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Declaration and Mitigation,  
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Plan

Bonny's Vineyard Appeal P25-00020-APL

Board of Supervisors Hearing – May 6, 2025

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COUNTY OF NAPA  
PLANNING, BUILDING AND ENVIRONMENTAL SERVICES DEPARTMENT  
1195 THIRD STREET SUITE 210  
NAPA, CA 94559  
(707) 253-4417

**Initial Study Checklist**  
**(form updated January 2019)**

1. **Project Title:** Bonny's Vineyard/Meyers Family Enterprise Use Permit No. P22-000022
2. **Property Owner:** Barabara Meyer/BJ Meyer Properties, LLC
3. **County Contact Person, Phone Number and email:** Dana Morrison, Supervising Planner, 707 253 4437, [dana.morrison@countyofnapa.org](mailto:dana.morrison@countyofnapa.org)
4. **Project Location and Assessor's Parcel Number (APN):** 1555 Skellenger Lane  
Napa, CA 94558  
APN: 030-200-080-000
5. **Project sponsor's name and address:** Cameron Pridmore CMP Civil Engineering 1607 Capell Valley Road, Napa, [cameron@cmpengineering.com](mailto:cameron@cmpengineering.com)
6. **General Plan description:** AR (Agricultural Resource)
7. **Zoning:** AP (Agricultural Preserve)
8. **Background/Project History:** The subject parcel is a 25.54-acre lot, which used to be two (2) separate parcels, each with an existing single-family residence. A lot line adjustment was processed in 2011 which combined the two (2) (APNs 030-200-047 [Skellenger] and 031-050-033 [Oakville]) to create one (1) legal parcel. At that time, the residence accessed from Oakville was designated as the main residence and former residence accessed from Skellenger Lane was approved for conversion to a Farm Management Building. Later in 2018, County building permits were processed to remodel the Farm Management Building back to a residential use, and now serves as the secondary residence for the parcel.  
  
The parcel is developed with two residences, a main (794 Oakville Cross Road) and a second residence (1555 Skellenger Lane), a pool, a pool house (associated with 794 Oakville Cross), two (2) barns, three (3) wells and associated driveways and vineyard avenues, along with landscaping for the two residences and along the residential drive to the Oakville Cross house. The main residence was constructed prior to 1955 and the area around the house contained an orchard, this was replaced with vineyard between 1968 to 1982 prior to when Erosion Control Plans (ECPs) were required. The second residence was also constructed prior to 1955, was converted to a Farm Management Building in 2011, and converted back to residence and remodeled in 2018. The AP zoning district does allow for a main residence and an accessory dwelling unit per State law. Remaining vineyard on the parcel was installed between 1982 and 1993, prior to the adoption of the Conservation Regulations and requirement for an ECP; however, it should be noted that the parcel is located on slopes less than 5% and, as such, an Erosion Control Plan (ECP) would not be required for the installation of the vineyard on this parcel. There are approximately 17.06 net acres (20.21 gross) of vineyard currently existing on the parcel; a total of 0.63 net acres of vineyard will be removed to allow for the construction of the new winery.
9. **Description of Project:** The request is for a new 30,000 gallon per year production winery on the existing 25.54-acre parcel. The proposed winery will consist of the following:
  1. a 10,996-sf winery building with a 1,426-sf covered pad, a 392-sf uncovered mechanical yard and 1,255-sf of covered loggia (patio space)
  2. six (6) full time employees,
  3. tours and tastings for a maximum of 45 visitors per day (including AB52 outdoor tasting areas),
  4. marketing events consisting of two (2) larger events with a maximum of 150 visitors and nine (9) smaller events with a maximum of 80 visitors (including outdoor marketing event areas); all food will be prepared offsite by a catering company.
  5. Production days and hours 9 AM to 5 PM, seven (7) days per week, visitation days and hours 10 AM to 5 PM, seven (7) days per week,

6. Parking for 20 cars with overflow event parking provided on-site as needed along the existing vineyard avenues, except those areas that are within required stream setbacks
7. On-site landscaping
8. Domestic wastewater treatment system and drip dispersal system
9. Widening existing driveway to Napa County Road and Street Standards (NCRSS)
10. Three (3) 10,000-gallon water storage tanks
11. Use of existing site well #1 for winery uses (with monitoring of all 3 parcels wells).

10. **Describe the environmental setting and surrounding land uses.**

The 25.54-acre project site is located at 1555 Skellenger Lane, approximately 0.75 miles west of the intersection of Skellenger Lane and Silverado Trail. The parcel is located along the east bank of Conn Creek on the floor of the Napa Valley. The project site is currently developed with an existing primary residence, a secondary residence, pool, pool house, two (2) barns, wells, along with an existing vineyard, and landscaping for both residences. The site currently contains approximately 17.06 net acres of vineyards, along with various vineyard avenues. The parcel primarily consists of ruderal (developed area) – 3.3 acres, vineyard (agriculture) – 20.21 gross acres, and contains California Valley Oak Woodland (undeveloped and located along Conn Creek) – 1.99 acres. The project has been designed to completely avoid the oak woodland riparian area and maintain required setbacks from Conn Creek. To make room for the new winery building approximately 0.63 acres of existing vineyard will be removed, which also results in a small reduction in vineyard irrigation water use for the parcel. The water source for the existing and proposed uses comes from three (3) existing onsite wells. There are two (2) existing wells onsite serving the primary residence and the second residence (Well #2 and #3) and one (1) well (Well #1) currently used for vineyard irrigation. Well #1 will continue to provide vineyard irrigation in addition to serving the new winery; the winery's process wastewater will be used to water a portion of the existing vineyard to off-set some of the winery's water use.

General topography for the site is flat ( $\pm 0$ -5% slope) with elevations on the property ranging from approximately 85 feet above mean sea level (msl) to approximately 135 feet above msl. The closest water source is Conn Creek, which is immediately west of the parcel and runs along the western property line. As proposed the project maintains a stream setback consistent with Napa County Code (NCC) section 18.108.025, which requires a 45-foot setback from Conn Creek, based on the existing 1-5% slopes of the parcel. The main winery structure will be located more than 150 feet from Conn Creek, while the proposed parking improvements maintain an approximately 88-foot setback from the top of bank. The proposed winery development area is not located within the designated floodplain area.

The nearest fault is a section of Fault 62500 located approximately 1.4 miles southeast of the project site and runs in a north-south direction. Soils on the project site have been classified according to the Soil Survey of Napa County (USDA 2014, USDA 1978, and USDA 1972) as Cole silt loam (0-2% slopes) and Clear lake clay Boomer loam volcanic bedrock (2-5% slope) (Exhibit G – Biological Assessment).

The surrounding area consists of existing vineyards and rural residential uses to the north, south, and west. Across Silverado Trail to the east, the topography gradually slopes upwards from 175 feet to 1,000+ feet above msl. Pina Cellars Winery, Miner Family Winery and Scarlett Winery are located to the east near the proposed winery development and accessed off of Silverado Trail. Villa Ragazzi, Saddleback Cellar, and Swanson Winery are located to the west, across Conn Creek. Plump Jack, B Cellar, Nevermore Winery, Groth Winery and Oak Cross Vineyards are located to the south. The closest offsite residences are located approximate 490 feet to the west (across Conn Creek) and approximately 750 feet to the north of the proposed winery building (across Skellenger Lane).

The vegetation types in the project parcel generally consist of California valley oak woodland (1.99 acres - avoided), ruderal – developed (3.30 acres) and agriculture – vineyard (20.21 acres). The proposed winery development will remove 0.63 acres of vineyard and completely avoid the existing woodland on site.

11. **Other agencies whose approval is required** (e.g., permits, financing approval, or participation agreement).

The project would also require various ministerial approvals by the County, including but not limited to building permits, grading permits, waste disposal permits, and an encroachment permit, in addition to meeting CalFire standards. Permits may also be required by the Department of Alcoholic Beverage Control and Bureau of Alcohol, Tobacco, & Firearms.

**Responsible (R) and Trustee (T) Agencies**

California Department of Fish and Wildlife (CDFW) (T)  
Air Resources Board (R)  
Regional Water Quality Control Board (Regional Water Board) (R)  
California Department of Forestry and Fire Protection (T)  
State Water Resources Control Board (R)  
CalTrans (T)

**Other Agencies Contacted**

Middletown Rancheria  
Mishewal Wappo Tribe of Alexander Valley  
Yocha Dehe Wintun Nation

12. **Tribal Cultural Resources.** Have California Native American tribes traditionally and culturally affiliated with the project area requested

consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resource, procedures regarding confidentiality, etc.?

Tribal Notification letters were mailed out on February 7, 2023. A response letter was received from the Yocha Dehe who noted that the project was not within their tribal lands and as such did not have any comments regarding the project. The 30-day response period ended on March 9, 2023, and no response was received from Middletown Rancheria and Mishewal Wappo.

**Note:** Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

## ENVIRONMENTAL IMPACTS AND BASIS OF CONCLUSIONS:

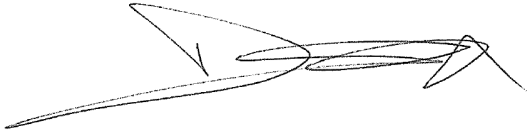
The conclusions and recommendations contained herein are professional opinions derived in accordance with current standards of professional practice. They are based on a review of the Napa County Environmental Resource Maps, the other sources of information listed in the file, and the comments received, conversations with knowledgeable individuals; the preparer's personal knowledge of the area; and, where necessary, a visit to the site. For further information, see the environmental background information contained in the permanent file on this project.

Other sources of information used in the preparation of this Initial Study include site-specific studies conducted by the applicant and filed by the applicant in conjunction with Use Permit #P22-00002 as listed below, and the environmental background information contained in the permanent file on this project. These documents and information sources are incorporated herein by reference and available for review at the Napa County Department of Planning, Building and Environmental Services located at 1195 Third Street, Suite 210, Napa, CA 94559:

- Project Description (**Exhibit D**).
- Project Plan Set (**Exhibit E**)
- Application Submittal Materials and Correspondence (**Exhibit F**)
- Biological Resource Assessment (**Exhibit G**)
- Transportation Impact Study (**Exhibit H**)
- Noise Study (**Exhibit I**)
- Wastewater System Feasibility Report (**Exhibit J**)
- Water Availability Analysis Report (**Exhibit K**)
- Storm Water Control Plan (**Exhibit L**)
- Project Revision Statement (**Exhibit N**)
- Cultural Resources Evaluation (**confidential**)
- Napa County Geographic Information System (GIS) sensitivity maps/layers.

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a (*SUBSEQUENT*) NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A (*SUBSEQUENT*) MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

November 15, 2024  
Date

Name: Dana E Morrison, Supervising Planner  
Napa County  
Planning, Building and Environmental Services Department

I.	<b>AESTHETICS.</b> Except as provided in Public Resources Code Section 21099, would the project:	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a/b.

Visual resources are those physical features that make up the environment, including landforms, geological features, water, trees and other plants, and elements of the human cultural landscape. A scenic vista, then, would be a publicly accessible vantage point such as a road, park, trail, or scenic overlook from which distant or landscape-scale views of a beautiful or otherwise important assembly of visual resources can be taken-in. As generally described in the **Environmental Setting and Surrounding Land Uses** section above, the project site is defined by a mix of vineyard, miscellaneous structures, and residential uses. The project would not result in a substantial damage to scenic resources, including trees and rock outcroppings, or substantially degrade the visual character or quality of the site and its surroundings. The project site is currently developed with two (2) residences, vineyards, and accessory structures. Silverado Trail is identified as a Viewshed Road. However, the County's Viewshed Protection Program is not applicable to the proposed project as no construction or improvements are proposed on slopes in excess of 15%. Additionally, the site is approximately 0.75 miles from Silverado Trail and is predominantly screen by existing vegetation, vineyard and residential development. Because there is minimal visual impact from the road, there is a less than significant impact to a scenic vista.

c.

The proposed winery consists of a new two-story winery building, which will house both production and hospitality space, and will be set back more than 300 feet from Skellenger Lane. The structures will be screened by existing vineyards, as well as by the second residence, which will remain. The façade of the winery will be painted steel, with painted metal panels and battens, metal cladwood doors, metal windows, and a metal roof, all of which will comply with County's earth tone color palette. The maximum height of the slope-roof building is 31 feet 6 inches, which is less than the permitted maximum height of 35 feet. As such, the project would not degrade the existing character of the site and its surrounding, and impacts would be less than significant.

d.

Although the site is currently developed with existing residences and outbuildings, the proposed new winery building may result in the installation of additional lighting that may have the potential to impact nighttime views. The closest off-site residences are approximately 460 feet to the west and 750 feet to the north of the proposed winery building. Although the project is in an area that has a certain amount of existing nighttime lighting, the installation of new sources of nighttime lights may affect nighttime views, pursuant to standard Napa County conditions of approval for wineries, outdoor lighting will be required to be shielded and directed downward, with only low-level lighting allowed in parking areas. As designed, and as subject to the standard conditions of approval, below, the project will not have a significant impact resulting from new sources of outside lighting.

### 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.*

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

*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.*

Mitigation Measures:

None required.

II.	AGRICULTURE AND FOREST RESOURCES. <sup>1</sup> Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Important (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with existing zoning for, or cause rezoning of, forest land as defined in Public Resources Code Section 12220(g), timberland as defined in Public Resources Code Section 4526, or timberland zoned Timberland Production as defined in Government Code Section 51104(g)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Result in the loss of forest land or conversion of forest land to non-forest use in a manner that will significantly affect timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, or other public benefits?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a/e.  
The California Department of Conservation District map designates the vast majority of the property as “Prime Farmland” with small areas along Conn Creek designated as “Unique Farmland” or “Other Land”. The proposed project would not conflict with existing zoning for agricultural uses. General Plan Agricultural Preservation and Land Use policies AG/LU-2 and AG/LU-13 recognize wineries, and any use consistent with the Winery

<sup>1</sup> “Forest land” is defined by the State as “land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.” (Public Resources Code Section 12220(g)) The Napa County General Plan anticipates and does not preclude conversion of some “forest land” to agricultural use, and the program-level EIR for the 2008 General Plan Update analyzed the impacts of up to 12,500 acres of vineyard development between 2005 and 2030, with the assumption that some of this development would occur on “forest land.” In that analysis specifically, and in the County’s view generally, the conversion of forest land to agricultural use would constitute a potentially significant impact only if there were resulting significant impacts to sensitive species, biodiversity, wildlife movement, sensitive biotic communities listed by the California Department of Fish and Wildlife, water quality, or other environmental resources addressed in this checklist.

Definition Ordinance and clearly accessory to a winery, as agriculture. Thus, the proposed project would not result in a significant impact with respect to conversion of farmland. Approximately 0.63 acres of vines will be removed to facilitate construction of the proposed winery; no replacement vineyard is proposed. None of the proposed development occurs within the area designated as Unique Farmland. There are no other changes included in this proposal that would result in the conversion of Farmland.

b.

The County's zoning of the property is AP (Agricultural Preserve), and the General Plan land use designation of the property is AR (Agricultural Resource). The proposed winery is consistent with the property's zoning, as Napa County Code Sections 18.16.030 and 18.20.030 lists wineries and related, accessory uses as conditionally permitted in the AP Districts. General Plan Policies AG/LU-20 and AG/LU-21 also identify processing of agricultural products (grape crushing/winemaking) as a use that is consistent with the Agriculture Resource land use designation. There is no Williamson Act contract applicable to this property. As such, there would be no impact as a result of the proposed project.

c/d.

The project site is zoned AP (Agricultural Preserve) which allows wineries upon the granting of a use permit. According to the Napa County Environmental resource maps (based on the following layers – Sensitive Biotic Oak Woodlands, Riparian Woodland Forest and Coniferous Forest) the project site does not contain lands classified as forest or timberland except a small portion of Valley Oak Riparian Woodland which runs along Conn Creek on the west side of the parcel. The proposed winery development will only occur within the existing vineyard and will maintain a setback from the top of bank of Conn Creek of ~85 feet from the new parking lot and ~150 feet from the new winery building. Therefore, the proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. As such, there would be no impact as a result of the proposed project.

Mitigation Measures:

None required.

III.	<b>AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

On June 2, 2010, the Bay Area Air Quality Management District's (BAAQMD) Board of Directors unanimously adopted thresholds of significance to assist in the review of projects under the California Environmental Quality Act. These Thresholds are designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA and were posted on BAAQMD's website and included in BAAQMD's updated CEQA Guidelines (updated May 2012). The Thresholds are advisory and may be followed by local agencies at their own discretion.

The Thresholds were challenged in court. Following litigation in the trial court, the court of appeal, and the California Supreme Court, all of the Thresholds were upheld. However, in an opinion issued on December 17, 2015, the California Supreme Court held that CEQA does not generally require an analysis of the impacts of locating development in areas subject to environmental hazards unless the project would exacerbate existing environmental hazards. The Supreme Court also found that CEQA requires the analysis of exposing people to environmental hazards in specific circumstances, including the location of development near airports, schools near sources of toxic contamination, and certain exemptions for infill and workforce housing. The Supreme Court also held that public agencies remain free to conduct this analysis regardless of whether it is required by CEQA.



In view of the Supreme Court's opinion, local agencies may rely on Thresholds designed to reflect the impact of locating development near areas of toxic air contamination where such an analysis is required by CEQA or where the agency has determined that such an analysis would assist in making a decision about the project. However, the Thresholds are not mandatory, and agencies should apply them only after determining that they reflect an appropriate measure of a project's impacts. These Guidelines may inform environmental review for development projects in the Bay Area, but do not commit local governments or BAAQMD to any specific course of regulatory action.

BAAQMD published a new version of the Guidelines dated May 2017, which includes revisions made to address the Supreme Court's opinion. The May 2017 Guidelines update does not address outdated references, links, analytical methodologies or other technical information that may be in the Guidelines or Thresholds Justification Report. The Air District is currently working to revise any outdated information in the Guidelines as part of its update to the CEQA Guidelines and thresholds of significance.

a-b.

The mountains bordering Napa Valley block much of the prevailing northwesterly winds throughout the year. Sunshine is plentiful in Napa County, and summertime can be very warm in the valley, particularly in the northern end. Winters are usually mild, with cool temperatures overnight and mild-to-moderate temperatures during the day. Wintertime temperatures tend to be slightly cooler in the northern end of the valley. Winds are generally calm throughout the county. Annual precipitation averages range from about 24 inches in low elevations to more than 40 inches in the mountains.

Ozone and fine particle pollution, or PM2.5, are the major regional air pollutants of concern in the San Francisco Bay Area. Ozone is primarily a problem in the summer, and fine particle pollution in the winter. In Napa County, ozone rarely exceeds health standards, but PM2.5 occasionally does reach unhealthy concentrations. There are multiple reasons for PM2.5 exceedances in Napa County. First, much of the county is wind-sheltered, which tends to trap PM2.5 within the Napa Valley. Second, much of the area is well north of the moderating temperatures of San Pablo Bay and, as a result, Napa County experiences some of the coldest nights in the Bay Area. This leads to greater fireplace use and, in turn, higher PM2.5 levels. Finally, in the winter easterly winds often move fine-particle-laden air from the Central Valley to the Carquinez Strait and then into western Solano and southern Napa County (BAAQMD, *In Your Community: Napa County*, April 2016)

The impacts associated with implementation of the project were evaluated consistent with guidance provided by BAAQMD. Ambient air quality standards have been established by state and federal environmental agencies for specific air pollutants most pervasive in urban environments. These pollutants are referred to as criteria air pollutants because the standards established for them were developed to meet specific health and welfare criteria set forth in the enabling legislation. The criteria air pollutants emitted by development, traffic and other activities anticipated under the proposed development include ozone, ozone precursors oxides of nitrogen and reactive organic gases (NOx and ROG), carbon monoxide (CO), nitrogen dioxide (NO2), and suspended particulate matter (PM10 and PM2.5). Other criteria pollutants, such as lead and sulfur dioxide (SO2), would not be substantially emitted by the proposed development or traffic, and air quality standards for them are being met throughout the Bay Area.

BAAQMD has not officially recommended the use of its thresholds in CEQA analyses and CEQA ultimately allows lead agencies the discretion to determine whether a particular environmental impact would be considered significant, as evidenced by scientific or other factual data. BAAQMD also states that lead agencies need to determine appropriate air quality thresholds to use for each project they review based on substantial evidence that they include in the administrative record of the CEQA document. One resource BAAQMD provides as a reference for determining appropriate thresholds is the *California Environmental Quality Act Air Quality Guidelines* developed by its staff in 2010 and as updated through May 2017. These guidelines outline substantial evidence supporting a variety of thresholds of significance.

As mentioned above, in 2010, the BAAQMD adopted and later incorporated into its 2011 CEQA Guidelines project screening criteria (Table 3-1 – Operational-Related Criteria Air Pollutant and Precursors Screening Level Sizes) and thresholds of significance for air pollutants, which have now been updated by BAAQMD through May 2017. Given the size of the entire project, which is approximately 10,996 square feet of enclosed floor area (winery building, winery office and hospitality) compared to the BAAQMD's screening criterion of 47,000 square feet (high quality restaurant) and 541,000 square feet (general light industry) for NOX (oxides of nitrogen), the project would contribute an insignificant amount of air pollution and would not result in a conflict or obstruction of an air quality plan. (Please note: a high-quality restaurant is considered comparable to a winery tasting room for purposes of evaluating air pollutant emissions, but grossly overstates emissions associated with other portions of a winery, such as office, barrel storage and production, which generate fewer vehicle trips. Therefore, a general light industry comparison has also been used for other such uses.) The project falls well below the screening criteria as noted above, and consequently will not significantly affect air quality individually or contribute considerably to any cumulative air quality impacts.

c.

Because there is approximately 2,492 sf. of proposed floor area dedicated to hospitality and administrative uses, approximately 7,763 sf of floor area dedicated to production, and an approximately 1,426 sf outdoor crush pad area, when compared to the BAAQMD's screening criteria of 541,000 sf for general industrial, and compared to the BAAQMD's screening criterion of 47,000 sf for high quality restaurants, the project would

not significantly impact air quality and does not require further study (BAAQMD CEQA Guidelines, May 2017 Pages 3-2 & 3-3.) Given the size of the proposed project compared to the BAAQMD's screening criterion of 47,000 sf (high quality restaurant) and 541,000 sf (general light industry) for NO<sub>x</sub> (oxides of nitrogen), the project would contribute an insignificant amount of air pollution and would not result in a conflict or obstruction of an air quality plan. (Please note: a high-quality restaurant is considered comparable to a winery tasting room for purposes of evaluating air pollutant emissions, but grossly overstates emissions associated with other portions of a winery, such as office, barrel storage and production, which generate fewer vehicle trips. Therefore, a general light industry comparison has also been used for other such uses.)

The project falls well below the screening criteria as noted above, and consequently will not significantly affect air quality individually or contribute considerably to any cumulative air quality impacts.

d.

In the short term, potential air quality impacts are most likely to result from earthmoving and construction activities required for the proposed winery buildings, parking areas, cave tunnels and associated site improvements. Earthmoving and construction emissions would have a temporary effect; consisting mainly of dust generated during grading and other construction activities, exhaust emissions from construction related equipment and vehicles, and relatively minor emissions from paints and other architectural coatings. The Air District recommends incorporating feasible control measures as a means of addressing construction impacts. If the proposed project adheres to these relevant best management practices identified by the Air District and the County's standard conditions of project approval, construction-related impacts are considered less than significant:

7.1 SITE IMPROVEMENTS

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>.*

Furthermore, while earthmoving and construction on the site would generate dust particulates in the short-term, the impact would be less than significant with dust control measures as specified in Napa County's standard condition of approval relating to dust:

7.1 SITE IMPROVEMENTS

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.*

e.

While the Air District defines public exposure to offensive odors as a potentially significant impact, wineries are not known operational producers of pollutants capable of causing substantial negative impacts to sensitive receptors. The closest residence is approximately 460 feet to the west with another nearby residence located approximately 725 feet to the north of the proposed winery buildings. Construction-phase pollutants would be reduced to a less than significant level by the above-noted standard condition of approval. The project would not create pollutant concentrations

or objectionable odors affecting a substantial number of people. Impacts would be less than significant.

Mitigation Measures:

None required.

IV. BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The entire 25.54-acre site is relatively flat with the slopes ranging from 1-5%. The parcel is developed with two (2) residences, accessory structures, vineyard, a pool, driveways and residential landscaping. The proposed physical improvements would take place within or directly adjacent to the existing developed areas or within existing maintain vineyard, areas that have already been disturbed from their natural state and have been actively managed as agriculture since the 1990's. The project does not necessitate removal of trees or other vegetation, other than 0.63 acres of vineyard.

a/b.

According to the Napa County GIS Sensitivity Maps (Natural Diversity Data Base and US Fish and Wildlife Critical Habitat) and to the Biological Resource Assessment (Exhibit G) prepared by Northwest Bio survey (July 2021) there are no known candidate, sensitive, or special status species have been identified as occurring within the project boundaries. A total of 50 native and introduced plant species were identified on the site, but no sensitive species were identified. The number of species found on the site is due to the limited plant communities on the site, as the majority of the site is, and has been developed as an agricultural vineyard since the 1990's, and in some areas even earlier (some portions of the parcel were orchard going back as far as the 1940's). The project would not have a substantial adverse effect on any special status species, or species of particular concern, as there are none identified within the project area. The area proposed for development are located in already disturbed and developed portions of the parcel which contains vineyards, the rest of the site is also already developed with a residence, a second unit, accessory structures and other various associated residential and agricultural improvements. No trees, vegetation, other than vineyards, or structures are

proposed to be removed. Only 0.63 acres of existing vineyards are proposed for removal, which is needed to accommodate the proposed site improvements. The parcel contains valley oak woodland (along Conn Creek), vineyard, and ruderal (structures, roads, etc.). None of the existing valley oak woodland will be removed as part of this project and the project complies with the required 45' setback from the top of bank of Conn Creek, per NCC 18.108.025. Additionally, a Condition of Approval has been required as part of the project to prohibit any overflow event parking to occur within vineyard avenues located within the required 45' stream setback, and the project has also been Conditioned so that no staging, or parking shall occur within the required 45' setback from Conn Creek. The winery structure is approximately 150' from the top of bank and the development that is nearest the creek is the proposed parking area west of the existing barn which is located approximately 85' from the top of bank and is separated by existing vineyards and a vineyard avenue from Conn Creek.

A total of 50 native and introduced plant taxa were identified on the property during the botanical survey; none were identified as sensitive. Furthermore, there were no species or site conditions, which would be considered essential for the support of a species with limited distribution or considered to be a sensitive natural plant community as the majority of the parcel and all of the proposed development are located within existing vineyards. The site has not been identified in any local/regional or State plans as being a sensitive community. The potential for this project to have an impact on special status plant species is less than significant.

The site was assessed for potential occurrences and habitat to accommodate sensitive wildlife species. While none were identified during the site surveys suitable habitat for western pond turtle, as well as for Swanson's hawk and white-tailed kite were identified within the riparian area of Conn Creek. These are all identified as species of concern. As noted in the Biological Report (**Exhibit G**), due to the history of ongoing agricultural operations, nesting birds within the riparian corridor of Conn Creek are likely habituated to human disturbance. No trees are proposed for removal and no work will occur within the creek's riparian corridor and adequate setbacks from the creek top of bank will be maintained consistent with NCC section 18.108.025, as discussed above. While additional disturbance may occur during construction of the new winery, once the facility is established human disturbance will return to similar level to what was existing during previous agricultural operations.

Regarding pond turtles, because this species has the potential to occur within the riparian corridor located along the western property line and Conn Creek, mitigation and various Conditions of Approval are proposed to ensure that disturbances to pond turtles are less than significant. A mitigation measure is proposed for targeted preconstruction surveys for western pond turtle. Additionally, Condition of Approval has been included to require the installation of protective construction fencing along the western edge of the existing vineyard avenues along Conn Creek, that no construction staging, or vehicle parking will take place within the required 45' stream setback from Conn Creek, and no overflow event parking will take place within the vineyard avenues located within the 45' stream setback from Conn Creek. Regular vineyard operations can still continue to utilize the existing vineyard avenues, as these have historically been used and continued use of them is consistent with NCC section 18.108.125.E(1)(2). Though the project has been specifically designed to avoid the riparian corridor and the required creek setbacks the proposed Conditions of Approval and Mitigation Measure ensure protection of the riparian vegetation and habitat, including basking substrates, which may be outside of the immediate riparian corridor, thereby reducing the risk of harm to western pond turtles. With implementation of **Mitigation Measure BR-1 (Western Pond Turtle) and the proposed Western Pond Turtle - Conditions of Approval**, the proposed project would result in less than significant impacts on western pond turtles.

***Mitigation Measure BR-1 (Western Pond Turtle):*** The Permittee shall comply with 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.*

Regarding special-status bird species, the parcel provides suitable year-round habitat for white-tailed kites and Swanson's Hawk, including stands of oaks for nesting and semi-open areas (vineyard) in close proximity for foraging. Neither white-tailed kites, nor Swanson's Hawk were observed during the biological assessment, however, it should be noted that a targeted bird survey was not performed. In addition to these special-status bird species, a variety of non-status bird species with baseline protections under the Migratory Bird Treaty Act and California Fish and Game Code may use vegetation within the project parcel for nesting.

Indirect construction-related disturbance (e.g., noise) to nesting birds could result in potentially significant direct and cumulative impacts on special-status and migratory birds. Implementation of **Mitigation Measure BR-2 (Nesting and Migratory Birds)** would reduce potential impacts on special-status and migratory birds by requiring that a qualified biologist conduct a preconstruction survey, followed by preparation of avoidance measures and exclusion buffers prior to project initiation. With implementation of **Mitigation Measure BR-2 (Nesting and Migratory Birds)**, the proposed project would result in less than significant impacts on special-status bird species.

**Mitigation Measure BR-2 (Nesting and Migratory Birds):** The Permittee shall comply with 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 buffer around the nest site. Buffer distances for bird nests 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.

To ensure impacts to Swainson's Hawk and white-tailed kite are less than significant, the following **Mitigation Measure BR-3 (Swainson's Hawk and white-tailed kite)** is proposed:

**Mitigation Measure BR-3 (Swainson's Hawk & White-tailed kite Survey and Avoidance Buffer):** The Permittee shall comply with 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.

c/d.

There are no mapped blue-line streams located on the project parcel; however, Conn Creek is just beyond the western property line and contains existing riparian habitat, some of which is located on the subject parcel. Additionally, there is a sensitive natural community located on the site as well, Valley Oak Woodland, which is also located along the western property line along Conn Creek. According to the Napa County GIS Sensitivity Maps (Wetland & vernal pools layer), no vernal pools and wetlands are present on the project site. The project site and parcel ultimately drain to Conn Creek, which flows southerly for approximately 3.25 miles before merging with the Napa River, which then drains into the San Pablo Bay.

The proposed project has been designed to include minimum 45-foot stream setbacks from the Conn Creek; main winery structure is approximately 150 feet from the creek top of bank and the portion of the new parking area (the development that is nearest the creek) is located approximately 85 feet from the top of bank. This is in conformance, and actually greatly exceeds required setbacks noted in NCC section 18.108.025. Therefore, the project has been designed to provide setbacks from aquatic features (i.e. streams) and the proposed creek setbacks are consistent with code requirements. Various Mitigation Measures have been implemented to ensure that the riparian area is not disturbed during construction of the winery and during continued operations, once established. Furthermore, project approval, if granted, would be subject to the following standard conditions to prevent the potential encroachment into stream and setbacks required pursuant to Section 18.108.025 and Section 18.108.026, further protecting these aquatic resources during project implementation and operation resulting in a less than significant impact. These setbacks also provide protection for the valley oak woodland identified along the western property line.

**Stream Protection – Standard Condition of Approval:** *The Permittee shall implement the following condition to prevent the inadvertent encroachment into specified stream setbacks during construction and subsequent vineyard operations:*

1. *The location of the stream setback (Conn Creek) shall be clearly demarcated in the field with temporary construction fencing, which shall be placed at the outermost edge of required setbacks. Prior to any earthmoving activities, temporary fencing shall be installed: the precise locations of said fences shall be inspected and approved by the Planning Division prior to any earthmoving and/or development activities. No disturbance, including grading, placement of fill material, storage of equipment, etc. shall occur within the designated areas for the duration of erosion.*

All proposed improvements would occur within a previously disturbed area that is not a wildlife corridor. Given this, the Conditions of Approval proposed and the proposed creek setbacks being consistent with NCC section 18.108.025 the project activities would not interfere with the movement of any native resident or migratory fish or wildlife species or with their corridors or nursery sites. Impacts would be less than significant.

e/f.

This project would not interfere with any ordinances protecting biological resources. There are no tree preservation ordinances in effect in the County, furthermore, no trees are proposed for removal as part of this project. The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional or state habitat conservation plans because there are no plans applicable to the subject site. No impacts would occur.

**Mitigation Measures:**

BR 1 – Western Pond Turtles

BR 2 – Nesting Birds

BR 3 – Swanson’s Hawk and White-tailed Kite

V.	CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a/b.

See **Section XVIII (Tribal Cultural Resources)** for disclosures and the impact assessment pursuant to Pursuant to Public Resources Code

A Historical Resources Study was prepared by Archeological Resource Service (ARS) dated June 21, 2022. The study was conducted to determine the presence or absence of historical or archaeological resources, and potential impacts, if any, as a result of the proposed project. According to the study, no historical resources were observed on the site and the property contains no archaeological remains. The report concluded that no further study or specific recommendations are required. However, if any previously undiscovered resources are found during grading of the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with the following standard condition of approval that will be imposed on the project:

**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.*

Tribal Notification letters were mailed out on February 7, 2023. A response letter was received from the Yocha Dehe who noted that the project was not within their tribal lands and as such did not have any comments regarding the project. The 30-day response period ended on March 9, 2023, and no response was received from Middletown Rancheria and Mishewal Wappo.

c.  
No human remains have been encountered on the property and no information has been encountered that would indicate that this project would encounter human remains. Most construction activities would occur on previously disturbed portions of the site given the planting of existing vineyard. However, if resources are found during project grading, construction of the project is required to cease, and a qualified archaeologist would be retained to investigate the site in accordance with standard condition of approval noted above. Impacts would be less than significant.

Mitigation Measures:

None required.

VI.	ENERGY. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Result in potentially significant environmental impact due to wasteful, inefficient or unnecessary consumption of energy resources during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

Consistent with Public Resources Code Section 21100(b)(3), this impact analysis evaluates the potential for the proposed project to result in a substantial increase in energy demand and wasteful use of energy during project construction, operation and maintenance. The impact analysis is informed by Appendix G of the CEQA Guidelines. The potential impacts are analyzed based on an evaluation of whether construction and operation energy use estimates for the proposed project would be considered excessive, wasteful, or inefficient.

a.  
During construction of the proposed project, the use of construction equipment, truck trips for hauling materials, and construction workers' commutes to and from the project site would consume fuel. Project construction is anticipated to occur over nine (9) to twelve (12) months.



Construction activities and corresponding fuel energy consumption would be temporary and localized. In addition, there are no unusual project characteristics that would cause the use of construction equipment or haul vehicles that would be less energy efficient compared with other similar construction sites within Napa County.

Once construction is complete, equipment and energy use would be slightly higher than existing levels and the proposed project would not include any unusual maintenance activities that would cause a significant difference in energy efficiency compared to the surrounding developed land uses. Furthermore, the proposed project would comply with Title 24 energy use requirements and would not result in significant environmental impacts due to wasteful, inefficient or unnecessary consumption of energy resources during project construction or operation. Impacts would be less than significant.

b.

The transportation sector is a major end-user of energy in California, accounting for approximately 39 percent of total statewide energy consumption in 2014 (U.S. Energy Information Administration 2016). In addition, energy is consumed in connection with construction and maintenance of transportation infrastructure, such as streets, highways, freeways, rail lines, and airport runways. California's 30 million vehicles consume more than 16 billion gallons of gasoline and more than 3 billion gallons of diesel each year, making California the second largest consumer of gasoline in the world (CEC 2016). In Napa County, farm equipment (not including irrigation pumps) accounted for approximately 60% of agricultural emissions in Napa County in 2014, with the percentage anticipated to increase through 2050 (Napa County 2018 - <https://www.countyofnapa.org/DocumentCenter/View/9247/Revised-Draft-Climate-Action-Plan>).

With respect to transportation energy, existing energy standards are promulgated through the regulation of fuel refineries and products such as the Low Carbon Fuel Standard (LCFS), which mandates a 10% reduction in the non-biogenic carbon content of vehicle fuels by 2020. Additionally, there are other regulatory programs with emissions and fuel efficiency standards established by USEPA and the California ARB such as Pavley II/LEV III from California's Advanced Clean Cars Program and the Heavy-Duty (Tractor-Trailer) GHG Regulation. Further, construction sites will need to comply with State requirements designed to minimize idling and associated emissions, which also minimizes use of fuel. Specifically, idling of commercial vehicles and off-road equipment would be limited to five (5) minutes in accordance with the Commercial Motor Vehicle Idling Regulation and the Off-Road Regulation<sup>13</sup>. The proposed project would comply with these State requirements; see the **Air Quality** conditions of approval. Napa County has not implemented an energy action plan. Therefore, the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency or impede progress towards achieving goals and targets, and impacts would be less than significant.

Mitigation Measures:

None required.

VII.	GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<sup>13</sup> California Code of Regulations (CCR), 2005. Title 13, Chapter 10, 2485, updated through 2014.



iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil creating substantial direct or indirect risks to life or property? Expansive soil is defined as soil having an expansive index greater than 20, as determined in accordance with ASTM (American Society of Testing and Materials) D 4829.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a.

The project site could experience potentially strong ground shaking and other seismic related hazards based on the number of active faults in the San Francisco Bay region. The proposed project consists of earthmoving activities associated with the construction of a new winery development.

- i.) There are no known faults on the project site as shown on the most recent Alquist-Priolo Earthquake Fault Zoning Map. The site is approximately 1.4 miles northwest of fault 62500 that runs north to south. As such, the proposed project would result in a less than significant impact with regards to rupturing a known fault.
- ii.) All areas of the Bay Area are subject to strong seismic ground shaking. Construction of the project would be required to comply with the latest building standards and codes, including the California Building Code that would reduce any potential impacts to a less than significant level.
- iii.) No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or liquefaction. Compliance with the latest edition of the California Building Code for seismic stability would result in less than significant impacts.
- iv.) The Napa County GIS Sensitivity Maps (Landslides line and polygon) did not indicate the presence of landslides within the area proposed for development.

b.

The proposed improvements would occur on slopes of less than 5 percent. The spoils resulting from grading activities will be retained on-site and used for construction of the engineered pad and fill slope proposed for construction of the winery, driveway, and parking areas. The project would require incorporation of best management practices and would be subject to the Napa County Stormwater Ordinance, which addresses sediment and erosion control measures and dust control, as applicable. Impacts would be less than significant.

Building construction associated with the project would primarily take place on the existing developed area in the center of the existing vineyard. Total ground disturbing activities are limited, and impacts would be less than significant. Soil erosion and resulting water quality would be maintained through standard stormwater quality treatment control measures and compliance with Engineering Division Conditions of Approval.

c/d.

Based upon the Soil Survey of Napa County, prepared by the United States Department of Agriculture (USDA), the site is composed of Cole silt loam 0-2% slopes MLRA 14, Clear Lake clay (overwashed), Clear Lake clay drained 0-2% slopes MLRA 14, and Riverwash. According to the Napa County GIS Sensitivity Maps (Surficial Deposits layer), the area consists of Holocene fan deposits, latest Holocene alluvial deposits, a small portion Holocene alluvial fan deposits, and even smaller portion of Holocene channel deposits. Based on the Napa County GIS Sensitivity Maps (liquefaction layer) the property includes areas generally subject to a medium to very high tendencies to liquefy, with the majority of the proposed winery building being located on soils identified as medium tendency to liquefy. All proposed construction will be required to comply with all the latest building standards and codes at the time of construction. Compliance with the latest editions of the California Building Code for

seismic stability would reduce any potential impacts to the maximum extent possible, resulting in less than significant impacts.

e.

There is a septic system installed on site that serves residential development, which will remain separate for the wastewater treatment system for the proposed winery. CMP Civil Engineering and Land Surveying Inc. prepared a wastewater feasibility report (**Exhibit J**), dated August 15, 2022 (revised), to evaluate the feasibility of treating wastewater flows generated by the winery. According to the report, the proposed winery domestic wastewater will be treated by an Orenco Advantex Treatment pod and then pumped to a Geoflow drip dispersal system. The project would require a 3,375-sf dispersal area and the project proposes a 3,616-sf dispersal area. The study concludes that the proposed winery wastewater disposal needs can be accommodated onsite. The Division of Environmental Health has reviewed the application materials and determined that either of the proposed systems would be adequate to serve the winery. Full design calculations and construction plans will be prepared in accordance with Napa County standards at the time of building permit application submittal. Potential impacts would be less than significant.

f.

No paleontological resources or unique geological features have been identified on the property or were encountered on the property when the existing buildings were constructed or when the vines were planted. However, if resources are found during any earth disturbing activities associated with the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with the Standard Condition of Approval 7.2 identified in **Section V** above, resulting in less than significant impacts.

Mitigation Measures:

None required.

VIII.	GREENHOUSE GAS EMISSIONS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Generate a net increase in greenhouse gas emissions in excess of applicable thresholds adopted by the Bay Area Air Quality Management District or the California Air Resources Board which may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Conflict with a county-adopted climate action plan or another applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

Napa County has been working to develop a Climate Action Plan (CAP) for several years. In 2012, a Draft CAP (March 2012) was recommended using the emissions checklist in the Draft CAP, on a trial basis, to determine potential greenhouse gas (GHG) emissions associated with project development and operation. At the December 11, 2012, Napa County Board of Supervisors (BOS) hearing, the BOS considered adoption of the proposed CAP. In addition to reducing Napa County's GHG emissions, the proposed plan was intended to address compliance with CEQA for projects reviewed by the County and to lay the foundation for development of a local offset program. While the BOS acknowledged the plan's objectives, the BOS requested that the CAP be revised to better address transportation-related greenhouse gas, to acknowledge and credit past accomplishments and voluntary efforts, and to allow more time for establishment of a cost-effective local offset program. The Board also requested that best management practices be applied and considered when reviewing projects until a revised CAP is adopted to ensure that projects address the County's policy goal related to reducing GHG emissions.

In July 2015, the County re-commenced preparation of the CAP to: i) account for present day conditions and modeling assumptions (such as but not limited to methods, emission factors, and data sources), ii) address the concerns with the previous CAP effort as outlined above, iii) meet applicable State requirements, and iv) result in a functional and legally defensible CAP. On April 13, 2016, the County, as the part of the first phase of development and preparation of the CAP, released Final Technical Memorandum #1: 2014 Greenhouse Gas Emissions Inventory and Forecast, April 13, 2016. This initial phase included: i) updating the unincorporated County's community-wide GHG emissions inventory to 2014, and ii) preparing new GHG emissions forecasts for the 2020, 2030, and 2050 horizons. Additional information on the County CAP can be obtained at the Napa County Department of Planning, Building and Environmental Services or <https://www.countyofnapa.org/2876/Current-Projects-Explorer>.

a-b.

Overall increases in Greenhouse Gas (GHG) emissions in Napa County were assessed in the Environmental Impact Report (EIR) prepared for the Napa County General Plan Update and certified in June 2008. GHG emissions were found to be significant and unavoidable in that document, despite the adoption of mitigation measures incorporating specific policies and action items into the General Plan. Consistent with these General Plan action items, Napa County participated in the development of a community wide GHG emissions inventory and “emission reduction framework” for all local jurisdictions in the County in 2008-2009. This planning effort was completed by the Napa County Transportation and Planning Agency in December 2009 and served as the basis for development of a refined inventory and emission reduction plan for unincorporated Napa County.

In 2011, the Bay Area Air Quality Management District (BAAQMD) released California Environmental Quality Act (CEQA) Project Screening Criteria and Significance of Thresholds [1,100 metric tons per year (MT) of carbon dioxide and carbon dioxide equivalents (CO<sub>2</sub>e)]. This threshold of significance is appropriate for evaluating projects in Napa County. During our ongoing planning effort, the County requires project applicants to consider methods to reduce GHG emissions consistent with Napa County General Plan Policy CON-65(e). (Note: Pursuant to State CEQA Guidelines Section 15183, because this initial study assesses a project that is consistent with an adopted General Plan for which an environmental impact report (EIR) was prepared, it appropriately focuses on impacts, which are “peculiar to the project,” rather than the cumulative impacts previously assessed.) For the purposes of this analysis potential GHG emissions associated with winery ‘construction’ and ‘development’ and with ‘ongoing’ winery operations have been discussed.

GHGs are the atmospheric gases whose absorption of solar radiation is responsible for the greenhouse effect, including carbon dioxide, methane, ozone, and the fluorocarbons, that contribute to climate change (a widely accepted theory/science explain human effects on the atmosphere). Carbon Dioxide (CO<sub>2</sub>) gas, the principal greenhouse gas (GHG) being emitted by human activities, and whose concentration in the atmosphere is most affected by human activity, also serves as the reference gas to compare other greenhouse gases. Agricultural sources of carbon emissions include forest clearing, land-use changes, biomass burning, and farm equipment and management activity emissions ([http://www.climatechange.ca.gov/glossary/letter\\_c.html](http://www.climatechange.ca.gov/glossary/letter_c.html)). Equivalent Carbon Dioxide (CO<sub>2</sub>e) is the most commonly reported type of GHG emission and a way to get one number that approximates total emissions from all the different gasses that contribute to GHG (BAAQMD CEQA Air Quality Guidelines, May 2017). In this case, carbon dioxide (CO<sub>2</sub>) is used as the reference atom/compound to obtain atmospheric carbon CO<sub>2</sub> effects of GHG. Carbon stocks are converted to carbon dioxide equivalents (CO<sub>2</sub>e) by multiplying the carbon total by 44/12 (or 3.67), which is the ratio of the atomic mass of a carbon dioxide molecule to the atomic mass of a carbon atom (<http://www.nciasi2.org/COLE/index.html>).

One time “Construction Emissions” associated with the project, include: emissions associated with the energy used to develop and prepare the project area, construction, and construction equipment and worker vehicle trips (hereinafter referred to as Equipment Emissions). These emissions also include underground carbon stocks (or Soil carbon) associated with any existing vegetation that is proposed to be removed. As previously stated, this project includes the construction of a new winery and improvements to existing internal access roads and new parking areas.

In addition to the one time Construction Emissions, “Operational Emissions” of the winery are also considered and include: i) any reduction in the amount of carbon sequestered by existing vegetation that is removed as part of the project compared to a “no project” scenario (hereinafter referred to as Operational Sequestration Emissions); and ii) ongoing emissions from the energy used to maintain and operate the winery, including vehicle trips associated with employee and visitor trips (hereinafter referred to as Operational Emissions). See Section XVI, Transportation/Traffic, for anticipated number of operational trips. Operational Emissions from the proposed winery would be the primary source of emissions over the long-term when compared to one-time construction emissions.

As discussed in the **Air Quality** section of this Initial Study, in 2010, the BAAQMD adopted and later incorporated into its 2011 CEQA Guidelines project screening criteria (Table 3-1 – Criteria Air Pollutants and Precursors & GHG Screening Level Sizes) and thresholds of significance for air pollutants, including GHG emissions, which have now been updated by BAAQMD through May 2017. With the new winery building totaling approximately 10,996 square feet of floor area, with 2,492 square feet of space dedicated to tasting/hospitality uses, compared to the BAAQMD’s GHG screening criteria of 541,000 square feet for general light industrial, and compared to the BAAQMD’s screening criterion of 47,000 square feet for high quality restaurant, the project was determined not to exceed the 1,100 MT of CO<sub>2</sub>e/yr GHG threshold of significance.

Furthermore, the applicant intends to implement the following GHG reduction methods at the winery: (1) generation of on-site renewable energy. (2) utilize recycled water – in the form of using process wastewater to irrigate portions of the existing vineyard, (3) install water efficient fixtures, (4) compost 75% of food and garden material, and (5) local food production.

The proposed project has been evaluated against the BAAQMD thresholds and determined that the project would not exceed the 1,100 MT/yr of CO<sub>2</sub>e. GHG Emission reductions from local programs and project level actions, such as application of the Cal Green Building Code, tightened vehicle fuel efficiency standards, and more project-specific on-site programs including those winery features noted above would combine to further reduce emissions below BAAQMD thresholds. As indicated above, the County is currently preparing a CAP and as the part of the first phase of development and preparation of the CAP has released Final Technical Memorandum #1 (2014 Greenhouse Gas Emissions Inventory and Forecast, April 13, 2016). Table 1 of the Technical Memorandum indicates that 2% of the County’s GHG emissions in 2014 were a result of land

use change. The increase in emissions expected as a result of the project would be relatively modest, and the project is in compliance with the County's efforts to reduce emissions as described above. For these reasons, project impacts related to GHG emissions are considered less than significant.

Mitigation Measures:

None required.

IX.	HAZARDS AND HAZARDOUS MATERIALS. Would the project	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wild-land fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a.  
The proposed project would not involve the transport of hazardous materials other than those small amounts utilized in typical winery operations. Impacts would be less than significant.

b.  
Hazardous materials such as diesel and maintenance fluids would potentially be used onsite during construction. Should they be stored onsite, these materials would be stored in secure locations to reduce the potential for upset or accident conditions. The proposed project consists of an existing winery that would not be expected to use any substantial quantities of hazardous materials. The operation changes are not anticipated to significantly increase the quantities. Therefore, it would not be reasonably foreseeable for the proposed project to create upset or accident conditions that involve the release of hazardous materials into the environments. Impacts would be less than significant.

c.  
There are no schools located within one-quarter mile from the existing winery buildings. The nearest school is within the town of Yountville, over 3.75 miles south of the winery. No impacts would occur.

d.  
Based on a search of the California Department of Toxic Substances Control database, the project site does not contain any known EPA

National Priority List sites, State response sites, voluntary cleanup sites, or any school cleanup sites. No impact would occur as the project site is not on any known list of hazardous materials sites.

e.

No impact would occur as the project site is not located within an airport land use plan.

f.

The Napa County Emergency Operations Plan (EOP) outlines procedures, including establishing leadership roles and responsibilities of various agency staff, that guide local preparedness, response, recovery and resource management efforts associated with occurrence of a natural disaster, significant emergency, or other threat to public safety. The project would not result in closure or permanent obstruction of adjacent public rights-of-way. No component of the implementation of the EOP would otherwise be impaired by the proposed project. There is an existing gravel driveway that will be used to access the winery, off of Skellenger Lane, and this will be improved per Napa County Road and Street Standards. the planned improvements have been reviewed by the County Fire Department and Engineering Services Division and found acceptable, as conditioned. The main residence is accessed off of Oakville Cross Road, this will not be use by guests and no improvements are proposed to section of driveway. The proposed winery would not obstruct an emergency response or evacuation plan. Impacts would be less than significant.

g.

According to the Napa County Environmental resource maps (based on the following GIS layer – Fire Hazard Severity Zones) the winery is not within a designated fire risk area and is instead designated as a Local Responsibility Area (LRA). The parcel is located in the center of the valley in an area developed with existing vineyards, wineries and urban residential development. The new winery proposes visitation for by appointment tours and tastings, marketing events, and have six (6) full-time employees which will increase the total number of people who work at and visit the project site on a daily and annual basis as compared to existing conditions. The proposed physical improvements are within an area currently developed with vineyard and two residences. The improvements would not result in a physical modification to the site that would alter factors that would likely exacerbate wildfire risks. Although the project results in a larger amount of people on site, the proposed physical improvements and operational changes do not increase the potential for significant loss, injury or death due to wild-land fires. See Section XX - Wildfire for additional detail. Impacts of the project would be less than significant.

Mitigation Measures:

None required.

X.	HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces which would:				
i)	result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iv) impede or redirect flood flows?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Discussion:

The County requires all discretionary permit applications (such as use permits and ECPAs) to complete necessary water analyses in order to document that sufficient water supplies are available for the proposed project and to implement water saving measures to prepare for periods of limited water supply and to conserve limited groundwater resources.

On June 7, 2022, the Napa County Board of Supervisors provided interim procedures to implement provisions of the Napa County Groundwater Sustainability Plan (GSP) for issuance of new, altered or replacement well permits and discretionary projects that would increase groundwater use. The direction limits a parcel's groundwater allocation to 0.3-acre feet per acre per year, or no net increase in groundwater use if that threshold is exceeded already for parcels located in the GSA Subbasin. For parcels not located in the GSA Subbasin (i.e., generally located in the hillsides), a parcel-specific Water Availability Analysis would suffice to assess potential impacts on groundwater supplies. Because the parcel is located within the GSA Subbasin, and the existing uses exceed the 0.3-acre feet per acre per year threshold, the applicant revised the project water use to achieve a decrease in groundwater extraction from existing use.

To assess potential impacts resulting from project well(s) interference with neighboring wells within 500 feet and/or springs within 1,500 feet, the County's WAA guidance<sup>2</sup> requires applicants to perform a Tier 2 analysis where the proposed project would result in an increase in groundwater extraction from project well(s) compared to existing levels.

To assess the potential impacts of groundwater pumping on hydrologically connected navigable waterways and those non-navigable tributaries connected to navigable waters, the County's WAA guidance requires applicants to perform a Tier 3 or equivalent analysis for new or replacement wells, or discretionary projects that would rely on groundwater from existing or proposed wells that are located within 1,500 feet of designated "Significant Streams."<sup>3</sup>

Public Trust: The public trust doctrine requires the state and its legal subdivisions to "consider," give "due regard," and "take the public trust into account" when considering actions that may adversely affect a navigable waterway. (Environmental Law Foundation v. State Water Resources Control Bd.; San Francisco Baykeeper, Inc. v. State Lands Com.) There is no "procedural matrix" governing how an agency should consider public trust uses. (Citizens for East Shore Parks v. State Lands Com.) Rather, the level of analysis "begins and ends with whether the challenged activity harms a navigable waterway and thereby violates the public trust." (Environmental Law Foundation, 26 Cal.App.5th at p. 403.) As demonstrated in the Environmental Law Foundation vs State Water Resources Control Board Third District Appellate Court Case, that arose in the context of a lawsuit over Siskiyou County's obligation in administering groundwater well permits and management program with respect to Scott River, a navigable waterway (considered a public trust resource), the court affirmed that the public trust doctrine is relevant to extractions of groundwater that adversely impact a navigable waterway and that Counties are obligated to consider the doctrine, irrespective of the enactment of the Sustainable Groundwater Management Act (SGMA).

On January 10, 2024, Napa County released the Interim Napa County Well Permit Standards and WAA Requirements - January 2024, providing guidance to complying with the Public Trust.

a/b.

Tier 1: A Tier I Water Availability Analysis (**Exhibit K**), dated August 2024 (revised) was prepared by CMP Civil Engineering & Land Surveying

<sup>2</sup> The County's Water Availability Guidelines (adopted May 2015)

<sup>3</sup> Refer to Figure 1: Significant Streams for Tier 3, located at [www.countyofnapa.org/3074/Groundwater-Sustainability](http://www.countyofnapa.org/3074/Groundwater-Sustainability). The "Significant\_Streams" and "Significant\_Streams\_1500ft\_buffer" GIS layers are published as publicly-available open data through the County's ArcGIS Online Account.

Inc., to determine the estimated water use of the existing development, the proposed project and water availability, and to assess potential drawdown impacts to neighboring wells.

The water source for the existing property is provided from three (3) existing onsite wells. There are two (2) wells onsite serving the existing residences, along with some vineyard, (Well #2 and Well #3) and one (1) well used for vineyard irrigation (Well #1). Well #1 is proposed to be used for the new winery (as well as continue to irrigate portions of the existing vineyard). Since the groundwater extraction for the winery and residence would be from a well located on the Valley Floor area, the new Valley Floor screening criteria of 0.3 acre-foot of water per acre of land would be used for the 25.54-acre property generating a water use availability of 7.66 acre-feet per year (af/yr). The current water use for the parcel is 10.18 af/yr, which exceeds the new Valley Floor screening criteria. Projects with existing water uses that exceed the 0.3-acre-foot criteria must demonstrate no net increase in water use. The Project WAA identifies the existing water use as 10.18 af/yr which would be reduced to 10.16 af/yr. This is a slight reduction over existing conditions which is achieved by removal of 0.63 acres of existing vineyards, reduction of the well pumping time and the utilization of winery process wastewater to irrigate a portion of existing vineyard.

Tier 2: Although a neighboring well is located 287 feet from the proposed winery well, a Tier 2 analysis was not required because there is no increase in water use proposed as a result of the project. The project would result in a decrease of .02 ac/ft/yr in groundwater use.

Tier 3: Although a formal Tier 3 analysis was not required by the County, due to the project's anticipated reduction in groundwater use, the WAA provided a Tier 3 discussion.

While a Tier 3 review is the County's adopted method for complying with its duties under the Public Trust Doctrine, as discussed herein, the project will comply with the WAA Guidance document because the project proposes to modify the sites groundwater pumping operational characteristics which will reduce existing groundwater extraction from the project well which offers the greatest leverage in reducing stream flow depletion and any alleged harm to public trust. As noted in the WAA the proposed project is located 181 feet from a County identified significant stream (Conn Creek), Public Trust Doctrine requires the County to consider and give due regard to public trust when analyzing impacts that may impact a navigable waterway, or a non-navigable course (in this instance Conn Creek) which connects to a navigable waterway (Napa River). A Tier 3 discussion was prepared by CMP Engineering & Land Surveying which demonstrates that the project will reduce harm to Public Trust by reducing the overall water use for the parcel by 0.2 af/yr. This will be accomplished through the removal of 0.63 acres of existing vineyard (resulting that much less vineyard requiring water), the watering of portions of the existing vineyard with process wastewater from the winery, reducing the annual pumping time for the parcel and limited the pumping rate for the project well (well #1) to 160 gallons per minute. Through these actions the project will reduce harm to Public Trust resources compared to existing operations. The project has been specifically conditioned to ensure alleged harm to Public Trust is less than significant. Project specific Conditions of Approval (COAs 4.9.A, 4.9.B, 4.9.C, 4.9.D, 4.20.A, 4.20.B, 4.20.C, and 6.15.A) have been implemented to require the following: that the parcels groundwater use be limited to 10.16 af/yr, that the project wells shall be equipped with flow regulation devices limiting the pumping capacity to less than or equal to existing operations, preparation of a Ground Water Management Plan, and inclusion of the project in the County's well monitoring program. As conditioned the County has satisfied its duty to consider impacts to trust resources and no further analysis is required.

#### 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.*
- 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.*
  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 capacity to less than or equal to existing operations.*
    1. *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. *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. *This condition is implemented jointly by the PBES Department:*
  1. *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.*

- 2. 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.*
- 3. 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.*

#### **4.20 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.*
  - 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 capacity to less than or equal to existing operations*
    - 1. 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. 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*

#### **6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS**

- a. Groundwater Demand Management Plan*
  - 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 correction 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 specific 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.*



The project would not violate any water quality standards or waste discharge requirements nor substantially deplete local groundwater supplies. According to the Wastewater Feasibility Report prepared by CMP Engineering, dated August 2024 (revised), the project site and proposed system would have adequate disposal capacity to serve the project. The Division of Environmental Health reviewed this report and concurred with its findings.

As noted earlier, there are two (2) existing wells onsite serving the existing residences, as well as some vineyard, (Well #2 and Well #3) and one (1) well used for vineyard irrigation (Well #1). Well #1 is capable of producing a flow rate in excess of 160 gallons per minute (gpm). As proposed, Well #1 will be used to serve the proposed winery and continue to provide water to portions of the vineyard, while the remaining two (2) wells will serve the residences and portions of the vineyard. As noted earlier in this section, project specific Conditions of Approval (COAs 4.9.A, 4.9.B, 4.9.C, 4.20, and 6.15.A) have been implemented to require the following: that the parcels groundwater use be shall be limited to 10.16 af/yr, that the designated winery well (Well #1) shall be equipped with a flow regulation device limiting the pumping capacity to less than or equal to 160 gallons per minute, that the other parcel wells (Well #2 and Well #3) shall also be equipped with flow regulations devices to maintain existing pumping operations, that the project shall prepare a Ground Water Management Plan, and that the parcel shall be included in the County's well monitoring program.

As noted above, the applicant submitted a Water Availability Analysis (WAA) completed by CMP Engineering showing the projected overall water demand for the project site of 10.16 af/yr representing a 0.02 af/yr decrease of the existing water demand of 10.18 af/yr. The parcel water demand can be met with the existing project well (specifically Well #1). Therefore, the impacts from the project would be less than significant and no further analysis is needed. Below is a table that details each source of existing and proposed groundwater use:

Usage Type	Estimated Usage [Acre-AF/YR]
<b>Existing Water Demand:</b>	
Primary Residence	0.6
Secondary Residence	0.2
Vineyard Irrigation (on 17.06 +/- acres)	5.118
Vineyard Heat Protection (on 17.06 +/- acres)	4.265
<b>Total Existing Water Demand =</b>	<b>10.183 AF/YR</b>
<b>Proposed Water Demand:</b>	
Primary Residence	0.6
Secondary Residence (ASU)	0.2
Winery (30,000 gallons annually):	
Process Water	0.46
Domestic, Employee and Visitation	0.21
Landscaping	0.11
Vineyard Irrigation (on 16.43 +/- acres of vineyards)	4.93
Vineyard Heat Protection (on 16.43 +/- acres of vineyards)	4.11
Recycled Process Water for vineyard irrigation	-0.46
<b>Total Proposed Water Demand =</b>	<b>10.16 AF/YR or (0.02 Decrease)</b>

The estimated groundwater demand of 10.16 af/yr represents a decrease of 0.02 af/yr over the existing condition, and this reduced extraction shall be realized at the subject project well (Well #1). The winery, as part of its entitlement would include the County's standard Condition of Approval 4.9(d), above, requiring well monitoring to all on-site wells, as well as the potential to modify/alter permitted uses on site should groundwater resources become insufficient to supply the use. Additionally, a Condition of Approval has been included to cap the groundwater use for the parcel at 10.16 af/yr, Condition of Approval 4.9(a) and 4.20(a), and for flow regulations devices for all three parcel wells, 4.9(b) and 4.20(b). The project has also been conditioned to prepare a Groundwater Demand Management Program, per COA 6.15(a). The proposed project would result in a decrease on the demand of ground water supplies and therefore would not interfere with groundwater recharge or lowering of the local groundwater level.

Public Trust - As disclosed and assessed in this MND and the WAA, the County concludes that no harm to (or less-than-significant impacts on) public trust resources would result from the proposed project.

As designed and with the above-described COAs impacts to water quality and groundwater supplies will be less than significant.

c.  
The project would not substantially alter the drainage pattern on site or cause a significant increase in erosion or siltation on or off the project site. Improvement plans prepared prior to the issuance of a building permit would ensure that the proposed project does not increase runoff flow rate or volume as a result of project implementation. General Plan Policy CON-50 c) requires discretionary projects, including this project, to meet performance standards designed to ensure peak runoff in 2-, 10-, 50-, and 100-year events following development is not greater than predevelopment conditions. The preliminary grading and drainage plan have been reviewed by the Engineering Division. The proposed project would implement standard stormwater quality treatment controls to treat runoff prior to discharge from the project site. The incorporation of these features into the project would ensure that the proposed project would not create substantial sources of polluted runoff. In addition, the proposed project does not have any unusual characteristics that create sources of pollution that would degrade water quality. Impacts would be less than significant.

d.  
Portions of the parcel are located within the Zone AE flood boundary (100 year), however, none of the proposed improvements (new winery, or new parking are located within the AE flood boundary. The parcel is not located in an area that is subject to inundation by tsunamis, seiches, or mudflows. No impacts would occur.

e.  
The proposed project would not conflict with a water quality control plan or sustainable groundwater management plan. No impacts would occur.

Mitigation Measures:

None required.

XI.	LAND USE AND PLANNING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The project would not result in the division of an established community. The project complies with the Napa County Code and all other applicable regulations. The subject parcel is located in the AP zoning districts, which allow wineries and uses accessory to wineries subject to use permit approval. The proposed project is compliant with the physical limitations of the Napa County Zoning Ordinance. The County has adopted the Winery Definition Ordinance (WDO) to protect agriculture and open space and to regulate winery development and expansion in a manner that avoids potential negative environmental effects.

Agricultural Preservation and Land Use Policy AG/LU-1 of the 2008 General Plan states that the County shall "preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County." The property's General Plan land use designation is AR, which allows "agriculture, processing of agricultural products, and single-family dwellings." More specifically, General Plan Agricultural Preservation and Land Use Policy AG/LU-2 recognizes wineries and other agricultural processing facilities, and any use clearly accessory to those facilities, as agriculture. The project would allow for the continuation of agriculture as a dominant land use within the county and is consistent with the Napa County General Plan.

The use of the property for the "fermenting and processing of grape juice into wine" (NCC §18.08.640) supports the economic viability of agriculture within the county consistent with General Plan Agricultural Preservation and Land Use Policy AG/LU-4 ("The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/ open space...") and General Plan Economic Development Policy E-1 (The County's economic development will focus on ensuring the continued viability of agriculture...).

The General Plan includes two policies requiring wineries to be designed generally of a high architectural quality for the site and its surroundings. The proposed new winery consists of one structure that will be screened with vineyards and decorative landscaping. As proposed, the new winery building is not visible from Silverado Trail. The façade of the winery is painted metal panels and battens and metal clad wood windows and doors, a redwood tilt up door, metal roof with standing seam, and a metal skylight with translucent glazing, all which will comply with County's required earth tone color palette. The maximum height of the slope-roof building is 31 feet and 6 inches. As such, the architectural design of the project would not degrade the existing character of the site and its surrounding and impacts would be less than significant. There are no applicable habitat conservation plans or natural community conservation plans applicable to the property. No impacts would occur.

Mitigation Measures:

None required.

XII.	MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a./b. Historically, the two most valuable mineral commodities in Napa County in economic terms have been mercury and mineral water. More recently, building stone and aggregate have become economically valuable. Mines and Mineral Deposits mapping included in the Napa County Baseline Data Report (Mines and Mineral Deposits, BDR Figure 2-2) indicates that there are no known mineral resources nor any locally important mineral resource recovery sites located on the project site. No impacts would occur.

Mitigation Measures: None required.

XIII.	NOISE. Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a/b.

The project would result in a temporary increase in noise levels during construction of the winery and its infrastructure. Construction activities would be limited to daylight hours using properly muffled vehicles. Noise generated during this time is not anticipated to be significant. As such, the project would not result in potentially significant temporary construction noise impacts or operational impacts. Because the nearest residence to the winery development area is approximately 490 feet to the west of the proposed winery structures, there is a low potential for impacts related to construction noise to result in a significant impact. Further, construction activities would occur during the period of 7am-7pm on weekdays, during normal hours of human activity. All construction activities would be conducted in compliance with the Napa County Noise Ordinance (Napa County Code Chapter 8.16). The proposed project would not result in long-term significant construction noise impacts. Conditions of approval identified below would require construction activities to be limited to daylight hours, vehicles to be muffled, and backup alarms adjusted to the lowest allowable levels. Impacts would be less than significant.

8.3. 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.*

c/d.

Additional regulations contained within County Code Chapter 8.16 establish exterior noise criteria for various land uses in the County. As described in the Project Setting, above, land uses that surround the proposed parcel are predominantly agricultural (vineyards) but also include rural residences; of these land uses, the residential uses are considered the most sensitive to noise. Based on the standards in County Code Section 8.16.070, noise levels, measured at the exterior of a residential structure or residential use on a portion of a larger property, may not exceed 50 decibels for more than half of any hour in the window of daytime hours (7:00 a.m. to 10:00 p.m.) within which the applicant proposes to conduct events. Noise impacts of the proposed project would be considered bothersome and potentially significant if sound generated by it had the effect of exceeding the standards in County Code more than 50 percent of the time (i.e., more than 50 decibels for more than 30 minutes in an hour for a residential use). Noise from winery operations is generally limited and intermittent, meaning the sound level can vary during the day and over the course of the year, depending on the activities at the winery. The primary noise-generating activities are equipment associated with wineries including refrigeration equipment, bottling equipment, barrel washing, de-stemmers and press activities occurring during the harvest crush season, delivery trucks, and other vehicles. The Napa County General Plan EIR indicates the average, or equivalent, sound level (Leq) for winery activities is 51dBA in the morning and 41dBA in the afternoon. Audibility of a new noise source and/or increase in noise levels within recognized acceptable limits are not usually considered to be significant noise impacts, but these concerns should be addressed and considered in the planning and environmental review processes. Winery operations would occur between 6:00 a.m. and 6:00 p.m. (excluding harvest). The nearest off-site residence to the proposed winery is approximately 490 feet to the west of the proposed winery. Any outdoor equipment would be subject to the following standard conditions requiring that any exterior winery equipment be enclosed or muffled and maintained so as not to create a noise disturbance.

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

c. *Exterior winery equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.*

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

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.*

Under the proposed project, the largest event that would occur on the parcel would have an attendance of no more than 150 people, and all evening events would commence at 6:00 p.m. and conclude by 10:00 p.m., with quiet clean-up conducted afterwards. The location of events are likely to occur within the hospitality building either in the tasting room, and the area identified for outdoor marketing events and AB2004 (outdoor) tasting which is located at the northeastern side of the winery development which is screened to the east and south by existing vineyard, to the north by the existing second residence/Farm Management Building, to the west the event area is screened by existing vineyard and the riparian

corridor along Conn Creek which will help buffer noise to the surrounding residences. Furthermore, a Noise Study was prepared by California Industrial Hygiene Services Inc. in June 2022. The study found that the calculated noise levels at the nearest receptor (residence 490 west) were not above the county thresholds. Continuing enforcement of Napa County's Noise Ordinance by the Division of Environmental Health and the Napa County Sheriff, including the prohibition against amplified music, should further ensure that marketing events and other winery activities do not create a significant noise impact. Events and non-amplified music, excluding quiet clean-up, are required to finish by 10:00 p.m. Amplified music or sound systems would not be permitted for outdoor events as identified in standard Condition of Approval 4.10 below. Temporary events would be subject to County Code Chapter 5.36, which regulates proposed temporary events. The proposed project would not result in long-term significant permanent noise impacts.

4.10      **AMPLIFIED MUSIC**

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

e/f.  
The proposed winery would not expose people to excessive noise levels associated with air traffic. No private landing facility is proposed with the requested modification, and the winery is neither within the boundaries of an airport land use compatibility planning area nor within two miles of any public or private airport or airstrip. No impact.

Mitigation Measures

None required.

XIV.	POPULATION AND HOUSING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a.  
The Association of Bay Area Governments' *Plan Bay Area 2050 Growth Pattern* figures indicate that the total households for Napa County are projected to increase some 10% by the year 2050, increasing from 50,000 to 56,000. Unincorporated Napa county, along with the cities of American Canyon, Napa, St. Helena, Calistoga and the town of Yountville all have existing compliant 6<sup>th</sup> Cycle Housing Elements certified by the State Department of Housing and Community Development. For the 6<sup>th</sup> Cycle, which runs from 2023 – 2031, Napa county jurisdictions have identified and have rezoned or are in the process of rezoning land to accommodate 3,844 dwelling units, more than half of the households projected by ABAG to develop in Napa county by 2050. In addition, the project would be subject to the County's housing impact mitigation fee, which provides funding to meet local housing needs.

Cumulative impacts related to population and housing balance were identified in the 2008 General Plan EIR. As set forth in Government Code §65580, the County of Napa must facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community. Similarly, CEQA recognizes the importance of balancing the prevention of environment damage with the provision of a "decent home and satisfying living environment for every Californian." (See Public Resources Code §21000(g).) The 2008 General Plan sets forth the County's long-range plan for meeting regional housing needs, during the present and future housing cycles, while balancing environmental, economic, and fiscal factors and community goals. The policies and programs identified in the additional iterations of the General Plan Housing Element function, in combination with the County's housing impact mitigation fee, to ensure adequate cumulative volume and diversity of housing. Impacts on the local and regional population and housing balance would be less than significant.

The proposed staffing for the project includes six (6) full-time could lead to minor population growth in Napa County. Relative to the County's projected low to moderate growth rate and overall adequate programmed housing supply that population growth does not rise to a level of

environmental significance. In addition, the project would be subject to the County's housing impact mitigation fee, which provides funding to meet local housing needs.

The proposed use permit would facilitate construction and operation of a new winery. Other than on-site wastewater treatment improvements to serve exclusively the winery's operations, no new infrastructure is proposed that might induce growth by extending service outside of the boundaries of any of the winery owner's properties.

b.

No existing housing or people would be displaced as a result of the project. Therefore, the project would not displace substantial numbers of existing housing or numbers of people necessitating the construction of replacement housing elsewhere and no impact would occur.

Mitigation Measures:

None required.

XV.	PUBLIC SERVICES. Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i)	Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv)	Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v)	Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a.

Public services are currently provided to the project area and the additional demand placed on existing services as a result of the proposed project would be minimal. The property is located within the service areas of both the Napa County Sheriff's Department, as well as the Napa County Fire Department. Proposed winery improvements, if approved, would be inspected by County building inspectors and fire officials in order to ensure that construction occurs in accordance with current Building and Fire Codes applicable at the time of submittal of any requisite building permit application. The proposed project does not include construction of any new residential units or accompanying introduction of new residents that would utilize existing parks or potentially increase student enrollment in schools located in the area of the winery. School impact fees, which assist local school districts with capacity building measures, would be levied pursuant to building permit submittal. No new parks or other public recreational amenities or institutions is proposed to be built with the proposed use permit. County revenue resulting from any building permit fees, property tax increases, and taxes from the sale of wine will help meet the costs of providing public services to the property. The proposed project will have a less than significant impact on public services. Also, see discussion under **Section XVI - Recreation**, below.

Mitigation Measures:

None required.

XVI.	RECREATION. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a.

The proposed project is a request to establish and operate a new winery, including wine production, a hospitality program, marketing activities, new employees, and various other site and utility changes. The proposed project includes no new residential units or accompanying introduction of new residents that would utilize existing parks in the area, potentially accelerating those recreational facilities' deterioration. The proposal would include new employees at the winery and visitors to the property, some of whom might visit recreational facilities in the area during breaks, before or after work, or on the way to or from other wineries. However, given that the purpose of employees' and guests' trips are to and from the winery as the primary destination, such visits to area recreational facilities are anticipated to be infrequent and would not drastically accelerate the deterioration of the park amenities. No new parks or other public recreational amenities is proposed to be built with the proposed winery resulting in no impact.

Mitigation Measures:

None.

XVII.	TRANSPORTATION. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially increase hazards due to a geometric design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Conflict with General Plan Policy CIR-14, which requires new uses to meet their anticipated parking demand, but to avoid providing excess parking which could stimulate unnecessary vehicle trips or activity exceeding the site's capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a/b/c.

As part of the statewide implementation of Senate Bill (SB) 743, the Governor's Office of Planning and Research (OPR) settled upon automobile vehicle miles of travel (VMT) as the preferred metric for assessing passenger vehicle-related impacts under CEQA and issued revised CEQA Guidelines in December 2018, along with a Technical Advisory on Evaluating Transportation Impacts in CEQA to assist practitioners in implementing the CEQA Guidelines revisions.

The County's General Plan Circulation Element contains a policy statement (Policy CIR-7) indicating that the County expects development projects to achieve a 15% reduction in project-generated VMT to avoid triggering a significant environmental impact. Specifically, the policy directs project applicants to identify feasible measures that would reduce their project's VMT and to estimate the amount of VMT reduction that could be expected from each measure. The policy states that "projects for which the specified VMT reduction measures would not reduce unmitigated VMT by 15 or more percent shall be considered to have a significant environmental impact." That policy is followed by an action item (CIR-7.1) directing the County to update its CEQA procedures to develop screening criteria for projects that "would not be considered to have a significant impact to VMT" and that could therefore be exempted from VMT reduction requirements.

The new CEQA Guidelines and the OPR Technical Advisory note that CEQA provides a categorical exemption (Section 15303) for additions to existing structures of up to 10,000 square feet, so long as the project is in an area that is not environmentally sensitive and where public infrastructure is available. OPR determined that "typical project types for which trip generation increases relatively linearly with building footprint (i.e., general office building, single tenant office building, office park, and business park) generate or attract 110-124 trips per 10,000 square feet". They concluded that, absent substantial evidence otherwise, the addition of 110 or fewer daily trips could be presumed to have a less than significant VMT impact.

The County maintains a set of Transportation Impact Study Guidelines (TIS Guidelines) that define situations and project characteristics that trigger the need to prepare a TIS. The purpose of a TIS is to identify whether the project is likely to cause adverse physical or operational changes on a County roadway, bridge, bikeway or other transportation facility, to determine whether the project should be required to implement or contribute to improvement measures to address those changes, and to ensure that the project is developed consistent with the County's transportation plans and policies. Per the County's current TIS Guidelines, a project is required to prepare a TIS if it generates 110 or more net new daily vehicle trips.

The TIS Guidelines also include VMT analysis requirements for projects based on trip generation, which includes a screening approach that provides a structure to determine what level of VMT analysis may be required for a given project. For a new project that would generate less than 110 net new daily vehicle and truck trips, not only is the project not required to prepare a TIS, it is also presumed to have a less than significant impact for VMT. However, applicants are encouraged to describe the measures they are taking and/or plan to take that would reduce the project's trip generation and/or VMT.

Projects that generate more than 110 net new passenger vehicle trips must conduct a VMT analysis and identify feasible strategies to reduce the project's vehicular travel; if the feasible strategies would not reduce the project's VMT by at least 15%, the conclusion would be that the project would cause a significant environmental impact.

The applicant submitted a TIS for the Project, prepared by W-Trans, dated October 2022. Based on maximum employee and visitor/guest data for the harvest/crush season, the proposed project would be expected to generate 48 daily trips on a weekday and 45 daily trips on a Saturday, which is below the 110-trip threshold in the Office of Planning and Research guidelines and the County's TIS Guidelines and VMT screening criteria. However, the report includes the applicant's proposal for a Traffic Demand Management (TDM) Plan with the intent of reducing vehicle miles traveled by a minimum of 15%. Proposed approaches include ride share opportunities, tele-work/compressed/flex schedules for employees, Guaranteed Ride Home program (Napa Valley Transportation Authority) and education, outreach and marketing. Implementation of the TDM plan will help to reduce vehicle trips by promoting employee carpooling and providing employees with information regarding related County programs and services. The Department of Public Works (PW) has reviewed the project and approved it as conditioned, PW COAs below:

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

4. The project/applicant shall implement the following TDM measures. Measures are subject to revision upon annual review with County Staff:
  - a. The winery 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 winery 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 winery 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.
5. From the site exit, directional signs to Silverado Trail and Rutherford Rd. for outbound traffic shall be installed.
6. Applicant shall provide overflow parking areas for a minimum of 45 vehicles to accommodate the anticipated peak parking demand during 150-person events.
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

The project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

There is currently no bus service on Silverado Trail and Skellenger Lane; the proposed project would therefore not impair use of public transit facilities in its vicinity. The Napa Countywide Bicycle Plan, adopted by the Board of Supervisors in June 2012, identifies Silverado Trail as an existing Class II bicycle facility (on-street bike lane); currently the road includes eight-foot wide, striped and paved lanes on both sides of the roadway. Skellenger Lane has no bike lane stripped but is considered a primary route, and 10 bicycles parking spaces are included as part of the project to accommodate an visitors or workers who bike to the facility. The proposed project would therefore maintain existing bicycle facilities in its vicinity. Impacts would be less than significant.

d/e.

After implementation of the proposed project, the site would be accessed via an existing driveway off of Skellenger Lane (using the existing driveway access point). Based on the existing volumes on Skellenger Lane and Silverado Trail and expected daily volumes at the project driveways, a left turn lane is not required at the proposed project driveway per the County's standard left turn lane warrant.

While there is no posted speed limit on Skellenger Lane, a speed limit of 55 mph was used to assess sight distance, which would require a minimum stopping site distance of 500 feet. Skellenger Lane is a straight, flat road, and the sight distances at the driveway extend more than 500 feet in both directions. However, site line could potentially be impeded by overgrown landscaping, and as such the TIS study recommends maintenance of any landscaping or vegetation near the area encompassed by the sight lines along Skellenger Lane to ensure they are low-lying and do not obstruct site lines. Therefore, such landscaping will need to be trimmed on a regular basis in order to maintain the acceptable sight lines and has been included as a condition of approval in the PW approval memo, thereby ensuring project impacts are less than significant. Proposed site access was reviewed and approved by the Napa County Fire Department, Engineering Services Division, and Public Works Department, as Conditioned.

The project site as designed has a driveway and drive aisles that are of sufficient width to accommodate emergency responses vehicles, including fire trucks. The site would serve truck traffic and has a circulation system that would allow a fire truck to turn around and exit. The primary drive

aisle would connect to all new building, with sufficient space between buildings to stage fire suppression equipment. The site would therefore have adequate emergency access. Impacts would be less than significant.

f.

Developers of new land uses are required to provide adequate parking or demonstrate that adequate parking exists to meet their anticipated parking demand. Excess parking that could stimulate unnecessary vehicle trips or commercial activity exceeding the site's capacity is discouraged. On-site parking for 20 vehicles, plus an accessible van parking space, are proposed based on the winery's business plan, visitation, and employment levels. Parking for the larger marketing events will be located within existing vineyard avenues, but outside the required 45' setback from Conn Creek. No parking is permitted or proposed within the right-of-way of Skellenger Lane. Impacts would be less than significant.

Mitigation Measures:

None.

<b>XVIII. TRIBAL CULTURAL RESOURCES.</b> Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a/b.

On February 7, 2023, County Staff sent invitations to consult on the proposed project to Native American tribes who had a cultural interest in the area and who as of that date had requested to be invited to consult on projects, in accordance with the requirements of Public Resources Code section 21080.3.1. A response letter was received from the Yocha Dehe who noted that the project was not within their tribal lands and as such did not have any comments regarding the project. The 30-day response period ended on March 9, 2023, and no response was received from Middletown Rancheria and Mishewal Wappo. Therefore, the consultation period was closed. No response was received from the Middletown Rancheria or Mishewal Wappo and the consultation period was closed.

Mitigation Measures:

None required.

<b>XIX. UTILITIES AND SERVICE SYSTEMS.</b> Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of a new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunications facilities, the	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

construction or relocation of which could cause significant environmental effects?

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

a-c.

The project would require the construction of a new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. There are two existing wells onsite serving the existing residence and secondary residence, as well as some of the vineyard irrigation (Well #2 and Well #3), while the other site well is used for vineyard irrigation (Well #1). Well #1 will become the well that serves the winery (and will also continue to water the existing vineyard). Well #1 is capable of producing a flow rate in excess of 160 gallons per minute (gpm). As noted earlier in the **Section X - Hydrology**, the applicant submitted a Water Availability Analysis (WAA) completed by CMP Civil Engineering & Land Surveying Inc. showing the projected overall water demand for the project site of 10.16 AF/YR representing a 0.02 AF/YR decrease of the existing water demand of 10.18 AF/YR. The parcel water demand can be met with the existing project well (Well #1). Various conditions of approval have been included, discussed in **Section X -Hydrology** to monitor and meter the proposed project well. The parcel's water demand can be met with the two (2) existing project wells (Well #2 and Well #3). Similarly, all of the wastewater generated by the winery (process wastewater and sanitary wastewater) would be treated on-site using treatment systems. With water and wastewater treatment facilities provided on-site, the proposed project requires no determination of service or will-serve letters from water or wastewater treatment service providers. The winery is proposed to include self-treating and self-retaining areas. Work areas of the proposed winery would be covered with a roof and plumbed to discharge runoff into the on-site wastewater treatment system, also with the intent to preserve stormwater quality. Grading for construction for the storm drain pipelines and wastewater treatment system improvements would occur concurrently with site grading associated with the winery construction, which would be subject to the dust suppression measures listed in **Section III, Air Quality**, of this initial study. Impacts would be less than significant.

d/e.

According to the Napa County Baseline Data Report, all of the solid waste landfills where Napa County's waste is disposed have sufficient capacity related to the current waste generation. The project would comply with federal, state, and local statutes and regulations related to solid waste. Therefore, impacts would be less than significant.

Mitigation Measures:

None required.

XX.	WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Due to slope, prevailing winds and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Discussion:**

a-d.

The proposed project is located within a non-wildland/non-urban fire hazard severity zone and in the Napa County Local Responsibility Area (LRA district). There are no project features that would substantially impair an adopted emergency response plan or emergency evacuation plan. The project site is generally flat with slopes ranging from 0-5% and is located on the valley floor with access from Skellenger Lane to Silverado Trail on the east and/or left onto Skellenger Lane to Conn Creek Road/SR 128 to the west. There are currently overhead power lines along the north side of Skellenger. The existing overhead lines will not be affected by the project. The project would comply with current California Department of Forestry and California Building Code requirements for fire safety.

According to the Napa County Environmental resource maps (based on the following GIS layer – Fire Hazard Severity Zones), the proposed project is located within the Local Responsibility Area (LRA) zone. The proposed project's access road provides access to the winery and is adjacent to an existing vineyard, which is situated on slopes ranging from 0 to over 5 percent. The Fire Marshal's office and Engineering Division have reviewed the plans and determined that the proposed improvements would not result in a physical modification to the slope of the site, change prevailing winds, or alter other factors that would likely exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. The existing driveway will be improved to meet NCRSS. The proposed project would not physically alter the site in a way, which would expose people or structure to risks such as downstream or downslope flooding or landslides resulting from runoff, post-fire instability or drainage changes.

This development is not considered a type of improvement that exacerbates wildfire risk or significant environmental risk. Impacts of the project would be less than significant.

**Mitigation Measures:**

None required.

XXI.	MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

☐☐☒☐

Discussion:

a.

The proposed project consists of construction of one new winery buildings with utility and surface improvements such as wastewater treatment equipment and improvements to access roads plus new parking, and operation of a winery with visitation and marketing programs. An existing residence on-site would be retained for use as a residence, along with an existing second residence, by the property owner. The proposed project site has been previously developed and disturbed as a result of construction of the two (2) residences, agricultural structures, and vineyards.

Proposed site improvements would include an uncovered mechanical yard, three (3) 10,000-gallon water storage tanks, and new impervious surfaces, including the parking lot and buildings. Additionally, as noted above, the property has been in agricultural use for decades, in some area going back to the 1940's (portions of the parcel were orchard). The property is predominantly flat and lacking any unique geological features such as rock outcroppings, mounds or other landforms. Potential disturbance to nesting birds, Swainson's hawk, white-tailed kite, and western pond turtles could occur during construction; however, these impacts will be less than significant with implementation of **Mitigation Measures BR-1** (Western Pond Turtle), **BR-2** (Nesting and Migratory Birds), and **BR-3** (Swainson's Hawk and white-tailed kite) (**Section IV, Biological Resources**). A Cultural Resource Analysis was prepared for the project and did not find evidence of the property containing any archeological resources, nor will the proposed project have any impact on known resources of the area. However, if any resources not previously uncovered during this prior disturbance are found during any earth disturbing activities associated with the proposed project, construction of the project is required to cease, and a qualified archaeologist must be retained to investigate the site in accordance with standard County conditions of development. There are no known archaeological or paleontological resources on the property, and the property has a lengthy history of ground disturbance.

b.

As described in the sections above, noise and air quality impacts associated with installation of proposed winery building and site improvements would be temporary in nature, and so would be less than significant. Operational noise and air quality impacts are also anticipated to be less than significant due to the small size of the structures and distance to the closest sensitive receptors (off-site single-family residences). Groundwater extraction associated with the proposed project would decrease compared to existing conditions due to removal of vines to accommodate the new winery building.

Potential traffic impacts are discussed in the respective sections above. The project trip generation was calculated from winery operations, where the calculated trips reflect total visitation, on-site employees and wine production trips generated by the winery. Under the Napa County General Plan, traffic volumes are projected to increase and will be caused by a combination of locally generated traffic as well as general regional growth. The General Plan EIR indicates that much of the forecasted increase in traffic on the arterial roadway network will result from traffic generated outside of the county; however, the project would contribute a relatively small amount toward the general overall increase. Potential site distance impacts were identified in the TIS; however, implementation of Conditions of Approval would ensure impacts are less than significant.

c.

There are no schools or hospitals housing sensitive receptors within a quarter mile of the winery site. Noise from construction that would occur with construction and installation of the proposed site improvements would be temporary, lasting approximately nine (9) to twelve (12) months, would be limited to daytime hours, and would be subject to best management practices intended to limit fugitive dust and protect stormwater quality. Ongoing operations of the winery are also anticipated to have less than significant noise impacts on nearby residences due to distance between those residences and the proposed outdoor tasting and marketing area.

Mitigation Measures:

**MM BR-1**

**MM BR-2**

**MM-BR-3.**

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Bonny's Vineyard: New Winery Use Permit  
#P22-00002-UP  
Mitigation Monitoring and Reporting Program

	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
<b>Impact BR-1:</b> Impacts to western pond turtle	<b>Mitigation Measure BR-1 (Western Pond Turtle):</b> 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.	Permittee shall implement <b>Measure BR-1</b> into #P22-00002 prior to project initiation.	P	P/CD	PC
		Implement <b>BR-1.1:</b> Prior to commencement of ground-disturbing activities for #P22-00002	P	P/CD	PC
<b>Impact BR-2:</b> Impact to nesting and migratory birds	<b>Mitigation Measure BR-2 (Nesting and Migratory Birds):</b> 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	Permittee shall implement <b>Measure BR-2</b> into #P22-00002 prior to project initiation.	P	P/CD	PC
		Implement <b>BR-2.1:</b> Prior to commencement of ground-disturbing activities for #P22-00002	P	P/CD	PC

Notes: P = Permittee, CD = Conservation Division, RCD = Resource Conservation District, AC = Agricultural Commissioner, CDFW = California Dept of Fish & Wildlife, CT = CALTRANS, EH = Environmental Health, PW = Public Works Dept, PE/G = Project Engineer/Geologist  
PC = Prior to Project Commencement CPI = Construction Period Inspections FI = Final Inspection OG = Ongoing PI= Prior to Installation of infrastructure (i.e. trellis and irrigation) and planting.

	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
	<p>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:</p> <ul style="list-style-type: none"> <li>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;</li> <li>b. Establish a clearly marked no-disturbance buffer around the nest site. Buffer distances for bird nests 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</li> </ul>				

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PC = Prior to Project Commencement CPI = Construction Period Inspections FI = Final Inspection OG = Ongoing PI= Prior to Installation of infrastructure (i.e. trellis and irrigation) and planting.

	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
	<p>established;</p> <p>c. Within five working days of the nesting bird surveys prepare a survey report and submit it to CDFW; and</p> <p>d. Monitor any active nest daily and ensure that the no disturbance buffer is maintained, unless otherwise approved in writing by CDFW.</p>		P	P/CD	PC
			P	P/CD	PC
Impact BR-3: Impact to Swainson's Hawk and white-tailed kite	<p><b>Mitigation Measure BR-3 (Swainson's Hawk and white-tailed kite Survey and Avoidance Buffer):</b> 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:</p> <ol style="list-style-type: none"> <li>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 <i>Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley</i> (<a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&amp;inline">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&amp;inline</a>) and prepare a report documenting the survey results.</li> <li>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</li> </ol>	<p>Permittee shall implement <b>Measure BR-3</b> into #P22-00002 prior to project initiation.</p> <p>Implement <b>BR-3.1:</b> Prior to commencement of ground-disturbing activities for #P22-00002</p> <p>Implement <b>BR-3.2:</b> Prior to commencement of ground-disturbing activities for #P22-00002</p>	P	P/CD	PC

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PC = Prior to Project Commencement CPI = Construction Period Inspections FI = Final Inspection OG = Ongoing PI= Prior to Installation of infrastructure (i.e. trellis and irrigation) and planting.



	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
	<p>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.</p>				

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