

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

RECEIVED
MAR 13 2023
CITY CLERK'S OFFICE
CITY OF ST. HELENA

The people of the City of St. Helena do ordain as follows:

SECTION 1. Title.

This initiative measure shall be known and may be cited as the “St. Helena Agritourism Initiative” (“Initiative”).

SECTION 2. Findings and Purpose.

A. Findings. The people of the City of St. Helena (“City”) find and declare the following:

1. Located in the center of Napa Valley, the City has served from its inception as a rural agricultural center. It is also a hub for tourism, and hosts visitors from all over the world who come to experience the scenic vistas, world class wineries, and farm to table restaurants in Napa Valley’s wine country.
2. Revenue generated by the tourism industry is essential to ensure that the City has sufficient general fund revenue to pay for critical City services and infrastructure projects, including new and improved City facilities, streets, and sidewalks.
3. A fiscal analysis commissioned by the City and provided to the City Council in 2023 determined that the City has “several unfunded or underfunded needs” and that the City is “currently struggling to provide services and meeting the expectations of the community.” The report concluded that “The magnitude of the costs associated with the City’s underfunded needs . . . will not be affordable without additional financial resources—in other words, the City will need some form of revenue enhancement in order to continue providing the levels of service the community expects while also addressing deteriorating capital assets.”
4. The City’s *Financing Civic Infrastructure Task Force* had previously determined that two new hotels within St. Helena city limits were essential to create new revenue streams to address the City’s budgetary challenges and finance the City’s many infrastructure needs.
5. The City’s 2040 General Plan contemplates the possibility of developing hotel and other tourist-oriented uses in close proximity to the existing rail line running roughly parallel to Highway 29, which would further the City’s goal of reducing the tourism industry’s reliance on the automobile.
6. Accordingly, the people of the City of St. Helena desire to amend the City’s General Plan, Zoning Map, and Municipal Code to facilitate the development of a 56-room maximum, world-class resort hotel and agrotourism facility on the existing rail line, subject to the limitations, policies, and standards set forth in this Initiative.
7. The new resort hotel will be located within a newly adopted Winery and Planned Agritourism Overlay (“WPA Overlay”), which can only be applied on up to 11 acres of large parcels in excess of 110-acres located within City limits but outside of the City’s Urban Limit Line with existing active agriculture and a winery, and served by an existing railroad line.
8. Specifically, the new WPA Overlay will be applied to 11 acres of real property located at 2800 Main Street, with the resort located within mostly open, fallow acreage along Deer Park Road (the “WPA Property”). The larger approximately 140-acre winery site is bounded by Deer Park Road to the northwest, the Napa River to the northeast, and York Creek and an existing winery production facility to the southeast (the “Winery Property”). A map depicting the property subject to this Initiative is attached hereto for informational purposes as **Exhibit A**.
9. The Initiative would thereby facilitate the development of approximately 10.5 acres of currently mostly fallow ground on the Winery Property, including a one-acre landscape buffer. On-site facilities would include a maximum of 56 permitted guest

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rooms, as well as a variety of public and visitor-serving amenities including meeting and event spaces, swimming pools, and an on-site spa and restaurant open to the public, including residents of St. Helena (the “Project”).

10. The rail line running through the Winery Property would remain the northern terminus of the existing tourist train route and provide ease of access for both hotel and winery visitors and other passengers upon the resort’s completion. Public access to the site will come from a future access drive off Deer Park Road, and from the existing train, which is intended to substantially minimize traffic related impacts. In addition, the Project will provide a minimum 8-foot wide paved bicycle and pedestrian trail open to the public, located along the existing rail line on the Winery Property, subject to approval by applicable agencies.

11. This Initiative also makes conforming amendments to the City’s General Plan and Zoning Code to facilitate the development of the Project and secure the fiscal and other benefits described herein for the City’s residents. The policies, development standards, and required environmental design features in this Initiative, as set forth in the new Winery and Planned Agritourism Overlay applied to the WPA Property, are intended to ensure that the actions approved by this Initiative will require the Project to proceed responsibly and only in the manner approved by the voters.

12. These Project requirements include, but are not limited to, responsible water and wastewater plans, with a reliance on recycled water for non-potable and landscaping needs, as well as a substantial commitment to the construction of new affordable workforce housing in the City.

13. Implementation of this Initiative will protect the public health, safety and welfare, and the quality of life for the people of the City of St. Helena.

- B. Purpose. The people of the City of St. Helena declare that our purpose and intent in enacting this Initiative is to make amendments to the City’s General Plan, Zoning Map, and Municipal Code to facilitate the development of a resort and agritourism facility on the WPA Property at the northern terminus of the existing Napa Valley train route.

SECTION 3. Amendments to the General Plan of the City of St. Helena

The General Plan of the City of St. Helena (General Plan Update 2040 (June 2019)) is hereby amended as follows (new language to be inserted into the General Plan is shown as underlined text and deletions shown in ~~strike through~~; text in regular type or **bold type** reflects the existing General Plan text and is provided for informational/reference purposes):

- A. Land Use and Growth Management Element, Section 2.2, Community Development Framework, Community and Natural Resource Areas at Page 2-15 is hereby amended as follows:

Agriculture (AG). The AG land use designation includes agricultural and winery uses with restricted single family residential and public/quasi-public uses. This designation applies to large areas of the valley floor that surround the city’s urban core. With the exception of hillside areas designated WW, all lands outside the Urban Limit Line are designated AG regardless of their size or actual use. Minimum parcel sizes for new parcels in AG areas range from 20 to 40 acres. However, wineries in AG land may utilize a small portion of onsite land for provision of affordable employee housing thus alleviating some of the low and moderate housing needs in the city, while simultaneously reducing commute traffic. Large parcels in excess of 110-acres with existing active agriculture and a winery located within the City limits but outside of the Urban Limit Line that are served by an existing railroad line may be designated with an agritourism overlay district allowing the parcel to utilize up to 11 acres for agritourism facilities with overnight accommodations (“Large Parcel Agritourism Facility”).

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- B. Land Use and Growth Management Element, Section 2.5, Policies and Implementing Actions, Topic Area Growth Management at Page 2-30 is hereby amended as follows:

LU1.2 Allow urban development to occur only within the Urban Limit Line. Consider an exception for on-site employee housing on Agricultural lands. Urban services, such as sewer, water, and storm drainage, will only be extended to development within the Urban Limit Line. The Urban Limit Line may only expand when the amount of developable land within the Urban Limit Line is insufficient to implement the General Plan policies or when logical to include developed lands receiving urban services from the City. Expansion outside the Urban Limit Line should first be considered in Urban Reserve Areas. Expansion into other areas outside the Urban Limit Line should be considered only when the proposed land use is found to further the goals and long-term objectives of the City and does not result in adverse impacts to adjacent uses in either the urban or rural areas.

Development of a Large Parcel Agritourism Facility in an agritourism overlay district of up to 11 acres shall not be considered “urban development” for the purpose of this General Plan.

- C. Land Use and Growth Management Element, Section 2.5, Policies and Implementing Actions, Topic Area Agricultural Uses at Page 2-42 is hereby amended as follows:

LU5.3 Strictly limit development on properties existing at the time of the adoption of this General Plan that are designated as agricultural land, except for Large Parcel Agritourism Facilities as permitted by an agritourism overlay district.

LU5.6 Permit wineries and other agricultural-related industries, including Large Parcel Agritourism Facilities, to locate in the city if their location does not adversely impact surroundings, uses, or city services (water, traffic, etc.) or the quality and character of the community.

- D. Public Facilities and Services Element, Section 4.5, Policies and Implementing Actions, Topic Area Sewer at Pages 4-28 and 4-29 is hereby amended as follows:

PF2.2 Require the extension of the City sewer to areas that are dependent upon septic systems prior to approval of future growth in these areas.

Large Parcel Agritourism Facilities, as permitted by an agritourism overlay district, are not considered urban development, as further described in Policy LU 1.2 and Implementing Action PF2.C. Such development does not contemplate or require the extension of urban sewer services.

PF2.C Urban services such as sewer, water, and storm drainage will only be extended to development within the Urban Limit Line. Exceptions will be permitted when undue hardship can be demonstrated and when proposed improvements are not found to induce growth.

Large Parcel Agritourism Facilities, as permitted by an agritourism overlay district, are not considered urban development as contemplated by this General Plan and therefore such development does not contemplate or require the extension of municipal urban services such as sewer, water, and storm drainage, provided that wastewater treatment is provided by an on-property package water reclamation system sized for project serving flows in the form of a membrane bioreactor or similar system that is capable of providing tertiary level water quality treatment, and there is adequate water from existing on site wells to provide potable water; emergency systems water and irrigation water shall be supplied by recycled water and supplemented by on site wells as needed.

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SECTION 4. Amendments to the City of St. Helena Zoning Map.

The voters hereby amend the City of St. Helena Zoning Map as follows:

1. To include a new Winery and Planned Agritourism Overlay (WPA) designation in the list of City of St. Helena Zoning Districts, as depicted in **Exhibit B** hereto; and
2. Adopt the Winery and Planned Agritourism Overlay (WPA) zoning overlay on the WPA Property subject to this Initiative, as depicted in **Exhibit B** hereto.

SECTION 5. Amendments and Additions to the City of St. Helena Municipal Code.

Title 17 (“Zoning Code”), Chapter 17.19 (“Community Agricultural and Natural Resource Zoning Districts”), Section 17.19.020 (“Use Regulations”), “Commercial Uses” subsection of “Table 17.19.020.A: Use Regulations – Community Agriculture and Natural Resource Zoning Districts,” of the St. Helena Municipal Code is hereby amended as follows to add Winery and Planned Agritourism Overlay uses as a Permitted use in the Winery (W) Zone within the Winery and Planned Agritourism Overlay (additions shown in underline and deletions shown in ~~strikethrough~~; text in regular type, *italics*, or **bold type** reflects the existing Municipal Code text and is provided for informational/reference purposes):

Table 17.19.020.A: Use Regulations – Community Agriculture and Natural Resource Zoning Districts				
Use Classification	A-20	W	WW	Additional Regulations
“P” = Permitted; “MUP” = Minor Use Permit; “CUP” = Conditional Use Permit; “-” = Use Not Allowed				
...				
Commercial Uses				
Animal Care and service				
<i>Animal boarding facility/kennel</i>	CUP	-	-	
<i>Veterinary clinic</i>	CUP	-	-	
<u>Winery and Planned Agritourism Overlay uses</u>	-	<u>P</u>	-	<u>Only within the Winery and Planned Agritourism Overlay, see 17.21.060, Winery and Planned Agritourism Overlay</u>
...				

A copy of St. Helena Municipal Code Chapter 17.19 is attached hereto as **Exhibit D** for informational purposes only.

Title 17 (“Zoning Code”), Chapter 17.21 (“Overlay Zoning Districts”) of the St. Helena Municipal Code is hereby amended as follows (additions shown in underline and deletions shown in ~~strikethrough~~; text in regular type or **bold type** reflects the existing Municipal Code text and is provided for informational/reference purposes):

Chapter 17.21 Overlay Zoning Districts

Sections:

- 17.21.010 Flood Plain Overlay (FP)
- 17.21.020 Mobile Home Park Overlay (MHP)
- 17.21.030 Parking Exemption District (PED)
- 17.21.040 Historic Preservation Overlay (HP)
- 17.21.050 Planned Development Overlay (PD)

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17.21.060 Winery and Planned Agritourism Overlay (WPA)

Overlay zoning districts are intended to provide for the regulation of properties with special or unique conditions and establish regulations which shall be in addition to those of the base zoning district. The Overlay designations set forth in this Title are as follows:

Table 17.21A: Overlay Zoning Districts	
Abbreviation	Name
FP	Flood Plain Overlay
MHP	Mobile Home Park Overlay
PED	Parking Exemption District
HP	Historic Preservation Overlay
PD	Planned Development Overlay
<u>WPA</u>	<u>Winery and Planned Agritourism Overlay</u>

A new Section, 17.21.060, titled “Winery and Planned Agritourism Overlay (WPA),” is hereby added to Chapter 17.21 as follows:

17.21.060 Winery and Planned Agritourism Overlay (WPA)

A. Purpose. It is the purpose of the Winery and Planned Agritourism Overlay (WPA), when combined with an underlying Winery (W) Zoning District, to encourage high quality, innovative and creative agricultural based tourism development in the City outside of the Urban Limit Line. The WPA Overlay provides for the attraction of visitors with overnight accommodations on parcels within the agriculture general plan land use designation and Winery (W) Zoning designation in conjunction with agricultural, winery and winery-related uses. Large parcels in excess of 110-acres with existing active agriculture and a winery located within the City but outside of the Urban Limit Line and that are served by an existing railroad line may be designated with a WPA Overlay allowing the parcel to utilize up to 11 acres for agritourism with overnight accommodations. The WPA Overlay is intended to provide for the approval of development plans which serve public objectives more fully than development permitted under conventional zoning regulations. The WPA Overlay is consistent with the policies of the General Plan, as amended by the St. Helena Agritourism Initiative.

B. Permitted uses. The following are the permitted uses in the Winery and Planned Agritourism Overlay (WPA):

1. All uses permitted in the property’s base zoning district;
2. Hotel, resort, or similar uses with transient overnight accommodations with no more than 56 guest rooms, served by an active railway line and located on a development site no larger than 11 acres on parcels 110 acres or larger in size with active winery or vineyard uses.
3. Uses accessory to hotel, resort, including but not limited to spa, restaurant, bar, up to 11,000 square feet for meeting rooms or related spaces, or similar uses, with transient overnight accommodations.
4. Train station or depot up to 2,500 square feet for passenger and guest use, if associated with a hotel or resort.

C. Conditional uses. Conditional uses as specified in the property’s base zoning district require approval of a use permit as regulated by Section 17.05.020. Approval of a use permit is subject to finding the use consistent with the policies of the property’s General Plan land use designation and the purpose of the WPA Overlay.

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D. Design Review. Design Review shall not be required for uses permitted outright pursuant to Sections 17.21.060.B and E. Notwithstanding the foregoing, Design Review, conducted pursuant to Chapter 17.05, shall be required for new structures, buildings or exterior revisions (not including change in exterior color) to any existing structures or buildings that also require a conditional use permit pursuant to Section 17.21.060.C in the WPA Overlay, provided that no decision-making bodies or officials may use Design Review intentionally or inadvertently to prohibit, unduly restrict, or reduce uses, building types, number of maximum allowed units, density, or height of structures allowed in the WPA Overlay, or to require changes from or impose any conditions inconsistent with standards in this Chapter. All applications for Design Review for permitted uses in the WPA Overlay shall be limited to conformity with the standards in this Chapter. Design Review shall not be required for adjacent new construction meeting the requirements of Section 17.21.060(G)(6).

E. Accessory Uses, Buildings, and Structures. The following are types of accessory uses, buildings, and structures permitted in the WPA Overlay:

1. Restaurants, spas, meeting spaces, recreation areas, employee offices, equipment and maintenance areas, employee facilities, garages, carports, workshops, pools, pool houses, gazebos, patio covers, and other accessory buildings, structures, and similar uses associated with resorts and hotels;
2. Signs subject to the generally applicable provisions of Chapter 17.27;
3. Other uses and structures which are customarily incidental and clearly subordinate to permitted and conditional uses pursuant to the generally applicable provisions of Chapter 17.24.

F. Development Standards. Standards for lot area, building coverage, building height, setback requirements, minimum open space area, sign placement and design, off-street parking, landscaping, and screening for the proposed development within the WPA Overlay shall prevail over the development standards of the base district zoning of the property. No structure or improvement shall be constructed within the WPA Overlay except in compliance with the WPA Overlay. Each structure or improvement shall be constructed and maintained in substantial compliance with the WPA Overlay. The requirements in Table 17.21.060.F shall be observed in the WPA Overlay, except as otherwise provided in this Section.

<u>Table 17.21.060.F Development Standards</u>		
<u>Maximum Standards.</u>		
<u>a.</u>	<u>Density</u>	<u>0.3 FAR</u>
<u>b.</u>	<u>Height of buildings/ structures</u>	<u>45 feet</u>
<u>c.</u>	<u>Building coverage</u>	<u>50 percent</u>
<u>d.</u>	<u>Building Area (conditioned)</u>	<u>105,000 sf</u>
<u>Minimum Standards.</u>		
<u>a.</u>	<u>Lot width</u>	<u>300 feet</u>
<u>b.</u>	<u>Front setback</u>	<u>100 feet</u>
<u>c.</u>	<u>Side setback</u>	<u>10 feet</u>
<u>d.</u>	<u>Rear setback</u>	<u>10 feet</u>

1. Design. The design of the building and site shall substantially conform to all applicable development standards, requirements and Environmental Design Features in this Section; materials and colors shall be used in a manner that creates a visually cohesive design; roof

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design, building massing, and building articulation treatments shall be applied on all sides of the buildings; and shall be compatible with the character, including any historic considerations, of the site.

2. **Landscaping.** All setbacks must be landscaped with plant materials, adequately maintained in accordance with the generally applicable provisions of Chapter 17.25.

3. **Parking.** Parking for hotel use shall be a minimum of 77 parking spaces and may be provided on site or off-site on an adjoining parcel subject to a long-term joint-use parking agreement. Parking and loading shall comply with the generally applicable Parking Area and Access Design Standards in Section 17.26.050. Electric vehicle charging stations and EV-capable parking shall conform to Section 17.26.090, as required.

G. Other Uses, Standards, and Requirements.

1. **Wastewater.** Wastewater treatment provided by an on-property package water reclamation system sized for WPA project serving flows in the form of a membrane bioreactor or similar system that is capable of providing tertiary treated water quality treatment shall be allowed. Alternatively, wastewater services may be provided by municipal wastewater systems if permitted by the City.

2. **Water.** Potable water will be provided by existing on-site wells. Emergency systems water and irrigation water will be supplied by recycled water and supplemented by on site wells as needed. Alternatively, such water may be provided by municipal water systems if permitted by the City. The use of existing water wells within the City, including the maintenance, modification, or reconstruction thereof, for potable water, emergency systems water, and irrigation water not supplied through treated wastewater shall be allowed and shall not require a permit under Section 13.16.060.

3. **Retail.** Retail sales and food and drink facilities must be integrated with the overnight accommodations or winery visitor center, and no advertising or other exterior evidence of such use shall be visible from any public right-of-way.

4. **Other Uses, Capacity.** No use authorized under the provisions of this Chapter shall be permitted where use, occupancy, or patronage will exceed the capability of the site to provide off-street parking, waste disposal systems, and reasonable provisions for public safety consistent with the St. Helena Municipal Code.

5. **Workforce Housing.** An Applicant under this Section shall apply to the City for a permit to develop a minimum of fifty (50) units of rental workforce housing made available to rent at an affordable rent, adjusted for household size, to moderate income households on a separate legal parcel within the City Limits (“Workforce Housing Obligation”). If the City approves any of the Applicant’s proposed Workforce Housing Obligation, the City shall not apply any otherwise applicable affordable housing impact fee to the Project in accordance with applicable City regulations as contained in Chapter 17.30 of the St. Helena Municipal Code, as may be amended from time to time. If the City approves the Workforce Housing Obligation prior to the certificate of occupancy on the Project, Applicant shall cause construction of its Workforce Housing Obligation within 24 months of the City’s approval of the Workforce Housing Obligation. If the City fails to approve the Workforce Housing Obligation prior to the certificate of occupancy on the Project, Applicant shall make a payment for the purpose of furthering the City’s affordable housing goals pursuant to the requirements of St. Helena Municipal Code Section 17.30.020, as may be amended from time to time, to be paid to the City prior to issuance of the certificate of occupancy for the Project as the Project’s sole obligation to provide affordable or workforce housing.

6. Environmental Design Features.

a. In addition to the requirements of the WPA Overlay and the St. Helena Municipal Code, an approved WPA Overlay must include and incorporate Environmental Design Features

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(“EDFs”) to ensure that development in the overlay area avoids or minimizes environmental effects with appropriate sensitivity to the land, its resources, and adjacent property, and remains in compliance with the California Building Code and other generally applicable state laws. The Project Applicant(s) or designee(s) under this Section shall implement all EDFs and the City shall implement a monitoring and enforcement program to ensure compliance. The monitoring and enforcement program shall be administered by the Community Development Director or their designee.

b. The EDFs required for the WPA Overlay adopted on the WPA Property subject to the St. Helena Agritourism Initiative (“Initiative”) are set forth in Appendix 1, which is incorporated by reference herein; Appendix 1 attached to the Initiative as **Exhibit C**.

7. **WPA Overlay Controls.** In the event that any other provision of this Chapter 17.21 (“Overlay Zoning Districts”) of Title 17 (“Zoning Code”) or any other provisions of the St. Helena Municipal Code conflict with this Section 17.21.060, the provisions of this Section shall govern.

8. **Modifications.** Modifications to the standards of this Section may be approved pursuant to the generally applicable provisions of Section 17.11.010 (“Minor Modifications to Development Standards”), as may be amended from time to time.

H. Building Permits.

1. **Building Permit Required.** No person shall commence, authorize, or cause to be commenced any erecting, constructing, enlarging, altering, repairing, improvising, moving, or demolishing of any building or structure in the WPA Overlay without first obtaining a building permit for buildings or structures from the Chief Building Official.

2. **Height.** Height shall be measured from finished grade to midpoint of roofline. Maximum height limits specified in this Chapter shall not apply to rooftop features for the housing of elevators, other roof equipment used to operate and maintain a building, screens for such equipment, other features, such as spires, belfries, domes, chimneys and cupolas, flagpoles, water tanks and towers, aids to navigation, communications antenna and satellite dishes, and other structures or features which, in the opinion of the Community Development Director, are similar to the above types of features.

I. Required Application. Applications for development in the WPA Overlay shall be filed by the Project Applicant and must include the following to determine substantial conformance with this Section:

1. A map or maps showing:

a. Topography of the land, contour intervals as required by the City;

b. Proposed circulation system;

c. Areas for proposed structures, uses, recreation areas, commercial uses, and other such areas;

d. Off-street parking; and

e. The location of the Workforce Housing Obligation;

2. General elevations or perspective drawing of all proposed buildings and structures;

3. Information demonstrating that:

a. The development meets the standards of this Section;

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- b. The development is a high quality design;
- c. Each phase (if any) of the development, as well as the development as a whole, can exist as an independent unit capable of creating an environment of sustained desirability and stability;
- d. The development is planned in coordination and substantial compatibility with the WPA Overlay; and
- e. That development has been designed to implement features consistent with this Section, including the required EDFs, to address potential impacts, including from traffic, wastewater treatment, water usage, and employee housing.

SECTION 6. Internal Consistency.

It is the intent of the people of the City of St. Helena that the amendments contained in Sections 3-5 of this Initiative be read and construed in full harmony with the rest of the General Plan of the City of St. Helena. To the extent that any other provisions of the St. Helena Municipal Code, or any other ordinances of the City may be inconsistent with this Initiative, the provisions of this Initiative shall govern.

SECTION 7. Implementation of this Initiative.

A. This Initiative is considered adopted and effective upon the earliest date legally possible after the elections official certifies the vote on the Initiative by the voters of the City of St. Helena. Upon the effective date of this Initiative, the City is directed to promptly take all appropriate actions needed to implement this Initiative, including but not limited to taking any administrative steps necessary to update any City maps, figures, and any other documents maintained by the City so they conform to the legislative policies set forth in this Initiative.

B. Upon the effective date of this Initiative, the General Plan provisions of Section 3 of this Initiative are hereby inserted into the General Plan; except that if the four amendments of any mandatory element of the General Plan permitted by state law for any calendar year have already been utilized in the year in which this Initiative becomes effective, the General Plan amendments set forth in this Initiative shall be the first amendments inserted into the General Plan on January 1 of the next year. The City may reorganize, renumber, and/or reformat the General Plan provisions included in Section 3 of this Initiative, provided that the full text is inserted into the General Plan without alteration. The City may also reorganize, renumber, and/or reformat the Municipal Code provisions included in Section 5 of this Initiative, provided that the full text is inserted into the Municipal Code without alteration.

C. The General Plan in effect on the date of filing of the Notice of Intent to Circulate this Initiative ("Filing Date"), and the General Plan as amended by this Initiative, comprise an integrated, internally consistent and compatible statement of policies for the City. To ensure that the City's General Plan remains an integrated, internally consistent, and compatible statement of policies for the City, any provision of any element of the General Plan that is adopted between the Filing Date and the effective date of the General Plan amendments adopted by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with or would diminish, render invalid, defeat, or impair the General Plan amendments adopted by this Initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this Initiative and other elements of the General Plan.

SECTION 8. Effect of Other Measures on the Same Ballot.

To ensure that the intent of the voters is not frustrated, this Initiative is presented to the voters as an alternative to, and with the express intent that it will compete with or take precedence over, any and all voter initiatives or City-sponsored measures placed on the same ballot as this Initiative and which, if approved, would regulate the use or development of properties subject to

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this Initiative in any manner whatsoever that would frustrate the purpose and intent of this Initiative (each, a “Conflicting Initiative”). In the event that this Initiative and one or more Conflicting Initiatives are adopted by the voters at the same election, then it is the voters’ intent that only the measure which receives the greatest number of affirmative votes shall control in its entirety with respect to the future use and development of properties subject to this Initiative and said other measure or measures shall be rendered void and without any legal effect with respect to such properties. If this Initiative is prevented from going into effect by a Conflicting Initiative approved by the voters at the same election, and such Conflicting Initiative is later held invalid, this Initiative shall be self-executing and given full force of law. Notwithstanding the foregoing provisions of this Section, in the event that both this Initiative and another measure(s) are adopted by the voters at the same election, but the two measures can be harmonized in a manner that permits this Initiative to be implemented upon its adoption without imposing any additional or inconsistent requirement(s) to properties subject to this Initiative (e.g., the other measure impacts only properties that are not subject to this Initiative because of their land use designation and/or zoning), then it is the voters’ intent that both the other measure and this Initiative shall be given full force and effect regardless of which measure receives the greatest number of affirmative votes.

SECTION 9. Interpretation and Severability.

A. This Initiative must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.

B. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, we the People of the City of St. Helena indicate our strong desire that: (i) the City Council use its best efforts to sustain and re-enact that portion, and (ii) the City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, including adopting or reenacting any such portion in a manner consistent with this Initiative.

C. This Initiative must be broadly construed in order to achieve the purposes stated above. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that facilitates the purpose set forth in this Initiative.

SECTION 10. Amendment.

The amendments to the St. Helena General Plan, Zoning Map, and Municipal Code set forth in Sections 3-5 of this Initiative may be amended or repealed only by a majority of the voters of the City voting in a regular election held in accordance with state law.

SECTION 11. Exhibit List.

- Exhibit A: Map of the Property Subject to this Initiative (for informational purposes only)
- Exhibit B: Amendments to City of St. Helena Zoning Map
- Exhibit C: Appendix 1 to Section 17.21.060 of the St. Helena Municipal Code – Environmental Design Features (“EDFs”) for the WPA Property Subject to this Initiative
- Exhibit D: Copy of St. Helena Municipal Code Chapter 17.19 (for informational purposes only)

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EXHIBIT A

Exhibit A depicts the property subject to this Initiative. Specifically, this Exhibit A depicts the location of 1) the approximately 140-acre winery site, which is bounded by Deer Park Road to the northwest, the Napa River to the northeast, and York Creek and an existing winery production facility to the southeast (the "Winery Property"); and 2) the location within the Winery Property of the 11 acres of real property, located at 2800 Main Street, to which the new WPA Overlay will be applied pursuant to this Initiative (the "WPA Property"). This Exhibit is attached for informational purposes only.

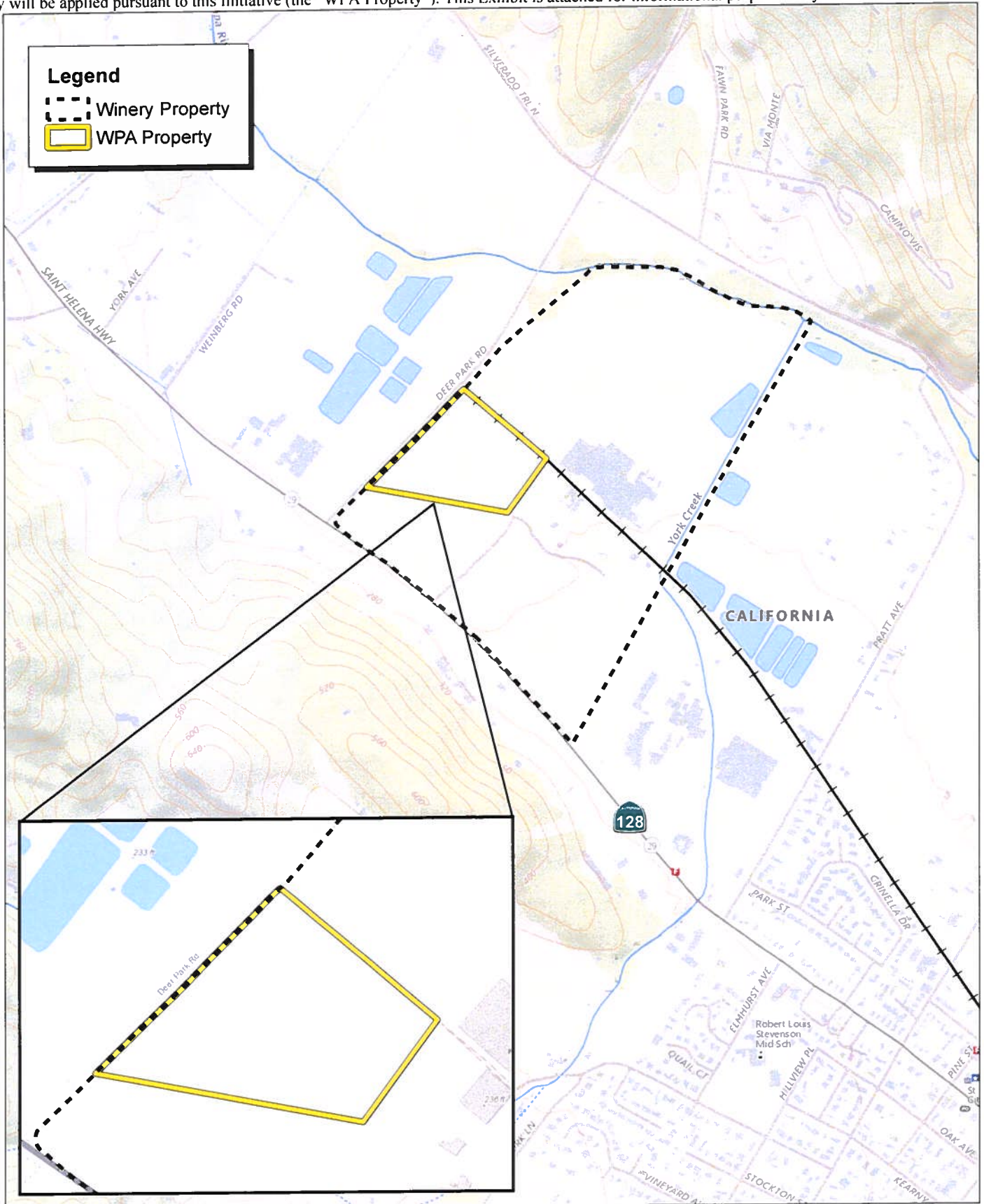


EXHIBIT A

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

EXHIBIT B

The Zoning Map of the City of St. Helena is hereby amended as depicted herein to 1) include a new Winery and Planned Agritourism Overlay (WPA) designation in the list of City of St. Helena Zoning Districts; and 2) adopt the Winery and Planned Agritourism Overlay (WPA) zoning overlay on the WPA Property subject to this Initiative.

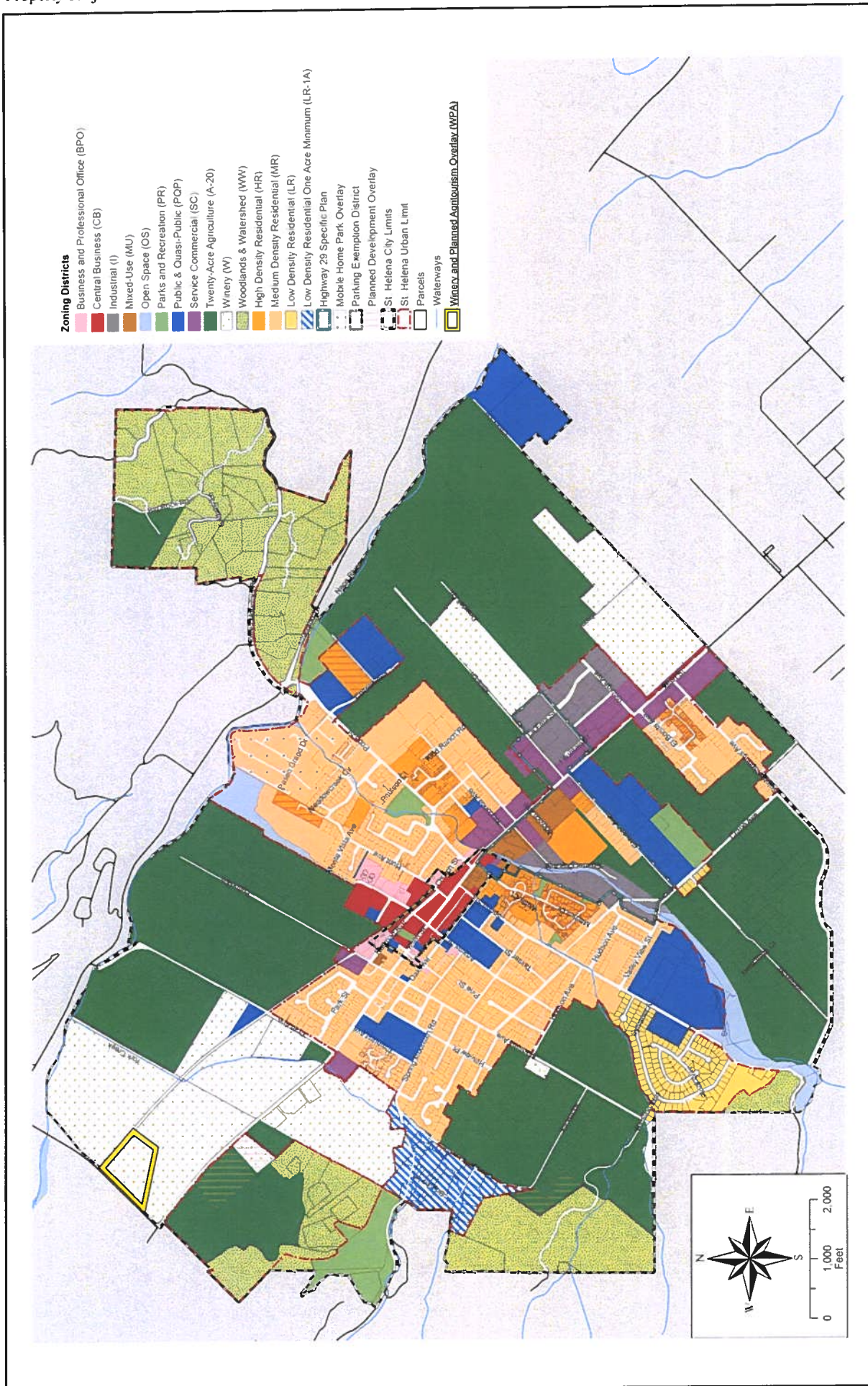


EXHIBIT B

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

EXHIBIT C

Appendix 1 to Section 17.21.060 of the St. Helena Municipal Code - Environmental Design Features for the WPA Property Subject to this Initiative

The following Environmental Design Features (“EDFs”) are incorporated into the WPA Overlay added to the WPA Property pursuant to the St. Helena Agritourism Initiative (the “Initiative”) to implement the goals and policies of the General Plan and this WPA Overlay. The applicant(s) or designee(s) (referred to herein as “Applicant”) for any hotel, resort or similar uses developed in the WPA Overlay (referred to herein as “Project”) shall implement the following EDFs as described below.

Environmental Design Feature	Timing
General	
1. A website shall be maintained to provide information on upcoming events at the Project.	Prior to Issuance of Certificate of Occupancy
2. The Project shall be in conformance with all applicable City ordinances, rules, regulations and policies in effect at the time of issuance of a building permit.	Prior to Issuance of Building Permit
3. All required fees, including planning fees, development impact fees, building fees, and St. Helena Unified School District fees for the Project shall be paid prior to issuance of a building permit except as expressly provided herein. Fees shall be those in effect at the time of the issuance of the building permit.	Prior to Issuance of Building Permit
4. Compliance with all EDFs shall occur in accordance with specific regulations but in all cases no later than prior to Project occupancy or initiation of use unless another time is set by law or by Section 17.21.060. Occupancy or final inspection of a Project may be withheld if all conditions, including payment of fees for services rendered by the City, are not met.	Prior to Issuance of Certificate of Occupancy
5. The Project shall be subject to the generally applicable requirements of, and all improvements shall be designed and constructed in accordance with, the most current version of legal requirements at the time of building or grading permit, such as the Caltrans Standards and Specifications, the City of St. Helena Municipal Code, the St. Helena Water and Sewer Standards, the St. Helena Street, Storm Drain and Sidewalk Standards, and all applicable current federal, state and county codes governing such improvements.	Prior to Issuance of Certificate of Occupancy
6. The Applicant shall comply with the generally applicable building codes in effect at the time the Applicant applies for a building permit, and shall include all documentation listed on the City’s building permit application checklist, as may be amended from time to time.	Prior to Issuance of Building Permit
7. The plans for Project construction shall include a checklist for compliance with the mandatory, generally applicable measures of the California Green Buildings Standards Code, as may be amended from time to time, with a reference on the checklist indicating where the mandatory measures can be found on the plans.	Prior to Issuance of Building Permit
8. Building permit application materials and plans shall include any documentation pertaining to special loads applicable to the design and the specified section of the code that addresses the condition; special inspections for any systems or components requiring special inspection; requirements for seismic resistance; and a complete list of deferred submittals at time of application, provided that deferral of fire sprinkler design is not allowed.	Prior to Issuance of Building Permit
Aesthetics	
9. After completion of site grading, the slopes along Deer Park Road and the St. Helena Highway (CA-128 W/CA-29 N) shall be vegetated with a plant palette that is selected and planted appropriately based upon adaptability to the Project’s climatic, geologic, environmental, and topographic conditions. All landscaping shall be maintained by the Applicant in good condition.	Prior to issuance of Certificate of Occupancy

EXHIBIT C

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

<p>10. Planted areas shall be irrigated with recycled water to the extent available and feasible.</p>	<p>Prior to issuance of Certificate of Occupancy</p>
<p>11. Accessory Project facilities such as trash bins, storage areas, etc., shall be screened from view from adjacent off-site residences to the extent feasible.</p>	<p>Prior to issuance of Building Permit</p>
<p>12. A minimum of 20% of the Property must remain maintained landscaping and shall be kept in a weed-free condition.</p>	<p>Prior to issuance of Certificate of Occupancy</p>
<p>13. Exterior lighting shall be directed or shielded to prevent glare onto the public roadway or adjacent properties.</p>	<p>Prior to issuance of Certificate of Occupancy</p>
<p>14. The Applicant shall provide details of all proposed fencing, walls, and gates on all plans submitted, which shall comply with any applicable building standards.</p>	<p>Prior to issuance of Building Permit</p>
<p>Air Quality</p>	
<p>15. Prior to the issuance of a grading permit for a Project, the Applicant shall submit a grading plan for review and approval by the City Planning Division. The following specifications shall be included in a Construction Management Plan with the permit application(s) to reduce short-term air quality impacts attributable to the on-site and off-site construction activities:</p> <ul style="list-style-type: none"> a. During all construction activities, all architectural coatings applied shall contain a low content of volatile organic compounds; b. All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. Equipment maintenance records shall be kept onsite and made available upon request by the City c. All material excavated, stockpiled, or graded (including unpaved areas and roads) shall be sufficiently watered to prevent fugitive dust from leaving property boundaries and causing a public nuisance or a violation of an ambient air standard; d. All onsite vehicles shall be limited to a speed of 25 miles per hour on unpaved roads; e. All land clearing, grading, earth-moving, or excavation activities on the Project site shall be suspended when sustained winds are expected to exceed 25 miles per hour; f. All trucks hauling dirt, sand, soil, or loose material shall be covered or shall maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the trailer) in accordance with the generally applicable requirements of the California Vehicle Code; g. Fossil fuel based off-road construction equipment and all construction vehicles shall be prohibited from idling for periods longer than 5 minutes when not in use; h. During Project construction, all construction equipment shall conform to applicable required state and federal emission standards. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than applicable required state and federal emission standards; i. During Project construction, electricity from power poles rather than temporary diesel- or gasoline-powered generators shall be used to the extent feasible; j. The Applicant shall prepare and implement a Construction Management Plan (CMP) for Project construction. Project construction contracts shall require compliance with the CMP. The CMP shall include, without limitation contractor contact information and responsibilities, typical construction hours, material storage and construction trailer locations, construction waste recycling program, construction equipment emissions requirements, dust control requirements, haul routes, any off-site construction parking plans, and construction traffic management plan (e.g., flag persons, signs); k. During Project construction, contractors shall implement fugitive dust control measures consistent with applicable Bay Area Air Quality Management District Regulations, as may be amended from time to time; 	<p>Prior to Issuance of Building Permit</p>

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

<ul style="list-style-type: none"> l. Project Construction contractors shall be required to implement a recycling program for waste generated by demolition and construction activities to the extent feasible; m. Project construction deliveries shall be scheduled, to the extent feasible, during off-peak traffic periods to encourage the reduction of trips during the most congested periods. 	
<p>16. The Project shall incorporate various sustainable design elements and guidelines to promote energy efficiency and other conservation measures. The Project's sustainable design elements shall include, but are not limited to:</p> <ul style="list-style-type: none"> a. Landscaping consistent with the generally applicable provisions of St Helena Municipal Code Chapter 17.25 xeriscape principles and site-specific plant materials. All landscaping shall be maintained by the Applicant in good condition; b. Irrigation with recycled water to the extent available and feasible; c. Recycling programs for construction-generated waste; d. Use of energy efficient lighting for streetlights, path lights, and other similar uses. 	<p>Prior to issuance of Certificate of Occupancy</p>
<p>17. The Applicant shall provide a tree protection plan prior to the issuance of a grading permit that shall include on the site plan the location of trees within the Project area and include a tree protection plan which shall be coordinated with any civil grading/drainage/improvement plans.</p>	<p>Prior to issuance of Grading Permit</p>
<p>Biological Resources</p>	
<p>18. Prior to issuance of a grading permit for Project work in or discharges to any federal and/or state jurisdictional waters, including wetlands, Applicant shall provide written evidence to the City of St. Helena that any applicable resource agency with jurisdiction has issued any required permits; such agencies may include U.S. Army Corps of Engineers (Corps), California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), or any other applicable agency (e.g., California Department of Fish and Wildlife (CDFW)).</p>	<p>Prior to issuance of Grading Permit</p>
<p>19. Project construction activities shall prevent the unpermitted discharge of sediment and/or muddy, turbid, or silt-laden waters into any on-site wetlands and/or other receiving water bodies, including off-site adjacent drainage ditches located immediately to the north and east of the Project. Project construction shall comply with the following:</p> <ul style="list-style-type: none"> a. A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared to address best management practices (BMPs) that will be used to prevent erosion and sediment loss within the Project site. BMPs such as silt fence, mulching and seeding, and straw wattles will be placed where needed to prevent sediment from leaving the site during construction. Permanent stormwater management in the form of planting, mulching, and paving will be placed to address erosion after construction. Once construction is complete, the SWPPP will no longer be in effect; b. Appropriate sediment control measures (e.g., silt fences, straw wattles) shall be in place prior to the onset of construction activities within waters of the United States and/or State and in areas where there is a potential for surface runoff to drain into adjacent aquatic features and as required by the SWPPP; c. Sediment control measures shall be monitored and maintained until construction activities have ceased; d. Temporary stockpiling of excavated or imported material shall be placed as far away from any waters of the United States and/or State as practicable. Excess soil shall be used on site or disposed of at a regional landfill or other appropriate facility. Stockpiles that are to remain on the site through the wet season shall be protected to prevent erosion (e.g., silt fences, straw bales) as required in the SWPPP; e. All waters of the United States and/or State temporarily impacted by construction activities shall be restored and revegetated, as close as practicable, to preconstruction contours and conditions; f. Construction fencing shall be installed along the edges of the work zone adjacent to waters of the United States and/or State outside the construction area. All work and stockpiling of materials shall be confined to the Project disturbance area. 	<p>Prior to issuance of Grading Permit</p>

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

<p>20. Birds, including but not limited to raptors such as white-tailed kite: If feasible, vegetation removal and/or construction shall be conducted between September 1 and January 31. If vegetation removal and/or construction activities is to occur during the nesting season (February 1 through August 31), a qualified biologist shall conduct a preconstruction survey no more than seven days before vegetation removal or construction activities begin. If an active nest is found, a non-disturbance buffer shall be established for a distance of 500 feet around the nest unless a smaller buffer zone is approved by CDFW. Construction may resume once the young birds have left the nest or as approved by the qualified biologist.</p>	<p>Prior to issuance of Grading Permit</p>
<p>21. Bats, including pallid bats: If feasible, vegetation removal and/or construction shall be conducted between August 16 and March 31. If vegetation removal and/or construction activities is to occur during the roosting season (April 1 through August 15), a qualified biologist shall conduct a preconstruction survey no more than seven days before vegetation removal or construction activities begin. If an active roost is found, a non-disturbance buffer shall be established for a distance of 500 feet around the nest unless a smaller buffer zone is approved by CDFW. Construction may resume once the young have left the nest or as approved by the qualified biologist.</p>	<p>Prior to issuance of Grading Permit</p>
<p>Cultural Resources</p>	
<p>22. Prior to the issuance of a building permit, Applicant shall have a qualified architectural historian conduct and prepare viewshed and site analysis to demonstrate the Project design compatibility of the new adjacent and/or related new construction to any properties listed and/or eligible for the National Register of Historic Places, California Register of Historical Resources, and/or potentially eligible as a State Historical Landmark and Point of Historical Interest. That analysis shall demonstrate that:</p> <ul style="list-style-type: none"> a. New adjacent or related new construction by the Project to any properties listed and/or eligible for the National Register of Historic Places, California Register of Historical Resources, or potentially eligible as a State Historical Landmark and Point of Historical Interest will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired; b. The Project will avoid excavations or regrading of land adjacent to any historic building which could cause the historic foundation to settle, shift, or fail, or which could destroy significant archeological resources; c. Design of the Project's adjacent new construction to historic buildings will be compatible with the historic character of the site and preserves the historic relationship between the building or buildings and the landscape; d. New construction on or near the historic building site will avoid being visually incompatible in terms of size, scale, design, material, or color, which destroys historic relationships on the site, or which damages or destroys important landscape features, but will be differentiated from the historic building or buildings; e. Adjacent new buildings on a historic property or on an adjacent site will avoid being much larger than a historic building in close proximity, and avoid new buildings or groups of buildings that are not compatible with the character of the historic building; f. For development or redevelopment on a site that contains any structures over 45 years old, require a records search of the California Historical Resources Information System at the Northwest Information Center (NWIC) to determine the presence of historic resources. As warranted by the results of the records search, the Applicant shall also provide a historical significance assessment of structures over 45 years. 	<p>Prior to issuance of Building Permit</p>
<p>23. Any applicable California State Department of Parks and Recreation forms for historic resources shall be produced and submitted to the California Historical Resources Information System (CHRIS) to document current conditions of any historical resource prior to removal of any rows of the vineyard from the historic era.</p>	<p>Prior to issuance of Building Permit</p>
<p>24. The Project shall rehabilitate any sections of existing rail for the adjacent train track that has fallen into disrepair on the Project site and applicable California State Department of Parks and Recreation forms for historic</p>	<p>Prior to issuance of Building Permit</p>

EXHIBIT C

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

<p>resources shall be produced and submitted to the California Historic Resources Information System (CHRIS) to document the condition of the existing rail for the train resource before any Project construction begins.</p>	
<p>25. Applicant shall send letters of information about the Project to local historical societies that may have an interest in the history of the Project property, as appropriate.</p>	<p>Prior to issuance of Building Permit</p>
<p>26. Prior to issuance of a grading permit, a qualified archeologist shall prepare an Archaeological Treatment, Testing, and Curation Plan to assess of the potential presence of archaeological, paleontological and tribal cultural resources, including a site survey and a records search of the California Historical Resources Information System at the Northwest Information Center (NWIC). If warranted by the results of the assessment, the qualified archeologist shall then prepare a Cultural Resources Monitoring Plan (CRMP) in consultation with a Tribal Representative that will include protocols, as appropriate, for Workers Environmental Awareness training, on site cultural resources monitoring, Tribal monitoring, and procedures for treatment of additional cultural resources identified during ground disturbing activities associated with the Project. The CRMP shall include, at minimum, a plan the following items to be implemented before ground-disturbing or construction activities can resume for any resources found to be historical resources:</p> <ol style="list-style-type: none"> a. A determination of the approximate volumetric quantity of archaeological deposit disturbed by all construction related earthmoving activities including grading, foundations, utility trenching and excavation for pools; b. Provisions for recovery of a minimum of ten percent (10%) sample of the intact cultural deposit within the area of the archaeological site impacted by the proposed Project. The actual quantity of the three percent sample of the cultural deposit shall be determined based upon the engineering data regarding volumetric quantity to native soils. Location of the mitigation excavation units shall be determined by an archeologist based upon final construction plans as well as consultation with the Project representatives; c. Monitoring of grading and excavations by a qualified archeologist; d. Provision for recovery for any significant cultural materials unearthed during construction excavation; e. Preparation of a final archaeological report at the completion of construction, describing all significant findings and submittal to the City, including whether these resources may require assessment for listing on the National Register of Historic Places; f. Preparation and submittal of an update to the existing site records and any applicable California State Department of Parks and Recreation forms for historic resources forms; g. Consultation with the local tribes (the Mishewal-Wappo Tribe and other tribes as appropriate based on consultation with the Native American Heritage Commission) regarding this Project. 	<p>Prior to issuance of Grading Permit</p>
<p>27. If human remains are discovered, all work within 100 feet of the remains shall immediately cease, and the Napa County Coroner's office shall be notified. If the coroner determines that the remains are Native American, the coroner shall notify the Native American Heritage Commission (NAHC) to identify the most likely descendant. The Project Applicant, under the direction of the City, and in consideration of recommendations from the most likely descendant, shall prepare a plan for treatment and reinternment of the remains. In the event that the most likely descendant cannot reach an agreement with the property owner for these activities even after mediation by the NAHC, the Applicant shall reinter the remains where they will not be subject to further disturbance, record the location with the NAHC and the Northeast Information Center, and work with the City to establish a zoning designation or easement at the location to protect the remains against future discovery or damage. Per the conditions in the CRMP, work shall halt within the vicinity of the find until the appropriate treatment measures have been completed.</p>	<p>Prior to issuance of Grading Permit and during construction</p>
<p>28. Should any paleontological resources be encountered during ground disturbing activities, all such activities shall halt within a 100-foot radius of the discovery, a qualified paleontologist shall be contacted to determine the nature of the find, evaluate its significance, and if necessary, implement preservation or removal methods.</p>	<p>Prior to issuance of Grading Permit and during construction</p>

EXHIBIT C

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Energy	
<p>29. Prior to issuance of a final occupancy permit, the Applicant shall demonstrate the Project's compliance with the following measures to the City Planning Division:</p> <ul style="list-style-type: none"> a. Parking lot lights mounted and arranged efficiently to minimize energy compared to a greater number of fixtures at lower heights without increasing impacts on adjacent properties. The use of LED lamps to provide a higher level of perceived brightness with less energy than other lamps; b. The implementation of reflective cool roof material (SRI of 16 or greater); c. High efficiency HVAC units with high-efficiency ducted systems; d. Photo sensor and time clock-controlled parking lot and exterior lights. e. The use of high-efficiency light source and ballasts (LED) and bi-level switching for fluorescent fixtures are used; f. Energy efficient Transformers; g. The use of variable speed motors make-up air units, booster pumps and air side and/or water side economizers; h. All electric utility service meters shall be a smart meter or equivalent advanced metering device, if allowed by the utility provider; i. All toilets, urinals, sinks, showers and other water fixtures installed on-site shall be as required by California's Green Building Code, as may be amended from time to time. 	Prior to Issuance of Certificate of Occupancy
<p>30. The Applicant shall implement the following emissions reduction measures:</p> <ul style="list-style-type: none"> a. Utilize energy-efficient appliances, such as Energy Star-certified (or equivalent) water heaters, to reduce energy consumption and emissions; b. Utilize automated controls for air conditioners and lighting to reduce electricity consumption and associated emissions. 	Prior to issuance of Building Permit
<p>31. Serving or packaging to-go food materials in non-biodegradable polystyrene (i.e. Styrofoam/plastic foam) materials shall be prohibited.</p>	Prior to operation of the Resort
Floodplain	
<p>32. No new structures or fill that results in any increase in flood levels during the occurrence of the base flood discharge shall be developed within the Federal Emergency Management Association (FEMA) Floodway.</p>	Prior to issuance of Building Permit
<p>33. In accordance with the City of St Helena Municipal Code Section 15.52.150, the Project shall accommodate a Design Flood Elevation (DFE) of 18 inches above the Base Flood Elevation (BFE).</p>	Prior to issuance of Building Permit
<p>34. Any building structure below the Design Flood Elevation (DFE) shall be watertight with walls substantially impermeable to the passage of water, having structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy, and be certified by a registered civil engineer.</p>	Prior to issuance of Building Permit
Geology and Soils	
<p>35. The Applicant shall comply with site-specific recommendations set forth in site-specific engineering geology and soils investigation/geotechnical reports. The geology and geotechnical reports shall include site-specific studies and analyses for potential geologic and/or geotechnical hazards at the site. Geotechnical reports shall address the design of pilings, foundations, walls below grade, retaining walls, shoring, subgrade preparation for floor slab support, paving, earthwork methodologies, and dewatering, where applicable. Geology and geotechnical reports may be prepared separately or together and signed and stamped by a Professional Geologist or Professional Engineer licensed in the State of California.</p>	Prior to issuance of Building Permit
<p>36. During Project construction earthwork and grading activities, geotechnical observation shall be performed by the Project geotechnical engineer.</p>	During construction
<p>37. The grading plans provided by the Applicant for review shall include the existing topography shown with contour lines labeled at one-foot intervals and extending a minimum of 100-feet beyond the limits of the site, or sufficient distance to indicate impacts on adjacent properties.</p>	Prior to Issuance of Grading Permit

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<p>38. The Applicant shall construct all on and offsite improvements in accordance with the improvement plans and supporting calculations that are prepared by a registered civil engineer and reviewed by the City of St. Helena Public Works Department. The improvement plans and supporting calculations shall include detailed designs for all utilities, water, grading, drainage, erosion control and paving.</p>	<p>Prior to Issuance of Grading Permit</p>
<p>Hazardous Materials</p>	
<p>39. Prior to issuance of grading permits, shallow soils samples shall be taken on-site to determine the location of any contaminated soils on the site with concentrations above generally established applicable worker safety thresholds.</p>	<p>Prior to Issuance of Grading Permit</p>
<p>40. Any soils with residual agricultural chemicals exceeding the generally applicable screening levels for commercial uses, or hazardous waste limits shall be characterized, removed, and disposed of off-site at a licensed hazardous materials disposal site.</p>	<p>Prior to Issuance of Building Permit</p>
<p>41. All hazardous materials measures shall be printed on all construction documents, contracts, and Project plans prior to issuance of grading permits.</p>	<p>Prior to Issuance of Grading Permit</p>
<p>42. If contaminated soils are found in concentrations above established thresholds, a Site Management Plan (SMP) shall be prepared and implemented by the Applicant (as outlined below) and any contaminated soils found in concentrations above established thresholds shall be removed and disposed of according to applicable requirements and regulations. The SMP shall be prepared by a qualified hazardous materials consultant and provided to the City with grading permit applications. The SMP shall include:</p> <ul style="list-style-type: none"> a. Management practices for handling contaminated soil or other materials if encountered during construction or cleanup activities and measures to minimize dust generation, stormwater runoff, and tracking of soil off-site; b. Preliminary Remediation Goals (PRGs) for environmental contaminants of concern to evaluate the site conditions following SMP implementation; c. A Health and Safety Plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each phase of site operations that includes the requirements and procedures for employee protection. The HSP will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction. 	<p>Prior to Issuance of Grading Permit</p>
<p>43. Cleanup and remediation activities on the site prior to building construction shall be conducted in accordance with the SMP.</p>	<p>Prior to Issuance of Building Permit</p>
<p>44. All measures shall be printed on all construction documents, contracts, and Project plans prior to issuance of grading permits.</p>	<p>Prior to Issuance of Building Permit</p>
<p>45. Project construction activities shall comply with all generally applicable federal Occupational Safety and Health Administration Safety (OSHA) and California General Industry Safety Orders and Health Standards.</p>	<p>Prior to issuance of Building Permit</p>
<p>46. Hazardous materials, if any, associated with Project construction shall be located and stored in compliance with applicable federal, state, and local requirements. Response procedures for spills and leaks of hazardous materials, if any, shall be established in compliance with applicable federal, state, and local requirements.</p>	<p>Prior to issuance of Building Permit</p>
<p>Noise</p>	
<p>47. Project construction contractors shall be required to provide a Noise Management Plan to reduce construction noise at any offsite residences to the extent feasible, and shall implement the Noise Management Plan for construction activities.</p>	<p>Prior to issuance of Grading Permit</p>
<p>48. The noise management plan shall include the following requirements:</p> <ul style="list-style-type: none"> a. Outdoor parking lot sweeping activities associated with the Project generally shall be limited to the daytime hours between 7:00 a.m. and 10:00 p.m.; 	<p>Prior to issuance of Grading Permit</p>

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<p>b. Construction activity, including all outdoor loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, or similar objects in such a manner as to cause a noise disturbance to residential uses shall be limited to the daytime hours between 7:00 a.m. and 10:00 p.m.;</p> <p>c. Noise-generating equipment operated at the Property shall be equipped with noise control devices to the extent reasonably available (i.e., mufflers, intake silencers, lagging, and/or engine enclosures). All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated. Pile drivers used within 1,500 feet of off-site residences shall be equipped with noise control measures to reduce sound energy emissions associated with pile driving (e.g., use of noise attenuation shields or shrouds). Holes for piles will be pre-drilled to the extent feasible;</p> <p>d. Haul routes shall avoid noise-sensitive land uses to the extent feasible;</p> <p>e. Staging areas and construction material storage areas shall be located away from adjacent residences.</p>	
<p>Population and Housing</p>	
<p>49. Prior to the issuance of a building permit, Applicant shall apply to the City for a permit to develop a minimum of fifty (50) units of rental workforce housing made available to rent at an affordable rent, adjusted for household size, to moderate income households on a separate legal parcel within the City Limits (Workforce Housing Obligation). If the City approves any of the Applicant's proposed Workforce Housing Obligation, the City shall not apply any otherwise applicable affordable housing impact fee to the Project in accordance with applicable City regulations as contained in Chapter 17.30 of the St. Helena Municipal Code, as may be amended from time to time. If the City approves the workforce rental housing prior to the certificate of occupancy on the Project, Applicant shall cause construction of its Workforce Housing Obligation within 24 months of the City's approval of the Workforce Housing Obligation. If the City fails to approve the Workforce Housing Obligation prior to the certificate of occupancy on the Project, Applicant shall make a payment for the purpose of furthering the City's affordable housing goals pursuant to the requirements of St. Helena Municipal Code Section 17.30.020, as may be amended from time to time, for the Project to be paid to the City prior to issuance of the certificate of occupancy for the Project as the Project's sole obligation to provide affordable or workforce housing.</p>	<p>Prior to issuance of Building Permit; Prior to Issuance of Certificate of Occupancy</p>
<p>Public Services</p>	
<p>50. Project water lines and hydrants shall be sized and located so as to meet the fire flow requirements established by the Fire Department.</p>	<p>Prior to issuance of Building Permit</p>
<p>51. Prior to construction, building plans shall be submitted to the Fire Department for review. Based on such review, any additional fire safety requirements shall be implemented to the satisfaction of the Fire Department.</p>	<p>Prior to issuance of Building Permit</p>
<p>52. During construction, adequate ingress/egress access points shall be provided for emergency response in compliance with the requirements of the Fire Department.</p>	<p>Prior to issuance of Building Permit</p>
<p>53. Clearly marked, durable, source sorted recycling bins shall be conveniently located within the Property unless the Property is under contract with a vendor to sort waste.</p>	<p>Prior to issuance of Building Permit</p>
<p>54. The Applicant or its designee shall be responsible for meeting with the Building Official, Fire Inspector and/or Public Works Department to review compliance with Building Codes, Fire Codes, and applicable Public Works Standards.</p>	<p>Prior to Issuance of Building Permit</p>
<p>55. No construction may commence until adequate access to fire water supply is available to building sites as approved by the Fire Chief.</p>	<p>Prior to Issuance of Building Permit</p>
<p>56. Prior to issuance of a certificate of occupancy, trash areas, dumpsters and recycling containers shall be enclosed and roofed per applicable standards to prevent water run-on to the trash area and water runoff from the area, to contain litter and trash so that it is not dispersed by the wind or run-off</p>	<p>Prior to Issuance of Certificate of Occupancy</p>

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<p>during waste removal. In the event that wine or food is disposed in these areas, the enclosed trash area shall drain to the sanitary sewer system or alternative treatment system. An area drain connected to the sanitary sewer or alternative treatment system shall be installed in the enclosure area and a structural control such as an oil/water separator or sand filter shall be included. No other area shall drain into the trash enclosure. A sign shall be posted prohibiting the dumping of hazardous materials into the sanitary sewer.</p>	
<p>57. Prior to Certificate of Occupancy, the Applicant shall repair all public improvements that are damaged by the construction process in accordance with the City's generally applicable Water/Sewer/Street/Storm Drain/Sidewalk Standards, as may be amended from time to time.</p>	<p>Prior to Issuance of Certificate of Occupancy</p>
<p>58. Plans submitted for building permit shall exhibit compliance with the then current St. Helena Fire Code, as required by St. Helena Municipal Code Chapter 15.36, as may be amended from time to time.</p>	<p>Prior to Issuance of Building Permit</p>
<p>59. Fire sprinklers and fire hydrants shall be installed as required by Fire Code and the Fire Department.</p>	<p>Prior to Issuance of Certificate of Occupancy</p>
<p>60. One hour minimum fire-resistant construction on all exterior walls within 10' of property boundary is required. Fire resistant construction of interior walls shall be determined by type of occupancy.</p>	<p>Prior to Issuance of Building Permit</p>
<p>Transportation</p>	
<p>61. To encourage the use of alternative modes of transportation, the Applicant shall provide employee bicycle racks for no less than six bicycles.</p>	<p>Prior to Issuance of Certificate of Occupancy</p>
<p>62. To encourage the use of alternative fueled transportation, the Applicant shall install electric vehicle recharging stations at the Project site as required by St. Helena Municipal Code Section 17.26.090, as may be amended from time to time.</p>	<p>Prior to Issuance of Certificate of Occupancy</p>
<p>63. Preferential parking spaces shall be provided for low emission vehicles, including alternative-fuel vehicles, hybrid vehicles that qualify for freeway carpool lanes, and van pools.</p>	<p>Prior to Issuance of Certificate of Occupancy</p>
<p>64. During construction, a Construction Traffic Management Plan (CTMP) shall be prepared and implemented so as to reduce traffic impacts to adjacent residential neighborhoods, or pedestrian and vehicular impediment or interference due to construction traffic. The CTMP shall be attached to all construction contracts and shall include:</p> <ul style="list-style-type: none"> a. procedures for roadway closures or traffic detours; b. haul routes; c. required protective devices and warning signs; d. locations of construction worker parking lots; e. construction vehicle staging shall be configured to reduce traffic interference and the need for lane closures. 	<p>Prior to issuance of Grading Permit</p>
<p>65. At the Applicant's expense, the southbound approach at Deer Park Road and entrance to the Project shall be improved to include a left-turn lane and a through lane, within the existing right-of-way.</p>	<p>Prior to operation of the Resort</p>
<p>66. A Transportation Demand Management program shall be prepared and implemented by the Applicant to encourage Project employees and patrons to reduce vehicular traffic on the street and freeway system during the most congested time periods of the day and to further reduce Vehicle Miles Traveled (VMT) and to support the City's trip reduction and climate policies. The Transportation Demand Management program may include but not be limited to the following:</p> <ul style="list-style-type: none"> a. Bicycle and pedestrian-friendly environment (i.e., established and clear pedestrian networks, intersections, and built environments); b. Bicycle amenities, including bicycle parking (4 long-term spaces and 6 short term spaces minimum); c. Rideshare/carpool/vanpool promotion and support; d. Education and information on alternative transportation modes, including railway as available, via the Resort operator website; e. Discounted employee transit passes; 	<p>Prior to operation of the Resort</p>

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<p>f. Designate a Transportation Demand Management (TDM) coordinator to establish programs to ensure VMT by guests and employees are reduced, including, but not limited to, employee car and vanpooling, employer-sponsored transit passes, bicycle-sharing, showers, lockers, secure bike storage, and winery tours for guests with pickup and drop-off at the lodge.</p>	
<p>67. Prior to issuance of a Certificate of Occupancy, the Applicant shall provide no fewer than 25 courtesy bicycles for guests.</p>	<p>Prior to Issuance of Certificate of Occupancy</p>
<p>68. To preserve existing sight lines, any new signage, monuments, or other structures to be placed near the Project entrance shall be positioned outside of the vision triangles of a driver waiting on the Project access drive.</p>	<p>Prior to Issuance of Certificate of Occupancy</p>
<p>69. To minimize left turns onto SR 29 from Deer Park Road, Project signage shall be installed on the driveway directing drivers to use SR 29 to go north and Silverado Trail to go south.</p>	<p>Prior to Issuance of Certificate of Occupancy</p>
<p>70. In the event the City of St. Helena installs a traffic signal at SR 29/Deer Park Road, the Project Applicant shall pay its proportional share of the cost of the signal at the time the signal is constructed by the City.</p>	<p>Prior to Issuance of Certificate of Occupancy</p>
<p>71. In the event the County of Napa converts the existing traffic signal at Silverado Trail/Deer Park Road from flashing red operation to normal signal operation and changing the geometry on the westbound approach to a left-turn and through/right-turn lanes, the Applicant shall deposit funds with the County to cover the cost of the striping improvements to allow the County to implement this change at such time as it becomes necessary.</p>	<p>Prior to Issuance of Certificate of Occupancy</p>
<p>72. The Project shall cooperate, including by way of agreements, with the adjacent winery operator to ensure there is an adequate parking supply.</p>	<p>Prior to Issuance of Certificate of Occupancy</p>
<p>73. Prior to issuance of a Certificate of Occupancy, the Applicant shall pay traffic impact fees based on the City's Master Fee Schedule, and the fee will assume all square footage calculated at the lodging rate.</p>	<p>Prior to Issuance of Certificate of Occupancy</p>
<p>74. Prior to issuance of a building permit, the Applicant shall be required to obtain a City or other applicable encroachment permit for improvements on any public right-of-way.</p>	<p>Prior to Issuance of Building Permit</p>
<p>75. Prior to occupancy, Applicant shall construct, to the extent not previously constructed, a minimum 8-foot wide paved bicycle and pedestrian trail, which shall be open to the public, along the railway and within the property rights of the railway operator, between the Project site and Fulton Lane, provided that such obligation to construct is subject to issuance of any required permits, with reasonable and feasible conditions, from any federal and/or state agency with jurisdiction over construction affecting jurisdictional waters.</p>	<p>Prior to Issuance of Certificate of Occupancy</p>
<p><i>Utilities, Water, Water Quality and Wastewater</i></p>	
<p>76. Prior to the issuance of a Certificate of Occupancy, the Applicant shall underground on-site utility lines per the applicable requirements of the St. Helena Municipal Code. The cost of undergrounding shall be the responsibility of the Applicant. Due to the economic and engineering infeasibility of undergrounding any regional serving overhead power lines, any such existing lines may remain on overhead power poles.</p>	<p>Prior to Issuance of Certificate of Occupancy</p>
<p>77. Any new and modified existing water laterals, meters and backflow prevention devices shall be constructed in accordance with the generally applicable requirements of the City of St. Helena. Any new laterals shall be located perpendicular to the water main.</p>	<p>Prior to Issuance of Certificate of Occupancy</p>
<p>78. A Notice of Intent (NOI) shall be filed with the Regional Water Quality Control Board to comply with the statewide General Permit for Discharges of Storm Water Associated with Construction Activities (General Permit) and a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and implemented for construction activities on the Property in accordance with applicable State requirements.</p>	<p>Prior to issuance of Building Permit</p>

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<p>79. Potable water will be provided by existing on-site wells. Emergency systems water and irrigation water will be supplied by recycled water and supplemented by on site wells as needed. Alternatively, such water may be provided by municipal water systems if permitted by the City. The use of existing water wells within the City, including the maintenance, modification, or reconstruction thereof, for potable water, emergency systems water and irrigation water not supplied through recycled water shall be allowed and not require a permit under St. Helena Municipal Code Section 13.16.060.</p>	<p>Prior to issuance of Building Permit</p>
<p>80. Prior to the issuance of a building permit, Applicant shall have a qualified hydrogeologist prepare a groundwater report describing how the Project's use of existing groundwater well(s) on the Winery Property will not have a material adverse impact on the water production capability of the City. The groundwater report shall demonstrate:</p> <ul style="list-style-type: none"> a. The Project well(s) are more than 1500 feet on average from the City wells for potable water; b. The Project well(s) are more than 500 feet from the Napa River; c. The Project with existing groundwater uses on the Winery Property will not annually exceed 0.3 acre-ft/acre of groundwater extraction from the Project well(s); d. Recycled water will be generated through onsite water reclamation to maximize supply of non-potable water; e. Project groundwater demands do not exceed the capacity of on-site well(s); f. Well water extracted for use in the proposed development will, after initial use, be captured, treated, and reused for non-potable demands on the Winery Property, and will contribute to groundwater recharge. 	
<p>81. The Project shall incorporate best practices for water conservation, which shall include the metering the water production/extraction and well water levels.</p>	<p>Prior to Issuance of Certificate of Occupancy; ongoing</p>
<p>82. Applicant shall obtain all necessary permits from local and state agencies for the nontransient community water system.</p>	<p>Prior to Issuance of Certificate of Occupancy, ongoing</p>
<p>83. If the City provides a municipal water system connection and Applicant elects to connect to the municipal water system in lieu of the groundwater well(s) prior to Grading Permit, the Applicant shall execute prior to Building Permit a Water Agreement with the City, and shall comply with all applicable policies, codes, and other requirements for the municipal water system connection.</p>	<p>Prior to issuance of Building Permit</p>
<p>84. A grading and drainage plan shall be prepared for the Project that includes a design that allows for a 100-year overland release. All graded building pads shall be above the 100-year overland release elevation.</p>	<p>Prior to Issuance of Certificate of Occupancy</p>
<p>85. Prior to issuance of a grading or building permit (whichever occurs first) a detailed Post-Construction Stormwater Control Plan (SWCP) that identifies and sizes all permanent post-construction stormwater treatment best management practices (BMPs) shall be prepared by the Applicant's engineer and submitted for review approval by the City Engineer.</p>	<p>Prior to Issuance of Grading Permit or Building Permit</p>
<p>86. Prior to the issuance of a Certificate of Occupancy, a Post Construction Stormwater Operations and Maintenance Plan that provides a color-coded plan sheet showing all storm drain and water quality infrastructure that is to be maintained, along with detailed instructions and schedules for the ongoing maintenance and operation of all post-construction stormwater BMPs shall be submitted by the Applicant's engineer for review and approval by the City Engineer. Once approved, the property owner shall comply with the Post Construction Stormwater Operations Maintenance Plan BMPs.</p>	<p>Prior to Issuance of Certificate of Occupancy</p>
<p>87. If proposed/new landscaping involves an area greater than 500 square feet or rehabilitation of more than 2,500 square feet, the proposed landscaping shall comply with water efficient landscape best practices that are at least as effective as the State's Model Water Efficient Landscape Ordinance (MWELO), to the extent MWELO does not generally apply to the Project. Compliance shall be demonstrated as part of the building permit submittal.</p>	<p>Prior to Issuance of Building Permit</p>

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<p>88. Proposed separations between public water facilities and other utilities shall meet the minimum separations as specified by the generally applicable Department of Health and City of St. Helena Public Works Standards, as may be amended from time to time.</p>	<p>Prior to issuance of Building Permit</p>
<p>89. Wastewater treatment provided by an on-property package water reclamation system sized for WPA project serving flows in the form of a membrane bioreactor or similar system that is capable of providing tertiary treated water quality treatment shall be allowed. Alternatively, wastewater services may be provided by municipal wastewater systems if permitted by the City.</p>	<p>Prior to issuance of Building Permit</p>
<p>90. If the City provides a municipal wastewater system connection and Applicant elects to connect to the wastewater system in lieu of an on-property package water reclamation system prior to the issuance of a grading permit for the Project, the Applicant shall comply with all applicable policies, codes, and other requirements for the municipal wastewater system connection.</p>	<p>Prior to Issuance of Grading Permit</p>
<p>91. Prior to the issuance of building permit, Applicant shall provide a Wastewater Treatment Plant Plan and Design that contains the following information:</p> <ul style="list-style-type: none"> a. Design of the treatment system that is compliant with applicable State and County code standards for domestic wastewater generated onsite from sinks, showers, toilet flushing, and winery process water that will be treated to high quality, tertiary standards onsite with a packaged treatment system operated by the Project. b. The Project shall provide a new package plant sized for both Project and the adjacent winery wastewater flows, providing tertiary level water quality treatment. c. The reclaimed water yielded from the treatment process shall be reused for non-potable demands within the Project, consisting of outdoor drip or spray irrigation and indoor flush fixtures. d. Excess treated water shall be available for the adjacent winery, which may use reclaimed water for washdown and tank cleaning or application to vineyards, and subject to all applicable State and County requirements and standards. 	<p>Prior to issuance of Building Permit</p>
<p>92. Where applicable, the Applicant shall be required to submit to the requirements for annual inspections of food/beverage service establishments and businesses that handle hazardous wastes for illicit stormwater discharges as required by the State National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges. The annual stormwater illicit discharge inspections are performed and invoiced by Napa County Department of Environmental Management.</p>	<p>Annually</p>

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EXHIBIT D

17.19.010

Community Agricultural and Natural Resource Zoning Districts

Chapter 17.19 Community Agricultural and Natural Resource Zoning Districts

Sections:

- 17.19.010 Purpose and Applicability
- 17.19.020 Use Regulations
- 17.19.030 Development Standards
- 17.19.040 Supplemental Standards

17.19.010 Purpose and Applicability

This Chapter protects existing resources while providing for a range of agricultural, residential, and community uses within the City's agricultural and natural resource areas. This Chapter establishes use regulations, development standards, and design standards for the Twenty-Acre Agriculture, Winery, and Woodlands and Watershed Zoning Districts as follows:

Twenty-Acre Agriculture (A-20). The A-20 Zone is intended to provide for agricultural and residential uses. The purpose of the A-20 District is to preserve agricultural land uses and provide for future orderly development as the urban limit line is adjusted to accommodate urban growth. This Zone restricts the density of residential use and stipulates the location and area of residential development to promote preservation of agricultural land use and reduce impacts to the provision of infrastructure as the urban area of the City expands. This Zone implements the Agriculture General Plan Land Use Designation.

Winery (W). The W Zone is intended to provide for winery and winery-related uses within the agriculture general plan land use designation. This Zone implements the Agriculture General Plan Land Use Designation.

Woodlands and Watershed (WW). The WW Zone is intended to allow residential development that is sensitive to the land and its varying capability for development. Development in the WW Zone carefully considers the community-wide implications of natural conditions and minimizes impacts on natural conditions. This Zone implements the Woodlands and Watershed General Plan Land Use Designation.

17.19.020 Use Regulations

Table 17.19.020.A: Use Regulations – Community Agriculture and Natural Resource Zoning Districts lists the uses permitted ("P"), permitted with a Minor Use Permit ("MUP"), and permitted with a Conditional Use Permit ("CUP") granted at a public hearing. The right-hand column provides references to additional regulations beyond those of the base zoning district development and design standards. Any projects that qualify for ministerial approval under state law will be processed ministerially as required by that state law.

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Community Agricultural and Natural Resource Zoning Districts

17.19.020

Table 17.19.020.A: Use Regulations – Community Agriculture and Natural Resource Zoning Districts				
Use Classification	A-20	W	WW	Additional Regulations
<i>"P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed</i>				
Residential Uses				
Agricultural employee housing	P/CUP ¹	P/CUP ¹	—	
Single-family dwelling	P ²	P ²	P ²	
Commercial Uses				
Animal care and service				
<i>Animal boarding facility/kennel</i>	CUP	—	—	
<i>Veterinary clinic</i>	CUP	—	—	
Industrial Uses				
Manufacturing, packaging and processing	—	CUP	—	
Tanks associated with winery uses	—	CUP ³	—	
Warehousing, Wholesale, and Distribution	—	CUP	—	
Wine warehousing	—	CUP	—	
Transportation, Communications, and Utilities				
Public services, minor	MUP	MUP	MUP	
Solar energy systems	Sec. 17.22.240, Solar Energy Systems			
Telecommunication	Sec. 17.22.270, Wireless Telecommunications Facilities			
Agricultural and Extractive Uses				
Animal husbandry	P/CUP ⁴	—	P ⁵	
Community garden	P	P	P	Sec. 17.22.100, Community Garden
Cultivated agriculture	P/CUP ⁶	P/CUP ⁶	P/CUP ⁶	
Processing of agricultural products primarily produced on the premises	CUP	CUP	—	
Wineries, large	—	CUP	—	
Accessory Uses – See also Sec. 17.22.020, Accessory Uses				
Accessory dwelling unit	Sec. 17.22.030, Accessory Dwelling Units			
Animal keeping	P	P	P	Sec. 17.22.060, Animal Keeping
Beekeeping	P	P	P	Sec. 17.22.070, Beekeeping

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17.19.020

Community Agricultural and Natural Resource Zoning Districts

Table 17.19.020.A: Use Regulations – Community Agriculture and Natural Resource Zoning Districts				
Use Classification	A-20	W	WW	Additional Regulations
"P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed				
Cottage food operations	P	P	P	Sec. 17.22.110, Cottage Food Operations
Garages, carports, workshops, pool houses, gazebos, patio covers, and other accessory buildings and structures	P ⁷	P	CUP	Sec. 17.24.030, Accessory Buildings and Structures
Family day care, large	P	P	P	
Family day care, small	P	P	P	
Home occupations	P	—	CUP	Sec. 17.22.130, Home Occupations
Roadside stands	CUP	P/CUP ⁸	—	
Swimming pools	P	P	P	
Tasting room affiliated with small winery	CUP	CUP	CUP	
Winery event center	—	CUP	—	
Winery, small	CUP	CUP	—	Sec. 17.22.230, Small Wineries
Winery visitor center	—	CUP	—	
Uses accessory to a winery enclosed within a building (e.g., offices, laboratories, equipment maintenance shops, employees' eating facilities, cooperage repair shops, wine storage tanks, scales, and boiler rooms)	—	P	—	
Uses and equipment accessory to a winery located outdoors	—	CUP ⁹	—	

End Notes:

¹ Up to 36 beds in group quarters or 12 units or spaces designed for use by a single-family or household pursuant to California Health and Safety Code §§ 17021.6 are permitted. Otherwise, a CUP is required.

² On parcels over two acres in size, the single-family dwelling must be accessory to an agricultural use.

³ If the new tanks increase wine production volume beyond what is established in an existing CUP or Certificate of Legal Non-Conforming Use, a new CUP is required. If there is no increase in wine production as a result of the proposed new tanks, no CUP is required. Design review is not required for new tanks placed indoors.

⁴ Hog farms, dairies, commercial poultry farms, and egg ranches require a CUP.

⁵ Horses and cattle are not permitted.

⁶ CUP required for new uses within 30 feet of Napa River, York Creek, Sulphur Springs Creek and for new uses within Flood Plain Overlay (see Sec. 17.21.010, Flood Plain Overlay).

⁷ Plumbing and cooking facilities are not permitted.

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Community Agricultural and Natural Resource Zoning Districts

17.19.030

Table 17.19.020.A: Use Regulations – Community Agriculture and Natural Resource Zoning Districts				
Use Classification	A-20	W	WW	Additional Regulations
"P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed				
⁸ CUP is required where the roadside stand exceeds 200 square feet. ⁹ Any outdoor winery equipment or improvements proposed to be located within 400 feet of any R Zone or within 200 feet of State Highway 29, the Silverado Trail or Deer Park Road requires a CUP.				

17.19.030 Development Standards

Table 17.19.030.B: Development Standards – Community Agriculture and Natural Resource Zoning Districts establishes the development standards for the Twenty-Acre Agriculture, Winery, and Woodlands and Watershed Zoning Districts. The numbers in each illustration refer to corresponding regulations in the table.

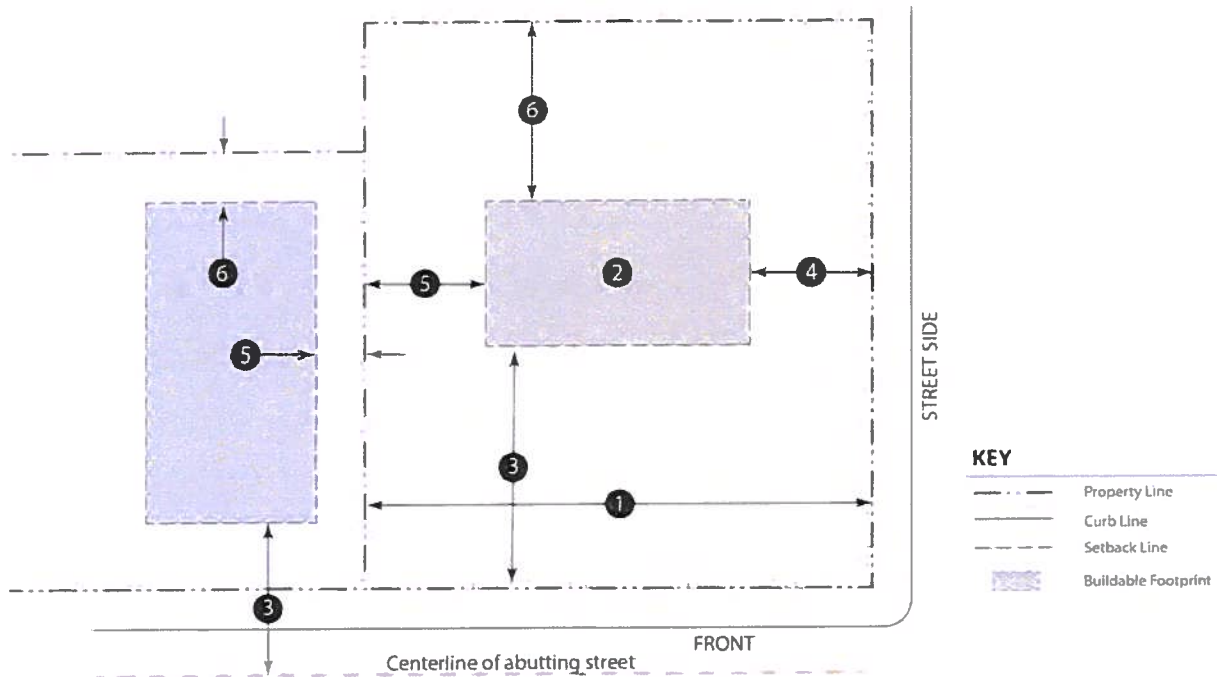


Table 17.19.030.B: Development Standards – Community Agriculture and Natural Resource Zoning Districts					
Standard	A-20 lots 2 - ≤ 5 acres ¹	A-20 lots > 5 acres	W	WW	Key
Density	Max. 1 unit/5 acres ²	Max. 1 unit/5 acres ²	Max. 1 unit per parcel ²	Max. 1 unit per parcel ²	
Lot Size					
Lot Area	Min. 20 acres	Min. 20 acres	Min. 20 acres	5 – 40 acres	
Lot Width	No min.	No min.	Min. 300 ft	20 – 200 ft	1

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Community Agricultural and Natural Resource Zoning Districts

Table 17.19.030.B: Development Standards – Community Agriculture and Natural Resource Zoning Districts					
Standard	A-20 lots 2 - ≤ 5 acres ¹	A-20 lots > 5 acres	W	WW	Key
Max. Lot Coverage (includes accessory structures)	9,000 sf ³	10,000 sf ³	50%	10% or 20,000 sq ft, whichever is less	
Max. Ground Level Floor Area (excludes accessory structures)	4,500 sq ft	5,000 sq ft	none	none	2
Max. Second Story Floor Area	35% of the ground floor area	20% of the ground floor area	none	none	
Height					
<i>Principal Structure</i>	Max. 30 ft	Max. 30 ft	Max. 45 ft	Max. 35 ft above natural grade	
<i>Accessory Structure</i> ⁴	Max. 20 ft; except for ADUs, refer to Section 17.22.030.E.9.	Max. 20 ft; except for ADUs, refer to Section 17.22.030.E.9.	none	none	
Setbacks					
<i>Front Setback</i>	Min. 50 ft, measured from the centerline of abutting street	Min. 50 ft, measured from the centerline of abutting street	Min. 100 ft	20-50 ft or 10% of lot depth, whichever is lesser	3
<i>Street Side Setback</i>	Min. 50 ft, measured from the centerline of abutting street	Min. 50 ft, measured from the centerline of abutting street	Min. 50 ft	20-50 ft or 10% of lot width, whichever is lesser	4
<i>Interior Side Setback</i>	Min. 20 ft	Min. 20 ft	Min. 50 ft	20-50 ft or 10% of lot width, whichever is lesser	5
<i>Rear Setback</i>	Min. 20 ft	Min. 20 ft	Min. 75 ft	20-50 ft or 10% of lot depth, whichever is lesser	6
<i>Min. Setback from Abutting Waterway</i>	Min. 50 ft from top of bank of Napa River				
	Min. 20 ft from top of bank of all other waterways				

Landscape and Open Space

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Community Agricultural and Natural Resource Zoning Districts

17.19.040

Table 17.19.030.B: Development Standards – Community Agriculture and Natural Resource Zoning Districts					
Standard	A-20 lots 2 - ≤ 5 acres ¹	A-20 lots > 5 acres	W	WW	Key
Max. Paved/ Hardscaped Area	0.25 acre	0.5 acre	none	none	

End Notes:

¹ For all lots less than 2 acres in area refer to the development standards for the LR-1A zoning district in Table 17.16.030.B: Development Standards – Residential Zoning Districts.

² Density excludes agriculture employee housing.

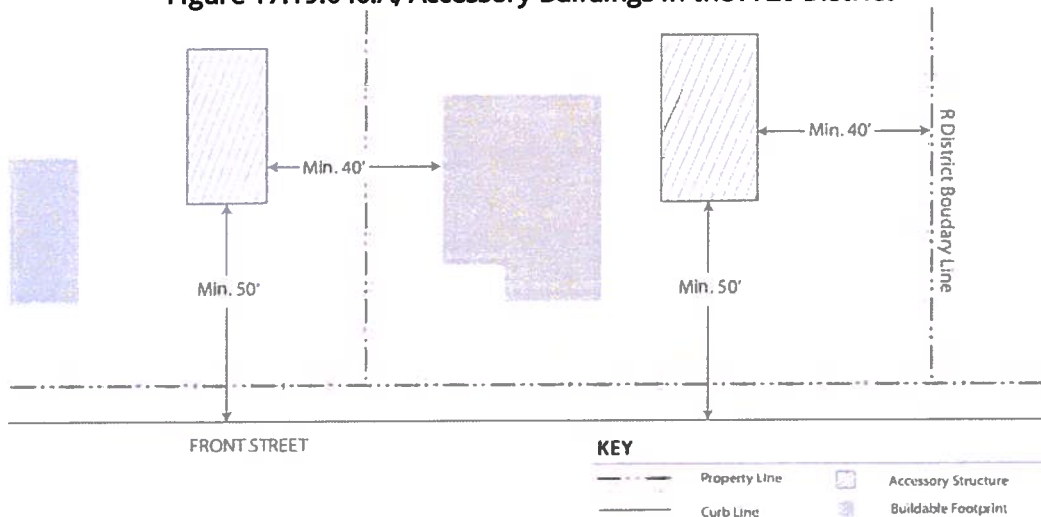
³ No more than 0.25 acres of any one parcel ≤ 5 acres (or 0.5 acres for parcels ≥ 5 acres) may be removed from potential, historical, or active agricultural use. All structures, driveways (except for a 16-foot wide driveway no greater than 2/3 the length of the parcel), parking areas, patios, pools, lawn areas, or other nonagricultural uses are included in the 0.25 acre or 0.5 acre respectively, maximum standard per parcel.

⁴ The habitable space in accessory structures may not exceed 25% of the gross floor area of the primary structure.

17.19.040 Supplemental Standards

- A. **General Standards.** All development is subject to the provisions of Part IV, Citywide Standards.
- B. **Design in the A-20 Districts.**
 - 1. **Residential Design Standards.** All residential development is subject to the standards of Section 17.16.040.A.
 - 2. **Accessory Buildings in the A-20 District.** Barns, stables, chicken houses and similar accessory buildings must be placed not less than 50 feet from a street, nor less than 50 feet from any dwelling on an adjacent parcel or R District boundary line.

Figure 17.19.040.A, Accessory Buildings in the A-20 District



- C. **Development in the W District.**

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Community Agricultural and Natural Resource Zoning Districts

1. All wine storage tanks and surface winery waste treatment facilities shall be subject to the standards in Table 17.19.030.B: Development Standards – Community Agriculture and Natural Resource Zoning Districts.
2. No use authorized under the provisions of this Chapter shall be permitted where use, occupancy or patronage will exceed the capability of the site to provide off-street parking, waste disposal system and reasonable provisions for public safety.
3. Retail sales and food and drink facilities must be integrated with a visitor center, and no advertising or other exterior evidence of such use shall be visible from any public right-of-way.
4. Winery operations shall generate sound levels no greater than 55 decibels at any property line more than 10 percent of the time (L 10). "L 10" is the noise level at the property line that is exceeded 10 percent of the operating time.
5. Winery operations shall generate no discernible odors of sewerage or putrefying organic material origin, other than normal fermentation odors, at the property lines.
6. Bottling, warehousing and retail sales activities shall be conducted within structures specifically designated for such uses.

D. Development in the WW District.

1. All clearing and earthmoving must be conducted in compliance with an erosion control plan as prepared by a registered Civil Engineer and approved by the City Engineer.
2. No disturbance of definite or suspected landslides or soil creep areas is permitted, as identified on maps produced by United States Geological Survey (USGS) or on any other more detailed study prepared by properly credentialed professionals and reviewed by the City's Geotechnical Consultant.
3. No disturbance of, or development within, riparian areas within 100 feet of intermittent or perennial streams noted on USGS maps is permitted.
4. No earth movement on slopes in excess of 30 percent is permitted. An exception may be granted by the City Engineer for minor trenching and backfilling for the installation of utilities and for temporary, nongraded access for construction purposes where no trees or substantial vegetation will be removed and where the surface will be recontoured to previous condition and revegetated according to the erosion control plan. Applications for an exception must include submittal of a construction plan for the equipment to be installed, a plan for the maintenance of that equipment, a soils and slope stability analysis prepared by a Geotechnical Engineer, an erosion control plan pursuant to subsection D.1, and a revegetation plan, utilizing native plant species, for the area that will be disturbed by the earth movement. Prior to granting an exception, the City Engineer must find that the project does not have potential for creating significant erosion problems. A performance bond must be required and held by the City for one year after completion of the project to ensure that the recontouring and revegetation were properly installed.
5. No buildings (other than water tanks, which must be screened) may be constructed within 100 feet of the primary ridgeline on any parcel. The intent of this Section is to

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Community Agricultural and Natural Resource Zoning Districts

17.19.040

reduce the visual impact of buildings that would obscure public views of the most prominent ridgeline on each property, without precluding the opportunity of the property owner to site a building that could attain a view. In implementing this Section, the Planning Commission must adopt a finding that the approved plan balances the owner's interest in attaining a view against the City's interest in preventing the obstruction of scenic views.

6. Water and sewer systems will be constructed and maintained, at the applicant's expense, to meet such standard as may be adopted by ordinance of the City Council, or in the absence of such to the satisfaction of the City Engineer. If individual and/or private water and/or sewage systems are proposed, prior approval must be obtained from the Napa County department of environmental management.
7. The fuel loading within 50 feet of the building or building envelope must be maintained at a level not to exceed such standard as may be adopted by the City Council.
8. New roads/common drives/driveways must be maintained so as to guarantee all of the following:
 - a. Safe two-way year-round passage of emergency vehicles, as defined in St. Helena Access Road Standards, as adopted by the City Council.
 - b. Erosion from road cuts/fills must not exceed such standard as specified in an erosion control plan approved by Napa County Resource Conservation District, pursuant to ordinance adopted by the City Council, or in the absence of such, to the satisfaction of the City Engineer.
 - c. Dust creation must be minimized and must not exceed such standard as may be adopted by ordinance of the City Council.
 - d. Earth movement must not obstruct or obliterate circulation improvements.
 - e. Grading must occur between April 1st and October 15th unless approved otherwise by the City Engineer.
9. Emergency vehicle access must be constructed and maintained, at the applicant's expense, to allow interconnection with nearby roads.
10. Roofing materials must be noncombustible. See the Fire Code for sprinkler and water supply requirements.

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