

Napa County

1195 THIRD STREET
SUITE 310
NAPA, CA 94559



Agenda

Wednesday, August 5, 2026

9:00 AM

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

Planning Commission

District 1, Kara Brunzell (Chair)

District 2, Walter Brooks

District 3, Molly Moran Williams

District 4, Pete Richmond (Vice-Chair)

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

Aime Ramos, 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 annually adopted meeting calendar available at the following link:

<https://www.napacounty.gov/DocumentCenter/View/40034/2026-Planning-Commission-Meeting-Calendar?bidId=>

The Napa County Planning Commission meets as specified in its adopted annual calendar on the first and third Wednesdays of the month at 9:00 A.M. at 1195 Third Street, Suite 310, Napa, California 94559. The meeting room is wheelchair accessible. Assistive listening devices and interpreters are available through the Clerk of the Planning Commission. Requests for disability related modifications or accommodations, aids or services may be made to the Clerk of the Planning Commission's office no less than 72 hours prior to the meeting date by contacting (707) 253-4417 or meetingclerk@countyofnapa.org.

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).
5. Watch on your TV - Napa Valley TV Channel 28.

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. **PUBLIC COMMENTS AND RECOMMENDATIONS**

The Commission invites public comments and recommendations concerning current issues and future prospects of a planning nature which are within the jurisdiction of the Planning Commission. Anyone who wishes to speak to the Commission on such a matter, if it is not on the agenda, may do so at this time.

4. **APPROVAL OF MINUTES**

The Clerk of the Commission requests approval of minutes from the regular meeting held on July 1, 2026.

[26-1418](#)

Attachments: [7-1-26 Minutes](#)

5. **AGENDA REVIEW**
6. **DISCLOSURES**

7. PUBLIC HEARING ITEMS

- A. PONDEROSA ONE, LLC / 80 CLEAR CREEK ROAD / VIEWSHED PROTECTION PROGRAM APPLICATION #P22-00182-VIEW & ROADS & STREET STANDARDS EXCEPTION 26-1359

CEQA Status: Consideration and possible adoption of a Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program (MMRP). According to the proposed Mitigated Negative Declaration and MMRP, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures proposed for the following area: Biological Resources. In accordance with Section 15105(b) of the California Environmental Quality Act (CEQA) Guidelines, Napa County submitted the proposed Initial Study/Mitigated Negative Declaration to the State Clearinghouse for a 30-day review period beginning September 23, 2025, and running through October 22, 2025 (State Clearinghouse No. SCH 2025091008) <https://ceqasubmit.opr.ca.gov/>. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Request: Approval of a Viewshed Protection Program application on APN 027-310-032 for earthmoving activities, new construction and expansion of existing structures on slopes exceeding 15% and located on a minor ridgeline. The project consists of the construction of a 3,830 sq. ft. underground storage structure, a 6,240 sq. ft. tennis pavilion with an interior Accessory Dwelling Unit (ADU) adjacent to an existing tennis court and the expansion of an existing single-family residential structure consisting of 2,700 sq. ft. of underground spa and 4,350 sq. ft. of underground wine and art storage. The project also includes the development of a ground mounted solar panel array. The project footprint will require the removal of 10 native Oak trees and approximately 0.13 acres of tree canopy. Seventy (70) native tree species are proposed for planting to screen the project from views from designated public roads. Spoils from excavation to establish building foundations will be located at a disturbed area on APN 027-310-043. The applicant is also requesting an exception from the Napa County Road and Street Standards for five (5) driveway segments with longitudinal slopes between 18 - 20 percent along the centerline which exceed 300 feet in length and do not provide transition area of 10 percent or less for the 100 feet immediately preceding. The exception request is supported by the Napa County Engineering Division and Fire Marshal's Office. No road work is required for the existing roadway to meet same overall practical effect if the exception is approved. The project site is located on an approximately 123-acre

parcel approximately 0.65 miles north of the intersection of Dry Creek Road and Clear Creek Road. The project is located at 80 Clear Creek Road, Oakville; APN 027-310-032 & APN 027-310-043

Staff Recommendations: Adopt the Initial Study/Mitigated Negative Declaration and MMRP prepared for the project and approve an Exception to the Road and Street Standards and Viewshed Protection Program Application No. P22-00182-VIEW, as conditioned.

Staff Contact: Trevor Hawkes, Supervising Planner, (707) 253-4388, or trevor.hawkes@countyofnapa.org

Applicant Contact: Ponderosa One, LLC, 80 Clear Creek Road, Oakville; (650) 995-7463 or dts@dtsalazar.com

Applicant Representative Contact: Demae Rubins, Principal Planner, Summit Engineering, Inc., (707) 527-0775 or demae@summit-sr.com

Attachments: [Attachment A - Recommended Findings](#)
[Attachment B - Recommended Conditions of Approval and Final Agency Memos](#)
[Attachment C - Landscape Architect Letter](#)
[Attachment D - Updated Graphics](#)
[Item 7A-Change Memo \(added after initial agenda posting\)](#)
[Item 7A-WAC Comment Letter \(added after initial agenda posting\)](#)

8. ADMINISTRATIVE ITEMS - NONE

9. DIRECTOR OR DIRECTOR'S DESIGNEE REPORT

- DISCUSSION OF ITEMS FOR THE AUGUST 19, 2026 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 7/24/26 BY 3:00 P.M. A HARDCOPY SIGNED VERSION OF THE CERTIFICATE IS ON FILE WITH THE CLERK OF THE COMMISSION AND AVAILABLE FOR PUBLIC INSPECTION.

ANGIE RAMIREZ VEGA (By e-signature)

Angie Ramirez Vega, Clerk of the Commission



Napa County

Board Agenda Letter

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

Planning Commission

Agenda Date: 8/5/2026

File ID #: 26-1418

TO: Napa County Planning Commission

FROM: Brian D. Bordona, Director, Napa County Planning Building & Environmental Services

REPORT BY: Angie Ramirez Vega, Clerk of the Commission

SUBJECT: Approval of Minutes

RECOMMENDATION

The Clerk of the Commission requests approval of minutes from the regular meeting held on July 1, 2026.

EXECUTIVE SUMMARY

The Clerk of the Commission requests approval of minutes from the regular meeting held on July 1, 2026.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Only Commission members who attended the July 1, 2026, meeting may vote on the minutes.



Meeting Minutes

Napa County Planning Commission

District 1, Kara Brunzell (Chair)
District 2, Walter Brooks
District 3, Molly Moran Williams
District 4, Pete Richmond (Vice-Chair)
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

Wednesday, July 1, 2026

9:00 AM

Board of Supervisors Chambers
1195 Third Street, Third Floor

1. **CALL TO ORDER / ROLL CALL**

Commissioners Present: Pete Richmond, Megan Dameron, Molly Moran Williams, Walter Brooks
Commissioners Absent: Kara Brunzell

2. **PLEDGE OF ALLEGIANCE**

3. **CITIZEN COMMENTS AND RECOMMENDATIONS**

None

4. **APPROVAL OF MINUTES**

Motion by Commissioner Brooks to approve minutes for the June 17, 2026, regular meeting as presented, seconded by Commissioner Moran Williams

Vote: Carried 4-0-1

Yes: Brooks, Moran Williams, Dameron, Richmond

No: None

Absent: Brunzell

5. **AGENDA REVIEW**

Michael Parker gave the agenda review.

6. **DISCLOSURES**

Yes: Moran Williams, Dameron, Brooks, Richmond

No:

Absent: Brunzell

7. **PUBLIC HEARING ITEMS**

A. JOHN BREMER ETAL TRUST / BREMER FAMILY WINERY / USE PERMIT MAJOR MODIFICATION NO. P22-00086-MOD & EXCEPTION TO THE NAPA COUNTY ROAD & STREET STANDARDS

CEQA STATUS: 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 with implementation of Mitigation Measures for Biological Resources. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

REQUEST: The proposal is to modify an existing winery Use Permit and to increase production, increase annual visitation, establish a marketing plan, increase the number employees, allow on-site consumption, construct an additional driveway connection to Deer Park Road, increase on-site parking, replace the existing wastewater treatment system, and modify the number of water storage tanks, on the vineyard property, for vineyard irrigation. The proposal also includes a request for an Exception to the Napa County Road and Street Standards to allow for an exception from requiring the installation of a left turn lane on Deer Park Road. The project site is comprised of two properties totaling approximately 46.09-acres, located at 975 Deer Park Road, slightly offset from the intersection of Deer Park Road and Sanitarium Road: the 26.65-acre winery property (APN 021-400-002) and the 20.44-acre vineyard property (APN 021-420-027).

STAFF RECOMMENDATION: Adopt the Mitigated Negative Declaration and approve the Use Permit Modification and Exception to the Road and Street Standards subject to the recommended conditions of approval.

STAFF CONTACT: Sean Trippi, Supervising Planner, (707) 299-1353 or sean.trippi@countyofnapa.org

APPLICANT AGENT CONTACT: Andrea A. Matarazzo, Matarazzo Law, (916) 241-0533; andrea@matarazzolaw.net

Acting Chair Richmond opened public comment, ten comments were received, he closed public comment.

Motion by Commissioner Brooks to continue the item to a date uncertain, seconded by Commissioner Dameron.

Vote: Carried 4-0-1

Yes: Brooks, Dameron, Moran Williams, Richmond

No: None

Absent: Brunzell

8. ADMINISTRATIVE ITEMS - NONE

9. DIRECTOR OR DIRECTOR'S DESIGNEE REPORT

DISCUSSION OF ITEMS FOR THE *JUNE 17, 2026, REGULAR MEETING*

Brian Bordona discussed potential items for the July 15, 2026, meeting.

BOARD OF SUPERVISORS ACTIONS- None

OTHER DEPARTMENT ACTIVITIES - None

CODE COMPLIANCE REPORT - None

ZONING ADMINISTRATOR ACTIONS

Brian Bordona reported on project actions.

OTHER PENDING PROJECT'S STATUS - None

10. COMMISSIONER COMMENTS / COMMITTEE REPORTS - NONE

11. ADJOURNMENT

Meeting adjourned at 11:55 am

ANGIE RAMIREZ VEGA, Meeting Clerk



Napa County

Board Agenda Letter

1195 THIRD STREET
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www.napacounty.gov
Main: (707) 253-4580

Planning Commission

Agenda Date: 8/5/2026

File ID #: 26-1359

TO: Napa County Planning Commission
FROM: Brian Bordona - Director of Planning, Building and Environmental Services
REPORT BY: Trevor Hawkes - Supervising Planner
SUBJECT: 80 Clear Creek Viewshed Protection Application; P22-00182-VIEW and Roads and Street Standards Exception

RECOMMENDATION

PONDEROSA ONE, LLC / 80 CLEAR CREEK ROAD / VIEWSHED PROTECTION PROGRAM APPLICATION #P22-00182-VIEW & ROADS & STREET STANDARDS EXCEPTION

CEQA Status: Consideration and possible adoption of a Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program (MMRP). According to the proposed Mitigated Negative Declaration and MMRP, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures proposed for the following area: Biological Resources. In accordance with Section 15105(b) of the California Environmental Quality Act (CEQA) Guidelines, Napa County submitted the proposed Initial Study/Mitigated Negative Declaration to the State Clearinghouse for a 30-day review period beginning September 23, 2025, and running through October 22, 2025 (State Clearinghouse No. SCH 2025091008) <https://ceqasubmit.opr.ca.gov/>. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Request: Approval of a Viewshed Protection Program application on APN 027-310-032 for earthmoving activities, new construction and expansion of existing structures on slopes exceeding 15% and located on a minor ridgeline. The project consists of the construction of a 3,830 sq. ft. underground storage structure, a 6,240 sq. ft. tennis pavilion with an interior Accessory Dwelling Unit (ADU) adjacent to an existing tennis court and the expansion of an existing single-family residential structure consisting of 2,700 sq. ft. of underground spa and 4,350 sq. ft. of underground wine and art storage. The project also includes the development of a ground mounted solar panel array. The project footprint will require the removal of 10 native Oak trees and approximately 0.13 acres of tree canopy. Seventy (70) native tree species are proposed for planting to screen the project from views from designated public roads. Spoils from excavation to establish building foundations will be located

at a disturbed area on APN 027-310-043. The applicant is also requesting an exception from the Napa County Road and Street Standards for five (5) driveway segments with longitudinal slopes between 18 - 20 percent along the centerline which exceed 300 feet in length and do not provide transition area of 10 percent or less for the 100 feet immediately preceding. The exception request is supported by the Napa County Engineering Division and Fire Marshal's Office. No road work is required for the existing roadway to meet same overall practical effect if the exception is approved. The project site is located on an approximately 123-acre parcel approximately 0.65 miles north of the intersection of Dry Creek Road and Clear Creek Road. The project is located at 80 Clear Creek Road, Oakville; APN 027-310-032 & APN 027-310-043

Staff Recommendations: Adopt the Initial Study/Mitigated Negative Declaration and MMRP prepared for the project and approve an Exception to the Road and Street Standards and Viewshed Protection Program Application No. P22-00182-VIEW, as conditioned.

Staff Contact: Trevor Hawkes, Supervising Planner, (707) 253-4388, or trevor.hawkes@countyofnapa.org

Applicant Contact: Ponderosa One, LLC, 80 Clear Creek Road, Oakville; (650) 995-7463 or dts@dtsalazar.com

Applicant Representative Contact: Demae Rubins, Principal Planner, Summit Engineering, Inc., (707) 527-

0775 or demae@summit-sr.com

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Adopt the Initial Study/Mitigated Negative Declaration and MMRP based on recommended Findings 1-7 in Attachment A;
2. Approve the Napa County Road and Street Standards Exception Request based on the recommended Findings 8-9 in Attachment A, and subject to the recommended Conditions of Approval in Attachment B; and

3. Approve the Viewshed Protection Program Application (P22-00182-VIEW) based on recommended Findings 10-16 in Attachment A, and subject to the recommended Conditions of Approval in Attachment B.

Discussion:

The project was last heard during the March 4, 2026, Planning Commission meeting. At the hearing members of the public and Commissioners provided comments and raised questions regarding topics such as landscape screening monitoring, lighting, and overall compatibility of the project with the Viewshed Protection Program and the Viewshed Protection Program design manual. The Commission requested that the hearing be continued to a date uncertain. The prior staff report and attachments are available via the following link:

<https://napa.legistar.com/LegislationDetail.aspx?ID=7926136&GUID=86036C00-D57C-4975-9C12-DACDECFCB7B0&FullText=1>

The video of the public hearing is available at the following link:

https://napa.granicus.com/player/clip/5771?meta_id=550544

The applicant revised the original request to address the Commission's concerns. A bioretention basin has been slightly moved from where it was proposed under the previous plan set and additional tree plantings are proposed on the east side of the proposed tennis pavilion as additional vegetative landscape screening. Staff also propose revisions to the Conditions of Approval to address the Commission's concerns surrounding impacts from project lighting and monitoring of the proposed vegetative landscape screening.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program (MMRP). According to the proposed Mitigated Negative Declaration and MMRP, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures proposed for the following areas: Biological Resources. In accordance with Section 15105(b) of the California Environmental Quality Act (CEQA) Guidelines, Napa County submitted the proposed Initial Study/Mitigated Negative Declaration to the State Clearinghouse for a 30-day review period beginning September 23, 2025, and running through October 22, 2025 (State Clearinghouse No. SCH 2025091008) <https://ceqasubmit.opr.ca.gov/>. The project site is not included on a list of

hazardous materials sites compiled pursuant to Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

The project was last heard during the March 4, 2026, Planning Commission meeting. At the meeting the Commission primarily expressed concerns with potential impacts of the project's lighting, reflective surfaces and the ability of the proposed vegetative screening to achieve the intended and appropriate level of screening. Written and verbal comments on the project from the general public were also received regarding the project's overall compliance with the intent of the Viewshed Protection Program and the principles of the Viewshed Protection Program Design Manual. Comments were also received from the California Department of Fish and Wildlife concerning mitigation measures for Biological Resources, which have been incorporated into the project's proposed Conditions of Approval.

Applicant's proposed revisions include a bioretention facility to the northeast of the tennis pavilion moved slightly to allow additional tree plantings to screen views of the tennis pavilion from Silverado Trail. The number of tree plantings also increased from 67 to 70 plantings. The applicant has included new exhibits for the Commission to consider which include; the new configuration and spacing of oak tree species on the east side of the tennis pavilion, current and historical photos of landscape Valley Oaks and Coastal Live Oaks which were planted in the mid-2010's to demonstrate what might be expected for tree growth of these species, and finally photo simulations of the expected screening at planting, 5-years and 10-years. No other changes to the project from what was presented to the Commission on March 4, 2026, are proposed.

To address concerns of the Commission, staff revised the Conditions of Approval to include several project specific conditions. Regarding landscape screening, new COA No. 4.12(d) requires the permittee to retain a qualified landscape professional to inspect the landscape screening at two (2) and five (5) years and assess whether the vegetation is developing consistently with the approved landscape plan, including any proposed recommendations or corrective measures and to provide that report to the Planning Division. A new COA No. 6.16(c) requires the permittee to control all non-essential exterior lighting, including new flood lighting proposed for the tennis court, by an astronomical timer or equivalent system which would turn off all such lighting one hour after sunset. Finally, a new COA No. 6.16(d) requires the permittee to incorporate a glazing with an Exterior Visible Light Reflectance value of 15 percent or less on all glass surfaces.

Decision Making Options:

As noted in the Executive Summary Section above, staff recommend the Planning Commission approve the project as proposed, subject to the recommended Findings and Conditions of Approval in Attachments A & B. Decision-making options include the following:

Option 1 - Applicant's Proposal (Staff Recommendation)

Disposition - This action would result in approving Viewshed Protection Program Application P22-00182-VIEW for the construction of the underground spa, underground wine and art storage, underground storage and tennis pavilion with interior ADU. This action includes approval of an

exception to the RSS for longitudinal slopes between 18-20% which exceed 300 ft. in length and do not provide transition areas of 10% or less for the 100 ft. immediately preceding and ensuring the segments are over 18%. Staff recommend this option as the applicant's request is consistent with the Zoning Ordinance, applicable General Plan policies, and other County regulations as presented in the Recommended Findings (Attachment A) and subject to Recommended Conditions of Approval (Attachment B).

Action Required - Follow the proposed action listed in the 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 will be less than significant with the adoption of mitigation measures.

Option 2 - Modify the Applicant's Proposal

Disposition - In the event that the Commission finds the project needs revision or more information is required to determine if the Findings for approving a Viewshed Protection Program application can be made, the Commission would move to continue the item to a later date to allow the applicant time to consider revisions to the project.

Action Required - Make recommendations for an amended scope and/or applicable conditions of approval. The item will need to be continued to a future date if significant revisions to the project scope and recommended conditions of approval are desired.

Option 3 - Deny Proposed Project

Disposition - In the event the Planning Commission determines that the project does not, or cannot, meet the required findings for approving a Viewshed Protection Program application and/or Exception to the Napa County Road and Street Standards, the Commission should articulate what 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 project is not being approved.

Action Required - The Commission would move to deny the project.

Option 4 - Continuance Option

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

“A”

Recommended Findings

**PLANNING COMMISSION HEARING – MARCH 4, 2026
RECOMMENDED FINDINGS**

**80 Clear Creek Road Viewshed Protection Program & NCRSS Exception
P22-00182-VIEW
80 Clear Creek Road, Oakville, CA 94562
APN 027-310-032, -043**

ENVIRONMENTAL:

The Planning Commission has received and reviewed the proposed 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 makes the following findings. That:

1. The Planning Commission has read and considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) prior to taking action on said Mitigated Negative Declaration and the proposed project.
2. The Mitigated Negative Declaration and MMRP is based on independent judgment exercised by the Planning Commission.
3. The Mitigated Negative Declaration and MMRP 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 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 Planning 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, California.

EXCEPTION TO THE NAPA COUNTY ROAD AND STREET STANDARDS:

The Planning Commission has reviewed the attached Napa County Road and Street Standards (NCRSS) Exception Request Letter 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 include, but are not limited to, steep slopes, heritage oak trees, or other trees of at least six inches diameter at breast height and found by the decision-maker to be of significant importance, but do not include man-made environmental features such as rock walls,

ornamental or decorative landscaping, fences or the like.

Analysis: There are currently five (5) driveway segments with longitudinal slopes between 18-20 percent along the centerline which exceed 300 feet in length and do not provide transition area of 10 percent or less for the 100 feet immediately preceding. Improving the driveway to reduce these longitudinal slopes and provide segments that are 10% or less would require significant earthwork on steep slopes exceeding 30-50%. No road work is required for the existing driveway to meet same overall practical effect.

9. Grant of the Road and Street Standards Exception will provide the same overall practical effect as the Standards do in providing defensible space, and does not adversely affect the life, safety, and welfare of the public or persons coming to the property.

Analysis: The applicant has demonstrated that while the driveway does not fully comply with the Road and Street Standards, there are sufficient sections of the driveway for engines to seek relief and vehicles to pass and provide the same overall practical effect as the Standards. Existing vegetation and road surface are sufficient for fire apparatus to access the site, and the applicant will be conditioned to maintain these features in perpetuity.

VIEWSHED PROTECTION PROGRAM:

The following findings must be made in order for the Planning Commission to approve a Viewshed Protection Program application pursuant to County Code § 18.106.050.

10. The project as designed or modified is consistent with Chapter 18.108 of the code.

Analysis: None of the areas proposed for earth disturbing activities are within stream setbacks. As currently designed, the application would remove 10 oak trees which are estimated to provide less than 0.13 acres of tree canopy. The application proposes 70 new tree plantings to supplement the removed trees, which are estimated to provide 0.42 acres of new tree canopy, which would satisfy County code requirements for Vegetation Removal Mitigation in Napa County Code §18.108.020.

11. If the highest point of the proposed project is located more than twenty-five vertical feet below a major or minor ridgeline, that measures have been included in the project to reduce its visual impact on the major or minor ridgeline through use of existing natural vegetation, landscaping, topographical siting, architectural design, and colortone; or if the highest point of the proposed structure is within twenty-five vertical feet of a major or minor ridgeline, that the existing vegetation, proposed landscaping, topographical siting, architectural design, and colortone screen the predominant portion of the proposed structure.

Analysis: The highest point of the proposed structures is within twenty-five feet of a minor ridgeline. Based on the proposed site plan and elevations, existing natural features (topographic and vegetative) screen the predominant portions of the proposed underground storage, underground spa and underground wine and art storage buildings. The project proposes to plant 70 trees on the project site, a mixture of coast live oak, interior live oak and California sycamore, which are intended to screen the predominant portions of the tennis pavilion. Additionally, the

buildings utilize earth color tones to blend into their surroundings. The proposed lighting is shielded and downward facing to minimize off-site visibility and glare.

12. The proposed structure, access roads and other site improvements are sited and designed to minimize adverse effects on views from designated public roads.

Analysis: The project access road is existing and, with approval of an exception to the Napa County Road and Street Standards, no construction would be required which would require minimizing adverse effects on views from designated public roads. Three of the structures proposed are below existing grade, stepped into the hillside, and viewable from only one side of the ridgeline. Additionally, proposed landscaping would further enhance the screening from designated viewshed roads.

13. The proposed structure, access road and other site improvements, including earthmoving or grading, and benches or shelves minimize the removal of vegetation.

Analysis: The amount of vegetation removed is limited to what is necessary for the construction of the proposed project. Grading design minimizes impact on existing vegetation. Additionally, new trees are being proposed for the purposes of screening and mitigating the impacts of removed vegetation.

14. The siting and design of site improvements and access roads minimize grading and alteration of natural landforms and topography.

Analysis: The grading design works with the natural landforms to minimize impact. An exception to the Napa County Road and Street Standards would prevent significant earthwork on steep slopes exceeding 30-50 percent.

15. A landscape and/or vegetation retention plan in conformance with the Design Manual has been submitted and approved for the site that would provide maximum screening from designated public roads through preservation of existing vegetation and the planting of new vegetation and provide for defensible space in conformance with state law.

Analysis: A landscape plan was included in the application along with a letter discussing the tree plantings and necessary maintenance from Kjeldsen Biological Consulting and exhibits demonstrating the potential growth of selected tree species over a five (5) and ten year period. The project would plant 70 new trees for screening from Dry Creek Road and Silverado Trail adding 0.42 acres of tree canopy onsite. Furthermore, the proposed location of the new trees will provide an ember resistant zone and buffer space around the proposed structures. The planting schedule, depending on the viewshed the plantings intend to screen, include plantings as small as 10 gallons and as large as 48" boxes. Based on letters from the project arborist and exhibits provided by the applicant, a combination of existing vegetation and new plantings would screen predominant portions of the proposed structures as the trees mature.

16. The proposed structure and associated improvements substantially conform with the Design Manual in order to reduce their visual impact on the views of major and minor ridgelines as viewed from any designated public road and unique topographic or geologic features as viewed from any county road. The following landforms will be considered to be unique topographic or

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

Analysis: The siting and screening of the proposed structures have been designed to minimize visual impact on public rights-of-way, and unique geologic features, as seen in the architectural visual analysis as well as building elevations.

“B”

Recommended Conditions of Approval and Final Agency Memos

**PLANNING COMMISSION HEARING – AUGUST 5, 2026
RECOMMENDED CONDITIONS OF APPROVAL**

**80 Clear Creek Road Viewshed Protection Program & NCRSS Exception
P22-00182-VIEW
80 Clear Creek Road, Oakville, CA 94562
APN 027-310-032, -043**

This Permit encompasses and shall be limited to the project commonly known as ***80 Clear Creek Road Viewshed Protection Program & NCRSS Exception, located at 80 Clear Creek 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 the general public to ensure compliance is achieved.

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

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

PART I

1.0 PROJECT SCOPE

This Permit encompasses and shall be limited to:

- 1.1 An exception from the Napa County Road and Street Standards (NCRSS) for five (5) driveway segments, identified in the RSS Exemption Request by Summit Engineering dated July 9, 2024, with longitudinal slopes between 18 – 20 percent along the centerline which exceed 300 feet in length and do not provide transition area of 10 percent or less for the 100 feet immediately preceding. With exception of longitudinal slope, all other aspects of the driveway generally exceed minimum criteria for a residential project.
- 1.2 Approval of a Viewshed Protection Program application for construction of a 3,830 sq. ft. underground storage structure, a 6,240 sq. ft. tennis pavilion with a 1,200 sq. ft. interior Accessory Dwelling Unit adjacent to an existing tennis court and the expansion of an existing single-family residential structure consisting of a 2,700 sq. ft. underground spa and 4,350 sq. ft. of underground wine and art storage on slopes exceeding 15% and located on a ridgeline.
- 1.3 Removal of ten (10) native Oak trees and approximately 0.13 acres of tree canopy.

- 1.4 Planting of 70 trees consisting of a mix of live oak, valley oak and California sycamores in sizes ranging between 10 gallons to 36" box trees along the edge of the driveway on the south and west sides of the property and larger 36-48" box trees on the east side of the property to achieve a new tree canopy cover of approximately 0.42 acres.

The **single-family residence, accessory dwelling unit, accessory structures and solar array** 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 the general public to ensure compliance is achieved. Any expansion of or change in use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

2.0 STATUTORY AND CODE SECTION REFERENCES

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

3.0 MONITORING COSTS

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

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

PART II

4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

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

4.1 GROUND WATER MANAGEMENT – WELLS [RESERVED]

- 4.2 AMPLIFIED MUSIC **[RESERVED]**
- 4.3 TRAFFIC **[RESERVED]**
- 4.4 PARKING **[RESERVED]**
- 4.5 BUILDING DIVISION – USE OR OCCUPANCY CHANGES **[RESERVED]**
- 4.6 FIRE DEPARTMENT – TEMPORARY STRUCTURES **[RESERVED]**
- 4.7 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM **[RESERVED]**
- 4.8 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, MECHANICAL EQUIPMENT, AND TRASH ENCLOSURE AREAS
 - a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County.
 - b. All landscaping shall be permanently maintained in accordance with the landscaping approved by the County.
 - c. **[RESERVED]**
 - d. The colors used for the roof, exterior walls and built landscaping features of the project 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 color that differs from the approved building permit. Highly reflective surfaces are prohibited.
 - e. **[RESERVED]**
- 4.9 NO TEMPORARY SIGNS **[RESERVED]**
- 4.10 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 February 11, 2026, and their SRA Road Exception Evaluation Memorandum dated July 8, 2025.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated November 13, 2025.

- c. Fire Department operational conditions as stated in their Inter-Office Memo dated May 8, 2025.

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.

4.11 OPERATIONAL MITIGATION MEASURES **[RESERVED]**

4.12 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Groundwater Management - A Groundwater Demand Management Program shall be developed and implemented for the property as outlined in COA 6.16(a) below.

In the event that changed circumstances or significant new information provide substantial evidence¹ that the groundwater system referenced in the Viewshed Application 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.

- b. Well A shall be equipped with a flow restrictor or pump that restricts flows to 20 gallons per minute (20 gpm) or less and groundwater extraction shall not exceed 2.40 AF/yr. Equipment selection and a maintenance plan shall be developed and implemented for the property as outlined in COA No. 6.16(a) and (b) below.
- c. Well D shall be equipped with a flow restrictor or pump that Restricts flows to 10 gallons per minute (10 gpm) or less and groundwater extraction shall not exceed 0.56 AF/yr. Equipment selection and a maintenance plan shall be developed and implemented for the property as outlined in COA No. 6.16(a) and (b) below.
- d. Within two (2) years and again within five (5) years following installation of the approved vegetative screening, the permittee shall retain a Certified Arborist, Registered Landscape Architect, or other qualified landscape professional, as approved by the Planning Division, to inspect the screening vegetation.

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.

The inspection shall evaluate the health, vigor, survival, and overall condition of the plantings, assess whether the vegetation is developing consistent with the approved Landscape Plan and its intended screening function, and identify any trees or shrubs that have died, are in decline, or are otherwise unlikely to achieve the intended screening. The inspection report shall include recommendations for replacement or other corrective measures, where warranted.

The permittee shall submit the inspection report to the Planning Division within thirty (30) days of each inspection. Any recommended replacement plantings or corrective measures accepted by the Planning Division shall be completed during the next appropriate planting season, unless an alternative schedule is approved by the Planning Division.

4.13 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 plan review/construction/preoccupancy conditions as stated in their Memorandum dated February 11, 2026, and their SRA Road Exception Evaluation Memorandum dated July 8, 2025.

- b. Environmental Health Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated November 13, 2025.
- c. Fire Department plan review/construction/preoccupancy conditions as stated in their Inter-Office Memo dated May 8, 2025.

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

6.2 BUILDING DIVISION – GENERAL CONDITIONS

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

- a. A building permit shall be obtained for all construction occurring on the site not otherwise exempt by the CBC or any State or local amendment adopted thereto
- b. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities, a separate demolition permit shall be required from the Building Division prior to removal. The permittee shall provide a “J” number from the Bay Area Air Quality Management District (BAAQMD) at the time the permittee applies for a demolition permit if applicable.
- c. **[RESERVED]**

6.3 LIGHTING – PLAN SUBMITTAL

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

6.4 LANDSCAPING – PLAN SUBMITTAL

- 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 permit. The

plan shall be prepared pursuant to the 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 project 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.
- e. **[RESERVED]**

6.5 COLORS

The colors used for the roof, exterior walls and built landscaping features of the project 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 **[RESERVED]**

6.7 MECHANICAL EQUIPMENT **[RESERVED]**

6.8 TRASH ENCLOSURES **[RESERVED]**

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.

6.9 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.

6.10 HISTORIC RESOURCES **[RESERVED]**

6.11 DEMOLITION ACTIVITIES **[RESERVED]**

6.12 VIEWSHED – EXECUTION OF USE RESTRICTION

The property owner shall execute and record in the county recorder's office a use restriction, in a form approved by County Counsel, requiring that the underground storage, the underground spa, the underground wine and art storage, tennis pavilion and proposed and existing vegetative screening landscape shall be constructed in substantial compliance with the plans approved with this application dated December 22, 2025, to be maintained by the owner or the owner's successor so as to maintain conformance with the County Code.

6.13 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. **MM BIO-1; Preconstruction Surveys for Nesting Birds and Raptors:**
The owner/permittee shall implement the following measures to minimize impacts associated with the potential loss and disturbance nesting birds and raptors consistent with and pursuant to California Fish and Game Code Sections 3503 and 3503.5:

For earth-disturbing activities occurring between February 1 and August 31 (which coincides with the grading season of April 1 through October 15 – NCC Section 18.108.070.L, and bird breeding and nesting seasons), a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local avian resources with the potential to occur at the project site) shall conduct a preconstruction surveys for nesting birds within all suitable habitat in the project site, and where there is potential for impacts adjacent to the project areas (typically within 500 feet of project activities). The preconstruction survey shall be conducted no earlier than seven days prior to when vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than seven days from the survey date, surveys shall be repeated. A copy of the survey shall be provided to the Napa County Planning Division and the CDFW prior to commencement of work.

After commencement of work if there is a period of no work activity of seven days or longer during the bird breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity.

In the event that nesting birds are found, the owner/permittee shall identify appropriate avoidance methods and exclusion buffers in consultation with the County Conservation Division and the USFWS and/or CDFW prior to initiation of project activities. Exclusion buffers may vary in size, depending on habitat characteristics, project activities/disturbance levels, and species as determined by a qualified biologist in consultation with the County Conservation Division and the USFWS and/or CDFW.

Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County prior to the commencement of any earthmoving and/or development activities. Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist.

Alternative methods aimed at flushing out nesting birds prior to preconstruction surveys, whether physical (i.e., removing or disturbing nests by physically disturbing trees with construction equipment), audible (i.e., utilizing sirens or bird cannons), or chemical (i.e., spraying nesting birds or their habitats) would be considered an impact to nesting birds and is prohibited. Any act associated with flushing birds from project areas should undergo consultation with the USFWS/CDFW prior to any activity that could disturb nesting birds.

Method of Monitoring: If construction/earthmoving activity is to occur between February 1 and August 31 the survey prepared by a qualified biologist shall be submitted to Planning Division staff and CDFW prior to beginning construction/earthmoving activity.

Responsible Agency(ies): CDFW
Lead Agency: Napa County

- b. **MM BIO-2; Northern Spotted Owl Habitat Assessment and Surveys:**
A qualified biologist shall provide an assessment of potential northern spotted owl nesting habitat within the Project site 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 northern spotted owl nesting habitat is present, then no Project activities within 0.25 miles of potential northern spotted owl nesting habitat shall occur between March 15 and July 31 unless a qualified biologist approved in writing by CDFW conducts northern spotted owl surveys following the USFWS Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls, dated (revised) January 9, 2012, available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83977&inline>. Surveys shall be conducted in accordance with Section 9 of the survey protocol, Surveys for Disturbance-Only Projects. If breeding northern spotted owl are detected during surveys, CDFW shall be immediately notified and 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 in consultation with CDFW, 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 northern spotted owl 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.

Method of Monitoring: If construction/earthmoving activity is to occur between March 15 and July 31 the assessment of potential northern spotted owl nesting habitat, prepared by a qualified biologist and with CDFW's written acceptance, shall be submitted to Planning Division staff prior to beginning construction/earthmoving activity.

Responsible Agency(ies): CDFW

Lead Agency: Napa County

- c. **MM BIO-3; Bat Tree Habitat Assessment and Surveys:** Prior to any tree trimming or removal, a qualified biologist shall conduct a habitat assessment for bats, unless otherwise approved in writing by CDFW. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree removal and shall include a visual inspection of potential roosting features of trees to be removed (e.g., crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming or removal shall not proceed without approval in writing from CDFW. If the presence of bats is presumed or documented, trees may be removed only: a) using the two-step removal process detailed below during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist, under prior written approval of the proposed survey methods by CDFW, conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with crevices or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.

Method of Monitoring: 30-90 days prior to tree trimming/removal activity the qualified biologist shall submit to the Planning Division the results of the habitat assessment for bats.

Responsible Agency(ies): CDFW
Lead Agency: Napa County

6.14 PARCEL CHANGE REQUIREMENTS **[RESERVED]**

The permittee shall comply with the following requirements:

6.15 FINAL MAPS **[RESERVED]**

6.16 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

a. Groundwater Demand Management Program

1. The permittee shall install a meter on Wells A & D. Each meter shall be placed in a location that will allow for the measurement of all groundwater demand by that particular well. Prior to the issuance of a grading or building permit for the accessory dwelling unit, the permittee shall submit for review and approval by the PBES Director a groundwater demand management plan which includes a plan for the location and the configuration of the installation of a meter on Wells A & D.
2. The Plan shall identify how best available technology and best management water conservation practices will be applied throughout the parcel.
3. The Plan shall identify how best management water conservation practices will be applied where possible in the structures on site. This includes but is not limited to the installation of low flow fixtures and appliances.
4. For the first twelve months of operation under this permit, the permittee shall read the meters at the beginning of each month and provide the data to the PBES Director monthly. If the water usage on the property exceeds, or is on track to exceed, the maximum groundwater usage values in i through ii below, or if the permittee fails to report, additional reviews and analysis and/or a corrective action program at the permittee's expense shall be required and shall be submitted to the PBES Director for review and action. In addition to monthly meter readings, Permittee shall also provide well level data to the PBES Director.
 - i. Annual groundwater usage for Well A shall not exceed 2.40 af/yr.

- ii. Annual groundwater usage for Well D shall not exceed 0.56 af/yr.
- 5. The permittee's wells shall be included in the Napa County Groundwater Monitoring program if the County finds the well suitable.
- 6. At the completion of the reporting period per 6.16(a)(4) above, and so long as the water usage is within the maximum acre-feet per year as specified above, the permittee may begin the following meter reading schedule:
 - i. On or near the first day of each month the permittee shall read the water meter, and provide the data to the PBES Director during the first weeks of April and October. The PBES Director, or the Director's designated representative, has the right to access and verify the operation and readings of the meters during regular business hours.
 - b. In conjunction with well water meter installation and timing required in COA No. 6.16(a) above, the permittee shall install a well pump flow restrictor or equivalent equipment on Wells A & D. The submittal shall include a narrative providing information of how the device works, equipment specifications, and a maintenance and monitoring plan. Within 14 days of installation, evidence shall be provided to the County Planning Division demonstrating installation and operation.
 - c. All non-essential exterior lighting associated with the structures identified under COA 1.2 and the tennis court, including landscape, architectural, and decorative lighting, shall be controlled by an automatic astronomical timer or equivalent system that adjusts daily to local sunset and sunrise times. Such lighting shall be extinguished no later than one (1) hour after local sunset and shall remain off until sunrise, except as follows:
 - i. Lighting necessary for pedestrian and vehicular safety may remain illuminated at the minimum level necessary for safe access.
 - ii. Motion-activated security lighting is permitted at any time, provided each activation does not exceed five (5) minutes and the fixtures are fully shielded and directed downward to minimize off-site light spill.
 - d. All exterior windows incorporated into the approved project shall utilize glazing with an Exterior Visible Light Reflectance (VLR) of 15 percent or less, as reported by the glass manufacturer's published performance specifications.

Prior to issuance of a building permit, the permittee shall submit manufacturer's product data or other documentation demonstrating that all proposed glazing complies with the maximum 15 percent Exterior VLR requirement.

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENT

Please contact Engineering Services with any questions regarding the following:

a. GRADING & SPOILS

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

b. DUST CONTROL

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

c. AIR QUALITY

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

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
4. Remove all visible mud or dirt tracked onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5)

minutes (as required State Regulations). Clear signage shall be provided for construction workers at all access points.

8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfaq_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. **STORM WATER CONTROL**

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

7.2 **ARCHEOLOGICAL FINDING**

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

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

7.3 **CONSTRUCTION NOISE**

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

7.4 **CONSTRUCTION MITIGATION MEASURES [RESERVED]**

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

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES

8.1 TEMPORARY OCCUPANCY **[RESERVED]**

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

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

9.1 FINAL OCCUPANCY

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

9.2 SIGNS **[RESERVED]**

9.3 GATE/ENTRY STRUCTURES

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

9.4 LANDSCAPING

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

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

9.6 DEMOLITION ACTIVITIES **[RESERVED]**

9.7 GRADING SPOILS

All spoils piles 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 meters and equipment shall be installed and all groundwater usage monitoring required in COA 4.12(a) and 6.16(a) above shall

commence prior to issuance of a final certificate of occupancy for the first phase of the project.

- b. The permittee shall demonstrate compliance with COA No. 6.16(c) prior to final occupancy through installation of an approved automatic astronomical timer or equivalent control system.
- c. The permittee shall demonstrate to the satisfaction of the Planning Division that the window glazing approved under COA No. 6.16(d) has been installed. Verification may include submission of manufacturer's product labels, invoices, or other documentation sufficient to confirm compliance with this condition.



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Planning, Building & Environmental Services

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www.countyofnapa.org

Brian D. Bordona
Director

MEMORANDUM

To: Trevor Hawkes Planning Division	From: Alexei Belov, PE Engineering Division
Date: February 11, 2026	Re: P22-00182 80 Clear Creek Technical Adequacy Conditions of Approval APN: 027-310-032; -043

The Engineering Division ("Engineering") has reviewed the Viewshed Application, P22-00182, for Ponderosa One LLC located on assessor's parcel number 027-310-032 & -043. Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following:

TECHNICAL ADEQUACY

1. The Engineering Division has reviewed the Water Availability Analysis (WAA) dated July, 2025, prepared by Gina Giacone, PE, of Summit Engineering. The analysis has been evaluated based on information provided by the applicant, project location, and available geologic and hydrologic information and has determined the WAA to be complete and reasonable. Engineering concludes the WAA technically adequate as it relates to Napa County's water use criteria, well and spring interference, and groundwater/surface water interaction pursuant to Napa County's WAA Guidelines, Napa Valley Subbasin Groundwater Sustainability Plan, and the Public Trust Doctrine.

RECOMMENDED APPROVAL CONDITIONS:

OPERATIONAL CHARACTERISTICS

1. Well A shall be equipped with a flow restrictor or similar equipment that restricts flows to 20 gallons per minute (20 gpm) or less and groundwater extraction shall not exceed 2.40 AF/yr.
2. Well D shall be equipped with a flow restrictor or similar equipment that restricts flows to 10 gallons per minute (10 gpm) or less and groundwater extraction shall not exceed 0.56 AF/yr.

PREREQUISITES FOR ISSUANCE OF PERMITS:

SITE IMPROVEMENTS

1. 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 and Street Standards for Residential development at the time of Building Permit Submittal as well as the Road Exception Request dated July, 2024, prepared by Monica Shah, PE, of Summit Engineering.
2. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, and parking and driveways, 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.
3. 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.
4. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.
5. **Prior to issuance of a development permit** (i.e. building permit and/or grading 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 document, dated December 2014.
6. **Prior to issuance of a development permit**, as determined by the area of new or replaced impervious surfaces, the owner shall prepare and/or update 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. Any construction activity that equals or exceeds one acre of total disturbed area shall prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the regulations of Regional Water Quality Control Board (RWQCB) and shall file a Notice of Intent (NOI) prior to commencement of any construction activity. The completed SWPPP shall be submitted to the Napa County PBES Department Engineering Division for review.

CONSTRUCTION SITE RUNOFF CONTROL REQUIREMENTS:

8. All earth disturbing activities shall include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with Napa County Stormwater Ordinance 1400 and the latest adopted state regulations. Best Management Practices (BMPs) shall also be implemented to minimize dust at all times.
9. All hazardous materials stored and used on-site during construction that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified.
10. The property owner shall inform all individuals, who will take part in the construction process, of these requirements.

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:

11. All roofs, gutters, and/or downspouts shall discharge to landscaping or other pervious surface designed and maintained appropriately to prevent soil erosion.

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

12. All necessary access, road, and parking improvements shall be constructed prior to Final Occupancy.
13. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy or Final Inspections.

Any changes in use may necessitate additional conditions of approval.

Any changes in use or design may necessitate additional review and approval. If you have any questions regarding the above items please contact Alexei Belov from Napa County PBES Department Engineering Division at (707) 299.2177 or via e-mail at Alexei.Belov@countyofnapa.org.



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Brian D. Bordona
Director

MEMORANDUM

AB 7/9/25

To:	Trevor Hawkes Planning Division	From:	Alexei Belov, PE Engineering Division
Date:	July 8, 2025	Re:	P22-00182 80 Clear Creek SRA Road Exception Evaluation APN: 027-310-032; -043

ROAD EXCEPTION REQUEST:

The Engineering Division received a request (Request), dated July 9, 2024, for an exception to the Napa County Road and Street Standards (RSS) for a Viewshed Application which includes a new additional dwelling unit (ADU) – P22-00182. The ADU will be located at 80 Clear Creek Road, Napa, CA 94558 (APN: 027-310-032 & -043). A detailed breakdown of all proposed improvements can be found in the Planning Staff Report.

Access to the proposed development area is currently served by a paved road ranging in width from 16-20' and roughly 5,800' in length. The access point off Dry Creek Road begins adjacent to the Dry Creek - Lokoya Volunteer Fire Station.

As part of the Viewshed Permit application, the applicant is requesting an exception for the longitudinal slopes between 18-20% which exceed 300' in length and do not provide transition areas of 10% or less for the 100' immediately preceeding and ensuing the segments over 18%. Please see sheets C1-C3 of the Residential Driveway Exception Plan prepared by Summit Engineering, dated July 9, 2024, for additional detail.

The project's proposed residential driveway design requests the following exceptions to the Napa County Road and Street Standards:

Station 0+10 – 40+50

An exception is requested for longitudinal slopes between 18-20% which exceed the 300' length criteria without transition areas of 10% or less immediately preceeding and ensuing the segments over 18%. Improving the driveway to reduce the longitudinal slope and provide segments that are 10% or less would require significant earthwork on slopes exceeding 30-50% which demonstrates an environmental constraint. This would also require lengthening the roadway which could potentially delay emergency response to the development area. With the exception of longitudinal slope, all other aspects of the driveway generally exceed minimum criteria for a residential project. Starting at Dry Creek road the first segment exceeding

18% is 250' in length. This area is followed by a 300' segment of slopes greater than 10% but less than 18% and would allow for an engine to pull to the side for relief, if needed. Minimum turnout spacing required is 400' and the current driveway design exceeds this criteria by providing a minimum width of 16-20' for the entire length. At station 5+50 there is a flat area off the driveway where fire vehicles could turnaround or stage to address a wildfire. The next segment exceeding 18% is from station 5+50 to 8+50. This segment of 300' is followed by a 150' segment of roadway greater than 10% but less than 18% allowing for engines to seek relief while providing a width that would allow vehicles to pass if necessary. The longest segment exceeding 18% is from stations 10+00 to 22+50. While the segment is roughly 1250' in length, there are two (2) 150' segments that are straight and provide the width necessary for vehicles to pass. If an engine needs to seek relief in these areas they may pull to the side without obstructing the driveway for ingress/egress of other vehicles. The remaining steep segments are a 200' segment from station 33+50 to 35+50 and a 150' segment from 39+00 to 40+50. Both areas are preceeded and ensued by straight segments with adequate width to allow vehicle passing. Additionally, at about station 35+50, there is a large widening that would allow for staging or emergency vehicle turnaround. This area also provides access to a building pad for a residence that was never built and this area could providing staging to address a wildfire. The remaining access from station 40+50 to the proposed development remains under 18% and exceeds the minimum design criteria for road width. Vegetation is managed for the entire access driveway and provides clear visibility and vertical clearance exceeding 13'-6". This alternative provides the capability for applying accepted wildland fire suppression strategies and tactics, provisions for fire fighter safety, sufficient access for emergency wildland equipment, and safe civilian evacuation. The Request has sufficiently demonstrated same practical effect.

With the exceptions listed above, all other aspects of the residential driveway from the County Right-of-Way to the development area will meet or exceed the current residential minimum standards outlined in the RSS.

ENGINEERING DIVISION EVALUATION:

The Engineering Division has reviewed the Request noted above with the applicant, Engineering staff, and the Fire Marshal's office. With respect to Section (3) of the RSS as adopted by Resolution No. 2023-59 by the Board of Supervisors on April 18, 2023, this Division has determined the applicant has met the findings for an exception to the RSS. Provided the following conditions are met, the proposed roadway design meets the Same Practical Effect as the State Responsibility Area (SRA) Fire Safe Regulations.

P22-00182 – 80 CLEAR CREEK ROAD – SRA ROAD EXCEPTION REQUEST

ENGINEERING SERVICE

Page 3 of 3

The Engineering Division supports the approval of the exception request as proposed with the following conditions that are in addition to any and all conditions previously placed on the project as part of the discretionary application:

1. To ensure the upkeep of the paved surfaces, the private road surface shall be periodically maintained by the property owner to assure sufficient structural section for loading conditions to the imposed loads of fire apparatus weighing at least 75,000 lbs and the design Traffic Index.
2. Horizontal and vertical vegetation management shall be implemented along the entire length of the roadway to ensure horizontal clearance of 22' and vertical clearance of 13'-6" at all times.
3. The roadway will be re-evaluated on all future projects that require application of the RSS.

ATTACHMENTS:

1. 80 Clear Creek Road Driveway Exception Request prepared by Monica Shah, PE, of Summit Engineering, dated July 9, 2024.



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Brian Bordona
Director

MEMORANDUM

MSB

To: Trevor Hawkes, Project Planner	From: Maureen S. Bown, Senior Environmental Health Specialist
Date: November 13, 2025	80 Clear Creek Road, Napa APN 027-310-032-000 Use permit P22-00182 Viewshed

This Division has reviewed a viewshed application for residential accessory use, as depicted in application materials. We have no objection to approval of the viewshed application with the following conditions of approval:

1. Any abandoned well, including the well identified as non-operational (located on APN 027-310-043-000) in the Water Availability Analysis, shall comply with Napa County Code Chapter 13, Article IV, section 13.12.460- 13.12.480.

Prior to issuance of building permits:

1. A site evaluation must be performed by a qualified professional to determine size and type of septic system (or addition to and/or alteration of your septic system) that will be required for your project. A list of qualified professionals that perform site evaluations is available on the County website, <https://www.countyofnapa.org/DocumentCenter/View/3935/Site-Evaluation-Professional-List-PDF>. The site evaluation fee must be paid prior to the test being performed.
2. If the site evaluation does not meet the requirements for a Conventional Onsite Wastewater Treatment System, then an Alternative Sewage Treatment System Septic design plan from a licensed civil engineer or a Registered Environmental Health Specialist must be submitted and approved by this Department.
3. Plans for an onsite wastewater system shall be submitted for review and approval. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be approved until such plans are approved by this Division.
4. A permit to construct the onsite wastewater system_ must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.
5. An approved water supply will be required, with a yield test conducted by a licensed well driller, pump installer, geologist, engineer or Environmental Health Specialist within the last five (5) years, and demonstrate a sustained yield as determined in Napa County Code 13.04.050.
6. All existing well(s) must be properly protected from potential contamination. If the existing well(s) is to be destroyed, a well destruction permit must be obtained from this Division by a licensed well driller.



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**Napa County Fire Department
Fire Marshal's Office**

951 California Blvd
Napa, CA 94559
www.countyofnapa.org
Main: (707) 299-1464

Jason W. Downs
Fire Marshal

Napa County Fire Department Conditions of Approval

TO:	Planning Department	DATE:	5/8/2025
FROM:	Jason Downs, Fire Marshal	PERMIT #	P22-00182
SUBJECT:	80 Clear Creek Road Viewshed	APN:	027-310-032-000

The Napa County Fire Marshal's Office has reviewed the submittal package for the above-proposed project. The Fire Marshal approves the project as submitted with the following conditions of approval:

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes, and ordinances at the time of Building Permit issuance.
2. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested, and finalized.
3. Where conditions listed in 2022 California Fire Code Section 105 are proposed, separate permits will be required before Building Permit issuance for:
 1. Automatic fire-extinguishing systems
 2. Battery systems
 3. Energy storage systems
 4. Fire alarm and detection systems and related equipment
 5. Gates and barricades across fire apparatus access roads
 6. Solar photovoltaic power systems
4. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards
5. Access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced to provide all-weather driving capabilities. Provide an engineered analysis of the proposed roadway noting its ability to support apparatus weighing 75,000 lbs.



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Jason W. Downs
Fire Marshal

Napa County Fire Department Conditions of Approval

6. Provide fire department access roads to within 150 feet of any exterior portion of the buildings as measured by an approved route around the exterior of the building or facility.
7. Driveways shall be a minimum of 10 feet in width with a 4-foot shoulder and 15-foot vertical clearance.
8. Turnouts shall be a minimum of 12 feet in width, 30 feet in length, and 25-foot taper on each end.
9. Turnarounds are required on driveways and dead-end roadways.
10. Grades for all roadways and driveways shall not exceed 16 percent. The roadway grade may exceed 16 percent, not to exceed 20 percent, provided the provisions outlined in the NCRSS are met.
11. Roadway radius shall not have an inside radius of less than 50 feet. An additional surface width of 4 feet shall be added to curves of 50-100 feet radius and 2 feet to curves of 100-200 feet radius.
12. Gates for driveways and/or roadways shall comply with the California Fire Code, section 503.5 and the Napa County Road & Street Standards, and CA Fire Safe Regulations for projects within SRA.
13. Residential developments not served by a public water system, water storage for fire suppression and fire flow calculations shall be designed and documented by a Certified State Licensed Civil Engineer, a C-16 licensed contractor, or a Registered Engineer. The documentation shall demonstrate compliance with the California Fire Code Appendix B or NFPA 1142, as applicable, and the Napa County Municipal Code. Compliance shall be verified and approved by the Authority Having Jurisdiction prior to final project approval or occupancy.



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Jason W. Downs
Fire Marshal

Napa County Fire Department Conditions of Approval

14. An automatic fire sprinkler system shall be installed by provisions outlined in the California Fire Code as amended by the County of Napa and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.
15. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware, and exit illumination.
16. The permittee shall provide and maintain a minimum 100-foot defensible space around all structures, in compliance with the Napa County Defensible Space Ordinance, the Napa County Fire Marshal's Defensible Space Guidelines, and California Public Resources Code Section 4291, as applicable. Defensible space shall be established prior to final project approval or occupancy and maintained in a fire-safe condition for the life of the project, subject to inspection by the Napa County Fire Marshal or designee.
17. The permittee shall provide and maintain a minimum 10-foot defensible space on both sides of all roadways, driveways, and access routes leading to the facility, measured from the edge of the roadway surface. This defensible space shall comply with the Napa County Defensible Space Ordinance and the Fire Marshal's Defensible Space Guidelines, and shall be maintained in a fire-safe condition at all times, subject to inspection and verification by the Napa County Fire Marshal or designee

Please note the conditions of approval noted above are based on the Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Napa County Fire Marshal's Office Development Guidelines can be found @ www.countyofnapa.org/firemarshal. Should you have any further questions please contact me at (707) 299-1467 or email me at jason.downs@countyofnapa.org

“C”

Landscape Architect Letter

April 20, 2026.

Napa County Planning Commission
1195 Third Street, Suite 210,
Napa, CA 94559

Dear Planning Commission,

I am a Landscape Architect focusing on ecological principles in our projects with over 25 years of experience in Napa Valley. Please find the attached design proposal for planting at the Tennis Pavilion Building, located at 80 Clear Creek Road, Napa, CA. Our goal here is to screen and settle in the new building from adjacent properties, roads, and the surrounding area in way that feels natural. We are proposing the addition of two species of native oak, the Valley Oak (*Quercus lobata*), and the Live Oak (*Quercus agrifolia*), both of which are local native trees. We were the Landscape Architect for the property remodel in 2015 and planted both Valley Oak and Live Oak trees at that time. These trees are well established and show healthy growth today. The Valley Oak is deciduous, the faster growing of the two (40 x 60' at full maturity) and slightly larger. The Live Oak, conversely, is evergreen but grows more slowly and doesn't get quite as large (40 x 50 at full maturity).

We have blended the two species and arranged them informally to provide a natural appearance and avoid linear compositions. This also supports/balances each species re their deciduous/evergreen nature and rates of growth. We have spaced them to provide initial screening, while also allowing room to grow over time. We have also been mindful of distances from building regarding fire concerns.

The exact rate of growth is determined by many factors. Some in our control and some not. Irrigation practices and fertilizer application are the leading influences we can control. Rainfall patterns, site soil, and temperatures are under nature's control. While oaks generally don't tolerate summer irrigation, appropriately applied irrigation can speed up growth. Valley Oak is more tolerant of summer irrigation than the Live Oak, and there is a soil moisture content that overlaps with the needs of both species, and is infrequent enough to not invite problems. Early spring and early summer fertilization, if kept to slowly releasing natural products, and not over-applied, can also boost tree growth. Appropriate regimes of water and fertilization together can boost tree growth and increase tree health and vigor. These can influence but will not override natural site conditions.

With the understanding we are partnering with nature and not controlling nature, we can provide estimates for growth and size over time assuming proper management, but there are no recipes for precisely forecasting this. The attached sheets depict our best predictions. All of this is to say, this is an excellent proposal, in stride with environmental conditions, that will contribute the the ecology of the place and ultimately survive on its own and require no support. It will successfully screen the building from off-site and be a beautiful addition to the property and view from afar.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Lutsko, Jr.", written in a cursive style.

Ron Lutsko, Jr

“D”

Updated Graphics

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ABBREVIATIONS:

AC	ASPHALT CONCRETE
AD	AREA DRAIN
ADU	ACCESSORY DWELLING UNIT
APN	ASSESSOR'S PARCEL NUMBER
BLDG	BLDG
CL	CENTERLINE
CONF	CONFORM
CONC	CONCRETE
DI	DRAIN INLET
(E)	EXISTING
EG	EXISTING GROUND
FG	FINISH GRADE
FH	FIRE HYDRANT
FS	FINISH SURFACE
FL	FLOWLINE
GAL	GALLON
GB	GRADE BREAK
HP	HIGH POINT
NCRSS	NAPA COUNTY ROAD & STREET STANDARDS
PD	PLANTER DRAIN
PIP	PROTECT IN PLACE
SB	SETBACK
SF	SQUARE FEET
STA	STATION
SD	STORM DRAIN
SS	SANITARY SEWER
STD	STANDARD
TC	TOP OF CONCRETE
TCC	TOP OF CONCRETE CURB
TD	TRENCH DRAIN
TI	TRAFFIC INDEX
TP	TOP OF PAVEMENT
TOW	TOP OF WALL
TYP	TYPICAL
UNO	UNLESS OTHERWISE NOTED
USP	UNDER SEPARATE PERMIT

NOTES:

REFER TO CONCEPTUAL GRADING PLANS FOR SITE DEVELOPMENT.

EARTHWORK

VALUES ARE FOR PERMITTING ONLY AND ARE NOT TO BE USED FOR BIDDING. CONTRACTOR SHALL PERFORM THEIR OWN EARTHWORK CALCULATIONS.

LIMITS OF GRADING:	1.6 ACRES
CUT VOLUME:	8,241 CU. YDS.
FILL VOLUME:	2,327 CU. YDS.
NET VOLUME:	5,914 CU. YDS. (CUT)

SITE PLAN, SEE BELOW RIGHT

APN 027-310-032

APPROXIMATE LOCATION
OF PROPOSED PRIMARY
AND RESERVE DRIPFIELD
DISPOSAL AREAS

APPROXIMATE
PROPERTY
LINE, TYP

(E) ACCESS ROAD

FILL PLACEMENT AREA,
SEE SHEET C4.4

APN 027-310-043

SEE SHEET C4.0

SOLAR ARRAY

EMERGENCY VEHICLE
TURNAROUND PER
NCRSS

(E) WATER TANKS
(E) PROPANE TANK
(E) WATER TANK

GENERATOR,
USP

(E) GENERATOR
(E) PUMP HOUSE

FIRE TRUCK STAGING
AREA PER NCRSS

(E) GUEST HOUSE

(E) FH

LIMITS OF GROUND
SURVEY, TYP

(E) WELL

FIRE TRUCK STAGING
AREA PER NCRSS
FH
PARKING SPACE,
TYP OF 2

BIORETENTION
FACILITY

LIMITS OF GROUND
SURVEY, TYP

APN 027-310-032

SEE SHEET C4.1

(E) SEPTIC TANKS
3,000 GAL
SEPTIC TANK

SEE SHEET C4.2

(E) 100% RESERVE
AREA (6,048 SF) TO
BE ALLOCATED TO
PROPOSED RESERVE
AREA

(E) LEACHFIELD
TO BE ABANDONED

(E) DISTRIBUTION BOX

(E) 4" SS

ADVANTEX
PRETREATMENT
SYSTEM

(E) FRENCH DRAIN

PRIMARY DRIPFIELD
DISPOSAL AREA

200% RESERVE
AREA (4,667 SF)

SEE SHEET C4.3

WINE & ART
STORAGE
BELOW

(E) FIRE HYDRANT

PATH

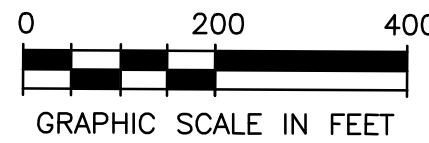
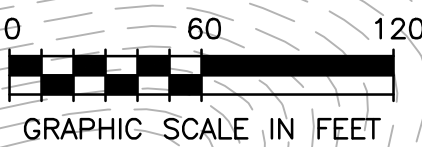
SPA

(E) POOL
& SPA

(E) MAIN HOUSE

(E) ELECTRICAL
TRANSFORMER

(E) ACCESS ROAD



VIEWSHED PERMIT

OVERALL SITE PLAN

#	DATE	DESCRIPTION
1	3/29/2024	PLAN CHECK RESPONSE
2	2/28/2025	PLAN CHECK RESPONSE
3	5/07/2025	PLAN CHECK RESPONSE
4	12/04/2025	PLAN CHECK RESPONSE
5	12/23/2025	PLAN CHECK RESPONSE
6	4/20/2026	TREE ADDITION

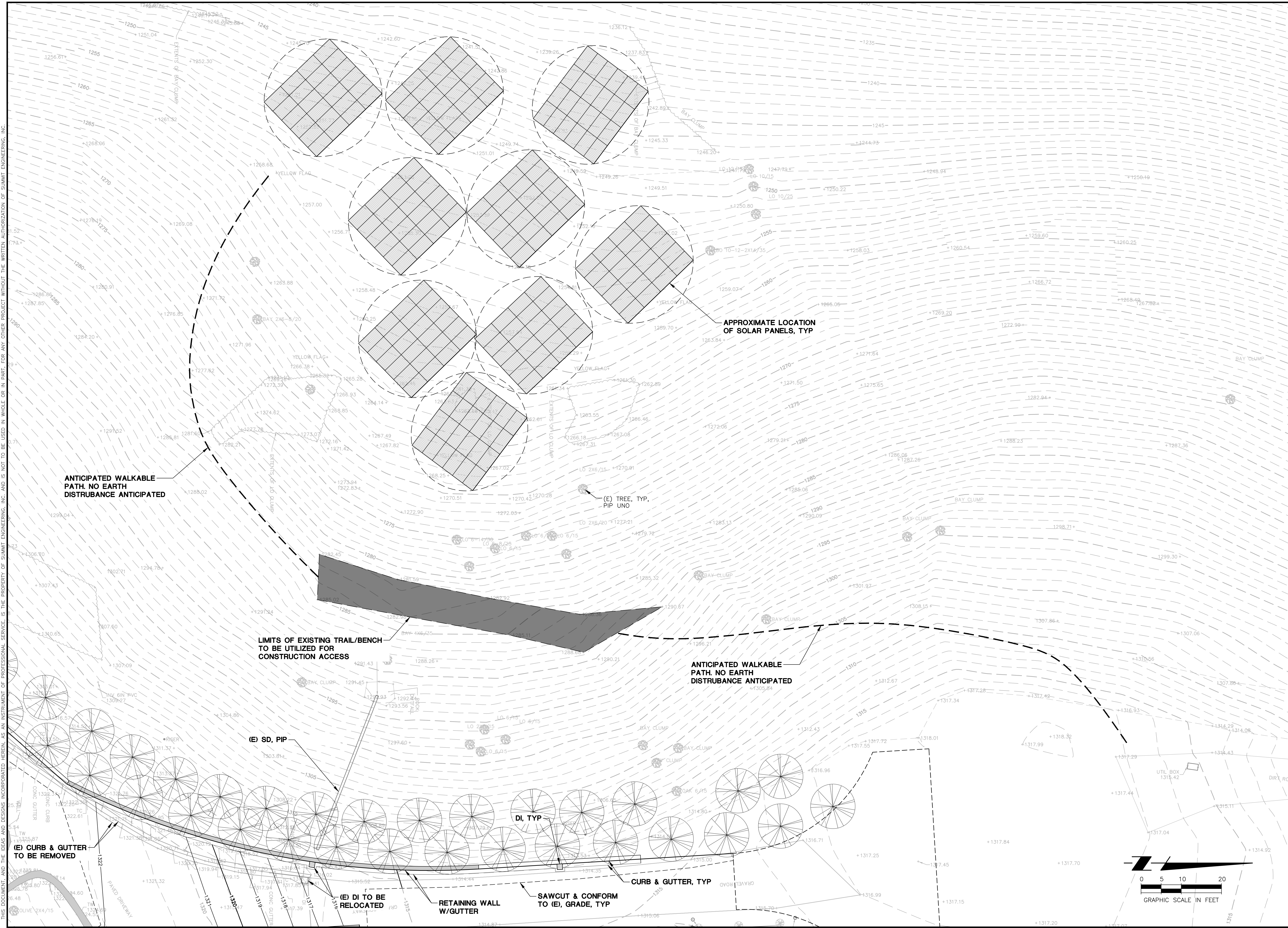
JOB NO: 2021275
SCALE: AS SHOWN
DRAWN: TF
CHECKED: MS
SHEET

C2.0
SHEET 1 OF 10

PONDEROSA ONE LLC
80 CLEAR CREEK ROAD
NAPA, CA 94558
APN 027-310-032 & 043

SUMMIT
Summit Engineering, Inc.
575 W College Ave., Suite 201 • Santa Rosa, CA 95401
707-527-0775 • www.summit-sr.com

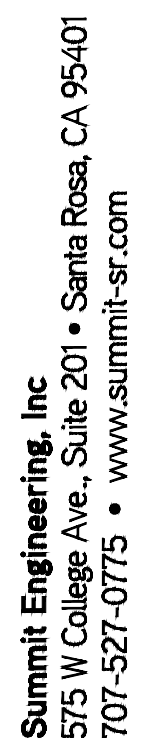
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#	DATE	DESCRIPTION
1	3/29/2024	PLAN CHECK RESPONSE
2	2/28/2025	PLAN CHECK RESPONSE
3	5/07/2025	PLAN CHECK RESPONSE
4	12/04/2025	PLAN CHECK RESPONSE
5	12/23/2025	PLAN CHECK RESPONSE
6	4/20/2026	TREE ADDITION

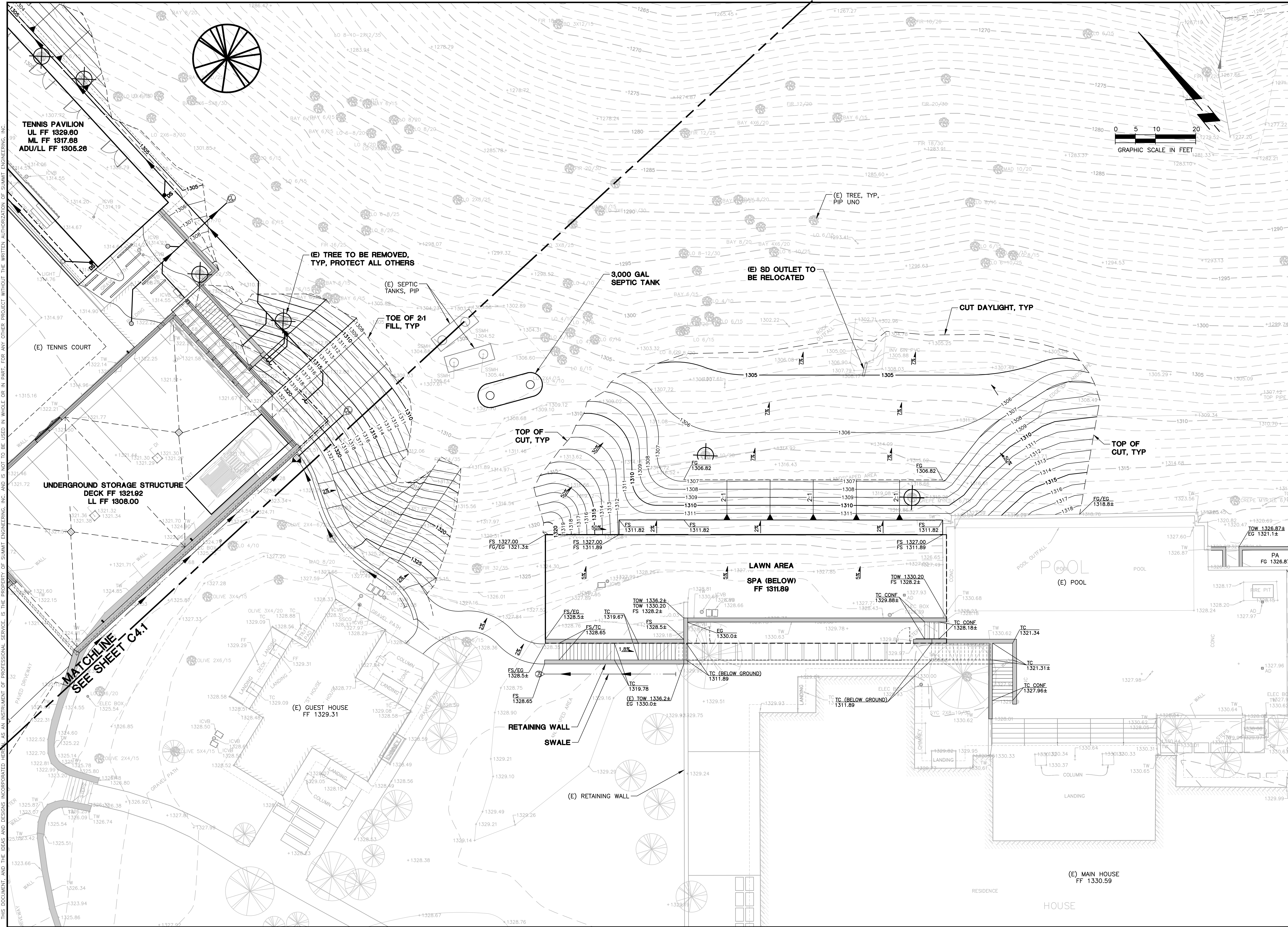
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JOB NO: 20212
SCALE: AS SHOWN
DRAWN: T
CHECKED: M
SHEET 01

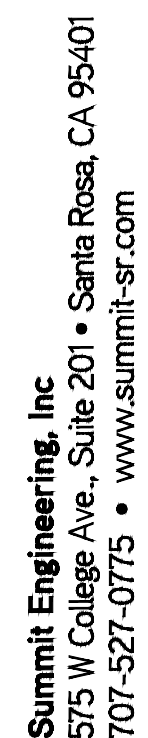
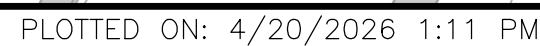
C4.1
SHEET 3 OF 10



#	DATE	DESCRIPTION
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2	2/28/2025	PLAN CHECK RESPONSE
3	5/07/2025	PLAN CHECK RESPONSE
4	12/04/2025	PLAN CHECK RESPONSE
5	12/23/2025	PLAN CHECK RESPONSE
6	4/20/2026	TREE ADDITION

JOB NO:	2021275
SCALE:	AS SHOWN
DRAWN:	TF
CHECKED:	MS
SHEET	C4.2

P:\2021\2021275 80 CLEAR CREEK ROAD\CAD\CIVIL\GRADING CONCEPT\21275-CONCEPT PLANS.DWG



APN 027-310-032 & 043

VIEWSHED PERMIT

#	DATE	DESCRIPTION
2	3/29/2024	PLAN CHECK RESPONSE
3	2/28/2025	PLAN CHECK RESPONSE
4	5/07/2025	PLAN CHECK RESPONSE
	12/04/2025	PLAN CHECK RESPONSE
	12/23/2025	PLAN CHECK RESPONSE
	4/20/2026	TREE ADDITION

JOB NO: 20212
SCALE: AS SHOWN
DRAWN:
CHECKED:
SHEET 010

C4.3
SHEET 5 OF

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PONDEROSA ONE LLC
80 CLEAR CREEK ROAD
NAPA, CA 94558
APN 027-310-032 & 043

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CONCEPTUAL GRADING PLAN -
FILL PLACEMENT

#	DATE	DESCRIPTION
2	3/29/2024	PLAN CHECK RESPONSE
3	2/28/2025	PLAN CHECK RESPONSE
4	5/07/2025	PLAN CHECK RESPONSE
	12/04/2025	PLAN CHECK RESPONSE
	12/23/2025	PLAN CHECK RESPONSE
	4/20/2026	TREE ADDITION

JOB NO: 20212
SCALE: AS SHOWN
DRAWN: T
CHECKED: M
SHEET 01

C4.4
SHEET 6 OF 1

AVERAGE SLOPE ACROSS PROPOSED SOLAR ARRAY = 27.3%

AVERAGE SLOPE ACROSS PROPOSED BIORETENTION FACILITY = 29.8% ⁶

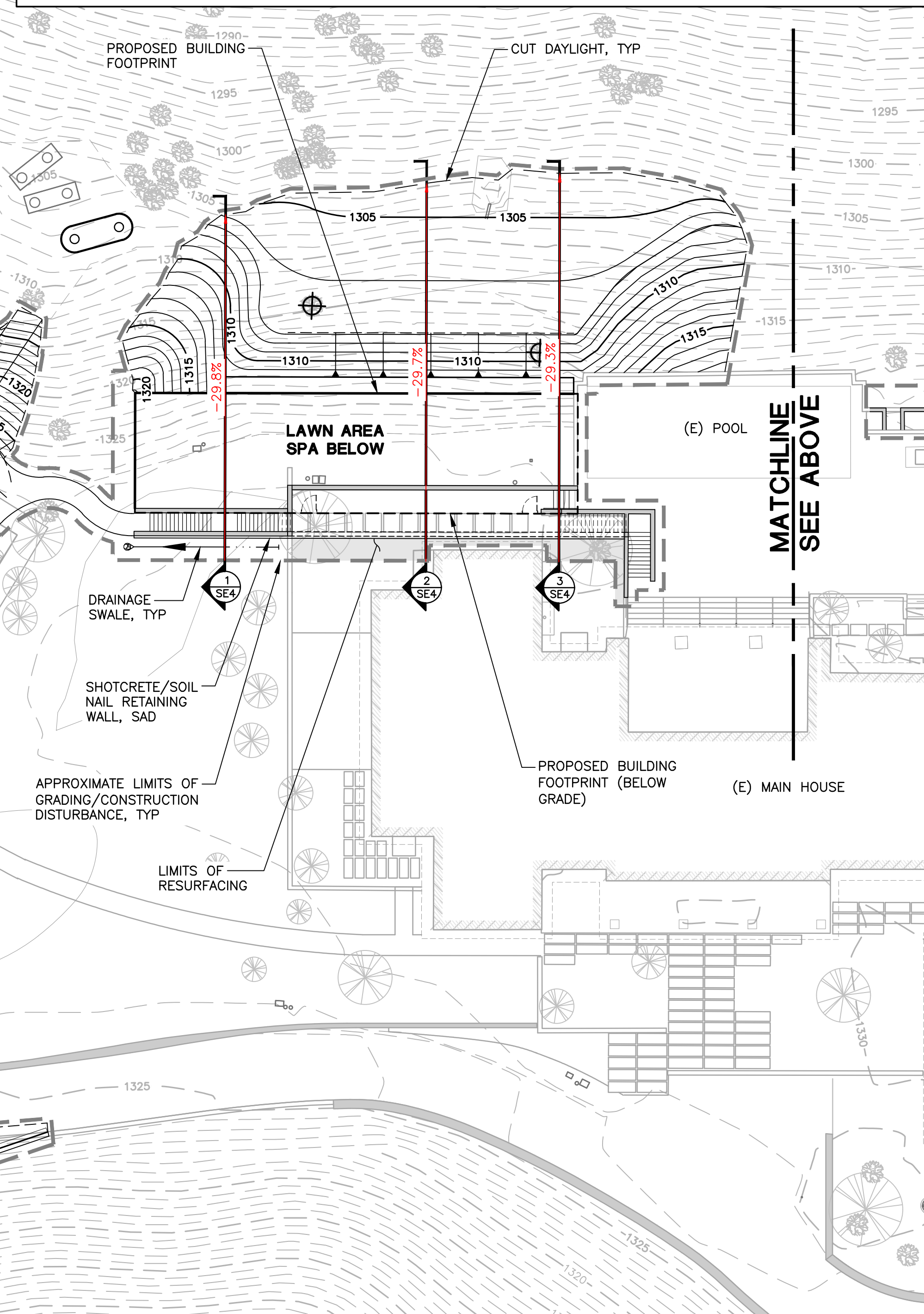
AVERAGE SLOPE ACROSS PROPOSED TENNIS PAVILION = 27.9%

AVERAGE SLOPE ACROSS PROPOSED UNDERGROUND STORAGE = 13.4%

AVERAGE SLOPE ACROSS PROPOSED SPA = 29.7%

AVERAGE SLOPE ACROSS PROPOSED WINE STORAGE = 21.9%

1. SEE SHEETS SE3 & SE4 FOR BIORETENTION FACILITY AND SPA SECTION SLOPE ANALYSIS.



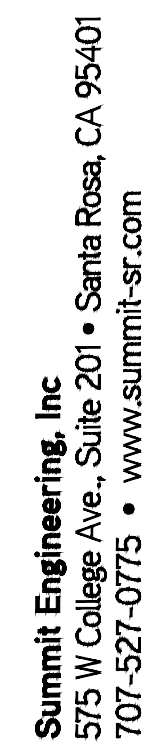
JOB NO:	20212
SCALE:	AS SHOWN
DRAWN:	
CHECKED:	
SHEET	05

SHEET 7 OF 7

This topographic map illustrates a proposed road layout within a specific area. The map features several key elements:

- Contour Lines:** Dashed lines representing elevation contours, with labels such as 1100, 1105, 1110, 1115, 1120, 1125, 1130, 1135, 1140, 1145, 1150, 1155, 1160, 1165, 1170, 1175, 1180, 1185, 1190, 1195, 1200, 1205, 1210, 1215, 1220, 1225, 1230, 1235, 1240, 1245, 1250, 1255, 1260, 1265, 1270, 1275, 1280, 1285, 1290, 1295, 1300, 1305, 1310, 1315, 1320, 1325, 1330, 1335, 1340, 1345, 1350, 1355, 1360, 1365, 1370, 1375, 1380, 1385, 1390, 1395, 1400, 1405, 1410, 1415, 1420, 1425, 1430, 1435, 1440, 1445, 1450, 1455, 1460, 1465, 1470, 1475, 1480, 1485, 1490, 1495, 1500, 1505, 1510, 1515, 1520, 1525, 1530, 1535, 1540, 1545, 1550, 1555, 1560, 1565, 1570, 1575, 1580, 1585, 1590, 1595, 1600, 1605, 1610, 1615, 1620, 1625, 1630, 1635, 1640, 1645, 1650, 1655, 1660, 1665, 1670, 1675, 1680, 1685, 1690, 1695, 1700, 1705, 1710, 1715, 1720, 1725, 1730, 1735, 1740, 1745, 1750, 1755, 1760, 1765, 1770, 1775, 1780, 1785, 1790, 1795, 1800, 1805, 1810, 1815, 1820, 1825, 1830, 1835, 1840, 1845, 1850, 1855, 1860, 1865, 1870, 1875, 1880, 1885, 1890, 1895, 1900, 1905, 1910, 1915, 1920, 1925, 1930, 1935, 1940, 1945, 1950, 1955, 1960, 1965, 1970, 1975, 1980, 1985, 1990, 1995, 2000, 2005, 2010, 2015, 2020, 2025, 2030, 2035, 2040, 2045, 2050, 2055, 2060, 2065, 2070, 2075, 2080, 2085, 2090, 2095, 2100, 2105, 2110, 2115, 2120, 2125, 2130, 2135, 2140, 2145, 2150, 2155, 2160, 2165, 2170, 2175, 2180, 2185, 2190, 2195, 2200, 2205, 2210, 2215, 2220, 2225, 2230, 2235, 2240, 2245, 2250, 2255, 2260, 2265, 2270, 2275, 2280, 2285, 2290, 2295, 2300, 2305, 2310, 2315, 2320, 2325, 2330, 2335, 2340, 2345, 2350, 2355, 2360, 2365, 2370, 2375, 2380, 2385, 2390, 2395, 2400, 2405, 2410, 2415, 2420, 2425, 2430, 2435, 2440, 2445, 2450, 2455, 2460, 2465, 2470, 2475, 2480, 2485, 2490, 2495, 2500, 2505, 2510, 2515, 2520, 2525, 2530, 2535, 2540, 2545, 2550, 2555, 2560, 2565, 2570, 2575, 2580, 2585, 2590, 2595, 2600, 2605, 2610, 2615, 2620, 2625, 2630, 2635, 2640, 2645, 2650, 2655, 2660, 2665, 2670, 2675, 2680, 2685, 2690, 2695, 2700, 2705, 2710, 2715, 2720, 2725, 2730, 2735, 2740, 2745, 2750, 2755, 2760, 2765, 2770, 2775, 2780, 2785, 2790, 2795, 2800, 2805, 2810, 2815, 2820, 2825, 2830, 2835, 2840, 2845, 2850, 2855, 2860, 2865, 2870, 2875, 2880, 2885, 2890, 2895, 2900, 2905, 2910, 2915, 2920, 2925, 2930, 2935, 2940, 2945, 2950, 2955, 2960, 2965, 2970, 2975, 2980, 2985, 2990, 2995, 3000, 3005, 3010, 3015, 3020, 3025, 3030, 3035, 3040, 3045, 3050, 3055, 3060, 3065, 3070, 3075, 3080, 3085, 3090, 3095, 3100, 3105, 3110, 3115, 3120, 3125, 3130, 3135, 3140, 3145, 3150, 3155, 3160, 3165, 3170, 3175, 3180, 3185, 3190, 3195, 3200, 3205, 3210, 3215, 3220, 3225, 3230, 3235, 3240, 3245, 3250, 3255, 3260, 3265, 3270, 3275, 3280, 3285, 3290, 3295, 3300, 3305, 3310, 3315, 3320, 3325, 3330, 3335, 3340, 3345, 3350, 3355, 3360, 3365, 3370, 3375, 3380, 3385, 3390, 3395, 3400, 3405, 3410, 3415, 3420, 3425, 3430, 3435, 3440, 3445, 3450, 3455, 3460, 3465, 3470, 3475, 3480, 3485, 3490, 3495, 3500, 3505, 3510, 3515, 3520, 3525, 3530, 3535, 3540, 3545, 3550, 3555, 3560, 3565, 3570, 3575, 3580, 3585, 3590, 3595, 3600, 3605, 3610, 3615, 3620, 3625, 3630, 3635, 3640, 3645, 3650, 3655, 3660, 3665, 3670, 3675, 3680, 3685, 3690, 3695, 3700, 3705, 3710, 3715, 3720, 3725, 3730, 3735, 3740, 3745, 3750, 3755, 3760, 3765, 3770, 3775, 3780, 3785, 3790, 3795, 3800, 3805, 3810, 3815, 3820, 3825, 3830, 3835, 3840, 3845, 3850, 3855, 3860, 3865, 3870, 3875, 3880, 3885, 3890, 3895, 3900, 3905, 3910, 3915, 3920, 3925, 3930, 3935, 3940, 3945, 3950, 3955, 3960, 3965, 3970, 3975, 3980, 3985, 3990, 3995, 4000, 4005, 4010, 4015, 4020, 4025, 4030, 4035, 4040, 4045, 4050, 4055, 4060, 4065, 4070, 4075, 4080, 4085, 4090, 4095, 4100, 4105, 4110, 4115, 4120, 4125, 4130, 4135, 4140, 4145, 4150, 4155, 4160, 4165, 4170, 4175, 4180, 4185, 4190, 4195, 4200, 4205, 4210, 4215, 4220, 4225, 4230, 4235, 4240, 4245, 4250, 4255, 4260, 4265, 4270, 4275, 4280, 4285, 4290, 4295, 4300, 4305, 4310, 4315, 4320, 4325, 4330, 4335, 4340, 4345, 4350, 4355, 4360, 4365, 4370, 4375, 4380, 4385, 4390, 4395, 4400, 4405, 4410, 4415, 4420, 4425, 4430, 4435, 4440, 4445, 4

AVERAGE SLOPE ACROSS PROPOSED FILL PLACEMENT AREA = 10.4%



**SLOPE EXHIBIT
FILL PLACEMENT AREA**

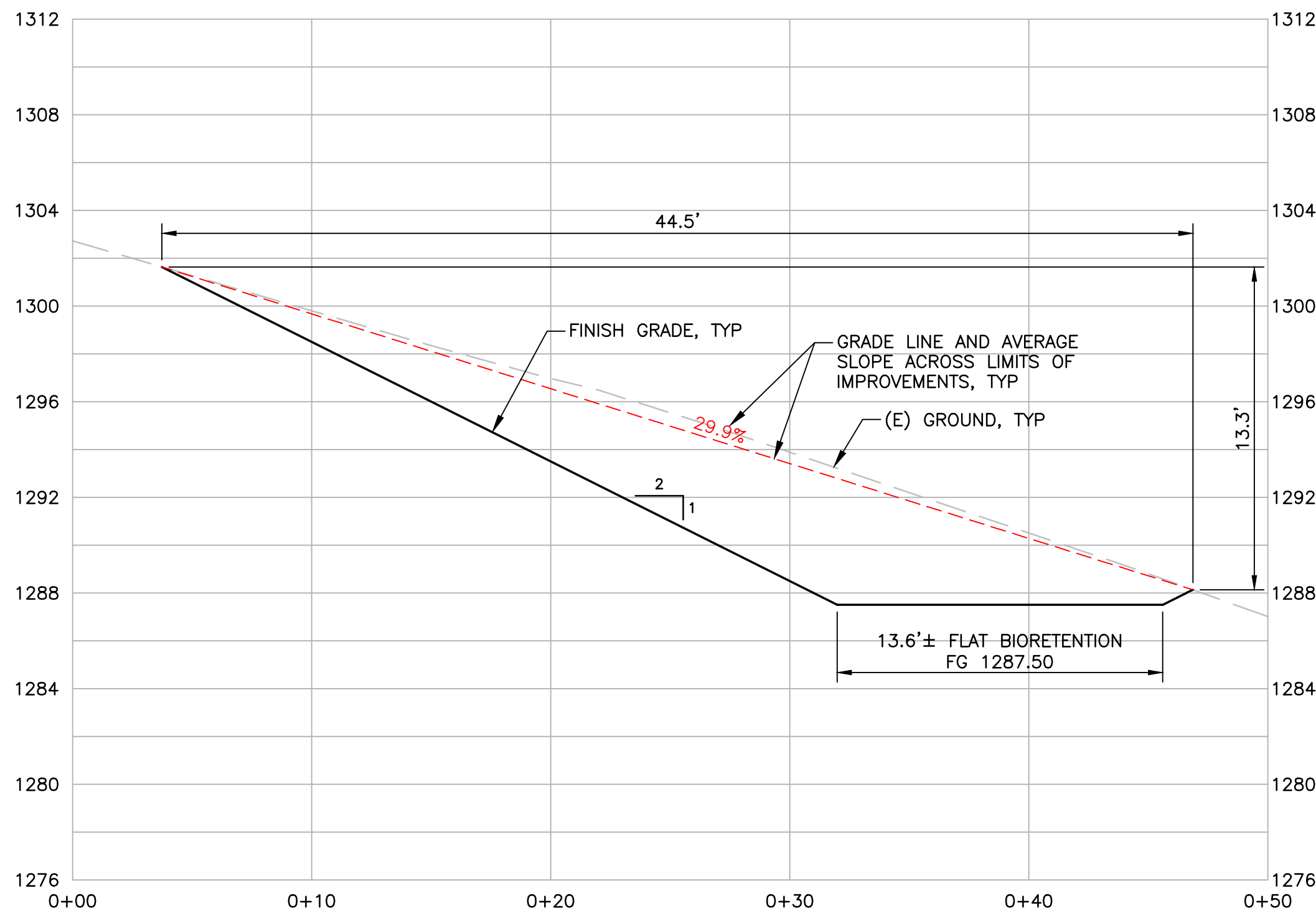
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3	2/28/2025	PLAN CHECK RESPONSE
4	5/07/2025	PLAN CHECK RESPONSE
	12/04/2025	PLAN CHECK RESPONSE
	12/23/2025	PLAN CHECK RESPONSE
	4/20/2026	TREE ADDITION

JOB NO:	2021275
SCALE:	AS SHOWN
DRAWN:	TF
CHECKED:	MS
SHEET	250

SE2
SHEET 8 OF 10

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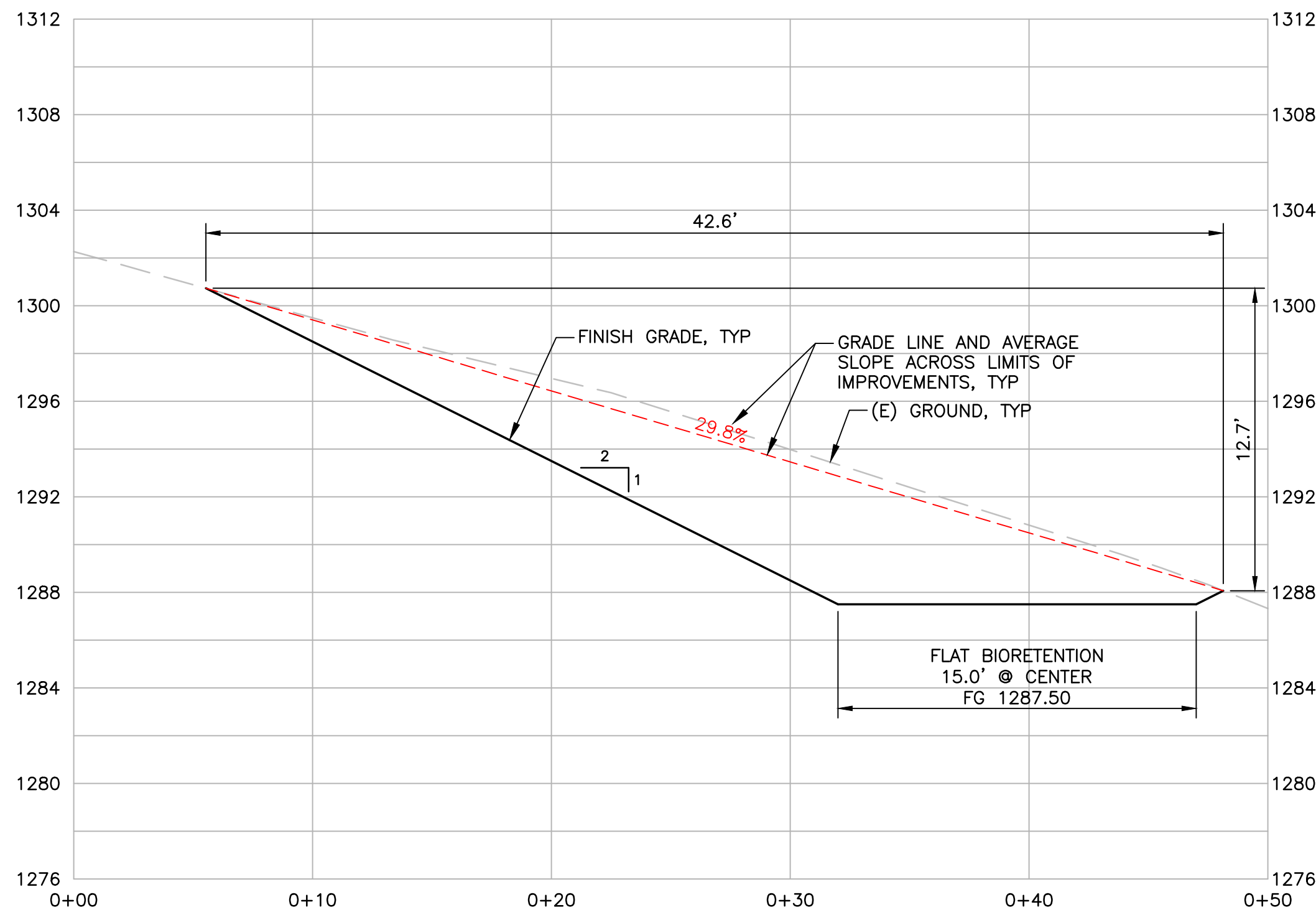
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BIORETENTION FACILITY SLOPE ANALYSIS SECTION

SCALE: 1"=5' HORIZ
1"=5' VERT

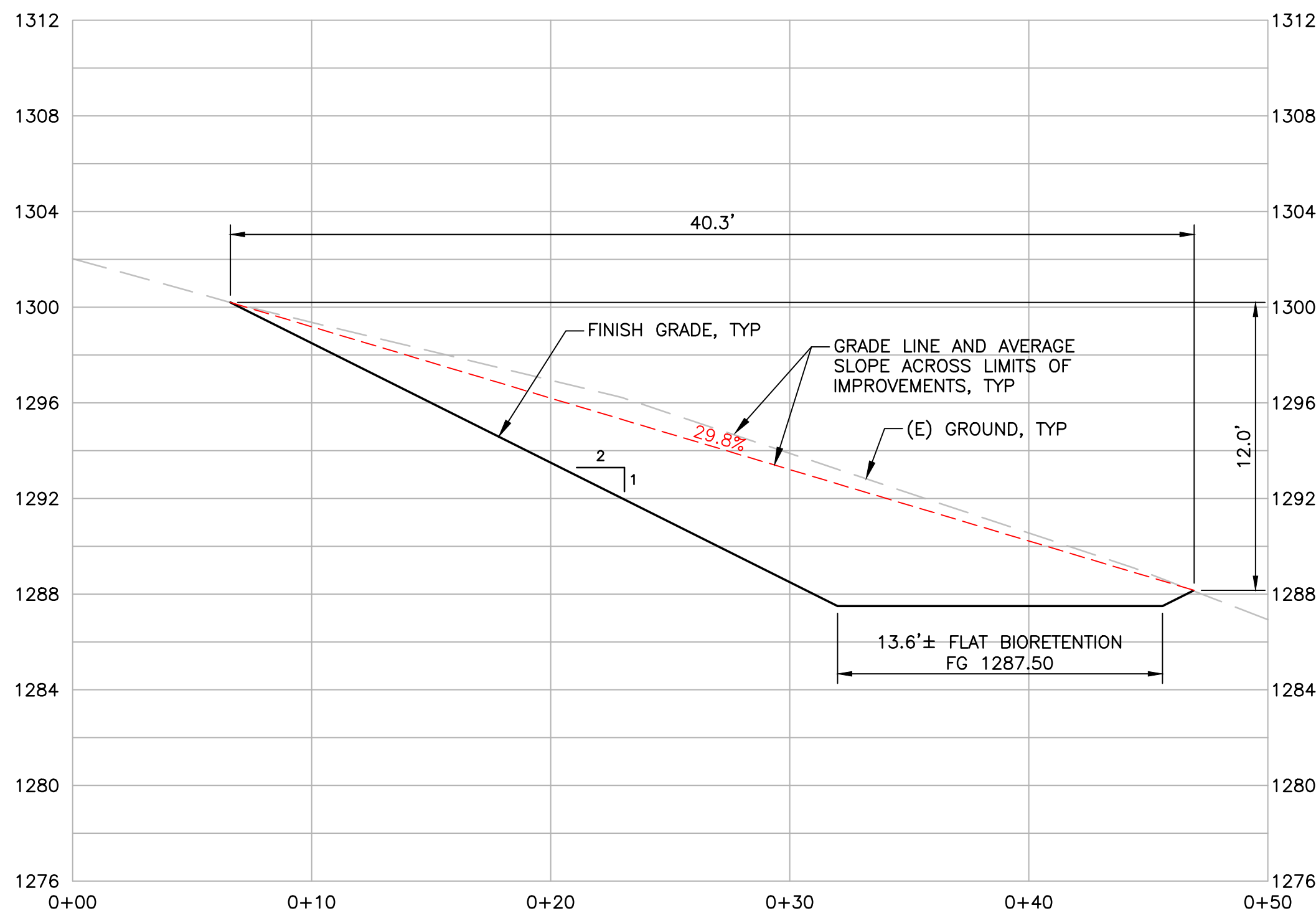
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BIORETENTION FACILITY SLOPE ANALYSIS SECTION

SCALE: 1"=5' HORIZ
1"=5' VERT

2



BIORETENTION FACILITY SLOPE ANALYSIS SECTION

SCALE: 1"=5' HORIZ
1"=5' VERT

3

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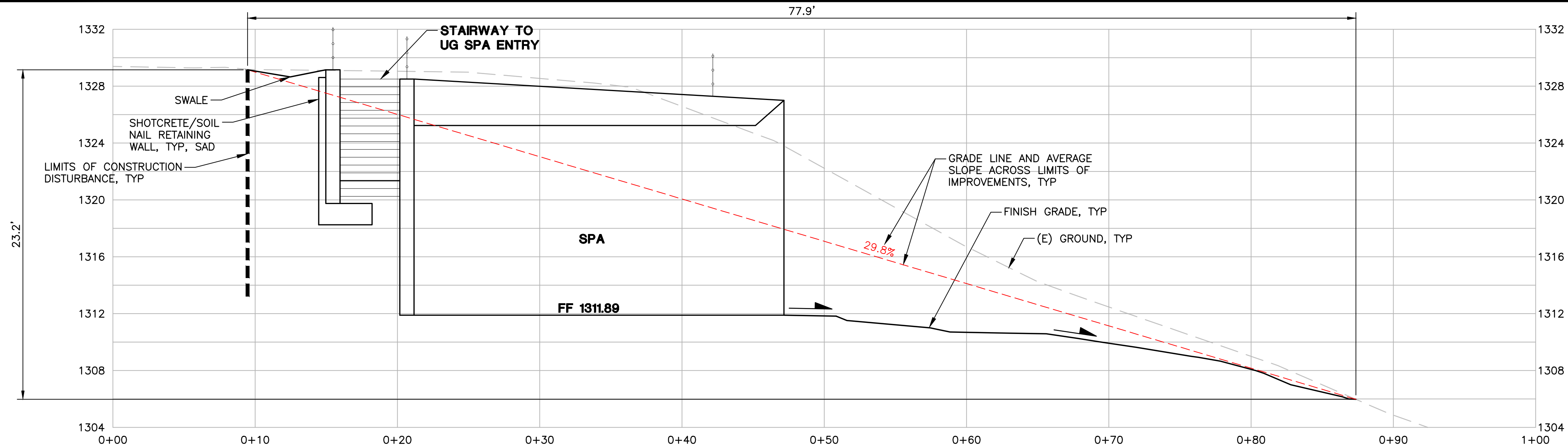
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4	12/04/2025	PLAN CHECK RESPONSE
5	12/23/2025	PLAN CHECK RESPONSE
6	4/20/2026	TREE ADDITION

JOB NO: 2021275
SCALE: AS SHOWN
DRAWN: TF
CHECKED: MS
SHEET

SE3
SHEET 9 OF 10

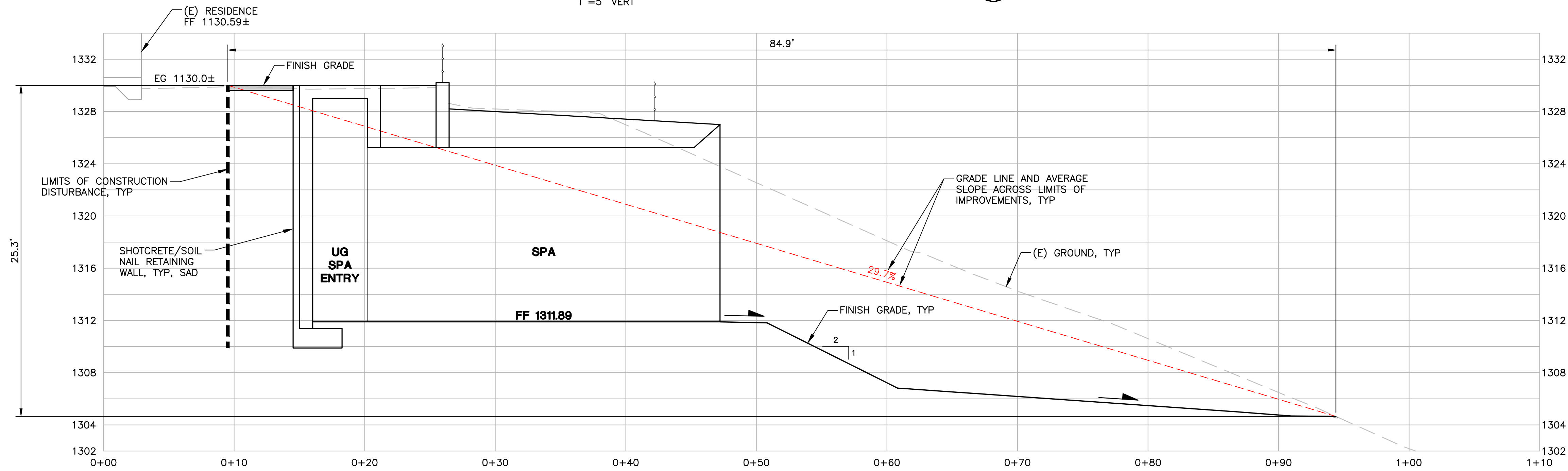
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SPA SLOPE ANALYSIS SECTION

SCALE: 1"=5' HORIZ
1"=5' VERT

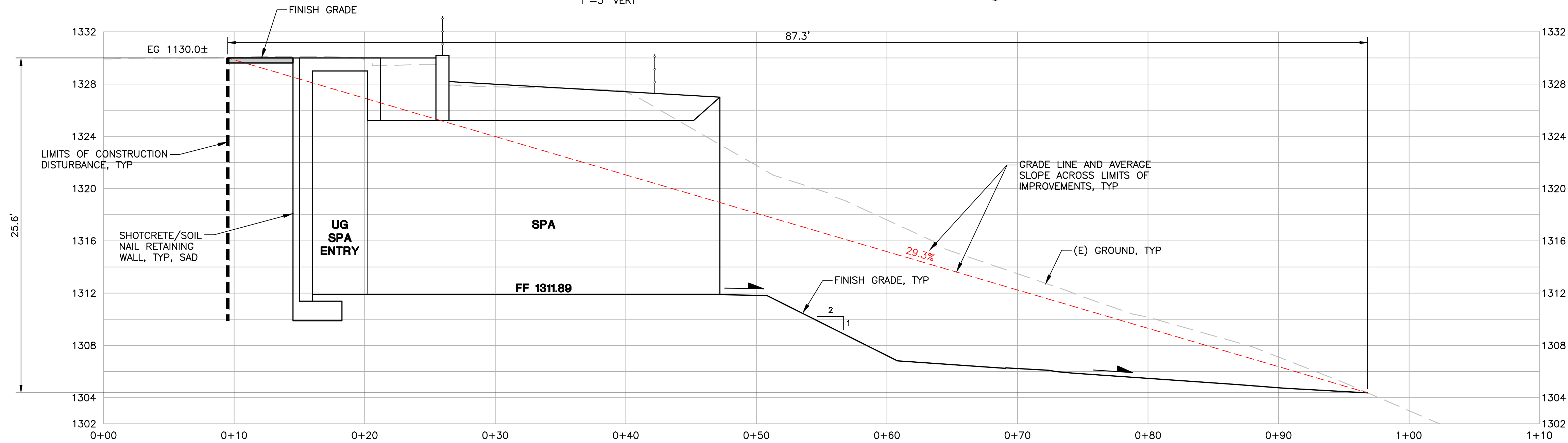
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SPA SLOPE ANALYSIS SECTION

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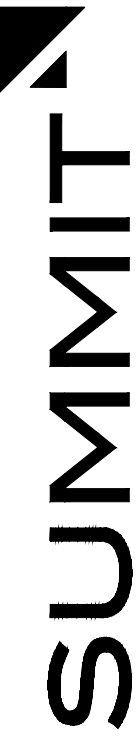
2



SPA SLOPE ANALYSIS SECTION

SCALE: 1"=5' HORIZ
1"=5' VERT

3



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SLOPE EXHIBIT
SECTIONS

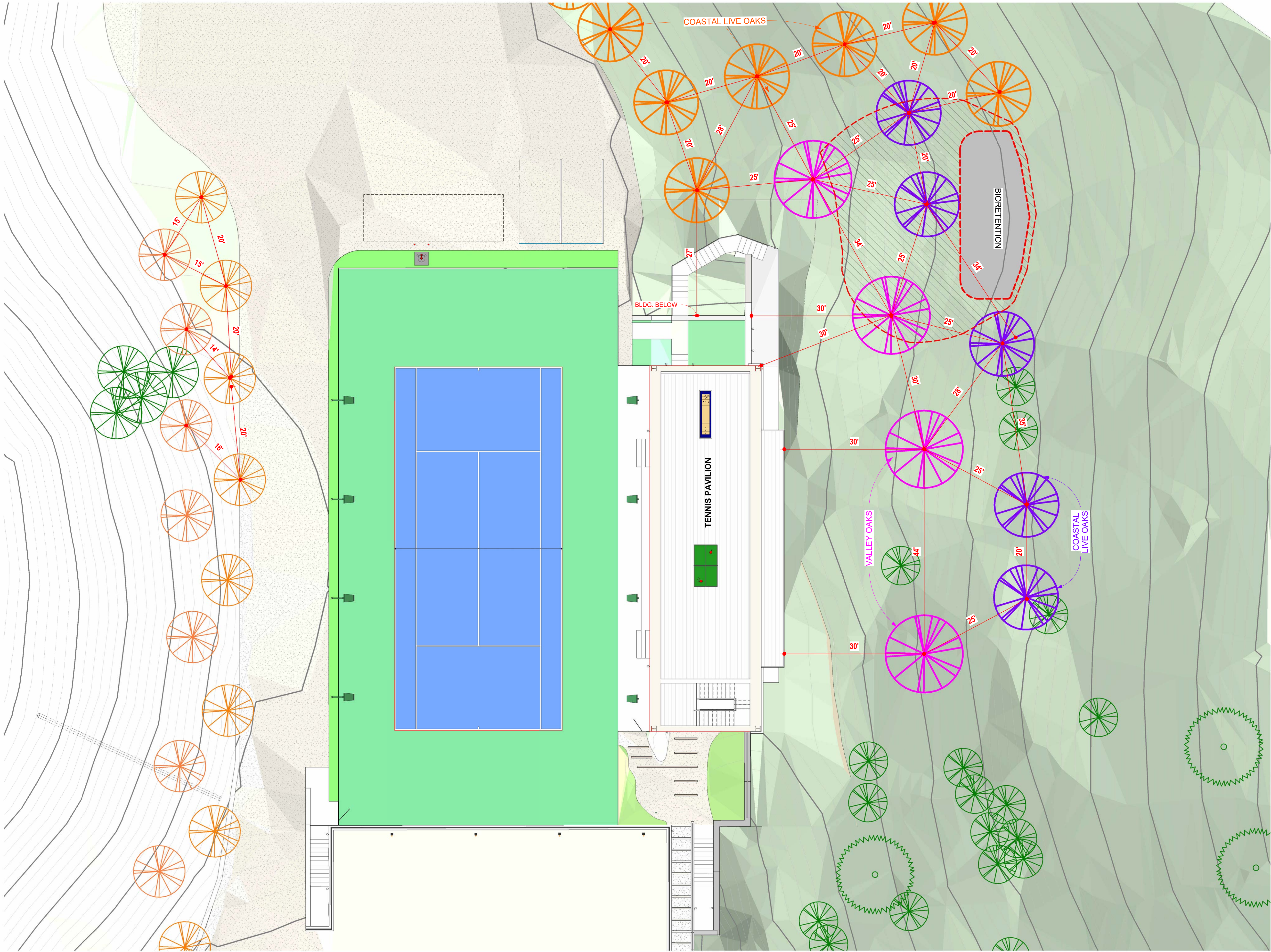
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4	12/04/2025	PLAN CHECK RESPONSE
5	12/23/2025	PLAN CHECK RESPONSE
6	4/20/2026	TREE ADDITION

JOB NO: 2021275
SCALE: AS SHOWN
DRAWN: TF
CHECKED: MS
SHEET

SE4
SHEET 10 OF 10

P:\Ponderosa One\Revit Site 2024\80 Clear Creek Site 2026.rvt 4/21/2026 10:34:38 AM

1 TREE PLANTING PLAN
1" = 10'-0"



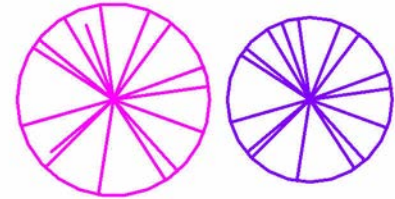
TREE LEGEND



NEW TREE



EXISTING TREE



VALLEY OAK

COASTAL LIVE OAK

TREES ADDED

SEE CIVIL DRAWINGS FOR
TREES THAT WILL BE REMOVED

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PROJECT CLOUD
Ponderosa One, LLC
80 Clear Creek Rd. - Oakville - CA - 94562

VIEWSHED

TREE PLANTING
PLAN

REVISIONS

No.	Description	Date

Project number:
Date: 04/21/26

A019.1-00

Scale As indicated



① TREE GROWTH AT PLANTING

- | | |
|--------------------------|---------------------|
| COASTAL LIVE OAKS | VALLEY OAKS |
| • 36" BOX | • 48" BOX |
| • HEIGHT: 12' | • HEIGHT: 15' |
| • CANOPY WIDTH: 8' | • CANOPY WIDTH: 10' |

PLANTING
PROJECT CLOUD
Ponderosa One, LLC



① TREE GROWTH AT 5 YEARS

- | | |
|--------------------------|---------------------|
| COASTAL LIVE OAKS | VALLEY OAKS |
| • HEIGHT: 15' | • HEIGHT: 19' |
| • CANOPY WIDTH: 10' | • CANOPY WIDTH: 13' |

5 YEARS
PROJECT CLOUD
Ponderosa One, LLC



① TREE GROWTH AT 10 YEARS

COASTAL LIVE OAKS

- HEIGHT: 19'
- CANOPY WIDTH: 13'

VALLEY OAKS

- HEIGHT: 28'
- CANOPY WIDTH: 20'

10 YEARS
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Ponderosa One, LLC



2026



A
QL-1 VALLEY OAK - 60" BOX

2017

1 VALLEY OAK
3" = 1'-0"

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VALLEY OAK

REVISIONS

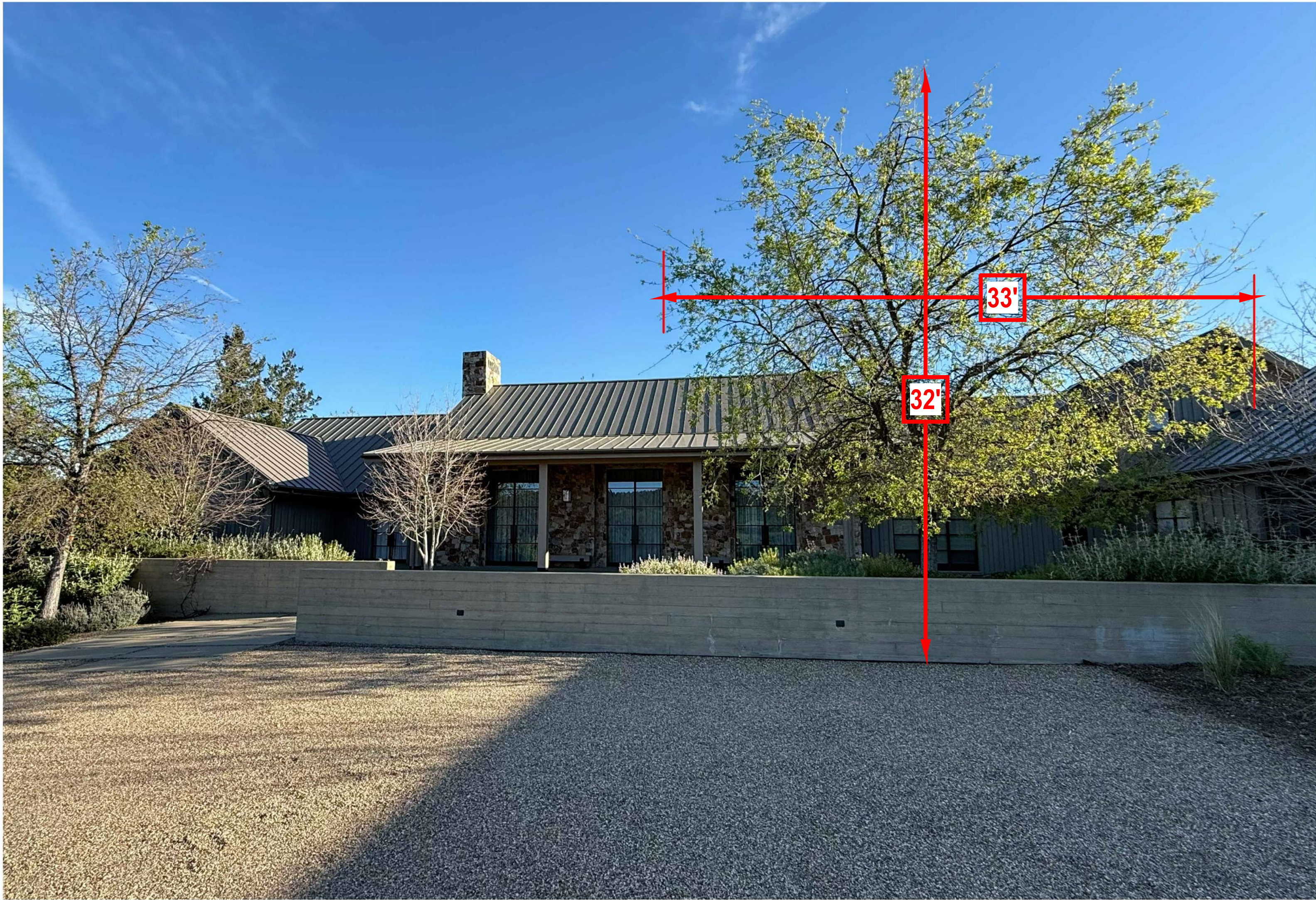
No.	Description	Date

Project number:
Date: 04/21/26

A020-00

Scale 3" = 1'-0"

2026



2 VALLEY OAK TREE - 3/7/26

2015



1 VALLEY OAK (Quercus Lobata) - PLANTED 2/11/15

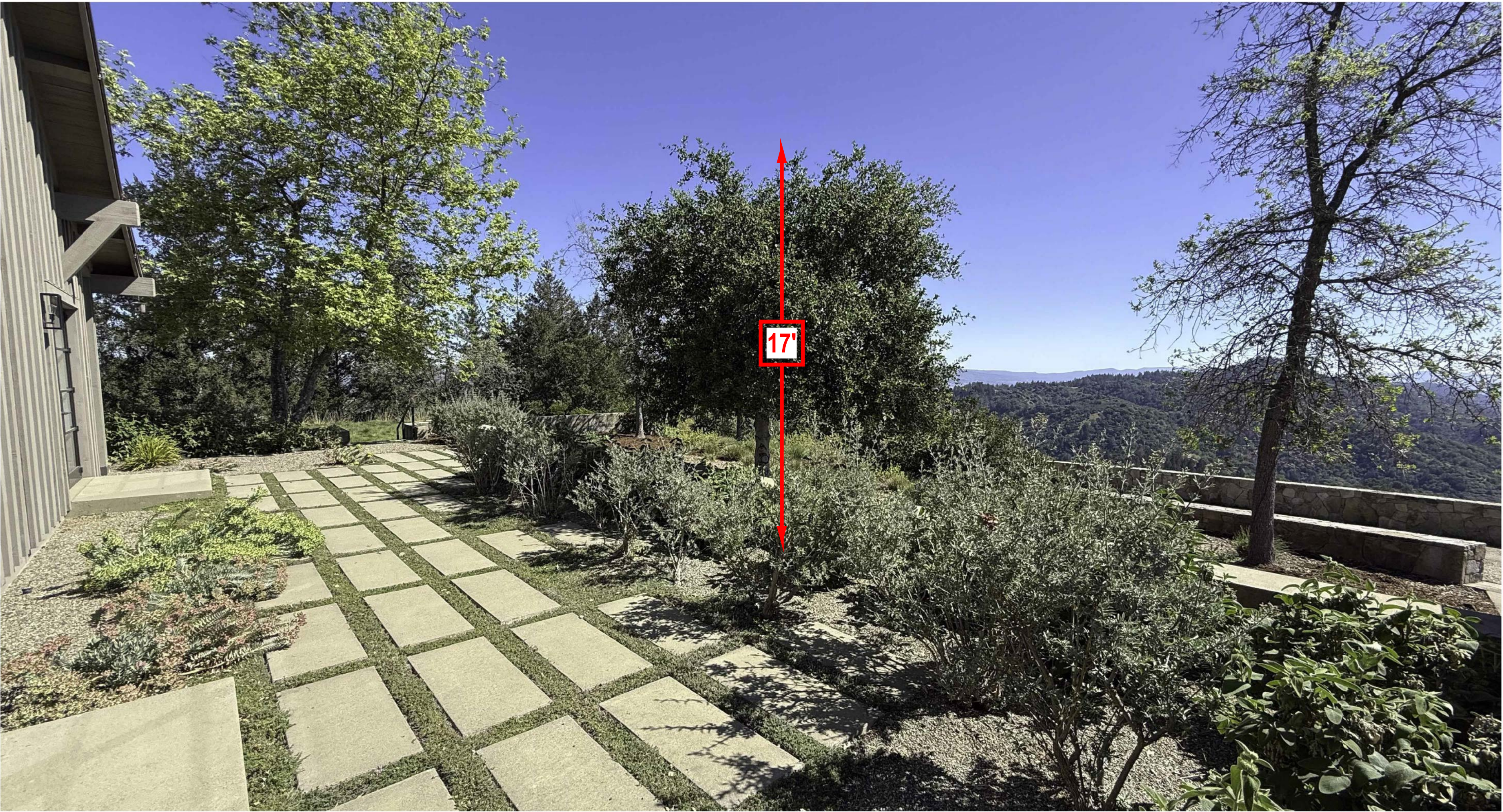
QL-1

- Valley Oak (Quercus Lobata)
- Photo - 3/7/2026

A
VALLEY OAK
60" BOX

QL-1

- Valley Oak (Quercus Lobata) - 48" box
- Photo - 2/11/2015



2026

B

COASTAL LIVE OAK

2015

1 COASTAL LIVE OAK

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COASTAL LIVE OAK

REVISIONS

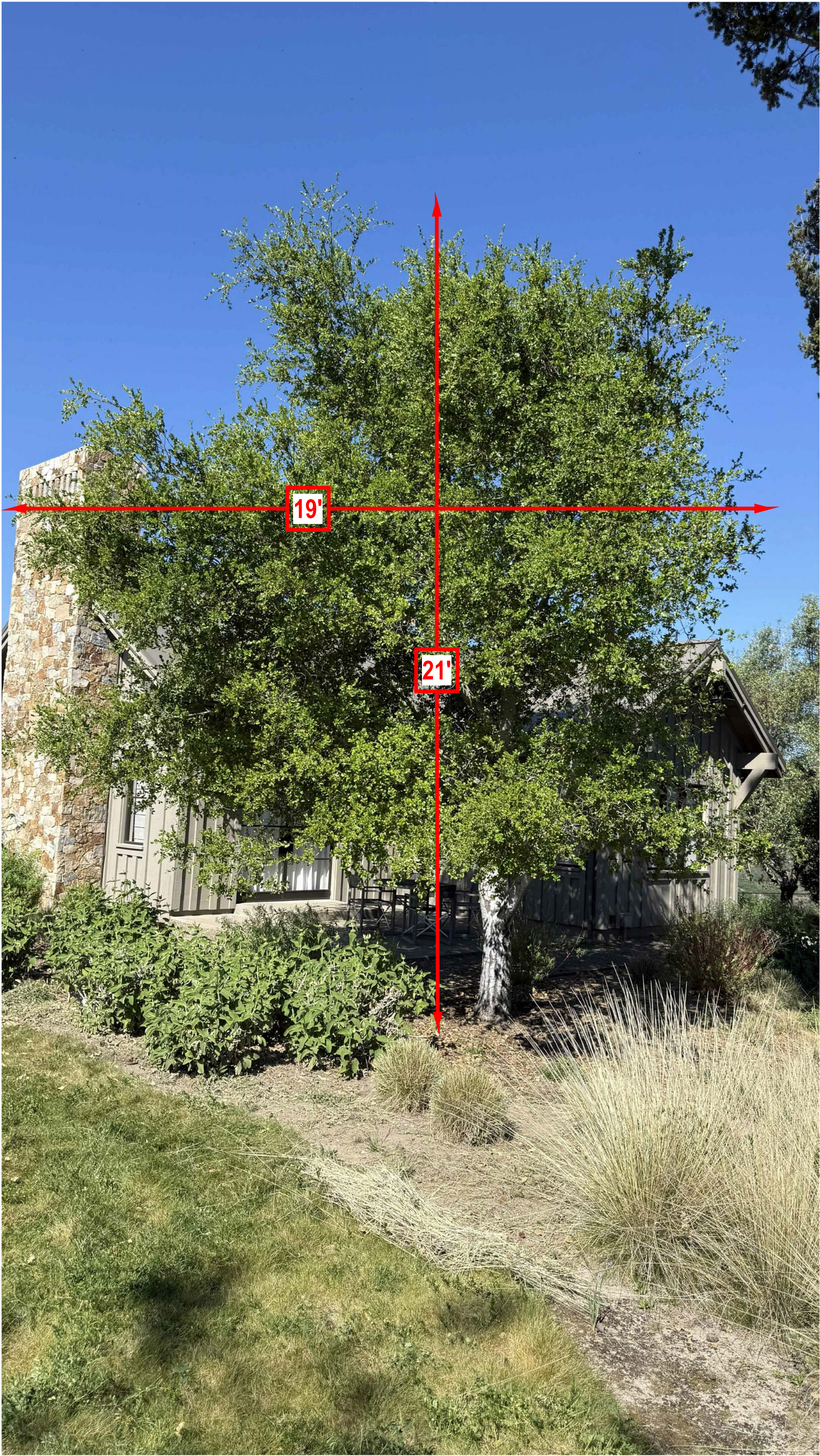
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Project number:
Date: 04/21/26

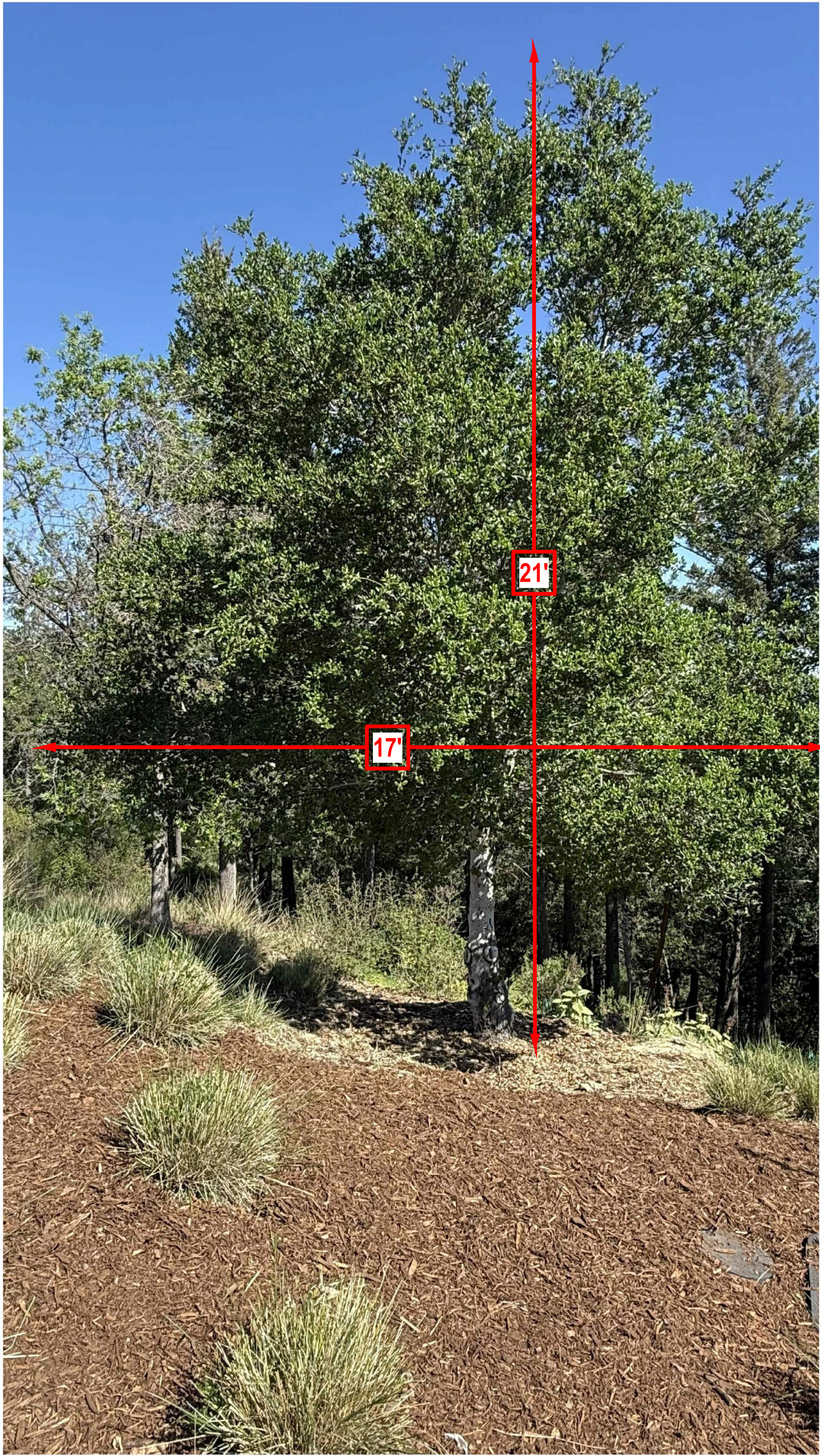
A022-00

Scale 1" = 1'-0"

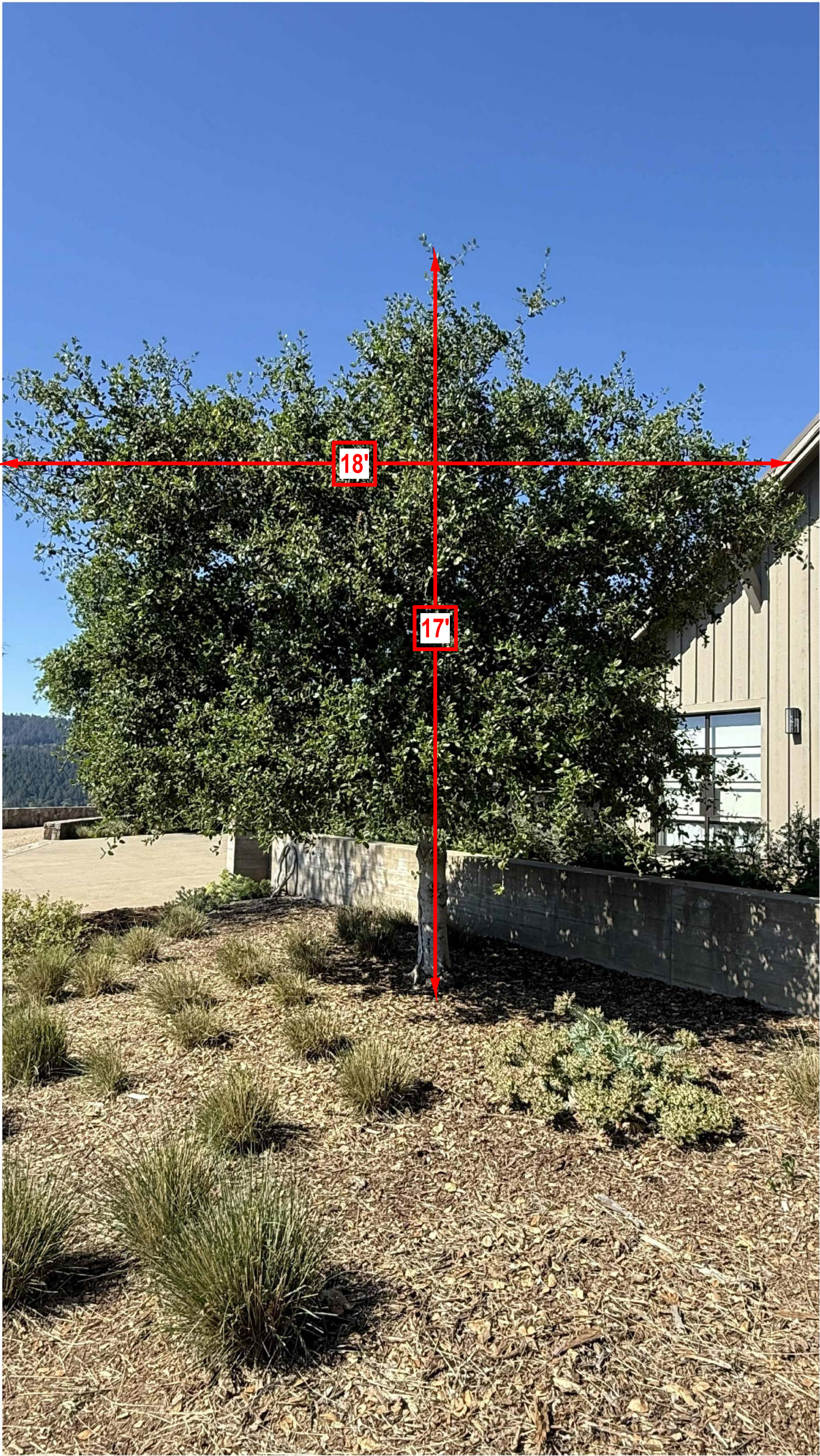
2026



D QA 24"

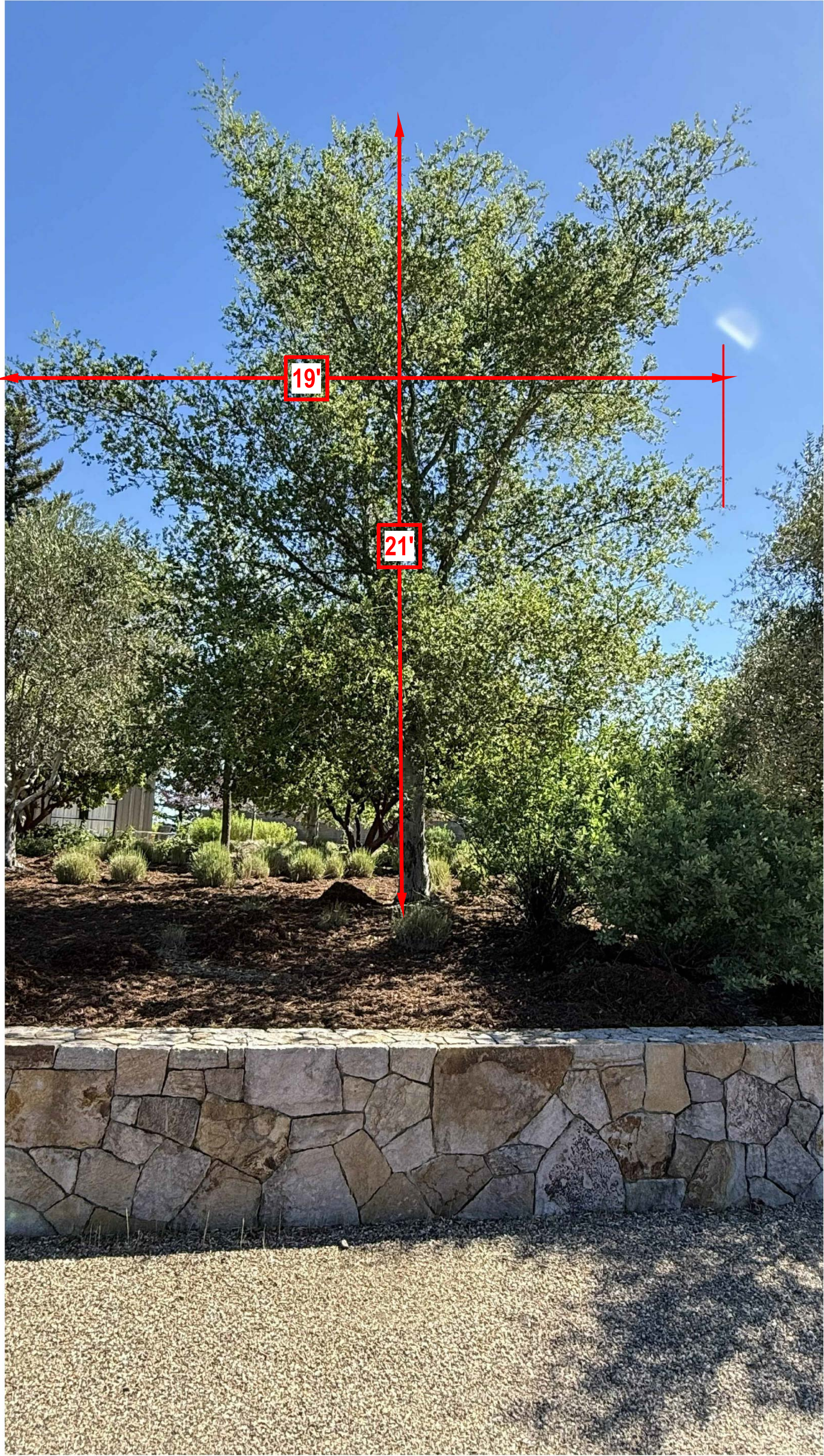


C QA-1 48"



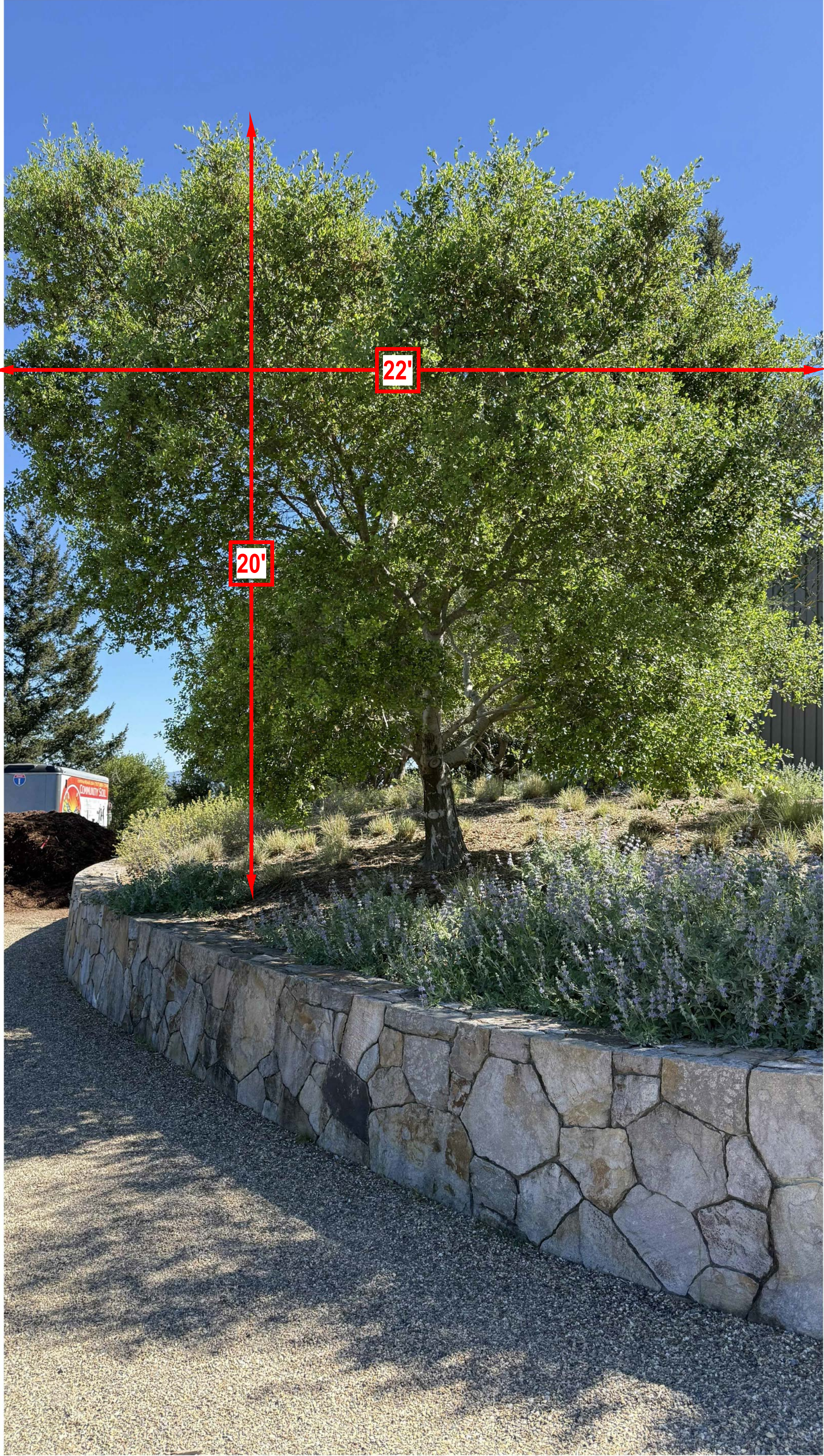
B QA-1 48"

P:\Ponderosa One\Revit Site 2024\80 Clear Creek Site 2026.rvt 4/21/2026 10:31:56 AM



F QA 24"

2026



E QA-1 48"

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VIEWSHED

COASTAL LIVE
OAK

REVISIONS

No.	Description	Date

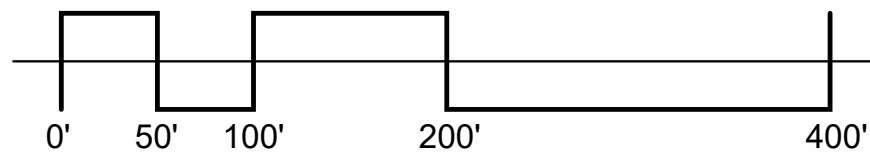
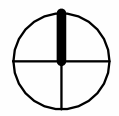
Project number:
Date: 04/21/26

A024-00

Scale



1 FLYNN RESIDENCE - AERIAL VIEW
1" = 100'-0"



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VIEWSHED

FLYNN
RESIDENCE -
AERIAL VIEW

REVISIONS

No.	Description	Date

Project number:
Date: 04/21/26

A016-00

Scale 1" = 100'-0"



FLYNN RESIDENCE



FLYNN RESIDENCE

VIEW OF NEIGHBOR FROM THE TENNIS PAVILION

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VIEWSHED

VIEW OF FLYNN RESIDENCE

REVISIONS

No.	Description	Date

Project number:
Date: 04/21/26

A017-00

Scale 12" = 1'-0"



① EXISTING VIEW FROM NEIGHBOR'S POOL

EXISTING VIEW FROM NEIGHBOR'S POOL
PROJECT CLOUD
Ponderosa One, LLC



① TREE GROWTH AT 10 YEARS - VIEW FROM NEIGHBORS POOL

COASTAL LIVE OAKS

- HEIGHT: 19'
- CANOPY WIDTH: 13'

VALLEY OAKS

- HEIGHT: 28'
- CANOPY WIDTH: 20'

TREE GROWTH AT 10 YEARS - VIEW FROM NEIGHBOR'S POOL
PROJECT CLOUD
Ponderosa One, LLC



Memorandum

To: Planning Commissioners

From: Trevor Hawkes, Supervising Planner

Date: August 4, 2026

Subject: Change Memo - Agenda Item 7A; 80 Clear Creek Road Viewshed Protection Program
Application P22-00182-VIEW & Road and Street Standards Exception

The applicant has submitted revised graphics regarding tree plantings for landscape screening. Prior revised graphics focused on tree planting locations (including new species) and spacing for screening landscape along the eastern viewshed of the Tennis Pavilion. The revised graphics did not consider spacing along the western viewshed screening landscape, where the applicant also intends to replace the proposed Interior Live Oak species (30% of the tree plantings intended for that screening area) with Coast Live Oak. Based upon recommendations by the project's Landscape Architect for spacing between plantings, the applicant has submitted revised graphics for tree screening across the entire project. Based upon the graphics submitted, the accurate intended total number of tree plantings intended to screen the project is 56.

Should the commission approve, or approve with modifications, Viewshed Protection Program application P22-00182-VIEW, the commission should reference the revised graphics and tree plantings in this change memo when making a motion.



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NAPA VALLEY - NEW YORK
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email: info@leongarch.com

PROJECT CLOUD
Ponderosa One, LLC
80 Clear Creek Rd. - Oakville - CA - 94562

VIEWSHED

PARTIAL SITE PLAN

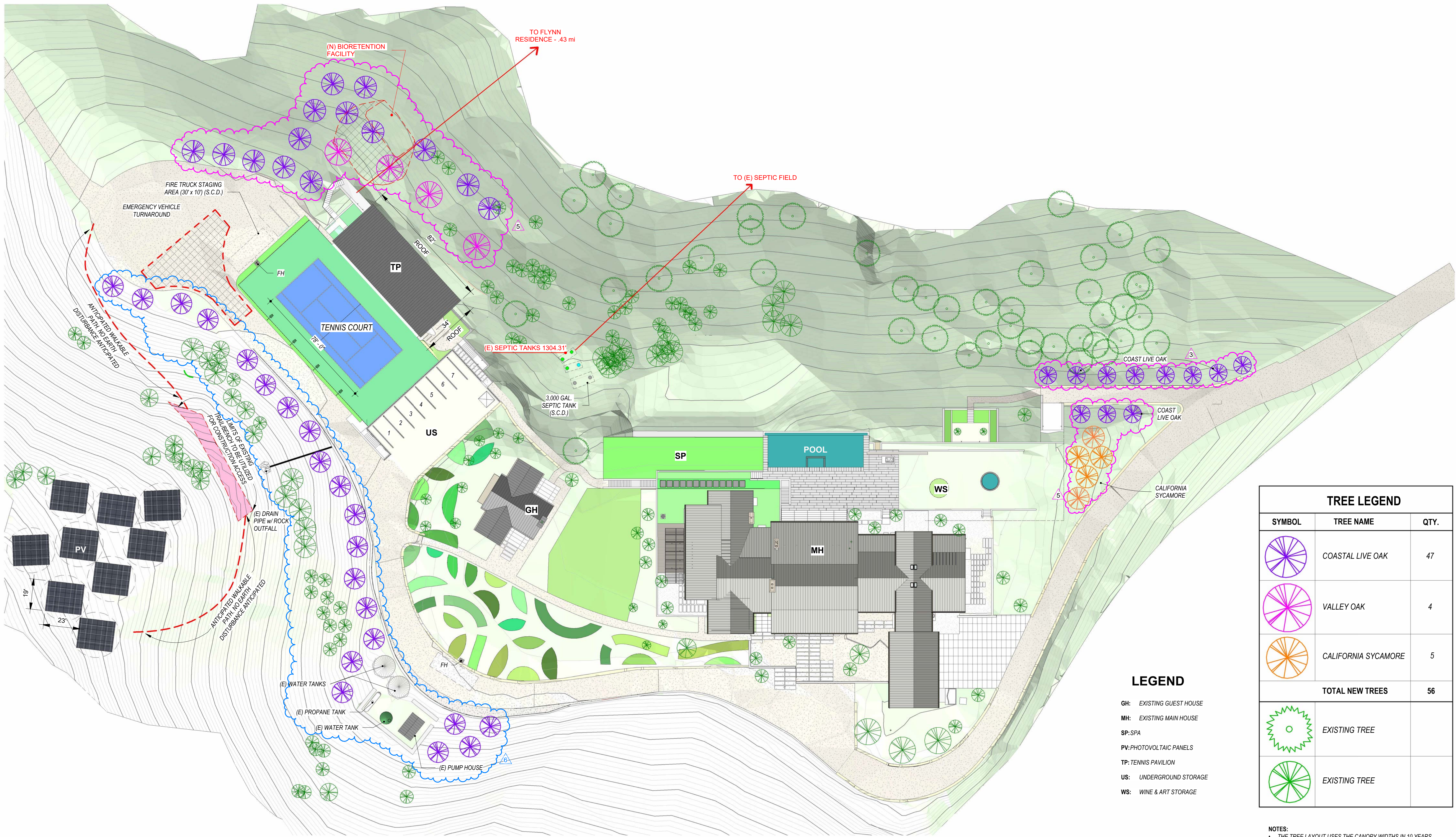
REVISIONS

No.	Description	Date
3	Revision 3	02/28/25
5	Revision 5	12/04/25
6	Revision 6	07/29/26

Project number:
Date: 07/29/26

A007-00

Scale As indicated

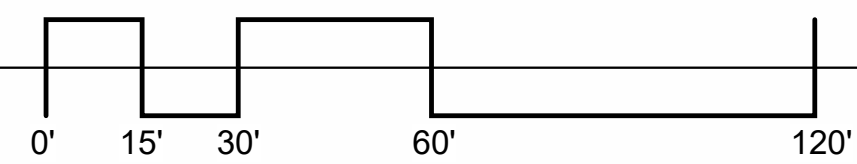
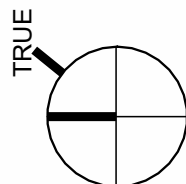


TREE LEGEND		
SYMBOL	TREE NAME	QTY.
	COASTAL LIVE OAK	47
	VALLEY OAK	4
	CALIFORNIA SYCAMORE	5
TOTAL NEW TREES		56
	EXISTING TREE	
	EXISTING TREE	

- NOTES:
- THE TREE LAYOUT USES THE CANOPY WIDTHS IN 10 YEARS
 - TREE CANOPY AND SPACING:
 - COASTAL LIVE OAKS: 13' DIA, 20' oc.
 - VALLEY OAKS: 20' DIA, 30' oc.
 - SPACING BETWEEN SPECIES: ~25' oc.
 - SEE CIVIL DRAWINGS FOR TREES THAT WILL BE REMOVED

LEGEND

- GH: EXISTING GUEST HOUSE
MH: EXISTING MAIN HOUSE
SP: SPA
PV: PHOTOVOLTAIC PANELS
TP: TENNIS PAVILION
US: UNDERGROUND STORAGE
WS: WINE & ART STORAGE



1 PARTIAL SITE PLAN
1" = 30'-0"

APN: 027-310-032 ACREAGE: 123 ac.

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ABBREVIATIONS:

AC	ASPHALT CONCRETE
AD	AREA DRAIN
ADU	ACCESSORY DWELLING UNIT
APN	ASSESSOR'S PARCEL NUMBER
BLDG	BLDG
CL	CENTERLINE
CONF	CONFORM
CONC	CONCRETE
DI	DRAIN INLET
(E)	EXISTING
EG	EXISTING GROUND
FG	FINISH GRADE
FH	FIRE HYDRANT
FS	FINISH SURFACE
FL	FLOWLINE
GAL	GALLON
GB	GRADE BREAK
*HP	HIGH POINT
NCRSS	NAPA COUNTY ROAD & STREET STANDARDS
PD	PLANTER DRAIN
PIP	PROTECT IN PLACE
SB	SETBACK
SF	SQUARE FEET
STA	STATION
SD	STORM DRAIN
SS	SANITARY SEWER
STD	STANDARD
TC	TOP OF CONCRETE
TCC	TOP OF CONCRETE CURB
TD	TRENCH DRAIN
TI	TRAFFIC INDEX
TP	TOP OF PAVEMENT
TOW	TOP OF WALL
TYP	TYPICAL
UNO	UNLESS OTHERWISE NOTED
USP	UNDER SEPARATE PERMIT

NOTES:

REFER TO CONCEPTUAL GRADING PLANS FOR SITE DEVELOPMENT.

EARTHWORK

VALUES ARE FOR PERMITTING ONLY AND ARE NOT TO BE USED FOR BIDDING. CONTRACTOR SHALL PERFORM THEIR OWN EARTHWORK CALCULATIONS.

LIMITS OF GRADING:	1.6 ACRES
CUT VOLUME:	8,241 CU. YDS.
FILL VOLUME:	2,327 CU. YDS.
NET VOLUME:	5,914 CU. YDS. (CUT)

SITE PLAN, SEE BELOW RIGHT

APN 027-310-032

APPROXIMATE LOCATION
OF PROPOSED PRIMARY
AND RESERVE DRIPFIELD
DISPOSAL AREAS

APPROXIMATE
PROPERTY
LINE, TYP

(E) ACCESS ROAD

FILL PLACEMENT AREA,
SEE SHEET C4.4

APN 027-310-043

SEE SHEET C4.0

SOLAR ARRAY

EMERGENCY VEHICLE
TURNAROUND PER
NCRSS

UNDERGROUND
STORAGE BELOW
PARKING AREA

(E) WATER TANKS
(E) PROPANE TANK
(E) WATER TANK

GENERATOR,
USP

(E) GENERATOR
(E) PUMP HOUSE

FIRE TRUCK STAGING
AREA PER NCRSS

LIMITS OF GROUND
SURVEY, TYP

FIRE TRUCK STAGING
AREA PER NCRSS
FH
PARKING SPACE,
TYP OF 2

BIORETENTION
FACILITY
LIMITS OF GROUND
SURVEY, TYP

APN 027-310-032

SEE SHEET C4.1

(E) SEPTIC TANKS
3,000 GAL
SEPTIC TANK

SEE SHEET C4.2

(E) 100% RESERVE
AREA (6,048 SF) TO
BE ALLOCATED TO
PROPOSED RESERVE
AREA

(E) LEACHFIELD
TO BE ABANDONED

(E) DISTRIBUTION BOX
(E) 4" SS

ADVANTEX
PRETREATMENT
SYSTEM

(E) FRENCH DRAIN
PRIMARY DRIPFIELD
DISPOSAL AREA

200% RESERVE
AREA (4,667 SF)

SEE SHEET C4.3

WINE & ART
STORAGE
BELOW

(E) FIRE HYDRANT

PATH

SPA

(E) POOL
& SPA

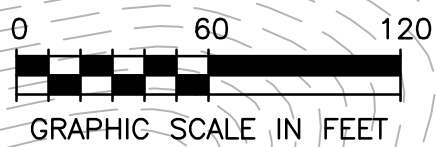
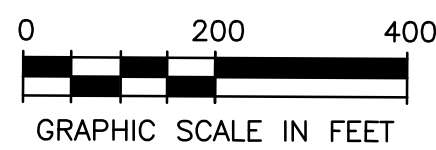
(E) MAIN
HOUSE

(E) WELL

(E) ELECTRICAL
TRANSFORMER

(E) ACCESS ROAD

DRY CREEK ROAD



VIEWSHED PERMIT

OVERALL SITE PLAN

#	DATE	DESCRIPTION
1	2/28/2025	PLAN CHECK RESPONSE
2	5/07/2025	PLAN CHECK RESPONSE
3	12/04/2025	PLAN CHECK RESPONSE
4	12/23/2025	PLAN CHECK RESPONSE
5	4/20/2026	TREE ADDITION
6	8/03/2026	TREE UPDATE

JOB NO:	2021275
SCALE:	AS SHOWN
DRAWN:	TF
CHECKED:	MS
SHEET	C2.0

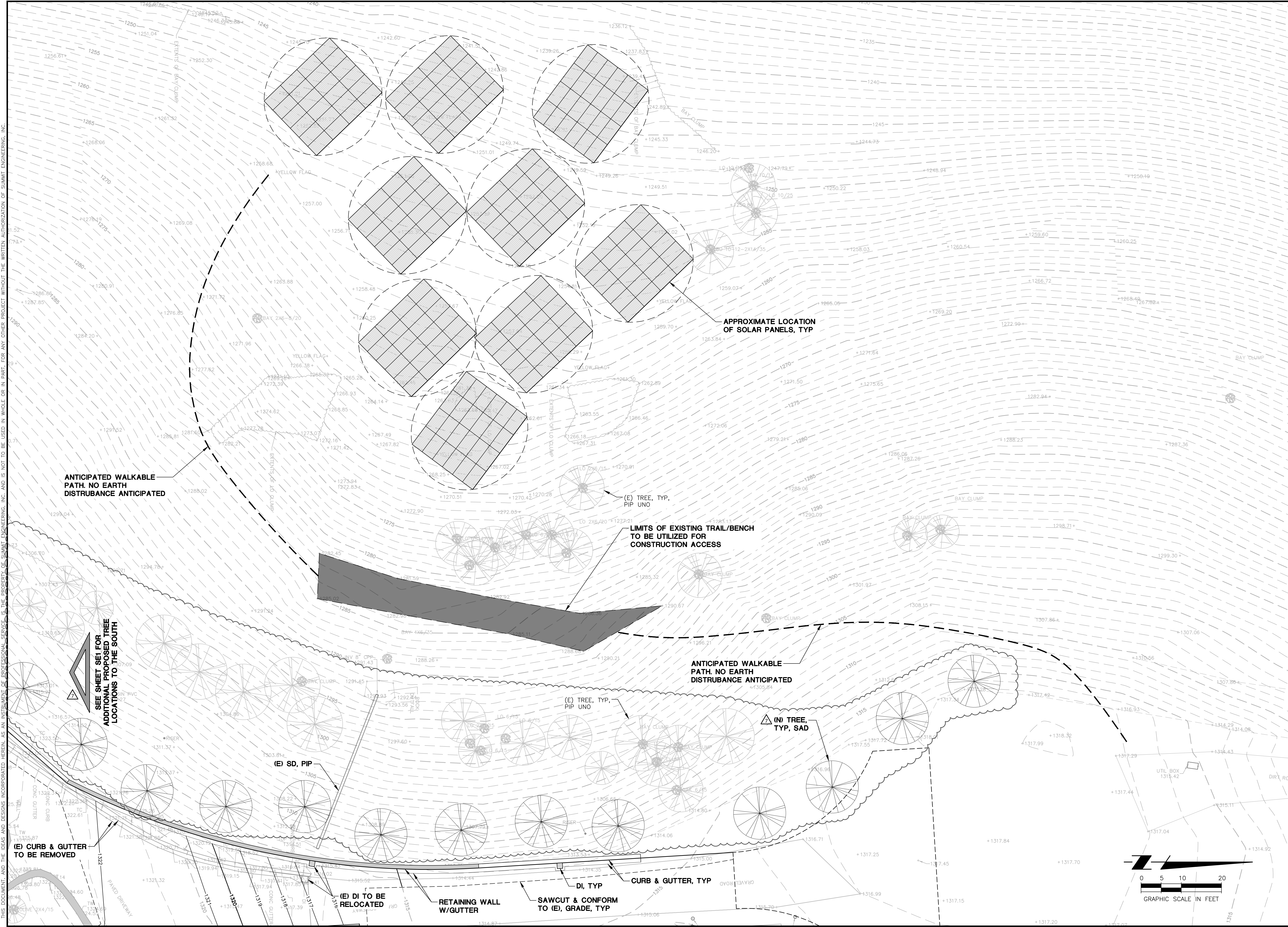
SHEET 1 OF 10

SUMMIT

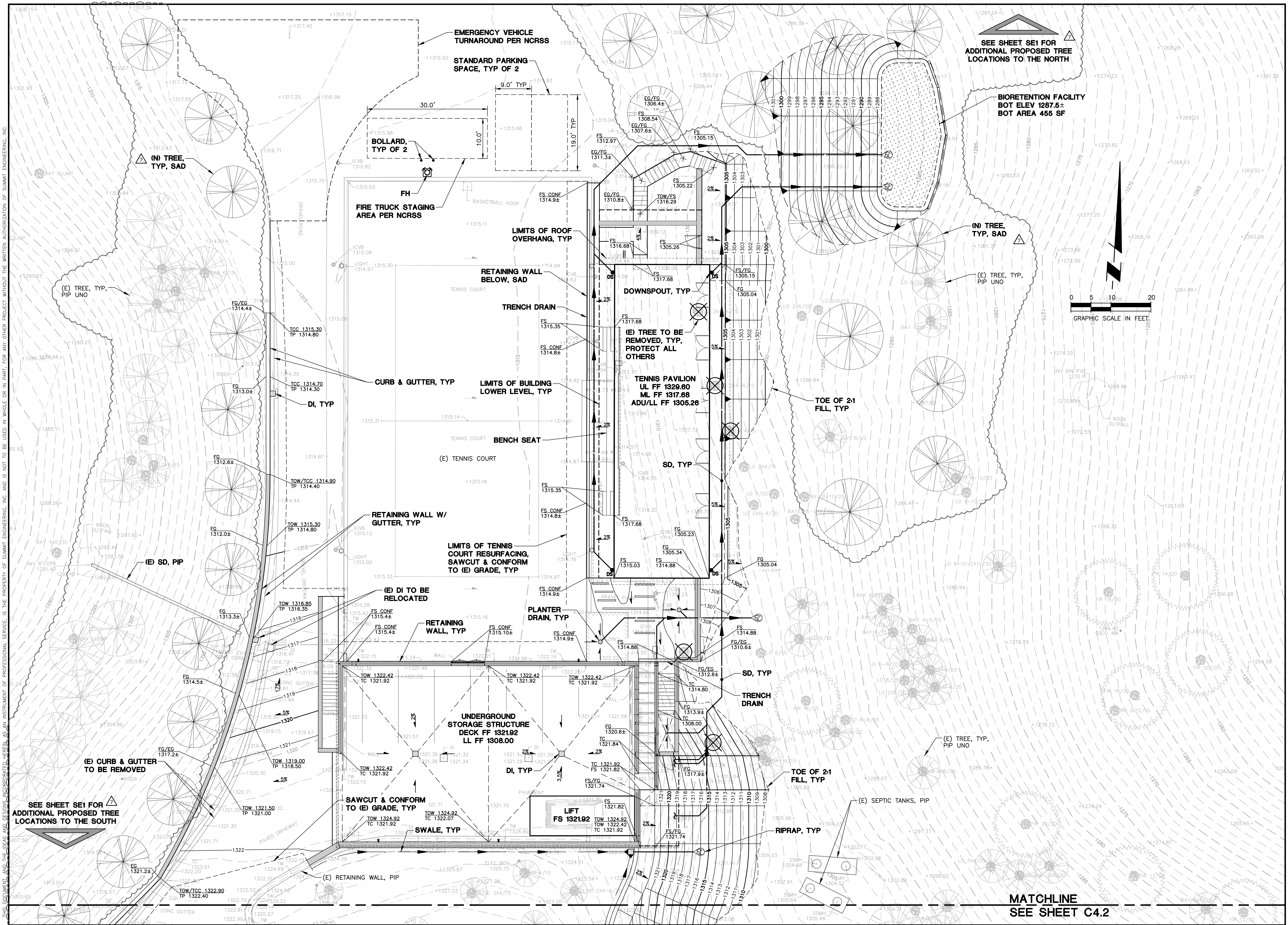
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PONDEROSA ONE LLC
80 CLEAR CREEK ROAD
NAPA, CA 94558
APN 027-310-032 & 043

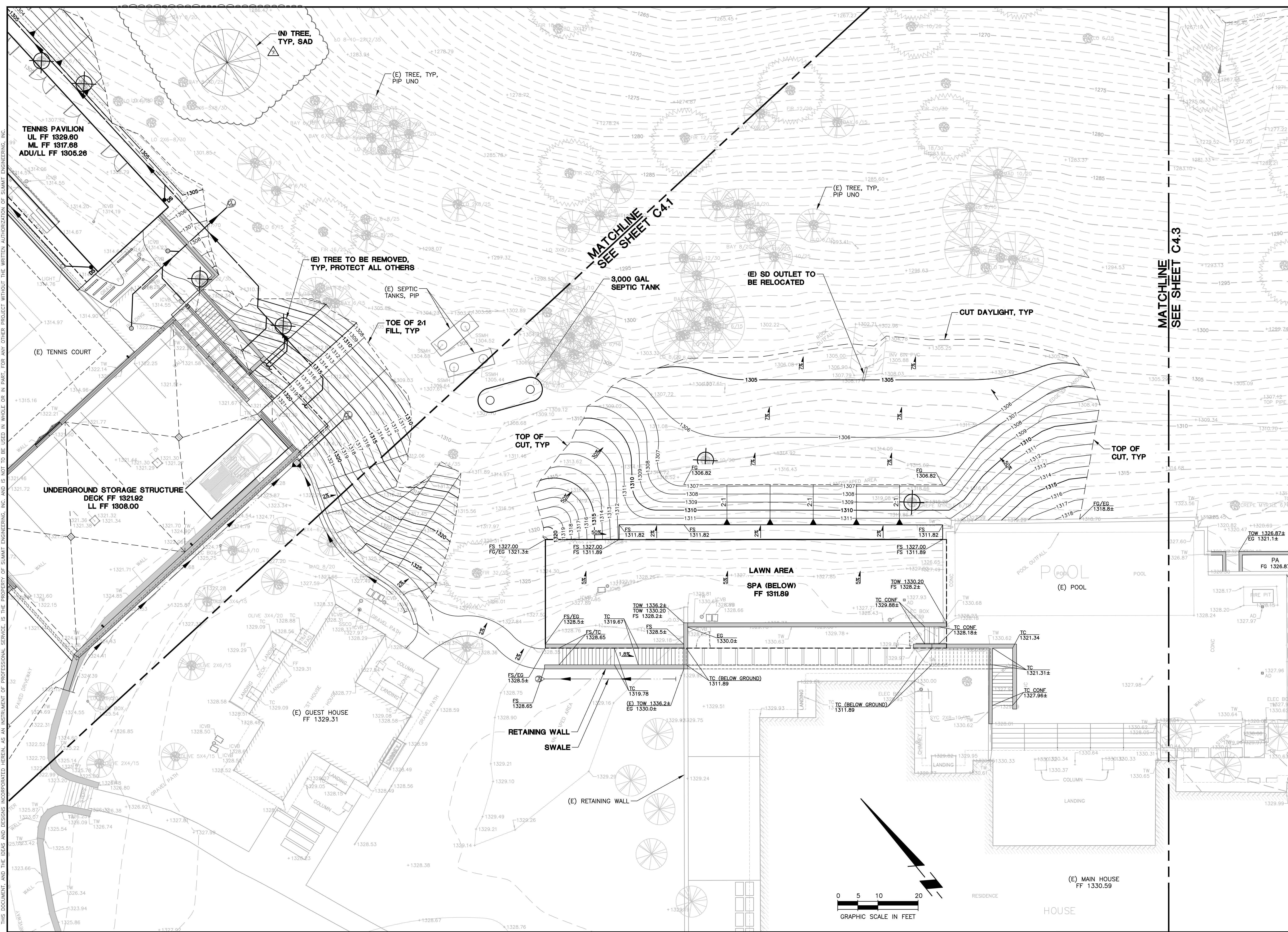
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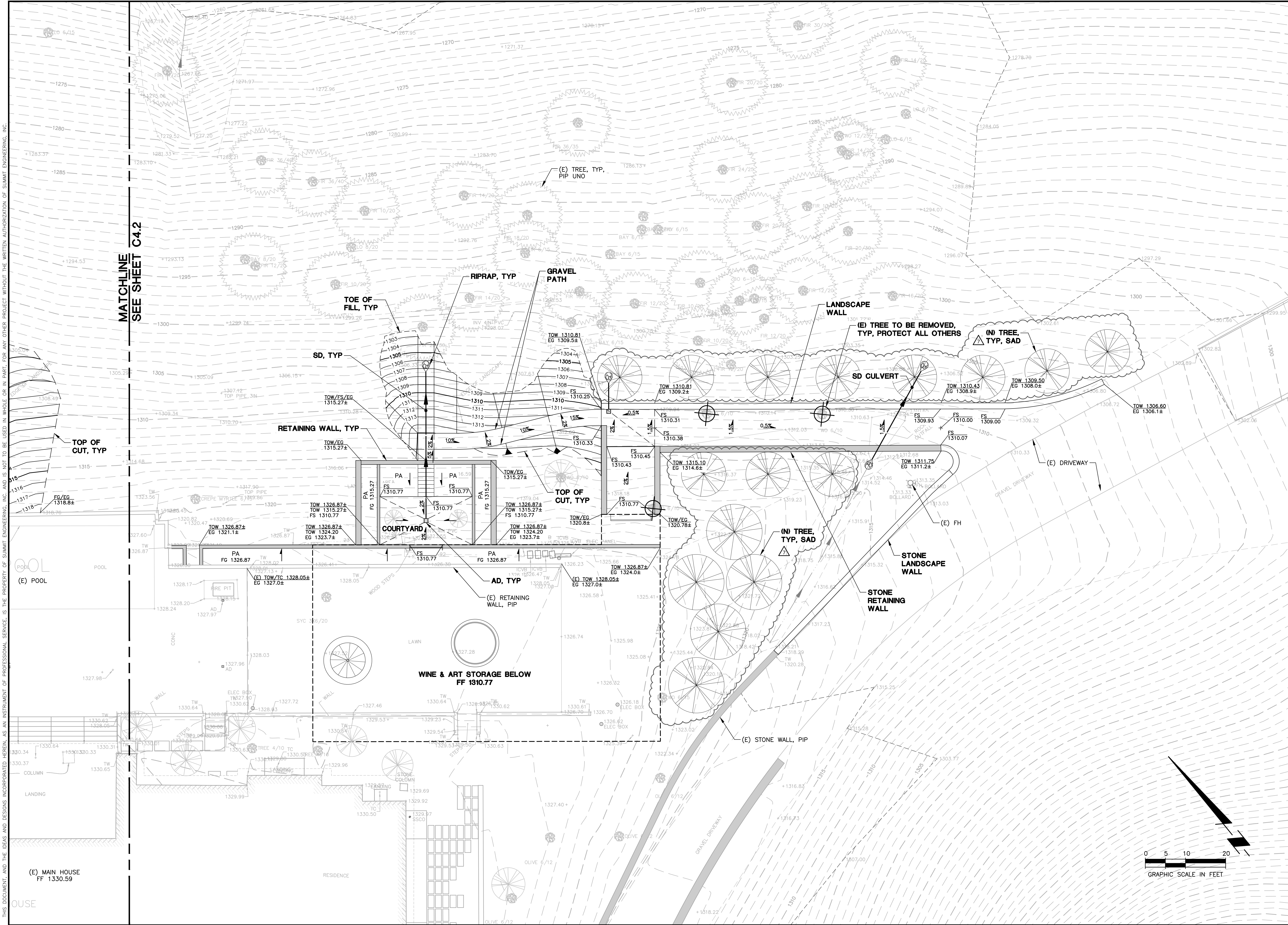
VIEWSHED PERMIT
CONCEPTUAL GRADING PLAN - SPA

#	DATE	DESCRIPTION
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2	5/07/2025	PLAN CHECK RESPONSE
3	12/04/2025	PLAN CHECK RESPONSE
4	12/23/2025	PLAN CHECK RESPONSE
5	4/20/2026	TREE ADDITION
6	8/03/2026	TREE UPDATE

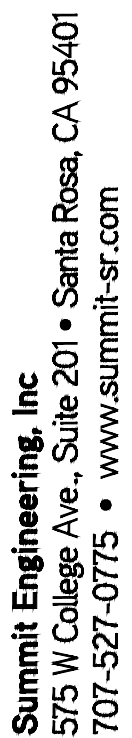
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SCALE: AS SHOWN
DRAWN: TF
CHECKED: MS
SHEET

C4.2
SHEET 4 OF 10

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3	12/04/2025	PLAN CHECK RESPONSE
4	12/23/2025	PLAN CHECK RESPONSE
5	4/20/2026	TREE ADDITION
6	8/03/2026	TREE UPDATE



VIEWSHED PERMIT

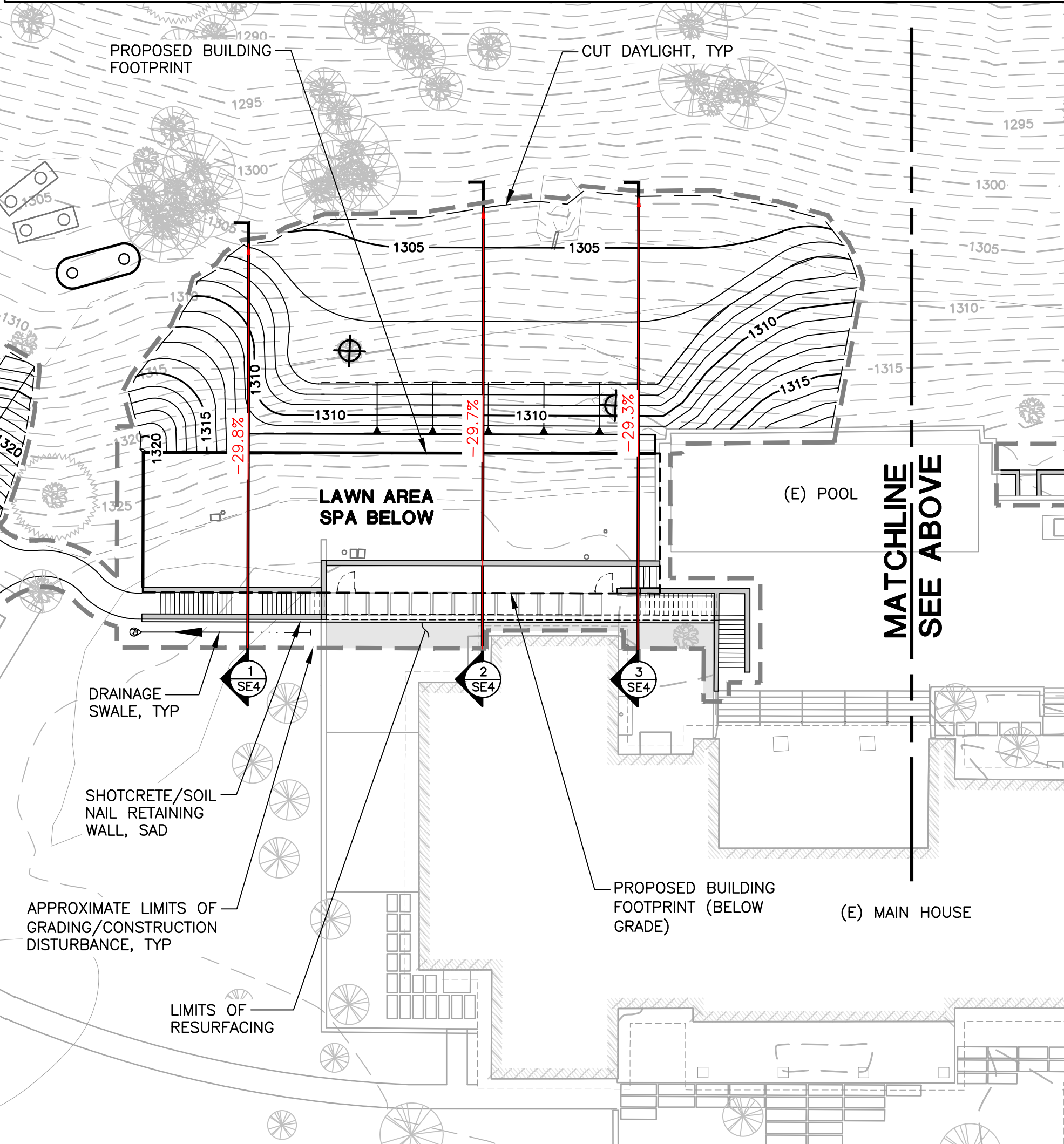
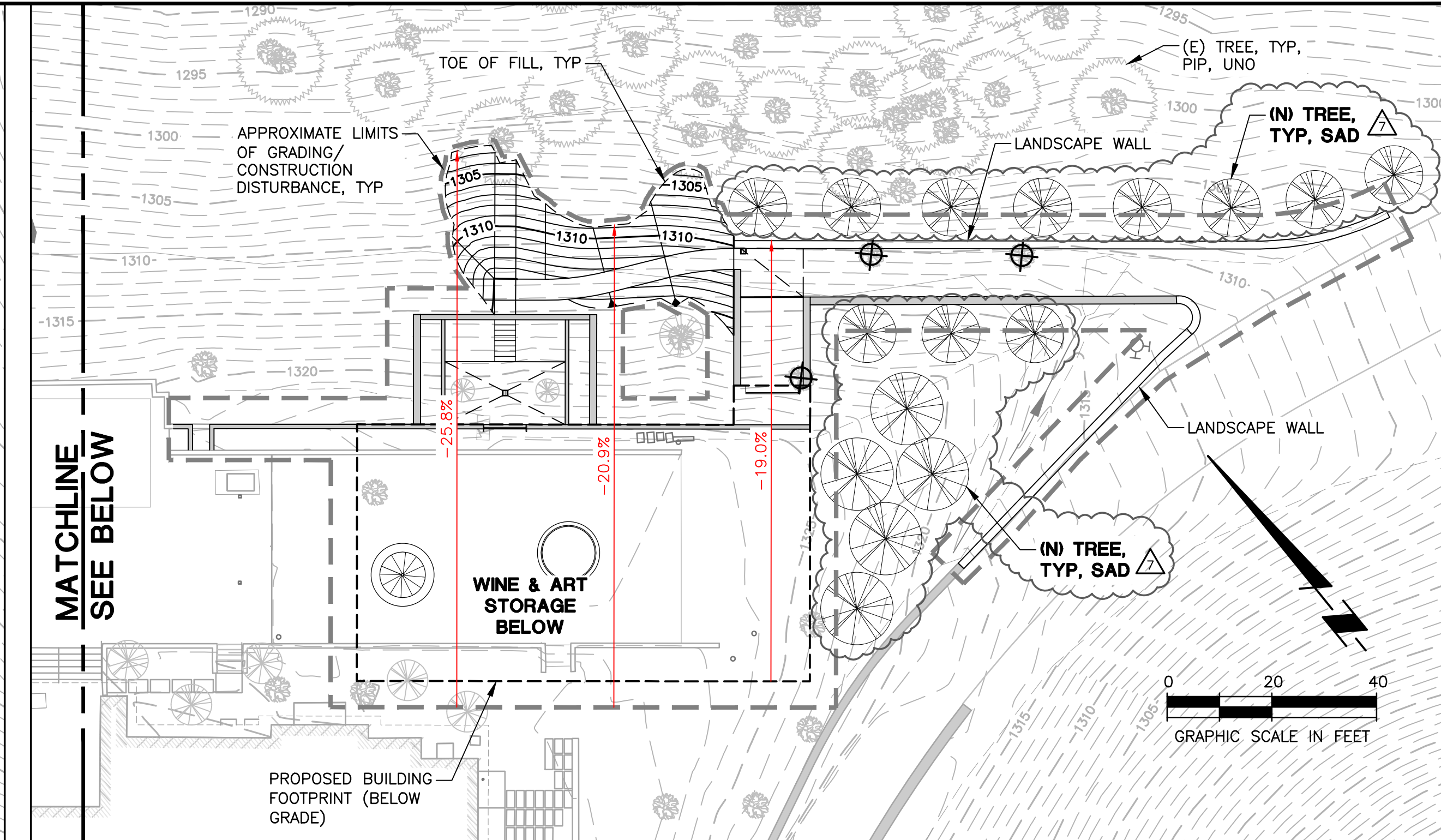
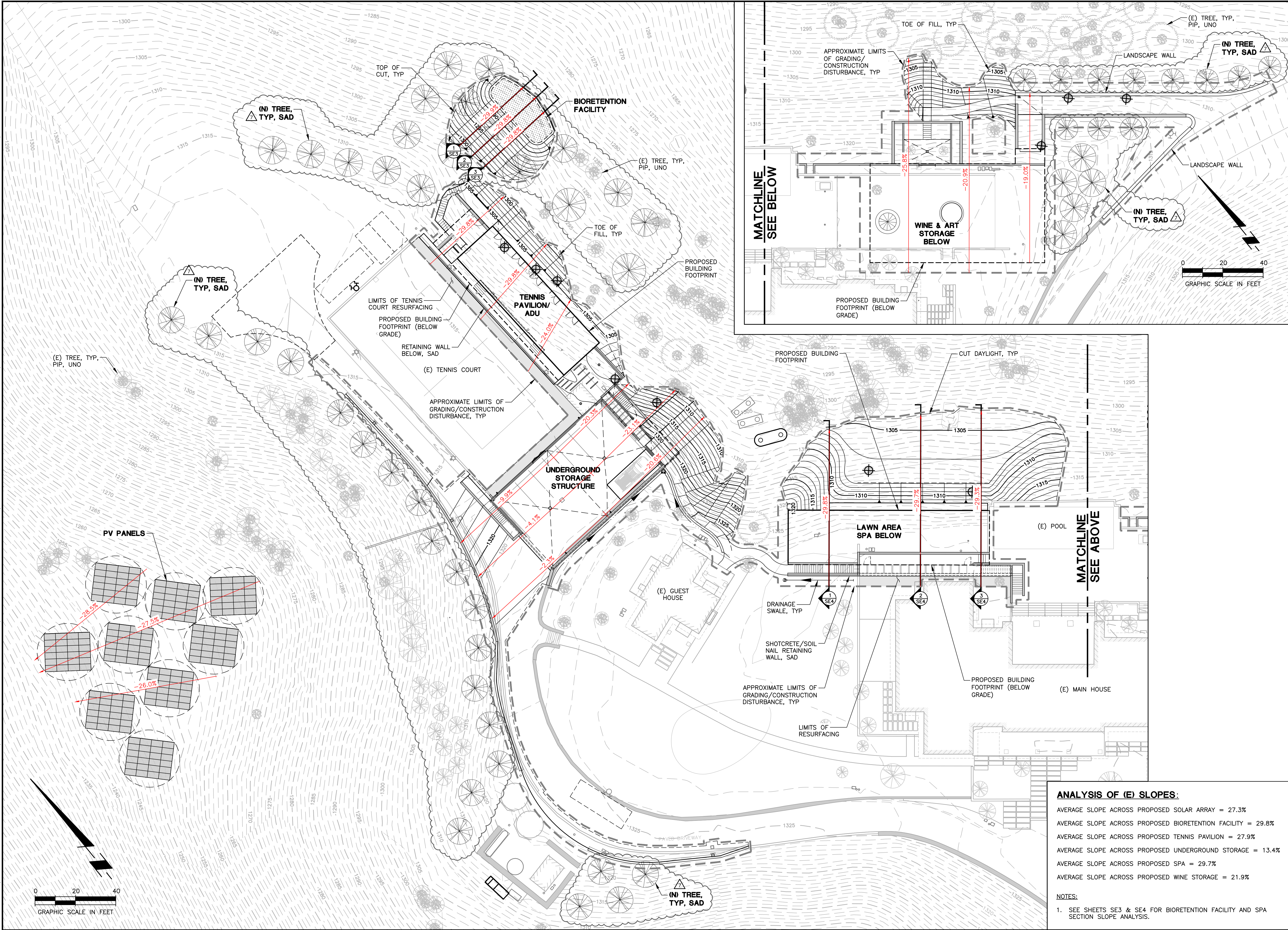
**CONCEPTUAL GRADING PLAN -
FILL PLACEMENT**

#	DATE	DESCRIPTION
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4	5/07/2025	PLAN CHECK RESPONSE
	12/04/2025	PLAN CHECK RESPONSE
	12/23/2025	PLAN CHECK RESPONSE
	4/20/2026	TREE ADDITION
	8/03/2026	TREE UPDATE

JOB NO: 2021275
SCALE: AS SHOWN
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CHECKED: MS
SHEET 011

C4.4
SHEET 6 OF 10

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ANALYSIS OF (E) SLOPES:	
AVERAGE SLOPE ACROSS PROPOSED SOLAR ARRAY = 27.3%	
AVERAGE SLOPE ACROSS PROPOSED BIORETENTION FACILITY = 29.8%	
AVERAGE SLOPE ACROSS PROPOSED TENNIS PAVILION = 27.9%	
AVERAGE SLOPE ACROSS PROPOSED UNDERGROUND STORAGE = 13.4%	
AVERAGE SLOPE ACROSS PROPOSED SPA = 29.7%	
AVERAGE SLOPE ACROSS PROPOSED WINE STORAGE = 21.9%	
NOTES:	
1. SEE SHEETS SE3 & SE4 FOR BIORETENTION FACILITY AND SPA SECTION SLOPE ANALYSIS.	

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APN 027-310-032 & 043

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SLOPE EXHIBIT
SITE

#	DATE	DESCRIPTION
A	2/28/2025	PLAN CHECK RESPONSE
A	5/07/2025	PLAN CHECK RESPONSE
	12/04/2025	PLAN CHECK RESPONSE
	12/23/2025	PLAN CHECK RESPONSE
B	4/20/2026	TREE ADDITION
A	8/03/2026	TREE UPDATE

SE1
SHEET 7 OF 10

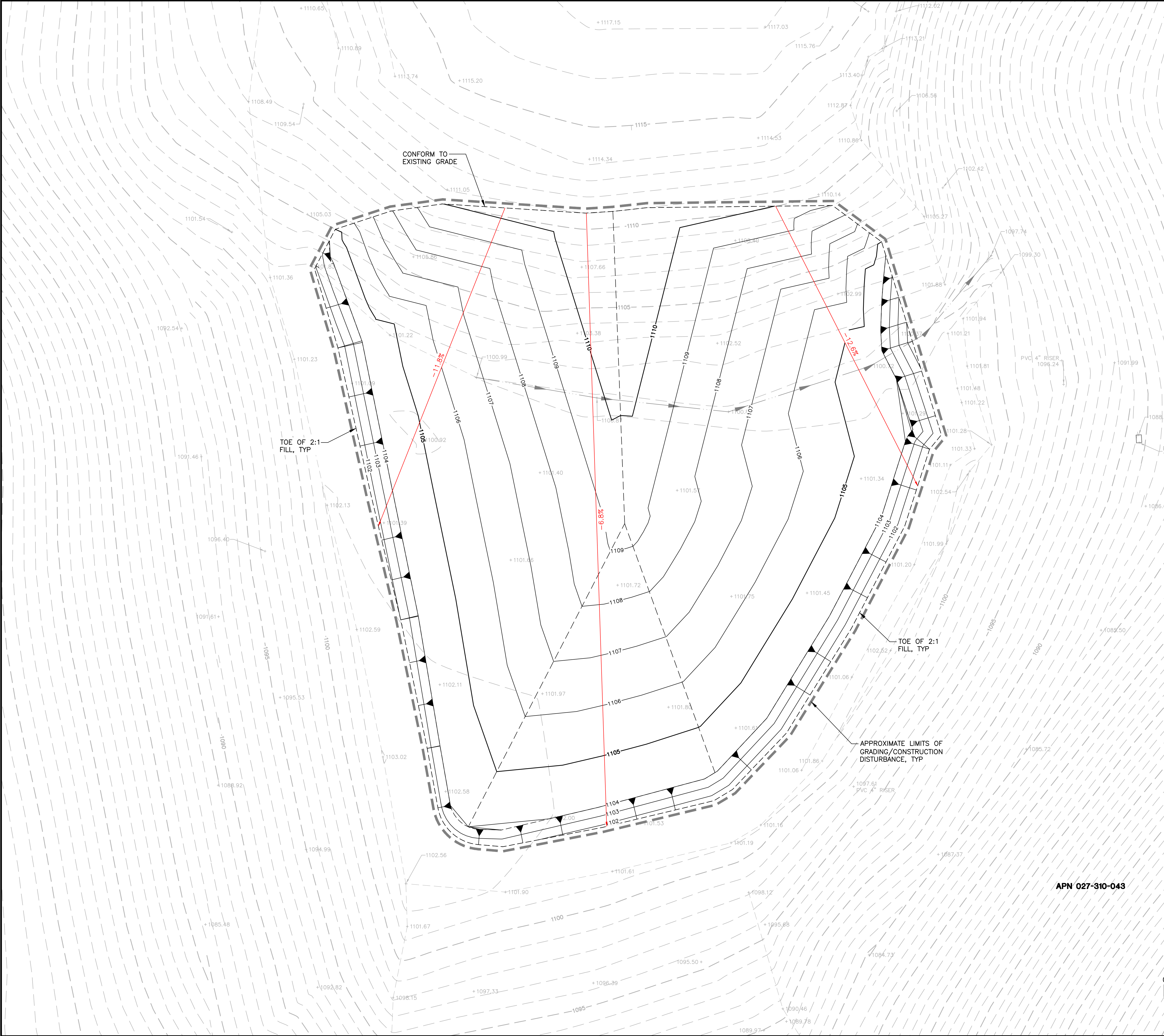
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P:\2021\2021275 80 CLEAR CREEK ROAD\CAD\CIVIL\GRADING CONCEPT\21275-CONCEPT PLANS.DWG

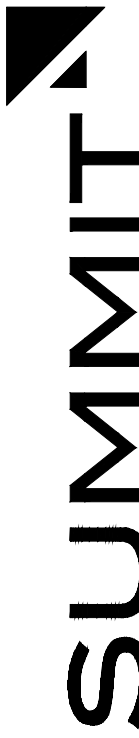
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84

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ANALYSIS OF (E) SLOPES:
AVERAGE SLOPE ACROSS PROPOSED FILL PLACEMENT AREA = 10.4%



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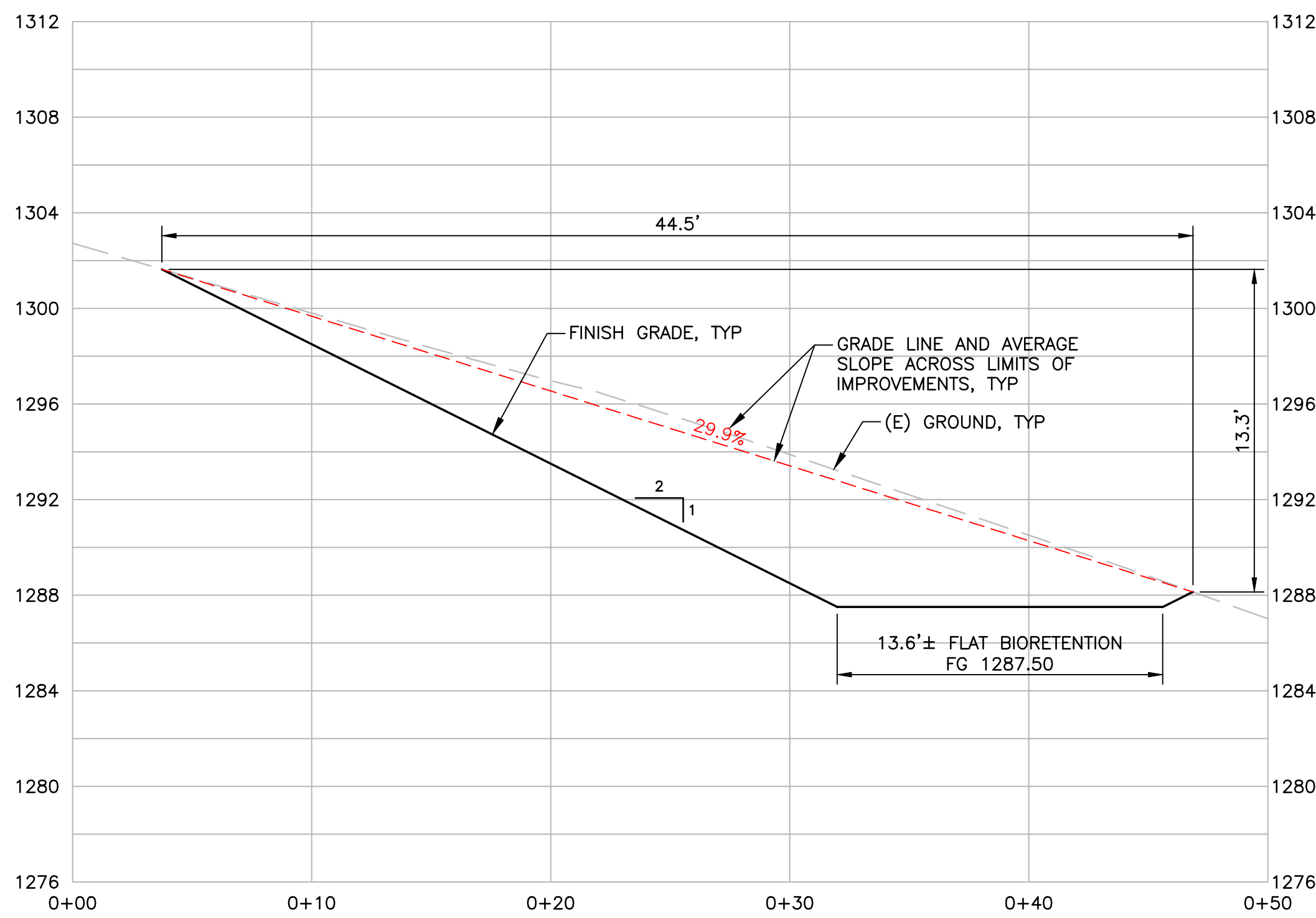
VIEWSHED PERMIT
SLOPE EXHIBIT
FILL PLACEMENT AREA

#	DATE	DESCRIPTION
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A	5/07/2025	PLAN CHECK RESPONSE
	12/04/2025	PLAN CHECK RESPONSE
	12/23/2025	PLAN CHECK RESPONSE
	4/20/2026	TREE ADDITION
	8/03/2026	TREE UPDATE

JOB NO: 2021275
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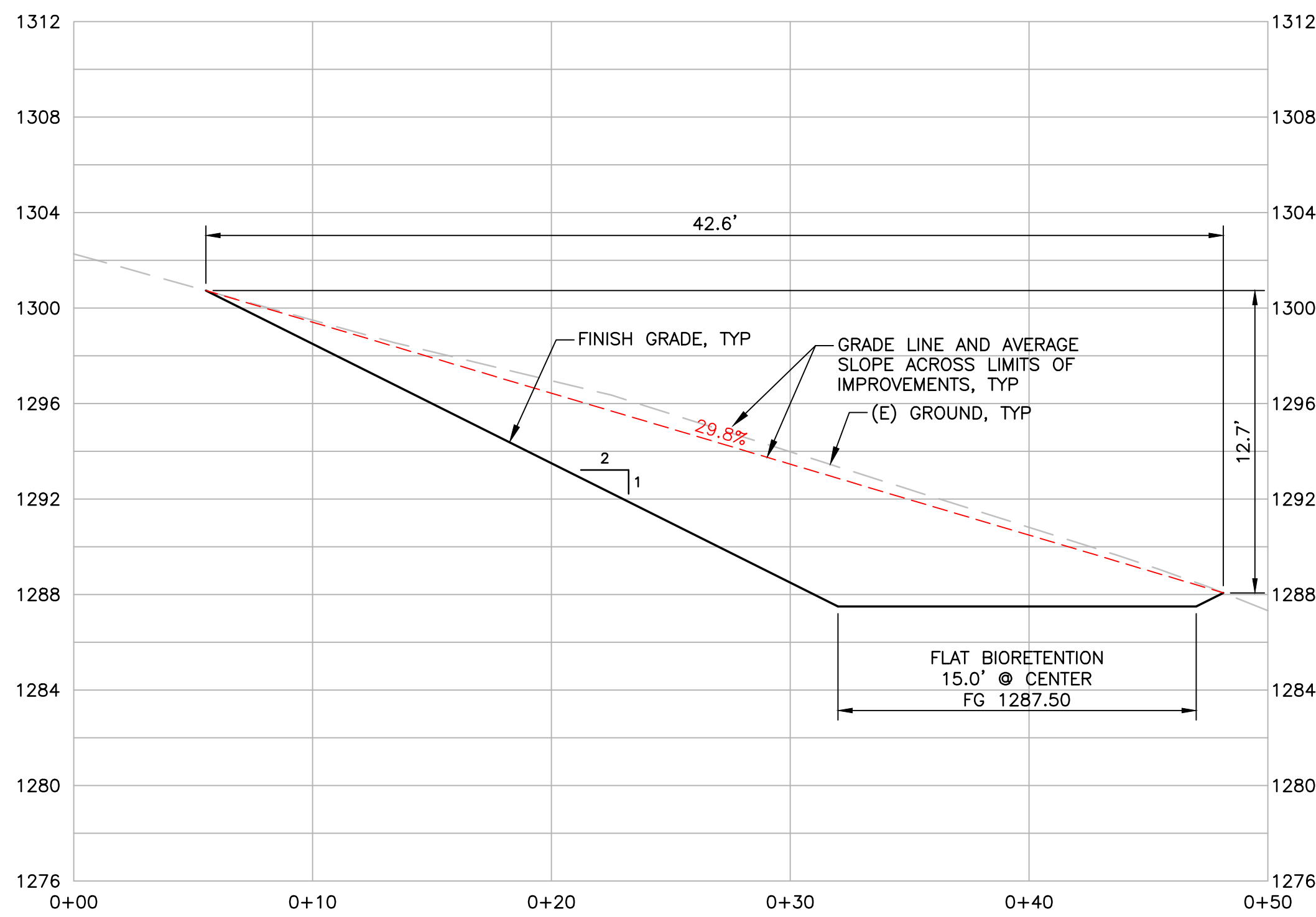
SE2
SHEET 8 OF 10

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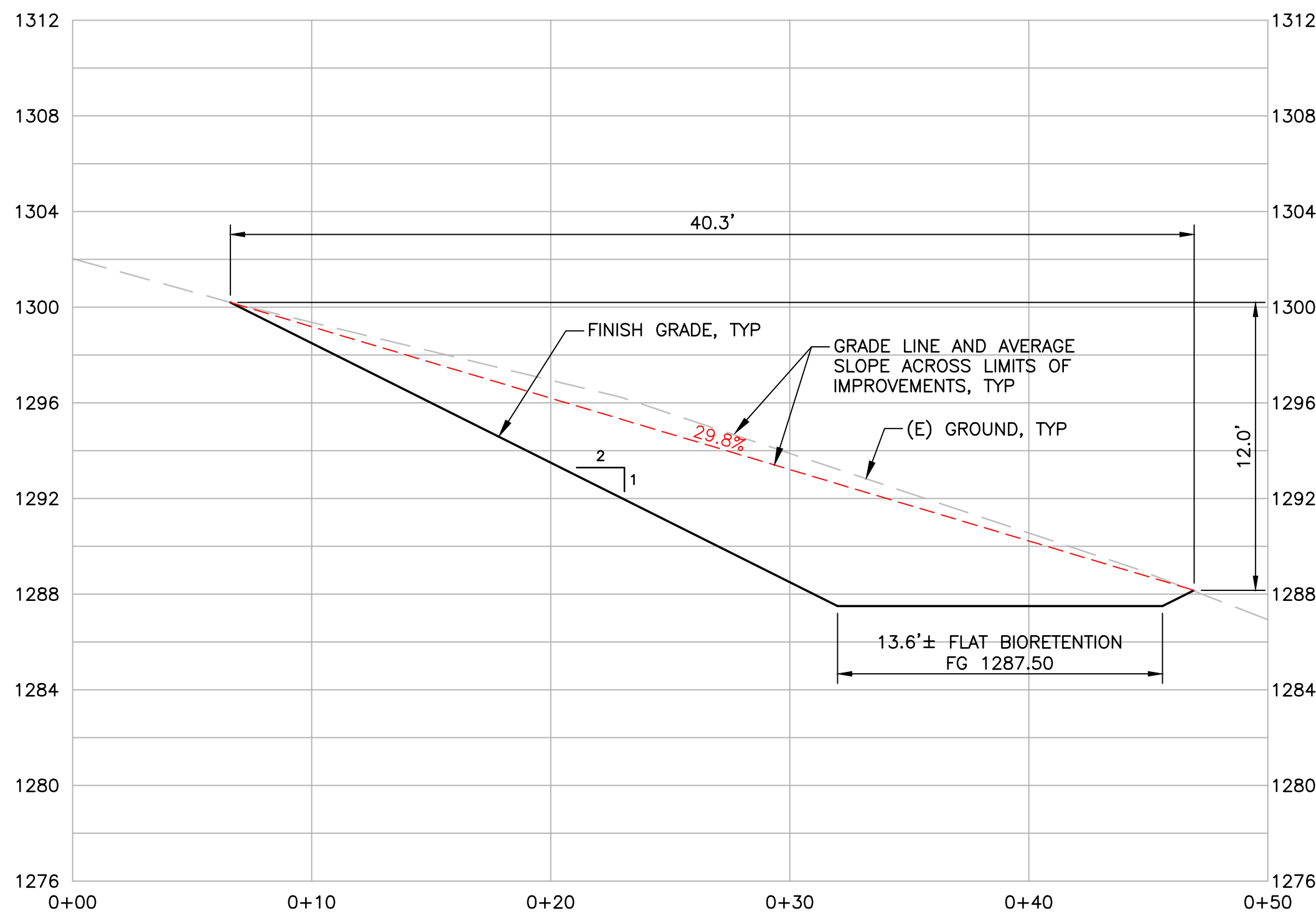
BIORETENTION FACILITY SLOPE ANALYSIS SECTION 1

SCALE: 1"=5' HORIZ
1"=5' VERT



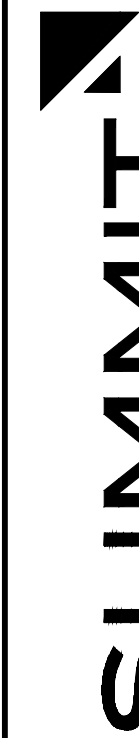
BIORETENTION FACILITY SLOPE ANALYSIS SECTION 2

SCALE: 1"=5' HORIZ
1"=5' VERT



BIORETENTION FACILITY SLOPE ANALYSIS SECTION 3

SCALE: 1"=5' HORIZ
1"=5' VERT



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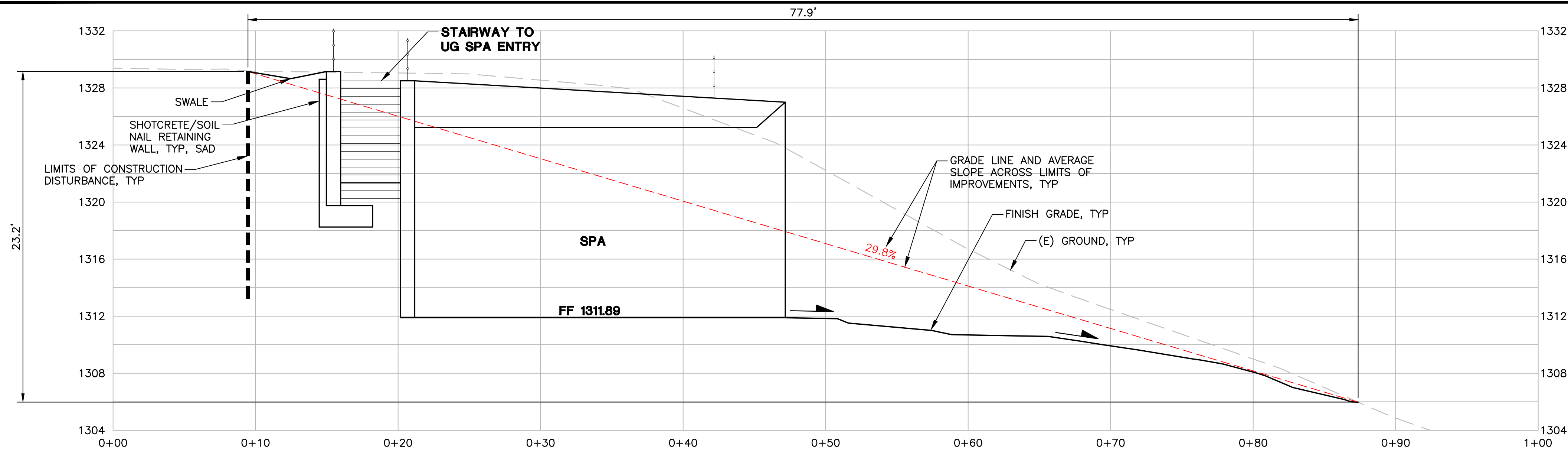
SLOPE EXHIBIT
SECTIONS

#	DATE	DESCRIPTION
A	2/28/2025	PLAN CHECK RESPONSE
A	5/07/2025	PLAN CHECK RESPONSE
	12/04/2025	PLAN CHECK RESPONSE
	12/23/2025	PLAN CHECK RESPONSE
B	4/20/2026	TREE ADDITION
	8/03/2026	TREE UPDATE

JOB NO: 2021275
SCALE: AS SHOWN
DRAWN: TF
CHECKED: MS
SHEET

SE3
SHEET 9 OF 10

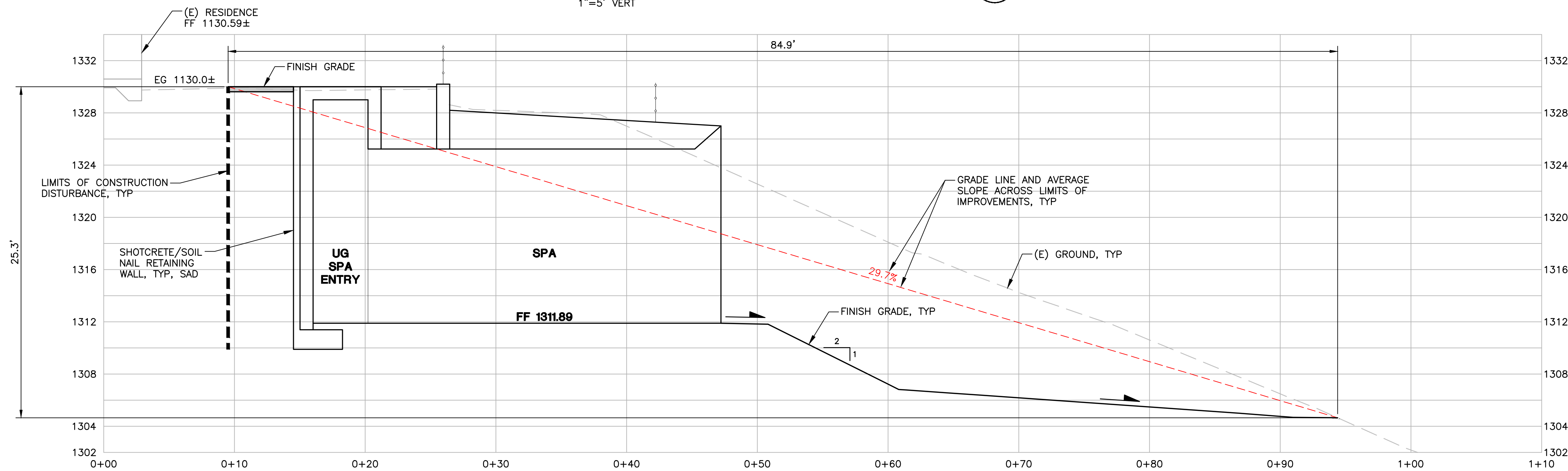
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SPA SLOPE ANALYSIS SECTION 1

SCALE: 1"=5' HORIZ
1"=5' VERT

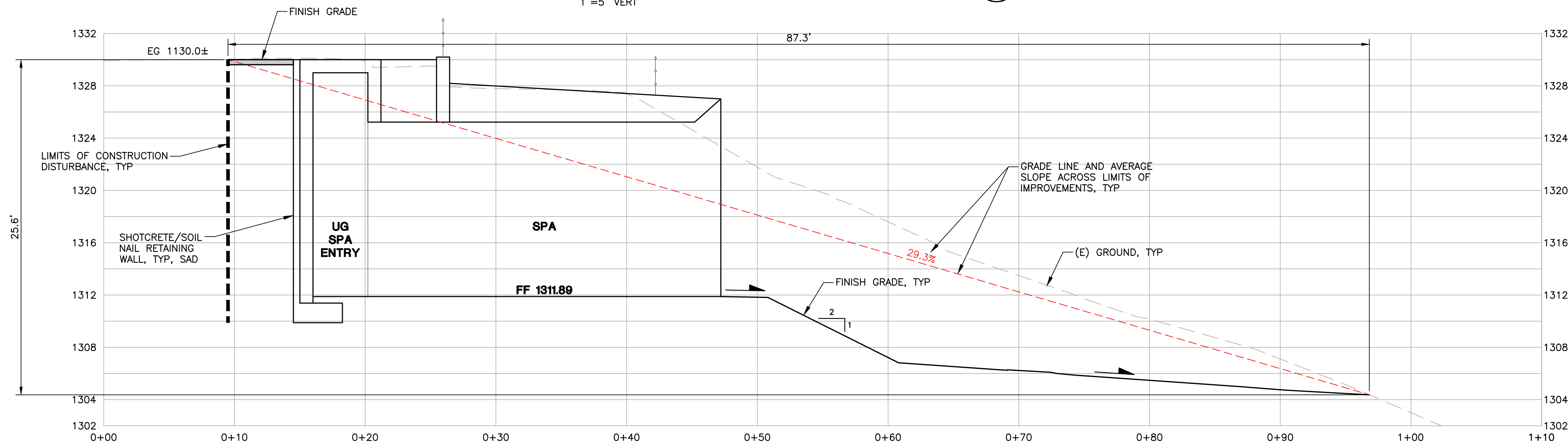
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SPA SLOPE ANALYSIS SECTION 2

SCALE: 1"=5' HORIZ
1"=5' VERT

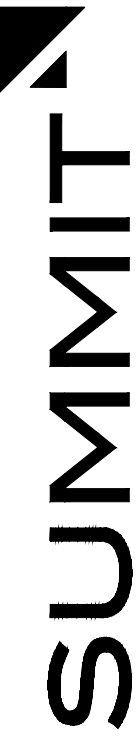
2



SPA SLOPE ANALYSIS SECTION 3

SCALE: 1"=5' HORIZ
1"=5' VERT

3



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VIEWSHED PERMIT

SLOPE EXHIBIT
SECTIONS

#	DATE	DESCRIPTION
A	2/28/2025	PLAN CHECK RESPONSE
A	5/07/2025	PLAN CHECK RESPONSE
	12/04/2025	PLAN CHECK RESPONSE
	12/23/2025	PLAN CHECK RESPONSE
	4/20/2026	TREE ADDITION
	8/03/2026	TREE UPDATE

JOB NO: 2021275
SCALE: AS SHOWN
DRAWN: TF
CHECKED: MS
SHEET

SE4
SHEET 10 OF 10



WATER AUDIT CALIFORNIA

A PUBLIC BENEFIT CORPORATION

952 SCHOOL STREET #316 NAPA CA 94559
VOICE: (530) 575-5335
EMAIL: GENERAL@WATERAUDITCA.ORG

August 4, 2026

To Napa County Planning Commission

Sent via email to: meetingclerk@countyofnapa.org

RE August 5, 2026

Agenda Item — Ponderosa One, LLC / 80 Clear Creek Road, Oakville / Viewshed Protection Program Application No. P22-00182-VIEW & Road and Street Standards Exception; APN 027-310-032 & APN 027-310-043; Planning Commission Hearing of August 5, 2026; SCH No. 2025,091008

Dear Chair and Members of the Planning Commission:

Water Audit California ("Water Audit") submits this letter in connection with the above-referenced application, which is scheduled for hearing before the Planning Commission on August 5, 2026. Water Audit is a public-interest organization concerned with the protection of groundwater and surface-water resources in Napa County, and with ensuring that land-use decisions affecting those resources comply with the public trust doctrine, California Environmental Quality Act ("CEQA"), the Napa County Code, equal application of the law and basic principles of public notice and due process.

For the reasons set forth below, Water Audit respectfully urges the Planning Commission to decline to adopt the proposed Mitigated Negative Declaration ("MND") and Mitigation Monitoring and Reporting Program ("MMRP"), and to decline to approve the Viewshed Protection Program application and the associated Road and Street Standards Exception, until the deficiencies identified in this letter are corrected. As detailed below, the record reflects (1) a defective and inconsistent public notice history spanning three separate hearing dates; (2) a project that has been mischaracterized as a ministerial Viewshed Protection Program application when its scope and scale require review as a Use Permit Major Modification; (3) Conditions of Approval that omit protective language routinely included in comparable Napa

County water-resource permits; (4) a Water Availability Analysis ("WAA") that relies on estimated rather than metered data, an admittedly hypothetical Tier 2 drawdown model, and no Tier 3 groundwater/surface-water interaction analysis, despite an undisclosed well located within close proximity of two significant, fish-bearing streams; and (5) site plans and vicinity maps that omit a project parcel, watercourses, and the wells themselves.

I. Procedural History and Notice Defects

The application's procedural history raises serious notice concerns. The project was originally noticed for a Zoning Administrator hearing on October 22, 2025, and submitted to the State Clearinghouse (SCH No. 2025,091008) for a 30-day CEQA public review period running from September 23, 2025, through October 22, 2025, (Ex. I; Ex. J). The Public Hearing Notice itself is dated September 18, 2025, and set the Zoning Administrator hearing for October 22, 2025 - the very last day of the public review period, affording no opportunity for public comment on the hearing itself before it was scheduled to occur (Ex. K). That October 22, 2025, hearing is not reflected on the County's public record, and the record indicates the hearing was abandoned without explanation.

The application then appeared on the Planning Commission's March 4, 2026 agenda without any new notice to the State Clearinghouse or the public, and that hearing was continued to a date uncertain. The application now appears for the August 5, 2026 Planning Commission hearing, again without notice to the State Clearinghouse or, so far as the County's online record reflects, to the public. The project's electronic file for P22-00182 contains no Public Hearing Notice for any of the three hearing dates (Ex. M). This pattern, repeated scheduling and rescheduling of hearings on an expanding project scope without corresponding notice, is inconsistent with CEQA's public review requirements and with basic due process for interested members of the public and neighboring water users.

Compounding this concern, the California Department of Fish and Wildlife ("CDFW") comment letter on the project is dated October 23, 2025 - one day after the local public review period closed on October 22, 2025 (Ex. L). The Conditions of Approval do not incorporate the CDFW letter by enumerated reference, discussed further below.

II. The Project Is Mischaracterized as a Viewshed Protection Program Application

The Conditions of Approval describe the project scope as an application “for construction of a 3,830 sq. ft. underground storage structure, a 6,240 sq. ft. tennis pavilion with a 1,200 sq. ft. interior Accessory Dwelling Unit adjacent to an existing tennis court and the expansion of an existing single-family residential structure consisting of a 2,700 sq. ft. underground spa and 4,350 sq. ft. of underground wine and art storage on slopes exceeding 15% and located on a ridgeline” (Conditions of Approval, p. 1) (Ex. B).

The Viewshed Protection Program ordinance, however, imposes clear size limits on the very type of expansion proposed here. Napa County Code section 18.106.040(C) provides that a project may be administratively certified and cleared for further processing only if, among other things: “If the structure is an addition to an existing residence or an agricultural structure, the total floor area, including all floors shall not exceed four thousand square feet. If the addition pertains to an accessory structure, the total floor area, including all floors, shall not exceed a combined total of two thousand five hundred square feet” (Viewshed Protection Program Application, p. 10) (Ex. A). The proposed expansion, in excess of 15,000 combined square feet across an underground storage structure, a tennis pavilion with an interior ADU, an underground spa, and underground wine and art storage far exceeds these thresholds.

The applicant submitted only two pages of the 27-page Viewshed Protection Program application form (the request/property-location page and the indemnification page); the complete form, including the size-limitation criteria quoted above, is not in the hearing packet but is available on the County's website (Ex. A). By contrast, the County's Use Permit Major Modification - Residential application form itemizes precisely the technical studies the applicant has, in fact, prepared for this project - a Water Availability Analysis, a Biological Resources Study, and vegetation removal calculations - none of which are checklist requirements of a Viewshed Protection Program application (Ex. B). The August 5, 2026 Staff Report itself acknowledges that “the size of the proposed expanded single-family residential structure and accessory structures and their location disqualify the application from being reviewed at an administrative level, pursuant to NCC §18.106.040(C)(2)(a) & (b)” (Staff Report, p. 4).

Notably, the Staff Report also does not disclose that the project includes construction of a wine and art “cave,” and no cave setback plan appears to have been prepared, notwithstanding that cave setback review is itself a standard component of the Use Permit Major Modification process. Given the scale of the proposed underground storage, spa, wine/art cave, tennis pavilion, ADU, and solar array, Water Audit submits that this project should be processed, and independently, fully reviewed under CEQA, as a Use Permit Major Modification to the existing residential use permit, not administratively cleared through the Viewshed Protection Program.

III. The Conditions of Approval Omit Protective Language Included in Comparable Permits

The proposed Conditions of Approval depart, without explanation, from language the County has included in comparable recent water-resource permits:

- **CDFW Letter Not Incorporated by Reference.** The Conditions do not incorporate the CDFW letter dated October 23, 2025, by enumerated reference, contrary to the County's practice in other use permit hearings, such as Hillwalker (August 21, 2024) (Ex. F).
- **Meter Installation and Monitoring Language Removed.** The Conditions omit the requirement that “meter installation and monitoring shall begin immediately,” language included in other recent conditions of approval, such as the Zoning Administrator's Ontrail hearing (Ex. G).
- **Groundwater Monitoring Well Language Removed.** The Conditions omit language that “on site monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project,” language included in the Castello di Amorosa and Arrow & Branch conditions of approval (Ex. H). The Conditions likewise contain no language addressing impacts to surface-water flows.
- **Groundwater Monitoring Program Is Discretionary, Not Mandatory.** The Groundwater Management Program condition provides only that “[t]he permittee's wells shall be included in the Napa County Groundwater Monitoring program if the County finds the well suitable” (Conditions of Approval, p. 12) and provides no link or protocol for reporting well data. This discretionary standard does not ensure that all four wells on the two project parcels will in fact be monitored.

- No Well C Abandonment or Flow-Restriction Provisions. The Conditions include no language addressing the abandonment status of Well C under Napa County Code section 13.12.460, and do not require flow restriction or monitoring for Well B or Well C. Condition 4.12 (“Other Conditions Applicable to the Operational Aspects of the Project”) does not treat either well as subject to a flow restrictor, monitoring, or reporting protocol.

IV. Well C: Unresolved Abandonment Status, Undisclosed Well Data, and Proximity to Steelhead Habitat

The record reflects unresolved and, in Water Audit's view, materially inconsistent treatment of “Well C,” located on APN 027-310-043.

The County's Environmental Health Services Memorandum dated November 13, 2025, treats Well C as an abandoned well and requires compliance with the County's abandoned-well ordinance and a current yield test prior to issuance of building permits (Ex. C):

“1. Any abandoned well, including the well identified as non-operational (located on APN 027-310-043-000) in the Water Availability Analysis, shall comply with Napa County Code Chapter 13, Article IV, section 13.12.460-13.12.480. ... 5. An approved water supply will be required, with a yield test conducted by a licensed well driller, pump installer, geologist, engineer or Environmental Health Specialist within the last five (5) years, and demonstrate a sustained yield as determined in Napa County Code 13.04.050.” (Environmental Health Services Memorandum, Nov. 13, 2025,, p. 1)).

Napa County Code section 13.12.460 defines an abandoned well as one that “has not been connected for service to any structure and/or not used for a period of one year,” and provides that a well is not considered abandoned only if the owner declares in writing an intention to use the well again and the well meets specified physical maintenance criteria; if a well remains abandoned, the owner is responsible for destroying it in accordance with section 13.12.480 (Ex. D). Napa County Code sections 13.04.040 and 13.04.050 further require that any water supply source demonstrate a minimum sustained yield of one gallon per minute per dwelling unit, established by a current pumping test administered or approved by the Director (Ex. E). None of these requirements is reflected in the proposed Conditions of Approval, which are

silent on Well C's abandonment status and impose no relief, destruction, or current-yield-test obligation.

The applicant's WAA describes Well C as “non-operational” and proposes that it “remain on site for potential future use” without being included in any water-demand or drawdown calculations, on the stated basis that “[n]o well completion report is available for Well C” (WAA, p. 1) (Ex. R):

“There are four existing wells on site, but only three are currently in use: Well A, Well B, and Well D. ... Well C, located on APN 027-310-043, was drilled for a proposed residence which was never built and is currently non-operational. This inactive well is proposed to remain on site for potential future use, following the criteria listed in Napa County Code 13.12.460(B) and under the condition that no groundwater extracted from the well will be used to support the proposed developments of P22-00182. ... No well completion report is available for Well C.”
(WAA, p. 1)

This representation does not appear to be accurate. A Well Completion Report for Well C is on file with the County's Environmental Data Resource records under Permit No. E09-00462, reflecting a well drilled to a total depth of 318 feet, with an estimated air-lift yield of 30 gpm over a three-hour test conducted in December 2009, and total drawdown recorded as “N/A” (Ex. S). The associated well location sketch places Well C approximately 855 feet from Campbell Creek (Ex. S). Water Audit's review of aerial imagery places the well approximately 822 feet from Campbell Creek (Ex. T). Campbell Creek is a tributary to Dry Creek and is documented steelhead rearing habitat, the subject of an active fish-passage restoration project by the Napa County Resource Conservation District (Ex. U):

“One of the projects Napa RCD is partnering with the Napa County Department of Public Works and Napa County Flood Control and Water Conservation District on is to replace a culvert that is a fish barrier on Campbell Creek, a tributary to Dry Creek, located in the Napa River Watershed.” (Napa RCD, *Breaking Barriers: Campbell Creek Culvert Removal*, July 5, 2023).

Because an existing, permitted well capable of producing water is located within roughly 850 feet of a fish-bearing tributary, and because that well's status as “non-operational” rather than

formally “abandoned” and destroyed remains legally unresolved, the WAA's exclusion of Well C from its groundwater and surface-water interaction analysis is not adequately supported. The California Department of Water Resources' own well-location mapping tool identifies only one well (Well A) associated with these parcels, underscoring the incompleteness of the well inventory available to reviewers and neighboring property owners alike (Ex. W).

V. The Water Availability Analysis Does Not Support the Findings Required for Approval

CEQA and the County's own Water Availability Analysis guidance contemplate a tiered analysis supported by actual data. Here, each tier is compromised by the same underlying problem: the absence of metered or tested data, substituted with estimates and assumptions.

Tier 1 (Groundwater Recharge). The WAA's Tier 1 conclusion - that estimated project water use of 4.49 acre-feet/year represents only 27.9% of an estimated 16.60 acre-feet/year of average annual recharge (WAA, p. 6) - rests entirely on estimated rather than measured recharge and demand figures, because, as the WAA itself acknowledges, “historical flow meter data is not available for the property” (WAA, p. 2) (Ex. N). The Proposed Domestic Water Demand calculations further appear to omit water use associated with the new spa building's pools, showers, and bathrooms (Ex. O), and the WAA does not identify the water source, capacity, or siting of any of the existing water storage tanks on either parcel, nor the location of a dedicated fire-storage water tank relative to the emergency vehicle turnaround (Ex. P).

Tier 2 (Well Interference / Drawdown). The Tier 2 analysis is expressly hypothetical. The WAA states that, “[d]ue to the limited data on the aquifer, assumed values that would yield a conservative drawdown estimate were selected from [the] Napa County Water Availability Analysis guideline” (WAA, p. 6)), and further asserts that “the proposed project results in no net increase in groundwater use, meaning the project complies with the 2024 Interim Napa County Well Permit Standards and WAA Requirements irrespective of the project wells' impact on neighboring wells” (WAA, p. 8)). No Well Location Map and no well completion reports for neighboring (off-parcel) wells are included, so the assumption that the nearest neighboring well sits at the parcel boundary cannot be verified (Ex. N). The Theis drawdown model included as Enclosure I bears no date, time of day, or identification of the person who performed it (Ex. V),

and the underlying air-lift yield tests for Wells A through D are all more than a decade old and each records total drawdown as “N/A”: Well A (2011, two-hour test, 60 gpm), Well B (2009, three-hour test, 23 gpm), Well C (2009, three-hour test, 30 gpm), and Well D (2006, two-hour test, 25 gpm).

Tier 3 (Groundwater/Surface-Water Interaction). The WAA concludes that a Tier 3 analysis is not required because proposed flow restrictors on Wells A and D will “reduce harm relative to current conditions” for wells located within 1,500 feet of a significant stream (WAA, p. 8) (Ex. N). This analysis addresses only the CEQA baseline and does not address either the obvious increase in demand or the existing potential impairment and therefore is *prima facie* inadequate. Well B is represented to sit outside the 1,500-foot buffer, and Wells A and D are placed at approximately 668 feet and 157 feet from significant streams. But this analysis, even if accepted, by its own terms addresses only Wells A, B, and D; it does not address Well C, which by the County's own well-completion record sits approximately 850 feet from Campbell Creek, squarely within the 1,500-foot buffer that triggers Tier 3 review. No destruction, flow restriction, monitoring, or Tier 3 analysis has been proposed for Well C.

Taken together, the WAA's Tier 1 conclusion of surplus recharge cannot resolve the absence of Tier 2 field data or the absence of Tier 3 analysis. A determination that adequate water is available for this project, and that groundwater pumping will not adversely affect Dry Creek and Campbell Creek's steelhead rearing habitat, is not adequately supported on this record.

VI. Site Plans and Vicinity Maps Omit a Project Parcel, Watercourses, and Wells

The project's own graphics compound these data gaps. The Vicinity Map accompanying the application depicts blueline streams tributary to Dry Creek but omits APN 027-310-043 altogether — the parcel to which excavation spoils will be transported, across which project driveway access runs, and on which Well C and Well D are located (Ex. N). The entire southern boundary of APN 027-310-043 is adjacent to Dry Creek itself (Ex. X). The Overall Site Plan erases the parcels' perimeter topographic contours, omits the blueline streams (Dry Creek and Campbell Creek), and does not depict the distances between the wells, the septic disposal fields, and the watercourses (WAA, pp. 13–14) (Ex. N). Without this information,

neither the Planning Commission nor the public can independently verify the proximity representations on which the WAA's Tier 3 exemption depends.

VII. Requested Actions

For the foregoing reasons, Water Audit respectfully requests that the Planning Commission:

- Decline to adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program on the current record, and instead continue the hearing pending re-notice to the State Clearinghouse and the public consistent with CEQA;
- Direct staff to evaluate whether the project must be processed as a Use Permit Major Modification, given the scale of the proposed expansion relative to the size limitations in Napa County Code section 18.106.040(C) and the technical studies staff itself has required;
- Require that the Conditions of Approval incorporate the CDFW letter of October 23, 2025, by enumerated reference, restore mandatory metering, monitoring, and monitoring-well language consistent with comparable permits (Ex. F, G, H), and make inclusion of all project wells in the County's Groundwater Monitoring program mandatory rather than discretionary;
- Require resolution of Well C's status under Napa County Code section 13.12.460 — either formal abandonment relief supported by current well condition data, or destruction of the well in accordance with section 13.12.480 — before any approval is granted;
- Require a complete Tier 2 analysis supported by current, dated, and qualified yield and drawdown testing for all four wells, and a Tier 3 groundwater/surface-water interaction analysis for Well C given its proximity to Campbell Creek steelhead habitat; and
- Require revised Vicinity Maps and Site Plans that include APN 027-310-043 in its entirety, all blueline streams, and the distances between all wells, septic disposal fields, and watercourses on both parcels.

Water Audit appreciates the Commission's consideration of these comments and respectfully requests that this letter and its attached exhibits be made part of the administrative record for this application.

Respectfully submitted,



William McKinnon
General Counsel
Water Audit California

See attached Exhibits A-X:

- Ex. A — Napa County Viewshed Protection Program Application (27 pp.) and NCC §18.106.040(C)
- Ex. B — Napa County Use Permit Major Modification – Residential Application Form
- Ex. C — Environmental Health Services Memorandum, November 13, 2025,
- Ex. D — Napa County Code §§13.12.460–13.12.480 (Abandoned Wells / Destruction of Wells)
- Ex. E — Napa County Code §§13.04.040–13.04.050 (Minimum Sustained Yield / Determination of Yield)
- Ex. F — Hillwalker Conditions of Approval, August 21, 2024 (CDFW letter incorporation example)
- Ex. G — Ontrail Zoning Administrator Hearing Conditions (metering/monitoring language example)
- Ex. H — Castello di Amorosa and Arrow & Branch Conditions of Approval (monitoring well language example)
- Ex. I — State Clearinghouse Project Homepage Summary, SCH No. 2025,091008
- Ex. J — Notice of Completion, Local Public Review Period (Sept. 23 – Oct. 22, 2025,)
- Ex. K — State Clearinghouse Public Hearing Notice, dated September 18, 2025,
- Ex. L — CDFW Comment Letter, dated October 23, 2025,
- Ex. M — Napa County Project Folder Records, P22-00182 (absence of Public Hearing Notices)
- Ex. N — Water Availability Analysis, Vicinity Map and Overall Site Plan (pp. 13–14)
- Ex. O — Water Availability Analysis, Proposed Domestic Water Demand Calculations
- Ex. P — Water Availability Analysis, Water Storage Tank / Fire Storage Information
- Ex. Q — Project Plans Depicting Spa, Wine and Art Cave, and Tennis Pavilion
- Ex. R — Water Availability Analysis, p. 1 (Well Inventory and Well C Discussion)

- Ex. S — Well Completion Report, Permit No. E09-00462 (“Well C”)
- Ex. T — Aerial Distance Measurement, Well C to Campbell Creek
- Ex. U — Napa RCD, “Breaking Barriers: Campbell Creek Culvert Removal,” July 5, 2023
- Ex. V — Water Availability Analysis, Enclosure I (Theis Drawdown Model)
- Ex. W — California Department of Water Resources Well Location Mapping Tool Output
- Ex. X — Parcel Map, APN 027-310-043 Southern Boundary (Dry Creek)

COUNTY OF NAPA
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

VIEWSHED PROTECTION PROGRAM

APPLICATION PACKET

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

NOTE:

PLEASE INCLUDE THREE COPIES OF
ALL REQUIRED APPLICATION MATERIALS SUBMITTED.

VIEWSHED PROTECTION PROGRAM

APPLICANT'S CHECKLIST

1. ☐ Completed and Signed Application and Indemnification Form*

*A signed Indemnification Form will only be required if a public hearing is conducted (i.e. if this is an item before the Zoning Administrator or Commission).

2. ☐ Vicinity Map
3. ☐ Proposed Site Plan
4. ☐ Topographic Map/Preliminary Grading Plan
5. ☐ Building/Structural Elevations
6. ☐ Landscaping and/or Vegetation Retention Plan
7. ☐ Exterior Lighting Plan
8. ☐ Visual Impact Analysis
9. ☐ Title Insurance Company Certified List of Adjoining Property Owners within 1000 feet
9. ☐ Application Fee of \$_____ (to be determined at time of Pre Application meeting) (Napa County Policy Manual, Part 3 § 80.050). Checks made payable to the County of Napa.

Note:

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



A Tradition of Stewardship
A Commitment to Service

FILE # _____

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

APPLICATION FOR VIEWSHED PROTECTION PROGRAM

FOR OFFICE USE ONLY

ZONING DISTRICT: _____
TYPE OF APPLICATION: _____
REQUEST: _____

DATE SUBMITTED: _____
DATE PUBLISHED: _____

Project Type: Structure _____ Driveway _____ Road _____ Reservoir _____ Mass Grading _____ Other _____

Other Permits Applied/Pending/Required:

ECP _____ Grading Permit _____ Use Permit _____ Variance _____

SDSDS _____ Groundwater Permit: _____

_____ # _____ # _____ # _____ # _____ # _____

Review Agencies: PBES: X County Consultant: _____ Name/Contact: _____

Final Approval: PBES X Date: _____ / _____ / _____ Conditions: Yes _____ No _____

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

Applicant's Name: _____

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

Mailing Address: _____
No. Street City State Zip

Status of Applicant's Interest in Property: _____

Property _____ Owner's _____ Name: _____

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

Mailing Address: _____
No. Street City State Zip

Site Address/Location: _____
No. Street City State Zip

Assessor's Parcel #: _____ - _____ - _____ Parcel Size: _____ acres Development Area Size: _____ acres

Slope Range of Development Area: _____ % to _____ %

(NOTE: Contour map/survey is required for all development areas with an estimated slope of 15% or greater and for all road/driveway projects, Contour map must include all areas within 100' of the cut and fill edges. Percent slope shall be calculated and presented as whole numbers. (Please see attached Slope Determination Methodology)

I hereby certify that all the information contained in this application, including but not limited to, this application form, the supplemental information sheets, site plan, plot plan, cross sections/elevations, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for evaluation of this application and preparation of reports related thereto, including the right of access to the property involved.

_____/_____/_____
Signature of Applicant Date Signature of Property Owner Date

Print Name Print Name

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

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

INDEMNIFICATION AGREEMENT

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

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

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

Applicant

Property Owner (if other than Applicant)

Date

Project Identification

VIEWSHED PROTECTION PROGRAM

APPLICATION COMPLETENESS REQUIREMENTS AND CHECKLIST

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

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

ADJOINING PROPERTY OWNER LIST REQUIREMENTS

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

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

INSTRUCTIONS TO TITLE COMPANY

Please prepare the property owners' list as follows:

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

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

Chapter 18.106 - VIEWSHED PROTECTION PROGRAM

18.106.010 - Purpose.

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

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

18.106.030 - General provisions.

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

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

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

18.106.040 - Projects subject to administrative review.

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

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

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

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

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

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

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

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

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

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

18.106.060 - Required public and private notification.

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

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

18.106.070 - Exceptions.

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

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

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

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

VIEWSHED PROTECTION DESIGN MANUAL

VIEWSHED PROTECTION PROGRAM

A. Purpose.

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

B. General Requirements and Conventions.

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

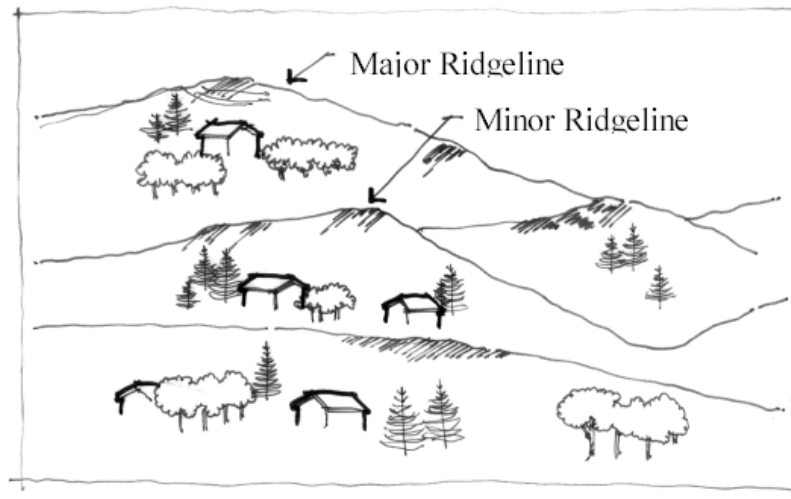
- e. Include a sufficient irrigation, maintenance and monitoring program designed to provide species requirements as well as protect against sedimentation, soil loss and land sliding;

5. Exterior and landscape lighting applications shall be:

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

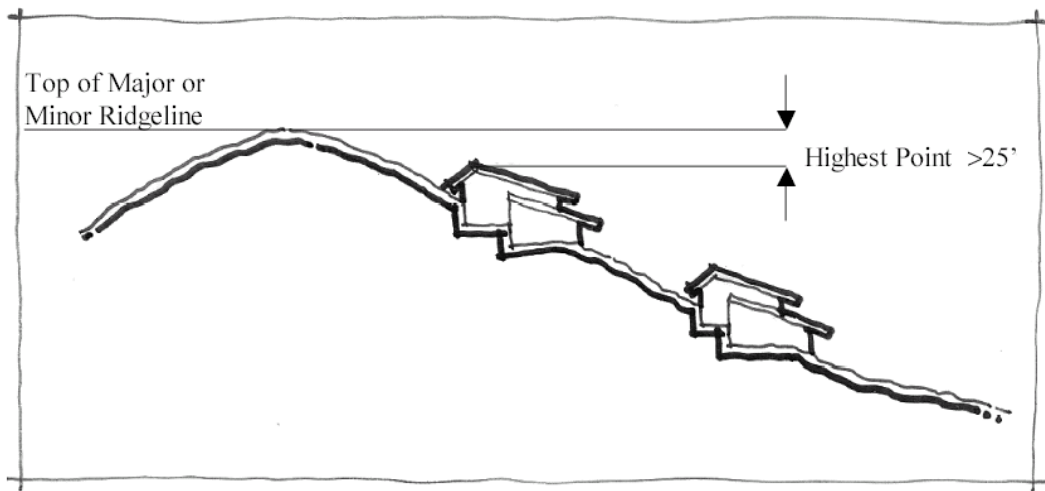
C. Graphical examples.

1. Major and minor ridgelines:



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

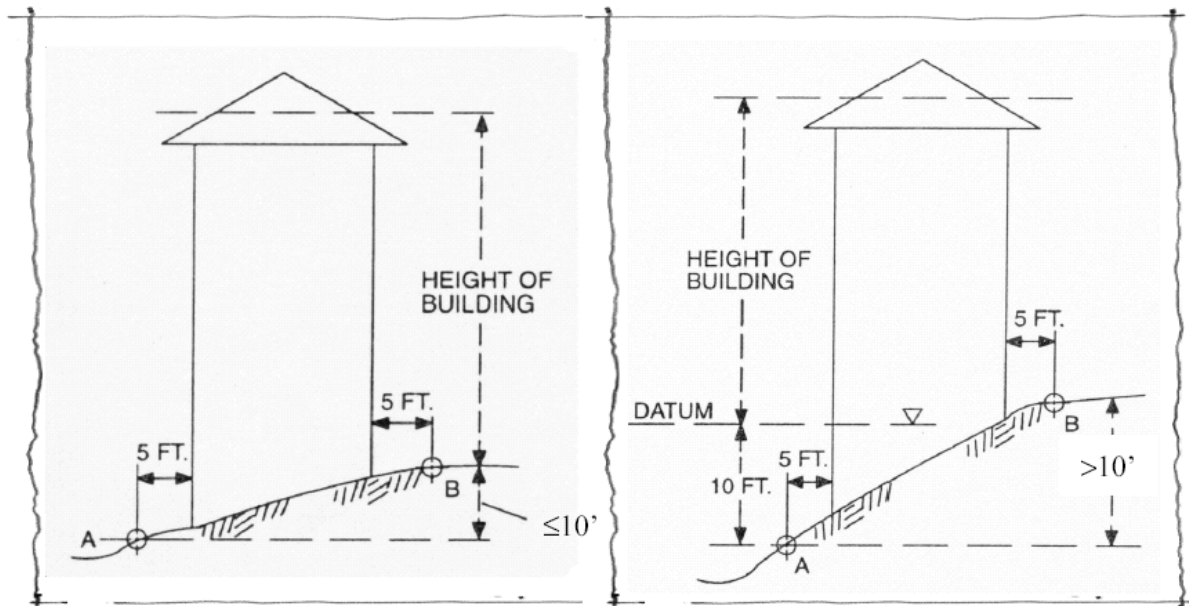
2. Restricted development area for administrative review:



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

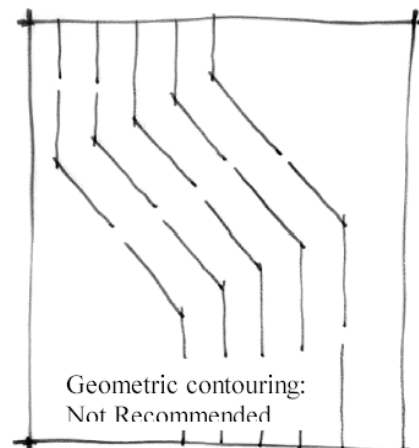
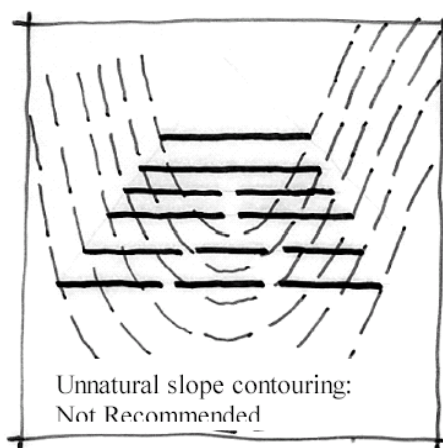
that section are met, including that the highest point of the proposed structure is located more than 25' below a major or minor ridgeline.

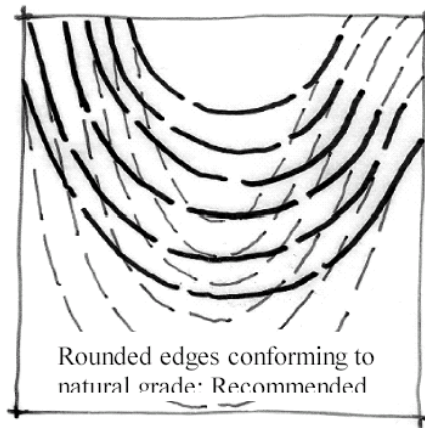
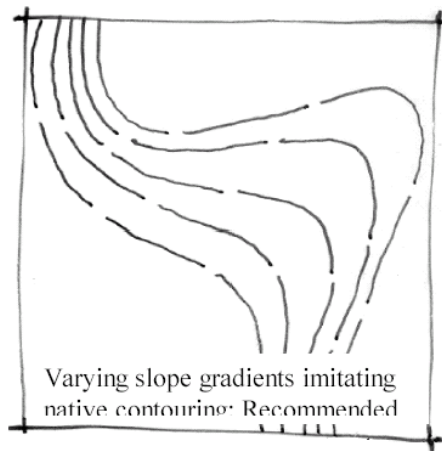
3. Determining height of a building:



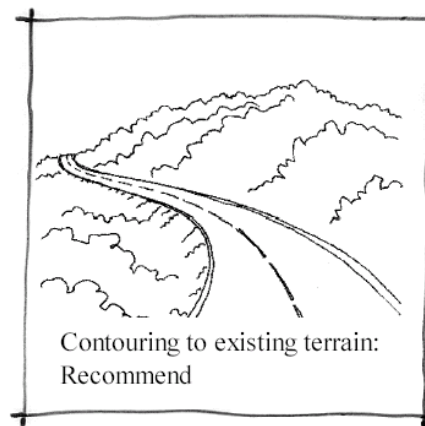
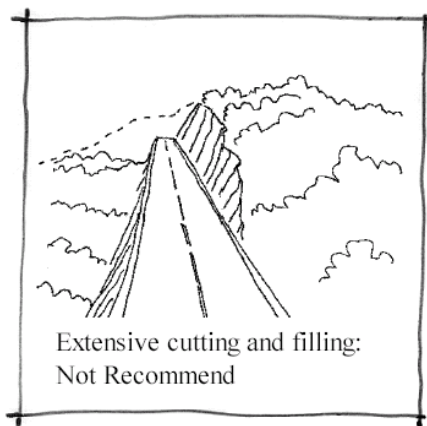
- a. Height of a building is the vertical distance above the highest point of the coping of a flat roof or deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be either of the following, whichever yields the greater height of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

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

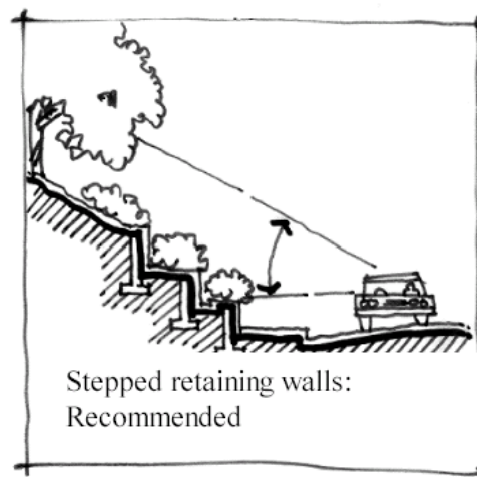
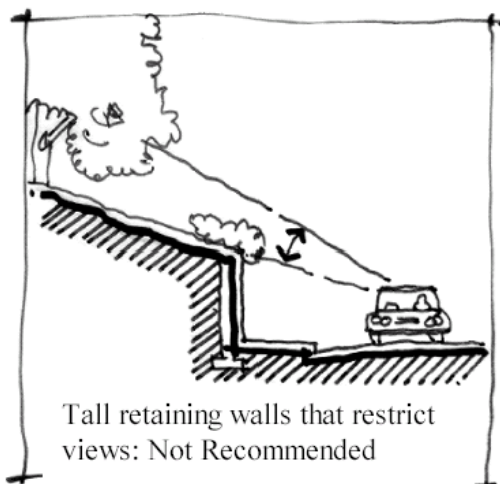


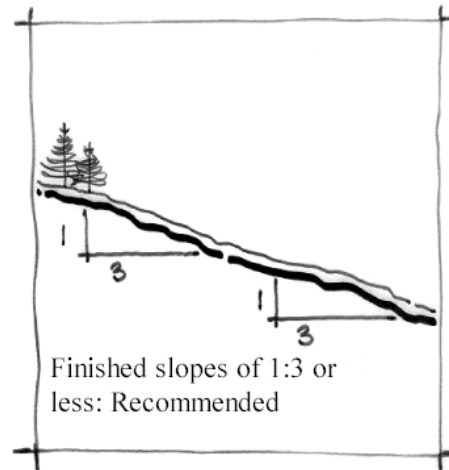


- a. Finished cut and fill slopes shall be constructed to blend with the existing landscape, curving with the natural contour of the land, avoiding straight lines and/or geometric patterns;



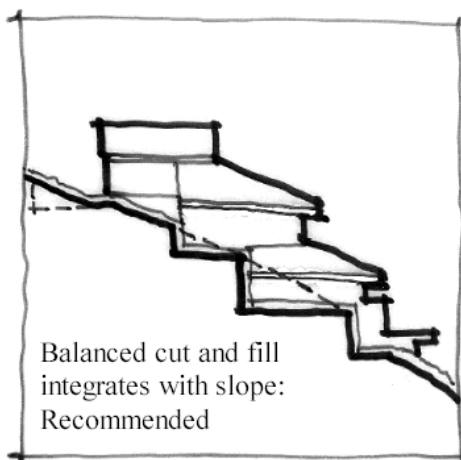
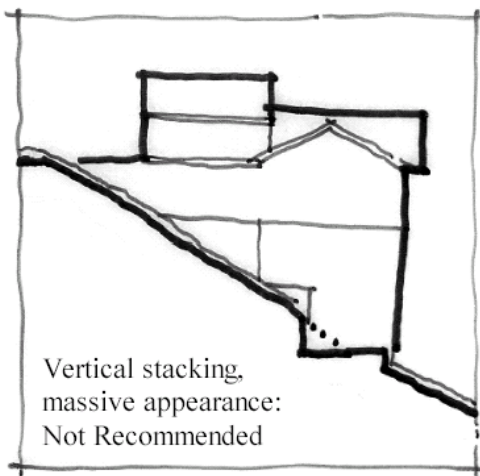
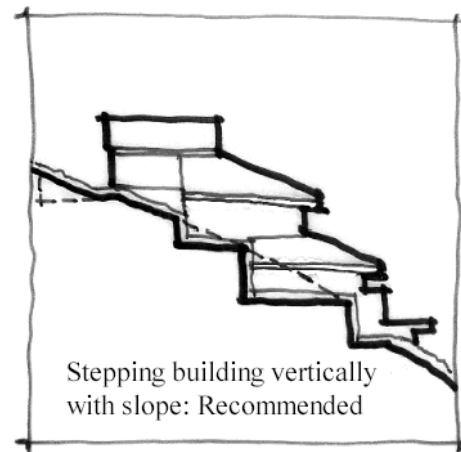
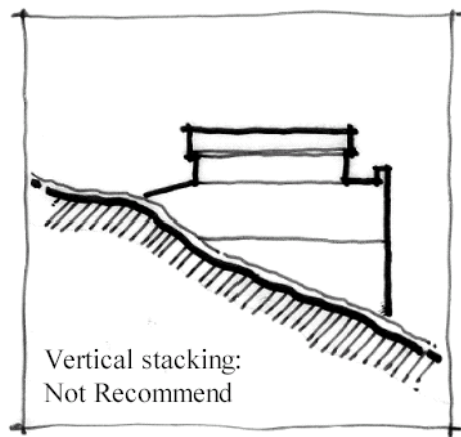
- b. Unwarranted cutting and filling should be avoided when constructing roads, driveways and other related structures, using measures such as laterally balancing cut and fills, alignment with natural contours and restricting development to gentle climbing gradients;

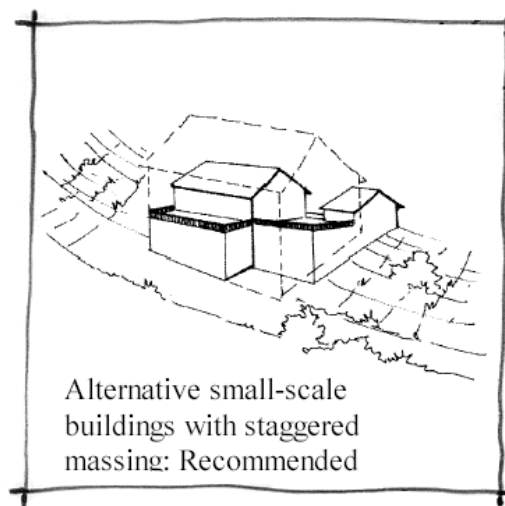
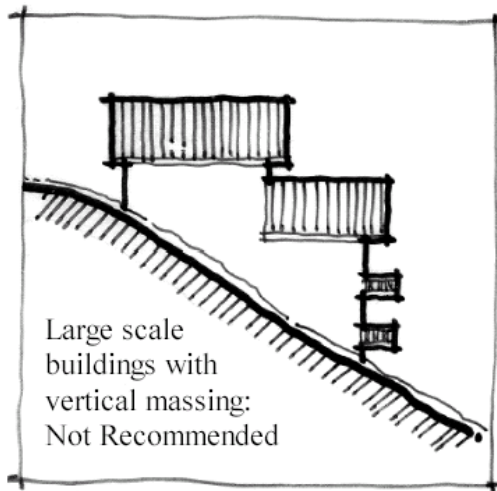




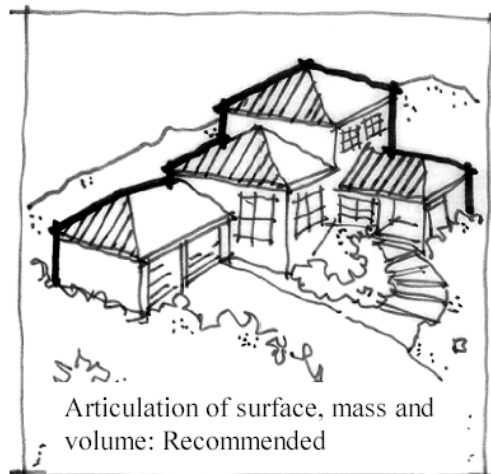
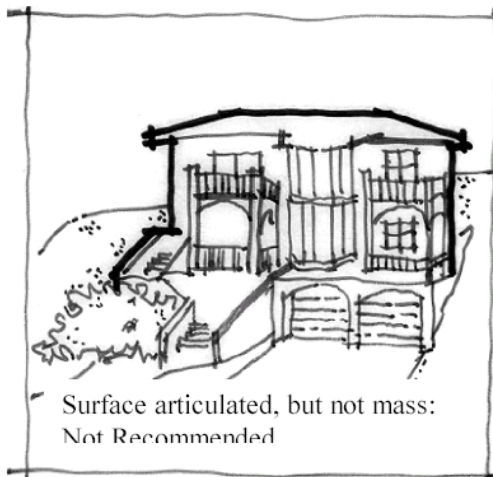
- c. Retaining walls along roadways or associated with structural developments should be stepped and terraced incrementally, avoiding tall flat surfaces that restrict views and slopes steeper than 1:3;

5. Building design, massing and configuration:

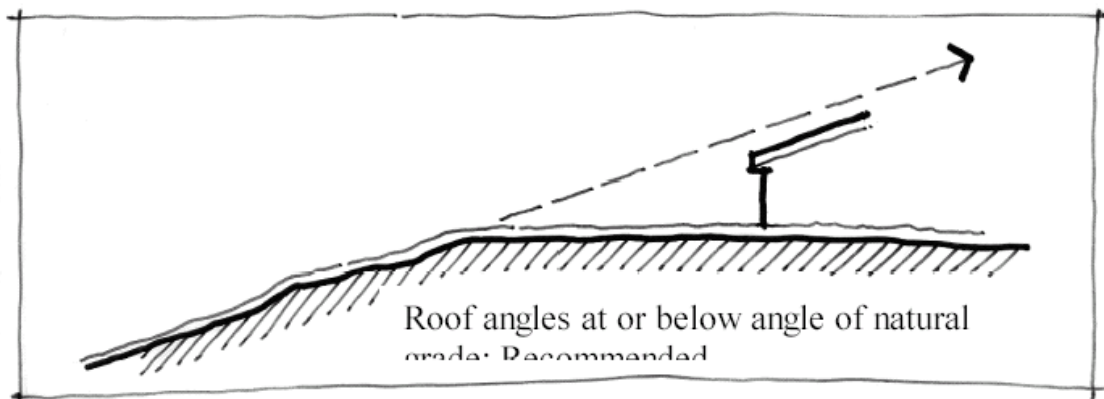
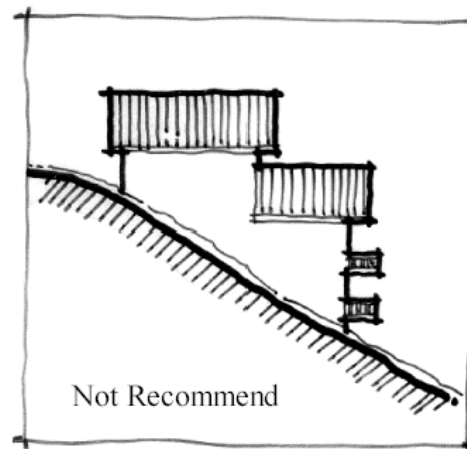
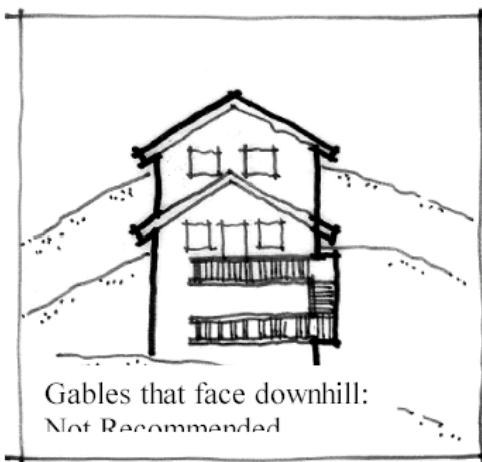
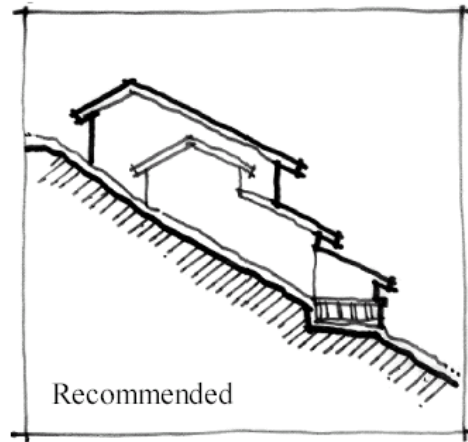
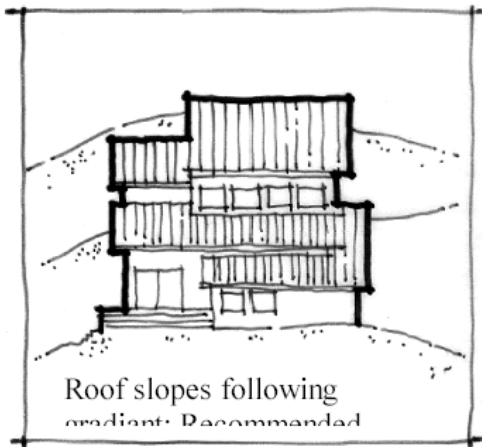




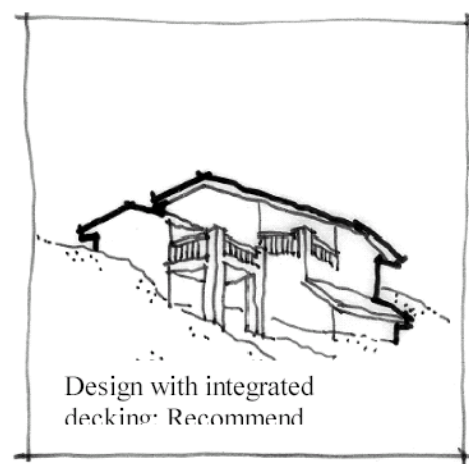
- a. Small scale and low in height construction is recommended, conforming with hillside topography by stepping or staggering the mass of the proposed structure up or down slope, avoiding flat pad construction;
- b. Maintain a balance of scale and proportion using design components which are harmonious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



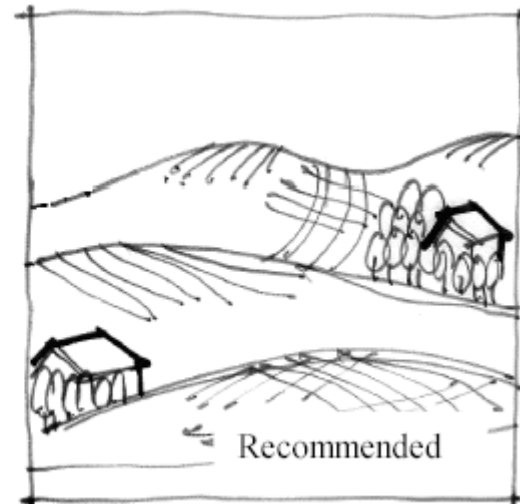
- c. Building shall ensure articulated walls and utilize reveals, cornice detailing, alcoves or other features which breakup the scale of the building. Uses of projections, trellises, landscaping or other devices which in total serve to break up long, continuous building walls is encouraged;



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

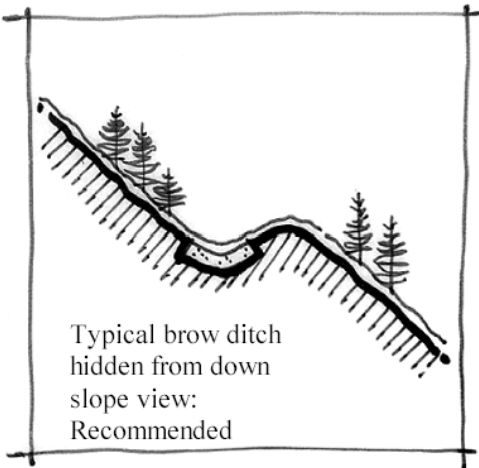
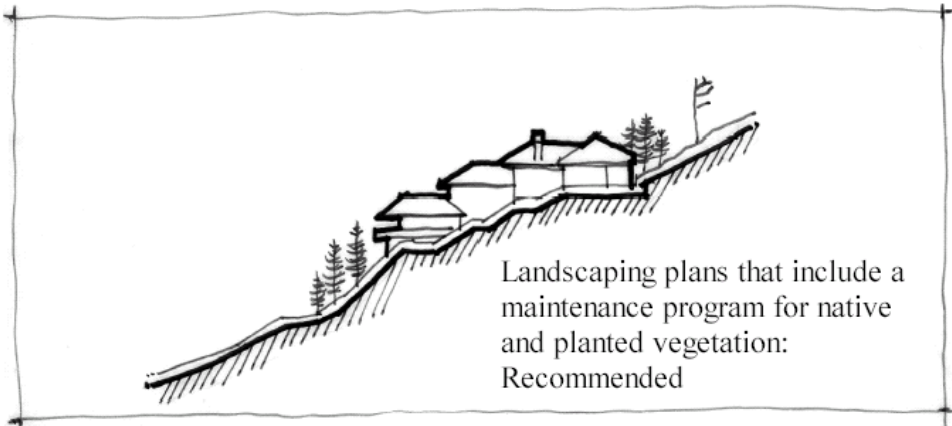
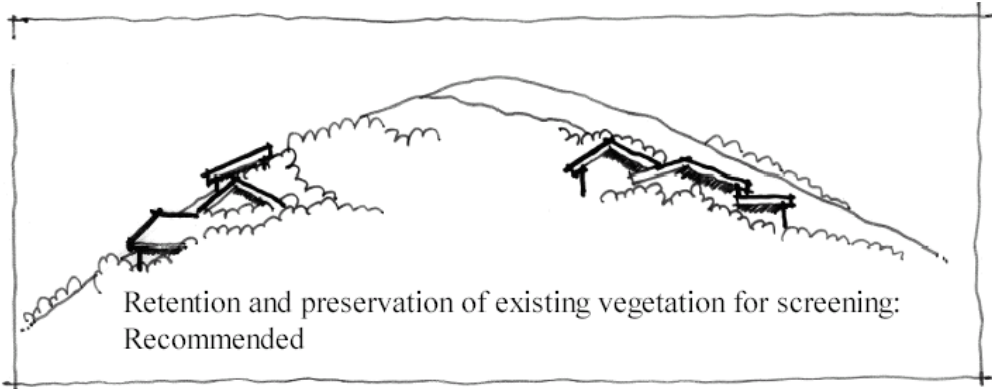


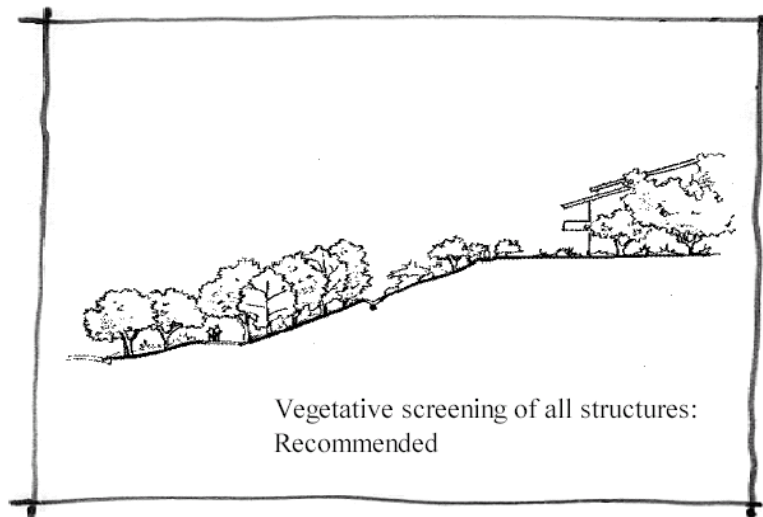
- f. Installation of decking that is integrated into the building is recommended over that which is attached or tacked on to exterior walls;
- g. To the greatest extent possible, structural elements, building materials and color tones shall blend artificial surfaces with surrounding native elements;



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

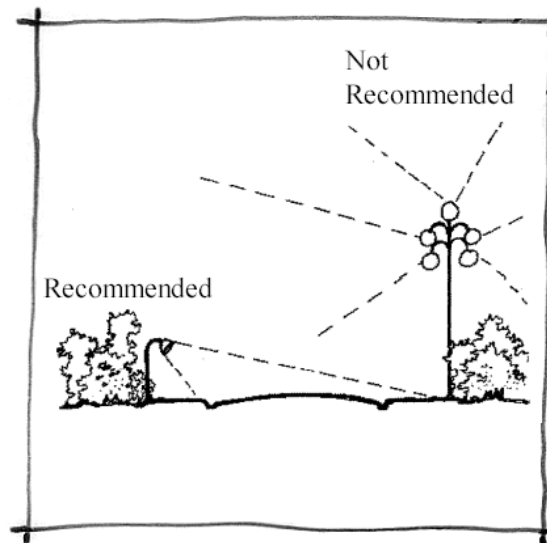
6. Landscape planning and vegetation preservation:





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

7. Exterior lighting of structures and landscaping:



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

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

SLOPE DETERMINATION METHODOLOGY
VIEWSHED PROTECTION PROGRAM

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

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

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

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

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

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

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

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

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

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

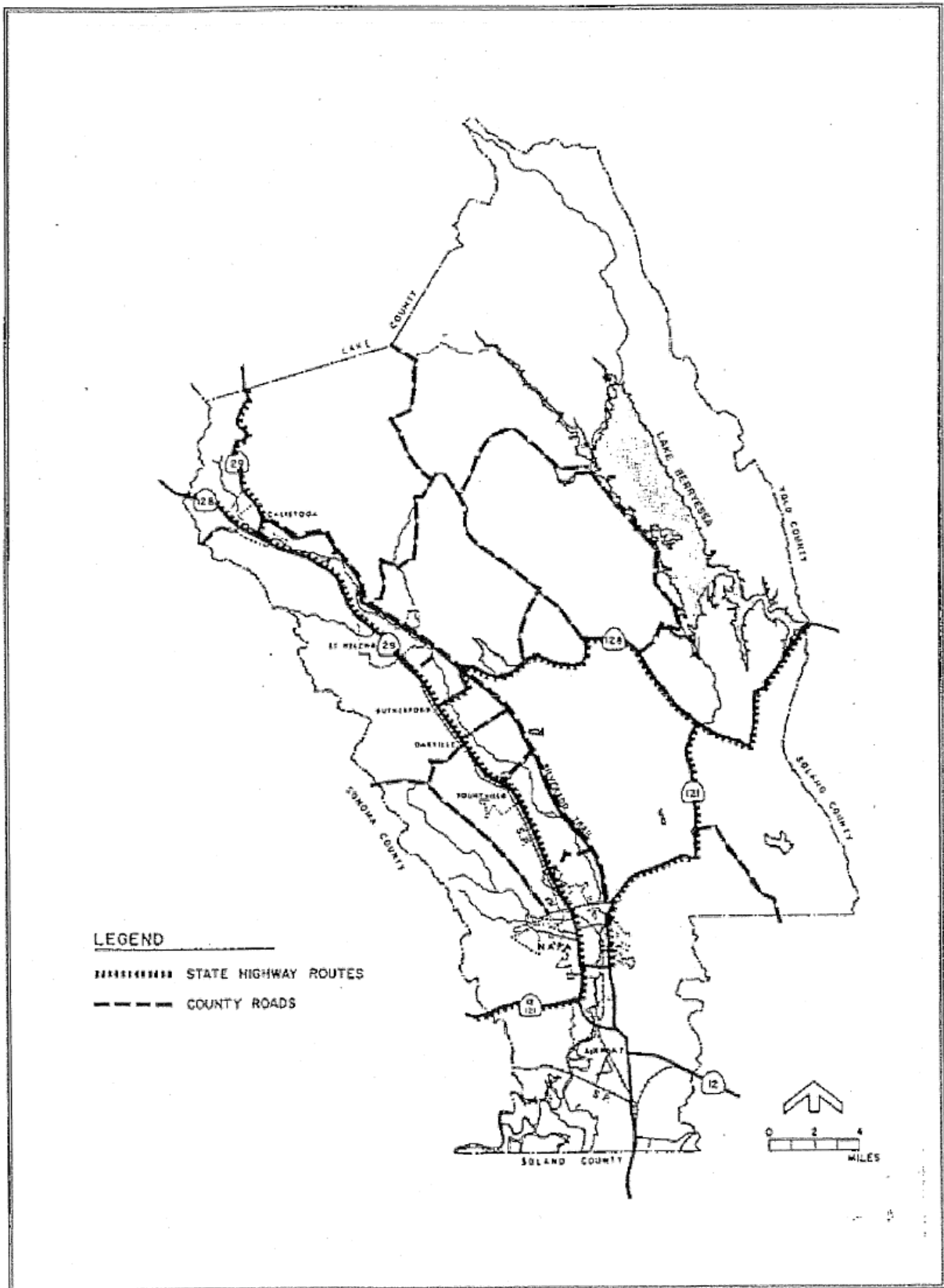
The slope determination will be made by evaluating a site plan with a scale of 1"=200' or greater. When the project involves less than 30 acres contour intervals of 20 feet or less shall be used. When the project involves more than 30 acres, contours intervals of 5 feet or an interval acceptable to the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

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

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

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

FIGURE 75: CANDIDATES FOR SCENIC HIGHWAY DESIGNATION



DESIGNATED PUBLIC ROADS

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

COUNTY ROADS

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

STATE HIGHWAYS

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

VIEWSHED UPDATES

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

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

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

Exhibit B

VIEWSHED PROTECTION PROGRAM

APPLICANT'S CHECKLIST

1. ☐ Completed and Signed Application and Indemnification Form*

*A signed Indemnification Form will only be required if a public hearing is conducted (i.e. if this is an item before the Zoning Administrator or Commission).

2. ☐ Vicinity Map
3. ☐ Proposed Site Plan
4. ☐ Topographic Map/Preliminary Grading Plan
5. ☐ Building/Structural Elevations
6. ☐ Landscaping and/or Vegetation Retention Plan
7. ☐ Exterior Lighting Plan
8. ☐ Visual Impact Analysis
9. ☐ Title Insurance Company Certified List of Adjoining Property Owners within 1000 feet
9. ☐ Application Fee of \$_____ (to be determined at time of Pre Application meeting) (Napa County Policy Manual, Part 3 § 80.050). Checks made payable to the County of Napa.

Note:

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

COUNTY FORM (Use Permit) Major/Minor Residential

NAPA COUNTY Planning, Building and Environmental Services



A Tradition of Stewardship
A Commitment to Service

ONLY PERMIT MAJOR RECONSTRUCTION APPLICATIONS
NON-RESIDENTIAL & RESIDENTIAL USES

1

Return this form to the applicant:

Return your application to the Planning and Development Department, 1000 Main Street, Napa, CA 94559, or to the Planning and Development Department, 1000 Main Street, Napa, CA 94559, or to the Planning and Development Department, 1000 Main Street, Napa, CA 94559.

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☐ 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/WQTPC-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.



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A Commitment to Service

Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

Brian Bordona
Director

MEMORANDUM

MSB

To: Trevor Hawkes, Project Planner	From: Maureen S. Bown, Senior Environmental Health Specialist
Date: November 13, 2025	80 Clear Creek Road, Napa APN 027-310-032-000 Use permit P22-00182 Viewshed

This Division has reviewed a viewshed application for residential accessory use, as depicted in application materials. We have no objection to approval of the viewshed application with the following conditions of approval:

1. Any abandoned well, including the well identified as non-operational (located on APN 027-310-043-000) in the Water Availability Analysis, shall comply with Napa County Code Chapter 13, Article IV, section 13.12.460- 13.12.480.

Prior to issuance of building permits:

1. A site evaluation must be performed by a qualified professional to determine size and type of septic system (or addition to and/or alteration of your septic system) that will be required for your project. A list of qualified professionals that perform site evaluations is available on the County website, <https://www.countyofnapa.org/DocumentCenter/View/3935/Site-Evaluation-Professional-List-PDF>. The site evaluation fee must be paid prior to the test being performed.
2. If the site evaluation does not meet the requirements for a Conventional Onsite Wastewater Treatment System, then an Alternative Sewage Treatment System Septic design plan from a licensed civil engineer or a Registered Environmental Health Specialist must be submitted and approved by this Department.
3. Plans for an onsite wastewater system shall be submitted for review and approval. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be approved until such plans are approved by this Division.
4. A permit to construct the onsite wastewater system_ must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.
5. An approved water supply will be required, with a yield test conducted by a licensed well driller, pump installer, geologist, engineer or Environmental Health Specialist within the last five (5) years, and demonstrate a sustained yield as determined in Napa County Code 13.04.050.
6. All existing well(s) must be properly protected from potential contamination. If the existing well(s) is to be destroyed, a well destruction permit must be obtained from this Division by a licensed well driller.

Article IV. - Destruction of Abandoned Wells

Exhibit D

13.12.460 - Abandoned wells.

- A. The owner of any property shall be responsible for destroying any abandoned well located thereon. A well is considered to be abandoned when it has not been connected for service to any structure and/or not used for a period of one year. An abandoned well also includes a well which is in such a state of disrepair that no water can be produced.
- B. The well will not be considered abandoned if all of the following occur: (1) the owner declares his or her intention to the director, in writing, to use such well again for supplying water or for other approved purposes, (2) the well has no defects in construction which would cause pollution or contamination to the ground water by surface water, (3) the well is covered with a safe well cover, (4) the well is marked so as to be clearly seen, and (5) the ground area surrounding the well is sloped away from the casing and kept clear of brush and debris.

(Ord. 1159 § 1 (part), 1999)

13.12.480 - Destruction of wells.

- A. Prior to destroying a well, a detailed evaluation and report on the well shall be submitted to the director by a licensed well driller (as defined in Section 13.12.250). Such report shall indicate the type of well to be sealed, all known information of the geological conditions of the soil, and the methods and material to be used in the destroying and sealing process. The methods and materials used in destroying wells shall be such that the ground water is protected from pollution or contamination.
- B. When a water well or an abandoned water well is to be destroyed, it shall be destroyed as follows:
 - 1. Any obstructions in said well, including pipes, pump, etc. shall be removed when possible.
 - 2. As much casing shall be removed as possible, but not less than three feet below grade or as determined by the director.
 - 3. The well shall be filled with concrete, or "p" gravel to thirty feet or below the first impervious layer (if known), whichever is deeper. If the well is less than thirty feet deep, proceed to step 4.
 - 4. Fill well with concrete, neat cement or sand-cement grout to surface.
 - 5. The placement of the material shall be done in such a way as to assure a dense seal, free of voids, in order to exclude surface water. Gravity installation of sealant without the aid of a tremie or grout pipe shall not be used unless the interval to be sealed is dry.
- C. For the destruction of monitoring wells, cathodic protection wells or exploratory holes, refer to Bulletin 74-90 for requirements.

(Ord. 1159 § 1 (part), 1999)

13.12.490 - Alternative well or test hole destruction methods.

Other methods of destroying wells, including large diameter wells and wells considered to pose a higher degree of risk to the ground water, may be approved by the director if in his opinion an equivalent effect will result, and no contamination or pollution to the ground water will occur.

(Ord. 1159 § 1 (part), 1999)

13.04.040 - Minimum sustained yield for individual supply.

The source of an individual water supply system shall have a sustained yield (as determined by Section 13.04.050) of not less than one gallon per minute per each dwelling unit.

(Ord. 1159 § 1 (part), 1999)

13.04.050 - Determination of yield.

- A. The determination of yield of any water supply source shall be made by continuous pumping until the production rate is established and the drawdown level stabilized for at least one hour. Wells with less than five gallons per minute shall be tested at maximum production for at least four hours. Other methods for the determination of yield may be required by the director and must receive prior approval by the director.
- B. The determination of yield of any water source under this division shall be made by the director and shall be supported by a record of tests performed by a person duly licensed to perform such tests in the state of California. The expense of such testing shall be borne by the applicant or the applicant's agent.
- C. The sustained yield of any water source shall be measured by bailing, pumping, air lifting, or by any manner that is generally accepted within the well-drilling industry. Determination of the sufficiency of such measurement and of the supporting records, however, shall rest solely with the director. If a water source cannot maintain a minimum sustained yield as referenced in Section 13.04.040, it shall not be considered an approved water source. Water sources may not be combined for the purpose of meeting the required minimum sustained yield.

(Ord. 1159 § 1 (part), 1999)

(Ord. No. 1374, § 3, 9-11-2012)

4.10 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 February 11, 2026, and their SRA Road Exception Evaluation Memorandum dated July 8, 2025.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated November 13, 2025.

Recommended Conditions of Approval
80 Clear Creek Viewshed Protection Program Application; P22-00182-VIEW

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- c. Fire Department operational conditions as stated in their Inter-Office Memo dated May 8, 2025.

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.

4.11 OPERATIONAL MITIGATION MEASURES [RESERVED]

4.12 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Groundwater Management - A Groundwater Demand Management Program shall be developed and implemented for the property as outlined in COA 6.16(a) below.

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.

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Final Conditions of Approval
Hillwalker Vineyards Winery, P23-00101 and P23-00239
August 21, 2024

- e. California 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]

a. Groundwater Demand Management Program

1. The permittee shall install a meter on Wells A & D. Each meter shall be placed in a location that will allow for the measurement of all groundwater demand by that particular well. Prior to the issuance of a grading or building permit for the accessory dwelling unit, the permittee shall submit for review and approval by the PBES Director a groundwater demand management plan which includes a plan for the location and the configuration of the installation of a meter on Wells A & D.
2. The Plan shall identify how best available technology and best management water conservation practices will be applied throughout the parcel.
3. The Plan shall identify how best management water conservation practices will be applied where possible in the structures on site. This includes but is not limited to the installation of low flow fixtures and appliances.
4. For the first twelve months of operation under this permit, the permittee shall read the meters at the beginning of each month and provide the data to the PBES Director monthly. If the water usage on the property exceeds, or is on track to exceed, the maximum groundwater usage values in i through ii below, or if the permittee fails to report, additional reviews and analysis and/or a corrective action program at the permittee's expense shall be required and shall be submitted to the PBES Director for review and action. In addition to monthly meter readings, Permittee shall also provide well level data to the PBES Director.
 - i. Annual groundwater usage for Well A shall not exceed 2.40 af/yr.

Recommended Conditions of Approval
80 Clear Creek Viewshed Protection Program Application; P22-00182-VIEW

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- ii. Annual groundwater usage for Well D shall not exceed 0.56 af/yr.

5. The permittee's wells shall be included in the Napa County Groundwater Monitoring program if the County finds the well suitable.
6. At the completion of the reporting period per 6.16(a)(4) above, and so long as the water usage is within the maximum acre-feet per year as specified above, the permittee may begin the following meter reading schedule:
 - i. On or near the first day of each month the permittee shall read the water meter, and provide the data to the PBES Director during the first weeks of April and October. The PBES Director, or the Director's designated representative, has the right to access and verify the operation and readings of the meters during regular business hours.
- b. In conjunction with well water meter installation and timing required in COA No. 6.16(a) above, the permittee shall install a well pump flow restrictor or equivalent equipment on Wells A & D. The submittal shall include a narrative providing information of how the device works, equipment specifications, and a maintenance and monitoring plan. Within 14 days of installation, evidence shall be provided to the County Planning Division demonstrating installation and operation.
- c. All non-essential exterior lighting associated with the structures identified

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

- a. In conjunction with building permit application submittal, the permittee shall provide documentation confirming to the Planning Division that all Greenhouse Gas Emissions Voluntary Best Management Practices Measures submitted with the project Micro-Winery application shall be address through project construction and/or implemented through winery operation.
- b. Groundwater Demand Management Program
 1. The permittee shall install meters on Well #1, #2, and #3. The meters shall be placed in a location that will allow for the measurement of all groundwater used for Well #1, #2, and #3. Prior to the issuance of a grading or building permit for the winery the permittee shall submit for review and approval by the PBES Director a groundwater demand management plan which includes a plan for the location and the configuration of the installation of a meter on the two wells serving the parcel.
 2. The plan shall identify how best available technology and best management water conservation practices will be applied throughout the parcel.
 3. The Plan shall identify how best management water conservation practices will be applied where possible in the structures on site. This includes but is not limited to the installation of low flow fixtures and appliances.
 4. As groundwater consuming activity already exists on the property, meter installation and monitoring shall begin immediately and the first monitoring report is due to the County within 120 days of approval of this Use Permit.
 5. For the first twelve months of operation under this permit, the permittee shall read the meter at the beginning of each month and provide the data to the PBES Director monthly. If the water usage on the property exceeds, or is on track to exceed, the maximum groundwater usage values in i through ii below, or if the permittee fails to report, additional reviews and analysis and/or a corrective action program at the permittee's expense shall be required to be submitted to the PBES Director for review and action. In addition to monthly meter readings, Permittee shall also provide well level data to the PBES Director.
 - i. Annual cumulative groundwater usage for Well #1, #2, and #3 shall not exceed 5.99 af/yr.
 6. The permittee's wells shall be included in the Napa County Groundwater Monitoring program if the County finds the well suitable.
 7. At the completion of the reporting period per 6.15(b)(5) above, and so long as the water usage is within the maximum acre-feet per year as specified above, the permittee may begin the following meter reading
 - i. On or near the first day of each month the permittee shall read the water meter and provide the data to the PBES Director during the first weeks of April and October. The PBES Director, or the Director's designated representative, has the right to access and verify the operation and readings of the meters during regular business hours.
- c. All water storage tanks shall meet setback and height requirements as set forth in Napa County Code Section 18.104.140.

6.16 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

a. Groundwater Demand Management Program

1. The permittee shall install a meter on Wells A & D. Each meter shall be placed in a location that will allow for the measurement of all groundwater demand by that particular well. Prior to the issuance of a grading or building permit for the accessory dwelling unit, the permittee shall submit for review and approval by the PBES Director a groundwater demand management plan which includes a plan for the location and the configuration of the installation of a meter on Wells A & D.
2. The Plan shall identify how best available technology and best management water conservation practices will be applied throughout the parcel.
3. The Plan shall identify how best management water conservation practices will be applied where possible in the structures on site. This includes but is not limited to the installation of low flow fixtures and appliances.
4. For the first twelve months of operation under this permit, the permittee shall read the meters at the beginning of each month and provide the data to the PBES Director monthly. If the water usage on the property exceeds, or is on track to exceed, the maximum groundwater usage values in I through ii below, or if the permittee fails to report, additional reviews and analysis and/or a corrective action program at the permittee's expense shall be required and shall be submitted to the PBES Director for review and action. In addition to monthly meter readings, Permittee shall also provide well level data to the PBES Director.

- i. Annual groundwater usage for Well A shall not exceed 2.40 af/yr.

- ii. Annual groundwater usage for Well D shall not exceed 0.56 af/yr.

5. The permittee's wells shall be included in the Napa County Groundwater Monitoring program if the County finds the well suitable.
6. At the completion of the reporting period per 6.16(a)(4) above, and so long as the water usage is within the maximum acre-foot per year as specified above, the permittee may begin the following meter reading schedule:
 - i. On or near the first day of each month the permittee shall read the water meter, and provide the data to the PBES Director during the first weeks of April and October. The PBES Director, or the Director's designated representative, has the right to access and verify the operation and readings of the meters during regular business hours.

- b. In conjunction with well water meter installation and timing required in COA No. 6.16(a) above, the permittee shall install a well pump flow restrictor or equivalent equipment on Wells A & D. The submittal shall include a narrative providing information of how the device works, equipment specifications, and a maintenance and monitoring plan. Within 14 days of installation, evidence shall be provided to the County Planning Division demonstrating installation and operation.

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 evidence 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 to 3:30 p.m. on weekdays and 2:00 to 3:00 p.m. on weekends). 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.

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.

Recommended Conditions of Approval
Castello di Amorosa Winery – P19-00459

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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).

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.

4.9 GROUND WATER MANAGEMENT – WELLS [RESERVED]

This condition is implemented by the PBES 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 data indicates the need for additional monitoring, and if the permittee 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

Final Conditions of Approval

Arrow and Branch Winery Use Permit Major Modification P23-00057-MOD

shall be minimized by use of best available control technology and best water management conservation practices. To support the County's groundwater monitoring program, well monitoring data as discussed above shall be provided by permittee and uploaded to: <https://pbes.cloud/index.php/s/85Fb6scnEFbHfXA>. The permittee's project well will be made available for inclusion in the groundwater monitoring network and available for public viewing at: <https://pbes.cloud/index.php/s/76kGyvsBxy6ENbT>.

In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director or other designated party shall be authorized to recommend additional reasonable conditions on the permittee 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 (between 4:00 p.m. to 6:00 p.m.). 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).

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

80 Clear Creek Road Viewshed Protection Program P22-00182-VIEW

Summary

SCH Number

2025091008

Lead Agency

Napa County

Document Title

80 Clear Creek Road Viewshed Protection Program P22-00182-VIEW

Document Type

MND - Mitigated Negative Declaration

Received

9/22/2025

Present Land Use

Rural Residential / Agricultural Watershed / Agriculture, Watershed and Open Space

Document Description

Request for approval of a Viewshed Protection Program application on APN 027-310-032 for earthmoving activities, new construction and expansion of existing structures on slopes exceeding 15% and located on a Minor Ridgeline. The project consists of the construction of a 3,830 sq. ft. underground storage structure, a 6,240 sq. ft. tennis pavilion with interior Accessory Dwelling Unit (ADU) adjacent to an existing tennis court and the expansion of an existing single-family residential structure consisting of 2,700 sq. ft. of underground spa and 4,350 sq. ft. of underground wine and art storage. The project also includes the development of a ground mounted solar panel array. The project footprint will require the removal of 15 native Oak trees and approximately .13 acres of tree canopy. Spoils from excavation to establish building foundations will be located at a disturbed area on APN 027-310-043. The applicant is requesting exception from the Napa County Road and Street Standards for five (5) driveway segments with longitudinal slopes between 18 – 20 percent along the centerline which exceed 300 feet in length and do not provide transition area of 10 percent or less for the 100 feet immediately preceding. The exception request is supported by the Napa County Engineering Division and Fire Marshal's office. No road work is required for the existing roadway to meet same overall practical effect if the exception is approved.

Contact Information

Name

Trevor Hawkes

Agency Name

Napa County

Job Title

Supervising Planner

Contact Types

Lead/Public Agency

Address

1195 Third Street, Suite 210
Napa County, CA 94559

Phone

(707) 253-4388

Email

Trevor.Hawkes@countyofnapa.org

Name

Kay Choe

Agency Name

Summit Engineering

Job Title

Consultant

Contact Types

Project Applicant

Address

575 W College Ave, Suite 201
Santa Rosa, CA 95401

Phone

(707) 527-0775 ext. 110

Email

kay@summit-sr.com

Location

Coordinates

38°24'55.03"N 122°26'27.38"W

Cities

Oakville

Counties

Napa

Regions

Northern California, Unincorporated

Cross Streets

Dry Creek Road and Clear Creek Road

Zip

94562

Total Acres

123

Parcel #

027-310-032 and 027-310-043

State Highways

29

Waterways

Dry Creek

Township

7

Range

5W

Section

32

Base

MDPM

Notice of Completion

State Review Period Start

9/23/2025

State Review Period End

10/22/2025

State Reviewing Agencies

California Air Resources Board (ARB), California Department of Forestry and Fire Protection (CAL FIRE), California Department of Parks and Recreation, California Department of Pesticide Regulation (DPR), California Department of Toxic Substances Control (DTSC), California Department of Transportation, District 4 (DOT), California Department of Water Resources (DWR), California Governor's Office of Emergency Services (OES), California Native American Heritage Commission (NAHC), California Natural Resources Agency, California Regional Water Quality Control Board, San Francisco Bay Region 2 (RWQCB), Office of Historic Preservation, State Water Resources Control Board, Division of Drinking Water, State Water Resources Control Board, Division of Water Rights, California Department of Fish and Wildlife, Bay Delta Region 3 (CDFW)

State Reviewing Agency Comments

California Department of Fish and Wildlife, Bay Delta Region 3 (CDFW)

Development Types

Residential (Units 1, Acres 123)

Local Actions

Site Plan

Project Issues

Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Cumulative Effects, Drainage/Absorption, Energy, Flood Plain/Flooding, Geology/Soils, Greenhouse Gas Emissions, Hazards & Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Septic System, Solid Waste, Transportation, Tribal Cultural Resources, Utilities/Service Systems, Vegetation, Wildfire

Public Review Period Start

9/23/2025

Public Review Period End

10/22/2025

Attachments

Draft Environmental Document [Draft IS, NOI_NOA_Public notices, OPR Summary Form, Appx,]

Biological Resource Reconnaissance Survey

PDF

33612 K

Graphics

PDF

81948 K

Initial Study-Mitigated Negative Declaration

PDF

512 K

Public Hearing Notice

PDF

217 K

Supplemental Stability Evaluation

PDF

1420 K

Water Availability Analysis

PDF

37814 K

Notice of Completion [NOC] Transmittal form

Notice of Completion

PDF

397 K

Summary Form_Flat

PDF

401 K

State Comment Letters [Comments from State Reviewing Agency(ies)]

2025091008_CDFW_Comment

PDF

359 K

Disclaimer: The Governor's Office of Land Use and Climate Innovation (LCI) accepts no responsibility for the content or accessibility of these documents. To obtain an attachment in a different format, please contact the lead agency at the contact information listed above. For more information, please visit [LCI's Accessibility Site](https://ceqanet.lci.ca.gov/2025091008).

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: 80 Clear Creek Road Viewshed Protection Program 22-00182-VIEW

Lead Agency: Napa County

Contact Person: Trevor Hawkes

Mailing Address: 1195 Third Street.,

Phone: 7072534388

City: Napa

Zip: 94559

County: Napa

Project Location: County: Napa

City/Nearest Community: Oakville

Cross Streets: Dry Creek Road and Clear Creek Road

Zip Code: 94562

Longitude/Latitude (degrees, minutes and seconds): 38 ° 24 ' 54.89 " N / 122 ° 26 ' 38 " W Total Acres: 123

Assessor's Parcel No.: 027-310-032 & 027-310-043

Section: 32

Twp.: 7

Range: 5W

Base: MDPM

Within 2 Miles: State Hwy #: 29

Waterways: Dry Creek

Airports: _____

Railways: _____

Schools: _____

Document Type:

CEQA: ☐ NOP

☐ Draft EIR

NEPA: ☐ NOI

Other: ☐ Joint Document

☐ Early Cons

☐ Supplement/Subsequent EIR

☐ EA

☐ Final Document

☐ Neg Dec

(Prior SCH No.) _____

☐ Draft EIS

☐ Other: _____

☒ Mit Neg Dec

Other: _____

☐ FONSI

Local Action Type:

☐ General Plan Update

☐ Specific Plan

☐ Rezone

☐ Annexation

☐ General Plan Amendment

☐ Master Plan

☐ Prezone

☐ Redevelopment

☐ General Plan Element

☐ Planned Unit Development

☐ Use Permit

☐ Coastal Permit

☐ Community Plan

☒ Site Plan

☐ Land Division (Subdivision, etc.)

☐ Other: _____

Development Type:

☐ Residential: Units 1 Acres _____

☐ Office: Sq.ft. _____ Acres _____ Employees _____

☐ Commercial: Sq.ft. _____ Acres _____ Employees _____

☐ Industrial: Sq.ft. _____ Acres _____ Employees _____

☐ Educational: _____

☐ Recreational: _____

☐ Water Facilities: Type _____ MGD _____

☐ Transportation: Type _____

☐ Mining: Mineral _____

☐ Power: Type _____ MW _____

☐ Waste Treatment: Type _____ MGD _____

☐ Hazardous Waste: Type _____

☐ Other: _____

Project Issues Discussed in Document:

☒ Aesthetic/Visual

☐ Fiscal

☒ Recreation/Parks

☒ Vegetation

☒ Agricultural Land

☒ Flood Plain/Flooding

☐ Schools/Universities

☒ Water Quality

☒ Air Quality

☒ Forest Land/Fire Hazard

☒ Septic Systems

☒ Water Supply/Groundwater

☒ Archeological/Historical

☒ Geologic/Seismic

☐ Sewer Capacity

☐ Wetland/Riparian

☒ Biological Resources

☒ Minerals

☒ Soil Erosion/Compaction/Grading

☐ Growth Inducement

☐ Coastal Zone

☒ Noise

☒ Solid Waste

☒ Land Use

☒ Drainage/Absorption

☒ Population/Housing Balance

☒ Toxic/Hazardous

☒ Cumulative Effects

☐ Economic/Jobs

☒ Public Services/Facilities

☐ Traffic/Circulation

☐ Other: _____

Present Land Use/Zoning/General Plan Designation:

Rural Residential / Agricultural Watershed / Agriculture, Watershed and Open Space

Project Description: (please use a separate page if necessary)

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

☒ Air Resources Board	☐ Office of Historic Preservation
☐ Boating & Waterways, Department of	☐ Office of Public School Construction
☐ California Emergency Management Agency	☐ Parks & Recreation, Department of
☐ California Highway Patrol	☐ Pesticide Regulation, Department of
☒ Caltrans District # <u>4</u>	☐ Public Utilities Commission
☐ Caltrans Division of Aeronautics	☒ Regional WQCB # <u>2</u>
☐ Caltrans Planning	☐ Resources Agency
☐ Central Valley Flood Protection Board	☐ Resources Recycling and Recovery, Department of
☐ Coachella Valley Mtns. Conservancy	☐ S.F. Bay Conservation & Development Comm.
☐ Coastal Commission	☐ San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
☐ Colorado River Board	☐ San Joaquin River Conservancy
☒ Conservation, Department of	☐ Santa Monica Mtns. Conservancy
☐ Corrections, Department of	☐ State Lands Commission
☐ Delta Protection Commission	☐ SWRCB: Clean Water Grants
☐ Education, Department of	☒ SWRCB: Water Quality
☐ Energy Commission	☐ SWRCB: Water Rights
☒ Fish & Game Region # <u>3</u>	☐ Tahoe Regional Planning Agency
☐ Food & Agriculture, Department of	☐ Toxic Substances Control, Department of
☒ Forestry and Fire Protection, Department of	☒ Water Resources, Department of
☐ General Services, Department of	☐ Other: _____
☐ Health Services, Department of	☐ Other: _____
☐ Housing & Community Development	
☒ Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date September 23, 2025 Ending Date October 22, 2025

Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: <u>Kay Choe, Summit Engineering</u>
Address: _____	Address: <u>575 W College Ave, Suite 201</u>
City/State/Zip: _____	City/State/Zip: <u>Santa Rosa, CA 95401</u>
Contact: _____	Phone: <u>7075270775 ex. 165</u>
Phone: _____	

Signature of Lead Agency Representative: Trevor Hawkes Date: September 22, 2025

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.



A Tradition of Stewardship
A Commitment to Service

PUBLIC NOTICE

NOTICE OF ZONING ADMINISTRATOR HEARING & INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

On Wednesday morning, the 22nd day of October, at 9:00 a.m. at 1195 Third Street, Suite 305, Napa, California, a public hearing will be conducted by the Napa County Zoning Administrator regarding the project identified below. All interested persons are invited to attend the hearing and be heard.

80 Clear Creek Road, Viewshed Protection Program Application P22-00182-VIEW

Location: 80 Clear Creek Road., Oakville, CA 94562. The project site is located on an approximately 123-acre parcel approximately .65 miles north of the intersection of Dry Creek Road and Clear Creek Road. APN 027-310-032 & APN 027-310-043.

Zoning and General Plan Designation: Agricultural Watershed (AW) zoning district and an Agriculture, Watershed and Open Space (AWOS) General Plan Designation

CEQA STATUS: 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: Biological Resources. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

REQUEST: Review and approval of an application under the Viewshed Protection Program, as defined in Chapter 18.108 of the Napa County Code, for the expansion of an existing single-family residence and the construction of an underground storage structure, accessory structure with interior ADU and a ground mounted solar array. The project footprint will require the removal of 15 native Oak trees and approximately .13 acres of tree canopy. The applicant is requesting exception from the Napa County Road and Street Standards for five (5) driveway segments with longitudinal slopes between 18 – 20 percent along the centerline

Application materials are available on the Department's Current Projects Explorer at: <https://www.countyofnapa.org/2876/Current-Projects-Explorer>

Copies of documents and other information relating to the project described above may be examined between 8:00 AM and 4:00 PM Monday through Friday at the office of the Planning, Building, and Environmental Service Department, Napa County Administration Building, 1195 Third St, Ste 210, Napa, California. For documents that are publicly available on the Current Projects Explorer, there will be a Public Record Copying Fee associated with the physical printing of documents. While drops-in may be accommodated to the extent possible on a case-by-case basis, we strongly encourage you to schedule an appointment for document review.

Written and verbal comments regarding this project and the environmental effects of this project and the adequacy of the proposed Mitigated Negative Declaration are solicited. Comments or appointment requests to review documents should be directed to Trevor Hawkes, Project Planner, Napa County Planning, Building & Environmental Services Department, 1195 Third Street, Suite 210, Napa, California; (707) 253-4388 or trevor.hawkes@countyofnapa.org. Comments must be received by Noon on October 20th, 2025.

If you challenge the particular proceeding in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Administrator at, or prior to the public hearing.

DATED: September 18, 2025

Brian D. Bordona
Director of Planning, Building, & Environmental Services

PLEASE DO NOT PUBLISH BELOW THIS LINE. THANK YOU

PUBLISH: [DATE OF PUBLISHING] - Napa Valley Register

BILL TO: Napa County Planning, Building, & Environmental Services Department
1195 Third Street, Suite 210
Napa, Ca. 94559
Invoice # CDP



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



Exhibit L

October 23, 2025

Trevor Hawkes, Supervising Planner
 Napa County
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Subject: 80 Clear Creek Road Viewshed Protection Program P22-00182-VIEW, Initial Study/Mitigated Negative Declaration, SCH No. 2025091008, Napa County

Dear Trevor Hawkes:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from the County of Napa (County) for the 80 Clear Creek Road, Viewshed Protection Program Application P22-00182-VIEW (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.

After receiving a one-week extension from the County, CDFW is submitting comments on the IS/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) Program, 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: Ponderosa One, LLC.

Objective: The Project would include earthmoving activities, new construction and expansion of existing structures on slopes exceeding 15 percent associated with the construction of a 3,830 square-foot underground storage structure, a 6,240 square-foot tennis pavilion with interior accessory dwelling unit adjacent to an existing tennis court and the expansion of an existing single-family residential structure consisting of 2,700 square feet of underground spa and 4,350 square feet of underground wine and art

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storage. The Project also includes the development of a ground mounted solar panel array. The Project would require the removal of 15 native oak trees (*Quercus* spp.) with diameters at breast height (DBH) from 6 to 12 inches, 20 California bay trees (*Umbellularia californica*) with DBH ranging from 6 to 10 inches, and one Douglas fir tree (*Pseudotsuga menziesii*) with DBH of 24 inches, resulting in approximately 0.13 acres of tree canopy removal. Spoils from excavation to establish building foundations will be located at a disturbed area on assessor parcel number (APN) 027-310-043.

Location: The Project site is located at approximately 38.41515°N and -122.44088°W; at 80 Clear Creek Road, Oakville, CA 94562; approximately 0.65 miles north of the intersection of Dry Creek Road and Clear Creek Road; APNs 027-310-032 and 027-310-04, County of Napa.

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 or candidate species 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*), a 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, and 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.

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

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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 those CDFW recommends below and included in **Attachment 1** Draft Mitigation Monitoring and Reporting Program, CDFW concludes that an MND is appropriate for the Project.

I. Environmental Setting and Related Impact Shortcoming

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

Issue, specific impacts, why they may occur and be potentially significant: The IS/MND does not adequately address potential impacts to northern spotted owl resulting from auditory or visual disturbance up to 0.25 miles away from the Project site, the distance at which northern spotted owl may be impacted. The Biological Resources Reconnaissance Survey (BRRS) dismisses the potential for Project impacts to northern spotted owl due to a "Lack of roosting and foraging habitat" (page 18). However, the BRRS also identifies forests comprised of Douglas fir (*Pseudotsuga menziesii*) on the Project site (page 7), which is confirmed by the *Vegetation - Napa County Update 2016* [ds2899] GIS layer. Douglas fir forest is the same vegetation type used by the closest northern spotted owl activity centers to the Project, MASTEROWL #NAP0036 and #NAP0012, which are 0.6 miles to the southwest and 0.7 miles to the northeast respectively (*Spotted Owl Observations* [ds704]). Additionally, the Project is within and adjacent to the mapped northern spotted owl range (*Spotted Owl Range - CWHR B270* [ds897]), and predicted habitat area with a medium value of 0.55 based on the mean expert opinion suitability value (*Spotted Owl Predicted Habitat - CWHR B270* [ds2185]), according to California Wildlife Habitat Relationships, a comprehensive information

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system and predictive model for California's wildlife. Therefore, Project activities could result in disturbance to nesting northern spotted owl up to 0.25 miles away from the Project.

If northern spotted owl nest within the 0.25-mile range of potential audio or visual disturbance go undetected, northern spotted owl could be impacted by Project activities resulting in loss of nesting and roosting habitat, nest loss or abandonment and loss of eggs, or reduced health and vigor and loss of young. Northern spotted owl 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 northern spotted owl habitat is removed or if an active northern spotted owl nest is disturbed by the Project, the Project may result in a substantial reduction in the number or restriction in the range of a threatened species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommended Mitigation Measure: For an adequate environmental setting and to reduce potential impacts to northern spotted owl to less-than-significant and comply with CESA, CDFW recommends including the following mitigation measure in the IS/MND.

MM BIO-2 Northern Spotted Owl Habitat Assessment and Surveys: A qualified biologist shall provide an assessment of potential northern spotted owl nesting habitat within the Project site 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 northern spotted owl nesting habitat is present, then no Project activities within 0.25 miles of potential northern spotted owl nesting habitat shall occur between March 15 and July 31 unless a qualified biologist approved in writing by CDFW conducts northern spotted owl surveys following the USFWS *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls*, dated (revised) January 9, 2012, available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83977&inline>. Surveys shall be conducted in accordance with Section 9 of the survey protocol, *Surveys for Disturbance-Only Projects*. If breeding northern spotted owl are detected during surveys, CDFW shall be immediately notified and 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 in consultation with CDFW, 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*

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Northwestern California, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.

If take of northern spotted owl 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: Roosting bats

Issue, specific impacts, why they may occur and be potentially significant: The IS/MND does not adequately address potential impacts to roosting bats including pallid bat (*Antrozous pallidus*), resulting from Project tree removal activities. There are two records of the species occurring within five miles of the Project, according to the California Natural Diversity Database (CNDDDB). Regarding bat habitat, page 23 of the BRRS states “The majority of trees within the proposed project site are small and unlikely to contain potential roosting habitat for bats. Foliage and bark with small cavities in any tree could provide suitable temporary habitat for solitary tree-roosting bat species. Trees within the proposed project site are small and do not contain cavities which would support bat roosting habitat.” This statement is unclear as to whether the trees slated for removal, which range in DBH from 6 to 24 inches, could provide habitat for roosting bats in forms other than cavities, such as crevices and/or exfoliating bark.

Pallid bat is a California Species of Special Concern (<https://wildlife.ca.gov/Conservation/SSC>). If roosting or breeding pallid bat occupies the trees that would be removed, Project activities could result in substantial adverse effect on pallid bat.

Recommended Mitigation Measure: For an adequate environmental setting and to reduce impacts to pallid bat to less-than-significant, CDFW recommends including the following mitigation measure in the IS/MND.

Mitigation Measure BIO-3: Bat Tree Habitat Assessment and Surveys. Prior to any tree trimming or removal, a qualified biologist shall conduct a habitat assessment for bats, unless otherwise approved in writing by CDFW. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree removal and shall include a visual inspection of potential roosting features of trees to be removed (e.g., crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming or removal shall not proceed without approval in writing from CDFW. If the presence of bats is presumed or documented, trees may be removed only: a) using the two-step removal process detailed below during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist, under prior written approval of the proposed survey methods by CDFW, conducts night