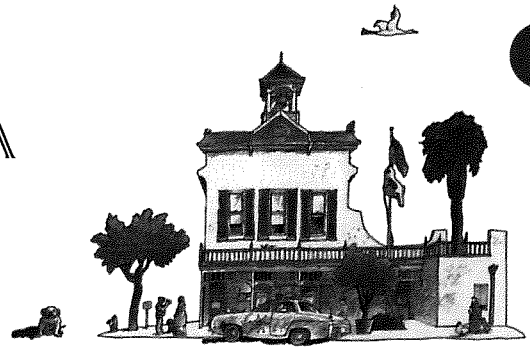


CITY OF CALISTOGA

1232 Washington Street • Calistoga, CA 94515

707.942.2800

November 10, 2008



RECEIVED

NOV 13 2008

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Ms. Linda St. Clair
County of Napa
Conservation, Development & Planning Dept.
1195 Third Street, Suite 210
Napa, CA 94559

RE: Fisher Winery Use Permit Application (File No. P08-00346-UP)
4771 Silverado Trail
APN 020-150-004

Dear Ms. St. Clair:

This letter is in response to your referral on the Fisher Use Permit application to establish a 30,000 gallon per year winery, associated buildings and marketing events at the above-referenced location. As you are aware, the project site is located within the City's Planning Area. Development in the Planning Area has the potential to impact physical and visual assets that are important to the City, so the opportunity to comment on this proposal is greatly appreciated. In consideration of current conditions and the broader goals, objectives and policies in the City's General Plan, the City respectfully requests that project approval be conditioned on the following:

1. Prior to issuance of a building permit, the owner shall submit for the City of Calistoga's approval a Notice/Agreement acknowledging the presence and operation of the City's wastewater treatment plant and associated storage ponds and spray fields. The Notice/Agreement indemnifies the City of Calistoga regarding any claims resulting from the operation and maintenance of the wastewater treatment plant, storage ponds and spray fields. Said Notice/Agreement shall be recorded with the County Recorder prior to the commencement of use.

NOTE: *The City's preferred form for the Notice/Agreement has been attached to this memorandum. The executed notice must be notarized and accompanied with a legal description of the property.*

2. Post-development peak stormwater run-off discharge rates and velocities shall be controlled to maintain or reduce pre-development downstream erosion and to ensure that post-development runoff does not contain pollutant loads which have not been reduced to the maximum extent practicable.

3. The traffic study prepared for this project shall include an analysis on any impacts associated with use of the Silverado Trail/Highway 29 intersection. Any identified deficiencies shall be addressed through appropriate mitigation measures or conditions of approval.
4. County analysis on this project should include mitigation of housing needs associated with the employees to be generated by the operation of the proposed winery.
5. It should be noted that comments from the City's Fire Chief will be transmitted directly to the County's Fire Marshall.

Please do not hesitate to contact me or Ken MacNab at (707) 942-2827, if you have any questions about these comments or would like additional information.

Respectfully,

CHARLENE GALLINA
BY KEN MACNAB

Charlene Gallina,
Planning & Building Director

Attachment

cc: Dan Takasugi, Public Works Director
Steve Campbell, Fire Chief
Ken MacNab, Senior Planner
County Correspondence File

When recorded, mail to:

Robert Fisher, FIV Partners LP
6200 St. Helena Road
Santa Rosa, CA 95404

City Clerk
1232 Washington Street
Calistoga, CA 94515

**NOTICE AND AGREEMENT REGARDING CITY OF CALISTOGA
WASTEWATER TREATMENT PLANT OPERATIONS**

The undersigned is owner of the real property in Napa County commonly known as 4771 Silverado Trail, Calistoga, California more particularly described on Exhibit A attached hereto, (hereinafter "property"). As a condition of approval for a Use Permit (the "Use Permit") to establish a winery and marketing program (P08-00346-UP), the applicant was required to record this Notice and Agreement. By recordation of this document, the undersigned gives Notice that:

1. The "property" is in close proximity to a wastewater treatment plant and associated storage ponds and sprayfields that are owned and maintained by the City of Calistoga. The "property" may experience noise and odors resulting from the normal operation and maintenance of the treatment plant, storage ponds and sprayfields.
2. During the time that the "property" is operated as a winery and during the time that private or public marketing activities are held on the "property", the undersigned and any successor holder of the "Use Permit" shall defend, indemnify and hold harmless the City or any of its boards, commission, agents, officers, and employees from any claim, action or proceeding brought by any customer, guest, patron or invites of the winery and its associated facilities claiming damage arising from the normal operation and maintenance of the wastewater treatment plant, storage ponds and sprayfields. The City shall properly notify the undersigned of any such claim, action, or proceeding. Nothing contained herein shall prohibit the City from participating in the defense of any such claim or proceeding provided the City bears its own attorney fees and costs.

DATED:

Robert Fisher