

INVESTIGATIVE REPORT

To: Chairman of the Napa County Planning Commission: Dave Whitmer and Napa County Planning Commissioners

From: Private Investigator, Dawn King

Re: Bremer Family Winery and Bremer Real Property

Date: June 11, 2020

Background

I, Dawn King, started my investigative career as a Special Agent with the Federal Bureau of Investigation. As an FBI Agent, I spent over 9 years investigating a multitude of crimes including Asian Organized Crime, property crimes, bank robberies, public corruption, drug trafficking, computer high tech crimes, fraud and interstate transportation of stolen property. I was also an undercover agent for 7 years, became an expert in informant development and flew as an FBI pilot on surveillance missions for 8 years. I arrested and aided in the prosecution of over 100 criminal defendants. For the past 16 1/2 years, I have been a licensed Private Investigator, (licensed by the state of California, Bureau of Security and Investigative Services, license #23894), here in Napa. As a Private Investigator, I have conducted hundreds of investigations both in the civil and criminal litigation arenas and have worked with dozens of attorneys assisting in civil and criminal investigative matters.

Investigation

In February 2020, I was retained by Laura and John Bremer's legal counsel, David B. Gilbreth to conduct an independent review and investigation pertaining to the history of land use and building permit approvals obtained by the Bremers. The review pertained to the following parcels: 840 Las Posadas Rd. Angwin, CA (APN: 024-300-043-000); 830 Las Posadas Rd. Angwin, CA (APN: 024-300-051-000); 881 Deer Park Road, St. Helena, CA (APN: 021-400-005-000); and, 975 Deer Park Road, St. Helena, CA (APN: 021-400-002-000 & APN: 021-420-027-000).

The investigation included obtaining copies and analyzing permits applied for by the Bremers at the Napa County Planning, Building & Environmental Services Department. As part of the investigation, I met with Napa County Officials, analyzed parcel reports, and conducted internet research. I interviewed Vineyard Engineer Drew Aspegren, John and Laura Bremer, and spoke to Napa County Deputy Planning Director Brian Bordona.

I also reviewed comments and actions involving Michael Hackett, Kelly Anderson, and others including Napa Vision 2050 and Save Rural Angwin material, and other public information that involved the Bremers and the Bremer Family Winery. The investigation of these matters is ongoing.

I am generally aware of the Bremers' lawsuit against the Bremers' former lawyers. Since the lawsuit is still pending I have not analyzed it and have no comments on it.

During the research phase of the investigation, I reviewed more than 1,000 documents in relationship to these properties. I obtained and chronicled copies of various permits and approvals obtained by the Bremers, totaling over 40 permits. I also reviewed the notice requirements involving the California Environmental Quality Act (CEQA) utilized by the state of California clearinghouse, as it related to the 881 Deer Park Road property.

I visited the Bremer properties including 840 Las Posadas Road, Angwin, CA, 830 Las Posadas Road, Angwin, CA, 881 Deer Park Road, St. Helena, CA and the winery at 975 Deer Park Road in St. Helena, CA.

Properties included in this report:

- I- Track I 840 Las Posadas Rd. Angwin, CA (APN: 024-300-043-000)
- II- Track II 830 Las Posadas Rd. Angwin, CA (APN: 024-300-051-000)
- III- 881 Deer Park Road, St. Helena, CA (APN: 021-400-005-000)
- IV- 975 Deer Park Road, St. Helena, CA (APN021-400-002-000 & 021-420-027-000)

Attached is a 6 page Appendix of items that I either noted or read which provided me, in my opinion, an appropriate background for my investigation.

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Attachments:

- Appendix
- Sept. 5, 2019 letter from Governor’s Office of Planning & Research, State Clearinghouse & Planning Unit
- Aug 3, 2012 Mitigated Negative Declaration Transmittal from Don Barrella
- Photographs
- 1979 Use Permit #267879
- 1979 Building Permit #25748
- 2006 B06-01434 Ag Building Permit Application
- 2006 Penciled interlineations on loose (not scanned) truck shelter drawings
- April 16, 2008 letter from Laura Bremer to Napa County
- 2011 B11-00996 Truck Shelter Building Permit Application
- Barn ceiling wood and Truck Shelter roof photos

I. 840 Las Posadas Rd. Angwin, CA (APN: 024-300-043-000)

A. History

This 10 acre property was purchased by Bremers on 7/16/2015.

The Bremers applied for and obtained on February 1, 2016 a Less Than 3 Acre Conversion Exemption from the California Department of Forestry and Fire Protection, (Cal Fire) to convert 3 acres of this forested parcel to a vineyard. This was done under the requirements of 14 CCR § 1104.1(a), specifically the: Harvesting of trees that is a single conversion to a non-timber growing use of timberland of less than three acres. The Bremers left the remaining 7 acres on this property untouched.

On February 2, 2016, a letter was sent to the Bremers from Cal Fire, acknowledging that the Bremer's "less than 3 acre conversion exemption" was accepted on February 1, 2016. Exemption #1-6EX-015-NAP.

There was no requirement by Napa County for an ECP.

B. Evaluation

The Bremers acted in lawful compliance by obtaining the Less Than 3 Acre Conversion Exemption from Cal Fire.

Investigation revealed that the Bremers were not required to obtain an ECP for this Timber Conversion as the slope of the property did not exceed 5 percent and the proposed vineyard was less than 3 acres.

Brian Bardona, told the investigator on May 1, 2020, "there was no other need for permitting" by Napa County.

All required permits were obtained by the Bremers under the applicable law.

II. 830 Las Posadas Rd. Angwin, CA (APN: 024-300-051-000) Track II Re-plant

A. History

This 16.35 acre vineyard property was purchased by the Bremers on November 5, 2015. The property included three existing vineyards, described as "Block A" and "Block B" and "Block C."

Prior to Bremer's purchasing this property, the prior owner Cathy Eddy obtained approvals for a Timber Conversion for a 10.3 acre parcel in March 1995. A Negative Declaration was posted on March 1, 1995. Letters to Cathy Eddy and Burgess show that an ECPA & modification had been approved on 3/14/1995.

The Bremers submitted an ECP (P16-00324) for a 5.95 acre replant on this parcel which was approved on August 4, 2016. This ECP applied to Block A and Block B.

The ECP was determined to be complete by the Napa County on January 26, 2017.

To date, Block B has been replanted and Block A has not been replanted.

Block C was replanted, however did not require an ECP.

B. Evaluation

The prior owners of this parcel, Cathy Eddy along with Tom Burgess, acquired all the necessary approvals to plant these vineyards.

The Bremers submitted an ECP, that was approved, for the Track II re-plant for 5.95 acres, which included replanting both Block A and Block B on the property. Block B has been replanted in accordance with the ECP. Block A has yet to be replanted, but will be replanted in accordance with the approved ECP. Block C was replanted but did not require an ECP for the replant.

All required permits were obtained by the Bremers under the applicable law.

III. 881 Deer Park Road, St. Helena, CA (APN: 021-400-005-000)

A. History

This land was purchased by the Bremers at various times starting in 2002. This was property purchased as agricultural land for vineyards.

This land was very rocky and required additional dirt to be imported onto the property. An initial stockpile permit (#W0601372) was submitted by the Bremers on October 2, 2006, and approved by Napa County. The dirt came from a Napa County reclamation/flood control project. Mrs. Bremer thought Napa County "never had a problem with the dirt coming in" and she believed the importing "was permitted and a win-win situation" for Napa County and the Bremers. Mrs. Bremer said that taking the dirt

"saved money for Napa County" and the Bremers "needed the dirt." A letter dated, December 13, 2006, from Napa County Public Works Department, stated that the permit was allowed to be extended "as necessary" in additional 12 month increments pending approval of a written request submitted to the Department of Public Works.

According to what was required, the Bremers filed an Agricultural Erosion Control Plan (ECP) with Napa County Planning, Building, & Environmental Services (NCPBES) on 8/30/2010. This ECP, P10-00300 was closed on 8/30/11 and resubmitted as P11-00317 which became effective (with conditions) on April 29, 2013.

The ECP was implemented to prevent erosion, contain sediment and control drainage as required by NCPBES for agricultural projects involving grading and earthmoving activities on slopes over 5 percent. The Bremers hired Napa Valley Vineyard Engineering to prepare the ECP.

The ECP "Initial Study Checklist" dated August 3, 2012, allowed "the importation of approximately 15,000 cubic yards (cy) of soils/fill and redistribution of an approximately 12,000 to 15,000 cy of soils stockpiled on the property (imported under County Department of Public Works Permit #W06-01372) to be utilized in the development ...". This checklist was reviewed by Napa County and sent to the California Department of Fish and Game; the US Army Corps of Engineers; the San Francisco Bay Regional Water Quality Control Board (RWQCB), and the California Department of Forestry and Fire Protection (CalFire).

An environmental review was initiated by NCPBES as required by the California Environmental Quality Act (CEQA) to determine whether or not the project had any significant effects on the environment and whether a Negative Declaration, Mitigated Negative Declaration (MND) or Environmental Impact Report needed to be prepared.

NCPBES, acting as the lead agency, submitted a Mitigated Negative Declaration (MND), along with a copy of the Notice of Intent to Adopt a Negative Declaration, to the State Clearinghouse for a 30-day public review dated August 3, 2012. The MND and the Notice of Intent were sent to state and federal agencies which included the RWQCB, the California Department of Fish & Game, US Fish & Wildlife Service, Cal Fire, Napa County Resource Conservation District, Bay Area Air Quality Management District and the Napa Group of the Sierra Club.

According to the Bremers, they did not apply for permits from any state or federal agencies as it was their understanding that in accordance with the CEQA process, the interested agencies had not made any objectionable comments to the ECP or the MND during the 30 day review process.

A letter, which is attached, sent from California Governor's Office of Planning Research (State Clearinghouse and Planning Unit) dated September 5, 2012 to Napa County Planner, Donald Barrella, stated that "the State Clearinghouse submitted the Negative Declaration for the Bremer Family Winery Vineyard Conversion #P11-00317-ECPA to the selected stated agencies for review." The letter stated that the review period "closed on September 4, 2012, and that no state agencies submitted comments by that date." Subsequently, some state agencies responded by not the SF Bay Regional Water Quality Control Board. The letter further stated that, "Napa County had complied with the State Clearinghouse review requirements, pursuant to the California Environmental Quality Act." The plan was submitted for review to the US Army Corp of Engineers, The SF Bay Regional Water Quality Control Board and California Fish and Wildlife.

Additionally, although not required by California law, Don Barrella sent an email, which is attached, to various state agencies including the RWQCB. Similarly, some state agencies subsequently responded but not RWQCB.

On March 28, 2013, the ECP was stamped "Approved" by NCPBES. The approval became effective on April 29, 2013.

On April 4, 2013, the Notice of Determination was approved by NCPBES. This notice stated that the project "will not have an effect on the environment and was prepared pursuant to the provisions of the CEQA." Mitigation measures were made a condition and a monitoring plan was adopted for the project.

On April 9, 2013, the Notice was sent to the file.

On April 10, 2013, a letter was sent to Laura Bremer from Napa Planner Donald Barrella which included the approved Agricultural Erosion Control Plan & Revision Statement on 4/10/13.

In this letter, Barrella stated that the ECP-P11-00317, had "been reviewed by Napa County in order to assure its conformance with the goals and standards contained in Napa County's Conservation Regulations. (Chapter 18.108 of Napa County Code)." The letter stated that the project had been reviewed in "compliance with the CEQA, and that a Mitigated Negative Declaration had been prepared and adopted," and that the project, as modified, "will not have a significant effect on the environment."

As part of the project, two culverts were installed by the Bremer's contractors. Other changes were made including maintaining an existing road alignment in order to reduce oak tree removals. The Bremers also increased the height of the rock walls used to buttress the imported soil that they were bringing in for the vineyard planting. These modifications were "in-field" changes and because the project was being

monitored by Napa County, and the Bremer's engineer, the Bremers believed that they were complying with applicable laws.

According to Mrs. Bremer, Napa County planning officials were on site "frequently" while work was being completed on this property.

Mrs. Bremer stated that Napa County would not allow any of the rock to be removed from this property, therefore rock was removed from the planting site, in accordance with the ECP, and used for rock buttresses on the property. According to Engineer Drew Aspegren, this is a "normal" process for these types of projects.

Mrs. Bremer stated that she intended and believed all the work was being conducted in "compliance" with the ECP.

The Bremers filed a revised ECPA on June 26, 2016 that incorporated some changes that had been implemented.

According to Drew Aspegren, the U.S. Corp of Engineers and the RWQCB did not request or require any on-site inspections.

Mrs. Bremer, believed that, since the beginning of the project, they were acting in compliance with Napa County and stated that all the work being done was "in full view of the Napa County."

On November 8, 2016, approximately 3 years and 6 months later, the Bremers received a letter from the Regional Water Quality Control Board (RWQCB) giving them a Notice of Violation.

Mrs. Bremer was surprised at the Notice of Violation because she was told and it was her impression that the field changes done on the property, were customary and that the ECP was in substantial compliance. Further, Mrs. Bremer stated that there was no need for the Notice of Violation because she and Mr. Bremer "were prepared to stop work and discuss the matter" and cooperate with RWQCB. Subsequently John and Laura Bremer have discussed and cooperated with RWQCB and achieved a resolution.

B. Evaluation

While the CEQA process is meant to "guide lead agencies during issuance of permits and approval of projects", with the ultimate goal being to protect the environment, it appeared defective in the case of the Bremers. The Bremers, acting in good faith and

believing they were in compliance with state agencies, were blindsided when, 3 1/2 years after their project was approved, they received a violation from the RWQCB. The inspection of the property by the RWQCB was a result of a "complaint" (that came from an outside source), that there was a "vineyard being planted on the property."

The Bremers believed they were in full compliance with all federal and state agencies and therefore did not take it upon themselves to pursue any additional permits. Since courts have interpreted **CEQA** to "afford the fullest protection of the environment" within the statutes, it is safe to say that the Bremers believed they were in compliance with the law, and not harming the environment. The Bremers had taken the appropriate actions (hiring an experienced engineer to submit the ECP) to ensure both.

Until the RWQCB violated the Bremer's project, 3 1/2 years after it was approved, it appeared that the Bremers had obtained all the necessary permits (ECP and stock piling permits) to complete the work.

Engineer Drew Aspegren, owner of Napa Valley Winery Engineering, who has 40 years of experience in vineyard and winery engineering, when interviewed, stated that he has "never seen a state agency come back with violations, after an ECP has cleared the CEQA process." Aspegren stated that the Bremers "always wanted to do things the right way," and worked with Drew to ensure that they were in compliance.

From the records reviewed, the Bremers did not ignore Napa County's requested erosion amendments, always responded quickly and responsibly to the requests and even voluntarily submitted post-rain inspections to Napa County. According to Mrs. Bremer, she and Mr. Bremer took the project "flat seriously" and always thought they were in "complete compliance". Mrs. Bremer said that she had on-going communication with Napa County, and thought she had a "great working relationship" with Napa County inspectors.

The CEQA notice process was determined to be defective and did not clearly, reasonably, or at all, advise the Bremers (in the California Governor's Office of Planning Research - State Clearinghouse and Planning Unit, letter dated September 5, 2012), that the Bremers should unilaterally contact state agencies directly to inquire as to whether or not they needed additional permits during initial construction or during normal field changes. They believed they were in substantial compliance with the ECP.

It could be concluded that the Bremers were the victims of a flawed system.

IV. 975 Deer Park Road (APN: 021-400-002-000 & APN: 021-420-027-000)

A. History

The winery property, located at 975 Deer Park Road, was purchased by the John and Laura Bremer in 2002. The purchase included approximately 47 acres. The property is very well maintained and in excellent condition. Attached are various photographs of the property.

The winery property, with historic roots, included a two story stone building that was originally built in 1891 by John and Jacob Sutter and used for the Sutter Home Winery & Distillery.

The farmhouse on the property was originally built in 1922.

On August 24, 1979, David Clark was issued a Use Permit (Permit #267879), which is attached, by Napa County to reactivate the 1891 winery which allowed the production of 14,400 gallons of wine, etc.

Starting in 1976 John and Laura Bremer visited the Napa Valley with the dream of opening and operating a small winery. In 1992 and continuing for 10 years John and Laura actively sought to realize their dream by reviewing available wineries for sale resulting in purchasing this winery in 2002 and established the Bremer Family Winery.

After purchasing the property, the Bremers worked to keep elements of the property "period," which included the old winery built in 1891.

The Bremers, in an attempt to improve the property, remodeled the 1922 farmhouse which included an addition.

In February 2019, Napa County and the Bremers settled a lawsuit brought against the Bremer Family Winery involving visitation, alleged permit and code violations, etc. The Bremers believed that they operated the winery "in good faith and belief that their use was consistent with and within the scope of their use permit." The Bremers are currently abiding by and in compliance with the settlement agreement, limiting visitors to 3,600 a year and no more than 70 visitors a day.

A review of the permits for this property revealed that between 2002 and 2020, over 40 permits (including Building, Planning, Environmental and Public Works departments) were applied for with Napa County Planning, Building & Environmental Services (NCPBES), for the winery project. Projects that were permitted included construction of a wine cave, an ADA bathroom, rehabilitation/accessory/alteration of a

building for agriculture (ag) storage, a winery office remodel, a truck shelter, an addition of a porch, a deck, a patio trellis and a wastewater permit, etc.

On March 29, 2019, the Bremers filed an Application for Use Permit Exception to the Conservation Regulations for the 6 pre-existing items.

Two Planning Commission meetings followed, resulting in an appeal to the exceptions. In November 2019, the decision to grant the Bremers a Use Permit was appealed by Michael Hackett and his attorney, William McKinnon.

The requested setbacks involved the following:

1. An existing approximate 2,200 square foot (by measurement 1,894 sf) consisting of a 1,490 sf agricultural storage building and a 404 sf associated water tank (actually a covered dirt area). (Note: Work was done to a 320 foot agricultural storage building/barn under permit number 25748 (attached) in 1979 but it is unclear what work was accomplished at that time. Additional work may have been done in 2006 under permit number B06-01434 (attached) but it is again unclear what work was accomplished because the scanned drawings for the work in 1979 and 2006 have not been found.
2. An existing approximate 800 square foot (by measurements 755.5 sf) consisting of an old concrete pad 635.5 sf with tanks on it and an old concrete pad of 120 square feet with a wine press and catwalk on it and associated old walls attached to the winery.
3. An existing approximate 150 square foot ground floor addition and second story addition/deck to the farmhouse. These additions were permitted by Napa County. Building permits: #B0501249 and #B0800074.
4. An existing approximate 100 square foot freestanding restroom. (Note: permit was obtained for this work: Permit # B08-01030) A Permit Alteration Request was submitted on June 29, 2012 and Set Plans were submitted and reviewed for code compliance by Napa County on July 23, 2012.
5. An existing approximately 1,210 lineal feet of rock walls. (Note: These walls were in existence prior to the Bremer's ownership and were reasonably maintained by the Bremers.) The rock walls were approved on appeal by the Napa County Board of Supervisors.
6. Existing two pedestrian bridges. The two pedestrian bridges were approved on appeal by the Napa County Board of Supervisors.

A review of the biology reports (with regard to the setbacks and how they affected the ephemeral stream), revealed the following:

Phil Blake, RSA, is a Certified Professional Erosion and Sediment Control Specialist in good standing since 1988 (formerly of the Natural Resource Conservation District). He has extensive experience and commented that the ephemeral stream located on the Bremer winery property is in "good health" and "good condition". Blake who helped author the current Napa County Conservation Regulations (Con Regs) in 1991 also stated that the existing retaining walls which buttress the slope, are "critical." He stated that "biologically and hydrologically" the current setbacks met the "spirit and intent of the conservation regulations." He added that removing or modifying the existing structures would "create greater instability," and create a sediment source that, "hasn't been there for some time."

Biologist Geoff Monk who has over 40 years of biologist experience and who has worked extensively over the years with US Army Corp of Engineers, California Fish and Wildlife Services and the RWCQB, stated that the buildings and bridges on the winery property, "do not affect the stream in accordance with the Clean Water Act" and that, "no permits," were required by the RWQCB or the US Army Corp of Engineers. He further stated that US Fish and Wildlife had inspected the site and there had been "no violations." Monk also stated that removing the historic features on the property would be a "travesty." Additionally, he said "no adverse impacts to this tributary or its biological resources have occurred."

Brian C. Mayerle, Senior Biologist from First Carbon Solutions conducted an independent biological assessment and analysis regarding the improvements and walls as they related to the setbacks on the Bremer property. He stated in his report that the "improvements and walls appear to have no adverse effect on hydrological function of the creek" and that their findings showed that the wall and improvements had "not significantly changed the natural state of the ephemeral creek." Additionally he stated, "there is no impairment of the vital ecological functions of the creek."

On October 16, 2019, the Planning Commission voted to grant the setback exemptions to Napa County's Conservation Regulations and grant the Bremers a Use Permit.

On October 28, 2019, Michael Hackett appealed the decision.

On March 17, 2020, the Napa County Board of Supervisor's remanded four items: 1) the Ag Storage Building; 2) the ADA restroom; 3) the concrete pads (wine press, catwalk and tanks); and, 4) the ground floor addition and second story addition/deck to

the farmhouse, back to the Napa County Planning Commission and upheld the approval for items 5 and 6, including the existing approximately 1210 lineal feet of rock walls and the two existing pedestrian bridges over the ephemeral stream.

B. Evaluation

After touring the winery property in May, 2020, it is obvious that a lot of thought and care went into the winery project. It appears that the Bremer's executed great measures to preserve the history of the property as well as develop it into an aesthetically pleasing winery.

In reviewing the 40 permits applied for and obtained by the Bremers, from NCPBES, it was concluded that there was extensive diligence by the Bremers to work within the laws and ordinances required. The Bremer's have contended that they have acted in "good faith" to complete projects "by the book," and have never intended to violate the permit process.

In respect to the 6 items listed above, research has revealed the following:

1. The Agricultural Storage/Barn. The Clarks obtained the original Use Permit #69-7879 issued on August 15, 1979 that included a number of issues, including an application to convert the barn to storage building. This conversion, to remodel the barn to storage building was approved (permit #25748). Napa County does not have any drawings for this permitted work on file. The Bremers believe that Mr. Clark remodeled the barn and increased the square footage from 320 square feet to perhaps 1,000 square feet (Historically (320 sf) pre-Bremer (additional 700 TO 800 sf) and rebuilt by Bremer (approximately 400 to 470 sf) equals 43'10"x34' total 1490 sf.) On August 29, 2006, the Bremers applied for a permit, #B06-01434 for "General rehab of Ag Storage." Similarly, Napa County does not have the scanned drawings for this work. Napa County scanned records show only page "1 of 1" with no drawings supporting the permit. Loose documents (not scanned) in the file show drawings of a truck shelter and with penciled interlineations, show they relate to #B06-01434 which may have been penciled in error. Another permit #B11-00996 was issued on 9/14/2011, for a truck shelter. There is some confusion as to what the original remodel (under the 1979 permit) consisted of as there were no drawings attached to the permit. There is also confusion as to what the permit #B06-01434 was actually issued for since there is a separate permit for the truck shelter, #B11-00996. The B06-01434 could have been for the ag storage/barn instead of the truck shelter. A letter, which is attached, and is in the file (B06-01434) from Laura Bremer to Napa County stated that she was waiting for "specialty lumber" for the roof of the building. As revealed by the attached photos, there is unusual wood in the Ag Storage/Barn roof, but not in the

truck shelter roof. The file indicates confusion and inconsistencies. Therefore, I could not determine a clear conclusion.

In any event, it is clear that the Clarks had an August 1979 building permit and worked on the barn. The Bremers rebuilt the barn, and in their opinion, increased the square footage from approximately 1,000 square feet to approximately 1,490 square feet. It is clear that Napa County did not allege a code violation regarding the barn in the settled litigation between Napa County and the Bremers. Perhaps the reason there was no allegation is because Napa County staff thought the work on the barn was done under 2 permits, one by the Clarks under the 1979 permit and one by the Bremers in August 2006.

Very importantly, it is clear and uncontested that John and Laura Bremer, unilaterally, instantly authorized their attorney, David B. Gilbreth, to candidly and voluntarily disclose this issue to Napa County officials and request that it be included in addition to the 2 exceptions indicated in the lawsuit.

2. An existing approximate 800 square foot (by measurements 755.5 sf) consisting of an old concrete pad 635.5 sf with tanks on it and an old concrete pad of 120 square feet with a wine press on it and associated old walls attached to the winery. The driveway has been hard-surfaced, which was approved in the 1979 Use Permit.

3. The ground floor addition and second story addition/deck to the farmhouse. Permits obtained by Bremers: Permit #B08-00074 dated 1/24/2008 and P08-00088 (Porch and Deck Addition) dated 2/26/08. The Bremers did not obtain an Exception to the Conservations Regulations in the form of a Use Permit or a modification to the winery permit because Napa County did not require it.

4. The 100 square foot freestanding restroom (Permit # B08-01030). According to Mrs. Bremer, a stand-alone, ADA compliant bathroom was required as part of the construction of the cave. A review of documents revealed that a Permit Alteration Request for the addition of a "Single User ADA Restroom" was submitted by the Bremers on 6/29/2012. Set plans (showing where the bathroom was slated to be placed) were reviewed for code compliance by Napa County on July 23, 2012. The Bremers did not obtain an Exception to the Conservations Regulations in the form of a Use Permit or a modification to the winery permit because Napa County did not require it.

5. An existing approximately 1,210 lineal feet of rock walls. The rock walls were approved on appeal by the Napa County Board of Supervisors.

6. Existing two pedestrian bridges. The two pedestrian bridges were approved on appeal by the Napa County Board of Supervisors.

The Bremers have gone to great lengths to obtain biological reviews to show that there is no harm being done by the existing structures or the pre-existing structures, to the ephemeral stream. Three biology experts all agreed that there was no impairment to the ecological function of the stream and that the stream was not harmed by the structures within the setbacks.

There was no science to review that would contradict the findings of the experts.

It is the conclusion by the investigation that there is no proof that the Bremer's structures, (both existing and that pre-existed before their ownership), have done anything harmful or adverse to the environment.

V. Conclusion

After reviewing over 1000 pages of documents and over 40 (total) permits, it is the investigator's conclusion that Laura and John Bremer, doing business as Bremer Family Winery, intended to act in good faith, although they made some mistakes, to comply with Napa County requirements in all aspects of their winery operation. The Bremers, when notified of code violations, readily and efficiently addressed and/or corrected them.

After an on-site viewing of the Bremer properties, it was noted that the Bremers take great care of the winery property and are good stewards of the land. There were no obvious signs of any damage or harm to the environment.

A review was conducted of the compliance issues, and while there were code enforcement issues noted, it was not clear from the infractions if there was ever an adverse effect on the environment. The findings reveal that the Bremers thought they were being compliant and in the case of the winery, were not aware that it was necessary to obtain certain Conservation Regulations exceptions in regard to setback issues.

The record shows that the Bremers have spent hundreds of thousands of dollars to defend their actions and to comply with the permitting requirements. Despite the efforts by the Bremers, the most striking conclusion is that the most significant issue is not the building permit violations, but that the Bremers were victimized by a flawed system.

As for the project at 881 Deer Park Road, the record shows that the Bremers did not ignore Napa County's requested erosion amendments, and made timely responses to Napa County's requests. The project was frequently monitored by the staff from the NCPBES which led the Bremers to believe that they were in compliance with the ECP and the applicable laws.

The CEQA notice process was determined to be defective and did not clearly, reasonably, or at all, advise the Bremers (in the California Governor's Office of Planning Research - State Clearinghouse and Planning Unit, letter dated September 5, 2012), that the Bremers should unilaterally contact state agencies directly to inquire as to whether or not they needed permits during initial construction or during normal field changes that they were told were in substantial compliance with the ECP.

It is clear that the Clarks had an August 1979 building permit and worked on the barn. The Bremers rebuilt the barn, and in their opinion, increased the square footage from approximately 1,000 square feet to approximately 1,490 square feet (Historically (320 sf) pre-Bremer (additional 700 TO 800 sf) and rebuilt by Bremer (approximately 400 to 470 sf) equals 43'10"x34' total 1490 sf.) It is clear that Napa County did not allege a code violation regarding the barn in the settled litigation between Napa County and the Bremers. Perhaps the reason there was no allegation is because Napa County staff thought the work on the barn was done under 2 permits, one by the Clarks under the 1979 permit and one by the Bremers in August 2006.

Very importantly, it is clear and uncontested that John and Laura Bremer, unilaterally, instantly authorized their attorney, David B. Gilbreth, to candidly and voluntarily disclose this issue to Napa County officials and request that it be included in addition to the 2 exceptions indicated in the lawsuit.

Laura Bremer, who is battling advanced melanoma, maintains that she oversaw most of the projects that were completed on the Bremer properties and always "wanted to do the right thing." This is backed up by the engineer Drew Aspegren who stated that Laura stated to him that she wanted to pursue her projects under full compliance of the applicable laws.

The review of the thousands of documents, communications and web material revealed that the Bremers have worked and continue to work in good faith to be in compliance with all applicable laws.

Appendix

840 Las Posadas Road, APN 024-300-043, 2.99 Acres

History

BREMER

- | | | |
|----|--|------------|
| 1. | Cal Fire 3 Acre Conversion Exemption Acceptance Letter | 2/2/2016 |
| 2. | Conversion Exemption Application & Acceptance | 12/30/2015 |
| 3. | Angwin Resident Notification & Maps | 1/21/2016 |

830 Las Posadas Road, APN:024-300-051, 16.35 Acres

History

PRE-BREMER

- | | | | |
|-----|-----------|--|------------|
| 1. | 22345 | Sewage Disposal Permit | 7/7/1977 |
| 2. | 22345 | Dwelling Building Permit | 8/2/1977 |
| 3. | 55059 | 2 nd Dwelling Construction Permit | 8/9/1994 |
| 4. | 94050 | ECP Application and Approval (8 acres) to Vineyard | 8/9/1994 |
| 5. | 94050 | Negative Declaration for Timberland Conversion/Cal Forestry & Notice | 3/10/1995 |
| 6. | 94050 | ECP Modification – Block A (3.6 acres) | 3/14/1995 |
| 7. | 94050 | Application & Permit Water Well | 11/28/1995 |
| 8. | 57075 | Ag Elec. Permit | 4/29/1996 |
| 9. | B97-01195 | Const. Permit Water Tanks Eddy | 8/22/1997 |
| 10. | B00-01502 | Building/Accessory Structures/Water Tank | 10/11/2000 |
| 11. | P008-264 | Request for Home Occupancy Use Permit | 4/8/2008 |

BREMER

- | | | | |
|-----|-----------|--|----------|
| 12. | | ECP Plan Approved | 8/4/2016 |
| 13. | P16-00324 | ECP Track 2 Replant Approvals | 8/9/2016 |
| 14. | | Notice of Exemption | |
| 15. | | Bremer Trust Track 2 Vineyard (16.35 acres) ECPA | 2/3/2017 |
| 16. | | County Clerks Certificate of Posting | 3/6/2017 |

ECP – 881, 975, 1000 Deer Park Road, APNs 021-400-002, -004, -005; 021-420-027; 025-370-058 and -057, 156.35 Acres

History

- | | | | |
|----|-----------|---|-----------|
| 1. | P10-0300 | Basic App for ECP – Don Barrella Corresp. | 8/30/2010 |
| 2. | P10-0300 | Application Completeness Determination | 4/7/2011 |
| 3. | P11-00317 | ECP Approval | 4/10/2013 |

4.	P11-00317	Notice of Determination	4/10/2013
5.	P11-00317	Fish and Wildlife Filing Fee	4/10/2013
6.	P11-00317	Findings ECP	4/10/2013
7.	P11-00317	Initial Study Checklist Referencing Stockpiling Permit W06-01372	4/10/2013
8.	P11-00317	Exhibits – State Clearinghouse Review Letter	9/10/2012
9.	P11-00317	Exhibits – Consulting Forester	2/25/2011
10.	P11-00317	Exhibits – Napa Co. RCD Adequacy Letter	4/5/2013
11.	P11-00317	Exhibits – Response to Comments	4/10/2013
12.	P11-00317	Laura Bremer Letter of Response	4/10/2013
13.	P11-00317	Document Details Report	4/10/2013
14.	P11-00317	Notice of Completion	4/10/2013
15.	P11-00317	Mitigated Neg Declaration Transmittal	8/3/2012
16.	P13-0034445	Williamson Act Application Withdrawal	11/18/2013

ECP (continued- working files not scanned)

17.	P11-00317	Botanical Resources reports Kjeldsen & Wooster	11/2011
18.	P11-00317	Erosion Control Plan Approval/signed off by Napa County RCD; originally dated 8/27/10	4/10/2013
19.	P11-00317	Letter from Donald Barella to Laura Bremer ECP reviewed for Con Reg compliance (32.7 gross acre (+- 26 net vine acres)) indicating the ECP has been approved this date. Approval became effective with conditions.	4/29/2013
20.	P11-00317	Approved Planting plans for ECP	6/4/2013
21.	P11-00317	Letter from Scott Greenwood-Meinert to Brian Bordona with timeline of photos 1958-1998 from UCSB aerial photography and an affidavit from David Clark	8/20/2014
22.	P11-00317	Correspondence regarding winterization inspections and restoration	2015, 2016
23.	P11-00317	Napa Valley Vineyard Engineering Drew Aspergren to Brian Bordona re ECP request for modification re: soil loss and hydrology modeling which shows soil loss is less.	2/2/2016
24.	P11-00317	Register article regarding red tagging of Bremer property. Morrison says what's been built does not match the county approved plans. Plans allow building five-foot rock retaining walls, and some walls are 12 feet tall. Morrison said the vineyard configuration is different from what the plans show. The Bremers submitted modified plans to the county. Winterization was acceptable.	9/18/2016
25.	P11-00317	Letter from CA SF –RWQCB 11/8/16 to Mr. and Mrs. Bremer Subject: Notice of Violation for Filling Waters of the State, Bremer Family Vineyard. VIOLATION of Water Code Section 13376 – unpermitted fill was placed in violation of the code. Intention of a cleanup and abatement order. Signed, Dyan Whyte , Assistant Executive Officer.	11/8/2016
26.	P11-00317	P11-00317 Letter from Scott Greenwood Meinert to David Morrison and Jason Dooley. Following up on meeting with him and Jeff Dodd day previous. Dates committed: Hydrologic modeling and as built building permit application for	6/7/2017

		the already constructed rock wall, by 6/28/17. Complete survey work and site plan for the winery use permit modification application by 7/20/17. Traffic Study prepared by Omni Means, by 6/28/17. Historical analysis of the winery as to the modification application improvements due date pending from Juliana Inman. Said he is fully committed to providing complete winery uses permit modification application, including the rights determination application and analysis by July 20, 2017.	
27.	P11-00317	Letter from Jason Dooley Napa County Counsel to Scott Greenwood Meinert indicating in addition to submittal of materials the county requires submission of a response to comments letter, pay fees, and confirm that all information will be submitted in a completeness memorandum.	6/19/2017
28.	P16-00271	Memorandum to Brian Bordona from Patrick Ryan determined that application was incomplete or absent adequate detail. Required a remediation design, filter fabric verification, retaining walls over 4 feet shall be measured from bottom to top and obtain a permit. A geotechnical report must be provided.	8/11/2017
29.	P11-00317	Final Corrective action work plan and mitigation monitoring plan responding to SF RWQCB Cease and Abatement Order R2-2017-0025 prepared by Clearwater Hydrology. William Vandivere, MS, Jake Kramarz, and Evan Jensen.	2/14/2019
30.	P11-00317	Narrative Universal Soil Loss Equation. Conclusion: analysis demonstrates that the modified development project does not result in any increase in pre-project soil loss predictions.	7/24/2019
31.	P16-00271	Letter dated from Napa Valley Vineyard Engineering, Inc. Drew Aspergren: <ol style="list-style-type: none"> 1. Correction Action Work plan (CAW) has been incorporated. A copy of the plan is on file with Napa County. 2. The rock buttresses with or without filter fabric have been identified on the plan. The filter fabric was installed in the detention basin as required. 3. The building permit was submitted with references to the CAW channel restoration. 4. All investigations confirm effectiveness of the erosion control measures. 5. Applicant is aware that the rock buttress to the south of Block N/O inadvertently encroaches onto the neighboring property. An easement is being pursued to address the issue. 6. A comparison of the original topographic map prepared by Michael Brooks based on American Aerial Mapping (11-1-2005) and the as built map prepared by Terra Firma (field survey 2016) indicates a fill quantity of 92,500 yards. 7. All the irrigation tanks will not exceed 5,000 gal. 	8/2/2019

		8. The revised soil loss analysis (7/24/19) attached	
		9. Applicant is in the process of obtaining soil analytics.	
32.	P16-00271	Revised ECP Plans with Transmittal Letter (Pending for Water Board Approval) Napa Valley Vineyard Engineering, Inc. Letter of Transmittal from Drew Aspegren to Patrick Ryan amended to include channel restoration approved by RWQCB	8/20/2019
33.	P16-00271	Resubmittal package reviewed by Don Barrella to Patrick Ryan, for the ECPA application. Yellow sticky note from Don Barrella to Brian "Routed to ENG."	8/20/2019
34.		Letter from CA SF-RWQCB to Clearwater Hydrology providing concurrence with implementation of corrective actions, compensatory mitigation and monitoring as described in the final CAW and MMP. A qualified professional shall be present during construction to evaluate as-built conditions and determine where additional rock removal and replacement is needed. Specifically, the evaluations are needed under the following conditions. 1. Significant over break or over removal creates large voids in the slope face; 2 more than half of the existing rock levee is removed back into the slope; or 3 vineyard soils are exposed in the channel slopes.	4/18/2019
35.	P11-00317	Extension for Submittal of Corrective Action Work plan from SF RWQCB to 12/6/17 from 11/6/17.	
36.	P19-00153	Includes letter from neighbor Herman Froeb	10/16/2019
37.	P19-00153	PowerPoint "Exception to Stream Setbacks" (Use Permit U-697879)	11/18/2019

975 & 1000 Deer Park Road, APN: 021-400-000 & 021-420-027, 26.65 Acres

History

PRE-BREMER

1.	57879	Rezone to AW	2/5/1979
2.	478485	Permit App. B&B	2/28/1985
3.	697879	Permit App. to Reactivate Winery	8/24/1979
4.	25747	Permit App. for Dwelling Addition	8/7/1979
	25747	Dwelling Notice of Completion	3/24/1981
5.	25748	Permit App. Barn to Storage	8/7/1979
6.	26010	Permit App. Ag Pump	9/24/1979
7.	45056	Permit Roof	6/5/1989
8.	51101	Guest Cottage Permit	9/4/1991
	51101	Ag Notification	9/4/1991
	51101	Interdepartmental Clearance	12/13/1991
	51101	Notice of Completion	5/27/1992
		Permit App. Sewage System	9/8/1999

BREMER

9.	0000	Request for Address Change from 1000 to 975 Deer Park Rd.	10/30/2003
10.		Permit App. Water Well	3/1/2004
11.	B04-01763	Permit App. Fire Alarm	12/23/2004
12.	W05-0367	Permit App. Encroachment	4/22/2005
13.	B05-01249	Permit App. Deck	9/5/2006
14.	B06-01434	Permit App. Rehab of Ag Storage	8/30/2006
15.		Wall Reinforcement Approved	10/18/2007
16.	P07-00654	Approval – Cave Construction	12/13/2007
	P07-00654	Cave Approval Minor Mod (U-697879) CEQA Exempt	12/13/2007
17.	E01-00934	Sewage Permit	12/13/2007
18.	B08-00074	Permit App. Winery Office – Add lights and fans	1/24/2008
	B08-00074	Permit App. Winery Office – Front porch, Back Deck, Side Porch	1/24/2008
19.	P08-00088	Porch and Deck Addition Very Minor Mod (U-697879)	2/26/2008
20.	P05-0161	Porch and Deck Approval	2/26/2008
21.	E07-00561	Sewage Test Permit	5/20/2008
22.	P08-00488	Application Meetings	8/1/2008
23.	E08-00452	Permit App. Sewage	8/12/2008
24.	B08-00894	Permit App. Fire Sprinkler System	8/30/2008
25.	B08-01030	Permit App. Utilities for Cave	9/10/2008
	B08-01030	Permit App. Utilities for Cave	10/8/2008
26.	E08-00452	Permit App. New Sewage System	10/24/2008
27.	W09-00096	Permit App. Encroachment	1/23/2009
28.	P09-00178	Approval Increase Cave Size to 16,136 sq. ft.	6/4/2009
29.	W09-00833	Permit App. Encroachment	8/3/2009
30.	B09-01138	Permit App. Cave Portal Sleeve & Retaining	11/18/2009
31.	B08-01030	Cave Approval	5/24/2012
32.	B10-00576	Move Gas Meter	6/4/2010
33.	B10-00617	Permit App. Patio Trellis	6/11/2010
34.	B11-00996	Permit App. Build Truck Shelter	9/14/2011
35.	B12-00359	Permit App. Fire Alarm	3/27/2012
36.	B08-01030	Permit App. Single Use ADA Restroom	6/29/2012
37.	B19-00307	Permit App. Retaining Wall	2/28/2019
38.	B19-00339	Permit App. Winery	3/7/2019
39.	B19-00435	Permit App. Winery	3/26/2019
40.	B19-00460	Permit App. Handrails	3/28/2019
41.	P19-00153	Permit Application approved 5/12/2020	3/29/2019
42.	B19-00513	Permit App. Winery	4/8/2019
43.	E19-00176	Sewage Permit	4/29/2019
44.	B19-01454	Permit App. Handrails	9/5/2019
45.	B19-01695	Permit App. Building	10/14/2019
46.	P19-00153	Permit Exceptions Descriptions	10/26/2019
47.	P19-00143	Use Permit Application	5/12/2020

RECEIVED

SEP 10 2012



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.



KEN ALEX
DIRECTOR

September 5, 2012

Donald Barrella
Napa County Dept. of Planning, Building, and Env. Services
1195 Third Street, Room 210
Napa, CA 94559

Subject: Bremer Family Winery Vineyard Conversion #P11-00317-ECPA
SCH#: 2012082023

Dear Donald Barrella:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on September 4, 2012, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

Hillary Gitelman
Director

**MITIGATED NEGATIVE DECLARATION
TRANSMITTAL**

TO: Carl Wilcox State Dept of Fish & Game – Yountville
Fred Hetzel San Francisco Bay Regional Water Quality Control Board, District 2
Greg Tholen Bay Area Air Quality Management District
Leigh Sharp Napa Co Resource Conservation District
Carol Kunze Napa Group of the Sierra Club
Ben Solvesky US Fish & Wildlife Service
Kim Stone CalFire

FROM: Donald Barrella, Planner III – Engineering and Conservation Division

**SUBJECT: Bremer Family Winery Vineyard Conversion
Mitigated Negative Declaration
Erosion Control Plan #P11-00317-ECPA**

DATE: August 3, 2012

Enclosed for your review and comment is a copy of the proposed Mitigated Negative Declaration for the above-reference project. The document is being provided to you to ensure your timely receipt and ample opportunity to comment if you so desire. Also included for your reference is a copy of the Notice of Intent to Adopt a Negative Declaration. Please note that this office must **RECEIVE** any comments you wish to make before **4:45 P.M.** on **SEPTEMBER 4, 2012**

If you have any questions regarding this project or this environmental document please do not hesitate to contact me by phone (707-299-1338) or e-mail (donald.barrella@countyofnapa.org).

Cc (w/o encl.):

Hillary Gitelman, Director – Planning, Building and Environmental Services
Brian Bordona, Supervisor Planner – Engineering and Conservation Division
Dave Whitmer, Agricultural Commissioner
Laura Anderson, County Counsel
John Tuteur, County Assessor
Rita Stiner, Natural Resource Conservation Service

BREMER FAMILY WINERY PHOTOGRAPHS

Winery Entrance:



Farmhouse – Front:



Carport/Guest House:



Guest House:



Cave Entrance:



Cave Entrance:



ADA Bathroom – Front:



ADA Bathroom – Side:



Farmhouse – Side:



Farmhouse – Balcony:



Farmhouse – Rear:



1891 Winery:



Concrete Pad – (Wine Press and Catwalk on old 8'x15' pad – 120 s.f.):



Old Concrete Wall cut intersecting with historical rock wall:



Concrete Pad (Tanks on old concrete pad above Wine Press 15.4'x41' – 635.5 s.f):



Driveway (permitted hard surface - view of Tanks and Catwalks):



Barn – Front Historically (320 sf) pre-Bremer (additional 700 TO 800 sf) and rebuilt by Bremer (approximately 400 to 470 sf) equals 43'10"x34' total 1490 sf:



Barn Replacement Cover – attached to Barn – 19'x21.4' – 404 sf



Barn Ceiling Wood – 2 views:



Truck Shelter Roof (corrugated metal):



Truck Shelter Roof (corrugated metal):





NAPA COUNTY

**CONSERVATION—DEVELOPMENT
AND PLANNING COMMISSION**

W. Scott Snowden
CHAIRMAN

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

697879
021-400-002
P-UR-APVL
8/24/79

August 24, 1979

David S. Clark
2290 Boyson Lane
St. Helena, CA 94574

Dear Mr. Clark:
Your Use Permit Application Number U-697879 to reactivate a winery

on a 26.65 acre parcel

located on east side of Deer Park Rd. within an RD:MS District Assessor's Parcel #21-400-02
has been approved by the Napa County Conservation, Development and Planning Commission based upon the following conditions:

(SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

APPROVAL DATE: August 15, 1979

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

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

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

Very truly yours,

JAMES H. HICKEY
Secretary-Director

Note: Approval of this application is subject to rezoning approval by the Board of Supervisors.

JHH:jg

cc: Donald W. Jonas
Building Codes Administrator
County of Napa

NAPA COUNTY
CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT

USE PERMITS

DEPARTMENT REPORT AND RECOMMENDATION

Meeting of August 15, 1979

Agenda Item: 11

APPLICATION DATA:

APPLICANT: David S. Clark Etal # U-697879 (Filed May 2, 1979)

REQUEST FOR: To reactivate a winery on a 26.65 acre parcel

LOCATION: on the east side of Deer Park Rd. at its intersection with Sanitarium Rd. within an RD: B-5 Dist (Recommended for AW) assessor's Parcel # 21-400-02

FINDINGS: [All checked (X) Items Apply to This Application]

SPECIAL INFORMATION:

- 1. Details of the proposal are contained in the attached supplemental information sheet.
- 2. Comments and recommendations from various County departments and other agencies are attached.
- 3. on aug. 1, 1979, the Commission recommended to the Board of Supervisors that the subject parcel along with an adjacent parcel owned by the applicant be rezoned from RD: B-5 and RD: A. B-5 to AW.

ENVIRONMENTAL ANALYSIS:

- 4. General Rule (Not Subject to CEQA).
- 5. Categorically Exempt pursuant to the California Environmental Quality Act (Class # _____).
- 6. Final Environmental Impact Report # _____ prepared by: _____
- 7. (See Agenda Item # _____). The project is not anticipated to result in significant environmental effects, either individually or cumulatively. There are no unique or rare biological or physical resources that will be adversely effected. A Negative Declaration is recommended.

10/12/78

Agenda Item: 11

Page 2
Report and Recommendation

Meeting Date: August 15, 1979

Use Permit - #U-697879, David S. Clark

PLANNING AND ZONING ANALYSIS:

- 8. The procedural requirements for Use Permit outlined in the Zoning Ordinance have been satisfied in regard to this application.
- 9. The submitted proposal is in general compliance with Ordinance requirements.
- 10. Approval of this proposal would not result in detrimental effects to the public health, safety or general welfare.
- 11. The proposal is in conformance with the General Plan designation of Open Space - Adventure, Watershed specified for the property.
- 12. The property is within the district boundary and/or the Sphere of Influence of the following districts:

American Canyon County Water District Within district Within Sphere
(See attached map).

American Canyon Fire Protection District Within district Within Sphere
(See attached map).

_____ _____ _____

- 13. This proposal should be denied pursuant to findings contained in the attached Exhibit _____.
- 14. _____

RECOMMENDATION:

- Continue to meeting of _____.
- Action

ENVIRONMENTAL:

- None Required.
- Issue a Negative Declaration.
- Certify Final EIR as adequate.

PLANNING:

- DENIAL based on Finding #13.
- APPROVAL with Findings and subject to the attached Conditions of Approval.

10/12/78



NAPA COUNTY

HARRY D. HAMILTON
Director of Public Works

County Surveyor — County Engineer
Road Commissioner

RECEIVED
AUG 8 1979

Napa County Conservation,
Development & Planning
DEPARTMENT OF PUBLIC WORKS

1127 FIRST STREET • NAPA, CALIFORNIA 94558
AREA CODE 707/ 253-4351

August 8, 1979

Napa County Conservation,
Development and Planning
Commission
1121 First Street
Napa, California 94558

RE: DEER PARK ROAD
CLARK, ET AL - WINERY
CDPD FILE # 6-697879

Commissioners:

This Department and the Napa County Flood Control and Water Conservation District have reviewed the referenced use permit application. The following items which are checked, as filled in, apply to this application. Our recommendations are based upon that data supplied to us with the use permit application.

We find that the intended use will not generate a significant amount of traffic. Therefore, no roadway improvements are recommended.

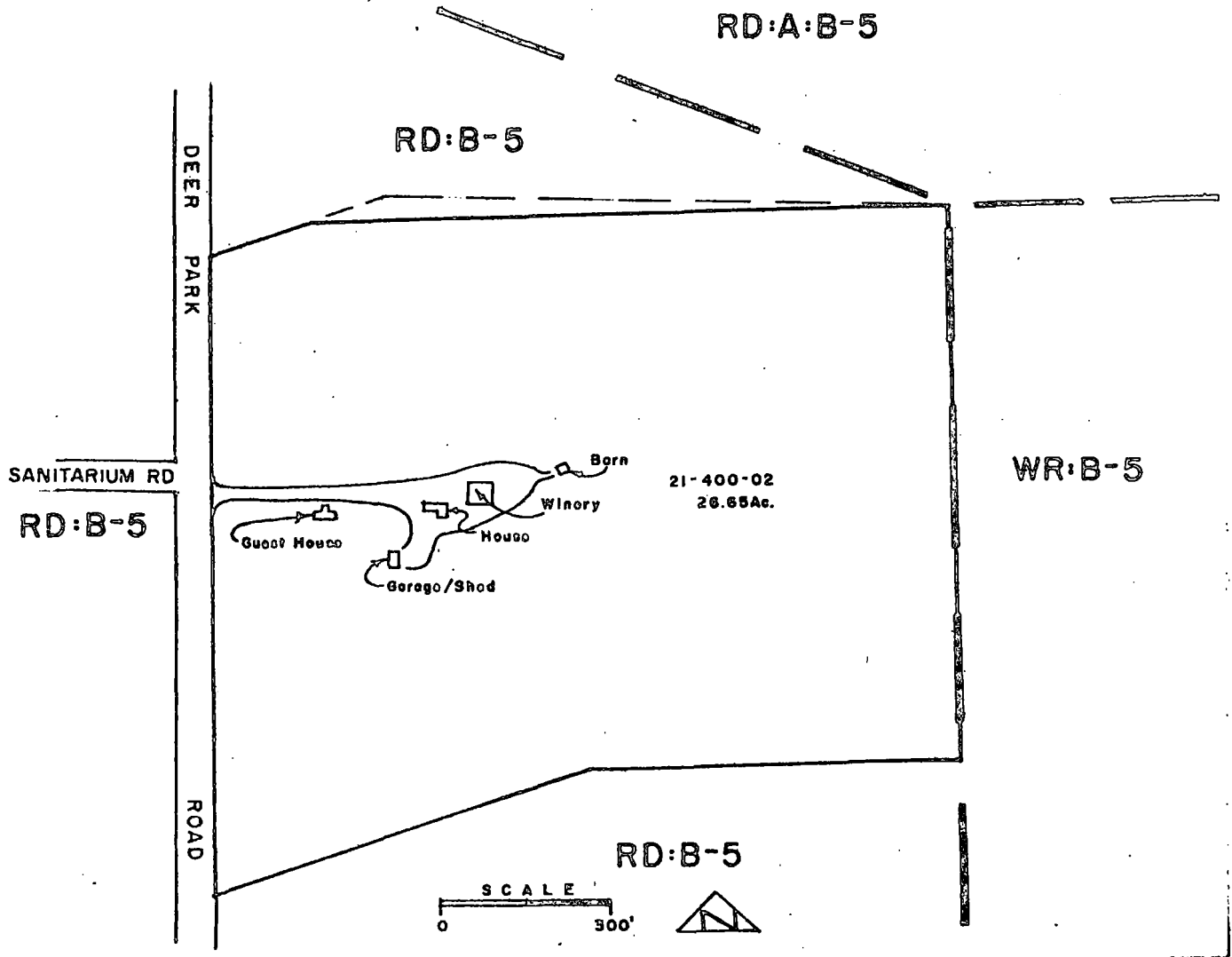
A strip of land _____ feet in width along _____ is to be irrevocably offered for dedication to Napa County for roadway and utility right of way purposes.

Any rights of way found crossing the proposed parcels to serve parcels further removed from the public roadways are to be irrevocably offered to the County of Napa for roadway and utility rights of way purposes. These rights of way shall have a minimum width of 40 feet.

Right of way widening to 30 feet from the centerline of DEER PARK ROAD along the frontage of the subject parcels is to be granted in easement to Napa County for roadway and utility right of way purposes.

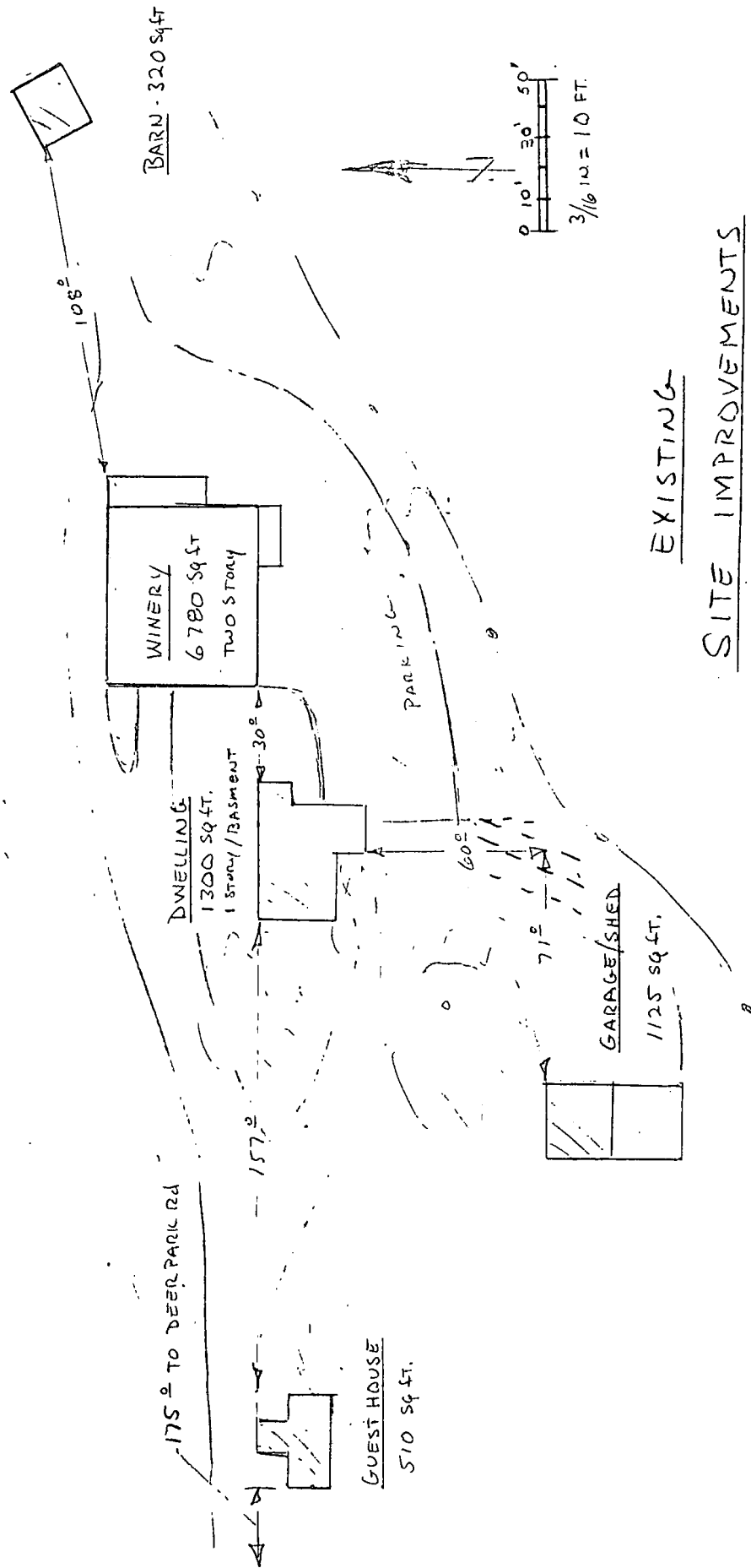
A roadway which extends from the winery to the County road is to be constructed to the status of a dust free all weather surface, i.e., a minimum 11 foot paved roadway consisting of a double seal coat on a minimum of 5 inches Class II aggregate base, with a 4 foot graded shoulder.

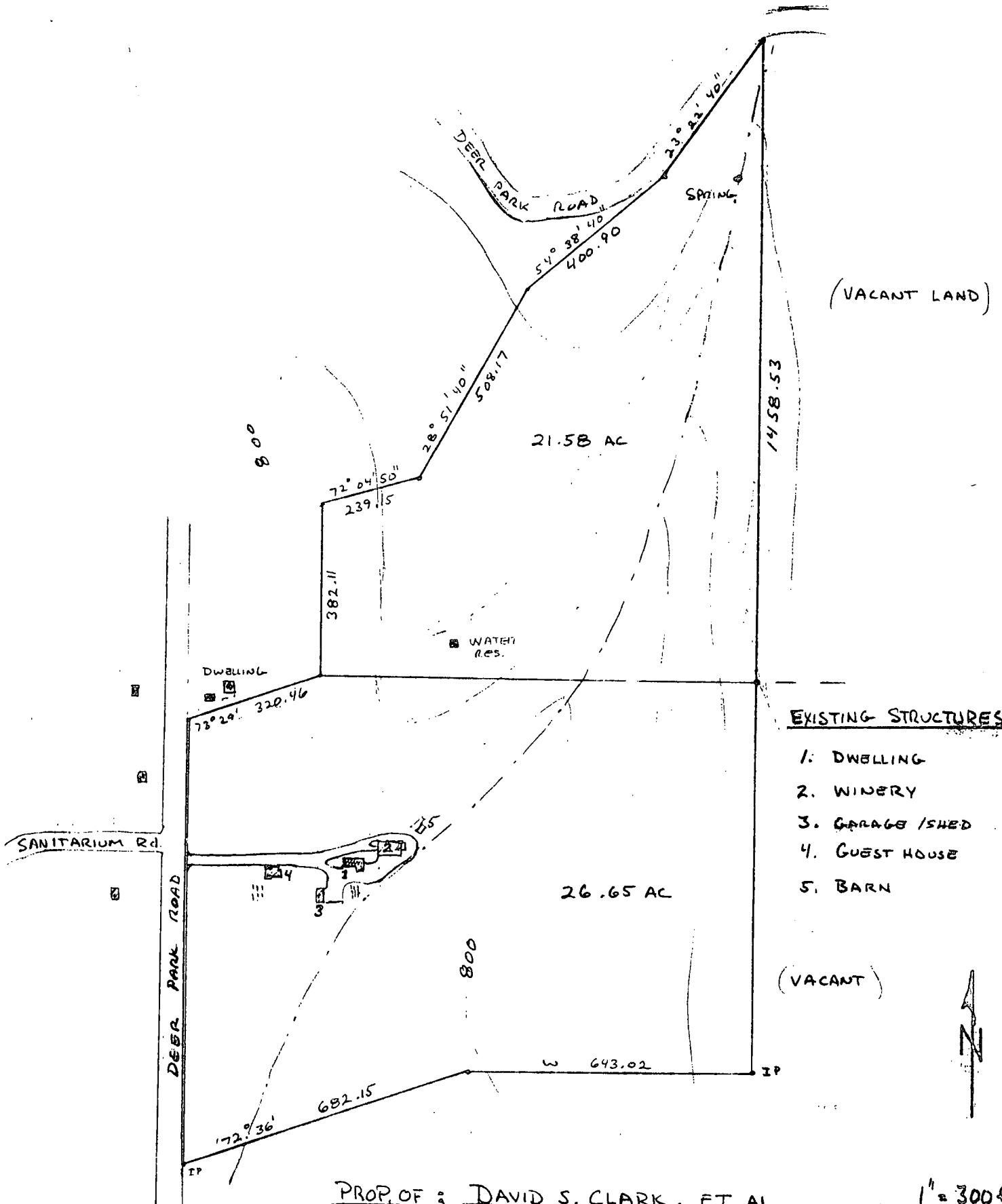
CLARK ET AL



4-19-79

Attachment to Application For Land Use Permit; DAVID S CLARK et al





EXISTING STRUCTURES

- 1. DWELLING
- 2. WINERY
- 3. GARAGE / SHED
- 4. GUEST HOUSE
- 5. BARN

PROP. OF : DAVID S. CLARK, ET AL

1000 DEER PARK ROAD
DEER PARK, CALIF.

1" = 300 ft.



NAPA COUNTY

CONSERVATION-DEVELOPMENT AND PLANNING DEPARTMENT
 BUILDING DIVISION
 DONALD W. JONAS
 BUILDING CODES ADMINISTRATOR

JAMES H. HICKEY
 DIRECTOR

CONSTRUCTION APPLICATION AND PERMIT

DEPARTMENT USE ONLY

PERMIT NO. **25748**
 PARCEL NO. **21-400-02**
 DATE ISSUED **August 7, 1979**

Building Address **1000 Bear Park Road**

Owner **CLARK, David** Phone _____

Mailing Address _____

CONTRACTORS	LIC. NO.	PHONE
General Self		
Address _____		
Electrical _____		
Plumbing _____		
Mechanical _____		
Architect Designer _____		
Address _____		
Engineer _____		
Address _____		

ISSUE CLEARANCE

Public Works _____ Date _____

Planning _____ Date _____

Fire Marshal _____ Date _____

Environmental Health/Sanitation _____ Date _____

Code Dept 7-7-79

VARIANCE NO YES No.

USE PERMIT NO YES No.

B	<input checked="" type="checkbox"/>	E	<input checked="" type="checkbox"/>	P	<input checked="" type="checkbox"/>	M	<input type="checkbox"/>	G	<input type="checkbox"/>	D	<input type="checkbox"/>	Others
PROCEDURE											BY	DATE
Plans not Required												
Plans Received											JL	7-19-79
Site Checked												
Plans Checked											BH	8-7-79
Application Approved												
Validated By <i>J. H. Hickey</i>												
Date 8-7-79												

DESCRIPTION OF WORK

NEW ADD REPAIR CONVERT

Size Sq. Ft.	No. of Stories
Zoning RD-B-3	Building Height _____
Proposed Use Renodel Barn to Storage Bldg.	

FEES

Valuation	\$	AMOUNT
	12,945	
Building Permit		64 00
Plan Check		41 60
Electrical Permit		65 00
Plumbing Permit		11 00
Mechanical Permit		
Grading Permit		
Certification Permit		
Strong Motion Tax		91
Plan Retention		
Investigation Fees		
Late Fees		
TOTAL		182 51

LICENSED CONTRACTORS DECLARATION

I hereby affirm that I am licensed under the provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

License Class _____ Lic. Number _____

Date _____ Contractor _____

OWNER-BUILDER DECLARATION

I hereby affirm that I am exempt from the Contractor's License Law for the following reason:

() I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale.

(x) I, as owner of the property, am exclusively contracting with licensed contractors to construct the project.

() I am exempt under Sec. _____ of the Business and Professions Code for this reason:

_____ Sec. 7048 Minor Work _____ Sec. 7053-Employee Working Under \$100 _____ for Wage Only.

Date **8-7-79** Owner *[Signature]*

WORKERS' COMPENSATION DECLARATION

I hereby affirm that I have a certificate of consent to self-insure, or a certificate of Worker's Compensation Insurance, or a certified copy thereof.

Policy No. _____ Company _____

() Certified copy is hereby furnished.

() Certified copy is filed with the county building inspection department or county _____ department.

Date: _____ Applicant: _____

CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE

(This section need not be completed if the permit is for one hundred dollars (\$100) or less).

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Worker's Compensation Laws of California.

Date **8-7-79** Applicant *[Signature]*

NOTICE TO APPLICANT: If, after making this Certificate of Exemption, you should become subject to the Workers' Compensation provisions of the Labor Code, you must forthwith comply with such provisions or this permit shall be deemed revoked.

CONSTRUCTION LENDING AGENCY

I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued.

Lender's Name _____

Lender's Address _____

I certify that I have read this application and state that the above information is correct. I agree to comply with all city and county ordinances and state laws relating to building construction, and hereby authorize representatives of this county to enter upon the above-mentioned property for inspection purposes. I (We) agree to save, indemnify and keep harmless the County of Napa against liabilities, judgments, costs and expenses which may in any way accrue against said County in consequence of the granting of this permit.

Signature of Applicant *[Signature]* Date **8-7-79**

NOTE: When properly validated, this form constitutes a building permit. This permit expires and becomes null and void should work not be commenced within 120 days from validation date or should authorized construction be suspended or abandoned for a period of 120 days after work is commenced.

APP

PERMIT APPLICATION
COUNTY OF NAPA DEVELOPMENT DIVISION

Bremer



1195 Third St., Suite 210
Napa CA. 94559

Phone (707) 253-4416

Fax (707) 253-4336

www.co.napa.ca.us

Darrell Mayes - Chief Building Official

JOBSITE OWNER INFORMATION

JOBSITE ADDRESS: 975 DEER PARK ROAD
ST. HELENA CA 94574

OWNERS NAME: LAURA & JOHN BREMER 707-943-1214

MAILING ADDRESS: 150 Pine Place
St Helena, CA 94574

CONTACT PERSON/FIRM

NAME: _____ PHONE NO: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

CONTRACTOR

NAME: _____ LICENSE NO. CLASS: _____ EXPIRES: _____

MAILING ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____ PHONE: _____

I HEREBY AFFIRM UNDER PENALTY OF PERJURY that I am licensed under provisions of Chapter 8 (commencing with Section 7000 of Division 3 of the Business and Professions Code, and my license is in full force and affect.

X SIGNATURE _____ DATE _____

OWNER BUILDER DECLARATION

I HEREBY ATTEST UNDER PENALTY OF PERJURY that I am exempt from the Contractors' State License Law for the following reason (Sec. 7031.5). Business and Professions Code. Any city or county which requires a permit to construct, alter, improve, demolish or repair any structure prior to it's issuance, also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors' State License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions' Code) or that he or she is exempt therefrom and basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500).

I, AS OWNER OF THE PROPERTY, OR MY EMPLOYEES WITH WAGES AS THEIR SOLE COMPENSATION, WILL DO THE WORK, AND THE STRUCTURE IS NOT INTENDED OR OFFERED FOR SALE. (Sec. 7044 Business and Professions Code: The Contractors' State License Law does not apply to an owner of the property, who builds or improves thereon, and who does such work himself or herself or through his or her employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvements is sold within one year of completion, the builder will have the burden of proving that he or she did not build or improve for the purpose of sale.)

I, AS OWNER OF THE PROPERTY, AM EXCLUSIVELY CONTRACTING WITH LICENSED CONTRACTORS TO CONSTRUCT THE PROJECT (Sec. 7004, Business and Professions Code. The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a Contractor's State License Law.

I AM EXEMPT under section _____ B & P.C. for this reason _____
X SIGNATURE _____ DATE 8/29/04

WORKERS' COMPENSATION DECLARATION

I HEREBY AFFIRM UNDER PENALTY OF PERJURY one of the following declarations:

I HAVE AND WILL MAINTAIN A CERTIFICATE OF CONSENT TO SELF-INSURE FOR WORKERS' COMPENSATION, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

I HAVE AND WILL MAINTAIN A CERTIFICATE OF WORKERS' COMPENSATION INSURANCE, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation carrier and policy No. are: Carrier _____ Policy # _____ Exp. Date _____

I CERTIFY THAT IN THE PERFORMANCE OF THE WORK FOR WHICH THE PERMIT IS ISSUED, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the worker's compensation provisions of Section 3700 of the Labor Code, I shall herewith comply with those provisions.

WARNING: Failure to secure workers' compensation coverage is unlawful, and subjects an employer to criminal penalties and civil fines up to one hundred thousand dollars (\$100,000), in addition to the cost of compensation, damages as provided for in Section 3706 of the Labor Code, interest and attorney's fees

X SIGNATURE _____ DATE _____

DISCLOSURE

I certify that I have read this application and state that the above information is correct, I agree to comply with all local ordinances and state laws relating to building construction and I make this statement under penalty of law, and hereby authorize representatives of the county to enter upon the above-mentioned property for inspection purposes.

NOTICE: This permit will expire by limitation if work is not started in one year or if work is abandoned for more than 180 days. A request for an extension of time must be submitted in writing to the Chief Building Official within one year of issuance or 180 days from last inspection.

I (We) agree to save, indemnify and keep harmless the County of Napa against, judgments, cost and expenses which may in any way accrue against said County in consequence of the granting of this permit

X SIGNATURE _____ PRINT NAME LAURA BREMER DATE 8/29/04

Owner Contractor or Agent for Owner Agent for Contractor

806-0434 101

APP/PERMIT NO. 021-400-002 BIN NO. ANG

PARCEL NO. 85001 INSP AREA 2017

TAX RATE AREA Aw CENSUS TRACT 26.65

ZONING _____ ACREAGE _____

DATE ISSUED _____ BY _____

PLAN INFORMATION

- Residential Commercial Accessory
- NEW ADD ALTER REPAIR REPLACE
- DEMO POOL T.I. SIGN OTHER

WORK DESCRIPTION:

General rehab of ag storage

VALUATION: ~~15000~~ 27000 5000

ESTIMATED SUBMITTAL FEES PAID

0101 - PLAN REVIEW		
0112 - INVESTIGATION		
0113 - DEMOLITION		
0116 - FIRE DEPARTMENT		
0119 - EROSION CONTROL		
0121 - PLANNING REVIEW		
0133 - FIRE ADMINISTRATION		

AMOUNT _____

CHECK NUMBER: _____

RECEIPT NUMBER: _____

DATE REC'D: _____ BY: _____

Quick Permit Yes No

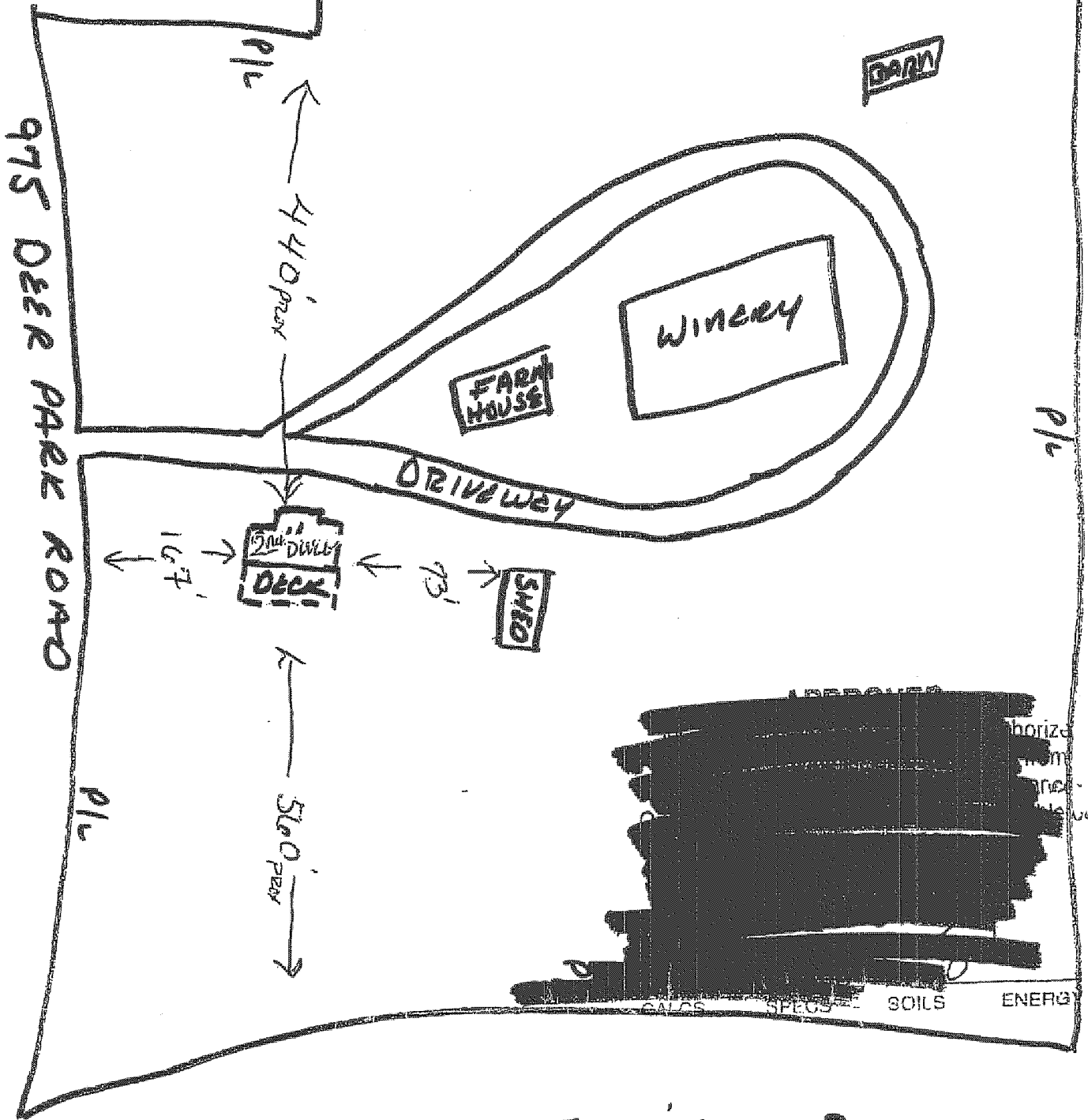
Permit Type _____

Bldg. PL EM-SM CAF

FW

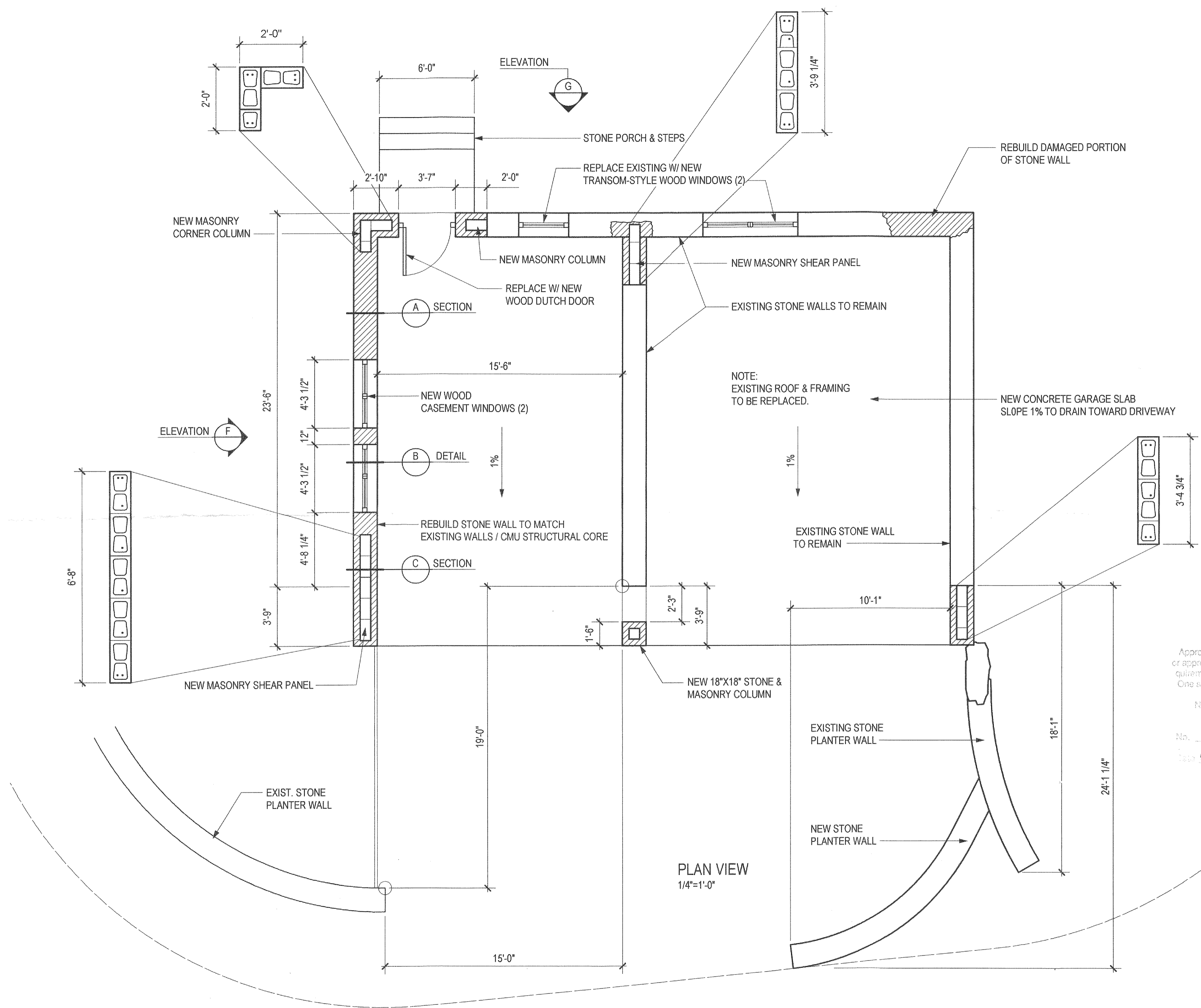
OFFICE SET

Bb-01434
021-400-002
B-PLM
10/12/06



JOHN & LAURA BREMER
975 DEER PARK RD
ST. HELENA, CA

B06-01434
 021-400-002
 B-PLNS
 10/12/06



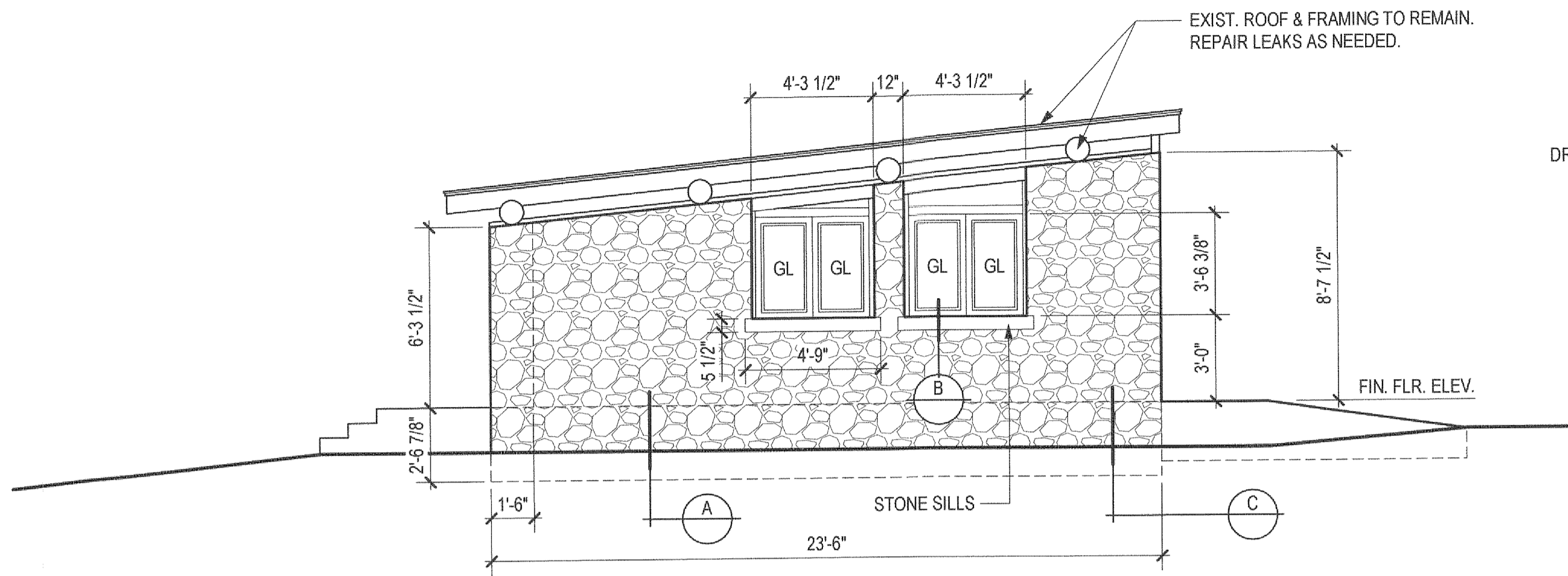
NOTE:
 EXISTING ROOF & FRAMING
 TO BE REPLACED.

APPROVED
 Approval of these plans does not authorize
 or approve any omission or deviation from re-
 quirements of State laws or local ordinances.
 One set of approved plans shall be available
 on the project site at all times.
 Napa County, Building Department
 Napa, California

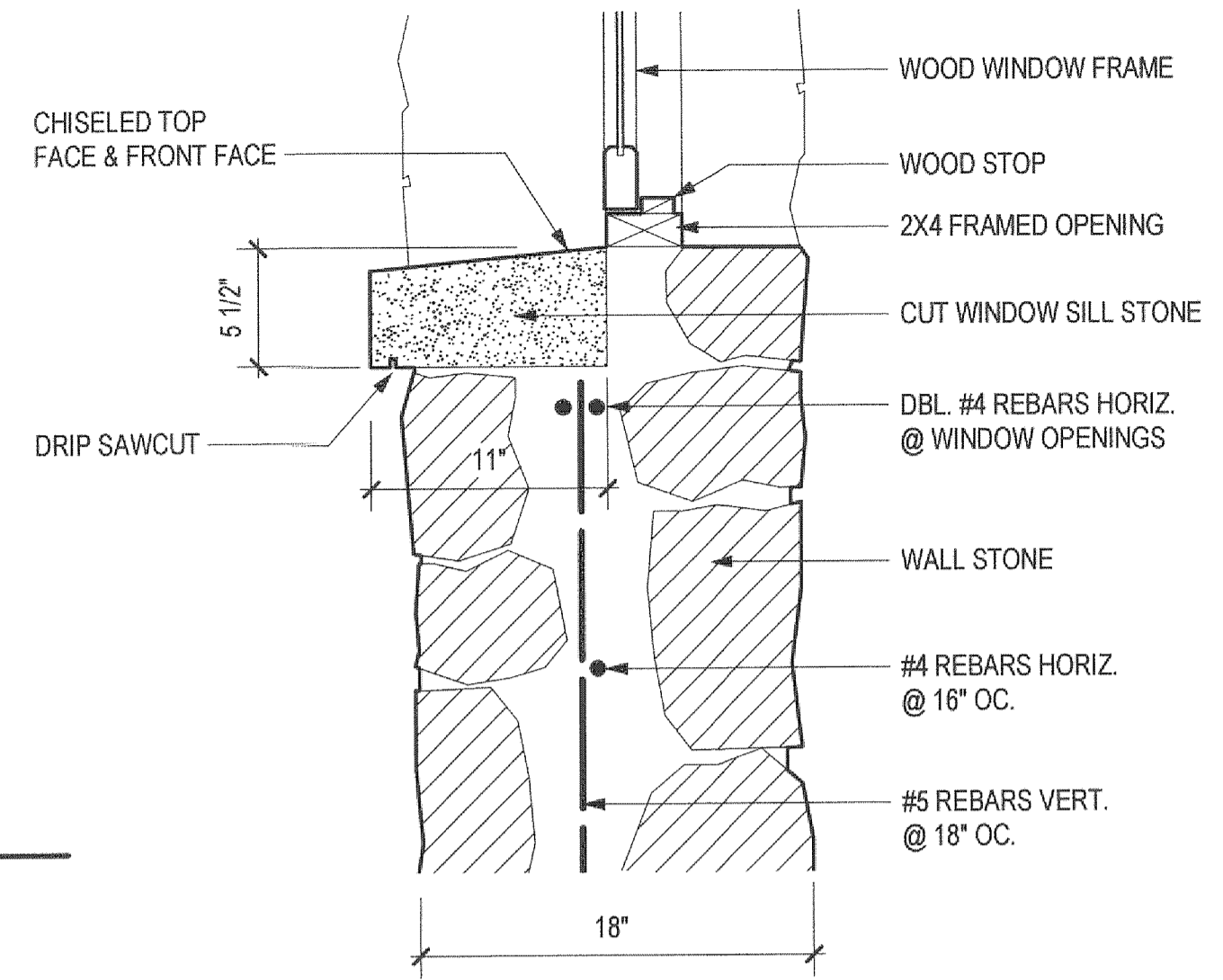
No. B06-01434
 Date 10/12/06 by WJC

OFFICE
 SET

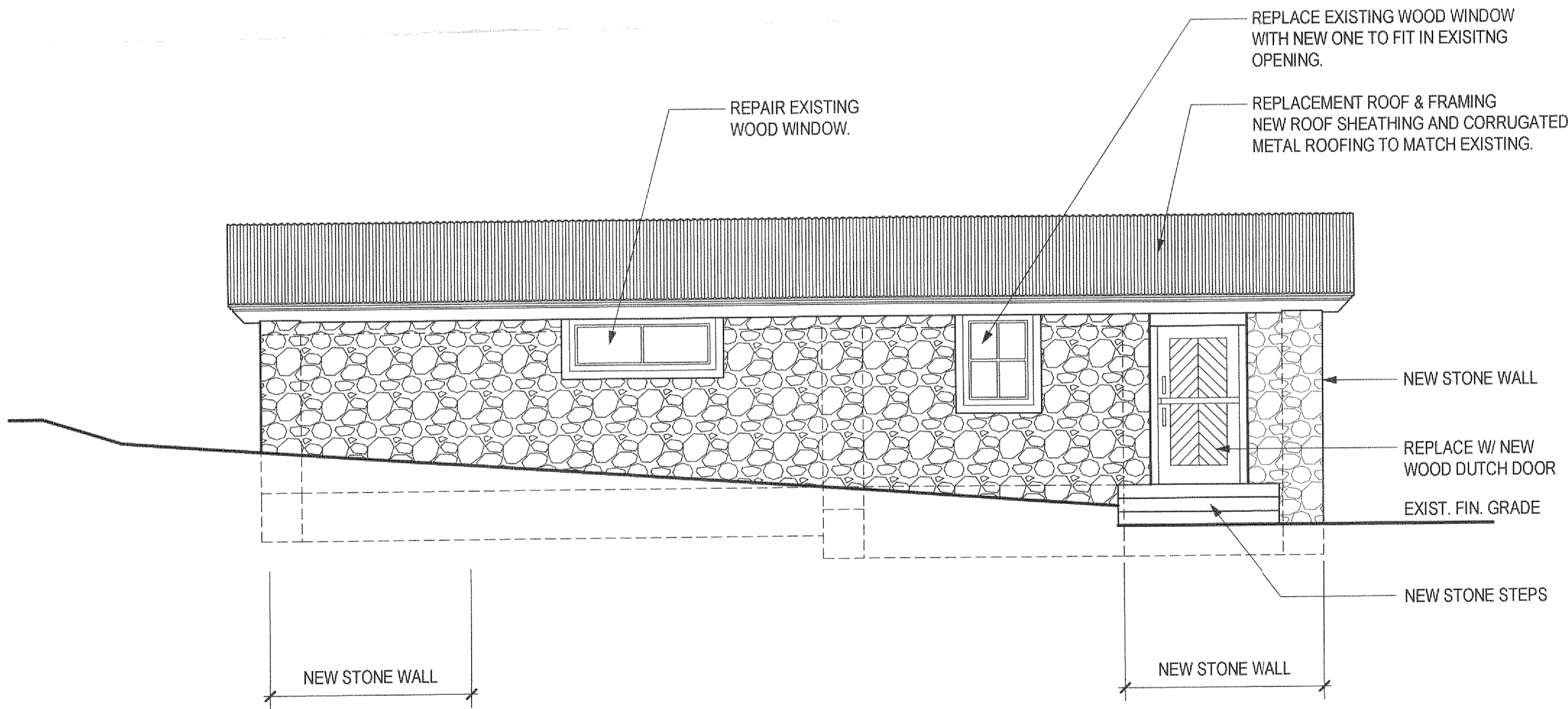
183



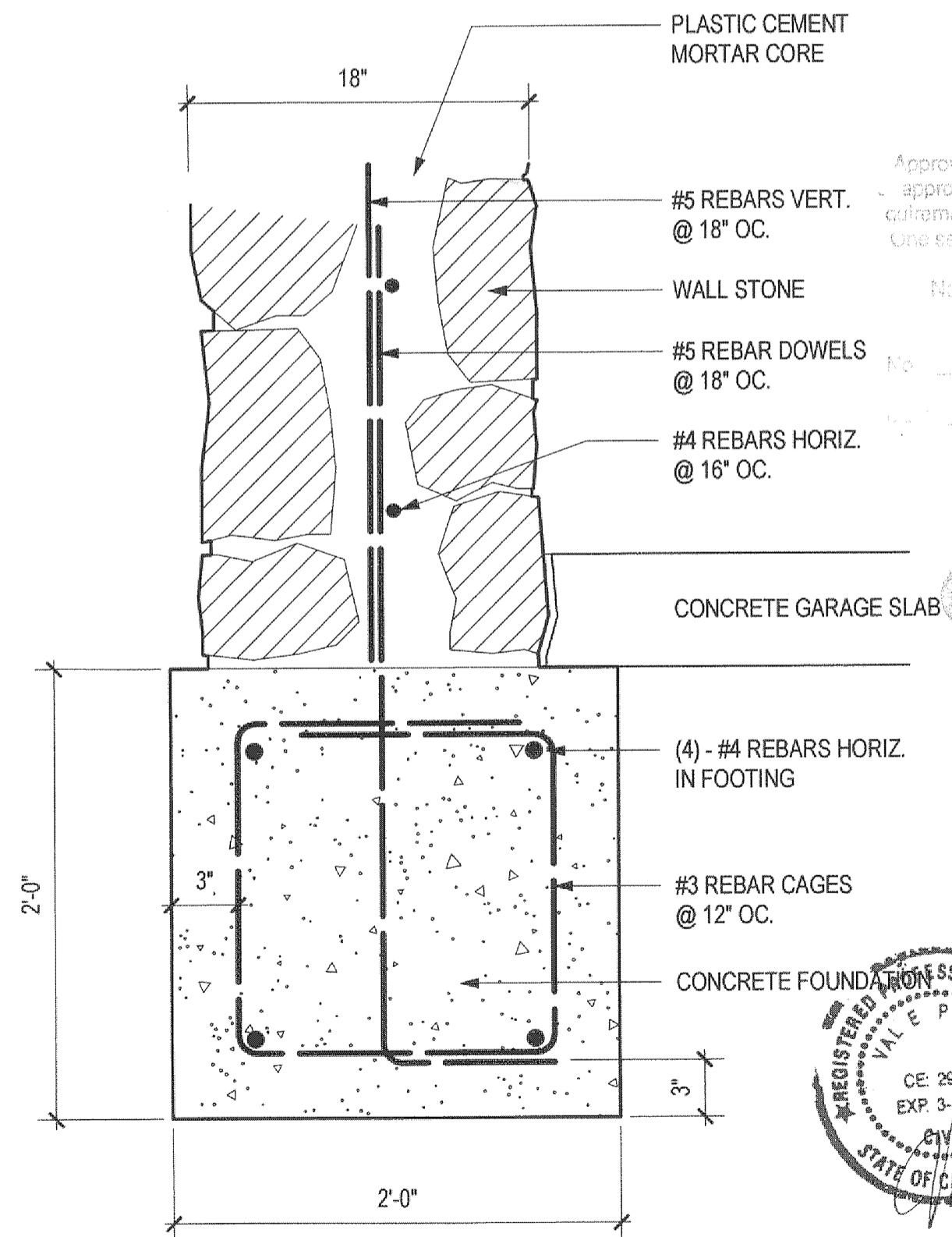
(F) RIGHT SIDE (SOUTH) ELEVATION
1/4"=1'-0"



(B) WINDOW OPENING DETAIL
1-1/2"=1'-0"



(G) REAR (WEST) ELEVATION
1/4"=1'-0"



(A) WALL & FOUNDATION SECTION
1-1/2"=1'-0"

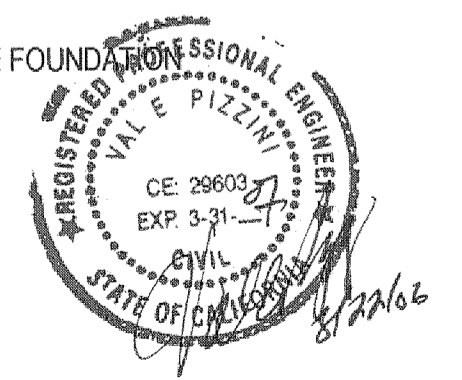
APPROVED

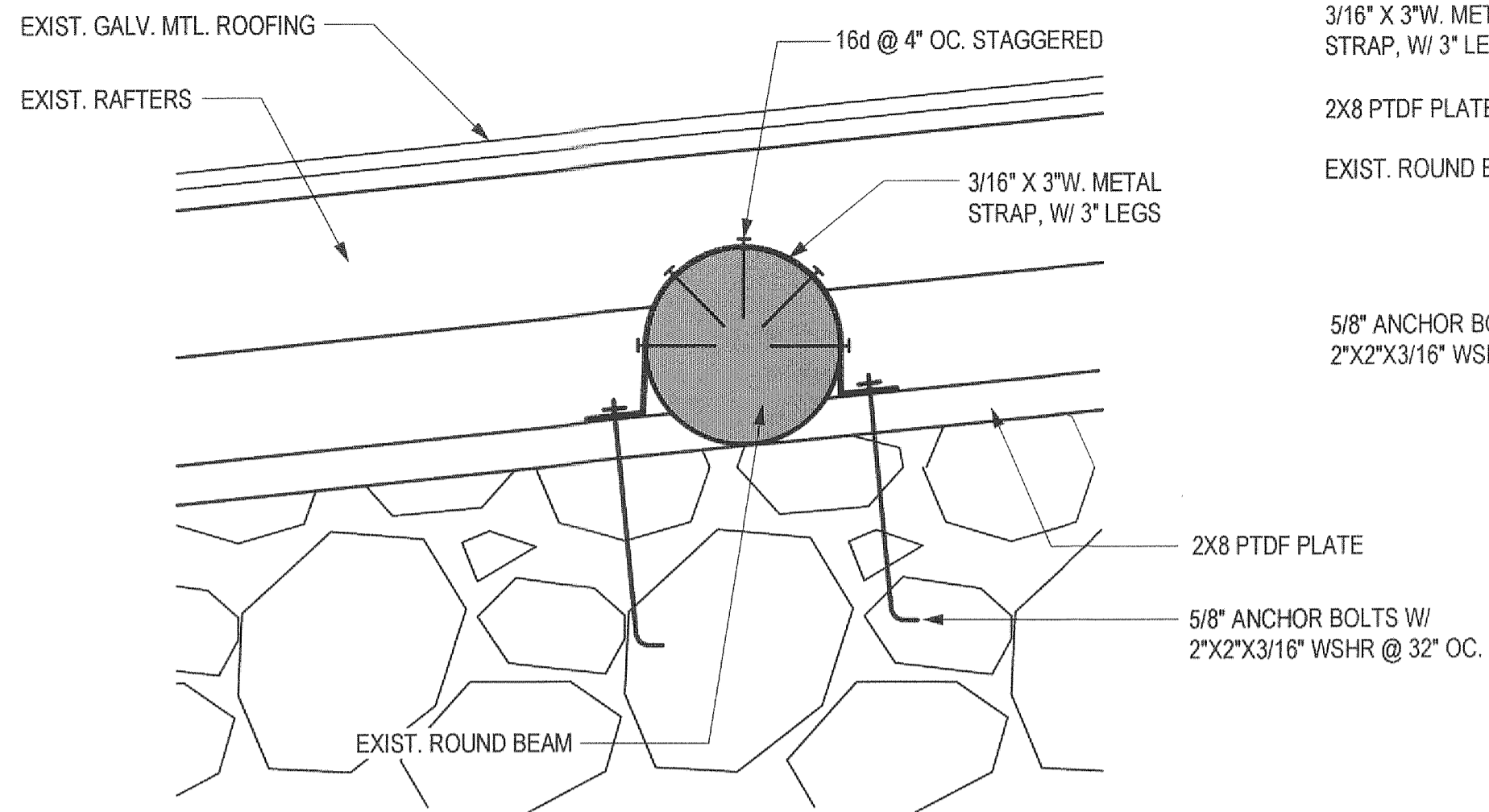
Approval of these plans does not authorize approval of any omission or deviation from requirements of State laws or local ordinances. One set of approved plans shall be available on the project site at all times.

Napa County, Building Department
Napa, California

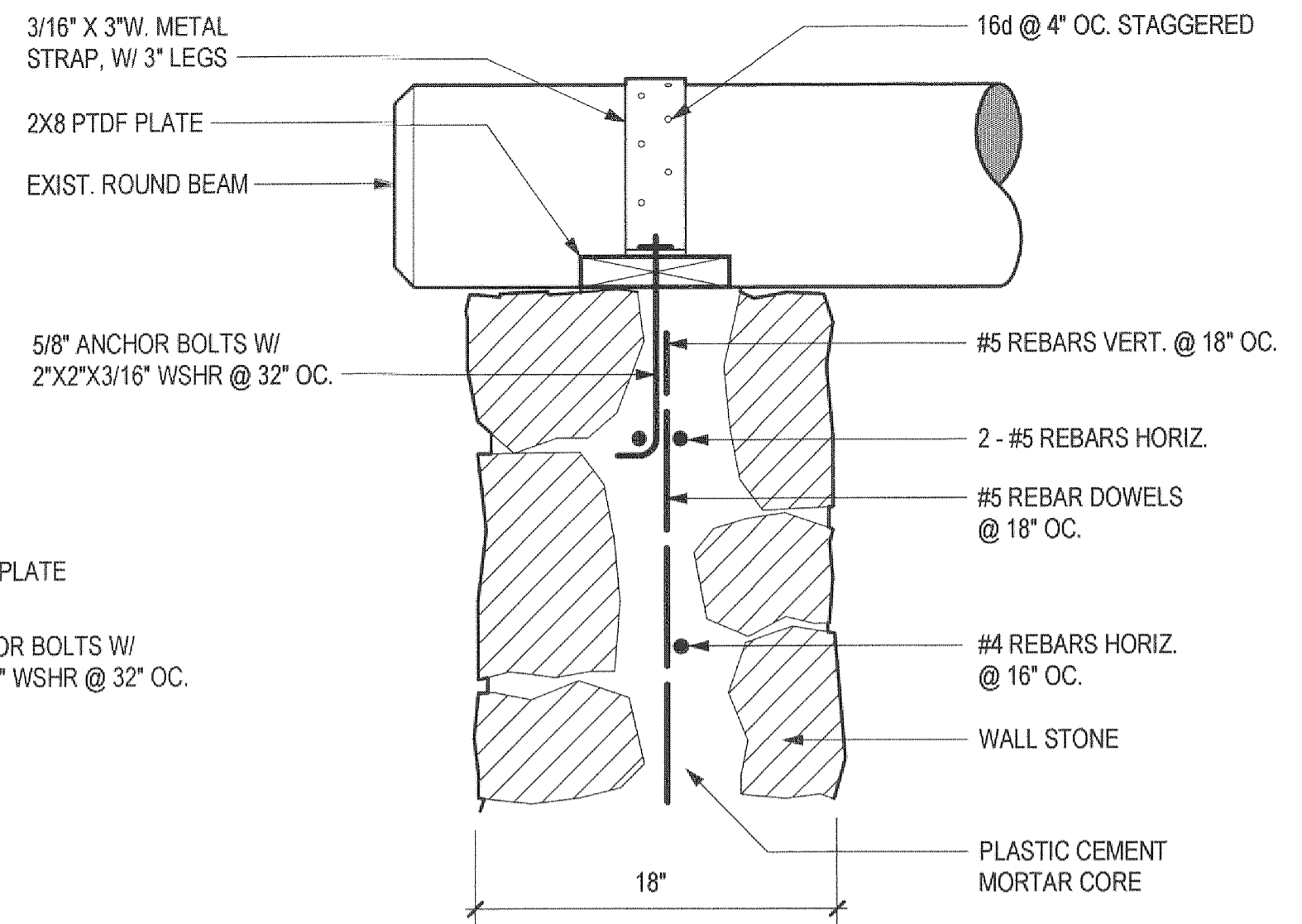
REC-0143A
10/12/06 by MJC

OFFICE SET

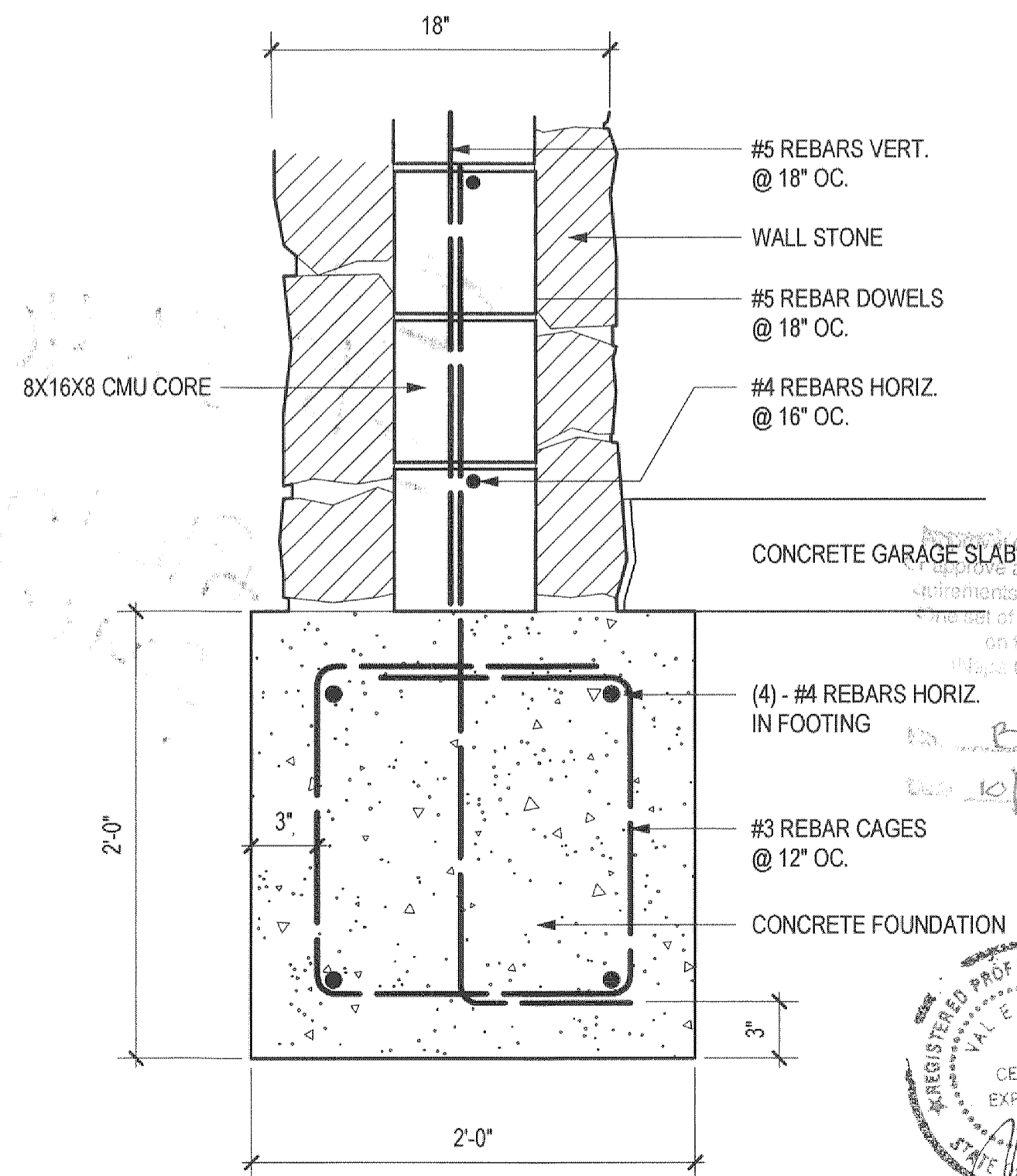




E BEAM CONNECTION DETAIL
1-1/2"=1'-0"



D BEAM CONNECTION DETAIL
1-1/2"=1'-0"



C WALL SECTION
1-1/2"=1'-0"

OFFICE SET

APPROVED

These plans do not authorize approval of any omission or deviation from requirements of State laws or local ordinances. A set of approved plans shall be available on the project site at all times.

San Diego County, Building Department
Napa, California

10/12/06 By Mac

8/22/06

REGISTERED PROFESSIONAL ENGINEER
VAL E. PIZZINI
CE 29693
EXP. 3-31-09
STATE OF CALIFORNIA

B06-01434
021-400-002
COR
4/28/08



975 DEER PARK ROAD
ST. HELENA, CALIFORNIA 94574
707.963.5411 FAX 707.963.1541
1.877.BREMER3 (273.6373)

www.bremerfamilywinery.com

April 16, 2008

Mr. Eric Banvard
Plans & Permit Supervisor
County of Napa
1195 Third Street, Suite 210
Napa, CA 94559

RE: Building Permit B06-01434

Job Address: 975 Deer Park Road
St. Helena, CA 94574

Dear Eric;

We are close to completing the project listed above. We have only the roof structure to finish before the job is complete. We have been waiting on some specialty lumber which we are expecting shortly. We would like to request an extension to this permit so that we may complete the project.

Should you have any questions, please do not hesitate to contact me. My direct line is 707-963-1216.

Respectfully,

Laura Bremer
Bremer Family Winery

CONSERVATION, DEVELOPMENT & PLANNING

APPROVED

DATE 4/28/08 INITIAL a

until 10/19/08



A Tradition of Stewardship
A Commitment to Service

RESIDENTIAL BUILDING PERMIT APPLICATION

Napa County Building Division
1195 Third Street Suite 210
Napa, California 94559
707-253-4417 FAX 707-253-4336
www.co.napa.ca.us

FOR OFFICE USE ONLY	Code Enf Auth	Permit # 611-996	Bin
Notes			
<input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Repair <input type="checkbox"/> Replace <input type="checkbox"/> Demo <input type="checkbox"/> Move <input type="checkbox"/> QP			

PROPERTY DESCRIPTION

(Please Print Clearly)

Street Address: 975 DEER PARK RD	Work Description: BUILD TRUCK SHELTER
Suite/Unit #: _____ City: St. HELENA Zip: 94574	_____
Cross Street: SANITARIUM	_____
Use & Occupancy: TRUCK SHELTER New Sq. Ft: _____	<input type="checkbox"/> This application is the result of a Code Violation
APN# <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Acreage: _____	Valuation: 1500

PROPERTY OWNER

Is this permit is being pulled as Owner/Builder? YES NO

Owner Name: John & Laura Bremer
Mailing Address: 150 Pine Place City: St. Helena State: CA Zip: 94574
Phone: 707 963-1216 Fax: _____ Email: LAURACBREMERFAMILYWINERY.com

PRIMARY CONTACT

This person is responsible for ALL contact with our office.

Primary Contact Name: Laura Bremer	Authorized Agent: (Y) N
Firm: owner	_____
Address: _____	City: _____ State: _____ Zip: _____
Phone: _____	Fax: _____ Email: _____

CONTRACTOR / ARCHITECT

Company Name: owner/Builder	License #: _____	Class: _____	Expires: _____
Mailing Address: _____	City: _____	State: _____	Zip: _____
I HEREBY AFFIRM UNDER PENALTY OF PERJURY that I am licensed under provisions of Chapter 8 (commencing with Section 7000 of Division 3 of the Business and Professions Code), and my license is in full force and affect.	Contact Person: _____	_____	_____
	Email: _____	_____	_____
Contractor/Architect Signature: <input checked="" type="checkbox"/>	Date: _____	_____	_____

YOU MUST COMPLETE BOTH SIDES

15X22

20110622

OWNER BUILDER DECLARATION

(Sec. 7031.5). Business and Professions Code. Any city or county which requires a permit to construct, alter, improve, demolish or repair any structure prior to its issuance, also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors' State License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions' Code) or that he or she is exempt there from and basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500).

I, AS OWNER OF THE PROPERTY, OR MY EMPLOYEES WITH WAGES AS THEIR SOLE COMPENSATION, WILL DO THE WORK, AND THE STRUCTURE IS NOT INTENDED OR OFFERED FOR SALE. (Sec. 7044 Business and Professions Code: The Contractors' State License Law does not apply to an owner of the property, who builds or improves thereon, and who does such work himself or herself or through his or her employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the builder will have the burden of proving that he or she did not build or improve for the purpose of sale.)

I, AS OWNER OF THE PROPERTY, AM EXCLUSIVELY CONTRACTING WITH LICENSED CONTRACTORS TO CONSTRUCT THE PROJECT (Sec. 7004, Business and Professions Code. The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a Contractor's State License Law.

I AM EXEMPT under section _____ for this reason: _____

I HEREBY ATTEST UNDER PENALTY OF PERJURY that I am exempt from the Contractors' State License Law for the above marked reason :

Signature: [Signature] Date: 9/14/11

WORKER'S COMPENSATION

I HAVE AND WILL MAINTAIN A CERTIFICATE OF WORKERS' COMPENSATION INSURANCE, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation carrier and policy No. are:

Carrier: _____

I HAVE AND WILL MAINTAIN A CERTIFICATE OF CONSENT TO SELF-INSURE FOR WORKERS' COMPENSATION, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

Policy: _____

Exp. Date: _____

I CERTIFY THAT IN THE PERFORMANCE OF THE WORK FOR WHICH THE PERMIT IS ISSUED, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California, and agree that if I should become subject to the worker's compensation provisions of Section 3700 of the Labor Code, I shall herewith comply with those provisions. **WARNING:** Failure to secure workers' compensation coverage is unlawful, and subjects an employer to criminal penalties and civil fines up to one hundred thousand dollars (\$100,000), in addition to the cost of compensation, damages as provided for in Section 3706 of the Labor Code, interest and attorney's fees.

I HEREBY AFFIRM UNDER PENALTY OF PERJURY to the above marked declarations:

Signature: [Signature] Date: 9/14/11

DISCLOSURE STATEMENT

I certify that I have read this application and state that the information here in is correct, I agree to comply with all local ordinances and state laws relating to building construction and I make this statement under penalty of law. Furthermore I hereby authorize representatives of the county to enter upon the above-mentioned property for inspection purposes.

NOTICE: This permit will expire by limitation if work is not started in one year or if work is abandoned for more than 180 days. A request for an extension of time must be submitted in writing to the Chief Building Official within one year of issuance or 180 days from last inspection. This application will expire by limitation 180 days from the date of submission.

I (We) agree to save, indemnify and keep harmless the County of Napa against judgments, cost, and expenses which may in any way accrue against said County in consequence of the granting of this permit.

Signature: [Signature] Date: 9/14/11
 Owner Contractor Authorized Agent (Must attach letter)

Barn Ceiling Wood:



Truck Shelter Roof (corrugated metal):

