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HAND DELIVERED

Mr. Nate Galambos, Principal Engineer
Napa County Department of Public Works
1195 Third Street, Room 201
Napa, CA 94559

Re: Lazy Susan Vineyards Road Modification Request
263 Petrified Forest Road, Calistoga (APN 020-430-006)

Dear Nate:

Please find attached a revised Road Modification request, photomontage and associated road map in connection with the above-described project.

Please call me if you have any questions.

Sincerely,

DICKENSON, PEATMAN & FOGARTY

Thomas F. Carey

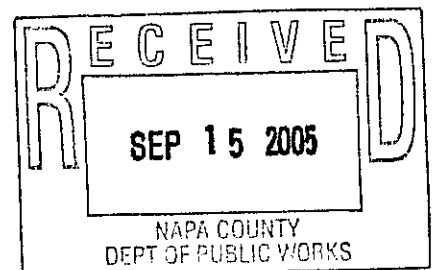
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J. Robert Anglin, Jr.

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Howard G. Dickenson
Joseph G. Peatman
Walter J. Fogarty, Jr.
C. Richard Lemon

TFC:bab
Enclosures

cc: Heather McCollister, Principal Planner
Dirk Fulton, applicant



**REQUEST FOR ROAD MODIFICATION
LAZY SUSAN VINEYARDS
263 PETRIFIED FOREST ROAD, CALISTOGA
APN 020-430-006
(Revised 9/15/05)**

Project Description

The applicant is proposing to construct a new winery and cave with a production capacity of 20,000 gallons.

Request

This request is for a modification to Section 12 of the Napa County Road and Street Standards (2004 revision) to allow the winery access road to have a paved width of 15 feet, rather than the "common drive" standard of 18 feet of roadway with 2 feet of shoulder.

Access to the applicant's property is over an existing, ± 2,060 foot long private road connecting to Petrified Forest Road. In addition to the applicant's winery parcel, two other parcels, one of which is owned by Richard Graeser and one of which owned by the applicant, utilize the road. Applicant's right to use the road to access the winery parcel was established in 1914 by court order (Book 110 of Deeds Page 117, Napa County Official Records, attached). The court found that plaintiff had established a prescriptive easement for a right of way for road purposes with a uniform width of fifteen feet. The court also found that plaintiff was entitled to use the road for "all lawful purposes." Discussions between the applicant and the neighbor regarding additional easement to use three existing paved areas along the road (described below) as turnouts have not been fruitful to date. Therefore, the use of these existing paved areas are not a part of this modification request, but the applicant has agreed to post security with the County for payment of an equal share of the cost of any turnouts required by the Fire Department if Mr. Graeser or his successor should seek to obtain a use permit modification for his winery in the future.

The physical constraints justifying the modification are summarized below and are identified on the attached plan and photomontage. These include numerous mature trees, the top of bank of a blue line stream running along the west side of the road for virtually its entire length and steep slopes on both sides of the road. Allowing the proposed winery to use the existing road meets the objectives of the Road and Street Standards and is consistent with the goal of the modification process to protect and preserve unique features of the natural environment.

Narrative

At the intersection with Petrified Forest Road there is a 60 foot long widened paved area that provides room for a vehicle to pull over and not block the entrance to the road in the event of an emergency (see Photos 1, 2 and 3). A portion of this existing paved area is within the County right-of-way for Petrified Forest Road and a portion on the Graeser property. The next ¼ mile is surfaced with hard packed gravel to a width of 15 feet to the intersection of the driveway leading to the winery on the adjoining parcel (Graeser). This portion of the road is bordered by slopes in

excess of 30 percent on the west side of the road and top of bank of an unidentified stream on the east side of the road (see Photos 4,5, 6, 7, 8).

At the entrance to the Graeser winery driveway, there is a widened area on the west side of the road approximately 60 feet long, suitable for a turnout (see Photos 9 and 10). This area lies outside of the 15-foot easement.

The next section of the road is cut into a densely wooded hillside, with mature redwood trees on both sides (see Photos 11, 12, 13 and 14). However, this \pm 130 foot section of road is straight and allows sufficient visibility to a paved area adjacent to the road, which provides access to a water tank and is suitable for a turnout (see Photos 15 and 16). This area lies outside of the 15 foot easement.

At approximately 90 feet past this paved area, the road surface is paved for the remaining 400 feet to the property line. Portions of this section of the road narrow to 12 feet. Beyond the property line, the applicant intends to construct the access road to the winery in full compliance with the County standards.

Section 3 of these standards allows such a modification when certain criteria are met, paraphrased as follows:

- The modified standard is necessary to protect and ensure the preservation of the unique features of the natural environment. Strict adherence with the existing road standard would result in removal of existing trees and extensive grading on steep slopes flanking both sides of the road.
- The modified standard allows a situation that provides the same overall practical effect as the normal standard would in providing defensible space and does not adversely affect the life, safety and welfare of the public or the persons coming to the property. In this regard, the existing improvements have been adequate for the existing winery on the adjoining parcel, the vineyards on both parcels and the residences on the properties. It is recognized that if in the future traffic levels on the road are increased by expansion of either of the wineries or if additional right-of-way becomes available then additional road improvements may be required.
- The practical effect of installing an 18-foot wide road with a 2-foot shoulder is to provide a continuous two-lane road appropriate for numerous vehicles associated with large production facilities, multiple employees, visitation, and marketing events that provides for safe two-way travel. Given the low level of daily traffic, as shown on the application form, the existing roadway will provide for safe, two-way traffic flow of non-emergency and emergency vehicles.
- The Fire Department has visited the site and preliminarily determined the existing roadway to be adequate for the proposed winery. The Fire Department, however, will require applicant to enter into a deferred improvement with the County providing that, in the event that Mr. Graeser or his successor obtains approval to modify his winery use

permit, the applicant will share equally with Mr. Graeser the cost of any turnout improvements that the Fire Department requires as a condition of Mr. Graeser's application. Applicant will be required to post good and sufficient security for these future improvements in a form acceptable to the County.