NAPA COUNTY

CONSERVATION — DEVELOPMENT
AND PLANNING DEPARTMENT

Jeffrey Redding
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4376

December 18 1989

Clark Swanson
SWANSON VINEYARDS & WINERY
P.O. Box 459
Rutherford, CA 94574

Re: Appeal of the September 6, 1989 Decision of the Conservation, Development and Planning Commission Certifying FEIR-058 and Approving Use Permit #U-288788 (Assessor's Parcel #27-260-01)

Dear Mr. Swanson:

Please be advised that on December 12, 1989, the Napa County Board of Supervisors upheld your appeal, certified FEIR-058 and approved Use Permit #U-278788 subject to the Conditions of Approval and the Project Revision Statement listed on the following pages.

Pursuant to Section 12806 of the Napa County Code, the use permit must be activated within one (1) year of the approval date or the use permit shall automatically expire and become void. Extensions to the use permit may be requested provided that such extension request is made thirty (30) days prior to the expiration date. A request for an extension of time is subject to payment of a $250.00 filing fee.

This letter serves as the only notice you will receive regarding the expiration date of our permit or procedures for extensions.

Sincerely,

Jeffrey Redding

JEFFREY REDDING
Director

JRR/jm.6d
Attachment

cc: Robert Westmeyer, County Counsel
John Tuteur, Assessor
Bill Hall, Building Codes Administrator
Mike Miller, Supervising Planner
Joseph G. Peatman, Esq.

EXHIBIT "A"
CONDITIONS OF APPROVAL
Swanson Vineyards and Winery
Use Permit #U-288788

Meeting Date: September 6, 1989
Agenda Item: #11

1. The permit shall be limited to the expansion of the existing winery from 20,000 to 42,500 gallons/year, the construction of an 1800 sq. ft. roofed fermentation area, a 880 sq. ft. tasting area and 800 sq. ft. of 2nd floor office. Final plot plan, floor plan and building elevations shall be approved by the Director prior to issuance of building permits. No public tours and tastings shall be permitted; private tours and tasting by prior invitation only may be considered as provided and limited below.

2. Submission of a detailed landscaping, fencing and parking plan to the Department for review and approval indicating names and locations of plant materials, method of maintenance and location of off-street parking spaces. Said plan to be submitted prior to issuance of the building permit. Landscaping, fencing and parking to be completed prior to finalization of building permit. Landscaping shall be permanently maintained in accordance with the approved landscape plan. All parking must be outside of the 28-foot from centerline right-of-way and screened by adequate landscaping.

3. Provisions for 8 off-street parking spaces on a dust free all weather surface approved by Public Works.

4. Plans for any outdoor signs (excluding any off-site directional signage) shall be submitted to the Department for review and approval with regard to design, area, height and placement. Directional signs can be approved only by seperate permit.

5. Compliance with Mitigation Measures #1 through #25 contained in the attached Project Revision Statement.

6. Except as permitted by County Ordinance or adopted Board of Supervisors Policy, no outside social activities, including picnicking, outside dining, wine tasting, live music, outdoor festivals, or other activities of a similar nature.

7. Compliance with all applicable building codes, zoning standards and requirements of various County Departments and agencies.

8. Except as permitted by County ordinance, only private tours and tastings shall be permitted. Private tours and tastings shall mean tours and tastings that are limited to members of wine trade, persons invited by the Winery who have pre-established business with the winery or its owners, and persons who have made unsolicited prior appointments for tours or tastings. Tours or tastings that are available to the general public or are advertised

as open to the general public by any means of communications are expressly prohibited. No tasting shall be conducted in conjunction with or prior to retail sales unless it constitutes a private tasting. The sale of merchandise of any kind other than wine is expressly prohibited.

The winery owner/operator may elect not to install a sign or identify in any way the existence of the winery. However, if any sign is installed on-site to identify in any way the existence of the winery, the applicant shall install a sign at the winery entrance from the public roadway to the winery reading "Tours and Tastings By Appointment Only". The sign shall be commercially made by a sign contractor and comply with the following standards:

Type:	Free-standing double-sided sign.
Location:	The sign shall be installed perpendicular to the public roadway at the Winery entrance.
Height:	Not less than 3 nor more than 5 feet off the ground.
Size:	12" x 36"
Sign Lettering:	A minimum of 3" high.
Sign Color:	White weatherized lettering on a dark-green background or such other color as may be approved by the Planning Director that will accomplish the intent of this requirement.
Placement:	Tours and Tasting By Apointment Only sign shall be installed prior to finalization of any building permit issued by the County in connection with this Use Permit with the following exception: The sign shall be permanently installed and maintained in a readable condition.

9. Retail sales shall be limited to wine produced and bottled by the winery. Retail sales may commence following construction of the winery.

10. Visits to the subject property by any bus shall be limited to 5 in any thirty (30) day period with no more than one (1) on any given day.

11. Visits to the subject property by any vehicle, excluding service, employee and on-site residential-related shall be limited to 25 per day maximum.

12. A daily log shall be kept showing how many trucks, and other vehicles (including buses) other than service, employee and on-site residential-related vehicles visit the subject property. The property owner shall file a copy of this log with the Conservation, Development and Planning Department once every six (6) months.

13. The winery shall have no more than four (4) full-time employees.

14. The Swanson Winery Alternative Wastewater Disposal Facilities Plan prepared by Robert G. Mahorney dated July 31, 1989 shall be substituted for the leach field proposed in the application. The Plan shall meet the requirements of the Department of Environmental Health. If installed prior to Phase III the neighbor's well need not be destroyed.

EXHIBIT "B"

PROJECT REVISION STATEMENT
Swanson Vineyards and Winery
(Use Permit #U-288788 — APN: 27-260-01)

PUBLIC HEALTH

1. Conformance with the Department of Forestry, Mosquito Abatement District, Department of Environmental Management, Department of Public Works requirements.

ARCHEOLOGY

2. Placement in the specifications covering this project of a stipulation binding the applicant, his employees, and/or contractor(s) to stop all work within 35 feet if buried archaeological or historic materials (e.g., worked stone, greasy soil, bone, charcoal, building foundations, historic dumps, etc.) are encountered the boundaries of the project leachfield, and leachfield expansion. A qualified professional archaeologist shall be employed to collect the artifacts uncovered, do a survey prior to construction, evaluate their significance, and make recommendations to reduce any damage that would be involved to a non-significant level. All such recommendations shall, with the concurrence of the County Planning Director, be implemented. (Note: The potential for Cultural Resources impacts is considered minimal because the project will take place on a small (2,680 square feet), disturbed parcel of land that does not lie within an identified area of archaeological sensitivity, and the existing winery building is of recent construction.)

NOISE

3. All construction activities shall be limited to that portion of the weekday (Monday through Friday) when they will cause the least amount of annoyance (i.e., between 7:30 A.M. and 4:30 P.M.).

4. All construction equipment shall be properly and adequately mufflered at all times.

AESTHETICS

5, All exterior mechanical equipment, including but not limited to compressors, HVAC equipment, chiller and refrigeration units shall be enclosed with acoustical baffles to reduce noise levels from these units to 50 dB(A) at the property line.

6. All exterior lighting shall be shielded and directed away from residences and roadways off-site.

7. No pile of spoils generated by construction of the proposed project shall be located in an area visible from State Highway 29. All piles of spoils visible from public or private roads or off-site residences shall be removed within nine (9) months after commencement of use of the new facility involved.

8. Grading on this site shall only take place in conjunction with installation of the roads, parking areas, and buildings planned. Rough grading of the site and then letting it sit undeveloped for one or more construction seasons is strictly prohibited.

9. Water shall not be allowed to flow over cut and fill slopes. Drainage shall be intercepted and diverted away from cut and fill slopes by use of up slope berms or interceptor ditches. Energy dissipation structures shall be installed where necessary.

10. All fills within which the spoils from this project are placed shall be replanted with shrubs, grasses and forbs acceptable to the Napa County Resource Conservation District by October 15th of the year in which they are deposited OR all run-off from said fill shall be discharged through properly sized and maintained debris catch basins.

PUBLIC SAFETY (Fire Protection)

11. A water supply system capable of providing approximately 300 gpm to the proposed facility at 20 psi dynamic shall be installed prior to building occupancy and thereafter properly maintained. The design of said system shall be acceptable to and approved by the Napa County Fire Chief. Facilities to provide approximately 18,000 gallons of water in storage exclusively for fire protection shall be included. Exact water storage and delivery capacities shall be determined by the Napa County Fire Chief based on the final layout of the facilities involved.

12. Any fire hydrant or fire protection source shall be installed prior to building occupancy at locations acceptable to and approved by the Napa County Fire Chief.

13. Smoke detector system(s) acceptable to and approved by the Napa County Fire Chief shall be installed in the proposed building prior to its occupancy.

14. A lock box system acceptable to and approved by the Napa County Fire Chief shall be installed in the proposed facility at an acceptable location. A copy of the required business plan shall be placed therein.

15. A copy of the business plan required by Napa County Environmental Management Department shall be provided to the Napa County Fire Chief within three (3) months after building occupancy.

PUBLIC SAFETY (Traffic)

16. Manley Lane shall be widened to 20 feet from the driveway to the winery east to the intersection of the lane with Highway 29. As part of this project, as appropriate, utility poles shall be relocated and an equivalent drainage ditch on the north of the road provided. The road surface shall conform with Napa County Subdivision standards. Improvements to Manley Lane may be deferred until those improvements are deemed necessary by the Director of Public Works..

17. Applicant shall provide to the County the northernmost 15 feet of the parcel on which the winery is located for future roadway use.

18. The proposed parking layout plan for the project shall be modified to include 8 spaces for visitors and four spaces for employees before tours and tasting can begin.

19. A northbound left-turn lane, a southbound right-turn deceleration taper, and a southbound right-turn acceleration taper on State Highway 29 at Manley Lane shall be completed prior to initiation of private tours and tasting. Prior to completion of the above improvements, a maximum of six (6) visitor carrying passenger vehicles per day shall be permitted at the winery. No buses shall be permitted in this interim period.

20. The applicant shall provide to the appropriate State or local agency the local share, if required, of funds for the installation of the required railroad crossing gates on Manley Lane. Until such time as the required gates have been installed and approved by the requisite agency, a maximum of six (6) visitor-carrying passenger vehicles per day may be invited to the winery. No buses shall be invited to the facility in this interim period.

21. The applicant shall not operate tours or tasting after 4:00 P.M.

22. To the extent possible, the applicant shall schedule the transportation of grapes so that they do not occur during peak hours of travel on weekdays or weekends and when crossings of the wine train are scheduled.

23. Pickup and deliveries of supplies and wines shall be scheduled only on weekdays before 4:00 P.M.

24. No off-site signs, including but not limited to directional signs, shall be installed or maintained.

25. No promotion of the expanded winery as open for public tours and/or tasting shall henceforth be undertaken.

JO'L:P2P
Revised 12-19-89

NAPA COUNTY

CONSERVATION — DEVELOPMENT
AND PLANNING DEPARTMENT

JEFFREY REDDING
Acting Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4376

Assessor's Parcel #27-260-01

SWANSON VINEYARDS AND WINERY
P. O. Box 459
Rutherford, California 94573

Gentlemen:

Please be advised that **Use Permit Application Number #U-288788** has been approved by the Napa County Conservation, Development and Planning Commission based upon the following conditions.

(SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

APPROVAL DATE: Sept. 6, 1989 **EXPIRATION DATE:** Sept. 20, 1990

The use permit becomes effective ten (10) working days from the approval date unless an appeal is filed with the Napa County Board of Supervisors pursuant to Title XIII of the Napa County Code. In the event an appeal is made to the Board, you will be notified.

Pursuant to Section 12806 of the Napa County Code, the use permit must be activated within one (1) year and ten (10) calendar days from the approval date or the use permit shall automatically expire and become void. A one-year extension of time in which to activate the use permit may be granted by the County provided that such extension request is made thirty (30) days prior to the expiration date. A request for an extension of time is subject to payment of a $250.00 filing fee.

This letter serves as the only notice you will receive regarding the expiration date of your permit or procedures for extensions.

Very truly yours,

JEFFREY R. REDDING
Acting Planning Director

JRR:jc1

cc: Bill L. Hall, Building Codes Administrator
John Tuteur, County Assessor
Joseph G. Peatman Esq., 809 Coombs, Napa, CA 94559

CONDITIONS OF APPROVAL
Swanson Vineyards and Winery
Use Permit #U-288788

Meeting Date: September 6, 1989
Agenda Item: #11

1. The permit shall be limited to the expansion of the existing winery from 20,000 to 42,500 gallons/year, the construction of an 1800 sq. ft. roofed fermentation area, a 880 sq. ft. tasting area and 800 sq. ft. of 2nd floor office. Final plot plan, floor plan and building elevations shall be approved by the Director prior to issuance of building permits. Tasting shall be limited to members of the wholesale wine trade only; no public tours and tastings shall be permitted.

2. Submission of a detailed landscaping, fencing and parking plan to the Department for review and approval indicating names and locations of plant materials, method of maintenance and location of off-street parking spaces. Said plan to be submitted prior to issuance of the building permit. Landscaping, fencing and parking to be completed prior to finalization of building permit. Landscaping shall be permanently maintained in accordance with the approved landscape plan. All parking must be outside of the 28-foot from centerline right-of-way and screened by adequate landscaping.

3. Provisions for 8 off-street parking spaces on a dust free all weather surface approved by Public Works.

4. Plans for any outdoor signs (excluding any off-site directional signage) shall be submitted to the Department for review and approval with regard to design, area, height and placement. Directional signs can be approved only by seperate permit.

5. Compliance with Mitigation Measures #1 through #17 contained in the attached Project Revision Statement.

6. Except as permitted by County Ordinance or adopted Board of Supervisors Policy, no outside social activities, including picnicking, outside dining, wine tasting, live music, outdoor festivals, or other activities of a similar nature.

7. Compliance with all applicable building codes, zoning standards and requirements of various County Departments and agencies.

:P2I

PROJECT REVISION STATEMENT
Swanson Vineyards and Winery

I hereby revise my proposal to increase winery production to 42,500 gallons and add a new tasting room on Assessor's Parcel 27-260-01 (i.e., Use Permit #U-288788) to include the measures specified below:

PUBLIC HEALTH

1. Conformance with the Department of Forestry, Mosquito Abatement District, Department of Environmental Management, Department of Public Works requirements.

ARCHEOLOGY

2. Placement in the specifications covering this project of a stipulation binding the applicant, his employees, and/or contractor(s) to stop all work within 35 feet if buried archaeological or historic materials (e.g., worked stone, greasy soil, bone, charcoal, building foundations, historic dumps, etc.) are encountered the boundaries of the project leachfield, and leachfield expansion. A qualified professional archaeologist shall be employed to collect the artifacts uncovered, do a survey prior to construction, evaluate their significance, and make recommendations to reduce any damage that would be involved to a non-significant level. All such recommendations shall, with the concurrence of the County Planning Director, be implemented. (Note: The potential for Cultural Resources impacts is considered minimal because the project will take place on a small (2,680 square feet), disturbed parcel of land that does not lie within an identified area of archaeological sensitivity, and the existing winery building is of recent construction.)

NOISE

3. Limitation of all construction activities to that portion of the weekday (Monday through Friday) when they will cause the least amount of annoyance (i.e., between 7:30 A.M. and 4:30 P.M.).

4. All construction equipment shall be properly and adequately mufflered at all times.

5. Place noisy stationary equipment such as compressors and chillers away from developed areas off-site and/or the provision of acoustical shielding around such equipment.

AESTHETICS

6. All exterior lighting shall be shielded and directed away from residences and roadways off-site.

7. No pile of spoils generated by construction of the proposed project shall be located in an area visible from State Highway 29. All piles of spoils visible from public or private roads or off-site residences shall be removed within nine (9) months after commencement of use of the new facility involved.

8. Grading on this site shall only take place in conjunction with installation of the roads, parking areas, and buildings planned. Rough grading of the site and then letting it sit undeveloped for one or more construction seasons is strictly prohibited.

9. Water shall not be allowed to flow over cut and fill slopes. Drainage shall be intercepted and diverted away from cut and fill slopes by use of up slope berms or interceptor ditches. Energy dissipation structures shall be installed where necessary.

10. All fills within which the spoils from this project are placed shall be replanted with shrubs, grasses and forbs acceptable to the Napa County Resource Conservation District by October 15th of the year in which they are deposited OR all run-off from said fill shall be discharged through properly sized and maintained debris catch basins.

PUBLIC SAFETY (Fire Protection)

11. A water supply system capable of providing approximately 300 gpm to the proposed facility at 20 psi dynamic shall be installed prior to building occupancy and thereafter properly maintained. The design of said system shall be acceptable to and approved by the Napa County Fire Chief. Facilities to provide approximately 18,000 gallons of water in storage exclusively for fire protection shall be included. Exact water storage and delivery capacities shall be determined by the Napa County Fire Chief based on the final layout of the facilities involved.

12. Any fire hydrant or fire protection source shall be installed prior to building occupancy at locations acceptable to and approved by the Napa County Fire Chief.

13. Smoke detector system(s) acceptable to and approved by the Napa County Fire Chief shall be installed in the proposed building prior to its occupancy.

14. A lock box system acceptable to and approved by the Napa County Fire Chief shall be installed in the proposed facility at an acceptable location. A copy of the required business plan shall be placed therein.

15. A copy of the business plan required by Napa County Environmental Management Department shall be provided to the Napa County Fire Chief within three (3) months after building occupancy.

PUBLIC SAFETY (Traffic)

16. Applicant shall provide to the County the northermost 15 feet of the parcel on which the winery is located for future roadway use.

17. At the intersection of Manley Lane and Highway 29, add a northbound left-turn lane, a southbound right-turn deceleration taper, and a southbound right-turn acceleration taper on State Highway 29 as required by the Department of Public Works.

JO'L:P2P

POOR

QUALITY

ORIGINAL (S)

27-260-01

NAPA COUNTY

CONSERVATION—DEVELOPMENT
AND PLANNING COMMISSION

FELIX J. VANDERSCHOOT, JR.
CHAIRMAN

1121 FIRST STREET · NAPA, CALIFORNIA 94558
AREA CODE 707/ 253-4416

January 6, 1977

Mr. Michael Formi
1271 Manley Lane
Rutherford, California 94573

Dear Mr. Formi:

Your Use Permit Application Number U-167677 to establish a winery on an 1.44 acre parcel located on the southeast side of Manley Ln. southwest of State Highway #29 has been approved by the Napa County Conservation, Development and Planning Commission based upon the following conditions:

(SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

APPROVAL DATE: January 5, 1977

Your Use Permit becomes effective ten (10) days from the approval date, provided all conditions of approval are met or assurances made to guarantee compliance. The ten (10) day waiting period is required to provide sufficient time for anyone wishing to appeal the action of the Commission in approving your Use Permit. In the event an appeal is made to the Board of Supervisors, you will be notified.

Should this Use Permit not be used within one (1) year after the date of approval, it shall be null and void without further action by the Commission or Department.

If you intend to request any time extension for your approved Use Permit, please note that any such request must be submitted to the Conservation, Development and Planning Department at least 30 days prior to the expiration of the present permit.

Very truly yours,

JAMES H. HICKEY
Secretary-Director

JHH:jl

cc: Donald W. Jonas
Chief Building Inspector
County of Napa

Meeting Date: 1-5-77

NAPA COUNTY
CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT
REPORT AND RECOMMENDATION

Agenda Item: 8

APPLICANT: Michael Forni

REQUEST FOR: Use Permit to establish a winery on an 1.44 acre parcel.

LOCATION: On the southeast side of Manley Lane approximately 720 feet southwest of State Highway #29 within an AP District (Assessor's Parcel #27-260-01)

FINDINGS:

1. The General Plan designates the property as Agricultural Resource.
2. The Zoning Ordinance allows wineries in the AP District by issuance of a use permit.
3. The Zoning Ordinance provides that use permits may be issued by the Commission.
4. Zoning Ordinance procedural requirements for use permits have been satisfied in regard to this application.
5. The proposed winery would produce ± 4,000 gallons the first year. Ultimate production is estimated at 20,000 gallons per year. The operation would include crushing, fermentation, storage and bottling. No tasting facilities are proposed. It is anticipated that one (1) full time employee and one (1) part time employee would be required. Additional details of the proposal are contained in the attached supplemental information sheet.
6. The proposal is in general compliance with AP District provisions and the County General Plan.
7. Approval of this proposal with appropriate controls would have no detrimental effects on the public health, safety and general welfare.
8. This project is not anticipated to generate any significant impacts upon the area. Minor incremental losses to agricultural land, and ambient air, noise and water qualities may be noted. The Department recommends issuance of a Negative Declaration in regard to environmental considerations.
9. Comments and improvement requirements of various County departments and agencies are attached.

RECOMMENDATION: APPROVAL with Findings and Conditions

Conditions of Approval Are:

1. Any future expansion of the winery shall require submission of a separate use permit application for consideration by the Commission.
2. A minimum of five (5) off-street parking spaces be provided on a dust free, all weather surface approved by the Public Works Department.
3. Plans for all signs be submitted for approval by the Department in regard to design, area, height and placement.

Conditions of Approval Are: (Cont'd.)

4. The proposed building be of earth tone coloring and blend with the surroundings.
5. The site be kept in a clean and orderly condition at all times.
6. No public tasting or tours be allowed.
7. Submission of landscaping plan to the Department for review and approval prior to issuance of a building permit for this project.
8. Any outside lighting be of a low intensity and directed away from Manley Lane.
9. Compliance with all applicable building codes, zoning standards and requirements of various County departments and agencies.

SUPPLEMENTAL INFORMATION
REQUIRED FOR FILING A USE PERMIT APPLICATION

1. Type of Use and Square Footage for Each: Winery building 3000 sq. ft.
Crushing and fermenting 1500 sq. ft.

2. Total Floor Area: 4,500 Square Feet

3. Product or Service Description:
Production of Wine - Wholesale

4. Building Height: 2 Stories 30 Feet

5. Hours of Operation: 8:00 A.M. to 5:00 P.M.

6. Days of Operation: Daily

7. Number of Shifts: One

Number of Employees Per Shift: 1 Full Time
1 Part Time

8. Parking Spaces Provided: 2 Employees 0 Customer

9. Type of Construction: Wood frame

10. Fencing: Type: screen/security Location: Fermenting area

11. Number of Deliveries or Pickups: 1 or 2 Per Day

12. Landscaping: Trees and vines

13. Water Source: Well

14. Method of Waste Disposal: Septic tank and leach field system

15. Number of Visitors Anticipated: 0 Per Day 0 Per Week

16. State Licenses Required: Winegrowers

Federal Licenses Required: Winegrowers

(See Other Side)

WINERIES

X Crushing

X Fermentation

X Storage/Aging

X Bottling/Packing

X Shipping, Via Truck

X Administrative

____ Touring/Public Tasting

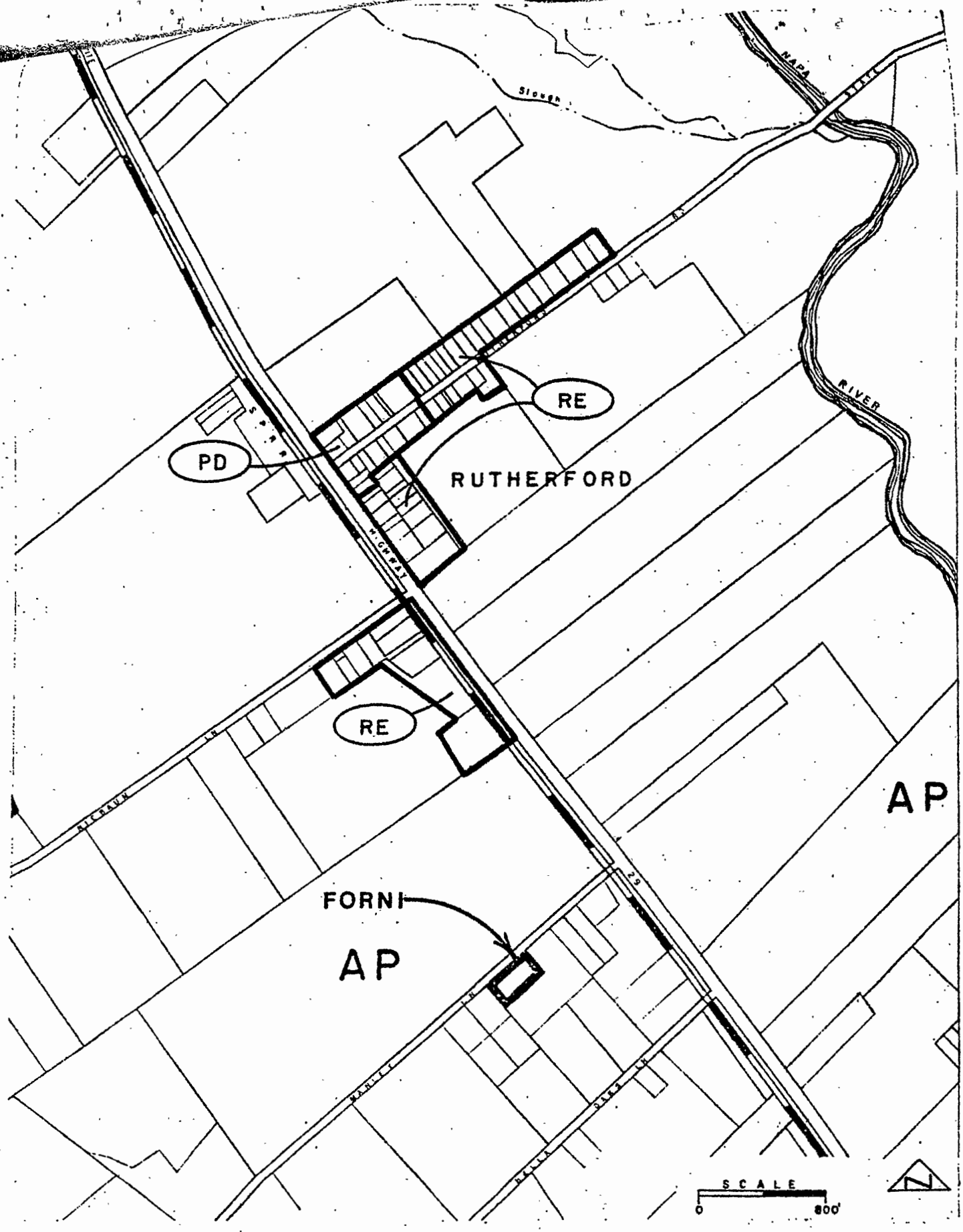
____ Other: _____

Gallons of Wine to be Produced:

X Initial Production 4,000 Gallons

X Ultimate Production 20,000 Gallons/Year

POOR
QUALITY
ORIGINAL (S)



Informational Use Permit Map
Conservation, Development & Planning Department