20-044
COUNTY OF NAPA
PLANNING, BUILDING AND ENVIRONMENTAL SERVICES DEPARTMENT
1195 THIRD STEET SUITE 210
NAPA, CA 94559
(707) 253-4417

Initial Study Checklist
(form updated January 2019)

1. **Project Title**: Diamond Creek Vineyards Use Permit Major Modification P19-00177-MOD, Exception to the Napa County Roads and Street Standards

2. **Property Owner:** Diamond Mountain Vineyard Company, Inc.

   Nicole Carter, President
   1500 Diamond Mountain Road
   Calistoga, CA 94515
   nicolecarter@diamondcreekvineyards.com

3. **County Contact Person, Phone Number and email:** Kelli Cahill, Planner III, (707) 265-2325, kelli.cahill@countyofnapa.org

4. **Project Location and Assessor's Parcel Number (APN):**

   1500 Diamond Mountain Road, Calistoga, CA 94515; APNs: 020-440-004 (Winery parcel) and 020-400-012 (Residential parcel)
   78.12 acres total
   Section 12, Township: 08 North, Range 07 West, Mt. Diablo Base
   Longitude 38° 33' 56.356"N, Latitude -122° 34' 55.024"W

5. **Project sponsor's name and address:**

   Law Office of Lester F. Hardy
   P.O. Box 667
   St. Helena, CA 94574

6. **General Plan description:** Agriculture, Watershed and Open Space (AWOS)

7. **Zoning:** Agricultural Watershed (AW)

8. **Background/Project History:**

   October 1963, a License for Diversion and Use of Water was granted for twenty-six (26) acre feet to be collected from an unnamed stream (aka Diamond Creek). The creek has since been named Kortum Canyon Creek (County GIS Layer – Blue Lined Streams). The License is restricted to Recreational Use only.

   April 3, 1972, a use permit (U-437172) was approved by the Planning Commission to construct a small limited production winery of 5,000 gallons per year, with no public tours or tastings, or retail sales. All sales were approved to be by mail, and the winery was to be located on the ground level of the residence.

   July 20, 1977, a modification (U-447677) to the use permit was approved by the Planning Commission to store, bottle and ship wine in the garage and storage room adjacent to the dwelling and a minimum of five (5) parking spaces.

   March 5, 1980, a modification (U-567879) to the use permit was approved by the Planning Commission allowing an increase in wine production from 5,000 gallons to 10,000 gallons per year, construction of two new structures totaling 5,000 sf and construction of five (5) off street parking spaces.

February 19, 1997, a modification (96387) to the use permit was approved by the Planning Commission, expanding the existing winery to allow construction of a 4,000 sf second story office and storage; there were no changes to the winery operations proposed. The modification approved the following which were previously not allowed:

- A marketing plan with:
  - Five (5) annual events with a maximum attendance of 100 people
  - Retail wine sales to invited guests during marketing events;
- Five (5) employees including the applicant/owner;
- All winery uses, including office and storage, shall be relocated to the existing winery parcel. The area of the owner's residence presently used for the winery to be used only for personal wine storage and wine library;
- Tours and tastings limited to wine trade only, by prior appointment and shall not exceed a maximum of 10 visitors a day and 10 visitors per week; and
- Retail sales of the wines produced on the site are not permitted, except as noted as part of the marketing plan.

March 3, 1997, an appeal to Use Permit Request 96387 was filed; however, the parties came to a settlement, and the appeal was withdrawn on March 27, 1987 ahead of the April 8, 1987 Board of Supervisors hearing.

October 3, 1997, a modification (97093) to the use permit was approved by the Planning Commission limited to modification of the exterior elevation of the winery building with no changes in size, except for an additional 80 sf of cellar area. No changes to operations.

May 1996 an Agricultural Erosion Control Plan (99138) was approved by the Conservation, Development and Planning Department for 1.4 acres of vineyard development. The majority of vineyard development occurred prior to 1980.

April 2004 an Agricultural Erosion Control Plan Track II replant was approved by the Conservation, Development and Planning Department for the replant of 21.0 acres of the 24.0 acres vineyard development.

Existing Entitlement Summary:

1) Annual wine production capacity of 10,000 gallons;
2) A Two-story existing 7540 sf winery that includes hospitality, production, storage and office space;
3) Five (5) employees, including the applicant/owner;
4) Five (5) parking spaces;
5) Hours of operation, five days a week Monday through Friday, 7:00 AM to 6:00 PM;
6) A maximum of 10 visitors a day and10 visitors per week, six days a week Monday through Saturday (hosting is variable, limited to five days per week) from 10:00 AM to 4:00 PM;
7) Marketing activities including five (5) annual events with a maximum of 100 guests; and
8) Retail sales of wine are allowed during marketing events only.

9. **Description of Project:**

March 29, 2019 – The applicant submitted Major Modification P19-00177-MOD to recognize the components of the winery operations that were out of compliance. The application also includes additional requests for expansion.

Request for approval of a major modification of the previous project approvals for an existing 10,000 gallons per year winery to allow the following:

A. COMPONENTS NECESSARY TO REMEDY EXISTING VIOLATIONS:

1) Recognition and approval of by-appointment visitation for tours and tastings for a maximum of 22 daily and 47 weekly visitors (approved for 10 daily and 10 weekly) six (6) days a week from 9:00 a.m. to 6:00 p.m.(approved for five days a week);
2) Recognition and approval of six (6) full-time and two (2) part-time employees (approved for five (5) full-time employees);
3) Recognition and approval of on-premises consumption of wines produced on site in outdoor areas on the terrace in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5.(this was not allowed at the time of the entitlements); and;
4) Recognition and approval of retail sales at the winery and removal of COA No.1 under Permit #96378 restricting retail sales of wine to invited marketing guests.

B. EXPANSION BEYOND EXISTING ENTITLEMENTS:

1) Increase annual wine production from 10,000 gallons to 25,000 gallons;
2.) Increase weekly tours and tastings from 47 persons per week (recognized above) to 60 persons per week maximum. Reduce daily visitation from 22 (recognized above) back to 10 persons per day with a weekly maximum of 60 persons.
3) Revise the existing marketing plan to include catered food prepared off-site and the number of events be increased from five (5) events with a maximum of 100 guests each to:
    - Ten (10) annual events with no more than 12 vehicle one way trips as follows:
        - Five (5) events to occur between 10:00 am and 2:00 pm
        - Five (5) events to occur between 6:00 pm and 10:00pm
    - One (1) annual event with no more than 20 vehicle one way trips to occur between 6:00pm and 10:00pm
4) Increase the number of employees from six (6) full-time (as recognized above) to eight (8) full-time and two (2) part-time employees;
5) Convert the existing 7,540 sf winery into a single-family residence with four (4) private parking spaces;
6) Construct a new 23,245 sf winery structure (18,600 sf production, 3,960 sf hospitality, 685 sf enclosed patio;
7) Construct a new 2,170 sf agricultural shop building;
8) Install twenty-two (22) new parking spaces will be constructed at the new winery structure (approved for five (5) parking spaces at the existing winery), with four being required EV charging stations;
9) Install improvements to the driveway that will include:
    - Improve the existing winery driveway to meet the 22 foot wide Napa County Roads and Street Standards for commercial driveways, with the exception of 233 feet of access and driveway as detailed below.
    - Improve the existing vineyard avenue to construct a new private one-way loop that will serve the proposed residence and the existing vineyard.
10) Addition of two (2) 30,000-gallon fire suppression tanks;
11) New domestic and winery wastewater systems, including a 40,000-gallon treated process wastewater tank for onsite vineyard irrigation;
12) Increase Production hours during the non-harvest season to six (6) days a week from 7:00 am to 6:00 pm;
13) Increase daily by appointment-visitation hours to six (6) days a week from 9:00 am to 6:00 pm; Monday through Saturday;
14)On-premises consumption of wines produced on site in outdoor areas at the new winery structure in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5;
15) Prior to increasing production volume from 10,000 to 25,000 gallons , construction of the new winery building and/or agricultural storage building, the following shall l be completed:
    a. The property owner shall submit and obtain approval of a Lot Line Adjustment through the Public Works Department to adjust the parcel boundaries to have all winery uses on the same parcel as the existing winery which is proposed to be converted to a single-family residence, the existing residence would remain on its own parcel;
    b. Install a new domestic wastewater system for the existing and proposed residence (converted existing winery structure), and process wastewater treatment and disposal system; and
    c. Installation of road improvements including widening, the new looped driveway to the new residence, emergency pull outs and repairs to the historic bridge foundation and shared access off of Diamond Mountain Road.
16) A total of 120 trees are proposed to be removed or limbed to maintain adequate access for emergency vehicle access, and the preservation of 4.8 acres of vegetation canopy cover that will be deed restriction.

The request also includes an exception to the Napa County Road & Street Standards (RSS) (**Attachment B**) from the commercial driveway width standard of 22-feet where the proposed roadway width requested is 13-15 feet within an area totaling 233 feet to limit earthmoving and grading on steep slopes and limiting vegetation removal within the setback of an ephemeral drainage, while still providing access for emergency vehicles.

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

The holding is 78.12 acres located on the west side of State Highway 29 and north of Diamond Mountain Road. The project driveway is located approximately 270 feet north at the intersection of Diamond Mountain Road and the shared driveway, and 0.75 miles northwest of the intersection of Diamond Mountain Road and State Highway 29. The area of the proposed project is an area that is relatively flat to moderately flat adjacent to the existing winery. The project site comprises two parcels, APN 020-400-012 is currently developed with a single-family residence, and APN 020-440-004 is currently developed with a winery, associated outbuildings, vineyard, reservoir permitted for recreation only, two additional ponds small landscape pond features, and existing driveway accessed by an existing historic bridge crossing an ephemeral drainage. As part of the project, the driveway will be improved and the existing bridge will include repairs to the

footings as the stream bed has eroded, which will require permitting through the California Department of Fish and Wildlife. As there are no proposed modifications to the bridge width, the County has no permitting requirements.

The Mayacamas Mountains lie at the top of Diamond Mountain Road along the Napa and Sonoma County line. The project site is located at elevations between 590 to 600 feet above mean sea level (msl) in the Kortum Canyon Drainage and the Napa River Watershed. General topography of the project site consists of gently to steeply sloping land (ranging from 5% to over 50%). Kortum Creek lies to the north is designated a significant stream that runs west to east and bisects the property, and an unnamed blue lined stream that enters the property from the south and flows to Kortum Creek, both are outside of the proposed development area, and an ephemeral drainage that runs west to east south of the development area, and is crossed by a shared historic bridge that provides access to several properties including the project site. The general vegetation types present on the parcel include Conifer, oak woodland, grassland, and agriculture.

North of the project site properties range in size from 6 to 40 acres, with the Calistoga City Limits being less than 1,000 feet north where the Calistoga Hills Resort property is located, the properties include residential, winery and vineyards. South of the project properties range in size from 7 to 32 acres with residential, one non-producing winery, and vineyard. West of the project, properties range in size from 40 to 270 acres with residential and vineyard on one of the largest parcel and the smaller parcel being undeveloped. East of the project site properties ranging in size from 5 to 20 acres with residential, vineyard and wineries. The proposed winery is over 840 feet from the closest residence to the east.

Producing wineries within a mile of the property includes Von Strauser and 1520 Acquisition located to the northeast, Joseph Cellars, Fisher Winery and Beautiful Day Winery to the east, Wallis Family Estate to the south, and T-Vine Cellars located within the Calistoga City limits also to the northeast.

11. **Other agencies whose approval is required** (e.g., permits, financing approval, or participation agreement).
The project would also require various ministerial approvals by the County, including but not limited to building permits, grading permits, waste disposal permits, and an encroachment permit, in addition to meeting CalFire standards. Permits may also be required by the Department of Alcoholic Beverage Control and Bureau of Alcohol, Tobacco, & Firearms.

Responsible (R) and Trustee (T) Agencies
California Department of Fish and Wildlife (CDFW)
California Department of Water Resources Control Board (CWRCB)
California Department of Regional Water Quality Control Board (RWQCB)

Other Agencies Contacted
Federal Trade and Taxation Bureau
Department of Alcoholic Beverage Control
U.S. Army Corp of Engineers (USACE)

12. **Tribal Cultural Resources.** Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resource, procedures regarding confidentiality, etc.?

On July 31, 2025, County staff sent invitations to consult on the proposed project to Native American tribes who had a cultural interest in the area and who as of that date had requested to be invited to consult on projects, in accordance with the requirements of Public Resource Code Section 21080.3.1. Staff received a response for onsite monitoring from Mishewal Wappo Tribe of Alexander Valley. Staff did not receive a response from Middletown Rancheria or Yocha Dehe Wintun Nation for consult or to provide comment.

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

ENVIRONMENTAL IMPACTS AND BASIS OF CONCLUSIONS:

The conclusions and recommendations contained herein are professional opinions derived in accordance with current standards of professional practice. They are based on a review of the Napa County Environmental Resource Maps, the other sources of information

listed in the file, and the comments received, conversations with knowledgeable individuals; the preparer's personal knowledge of the area; and, where necessary, a visit to the site. For further information, see the environmental background information contained in the permanent file on this project.

Other sources of information used in the preparation of this Initial Study include site-specific studies conducted by the applicant and filed by the applicant in conjunction with Use Permit Modification P19-00177-MOD as listed below, and the environmental background information contained in the permanent file on this project.

- Use Permit Major Modification Application Packet and Project Description (Attachment A)
- Request for Exception to the Roads and Street Standards (Attachment B)
- Water Availability Analysis and Supplemental Water Availability Analysis for Interim Program (Attachment C)
- Wastewater Feasibility Study (Attachment D)
- Stormwater Control Plan (Attachment E)
- Biological Resources Assessment (Attachment F)
- 18.108.D.1 Available Canopy Cover (Attachment F.1)
- Bridge Condition Report (Attachment G)
- Trip Generation Worksheets (Attachment H)
- Architectural and Civil Plans (Attachment I)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Kelli Cahill
Signature

December 3, 2025
Date

Name: Kelli Cahill, Planner III
Napa County
Planning, Building and Environmental Services Department

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

Discussion:

a/b/c. Visual resources are those physical features that make up the environment, including landforms, geological features, water, trees and other plants, and elements of the human cultural landscape. A scenic vista, then, would be a publicly accessible vantage point such as a road, park, trail, or scenic overlook from which distant or landscape-scale views of a beautiful or otherwise important assembly of visual resources can be taken in. As generally described in the Environmental Setting and Surrounding Land Uses section, above, this area is defined by a mix of vineyard, existing winery and residence, and two streams including one unnamed and Kortum Creek and an ephemeral drainage that passes through the parcel flowing west to east towards the Napa River. The project would not result in substantial damage to scenic resources or substantially degrade, the visual character or quality of the site and its surroundings. The project site comprised of two parcels is currently developed with a single-family residence, winery, driveway, reservoir, and two small ponds, as well as approximately 25 acres of vineyards and related infrastructure, groundwater well and pump house. The project proposes a lot line adjustment between the two parcels whereby the existing single-family residence will be within a single parcel, and the existing winery and proposed winery will be on the larger adjusted parcel. As part of the project, the existing winery will be converted to a single-family residence. The proposal includes the construction of a new winery building totaling 23,245 sf, a shop building totaling 2,170 sf, 22 parking spaces, a non-transient non-community water system, landscaping improvements, and improvements to the existing driveway with access from a shared driveway and Diamond Mountain Road. The winery structure as proposed is to be set back over 300 feet from Diamond Mountain Road. The proposed new structures would not have a substantial adverse effect on a scenic highway or vista from a Viewshed standpoint. Although Napa County does not have a design review ordinance, the proposed structures would be designed and built tastefully with natural materials and vegetation, limiting impacts of construction upon the land. There are no rock outcroppings visible from the road or other designated scenic resources on the property. No impact would occur.

d. The construction of winery uses may result in the installation of additional lighting that may have the potential to impact nighttime views. Although the project is in an area that has a certain amount of existing nighttime lighting, the installation of new sources of nighttime lights may affect nighttime views. Pursuant to standard Napa County conditions of approval for wineries, outdoor lighting will be required to be shielded and directed downwards, with only, low level lighting allowed in parking areas. As designed, and as subject to the standard condition of approval, below, the project will not have a significant impact resulting from new sources of outside lighting.

6.3 LIGHTING – PLAN SUBMITTAL

a. Two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the CBC.

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

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

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.

Mitigation Measures: None are required.

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

Discussion:

a/b/e. The project site is designated Unique Farmland and Other Land as shown on the Napa County GIS layer FMMP Important Farmland prepared by the California Department of Conservation, Division of Land Resources Protection. There are currently approximately 25 acres of vineyard on the parcel. The proposed improvements do not propose the removal or addition of a vineyard as part of the new winery structures or conversion of the existing winery to a single-family residence. Long term, the site will continue to support approximately 25 acres of vineyard which will be used entirely by the winery to produce estate wines. Wineries and winery accessory uses are consistent with "agricultural uses" under the 2008 Napa County General Plan policy AG/LU-2 and therefore, this project would not result in the conversion of mapped Farmland to a non-agricultural use.

The zoning designation for the project site is Agricultural Watershed (AW) with a land use designation of Agriculture, Watershed and Open Space (AWOS) on the Napa County General Plan Land Use Map. Napa County Agricultural Watershed zoning allows for a winery upon grant of a use permit. The site is currently developed with approximately 25 acres of vineyard planted prior to 1980. Since there is

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

neither a conflict with existing zoning for agricultural uses, nor is there a Williamson Act contract on the parcel. A less than significant impact will result.

A minimal conversion of farmland would result from this project but would be considered less than significant. The facility proposed is an agricultural processing facility and agricultural shop, which will utilize grapes grown onsite. A winery and accessory uses are considered agricultural uses under Napa County Code section 18.08.640 and act to support and strengthen future agricultural activities. Therefore, this proposal contains no other changes in the existing environment that could result in the conversion of Farmland into non-agricultural use thus resulting in a less than significant impact.

c/d. 'Forest Land' is defined in California Public Resource Code Section 12220(g) as "land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits." The parcel contains forest land or coniferous forest, but doesn't propose the conversion of coniferous forest (Napa County GIS; Vegetation, and **Attachment F**). The project site and project area are not zoned forest land as defined in Public Resource Code Section 12220(g), timberland as defined in Public Resource Code section 4526, or a Timberland Production Zone (TPZ) as defined in Government Code Section 51104(g). Therefore, no impact would occur.

Mitigation Measures: None are required.

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

Discussion:

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

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

In view of the Supreme Court's opinion, local agencies may rely on Thresholds designed to reflect the impact of locating development near areas

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

The Air District published a new version of the Guidelines dated May 2017, which includes revisions made to address the Supreme Court's 2015 opinion in Cal. Bldg. Indus. Ass'n vs. Bay Area Air Quality Mgmt. Dist., 62 Ca 4th 369.

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

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

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

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

As mentioned above, in 2010, the Bay Area Air District adopted and later incorporated into its 2011 CEQA Guidelines project screening criteria (Table 3-1 – Operational-Related Criteria Air Pollutant and Precursors Screening Level Sizes) and thresholds of significance for air pollutants, which have now been updated by Bay Area Air District through May 2017. Given the size of the entire project, which is approximately 25,415 square feet of enclosed floor area (winery building, outdoor enclosed patio and agricultural shop building) with 3,960 square feet of space dedicated to tasting/hospitality uses compared to the Bay Area Air District's screening criterion of 47,000 square feet (high quality restaurant) and 541,000 square feet (general light industry) for NOX (oxides of nitrogen), the project would contribute an insignificant amount of air pollution and would not result in a conflict or obstruction of an air quality plan. (Please note: a high-quality restaurant is considered comparable to a winery tasting room for purposes of evaluating air pollutant emissions, but grossly overstates emissions associated with other portions of a winery, such as office, barrel storage and production, which generate fewer vehicle trips. Therefore, a general light industry comparison has also been used for other such uses.) The project falls well below the screening criteria as noted above, and consequently will not significantly affect air quality individually or contribute considerably to any cumulative air quality impacts.

c/d. In the short term, potential air quality impacts are most likely to result from construction activities related to the building construction activities. Construction emissions would have a temporary effect; consisting mainly of dust during construction activities, exhaust emissions from construction related equipment and vehicles, and relatively minor emissions from paints and other coatings. Grading will result in off-haul of soils. These potential construction impacts would be temporary in nature and subject to standard conditions of

approval from the Engineering Division as part of the grading permit and/or building permit review process.

The Air District recommends incorporating feasible control measures as a means of addressing construction impacts. If the proposed project adheres to these relevant best management practices identified by the Air District and the County's standard conditions of project approval, construction-related impacts are considered less than significant:

7.1 SITE IMPROVEMENTS

c. AIR QUALITY

During all construction activities the permittee shall comply with the most current version of Bay Area Air District *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* Bay Area Air District*'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* Bay Area Air District *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.*

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

7.1 SITE IMPROVEMENTS

b. DUST CONTROL

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

While the Air District defines public exposure to offensive odors as a potentially significant impact, the project includes a new winery grading of a driveway and parking area. The physical improvements and operational changes would not significantly increase odors. Construction-phase pollutants would be reduced to a less than significant level by the above-noted standard condition of approval. The project would not create pollutant concentrations or objectionable odors affecting a substantial number of people. Impacts would be less than significant.

Mitigation Measures: None are required.

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

Discussion:

A Biological Resource Assessment (**Attachment F**) was prepared by Zentner Planning & Ecology, dated October 2025 that includes a Study Area totaling approximately 78.12 acres which includes the entire two parcel holding. The project site is relatively flat slopes with the existing driveway access being on moderate to steep slopes. The winery will be situated in an area where slopes are 0 to 15 percent, avoiding development on steeper slopes. There is one blue lined stream, Kortum Canyon Creek, which bisects the property, flowing north of the proposed development where it crosses the neighboring parcel before eventually flowing into the Napa River. There is an ephemeral stream south of the holding that flows along Diamond Mountain Road, and crosses the shared access road where an existing historic bridge crossing is located, and provides access to multiple parcels including the project site.

The project site is currently developed with a single-family residence, winery, access driveway, vineyards, a reservoir, and two small ponds. The proposed physical improvements would take place within an area identified as mixed oak woodland by the biologist, including some conifers along the driveway. Vegetation within the mixed oak woodland consists of a mix of California black oak, coastal live oak, blue oak and Oregon white oak. A total of 120 trees are proposed to be removed or limbed to maintain adequate access for emergency vehicle access. Development of the site is discussed more below.

a/b. According to the Napa County Environmental resource maps (based on the following GIS layer – Vegetation) the development area contains Oregon White Oak, and elsewhere on the property outside of the proposed development California Bay – Madrone – Coast Live Oak – (Black Oak Big Leaf Maple), Douglas Fir, and agriculture. The project is proposed predominately within the area mapped as Oregon White Oak, considered a sensitive natural community in Napa County per the Baseline Data Report; however, the project biologist noted this area is a mix of oaks and vegetation consistent with mixed oak woodlands and is not predominantly Oregon white oak. Additionally, as noted in the Demolition Plan – Site Tree Removal and Oak Tree Removal Tables, located on page UP2.0 of Attachment O – Graphics, none of the trees slated for removal are Oregon white oak or any tree species noted as a sensitive natural community or species of limited distribution. As part of the project, approximately 120 trees will be removed, which is 12 less trees than

previously documented by the engineer as Pacific Gas and Electric (PG&E) removed these trees as part of their Vegetation Management Transmission Program. The holding contains approximately 47.6 acres of canopy cover, consisting of mixed oak woodland and Douglas fir forest, approximately 25 acres of vineyard, approximately 2.5 acres of water resources including ponds and ephemeral drainages, and approximately 2.5 acres of development and access/agricultural roads. With the removal of 120 trees (1.6 acres) the parcels will still contain 46.0 acres of oak and Douglas fir canopy cover, thereby retraining 96% of the vegetation canopy cover and ensuring the project is consistent with Napa (NCC) section 18.108.020.C whereby projects are required to preserve 70% of the existing canopy cover present in June 2016. To ensure consistency with (NCC sections 18.108.020.D and .E and General Plan Policy CON-24 which call to maintain, improve or restore oak woodlands the project will need to mitigate the loss of oakwood by preserving like habitat at 3:1 ratio onsite consistent with NCC section 18.108.020.D As such, the project shall identify 4.8 acres of comparable vegetation located on slopes less than 30% and outside of stream setbacks. Per Attachment F.1 - Available Canopy Cover Preservation Areas there is approximately 7.64 acres of land consistent with section 18.108.020.D1 available within the holding to meet this mitigation requirement. Incorporation of habitat preservation onsite through implementation of **Mitigation Measure BIO-1** would result in a less than significant impact to the oak woodlands onsite.

The results of the study also included a review of databases and site reconnaissance for flora and fauna within a 5-mile radius of the project site. The biologist noted that much of the project site contains previously developed areas that include the existing winery and driveway. Some grassland species are present in the understory of the oak woodland, predominately along the roadsides, including Mediterranean brome (*Bromus madritensis*). The record search identified the potential for 23 species to occur in the area; however, during the site reconnaissance there were no special status species identified. The project is not anticipated to result in a significant impact with incorporation of **Mitigation Measure BIO-2** requiring pre-construction florist surveys prior to ground disturbance.

As part of the fauna survey, a total of 15 special status animal species were identified during the record search. During the site visit, the biologist did not observe any special status animal species; however, the following species are likely to habitat in the area, including nesting or foraging as there are several nesting boxes within the vineyard rows. Animal species observed within the study area included: northern mocking bird (*Mimus polyglottos*), acorn woodpecker (*Melanerpes formicivorus*), western bluebird (*Sialia Mexicana*), American crow (*Corvus brachyrhynchos*), turkey vulture (*Cathartes aura*), California scrub jay (*Aphelocoma californica*), mourning dove (*Zenaida macroura*), house sparrow (*Passer domesticus*), oak titmouse (*Baeolophus inornatus*), American robin (*Turdus migratorius*), western toad (*Anaxyrus boreas*), alligator lizard (*Elgaria multicarinata*), and western fence lizard (*Sceloporus occidentalis*). Additional species were identified as likely to nest or forage within the study area or vicinity, although not observed during the site reconnaissance. These species include the Pallid bat (*Antrozous pallidus*), Townsend's big-eared bad (*Corynorhinus townsendii townsendii*), as well as nesting migratory birds, and northern spotted owl (*Strix occidentalis caurina*). The northern spotted owl was not identified as the habitat within the development area is not considered suitable habitat for owls; however, there is suitable habitat within 0.25 miles of the project site that has been mapped based on GIS Layer – CNDDB owl habitat.

Based on the likelihood of these animal species being in the area, implementation of **Mitigation Measures BIO-3 through BIO-5** during construction will reduce the potential for direct or indirect impacts to animal and bird species that may occur within the vicinity of the proposed project.

Construction and grading will be conducted upon granting a building and grading permit that will include standard erosion and other slope stabilizing measures. The project as proposed with incorporation of **Mitigation Measures BIO-1 through BIO-5** would result in a less than significant impact on biological resources within the study area, as well as those species that have the potential to occur within nearby habitat.

c. According to the Napa County Environmental resource maps (based on the following GIS layer – Wetlands and vernal pools and National Wetlands Inventory) as well as the biological report, there are no wetlands on the site. There is a reservoir located onsite, along with two ponds which are located outside of the development area. The project will not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

d. All proposed improvements would occur on previously disturbed areas of the property and within an area identified by the biologist as mixed oak woodland. There are two blue lined streams, Kortum Canyon Creek that bisects the parcel flowing west to east, north of the project site, and one unnamed blue line stream located west of the project development. Both streams flow east to the Napa River. Additionally, there is an ephemeral stream that flows along Diamond Mountain Road which passes under the shared access where there is an existing historic bridge. The project requests an exception to the RSS to avoid not only steep slopes but to avoid development within or adjacent to the streams and maintain the required setbacks pursuant to NCC section 18.108.025.. The project as proposed

with the request for exception to the RSS would result in a less than significant impact.

As noted, there is an existing crossing of the ephemeral drainage where an existing historic bridge is located within the easement of a shared access road. The shared road provides access to several properties including residences and wineries, as well as the project site. As part of the project, the applicant has provided a bridge condition report that concluded that erosion is undermining the west arch foundation of the bridge. The report recommends repair of the arch foundation to regain full soil bearing support and protect from future erosion and scour. The repairs would require consultation with the California Department of Fish and Wildlife, California Regional Water Quality Control Board, and the US Army Corp of Engineers to obtain permits, if required. The work is anticipated to occur entirely within State and Federal jurisdiction. The County may require a grading permit for areas within the roadway approach, but work is not anticipated to occur outside the bed and bank of the ephemeral drainage where Napa County oversees setbacks as defined in NCC section 18.108.025. Condition of Approval No. 6.15(a) will ensure the owner/applicant obtains obtaining any permitted necessary through the State and Federal governments. Repair of the bridge will be completed with state and/or federal oversight, and would result in a less than significant impact to the ephemeral drainage.

6.15(a) Bridge Repair

Prior to construction the owner/permittee shall obtain all required authorizations and/or permits from agencies with jurisdiction over Waters of the U.S. or the State, such as but not 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).

e/f. This project would not interfere with any ordinances protecting biological resources. The project proposes to remove 120 oak trees as part of the new winery construction and road improvements. Pursuant to General Plan policy CON-24 the project shall be required to implement **Mitigation Measure BIO-1** to preserve oak trees onsite. The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plans, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plans.

Mitigation Measures:

BIO-1: Vegetation Canopy Cover and Deed Restriction: The owner/permittee, prior to approval, shall implement the following measure to minimize canopy impacts:

A. A Preservation Area Exhibit shall be prepared, identifying a minimum of 4.8 acres of comparable vegetation canopy cover for permanent preservation, and a copy provided to the County.

B. The 4.8 acre Preservation Area shall be designated in a deed restriction, mitigation easement or other means of permanent protection. Land placed in protection shall be restricted from development and other uses that would degrade the quality of the habitat (including but not limited to conversion to other land uses such as agriculture or urban development and excessive off-road vehicle use that increases erosion) and should be otherwise restricted by the existing goals and policies of Napa County. The owner/permittee shall record the deed restriction or mitigation easement prior to construction or within 90 days of project approval, whichever comes first. The area to be preserved shall be of like kind and quality to the woodland being impacted as a result of the proposed project, as follows: areas to be preserved shall take into account the type of vegetation being removed, and species diversity and species that are limited within the project property and Napa County; the acreage included in the preservation area should be selected in a manner that minimizes fragmentation of oak woodland within the project property. The area to be preserved shall be determined by a qualified biologist with knowledge of the habitat and species and shall obtain final approval from Napa County.

The land placed in protection shall be restricted from development and other uses that would potentially degrade the quality of the habitat (including but not limited to conversion to other land uses such as agriculture or urban development, and excessive off-road vehicle use that increases erosion), and should be otherwise restricted by the existing goals and policies of Napa County.

The owner/permittee shall provide an endowment to the accredited land trust that is sufficient to ensure that the mitigation easement is monitored, enforced, and defended in perpetuity. The amount of the endowment shall be calculated using the Center for Natural Land Management's Property Analysis Record software, or an equivalent methodology if preferred by the land trust and accepted by the Land Trust Alliance, which provides the systematic and objective determination of the amount of the endowment in light of the conservation values to be protected by the easement. The record showing how the amount of the endowment was calculated shall be provided to

County Counsel as part of its review of the mitigation easement. Any county staff time spent assessing and monitoring said provision shall be charged to the permittee, at the rate in effect at the time assessment and monitoring occurs, pursuant to County Fee Policy Part 80.

C. Prior to any earthmoving activities temporary fencing shall be placed at the edge of the dripline of trees to be retained that are located adjacent to the development area (typically within approximately 50-feet of the proposed development area). The precise locations of said fences shall be inspected and approved by the Planning Division prior to the commencement of any earthmoving activities. No disturbance, including grading, placement of fill material, storage of equipment, etc. shall occur within the designated protection areas for the duration of the winery development.

D. Owner/permittee may manage vegetation within the Protected Area under the direction of the California Department of Forestry and Fire Protection ("CalFire") for fuel reduction purposes.

E. Owner/permittee may manage oak woodland portions of the Protected Area consistent with the Voluntary Oak Woodlands Management Plan (October 26, 2010) (the "Plan"), including without limitation implementing sustainable best management practices for oak woodlands set forth in Appendix D of the Plan. Such activities may include fuel management and the cultivation of native vegetation and maintenance of native vegetation compatible with the Protected Area's use as vegetation canopy cover and oak woodland habitat.

F. The owner/permittee shall refrain from severely trimming the trees (typically no more than 1/3 of the canopy) and vegetation to be retained adjacent to the proposed development area.

G. In accordance with County Code Section 18.108.100 (Erosion hazard areas – Vegetation preservation and replacement) trees that are inadvertently removed that are not within the boundary of the project and/or not identified for removal as part of#P19-00177-MOD shall be replaced on-site with fifteen-gallon trees at a ratio of 2:1 at locations approved by the planning director. A replacement plan shall be prepared for county review and approval that includes, at a minimum, the locations where replacement trees would be planted, success criteria of at least 80%, and monitoring activities for the replacement trees. The replacement plan shall be implemented before final occupancy. Any replaced trees shall be monitored for at least three years to ensure an 80% survival rate.

BIO-2: Pre Construction Plant Survey

A. A qualified biologist (defined as having demonstrable qualifications and experience with the particular species for which they are surveying) shall complete a spring survey for special-status plant species prior to initiation of project activities. The survey shall be completed during the appropriate blooming period for the species likely to occur on site. These surveys shall be in compliance with CDFW's Protocol's for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (2018). If the survey finds that there are no special-status plants within the proposed project site that would be impacted by the project, then there would be no further mitigation necessary and the project may proceed, provided all other applicable permits and authorizations are obtained for the project.

B. If special-status plant species are found, populations will be mapped and enumerated. If any populations are found within the proposed work area, they shall be flagged, and project development plans shall consider avoidance to the extent practicable. If avoidance is not practicable while otherwise obtaining the project's objectives, then other suitable measures shall be implemented as detailed below.

C. A qualified biologist shall complete an inventory and analysis of the on-site population(s) of the species within and outside of the work area to determine the extent and significance of the potential impacts that will occur as a result of the project. This analysis shall be presented to the County as part of their review of the project. If a significant impact will occur as a result of the project work, then a mitigation plan shall be developed and approved by the County for implementation of the following measures prior to site disturbance. The mitigation plan shall include the following elements:

1. Prior to construction within the project area, a qualified botanist shall collect the seeds, propagules, and topsoil, or other part of the plant that would ensure successful replanting of the population elsewhere. The seeds, propagules, or other plant-able portions of all plants shall be collected at the appropriate time of the year.
2. At least 2/3 of the seeds, propagules, or other plant-able portion of all plants shall be planted at the appropriate time of year (late-fall months). Half of the seeds and topsoil collected shall be appropriately stored and propagated at a native plant nursery to

ensure germination. This material will be planted in an approved and protected area during the appropriate season. Planting location, timing, collection methods etc. will be detailed in a mitigation plan.

3. The applicant shall hire a qualified biologist to conduct annual monitoring surveys of the transplanted plant population for a three-year period and shall prepare annual monitoring reports reporting the success or failure of the transplanting efforts. These reports shall be submitted to the County no later than December 31st each monitoring year.
4. A CNDDB form shall be filled out and submitted to CDFW for any special-status plant species identified within the Property.

BIO-3: Nesting Migratory Bird Avoidance

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

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

BIO-4 Northern Spotted Owl Avoidance

A qualified biologist (defined as having demonstrable qualifications and experience with the particular species for which they are surveying) shall provide an assessment of potential NSO nesting habitat within the Project area and a 0.25 mile radius and obtain CDFW's written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between March 15 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the U.S. Fish and Wildlife Service (USFWS) *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls*, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, *Surveys for Disturbance-Only Projects*. If breeding NSO are detected during surveys, a 0.25 mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 15 and July 31 each year.

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

If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal Endangered Species Act.

BIO-5- Bat Habitat

A Qualified Biologist (defined as having demonstrable qualifications and experience with the particular species for which they are surveying) shall conduct a habitat assessment in order to identify suitable bat habitat trees within the project area(s), no more than six (6) months and no less than 14 days in advance of the planned tree removal. If the habitat assessment determines that trees proposed for removal contain suitable bat habitat, the following shall apply to potential bat habitat trees:

a. Tree trimming and/or tree removal shall only be conducted during seasonal periods of bat activity (August 31 through October 15, when young would be self-sufficiently volant and prior to hibernation, and March 1 to April 15 to avoid hibernating bats and prior to formation of maternity colonies), under supervision of a qualified biologist, unless the Measure b., below, is implemented. Note that these windows may shift with atypical temperatures or rainfall if a qualified biologist determines that bats are likely to still be active based on seasonal conditions. Trees shall be trimmed and/or removed in a two-phased removal system conducted over two consecutive days. The first day (in the afternoon), limbs and branches shall be removed by a tree cutter using chainsaws only, under the supervision of a qualified biologist who has demonstrable experience with supervising tree removal for bats using this technique. Limbs with cavities, crevices and deep bark fissures shall be avoided, and only branches or limbs without those features shall be removed. On the second day, the entire tree shall be removed.

b. If removal of bat habitat trees must occur outside the seasonal activities identified above (between October 16 and February 28/29 of the following year or between April 16 and August 30), a qualified biologist shall conduct pre-construction survey of all potential bat habitat trees within 14 days of project initiation and/or removal to determine absence/presence of bat species. Survey methods, timing, duration, and species shall be provided for review and approval by Napa County prior to conducting pre-construction surveys. A copy of the survey shall be provided to the County Conservation Division and CDFW for review and acceptance prior to commencement of work. If bats are not present, removal can proceed without using the two-phased removal method. If bats are found to be present, the qualified biologist shall determine if a maternity colony of winter torpor bats are present. If roosting bats are present but there are no maternity colonies or winter torpor bats, the tree shall be removed using the two-phased removal method outlined in Measure BR-2a, above. If the qualified biologist determines that maternity colonies or winter torpor bats are present, or they cannot confidently determine absence of maternity colonies or winter torpor bats, then tree removal shall be delayed until during the seasonal periods of bat activity outlined in Measure BR-2a.

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

Discussion:

a/b. A cultural resource evaluation (County GIS layer – historic sites, Archeology surveys) did not identify historic or archaeological resources onsite; therefore, the proposed project would not result in any impacts to historical or archaeological resources. No significant or potentially significant prehistoric artifacts, archaeological deposits, or features have been identified within the project area. The soil observed did not indicate any subsurface deposits or evidence of prehistoric human occupation. Since no significant cultural resources were identified on the property, no further recommendations are warranted for cultural materials at this time. Further, ARS does not recommend any archaeological subsurface testing or monitoring during the proposed development.

The project access includes a shared easement that lies outside the parcel boundaries. The access includes a historic masonry bridge crossing. The bridge structure is comprised of a stone masonry barrel arch and spandrel walls with an engraving indicating the structure was constructed in 1885. The barrel arch spans approximately nine feet two inches, with a rise at the crown of the barrel arch of four feet. The masonry arch soffit has what appears to be the original lime based mortar, but portions of the spandrel walls appear to have been repointed with cement based mortar. The bed of the stream has eroded resulting in undermining the bridge foundation (**Attachment G**). As part of the project, the project proponent has included repairs to regain the full soil bearing support and protect against future erosion/scour. The applicant does not propose modifications to the bridge that would require additional permitting from the County; however, as the work would occur within an ephemeral stream, oversight would fall to responsible state agencies, including CDFW, California Regional Water Quality Control Board, and/or US Army Corp of Engineers. As part of state permitting requirements, additional

documentation regarding the history of the bridge may be required. The project includes a Condition of Approval No. 6.15(a) detailed in Section IV Biological Resources above, which shall require the project proponent to obtain all necessary state and federal permitting prior to commencing repairs on the historic bridge crossing.

However, as discussed in Section XVIII, Tribal Cultural Resources, the Mishewal Wappo Tribe of Alexander Valley determined that the site is located within their aboriginal territories and requested onsite monitoring during construction, therefore, the incorporation of the following Cultural Resources Conditions of Approval would provide adequate protection for and avoidance of potential impacts on Tribal Cultural Resources. Therefore, with incorporation of the condition of approval, below the proposed project would result in less than significant impacts to historic or archaeological resources.

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.

7.5 (a) Tribal Monitoring – Condition of Approval: Compliance with Tribal Monitoring Agreement.

Project shall enter into and comply with the Tribal Monitoring Agreement which requires tribal monitors on site during project development ground disturbance activities and additionally requires cultural sensitivity training for all project personnel.

c. No human remains have been previously encountered on the property; no information has been encountered that would indicate that this project would encounter human remains. If human remains are encountered during project development, construction of the project is required to cease, and the requirements of Condition of Approval No.7.2, listed above, would apply. No impacts would occur.

Mitigation Measures: None are required.

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

Discussion:

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

a. During construction of the proposed project, the use of construction equipment, truck trips for hauling materials, and construction

workers; commutes to and from the proposed site would consume fuel. Project construction is anticipated to occur over twelve (12) to 24 months. Construction activities and corresponding fuel energy consumption would be temporary and localized. In addition, there are no unusual project characteristics that would cause the use of construction equipment or haul vehicles that would be less energy efficient compared with other similar construction sites within Napa County.

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

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

With respect to transportation energy, existing energy standards are promulgated through the regulation of fuel refineries and products such as the Low Carbon Fuel Standard (LCFS), which mandates a 10% reduction in the non-biogenic carbon content of vehicle fuels by 2020. Additionally, there are other regulatory programs with emissions and fuel efficiency standards established by USEPA and the California ARB such as Pavley II/LEV III from California's Advanced Clean Cars Program and the Heavy-Duty (Tractor-Trailer) GHG Regulation. Further, construction sites will need to comply with State requirements designed to minimize idling and associated emissions, which also minimizes use of fuel. Specifically, idling of commercial vehicles and off-road equipment would be limited to five (5) minutes in accordance with the Commercial Motor Vehicle Idling Regulation and the Off-Road Regulation13. The proposed project would comply with these State requirements; see the Air Quality conditions of approval. Napa County has not implemented an energy action plan. Therefore, the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency or impede progress towards achieving goals and targets, and impacts would be less than significant.

Mitigation Measures: None are required.

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

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

Discussion:

a.

i.) There are no known faults that run beneath the project site on the most recent Alquist-Priolo Earthquake Fault Zoning Map. The site is approximately 1.5 miles northwest and 2.7 miles west of the boundary of the property. As such, the proposed project would result in a less than significant impact with regards to rupturing of a known fault. Impacts would be less than significant.

ii.) All areas of the Bay Area are subject to strong seismic ground shaking. Code and standards related to the construction of the new building would reduce the potential impacts to a less than significant level in relation to seismic ground shaking.

iii.) According to Napa County Environmental Resource maps (based on the following GIS layer – Liquefaction) the parcel is designated in an area with a very low susceptibility for liquefaction. No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or liquefaction. Impacts would be less than significant.

iv.) According to the Napa County Environmental Resource Maps (Landslides line, polygon, and geology layers) the is no evidence of landslides on the property. Construction is primarily in already developed areas. No impacts are expected.

b. The proposed improvements would occur on slopes of 15% or less. The spoils resulting from grading activities will be retained on-site. The project would require a grading permit, incorporating best management practices and would be subject to the Napa County Stormwater Ordinance, which addresses sediment and erosion control measures and dust control, as applicable. Impacts would be less than significant.

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

c/d. Based upon the Soil Survey of Napa County, prepared by the United States Department of Agriculture (USDA), the site is composed of Boomer-Forward-Felta complex 5 to 30% and Forward-Kidd complex 11 to 60% MLRA15. The area consists of the early and late tertiary assemblages. Based on the Napa County GIS Sensitivity Maps (liquefaction layer) the property includes areas generally subject to very low tendencies to liquefy within the holding. All proposed construction will be required to comply with all the latest building standards and codes at the time of construction. Compliance with the latest editions of the California Building Code for seismic stability would reduce any potential impacts to the maximum extent possible, resulting in less than significant impacts.

e. A Preliminary Winery Wastewater Feasibility Report was prepared by RSA+ Civil, dated May 27, 2025 (**Attachment D**) to evaluate the feasibility of disposal of the winery process wastewater and domestic sanitary wastewater. Due to the proposed conversion of the existing winery to a single-family residence, revisions to the waste stream need to be included as part of the part of the waste system upgrades. An engineering septic system and sub-surface drip dispersal field will be designed for the proposed winery domestic flows, the proposed residence and the existing residence.

Based on the number of employees, daily tours and tastings, it is estimated to have a total peak winery sanitary wastewater flow of 180

gallons per day (gpd). The combined peak wastewater flow that includes winery process wastewater during the largest events is estimated to be 1,650 gpd. The combined domestic waste flow for the residences is estimated to be 1,020 gpd. The winery process waste will include a treatment train that will include a primary pump tank, Biofiltro Control Module, and Biofiltro wiggle room. Treated process waste will be stored in a new 40,000 gallon tank before being used to irrigate up to 3.36 acres of vineyard that is currently irrigated using the winery well. The proposed system was designed in accordance with Table 4 of the Napa County "Regulations for Design, Construction, and Installation of Sewage Treatment Systems", designed for a flow rate of 15 gallons per day per employee and marketing guests, and three (3) gallons per day per visitor tours and tastings.

In addition, the residential upgrades of the project proposes will include either (a) drain and back-fill the pond in which the domestic tank is located or (b) abandon the existing domestic tank and install a new one; and (c) use the existing winery leach lines to serve the proposed residence on the winery parcel and the existing residence on the adjusted residential parcel.

Under the proposed system upgrades, the required disposal area would be 1,700 sf with a 3,400-sf reserve as winery process wastewater would be collected separately from the domestic wastewater, pretreated, stored, and used to irrigate approximately 3.36 acres of land. The area of dispersal has the potential to be expanded, if desired, as long as the dispersal area is outside of all well, stream and other required setbacks. The engineer has taken into consideration application rates, timing and rainy season prohibition in determining the minimum storage capacity necessary to store pretreated winery wastewater. If the second option is preferred, the addition of a storage tank with a minimum capacity of 40,000 gallon is recommended to provide operational flexibility in timing of land application.

The study concludes that the proposed winery wastewater disposal needs can be accommodated onsite. The Division of Environmental Health has reviewed the application materials and determined that either of the proposed systems would be adequate to serve the winery. Full design calculations and construction plans will be prepared in accordance with Napa County standards at the time of building permit application submittal. Potential impacts would be less than significant.

f. No paleontological resources or unique geological features have been identified on the property or were encountered on the property when the vines were planted. However, if resources are found during any earth disturbing activities associated with the project, the project shall comply with Condition of Approval No. 7.5.b during construction of the project, requiring work to cease within 100 feet of the find, and a qualified paleontologist shall be retained to investigate the site, resulting in less than significant impacts.

7.5.b – Paleontological Resources

Discovery of paleontological resources during construction, grading, or other earth moving activities:

- In the event that a discovery of a breas, true, and/or trace fossils are discovered during ground disturbing activities, all work within 100 feet of the find shall be temporarily halted of diverted until the discovery is examined by a qualified paleontologist.
- The paleontologist shall notify the appropriate agencies to determine procedures that should be followed before ground disturbing activities are allowed to resume at the location of the find.
- All persons working onsite shall be bound by contract and instructed in the field to adhere to these provisions and restrictions.

Mitigation Measures: None are required.

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

Discussion:

On April 20, 2022, the BAAQMD adopted updated thresholds of significance for climate impacts (CEQA Thresholds for Evaluating the Significance of Climate Impacts, BAAQMD April 2022).[2] The updated thresholds to evaluate GHG and climate impacts from land use projects are qualitative and geared toward building and transportation projects. Per the BAAQMD, all other projects should be analyzed against either an adopted local Greenhouse Gas Reduction Strategy (i.e., Climate Action Plan (CAP)) or other threshold determined on a case-by-case basis by the Lead Agency. If a project is consistent with the State's long-term climate goals of being carbon neutral by 2045, then a project would have a less-than-significant impact as endorsed by the California Supreme Court in Center for Biological Diversity v. Department of Fish & Wildlife (2015) 62 Cal. 4th 204). There is no proposed construction-related climate impact threshold at this time. Greenhouse gas (GHG) emissions from construction represent a very small portion of a project's lifetime GHG emissions. The proposed thresholds for land use projects are designed to address operational GHG emissions which represent the vast majority of project GHG emissions.

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

In July 2015, the County re-commenced preparation of the CAP to: i) account for present day conditions and modeling assumptions (such as but not limited to methods, emission factors, and data sources), ii) address the concerns with the previous CAP effort as outlined above, iii) meet applicable State requirements, and iv) result in a functional and legally defensible CAP. On April 13, 2016, the County, as the part of the first phase of development and preparation of the CAP, released Final Technical Memorandum #1: 2014 Greenhouse Gas Emissions Inventory and Forecast, April 13, 2016. This initial phase included: i) updating the unincorporated County's community-wide GHG emissions inventory to 2014, and ii) preparing new GHG emissions forecasts for the 2020, 2030, and 2050 horizons. On July 24, 2018, the County prepared a Notice of Preparation of a Draft Focused EIR for the Climate Action Plan. The review period was from July 24, 2018, through August 22, 2018. The Draft Focused EIR for the CAP was published May 9, 2019. Additional information on the County CAP can be obtained at the Napa County Department of Planning, Building and Environmental Services or online at https://www.countyofnapa.org/589/Planning-Building-Environmental-Services. The County's draft CAP was placed on hold, when the Climate Action Committee (CAC) began meeting on regional GHG reduction strategies in 2019. The County is currently preparing an updated CAP to provide a clear framework to determine what land use actions will be necessary to meet the State's adopted GHG reduction goals, including a quantitative and measurable strategy for achieving net zero emissions by 2045.

For the purposes of this assessment the carbon stock and sequestration factors identified within the 2012 Draft CAP are utilized to calculate and disclose potential GHG emissions associated with agricultural "construction" and development and with "ongoing" agricultural maintenance and operation, as further described below. The 2012 Draft CAP carbon stock and sequestration factors are utilized in this assessment because they provide the most generous estimate of potential emissions. As such, the County considers that the anticipated potential emissions resulting from the proposed project that are disclosed in this Initial Study reasonably reflect proposed conditions and therefore are considered appropriate and adequate for project impact assessment.

Regarding operational emissions, as part of the statewide implementation of Senate Bill (SB) 743, the Governor's Office of Planning and Research (OPR) settled upon automobile vehicle miles of travel (VMT) as the preferred metric for assessing passenger vehicle-related impacts under CEQA and issued revised CEQA Guidelines in December 2018, along with a Technical Advisory on Evaluating Transportation Impacts in CEQA to assist practitioners in implementing the CEQA Guidelines revisions. The CEQA Guidelines and the OPR Technical Advisory concluded that, absent substantial evidence otherwise, the addition of 110 or fewer daily trips could be presumed to have a less than significant VMT impact.

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

[2] https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines, April 2022

a TIS if it generates 110 or more net new daily vehicle trips.

The TIS Guidelines also include VMT analysis requirements for projects based on trip generation, which includes a screening approach that provides a structure to determine what level of VMT analysis may be required for a given project. For a new project that would generate less than 110 net new daily vehicle and truck trips, not only is the project not required to prepare a TIS, it is also presumed to have a less-than-significant impact for VMT. However, applicants are encouraged to describe the measures they are taking and/or plan to take that would reduce the project's trip generation and/or VMT. Projects that generate more than 110 net new passenger vehicle trips must conduct a VMT analysis and identify feasible strategies to reduce the project's vehicular travel; if the feasible strategies would not reduce the project's VMT by at least 15%, the conclusion would be that the project would cause a significant environmental impact.

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

In 2011, the Bay Area Air Quality Management District (BAAQMD) released California Environmental Quality Act (CEQA) Project Screening Criteria and Significance of Thresholds [1,100 metric tons per year (MT) of carbon dioxide and carbon dioxide equivalents (CO2e)]. This threshold of significance is appropriate for evaluating projects in Napa County. During our ongoing planning effort, the County requires project applicants to consider methods to reduce GHG emissions consistent with Napa County General Plan Policy CON-65(e). (Note: Pursuant to State CEQA Guidelines Section 15183, because this initial study assesses a project that is consistent with an adopted General Plan for which an environmental impact report (EIR) was prepared, it appropriately focuses on impacts which are "peculiar to the project," rather than the cumulative impacts previously assessed.) For the purposes of this analysis potential GHG emissions associated with winery 'construction' and 'development' and with 'ongoing' winery operations have been discussed.

GHGs are the atmospheric gases whose absorption of solar radiation is responsible for the greenhouse effect, including carbon dioxide, methane, ozone, and the fluorocarbons, that contribute to climate change (a widely accepted theory/science explain human effects on the atmosphere). Carbon Dioxide (CO2) gas, the principal greenhouse gas (GHG) being emitted by human activities, and whose concentration in the atmosphere is most affected by human activity, also serves as the reference gas to compare other greenhouse gases. Agricultural sources of carbon emissions include forest clearing, land-use changes, biomass burning, and farm equipment and management activity emissions (http://www.climatechange.ca.gov/glossary/letter_c.html). Equivalent Carbon Dioxide (CO2e) is the most commonly reported type of GHG emission and a way to get one number that approximates total emissions from all the different gasses that contribute to GHG (BAAMD CEQA Air Quality Guidelines, May 2017). In this case, carbon dioxide (CO2) is used as the reference atom/compound to obtain atmospheric carbon CO2 effects of GHG. Carbon stocks are converted to carbon dioxide equivalents (CO2e) by multiplying the carbon total by 44/12 (or 3.67), which is the ratio of the atomic mass of a carbon dioxide molecule to the atomic mass of a carbon atom (http://www.nciasi2.org/COLE/index.html)

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

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

As discussed in the Air Quality section of this Initial Study, in 2010, the BAAQMD adopted and later incorporated into its 2011 CEQA Guidelines project screening criteria (Table 3-1 – Criteria Air Pollutants and Precursors & GHG Screening Level Sizes) and thresholds of significance for air pollutants, including GHG emissions, which have now been updated by BAAQMD through May 2017. With the proposed winery, including 23,245 sf winery with 3,960 sf of hospitality, 2,170 sf agricultural shop totaling approximately 25,415 square feet of floor area, compared to the BAAQMD's GHG screening criteria of 121,000 square feet for general industrial, and compared to the BAAQMD's screening criterion of 9,000 square feet for high quality restaurant, the project was determined not to exceed the 1,100

MT of CO2e/yr GHG threshold of significance.

The proposed project has been evaluated against the BAAQMD thresholds and determined that the project would not exceed the 1,100 MT/yr of CO2e. GHG Emission reductions from local programs and project level actions, such as application of the Cal Green Building Code, tightened vehicle fuel efficiency standards, and more project-specific on-site programs including those winery features noted above would combine to further reduce emissions below BAAQMD thresholds. As indicated above, the County is currently preparing a CAP and as the part of the first phase of development and preparation of the CAP has released Final Technical Memorandum #1 (2014 Greenhouse Gas Emissions Inventory and Forecast, April 13, 2016). Table 1 of the Technical Memorandum indicates that 2% of the County's GHG emissions in 2014 were a result of land use change. The increase in emissions expected as a result of the project would be relatively modest and the project is in compliance with the County's efforts to reduce emissions as described above.

Further, as stated above, per the OPR Technical Advisory, the addition of 110 or fewer daily trips could be presumed to have a less than significant VMT impact. As detailed in Section XVII (Transportation), the proposed project would be expected to generate 38 daily trips on a weekday and 20 daily trips on a Saturday during prior to increasing the number of employees and production levels, and 45 daily trips on a weekday and 20 trips on a Saturday following implementation of the proposed project with increased number of employees . Therefore, daily trips (including passenger vehicle trips and truck trips) generated by the proposed project would be well below the Governor's Office of Planning and Research's recommended screening criterion threshold for small projects generating fewer than 110 trips per day; therefore, less-than-significant impacts related to operational GHG emissions are anticipated.

The proposed project would result in negligible change to carbon storage through operational vehicle miles traveled which fall well below the established threshold of 110 daily trips. The project is considered to be consistent with the State's long-term climate goals of being carbon neutral by 2045; therefore, a less than significant impact is anticipated.

GHG emissions from construction represent a very small portion of a project's lifetime GHG emissions. The BAAQMD recommended thresholds do not include a construction-related climate impact threshold at this time. One time "Construction Emissions" associated with the project include: emissions associated with the energy used to develop and prepare the project area, construction, and construction equipment, and worker vehicle trips (hereinafter referred to as Equipment Emissions). The physical improvements associated with this project includes improvements to the driveway, consistent with Napa County Road and Street Standards, and wastewater treatment system. As discussed in Section III. Air Quality, construction emissions would have a temporary effect and BAAQMD recommends incorporating feasible control measures as a means of addressing construction impacts. If the proposed project adheres to the relevant best management practices identified by the BAAQMD and the County's standard conditions of project approval, construction-related impacts are considered less than significant. See Section III. Air Quality for additional information.

The BAAQMD proposed thresholds for land use projects are designed to address "Operational" GHG emissions which represent the vast majority of project GHG emissions. Operational emissions associated with a winery generally include: i) any reduction in the amount of carbon sequestered by existing vegetation that is removed as part of the project compared to a "no project" scenario (hereinafter referred to as Operational Sequestration Emissions); and ii) ongoing emissions from the energy used to maintain and operate the winery, including vehicle trips associated with employee and visitor trips (hereinafter referred to as Operational Emissions).

As noted above, Napa County has not adopted a qualified GHG reduction strategy or an air quality plan, therefore projects will be evaluated per the BAAQMD recommended minimum design elements.

Specifically for buildings, the project must not:

- Include natural gas appliances or natural gas plumbing (in both residential and nonresidential development); and
- Result in any wasteful, inefficient, or unnecessary electrical usage as determined by the analysis required under CEQA section 21100(b)(3) and CEQA Guidelines section 15126.2(b).

The project does propose improvements that would install natural gas appliances or water fixtures will be WaterSense wherever possible. Additionally, at the time of any construction the project will be required to comply with the California Building Code, which is currently being updated to include regulations to assist in the reduction of air quality impacts associated with construction, such as prohibiting natural gas appliance and plumbing. Any new construction will be required to install energy efficient fixtures complying with CA Building Code Title 24 standards. See section VI. Energy for additional information on energy usage.

Specifically for transportation, the project must:

- Achieve compliance with electric vehicle requirements in the most recently adopted version of CALGreen Tier 2, and

- Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target reflecting the following recommendations:
  - o Residential projects: 15 percent below the existing VMT per capita;
  - o Office projects: 15 percent below the existing VMT per employee; or
  - o Retail projects: no net increase in existing VMT.

As discussed above and in section XVII. Transportation, the County maintains TIS Guidelines that include VMT analysis requirements for projects based on trip generation. Based on the total VMT that is expected to generate 45 daily trips once the winery is fully built out, a full operational study was not prepared; however, a Traffic Impact Study was prepared that included site access and safety. The VMT and findings of the TIS is presumed to have a less-than-significant impact for VMT. See Section XVII. Transportation for additional detail. On the GHG Voluntary Best Management Practices (BMP) Checklist submitted with the use permit application, dated August 25, 2024, the applicant identified seven GHG reduction BMPs that the operators are currently implementing at the winery. These include VMT reduction plan to prioritize hybrid and electric vehicles, carpooling and shuttle services for marketing events, energy conserving lighting, bicycle incentives, install water efficient fixtures, recycle a minimum 75% of all waste generated, compost a minimum of 75% of food waste and garden materials, implement a sustainable purchasing and shipping program, planting shade trees within 40 feet of the south side of the building elevation, use recycled materials, locally sourced food production, education of staff and visitors on sustainable practices, use a minimum 70 to 80% cover crop in the existing vineyards. A condition of approval will be included to require these items to be implemented.

The project will be required, through conditions of project approval, to prohibit the use of natural gas appliances or plumbing. Additionally, at the time of construction the project will be required to comply with the California Building Code, which is currently being updated to include regulations to assist in the reduction of air quality impacts associated with construction, such as prohibiting natural gas appliance and plumbing. The new construction will be required to install energy efficient fixtures complying with CA building code Title 24 standards. See section VI. Energy for additional information on energy usage. If the proposed project adheres to these relevant design standards identified by BAAQMD, the requirements of the California Building Code, and the County's conditions of project approval, impacts are considered less than significant.

Mitigation Measures: None are required.

IX.	**HAZARDS AND HAZARDOUS MATERIALS.** Would the project	**Potentially Significant Impact**	**Less Than Significant With Mitigation Incorporation**	**Less Than Significant Impact**	**No Impact**
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b)	Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or	☐	☐	☐	☒

excessive noise for people residing or working in the project area?

f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wild-land fires?	☐	☐	☒	☐

Discussion:

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

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

c. There are no schools located within one-quarter mile from the proposed project. The nearest school is within the City of Calistoga, approximately one mile north of the proposed winery. No impacts would occur.

d. Based on a search of the California Department of Toxic Substances Control database, the project site does not contain any known EPA National Priority List sites, State response sites, voluntary cleanup sites, or any school cleanup sites. No impact would occur as the project site is not on any known list of hazardous materials sites.

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

f. The Napa County Emergency Operations Plan (EOP) outlines procedures, including establishing leadership roles and responsibilities of various agency staff, that guide local preparedness, response, recovery and resource management efforts associated with occurrence of a natural disaster, significant emergency, or other threat to public safety. The project would not result in closure or permanent obstruction of adjacent public rights-of-way. No component of the implementation of the EOP would otherwise be impaired by the proposed modifications to the use permit. The project includes a new driveway which will meet the County standards. The planned improvements have been reviewed by the County Fire Department and Engineering Services Division and found acceptable, as conditioned. The proposed winery would not obstruct an emergency response or evacuation plan. Impacts would be less than significant.

g. According to the Napa County Environmental resource maps (based on the following GIS layer – Fire Hazard Severity Zones) the winery is located within the State Response Area, within a high fire risk area. The parcel is located in the southwest of the City of Calistoga and is developed with vineyard, winery, and residence. The existing and proposed project includes visitation for by appointment tours and tastings, marketing events, and employees. The proposed physical improvements would result in the removal of some trees and vegetation, with driveway improvement occurring within the existing alignment or within previously developed areas. The improvements would not result in a physical modification to the site that would alter factors that would likely exacerbate wildfire risks. The proposed physical improvements and operational changes do not increase the potential for significant loss, injury or death due to wild-land fires. See section XX, Wildfire for additional detail. Impacts of the project would be less than significant.

Mitigation Measures: None are required.

X.	HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces which would:				
	i) result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
	ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
	iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
	iv) impede or redirect flood flows?	☐	☐	☒	☐
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

Discussion

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

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

To assess potential impacts resulting from project well(s) interference with neighboring wells within 500 feet and/or springs within 1,500 feet, the County's WAA guidance[3] requires applicants to perform a Tier 2 analysis where the proposed project would result in an increase in groundwater extraction from project well(s) compared to existing levels.

To assess the potential impacts of groundwater pumping on hydrologically connected navigable waterways and those non-navigable tributaries

[3] The County's Water Availability Guidelines (adopted May 2015)

connected to navigable waters, the County's WAA guidance requires applicants to perform a Tier 3 or equivalent analysis for new or replacement wells, or discretionary projects that would rely on groundwater from existing or proposed wells that are located within 1,500 feet of designated "Significant Streams."[4]

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

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

a/b. Tier 1: A Tier 1 Water Availability Analysis (WAA) **(Attachment C**), Dated May 23, 2025, was prepared by RSA+ Civil, to determine the estimated groundwater use of the existing development, the proposed project demand and groundwater availability.

Because the project well is located outside of the GSA Subbasin, it is subject to a Tier 1 parcel specific recharge based on an area of 73.26 acres where slopes range from 5 to 30%, with the remaining 4.86 acres of the holding are on slopes in excess of 30%. The groundwater recharge rate has been determined by examining the annual rainfall, runoff and species-specific evapotranspiration during winter months. Napa County's new 10-year PRISM data was used to determine the annual rainfall amount and site runoff volumes. It was determined that the average annual rainfall amounts to 32.52 inches per year. The Diamond Creek Vineyards property has an annual rainfall of 32.52 inches per year, equating to 198.54 acre-feet per year (af/yr) for the parcels. Total evapotranspiration volume that occurs through the vineyard, grassland, and oak tree areas is 21.85 af/yr. The stormwater runoff from the parcels totals 130.60 af/yr. The total average evapotranspiration and runoff is 152.45 af/yr. This equates to a groundwater recharge rate of 46.15 af/yr, for the 73.26 acre parcel (or 0.63 acre feet per acre per year).

There are two existing wells on the project site, including the winery well which also serves domestic uses and vineyard irrigation for 8.2 acres of existing vineyard, and a second well (Well #2) which is used to irrigate approximately 13.3 acres of existing vineyard. Well #2 was recently replaced with a new well (Well #3) under a separate permit is discussed below under Tier 3 analysis. Due to concerns about the integrity of the casing within Well #2, an application was approved to abandon and replace in a location approximately 193 feet from Kortum Canyon Creek, which is 172 feet further from the creek than Well #2. There are several sources identifying the creek as Diamond Creek; however, County GIS – Layer Blue Line Stream identifies the creek as Kortum Canyon Creek. Kortum Canyon Creek is a designated significant stream tributary to Cyrus Creek with both flowing east to the Napa River.

The holding currently has an existing 10,000-gallon winery, a single-family residence, and 25 acres of vineyard. The total entitled water demand is conservatively estimated at 11.92-acre feet of water per year, including 0.75 af/yr for the residence, and 10.75 af/yr for the vineyard development and 0.05 af/yr for landscaping, while the winery process and domestic water uses are 0.22 af/yr and 0.15 af/yr, respectively. Initially, the proposed water demand would include the winery, domestic uses for the single-family residence, and the reduction in irrigation of vineyard by 1.09 af/yr resulting in a reduction in groundwater demand from current conditions to 10.82 af/yr. At full build-out the groundwater demand will include the increased winery production and a second single-family residence, and additional reductions to vineyard irrigation. As part of the proposed wastewater treatment system, approximately 0.46 af/yr will treated and used to irrigation approximately 1.36 acres of existing vineyard.

In addition to using treated process wastewater to irrigate vineyard, the project has identified four vineyard blocks totaling 3.1 acres which are suitable for dry farming. There are three additional blocks that have been identified as suitable to reduce irrigation demand by 1.10 af/yr immediately from both Well #1 and Well #3, Well #1 would see a reduction of 0.14 af/yr initially and additional reduction through dry farming of 0.43 af/yr by the year 2029.

Furthermore, Diamond Creek is proposing winery operations that will ensure groundwater usage is consistent with or better than the

[4] Refer to Figure 1: Significant Streams for Tier 3, located at www.countyofnapa.org/3074/Groundwater-Sustainability. The "Significant_Streams" and "Significant_Streams_1500ft_buffer" GIS layers are published as publicly-available open data through the County's ArcGIS Online Account.

industry standard for process water. The process water demand per the Napa County WAA guidance document assigns a standard usage total of 2.15 acre-feet per 100,000 gallons of wine, which equates to seven (7) gallons of process wastewater per gallon of wine. Water conservation measures to reduce water usage throughout the facility will include water efficient models for pressure and barrel washers, and trigger controls for hoses. In addition, floor cleaning will be performed as needed with squeegees and push brooms in place of using hoses. These practices allow adoption of six (6) gallons of process wastewater per gallon of wine. The following table identifies groundwater use in all settings including with and without the proposed water savings proposed for the vineyard and using water efficient methods at the winery.

Table 1: Groundwater Use Calculations

Usage Type	Existing Usage (af/yr)	Proposed Interim Usage (af/yr)	Proposed Standard Usage (af/yr)	Proposed Reduced Usage (af/yr)
Vineyard				
Irrigation – well	10.75	9.66	9.66	9.66
Irrigation – Recycled process Wastewater (credit)	0	0	-0.46	-0.46
Landscaping	0.05	0.05	0.13	0.13
Residential				
Existing	0.75	0.75	0.75	0.75
Proposed	0	0	0.75	0.75
Winery				
Process Water	0.22	0.22	0.54	0.46
Domestic Water	0.15	0.15	0.17	0.17
Totals (af/yr)	**11.92**	**10.82**	**11.54**	**11.46**
Estimated Water Recharge (af/yr)[5]	**46.15**	**46.15**	**46.15**	**46.15**

Tier 2: There are no offsite neighboring wells located within 500 feet or a natural spring within 1,500 feet from the two existing wells; therefore a Tier 2 analysis was not required.

Tier 3: A Tier 3 review is the County's adopted method for complying with its duties under the Doctrine. As discussed, there are presently two wells on the property, one that serves the winery and domestic uses and vineyard irrigation (Well #1), while the second well is used for vineyard irrigation only (Well #2). Well #2 was recently replaced under separate permit, and replaced with Well #3 (new vineyard well). Both wells are located within 1,500 feet of a significant stream requiring a Tier 3 analysis. RSA has assumed connectivity to the significant stream, and as part of the project proposed modification to winery operations that include; 1) reduction in the overall groundwater usage of Well #1 by 0.14 af/yr and reducing a further 0.43 af/yr by 2029 by converting to dry farming of 2.4 acres that are presently irrigated with Well #1. As proposed the new process wastewater system would treat water and reuse onsite to irrigate approximately 1.36 acres with 0.46 af/yr; 2) reduction in groundwater use from Well #2 (replaced by Well #3) by 0.32 af/yr initially and reducing further to 0.6 af/yr by utilizing dry farming of 0.7 acres of vineyard; and 3) modification to the well operations for all existing wells by limiting well operations to their currenting pumping rates while reducing the pumping times for each well. The project as proposed would result in the reduction in groundwater use over several years, as such the project well (Well #1), as well as all groundwater consuming activities shall be limited as detailed in Condition of Approval 4.20(a).

The proposed modifications will reduce the volume of groundwater pumped and pumping times for each well. This will result in a reduction of the daily pumping rates of each well, thereby allowing greater time for aquifer recharge and therefore a reduction of impact (if any) on the stream. The proposed modifications will reduce impacts relative to existing conditions and thereby meet the requirements of The County of Napa's January 10, 2024 Tier III Water Availability Analysis guidance memorandum. If either well is replaced, the replacement well will be subject to the same limitations on their operation.

The project as proposed, including modifications to farming practices that include dry farming and irrigating with treated process wastewater, and reductions in pumping times and condition of approval requiring the metering and monitoring of the wells onsite including a limitation of groundwater use consistent with the proposed water uses detailed in Table 1 above, would reduces harm to Public Trust. Napa County Engineering Division has reviewed the WAA satisfies its duty to consider impacts to trust resources, as stated in a memorandum of conditions of approval dated July 25, 2025, no further analysis is required.

[5] These totals are detailed in depth as part of the Use Permit Modification Water Availability Analysis. Refer to the report for more information (**Attachment C**)

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

d. The parcel is located within the Zone X flood boundary (500 year), considered an area of minimal flood hazard. The parcel is not located in an area that is subject to inundation by tsunamis, seiches, or mudflows. No impacts would occur.

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

Mitigation Measures: None are required.

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

Discussion:

a. The project would not occur within an established community, nor would it result in the division of an established community. The project complies with the Napa County Code and all other applicable regulations. The subject parcel is located in the AW (Agricultural Watershed) zoning district, which allow wineries and uses accessory to wineries subject to use permit approval. The proposed project is compliant with the physical limitations of the Napa County Zoning Ordinance. The County has adopted the Winery Definition Ordinance (WDO) to protect agriculture and open space and to regulate winery development in a manner that avoids potential negative environmental effects.

Agricultural Preservation and Land Use Policy AG/LU-1 of the 2008 General plan states that the County shall, "preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County." The property's General Plan land use designation is AWOS (Agriculture, Watershed and Open Space), which allows "agriculture, processing of agricultural products." More specifically, General Plan Policy AG/LU-2 recognizes wineries and other agricultural processing facilities, and any use clearly accessory to those facilities, as agriculture. The project would allow for the continuation of agriculture as a dominant land use within the county and is fully consistent with the Napa County General Plan. The proposed use of the property for the "fermenting and processing of grape juice into wine" (NCC §18.08.640) supports the economic viability of agriculture within the county consistent with General Plan Policy AG/LU-4 ("The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/open space…") and the General Plan Economic Development Policy E-1 (The County's economic development will focus on ensuring the continued viability of agriculture…).

b. There are no applicable habitat conservation plans or natural community conservation plans applicable to the property.

Mitigation Measures: None are required.

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

Discussion

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

Mitigation Measures: None are required.

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

Discussion:

The project site is bordered on the north by existing vineyards, wineries, residences, and the Calistoga Hills Resort to the east, west and south of the project site there are vineyards, wineries, residences and undeveloped lands. The existing winery and the proposed project are located nearly 840 feet east of the nearest offsite residence. Topography and vegetation would limit not only visibility, but noise generated by ongoing operations

of the winery.

a/b. The project would result in a temporary increase in noise levels during construction of winery building. Impacts due to a temporary increase in ambient noise generated from construction activities, or from ground borne vibration, would remain below a level of significance through compliance with the Napa County Noise Ordinance (Napa County Code Chapter 8.16). The County Noise Ordinance limits construction activities to daylight hours (7:00 a.m. to 7:00 p.m.) using properly muffled vehicles. In addition to the County Noise Ordinance, the project applicant will be required to comply with project Conditions of Approval (outlined below) related to construction noise, which will limit activities further by requiring construction vehicles to be muffled and backup alarms adjusted to the lowest allowable levels. Due to the distance and ambient noise levels from the highway there is a low potential for impacts related to construction noise to result in substantial temporary or long-term construction noise impacts. Impacts would be less than significant.

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.

Additional regulations contained within County Code Chapter 8.16 establish exterior noise criteria for various land uses in the County. As described in the Project Setting, above, land uses in the area are predominantly vineyard development and rural residences. Of those land uses, the residential land use is considered the most sensitive to noise. Based on the standards in County Code section 8.16.070, noise levels, measured at the exterior of a residential structure or residential use on a portion of a larger property, may not exceed 50 decibels for more than half of any hour in the window of daytime hours (7:00 a.m. to 10:00 p.m.), the timeframe within which the winery would have visitation and marketing events. Noise impacts of the proposed project would be considered bothersome and potentially significant if sound generated by it had the effect of exceeding the standards in County Code more than 50 percent of the time (i.e., more than 50 decibels for more than 30 minutes in an hour for a residential use).

Noise from winery operations is generally limited and intermittent, meaning the sound level can vary during the day and over the course of the year, depending on the activities at the winery. The primary noise-generating activities are equipment associated with wineries including refrigeration equipment, bottling equipment, barrel washing, de-stemmers and press activities occurring during the harvest crush season, delivery trucks, and other vehicles. The Napa County General Plan EIR indicates the average, or equivalent, sound level (Leq) for winery activities is 51dBA in the morning and 41dBA in the afternoon. Audibility of a new noise source and/or increase in noise levels within recognized acceptable limits are not usually considered to be significant noise impacts, but these concerns should be addressed and considered in the planning and environmental review processes. Typical winery operations would occur between 7:00 a.m. and 6:00 p.m. (excluding harvest), visitation would occur between 10:00 a.m. and 4:00 p.m. six days a week (Monday through Saturday) The winery proposes to operate six days a week 9:00 a.m. to 6:00 p.m. with no changes to changes to winery operations, proposed updated marketing events will generally occurring between 10:00 a.m. and 10:00 p.m. Production activities would occur inside the building, limiting some noise sources related to the production of 25,000 gallons.

The project is located 840 feet to the east of the nearest offsite residence. The project includes indoor and outdoor tasting areas, where the outdoor space is on the western side of the winery building designed with walls to block noise from the onsite and offsite residences. Continuing enforcement of Napa County's Noise Ordinance by the Division of Environmental Health and the Napa County Sheriff, including the prohibition against amplified music, should further ensure that marketing events and other winery activities do not create a significant noise impact. Temporary events would be subject to County Code Chapter 5.36 which regulates proposed temporary events. The proposed project would not result in long-term, significant, permanent noise impacts. Impacts would be less than significant.

c. The project site is not located within an airport land use plan or the vicinity of a private airstrip. No impact would occur.

Mitigation Measures: None are required.

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

Discussion:

a. Cumulative impacts related to population and housing balance were identified in the 2008 General Plan EIR. As set forth in Government Code §65580, the County of Napa must facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community. Similarly, CEQA recognizes the importance of balancing the prevention of environment damage with the provision of a "decent home and satisfying living environment for every Californian." (See Public Resources Code §21000(g).) The 2008 General Plan sets forth the County's long-range plan for meeting regional housing needs, during the present and future housing cycles, while balancing environmental, economic, and fiscal factors and community goals.

The State of California's Department of Finance projects the total population of Napa County to increase 4% between the year 2020 and 2060 (State of California Department of Finance Projections, July 19, 2021, https://dof.ca.gov/forecasting/demographics/projections/). Unincorporated Napa County, and the five incorporated jurisdictions, all have existing state compliant Fifth Cycle (2014-2022) Housing Elements and are working on developing compliant Sixth Cycle (2023-2031) Housing Elements, as required by state law. Complaint Housing Elements indicates that the jurisdictions have enough dwelling units programed over the cycle to meet or exceed state growth projections.

The proposed increase in staffing for the project, the addition of three (3) new full-time employees for a total of eight (8) full-time employees could, could lead to minor population growth in Napa County. Relative to the County's projected low to moderate growth rate and overall adequate programmed housing supply that population growth does not rise to a level of environmental significance. In addition, the project would be subject to the County's housing impact mitigation fee, which provides funding to meet local housing needs. The proposed use permit would facilitate the construction and operation of an expanded winery, and conversion of the existing winery into a new single-family residence. Other than on-site wastewater treatment and driveway access improvements to serve exclusively the winery's operations, no new infrastructure is proposed that might induce growth by extending service outside of the boundaries of any of the winery owner's properties. Napa County collects fees from developers of nonresidential projects to help fund local affordable housing (see Napa County Code Section 18.107.060 – Nonresidential developments – Housing fee requirement). The fees are assessed with new construction and are collected at time of building permit issuance for new construction of winery buildings or conversion of utility space to occupied space as is proposed with the project. New visitors to the winery could increase demand for group transportation services to the winery, though the potential for employment changes of other businesses supporting the winery's requested operations is uncertain, unquantifiable, and speculative.

The policies and programs identified in the General Plan Housing Element function, in combination with the County's housing impact mitigation fee, ensure adequate cumulative volume and diversity of housing. The project would have a less than significant impact on population growth.

b. The project proposes to convert the existing winery to a single-family residence. No additional residential development is proposed. No residential buildings on or off of the property would be demolished as a result of the project. Thus, no residents would be displaced, and there would be no impact.

Mitigation Measures: None are required.

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

Discussion:

a. Public services are currently provided for the project area and the additional demand placed on existing services as a result of the proposed project would be marginal. Fire protection measures, such as winery access that meets or through an exception to the Napa County Road and Street Standards (RSS) found to provide the same overall practical effect towards providing adequate access, defensible space, and sprinklers in the new winery buildings will be required as part of the development. The Fire Department and Engineering Services Division have reviewed the application and recommend approval, as conditioned. There would be no foreseeable impact to fire or police emergency response times with compliance with these conditions of approval. The proposed project scope include the conversion of the existing winery structure to a single-family residence, the introduction of a new residence would utilize existing parks and may increase student enrollment in schools located in the cities west and south of the winery; however, the increase would not result in a substantial increase in enrollment. No new parks or other public recreational amenities or facilities (such as police or fire stations) are proposed to be built with or as a result of the requested use permit. School impact fees, which assist local school districts with capacity building measures, would be levied for any required building permits for the project, however as demonstrated in **Section XIV(a), Population and Housing**, the project is expected to create a minimal increase in the county's population and its need for housing such that local schools would not be strained by the proposed project with visitation, marketing events, and employment. The proposed project would have minimal impact on public parks as no residences are proposed, and as previously noted, the increase in regional population from the proposed project is expected to be minimal. Impacts to public services would be less than significant.

Mitigation Measures: None are required.

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

Discussion:

a. The requested use permit modification includes the conversion of the existing winery to a single-family residence that would be used by the winery ownership, and construction of a new winery building that will include both production and hospitality. There is an existing single-family residence on the property that will remain. Following a proposed lot line adjustment, the existing winery proposed to be converted to a new single-family residence will be located on the same parcel with the new winery building, while the existing single-family residence will be on its own parcel. The use permit modification would include winery employees and daily tours and tastings visitors to the property, some of whom might visit regional recreational facilities on the way to or from other wineries. However, given that the purpose of employees' and guests' trips are to and from the winery as the primary destination, such visits to area recreational facilities are anticipated to be infrequent and would not drastically accelerate the deterioration of the park amenities. This impact would be less than significant.

b. No new public recreational amenities are proposed to be built with, or as a result of, the requested use permit. The proposed project would have no impact

Mitigation Measures: None are required.

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

Discussion:

a/b/c.

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

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

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

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

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

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

Based on maximum winery employee and visitor/guest data for the harvest/crush season, the proposed project would be expected to generate 38 daily trips on a weekday and 20 daily trips on a Saturday during prior to increasing the number of employees and production levels , and 45 daily trips on a weekday and 20 trips on a Saturday following implementation of the proposed project with increased number of employees and production. This count includes vehicle trips required for 156 tons of grape haul at full buildout. Additionally, the project includes the conversion of the existing winery to a single-family residence which will generate new trips as well. The project at full buildout is anticipated to generate 14,661 annual trips, 632 less trips than currently operating under compliance levels (15,293 annual trips). This does not include the additional trips that would be generated by the conversion of the existing winery to a single-family residence. The new residence is anticipated to contribute 3,471 additional annual trips, which cumulatively would still result in less than 110 new passenger vehicle trips as a result of the project.

An Exception to the Napa County Road and Street Standards ("NCRSS") has been requested for improvements to the driveway and existing gate width to accommodate environmental and physical constraints and steep slopes that present challenging obstacles to the installation of a fully compliant road. The NCRSS requires a 22 ft minimum width for commercial access roads. The two segments of the road are constrained by steep slopes and stream setbacks. The existing access road surface beginning at the connection with Diamond Mountain Road varies in width from 13 feet to 15 feet. In the two areas where the exception is sought, the existing access road is within the stream setback area and/or bound by steep slopes and mature trees. These existing conditions prevent road expansion to the compliant width. The Engineering Division has reviewed the requested Exception and found that with the incorporation of conditions of approval, dated July 23, 2025, the driveway would meet the same overall practical effect as these Standards towards providing defensible space, and consideration towards life, safety, and public welfare. The remaining length of the road will be designed to meet the 22 ft width requirement of the NCRSS.

Since operational and visitor trips associated with the project are below the 110-trip threshold in the Office of Land Use and Climate Innovation guidelines and the County's TIS Guidelines and VMT screening criteria the project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). Impacts would be less than significant.

d/e.

The winery project was analyzed to determine whether the proposed parking supply would be sufficient for the anticipated daily demand during harvest conditions. The project site, as proposed, would have a total of 22 parking spaces, and four (4) dedicated parking spaces for the proposed residence. Visitors to the Winery will be by appointment only. The project is designed has been found to meet the NCRSS exception findings, to conform to the latest emergency access requirements, and the existing road system would continue to provide adequate emergency access to the project site. When larger marketing events are held, guests will be brought to the site via bus; furthermore, reducing the proposed project's need for additional parking.

Mitigation Measures: None are required.

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

Discussion:

a/b. On July 31, 2025, County Staff sent invitations to consult on the proposed project to Native American tribes who had a cultural interest in the area and who as of that date had requested to be invited to consult on projects, in accordance with the requirements of Public Resources Code section 21080.3.1. Staff received a response from the Mishewal Wappo Tribe of Alexander Valley requesting tribal monitoring onsite during earth disturbing activities (see Section V. Cultural Resources Condition of Approval No. 7.5.a). Staff did not receive a response from Yocha Dehe Wintun Nation or Middletown Rancheria for request to consult or provide comments.

Mitigation Measures: None are required.

XIX.	UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Require or result in the relocation or construction of a new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d)	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Discussion:

a/c. A Preliminary Winery Wastewater Feasibility Report was prepared by RSA+ Civil, dated May 27, 2025 (**Attachment D**) to evaluate the feasibility of disposal of the winery process wastewater and domestic sanitary wastewater. Due to the proposed conversion of the existing winery to a single-family residence, revisions to the waste stream need to be included as part of the part of the waste system upgrades. An engineering septic system and sub-surface drip dispersal field will be designed for the proposed winery domestic flows, the proposed residence and the existing residence.

Based on the number of employees, daily tours and tastings, it is estimated to have a total peak winery sanitary wastewater flow of 180 gallons per day (gpd). The combined peak wastewater flow that includes winery process wastewater during the largest events is estimated to be 1,650 gpd. The combined domestic waste flow for the existing residence and the proposed winery conversion to a single-family residence is estimated to be 1,020 gdp. The winery process waste will include a treatment train that will include a primary pump tank, Biofiltro Control Module, and Biofiltro wiggle room. Treated process waste will be stored in a new 40,000-gallon tank before being used to irrigate up to 3.36 acres of vineyard that is currently irrigated using the winery well. The proposed system was designed in accordance with Table 4 of the Napa County "Regulations for Design, Construction, and Installation of Sewage Treatment Systems", designed for a flow rate of 15 gallons per day per employee and marketing guests, and three (3) gallons per day per visitor tours and tastings.

Under the proposed system upgrades, the required disposal area would be 1,700 sf with a 3,400-sf reserve as winery process wastewater would be collected separately from the domestic wastewater, pretreated, stored, and used to irrigate approximately 3.36 acres of land. The area of dispersal has the potential to be expanded, if desired, as long as the dispersal area is outside of all well, stream and other required setbacks. The engineer has taken into consideration application rates, timing and rainy season prohibition in determining the minimum storage capacity necessary to store pretreated winery wastewater. If the second option is preferred, the addition of a storage tank with a minimum capacity of 40,000 gallon is recommended to provide operational flexibility in timing of land application.

The Onsite Wastewater Disposal Feasibility Study was reviewed by the Environmental Health Division which provided a condition of approval memorandum, dated September 8, 2025 that requires the plans for a wastewater system plans to meet the design criteria, prepared by a licensed professional, and submitted one of the proposed systems to the Environmental Health Division for review prior to clearance of or issuance of a building permit. Installation of a new wastewater disposal system is not expected to result in significant impacts.

c. As discussed in Section X. Hydrology, a Water Availability Analysis (WAA) was prepared by RSA+ Civil, dated May 23, 2025. As directed by the County WAA Guidelines (May 2015), the report includes a Tier 1 and Tier 3 calculations for the existing and proposed water uses, a groundwater recharge analysis, and potential interference with the onsite streams. The parcel specific groundwater recharge analysis estimated a recharge potential of 46.15 af/yr which is greater than the estimated use of 11.54 af/yr before proposed reductions, demonstrating that the subject parcel has enough capacity to serve the proposed use.

Additionally, it is not anticipated to exceed the need for a Public Water System which is required if there are more than 25 people or more per day for 60 days or more a year. Based on the number of guests and employees, the project will not require a Transient Non-Community water system. There are no impacts.

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

Mitigation Measures: None are required.

XX.	**WILDFIRE.** If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b)	Due to slope, prevailing winds and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Discussion:

a. There are no proposed project features that would substantially impair an adopted emergency response plan or emergency evacuation plan. The proposed driveway would meet the NCRSS exception findings. The project site will be served by a driveway from Diamond Mountain Road and State Highway 29 located approximately 0.75 miles to the east. The Engineering Division and the Fire Marshal's office have reviewed the plans, which demonstrate that the project would have adequate emergency access to the proposed project. No impacts would occur.

b. According to the Napa County Environmental resource maps (based on the following GIS layer – Fire Hazard Severity Zones), the proposed project is not located within a high fire hazard severity zone. The project site is located within the State Responsibility Area (SRA) zone. The project site is accessed Diamond Mountain Road and State Highway 29, which is located approximately 0.75 miles southwest of the City of Calistoga, and 3.25 miles from the nearest Calfire fire station on State Highway 29 near the intersection of State Highway 29 and Big Tree Road. The proposed project driveway will provide access to the winery and vineyards, which is situated on slopes ranging from 0 to over 30 percent. The Fire Marshal's office and Engineering Division have reviewed the plans and determined that the proposed improvements would not result in a physical modification to the slope of the site, change prevailing winds, or alter

other factors that would likely exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Impacts of the project would be less than significant.

c. The proposed driveway has been found consistent with the NCRSS exception findings. This development is not considered a type of improvement that exacerbates wildfire risk or significant environmental risk. Impacts will be less than significant.

d. The physical improvements include construction of new winery buildings with outdoor hospitality areas, a new winery driveway, and other winery related infrastructure as well as conversion of the existing winery into a single-family residence. The proposed project would not physically alter the site in a way which would expose people or structure to risks such as downstream or downslope flooding or landslides resulting from runoff, post-fire instability or drainage changes. Impacts would be less than significant.

Mitigation Measures: None are required.

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

Discussion:

a. As discussed in Section IV. Biological Resources, a reconnaissance survey was conducted by Zentner Planning and Ecology of the project site on September 17, 2025. As part of the project, approximately 120 trees will be removed, which is 12 less trees than previously documented by the engineer as Pacific Gas and Electric (PG&E) removed these trees as part of their Vegetation Management Transmission Program. The holding contains approximately 26.3 acres of mapped oak woodland, 16.5 acres of Douglas fir, and approximately 25 acres of vineyard. **Mitigation Measure BIO-1** shall be implemented consistent with Napa County Code (NCC) section 18.108.020 and General Plan Policy CON-24 that call to maintain, improve or restore oak woodlands.

The results of the study also included a review of databases and site reconnaissance for flora and fauna within a 5-mile radius of the project site. The record search identified the potential for 23 special status plant species, and 15 special status animal species have the potential occur in the area; however, during the site reconnaissance there were no special status species observed. The project is not anticipated to result in a significant impact with incorporation of **Mitigation Measure BIO-2 through Mitigation Measure BIO-5** requiring pre-construction florist surveys prior to ground disturbance, and incorporation of **Mitigation Measures BIO-3 through BIO-5** during construction will reduce the potential for direct or indirect impacts to animal and bird species including nesting migratory birds, northern spotted owls and bats that may occur within the vicinity of the proposed project. The project as proposed with incorporation of mitigation measures would result in a less than significant impact on biological resources within the study area, as well as those species that have

the potential to occur within nearby habitat.

b. As identified in Section V. Cultural Resources, according to the Napa County Environmental Resource Maps and the cultural resource evaluation, there are no known historic structures on the site. However, there is a historic bridge crossing offsite, within the project access along a shared driveway. Proposed repairs of the bridge that include reinforcement of the soils under the foundation will be done by the project applicant, but these repairs are outside the jurisdiction of Napa County. A condition of approval has been included for the applicant to obtain all necessary permitting through responsible state and federal agencies. No significant or potentially significant prehistoric artifacts, archaeological deposits, or features have been identified within the project area. No significant cultural resources were identified on the property. However, as discussed in Section V. Cultural Resources and Section XVIII, Tribal Cultural Resources, the Mishewal Wappo Tribe of Alexander Valley determined that the site is located within their aboriginal territories and requested onsite monitoring during construction, therefore, the incorporation of the following Cultural Resources Conditions of Approval 7.5.a would provide adequate protection for and avoidance of potential impacts on Tribal Cultural Resources. Therefore, with incorporation of the condition of approval, below the proposed project would result in less than significant impacts to historic or archaeological resources. Additionally, no paleontological resources or unique geological features have been identified on the property, in the event during construction, condition of approval 7.5.b has been included. Potential impacts on historic, cultural, archaeological and paleontological resources would be considered less than significant with an additional pre-construction investigation.

c. The project does not have impacts that are individually limited, but cumulatively considerable. Potential impacts to aesthetics, agriculture, air quality, biology, energy, geology and soils, greenhouse gas emissions, hazard and hazardous materials, hydrology and water quality, noise, population, public services, transportation, utilities and service systems, and wildfire are discussed in the respective sections above and were determined to have a less than significant impact. As discussed in Section VIII. Green House Gas and Section XVII. Transportation, potential impacts to air pollution and GHG emissions are being addressed through meeting Bay Area Air District recommended design elements, with the addition of Greenhouse Gas Voluntary Best Management Practices, as included on the form dated August 25, 2024 Section X. Hydrology includes detail on the Water Availability Analysis which demonstrates that the proposed project would result in a decrease in water use from the existing water demands of approximately 0.46 af/yr proposed reductions. The existing water demand is 11.92 af/yr. As part of the proposed project, the total water demand during the immediate project that would include the existing winery, single-family is estimated to be 10.82 af/yr, while the fully built out project would result in annual groundwater use of 11.54 af/yr, and with proposed reductions would be 11.46 af/yr. The groundwater recharge analysis estimates 46.15 af/yr which is greater than the proposed use of 11.46 af/yr. The existing wells are assumed to have connectively to the significant stream located less than 1,500 feet from the onsite wells; however, based on the proposed project water demand and reductions and incorporation of a groundwater monitoring conditions, the County satisfying its duty to consider impacts to trust resources and no further analysis is required. The project would not exceed the County thresholds for preparation of a VMT analysis as the total number of trips existing and proposed do not exceed 110, which includes the residential trips proposed as part of the existing winery conversion to a single-family residence. Per County TIS Guidelines any future modification to the winery would look at a VMT analysis for the net cumulative result of all project modifications after January 1, 2022, including this project. Overall, potential cumulative impacts would be less than significant.

Mitigation Measures: See Section IV. Biological Resources

Mitigation Measures BIO-1

Mitigation Measures BIO-2

Mitigation Measures BIO-3

Mitigation Measures BIO-4

Mitigation Measures BIO-5

DIAMOND CREEK VINEYARD
Winery Use Permit Major Modification P19-00177-MOD, and Exception to the Road and Street Standard
Mitigation Monitoring and Reporting Program

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
Impact BIO-1: Project implementation proposed the removal of tree canopy, which would result in a direct loss of canopy	**Mitigation Measure BIO-1**: BIO-1: Vegetation Canopy Cover and Deed Restriction: The owner/permittee, prior to approval, shall implement the following measure to minimize canopy impacts: A. A Preservation Area Exhibit shall be prepared, identifying a minimum of 4.8 acres of comparable vegetation canopy cover for permanent preservation, and a copy provided to the County. B. The 4.8 acre Preservation Area shall be designated in a deed restriction, mitigation easement or other means of permanent protection. Land placed in protection shall be restricted from development and other uses that would degrade the quality of the habitat (including but not limited to conversion to other land uses such as agriculture or urban development and excessive off-road vehicle use that increases erosion) and should be otherwise restricted by the existing goals and policies of Napa County. The owner/permittee shall record the deed restriction or mitigation easement prior to construction or within 90 days of project approval, whichever comes first. The area to be preserved shall be of like kind and quality to the woodland being impacted as a result of the proposed project, as follows: areas to be preserved shall take into account the type of vegetation being removed, and species diversity and species that are limited within the project property and Napa County; the acreage included in the preservation area should be selected in a manner that minimizes fragmentation of oak woodland within the project property. The area to be preserved shall be determined by a qualified biologist with knowledge of the habitat and species and shall obtain final approval from Napa County. The land placed in protection shall be restricted from development and other uses that would potentially degrade the quality of the habitat (including but not limited to conversion to other land uses such as agriculture or urban development, and excessive off-road vehicle use that increases erosion), and should be otherwise restricted by the existing goals and policies of Napa County.	Permittee shall implement **Measure BIO-1** prior to ground breaking activities.	P	PD	PC/CPI/OG __/__/__

Notes: P = Permittee, PD = Planning Division, BD = Building Division, E = Engineering Division, CDFW = California Dept of Fish & Wildlife, CSWB – California State Water Board, USACE = US Army Corp of Engineers, T = CALTRANS, EH = Environmental Health, PW = Public Works Dept, PE/G =Project Engineer/Geologist
PC = Prior to Project Commencement CPI = Construction Period Inspections FI = Final Inspection OG = Ongoing (throughout construction is complete)

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
	The owner/permittee shall provide an endowment to the accredited land trust that is sufficient to ensure that the mitigation easement is monitored, enforced, and defended in perpetuity. The amount of the endowment shall be calculated using the Center for Natural Land Management's Property Analysis Record software, or an equivalent methodology if preferred by the land trust and accepted by the Land Trust Alliance, which provides the systematic and objective determination of the amount of the endowment in light of the conservation values to be protected by the easement. The record showing how the amount of the endowment was calculated shall be provided to County Counsel as part of its review of the mitigation easement. Any county staff time spent assessing and monitoring said provision shall be charged to the permittee, at the rate in effect at the time assessment and monitoring occurs, pursuant to County Fee Policy Part 80. C. Prior to any earthmoving activities temporary fencing shall be placed at the edge of the dripline of trees to be retained that are located adjacent to the development area (typically within approximately 50-feet of the proposed development area). The precise locations of said fences shall be inspected and approved by the Planning Division prior to the commencement of any earthmoving activities. No disturbance, including grading, placement of fill material, storage of equipment, etc. shall occur within the designated protection areas for the duration of the winery development. D. Owner/permittee may manage vegetation within the Protected Area under the direction of the California Department of Forestry and Fire Protection ("CalFire") for fuel reduction purposes. E. Owner/permittee may manage oak woodland portions of the Protected Area consistent with the Voluntary Oak Woodlands Management Plan (October 26, 2010) (the "Plan"), including without limitation implementing sustainable best management practices for oak woodlands set forth in Appendix D of the Plan. Such activities may include fuel management and the cultivation of native vegetation and maintenance of native vegetation compatible with the Protected Area's use as vegetation canopy cover and oak woodland habitat.				

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Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
	F. The owner/permittee shall refrain from severely trimming the trees (typically no more than 1/3 of the canopy) and vegetation to be retained adjacent to the proposed development area. G. In accordance with County Code Section 18.108.100 (Erosion hazard areas – Vegetation preservation and replacement) trees that are inadvertently removed that are not within the boundary of the project and/or not identified for removal as part of#P19-00177-MOD shall be replaced on-site with fifteen-gallon trees at a ratio of 2:1 at locations approved by the planning director. A replacement plan shall be prepared for county review and approval that includes, at a minimum, the locations where replacement trees would be planted, success criteria of at least 80%, and monitoring activities for the replacement trees. The replacement plan shall be implemented before final occupancy. Any replaced trees shall be monitored for at least three years to ensure an 80% survival rate.				
Impact BIO-2: Development development activities could result in potentially significant special status plant species.	**Mitigation Measure BIO-2** A. A qualified biologist (defined as having demonstrable qualifications and experience with the particular species for which they are surveying) shall complete a spring survey for special-status plant species prior to initiation of project activities. The survey shall be completed during the appropriate blooming period for the species likely to occur on site. These surveys shall be in compliance with CDFW's Protocol's for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (2018). If the survey finds that there are no special-status plants within the proposed project site that would be impacted by the project, then there would be no further mitigation necessary and the project may proceed, provided all other applicable permits and authorizations are obtained for the project. B. If special-status plant species are found, populations will be mapped and enumerated. If any populations are found within the proposed work area, they shall be flagged, and project development plans shall consider avoidance to the extent practicable. If avoidance is not practicable while otherwise obtaining the project's objectives, then other suitable measures shall be implemented as detailed below. C. A qualified biologist shall complete an inventory and analysis of the on-site population(s) of the species within and outside of the work area to determine the extent and significance of the potential impacts that will occur as a result of the project. This analysis shall be presented to the County as part of their	Permittee shall implement **Measure BIO-3** during the blooming period of 2026 by incorporating provisions **BIO-3** prior to project initiation P19-00177-MOD.	P	PD	PC/CPI/OG __/__/__

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PC = Prior to Project Commencement CPI = Construction Period Inspections FI = Final Inspection OG = Ongoing (throughout construction is complete)

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
	review of the project. If a significant impact will occur as a result of the project work, then a mitigation plan shall be developed and approved by the County for implementation of the following measures prior to site disturbance. The mitigation plan shall include the following elements: 1. Prior to construction within the project area, a qualified botanist shall collect the seeds, propagules, and topsoil, or other part of the plant that would ensure successful replanting of the population elsewhere. The seeds, propagules, or other plant-able portions of all plants shall be collected at the appropriate time of the year. 2. At least 2/3 of the seeds, propagules, or other plant-able portion of all plants shall be planted at the appropriate time of year (late-fall months). Half of the seeds and topsoil collected shall be appropriately stored and propagated at a native plant nursery to ensure germination. This material will be planted at an approved and protected area during the appropriate season. Planting location, timing, collection methods etc. will be detailed in a mitigation plan. 3. The applicant shall hire a qualified biologist to conduct annual monitoring surveys of the transplanted plant population for a three-year period and shall prepare annual monitoring reports reporting the success or failure of the transplanting efforts. These reports shall be submitted to the County no later than December 31st each monitoring year. 4. A CNDDB form shall be filled out and submitted to CDFW for any special-status plant species identified within the Property.				
Impact BIO-3: Temporary and intermittent increases in noise levels during construction could result in potentially significant indirect and cumulative impacts on special-status and migratory birds.	**Mitigation Measure BIO-3:** The owner/permittee shall incorporate the following measures to minimize impacts associated with the potential loss and disturbance of special-status and nesting birds and raptors consistent with and pursuant to California Fish and Game Code Sections 3503 and 3503.5: a. For earth-disturbing activities occurring between February 1 and August 31, (which coincides with the grading season of April 1 through October 15 – NCC Section 18.108.070.L, and bird breeding and nesting seasons), a qualified biologist (defined as having demonstrable qualifications and experience with the particular species for which they are surveying) shall conduct preconstruction surveys for nesting birds and raptors within all suitable habitat in the project area, and within a minimum of 500 feet of all project areas. The preconstruction survey shall be conducted no earlier than 7 days prior to vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than 7 days from the survey date, surveys shall be repeated. A copy of the	Permittee shall implement **Measure BIO-3** by incorporating provisions **BIO-3a** through **BIO3d** prior to project initiation P19-00177-MOD. Schedule **BIO-3a:** prior to project initiation P19-00177-MOD .	P	PD CDFW	PC/CPI/OG __/__/__

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Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
	survey results shall be provided to the Napa County Conservation Division and the CDFW prior to commencement of work. b. After commencement of work, if there is a period of no work activity of 5 days or longer during the bird breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity. c. In the event that nesting birds are found, a qualified biologist shall identify appropriate avoidance methods and exclusion buffers in consultation with the County Conservation Division and the U.S. Fish and Wildlife Service (USFWS) and/or CDFW prior to initiation of project activities. Exclusion buffers may vary in size, depending on habitat characteristics, project activities/disturbance levels, and species as determined by a qualified biologist in consultation with County Conservation Division and the USFWS and/or CDFW. d. Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County prior to the commencement of any earthmoving and/or development activities. Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist. Additionally, a qualified biologist shall monitor all active nests each day during construction for the first week, and weekly thereafter, to ensure that the exclusion buffers are adequate and that construction activities are not causing nest-disturbance. If the qualified biologist observes birds displaying potential nest-disturbance behavior, the qualified biologist shall cease all work in the vicinity of the nest and CDFW shall be consulted about appropriate avoidance and minimization measures for nesting birds prior to construction activities resuming. In this event, construction activities shall not resume without CDFW's written approval. Alternative methods aimed at flushing out nesting birds prior to pre-construction surveys, whether physical (i.e., removing or disturbing nests by physically disturbing trees with construction equipment), audible (i.e., utilizing sirens or bird cannons), or chemical (i.e., spraying nesting birds or their habitats) shall be prohibited.	Schedule **BIO-3b:** prior to project initiation P19-00177-MOD . Schedule **BIO-3c:** After to project initiation P19-00177-MOD. Implement **BIO-3-d:** After initiation of # P19-00177-MOD .			

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Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
Impact BIO-4: Northern Spotted Owl Avoidance	**Mitigation Measure BIO-4:** A qualified biologist (defined as having demonstrable qualifications and experience with the particular species for which they are surveying) shall provide an assessment of potential NSO nesting habitat within the Project area and a 0.25 mile radius and obtain CDFW's written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between March 15 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the U.S. Fish and Wildlife Service (USFWS) *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls*, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, *Surveys for Disturbance-Only Projects*. If breeding NSO are detected during surveys, a 0.25 mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 15 and July 31 each year. Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, *Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California*, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW. If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal Endangered Species Act.	Permittee shall implement Measure BIO-4 by having a qualified biologist determine if NSO habitat is present onsite and/or where project activities have the potential to disturb nearby NSO. Coordination with CDFW.	P	PD CDFW	PC/CPI/OG __/__/__
Impact BIO-5: Project development activities could result in potentially significant direct and indirect impacts to bats.	**Mitigation Measure BIO-5:** A Qualified Biologist (defined as having demonstrable qualifications and experience with the particular species for which they are surveying) shall conduct a habitat assessment in order to identify suitable bat habitat trees within the project area(s), no more than 6 months and no less than 14 days in advance of the planned tree removal. If the habitat assessment determines that trees proposed for removal contain suitable bat habitat, the following shall apply to potential bat habitat trees: a. Tree trimming and/or tree removal shall only be conducted during seasonal periods of bat activity (August 31 through October 15, when young would be self-sufficiently volant and prior to hibernation, and March 1 to April 15 to avoid hibernating bats and prior to formation of maternity colonies), under supervision	Permittee shall implement **Measure BIO-5** by incorporating provisions **BIO-5a** through **BIO-5b** prior to project initiation. Schedule **BIO-5a:** Prior to initiation of P19-00177-MOD.	P	PD CDFW	PC __/__/__

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Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
	of a qualified biologist, unless the Measure b., below, is implemented. Note that these windows may shift with atypical temperatures or rainfall if a qualified biologist determines that bats are likely to still be active based on seasonal conditions. Trees shall be trimmed and/or removed in a two-phased removal system conducted over two consecutive days. The first day (in the afternoon), limbs and branches shall be removed by a tree cutter using chainsaws only, under the supervision of a qualified biologist who has demonstrable experience with supervising tree removal for bats using this technique. Limbs with cavities, crevices and deep bark fissures shall be avoided, and only branches or limbs without those features shall be removed. On the second day, the entire tree shall be removed. b. If removal of bat habitat trees must occur outside the seasonal activities identified above (between October 16 and February 28/29 of the following year or between April 16 and August 30), a qualified biologist shall conduct pre-construction survey of all potential bat habitat trees within 14 days of project initiation and/or removal to determine absence/presence of bat species. Survey methods, timing, duration, and species shall be provided for review and approval by Napa County prior to conducting pre-construction surveys. A copy of the survey shall be provided to the County Conservation Division and CDFW for review and acceptance prior to commencement of work. If bats are not present, removal can proceed without using the two-phased removal method. If bats are found to be present, the qualified biologist shall determine if a maternity colony of winter torpor bats are present. If roosting bats are present but there are no maternity colonies or winter torpor bats, the tree shall be removed using the two-phased removal method outlined in Measure BR-2a, above. If the qualified biologist determines that maternity colonies or winter torpor bats are present, or they cannot confidently determine absence of maternity colonies or winter torpor bats, then tree removal shall be delayed until during the seasonal periods of bat activity outlined in Measure BR-2a.	Schedule **BIO-5b:** Prior to initiation of P19-00177-MOD .			

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