

**AETNA SPRINGS RESORT
ENTITLEMENTS BINDER**

| Tab | Document | Date |
|------------|--|-------------|
| 1 | Use Permit U-147677 | 11/18/1986 |
| 2 | Use Permit U-89-49 | 06/20/1990 |
| 3 | Letter Re: Extent of Legal Nonconformity # 96348-CLN – Part A | 02/28/1997 |
| 4 | Use Permit #96349-UP | 04/16/1997 |
| 5 | Letter Re: Extent of Legal Nonconformity # 96348-CLN – Part B | 06/20/1997 |
| 6 | Letter Re: Extent of Legal Nonconformity # 96348-CLN – Part C | 10/17/1997 |
| 7 | Letter Re: Extent of Legal Nonconformity # 96348-CLN – Part D | 11/13/1997 |
| 8 | Certificate of the Extent of Legal Nonconformity # 96348-CLN (includes Parts A through D) | 12/11/1997 |
| 9 | Certificate of the Extent of Legal Nonconformity #97477-CLN | 07/01/1998 |
| 10 | Use Permit Application #98047-SPA for Public Restaurant (DENIED) | 09/16/1998 |
| 11 | Use Permit #00095-UP (Winery) | 05/31/2001 |
| 12 | Use Permit Minor Modification # P06-01144-MOD | 10/13/2006 |
| 13 | Use Permit Minor Modification # P06-01526-MOD (STAFF REPORT ONLY) | 04/18/2007 |



NAPA COUNTY

BOARD OF SUPERVISORS

JANICE F. NORTON
County Clerk and Ex-Officio
Clerk of the Board

1195 THIRD STREET, ROOM 310
NAPA, CALIFORNIA 94559
AREA CODE 707/253-4386.
☐ Please Reply to Box #880, Napa, Ca. 94559-0880

November 18, 1986

Alan R. Seher
Attorney at Law
2840 College Avenue, Suite D
Berkeley, Ca. 94705

Dear Mr. Seher:

Based on the settlement of pending litigation between the County of Napa and New Education Development Systems, Inc., Use Permit Application #U-147677 is approved by the Board of Supervisors for the New Educational Development System to operate a recreational and retreat facility and related activities on 672 acres located along Aetna Springs Road approximately 2,500 feet west of Pope Valley Road within an AW zoned District. (Assessor's Parcels 16,040-30, 16-060-08, 16-070-02, 18-020-10, 34, 45 and 46)

Approval date: November 18, 1986.

Your Use Permit is effective from the date of approval and is subject to compliance with all of the attached Conditions of Approval.

The existing Environmental Impact Report for this project is still valid as indicated in the attached July 2, 1986 memorandum from the Environmental Protection Section of the Conservation, Development and Planning Department.

If you have any question concerning the use permit or conditions of approval, please contact the appropriate department.

Very truly yours,

A handwritten signature in cursive script that reads "Mel Varrelman".

MEL VARRELMAN
Chairman

JHH:ml:2d
Attachment

cc: Board of Supervisors
Cliff Lober, Chief Deputy County Counsel
Harry Hamilton, Director/Public Works Department
James H. Hickey, Director/Conservation, Development & Plng. Department
Trent Cave, Director, Environmental Health Department
Byron Carniglia, California Division of Forestry
Bill Hall, Building Codes Administrator

ROBERT (BOB) WHITE
District No. 1

KATHLEEN McCULLOUGH
District No. 2

MEL VARRELMAN
District No. 3

HAROLD MOSKOWITE
District No. 4

JAY GOETTING
District No. 5

(())

CONDITIONS FOR USE PERMIT

ALAN SEHER'S VERSION

(Revised per Cliff Lober's memo of June 18, 1986)

Condition No. 1

Due to the controversial nature of the project, the intensity of the use proposed and environmental sensitivity of the site area, the initial use permit shall be granted for a period of ten (10) years. A status report on the project shall be prepared by the Planning, Conservation, and Development Department and shall be reviewed by the Conservation, Development and Planning Commission at the end of the first five-year period to determine that the operation of the facility is in compliance with all of the conditions of the use permit.

Condition No. 2

The use permit shall be limited to the use of the existing thirty-four (34) structures and related recreational facilities and the area within the project description as set forth in FEIR - 036 certified by the County of Napa on September 27, 1978, all as shown on the approved site plan. Said plan to be submitted prior to the issuance of the use permit. Any expansion of buildings or facilities not subject to zoning administrator review and approval shall be subject to review and approval by the Conservation, Development and Planning Commission, except where exempted from such review and approval by law or ordinance.

As an exception to the above condition, NEDS shall be allowed to reconstruct the owners' residence which had been destroyed by fire. This residence shall be identified on the approved site plan.

In order to clarify the meaning of the terms "facility" and "activity" as used in relation to recreation, the following definitions are provided:

A facility is considered to be a structure and therefore subject to Uniform Building Code requirements.

An activity consists of the action of individuals, with or without a facility. A permit is not required to conduct an activity on the subject property. An activity may, however, be subject to a general ordinance such as the noise ordinance.

Condition No. 3

Submission to the Conservation, Development and Planning Department for review and approval of a complete site plan showing the following:

- a) Number of persons to be housed in each designated residential structure and the identification of residential structures to be used to house staff,

i.e., long-term residential structures;

- b) A minimum of one (1) off-street parking space for each long-term residential structure;
- c) A minimum of twenty (20) off-street parking spaces for the exclusive use by golf course patrons.

Condition No. 4

All off-street parking areas to be improved to a dust-free all weather surface approved by the County Department of Public Works, except that such Department shall not, in any case, require asphalt for any parking area, such improvement to be completed within twelve (12) months after the effective date of this permit or within such time as is set forth in an agreement made with the Public Works Department to ensure construction.

Condition No. 5

The use shall be limited to a private retreat and recreational facility with the golf course open to the general public. Recreational facilities shall be limited to existing facilities. An facility expansion should be as set forth in Condition No. 2.

Condition No. 6

The use shall be subjected to the following population limitations:

- a) First two (2) years of the use permit.
One hundred (100) guests and staff members during weekdays and two hundred (200) guests and staff members during weekends;
- b) All subsequent years of use:
One hundred (100) guests during the weekdays and two hundred guests during the weekends. At all times twenty-five (25) staff members shall be permitted.

For definitional purposes, a weekday is the period from 10:00 a.m. Monday to 5:00 p.m. Friday, and a weekend is the period from 5:00 p.m. Friday to 10:00 a.m. the following Monday. A staff member is defined to be an individual actively involved in the operation of the private retreat, his spouse and children.

Condition No. 7

The number of persons using the golf course shall be limited to that number established historically for regular and tournament use. For purposes of this condition the parties agree that a reasonable estimate of such use would be that at least 150 people have participated in tournaments at any one time and that at least 50 people have participated in non-tournament use or in the regular use

on non-tournament days at any one time.

Condition No. 8

Special one-time events, including, but not limited to, tournaments, camping and seminars involving more than the approved number of guests or staff may be approved administratively on a single event basis subject to the standard conditions of sanitation, traffic control and general health and safety as are now imposed by the Director of Conservation, Development and Planning pursuant to County Ordinance and any such Board delegation. It is the intent of this condition that NEDS be required to comply with the same regulation of special one-time events as are other citizens and organizations within the County.

Condition No. 9

Due to the remote location of the facility and the potential for fire, bonfires shall not be permitted anywhere on the property without the prior written approval of the County Fire Warden.

Condition No. 10

The existing redwood grove on the property shall be protected and shall have limited access.

Condition No. 11

Due to the rural setting of the facility and the prospect for an ongoing regular use at an intensive level, special attention shall be given to maintaining the ambient noise level of the area. For example, no use of outdoor electrical amplification equipment. Noise standards, as established in the County's Noise Ordinance, shall be complied with at all times.

Condition No. 12

Maintain and repair all buildings in accord with the requirements of state and federal governments, if any, for such buildings as may be designated historical buildings. All other buildings shall be maintained in compliance with County building codes and standards.

Condition No. 13

All exterior perimeter lighting shall be directed away from property boundaries to minimize emitted light that can be observed by adjoining property residents.

Condition No. 14

Storage and disposal of all liquid and solid waste materials shall be in compliance with all applicable local, regional, State and

Federal requirements.

Condition No. 15

The applicant shall establish and maintain a fire prevention education and suppression program that complies with all requirements and standards of the County Fire Warden. The current standards shall be attached to the use permit by the County Fire Warden.

Condition No. 16

Obtain approval of the County Department of Environmental Health at such time as the mineral baths on the property are to be operated, including the water discharge methods to be used. Drinking water shall meet the standards and conditions of the Napa County Department of Environmental Health.

Condition No. 17

Due to the rural location of the facility and the two-lane road providing access, the applicant shall, to the greatest extent possible, use buses and/or vans to transport guests and staff to and from the resort.

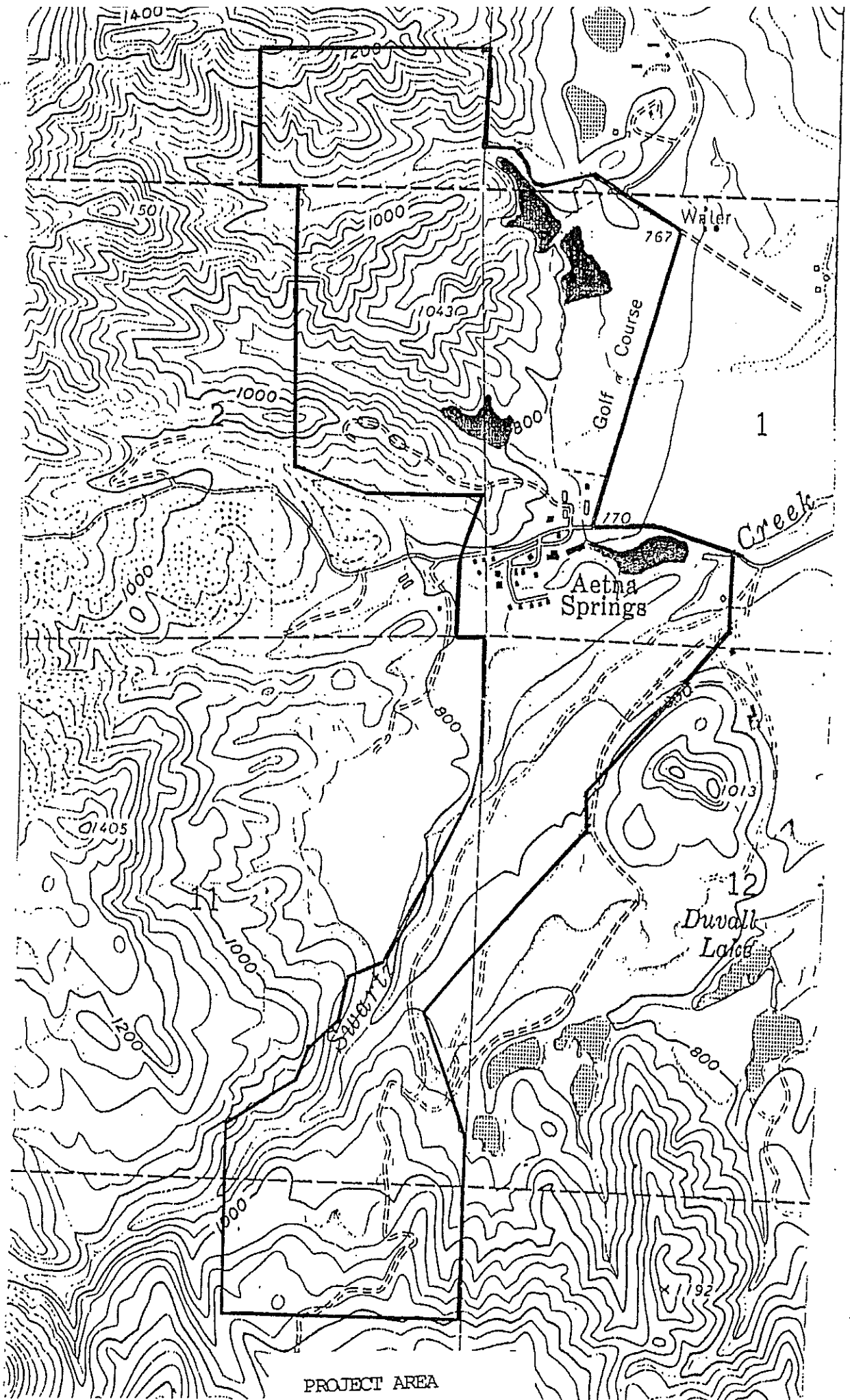
In no event shall the number of automobiles on the site exceed the number of parking spaces provided on the dust-free, all-weather parking area as approved by the County Department of Public Works.

Condition No. 18

Compliance with all applicable building codes, zoning standards and requirements of the various county departments and agencies, unless exempt under the law.

Condition No. 19

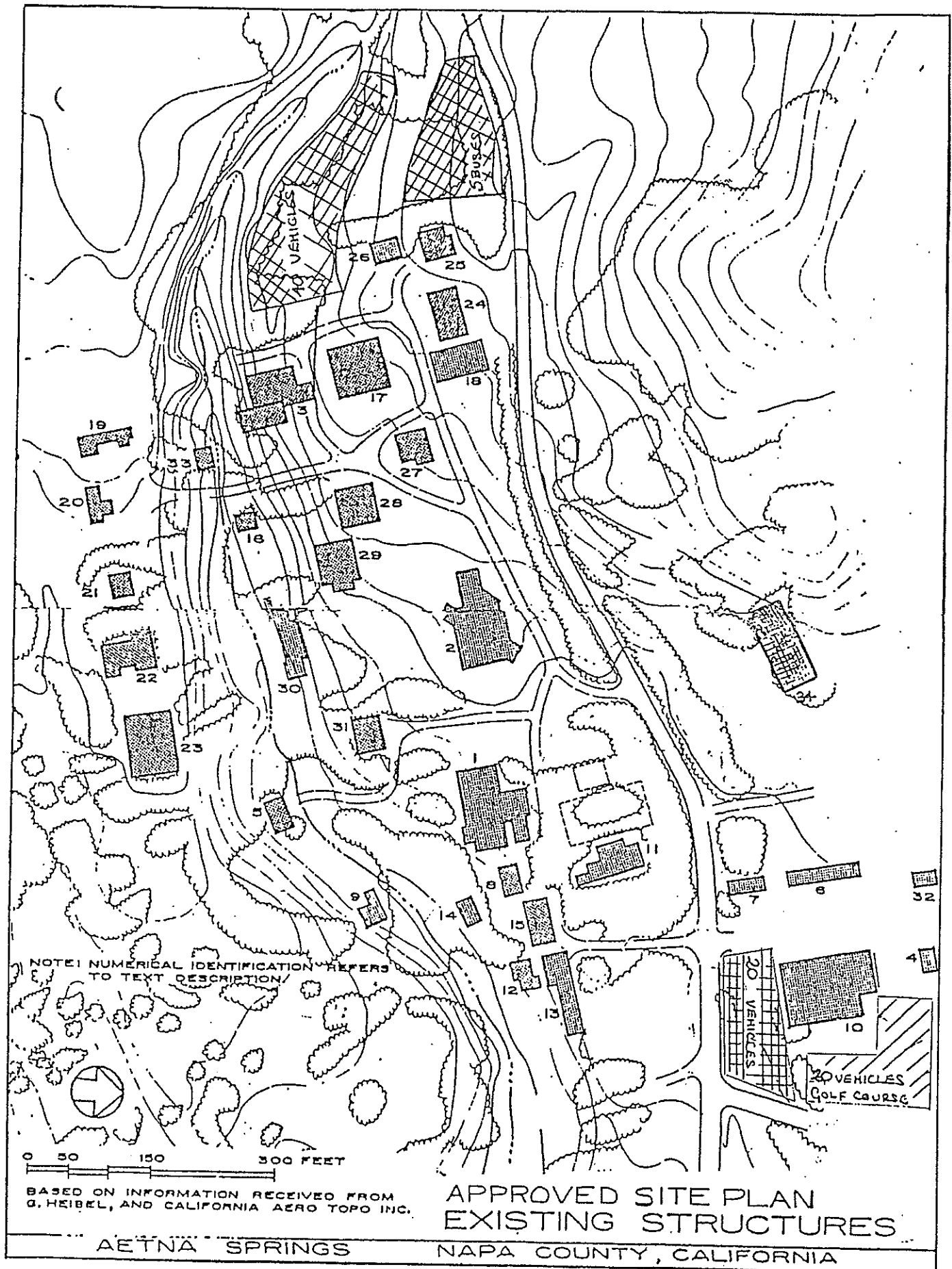
Conveyance by the applicant of the property subject to any entity shall be accompanied by a statement informing the purchaser that any use other than that set forth in these conditions shall require a new and separate use permit.



PROJECT AREA

AETNA SPRINGS RECREATIONAL AND RETREAT FACILITIES
SITE PLAN NOVEMBER 18, 1986

PREPARED BY NEW EDUCATIONAL DEVELOPMENT SYSTEM



KEY TO APPROVED SITE PLAN

STRUCTURES AND PROPOSED USE*
AETNA SPRINGS RECREATIONAL & RETREAT FACILITIES

| <u>STRUCTURE</u> | <u>NAME OF EXISTING STRUCTURES</u> | <u>NUMBER OF PERSONS PER STRUCTURE</u> |
|------------------|--|--|
| 1 | Dining Hall | - |
| 2 | Social Hall | - |
| 3 | Soda Fountain | - |
| 4 | Golf Club House | - |
| 5 | Bathhouse | - |
| 6 | Garage | - |
| 7 | Plumbing Shop | - |
| 8 | Tool Shed | - |
| 9 | Showers - Pool Filter | - |
| 10 | Barn | - |
| 11 | Main House | 6 (Staff) |
| 12 | Cottage | 2 (Staff) |
| 13 | Living Quarters | 10 (Staff) |
| 14 | Creekside Living Quarters | 4 (Staff) |
| 15 | Linen Room & Living Quarters | - |
| 16 | Caroline | 6 |
| 17 | Winship | 20 |
| 18 | Gassaway | - |
| 19 | Munro | 14 |
| 20 | Locust | 6 |
| 21 | Hartson | 14 |
| 22 | Owl's Nest | 14 |
| 23 | Aetna | 24 |
| 24 | Acacia-Elm | 10 |
| 25 | Alger | 6 |
| 26 | Robin | 6 |
| 27 | Russ | 14 |
| 28 | Dewey | 14 |
| 29 | York | 16 |
| 30 | Francis Marion | 20 |
| 31 | Lawton | 16 |
| 32 | Toilets | - |
| 33 | Mineral Bath | - |
| 34 | Owner's Residence | 3 (Staff) |
| <u>TOTAL</u> | | 200 |
| | | 25 (Staff) |

*Building identification and use as proposed by NEDS November 18, 1986.



JEFFREY R. REDDING
Director

NAPA COUNTY

CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

June 22, 1990

Jonathan Brundrett
NEDS
1600 Aetna Springs Road
Pope Valley, CA 94567

Assessor's Parcel #18-020-45

Dear Mr. Brundrett:

Please be advised that Use Permit Application Number #^U-89-49 has been approved by the Napa County Conservation, Development and Planning Commission based upon the following conditions.

(SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

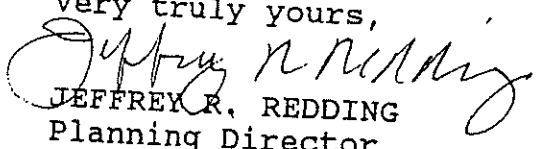
APPROVAL DATE: June 20, 1990 EXPIRATION DATE: July 15, 1991


The use permit becomes effective ten (10) working days from the approval date unless an appeal is filed with the Napa County Board of Supervisors pursuant to Title XIII of the Napa County Code. You may appeal the conditions of approval. In the event an appeal is made to the Board by another, you will be notified.

Pursuant to Section 12806 of the Napa County Code, the use permit must be activated within one (1) year and ten (10) calendar days from the approval date or the use permit shall automatically expire and become void. A one-year extension of time in which to activate the use permit may be granted by the County provided that such extension request is made thirty (30) days prior to the expiration date. A request for an extension of time is subject to payment of a \$250.00 filing fee.

This letter serves as the only notice you will receive regarding the expiration date of your permit or procedures for extensions.

Very truly yours,


JEFFREY R. REDDING
Planning Director

cc: John Tuteur, County Assessor
Bill L. Hall, Building Codes Administrator 

Brundret.UP

CONDITIONS OF APPROVAL

Agenda Item: #7

Meeting Date: June 20, 1990

Use Permit: #U-89-49

1. The permit is limited to the establishment of a driving range as indicated on the site plan dated April 17, 1990.
2. Any expansion or changes in use to be by separate Use Permit submitted for Commission consideration.
3. There shall be a minimum of 25 off-street parking spaces for exclusive use of golf course and driving range patrons on a dust-free all-weather surface approved by Public Works.
4. The property owner shall grant an easement to the County of Napa to provide for a 30-foot half street road right-of-way from the centerline of Aetna Springs Road adjacent to the golf course property.
5. Prior to any use of the driving range, the applicant shall install a barrier to prevent stray balls from potentially striking vehicles on Aetna Springs Road. The design and location of said barrier shall be subject to the approval of the County Planning Department. The installation of the barrier may be waived upon concurrence of the County Planning Department and the County Public Works Department if it can be sufficiently demonstrated by the applicant that the use will not pose a hazard to vehicles on Aetna Springs Road.
6. No additional outdoor signs are authorized.
7. Compliance with the terms and conditions of Use Permit #U-147677, all other applicable building codes, zoning standards, and requirements of various County departments and agencies.

ke3:brundret.coa



NAPA COUNTY

CONSERVATION, DEVELOPMENT and PLANNING DEPARTMENT

Jeffrey Redding
Director

1195 Third Street, Room 210 • Napa, CA 94559-3092
Telephone 707/253-4416 FAX 707/253-4336

February 28, 1997

Alan R. Seher
WEISS & WEISSMAN, INC.
90 New Montgomery St., Suite 1400
San Francisco, CA 94105

Re: Certificate of the Extent of Legal Nonconformity Request #96348-CLN
(APN 018-020-046 *et al.*)(NEDS/Aetna Springs Resort)

Dear Mr. Seher:

A public hearing on your request for a Certificate of the Extent of Legal Nonconformity for the Aetna Springs Resort complex was held by the Napa County Zoning Administrator on February 7, 1997. The public hearing on the portion of the determination regarding all items **other** than overnight lodging facilities and structures/uses within the stream setback was **CONTINUED** until a date to be set after completion of the concurrent Use Permit consideration.

After closing the public hearing on the lodging/setback portion on February 28, the Zoning Administrator found that:

Legal nonconforming uses exist, consisting of:

- Overnight lodging accommodations for a total of 200 persons, and staff housing for a total of 25 residents, in twenty-one (21) existing structures within the Aetna Springs Historic Complex as shown on the attached Exhibit A (map) and Exhibit B (chart); and
- Common-use (recreation and dining) in the "Soda Fountain" structure within the required stream setback, as shown on Exhibit A; and
- Common use (recreation) in the "Bath House," "Shower, filter and pool," and "Mineral Bath" structures within the required stream setback, as shown on Exhibit A; and
- Lodging and staff housing in the "Creekside", "Caroline", and "Frances Marion" structures within the required stream setback, as shown on Exhibit A.

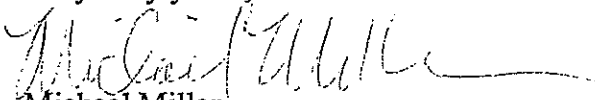
Eight (8) legal nonconforming structures exist within the required stream setback as shown on Exhibit A:

- The 1566 sq.ft. one-story historic wooden "Soda Fountain" with 2300 sq.ft. covered outdoor pavilion, 720 sq.ft. patio, and stone foundation, constructed in approximately 1880 and 1908; and
- The 684 sq.ft one story historic wooden "Bath House", constructed in approximately 1877, remodeled in the 1920s, and renovated in 1988; and
- The 240 sq.ft. one-story historic peeled-log "Mineral Bath Pavilion" with metal roof and stone base, constructed in approximately 1900; and
- The 528 sq.ft. one-story historic wooden "Creekside" with shingled roof, constructed at an unknown date; and
- The 565 sq.ft one-story historic wooden "Caroline" with shingled roof and 428 sq. ft open porch on a foundation extending almost a story down the creek bank, constructed in approximately 1925; and
- The 1845 sq.ft. one-story historic wooden "Frances Marion" with 877 sq.ft screened porch, shingled roof and stone chimney, constructed in approximately 1925; and
- A ±3300 sq.ft. concrete swimming pool and deck, constructed in the nineteenth century and enlarged in approximately 1894 and the 1950s; and
- A 316 sq.ft one-story wooden shower and pool filter structure, constructed in the 1950s.

This determination may be appealed to the Board of Supervisors within ten working days in accord with the procedures established in Chapter 2.88 of the Napa County Code. Appeal forms may be obtained from the Planning Division, 1195 Third Street, Room 210, Napa, between 8:00 A.M. and 5:00 P.M. The appeal fee in this matter is \$125.00.

If there is no appeal, a conforming Certificate will be executed and forwarded to you and to the Napa County Assessor. Please note that this determination applies at the time of approval, and cannot protect the currently nonconforming use or structure against future voluntary abandonment.

Very truly yours,



Michael Miller

Zoning Administrator

NAPA COUNTY
DEPARTMENT OF CONSERVATION, DEVELOPMENT & PLANNING

CERTIFICATE OF THE EXTENT OF LEGAL NONCONFORMITY

DATE OF ISSUANCE: February 28, 1997

In accordance with Section 18.132.050(C) of the Napa County Code, the Napa County Zoning Administrator held a public hearing on February 7, 1976, regarding the extent of legal nonconformity of the church and recreational/educational/religious retreat including overnight accommodations and the golf course with restaurant and pro shop located on 672 acres along Aetna Springs Road approximately 2500 feet of Pope Valley Road within AW (Agricultural Watershed) zoning district. (Assessor's Parcels Number 16-040-030, 16-060-008, 16-070-002, 18-020-010, 18-020-034, 18-020-045 and 18-020-046)

Because a use permit is pending before the Conservation, Development and Planning Commission and their action on the use permit may alleviate the need for a determination on some of the uses and/or structures, the Zoning Administrator has restricted this certificate to the nonconformity of structures with regard to setbacks and use for housing and overnight accommodations. A subsequent certificate may be issued depending on the Commission's action.

The Zoning Administrator has determined that the following constitutes a legal nonconforming use or structure within the requirements of the Napa County Code:

- A legal nonconforming use exists;
- The legal nonconforming use consists of overnight lodging accommodations and staff housing in twenty-one (21) structures within the Aetna Springs Historic Complex identified on attached Exhibit A (map) and Exhibit B (chart); and
- The uses and structures within the stream setback as indicated in attached Exhibit A (map) and legend thereon.

This determination has not been appealed, and has therefore become final.


Zoning Administrator


Date

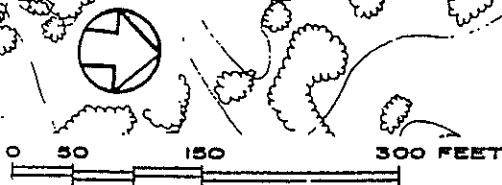
EXHIBIT A

| Buildings Within Stream Setback (* indicates historic structure) | | | |
|---|--------------------------|---------------------------------------|--|
| Bldg # | Name | Use | Square footage |
| 3* | Soda Fountain | Common use/ eating & recreation | 1566 sq ft plus 720 sq ft patio, 2300 sq ft covered porch |
| 5* | Bath House | Common use/ recreation | 684 sq ft |
| 9 | Shower, filter & pool | Common use/ recreation | 3616 sq ft |
| 14* | Creekside | Staff housing/ 2 bedrms | 528 sq ft |
| 16* | Caroline | Lodging/ 2 bedrms | 565 sq ft plus 428 sq ft open porch |
| 30* | Frances Marion | Lodging/ 9 bedrms | 1845 sq ft plus 877 sq ft screened porch |
| 33* | Mineral Bath | Common use/ recreation | 240 sq ft |

LEGEND

 Approximate Stream Setback Area

 Aetna Springs Historic Complex



AETNA SPRINGS NAPA COUNTY, CALIFORNIA

EXHIBIT B

| Aetna Springs Retreat Facility - Staff Housing and Overnight Accommodations (* indicates historic structure) | | | |
|---|-----------------|---|---|
| Bldg # | Name | Use | Square footage |
| 11* | Main Residence | Staff housing/3 bedrms, 2 baths, 1 kitchen, living rm, dining rm, office | 2222 sq ft |
| 12* | Cottage | Staff housing/2 bedrms, 1 bath, 1 kitchen, living rm | 800 sq ft |
| 13* | Living Quarters | Staff housing/10 bedrms, 3 baths, 1 kitchen, open porch (OP) | 1600 sq ft plus 300 sq ft OP |
| 14* | Creekside | Staff housing/2 bedrms, 1 bath, 1 kitchen, open porch (OP) | 528 sq ft plus 96 sq ft OP |
| 15* | Linen Room | Lodging/2 bedrms, 2½ baths, storage, open porch (OP) | 975 sq ft plus 208 sq ft OP |
| 16* | Caroline | Lodging/2 bedrms, 2 baths, 2 open porches (OP) | 565 sq ft plus 428 sq ft OP |
| 17* | Winship | Lodging first floor: 4 bedrms, 4 baths, open porch (OP) Lodging second floor: 7 bedrms, 2 baths, open porch (OP) | 2592 sq ft plus 4320 sq ft OP |
| 18* | Gassaway | Lodging/dormitory, 3 baths, 2 screened porches (SP), open porch (OP) | 1100 sq ft plus 190 sq ft SP, 774 sq ft OP |
| 19* | Munro | Lodging/3 bedrms, 3 baths, 3 screened porches (SP) | 565 sq ft plus 453 sq ft SP |
| 20* | Locust | Lodging/2 bedrms, 2 baths, 2 screened porches (SP) | 425 sq ft plus 294 sq ft SP |
| 21* | Hartson | Lodging/4 bedrms, 4 baths, 2 screened porches (SP), open porch (OP) | 840 sq ft plus 158 sq ft SP, 534 sq ft OP |
| 22* | Owl's Nest | Lodging/4 bedrms, 4 baths, 2 screened porches (SP), open porch (OP) | 1020 sq ft plus 300 sq ft SP, 882 sq ft OP |
| 23* | Aetna | Lodging/8 bedrms, 8 baths, 4 screened porches (SP), open porch (OP) | 2259 sq ft plus 770 sq ft SP, 1040 sq ft OP |
| 24* | Acacia-Elm | Lodging/4 bedrms, 4 baths, 4 screened porches (SP), open porch (OP) | 1024 sq ft plus 640 sq ft SP, 570 sq ft OP |
| 25* | Alger | Lodging/3 bedrms, 2 baths, 2 screened porches (SP), open porch (OP) | 624 sq ft plus 246 sq ft SP, 296 sq ft OP |
| 26* | Robin | Lodging/3 bedrms, 3 baths, 2 screened porches (SP), open porch (OP) | 604 sq ft plus 160 sq ft SP, 235 sq ft OP |
| 27* | Russ | Lodging/4 bedrms, 4 baths, open porch (OP) | 757 sq ft plus 824 sq ft OP |
| 28* | Dewey | Lodging/4 bedrms, 4 baths, open porch (OP) | 1080 sq ft plus 1092 sq ft OP |
| 29* | York | Lodging/6 bedrms, 6 baths, open porch (OP) | 1670 sq ft plus 1288 sq ft OP |
| 30* | Frances Marion | Lodging/9 bedrms, 9 baths, 8 screened porches (SP) | 1845 sq ft plus 877 sq ft SP |
| 31* | Lawton | Lodging/3 bedrms, 1 bath, 1 kitchen, living rm, office, open porch (OP) | 1310 sq ft plus 704 sq ft OP |



NAPA COUNTY

CONSERVATION, DEVELOPMENT and PLANNING DEPARTMENT

Jeffrey Redding
Director

1195 Third Street, Room 210 • Napa, CA 94559-3092
Telephone 707/253-4416 FAX 707/253-4336

April 23, 1997

Alan Seher
WEISS & WEISSMAN, INC.
90 New Montgomery Street, Ste 1400
San Francisco, CA 94105

RE: Use Permit #96349-UP (New Educational Development System/Aetna
Springs Resort)
APN 018-020-046 *et al.*

Dear Mr. Seher:

At the meeting of April 16, 1997, the Conservation, Development & Planning
Commission **APPROVED** Use Permit #96349-UP pursuant to the attached conditions.
(SEE ATTACHED CONDITIONS OF APPROVAL)

The Commission's action is appealable to the Board of Supervisors within ten working
days pursuant to Napa County Code Chapter 2.88.

The Use Permit must be "used" according to Chapter 18.124 of the Napa County Code
within one year and 10 calendar days from the approval date (April 26, 1998). If no
building permit is required, "use" may commence by initiating the permitted activity
according to the conditions of approval.

Once used, the issued permit will not "expire." However, if needed, extension of the
time in which to "use" the permit must be requested before the expiration date and
must be accompanied by the application fee (currently \$385.00) and updated noticing
package.

Certificate of the Extent of Legal Nonconformity File #96348-CLN remains open for
the purpose of considering aspects of the requested Resort activities not covered by the
use permit. In particular, the issue of overnight camping will be considered by the
Zoning Administrator. To meet your burden of presenting evidence to the Zoning
Administrator, please contact Barbara Abate, Project Planner or Sylvia Toth,
Supervising Planner, for further information about scheduling and additional data
needs.

Under separate cover, I am also sending you a letter regarding the "Pope Valley Ropers and Riders" event discussed by the Commission.

Very truly yours,



Michael Miller
Deputy Planning Director

attachments

cc. Jeffrey Redding, Director
Gary Brewen, Building Codes Administrator
John Tuteur, Assessor
Robert Westmeyer, County Counsel
Christine Secheli, Department of Environmental Management
Larry Bogner, Department of Public Works
Ethan Foote, Napa County Fire Department
G. Arnold Inouye, Central Valley Regional Water Quality Control Board, 3443 Routier Rd, Ste. A,
Sacramento, CA 95827
Dr. Ellen L. Woodard, THE CLEARY RESERVE, PopeValley, CA 94567
Casey Cox, Aetna Springs Resort, 1600 Aetna Springs Rd., Pope Valley, CA 94567

CONDITIONS OF APPROVAL
#96349-UP (N.E.D.S./Aetna Springs)

This approval is limited to :

- A. a church, and private recreational/educational/religious retreat uses at Aetna Springs Resort for two retreat programs for a maximum of 200 guests on weekends and 100 guests on weekdays with 25 permanent resident employees, as defined in the original NEDS Use Permit (File #U-147677: weekend = Friday PM to Monday AM and weekday = Monday AM to Friday PM).
 - B. a 9-hole public golf course/ driving range/ pro shop/ snack bar, as approved by expired Use Permit File # U-147677 (modified by File # U-89-49) within the existing structures and existing facilities for an average of 150 golfers per day, not to exceed 250 per day. The golf course facilities shall be limited to golf related activity and shall not be used for large gatherings unrelated to golf, such as, but not limited to, weddings.
 - C. expansion of the existing water system with the addition of 2-5,000 gallon water tanks, and 40 new vehicle parking spaces, of which 20 are proposed for the golf course and 20 for the resort accommodations.
 - D. recreational activities, associated with the overnight retreat accommodations approved by the Zoning Administrator on February 28, 1997 (File # 96348-CLN), include outdoor swimming pool, tennis, badminton, volleyball, baseball, softball, football, soccer, lacrosse, field hockey, archery, horseshoes, children's playground, children's games, arts & crafts and other uses of indoor common areas.
 - E. food service facilities, common use buildings, and recreational structures, including the dining room, social hall, soda fountain, bathhouse, Gassaway Bldg, mineral bath, at the resort are considered accessory to the overnight lodging accommodations (as approved by the Zoning Administrator on February 28, 1997, File # 96348-CLN).
 - F. outdoor recreational uses include fishing, hiking, walking, running, horseback riding & other equestrian activities, bicycling, water sports, nature studies, swimming in lakes on the property.
 - G. The uses of the site as a "church" includes contemplation, meditation and prayer, singing, music, religious instruction, and other similar activities, whether indoors or outdoors. The church use is limited to the maximum number of allowed visitors to the site (200 on weekend retreat and 100 on weekday retreat with 25 resident employees).
2. Prior to issuance of any grading permit or other Public Works approval for the proposed parking areas, a site plan shall be submitted to the Conservation, Development and Planning Department for review of the location of the golf course parking layout and the new resort parking layout.

CONDITIONS OF APPROVAL
#96349-UP (N.E.D.S./Aetna Springs)

- ☐ No new construction is proposed as a part of the project. Any expansion or changes in use shall be by separate Use Permit submitted for Commission or Zoning Administrator consideration. A use permit modification will be required for any new construction, including but not limited to:
- any expansion of the accessory recreational uses, such as, but not limited to, the construction of a ballfield outside the designated resort complex as identified on Exhibit A, identifying the Aetna Springs Historic Complex in the letter from the Zoning Administrator dated February 28, 1997.
 - any expansion of the outdoor recreational uses, such as, but not limited to, the construction of any new hiking, equestrian, or mountain biking trail.
4. Modification to any of the designated historical structures onsite will require additional CEQA review prior to issuance of any building or other ministerial permits.
5. The applicant shall comply with all applicable building codes, zoning standards, and requirements of County Departments and other agencies (attached), including but not limited to the following:
- the Department of Environmental Management letter of November 22, 1996.
 - the Department of Public Works memo dated March 3, 1997 and amended March 11, 1997.
 - the County Fire Department memos of February 27, 1997 and March 11, 1997.
(incorrectly dated 1996), as modified at the April 16, 1997 hearing. *[NOTE: A written copy of these revisions will be forwarded after receipt from the Fire Department]*
 - the State Office of Historic Preservation letter dated November 19, 1996.
 - the Central Valley Regional Water Quality Control Board letter dated February 24, 1997.
6. Any new outdoor lighting shall be low impact lighting directed downward and shall not be directed to project off-site or cause glare to surrounding parcels or result in a general urban-type skyward glow. Outdoor lighting shall be off after 10:00 p.m. The proposed lighting shall be submitted to the CDPD for review prior to issuance of any building or electrical permit.
7. Any proposed signs will be required to comply with the sign provisions of the code and will require submittal and review of a sign permit.
8. The overnight lodging accommodation on the site is limited to the CLN determination by the Zoning Administrator on February 28, 1997 that the overnight lodging accommodations exist on the site for a total of 200 persons, staff housing for a total of 25 residents, in twenty-one (21) existing structures within the Aetna Springs Historic Complex.
- ☐ Uncontained fires (such as campfires, bonfires, etc.) are prohibited on site unless prior approval is obtained from the Fire Department.

CONDITIONS OF APPROVAL
#96349-UP (N.E.D.S./Aetna Springs)

10. Buses and vans should be used whenever possible for access to the site rather than individual vehicle access.
11. Comply with the 10 Mitigation Measures described in the Project Revision Statement as revised at the April 16, 1997 with the concurrent approval of the applicant's attorney (attached).
12. All staff costs associated with monitoring compliance with these conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.
13. The informational brochure required in Mitigation Measure # 5 (federally-classified threatened California red-legged frog) shall be submitted to the US Dept. of Fish & Wildlife Service for review and approval within 60 days of project approval, and the applicant shall forward that Department's approval when obtained to the Conservation, Development and Planning Department.
14. The new 20 vehicle parking lot for the resort shall be located outside of any potential habitat area for the California red-legged frog, in a location approved by the Conservation, Development and Planning Department Director.
15. Camping on the site, if recognized through a Certificate of the Extent of Legal Nonconformity (CLN), may occur only below the 800 ft. elevation, and shall be located at least 200 feet from any surface water, spring, or well.
16. A separate water source shall be established and maintained for horses (such as a water trough) throughout the duration of any equestrian activities on the site.

EXHIBIT A

Buildings Within Stream Setback
(* Indicates historic structure)

| Building # | Name | Use | Square Footage |
|------------|--------------------------|---------------------------------------|--|
| 3* | Soda Fountain | Common use/ eating & recreation | 1566 sq ft plus 720 sq ft patio, 2300 sq ft covered porch |
| 5* | Bath House | Common use/ recreation | 684 sq-ft |
| 9 | Shower, filter & pool | Common use/ recreation | 3616 sq ft |
| 14* | Creekside | Staff housing/ 2 bedrms | 528 sq ft |
| 16* | Caroline | Lodging/ 2 bedrms | 565 sq ft plus 428 sq ft open porch |
| 30* | Frances Marion | Lodging/ 9 bedrms | 1845 sq ft plus 877 sq ft screened porch |
| 33* | Mineral Bath | Common use/ recreation | 240 sq ft |

LEGEND

- Approximate Stream Setback Area
- Aetna Springs Historic Complex



50 150 300 FEET

AETNA SPRINGS NAPA COUNTY, CALIFORNIA

RECEIVED

NOV 26 1996



NAPA COUNTY

DIVISION OF
ENVIRONMENTAL HEALTH

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

1195 THIRD STREET, ROOM 101 • NAPA, CALIFORNIA 94559-3082
AREA CODE 707/253-4471 • FAX 707/253-4545

MEMORANDUM

TO: Napa County Planning Dept. - Jeffrey Redding, Director

FROM: Department of Environmental Management - Chris Secheli, R.E.H.S.

SUBJECT: Use Permit Application for New Education Development Systems

DATE: November 22, 1996

APN 18-020-10, 34, 45, 46, 16-040-30, 16-060-08, 16-070-02

FILE # 96349-UP

Located at 1600-1621 Aetna Springs Road

We have reviewed the above proposal and recommend approval of the application providing the following are included as conditions of approval:

1. That complete plans containing equipment layout, finish schedule and plumbing plans for the food and beverage facilities and employee restrooms, be submitted for review and approval by the County Department of Environmental Management. An annual food permit will also be required. This applies to both the dining hall and soda fountain/bar.
2. That complete plans for the swimming pool and/or spa including decking and accessory restroom facilities, be submitted to the County Department of Environmental Management for review and approval prior to issuance of building permits. An annual pool permit will also be required.
3. A Hazardous Materials Business Plan or Negative Declaration Response Form must be submitted and approved by the Hazardous Materials Section of the Napa County Department of Environmental Management. This must be submitted within 60 days of receiving the use permit unless the applicant submits a letter stating the hazardous materials will not be brought on site until a specified future date. In this case, the Business Plan or Negative Declaration must be submitted within 30 days of bringing the Hazardous Materials on site.

4. That the applicant secure a discharge requirement or waiver of same, from the Regional Water Quality Control Board for the proposed waste water system.
5. That the water supply system comply with the California Safe Drinking Water Act and Related Laws. This will require a plan review and an annual operating permit from the Department of Environmental Management.
6. That all solid waste be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
7. During the construction/demolition/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.
8. 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: N.E.D.S., c/o Alan Seher, 90 New Montgomery St., Ste 1400, San Francisco, CA 94105

RECEIVED

MAR 11 1997

**PUBLIC WORKS DEPARTMENT
INTER-OFFICE MEMO**

N. CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.



March 11, 1997

TO: Conservation Development and Planning Department
FROM: Donald Gruenhagen, Engineering Assistant
SUBJECT: Aetna Springs Resort, 96349-UP

We would like to add to our recommended conditions on the memo dated March 3, 1997 for the above referenced use permit. All previous conditions remain unchanged with the addition of the following. Per the traffic study by TJKM Transportation Consultants, the road classification still falls under a general minor without parallel street parking with A.D.T. up to 1,000 vehicles per day which matches the existing road classification. The traffic study was prepared using standard traffic engineering principles and practices.

RECOMMENDED CONDITIONS:

1. The road setback for Aetna Springs Road, as set by the Napa County Code in Chapter 18.112.080, is 30 feet from the center of the existing road Right-of-way. We will require the property owner to grant an easement of land 30 feet wide along the road frontage to both the Golf Course and the Private Resort.
2. Since the golf course is open to the public, any additional parking facilities shall have a minimum structural section equivalent to 2 inches of asphalt concrete surface on five inches of Class II aggregate base. All additional private parking facilities shall have a minimum structural section equivalent to a double sealcoat surface on five inches of Class II aggregate base. Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards.
3. All roads on the golf course property that provide access to the public parking facilities shall have a minimum structural section equivalent to 2 inches of asphalt concrete surface on five inches of Class II aggregate base. All private service roads shall have a minimum structural section equivalent to a double sealcoat surface on five inches of Class II aggregate base.
4. All roads that serve the private resort serving four or more buildings shall be upgraded to a type II common drive. All roads that serve three or less buildings shall be upgraded to a modified type II common drive. Both types of common drives must have a minimum structural section equivalent to a double seal coat on 5 inches of Class II aggregate base.
5. Any necessary storm drainage improvements shall conform to the latest Napa County Road and Street Standards.
6. All driveway entrances to both the Golf Course and the Private Resort shall be paved from the existing edge of pavement along Aetna Springs Road to the right-of-way line with a culvert if a roadside ditch is present. The applicant shall obtain an encroachment permit for any work performed within the county right-of-way.
7. On site improvements shall be constructed according to plans prepared by a registered civil engineer which will be reviewed and be approved by this office. A plan check fee in the amount of 3% of the estimated cost of the proposed construction will be paid to Napa County Public Works prior to approval of these plans.

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MAR 4 - 1997

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

**PUBLIC WORKS DEPARTMENT
INTER-OFFICE MEMO**



March 3, 1997

TO: Conservation Development and Planning Department

FROM: Donald Gruenhagen, Engineering Assistant

SUBJECT: Aetna Springs Resort, 96349-UP

This application will allow the applicant to continue the private recreational uses at Aetna Springs Resort. This application will also allow an additional 5,000 square feet of buildings and 40 additional parking spaces.

EXISTING CONDITIONS:

1. The existing road setback of Aetna Springs Road is 20 feet wide. The existing pavement width varies from 17 feet to 21 feet..
2. The existing road to the golf course parking lot has a gravel surface with an average width of 16 feet on a private road known as Aetna Springs Lane with a Right-of-way width of 30 feet.
3. The existing golf course parking lot has an asphalt concrete surface and is approximately 60 feet by 100 feet. There is no striping for the parking spaces.
4. The main entrance road to the private resort consists of a 12 foot wide gravel road centered between two rock pillars spaced approximately 14 feet apart with an arch sign connecting the two pillars.
5. The on site roads at the private resort consist of widths varying from 8 to 11 feet with a gravel or dirt surface or over grown with grass.
6. The on site parking areas at the private resort are varying in size with a gravel or dirt surface and some areas overgrown with grass.

INTER-OFFICE MEMO



27 February 1997

RECEIVED

MAR 3 1997

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING CES

TO: Jeffrey Redding, Director
Conservation – Development and Planning Department

FROM: Ethan Foote, Fire Department

SUBJECT: Initial Study Comments
NEDS / Aetna Springs Resort
(New Educational Development Systems Inc.)

96349 -UP
96348-CLN

7660 Recommended Fire Safety Standards
9200 Fire Prevention Engineering
1600 Aetna Springs Road, Pope Valley

APN: 016-707-002

The Fire Department (NCFD) has reviewed the above Certificate of Legal Nonconformity application. There were no applicable requirements for the project from this Department at the time establishment, nor at the time of construction as identified in the application.

The Fire Department has also reviewed the above use-permit application to use 34 existing structures as a retreat, including golf and overnight lodging, for religious, recreational and educational uses. We recommend that the following items be incorporated in conditions for the project.

1. All new construction and use shall comply with applicable standards, regulations, and codes in effect at the time of building permit issuance including (as a minimum): Napa County Fire Protection Standards (County FPS); State Fire Safe Regulations (State FSR); Napa County Road and Street Standards (R&SS); and the Uniform Fire Code (UFC).
2. All existing buildings shall meet minimum fire and life safety requirements prior to occupancy (e.g. smoke detection, fire alarm, and exiting).
3. Prepare a site plan of, and provide fire protection maintenance for, the following existing infrastructure within 90 days of approval of this application:
 - a. fire apparatus access to buildings,
 - b. system of water supplies for fire protection (as per NFPA 24 §1-4 Plans),
 - c. hazardous materials.

4. Install within 90 days of approval of this application a pre-fire plan & hazardous materials data storage cabinet utilizing the Fire Department/Sheriff Office "Rapid Entry (Knox) System", as per Fire Department specifications.
5. Provide the following prior to substantial use of the proposed resort overnight and assembly operations:
 - a. fire apparatus access to buildings (County FPS §VI to residential and County FPS §IV to light and moderate hazard occupancies, e.g. assembly);
 - b. water supplies for fire protection (County FPS §III-A to residential and County FPS §IV to light and moderate hazard occupancies, e.g. assembly);
 - c. automatic fire extinguishing for kitchen hood & duct;
 - d. an emergency plan for the resort (e.g. fire, evacuation, extreme wildfire danger, etc).
- 6) Plans detailing compliance with the above and/or adopted conditions-of-approval shall be submitted to the Fire Department and appropriate authorities having jurisdiction (e.g. NCFD & State Fire Marshal) for review and approval during the building permit issuance process and/or as described above.
- 7) "Fire Plan Review and Inspection" fees shall be paid to the Fire Department for all applicable plan review and inspection work at the established deposit basis, plus project consultation time at the hourly rate of \$59 per hour (Napa County Resolution 92-65).

Existing Conditions

- (*) At least 90% of the buildings are not in use and in a physical state of abandonment, from a fire and life safety perspective. There are four buildings containing assembly occupancies (A-3?), one with a kitchen, and a couple of dozen residential buildings with occupancies ranging from 2 to 20 persons. All structures are single story except the Winship building which has 8 bedrooms on a second floor with a single exit stairway. Fire apparatus access is often not maintained or unclear. There are two poorly located
- (*) fire hydrants (near the Social Hall and Gassaway building) and a number of "occupant use" type fire hose outlets with no fire hydrants located on the south side of the creek.

Discussion

The nearest fire station is five miles south at the Pope Valley Volunteer Fire Company. Fire Department, both volunteer and career, emergency response to the project would arrive in 10 to 30 minutes.

- (*) The Project does not appear to be in compliance with our 1976 recommendations for use-permit #U-147677 (250 gpm fire hydrants within 500 feet, hoselay distance, from all buildings and a fire apparatus crossing for Aetna Creek).

Use of the Winship building as proposed for 20 people without two second floor exits would not meet nationally recognized life safety standards (UFC) for occupancy of *existing* buildings.

If there are any questions, interested parties should feel free to contact Ethan Foote at Napa County Fire Department Headquarters, 1572 Railroad Ave., St. Helena, CA 94574, (707-963-3601), or through telephone pager (707-491-5666).

Gary L. Buzzini
Fire Chief

by 

Ethan Foote
County Fire Marshal

cc: A. Seher, applicant
Barclay, NCFD
Kirkpatrick, NCFD
NCFD/CFM file, chron, Loveless

(*) = SEE ADDITIONAL DISCUSSION ON THESE AREAS IN OUR 11 MARCH MEMO.


11 MAR 97

INTER-OFFICE MEMO



11 March 1996⁷

TO: Jeffrey Redding, Director
Conservation – Development and Planning Department

FROM: Ethan Foote, Fire Department

SUBJECT: Additional Discussion on 27 February Comments
NEDS / Aetna Springs Resort
(New Educational Development Systems Inc.)

96349-UP
96348-CLN

7660 Recommended Fire Safety Standards
9200 Fire Prevention Engineering
1600 Aetna Springs Road, Pope Valley

APN: 016-707-002

Following discussions with the applicant's representative and CDPD staff the Fire Department would like to clarify the intent in several portions of our previous 27 February 1997 initial study comments on the above project. We believe it would facilitate the Commission's understanding of our project comments and expedite the hearing if this memo were passed along to the Commission at the same time as our earlier comments.

Conditions-of-Approval

1. All new construction and use shall comply with applicable standards, regulations, and codes in effect at the time of building permit issuance including (as a minimum): Napa County Fire Protection Standards (County FPS); State Fire Safe Regulations (State FSR); Napa County Road and Street Standards (R&SS); and the Uniform Fire Code (UFC).

A) The intent of the above recommended project condition is that if the Historic Building Code is determined to be the applicable code for a building permit, then it should apply and not be superseded by, or be in conflict with, a Use-permit condition such as the above.

Existing Conditions

At least 90% of the buildings are not in use and in a physical state of abandonment, from a fire and life safety perspective.

- B) The intent of the above comment is that from our perspective the majority (of the total number) of buildings were not being utilized at the time of our project visit and were observed to be in need of repair and/or maintenance. The Fire Department does not establish nor was it commenting on, the extent of allowable, permitted, or legal uses for this property.

| There are two poorly located fire hydrants (near the Social Hall and Gassaway building) ...

- C) The existing fire hydrant locations may well have been approved by some authority having jurisdiction, although we have no records pertaining to the issue. The above comment is the professional opinion of one fire officer.

| Fire apparatus access is often not maintained or unclear ...

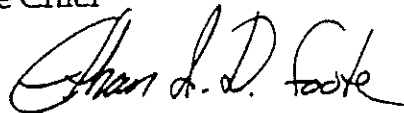
- D) The intent of the above comment is that in some cases there were buildings where, at the time of our site visit, fire apparatus access roads were not clearly established.

Discussion

The Project does not appear to be in compliance with our 1976 recommendations for use-permit #U-147677 ...

- E) The above comment is not intended to imply that the applicant was or was not actually required to implement our 1976 recommendations, but only provide information to the CDPD staff and the Commission by way of a project discussion that we had made fire and life safety recommendations on the project in 1976 and that the existing condition does not meet the recommendations.

Gary L. Buzzini
Fire Chief

by 

Ethan Foote
County Fire Marshal

cc: A. Seher, applicant
Barclay, Kirkpatrick, NCFD
NCFD/CFM file, chron, Loveless

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION

942896
NTO 94296-0001
(6) 653-6624
X: (916) 653-9824

November 19, 1996

RECEIVED

NOV 27 1996

Jeffrey R. Redding, Director
Napa County
Conservation/Development and Planning Dept.
1195 Third Street, Room 210
NAPA CA 94559-3092

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT

Subject: NEDS/Aetna Springs Resort

Dear Mr. Redding:

The Office of Historic Preservation has received the Initial Study and Request for Comments from the County. Thank you for consulting me.

The Office of Historic Preservation has broad authority under state and federal law for the implementation of historic preservation programs in the State of California. The State Historic Preservation Officer (SHPO) will comment, if requested, on determinations of eligibility for listing of properties on the National Register of Historic Places and the California Register of Historical Resources. The State Office is mandated under Public Resources Code section 5024.6(j) to confer and comment on publicly funded projects and programs undertaken by state and local agencies.

Records indicate that the Aetna Springs Resort was nominated to the National Register of Historic Places in 1987. That nomination qualifies the property as an historical resource under CEQA. If it is determined that, either singly or collectively, any of structures fabric will be altered or there will be demolition, an Environmental Impact Report might be required. A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment (See Public Resources Code 21084.1).

Thank you for requesting comments from the Office of Historic Preservation. If you have questions or need additional information, please call Steven Grantham of my staff at (916) 653-8920.

Sincerely,

Ms. Cheryl E. Widell
State Historic Preservation Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD —
CENTRAL VALLEY REGION3 ROUTIER ROAD, SUITE A
SANTA MONICA, CA 95827-3098
(415) 255-3000
(415) 255-3015

RECEIVED

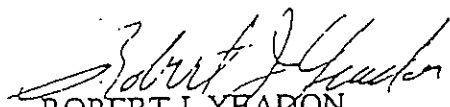
FEB 25 1997

24 February 1997

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPTMs. Therese Garbarino
Napa County Conservation, Development
and Planning Department
1195 Third Street, Rm. 210
Napa, California 94559**NEW EDUCATION DEVELOPMENT SYSTEMS, INCORPORATED, AETNA
SPRINGS EDUCATIONAL AND RECREATIONAL RETREAT FACILITY (POPE
VALLEY), NAPA COUNTY**

This confirms your telephone conversation with Arnie Inouye of my staff on 19 February 1997 regarding the New Education Development Systems, Inc., Aetna Springs Educational and Recreational Retreat Facility (Pope Valley) in Napa County. As discussed, the facility is currently subject to Waste Discharge Requirements (WDRs) Order No. 86-188 (copy attached) which were adopted by the Regional Board (Board) on 26 September 1986. Our review of the county permit application and initial study documents indicates that the Discharger is proposing to activate operation of the Aetna Springs facility. The documents do not appear to reflect any change in the facility in terms of the current WDRs. However, the Discharger is responsible for notifying the Board of any modifications to the facility by submitting an amended Report of Waste Discharge (RWD). By copy of this letter we are requesting the Discharger to advise us of the extent of their start-up proposal and to confirm that their activities do not violate the current WDRs.

If you have any questions, please call G. Arnold Inouye at (916) 255-3138.


ROBERT J. YEARDON
Senior Water Resources Control Engineer

GAI

ATTACHMENT

cc: Ms. Peggy Britz, Napa County Department of Health, Napa
Mr. Alan Seher, New Education Development Systems, Inc., San Francisco

PROJECT REVISION STATEMENT

Mitigation Measures for
New Education Development Systems Inc. (NEDS),
Aetna Springs Resort, File # 96349-UP
AS MODIFIED 4-16-97

with the concurrent approval of the applicant's attorney

I hereby revise my proposal to continue a church and private recreational / educational religious retreat uses at Aetna Springs Resort for a maximum of 200 guests on weekends and 100 guests on weekdays with 25 permanent resident employees, and a 9-hole public golf course/ pro shop/ driving range, as approved by expired Use Permit File # U-147677 (and modifications) within the existing structures and existing facilities including the expansion of the existing water system by adding 2-5,000 gallon water tanks, addition of 40 new vehicle parking spaces, of which 20 are proposed for the golf course and 20 for the resort accommodations, located at 1600 Aetna Springs Road, approximately 672± acres, one mile west of Pope Valley Road. in the AW (Agricultural Watershed) Zoning District, Assessor Parcels # 18-020-10, 34, 45, 46, 16-040-30, 16-060-08, 16-070-02, to include the measures specified below:

Hydrology and Parking

The proposed 20 vehicle parking lot for the resort complex shall be located at least 35 feet from the top of bank of Aetna Creek in accordance with Chapter 18.108 of the county code.

Noise

- ge group gatherings shall not occur in remote areas onsite (such as above the 800 ft elevation).
- Any outside activities shall not use amplified sound.

Ecosystem

- In order to minimize human impacts (including noise) on plants and wildlife, the applicant shall post an educational notice in a conspicuous public area (such as the registration area and informational brochures about the resort) that loud noises and other disruptive human activities are discouraged in remote areas (such as above the 800 ft elevation), campfires are prohibited, domestic pets are limited to the resort complex unless leashed. and access to the redwood grove is discouraged for groups and prohibited for large groups of 50 or more. *In addition, the educational materials shall describe the importance of no-trespassing onto adjacent properties and to avoid disturbance of the biologic study area of the Cleary reserve to the south.* All group access to the redwood grove must be pre-arranged through the resort administration.
- The applicant shall post an educational notice in a common area both at the resort and the golf course about the federally threatened California Red-legged frog species and its habitat and the actions that would constitute a taking (described in the RMI Associates Report dated November 1996).

6. Botanical surveys be conducted during the next spring/summer flowering season immediately following use permit issuance of sensitive plant species of concern which could potentially occur on the site of the two 5000 gallon water tanks and the location of the new pipeline infrastructure to the resort complex. Should sensitive species be identified in the report, each affected tank location and/or new pipeline shall be relocated to avoid the sensitive area.

Aesthetic

7. Any new outdoor lighting shall be low level lighting; shall be shielded from adjacent properties; and be directed downward.

Cultural

3. Prior to issuance of any building permits for renovation or alteration of any of the designated historic structures as identified on the Nomination Form for Historic Places dated February 1987, the applicant will be required to submit an application for environmental review (CEQA) to the Conservation, Development and Planning Department, including full building plans with elevations, floor plans and construction details to enable the lead agency (Napa County Planning Division of the Conservation, Development and Planning Department) to evaluate the impacts on the historic resources. All modifications of historic structure shall comply with the Secretary of the Interior Standards and, as applicable, with the requirements of building-specific environmental review.

Fire

9. Renovation and /or remodeling of any buildings will require that current fire safety requirements of the Napa County Fire Department (consistent with the state historic building code) shall be met at the time of building permit issuance.

10. Fires shall not be allowed on the site *without the prior approval of the Fire Department* and the applicant shall post a notice in a public location to inform guests of the fire hazard.

further commit myself and, by recording this document, my successors-in-interest to communicate the above-specified requirements in writing to any future purchasers of the parcels subject to this application prior to transfer of title.

IEDS, Inc. (by president or two corporate officers)

Date April 16, 1997

ORIGINAL SIGNED BY ALAN R. SEHER, SECRETARY AND MOSE I. DURST, PRESIDENT
[print names and titles]



NAPA COUNTY

CONSERVATION, DEVELOPMENT and PLANNING DEPARTMENT

Jeffrey Redding
Director

1195 Third Street, Room 210 • Napa, CA 94559-3092
Telephone 707/253-4416 FAX 707/253-4336

June 24, 1997

Alan R. Seher
WEISS & WEISSMAN, INC.
90 New Montgomery St., Suite 1400
San Francisco, CA 94105

Re: Certificate of the Extent of Legal Nonconformity Request #96348-CLN
(APN 018-020-046 *et al.*)(NEDS/Aetna Springs Resort)

Dear Mr. Seher:

A continued public hearing on your request for a Certificate of the Extent of Legal Nonconformity for certain uses at the Aetna Springs Resort complex was held by the Napa County Zoning Administrator on June 20, 1997. For administrative convenience, I have divided the certificate proceedings into three parts (so far). The first part ("A"), concluded February 28, 1997, determined the extent of legal nonconformity for overnight lodging facilities and structures/uses within the stream setback. The third part ("C") for non-retreat uses at the golf course and uses of the resort facilities that do not involve overnight lodging, was **CONTINUED** on June 20 to the hearing of July 25, 1997.

After closing the public hearing on June 20 on the second part ("B"), for overnight camping in the resort area and along portions of Swartz Creek, as part of the retreat operation, the Zoning Administrator found that:

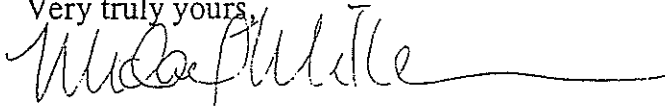
Legal nonconforming uses exist, consisting of:

- Youth camping conducted by NEDS along lower Swartz Creek outside the immediate resort area but below the 800 ft. elevation level. The camping includes up to 40 young people between the ages of 5 and 18 and a maximum of 4 adults, on each of three (3) separate occasions for one night between June 15 and September 15 of any calendar year. No camp- or other fires are permitted; and
- Overnight camping outside structures, but within the Resort area as previously delineated, as part of NEDS programs provided that, and only to the extent (capacity) that, sanitation and water facilities for such camping activity are deemed adequate by the county Department of Environmental Management. Overnight camping is counted along with, and may not exceed, a maximum total lodging of 225 (200 guests and 25 staff) persons at the "weekend program" and 125 (100 guests and 25 staff) at the "weekday program" permitted at the Resort.

This determination may be appealed to the Board of Supervisors within ten working days in accord with the procedures established in Chapter 2.88 of the Napa County Code. Appeal forms may be obtained from the Planning Division, 1195 Third Street, Room 210, Napa, between 8:00 A.M. and 5:00 P.M. The appeal fee in this matter is \$125.00.

If there is no appeal, a conforming Certificate will be executed and forwarded to you and to the Napa County Assessor. Please note that this determination applies at the time of approval, and cannot protect the currently nonconforming use or structure against future voluntary abandonment.

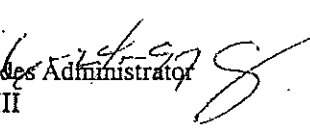
Very truly yours,



Michael Miller
Zoning Administrator

attachments

cc. Conservation, Development & Planning Commissioners
John Tuteur, Assessor
Jeffrey Redding, Director
Gary Brewen, Building Codes Administrator
Terry Garbarino, Planner III
Barbara Abate, Planner II



mmp22

Use Permit (e.g., #96349-UP). Any uses that may have been commenced, or the intensity of which was increased, only after expiration of U-147677 are not legally nonconforming.

The legal basis for activities unrelated to golf or resort-lodging that have been conducted at the Aetna Springs facilities north of Aetna Springs Road ("the golf course") is the statement in the conditions of approval of the 1986 Use Permit that activities ("the action of individuals, with or without a facility") on the property do not require a permit. This definition was unique to Aetna Springs, and resulted from a negotiated settlement between the owners and the county in view of site-specific circumstances. While under today's zoning and public health ordinances, any regular conduct of private parties by other than the owners at a defined location would clearly be regulated, it appears that there was adequate grounds based on the actual use permit for the property owner to claim (then or now) that such conduct was in fact permissible at the time.

Legal Nonconforming Uses

Use of the non-golf facilities and areas of the Aetna Springs Golf Course, including the barbecue pavilion, volleyball, horseshoe, and softball play areas, clubhouse, and unpaved parking area, for private parties (individual attendees not invited by the property owner). Such uses have included wedding receptions, family reunions, corporate parties, and organizational gatherings. No such uses incorporate overnight stays on the Aetna Springs property or playing golf at Aetna Springs Golf Course.

Extent of Legal Nonconforming Uses

No more than an average of 150 people are found to have attended a legally nonconforming private party. A maximum of 250 may have attended on an occasional basis. In no instance may the number of attendees legally exceed the capacity of the sanitary, water, and fire suppression systems or rated occupancy of the golf clubhouse structure available as determined by the County Departments of Fire, Environmental Management, and Building Inspection.

In summer months, i.e., between April 1 and October 31 of any year, such parties do not occur more than twice in any week.

In winter months, i.e., between November 1 and March 31, such parties do not occur more than three times in any month.

Conclusion

The findings of the Zoning Administrator are appealable to the Board of Supervisors within ten (10) working days of the decision pursuant to Napa County Code Chapter 2.88. The appeal fee in this matter is \$125.00. If no appeal is filed, a certificate will be issued conforming to the above findings.

Additional hearings on remaining portions of the CLN have been continued to October 24, 1997 at 9:00 AM.

Very truly yours,



Michael Miller
Zoning Administrator

cc. Barbara Abate, Project Planner
Hearing Participants (Wilms, Strube, Burns, Gawronski, Kimsey)



NAPA COUNTY

CONSERVATION, DEVELOPMENT and PLANNING DEPARTMENT

Jeffrey Redding
Director

1195 Third Street, Room 210 • Napa, CA 94559-3092
Telephone 707/253-4416 FAX 707/253-4336

November 13, 1997

Alan R. Seher
WEISS & WEISSMAN, INC.
90 New Montgomery St., Ste 1400
San Francisco, CA 94105

RE: Extent of Legal Nonconformity #96348-CLN (NEDS/ Aetna Springs)
[Part D: Portion relative to non-lodging uses of Aetna Springs Resort Facilities]
APN 018-020-046

Dear Mr. Seher:

In the continuing review of your request for Certificates of the Extent of Legal Nonconformity (CLNs) for various uses at the NEDS/ Aetna Springs property in Pope Valley, the issue of non-lodging uses of the Aetna Springs Resort Facilities on the south side of Aetna Springs Road last came before the Zoning Administrator on October 24, 1997. This portion ("D") is the last part of Application #96348-CLN. In addition, the determination for portion "C", (Non-Golf uses of the Aetna Springs Golf Course) was amended to include overnight motorhome camping as noted below. Any additional items would have to be included in a new application.

The continued public hearing on #96348-CLN was held and closed, with one week provided for submittal of additional written materials. After review of the file, including a letter submitted by the applicant dated October 31, 1997, the Zoning Administrator has reached the following conclusions:

Background Findings

The current Use Permit for operation of Aetna Springs Resort under certain conditions (#96349-UP) makes a number of uses of the resort conform to zoning requirements, and thus ineligible for a Certificate under the "CLN" process. The resort Dining Hall, Social Hall, and Soda Fountain have approved meal service, meeting, and casual uses accessory to the approved operations of the resort pursuant to Condition #1 of that permit. Uses of any of these facilities separate from the resort (e.g., community meetings) are addressed in this Certificate. The subject of the present hearings is any such uses that may have been legally established and operated continuously under the tenure of NEDS, i.e., after 1979.

NEDS/ Aetna Springs #96348-CLN
(Non-Lodging Uses of Resort Portion)
November 13, 1997
page 2

This CLN is concerned with (a) actual uses not regulated by the 1986 Use Permit (#U-147677); (b) actual uses not thereafter alleged to have been conducted in violation of county permission; and (c) actual uses not legitimized by current Use Permit (e.g., #96349-UP). Any uses that may have been commenced, or the intensity of which was increased, only after expiration of U-147677 are not legally nonconforming.

The legal basis for activities unrelated to overnight-lodging that have been conducted at the Aetna Springs facilities south of Aetna Springs Road ("the resort") is the statement in the conditions of approval of the 1986 Use Permit that activities ("the action of individuals, with or without a facility") on the property do not require a permit. This definition was unique to Aetna Springs, and resulted from a negotiated settlement between the owners and the county in view of site-specific circumstances. While under today's zoning and public health ordinances, regular conduct of meetings or private parties by non-owners or by a use-permitted church at a defined location would clearly be regulated, it nevertheless appears that there was adequate grounds based on the actual use permit for the property owner to claim (then or now) that such conduct was in fact permissible at the time.

Legal Nonconforming Uses

Use of the Golf Course parking lot at Aetna Springs for overnight parking by up to 8 occupied self-contained motor homes associated with the "Berryessa Bums" organization, for a period of five years (1998-2002).

Use of the facilities and areas of the Aetna Springs Resort, including the grounds, the one-story Dining Hall and Soda Fountain buildings, and the two-story Social Hall, for day-use (not involving lodging or camping) as described below.

Extent of Legal Nonconforming Uses

"Berryessa Bums" overnight parking in the Golf Course parking lot, for a maximum of seven consecutive days on each of a maximum of two occasions per calendar year.

Use of Resort buildings for one to three consecutive one-day seminars in late December, with attendance of 35-100 people, not including NEDS staff or attendees at other authorized activities on the same day. (Past seminars have been on the topic of marriage, but any subject may qualify under this item.)

NEDS/ Aetna Springs #96348-CLN
(Non-Lodging Uses of Resort Portion)
November 13, 1997
page 3

One organization (CARP) has used the resort structures and grounds for a maximum of 100 people per occasion on one day per week during May, June, July, August, September, and October, in addition to any other attendance at authorized functions at the resort. (This item does not limit the organization that may conduct such activities, but does not authorize conduct of the activities by more than a single organization per calendar year.)

Other day-use of resort buildings has accommodated no more than 50 people in any one day, on no more than one day per week, in addition to any other attendance at authorized functions at the resort.

Use of the resort grounds for two one-day festivals open to the public has occurred in the spring (Easter Egg Hunt) and fall (Harvest Festival), with a maximum attendance of 50 at each event, in addition to any other attendance at authorized functions at the resort.

In no instance may the number of attendees at an authorized, licensed, or recognized event at Aetna Springs legally exceed the applicable capacity of the sanitary, water, and fire suppression systems or rated occupancy of the resort as determined by the County Departments of Fire, Environmental Management, and Building Inspection.

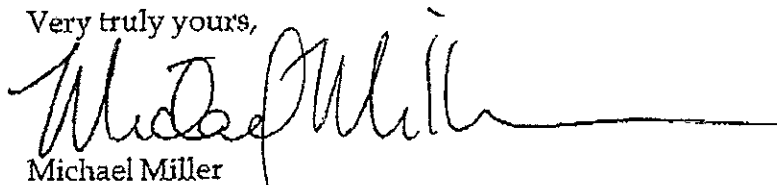
Conclusion

The findings above will become the final determination of the Zoning Administrator in this matter if there is not a request for a hearing on them received by the Napa County Department of Conservation, Development & Planning by November 21, 1997.

After the findings become final, the decision of the Zoning Administrator is appealable to the Board of Supervisors within ten (10) working days of the decision pursuant to Napa County Code Chapter 2.88. The appeal fee in this matter is \$125.00. If no appeal is filed, a certificate will be issued conforming to the above findings.

As noted above, this item is the final remaining portion of #96348-CLN.

Very truly yours,



Michael Miller
Zoning Administrator

cc. Barbara Abate, Project Planner
Hearing Participants (Wilms, Struve, Burns, Gawronski, Kimsey)

nmp24

NAPA COUNTY
DEPARTMENT OF CONSERVATION, DEVELOPMENT & PLANNING

CERTIFICATE OF THE EXTENT OF LEGAL NONCONFORMITY
(#96348-CLN)

DATE OF ISSUANCE: December 11, 1997

In accordance with Section 18.132.050(C) of the Napa County Code, the Napa County Zoning Administrator held a series of public hearings between February 7 and October 24, 1997, regarding the establishment of the extent of legal nonconformity for various uses of the Aetna Springs Resort facilities on Assessor's Parcel Numbers 018-020-045 and -046, at 1600 Aetna Springs Road, Pope Valley.

The Zoning Administrator has determined that the following constitute legal nonconforming uses within the requirements of the Napa County Code:

Legal Nonconforming Uses and Extent Thereof

Overnight lodging and accommodation as follows:

- Overnight lodging accommodations for a total of up to 200 persons, and staff housing for a total of 25 residents, in twenty-one (21) existing structures within the Aetna Springs Historic Complex as shown on the attached Exhibit A (map) and Exhibit B (chart);
- Lodging and staff housing in the "Creekside", "Caroline", and "Frances Marion" structures within the required stream setback, as shown on Exhibit A.
- Use of the Golf Course parking lot at Aetna Springs for overnight parking by up to eight self-contained motor homes associated with the "Berryessa Bums" organization for a period of five years (1998-2002), at a frequency of no more than two occasions per calendar year for up to seven consecutive days on each occasion.

- Youth camping conducted by NEDS along lower Swartz Creek outside the immediate resort area but below the 800 ft. elevation level. The camping includes up to 40 young people between the ages of 5 and 18 and a maximum of 4 adults, on each of three (3) separate occasions for one night between June 15 and September 15 of any calendar year. No camp- or other fires are permitted.
- Overnight camping outside structures, but within the Resort area as previously delineated, as part of NEDS programs **provided that, and only to the extent (capacity) that, sanitation and water facilities for such camping activity are deemed adequate by the County Department of Environmental Management.** Overnight camping is counted along with, and may not exceed, a maximum total lodging of 225 (200 guests and 25 staff) persons at the "weekend program" and 125 (100 guests and 25 staff) at the "weekday program" permitted at the Resort.

Non-Lodging (Day) Uses north of Aetna Springs Road as follows:

- Use of the non-golf facilities and areas of the Aetna Springs Golf Course, including the barbecue pavilion, volleyball, horseshoe, and softball play areas, clubhouse, and unpaved parking area, for **private parties** (individual attendees not invited by the property owner). Such uses have included wedding receptions, family reunions, corporate parties, and organizational gatherings. No such uses incorporate overnight stays on the Aetna Springs property or playing golf at Aetna Springs Golf Course.
- No more than an average of 150 people are found to have attended a legally nonconforming private party at the Golf Course. A maximum of 250 may have attended on an occasional basis. In no instance may the number of attendees legally exceed the capacity of the sanitary, water, and fire suppression systems or rated occupancy of the golf clubhouse structure available as determined by the County Departments of Fire, Environmental Management, and Building Inspection.
- In summer months, i.e., between April 1 and October 31 of any year, such parties do not occur more than twice in any week. In winter months, i.e., between November 1 and March 31, such parties do not occur more than three times in any month.

Non-Lodging (Day) Uses south of Aetna Springs Road as follows:

- Use of resort buildings for a seminar in late December of each year lasting one-to-three consecutive days, with attendance of 35-100 people, not including NEDS staff or attendees at other authorized activities on the same day. (Past seminars have been on the topic of marriage, but any subject may qualify under this item.)
- One organization (CARP) has used the resort structures and grounds one day a week for a maximum of 100 people per occasion from May through October, in addition to any other attendance at authorized functions at the resort. (This item does not limit the organization that may conduct such activities, but does not authorize conduct of the activities by more than a single organization per calendar year.)
- Other day-use of resort buildings has accommodated no more than 50 people in any one day, on no more than one day per week, in addition to any other attendance at authorized functions at the resort.
- Use of the resort grounds for two one-day festivals open to the public has occurred in the spring (Easter Egg Hunt) and fall (Harvest Festival), with a maximum attendance of 50 at each event, in addition to any other attendance at authorized functions at the resort.
- In no instance may the number of attendees at an authorized, licensed, or recognized event at Aetna Springs legally exceed the applicable capacity of the sanitary, water, and fire suppression systems or rated occupancy of the resort as determined by the County Departments of Fire, Environmental Management, and Building Inspection.

Common-use by authorized persons on site, within required stream setback area as follows:

- Recreation and dining in the "Soda Fountain" structure as shown on Exhibit A.
- Recreation in the "Bath House", "Shower, filter and pool", and "Mineral Bath" structures shown on Exhibit A.

Legal Nonconforming Structures within the required stream setback as shown on Exhibit A:

- The 1566 sq.ft. one-story historic wooden "Soda Fountain" with 2300 sq.ft. covered outdoor pavilion, 770 sq.ft. patio, and stone foundation, constructed in approximately 1880 and 1908; and
- The 684 sq.ft one story historic wooden "Bath House", constructed in approximately 1877, remodeled in the 1920s, and renovated in 1988; and
- The 240 sq.ft. one-story historic peeled-log "Mineral Bath Pavilion" with metal roof and stone base, constructed in approximately 1900; and
- The 528 sq.ft. one-story historic wooden "Creekside" with shingled roof, constructed at an unknown date; and
- The 565 sq.ft one-story historic wooden "Caroline" with shingled roof and 428 sq. ft open porch on a foundation extending almost a story down the creek bank, constructed in approximately 1925; and
- The 1845 sq.ft. one-story historic wooden "Frances Marion" with 877 sq.ft screened porch, shingled roof and stone chimney, constructed in approximately 1925; and
- A ±3300 sq.ft. concrete swimming pool and deck, constructed in the nineteenth century and enlarged in approximately 1894 and the 1950s; and
- A 316 sq.ft one-story wooden shower and pool filter structure, constructed in the 1950s.

None of the partial determinations that have made up this certificate have been appealed, and the certificate has therefore become final.



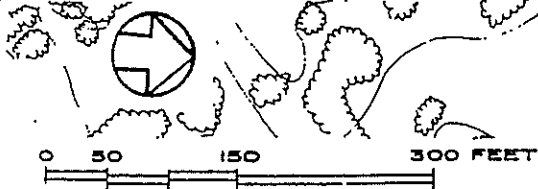
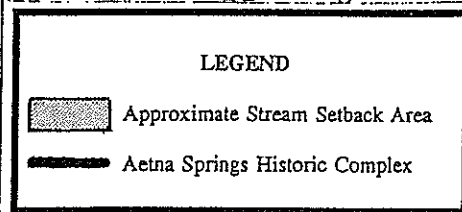
Zoning Administrator

mmp24

December 23 1997
Date

EXHIBIT A

| Buildings Within Stream Setback (* indicates historic structure) | | | |
|---|--------------------------|---------------------------------------|--|
| Bldg # | Name | Use | Square Footage |
| 3* | Soda Fountain | Common use/ eating & recreation | 1566 sq ft plus 720 sq ft patio, 2300 sq ft covered porch |
| 5* | Bath House | Common use/ recreation | 684 sq ft |
| 9 | Shower, filter & pool | Common use/ recreation | 3616 sq ft |
| 14* | Creekside | Staff housing/ 2 bedrms | 528 sq ft |
| 16* | Caroline | Lodging/ 2 bedrms | 565 sq ft plus 428 sq ft open porch |
| 30* | Frances Marion | Lodging/ 9 bedrms | 1845 sq ft plus 877 sq ft screened porch |
| 33* | Mineral Bath | Common use/ recreation | 240 sq ft |



AETNA SPRINGS

NAPA COUNTY, CALIFORNIA

EXHIBIT B

| Aetna Springs Retreat Facility - Staff Housing and Overnight Accommodations (* indicates historic structure) | | | |
|---|-----------------|---|---|
| Bldg # | Name | Use | Square footage |
| 11* | Main Residence | Staff housing/3 bedrms, 2 baths, 1 kitchen, living rm, dining rm, office | 2222 sq ft |
| 12* | Cottage | Staff housing/2 bedrms, 1 bath, 1 kitchen, living rm | 800 sq ft |
| 13* | Living Quarters | Staff housing/10 bedrms, 3 baths, 1 kitchen, open porch (OP) | 1600 sq ft plus 300 sq ft OP |
| 14* | Creekside | Staff housing/2 bedrms, 1 bath, 1 kitchen, open porch (OP) | 528 sq ft plus 96 sq ft OP |
| 15* | Linen Room | Lodging/2 bedrms, 2½ baths, storage, open porch (OP) | 975 sq ft plus 208 sq ft OP |
| 16* | Caroline | Lodging/2 bedrms, 2 baths, 2 open porches (OP) | 565 sq ft plus 428 sq ft OP |
| 17* | Winship | Lodging first floor: 4 bedrms, 4 baths, open porch (OP) Lodging second floor: 7 bedrms, 2 baths, open porch (OP) | 2592 sq ft plus 4320 sq ft OP |
| 18* | Gassaway | Lodging/dormitory, 3 baths, 2 screened porches (SP), open porch (OP) | 1100 sq ft plus 190 sq ft SP, 774 sq ft OP |
| 19* | Munro | Lodging/3 bedrms, 3 baths, 3 screened porches (SP) | 565 sq ft plus 453 sq ft SP |
| 20* | Locust | Lodging/2 bedrms, 2 baths, 2 screened porches (SP) | 425 sq ft plus 294 sq ft SP |
| 21* | Hartson | Lodging/4 bedrms, 4 baths, 2 screened porches (SP), open porch (OP) | 840 sq ft plus 158 sq ft SP, 534 sq ft OP |
| 22* | Owl's Nest | Lodging/4 bedrms, 4 baths, 2 screened porches (SP), open porch (OP) | 1020 sq ft plus 300 sq ft SP, 882 sq ft OP |
| 23* | Aetna | Lodging/8 bedrms, 8 baths, 4 screened porches (SP), open porch (OP) | 2259 sq ft plus 770 sq ft SP, 1040 sq ft OP |
| 24* | Acacia-Elm | Lodging/4 bedrms, 4 baths, 4 screened porches (SP), open porch (OP) | 1024 sq ft plus 640 sq ft SP, 570 sq ft OP |
| 25* | Alger | Lodging/3 bedrms, 2 baths, 2 screened porches (SP), open porch (OP) | 624 sq ft plus 246 sq ft SP, 296 sq ft OP |
| 26* | Robin | Lodging/3 bedrms, 3 baths, 2 screened porches (SP), open porch (OP) | 604 sq ft plus 160 sq ft SP, 235 sq ft OP |
| 27* | Russ | Lodging/4 bedrms, 4 baths, open porch (OP) | 757 sq ft plus 824 sq ft OP |
| 28* | Dewey | Lodging/4 bedrms, 4 baths, open porch (OP) | 1080 sq ft plus 1092 sq ft OP |
| 29* | York | Lodging/6 bedrms, 6 baths, open porch (OP) | 1670 sq ft plus 1288 sq ft OP |
| 30* | Frances Marion | Lodging/9 bedrms, 9 baths, 8 screened porches (SP) | 1845 sq ft plus 877 sq ft SP |
| 31* | Lawton | Lodging/3 bedrms, 1 bath, 1 kitchen, living rm, office, open porch (OP) | 1310 sq ft plus 704 sq ft OP |

NAPA COUNTY
DEPARTMENT OF CONSERVATION, DEVELOPMENT & PLANNING

CERTIFICATE OF THE EXTENT OF LEGAL NONCONFORMITY
(#97477-CLN)

DATE OF ISSUANCE: July 1, 1998

In accordance with Section 18.132.050(C) of the Napa County Code, the Napa County Zoning Administrator held public hearings on May 15 and June 5, 1998, regarding the establishment of the extent of legal nonconformity for overnight out-of-door camping on portions of the NEDS Aetna Springs complex in the Agricultural Watershed zoning district, located off Aetna Springs Road in Pope Valley, Assessor's Parcel Number 018-020-046.

The Zoning Administrator has determined that the following constitutes a legal nonconforming use within the requirements of the Napa County Code:

Legal Nonconforming Use

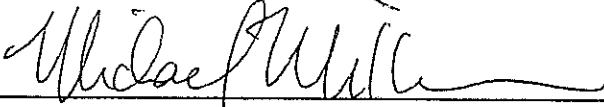
Use of the "Playground" area at Aetna Springs, bounded on the north by Aetna Springs Road, on the east by a wood-rail fence, on the west by the "Historic Resort Complex" identified in #97348-CLN and #96349-UP, and on the south by the north bank of Aetna Creek, for outdoor tent- or open-air camping.
See attached Exhibit A.

Extent of Legal Nonconforming Use

Overnight camping in the Playground area for up to 50 persons, accommodated in no more than 10 tents, at any time between May 15 through September 15, and December 15 through January 15.

Camping anywhere on the Aetna Springs/NEDS property may not exceed a total overnight occupancy of 200 guests and 25 staff, provided that sanitary, fire suppression, and emergency access provisions continue to be adequate for the number of persons accommodated as determined by the appropriate agency.

This determination has not been appealed, and has therefore become final.



Zoning Administrator




July 1 1998
Date
mmp25

EXHIBIT A

Buildings Within Stream Setback
(* indicates historic structure)

| Bldg # | Name | Use | Square Footage |
|--------|--------------------------|---------------------------------------|---|
| 3* | Soda Fountain | Common use/ eating & recreation | 1566 sq ft plus 720 sq ft patio, 2300 sq ft covered porch |
| 5* | Bath House | Common use/ recreation | 684 sq ft |
| 9 | Shower, filter & pool | Common use/ recreation | 3616 sq ft |
| 14* | Creekside | Staff housing/ 2 bedrms | 528 sq ft |
| 16* | Caroline | Lodging/ 2 bedrms | 565 sq ft plus 428 sq ft open porch |
| 30* | Frances Marion | Lodging/ 9 bedrms | 1845 sq ft plus 877 sq ft screened porch |
| 33* | Mineral Bath | Common use/ recreation | 240 sq ft |

LEGEND

-  Approximate Stream Setback Area
-  Aetna Springs Historic Complex
-  Camping Area



0 50 150 300 FEET

AETNA SPRINGS

NAPA COUNTY, CALIFORNIA

#97477-CLN



NAPA COUNTY

CONSERVATION • DEVELOPMENT and PLANNING DEPARTMENT

Jeffrey Redding
Director

1195 Third Street, Room 210 • Napa, California 94559-3092
Telephone 707/253-4416 FAX 707/253-4336

September 16, 1998

COPY BY FAX

Keith Kennon
Last Resort, Inc.
603 Santa Catalina Lane
Foster City, CA 94404

RE: Site Plan Approval Application #98047-SPA
for Public Restaurant (Assessor's Parcel #18-020-046)

Dear Mr. Kennon:

This is to inform you that your application for Site Plan Approval #98047-SPA to establish a 100-seat public restaurant at the Aetna Springs Resort (Assessor's Parcel #18-020-046) was **DENIED on September 16, 1998.**

Denial of this application is based upon the following findings:

1. Inapplicability of Site Plan Approval Process: The site plan approval process is not applicable to the establishment of a restaurant within the AW (Agricultural Watershed) zoning district. The "purpose and scope" of site plan approvals are set forth in Section 18.140.010 of the County Code. This section states in part that, "This chapter establishes the manner in which all applications for site plan review and approval, if same is required by any provision of this code, are to be processed." The County Code contains the following four provisions requiring site plan approval, none of which apply to your proposal:
 - a. Establishment of certain uses within the General Industrial zoning district (Section 18.44.020.A);
 - b. Establishment of telecommunication facilities (Section 18.119.200);
 - c. Establishment of outdoor seating at certain existing restaurants located on Highway 29 contiguous to an incorporated city (Section 18.132.061); and
 - d. Establishment of new uses which are allowed without use permit approval by Title 18 within a new or existing building or modification of a building containing uses which are allowed without use permit approval by Title 18 (Section 18.140.010.B). Findings #2 through #5 below confirm that the proposed use is not allowed with or without a use permit.

2. Inconsistency of Proposed Use with Existing Zoning: The subject property is zoned AW (Agricultural Watershed). The uses allowed within the AW zoning district are listed in Section 18.20.020 of the County Code (Uses allowed without a use permit) and Section 18.20.030 of the County Code (Uses permitted upon grant of a use permit). Neither of these sections allows for the establishment of a restaurant.
3. Inapplicability of Certificates of the Extent of Legal Nonconformity #96348-CLN and #97477-CLN: Two Certificates of the Extent of Legal Nonconformity have been issued for the subject parcel: #96348-CLN and #97477-CLN. Neither of these two certificates recognized a public restaurant as a legal nonconforming use on the parcel.
4. Inapplicability of Use Permit #96349-UP: Use Permit #96349-UP authorized, among other things, the use of the subject dining hall building as an accessory use to provide food service to overnight guests only.
5. Inapplicability of State Historic Building Code: The State Historic Building Code is inapplicable to the determination of the permissibility of uses on the subject property, which are set forth by the County General Plan and Zoning Ordinance. A memo from the Napa County Counsel's Office further addressing this matter will be forthcoming.

Notwithstanding the above, the State Historic Building Code might allow the recommencement of a historic use that has been "abandoned" as that term is defined in Section 18.132.040. You have not submitted any evidence that a "public restaurant" existed as a historic use on this property.

You may appeal this decision to the Board of Supervisors within ten (10) working days of the date of this letter in the manner set forth in Chapter 2.88 of the Napa County Code.

Very truly yours,


Jeffrey Redding
Director

cc: Michael Miller, Deputy Planning Director
Robert Westmeyer, County Counsel
Alan Seher, Attorney for Owner




NAPA COUNTY CONSERVATION, DEVELOPMENT and PLANNING DEPARTMENT

Charles Wilson
Acting Director

1195 Third Street, Room 210 • Napa, CA 94559-309
Telephone 707/253-4416 FAX 707/253-4336

June 8, 2001

Keith Kennon, Secretary
LAST RESORT INC. WINERY
1600 Aetna Springs Road
Pope Valley CA 94567

 RE: Use Permit #00095-UP
APN 18-020-045

Dear Mr. Kennon:

Please be advised that the above-referenced Use Permit was **APPROVED** by the Napa County Conservation, Development & Planning Commission on May 16, 2001 based on the attached conditions. The permit became effective on May 31, 2001, pursuant to Napa County Code Chapter 2.88.

Pursuant to Section 18.124.080 of the Napa County Code, the use permit modification, changing a permit that has already been "used", must be activated within one year and ten calendar days from the approval date, or it shall automatically expire and become void on **May 26, 2002**.

An extension of time in which to activate the permit may be granted for a maximum of 12 months, upon application no more than 45 days prior to expiration, and payment of fees in effect at the time of application.


This letter is your only notice regarding expiration and procedures for extension of this permission.

Very truly yours,



Michael Miller
Deputy Planning Director

cc. John Tuteur, Assessor
Gary Brewen, Building Codes Administrator
Larry Bogner, Public Works
Christine Secheli, Environmental Management
Barbara Easter, County Fire Department
Tom Cary, Dickenson, Peatman and Fogarty

6/12/01 

CONDITIONS OF APPROVAL

CDPC Meeting Date: May 16, 2001 File

#00095-UP Last Resort, Inc

APN: 018-020-045

1. Use Permit #00095-UP is limited to:

- a. The establishment of a 57,000 gallon/year winery with retail wine sales, 2 full-time and 2 part-time employees, consistent with the application forms and supplemental winery information sheet.
- b. The construction a 9,839 ft² wine production building with wood siding, as delineated on the attached site plan, floor plans and elevations drawings, and consistent with the application forms and supplemental winery information sheet.
- c. Tours and Tasting by appointment only. All tours of the winery and/or tasting of wine are limited to members of the wine trade, persons invited by the winery who have pre-established business or person relationships with the winery or its owners, and persons who have made unsolicited prior appointments for tours or tastings (\$18.080.620). No more than 20 persons/day are permitted.

Any expansion or changes in use, or project changes which are necessitated by the requirements of other departments or agencies, are subject to further County approval.

2. Marketing activities are limited to:

Private promotional tastings and meals with occasional musical program

Frequency: 12 per year

Maximum attendance: 60 persons

Marketing activities, as defined in Section 18.08.370, are 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 pre-arranged basis. Marketing events to take place within the winer building or on the outside deck. No amplified music shall be permitted outdoors.

3. Submit a detailed landscaping, fencing, and parking plan to the Department for review and approval indicating names and locations of plant materials, method of maintenance and location of off-street parking spaces. Said plan is to be submitted prior to issuance of the building permit. Landscaping, fencing, and parking to be completed prior to final occupancy. Landscaping shall be permanently maintained in accordance with the approved landscape plan.
4. Provide 14 off-street parking spaces on a dust-free all-weather surface approved by the Public Works Department.
5. Any outdoor storage of wine production equipment shall be screened from view of the two private roads fronting the parcel and adjacent properties by a visual barrier consisting of fencing and/or dense landscaping. No open storage is to exceed the height of the screening.
6. Upon use of this use permit, Use permit #U-89-49 shall become null and void.
7. The permittee shall comply with 1 Mitigation Measures described in the Project Revision Statement signed by the applicant dated 5/11/01.

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

The Department of Environmental Management as stated in their letter of May 9, 2001.

The Department of Public Works as stated in their letter of October 11, 2000.

The County Fire Department as stated in their memo of September 25, 2000.

The Building Division as state in their memo of September 6, 2001.

9. The permittee shall report to the Department on an annual basis by December 31 the source of his grapes, verifying that 75% of the annual production is from Napa County grapes. The report shall include the grape tonnage and the Assessor's Parcel Number(s) where grown. Such report shall be proprietary and not available to the public. A separate report, for the public record, shall include a statement certifying compliance with the source requirement and indicating the percentage of Napa County grapes utilized.
10. All facilities of the winery, including offices, shall be for the exclusive use of the on-site winery. No portion of the structure shall be rented, leased and the winery facility shall not be used for events hosted by entities other than the winery itself, except those approved for temporary event license pursuant to Chapter 5.36 Napa County Code.
11. All staff costs associated with monitoring compliance with these conditions and project revisions shall be borne by the applicant and/or property owner, other than those costs related to investigation of complaints of non-compliance which are determined to be unfounded. Costs shall be as established by Resolution #95-77 or as such Resolution may be amended from time to time.
12. During construction of the winery, all construction equipment muffling and hours of operation shall be in compliance with the County Code section regarding noise, Chapter 8.16 (7:00 a.m. to 7:00 p.m.). Any exterior winery machinery equipment shall be sufficiently enclosed or muffled and maintained so as not to create a noise disturbance in accordance with County Code Section 8.16.060(A) or 8.16.0705816(a).
13. All exterior 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, incorporating the use of motion detection lighting to the greatest extent possible. No flood-lighting of the building is permitted. Prior to issuance of any building permit for construction of the winery, a detailed Lighting Plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for review and approval by the Department.
14. The applicant property owner and their successor's-in-interest shall see that all work is halted within 35 feet if concentrated artifactual materials (i.e., worked stone, bone, charcoal, human remains, etc) are encountered during any ground disturbing activities associated with this project. Said work shall remain stoppe until a qualified professional archaeologist (on the Society of Professional Archeologist's (SOPA) list) has evaluate the find, developed any mitigation measures needed, prepared a report of his findings, and filed said report with the Napa County Conservation, Development and Planning Department. -
15. The commission shall review & approve of the final winery design prior to any building permit being issued.