

# Exhibit “A”

## Revised Conditions of Approval and Final Agency Approval Memos

Bonny’s Vineyard Appeal P25-00020-APL  
Board of Supervisors  
June 24, 2025

**BOARD OF SUPERVISORS  
REVISED CONDITONS OF APPROVAL**

**BONNY'S VINEYARD WINERY  
P22-00002-UP  
1555 SKELLENGER LANE, NAPA, CA. 94558  
(APN 030-200-080)**

This permit encompasses and shall be limited to the project commonly known as Bonny's Vineyard Winery, located at APN 030-200-080. 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.

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.

**MODIFICATIONS TO THE CONDITIONS OF APPROVAL ARE NOTED IN  
UNDERLINE AND ~~STRIKETHROUGH~~**

**PART I**

**1.0 PROJECT SCOPE**

This permit encompasses and shall be limited to:

- 1.1 Approval of a Use Permit, for a 30,000 gallons per year winery with the following characteristics:
  - a. Construction of a 10,996 square foot (sf) winery building with a 1,426 sf covered crush pad, a 392 sf uncovered mechanical yard and 1,255 sf of covered loggia (patio space);
  - b. Six (6) full-time employees;
  - c. By appointment tours and tastings for a maximum of 45 visitor per day with catering provided; catering will be prepared offsite, including outdoors tastings as set forth in Conditions of Approval (COAs) No. 4.1 and 4.2;
  - d. A marketing program consisting of two (2) large events per year with a maximum of 150 visitors and nine (9) smaller events per year with a maximum of 8- visitors, including on-premises consumption of wine

- as set forth in COA No. 4.3 and 4.4 below;
- e. Hours of operation: production days and hours 9:00 AM to 5:00 PM, seven (7) days per week, visitation days and hours 10:00 AM to 5:00 PM, seven (7) days per week;
  - f. Parking for 20 cars with overflow event parking occurring on-site, and as needed along the existing vineyard avenues for events (but not within required stream setbacks);
  - g. Installation of on-site landscaping;
  - h. On-site domestic wastewater treatment system and drip dispersal system with a 3,616 sf dispersal area;
  - i. Widening existing driveway to Napa County Road and Street Standards (NCRSS);
  - j. Three (3) 10,000-gallon water storage tanks for fire suppression and water storage, and;
  - k. Use of existing site well #1 for winery uses (with monitoring of all 3 parcel wells).

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: 7 days per week, Monday through Sunday;
- b. Maximum number of persons per day: 45;
- c. Maximum number of persons per week: 315;
- d. Hours of visitation: 10:00 AM to 5:00 PM;
- e. Outdoors tasting areas (AB52) as noted on the approved plan set, and
- f. Wine and food pairings where food is provided by a licensed caterer.

"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.

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

- a. Two (2) events per year with a maximum of 150 visitors, 6:00 PM – 10:00 PM;
- b. Nine (9) events per year with a maximum of 80 visitors, 6:00 PM – 10:00 PM;
- c. Catering for all events will be prepared offsite and provided by a catering company;
- d. Outdoor marketing event areas as noted on the approved plan set; and
- e. Quiet clean up from 10:00 PM - 11:00 PM.

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

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

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

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

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

#### 4.4 ON-PREMISES CONSUMPTION

In accordance with State law and the PBES Director's July 17, 2008, memo, "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises," on-premises consumption of wine produced on-site and purchased from the winery may occur solely in the in the winery building and the surrounding paved/courtyard area. 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. AB2004 outdoor tasting and event space, as indicated in the plan set (see Exhibit E)

#### 4.5 RESIDENCE OR NON-WINERY STRUCTURES

Unless specifically authorized by this permit or a previously approved permit, the existing single-family residence and second dwelling unit shall not be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery. If either of the residences are rented, they 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

a. The parcel shall be limited to 10.16 acre-feet of groundwater per year for all water consuming activities on the parcel.

i. For the first twelve months of operation under this permit, the permittee shall read the meters at the beginning of each month and provide the data to the PBES Director monthly. If the water usage on the property exceeds, or is on track to exceed, 10.16 acre-feet per year, or if the permittee fails to report, additional reviews and analysis and/or a corrective action program at the permittee's expense shall be required and shall be submitted to the PBES Director for review and action.

a. —

##### b. Well Flow Regulation Devices

1. The winery well (well #1 – “Project Well”) shall be equipped with a flow regulation device limiting the pumping capacity to less than or equal to 160 gallons per minute and limiting the pumping time to less than or equal to existing operations.

i. Within 120 days of approval, the permittee shall begin to monitor well #1 to establish the baseline pumping operations for pumping time.

ii. To determine the baseline pumping time the permittee shall submit well pumping data for well #1 to PBES Planning staff at the beginning of each month for a total of 12 months.

iii. Once the baseline pumping time is established and confirmed by PBES Planning Staff, prior to Building Permit Final, well #1 shall be equipped with a flow regulation device limiting the pumping time to the determined baseline.

iv. Permittee shall provide well monitoring data for well #1 as noted under COA 4.9.a.i.

2. The secondary residential well (well #2) shall be equipped with a flow regulation device limiting the pumping capacity to less than or equal to 200 gallons per minute and limiting the pumping time to less than or equal to existing operations.

i. Within 120 days of approval, the permittee shall begin to monitor well #2 to establish the baseline pumping operations for pumping time.

- ii. To determine the baseline pumping time the permittee shall submit well pumping data to PBES Planning Staff at the beginning of each month for a total of 12 months.
- iii. Once the baseline pumping time is established and confirmed by PBES Planning Staff, prior to Building Permit Final, well #2 shall be equipped with a flow regulation device limiting the pumping time to the determined baseline.
- iv. Permittee shall provide well monitoring data for well #2 as noted under COA 4.9.a.i.

~~4. —~~

3. The primary residential/agricultural well (well #3) shall be equipped with a flow regulation device limiting the pumping ~~time and pumping~~ capacity to less than or equal to existing operations.

- i. Within 120 days of approval, the permittee shall begin to monitor well #3 to establish the baseline pumping operations for pumping rate and pumping time.
- ii. To determine the baseline pumping rate and pumping time the permittee shall submit well pumping data to PBES Planning Staff at the beginning of each month for a total of 12 months.
- iii. Once the baseline pumping time is established and confirmed by PBES Planning Staff, prior to Building Permit Final, well #3 shall be equipped with a flow regulation device limiting the pumping rate and pumping time to the determined baseline.
- iv. Permittee shall provide well monitoring data for well #3 as noted under COA4.9.a.i.

~~2. Since the yield for Well #3 is currently unknown, immediately upon approval the applicant shall monitor well #3 to establish the baseline pumping operations, and then coordinate with PBES Planning Staff to determine the existing pumping capacity operations, once the existing baseline is established well #3 shall be equipped with a flow regulation device limiting the pumping capacity to the determined existing baseline.~~

c. Prior to the submittal of building permit application for the new winery the permittee shall submit and obtain approval of any necessary permits (Building Permits, Grading Permits or Planning Permit, as applicable) to destroy the potential 4<sup>th</sup> parcel well identified as “(E) Well for House” on the approved Building Plan Set for B16-01016, and shall destroy said well once approval is obtained. Furthermore, the permittee shall submit proof to PBES Planning Staff that destruction has occurred.

~~e.d.~~ A Groundwater Demand Management Program shall be developed and implemented for the property as outlined in COA 6.15(a) further below in this document.



~~d.e.~~ This condition is implemented by the PBES Department:

The permittee shall be required (at the permittee's expense) to record well monitoring data (specifically, static water level no less than quarterly, and the volume of water no less than monthly). Such data will be provided to the County, if the PBES Director determines that substantial evidence<sup>1</sup> indicates that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. If data indicates the need for additional monitoring, and if the applicant is unable to secure monitoring access to neighboring wells, onsite-monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project. Water usage shall be minimized by use of best available control technology and best water management conservation practices.

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

In the event that changed circumstances or significant new information provide substantial evidence<sup>1</sup> 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 (4:00 to 6:00 p.m. on weekdays and 1:00 to 3:00 p.m. on Saturdays and Sundays). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

#### 4.12 PARKING

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

Parking shall be limited to approved parking spaces only and shall not occur along access

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

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 process wastewater ponds 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.
- b. All landscaping and outdoor screening, storage, and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items shall exceed the height of the screening. Exterior winery equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.
- c. The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site-specific vegetation. The permittee shall obtain the written approval of the Planning Division prior to any change in paint colors that differ from the approved building permit. Highly reflective surfaces are prohibited.

- d. Designated trash enclosure areas shall be made available and properly maintained for intended use.

#### 4.17 NO TEMPORARY SIGNS

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

#### 4.18 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – OPERATIONAL CONDITIONS

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

- a. Engineering Services Division operational conditions as stated in their Memorandum dated September 14, 2022.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated October 30, 2024.
- c. Fire Department operational conditions as stated in their Inter-Office Memo dated August 25, 2022.
- d. Department of Public Works operational conditions as stated in their Memorandum dated September 21, 2022 – updated October 24, 2024.
- e. Building Division operational comments as stated in their January 28, 2022 memo.

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

#### 4.19 OPERATIONAL MITIGATION MEASURES (RESERVED)

#### 4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. The parcel shall be limited to 10.16 acre-feet of groundwater per year for all water consuming activities on the parcel.
- b. Well Flow Regulation Devices

1. The winery well (well #1 – “Project Well”) shall be equipped with a flow regulation device limiting the pumping capacity to less than or equal to 160 gallons per minute and limiting the pumping time to less than or equal to existing operations.
  - i. Within 120 days of approval, the permittee shall begin to monitor well #1 to establish the baseline pumping operations for pumping time.
  - ii. To determine the baseline pumping time the permittee shall submit well pumping data for well #1 to PBES Planning staff at the beginning of each month for a total of 12 months.
  - iii. Once the baseline pumping time is established and confirmed by PBES Planning Staff, prior to Building Permit Final, well #1 shall be equipped with a flow regulation device limiting the pumping time to the determined baseline.
  - iv. Permittee shall provide well monitoring data for well #1 as noted under COA 4.9.a.i.~~The winery well (well #1 – “Project Well”) shall be equipped with a flow regulation device limiting the pumping capacity to less than or equal to 160 gallons per minute.~~
- 4.
2. The secondary residential well (well #2) shall be equipped with a flow regulation device limiting the pumping capacity to less than or equal to 200 gallons per minute and limiting the pumping time to less than or equal to existing operations.
  - i. Within 120 days of approval, the permittee shall begin to monitor well #2 to establish the baseline pumping operations for pumping time.
  - ii. To determine the baseline pumping time the permittee shall submit well pumping data to PBES Planning Staff at the beginning of each month for a total of 12 months.
  - iii. Once the baseline pumping time is established and confirmed by PBES Planning Staff, prior to Building Permit Final, well #2 shall be equipped with a flow regulation device limiting the pumping time to the determined baseline.
  - iv. Permittee shall provide well monitoring data for well #2 as noted under COA 4.9.a.i.
2. ~~The secondary residential well (well #2) shall be equipped with a flow regulation device limiting the pumping capacity to less than or equal to 200 gallons per minute.~~
3. The primary residential/agricultural well (well #3) shall be equipped with a flow regulation device limiting the pumping time and pumping capacity to less than or equal to existing operations.
  - i. Within 120 days of approval, the permittee shall begin to monitor

well #3 to establish the baseline pumping operations for pumping rate and pumping time.

ii. To determine the baseline pumping rate and pumping time the permittee shall submit well pumping data to PBES Planning Staff at the beginning of each month for a total of 12 months.

iii. Once the baseline pumping time is established and confirmed by PBES Planning Staff, prior to Building Permit Final, well #3 shall be equipped with a flow regulation device limiting the pumping rate and pumping time to the determined baseline.

iv. Permittee shall provide well monitoring data for well #2 as noted under COA 4.9.a.i.

~~3. The primary residential/agricultural well (well #3) shall be equipped with a flow-regulation device limiting the pumping capacity to less than or equal to existing operations.~~

~~i. Since the yield for Well #3 is currently unknown, immediately upon approval the applicant shall monitor well #3 to establish the baseline pumping operations, and then coordinate with PBES Planning Staff to determine the existing pumping capacity operations, once the existing baseline is established well #3 shall be equipped with a flow regulation device limiting the pumping capacity for the determined existing baseline.~~

c. Prior to the submittal of building permit application for the new winery the applicant shall submit and obtain approval of any necessary permits (Building Permit, Grading Permit or Planning Permit, as applicable) to destroy the potential 4<sup>th</sup> parcel well identified as “(E) Well for House” on the approved Building Plan Set for B16-01016, and shall destroy said well once approval is obtained. Furthermore, the applicant shall submit proof to PBES Planning Staff that destruction has occurred.

~~e.d.~~ A Groundwater Demand Management Program shall be developed and implemented for the property as outlined in COA 6.15(a) further below in this document.

~~e.e.~~ No overflow event or employee parking shall occur within the vineyard avenues located within the required 45-foot setback from Conn Creek (Planning COA).

~~e.f.~~ Applicant shall prepare and adhere to the Traffic Demand Management Plan that incorporates the approaches in their Traffic Impact Study (Planning COA).

~~f.g.~~ Comply with Conditions noted in Agency Approval Memos under 6.1 a-e.

#### 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 September 14, 2022.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated October 30, 2024.
- c. Fire Department operational conditions as stated in their Memorandum dated August 25, 2022.
- d. Public Works operation conditions as stated in their Memorandum dated September 21, 2022, Updated October 24, 2024.
- e. Building Department construction comments noted in their January 28,

2022 memo.

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

## 6.2 BUILDING DIVISION – GENERAL CONDITIONS

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

## 6.3 LIGHTING – PLAN SUBMITTAL

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

#### 6.5 COLORS

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

#### 6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

- a. Details of outdoor storage areas and structures shall be included on the building and landscape plans. All outdoor storage of winery equipment shall be screened from the view of residences of adjacent properties by a



visual barrier consisting of fencing or dense landscaping. No stored item shall exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.

- b. New utility lines required for this project that are visible from any designated scenic transportation route (see Community Character Element of the General Plan and the County Code) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.
- c. Exterior winery equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.

#### 6.7 TRASH ENCLOSURES

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

#### 6.8 ADDRESSING

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

#### 6.9 HISTORIC RESOURCES [RESERVED]

#### 6.10 DEMOLITION ACTIVITIES [RESERVED]

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

#### 6.12 PERMIT PREREQUISITE MITIGATION MEASURES [RESERVED]

#### 6.13 PARCEL CHANGE REQUIREMENTS [RESERVED]

#### 6.14 FINAL MAPS [RESERVED]

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

a. Groundwater Demand Management Program

1. The permittee shall install a meter on each well serving the parcel. Each meter shall be placed in a location that will allow for the measurement of all groundwater used on the project parcel. Prior to the issuance of a grading or building permit for the winery or expanding any operations as approved under this modification, the permittee shall submit for review and approval by the PBES Director a groundwater demand management plan which includes a plan for the location and the configuration of the installation of a meter on all wells serving the parcel.
2. The Plan shall identify how best available technology and best management water conservation practices will be applied throughout the parcel.
3. The Plan shall identify how best management water conservation practices will be applied where possible in the structures on site. This includes but is not limited to the installation of low flow fixtures and appliances.
4. As a groundwater consuming activity already exists on the property, meter installation and monitoring shall begin immediately and the first monitoring report is due to the County within 120 days of approval of this modification.
5. For the first twelve months of operation under this permit, the permittee shall read the meters at the beginning of each month and provide the data to the PBES Director monthly. If the water usage on the property exceeds, or is on track to exceed, 10.16 acre-feet per year, or if the permittee fails to report, additional reviews and analysis and/or a corrective action program at the permittee's expense shall be required and shall be submitted to the PBES Director for review and action.
6. At the completion of the reporting period per 6.15(a)(5) above, and so long as the water usage is within the maximum acre-feet per year as specified above, the permittee may begin the following meter reading schedule:
  - i. On or near the first day of each month the permittee shall read the water meter, and provide the data to the PBES Director ~~during the first weeks of April and October~~. The

PBES Director, or the Director's designated representative, has the right to access and verify the operation and readings of the meters during regular business hours.

- b. **Mitigation Measure BR-1 (Western Pond Turtle):** The Permittee shall include in #P22-00002-UP the following measures to minimize impacts of the proposed project on western pond turtles:

1. No more than two weeks prior to the commencement of ground-disturbing activities, a Qualified Biologist shall perform surveys for western pond turtles within aquatic and upland habitat at the Project, unless otherwise approved in writing by CDFW. Surveys will encompass individual turtles and nest sites. An additional survey shall occur no more than 48 hours prior to Project activities. If a pond turtle or nest site is detected at any time, CDFW shall be notified immediately. Survey results shall be submitted to CDFW prior to construction activities. All western pond turtles observed on-site shall be avoided and allowed to leave the Project activity area of their own volition or may be relocated with prior written approval from CDFW. Any turtle nest sites shall be avoided with an appropriate buffer identified by a Qualified Biologist and accepted in writing by CDFW.

~~1.2.~~ Responsible Agency: California Department of Fish and Wildlife

- c. **Mitigation Measure BR-2 (Nesting and Migratory Birds):** The Permittee shall include in #P22-00002-UP the following measures to minimize impacts associated with the loss and disturbance of nesting birds and raptors consistent with and pursuant Fish and Game Code Sections 3503 and 3503.5 and the California Endangered Species Act found in Fish and Game Code Section 2050 et seq.:

1. If Project construction activities, including but not limited to vegetation clearing, occur during the nesting season for birds protected under the California Fish and Game Code and Migratory Bird Treaty Act (approximately February 15-August 31) the Project shall retain a qualified biologist to perform preconstruction surveys for nesting birds, including but not limited to nesting raptors, on the Project site and in the immediate vicinity including a minimum 500 foot radius around the Project site. The survey shall be conducted no more than seven (7) days prior to the initiation of construction activities, including but not limited to vegetation clearing. If there is a lapse of seven (7) days or more in construction activities, another nesting bird survey shall be conducted. In the event that nesting birds are found on the Project site or within 500 feet of the Project site, the Project shall:

- i. Locate and map the location of the nest site and immediately notify CDFW if nesting special-status birds or evidence of their presence is found;
- ii. Establish a clearly marked no disturbance area around the nest site. Buffer distances for bird nest shall be site specific and an appropriate distance, as determined by a qualified biologist, unless otherwise approved in writing by CDFW. The buffer distances shall be specified to protect the bird's normal behavior thereby preventing nesting failure or abandonment. The buffer distance recommendation shall be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established;
- iii. Within five working days of the nesting bird surveys prepare a survey report and submit it to CDFW; and
- iv. Monitor any active nest daily and ensure that the no disturbance buffer is maintained, unless otherwise approved in writing by CDFW.

2. Responsible Agency: California Department of Fish and Wildlife

- d. **Mitigation Measure BR-3 (Swainson's Hawk and white-tailed kite Survey and Avoidance Buffer):** The Permittee shall include in #P22-00002-UP the following measures to minimize impacts associated with the loss and disturbance of Swainson's Hawk and white-tailed kite:

1. If Project activities are scheduled during the nesting season for Swainson's hawk and white-tailed kite (March 1 to September 15), prior to beginning work on the Project, a qualified biologist shall conduct surveys according to the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* ([link below](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline)) and prepare a report documenting the survey results.

(<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline>)

2. The Project shall obtain CDFW's written approval of the qualified

biologist and survey report prior to starting construction activities between March 1 and September 15. Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project site or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys shall occur annually for the duration of the Project. The qualified biologist shall have a minimum of two years of experience implementing the survey methodology resulting in detections. If active Swainson's hawk and/or white-tailed kite nests are detected, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved by CDFW in writing. Any detected nesting Swainson's hawk and/or white-tailed kite shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. If take of Swainson's hawk and/or white-tailed kite cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities may commence.

2.3. Responsible Agency: California Department of Fish and Wildlife

- e. See also:
  - 1. Engineering Approval Memo COAs dated September 14, 2022
  - 2. Environmental Health Approval Memo COAs dated October 30, 2024
  - 3. Fire Approval Memo COAs dated August 25, 2022
  - 4. Public Works Approval Memo COAs dated September 21, 2022, updated October 24, 2024
  - 5. Building Approval Comments Memo dated January 28, 2022

## **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. 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.

b. DUST CONTROL

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

c. AIR QUALITY

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

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

portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ [http://www.arb.ca.gov/portable/perp/perpfact\\_04-16-15.pdf](http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf) or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. STORM WATER CONTROL

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

7.2 ARCHEOLOGICAL FINDING

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

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

7.3 CONSTRUCTION NOISE

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

7.4 CONSTRUCTION MITIGATION MEASURES

- a. **Mitigation Measure BR-1 (Western Pond Turtle):** The Permittee shall include in #P22-00002-UP the following measures to minimize impacts of the proposed project on western pond turtles:
1. No more than two weeks prior to the commencement of ground-disturbing activities, a Qualified Biologist shall perform surveys for western pond turtles within aquatic and upland habitat at the Project, unless otherwise approved in writing by CDFW. Surveys will encompass individual turtles and nest sites. An additional survey shall occur no more than 48 hours prior to Project activities. If a pond turtle or nest site is detected at any time, CDFW shall be notified immediately. Survey results shall be submitted to CDFW prior to construction activities. All western pond turtles observed on-site shall be avoided and allowed to leave the Project activity area of their own volition or may be relocated with prior written approval from CDFW. Any turtle nest sites shall be avoided with an appropriate buffer identified by a Qualified Biologist and accepted in writing by CDFW.
  - 4.2. Responsible Agency: California Department of Fish and Wildlife
- b. **Mitigation Measure BR-2 (Nesting and Migratory Birds):** The Permittee shall include in #P22-00002-UP the following measures to minimize impacts associated with the loss and disturbance of nesting birds and raptors consistent with and pursuant Fish and Game Code Sections 3503 and 3503.5 and the California Endangered Species Act found in Fish and Game Code Section 2050 et seq.:
1. If Project construction activities, including but not limited to vegetation clearing, occur during the nesting season for birds protected under the California Fish and Game Code and Migratory Bird Treaty Act (approximately February 15-August 31) the Project shall retain a qualified biologist to perform preconstruction surveys for nesting birds, including but not limited to nesting raptors, on the Project site and in the immediate vicinity including a minimum 500 foot radius around the Project site. The survey shall be conducted no more than seven (7) days prior to the initiation of construction activities, including but not limited to vegetation clearing. If there is a lapse of seven (7) days or more in construction activities, another nesting bird survey shall be conducted. In the event that nesting birds are found on the Project site or within 500 feet of the Project site, the Project shall:
    - a. Locate and map the location of the nest site and immediately notify CDFW if nesting special-status birds or evidence of their presence is found;
    - b. Establish a clearly marked no disturbance area around the nest site. Buffer distances for bird nest shall be site specific and an appropriate distance, as determined by a qualified biologist, unless otherwise approved in writing by CDFW. The buffer distances shall be specified to protect the bird's normal behavior thereby



preventing nesting failure or abandonment. The buffer distance recommendation shall be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established;

- c. Within five working days of the nesting bird surveys prepare a survey report and submit it to CDFW; and
- d. Monitor any active nest daily and ensure that the no disturbance buffer is maintained, unless otherwise approved in writing by CDFW.

2. Responsible Agency: California Department of Fish and Wildlife

- c. **Mitigation Measure BR-3 (Swainson's Hawk and white-tailed kite Survey and Avoidance Buffer):** The Permittee shall include in #P22-00002-UP the following measures to minimize impacts associated with the loss and disturbance of Swainson's Hawk and white-tailed kite:

- 1. If Project activities are scheduled during the nesting season for Swainson's hawk and white-tailed kite (March 1 to September 15), prior to beginning work on the Project, a qualified biologist shall conduct surveys according to the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline>) and prepare a report documenting the survey results.

- 2. The Project shall obtain CDFW's written approval of the qualified biologist and survey report prior to starting construction activities between March 1 and September 15. Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project site or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys shall occur annually for the duration of the Project. The qualified biologist shall have a minimum of two years of experience implementing the survey

methodology resulting in detections. If active Swainson's hawk and/or white-tailed kite nests are detected, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved by CDFW in writing. Any detected nesting Swainson's hawk and/or white-tailed kite shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. If take of Swainson's hawk and/or white-tailed kite cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities may commence.

2.3. Responsible Agency: California Department of Fish and Wildlife

7.5 OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL

a. Prior to construction, construction fencing/western pond turtle fencing shall be placed along the western most side of the vineyard avenue running parallel to Conn Creek.

b. No construction staging, storage or parking shall occur within the required 45' stream setback from Conn Creek. Stakes should be placed within the vineyard noting the 45' stream setbacks and no staging, storage or parking shall occur within this setback; standard vineyard operations can continue to occur within the 45' setback, but should be outside the western pond turtle protective fencing in place during construction.

~~b.c.~~ e. Access to the winery for all uses (construction, worker access, employee access, guest access, event access, catering access, maintenance access, etc.) shall occur off of Skellenger Lane. At no point shall the residential access easement off of Oakville Cross Road be utilized for winery use or access.

~~e.d.~~ Applicant shall prepare and adhere to the Traffic Demand Management Plan that incorporates the approaches noted in their Traffic Impact Study (Planning COA).

~~d.e.~~ See also:

1. Engineering Approval Memo COAs dated September 14, 2022
2. Environmental Health Approval Memo COAs dated October 30, 2024
3. Fire Approval Memo COAs dated August 25, 2022
4. Public Works Approval Memo COAs dated September 21, 2022, updated October 24, 2024

5. Building Approval Comments Memo dated January 28, 2022.

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.

- a. Engineering COA: 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.**

9.0 **FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES**

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

9.1 **FINAL OCCUPANCY**

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

9.2 **SIGNS**

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

9.3 **GATES/ENTRY STRUCTURES**

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

9.4 LANDSCAPING

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

9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS

The permittee shall designate an exclusive right turn lane at the exit of the driveway. 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 the County Code and Napa County Road and Street Standards.

9.6 DEMOLITION ACTIVITIES **[RESERVED]**

9.7 GRADING SPOILS

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

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

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

- A. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.



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David Morrison  
Director

## MEMORANDUM

To: Dana Morrison, Planning	From: Raulton Haye, Engineering
Date: September 14, 2022	Re: P22-00002 Bonny's Vineyard Winery APN: 030-200-080

The Engineering Division has reviewed the use permit application P22-00002 for the proposed winery located on assessor's parcel number 030-200-080. Based upon the information provided in the application, Engineering finds the application complete and recommends the following conditions of approval:

### EXISTING CONDITIONS

1. Part of the Existing Parcel is in a designated 100-year FEMA Flood Zone, however; the proposed scope of work is not.

### 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 [Choose a Stormwater Project Type] 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.

#### PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

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

#### PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

10. Site shall be completely stabilized to the satisfaction of the County Engineer prior to Final Occupancy.

Any changes in use may necessitate additional conditions for approval.

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



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Brian Bordona  
Director

MEMORANDUM

To:	Dana Morrison, Project Planner	From:	Kim Withrow, Environmental Health Supervisor
Date:	October 30, 2024	Re:	Meyer Family Enterprise – Bonny's Vineyard Assessor Parcel #030-200-080 Permit #P22-00002

This Division has reviewed an application requesting approval for a use permit 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. Plans for the proposed sanitary waste subsurface drip sewage treatment system and separate process waste treatment reuse system, as described in the Domestic & Production Wastewater Feasibility Report for the proposed winery named Bonny's Vineyard dated 8/15/2022, 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 fees. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be approved until such plans are approved and permit to construct the systems are issued by this Division.
2. The applicant shall enroll for coverage under the General Waste Discharge Requirements for Process Water by submitting the Notice of Intent, Technical Report and Application to the San Francisco Regional Water Quality Control Board for the proposed winery process water treatment and reuse system.
3. 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 area must be included on the building permit submittal. The designated area shall remain available and be properly maintained for its intended use.

4. 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.

Prior to granting final occupancy:

5. An annual alternative sewage treatment system monitoring permit must be obtained for the sanitary wastewater subsurface drip onsite wastewater treatment system prior to issuance of a final on the project. The septic system monitoring, as required by this permit, must be fully complied with. An annual water system permit must be issued.
6. 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:

7. Proposed food service will be catered; therefore, all food must be prepared and served by a Napa County permitted caterer. If the caterer selected does not possess a valid Napa County Permit to operate, refer the business to this Division for assistance in obtaining the required permit prior to providing any food service.
8. The applicant shall provide portable toilet facilities 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.
9. 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.
10. 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 area of the septic system and reserve include equipment storage, traffic, parking, pavement, livestock, etc.
11. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.



12. 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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Napa County Fire Department  
Fire Marshal's Office  
Hall of Justice, 2nd Floor  
1125 3rd Street  
Napa, CA 94559

Office: (707) 299-1464

James Bales  
Fire Marshal

## MEMORANDUM

TO:	Planning Department	DATE:	8/25/2022
FROM:	Jason Downs, Deputy Fire Marshal	PERMIT #	P22-00002
SUBJECT:	Bonny's Vineyard	APN:	030-200-080-000

The Napa County Fire Marshal's Office has reviewed the submittal package for the proposed project above. 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 2019 California Fire Code Section 105.7 are proposed, separate permits will be required prior to Building Permit issuance for:
  1. Automatic fire-extinguishing systems
  2. Fire alarm detection systems and related equipment
  3. Fire pumps and related equipment
  4. Private fire hydrants
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 within 150 feet of any exterior portion of the buildings as measured by an approved route around the exterior of the building or facility.
7. Roadways shall be a minimum of 20 feet in width with a 2-foot shoulder and 15-foot vertical clearance.



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## MEMORANDUM

8. Turnouts shall be a minimum of 12 feet in width, 30 feet in length, and a 25-foot taper on each end.
9. Roadway radius shall not have an inside radius of fewer 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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
15. An automatic fire sprinkler system shall be installed in accordance with provisions set forth 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.
16. 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.
17. Provide 100 feet of defensible space around all structures.



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## MEMORANDUM

18. Provide 10 feet of defensible space for fire hazard reduction on both sides of all roadways of the facility.

*Please note that the comments noted above are based on a 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](http://www.countyofnapa.org/firemarshal). Should you have any questions for me, please contact me at (707) 299-1467 or by email at [jason.downs@countyofnapa.org](mailto:jason.downs@countyofnapa.org)*





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**Department of Public Works**

1195 Third Street, Suite 101  
Napa, CA 94559-3092  
[www.countyofnapa.org/publicworks](http://www.countyofnapa.org/publicworks)

Main: (707) 253-4351  
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**Steven Lederer**  
Director

## MEMORANDUM

To: PBES Staff	From: Sayed Fakhry, P.E., T.E., Traffic Engineering Staff Consultant
Date: September 21, 2022; Updated October 24, 2024	Re: Bonny's Vineyard, P22-00002 TIS & Conditions of Approval

This memorandum is prepared at the request of Planning, Building, and Environmental Services (PBES) staff to assess if the Draft Transportation Impact Study (TIS) prepared by W-Trans, dated July 1, 2022, related to the use permit application #P22-00002, for the Bonny's Vineyard located at 1555 Skellenger Lane (APN 030-200-080), sufficiently addresses the proposed major use permit modifications and comments provided in the February 7, 2022 memo by the Department of Public Works on the Memorandum of Assumptions (MOA).

After careful evaluation and review of the documents, we believe that the Draft TIS report dated July 1, 2022 provides sufficient information to develop conditions of approval for the project. However, the following corrections shall be made to the Draft TIS Report before finalizing the report:

Page 15 – Small Project Screening – 3<sup>rd</sup> paragraph says“. The project includes events that are not accounted in the trip generation form”. Explain why special events were not considered in the Trip Generation.

Figure 3, 4 and 5 - Redraw Intersection 1, 2 and 3 to show the correct directions of movements and volumes. Label the legs of the intersection with appropriate street names to remove any confusion.

Page 35 – Conclusions – 10<sup>th</sup> bullet mentions that “.... the project would cause delay to increase by less than five seconds ...”, however Table 12 shows the delay is increased at this intersection by almost 20 seconds by the project. Please revise the conclusion accordingly and suggest additional mitigations to decrease delay for EB Skellenger Lane approach.

The Department of Public Works established the following conditions of approval related to the Use Permit Application Number P22-00002:

### Improvements

1. At the Silverado Trail/Skellenger Lane intersection, an acceleration lane shall be striped in the northbound direction leaving the intersection.

### Project Driveway

2. Driveway access to the public right-of-way must conform to the latest edition of the Napa County Road and Street Standards. All driveways shall have STOP sign and STOP pavement message entering Skellenger Lane. The project driveway shall be a minimum of 20 feet wide with one-foot

shoulder on each side. Furthermore, the proposed site circulation and access design shall meet the County design criteria, including the width of the drive aisles and turning radii.

### Landscaping Maintenance

3. Landscaping adjacent to the project driveway shall be designed and maintained to not interfere with sight lines required for safe stopping distance on the public right-of-way. No items that are wider 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 6 feet in height removed once the tree is established.

### Transportation Demand Management

4. The project/applicant shall implement the following TDM measures. Measures are subject to revision upon annual review with County Staff.
  - a. The Vineyard will appoint a staff person designated as the TDM Program coordinator. The role of the coordinator will be to facilitate employees reducing solo-vehicle commuting and to report to County staff on January 15th of each year (annual basis) on the status of the strategies implemented. It is important to continually monitor and adjust the TDM Program.
  - b. Financial incentives should be provided for employees to participate in carpools and vanpools.
  - c. Electric car charging stations should be provided to serve employees and guests.
  - d. Bicycle racks and storage areas should be provided for the Winery employees and guests.
  - e. Employee work hours should be staggered to the extent possible in order to avoid congestion during the peak traffic hours.
  - f. Remote location and work-at-home opportunities should be offered to the extent possible.
  - g. Deliveries should be scheduled, to the extent possible, during times that avoid peak hour traffic on State Lane.
  - h. The Vineyard needs to enroll in "Napa Valley Forward," a program aimed at reducing traffic along major roads in the Napa Valley. This should be accomplished by the promotion of carpooling, vanpooling, bicycle commuting and the use of public transit systems as available.
  - i. The Vineyard needs to enroll in the "Bay Area Commuter Benefits Program," where employees report their carpooling activities and receive company-paid subsidies.
  - j. The Vineyard shall prepare an Annual Performance Review and provide to Napa County.
  - k. Bicycle parking spaces shall be provided as per the Napa County Municipal Code 18.110.040.
  - l. There shall be no parking within the public right-of-way that is associated with any of the Vineyard special event activities. All parking shall be accommodated on-site or shuttles shall be provided from off-site legal parking areas.

### Directional Signage

5. From the site exit, directional signs to Silverado Trail and Rutherford Rd. for outbound traffic shall be installed.

**Parking**

6. Applicant shall provide overflow parking areas for a minimum of 45 vehicles to accommodate the anticipated peak parking demand during 150-person events.

**Encroachment Permit Requirement**

7. An encroachment permit along with the required fee and a proposed traffic control plan will be required for the construction of any improvements within public right of way. Please contact the Roads office at (707) 944-0196 to initiate the encroachment permit process. More information on these is available at our website: <http://www.countyofnapa.org/publicworks/roads/>

Please contact Ahsan Kazmi at [Ahsan.Kazmi@countyofnapa.org](mailto:Ahsan.Kazmi@countyofnapa.org) or call (707) 259-8370 if you have questions or need additional information.





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Planning, Building & Environmental Services

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**Brian D. Bordona**  
Director

Building Division

January 28, 2022

Approved – Comments below:

1. The Building Division is not reviewing this project for compliance with the California Building Standards Codes at this time; the Building Division is reviewing the proposed Planning entitlements only. The Building Division has no issues or concerns with the approval of the Use Permit; it is a Planning entitlement and does not in itself authorize any construction activities. Separate building permits shall be required.
2. **The plans provided for Use Permit application do not provide enough information in sufficient detail to determine all code requirements. A complete and thorough plan review will be performed at the time an application is made for the required building, plumbing, mechanical, and electrical and any other construction permits required by other Napa County Agencies. The following comments are provided to make the applicant aware of what codes the applicant will be required to comply with, as well as issues that may need to be addressed prior/during the building permit application and review process.**
3. In accordance with the California Building Code, Chapter 1, Division 1, Section 1.1.9, which states, **“only those standards approved by the California Building Standards Commission that are effective at the time of application for a building permit is submitted shall apply to the plans and specifications for, and to the construction under that permit”**. The codes adopted at this time are 2019 California Building Standards Codes, Title 24, part 2, Building volumes 1 & 2, part 3 Electrical, part 4 Mechanical, part 5 Plumbing, part 6 Energy, part 9 Fire, and part 11 Green Buildings.
4. 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 will be required from the Napa County Building Division prior to the removal. Please note the applicant will be required to provide a “J” number from the Bay Area Quality Management District at the time the applicant applies for a demolition permit if applicable.
5. The site and associated buildings are required to be accessible to persons with disabilities. This includes, but not limited to, a van accessible parking stall, accessible path of travel from the parking stall to all buildings and areas on the site that are available to employees and the public.



6. There are administrative offices shown on the second floor. You will need to provide office space on the first floor to provide equal accommodations for accessibility since there is no elevator.
7. Issues of compliance with the California Building Code, Title 24, will be addressed during the building permit application, review and approval process. If the applicant has any questions please have the applicant give me a call at (707) 299-1337.
8. All plans and documents for commercial projects are required by California Law to be prepared and coordinated under the direction of a California Licensed Design Professional, such as an Architect and/or Engineer in accordance with California Business and Professions Code Chapter 3, and the California Building Code, Chapter 1.