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# Use Permit Exception to Conservation Regulations Packet

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

COUNTY OF NAPA  
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

**USE PERMIT**  
**EXCEPTION TO CONSERVATION REGULATIONS**

**APPLICATION PACKET**

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

**PRE-SUBMISSION REQUIREMENTS**

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

## USE PERMIT EXCEPTION TO CONSERVATION REGULATIONS

### APPLICATION CHECKLIST

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

## APPLICATION REVIEW PROCEDURES

### USE PERMIT EXCEPTION TO THE CONSERVATION REGULATIONS

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

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

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

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

#### **Application**

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

#### **Processing Time Limits**

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

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

### **Environmental Assessment**

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

### **Public Hearing**

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

### **Appeal**

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



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A Commitment to Service

FILE # \_\_\_\_\_

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

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

FOR OFFICE USE ONLY

ZONING DISTRICT: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

TYPE OF APPLICATION: \_\_\_\_\_ Date Published: \_\_\_\_\_

REQUEST: \_\_\_\_\_ Date Complete: \_\_\_\_\_

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

PROJECT NAME: HILLWALKER VINEYARDS WINERY

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

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

Property Owner's Name: Kevin Morrison

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

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

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

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

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

Status of Applicant's Interest in Property: Project Management

Representative Name: N/A

Mailing Address: \_\_\_\_\_  
No. Street City State Zip

Telephone #: ( ) - - Fax #: ( ) - - E-Mail: \_\_\_\_\_

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

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

Rangel Gonzales Kevin Morrison  
Print Name Print Name

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

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

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

1. Please explain the reason for the exception request.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Not applicable, no agricultural developments are proposed.

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

Not applicable, no agricultural developments are proposed.

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

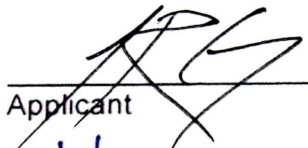
Not applicable, no agricultural developments are proposed.

## INDEMNIFICATION AGREEMENT

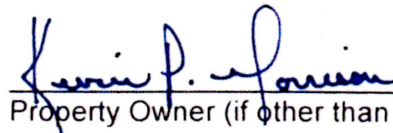
Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and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

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

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

  
\_\_\_\_\_  
Applicant

11/6/23  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Property Owner (if other than Applicant)

\_\_\_\_\_  
Project Identification