved);
12. (Reserved);
13. Modifications of use permits under subsection (E) of Section 18.124.130;
14. Farmworker centers as defined by Section 18.08.293 of this code;
15. (Reserved);
16. (Reserved);
- B. (Reserved);
- C. Merger of substandard parcels, but only if the parcels meet the requirements set forth in Section 17.48.040;
- D. (Reserved);
- E. Summary revisions to acreage, but only after making the findings required by Section 17.50.070;
- F. (Reserved);
- G. Licenses for Category 3 temporary events as defined in Section 5.36.015 if a hearing is requested, and Category 4 temporary events as defined in Section 5.36.015 if not referred to the board;
- H. Certificates of present extent of legal nonconformity, in accordance with the procedure set forth in Section 18.132.050;
- I. Minor amendments of tentative, parcel and final maps in accordance with the procedure set forth in Sections 17.26.030 through 17.26.050 and Section 17.26.060 for modifications to or elimination of slope easements, and for this purpose the zoning administrator shall be deemed an "advisory agency" as defined in Chapter 17.02;
- J. Variances, pursuant to Chapter 18.128 of this code (commencing with Section 18.128.010) and excepting therefrom any variances from the terms of the Conservation Regulations as set forth in Chapter 18.108;
- K. (Reserved);
- L. Applications for extensions of the life of a tentative map;
- M. Minor modifications to use permits as described in Section 18.124.130 (B) and modifications to winery use permits as described in Section 18.124.130(C)(1) through (7) of Section 18.124.130, after making the findings required by Section 18.124.130;
- N. Variances from the standards for mobile home parks in accordance with Section 15.40.310, or any successor amendment thereof;
- O. (Reserved); and
- P. Applications for exceptions to the county's adopted road and street standards in connection with all permits and modifications listed in subsection A through O above, a building permit clearance for a single-family residence or other ministerial permit clearance.

18.16.020 - Uses allowed without a use permit.

The following uses shall be allowed in all AP districts without use permits:

- A. Agriculture;
- B. One single-family dwelling unit per legal lot;
- C. Residential care facilities (small);
- D. Family day care homes (small);
- E. Family day care homes (large), subject to Section 18.104.070;

- F. Accessory dwelling units, and one junior accessory dwelling unit, providing that all of the conditions set forth in Section 18.104.180 are met;
- G. Wineries and related accessory uses and structures which legally existed prior to July 31, 1974 without the requirement that a use permit be issued, and which have not been abandoned; provided, that the extent of such uses and structures have been determined in accordance with the procedure set forth in Section 18.132.050. No expansion beyond those which existed prior to July 31, 1974 may occur unless specifically authorized by use permit, issued in conformance with the applicable provisions of this title;
- H. Small wineries which were issued a certificate of exemption prior to the date of adoption of the ordinance codified in this section, and used the certificate in the manner set forth in Section 18.124.080 before the effective date of the ordinance codified in this section in conformance with the applicable certificate of exemption, Section 18.08.600 of this code, and any resolution adopted pursuant thereto;
- I. Wineries and related accessory uses which have been authorized by use permit and used in a manner set forth in Section 18.124.080 or any predecessor section; provided, that no expansion of uses or structures beyond those which were authorized by a use permit or modification of a use permit issued prior to the effective date of the ordinance codified in this section shall be permitted except as may be authorized by a subsequent use permit issued pursuant to this title;
- J. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;
- K. Telecommunication facilities, other than satellite earth stations, that meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or their designee has issued a site plan approval pursuant to Chapter 18.140;
- L. Farmworker housing (i) providing accommodations for six or fewer employees, or (ii) consisting of no more than thirty-six beds in group quarters or twelve units designed for use by a single household, and otherwise consistent with Health and Safety Code Sections 17021.5 and 17021.6, or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable; and
- M. Supportive housing and transitional housing. Supportive housing and transitional housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the AP zone.

18.16.030 - Uses permitted upon grant of a use permit.

The following uses may be permitted in all AP districts, but only upon grant of a use permit pursuant to Section 18.124.010:

- A. Farmworker housing and seasonal farmworker centers conforming to Section 18.104.300 or 18.104.310, unless exempt from a use permit requirement under subsection (M) of Section 18.16.020;
- B. Facilities, other than wineries, for the processing of agricultural products grown or raised on the same parcels or contiguous parcels under the same ownership;
- C. Kennels and veterinary facilities
- D. Feed lots;

- E. Noncommercial wind energy and conversion systems;
- F. Wineries, as defined in Section 18.08.640;
- G. The following uses in connection with a winery:
 - 1. Crushing of grapes outside or within a structure,
 - 2. On-site aboveground disposal of wastewater generated by the winery,
 - 3. Aging, processing and storage of wine in bulk,
 - 4. Bottling and storage of bottled wine and shipping and receiving of bulk and bottled wine, provided the wine bottled or received does not exceed the permitted production capacity,
 - 5. Any or all of the following uses provided that, in the aggregate, such uses are clearly incidental, related and subordinate to the primary operation of the winery as a production facility:
 - a. Office and laboratory uses,
 - b. Marketing of wine as defined in Section 18.08.370,
 - c. Retail sale of (1) wine fermented or refermented and bottled at the winery, irrespective of the county of origin of the grapes from which the wine was made, providing nothing herein shall excuse the application of subsections (B) and (C) of Section 18.104.250 regulating the source of grapes; and (2) wine produced by or for the winery from grapes grown in Napa County;
- H. The following uses, when accessory to a winery:
 - 1. Tours and tastings, as defined in Section 18.08.620,
 - 2. Display, but not sale, of art,
 - 3. Display, but not sale, of items of historical, ecological or viticultural significance to the wine industry,
 - 4. Sale of wine-related products,
 - 5. Child day care centers limited to caring for children of employees of the winery;
- I. Telecommunication facilities, other than satellite earth stations, that do not meet one or more of the performance standards specified in Section 18.119.200;
- J. Satellite earth stations that cannot, for demonstrated technical reasons acceptable to the director, be located in an Industrial (I), Industrial Park (IP), or General Industrial (GI) zoning district;
- K. Facilities, other than wineries, for the processing of agricultural products where the products are grown or raised within the county, provided that the facility is located on a parcel of ten or more acres, does not exceed five thousand gross square feet, and is not industrial in character. Only those agricultural products raised or processed on-site may be sold at the facility;
- L. Farm management uses not meeting one or more of the standards contained in subsections (F)(2), (F)(3), and (F)(4) of Section 18.08.040; and
- M. Residential care facilities (medium and large).

18.20.020 - Uses allowed without a use permit.

The following uses shall be allowed in all AW districts without use permits:

- A. Agriculture;
- B. One single-family dwelling unit per legal lot;
- C. Accessory dwelling units, and one junior accessory dwelling unit, providing that all of the conditions set forth in Section 18.104.180 are met;
- D. Residential care facilities (small);

- E. Family day care homes (small);
- F. Family day care homes (large), subject to Section 18.104.070;
- G. One guest cottage, provided that all of the conditions set forth in Section 18.104.080 are met;
- H. Wineries and related accessory uses and structures which legally existed prior to July 31, 1974 without the requirement that a use permit be issued, and which have not been abandoned; provided, that the extent of such uses and structures have been determined in accordance with the procedure set forth in Section 18.132.050. No expansion beyond those which existed prior to July 31, 1974 may occur unless specifically authorized by use permit, issued in conformance with the applicable provisions of this title;
- I. Small wineries which were issued a certificate of exemption prior to the date of adoption of the ordinance codified in this chapter, and used the certificate in the manner set forth in Section 18.124.080 before the effective date of the ordinance codified in this chapter, in conformance with the applicable certificate of exemption, Section 18.08.600, and any resolution adopted pursuant thereto;
- J. Wineries and related accessory uses which have been authorized by use permit and used in a manner set forth in Section 18.124.080 or any predecessor section; provided, that no expansion of uses or structures beyond those which were authorized by a use permit or modification of a use permit issued prior to the effective date of the ordinance codified in this chapter shall be permitted except as may be authorized by a subsequent use permit issued pursuant to this title;
- K. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;
- L. Telecommunication facilities, other than satellite earth stations, that meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or their designee has issued a site plan approval pursuant to Chapter 18.140;
- M. Hunting clubs (small) as defined in Chapter 18.08;
- N. Overnight lodging in public parks or in structures, at the density and intensity of use (number of units) lawfully developed for such purpose prior to October 13, 1977, provided that such use has a currently-valid certificate of the extent of legal nonconformity pursuant to Section 18.132.050;
- O. Any recreational vehicle park or campground and their accessory and related uses which have been authorized by use permit and used in a manner set forth in Section 18.124.080 or any predecessor section; provided that no expansion of uses or structures beyond those which were specifically authorized by a use permit or modification of a use permit issued prior to May 10, 1996, shall be permitted except as may be authorized by a subsequent permit issued pursuant to this title;
- P. Floating dock which complies with all of the following:
 1. Is accessory to a residential or agricultural use otherwise permitted by this chapter without a use permit,
 2. Any portion located on a navigable waterway is determined by the Napa County Flood Control and Water Conservation District engineer to not obstruct seasonal flood flows, and
 3. In operation is located adjacent and parallel to, and does not exceed in length the water frontage of the legal parcel or contiguous legal parcels owned by the owner of the floating dock;

- Q. Maintenance and emergency repairs of legally-created levees, subject to compliance with Chapter 16.04 of this code;
- R. Farmworker housing (i) providing accommodations for six or fewer employees, or (ii) consisting of no more than thirty six beds in group quarters or twelve units designed for use by a single household, and otherwise consistent with Health and Safety Code Sections 17021.5 and 17021.6, or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable; and
- S. Quasi-private recreation uses and facilities, as defined in Section 18.08.494, conforming to the standards in Section 18.104.350, and provided that they do not adversely impact adjacent agriculture.
- T. Grading and paving contractors, including offices, equipment storage and repair, and materials storage, so long as the following conditions are met:
 1. The grading and paving business has been conducted in the same location since July 1, 1968 or earlier;
 2. The number of buildings used for the grading and paving business, and the total square footage of the building used for the grading and paving business, does not exceed that in existence as of January 1, 2015;
 3. The days and hours of operation of the grading and paving business do not exceed the average of the years 2013 through 2015;
 4. The grading and paving business is located within one mile of the city limits of an incorporated city;
 5. The grading and paving business is located on a parcel no smaller than five acres and no larger than ten acres;
 6. Uncovered storage areas shall be screened from pre-existing residences on adjacent parcels. Screening shall generally consist of evergreen landscape buffers and fences;
 7. All exterior lighting, including landscape lighting, shall be shielded and directed downward, located as low to the ground as possible, and the minimum necessary for security, safety, or operations.
- U. Supportive housing and transitional housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the AW zone.

18.20.030 - Uses permitted upon grant of a use permit.

The following uses may be permitted in all AW districts, but only upon grant of a use permit pursuant to Section 18.124.010:

- A. Parks and rural recreation uses and facilities as defined in Chapter 18.08, conforming to the standards in Chapter 18.104;
- B. Farmworker housing and seasonal farmworker centers conforming to Section 18.104.300 or 18.104.310, unless exempt from a use permit requirement under subsection (R) of Section 18.20.020;
- C. Facilities, other than wineries, for the processing of agricultural products grown or raised on the same parcels or contiguous parcels under the same ownership;
- D. Kennels, horse boarding and/or training stables, veterinary facilities, and wild-life rescue centers;
- E. Feed lots;
- F. Sanitary landfill sites;
- G. Noncommercial wind energy and conversion systems;
- H. Wineries, as defined in Section 18.08.640;

- I. The following uses in connection with a winery:
 - 1. Crushing of grapes outside or within a structure,
 - 2. On-site, aboveground disposal of wastewater generated by the winery,
 - 3. Aging, processing and storage of wine in bulk,
 - 4. Bottling and storage of bottled wine; shipping and receiving of bulk and bottled wine, provided the wine bottled or received does not exceed the permitted production capacity,
 - 5. Any or all of the following uses provided that, in the aggregate, such uses are clearly incidental, related and subordinate to the primary operation of the winery as a production facility:
 - a. Office and laboratory uses,
 - b. Marketing of wine as defined in Section 18.08.370,
 - c. Retail sale of (1) wine fermented or refermented and bottled at the winery, irrespective of the county of origin of the grapes from which the wine was made, providing nothing herein shall excuse the application of subsections (B) and (C) of Section 18.104.250 regulating the source of grapes; and (2) wine produced by or for the winery from grapes grown in Napa County;
- J. The following uses, when accessory to a winery:
 - 1. Tours and tastings, as defined in Section 18.08.620,
 - 2. Display, but not sale, of art,
 - 3. Display, but not sale, of items of historical, ecological or viticultural significance to the wine industry,
 - 4. Sale of wine-related products,
 - 5. Child day care centers limited to caring for children of employees of the winery;
- K. Telecommunication facilities, other than satellite earth stations, that do not meet one or more of the performance standards specified in Section 18.119.200;
- L. Satellite earth stations that cannot, for demonstrated technical reasons acceptable to the director, be located in an Industrial (I), Industrial Park (IP), or General Industrial (GI) zoning district;
- M. Campgrounds on public lands conforming to the standards in Chapter 18.104;
- N. Hunting clubs (large) as defined in Chapter 18.08 and subject to the standards in Chapter 18.104;
- O. Facilities, other than wineries, for the processing of agricultural products where the products are grown or raised within the county, provided that the facility is located on a parcel of ten or more acres, does not exceed five thousand gross square feet, and is not industrial in character. Only those agricultural products raised or processed on-site may be sold at the facility;
- P. Farm management uses not meeting one or more of the standards contained in subsections (F)(2), (F)(3), and (F)(4) of Section 18.08.040; and
- Q. Residential care facilities (medium and large).

18.48.020 - Uses allowed without a use permit.

The following uses shall be allowed in all PD districts without a use permit:

- A. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;

- B. Telecommunication facilities, other than satellite earth stations, which consist solely of wall-mounted antenna and related interior equipment and meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or their designee has issued a site plan approval pursuant to Chapter 18.140;
- C. Agriculture, provided that the lot is one acre in size or greater;
- D. Low barrier navigation centers. Low barrier navigation centers shall be reviewed consistent with the provisions of Chapter 18.109 of this Code and Government Code Sections 65660 et. Seq;
- E. Permanent supportive housing, with 50 or fewer units. Permanent supportive housing shall be reviewed consistent with the provisions of Chapter 18.109 of this Code and Government Code Sections 65650 et. Seq;
- F. Supportive housing and transitional housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the PD zone;
- G. Farmworker housing (i) providing accommodations for six or fewer employees, or (ii) consisting of no more than thirty-six beds in group quarters or twelve units designed for use by a single household, and otherwise consistent with Health and Safety Code Sections 17021.5 and 17021.6, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable;
- H. One single-family dwelling unit per legal lot;
- I. Accessory dwelling units, and one junior accessory dwelling unit, providing that all of the conditions set forth in Section 18.104.180 are met; and
- J.. Residential care facilities, small and medium.

18.52.020 - Uses allowed without a use permit.

The following uses may be allowed in all RS districts without a use permit:

- A. One single-family dwelling unit per legal lot;
- B. Accessory dwelling units and one junior accessory dwelling unit, providing that all of the conditions set forth in Section 18.104.180 are met;
- C. Family day care homes (small);
- D. Family day care homes (large) subject to Section 18.104.070;
- E. Residential care facilities (small and medium);
- F. Private schools (home instruction) subject to compliance with criteria specified in Section 18.104.160;
- G. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;
- H. Telecommunication facilities, other than satellite earth stations, which consist solely of wall-mounted antenna and related interior equipment and meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or their designee has issued a site plan approval pursuant to Chapter 18.140;
- I. Floating dock which complies with all of the following:
 - 1. Is accessory to a residential use otherwise permitted by this chapter without a use permit,

- 2. Any portion located on a navigable waterway is determined by the Napa County Flood Control and Water Conservation District engineer to not obstruct seasonal flood flows, and
- 3. In operation is located adjacent and parallel to, and does not exceed in length the water frontage of the legal parcel or contiguous legal parcels owned by the owner of the floating dock;
- J. Maintenance and emergency repairs of legally-created levees, subject to compliance with Chapter 16.04 of this code;
- K. Farmworker housing providing accommodations for six or fewer employees and otherwise consistent with Health and Safety Code Section 17021.5 or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable;
- L. Supportive housing and transitional housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the RS zone; and
- M. Two-unit developments pursuant to Section 18.104.440 and urban lot splits pursuant to Chapter 17.17.

18.52.030 - Uses permitted upon grant of a use permit.

The following uses may be permitted in all RS districts but only upon grant of a use permit pursuant to Section 18.124.010:

- A. Outdoor parks and recreation facilities compatible with agriculture and residences;
- B. Residential care facilities (medium) subject to Section 18.104.170;
- C. Residential care facilities (large) subject to Section 18.104.170;
- D. Child day care centers;
- E. Private schools (institutional) subject to compliance criteria specified in Section 18.104.160;
- F. Telecommunication facilities, other than allowed under subsection (H) of Section 18.52.020, that must, for demonstrated technical reasons acceptable to the director, be located within a residential single (RS), residential multiple (RM), residential country (RC), or planned development (PD) zoning district; and
- G. Residential care facilities, large.

18.60.020 - Uses allowed without a use permit.

The following uses may be allowed in all RM districts without a use permit:

- A. One single-family dwelling unit per legal lot;
- B. Family day care homes (small);
- C. Family day care homes (large) subject to Section 18.104.070;
- D. Residential care facilities (small and medium);
- E. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;
- F. Telecommunication facilities, other than satellite earth stations, which consist solely of wall-mounted antenna and related interior equipment and meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or their designee has issued a site plan approval pursuant to Chapter 18.140;

- G. Farmworker housing providing accommodations for six or fewer employees and otherwise consistent with Health and Safety Code Section 17021.5 or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable;
- H. Multiple-family dwelling units and single room occupancy units;
- I. Accessory dwelling units, and one junior accessory dwelling unit, providing that all of the conditions set forth in Section 18.104.180 are met;
- J. Supportive housing and transitional housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the RM zone; and
- K. Permanent supportive housing, with 50 or fewer units, shall be reviewed consistent with the provisions of Chapter 18.109 of this Code and Government Code Sections 65650 et. seq.

18.60.030 - Uses permitted upon grant of a use permit.

The following uses may be permitted in all RM zoning districts but only upon grant of a use permit pursuant to Section 18.124.010:

- A. (Reserved);
- B. Outdoor parks and recreation facilities compatible with agriculture and residences;
- C. (Reserved);
- D. Residential care facilities (large) subject to Section 18.104.170;
- E. Child day care centers; and
- F. Telecommunication facilities, other than those allowed under subsection (F) of Section 18.60.020, that must, for demonstrated technical reasons acceptable to the director, be located within a residential single (RS), residential multiple (RM), residential country (RC), or planned development (PD) zoning district.

18.60.040 – Applications—Requirements.

- A. Projects proposing multiple-family dwelling units and single room occupancy units must provide twenty percent of their total dwelling units at an affordable sales price or affordable rent to lower income households. These projects shall require approval of a building permit, which shall be reviewed ministerially by the building official and director, without a discretionary permit or review that would constitute a “project” under the California Environmental Quality Act. Any subdivision of the sites shall be subject to all laws, including, but not limited to, Title 17 implementing the Subdivision Map Act. For projects that require approval of a tentative or parcel map under the provisions of Title 17, an application, including designated fees, shall be made to the department, and the project must receive approval of the map as specified in Title 17.
- B. Projects proposing multiple-family dwelling units and single room occupancy units meeting the affordability requirements of Section 18,60.040.A shall submit an affordable housing plan and enter into agreements with the county consistent with the provisions of Section 18.107.130 and Section 18.107.140. Replacement housing shall be provided as required by Government Code Sections 66300.5 et seq. or successor provisions.

- C. Within the RM district, application for a use permit under Section 18.124.030 shall be accompanied by a development plan as defined in Section 18.08.230. A use permit approved for an RM development shall comply with Section 18.104.060(A).
- D. Owners and developer shall sign the application.

18.64.020 - Uses allowed without a use permit.

The following uses shall be allowed in all RC districts without a use permit:

- A. One single-family dwelling unit per legal lot;
- B. Agriculture;
- C. Public stables;
- D. Accessory dwelling units and one junior accessory dwelling unit, providing that all of the conditions set forth in Section 18.104.180 are met;
- E. Family day care homes (small);
- F. Family day care homes (large) subject to Section 18.104.070;
- G. Residential care facilities (small and medium);
- H. One guest cottage provided that all of the conditions set forth in Section 18.104.080 are met;
- I. Private schools (home instruction) subject to compliance with criteria specified in Section 18.104.160;
- J. Temporary off-site parking for events in a nonagricultural area which have been authorized by the county, subject to compliance with criteria specified in Section 18.104.130;
- K. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;
- L. Telecommunication facilities, other than satellite earth stations, which consist solely of wall-mounted antenna and related interior equipment and meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or their designee has issued a site plan approval pursuant to Chapter 18.140;
- M. Farmworker housing (i) providing accommodations for six or fewer employees, or (ii) consisting of no more than thirty-six beds in group quarters or twelve units designed for use by a single household, and otherwise consistent with Health and Safety Code Sections 17021.5 and 17021.6, or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable;
- N. Supportive housing and transitional housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the RC zone; and
- O. Two-unit developments pursuant to Section 18.104.440 and urban lot splits pursuant to Chapter 17.17.

18.64.030 - Uses permitted upon grant of a use permit.

The following uses may be permitted in all RC zoning districts but only upon grant of a use permit pursuant to Section 18.124.010:

- A. Public kennels and veterinary facilities;
- B. Parks and recreation uses and facilities, conforming to the standards in Chapter 18.104;

- C. Private schools (institutional) subject to compliance with criteria specified in Section 18.104.160;
- D. Telecommunication facilities, other than those allowed under subsection (F) of Section 18.60.020, that must, for demonstrated technical reasons acceptable to the director, be located within a residential single (RS), residential multiple (RM), residential country (RC), or planned development (PD) zoning district;
- E. Farm management uses not meeting one or more of the standards contained in subsections (F)(2), (F)(3), and (F)(4) of Section 18.08.040; and
- F. Residential care facilities, large, subject to Section 18.104.170.

18.72.050 - Other regulations applicable.

- A. The regulations of the principal zoning district with which the :B zoning district is combined, as shown in the schedule of zoning district regulations, Section 18.104.010, shall apply to each structure and to each use of land within the :B combination zoning district, except as a different regulation may be shown therein for the :B combination zoning district, in which case the latter shall govern.
- B. Notwithstanding subsection A above, urban lot splits conforming to the requirements of Chapter 17.17 shall not be subject to the :B combination zoning district minimum parcel size.

18.82.030 – Affordability requirements.

- A. Residential ownership projects within the :AH Combination District shall include housing units available at an affordable sales price and sold to moderate-income households, as required by Section 18.107.080, and shall remain at those affordability levels for a minimum of forty years. Residential projects on 2023 Specified Priority Housing Development Sites shall include twenty percent of their dwelling units in the project at an affordable sales price or affordable rent to low-income households and shall remain at those affordability levels for a minimum of forty years.
- B. All affordable units shall be constructed at a rate consistent with the construction of market rate units and shall be mixed throughout the development. Project phasing must be done in a manner that is proportionate to the overall mix of affordability levels.
- C. The applicant shall submit an affordable housing plan and enter into agreements with the county consistent with the provisions of Section 18.107.130 and Section 18.107.140. Replacement housing shall be provided as required by Government Code Sections 66300.5 *et seq.* or successor provisions.

18.82.040 - Development standards.

- A. Where an applicant or developer of Specified Priority Housing Development Sites(s) elects to utilize the :AH Combination District over the underlying zoning, the development standards listed in Tables 1 and 2 below, where applicable, shall apply. These development standards shall apply for all projects. Where use permit approval is required, Chapter 18.124 shall apply in addition to this chapter. In addition, the proposed development shall comply with the remaining provisions of this chapter, including but not limited to, the site density

requirements set forth in Section 18.82.050, the required development allocation set forth in Section 18.82.060, and the mitigation measures set forth in Section 18.82.070.

- B. Table 1 sets forth the development standards for single-family development, which is defined as any residential development with two or fewer units on a single lot.

Table 1: Development Standards for Single-Family Construction within the :AH Affordable Housing Combination District	
Subject	Standard
Site area (min)	3,500 square feet
Building site coverage (combined max)	50%
Front setback (min)	20 feet
Rear setback (min)	20 feet
Side setback (min)	6 feet + 3 feet for a second story.
Road setback	Per Chapter 18.112
Height limit (max)	35 feet
Parking requirements (min)	2 + 1 for each second dwelling unit.

Single-family residential construction shall be subject to the development standards set forth in Table 1.

C.

Table 2 sets forth development standards for multi-family development, which is defined as any residential development with three or more units on a single lot.

Table 2: Development Standards for Multi-Family Construction within the :AH Affordable Housing Combination District	
Subject	Standard
Site area (min)	.9 acre
Building site coverage (max)	40%
Front setback (min)	20 feet

Table 2: Development Standards for Multi-Family Construction within the :AH Affordable Housing Combination District	
Subject	Standard
Rear setback (min)	20 feet
Side setback (min)	6 feet + 3 feet for every story above the first.
Road setback	Per Chapter 18.112
Distance between buildings (min)	20 feet for two stories, 25 feet for three stories.
Height limit (max)	35 feet
Parking requirements (min)	One parking space per studio unit; 1.25 parking spaces per one-bedroom unit and larger unit; and 0.25 parking spaces per unit for guests regardless of unit size.

Multi-family residential construction shall be subject to the development standards set forth in Table 2.

18.82.050 - Site density.

Only the Specified Priority Housing Development Sites are eligible for the :AH Combination District classification. Any development of the parcels identified in the :AH Combination District classification shall comply with the following applicable site densities and timelines for construction:

- A. A maximum number of units may be constructed within this combination district in each of the three areas identified below (Angwin, Moskowitz Corner, and Spanish Flat) that are 2009 Specified Priority Housing Development Sites. The right to develop from the available pool of units shall be granted when a building permit is issued.
- B. Construction shall commence within one year of the issuance of a building permit or within any allowed extension on the 2009 Specified Priority Housing Development Sites; otherwise, the units reserved by the permit shall be returned to the potential pool of housing development for that area. Once building permits totaling the allowed number of units within the area have been issued, the combination district shall be considered exhausted for that particular area. Notwithstanding the foregoing, applications for proposed projects may be submitted and shall be processed on a first come, first served basis in the event that permits already issued have not been used within the time frames specified herein.
- C. Site density for the 2009 Specified Priority Housing Development Sites shall be as listed below:
 - 1. Angwin: Up to twenty-five dwelling units per acre may be allowed. The maximum combined number of units constructed on Parcels A and B shall not exceed a total of one hundred ninety-one dwelling units.

2. Moskowitz Corner: Up to ten dwelling units per acre may be allowed . The maximum combined number of units constructed on Parcels A, B, C, and D shall not exceed a total of one hundred dwelling units.
 3. Spanish Flat: Up to twenty-five dwelling units per acre may be allowed . The maximum combined number of units constructed on Parcels A, B, C, D, E, and F shall not exceed a total of one hundred ten dwelling units.
- D. Site density for the 2023 Specified Priority Housing Development Sites shall be a minimum of twenty dwellings units per acre and shall not exceed twenty-five dwelling units per acre for all residential development, regardless of whether the AH: overlay is utilized.

18.82.080 - (Reserved)

18.82.090 - Approval process.

Projects proposed on Specified Priority Housing Development Sites and that meet: (a) the affordability standards set forth in Section 18.82.030; (b) the development standards set forth in Section 18.82.040; (c) the applicable density requirements identified in Section 18.82.050; and (d) the mitigation measures identified in Section 18.82.070, and all other applicable sections of this chapter, except as those requirements may be modified under provisions of State Density Bonus Laws, require approval of a building permit, which shall be reviewed ministerially by the building official and director, without a discretionary permit or review that would constitute a “project” under the California Environmental Quality Act. Any subdivision of the sites shall be subject to all laws, including, but not limited to, Title 17 of the Napa County Code implementing the Subdivision Map Act. For projects that require approval of a tentative or parcel map under the provisions of Title 17, an application, including designated fees, shall be made to the department, and the project must receive approval of the map as specified in Title 17.

18.104.010 - Schedule of zoning district regulations

- A. The table presented in this section lists zoning districts in the first vertical column. Regulations are shown horizontally across the top of the table. The second and each succeeding vertical column shows the indicated minimum or maximum standard allowed for each listed regulation in the zoning district specified in the first vertical column.
- B. Notwithstanding subsection (A) of this section, the side yard setbacks for legal parcels that are two acres in size or less and are located in the agricultural preserve, agricultural watershed or residential country zoning districts shall be the side yard setbacks applicable within the residential single zoning district.
- C. Notwithstanding subsection (A) of this section, the side yard setback for a dwelling unit or accessory structure proposed on any lot with a lot width of less than sixty feet measured at the front yard setback line shall be five feet.
- D. Notwithstanding subsection (A) of this section, and except as provided in Section 18.104.295, the minimum parcel size in the AP and AW zoning districts shall be two acres for farmworker centers established pursuant to Section 18.104.305. Further division within any parcel created and maintained for farmworker centers is allowed to facilitate individual home ownership for farmworkers. The minimum parcel size for individual farmworker homes allowed under this section shall be 1,200 square feet.

- E. Notwithstanding subsection (A) of this section, the front yard setbacks for all parcels within the Berryessa Highlands Subdivision, Units I and II, shall be ten feet from the front property line.

Table 18.104.010
SCHEDULE OF ZONING DISTRICT REGULATIONS

Zoning District	Minimum Lot Area		Minimum Lot Width (Feet)	Minimum Yard Feet			Maximum Main Building Coverage	Maximum Building Height
	(Acres)	(Square Feet)		Front	Side	Rear		
AP	40	—	—	20	20	20	—	35
AW	160	—	—	20	20	20	—	35
AV	—	—	—	—	—	—	—	—
CL	1E	—	—	—	—	—	—	35
CN	1	—	—	—	—	—	—	35
MC	—varies—		75	20	20	20	40%	35
I	—	20,000	100	20	20	20	35%	35
GI	—varies—		100	—varies—			35%—50%D	35
IP	—varies—		125	—varies— —		10	35%—50%D	35
PD	—	—	—	—	—	—	—	35
PL	10G	—	—	—varies—20		20	—	35
RS	—	8,000	60	20	6C	20	50%	35
RM	—	8,000	60	20	6C	20	40%	35
RC	10	—	60	20	20	20	—	35
TP	160	—	—	—	—	—	—	35

- A. Notwithstanding Table 18.104.010, urban lot splits conforming to the requirements of Chapter 17.17 shall not be subject to minimum lot area requirements prescribed in this section.
- B. Plus two thousand square feet per unit.
- C. Three feet shall be added to each side yard for each story above the first story of any building. Minimum yard on the street side of a corner lot shall be ten feet.
- D. Up to fifty percent for certain uses.
- E. One-half acre if public water and sewer is available.
- F. Twenty thousand square feet if public water and sewer is available.
- G. In areas with general plan designations agricultural resource or agriculture, watershed and open space.

18.104.065 - Emergency shelters—Development standards and design criteria

- A. Emergency shelters are allowed as a permitted use in the Industrial Zone and as a conditional use in the General Industrial Zone. The development standards listed in Table 1 below shall apply to emergency shelters in the Industrial and General Industrial zones. These development standards shall apply for all projects whether or not they require use permit approval. Where use permit approval is required in the General Industrial zone, Chapter 18.124 shall apply in addition to this section. Where use permit approval is required, the development standards may be modified if deemed appropriate by the commission.

Subject	Standard
Site area (min)	20,000 square feet
Building site coverage (max)	35%
Front setback (min)	20 feet
Rear setback (min)	20 feet
Side setback (min)	5 feet
Height limit (max)	35 feet
Parking requirements	1 space for each employee, based on the greatest number of employees on duty at any one time

- B. The following design guidelines shall apply to development of emergency shelters in the Industrial and General Industrial zoning districts. The design guidelines will be enforced through review and approval by the director, or the director's designee, in the cases where a use permit is not required, or by the commission in the event a use permit is required.
 - 1. Use must meet density requirements for similar uses as stated in the Airport Land Use Compatibility Plan, and an overflight easement must be recorded.
 - 2. A Phase I hazardous materials report shall be provided with the application, all recommendation of the report shall be implemented, and, if hazardous materials are found, either the State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency must have determined that the site is suitable for residential use.
 - 3. Signage must meet standards for the applicable zoning district in which the emergency shelter is located.

4. Laundry facilities shall be provided.
5. Temporary shelter shall be provided for no more than three hundred thirty days per calendar year for each resident, and no more than one hundred eighty consecutive days.
6. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security of indoor and outdoor facilities and parking, screening of residents to insure compatibility with services provided at the facility and for training, counseling and treatment programs for residents, and assistance to residents to obtain permanent shelter and income.
7. The number of beds at any facility shall not exceed sixty.
8. Projects shall connect to municipal providers for water and sewer services or demonstrate that they can comply with groundwater/wastewater requirements contained in Napa County Code Title 13.
9. All exterior lighting, including landscape lighting, shall be shielded and directed downward and shall be located as low to the ground as possible, and shall incorporate the use of motion detection sensors. No flood lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.
10. The shelter shall be subject to the county's Conservation Regulations (Chapter 18.108).

18.104.130 – Off-street parking.

- A. Adequate off-street parking shall be provided for vehicles in connection with any use in any zoning district, but the stricter parking standards set forth in succeeding subsections of this section shall prevail where applicable.
- B. In any zoning district, two off-street parking spaces shall be provided for each dwelling unit, except where lesser standards are allowed by the County Code or state law, including but not limited to Sections 18.104.065 (Emergency Shelters), 18.104.170 (Residential Care Facilities), 18.104.180 (Accessory Dwelling Units), 18.104.440 (Two-Unit Developments), and 18.110.030 (Multi-Family Projects) and Chapter 17.17 (Urban Lot Splits).
- C. In connection with a use permit for which approval of a development plan is required, the parking requirements of this section may be modified by the commission upon a finding that, because of the type of occupancy or the location of the development, the normal standards will produce either more or fewer parking spaces than will be needed. Requests for reductions in the number of parking spaces for standard residential developments shall be based on information provided by the applicant, which may include but not be limited to a: parking study, Transportation Demand Management (TDM) plan, demonstration of adequate on-street parking, proximity to transit services, provision of on-site affordable or senior housing, or other evidence. In no event shall such modification increase or decrease the number of required parking spaces by more than forty percent of the stated standard.
- D. Notwithstanding any other provision of this code, temporary off-site parking shall be allowed in conjunction with county authorized events provided the off-site parking meets the criteria established in subdivisions 1 through 22 below, and an "off-site parking plan" which complies with the requirements of

subsection (E) has been submitted and reviewed by the director, in conjunction with consultation with other departments.

1. Temporary off-site parking is identified as an allowed use in the zoning district where parking will be located, (except in the case of temporary events which must provide for parking in conformance with the Temporary Events Manual) and shall occur only on parcels that have ingress and egress to a state highway, county arterial or collector roads.
2. The area which the event sponsor designates for temporary off-site parking shall accommodate the maximum number of persons attending the authorized event. The area for parking shall be based on three people per vehicle, and shall comply with the layout and dimension requirements of Napa County's off-street parking standards identified in the department of public works road and street standards (as most recently revised). Fire lanes with a minimum clearance of fourteen feet between rows of parked cars and at the end of aisles around the perimeter of the parking lot shall be open at all times for emergency vehicle access.
3. Parking at any off-site location shall occur only on the designated days of the authorized event and at any designated site for a maximum of ten days in one calendar year.
4. Security shall be provided at each off-site parking location for as long as parking continues at that lot.
5. Temporary parking signs and directional signs to parking locations, prepared at the expense of the event sponsor, shall be no larger than thirty-six inches by thirty-six inches, and shall be located to safely identify the parking locations. Such signs shall be placed no earlier than the day before the event and shall be removed no later than the day following the event. Such signs shall not be located on trees or utility poles.
6. Reclaimed water shall be applied to each off-site parking location for dust suppression at a minimum of once on the day prior to the use of the lot for the parking and at least once in the morning each day before vehicles are parked and once in the afternoon of each day when vehicles are parked, or more often as necessary.
7. Off-site parking locations shall be mowed to a maximum height of four inches to reduce fire hazard.
8. "No Smoking" signs shall be readily visible from all points along the access driveway to each parking lot where visitors will be walking to reduce the risk of fire and shall be enforced by the parking attendants.
9. Refuse containers shall be located at each off-site parking lot during the use of the lots, and shall be removed from the parking areas and surrounding neighborhood no later than five p.m. of the day following the event.
10. Parking shall not be permitted where septic systems, including tanks and leachfields are located. These areas shall be temporarily fenced or flagged.
11. Parked vehicles shall be set back from off-site residences (on adjacent parcels) by a minimum of fifty feet. Setbacks shall be temporarily fenced or flagged.
12. Access driveways to off-site parking lots shall be maintained with a minimum access width of eighteen feet for two-way traffic. Any

- temporary improvements in the public right-of-way shall be in conformance with the agency with jurisdiction over the right-of-way.
13. Streets shall be posted with "No Parking" signs at the expense of the event sponsor if determined to be necessary by the department of public works, California Highway Patrol, or the Napa County fire department. Event sponsor shall be responsible to provide adequate law enforcement personnel to assure compliance.
 14. Shuttle buses shall be provided for off-site parking lots located more than one-third mile from the event entrance, and shall be confined to travel on state highways, Silverado Trail, county arterial and collector roads, as specified in Sections 18.112.070 and 18.112.080 of the code. Shuttle buses shall load and unload passengers on each lot if possible, or shall load on a paved shoulder of the right-of-way, and shall not sit idling while waiting for passengers. Shuttle buses shall unload inside the event entrance, and a turnaround area for shuttles shall be located on the event site.
 15. Traffic controls, including circulation to, within and from each off-site parking location shall comply with the county public works department, sheriff's department, fire department, and California Highway Patrol. Temporary crosswalks shall be marked for pedestrian safety.
 16. No permanent improvements, including paving, shall be made or permanent lighting installed at off-site parking lots solely to accommodate temporary parking. Any temporary lighting shall be directed downward to prevent glare onto adjacent properties.
 17. Parking shall not be allowed on any site which is identified on the county's environmental resource maps as being in an area of hazardous or critical concern, high fire hazard, or environmentally sensitive.
 18. A minimum of three parking attendants shall be present at each lot used for temporary off-site parking to assist in parking vehicles as long as the parking lot is in use. Attendants shall be trained in enforcement of no smoking and emergency vehicle access requirements, emergency incident reporting and notification procedures, and the use of fire extinguisher.
 19. Public entity costs associated with assistance of the temporary parking and circulation shall be the responsibility of the event sponsor. "Public entity" shall include, but not be limited to, public works department, fire department, sheriff, California Highway Patrol, and Caltrans.
 20. Fire extinguisher(s) shall be maintained at each off-site parking lot whenever vehicles are in the lot. There shall be one fire extinguisher for each two hundred and fifty parking spaces (or fraction thereof). Fire extinguishers shall be foam-water type, two and one-half gallon size (class 3A).
 21. A telephone (cellular or wired) for reporting of emergencies shall be maintained at, or within one hundred yards of, a parking lot attendant for each off-site parking lot.
 22. One fire engine staffed with three uniformed firefighters shall be retained by the event sponsor for emergency standby at events with more than five hundred off-site parking spaces. This requirement may be modified based on factors such as fire department response time, fire hazard, and available staffing. The amount of on-site fire suppression resources (personnel, equipment, practices) will be increased during periods of

extreme fire weather (e.g., National Weather Service "Red Flag Warning").

23. The director may require a report of compliance with the above requirements after any event requiring off-site parking.
- E. The off-site parking plan shall be submitted to the conservation, development and planning department by the event sponsor at least ninety days prior to the commencement of the event, and shall be accompanied by a nonrefundable fee in that amount adopted by the board of supervisors, and shall include the following requirements:
1. The type, place and duration (dates and times) of the event;
 2. The name and address of the event sponsor;
 3. The name and telephone number of the person to contact in case of any problems during the event;
 4. The name and address of properties where off-site parking will occur;
 5. Maximum number of people attending the event, and a summary indicating that the area proposed for parking can accommodate that number based on three people per vehicle;
 6. Number of personnel to assist in parking and traffic control for pedestrians and vehicles, and the methods of operation, including locations of temporary crosswalks for pedestrian safety;
 7. Method and rate of water application on lots for dust suppression, including source of reclaimed water;
 8. Event communication system and incident reporting and notification procedures to be used by parking lot attendants;
 9. Number of shuttle buses proposed for the event, the manner they will be used;
 10. A map at the scale of one inch equals eight hundred feet identifying:
 - a. y lot number and name the location of all off-site parking areas, the assessor parcel number and address of the property, and the street name and address of all houses adjoining the parking lot,
 - b. Size of each lot, layout of parking rows, row dimensions, and number of vehicles each parking row can accommodate,
 - c. Access driveways to off-site parking lots, parking lot aisles, and perimeter fire lanes, with required minimum widths clearly identified,
 - d. Streets proposed to be closed to vehicular traffic,
 - e. Location of "No Parking" signs, "No Smoking" signs, fire extinguishers, and phones,
 - f. Shuttle routes, turnaround areas, and approximate number of trips during the event,
 - g. Location of any septic systems and leachfields on proposed parking sites,
 - h. Traffic control points for circulation to and from off-site parking locations,
 - i. Locations of temporary crosswalks;
 11. A list of property owners contiguous to parcels where off-site parking will occur, as shown on the latest equalized assessment roll;
 12. All other on-site and remote areas to accommodate parking for the event shall be identified, and the number of vehicles that each area can accommodate shall be identified.

18.104.170 – Residential care facilities

Notwithstanding any other provisions of this title, a residential care facility (medium) or (large) shall meet the following criteria:

- A. Minimum Lot Area Standards. The lot on which a residential care facility (medium) or (large) is located shall meet the minimum lot area requirements of that district, and it shall contain not less than two thousand square feet for each person served by the facility.
- B. Parking Standards. Residential care facilities (medium) or (large) shall comply with the following parking and loading area requirements:
 - 1. One off-street parking space shall be provided for each two visitors based on the greatest number of visitors at any one time to the facility.
 - 2. One additional off-street parking space shall be provided for each full-time or part-time employee of the facility, based on the greatest number of employees on duty at any one time.
 - 3. Off-street loading and delivery areas shall be provided for each facility which has a capacity to serve thirteen or more persons, and an additional off-street loading and delivery area shall be provided for each additional one hundred persons or fraction thereof beyond the first one hundred persons.
- C. Large Residential Care Facilities Located in RS (Residential Single) Zoning Districts. The following additional criteria must be met:
 - 1. (Reserved).
 - 2. Not less than forty percent of the site shall be reserved for common use space and shall not be covered by buildings or parking improvements, but may be utilized as required setback, yard and septic system areas.
 - 3. Minimum parcel size shall be two acres.
 - 4. Public water and/or sewer services shall be provided to the site.
- D. Management Plan. The applicant shall provide a comprehensive management plan, which shall include, at a minimum, the following:
 - 1. Property management policies and operations, including maintenance and repair policies;
 - 2. An explanation of how the facility intends to meet the requirements of subdivision G.5 of Section G below;
 - 3. An explanation of how the facility intends to meet the requirements of subdivision G.6 of Section G below;
 - 4. A copy of the written resident intake procedures, including rental procedures;
 - 5. A copy of the written termination and eviction procedures;
 - 6. A copy of the resident and guest rules; and
 - 7. If applicable, the plan for disposing of medical waste or other bio-waste.
- E. Proof of any required licensing from the California Department of Social Services, the California Department of Health and Human Services, the California Department of Health Care Services, or other applicable regulatory agency, along with a license and permit history of the applicant(s), including whether such applicant(s), in previously operating a similar use in this or another city, county or state under license and/or permit, has had such license and/or permit revoked or suspended, and the reason therefore.
- F. A list of addresses of all other licensed or unlicensed facilities owned or operated by the applicant(s) within the past five (5) years and whether such facilities have

been found by state or local authorities to be operating in violation of state or local law.

- G. Additional Criteria: Residential care facilities (large) shall comply with all of the following:
1. Development Standards. Unless otherwise indicated below, the facility shall conform to the development standards for the zoning district in which it is located.
 2. Accessory Dwelling Units. The facility shall not be located in an accessory dwelling unit or junior accessory dwelling unit unless the primary dwelling unit is used for the same purpose.
 3. Kitchens. The facility must provide either (i) congregate dining facilities or (ii) kitchens in individual units.
 4. Common Areas and Open Space. The facility shall include indoor or outdoor common areas or open space, at the discretion of the applicant. The common area(s) or open space shall be furnished. Appropriate furnishings for indoor spaces include, but are not limited to, such items as lounge chairs, couches, tables with chairs, writing desks, and televisions. Outdoor furnishings include but are not limited to such items as outdoor benches, tables with chairs, barbecues, and shade coverings like arbors, patio covers, garden shelters or trellises.
 5. Management. The facility shall have either (i) a manager who resides on-site or (ii) a number of persons acting as a manager who are either present at the facility on a 24-hour basis or who will be available twenty-four (24) hours a day, seven (7) days a week to physically respond within forty-five (45) minutes notice and who are responsible for the day-to-day operation of the facility. The provisions of this section shall be superseded by any management requirements imposed on the facility pursuant to state law.
 6. Security. A designated area for on-site personnel shall be located near the main entrance to the facility for the purpose of controlling admittance to the facility and providing security. Emergency contact information shall be posted on the exterior of the facility adjacent to the main entrance, as well as on the interior in a location accessible to all residents.
 7. Personal Storage. Each resident of the residential care facility shall be provided with at least one private storage area or private closet, with a lock or other security mechanism, in which to store their personal belongings.
- H. Additional Conditions. Additional conditions to those set forth in this section may be imposed by the planning commission when deemed necessary by the commission to protect the public health, safety and welfare.

18.104.180 - Accessory dwelling units and junior accessory dwelling units.

- A. Pursuant to the provisions of Government Code Sections 66310 et seq., the following requirements apply to accessory dwelling units and junior accessory dwelling units, as specified:
1. Zoning and Required Uses.
 - a. Accessory Dwelling Units. Accessory dwelling units are allowed on a legal lot, as defined by Section 18.08.340 of this title, that is zoned RS, RM, RC, AP, AW or PD, or is developed under the provisions of the :AH overlay zone, and that contains an existing

- or proposed single family dwelling or an existing or proposed multifamily unit that is precluded from transient occupancy.
- b. Junior Accessory Dwelling Units. Only one junior accessory dwelling unit is permitted on a legal lot, as defined by Section 18.08.340 of this title, that is zoned RS, RM, RC, AP, AW or PD, or is developed under the provisions of the :AH overlay zone, and that contains an existing or proposed single family dwelling.
 - c. Urban Lot Splits. No accessory dwelling unit or junior accessory dwelling unit shall be permitted if the lot was created by an urban lot split pursuant to Chapter 17.17, and the approval of the accessory dwelling unit or junior accessory dwelling unit would result in more than two dwelling units on the lot.
2. Types of Accessory Dwelling Units. Accessory dwelling units may be attached to an existing or proposed primary structure or accessory structure (attached accessory dwelling unit), detached from an existing or proposed primary structure (detached accessory dwelling unit), or located within an existing primary structure or existing accessory building (interior accessory dwelling unit).
 3. Junior Accessory Dwelling Units. Junior accessory dwelling units must be created within the walls of an existing or proposed primary dwelling. An attached garage is part of the single-family dwelling unit for purposes of this Section 18.104.180. Junior accessory dwelling units are only permitted on a legal lot with no more than one existing or proposed single-family dwelling.
 4. Exempt Accessory Dwelling Units. The following are exempt from certain development and design standards, as specified in subsections B and C below, and are referred to as "exempt accessory dwelling units":
 - a. One accessory dwelling unit on a legal lot with up to one junior accessory dwelling unit and a proposed or existing single-family dwelling if the accessory dwelling unit and junior accessory dwelling unit comply with the following:
 - i. The accessory dwelling unit is within the proposed or existing space of a single-family dwelling or existing space of an accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
 - ii. The accessory dwelling unit has separate exterior access from the proposed or existing single-family dwelling.
 - iii. The side and rear setbacks are sufficient for fire and safety.
 - iv. The junior accessory dwelling unit complies with the requirements of this subsection A and subsection D below.
 - b. One detached, new construction accessory dwelling unit on a legal lot with a proposed or existing single-family dwelling if the accessory dwelling unit provides four-foot side and rear yard setbacks; does not exceed 800 square feet in floor area, and does not exceed the height described in subsection A.4.b.i or ii, as applicable.

- i. 18 feet on a legal lot with an existing or proposed single-family dwelling if the lot is within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155. An additional two feet in height may be permitted to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the single-family dwelling;
 - ii. 16 feet on all other legal lots with an existing or proposed single-family dwelling unit.
 - c. Up to two detached accessory dwelling units on a legal lot with a proposed or existing multifamily dwelling if the accessory dwelling units provide at least four-foot side and rear yard setbacks. If the existing multifamily dwelling has a rear or side setback of less than four feet, no modification of the existing multifamily dwelling shall be required as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this subsection. The height of the accessory dwelling units shall not exceed the following:
 - i. 18 feet on a legal lot with an existing or proposed multifamily dwelling unit if the lot is within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155. An additional two feet in height may be permitted to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the multifamily dwelling;
 - ii. 18 feet on a legal lot with an existing or proposed multistory multifamily dwelling;
 - iii. 16 feet on all other legal lots with an existing or proposed multifamily dwelling;
 - d. A legal lot with an existing multifamily dwelling may contain accessory dwelling units converted from portions of the building that are not used as livable space, if each unit complies with state building standards for dwellings. The number of accessory dwelling units permitted is equivalent to up to 25 percent of the number of existing, legally permitted units in the multifamily dwelling, or one, whichever is greater.
- 5. Only one accessory dwelling unit shall be permitted on legal lots with proposed or existing single-family or multifamily dwellings unless all existing and proposed accessory dwelling units on the lot meet the requirements of subsection A.4 above.
- 6. Building Code. Junior accessory dwelling units and accessory dwelling units shall comply with all applicable building code requirements, except as follows:
 - a. Fire sprinklers shall not be required for an accessory dwelling unit if they are not required for the primary dwelling. Fire sprinklers may not be required for an existing primary dwelling unit as a condition of the approval of an accessory dwelling unit.
 - b. The new construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the local building

code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the building official or enforcement agency makes a written finding based on substantial evidence in the record that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety or the accessory dwelling unit is converted from unhabitable or nonresidential space.

7. Owner Occupancy. On a property with a junior accessory dwelling unit, the owner must occupy as a principal residence either the primary dwelling or the junior accessory dwelling unit, unless the owner is another governmental agency, land trust, or housing organization. Owner occupancy is not required for the accessory dwelling unit.
 8. Prohibition on Separate Sale.
 - a. Accessory Dwelling Unit. An accessory dwelling unit may not be sold separately from the single-family or multifamily dwelling, except that the accessory dwelling unit and primary unit may be owned by multiple owners as tenants in common if the single-family dwelling and accessory dwelling unit were developed by a qualified nonprofit, as that term is defined in Government Code Section 66340, and if all of the provisions of Government Code Section 66341 are met.
 - b. Junior Accessory Dwelling Unit. A junior accessory dwelling unit may not be sold separately from the single-family dwelling.
 9. Covenants:
 - a. Accessory Dwelling Units. At the time of application for an accessory dwelling unit, the property owner shall acknowledge in writing that neither the accessory dwelling unit nor the single-family dwelling or multifamily dwelling may be used for short-term residential rentals of less than thirty days. Prior to the issuance of a building permit for the accessory dwelling unit, the owner shall record a covenant with the Napa County Recorder's Office in a form approved by county counsel to prohibit renting the accessory dwelling unit for fewer than 30 consecutive calendar days.
 - b. Junior Accessory Dwelling Units. Prior to issuance of a certificate of occupancy for a junior accessory dwelling unit, the owner shall record a covenant in a form prescribed by county counsel, which shall run with the land and provide for the following:
 - i. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family principal dwelling;
 - ii. A restriction on the size and attributes of the junior accessory dwelling unit consistent with subsection D below;
 - iii. A requirement that either the primary residence or the junior accessory dwelling unit be the owner's bona fide principal residence, unless the owner is a governmental agency, land trust, or housing organization.
 - c. A copy of the recorded covenant shall be filed with county counsel.
- B. Development Standards – All Accessory Dwelling Units. The following development standards apply to all accessory dwelling units:

5. Except as specified below, an accessory dwelling unit shall comply with the requirements of this Section 18.104.180, the underlying zoning district, and other provisions of the Napa County Code except:
 - a. If the requirements of the underlying zoning district or other provisions of the Napa County Code are inconsistent with the provisions of this Section 18.104.180, the standards of this section shall apply. Exempt accessory dwelling units described in subsection A.4 need only comply with the applicable provisions of this Section 18.104.180, building code requirements, and health and safety requirements, such as those applicable to private water and sewer service.
 - b. Limits on lot coverage, front yard setback, floor area ratio, open space, and size must permit or shall be waived to allow an eight hundred square foot detached or attached accessory dwelling unit with four-foot side and rear yard setbacks, if the proposed accessory dwelling unit is in compliance with all other applicable development standards.
 - c. The county may not require as a condition of approval the correction of nonconforming zoning conditions.
 - d. If the application is to legalize an unpermitted accessory dwelling unit that was constructed before January 1, 2018, the accessory dwelling unit does not need to conform with this section or building standards pursuant to Health & Safety Code Section 17960 et seq. However, the county may deny the application for an unpermitted accessory dwelling unit constructed before January 1, 2018 if the building official makes a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure.
 - e. No setback is required for a new structure constructed in the same location and to the same dimensions as an existing structure.
6. Entrance. An accessory dwelling unit shall have a separate entrance from the primary dwelling unit.
7. Parking. Accessory dwelling units shall have one parking space per unit, except that studio units shall not require a parking space. These spaces may be provided as tandem parking on an existing driveway. Off-street parking is permitted in setback areas or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon fire and life safety conditions. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another. Notwithstanding the foregoing, no parking shall be required in any of the following instances:
 - a. The accessory dwelling unit is located within one-half mile of a public transit stop including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public;
 - b. The accessory dwelling unit is located within an architecturally and historically significant district;
 - c. The accessory dwelling unit is an interior accessory dwelling unit;

- d. On-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
 - e. There is a car share vehicle pick-up location within one block of the accessory dwelling unit.
4. Demolition of Parking. If the construction of an accessory dwelling unit replaces an existing garage, carport, or covered parking structure, no replacement spaces need be provided. If the applicant applies for a demolition permit to demolish a detached garage and a building permit to construct a detached accessory dwelling unit, the demolition permit and building permit for the accessory dwelling unit shall be issued at the same time.
 5. Detached Accessory Dwelling Units:
 - a. Maximum Height: The height of a detached accessory dwelling unit shall not exceed 35 feet except that exempt accessory dwelling units are subject to the height limits in subsection A.4 .
 - b. Maximum Size. The total floor space of a detached accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet as measured from the inside of the exterior walls except the exempt accessory dwelling units are subject to limits on size contained in subsection A.4.
 - c. Setbacks. A four feet setback is required from the rear and side property lines.
 6. Attached Accessory Dwelling:
 - a. Maximum Height. The height of an attached accessory dwelling unit shall not exceed 35-feet or the height limitation that applies to the single-family dwelling or multifamily dwelling, whichever is lower. However, the accessory dwelling unit may not exceed two stories.
 - b. Setbacks. A four feet setback is required from the rear and side property lines.
 - c. Interior Access. An accessory dwelling unit attached to an accessory structure shall not have interior access connecting to the accessory structure.
- C. Design Standards – Non-Exempt Accessory Dwelling Units. The following design standards shall apply to all accessory dwelling units except exempt accessory dwelling units described in subsection A.4:
1. Detached Units: Maximum Distance Between Units. The maximum distance that a detached accessory dwelling unit may be from the nearest portion of the living area of the existing legal single-family dwelling or multi-family dwelling on the same legal lot shall be five hundred feet, measured along a level, horizontal straight line, unless a greater distance is required to avoid an agricultural constraint or to meet the standards of the department relating to private water or sewer systems or to avoid an environmentally sensitive area as defined by Section 18.08.270 of this title.
 2. Attached Units: Maximum Distance Between Units.
 - a. The accessory dwelling unit shall be located no more than twenty feet from the living area of the existing dwelling and shall be attached to the existing dwelling in the manner set forth in Section 18.08.070 of this title.

- b. Maximum size. The total floor space of an attached accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet as measured from the inside of the exterior walls. If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed fifty percent of the existing primary dwelling or eight hundred square feet, whichever is greater.
- D. Design and Development Standards – Junior Accessory Dwelling Units. Pursuant to the provisions of Government Code Sections 66310 et seq., the following requirements apply to all junior accessory dwelling units:
 - 1. Size. The total floor space of a junior accessory dwelling unit shall not exceed five hundred square feet as measured from the inside of the exterior walls.
 - 2. Entrance. An exterior entry separate from the exterior entry for the single-family dwelling unit shall be provided to serve a junior accessory dwelling unit. However, if the junior accessory dwelling unit shares sanitation facilities with the single-family dwelling unit, there must also be an interior entry to the main living area of the single-family dwelling unit.
 - 3. Kitchen. The junior accessory dwelling unit shall include at least an efficiency kitchen which includes cooking appliances, a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
 - 4. Parking. Parking is not required for a junior accessory dwelling unit. If the construction of a junior accessory dwelling unit replaces an existing attached garage, replacement parking is required.
- E. Applications and Processing. All reviews of accessory dwelling units and junior accessory dwelling units shall be ministerial.
 - 1. In addition to other information requested in this section and the application form, for issuance of a building permit, the approval by the relevant department must be obtained where a private or individual sewage disposal system or water system is to be used.
 - 2. The director shall administratively review and approve or deny complete ministerial permit applications for accessory dwelling units and junior accessory dwelling units within 60 days from the date the county receives a completed application, except that applications for pre-approved accessory dwelling unit plans shall be approved or denied within 30 days from the date that the county receives a completed application. However, if the permit application is submitted with an application to construct a new single-family or multifamily dwelling, then the county may delay review of the permit application for the accessory dwelling unit or junior accessory dwelling unit until the county approves or denies the permit for the new dwelling. If the application is denied, the director will provide, within the review period, a complete list of the application's deficiencies and describe how the applicant can remedy the application.
- F. Utilities and Impact Fees.
 - 1. Fees and Utility Connections for Accessory Dwelling Units. All permit and mitigation fees and other charges applicable to primary dwellings in the zone in which the property is located shall apply to an accessory dwelling units except:
 - a. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating any connection fees or

- capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit is constructed with a new single-family dwelling.
- b. Interior accessory dwelling units are exempt from any requirement to install a new or separate utility connection and to pay any associated connection or capacity fees or charges, unless the interior accessory dwelling unit was constructed with a new single-family dwelling. For other accessory dwelling units, new or separate utility connections are required between the accessory dwelling unit and the utility. Any connection or capacity charge shall be proportionate to the burden of the proposed accessory dwelling unit on the water or sewer system, based on either its square feet or the number of drainage fixture units.
 - c. No impact fees shall be imposed upon the development of an accessory dwelling unit less than seven hundred fifty square feet. Any impact fees charged for an accessory dwelling unit of seven hundred fifty feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. For purposes of this provision, an “impact fee” includes the fees specified in Government Code Sections 66000 and 66477. Impact fees do not include connection fees or capacity charges.
2. Fees for Junior Accessory Dwelling Units.
 - a. For the purposes of providing service for water, sewer, or power, a junior accessory dwelling unit is not considered a separate or new dwelling unit. No water, sewer, or power requirements may be applied to single-family dwellings containing a junior accessory dwelling unit unless they apply uniformly to all single-family dwellings in the zone regardless of whether or not they contain a junior accessory dwelling unit.
 - b. Junior accessory dwelling units are exempt from any requirement to pay connection or capacity fees or charges.
 3. Utility Connections and Meters.
 - a. Accessory dwelling units may be separately metered and shall Junior accessory dwelling units are exempt from any requirement to install a new or separate utility connection and to pay any associated connection or capacity fees or charges.
 4. Water Availability Standards. If the lot is located within the Groundwater Sustainability Plan (GSP) area and/or is located within a designated Groundwater Deficient Area, then the proposal must comply with the objective requirements of the Water Availability Analysis Guidance Document (WAA).
- G. No conflict with state law. If any provision of this section conflicts with Government Code Section 66310 et seq. or other applicable state law, state law shall supersede the provisions of this section.

18.104.305 - Farmworker centers—Owned or managed by local government agency or non-profit organizations

Subject to the provisions of Section 18.104.295 where applicable, the following provisions shall apply to farmworker housing:

- A. Notwithstanding subsection (A) of Section 18.104.300, a farmworker center as described in subsection (A)(2) of Section 18.104.310, that is, a congregate housing facility occupied for no more than three hundred thirty days in a calendar year, comprised of permanent structures which are either owned or managed under a long term lease by a local government agency or non-profit organization may be located on a parcel of two or more acres, subject to all of the following conditions, together with applicable conditions in subsection (B), if any:
1. The farmworker center may be occupied by no more than sixty farmworkers at any one time;
 2. No more than five new farmworker centers may be established pursuant to this section after March 7, 2002;
 3. The local government agency or non-profit organization shall operate the farmworker center in accordance with all applicable provisions of both this code and applicable state and federal law.
- B. If a newly created parcel is conveyed or leased to a local government agency or non-profit organization to operate a farmworker center pursuant to subsection (A), above, and the local government agency or non-profit organization ceases to use the parcel for a farmworker center, then all of the following conditions shall apply:
1. The local government agency or non-profit organization shall, within six months, directly reconvey the parcel to the grantor or cancel the lease in such a manner as to merge it into the parcel from which it was divided;
 2. The local government agency or non-profit organization may not convey a parcel which does not satisfy the requirements of Section 18.104.300 to any third persons other than successors in interest of the grantor;
 3. The use permit for the farmworker center shall automatically expire;
 4. The parcel may thereafter be used only for purposes otherwise allowed by applicable zoning;
 5. The local government agency or non-profit organization shall submit a plan to the director describing the action it will take to ~~insure~~ ensure that future use of the structures conform to zoning applicable to the parcel at the time of reconveyance, including, but not limited to, demolition of the structures, modification of the structures to make them not habitable for residential use, or conversion of the structures to a use allowed by the zoning.
- C. No parcel shall be created for the purpose of establishing a farmworker center pursuant to this section and subsection (D) of Section 18.104.010 unless the local government agency or non-profit organization first agrees in writing to accept title to the parcel or to enter into a long-term lease.
- D. A use permit for a farmworker center issued pursuant to this section shall automatically expire if the parcel is not used as a farmworker center within three years after execution of the conveyance of the parcel.
- E. A use permit for a farmworker center issued pursuant to this section shall automatically expire if the farmworker center is not used for two consecutive growing seasons, provided that, if the director receives written notice that the farmworker center is temporarily closed for rehabilitation, growing seasons during which rehabilitation is taking place shall not be counted.
- F. To the extent it is legally permissible, language that ensures the conditions in subsections (A) and (B), above, shall be included in any deed or lease by which property is acquired by a local government agency or non-profit organization for use as a farmworker center pursuant to this section.

- G. Notwithstanding subsection (A)(3) of Section 18.104.330, a farmworker center established pursuant to this section may provide information regarding, and referral of farmworkers to, employment, social and community, and health services.
- H. For purposes of this section, long term lease means forty years or longer.

18.104.410 - Transient commercial occupancies of dwelling units prohibited.

- A. Transient commercial occupancies of dwelling units are prohibited in all residential and agricultural zoning districts within the county.
- B. Definitions. Unless otherwise defined in Chapter 18.08, the following definitions shall apply to this section:
 - 1. "Commercial use" shall have the same meaning as commercial use in Section 18.08.170, except it shall not include house exchanges, where owners or occupants swap homes for vacation purposes.
 - 2. "Occupancies" means the use or possession or the right to the use or possession of real property or a portion thereof, including any dwelling unit, single family dwelling unit, guest cottage, or accessory dwelling unit, for dwelling, lodging or sleeping purposes. The right to use or possession includes any nonrefundable deposit or guaranteed no-show fee paid by a person, whether or not the person making the deposit actually exercises the right to occupancy by using or possessing any property or portion thereof.
 - 3. "Transient commercial occupancies of dwelling units" means any commercial use of a dwelling unit for a period of time less than thirty consecutive days. It does not include occupancies associated with farm labor camps, residential care facilities, family day care homes, or legally permitted bed and breakfast establishments, hotels or motels.
- C. Liability and Enforcement.
 - 1. Any property owner, or authorized agent thereof, who uses or allows, or who knowingly arranges or negotiates for the use of, transient commercial occupancies of dwelling units in violation of this section shall be guilty of either an infraction or a misdemeanor.
 - 2. Any property owner, or authorized agent thereof, who prints, publishes, advertises or disseminates in any way, or causes to be printed, published, advertised or disseminated in any way, any notice or advertisement of the availability of transient commercial occupancies of dwelling units as prohibited by this section, shall be guilty of either an infraction or a misdemeanor.
 - 3. In addition to the penalties set forth in subsections (C)(1) and (2) above, violators of this section may be subject to a public nuisance abatement action brought under the provisions of Chapter 1.20 and the civil penalty provisions of up to one thousand dollars per violation per day as provided in subsection (B) of Section 1.20.155 and subject to an unfair competition action brought pursuant to Business and Professions Code Section 17200 et seq. and up to two thousand five hundred dollars per violation civil penalty allowed thereunder.
 - 4. Any person who uses, or allows the use of transient commercial occupancies of dwelling units prohibited by this section shall also be liable for the transient occupancy tax that would have been owed

under Chapter 3.32 had the occupancy use been legal, including the penalty and interest provisions of Section 3.32.080.

5. The civil remedies and penalties provided by this subsection are cumulative to each other.

18.104.420 - Supportive and transitional housing.

Pursuant to Government Code Section 65583(c)(3), transitional and supportive housing are considered a residential use of property subject only to the same restrictions that apply to other residential dwellings of the same type in the same zone.

18.104.440 - Two-Unit Developments.

This section provides objective zoning standards for two-unit developments within single-family residential zones to implement the provisions of Government Code Section 65852.21, to facilitate the development of new residential housing units consistent with the County's Housing Element, and to ensure sound standards of public health and safety.

- A. Definitions: As used in this chapter.
 1. A person "acting in concert with the owner," means a person that has common ownership or control of the subject parcel with the owner of the adjacent parcel, a person acting on behalf of, acting for the predominant benefit of, acting on the instructions of, or actively cooperating with, the owner of the parcel being subdivided.
 2. "Adjacent parcel" means any parcel of land that is (a) touching the parcel at any point; (b) separated from the parcel at any point only by a public right-of-way, private street or way, or public or private utility, service, or access easement; or (c) separated from another parcel only by other real property which is in common ownership or control of the applicant.
 3. "Car share vehicle" means a motor vehicle that is operated as part of a regional fleet by a public or private care sharing company or organization and provides hourly or daily service.
 4. "Common ownership or control" means property owned or controlled by the same person, persons, or entity, or by separate entities in which any shareholder, partner, member, or family member of an investor of the entity owns ten percent or more of the interest in the property.
 5. "Sufficient for separate conveyance," means that each attached or adjacent dwelling unit is constructed in a manner adequate to allow for the separate sale of each unit in a common interest development as defined in Civil Code Section 1351 (including a residential condominium, planned development, stock cooperative, or community apartment project), or into any other ownership type in which the dwelling units may be sold individually.
 6. "Two-unit development" means a development that proposes no more than two new units or proposes to add one new unit to one existing unit.
 9. "Urban lot split" means a subdivision of an existing parcel into no more than two separate parcels pursuant to Chapter 17.17.
- B. Location Requirements: As provided by Government Code Section 65852.21, and this section, the parcel proposed for a two-unit development must meet the following requirements:

1. The parcel is zoned Residential Single or Residential Country and is located entirely within the boundaries of an urban area as defined by the United States Census Bureau's Urban-Rural Classification.
 2. The building site, as defined under Napa County Code Section 17.02.080, for a two-unit development, is not located within or includes any of the conditions listed in Government Code Section 65913.4(a)(6)(B) – (K) or the following:
 - a. Land zoned or designated for agricultural protection or preservation by local ballot Measure J or Measure P approved by the voters of Napa County.
 - b. Land designated as a Groundwater Deficient Area, as defined and mapped under Napa County Code Chapter 13.15, unless:
 1. The applicant is able to secure a groundwater permit, pursuant to Napa County Code 13.15 for the proposed two-unit development. or in the case of an urban lot split, the applicant is able to secure a groundwater permit for all potential future dwelling units allowed under this section
 2. The applicant is able to provide documentation that the two-unit development or the future dwelling units from an urban lot split will be directly plumbed to receive potable water from a groundwater well outside of the Groundwater Deficient Area or from an approved public water system. Hauled water is not approved to serve the domestic use of a dwelling and cannot be approved in lieu of a directly plumbed potable source of water.
- C. Two-Unit Development: As provided by Government Code Section 65852.21 and this section, two-unit developments that meet the qualifying criteria for ministerial approval under this section shall be approved by the director without a hearing. The director shall determine if an application for a two-unit development meets the locational criteria prescribed in subsection B above and meets the following requirements:
1. The proposed two-unit development would not require the demolition or alteration of any of the following types of housing:
 - a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate-, low-, or very low-income.
 - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - c. Housing that has been occupied by a tenant in the last three years.
 2. The parcel is not a parcel on which an owner of residential real property has exercised the owner's right under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within the last 15 years before the date that the development proponent submits an application.
 3. The two-unit development does not include the demolition of more than 25 percent of the existing exterior structural walls unless the site has not been occupied by a tenant in the last three years.
 4. The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as

- a Napa County landmark or historic property or historic district pursuant to a Napa County ordinance.
5. The two-unit development complies with all objective zoning standards, objective subdivision standards, and objective design review standards applicable to the parcel as provided in the zoning district in which the parcel is located, and all applicable objective Napa County ordinances; provided, however, that:
 - a. The application of such standards shall be modified if the standards would have the effect of physically precluding the construction of two units on the parcel or would result in a unit size of less than 800 square feet. Any modifications of development standards shall be the minimum modification necessary to avoid physically precluding two units of 800 square feet each on each parcel.
 - b. Notwithstanding subsection (5)(a) above, required rear and side yard setbacks shall equal four feet, except that no setback shall be required for an existing legally created structure, or a structure constructed in the same location and to the same dimensions as an existing legally created structure.
 - c. For a two-unit development connected to an onsite wastewater treatment system, the applicant must provide a percolation test completed within the last 5 years, or if the percolation test has been recertified, within the last 10 years.
 6. Proposed adjacent or connected dwelling units shall be permitted if they meet building code safety standards and are designed sufficient to allow separate conveyance. The two-unit development shall provide a separate gas, electric and water utility connection directly between each dwelling unit and the utility.
 7. Parking. One parking space shall be required for each unit constructed on the site, except that no parking is required where:
 - a. The parcel is located within one-half mile walking distance of either a stop located in a high-quality transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3; or
 - b. There is a designated parking area for one or more car-share vehicles within one block of the parcel.
 8. Dwelling units created by a two-unit development may be used for residential uses only and may not be used for rentals of less than 30 days.
 9. No more than two dwelling units may be located on any lot created through an urban lot split pursuant to Chapter 17.17, including primary dwelling units, accessory dwelling units, junior accessory dwelling units, density bonus units, and units created as a two-unit development.
 10. If any existing dwelling unit is proposed to be demolished, the applicant must comply with the replacement housing provisions of Government Code Section 66300(d).
- D. Application Requirements. An application for a two-unit development shall include the following:
1. Declaration of Prior Tenancies. If any existing housing is proposed to be altered or demolished, the owner of the property proposed for a two-unit development shall sign an affidavit, in a form approved by county counsel,

- stating that none of the conditions listed in Section 18.104.440.C.1 and 18.104.440.C.2 above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three years (five years if an existing unit is to be demolished).
2. No Subdivision. At the time of application for a two-unit development where there is no urban lot split, the property owner shall acknowledge in writing that neither of the two units may be sold separately unless a subdivision is recorded.
 3. Recorded Covenant. Prior to the issuance of a building permit for a two-unit development, the owner shall record a covenant in the form approved by county counsel to notify future owners of the prohibition on non-residential uses of any units constructed on the site, including a prohibition against renting or leasing the units for fewer than 30 consecutive calendar days. requirements of this subsection.
- E. Specific Adverse Impacts. In addition to the criteria listed in this section, a proposed two-unit development may be denied if the building official makes a written finding, based on a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A “specific adverse impact” is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation and eligibility to claim a welfare exemption are not specific health or safety impacts.
- F. Enforcement. County counsel shall be authorized to abate violations of this chapter and to enforce the provisions of this chapter and all implementing agreements and affidavits by civil action, injunctive relief, and any other proceeding or method permitted by law. Remedies provided for in this chapter shall not preclude the county from any other remedy or relief to which it otherwise would be entitled under law or equity.

18.107.120 - Residential projects—County incentives.

- A. Residential projects that include the construction of affordable units in conformance with Sections 18.107.080, 18.107.100, or 18.107.110 are eligible for the following county incentives:
1. Application fees for building permits shall be waived for the affordable units.
 2. Subject to the approval of the planning director, the square footage of the affordable units and interior features in affordable units need not be the same as those in market rate units in the same residential project, so long as they are of good quality and are consistent with contemporary standards for new housing.
 3. In a residential project which contains single-family detached homes, affordable units may be attached dwelling units.
 4. The county shall expedite permit processing.
- B. If an applicant requests a state density bonus or state incentives pursuant to Sections 18.107.070 and 18.107.080, the incentives listed in this section may

be provided only if each is individually requested as a state incentive pursuant to Section 18.107.070.

- C. Each of these incentives is a regulatory incentive that results in identifiable, financially sufficient, and actual cost reductions and is a form of assistance specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

18.107.150 – (Reserved)

18.107.160 – (Reserved)

18.107.170 - State incentives for affordable housing—Application procedures and development standards.

The purpose of this section and Section 18.107.180 is to implement state density bonus law (Government Code Section 65915 *et seq.*).

- A. An applicant for a “housing development” as defined in state density bonus law shall be eligible for a density bonus and other regulatory benefits that are provided by state density bonus law when the applicant seeks and agrees to provide housing as specified in Government Code Section 65915, or in Government Code Section 65195.5, or successor provisions. The density bonus calculations shall be made in accordance with state density bonus law.
- B. All requests for density bonuses, incentives, parking reductions, and waivers shall be submitted concurrently with the application for the first discretionary permit or other permit required for the housing development and shall be processed concurrently with such application. In accordance with state law, neither the granting of an incentive, nor the granting of a density bonus, shall be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval or the waiver of the provisions of a county ordinance unrelated to development standards.
- C. An applicant's request for any density bonuses, incentives, parking reductions, and/or waivers permitted by state density bonus law shall include the required fee and the following minimum information:
 - 1. For a requested density bonus:
 - a. Summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, proposed target units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.
 - b. Subparagraph of Government Code Section 65915(b)(1) under which the housing development qualifies for a density bonus and reasonable documentation demonstrating that the housing development is eligible for a bonus under that subparagraph.
 - c. Where the housing development is seeking an additional bonus, the subparagraph of Government Code Section 65915(v)(1) under which the housing development qualifies for an additional density bonus and reasonable documentation demonstrating that the housing development is eligible for the additional bonus under that subparagraph.

- d. A tentative map or preliminary site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed target units and density bonus units.
 - e. The zoning and general plan designations and assessor's parcel number(s) of the housing development site.
 - f. A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period; subject to any form of rent control through a public entity's valid exercise of its police power; or subject to a recorded covenant ordinance, or law restricting rents to levels affordable to households of lower or very low income.
 - g. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents occupying the dwelling units when the site contained the maximum number of dwelling units, if known.
 - h. The phasing of the construction of the target units in relation to the nonrestricted units in the housing development.
 - i. A marketing plan for the target units, as well as an explanation of the methods to be used to verify tenant and/or buyer incomes and to maintain affordability of the target units. The density bonus housing plan shall specify a financing mechanism for ongoing administration and monitoring of the target units.
 - j. If a density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control, and reasonable documentation that each of the requirements included in Government Code Section 65915 (g) can be met.
2. Requested incentives or concessions as defined in state density bonus law. The number of incentives that may be requested shall be based upon the number the applicant is entitled to under state density bonus law. The application shall include the following minimum information, shown on a site plan (if appropriate):
- a. Explanation of the number of incentives the housing development is entitled to.
 - b. The county's usual regulation and each requested regulatory incentive or concession.
 - c. Except where mixed-use zoning is proposed as a concession or incentive, reasonable documentation to show that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents.
 - d. If approval of mixed-use zoning is proposed, reasonable documentation that nonresidential land uses will reduce the costs of the housing development, that the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located, and that mixed-use zoning will provide for affordable housing costs and rents.
3. Requested waivers. For each waiver requested, the applicant shall show on a site plan and in a table, the county's required development standard and the requested development standard.

4. Parking reductions. The application shall include a table showing parking required by the zoning regulations, parking proposed under Government Code Section 65915(p), and reasonable documentation that the project is eligible for the requested parking reduction.
 5. Density bonus or incentive for a child care facility in a housing development. The application shall include reasonable documentation that all of the requirements included in Government Code Section 65915(h) can be met.
 6. Density bonus or incentive for a condominium conversion. The application shall include reasonable documentation that all of the requirements included in Government Code Section 65915.5 can be met.
 7. Commercial density bonus. Evidence that the project qualifies for a commercial density bonus under the provisions of Government Code Section 65915.7, including but not limited to inclusion of a partnered housing agreement.
- D. Density bonus calculations.
1. In determining the total number of units to be granted, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number. When calculating the number of target units needed to qualify for a given density bonus, any fractions of affordable target units shall be rounded up to the next whole number.
 2. Except where a housing development is eligible for an additional bonus pursuant to Government Code Section 65915(v), each housing development is entitled to only one density bonus. If a housing development qualifies for a density bonus under more than one category, the applicant shall identify the category under which the density bonus is requested to be granted.
 3. In determining the number of target units required to qualify a housing development for a density bonus pursuant to state density bonus law, units added by a density bonus are not included in the calculations. Any on-site units that satisfy the county's inclusionary housing requirements in this Chapter 18.107 and are required to be constructed concurrently with the housing development may qualify the housing development for a density bonus if those units meet the requirements of state density bonus law. Payment of fees or in lieu of providing target units under this Chapter 18.107 does not qualify a housing development for a density bonus.
 4. The applicant may elect to accept a lesser percentage of density bonus than the housing development is entitled to, or no density bonus, but no reduction will be permitted in the percentages of target units required by state density bonus law. Regardless of the number of target units, no housing development shall be entitled to a density bonus greater than what is authorized under state density bonus law.
 5. Nothing in this chapter requires the provision of direct financial incentives from the county for the housing development, including, but not limited to, the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The county, at its sole discretion, may choose to provide such direct financial incentives.
- E. Development standards.
1. Target units shall be comparable in exterior appearance and overall quality of construction to market rate units in the same housing development.

Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the county.

2. To comply with fair housing laws, the target units shall contain the same proportional mix of bedroom sizes as the market-rate units. In mixed-income buildings, the occupants of the target units shall have the same access to the common entrances and to the common areas, parking, and amenities of the project as the occupants of the market-rate housing units, and the target units shall be located throughout the building and not isolated on one floor or to an area on a specific floor.

18.107.180 - State incentives for affordable housing—Review procedures and affordable housing agreements.

All requests for density bonuses, incentives, parking reductions, and waivers shall be considered and acted upon by the approval body with authority to approve the residential project, with right of appeal to the board of supervisors, if applicable.

- A. To ensure that an application conforms with the provisions of state density bonus law, the staff report presented to the decision-making body shall state whether the application conforms to the requirements of state density bonus law, as applicable:

1. A finding that the residential project is eligible for the density bonus and any incentives, parking reductions or waivers requested, and includes any affordable housing required to replace units rented or formerly rented to very low- and low-income households as required by California Government Code Sections 65915(c)(3) and 66300.5 *et seq.*
2. A finding that if an incentive is requested, reasonable documentation has been presented showing that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing or costs or rents; except that, if a mixed-use development is requested, the application must instead meet all of the requirements of Government Code Section 65915(k)(2).
3. If the density bonus is based all or in part on donation of land, a finding that all the requirements included in Government Code Section 65915(g) have been met.
4. If the density bonus or incentive is based all or in part on the inclusion of a child care facility or condominium conversion, a finding that all the requirements included in Government Code Section 65915(h) or 65915.5, as applicable, have been met.
5. If a parking reduction is requested, a finding that the housing development is eligible for any requested parking reductions under Government Code Section 65915(p).
6. If a waiver is requested, a finding that the development standards for which the waiver is requested would have the effect of physically precluding the construction of the residential project with the density bonus and incentives permitted.
7. If a commercial development bonus is requested, a finding that the development is eligible for the bonus under Government Code Section 65915.7.

- B. If the housing development is eligible for the incentives requested, the decision-making body may deny an application for an incentive only if it makes one of the following written findings, supported by substantial evidence:
1. The incentive does not result in identifiable and actual cost reductions, consistent with Government Code Section 65915(k), to provide for affordable sales prices or affordable rents; or
 2. The incentive would have a specific, adverse impact upon public health or safety or the physical environment or on real property listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the residential project unaffordable to low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the residential project was deemed complete; or
 3. The incentive is contrary to state or federal law.
- C. If the housing development is eligible for the waivers requested, the decision-making body may deny a request for a waiver only if it makes one of the following written findings, supported by substantial evidence:
1. The waiver would have a specific, adverse impact upon public health or safety or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the residential project unaffordable to low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the residential project was deemed complete; or
 2. The waiver would have an adverse impact on real property listed in the California Register of Historic Resources; or
 3. The waiver is contrary to state or federal law.
- D. If the housing development is eligible for a child care bonus, the decision-making body may deny an application for a density bonus or incentive that is based on the provision of child care only if it makes a written finding, based on substantial evidence, that the county already has adequate child care facilities.
- E. If any density bonus, incentive, parking reduction, or waiver is approved pursuant to state density bonus law, the applicant shall enter into an affordable housing agreement with the county, in a form acceptable to the planning director and county counsel, to be executed by the county administrator or designee, to ensure compliance with state density bonus law. The affordable housing agreement shall be a legally binding agreement between the applicant and the county to ensure that the requirements of this chapter are satisfied and may be combined with the affordable housing agreement required in Section [18.107.130](#). The executed affordable housing agreement shall be recorded against the residential project prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the residential project. The affordable housing agreement shall be binding on all future owners and successors in interest.
- F. For rental projects, the agreement shall require the continued affordability of all rental units that qualified the applicant for the receipt of the density bonus,

incentive, waiver, or parking reduction for a minimum of fifty-five (55) years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program; shall identify the type, size, and location of each target unit; shall specify the eligible occupants; shall specify phasing of the target units in relation to the market-rate units; and shall contain other relevant provisions approved by county counsel. Rents for the lower income density bonus units shall be set at an affordable rent as defined in state density bonus law.

- G. For for-sale projects, the affordable housing agreement shall require that the initial purchasers of those for-sale units that qualified the applicant for the receipt of the density bonus, incentive, waiver, or parking reduction are persons and families of lower or moderate income, as applicable, or if any for-sale unit is not purchased by an income-qualified household within one-hundred eighty (180) days after the issuance of the certificate of occupancy, then the unit(s) must be sold pursuant to a contract that satisfies the requirements of Revenue and Taxation Code Section 402.1(a)(10) to a qualified non-profit housing corporation as defined in state density bonus law. The units shall be offered at an affordable housing cost, as that cost is defined in Health and Safety Code Section 50052.5; and the agreement shall contain other relevant provisions approved by county counsel. The affordable housing agreement shall require the continued affordability of the for-sale units for forty-five (45) years.
- H. Where a density bonus, waiver, or parking reduction is provided for a market-rate senior housing development with no target units, the applicant shall enter into a restrictive covenant with the county, running with the land, in a form approved by county counsel, to be executed by the county administrator or designee, to require the housing development to be operated as "housing for older persons" consistent with state and federal fair housing laws.
- I. Unless otherwise permitted pursuant to the terms of a recorded affordable housing agreement, all required target units shall be constructed prior to or concurrently with the construction of market rate units. No temporary or permanent certificate of occupancy for any new market rate unit in a residential project shall be issued until permanent certificates of occupancy have been issued for the required target units. Release of utilities shall not be authorized for any residential project until notification is received from the planning director that all requirements of this chapter have been met.

18.107.230 - General—Definitions.

Unless the context clearly requires otherwise, the definitions in this section shall govern the provisions of this chapter.

"Addition" means the addition of gross square feet to an existing structure.

"Affordable rent" means monthly rent, including utilities and all fees for housing services, that does not exceed:

1. For very low income households: fifty percent of the median income for the county multiplied by thirty percent and divided by twelve.
2. For low income households: sixty percent of the median income for the county, multiplied by thirty percent and divided by twelve.
3. For moderate income households: one hundred ten percent of the median income for the county, multiplied by thirty percent and divided by twelve.

Affordable rent shall be based on presumed occupancy levels of one person in a studio dwelling unit, two persons in a one bedroom dwelling unit, three persons in a two bedroom dwelling unit, and one additional person for each additional bedroom thereafter.

"Affordable sales price" means the maximum purchase price that will be affordable to the specified household at the specified income level. The purchase price shall be considered affordable only if it is based on a reasonable down payment, and monthly housing payments (including interest, principal, mortgage insurance, property taxes, homeowners insurance, homeowners association dues, property maintenance and repairs, and a reasonable allowance for utilities), all as determined by the county, that are equal to or less than:

1. For very low income households: fifty percent of the median income for the county multiplied by thirty percent and divided by twelve.
2. For low income households: seventy percent of the median income for the county, multiplied by thirty percent and divided by twelve.
3. For moderate income households: one hundred ten percent of the median income for the county, multiplied by thirty-five percent and divided by twelve.

Affordable sales price shall be based on presumed occupancy levels of one person in a studio dwelling unit, two persons in a one bedroom dwelling unit, three persons in a two bedroom dwelling unit, and one additional person for each additional bedroom thereafter.

"Affordable units" means those deed-restricted dwelling units which are required to be offered for sale at an affordable sales price to specified households pursuant to Section 18.107.080 or which the applicant proposes to offer for rent at an affordable rent pursuant to Section 18.107.110 or which the applicant constructs pursuant to an equivalency proposal approved pursuant to Section 18.107.100.

"Annual household income" means the combined gross income for all adult persons living in a dwelling unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor.

"Density bonus" means a density increase over the otherwise maximum allowable residential density for a residential project.

"Density bonus units" means those dwelling units allowed pursuant to the provisions of this chapter which exceed the maximum residential density for a residential project.

"Development standard" is as defined in state density bonus law.

"Discretionary permit" means any permit issued pursuant to Title 17 or Title 18 of this code which requires the exercise of judgment or deliberation from the decision-making body, including but not limited to, use permits, variances, site plan approval, general and specific plan amendments, zoning amendments, and the approval of tentative, final or parcel maps.

"Floor area" for a residential project is that area included within the surrounding walls of a dwelling unit as calculated by the building division in accordance with its standard practice. This area does not include garages, carports or common areas.

"Gross square feet" is the area included within the surrounding walls of a structure as calculated by the building division in accordance with its standard practice. This area does not include garages or carports. The gross square footage of any tank or wine crush pad or similar non-walled wine-related structure shall be included in the gross square feet of a nonresidential development.

"Housing board" means any affordable housing fund board established pursuant to Section 18.107.020 as advisory to the board of supervisors.

"Housing director" means the county executive officer or the designee of such person.

"Housing fund" means the affordable housing fund for the county established pursuant to Section 18.107.020 of this chapter.

"Low income households" are those households whose income does not exceed the low income limits applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

"Market rate units" means dwelling units in a residential project which are not affordable units or target units.

"Maximum allowable residential density" is as defined in state density bonus law.

"Median income" means the median income, adjusted for family size, applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

"Moderate income households" are those households whose income does not exceed the moderate income limits applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

"Nonresidential development" means any development in the county for which a discretionary permit or building permit is required, other than those developments involving solely residential projects, that includes an addition, the new construction of gross square feet of nonresidential space, the conversion of a residential use to a nonresidential use, or the conversion of one nonresidential use to another nonresidential use.

"Residential project" means any development for which a discretionary permit or building permit is required that includes the creation of one or more additional dwelling units, an addition to a dwelling unit, conversion of nonresidential uses to dwelling units, or a condominium conversion.

"Residential ownership project" means any residential project that includes the creation of one or more residential dwelling units that may be sold individually. A residential ownership project also includes the conversion of apartments to condominiums.

"Residential rental project" means any residential project that creates residential dwelling units that cannot be sold individually.

"Senior citizen residential project" means a senior citizen housing development with at least thirty-five dwelling units as defined in Civil Code Section 51.3, or a mobilehome park that limits residency based on age requirements for older persons pursuant to Civil Code Sections 798.76 or 799.5. It may include a shared housing building development as defined in state density bonus law.

"Target unit" means a deed-restricted dwelling unit within a residential project which is reserved for sale or rent, at an affordable rent or affordable sales price, to very low, low, or moderate income households, and which qualifies the residential project for a state density bonus and other incentives under state density bonus law.

"Very low income households" are those households whose income does not exceed the very low income limits applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

Chapter 18.109 – STATE-MANDATED STREAMLINED APPROVAL PROCESSES

18.109.010 - Purpose.

The purpose of this Chapter is to:

- A. Implement the review and approval requirements of California Government Code Sections 65650 et seq. ("State Supportive Housing Law"), 65660 et seq. ("State Low Barrier Navigation Centers Law"), 65913.4 ("State Streamlined Ministerial Approval Process"), Section 65912.100 et seq. ("Affordable Housing and High Road Jobs Act of 2022"), Section 65913.16 ("Affordable Housing on Faith and Higher Education Lands Act of 2023"), and Section 65852.28 ("Subdivisions of Less than 10 Units on Multifamily Sites"), and all other state law provisions requiring ministerial approval of certain development projects; and
- B. Facilitate the development of housing consistent with the goals, objectives, and policies of the County's General Plan Housing Element as may be amended from time to time.

18.109.020 – Definitions (Reserved)

18.109.030 – Qualifying Projects

To qualify for the ministerial approval process, described in in Section 18.109.040, the applicant shall demonstrate that the project qualifies for the ministerial approval process specified in state law.

18.109.040 - Ministerial Approval

- A. The County will ministerially approve an application for a development project that is eligible for ministerial review within the timelines specified in state law when an applicant submits an application as specified by this chapter.
- B. An application for ministerial approval shall be filed with the director, who shall determine whether the development project is eligible for ministerial approval as specified in Section 18.109.050.

18.109.050 - Application Requirements

- A. Prior to submitting an application for streamlined ministerial review under Government Code Section 65913.4, the applicant must submit to the director a notice of intent to submit an application and complete any requested tribal consultation, in accordance with Government Code Section 65913.4(b). In addition, any public meeting required by Government Code Section 65913.4(q) must be held prior to submittal of an application under Section 65913.4.
- B. All applications for ministerial review filed pursuant to this Chapter shall be filed with the director in a form prescribed by the director.
- C. No application for ministerial approval shall be deemed received until the relevant application form is submitted, and all fees for the application as set forth in the schedule of fees have been paid. No fee shall be deemed received until any negotiable instrument has been cleared and funds deposited on the County's account.
- D. The application shall include the following information:
 - 1. A statement describing which ministerial approval process is being applied for.
 - 2. Evidence that the development project is eligible for the requested ministerial approval process and meets all of the requirements of state law.
 - 3. A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application, identification of any units rented in the five-year period, and income and household size of current tenants, if known.
 - 4. All of the information requested on the relevant application form prepared by the County.

18.109.060 - Application Review and Approval Process.

- A. Applications filed pursuant to this Chapter shall be acted upon by the director.
- B. The director shall review the application for completeness and for consistency with state law and local standards within the period specified by state law and shall make a decision on the application within the period specified by state law.
- C. Before approving an application, the director must make the following findings based on evidence in the record, as applicable, that:
 - 1. The development project is eligible for the requested streamlined approval process and meets all requirements specified in state law for project approval.

2. If the application includes a request for a density bonus, incentive, waiver, or modification under Chapter 18.107, a finding that all the requirements for density bonuses and/or other incentives that are specified in Chapter 18.107 are met.
- D. If the director determines that an application is not eligible for ministerial approval, is not consistent with state law or local standards, or contains inadequate information to determine consistency, the director may deny the application for ministerial approval. The applicant may correct any deficiencies in the project or application and resubmit the application for streamlined review. If the application can be brought into compliance with minor changes to the project, the director may, instead of denying the application, allow the applicant to correct any deficiencies within the timeframes for determining project consistency specified in subsection B. Alternatively, the applicant may submit an application for a discretionary project approval under other provisions of this Code. If the applicant resubmits its application for ministerial review or submits additional information, the timelines specified in subsection B above will recommence with each resubmittal.
 - E. Any denial or determination of inconsistency issued by the director shall provide the applicant with written documentation in support of the denial identifying with specificity the standard or standards the application conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards.
 - F. Conditions for Denial.
 1. The director may deny an application filed pursuant to this Chapter if the findings required by Paragraph C above, as applicable, cannot be made.
 2. The director may deny an application if approval would be contrary to state and federal law, and this finding is made in writing.
 - G. Permit Conditions
 1. Unless otherwise required by state law, approvals granted pursuant to this Chapter shall automatically expire three years from the date of the final action establishing that approval, unless otherwise provided in the permit. Expiration of the approval may be extended as provided for in state law.
 2. Standard county permit conditions and conditions required to comply with state or federal law may be applied to project approval.
 - H. Following approval of an application, but prior to issuance of a building permit for the approved project, the director may require changes to the project that are necessary to comply with standards required to receive a post entitlement permit (as defined by Government Code Section 65913(j)(3)(A)), including, without limitation, the objective uniform construction codes (including but not limited to building, plumbing, electrical, fire, and grading codes) or to comply with federal or state laws.

18.110.030 - Number of parking spaces required.

Use	Parking Spaces Required*
Auto dismantling/wrecking	1 per employee** + 1 per 1000 sq. ft. office area

Use	Parking Spaces Required*
Banks w/o ATM	1 per 400 sq. ft.
Banks w/ATM	1 per 400 sq. ft. + 1.5 for each machine
Business and professional offices, excluding medical and dental offices	1 per 250 sq. ft.
Churches or house of worship	1 per employee + 1 per each 3.5 seats in main sanctuary
Day care	1 per employee + 1 per 12 children
Hospitals	1 for each bed, + 1 for each employee on the shift w/ the maximum number of personnel
Hotels, motels	1 per unit + 1 for each nonresident manager
Hotel/resort/conference center/golf:	
Hotel	1 per room
Conference center	.5 per person @ maximum permitted occupancy
Food service facilities	1 per 120 sq. ft.
Retail	1 per 250 sq. ft.
Golf	1 per every two employees plus 3 per golf hole
Manufacturing	1 per 500 sq. ft.
Medical and dental	
Medical and dental clinics/offices	1 per 200 sq. ft.
Processing/laboratory	1 per 500 sq. ft.
Research	1.5 per employee
Residential units:	

Use	Parking Spaces Required*
Single-family	2 + 1 per accessory dwelling unit or guest house, except that no additional parking is needed for the accessory dwelling unit if the conditions in Section 18.104.180 are met. No additional parking is required for a junior accessory dwelling unit.
Multiple-family (min)	One parking space per studio unit; 1.25 parking spaces per one-bedroom and larger unit; and 0.25 parking spaces per unit for guests regardless of unit size.
Restaurant and any other establishment selling food and beverages for consumption on-site (including bars and taverns, night clubs w/o live entertainment)	1 per 120 sq. ft.
Restaurants with a counter and/or take out service or drive-in/thru facilities	1 per 120 sq. ft. + 1 for each 50 sq. ft. of those areas devoted to counter/take out service
Retail stores, shops, service establishments	1 per 250 sq. ft. including shopping centers
Schools:	
Elementary and junior high	1 per employee
High schools	1 per employee + 1 per 10 students
Colleges (academic, business, beauty, technical, etc.)	1 per employee + 1 per 3 students
Self-serve laundry and dry-cleaning facilities	1 per 200 sq. ft.
Service station	3 per service bay + 1 per employee on day shift
Warehousing/storage as defined by Chapter 18.08	1 per each 1,000 sq. ft. for the first 10,000 sq. ft., and 1 per 2,000 sq. ft. for all warehouse area exceeding 10,000 sq. ft.

Use	Parking Spaces Required*
Use of a building, structure or premise not otherwise listed	The planning commission or zoning administrator shall determine the number of parking spaces required for any use not specifically listed. In determining such uses, the above parking space requirements shall be used as a general rule and guideline.

* Where the computation of required parking spaces produces a fractional result, fractions of one-third or greater shall require one full parking space.

** An employee means full time or the equivalent of full time.

18.134.020 - Applicability.

A request for reasonable accommodation may be made by any person with a disability, or by a representative acting on behalf of a person or persons with disabilities, to provide or secure equal access to housing, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This section is intended to apply to those persons who are defined as disabled under the Acts.

A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability with equal opportunity to housing of their choice.

18.134.030 - Request.

An individual can make a reasonable accommodation or modification request either orally or in writing, or through a representative. The request for an exception, change, or adjustment to a practice, or a modification to an existing housing accommodation because of a disability can be made regardless of whether the phrase "reasonable accommodation" or "reasonable modification" is used as part of the request. A request for a reasonable accommodation or reasonable modification may be made at any time, including during the inquiry or application process, before purchase or lease, while seeking or enjoying a housing opportunity, during the tenancy or occupancy of a housing accommodation, during litigation, at or after trial, and after judgment in appropriate circumstances.

18.134.040 – Request review.

- A. Upon receiving a request, the director or designee shall meet with the individual with a disability or their representative. The meeting shall provide an exchange of information to identify, evaluate, and implement a reasonable accommodation or modification that allows the individual with a disability equal opportunity to use and enjoy the dwelling or housing opportunity.
- B. If the director or designee believes they do not have sufficient information to establish either that a disability exists or the nature of the disability-related need

for the accommodation or modification, or if the nexus between the disability and the requested accommodation or modification is not clear, then the director or designee shall seek clarification or additional information (pursuant to California Code of Regulations, Title 2, Section 12178) from the individual or their representative.

- C. A request cannot be denied for lack of information without first requesting the clarification or additional information and providing a reasonable opportunity for the individual requesting the accommodation to provide it.

18.134.050 - Findings and decision.

- A. Findings. The written decision to grant, grant with modifications or deny a request for reasonable accommodation will be consistent with the Acts. A reasonable accommodation may be denied only if one of the following findings can be made:
 - 1. The housing which is the subject of the request will not be used by an individual or group of individuals considered disabled under the Acts.
 - 2. There is no nexus between the disability and the requested accommodation or modification.
 - 3. The requested accommodation would constitute a fundamental alteration of the land use regulations of the county. A requested accommodation or modification would change the essential nature of the county's land use regulations;
 - 4. The requested accommodation would impose an undue financial and administrative burden on the County;
- B. Conditions of Approval. In granting a request for reasonable accommodation, the director may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required in subsection (A) of this section.

1.04.170 Successor provisions.

References to local, state, or federal codes, statutes, or regulations include successor provisions.

17.02.050 - Advisory agency.

"Advisory agency" means:

- A. The administrator in the case of the following procedures:
 - 1. Merger of substandard parcels;
 - 2. Summary reversions to acreage pursuant to Section 17.50.070;
 - 3. Extensions of the life of a tentative map;
 - 4. Minor changes to approved tentative maps pursuant to subsection (B) of Section 17.26.040;
 - 5. Modifications to or Elimination of Slope Easements. A slope easement may be modified administratively if findings are made that the revised easement provides an equivalent or greater similar level of protection and will not decrease the county's ability to maintain the existing roadway or drainage-way; and in addition, a slope easement may be eliminated administratively provided a finding is made that the easement was erroneously designated on the lot and is not needed; and
 - 6. All other procedures not set forth in subsection (B) or (C) of this section.
- B. The commission in the case of the following procedures:
 - 1. Approval of tentative maps for which a parcel or final map is required; and
 - 2. Waiver of parcel maps pursuant to Section 17.06.040 of this title.
- C. The director of planning, ~~building and environmental services~~ in the case of the following procedures:
 - 1. Issuance of certificates of correction pursuant to Section 17.26.050 of this title;
 - 2. Issuance of notices of violation of the Subdivision Map Act or this title; and
 - 3. Issuance of ministerial urban lot splits pursuant to Chapter 17.17 and other maps requiring ministerial approval by state law.
- D. The county surveyor in the case of the following procedures:
 - 1. Issuance of Certificates or Conditional Certificates under Chapter 17.52 of this title.

17.04.030 - Exemptions to Title 17 regulations.

Title 17 of this code shall not apply to the following:

- A. The financing or leasing of apartments, offices, stores or similar space within apartment buildings, industrial buildings, commercial buildings, mobilehome parks, trailer parks or recreational vehicle parks;
- B. Mineral, oil or gas leases;
- C. Land dedicated for cemetery purposes under the Health and Safety Code of the state;
- D. Lot line adjustments; provided, however, that Sections 17.46.020 through 17.46.050, which establish a procedure for processing lot line adjustments, are applicable;
- E. Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party;

- F. Any separate assessment pursuant to Section 2188.7 of the Revenue and Taxation Code;
- G. Unless a parcel or final map was approved by the county, the conversion of a community apartment project or stock cooperative to a condominium, if the requirements set forth in Section 66412 subparagraph (g) in the case of a community apartment project or Section 66412 subparagraph (h) in the case of a stock cooperative, are met;
- H. The leasing of or the granting of an easement to a parcel of land, or any portion or portions thereof in conjunction with the financing and erection, and subsequent sale or lease, of a wind-powered electrical generation device on the land, if the project must secure a use permit or other discretionary permit from the county prior to becoming operational;
- I. The financing or leasing of any parcel of land, or any portion thereof in conjunction with the construction of commercial or industrial buildings on a single parcel unless the project will not be subject to review by any other county ordinance regulating design and improvement;
- J. The financing or leasing of existing separate commercial or industrial buildings on a single parcel;
- K. The construction, financing or leasing of dwelling units pursuant to Section 65852.1 or second accessory dwelling units pursuant to Section 65852.2 Article 2 (commencing with Section 66314) of Chapter 13 of Division 1 of the Government Code. This title shall, however, apply to the sale or transfer of such units;
- L. Leases of land for agricultural purposes. As used in this subsection, "agricultural purposes" means the cultivation of food or fiber, or the grazing or pasturing of livestock; and
- M. Any other land division expressly exempted from the Map Act by state law.

17.06.010 - Map filing requirements.

- A. A tentative and final map shall be required for all subdivisions creating five or more parcels, five or more condominiums or townhouse units, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where:
 - 1. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the advisory agency; or
 - 2. Each parcel created by the division has a gross area of twenty acres or more and has access approved by the director of planning to a maintained public street or highway; or
 - 3. Each parcel created by the division has a gross area of not less than forty acres or is not less than a quarter of a quarter section;
 - 4. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which meets the road standards as to alignment and width.
- B. A tentative and a parcel map shall be required for all subdivisions creating not more than four parcels, not more than four condominium units, not more than four townhouse units, community apartment projects containing four or less parcels or for the conversion of a dwelling to a stock cooperative containing not

more than four dwelling units; and for those subdivisions described in subsections (A)(1) through (A)(4) of this section

C. A parcel map shall be required for all urban lot splits conforming to the provisions of Chapter 17.17.

17.14.040 - Acceptance and processing.

- A. After an application has been deemed complete, one or more public hearings on the map shall be scheduled before the advisory agency, except for ministerial urban lot splits conforming to the provisions of Chapter 17.17, which shall not require a public hearing, and other subdivisions subject to ministerial approval by state law.
- B. After closing the final public hearing, the advisory agency shall, in a manner consistent with this title, approve, approve with conditions, or disapprove the tentative map and mail a copy thereof to the subdivider and ~~his~~ their authorized agent within ten days.
- C. The advisory agency shall approve, conditionally approve, or disapprove the tentative map within fifty days after the certification of the environmental impact report, adoption of a negative declaration, or determination that the application is exempt from the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 and following).
- D. The decision of the advisory agency shall be final unless appealed in the manner prescribed in Section 17.14.280.
- E. Amendments to approvals granted pursuant to this chapter, whether for change of project, conditions, expiration date or time limits, shall be processed in accordance with Chapter 17.26 of this title.

17.14.060 - ~~Denial of Approval of map~~—Conditions.

- A. The advisory agency, or on appeal the board, shall deny approval of a tentative map if it makes any of the following findings:
 - 1. The proposed map is ~~not~~ consistent with applicable general and specific plans. A proposed subdivision shall be deemed consistent with the Napa County general plan and any applicable specific plan the county has officially adopted for the area where the land is located if the proposed subdivision or related land uses are compatible with objectives, policies, general land uses and programs specified by such plan or plans;
 - 2. The design or improvement of the proposed subdivision is ~~not~~ consistent with applicable general and specific plans;
 - 3. The site is ~~not~~ physically suitable for the type of development;
 - 4. The site is ~~not~~ physically suitable for the proposed density of development;
 - 5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
 - 6. The design of the subdivision or the type of improvements is not likely to cause serious public health or safety problems;
 - 7. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through, or the use of property within, the proposed subdivision. Notwithstanding the

~~preceding sentence, t~~The advisory agency, or on appeal the board, may approve the map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and the approving officer or body shall not use this subdivision (7) to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

- B. Notwithstanding subsection (A)(5) of this section, a tentative map may be approved even though an environmental impact report was prepared with respect to the project that identified significant adverse environmental effects if a finding is made pursuant to subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.
- C. Pursuant to Government Code Section 66411.7, ministerial urban lot splits conforming to the requirements of Chapter 17.17 shall be approved if they conform to all applicable requirements of the Subdivision Map Act, unless the finding required by Section 17.17.040 is made by the Building Official. Other subdivisions subject to ministerial approval by state law shall be approved if they conform to all applicable requirements of state law and applicable provisions of the County Code.

CHAPTER 17.17 URBAN LOT SPLITS

17.17.010 - Purpose.

The purpose of this chapter is to provide objective standards for urban lot splits within single-family residential zones to implement the provisions of Government Code Section 66411.7, to facilitate the development of new residential housing units consistent with the County's Housing Element, and to ensure public health and safety.

17.17.020 - Approval of map.

As provided by Government Code Section 66411.7 and this section, urban lot splits that meet the qualifying criteria for ministerial approval under this section shall be processed in accordance with Title 17 and approved by the director of planning without a hearing. Within the time required by the Subdivision Map Act and Title 17, the director of planning shall determine if a parcel map for the urban lot split meets all the following requirements:

- A. The parcel being subdivided meets the location requirements specified in Section 18.104.440.B.
- B. Both resulting parcels are no smaller than 1,200 square feet.
- C. Neither resulting parcel shall be smaller than 40 percent of the lot area of the parcel proposed for the subdivision.
- D. The proposed lot split would not require demolition or alteration of any of the following types of housing:
 - 1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate-, low- or very low-income.

2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
3. A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
4. Housing that has been occupied by a tenant in the last three years.
- E. The parcel is not located within a historic district or on property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or within a site that is designated or listed as a Napa County landmark or historic property or historic district pursuant to a Napa County ordinance.
- F. The parcel being subdivided was not created by an urban lot split as provided in this chapter.
- G. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided in this section.
- H. The development proposed on the parcels complies with all objective zoning standards, objective subdivision standards, and objective design review standards applicable to the parcel as provided in the zoning district in which the parcel is located, and all applicable objective Napa County ordinances; provided, however, that:
 1. The application of such standards shall be modified if the standards would have the effect of physically precluding the construction of two units on either of the resulting parcels created pursuant to this chapter or would result in a unit size of less than 800 square feet. Any modifications of development standards shall be the minimum modification necessary to avoid physically precluding two units of 800 square feet each on each parcel.
 2. Notwithstanding subsection (H)(1) above, required rear and side yard setbacks shall equal four feet, except that no setback shall be required for an existing legally created structure or a structure constructed in the same location and to the same dimensions as an existing legally created structure.
- I. Each resulting parcel shall have access to, provide access to, or adjoin the public right-of-way.
- J. Proposed adjacent or connected dwelling units shall be permitted if they meet building code safety standards and are designed sufficient to allow separate conveyance. The proposed dwelling units shall provide a separate gas, electric and water utility connection directly between each dwelling unit and the utility.
- K. Parking. One parking space shall be required per unit constructed on a parcel created pursuant to the procedures in this section, except that no parking may be required where:
 1. The parcel is located within one-half mile walking distance of either a stop located in a high-quality transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3; or
 2. There is a designated parking area for one or more car-share vehicles within one block of the parcel.
- L. Compliance with Subdivision Map Act. The urban lot split shall conform to all applicable objective requirements of the Subdivision Map Act (commencing with

Government Code Section 66410)), except as otherwise expressly provided in Government Code Section 66411.7. Notwithstanding Government Code Section 66411.1, no dedications of rights-of-way or the construction of offsite improvements may be required as a condition of approval for an urban lot split, although easements may be required for the provision of public services and facilities.

- M. The correction of nonconforming zoning conditions may not be required as a condition of approval.
- N. Parcels created by an urban lot split may be used for residential uses only and may not be used for rentals of less than 30 days. No more than two dwelling units may be located on any lot created through an urban lot split, including primary dwelling units, accessory dwelling units, junior accessory dwelling units, density bonus units, and units created as a two-unit development.
- O. If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300.5 et seq.

17.17.030 – Application and Map Requirements

- A. A parcel map complying with the requirements of Title 17, including but not limited to the applicable provisions of Sections 17.08.030 and 17.08.040, -and the Subdivision Map Act shall be submitted for approval of an urban lot split.
- B. Owner-Occupancy Affidavit. The applicant for an urban lot split shall sign an affidavit, in the form approved by county counsel, stating that the applicant intends to occupy one of the housing units on the newly created lots as its principal residence for a minimum of three years from the date of the approval of the urban lot split. This subsection shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.
- C. Additional Affidavit. If any existing housing is proposed to be altered or demolished, the owner of the property proposed for an urban lot split shall sign an affidavit, in the form approved by county counsel, stating that none of the conditions listed in Section 17.17.020.D exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three years (five years if an existing unit is to be demolished). The owner and applicant shall also sign an affidavit stating that neither the owner nor applicant, nor any person acting in concert with the owner or applicant, has previously subdivided an adjacent parcel using an urban lot split.
- D. Recorded Covenant. Prior to the recordation of the parcel map, the applicant shall record a restrictive covenant in the form prescribed by county counsel, which shall run with the land and provide for the following:
 - 1. A prohibition against further subdivision of the parcel using the urban lot split procedures as provided for in this section; and
 - 2. A prohibition on non-residential uses of any units developed or constructed on either resulting parcel, including a prohibition against renting or leasing the units for fewer than 30 consecutive calendar days.
- E. Terms used in this Chapter 17.17 are defined as in Section 18.104.440.A.

17.17.040 Specific Adverse Impact

In addition to the criteria listed in this chapter, a proposed urban lot split may be denied if the building official makes a written finding, based on a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A "specific adverse impact" is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation and eligibility to claim a welfare exemption are not specific health or safety impacts.

17.17.050 Enforcement

County counsel shall be authorized to abate violations of this chapter and to enforce the provisions of this chapter and all implementing agreements and affidavits by civil action, injunctive relief, and any other proceeding or method permitted by law. Remedies provided for in this chapter shall not preclude the county from any other remedy or relief to which it otherwise would be entitled under law or equity.

18.08.015 - Accessory dwelling unit.

"Accessory dwelling unit" means a residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing single-family or multifamily primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated, as set forth in Government Code section 66313 or successor provision. The accessory dwelling unit may be attached or detached or located within a primary residence or accessory building, as described below. An accessory dwelling unit may consist of an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, or a manufactured home, as defined in Section 18007 of the Health and Safety Code.

- A. "Attached accessory dwelling unit," means an accessory dwelling unit that is added and attached to a proposed or existing primary dwelling unit.
- B. "Detached accessory dwelling unit" means an accessory dwelling unit that is not attached to or located within a proposed or existing primary dwelling unit or accessory building.
- C. "Interior accessory dwelling unit," means an accessory dwelling unit located entirely within a proposed or existing primary dwelling unit or within an existing accessory building.

18.08.332 - Junior accessory dwelling unit.

The term "junior accessory dwelling unit" means a unit as set forth in Government Code section ~~65852.22(h)(1)~~66313(d) or successor provision and means a unit that is no more than five hundred square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

18.08.353 - Low barrier navigation center

“Low barrier navigation center” means a facility as defined in Government Code Section 65660(a) that meets all of the requirements of Government Code Sections 65660 et seq.

18.08.380 – Multiple-family dwelling unit.

“Multiple-family dwelling unit” means ~~a development of two or more~~ dwelling units contained in a building designed to house two or more families living independently of each other, but not including a single-family dwelling unit that includes an accessory dwelling unit or junior accessory dwelling unit and not including two-unit developments pursuant to Section 18.104.440. ~~A multiple-family dwelling unit may consist of one building or a group of detached dwelling units.~~

18.08.550 – Second unit.(Reserved)

~~The term “second unit” means “accessory dwelling unit” as set forth in Government Code section 65852.2(j)(1) or successor provision and means a residential dwelling unit which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel or parcels as a primary dwelling unit is situated. The second unit may be attached or detached, as described below. A second unit may consist of an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, or a manufactured home, as defined in Section 18007 of the Health and Safety Code.~~

- ~~A. “Second unit, attached” means a second unit that is attached to or located within a proposed or existing primary dwelling unit, including building additions and conversion of attached garages and storage areas.~~
- ~~B. “Second unit, detached” means a second unit that is not attached to or located within a proposed or existing primary dwelling unit, including a second unit attached to, or located within, a detached garage, outbuilding, or other accessory structure.~~

18.08.601~~2~~ – Solid waste transfer station.

“Solid waste transfer station” means a facility either owned by, operated by, or on behalf of a governmental agency, or through a joint powers agreement (Government Code Section 6500 et seq.), which receives solid wastes, temporarily stores, separates, converts, or otherwise processes the materials in the solid wastes, or transfer the solid wastes directly from smaller to larger vehicles for transport. This does not include a facility whose principal function is to process wastes which have already been separated for reuse and are not intended for disposal.

18.08.602 – Supportive housing.

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community, or as otherwise defined in Government Code Section 65582(g). The “target population” is as defined in Government Code Section 65582(i).

18.08.603 – Supportive housing, permanent.

“Supportive housing, permanent” means housing as defined in Government Code Section 65650(a) serving the target population as defined in Government Code Section 65650(c) that meets all of the requirements of Government Code Sections 65650 et seq.

18.08.624 – Transitional housing.

“Transitional housing” means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance, or as otherwise defined in Government Code Section 65582(j).

18.10.020 Duties—Specific subjects.

The zoning administrator shall hear and decide all applications for the following unless, in the zoning administrator's sole discretion, the zoning administrator determines that the matter (1) is of a size, importance, or unique nature such that it is judged not to be a routine matter; (2) involves potentially significant environmental impacts; or (3) is such that the public interest would be furthered by having a particular application heard and decided by the planning commission:

- A. Permits and modifications thereof for the following:
 1. Farmworker housing as defined by Section 18.08.294 of this code;
 2. Cottage food operations;
 3. Kennels and veterinary facilities;
 4. (Reserved);
 5. Following a public hearing noticed in accordance with Section 18.136.040, use permits for Micro-wineries as defined by Section 18.08.377 of this code. No application for a new micro-winery use permit or modification of a micro-winery use permit, whether minor or major, shall be considered beginning three years after May 5, 2022 (the effective date of this Ordinance), unless the provisions in this code pertaining to micro-wineries are extended, re-adopted or amended by the board of supervisors. Applications that are accepted by the ~~d~~Director as complete prior to the deadline shall be allowed to complete their processing. In the event that the provisions in this code pertaining to micro-wineries are not extended, readopted or amended by the board of supervisors, use permits for micro-wineries that have been issued under these provisions shall remain valid unless allowed to expire pursuant to Section 18.124.080 or revoked pursuant to 18.124.120;
 6. Undergrounding of gas, electric, telephone, or cable television lines;
 7. Noncommercial wind energy and conversion systems;
 8. Child day care centers;
 9. Residential care facilities (medium) and (large);
 10. Following a public hearing noticed in accordance with Section 18.136.040, use permits for small wineries as defined by Section 18.08.600 of this code that were issued a certificate of exemption prior to February 22, 1990, recognizing the extent of existing legal entitlements or allowing the following uses provided the application meets all of the following qualifications:
 - a. Has an annual maximum of 20,000 gallons or less of wine production;

- b. Generates no more than 40 Average Daily Trips (ADT) (20 round trips) by tasting room visitors, all winery employees including seasonal employees, and deliveries to the winery. The use permit will not trigger application of the Napa County Road and Street Standards unless the total ADT from all uses exceeds 40 ADT or the inspection authority determines that improvements are required to comply with the State Fire Code, State Responsibility Area Regulations, or adopted left-turn warrants required for all projects;
 - c. Has a maximum of 10,000 square feet of occupied space, including buildings, caves, and cut and cover caves, but excluding unenclosed space, such as covered crush pads;
 - d. Conducts a maximum of 11 marketing events per year. Ten such events may allow attendees up to a total amount of vehicle trips that does not exceed 24 ADT (12 daily round trips) and one such event may allow attendees up to a total amount of vehicle trips that does not exceed 40 ADT (20 daily round trips). The ADT for all winery uses, including deliveries, tours and tastings, and employees, on days when a marketing event occurs shall not exceed 40 ADT; and
 - e. Following approval of a use permit under this subsection, no subsequent application for an increase in production of wine, tasting room visitation, or marketing events shall be considered within two years after approval;
- 11. (Reserved);
 - 12. (Reserved);
 - 13. Modifications of use permits under subsection (E) of Section 18.124.130;
 - 14. Farmworker centers as defined by Section 18.08.293 of this code;
 - 15. (Reserved);
 - 16. (Reserved);
 - B. (Reserved);
 - C. Merger of substandard parcels, but only if the parcels meet the requirements set forth in Section 17.48.040;
 - D. (Reserved);
 - E. Summary revisions to acreage, but only after making the findings required by Section 17.50.070;
 - F. (Reserved);
 - G. Licenses for Category 3 temporary events as defined in Section 5.36.015 if a hearing is requested, and Category 4 temporary events as defined in Section 5.36.015 if not referred to the board;
 - H. Certificates of present extent of legal nonconformity, in accordance with the procedure set forth in Section 18.132.050;
 - I. Minor amendments of tentative, parcel and final maps in accordance with the procedure set forth in Sections 17.26.030 through 17.26.050 and Section 17.26.060 for modifications to or elimination of slope easements, and for this purpose the zoning administrator shall be deemed an "advisory agency" as defined in Chapter 17.02;
 - J. Variances, pursuant to Chapter 18.128 of this code (commencing with Section 18.128.010) and excepting therefrom any variances from the terms of the Conservation Regulations as set forth in Chapter 18.108;
 - K. (Reserved);
 - L. Applications for extensions of the life of a tentative map;

- M. Minor modifications to use permits as described in Section 18.124.130 (B) and modifications to winery use permits as described in Section 18.124.130(C)(1) through (7) of Section 18.124.130, after making the findings required by Section 18.124.130;
- N. Variances from the standards for mobile home parks in accordance with Section 15.40.310, or any successor amendment thereof;
- O. (Reserved); and
- P. Applications for exceptions to the county's adopted road and street standards in connection with all permits and modifications listed in subsection A through O above, a building permit clearance for a single-family residence or other ministerial permit clearance.

18.16.020 - Uses allowed without a use permit.

The following uses shall be allowed in all AP districts without use permits:

- A. Agriculture;
- B. One single-family dwelling unit per legal lot;
- C. Residential care facilities (small);
- D. Family day care homes (small);
- E. Family day care homes (large), subject to Section 18.104.070;
- F. ~~One guest cottage, provided that all of the conditions set forth in Section 18.104.080 are met~~ Accessory dwelling units, and one junior accessory dwelling unit, providing that all of the conditions set forth in Section 18.104.180 are met;
- G. Wineries and related accessory uses and structures which legally existed prior to July 31, 1974 without the requirement that a use permit be issued, and which have not been abandoned; provided, that the extent of such uses and structures have been determined in accordance with the procedure set forth in Section 18.132.050. No expansion beyond those which existed prior to July 31, 1974 may occur unless specifically authorized by use permit, issued in conformance with the applicable provisions of this title;
- H. Small wineries which were issued a certificate of exemption prior to the date of adoption of the ordinance codified in this section, and used the certificate in the manner set forth in Section 18.124.080 before the effective date of the ordinance codified in this section in conformance with the applicable certificate of exemption, Section 18.08.600 of this code, and any resolution adopted pursuant thereto;
- I. Wineries and related accessory uses which have been authorized by use permit and used in a manner set forth in Section 18.124.080 or any predecessor section; provided, that no expansion of uses or structures beyond those which were authorized by a use permit or modification of a use permit issued prior to the effective date of the ordinance codified in this section shall be permitted except as may be authorized by a subsequent use permit issued pursuant to this title;
- J. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;
- K. Telecommunication facilities, other than satellite earth stations, that meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or his/her/their designee has issued a site plan approval pursuant to Chapter 18.140;

- L. Farmworker housing (i) providing accommodations for six or fewer employees, or (ii) consisting of no more than thirty-six beds in group quarters or twelve units designed for use by a single household, and otherwise consistent with Health and Safety Code Sections 17021.5 and 17021.6, or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable; and
- M. Supportive housing and transitional housing. Supportive housing and transitional housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the AP zone.

18.16.030 - Uses permitted upon grant of a use permit.

The following uses may be permitted in all AP districts, but only upon grant of a use permit pursuant to Section 18.124.010:

- A. Farmworker housing and seasonal farmworker centers conforming to Section 18.104.300 or 18.104.310, unless exempt from a use permit requirement under subsection (M) of Section 18.16.020;
- B. Facilities, other than wineries, for the processing of agricultural products grown or raised on the same parcels or contiguous parcels under the same ownership;
- C. Kennels and veterinary facilities
- D. Feed lots;
- E. Noncommercial wind energy and conversion systems;
- F. Wineries, as defined in Section 18.08.640;
- G. The following uses in connection with a winery:
 - 1. Crushing of grapes outside or within a structure,
 - 2. On-site aboveground disposal of wastewater generated by the winery,
 - 3. Aging, processing and storage of wine in bulk,
 - 4. Bottling and storage of bottled wine and shipping and receiving of bulk and bottled wine, provided the wine bottled or received does not exceed the permitted production capacity,
 - 5. Any or all of the following uses provided that, in the aggregate, such uses are clearly incidental, related and subordinate to the primary operation of the winery as a production facility:
 - a. Office and laboratory uses,
 - b. Marketing of wine as defined in Section 18.08.370,
 - c. Retail sale of (1) wine fermented or refermented and bottled at the winery, irrespective of the county of origin of the grapes from which the wine was made, providing nothing herein shall excuse the application of subsections (B) and (C) of Section 18.104.250 regulating the source of grapes; and (2) wine produced by or for the winery from grapes grown in Napa County;
- H. The following uses, when accessory to a winery:
 - 1. Tours and tastings, as defined in Section 18.08.620,
 - 2. Display, but not sale, of art,
 - 3. Display, but not sale, of items of historical, ecological or viticultural significance to the wine industry,
 - 4. Sale of wine-related products,
 - 5. Child day care centers limited to caring for children of employees of the winery;

- I. Telecommunication facilities, other than satellite earth stations, that do not meet one or more of the performance standards specified in Section 18.119.200;
- J. Satellite earth stations that cannot, for demonstrated technical reasons acceptable to the director, be located in an Industrial (I), Industrial Park (IP), or General Industrial (GI) zoning district;
- K. Facilities, other than wineries, for the processing of agricultural products where the products are grown or raised within the county, provided that the facility is located on a parcel of ten or more acres, does not exceed five thousand gross square feet, and is not industrial in character. Only those agricultural products raised or processed on-site may be sold at the facility;
- L. Farm management uses not meeting one or more of the standards contained in subsections (F)(2), (F)(3), and (F)(4) of Section 18.08.040; and-
- M. Residential care facilities (medium and large).

18.20.020 - Uses allowed without a use permit.

The following uses shall be allowed in all AW districts without use permits:

- A. Agriculture;
- B. One single-family dwelling unit per legal lot;
- C. ~~A second unit~~ Accessory dwelling units, and one junior accessory dwelling unit, either attached to or detached from an existing legal residential dwelling unit, providing that all of the conditions set forth in Section 18.104.180 are met;
- D. Residential care facilities (small);
- E. Family day care homes (small);
- F. Family day care homes (large), subject to Section 18.104.070;
- G. One guest cottage, provided that all of the conditions set forth in Section 18.104.080 are met;
- H. Wineries and related accessory uses and structures which legally existed prior to July 31, 1974 without the requirement that a use permit be issued, and which have not been abandoned; provided, that the extent of such uses and structures have been determined in accordance with the procedure set forth in Section 18.132.050. No expansion beyond those which existed prior to July 31, 1974 may occur unless specifically authorized by use permit, issued in conformance with the applicable provisions of this title;
- I. Small wineries which were issued a certificate of exemption prior to the date of adoption of the ordinance codified in this chapter, and used the certificate in the manner set forth in Section 18.124.080 before the effective date of the ordinance codified in this chapter, in conformance with the applicable certificate of exemption, Section 18.08.600, and any resolution adopted pursuant thereto;
- J. Wineries and related accessory uses which have been authorized by use permit and used in a manner set forth in Section 18.124.080 or any predecessor section; provided, that no expansion of uses or structures beyond those which were authorized by a use permit or modification of a use permit issued prior to the effective date of the ordinance codified in this chapter shall be permitted except as may be authorized by a subsequent use permit issued pursuant to this title;
- K. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;
- L. Telecommunication facilities, other than satellite earth stations, that meet the performance standards specified in Section 18.119.200, provided that prior to

issuance of any building permit, or the commencement of the use if no building permit is required, the director or his/her/their designee has issued a site plan approval pursuant to Chapter 18.140;

- M. Hunting clubs (small) as defined in Chapter 18.08;
- N. Overnight lodging in public parks or in structures, at the density and intensity of use (number of units) lawfully developed for such purpose prior to October 13, 1977, provided that such use has a currently-valid certificate of the extent of legal nonconformity pursuant to Section 18.132.050;
- O. Any recreational vehicle park or campground and their accessory and related uses which have been authorized by use permit and used in a manner set forth in Section 18.124.080 or any predecessor section; provided that no expansion of uses or structures beyond those which were specifically authorized by a use permit or modification of a use permit issued prior to May 10, 1996, shall be permitted except as may be authorized by a subsequent permit issued pursuant to this title;
- P. Floating dock which complies with all of the following:
 - 1. Is accessory to a residential or agricultural use otherwise permitted by this chapter without a use permit,
 - 2. Any portion located on a navigable waterway is determined by the Napa County Flood Control and Water Conservation District engineer to not obstruct seasonal flood flows, and
 - 3. In operation is located adjacent and parallel to, and does not exceed in length the water frontage of the legal parcel or contiguous legal parcels owned by the owner of the floating dock;
- Q. Maintenance and emergency repairs of legally-created levees, subject to compliance with Chapter 16.04 of this code;
- R. Farmworker housing (i) providing accommodations for six or fewer employees, or (ii) consisting of no more than thirty six beds in group quarters or twelve units designed for use by a single household, and otherwise consistent with Health and Safety Code Sections 17021.5 and 17021.6, or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable; and
- S. Quasi-private recreation uses and facilities, as defined in Section 18.08.494, conforming to the standards in Section 18.104.350, and provided that they do not adversely impact adjacent agriculture.
- T. Grading and paving contractors, including offices, equipment storage and repair, and materials storage, so long as the following conditions are met:
 - 1. The grading and paving business has been conducted in the same location since July 1, 1968 or earlier;
 - 2. The number of buildings used for the grading and paving business, and the total square footage of the building used for the grading and paving business, does not exceed that in existence as of January 1, 2015;
 - 3. The days and hours of operation of the grading and paving business do not exceed the average of the years 2013 through 2015;
 - 4. The grading and paving business is located within one mile of the city limits of an incorporated city;
 - 5. The grading and paving business is located on a parcel no smaller than five acres and no larger than ten acres;
 - 6. Uncovered storage areas shall be screened from pre-existing residences on adjacent parcels. Screening shall generally consist of evergreen landscape buffers and fences;

7. All exterior lighting, including landscape lighting, shall be shielded and directed downward, located as low to the ground as possible, and the minimum necessary for security, safety, or operations.

U. Supportive housing and transitional housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the AW zone.

18.20.030 - Uses permitted upon grant of a use permit.

The following uses may be permitted in all AW districts, but only upon grant of a use permit pursuant to Section 18.124.010:

- A. Parks and rural recreation uses and facilities as defined in Chapter 18.08, conforming to the standards in Chapter 18.104;
- B. Farmworker housing and seasonal farmworker centers conforming to Section 18.104.300 or 18.104.310, unless exempt from a use permit requirement under subsection (R) of Section 18.20.020;
- C. Facilities, other than wineries, for the processing of agricultural products grown or raised on the same parcels or contiguous parcels under the same ownership;
- D. Kennels, horse boarding and/or training stables, veterinary facilities, and wild-life rescue centers;
- E. Feed lots;
- F. Sanitary landfill sites;
- G. Noncommercial wind energy and conversion systems;
- H. Wineries, as defined in Section 18.08.640;
- I. The following uses in connection with a winery:
 1. Crushing of grapes outside or within a structure,
 2. On-site, aboveground disposal of wastewater generated by the winery,
 3. Aging, processing and storage of wine in bulk,
 4. Bottling and storage of bottled wine; shipping and receiving of bulk and bottled wine, provided the wine bottled or received does not exceed the permitted production capacity,
 5. Any or all of the following uses provided that, in the aggregate, such uses are clearly incidental, related and subordinate to the primary operation of the winery as a production facility:
 - a. Office and laboratory uses,
 - b. Marketing of wine as defined in Section 18.08.370,
 - c. Retail sale of (1) wine fermented or refermented and bottled at the winery, irrespective of the county of origin of the grapes from which the wine was made, providing nothing herein shall excuse the application of subsections (B) and (C) of Section 18.104.250 regulating the source of grapes; and (2) wine produced by or for the winery from grapes grown in Napa County;
- J. The following uses, when accessory to a winery:
 1. Tours and tastings, as defined in Section 18.08.620,
 2. Display, but not sale, of art,
 3. Display, but not sale, of items of historical, ecological or viticultural significance to the wine industry,
 4. Sale of wine-related products,
 5. Child day care centers limited to caring for children of employees of the winery;

- K. Telecommunication facilities, other than satellite earth stations, that do not meet one or more of the performance standards specified in Section 18.119.200;
- L. Satellite earth stations that cannot, for demonstrated technical reasons acceptable to the director, be located in an Industrial (I), Industrial Park (IP), or General Industrial (GI) zoning district;
- M. Campgrounds on public lands conforming to the standards in Chapter 18.104;
- N. Hunting clubs (large) as defined in Chapter 18.08 and subject to the standards in Chapter 18.104;
- O. Facilities, other than wineries, for the processing of agricultural products where the products are grown or raised within the county, provided that the facility is located on a parcel of ten or more acres, does not exceed five thousand gross square feet, and is not industrial in character. Only those agricultural products raised or processed on-site may be sold at the facility; ~~and~~
- P. Farm management uses not meeting one or more of the standards contained in subsections (F)(2), (F)(3), and (F)(4) of Section 18.08.040; ~~and~~.
- Q. Residential care facilities (medium and large).

18.48.020 - Uses allowed without a use permit.

The following uses shall be allowed in all PD districts without a use permit:

- A. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;
- B. Telecommunication facilities, other than satellite earth stations, which consist solely of wall-mounted antenna and related interior equipment and meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or ~~his/her~~their designee has issued a site plan approval pursuant to Chapter 18.140;
- C. Agriculture, provided that the lot is one acre in size or greater.
- D. Low barrier navigation centers. Low barrier navigation centers shall be reviewed consistent with the provisions of Chapter 18.109 of this Code and Government Code Sections 65660 et. Seq;
- E. Permanent supportive housing, with 50 or fewer units. Permanent supportive housing shall be reviewed consistent with the provisions of Chapter 18.109 of this Code and Government Code Sections 65650 et. Seq;
- F. Supportive housing and transitional housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the PD zone;
- G. Farmworker housing (i) providing accommodations for six or fewer employees, or (ii) consisting of no more than thirty-six beds in group quarters or twelve units designed for use by a single household, and otherwise consistent with Health and Safety Code Sections 17021.5 and 17021.6, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable;
- H. One single-family dwelling unit per legal lot;
- I. Accessory dwelling units, and one junior accessory dwelling unit, providing that all of the conditions set forth in Section 18.104.180 are met; and
- J.. Residential care facilities, small and medium.

18.52.020 - Uses allowed without a use permit.

The following uses may be allowed in all RS districts without a use permit:

- A. One single-family dwelling unit per legal lot;
- B. ~~Accessory dwelling second units and one junior accessory dwelling unit, either attached to or detached from an existing legal residential dwelling unit,~~ providing that all of the conditions set forth in Section 18.104.180 are met;
- C. Family day care homes (small);
- D. Family day care homes (large) subject to Section 18.104.070;
- E. Residential care facilities (small and medium);
- F. Private schools (home instruction) subject to compliance with criteria specified in Section 18.104.160;
- G. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;
- H. Telecommunication facilities, other than satellite earth stations, which consist solely of wall-mounted antenna and related interior equipment and meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or ~~his/her~~their designee has issued a site plan approval pursuant to Chapter 18.140;
- I. Floating dock which complies with all of the following:
 - 1. Is accessory to a residential use otherwise permitted by this chapter without a use permit,
 - 2. Any portion located on a navigable waterway is determined by the Napa County Flood Control and Water Conservation District engineer to not obstruct seasonal flood flows, and
 - 3. In operation is located adjacent and parallel to, and does not exceed in length the water frontage of the legal parcel or contiguous legal parcels owned by the owner of the floating dock;
- J. Maintenance and emergency repairs of legally-created levees, subject to compliance with Chapter 16.04 of this code;
- K. Farmworker housing providing accommodations for six or fewer employees and otherwise consistent with Health and Safety Code Section 17021.5 or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable; and
- L. Supportive housing and transitional housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the RS zone.
- M. Two-unit developments pursuant to Section 18.104.440 and urban lot splits pursuant to Chapter 17.17.

18.52.030 - Uses permitted upon grant of a use permit.

The following uses may be permitted in all RS districts but only upon grant of a use permit pursuant to Section 18.124.010:

- A. Outdoor parks and recreation facilities compatible with agriculture and residences;
- B. Residential care facilities (medium) subject to Section 18.104.170;
- C. Residential care facilities (large) subject to Section 18.104.170;
- D. Child day care centers;

- E. Private schools (institutional) subject to compliance criteria specified in Section 18.104.160;
- F. Telecommunication facilities, other than allowed under subsection (H) of Section 18.52.020, that must, for demonstrated technical reasons acceptable to the director, be located within a residential single (RS), residential multiple (RM), residential country (RC), or planned development (PD) zoning district; ~~and-~~
- G. Residential care facilities, large.

18.60.020 - Uses allowed without a use permit.

The following uses may be allowed in all RM districts without a use permit:

- A. One single-family dwelling unit per legal lot;
- B. Family day care homes (small);
- C. Family day care homes (large) subject to Section 18.104.070;
- D. Residential care facilities (small and medium);
- E. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;
- F. Telecommunication facilities, other than satellite earth stations, which consist solely of wall-mounted antenna and related interior equipment and meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or ~~his/her~~their designee has issued a site plan approval pursuant to Chapter 18.140;
- G. Farmworker housing providing accommodations for six or fewer employees and otherwise consistent with Health and Safety Code Section 17021.5 or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable;
- H. Multiple-family dwelling units and single room occupancy units; ~~providing twenty percent of their total dwelling units at an affordable sales price or affordable rent to low-income households; and~~
- I. Accessory dwelling second units, and one junior accessory dwelling unit, either attached to or detached from an existing legal residential dwelling unit, providing that all of the conditions set forth in Section 18.104.180 are met;:-
- J. Supportive housing and transitional housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the RM zone; and
- K. Permanent supportive housing, with 50 or fewer units, shall be reviewed consistent with the provisions of Chapter 18.109 of this Code and Government Code Sections 65650 et. seq.

18.60.030 - Uses permitted upon grant of a use permit.

The following uses may be permitted in all RM zoning districts but only upon grant of a use permit pursuant to Section 18.124.010:

- A. ~~Multiple family dwelling units and single room occupancy units providing at least fifteen percent, but less than twenty percent, of their total dwelling units at an affordable sales price or affordable rent to low-income households; (Reserved);~~
- B. Outdoor parks and recreation facilities compatible with agriculture and residences;
- C. ~~Residential care facilities (medium) subject to Section 18.104.170 (Reserved);~~

- D. Residential care facilities (large) subject to Section 18.104.170;
- E. Child day care centers; and
- F. Telecommunication facilities, other than those allowed under subsection (F) of Section 18.60.020, that must, for demonstrated technical reasons acceptable to the director, be located within a residential single (RS), residential multiple (RM), residential country (RC), or planned development (PD) zoning district.

18.60.040 – Applications—Requirements.

- A. Projects proposing multiple-family dwelling units and single room occupancy units ~~meeting the affordability requirements of Section 18.60.020.H~~ must provide twenty percent of their total dwelling units at an affordable sales price or affordable rent to lower income households. These projects shall require approval of a building permit, which shall be reviewed ministerially by the building official and director, without a discretionary permit or review that would constitute a “project” under the California Environmental Quality Act. Any subdivision of the sites shall be subject to all laws, including, but not limited to, Title 17 implementing the Subdivision Map Act. For projects that require approval of a tentative or parcel map under the provisions of Title 17, an application, including designated fees, shall be made to the department, and the project must receive approval of the map as specified in Title 17.
- B. Projects proposing multiple-family dwelling units and single room occupancy units meeting the affordability requirements of Section ~~18.60.020.H~~ 18.60.040.A shall submit an affordable housing plan and enter into agreements with the county consistent with the provisions of Section 18.107.130 and Section 18.107.140. Replacement housing shall be provided as required by Government Code Sections 66300.5 *et seq.* or successor provisions.
- C. Within the RM district, application for a use permit under Section 18.124.030 shall be accompanied by a development plan as defined in Section 18.08.230. A use permit approved for an RM development shall comply with Section 18.104.060(A).
- D. Owners and developer shall sign the application.

18.64.020 - Uses allowed without a use permit.

The following uses shall be allowed in all RC districts without a use permit:

- A. One single-family dwelling unit per legal lot;
- B. Agriculture;
- C. Public stables;
- D. ~~Accessory dwelling second units and one junior accessory dwelling unit, either attached to or detached from an existing legal residential dwelling unit,~~ Accessory dwelling second units and one junior accessory dwelling unit, providing that all of the conditions set forth in Section 18.104.180 are met;
- E. Family day care homes (small);
- F. Family day care homes (large) subject to Section 18.104.070;
- G. Residential care facilities (small and medium);
- H. One guest cottage provided that all of the conditions set forth in Section 18.104.080 are met;
- I. Private schools (home instruction) subject to compliance with criteria specified in Section 18.104.160;

- J. Temporary off-site parking for events in a nonagricultural area which have been authorized by the county, subject to compliance with criteria specified in Section 18.104.130;
- K. Minor antennas meeting the requirements of Sections 18.119.240 through 18.119.260;
- L. Telecommunication facilities, other than satellite earth stations, which consist solely of wall-mounted antenna and related interior equipment and meet the performance standards specified in Section 18.119.200, provided that prior to issuance of any building permit, or the commencement of the use if no building permit is required, the director or his/her/their designee has issued a site plan approval pursuant to Chapter 18.140;
- M. Farmworker housing (i) providing accommodations for six or fewer employees, or (ii) consisting of no more than thirty-six beds in group quarters or twelve units designed for use by a single household, and otherwise consistent with Health and Safety Code Sections 17021.5 and 17021.6, or successor provisions, subject to the conditions set forth in Sections 18.104.300 and 18.104.310, as applicable; and
- N. Supportive housing and transitional housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the RC zone.
- O. Two-unit developments pursuant to Section 18.104.440 and urban lot splits pursuant to Chapter 17.17.

18.64.030 - Uses permitted upon grant of a use permit.

The following uses may be permitted in all RC zoning districts but only upon grant of a use permit pursuant to Section 18.124.010:

- A. Public kennels and veterinary facilities;
- B. Parks and recreation uses and facilities, conforming to the standards in Chapter 18.104;
- C. Private schools (institutional) subject to compliance with criteria specified in Section 18.104.160;
- D. Telecommunication facilities, other than those allowed under subsection (F) of Section 18.60.020, that must, for demonstrated technical reasons acceptable to the director, be located within a residential single (RS), residential multiple (RM), residential country (RC), or planned development (PD) zoning district; ~~and~~
- E. Farm management uses not meeting one or more of the standards contained in subsections (F)(2), (F)(3), and (F)(4) of Section 18.08.040; ~~and~~
- F. Residential care facilities, large, subject to Section 18.104.170.

18.72.050 - Other regulations applicable.

- A. The regulations of the principal zoning district with which the :B zoning district is combined, as shown in the schedule of zoning district regulations, Section 18.104.010, shall apply to each structure and to each use of land within the :B combination zoning district, except as a different regulation may be shown therein for the :B combination zoning district, in which case the latter shall govern.

B. Notwithstanding subsection A above, urban lot splits conforming to the requirements of Chapter 17.17 shall not be subject to the :B combination zoning district minimum parcel size.

18.82.030 – Affordability requirements.

- A. Residential ownership projects within the :AH Combination District shall include housing units available at an affordable sales price and sold to moderate-income households, as required by Section 18.107.080, and shall remain at those affordability levels for a minimum of forty years. Residential projects on 2023 Specified Priority Housing Development Sites shall include ~~fifteen~~ twenty percent of their dwelling units in the project at an affordable sales price or affordable rent to low-income households and shall remain at those affordability levels for a minimum of forty years.
- B. All affordable units shall be constructed at a rate consistent with the construction of market rate units and shall be mixed throughout the development. Project phasing must be done in a manner that is proportionate to the overall mix of affordability levels.
- C. The applicant shall submit an affordable housing plan and enter into agreements with the county consistent with the provisions of Section 18.107.130 and Section 18.107.140. Replacement housing shall be provided as required by Government Code Sections 66300.5 *et seq.* or successor provisions.

18.82.040 - Development standards.

- A. Where an applicant or developer of Specified Priority Housing Development Sites(s) elects to utilize the :AH Combination District over the underlying zoning, the development standards listed in Tables 1 and 2 below, where applicable, shall apply. These development standards shall apply for all projects, ~~whether or not they require use permit approval.~~ Where use permit approval is required, Chapter 18.124 shall apply in addition to this chapter. ~~Where use permit approval is required, the development standards may be modified if deemed appropriate by the commission.~~ In addition, the proposed development shall comply with the remaining provisions of this chapter, including but not limited to, the site density requirements set forth in Section 18.82.050, the required development allocation set forth in Section 18.82.060, and the mitigation measures and design criteria set forth in Sections 18.82.070 ~~and 18.82.080.~~
- B. Table 1 sets forth the development standards for single-family development, which is defined as any residential development with two or fewer units on a single lot.

Table 1: Development Standards for Single-Family Construction within the :AH Affordable Housing Combination District	
Subject	Standard
Site area (min)	3,500 square feet
Building site coverage (combined max)	50%

Table 1: Development Standards for Single-Family Construction within the :AH Affordable Housing Combination District	
Subject	Standard
Front setback (min)	20 feet
Rear setback (min)	20 feet
Side setback (min)	6 feet + 3 feet for a second story.
Road setback	Per Chapter 18.112
Height limit (max)	35 feet
Parking requirements (min)	2 + 1 for each second dwelling unit.

Single-family residential construction shall be subject to the development standards set forth in Table 1.

C.

Table 2 sets forth development standards for multi-family development, which is defined as any residential development with three or more units on a single lot.

Table 2: Development Standards for Multi-Family Construction within the :AH Affordable Housing Combination District	
Subject	Standard
Site area (min)	.9 acre
Building site coverage (max)	40%
Front setback (min)	20 feet
Rear setback (min)	20 feet
Side setback (min)	6 feet + 3 feet for every story above the first.
Road setback	Per Chapter 18.112
Distance between buildings (min)	20 feet for two stories, 25 feet for three stories.
Height limit (max)	35 feet

Table 2: Development Standards for Multi-Family Construction within the :AH Affordable Housing Combination District	
Subject	Standard
Parking requirements (min)	2 per dwelling unit + 1 for every 2 dwelling units for guest parking. <u>One parking space per studio unit; 1.25 parking spaces per one-bedroom unit and larger unit; and 0.25 parking spaces per unit for guests regardless of unit size.</u>

Multi-family residential construction shall be subject to the development standards set forth in Table 2.

18.82.050 - Site density.

Only the Specified Priority Housing Development Sites are eligible for the :AH Combination District classification. Any development of the parcels identified in the :AH Combination District classification shall comply with the following applicable site densities and timelines for construction:

- A. A maximum number of units may be constructed within this combination district in each of the three areas identified below (Angwin, Moskowitz Corner, and Spanish Flat) that are 2009 Specified Priority Housing Development Sites. The right to develop from the available pool of units shall be granted when a building permit is issued.
- B. Construction shall commence within one year of the issuance of a building permit or within any allowed extension on the 2009 Specified Priority Housing Development Sites; otherwise, the units reserved by the permit shall be returned to the potential pool of housing development for that area. Once building permits totaling the allowed number of units within the area have been issued, the combination district shall be considered exhausted for that particular area. Notwithstanding the foregoing, applications for proposed projects may be submitted and shall be processed on a first come, first served basis in the event that permits already issued have not been used within the time frames specified herein.
- C. Site density for the 2009 Specified Priority Housing Development Sites shall be as listed below:
 - 1. Angwin: ~~Density allowed without use permit approval on Parcels A and B for the Angwin location shall be twelve units per acre.~~ Up to twenty-five dwelling units per acre may be allowed ~~upon use permit approval.~~ The maximum combined number of units constructed on Parcels A and B shall not exceed a total of one hundred ninety-one dwelling units.
 - 2. Moskowitz Corner: ~~Density allowed without use permit approval on Parcels A, B, C, and D for the Moskowitz Corner location is four dwelling units per acre.~~ Up to ten dwelling units per acre may be allowed ~~upon use permit approval.~~ The maximum combined number of units constructed on Parcels A, B, C, and D shall not exceed a total of one hundred dwelling units.
 - 3. Spanish Flat: ~~Density allowed without use permit approval on Parcels A, B, C, D, E, and F for the Spanish Flat location is four dwelling units per~~

~~acre.~~ Up to twenty-five dwelling units per acre may be allowed ~~upon use permit approval.~~ The maximum combined number of units constructed on Parcels A, B, C, D, E, and F shall not exceed a total of one hundred ten dwelling units.

- D. Site density for the 2023 Specified Priority Housing Development Sites shall be a minimum of twenty dwellings units per acre and shall not exceed twenty-five dwelling units per acre for all residential development, regardless of whether the AH: overlay is utilized.

18.82.080 - Design criteria (Reserved)

~~The following design guidelines shall be applicable to all projects within requiring a use permit. The design guidelines will be enforced through review and approval by the planning commission.~~

- A. ~~General. The following shall apply to all development:~~
- ~~1. Buildings shall be designed to frame views of hills, vineyards and other landscape features.~~
 - ~~2. Natural landscape features such as creeks, wetlands and landmark trees shall be incorporated into the site design. All development shall be subject to the county's Conservation Regulations (Chapter 18.108).~~
 - ~~3. Site planning shall minimize the need for grading of steep slopes or hillsides. Grading shall be contoured to blend with adjacent open space.~~
 - ~~4. Development shall be clustered on each site so as to minimize development footprints, preserve undeveloped land, and avoid areas with natural or visual resources.~~
 - ~~5. Building materials and architectural design concepts including colors, textures and details of construction shall be compatible with adjacent and neighboring residential properties.~~
 - ~~6. Painted surfaces shall use colors that reinforce architectural concepts and are compatible with natural materials such as brick or stone.~~
 - ~~7. Roof forms, materials, doors, windows and other architectural features of historic or traditional houses near the project shall be referenced in the design of the new development. Buildings shall use materials and design components that are indigenous to the Napa Valley including, but not limited to, exposed heavy timbers for structural supports, trellis features, gable roof elements, stone foundations, wood or split stone masonry siding.~~
 - ~~8. A detailed landscaping plan, including parking details, shall be submitted for review and approval prior to the issuance of building permits. The plan shall indicate the names and locations of all plant materials to be used along with the method of maintenance. Plant materials shall be purchased locally when practical. The Napa County agricultural commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of the county.~~
 - ~~9. The design of fences and screening shall reflect the county's predominantly rural character.~~
 - ~~10. All exterior lighting, including landscape lighting, shall be shielded and directed downward and shall be located as low to the ground as possible. Low-level lighting shall be utilized in parking areas at multi-family sites rather than high-intensity light standards.~~

11. ~~In compliance with county scenic highway regulations, any new housing units shall be designed so as not to be visible from county or state designated scenic routes. Where this is not possible, visual impacts from designated scenic routes shall be minimized through landscaping, grading, berms, appropriately designed fences and other screening devices.~~
 12. ~~All new housing units shall be designed so as minimize their visual impacts. Visual impacts shall be minimized through landscaping, grading, berms, appropriately designed fences and other screening devices. New housing shall be subject to the county's Viewshed Protection Program (Chapter 18.106), if applicable.~~
- B. ~~In addition to the criteria listed in subsection (A) of Section 18.82.080, the following shall apply to single family residential developments:~~
1. ~~Entrances and windows, not garages, shall be dominant elements of front facades.~~
 2. ~~Garages shall not exceed fifty percent of the width of the house.~~
 3. ~~The use of shared driveways and alleyways with detached garages shall be utilized whenever feasible.~~
 4. ~~Larger wall and roof planes shall include three-dimensional design features such as chimneys, balconies, bay windows or dormers.~~
 5. ~~The design shall promote harmonious transition in scale and character in areas between different designated land uses.~~
 6. ~~Play spaces for children are strongly encouraged and shall be secure and visible.~~
- C. ~~In addition to the criteria listed in subsection (A) of Section 18.82.080, the following shall apply to multi-family residential developments:~~
1. ~~Building forms shall use varying roof heights, setbacks and wall planes to break up perceived bulk of buildings. Long unbroken volumes and large unarticulated wall and roof planes are not permitted.~~
 2. ~~Smaller multi-family projects shall follow the guidelines for single-family residences as set forth in subsection (B) above.~~
 3. ~~Architectural design concepts shall provide for a transition in scale between multi-family and any neighboring single-family residential development.~~
 4. ~~Trash enclosures, storage and other accessory elements shall be designed as integral parts of the architecture.~~
 5. ~~Parking lots shall be screened by shade trees, landscaping or buildings. Parking shall be unobtrusive and not disrupt the quality of open spaces and pedestrian environments. Access to the property and circulation systems shall be safe and convenient for pedestrians, cyclists and vehicles.~~
 6. ~~Parking shall be enclosed in garages where feasible. Outdoor parking and garage doors shall be located so as to be minimally visible from public streets and project open spaces.~~
 7. ~~Multi-family developments shall provide both common and private open space.~~
 8. ~~Multi-family projects shall provide common spaces that are physically defined and socially integrated into the site plan as a gathering place.~~
 9. ~~New projects will be required to provide, as part of the common space, the installation of a play structure and necessary safety equipment.~~

18.82.090 - Approval process.

- ~~A. Projects proposed on Specified Priority Housing Development Sites where twenty percent of the proposed dwelling units are affordable to low income households and that meet: (a) the affordability standards set forth in Section 18.82.030; (b) the development standards set forth in Section 18.82.040; (c) the applicable density requirements identified in Section 18.82.050; and (d) the mitigation measures identified in Section 18.82.070, and all other applicable sections of this chapter, except as those requirements may be modified under provisions of State Density Bonus Laws, require approval of a building permit, which shall be reviewed ministerially by the building official and director, without a discretionary permit or review that would constitute a “project” under the California Environmental Quality Act. Any subdivision of the sites shall be subject to all laws, including, but not limited to, Title 17 of the Napa County Code implementing the Subdivision Map Act. For projects that require approval of a tentative or parcel map under the provisions of Title 17, an application, including designated fees, shall be made to the department, and the project must receive approval of the map as specified in Title 17.~~
- ~~B. For projects that require a parcel map or use permit, the affordability standards of Section 18.02.030.A shall apply. Applications shall be processed pursuant to Section 18.124, and, an application and designated fees shall be made to the department and must receive planning commission approval before the project can proceed. Applications under use permit processing procedures shall comply with the development standards set forth in Section 18.82.040, the applicable density requirements identified in Section 18.82.050, the mitigation measures identified in Section 18.82.070, and all other applicable sections of this chapter, except as those requirements may be modified under provisions of State Density Bonus Laws.~~

18.104.010 - Schedule of zoning district regulations

- A. The table presented in this section lists zoning districts in the first vertical column. Regulations are shown horizontally across the top of the table. The second and each succeeding vertical column shows the indicated minimum or maximum standard allowed for each listed regulation in the zoning district specified in the first vertical column.
- B. Notwithstanding subsection (A) of this section, the side yard setbacks for legal parcels that are two acres in size or less and are located in the agricultural preserve, agricultural watershed or residential country zoning districts shall be the side yard setbacks applicable within the residential single zoning district.
- C. Notwithstanding subsection (A) of this section, the side yard setback for a dwelling unit or accessory structure proposed on any lot with a lot width of less than sixty feet measured at the front yard setback line shall be five feet.
- D. Notwithstanding subsection (A) of this section, and except as provided in Section 18.104.295, the minimum parcel size in the AP and AW zoning districts shall be two acres for farm worker centers established pursuant to Section 18.104.305 and the minimum parcel size in the AW zoning district shall be two acres for farmworker centers established pursuant to Section 18.104.305. Further division within any parcel created and maintained for farmworker centers is allowed to facilitate individual home ownership for farmworkers. The minimum parcel size

for individual farmworker homes allowed under this section shall be 1,200 square feet.

- E. Notwithstanding subsection (A) of this section, the front yard setbacks for all parcels within the Berryessa Highlands Subdivision, Units I and II, shall be ten feet from the front property line.

Table 18.104.010
SCHEDULE OF ZONING DISTRICT REGULATIONS

Zoning District	Minimum Lot Area		Minimum Lot Width (Feet)	Minimum Yard Feet			Maximum Main Building Coverage	Maximum Building Height
	(Acres)	(Square Feet)		Front	Side	Rear		
AP	40	—	—	20	20	20	—	35
AW	160	—	—	20	20	20	—	35
AV	—	—	—	—	—	—	—	—
CL	1E	—	—	—	—	—	—	35
CN	1	—	—	—	—	—	—	35
MC	—varies—		75	20	20	20	40%	35
I	—	20,000	100	20	20	20	35%	35
GI	—varies—		100	—varies—			35%—50%D	35
IP	—varies—		125	—varies—		10	35%—50%D	35
PD	—	—	—	—	—	—	—	35
PL	10G	—	—	—varies—20		20	—	35
RS	—	8,000	60	20	6C	20	50%	35
RM	—	8,000	60	20	6C	20	40%	35
RC	10	—	60	20	20	20	—	35
TP	160	—	—	—	—	—	—	35

- A. (Reserved.) Notwithstanding Table 18.104.010, urban lot splits conforming to the requirements of Chapter 17.17 shall not be subject to minimum lot area requirements prescribed in this section.
- B. Plus two thousand square feet per unit.
- C. Three feet shall be added to each side yard for each story above the first story of any building. Minimum yard on the street side of a corner lot shall be ten feet.
- D. Up to fifty percent for certain uses.
- E. One-half acre if public water and sewer is available.
- F. Twenty thousand square feet if public water and sewer is available.
- G. In areas with general plan designations agricultural resource or agriculture, watershed and open space.

18.104.065 - Emergency shelters—Development standards and design criteria

A. Emergency shelters are allowed as a permitted use in the Industrial Zone and as a conditional use in the General Industrial Zone. The development standards listed in Table 1 below shall apply to emergency shelters in the Industrial and General Industrial zones. These development standards shall apply for all projects whether or not they require use permit approval. Where use permit approval is required in the General Industrial zone, Chapter 18.124 shall apply in addition to this section. Where use permit approval is required, the development standards may be modified if deemed appropriate by the commission.

Subject	Standard
Site area (min)	20,000 square feet
Building site coverage (max)	35%
Front setback (min)	20 feet
Rear setback (min)	20 feet
Side setback (min)	5 feet
Height limit (max)	35 feet
Parking requirements	<u>1 space for each employee, based on the greatest number of employees on duty at any one time 1 space for each employee and 1 space for every four beds</u>

- B. The following design guidelines shall apply to development of emergency shelters in the Industrial and General Industrial zoning districts. The design guidelines will be enforced through review and approval by the director, or the director's designee, in the cases where a use permit is not required, or by the commission in the event a use permit is required.
 - 1. Use must meet density requirements for similar uses as stated in the Airport Land Use Compatibility Plan, and an overflight easement must be recorded.
 - 2. The site must be mitigated for hazardous materials before the site can be occupied. A Phase I hazardous materials report shall be provided with the application, all recommendation of the report shall be implemented, and, if hazardous materials are found, either the State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency must have determined that the site is suitable for residential use.

3. Signage must meet standards for the applicable zoning district in which the emergency shelter is located.
4. Laundry facilities shall be provided. ~~to meet the needs of the residents.~~
5. Temporary shelter shall be provided for no more than three hundred thirty days per calendar year for each resident. and no more than one hundred eighty consecutive days.
- ~~6. Staff and services shall be provided to assist residents to obtain permanent shelter and income.~~
67. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security of indoor and outdoor facilities and parking, screening of residents to insure compatibility with services provided at the facility and for training, counseling and treatment programs for residents, and assistance to residents to obtain permanent shelter and income.
78. The number of beds at any facility shall not exceed sixty.
98. Projects ~~should~~ shall connect to municipal providers for water and sewer services or demonstrate that they can comply with groundwater/wastewater requirements contained in Napa County Code Title 13.
409. All exterior lighting, including landscape lighting, shall be shielded and directed downward and shall be located as low to the ground as possible, ~~and shall be the minimum necessary for security, safety or operations~~ and shall incorporate the use of motion detection sensors ~~to the greatest extent practical.~~ No flood lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.
- ~~1110. Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees.~~
1210. ~~All development~~ The shelter shall be subject to the county's Conservation Regulations (Chapter 18.108).

18.104.130 – Off-street parking.

- A. Adequate off-street parking shall be provided for vehicles in connection with any use in any zoning district, but the stricter parking standards set forth in ~~Chapter 18.16 or~~ succeeding subsections of this section shall prevail where applicable.
- B. In any zoning district, two off-street parking spaces shall be provided for each dwelling unit, except where lesser standards are allowed by the County Code or state law, including but not limited to Sections 18.104.065 (Emergency Shelters), 18.104.170 (Residential Care Facilities), 18.104.180 (Accessory Dwelling Units), 18.104.440 (Two-Unit Developments), and 18.110.030 (Multi-Family Projects) and Chapter 17.17 (Urban Lot Splits).
- C. In connection with a use permit for which approval of a development plan is required, the parking requirements of this section may be modified by the commission upon a finding that, because of the type of occupancy or the location of the development, the normal standards will produce either more or fewer parking spaces than will be needed. Requests for reductions in the number of parking spaces for standard residential developments shall be based on information provided by the applicant, which may include but not be limited

to a: parking study, Transportation Demand Management (TDM) plan, demonstration of adequate on-street parking, proximity to transit services, provision of on-site affordable or senior housing, or other evidence. In no event shall such modification increase or decrease the number of required parking spaces by more than forty percent of the stated standard.

- D. Notwithstanding any other provision of this code, temporary off-site parking shall be allowed in conjunction with county authorized events provided the off-site parking meets the criteria established in subdivisions 1 through 22 below, and an "off-site parking plan" which complies with the requirements of subsection (E) has been submitted and reviewed by the director, in conjunction with consultation with other departments.
1. Temporary off-site parking is identified as an allowed use in the zoning district where parking will be located, (except in the case of temporary events which must provide for parking in conformance with the Temporary Events Manual) and shall occur only on parcels that have ingress and egress to a state highway, county arterial or collector roads.
 2. The area which the event sponsor designates for temporary off-site parking shall accommodate the maximum number of persons attending the authorized event. The area for parking shall be based on three people per vehicle, and shall comply with the layout and dimension requirements of Napa County's off-street parking standards identified in the department of public works road and street standards (as most recently revised). Fire lanes with a minimum clearance of fourteen feet between rows of parked cars and at the end of aisles around the perimeter of the parking lot shall be open at all times for emergency vehicle access.
 3. Parking at any off-site location shall occur only on the designated days of the authorized event and at any designated site for a maximum of ten days in one calendar year.
 4. Security shall be provided at each off-site parking location for as long as parking continues at that lot.
 5. Temporary parking signs and directional signs to parking locations, prepared at the expense of the event sponsor, shall be no larger than thirty-six inches by thirty-six inches, and shall be located to safely identify the parking locations. Such signs shall be placed no earlier than the day before the event and shall be removed no later than the day following the event. Such signs shall not be located on trees or utility poles.
 6. Reclaimed water shall be applied to each off-site parking location for dust suppression at a minimum of once on the day prior to the use of the lot for the parking and at least once in the morning each day before vehicles are parked and once in the afternoon of each day when vehicles are parked, or more often as necessary.
 7. Off-site parking locations shall be mowed to a maximum height of four inches to reduce fire hazard.
 8. "No Smoking" signs shall be readily visible from all points along the access driveway to each parking lot where visitors will be walking to reduce the risk of fire and shall be enforced by the parking attendants.
 9. Refuse containers shall be located at each off-site parking lot during the use of the lots, and shall be removed from the parking areas and

- surrounding neighborhood no later than five p.m. of the day following the event.
10. Parking shall not be permitted where septic systems, including tanks and leachfields are located. These areas shall be temporarily fenced or flagged.
 11. Parked vehicles shall be set back from off-site residences (on adjacent parcels) by a minimum of fifty feet. Setbacks shall be temporarily fenced or flagged.
 12. Access driveways to off-site parking lots shall be maintained with a minimum access width of eighteen feet for two-way traffic. Any temporary improvements in the public right-of-way shall be in conformance with the agency with jurisdiction over the right-of-way.
 13. Streets shall be posted with "No Parking" signs at the expense of the event sponsor if determined to be necessary by the department of public works, California Highway Patrol, or the Napa County fire department. Event sponsor shall be responsible to provide adequate law enforcement personnel to assure compliance.
 14. Shuttle buses shall be provided for off-site parking lots located more than one-third mile from the event entrance, and shall be confined to travel on state highways, Silverado Trail, county arterial and collector roads, as specified in Sections 18.112.070 and 18.112.080 of the code. Shuttle buses shall load and unload passengers on each lot if possible, or shall load on a paved shoulder of the right-of-way, and shall not sit idling while waiting for passengers. Shuttle buses shall unload inside the event entrance, and a turnaround area for shuttles shall be located on the event site.
 15. Traffic controls, including circulation to, within and from each off-site parking location shall comply with the county public works department, sheriff's department, fire department, and California Highway Patrol. Temporary crosswalks shall be marked for pedestrian safety.
 16. No permanent improvements, including paving, shall be made or permanent lighting installed at off-site parking lots solely to accommodate temporary parking. Any temporary lighting shall be directed downward to prevent glare onto adjacent properties.
 17. Parking shall not be allowed on any site which is identified on the county's environmental resource maps as being in an area of hazardous or critical concern, high fire hazard, or environmentally sensitive.
 18. A minimum of three parking attendants shall be present at each lot used for temporary off-site parking to assist in parking vehicles as long as the parking lot is in use. Attendants shall be trained in enforcement of no smoking and emergency vehicle access requirements, emergency incident reporting and notification procedures, and the use of fire extinguisher.
 19. Public entity costs associated with assistance of the temporary parking and circulation shall be the responsibility of the event sponsor. "Public entity" shall include, but not be limited to, public works department, fire department, sheriff, California Highway Patrol, and Caltrans.
 20. Fire extinguisher(s) shall be maintained at each off-site parking lot whenever vehicles are in the lot. There shall be one fire extinguisher for each two hundred and fifty parking spaces (or fraction thereof). Fire

extinguishers shall be foam-water type, two and one-half gallon size (class 3A).

21. A telephone (cellular or wired) for reporting of emergencies shall be maintained at, or within one hundred yards of, a parking lot attendant for each off-site parking lot.
 22. One fire engine staffed with three uniformed firefighters shall be retained by the event sponsor for emergency standby at events with more than five hundred off-site parking spaces. This requirement may be modified based on factors such as fire department response time, fire hazard, and available staffing. The amount of on-site fire suppression resources (personnel, equipment, practices) will be increased during periods of extreme fire weather (e.g., National Weather Service "Red Flag Warning").
 23. The director may require a report of compliance with the above requirements after any event requiring off-site parking.
- E. The off-site parking plan shall be submitted to the conservation, development and planning department by the event sponsor at least ninety days prior to the commencement of the event, and shall be accompanied by a nonrefundable fee in that amount adopted by the board of supervisors, and shall include the following requirements:
1. The type, place and duration (dates and times) of the event;
 2. The name and address of the event sponsor;
 3. The name and telephone number of the person to contact in case of any problems during the event;
 4. The name and address of properties where off-site parking will occur;
 5. Maximum number of people attending the event, and a summary indicating that the area proposed for parking can accommodate that number based on three people per vehicle;
 6. Number of personnel to assist in parking and traffic control for pedestrians and vehicles, and the methods of operation, including locations of temporary crosswalks for pedestrian safety;
 7. Method and rate of water application on lots for dust suppression, including source of reclaimed water;
 8. Event communication system and incident reporting and notification procedures to be used by parking lot attendants;
 9. Number of shuttle buses proposed for the event, the manner they will be used;
 10. A map at the scale of one inch equals eight hundred feet identifying:
 - a. y lot number and name the location of all off-site parking areas, the assessor parcel number and address of the property, and the street name and address of all houses adjoining the parking lot,
 - b. Size of each lot, layout of parking rows, row dimensions, and number of vehicles each parking row can accommodate,
 - c. Access driveways to off-site parking lots, parking lot aisles, and perimeter fire lanes, with required minimum widths clearly identified,
 - d. Streets proposed to be closed to vehicular traffic,
 - e. Location of "No Parking" signs, "No Smoking" signs, fire extinguishers, and phones,
 - f. Shuttle routes, turnaround areas, and approximate number of trips during the event,

- g. Location of any septic systems and leachfields on proposed parking sites,
 - h. Traffic control points for circulation to and from off-site parking locations,
 - i. Locations of temporary crosswalks;
11. A list of property owners contiguous to parcels where off-site parking will occur, as shown on the latest equalized assessment roll;
 12. All other on-site and remote areas to accommodate parking for the event shall be identified, and the number of vehicles that each area can accommodate shall be identified.

18.104.170 – Residential care facilities

Notwithstanding any other provisions of this title, a residential care facility (medium) or (large) shall meet the following criteria:

- A. Minimum Lot Area Standards. The lot on which a residential care facility (medium) or (large) is located shall meet the minimum lot area requirements of that district, and it shall contain not less than two thousand square feet for each person served by the facility.
- B. Parking Standards. Residential care facilities (medium) or (large) shall comply with the following parking and loading area requirements:
 1. One off-street parking space shall be provided for each two visitors based on the greatest number of visitors at any one time to four persons served by the facility.
 2. One additional off-street parking space shall be provided for each full-time or part-time employee of the facility, based on the greatest number of employees on duty at any one time.
 3. Off-street loading and delivery areas shall be provided for each facility which has a capacity to serve thirteen or more persons, and an additional off-street loading and delivery area shall be provided for each additional one hundred persons or fraction thereof beyond the first one hundred persons.
- C. Large Residential Care Facilities Located in RS (Residential Single) Zoning Districts. The following additional criteria must be met:
 1. ~~Location within five miles of a state-licensed general acute care hospital with supplemental emergency service as defined by the Health and Safety Code Section 1250(a) (Reserved).~~
 2. Not less than forty percent of the site shall be reserved for common use space and shall not be covered by buildings or parking improvements, but may be utilized as required setback, yard and septic system areas.
 3. Minimum parcel size shall be two acres.
 4. Public water and/or sewer services shall be provided to the site.
- D. Management Plan. The applicant shall provide a comprehensive management plan, which shall include, at a minimum, the following:
 1. Property management policies and operations, including maintenance and repair policies;
 2. An explanation of how the facility intends to meet the requirements of subdivision G.5 of Section G below;
 3. An explanation of how the facility intends to meet the requirements of subdivision G.6 of Section G below;

4. A copy of the written resident intake procedures, including rental procedures;
 5. A copy of the written termination and eviction procedures;
 6. A copy of the resident and guest rules; and
 7. If applicable, the plan for disposing of medical waste or other bio-waste.
- E. Proof of any required licensing from the California Department of Social Services, the California Department of Health and Human Services, the California Department of Health Care Services, or other applicable regulatory agency, along with a license and permit history of the applicant(s), including whether such applicant(s), in previously operating a similar use in this or another city, county or state under license and/or permit, has had such license and/or permit revoked or suspended, and the reason therefore.
- F. A list of addresses of all other licensed or unlicensed facilities owned or operated by the applicant(s) within the past five (5) years and whether such facilities have been found by state or local authorities to be operating in violation of state or local law.
- G. Additional Criteria: Residential care facilities (large) shall comply with all of the following:
1. Development Standards. Unless otherwise indicated below, the facility shall conform to the development standards for the zoning district in which it is located.
 2. Accessory Dwelling Units. The facility shall not be located in an accessory dwelling unit or junior accessory dwelling unit unless the primary dwelling unit is used for the same purpose.
 3. Kitchens. The facility must provide either (i) congregate dining facilities or (ii) kitchens in individual units.
 4. Common Areas and Open Space. The facility shall include indoor or outdoor common areas or open space, at the discretion of the applicant. The common area(s) or open space shall be furnished. Appropriate furnishings for indoor spaces include, but are not limited to, such items as lounge chairs, couches, tables with chairs, writing desks, and televisions. Outdoor furnishings include but are not limited to such items as outdoor benches, tables with chairs, barbecues, and shade coverings like arbors, patio covers, garden shelters or trellises.
 5. Management. The facility shall have either (i) a manager who resides on-site or (ii) a number of persons acting as a manager who are either present at the facility on a 24-hour basis or who will be available twenty-four (24) hours a day, seven (7) days a week to physically respond within forty-five (45) minutes notice and who are responsible for the day-to-day operation of the facility. The provisions of this section shall be superseded by any management requirements imposed on the facility pursuant to state law.
 6. Security. A designated area for on-site personnel shall be located near the main entrance to the facility for the purpose of controlling admittance to the facility and providing security. Emergency contact information shall be posted on the exterior of the facility adjacent to the main entrance, as well as on the interior in a location accessible to all residents.
 7. Personal Storage. Each resident of the residential care facility shall be provided with at least one private storage area or private closet, with a lock or other security mechanism, in which to store their personal belongings.

HD. Additional Conditions. Additional conditions to those set forth in this section may be imposed by the planning commission when deemed necessary by the commission to protect the public health, safety and welfare.

18.104.180 - ~~Junior a~~Accessory dwelling units and ~~second~~ junior accessory dwelling units.

- ~~A. Pursuant to the provisions of Government Code Sections 65852.2 and 65852.22, the following requirements apply to all second units and junior accessory dwelling units, as applicable:~~
- ~~1. The lot is a legal lot as defined by Section 18.08.340 of this title.~~
 - ~~2. The lot is zoned RS, RC, AW, or PD when the lot contains an existing or proposed single family dwelling or existing multifamily unit that is precluded from transient occupancy.~~
 - ~~3. The lot contains at least one legal single family dwelling or multifamily dwelling, except when an applicant is applying for a permit to build a single family dwelling and a second unit at the same time.~~
 - ~~4. The total floor space of a junior accessory dwelling unit shall not exceed five hundred square feet as measured from the inside of the exterior walls. The total floor space of a second unit shall not exceed one thousand two hundred 1,200 square feet as measured from the inside of the exterior walls.~~
 - ~~5. Except as modified in this Section 18.104.180, a junior accessory dwelling unit or second unit shall conform to all height, setback, lot coverage and other zoning requirements applicable to a primary (main) dwelling in the zone in which the property is located, unless they are inconsistent with the provisions of this chapter, in which case the standards of this chapter shall apply.~~
 - ~~6. All site plan review requirements, permit and mitigation fees and other charges applicable to primary (main) dwellings in the zone in which the property is located shall apply to a second unit or junior accessory dwelling unit, except:~~
 - ~~a. A junior accessory dwelling unit shall not be considered a separate or new dwelling unit, nor shall a connection fee be charged, for the purposes of providing water, sewer, or power;~~
 - ~~b. Second units shall not be considered new residential uses for the purposes of calculating any county connection fees or capacity charges for utilities; and~~
 - ~~c. No impact fees shall be imposed upon the development of a second unit less than seven hundred fifty square feet. Any impact fees charged for a second unit of seven hundred fifty feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. For purposes of this provision, an "impact fee" includes the fees specified in Sections 66000 and 66477 of the Government Code.~~
 - ~~7. All reviews of junior accessory dwelling units and second units shall be ministerial.~~
 - ~~8. County building code requirements which apply to single family dwellings shall also apply to junior accessory dwelling units and second units.~~
 - ~~9. Approval by the department must be obtained where either a private or individual sewage disposal system is to be used.~~

- ~~10. Fire sprinklers shall not be required for a second unit if they are not required for the primary residence. For the purposes of fire or life safety or protection, a junior accessory dwelling unit shall not be considered a new dwelling unit and no fire and life safety requirements may be applied to residences containing a junior accessory dwelling unit unless they apply uniformly to all single-family residences in the zone regardless of whether or not they contain a junior accessory dwelling unit.~~
- ~~11. No parking is required for a junior accessory dwelling unit. Second units shall have one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on an existing driveway. Off-street parking is permitted in setback areas or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon fire and life safety conditions. Notwithstanding the foregoing, the parking standards for second units as set forth herein shall not apply in any of the following instances:
 - ~~a. The second unit is located within one-half mile of a public transit stop;~~
 - ~~b. The second unit is located within an architecturally and historically significant district;~~
 - ~~c. The second unit is part of the existing primary residence or an existing accessory structure;~~
 - ~~d. On-street parking permits are required but not offered to the occupant of the second unit; or~~
 - ~~e. There is a car share vehicle pick-up location within one block of the second unit.~~~~
- ~~12. If the construction of a second unit replaces an existing garage, carport, or covered parking structure, no replacement spaces need be provided.~~
- ~~13. At the time of application for a second unit, the property owner shall acknowledge in writing that (a) the second unit may not be sold separately from the existing family dwelling or multi-family dwelling; and (b) neither the second unit nor the single-family dwelling or multi-family dwelling may be used for short-term residential rentals. Prior to the issuance of a building permit for the second unit, the owner shall record a covenant in a form approved by the county to notify future owners of the requirements of this subsection.~~
- ~~14. Limits on lot coverage, floor area ratio, open space, and size must permit or shall be waived to allow an eight hundred square foot detached or attached second unit sixteen feet high with four-foot side and rear yards, if the proposed second unit is in compliance with all other development standards, including but not limited to front yard setbacks.~~
- ~~15. A second unit shall have a separate entrance from the primary dwelling unit.~~
- ~~16. Except as specified below, a second unit shall be required to comply with the setback requirements of the zone in which the unit is to be located.
 - ~~a. No setback is required for an existing living area or an existing accessory structure converted to a second unit, or for a new second unit constructed in the same location and built to the same dimensions as an existing structure.~~
 - ~~b. For all other second units, a setback of four feet is required from the rear and side property lines.~~~~

- ~~17. Where there is an existing multifamily structure on a site, the following types of second units are permitted:
 - ~~a. Second units within portions of existing multifamily dwelling structures that are precluded from transient occupancy, provided that those portions of the existing multifamily dwelling are not used as livable space, and provided that each unit complies with state building standards for dwellings. A second unit shall not be created within any portion of the habitable area of an existing dwelling unit in a multifamily structure. At least one and up to twenty-five percent of the number of existing multifamily units in the building that are precluded from transient occupancy shall be allowed.~~
 - ~~b. Up to two detached second units on a lot with an existing multifamily dwelling structure that is precluded from transient occupancy, provided that the height does not exceed sixteen feet and that four-foot side and rear yard setbacks are maintained.~~~~
- ~~18. A junior accessory dwelling unit complying with subsection (D) of Section 18.104.180 may be developed on the same site as a detached second unit not exceeding eight hundred square feet or more than sixteen feet high, with side and rear yard setbacks of at least four feet, on a lot with an existing or proposed single-family dwelling.~~
- ~~B. The following additional requirements shall apply to all detached second units:
 - ~~1. A second unit attached to an accessory structure shall not have interior access connecting to the accessory structure.~~
 - ~~2. If an individual sewage disposal system is proposed, a separate system serving the second dwelling unit shall be installed unless otherwise approved by the department.~~
 - ~~3. The lot must meet the minimum standards of the department in regard to water and sewer requirements.~~
 - ~~4. Second units may be separately metered and shall include separate shut-off valves for all utilities.~~
 - ~~5. The maximum distance that a detached second unit may be from the nearest portion of the living area of the existing legal single-family dwelling or multi-family dwelling on the same parcel shall be five hundred feet, measured along a level, horizontal straight line, unless a greater distance is required to avoid an agricultural constraint or to meet the standards of the department relating to private water or sewer systems or to avoid an environmentally sensitive area as defined by Section 18.08.270 of this title.~~~~
- ~~C. Second units, attached, shall additionally comply with the following:
 - ~~1. The second unit shall be located no more than twenty feet from the living area of the existing dwelling and shall be attached to the existing dwelling in the manner set forth in Section 18.08.070 of this title.~~
 - ~~2. The total floor area of an attached second unit shall not exceed fifty percent of the existing primary dwelling or eight hundred square feet, whichever is greater.~~~~
- ~~D. Junior accessory dwelling units shall additionally comply with the following:
 - ~~1. Notwithstanding subsection (A)(2) of Section 18.104.180, a junior accessory dwelling unit may be permitted within an existing or proposed single-family dwelling within the AP zone.~~~~

- ~~2. The total floor space of a junior accessory dwelling unit shall not exceed five hundred square feet as measured from the inside of the exterior walls.~~
 - ~~3. The junior accessory dwelling unit must be created within the walls of an existing or proposed primary dwelling.~~
 - ~~4. A separate exterior entry shall be provided to serve a junior accessory dwelling unit.~~
 - ~~5. The junior accessory dwelling unit shall include at least an efficiency kitchen which includes cooking appliances, a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.~~
 - ~~6. At the time of application for a junior accessory dwelling unit, the property owner shall acknowledge in writing that (a) the owner must occupy as a principal residence either the primary dwelling or the junior accessory dwelling unit, unless the owner is another governmental agency, land trust, or housing organization; (b) the junior accessory dwelling unit shall not be sold separately from the existing single-family dwelling; and (c) neither the junior accessory dwelling unit nor the single-family dwelling shall be used for short-term residential rentals. Prior to the issuance of a building permit for the junior accessory dwelling unit, the owner shall record a covenant in a form approved by the county to notify future owners of the requirements of this subsection and of the restrictions on the use, size and attributes of the junior accessory dwelling unit.~~
- ~~E. The planning director shall administratively approve ministerial permits for junior accessory dwelling units and second units conforming to the provisions of this section within the time limits specified by Government Code Section 65852.22 or 65852.2, as applicable, or successor provisions.~~

A. Pursuant to the provisions of Government Code Sections 66310 et seq., the following requirements apply to accessory dwelling units and junior accessory dwelling units, as specified:

1. Zoning and Required Uses.
 - a. Accessory Dwelling Units. Accessory dwelling units are allowed on a legal lot, as defined by Section 18.08.340 of this title, that is zoned RS, RM, RC, AP, AW or PD, or is developed under the provisions of the :AH overlay zone, and that contains an existing or proposed single family dwelling or an existing or proposed multifamily unit that is precluded from transient occupancy.
 - b. Junior Accessory Dwelling Units. Only one junior accessory dwelling unit is permitted on a legal lot, as defined by Section 18.08.340 of this title, that is zoned RS, RM, RC, AP, AW or PD, or is developed under the provisions of the :AH overlay zone, and that contains an existing or proposed single family dwelling.
 - c. Urban Lot Splits. No accessory dwelling unit or junior accessory dwelling unit shall be permitted if the lot was created by an urban lot split pursuant to Chapter 17.17, and the approval of the accessory dwelling unit or junior accessory dwelling unit would result in more than two dwelling units on the lot.
2. Types of Accessory Dwelling Units. Accessory dwelling units may be attached to an existing or proposed primary structure or accessory structure (attached accessory dwelling unit), detached from an existing or

- proposed primary structure (detached accessory dwelling unit), or located within an existing primary structure or existing accessory building (interior accessory dwelling unit).
3. Junior Accessory Dwelling Units. Junior accessory dwelling units must be created within the walls of an existing or proposed primary dwelling. An attached garage is part of the single-family dwelling unit for purposes of this Section 18.104.180. Junior accessory dwelling units are only permitted on a legal lot with no more than one existing or proposed single-family dwelling.
 4. Exempt Accessory Dwelling Units. The following are exempt from certain development and design standards, as specified in subsections B and C below, and are referred to as “exempt accessory dwelling units”:
 - a. One accessory dwelling unit on a legal lot with up to one junior accessory dwelling unit and a proposed or existing single-family dwelling if the accessory dwelling unit and junior accessory dwelling unit comply with the following:
 - i. The accessory dwelling unit is within the proposed or existing space of a single-family dwelling or existing space of an accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
 - ii. The accessory dwelling unit has separate exterior access from the proposed or existing single-family dwelling.
 - iii. The side and rear setbacks are sufficient for fire and safety.
 - iv. The junior accessory dwelling unit complies with the requirements of this subsection A and subsection D below.
 - b. One detached, new construction accessory dwelling unit on a legal lot with a proposed or existing single-family dwelling if the accessory dwelling unit provides four-foot side and rear yard setbacks; does not exceed 800 square feet in floor area, and does not exceed the height described in subsection A.4.b.i or ii, as applicable.
 - i. 18 feet on a legal lot with an existing or proposed single-family dwelling if the lot is within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155. An additional two feet in height may be permitted to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the single-family dwelling;
 - ii. 16 feet on all other legal lots with an existing or proposed single-family dwelling unit.
 - c. Up to two detached accessory dwelling units on a legal lot with a proposed or existing multifamily dwelling if the accessory dwelling units provide at least four-foot side and rear yard setbacks. If the existing multifamily dwelling has a rear or side setback of less than four feet, no modification of the existing

- multifamily dwelling shall be required as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this subsection. The height of the accessory dwelling units shall not exceed the following:
- i. 18 feet on a legal lot with an existing or proposed multifamily dwelling unit if the lot is within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155. An additional two feet in height may be permitted to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the multifamily dwelling;
 - ii. 18 feet on a legal lot with an existing or proposed multistory multifamily dwelling;
 - iii. 16 feet on all other legal lots with an existing or proposed multifamily dwelling;
 - d. A legal lot with an existing multifamily dwelling may contain accessory dwelling units converted from portions of the building that are not used as livable space, if each unit complies with state building standards for dwellings. The number of accessory dwelling units permitted is equivalent to up to 25 percent of the number of existing, legally permitted units in the multifamily dwelling, or one, whichever is greater.
5. Only one accessory dwelling unit shall be permitted on legal lots with proposed or existing single-family or multifamily dwellings unless all existing and proposed accessory dwelling units on the lot meet the requirements of subsection A.4 above.
6. Building Code. Junior accessory dwelling units and accessory dwelling units shall comply with all applicable building code requirements, except as follows:
- a. Fire sprinklers shall not be required for an accessory dwelling unit if they are not required for the primary dwelling. Fire sprinklers may not be required for an existing primary dwelling unit as a condition of the approval of an accessory dwelling unit.
 - b. The new construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the building official or enforcement agency makes a written finding based on substantial evidence in the record that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety or the accessory dwelling unit is converted from unhabitable or nonresidential space.
7. Owner Occupancy. On a property with a junior accessory dwelling unit, the owner must occupy as a principal residence either the primary dwelling or the junior accessory dwelling unit, unless the owner is another governmental agency, land trust, or housing organization. Owner occupancy is not required for the accessory dwelling unit.
8. Prohibition on Separate Sale.

- a. Accessory Dwelling Unit. An accessory dwelling unit may not be sold separately from the single-family or multifamily dwelling, except that the accessory dwelling unit and primary unit may be owned by multiple owners as tenants in common if the single-family dwelling and accessory dwelling unit were developed by a qualified nonprofit, as that term is defined in Government Code Section 66340, and if all of the provisions of Government Code Section 66341 are met.
 - b. Junior Accessory Dwelling Unit. A junior accessory dwelling unit may not be sold separately from the single-family dwelling.
9. Covenants:
- a. Accessory Dwelling Units. At the time of application for an accessory dwelling unit, the property owner shall acknowledge in writing that neither the accessory dwelling unit nor the single-family dwelling or multifamily dwelling may be used for short-term residential rentals of less than thirty days. Prior to the issuance of a building permit for the accessory dwelling unit, the owner shall record a covenant with the Napa County Recorder's Office in a form approved by county counsel to prohibit renting the accessory dwelling unit for fewer than 30 consecutive calendar days.
 - b. Junior Accessory Dwelling Units. Prior to issuance of a certificate of occupancy for a junior accessory dwelling unit, the owner shall record a covenant in a form prescribed by county counsel, which shall run with the land and provide for the following:
 - i. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family principal dwelling;
 - ii. A restriction on the size and attributes of the junior accessory dwelling unit consistent with subsection D below;
 - iii. A requirement that either the primary residence or the junior accessory dwelling unit be the owner's bona fide principal residence, unless the owner is a governmental agency, land trust, or housing organization.
 - c. A copy of the recorded covenant shall be filed with county counsel.
- B. Development Standards – All Accessory Dwelling Units. The following development standards apply to all accessory dwelling units:
- 5. Except as specified below, an accessory dwelling unit shall comply with the requirements of this Section 18.104.180, the underlying zoning district, and other provisions of the Napa County Code except:
 - a. If the requirements of the underlying zoning district or other provisions of the Napa County Code are inconsistent with the provisions of this Section 18.104.180, the standards of this section shall apply. Exempt accessory dwelling units described in subsection A.4 need only comply with the applicable provisions of this Section 18.104.180, building code requirements, and health and safety requirements, such as those applicable to private water and sewer service.

- b. Limits on lot coverage, front yard setback, floor area ratio, open space, and size must permit or shall be waived to allow an eight hundred square foot detached or attached accessory dwelling unit with four-foot side and rear yard setbacks, if the proposed accessory dwelling unit is in compliance with all other applicable development standards.
 - c. The county may not require as a condition of approval the correction of nonconforming zoning conditions.
 - d. If the application is to legalize an unpermitted accessory dwelling unit that was constructed before January 1, 2018, the accessory dwelling unit does not need to conform with this section or building standards pursuant to Health & Safety Code Section 17960 et seq. However, the county may deny the application for an unpermitted accessory dwelling unit constructed before January 1, 2018 if the building official makes a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure.
 - e. No setback is required for a new structure constructed in the same location and to the same dimensions as an existing structure.
6. Entrance. An accessory dwelling unit shall have a separate entrance from the primary dwelling unit.
7. Parking. Accessory dwelling units shall have one parking space per unit, except that studio units shall not require a parking space. These spaces may be provided as tandem parking on an existing driveway. Off-street parking is permitted in setback areas or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon fire and life safety conditions. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another. Notwithstanding the foregoing, no parking shall be required in any of the following instances:
- a. The accessory dwelling unit is located within one-half mile of a public transit stop including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public;
 - b. The accessory dwelling unit is located within an architecturally and historically significant district;
 - c. The accessory dwelling unit is an interior accessory dwelling unit;
 - d. On-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
 - e. There is a car share vehicle pick-up location within one block of the accessory dwelling unit.
4. Demolition of Parking. If the construction of an accessory dwelling unit replaces an existing garage, carport, or covered parking structure, no replacement spaces need be provided. If the applicant applies for a demolition permit to demolish a detached garage and a building permit to construct a detached accessory dwelling unit, the demolition permit and building permit for the accessory dwelling unit shall be issued at the same time.

5. Detached Accessory Dwelling Units:
 - a. Maximum Height: The height of a detached accessory dwelling unit shall not exceed 35 feet except that exempt accessory dwelling units are subject to the height limits in subsection A.4 .
 - b. Maximum Size: The total floor space of a detached accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet as measured from the inside of the exterior walls except the exempt accessory dwelling units are subject to limits on size contained in subsection A.4.
 - c. Setbacks: A four feet setback is required from the rear and side property lines.
 6. Attached Accessory Dwelling:
 - a. Maximum Height: The height of an attached accessory dwelling unit shall not exceed 35-feet or the height limitation that applies to the single-family dwelling or multifamily dwelling, whichever is lower. However, the accessory dwelling unit may not exceed two stories.
 - b. Setbacks: A four feet setback is required from the rear and side property lines.
 - c. Interior Access: An accessory dwelling unit attached to an accessory structure shall not have interior access connecting to the accessory structure.
- C. Design Standards – Non-Exempt Accessory Dwelling Units. The following design standards shall apply to all accessory dwelling units except exempt accessory dwelling units described in subsection A.4:
1. Detached Units: Maximum Distance Between Units. The maximum distance that a detached accessory dwelling unit may be from the nearest portion of the living area of the existing legal single-family dwelling or multi-family dwelling on the same legal lot shall be five hundred feet, measured along a level, horizontal straight line, unless a greater distance is required to avoid an agricultural constraint or to meet the standards of the department relating to private water or sewer systems or to avoid an environmentally sensitive area as defined by Section 18.08.270 of this title.
 2. Attached Units: Maximum Distance Between Units.
 - a. The accessory dwelling unit shall be located no more than twenty feet from the living area of the existing dwelling and shall be attached to the existing dwelling in the manner set forth in Section 18.08.070 of this title.
 - b. Maximum size. The total floor space of an attached accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet as measured from the inside of the exterior walls. If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed fifty percent of the existing primary dwelling or eight hundred square feet, whichever is greater.
- D. Design and Development Standards – Junior Accessory Dwelling Units. Pursuant to the provisions of Government Code Sections 66310 et seq., the following requirements apply to all junior accessory dwelling units:

1. Size. The total floor space of a junior accessory dwelling unit shall not exceed five hundred square feet as measured from the inside of the exterior walls.
 2. Entrance. An exterior entry separate from the exterior entry for the single-family dwelling unit shall be provided to serve a junior accessory dwelling unit. However, if the junior accessory dwelling unit shares sanitation facilities with the single-family dwelling unit, there must also be an interior entry to the main living area of the single-family dwelling unit.
 3. Kitchen. The junior accessory dwelling unit shall include at least an efficiency kitchen which includes cooking appliances, a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
 4. Parking. Parking is not required for a junior accessory dwelling unit. If the construction of a junior accessory dwelling unit replaces an existing attached garage, replacement parking is required.
- E. Applications and Processing. All reviews of accessory dwelling units and junior accessory dwelling units shall be ministerial.
1. In addition to other information requested in this section and the application form, for issuance of a building permit, the approval by the relevant department must be obtained where a private or individual sewage disposal system or water system is to be used.
 2. The director shall administratively review and approve or deny complete ministerial permit applications for accessory dwelling units and junior accessory dwelling units within 60 days from the date the county receives a completed application, except that applications for pre-approved accessory dwelling unit plans shall be approved or denied within 30 days from the date that the county receives a completed application. However, if the permit application is submitted with an application to construct a new single-family or multifamily dwelling, then the county may delay review of the permit application for the accessory dwelling unit or junior accessory dwelling unit until the county approves or denies the permit for the new dwelling. If the application is denied, the director will provide, within the review period, a complete list of the application's deficiencies and describe how the applicant can remedy the application.
- F. Utilities and Impact Fees.
1. Fees and Utility Connections for Accessory Dwelling Units. All permit and mitigation fees and other charges applicable to primary dwellings in the zone in which the property is located shall apply to an accessory dwelling units except:
 - a. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating any connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit is constructed with a new single-family dwelling.
 - b. Interior accessory dwelling units are exempt from any requirement to install a new or separate utility connection and to pay any associated connection or capacity fees or charges, unless the interior accessory dwelling unit was constructed with a new single-family dwelling. For other accessory dwelling units, new or separate utility connections are required between the accessory dwelling unit and the utility. Any connection or capacity charge

- shall be proportionate to the burden of the proposed accessory dwelling unit on the water or sewer system, based on either its square feet or the number of drainage fixture units.
- c. No impact fees shall be imposed upon the development of an accessory dwelling unit less than seven hundred fifty square feet. Any impact fees charged for an accessory dwelling unit of seven hundred fifty feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit. For purposes of this provision, an “impact fee” includes the fees specified in Government Code Sections 66000 and 66477. Impact fees do not include connection fees or capacity charges.
2. Fees for Junior Accessory Dwelling Units.
 - a. For the purposes of providing service for water, sewer, or power, a junior accessory dwelling unit is not considered a separate or new dwelling unit. No water, sewer, or power requirements may be applied to single-family dwellings containing a junior accessory dwelling unit unless they apply uniformly to all single-family dwellings in the zone regardless of whether or not they contain a junior accessory dwelling unit.
 - b. Junior accessory dwelling units are exempt from any requirement to pay connection or capacity fees or charges.
 3. Utility Connections and Meters.
 - a. Accessory dwelling units may be separately metered and shall Junior accessory dwelling units are exempt from any requirement to install a new or separate utility connection and to pay any associated connection or capacity fees or charges.
 4. Water Availability Standards. If the lot is located within the Groundwater Sustainability Plan (GSP) area and/or is located within a designated Groundwater Deficient Area, then the proposal must comply with the objective requirements of the Water Availability Analysis Guidance Document (WAA).
- G. No conflict with state law. If any provision of this section conflicts with Government Code Section 66310 et seq. or other applicable state law, state law shall supersede the provisions of this section.

18.104.305 - Farmworker centers—Owned or managed by local government agency or non-profit organizations

Subject to the provisions of Section 18.104.295 where applicable, the following provisions shall apply to farmworker housing:

- A. Notwithstanding subsection (A) of Section 18.104.300, a farmworker center as described in subsection (A)(2) of Section 18.104.310, that is, a congregate housing facility occupied for no more than three hundred thirty days in a calendar year, comprised of permanent structures which are either owned or managed under a long term lease by a local government agency or non-profit organization may be located on a parcel of two or more acres, subject to all of the following conditions, together with applicable conditions in subsection (B), if any:
 1. The farmworker center may be occupied by no more than sixty farmworkers at any one time;

2. No more than five new farmworker centers may be established pursuant to this section after March 7, 2002;
 3. The local government agency or non-profit organization shall operate the farmworker center in accordance with all applicable provisions of both this code and applicable state and federal law.
- B. If a newly created parcel is conveyed or leased to a local government agency or non-profit organization to operate a farmworker center pursuant to subsection (A), above, and the local government agency or non-profit organization ceases to use the parcel for a farmworker center, then all of the following conditions shall apply:
1. The local government agency or non-profit organization shall, within six months, directly reconvey the parcel to the grantor or cancel the lease in such a manner as to merge it into the parcel from which it was divided;
 2. The local government agency or non-profit organization may not convey a parcel which does not satisfy the requirements of Section 18.104.300 to any third persons other than successors in interest of the grantor;
 3. The use permit for the farmworker center shall automatically expire;
 4. The parcel may thereafter be used only for purposes otherwise allowed by applicable zoning;
 5. The local government agency or non-profit organization shall submit a plan to the director describing the action it will take to ~~insure~~ ensure that future use of the structures conform to zoning applicable to the parcel at the time of reconveyance, including, but not limited to, demolition of the structures, modification of the structures to make them not habitable for residential use, or conversion of the structures to a use allowed by the zoning.
- C. No parcel shall be created for the purpose of establishing a farmworker center pursuant to this section and subsection (D) of Section 18.104.010 unless the local government agency or non-profit organization first agrees in writing to accept title to the parcel or to enter into a long-term lease.
- D. A use permit for a farmworker center issued pursuant to this section shall automatically expire if the parcel is not used as a farmworker center within three years after execution of the conveyance of the parcel.
- E. A use permit for a farmworker center issued pursuant to this section shall automatically expire if the farmworker center is not used for two consecutive growing seasons, provided that, if the director receives written notice that the farmworker center is temporarily closed for rehabilitation, growing seasons during which rehabilitation is taking place shall not be counted.
- F. To the extent it is legally permissible, language that ensures the conditions in subsections (A) and (B), above, shall be included in any deed or lease by which property is acquired by a local government agency or non-profit organization for use as a farmworker center pursuant to this section.
- G. Notwithstanding subsection (A)(3) of Section 18.104.330, a farmworker center established pursuant to this section may provide information regarding, and referral of farmworkers to, employment, social and community, and health services.
- H. For purposes of this section, long term lease means forty years or longer.

18.104.410 - Transient commercial occupancies of dwelling units prohibited.

- A. Transient commercial occupancies of dwelling units are prohibited in all residential and agricultural zoning districts within the county.
- B. Definitions. Unless otherwise defined in Chapter 18.08, the following definitions shall apply to this section:
 - 1. "Commercial use" shall have the same meaning as commercial use in Section 18.08.170, except it shall not include house exchanges, where owners or occupants swap homes for vacation purposes.
 - 2. "Occupancies" means the use or possession or the right to the use or possession of real property or a portion thereof, including any dwelling unit, single family dwelling unit, guest cottage, or ~~second unit~~ accessory dwelling unit, for dwelling, lodging or sleeping purposes. The right to use or possession includes any nonrefundable deposit or guaranteed no-show fee paid by a person, whether or not the person making the deposit actually exercises the right to occupancy by using or possessing any property or portion thereof.
 - 3. "Transient commercial occupancies of dwelling units" means any commercial use of a dwelling unit for a period of time less than thirty consecutive days. It does not include occupancies associated with farm labor camps, residential care facilities, family day care homes, or legally permitted bed and breakfast establishments, hotels or motels.
- C. Liability and Enforcement.
 - 1. Any property owner, or authorized agent thereof, who uses or allows, or who knowingly arranges or negotiates for the use of, transient commercial occupancies of dwelling units in violation of this section shall be guilty of either an infraction or a misdemeanor.
 - 2. Any property owner, or authorized agent thereof, who prints, publishes, advertises or disseminates in any way, or causes to be printed, published, advertised or disseminated in any way, any notice or advertisement of the availability of transient commercial occupancies of dwelling units as prohibited by this section, shall be guilty of either an infraction or a misdemeanor.
 - 3. In addition to the penalties set forth in subsections (C)(1) and (2) above, violators of this section may be subject to a public nuisance abatement action brought under the provisions of Chapter 1.20 and the civil penalty provisions of up to one thousand dollars per violation per day as provided in subsection (B) of Section 1.20.155 and subject to an unfair competition action brought pursuant to Business and Professions Code Section 17200 et seq. and up to two thousand five hundred dollars per violation civil penalty allowed thereunder.
 - 4. Any person who uses, or allows the use of transient commercial occupancies of dwelling units prohibited by this section shall also be liable for the transient occupancy tax that would have been owed under Chapter 3.32 had the occupancy use been legal, including the penalty and interest provisions of Section 3.32.080.
 - 5. The civil remedies and penalties provided by this subsection are cumulative to each other.

18.104.420 - Supportive and transitional housing.

Pursuant to Government Code Section ~~65583(a)(5)~~65583(c)(3), transitional and supportive housing ~~(as defined in Health and Safety Code Sections 50675.2(h) and 50675.14(b))~~ are considered a residential use of property subject only to the same restrictions as that apply to other residential dwellings of the same type in the same zone.

18.104.440 - Two-Unit Developments.

This section provides objective zoning standards for two-unit developments within single-family residential zones to implement the provisions of Government Code Section 65852.21, to facilitate the development of new residential housing units consistent with the County's Housing Element, and to ensure sound standards of public health and safety.

A. Definitions: As used in this chapter.

1. A person "acting in concert with the owner," means a person that has common ownership or control of the subject parcel with the owner of the adjacent parcel, a person acting on behalf of, acting for the predominant benefit of, acting on the instructions of, or actively cooperating with, the owner of the parcel being subdivided.
2. "Adjacent parcel" means any parcel of land that is (a) touching the parcel at any point; (b) separated from the parcel at any point only by a public right-of-way, private street or way, or public or private utility, service, or access easement; or (c) separated from another parcel only by other real property which is in common ownership or control of the applicant.
3. "Car share vehicle" means a motor vehicle that is operated as part of a regional fleet by a public or private care sharing company or organization and provides hourly or daily service.
4. "Common ownership or control" means property owned or controlled by the same person, persons, or entity, or by separate entities in which any shareholder, partner, member, or family member of an investor of the entity owns ten percent or more of the interest in the property.
5. "Sufficient for separate conveyance," means that each attached or adjacent dwelling unit is constructed in a manner adequate to allow for the separate sale of each unit in a common interest development as defined in Civil Code Section 1351 (including a residential condominium, planned development, stock cooperative, or community apartment project), or into any other ownership type in which the dwelling units may be sold individually.
6. "Two-unit development" means a development that proposes no more than two new units or proposes to add one new unit to one existing unit.
9. "Urban lot split" means a subdivision of an existing parcel into no more than two separate parcels pursuant to Chapter 17.17.

B. Location Requirements: As provided by Government Code Section 65852.21, and this section, the parcel proposed for a two-unit development must meet the following requirements:

1. The parcel is zoned Residential Single or Residential Country and is located entirely within the boundaries of an urban area as defined by the United States Census Bureau's Urban-Rural Classification.
2. The building site, as defined under Napa County Code Section 17.02.080, for a two-unit development, is not located within or includes any of the conditions listed in Government Code Section 65913.4(a)(6)(B) – (K) or the following:

- a. Land zoned or designated for agricultural protection or preservation by local ballot Measure J or Measure P approved by the voters of Napa County.
 - b. Land designated as a Groundwater Deficient Area, as defined and mapped under Napa County Code Chapter 13.15, unless:
 - 1. The applicant is able to secure a groundwater permit, pursuant to Napa County Code 13.15 for the proposed two-unit development, or in the case of an urban lot split, the applicant is able to secure a groundwater permit for all potential future dwelling units allowed under this section
 - 2. The applicant is able to provide documentation that the two-unit development or the future dwelling units from an urban lot split will be directly plumbed to receive potable water from a groundwater well outside of the Groundwater Deficient Area or from an approved public water system. Hauled water is not approved to serve the domestic use of a dwelling and cannot be approved in lieu or a directly plumbed potable source of water.
- C. Two-Unit Development: As provided by Government Code Section 65852.21 and this section, two-unit developments that meet the qualifying criteria for ministerial approval under this section shall be approved by the director without a hearing. The director shall determine if an application for a two-unit development meets the locational criteria prescribed in subsection B above and meets the follow requirements:
- 1. The proposed two-unit development would not require the demolition or alteration of any of the following types of housing:
 - a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate-, low-, or very low-income.
 - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - c. Housing that has been occupied by a tenant in the last three years.
 - 2. The parcel is not a parcel on which an owner of residential real property has exercised the owner's right under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within the last 15 years before the date that the development proponent submits an application.
 - 3. The two-unit development does not include the demolition of more than 25 percent of the existing exterior structural walls unless the site has not been occupied by a tenant in the last three years.
 - 4. The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a Napa County landmark or historic property or historic district pursuant to a Napa County ordinance.
 - 5. The two-unit development complies with all objective zoning standards, objective subdivision standards, and objective design review standards applicable to the parcel as provided in the zoning district in which the parcel is located, and all applicable objective Napa County ordinances; provided, however, that:

- a. The application of such standards shall be modified if the standards would have the effect of physically precluding the construction of two units on the parcel or would result in a unit size of less than 800 square feet. Any modifications of development standards shall be the minimum modification necessary to avoid physically precluding two units of 800 square feet each on each parcel.
- b. Notwithstanding subsection (5)(a) above, required rear and side yard setbacks shall equal four feet, except that no setback shall be required for an existing legally created structure, or a structure constructed in the same location and to the same dimensions as an existing legally created structure.
- c. For a two-unit development connected to an onsite wastewater treatment system, the applicant must provide a percolation test completed within the last 5 years, or if the percolation test has been recertified, within the last 10 years.
- 6. Proposed adjacent or connected dwelling units shall be permitted if they meet building code safety standards and are designed sufficient to allow separate conveyance. The two-unit development shall provide a separate gas, electric and water utility connection directly between each dwelling unit and the utility.
- 7. Parking. One parking space shall be required for each unit constructed on the site, except that no parking is required where:
 - a. The parcel is located within one-half mile walking distance of either a stop located in a high-quality transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3; or
 - b. There is a designated parking area for one or more car-share vehicles within one block of the parcel.
- 8. Dwelling units created by a two-unit development may be used for residential uses only and may not be used for rentals of less than 30 days.
- 9. No more than two dwelling units may be located on any lot created through an urban lot split pursuant to Chapter 17.17, including primary dwelling units, accessory dwelling units, junior accessory dwelling units, density bonus units, and units created as a two-unit development.
- 10. If any existing dwelling unit is proposed to be demolished, the applicant must comply with the replacement housing provisions of Government Code Section 66300(d).

D. Application Requirements. An application for a two-unit development shall include the following:

- 1. Declaration of Prior Tenancies. If any existing housing is proposed to be altered or demolished, the owner of the property proposed for a two-unit development shall sign an affidavit, in a form approved by county counsel, stating that none of the conditions listed in Section 18.104.440.C.1 and 18.104.440.C.2 above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three years (five years if an existing unit is to be demolished).
- 2. No Subdivision. At the time of application for a two-unit development where there is no urban lot split, the property owner shall acknowledge in

writing that neither of the two units may be sold separately unless a subdivision is recorded.

3. Recorded Covenant. Prior to the issuance of a building permit for a two-unit development, the owner shall record a covenant in the form approved by county counsel to notify future owners of the prohibition on non-residential uses of any units constructed on the site, including a prohibition against renting or leasing the units for fewer than 30 consecutive calendar days. requirements of this subsection.

E. Specific Adverse Impacts. In addition to the criteria listed in this section, a proposed two-unit development may be denied if the building official makes a written finding, based on a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A “specific adverse impact” is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation and eligibility to claim a welfare exemption are not specific health or safety impacts.

F. Enforcement. County counsel shall be authorized to abate violations of this chapter and to enforce the provisions of this chapter and all implementing agreements and affidavits by civil action, injunctive relief, and any other proceeding or method permitted by law. Remedies provided for in this chapter shall not preclude the county from any other remedy or relief to which it otherwise would be entitled under law or equity.

18.107.120 - Residential projects—County incentives.

- A. Residential projects that include the construction of affordable units in conformance with Sections 18.107.080, 18.107.100, or 18.107.110 are eligible for the following county incentives:
 - 1. Application fees for building permits shall be waived for the affordable units.
 - 2. Subject to the approval of the planning director, the square footage of the affordable units and interior features in affordable units need not be the same as those in market rate units in the same residential project, so long as they are of good quality and are consistent with contemporary standards for new housing.
 - 3. In a residential project which contains single-family detached homes, affordable units may be attached dwelling units.
 - 4. The county shall expedite permit processing.
- B. If an applicant requests a state density bonus or state incentives pursuant to Sections ~~18.107.050-18.107.070~~ and ~~18.107.060~~ 18.107.080, the incentives listed in this section may be provided only if each is individually requested as a state incentive pursuant to Section ~~18.107.060~~ 18.107.070.
- C. Each of these incentives is a regulatory incentive that results in identifiable, financially sufficient, and actual cost reductions and is a form of assistance

specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

18.107.150 – ~~Reserved State incentives for affordable housing—Density bonus.~~

~~This section describes those density bonuses provided pursuant to Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code. These density bonuses shall be provided, at the request of an applicant, when that applicant complies with the requirements of this chapter.~~

- ~~A. A residential project resulting in a net increase of at least five dwelling units is eligible for a density bonus of twenty percent if the applicant seeks and agrees to construct any of the following:
 - ~~1. At least ten percent of the total dwelling units of the residential project as target units affordable to low income households at an affordable rent or affordable sales price; or~~
 - ~~2. At least five percent of the total dwelling units of the residential project as target units affordable to very low income households at an affordable rent or affordable sales price; or~~
 - ~~3. A senior citizen residential project.~~~~
- ~~B. A residential project resulting in a net increase of at least five dwelling units is eligible for a density bonus of five percent if the applicant seeks and agrees to provide all of the following:
 - ~~1. At least ten percent of the total dwelling units of the residential project as target units for sale to moderate income households at an affordable sales price; and~~
 - ~~2. The residential project is a common interest development as defined by Civil Code Section 1351; and~~
 - ~~3. All of the dwelling units in the residential project are offered to the public for purchase.~~~~
- ~~C. The density bonus for which the residential project is eligible shall increase if the percentage of very low income, low income, or moderate income target units exceeds the base percentages established in subsections (A) and (B) above, as follows:
 - ~~1. For each one percent increase above five percent in the percentage of target units affordable to very low income households, the density bonus shall be increased by 2.5 percent, up to a maximum of thirty-five percent.~~
 - ~~2. For each one percent increase above ten percent in the percentage of target units affordable to low income households, the density bonus shall be increased by 1.5 percent, up to a maximum of thirty-five percent.~~
 - ~~3. For a residential project that is a qualified common interest development pursuant to subsection (B) above, for each one percent increase above five percent in the percentage of target units for sale to moderate income households at an affordable sales price, the density bonus shall be increased by one percent, up to a maximum of thirty-five percent.~~~~

~~The following table summarizes available state density bonuses:~~

~~State Density Bonuses (California Government Code Section 65915)~~

Affordability Category	Minimum % Target Units	Bonus Granted	Additional Bonus for Each 1% Increase in Target Units	% Target Units Required for Maximum 35% Bonus
Very Low Income	5%	20%	2.5%	11%
Low Income	10%	20%	1.5%	20%
Moderate Income (for sale, common interest development only)	10%	5%	1%	40%
Senior Citizen Residential Project	100%	20%	—	—

- ~~D. Calculation of state density bonuses is subject to the following provisions:~~
- ~~1. Each residential project is entitled to only one density bonus. Where a residential project qualifies for a state density bonus under more than one category as described in subsections (A) through (C) above, the category pursuant to which the density bonus shall be granted shall be elected by the applicant, and density bonuses from more than one category may not be combined.~~
 - ~~2. In determining the number of density bonus units to be granted pursuant to this section, any fractions of dwelling units shall be rounded to the next whole number.~~
 - ~~3. Density bonus units authorized by this section shall not be included when determining the number of target units required to qualify for the density bonus. When calculating the required number of target units, any calculations resulting in fractional dwelling units shall be rounded to the next whole number.~~
 - ~~4. The applicant may request a lesser density bonus than the residential project is entitled to, but no reduction will be permitted in the percentages of required target units pursuant to subsections (A) and (B) above. Regardless of the number of target units, no residential project shall be entitled to a density bonus of more than thirty-five percent.~~
- ~~E. Target units shall conform to the following standards:~~
- ~~1. Moderate income target units shall remain restricted and affordable to moderate income households for a period of forty years (or a longer period of time if required by a construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program). Very low and low income target units shall remain restricted and~~

~~affordable to the designated group for a period of thirty years (or a longer period of time if required by a construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program). Except as set forth in this subsection (E), all target units shall conform with the provisions for continued affordability included in Section 18.107.140.~~

~~2. Target units shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to market rate units in the same residential project. Target units shall be dispersed throughout the residential project, or, subject to the approval of the planning director, may be clustered within the residential project when this furthers affordable housing opportunities.~~

~~F. Certain other types of development activities are specifically eligible for a density bonus:~~

~~1. A residential project may be eligible for a density bonus in return for land donation pursuant to the requirements set forth in Government Code Section 65915(g).~~

~~2. A residential project that contains a child care facility as defined by Government Code Section 65915(h) may be eligible for an additional density bonus or incentive pursuant to the requirements set forth in that section.~~

~~3. Condominium conversions may be eligible for a density bonus or incentive pursuant to the requirements set forth in Government Code Section 65915.5.~~

18.107.160 – ~~Reserved State incentives for affordable housing—State-defined incentives.~~

~~This section includes provisions for providing incentives pursuant to Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.~~

- ~~A. An applicant may request incentives pursuant to this section only when the residential project is eligible for, and the applicant requests, a density bonus pursuant to Section 18.107.150.~~
- ~~B. For the purposes of this Section 18.107.160, an incentive means the following:
 - ~~1. A reduction of development standards or a modification of zoning code requirements or architectural design requirements which exceed the minimum applicable building standards approved by the State Building Standards Commission pursuant to Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including but not limited to setback, coverage, and/or parking requirements, which result in identifiable, financially sufficient, and actual cost reductions, based upon appropriate financial analysis and documentation.~~
 - ~~2. Allowing mixed use development in conjunction with the proposed residential project, if nonresidential land uses will reduce the cost of the residential project and the nonresidential land uses are compatible with the residential project and existing or planned surrounding development.~~
 - ~~3. Other regulatory incentives proposed by the applicant or the county which result in identifiable, financially sufficient, and actual cost reductions, based upon appropriate financial analysis and documentation if required by county.~~~~
- ~~C. A residential project is eligible for incentives as follows:
 - ~~1. One incentive for residential projects that include at least ten percent of the total dwelling units as target units affordable to low income households, at least five percent of the total dwelling units as target units affordable to very low income households, or at least ten percent of the total dwelling units in a qualified common interest development as target units affordable to moderate income households.~~
 - ~~2. Two incentives for residential projects that include at least twenty percent of the total dwelling units as target units affordable to low income households, at least ten percent of the total dwelling units as target units affordable to very low income households, or at least twenty percent of the total dwelling units in a qualified common interest development as target units affordable to moderate income households.~~
 - ~~3. Three incentives for residential projects that include at least thirty percent of the total dwelling units as target units affordable to low income households, at least fifteen percent of the total dwelling units as target units affordable to very low income households, or at least thirty percent of the total dwelling units in a qualified common interest development as target units affordable to moderate income households.~~~~

~~The following table summarizes requirements for incentives:~~

~~**State Incentives (California Government Code Section 65915)**~~

Affordability Category	% of Target units		
	5%	10%	15%
Very low income	5%	10%	15%
Low income	10%	20%	30%
Moderate income (for sale common interest development only)	10%	20%	30%
Maximum Incentive(s)	1	2	3

Notes:
(A) An incentive may be requested only if an application is also made for a density bonus.
(B) Incentives may be selected from only one category (very low, low, or moderate).
(C) No incentives are available for land donation or a senior citizen residential project (if not affordable).
(D) Condominium conversions and day care centers may have one incentive or a density bonus at the county's option, but not both.

~~D. — The county provides incentives, including modified development standards and approval of residential projects without discretionary review, to residential projects that are located on Specified Priority Housing Development Sites (as defined in Section 18.82.020) and developed in conformance with the AH Combination District standards included in Chapter 18.82. Each of the incentives provided in Chapter 18.82 is a regulatory incentive that results in identifiable, financially sufficient, and actual cost reductions and is a form of assistance specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code. Applicants for residential projects on Specified Priority Housing Development Sites may apply for incentives pursuant to Chapter 18.82 or pursuant to this Chapter 18.107, but not pursuant to both.~~

~~E. — If a residential project is eligible for a density bonus pursuant to Section 18.107.150, the applicant may request an on-site vehicular parking ratio, inclusive of handicapped and guest parking, pursuant to Government Code Section 65915(p), as follows:~~

- ~~1. — Zero to one bedroom dwelling unit: one on-site parking space.~~
- ~~2. — Two to three bedroom dwelling unit: two on-site parking spaces.~~
- ~~3. — Four or more bedroom dwelling unit: 2.5 on-site parking spaces.~~

~~This request may be in addition to any incentives permitted by subsection (C). On-site parking may include tandem and uncovered parking, but not on-street parking.~~

- F. ~~An applicant may seek a waiver of any development standards that will physically preclude the construction of a residential project with the requested density bonus and incentives permitted by this chapter. The applicant shall bear the burden of demonstrating that the development standards that are requested to be waived will have the effect of physically precluding the construction of the residential project with the density bonus and incentives.~~
- G. ~~Nothing in this section requires the provision of direct financial incentives for the residential project, including but not limited to the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The county, at its sole discretion, may choose to provide such direct financial incentives.~~

18.107.170 - State incentives for affordable housing—Application procedures and development standards.

The purpose of this section and Section 18.107.180 is to implement state density bonus law (Government Code Section 65915 et seq.).

- A. An applicant for a “housing development” as defined in state density bonus law shall be eligible for a density bonus and other regulatory benefits that are provided by state density bonus law when the applicant seeks and agrees to provide housing as specified in Government Code Section 65915, or in Government Code Section 65195.5, or successor provisions. The density bonus calculations shall be made in accordance with state density bonus law.
~~An applicant intending to request a state density bonus or any incentives, parking reductions, or waivers pursuant to Section 18.107.150 or Section 18.107.160 shall submit a preliminary application prior to the submittal of any formal application for approval of the residential project and shall schedule a pre-application conference with the planning director or designated staff. The preliminary application shall include the following information:~~
 1. ~~A brief description of the proposed residential project, including the total number of dwelling units, target units by proposed income level, density bonus units proposed, and any incentives, reduced parking, or waivers requested.~~
 2. ~~The zoning and general plan designations and assessor's parcel number(s) of the residential project site.~~
 3. ~~A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway(s), and parking layout.~~
 4. ~~An explanation of why any requested incentives are necessary to provide the target units.~~
- B. ~~All requests for density bonuses, incentives, parking reductions, and/or waivers pursuant to Section 18.107.150 or Section 18.107.160 shall be submitted concurrently with the application for the first discretionary permit or other permit required for the residential project~~ housing development ~~and shall be processed concurrently with such application. In accordance with state law, neither the granting of an incentive, nor the granting of a density bonus, shall be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval~~ or the waiver of the provisions of a county ordinance unrelated to development standards.
- C. ~~An applicant's request for any density bonuses, incentives, parking reductions, and/or waivers permitted by this chapter~~ state density bonus law ~~shall include the required fee and the~~ following minimum information:

1. For a requested density bonus:
 - a. Summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, proposed target units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.
 - b. Subparagraph of Government Code Section 65915(b)(1) under which the housing development qualifies for a density bonus and reasonable documentation demonstrating that the housing development is eligible for a bonus under that subparagraph.
 - c. Where the housing development is seeking an additional bonus, the subparagraph of Government Code Section 65915(v)(1) under which the housing development qualifies for an additional density bonus and reasonable documentation demonstrating that the housing development is eligible for the additional bonus under that subparagraph.
 - d. A tentative map or preliminary site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed target units and density bonus units.
 - e. The zoning and general plan designations and assessor's parcel number(s) of the housing development site.
 - f. A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period; subject to any form of rent control through a public entity's valid exercise of its police power; or subject to a recorded covenant ordinance, or law restricting rents to levels affordable to households of lower or very low income.
 - g. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents occupying the dwelling units when the site contained the maximum number of dwelling units, if known.
 - h. The phasing of the construction of the target units in relation to the nonrestricted units in the housing development.
 - i. A marketing plan for the target units, as well as an explanation of the methods to be used to verify tenant and/or buyer incomes and to maintain affordability of the target units. The density bonus housing plan shall specify a financing mechanism for ongoing administration and monitoring of the target units.
 - j. If a density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control, and reasonable documentation that each of the requirements included in Government Code Section 65915 (g) can be met.
2. Requested incentives or concessions as defined in state density bonus law. The number of incentives that may be requested shall be based upon the number the applicant is entitled to under state density bonus law. The application shall include the following minimum information, shown on a site plan (if appropriate):

- a. Explanation of the number of incentives the housing development is entitled to.
 - b. The county's usual regulation and each requested regulatory incentive or concession.
 - c. Except where mixed-use zoning is proposed as a concession or incentive, reasonable documentation to show that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents.
 - d. If approval of mixed-use zoning is proposed, reasonable documentation that nonresidential land uses will reduce the costs of the housing development, that the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located, and that mixed-use zoning will provide for affordable housing costs and rents.
3. Requested waivers. For each waiver requested, the applicant shall show on a site plan and in a table, the county's required development standard and the requested development standard.
 4. Parking reductions. The application shall include a table showing parking required by the zoning regulations, parking proposed under Government Code Section 65915(p), and reasonable documentation that the project is eligible for the requested parking reduction.
 5. Density bonus or incentive for a child care facility in a housing development. The application shall include reasonable documentation that all of the requirements included in Government Code Section 65915(h) can be met.

~~The applicant shall demonstrate through the provision of a pro forma that any requested incentive results in identifiable, financially sufficient, and actual cost reductions to the residential project. The cost of reviewing any required pro forma data, including but not limited to the cost to the county of hiring a consultant to review the pro forma, shall be borne by the applicant. The pro forma shall include all of the following items:~~

- a. ~~The actual cost reduction achieved through the incentive;~~
 - b. ~~Evidence that the cost reduction allows the applicant to provide affordable rents or affordable sales prices; and~~
 - c. ~~Other information as may be requested by the planning director. The planning director may require that any pro forma include information regarding capital costs, equity investment, debt service, projected revenues, operating expenses, and such other information as is required to evaluate the pro forma.~~
6. Density bonus or incentive for a condominium conversion. The application shall include reasonable documentation that all of the requirements included in Government Code Section 65915.5 can be met. For any requested waiver of a development standard, the applicant shall provide evidence that the development standard for which the waiver is requested will have the effect of physically precluding the construction of the residential project with the density bonus and incentives requested.
 7. Commercial density bonus. Evidence that the project qualifies for a commercial density bonus under the provisions of Government Code Section 65915.7, including but not limited to inclusion of a partnered housing agreement. If a mixed use building or project is proposed as an

~~incentive pursuant to Section 18.107.160, the applicant shall provide evidence that nonresidential land uses will reduce the cost of the residential project, and that the nonresidential land uses are compatible with the residential project and the existing or planned development in the area where the proposed residential development will be located.~~

- ~~8. If a density bonus is requested for a land donation, the applicant shall show the location of the land to be dedicated, provide proof of site control, and provide evidence that each of the requirements included in Government Code Section 65915(g) can be met.~~
- ~~9. If a density bonus or incentive is requested for a child care facility, the applicant shall provide evidence that all of the requirements found in Government Code Section 65915(h) can be met.~~
- ~~10. If a density bonus or incentive is requested for a condominium conversion, the applicant shall provide evidence that all of the requirements found in Government Code Section 65915.5 can be met.~~

D. Density bonus calculations.

1. In determining the total number of units to be granted, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number. When calculating the number of target units needed to qualify for a given density bonus, any fractions of affordable target units shall be rounded up to the next whole number.
2. Except where a housing development is eligible for an additional bonus pursuant to Government Code Section 65915(v), each housing development is entitled to only one density bonus. If a housing development qualifies for a density bonus under more than one category, the applicant shall identify the category under which the density bonus is requested to be granted.
3. In determining the number of target units required to qualify a housing development for a density bonus pursuant to state density bonus law, units added by a density bonus are not included in the calculations. Any on-site units that satisfy the county's inclusionary housing requirements in this Chapter 18.107 and are required to be constructed concurrently with the housing development may qualify the housing development for a density bonus if those units meet the requirements of state density bonus law. Payment of fees or in lieu of providing target units under this Chapter 18.107 does not qualify a housing development for a density bonus.
4. The applicant may elect to accept a lesser percentage of density bonus than the housing development is entitled to, or no density bonus, but no reduction will be permitted in the percentages of target units required by state density bonus law. Regardless of the number of target units, no housing development shall be entitled to a density bonus greater than what is authorized under state density bonus law.
5. Nothing in this chapter requires the provision of direct financial incentives from the county for the housing development, including, but not limited to, the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The county, at its sole discretion, may choose to provide such direct financial incentives.

E. Development standards.

1. Target units shall be comparable in exterior appearance and overall quality of construction to market rate units in the same housing development.

Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the county.

2. To comply with fair housing laws, the target units shall contain the same proportional mix of bedroom sizes as the market-rate units. In mixed-income buildings, the occupants of the target units shall have the same access to the common entrances and to the common areas, parking, and amenities of the project as the occupants of the market-rate housing units, and the target units shall be located throughout the building and not isolated on one floor or to an area on a specific floor.

18.107.180 - State incentives for affordable housing—Review procedures and affordable housing agreements.

All requests for density bonuses, incentives, parking reductions, and/or waivers ~~permitted by Section 18.107.150 or Section 18.107.160~~ shall be considered and acted upon by the approval body with authority to approve the residential project, with right of appeal to the board of supervisors, if applicable.

- A. ~~Before approving an application that includes a request for a density bonus, incentive, parking reduction and/or waiver pursuant to Section 18.107.150 or Section 18.107.160, the decision-making body shall make the following findings:~~ To ensure that an application conforms with the provisions of state density bonus law, the staff report presented to the decision-making body shall state whether the application conforms to the requirements of state density bonus law, as applicable:

1. A finding that the residential project is eligible for the density bonus and any incentives, parking reductions or waivers requested, and includes any affordable housing required to replace units rented or formerly rented to very low- and low-income households as required by California Government Code Sections 65915(c)(3) and 66300.5 et seq.
2. A finding that if an incentive is requested, reasonable documentation has been presented showing that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing or costs or rents; except that, if a mixed-use development is requested, the application must instead meet all of the requirements of Government Code Section 65915(k)(2) any requested incentive will result in identifiable, financially sufficient, and actual cost reductions based upon the financial analysis and documentation provided.
3. If the density bonus is based all or in part on donation of land, a finding that all the requirements included in Government Code Section 65915(g) have been met.
4. If the density bonus or incentive is based all or in part on the inclusion of a child care facility or condominium conversion, a finding that all the requirements included in Government Code Section 65915(h) or 65915.5, as applicable, have been met.
5. ~~If the incentive includes mixed-use development~~ a parking reduction is requested, a finding that the housing development is eligible for any requested parking reductions under Government Code Section 65915(p) all the requirements included in Government Code Section 65915(k)(2) have been met.

6. If a waiver is requested, a finding that the development standards for which the waiver is requested would have the effect of physically precluding the construction of the residential project with the density bonus and incentives permitted.
 7. If a commercial development bonus is requested, a finding that the development is eligible for the bonus under Government Code Section 65915.7.
- B. If the ~~findings required by subsection (A) of this section can be made~~housing development is eligible for the incentives requested, the decision-making body may deny an application for an incentive ~~requested pursuant to Section 18.107.160~~ only if it makes one of the following written findings, supported by substantial evidence:
1. ~~That the~~The incentive ~~is not required to provide for affordable rents or affordable sales prices~~does not result in identifiable and actual cost reductions, consistent with Government Code Section 65915(k), to provide for affordable sales prices or affordable rents; or
 2. ~~That the~~The incentive would have a specific, adverse impact upon public health or safety or the physical environment or on real property listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the residential project unaffordable to low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the residential project was deemed complete; or
 3. ~~That the~~The incentive is contrary to state or federal law.
- C. If the ~~findings required by subsection (A) of this section can be made~~housing development is eligible for the waivers requested, the decision-making body may deny a request for a waiver only if it makes one of the following written findings, supported by substantial evidence:
1. ~~That the~~The waiver would have a specific, adverse impact upon public health or safety or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the residential project unaffordable to low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the residential project was deemed complete; or
 2. ~~That the~~The waiver would have an adverse impact on real property listed in the California Register of Historic Resources; or
 3. ~~That the~~The waiver is contrary to state or federal law.
- D. If the ~~findings required by subsection (A) of this section can be made~~housing development is eligible for a child care bonus, the decision-making body may deny an application for a density bonus or incentive that is based on the provision of child care only if it makes a written finding, based on substantial evidence, that the county already has adequate child care facilities.
- E. If any density bonus, incentive, parking reduction, or waiver is approved pursuant to ~~Section 18.107.150 or Section 18.107.160 for a residential project~~state density bonus law, the applicant shall enter into an affordable housing agreement

with the county, in a form acceptable to the planning director and county counsel, to be executed by the county administrator or designee, to ensure compliance with state density bonus law. The affordable housing agreement shall be a legally binding agreement between the applicant and the county to ensure that the requirements of this chapter are satisfied and may be combined with the affordable housing agreement required in Section [18.107.130](#). The executed affordable housing agreement shall be recorded against the residential project prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the residential project. The affordable housing agreement shall be binding on all future owners and successors in interest.

- F. For rental projects, the agreement shall require the continued affordability of all rental units that qualified the applicant for the receipt of the density bonus, incentive, waiver, or parking reduction for a minimum of fifty-five (55) years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program; shall identify the type, size, and location of each target unit; shall specify the eligible occupants; shall specify phasing of the target units in relation to the market-rate units; and shall contain other relevant provisions approved by county counsel. Rents for the lower income density bonus units shall be set at an affordable rent as defined in state density bonus law.
- G. For for-sale projects, the affordable housing agreement shall require that the initial purchasers of those for-sale units that qualified the applicant for the receipt of the density bonus, incentive, waiver, or parking reduction are persons and families of lower or moderate income, as applicable, or if any for-sale unit is not purchased by an income-qualified household within one-hundred eighty (180) days after the issuance of the certificate of occupancy, then the unit(s) must be sold pursuant to a contract that satisfies the requirements of Revenue and Taxation Code Section 402.1(a)(10) to a qualified non-profit housing corporation as defined in state density bonus law. The units shall be offered at an affordable housing cost, as that cost is defined in Health and Safety Code Section 50052.5; and the agreement shall contain other relevant provisions approved by county counsel. The affordable housing agreement shall require the continued affordability of the for-sale units for forty-five (45) years.
- H. Where a density bonus, waiver, or parking reduction is provided for a market-rate senior housing development with no target units, the applicant shall enter into a restrictive covenant with the county, running with the land, in a form approved by county counsel, to be executed by the county administrator or designee, to require the housing development to be operated as "housing for older persons" consistent with state and federal fair housing laws.
- I. Unless otherwise permitted pursuant to the terms of a recorded affordable housing agreement, all required target units shall be constructed prior to or concurrently with the construction of market rate units. No temporary or permanent certificate of occupancy for any new market rate unit in a residential project shall be issued until permanent certificates of occupancy have been issued for the required target units. Release of utilities shall not be authorized for any residential project until notification is received from the planning director that all requirements of this chapter have been met.

18.107.230 - General—Definitions.

Unless the context clearly requires otherwise, the definitions in this section shall govern the provisions of this chapter.

"Addition" means the addition of gross square feet to an existing structure.

"Affordable rent" means monthly rent, including utilities and all fees for housing services, that does not exceed:

- 1. For very low income households: fifty percent of the median income for the county multiplied by thirty percent and divided by twelve.
- 2. For low income households: sixty percent of the median income for the county, multiplied by thirty percent and divided by twelve.
- 3. For moderate income households: one hundred ten percent of the median income for the county, multiplied by thirty percent and divided by twelve.

Affordable rent shall be based on presumed occupancy levels of one person in a studio dwelling unit, two persons in a one bedroom dwelling unit, three persons in a two bedroom dwelling unit, and one additional person for each additional bedroom thereafter.

"Affordable sales price" means the maximum purchase price that will be affordable to the specified household at the specified income level. The purchase price shall be considered affordable only if it is based on a reasonable down payment, and monthly housing payments (including interest, principal, mortgage insurance, property taxes, homeowners insurance, homeowners association dues, property maintenance and repairs, and a reasonable allowance for utilities), all as determined by the county, that are equal to or less than:

- 1. For very low income households: fifty percent of the median income for the county multiplied by thirty percent and divided by twelve.
- 2. For low income households: seventy percent of the median income for the county, multiplied by thirty percent and divided by twelve.
- 3. For moderate income households: one hundred ten percent of the median income for the county, multiplied by thirty-five percent and divided by twelve.

Affordable sales price shall be based on presumed occupancy levels of one person in a studio dwelling unit, two persons in a one bedroom dwelling unit, three persons in a two bedroom dwelling unit, and one additional person for each additional bedroom thereafter.

"Affordable units" means those deed-restricted dwelling units which are required to be offered for sale at an affordable sales price to specified households pursuant to Section 18.107.080 or which the applicant proposes to offer for rent at an affordable rent pursuant to Section 18.107.110 or which the applicant constructs pursuant to an equivalency proposal approved pursuant to Section 18.107.100.

"Annual household income" means the combined gross income for all adult persons living in a dwelling unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor.

"Density bonus" means a density increase over the otherwise ~~allowable~~ maximum allowable residential density for a residential project.

"Density bonus units" means those dwelling units allowed pursuant to the provisions of this chapter which exceed the maximum residential density for a residential project.

"Development standard" ~~means a site or construction condition that applies to a residential project pursuant to any ordinance, general plan element, specific plan, or other county condition, law, policy, resolution, or regulation. A "site and construction condition" is a development regulation or law that specifies the physical development of a site and buildings on the site in a residential project.~~ is as defined in state density bonus law.

"Discretionary permit" means any permit issued pursuant to [Title 17](#) or [Title 18](#) of this code which requires the exercise of judgment or deliberation from the decision-making body, including but not limited to, use permits, variances, site plan approval, general and specific plan amendments, zoning amendments, and the approval of tentative, final or parcel maps.

"Floor area" for a residential project is that area included within the surrounding walls of a dwelling unit as calculated by the building division in accordance with its standard practice. This area does not include garages, carports or common areas.

"Gross square feet" is the area included within the surrounding walls of a structure as calculated by the building division in accordance with its standard practice. This area does not include garages or carports. The gross square footage of any tank or wine crush pad or similar non-walled wine-related structure shall be included in the gross square feet of a nonresidential development.

"Housing board" means any affordable housing fund board established pursuant to [Section 18.107.020](#) as advisory to the board of supervisors.

"Housing director" means the county executive officer or the designee of such person.

"Housing fund" means the affordable housing fund for the county established pursuant to [Section 18.107.020](#) of this chapter.

"Low income households" are those households whose income does not exceed the low income limits applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

"Market rate units" means dwelling units in a residential project which are not affordable units or target units.

"Maximum allowable residential density" ~~means the maximum number of dwelling units permitted in a residential project by the county's zoning ordinance and by the land use element of the county general plan on the date that the application for the residential project is deemed complete, excluding any density bonus. If the maximum density allowed by the zoning ordinance is inconsistent with the density allowed by the land use element of general plan, the land use element density shall prevail.~~ is as defined in state density bonus law.

"Median income" means the median income, adjusted for family size, applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

"Moderate income households" are those households whose income does not exceed the moderate income limits applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

"Nonresidential development" means any development in the county for which a discretionary permit or building permit is required, other than those developments involving solely residential projects, that includes an addition, the new construction of gross square feet of nonresidential space, the conversion of a residential use to a nonresidential use, or the conversion of one nonresidential use to another nonresidential use.

"Residential project" means any development for which a discretionary permit or building permit is required that includes the creation of one or more additional dwelling units, an addition to a dwelling unit, conversion of nonresidential uses to dwelling units, or a condominium conversion.

"Residential ownership project" means any residential project that includes the creation of one or more residential dwelling units that may be sold individually. A residential ownership project also includes the conversion of apartments to condominiums.

"Residential rental project" means any residential project that creates residential dwelling units that cannot be sold individually.

"Senior citizen residential project" means a senior citizen housing development with at least thirty-five dwelling units as defined in Civil Code Section 51.3, or a mobilehome park that limits residency based on age requirements for older persons pursuant to Civil Code Sections 798.76 or 799.5. It may include a shared housing building development as defined in state density bonus law.

"Target unit" means a deed-restricted dwelling unit within a residential project which is reserved for sale or rent, at an affordable rent or affordable sales price, to very low, low, or moderate income households, and which qualifies the residential project for a state density bonus and other incentives under state density bonus law pursuant to Section 18.107.150 and Section 18.107.160.

"Very low income households" are those households whose income does not exceed the very low income limits applicable to Napa County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

Chapter 18.109 – STATE-MANDATED STREAMLINED APPROVAL PROCESSES

18.109.010 - Purpose.

The purpose of this Chapter is to:

- A. Implement the review and approval requirements of California Government Code Sections 65650 et seq. ("State Supportive Housing Law"), 65660 et seq. ("State Low Barrier Navigation Centers Law"), 65913.4 ("State Streamlined Ministerial Approval Process"), Section 65912.100 et seq. ("Affordable Housing and High Road Jobs Act of 2022"), Section 65913.16 ("Affordable Housing on Faith and Higher Education Lands Act of 2023"), and Section 65852.28

(“Subdivisions of Less than 10 Units on Multifamily Sites”), and all other state law provisions requiring ministerial approval of certain development projects; and

- B. Facilitate the development of housing consistent with the goals, objectives, and policies of the County’s General Plan Housing Element as may be amended from time to time.

18.109.020 – Definitions
(Reserved)

18.109.030 – Qualifying Projects

To qualify for the ministerial approval process, described in in Section 18.109.040, the applicant shall demonstrate that the project qualifies for the ministerial approval process specified in state law.

18.109.040 - Ministerial Approval

- A. The County will ministerially approve an application for a development project that is eligible for ministerial review within the timelines specified in state law when an applicant submits an application as specified by this chapter.
- B. An application for ministerial approval shall be filed with the director, who shall determine whether the development project is eligible for ministerial approval as specified in Section 18.109.050.

18.109.050 - Application Requirements

- A. Prior to submitting an application for streamlined ministerial review under Government Code Section 65913.4, the applicant must submit to the director a notice of intent to submit an application and complete any requested tribal consultation, in accordance with Government Code Section 65913.4(b). In addition, any public meeting required by Government Code Section 65913.4(q) must be held prior to submittal of an application under Section 65913.4.
- B. All applications for ministerial review filed pursuant to this Chapter shall be filed with the director in a form prescribed by the director.
- C. No application for ministerial approval shall be deemed received until the relevant application form is submitted, and all fees for the application as set forth in the schedule of fees have been paid. No fee shall be deemed received until any negotiable instrument has been cleared and funds deposited on the County's account.
- D. The application shall include the following information:
1. A statement describing which ministerial approval process is being applied for.
 2. Evidence that the development project is eligible for the requested ministerial approval process and meets all of the requirements of state law.
 3. A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application, identification of any units rented in the five-year period, and income and household size of current tenants, if known.
 4. All of the information requested on the relevant application form prepared by the County.

18.109.060 - Application Review and Approval Process.

- A. Applications filed pursuant to this Chapter shall be acted upon by the director.
- B. The director shall review the application for completeness and for consistency with state law and local standards within the period specified by state law and shall make a decision on the application within the period specified by state law.
- C. Before approving an application, the director must make the following findings based on evidence in the record, as applicable, that:

 - 1. The development project is eligible for the requested streamlined approval process and meets all requirements specified in state law for project approval.
 - 2. If the application includes a request for a density bonus, incentive, waiver, or modification under Chapter 18.107, a finding that all the requirements for density bonuses and/or other incentives that are specified in Chapter 18.107 are met.
- D. If the director determines that an application is not eligible for ministerial approval, is not consistent with state law or local standards, or contains inadequate information to determine consistency, the director may deny the application for ministerial approval. The applicant may correct any deficiencies in the project or application, and resubmit the application for streamlined review. If the application can be brought into compliance with minor changes to the project, the director may, instead of denying the application, allow the applicant to correct any deficiencies within the timeframes for determining project consistency specified in subsection B. Alternatively, the applicant may submit an application for a discretionary project approval under other provisions of this Code. If the applicant resubmits its application for ministerial review or submits additional information, the timelines specified in subsection B above will recommence with each resubmittal.
- E. Any denial or determination of inconsistency issued by the director shall provide the applicant with written documentation in support of the denial identifying with specificity the standard or standards the application conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards.
- F. Conditions for Denial.

 - 1. The director may deny an application filed pursuant to this Chapter if the findings required by Paragraph C above, as applicable, cannot be made.
 - G2. The director may deny an application if approval would be contrary to state and federal law, and this finding is made in writing.
- HG. Permit Conditions

 - 1. Unless otherwise required by state law, approvals granted pursuant to this Chapter shall automatically expire three years from the date of the final action establishing that approval, unless otherwise provided in the permit. Expiration of the approval may be extended as provided for in state law.
 - 2. Standard county permit conditions and conditions required to comply with state or federal law may be applied to project approval.
- H4. Following approval of an application, but prior to issuance of a building permit for the approved project, the director may require changes to the project that

are necessary to comply with standards required to receive a post entitlement permit (as defined by Government Code Section 65913(j)(3)(A)), including, without limitation, the objective uniform construction codes (including but not limited to building, plumbing, electrical, fire, and grading codes) or to comply with federal or state laws.

18.110.030 - Number of parking spaces required.

Use	Parking Spaces Required*
Auto dismantling/wrecking	1 per employee** + 1 per 1000 sq. ft. office area
Banks w/o ATM	1 per 400 sq. ft.
Banks w/ATM	1 per 400 sq. ft. + 1.5 for each machine
Business and professional offices, excluding medical and dental offices	1 per 250 sq. ft.
Churches or house of worship	1 per employee + 1 per each 3.5 seats in main sanctuary
Day care	1 per employee + 1 per 12 children
Hospitals	1 for each bed, + 1 for each employee on the shift w/ the maximum number of personnel
Hotels, motels	1 per unit + 1 for each nonresident manager
Hotel/resort/conference center/golf:	
Hotel	1 per room
Conference center	.5 per person @ maximum permitted occupancy
Food service facilities	1 per 120 sq. ft.
Retail	1 per 250 sq. ft.
Golf	1 per every two employees plus 3 per golf hole
Manufacturing	1 per 500 sq. ft.
Medical and dental	

Use	Parking Spaces Required*
Medical and dental clinics/offices	1 per 200 sq. ft.
Processing/laboratory	1 per 500 sq. ft.
Research	1.5 per employee
Residential units:	
Single-family	2 + 1 per second accessory dwelling unit or guest house, except that no additional parking is needed for the second accessory dwelling unit if the conditions in subsection (A)(11) or subsection (A)(12) of Section 18.104.180 are met. No additional parking is required for a junior accessory dwelling unit.
Multiple-family <u>(min)</u>	2 per unit + 1 for every 2 units for guest parking; and 1 per second unit or per bedroom, whichever is less, in the second unit, except that no additional parking is needed for the second unit if the conditions in subsection (A)(11) or subsection (A)(12) of Section 18.104.180 are met. <u>One parking space per studio unit; 1.25 parking spaces per one-bedroom and larger unit; and 0.25 parking spaces per unit for guests regardless of unit size.</u>
Restaurant and any other establishment selling food and beverages for consumption on-site (including bars and taverns, night clubs w/o live entertainment)	1 per 120 sq. ft.
Restaurants with a counter and/or take out service or drive-in/thru facilities	1 per 120 sq. ft. + 1 for each 50 sq. ft. of those areas devoted to counter/take out service
Retail stores, shops, service establishments	1 per 250 sq. ft. including shopping centers
Schools:	
Elementary and junior high	1 per employee
High schools	1 per employee + 1 per 10 students

Use	Parking Spaces Required*
Colleges (academic, business, beauty, technical, etc.)	1 per employee + 1 per 3 students
Self-serve laundry and dry-cleaning facilities	1 per 200 sq. ft.
Service station	3 per service bay + 1 per employee on day shift
Warehousing/storage as defined by Chapter 18.08	1 per each 1,000 sq. ft. for the first 10,000 sq. ft., and 1 per 2,000 sq. ft. for all warehouse area exceeding 10,000 sq. ft.
Use of a building, structure or premise not otherwise listed	The planning commission or zoning administrator shall determine the number of parking spaces required for any use not specifically listed. In determining such uses, the above parking space requirements shall be used as a general rule and guideline.

* Where the computation of required parking spaces produces a fractional result, fractions of one-third or greater shall require one full parking space.

** An employee means full time or the equivalent of full time.

18.134.020 - Applicability.

A request for reasonable accommodation may be made by any person with a disability, or by **an entity a representative** acting on behalf of a person or persons with disabilities, to provide or secure equal access to housing, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This section is intended to apply to those persons who are defined as disabled under the Acts.

A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability with equal opportunity to housing of their choice. ~~Requests for reasonable accommodation shall be made in the manner prescribed by Section 18.134.030.~~

18.134.030 - ~~Application requirements.~~ Request.

- ~~A. Application. Requests for reasonable accommodation shall be submitted on an application form provided by the department, or in the form of a letter to the deputy director, and shall contain the following information:~~
 - ~~1. The applicant's name, address and telephone number;~~

- ~~2. The street address and assessor's parcel number of the property for which the request is being made;~~
 - ~~3. The current actual use of the property;~~
 - ~~4. The basis for the claim that the individual (or group of individuals, if application is made by an entity acting on behalf of a person or persons with disabilities) is considered disabled under the Acts;~~
 - ~~5. The zoning law, provision, regulation or policy from which reasonable accommodation is being requested;~~
 - ~~6. Why the requested accommodation is necessary to make the specific property accessible to the individual or group of individuals.~~
- ~~B. Concurrent Review. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval, then the applicant may file the request concurrently with the application for discretionary approval.~~

An individual can make a reasonable accommodation or modification request either orally or in writing, or through a representative. The request for an exception, change, or adjustment to a practice, or a modification to an existing housing accommodation, because of a disability, can be made regardless of whether the phrase "reasonable accommodation" or "reasonable modification" is used as part of the request. A request for a reasonable accommodation or reasonable modification may be made at any time, including during the inquiry or application process, before purchase or lease, while seeking or enjoying a housing opportunity, during the tenancy or occupancy of a housing accommodation, during litigation, at or after trial, and after judgment in appropriate circumstances.

18.134.040 – Request review authority and procedure.

- ~~A. Director. Requests for reasonable accommodation shall be reviewed by the planning director, or his/her designee, if no approval is sought other than the reasonable accommodation request. The director or his/her designee shall make a written determination within forty-five days and either grant, grant with modifications or deny a request for reasonable accommodation in accordance with Section 18.134.050.~~
 - ~~B. Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application. The applicable review authority shall make a written determination and either grant, grant with modifications or deny a request for reasonable accommodation in accordance with Section 18.134.050.~~
- A. Upon receiving a request, the director or designee shall meet with the individual with a disability or their representative. The meeting shall provide an exchange of information to identify, evaluate, and implement a reasonable accommodation or modification that allows the individual with a disability equal opportunity to use and enjoy the dwelling or housing opportunity.
 - B. If the director or designee believes they do not have sufficient information to establish either that a disability exists or the nature of the disability-related need for the accommodation or modification, or if the nexus between the disability and the requested accommodation or modification is not clear, then the director or designee shall seek clarification or additional information (pursuant to California Code of Regulations, Title 2, Section 12178) from the individual or their representative.

C. A request cannot be denied for lack of information without first requesting the clarification or additional information and providing a reasonable opportunity for the individual requesting the accommodation to provide it.

18.134.050 - Findings and decision.

- A. Findings. The written decision to grant, grant with modifications or deny a request for reasonable accommodation will be consistent with the Acts. A reasonable accommodation may be denied only if one of the following findings can be made:
- ~~1. Whether the housing which is the subject of the request will be used by an individual or a group of individuals considered disabled under the Acts, and that the accommodation requested is necessary to make specific housing available to the individual or group of individuals with (a) disability(ies) under the Acts;~~
 - ~~2. Whether there are alternative reasonable accommodations available that would provide an equivalent level of benefit, or if alternative accommodations would be suitable based on the circumstances of this particular case;~~
 - ~~3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the county;~~
 - ~~4. Whether the requested reasonable accommodation would be consistent with the general plan land use designation of the property which is the subject of the reasonable accommodation request, and with the general purpose and intent in the applicable zoning district;~~
 - ~~5. Whether the requested reasonable accommodation substantially affects the physical attributes of the property.~~
1. The housing which is the subject of the request will not be used by an individual or group of individuals considered disabled under the Acts.
 2. There is no nexus between the disability and the requested accommodation or modification.
 3. The requested accommodation would constitute a fundamental alteration of the land use regulations of the county. A requested accommodation or modification would change the essential nature of the county's land use regulations;
 4. The requested accommodation would impose an undue financial and administrative burden on the County;
- B. Conditions of Approval.- In granting a request for reasonable accommodation, the ~~reviewing authority~~director may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required in subsection (A) of this section.

EXECUTIVE SUMMARY
Draft Housing Omnibus and Accessory Dwelling Unit Ordinances

Section 1.04.170: Successor provisions.

This is a new section to clarify that any references to any local, state, or federal codes, statutes, or regulations include successor provisions.

Section 17.02.050: Advisory agency.

This section is amended to designate the PBES Director as the approving body for ministerial Urban Lot Splits and other types of ministerial parcel maps.

Section 17.04.030: Exemptions to Title 17 regulations..

This section is amended to clarify that Title 17 (Subdivisions) does not apply to the construction, finance, or leasing of accessory dwelling units.

Section 17.06.010: Map filing requirements.

This section is amended to require parcel map approval for all Urban Lot Splits.

Section 17.14.040: Acceptance and processing.

This section is amended to exempt consideration of ministerial Urban Lot Split parcel maps from a public hearing.

Section 17.14.060: Approval of map.

This section is amended to change the focus from findings for denial of a tentative parcel map to findings for approval. Also adds a new provision that requires approval of ministerial Urban Lot Split parcel maps if all of the appropriate findings are met.

Chapter 17.17: URBAN LOT SPLITS.

This is a new Chapter within Title 17 of the County Code, which details the processes and requirements for considering Urban Lot Split parcel maps.

Section 17.17.010: Purpose.

This is a new section that describes the purpose of the chapter, which is to provide for urban lot splits within single family residential zoning, so long as they are consistent with objective standards as indicated in the chapter.

Section 17.17.020: Approval of map.

This is a new section that details the findings that must be met for approval of a ministerial Urban Lot Split parcel map. The findings include but are not limited to the following:

- a. Parcels must be at least 1,200 square feet in area, and 40 percent of the original lot being divided;
- b. Existing housing must not be demolished, unless replaced;
- c. The original lot must not have been the result of a previous Urban Lot Split;
- d. Each lot must have access to a public right-of-way;
- e. No more than one parking space per unit can be required; and
- f. Each resulting lot can have a maximum of two housing units;

Section 17.17.030: Application requirements.

This is a new section that provides the requirements to submit an application for a ministerial Urban Lot Split parcel map. The requirements include but are not limited to the following:

- a. An affidavit stating that the owner will live in one of the houses on the resulting lots for a minimum of three years following approval of the ministerial Urban Lot Split parcel map;
- b. An affidavit stating that the owner/applicant have not subdivided an adjoining lot to the proposed ministerial Urban Lot Split parcel map; and
- c. A covenant stating that the resulting lots will not be further subdivided and that the housing units on the resulting lots will not be used for short-term (less than 30 days) rental housing

Section 17.17.040: Specific adverse impact.

This is a new section that provides for denial of a ministerial Urban Lot Split parcel map, only if the Chief Building Official determines that there would be a specific and adverse impact to public health and safety if the proposal were to be approved. Such impacts must be significant, direct, quantifiable, and unavoidable.

Section 17.17.050: Enforcement.

This is a new section that authorizes County Counsel to abate violations and enforce the provisions of this chapter, including implementing agreements and affidavits, by civil action, injunctive relief, and/or other proceeding or method permitted by law.

Section 18.08.015: Accessory dwelling unit.

This is a new section that defines “accessory dwelling unit” (ADU), which encompasses second units, junior ADUs and detached ADUs.

Section 18.08.332: Junior accessory dwelling unit.

This section is amended to reference the correct updated California Government Code section.

Section 18.08.353: Low barrier navigation center.

This is a new section that defines “low barrier navigation center,” which refers to temporary, service enriched transitional housing for homeless families and individuals.

Section 18.08.550: Reserved.

This section deletes the previous definition of “second unit,” as second units would instead be included in the definition of “accessory dwelling unit.”

Section 18.08.601: Solid waste transfer station.

This section merely amends the section number.

Section 18.08.602: Supportive housing.

This is a new section that defines “supportive housing,” which refer to programs that do not have a limit on how long residents can stay, and provide assistance to residents to transition to permanent housing where they can live and work within the community.

Section 1808.603: Supportive housing, permanent.

This is a new section that defines “supportive housing, permanent,” which refer to programs that provide permanent housing, along with services and financial assistance to residents that provide permanent housing, along with services and financial assistance to residents with disabilities or who have experienced long-term homelessness.

Section 18.08.624: Transitional housing.

This is a new section that defines “transitional housing,” which refers to programs that provide shelter and services for those who need immediate assistance, with a limited time and transfer to more long-term housing programs.

Section 18.10.020: Duties – Specific subjects.

This section is amended to delete medium sized residential care facilities from the list of approvals that can be made by the Zoning Administrator, as they are proposed to be a ministerial use instead of a discretionary one.

Section 18.16.020: Uses allowed without a use permit.

This section is amended to allow the following without a use permit in the Agricultural Preserve (AP) zone: medium residential care facilities, accessory dwelling units, supportive housing, and transitional housing. Guest cottages would be deleted from the list as they would be covered under accessory dwelling units.

Section 18.18.020: Uses allowed without a use permit.

This section is amended to allow the following without a use permit in the Agricultural Watershed (AW) zone: medium residential care facilities, accessory dwelling units, supportive housing, and transitional housing.

Section 18.48.020: Uses allowed without a use permit.

This section is amended to allow the following without a use permit in the Planned Development (PD) zone: low barrier navigation centers, permanent supportive housing, supportive housing, transitional housing, farmworker housing (up to either 36 beds or 12 units), one single-family dwelling unit, accessory dwelling units, and small and medium residential care facilities.

Section 18.52.020: Uses allowed without a use permit.

This section is amended to allow the following without a use permit in the Residential Single (RS) zone: accessory dwelling units, junior accessory dwelling units, medium residential care facilities, supportive housing, transitional housing, two-unit residential developments, and urban lot splits.

Section 18.52.030: Uses permitted upon grant of a use permit.

This section is amended to allow the following with a use permit in the Residential Single (RS) zone: large residential care facilities.

Section 18.60.020: Uses allowed without a use permit.

This section is amended to allow the following without a use permit in the Residential Multiple (RM) zone: medium residential care facilities, accessory dwelling units, supportive housing, transitional housing, and permanent supportive housing (up to 50

units). The affordability thresholds for multiple family units and single room occupancy units have been deleted, as they are now mandated.

Section 18.60.030: Uses permitted upon grant of a use permit.

This section is amended to delete the following from the requirement of a use permit in the Residential Multiple (RM) zone: medium residential care facilities, multiple family units, and single room occupancy units. These would all be allowed without a use permit in the RM zone.

Section 18.60.040: Application requirements.

This section is amended to require multiple family units and single room occupancy units to provide at least 20 percent of new units at affordable sales prices or rents. In addition, a County Code section reference has been updated.

Section 18.64.020: Uses allowed without a use permit.

This section is amended to allow the following without a use permit in the Residential Country (RC) zone: accessory dwelling units, medium residential care facilities, supportive housing, transitional housing, two-unit residential developments, and urban lot splits.

Section 18.64.030: Uses permitted upon grant of a use permit.

This section is amended to allow the following with a use permit in the Residential Country (RC) zone: large residential care facilities.

Section 18.72.050: Other regulations applicable.

This section is amended to exempt Urban Lot Split parcel maps from having to be add the Building Site Combination (:B) overlay zone.

Section 18.82.030: Affordability requirements.

This section is amended to require residential ownership projects located within the Affordable Housing Combination (:AH) overlay zone to include a minimum of 20 percent of the units as affordable to low-income families for a minimum of 40 years.

Section 18.82.040: Development standards.

This section is amended to limit the consideration of Specified Priority Housing Development Sites in the :AH overlay zone to those development standards detailed in Tables 1 and 2 of this section, as well as other applicable sections of the County Code. The standards may not be modified. In addition, the parking requirements have been reduced to 1.0 to 1.5 spaces per unit.

Section 18.82.050: Site density.

This section is amended to change the following residential densities allowed without a use permit: Angwin – up to 25 units per acre (not to exceed a total of 191 units); Moskowitz Corner – up to 10 units per acre (not to exceed a total of 100 units); and Spanish Flat – up to 25 units per acre (not to exceed a total of 110 units).

Section 18.82.080: Reserved.

This section regarding design criteria for affordable housing projects would be deleted, as projects would instead be evaluated based on quantifiable development standards.

Section 18.82.090: Approval process.

This section is amended to indicate that projects proposed within Specified Priority Housing Development Sites that meet affordability requirements, development standards, density requirements, mitigation measures, and other applicable requirements are ministerial approvals.

Section 18.104.010: Schedule of zoning district regulations.

This section is amended to set a minimum of two acres for farmworker centers in both the AP and the AW zones. Also allows farmworker center parcels to be subdivided to facilitate individual home ownership, with a minimum parcel size of 1,200 square feet. In addition, this section is amended to clarify the Urban Lot Splits are not subject to minimum lot area requirements in each zone.

Section 18.104.065: Emergency shelters – Development standards and design criteria.

This section is amended to reduce the number of parking spaces required for emergency shelters. It also revises several design guidelines for new emergency shelters located within industrial zones, including a requirement for a hazardous materials survey, a limit of 180 days of continuous stay for shelter residents, security measures, and assistance to help residents with permanent income and housing.

Section 18.104.080: Accessory dwelling units and junior accessory dwelling units.

This section is amended to allow accessory dwelling units to be attached to accessory structures, exempts accessory dwelling units from certain types of development standards related to height and parking, and requires accessory dwelling units to comply with the requirements within the Milliken-Sarco-Tulocay groundwater deficient area.

Section 18.104.130: Off street parking.

This section is amended to reference reduced parking requirements for residential projects as specified in other sections of this ordinance. It also allows the Planning Commission to reduce parking space requirements based on specific types of evidence.

Section 18.104.170: Residential care facilities.

This section is amended to change a number of development standards, including: reduce the number of required parking spaces, delete the requirement for the residential care facility to be located within 5 miles of an acute care hospital, provide a comprehensive management plan, provide all current and past State agency licensing for the proposed facility as well as licensing from any similar facilities operated by the applicant in the past five years, and a list of specific criteria that must be met for large residential care facilities.

Section 18.104.305: Farmworker centers—Owned or managed by local government agency or non-profit organizations.

This section is amended to allow non-governmental organizations to operate and/or own farmworker centers, in addition to local government agencies.

Section 18.104.410: Transient commercial occupancies of dwelling units prohibited.

This section is amended to replace “second unit” with “accessory dwelling unit.”

Section 18.104.440: Two-unit developments.

This is a new section that establishes standards for allowing two-unit developments within residential zones.

Chapter 18.109: STATE-MANDATED STREAMLINED APPROVAL PROCESSES

This is a new Chapter within Title 18 of the County Code, which details the processes and requirements for considering streamlined approval of ministerial housing projects.

Section 18.109.010: Purpose.

This is a new section that describes the reasons for creating a streamlined process for the consideration of ministerial housing projects.

Section 18.109.020: Definitions.

This is a new section that is reserved for future use.

Section 18.109.030. Qualifying projects.

This is a new section which indicates that only those housing projects that meet the requirements of State law qualify for streamlined review.

Section 18.109.040. Ministerial approval.

This is a new section that requires approval of any ministerial housing project that meets all of the requirements of the application.

Section 18.109.050. Application requirements.

This is a new section that establishes the requirements for a housing project to qualify for streamlined review. These include: a notice of intent, tribal consultation as appropriate, payment of fees, the type of streamlined review being requested, a project description, evidence that the project meets the standards required under State law, and other information as requested.

Section 18.109.060. Application review and approval process.

This is a new section that requires the PBES Director to review applications for completeness and consistency with State law, and make specific findings before approving a streamlined review for a ministerial housing project. If the application is deficient or if the findings cannot be made, the Director may allow the application to be corrected, deny the application, or the applicant may submit an application for discretionary review of the proposal.

Section 18.110.030: Number of parking spaces required.

This section is amended to ensure consistency with revisions to the reductions in the number of parking spaces required elsewhere in the draft ordinance.

Section 18.134.028: Applicability.

This section is amended to replace “entity” with “representative,” and to delete a reference to requests for reasonable accommodation that is no longer operative.

Section 18.134.030. Request.

This section is amended to bring the process for making a request for reasonable accommodation into alignment with State requirements.

Section 18.134.040. Request review.

This section is amended to require the PBES Director to meet with the person making a qualified request for reasonable accommodation and describes the process for the Director to obtain the information necessary to make a decision.

Section 18.134.050. Findings and decision.

This section is amended to revise the findings that the PBES Director must make in order to deny a request for reasonable accommodation.

Housing Element Objective	Redline code subsection where modification can be found
Objective H-3j: Consistent with Napa County Measure P, create additional flexibility for housing providers to create farmworker housing developments, including homeownership opportunities for farmworkers by amending NCC § 18.104.305 (Farmworker centers—Owned or managed by local government agency) to include non-profit organizations, in addition to local government agencies	18.104.305
Objective H-3j: Consistent with Napa County Measure P, create additional flexibility for housing providers to create farmworker housing developments,...by amending NCC § 18.104.010 (Schedule of zoning district regulations) subsection (D) to note that further divisions within any parcel created and maintained for farmworker centers area allowed to facilitate home ownership for farmworkers.	18.104.010
Objective H-5f: Implement Requirements of SB 9.	17.02.050, 17.04.030, 17.06.010, 17.14.040, 17.14.060.C, Chapter 17.17: 17.17.010, 17.17.020, 17.17.030, 17.17.040, 17.17.050, 18.52.020, 18.64.020, 18.72.050, 18.104.010, 18.104.440
Objective H-5f: Add definition of Low-Barrier Navigation Centers to Zoning Code and identify zoning districts where they will be allowed by-right, consistent with GC Section 65660 et. seq.	18.08.353, 18.48.020
Objective H-5f: Review and revise the Density Bonus provisions to be consistent with current state law.	18.107.120, 18.107.150, 18.107.160, 18.107.170, 18.107.180, 18.107.230
Objective H-5f: Review and revise design standards to provide objective standards.	18.82.080
Objective H-5f: Establish a process for streamlining affordable housing projects consistent with SB 35.	Chapter 18.109
Objective H-5f: Eliminate requirement for CUP for multifamily residential projects in the RM zone and on AH:CD sites.	18.60.020, 18.60.030, 18.60.040, 18.82.030, 18.82.040, 18.82.050, 18.82.090
Objective H-5f: Modify parking requirements for multifamily housing to require no more than one space per studio unit and no more than	18.82.040, 18.104.130, 18.110.030

<p>1.25 spaces per one-bedroom unit, plus no more than 0.25 guest parking spaces per unit of any size. In addition, provide specific guidance on the types of circumstances that would allow the Planning Commission to approve a request for reductions from standard residential parking requirements, such as preparation of a parking study or TDM plan that demonstrates reduced demand for autos, demonstration of adequate on-street parking, proximity to transit services, or provision of affordable housing or senior housing.</p>	
<p>Objective H-5f: Modify parking requirements for emergency shelters to eliminate the component requiring 1 space for every four shelter beds.</p>	<p>18.104.065</p>
<p>Objective H-5f: Modify requirements for permanent supportive housing developments to provide for permit streamlining consistent with GC Section 65650 et. seq.</p>	<p>18.08.601, 18.08.602, 18.08.603, 18.08.624, 18.16.020, 18.20.020, 18.48.020, 18.52.020, 18.60.020, 18.64.020</p>
<p>Objective H-5f: Modify Zoning Code to allow residential care facilities (small) in zones where mobilehomes and multifamily housing are allowed.</p>	<p>18.48.020,</p>
<p>Objective H-5f: Modify Zoning Code to eliminate requirement that residential care facilities (large) be located within five miles of a hospital with emergency services.</p>	<p>18.104.170</p>
<p>Objective H-5f: Modify Zoning Code to remove CUP requirement for residential care facilities (medium) in residential zones and make further modifications to ensure that residential care facilities (medium) and residential care facilities (large) group homes for seven or more persons permitted in all zones allowing residential uses in addition to permitting the uses of the same as other residential structures of the same type in the same zone.</p>	<p>18.10.020, 18.16.020, 18.20.020, 18.48.020, 18.52.020, 18.52.030, 18.60.020, 18.60.030, 18.64.020, 18.64.030, 18.104.170, 18.104.420</p>
<p>Objective H-5f: Amend ADU ordinance to allow ADUs in AP zone and with multifamily buildings in the PD zone and otherwise to conform with state law changes effective January 1, 2023.</p>	<p>18.08.015, 18.08.332, 18.08.550, 18.16.020, 18.20.020, 18.48.020, 18.52.020, 18.60.020, 18.64.020, 18.104.180, 18.104.410</p>
<p>Objective H-5f: Review and revise Reasonable Accommodation procedure. Modifications will include, but not be limited to, modification of</p>	<p>18.134.020, 18.134.030, 18.134.040, 18.134.050</p>

finding #3 and removal of findings #4 and #5, to be consistent with fair housing law.	
Other requested changes to County Code not specifically required in the Housing Element.	1.04.170, 17.14.060

From: [Hawkes, Trevor](#)
To: [MeetingClerk](#)
Subject: FW: AG Land Use Foster Road
Date: Tuesday, August 6, 2024 1:35:36 PM

Public comment for item 7B

From: Rick Johnson <RJohnson@rsglazing.com>
Sent: Tuesday, August 6, 2024 1:19 PM
To: Hawkes, Trevor <trevor.hawkes@countyofnapa.org>
Subject: AG Land Use Foster Road

[External Email - Use Caution]

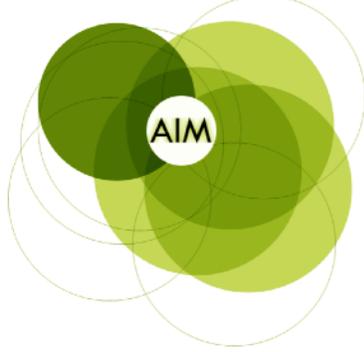
Good Morning our dear Public Servants

I am writing once again to ask that you do serve the people of napa as you pledged when placed into your position. The people are seeing the attempt to legalize the BY Right development and rezoning of Ag Lands in an attempt to go around the citizens of our city. We do not understand why you do not want to listen to the so many people who have come forward with the concerns of developing on Ag Lands when there is so many other areas more acceptable and suitable for development. It is appearing that our Public Servants are more inclined to stand with developers, privatized interests, and attorneys rather than the wish of the people that have put you in place. It also appears that the attempt to legalize by-right construction on some of our last precious AG Lands denies the citizens of Napa of their rights for a voice and is also contrary to the new state laws. With the state of our country right now I would hope you would value the rights of the people and democracy. We once again beg that you spare the use of our AG Lands for further Urban Sprawl and value the voice of the people. Thank you for your time and your service.

Rick Johnson



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(707) 327-4342 (Direct Line)
(707) 647-7111 (Fax)
Email: rjohnson@rsglazing.com



Advocate . Innovate . Mobilize



KEEP NAPA'S GATEWAYS GREEN

August 5, 2024

Napa County Planning Commission

Napa County Board of Supervisors

c/o Trevor Hawkes, Supervising Planner

Napa County Planning, Building & Environmental Services Department

1195 Third Street, Suite 310

Napa, CA 94559

Dear Members of the Napa County Planning Commission and Board of Supervisors,

KNGG submits this letter once again with a keen sense of irony to express our profound opposition to the proposed changes to the re-zoning ordinance for the Foster Road site, which you are set to discuss on Wednesday, August 7, 2024, at 9 AM. These changes, cloaked in the guise of progress, are but the latest in nearly two decades of artful maneuvering and misdirection by privatized interests and various governmental officials in both Napa County and the City of Napa.

The latest draft omnibus housing ordinance introduces pernicious changes that threaten the very fabric of our community and the Prime Ag/Grazing Lands that members of communities have so valiantly endeavored to protect since 2007. Though the full Housing document is too voluminous to include here, you may refresh your memory and peruse it at your leisure via this link: [Redline

Please allow us to elucidate the critical issues that demand your immediate attention and refusal:

1. Unrestricted Supportive and Transitional Housing in AP and AW Zones:

- **Section 18.16.020, subd. (N):** Allows supportive and transitional housing in Agricultural Preserve (AP) zones without the need for use permits.
- **Section 18.20.020, subd. (U):** Permits similar developments in Agricultural Watershed (AW) zones without use permits.
- These allowances are purportedly based on Government Code section 65583, subd. (c)(3), which decrees that such housing should be treated as residential use, subject to the same restrictions.
- However, as multifamily and mixed uses are not generally allowed in AP and AW zones, the code does not mandate supportive housing by right in these zones. The County's interpretation is, to put it kindly, a creative misreading likely (mis) influenced by existing allowances for small family care homes.

2. Increased Residential Care Facilities:

- **Sections 18.16.030(M) and 18.20.030(Q):** These revisions now permit medium and large residential care facilities in AP and AW zones with use permits, thus opening the door to more extensive developments than previously permitted.

3. Elimination of Affordable Housing Requirements in RM Zones:

- **Section 18.60.020:** This section has been REVISED to remove the requirement that projects in Residential Multiple (RM) zones, such as Foster Road, include 20% affordable units to obtain by-right multifamily approval.
- This is a particularly and egregious betrayal of the public trust, as the affordability requirement was a key justification and cornerstone of Napa County's zoning change and its removal is a blatant betrayal of that promise to the public.

The removal of the affordable housing component and the unrestricted development allowances in AP and AW zones lay bare the County's true intentions—favoring developers over the

community. This "bait and switch" tactic, though elegantly executed, is both misleading and wholly unnecessary. As you may realize, the County's Housing Element, as per Supervising Planner Trevor Hawkes, already meets and exceeds state requirements through other projects, including ADUs and the Napa Pipe Project. Thus, rezoning these Prime Ag/Grazing lands is a superfluous exercise in sophistry.

This proposal mocks the planning process and disregards the voices of the community, who have staunchly opposed this re-zoning since 2007. It appears to be a flagrant giveaway to private developer interests, skillfully navigated through a labyrinth of governmental processes.

We implore the Napa County Planning Commission to reject this proposal. The elimination of the affordable housing requirement, the circumvention of environmental reviews, and the unnecessary rezoning demonstrate a palpable disregard for public trust and responsible planning. This is an opportunity to rectify a situation fraught with dark implications for the County and its citizens.

Please, let us all prioritize the interests of the community and preserve our Prime Agricultural and Grazing lands from this unwarranted, needless and unjust development. We ask that you act in the best interest of Napa County's residents, our communities, our agro-tourist economy, our environment and uphold the integrity of the planning process and a sustainable future which follows smart growth directives - not disavowed urban sprawl.

Thank you for your attention to this most critical matter.

Sincerely

Christiane Robbins

For KNGG

KEEP NAPA'S GATEWAYS GREEN

Napa, CA 94558

From: [Hawkes, Trevor](#)
To: [MeetingClerk](#)
Subject: FW: Please vote "NO" on changing the zoning for the Foster Road site.
Date: Tuesday, August 6, 2024 9:08:33 AM

Public comment for item 7B

From: winer707@comcast.net <winer707@comcast.net>
Sent: Tuesday, August 6, 2024 6:40 AM
To: Hawkes, Trevor <trevor.hawkes@countyofnapa.org>
Cc: Brigit <Brigitfavia@sbcglobal.net>
Subject: Please vote "NO" on changing the zoning for the Foster Road site.

[External Email - Use Caution]

Hello Trevor,

I walk my boxer, Homer, on Foster Road at least 3 days per week along with dozens of other neighbors and it would be a travesty to see this gateway to Napa developed into more housing. Nothing in the Housing Element plan points to the need for greedy developers to upzone this beautiful pastoral, agricultural land so they can build high end housing. The Housing Element clearly states that the only housing this town needs is low to moderate income housing for all of the transitory workers flooding our highways each morning. Napa Oaks was stopped for some of the same reasons, now it's time to stop this project. Please vote "NO" on changing the zoning for the Foster Road site.

Thank you,

Keith Lindstrom
275 Casswall St

From: [Hawkes, Trevor](#)
To: [MeetingClerk](#)
Subject: FW: Foster Road Re-Zoning
Date: Tuesday, August 6, 2024 9:52:45 PM

Public comment for item 7B

From: Michele Gandolfo <mgandolfo.sf@gmail.com>
Sent: Tuesday, August 6, 2024 4:21 PM
To: Hawkes, Trevor <trevor.hawkes@countyofnapa.org>
Subject: Foster Road Re-Zoning

[External Email - Use Caution]

Trevor Hawkes, Supervising Planner
Napa County Planning, Building & Environmental Services Department
1195 Third Street, Suite 310
Napa, CA

Dear Mr Hawkes,

As Foster Road homeowners and constituents, we are amazed at the blatant disregard by the Napa Board of Supervisors and Planning Commission's of their constituents' opposition to this re-zoning/up-zoning of the Foster Road Prime AG/Grazing lands.

These lands are not necessary to fulfill the State/Regional RHNA numbers for housing (drive around Napa and you will see plenty of For Rent signs at all the new developments that have been built of the past years) and the **ELIMINATION** of the affordable housing component for by-right multifamily residential development is an egregious disregard of the planning process and Napa constituents' trust in their government representatives.

We strongly urge the Napa County Planning Commission to oppose this latest ploy/proposal to re-zone the Foster Road site/parcel.

Do not allow Napa's beautiful Prime AG/grazing lands to be exploited by developers and their partners!

Thank you for your consideration.

Regards,
Richard and Michele Gandolfo
Napa Residents and Constituents

