

Napa County

1195 THIRD STREET
SUITE 310
NAPA, CA 94559



Agenda - Final

Wednesday, April 1, 2026

9:00 AM

**Board of Supervisors Chambers
1195 Third Street, Third Floor
Napa, CA 94559**

Planning Commission

District 1, Kara Brunzell (Chair)

District 2, Walter Brooks

District 3, Molly Moran Williams

District 4, Pete Richmond (Vice-Chair)

District 5, Megan Dameron

Brian D. Bordona, Director

Laura Anderson, County Counsel

Michael Parker, Planning Manager

Alexandria Quackenbush, Meeting Clerk

Angie Ramirez Vega, Meeting Clerk

Aime Ramos, Meeting Clerk

How to Watch or Listen to the Napa County Planning Commission Meetings

The Napa County Planning Commission will continue to meet pursuant to the annually adopted meeting calendar available at the following link:

<https://www.napacounty.gov/DocumentCenter/View/40034/2026-Planning-Commission-Meeting-Calendar?bidId=>

The Napa County Planning Commission meets as specified in its adopted annual calendar on the first and third Wednesdays of the month at 9:00 A.M. at 1195 Third Street, Suite 310, Napa, California 94559. The meeting room is wheelchair accessible. Assistive listening devices and interpreters are available through the Clerk of the Planning Commission. Requests for disability related modifications or accommodations, aids or services may be made to the Clerk of the Planning Commission's office no less than 72 hours prior to the meeting date by contacting (707) 253-4417 or meetingclerk@countyofnapa.org.

The Napa County Planning Commission realizes that not all County residents have the same ways to stay engaged, so several alternatives are offered. Remote Zoom participation for members of the public is provided for convenience only. In the event that the Zoom connection malfunctions for any reason, the Planning Commission reserves the right to conduct the meeting without remote access.

Please watch or listen to the Planning Commission meeting in one of the following ways:

1. Attend in-person at the Board of Supervisors Chambers, 1195 Third Street, Napa, Third Floor.
2. Watch online at <https://napa.legistar.com/calendar.aspx> (click the "In Progress" link in the "Video" column).
3. Watch on Zoom using the attendee link: <https://countyofnapa.zoom.us/j/87621457786>. Make sure the browser is up-to-date.
4. Listen on Zoom by calling 1-669-900-6833 (Meeting ID: 876-2145-7786).
5. Watch on your TV - Napa Valley TV Channel 28.

If you are unable to attend the meeting in person and wish to submit a general public comment or a comment on a specific agenda item, please do the following:

1. Email your comment to meetingclerk@countyofnapa.org. Emails will not be read aloud but will still become part of the public record and shared with the Planning Commission.
2. Use the Zoom attendee link: <https://Countyofnapa.zoom.us/j/87621457786>. Make sure the browser is up-to-date. When the Chair calls for the item on which you wish to speak, click "raise hand". Please limit your remarks to three minutes.

3. Call the Zoom phone number: 1-669-900-6833. (Meeting ID: 876-2145-7786). When the Chair calls for the item on which you wish to speak, press *9 to raise hand. Please limit your remarks to three minutes.

****Please note that phone numbers in their entirety will be visible online while speakers are speaking****

For more information, please contact us via telephone at (707) 253-4417 or send an email to meetingclerk@countyofnapa.org

ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE COMMISSION:

ON A MATTER ON THE AGENDA

Please proceed to the podium when the matter is called and, after receiving recognition from the Chair, give your name and your comments or questions. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair or Commission, but is generally limited to three minutes.

ON A MATTER NOT ON THE AGENDA

Public comment is an opportunity for members of the public to speak on items that are not on the agenda but are within the subject matter jurisdiction of the Commission. Public comment is limited to three minutes per speaker, subject to the discretion of the Chair. Comments should be brief and focused, and speakers should be respectful of one another who may have different opinions. Please remember this meeting is being recorded and broadcast on live television. The County will not tolerate profanity, hate speech, abusive language, or threats. Also, while public input is appreciated, the Brown Act prohibits the Commission from taking any action on matters raised during public comment that are not on the agenda.

1. **CALL TO ORDER; ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **PUBLIC COMMENTS AND RECOMMENDATIONS**

The Commission invites public comments and recommendations concerning current issues and future prospects of a planning nature which are within the jurisdiction of the Planning Commission. Anyone who wishes to speak to the Commission on such a matter, if it is not on the agenda, may do so at this time.

4. **APPROVAL OF MINUTES**

- A. The Clerk of the Commission requests approval of minutes from the regular meeting held on March 18, 2026.

[26-875](#)

Attachments: [Minutes 3-18-26](#)

5. **AGENDA REVIEW**
6. **DISCLOSURES**

7. PUBLIC HEARING ITEMS

- A. NORMAN WEIR / HAGAFEN CELLARS WINERY / USE PERMIT MAJOR MODIFICATION #P19-00121- MOD [26-872](#)

CEQA Status: Consideration and intention to find the project categorically exempt from the California Environmental Quality Act (CEQA). It has been determined that this type of project does not have a significant effect on the environment and is exempt from CEQA. The project will not impact an environmental resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites, or cause substantial adverse change in the significance of a historical resource. Based on the proposed project as described below, the project meets the criteria for eligibility as Categorical Exemption from CEQA under Classes 1 and 4. [See Class 1 (“Existing Facilities”) and Class 4 (“Minor Alterations to Land”), which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301, §15304]. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Request: This application was submitted to participate in the County’s Code Compliance Program as described in Resolution No. 2018-164 adopted by the Napa County Board of Supervisors on December 4, 2018. The proposal is to grant a Use Permit Major Modification to an existing 50,000-gallon winery to remedy existing violations through recognition and approval of existing days of operation, existing days allowing retail sales, and levels of visitation. Approval and recognition of these activities will require improvements to the existing driveway. The proposal includes revisions to prior conditions of approval regarding annual reporting on multiple winery operations and noticing of all marketing events. The project is located on an approximately 12.28-acre parcel within the Agricultural Preserve (AP) zoning district with a General Plan land use designations of Agricultural Resource (AR) at 4160 Silverado Trail, Napa. Assessor’s Parcel Number 039-130-002.

Staff Recommendation: Find the Project Categorical Exempt from CEQA and approve Use Permit Modification P19-00121, as conditioned.

Staff Contact: Emily Hedge, Planner III, (707) 259-8226 or emily.hedge@countyofnapa.org

Applicant Contact: Norman Weir, 4160 Silverado Trail, Napa, ernie@hagafen.com, (707) 252-4562

Applicant Representative Contact: Beth Painter, 10 Canopy Lane, Napa,
Beth@bpnapa.com, (707) 337-3385

CONTINUED FROM THE MARCH 18, 2026, PLANNING
COMMISSION HEARING.

- Attachments:** [A. Recommended Findings](#)
[B. Revised Recommended Conditions of Approval and Final Agency
Approval Memos](#)
[C. CEQA Categorical Exemption Memo](#)
[D. Fennemore Letter](#)
[E. Applicant Response Letter](#)
[F. BOS Resolution No 2018-164](#)
[Item 7A - Public Comment \(added after initial agenda posting\)](#)

8. ADMINISTRATIVE ITEMS

9. DIRECTOR OR DIRECTOR'S DESIGNEE REPORT

- DISCUSSION OF ITEMS FOR THE APRIL 15, 2026 REGULAR MEETING
- BOARD OF SUPERVISORS ACTIONS
- OTHER DEPARTMENT ACTIVITIES
- CODE COMPLIANCE REPORT
- ZONING ADMINISTRATOR ACTIONS
- OTHER PENDING PROJECTS' STATUS

10. COMMISSIONER COMMENTS/COMMITTEE REPORTS

11. ADJOURNMENT

I HEREBY CERTIFY THAT THE AGENDA FOR THE ABOVE STATED MEETING WAS POSTED AT A LOCATION FREELY ACCESSIBLE TO MEMBERS OF THE PUBLIC AT THE NAPA COUNTY ADMINISTRATIVE BUILDING, 1195 THIRD STREET, NAPA, CALIFORNIA ON 3/27/26 BY 1:00 PM. A HARDCOPY SIGNED VERSION OF THE CERTIFICATE IS ON FILE WITH THE CLERK OF THE COMMISSION AND AVAILABLE FOR PUBLIC INSPECTION.

AIME RAMOS (By e-signature)
Aime Ramos, Clerk of the Commission



Napa County
Board Agenda Letter

1195 THIRD STREET
SUITE 310
NAPA, CA 94559
www.napacounty.gov
Main: (707) 253-4580

Planning Commission

Agenda Date: 4/1/2026

File ID #: 26-875

TO: Napa County Planning Commission
FROM: Brian D. Bordona, Director, Napa County Planning Building & Environmental Services
REPORT BY: Angie Ramirez Vega, Clerk of the Commission
SUBJECT: Approval of Minutes

RECOMMENDATION

The Clerk of the Commission requests approval of minutes from the regular meeting held on March 18, 2026.

EXECUTIVE SUMMARY

The Clerk of the Commission requests approval of minutes from the regular meeting held on March 18, 2026.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Only Commission members who attended the March 18, 2026, meeting may vote on the minutes.



Meeting Minutes

Napa County Planning Commission

District 1, Kara Brunzell (Chair)
District 2, Walter Brooks
District 3, Molly Moran Williams
District 4, Pete Richmond (Vice-Chair)
District 5, Megan Dameron

Brian D. Bordona, Director
Laura Anderson, County Counsel
Michael Parker, Planning Manager
Alexandria Quackenbush, Meeting Clerk
Angie Ramirez Vega, Meeting Clerk

Wednesday, March 18, 2026

9:00 AM

Board of Supervisors Chambers
1195 Third Street, Third Floor

1. CALL TO ORDER / ROLL CALL

Commissioners Present: Kara Brunzell, Pete Richmond, Megan Dameron, Molly Moran Williams, Walter Brooks

Commissioners Absent: None

2. PLEDGE OF ALLEGIANCE

3. CITIZEN COMMENTS AND RECOMMENDATIONS

None

4. APPROVAL OF MINUTES

Motion by Commissioner Dameron to approve minutes for the March 4, 2026, regular meeting as presented, seconded by Commissioner Brooks

Vote: Carried 5-0-0

Yes: Dameron, Brooks, Moran Williams, Richmond, Brunzell,

No: None

Absent: None

5. AGENDA REVIEW

Michael Parker gave the agenda review.

6. ADMINISTRATIVE ITEMS

A. Receive an informational presentation from the Engineering Division of Planning, Building, and Environmental Services Department (PBES) and the County Fire Marshal on the application and scope of the Napa County Road and Street Standards.

7. DISCLOSURES

Yes: Brooks, Dameron, Brunzell, Moran Williams

No: Richmond

Absent: None

8. PUBLIC HEARING ITEMS

A. PONDEROSA NORMAN WEIR / HAGAFEN CELLARS WINERY / USE PERMIT MAJOR MODIFICATION #P19-00121-MOD

CEQA STATUS: Consideration and intention to find the project categorically exempt from the California Environmental Quality Act (CEQA). It has been determined that this type of project does not have a significant effect on the environment and is exempt from CEQA. The project will not impact an environmental resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites, or cause substantial adverse change in the significance of a historical resource. Based on the proposed project as described below, the project meets the criteria for eligibility as Categorical Exemption from CEQA under Classes 1 and 4. [See Class 1 (“Existing Facilities”) and Class 4 (“Minor Alterations to Land”), which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301, §15304]. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

REQUEST: This application was submitted to participate in the County’s Code Compliance Program as described in Resolution No. 2018-164 adopted by the Napa County Board of Supervisors on December 4, 2018. The proposal is to grant a Use Permit Major Modification to an existing 50,000-gallon winery to remedy existing violations through recognition and approval of existing days of operation, existing days allowing retail sales, and levels of visitation. Approval and recognition of these activities will require improvements to the existing driveway. The proposal includes revisions to prior conditions of approval regarding annual reporting on multiple winery operations and noticing of all marketing events.

The project is located on an approximately 12.28-acre parcel within the Agricultural Preserve (AP) zoning district with a General Plan land use designations of Agricultural Resource (AR) at 4160 Silverado Trail, Napa
Assessor’s Parcel Number 039-130-002.

STAFF RECOMMENDATION: Find the Project Categorical Exempt from CEQA and approve Use Permit Modification P19-00121, as conditioned.

STAFF CONTACT: Emily Hedge, Planner III, (707) 259-8226 or emily.hedge@countyofnapa.org

APPLICANT AGENT CONTACT: Norman Weir, 4160 Silverado Trail, Napa, ernie@hagafen.com, (707) 252-4562

APPLICANT REPRESENTATIVE CONTACT: Beth Painter, 10 Canopy Lane, Napa, Beth@bnpapa.com, (707) 337-3385

Chair Brunzell opened public comment, one comment was received, she closed public comment. Motion by Commissioner Brooks to continue the item to a date certain of April 1, 2026, seconded by Commissioner Moran Williams.

Vote: Carried 5-0-0

Yes: Brooks, Moran Williams, Dameron, Richmond, Brunzell

No: None

Absent: None

B. SHELDON RICHARDS / PALOMA VINEYARD / USE PERMIT MAJOR MODIFICATION NO. P19-00386-MOD

CEQA STATUS: Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigation Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures for Biological Resources. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

(State Clearinghouse Number #2026020369)

REQUEST: This application was submitted to participate in the County's Code Compliance Program as described in Resolution No. 2018-164 adopted by the Napa County Board of Supervisors on December 4, 2018. The proposal is to modify an existing winery Use Permit and subsequent modifications to recognize and approve the following items that are out of compliance with the permitted entitlements: daily visitation and hours of operation for visitation. In addition, the application also seeks to expand its entitlements to construct a new hospitality building; convert a portion of the existing main residence for winery storage; change hours of operation for production activities; modify visitation; allow on-site wine consumption pursuant to Business and Professions Code Sections 23358, 23390 and 23396.5.; and, add parking. The applicant has also submitted plans that show widening the existing access drive to meet the Napa County Road and Street Standards.

The project is located on an approximately 17.11-acre site within the AW (Agricultural Watershed) zoning district with a General Plan land use designation of AWOS (Agriculture, Watershed, and Open Space) at 4013 Spring Mountain Road, St. Helena, CA 94574; APN: 022-150-008.

STAFF RECOMMENDATION: Adopt the Mitigated Negative Declaration and approve the Use Permit Modification subject to the recommended conditions of approval.

STAFF CONTACT: Sean Trippi, Supervising Planner, (707) 299-1353 or sean.trippi@countyofnapa.org

APPLICANT CONTACT: Sheldon Richards, Paloma Vineyard, 4013 Spring Mountain Road, St. Helena CA 94574 (707) 963-7504, info@palomavineyard.com

APPLICANT REPRESENTATIVE CONTACT: Scott Greenwood-Meinert, Coblenz Patch Duffy & Bass, LLP., (415) 772-5741, sgreenwood-meinert@coblenzlaw.com
Chair Brunzell opened public comment, one comment was received, she closed public comment.
Motion by Commissioner Dameron to continue the item to a date certain of May 20, 2026, seconded by Commissioner Moran Williams
Vote: Carried 5-0-0
Yes: Dameron, Moran Williams Richmond, Brooks , Brunzell
No: None
Absent: None

9. DIRECTOR OR DIRECTOR’S DESIGNEE REPORT

DISCUSSION OF ITEMS FOR THE *APRIL 1, 2026, REGULAR MEETING*

Michael Parker discussed potential items for the April 1, 2026, meeting.

BOARD OF SUPERVISORS ACTIONS

Michael Parker reported on BOS project actions

OTHER DEPARTMENT ACTIVITIES - None

CODE COMPLIANCE REPORT - None

ZONING ADMINISTRATOR ACTIONS - None

OTHER PENDING PROJECT’S STATUS

Michael Parker reported on Baseline Data Report workshop.

10. COMMISSIONER COMMENTS / COMMITTEE REPORTS - NONE

11. ADJOURNMENT

Meeting adjourned at 12:17 pm

ANGIE RAMIREZ VEGA, Meeting Clerk



Napa County

Board Agenda Letter

1195 THIRD STREET
SUITE 310
NAPA, CA 94559
www.napacounty.gov
Main: (707) 253-4580

Planning Commission

Agenda Date: 4/1/2026

File ID #: 26-872

TO: Napa County Planning Commission
FROM: Brian D. Bordona - Director Planning, Building and Environmental Services
REPORT BY: Emily Hedge, Planner III
SUBJECT: Hagafen Cellars Winery Use Permit Major Modification (P19-00121-MOD)

RECOMMENDATION

NORMAN WEIR / HAGAFEN CELLARS WINERY / USE PERMIT MAJOR MODIFICATION #P19-00121-MOD

CEQA Status: Consideration and intention to find the project categorically exempt from the California Environmental Quality Act (CEQA). It has been determined that this type of project does not have a significant effect on the environment and is exempt from CEQA. The project will not impact an environmental resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites, or cause substantial adverse change in the significance of a historical resource. Based on the proposed project as described below, the project meets the criteria for eligibility as Categorical Exemption from CEQA under Classes 1 and 4. [See Class 1 (“Existing Facilities”) and Class 4 (“Minor Alterations to Land”), which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301, §15304]. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Request: This application was submitted to participate in the County’s Code Compliance Program as described in Resolution No. 2018-164 adopted by the Napa County Board of Supervisors on December 4, 2018. The proposal is to grant a Use Permit Major Modification to an existing 50,000-gallon winery to remedy existing violations through recognition and approval of existing days of operation, existing days allowing retail sales, and levels of visitation. Approval and recognition of these activities will require improvements to the existing driveway. The proposal includes revisions to prior conditions of approval regarding annual reporting on multiple winery operations and noticing of all marketing events. The project is located on an approximately 12.28-acre parcel within the Agricultural Preserve (AP) zoning district with a General Plan land use designations of Agricultural Resource (AR) at 4160 Silverado Trail, Napa. Assessor’s Parcel Number 039-130-

002.

Staff Recommendation: Find the Project Categorically Exempt from CEQA and approve Use Permit Modification P19-00121, as conditioned.

Staff Contact: Emily Hedge, Planner III, (707) 259-8226 or emily.hedge@countyofnapa.org

Applicant Contact: Norman Weir, 4160 Silverado Trail, Napa, ernie@hagafen.com, (707) 252-4562

Applicant Representative Contact: Beth Painter, 10 Canopy Lane, Napa, Beth@bpnapa.com, (707) 337-3385

CONTINUED FROM THE MARCH 18, 2026, PLANNING COMMISSION HEARING.

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Find the project Categorically Exempt from CEQA, based on recommended Findings 1 through 3 of Attachment A; and
2. Approve Use Permit Modification P19-00121 based on Recommended Findings 4 through 8 of Attachment A, and subject to the Revised Recommended Conditions of Approval in Attachment B.

Discussion:

The item was presented at the March 18, 2026, Planning Commission hearing. Prior to the hearing, Patricia Curtin, legal counsel for a neighbor requested the item be continued to allow additional time to review the application materials and meet with the applicant. The applicant agreed to the continuance and supported staff's recommendation of opening the hearing, taking public testimony and Commissioner comments and then continuing the item to the April 1, 2026, hearing for final action. The March 18, 2026, staff report is available on the Planning Commission website: https://napa.granicus.com/ViewPublisher.php?view_id=21

As part of the Code Compliance Program, the applicant is asking for recognition of the operational levels occurring in 2018. As detailed in the Revised Recommended Conditions of Approval, the proposal includes recognition of existing days of operation, existing days allowing retail sales, and levels of visitation, that have been occurring beyond current entitlements. The proposal also includes a request to modify previous conditions of approval to remove the requirement for annual reporting of daily visitation counts, grape source data, and

production, and the requirement to notice a specific list of individuals prior to winery events. Finally, the request includes continued use of and existing 720-square foot storage room within the winery building and proposed improvements to the existing driveway to comply with the Napa County Road and Street Standards.

The modification would bring the existing winery operations into compliance with approved entitlements and allow improvements to the road to meet County and State regulations. Staff found the requests to be consistent with the Zoning Ordinance and applicable General Plan policies. Based on the reasons stated above, staff recommends approval of the project, subject to the Revised Recommended Conditions of Approval included in Attachment B.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: ENVIRONMENTAL DETERMINATION: Consideration and intention to find the project categorically exempt from the California Environmental Quality Act (CEQA). It has been determined that this type of project does not have a significant effect on the environment and is exempt from CEQA. The project will not impact an environmental resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites, or cause substantial adverse change in the significance of a historical resource. Based on the proposed project as described below, the project meets the criteria for eligibility as Categorically Exemption from CEQA under Classes 1 and 4. [See Class 1 (“Existing Facilities”) and Class 4 (“Minor Alterations to Land”), which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301, §15304]. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

The item was presented at the March 18, 2026, Planning Commission hearing. Prior to the hearing, legal counsel for a neighbor requested the item be continued to allow additional time to review the application materials and meet with the applicant. The applicant was agreeable to the continuance and supported staff’s recommendation of opening the hearing, taking public testimony and Commissioner comments and then continuing the item to the April 1, 2026, hearing for final action.

Following the hearing, a letter of opposition was submitted by Patricia Curtin, the neighbor’s counsel (Fennemore letter). The letter is included as Attachment D. In response, staff has provided additional information about the Use Permit Code Compliance Program (Program) and how the proposed Hagafen Cellars Winery Major Modification has been appropriately processed under the Program as described in Resolution No. 2018-adopted by the Napa County Board of Supervisors on December 4, 2018164 (Attachment F). On March 25, 2026, the applicant’s counsel Betsy Strauss submitted a letter in response to the Fennemore letter, included as Attachment E. On March 25, 2026, the applicant’s representative Beth Painter and the neighbor’s representative Patricia Curtin, informed staff that they have spoken multiple times since the March 18th hearing and are continuing to work together. At this time neither party has provided staff with proposed changes.

To address the comments provided in the Fennemore letter and provide clarification on existing conditions, staff is recommending revisions to three (3) of the Recommended Conditions of Approval. A discussion of the revisions to the following conditions are included in the responses below. No other conditions have been revised from the version of the conditions presented at the March 18, 2026, hearing.

- COA 6.15.c Completion of CE19-00128 Code Enforcement items
- Exhibit A Previous Conditions 4.21.D. Modification No: 99477 - COA No. 2 - Marketing
- Exhibit A Previous Conditions 4.21.D. Modification No: 99477 - COA No. 8 - Signs

-Response to Fennemore Letter Section I, II, III, and IV-

The Fennemore letter misinterprets the intent of the Program and how it has been implemented over the last seven (7) plus years for all projects in the Program that have come before the Planning Commission or Zoning Administrator. The Program specifically allows an applicant to request to remedy existing violations and to expand existing entitlements. The process to “remedy existing violations” is to recognize and approve the levels of operation that were identified, based on 2018 data provided by the applicant, as being out of compliance. The 2018 application sets the baseline conditions which are then analyzed, and a recommendation is presented by staff. A request to “expand existing entitlements” is a proposal to expand operations beyond the baseline levels identified as out of compliance. The Program allows this to occur through the same application; however, the two requests are “decoupled” and considered and acted upon separately by staff and the Commission. This delineation of the two requests is how the County has processed all other projects within the Program.

Upon entering the Program, the applicant acknowledged violations and provided evidence of 2018 operations. The winery is only asking to remedy the identified violations by obtaining approval for the 2018 baseline levels of operations and is not seeking expansion beyond remedying the unpermitted activities. The letter misconstrues the proposal to remedy existing violations as a request for an expansion of use. The staff report accurately classifies the application request as “Components Necessary to Remedy Existing Violations”. The March 18, 2026, staff report Executive Summary and the attached Recommended Conditions of Approval clearly identify the proposed changes to winery operations and the modifications to existing conditions of approval. Since there is no expansion, there was no need to “decouple” the recommendations.

-Response to Fennemore Letter Section V-

COA No. 2 Events - The applicant states they have been in compliance with the annual number of marketing events permitted in COA No. 2, and no evidence has been provided to staff that the number of events has been exceeded or that events occurred outside the timeframes permitted. The applicant acknowledges that they did not continuously comply with the requirement to notify neighbors, and have included a request to modify the language of COA No. 2 to remove that requirement. See Condition of Approval 1.1.f. “Revise COA No. 2 of Permit No. 99477 to remove the requirement for mailing”.

COA Nos. 3 and 8 Winery sign - As described in the applicant's response letter, portions of the winery sign were stolen. The applicant will replace the sign in compliance with the COA No. 8. For clarity, staff recommends updating Exhibit A "Previous Conditions" 4.21.D. Modification No: 99477, to include previous COA No. 8 (Signs), which requires the replacement signs to be reviewed by staff prior to installation.

COA No. 14 Screening - The applicant provided photos showing screening of the water tanks, provided by existing trees placed around the tank and the vineyards between the property to the north and the water tank. The photos were taken from the north, to demonstrate the view from the neighboring property. The photos are included in Attachment E.

COA No. 17 Use of Winery Facilities - The illegal use of the offices identified during the code inspection that took place on April 23, 2019, was resolved, as demonstrated by Code Compliance officer sign off on item No. 11 of the July 16, 2019, letter (Included in Attachment B). See Attachment E for photographs provided by the applicant on March 27, 2026, showing the rooms do not contain beds. In response to the letter, staff recommends updating Condition of Approval No. 6.15.c. to include the requirement for a follow-up inspection to ensure the resolved violations remain in compliance.

-Response to Fennemore Letter Section VI-

VMM process - The VMM approved on-premises consumption which permits a person to purchase and consume wine on the property. This was approved to occur in the outdoor areas around the tasting room and under the trellises approved to be constructed under the same permit. Approval of the Very Minor Modification should have included a revision to the existing COA No. 2. For clarity, staff recommends revising Recommended Conditions of Approval Exhibit A "Previous Conditions" 4.21.D. Modification No: 99477 - COA No. 2 to remove the restriction on use of the outdoor area. Use of the outdoor areas under the trellises is permitted for on-premises consumption. The restriction on amplified music remains under standard COA 4.10.

Traffic and Parking - As discussed in more detail below, the general rule under CEQA is that the environmental baseline must reflect the physical conditions existing at the time the environmental analysis begins. The applicant is not requesting to increase operations beyond the existing, identified levels of operations in 2018 when the application was submitted. Therefore, there is no increase in trip generation beyond the 2018 levels, and the project would not result in potential impacts related to Vehicle Miles Traveled (VMT).

Chicken Coop - Code compliance staff confirmed items identified in the code inspection April 23, 2019, have been resolved, as demonstrated by Code Compliance officer sign off on item No. 6 of the July 16, 2019, letter (Included in Attachment B).

-Response to Fennemore Letter Section VI-

CEQA Baseline: As discussed in the Categorical Exemption Memo (Attachment C), the general rule under CEQA is that the environmental baseline must reflect the physical conditions existing at the time the environmental analysis begins, even if the current condition includes unauthorized activities or operations (CEQA Guidelines Section 15125). Consistent with CEQA Guidelines and caselaw, for applications in the Program the winery's existing, unpermitted operations is used as the environmental baseline for the CEQA analysis.

- Decision Making Options -

As noted in the Executive Summary Section above, staff is recommending approval of the components of the project necessary to remedy existing violations with conditions of approval as described in Option 1 below. Decision-making options also include a no project alternative and a reduced project alternative.

Option 1 - Approve Applicant's Proposal (Staff Recommendation)

Disposition - This option would result in approval of visitation, days of operations, use of the existing storage room, and the installation of driveway improvements. This would also revise existing conditions related to annual report and noticing, to be replaced by standard conditions of approval. Staff recommends this option as the request is consistent with the Zoning Ordinance and applicable General Plan policies. Furthermore, County divisions and departments have reviewed the proposal and are in support of the applicant's request.

Action Required - Follow the proposed action listed in the Executive Summary. If conditions of approval are to be amended, specify conditions to be amended at the time the motion is made.

Option 2 - Reduced Project Request

Disposition - This option could require the applicant to reduce their existing maximum daily, weekly, or annual visitation numbers, limit days of operations, or keep existing conditions related to annual reporting and noticing.

Action Required - Follow proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to reduce operational components. The item will need to be continued to a future date if significant revisions to the recommended conditions of approval are desired.

Option 3 - Deny Applicant's Proposal

Disposition - This option would deny the applicant's proposal to remedy existing violations and would require the applicant to operate the winery in compliance with the existing entitlements. In the event the Commission determines that the project does not or cannot meet the required findings for the granting of a Use Permit major modification, Commissioners should identify what aspect or aspects of the project are in conflict with the required findings. State Law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed Use Permit Major modification is not being approved.

Action Required - Commission would move to deny the project.

Option 4 - Continuance Option

The Planning Commission may continue an item to a future hearing date at its own discretion.

Supporting Documents

- A. Recommended Findings
- B. Revised Recommended Conditions of Approval and Final Agency Approval Memos
- C. CEQA Categorical Exemption Memorandum
- D. Fennemore Letter received after the meeting (March 17, 2026)
- E. Applicant response letter (March 23, 2026) and supporting documentation
- F. BOS Resolution No. 2018-164

“A”

Recommended Findings

**PLANNING COMMISSION HEARING – APRIL 1, 2026
RECOMMENDED FINDINGS**

**HAGAFEN CELLARS WINERY
Application P19-00121-MOD
4160 Silverado Trail, Napa
Assessor's Parcel Number 039-130-002**

ENVIRONMENTAL:

The project is subject to the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 *et seq.*). The Planning Commission has received and reviewed the proposed Categorical Exemption Memorandum prepared pursuant to the provisions of CEQA and the State CEQA Guidelines and finds that:

1. The project is categorically exempt from the CEQA under sections Class 1 (“Existing Facilities”) and Class 4 (“Minor Alterations to Land”) which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301 and §15304.
2. The site of this proposed project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5 and is not within the boundaries of any airport land use plan.
3. The Secretary of the Planning Commission is the custodian of the records of the proceedings on which this decision is based. The records are located at the Napa County Planning, Building & Environmental Services Department, 1195 Third Street, Room 210, Napa, California.

USE PERMIT:

The Planning Commission has reviewed the Use Permit Major Modification request in accordance with the requirements of Napa County Code and makes the following findings:

4. The Planning Commission has the power to issue the approval for the Use Permit Major Modification request under the Zoning Regulations in effect as applied to the property.

Analysis:

The project is consistent with the Agricultural Preserve (AP) zoning district regulations. A winery (as defined in the Napa County Code Section 18.08.640) and uses in connection with a winery are permitted in the AP District with an approved use permit (refer to Napa County Code Section 18.16.030). Modifications to use permits for wineries located in the AP zoning district require Planning Commission approval (Napa County Code Sections 18.16.030, 18.124.010 and 18.124.130). There is no companion action necessary for the requested Use Permit Major Modification that would require action by the Board of Supervisors.

5. The procedural requirements for a Use Permit Major Modification set forth in Chapter 18.124 of the Napa County Code (zoning regulations) have been met.

Analysis: The application for a Major Modification to the Use Permit has been appropriately filed, and notice and public hearing requirements of County Code Sections 18.124.040.B and

18.136.040 have been met. On March 5, 2026, the notice of a public hearing was emailed to interested parties requesting such notice; was published in the Napa Valley Register; and mailed via first class mail to owners of property located within 1,000 feet of the property. The public comment period ran from March 5, 2026, through March 16, 2026.

6. The grant of the Use Permit Major Modification, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: The requested modification of the use permit to recognize existing days of operation, existing days allowing retail sales, and levels of visitation, will not have an adverse effect on public health, safety or welfare. The continuation of existing levels of operation will not impact neighboring properties. The applicant has demonstrated through supporting reports and analyses prepared by qualified professionals that the existing wastewater infrastructure can accommodate the continued operations and no improvements are required. The project Water Availability Analysis (WAA), dated December 4, 2025, prepared by O'Connor Environmental Inc. estimated a groundwater demand of 5.4 acre-feet per year. Although this level of water use exceeds the estimated recharge rate, the project recognition of existing levels of operations maintains a no-net increase in water use, which complies with the criteria of the County's Water Availability Analysis Guidance Document (May 2015) and the Interim Napa County Well Permit Standards (January 2024). The Tier concludes that the continued use of the Project well at the existing levels is expected to preclude significant adverse effects on surface waters, per the criteria of the County's Water Availability Analysis Guidance Document of May 2015 (WAA Guidelines). The project would not negatively impact groundwater resources. The physical improvements are required to widen the existing driveway to meet current standards and are taking place on areas currently developed or disturbed by landscaping, vineyards and winery development. The improvements would not have an impact on the environment, as determined by the Categorical Exemptions Classes 1 and 4. Various County divisions and departments have also reviewed the project and commented regarding the wastewater treatment system, proper waste disposal, existing site access, and fire and life safety. Conditions are identified that will incorporate these comments, along with other project-specific and standard County conditions pertaining to noise, lighting, and water monitoring, into the project approval to assure the protection of the public health, safety, and welfare. The removal of existing conditions related to annual reporting will be replaced by the County's current standard conditions of approval for the same operations. Current conditions require maintaining records for visitation and marketing activities, grape source data, and production quantities, with records to be provided to the department upon request. The removal/revision of the existing condition requiring noticing individuals prior to marketing events will not have a negative impact on the public, as the department has not previously received complaints regarding events that were not noticed. The modifications to existing conditions will not have an adverse effect on public health, safety or welfare.

7. The proposed Use Permit Major Modification complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan.

Analysis: Compliance with the Zoning Ordinance

The Winery Parcel is in the AP District, where wineries with accessory uses are conditionally permitted. The existing winery is compliant with minimum winery building setbacks, maximum winery lot coverage, and maximum accessory to production ratio requirements specified in Napa County Code. The project, as conditioned, complies with the Napa County Winery Definition Ordinance (WDO) and all other requirements of the Zoning Code as applicable.

Analysis: Consistency with the General Plan

As proposed and as conditioned, the requested Use Permit Major Modification is consistent with the overall goals and objectives of the General Plan (2008).

General Plan Agricultural Preservation and Land Use Goal AG/LU-1 guides the County to “preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.” General Plan Goal AG/LU-3 states that the County should “support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.” The continued use of the property for fermenting and processing of grape juice into wine supports the economic viability of agriculture within the County, consistent with Goal AG/LU-3 and Policy AG/LU-4 (“The County will reserve agricultural lands for agricultural use including land used for grazing and watershed/open space...”). General Plan Policy AG/LU-2 recognizes wineries as agricultural uses of land, and includes in the definition of agriculture “related marketing, sales and other accessory uses.” Additional water demand generated by the winery’s modified operational characteristics will be in line with General Plan Goal CON-11, which supports prioritization of groundwater for agricultural purposes.

The General Plan land use designations for the parcel is Agricultural Resource (AR). The intent of this land use designation is to provide “areas in the fertile valley and foothill areas of the county in which agriculture is and should continue to be the predominant land uses” (Policy AG/LU-21). The agricultural development currently on the property (vineyard and winery), and the recognition of the visitation levels and days of operation are consistent with the general uses identified in the General Plan as being compatible with the specific land use designation (Policies AG/LU-2 and AG/LU-21). The winery use on the parcel is consistent with the general plan designation.

By allowing the expansion of the existing agricultural use, the requested Use Permit Major Modification supports the economic viability of both the vineyard and agricultural product processing uses on the property, consistent with Economic Development Goal E-1 and Policy E-1.

The “Right to Farm” is recognized throughout the General Plan and is specifically called out in Policy AG/LU-15 and in the County Code. “Right to Farm” provisions ensure that agriculture remains the primary land use in Napa County and is not threatened by potentially competing uses or neighbor complaints. Napa County’s adopted General Plan reinforces the County’s long-standing commitment to agricultural preservation, urban centered growth, and resource conservation.

8. The proposed Use Permit Major Modification would not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on an affected groundwater basin in Napa County, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Sections 13.15.070 or 13.15.080 of the County Code.

Analysis: The existing domestic water system is currently classified as a transient, non-community system. The system is operated under State ID Water System No. CA2800025 and is owned and operated by Hagafen Cellars, Inc., a private corporation. A new water system is not required. As noted above, the existing project well will continue to serve the winery. The WAA demonstrated that water use levels will remain the same and no increase in water use will occur. The Wastewater Feasibility Report, prepared by Stillwater Civil Design, dated March 5, 2019, demonstrates that the

existing standard leach field can accommodate the existing levels of winery operations proposed to be recognized.

Applicable Napa County General Plan Goals and Policies:

Goal AG/LU-1: Preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.

Policy AG/LU-2: “Agriculture” is defined as the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses. Agriculture also includes farm management businesses and farm worker housing.

Goal AG/LU-3: Support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.

Policy AG/LU-4: The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/open space, except for those lands which are shown on the Land Use Map as planned for urban development.

Policy AG/LU-8: The County’s minimum agricultural parcel sizes shall ensure that agricultural areas can be maintained as economic units.

Policy AG/LU-15: The County affirms and shall protect the right of agricultural operators in designated agricultural areas to commence and continue their agricultural practices (a “right to farm”), even though established urban uses in the general area may foster complaints against those agricultural practices. The “right to farm” shall encompass the processing of agricultural products and other activities inherent in the definition of agriculture provided in Policy AG/LU-2.

Policy AG/LU-21: The following standards shall apply to lands designated as Agricultural Resource on the Land Use Map of this General Plan.

Intent: To identify areas in the fertile valley and foothill areas of the county in which agriculture is and should continue to be the predominant land use, where uses incompatible with agriculture should be precluded, and where the development of urban type uses would be detrimental to the continuance of agriculture and the maintenance of open space which are economic and aesthetic attributes and assets of the County of Napa.

General Uses: Agriculture, processing of agricultural products, single-family dwellings.

Goal CON-10: Conserve, enhance and manage water resources on a sustainable basis to attempt to ensure that sufficient amounts of water will be available for the uses allowed by this General Plan, for the natural environment, and for future generations.

Goal CON-11: Prioritize the use of available groundwater for agricultural and rural residential uses rather than for urbanized areas and ensure that land use decisions recognize the long-term availability and value of water resources in Napa County.

Policy CON-53: The County shall ensure that the intensity and timing of new development are consistent with the capacity of water supplies and protect groundwater and other water supplies by requiring all applicants for discretionary projects to demonstrate the availability of an adequate water supply prior to approval. Depending on the site location and the specific circumstances, adequate demonstration of availability may include evidence or calculation of groundwater availability via an appropriate hydrogeological analysis or may be satisfied by compliance with County Code “fair-share” provisions or applicable State law. In some areas, evidence may be provided through coordination with applicable municipalities and public and private water purveyors to verify water supply sufficiency.

Policy CON-55: The County shall consider existing water uses during the review of new water uses associated with discretionary projects, and where hydrogeological studies have shown that the new water uses will cause significant adverse well interference or substantial reductions in groundwater discharge to surface waters that will alter critical flows to sustain riparian habitat and fisheries or exacerbate conditions of overdraft, the County shall curtail those new or expanded water uses.

Policy CON-77: All new discretionary projects shall be evaluated to determine potential significant project-specific air quality impacts and shall be required to incorporate appropriate design, construction, and operational features to reduce emissions of criteria pollutants regulated by the state and federal governments below the applicable significance standard(s) or implement alternate and equally effective mitigation strategies consistent with Bay Area Air Quality Management District’s (BAAQMD) air quality improvement programs to reduce emissions. In addition to these policies, the County’s land use policies discourage scattered development which contributes to continued dependence on the private automobile as the only means of convenient transportation. The County’s land use policies also contribute to efforts to reduce air pollution.

Policy CON-81: The County shall require dust control measures to be applied to construction projects consistent with measures recommended for use by the BAAQMD [Bay Area Air Quality Management District].

Goal E-1: Maintain and enhance the economic viability of agriculture.

Policy E-1: The County’s economic development will focus on ensuring the continued viability of agriculture in Napa County.

Policy SAF-20:

All new development shall comply with established fire safety standards. Design plans shall be referred to the appropriate fire agency for comment as to:

- 1) Adequacy of water supply.
- 2) Site design for fire department access in and around structures.
- 3) Ability for a safe and efficient fire department response.
- 4) Traffic flow and ingress/egress for emergency vehicles.
- 5) Site-specific build-in fire protection
- 6) Potential impacts to emergency services and fire department response

“B”

**Revised Recommended Conditions of
Approval and Final Agency Approval
Memos**

**PLANNING COMMISSION HEARING – APRIL 1, 2026
REVISED RECOMMENDED CONDITIONS OF APPROVAL**

**HAGAFEN CELLARS WINERY
Application P19-00121-MOD
4160 Silverado Trail, Napa
Assessor’s Parcel Number 039-130-002**

This permit encompasses and shall be limited to the project commonly known as Hagafen Cellars Winery, located at 4160 Silverado Trail, Napa. Part I encompasses the Project Scope and general conditions pertaining to statutory and local code references, project monitoring, and the process for any future changes or activities. Part II encompasses the ongoing conditions relevant to the operation of the project. Part III encompasses the conditions relevant to construction and the prerequisites for a Final Certificate of Occupancy. It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved.

Where conditions are not applicable or relevant to this project, they shall be noted as “Reserved” and therefore have been removed.

When modifying a legally established entitlement related to this project, these conditions are not intended to be retroactive or to have any effect on existing vested rights except where specifically indicated.

PART I

1.0 PROJECT SCOPE

The permit encompasses and shall be limited to:

- 1.1 Approval to modify an existing 50,000 gallon per year winery, previously approved under Use Permit #97219-UP and subsequent modifications to recognize and approve the following:
 - a. Days of operation Monday through Sunday;
 - b. Retail sales Monday through Sunday from 11:00 AM to 4:00 PM;
 - c. Visitation and tours and tasting as set forth in Condition of Approval No. 4.2;
 - d. Use of a storage room (approximately 720 square feet) for winery storage;
 - e. Widening the existing driveway to meet the requirements as outlined in the latest edition of the Napa County Road and Street Standards;
 - f. Revise COA No. 2 of Permit No. 99477 to remove the requirement for mailing notice of events to identified individuals;
 - g. Revise COA No. 3 of Permit No. 99477 to remove the requirement for submitting an annual report of daily visitation counts;
 - h. Remove COA No.15 of Permit No. 99477 requiring submittal of an annual report of grape source data;
 - i. Remove COA No.16 of Permit No. 99477 requiring submittal of an annual statement certifying compliance with grape sourcing requirements; and
 - j. Revise COA No. 21 of Permit No. 99477 to remove the requirement for submitting an annual report of the number of gallons of wine produced during the year.

The winery shall be designed in substantial conformance with the submitted site plan, elevation drawings, and other submittal materials and shall comply with all requirements of the Napa County Code (the County Code). It is the responsibility of the permittee to communicate the requirements of these conditions and mitigations (if any) to all designers, contractors, employees, and guests of the winery to ensure compliance is achieved. Any expansion or change in winery use or alternative locations for fire suppression or other types of water tanks shall be approved in accordance with the County Code and may be subject to the permit modification process.

2.0 STATUTORY AND CODE SECTION REFERENCES

All references to statutes and code sections shall refer to their successor as those sections or statutes may be subsequently amended from time to time.

3.0 MONITORING COSTS

All staff costs associated with monitoring compliance with these conditions, previous permit conditions, and project revisions shall be borne by the permittee and/or property owner. Costs associated with conditions of approval and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged to the property owner or permittee. Costs shall be as established by resolution of the Board of Supervisors in accordance with the hourly consulting rate established at the time of the monitoring and shall include maintenance of a \$500 deposit for construction compliance monitoring that shall be retained until issuance of a Final Certificate of Occupancy. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and/or guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence of a compliance deficiency is found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicant's expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved. The Planning Commission may also use the data, if so warranted, to commence revocation proceedings in accordance with the County Code.

PART II

4.0 OPERATIONAL CHARACTERISTICS OF THE PROJECT

Permittee shall comply with the following during operation of the winery:

4.1 GENERAL PROVISIONS

Consistent with the County Code, tours and tastings and marketing may occur at a winery only where such activities are accessory and "clearly incidental, related, and subordinate to the primary operation of the winery as a production facility."

Tours and tastings (defined below) may include food and wine pairings, where all such food service is provided without charge except to the extent of cost recovery and is incidental to the tasting of wine. Food service may not involve menu options and meal service such that the winery functions as a café or restaurant.

Retail sales of wine shall be permitted as set forth in the County Code.

4.2 TOURS AND TASTINGS/VISITATION

Tours and tastings shall be by appointment only and shall be limited to the following:

- a. Frequency: Seven (7) days per week; Monday through Sunday
- b. Maximum number of persons per day: 60
- c. Maximum number of persons per week: 311
- d. Maximum number of persons per year: 9,719
- e. Hours of visitation: 10:00 AM to 5:00 PM
- f. Tours and tastings shall not occur on days an event is held.

“Tours and tastings” means tours of the winery and/or tastings of wine, where such tours and tastings are limited to persons who have made unsolicited prior appointments for tours or tastings. To the maximum extent feasible, scheduling of visitors shall not occur during peak travel times: Weekday AM peak hour (7–9 AM), Weekday PM peak hour (4–6 PM), Weekend mid-day peak hour (typically 12–2 PM) [Provided by the Department of Public Works].

A log book (or similar record) shall be maintained to document the number of visitors to the winery (for either tours and tastings or marketing events), and the dates of the visits. This record of visitors shall be made available to the Planning, Building and Environmental Services (PBES) Department upon request.

4.3 MARKETING **[RESERVED]**

4.4 ON-PREMISES CONSUMPTION **[RESERVED]**

4.5 RESIDENCE OR NON-WINERY STRUCTURES

Unless specifically authorized by this permit or a previously approved permit, the existing single-family residence shall not be used for commercial purposes or in conjunction with the operation and/or visitation/marketing program for the winery. If the residence is rented, it shall only be rented for periods of 30 days or more, pursuant to the County Code.

4.6 GRAPE SOURCE

At least 75% of the grapes used to make the winery’s still wine or the still wine used by the winery to make sparkling wine shall be grown within Napa County. The permittee shall keep records of annual production documenting the source of grapes to verify that 75% of the annual production is from Napa County grapes. The report shall recognize the Agriculture Commission’s format for County of origin of grapes and juice used in the Winery Production Process. The report shall be provided to the PBES Department upon request, but shall be considered proprietary information and not available to the public.

4.7 COMPLIANCE REVIEW

Permittee shall obtain and maintain all permits (use permits and modifications) and licenses from the California Department of Alcoholic Beverage Control (ABC) and United States Tax and Trade Bureau (TTB), and California Department of Food and Agriculture (CDFA) Grape Crush Inquiry data, all of which are required to produce and sell wine. In the event the required ABC and/or TTB permits and/or licenses

are suspended or revoked, permittee shall cease marketing events and tours and tastings until such time as those ABC and/or TTB permits and licenses are reinstated.

Visitation log books, visitor reports, custom crush client records, and any additional documentation determined by Staff to be necessary to evaluate compliance may be requested by the County for any code compliance. The permittee (and their successors) shall be required to participate fully in the winery code compliance review process.

4.8 RENTAL/LEASING **[RESERVED]**

4.9 GROUND WATER MANAGEMENT – WELLS **[RESERVED]**

4.10 AMPLIFIED MUSIC

There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.

4.11 TRAFFIC

To the maximum extent feasible, scheduling of reoccurring vehicle trips to and from the site for employees and deliveries shall not occur during peak travel times: Weekday AM peak hour (7–9 AM), Weekday PM peak hour (4–6 PM), Weekend mid-day peak hour (typically 12–2 PM) [Provided by the Department of Public Works]. All road improvements on private property required per Engineering Services shall be maintained in good working condition and in accordance with the Napa County Roads and Streets Standards.

4.12 PARKING

The location of visitor parking and truck loading zone areas shall be identified along with proposed circulation and traffic control signage (if any).

Parking shall be limited to approved parking spaces only and shall not occur along access or public roads or in other locations except during harvest activities and approved marketing events. In no case shall parking impede emergency vehicle access or public roads.

4.13 BUILDING DIVISION – USE OR OCCUPANCY CHANGES

Please contact the Building Division with any questions regarding the following:

In accordance with the California Building Code (CBC), no change shall be made in the use of occupancy of an existing building unless the building is made to comply with the requirements of the current CBC for a new building.

4.14 FIRE DEPARTMENT – TEMPORARY STRUCTURES

Please contact the Fire Department with any questions regarding the following:

The permittee and/or designee shall obtain a tent permit from the Fire Department for any temporary structures utilized for authorized marketing events allowed per COA No. 4.3 above.

4.15 NAPA COUNTY MOSQUITO ABATEMENT PROGRAM **[RESERVED]**

4.16 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, AND TRASH ENCLOSURE AREAS

- a. All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County. Lighting utilized during harvest activities is exempt from this requirement.
- b. All landscaping and outdoor screening, storage, and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items shall exceed the height of the screening. Exterior winery equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.
- c. The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation. The permittee shall obtain the written approval of the Planning Division prior to any change in paint colors that differs from the approved building permit. Highly reflective surfaces are prohibited.
- d. Designated trash enclosure areas shall be made available and properly maintained for intended use.

4.17 NO TEMPORARY SIGNS

Temporary off-site signage, such as “A-Frame” signs, is prohibited.

4.18 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – OPERATIONAL CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies’ requirements. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division operational conditions as stated in their Memorandum dated February 6, 2026.
- b. Environmental Health Division operational conditions as stated in their Memorandum dated February 9, 2026.
- c. Fire Marshal’s Office operational conditions as stated in their Inter-Office Memo dated February 20, 2026.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those County Divisions, Departments or Agencies. The inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify this permit.

4.19 OPERATIONAL MITIGATION MEASURES **[RESERVED]**

4.20 CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. Groundwater Management – The parcel shall be limited to a maximum of 5.4 acre-feet of groundwater per year for all water consuming activities on the project parcel. A Groundwater Demand Management Program shall be developed and implemented for the property as outlined in COA 6.15(a) below.

In the event that changed circumstances or significant new information provide substantial evidence¹ that the groundwater system referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

- b. The pumping rate of the Project Well (Well 1) shall be reduced and shall remain at 17 gallons per minute (gpm) or less, as identified in the Project Water Availability Analysis, dated December 4, 2025, (Project WAA). Equipment selection and a maintenance plan shall be developed and implemented for the property as outlined in COA No. 6.15.b. below.
- c. In addition to Permit #99477 Condition of Approval No. 2 (See COA No. 4.21 Exhibit A), marketing events shall be subject to the following:
 - a. Different event types shall not be held on the same day.
 - b. A 100-person event (Celebration Events) shall not be held while the winery is conducting crush operations.
 - c. Tours and tastings shall not be allowed on days when an event will occur.

4.21 PREVIOUS CONDITIONS

The permittee shall comply with the following previous conditions of approval for the winery use as consolidated into the attached document as Exhibit A. To the extent there is a conflict between a previous condition of approval identified in the attached document and these conditions, the more stringent condition shall control.

PART III

5.0 PREREQUISITE FOR ISSUANCE OF PERMITS

5.1 PAYMENT OF FEES

No building, grading or sewage disposal permits shall be issued or other permits authorized until all accrued planning permit processing fees have been paid in full.

¹ Substantial evidence is defined by case law as evidence that is of ponderable legal significance, reasonable in nature, credible and of solid value. The following constitute substantial evidence: facts, reasonable assumptions predicated on facts; and expert opinions supported by facts. Argument, speculation, unsubstantiated opinion or narrative, or clearly inaccurate or erroneous information do not constitute substantial evidence.

This includes all fees associated with plan check and building inspections, associated development impact fees established by County Ordinance or Resolution, and the Napa County Affordable Housing Mitigation Fee in accordance with County Code.

6.0 GRADING/DEMOLITION/ENVIRONMENTAL/BUILDING PERMIT/OTHER PERMIT PREREQUISITES

Permittee shall comply with the following with the submittal of a grading, demolition, environmental, building and/or other applicable permit applications.

6.1 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – PLAN REVIEW, CONSTRUCTION AND PREOCCUPANCY CONDITIONS

The attached project conditions of approval include all of the following County Divisions, Departments and Agencies' requirements. The permittee shall comply with all applicable building codes, zoning standards, and requirements of County Divisions, Departments and Agencies at the time of submittal and may be subject to change. Without limiting the force of those other requirements which may be applicable, the following are incorporated by reference as enumerated herein:

- a. Engineering Services Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated February 6, 2026.
- b. Environmental Health Division plan review/construction/ preoccupancy conditions as stated in their Memorandum dated February 9, 2026.
- c. Fire Marshal's Office plan review/construction/ preoccupancy conditions as stated in their Inter-Office Memo dated February 20, 2026.

The determination as to whether or not the permittee has substantially complied with the requirements of other County Divisions, Departments and Agencies shall be determined by those County Divisions, Departments or Agencies. The inability to substantially comply with the requirements of other County Divisions, Departments and Agencies may result in the need to modify the permit.

6.2 BUILDING DIVISION – GENERAL CONDITIONS

- a. A building permit shall be obtained for all construction occurring on the site not otherwise exempt by the California Building Code (CBC) or any State or local amendment adopted thereto.
- b. If there are any existing structures and/or buildings on the property that will need to be removed to accommodate construction activities, a separate demolition permit shall be required from the Building Division prior to removal. The permittee shall provide a "J" number from the Bay Area Air Quality Management District (BAAQMD) at the time the permittee applies for a demolition permit if applicable.
- c. All areas of newly designed and newly constructed buildings, facilities and on-site improvements must comply with the CBC accessibility requirements, as well as, American with Disability Act requirements when applicable. When alterations or additions are made to existing buildings or facilities, an

accessible path of travel to the specific area of alteration or addition shall be provided as required per the CBC.

- 6.3 LIGHTING – PLAN SUBMITTAL **[RESERVED]**
- 6.4 LANDSCAPING – PLAN SUBMITTAL **[RESERVED]**
- 6.5 COLORS **[RESERVED]**
- 6.6 OUTDOOR STORAGE/SCREENING/UTILITIES **[RESERVED]**
- 6.7 TRASH ENCLOSURES
Adequate area must be provided for collection and loading of garbage and recyclables generated by the project. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the pedestrian and vehicle access needed for the collection site. The garbage and recycling enclosure shall meet the minimum enclosure requirements established by staff and the franchised hauler, which shall be included in the building permit submittal.
- 6.8 ADDRESSING **[RESERVED]**
- 6.9 HISTORIC RESOURCES **[RESERVED]**
- 6.10 DEMOLITION ACTIVITIES **[RESERVED]**
- 6.11 VIEWSHED – EXECUTION OF USE RESTRICTION **[RESERVED]**
- 6.12 PERMIT PREREQUISITE MITIGATION MEASURES **[RESERVED]**
- 6.13 PARCEL CHANGE REQUIREMENTS **[RESERVED]**
- 6.14 FINAL MAPS **[RESERVED]**
- 6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS
 - a. Groundwater Demand Management Program
 - 1. The permittee shall install a meter on the project well (Well #1). The meter shall be placed in a location that will allow for the measurement of all groundwater used on the project parcel. Prior to the issuance of a grading or building permit for the winery the permittee shall submit for review and approval by the PBES Director a groundwater demand management plan which includes a plan for the location and the configuration of the installation of a meter on the project well.
 - 2. The plan shall identify how best available technology and best management water conservation practices will be applied throughout the parcel.

3. The plan shall identify how best management water conservation practices will be applied where possible in the structures on site. This includes but is not limited to the installation of low flow fixtures and appliances.
4. As groundwater consuming activity already exists on the property, meter installation and monitoring shall begin immediately, and the first monitoring report is due to the County within 120 days of approval of this permit.
5. For the first twelve months of operation under this permit, the permittee shall read the meters of at the beginning of each month and provide the data to the PBES Director monthly. If the water usage on the property exceeds, or is on track to exceed 5.4 acre-feet per year, or if the permittee fails to report, additional reviews and analysis and/or a corrective action program at the permittee's expense shall be required to be submitted to the PBES Director for review and action.
6. The permittee's wells shall be included in the Napa County Groundwater Monitoring program if the County finds the well suitable.
7. At the completion of the reporting period per 6.15(e)(5) above, and so long as the water usage is within the maximum acre-feet per year as specified above, the permittee may begin the following meter reading schedule:
 - i. On or near the first day of each month the permittee shall read the water meter and provide the data to the PBES Director during the first weeks of April and October. The PBES Director, or the Director's designated representative, has the right to access and verify the operation and readings of the meters during regular business hours.
 - b. Within 90 days of approval of this modification, the permittee shall submit information on the well pump flow restrictor or equivalent equipment to be installed on the Project Well, as described in COA 4.20.b. Information shall be submitted to the Planning Division directly for Director approval. The submittal shall include a narrative providing information of how the device works, equipment specifications, and a maintenance and monitoring plan. Installation shall be completed within 30 days of approval of the associated plans. Within 14 days of installation, evidence shall be provided to the County demonstrating installation and operation. The PBES Department may extend these dates by taking into consideration the severity of the required changes with respect to public safety, or other factors that the PBES Department determines are reasonable. Any request for extension of time must be submitted in writing by the permittee and received by the PBES Department two (2) weeks prior to the end of the timelines specified herein and the PBES Department will determine the extension timeframe.
 - c. Within 60 days of use permit approval, the permittee shall submit a building permit application to PBES to remedy all remaining violations referenced

within the Code Enforcement Letter associated with case number CE19-00128, distributed on July 16, 2019. Code Enforcement staff shall conduct an inspection to confirm the resolved violations remain in compliance.

- d. Driveway improvements shall be completed within one (1) year of approval of this Use Permit Modification. If driveway improvements have not been constructed by this time, winery operations shall revert back to the levels approved in Use Permit Modification No. 99477.

7.0 PROJECT CONSTRUCTION

Permittee shall comply with the following during project construction:

7.1 SITE IMPROVEMENTS

Please contact Engineering Services with any questions regarding the following.

- a. **GRADING AND SPOILS**
All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by the PBES Director, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.
- b. **DUST CONTROL**
Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur when average wind speeds exceed 20 mph.
- c. **AIR QUALITY**
During all construction activities the permittee shall comply with the most current version of BAAQMD Basic Construction Best Management Practices including but not limited to the following, as applicable:
 1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.
 2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.
 3. Cover all haul trucks transporting soil, sand, or other loose material off-site.
 4. Remove all visible mud or dirt traced onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 5. All vehicle speeds on unpaved roads shall be limited to 15 mph.

6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required by State Regulations). Clear signage shall be provided for construction workers at all access points.
8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfact_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.

d. **STORM WATER CONTROL**

The permittee shall comply with all construction and post-construction storm water pollution prevention protocols as required by the County Engineering Services Division, and the California Regional Water Quality Control Board.

7.2 **ARCHEOLOGICAL FINDING**

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the PBES Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required.

If human remains are encountered during project development, all work in the vicinity must be halted, and the Napa County Coroner informed, so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the permittee shall comply with the requirements of Public Resources Code Section 5097.98.

7.3 **CONSTRUCTION NOISE [RESERVED]**

7.4 **CONSTRUCTION MITIGATION MEASURES [RESERVED]**

7.5 **OTHER CONSTRUCTION CONDITIONS APPLICABLE TO THE PROJECT PROPOSAL [RESERVED]**

8.0 TEMPORARY CERTIFICATE OF OCCUPANCY – PREREQUISITES [RESERVED]

9.0 FINAL CERTIFICATE OF OCCUPANCY – PREREQUISITES

Permittee shall comply with the following before a Final Certificate of Occupancy is granted by the County Building Official, which upon granting, authorizes all use permit activities to commence.

9.1 FINAL OCCUPANCY

All project improvements, including compliance with applicable codes, conditions, and requirements of all Departments and Agencies with jurisdiction over the project, shall be completed.

9.2 SIGNS [RESERVED]

9.3 GATES/ENTRY STRUCTURES [RESERVED]

9.4 LANDSCAPING [RESERVED]

9.5 ROAD OR TRAFFIC IMPROVEMENT REQUIREMENTS [RESERVED]

9.6 DEMOLITION ACTIVITIES [RESERVED]

9.7 GRADING SPOILS

All spoils shall be removed in accordance with the approved grading permit and/or building permit.

9.8 MITIGATION MEASURES APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY [RESERVED]

9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY [RESERVED]

**EXHIBIT A
PREVIOUS CONDITIONS**

**HAGAFEN CELLARS WINERY
Application P19-00121-MOD
4160 Silverado Trail, Napa
Assessor's Parcel Number 039-130-002**

4.21 The permittee shall comply with the following previous conditions of approval for the Hagafen Cellars Winery use as consolidated in this document. To the extent there is a conflict between a previous condition of approval identified in the attached document and these conditions, the more stringent condition shall control.

A. Use Permit No: 97219

Scope and all conditions replaced by Modification No. 99477.

B. Appeal of Use Permit No: 97219

Scope and all conditions replaced by Modification No. 99477.

C. Stipulation (Case No. AO90536 – Dated May 4, 2000)

Approved final scope and conditions to be adopted with Modification No. 99477.

D. Modification No: 99477

COA No. 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 s.f. winery which includes: a 4,500 s.f. two story main winery building with an attached covered 1920 s.f. outdoor concrete slab processing area; a 361 s.f. tasting room building; an uncovered 1920 s.f. 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; commencing with the crush in 2005, a maximum of three (3) custom producers will be allowed.~~
[Revised by P18-00081]
- 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.~~ **[Completed]**

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

~~No modifications, expansions or changes relating to gallon/year production capacity,~~

~~retail sales, events and tastings and tours shall be sought prior to December 31, 2005. Any modifications, expansions or changes to the Use Permit on or before July 1, 2008 shall be provided to the owners at 4176 Silverado Trail at least 30 days in advance of the filing of such request with the County and a copy of the request shall also be provided to their attorney Stephen T. Buehl, Gagen, McCoy, McMahon & Armstrong, 1030 Main Street, Suite 212, St. Helena, CA 94574. [Timeframe surpassed]~~

COA No. 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 (Hanukkah 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 and Consumer by prior appointment:

Frequency: 8 per year

Number of Persons: maximum 50

c. Wine Auction-Related Event:

Frequency: 1 per year

Number of Persons: Maximum 50

Time of Day: 2:00-5:00 PM

A maximum of twelve (12) events/year are allowed, which includes any events authorized pursuant to the Temporary Event Ordinance and shall not exceed four (4) hours in length. ~~Except for the "harvest" event and events as may specifically be 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 the events specified above as ending at 10:00 PM shall complete cleanup by 11:00 PM. **[Revised by P18-00081 COA 1.2]**

~~The individuals on the attached mailing notice list shall be provided with written notice, a minimum of ten (10) days, in advance of any and all of the twelve (12) events that can occur each year. [Revised by P19-00121 COA 1.1.f]~~

COA No. 3.

~~a. Tours of the winery and/or tasting of wine shall be by appointment only and are limited to twenty five (25) persons per day between the hours of 10:00 AM and 5:00 PM, except Saturdays when no tours or tasting shall be permitted, and shall be limited to 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.~~
[Revised by P19-00121 COA 1.1.c; 1.1.g; and 4.2]

~~b. The winery shall be open for retail sales of wine Sunday through Thursday 11:00 AM and 4:00 PM. No retail sales shall be conducted either Friday or Saturday.~~
[Revised by P19-00121 COA 1.1.b]

COA No. 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.

COA No. 6. Provide a maximum twenty-two (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.

COA No. 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.

[COA No. 8. Plans for outdoor signs shall be submitted to the Department for review and placement. A sign specifying the hours and days of tours and tastings and retail sales complying with all applicable County ordinances regarding signage shall be posted along Silverado Trail.](#)

~~COA No. 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 Parcel Number(s) where grown. Such report shall be proprietary and not available to the public.~~ **[Removed by P19-00121 COA 1.1.h]**

~~COA No. 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.~~ **[Removed by P19-00121 COA 1.1.i]**

COA No. 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.

COA No. 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 thirty (30) days, and shall be mixed with the soil within two (2) days of application.

COA No. 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.

COA No. 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.~~ **[Revised by P19-00121 COA 1.1.j]**

COA No. 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)

E. Very Minor Modification No: P18-00081

1.0 PROJECT SCOPE - This Permit encompasses and replaces the terms of Use Permit (and/or Use Permit Modification) No. 97219-UP, 99477- MOD and shall be limited to:

- 1.1 Reconstruction and addition of the outdoor trellises that were destroyed in the wildfire.
- 1.2 Assembly Bill 2004 (Evans) & the Sale of Wine for Consumption on Premises," on-premises consumption of wine produced on-site and purchased from the winery.
- 1.3 Removal of conditions 1 (c) of Use permit 97219 and 99477, which states "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/per year production capacity; commencing with the crushing in 2005, a maximum of three (3) custom producers will be allowed.
- 1.4 Repair/Replace landscape destroyed by the fire.

Modification No: 99477 - Condition of Approval No. 2 - Mailing Notice List

[Revised by P19-00121 COA 1.1.f]

Pursuant to Condition of Approval No. 2 for Use Permit No. 97219-UP (Hagafen Winery/Norman Weir) the following individuals shall receive a minimum of ten (10) days written prior notice of any and all of the twelve (12) special events per year that may occur at the Hagafen Winery:

~~Baffico, George and Angela
4130 Silverado Trail
Napa, CA 94558
039-390-011~~

~~Furtado, John and Catherine J.
90 Fairway Drive
S. San Francisco, CA 94080
039-390-010~~

~~Buehl, Stephen T.
Gagen, McCoy, McMahon & Armstrong
1030 Main Street, Suite 212
St. Helena, CA 94574~~

~~Huffnagl, Gunther Grandfield, Sheila
4180 Silverado Trail
Napa, CA 94558
039-590-004~~

~~Ellsworth, Dewey W.
12 Spring Street
Napa, CA 94559
039-100-010~~

~~Mallen, Ronald E.
1180 Shady Oaks Drive
Napa, CA 94558~~

~~Emmolo, Frank and Maria
1085 Galleron Road
St. Helena, CA 94574
039-390-001~~

~~Matschullat, Robert W. and Ariane M.H.
4176 Silverado Trail
Napa, CA 9455~~

~~Gunst, Mr. and Mrs. Robert A.
1160 Shady Oaks Drive
Napa, CA 94558~~

~~Matschullat, Robert W. and Ariane M.H.
46 Vineyard Lane
Greenwich, CT 06830
039-130-001~~

~~Lamonica, Sam J. and Nancy
4190 Silverado Trail
Napa, CA 94558
039-590-003~~

~~Niesar, Kirsten H.
4185 Silverado Trail
Napa, CA 94558
039-100-005~~

~~Beltrami, Joseph M. and Wendy C.
4161 Silverado Trail
Napa, CA 94558
039-100-007~~

~~Smith, George D. and Naomi
4163 Silverado Trail
Napa, CA 94558
039-100-006~~

~~Curtin, Patricia E.
Gagen, McCoy, McMahon & Armstrong
279 Front Street
Danville, CA 94526~~

~~Tucker, Jewell
1171 Shady Oaks Drive
Napa, CA 94558
039-590-005~~

~~Ellsworth, Stephen A.
3076 Vichy Avenue
Napa, CA 94558
039-100-010~~

~~Webb, Carolyn
12 Spring Street
Napa, CA 94559~~

~~Nielsen, Andrew K. and Gudveig V.
4110 Silverado Trail
Napa, CA 94558
039-390-009~~

~~Smith, Clint and Dorris
1170 Shady Oaks Drive
Napa, CA 94558~~

~~Spiteri, Ron
1165 Shady Oaks Drive
Napa, CA 94558~~

~~Weatherwane Ranch, LLC
c/o The Dorian A. Virgos Company
45 Rockefeller Plaza, Suite 2216
New York, NY 10101
039-130-003~~



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

Brian D. Bordona
Director

MEMORANDUM

To: Emily Hedge, Planning	From: Jeannette Doss, Engineering <i>JD</i>
Date: February 6, 2026	Re: Hagafen Cellars Use Permit Modification Engineering CoA 4160 Silverado Trail, Napa, CA 94558 P19-00121 APN: 039-130-002-000

The Engineering Division received a referral for comment on a modification to an existing use permit. Based upon the information provided in the application, Engineering finds the application **complete** and recommends the following conditions of approval:

EXISTING CONDITIONS:

1. Napa County parcel 039-130-002-000 is located on Silverado Trail, approximately 0.5 miles north of the intersection with Soda Canyon Road.
2. A left turn lane is installed on Silverado Trail serving the existing paved driveway.
3. The existing paved driveway averages 16 feet in width.
4. The existing parcel is approximately 12.28 acres.
5. Site is currently developed with a winery, associated winery accessory structures, a residence, and site improvements, and vineyards.

RECOMMENDED APPROVAL CONDITIONS:

OPERATIONAL CHARACTERISTICS

1. The facility is designated as a discharger that discharges stormwater associated with industrial activity to waters of the United States. Therefore, the facility shall maintain or apply for coverage under the State Water Resources Control Board’s Industrial General Permit (IGP), including meeting all applicable provisions and protocols of the IGP. If the facility fails to meet the discharge prohibitions of the IGP, Napa County may require the facility to make the necessary improvements to eliminate all exposures to stormwater of the pollutant(s) for which the water body is impaired.

2. The Engineering Division has reviewed the Water Availability Analysis (WAA) titled Water Availability Analysis dated April 24, 2024, by O'Connor Environmental, Inc, for Hagafen Cellars – Use Permit Modification, P19-00121, located on Assessor parcel number 039-130-002-000 at 4160 Silverado Trail. The Engineering Division has evaluated the project based on information provided by the applicant, its location, and available geologic and hydrologic information and has determined the WAA to be complete and reasonable. Engineering concludes the WAA is technically adequate as it relates to Napa County's water use criteria, well and spring interference, groundwater/surface water interaction pursuant to Napa County's WAA Guidelines, Governor's Executive Order N-7-22/N-3-23, Napa Valley Subbasin Groundwater Sustainability Plan, and the Public Trust Doctrine.
3. Any proposed or required modifications to the existing project wells shall be completed **prior to execution** of any new entitlements approved under this Use Permit Modification.
4. The Permittee shall (at the Permittee's expense) record and maintain well monitoring data for the project well (specifically, static water level no less than quarterly, and the volume of water no less than monthly) and that groundwater extraction shall not exceed 5.4 AF/yr. All monitoring required by these conditions shall verify that the water use assumptions and the actual water use are consistent with the usage and assumptions analyzed in the Water Availability Analysis prepared by O'Connor Environmental, Inc. (April 2024) for the Hagafen Cellars project.
5. The property owner shall obtain a grading permit from the Napa County Engineering Division, PBES Department for the proposed roadway, access drive, and parking area improvements.
6. All roadway, access drive, and parking area improvements shall be completed within the timelines specified in the Planning Division Conditions of Approval.

PREREQUISITES FOR ISSUANCE OF PERMITS

7. All on site civil improvements including but not limited to the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the Engineering Division of the Napa County Planning, Building, and Environmental Services Department (PBES) **prior to the commencement** of any on site land preparation or construction. Plans shall be wet signed and submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.
8. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, and Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code.

9. **Prior to issuance of a grading permit** the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention program Erosion and Sediment Control Plan Guidance for Applicant and Review Staff dated December 2014.
10. **Prior to issuance of a grading permit** the owner shall demonstrate on the plans that all roadways, access driveways, and parking areas serving the project either currently meet the requirements and/or how they will be improved to meet the requirements as outlined in the latest edition of the Napa County Road & Street Standards for Commercial development.
11. **Prior to issuance of a grading permit** the owner shall prepare a Stormwater Control Plan (SCP) in accordance with the latest edition of the BASMAA Post-Construction Manual for review and approval by the Engineering Division in PBES.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items, please contact Jeannette Doss from Napa County Planning, Building, and Environmental Services Department, Engineering and Conservation Division, at (707) 259-8179 or by email at Jeannette.Doss@countyofnapa.org



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

Brian Bordona
Director

MEMORANDUM

To:	Emily Hedge, Planner III	From:	Maureen S. Bown R.E.H.S. <i>MSB</i>
Date:	July 10, 2019 Revised 2/9/2026	Re:	Use Permit Application Hagafen Cellars Located at 4160 Silverado Trail, Napa Assessor Parcel # 039-130-002-000 Permit# UP MOD P19-00121

Environmental Health Division staff has reviewed an application to increase visitation numbers, as described and depicted in the application materials. This division has no objection to approval of the application with the following conditions of approval:

1. An Annual Operating permit for a combined alternative sewage treatment system must be maintained, and all monitoring /reporting must be fully complied with.
2. An annual water system operating permit must be maintained and complied with.
3. The owner shall comply with General Waste Discharge Requirements for Winery Process Water as adopted by the State Water Quality Control Board.
4. General Waste Discharge Requirements for Winery Process Water were adopted by the State Water Quality Control Board in January 2021, as such the applicant shall enroll for coverage under the General Order by January 2024 or at the time the process wastewater system is approved and constructed whichever occurs first.
5. Proposed food service will be catered, therefore, all food must be prepared and served by a Napa County permitted caterer. A commercial food facility is not included in this project. The plans submitted with the use permit application show an employee break room located within the proposed facility. This break room is approved for employee use only. If the selected caterer does not possess a valid Napa County Permit to operate, please refer the business to this Division for assistance in obtaining the required permit prior to providing any food service.
6. The applicant shall provide portable toilet facilities for guest use during events of 100 persons or more. The portable toilet facilities must be pumped by a Napa County permitted pumping company.

7. The use of the absorption field/drain field area shall be restricted to activities which will not contribute to compaction of the soil with consequent reduction in soil aeration. Activities which must be avoided in the area of the septic system include equipment storage, traffic, parking, pavement, livestock, etc.
8. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors, and odors.
9. Adequate area must be provided for collection of recyclables. The applicant must work with 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. The garbage and recycling enclosure must meet the enclosure requirements provided during use permit process and be included on the building permit submittal. The designated area shall remain available and be properly maintained for its intended use.
10. All diatomaceous earth/bentonite must be disposed of in an approved manner. If the proposed septic system is an alternative sewage treatment system, the plan submitted for review and approval must address bentonite disposal.
11. Within 30 (thirty) days of initiation of the use or change of tenants, an updated Hazardous Materials Business shall be submitted to <http://cers.calepa.ca.gov/> and approved by this Division.



A Tradition of Stewardship
A Commitment to Service

**Napa County Fire Department
Fire Marshal's Office**

951 California Blvd
Napa, CA 94559
www.countyofnapa.org
Main: (707) 299-1464

Jason W. Downs
Fire Marshal

Napa County Fire Department Conditions of Approval

TO:	Planning Department	DATE:	2/20/2026
FROM:	Jason Downs, Fire Marshal	PERMIT #	P19-00121
SUBJECT:	Hagafen Cellars	APN:	039-130-002-000

The Napa County Fire Marshal's Office has reviewed the submittal package for the above-referenced project. The project is approved as submitted and subject to the following Conditions of Approval:

GENERAL CONDITIONS

1. Within one (1) year of permit approval, the existing driveway shall be improved to meet all requirements outlined in the latest edition of the Napa County Road and Street Standards for commercial development. The property owner is responsible for obtaining a grading permit for any necessary roadway improvements.
2. All construction and use of the facility shall comply with all applicable codes, standards, regulations, and ordinances in effect at the time of Building Permit issuance, including the 2025 California Fire Code (CFC) as adopted and amended by Napa County.
3. Beneficial occupancy shall not be granted until all required fire and life safety systems and features have been installed, tested, inspected, and approved by the Napa County Fire Marshal's Office.
4. An approved water supply for fire protection shall be installed and made serviceable prior to the arrival of combustible materials on site in accordance with 2025 CFC Section 3312. All underground fire lines, fire pumps, and water storage tanks shall be submitted under a separate permit from the building or civil plans.
5. Where required by 2025 CFC Section 105, separate construction and/or operational permits shall be obtained as applicable. Separate permits may be required for, but are not limited to:
 - Automatic fire-extinguishing systems
 - Fire alarm and detection systems and related equipment
 - Fire pumps and related equipment
 - Private fire service mains and appurtenances
 - Gates and barricades across fire apparatus access roads
 - Temporary membrane structures and tents

FIRE APPARATUS ACCESS

6. The property address shall comply with Section 505.1 of the 2025 California Fire Code and Napa County Municipal Code 15.32.073. Address signage must be clearly visible from the roadway, durable, reflective, and maintained for emergency access. Final placement and specifications are subject to Napa County Fire Department approval.
7. All buildings, facilities, and developments shall be accessible to fire department apparatus by approved fire apparatus access roads in accordance with 2025 CFC Section 503 and the Napa County Road & Street Standards (NCRSS).
8. Access roads shall be designed and maintained to support the weight of fire apparatus and provide reliable all-weather driving conditions. An engineered analysis must be submitted demonstrating that the roadway can support fire apparatus weighing at least 75,000 pounds.
9. Fire apparatus access roads shall be provided within 150 feet of all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building, in accordance with 2025 CFC Section 503.1.1.
10. Gates installed across fire apparatus access roads shall comply with 2025 CFC Sections 503.6 and 503.5, the Napa County Road & Street Standards, and California Fire Safe Regulations (CCR Title 14) for projects located within the State Responsibility Area (SRA).
 - Electrically operated gates serving residential properties shall be equipped with an approved Knox® key switch (Model 3501 or 3502).
 - Manual gates shall be secured with an approved Knox® padlock.
11. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 15 feet.
12. Turnouts shall comply with the Napa County Road & Street Standards and shall be a minimum of 12 feet in width, 30 feet in length, with a 25-foot taper at each end.
13. Approved turnarounds shall be provided for driveways and dead-end roadways in accordance with 2025 CFC Section 503.2.5 and the Napa County Road & Street Standards.
14. Roadway grades shall not exceed 16 percent. Grades between 16 percent and 20 percent may be permitted where all provisions of the Napa County Road & Street Standards are satisfied.
15. Roadway curves shall have an inside turning radius of not less than 50 feet. An additional surface width of 4 feet shall be added to curves with a radius of 50–100 feet, and 2 feet shall be added to curves with a radius of 100–200 feet.

WATER SUPPLY AND FIRE PROTECTION – COMMERCIAL PROJECTS

16. For buildings not served by a public water system, water storage and fire flow calculations shall be provided by a California Licensed Civil Engineer, Fire Protection Engineer, or C-16 licensed contractor. Calculations shall demonstrate compliance with 2025 CFC Appendix B as adopted and amended by Napa County and the Napa County Municipal Code.

17. Approved pressurized fire hydrants shall be installed within 250 feet of all portions of the exterior walls of the building as measured along approved fire apparatus access roads. Hydrant spacing shall comply with 2025 CFC Appendix C as adopted and amended by Napa County. Private fire service mains shall be installed, tested, and maintained in accordance with NFPA 24 (2022 edition as adopted by the 2025 CFC).
18. Fire Department Connections (FDCs) for automatic sprinkler systems shall comply with 2025 CFC Section 912 and shall be located fully visible and recognizable from the street or approved fire apparatus access road. FDCs shall be located within 50 feet of an approved fire hydrant.
19. Underground fire protection mains shall have a minimum diameter of 6 inches and shall be constructed of C-900 Class 200 piping, ductile iron, or approved equivalent materials, and installed in accordance with NFPA 24 (2022 edition as adopted by the 2025 CFC).
20. Automatic fire sprinkler systems shall be installed where required by 2025 CFC Section 903 as adopted and amended by Napa County and in accordance with the applicable NFPA standard. Systems shall be designed by a California Licensed Fire Protection Engineer or C-16 licensed contractor.

LIFE SAFETY REQUIREMENTS

21. All buildings shall comply with 2025 CFC Chapter 10 – Means of Egress, including but not limited to exit signage, exit illumination, exit doors, and panic hardware where required.

DEFENSIBLE SPACE

22. A minimum 100-foot defensible space shall be provided and maintained around all structures in accordance with California Public Resources Code Section 4291, the Napa County Defensible Space Ordinance, and the Napa County Fire Marshal’s Defensible Space Guidelines. Defensible space shall be established prior to final approval or occupancy and shall be maintained at all times in a fire-safe condition for the life of the project.
23. A minimum 10-foot defensible space shall be provided and maintained on both sides of all roadways, driveways, and access routes leading to the facility, measured from the edge of the roadway surface. This defensible space shall comply with applicable Napa County ordinances and Fire Marshal guidelines and shall be maintained at all times in a fire-safe condition.

NOTICE

The Conditions of Approval noted above are based solely on review by the Napa County Fire Marshal’s Office. Additional comments or requirements may be imposed by other County Departments or Divisions during review of this application.

The Napa County Fire Marshal’s Office Development Guidelines are available at:
www.countyofnapa.org/firemarshal

For questions, please contact the Napa County Fire Marshal’s Office at:
Fire.Marshall@countyofnapa.org



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

David Morrison
Director

July 16, 2019

Norman and Irit Weir
Hagafen Cellars
4160 Silverado Trail
Napa, CA. 94558-1118

LOCATION: 4160 Silverado Trail, Napa, CA; APN 039-130-002-000

Dear Property Owner:

On December 4, 2018, the Board of Supervisors approved Resolution No. 2018-164, providing direction to staff regarding the County Code Compliance Program. The Resolution requires County staff to conduct a health and safety inspection to mitigate any hazards that might be present while you continue operations. If County staff identifies health and safety violations that pose an immediate threat to public health, safety, and/or threaten the environment, the County requires that the owner abate the violations before a hearing can be held on the use permit application.

On March 27, 2019, the County received an application for a use permit modification to correct code violations that may have been or are occurring at the property described above. Your application was submitted prior to the deadline and qualifies for the program established by the Resolution. On April 23, 2019, County staff conducted an inspection and identified health and safety issues that if corrected will create a safer environment for your employees and visitors at the winery. The following list of items should be implemented at your earliest convenience to facilitate processing of your use permit application and some items may need permits.

1. Please remove all combustible vegetation and/or trash within ten feet of the propane tank at the rear of the winery per 2016 CFC section 304.1;
2. Please repair or install illuminated exit signs in the barrel storage room per 2016 CFC section 1031.4;
3. Please post a sign above the main exit door in the winery stating this door is to remain unlocked while the building is occupied per 2016 CFC section 101 0.1.9.3 (2);
4. Please post a maximum occupant load sign near the main entrance of the wine tasting building per 2016 CFC section 1004.3;
5. Please remove improper hardware at the first floor office entrance. Exit doors shall be openable without the use of a key, special knowledge or effort per 2016 CFC 101 0.1.9 exit or to have panic, lever, or lever with thumb turn or keyed cylinders deadbolts without interconnected hardware per 2016 CFC section 1010.1.9;
6. Please discontinue using the extension cord at the chicken coop on the north side of the winery per 2016 CFC section 605.5;

7. Please provide a minimum clearance of 30 inches in width, 36 inches in front and 70 inches in height of the electrical panel per 2016 CFC section 605.3 and label the main electrical service disconnect at the service location;
8. Please provide a key box and Knox document cabinet for the fire department to gain access for life saving or firefighting purposes per 2016 CFC section 506.1.

The following items(s) require your immediate attention. Please contact me so I can assist you with addressing the issues.

9. New electrical plug outlets mounted on the north side of the wine rebuilding installed without permits per 2016 CBC 105.1. Please apply for permits;
10. New thousand gallon propane tank installed on the property line at the backside of the winery. Per 2016 CBC 105.1. Please apply for permits;
11. The upstairs two offices in the winery are being used as bedrooms. There are no smoke detectors and one of the two bedrooms has no egress. Please cease using these offices as bedrooms. Please call me and make an appointment so I may verify the space has been returned to offices;
12. A water heater was installed in one of the upstairs offices without benefit of a building permit per 2016 CBC 105.1. Please apply for permits;
13. In between the first floor and the second story offices there is an area in the winery that has been converted into wine bottle and case storage. Some of the area has only 4-5 feet of headroom. The door that was cut in midway on the stairs does not comply with code. Please have your design professional look into this space to see if it can be permitted. You will need to contact your project planner who has been assigned your use permit modification to determine if this can be added to the use permit modification. Please apply for permits to either return this space back to its original condition or apply for permits to modify the winery to allow this bottle/case storage area to remain.

Please contact me to discuss your efforts to correct the violations described herein or if you have any questions. You may reach me at (707) 299-1343.

Sincerely,



Greg Baxter,
Code Compliance Manager
Planning, Building & Environmental Services

Cc: Chron; File; Emily Hedge

“C”

CEQA Categorical Exemption Memorandum

Hagafen Cellars Winery Major Modification - P19-00121
Planning Commission Hearing – April 1, 2026



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

Main: (707) 253-4417
Fax: (707) 253-4336

Brian D. Bordona
Director

To: Planning Commission	From: Emily Hedge, Planner III
-------------------------	--------------------------------

Date: February 20, 2026	Re: P19-00121 Hagafen Cellars Winery Use Permit Major Modification Categorical Exemption Determination 4160 Silverado Trail, Napa Assessor's Parcel Number 039-130-002
-------------------------	--

Background

Pursuant to Section 303 of Napa County's Local Procedures for Implementing the California Quality Act (CEQA), the Planning Division has prepared this environmental evaluation for the proposed Hagafen Cellars Major Modification Application (File No. P19-00121).

CEQA Baseline

The general rule under CEQA is that the environmental baseline must reflect the physical conditions existing at the time the environmental analysis begins, even if the current condition includes unauthorized and even environmentally harmful conditions that never received, and, as a result of being incorporated into the baseline, may never receive environmental review (CEQA Guidelines Section 15125). How present conditions come to exist may interest enforcement agencies, but that is irrelevant to CEQA baseline determinations. A long line of appellate cases hold that the actual environmental conditions existing at the time of CEQA analysis is the proper baseline, even when the actual conditions are in violation of current regulatory provisions or were not subject to previous CEQA (*Center for Biological Diversity v. California Department of Fish & Wildlife* (2105) 234 Cal. App. 4th 214).

This application was submitted to participate in the County's Code Compliance Program (Compliance Program) as described in Resolution No. 2018-164 adopted by the Napa County Board of Supervisors on December 4, 2018. Under the Compliance Program, property owners could apply for a modification to their permit to voluntarily remedy existing violations and could continue to operate at existing (unpermitted) levels while the application was being processed. For applicants who were unclear as to the scope of their existing entitlements, the Compliance Program also allowed property owners to first submit a request for a Status Determination to document their existing property rights and then to participate in the Compliance Program if it was determined they were out of compliance. The Program had a submittal deadline of March 29, 2019, at 2:00 p.m. for submittal of either an application for a modification to an existing permit or a request for a Status Determination. Going forward, any applicants operating out of compliance with their use permit will be required to operate within their

entitled operations for one year to “reset” the CEQA baseline before their application will be considered by the Planning Commission. This “reset” allows the CEQA baseline to be the authorized/permitted, not unpermitted levels of operations.

On March 27, 2019, the applicant submitted a Major Modification P19-00121, meeting the Compliance Program’s submittal deadline. Because the Major Modification was submitted prior to the submittal deadline, the winery’s existing, unpermitted operations were used as the environmental baseline for the CEQA analysis consistent with the CEQA Guidelines and caselaw.

The Project

The Napa County Planning Division has received a request for a Use Permit Major Modification for Hagafen Cellars winery, established under Use Permit No. 97219-UP, for a 50,000 gallon per year winery with by-appointment tastings. This application was submitted under the Compliance Program and requests the following:

1. Components Necessary to Remedy Existing Violations (Based on 2018 records):
 - a. Recognition of days of operation Monday through Sunday. The winery is currently authorized for operations Monday through Friday and Sunday;
 - b. Recognition of a maximum of 60 visitors per day with a maximum of 311 visitors per week, not to exceed an annual total of 9,719 visitors. The winery is currently authorized for 25 visitors per day (six days per week) with up to 150 visitors per week for an annual total of 7,825 visitors;
 - c. Recognition of retail sales occurring Monday through Sunday. The winery is currently permitted for retail sales Monday through Thursday and Sunday;
 - d. Recognition of use of an approximately 720-square-foot storage room in the winery building. The room was not delineated on the original winery Use Permit plans;
 - e. Widening the existing driveway to meet Napa County Road and Street Standards;
 - f. Revise COA No. 2 of Permit No. 99477 to remove the requirement for mailing notice of events to identified individuals;
 - g. Revise COA No. 3 of Permit No. 99477 to remove the requirement for submitting an annual report of daily visitation counts;
 - h. Remove COA No.15 of Permit No. 99477 requiring submittal of an annual report of grape source data;
 - i. Remove COA No.16 of Permit No. 99477 requiring submittal of an annual statement certifying compliance with grape sourcing requirements; and
 - j. Revise COA No. 21 of Permit No. 99477 to remove the requirement for submitting an annual report of the number of gallons of wine produced during the year.

Existing Setting

The project is located at 4160 Silverado Trail, Napa, approximately one half (1/2) mile north of the intersection of Silverado Trail and Soda Canyon Road. The property is zoned Agricultural Preserve (AP) and is designated Agricultural Resource (AR) by the Napa County General Plan.

The property is accessed via a driveway off Silverado Trail, which runs along the entirety of the western property line. The property is currently developed with an approximately 4,500 square-foot

winery building, an approximately 360 square foot tasting room building, a covered outdoor work area, an uncovered outdoor work area, and associated site improvements including driveway, parking areas, and wastewater system. There are approximately 10 acres of vineyards and a single-family residence. Properties in the vicinity of the project site include vineyards, undeveloped parcels, and residences. Many parcels to the east suffered damage to residences and structures in the 2017 Atlas fire.

Past Approvals:

On December 2, 1998, the Planning Commission approved Use Permit #97219-UP to establish a 50,000 gallon per year winery with by-appointment visitation and a marketing plan. Development included an approximately 6,800 square foot winery, consisting of a 4,500 s.f. main winery building with an attached, covered outdoor work area, an approximately 360 s.f. tasting room building, and an uncovered work area.

The use permit approval and the conditions of approval requiring a left turn lane were individually appealed by a neighbor. On March 23, 1999, the Board of Supervisors heard the appeal regarding the use permit and denied the appeal, upholding the Planning Commission's approval of the use permit, subject to revised conditions of approval. Following the Board's decision, the neighbor filed a petition with the Napa Superior Court and then appealed the Court's decision to the Court of Appeals. At that time the owner, neighbor, and County ultimately reached a Stipulation for Settlement. On May 9, 2000, the Board of Supervisors ratified the Stipulation. The provisions of the Stipulation were to be incorporated into the project record through the approval of a use permit modification.

On June 16, 2000, the Zoning Administrator approved minor modification #99477-MOD, which incorporated the provisions of the Stipulation into the formal record of the Planning Department, revising the previously approved Conditions of Approval of Use Permit #97219-UP. Upon approval of the modification the court case and appeals were withdrawn.

On May 10, 2018, the Director approved very minor modification P18-00081-VMM to allow reconstruction of the outdoor trellises that were destroyed in a wildfire, replacement of landscaping destroyed in a wildfire, on-premises consumption, and removal of previous conditions of approval related to custom crush.

Level of Operations - The applicant is not requesting expansions to the levels of current operations, based on the 2018 records. The winery is currently authorized for 25 visitors per day (six days per week) with up to 150 visitors per week for an annual total of 7,825 visitors. The request for recognition of visitation levels is a maximum of 60 visitors per day with a maximum of 311 visitors per week, not to exceed an annual total of 9,719 visitors. The original Use Permit approved winery operations on Monday through Friday and on Sunday (not open on Saturday), with retail sales available Monday through Thursday and Sunday (not available on Friday and Saturday). The request for recognition is to permit the winery to operate and offer retail sales Monday through Sunday. There are no requested changes to the authorized levels of production, employees, or marketing events. Therefore, the project would not result in additional traffic trips, generation of more wastewater, or use of additional groundwater.

An approximately 720-square foot room within the winery building was not delineated on the original winery Use Permit plans, so it wasn't included in the areas for use by the winery. The applicant requests to continue to utilize this space for storage. The storage room is existing, so no new construction would occur. The continued use of the room would not expand the current level of operation.

The operational components of the project would not exceed the environmental baseline (2018 operations) as determined for the analysis under CEQA, and therefore continued operations would not result in an environmental impact.

Physical Improvements - The proposed physical improvements are limited to an expansion of the existing driveway. The driveway will be widened by approximately 4 feet along the main entry, requiring removal of existing olive trees and potentially vineyard rows adjacent to the driveway. Minor expansions to portions of the driveway that loops around the winery building will meet standards for safe access for employees, visitors, and emergency vehicles. The improvements will occur on areas of the site that have previously been disturbed by landscaping, vineyards, and grading for winery development.

Revisions to Existing Conditions – The request to modify conditions of approval removes the requirement for annual reporting of daily visitation counts, grape source data, and production, and the requirement to notice a specific list of individuals prior to winery events. Removal of reporting requirements would not result in an environmental impact.

CEQA Exemption Criteria and Analysis

Article 19 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines) establishes a list of classes of projects that are categorically exempt from the provisions of CEQA. Based on the proposed project as described above, the project meets the criteria for eligibility as Categorical Exemption from CEQA under the following Classes: Class 1 ("Existing Facilities") and Class 4 ("Minor Alterations to Land") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301 and §15304.

Under CEQA Guidelines Section 15300.2, Categorical Exemption Class 4 cannot be used if the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. According to the County's resource maps, there are no scenic resources, hazardous waste sites, or historic resources identified on the site.

As noted above, the Use Permit Major Modification application requests recognition of existing days of operation, existing days allowing retail sales, and levels of visitation, that have been occurring beyond their current entitlements. No intensification of these activities is requested as part of this application. Additionally, there are no requested changes to the authorized levels of production, employees, or marketing events. Therefore, the project would not result in additional traffic trips, generation of more wastewater, use of additional groundwater, or use or consumption of additional resources.

Additionally, the application requests continued use of the existing 720-square foot storage room within the winery building. No new construction or physical improvements are required for continued use. The request to remove reporting requirements is not an action that would result in environmental impacts.

The proposed improvements to the existing driveway are required to comply with the Napa County Road and Street Standards. The improvements will occur on areas of the site with less than 10 percent slopes that have previously been disturbed through planting landscaping and vineyards and grading for winery development of the driveway loop around the winery building and outdoor work areas.

Based on the proposed locations of physical improvements, the project would not result in substantial effects to officially mapped or designated environmentally sensitive areas or resources. No grading would occur in a waterway, in any wetland, in any officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazards such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist. The project will not have a cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites, and will not cause substantial adverse change in the significance of a historical resource. Based on the information provided above, the Major Modification application request meets the criteria for eligibility as Categorically Exempt from CEQA under Classes 1 and 4.

Public Trust

The public trust doctrine (Doctrine) requires the state and its legal subdivisions to “consider,” give “due regard,” and “take the public trust into account” when considering actions that may adversely affect a navigable waterway. (*Environmental Law Foundation v. State Water Resources Control Bd.; San Francisco Baykeeper, Inc. v. State Lands Com.*) There is no “procedural matrix” governing how an agency should consider public trust uses. (*Citizens for East Shore Parks v. State Lands Com.*) Rather, the level of analysis “begins and ends with whether the challenged activity harms a navigable waterway and thereby violates the public trust.” (*Environmental Law Foundation*, 26 Cal.App.5th at p. 403.). As demonstrated in the *Environmental Law Foundation vs State Water Resources Control Board Third District Appellate Court Case*, that arose in the context of a lawsuit over Siskiyou County’s obligation in administering groundwater well permits and management program with respect to Scott River, a navigable waterway (considered a public trust resource), the court affirmed that the public trust doctrine is relevant to extractions of groundwater that adversely impact a navigable waterway and that Counties are obligated to consider the doctrine, irrespective of the enactment of the Sustainable Groundwater Management Act (SGMA).

On January 10, 2024, Napa County released a Tier III Water Availability Analysis guidance memorandum, providing guidance for complying with Public Trust. A Tier III review or equivalent analysis is the County’s adopted method for complying with its duties under the Doctrine. The project Water Availability Analysis (WAA), dated December 4, 2025, by O’Connor Environmental Inc., includes a Tier III equivalent analysis for potential impacts to Soda Creek. The project hydrogeologist

concludes that the project well meets the standards specified in the County's WAA Guidance document to demonstrate that continued use of the well at existing operations would be expected to preclude significant adverse effects on surface waters. The operational pumping rate of the project well shall be reduced and restricted to no more than 17 gallons per minute (where no limitation previously existed). Additionally, a ground water management condition of approval will be included with imposed metering on the project well, monitoring and reporting of groundwater use (at the County's request), and the County's ability to recommend additional measures or revoke the use permit in the future if substantial evidence exists that the Project substantially affects the groundwater basin. These project components and conditions of approval provide even greater protection, further reduce any alleged harm, and align with the requirements of the 2024 Water Memo. The County has satisfied its duty.

“D”

Fennemore Letter
Public Comment Received after
the March 18, 2026 Hearing

March 17, 2026

Planning Commission
Napa County
1195 Third Street, Third Floor
Napa, CA 94559

**Re: Planning Commission Meeting – March 17, 2026 – Item No. 8.A
Objections to Use permit Major Modification #P19-00121-MOD
Hagafen Cellars – 4160 Silverado Trail**

Dear Chair Brunzell and other Commissioners:

We represent Mrs. Ariane Matschullat and Weathervane Ranch, LLC, owners of property adjacent to Hagafen Cellars, the applicant in the above-mentioned matter. Mrs. Matschullat resides at 4176 Silverado Trail (APN 039-130-001), which is contiguous to the northern boundary line of the Hagafen Cellars. Weathervane Ranch owners APN 039-130-003, which is contiguous to the eastern boundary of the Hagafen Cellars

Our clients oppose Hagafen’s major modification application to its use permit that requires the winery to operate under specific conditions of approval (“**Application**”). The Application is at odds with an essential purpose of the Code Compliance Program adopted by the Napa County Board of Supervisors (the “**Board**”) by Board Resolution No. 2018-164 (the “**Board Resolution**”). The Code Compliance Program is not intended to grant new and expanded entitlements if the applicants have willfully exceeded the limits of their conditions of approval.¹ That is the case here.

¹ The initial Board hearing on the proposed Code Compliance Program was held on November 12, 2017. PBES Director Morrison’s Board Agenda Letter for that hearing explained the proposed bifurcation/decoupling concept. As set forth in that Agenda Letter, any permit application received before a set deadline (which eventually was designated as March 29, 2019) “that includes requests to both remedy existing violations and to expand existing entitlements would be ‘decoupled’ and subject to a two-step process. The first step would be the processing and a decision on those portions of the application that remedy existing violations. Once all outstanding violations have been addressed to the County’s satisfaction, then and only then would the second step begin of processing and considering the requests for expanded entitlements.”

March 17, 2026

Page 2

Moreover, the Application cannot be considered by the Planning Commission until the County evaluates its potential environmental impacts as required by CEQA. That has yet to be done.

I. INTRODUCTION

Ordinances passed by the Board and reinforced by the Board Resolutions establishing the Code Compliance Program clearly express the Board's intention that expansion of entitlements unauthorized by a subsequent permit are not acceptable. *Napa County Code Section 18.16.020(I); Board Resolution No. 2018-164 § 1(a)(iv)*. The Napa County Code sets forth in unequivocal language that "no expansion of uses" is permitted without express authorization. *Napa County Code § 18.16.020(I)*.

Napa County's Code Compliance Program seeks to remedy persistent ongoing failures of landowners to abide by their conditional use permits, while at the same time acknowledging that violations sometimes unintentionally arise from landowners' ignorance or misunderstanding of their use permits' conditions of approval.² At the same time, the Board recognized that bad actors exist and must be dealt with. During the hearings leading up to the adoption of the Board Resolution, it was noted that some winery owners were knowingly violating their permit. As stated by Supervisor Wagenknecht at the September 12, 2017, Board Meeting, "not all violations are equal and that is very clear."

During its two decades of operation, Hagafen Cellars has demonstrated a conscious disregard for compliance with the Conditions of Approval of its winery use permit. Other than applying for amnesty in March 2019 under the County's Code Compliance Program, the Applicant has shown no sincere interest in altering its ongoing course of behavior. The Applicant has continued to violate the conditions of approval of its winery use permit and exceed the limitations imposed by those conditions.

Despite the violations, Staff recommends approval allowing the violations to become "permitted." And even worse, Staff declared these violations (which result in the

² For example, Section 1(b) of the Board Resolution allows property owners who are unsure whether they are in compliance with their current conditions of approval "to voluntarily initiate a review by the County to determine the extent of their existing entitlements and/or permissible uses of their property." Section 1(b) also provides property owners a right to appeal an unfavorable decision by the PBES Director to the Board. Should such an appeal be unsuccessful, the deadline for submitting an Application under the Code Compliance Program is extended for an amount of time equal to the time required to process the status determination application (not to exceed 120 days).

March 17, 2026

Page 3

intensification of the winery use) exempt from environmental review under CEQA. We ask the Commission not to approve these violations.

II. RELEVANT COUNTY CODE SECTIONS AND CODE COMPLIANCE PROGRAM PROVISIONS

In the AP district in Napa County “no expansion of [winery] uses or structures beyond those which were authorized by a use permit . . . shall be permitted except as may be authorized by a subsequent use permit issued pursuant to [the provisions of Title 18 (Zoning) of the Napa County Code].” *Napa County Code Section 18.16.020(I)*. The Board expressly intended that “significant [permit] violations” which include “visitation and marketing in excess of approved limits,” along with “wine production in excess of approved limits” –are to be remedied and distinguished from proposed expansions. *Board Resolution No. 2018-164 § 1(a)(iv)*.

In assessing an application under the Code Compliance Program, the PBES staff report is required to “clearly distinguish between portions of a proposed project that are necessary to remedy existing significant violations, and those portions of a proposed project that would expand beyond current levels of operation.” *Board Resolution § 1(a)(iv)*. “Visitation or marketing in excess of approved limits” is defined in Board Resolution § 1(a)(iv) as a significant violation.

III. THE OPERATIVE CONDITIONS OF APPROVAL

Hagafen Cellars use permit conditions of approval (Use Permit Modification #99477-MOD; the “**Operative COAs**”) were established in June 2000 pursuant to a settlement agreement that resolved litigation challenging the initial conditions of approval from 1999 (Use Permit #97219).

The only changes to the Operative COAs since June 2000 were the result of a Very Minor Modification (P18-00081) that was approved by the Zoning Administrator in 2018 (the “**Very Minor Modification**”). (The Very Minor Modification application was in itself a violation of the Operative COAs, as discussed below in this letter.

And now, the Applicant seeks to modify the Operative COAs to further intensify the uses at the winery and specifically increase the number of visitors allowed, and expand operational and retail hours, despite the many violations of these conditions and others.

March 17, 2026

Page 4

IV. OVERVIEW OF THE VIOLATIONS

As set forth in below, it appears that the visitation and marketing events taking place at Hagafen Cellars have for many years exceeded the approved limits of the Operative COAs and constitute significant violations under the Code Compliance Program. Accordingly, those violations must be decoupled from the portions of the Application that would expand beyond current levels of operation, and the PBES staff's recommendations for dealing with those violations must be considered separately by the Planning Commission.

The initial Board meeting that resulted in the Board Resolution adopting the Code Compliance Program took place on September 12, 2017. From the outset, a significant policy theme emerged. As Supervisor Wagenknecht stated at that hearing, "there are some that are clearly gaming the community for a long time." Supervisor Wagenknecht added that he "would like to have [such violations] internally decoupled."

To support this policy, the Board established that violations must be addressed before requests for expanded uses are considered. As Supervisor Gregory stated at the Board Meeting on December 4, 2018, "[t]his isn't changing the way we do status determinations. This isn't even changing parts of how the compliance program works. This is simply putting an end to considering compliance problems without serious penalty." At that same meeting, PBES Director Morrison also directly addressed this point:

"There have been concerns that there are too many loopholes for non-compliant wineries. There are no loopholes. Either landowners with violations come in to the County to voluntarily comply by the deadline, or they're required to immediately comply after the deadline. In either case, they are required to comply. It's that simple. There's comments and concerns that non-compliant wineries receive preferential treatment. Projects that have violations may be subject to fines and penalties as well as repayment of staff costs. Decisions on projects would require a separate set of recommendations and decisions for those portions of the project that deal with violations. . . . The process does not give any preference to violating landowners."

Taken together, these policy directions indicate a desire to deal firmly with the bad actors of the wine industry, in order to rein in the behavior of some winery owners who knowingly exceed their existing use permit conditions of approval and hope not to get caught, in contrast to those winery owners who do the right thing by applying to the County

March 17, 2026

Page 5

in advance for approval of proposed expansions in use. Hagafen Cellars is a clear example of the former type of winery owner.

V. EXISTING SIGNIFICANT VIOLATIONS BY HAGAFEN CELLARS

A. Violations of Operative COA No. 2.

Operative COA No. 2 states in part as follows:

“A maximum of twelve (12) event/year are allowed, which includes any events authorized pursuant to the Temporary Event Ordinance and shall not exceed four (4) hours in length. Except for the ‘harvest’ event and events as may specifically be 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 the events specified above as ending at 10:00 PM shall complete cleanup by 11:00 PM.”

Neighbors have observed numerous events at the winery over the years that appear inconsistent with the permitted limits. The County’s temporary event permit records show only 13 such permits issued between 2004 and 2014, suggesting that additional events occurred without the required permits.³ The logical conclusion is that many marketing events have been held at Hagafen Cellars since 2000 in violation of the Operative COAs.

Operative COA No. 2 further states as follows:

The individuals on the attached mailing notice list shall be provided with written notice, a minimum of ten (10) days, in advance of any and all of the twelve (12) events that can occur each year.

The Applicant has been in continual violation of this provision. Our clients have never received such written notices from Hagafen Cellars nor, based on the clients’ conversations with a number of their neighbors whose names are also on the mailing notice list, neither have those neighbors received the required notices.

³ In 2004, 2 temporary event permits were issued, followed by 2 in 2005, 1 in 2006, 2 in 2007, 2 in 2008, 2 in 2009, 1 in 2010, and 1 in 2014, for a total of 13 temporary event permits.

March 17, 2026

Page 6

B. Violations of Operative COAs No. 3(a) and No. 8.

Operative COA No. 3(a) states in part as follows:

Tours of the winery and/ or tasting of wine **shall be by appointment only . . . and shall be limited to** 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.**” (Bold added.)

Operative COA No. 8 states in part as follows:

“A sign specifying the hours and days of tours and tastings and retail sales complying with all applicable County ordinances regarding signing shall be posted along Silverado Trail.”

Hagafen Cellars initially complied with the signage requirements by placing metal plaques on each of the two entry structures flanking the driveway entrance from Silverado Trail. As required, the signs read “Tours and Tastings by Prior Appointment Only.”

Sometime thereafter, however, Hagafen Cellars removed the required signage. The gradual way in which Hagafen Cellars went about this removal is emblematic of the Applicant’s pattern of behavior. Photos taken over the years (see **Exhibit A**) reveal the following sequence of changes.

Sometime thereafter, the signs were removed by Hagafen Cellars in violation of Operative COA No. 8 and never replaced. Foliage was positioned by the Applicant in front of the left entry structure in an attempt to disguise the absence of the required signage on that entry structure.

Next, an electrical transformer was positioned in front of the left entry structure to make the empty space where the sign used to be less obvious.

More recently, two new plaques were placed on the two front entry structures where the required signs were initially placed in 2000. However, instead of reading as required by Operative COA No. 8, the new signs simply read “Hagafen Cellars.” In addition, for a period of time during the summer of 2021, a two-sided sandwich-board type sign was placed near the front of the right entry structure. The sign read “OPEN New Releases” without any mention that tours and tastings are by prior appointment only.

March 17, 2026

Page 7

Given the above sequence of events, it strains credulity to believe that the Applicant has been strictly complying with the prior-appointment provisions of the Operative COAs.

Hagafen Cellars should be required to restore the required signage to both the left and right entry structures, and to comply fully with the prior-appointment provisions of the Operative COAs. The Applicant should further be required to verify its compliance by maintaining detailed records and providing them to the County on an ongoing basis.

C. Violation of Setback Requirements of Operative COA No. 14.

Operative COA No. 14 states in part as follows:

All required aboveground water storage tanks . . . shall be screened from views of adjacent properties by a visual barrier consisting of fencing and/or dense landscaping.

There is presently no screening of either the aboveground water tank shown in the initial drawings, or the second aboveground water tank that appears to have been added later.

D. Violation of Operative COA No. 17.

Operative COA No. 17 states in part as follows:

All facilities of the winery, including offices, shall be for the exclusive use of the on-site winery. No overnight accommodations are permitted.

Photos taken by a County inspector during a code violation inspection of the interior of the winery show a bed situated on the second floor of the winery. It is obvious from these photos that the winery building was being used for overnight accommodations in violation of Operative COA No. 17. On April 23, 2019, during an inspection that identified certain health and safety issues, the County inspector observed this violation and ordered the Applicant to cease such prohibited uses.

Our clients request that the Planning Commission direct County Inspectors to perform unannounced spot inspections of the Winery facilities from time to time to ensure that such prohibited uses have not been resumed by the Applicant.

March 17, 2026

Page 8

VI. OTHER USE PERMIT VIOLATIONS

A. Misuse of the Very Minor Modification Process.

There has been only one modification of the Hagafen Use Permit since 2000. It was initiated by Hagafen Cellars' March 6, 2018, "Request for very Minor/Minor Modification."

The Applicant's request "to serve wine to our visitors in our existing outdoor trellis areas . . . including picnicking" disingenuously failed to mention that Operative COA No. 2 expressly prohibits "picnicking, outdoor dining, or outdoor wine tasting" except for "the 'harvest' event and any events as may specifically be authorized pursuant to the Temporary Event Ordinance."

The Applicant's request was misleading and resulted in the County's approval of an expansion of uses in violation of the express provisions of Operative COA No. 2, which limitations have been in place since June 2000.

The Applicant attempted to justify its request for outdoor consumption of wine in the patio area by referring to a 2009 amendment to California Business & Professions ("B&P") Code Section 23358 allowing "on-premises consumption of wine produced on-site and purchased from the winery." But the 2009 amendment did not change the fact that language in Operative COA No. 2 prohibits outdoor wine tasting (as well as picnicking and outdoor dining) except for the harvest event and events specifically authorized pursuant to the Temporary Event Ordinance. As a result, on-premises consumption of Hagafen Cellars' wine produced on the premises is extremely limited, as are picnicking and outdoor dining.

It is clear that Hagafen Cellars has chosen to ignore some of the strict requirements imposed by Operative COA No. 2. But the Very Minor Modification Conditions of Approval neither supersede nor eliminate the limitations set forth in Operative COA Section 2. Subdivision (e) of B&P Code Section 23358 expressly so provides: "Nothing in this section [23358] . . . is intended to alter, diminish, replace, or eliminate the authority of a county, city, or city and county from exercising land use regulatory authority by law to the extent the authority may restrict, but not eliminate, privileges afforded by [Section 23358]." The amendment to B&P Code Section 23358 that was made as a result of Assembly Bill 2004 allowing "on-premises consumption of wine produced on-site and purchased from the winery" did not change the fact that Operative COA No. 2 PROHIBITS outdoor wine tasting (as well as picnicking and outdoor dining) except for the harvest event and events specifically authorized pursuant to the Temporary Event Ordinance.

March 17, 2026

Page 9

The Zoning Administrator’s approval of this portion of the Very Minor Modification should never have occurred without reference being made to the continuing applicability of the limitations set forth in Operative COA No. 2. The Very Minor Modification should be modified by the Planning Commission to make it abundantly clear that those limitations remain in full force and effect.

B. Traffic and Parking Impacts.

Visitation, retail sales and marketing events in excess of approved limits of the Applicant’s Operative COAs will have an environmental impact on the amount of traffic generated by visitors to Hagafen Cellars and cast doubt on whether the number of onsite parking spaces are adequate for this increase. Staff asserts the increase in visitors (seeking to allow an additional 1,894 visitors/year), along with the increase in operational hours and retail sales (seeking to operate 7 days/week) will not possibly cause *any* new significant environmental impacts, even on traffic. But Staff provides no data to support this assertion. The only assertion made is that these increases in use are exempt from CEQA because there is no possibility that they may cause an impact (addressed further below).

We request that Staff take a closer look at this issue. During the Board’s hearings leading up to the adoption of the Board Resolution, the Board repeatedly stressed that key considerations of the Code Compliance Program include safety concerns. Increased levels of traffic directly caused by increased visitation and marketing events in excess of the permitted amounts directly raise such safety concerns here. Given the narrow two-lane roads that dominate the Napa Valley, it is logical to infer that visitations in excess of winery use permit conditions of approval increase automobile traffic and raise serious safety issues.

Chicken Coop Using Boundary Fence as Part of the Enclosure.

The above-referenced County staff inspection of April 23, 2019, also identified a health and safety issue regarding the use of an extension cord at the north side of the winery in violation of 2016 California Fire Code (“CFC”) section 605.5.⁴ County staff directed the Applicant to discontinue using the extension cord. If the Applicant has not already done so, the Applicant should be required to do so now.

⁴ **605.5 Extension cords.** Extension cords and flexible cords shall not be a substitute for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall be used only with portable appliances.

March 17, 2026
 Page 10

VII. THE COUNTY MAY NOT USE ONGOING PERMIT VIOLATIONS AS THE ENVIRONMENTAL BASELINE UNDER CEQA

A. The CEQA Baseline Must Reflect Lawfully Authorized Operations.

CEQA requires that environmental impacts be measured against the existing environmental setting, which normally reflects the physical conditions at the time environmental review begins. (CEQA Guidelines §15125(a).) However, courts have made clear that the baseline must be reasonable and supported by substantial evidence, and agencies may not adopt a baseline that distorts the environmental analysis or masks project impacts. The California Supreme Court has held that the baseline must represent “the real conditions on the ground” in a manner that allows meaningful analysis of environmental change. (Communities for a Better Environment v. South Coast Air Quality Management District (2010) 48 Cal.4th 310, 322–328.)

Where existing operations exceed legally authorized levels, using those unlawful operations as the baseline improperly hide the environmental impacts of the proposed project. In such cases, courts have required agencies to use a baseline that reflects lawfully permitted operations rather than ongoing violations.

B. The Proposed “Recognition” of Existing Activities Would Legalize Ongoing Violations.

Hagafen Cellar’s application seeks approval of activities that exceed the limits established in the Operative COAs, including:

Category	Current Permit	Proposed Recognition
Days of operation	Mon–Fri, Sun	Mon–Sun
Retail sales	Mon–Thu, Sun	Mon–Sun
Visitors/day	25	60
Visitors/week	150	311

March 17, 2026

Page 11

Category	Current Permit	Proposed Recognition
Annual visitors	7,825	9,719

The winery also seeks approval for:

- use of a previously unapproved 720-square-foot storage room
- removal of monitoring and reporting conditions
- removal of notice requirements to affected neighbors

Importantly, these expanded activities were already occurring in violation of the existing permit prior to the filing of the application. These unauthorized activities cannot be “recognized” as the existing condition, which would then become the CEQA baseline.

C. Using the Violation-Based Baseline Would Improperly Mask Environmental Impacts.

If the County adopts the unlawful operations as the baseline, the CEQA analysis will show little or no environmental change, even though the project substantially expands the intensity of use beyond what was approved.

Measured against the Operative COAs, the proposed project represents a substantial increase in activity:

- 140% increase in daily visitation (25 → 60 visitors)
- 107% increase in weekly visitation (150 → 311 visitors)
- Expanded operations to seven days per week
- Expanded retail operations

These changes have clear potential to increase:

March 17, 2026

Page 12

- traffic on local rural roads
- noise and activity levels
- parking demand
- visitor-related impacts on neighboring residential properties

Using the unlawful operational level as the baseline would erase these impacts from the CEQA analysis, contrary to CEQA’s fundamental purpose of informing decision-makers and the public of environmental consequences.

Given that the proposal would increase annual visitation, expand operating days, and intensify retail activity, it is self-evident that additional vehicle trips will be generated. Increased traffic volumes and parking demand are reasonably foreseeable consequences of increased visitation. At a minimum, these changes raise a fair argument that the project may result in environmental impacts related to traffic and parking thereby requiring CEQA review.

D. CEQA Does Not Allow Applicants to Benefit from Their Own Permit Violations.

Courts have cautioned that CEQA cannot be used to retroactively legitimize unlawful activities. If agencies were permitted to adopt violation-based baselines, project applicants could:

1. expand operations beyond permit limits
2. create a new “existing condition”
3. seek approval based on that condition

Such an approach would reward noncompliance and undermine both CEQA and local permitting enforcement. The California Supreme Court in *Communities for a Better Environment* emphasized that baselines cannot be manipulated in ways that obscure the project’s true environmental impacts.

Similarly, courts have held that agencies must avoid baselines that artificially minimize environmental change. (*Sunnyvale West Neighborhood Assn. v. City of Sunnyvale* (2010) 190 Cal.App.4th 1351.)

March 17, 2026

Page 13

E. Removal of Monitoring Conditions Further Undermines Environmental Oversight.

The project also proposes removal of several permit conditions that currently ensure monitoring and transparency, including requirements for:

- annual visitation reports
- grape sourcing reports
- annual wine production reporting
- notice to affected neighbors

These conditions serve an important role in ensuring compliance with the winery's approved operational limits. Eliminating these monitoring requirements while simultaneously expanding operations would reduce the County's ability to verify compliance and detect environmental impacts. This reduction in oversight raises additional concerns under CEQA, which requires enforceable mitigation measures and monitoring programs. (Public Resources Code §21081.6.)

For these reasons, the Commission must:

1. Reject the proposed baseline based on existing unauthorized operations.
2. Use the winery's permitted operational limits under Use Permit No. 99477 as the CEQA baseline.
3. Conduct a full environmental analysis of the impacts associated with the proposed expansion of visitation, retail operations, and facility use.

Only by using the legally permitted operational level as the baseline can the County ensure that CEQA review accurately discloses the environmental impacts of the proposed project.

VII. CONCLUSION

The Applicant seeks to portray itself as a small, family-owned winery whose activities in violation of its conditions of approval should be excused and forgiven by the

March 17, 2026

Page 14

County. But to do so would require the County to condone the Applicant's numerous violations of its Conditions of Approval over the past 20-plus years.

That is precisely the sort of behavior the Code Compliance Program is designed to correct rather than reward. To excuse such behavior by the Applicant would do a great disservice to the other winery owners who have sought County approval in advance when they wished to exceed their existing gallonage limitations or the existing visitation and marketing limits of their current use permits.

As Supervisor Wagenknecht observed in 2017 during the Board's sessions leading up to the adoption of the Code Compliance Program, the Program is composed of two parts: a violation process and an expansion process. That should be the path the Planning Commission follows here.

Hagafen Cellars should be required to strictly comply with its existing Conditions of Approval and to demonstrate over a meaningful period of time *such as two years* that it has done so before being allowed to submit any new applications to the County for modification or expansion of its existing Conditions of Approval.

At a minimum, the Commission should require the winery to demonstrate sustained compliance with its existing permit conditions before considering any expansion of its operational limits.

Sincerely,

FENNEMORE LLP



Patricia E. Curtin

PCUR

cc: Emily Hedge, Planner III
Clients

45804760.1/062377.0001

“E”

Applicant Response Letter
to Public Comment Received after
the March 18, 2026 Hearing

Betsy Strauss
Attorney at Law
3018 Porter Street NW
Washington D.C. 20008

March 23, 2026

Napa County Planning Commission
1195 Third Street, Third Floor
Napa, CA 94559

RE: Use Permit Major Modification #P19-00121-MOD: Hagafen Cellars Winery

Dear Honorable Chair and Members of the Commission:

I represent Hagafen Cellars, the applicant for Use Permit Major Modification #P19-00121-MOD. We'd like to respond to the written correspondence dated March 17, 2026 submitted by Patricia Curtin on behalf of Mrs. Ariane Matschullat and Weathervane Ranch, LLC, owners of property adjacent to Hagafen Cellars ("Letter of Opposition").

We would appreciate your consideration of the following:

1. The Napa County Code Compliance Program and this Use Permit

The County Code Compliance Program is a "systematic program with enforceable deadlines for landowners to apply for new permits or modifications **to resolve outstanding violations**" (Resolution No. 2018-164; emphasis added). This Program provides an option for property owners not in compliance with their use permits to come forward and remedy any violations.

A. By memo of November 18, 2020, Planning, Building & Environmental Services staff explained to the neighbors that "The winery application acknowledges that operations have been out of compliance with their original 1998 Use Permit."

Hagafen Cellars does not dispute the "outstanding violations" of its previously issued use permit.

B. Napa County Code 18.16.020(I) states that wineries authorized by use permit are allowed in the AP district; "provided, that no expansion of uses or structures beyond those which were authorized by use permit...shall be permitted **except as may be authorized by a subsequent use permit issued pursuant to this title**" (emphasis added).

Hagafen Cellars does not dispute that a "subsequent use permit" must be issued to continue its existing operations. Application has been made for that "subsequent use permit" in Use Permit Major Modification #19-00121-MOD.

The Letter of Opposition expresses surprise that: "Despite the violations, Staff recommends approval allowing the violations to become 'permitted.'"

In fact if there were no violations, there would be no need for this application.

2. Violations of Conditions

The Letter of Opposition comments on:

- COA 2 (event limitation) which it says Hagafen “appears to have violated;”
- COA 3 (visitation conditions) which “it strains credulity to believe that the Applicant has been strictly complying with;”
- COA 8 (Silverado Trail sign required) which it says Hagafen violated by “removing the required signage.”
- COA 14 (storage tank visual barrier) which it says there is “presently no screening of...the aboveground water tanks;”
- COA 17 (no overnight accommodations) which it says was violated on April 23, 2019 and thereafter ceased in response to an order from a County inspector.

In response:

- COA 2: The event limitation has not been exceeded. Notification of the neighbors has not occurred in accordance with the condition. This application asks that the notification requirement be removed.
- COA 3: Hagafen Cellars has always required prior appointments for winery visitation.
- COA 8: Signage was stolen several years ago (along with many other wineries’ signage), presumably for the metal value. Hagafen replaced the signs but removed the language about hours and days of operation to simplify the language.
- COA 14: Hagafen Cellars would be happy to submit photographs that show the landscaped screening of the water tanks. In addition, it should be noted that from April through November, foliage screening is provided by the grape canopies of more than twenty rows of grapevines.
- COA 17: As noted in the Letter of Opposition, the bed was removed following the 2019 inspection.

The findings presented by the County staff concludes: “The proposed Use Permit Major Modification complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan.”

3. California Environmental Quality Act

The environmental impacts of a project must be measured against the existing physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the “baseline physical conditions” by which a lead agency determines whether an impact is significant (CEQA Guidelines section 15125(a)). As stated in the February 20 memo from Emily Hedge to the Planning Commission, a long line of appellate cases affirm that “...the baseline must reflect the ‘physical conditions existing at the time the environmental analysis’ begins...even if the current condition includes unauthorized and even environmentally harmful conditions that never received, and, as a result of being

incorporated into the baseline, may never receive environmental review” (*Center for Biological Diversity v. California Department of Fish & Wildlife* (2015) 234 Cal.Ap.4th 214, 249). The *Center for Biological Diversity* case relied on and agreed with the California Supreme Court’s opinion in *Communities for a Better Environment v. South Coast Air Quality Management District* ((2010) 48 Cal.4th 310)).

The Letter of Opposition explains that this same California Supreme Court case held that the baseline must represent the “real conditions on the ground” in a manner that allows meaningful analysis of environmental change.

There is no indication that the baseline represents anything other than the “real conditions on the ground.” As the February 20 memo explains, “the winery’s existing, unpermitted operations were used as the environmental baseline for the CEQA analysis.”

4. In conclusion

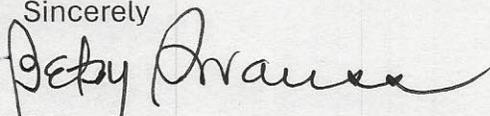
We ask for your approval of this application which, according to County staff, complies with the terms and conditions of the Code Compliance Program, the General Plan and all other Napa County codes and regulations.

The Code Compliance Program required the application to distinguish between portions of the project that are necessary to remedy existing significant violations and those portions of a proposed project that would expand beyond current levels of operation.

Any significant code violation has been remedied. There is no request to expand beyond current levels of operation.

Thank you for your consideration.

Sincerely



Betsy Strauss

C: Hagafen Cellars
Beth Painter
Emily Hedge
Patricia Curtin

Water tank landscaping



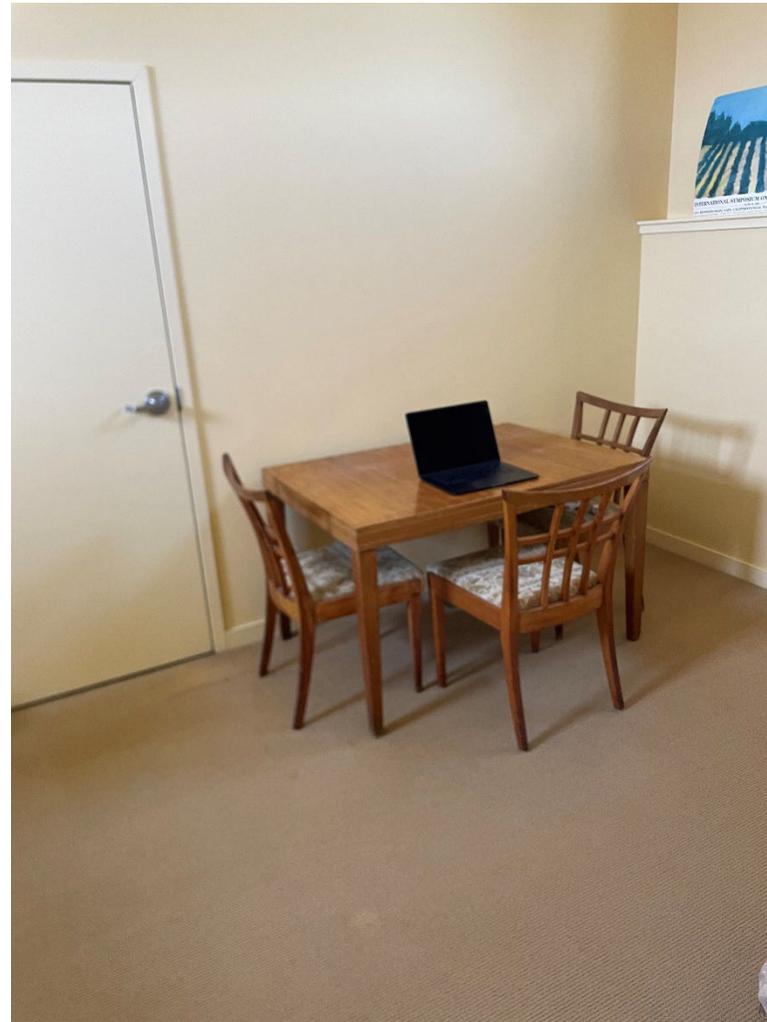
Water tank view from neighboring property to the north



Well landscaping screening



Offices



“F”

**Board of Supervisors
Resolution No. 2018-164**

Hagafen Cellars Winery Major Modification - P19-00121
Planning Commission Hearing – April 1, 2026

RESOLUTION NO. 2018-164

**RESOLUTION OF THE BOARD OF SUPERVISORS OF NAPA COUNTY,
STATE OF CALIFORNIA, EFFECTIVE DECEMBER 4, 2018, PROVIDING
DIRECTION TO COUNTY STAFF REGARDING THE COUNTY CODE
COMPLIANCE PROGRAM, ANNUAL WINERY PRODUCTION
AND GRAPE SOURCE REPORTS, AND REGULATION
AND PERMITTING OF TEMPORARY EVENTS**

WHEREAS, on August 22, 2017, the Board of Supervisors directed staff of the County Planning Building & Environmental Services Department (“Staff”) to present for the Board’s consideration Staff’s recommendations regarding certain changes to the County’s land use regulation and compliance program that included the following components: 1) a systematic program with enforceable deadlines for landowners to apply for new permits or modifications to resolve outstanding violations; 2) a reporting program that would include annual production and grape sourcing data for certain wineries located within the unincorporated area of Napa County; and 3) revisions to the current process and procedures for temporary events; and

WHEREAS, in public session on September 12, 2017, October 20, 2018, and November 13, 2018, Staff presented its recommendations to the Board on the issues described above and accepted the Board’s direction; and

WHEREAS, the Board heard and considered Staff’s presentations and all public comments and written input on Staff’s recommendations; and

WHEREAS, on November 13, 2018, the Board gave direction to Staff to make certain modifications to Staff’s recommendations to be set forth in a Resolution for the Board’s consideration,

NOW, THEREFORE, BE IT RESOLVED, effective as of December 4, 2018, as follows:

1. The Board hereby directs Staff to implement the following procedures and policies in connection with the processing of land use entitlement applications that are related to properties that are the subject of County Code violations. These procedures and policies do not apply to the issuance and/or enforcement of Building Permits, except where specified:
 - a. Establish a deadline of 2:00 PM on March 29, 2019 (“deadline”), for all landowners who wish to apply for a permit to voluntarily remedy their violations, or for a status determination application to clarify the extent of existing entitlements in accordance with subsection (b) below. Qualified permit applications must be substantially conforming and must be received by the Planning, Building, and Environmental Services (PBES) Department by the deadline. A “substantially conforming” application must include a substantially complete set of the documents required in the application checklist, and information responsive to the requirements. A “substantially conforming” application need not include technical studies where the applicant demonstrates studies could not be completed by the deadline due to seasonal conditions or other extenuating circumstances. All excluded technical studies must be submitted as soon as possible, not to exceed 120 days from the

deadline. Applicants must make a good faith effort to make the application as complete as possible.

- i. Require applicants to make a continuous good faith effort to complete their applications in as timely a manner as is practicable. Napa County's Local Procedures for Implementing the California Environmental Quality Act (CEQA) state that no application for a permit shall be deemed complete until all information has been submitted necessary to complete an Initial Study, determine that the project is exempt, or determine that the project is not subject to CEQA. After 120 days from the deadline, when the PBES Director ("Director") determines, in the Director's sole discretion, that an application is incomplete and that the applicant is not making a good faith effort towards timely completion, the application will be closed out and any unused funds will be returned to the applicant.
- ii. Advise applicants who seek to participate in this program that the County does not make any promise or representation that their applications will be granted in whole or in part. Each application will be considered on its own respective merits.
- iii. Within 30 days of the submittal of a substantially conforming application, staff shall conduct a compliance inspection of each property for which an application was received pursuant to this program. The inspection would verify the violations that the applicant was requesting to correct in the application and the existence of health and safety violations. Upon verification of violation(s), staff will send a new or amended Notice of Violation to the owner, which will clearly list the verified violations and any health and safety violations determined through the inspection, and will describe how compliance can be achieved. Those violations that pose an immediate threat to public health, safety, and/or threaten the environment, must be abated before the application can be deemed complete. Owners who submit an application for any new or modified permit by the above deadline would continue to be subject to penalties for constructing improvements without a Building Permit.
- iv. Revise staff reports to "decouple" recommendations regarding all discretionary applications submitted before the deadline that involve both existing significant violations and requests to expand operations. The project description, recommendations, and options presented in staff reports will clearly distinguish between portions of a proposed project that are necessary to remedy existing significant violations, and those portions of a proposed project that would expand beyond current levels of operation. Significant violations are defined as those involving wine production in excess of approved limits, grape sourcing that does not comply with the 75% grape source rule (if applicable), visitation or marketing in excess of approved limits, and unpermitted building construction and/or occupancy. The recommendations for those elements of a proposed project dealing with violations and those dealing with an expansion beyond existing operations/entitlements will be considered separately by the decision-making body.

- v. Except for substantially conforming applications received by PBES prior to the deadline, require all properties that have new or continued health and safety or significant pre-existing violations to come into immediate compliance with legal entitlements and all applicable County Code requirements. Owners of properties with health and safety or significant violations shall be required to operate within their existing legal entitlements for one year from the date of the initial Notice of Violation, absent extraordinary circumstances, before a use permit or modification application to remedy the violation(s) may be submitted to PBES. Owners may also be subject to fines or penalties for past and ongoing violations. This provision is intended to and shall require that the environmental impacts of discretionary permit applications shall be assessed against a “baseline” of operations that are within existing legal entitlements, rather than in violation of them. Owners may submit a use permit or modification application to remedy violation(s) during the one-year period while they operate within their legal entitlements, but only if they agree in writing that their legal entitlements or their existing legal operations, whichever is lower, shall be used as the environmental baseline for all CEQA analysis related to the application. Public hearings for such use permit or modification applications shall not be scheduled until the owner has operated within legal entitlements for one year from the date of the Initial Notice of Violation, absent extraordinary circumstance.
- b. Continue to allow any property owners to voluntarily initiate a review by the County to determine the extent of their existing entitlements and/or permissible uses of their property. The purpose of such status determinations would be solely to document and/or delineate existing property rights, and would not reduce or affect established entitlements. Staff would evaluate existing use permits, use permit modifications, other land use entitlements, and any documentary evidence provided by the applicant. The resulting analysis would lead to a written decision by the PBES Director that would provide the owner with a clear understanding of both their rights and obligations, which the owner and staff would then both rely upon in the future to determine if a land use is operating in compliance with existing entitlements and the County Code. The Director’s decision would be issued administratively within 120 days of the application being determined complete, without a public hearing. Any party entitled to appeal under County Code Chapter 2.88 can appeal the decision to the Board of Supervisors. If an owner or interested party disagrees with the Director’s decision, in whole or in part, regarding a status determination application accepted as complete prior to the deadline set forth in subparagraph 1(a) above, the deadline will be extended for an amount of time equal to the time required to process the status determination application or 120 days, whichever is less. This extension is to allow the owner an opportunity to prepare a substantially conforming use permit or modification application to remedy any outstanding violations.
- c. To the extent feasible, assign one planner to each application for a use permit or use permit modification who will be the point of contact for the owner throughout the process. Contract with appropriate and qualified consulting firms to provide short-term support for Code Compliance, Planning, County Counsel, and other functions as needed if implementation of the above procedures results in a significant increase in workload for PBES and/or County Counsel’s office. Budgets may be adjusted as necessary to accommodate the additional expenditures, following approval by the

Board of Supervisors. The full cost of contract personnel would be paid for by the applicants. Contract personnel may be retained until the permit applications submitted prior to the deadline have been fully processed.

- d. Provide outreach and education to landowners and the public regarding the policies and procedures contained within this Resolution, between now and the deadline.
 - e. Provide monthly updates to the Board of Supervisors regarding the status of implementing the policies and procedures contained within this Resolution, including but not limited to reports on the number of permit applications received, the timelines for processing such applications, number of code compliance cases, and the number and the performance of contract personnel.
2. The Board of Supervisors directs Staff to return to the Board with a proposed Ordinance for the Board's consideration at a public hearing to enact annual winery reporting requirements with the following proposed elements:
- a. Require that all wineries within the unincorporated area, other than those referenced in sub-section (d) below, annually report by July 1 the following information to the PBES Director, beginning in 2019 and each year thereafter: (A) number of gallons of wine produced in the previous calendar year; and (B) number of gallons crushed and juiced in the previous year from grapes that were grown in Napa County.
 - b. Evaluate all production reporting pursuant to the County Winery Production Process, including the use of a rolling three-year average. For the first year of reporting in 2019 only, wineries will submit data for the previous three years to determine current compliance with production requirements. Production data will be required annually thereafter.
 - c. Acknowledge that the Winery Production Process formula is not equally applicable to all winery operations. Those wineries that wish to submit alternative calculations may submit an amended report, which shall explain the methodology proposed to calculate a winery's production and/or grape source percentage.
 - d. Exempt wineries outside the Agricultural Preserve and Agricultural Watershed Zoning districts and pre-Winery Definition Ordinance (WDO) wineries within those zoning districts which do not have to comply with the 75% Napa County grape source requirement, from annually submitting sourcing data and United States Department of Agriculture (USDA) California Grape Crush Inquiry Reports. However, such wineries must provide annual production level reports, along with scanned United States Alcohol, Tobacco Tax and Trade Bureau (TTB) Reports of Wine Premises Operation, to verify that they are staying within their approved or recognized pre-WDO levels.
 - e. Require scanned TTB Reports of Wine Premises Operations, and United States Department of Agriculture (USDA) California Grape Crush Reports to be submitted as attachments to verify the information submitted to the County. All information submitted to the County will be treated as proprietary or tax records gathered for purpose of enforcement and will be maintained in a secured database with limited

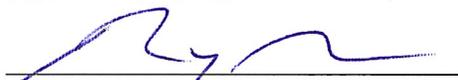
access and shall not be treated as public records pursuant to Government Code §6250 et seq. to the extent permitted by law. Once reporting has been reviewed by staff to verify compliance, production and grape source data will be destroyed, except when used as part of an ongoing violation investigation related to wine production and/or grape sourcing. The County will engage in outreach and education efforts to ensure that winery owners are informed of the reporting requirement.

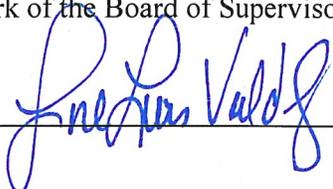
- f. Conduct an inspection and full evaluation of all entitlement requirements and conditions of approval, when the reporting data submitted to the County indicates that a winery is in violation of either their production limit and/or their grape sourcing requirement. If violations are discovered, staff will send a Notice of Violation to the owner, which will clearly list all violations and how compliance can be achieved.
 - g. Create the software and Internet interface necessary to minimize the burden for wineries to report their annual data to the County electronically. In addition, develop a database/spreadsheet to evaluate the production data in accordance with the County Winery Production Process. The software programs shall be designed to ensure that all data and analysis obtained through annual winery reporting is fully secured with restricted staff access. Staff will work with Information Technology Services (ITS) to develop the program. If additional expertise is required, ITS may hire a consultant to assist with the development of the software program. Budgets may be adjusted as necessary to accommodate the additional expenditure, following approval by the Board of Supervisors.
3. The Board directs Staff to return to the Board with a proposed Ordinance for the Board's consideration at a public hearing for revisions to the current process and procedures for regulation and permitting of temporary events, with the following proposed elements:
- a. Create an enforcement process for Temporary Events, similar to the procedures currently used by the Public Works Department to enforce permits that allow Special Events on Public Roadways. The enforcement process would include the ability to place permit holders "on probation" when a violation has been confirmed, and to allow for the denial of applications for Temporary Event permits where there are multiple violations.
 - b. Require that applications for Temporary Events be submitted a minimum of 90-days in advance of the date of the event. The County will engage in outreach and education efforts to ensure that property owners, non-profit organizations, and other sponsors of temporary events are informed of the change in the application timeline.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Napa County Board of Supervisors, State of California, at a regular meeting of the Board held on the 4th of December, 2018, by the following vote:

AYES:	SUPERVISORS	PEDROZA, RAMOS, DILLON and GREGORY
NOES:	SUPERVISORS	NONE
ABSTAIN:	SUPERVISORS	NONE
ABSENT:	SUPERVISORS	WAGENKNECHT

NAPA COUNTY, a political subdivision of the State of California

By: 
RYAN GREGORY, Vice Chair of the Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Jeffrey M. Brax</u>, (via e-signature) County Counsel</p> <p>Date: <u>December 4, 2018</u></p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: December 4, 2018 Processed By:  Deputy Clerk of the Board</p>	<p>ATTEST: JOSE LUIS VALDEZ Clerk of the Board of Supervisors</p> <p>By: </p>
--	---	---

Napa County Planning Commission
1498 Third Street
Napa, CA 94559

March 30, 2026

Honorable Commissioners:

I am writing to you once again with some additional comments on the Hagafen Major Modification, #P19-0012 MOD, especially in light of the letter submitted on behalf of the neighbor, Ariana Matschullat by her attorney Patricia Curtin on March 17.

I believe I have unique experience by having been on both sides of the dais in matters like this, as a Planning Commissioner and as an applicant for Saintsbury's Major Modification reviewed under the same program that Hagafen's application is being considered.

For as long as I can remember, the County has taken the position that the best way to ensure that land use regulations are adhered to is by making every effort to bring use permit holders into compliance by working with them to remedy any activities that exceed or violate the terms of their use permits. As someone who follows these matters closely, I can attest it was in that spirit that the Board of Supervisors created the Code Compliance Program in 2019. It was under that program that Saintsbury's Major Mod was considered and it is under that same program that Hagafen's application comes to you now.

Throughout her letter, Ms. Curtin exhibits a remarkable level of mind-reading skill—she seems to have the ability to know the state of mind of Hagafen's owners and staff, in order to show them in the worst possible light: with references to "conscious disregard" and "no sincere interest" when it comes to compliance with terms of their Use Permit. According to Ms. Curtin, any exceedance of the numerical limits of a Use Permit makes one a "bad actor". Having seen actual bad actors in action, her rhetoric is a gross mischaracterization of what Hagafen is seeking to remedy with this application.

On page 5 of her letter, Ms. Curtin asserts that Hagafen has been in "continual violation" of requirement to notify neighbors. This statement is a logical fallacy; any violation of this COA must be attributed to a discrete event. Such purported violations cannot by their nature be "continual". Regarding placement of an electrical transformer, I can attest that this matter is up to PG&E and the relevant building codes. Hagafen is subject to the County's sign ordinance, and the COA regarding signage should be complied with. And I feel sure that the Commission will not feel comfortable singling out the applicant siccing County staff on the applicant in a search for real or imagined violations of the COA. On page 9, item VI (d) speaks for itself—does a chicken coop really rise to the level of requiring the attention of the Planning Commission?

On page 10, with Item VII Ms. Curtin wields the California Supreme Court's decision in *Communities for a Better Environment v. South Coast Airquality Management District* to call into question the County's choice of a baseline for the purposes of CEQA. (This was a case regarding permitting for modifications at an oil refinery.) The refinery contended that the air emissions from the project were covered under the umbrella of existing permits; the Court found that the "baseline" for analysis should be the "realized physical conditions on the ground" rather than some hypothetical scenario."

And so it is here in Napa County: the local adopted CEQA guidelines for CEQA analysis call for the proper baseline to be conditions as they exist, rather than engaging in hypothesizing about what may or may not be conditions absent the project in question. The Hagafen Major Mod is being treated in a manner consistent with how every other discretionary project is analyzed for CEQA purposes, no more and no less, and in the same manner as other wineries that entered into the code compliance program.

By her statements, Ms. Curtin shows ignorance bordering on disdain for the community-supported Code Compliance Program. The Hagafen application is one of the last to be heard by the Planning Commission submitted under the Program. The overall process has worked as intended by the Supervisors. Discretion was exercised all along the way. The land-use equivalents of speeding tickets were not lumped in with the land-use equivalent of fraud or malpractice.

Finally, Ms. Curtin describes Mrs. Matschullat as residing at 4176 Silverado Trail. The public record search I conducted indicated she is registered to vote at 38 Vineyard Lane, Greenwich, CT,. In addition the Matschullat Family Foundation's lists that address on its tax return.

Sincerely,
David W. Graves
459 Randolph Street
Napa, CA 94559
707-486-2038