



WATER AUDIT CALIFORNIA

A PUBLIC BENEFIT CORPORATION

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March 17, 2026

County of Napa
Planning Commission

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RE: Hearing – March 17, 2026
8.A. NORMAN WEIR / HAGAFEN CELLARS WINERY / USE PERMIT
MAJOR MODIFICATION #P19-00121-MOD

Water Audit California ("Water Audit") is an advocate for the public trust.

Water Audit comments as follows:

Overview and History

- The project concerns a major modification to Hagafen Cellars' use permit that would increase days of operation, retail sales, visitation, and tours.
- A 1998 permit approval prompted a neighbor's appeal over a left-turn lane; the Board denied the appeal on March 23, 1999, but revised conditions.
- The neighbor then pursued court relief until a Stipulation for Settlement was reached and ratified by the Board on May 9, 2000, to be implemented via a use permit modification.
- On June 16, 2000, the Zoning Administrator approved minor modification #99477-MOD, incorporating the Stipulation and revising conditions of Use Permit #97219-UP.

CEQA and State Clearinghouse

- There appear to be no Hagafen project documents submitted to the State Clearinghouse for public review.
- The current project claims a CEQA categorical exemption and discusses baseline principles that consider existing physical conditions, even if unauthorized.
- Increased visitation and traffic safety issues undermine a categorical exemption and invokes public trust doctrine principles concerning state resource protection duties.

- Cases distinguish CEQA baseline issues from public trust obligations, emphasizing counties share responsibility for administering public trust resources.
- The increased visitation and traffic safety issues appear to disqualify the major modification as a categorical exemption. HOWEVER, compliance with CEQA does not constitute a proper public trust enquiry. ‘By the law of nature these things are common to mankind – the air, running water, the sea and consequently the shores of the sea.’ (*Institutes of Justinian* 2.1.1.)

The Public Trust Doctrine

- California law recognizes that groundwater and surface water systems are often hydrologically connected, creating a legal basis for public trust application. (*City of Barstow v. Mojave Water Agency* (2000) 23 Cal.4th 1224.)
- The *Audubon* court clearly rejected the concept that the comprehensive water rights system “subsumed” the public trust doctrine, making the important observation that even the comprehensive appropriative water rights system in California did not weaken or decimate the public trust doctrine. (*National Audubon Society v. Superior Court* (“*Audubon*”) (1983) 33 Cal.3d 419.)
- The distinction was clearly drawn in *California Water Impact Network v. County of San Luis Obispo* ((2018) 25 Cal.App.5th 666), a California Environmental Quality Act (CEQA) case that did not consider the public trust doctrine. That court held that whether well permits are exempt from CEQA, or as the County argues herein, whether the existing conduct constitutes a CEQA baseline, bears no relevance to the important questions involving the public trust doctrine and groundwater raised in this case. (*Environmental Law Foundation v. State Water Resources Control Bd.* (2018) 26 Cal.App.5th 844, 852.)
- The fish passage laws are specific rules concerning the public trust in the State’s fishery resources, and no statute of limitations can bar enforcement of them. (*California Trout, Inc. v. State Water Resources Control Bd.* (“*Cal. Trout I*”) (1989) 207 Cal.App.3d 585, 630.) These statutes share a common purpose: ensuring fish passage in California’s rivers and streams. And California’s fishery resources are public trust resources “the general right and ownership of which is in the people of the state.” (California Trout, *ibid*; Fish & G. Code, §§ 711.7, 1600.)
- Second, *even if a limitations period could apply*, the doctrine of continuous accrual resets any such period where a party continues to violate those statutes by maintaining an injury to the public trust. (*Aryeh v. Canon Business Solutions, Inc.* (2013) 55 Cal. 4th 1185, 1197-1200.) Contrary to the County’s argument of a baseline of protected injurious conduct, it is the applicant’s alleged *continuing* violations of the public trust doctrine that Water Audit challenges.

- The public trust in fishery resources is a state property interest, and it is a well-established principle that “[o]ne may not oust the state from such an interest by operation of a statute of limitations.” (*Cal. Trout I*, supra, 207 Cal.App.3d 585, 630, citing *People v. Kerber* (1908) 152 Cal. 731, 732-736.) In *Cal. Trout I*, the appellate court applied that rule to hold that no limitations period barred an action. Here, as in *Cal. Trout I*, “[a]n encroachment on the public trust interest shielded by [the relevant statutes] cannot ripen into a contrary right due to lapse of any statute of limitations.” (*Id.* at p. 631.)
- “A county is a legal subdivision of the state and references to the “state” may include counties. (*Baldwin v. County of Tehama* (1994) 31 Cal.App.4th 166, 175-176.) Although the state as sovereign is primarily responsible for administration of the trust, the county, as a subdivision of the state, shares responsibility for administering the public trust and “may not approve of destructive activities without giving due regard to the preservation of those resources.” (*Center for Biological Diversity, Inc. v. FPL Group, Inc.* (2008) 166 Cal.App.4th 1349, 1370, fn. 19; *Environmental Law Foundation v. State Water Resources Control Board (“ELF”)* (2018) 26 Cal.App.5th 844, 867–868.)
- Water users and developers must now consider public trust impacts when planning groundwater extraction projects near interconnected surface waters, potentially requiring additional environmental studies and mitigation measures. Groundwater users must demonstrate that their extraction activities will not harm public trust resources in connected navigable waters.
- The legal foundation for public trust application to groundwater extraction rests on both constitutional and statutory provisions. California Constitution Article X, Section 2 establishes that “the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented” (CA CONST Art. 10, § 2.) This constitutional provision applies to all water use in California and serves as foundational authority for reasonable use regulation.
- The State Water Resources Control Board has actively enforced reasonable use principles under Article X, Section 2 of the California Constitution in groundwater and surface water extraction cases, particularly in the Scott River and Shasta River watersheds during drought conditions, with emergency regulations from 2021-2023 showing comprehensive application of the reasonable use doctrine and common source doctrine for interconnected groundwater and surface water (*Cal.St.Wat.Res.Bd.* 2022 WL 1618925; *Cal.St.Wat.Res.Bd.* 2023 WL 9111309.)
- Recent State Water Board orders demonstrate active enforcement of these principles, noting that “BSID’s groundwater extractions directly affect flow levels in Big Spring Creek, which in turn directly affect minimum flows in the downstream Shasta River” and that “the Board is authorized to prevent and curtail these diversions, which

unreasonably affect other instream uses and public trust resources”
(*Cal.St.Wat.Res.Bd.* 2022 WL 1618925.)

Conditions of Approval and Scope Changes

- The application is a code compliance program, but proposed conditions remove prior requirements on visitation, marketing notice, and wine production accounting, and do not limit groundwater extraction from Well #1.
- Scope changes include daily operations, retail hours, tours/tasting per Condition 4.2, storage room use, driveway widening, and removal or revision of conditions requiring mailed event notices, annual visitation counts, grape source data, grape sourcing compliance certification, and annual wine production reporting.
- The Groundwater Demand Management Program condition omits Joint Public Works implementation, lacks a Groundwater Memorandum, and routes monitoring to Planning instead of Public Works.

Application Conduct and Compliance Concerns

- The application has been pending seven years; recently the applicant asserted prior conditions were unwarranted, effectively removing breached obligations retroactively.
- Event notice was unilaterally discontinued as not worthwhile.
- Annual visitation counts, grape sourcing statements, and wine production reports are allegedly done but not provided; grape source data was withheld as proprietary.
- Prior conditions focused on water system operations with an annual operating permit, not groundwater usage.
- Water Audit questions why staff permitted removal of these historical conditions.

Water Availability Analysis (WAA)

- One well serves the residence, winery, and public water system; no Well Completion Report is in the hearing packet.
- Staff requested Tier II and III WAA, but the consultant relied on limited data, including a two-hour air lift test from 2019 at 25 gpm with 35 ft drawdown, noting lack of a 24-hour test.
- Water Audit questions acceptance of this limited analysis by staff.
- The WAA estimates total existing annual water use at 5.40 acre-feet, assuming no net increase based on 2018 records showing up to 60 guests per day, 311 per week, and 9,719 annual visits, plus one residence and 10 acres of vineyard. Note that the water system is approved for less than half of the acknowledged visitors.
- The water consumption estimation omits a 10,500-gallon fire water storage tank and appears underestimated.
- Water Audit contrasts current representation of 5.40 acre-feet with a historical WAA totaling 6.72 acre-feet for the parcel, now with increased visitors, expanded vineyard

acres, and uncounted fire storage, urging proper pump tests and real-time well monitoring.

Water System Feasibility and Operations

- There is no Water System Feasibility Study in the hearing packet or historically, despite increased persons served from a single, insufficiently tested well.
- Staff asserts no feasibility report is required because the existing transient non-community system will not change classification or require modifications.
- It is uncertain if the well can meet the County policy of 24 hours at 3 gpm per Water System Information for Use Permits.

Historical EDR Findings and Appeals

- EDR records show the 1998 Notice of Determination and Initial Study/Negative Declaration did not consider visitation and tours or a public water system in the project description.
- The applicant calculated 25 visitors per day in 1998, but the associated WAA omitted visitors, employees, fire storage, and public water system in its calculations.
- The historical WAA projected 6.72 acre-feet total use, referencing Public Works analysis, and the project then lost 2 acres of vineyard and required 1.32 acre-feet for winery and landscaping.
- A 1998 appeal alleged inadequate groundwater impact review; the County initially prevailed by relying on Public Works' basin determination rather than Planning.
- Water Audit questions nondisclosure of annual operating permit monitoring schedules and respectfully suggests staff may have concealed usage evidence.

Well Construction, Testing, and Policy Requirements

- A 1985 Well Completion Report shows 200 ft depth, 20 gpm, 8-inch steel, a 1 hour 15 minute air test, static water at 25 ft, and no reported seal.
- Water Audit questions whether the public water system is operating with a well not in compliance with County and state regulations.
- Supporting documents show a 2019 pump test with start water level at 93 ft and a 2024 video noting static water at 41 ft and casing ending at 17 ft, raising data inconsistencies.
- The 2015 WAA Guidance requires well seal locations, minimum 8-hour constant rate aquifer tests for planned pumping rate determination, and a minimum 50-foot surface seal, with additional analysis if criteria are unmet.
- The Guidance prefers aquifer tests to determine hydraulic parameters and may require tests or monitoring wells if substantial evidence suggests potential impacts.
- The County may require water meters in groundwater-deficient areas and impose reductions if actual usage exceeds projections.

Potential Omitted or Ghost Well and Graphics Deficiencies

- A 2000 sewage permit sketch shows another (undisclosed) well at the parcel corner; there is no apparent destruction permit, and the WAA figure omits or obscures it within a red boundary.
- The site plan lacks surrounding APNs, distances between the well, septic field, and watercourses, omits the corner well, and excludes the 10,500-gallon fire tank from WAA accounting.

Current Project Folder and Public Access

- The current project folder contains only a Courtesy Notice, Meeting Agenda, and Public Notice, with no findings, conditions, application, WAA, water feasibility, CEQA categorical exemption, or graphics available for public review.

Relief or Core Assertions

- The project is framed as code compliance but seeks to remove key monitoring and reporting conditions and lacks limits on groundwater extraction from Well #1.
- The CEQA categorical exemption and baseline reliance are contested given increased visitation and asserted public trust duties.
- The WAA relies on insufficient testing, omits key components, and conflicts with historical usage estimates, warranting rigorous pump testing and metered monitoring.
- The water system feasibility is absent despite a likely increase in persons served, and staff's position is challenged.
- Records suggest incomplete well compliance, missing seals, inconsistent water levels, and a possibly unaddressed second well, indicating data gaps.
- The public record is incomplete, hindering review and undermining transparency.
- The application does not consider public trust issues.

Respectfully,



William McKinnon
General Counsel
Water Audit California

Attachments - Exs. 1-10 attached

Search results

hagafen

Sort by

Your search did not match any results.

[🔍 Search "hagafen" on Google](#)

ENHANCED BY 

Use advanced search to search the CEQA database:

[Advanced Search](#)

Exhibit 1

Planning

Cover Sheet

APN	039 - 130 - 002 - 000
Permit #	97219
Program	USE
DocType	ENVR
Street #	
Street Name	
Year	

Exhibit 2



98-0044

FILED

MAY 12 1998

Notice of Determination

To: () Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

By: JOHN TUTEUR
Napa County Recorder - County Clerk
DEPUTY RECORDER - CLERK

(X) County Clerk
County of Napa

From: Napa County
Conservation, Development & Planning Dept.
1195 Third Street, Room 210
Napa, CA 94558

Subject:

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title

Hagafen Winery/Norman & Irit Weir Wyntress Chatman Balcher (707) 253-4416

State Clearing House Number **Lead Agency Contact Person** **Area Code/Telephone/Extension**
(If submitted to Clearinghouse)

East side of Silverado Trail approx. 1/2 mile north of its intersection with Soda Canyon Rd (Napa USGS Quad) Napa County

Project Location (include county)

Project Description: Use permit request (#97219-UP) to establish a new 6,800 ft.² winery with an annual production capacity of 50,000 gallons/year (with up to 25,000 gallons/year produced by up to four (4) custom production operations involving crushing, fermentation, barrel ageing and bottling) and a Marketing plan located on a 12.23 acre parcel (APN: 39-130-002)

Applicant Name: Norman E. & Irit Weir **Phone Number:** 224-2437

Applicant Address: 4195 Silverado Trail Napa CA 94558

This is to advise that the Conservation, Development and Planning Commission has approved the above described project on March 4, 1998 and has made the following determinations regarding the above described project:
() Lead Agency () Responsible Agency
(Date)

1. The project () will (X) will not have a significant effect on the environment.
2. () An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
(X) A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures (X) were () were not made a condition of the approval of this project.
4. A statement of Overriding Considerations () was (X) was not adopted for this project.
5. Findings (X) were () were not made pursuant to the provisions of CEQA.

Wida White

May 11 1998

Deputy Planning Director

Signature

Date

Title

Date sent to OPR:

Revised October 1989

CALIFORNIA DEPARTMENT OF FISH AND GAME
CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

Project Title/Location: Hagafen Winery/Norman & Irit Weir/ east side of Silverado Trail approx. 1/2 mile north of its intersection with Soda Canyon Rd (Napa USGS Quad)

COUNTY OF NAPA

Name & Address of Proponent:

Norman E. & Irit Weir
4195 Silverado Trail Napa CA 94558

Brief Project Description:

Use permit request (File #97219-UP) to establish a new 6,800 ft.² winery with an annual production capacity of 50,000 gallons/year (with up to 25,000 gallons/year produced by up to four (4) custom production operations involving crushing, fermentation, barrel ageing and bottling) and a Marketing plan located on a 12.23 acre parcel (APN: 39-130-002) within an Agricultural Preserve (AP) Zoning District.

Findings of Exemption:

An Initial Study has been conducted by the County of Napa so as to evaluate the potential for adverse environmental impact.

When considering the record as a whole, there is no evidence before the County of Napa that the proposed project will have potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depends.

Certification:

I hereby certify that Napa County has made the above findings of fact and that based upon the initial study and hearing record the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.


(Chief Planning Official)

Title: Deputy Planning Director

Lead Agency: COUNTY OF NAPA

Date: May 11 1998



NAPA COUNTY

JOHN TUTEUR
ASSESSOR-RECORDER-COUNTY CLERK
RECORDER-COUNTY CLERK DIVISION

NAPA COUNTY CONSERVATION, DEV. & PLANNING DEPT.
1195 THIRD ST ROOM 210
NAPA CA 94559

RE: 98-0044

COUNTY CLERK'S CERTIFICATE OF POSTING

AS REQUIRED BY CEQA, SECTION 21152 (C) OF THE PUBLIC RESOURCE CODE,
I, JENNIFER SANTOS DEPUTY RECORDER-COUNTY
CLERK CERTIFY THAT I POSTED THE ATTACHED NOTICE IN THE OFFICE OF THE
RECORDER-COUNTY CLERK AT 900 COOMBS STREET, ROOM 116, NAPA,
CALIFORNIA FOR THE FOLLOWING TIME PERIOD: MAY 12, 1998
JUNE 12, 1998

DATE: JUNE 19, 1998

JOHN TUTEUR
RECORDER-COUNTY CLERK


BY: DEPUTY RECORDER-COUNTY CLERK

(cpstg)

NEGATIVE DECLARATION

The Conservation, Development and Planning Commission of Napa County has tentatively determined that the following project would not have a significant effect on the environment. Documentation supporting this determination is on file for public inspection at the Napa County Conservation, Development and Planning Department Office, 1195 Third St., Room 210, Napa, California 94559. For further information call (707) 253-4416.

PROJECT NAME: Hagafen Winery/Norman & Irit Weir

FILE NO: 97219-UP

PROJECT DESCRIPTION: Use permit request to establish a new 6,800 ft.² winery with an annual production capacity of 50,000 gallons/year (with up to 25,000 gallons/year produced by up to four (4) custom production operations involving crushing, fermentation, barrel ageing and bottling) and a Marketing plan located on a 12.23 acre parcel (APN: 39-130-002) on the east side of Silverado Trail approx. ½ mile north of its intersection with Soda Canyon Rd (Napa USGS Quad) within an Agricultural Preserve (AP) Zoning District.

Mitigation measures included in the subject project are specified in the Project Revision Statement attached to the appended revised Initial Study.

WRITTEN COMMENT PERIOD: February 12 - March 4 1998

DATE: March 18, 1998

BY THE ORDER OF

JEFFREY REDDING

Director

Napa County Conservation, Development and Planning Department

COUNTY OF NAPA
CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT
1195 Third Street, Rm. 210
Napa, California, 94559
(707) 253-4416

INITIAL STUDY

PROJECT NAME: Hagafen Winery/Norman & Irit Weir
FILE NO: 97219-UP

PROJECT DESCRIPTION: Use permit request to establish a new 6,800 ft.² winery with an annual production capacity of 50,000 gallons/year (with up to 25,000 gallons/year produced by up to four (4) custom production operations involving crushing, fermentation, barrel ageing and bottling) and a Marketing plan located on a 12.23 acre parcel (APN: 39-130-002) on the east side of Silverado Trail approx. ½ mile north of its intersection with Soda Canyon Rd (Napa USGS Quad) within an Agricultural Preserve (AP) Zoning District.

JURISDICTIONAL BACKGROUND:
Public Plans and Policies

Based on an initial review, the following findings have been made for the purpose of the Initial Study and do not constitute a final finding by the County in regard to the question of consistency.

	YES	NO	N/A
Is the project consistent with:			
a) Regional and Subregional Plans and Policies?	<u>X</u>	—	—
b) LAFCOM Plans and Policies?	—	—	<u>X</u>
c) The County General Plan?	<u>X</u>	—	—
d) Appropriate City General Plans?	—	—	<u>X</u>
e) Adopted Environmental Plans and Goals of the Community?	<u>X</u>	—	—
f) Pertinent Zoning?	<u>X</u>	—	—

- * Mitigable (see Mitigation Measures below)
- o Cumulatively Significant Only

Responsible (R) and Trustee (T) Agencies

Other Agencies Contacted

ENVIRONMENTAL SETTING:

Nearly level to gently sloping area (slopes typically 2-5%) elevation 80±ft MSL located approx. 5 miles north of the city of Napa. Foundation materials consist of Pleistocene fan or terrace deposits overlain by Class III soil of the Coombs gravelly loam series. Runoff is slight and the erosion hazard is slight. Vegetative cover is primarily planted vineyard. There is a 660 ft² residence located on the northeastern corner of the property, which will be located approximately 120 feet from the proposed winery. Surrounding land uses include agriculture, vineyards, and low density residential. The closest residence is approx. 36± feet north of the property, but will be located over 500 feet from the proposed development.

ENVIRONMENTAL EFFECTS:
Normally Significant Individual Impacts

YES NO

(Geology)

- 1. Exposure of new site users to substantial life and/or property hazards from geologic processes (e.g., severe settlement, sliding, faulting, intense seismically induced ground shaking, seismically-induced ground failures, etc.).
- 2. Exposure of existing area occupants to substantially increased life and/or property hazards from geologic processes.
- 3. Damage, destruction or burial of any unique or scientifically important geologic or geomorphologic feature.

(Meteorology)

- 4. Substantial modification of climatic or microclimatic conditions (e.g., temperature, rainfall, wind, shadow patterns, etc.).

(Hydrology)

- 5. Exposure of new site users to substantial life and/or property hazards from flooding (e.g., stream flooding, tsunamis, seiches, dam or levee failure, etc.).
- 6. Exposure of existing area occupants to substantially increased life and/or property hazards from flooding.
- 7. Substantial temporary construction period increase in erosion and/or sedimentation.
- 8. Substantial permanent increase in erosion and/or sedimentation.
- 9. Substantial depletion of groundwater resources or significant interference with groundwater recharge.

(Water Quality)

- 10. Substantial degradation of the quality of waters present in a stream, lake, or pond.
- 11. Substantial degradation of the quality of groundwater supplies.
- 12. Substantial contamination of a public or private water supply.

(Air Quality)

- 13. Exposure of new site users to substantial health hazards from breathing polluted air.
- 14. Exposure of existing area occupants to substantially increased health hazards from breathing polluted air.
- 15. Substantial degradation of local or regional air quality.
- 16. Exposure of new site users or existing area occupants to annoyance from dust and/or highly objectionable odors.

(Noise)

- 17. Exposure of new site users to health hazards from noise levels in excess of those recognized as necessary to protect public health and welfare.
- 18. Exposure of existing area occupants to health hazards from noise levels in excess of those recognized as necessary to protect public health and welfare.
- 19. Exposure of people to high construction noise levels for substantial periods of time.
- 20. Exposure of existing area occupants to annoyance from substantially increased ambient noise levels.

* Mitigable (see Mitigation Measures below)

° Cumulatively Significant Only

YES NO

(Ecosystem)

- 21. Substantial reduction in the number of a rare or endangered species of plant or animal or damage or restriction of the habitat of such a species.
- 22. Destruction of or substantial damage to a unique, scarce, or particularly productive biological area (e.g., marshes, riparian galleries, vernal pools, etc.).
- 23. Substantial reduction in habitat for plants, fish, and/or wildlife.
- 24. Substantial modification in the number or diversity of plant or animal species present.
- 25. Substantial interference with the movement of a resident or migratory fish or wildlife species.

(Social)

- 26. Disruption or division of an established community.
- 27. Displacement of a large number of people.

(Aesthetic)

- 28. Blockage or substantial degradation of important public or private views.
- 29. Exposure of new site users or existing area occupants to annoyance from increased nighttime light levels or glare.
- 30. Creation of a litter problem.

(Cultural)

- 31. Destruction of or substantial damage to a recognized archaeological site.
- 32. Destruction of or substantial damage to the historical character of a recognized historical structure, facility, or feature.
- 33. Elimination of or conflict with the established recreational, educational, religious, or scientific uses of the project site or surrounding properties.

(Traffic)

- 34. Exposure of new site users to substantial life and/or property hazards from traffic accidents.
- 35. Exposure of the existing users of the roads providing access to the project site to substantially increased life and/or property hazards from traffic accidents.
- 36. Exposure of the users of the roadways providing access to the project site to annoyance from noticeably increased traffic congestion.
- 37. Increase in traffic on the roadways providing access to the project site which is substantial in relation to the existing traffic load and capacity of the street system.
- 38. Creation of a substantial local parking problem.

(Energy)

- 39. Increase in the demand for energy which is substantial in relation to the existing energy demands of the area.
- 40. Creation of a facility or development which will use fuel or energy in a wasteful manner.
- 41. Creation of a facility or development which will use substantially higher than average amounts of fuel or energy for transportation purposes.

(Public Health)

- 42. Exposure of new site users to substantial health hazards from contaminated drinking water, inadequately treated sewage and/or insect or rodent pests.
- 43. Exposure of existing area occupants to substantially increased health hazards from contaminated drinking water, inadequately treated sewage and/or insect or rodent pests.
- 44. Exposure of new site users to substantial life and/or property hazards from fire.
- 45. Exposure of existing area occupants to substantially increased life and/or property hazards from fire.

* Mitigable (see Mitigation Measures below)

° Cumulatively Significant Only

YES NO

(Public Health)

- X 46. Exposure of new site users to substantial life and/or property hazards from air crashes.
- X 47. Exposure of existing area occupants and/or existing air or heliport users to substantially increased life and/or property hazards from air crashes.
- X 48. Exposure of new site users or existing area occupants to substantial annoyance from insect or rodent pests.

(Community Services)

- X 49. Increase in the demand for a community service (e.g., sewer, water, fire protection, schools, etc.) which is substantial in relation to the currently existing uncommitted capacity of the agency involved to provide such a service.

(Commercial Resources)

- X 50. Preclusion of the development of aggregate, rock product, or mineral resources of current or potential importance.
- X 51. Removal of a substantial amount of agricultural or grazing land from current or potential production.

(Fiscal)

- X 52. Creation of a development to which it would cost the community substantially more to provide services than it would return in taxes.

(Growth Inducement)

- X 53. Inducement of substantial residential, commercial, or industrial development.

MANDATORY FINDINGS OF SIGNIFICANCE

YES NO

Does the project:

- a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? X
- b) Have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? X
- c) Have possible environmental effects which are individually limited but cumulatively considerable? X
- d) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? X

* Mitigable (see Mitigation Measures below)

o Cumulatively Significant Only

IMPACT DISCUSSION

The project proposes to establish a new winery on Silverado Trail, operating 5 days per week, with five (5) full-time employees, two (2) part-time employees, approximately 15 visitors/day expected, 1.6 deliveries/day, and an increase during harvest and bottling, when there are five (5) additional full-time employees. Proposed marketing would occur an average of two (2) per month, expecting no more than 150 persons at any event.

ECOSYSTEM (endangered plant)

A habitat for a plant designated as Federally Endangered (also California Native Plant Society designation), *Lasthenia conjugens* (Contra Costa Goldfields), has been identified north of the subject property. The applicant has indicated that property has been under vineyard cultivation around thirty years. Therefore, the occurrence of the endangered plant on the property would not be expected and no adverse environmental impact would be expected to result from this project.

TRAFFIC (safety and congestion)

The proposal will result in an increase in weekly traffic generators, roughly 57.2 trips, from employees, grape delivery, glass delivery, case good shipping, occasional marketing activities etc. Silverado Trail is a well-traveled road and has a relatively high speed limit (55 mph). Sight distances are very good from the access driveway, well over 100 feet. The average daily traffic count for Silverado Trail just south of the Oak Knoll Avenue, north of the project site, is 5,241; south of the project site, the average daily traffic count, measured south of Soda Canyon Road, is 5,527, south of the project site. New turning activities which will occur may result in traffic delays and will expose new site users to the risk of traffic accidents. The construction of a left turn lane to allow users of the driveway a safe waiting area would help reduce the increased risk of traffic safety and to reduce possible traffic congestion impacts to a level of insignificance.

COMMERCIAL RESOURCES

The 12.23 acre parcel is currently cultivated in $11 \pm$ acres of vineyards. There will be some removal of approximately two acres of older vineyard to construct the winery and new access road. This amount of removal is not significant in relation to the amount of acres in vines in Napa County which total approximately 36,000 acres.

MITIGATION MEASURES:

- None Required
- Identified By This Study - Unadopted (see attached Draft Project Revision Statement)
- Included By Applicant As Part of Project (see attached Project Revision Statement)
- Recommended For Inclusion As Part of Public Project (see attached Recommended Mitigation Measure List)

BASIS OF CONCLUSIONS:

The conclusions and recommendations contained herein are professional opinions derived in accordance with current standards of professional practice. They are based on a review of the Napa County Environmental Sensitivity Maps, the other sources of information listed in the file, and the comments received, conversations with knowledgeable individuals; the preparer's personal knowledge of the area; and, where necessary, a visit to the site. For further information, see the Environmental Background Information Form contained in the permanent file on this project.

AGENCY STAFF PARTICIPATING IN THE INITIAL STUDY:


Resource Evaluation:	<u>W.C. Balcher</u>	Date: <u>January 20, 1998</u>
Site Review:	<u>W. C. Balcher</u>	Date: <u>January 20, 1998</u>
Planning/Zoning Review:	<u>W. C. Balcher</u>	Date: <u>January 20, 1998</u>

PRELIMINARY DETERMINATION:

No reasonable possibility of environmental effect has been identified, and a Negative Declaration should be prepared.

A Negative Declaration cannot be prepared unless all identified impacts are reduced to a level of insignificance or avoided.

DATE: January 20, 1998

BY: 
Wynness Chatman Balcher, Planner

**ENVIRONMENTAL ASSESSMENT
BACKGROUND INFORMATION**

PROJECT NAME: Hagahk Winery / wine APN# 79-130-002

ENVIRONMENTAL SETTING INFORMATION & IMPACT CALCULATIONS (Optional):

Topography (see attached topo map)

*Slope: _____

Geology (Impact 1, 2 & 3)

Bedrock (% site-symbol(name)-dip): _____

Surficial Deposits (% site-symbol(name)): Qoa - Pleistocene fan or terrace deposits

Historic Marsh Area (% site - name) _____

Landslides (_____ definite, _____ probable, _____ questionable, _____ active)

Soil Creep Areas (_____ definite, _____ probable, _____ questionable, _____ active)

Active Faults (name - location): _____

Other Faults (name - location): _____

Unique/Scientifically Important Geologic/Geomorphic Feature: _____

Geological Study: _____

***Soils** (Impact 1, 7, 8, 10 & 51)

% Site	Number	Name (Slope)	Class	Erosion	Runoff	Potential Use
<u>100%</u>	<u>123</u>	<u>Coombs gravelly loam 2-5%</u>	<u>III</u>	<u>Slight</u>	<u>slow</u>	<u>vineyards orchards</u>
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

Meteorology (Impact 4)

Prevailing Wind Direction: _____

Flooding (Impact 5 & 6)

Delineated 100-Year Floodplain (% site - stream name): _____

Delineated Floodway (% site - stream name): _____

Tsunami/Seiche/Dam/Levee Failure Inundation Area (% area): _____

* Items often not relevant to smaller projects undertaken

***Runoff (Impact 6 & 9)**

Watershed

designation: _____

size (acres): _____

Percentage Change in Downstream Flows:

(see runoff/erosion calculation sheet when attached)

***Erosion/Sedimentation/Water Quality (Impact 7, 8, 10, 11 & 12)**

Watershed

designation _____

erosion hazard _____

size (acres) _____

Percentage Increase In Sediment Delivered To Drainageway

(see runoff/erosion calculation sheet when attached)

construction: _____

permanent: _____

***Air Quality (Impact 13, 14, 15 & 16)**

Traffic Generated (trips/day): _____ Average Trip Length (miles/trip): _____

VMT Increase (miles/day): _____ Existing VMT In Airshed: _____

Percentage Increase In Pollutants Released In Airshed: _____

On-site Air Pollution Levels

(see air quality calculation sheets when attached)

CO (1 hr): _____ ppm CO (8 hr): _____ ppm HC (3 hr): _____ ppm TSP (24 hr): _____ ug/m³

Proportion of Remaining Uncommitted Capacity To Hazardous Off-site Air Pollution Levels Employed (see air quality calculation sheet when attached)

Roadway:

CO (1 hr): _____

CO (8 hr): _____

HC (3 hr): _____

TSP (24 hr): _____

Noise (Impact 17, 18, 19 & 20)

Peak On-site Ldn Noise Levels At Proposed Facility (dBA): _____ Standard: _____

*Ldn Noise Levels At Most Highly Impacted Off-site Receptors (dBA)

location:	_____	_____	_____	_____
standard:	_____	_____	_____	_____
existing:	_____	_____	_____	_____
base case:	_____	_____	_____	_____
with project:	_____	_____	_____	_____
difference:	_____	_____	_____	_____

Peak Construction Noise Levels At Most Highly Impacted Receptors (dBA): _____

Standard: _____

Ecosystems (Impact 21, 22, 23, 24 & 25)

Unique/Rare/Endangered Plant (symbol/scient. name) - common name): Lasianthus conjugens - Contra Costa Goldfields immediately north - Federal Endangered + CDFG Native Plant Society

Unique/Rare/Endangered Animal (name): _____

Fresh/Brackish/Salt Water Marsh (% site) _____

Riparian Gallery (% site - stream): _____

Vernal Swale/Pool/Pond/Lake (% site) _____

Other Unique/Important/Particularly Productive Habitat (% site - type): _____

Biotic/Wildlife Survey: _____

Cultural Resources (Impact 31, 32 & 33)

Archaeological Site (% site - number): _____

Historical Site (name): _____

Archaeologically/Historically Sensitive Area (% site): _____

Recreational/Educational/Religious/Scientific Use Area (% site - name): _____

Archaeological Survey: _____

Traffic (Impact 34, 35, 36, 37 & 38)

Estimated Traffic Speed (mph): _____

Site Distance At Driveway Location (ft): _____ Standard: _____

Percentage Increase In Hazards To Existing Traffic: _____

Traffic Generation (trips)
per day: _____
peak hr: _____

peak hr cross traffic: _____

Traffic Distribution (%)
(see traffic distribution sketch when attached)
north: _____ south: _____ east: _____ west: _____

Traffic Level Changes (ADT/peak hr)

street name (capacity):	_____	_____	_____	_____
existing (LOS):	_____	_____	_____	_____
base case (LOS):	_____	_____	_____	_____
with project (LOS):	_____	_____	_____	_____
percent of remaining:	_____	_____	_____	_____
uncommitted capacity:	_____	_____	_____	_____

*Parking Spaces Provided: _____ Standard: _____

Traffic Study: _____

Public Safety (Impact 44, 45, 46 & 47)

Fire Risk: High Fire Response Time (min): _____ Fire Hydrant Distance (ft): _____

Airport/Heliport Safety Zone (% site - airport): _____

Airport/Heliport Approach Protection Zone (% site - airport): _____

Airport/Heliport Clear Zone (% site - airport): _____

Commercial Resources (Impact 50 & 51)

On-site/Nearby Aggregate/Rock Product/Mineral Resource Site
(% site - material(name)) _____

Amount of Prime Cropland/Grazing Land Potentially Removed From Production
(acres): _____

Total Amount of Prime Cropland/Grazing land In County
(acres): _____

Percentage Loss in Prime Cropland/Grazing Land: _____

Other

SOURCE OF ENVIRONMENTAL SETTING INFORMATION:

Except as otherwise indicated, the source of the setting information specified above is (a) the Napa County Environmental Sensitivity Mapping Program; (b) a review of the 1968 1:12,000 scale aerial photos of the site; (c) the comments received; (d) conversations with knowledgeable individuals (see notes below); (e) the preparer's personal knowledge of the area; and (f) where necessary, a site visit (see notes below).

FIELD CHECK (Optional):

Date: _____
By: _____

On-site Improvements & Vegetation: _____

Surrounding Land Uses: _____

Views: _____

Site Distance: _____

Other: _____

EMPLOYEES

$5 \times 3.2 = 16$ trips
 $2 \times 2 = 4$ trips (7 trips peak hr)
 5×2 trips/day 10 trips

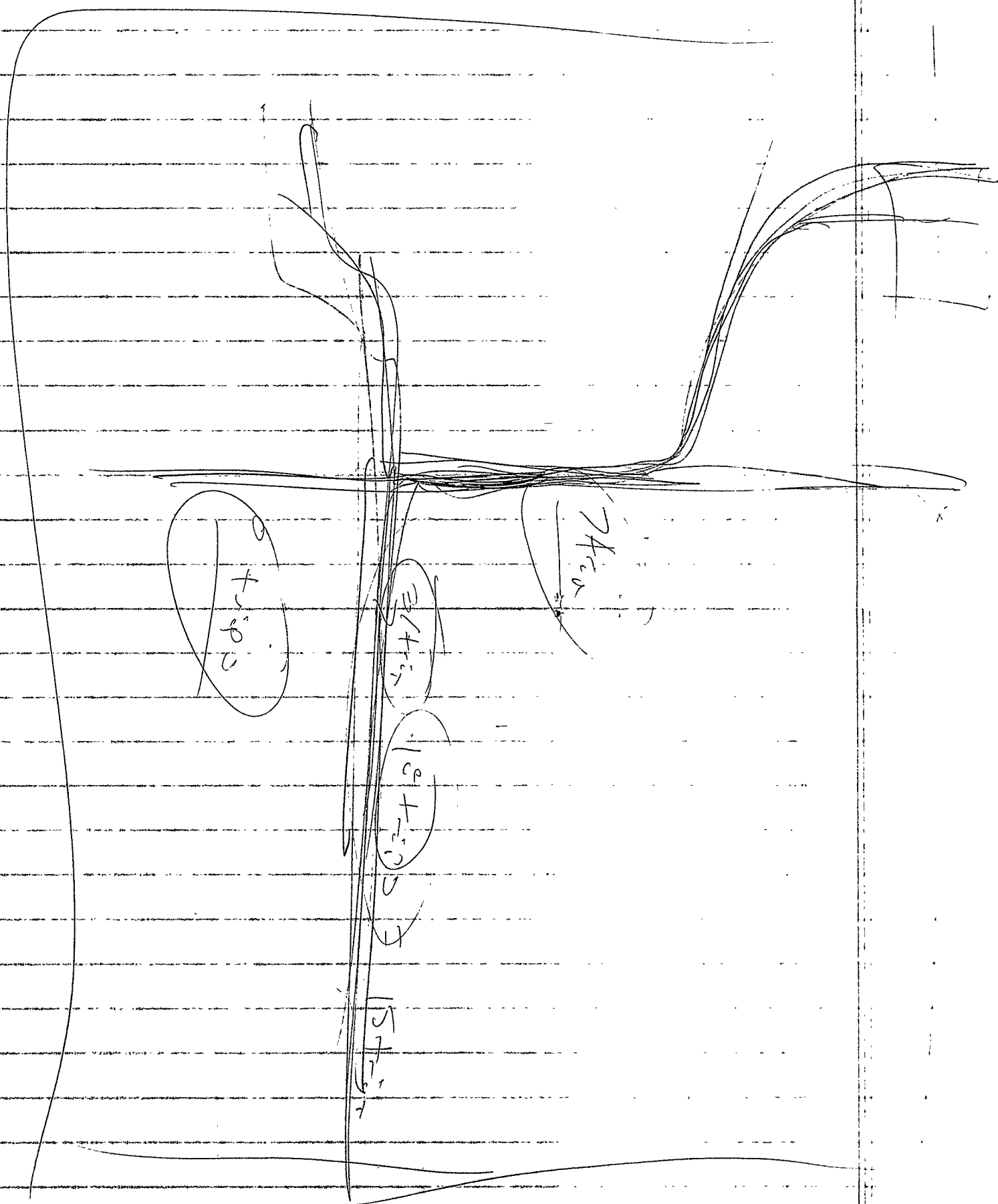
Visitors

25 visitors/day \div 26 visitors/aut
 $= 9.6$ autos \times 2 trips/aut =
 19.2 trips (11 trips peak hr)

Winery

50,000 gallons
 grapes 76 trips/yr or 2 trips/day
 materials ~~76~~ trips/yr or 29 trips/day
 case goods 40 trips/yr or 16 trips/day
 52 trips/day - MAX (crush + peak visitation)
 30 trips/day - typical
 18 peak hr

$$\begin{array}{r} 26.45 \\ 9.61 \\ \hline 30.00 \end{array}$$



NOISE

Winery During Crush

~~2500'~~ 65 dBA at 140' (grape dumping operation - noisest activity)
 at 500' 65 dBA - 12 dBA = 53 dBA

Maximum Intermittent Level

Traffic

Winery access road (230')

3 truck trips/day

5 employees

25 visitors/day

5 employees X 4 trips/day = 20 trips/day

25 visitors/day ÷ 2.6 persons/auto X 2 trips/auto = 19 trips/day

6 truck trips/day

45 trips/day non-harvest

65 trips/day harvest

10 trips/employee

1 truck trip peak hr

11 visitor trips

21 autos/hr

1 truck/hr

traffic - vehicles: 35 dBA

- trucks: 41 dBA

≤ 42 dBA

winery traffic

Silverado Trail (650') - 5697 trips/day

1% trucks → 57 trucks/day → 4 trucks/hr

565 trips peak hr

4 trucks/hr

traffic - vehicles 46 1/2 dBA

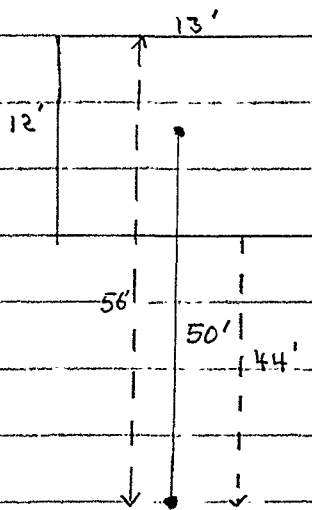
trucks 39 dBA

≥ 47 1/2 dBA

48 1/2 dBA ± 1 dBA

standard 55 dBA

Marketing Events - Crowd Noise (150 people)



40 1/2 dBA at 56' (ie 55 - 14 1/2 dBA)

55 dBA at 10' →

41 1/2 dBA at 50' (ie 55 - 13 1/2 dBA)

42 dBA at 44' (ie 55 - 13 dBA)

	56'	50'	44'
1 pair	40 1/2 dBA	41 1/2	42
2 pair (+3)	43 1/2		
3 pair (+1 3/4)	45 1/4		
4 pair (+1 1/4)	46 1/2		
5 pair (+1)	47 1/2		
6 pair (+3/4)	48 1/4		
7 pair (+3/4)	49	50	50 1/2

$$\underbrace{49 + 49 + 49}_{53 \frac{3}{4}} + \underbrace{50 + 50 + 50 + 50 + 50 + 50}_{57 \frac{3}{4}} + \underbrace{50 \frac{1}{2} + 50 \frac{1}{2} + 50 \frac{1}{2}}_{55 \frac{1}{4}}$$

$$\underbrace{\hspace{15em}}_{57 \frac{1}{2}}$$

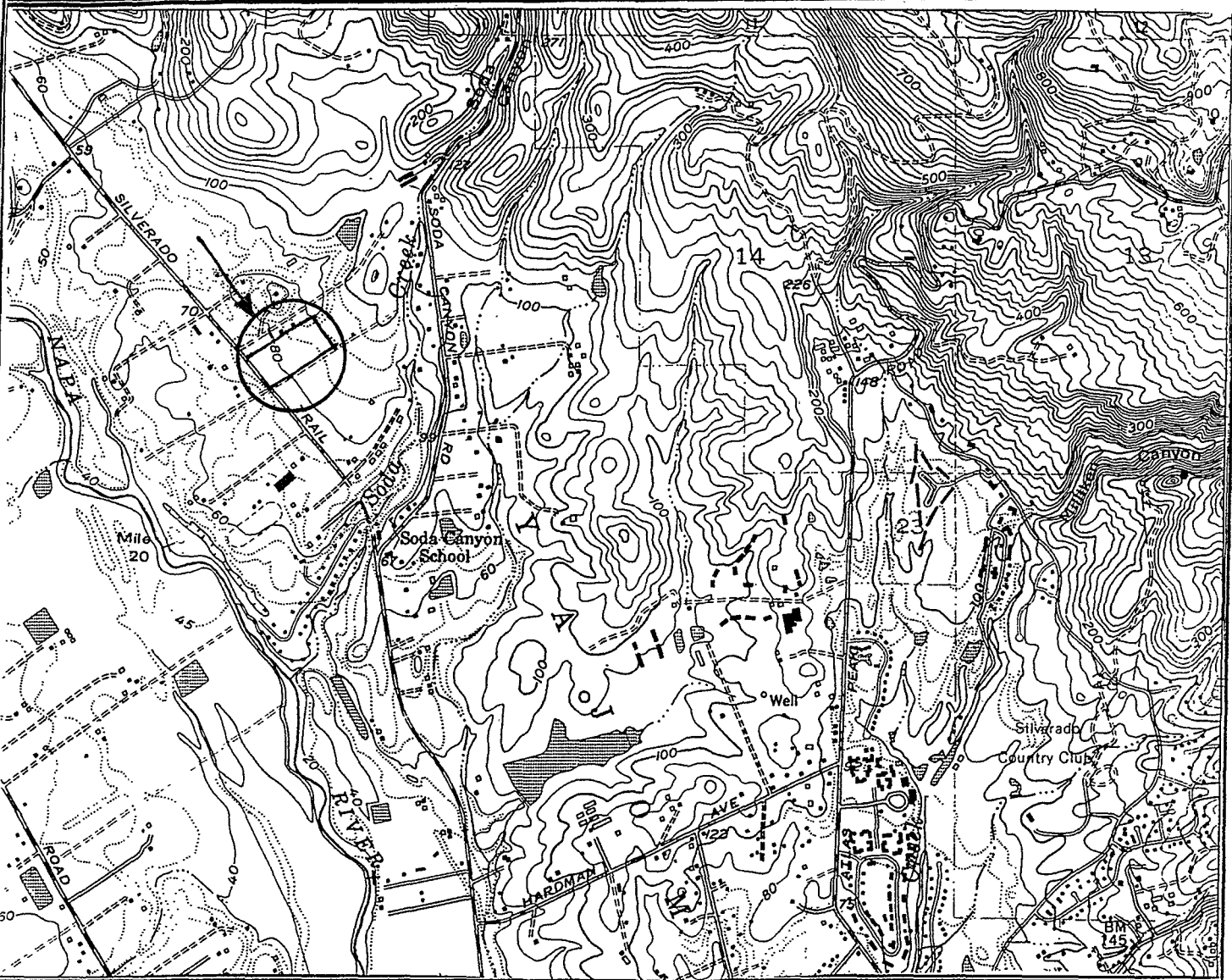
60 3/4 dBA at 50' ⇒ 39 dBA at 500'

SITE LOCATION MAP (U.S. GEOLOGICAL SURVEY)

**GEOLOGICAL SURVEY
QUADRANGLE TITLE:**

NAPA QUADRANGLE

COUNTY FILE NO. _____



LEGEND

Show the following information on the topographic map:

Parcel Boundary

Existing

Proposed

Structure

Septic System

Well

Spring

Reservoir

Road

Parking Lot or
Outdoor Storage Area



RECEIVED

NOV 10 1997

APPLICANT NAME: John Doe

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

AP NO: 000-000-000
DATE: April 8, 1996

ENVIRONMENTAL DETERMINATION

- Not Subject to CEQA - _____
- Statutorily Exempt - _____
- Categorically Exempt - Class _____
- Negative Declaration
- Mitigated Negative Declaration
- Focused EIR
- Full EIR
- _____

ENVIRONMENTAL ASSESSMENT

BACKGROUND INFORMATION

PROJECT NAME: _____ INITIAL STUDY #: _____

PROJECT INFORMATION (Optional):

square ft.	occupants	visitors	occupant load	bedrooms	existing
_____	_____	_____	_____	_____	base case
_____	_____	_____	_____	_____	proposed
_____	_____	_____	_____	_____	difference

Aerial Photos: _____

ENVIRONMENTALLY SENSITIVE AREA EVALUATION (Selected Categorical Exemptions Only):

YES NO **(Geology)**

- ___ ___ 1. Exposure of new site users to substantial life and/or property hazards from geologic processes (eg., severe settlement, sliding, faulting, intense seismically induced ground shaking, seismically-induced ground failures, etc.).
- ___ ___ 2. Exposure of existing area occupants to substantially increased life and/or property hazards from geologic processes.

(Hydrology)

- ___ ___ 5. Exposure of new site users to substantial life and/or property hazards from flooding (eg., stream flooding, tsunamis, seiches, dam or levee failure, etc.).
- ___ ___ 6. Exposure of existing area occupants to substantially increased life and/or property hazards from flooding.

Background Information

Page 2

YES NO (Noise)

- ___ ___ 17. Exposure of new site users to health hazards from noise levels in excess of those recognized as necessary to protect public health and welfare.

(Ecosystems)

- ___ ___ 21. Substantial reduction in the number of a rare or endangered species of plant or animal or damage or restriction of the habitat of such a species.
- ___ ___ 22. Destruction of or substantial damage to a unique, scarce, or particularly productive biological area (eg., marshes, riparian galleries, vernal pools, etc.).

(Cultural)

- ___ ___ 31. Destruction of or substantial damage to a recognized archaeological site.
- ___ ___ 32. Destruction of or substantial damage to the historical character of a recognized historical structure, facility, or feature.
- ___ ___ 33. Elimination of or conflict with the established recreational, educational, religious, or scientific uses of the project site or surrounding properties.

(Public Health & Safety)

- ___ ___ 42. Exposure of new site users to substantial health hazards from contaminated drinking water, inadequately treated sewage and/or insect or rodent pests.
- ___ ___ 43. Exposure of existing area occupants to substantially increased health hazards from contaminated drink water, inadequately treated sewage and/or insect or rodent pests.
- ___ ___ 44. Exposure of new site users to substantial life and/or property hazards from fire.
- ___ ___ 45. Exposure of existing area occupants to substantially increased life and/or property hazards from fire.
- ___ ___ 46. Exposure of new site users to substantial life and/or property hazards from air crashes.
- ___ ___ 47. Exposure of existing area occupants and/or existing air or heliport users to substantially increased life and/or property hazards from air crashes.

EXEMPTION ANALYSIS (Optional):

----- (exemption type) ----- ----- ----- ----- ----- ----- (justification for use) -----

ENVIRONMENTAL SETTING INFORMATION & IMPACT CALCULATIONS (Optional):

Topography (see attached topo map)

gently SW sloping *Slope: 2% SW

Geology (Impact 1, 2 & 3)

Bedrock (% site-symbol(name)-dip): N/A

Surficial Deposits (% site-symbol(name)): Red/white deformed alluvial fan deposits
very low liquefaction potential

Historic Marsh Area (% site - name) N/A

Landslides (_____ definite, _____ probable, _____ questionable, _____ active)

Soil Creep Areas (_____ definite, _____ probable, _____ questionable, _____ active)

Active Faults (name - location): _____

Other Faults (name - location): _____

Unique/Scientifically Important Geologic/Geomorphic Feature: _____

Geological Study: _____

***Soils** (Impact 1, 7, 8, 10 & 51)

% Site	Number	Name (Slope)	Class	Erosion	Runoff	Potential Use
<u>100</u>	<u>123</u>	<u>Coombs Gravelly Loam (2-5%)</u>	<u>U1e-3(14)</u>	<u>slight</u>	<u>slow</u>	<u>most field & forage crops, vines</u>
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

Meteorology (Impact 4)

Prevailing Wind Direction: _____

Flooding (Impact 5 & 6)

Delineated 100-Year Floodplain (% site - stream name): _____

Delineated Floodway (% site - stream name): _____

Tsunami/Seiche/Dam/Levee Failure Inundation Area (% area): _____

* Items often not relevant to smaller projects undertaken

***Runoff (Impact 6 & 9)**

Watershed

designation: _____
size (acres): _____

Percentage Change in Downstream Flows:
(see runoff/erosion calculation sheet when attached)

***Erosion/Sedimentation/Water Quality (Impact 7, 8, 10, 11 & 12)**

Watershed

designation _____
erosion hazard _____
size (acres) _____

Percentage Increase In Sediment Delivered To Drainageway
(see runoff/erosion calculation sheet when attached)

construction: _____
permanent: _____

***Air Quality (Impact 13, 14, 15 & 16)**

Traffic Generated (trips/day): _____ Average Trip Length (miles/trip): _____

VMT Increase (miles/day): _____ Existing VMT In Airshed: _____

Percentage Increase In Pollutants Released In Airshed: _____

On-site Air Pollution Levels

(see air quality calculation sheets when attached)

CO (1 hr): _____ ppm CO (8 hr): _____ ppm HC (3 hr): _____ ppm TSP (24 hr): _____ ug/m³

Proportion of Remaining Uncommitted Capacity To Hazardous Off-site Air Pollution
Levels Employed (see air quality calculation sheet when attached)

Roadway: _____
CO (1 hr): _____
CO (8 hr): _____
HC (3 hr): _____
TSP (24 hr): _____

Noise (Impact 17, 18, 19 & 20)

Peak On-site Ldn Noise Levels At Proposed Facility (dBA): _____ Standard: _____

*Ldn Noise Levels At Most Highly Impacted Off-site Receptors (dBA)

location:	_____	_____	_____	_____
standard:	_____	_____	_____	_____
existing:	_____	_____	_____	_____
base case:	_____	_____	_____	_____
with project:	_____	_____	_____	_____
difference:	_____	_____	_____	_____

Peak Construction Noise Levels At Most Highly Impacted Receptors (dBA): _____

Standard: _____

Ecosystems (Impact 21, 22, 23, 24 & 25)

Unique/Rare/Endangered Plant (symbol/scient. name) - common name): LACO (Central Costa Goldfields)
Losibonita conjugens
Vally grassland around vernal pools April-May (Federal Endangered)

Unique/Rare/Endangered Animal (name): _____

Fresh/Brackish/Salt Water Marsh (% site) _____

Riparian Gallery (% site - stream): _____

Vernal Swale/Pool/Pond/Lake (% site) _____

Other Unique/Important/Particularly Productive Habitat (% site- type): _____

Biotic/Wildlife Survey: _____

Cultural Resources (Impact 31, 32 & 33)

Archaeological Site (% site - number): _____

Historical Site (name): _____

Archaeologically/Historically Sensitive Area (% site): _____

Recreational/Educational/Religious/Scientific Use Area (% site - name): _____

Archaeological Survey: _____

Traffic (Impact 34, 35, 36, 37 & 38)

Estimated Traffic Speed (mph): _____

Site Distance At Driveway Location (ft): _____ Standard: _____

Percentage Increase In Hazards To Existing Traffic: _____

Traffic Generation (trips)

per day: _____

peak hr: _____ peak hr cross traffic: _____

Traffic Distribution (%)

(see traffic distribution sketch when attached)

north: _____ south: _____ east: _____ west: _____

Traffic Level Changes (ADT/peak hr)

street name (capacity):	_____	_____	_____	_____
existing (LOS):	_____	_____	_____	_____
base case (LOS):	_____	_____	_____	_____
with project (LOS):	_____	_____	_____	_____
percent of remaining:	_____	_____	_____	_____
uncommitted capacity:	_____	_____	_____	_____

*Parking Spaces Provided: _____ Standard: _____

Traffic Study: _____

Public Safety (Impact 44, 45, 46 & 47)

Fire Risk: very high Fire Response Time (min): _____ Fire Hydrant Distance (ft): _____

Airport/Heliport Safety Zone (% site - airport): _____

Airport/Heliport Approach Protection Zone (% site - airport): _____

Airport/Heliport Clear Zone (% site - airport): _____

Commercial Resources (Impact 50 & 51)

On-site/Nearby Aggregate/Rock Product/Mineral Resource Site
(% site - material(name)) _____

Amount of Prime Cropland/Grazing Land Potentially Removed From Production
(acres): _____

Total Amount of Prime Cropland/Grazing land In County
(acres): _____

Percentage Loss in Prime Cropland/Grazing Land: _____

Other

No recognized contaminated sites in immediate vicinity

SOURCE OF ENVIRONMENTAL SETTING INFORMATION:

Except as otherwise indicated, the source of the setting information specified above is (a) the Napa County Environmental Sensitivity Mapping Program; (b) a review of the 1968 1:2,000 scale aerial photos of the site; (c) the comments received; (d) conversations with knowledgeable individuals (see notes below); (e) the preparer's personal knowledge of the area; and (f) where necessary, a site visit (see notes below).

FIELD CHECK (Optional):

Date: _____
By: _____

On-site Improvements & Vegetation: _____

Surrounding Land Uses: _____

Views: _____

Site Distance: _____

Other: _____

NOV 10 1997

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Water Availability Analysis

4160 Silverado Trail, AP#39-130-02

I hereby submit the following reconnaissance report for the property listed above. This parcel consists of 12.23 acres located on the east side of Silverado Trail, approximately 1/2 mile north of Soda Canyon Road. A site map showing this parcel and neighboring parcels is included with this report. The source of water on this property is an agricultural well, location indicated on map, producing 20 gpm (well test attached).

This report is being submitted in order to obtain a use permit to establish a winery producing 50,000 gallons (20,000 cases) of wine per year. Water demand for the winery is concentrated in the late summer/early fall months of August, September, and October and is estimated by the Department of Environmental Health at 1.5 times the annual wine production or in this case 75000 gallons. Peak flow during the harvest is calculated at 75000 divided by 60 days or 1250 gallons per day (125 gallons per 10 hour work day which equals 2 gpm).

An alternative calculation to determine water use is given in the book, Winery Utilities, by David Storm as follows:

Winery production	20,000 cases
Annual water use from historical water use	25 gallons/case X 20000 = 500000 gallons
Water use for maximum month of September	500000 X 12% = 60000 gallons
Use per day of 26 day work month	2308 gallons
Use per 10 hour work day	231 gallons
Average peak flow	231/60 = 3.8gpm

1
5.6
5.9
11.0

The property is planted to vineyard, approximately 5.6 acres of 30 year old Pinot Noir and 5.4 acres of non-bearing Cabernet Sauvignon. The drip irrigation system is computerized and operates during the night hours to maximize the efficiency of irrigation and energy costs. A calculation of water used for irrigation is as follows:

5.6 acres Pinot Noir @ 454 vines /acre drip irrigated with .5 gallons/vine/hour= 1271 gal/hour. A typical irrigation season is about 12-14 weeks pre-harvest during the months of May, June, July, and August and 4-6 weeks post-harvest during the months of October and November for a total of 20 weeks of 28 hours/week for a total irrigation water used for these 5.6 acres of 711,872 gallons or 2.18 acre-ft. (280 gals/vine)

5.4 acres Cabernet Sauvignon @ 871 vines /acre drip irrigated with .5 gallons/vine/hour= 2352 gals/hour. A typical irrigation season as outlined above is about 20 weeks of 28 hours/week for a total irrigation water used for these 6 acres of 1,316,952 gallons or 4.03 acre-ft. (280 gals/vine)

Therefore the total water used for vineyard irrigation is presently about 6.2 acre-ft, less than the typical water use for vineyards of 11 acre-ft (1 acre-ft per acre).

October 24, 1997

A conversion of the property to include a winery will result in a loss of approximately 2 acres of older vineyard for a gain of .8 acre-ft. Using the information supplied in the Staff Report of the Department of Public Works, a winery producing 50,000 gallons of wine and its landscaping will need about 1.32 acre-ft. This calculation is very similar to the earlier calculation indicating 500,000 gallons required to produce 20,000 cases of wine annually. Therefore the total water to be used will increase slightly to 6.72 acre-ft for the entire parcel. This total falls well below the projected water demand for 9 acres of vineyard plus a 50,000 gallon winery, approximately 10.32 acre-ft as estimate in your Staff Report.

Additionally, the acceptable water usage as given in the Staff Report is well above the water demand of this valley floor property. Therefore, based on the above calculations, I do not believe that the construction of a winery on this property will have any adverse effects on the well of this property or the surrounding properties.

I will appreciate your consideration and comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ernie Weir', with a stylized, cursive flourish at the end.

Ernie Weir

October 24, 1997

CUSTOMER #: W073
NAME: Weir, Ernie
STREET: 4160 Silverado Trail
CITY: Napa, CA 94558
WELL LOCATION:

HOME PHONE: 252-0781
WORK PHONE:
OTHER PHONE: 252-4562

COMMENTS:

WELL #: AP #:
CLASS: DEPTH: 195'
CASING SIZE AND TYPE: 8" steel
CASING DEPTH:
PERF: SEAL:
STATIC LEVEL: 51'
DRAWDOWN: 100' AFTER:
YIELD: 20 gpm TESTED: air jet
TEST PIPE SETTING:
EQUIPMENT: compressor
WELL DRILLED DATE:
WELL CLEANED DATE:
CLEANED WELL FROM:
BOOSTER PUMP:
STORAGE TANK:

PUMP MAKE: Goulds
PUMP TYPE: submersible
PUMP MODEL 18E20412
HP: 2 VOLT 230 PH: 1
PUMP SERIAL #: B049632
WARRANTY: A099488
PUMP INSTALL DATE: 7/17/91
PUMP SETTING: 189'
CHECK VALVE(S):
PUMP SAVER:
PIPE SIZE: 1 1/2" TYPE / SCH: galv.
WIRE: #10-3
PRESSURE TANK: 350 w-x-t
TANK INSTALL DATE: ??-??-95
OPEN DISCHARGE DATE:
LAB WORK

BACKFLOW MAKE: PSI: METER #:
BF SERIAL #: BF MODEL: BF SIZE:

LOCATION:

PURPOSE:
WELL LOG:

GENERAL INFORMATION:

03-14-85 Well evaluation.
04-25-85 Test well with air jet system.
04-30-85 Install 2 hp Pioneer GA-18 pump.
04-28-86 Install magnetic contactor.
04-14-89 Install 25' power pole & redwood panel.
01-30-90 Install magnetic contactor.
08-07-91 Install Goulds 18E204112 and pressure switch.
12-12-91 Install control box.
12-18-91 Install control box, air charge tank under warranty.
01-15-93 Install magnetic.

05-09-96 Install magnetic contactor and control box. Remove
bleeder, owner had installed 350 well-x-trol in 1995.

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

1560 IV NE
(YOUNTVILLE)

ST. HELENA 13 MI.
8 MI. TO CALIF. 128

17'30" '62

20'

559

1920



Planning

Cover Sheet

APN	039-130-002-000
Permit #	97219
Program	APEL
DocType	PD
Street #	
Street Name	
Year	

Exhibit 3





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

March 24, 1999
Norman E. and Irit Weir
4195 Silverado Trail
Napa CA 94558

RE: Request for Use Permit #97219-UP (APN#39-130-02)

Dear Mr. and Mrs. Weir:

Please be advised that Use Permit Application # 97219-UP has been **APPROVED** by the Napa County, Board of Supervisors on March 23, 1999 based on the attached conditions.

Pursuant to Section 18.124.080 of the Napa County Code, the use permit must be activated within one year from the approval date, or it shall automatically expire and become void.

EXPIRATION DATE: March 23, 2000

An extension of time in which to activate the use permit may be granted for a maximum of 12 months, upon application at least 30 days prior to expiration, and payment of fees in effect at the time of application, **and** provided that any approved modification of the permit has become final. This letter is your only notice regarding expiration and procedures for extension of this permit.

You are hereby further notified, pursuant to Government Code Sec.66020(d)(1), that the 90-day period in which you would have to protest imposition of any fees, dedications, reservations, or other exactions that may have been attached as conditions of approval, has begun.

Very truly yours,

A handwritten signature in cursive script that reads "Jeffrey R. Redding".

Jeffrey R. Redding
Director

cc. John Tuteur, Assessor
Gary Brewen, Building Codes Administrator
Michael Miller, Deputy Planning Director
Robert W. & Ariane M. H. Matschullat (w/ adopted conditions of approval and project revision statement)

H:\shared\weir approval ltr 3-23-99

CONDITIONS OF APPROVAL
Use Permit # 97219-UP (Hagafen Winery/Norman Weir)

1. The permit is limited to:
 - a. The establishment of a winery with a 50,000 gallon/year production capacity in conformance with the application information sheet and supplemental information sheets for winery uses.
 - b. The construction of a 6,800 ft² winery which includes: a 4,500 ft² two story main winery building with an attached covered 1920 ft² outdoor concrete slab processing area; a 361 ft² tasting room building; an uncovered 1920 ft² concrete pad for processing, in conformance with the approved site plan, floor plan, building elevations.
 - c. Custom production activities (crushing, fermenting, barrel ageing, and bottling) for a maximum of four (4) custom producers utilizing a maximum 25,000 gallons of the winery's 50,000 gallon/year production capacity.
 - d. The existing access road shall be removed upon completion of the new driveway resulting in the use of only one access from Silverado Trail.

Any expansion or changes in use shall be by separate Use Permit submitted for Commission or Zoning Administrator consideration.

2. Marketing activities as defined in Section 18.08.370 (activities held for 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. Any charge associated with food service is limited to the extent of cost recovery) are limited to:

- a. **Celebration Events:**

Harvest (*Sukkot*).

Frequency:	1 per year
Number of persons:	Maximum 75 persons
Time of Day:	Noon-4:00 PM

Holidays (*Hanukah and Passover*)

Frequency:	2 per year
Number of persons:	Maximum 100
Time of Day	5:00-9:00 PM

- b. **Wine and Food Events**

Lunches and dinners in the winery or tasting room for Trade & Consumer by prior appointment:

Frequency:	12-10 per year
Number of persons:	Maximum 75
Time of Day:	Noon-3:00 PM (6); 7:00-9:00 PM (6)

Tours, tasting, and catered food service for Consumers and Trade by prior appointment:

Frequency:	6 per year
Number of persons:	Maximum 50
Time of Day:	Noon-3:00 PM (3); 7:00-10:00 PM (3)

- c. **Wine Release Events:**

CONDITIONS OF APPROVAL
Use Permit # 97219-UP (Hagafen Winery/Norman Weir)

Frequency:	2 per year
Number of persons:	Maximum 25
Time of Day:	1:00-4:00 PM

d. Wine Auction-Related Event:

Frequency:	1 per year
Number of persons:	Maximum-50
Time of Day:	2:00-5:00 PM

Except for the "harvest" event and events as may specifically authorized pursuant to the Temporary Event Ordinance, no picnicking, outdoor dining, or outdoor wine tasting shall be permitted and no outside marketing activities shall involve amplified music. All events shall cease by 10:00 PM (including cleanup) except that events specified above as ending at 10:00 PM shall complete cleanup by 11:00 PM

3. a. Tours of the winery and/or tasting of wine are limited to 25 persons per day, **except Saturdays when no tours or tasting shall be permitted, and shall be limited to include members of the wine trade, persons invited by the winery who have pre-established business or personal relationships with the winery or its owners, and persons who have made unsolicited prior appointments for tours or tastings. (as defined by Section 18.08.620).** Visitor counts shall be maintained daily that would be made available to the Department within five (5) days notice, and shall be compiled in an annual report submitted to the Department by the end of January each year.
- b. The winery shall be open for retail sales of wine Sunday through Thursday 10:00 AM and 5:00 PM (10:00 to 6:00 summer-). **No retail sales shall be conducted either Friday or Saturday, and on Friday between the hours of 10:00 AM and 4:00 PM (10:00 AM to 5:00 PM Summer).**
4. Prior to issuance of the building permit, three (3) copies of the a detailed landscaping, fencing, and parking plan shall be submitted to the Department for review and approval indicating names and locations of plant materials, method of maintenance and location of off-street parking spaces. Landscaping, fencing, and parking to be completed prior to final occupancy. Landscaping shall be permanently maintained in accordance with the approved landscape plan.
5. All outdoor storage of winery production equipment shall be screened from view of adjacent properties by a visual barrier consisting of fencing and/or dense landscaping, and shall remain within the driveway loop. No open storage is to exceed the height of the screening.
6. Provide a maximum 22 off-street parking spaces on a dust-free all-weather surface approved by the Public Works Department. There shall be no winery-related parking on Silverado Trail, on Shady Oaks Lane, nor in any neighboring driveway. In no case shall any parking impede emergency vehicle access to the winery or obscure visibility at the entrance by Silverado Trail.
7. The color(s) to be used on the proposed buildings and any exterior lighting fixtures to be used shall be submitted to the Department for review and approval. Exterior lighting fixtures shall be the minimum necessary for the operational and security needs, as low as possible and shall be shielded to direct the light down. The only exterior lights visible from off-site that may be kept on between 7:00 pm and 6:00 am, except when necessary during crush, are motion-sensor controlled ones.
8. Plans for any outdoor signs shall be submitted to the Department for review and placement.

CONDITIONS OF APPROVAL
Use Permit # 97219-UP (Hagafen Winery/Norman Weir)

9. Comply with 1 Mitigation Measure described in the Project Revision Statement signed by the applicant dated February 20, 1998 and revised at the public hearing on December 2, 1998 and agreed to by applicant at that hearing.
10. Comply with all applicable building codes, zoning standards, and requirements of County Departments and agencies.
11. Comply with the requirements of the Department of Department of Environmental Management as stated in their memorandums of November 25, 1997, November 2, 1998 and November 23, 1998.
12. Comply with the requirements of the Building Division as stated in their memorandum of November 21, 1997.
13. Comply with the requirements of the Department of Public Works as stated in their letters of December 1, 1997, November 20, 1998 and November 23, 1998, with consideration or option of the two-way left turn lane.
14. Comply with the requirements of the County Fire Department as stated in their letter of November 16, 1998. Any required aboveground water storage tanks shall be reviewed by the Department for review of proposed placement. All applicable setback requirements shall be met, and the tanks shall be screened from views of adjacent properties by a visual barrier consisting of fencing and/or dense landscaping.
15. The applicant shall report to the Department on an annual basis 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.
16. For the public record, the applicant shall annually submit to the Department a statement certifying compliance with the source requirement and indicating the percentage of Napa County grapes utilized.
17. All facilities of the winery, including offices, shall be for the exclusive use of the on-site winery. No overnight accommodations are permitted. 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.
18. 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.
19. Pomace (grape stems, leaves, grape skins) shall not be stockpiled within 500 feet of any off-site occupied dwelling; shall not be stockpiled longer than 30 days, and shall be mixed with the soil within two days of application.
20. Grading and construction activities that will generate dust shall utilize water or dust palliatives. Noise producing construction activities shall be limited to weekdays between the hours of 7:00 am and 7:00 pm. All noisy, stationary construction equipment such as air compressors and concrete pumps shall be placed at least 250 feet from the residential uses located adjacent to the site, or acoustical shielding shall be installed that is sufficient to reduce the exterior noise levels produced.

CONDITIONS OF APPROVAL
Use Permit # 97219-UP (Hagafen Winery/Norman Weir)

21. The production capacity of the winery shall not exceed 50,000 gallons/year as averaged over any consecutive three (3) year period. In any given year neither production nor waste disposal capacity shall exceed 59,999 gallons. The applicant shall report to the Planning Department in December of each year the number of gallons of wine produced during the year

22. No outdoor noise-producing activities, including those associated with the crush period, shall take place at the winery between the hours of 10:00 pm and 7:00 am. Noisy stationary outdoor equipment such as air conditioning units, compressors, and pumps shall be located out of direct line-of-sight from the residences located on property adjacent to the site, or acoustical shielding shall be installed that is sufficient to reduce exterior noise to an acceptable level (55dBA)

Revised 2-9-99 BOS Mtg.
WCB:H:WEIRCOA.DOC

PROJECT REVISION STATEMENT

December 4, 1998

Mitigation Measures for Hagafen Winery

TRAFFIC (safety and congestion)

1. A left turn lane or as a possible alternative, a two-way left turn lane, that has been reviewed and approved by the Department of Public Works, will be installed at the driveway entrance on Silverado Trail prior to the final building clearance for the winery.

NOV 26 1997



NAPA COUNTY

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT

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

TRENT CAVE, R.E.H.S.
Director

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 Hagafen Cellars

DATE: November 25, 1997

APN 39-130-02 FILE # 97219-UP

Located at 4160 Silverado Trail

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

1. 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.
2. That a permit for the septic system installation be secured from the Department of Environmental Management prior to issuance of a building permit.
3. That the use of the drain field area be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. This includes equipment storage, traffic, parking, livestock, etc., over the system.
4. That all solid waste be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.

5. 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.
6. 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.
7. All diatomaceous earth/bentonite must be disposed of in an approved manner.
8. 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.

cc: Norman Weir, 4195 Silverado Trail, Napa, CA 94558

usr/pam/planning/COUNTY/60-11711



MEMORANDUM

November 2, 1998

RECEIVED

TO: Napa County Planning Department, Jeff Redding, Director

NOV 6 - 1998

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

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT

SUBJECT: Use Permit Application for Hagafen Cellars
Located at 4160 Silverado Trail
Assessor Parcel # 39-130-02
File #97219

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

1. Previous recommendations and conditions of approval of November 25, 1997 still apply and shall be included in the project. In addition, we have the following comment: That if any uncovered outdoor crush or process areas are a part of the project, the applicant must submit a letter from their engineer which addresses proper diversion of storm water and process waste water. If a diversion valve (or equivalent) is needed, a detail on same must be submitted. This letter and detail must be received prior to issuance of sewage permits.

cc: Norman Weir, 4195 Silverado Trail, Napa, CA 94558



MEMORANDUM

November 23, 1998

TO: Napa County Planning Department, Jeff Redding, Director

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

SUBJECT: Use Permit Application for Hagafen Cellars
Located at 4160 Silverado Trail
Assessor Parcel # 39-130-02
File # 97219-UP

This department has reviewed our previous comments for the subject Use Permit. Our recommended conditions of approval were for a 50,000 gallon per year facility with five full time employees, two part time employees, 5 seasonal employees, and 25 visitors on the busiest day. Based on the application, this department determined that the combined wastewater flows were just less than 1500 gallons per day. As such, an engineering feasibility report was not required.

I have reviewed the November 18, 1998 report prepared by Bartelt Engineering, submitted by Mr. Stephen Buehl. This report indicates a maximum production capacity of 60,000 gallons per year. This report further indicates that total waste flows for the facility (process waste and sanitary waste) will total approximately 1900 gallons per day. As indicated in this report, Napa County requires that underground leachfield systems with a flows over 1500 gallons per day be designed by a qualified professional. Had this department evaluated a 60,000 gallon per year winery, a feasibility report would have been required at the use permit completeness stage and an additional condition requiring design by a qualified professional would have been added to the use permit conditions of approval.

After discussing this matter with Sylvia Toth and Wyntriss Balcher, I was informed that the Use Permit would be modified to limit production to 50,000 gallons. In addition it was discussed that adding one additional condition of approval in order to prevent any confusion regarding the 1500 gallon per day capacity was warranted. Please add this condition, and one additional condition as noted below:

1. That the winery waste and sanitary waste systems be installed as separate systems with separate installation permits. The winery permit will cover the system for the process waste including the winery tanks and leach line and will be sized for peak flows. The sanitary system will cover the waste generated from employees and visitors and will be sized for peak flows.
2. Due to the information that the area for the proposed leachfield area may have been ripped, this department may require that additional soil core holes be seen prior to issuance of a sewage permit. If for any reason a conventional system is determined not to be acceptable, plans for an engineered sewer disposal system will be required for review and approval prior to issuance of a sewage permit.

Please contact me if you have any questions regarding the above.



NAPA COUNTY

CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY R. REDDING
Director

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

WE

RECEIVED

PERMIT APPLICATION AND INITIAL STUDY REQUEST FOR COMMENTS

NOV 21 1997

NAPA CO CONSERVATION
DEVELOPMENT & PLANNING DEPT

TO: Bldg.

APPLICATION TITLE: HAGAFEN CELLARS FILE #: 97219-UP

RESPONSE REQUEST DATE: 11.20.97 RESPONSE RETURN DATE: 12.8.97
FINAL REQUEST DATE: _____ FINAL RESPONSE DATE: _____

This application (see enclosed project description and/or maps) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

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

1. Do you have jurisdiction by law over this project Yes No
If yes, indicate required permits: GRADING, BUILDING, PLUMBING, MECHANICAL, ELECTRICAL

2. Indicate areas of environmental concern and availability of appropriate technical data: NONE

3. Do you recommend: Negative Declaration Environmental Impact Report

4. If the project is approved, recommend conditions-of-approval (use additional page if needed):
1. SECURE PERMITS AS NOTED IN ITEM NO. 1
2. FACILITY MUST MEET STATE GUIDELINES FOR ACCESSIBILITY TO HANDICAPPED PERSONS

5. Have you previously reviewed an application on any portion of this project?
 Yes No

6. Name of contact person: [Signature] Telephone: 253-4411
Response Prepared by: EARLY W. GREENE

Title: BUILDING CODES ADMIN.
Date: 11-21-97

046

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**PUBLIC WORKS DEPARTMENT
INTER-OFFICE MEMO**



December 1, 1997

TO: Conservation Development and Planning Department
FROM: Juan Arias, Junior Engineer *J. A.*
SUBJECT: Hagafen Cellars, 4160 Silverado Trail, APN: 039-130-002

This application will allow the applicant to establish a 50,000 gallon / year winery housing up to 2 custom producers utilizing up to 25 % of the requested production in a new 6,800 ft² facility on 12.23 acres situated east of Silverado Trail approximately 2700 feet northwest of its intersection with Soda Canyon Road.

EXISTING CONDITIONS:

1. The existing right-of-way for Silverado Trail is 60 feet. Section 18.112.060 of the Napa County Code defines the ultimate right-of-way for Silverado Trail to be 70 feet.
2. The Average Daily Traffic count for Silverado Trail just south of its intersection with Oak Knoll Avenue is 5,241 and just south of its intersection with Soda Canyon Road is 5,527.

RECOMMENDED CONDITIONS:

1. Right-of-way widening of an easement to 70 feet from the centerline of Silverado Trail shall be granted to the County for roadway and utility purposes.
2. The applicant shall construct a left turn storage lane on Silverado Trail so as to facilitate southbound traffic turning onto the winery's access road.
3. The access road leading to the winery from Silverado Trail shall be improved to the standards of a "Common Drive Without Parallel Parking Lanes Low Density" as shown in the latest edition of the "Napa County Road and Street Standards". This design requires a 16 foot wide roadway with 4 foot earth shoulders. The access road shall have a minimum

structural section equivalent to five inches of Class II Aggregate Base plus a double sealcoat.

4. Any parking areas that are required by the Planning Commission as a condition of this Use Permit shall have a minimum structural section equivalent to five inches of Class II Aggregate Base plus a double seal coat.
5. Grading, drainage and parking improvements shall be constructed according to the latest "Napa County Road and Street Standards".
6. On site grading shall be accomplished so as to avoid the diversion or concentration of storm water runoff onto adjacent properties.
7. The applicant shall obtain an encroachment permit for any work performed within the County right-of-way.
8. Improvements, including the left turn lane onto the access road from Silverado Trail, shall be constructed according to plans prepared by a registered Civil Engineer which will be reviewed and approved by this office. An engineering and inspection 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.

If you have any questions regarding the above items at this time, please do not hesitate to contact Larry Bogner or Juan Arias of this Department.

cc: Norman E. & Irit Weir, 4195 Silverado Trail, Napa, CA 94558
Ethan Foote, 1199 Big Tree Rd., St. Helena, CA 94574

**PUBLIC WORKS DEPARTMENT
INTER-OFFICE MEMO**



November 20, 1998

TO: Wyntriss Chatman Balcher, CDPD
FROM: Russ Bergholz, PWD
SUBJECT: Hagafen Winery/Weir Project Use Permit #97219-UP

This memo is in response to the traffic study submitted by Ms. Patricia Curtin, prepared by Fehr & Peers Associates, Inc, dated November 18, 1998.

Item #2 of the Recommended Conditions of Approval for this Use Permit states, "The applicant shall construct a left turn storage lane on Silverado Trail so as to facilitate southbound traffic turning onto the winery's access road."

The submitted traffic study states, "The provision of an exclusive left-turn lane into the project site, as proposed by the applicant, would minimize delays to vehicles on Silverado Trail and reduce the potential for rear-end accidents at the project's driveway, but could interfere with entry and exit to other driveways in the immediate vicinity." This proposed left-turn lane is consistent with Public Works recommendations and Caltrans Guidelines. Design will be in accordance with Napa County Road and Street Standards. Public Works will review the submitted roadway design and be responsible for approval of the final design. A part of our review of the final design will be to ensure that legal access to other driveways in the immediate vicinity is maintained.

Public Works does not have the authority to require installation of a two-way-left-turn-lane to serve adjacent properties as part of this Use Permit, as recommended by the traffic study. If neighboring property owners wish to build a left-turn lane to accommodate their access, they can join this project or design their own and apply for an encroachment permit.

In response to the parking issues addressed in the traffic report, we recommend that "Special Event" parking be adequately provided on site. This department does not recommend allowing parking associated with a "Special Event" permit to be allowed along Silverado Trail.

cc: Gagen, McCoy, McMahon and Armstrong, 279 Front St, P.O. Box 21
Danville, CA 94526.
Lance Heide, Road Superintendent

RECEIVED

NOV 25 1998

**PUBLIC WORKS DEPARTMENT
INTER-OFFICE MEMO**



IAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT

November 23, 1998

TO: Wyntriss Chatman Balcher, CDPD
FROM: Russ Bergholz, PWD
SUBJECT: Hagafen Winery/Weir Project Use Permit #97219-UP

This memo is in response to the letter sent to CDPD November 14 by Mr. and Mrs. Beltrami.

In response to the parking issues, we recommend that "Special Event" parking be adequately provided on site. Temporary events license requires applicants to state parking plans. This department does not recommend allowing parking associated with a "Special Event" permit to be allowed along Silverado Trail.

The alignment of Silverado Trail accommodating the proposed left-turn lane will dictate whether any impacts occur for the neighbors. Public Works will review the proposed design for proper drainage along the neighbors property. Hagafen Winery and their Contractor will be responsible for repair of any damage incurred during construction on either private property or within the County roadway easement.

48A

NOV 18 1998



CONSERVATION
& PLANNING DEPT

INTER-OFFICE MEMO

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

FROM: Barbara Easter, Fire Department

DATE: November 16, 1998

SUBJECT: Hagafen Cellars Use Permit Comments APN: 39-130-02 97219-UP
7660 Recommended Fire Safety Standards
9200 Fire Prevention Engineering
4160 Silverado Trail, Napa

The Fire Department (NCFD) has reviewed the above Hagafen Cellars use permit application to construct a 6,800 square foot building located east of Silverado Trail approximately 2700 feet northwest of the intersection of Soda Canyon Road. The following items to be incorporated as mitigation measures or conditions-of -approval.

1. All construction and use of the facility shall comply with applicable standards, regulations, and codes in effect at the time of building permit issuance including (as minimum): Napa County Fire Protection Standards (County FPS); Napa County Road and Street Standards (R&SS); State Fire Safe Regulations (State FSR); Uniform Fire Code (UFC with state amendments); and appropriate fire protection system standards (e.g. NFPA 13, 20, 24, 72, etc.).
2. All construction, alteration or demolition of a building shall comply with article 87 of the Uniform fire code and specifically:
 - a. Fire department access roads shall be established and maintained in accordance with UFC section 902 and County Fire Protection Standards.
 - b. Water mains and hydrants shall be installed and operational in accordance with UFC section 903 and County Fire Protection Standards.

- c. Building access for the purpose of firefighting shall be provided. Construction material shall not block access to buildings, hydrants or fire appliances in accordance with UFC section 8704.15.
3. Fire department access shall be provide by compliance with County FPS section IV.9, UFC section 902 and specifically:
 - a. Installation of Fire Department/Sheriff Office “Rapid Entry System” key switches or padlocks for access through locked gates.
 - b. An 18’ wide access road to the winery as per State FSR section 1273.01 (a two-lane County “Common Drive” meets the intent of the 18’ State Fire Safe Regulation.
 4. Water supplies for fire protection shall be provided by compliance with County FPS section IV, UFC section 903 and specifically:
 - a. Required fire flow in accordance with County FPS section IV.3.6 is estimated at 120 to 200 gallons per minute (see attached worksheet);
 - b. Number and spacing of fire hydrants in accordance with UFC appendix III-B (County FPS section IV.5);
 - c. Water storage capacity for fire protection in accordance with County FPS section IV. 3-6 is estimated at 7,000 to 12,000 gallons in addition to other needs (see attached worksheet).
 - d. If the required fire flow cannot be met a drafting hydrant shall be installed to NFPA standard 24.
 - e. Any drafting hydrant installed shall have plans prepared by a licensed engineer for NCFD to review and the approval and construction installation inspection signed off by that engineer.
 5. Technical assistance in the form of a fire protection engineer or consultant acceptable, and reporting directly, to the NCFD shall be provided by the applicant at no charge to the County (UFC section 103.1.1) upon request from the County Fire Marshal for the following circumstances:
 - a. If the project is designed without direct compliance to the applicable constructions requirements, alternate methods proposals (UFC section 103.1.2) will be required from the applicant and technical assistance may be requested for review and compliance inspection of proposals.
 - b. Installation of a drafting hydrant.
 6. Plans detailing compliance with the fire and life safety conditions-of-approval shall be submitted to the Fire Department and appropriate authorities having jurisdiction (e.g. State Fire Marshal) for review and approval prior to building permit issuance and/or as described above.

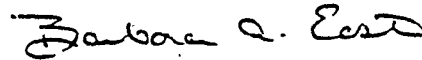
7. "Fire Plan Review and Inspection" fees shall be paid to the Fire Department for all applicable plan review and inspection work at the established deposit basis, plus project consultation time at the hourly rate of \$59 per hour (Napa County Resolution 92-65).

If you should have any question please do not hesitate to contact Barbara Easter as (707) 963-3601 ext. 129 to discuss any other fire protection issue you may have regarding your project.

Discussion

However, if there is any future expansion of the winery this would trigger a pressurized hydrant system and additional fire protection requirements. Large specialized facilities such as proposed in this project can have emergency incidents which would significantly impact fire fighter safety and the ability of the Fire Department to provide emergency services. Incorporation of the above recommendations will reduce to the maximum extent reasonable the labor, time, and resources required for the Fire Department to manage emergency incidents at the facility.

Bryon J. Carniglia
Fire Chief



By: Barbara Easter
County Fire Inspector

CC: Norman E. Weir - Applicant
Loveless, Streblov, NCFD/CFM Chron,
NCFD/CFM file

REQUIRED FIRE FLOW AND WATER STORAGE

WORK SHEET

This form is designed to allow the developer to determine the quantity and quality of fire defense measures required for the building(s) proposed for construction.

1. From page 6, number 3 of the guide, determine if building will be classed as Light, Moderate or High: MODERATE
2. Using the most current Uniform Building Code publication (as adopted by Napa County), determine if proposed building construction is defined as: wood, ordinary, fire resistive or non-combustible: NON-COMBUSTIBLE
3. From the working plans for the building, determine the total cubic volume: 80719 cubic feet.
4. Based on occupancy type (light, moderate, high), divide the number of cubic feet determined in (3) above by the factor: 600, light; 400, moderate; 200 high; shown in (A) on the "Brief Recap" sheet attached to the package. This will determine the base fire flow. Round off your answer to the nearest 50: 200 gpm.
5. Multiply the gpm figure determined in (4) by 60 for light/moderate hazard occupancies, and by 120 for high hazard occupancies. This will give you the base figure for required fire protection water storage capacity: 12,000 gallons.
6. Fire Protection water storage is independent of domestic or other use. Domestic and other use shall be in addition to Fire Protection. All pipes or valves required for domestic or other use shall be installed on the tank above the level designated for Fire Protection purposes only.
7. Credits/Surcharges:

- A. From (4) above, enter base fire flow: 200 gpm.
Now, from the table below, circle the figure which best describes the building construction type/hazard class as proposed.

	<u>Light</u>	<u>Moderate</u>	<u>High</u>
1. Wood Construction	0%	0%	+10%
2. Ordinary	-5%	-5%	+10%
3. Non-Combustible	-25%	<u>-25%</u>	-25%
4. Fire Resistive	-25%	-25%	-25%

Add or subtract the percentage allowed due to construction type/hazard class. T/H adjusted gpm: 200 - 50 = 150

- B. Heat or smoke detectors (installed in accord with NFPA)
*Note: Do not use (B) if (C) is used: Deduct 5% from T/H adjusted gpm: 0

**BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF NAPA**

In the Matter of:

The Appeal by Robert and Ariane Matschullat of)
the Decision by the Conservation, Development)
and Planning Commission to Approve Use Permit)
No. 97219-UP, Hagafen/Norman and Irit Weir)
Winery, APN 39-130-02)
_____)

RESOLUTION NO. 99-28

**DECISION ON APPEAL
AND FINDINGS OF FACT**

WHEREAS, on December 10, 1997, Norman and Irit Weir ("the Applicants") completed an application to the Napa County Conservation, Development and Planning Department ("the Department") for a use permit to establish a new winery ("the Project") located on a 12.23 acre parcel of land bearing Assessor's Parcel Number 39-130-02 on the east side of Silverado Trail in the unincorporated area of Napa County approximately 2700 feet northwest of its intersection with Soda Canyon Road in an Agricultural Preserve ("AP") zoning district; and

WHEREAS, the Project would be a total of 6800 square feet in size, consisting of a 360 square foot tasting room, a 4500 square foot, two-story production building, and a 1920 square foot unenclosed but roofed concrete work area. The Project also describes a 1920 square foot non-structural, unroofed concrete work area east of the production building for which no building permit is required. The winery would be authorized to produce up to 50,000 gallons of wine each year, with up to 4 custom producers authorized to use up to 25,000 gallons of that capacity. The winery would be located approximately 11000 feet east of Silverado Trail. Access would be by means of a single paved circular driveway from Silverado Trail: and

WHEREAS, in accordance with the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA"), the Department conducted an initial study of the Project; and

WHEREAS, after evaluating the Project pursuant to CEQA, the Department concluded it did not require the preparation of an EIR, but that a negative declaration was legally and factually sufficient, and the Department did prepare a negative declaration; and

WHEREAS, on December 2, 1998, at a duly noticed public hearing, the Napa County Conservation, Development and Planning Commission ("the Planning Commission") heard and considered both oral and written evidence regarding the Project, including evidence presented by

the Department, the Applicants, Robert and Ariane Matschullat ("the Appellants"), and others;
and

WHEREAS, at the conclusion of the public hearing, and in reliance upon the entire record and evidence presented, the Planning Commission unanimously adopted a negative declaration for the Project with 1 mitigation measure and approved Use Permit 97219-UP subject to 22 conditions of approval; and

WHEREAS, the Appellants appealed the decision of the Planning Commission regarding the Project in a timely manner in accordance with Chapter 2.88 of the Napa County Code on the following grounds:

1. The Planning Commission acted improperly and/or abused its discretion by not complying with CEQA in that it failed to adequately analyze and mitigate the environmental impacts of the Project.
2. The size and scope of the Project and the Project's marketing activities are incompatible and inconsistent with the existing neighborhood and will have detrimental impacts on the Appellants.
3. Some of the final conditions of approval do not accurately reflect the action taken by the Planning Commission.

WHEREAS, on March 9, 1999, at a duly noticed public hearing, and based on the entire record on appeal, the Napa County Board of Supervisors ("the Board") timely heard and considered the appeal, but allowed the Appellants, the Applicant, and others to present oral and other testimony; and

WHEREAS, at the conclusion of the public hearing, the Board voted unanimously to deny the appeal and approve the use permit subject to the conditions of approval adopted by the Planning Commission but revised by the Board; and

WHEREAS, the Board revised the conditions approved by the Planning Commission as follows:

1. The Board revised Condition of Approval Number 2.b. by reducing from 12 to 10 per year the number of lunches and dinners which may be held in the winery or tasting room by prior appointment.
2. The Board revised Condition of Approval Number 3.a. by prohibiting tours of the winery and tastings of wine on Saturdays.
3. The Board revised Condition of Approval Number 3.b. by prohibiting the retail sale of wine on Fridays and Saturdays.

4. The Board revised Condition of Approval Number 5 by requiring that the outdoor storage of winery production equipment, if any, be confined within the driveway loop.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.

2. First Ground of Appeal

a.) Appellants' position: That the Planning Commission acted improperly and/or abused its discretion by not complying with CEQA in that the negative declaration adopted by the Commission failed to analyze and mitigate the environmental impacts of the Project. In this First Ground of Appeal, the Appellants say the Project has not been adequately described and ask approximately 11 questions and raise approximately 8 substantive objections.

b.) Findings regarding 11 questions about Project description:

1.) CEQA provides that an EIR must be prepared if substantial evidence in the record taken as a whole supports a fair argument that a project may have a significant effect on the environment. For this purpose, substantial evidence means enough relevant information and reasonable inferences therefrom that a fair argument can be made to support a conclusion even though other conclusions may also be reached. Substantial evidence includes facts, reasonable assumptions predicated on facts, and expert opinion based on facts. Mere uncorroborated opinion or rumor does not constitute substantial evidence. Mere questions about a project do not constitute substantial evidence.

2.) The Appellants ask questions about the description of the following aspects of the Project. As to each such question, the Board finds as follows:

i.) The size of the winery. The winery will be a total of 6800 square feet in size, consisting of a 360 foot tasting room, a 4500 square foot, two-story production building, and a 1920 square foot unenclosed but roofed concrete work area.

ii.) The construction of the processing areas. Two unenclosed concrete slabs, one 1920 square feet and the other 1920 square feet, will be used as processing areas. One will have a roof, the other will not. The unroofed area will be non-structural and does not require a building permit.

iii.) The location and nature of special events. The nature and number of events are described in the conditions of approval, including the number of participants and the hours of the events. Except for one harvest event each year and any other event for which a separate permit issued by the County is

required, no picnicking, outdoor dining, or outdoor wine tasting will be allowed. In no case may amplified music be used outside. As a general rule all such events must end prior to 10:00 pm. Finally, Appellants presented a chart showing the magnitude of marketing events at other approved wineries. While the chart is interesting, it is not persuasive. Marketing events are applicant driven. The County does not have established standards which govern the size and number of such events. Approval of them depends on unique circumstances applicable to each application, including environmental and other circumstances.

iv.) Parking. There will be 22 permanent parking spaces on site. No parking will be allowed off site. Specifically, no parking will be allowed on Silverado Trail, Shady Oaks Lane, or any neighboring driveway. The approximately 1100 foot long circular drive from Silverado Trail to the winery is sufficiently long and wide to accommodate overflow parking for special events and emergency vehicles.

v.) Septic system. The septic system must be constructed in accordance with standards established by the County Department of Environmental Management. If, because ripped soil cannot be used as the site of the system, then an engineered system, subject to the approval of Environmental Management, must be installed.

vi.) Landscaping. A landscaping plan, including the names and locations of all plant materials, must be submitted to, and approved by, the Department before the Project may be occupied. Among other things, any above-ground water storage tanks required by the Fire Department must be screened either by fencing or dense landscaping. All outdoor winery production equipment must be screened from the view of neighboring properties by fencing or dense landscaping. Finally, all landscaping must be permanently maintained.

vii.) Screening of outdoor processing areas. All outdoor winery production equipment must be screened from the view of neighboring properties by fencing or dense landscaping.

viii.) Outdoor lighting. All outdoor lighting must be the minimum necessary for operational and security needs and must be directed down and away from adjacent properties.

ix.) The bathroom. There will be a fully equipped bathroom on the second story of the 4500 square foot winery production building. The bathroom is for the day use of employees and others only. The building may not be used for overnight accommodations.

x.) The already existing building. A building already exists on the site of the Project. It is a residence and not a part of the Project. A residence is a

use permitted without a use permit in the zoning district in which the Project is located.

xi.) Access. Access to the Project will be by means of an 1100-foot long circular driveway from Silverado. No other access will be allowed.

c.) Findings regarding 8 substantive objections: As to each substantive objection made by the Appellants, the Board finds as follows that no substantial evidence in the record taken as a whole supports a fair argument that the Project might have a significant effect on the environment.

1.) Traffic. Based on a traffic study by Fehr & Peers and Associates ("Fehr"), the Appellants say the Project will result in increased traffic and accident rates. However, even if Fehr are expert witnesses, the Fehr study does not constitute substantial evidence because it is based on generalizations and estimates, not on site specific facts in support of its conclusions. For example, the Fehr study is based, in part, on the assumption that 150 people may attend each marketing event. However, the conditions of approval limit that number to 75. To the extent the Fehr study presents evidence regarding accidents occurring on Silverado Trail, the study encompasses a stretch of road from the City of Napa to the Yountville Crossroad, nearly 10 miles. On the other hand, statistics presented by the County Department of Public Works show that accidents on Silverado Trail in close proximity to the Project site are about normal for a roadway of the type and kind of Silverado Trail. Moreover, the Fehr study states that the left turn lane required by the Commission as a condition of approval of the Project will minimize delays to vehicles on Silverado Trail and reduce the potential for rear end accidents. Finally, the Fehr study objects to the exclusive provision of a one way left turn lane from Silverado Trail into the Project. However, in a project revision statement dated December 4, 1998, the Applicants agreed to a requirement for a left turn lane or a two way left turn lane reviewed and approved by the County Department of Public Works in conformity with statewide CALTRANS standards. Thus, the Project is not necessarily limited to a one way left turn lane.

2.) Noise, odor and glare. The Appellants say the Project will result in impacts from noise, odor, and glare. These impacts are reduced to levels of insignificance by the conditions imposed on approval of the Project.

i.) Noise. No noise producing activities, including ones associated with the grape crush, may take place between 10:00 pm and 7:00 am. Noisy outdoor stationary equipment must be located out of direct line of sight of residences located on parcels adjacent to the Project or must be acoustically shielded to reduce exterior noise to 55 dBA or less, the level of acceptable outdoor noise established in the Napa County Code. Finally, except for the harvest marketing event and other events for which a separate permit from the

County is required, no picnicking, outdoor dining or wine tasting is allowed. In no event is amplified music allowed. All events must end by 10:00 pm.

ii.) Odor. The Appellants say the Project will produce obnoxious odors, especially from production and from pomice. The odors produced by wine making are a normal incident of that activity. Since wine making is deemed by ordinance in Napa County to be an agricultural activity, and since the Project is located in an agriculturally zoned district, the odor produced by the production of wine cannot be said to cause a significant effect on the environment in such a zone. Moreover, the conditions of approval of the use permit provide that the pomice produced by the production of the wine may be stockpiled, if at all, for no more than 30 days, no less than 500 feet from any adjacent residence. Moreover, such pomice must be mixed with the soil within 2 days after applying it to the soil. These conditions reduce to insignificance the odor, if any, of the pomice.

iii.) Glare. The Appellants say no consideration has been given to the use of exterior lighting which could have a significant effect on nearby properties. In fact, Condition of Approval Number 8 provides that exterior lighting must be the minimum amount necessary for the operation and security of the Project, in all cases shielded to direct the light in a downward direction. Furthermore, except when necessary to facilitate the crush, the only exterior lights which may be visible off-site that may be used between 7:00 pm and 6:00 am are motion sensor controlled lights.

3.) Air quality. The Appellants say no consideration has been given to the fact that dust and particulates may negatively affect air quality during construction and no measures have been proposed to address the problem. In fact, Condition of Approval Number 25 not only addresses the problem but requires that grading and construction activities that generate dust must utilize water or other dust palliatives.

4.) Water quality. Appellants say the record is void of any analysis of the effects of the septic system intended to be used on the Project on Appellants' three wells; which are adjacent to the proposed system. In fact, Condition of Approval Number 11 not only addresses the problem, but requires compliance with the requirements imposed by the County Department of Environmental Management in its letter to the Department dated November 25, 1997, November 2, 1998, and November 23, 1998. Those requirements include:

That the Applicants obtain a sewage permit from the Department of Environmental Management prior to the issuance of a building permit for the Project ;

That the Applicants submit a letter, including engineered details, regarding the diversion of storm water and process waste water prior to the issuance

of a sewage permit if any uncovered outdoor crush or process areas are part of the Project;

That the winery waste and sanitary waste systems be installed under separately issued permits:

That if a conventional waste system is not acceptable due to the fact that the soil may have been ripped in the location where the sewage system is proposed, an engineered system subject to the review and approval of Environmental Management must be installed prior to the issuance of a sewage permit.

Finally, the Appellants submitted a report regarding the septic system by Bartelt Engineering. The report assumes that, and the conclusion in the report is based on the belief that, the production capacity of the winery will be 60,000 gallons. In fact, the production capacity of the Winery is limited by Condition of Approval Number 1.a. to 50,000 gallons. Therefore, the conclusion reached in the Bartelt report is not based on fact and does not constitute substantial evidence.

5.) Erosion and Sedimentation. The Appellants say a letter from the County Department of Public Works dated December 1, 1997, acknowledges the Project might cause storm water runoff into adjacent properties and that no measures have been included to address such effects. In fact, all road improvements and grading will occur within a public right of way. Moreover, Condition of Approval Number 13 requires compliance with requirements imposed by the Department of Public Works in its letters dated December 1, 1997, November 20, 1998, and November 23, 1998. Those requirements include:

That grading, drainage, and parking be constructed according to the latest Napa County Road and Street Standards. Those Standards take into account drainage and water flow impacts.

6.) Aesthetics. The Appellants say the Project will affect not only their pristine view, but that of others as well, and no measures have been taken to mitigate this effect. In fact, the aesthetics of the Project are addressed by several conditions of approval:

Condition of Approval Number 4 provides that prior to the issuance of a building permit, a landscaping, fencing and parking plan must be submitted to the Department for review and approval. Landscaping, fencing, and parking must be completed prior to occupancy and must be permanently maintained.

Condition of Approval Number 5 provides the outdoor storage of winery production equipment must be screened from the view of adjacent

property owners by a barrier of fencing or dense landscaping, that all such equipment must remain inside the driveway loop, and that no storage may exceed the height of the screening.

Condition of Approval Number 14 provides that any outdoor water storage tanks required by the Fire Department must be screened from the view of adjacent property owners by fencing or dense landscaping.

7.) Health problems. The Appellants say the Project has the potential for causing public health problems, such as insects, rodents, odors, and glare. There is no substantial evidence in the record that insects and rodents from the Project pose a health risk. Moreover, to the extent the Appellants object to odor and glare, those objections are addressed in Finding c.2., above.

8.) Water supply. The Appellants say the negative declaration does not discuss the effect of the Project on water supply. To the extent the Appellants speculate about the amount of water the Project proposes to use and ask questions about water supply, such speculation and questions do not constitute substantial evidence. However, the Appellants and others say the Project is located in the Lower Milliken-Sarco-Tulocay Creek Area ("Area"), Napa County, and the USGS says that Area is water short. In fact, according to the County Department of Public Works, the Project is located in an entirely different water basin area and the groundwater projected to be used by the Project will not affect static water levels of neighboring wells in that basin. The Board finds the factual determination made by Public Works regarding the water basin from which the Project will draw water is correct.

9.) Septic. The Appellants say that the negative declaration does not adequately address waste flows from the Project. They submit a report from Bartelt Engineering and posit various problems and consequences based on that report. However, as discussed above, the Bartelt report is based on the mistaken assumption that the capacity of the winery will be 60,000 gallons. In fact, the capacity of the winery is limited to 50,000 gallons. While expert opinion may be considered substantial evidence for purposes of determining what environmental analysis is appropriate under CEQA, such opinion must be based on fact. Here, the Bartelt report is not based on fact, and, so, for that reason, does not constitute substantial evidence.

3.) Second Ground of Appeal

a.) Appellants' position: The size and scope of the Project and the Project's marketing activities are incompatible and inconsistent with the existing neighborhood and will have detrimental effects on the Appellants.

b.) Findings:

1.) In order to approve a use permit, the Planning Commission must find, among other things, that grant of the use permit, as conditioned, will not adversely affect the public health, safety, or welfare, and that the proposal is consistent with the policies and standards of the Napa County General Plan. The Board finds and determines that this Second Ground of Appeal pertains to these required findings and is not merely a restatement of the Appellants' objections to approval of the Project based on CEQA.

2.) Health, safety and welfare. The Project will be established and maintained in compliance with County regulations. Septic systems, road and property improvement plans, building plans, and other required conditions must be prepared and approved in accordance with County regulations and standards. The installation of left turn lane, whether one way or two, will facilitate safe turning maneuvers and help avoid congestion. The Project will not adversely affect the health, safety or welfare of the Appellants.

3.) Napa County General Plan. The goal established by the County General Plan is to plan for agriculture and related activities as the primary land use in Napa County and to concentrate urban uses in the County's cities and other urban areas. The establishment and operation of a winery is deemed an agricultural activity in Napa County. The County Winery Definition Ordinance definition ordinance was enacted to protect agriculture and open space and to regulate winery development and expansion in a manner to avoid potential negative environmental effects. The winery proposed by the Project complies with all the requirements of the County winery definition ordinance and is located in a agricultural zoning district. While it is true there is a cluster of residences near the proposed winery, it is also true that there are as many as 3 wineries as large or larger than the Project already in close proximity to the residences. Finally, the area is not a city or an urban area. Under the circumstances, agricultural interests prevail over residential interests.

4.) Third Ground of Appeal

a.) Appellants' position: Some of the final conditions of approval do not accurately reflect the action taken by the Planning Commission.

b.) Finding: The Appellants do not say how the final conditions of approval misstate the action taken by the Planning Commission. Moreover, after reviewing the entire record and transcript on appeal, no evidence can be found that the conditions of approval differ from the action taken by the Planning Commission.

5.) Decision on Appeal.

Based on the foregoing findings and determinations, the Board of Supervisors denies the Appellants' appeal and upholds the decision of the Planning Commission to grant Use Permit 97219-UP, subject to the revision of certain conditions of approval as discussed above.

6.) Effective date.

This resolution shall take effect immediately upon its adoption.

THE FOREGOING RESOLUTION was adopted by the Napa County Board of Supervisors at a regular meeting of the Board on March 23, 1999, by the following vote:

AYES:	SUPERVISORS	<u>VARRELMAN, WINTER, RIPPEY,</u> <u>WAGENKNECHT and LUCE</u>
NOES:	SUPERVISORS	<u>NONE</u>
ABSENT:	SUEPRVISORS	<u>NONE</u>

ATTEST:

Mary Jean McLaughlin,
Clerk of the Board

By *Maria Juarez*, Deputy

RECEIVED MAR 23 1999
BOARD OF SUPERVISORS
COUNTY OF NAPA

MARY JEAN MCLAUGHLIN
CLERK OF THE BOARD

M. Price Deputy

APPROVED FOR THE BOARD

Joseph H. ...
March 18, 1999

Planning

Cover Sheet

APN	039 - 130 - 002 - 000
Permit #	97219
Program	USE
DocType	DD
Street #	
Street Name	
Year	

Exhibit 4





NAPA COUNTY

CONSERVATION -- DEVELOPMENT AND PLANNING COMMISSION

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
TELEPHONE 707/253-4416 FAX 707/253-4176

JEFFREY REDDING
Secretary-Director

December 8, 1998

Assessor's Parcel #39-130-02

Norman E. and Irit Weir
4195 Silverado Trail
Napa, CA 94558

Dear Mr. and Mrs. Weir:

Please be advised that **Use Permit application # 97219-UP** 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: December 2, 1998

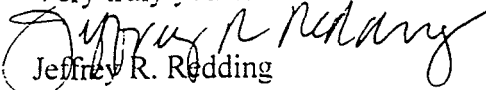
EXPIRATION DATE: December 13, 1999

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 Chapter 2.88 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 18.124.080 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 and provided that any modification of the permit has become final. A request for an extension of time is subject to payment of the filing fee in effect at the time the request for extension is made.

This letter serves as the only notice you will receive regarding the expiration date of your permit or procedures for extensions. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

Very truly yours,



Jeffrey R. Redding
Director

cc: John Tuteur, County Assessor
Gary Brewen, Building Codes Administrator

h:dm:data:weir 97219-up approval letter

CONDITIONS OF APPROVAL
Use Permit # 97219-UP (Hagafen Winery/Norman Weir)

SEE 99477
MOD FOR
FINAL COA'S

 SUPERCEDED BY APPEAL

1. The permit is limited to:

- a. The establishment of a winery with a 50,000 gallon/year production capacity in conformance with the application, information sheet and supplemental information sheets for winery uses.
- b. The construction of a 6,800 ft² winery which includes: a 4,500 ft² two story main winery building with an attached covered 1920 ft² outdoor concrete slab processing area; a 361 ft² tasting room building; an uncovered 1920 ft² concrete pad for processing, in conformance with the approved site plan, floor plan, building elevations.
- c. Custom production activities (crushing, fermenting, barrel ageing, and bottling) for a maximum of four (4) custom producers utilizing a maximum 25,000 gallons of the winery's 50,000 gallon/year production capacity.
- d. The existing access road shall be removed upon completion of the new driveway resulting in the use of only one access from Silverado Trail.

Any expansion or changes in use shall be by separate Use Permit submitted for Commission or Zoning Administrator consideration.

2. Marketing activities as defined in Section 18.08.370 (activities held for 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. Any charge associated with food service is limited to the extent of cost recovery) are limited to:

a. **Celebration Events:**

Harvest (*Sukkot*).
Frequency: 1 per year
Number of persons: Maximum 75 persons
Time of Day: Noon-4:00 PM

Holidays (*Hanukah and Passover*)
Frequency: 2 per year
Number of persons: Maximum 100
Time of Day: 5:00-9:00 PM

b. **Wine and Food Events**

Lunches and dinners in the winery or tasting room for Trade & Consumer by prior appointment:

Frequency: 12-10 per year
Number of persons: Maximum 75
Time of Day: Noon-3:00 PM (6); 7:00-9:00 PM (6)

Tours, tasting, and catered food service for Consumers and Trade by prior appointment:

Frequency: 6 per year
Number of persons: Maximum 50
Time of Day: Noon-3:00 PM (3); 7:00-10:00 PM (3)

c. **Wine Release Events:**

CONDITIONS OF APPROVAL
Use Permit # 97219-UP (Hagafen Winery/Norman Weir)

Frequency:	2 per year
Number of persons:	Maximum 25
Time of Day:	1:00-4:00 PM

d. Wine Auction-Related Event:

Frequency:	1 per year
Number of persons:	Maximum-50
Time of Day:	2:00-5:00 PM

Except for the "harvest" event and events as may specifically authorized pursuant to the Temporary Event Ordinance, no picnicking, outdoor dining, or outdoor wine tasting shall be permitted and no outside marketing activities shall involve amplified music. All events shall cease by 10:00 PM (including cleanup) except that events specified above as ending at 10:00 PM shall complete cleanup by 11:00 PM

3. a. Tours of the winery and/or tasting of wine are limited to 25 persons per day, except Saturdays when no tours or tasting shall be permitted, and shall be limited to include members of the wine trade, persons invited by the winery who have pre-established business or personal relationships with the winery or its owners, and persons who have made unsolicited prior appointments for tours or tastings. (as defined by Section 18.08.620). Visitor counts shall be maintained daily that would be made available to the Department within five (5) days notice, and shall be compiled in an annual report submitted to the Department by the end of January each year.
- b. The winery shall be open for retail sales of wine Sunday through Thursday 10:00 AM and 5:00 PM (10:00 to 6:00 summer). No retail sales shall be conducted either Friday or Saturday. ~~and on Friday between the hours of 10:00 AM and 4:00 PM (10:00 AM to 5:00 PM Summer).~~
4. Prior to issuance of the building permit, three (3) copies of the a detailed landscaping, fencing, and parking plan shall be submitted to the Department for review and approval indicating names and locations of plant materials, method of maintenance and location of off-street parking spaces. Landscaping, fencing, and parking to be completed prior to final occupancy. Landscaping shall be permanently maintained in accordance with the approved landscape plan.
5. All outdoor storage of winery production equipment shall be screened from view of adjacent properties by a visual barrier consisting of fencing and/or dense landscaping, and shall remain within the driveway loop. No open storage is to exceed the height of the screening.
6. Provide a maximum 22 off-street parking spaces on a dust-free all-weather surface approved by the Public Works Department. There shall be no winery-related parking on Silverado Trail, on Shady Oaks Lane, nor in any neighboring driveway. In no case shall any parking impede emergency vehicle access to the winery or obscure visibility at the entrance by Silverado Trail.
7. The color(s) to be used on the proposed buildings and any exterior lighting fixtures to be used shall be submitted to the Department for review and approval. Exterior lighting fixtures shall be the minimum necessary for the operational and security needs, as low as possible and shall be shielded to direct the light down. The only exterior lights visible from off-site that may be kept on between 7:00 pm and 6:00 am, except when necessary during crush, are motion-sensor controlled ones.
8. Plans for any outdoor signs shall be submitted to the Department for review and placement.

CONDITIONS OF APPROVAL
Use Permit # 97219-UP (Hagafen Winery/Norman Weir)

9. Comply with 1 Mitigation Measure described in the Project Revision Statement signed by the applicant dated February 20, 1998 and revised at the public hearing on December 2, 1998 and agreed to by applicant at that hearing.
10. Comply with all applicable building codes, zoning standards, and requirements of County Departments and agencies.
11. Comply with the requirements of the Department of Environmental Management as stated in their memorandums of November 25, 1997, November 2, 1998 and November 23, 1998.
12. Comply with the requirements of the Building Division as stated in their memorandum of November 21, 1997.
13. Comply with the requirements of the Department of Public Works as stated in their letters of December 1, 1997, November 20, 1998 and November 23, 1998, with consideration or option of the two-way left turn lane.
14. Comply with the requirements of the County Fire Department as stated in their letter of November 16, 1998. Any required aboveground water storage tanks shall be reviewed by the Department for review of proposed placement. All applicable setback requirements shall be met, and the tanks shall be screened from views of adjacent properties by a visual barrier consisting of fencing and/or dense landscaping.
15. The applicant shall report to the Department on an annual basis 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.
16. For the public record, the applicant shall annually submit to the Department a statement certifying compliance with the source requirement and indicating the percentage of Napa County grapes utilized.
17. All facilities of the winery, including offices, shall be for the exclusive use of the on-site winery. No overnight accommodations are permitted. 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.
18. 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.
19. Pomace (grape stems, leaves, grape skins) shall not be stockpiled within 500 feet of any off-site occupied dwelling; shall not be stockpiled longer than 30 days, and shall be mixed with the soil within two days of application.
20. Grading and construction activities that will generate dust shall utilize water or dust palliatives. Noise producing construction activities shall be limited to weekdays between the hours of 7:00 am and 7:00 pm. All noisy, stationary construction equipment such as air compressors and concrete pumps shall be placed at least 250 feet from the residential uses located adjacent to the site, or acoustical shielding shall be installed that is sufficient to reduce the exterior noise levels produced.

CONDITIONS OF APPROVAL
Use Permit # 97219-UP (Hagafen Winery/Norman Weir)

21. The production capacity of the winery shall not exceed 50,000 gallons/year as averaged over any consecutive three (3) year period. In any given year neither production nor waste disposal capacity shall exceed 59,999 gallons. The applicant shall report to the Planning Department in December of each year the number of gallons of wine produced during the year

22. No outdoor noise-producing activities, including those associated with the crush period, shall take place at the winery between the hours of 10:00 pm and 7:00 am. Noisy stationary outdoor equipment such as air conditioning units, compressors, and pumps shall be located out of direct line-of-sight from the residences located on property adjacent to the site, or acoustical shielding shall be installed that is sufficient to reduce exterior noise to an acceptable level (55dBA)

Revised 2-9-99 BOS Mtg.
WCB:H:WEIRCOA.DOC

NOV 26 1997

**NAPA COUNTY****DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.1195 THIRD STREET, ROOM 101 • NAPA, CALIFORNIA 94559-3082
AREA CODE 707/253-4471TRENT CAVE, R.E.H.S.
Director**MEMORANDUM**

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

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

SUBJECT: Use Permit Application for Hagafen Cellars

DATE: November 25, 1997

APN 39-130-02 FILE # 97219-UP

Located at 4160 Silverado Trail

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

1. 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.
2. That a permit for the septic system installation be secured from the Department of Environmental Management prior to issuance of a building permit.
3. That the use of the drain field area be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. This includes equipment storage, traffic, parking, livestock, etc., over the system.
4. That all solid waste be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.

5. 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.
6. 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.
7. All diatomaceous earth/bentonite must be disposed of in an approved manner.
8. 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.

cc: Norman Weir, 4195 Silverado Trail, Napa, CA 94558

usr/pam/planning/COUNTY/60-11711



MEMORANDUM

wB

November 2, 1998

RECEIVED

TO: Napa County Planning Department, Jeff Redding, Director

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

SUBJECT: Use Permit Application for Hagafen Cellars
Located at 4160 Silverado Trail
Assessor Parcel # 39-130-02
File #97219

NOV 6 - 1998

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

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

1. Previous recommendations and conditions of approval of November 25, 1997 still apply and shall be included in the project. In addition, we have the following comment: That if any uncovered outdoor crush or process areas are a part of the project, the applicant must submit a letter from their engineer which addresses proper diversion of storm water and process waste water. If a diversion valve (or equivalent) is needed, a detail on same must be submitted. This letter and detail must be received prior to issuance of sewage permits.

cc: Norman Weir, 4195 Silverado Trail, Napa, CA 94558



MEMORANDUM

November 23, 1998

TO: Napa County Planning Department, Jeff Redding, Director

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

SUBJECT: Use Permit Application for Hagafen Cellars
Located at 4160 Silverado Trail
Assessor Parcel # 39-130-02
File # 97219-UP

This department has reviewed our previous comments for the subject Use Permit. Our recommended conditions of approval were for a 50,000 gallon per year facility with five full time employees, two part time employees, 5 seasonal employees, and 25 visitors on the busiest day. Based on the application, this department determined that the combined wastewater flows were just less than 1500 gallons per day. As such, an engineering feasibility report was not required.

I have reviewed the November 18, 1998 report prepared by Bartelt Engineering, submitted by Mr. Stephen Buehl. This report indicates a maximum production capacity of 60,000 gallons per year. This report further indicates that total waste flows for the facility (process waste and sanitary waste) will total approximately 1900 gallons per day. As indicated in this report, Napa County requires that underground leachfield systems with a flows over 1500 gallons per day be designed by a qualified professional. Had this department evaluated a 60,000 gallon per year winery, a feasibility report would have been required at the use permit completeness stage and an additional condition requiring design by a qualified professional would have been added to the use permit conditions of approval.

After discussing this matter with Sylvia Toth and Wynress Balcher, I was informed that the Use Permit would be modified to limit production to 50,000 gallons. In addition it was discussed that adding one additional condition of approval in order to prevent any confusion regarding the 1500 gallon per day capacity was warranted. Please add this condition, and one additional condition as noted below:

1. That the winery waste and sanitary waste systems be installed as separate systems with separate installation permits. The winery permit will cover the system for the process waste including the winery tanks and leach line and will be sized for peak flows. The sanitary system will cover the waste generated from employees and visitors and will be sized for peak flows.
2. Due to the information that the area for the proposed leachfield area may have been ripped, this department may require that additional soil core holes be seen prior to issuance of a sewage permit. If for any reason a conventional system is determined not to be acceptable, plans for an engineered sewage disposal system will be required for review and approval prior to issuance of a sewage permit.

Please contact me if you have any questions regarding the above.



NAPA COUNTY

CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY R. REDDING
Director

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

RECEIVED

NOV 21 1997

NAPA CO CONSERVATION
DEVELOPMENT & PLANNING DEPT

PERMIT APPLICATION AND INITIAL STUDY REQUEST FOR COMMENTS

TO: Bldg.

APPLICATION TITLE: HAGA FEN CELLARS FILE #: 97219-UP

RESPONSE REQUEST DATE: 11.20.97 RESPONSE RETURN DATE: 12.8.97
FINAL REQUEST DATE: _____ FINAL RESPONSE DATE: _____

This application (see enclosed project description and/or maps) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

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

1. Do you have jurisdiction by law over this project Yes No
If yes, indicate required permits: GRADING, BUILDING, PLUMBING, MECHANICAL, ELECTRICAL

2. Indicate areas of environmental concern and availability of appropriate technical data: NONE

3. Do you recommend: Negative Declaration Environmental Impact Report

4. If the project is approved, recommend conditions-of-approval (use additional page if needed):
1. SECURE PERMITS AS NOTED IN ITEM NO. 1
2. FACILITY MUST MEET STATE GUIDELINES FOR ACCESSIBILITY TO HANDICAPPED PERSONS

5. Have you previously reviewed an application on any portion of this project?
 Yes No

6. Name of contact person: [Signature] Telephone: 253-4411
Response Prepared by: GARY W. BREWEN
Title: BUILDING CODES ADMIN.
Date: 11-27-97

RECEIVED

NOV 18 1998



INTER-OFFICE MEMO

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

FROM: Barbara Easter, Fire Department

DATE: November 16, 1998

SUBJECT: Hagafen Cellars Use Permit Comments APN: 39-130-02 97219-UP
7660 Recommended Fire Safety Standards
9200 Fire Prevention Engineering
4160 Silverado Trail, Napa

The Fire Department (NCFD) has reviewed the above Hagafen Cellars use permit application to construct a 6,800 square foot building located east of Silverado Trail approximately 2700 feet northwest of the intersection of Soda Canyon Road. The following items to be incorporated as mitigation measures or conditions-of-approval.

1. All construction and use of the facility shall comply with applicable standards, regulations, and codes in effect at the time of building permit issuance including (as minimum): Napa County Fire Protection Standards (County FPS); Napa County Road and Street Standards (R&SS); State Fire Safe Regulations (State FSR); Uniform Fire Code (UFC with state amendments); and appropriate fire protection system standards (e.g. NFPA 13, 20, 24, 72, etc.).
2. All construction, alteration or demolition of a building shall comply with article 87 of the Uniform fire code and specifically:
 - a. Fire department access roads shall be established and maintained in accordance with UFC section 902 and County Fire Protection Standards.
 - b. Water mains and hydrants shall be installed and operational in accordance with UFC section 903 and County Fire Protection Standards.

- c. Building access for the purpose of firefighting shall be provided. Construction material shall not block access to buildings, hydrants or fire appliances in accordance with UFC section 8704.15.
3. Fire department access shall be provide by compliance with County FPS section IV.9, UFC section 902 and specifically:
 - a. Installation of Fire Department/Sheriff Office “Rapid Entry System” key switches or padlocks for access through locked gates.
 - b. An 18’ wide access road to the winery as per State FSR section 1273.01 (a two-lane County “Common Drive” meets the intent of the 18’ State Fire Safe Regulation.
4. Water supplies for fire protection shall be provided by compliance with County FPS section IV, UFC section 903 and specifically:
 - a. Required fire flow in accordance with County FPS section IV.3.6 is estimated at 120 to 200 gallons per minute (see attached worksheet);
 - b. Number and spacing of fire hydrants in accordance with UFC appendix III-B (County FPS section IV.5);
 - c. Water storage capacity for fire protection in accordance with County FPS section IV. 3-6 is estimated at 7,000 to 12,000 gallons in addition to other needs (see attached worksheet).
 - d. If the required fire flow cannot be met a drafting hydrant shall be installed to NFPA standard 24.
 - e. Any drafting hydrant installed shall have plans prepared by a licensed engineer for NCFD to review and the approval and construction installation inspection signed off by that engineer.
5. Technical assistance in the form of a fire protection engineer or consultant acceptable, and reporting directly, to the NCFD shall be provided by the applicant at no charge to the County (UFC section 103.1.1) upon request from the County Fire Marshal for the following circumstances:
 - a. If the project is designed without direct compliance to the applicable constructions requirements, alternate methods proposals (UFC section 103.1.2) will be required from the applicant and technical assistance may be requested for review and compliance inspection of proposals.
 - b. Installation of a drafting hydrant.
6. Plans detailing compliance with the fire and life safety conditions-of-approval shall be submitted to the Fire Department and appropriate authorities having jurisdiction (e.g. State Fire Marshal) for review and approval prior to building permit issuance and/or as described above.

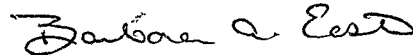
7. "Fire Plan Review and Inspection" fees shall be paid to the Fire Department for all applicable plan review and inspection work at the established deposit basis, plus project consultation time at the hourly rate of \$59 per hour (Napa County Resolution 92-65).

If you should have any question please do not hesitate to contact Barbara Easter as (707) 963-3601 ext. 129 to discuss any other fire protection issue you may have regarding your project.

Discussion

However, if there is any future expansion of the winery this would trigger a pressurized hydrant system and additional fire protection requirements. Large specialized facilities such as proposed in this project can have emergency incidents which would significantly impact fire fighter safety and the ability of the Fire Department to provide emergency services. Incorporation of the above recommendations will reduce to the maximum extent reasonable the labor, time, and resources required for the Fire Department to manage emergency incidents at the facility.

Bryon J. Carniglia
Fire Chief



By: Barbara Easter
County Fire Inspector

CC: Norman E. Weir - Applicant,
Loveless, Streblov, NCFD/CFM Chron,
NCFD/CFM file

REQUIRED FIRE FLOW AND WATER STORAGE

WORK SHEET

This form is designed to allow the developer to determine the quantity and quality of fire defense measures required for the building(s) proposed for construction.

1. From page 6, number 3 of the guide, determine if building will be classed as Light, Moderate or High: MODERATE.
2. Using the most current Uniform Building Code publication (as adopted by Napa County), determine if proposed building construction is defined as: wood, ordinary, fire resistive or non-combustible: NON-COMBUSTIBLE.
3. From the working plans for the building, determine the total cubic volume: 80749 cubic feet.
4. Based on occupancy type (light, moderate, high), divide the number of cubic feet determined in (3) above by the factor: 600, light; 400, moderate; 200 high; shown in (A) on the "Brief Recap" sheet attached to the package. This will determine the base fire flow. Round off your answer to the nearest 50: 200 gpm.
5. Multiply the gpm figure determined in (4) by 60 for light/moderate hazard occupancies, and by 120 for high hazard occupancies. This will give you the base figure for required fire protection water storage capacity: 12,000 gallons.
6. Fire Protection water storage is independent of domestic or other use. Domestic and other use shall be in addition to Fire Protection. All pipes or valves required for domestic or other use shall be installed on the tank above the level designated for Fire Protection purposes only.
7. Credits/Surcharges:

- A. From (4) above, enter base fire flow: 200 gpm.
Now, from the table below, circle the figure which best describes the building construction type/hazard class as proposed.

	<u>Light</u>	<u>Moderate</u>	<u>High</u>
1. Wood Construction	0%	0%	+10%
2. Ordinary	-5%	-5%	+10%
3. Non-Combustible	-25%	<u>-25%</u>	-25%
4. Fire Resistive	-25%	-25%	-25%

Add or subtract the percentage allowed due to construction type/hazard class. T/H adjusted gpm: 200 - 50 = 150.

- B. Heat or smoke detectors (installed in accord with NFPA).
*Note: Do not use (B) if (C) is used: Deduct 5% from T/H adjusted gpm: 0.

- C. Heat or smoke detectors installed and maintained as a functioning part of an NFPA approved 24 hour monitored Fire Alarm System: Deduct 15%: 150 - 25 = 125 gpm OR if alarm terminates at fire department communications center, deduct 20%: 0 gpm.
- D. Proposed occupancy to be completely covered by NFPA approved automatic Sprinkler System; complete with audible flow alarm which is monitored 24 hours per day at the Napa County Fire Department Emergency Command Center. Deduct 40% 0 gpm OR occupancy partially covered by NFPA approved sprinkler system that is 24 hour monitored at the Napa County Fire Department Emergency Command Center: Deduct 15%: 0 gpm.
- E. Entire roof surface of non-flammable materials as defined by UBC and NFPA: Deduct 5%: 120 gpm.
- F. Lack of adequate separation between buildings - see table below:

	Light		Moderate		High	
	W/O	FRNC	W/O	FRNC	W/O	FRNC
0-10'	+ 10%	+ 5%	+ 10%	+ 5%	+ 20%	+ 5%
11-20'	+ 5%	+ 2.5%	+ 5%	+ 2.5%	+ 15%	+ 2.5%
21-30'	+ 2.5%		+ 2.5%		+ 10%	

Enter appropriate credit or surcharge here: _____ gpm.

This is the Net Adjusted GPM required.

*Multiply X 60 (1 hour storage) = storage 7,200 gallons.

*Multiply X 120 (2 hour storage) = storage _____ gallons.

*The net adjusted fire flow credit/surcharge shall not exceed 75% of Base Fire Flow. $(\frac{200 - 120}{200}) \times 100 = 40\%$

*NOTE -- If a municipal or private water system serves the proposed site and cannot supply required fire flow and storage, "on-site" storage will be required.

EXAMPLE: Your firm is proposing the construction of a wine beverage warehouse 190' long & 140' wide X 30' high (798,000 cubic feet). Customary practice in a warehouse of this size is to stack and store empty glass in boxes (on wood pallets) in excess of 21 feet above floor height. Also, bottled wines in case lots are stored in like manner. This places the proposed occupancy in the "high" hazard classification.

- Hazard Class. High
- Construction Type: Concrete Tilt-up, Wood Laminated Beams, Plywood Sheathing. Ordinary
- Cubic Foot Volume: Length (190') X Width (140') X Height (30') = 798,000 cubic feet

**PUBLIC WORKS DEPARTMENT
INTER-OFFICE MEMO**



December 1, 1997

TO: Conservation Development and Planning Department
FROM: Juan Arias, Junior Engineer *J. A.*
SUBJECT: Hagafen Cellars, 4160 Silverado Trail, APN: 039-130-002

This application will allow the applicant to establish a 50,000 gallon / year winery housing up to 2 custom producers utilizing up to 25 % of the requested production in a new 6,800 ft² facility on 12.23 acres situated east of Silverado Trail approximately 2700 feet northwest of its intersection with Soda Canyon Road.

EXISTING CONDITIONS:

1. The existing right-of-way for Silverado Trail is 60 feet. Section 18.112.060 of the Napa County Code defines the ultimate right-of-way for Silverado Trail to be 70 feet.
2. The Average Daily Traffic count for Silverado Trail just south of its intersection with Oak Knoll Avenue is 5,241 and just south of its intersection with Soda Canyon Road is 5,527.

RECOMMENDED CONDITIONS:

1. Right-of-way widening of an easement to 70 feet from the centerline of Silverado Trail shall be granted to the County for roadway and utility purposes.
2. The applicant shall construct a left turn storage lane on Silverado Trail so as to facilitate southbound traffic turning onto the winery's access road.
3. The access road leading to the winery from Silverado Trail shall be improved to the standards of a "Common Drive Without Parallel Parking Lanes Low Density" as shown in the latest edition of the "Napa County Road and Street Standards". This design requires a 16 foot wide roadway with 4 foot earth shoulders. The access road shall have a minimum

structural section equivalent to five inches of Class II Aggregate Base plus a double sealcoat.

4. Any parking areas that are required by the Planning Commission as a condition of this Use Permit shall have a minimum structural section equivalent to five inches of Class II Aggregate Base plus a double seal coat.
5. Grading, drainage and parking improvements shall be constructed according to the latest "Napa County Road and Street Standards".
6. On site grading shall be accomplished so as to avoid the diversion or concentration of storm water runoff onto adjacent properties.
7. The applicant shall obtain an encroachment permit for any work performed within the County right-of-way.
8. Improvements, including the left turn lane onto the access road from Silverado Trail, shall be constructed according to plans prepared by a registered Civil Engineer which will be reviewed and approved by this office. An engineering and inspection 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.

If you have any questions regarding the above items at this time, please do not hesitate to contact Larry Bogner or Juan Arias of this Department.

cc: Norman E. & Irit Weir, 4195 Silverado Trail, Napa, CA 94558
Ethan Foote, 1199 Big Tree Rd., St. Helena, CA 94574



NAPA COUNTY

CONSERVATION • DEVELOPMENT and PLANNING COMMISSION

Jeffrey Redding
Secretary-Director

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

March 11, 1998

Assessor's Parcel #39-130-02

Norman E. And Irit Weir
4195 Silverado Trail
Napa, CA 94558

Dear Mr. & Mrs. Weir:

Please be advised that **Use Permit Application #97219-UP** 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: March 4, 1998 EXPIRATION DATE: March 15, 1999

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 Chapter 2.88 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 18.124.080 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 and provided that any modification of the permit has become final. A request for an extension of time is subject to payment of the required filing fee in effect at the time the request for extension is made.

This letter serves as the only notice you will receive regarding the expiration date of your permit or procedures for extensions. Please note that additional fees will be assessed if a landscape plan or erosion control plan is required by this approval.

Very truly yours,


Jeffrey R. Redding
Director

cc: John Tuteur, County Assessor
Gary Brewen, Building Codes Administrator

CONDITIONS OF APPROVAL

Use Permit # 97219-UP (Hagafen Winery/Norman Weiz)

1. The permit is limited to the establishment of a winery with a 50,000 gallon/year production capacity; the construction of a 6,800 ft² winery (includes 361 ft² detached structure) with an uncovered 1920 ft² concrete pad for processing, located as outlined on the attached plans; and custom production activities for a maximum of four (4) custom producers utilizing a maximum 25,000 gallons of the winery's production capacity. The existing access road shall be removed upon completion of the new driveway resulting in only one access from Silverado Trail.

Any expansion or changes in use shall be by separate Use Permit submitted for Commission or Zoning Administrator consideration.

2. Marketing activities as defined in Section 18.08.370 (activities held for 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. Any charge associated with food service is limited to the extent of cost recovery) are limited to:

- a. **Harvest Event:** this event will be held in conjunction with the harvest holiday *Sukkot*.

Frequency: 1 per year
Number of persons: 50- 75, average 60

- b. **Wine and Food Events**

Lunches and dinners in the winery or tasting room:

Frequency: 12 per year
Number of persons: 10 - 100, average 24

Holiday Events (e.g. Hanukah and Passover)

Frequency: 2 per year
Number of persons: 60-100, average 75

Marketing event for invited consumers and trade which will include tours, tasting, and catered food service.

Frequency: 6 per year
Number of persons: 50-150, average 100

- c. **Wine Release Events:**

Frequency: 2 per year
Number of persons: 25

- d. **Wine Auction-Related Event:**

Frequency: 1 per year
Number of persons: 25-50, average 30

CONDITIONS OF APPROVAL
Use Permit # 97219-UP (Hagafen Winery/Norman Weir)

3. Tours of the winery and/or tasting of wine are limited attendance by members of the wine trade, persons invited by the winery who have pre-established business or personal relationships with the winery or its owners, and persons who have made unsolicited prior appointments for tours or tastings. (as defined by Section 18.08.620). The winery shall be open for retail sales of wine Sunday through Friday between the hours of 10:00 AM and 5:00 PM.
4. Prior to issuance of the building permit, three (3) copies of the a detailed landscaping and parking plan shall be submitted to the Department for review and approval indicating names and locations of plant materials, method of maintenance and location of off-street parking spaces. Landscaping, fencing, and parking to be completed prior to final occupancy. Landscaping shall be permanently maintained in accordance with the approved landscape plan.
5. The color(s) to be used on the proposed buildings and any exterior lighting fixtures to be used shall be submitted to the Department for review and approval.
6. Provide a maximum 22 parking off-street parking spaces on a dust-free all-weather surface approved by the Public Works Department.
7. Plans for any outdoor signs shall be submitted to the Department for review and placement.
8. All outdoor storage of winery production equipment shall be screened from view of adjacent properties by a visual barrier consisting of fencing and/or dense landscaping. No open storage is to exceed the height of the screening.
9. Comply with 1 Mitigation Measure described in the Project Revision Statement signed by the applicant dated February 20, 1998.
10. Comply with all applicable building codes, zoning standards, and requirements of County Departments and agencies.
11. Comply with the requirements of the Department of Department of Environmental Management as stated in their memorandum of November 25, 1997.
12. Comply with the requirements of the Department of the Building Divisions as stated in their memorandum of November 21, 1997.
13. Comply with the requirements of the Department of Public Works as stated in their letter of December 1, 1997.

CONDITIONS OF APPROVAL
Use Permit # 97219-UP (Hagafen Winery/Norman Weir).

14. Construction and use to comply with County Fire Protection Standards (Resolution 88-98) and California Fire Code, including the required water supply storage for fire protection as stated by the Department of Fire Department in their letter of December 3, 1997. A "Knox" Data Storage Cabinet shall be installed if the Department of Environmental Management requires a Hazardous Materials Business Plan. Any required above-ground water storage tanks shall be reviewed by the Department for review of placement.
15. The applicant shall report to the Department on an annual basis 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.
16. For the public record, the applicant shall annually submit to the Department a statement certifying compliance with the source requirement and indicating the percentage of Napa County grapes utilized.
17. The production capacity of the winery shall not exceed 50,000 gallons/year as averaged over any consecutive three (3) year period. In any given year production shall not exceed 60,000 gallons. The applicant shall report to the Planning Department in December of each year the number of gallons produced during the year.
18. 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.
19. 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.

RECEIVED ^{WB}

NOV 26 1997



NAPA COUNTY

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NAPA CO. CONSERVATION DEVELOPMENT & PLANNING DEPT.

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

TRENT CAVE, R.E.H.S.
Director

MEMORANDUM

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

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

SUBJECT: Use Permit Application for Hagafen Cellars

DATE: November 25, 1997

APN 39-130-02 FILE # 97219-UP

Located at 4160 Silverado Trail

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

1. 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.
2. That a permit for the septic system installation be secured from the Department of Environmental Management prior to issuance of a building permit.
3. That the use of the drain field area be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. This includes equipment storage, traffic, parking, livestock, etc., over the system.
4. That all solid waste be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.

5. 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.
6. 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.
7. All diatomaceous earth/bentonite must be disposed of in an approved manner.
8. 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.

cc: Norman Weir, 4195 Silverado Trail, Napa, CA 94558

usr/pam/planning/COUNTY/60-11711



NAPA COUNTY

CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

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

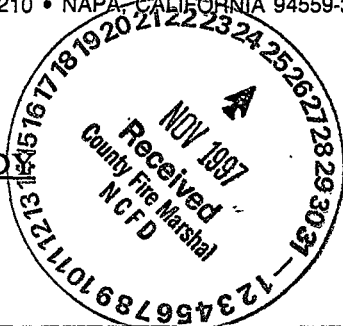
JEFFREY R. REDDING
Director

RECEIVED

DEC 11 1997

PERMIT APPLICATION AND INITIAL STUDY
REQUEST FOR COMMENTS

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.



TO: Fire

APPLICATION TITLE: HAGAFEN CELLARS FILE #: 97219-UP

RESPONSE REQUEST DATE: 11.20.97 RESPONSE RETURN DATE: 12.8.97
FINAL REQUEST DATE: _____ FINAL RESPONSE DATE: _____

This application (see enclosed project description and/or maps) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

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

1. Do you have jurisdiction by law over this project Yes No
If yes, indicate required permits: _____

2. Indicate areas of environmental concern and availability of appropriate technical data: _____

3. Do you recommend: Negative Declaration Environmental Impact Report

4. If the project is approved, recommend conditions-of-approval (use additional page if needed):
CONSTRUCTION AND USE SHALL COMPLY WITH COUNTY FIRE PROTECTION STANDARDS & CALIFORNIA FIRE CODE. WATER SUPPLIES FOR FIRE PROTECTION ARE NOT INCLUDED IN APPLICATION. APPLICATION SHOULD BE REVISED TO SHOW COMPLIANCE WITH COUNTY STANDARDS. A "KNOX" DATA STORAGE CABINET SHALL BE INSTALLED IF COUNTY DEM REQUIRES A HAZARDOUS MATERIALS BUSINESS PLAN

5. Have you previously reviewed an application on any portion of this project?
 Yes No

6. Name of contact person: Ethan J. Foote Telephone: 963-3601 ext 121

Response Prepared by: ETHAN FOOTE

Title: COUNTY FIRE MARSHAL

Date: 3 DEC 97

**PUBLIC WORKS DEPARTMENT
INTER-OFFICE MEMO**



December 1, 1997

TO: Conservation Development and Planning Department
FROM: Juan Arias, Junior Engineer *J. A.*
SUBJECT: Hagafen Cellars, 4160 Silverado Trail, APN: 039-130-002

This application will allow the applicant to establish a 50,000 gallon / year winery housing up to 2 custom producers utilizing up to 25 % of the requested production in a new 6,800 ft² facility on 12.23 acres situated east of Silverado Trail approximately 2700 feet northwest of its intersection with Soda Canyon Road.

EXISTING CONDITIONS:

1. The existing right-of-way for Silverado Trail is 60 feet. Section 18.112.060 of the Napa County Code defines the ultimate right-of-way for Silverado Trail to be 70 feet.
2. The Average Daily Traffic count for Silverado Trail just south of its intersection with Oak Knoll Avenue is 5,241 and just south of its intersection with Soda Canyon Road is 5,527.

RECOMMENDED CONDITIONS:

1. Right-of-way widening of an easement to 70 feet from the centerline of Silverado Trail shall be granted to the County for roadway and utility purposes.
2. The applicant shall construct a left turn storage lane on Silverado Trail so as to facilitate southbound traffic turning onto the winery's access road.
3. The access road leading to the winery from Silverado Trail shall be improved to the standards of a "Common Drive Without Parallel Parking Lanes Low Density" as shown in the latest edition of the "Napa County Road and Street Standards". This design requires a 16 foot wide roadway with 4 foot earth shoulders. The access road shall have a minimum

structural section equivalent to five inches of Class II Aggregate Base plus a double sealcoat.

4. Any parking areas that are required by the Planning Commission as a condition of this Use Permit shall have a minimum structural section equivalent to five inches of Class II Aggregate Base plus a double seal coat.
5. Grading, drainage and parking improvements shall be constructed according to the latest "Napa County Road and Street Standards".
6. On site grading shall be accomplished so as to avoid the diversion or concentration of storm water runoff onto adjacent properties.
7. The applicant shall obtain an encroachment permit for any work performed within the County right-of-way.
8. Improvements, including the left turn lane onto the access road from Silverado Trail, shall be constructed according to plans prepared by a registered Civil Engineer which will be reviewed and approved by this office. An engineering and inspection 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.

If you have any questions regarding the above items at this time, please do not hesitate to contact Larry Bogner or Juan Arias of this Department.

cc: Norman E. & Irit Weir, 4195 Silverado Trail, Napa, CA 94558
Ethan Foote, 1199 Big Tree Rd., St. Helena, CA 94574

WB



NAPA COUNTY

CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY R. REDDING
Director

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

RECEIVED

NOV 21 1997

NAPA CO CONSERVATION
DEVELOPMENT & PLANNING DEPT

PERMIT APPLICATION AND INITIAL STUDY REQUEST FOR COMMENTS

TO: Bldg.

APPLICATION TITLE: HAGA FEN CELLARS FILE #: 97219-UP

RESPONSE REQUEST DATE: 11.20.97 RESPONSE RETURN DATE: 12.8.97
FINAL REQUEST DATE: _____ FINAL RESPONSE DATE: _____

This application (see enclosed project description and/or maps) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

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

1. Do you have jurisdiction by law over this project Yes No
If yes, indicate required permits: GRADING, BUILDING, PLUMBING, MECHANICAL, ELECTRICAL

2. Indicate areas of environmental concern and availability of appropriate technical data: NONE

3. Do you recommend: Negative Declaration Environmental Impact Report
4. If the project is approved, recommend conditions-of-approval (use additional page if needed):
1. SECURE PERMITS AS NOTED IN ITEM NO. 1
2. FACILITY MUST MEET STATE GUIDELINES FOR ACCESSABILITY TO HANDICAPPED PERSONS

5. Have you previously reviewed an application on any portion of this project?
 Yes No

6. Name of contact person: [Signature] Telephone: 253-4411
Response Prepared by: GARY W. BREWEN
Title: BUILDING CODES ADMIN.
Date: 11-21-97

WB



NAPA COUNTY

CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

JEFFREY R. REDDING
Director

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

RECEIVED
DEC - 8 1997
NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

PERMIT APPLICATION AND INITIAL STUDY REQUEST FOR COMMENTS

TO: Sheriff

APPLICATION TITLE: HAGAFEN CELLARS FILE #: 97219-UP

RESPONSE REQUEST DATE: 11.20.97 RESPONSE RETURN DATE: 12.8.97
FINAL REQUEST DATE: _____ FINAL RESPONSE DATE: _____

This application (see enclosed project description and/or maps) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

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

1. Do you have jurisdiction by law over this project Yes No
If yes, indicate required permits: _____

2. Indicate areas of environmental concern and availability of appropriate technical data: _____

3. Do you recommend: Negative Declaration Environmental Impact Report

4. If the project is approved, recommend conditions-of-approval (use additional page if needed): _____

5. Have you previously reviewed an application on any portion of this project?
 Yes No

6. Name of contact person: [Signature] Telephone: 253-4200
Response Prepared by: [Signature]
Title: LT. HSO
Date: Dec 1, 97

Environmental

Cover Sheet

APN	039-130-002-000
Permit #	
Program	WEU
DocType	YT
Street #	
Street Name	Silverado Trl.
Year	1989

Exhibit 5



McLEAN & WILLIAMS, INC.
 WELL DRILLING & PUMP SERVICE
 707-255-6450
 878 EL CENTRO AVE.
 NAPA, CALIFORNIA 94558

FILE: E:WELLS	KEY: SEQ	DIR: +	SCREEN: 1
RECORD: 658 (658)	DEL:N	TYPE:A	
1 NAME: GUSTAV DALLA VALLE	4 NSORT: DALLA VALLE		
2 STREET: BETWEEN 4130-4185 SILVERADO TR	5 STSORT: SILVERADO TR		
3 CITY: NAPA, CA 94558	6 PHONE: [REDACTED]		
7 A.P.#: _____	23 PUMP MAKE: PIONEER		
8 CLASS: _____	24 TYPE: SUBMERSIBLE		
9 DEPTH: 200'	25 MODEL: GA-18		
10 CASING _____	26 HP: 2. 27 V: 230 28 PH: 1		
11 TYPE: 8" STEEL	29 SERIAL#: 097424		
12 PERF: _____	30 SUBSURANCE: _____		
13 SEAL: _____	31 PIPE SZ: 1 1/2"		
14 STATIC LEVEL: 25'	32 TYPE: GALV.		
15 DRAWDOWN: 100'	33 SETTING: 189'		
16 YIELD: 20 GPM	34 WIRE-SZ: #10-3		
17 TEST: AIR JET	35 TANK SZ: 315 GALV.		
18 SETTING: 198'	36 DATE: 04/29/85		
19 EQUIP: COMPRESSOR	37 LOG #: _____		
20 DATE: 04/23/85	38 CMTA: S/C4-28-86		
21 CLEAN: _____	39 CMTB: _____		
22 CLEAN: _____	40 CMTC: _____		

Enter sub-command (cr=step,h=help menu)

*Well test FHS
 1hr 15min 20 GPM
 steady
 Pump 18 GPM
 Dual Element 30 A
 slow blow Fuses*

RECEIVED
 SEP 19 1989

DEPT. OF
 ENVIRONMENTAL MANAGEMENT

11/86
[Signature]

IMBODEN PUMP

SINCE 1946

1030 PUEBLO AVENUE • NAPA, CALIFORNIA 94558
(707) 252-6493 • LIC. # 404594
FAX (707) 226-1580

WELL TEST & REPORT

DATE: 10/27/19

OWNER: HAGAFEN CELLARS

ADDRESS: 4160 SILVERADO TRAIL

WELL LOCATION:

PARCEL#:

WELL DEPTH: 198'

DIAMETER: 8"

CASING: STEEL

PUMP SETTING: 184'

PUMP HP: 2

DROP PIPE: 1 1/4" PVC SCH 80

POWER & VOLTAGE: 460

DROP CABLE: 10-4

PUMP MODEL: 25GS20 GOULDS

TANK SIZE & MODEL: 10,500

WATER LEVEL AT START OF TEST: 93'

GPM: 28

WATER LEVEL AT END OF TEST: 128'

GPM: 25

LENGTH OF TEST: 2 HOUR 0 MINUTES

****THIS TEST IS BASED ON THE WELL PRODUCTION AS OF THE DAY OF THE TEST ONLY. THE WELL MAY PRODUCE MORE OR LESS WATER THROUGHOUT THE YEAR.****

RESPECTFULLY,
IMBODEN PUMP

Exhibit 6

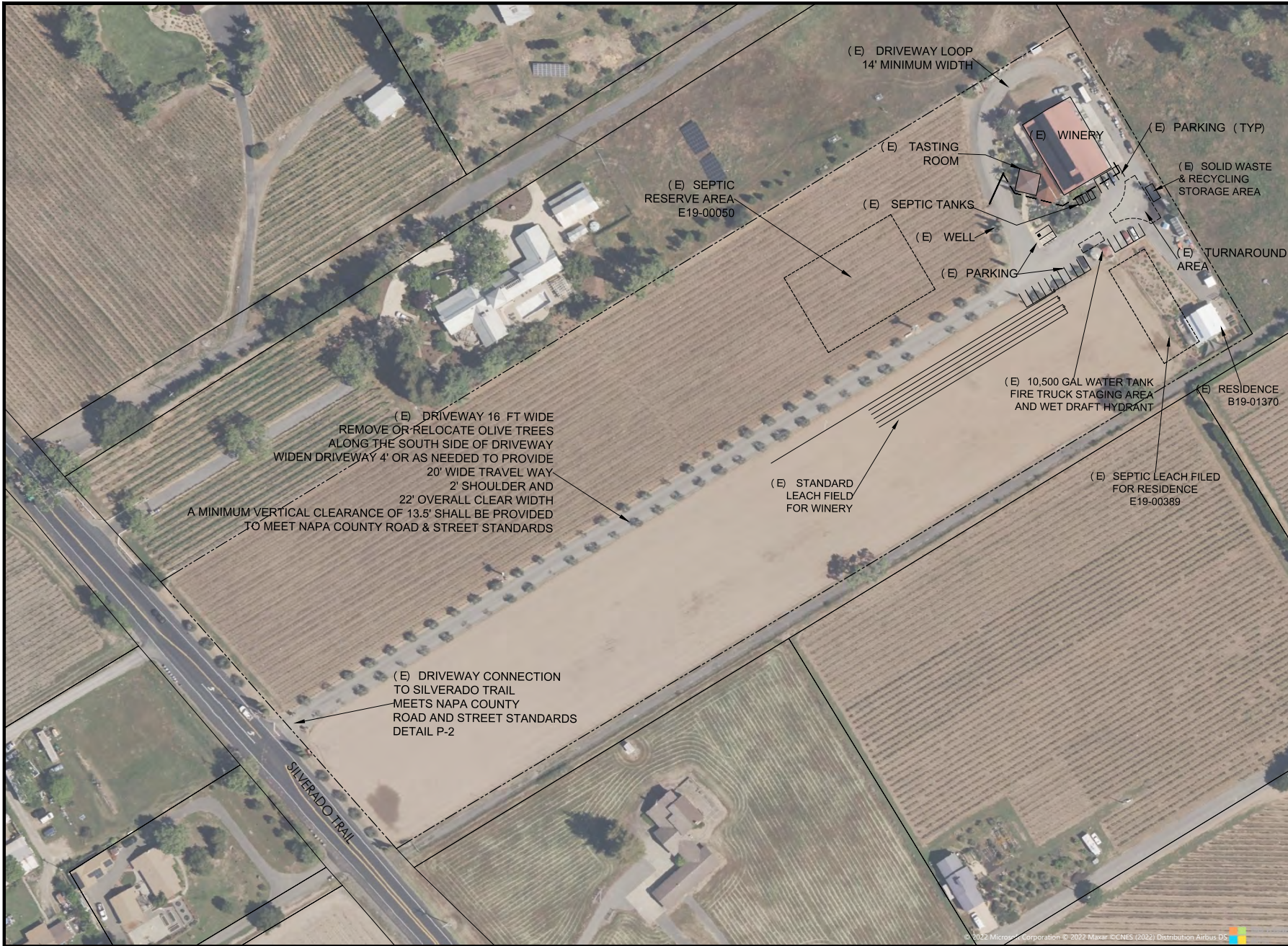
DATE: 10/27/19

OWNER: HAGAFEN CELLARS

ADDRESS: 4160 SILVERADO TRAIL

<u>TIME</u>	<u>WATER LEVEL</u>	<u>BACK PRESSURE</u>	<u>WATER COLOR</u>	<u>SAND</u>	<u>GPM</u>
<u>10:00am</u>	<u>93'</u>	<u>75psi</u>	<u>CLOUDY</u>	<u>NO</u>	<u>28</u>
<u>10:15am</u>	<u>108'</u>	<u>75psi</u>	<u>CLOUDY</u>	<u>NO</u>	<u>28</u>
<u>10:30am</u>	<u>120'</u>	<u>75psi</u>	<u>CLOUDY</u>	<u>NO</u>	<u>28</u>
<u>10:45am</u>	<u>125'</u>	<u>85psi</u>	<u>CLEAR</u>	<u>NO</u>	<u>25</u>
<u>11:00am</u>	<u>128'</u>	<u>85psi</u>	<u>CLEAR</u>	<u>NO</u>	<u>25</u>
<u>11:15pm</u>	<u>128'</u>	<u>85psi</u>	<u>CLEAR</u>	<u>NO</u>	<u>25</u>
<u>11:30pm</u>	<u>128'</u>	<u>85psi</u>	<u>CLEAR</u>	<u>NO</u>	<u>25</u>
<u>11:45pm</u>	<u>128'</u>	<u>85psi</u>	<u>CLEAR</u>	<u>NO</u>	<u>25</u>
<u>12:00pm</u>	<u>128'</u>	<u>85psi</u>	<u>CLEAR</u>	<u>NO</u>	<u>25</u>

REMARKS:



STILLWATER CIVIL DESIGN

1090 SHETLER AVE.
NAPA, CA 94559

(707) 974-9261

rangel@stillwatercivil.com



PREPARED UNDER THE DIRECTION OF:



HAGAFEN CELLERS WINERY

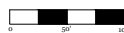
4160 SILVERADO TRAIL - NAPA, CA 94558
APN: 039-130-002

OVERALL SITE PLAN

NAPA COUNTY



SCALE: 1" = 50'



C 1.0
OF 3 SHEETS

1/23/26



P19-00121 Hagafen Cellars Major Modification

Download ... ?

Public share

Type Modified

<input type="checkbox"/>	Name	File type	Size	Modified
<input type="checkbox"/>	Courtesy Notice - Hagafen Cellars Major Modpdf.pdf	PDF document	1.4 MB	May 2022
<input type="checkbox"/>	Napa County Planning Commission Meeting Agenda - March 18, 2026.pdf	PDF document	236 KB	last week
<input type="checkbox"/>	Public Notice - Hagafen Cellars Major Modification - Planning Commissionpdf	PDF document	219 KB	last week

3 files · 1 hidden

44.2 MB