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## Recommended Conditions of Approval & Agency Memorandums

**PLANNING COMMISSION HEARING – MARCH 4, 2026  
RECOMMENDED CONDITIONS OF APPROVAL**

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

This Permit encompasses and shall be limited to the project commonly known as **80 Clear Creek Road Viewshed Protection Program & NCRSS Exception, located at 80 Clear Creek Road**. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved.

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

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

**PART I**

**1.0 PROJECT SCOPE**

This Permit encompasses and shall be limited to:

- 1.1 Exception from the Napa County Road and Street Standards (NCRSS) for five (5) driveway segments with longitudinal slopes between 18 – 20 percent along the centerline which exceed 300 feet in length and do not provide transition area of 10 percent or less for the 100 feet immediately preceding. With exception of longitudinal slope, all other aspects of the driveway generally exceed minimum criteria for a residential project.
- 1.2 Approval of a Viewshed Protection Program application for construction of a 3,830 sq. ft. underground storage structure, a 6,240 sq. ft. tennis pavilion with a 1,200 sq. ft. interior Accessory Dwelling Unit, 2,700 sq. ft. of underground spa and 4,350 sq. ft. of underground wine and art storage on slopes exceeding 15% and located on a ridgeline.
- 1.3 Removal of 10 native Oak trees and approximately 0.13 acres of tree canopy.
- 1.4 Addition of 67 trees that consist of a mix of interior live oak and coast live oak at a range of 10 gallon to 36” box trees along the edge of the driveway on the west side of the property and larger 24-36” box trees on the east side of the property that provides a new tree canopy cover of 0.42 acres.

The **single-family residence, accessory dwelling unit, accessory structures and solar array** shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code (the County Code). It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and the general public to ensure compliance is achieved. Any expansion of or change in use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

## **2.0 STATUTORY AND CODE SECTION REFERENCES**

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

## **3.0 MONITORING COSTS**

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

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

## **PART II**

## **4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT**

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

- 4.1 GROUND WATER MANAGEMENT – WELLS [**RESERVED**]
- 4.2 AMPLIFIED MUSIC [**RESERVED**]
- 4.3 TRAFFIC [**RESERVED**]

- 4.4 PARKING **[RESERVED]**
- 4.5 BUILDING DIVISION – USE OR OCCUPANCY CHANGES **[RESERVED]**
- 4.6 FIRE DEPARTMENT – TEMPORARY STRUCTURES **[RESERVED]**
- 4.7 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM **[RESERVED]**
- 4.8 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, MECHANICAL EQUIPMENT, AND TRASH ENCLOSURE AREAS
  - a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County.
  - b. All landscaping shall be permanently maintained in accordance with the landscaping approved by the County.
  - c. **[RESERVED]**
  - d. The colors used for the roof, exterior walls and built landscaping features of the project shall be limited to earth tones that will blend the facility into the colors of the surrounding site-specific vegetation. The permittee shall obtain the written approval of the Planning Division prior to any change in paint color that differs from the approved building permit. Highly reflective surfaces are prohibited.
  - e. **[RESERVED]**
- 4.9 NO TEMPORARY SIGNS **[RESERVED]**
- 4.10 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES - OPERATIONAL CONDITIONS

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

- a. Engineering Services Division operational conditions as stated in their Memorandum dated February 11, 2026, and their SRA Road Exception Evaluation Memorandum dated July 8, 2025.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated November 13, 2025.
- c. Fire Department operational conditions as stated in their Inter-Office Memo dated May 8, 2025.

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

4.11 OPERATIONAL MITIGATION MEASURES **[RESERVED]**

4.12 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

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

In the event that changed circumstances or significant new information provide substantial evidence<sup>1</sup> that the groundwater system referenced in the Viewshed Application would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

- b. Well A shall be equipped with a flow restrictor or pump that restricts flows to 20 gallons per minute (20 gpm) or less and groundwater extraction shall not exceed 2.40 AF/yr. Equipment selection and a maintenance plan shall be developed and implemented for the property as outlined in COA No. 6.16(a) and (b) below.
- c. Well D shall be equipped with a flow restrictor or pump that Restricts flows to 10 gallons per minute (10 gpm) or less and groundwater extraction shall not exceed 0.56 AF/yr. Equipment selection and a maintenance plan shall be developed and implemented for the property as outlined in COA No. 6.16(a) and (b) below.

4.13 PREVIOUS CONDITIONS **[RESERVED]**

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<sup>1</sup> 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.

## **PART III**

### **5.0 PREREQUISITE FOR ISSUANCE OF PERMITS**

#### **5.1 PAYMENT OF FEES**

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

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

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

#### **6.1 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES - PLAN REVIEW, CONSTRUCTION AND PREOCCUPANCY CONDITIONS**

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

- a. Engineering Services Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated February 11, 2026, and their SRA Road Exception Evaluation Memorandum dated July 8, 2025.
- b. Environmental Health Division plan review/construction/preoccupancy conditions as stated in their Memorandum dated November 13, 2025.
- c. Fire Department plan review/construction/preoccupancy conditions as stated in their Inter-Office Memo dated May 8, 2025.

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

#### **6.2 BUILDING DIVISION – GENERAL CONDITIONS**

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

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

### 6.3 LIGHTING – PLAN SUBMITTAL

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

### 6.4 LANDSCAPING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the building permit application package for the Planning Division’s review and approval prior to the issuance of any building permit associated with this permit. The plan shall be prepared pursuant to the Water Efficient Landscape Ordinance (Chapter 18.118 of the County Code) requirements in effect at the time of building permit application submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.
- b. Plant materials shall be purchased locally when practical, and, to the greatest extent possible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner’s office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.
- c. No trees greater than 6” diameter at breast height shall be removed, except for those identified on the submitted site plan. Any Oak trees

removed as a result of the project shall be replaced at a 2:1 ratio and shown on the landscaping plans for the Planning Division's review and approval. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with project development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.

d. Evergreen screening shall be installed between the industrial portions of the operation (e.g., tanks, crushing area, parking area, etc.) and any off-site residence from which these areas can be viewed.

e. **[RESERVED]**

6.5 **COLORS**

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

6.6 **OUTDOOR STORAGE/SCREENING/UTILITIES [RESERVED]**

6.7 **MECHANICAL EQUIPMENT [RESERVED]**

6.8 **TRASH ENCLOSURES [RESERVED]**

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

6.9 **ADDRESSING**

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

6.10 **HISTORIC RESOURCES [RESERVED]**

6.11 **DEMOLITION ACTIVITIES [RESERVED]**

6.12 **VIEWSHED – EXECUTION OF USE RESTRICTION**

The property owner shall execute and record in the county recorder's office a use restriction, in a form approved by County Counsel, requiring that the underground

storage, the underground spa, the underground wine and art storage, tennis pavilion and proposed and existing vegetative screening landscape shall be constructed in substantial compliance with the plans approved with this application dated December 22, 2025, to be maintained by the owner or the owner's successor so as to maintain conformance with the County Code.

#### 6.13 PERMIT PREREQUISITE MITIGATION MEASURES

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

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

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

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

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

Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County prior to the commencement of any earthmoving and/or development activities.

Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist.

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

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

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

- b. **MM BIO-2; Northern Spotted Owl Habitat Assessment and Surveys:**  
A qualified biologist shall provide an assessment of potential northern spotted owl nesting habitat within the Project site and a 0.25-mile radius and obtain CDFW's written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that northern spotted owl nesting habitat is present, then no Project activities within 0.25 miles of potential northern spotted owl nesting habitat shall occur between March 15 and July 31 unless a qualified biologist approved in writing by CDFW conducts northern spotted owl surveys following the USFWS Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls, dated (revised) January 9, 2012, available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83977&inline>. Surveys shall be conducted in accordance with Section 9 of the survey protocol, Surveys for Disturbance-Only Projects. If breeding northern spotted owl are detected during surveys, CDFW shall be immediately notified and a 0.25-mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active in consultation with CDFW, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 15 and July 31 each year.

Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.

If take of northern spotted owl cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal ESA.

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

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

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

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

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

- 6.14 **PARCEL CHANGE REQUIREMENTS [RESERVED]**  
The permittee shall comply with the following requirements:
- 6.15 **FINAL MAPS [RESERVED]**

6.16 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

a. Groundwater Demand Management Program

1. The permittee shall install a meter on Wells A & D. Each meter shall be placed in a location that will allow for the measurement of all groundwater demand by that particular well. Prior to the issuance of a grading or building permit for the accessory dwelling unit, the permittee shall submit for review and approval by the PBES Director a groundwater demand management plan which includes a plan for the location and the configuration of the installation of a meter on Wells A & D.
2. The Plan shall identify how best available technology and best management water conservation practices will be applied throughout the parcel.
3. The Plan shall identify how best management water conservation practices will be applied where possible in the structures on site. This includes but is not limited to the installation of low flow fixtures and appliances.
4. For the first twelve months of operation under this permit, the permittee shall read the meters at the beginning of each month and provide the data to the PBES Director monthly. If the water usage on the property exceeds, or is on track to exceed, the maximum groundwater usage values in i through ii below, or if the permittee fails to report, additional reviews and analysis and/or a corrective action program at the permittee's expense shall be required and shall be submitted to the PBES Director for review and action. In addition to monthly meter readings, Permittee shall also provide well level data to the PBES Director.
  - i. Annual groundwater usage for Well A shall not exceed 2.40 af/yr.
  - ii. Annual groundwater usage for Well D shall not exceed 0.56 af/yr.
5. The permittee's wells shall be included in the Napa County Groundwater Monitoring program if the County finds the well suitable.
6. At the completion of the reporting period per 6.16(a)(4) above, and so long as the water usage is within the maximum acre-feet per year as specified above, the permittee may begin the following meter reading schedule:
  - i. On or near the first day of each month the permittee shall read the water meter, and provide the data to the PBES

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

- b. In conjunction with well water meter installation and timing required in COA 6.16(a) above, the permittee shall install a well pump flow restrictor or equivalent equipment on Wells A & D. The submittal shall include a narrative providing information of how the device works, equipment specifications, and a maintenance and monitoring plan. Within 14 days of installation, evidence shall be provided to the County demonstrating installation and operation.

## **7.0 PROJECT CONSTRUCTION**

Permittee shall comply with the following during project construction:

### **7.1 SITE IMPROVEMENT**

Please contact Engineering Services with any questions regarding the following:

#### **a. GRADING & SPOILS**

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

#### **b. DUST CONTROL**

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

#### **c. AIR QUALITY**

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

1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
3. Cover all haul trucks transporting soil, sand, or other loose material off-site.

4. Remove all visible mud or dirt tracked onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
5. All vehicle speeds on unpaved roads shall be limited to 15 mph.
6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required State Regulations). Clear signage shall be provided for construction workers at all access points.
8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ [http://www.arb.ca.gov/portable/perp/perpfaq\\_04-16-15.pdf](http://www.arb.ca.gov/portable/perp/perpfaq_04-16-15.pdf) or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. STORM WATER CONTROL

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

7.2 ARCHEOLOGICAL FINDING

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

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

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

7.4 CONSTRUCTION MITIGATION MEASURES **[RESERVED]**

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

## **8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES**

8.1 TEMPORARY OCCUPANCY **[RESERVED]**

## **9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES**

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

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

9.2 SIGNS **[RESERVED]**

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

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

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

- 9.6 DEMOLITION ACTIVITIES **[RESERVED]**
- 9.7 GRADING SPOILS  
All spoils piles shall be removed in accordance with the approved grading permit and/or building permit.
- 9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY **[RESERVED]**
- 9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY
  - a. All required meters and equipment shall be installed and all groundwater usage monitoring required in COA 4.12(a) and 6.16(a) above shall commence prior to issuance of a final certificate of occupancy for the first phase of the project.



A Tradition of Stewardship  
A Commitment to Service

Planning, Building & Environmental Services

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

Brian D. Bordona  
Director

## MEMORANDUM

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

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

### TECHNICAL ADEQUACY

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

### RECOMMENDED APPROVAL CONDITIONS:

#### OPERATIONAL CHARACTERISTICS

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

## PREREQUISITES FOR ISSUANCE OF PERMITS:

### SITE IMPROVEMENTS

1. Any roadway, access driveway, and parking areas, proposed new or reconstructed, shall meet the requirements as outlined in the latest edition of the Napa County Road and Street Standards for Residential development at the time of Building Permit Submittal as well as the Road Exception Request dated July, 2024, prepared by Monica Shah, PE, of Summit Engineering.
2. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, and parking and driveways, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building and Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction.
3. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code.
4. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.
5. **Prior to issuance of a development permit** (i.e. building permit and/or grading permit) the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention Program Erosion and Sediment Control Plan Guidance document, dated December 2014.
6. **Prior to issuance of a development permit**, as determined by the area of new or replaced impervious surfaces, the owner shall prepare and/or update a Regulated Project Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.
7. Any construction activity that equals or exceeds one acre of total disturbed area shall prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the regulations of Regional Water Quality Control Board (RWQCB) and shall file a Notice of Intent (NOI) prior to commencement of any construction activity. The completed SWPPP shall be submitted to the Napa County PBES Department Engineering Division for review.

**CONSTRUCTION SITE RUNOFF CONTROL REQUIREMENTS:**

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

**POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:**

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

**PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY**

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

**Any changes in use may necessitate additional conditions of approval.**

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



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*AB 7/2/25*

## MEMORANDUM

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

### ROAD EXCEPTION REQUEST:

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

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

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

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

#### Station 0+10 – 40+50

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

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

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

**ENGINEERING DIVISION EVALUATION:**

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

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

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

**ATTACHMENTS:**

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



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**Planning, Building & Environmental Services**

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

**Brian Bordona  
Director**

**MEMORANDUM**

*MSB*

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

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

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

Prior to issuance of building permits:

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



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Napa County Fire Department  
Fire Marshal's Office

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

Jason W. Downs  
Fire Marshal

## Napa County Fire Department Conditions of Approval

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

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

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



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**Jason W. Downs**  
Fire Marshal

## **Napa County Fire Department Conditions of Approval**

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



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Fire Marshal

## **Napa County Fire Department Conditions of Approval**

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

Please note the conditions of approval noted above are based on the Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Napa County Fire Marshal's Office Development Guidelines can be found @ [www.countyofnapa.org/firemarshal](http://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](mailto:jason.downs@countyofnapa.org)