

BOARD OF SUPERVISORS HEARING – MARCH 26, 2024
FINAL CONDITIONS OF APPROVAL
As modified at the Board of Supervisors Hearing February 6, 2024

See strike through and underline

**Rutherford Ranch Winery Major Modification P19-00126-MOD and
Use Permit Exception to the Conservation Regulations P23-00145-UP
1680 Silverado Trail South, St. Helena
Assessor's Parcel Number 030-300-030**

This permit encompasses and shall be limited to the project commonly known as Rutherford Ranch Winery, located 1680 Silverado Trail South. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved.

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

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

PART I

1.0 PROJECT SCOPE

The permit encompasses and shall be limited to:

- 1.1 Approval of an exception to the Napa County Conservation Regulations (County Code Chapter 18.108), in the form of a Use Permit in order to allow the following work and new improvements which encroach into minimum stream setback of 45 feet from top of bank of the on-site unnamed blue line stream required pursuant to County Code Section 18.108.025(B):
 - a. Install two (2) 11,000 gallon water tanks to be located approximately 42 feet from the top of bank, encroaching approximately three (3) feet into the setback (Being relocated from the current location approximately 1.5 feet from the top of bank);
 - b. Removal of 15 unpermitted improvements located within the stream setback: four (4) water tanks, a pergola, a greenhouse, part of the concrete pad on the east side of the stream near the parking area, a tool shed, and an insulated container, an above ground surge tank for process wastewater transfer pump, a pump house for process wastewater transfer, a concrete pad and retaining wall for storage and equipment, an access drive to the northern parking area and equipment, portions of the fence along the vineyard and northern parking area within the setback, and portions of the northern parking area (dirt and gravel) within the setback.

- c. Restoration and revegetation of areas where improvements are removed. Proposed planting includes live oak, valley oak coyote bush, toyon, and native grasses; and
 - d. Recognition and continued use of the unpermitted pump house, approximately 200 s.f.) on the north side of the stream.
- 1.2 Approval to modify an existing 1,250,000-gallon winery (production of 250,000 gallons and 1,000,000 gallons bulk wine received), previously approved under Use Permit #U-198384 and subsequent modifications #U-90-33; #93459-MOD; #95307-MOD, to allow the following:
- a. Recognition of the winery's days of operation Monday through Sunday;
 - b. Recognition of hours of operation: for Production 6:00 a.m. - 5:30 p.m. (non-harvest) and visitation 10:00 a.m. - 6:00 p.m.;
 - c. Increase parking spaces from 34 to 81 spaces;
 - d. Increase employment from 43 full-time and two (2) part-time employees to 58 full-time and 5 part-time employees;
 - e. Visitation, tours and tastings to reflect seasonal fluctuations, a marketing plan as set forth in Conditions of Approval (COAs) Nos. 4.1 through 4.3 below;
 - f. Convert the entire 3,000 s.f. residence to winery offices (1,200 s.f. of which was previously approved for offices);
 - g. On-premises consumption of wine as set forth in COA No. 4.4 below;
 - h. Install a commercial kitchen in the existing winery building for catering, pre-packaged food, and food preparation;
 - i. Recognition and retention of an approximately 1,200 s.f. unpermitted cover attached to the western side of the existing winery building over an outdoor work area;
 - j. Designate the northern portion of the driveway as a one-way loop;
 - k. Improvements to the existing wastewater system and removal of the wastewater system for the residence;
 - l. Repave the roadway shoulders along the project's frontage; and
 - m. Implementation of a Travel Demand Management Plan.

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

2.0 STATUTORY AND CODE SECTION REFERENCES

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

3.0 MONITORING COSTS

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner.

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

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

PART II

4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

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

4.1 GENERAL PROVISIONS

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

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

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

4.2 TOURS AND TASTINGS/VISITATION

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

- a. Frequency: 7 days per week, Monday through Sunday
- b. Maximum number of persons per day: 250
- c. Maximum number of persons per week May – October: 1,500
- d. Maximum number of persons per week November – April: 1,190
- e. Hours of visitation: 10:00 a.m. - 6:00 p.m.
- f. Food and wine pairings (e.g., cheese and chocolates) are permitted.

"Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior

appointments for tours or tastings. To the maximum extent feasible, scheduling of visitors shall not occur during peak travel times 4:00-5:00 on Friday/weekdays and 2:00-3:00 on weekends (Data from TIS)

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

4.3 MARKETING

- a. Type 1
 - 1. Frequency: 20 times per year
 - 2. Maximum number of persons: 40
 - 3. Time of Day: 10:30 a.m. to 10:00 p.m.
- b. Type 2
 - 1. Frequency: 10 times per year
 - 2. Maximum number of persons: 100
 - 3. Time of Day: 10:30 a.m. to 10:00 p.m.
- c. Type 3
 - 1. Frequency: 6 times per year or month or week
 - 2. Maximum number of persons: 150
 - 3. Time of Day: 10:30 a.m. to 10:00 p.m.
- d. During events with more than 45 guests the permittee shall provide a shuttle service and arrange for guests to park off-site.
- e. Portable toilet facilities shall be used for all events with more than 45 guests in attendance.
- f. Catering services shall be used for all events with more than 45 guests in attendance.
- g. Daily visitation shall not occur during events with more than 45 guests (per Public Works Memorandum September 22, 2020).

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

Business events are similar to cultural and social events, in that they will only be considered as "marketing of wine" if they are directly related to the education and

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

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

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

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

4.4 ON-PREMISES CONSUMPTION

In accordance with State law and the PBES Director's July 17, 2008 memo, "Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption On-Premises," on-premises consumption of wine produced on-site and purchased from the winery may occur solely in the outdoor patios, lawn, and grassy area in the olive grove. Any and all visitation associated with on-premises consumption shall be subject to the maximum per person weekday and weekend daily tours and tastings visitation limitation and/or applicable limitations of permittee's marketing plan set forth in COA Nos.4.2 and 4.3 above.

4.5 RESIDENCE OR NON-WINERY STRUCTURES

Unless specifically authorized by this permit or a previously approved permit, the existing residence, if not converted to a winery office building, shall not be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery. If the residence is rented, it shall only be rented for periods of 30 days or more, pursuant to the County Code.

4.6 GRAPE SOURCE **[RESERVED]**

4.7 COMPLIANCE REVIEW

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

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

4.8 RENTAL/LEASING

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

4.9 GROUND WATER MANAGEMENT - WELLS **[RESERVED]**

4.10 AMPLIFIED MUSIC

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

4.11 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times 4:00-5:00 on Friday/weekdays and 2:00-3:00 on weekends (Data from the Traffic Impact Study). All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

4.12 PARKING

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

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

4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

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

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

4.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES

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

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

- 4.15 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM **[RESERVED]**
- 4.16 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, AND TRASH ENCLOSURE AREAS
- a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County. Lighting utilized during harvest activities is exempt from this requirement.
 - b. All landscaping and outdoor screening, storage, and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items shall exceed the height of the screening. Exterior winery equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.
 - c. The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The permittee shall obtain the written approval of the Planning Division prior to any change in paint colors that differs from the approved building permit. Highly reflective surfaces are prohibited.
 - d. Designated trash enclosure areas shall be made available and properly maintained for intended use.
- 4.17 NO TEMPORARY SIGNS
Temporary off-site signage, such as “A-Frame” signs, is prohibited.
- 4.18 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – OPERATIONAL CONDITIONS
The attached project conditions of approval include all of the following County Divisions, Departments and Agencies’ requirements. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:
- a. Engineering Services Division operational conditions as stated in their Memorandum dated June 8, 2023.
 - b. Environmental Health Division operational conditions as stated in their Memorandum dated June 8, 2023.
 - c. Department of Public Works operational conditions as stated in their Memorandum dated November 5, 2020, and September 22, 2020.
 - d. Fire Department operational conditions as stated in their Inter-Office Memo dated June 14, 2023.

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

to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify this permit.

4.19 OPERATIONAL MITIGATION MEASURES **[RESERVED]**

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Groundwater Management –The parcel shall be limited to ~~14.1~~ 14.4 acre-feet of groundwater per year for all water consuming activities on the parcel. A Groundwater Demand Management Program shall be developed and implemented for the property as outlined in COA 6.15(a) below.

In the event that changed circumstances or significant new information provide substantial evidence¹ 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.

- b. The permittee shall not implement any increases beyond existing conditions to employees, tours and tastings, and marketing events, as described in COAs 1.2 4.4 and 4.2 and 4.3 herein, prior to completion of the improvements to the wastewater system, repaving the roadway shoulders as described in COA No. 1.2.I. (unless otherwise determined by the Department of Public Works that prior improvements completed by Caltrans are sufficient), and installation and operation of the well pump flow restrictor or equivalent equipment as described in COA Nos 4.20.f and 6.15.h , and completion of the restoration as described in COA No. 1.1.c. as further detailed here and in County Division memorandums.
- c. Greenhouse Gas Best Management Practices – Operational items checked on the attached Voluntary Best Management Practices Checklist for Development Projects, submitted by the applicant, shall be implemented and evidence of implementation shall be provided to staff upon request.
- d. Complete Code Compliance – Complete outstanding items (Items #7, 16, 17, and 21) included in the notice regarding apparent code violations issued by the Code Enforcement Division on August 14, 2019, associated with this Major Modification and Code Enforcement Case CE19-00124. Within 60 days of March 27, 2024, approval of this Major Modification the permittee shall submit to the PBES Department's Building Division building permit applications for the improvements or a corrective action. The CBO may extend the 60-day period by taking into consideration the severity of the

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

required changes with respect to public safety, or other factors that the CBO determines are reasonable. Any request for extension of time must be submitted in writing by the permittee and received by the CBO ~~before~~ two (2) weeks prior to the end of the timelines specified herein. The CBO, in consultation with the PBES Department's Code Compliance Division, will determine the extension timeframe.

- e. Complete Code Compliance – Within 60 days of March 27, 2024, the permittee shall submit to the PBES Department's Building Division a building permit application for the improvements to the existing pump house permitted to remain, as described in COA 1.1.d. The CBO may extend the 60-day period by taking into consideration the severity of the required changes with respect to public safety, or other factors that the CBO determines are reasonable. Any request for extension of time must be submitted in writing by the permittee and received by the CBO two (2) weeks prior to the end of the timelines specified herein. The CBO, in consultation with the PBES Department's Code Compliance Division, will determine the extension timeframe.
- f. Well pumping rate shall not exceed 73.5 gallons per minute (gpm). Equipment selection and a maintenance plan shall be developed and implemented for the property as outlined in COA No. 6.15.h. below. Well pumping duration and frequency shall not exceed the existing operations.

4.21 PREVIOUS CONDITIONS

The permittee shall comply with the following previous conditions of approval for the winery use as consolidated into the attached document as Exhibit A. To the extent there is a conflict between a previous condition of approval identified in the attached document and these conditions, the more stringent condition shall control.

PART III

5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

5.1 PAYMENT OF FEES

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

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

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

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

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

- a. Engineering Services Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated June 8, 2023.
- b. Environmental Health Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated June 8, 2023.
- c. Department of Public Works plan review/construction/ preoccupancy conditions as stated in their Memorandum dated November 5, 2020, and September 22, 2020.
- d. Fire Department plan review/construction/ preoccupancy conditions as stated in their Inter-Office Memo dated June 14, 2023.

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

6.2 BUILDING DIVISION – GENERAL CONDITIONS

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

6.3 LIGHTING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be

submitted for Planning Division review and approval. All lighting shall comply with the CBC.

- b. All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations; on timers; and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Lighting utilized during harvest activities is exempt from this requirement.

6.4 LANDSCAPING – PLAN SUBMITTAL

- a. Two (2) copies of a detailed final landscaping and irrigation plan, including parking details, shall be submitted with the building permit application package for the Planning Division’s review and approval prior to the issuance of any building permit associated with this Use Permit. The plan shall be prepared pursuant to the County’s Water Efficient Landscape Ordinance (Chapter 18.118 of the County Code) requirements in effect at the time of building permit application submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.
- b. Plant materials shall be purchased locally when practical, and to the greatest extent possible, the plant materials shall be the same native plants found in Napa County. The Agricultural Commissioner’s office shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.
- c. No trees greater than 6” diameter at breast height shall be removed, except for those identified on the submitted site plan. Any Oak trees removed as a result of the project shall be replaced at a 2:1 ratio and shown on the landscaping plans for the Planning Division’s review and approval. Trees to be retained shall be protected during construction by fencing securely installed at the outer most dripline of the tree or trees. Such fencing shall be maintained throughout the duration of the work undertaken in connection with the winery development/construction. In no case shall construction material, debris or vehicles be stored in the fenced tree protection area.
- d. Evergreen screening shall be installed between the industrial portions of the operation (e.g. tanks, crushing area, parking area, etc.) and any off-site residence from which these areas can be viewed.

6.5 COLORS

The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The permittee shall obtain the written approval

of the Planning Division in conjunction with building permit review and/or prior to painting the building. Highly reflective surfaces are prohibited.

6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

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

6.7 TRASH ENCLOSURES

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

6.8 ADDRESSING **[RESERVED]**

6.9 HISTORIC RESOURCES **[RESERVED]**

6.10 DEMOLITION ACTIVITIES **[RESERVED]**

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

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

6.13 PARCEL CHANGE REQUIREMENTS **[RESERVED]**

6.14 FINAL MAPS **[RESERVED]**

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

- a. Groundwater Demand Management Program
 - 1. The permittee shall install a meter on each well serving the parcel. Each meter shall be placed in a location that will allow for the measurement of all groundwater used on the project parcel. Prior to the issuance of a grading or building permit for the winery or

expanding any operations as approved under this modification, the permittee shall submit for review and approval by the PBES Director a groundwater demand management plan which includes a plan for the location and the configuration of the installation of a meter on all wells serving the parcel.

2. The Plan shall identify how best available technology and best management water conservation practices will be applied throughout the parcel.
 3. The Plan shall identify how best management water conservation practices will be applied where possible in the structures on site. This includes but is not limited to the installation of low flow fixtures and appliances.
 4. As a groundwater consuming activity already exists on the property, meter installation and monitoring of all wells 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 permittee fails to report or if the water usage on the property exceeds, or is on track to exceed, 14.1 14.4 acre-feet per year, additional reviews and analysis and/or a corrective action program at the permittee's expense shall be required and shall be submitted to the PBES Director for review and action.
 6. The permittee's wells shall be included in the Napa County Groundwater Monitoring program if the County finds the well suitable.
 7. At the completion of the reporting period per 6.15(a)(5) above, and so long as the water usage is within the maximum acre-feet per year as specified above, the permittee may begin the following meter reading schedule:
 - i. On or near the first day of each month the permittee shall read the water meter and provide the data to the PBES Director during the first weeks of April and October. The PBES Director, or the Director's designated representative, has the right to access and verify the operation and readings of the meters during regular business hours.
- b. In conjunction with building permit application submittal, the permittee shall not include natural gas appliances or natural gas plumbing within new areas of winery building construction and/or renovation of existing winery buildings.

- c. In conjunction with building permit application submittal, the project shall comply with electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
- d. In conjunction with building permit application submittal, the permittee shall provide documentation confirming to the Planning Division that all checked Voluntary Best Management Practices Measures submitted with the project Major Modification application shall be addressed through project construction and/or implemented through winery operation.
- e. In conjunction with the building or grading permit application submittal, all improvement plans shall include information on the proposed equipment and processes to be used for removal or demolition of improvements. Work done to remove the improvements within the stream setback shall be conducted during the dry season in a manner that minimizes impacts to the bank and setback, including no use of heavy machinery within the bank and no heavy machinery within the setback to the extent possible. The plan shall incorporate Napa Countywide Stormwater Pollution Prevention Program Erosion and Sediment Control Plan Guidance" for erosion and sedimentation control measures. Plans shall be ~~approved~~ submitted prior to ~~August 1, 2024, April 1, 2024,~~ for Director approval, in order for removal work to be completed prior to August 1, 2025. October 1, 2024. The PBES Department may extend the date of submittal by taking into consideration the time it has taken for agencies to approve necessary permits prior to submitting a permit for work within the stream setback, or other factors that the PBES Department determines are reasonable. Any request for extension of time must be submitted in writing by the permittee and received by the PBES Department two (2) weeks prior to the end of the timelines specified herein to determine the extension timeframe.
- f. In conjunction with the building or grading permit application submittal, the permittee shall submit to Napa County for review and approval a final stream restoration plan detailing the restoration within the stream setback. The plan shall be prepared by a qualified biologist, ecologist, or professional with experience in preparing revegetation/restoration plans and shall include the following information: map of revegetation planting; plant pallet composed of native species; methods of planting, including source of plants and timing, size of plants, pest protection such as tree tubes, and irrigation; monitoring methods and schedules; success criteria; and management actions should success criteria not be met. The owner/permittee shall submit annual reports assessing plantings survival, which shall include recommendations for any additional required action. Replacement plantings shall achieve an 80% survival rate and be monitored for a minimum of 3 years to demonstrate that success criteria have been met. Plans shall be ~~approved~~ submitted prior to ~~August 1, 2024, April 1, 2024,~~ for Director approval, in order for restoration work to be completed prior to August 1, 2025. October 1, 2024.
- g. In conjunction with the building or grading permit application submittal, and prior to initiation of the removal work and restoration plan, the permittee shall provide evidence that any required authorizations and/or permits from agencies with

jurisdiction over Waters of the U.S. or the State, have been issued or are not required. Permits include, but may not be limited to, a Section 404 Nationwide Permit from the US Army Corps of Engineers (USACE), or a Section 1602 Lake and Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW).

h. Within 90 days of March 27, 2024, the permittee shall submit information on the well pump flow restrictor or equivalent equipment to be installed, as described in COA 4.20.f. Information shall be submitted to the Planning Division directly, or included in conjunction with submittal of the building permit application, for Director approval. The submittal shall include a narrative providing information of how the device works, equipment specifications, and a maintenance and monitoring plan. Installation shall be completed within 30 days of approval of the associated plans. Within 14 days of installation, evidence shall be provided to the County demonstrating installation and operation. The PBES Department may extend these dates by taking into consideration the severity of the required changes with respect to public safety, or other factors that the PBES Department determines are reasonable. Any request for extension of time must be submitted in writing by the permittee and received by the PBES Department two (2) weeks prior to the end of the timelines specified herein and the PBES Department will determine the extension timeframe.

i. Swainson's Hawk Surveys and Avoidance. Language provided by the California Department of Fish and Wildlife (Letter dated June 14, 2023). Prior to ground disturbance and continuing over the course of the Project. If Project activities are scheduled during the nesting season for Swainson's hawks (March 1 to August 31), prior to beginning work on this Project, Swainson's hawk surveys shall be conducted by a qualified biologist with experience surveying for and detecting the species pursuant to the Recommended timing and methodology for Swainson's Hawk Nesting Surveys in California's Central Valley Swainson's Hawk (2000) survey protocol, within 0.5 mile of the Project site each year that Project activities occur. Pursuant to the survey protocol below, surveys shall be completed for at least the two survey periods immediately prior to a Project's initiation. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 1 and August 31 each year. If the qualified biologist identifies nesting Swainson's hawks, the Project shall implement a 0.5 mile no disturbance buffer zone over the property, unless otherwise approved in writing by CDFW. Project activities shall be prohibited within the buffer zone between March 1 and August 31, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP. (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline>)

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENTS

Please contact Engineering Services with any questions regarding the following.

- a. **GRADING AND SPOILS**

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

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

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

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

Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. **STORM WATER CONTROL**

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

7.2 **ARCHEOLOGICAL FINDING**

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

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

7.3 **CONSTRUCTION NOISE**

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

7.4 **CONSTRUCTION MITIGATION MEASURES [RESERVED]**

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

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY - PREREQUISITES

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

8.1 **TEMPORARY OCCUPANCY**

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

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

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

9.1 FINAL OCCUPANCY

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

9.2 SIGNS [RESERVED]

9.3 GATES/ENTRY STRUCTURES [RESERVED]

9.4 LANDSCAPING

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

9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS

The permittee shall repave the shoulders along the project's frontage to improve the deceleration and acceleration to and from the project driveway. The design of the repaving shall be submitted to the Public Works Department for review and approval. The repaving shall be designed in substantial conformance with the submitted site plan, and other submittal materials and shall comply with all requirements of the County Code and Napa County Road and Street Standards.

9.6 DEMOLITION ACTIVITIES [RESERVED]

9.7 GRADING SPOILS

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

9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY

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

- a. All required meters shall be installed and all groundwater usage monitoring shall be implemented as required in COA 4.20(a) and 6.15(a) above.
- b. The shoulder repaving road improvements required in COA 9.5 above shall be installed prior to commencement of increased winery operations (unless

otherwise determined by the Department of Public Works that prior improvements completed by Caltrans are sufficient).

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

Exhibit A

**Rutherford Ranch Winery Major Modification P19-00126-MOD and
Use Permit Exception to the Conservation Regulations P23-00145-UP
1680 Silverado Trail South, St. Helena
Assessor's Parcel Number 030-300-030**

PREVIOUS CONDITIONS

- 4.21 The permittee shall comply with the following previous conditions of approval for the Rutherford Ranch Winery use as consolidated in this document. To the extent there is a conflict between a previous condition of approval identified in the attached document and these conditions, the more stringent condition shall control.

A. Use Permit No: U-198384

COA No. Approval letter

To establish a 144,000 gallons per year winery with no public tours and tasting on a 18.03 acre parcel.

COA "Additional Conditions"

- No. 2. Planting and maintenance of evergreen along Rutherford Hill Road to screen structures.
- No. 3. The winery shall not exceed 144,000 gal/yr. No additional warehousing permitted under this permit.

Mitigation Measures

- No. 4. A waste discharge requirement or waiver of same for the proposed waste water system must be on file with the Division of Environmental Health. Environmental Health presently has a general waiver for this type of project, therefore the applicant will not have to make an application to the Regional Water Control Board.
- No. 8. That all solid waste be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
- No. 9. If additional boulders containing suspected petroglyphs are found during channel work, they should be left in place until examined by an archaeologist. No rock should be moved from its context until all petroglyph elements are carefully mapped, photographed, and recorded. It is quite possible that additional perlite boulders are present in the drainage. Additional suitable boulders may also be covered by landscaping plants or soil.
- No. 10. In the event that concentrated amounts of either historic or prehistoric materials are encountered during excavation and construction activities, stop all work within

a 10-meter radius until a qualified archaeologist has examined the find and recommended mitigative action. Implement any such mitigation measures.

B. Major Modification No: Appeal of U-198384

The Board of Supervisors upheld the appeal and added the following Conditions of Approval:

No. 1. That all solid waste grape residue (pomice, etc.) shall be removed from the property within 24 hours (48 hours on weekends). This condition shall be subject to the exception that a reasonable amount of such waste may be cultivated into the vineyard on the property in a farmer-like manner.

No. 2. That in the event of the failure of the septic waste disposal system, the approved capacity of the winery shall immediately reduce and revert to a gallonage production level at which level the septic sewage system is capable of processing the affluent without failure.

Other unnumbered: The “septic waste disposal system” shall be whatever size and fully developed system the landowner can place on the property so long as the disposal function is completely underground.

Other unnumbered: The alternative of ponding, flooding or aeration shall not be available on the subject parcel.

C. Minor Modification No: U-90-33

COA No. 1. The permit shall be limited to the following:

- a) Production of 250,000 gallons of wine per year from grapes
- b) Receipt of 600,000 gallons per year of bulk wine.
- c) Bottling and storage of 850,000 gallons of wine per year.
- d) All production, receipt, bottling and storage permitted herein shall be carried out on-site within the existing winery development area.
- e) Any expansion or change in use shall be by separate use permit submitted to the Department for Commission consideration.

COA No. 2. The amount of wine produced on site from grapes shall not exceed 250,000 gallons/year as averaged over any consecutive three (3) year period. In any given year, this production shall not exceed 300,000 gallons, and total production shall not exceed 900,000 gallons.

COA No. 3. The applicant shall report to the Planning Department in December of each year the number of gallons produced during that year, including as separate items the gallonage produced on-site from grapes, and the total production.

COA No. 4. ~~there shall be no public tours, tasting, picnicking, food service, cultural or social events. Private meetings with wine trade representatives by appointment area permitted.~~ **[Revised by proposed P19-00126]**

COA No. 5. ~~The property owner shall comply with Conditions #8 of Use Permit #U-198384 by installation and maintenance of a sign at the entrance of the winery reading "No Public Tours or Tasting". A "Retail Sales Only" sign may be placed below the required "No Public Tours or Tasting" sign.~~ **[Revised by proposed P19-00126]**

COA No. 7. Compliance with Mitigation Measures #1 thru #5 contained in the attached.

Project Revision Statement

Cultural (Archaeology) **[Revised by proposed P19-00126]**

- ~~1. In the event that concentrated amounts of either historic or prehistoric materials (including petroglyph rocks as indicated in the Archaeological Services, Inc. report) are encountered during excavation, grading or construction activities, all work within a 10 meter (30 foot) radius shall cease until a qualified archaeologist has examined the find and recommended mitigation measures. A report shall be filed with the Conservation, Development and Planning Department and the mitigation measures shall be implemented.~~

Traffic (Congestion/Safety) **[Revised by proposed P19-00126]**

- ~~1. Winery employees shall be encouraged to carpool to the greatest extent practical.~~
- ~~2. Grapes shall normally be transported to the expanded winery in the largest loads practical to reduce the total number of trips.~~

D. Minor Modification No: Minor Modification No: 93459-MOD and 93460-VAR

COA No. 2. This modification shall be limited to the following:

- 960 sq. ft. winery office and conference room expansion within an existing residence; and
- The addition of 400 sq. ft. of new office space attached to the existing residential structure.

COA No. 6. ~~The 1,430 sq. ft. residence that remains after this permitted conversion shall not share a common entrance with the winery office, conference room, or bathrooms. There shall likewise be no interior connection between the two areas. It is understood that until the bathrooms are converted to handicapped access for use in conjunction with the offices, they may be considered part of the residence rather than part of the winery offices, and the barrier between the two uses shall be placed accordingly on a temporary basis.~~ **[Revised by proposed P19-00126]**

~~COA No. 7. While reduced in size by this modification, the residence shall remain the main residence on this site and it shall not be an accessory use to the winery. In consequence, the residence must be used, or commercially offered for use, to tenants who will remain in residence for a minimum of 30 consecutive days.~~
[Revised by proposed P19-00126]

E. Major Modification No: 95307

COA No. 1. This use permit modification shall be limited to an increase in the amount of bulk wine received for processing at the winery from 600,000 gallons/year to 1,000,000 gallons/year with total production not to exceed 1,250,000 gallons/year averaged over three (3) consecutive years. Any expansion or change in use shall be by separate use permit submitted for consideration by the Zoning Administrator or the Conservation, Development and Planning Commission.

COA No. 3. The number of trips associated with a 400,000 gallons/year increase in the delivery of bulk wine, glass, and export of case foods shall not exceed 5 trips per week during the months of November through August only with no trip increase for this purpose during crush.

F. Letter from Zoning Administrator

Approval letter - Acting as the Zoning Administrator your recent request regarding tours and tastings, only by prior appointment to those persons defined In the Napa County Code, Chapter 18.08.620 has been administratively granted.

Condition #3 of use permit #U-90-33 is thus modified in a manner that clarifies the Napa County Code intent and spirit of the Winery Definition Ordinance. No change in the 250 numbers of visitors per week or with the remaining Conditions of Approval. The winery signage shall also reflect the approved modification.



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Planning, Building & Environmental Services

1195 Third Street, Suite 210
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David Morrison
Director

MEMORANDUM

To: Emily Hedge, Planning	From: Jeannette Doss, Engineering <i>JD</i>
Date: June 12, 2023	Re: Rutherford Ranch Winery Use Permit Mod – Engineering CoA 1680 Silverado Trail, St Helena, CA P19-00126 APN 030-300-030-000

The Engineering Division received a referral for comment on a modification to an existing use permit. Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

EXISTING CONDITIONS:

- Existing access taken from Silverado Trail via an existing paved driveway.
- Conn Creek, a major USGS blue line stream is situated to the east and southeast of the winery. Conn Creek falls under the Napa County jurisdictional limits for Special Flood Hazard Areas (SFHAs) for regulation of riparian zones and activities therein.
- Portions of the site are located entirely within a Federal Emergency Management Agency (FEMA) regulated 100 year SFHA Zone AE (Floodplain and Floodway) associated with the Conn Creek floodplain.
- The existing parcel is approximately 17.37 acres.
- Site is currently developed with a winery, associated winery accessory structures, access roads, parking, and vineyards.

RECOMMENDED APPROVAL CONDITIONS:

OPERATIONAL CHARACTERISTICS

- Should any existing outdoor/uncovered loading/unloading areas and/or processing areas, including but not limited to wine grape crushing/pressing, juice fermentation, blending and fining, filtration and bottling, be modified, expanded and/or improved in the future, Napa County may require these areas to be paved and performed undercover.

2. The facility is designated as a discharger that discharges stormwater associated with industrial activity to waters of the United States. Therefore, the facility shall maintain or apply for coverage under the State Water Resources Control Board's Industrial General Permit (IGP), including meeting all applicable provision and protocols of the IGP. If the facility fails to meet the discharge prohibitions of the IGP, Napa County may require the facility to make the necessary improvements to eliminate all exposures to stormwater of the pollutant(s) for which the water body is impaired.
3. No person shall deposit or remove any material, excavate, construct, install, alter or remove any structure within, upon or across a Special Flood Hazard Area, nor otherwise alter the hydraulic characteristics of a Special Flood Hazard Area **without first obtaining a floodplain permit** pursuant to Chapter 16.04 of the Napa County Code and in conformance with county Code and 44 CFR Section 60.3.
4. All roadway, access drive, and parking area improvements shall be completed **prior to execution** of any new entitlements approved under this Use Permit Modification.

PREREQUISITES FOR ISSUANCE OF PERMITS

5. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.
6. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, and Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code.
7. **Prior to issuance of a building or grading permit** the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December 2014.
8. **Prior to issuance of a building or grading permit** the owner shall demonstrate on the plans that all roadways, access driveways, and parking areas serving the project either currently meet the requirements and/or how they will be improved to meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for Commercial development.

9. The parking areas located within the vineyards to the north and east of the driveway are not considered existing or approved parking areas. Plans shall be submitted for improvements to the this area in accordance with condition # 5 above.
10. As part of the grading and/or building permit submittal demonstrating improvements to the access roads and parking areas, the applicant shall also provide proof that the existing culvert that runs under the one-way loop driveway complies with the loading criteria in the latest Napa County Road and Street Standards.
11. Applicant shall obtain an encroachment permit from the California Department of Transportation for any proposed work within the CalTrans Right of Way.
12. **Prior to issuance of a building, grading permit, or floodplain management permit** the owner shall submit a complete application for a floodplain management permit for the proposed work. A complete submittal shall include, but is not limited to:
 - a) A complete site plan demonstrating the Floodplain and Floodway Boundaries.
 - b) Plans shall include all existing and proposed structures, fill, storage of materials, drainage facilities
 - c) Spot ground elevations at the corners of all structures and at twenty-foot or smaller intervals along the foundation footprint, or one-foot contour elevations throughout the building site;
 - d) Locations of water supply, sanitary sewer facilities, and utilities;
13. **Prior to issuance of a building or grading permit** the owner shall prepare a Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES. The Stormwater Control Plan shall include the water balance analysis for the use of the existing wastewater pond to handle the additional stormwater flows.
14. **Prior to issuance of a building permit**, an Operation and Maintenance Plan shall be submitted and tentatively approved by the Engineering Division in PBES. **Before final occupancy** the property owner must legally record the "Operation and Maintenance Agreement", approved by the Engineering Division in PBES.

PREREQUISITES FOR TEMPORARY CERTIFICATE OF OCCUPANCY

15. All roadway, access drive, and parking area improvements shall be completed **prior to** issuance of temporary occupancy of any new and/or remodeled structures.

**** If no temporary occupancy is requested, then the above conditions become requirements prior to final occupancy.**

PREREQUISITES FOR FINAL CERTIFICATION OF OCCUPANCY

16. Operations and Maintenance Agreement for any required post-construction Stormwater facilities must be legally recorded.

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

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items, please contact Jeannette Doss from Napa County Planning, Building, and Environmental Services Department, Engineering and Conservation Division, at (707) 259-8179 or by email at Jeannette.Doss@countyofnapa.org



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Brian Bordona
Interim Director

MEMORANDUM

To: Emily Hedge, Project Planner	From: Kim Withrow, Environmental Health Specialist <i>KDW</i>
Date: June 8, 2023	Re: Rutherford Ranch Assessor Parcel # 030-300-030 Permit # P19-00126

This Division has reviewed a use permit application requesting approval to remedy existing violations, increase employees and visitation, convert residence to winery use, add a commercial kitchen, and wastewater system improvements among other items as described and depicted in application materials. This Division has no objection to approval of the application with the following conditions of approval:

Prior to issuance of building permits:

1. Complete plans and specifications for the food preparation, service area(s), storage area(s) and the employee restrooms must be submitted for review and approval by this Division prior to issuance of any building permits for said areas. Food preparation and related areas must be constructed and maintained in conformance with the California Retail Food Code. An annual food permit will be required.
2. A plan to relocate and/or remove the process waste surge tank and other non-permitted equipment located within the creek setback as described in the Wastewater Feasibility Study dated November 11, 2019, shall be submitted for review and approval in accordance with the timeline established by the Planning Division. A permit from Environmental Health shall be obtained to complete the work according to the approved plan.
3. Adequate area must be provided for collection of recyclables and compostables. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site. The garbage and recycling enclosure must meet the enclosure requirements provided during use permit process and be included on the building permit submittal. The designated area shall remain available and be properly maintained for its intended use.

During construction and prior to granting final occupancy:

4. An annual food facility operating permit must be obtained for the food facility prior to issuance of a final on the project.
5. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.

Upon final occupancy and thereafter:

6. The applicant shall enroll for coverage under the General Waste Discharge Requirements for Process Water by submitting the Notice of Intent, Technical Report and Application to the San Francisco Regional Water Quality Control Board or Napa County, if applicable.
7. The existing water system is currently permitted as a non-transient non-community public water system. The applicant shall maintain the system in compliance with the California Safe Drinking Water Act and Related Laws. All sampling and reporting shall be submitted as required.
8. Within 30 (thirty) days of initiation of the use or change of tenants, an updated Hazardous Materials Business shall be submitted to <http://cers.calepa.ca.gov/> and approved by this Division.
9. Any food service that will be catered shall be prepared and served by a Napa County permitted caterer. If the caterer selected does not possess a valid Napa County Permit to operate, refer the business to this Division for assistance in obtaining the required permit prior to providing any food service.
10. The wastewater system must be operated and maintained so it does not cause a nuisance or contamination of groundwater or surface water. An approved service provider must monitor the system at least two times per year and submit monitoring reports electronically to this Division as required by Napa County Code.

Additionally, the use of the absorption field/drain field area and reserve area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system and reserve include equipment storage, traffic, parking, pavement, livestock, etc.

11. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
12. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system the plan submitted for review and approval must address bentonite disposal.



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Department of Public Works

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Steven Lederer
Director

MEMORANDUM

To: PBES Staff	From: Janice Spuller Traffic Engineering Staff Consultant
Date: November 5, 2020	Re: Rutherford Ranch Winery (P19-00126) Final Traffic Impact Study Report

This memorandum is prepared at the request of Planning, Building, and Environmental Services (PBES) staff regarding the Use Permit Modification Application # P19-00126, for the proposed Rutherford Ranch Winery, located at 1680 Silverado Trail in the County of Napa.

In preparation of this memorandum, we have reviewed the *Final Report Traffic Impact Study for the Rutherford Ranch Winery*, dated October 21, 2020 prepared by W-Trans.

After careful evaluation and review of the document, we believe that the final report is acceptable. The items included in the conditions of approval memorandum dated September 22, 2020 are still relevant and valid.

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



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Steven Lederer
Director

MEMORANDUM

To: PBES Staff	From: Janice Spuller Traffic Engineering Staff Consultant
Date: September 22, 2020	Re: Rutherford Ranch Winery (P19-00126) Conditions of Approval

This memorandum on the Conditions of Approval is prepared at the request of Planning, Building, and Environmental Services (PBES) staff regarding the Use Permit Modification Application # P19-00126, for the proposed Rutherford Ranch Winery, located at 1680 Silverado Trail in the County of Napa.

In preparation of this memorandum, we have reviewed the *Draft Report Traffic Impact Study for the Rutherford Ranch Winery*, dated August 26, 2020 prepared by W-Trans.

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

The Department of Public Works established the following conditions of approval related to the Use Permit Application Number P19-00126:

Level of Service (LOS) Significant Impacts:

Per the County of Napa's threshold of significance, the intersection of Silverado Trail/SR 128-Conn Creek Road is currently operating unacceptably at LOS F in the minor approach. The project would cause a delay more than five seconds, resulting in a significant impact.

1. The project applicant shall repave the shoulders along the project's frontage to improve the deceleration and acceleration to and from the project.

Marketing:

2. The project applicant/permittee shall not exceed the maximum number of visitors of 250 per day on a weekday and weekend, not to exceed 1,500 visitors per week.
3. The project applicant/permittee shall not exceed the following marketing events as described per the project application:
 - o 6 marketing events (wine club) with a maximum of 150 attendees;
 - o 10 marketing events with a maximum of 100 attendees;
 - o 20 marketing events with a maximum of 40 attendees
4. During large marketing events, the project applicant/permittee shall not have daily visitation.

5. The project/applicant shall implement Transportation Demand Management (TDM) measures to limit the number of vehicles travelling to and parking at the project site, during large marketing events. Measures can include, but not limited to, shuttle or limousine service, etc.
6. Employees shall not exceed 58 full-time employees and five part time employees, per the project application

Vehicle Miles Travelled (VMT):

7. To reduce the vehicle miles traveled (VMT) to and from the project, and to mitigate the delay at the intersection of Silverado Trail and SR 128-Conn Creek Road, the project/applicant shall implement trip reduction measures through a Transportation Demand Management (TDM) program to reduce trips by 15 percent.

Transportation Demand Management (TDM) Program:

8. The project applicant/permittee shall implement the Transportation Demand Management (TDM) strategies to reduce single-occupant vehicle use, encouraging more energy-efficient forms of transportation and contributing towards the County's greenhouse gases emission reduction goals by 15 percent. The following measures are as follows:
 - a. Ridesharing Program: ride matching and priority parking
 - b. Tele-work/Compressed/Flex-Schedules
 - c. Guaranteed Ride Home Program
 - d. On-Site Amenities
 - e. Cash-out Incentive Program
 - f. Employee and visitor transportation information
 - g. Bicycle Facilities on-site
 - h. Annual Performance Review
9. The project applicant/permittee shall appoint a staff person appointed as Transportation Demand Management (TDM) coordinator to facilitate employees reducing solo-vehicle commuting and report to County staff on January 15th of each year (annual basis) on the status on the strategies implemented.

On Street Parking:

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

Bicycle Parking:

11. The project/applicant shall provide bicycle parking spaces per the Napa County Municipal Code

18.110.040: 2 bicycle parking spaces per 5-10 automobile parking spaces, 10 bicycle parking spaces per 10 or more automobile parking spaces.

Landscaping Maintenance:

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

Encroachment Permit:

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

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



A Tradition of Stewardship
A Commitment to Service

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

Office: (707) 299-1464

Jake White
Fire Marshal

Napa County Fire Department Conditions of Approval

TO:	Planning Department	DATE:	6/14/2023
FROM:	Jason Downs, Deputy Fire Marshal	PERMIT #	P19-00126
SUBJECT:	Rutherford Ranch Winery	APN:	030-300-030-000

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

1. All construction and use of the facility shall comply with all applicable standards, regulations, codes, and ordinances at the time of Building Permit issuance.
2. Beneficial occupancy will not be granted until all fire department fire and life safety items have been installed, tested, and finalized.
3. Where conditions listed in 2022 California Fire Code Section 105 are proposed, separate permits will be required prior to Building Permit issuance for:
 1. Automatic Fire-Extinguishing Systems
 2. Fire Pumps and related equipment
 3. Fire Suppression Water Tanks
 4. Under Ground Fire Lines
 5. High-Piled combustible storage
4. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of the Napa County Road & Street Standards
5. Commercial - Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16 licensed contractor, or registered engineer indicating compliance with California Fire Code Appendix B and the Napa County Municipal Code.



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6. Commercial - Approved steamer hydrants shall be installed within 250 feet of any exterior portion of the building as measured along vehicular access roads. Private fire service mains shall be installed, tested, and maintained per NFPA 24.
7. Commercial - Fire Department Connections (FDC) for automatic sprinkler systems shall be located fully visible and recognizable from the street or fire apparatus access roads. FDC shall be located within 50 feet of an approved fire hydrant.
8. Commercial - The minimum main size of all fire hydrants shall be 6 inches in diameter. Piping shall be installed with C-900 class 200 piping or ductile iron or equivalent per NFPA 24 for the installation of Underground Fire Protection Mains
9. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware, and exit illumination.
10. Provide 100 feet of defensible space around all structures.
11. Provide 10 feet of defensible space for fire hazard reduction on both sides of all roadways of the facility.

Please note that the comments noted above are based on a Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Napa County Fire Marshal's Office Development Guidelines can be found at www.countyofnapa.org/firemarshal.

Please contact me at (707) 299-1467 or by email at jason.downs@countyofnapa.org with any questions or concerns.



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Planning, Building & Environmental Services - Hillary Gitelman, Director
1195 Third Street, Napa, CA 94559 - (707) 253-4417 - www.countyofnapa.org

Project name & APN: Rutherford Ranch Winery 030-300-030
 Project number if known: P19-00126
 Contact person: Morgan Zaninovich
 Contact email & phone number: Morgan.Zaninovich@RutherfordWine.com
 Today's date: _____

Voluntary Best Management Practices Checklist for Development Projects

Napa County General Plan Policy CON-65 (e) and Policy CON-67 (d) requires the consideration of Greenhouse Gas (GHG) emissions in the review of discretionary projects and to promote and encourage "green building" design. The below Best Management Practices (BMPs) reduce GHG emissions through energy and water conservation, waste reduction, efficient transportation, and land conservation. The voluntary checklist included here should be consulted early in the project and be considered for inclusion in new development. It is not intended, and likely not possible for all projects to adhere to all of the BMPs. Rather, these BMPs provide a portfolio of options from which a project could choose, taking into consideration cost, co-benefits, schedule, and project specific requirements. Please check the box for all BMPs that your project proposes to include and include a separate narrative if your project has special circumstances.

Practices with Measurable GHG Reduction Potential

The following measures reduce GHG emissions and if needed can be calculated. They are placed in descending order based on the amount of emission reduction potential.

Already Plan
Doing To Do

ID # BMP Name

BMP-1 Generation of on-site renewable energy
If a project team designs with alternative energy in mind at the conceptual stage it can be integrated into the design. For instance, the roof can be oriented, sized, and engineered to accommodate photovoltaic (PV) panels. If you intend to do this BMP, please indicate the location of the proposed PV panels on the building elevations or the location of the ground mounted PV array on the site plan. Please indicate the total annual energy demand and the total annual kilowatt hours produced or purchased and the potential percentage reduction of electrical consumption. Please contact staff or refer to the handout to calculate how much electrical energy your project may need.

BMP-2 Preservation of developable open space in a conservation easement
Please indicate the amount and location of developable land (i.e.: under 30% slope and not in creek setbacks or environmentally sensitive areas for vineyards) conserved in a permanent easement to prohibit future development.

Already Plan
Doing To Do

BMP-3 Habitat restoration or new vegetation (e.g. planting of additional trees over 1/2 acre)
Napa County is famous for its land stewardship and preservation. Restoring areas within the creek setback reduces erosion potential while planting areas that are currently hardscape (such as doing a bio-retention swale rather than underground storm drains) reduces storm water and helps the groundwater recharge. Planting trees can also increase the annual uptake of CO₂e and add the County's carbon stock.

BMP-4 Alternative fuel and electrical vehicles in fleet
The magnitude of GHG reductions achieved through implementation of this measure varies depending on the analysis year, equipment, and fuel type replaced.

Number of total vehicles _____
Typical annual fuel consumption or VMT _____
Number of alternative fuel vehicles _____
Type of fuel/vehicle(s) _____
Potential annual fuel or VMT savings _____

BMP-5 Exceed Title 24 energy efficiency standards: Build to CALGREEN Tier 2
The California Building Code update effective January 1, 2011 has new mandatory green building measures for all new construction and has been labeled CALGREEN. CALGREEN provides two voluntary higher levels labeled CALGREEN Tier I and CALGREEN Tier II. Each tier adds a further set of green building measures that go above and beyond the mandatory measures of the Code. In both tiers, buildings will use less energy than the current Title 24 California Energy Code. Tier I buildings achieve at least a 15% improvement and Tier 2 buildings are to achieve a 30% improvement. Both tiers require additional non-energy prerequisites, as well as a certain number of elective measures in each green building category (energy efficiency, water efficiency, resource conservation, indoor air quality and community).

BMP-6 Vehicle Miles Traveled (VMT) reduction plan
Selecting this BMP states that the business operations intend to implement a VMT reduction plan reducing annual VMTs by at least 15%.

Tick box(es) for what your Transportation Demand Management Plan will/does include:

- employee incentives
- employee carpool or vanpool
- priority parking for efficient transportation (hybrid vehicles, carpools, etc.)
- bike riding incentives
- bus transportation for large marketing events
- Other: _____

Estimated annual VMT _____

Potential annual VMT saved _____

% Change _____

Already Plan
Doing To Do

- BMP-7 Exceed Title 24 energy efficiency standards: Build to CALGREEN Tier 1**

See description below under BMP-5.

- BMP-8 Solar hot water heating**

Solar water heating systems include storage tanks and solar collectors. There are two types of solar water heating systems: active, which have circulating pumps and controls, and passive, which don't. Both of them would still require additional heating to bring them to the temperature necessary for domestic purposes. They are commonly used to heat swimming pools.

- BMP-9 Energy conserving lighting**

Lighting is approximately 25% of typical electrical consumption. This BMP recommends installing or replacing existing light bulbs with energy-efficient compact fluorescent (CF) bulbs or Light Emitting Diode (LED) for your most-used lights. Although they cost more initially, they save money in the long run by using only 1/4 the energy of an ordinary incandescent bulb and lasting 8-12 times longer. Typical payback from the initial purchase is about 18 months.

- BMP-10 Energy Star Roof/Living Roof/Cool Roof**

Most roofs are dark-colored. In the heat of the full sun, the surface of a black roof can reach temperatures of 158 to 194 °F. Cool roofs, on the other hand, offer both immediate and long-term benefits including reduced building heat-gain and savings of up to 15% the annual air-conditioning energy use of a single-story building. A cool roof and a green roof are different in that the green roof provides living material to act as a both heat sink and thermal mass on the roof which provides both winter warming and summer cooling. A green (living) roof also reduces storm water runoff.

- BMP-11 Bicycle Incentives**

Napa County Zoning Ordinance requires 1 bicycle rack per 20 parking spaces (§18.110.040). Incentives that go beyond this requirement can include on-site lockers for employees, showers, and for visitor's items such as directional signs and information on biking in Napa. Be creative!

- BMP-12 Bicycle route improvements**

Refer to the Napa County Bicycle Plan (NCPTA, December 2011) and note on the site plan the nearest bike routes. Please note proximity, access, and connection to existing and proposed bike lanes (Class I: Completely separated right-of-way; Class II: Striped bike lane; Class III: Signed Bike Routes). Indicate bike accessibility to project and any proposed improvements as part of the project on the site plan or describe below.

Already Plan
Doing To Do

BMP-13 Connection to recycled water

Recycled water has been further treated and disinfected to provide a non-potable (non-drinking water) water supply. Using recycled water for irrigation in place of potable or groundwater helps conserve water resources.

BMP-14 Install Water Efficient fixtures

WaterSense, a partnership program by the U.S. Environmental Protection Agency administers the review of products and services that have earned the WaterSense label. Products have been certified to be at least 20 percent more efficient without sacrificing performance. By checking this box you intend to install water efficient fixtures or fixtures that conserve water by 20%.

BMP-15 Low-impact development (LID)

LID is an approach to land development (or re-development) that works with nature to manage storm water as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. By implementing LID principles and practices, water can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem or watershed. Please indicate on the site or landscape plan how your project is designed in this way.

BMP-16 Water efficient landscape

If your project is a residential development proposing in excess of 5,000 sq. ft. or a commercial development proposing in excess of 2,500 sq. ft. The project will be required to comply with the Water Efficient Landscape Ordinance (WELO).

Please check the box if you will be complying with WELO or if your project is smaller than the minimum requirement and you are still proposing drought tolerant, zeroscape, native plantings, zoned irrigation or other water efficient landscape.

BMP-17 Recycle 75% of all waste

Did you know that the County of Napa will provide recycling collectors for the interior of your business at no additional charge? With single stream recycling it is really easy and convenient to meet this goal. To qualify for this BMP, your business will have to be aggressive, proactive and purchase with this goal in mind.

Already Plan
Doing To Do

BMP-18 Compost 75% food and garden material

The Napa County food composting program is for any business large or small that generates food scraps and compostable, including restaurants, hotels, wineries, assisted living facilities, grocery stores, schools, manufacturers, cafeterias, coffee shops, etc. All food scraps (including meat & dairy) as well as soiled paper and other compostable - see <http://www.naparecycling.com/foodcomposting> for more details.

BMP-19 Implement a sustainable purchasing and shipping programs

Environmentally Preferable Purchasing (EPP) or Sustainable Purchasing refers to the procurement of products and services that have a reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. By selecting this BMP, you agree to have an EPP on file for your employees to abide by.

BMP-20 Planting of shade trees within 40 feet of the south side of the building elevation

Well-placed trees can help keep your building cool in summer. If you choose a deciduous tree after the leaves drop in autumn, sunlight will warm your building through south and west-facing windows during the colder months. Well-designed landscaping can reduce cooling costs by 20%. Trees deliver more than energy and cost savings; they are important carbon sinks. Select varieties that require minimal care and water, and can withstand local weather extremes. Fruit or nut trees that produce in your area are great choices, providing you with local food as well as shade. Please use the site or landscape plan to indicate where trees are proposed and which species you are using.

BMP-21 Electrical Vehicle Charging Station(s)

As plug-in hybrid electric vehicles (EV) and battery electric vehicle ownership is expanding, there is a growing need for widely distributed accessible charging stations. Please indicate on the site plan where the station will be.

BMP-22 Public Transit Accessibility

Refer to <http://www.ridethevine.com/vine> and indicate on the site plan the closest bus stop/route. Please indicate if the site is accessed by transit or by a local shuttle. Provide an explanation of any incentives for visitors and employees to use public transit. Incentives can include bus passes, informational hand outs, construction of a bus shelter, transportation from bus stop, etc.

Already Plan
Doing To Do

BMP-23

Site Design that is oriented and designed to optimize conditions for natural heating, cooling, and day lighting of interior spaces, and to maximize winter sun exposure; such as a cave.

The amount of energy a cave saves is dependent on the type of soil, the microclimate, and the user's request for temperature control. Inherently a cave or a building burned into the ground saves energy because the ground is a consistent temperature and it reduces the amount of heating and cooling required. On the same concept, a building that is oriented to have southern exposure for winter warmth and shading for summer cooling with an east-west cross breeze will naturally heat, cool, and ventilate the structure without using energy. Please check this box if your design includes a cave or exceptional site design that takes into consideration the natural topography and sitting. Be prepared to explain your approach and estimated energy savings.

BMP-24 Limit the amount of grading and tree removal

Limiting the amount of earth disturbance reduces the amount of CO2 released from the soil and mechanical equipment. This BMP is for a project design that either proposes a project within an already disturbed area proposing development that follows the natural contours of the land, and that doesn't require substantial grading or tree removal.

BMP-25 Will this project be designed and built so that it could qualify for LEED?

BMP-25 (a)	<input type="checkbox"/>	LEED™ Silver (check box BMP-25 and this one)
BMP-25 (b)	<input type="checkbox"/>	LEED™ Gold (check box BMP-25, BMP-25 (a), and this box)
BMP-25 (c)	<input type="checkbox"/>	LEED™ Platinum (check all 4 boxes)

Practices with Un-Measured GHG Reduction Potential

BMP-26 Are you, or do you intend to become a Certified Green Business or certified as a "Napa Green Winery"?

As part of the Bay Area Green Business Program, the Napa County Green Business Program is a free, voluntary program that allows businesses to demonstrate the care for the environment by going above and beyond business as usual and implementing environmentally friendly business practices. For more information check out the Napa County Green Business and Winery Program at www.countyofnapa.org.

BMP-27 Are you, or do you intend to become a Certified "Napa Green Land"?

Napa Green Land, fish friendly farming, is a voluntary, comprehensive, "best practices" program for vineyards. Napa Valley vintners and growers develop farm-specific plans tailored to protect and enhance the ecological quality of the region, or create production facility programs that reduce energy and water use, waste and pollution. By selecting this measure either you are certified or you are in the process of certification.

Already Plan
Doing To Do

BMP-28 Use of recycled materials

There are a lot of materials in the market that are made from recycled content. By ticking this box, you are committing to use post-consumer products in your construction and your ongoing operations.

BMP-29 Local food production

There are many intrinsic benefits of locally grown food, for instance reducing the transportation emissions, employing full time farm workers, and improving local access to fresh fruits and vegetables.

BMP-30 Education to staff and visitors on sustainable practices

This BMP can be performed in many ways. One way is to simply put up signs reminding employees to do simple things such as keeping the thermostat at a consistent temperature or turning the lights off after you leave a room. If the project proposes alternative energy or sustainable winegrowing, this BMP could include explaining those business practices to staff and visitors.

BMP-31 Use 70-80% cover crop

Cover crops reduce erosion and the amount of tilling which is required, which releases carbon into the environment.

BMP-32 Retain biomass removed via pruning and thinning by chipping the material and reusing it rather than burning on-site

By selecting this BMP, you agree not to burn the material pruned on site.

BMP-33 Are you participating in any of the above BMPS at a 'Parent' or outside location?

BMP-34 Are you doing anything that deserves acknowledgement that isn't listed above?

Comments and Suggestions on this form?

Sources:

1. *Napa County Bicycle Plan, NCTPA, December 2011*
2. *California Air Pollution Control Officers Associate (CAPCOA). January 2008. CEQA and Climate Change*
3. *Napa County General Plan, June 2008.*
4. *California Office of the Attorney General. 2010. Addressing Climate Change at at the Project Level available at http://ag.ca.gov/global_warming/pdf/GW_mitigation_measures.pdf*
5. *U.S. Green Building Council (2009). LEED 2009 for New Construction and Major Renovations Rating System. Washington, DC: United States Green Building Council, Inc.*
6. *California Energy Commission (2008). Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings. Sacramento, CA: California Energy Commission.*
7. *U.S. Department of Energy (2010). Cool roof fact sheet.*
8. <http://www1.eere.energy.gov/buildings/ssl/ledlightingfacts.html>
9. *Compact Fluorescent Light Bulbs". Energy Star. Retrieved 2013-05-01.*
10. <http://energy.gov/energysaver/articles/solar-water-heaters>. Retrieved 2013-05-02.
11. <http://energy.gov/energysaver/articles/solar-water-heater>. Retrieved 2013-05-09
12. http://www.bchydro.com/powersmart/residential/guides_tips/green-your-home/cooling_guide/shade_trees.html
13. <http://www.napagreen.org/about>. Retrieved 2013-05-09
14. <http://www.countyofnapa.org/pages/departmentscontent.aspx?id=4294971612>
15. <http://www.napasan.com/Pages/ContentMenu.aspx?id=109>
16. <http://water.epa.gov/polwaste/green/index.cfm>

EXHIBIT C-1

PLANNING COMMISSION HEARING – JUNE 21, 2023 EXISTING IMPROVEMENTS WITHIN THE STREAM SETBACK THAT PRE-DATE THE CONSERVATION REGULATIONS AND/OR WERE PREVIOUSLY AUTHORIZED BY THE COUNTY

Rutherford Ranch Winery Major Modification P19-00126-MOD and Use Permit Exception to the Conservation Regulations P23-00145-UP 1680 Silverado Trail South, St. Helena Assessor's Parcel Number 030-300-030

The project also includes recognition of the following existing improvements which pre-date the Conservation Regulations and/or have previously been authorized or permitted by the County. These improvements are included to be memorialized in the use permit for record keeping purposes.

- a. Permitted outdoor work area north of the winery building. Current equipment on the work area includes: Propane tank, Fire protection pump house, Winery potable water storage, Booster pump house, Underground process water tank, Separator for wastewater, De-stemer, Press, Catwalk at press, Utility riser, and Power pole;
- b. Permitted transformer located north of the outdoor work area;
- c. Permitted two (2) fire protection water storage tanks on the north side of the stream;
- d. Permitted fire protection storage pipes crossing from the permitted fire protection pump house across the stream to the permitted fire protection water storage tanks;
- e. Permitted driveway around winery building;
- f. Permitted winery building approximately 35,000 s.f.;
- g. Permitted residence (to be converted to winery offices) approximately 3,000 s.f.;
- h. Permitted pedestrian bridge and outdoor patios between the winery building and residence (to be converted to winery offices); and
- i. Permitted parking areas in front of the winery building and north of the lawn adjacent to the residence (to be converted to winery offices)