

# “E”

## Applications and Project Narratives

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A Tradition of Stewardship  
A Commitment to Service

file No P18-00448

Napa County  
Conservation, Development, and Planning Department  
1195 Third Street, Suite 210, Napa, California, 94559 phone (707) 253-4417  
web [www.countyofnapa.org/cdp/](http://www.countyofnapa.org/cdp/) email [cdp@countyofnapa.org](mailto:cdp@countyofnapa.org)

Use Permit Application

To be completed by Planning staff...

Application Type: Use Permit  
Date Submitted: 12/27/18 Resubmittal(s): \_\_\_\_\_ Date Complete: \_\_\_\_\_  
Request: New 20,000 gpy Winery with tours and tastings by appointment  
Request includes variance and RSS exception requests (See P18-00451-VAR)

\*Application Fee Deposit: \$ 10,000 Receipt No. 132940 Received by: D Ayers Date: 12/27/18

\*Total Fees will be based on actual time and materials

To be completed by applicant...

Project Name: The Vineyard House Winery  
Assessor's Parcel No: 027-360-022 Existing Parcel Size: 42.9 ac.  
Site Address/Location: 1581 Oakville Grade Road Napa CA 94559  
No Street City State Zip  
Primary Contact: ☐ Owner ☐ Applicant ☒ Representative (attorney, engineer, consulting planner, etc.)  
Property Owner: Jeremy Justin Nickel  
Mailing Address: P.O. Box 3807 Yountville CA 94559  
No Street City State Zip  
Telephone No( ) - E-Mail: \_\_\_\_\_  
Applicant (if other than property owner): same as owner  
Mailing Address: \_\_\_\_\_  
No Street City State Zip  
Telephone No( ) - E-Mail: \_\_\_\_\_  
Representative (if applicable): Paul Kelley, Paul Kelley Architecture  
Mailing Address: 541 Jefferson Street Napa CA 94559  
No Street City State Zip  
Telephone No( 707 ) 257 - 1148 E-Mail: paul@paulkelleyarchitecture.com

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## Use Permit Information Sheet

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### Use

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

A new 20,000 gallon per year winery with tours and tasting by appointment only.

The winery will renovate the existing historic house under the Department of the Interior Standards for historic renovations.

Please see attached plans and narrative for full description.

What, if any, additional licenses or approvals will be required to allow the use?

District \_\_\_\_\_

Regional \_\_\_\_\_

State ABC

Federal TTB

### Improvements

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

On-site improvements include grading, paving and placement of spoils from the proposed cave.

## Improvements, cont.

Total on-site parking spaces: 0 existing 8 proposed  
Loading areas: 0 existing 0 proposed

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

☐ Type I FR ☐ Type II 1 Hr ☐ Type II N (non-rated) ☐ Type III 1 Hr ☐ Type III N  
☒ Type IV H.T. (Heavy Timber) ☒ Type V 1 Hr. ☒ Type V (non-rated)  
(for reference, please see the latest version of the California Building Code)

*BARN*

*pump house*

*HOUSE / tashing*

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

Total land area to be disturbed by project (include structures, roads, septic areas, landscaping, etc): +/- 3 acres

## Employment and Hours of Operation

Days of operation: 0 existing 7 days/week proposed  
Hours of operation: 0 existing up to 12 hours/day proposed  
Anticipated number of employee shifts: 0 existing 6 proposed  
Anticipated shift hours: 0 existing 1 proposed

Maximum Number of on-site employees:

☐ 10 or fewer ☐ 11-24 ☐ 25 or greater (specify number) \_\_\_\_\_

Alternately, you may identify a specific number of on-site employees:

☒ other (specify number) 6



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## Certification and Indemnification

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

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

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

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

JEREMY NICKEL

Print Name of Property Owner

Print Name Signature of Applicant (if different)

Jeremy Nickel 12/21/18

Signature of Property Owner

Date

Signature of Applicant

Date

## Supplemental Application for Winery Uses

### Operations

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

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

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

### Production Capacity \*

Please identify the winery's...

Existing production capacity: n/a gal/y Per permit No: \_\_\_\_\_ Permit date: \_\_\_\_\_

Current maximum actual production: \_\_\_\_\_ gal/y For what year? \_\_\_\_\_

Proposed production capacity: 20,000 gal/y

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

### Visitation and Hours of Operation

Please identify the winery's...

Maximum daily tours and tastings visitation: \_\_\_\_\_ existing 12 persons/day proposed

Average daily tours and tastings visitation<sup>1</sup>: \_\_\_\_\_ existing 60 persons/week proposed

Visitation hours (e.g. M-Sa, 10am-4pm): \_\_\_\_\_ existing 10 a.m. to 6 p.m. proposed

Non-harvest Production hours<sup>2</sup>: \_\_\_\_\_ existing 8 a.m. to 6 p.m. proposed

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

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

## **Grape Origin**

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

## **Marketing Program**

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

The marketing will primarily focus on small groups of 20 persons. (12 per year)

In addition two larger marketing events would take place.

1 non-profit or industry related event for 50 persons

1 annual harvest party for 100 persons

## **Food Service**

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

Food service would be catered. There is no proposed onsite commercial kitchen.

## Winery Coverage and Accessory/Production Ratio

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

Existing	<u>n/a</u>	sq. ft.	<u>                    </u>	acres
Proposed	<u>9,000</u>	sq. ft.	<u>0.21</u>	acres

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

<u>32,322</u>	sq. ft.	<u>0.74</u>	acres	<u>1.72</u>	% of parcel
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**Production Facility.** Consistent with the definition at "c," at page 11 and the marked-up floor plans included in your submittal, please indicate your proposed production square footage. If the facility already exists, please differentiate between existing and proposed.

Existing	<u>n/a</u>	sq. ft.	Proposed	<u>11,898</u>	sq. ft.
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**Accessory Use.** Consistent with the definition at "d," at page 11 and the marked-up floor plans included in your submittal, please indicate your proposed accessory square footage. If the facility already exists, please differentiate between existing and proposed. (maximum = 40% of the production facility)

Existing	<u>n/a</u>	sq. ft.	<u>                    </u>	% of production facility
Proposed	<u>2,601</u>	sq. ft.	<u>22</u>	% of production facility

## Caves and Crushpads

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

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

Please identify the winery's...

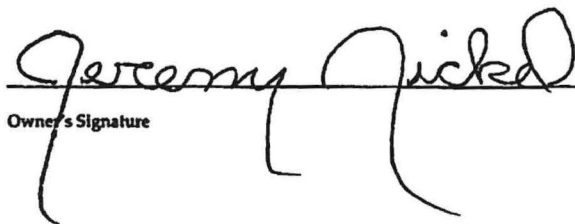
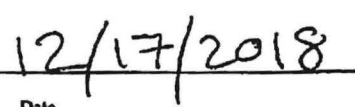
Cave area	Existing: <u>0</u>	sq. ft.	Proposed: <u>4,188</u>	sq. ft.
Covered crush pad area	Existing: <u>0</u>	sq. ft.	Proposed: <u>2,186</u>	sq. ft.
Uncovered crush pad area	Existing: <u>0</u>	sq. ft.	Proposed: <u>0</u>	sq. ft.

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### Initial Statement of Grape Source

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

   
Owner's Signature Date

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

## Water Supply/ Waste Disposal Information Sheet

### Water Supply

Please attach completed Phase I Analysis sheet.

	Domestic	Emergency
Proposed source of water (e.g., spring, well, mutual water company, city, district, etc.):	Well	Tank
Name of proposed water supplier (if water company, city, district):	Private	Private
Is annexation needed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Current water use:	450 +/- avg gallons per day (gal/d)	
Current water source:	Well	Tank
Anticipated future water demand:	510 +/- avg gal/d	n/a gal/d
Water availability (in gallons/minute):	120+ gal/m	200+ gal/m
Capacity of water storage system:	n/a gal	35,000 gal
Type of emergency water storage facility if applicable (e.g., tank, reservoir, swimming pool, etc.):	Tank (underground)	

### Liquid Waste

Please attach Septic Feasibility Report

	Domestic	Other
Type of waste:	sewage	winery pw
Disposal method (e.g., on-site septic system, on-site ponds, community system, district, etc.):	Onsite septic	Onsite irr.
Name of disposal agency (if sewage district, city, community system):	n/a	n/a
Is annexation needed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Current waste flows (peak flow):	330 gal/d	0 gal/d
Anticipated future waste flows (peak flow):	226 gal/d	1,000 gal/d
Future waste disposal design capacity:	330 gal/d	1,000 gal/d

### Solid Waste and Recycling Storage and Disposal

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

### Hazardous and/or Toxic Materials

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

### Grading Spoils Disposal

Where will grading spoils be disposed of?

(e.g. on-site, landfill, etc. If off-site, please indicate where off-site): onsite

# VINEYARD HOUSE WINERY

## Winery Traffic Information / Trip Generation Sheet

### Traffic during a Typical Weekday

Number of FT employees:	4	x 3.05 one-way trips per employee	=	12.2	daily trips.
Number of PT employees:	2	x 1.90 one-way trips per employee	=	3.8	daily trips.
Average number of weekday visitors:	12	/ 2.6 visitors per vehicle x 2 one-way trips	=	10.4	daily trips.
Gallons of production:	20,000	/ 1,000 x .009 truck trips daily <sup>3</sup> x 2 one-way trips	=	0.4	daily trips.
Total				=	26.8 (27) daily trips.
Number of total weekday trips x .38				=	11 PM peak trips.

### Traffic during a Typical Saturday

Number of FT employees (on Saturdays):	4	x 3.05 one-way trips per employee	=	12.2	daily trips.
Number of PT employees (on Saturdays):	2	x 1.90 one-way trips per employee	=	3.8	daily trips.
Average number of weekend visitors:	12	/ 2.8 visitors per vehicle x 2 one-way trips	=	8.6	daily trips.
Total				=	24.6 (25) daily trips.
Number of total Saturday trips x .57				=	15 PM peak trips.

### Traffic during a Crush Saturday

Number of FT employees (during crush):	4	x 3.05 one-way trips per employee	=	12.2	daily trips.
Number of PT employees (during crush):	2	x 1.90 one-way trips per employee	=	3.8	daily trips.
Average number of weekend visitors:	12	/ 2.8 visitors per vehicle x 2 one-way trips	=	8.6	daily trips.
Gallons of production:	20,000	/ 1,000 x .009 truck trips daily x 2 one-way trips	=	0.4	daily trips.
Avg. annual tons of grape on-haul:	28	x .11 truck trips daily <sup>4</sup> x 2 one-way trips	=	0.4	daily trips.
Total				=	25.4 (26) daily trips.
Number of total Saturday trips x .57				=	15 PM peak trips.

### Largest Marketing Event- Additional Traffic

Number of event staff (largest event):	12	x 2 one-way trips per staff person	=	24	trips.
Number of visitors (largest event):	100	/ 2.8 visitors per vehicle x 2 one-way trips	=	72	trips.
Number of special event truck trips (largest event):	5	x 2 one-way trips	=	10	trips.

<sup>3</sup> Assumes 1.47 materials & supplies trips + 0.8 case goods trips per 1,000 gallons of production / 250 days per year (see *Traffic Information Sheet Addendum* for reference).

<sup>4</sup> Assumes 4 tons per trip / 36 crush days per year (see *Traffic Information Sheet Addendum* for reference).



**NAPA COUNTY UNIFIED PROGRAM CONSOLIDATED FORM  
FACILITY INFORMATION  
BUSINESS ACTIVITIES**

Page 1 of

**I. FACILITY IDENTIFICATION**

FACILITY ID # (Agency Use Only)																EPA ID # (Hazardous Waste Only)	2
BUSINESS NAME (Same as Facility Name of DBA-Doing Business As) <b>The Vineyard House Winery</b>																	3
BUSINESS SITE ADDRESS <b>1581 Oakville Grade</b>																	103
BUSINESS SITE CITY <b>Napa</b>														104	CA	ZIP CODE <b>94559</b>	105
CONTACT NAME <b>Jeremy Nickel</b>														106	PHONE		107

**II. ACTIVITIES DECLARATION**

**NOTE: If you check YES to any part of this list, please submit the Business Owner/Operator Identification page.**

Does your facility...	If Yes, please complete these pages of the UPCF....		
<b>A. HAZARDOUS MATERIALS</b> Have on site (for any purpose) at any one time, hazardous materials at or above 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet for compressed gases (include liquids in ASTs and USTs); or the applicable Federal threshold quantity for an extremely hazardous substance specified in 40 CFR Part 355, Appendix A or B; or handle radiological materials in quantities for which an emergency plan is required pursuant to 10 CFR Parts 30, 40 or 70?	<input type="checkbox"/> YES <input type="checkbox"/> NO	4	HAZARDOUS MATERIALS INVENTORY – CHEMICAL DESCRIPTION
<b>B. REGULATED SUBSTANCES</b> Have Regulated Substances stored onsite in quantities greater than the threshold quantities established by the California Accidental Release prevention Program (CalARP)?	<input type="radio"/> YES <input checked="" type="radio"/> NO	4a	Coordinate with your local agency responsible for CalARP.
<b>C. UNDERGROUND STORAGE TANKS (USTs)</b> Own or operate underground storage tanks?	<input type="radio"/> YES <input checked="" type="radio"/> NO	5	UST FACILITY (Formerly SWRCB Form A) UST TANK (one page per tank) (Formerly Form B)
<b>D. ABOVE GROUND PETROLEUM STORAGE</b> Own or operate ASTs above these thresholds: Store greater than 1,320 gallons of petroleum products (new or used) in aboveground tanks or containers.	<input type="radio"/> YES <input checked="" type="radio"/> NO	8	NO FORM REQUIRED TO CUPAs
<b>E. HAZARDOUS WASTE</b> Generate hazardous waste?	<input type="radio"/> YES <input checked="" type="radio"/> NO	9	EPA ID NUMBER – provide at the top of this page
Recycle more than 100 kg/month of excluded or exempted recyclable materials (per HSC 25143.2)?	<input type="radio"/> YES <input checked="" type="radio"/> NO	10	RECYCLABLE MATERIALS REPORT (one per recycler)
Treat hazardous waste on-site?	<input type="radio"/> YES <input checked="" type="radio"/> NO	11	ON-SITE HAZARDOUS WASTE TREATMENT – FACILITY ON-SITE HAZARDOUS WASTE TREATMENT – UNIT (one page per unit)
Treatment subject to financial assurance requirements (for Permit by Rule and Conditional Authorization)?	<input type="radio"/> YES <input checked="" type="radio"/> NO	12	CERTIFICATION OF FINANCIAL ASSURANCE
Consolidate hazardous waste generated at a remote site?	<input type="radio"/> YES <input checked="" type="radio"/> NO	13	REMOTE WASTE / CONSOLIDATION SITE ANNUAL NOTIFICATION
Need to report the closure/removal of a tank that was classified as hazardous waste and cleaned on-site?	<input type="radio"/> YES <input checked="" type="radio"/> NO	14	HAZARDOUS WASTE TANK CLOSURE CERTIFICATION
Generate in any single calendar month 1,000 kilograms (kg) (2,200 pounds) or more of federal RCRA hazardous waste, or generate in any single calendar month, or accumulate at any time, 1 kg (2.2 pounds) of RCRA acute hazardous waste; or generate or accumulate at any time more than 100 kg (220 pounds) of spill cleanup materials contaminated with RCRA acute hazardous waste.	<input type="radio"/> YES <input checked="" type="radio"/> NO	14a	Obtain federal EPA ID Number, file Biennial Report (EPA Form 8700-13A/B), and satisfy requirements for RCRA Large Quantity Generator.
Household Hazardous Waste (HHW) Collection site?	<input type="radio"/> YES <input checked="" type="radio"/> NO	14b	See CUPA for required forms.

**F. LOCAL REQUIREMENTS**

(You may also be required to provide additional information by your CUPA or local agency.)

UPCF Rev. (12/2007)

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A Tradition of Stewardship  
A Commitment to Service

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

Project name & APN: The Vineyard House Winery, 027-360-012

Project number if known:

Contact person: Paul Kelley

Contact email & phone number: [paul@paulkelleyarchitecture.com](mailto:paul@paulkelleyarchitecture.com)

Today's date:

## Voluntary Best Management Practices Checklist for Development Projects

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

### Practices with Measurable GHG Reduction Potential

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

Already Plan  
Doing To Do

ID # BMP Name

☐☒

#### BMP-1 Generation of on-site renewable energy

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

Solar may be added in the future, but there are no new buildings to provide roof top solar with this project.

☐☐

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

*Please indicate the amount and location of developable land (i.e.: under 30% slope and not in creek setbacks or environmentally sensitive areas for vineyards) conserved in a permanent easement to prohibit future development.*

Already Plan  
Doing To Do

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

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

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

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

**Number of total vehicles**

**Typical annual fuel consumption or VMT**

**Number of alternative fuel vehicles**

**Type of fuel/vehicle(s)**

**Potential annual fuel or VMT savings**

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

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

**Tier 1 Cal-Green code requirements will be included**

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

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

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

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

**Estimated annual VMT**

**Potential annual VMT saved**

**% Change**



Already Plan  
Doing To Do

☐☒

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

*See description below under BMP-5.*

**Build to CALGREEN Tier 1**

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☐☒

**BMP-8 Solar hot water heating**

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

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☐☒

**BMP-9 Energy conserving lighting**

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

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☐☒

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

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

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**BMP-11 Bicycle Incentives**

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

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**BMP-12 Bicycle route improvements**

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

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Already Plan  
Doing To Do

☐☐

**BMP-13 Connection to recycled water**

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

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**BMP-14 Install Water Efficient fixtures**

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

Water efficient winemaking equipment will be utilized to wash barrels and clean tanks to reduce water usage by 20%.

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

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

LID principals are incorporated into the drainage design. Refer to Stormwater Control Plan prepared by Applied Civil for additional information.

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**BMP-16 Water efficient landscape**

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

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

Plan minimal landscaping that meets WELO standards.

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☐☒

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

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

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Already Plan  
Doing To Do

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

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

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

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

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

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

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

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

EV Charging Stations may be added in the future. Improvements will provide necessary infrastructure for future addition within parking area.

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

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

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Already Plan  
Doing To Do

☐☐

**BMP-23**

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

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

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☐☒

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

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

Very small building footprint compared to the entire site, most of site left in a natural state.

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☐☐

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

**BMP-25 (a)**

☐

**LEED™ Silver** (check box BMP-25 and this one)

**BMP-25 (b)**

☐

**LEED™ Gold** (check box BMP-25, BMP-25 (a), and this box)

**BMP-25 (c)**

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**LEED™ Platinum** (check all 4 boxes)

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## Practices with Un-Measured GHG Reduction Potential

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

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

☐☐

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

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



Already   Plan  
Doing   To Do

☐☐

**BMP-28 Use of recycled materials**

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

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☐☐

**BMP-29 Local food production**

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

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☐☒

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

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

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☐☐

**BMP-31 Use 70-80% cover crop**

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

☐☐

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

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

☐☐

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

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

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**Comments and Suggestions on this form?**

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## EXHIBIT A

### Hourly Fee Agreement

PROJECT File: P18-00448 & P18-00451; request for The Vineyard House Winery

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

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

1. Time spent by Napa County staff in processing my application and any direct costs will be billed against the available deposit. "Staff time" includes, but is not limited to, time spent reviewing application materials, site visits, responding by phone or correspondence to inquiries from the applicant, the applicant's representatives, neighbors and/or interested parties, attendance and participation at meetings and public hearings, preparation of staff reports and other correspondence, or responding to any legal challenges related to the application during the processing of your application. "Staff" includes any employee of the Planning, Building and Environmental Services Department (PBES), the Office of the County Counsel, or other County staff necessary for complete processing of the application. "Direct costs" include any consultant costs for the peer review of materials submitted with the application, preparation of California Environmental Quality Act (CEQA) documents, expanded technical studies, project management, and/or other outside professional assistance required by the County and agreed to by the applicant. The cost to manage consultant contracts by staff will also be billed against the available deposit.
2. Staff will review the application for completeness and provide me with a good faith estimate of the full cost of processing the permit. Any requested additional deposit shall be submitted to PBES to allow continued processing of the project.

## EXHIBIT A

3. I understand that the County desires to avoid incurring permit processing costs without having sufficient funds on deposit. If staff determines that inadequate funds are on deposit for continued processing, staff shall notify me in writing and request an additional deposit amount estimated necessary to complete processing of my application. I agree to submit sufficient funds as requested by staff to process the project through the hearing process within 30 days of the request.
4. I understand that if the amount on deposit falls below zero, staff will notify me and stop work on the application until sufficient additional funds are provided
5. If the final cost is less than the amount remaining on deposit, the unused portion of the deposit will be refunded to me. If the final cost is more than the available deposit, I agree to pay the amount due within 30 days of billing.
6. If I fail to pay any invoices or requests for additional deposits within 30 days, the County may either stop processing my permit application, or after conducting a hearing, may deny my permit application. If I fail to pay any amount due after my application is approved, I understand that my permit may not be exercised, or may be subject to revocation. I further agree that no building, grading, sewage, or other project related permits will be issued if my account is in arrears.
7. I may file a written request for a further explanation or itemization of invoices, but such a request does not alter my obligation to pay any invoices in accordance with the terms of this agreement.

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

JEREMY NICKEL

Mailing Address of the Applicant responsible for paying processing fees:

P.O. Box 422 Oakville, Ca. 94562

Signature: \* Jeremy Nickel

Email Address: jeremy@tvhwinery.com

Date: 12/29/2018

Phone Number: 415.999.2499

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





A Tradition of Stewardship  
A Commitment to Service

FILE # P18-00448-Winery  
P21-00341-Con. Regs.

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

**APPLICATION FOR USE PERMIT**  
**EXCEPTION TO CONSERVATION REGULATIONS**

FOR OFFICE USE ONLY	
ZONING DISTRICT: <u>AW</u>	Date Submitted: <u>1/2022</u>
TYPE OF APPLICATION: _____	Date Published: _____
REQUEST: <u>Cave Portal, covered crush pad, &amp; bottling area</u>	Date Complete: _____

TO BE COMPLETED BY APPLICANT <small>(Please type or print legibly)</small>	
PROJECT NAME: <u>Vineyard House Winery--exception to ephemeral stream setback</u>	
Assessor's Parcel #: <u>027-360-022</u>	Existing Parcel Size: <u>42.9 +/- acres</u>
Site Address/Location: <u>1581 Oakville Grade Oakville, CA. 94562</u>	
<small>No. Street</small>	<small>City State Zip</small>
Property Owner's Name: <u>Jeremy Justin Nickel</u>	
Mailing Address: <u>P.O. Box 387 Yountville, CA. 94599</u>	
<small>No. Street</small>	<small>City State Zip</small>
Telephone #: <u>(707)-944-0392</u>	Fax #: <u>( ) -</u> E-Mail: <u>jeremy@tvhwinery.com</u>
Applicant's Name: _____	
Mailing Address: _____	
<small>No. Street</small>	<small>City State Zip</small>
Telephone #: _____	Fax #: <u>( ) -</u> E-Mail: _____
Status of Applicant's Interest in Property: <u>Property Owner's Representative</u>	
Representative Name: <u>Land Use Planning Services</u>	
Mailing Address: <u>2423 Renfrew Street Napa, CA. 94558</u>	
<small>No. Street</small>	<small>City State Zip</small>
Telephone # <u>(707) 255-7375</u>	Fax #: <u>( )</u> E-Mail: <u>jreddingaicp@comcast.net</u>
<p>I certify that all the information contained in this application, including but not limited to the information sheet, water supply/waste disposal information sheet, site plan, plot plan, floor plan, building elevations, water supply/waste disposal system plot plan and toxic materials list, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved.</p>	
Dec 2, 2021	
<p><u>Jeremy J Nickel</u> <small>Signature of Applicant</small></p> <p><u>Jeremy j Nickel</u> <small>Print Name</small></p>	<p>_____ <small>Signature of Property Owner</small></p> <p>_____ <small>Print Name</small></p>

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

**SUPPLEMENTAL APPLICATION FORM**  
**USE PERMIT EXCEPTION TO CONSERVATION REGULATION**

1. Please explain the reason for the exception request.

The existing property has limited level areas available for construction due to the fact that the majority of the site has slopes over 30%, contains mature oak woodlands and includes approximately 26 acres of mature vineyard. In addition to these physical constraints, the site is further constrained by numerous required road and property line setbacks including the winery setback from the private driveway; the required setbacks from existing wells and a required 400' setback from a (presumed) non-compliant uphill septic system. Just as important, the proposed project retains the integrity of the historic Baldrige House by eliminating any visual competition between the historic building and the proposed winery. These site constraints are shown on the plan prepared by Applied Civil Engineering (ACE), dated 11/29/21 and incorporated by reference. The site chosen for the winery is adjacent to the existing internal driveway that would access the winery; is proximate to existing vineyards that allows for internal transport of grapes for onsite processing and is screened from view from offsite driveways and properties so as to reduce any visual impact. The proposed project has been sited to minimize impacts on steep hillsides that would require extensive earthmoving and tree removal.

This application is a redesign of a previous application filed in December 2019 that involved the conversion of an existing, residential accessory building (barn) to winery use. Repurposing of this existing accessory building to winery use would necessitate a variance to the required winery road setback. The proposed redesign eliminates the need for a variance but would be located within the 35' setback of an ephemeral stream that up until the passage of the Watershed and Tree Protection Ordinance (WTP) in February 2020 would not have required a setback. A revised site plan has been prepared that locates the proposed winery within a hillside cave with cut and cover entry portal/crush pad, while retaining the historic Baldrige House as a stand-alone admin and hospitality building. The revised plan includes an access driveway that crosses the existing ephemeral stream—this improvement is located within the now 35' setback adopted as part of the WTP) ordinance. It is this encroachment that the applicant is now seeking approval of the conservation regulation exception.

Before committing to the new site plan, the applicant engaged a county-approved biologist to investigate and evaluate potential significant impacts associated with the revised site plan. The result of this investigation was the preparation of the "Biological Resources Report" prepared by Sol Ecology dated November 17, 2021. In addition to evaluating potential impacts of the revised project, a detailed mitigation plan for all identified impacts was presented. The Report concludes that adoption and implementation of the proposed mitigation measures contained in the Report will reduce all identified biological impacts to a less than significant level.

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

No, a number of project alternatives were evaluated to avoid the variance to the winery road setback from the private driveway that provides access to the property. As shown on the constraints map prepared by ACE, the

project site has limited flat areas for future improvements including steep slopes (>30%), dense oak woodland and other native vegetation, numerous private driveways, and existing vineyard. These site conditions limit where the proposed winery can be located. The proposed site is a logical location for the future winery in that it avoids the need for variances, limits the encroachment into the numerous required driveway and property line setbacks, and reduces tree removal and will not result in any significant or potentially significant impact to the ephemeral stream, all while preserving the majority of the steeply sloping site. In addition, the proposed siting allows for efficient transport of grapes from onsite vineyards, eliminates major road improvements and provides code-compliant access to emergency vehicles. The project has been sited to minimize visual impacts from nearby driveways and parcels proximate the site. The site contains very limited flat land that necessitates some hillside construction.

In summary, the minor encroachment into the ephemeral stream setback poses no potentially significant impacts to the ephemeral stream, all will be mitigated in accordance with the recommendations of the biological assessment prepared by Sol Ecology. Further construction of the project as currently designed reduces significant tree removal, grading and earthmoving with minimal visual impacts. The proposed project avoids all variances, is consistent with required setbacks from assumed uphill, non-compliant wastewater systems, minimizes tree removal, and retains the historic Baldrige House as part of the project. With the assurance that all potential significant impacts on the affected stream, the proposed project represents the environmentally superior project alternative.



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

See discussion below

### **Section 18.108.040.A. Structural/road development projects**

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

A single driveway bridge entrance connecting to the proposed winery/cut and cover entrance/crush pad and winery cave, encroaches into the 35' setback. No earthmoving is required to construct the driveway entrance. Rather than filling underneath the entryway the applicant at the suggestion of the biologist will include a culvert to contain the stream. The entry bridge covers about 22 lineal feet of the ephemeral stream. Construction of the cut and cover production cave within the hillside area reduces earthmoving necessitated by the original project design and further reduces tree removal. Potential impacts resulting from the installation of the proposed culvert and entry bridge (shading of a portion of the ephemeral stream) will be reduced to less than significant levels by adoption of the mitigation plan prepared by the project's restoration biologist and attached to this application.

- b. Primary and accessory structures employ architectural and design elements which in total serve to reduce the amount of grading and earthmoving activity required for the project, including the following elements:
- i. Multiple-floor levels which follow existing, natural slopes;
  - ii. Foundation types such as poles, piles, or stepping level which minimize cut and fill and the need for retaining walls;
  - iii. Fence lines, walls, and other features which blend with the existing terrain rather than strike off at an angle against it.

This finding is not applicable as no new structures are proposed as part of this application. The proposed project has been designed and sited to minimize earthmoving and grading, tree removal and minimal visual impacts of a new building. The proposed cave portals are screened from the view from offsite residences and driveways.



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

The project site is blessed with abundant vegetation both native and ornamental. Tree removal is minimized by the construction of a cut and cover production cave—the extent of tree removal necessitated by the proposed project is shown on page 6 of the engineering drawings prepared by ACE. Project impacts on vegetation, wildlife and potential candidate plant and animal species were evaluated by SolEcology, a biological consulting firm. Their assessment and recommended mitigation plan is included with this application. Implementation of the recommended mitigation measures together with the replanting of trees, removed as part of this project pursuant to the county WTP will mitigate all identified environmental impacts.

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

The proposed project complies with the current county road and street standards with regard to road width, slope and required fire truck turnaround area, all of which are incorporated into the project design. In addition, county requirements for fire water storage is incorporated into the project's design. A 35,000-gallon underground water storage tank has already been installed; county required fire water conveyance infrastructure will be developed in conjunction with project construction.

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

Entrance to the cut and cover wine production cave requires the construction of a crossing of the existing ephemeral stream. The applicant's biological consultant evaluated the potential impacts of the proposed stream crossing in particular and impacts of the project generally. The biological resources report prepared by Sol Ecology evaluated all potential project impacts on the ephemeral stream, its habitat value, and any potential impacts on rare/endangered and candidate plant and animal species. The report concluded all potential project impacts will be reduced to less than significant levels with the implementation of the mitigation plan included in the report.

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

Sol Ecology, a Petaluma-based biological consulting company conducted an extensive evaluation of potential project impacts on threaten or endangered plant and animal habitats. Potential impacts were evaluated, and a mitigation plan prepared. Implementation of this plan will reduce all potential project impacts to less than significant levels. Appropriate mitigation required as part of the WTP ordinance

will also be implemented to provide additional protection of the project site's biological resources.

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

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

N/A

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

N/A

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

N/A

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## 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.

  
Jeremy J. Nickles (Dec 2, 2021 10:02 PST)

Applicant

Property Owner (if other than Applicant)

11/29/2021  
Date

Project Identification



Revised Use Statement  
Vineyard House Winery  
1581 Oakville Grade  
Oakville

**Project Description**

The applicant proposes to establish a new 20,000-gallon winery within a combination traditional wine cave and cut and cover structure (herein after ' wine cave') south of the existing barn and adjacent to the existing vineyards. The wine cave will measure approximately 13,000 s.f. and include barrel storage, crush pad, bottling and equipment storage and a ~~VIP tasting room within a portion of the proposed rotunda area..~~ This proposal replaces the original 2019 application that proposed to convert an existing structure to winery use. The 2019 project was revised in January 2022 to relocate the winery to the hillside area as shown on the architectural and civil drawings submitted in 2022.

Removed  
from  
scope  
-mz

A single bridge crossing over the existing ephemeral watercourse provides access to the wine cave. A conservation regulation exception was filed in January 2022 to allow for the encroachment into the required 35' setback from this watercourse. The exception request was accompanied by a detailed biological assessment that included impacts and mitigation measures to reduce potential impacts to less than significant levels. These mitigation measures included restoration of a portion of the ephemeral watercourse as well as plantings for trees removed as part of the construction process.

The project site is 42.9 +/- acres in size and includes 26 acres of mature vineyard, the historic Baldrige House currently the owner's residence, extensive ornamental landscaping and the existing barn—the latter not a part of this application. These existing improvements occupy the more level portion of the property with the remainder of the parcel in oak woodlands and steep slopes. The Baldrige House will be repurposed for administration and hospitality use as part of this project and will be renovated according to the Secretary of Interior Standards for Rehabilitation as part of this project. Once approved the Baldrige House will be the main tasting venue and host up to twelve (12) visitors per day..

Access to the project continues to be an existing private driveway that intersects with Oakville Cross Road. A request for an exception to County road and street standards, prepared by Applied Civil Engineering is on file with the county

Modifications to the wine cave have been undertaken since this application was filed in early 2022. These recent modifications were made to address agency comments concerning relationship of the proposed wine caves to uphill septic systems, and impacts on ephemeral watercourse. Currently all construction occurs outside of required winery setbacks and outside of the zone of influence of any uphill, non-compliant septic systems. The biological assessment prepared for the project ensures that the proposed project will not result in significant or potentially significant impacts on the watercourse

Additional refinements to the winery project occurred in response to the most recent (August 2022) application status letter. The principal concern of this letter was whether or not the proposed water use for the winery was consistent with Governor Newsom's Executive Order relating to groundwater use. The applicant was requested to confirm water use for consistency



with this policy. The applicant's hydrogeologist and project engineer in consultation with the project landscape architect undertook a detailed review of existing and proposed water use. The goal was water neutrality for the project to eliminate incremental impacts on groundwater. In order to achieve water neutrality, the applicant has agreed to remove significant portions of existing water thirsty landscaping as shown on the updated landscape plan prepared by Megan Stromberg, ASLA. No other changes are proposed to the project currently on file.

## **Proposed Improvements**

A summary of the proposed on- and off-site improvements is proposed as part of this project. More details are provided in the application and accompanying plans

### On-Site Improvements

1. Construct a 13,000 +/- s.f. wine cave and cut and cover structure including crush pad/bottling area and winery vestibule, and two (2) cave portal entrances. ~~A portion of the proposed 2,200 s.f. rotunda will be used for VIP tastings consistent with the requirements of the 2019 CBC;~~
2. Upgrade circulation, parking, water, wastewater and fire suppression systems.
3. Rehabilitate the historic Baldrige House per the Secretary of Interior Standards and convert structure to administration and hospitality use
4. Install mitigation plantings and other recommended improvements to the ephemeral watercourse adjacent to the proposed winery as set forth in the Biological Assessment and landscape irrigation plan prepared by Megan Stromberg, dated March 17, 2022
5. Remove existing lawn as shown on plans prepared by Megan Stromberg, dated December 17, 2022
6. Implement county-required storm water management facilities as described on sheet C-10 on plans prepared by ~~Applied~~ Civil Engineering, dated June 2022

Removed  
from  
scope  
-VZ

### Off-Site Improvements

1. Upgrade existing driveway connection to Oakville Grade as described in the request for road exception, dated January 2021 as prepared by Applied Civil Engineering;
2. Deposition of cave spoils as shown on sheet C-9 if plans dated June 2022 prepared by Applied Civil Engineering

Rev 1/17/23

  
Jeremy J. Hill (Jan 24, 2023 10:13 HST)