

EXECUTIVE SUMMARY

THE CAVES

at Soda Canyon



Information contained herein is deemed reliable but is not guaranteed, has not been verified, and is subject to change.



EXECUTIVE SUMMARY

A rare opportunity presents itself to purchase a winery in Napa Valley. This facility is situated on a stunning 41.35 acres and is only 3.5 miles from Silverado Trail in the hills of Soda Canyon's Eastern ridge with views that reach from San Francisco to Mount St. Helena perched over Wappo Hill on the Southern rim of the Stags Leap Palisades.

The property offers a 30,000 gallon winery use permit with approvals for tastings and marketing events - see use permit below. Application for a 60,000 gallon use permit is in process for approval. The facility is built into the hill-side and spans 17,500 square feet of caves with an open air crush pad. Finished cave space is 8,420 square feet and unfinished caves of 9,358 square feet with three access portals. There is an observation patio that captures the incredible and unique views of the valley.

Marketing events are as follows according to the use permit dated September 12, 2006:

- Six private wine and food events for wine trade personnel per year for a maximum of 20 guests and an average of 10 guests.
- Ten private wine and food events for a maximum of 100 guests with an average of 30 guests.
- One private harvest event per year for a maximum of 200 people.
- One open house during the Napa Valley Wine Auction for auction ticket holders from 11:00 AM to 5:00 PM during the Wine Auction week.
- Visitors up to 20/day with an average of 70/week.

There are plans with granted approvals from Napa county for a two story 8,055 square foot main residence, and approximately 10,000 square feet of a landscaped yard area, with bocce ball court, covered BBQ area and restroom. Associated improvements include, water storage tank, waste disposal area, roundabout and drive way extension. Along with a main residence there are approved plans for a 1200 square foot one story second unit, a 1000 square foot single level and a 400 square foot detached 2 car garage.



OFFERING SUMMARY

APN: 039-640-011-000

039-640-012

* The APNs have been created for tax purposes only and CANNOT be subdivided

Address: 2275 Soda Canyon Road, Napa, CA 94558

Parcel Size: 41.35 acres

Underground Caves: 17,778 sq. ft.

The Winery:

- Crush Pad
- Office
- Kitchen/Wine Lab
- 8,420 sq. ft. of finished Caves with certificate of occupancy
- 9,358 sq. ft. unfinished Caves (Permits to finish are entitled)
- Full Bathroom
- Hospitality Patio

THE CAVES

at Soda Canyon



Property Inventory List



TANKS:

- 5 - Bin Fermenters 1.5 Ton - 20
- 6 - 1,719 Gallon (6.5 Ton) open top fermenters, full Specs available
- 2 - 660 Gallons closed top tanks, fully jacketed, specs available

Glycol Heating System

Glycol Chiller

Air Compressor

Nitrogen Generator

Siemens Transformers for Permanent Power Install (\$80,000)

Software for Production / Compliance

PROCESSING EQUIPMENT:

Pneumatic Press XPF 80

Basket Press JLB 20 with second press pan

Destemmer Delta E2

Elevator 4 meters 400mm wide belt

3" Must Pump with hopper and auger

Receiving Hopper with Incline Sorting Table

Picking Bins

Sump Tub & Screen

SS Drain for bins and tanks

2" Waukesha

Yamada Air Pump - 1.5" Triclamp - up to 30 gpm

Generator - Taylor Power Systems - 275kW Diesel, 480V, 3-Phase

Post Destemmer Sorting Table

Scale

McClain Ozone sanitation system - Terminator GS48

LAB EQUIPMENT:

Oenofoss- Analysis needs during harvest - Brix, Temp, SO₂, ML, TA, VA, Gluc/Fruc

Laptops (4)

Desktop with 2 monitors

Free and Total SO₂ Mini-Titrator

Refrigerator

Scales - Large and Small

Centrifuge

Anton Paar

Beakers

Wine Thief's (plastic & glass)

Graduated Cylinders

Microwave

Under counter Dishwasher

ADDITIONAL EQUIPMENT:

Barrel Fix Kit

Pyramid Cradles - stacking barrels (Stainless Steel)

Forklifts (Electric 3500lbs & Propane 5000 lbs)

- Bin Dumper
- Cascade Barrel Lift Attachment

Pallet Jack

Barrel Washer

SO₂ tank with spray hose

Topping System

30 Gallon kegs for topping

Punch Down Tools

Irrigator

Rubber Hoses

- 3 - 10 ft 1.5"
- 4 - 20 ft 1.5"
- 2 - 40 ft 1.5"
- 3 - 10 ft 2.0"
- 3 - 20 ft 2.0"

- 2 - 40 ft 2.0"

Plastic Hoses

- 2 - 10 ft 1.5"
- 2 - 20 ft 1.5"
- 3 - 40 ft 1.5"
- 2 - 20ft 2.0"

Fittings

- Clamps & Gaskets (1.5", 2")
- Y's 2"
- Tees 1.5" / 2.0")
- Elbows (1.5" / 2.0")
- Reducers (1.5" / 2.0")
- Caps

Filling Wands

- Curved
- Straight

Filling Valves 1.5"

Filling Sight Glass - 1.5" & 2.0"

Butterfly Valves (1.5" & 2.0")

Hose clamps and tools (Claming tool and Break off adapter)

Wash down products (Nozzle, swivel adapter)

Water hoses

Quick Disconnect fittings

- Wash down, Nitrogen & SO₂

Pressure Washer

Parts Board

Stainless Steel Hose Racks (2)

Buckets with Lids (10 Gal; 5 Gal; 3 Gal)

Stainless Wisk (Large and Small)

Kegs

Carboys

55 Gal Brute (4) and wheels

Syphon Hoses

Keg Hand Truck

Funnels

Gas spargers, quick disconnects, SO2 masks, Gas meters, regulators, etc)

Ladders

Garbage Cans & Bags

Brooms & Squeegee & Brushes

Bug "Zappers" - for fruit flies during harvest

Cleaning agents (citric, Soda Ash, sodium percarbonate, cans for storage and scoops)

First Aid kit

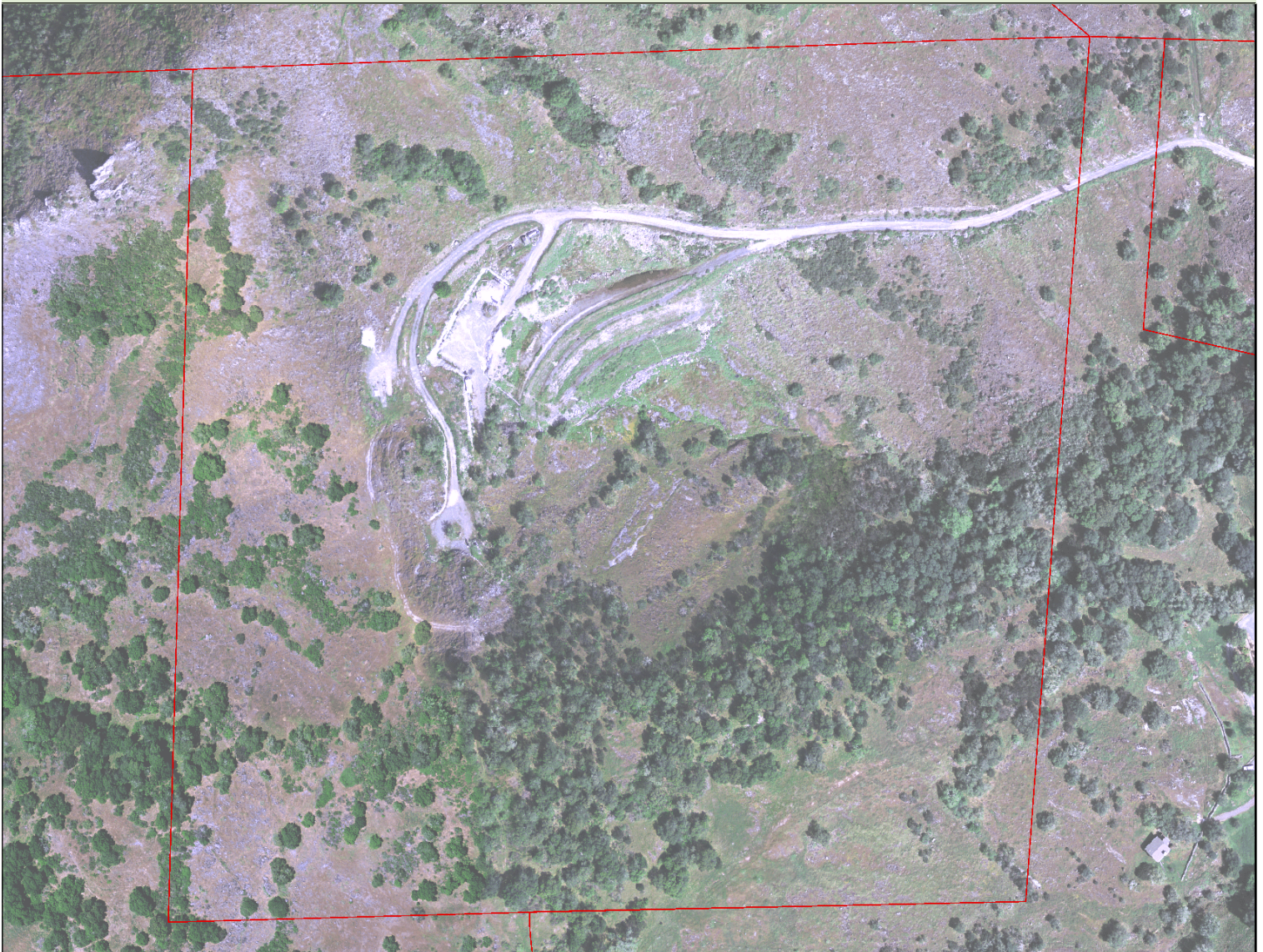
Emergency eye wash station

Terry Cloth Towels

MSDS info Center

Outdoor Tables / Chairs

Desks / Chairs



Environmental Data

Alquist Priolo Faults:	No Alquist Priolo faults found
Archaeology:	No Archaeological sites found
California Planar Coordinate:	DD252 DD253 Multiple results found. For more information, see report footnote**
CalVeg:	CQ - Northern Mixed Chaparral NX - Mixed Hardwoods QA - Coast Live Oak Multiple results found. For more information, see report footnote**
CalWater Watershed: Hydrologic Region (HR) Hydrologic Unit (HU) Hydrologic Area (HA) Hydrologic Sub Area (HSA) Super Planning Watershed (SPW) Planning Watershed (PW)	HR: San Francisco Bay HU: San Pablo HA: Napa River HSA: Napa River SPW: Lower Napa River PW: Soda Creek
Faults:	No Faults found

Parcel Report for { 039640013000 }

Developed by Napa County GIS
GISStaff@CountyOfNapa.org

FEMA Flood Zone:	Parcel not in FEMA Flood Zone
Fire Hazard Severity:	Moderate Fire Hazard Severity (SRA). Compliance with Chapter 7 A of the California Building Code is required for new construction.
GW Ordinance:	Parcel not in a designated Groundwater Deficient Area (actual groundwater conditions may vary)
Landslides:	Landslides found
Local Drainage:	Soda Creek Chase Creek Multiple results found. For more information, see report footnote**
Soil Type:	Rock outcrop-Hambright complex, 50 to 75 percent slopes
Special Species:	No Special Species found
Spotted Owls:	No Spotted Owls found

HazMat Releases - Local Oversight Program (LOP) (within 1500 ft):
No LOP hazardous materials releases found

HazMat Releases - Non-Local Oversight Program (Non-LOP) (within 1500 ft):
No Non-LOP hazardous materials releases found

Agricultural Use USTs (within 1500 ft):
No Agricultureal Use USTs found

**Location of archaeological sites, spotted owls, and other sensitive resources are generalized to protect their exact locations. For this reason, there is no guarantee they are located within or outside of the subject parcel. Please contact [PBES](#) to learn more.*

Boundary Data

Basemap Grid:	6 - D 7 - D Multiple results found. For more information, see report footnote**
Census Data:	Tract: 201401 Block Group: 1
County Zoning:	AW Zoning Code Definitions Summary of Allowable Uses
Fire Jurisdiction:	Napa County Fire - structure fires, CalFire - wildland fires
Garbage Zone 1:	Parcel does not fall within Garbage Zone 1
Landuse Staff:	2 - Sheldon
Projected Township, Range & Section:	M06N04W03 M06N04W04 Multiple results found. For more information, see report footnote**
School District:	Napa Valley Unified
Supervisor District:	District 4 - Alfredo Pedroza
Township & Range:	T06N-R04W3 T06N-R04W4 Multiple results found. For more information, see report footnote**
USGS Topo Quad Name:	Yountville
Voting Precinct:	411712

Parcel Report for { 039640013000 }

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GISStaff@CountyOfNapa.org

Imagery	
Description	Name
2002 DTM & Imagery:	O - 9
2005 Imagery:	6476_1908
2005 Imagery:	6476_1904
2005 Imagery:	6470_1908
2005 Imagery:	6470_1904
2007 DTM & Imagery:	H15-26
2011 1 Foot Imagery:	471906
Digital Ortho Quarter Quad (DOQQ) Imagery:	yountville_se.lan
Digital Terrain Model (DTM):	o09_topo.zip
USGS Topo Quad (DRG):	o38122d3.tif

Property Data

Filed Maps:

039-64 - Assessor Map Page
4PM83 - Parcel Map
18RS21 - Record of Survey
28RS11 - Record of Survey

Cultural Data

Schools (within 0.25 mi):

No Schools found

Permit History - No Records Found

**Note: Multiple results were found.

In some cases, multiple results could be valid; for example, Zoning.

In other cases, a parcel may cross over the boundary of more than one data area; for example, multiple Precincts.

To review any possible data issues, use the interactive map and turn on the relevant layers.

Disclaimer: This report was prepared for informational purposes only. No liability is assumed for the accuracy of the data delineated hereon.



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FILE #: P16-00106 Major MOD
Planning, Building, & Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

Main: (707) 253-4417
Fax: (707) 253-4336

David Morrison
Director

PERMIT APPLICATION AND INITIAL STUDY
REQUEST FOR COMMENTS

TO: _____

APPLICATION TITLE: Napa Custom Crush APN: 039-640-011 & 012

DESCRIPTION OF PROJECT: Major Modification Use Permit application to permit an increase in annual production capacity from 30,000 gallons to 60,000 gallons and the construction of a 2,723 square foot awning for a covered work area Please refer to attached project description and site plans for additional project details.

RESPONSE REQUEST DATE: 03/16/16 RESPONSE RETURN DATE: 03/30/16

PLEASE RESPOND VIA E-MAIL TO: jason.hade@countyofnapa.org
OR FAX TO (707) 299-4298; TELEPHONE #: (707) 259-8757

This application (see enclosed project statement and plans) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

- 1. Do you have any comments on this project? Yes No
- 2. Do you have jurisdiction by law over this project? Yes No
- 3. Attach your agencies comments, or list below: Comments attached Comments below

- Complete waste disposal/water supply imp sheet

need portable toilets for wine auction event

Name of contact person: _____ Telephone #: _____

Email: _____

Title: _____

Date: _____



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Conservation, Development and Planning

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Main: (707) 253-4417
Fax: (707) 253-4336

Hillary Gitelman
Director

April 5, 2010

Mr. Ryan Waugh
P.O. Box 3746
Napa, CA 94558

Re: WAUGH WINERY
Use Permit Modification (#P08-00527-MOD)
2275 Soda Canyon Road (APN: 039-640-012 (S.F.A.P.))

Dear Ryan:

Your request for a Very Minor Modification (P08-00527-MOD) to the previously approved Use Permit (#P05-0391-UP) and Use Permit Exception to Conservation Regulations (#P06-01008-UP) for the Waugh Winery has been considered by the Conservation, Development and Planning Director. The request consists of modifying the previous project approvals to address minor revisions to the driveway alignment, special event parking area, cave portals, building elevations, wastewater disposal field and increases to the floor area of the winery and the cave. Please be advised that your request has been **APPROVED** by the Conservation, Development and Planning Director subject to the conditions of approval attached as Exhibit A, and as follows:

The Director found that the proposed modification is within the scope of the potential environmental affects assessed by the Waugh winery Subsequent Mitigated Negative Declaration, there are no substantial changes to the project or circumstances under which the project is being undertaken, there is no new substantial information, and no further environmental review is required.

This approval becomes effective immediately unless an appeal is filed to the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You may appeal the conditions of approval. If an appeal is filed by another, you will be notified.

EXPIRATION DATE: April 5, 2012

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within two (2) years, or it shall automatically expire and become void on the expiration date noted above. This letter serves as the only notice you will receive regarding the expiration date of your permit.

You are hereby further notified, pursuant to Government Code Sec.66020 (d)(1), that the 90-day period, in which you would have to protest imposition of any fees, dedications, reservations, or other exactions that may have been attached as conditions of approval, has begun. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

BUILDING PERMITS ARE REQUIRED PRIOR TO COMMENCING ANY CONSTRUCTION. Should you have any questions, please contact Sean Trippi at (707) 253-4417 or by e-mail: sean.trippi@countyofnapa.org.

Sincerely,

Hillary Gitelman
Director

A handwritten signature in black ink, appearing to read "Sean Trippi". The signature is stylized and written in a cursive-like font.

By: Sean Trippi, Principal Planner

**NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT
CONSERVATION & DEVELOPMENT PLANNING COMMISSION**

**CONDITIONS OF APPROVAL
WAUGH WINERY ALTERATIONS
USE PERMIT MODIFICATION (#P08-00527-MOD)
APN: #039-640-012 (S.F.A.P.)**

1. SCOPE:

a) This approval is limited to the following:

- modifying site grading in front of the cave portals to provide an area for cave spoils and to provided drainage benches in the fill slope.
- Replacing the approved waste treatment/reclaimed irrigation system with a hold and haul system including four (4) 5,000-gallon wastewater storage tanks
- Relocating water storage tanks and wastewater treatment tanks
- A new mechanical equipment pad
- Minor adjustments to the cave and storm drainage layout
- Reconfiguration of the parking area.
- Other minor improvements as depicted on the site plan approved with this action.

No changes to the previously approved operational characteristics, production capacity, tours and tasting or marketing activities of the winery have been proposed or approved as part of this application.

- b) The site improvements shall be designed in substantial conformance with the submitted site plan and other submittal materials, except as modified by these conditions of approval. It is the responsibility of the applicant to communicate the requirements of these conditions to all designers, contractors, and employees to ensure compliance is achieved. Any expansion or change in use, or project changes, which are necessitated by the requirements of other department or agencies, are subject to further County approval.
- c) The activities/improvements permitted on the site are limited to those shown on the plans and information submitted with the Modification application. Any substantial change in use is subject to review and approval as determined by the CDPD Director in accordance with the Zoning Ordinance.
- d) Plans submitted for building permits shall be in substantial compliance with the plans approved with this action, except as modified by these conditions of approval.

2. PREVIOUS CONDITIONS:

The permittee shall comply with all applicable conditions of approval and mitigation measures which were included in the previously approved use permits (File numbers #P05-0391 and #P06-01008-UP) and Mitigation Monitoring and Reporting Program, respectively. To the extent there is a conflict between this modification and the prior use permit, this modification and these conditions of approval shall control.

3. LANDSCAPING/PARKING:

Two (2) copies of a detailed landscaping plan, including parking details, shall be submitted for review and approval prior to issuance of building permits. The plan shall indicate the names and locations of all plant materials to be used along with the method of maintenance. The required landscape and irrigation plans shall be consistent with Napa County Water Efficient Landscape Ordinance (WELO) Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.

The location of employee and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any). Landscaping and parking shall be completed prior to occupancy, and shall be permanently maintained in accordance with the landscaping plan.

No trees greater than 6" DBH shall be removed, except for those identified on the submitted site plan. All trees that are removed shall be replaced elsewhere on the property on a 2 for 1 basis of equivalent caliper. Replaced trees shall be identified on the landscaping plan. Trees to be retained shall be protected during construction. All disturbed slopes shall be planted with groundcover.

Evergreen screening shall be installed between the industrial portions of the operation (e.g. mechanical equipment, parking area, etc.) and off-site residences that can view the structures. . Additional evergreen trees shall be planted in naturalized groupings on the benches to screen views from the existing residence to the east of the project site.

Parking shall be limited to approved parking spaces only and shall not occur along access roads or in other locations except during harvest or approved marketing events. In no case shall parking impede emergency vehicle access or public roads. If any event is held which will exceed the available on-site parking, the applicant shall arrange for off-site parking and shuttle service to the winery.

4. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:

The applicant shall comply with applicable zoning regulations and all other applicable building codes, zoning standards and requirements of various County departments and other agencies including the following:

- a) Department of Environmental Management memo dated June 23, 2009 and October 1, 2008.
- b) Department of Public Works memo dated March 3, 2010.
- c) Napa County Fire Department memo dated October 9, 2008..
- d) Building Division memo dated April 5, 2010.

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

5. GRADING AND SPOILS:

All grading and spoils generated by construction of the project facilities shall be disposed of per Public Works direction. All spoils piles shall be removed prior to occupancy.

6. AFFORDABLE HOUSING MITIGATION:

Prior to County issuance of a building permit, the applicant shall pay the Napa County Affordable Housing Mitigation Fee in accordance with the requirements of County Code Chapter 15.60 or as may be amended by the Board of Supervisors.

7. TEMPORARY AND FINAL OCCUPANCY:

All project improvements, including compliance with all applicable codes, conditions and requirements from all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the project prior to completion of all project improvements. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.



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Environmental Management

1195 Third Street, Suite 101
Napa, CA 94559
www.co.napa.ca.us

Main: (707) 253-4471
Fax: (707) 253-4545

Steven Lederer
Director

MEMORANDUM

To: Sean Trippi, Planner	From: Kim Withrow, Senior Environmental Health Specialist
Date: June 23, 2009	Re: Use Permit Modification Application for Napa Custom Crush Located at 2275 Soda Canyon Road Assessor Parcel #039-640-012 File # P08-00527

We have reviewed the revised plan for a very minor modification to approved Use Permit P08-00527. We have no further conditions to include than those specified in Memorandum dated October 1, 2008.

RECEIVED

JUN 24 2009

**NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.**

Cc: Ryan Waugh, Napa Custom Crush, P.. Box 3746, Napa, CA 94558



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Steven Lederer
Director

MEMORANDUM

To: Napa County Planning Department Hillary Gitelman, Planning Director	From: Napa County Environmental Management Department Christine M. Secheli, R.E.H.S., Assistant Director
Date: October 1, 2008	Re: Use Permit Modification Application for Napa Custom Crush Located at 2275 Soda Canyon Road Assessor Parcel #039-640-012 File # P08-00527

We have reviewed the above proposal including the revised wastewater feasibility report dated September 4, 2008 and recommend approval of the application providing the following are included as conditions of approval:

1. Any hazardous waste produced on the site including any laboratory wastes, must be stored and disposed of in a manner consistent with Division 20, Chapter 6.5 of the California Health and Safety Code and with Title 22, Division 4.5, of the California Code of Regulations.
2. Pursuant to Chapter 6.5 & 6.95 of the California Health and Safety Code, businesses that generate hazardous waste and/or store hazardous materials above threshold amounts shall file a Hazardous Waste Generator Application and/or Hazardous Materials Business Plan with the Department of Environmental Management within 30 days of said activities. All businesses must submit the required Business Activities Form which can be obtained from the Department of Environmental Management.
3. A permit for the winery hold and haul system must be secured from the Department of Environmental Management prior to issuance of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system. To secure this permit you will be required to submit a scaled plot plan showing the location of the proposed septic system relative to the proposed project and other structures, the required 100%

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expansion area as well as the proposed trench detail. If special design sewage disposal plans are required, such plans shall fulfill this requirement.

4. A permit for the sanitary wastewater system must be secured from the Department of Environmental Management prior to issuance of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system. To secure this permit you will be required to submit for review and approval, engineered plans complete with design criteria based upon local conditions.

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

6. Plans for the proposed sanitary waste water system and hold and haul system shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be granted until such plans are approved by the Department of Environmental Management.

7. Since all or part of the proposed sanitary waste water system is to be installed on a separate parcel from the facility it is to serve, an agreement to grant a sewage easement or an approved sewage easement must be filed with the Department of Environmental Management prior to issuance of sewage permits.

8. An annual sewage permit must be obtained for the hold and haul system and the sanitary waste system prior to issuance of a final on the project. The septic system monitoring, as required by this permit, must be fully complied with.

9. If any uncovered outdoor processing areas are proposed, prior to the issuance of a sewage permit for the process wastewater system the applicant must submit a proposal from their engineer that addresses the proper diversion and direction of storm water and process wastewater. The proposal must include a detail on the diversion valve and must clearly show that the valve and both the stormwater and the process wastewater lines are clearly labeled.

10. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.

11. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If

the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.

12. Adequate area must be provided for collection of recyclables. The applicant must contact the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site.

13. All diatomaceous earth and/or bentonite must be dried and disposed of as solid waste or in another appropriate manner. If the proposed septic system is either a special design sewage disposal system or a private sewage disposal system, the plan submitted for review and approval must address diatomaceous earth/ bentonite disposal.

14. The water supply system must comply with the California Safe Drinking Water Act and Related Laws. This will require plan review and approval prior to issuance of building permits. Prior to occupancy, the owner must apply for and obtain an annual operating permit for the water system from the Department of Environmental Management. All required monitoring and reporting must be complied with.

cc: Doug Calhoun, Environmental Health Supervisor
Stacey Harrington, Senior Environmental Health Specialist
Ryan Waugh, Napa Custom Crush, P.. Box 3746, Napa, CA 94558



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APR 01 2010

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Department of Public Works
Engineering Services
1195 Third Street

Napa, CA 94559
www.napa.ca.gov

Main: (707) 253-4351
Fax: (707) 253-4627

Don Ridenhour, P.E.
Director of Public Works
County Surveyor-County-Engineer
Road Commissioner

INTER-OFFICE MEMORANDUM

To: Conservation Development and Planning Department	From: Drew Lander, Assistant Engineer Public Works
Date: March 3rd, 2010	Re: Very Minor Modification for Waugh (Houck) Winery, 2275 Soda Canyon Road, APN 039-640-012, P08-00527

This application proposes to modify existing use permit P05-0391UP. The excising approval is granted to establish a winery with a production capacity of 30,000 gal/yr; 3 full time and 1 part time employee; construct a 6 space parking lot; 0 sqft of new building floor area, and 16,000 sqft of new caves. Parcel is located West of Soda Canyon Road approximately 3.5 miles from the connection with Silverado Trail. The current application will allow a revision to the grading disturbed area for the placement of the Cave spoils and associated visual impacts.

EXISTING CONDITIONS:

- Existing access road is 20 feet wide at the connection with Soda Canyon Road, narrowing to 18 feet for the next 300 feet, and then varying between 14 to 18 feet wide for the remaining distance to the site. The current access road is unconditioned.
- Parking surface currently does not exist.
- The traffic count for Soda Canyon Road was 726, 30 yards north of Loma Vista Road, taken June of 1999.
- Cave construction has commenced and is currently suspended until resolution of this modification request. Cave spoils have been placed in the general vicinity of the modification request under engineering supervision and some stockpiles remain.
- Construction site erosion control measures are in place and require maintenance.

RECOMMENDED CONDITIONS:

GROUNDWATER

1. No change proposed. All conditions of the prior November 28th, 2005 memo for P05-00391UP still apply.

NEW DRIVEWAY:

2. No change proposed. All conditions of the prior November 28th, 2005 memo for P05-00391UP still apply.

PARKING:

3. No change proposed. All conditions of the prior November 28th, 2005 memo for P05-00391UP still apply.

SITE IMPROVEMENTS:

4. All conditions of the prior November 28th, 2005 memo for P05-00391UP still apply.
5. The disposition of all cave spoils and associated grading shall be specified and shown on the improvement plans prepared by a licensed Civil engineer, along with proposed erosion control measures.
6. All fill slope benches shall contain the necessary drainage to prevent erosion and shall be vegetated.
7. Fill slope benches shall not be used for vehicle traffic.
8. Grading and drainage improvements shall be constructed according to the latest "Napa County Road and Street Standards" and the 2007 California Building Code Appendix J.
9. All cuts and fills shall be designed per the latest California Building Codes. Specifically, all cuts and fills slopes shall be setback to meet the latest CBC.
10. If excess material is generated that cannot be used onsite, the Owner shall furnish to the County of Public Works Department evidence that the Owner has entered into agreements with the property owners of the site involved and has obtained the permits, licenses and clearances prior to commencing offhauling operation.

CONSTRUCTION STORMWATER MANAGEMENT REQUIREMENTS:

11. The site plans indicate that the construction activity will result in disturbance of greater than one acre of total land area. Therefore, the permittee will be required to obtain coverage in accordance with Napa County's General Permit for Discharges of Storm Water Associated with Construction Activity issued by the Regional Water Quality Control Board (SRWQCB). To achieve this, the permittee shall file a Notice of Intent with the SRWQCB prior to any grading or construction activity. Construction activity subject to this permit includes but is not limited to clearing, grading and disturbances to the ground such as stockpiling, or excavation

12. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which will be approved by this Department. If any discharge of concentrated surface waters is proposed into any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.
13. For any construction activity that results in disturbance of greater than one acre of total land area, permittee shall prepare a Stormwater Pollution Prevention Plan and file a Notice of Intent with the California Regional Water Quality Control Board (SRWQCB) prior to any grading or construction activity. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots shall be designed to drain through grassy swales, buffer strips, or sand filters prior to any discharge from the impervious surface into the watercourse. If any discharge of concentrated surface waters is proposed into any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

OTHER RECOMMENDATIONS:

14. Improvements shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by this office. Improvement plans shall be submitted with the building permit. A plan check fee will apply.
15. Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee and County shall survey and document the condition of County roads before construction begins, and then reevaluate conditions at the end of construction. Prior to Occupancy of any buildings or commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.
16. Earthwork shall remain in compliance with County Stormwater ordinance 1240 during all phases of the project. Owner/Operator of approved project is required to implement accepted best management practices for stormwater pollution control, including but not limited to, preventative measures, regular inspections and maintenance to maintain designed effectiveness.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items please contact Drew Lander or Kevin Berryhill at 253-4351. For groundwater questions, please contact Anna Maria Martinez.

**PUBLIC WORKS DEPARTMENT
INTER-OFFICE MEMO**



DATE: November 28th, 2005
TO: Conservation Development and Planning Department
FROM: Drew Lander, Assistant Engineer
SUBJECT: Gary Houck, APN 039-640-001-000, File #P05-0391

The application will allow the applicant to establish a winery with a production capacity of 30,000 gal/yr; 3 full time and 1 part time employee; construct a 6 space parking lot; 0 sqft of new building floor area, and 16,000 sqft of new caves. Parcel is located West of Soda Canyon Road approximately 3.5 miles from the connection with Silverado Trail.

EXISTING CONDITIONS:

1. Existing access road is 20 feet wide at the connection with Soda Canyon Road, narrowing to 18 feet for the next 300 feet, and then varying between 14 to 18 feet wide for the remaining distance to the site. The current access road is unconditioned.
2. Parking surface currently does not exist.
3. The traffic count for Soda Canyon Road was 726, 30 yards north of Loma Vista Road, taken June of 1999.

RECOMMENDED CONDITIONS:

GROUNDWATER

1. We have reviewed the phase one, water availability analysis for the proposed project. The 41.4 acre parcel is located in the "hillside" area, with an extraction threshold of 0.5 AF/Acre, resulting in a total parcel threshold of 20.7 AF/Year. The estimated water demand of 2.20 AF/Year is below the established threshold for the property. Therefore, the projected water use for this project should not have a significant impact on static water levels of neighboring wells. No further analysis is necessary.

NEW DRIVEWAY:

2. Access drive shall be a minimum of 18 feet wide with 2 feet of shoulder from the nearest County maintained road to the project site. Structural section shall be a minimum of double seal coat over 5 inches of Class II Aggregate Base or equivalent. (County Road and Street Standards, Page 9, Par. 12).

PARKING:

3. Any parking proposed by the applicant or required by the Planning Commission as a condition of this use permit must have a minimum structural section of double seal coat over 5 inches of Class II Aggregate or equivalent. (County Road and Street Standards, Page 27, Section 19).
4. Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards.

SITE IMPROVEMENTS:

5. The disposition of all cave spoils and associated grading shall be specified and shown on the improvement plans along with proposed erosion control measures.
6. All earth disturbing activities shall include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with the Napa County Stormwater Ordinance. Best Management Practices shall also be implemented to minimize dust at all times.
7. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.
8. Any necessary storm drainage improvements shall conform to the latest "Napa County Road and Street Standards".
9. Grading, drainage and parking improvements shall be constructed according to the latest "Napa County Road and Street Standards".
10. The applicant must obtain an encroachment permit for any work performed within the Napa County Right-of-Way.

OTHER RECOMMENDATIONS:

11. For any construction activity that results in disturbance of greater than one acre of total land area, permittee shall prepare a Stormwater Pollution Prevention Plan and file a Notice of Intent with the California Regional Water Quality Control Board (SRWQCB) prior to any grading or construction activity. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots shall be

designed to drain through grassy swales, buffer strips, or sand filters prior to any discharge from the impervious surface into the watercourse. If any discharge of concentrated surface waters is proposed into any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

12. Improvements shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by this office. Improvement plans shall be submitted with the building permit. A plan check fee will apply.
13. Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee and County shall survey and document the condition of County roads before construction begins, and then reevaluate conditions at the end of construction. Prior to Occupancy of any buildings or commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items please contact Larry Bogner or Drew Lander at 253-4351. For groundwater questions, please contact Anna Maria Martinez.

INTER-OFFICE MEMO



TO: Hillary Gitelman, Director
Conservation, Development, and Planning Department

FROM: Alicia Amaro, Fire Department

DATE: October 9, 2008

SUBJECT: Houck-Custom Crush Minor Modification Use Permit Comments
Apn: 039-640-012 P08-00527

Site Address: 2275 Soda Canyon Road, Napa

The Napa County Fire Marshal staff has reviewed the application for a minor modification to the existing use permit at the above referenced address regarding the relocation of the proposed water storage and waste water treatment tanks, the addition of a mechanical pad and other site plan changes.

This application does not warrant additions to the fire protection conditions, as long as **all construction and use of the facility complies with all applicable standards, regulations, codes and ordinances at the time of building permit issuance.**

If there are any questions please feel free to contact the Napa County Fire Marshal's Office at (707) 967-1425 to discuss any other fire protection issues you may have regarding your project.

Alicia Amaro

Alicia Amaro
Assistant Fire Marshal



A Tradition of Stewardship
A Commitment to Service

Conservation, Development and Planning

1195 Third Street, Suite 210
Napa, CA 94559
www.co.napa.ca.us

Main: (707) 253-4417
Fax: (707) 253-4336

Hillary Gitelman
Director

4-5-10

Building Inspection Department review comments for inclusion with:

Planning Department permit: P08-00527 Use Permit Very Minor Modification

Status of Building Department review of this Planning Application: Approved, awaiting building permit submittals and issuance.

At parcel: 039-640-012

Owner: Napa Custom Crush LLC; Ryan Waugh managing member

Description of permit: Very Minor Modification to General Use Permit P05-0391 for Winery within site-built caves.

Comments:

The Building Department has no issues or concerns with the approval of the Use Permit Very Minor Modification; it is a use permit modification only and in itself doesn't authorize any construction. No significant California Building Standards Code issues can be foreseen at this time based on the information presented. Any such issues will be dealt with during future building permit application review and approval processes.

Note: Cave has already been excavated, crush pad and spoils graded. Portals partially completed prior to applying for permit. Project was cited as a Code Violation (CE08-00489) and a Stop Work notice was posted. Prior to any resumption of construction:

- 1) Building permit B09-00141 is pending and must be issued prior to any further construction on the portals.
- 2) Building permit(s) must be applied for and issued prior to any other non-portal construction activities for the occupancy and facilities of this project.

All plans and documents for commercial projects are required by State Law to be prepared and coordinated under the direction of a California Licensed Architect, or other allowable properly CA-Licensed Design Professional in Responsible Charge (Business and Professions Code, Chapter 3, Division 3 & California Building Code, Appendix Chapter 1).

Prior to any future construction work applicable building permits for the work must first be obtained; all work must comply with all applicable code requirements, including any accessibility requirements of CBC Chapter 11B. Submit complete & appropriate plans, specifications, energy compliance, engineering, etc. when applying for permits.

Eric Banvard
Plans & Permit Supervisor
Conservation Development & Planning
Napa County, CA 94559
Eric.Banvard@countyofnapa.org



A Tradition of Stewardship
A Commitment to Service

August 12, 2013

Ryan Waugh
4290 Kingsford Drive
Napa Ca 94558

Re: Napa Custom Crush Winery – Road Modification Request
2275 Soda Canyon Road, Napa (APNs 039-640-011)

Dear Mr. Waugh,

Please be advised that your request for an exception to the Napa County Road and Street Standards (RSS) along an existing shared driveway, and associated with building permit B13-00372 and B13-00605 for a winery has been **APPROVED** by the Zoning Administrator based on the attached Exhibit A Findings, and subject to Napa County reviewing agency comments and conditions of approval as provided in Exhibit B.

The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), which exempts existing roads undergoing minor improvements and modifications. Pursuant to CEQA Section 15303, Class 1, Existing Facilities and Appendix B, Class 1(1) of Napa County's Local Procedures for Implementing the California Environmental Quality Act, the project consists of a minor alteration to an existing road in connection with the construction of a new winery.

The exception becomes effective immediately unless appealed to the Napa County Board of Supervisors pursuant to Chapter 2.88 of the Napa County Code, including payment of applicable fees. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be notified.

Expiration Date: August 12, 2013

Pursuant to Section 18.124.080 of the Napa County Code, this exception must be activated within two (2) years from the approval date, or it shall automatically expire and become void. This letter serves as the only notice you will receive regarding the expiration date of this exception.

Planning, Building & Environmental Services

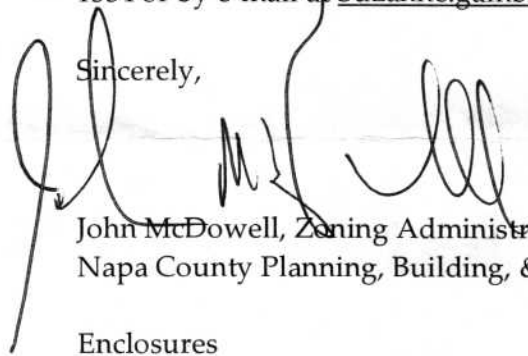
1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

Hillary Gitelman
Director

You are hereby further notified, pursuant to Government Code Sec.66020 (d)(1), that the 10-day period, in which you would have to protest imposition of any fees, dedications, reservations, or other exactions that may have been attached as conditions of approval, has begun. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

Should you have any questions, please contact Suzanne Gardner-Gambill, Planner at (707) 299-1334 or by e-mail at Suzanne.gambill@countyofnapa.org

Sincerely,

A handwritten signature in black ink, appearing to read 'John McDowell', is written over the typed name and title. The signature is fluid and cursive.

John McDowell, Zoning Administrator
Napa County Planning, Building, & Environmental Services

Enclosures

- cc: Kelvin Morasch
- Nathan Galambos, Engineering & Conservation Division
- Pete Munoa, Fire Department
- Project File
- Chron File

EXHIBIT A
NAPA COUNTY PLANNING, BUILDING & ENVIRONMENTAL SERVICES
FINDINGS
NAPA CUSTOM CRUSH
EXCEPTION TO COUNTY ROAD & STREET STANDARDS
2275 SODA CANYON ROAD, NAPA
APN: 039-640-011

The Zoning Administrator has reviewed the attached described Road and Street Standards Exception request in accordance with the County's Road and Street Standards (RSS) Sections 3(D) and 3(E), and makes the following findings:

3(D-1) The exception will preserve unique features of the natural environment which includes, but is not limited to, natural water courses, steep slopes, geological features, heritage oak trees, or other trees of least 6" dbh and found by the decision-maker to be of significant importance, but does not include man made environmental features such as vineyards, rock walls, ornamental or decorative landscaping, fences or the like.

Analysis: The Engineering and Conservation Division and Cal Fire has reviewed this request and determined that the requested exception will preserve unique features in the natural environment such as, excessively steep slopes, natural drainage ways and dense bedrock.

3(E) The Zoning Administrator shall not grant an exception unless it finds that grant of the exception, as conditioned by the Zoning Administrator provides the same overall practical effect as these Standards towards providing defensible space, and consideration towards life, safety and public welfare. Monetary hardship alone shall not be considered as a basis for an exception.

Analysis: The Engineering and Conservation Division and Cal Fire have discussed the improvements proposed in the request and determined, subject to recommended conditions of approval, that the proposed improvements to the driveway in the areas noted in the request would serve as an alternate method by which adherence to the RSS may be achieved and would provide the same overall practical effect as the RSS towards providing defensible space, preserving the natural environment and protecting the life, safety and welfare of the public.

EXHIBIT B
NAPA COUNTY PLANNING, BUILDING & ENVIRONMENTAL SERVICES
CONDITIONS OF APPROVAL
NAPA CUSTOM CRUSH
EXCEPTION TO COUNTY ROAD & STREET STANDARDS
2275 SODA CANYON ROAD, NAPA
APN: 039-640-011

1. **SCOPE:** The permit shall be limited to:
An exception to the Napa County Road and Street Standards for a driveway that will serve a new winery. All roadway construction associated with this application, outside the request for a road and street standard variance shall conform to the current Road and Street Standards of Napa County at the time of permit submittal and accepted construction and inspections practices. The exception request generally consists of the following:
 - A. Station 9+79 to 12+40: Road Exception Request for fourteen foot traffic lane with two foot of compacted earth shoulder;
 - B. Station 13+20: to 16+20: Road Exception Request for fourteen foot traffic lane with two foot of compacted shoulder;
 - C. Station 17+00: to 20+00: Road Exception Request for fourteen traffic lane and two foot of compacted earth shoulder;
 - D. Station 20+80 to 23+50; Road Exception Request for a fourteen traffic lane and two foot of compacted earth shoulder;
 - E. Station 12+40: an inter-visible turnout;
 - F. Station 16+20: an inter-visible turnout;
 - G. Station 20+00 an inter-visible turnout.

The project is on a 31.35 acre parcel located on Soda Canyon Road, approximately 3,300 feet from the intersection of Chimney Rock Road within the AW (Agricultural Watershed) Zoning District.

Minor changes to these roadway improvements may be permitted subject to review and approval by the Engineering Manager in consultation with the Fire Marshal, and consistent with the Road and Street Standard Exception Findings made for this request.

2. **COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES**

The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments, and Agencies. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as if enumerated herein:

- A. Napa County Fire Marshal's Office as stated in their Memorandum dated March 14, 2013.
- B. Engineering & Conservation Division as stated in their Memorandum dated April 5, 2013.

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

3. **GATES/ENTRY STRUCTURES**

Any gate installed at the residence entrance shall be reviewed by the Planning, Building & Environmental Services, and the Napa County Fire Department to assure that it is designed to ensure public safety and fire suppression access is available at all times. If the gate is part of an entry structure, an additional permit shall be required according to the County Code.

4. **DUST CONTROL**

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur during windy periods.

5. **MONITORING COSTS**

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

The Zoning Administrator may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Zoning Administrator at some time in the future, the Zoning Administrator may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Administrator) as needed until compliance assurance is achieved. The Zoning Administrator may also use the data, if so

warranted, to commence revocation hearings in accordance with §18.124.120 of the Napa County Code.

6. **TEMPORARY AND FINAL OCCUPANCY**

All project improvements, including compliance with all applicable codes, conditions and requirements from all departments and agencies with jurisdiction over the project, shall be completed prior to granting of a Certificate of Final Occupancy by the County Building Official, which, upon granting, authorizes all use permit activities to commence. The County Building Official is authorized to grant a Temporary Certificate of Occupancy to allow specified limited use of the project, prior to completion of all project improvements. In special circumstances, departments and/or agencies with jurisdiction over the project are authorized as part of the Temporary Certificate of Occupancy process to require a security deposit or other financial instrument to guarantee completion of unfinished improvements.



COUNTY of NAPA
OFFICE OF CONSERVATION, DEVELOPMENT & PLANNING
PLANNING DIVISION

HILLARY GITELMAN
Director

PATRICK LYNCH, AICP
Assistant Director

JOHN MCDOWELL
Acting Deputy Planning
Director
+

ROBERT NELSON
Supervisor

HEATHER
MCCOLLISTER
Principal Planner

SEAN TRIPPI
Principal Planner

TRISH HORNISHER
Planner

NANCY JOHNSON
Planner

RON GEE
Planner

FLOYD MCGREGOR
Planner/ITS

SUZIE GAMBILL
Planning Technician

TERRI ABRAHAM
Planning Technician

September 12, 2006

Mr. Ryan Waugh
P.O. Box 3746
Napa, CA 94558

Re: WAUGH WINERY
Use Permit - File #P05-0391-UP & Use Permit Exception - File #P06-01008-UP
2275 Soda Canyon Road (APN: 039-640-001)

Dear Mr. Waugh:

Please be advised that Use Permit #P05-0391-UP and Use Permit Exception #P06-01008-UP have been **APPROVED** by the Napa County Planning Commission on August 2, 2006, based on the attached conditions of approval, with condition of approval #3 modified by the Planning Commission to reduce daily tours and tasting visitors from 30 to 20, Napa County departments comments, and applicable County regulations.

EXPIRATION DATE: August 2, 2008

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within two (2) years, or it shall automatically expire and become void on the expiration date noted above. This letter serves as the only notice you will receive regarding the expiration date of your permit.

You are hereby further notified, pursuant to Government Code Sec. 66020 (d)(1), that the 90-day period, in which you would have to protest imposition of any fees, dedications, reservations, or other exactions that may have been attached as conditions of approval, has begun. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

Should you have any questions, please contact Sean Trippi at (707) 253-4417 or by e-mail: strippi@co.napa.ca.us.

Sincerely,

John McDowell, Acting Deputy Director
Napa County Conservation, Development and Planning Department

1195 THIRD STREET
SUITE 210
+
NAPA, CALIFORNIA
94559
+
TELEPHONE:
707-253-4417
+
FAX:
707-253-4336
+

**NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT
CONSERVATION & DEVELOPMENT PLANNING COMMISSION**

**CONDITIONS OF APPROVAL - WAUGH WINERY
USE PERMIT FOR AN EXCEPTION TO THE CONSERVATION REGULATIONS (#P06-01008-UP) &
WINERY USE PERMIT (#P05-0391-UP)
APN: #039-640-001**

1. SCOPE: The permit shall be limited to:

- Approval of a Use Permit for an exception to the Conservation regulations to construct the driveway and parking lot on slopes exceeding 30%;
- Approval of a Use Permit to establish a new 30,000 gallon per year winery within approximately 16,000 sq. ft. of caves;
- Three full-time employees and one part-time employee;
- Construction of five (6) on-site parking spaces;
- Construction of a new driveway,
- Construction of a new waste disposal system.
- Three 15,000 gallon water storage tanks for fire protection, domestic water, and waste water processing.

All winery operations including but not limited to crush, fermentation, and aging shall be conducted entirely within the cave. The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials. It is the responsibility of the applicant to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or changes in use shall be by the approved Use Permit modification process.

2. MARKETING: Marketing events shall be limited as follows:

- Six (6) private wine and food events for wine trade personnel per year for a maximum of 20 guests and an average of 10 guests.
- Ten (10) private wine and food events for a maximum of 100 guests with an average of 30 guests.
- One (1) private harvest event per year for a maximum of 200 guests.
- One (1) open house during the Napa Valley Wine Auction for auction ticket holders from 11:00 A.M. to 5:00 P.M during the Wine auction week.

The marketing events will occur in designated areas on the winery premises, both inside and outside the cave, and include food service catered by an off-site service. Parking will be provided on-site or at an approved off-site location with a shuttle service. Marketing events are all by invitation only and would occur either from 12:00 noon to 4:00 P.M or from 6:00 P.M to 11:00 P.M., as proposed below:

"Marketing of wine" means any activity of a winery identified in this paragraph which is conducted at the winery and is limited to members of the wine trade, persons who have pre-established business or personal relationships with the winery or its owners, or members of a particular group for which the activity is being conducted on a prearranged basis. Marketing of wine is limited to activities for the education and development of the persons or groups listed above with respect to wine which can be sold at the winery on a retail basis, and may include food service without charge except to the extent of cost recovery when provided in association with such education and development, but shall not include cultural and social events unrelated to such education and development. (Ord. 1104 § 11, 1996; Ord. 947 § 9 (part), 1990; prior code § 12071).

Evening marketing events shall cease by 11:00 PM with personnel involved with the event off the premises by midnight. Start and finish time of activities shall be scheduled to minimize vehicles arriving or leaving between 4:00 PM and 5:30 PM.

3. TOURS AND TASTING:

Tours and tastings are limited to a maximum of **20 persons/day** with an average of 70 persons/week. "Tours and tastings" means tours of the winery and/or tastings of wine, where such tours and tastings are limited to members of the wine trade, persons invited by a winery who have pre-established business or personal relationships with the winery or its owners, and persons who have made unsolicited prior appointments for tours or tastings. (Ord. 947 § 9 (part), 1990: prior code § 12070). Tours and tasting shall complete by 4:00 PM. Retail sale of wines shall complete by 4:30 PM and shall be limited to those wines set forth in Napa County Code Sec. 18.16.030(G)(5)(c). A log book (or similar record) shall be maintained which documents the number of visitors to the winery, and the dates of their visit. This record of visitors shall be made available to the Department upon request.

4. GRAPE SOURCE:

At least 75% of the grapes used to make the winery's still wine shall be grown within the County of Napa. The applicant shall report to the Department on an annual basis by December 31 the source of grapes verifying that 75% of the approved production is from Napa County grapes. The report shall include the Assessor's Parcel Number and the grape tonnage. The report shall be proprietary and not available to the public. For the public record, the applicant shall annually submit to the Department for the file a statement regarding compliance with the sourcing requirement and indicating the percentage of Napa County grapes utilized.

5. SIGNS:

Prior to installation of any winery identification or directional signs, detailed plans, including elevations, materials, color, and lighting, shall be submitted to the Planning Department for administrative review and approval. All signs shall meet the design standards as set forth on Chapter 18.116 of the County Code. At least one sign placed and sized in a manner to inform the public must legibly include wording stating "Tours and Tasting by Prior Appointment Only".

6. GATES/ENTRY STRUCTURES:

Any gate installed at the winery entrance shall be reviewed by the Planning and Public Works Departments and the Napa County Fire Department to assure that it is designed to allow a large vehicles such as motor homes to turn around if the gate is closed without backing into the public roadway and that fire suppression access is available at all times. If the gate is part of an entry structure an additional permit shall be required according to the County Code.

7. LIGHTING:

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, and shall be the minimum necessary for security, safety, or operations and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Prior to issuance of any building permit for construction of the winery, two (2) copies of a separate detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Department review and approval.

8. LANDSCAPING/PARKING:

Two (2) copies of a detailed landscaping plan, including parking details, shall be submitted for review and approval prior to issuance of building permits. The plan shall indicate the names and locations of all plant materials to be used along with the method of maintenance. **Plant materials shall be purchased locally when practical. The Agricultural Commissioner's office (707-253-4357) shall be notified of all impending deliveries of live plants with points of origin outside of Napa County.**

The location of employee and visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any). Landscaping and parking shall be completed prior to occupancy, and shall be permanently maintained in accordance with the landscaping plan.

No trees greater than 6" DBH shall be removed, except for those identified on the submitted site plan. All trees that are removed shall be replaced elsewhere on the property on a 2 for 1 basis of equivalent caliper. Replaced trees shall be identified on the landscaping plan. Trees to be retained shall be protected during construction. All cut slopes shall be planted with groundcover.

Evergreen screening shall be installed between the industrial portions of the operation (e.g. mechanical equipment, parking area, etc.) and off-site residences that can view the structures. Parking shall be limited to approved parking spaces only and shall not occur along access roads or in other locations except during harvest or approved marketing events. In no case shall parking impede emergency vehicle access or public roads. If any event is held which will exceed the available on-site parking, the applicant shall arrange for off-site parking and shuttle service to the winery. No parking shall be allowed along State Highway 121 or within the state right-of-way.

9. OUTDOOR STORAGE/SCREENING/UTILITIES:

Any outdoor storage of winery related items and mechanical equipment shall be screened from the view of adjacent properties by a visual barrier consisting of fencing or dense landscaping. No item in storage is to exceed the height of the screening. Water and fuel tanks, and similar structures, shall be screened to the extent practical so as to not be visible from public roads and adjacent parcels.

New utility lines required for this project that are visible from any designated scenic transportation route (see Chapter 7 of the General Plan and Chapter 18.106 of the Napa County Zoning Ordinance for designated roads) shall be placed underground or in an equivalent manner be made virtually invisible from the subject roadway.

10. RENTAL/LEASING:

No winery facilities, nor portions thereof, including but not limited to offices, kitchens, barrel storage areas, and warehousing space, shall be rented, leased, nor used by entities other than the on-site winery itself, except as may be specifically authorized in this use permit or pursuant to the Temporary Events Ordinance (Section 5.36.010)

11. ENVIRONMENTAL/MITIGATION MONITORING PROGRAM:

All mitigation measures regarding potential impacts to Peregrine Falcons as signed and adopted for this permit shall be met.

12. COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES:

The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Departments and Agencies, including but not limited to:

- Department of Environmental Management as stated in their memo of July 19, 2006.
- Department of Public Works as stated in their letter of June 5, 2006.
- County Fire Department as stated in their letter of May 30, 2006.
- Building Division as stated in their letter of June 15, 2006.

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

13. SPOILS:

All spoils generated by construction of the project facilities, including cave spoils, shall be disposed of per Public Works direction. All spoils piles shall be removed prior to occupancy.

14. WELLS:

The permittee may be required (at the permittee's expense) to provide well monitoring data if the Director of Environmental Management determines that water usage at the winery is affecting, or would potentially affect groundwater supplies or nearby wells. Data requested could include, but may not be limited to, water extraction volumes and static well levels. If applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gage potential impacts on the groundwater resource utilized for the project proposed. Water usage shall be minimized by use of best available control technology and best water management conservation practices. In the event that changed circumstances or significant new information provide substantial evidence that the groundwater system referenced in the use permit would significantly affect the groundwater basin, the director of environmental management shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety, and welfare. That recommendation shall not become final unless and until the director has provided notice and the opportunity for hearing in compliance with the county code section 13.15.070.G-K.

15. NOISE:

Construction noise shall be minimized to the maximum extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road condition require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed winery buildings.

16. COLORS / MATERIALS:

The materials and colors of stone around the cave portals, retaining walls, built landscaping features (as applicable) and any other constructed improvements shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific ground and vegetation and the applicant shall obtain written approval by the Department prior applying the finish treatment. Highly reflective surfaces shall be prohibited.

17. DUST CONTROL:

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Construction activities shall not occur during windy periods.

18. ARCHEOLOGICAL FINDING:

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The Department will be contacted for further guidance, which will likely include the requirement for the applicant to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required. If human remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that he can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

19. TRAFFIC

Reoccurring and scheduled vehicle trips to and from the site for employees, deliveries, and visitors will not occur during peak (4-6 PM) travel times to the maximum extent possible. All road improvements on private property required per the Department of Public Works shall be maintained in good working condition.

20. ADDRESSING

All project site addresses shall be determined by the Director, and reviewed and approved by the U.S. Post Office, prior to issuance of any building permit. The Director reserves the right to issue or re-issue an appropriate situs address at the time of issuance of any building permit to ensure proper identification and sequencing of numbers. For multi-tenant or multiple structure projects, this includes building permits for later building modifications or tenant improvements.

21. STORM WATER CONTROL

For any construction activity that results in disturbance of greater than one acre of total land area, permittee shall file a Notice of Intent with the California Regional Water Quality Control Board (SRWQCB) prior to any grading or construction activity. All hazardous materials stored and used on-site that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified. Parking lots shall be designed to drain through grassy swales, buffer strips, or sand filters prior to any discharge from the impervious surface into a watercourse. If any discharge of concentrated surface waters is proposed in the any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board. All trash enclosures must be covered and protected from rain, roof, and surface drainage.

22. INDEMNIFICATION

An indemnification agreement, in the form attached hereto, shall be signed and returned to the County within twenty (20) days of the granting of this approval.

23. MONITORING COSTS:

All staff costs associated with monitoring compliance with these conditions, previous permit conditions and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by Board Resolution in accordance with the hourly consulting rate established at the time of the monitoring (\$125.00/hour as of July, 2006). Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of compliance deficiencies is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if it is so warranted, to commence revocation hearings in accordance with section 18.124.120 of the County Code.

EXCLUSIVELY LISTED BY



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