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Final Conditions of Approval - Redline

BOARD OF SUPERVISORS HEARING – DECEMBER 3, 2024
PLANNING COMMISSION HEARING – MAY 19, 2024
RECOMMENDED FINAL CONDITIONS OF APPROVAL

Benjamin Ranch Winery
Use Permit Application No. P13-00371-UP
Appeal No. P21-00151

8895 Conn Creek Road, St. Helena
Assessor's Parcel Nos. 030-120-016 and 030-120-017,
subsequently changed to APN 030-120-038 (64± acres) due
to a lot line adjustment on December 15, 2023

This permit encompasses and shall be limited to the project commonly known as **Benjamin Ranch Winery**, located at **8895 Conn Creek Road**, St. Helena. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved.

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

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

PART I

1.0 PROJECT SCOPE

The permit encompasses and shall be limited to:

- 1.1 Approval of a Use Permit for a ~~475,000~~ **300,000** gallon per year winery to allow the following:
 - a. Construction of approximately ~~87,292~~ **65,879** square feet of buildings consisting of approximately ~~79,623~~ **58,210** square feet of metal-framed, warehouse-type tank and barrel room buildings (of which ~~2,808~~ **1,796** square feet would be winery accessory administrative and non-public/technical tasting room space, **8,890 square feet of a covered crush pad**, and ~~40,368~~ **10,495** square feet of which would be covered outdoor work areas) plus an approximately 7,669 square foot visitor's center with winery accessory uses that include administrative office, wine tasting rooms, and a commercial kitchen for preparation of meals for winery staff as a trip reduction measure;
 - b. Demolition of an existing equipment shed used for storage and in support of vineyard maintenance operations on the property;
 - c. Visitation, tours and tasting, and a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;

- d. On-premises consumption of wine as set forth in COA No. 4.4 below;
- e. Hours of winery operation between 8:00 a.m. and 6:00 p.m., daily, (excluding harvest), and hospitality hours of operation between 10:00 a.m. and 6:00 p.m., daily;
- f. Up to 61 employees consisting of the vineyard manager (existing), plus 30 full-time wine production employees, five seasonal day-time harvest employees, five seasonal night-time harvest employees, 15 full-time hospitality employees and five part-time hospitality employees;
- g. Up to ~~94~~ 84 on-site parking stalls and one loading area;
- h. On-site treatment of process wastewater using a pre-treatment system and distribution of treated effluent as seasonal surface irrigation on a portion of the existing vineyards on the property, including tanks for storage of treated effluent, and on-site treatment of sanitary wastewater using pre-treatment and dispersal through subsurface drip fields located among a portion of the on-site vineyards;
- i. Operation of a non-transient, non-community regulated water system; and

Construction of a new winery access road parallel to the southeastern property line and intersecting Conn Creek Road/State Route 128 near the southeastern corner of the property. The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code (the County Code). It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or change in winery use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

2.0 STATUTORY AND CODE SECTION REFERENCES

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

3.0 MONITORING COSTS

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

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

PART II

4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

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

4.1 GENERAL PROVISIONS

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

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

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

4.2 TOURS AND TASTINGS/VISITATION

Tours and tastings shall be by appointment only and shall be limited to the following:

- a. Frequency: Daily
- b. Maximum number of persons per day: ~~150 on Mondays, Tuesdays and Wednesdays; 300 on Thursdays, Fridays, Saturdays and Sundays~~
100 persons per day Monday through Sunday
- c. Maximum number of persons per week: ~~1,650~~ **700**
- d. Hours of visitation: 10:00 a.m. through 6:00 p.m.
- e. Tours and tastings shall not include food, and the number of tours and tastings guests on any given day shall be reduced by the number of guests attending a marketing event on that same day.

“Tours and tastings” means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings. To the maximum extent feasible, scheduling of visitors shall not occur during peak travel times between 4:00 and 5:00 p.m. on weekdays and between 1:45 p.m. and 2:45 p.m. on weekend days.

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

4.3 MARKETING

Marketing events shall be limited to the following:

a. Marketing Event

1. ~~Frequency: Eight days per year, no more than two events per month. Maximum number of persons: 150~~
Four, 100 guest marketing events per year, and four, 50 guest marketing events per year, not to exceed 600 annual guests, with no more than two events per month
2. Time of Day: Between 10:00 a.m. and 10:00 p.m.

b. Wine Auction Event: **RESERVED**

1. ~~Frequency: One day per year~~
2. ~~Maximum number of persons: 150~~
3. ~~Time of Day: Between 10:00 a.m. and 10:00 p.m.~~

c. Marketing events shall occur in the visitor's center, or if outdoors, shall occur only ~~in areas along the banks of the irrigation pond~~, in landscaped and vineyard areas proximate to the visitors' center, and in landscaped and vineyard areas in and around the proposed visitor parking lot. Food shall be catered, portable restrooms shall be provided, and valet parking shall be provided for all events. Marketing events shall not have outdoor amplified sound.

d. Marketing events shall not occur upon issuance of a Red Flag Warning¹ by the National Weather Service or Napa County Office of Emergency Services, or upon issuance of a Public Safety Power Shutoff (PSPS) Warning by Pacific Gas and Electric (PG&E), when such Warnings have been issued affecting any of the subject parcels of this use permit, including any parcels from which primary and secondary ingress/egress occurs. If Warnings are issued within Napa County, marketing events may take place only if the Project Parcels of this use permit are not located within the boundaries of the Warning order. If a marketing event is occurring at the time a Red Flag Warning or PSPS Warning is issued and takes effect, the event shall be terminated, and all attendees and non-essential personnel shall be expeditiously directed off of the property.

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

¹ Red Flag Warnings are issued for weather events that may result in extreme fire behavior that will occur within 24 hours, to alert fire departments of the onset, or possible onset, of critical weather and dry conditions that could lead to rapid or dramatic increases in wildfire activity.

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

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

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

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

4.4 ON-PREMISES CONSUMPTION

In accordance with State law and the PBES Director’s July 17, 2008, memo, “Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises,” on-premises consumption of wine produced on-site and purchased from the winery may occur solely in ~~areas along the banks of the irrigation pond, in~~ landscaped and vineyard areas proximate to the visitors’ center, and in landscaped and vineyard areas in and around the proposed visitor parking lot. Any and all visitation associated with on-premises consumption shall be subject to the maximum per person weekday and weekend daily tours and tastings visitation limitation and/or applicable limitations of permittee’s marketing plan set forth in COA Nos.4.2 and 4.3 above.

4.5 RESIDENCE OR NON-WINERY STRUCTURES

Unless specifically authorized by this permit or a previously-approved permit, the existing single-family residence on the adjacent parcel (currently APN 030-120-017) shall not be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery. If the residence is rented, it shall only be rented for periods of 30 days or more, pursuant to the County Code.

4.6 GRAPE SOURCE

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

4.7 COMPLIANCE REVIEW

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

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

4.8 RENTAL/LEASING

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

4.9 GROUND WATER MANAGEMENT - WELLS

This condition is implemented jointly by the ~~Public Works~~ and the **Department of Planning, Building, and Environmental Services** ~~PBES~~ **Departments**:

The parcel shall be limited to 36.73 acre-feet of groundwater per year for all water consuming activities on the parcel.

The permittee shall be required (at the permittee's expense) to record well monitoring data (specifically, static water level no less than quarterly, and the volume of water no less than monthly). Such data will be provided to the County, if the PBES Director determines that substantial evidence² indicates that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. If data indicates the need for additional monitoring, and if the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

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

² Substantial evidence is defined by case law as evidence that is of ponderable legal significance, reasonable in nature, credible and of solid value. The following constitute substantial evidence: facts, reasonable assumptions predicated on facts; and expert opinions supported by facts. Argument, speculation, unsubstantiated opinion or narrative, or clearly inaccurate or erroneous information do not constitute substantial evidence

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

4.10 AMPLIFIED MUSIC

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

4.11 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times (between 4:00 and 5:00 on weekdays; between 1:45 and 2:45 on Saturdays and Sundays). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Road and Street Standards.

4.12 PARKING

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

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

4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

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

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

4.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES

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

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

4.15 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM

The installation, operation and maintenance of the irrigation water storage pond shall be in conformance with the Napa County Mosquito Abatement District's program for eliminating mosquito sources and managing mosquito-breeding areas in order to reduce mosquitoes to a tolerable and healthful level.

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

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

4.17 NO TEMPORARY SIGNS

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

4.18 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – OPERATIONAL CONDITIONS

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

- a. Engineering Services Division operational conditions as stated in their Memorandum dated ~~May 10, 2021~~ **May 21, 2024**.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated ~~December 16, 2020~~ **September 30, 2024**.
- c. Building Division operational conditions as stated in their Memorandum dated March 14, 2018.
- d. Department of Public Works operational conditions as stated in their Memorandum dated May 11, 2021.
- e. Fire Department operational conditions as stated in their Inter-Office Memo dated ~~March 28, 2018~~ **May 30, 2024**.

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

4.19 OPERATIONAL MITIGATION MEASURES

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

a. **Mitigation Measure TRAN-1:**

Prior to receipt of a building permit for the winery, the permittee shall prepare and submit a transportation demand management and trip reduction program to the PBES Department for review and approval by the PBES Director. The program shall establish a benchmark of no more than 2.59 vehicle trips per day per full-time employee, no more than 1.62 vehicle trips per day per part-time employee, and minimum of 3.06 winery visitors or guests per vehicle, on average. At a minimum, the program shall include the following:

- Designation of a Transportation Demand Management (TDM) program coordinator, who shall be responsible for informing winery employees of the winery's trip reduction and incentive programs, monitoring participation in the programs by winery employees and guests, evaluating opportunities to revise and enhance the winery's trip reduction programs, and reporting trip reduction program data to the County by January 15 of each calendar year or more frequently upon request by the County;
- Implementation of an on-site daily lunch service for winery employees, utilizing catered services or with employee meals prepared on-site in the commercial kitchen;
- An employee carpool promotional program consisting of cash incentives to employees who choose to carpool to the winery;
- Bicycle racks for storage of a minimum of 10 bicycles, plus on-site employee showers for staff members opting to bicycle to work; and
- Provision of shuttle services from and to the winery from an appropriately designated off-site location (such as a hotel where winery visitors may be staying, or a park and ride lot), for guests attending tours & tastings or marketing events on-site, to decrease the demand for on-site parking, decrease vehicle trips to the winery, and decrease vehicle miles traveled.

The TDM program coordinator shall analyze, no less than monthly, the rates of participation in the winery's various trip reduction programs to ensure the adjusted benchmarks for daily trips and vehicle occupancies are achieved and sustained over the long-term. If benchmarks are not achieved, the winery operator shall identify additional programs or measures to achieve the desired metrics. Any modification to the winery's trip reduction program shall be reported along with annual performance reports to the PBES Director.

Method of Monitoring: The permittee shall submit a transportation demand management program that incorporates, at a minimum, the above listed trip reduction measures to the Napa County PBES Department for the County's review and approval, concurrently with submittal of a request for the first building permit for the winery. The measures listed in the TDM program, or equally effective alternative trip reduction measures proposed by the permittee and approved by the PBES Director or the Director's

designee, shall be implemented for the life of the project.

Responsible Agency: Napa County, PBES Department

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT **[RESERVED]**

- a. No tours and tastings, marketing events, or visitor-serving activities of any kind shall be allowed on the existing pond's berm.

4.21 PREVIOUS CONDITIONS **[RESERVED]**

PART III

5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

5.1 PAYMENT OF FEES

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

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

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

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

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

- a. Engineering Services Division operational conditions as stated in their Memorandum dated ~~May 10, 2021~~ **May 21, 2024**.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated ~~December 16, 2020~~ **September 30, 2024**.
- c. Building Division operational conditions as stated in their Memorandum dated March 14, 2018.
- d. Department of Public Works operational conditions as stated in their Memorandum dated May 11, 2021.
- e. Fire Department operational conditions as stated in their Inter-Office Memo dated ~~March 28, 2018~~ **May 30, 2024**.

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

6.2 BUILDING DIVISION – GENERAL CONDITIONS

- a. A building permit shall be obtained for all construction occurring on the site not otherwise exempt by the California Building Code (CBC) or any State or local amendment adopted thereto.
- b. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities, a separate demolition permit shall be required from the Building Division prior to removal. The permittee shall provide a “J” number from the Bay Area Air Quality Management District (BAAQMD) at the time the permittee applies for a demolition permit if applicable.
- c. All areas of newly designed and newly constructed buildings, facilities and on-site improvements must comply with the CBC accessibility requirements, as well as, Title 24 Accessibility requirements when applicable. When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided as required per the CBC.

6.3 LIGHTING – PLAN SUBMITTAL

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

6.4 LANDSCAPING – PLAN SUBMITTAL

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

- b. Plant materials shall be purchased locally when practical, and to the greatest extent possible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner's office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.
- c. No trees greater than 6-inch diameter at breast height shall be removed, except for those identified on the submitted site plan. Any Oak trees removed as a result of the project shall be replaced at a 2:1 ratio and shown on the landscaping plans for the Planning Division's review and approval. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.
- d. Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and any off-site residence from which these areas can be viewed.

6.5 COLORS

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

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

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

6.7 TRASH ENCLOSURES

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

6.8 ADDRESSING

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

6.9 HISTORIC RESOURCES **[RESERVED]**

6.10 DEMOLITION ACTIVITIES

- a. Final demolition plans of the equipment shed and relocated barn foundation shall be submitted for building permit issuance. A site plan prepared by a qualified professional shall denote streams, stream setbacks, existing and proposed improvements and slopes. No new construction or earthmoving activities are allowed within established stream setbacks unless specifically approved as part of this permit in COA No. 1.0 (Scope) above. As determined by the PBES Director or designee, temporary construction fencing shall be placed at the stream setback line to prevent unauthorized encroachments.
- b. A landscape plan or restoration plan for the demolition area (existing agricultural structures and relocated barn foundation) shall be submitted showing how the area will be restored to its natural vegetation state to the extent feasible. The landscape plan shall be approved by the PBES Director or designee prior to installation.

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

6.12 PERMIT PREREQUISITE MITIGATION MEASURES

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

a. **Mitigation Measure BIO-1:**

1. Prior to the removal of any existing buildings, a Bat Habitat Assessment and Survey shall be performed for the structures proposed for demolition. A bat biologist shall survey for past or present use of the structure for roosting bats and make recommendations for avoidance and minimization of direct mortality.

2. If recommended by the bat biologist, demolition of structures should occur during daylight hours and within 180 days of the survey. Demolition of structures shall only be undertaken once the structures have been designated as clear of roosting bats by a bat biologist.

Method of Monitoring: The permittee shall submit to the Napa County PBES Department a Bat Habitat Assessment and Survey, prepared by a qualified bat biologist, concurrently with the application for demolition of the barn and vineyard maintenance utility shed on the property.

Responsible Agency: Napa County, PBES Department

b. **Mitigation Measure BIO-2:**

1. A pre-construction nesting bird survey shall be conducted within a buffer zone of the project area by a qualified biologist prior to vegetation removal and construction activities during the nesting season of February 15 to August 31. The first survey shall be conducted no more than seven days prior to the start of construction. Surveys should be repeated every 14 days during construction if nesting habitat remains within the buffer zone. Survey methods should include protocol for the detection of general nesting raptor and passerine species.
2. Appropriate buffer zones shall be placed around any nests found during the survey. No work shall be conducted within the buffer zones until the qualified biologist has determined that the nesting attempt is complete. The buffer distance shall be determined by the qualified biologist, based on several factors including, but not limited to: scope of construction work to be completed, species, nest site characteristics, and the acclimation of the nesting birds to disturbance. Input on buffer size may be required from the California Department of Fish and Wildlife (CDFW) and other interested agencies. If work is slated to occur within the buffer zone, a biological monitor with stop work authority may be utilized to observe for disturbance to the nest. This mitigation measure does not preclude the possibility that active nests may occur outside of the listed nesting bird season date range.

Method of Monitoring: The permittee shall notify the Napa County PBES Department no fewer than 21 days prior to removal of any tree removal scheduled to occur between February 15 and August 31, and shall hire a qualified biologist to conduct pre-construction nesting bird surveys at the direction of the PBES Director or the Director's designee. The permittee shall remove no trees from the property between February 15 and August 31 unless the PBES Director or the Director's designee has reviewed and approved the pre-construction survey.

Responsible Agency: Napa County, PBES Department

c. **Mitigation Measure TRAN-2:**

Prior to recordation of the lot line adjustment (LLA) between the project parcels (APNs 030-120-016 and 030-120-017), the property owner's engineer shall identify the limits of the right-of-way of Conn Creek Road/State Route 128 at the property frontage. If the existing right-of-way is inadequate to accommodate bicycle facilities consistent with the Napa Countywide Bicycle Plan adopted by the Board of Supervisors at the time the LLA application is submitted, the property owner shall record an irrevocable offer of dedication of land at the property frontage of current APN 030-120-017. The dedication shall be of sufficient depth from the current front property line to accommodate installation of either Class 2 or Class 3 bicycle facility improvements in the public right-of-way of Conn Creek Road/State Route 128 in accordance with the adopted Napa Countywide Bicycle Plan effective when the LLA application is submitted. The extent of the dedication shall be determined by the Public Works Director or the Director's designee, prior to recordation of the irrevocable offer of dedication.

Method of Monitoring: The permittee's licensed engineer shall identify the limits of the Conn Creek Road/State Route 128 right-of-way at the property frontage and shall notify the Public Works Director and County Surveyor of the engineer's findings no later than the permittee's submittal of the LLA request for the project site. The County shall not approve the first building permit for the project prior to a determination by the Public Works Director and County Surveyor, in consultation with the California Department of Transportation as appropriate, that the irrevocable offer of dedication has been properly recorded against the property, or that no dedication is required for the facility identified in the Countywide Bicycle Plan in effect at the time that the LLA application is submitted.

Responsible Agency: Napa County, Public Works and PBES Department

6.13 PARCEL CHANGE REQUIREMENTS

The permittee shall comply with the following requirements:

a. PARCEL MERGER **[RESERVED]**

b. LOT LINE ADJUSTMENTS

The lot line adjustment between APNs 030-120-016 and 030-120-017 shall be recorded prior to the issuance of building permits for the winery.

c. EASEMENTS **[RESERVED]**

6.14 FINAL MAPS **[RESERVED]**

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

- a. The permittee shall be responsible for construction of a right-turn lane/deceleration in the right-of-way of Silverado Trail at the southbound approach of Silverado Trail to Conn Creek Road/State Route 128, as described in the February 20, 2020, memorandum from the Napa County Department of Public Works. The permittee shall submit plans for this improvement to the Napa County Department of Public Works, and evidence of submittal of improvement plans to the Department of Public Works shall be submitted to the Napa County Planning Division prior to submittal of the first building permit application for the project. The right- turn/deceleration lane shall be designed in conformance with the requirements of the County Code and Napa County Road and Street Standards (RSS). The Director of Public Works or the Director's designee shall have authority to approve the plans, and no building permit for the project shall be issued prior to the Public Works Director's or designee's approval of the roadway improvement plans and issuance of the associated encroachment permit.
- b. The permittee shall submit the TDM program to the PBES Department prior to issuance of the first building permit, as described in and in accordance with COA 4.19.a.
- c. **Additional landscaped screening shall be planted in areas shown in in Exhibit A attached. Evergreen screening shall be planted in accordance with Condition of Approval 6.4 – Landscaping – Plan Submittal noted above.**

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENTS

Please contact Engineering Services with any questions regarding the following.

- a. **GRADING AND SPOILS**
All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by the PBES Director, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.
- b. **DUST CONTROL**
Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur when average wind speeds exceed 20 miles per hour.

c. AIR QUALITY

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

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day. Cover all haul trucks transporting soil, sand, or other loose material off-site.
3. Remove all visible mud or dirt traced onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required by State Regulations). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. STORM WATER CONTROL

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

7.2 ARCHEOLOGICAL FINDING

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

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

7.3 CONSTRUCTION NOISE

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

7.4 CONSTRUCTION MITIGATION MEASURES **[RESERVED]**

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

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES

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

8.1 TEMPORARY OCCUPANCY

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

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

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

9.1 FINAL OCCUPANCY

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

9.2 SIGNS

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

9.3 GATES/ENTRY STRUCTURES

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

9.4 LANDSCAPING

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

9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS

The permittee shall construct a right-turn lane/deceleration in the right-of-way of Silverado Trail at the southbound approach of Silverado Trail to Conn Creek Road/State Route 128, as described in the March 25, 2021, memorandum from the Napa County Department of Public Works. The design of the right-turn lane shall be submitted to the Public Works Department for review and approval. The right-turn lane shall be designed in substantial conformance with the submitted site plan, and other submittal materials and shall comply with all requirements of Caltrans, the County Code and Napa County Road and Street Standards.

9.6 DEMOLITION ACTIVITIES

All demolition activities associated with the on-site relocation of the existing barn and demolition of the vineyard management equipment shed shall be completed, landscaping installed, and debris cleared from the subject parcel.

- 9.7 GRADING SPOILS
All spoils shall be removed in accordance with the approved grading permit and/or building permit.
- 9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**
- 9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**



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Brian D Bordona
Director

MEMORANDUM

To: Michael Parker, Planning	From: Raulton Haye, Engineering
Date: May 21, 2024	Re: P21-00151 Benjamin Ranch Winery APN: 030-120-016 & -017

The Engineering Division has reviewed the use permit application P21-00151 for the Benjamin Ranch Winery located on assessor’s parcel numbers 030-120-016 & -017. Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

EXISTING CONDITIONS

1. The Existing Parcel is in a designated 100-year FEMA Flood Zone AE

RECOMMENDED APPROVAL CONDITIONS:

OPERATIONAL CHARACTERISTICS

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

PREREQUISITES FOR ISSUANCE OF PERMITS

2. Any roadway, access driveway, and parking areas, proposed new or reconstructed shall meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for Commercial development at the time of use permit approval. The property owner shall obtain a grading permit for all proposed roadway improvements.
3. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and

Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.

4. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code.
5. **Prior to issuance of a building permit** the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December 2014.
6. **Prior to issuance of a building permit** the owner shall prepare a Regulated Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
7. **Prior to issuance of a building permit**, an Operation and Maintenance Plan shall be submitted and tentatively approved by the Engineering Division in PBES. **Before final occupancy** the property owner must legally record the "Operation and Maintenance Agreement", approved by the Engineering Division in PBES.
8. No person shall deposit or remove any material, excavate, construct, install, alter or remove any structure within, upon or across a Special Flood Hazard Area, nor otherwise alter the hydraulic characteristics of a Special Flood Hazard Area **without first obtaining a floodplain permit** pursuant to Chapter 16.04 of the Napa County Code and in conformance with county Code and 44 CFR Section 60.3.
9. The proposed barrel room and fire pump building and equipment shed shall have their finished floor elevation raised a minimum of one foot above the 100-Year Base Flood Elevation based on the current County of Napa Flood Insurance Study at the time of development.

PREREQUISITES DURING PROJECT CONSTRUCTION

10. Required on-site pre-construction meeting with the Napa County PBES Engineering Division **prior to start of construction**.

PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

11. All roadway improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit. **** If no temporary occupancy is requested, then this becomes a requirement prior to final occupancy.**
12. A Completed Elevation Certificate (FEMA Form 086-0-33) for proposed barrel room and fire pump building and equipment shed shall be submitted and approved by the Engineering Division prior to execution of any new entitlements.

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

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

Any changes in use may necessitate additional conditions for approval.

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



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Brian D. Bordona
Director

MEMORANDUM

To: Michael Parker Planning	From: Raulton Haye Engineering Services
Date: June 6, 2024	Re: Permit No. P21-00151 Benjamin Ranch Winery WAA Technical Adequacy

The Engineering Division has reviewed the Water Availability Analysis (WAA) dated April 2024, by Bartelt Engineering for the Benjamin Ranch Winery – Use Permit, P21-00151, located on Assessor parcel number 030-120-038 at 8895 Conn Creek Road. The project proposes to construct a new winemaking facility capable of producing 300,000 gallons of wine per year, a visitor’s center with a commercial kitchen, and the required access and utility infrastructure on a 64.0± acre parcel in Napa County.

The Engineering Division has evaluated the project based on information provided by the applicant, its location, and available geologic and hydrologic information and has determined the WAA to be complete and reasonable. Engineering concludes the WAA technically adequate as it relates to Napa County’s water use criteria, well and spring interference, groundwater/surface water interaction pursuant to Napa County’s WAA Guidelines, Governor’s Executive Order N-7-22/N-3-23, Napa Valley Subbasin Groundwater Sustainability Plan, and the Public Trust Doctrine.

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



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Brian D Bordona
Director

MEMORANDUM

To: Michael Parker, Project Planner	From: Kim Withrow Environmental Health Supervisor <i>KW</i>
Date: September 30, 2024	Re: Benjamin Ranch Winery Assessor Parcel #030-120-038 Permit # P21-00151

Staff of the Environmental Health Division has reviewed an application requesting approval for a new winery and related improvements as described and depicted in application materials. This Division has no objection to approval of the application with the following conditions of approval:

Prior to issuance of building permits:

1. General Waste Discharge Requirements for Winery Process Water discharges to land were adopted by the State Water Quality Control Board in January 2021, as such the applicant shall enroll for coverage under the General Order by submitting an NOI at least 180 days prior to commencement of operations. Prior to approval of wastewater construction plans and permit issuance for the process wastewater system to serve the winery, this Division will require acceptance of the approach to handling process water from the San Francisco Regional Water Board staff. It is highly recommended to submit the NOI prior to, or concurrently with the construction plans submitted to this Division for review and approval.
2. Plans for the proposed process water and sanitary onsite wastewater treatment systems as described in the Onsite Wastewater Dispersal Feasibility Study dated July 2024-Revised shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and submitted for review accompanied by complete design criteria based upon local conditions and appropriate fees. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by these systems will be approved until such plans are approved by this Division and permits to construct them are issued.

If the optional visitor’s center wastewater subsurface drip dispersal area is selected for the sanitary waste onsite wastewater system, a site evaluation must be conducted to ensure the area is suitable for the proposed onsite wastewater system.

3. Complete plans and specifications for the food preparation, service area(s), storage area(s) and the employee restrooms must be submitted for review and approval by this Division

prior to issuance of any building permits for said areas. An annual food permit will be required.

4. The existing wells must be properly protected from potential contamination. If the existing well(s) is to be destroyed, a well destruction permit must be obtained from this Division by a licensed well driller. If this well is not destroyed, it must be properly protected, and an approved backflow prevention device installed according to the Water System's specifications.
5. The water supply and related components must comply with the California Safe Drinking Water Act and Related Laws. This will require plan review and approval prior to approval of building permits. The technical report must be completed by a licensed engineer with experience in designing water systems. The preliminary technical report must be submitted to the Regional Water Quality Control Board staff a minimum of six (6) months prior to beginning any water-related improvement in accordance with the California Health and Safety Code, Section 116527. Prior to occupancy, the owner must apply for and obtain an annual operating permit for the water system from this Division. The applicant must comply with all required monitoring and reporting.
6. Adequate area must be provided for collection of recyclables and compostables. The applicant must work with the franchised garbage hauler for the service area in which they are located, to determine the area and the access needed for the collection site. The garbage and recycling enclosure must meet the enclosure requirements provided during use permit process and be included on the building permit submittal. The designated area shall remain available and be properly maintained for its intended use.

Prior to granting final occupancy:

7. The applicant shall enroll for coverage under the State Water Resources Control Board General Waste Discharge Requirements for Winery Process Water by submitting the Notice of Intent, Technical Report and Application to the San Francisco Regional Water Quality Control Board or Napa County for the winery process water treatment system.
8. Annual alternative sewage treatment system monitoring permit(s) must be obtained for the sanitary wastewater subsurface drip onsite wastewater treatment system prior to issuance of a final on the project if required.
9. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.

Upon final occupancy and thereafter:

10. Proposed food service for events will be catered, as described in the Onsite Wastewater Disposal Feasibility Study; therefore, all catered food must be prepared offsite and served

- by a Napa County permitted caterer. If the caterer selected does not possess a valid Napa County Permit to operate, refer the business to this Division for assistance in obtaining the required permit prior to providing any food service.
11. The applicant shall provide portable toilet facilities for guest use during events as indicated in the septic feasibility report/use permit application. The portable toilet facilities must be pumped by a Napa County permitted pumping company.
 12. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that store hazardous materials above threshold planning quantities (55 gallons liquid, 200 cubic feet compressed gas, or 500 pounds of solids) shall obtain a permit, file an approved Hazardous Materials Business Plan to <http://cers.calepa.ca.gov/> , and be approved by this Division within 30 days of said activities.
 13. The use of the absorption field/drain field area and reserve area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the septic system and reserve areas include equipment storage, traffic, parking, pavement, livestock, etc.
 14. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors, and odors.
 15. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system, the plan submitted for review and approval must address bentonite disposal.



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David Morrison
Director

To: Dana Ayers, Project Planner	From: Marie Taylor, Building Inspector
Date: March 14, 2018	Re: Use Permit – Frank Family Vineyards File # P13-00371 Address: 8895 Conn Creek Road St. Helena, Ca. 94574 APN: 030-120-016 030-120-017

Building Inspection Division; Planning Use Permit Review Comments

The plans provided for the Use Permit application P13-00371 do not provide enough information in sufficient detail to determine code requirements. A complete plan check will be performed at the time of application and plan submittal to the building division for required permits. The following are provided to prepare the applicant for some standard submittal requirements for the plan review of the building permit process.

Any existing structures and/or buildings on the property that will be demolished require a separate demolition permit issued by The Napa County Building Division prior to demolition. The applicant will be required to provide a J number form Bay Area Air Quality Management District at the time of application for the permit.

The site and associated buildings are required to be accessible to persons with disabilities. This includes but not limited to, parking, accessible path of travel from parking to all buildings and areas on site that are available to employees and the public. Plans must also include all accessibility features for the interior work. An Accessible Upgrade Worksheet must be submitted with plans as a part of the permit process.

Occupant load will determine occupancy types, exiting requirements, and restroom facilities.

Any change in occupancy or use will require building to comply with the requirements of the California Building Code for a new occupancy or use.

Should you have any questions, please contact Marie Taylor at (707) 299-1359



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Steven Lederer
Director

MEMORANDUM

To: PBES Staff	From: Ahsan Kazmi, P.E. Senior Traffic Engineer
Date: May 11, 2021	Re: Frank Family Benjamin Ranch Winery (P13-00371) Conditions of Approval

This memorandum on the Conditions of Approval is prepared at the request of Planning, Building, and Environmental Services (PBES) staff regarding the Use Permit Modification Application # P13-00371, for the proposed Frank Family Benjamin Ranch Winery, located at 8895 Conn Creek Road in the County of Napa.

In preparation of this memorandum, we have reviewed the *Traffic Impact Analysis for the Frank Family Benjamin Ranch Winery Project*, dated March 30, 2021 prepared by W-Trans.

After careful evaluation and review of the document, we believe that the report provides sufficient information to develop conditions for the project.

The Department of Public Works established the following conditions of approval related to the Use Permit Application Number P13-00371.

Deceleration Lane:

1. The project applicant/permittee shall add a southbound deceleration lane on Silverado Trail at Conn Creek Road.

Bicycle Facilities:

2. The project applicant/permittee shall dedicate the necessary frontage along the west side of Conn Creek Road to implement planned bicycle facilities for the roadway.
3. The project applicant/permittee shall provide a minimum of ten bicycle spaces on-site adjacent to project entrances.

Marketing

4. The project applicant/permittee shall not exceed the maximum number of visitors of 150 per day, Monday through Wednesday, and 300 visitors per day, Thursday through Sunday.

Dated: May 11, 2021

Conditions of Approval

5. The project applicant/permittee shall not exceed 46 full-time and 15 part time winery employees.
6. The project applicant/permittee shall not exceed nine annual marketing events (including Auction Napa Valley) with a maximum of 150 people per event as described in the project application.
7. During large marketing events, the project applicant/permittee shall implement Transportation Demand Management (TDM) measures to limit the number of vehicles travelling to and parking at the project site. Measures can include, but are not limited to, shuttle or limousine service, etc.
8. As an emergency evacuation precaution, the project applicant/permittee will cancel visitation and events on "red flag" days of high fire danger.

Transportation Demand Management (TDM) Program

9. The project applicant/permittee shall implement the Transportation Demand Management (TDM) strategies included in the report to reduce single-occupant vehicle use, encouraging more energy-efficient forms of transportation and contributing towards the County's greenhouse gas emission reduction goals by 15 percent.
10. The project applicant/permittee shall appoint a staff person appointed as Transportation Demand Management (TDM) coordinator to facilitate employees reducing solo-vehicle commuting and report to County staff on January 15th of each year (annual basis) on the status on the strategies implemented.

On Street Parking

11. Parking within the public right-of-way will be prohibited during large marketing and/or temporary events

Landscaping Maintenance

12. Landscaping at the project driveway shall be maintained to not interfere with sight lines requires for safe stopping distance on the public-right-of-way. No items that are wide than 18 inches can be taller than 30 inches other than street trees and traffic control devices. Street trees should be deciduous and have branches lower than 4 feet in height up kept once the tree is established.

Encroachment Permit

13. An encroachment permit will be required for any improvements in the County's Right-of-Way. For the application submittal process contact the Roads Division at 707-944-0196. The improvements shall be constructed in compliance with the Napa County Road & Street Standards. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. Completion of improvements and certification shall be completed prior to occupancy or establishment of use. Please contact the Roads office at (707) 944-0196 to initiate the

Dated: May 11, 2021

Conditions of Approval

encroachment permit process. Any improvements located on Caltrans Right-of-Way will require a separate coordination and permitting process.

Please contact Ahsan Kazmi, P.E. Senior Traffic Engineer at Ahsan.Kazmi@countyofnapa.org or call (707) 259-8370 if you have any questions.



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Napa County Fire Department
Fire Marshal's Office
951 California Blvd
Napa, CA 94559

Office: (707) 299-1464

Jason Downs
Fire Marshal

Napa County Fire Department Conditions of Approval

TO:	Planning Department	DATE:	May 30, 2024
FROM:	Jason Downs, Fire Marshal	PERMIT #	P21-00151
SUBJECT:	Benjamin Ranch Winery	APN:	030-120-016-000

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

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes, and ordinances at the time of Building Permit issuance.
2. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested, and finalized.
3. Where conditions listed in 2022 California Fire Code Section 105 are proposed, separate permits will be required before Building Permit issuance for:
 1. Automatic fire-extinguishing systems
 2. Emergency responder radio coverage systems
 3. Fire alarm and detection systems and related equipment
 4. Fire pumps and related equipment
 5. Temporary membrane structures and tents.
4. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards
5. Access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced to provide all-weather driving capabilities. Provide an engineered analysis of the proposed roadway noting its ability to support apparatus weighing 75,000 lbs.
6. Provide fire department access roads to within 150 feet of any exterior portion of the buildings as measured by an approved route around the exterior of the building or facility.



A Tradition of Stewardship
A Commitment to Service

Napa County Fire Department
Fire Marshal's Office
951 California Blvd
Napa, CA 94559

Office: (707) 299-1464

Jason Downs
Fire Marshal

Napa County Fire Department Conditions of Approval

7. Roadways shall be a minimum of 20 feet in width with a 2-foot shoulder and 15-foot vertical clearance.
8. Turnarounds are required on driveways and dead-end roadways.
9. Grades for all roadways and driveways shall not exceed 16 percent. The roadway grade may exceed 16 percent, not to exceed 20 percent, provided the provisions outlined in the NCRSS are met.
10. Roadway radius shall not have an inside radius of less than 50 feet. An additional surface width of 4 feet shall be added to curves of 50-100 feet radius and 2 feet to curves of 100-200 feet radius.
11. Gates for driveways and/or roadways shall comply with the California Fire Code, section 503.5 and the Napa County Road & Street Standards, and CA Fire Safe Regulations for projects within SRA.
12. Commercial - Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16 licensed contractor, or registered engineer indicating compliance with California Fire Code Appendix B and the Napa County Municipal Code.
13. Commercial - Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16 licensed contractor, or registered engineer indicating compliance with California Fire Code Appendix B and the Napa County Municipal Code.
14. Commercial - Approved steamer hydrants shall be installed within 250 feet of any exterior portion of the building as measured along vehicular access roads. Private fire service mains shall be installed, tested, and maintained per NFPA 24.
15. Commercial - Fire Department Connections (FDC) for automatic sprinkler systems shall be located fully visible and recognizable from the street or fire apparatus access roads. FDC shall be located within 50 feet of an approved fire hydrant.



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16. Commercial - The minimum main size of all fire hydrants shall be 6 inches in diameter. Piping shall be installed with C-900 class 200 piping or ductile iron or equivalent per NFPA 24 for the installation of Underground Fire Protection Mains
17. An automatic fire sprinkler system shall be installed by provisions outlined in the California Fire Code as amended by the County of Napa and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.
18. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware, and exit illumination.
19. Provide 100 feet of defensible space around all structures.
20. Provide 10 feet of defensible space for fire hazard reduction on both sides of all roadways of the facility.
21. Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building.

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

September 20, 2024

Neha Hoskins
Clerk of the Board
1195 Third Street, Suite 310
Napa, CA 94559

Delivery via email to ClerkoftheBoard@countyofnapa.org

RE: Appeal of P13-00238-UP

Dear Ms. Hoskins:

The parties to the above referenced appeal, Treasury Wine Estates Americas Company and Michael Honig/Keep Rutherford Rural, have reached a mutually agreeable settlement of Mr. Honig's appeal. Pursuant to that settlement agreement, the parties jointly request that the Board modify the Planning Commission's approval by as detailed in the attached Exhibits A, 1, 2, and 3 to this letter.

If the Board accepts the foregoing proposal and upholds the Planning Commission's approval of this project, Mr. Honig hereby stipulates to withdraw the appeal and not object to the Planning Commission's approval of the Use Permit as modified by the conditions of approval in Exhibit A, 1, 2, and 3.

Should the Board either: (a) decline to impose the modifications described in this joint request and uphold the Planning Commission's approval; or (b) require changes or recirculation of the project's mitigated negative declaration, the parties reserve the right to elect to proceed to a hearing of the pending appeal on its merits.

The Board previously remanded this appeal to the Planning Commission for an advisory report on certain topics. Because the parties wish to resolve this appeal promptly and to avoid further use of valuable County resources, we ask that the Board schedule a hearing to rescind its remand and consider the Parties joint request to resolve the appeal. We believe this procedure is more respectful of the Planning Commission's time and staff resources. The undersigned are available to answer any questions County staff may have. The Parties respectfully request that this matter be scheduled for the Board's earliest available hearing.

Thank you for your attention to this matter.

Respectfully,

DocuSigned by:
Debra Dommen
21AC2B38A9374E5...

Debra Dommen
Treasury Wine Estates Americas Company
Debra.Dommen@tweglobal.com

DocuSigned by:
Michael Honig
ESD170E4712E463...

Michael Honig
Keep Rutherford Rural
Michael@honigwines.com

cc: Laura Anderson (via email)
Michael Parker (via email)
Amy Minter (via email)
Rob Anglin (via email)

EXHIBIT A

Jointly Requested Changes to Conditions of Approval and Site Plan P13-00238-UP

The Parties jointly request the following changes to the Use Permit's conditions of approval some of which are depicted on the attached Exhibits 1, 2, and 3.

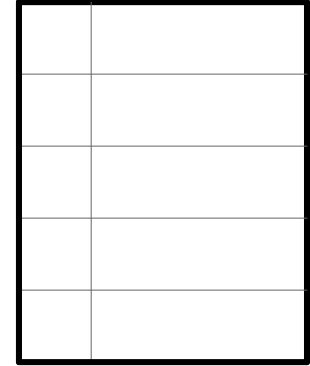
1. Add a new Condition of Approval 4.20.a. as follows:
 - 4.20.a. No tours & tastings, marketing events, or visitor-serving activities of any kind shall be allowed on the existing pond's berm.

2. Eliminate Condition of Approval 4.3.b. to remove the Wine Auction Event.

3. Amend the Use Permit as described in Applicant's resubmittal letter dated April 17, 2024.

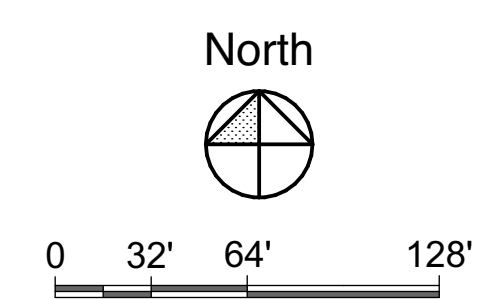
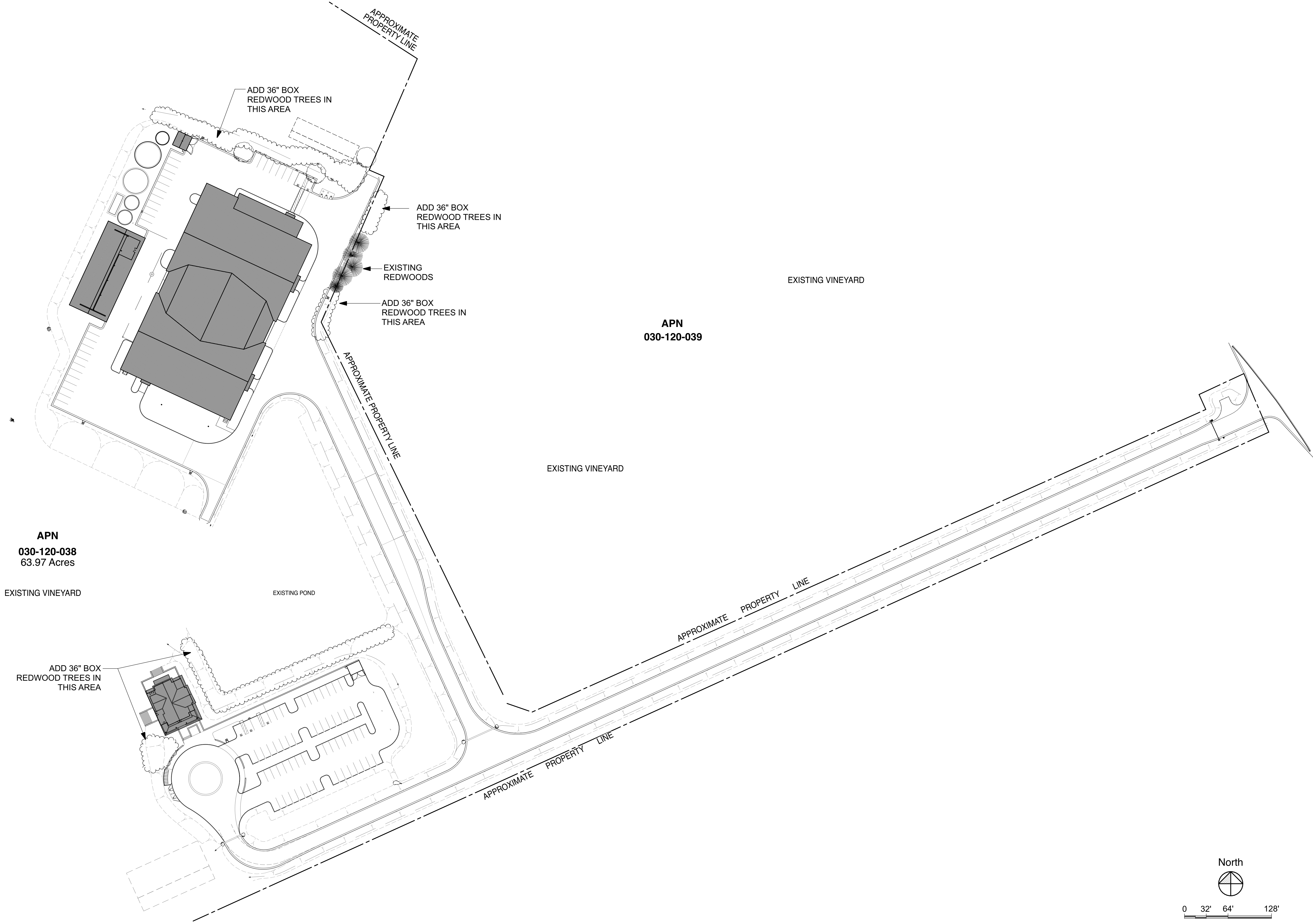
4. Augment the Project's landscaping with redwood plantings in areas depicted on Exhibit 1 and 3. Said redwood trees to be 36" box size specimens.

5. Remove parking spaces as depicted on Exhibit 2.



/Volumes/Share/PROJECTS/2024 Projects/2403 Benjamin Ranch Winery/2403 Project Files/2403-2024-9-04-Benjamin Ranch Winery-DS.pln9/11/24

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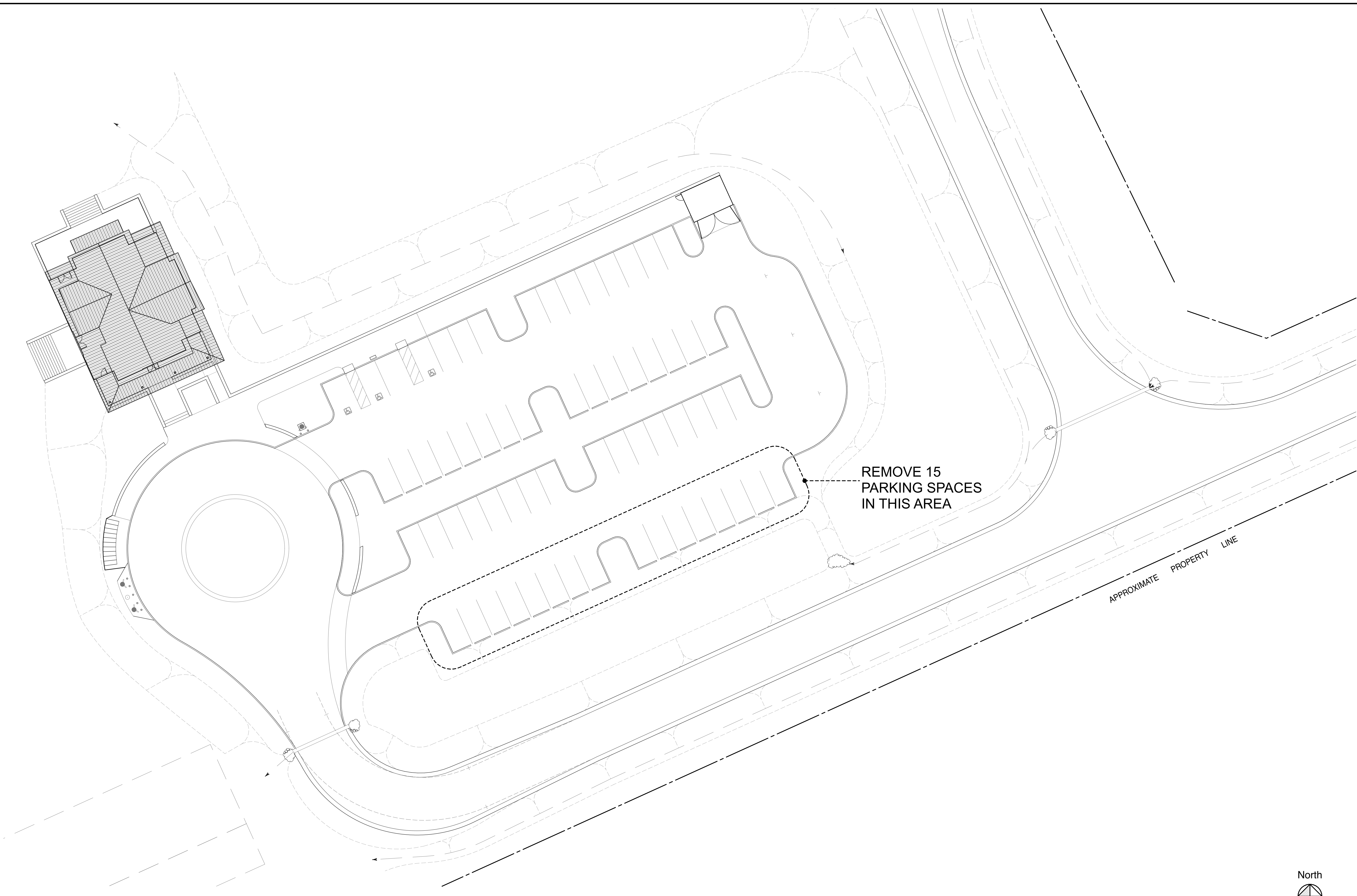


1 ENLARGED SITE PLAN- LANDSCAPE REVISIONS
 SCALE: 1/8" = 1'-0"

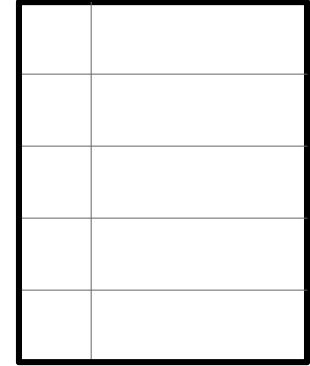
/Volumes/Share/PROJECTS/2024 Projects/2403 Benjamin Ranch Winery/2403 Project Files/2403-2024-9-04-Benjamin Ranch Winery-DS.pln9/11/24

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1 PARKING REVISIONS @ TASTING BUILDING
SCALE: 1" = 20'

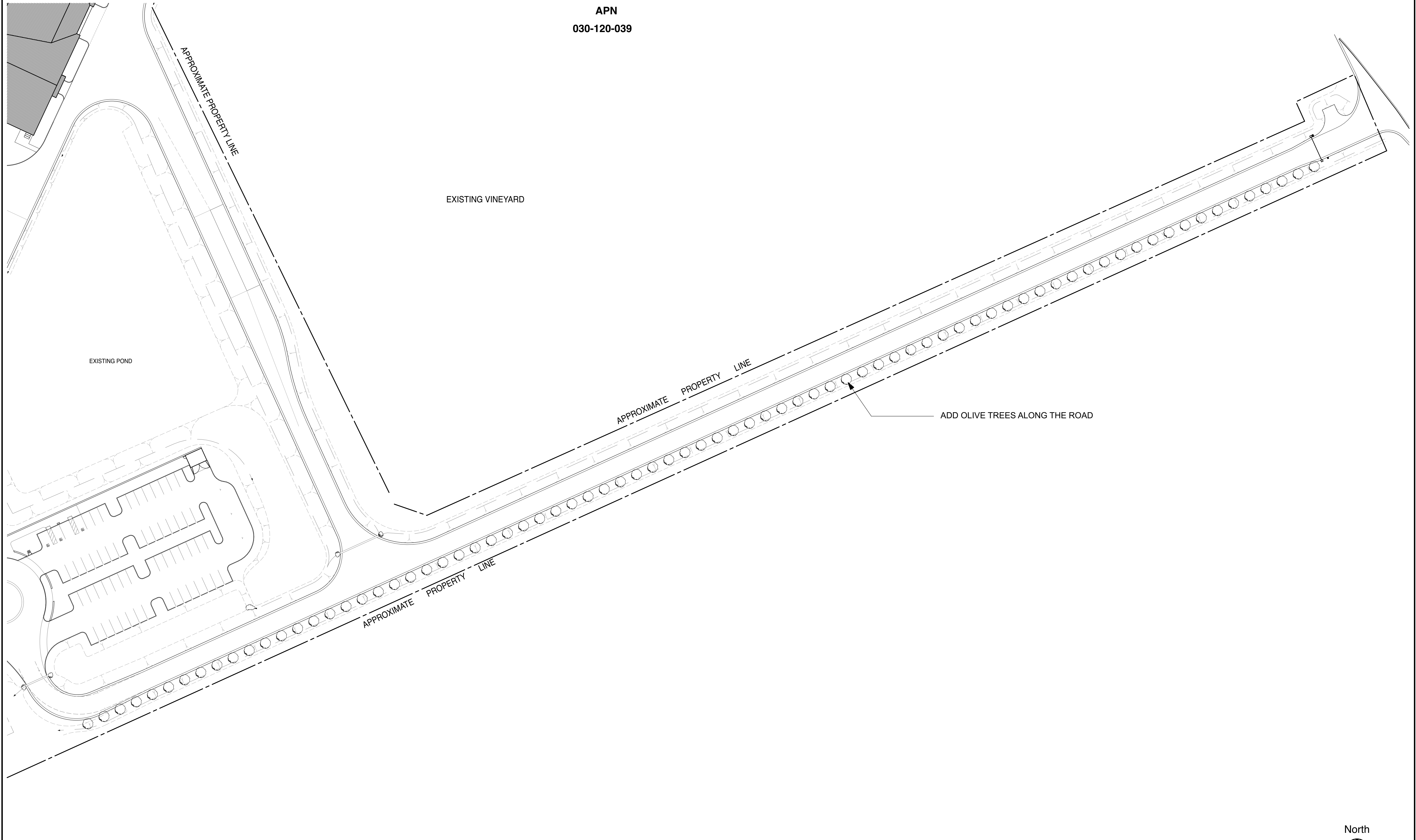


0 10' 20' 40'



/Volumes/Share/PROJECTS/2024 Projects/2403 Benjamin Ranch Winery/2403 Benjamin Ranch Winery/2403-2024-9-04-Benjamin Ranch Winery-DS.pln9/11/24

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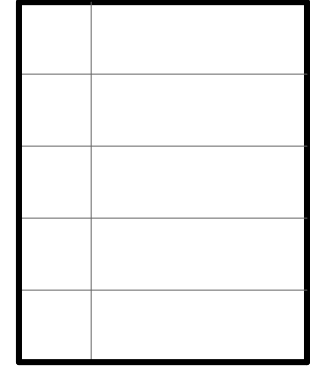
1 ENLARGED SITE PLAN - ENTRY ROAD REVISION
SCALE: 1" = 50'

HALL & BARTLEY
ARCHITECTURE AND PLANNING
P.O. BOX 693, SANTA ROSA, CALIFORNIA 95402 (707) 544-1642

BENJAMIN RANCH WINERY
8901 Conn Creek Road
NAPA COUNTY CALIFORNIA
ST HELENA

ENLARGED SITE PLAN -
ENTRY ROAD REVISION

PROJECT	#Pin
DRAWN	AM
CHECK	SPB
SCALE	AS NOTED
DATE	9/04/2024



EX.3

HolmanTeague

real estate law • land use law • business law • climate change law

April 17, 2024

Brian Bordona
PBES Director
1195 Third St, Suite 210
Napa, CA 94559

Delivery via email to Brian.Bordona@countyofnapa.org

RE: Benjamin Ranch Winery P21-00151, P13-00371-UP

Director Bordona:

I represent Treasury Americas (Treasury). In December 2021, Treasury acquired Frank Family Vineyards (FFV) and stepped into the position of Applicant on the Benjamin Ranch winery appeal. At Treasury's request, the Board of Supervisors remanded the application to the Planning Commission for an advisory recommendation on three topics: (1) changes proposed by the Applicant to the winery's design and operational characteristics; (2) the new BAAQMD Air Quality and GHG Guidelines that took effect in April 2022; and (3) the Governor's Executive Order pertaining to well permits and the extreme drought. Treasury would like to proceed to the Planning Commission to continue this process, and information on these three topics is provided below.

1. Applicants changes to winery design and operational characteristics

Enclosed with this letter, the Applicant is providing revised plans depicting a reduced winery building. Applicant's changes to operational characteristics are described below.

The Planning Commission approved Use Permit No. P13-00371-UP for the Benjamin Ranch winery with annual production of 475,000 gallons and tours and tastings for 150 guests (Monday through Wednesday) and for 300 guests Thursday through Sunday) for a maximum of 1,650 tours and tastings per week. The Planning Commission also approved a marketing plan nine events per year for 1,350 attendees. Treasury is proposing a reduction in production, tastings, and marketing events as detailed in the table below.

	<i>Planning Commission</i>	<i>Treasury Amendment</i>	<i>Reduction</i>
Production (gal./year)	475,000	300,000	37%
Tastings	150/day (Mon–Wed); 300/day (Thurs–Sun) Max of 1,650/week	100/day Max of 700/week	60%

Marketing Events	Eight 150 person events per year (only 2/month) One 150 person wine auction event per year 1,350 annual attendees	Four 100 person events per year Four 50 person events per year 600 annual attendees	56%
Winery Building	79,593± square feet	61,368± square feet	23%
Winery Coverage	274,406± square feet	249,737± square feet	9%
Winery Development	99,540± square feet	80,531± square feet	20%

The above operational characteristics and the reduced winery building match the activities and structures of nearby wineries.

2. BAAQMD Air Quality and GHG Guidelines taking effect April 2022

The Applicant expects that Napa County staff will apply these new guidelines to the project as proposed and will make any appropriate changes to the project's mitigated negative declaration.

3. Governor's Executive Order pertaining to well permits and the extreme drought

Enclosed please find revised Water Availability Analysis prepared by Bartelt Engineering dated April 2024. This revised WAA was prepared according to the County's current Well Permitting Procedures, which implement the Governor's Executive Order and other regulatory requirements. As reflected on the revised WAA, the project complies with the Governor's Executive Order as implemented by the County's Well Permitting Procedures.

Please feel free to contact me with any questions. Thank you for your attention to this matter.

Respectfully,

Rob Anglin

cc: Laura Anderson
Michael Parker