

EXHIBIT “1”

EXHIBIT “1”

EXHIBIT “1”



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**Re: Napa County CEQA Notification**

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**Gallina, Charlene** <Charlene.Gallina@countyofnapa.org>

Wed, Apr 12, 2017 at 10:52  
AM

To: Bill Hocker

>, Anthony Arger

Cc: "Anderson, Laura" <Laura.Anderson@countyofnapa.org>, "Hedge, Emily"

<Emily.Hedge@countyofnapa.org>, "Morrison, David" <David.Morrison@countyofnapa.org>

Mr. Hocker

Please note that we are processing this project under a Major Modification. The environmental determination is an addendum to the previous approved mitigated negative declaration for the Winery. An addendum has been used for this project because staff found that there are not any substantial changes to the project that would warrant major revisions to the previous subsequent mitigated negative declaration and/or the original mitigated negative declaration. I have attached a copy of the Addendum for your review.

Furthermore, it should be noted that all code enforcement issues were resolved for this project. Please note that the packet for the April 19<sup>th</sup> Planning Commission Meeting will be available end of day, which includes a history of code enforcement activities on this project.

If you have any questions, please do not hesitate to contact me.

Charlene Gallina

Supervising Planner

Napa County Planning, Building, & Environmental Services Department

(707) 299-1355

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**From:** Bill Hocker [mailto: ]

**Sent:** Tuesday, April 11, 2017 4:21 PM

**To:** Gallina, Charlene

**Cc:** Anthony Arger

**Subject:** Re: Napa County CEQA Notification

Ms. Gallina,

I know I'm being pesky here, but a doubling of capacity would seem to warrant a major use permit modification rather than an addendum.

Also, it is a bit disconcerting, knowing the controversy that this project created in the past, and the concern that residents (and the County itself) have expressed in the last years concerning unpermitted construction (in this case relatively recent and egregious construction), and the feeling among residents that the county is not taking enforcement seriously, that you would feel comfortable putting this forward under the reduced scrutiny of an addendum, as if the 4th portal and patio were, like the briefly mentioned wastewater treatment system, an unrealized part of the original project.

The documentation and the hearing itself may be no different whether for a modified or addended permit, I don't know. But the 10 day lead time and the classification of the changes as an addendum rather than a modification just looks bad to those of us who already see the County, since the election, bending over backward in its haste to push ever more building projects through the pipeline, ignoring residents just as concerned as before over the urbanizing trajectory these projects represent.

Bill Hocker

On Apr 11, 2017, at 9:22 AM, Gallina, Charlene <Charlene.Gallina@countyofnapa.org> wrote:

Good Morning Mr. Hocker,

Please note that there is no 20 day review period for an addendum. Pursuant to CEQA Guidelines Section 15164 (c), an addendum is not required to be circulated for public review but can (and in this case) will be attached to the adopted subsequent negative declaration which will be part of the agenda report for the item. Therefore, staff did a 10 day notice for the public hearing.

If you have any more questions, please do not hesitate to contact me.

Charlene Gallina

Supervising Planner

Napa County Planning, Building, & Environmental Services Department

(707) 299-1355

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**From:** Bill Hocker [  
**Sent:** Friday, April 07, 2017 5:43 PM  
**To:** Frost, Melissa  
**Subject:** Re: Napa County CEQA Notification

Melissa,

Am I mistaken about the minimum 20 day notification period?

Bill Hocker

On Apr 7, 2017, at 3:09 PM, Frost, Melissa <Melissa.Gray@countyofnapa.org> wrote:

*Melissa Frost*

Napa County

Planning, Building & Environmental Services

707.299.1380

CONFIDENTIALITY NOTICE: This email message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If you are not the intended recipient of the message, please contact the sender immediately and delete this message and any attachments. Thank you. <4-19-17 PC Caves SC P16-00106 PC Notice.docx>

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**2 attachments**



**E. CEQA Addendum.pdf**  
594K

 **F. Previous MNDs.pdf**  
6715K

EXHIBIT “2”

EXHIBIT “2”

EXHIBIT “2”



A Tradition of Stewardship  
A Commitment to Service

Conservation Development and Planning Department  
Code Enforcement

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

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

Hilary Gitelman  
Director of Conservation Development and Planning

February 04 2009

## NOTICE AND ORDER

Gary Houck  
3375 Browns Valley Rd  
Napa Ca 94558-5434

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**Location:** 2275 Soda Canyon Rd **APN:** 039-640-011  
**Subject:** Violation – Cave portal built without permits  
**Authority:** Napa County Code Section 15.04.070; California Building Code Section 105.1 (2007 ed.)

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Dear Property Owner:

It is the customer service policy of this department to be responsive to citizen concerns regarding violations of land use and/or building safety regulations. With this in mind, we intend to familiarize you with said regulations and assist you in the resolution of any unsafe, substandard or unauthorized conditions at the above referenced property. **It has come to our attention that a cave portal was constructed without required documentation, agency review and permitting by this office.** This is a violation of Section 105.1 of the California Building Code – Permits Required. This is being brought to your attention to provide you the opportunity to respond and take appropriate action to correct the violation(s).

Please contact me within **seven (7) days** of the date of this letter to discuss your options for the resolution of this matter and to set up an on-site inspection. In addition, application for permits for the above referenced violation(s) must occur within **30 days** from the date of this notice. If you are not familiar with the application submittal requirements for your project you should call (707) 299-1347 or visit the County of Napa Building Department prior to submitting your application.

It is the intention of this office to provide all available means for your voluntary compliance, however, failure to respond as directed could result in further enforcement action by this department. If you have any questions, or do not fully understand any part of these proceedings, please call me at (707) 299-1343.

Sincerely,

A handwritten signature in cursive script that reads "Greg Baxter".

Greg Baxter,  
Code Enforcement Officer

cc: Darrell Mayes, Chief Building Official

*Atención: Si usted necesita asistencia en Español llamar al Tel. 253-4417 y preguntar por Rosa Elena Briseño*



A Tradition of Stewardship  
A Commitment to Service

Planning, Building & Environmental Services

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

David Morrison  
Director

## NOTICE of VIOLATION

June 11, 2014

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

Fidelity National Special Opportunities  
Attn: Gregory Lane  
475 Aviation Blvd, 2<sup>nd</sup> Floor  
Santa Rosa, CA 95403

**LOCATION: 2275 Soda Canyon Road, Napa CA. APN 039-640-012**

Dear Ryan:

The Napa County Department of Planning, Building, & Environmental Services received information that the following violations have been occurring at the above named address: Noise disturbance - use of a generator in violation of the winery use permit Condition of Approval Number 15, which states:

**Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Code.**

**You are directed to immediately muffle the generator until the PG&E has been installed and in operation on the subject property.**

Please respond within seven (7) days of the date of this letter to inform us of your plan to alleviate the disturbance. Your cooperation is requested, however, failure to promptly comply will cause referral of this matter to the District Attorney's office.

Regards,

Handwritten signature of Linda St. Claire.

Linda St. Claire,  
Code Enforcement Officer

Cc: Chron, File



## **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 it 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.



A Tradition of Stewardship  
A Commitment to Service

7012 1640 0002 3283 9150  
NAPA CUSTOM CRUSH LLC  
c/o RYAN WAUGH  
4290 KINGSFORD DRIVE  
NAPA CA 94558

Planning, Building & Environmental Services

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

David Morrison  
Director

**NOTICE OF VIOLATION**  
**SUSPENSION OF CERTIFICATE OF OCCUPANCY**

July 30, 2014

VIA CERTIFIED MAIL, RETURN  
RECEIPT REQUESTED

Napa Custom Crush LLC  
C/O Ryan Waugh  
4290 Kingsford Drive  
Napa, CA 94558

Subject: 2275 Soda Canyon, APN 039-640-012, Winery Violation

Dear Mr. Waugh

It has recently come to my attention that the scope of the use of your facility has exceeded what was approved under permit B13-00372. On March 14, 2014 a Certificate of Occupancy was issued approving the use of the cave and winery facilities (Type III cave). Upon review of recent aerial maps and internet site reviews, staff determined that you are allowing the public into areas of the cave that are unfinished and conducting tastings near a unpermitted portal on the west hillside. This is a violation of Section 111.1, Use and Occupancy and 105.1 of the 2013 California Building Code. Allowing the public in these areas without a certificate of occupancy is hazardous and not in compliance with the approved use permit.

Section 111.4 allows the building official to suspend a certificate of occupancy where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation of the California Building Code. This letter suspends your current certificate of occupancy and directs you to cease and desist any further winery operations until the violations have been resolved and the proper occupancy permit has been issued by the County of Napa Planning, Building and Environmental Service department.

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It is my understanding that your contractor has arranged a site visit for next Monday, August 4, 2014 with Code Enforcement staff. During that meeting they will advise you as to your next steps in resolving the violations that exist at your winery. If you have any questions please contact me at 707-259-8230.

Sincerely,

A handwritten signature in black ink, appearing to read "Darrell Mayes". The signature is fluid and cursive, with a long horizontal stroke at the end.

Darrell Mayes, Chief Building Official

Cc: David Morrison, Director  
Dave Giudice, Code Enforcement Supervisor  
Carrie Gallagher, Deputy County Counsel

EXHIBIT “3”

EXHIBIT “3”

EXHIBIT “3”



**NAPA COUNTY  
CONSERVATION, DEVELOPMENT & PLANNING COMMISSION**  
1195 Third Street, Suite 210, Napa, California, 94559 • (707) 253-4416

**APPLICATION FOR USE PERMIT**

FOR OFFICE USE ONLY

ZONING DISTRICT: AW

Date Submitted: 11-1-05

REQUEST: to construct a winery within the proposed caves.

Date Complete: \_\_\_\_\_

Date Published: \_\_\_\_\_

ZA CDPC BS APPEAL

Hearing \_\_\_\_\_

Action \_\_\_\_\_

**TO BE COMPLETED BY APPLICANT**  
(Please type or print legibly)

Applicant's Name: Ryan Waugh

Telephone #: (707) 738 - 6446 Fax #: (707) 255 - 1434 E-Mail: ryan@waughcellars.com

Mailing Address: P.O. Box 3746 Napa CA 94558  
No. Street City State Zip

Status of Applicant's Interest in Property: Lessee

Property Owner's Name: Gary Houck

Telephone #: (707) 224 - 9442 Fax #: (707) 224 - 3317 E-Mail: ghouck@aol.com

Mailing Address: \_\_\_\_\_ 612 Chaparral Circle Napa CA 94558  
No. Street City State Zip

Site Address/Location: 2275 Soda Canyon Road Napa CA 94558  
No. Street City State Zip

Assessor's Parcel #: 039-640-001-000 Existing Parcel Size: 41.35

I certify that all the information contained in this application, including but not limited to the information sheet, water supply/waste disposal information sheet, site plan, plot plan, floor plan, building elevations, water supply/waste disposal system plot plan and toxic materials list, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved.

Ryan Waugh  
(Signature of Applicant) Date

Gary Houck  
(Signature of Property Owner) Date

Ryan Waugh  
Print Name

Gary Houck  
Print Name

**TO BE COMPLETED BY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT**

\*Application Fee Deposit: \$5,735.00 Receipt No. 105-005675 Received by: ES

Date: \_\_\_\_\_

\*Total Fees will be based on actual time and materials



IV. TYPICAL OPERATION	<u>Existing</u>	<u>Proposed</u>
A. Days of Operation:	_____	<u>7</u>
B. Expected Hours of Operation:	_____	<u>8:00-6:00</u>
C. Anticipated Number of Shifts:	_____	<u>1</u>
D. Expected Number of Full-Time Employees/Shift:	_____	<u>3</u>
E. Expected Number of Part-Time Employees/Shift:	_____	<u>1</u>
F. Anticipated Number of Visitors		
• busiest day:	_____	<u>30</u>
• average/week:	_____	<u>70</u>
G. Anticipated Number of Deliveries/Pickups		
• busiest day:	_____	<u>2</u>
• average/week:	_____	<u>4</u>
 V. SUPPLEMENTAL INFORMATION FOR SELECTED USES		
A. Commercial Meeting Facilities Food Serving Facilities		
• restaurant/deli seating capacity:	_____	
• bar seating capacity:	_____	N/A
• public meeting room seating capacity:	_____	
• assembly capacity:	_____	
B. Residential Care Facilities (6 or more residents) Day Care Centers	<u>Existing</u>	<u>Proposed</u>
• type of care:	_____	_____
• total number of guests/children:	_____	_____
• total number of bedrooms:	_____	_____
• distance to nearest existing/approved facility/center:	_____	_____ N/A

## WATER SUPPLY/WASTE DISPOSAL INFORMATION SHEET

	<u>Domestic</u>	<u>Emergency</u>
<b>I. WATER SUPPLY</b>		
A. Proposed source of Water (eg., spring, well, mutual water company, city, district, etc.):	<u>well</u>	<u>well/tanks</u>
B. Name of Proposed Water Supplier (if water company, city, district): annexation needed?	<u>N/A</u> Yes ___ No <u>X</u>	<u>N/A</u> Yes ___ No <u>X</u>
C. Current Water Use (in gallons/day): Current water source:	<u>N/A</u> <u>well</u>	<u>N/A</u> <u>well</u>
D. Anticipated Future Water Demand (in gallons/day):	<u>1500</u>	_____
E. Water Availability (in gallons/minute):	<u>40 gpm</u>	_____
F. Capacity of Water Storage System (gallons):	<u>10,000</u>	<u>10,000</u>
G. Nature of Storage Facility (eg., tank, reservoir, swimming pool, etc.):	<u>tank</u>	<u>tank</u>
F. Completed Phase I Analysis Sheet (Attached):		
<b>II. LIQUID WASTE</b>		
	<u>Domestic</u> (sewage)	<u>Other</u> (please specify)
A. Disposal Method (e.g., on-site septic system on-site ponds, community system, district, etc.):	<u>onsite septic</u>	_____
B. Name of Disposal Agency (if sewage district, city, community system): annexation needed?	Yes ___ No <u>X</u>	Yes ___ No <u>X</u>
C. Current Waste Flows (peak flow in gallons/day):	_____	_____
D. Anticipated Future Waste Flows (peak flows in gallons/day):	<u>1500</u>	_____
E. Future Waste Disposal Capacity (in gallons/day):	<u>2500</u>	_____
<b>III. SOLID WASTE DISPOSAL</b>		
A. Operational Wastes (on-site, landfill, garbage co., etc.):	<u>Garbage Co.</u>	_____
B. Grading Spoils (on-site, landfill, construction, etc.):	<u>onsite</u>	_____
<b>IV. HAZARDOUS/TOXIC MATERIALS (Please fill out attached hazardous materials information sheet, attached)</b>		
A. Disposal Method (on-site, landfill, garbage co., waste hauler, etc.):	<u>Garbage Co.</u>	_____
B. Name of Disposal Agency (if landfill, garbage co., private hauler, etc.):	<u>Napa Garbage</u>	_____



**USE PERMIT APPLICATION  
SUPPLEMENTAL INFORMATION SHEET  
FOR WINERY USES**

1. **Operations.** (In the blank in front of each operation, place an "E" for Existing, a "P" for Proposed, an "X" for Expanding, or an "N" for None.)

- |  |   |
|--|---|
| <p>a. <u>P</u> crushing</p> <p>b. <u>P</u> fermentation</p> <p>c. <u>P</u> barrel ageing</p> <p>d. <u>P</u> bottling</p> <p>e. <u>N</u> case goods storage</p> <p>f. <u>P</u> caves:<br/>use:<br/><u>P</u> barrel storage<br/><u>N</u> case goods storage<br/><u>  </u> other _____<br/>accessibility to public:<br/><u>N</u> none - no visitors/tours/events<br/><u>P</u> guided tours only<br/><u>N</u> public access - no guides/unescorted<br/><u>P</u> marketing events and/or temporary events</p> | <p>g. <u>P</u> underground waste disposal</p> <p>h. <u>N</u> above-ground waste disposal</p> <p>i. <u>P</u> administration office</p> <p>j. <u>N</u> laboratories</p> <p>k. <u>N</u> daycare</p> <p>l. <u>P</u> tours/tastings:<br/><u>N</u> public drop-in<br/><u>P</u> public by appointment<br/><u>P</u> wine trade</p> <p>m. <u>P</u> retail wine sales<br/><u>N</u> public drop-in<br/><u>P</u> public by appointment</p> <p>n. <u>N</u> public display of art or wine-related items</p> <p>o. <u>N</u> food preparation</p> <p>p. <u>P</u> custom production.</p> |
|--|---|

2. **Marketing Activities.** (Describe the nature of any marketing or educational events not listed above including the type of events, whether public or private, frequency of events, average attendance, etc. Differentiate between existing and proposed activities. Attach additional sheets if necessary): 1) Private wine and food tasting for trade - 6 per year

20 people max, 10 average

2) Private wine and food events - 10 per year, 100 people max, 30 average

3) Private harvest event - 1 per year, 200 people max, 75 average

The events will take place from 12-4:00pm and 6:00-11:30pm. Location of the events will be on the property in designated gathering space. Parking for events

will be on-site and upon nearby property, if required, shuttles will be utilized. Portable bathrooms will be provided

3. **Napa Valley Wine Auction Activities.** (Describe the size and type of event that you may conduct as part of the annual Wine Auction): open House to auction ticket holders.

Normal business activities would stop and hours of operations would be 11-5, Catered food would be brought in from off site for these events.

4. **Food Service.** (Describe the nature of any food service including type of food, whether public or private, whether profit or non-profit, frequency of service, whether prepared on site or not, kitchen equipment, eating facilities, etc. Differentiate between existing and proposed food service. Attach additional sheets if necessary): 1.) All food prepared for the winery and winery events listed above, will be catered and prepared off site.

2.) Food is an adjunct to winery and not a stand alone for profit service

3.) Winery employees may prepare and eat meals at the site.

5. **Production Capacity.**  
 a. existing capacity: N/A date authorized: N/A  
 b. current maximum actual production (year): N/A (N/A)  
 c. proposed capacity: 30,000 gal
6. **Grape Origin.** (Fill out a "Initial Statement of Grape Source" form if establishing a new winery or expanding an existing winery development area and include with application form.)  
*included*
7. **Winery Development Area.** (see a below - for existing winery facilities)  
 Will the project involve construction of additional facilities beyond the winery development area? NO
8. **Total Winery Coverage.** (see b below - maximum 25% of parcel or 15 acres, whichever is less)  
 a. square feet/acres: 10,000  
 b. percent of total parcel: ~190
9. **Production Facility.** (see c below - include the square footage of all floors for each structure)  
 a. square feet: 16,000
10. **Accessory Use.** (see d below - maximum permitted 40% of the production facility)  
 a. square feet: 1280  
 b. percent of production facility: 8%

**Marketing Definition:** (paraphrased from County Code)

**Marketing of Wine** - Any activity conducted at the winery shall be 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.

**Coverage and Use Definitions:** (paraphrased from County Code)

- a. **Winery Development Area** - All aggregate paved or impervious or semi-permeable ground surface areas of the production facility which includes all storage areas (except caves), offices, laboratories, kitchens, tasting rooms and paved parking areas for the exclusive use of winery employees.
- b. **Winery Coverage** - The total square foot area of all winery building footprints, all aggregate paved or impervious ground surface areas of the production facility which includes all outside work, tank and storage areas (except caves); all paved areas including parking and loading areas, walkways, and access driveways to public or private roads or rights-of-way; and all above-ground wastewater and run-off treatment systems.
- c. **Production Facility** - (For the purpose to calculate the maximum allowable accessory use) The total square footage of all winery crushing, fermenting, bottling, bulk and bottle storage, shipping, receiving, laboratory, equipment storage and maintenance facilities, and employee-designated restrooms but does not include wastewater treatment or disposal areas which cannot be used for agricultural purposes.
- d. **Accessory Use** - The total square footage of area within winery structures used for accessory uses related to a winery that are not defined as "production facility" which would include offices, lobbies/waiting rooms, conference/meeting rooms, non-production access hallways, kitchens, tasting rooms (private and public areas), retail space areas, libraries, non-employee designated restrooms, art display areas, or any area within winery structures not directly related to wine production.

## WINERY CALCULATION WORKSHEET

### 1. WINERY COVERAGE

All paved or impervious ground surface areas of the production facility:	
Footprint of all winery structures	16,000
Outside work areas	N/A
Tank areas	2500 sf
Storage areas (excluding caves)	
All paved areas:	
Parking areas	3500 sf
Loading areas	1000 sf
Walkways	
Access driveways to the public or private rd	5000 sf
Above-ground wastewater and run-off treatment systems:	
Wastewater pond or SDDS	
Spray disposal field	
Parcel size: <u>41.1</u> acres	Percent of winery coverage of parcel size:
Total winery coverage: <u>6.0</u> acres	<u>14</u> %

### 2. PRODUCTION FACILITY

Total square footage within structures and caves utilized for the following:	
Crushing	1000
Fermenting	1500
Bottling	N/A no Bottling line
Bulk & bottle storage	9000
Shipping	
Receiving	
Laboratory	340
Equipment storage & maintenance facilities (excludes fire protection facilities)	1000
Employee-designated restrooms	100
Total square footage of production facility:	<u>12,940</u>

### 3. ACCESSORY USE

Total square footage within structures and caves utilized for the following:	
Office space	510
Lobbies/waiting rooms	N/A
Conference/meeting rooms	N/A
Non-production access hallways	1020
Kitchens	N/A
Tasting rooms (private & public areas)	2300
Retail space areas	500
Libraries	N/A
Visitor restrooms	168
Art display areas	N/A
Any other areas within the winery structure not directly related to production	
Total square footage of accessory use space:	<u>4498</u>
Percent of accessory use to production use:	<u>34.7%</u>

**USE PERMIT APPLICATION  
SUPPLEMENTAL INFORMATION SHEET  
FOR CUSTOM PRODUCTION ACTIVITIES AT A WINERY**

A Use Permit Modification is necessary for any winery to conduct operations on behalf of any other entities than the winery itself, including employees on their own account, individual partners and officers, corporate parents and contractors. Accessory uses such as offices and marketing can only be permitted if they are associated with wine produced at the winery.

**1. PRODUCTION ACTIVITIES**

- 30,000 What is the total permitted annual production capacity of the winery? (Proposed)  
50% How much of the annual capacity is proposed to be devoted to activities by other entities (i.e., "custom production")?  
up to 6 How many other entities ("custom production")?

Please describe below any environmental modifications in winery operations that can be attributed to the custom operations:

- Hours when the winery would not otherwise be open? NONE  
Traffic not otherwise destined to/coming from the winery? Traffic for marketing activities (see below)  
Increases in noise (e.g., bottling at times when the winery would not be operating the bottling line)? NONE  
Other? \_\_\_\_\_

Please check all the custom production activities that are proposed at the winery.

- a.  Crushing  
b.  Fermentation  
c.  Barrel Ageing  
d.  Bottling

**1. ACCESSORY ACTIVITIES**

Please check all the accessory winery activities that are proposed to be accommodated at the winery and complete the applicable information.

- a. NO Case goods storage \_\_\_\_\_ area devoted to custom wine storage  
b.  Retail wine sales 50% percentage of wine sales by other entities  
c.  Administrative office none number of offices for others/number of employees of "custom" operations  
d.  Wine tasting  
e. \_\_\_\_\_ Distribution/shipping \_\_\_\_\_ number of trucks serving winery operations (total)  
f. \_\_\_\_\_ Other (specify) \_\_\_\_\_

**2. MARKETING ACTIVITIES**

Please check the types, and describe the specific locations and frequencies, of marketing activities for the custom production that will be carried out at the winery.

- a.  Promotional and educational activities/advertising: included in winery's marketing events above  
b. \_\_\_\_\_ Telemarketing/mail order: \_\_\_\_\_  
c.  Receptions, tours, other invitational events: Included in winery's marketing events  
d.  Luncheons, dinners, other food service with wine: included in winery's marketing events  
e. \_\_\_\_\_ Other (specify): \_\_\_\_\_

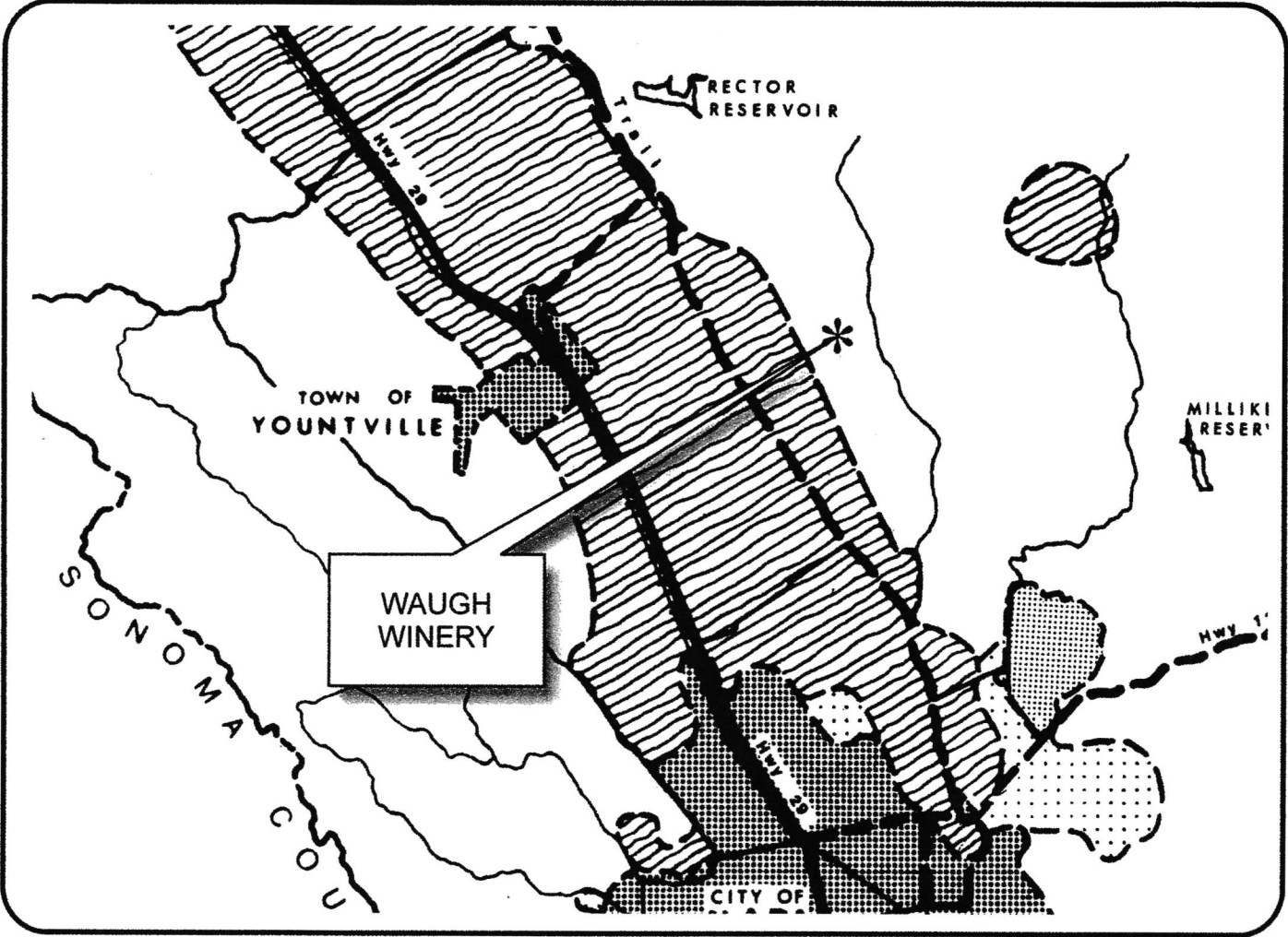
TRAFFIC INFORMATION

Project Trip Generation							
Operating Hours	Personnel / Visitors			Vehicle Trips			
	Operations	Marketing Events		Operations	Marketing Events		
	Daily M-F	Minimum	Maximum	Daily M-F	Minimum	Maximum	
	8-6	12-2 pm	4-10pm		8-6	12-2pm	4-10pm
Employees				Employee Trips			
Full-Time	3	3	3	Full-Time	10	10	10
Seasonal Peak	4	4	--	Seasonal Peak	8	8	--
Peak Hours	3-4pm	12-2pm	5-6pm	Peak Hours	3-4pm	12-2pm	4-6pm
Total Employees	7	7	3	Total Employee Trips	18	18	10
Event Support Staff	--	3	8	Event Support Staff	--	3	8
Full-Time	--	--	--	Full-Time	--	--	--
Seasonal Peak	--	--	--	Seasonal Peak	--	--	--
Total Support Staff	0	3	8	Total Support Staff Trips	0	6	16
Visitors	30	30	30	Visitor Trips	12	11	11
Peak Hours	3-4pm	12-2pm	4-6pm	Peak Hours	3-4pm	12-2pm	4-6pm
Total Visitors	30	30	30	Total Visitor Trips	12	11	11
				Total Trucks - Deliveries, Shipping, etc. Trips	2	2	2
Grand Total	37	40	45		32	35	39
Provide supporting documentation for trip generation rates							
Submit separate spreadsheets for existing & proposed							
operations, include a trip generation grand total.							

	Number of People Onsite			
	Full-Time	Seasonal Peak	Marketing Events	Marketing Events
No. Employees	3	7	7	
Support Staff, caterers, clean-up, etc.	0	0	4	
Visitors	30	30	30	
Residents	2	2	2	
Grand Total	35	39	43	

APPS-Traffic Information

# NAPA COUNTY LAND USE PLAN 1998 - 2000



## LEGEND

### TRANSPORTATION

- LIMITED ACCESS HIGHWAY
- MAJOR ROAD
- SECONDARY ROAD
- RAILROAD
- AIRPORT
- LANDFILL SITE

### OPEN SPACE

- AGRICULTURE, WATERSHED & OPEN SPACE
- AGRICULTURAL RESOURCE

### URBAN

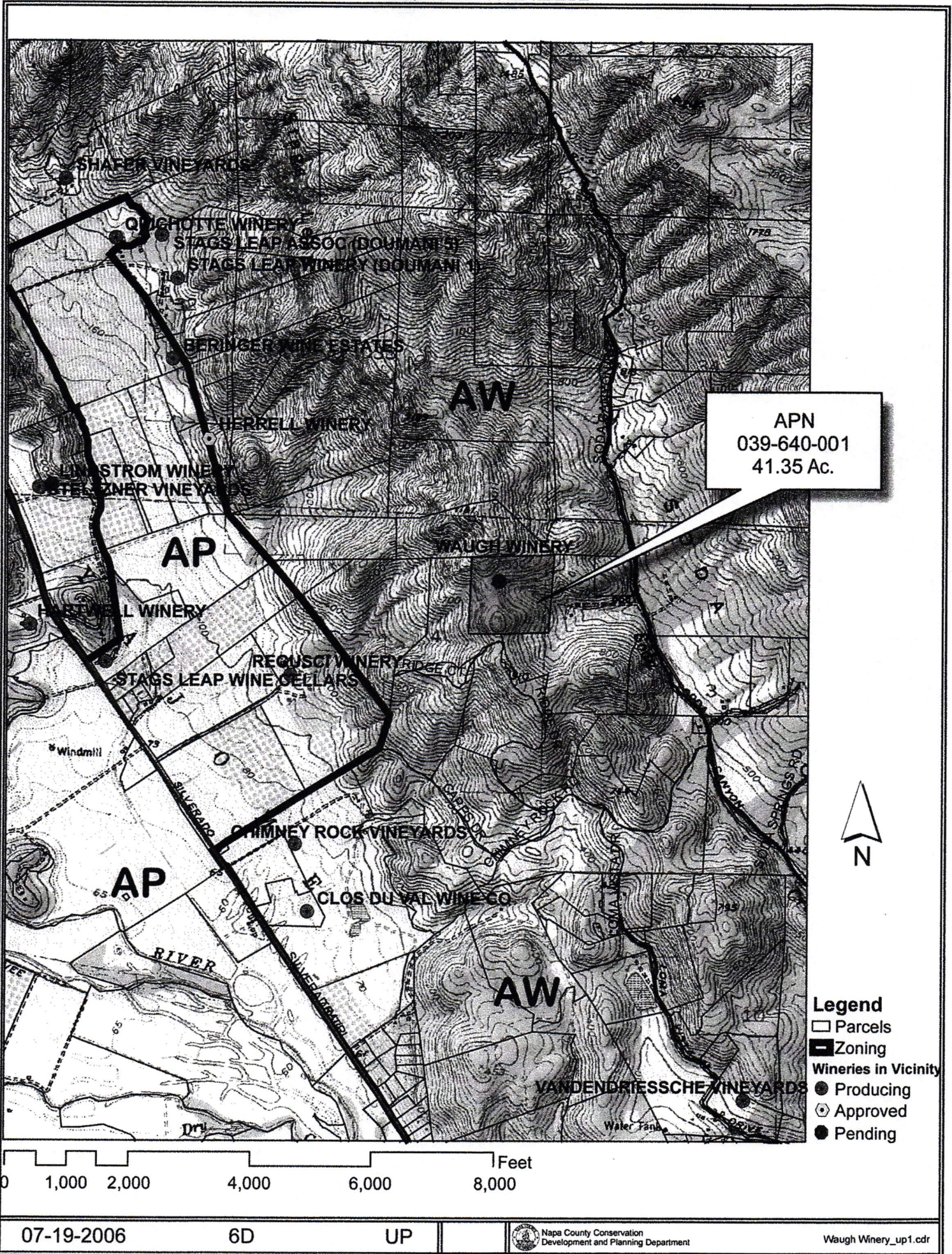
- CITIES
- URBAN RESIDENTIAL
- RURAL RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- PUBLIC - INSTITUTIONAL

SCALE IN MILES



APN  
039-640-001  
07-19-2006  
6D UP

# WAUGH WINERY



APN  
039-640-001  
41.35 Ac.

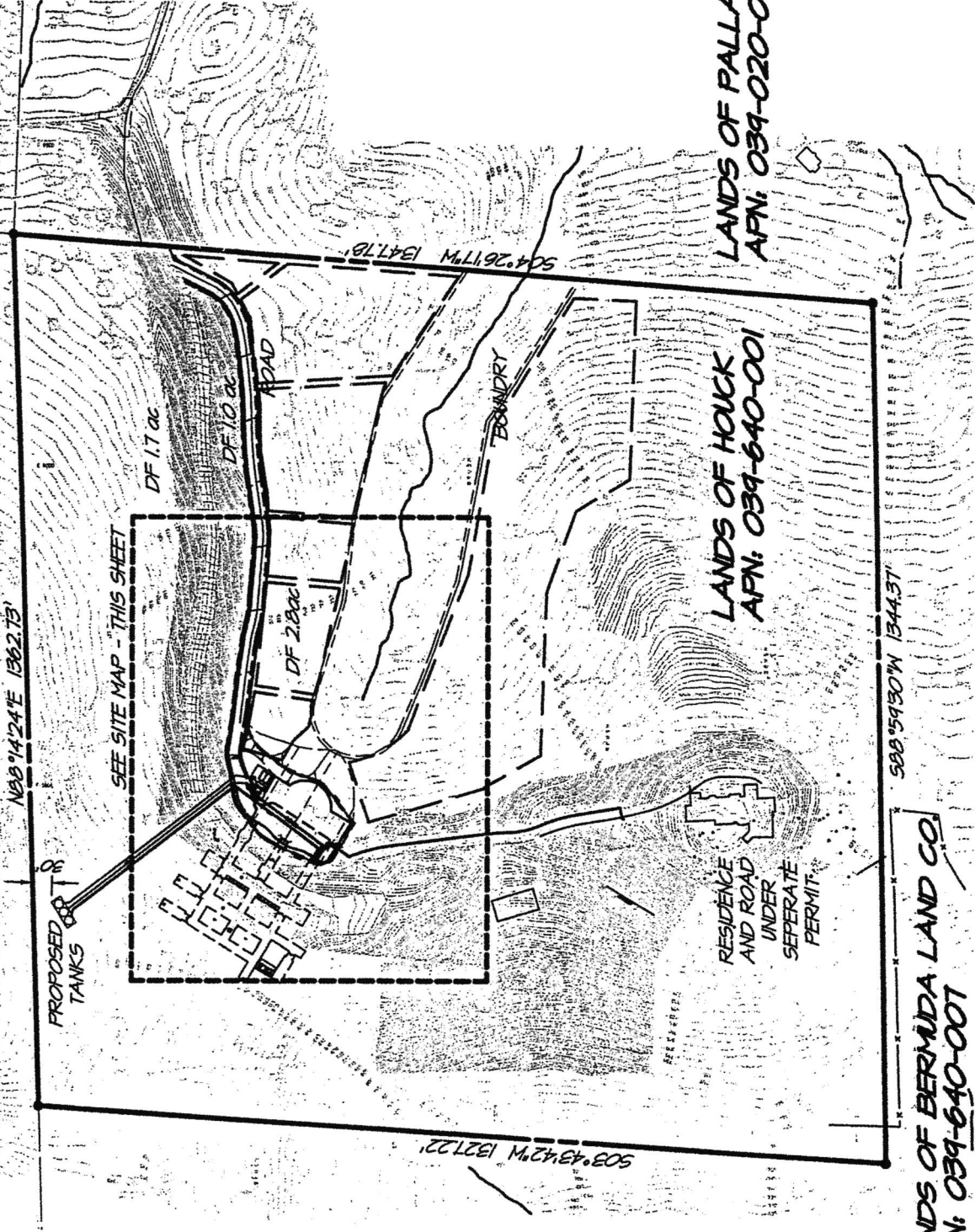


0 1,000 2,000 4,000 6,000 8,000 Feet

WAUGH WINERY

LANDS OF STILL  
APN: 039-060-031

LANDS OF BORDES  
APN: 039-060-032



LANDS OF HOUCK  
APN: 039-640-001

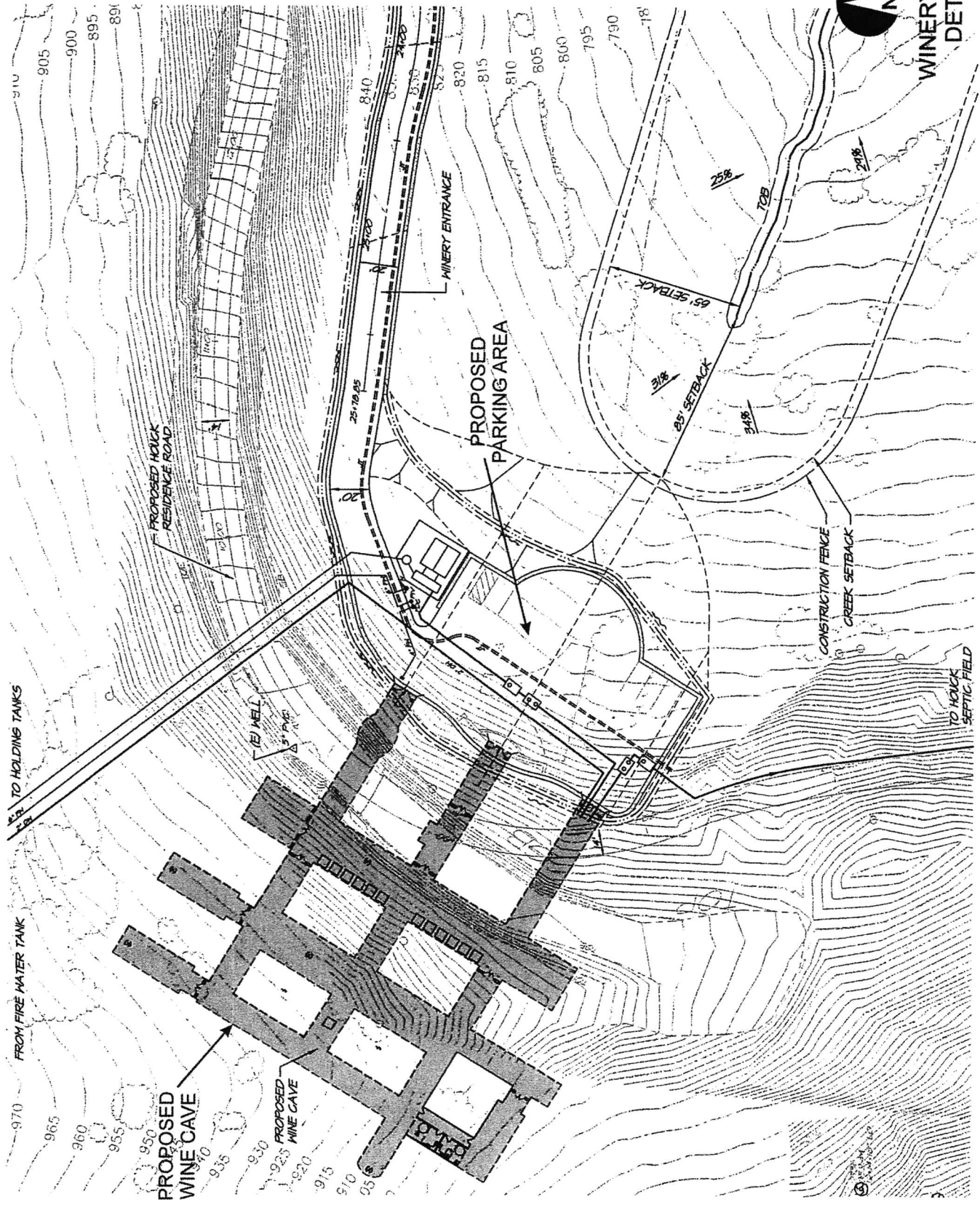
LANDS OF PALLAS  
APN: 039-020-030

LANDS OF BERMUDA LAND CO.  
APN: 039-640-007

KEY MAP



# WAUGH WINERY

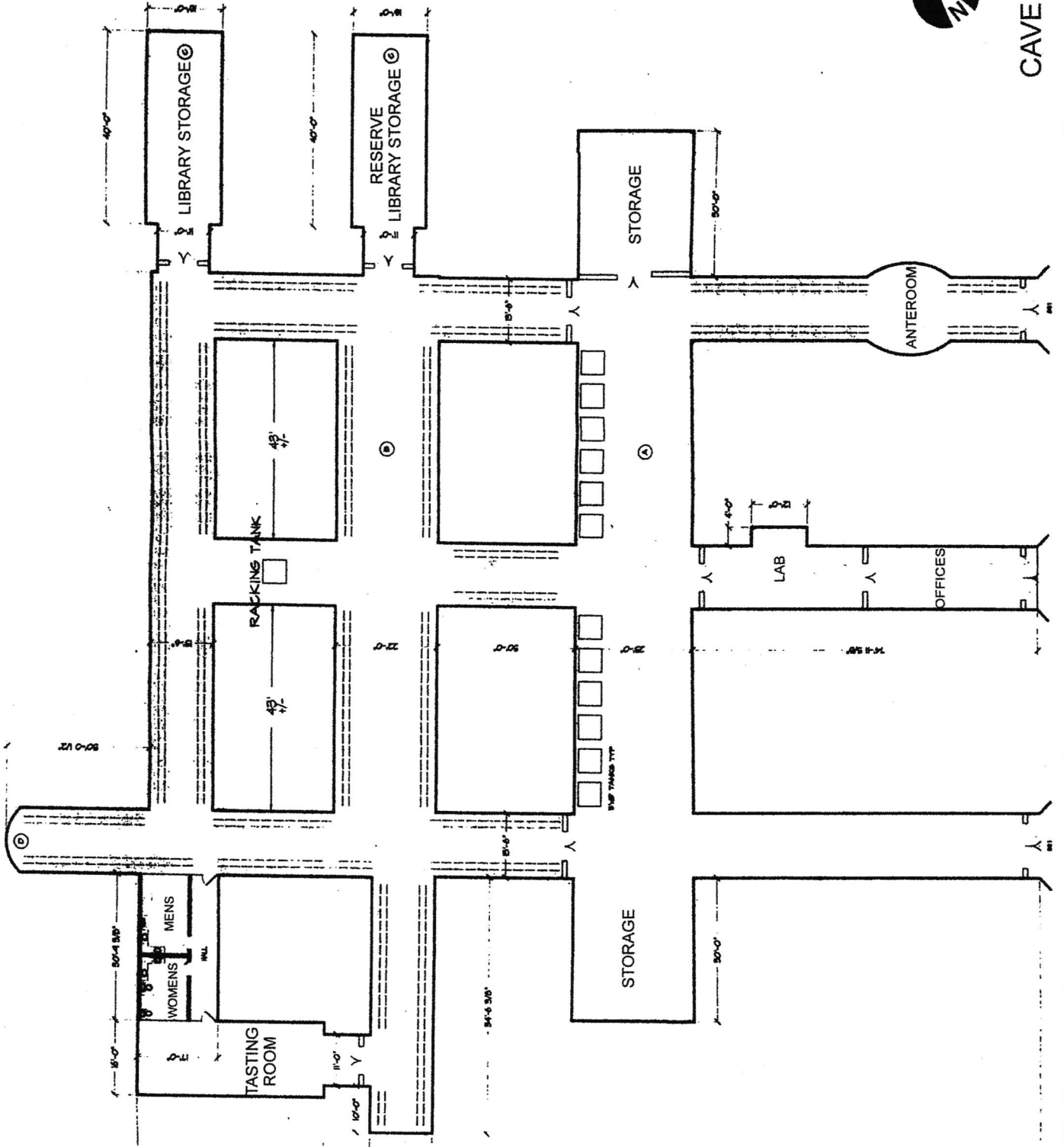


## WINERY CAVE DETAIL



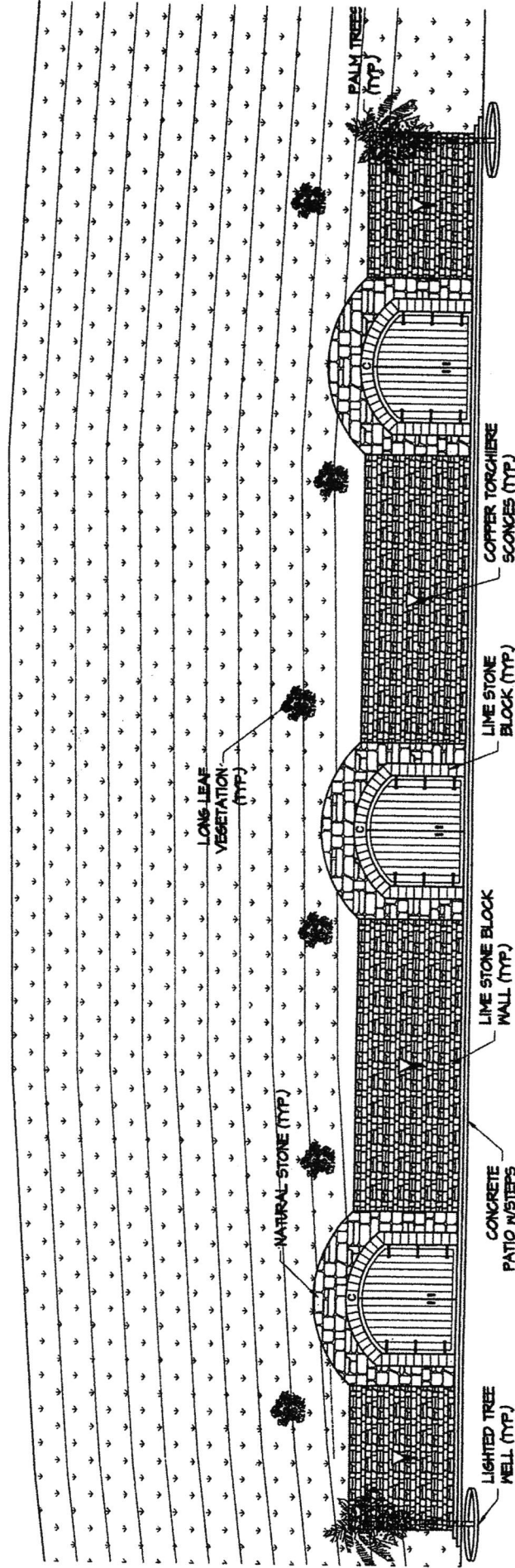


# WAUGH WINERY



## CAVE PLAN

# WAUGH WINERY



## FRONT ELEVATION

NO SCALE

EXHIBIT “4”

EXHIBIT “4”

EXHIBIT “4”



**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)  
012

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](mailto: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 spoting. 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 it 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.



JILL PAHL, R.E.H.S.  
Acting Director

**COUNTY of NAPA**  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**TO:** Napa County Planning Department  
Hillary Gitelman, Planning Director

**FROM:** Napa County Environmental Management Department  
Christine Secheli, R.E.H.S., Environmental Health Manager

**SUBJECT:** Application for Gary Houck  
Located at 2275 Soda Canyon Road  
Assessor Parcel 39-640-01  
File #P05-0391

**DATE:** July 19, 2006

---

We have reviewed the above proposal including the revised wastewater feasibility report last amended on July 3, 2006 and recommend approval of the application providing the following are included as conditions of approval:

1. 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.
2. The feasibility report includes an option for subsurface drip disposal for winery process wastewater. This option has not been considered due to the fact that the required soils testing for this option has not been completed. We are recommending approval of the application with the proposed pretreatment to surface disposal for winery process waste.
3. Regarding the proposed winery process wastewater system, plans for the proposed private sewage disposal 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.
4. A permit for the installation of the winery process wastewater system must be secured from the Department of Environmental Management prior to issuance of a building clearance (or issuance of a

1195 Third Street, Suite 101 • Napa, California 94559  
Telephone: (707) 253-4471 • Fax: (707) 253-4545 • www.co.napa.ca.us

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

5. Regarding the proposed sanitary wastewater generated from the winery, revised plans for the sanitary wastewater system (for both the residence and now the sanitary waste from the winery) 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.

6. A permit for the installation of 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.

7. 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 storm water and the process wastewater lines are clearly labeled.

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

9. 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.

10. 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, Chapter 30 of the California Code of Regulations.

11. Pursuant to Chapter 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. If your business does not generate hazardous waste and/or store hazardous materials above threshold quantities, a Negative Declaration shall be filed.

12. 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.

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

14. 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.

15. 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.

cc: Ryan Waugh, P.O. Box 3746, Napa, CA 94558  
Gary Houck, 612 Chaparral Circle, Napa, CA 94558  
John Kara, Environmental Health Supervisor  
Riechers Spence, 1541 Third St., Napa, CA 94559



**PUBLIC WORKS DEPARTMENT  
INTER-OFFICE MEMO**



**DATE:** June 5, 2006  
**TO:** Conservation Development and Planning Department  
**FROM:** Frank Lucido, Assistant Engineer *FL*  
**SUBJECT:** Ryan Waugh Winery, APN 039-640-001-000, File #P05-0391

JUN 5 2006

DEVELOPMENT & PLANNING DEPT

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 sq ft of new building floor area, and 16,000 sq ft of new caves. Parcel is located west of Soda Canyon Road approximately 3.5 miles from the connection with Silverado Trail. This memo supersedes that dated November 28, 2005.

**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 revised 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 6.8 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 a 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 a 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 and 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. Grading, drainage and parking improvements shall be constructed according to the latest "Napa County Road and Street Standards".
9. The applicant must obtain an encroachment permit for any work performed within the Napa County Right-of-Way.

**OTHER RECOMMENDATIONS:**

10. 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.

11. 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.
12. 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 Frank Lucido at 253-4351. For groundwater questions, please contact Anna Maria Martinez.

# INTER-OFFICE MEMO



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TO: Conservation, Development, and Planning Department  
FROM: Mike Wilson, Fire Department  
DATE: May 30, 2006  
SUBJECT: Houck/Waugh Winery Use Permit Application Comments  
Apn: 039-640-001 P05-0391

**Site Address: 2275 Soda Canyon Rd, Napa**

The Napa County Fire Marshal staff has reviewed the Use Permit application for a planned winery at the above address. If the project is approved we recommend the following items be incorporated as project conditions or mitigation measures regarding viewshed and defensible space.

1. **All construction and use of the parcel shall comply with all applicable standards, regulations, codes and ordinances at the time of building permit issuance.**
2. A vegetation management and maintenance plan must be submitted to the Napa County Fire Marshal's Office for review and approval prior to building permit issuance. The plan must consist of a written description of vegetation to be used and a planned design for its layout to meet the requirements of Public Resource Code 4291 and the screening requirements for the Napa County Viewshed Ordinance. A one hundred foot buffer measurement must be identified from the exterior of all structures on the parcel. The maintenance portion must consist of a plan to remain in compliance with these requirements.
3. A defensible space zone shall be created around all structures. This defensible space zone shall be a minimum of 100' out from all portions of the structures. Flammable vegetation shall be removed and/or modified in the defensible space zone to create a fuel break that will help protect the structures from an encroaching wildland fire and will protect the surrounding wildland areas from a structure fire originating on-site.
4. The applicant shall be responsible for maintaining 10 feet of defensible space along each side of the roadway. This defensible space zone shall include the removal of

5. all dead fuel, dry grass mowed to less than four inches in height, the removal or cutting of all brush, the removal of small trees less than 8 inches in diameter and the removal of all ladder fuel on existing trees up to 8 feet in height, within 10 vertical feet of each side of the roadway.
6. Fire apparatus access roads shall be provided to all buildings. Fire apparatus access roads shall provide access to within 150 feet of all portions of the buildings and an unobstructed vertical clearance of not less than 15 feet.
7. Access roads from the public and/or private right-of- ways to the project/ building site shall comply with Napa County Road and Street Standards and may be reviewed by the Napa County Public Works Department.
8. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide driving capabilities in all weather conditions. Said access shall be provided prior to any construction or storage of combustible materials on site.
9. The approved address numbers shall be placed by the applicant in such a position as to be plainly visible and legible from the street fronting the property and shall be placed as to be seen from all entrances along the access route. Proposed address shall be indicated on the elevation drawings contained within the building plan submittal. The address numbers shall be a minimum of 3 inches in height, contrasting in color with their background and shall be installed on a non combustible post.
10. An approved project sign shall be placed at vehicle access points into the project during construction to assist emergency responders. The sign shall identify the project address. Such signs shall be clearly visible and legible from the street fronting the project.
11. Any proposed bridges shall be constructed to local ordinance. and display the maximum weight limits.
12. A rapid emergency key entry system shall be installed at an approved location by the Napa County Fire Marshal's Office on any proposed gates accessing the property.

Ernie Loveless  
Fire Chief  
By: *Mike Wilson*  
Mike Wilson  
Assistant Fire Marshal



HILLARY GITELMAN  
Director

# COUNTY of NAPA

CONSERVATION, DEVELOPMENT AND PLANNING

PATRICK LYNCH  
Assistant Director

REVISIONS

**PERMIT APPLICATION AND INITIAL STUDY**  
**REQUEST FOR COMMENTS**

TO: Building Division

APPLICATION TITLE: Gary Houck/Waugh Winery APN: 39-640-001

RESPONSE REQUEST DATE: 6/14/06 RESPONSE RETURN DATE: 6/26/06  
FINAL REQUEST DATE: \_\_\_\_\_ FINAL RESPONSE DATE: \_\_\_\_\_

PLEASE RESPOND VIA E-MAIL TO: strippi @co.napa.ca.us  
OR DIRECT FAX TO: \_\_\_\_\_ (707)299-4235

FOR QUESTIONS ON THIS REQUEST, PLEASE CONTACT: \_\_\_\_\_

This application (see enclosed project description and maps) 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.

Please advise us as to which of your permits is required, your environmental concerns and whether you recommend that a Negative Declaration or an Environmental Impact Report be prepared on this project. Due to the provisions of AB 884, it is essential that we receive your comments within the next 10 days.

1. Do you have jurisdiction by law over this project?  Yes  No
2. Indicate areas of environmental concern and availability of appropriate technical data:  
None in Building Files
3. Do you recommend:  Negative Declaration  Environmental Impact Report
4. If the project is approved, recommend conditions of approval (use additional page if needed). apply for and procure all required Building, Electrical, Plumbing, and Mechanical Permits prior to commencing with work.
5. Have you previously reviewed an application on any portion of this project?  Yes  No
6. Name of contact person: Harold Meyer Telephone #: 259-9230

Prepared by: ATM  
Title: CBO  
Date: 6-15-06

**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5505  
FAX (510) 286-5559  
TTY (800) 735-2929

**RECEIVED****JUL 24 2006***Flex your power!  
Be energy efficient!***NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.**

July 20, 2006

NAP121251  
NAP-121-9.403  
SCH#2006052169

Mr. Sean Trippi  
Napa County Planning Department  
1196 Third Street, Suite 210  
Napa, CA 94559

Dear Mr. Trippi:

**WAUGH WINERY - NEGATIVE DECLARATION**

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Waugh Winery project. The following comments are based on the Negative Declaration (ND). Please send project applications for our review whenever an environmental document is anticipated. While the County did not provide the project application for this project, since applications are the only form of early notification for NDs, such early notification is particularly beneficial in helping us identify critical project issues early in the environmental review process. This saves time and effort for both the applicant and agencies during project review.

As lead agency, Napa County is responsible for all project mitigation, including any needed improvements to state highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. The project's specific traffic mitigation fee should be identified in the Traffic Impact Study and the environmental document. Any required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit is required for work in the State Right of Way (ROW), and the Department will not issue a permit until our concerns are adequately addressed, we strongly recommend that the County work with both the applicant and the Department to ensure that our concerns are resolved during the CEQA process, and in any case prior to submittal of a permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

***Project Parking***

The ND should identify the parking lot location for the Harvest event with 200 participants. How many parking spaces will be available for these large events?

***Cumulative Impacts***

Does the project exceed the County's left-turn lane warrant threshold of 11 average daily trips? The ND concludes that the project would not result in impacts that are "...considered individually limited, but cumulatively considerable", but no supporting analysis or documentation is provided. The ND states that, "The potential traffic increases are fairly minor and do not exceed thresholds impacting air quality standards." Page 18, Section XVII. Mandatory Findings of Significance, Paragraph (b).

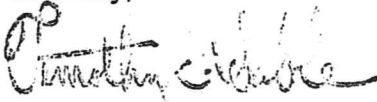
***Encroachment Permit***

Work that encroaches onto the State ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the website link below for more information. <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Office of Permits  
California DOT, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

Please feel free to call or email Patricia Maurice of my staff at (510) 622-1644 or [patricia\\_maurice@dot.ca.gov](mailto:patricia_maurice@dot.ca.gov) with any questions regarding this letter.

Sincerely,



TIMOTHY C. SABLE  
District Branch Chief  
IGR/CEQA

c: Ms. Terry Roberts, State Clearinghouse  
Mr. Nate Galambos, Napa County Public Works Department



EXHIBIT “5”

EXHIBIT “5”

EXHIBIT “5”

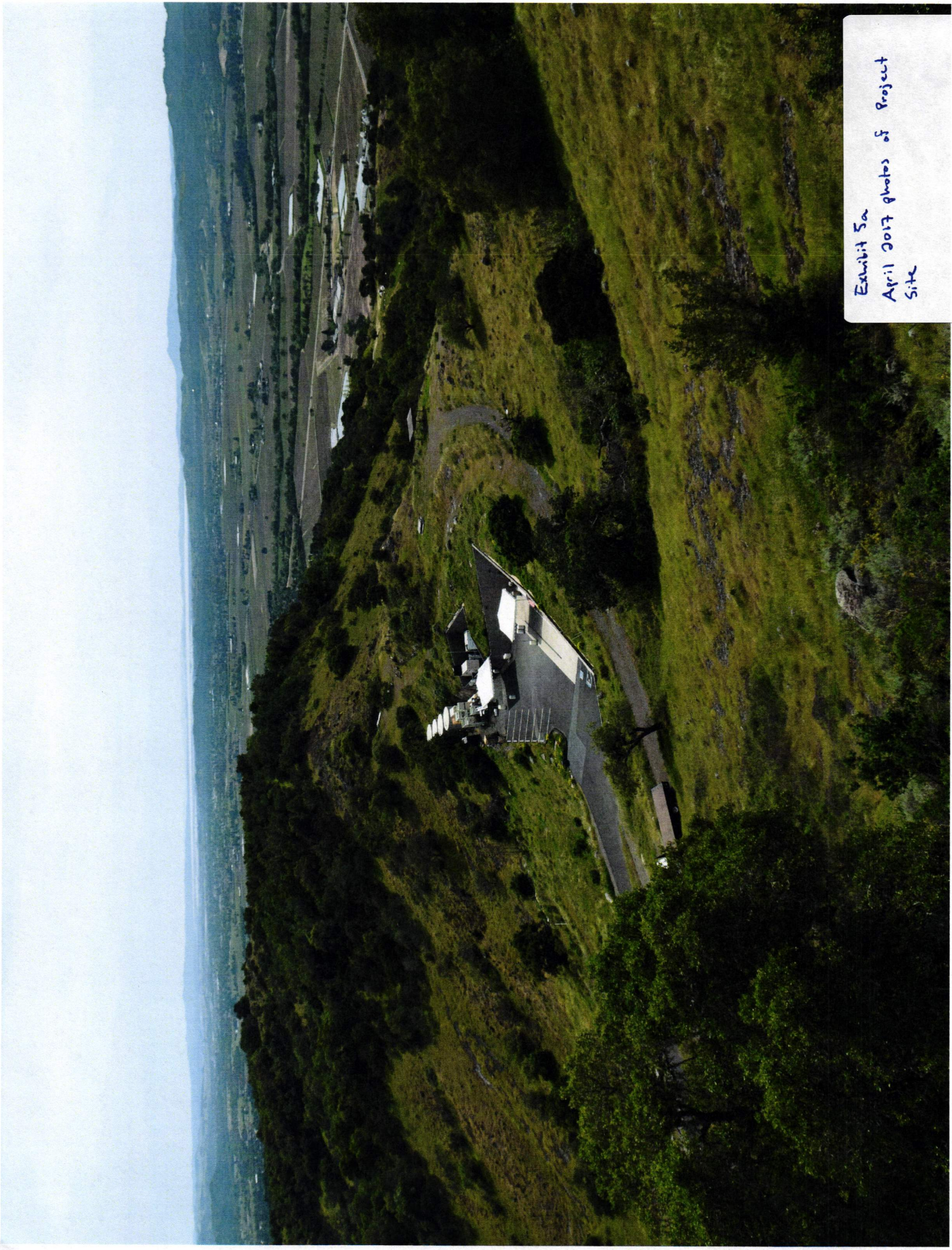


Exhibit 5a  
April 2017 photos of Project  
Site



Exhibit 5b  
April 2017 Photos of Caves  
at Sola Canyon site #  
generator

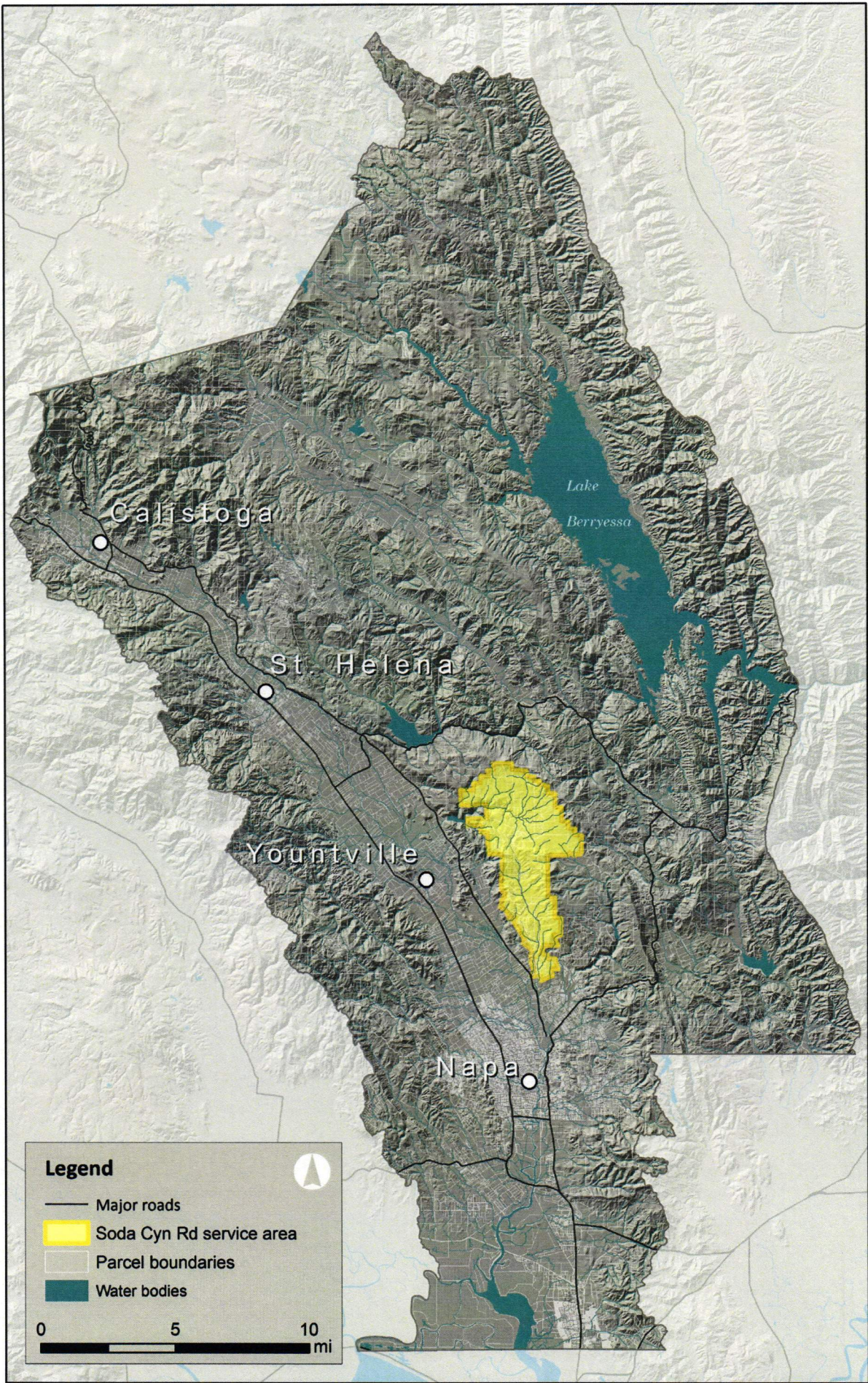


Exhibit 5c  
April 2017 Photos of Caves  
at Soda Canyon site &  
generator

EXHIBIT “6”

EXHIBIT “6”

EXHIBIT “6”



# Napa County showing Soda Canyon Road Service Area

Exhibit 6a

# 2017 Soda Canyon Road Residences

## Building type

- Main residence (163)
- Second dwelling unit (14)
- ◻ Winery & main residence (1)
- Winery (4)
- Approved, not yet operating (3)
- ▲ Agricultural building (5)
- ▲ Fire station (1)

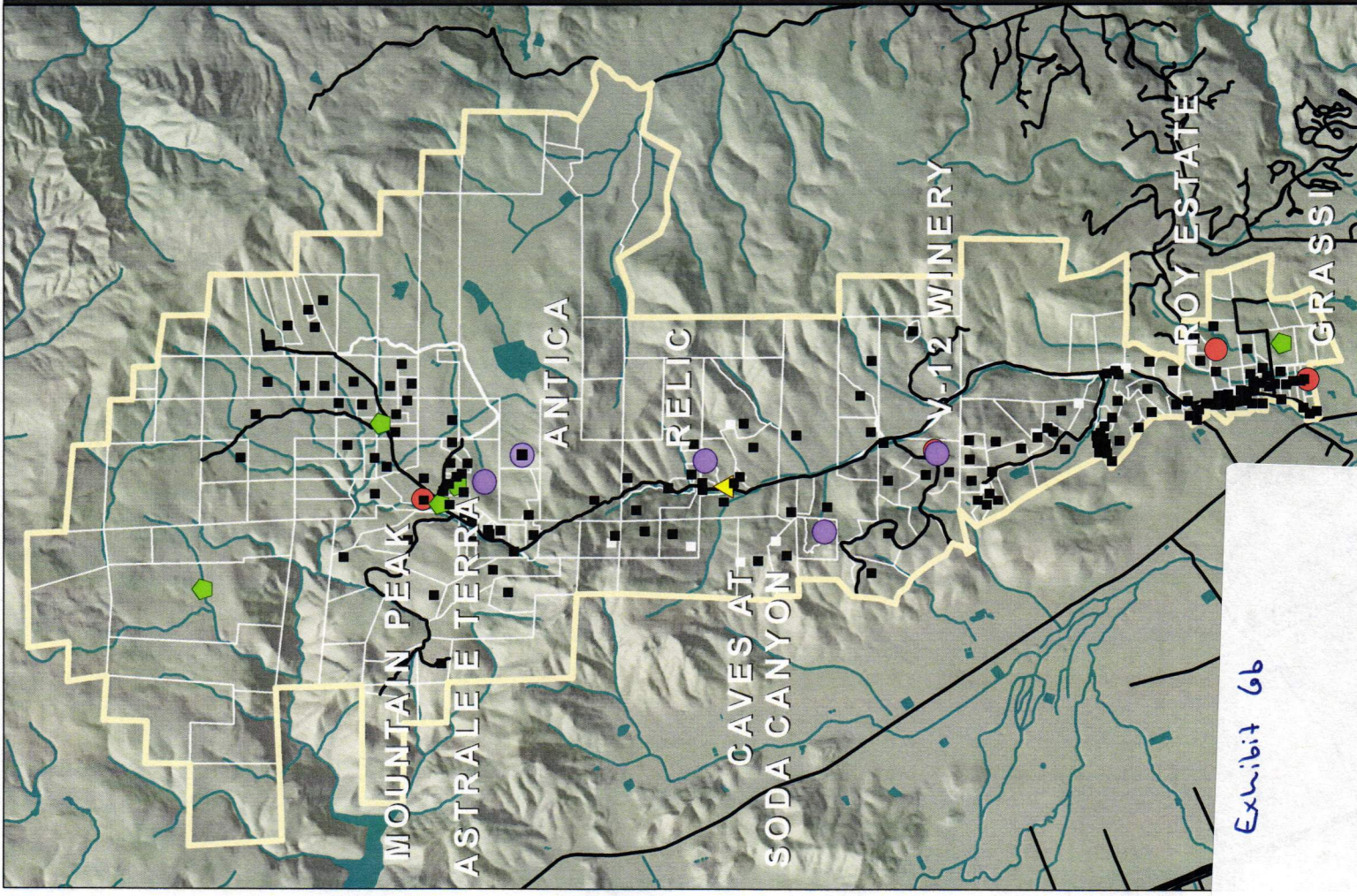


Exhibit 6b

EXHIBIT “7”

EXHIBIT “7”

EXHIBIT “7”



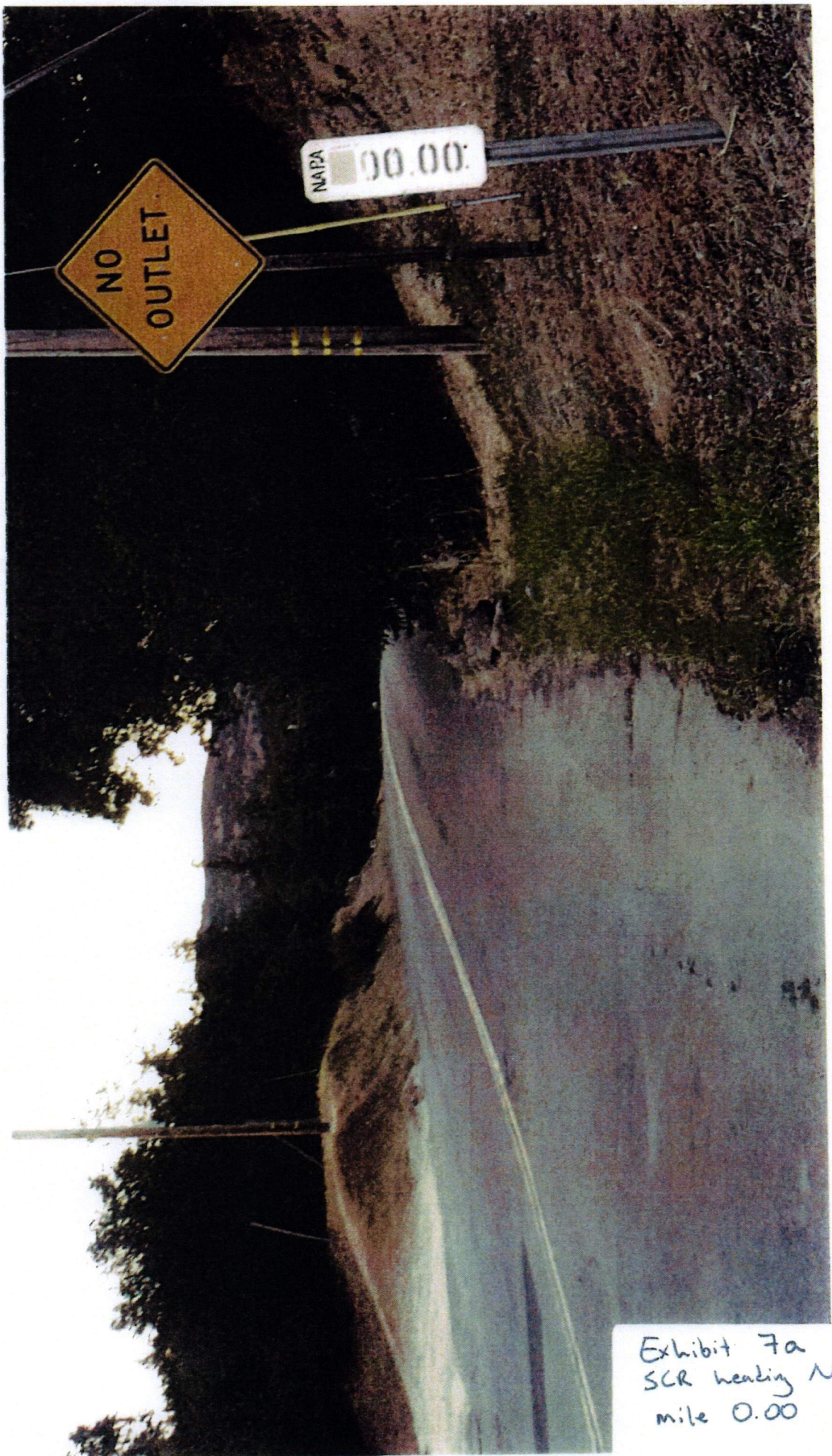


Exhibit 7a  
SCR heading NE (up)  
mile 0.00 2015



Exhibit 7b  
SCR Healing NE (up)  
mile 0.90 2015



Exhibit 7c  
SCR heading NE (up)  
Mile 1.75 2015



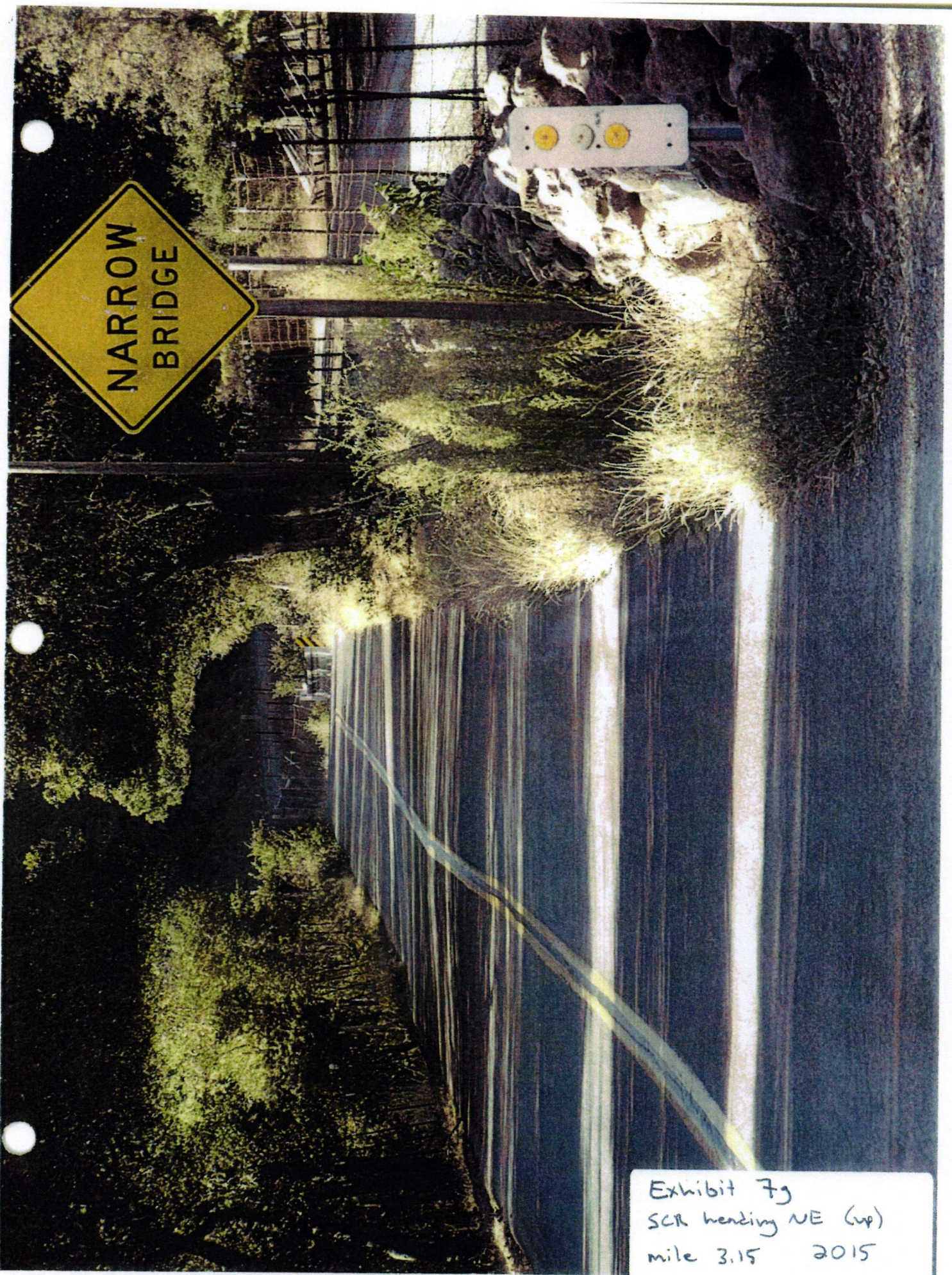
Exhibit 7d  
SCR heading NE (up)  
mile 2.07 2015



Exhibit 7e  
Sch heading NE (up)  
mile 2.75 2015



Exhibit 7f  
SCR heading NE (vp)  
mile 3.15 1998



NARROW  
BRIDGE

1234567890  
1234567890

Exhibit 7g  
SCR heading NE (up)  
mile 3.15 2015

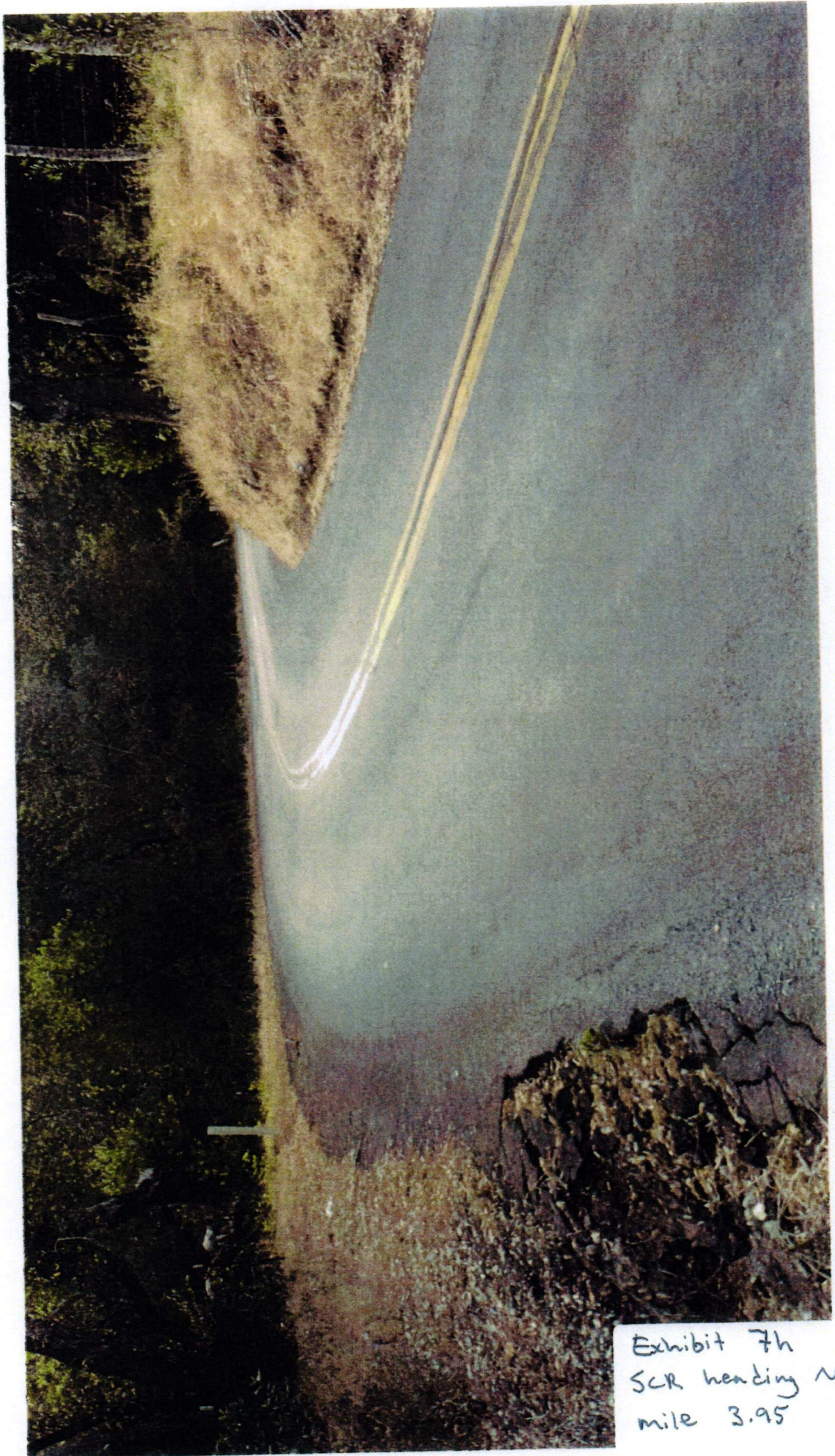


Exhibit 7h  
SCR heading NE (up)  
mile 3.95 2015



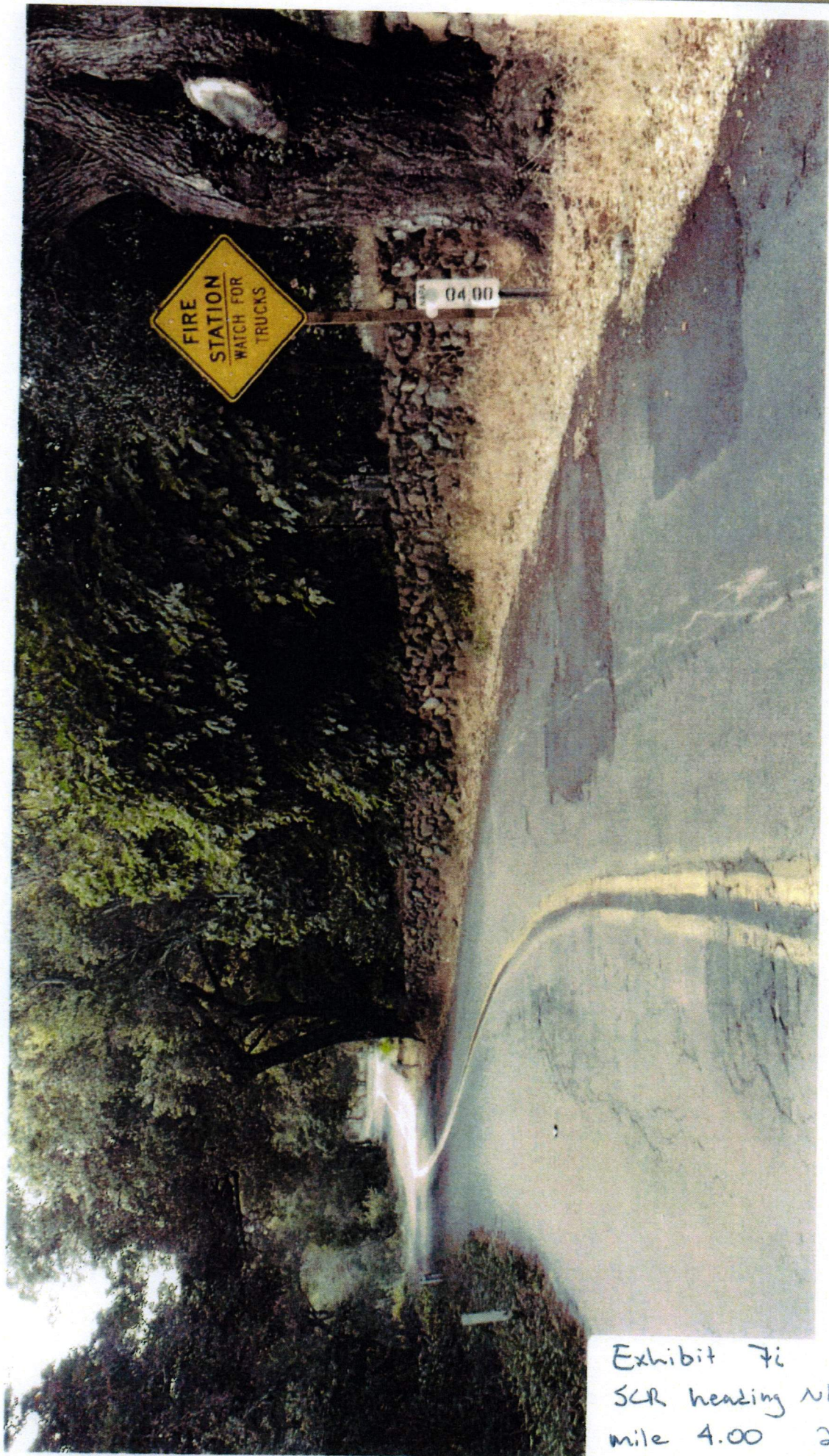


Exhibit 7i  
SCR heading NE (up)  
mile 4.00 2015

SODA CANYON  
VOLUNTEER FIRE DEPARTMENT  
MCCFD STATION 13

Exhibit 7j  
SCR meeting NE (up)  
mile 4.15 2015

240



Exhibit 7K  
SCR heading NE (up)  
mile 4.30 2015



Exhibit 76  
SCR heading NE (up)  
mile 4.35 2015

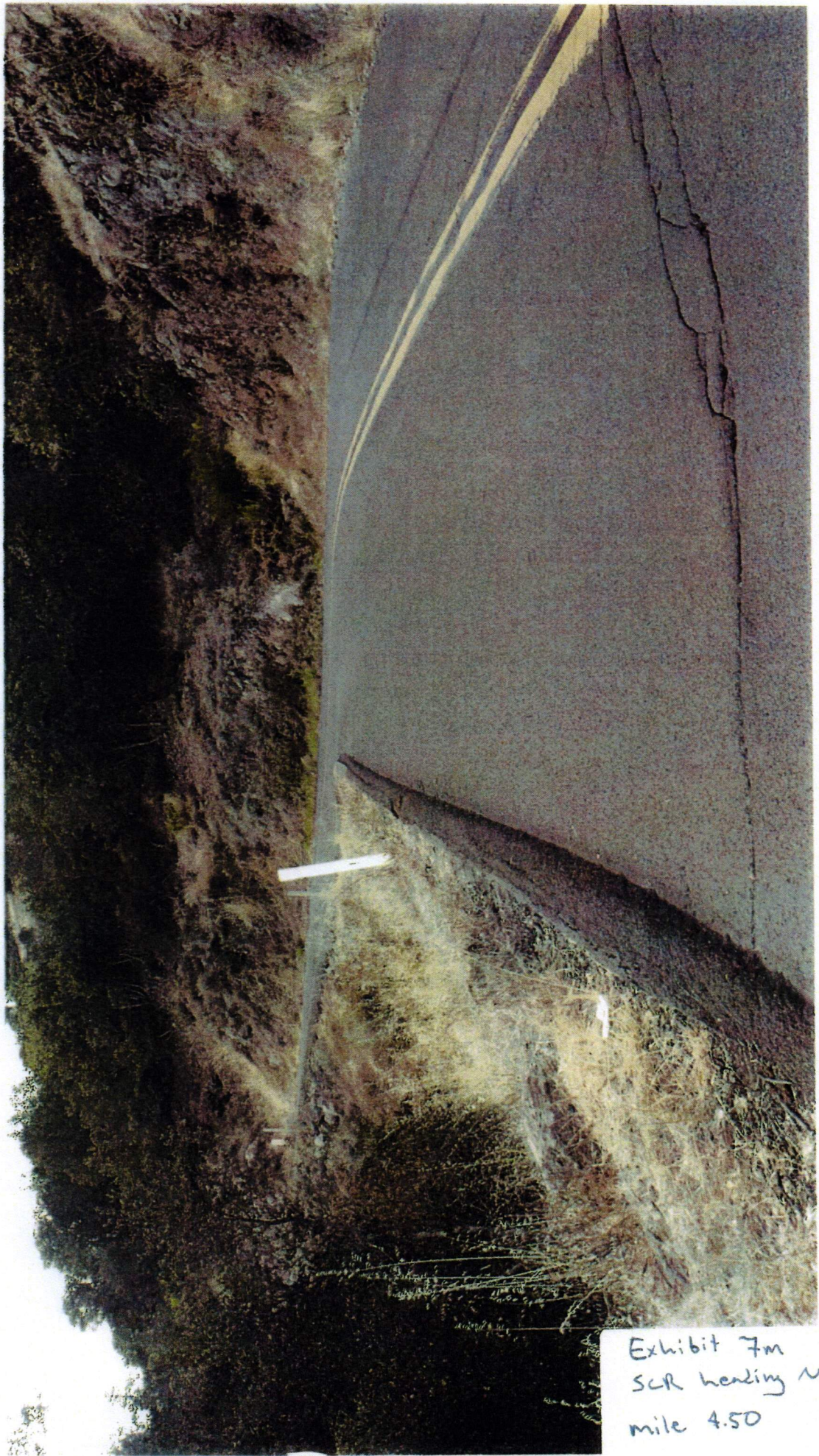


Exhibit 7m  
SCR heading NE (wp)  
mile 4.50 2015



Exhibit 7n  
SCR heading NE (up)  
mile 4.55 12 pm on  
5.6.2016



Exhibit 7,0  
SCR heading NE (up)  
mile 4.65 2015



Exhibit 7p  
SCR heading NE (up)  
mile 4.75  
12pm on  
5.6.2016





Exhibit 709  
SCR heading NE (up)  
mile 5.00 12pm on  
5.6.2016



DROP OFF  
022E  
022E

Exhibit 7r  
SCR Wenby NE (up)  
mile 6.20 1998

OCT 9 1998

Heating and Local Unit  
Dept. of Alcoholic Beverage Control  
SACRAMENTO

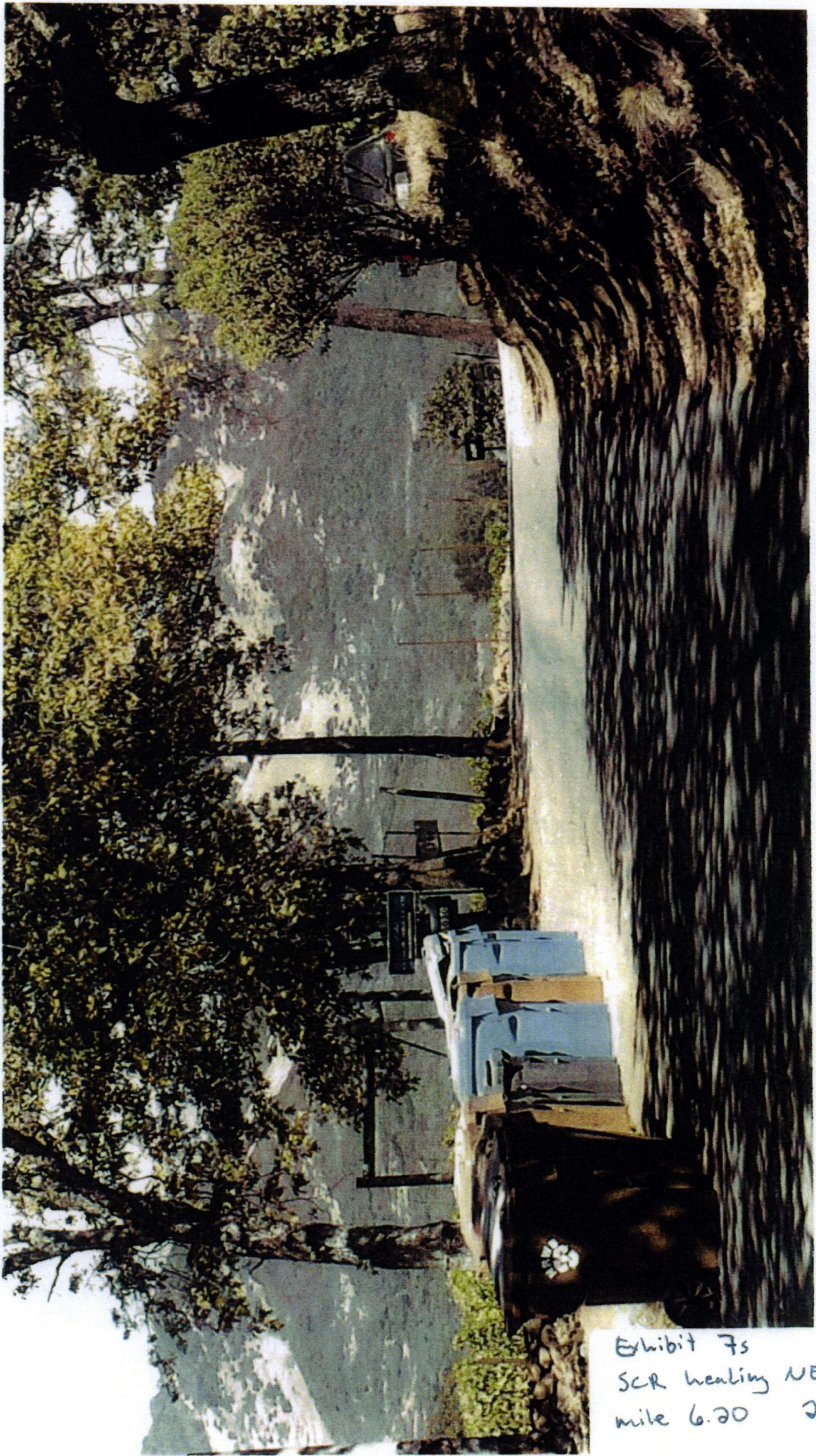


Exhibit 7s  
SCR healing NE (up)  
mile 6.20 2015

EXHIBIT

Stimberg No. 379

(There are also private residences on the east side)

first photo

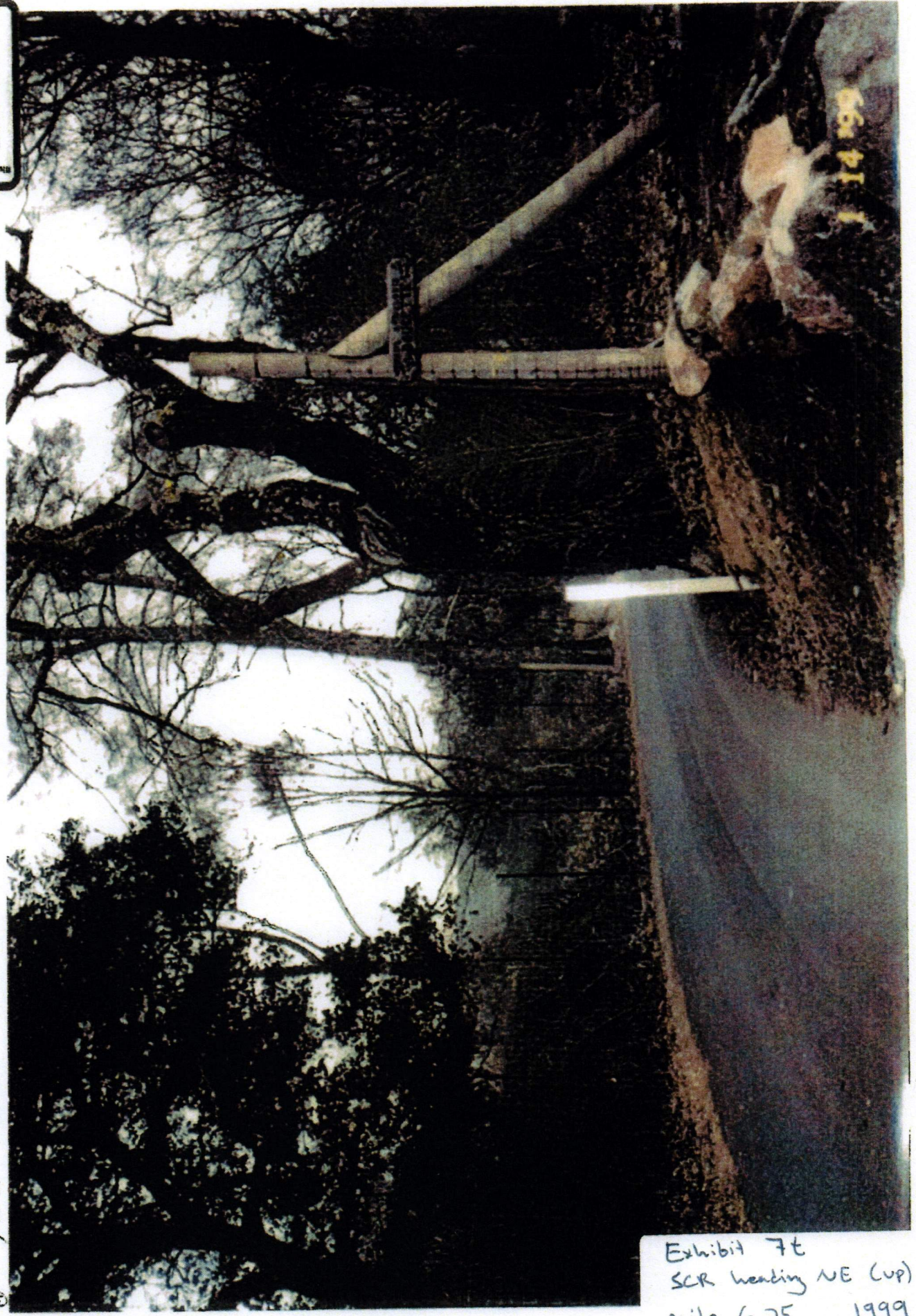


Exhibit 7c  
 SCR heading NE (up)  
 mile 6.75 1999

The Last One Quarter Mile of Soda Canyon Rd



Exhibit 7u  
SCR heading NE (up)  
mile 6.25 2015

EXHIBIT  
VI  
Blumberg No. 5719



ONE VALLEY RD  
BUTTE COUNTY  
CALIF

Exhibit 7v  
SCR heading NE (up)  
mile 6.30 1998

OCT 9 1998

Hearing and Legal Unit  
Dept. of Alcohol Beverage Control  
SACRAMENTO



Exhibit 7w  
SCR heading NE (up)  
mile 6.30 2015

Exhibit  
Hamburg Mo. 6313



114199

Exhibit 7x  
SCR heading NE (up)  
mile 6.35 1999

This is a "small" mail truck — note the width of the road.

2



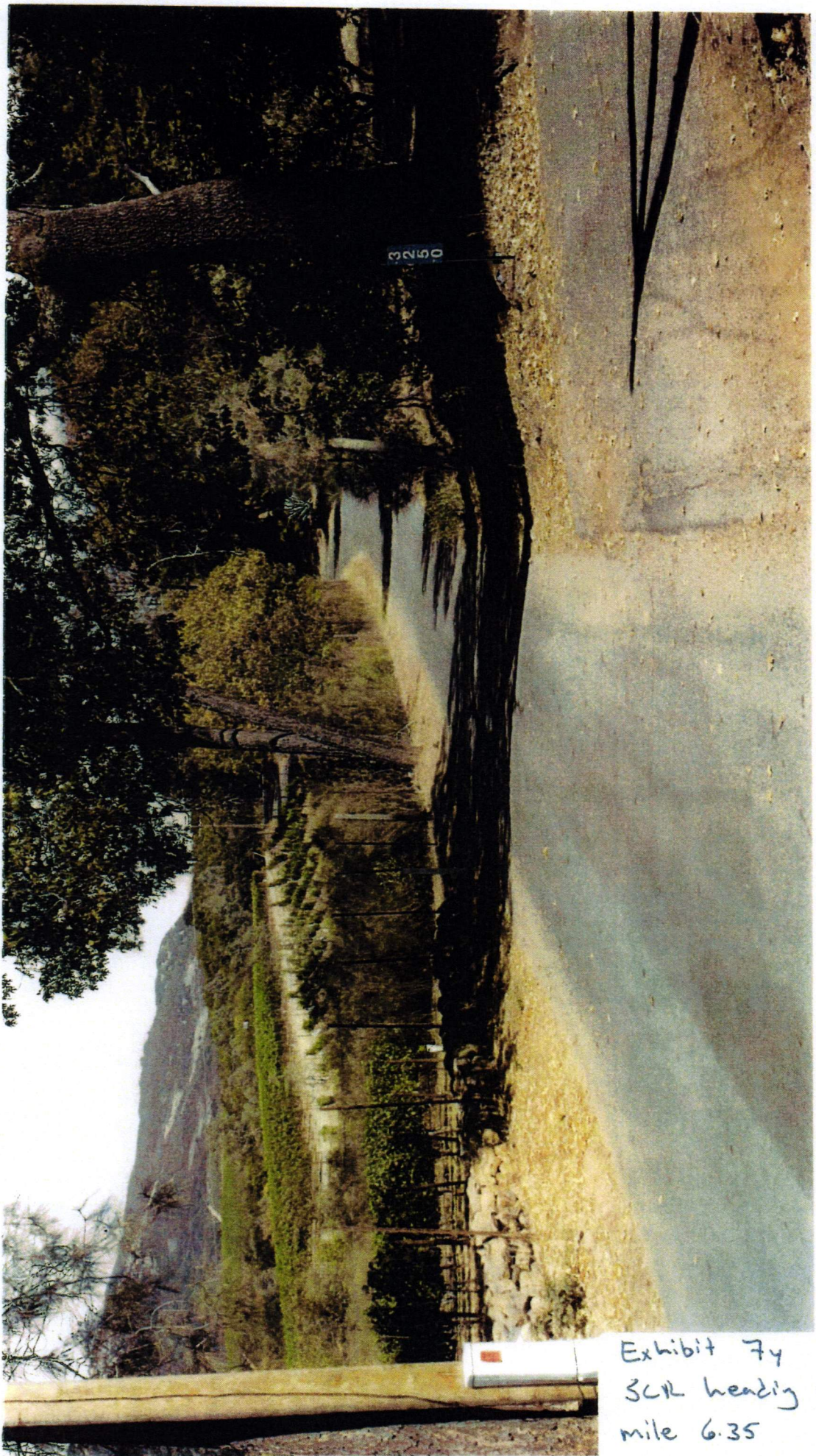
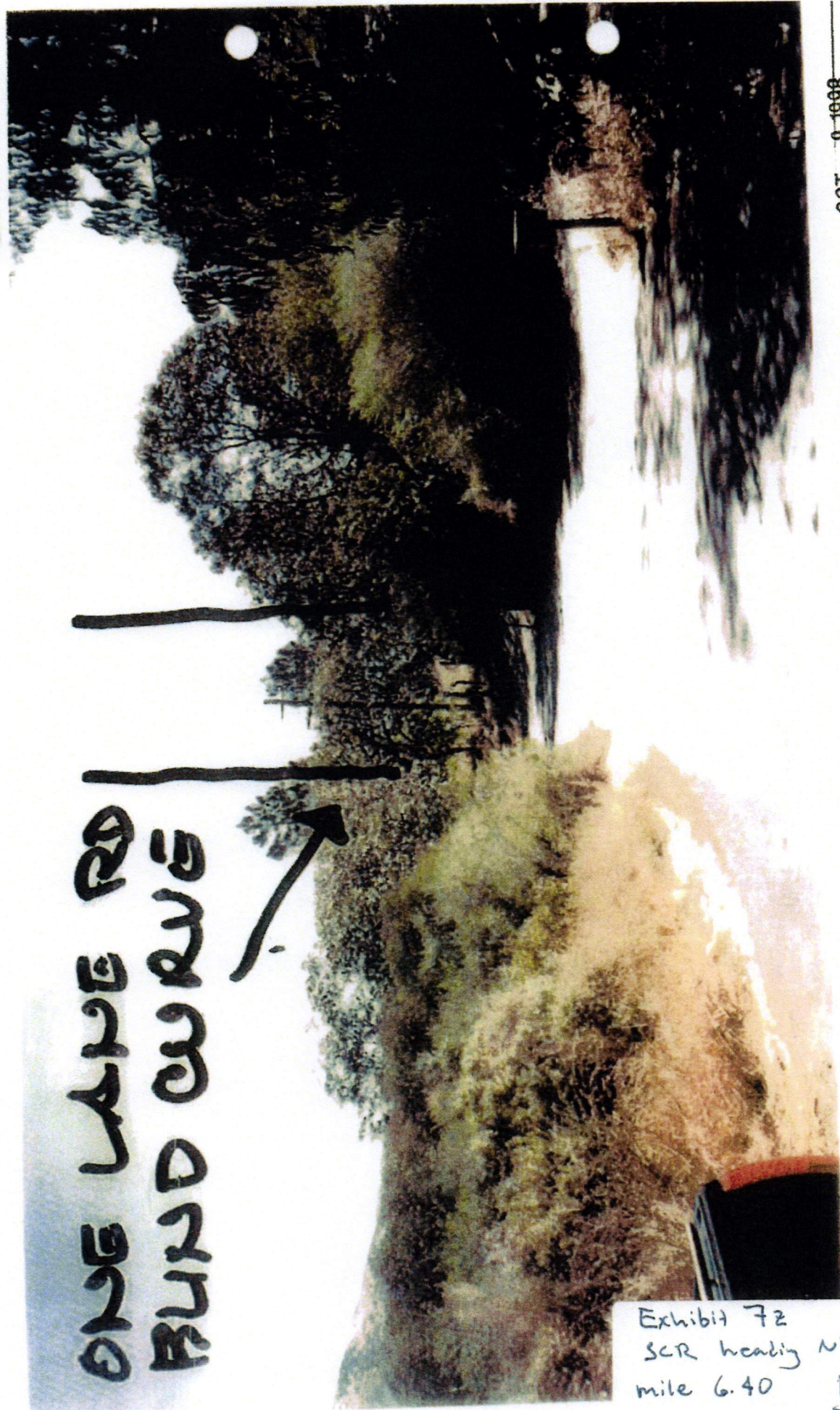


Exhibit 74  
SCR heading NE (up)  
mile 6.35 2015

Stamp No. 5138  
E-VII  
IV



ONE LANE RD  
BRINDORNE



Exhibit 72  
SCR nearby NE (up)  
mile 6.40  
1998

OCT 9 1998

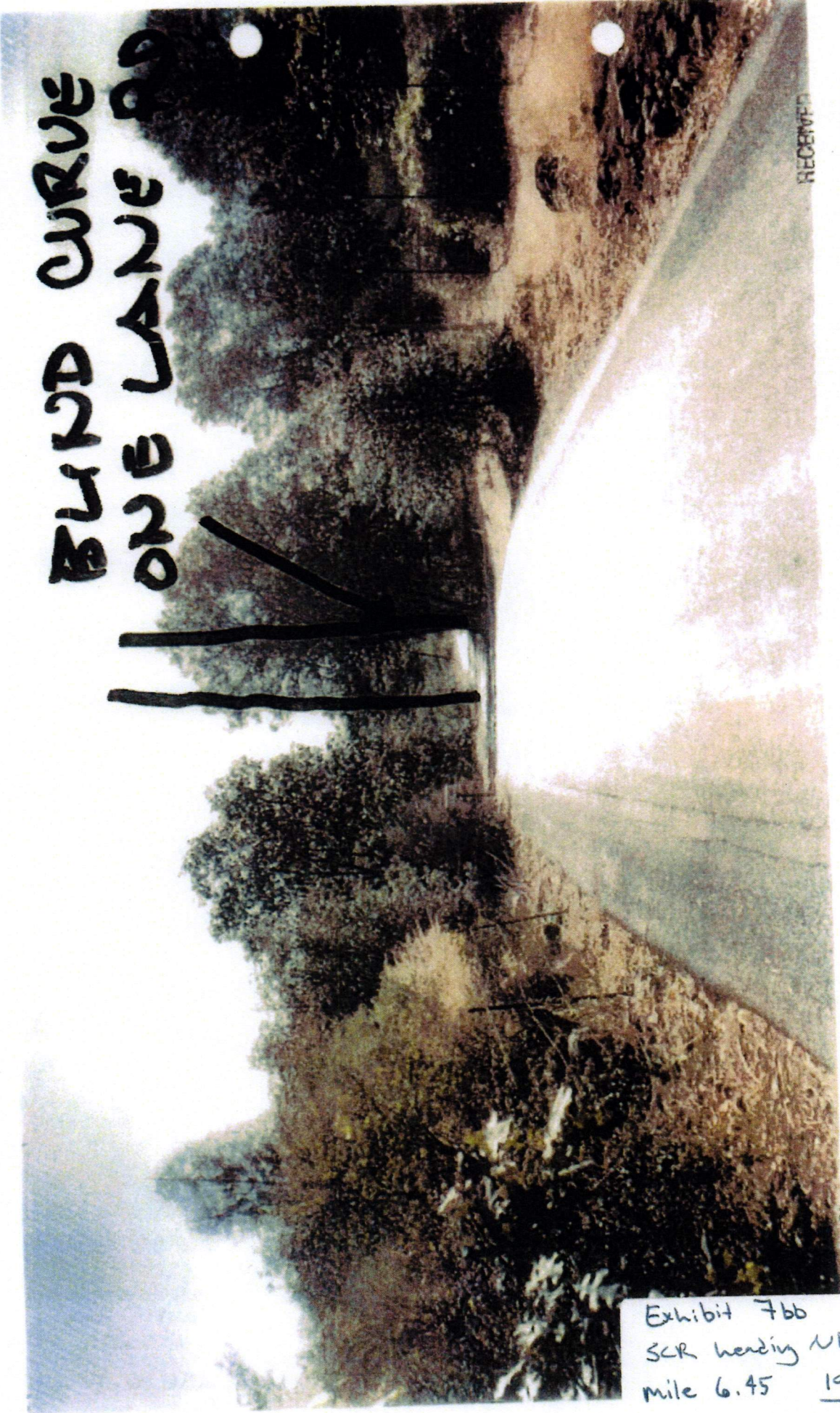
Heating and Legal Unit  
Dept of Alcoholic Beverage Control  
SACRAMENTO



Exhibit 7a  
SCR nearby NE (up)  
mile 6.40 2015

EXHIBIT  
Blumberg No. 5178  
X

BLIND CURVE  
ONE LANE RD



RECEIVED

OCT 9 1998

Heating and Legal Unit  
Dept. of Alcohol Beverage Control  
SACRAMENTO

Exhibit 7bb  
SCR heading NE (up)  
mile 6.45 1998



Exhibit 7cc  
SCR heading NE (up)  
mile 6.45 2015

EXHIBIT  
Sturberg No. 0119



1 14 '99

Exhibit 7dd  
SCR heading NE (up)  
mile 6.55 1999

1st One Quarter Mile - Then out 7 road division line



Exhibit 7ee  
SCR nearby NE (up)  
mile 6.55 2015

1 BIT  
XVII  
Stenberg No. 915

1 14 99

Exhibit 7ff  
SCR heady NE (up)  
mile 6.65 1999

uring the school year the bus comes 5 times daily-

3



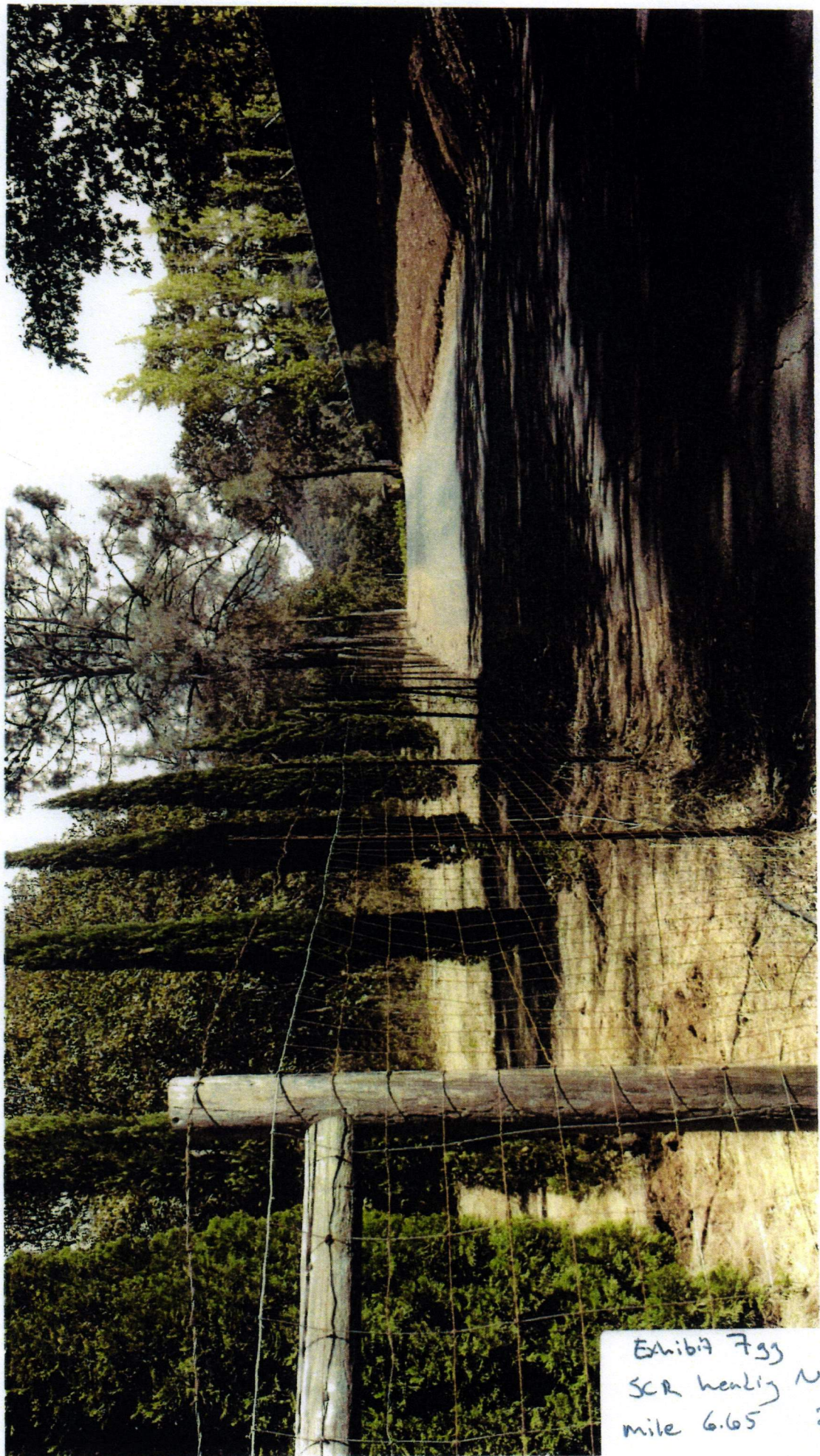


Exhibit 799  
SCR heading NE (wp)  
mile 6.65 2015

The school bus is at the entrance of the vineyard room.

EXHIBIT XVIII



1 14 '99

Exhibit 7h  
SR heading NE (up)  
mile 6.65 1999

The mail truck was entirely off the road to make room

A



Exhibit 7ii  
SCR weathering NE (up)  
mile 6.65 2015

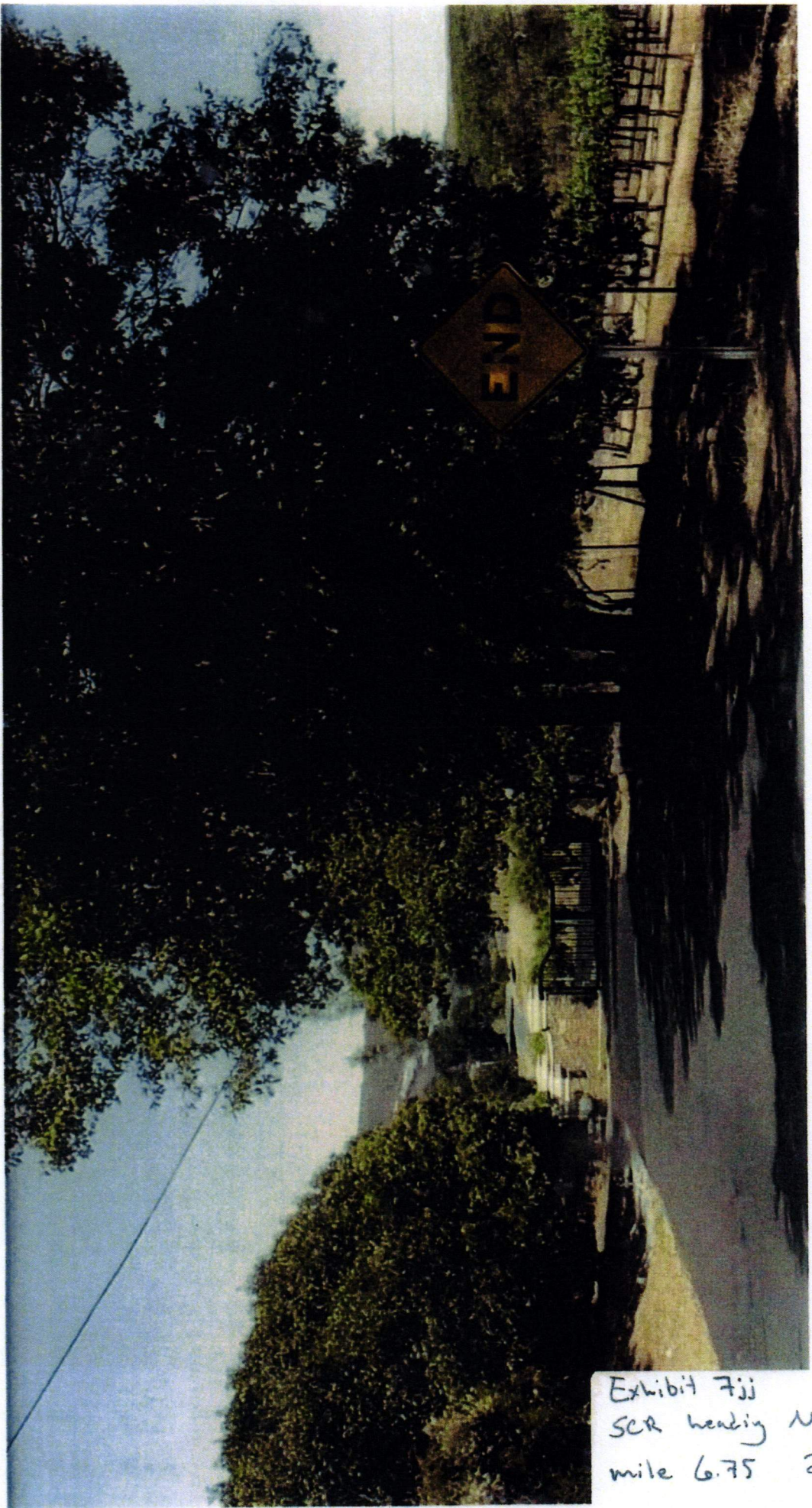


Exhibit 7jj  
SCR heading NE (up)  
mile 6.75 2015