

William Cole Winery

CEQA ANALYSIS



**It's the process,
not the project.**

**"Water for the project is represented to be supplied by a
'will serve' letter from the City of St. Helena...**

**No such letter is attached; in fact, only a request for a will serve letter is part of
the packet. The existing water supply agreement with CSH states that it is for
fire suppression only."**

Attachment M, Water Audit California comment

The graphic features a large black circle with a light green border, centered on a black rectangular background. The text 'CALIFORNIA ENVIRONMENTAL QUALITY ACT' is written in white, bold, sans-serif capital letters within the circle. To the left of the circle are two white wavy lines and a solid orange circle. To the right is a grid of white dots. In the top right corner of the overall image is a small orange and white circular logo.

**CALIFORNIA
ENVIRONMENTAL
QUALITY
ACT**

CEQA ANALYSIS

**CEQA requires public agencies to “look before they leap”
and consider the environmental consequences
of their discretionary actions.**

**CEQA is intended to inform government decision makers
and the public about the potential environmental effects
of proposed activities and to prevent significant,
avoidable environmental damage.**

LEAD AGENCY

The public agency that has the primary responsibility for carrying out or approving a project.

The Lead Agency has the primary responsibility for determining what level of CEQA review is required for a project.

CEQA Guidelines Section 15367

TRUSTEE AGENCY

A state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. Trustee agencies include the California Department of Fish and Game with regard to the fish and wildlife of the state, to designated rare or endangered native plants, and to game refuges, ecological reserves, and other areas administered by the department.

Cal. Code Regs. Tit. 14, § 15386

RESPONSIBLE AGENCY

**A Responsible Agency is a state agency
with some discretionary authority under CEQA
over a project or a portion of it,
but which has not been designated the Lead Agency.**

**Responsible Agencies meet their CEQA compliance requirements
by reviewing a CEQA document prepared by the Lead Agency.**

CEQA Guidelines Section 15381

RESPONSIBLE AGENCY

Responsible Agencies must independently review and approve the CEQA document, and cannot rely automatically on the Lead Agency's judgments.

**A Responsible Agency complies with CEQA
“by considering the EIR or Negative Declaration prepared by the Lead Agency and by reaching its own conclusions on whether and how to approve the project involved.”**

State CEQA Guidelines Section 15096(a)

STATE CLEARING HOUSE "SCH" WEBSITE

The screenshot shows the CEQA website interface for a permit modification. The page title is "William Cole Winery Use Permit Modification No. P19-00101 and Variance P19-00441-VAR". The page is divided into several sections: Summary, Contact Information, Location, Notice of Completion, and Attachments. Red circles highlight the "Document Description" in the Summary section, the "State Reviewing Agencies" in the Notice of Completion section, and the "Attachments" section at the bottom.

Summary

SCH Number	2024020486
Lead Agency	Napa County
Document Title	William Cole Winery Use Permit Modification No. P19-00101 and Variance P19-00441-VAR
Document Type	NEG - Negative Declaration
Received	3/13/2024
Present Land Use	Ag. Agricultural Watershed (AW) District / General Plan Designation: Agricultural, Watershed and Open Space (AWOS) Designation
Document Description	The 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 items that are out of compliance with the permitted entitlements and for expansion beyond existing entitlements such as production, number of employees, weekly visitation, marketing activities, on-premises consumption of wine produced on-site, parking, conversion of an existing agricultural barn to winery use, outdoor hospitality areas, and necessary infrastructure improvements and upgrades. The request also includes a Variance to the road setback requirement of 800 feet from Highway 29, where the existing barn is located less than 320 feet from Highway 29.

Contact Information

Name	Kelli Cahill
Agency Name	Napa County - Planning, Building, and Environmental Services
Job Title	Planner III
Contact Types	Lead/Public Agency
Address	1180 Third Street, Suite 210 Napa, CA 94559
Phone	(707) 265-2028
Email	kelli.cahill@countyofnapa.org

Location

Coordinates	38°31'15.458"N 122°59'07.97"W
Cities	St. Helena
Counties	Napa
Regions	Countywide
Cross Streets	Deer Park Road
Zip	94574
Total Acres	5.72
Parcel #	002-230-015
State Highways	29
Railways	NA
Airports	NA
Schools	5
Waterways	Napa River, York Creek, Sulphur Creek, Mill Creek, Bell Creek, Canon Creek
Township	8N
Range	6W
Section	28
Base	MDM

Notice of Completion

State Review Period Start	3/13/2024
State Review Period End	4/5/2024
State Reviewing Agencies	California Air Resources Board (ARB), California Department of Fish and Wildlife, Northern and Eureka Region 1 (CDFW), California Department of Forestry and Fire Protection (CAL FIRE), California Department of Parks and Recreation, California Department of Toxic Substances Control (DTSC), California Department of Transportation, District 4 (DOT), California Department of Water Resources (DWR), California Highway Patrol (CHP), California Native American Heritage Commission (NANH), California Natural Resources Agency, California Regional Water Quality Control Board, San Francisco Bay Region 2 (RWQCB), California State Lands Commission (SLC), Office of Historic Preservation, State Water Resources Control Board, Division of Drinking Water, State Water Resources Control Board, Division of Water Quality
Development Types	Commercial (Winery)(Sq. Ft. 3120, Acres 5.72, Employees 8)
Local Actions	Use Permit
Project Issues	Hydrology/Water Quality
Public Review Period Start	3/14/2024
Public Review Period End	4/5/2024

Attachments

Draft Environmental Document (Draft EIS, NCA, NCA, PA) notices, OPR Summary Form, Appx.	Notice of Intent - William Cole [PDF 1.6 MB] Summary_Form_for_Document_Scanable_William Cole [PDF 1.6 MB]
Final Document(s) (Approval, Certified, Draft environmental document, etc.)	Initial Study Neg Dec William Cole [PDF 2.1 MB]
Notice of Completion (NOC) Transmittal form	NOC_William Cole [PDF 1.6 MB]

Disclaimer: The Governor's Office of Planning and Research (OPR) accepts no responsibility for the content or accessibility of these documents. To obtain an attachment in a different format, please contact the lead agency or contact information listed above. For more information, please visit OPR's Accessibility Site.

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1. Document Description

2. State Reviewing Agencies

3. Attachments

1. Document Description

Document Description

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 items that are out of compliance with the permitted entitlements and for expansion beyond existing entitlements such as production, number of employees, weekly visitation, marketing activities, on-premises consumption of wine produced on-site, parking, conversion of an existing agricultural barn for winery use, outdoor hospitality areas, and necessary infrastructure improvements and upgrades. The request also includes a Variance to the road setback requirement of 600 feet from Highway 29, where the existing barn is located less than 320 feet from Highway 29.

2. State Reviewing Agencies

State Reviewing Agencies

California Air Resources Board (ARB), California Department of Fish and Wildlife, Northern and Eureka Region 1 (CDFW), California Department of Forestry and Fire Protection (CAL FIRE), California Department of Parks and Recreation, California Department of Toxic Substances Control (DTSC), California Department of Transportation, District 4 (DOT), California Department of Water Resources (DWR), California Highway Patrol (CHP), California Native American Heritage Commission (NAHC), California Natural Resources Agency, California Regional Water Quality Control Board, San Francisco Bay Region 2 (RWQCB), California State Lands Commission (SLC), Office of Historic Preservation, State Water Resources Control Board, Division of Drinking Water, State Water Resources Control Board, Division of Water Quality

3. Attachments

Attachments

Draft Environmental Document
[Draft IS, NOI_NOA_Public
notices, OPR Summary Form,
Appx,]

Final Document(s)
[Approved_Certified draft
environmental documents]

Notice of Completion [NOC]
Transmittal form

A.

Notice of Intent - William Cole PDF 226 K

B.

Summary_Form_for_Document_Submittal_William Cole PDF 592 K

C.

Initial Study Neg Dec William Cole PDF 479 K

D.

NOC_William Cole PDF 244 K



A Tradition of Stewardship
A Commitment to Service

PUBLIC NOTICE

**NOTICE OF PLANNING COMMISSION HEARING &
NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION**

On Wednesday morning, the 3rd day of April 2024, at 9:00 a.m. at 1195 Third Street, Suite 305, Napa, California, a public hearing will be conducted by the Napa County Planning Commission regarding the project identified below. All interested persons are invited to attend the hearing and be heard.

William Cole Winery – Use Permit Major Modification #P19-00101-MOD & Variance P19-00441-VAR

Location: 2849 N. St. Helena Highway, St. Helena - Assessor’s Parcel No. 022-230-015; 5.72 acres

Zoning and General Plan Designation: Agricultural Watershed (AW) zoning district and Agriculture, Watershed, and Open Space (AWOS) general plan designation.

CEQA Status: Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would not have any potentially significant environmental impacts. 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 modify an existing winery Use Permit and subsequent modifications to recognize and approve items that are out of compliance with the permitted entitlements and for expansion beyond existing entitlements such as production, number of employees, weekly visitation, marketing activities, on-premises consumption of wine produced on-site, parking, conversion of an existing agricultural barn for winery use outdoor hospitality areas, and necessary infrastructure improvements and upgrades. The request also includes a Variance to the road setback requirement for 600 feet from Highway 29, where the existing winery and barn are located less than 320 feet from Highway 29.

Application materials, including the draft environmental determination and staff report are available on the Department’s Current Projects Explorer at: <https://www.countyofnapa.org/2876/Current-Projects-Explorer>

Copies of documents and other information relating to the project described above may be examined between 8:00 AM and 4:00 PM Monday through Friday at the office of the Planning, Building, and Environmental Services Department, Napa County Administration Building, 1195 Third St, Ste 210, Napa, California. For documents that are publicly available on the Current Projects Explorer, there will be a Public Record Copying Fee associated with the physical printing of documents. While drops-in may be accommodated to the extent possible on a case-by-case basis, we strongly encourage you to schedule an appointment for document review.

Written and verbal comments regarding this project and comments regarding the environmental effects of this project and the adequacy of the proposed Negative Declaration are solicited. Comments or appointment requests to review documents should be directed to Kelli Cahill, Planner III, Napa County Planning, Building & Environmental Services Department, 1195 Third Street, Suite 210, Napa, California; (707) 265-2325 or kelli.cahill@countyofnapa.org. Comments must be received before Noon on April 2, 2024.

A. Notice of Intent

If you challenge the particular proceeding in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the public hearing.

DATED: March 6, 2024

Brian D. Bordona
Director of Planning, Building, & Environmental Services

PLEASE DO NOT PUBLISH BELOW THIS LINE. THANK YOU

PUBLISH: March 14, 2024 - Napa Valley Register

Bill to: **Planning, Building & Environmental Services**
1195 Third Street, Ste 210
Napa, Ca. 94559
Invoice CDP 06515

B. Summary Form for Electronic Document

continued

Print From

Summary Form for Electronic Document Submittal

Form F

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: _____

Project Title: William Cole Winery Use Permit Major Modification No. P19-00101 and Variance P19-00441-VAR

Lead Agency: Napa County

Contact Name: Kelli Cahill

Email: kelli.cahill@countyofnapa.org Phone Number: (707) 265-2325

Project Location: 2849 N. St. Helena Hwy, St. Helena, Napa County
City County

Project Description (Proposed actions, location, and/or consequences).

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 items that are out of compliance with the permitted entitlements and for expansion beyond existing entitlements such as production, number of employees, weekly visitation, marketing activities, on-premises consumption of wine produced on-site, parking, conversion of an existing agricultural barn for winery use, outdoor hospitality areas, and necessary infrastructure improvements and upgrades. The request also includes a Variance to the road setback requirement of 600 feet from Highway 29, where the existing barn is located less than 320 feet from Highway 29.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

Provide a list of the responsible or trustee agencies for the project.

Caltrans District #4

Initial Study Checklist
(form updated January 2019)

C. Initial Study Checklist

1. **Project Title:** William Cole Winery Major Modification #P19-00101-MOD and Variance #P19-00441-VAR

2. **Property Owner:** William Ballentine Jr. and Jane Sorenson TR.

3. **County Contact Person, Phone Number and email:** Kelli Cahill
kelli.cahill@countyofnapa.org.

4. **Project Location and Assessor's Parcel Number (APN):**
The project is located on a 5.72 acre parcel within the Agricultural Watershed
driveway off State Highway 29, approximately 485 feet northwest of the City
Helena, CA 94574; APN: 022-230-015-000

5. **Project sponsor's name and address:** Bill and Jane Ballentine, P.O. Box 6

6. **General Plan description:** Agriculture, Watershed and Open Space (AWOS)

7. **Zoning:** Agricultural Watershed (AW)

8. **Background/Project History:**

January 2000 – An application for a new winery Use Permit #99286-UP and Variance
Commission on June 7, 2000, and denied based on findings contained in the
Supervisors, and on August 22, 2000, the decision of the Planning Commission

October 2002 - The Planning Commission approved the original William Cole
requirements, permit number 02307-UP as follows:

- 1) An annual production capacity of 20,000 gallons including custom production
maximum of four entities;
- 2) A 2-story existing 5,424-sf pre-prohibition structure, the first-floor houses
- 3) Crush pad area of 1,800 sf;
- 4) Hours of operation, Monday through Friday, 7:00 AM to 5:00 PM;
- 5) Six (6) off-street parking spaces;
- 6) Five (5) visitors on the busiest day, 10 on average per week by appointment
- 7) Marketing activities between the hours of 12:00 to 4:00 PM and 6:00 to 8:00
people, three events per year with a maximum of 25 people, and one event
- 8) The approved 4,000 sf Type 3 cave to be used for storage has not yet been

9. **Description of Project:** The pending application was submitted on March 2, 2018
(Board Resolution No. 2018-164), which allows property owners to voluntarily
application requests approval of a major modification and a variance for an existing 20,000 gallons per year winery to allow the following:

A. COMPONENTS NECESSARY TO REMEDY EXISTING VIOLATIONS:

- 1) Recognition of 22,000 gallons of production per year (approved for 20,000 gallons per year);
- 2) Recognition of five (5) by-appointment visitors per day for tours and tastings for a maximum of 23 visitors per week (approved for five (5) visitors on the busiest day, 10 on average per week by appointment)

11. **Other agencies whose approval is required** (e.g., permits, financing approval, or participation agreement).

The project would also require various ministerial approvals by the County, including but not limited to building permits, grading permits, waste disposal permits, in addition to meeting CalFire standards. Permits may also be required by the Department of Alcoholic Beverage Control and Bureau of Alcohol, Tobacco, & Firearms.

Responsible (R) and Trustee (T) Agencies

CalTrans

Other Agencies Contacted

n/a

12. **Tribal Cultural Resources.** Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resource, procedures regarding confidentiality, etc.

On December 7, 2023, County Staff sent invitations to consult on the proposed project to Native American tribes who had a cultural interest in the area and who as of that date had requested to be invited to consult on projects, in accordance with the requirements of

William Cole Winery Major Modification # P19-00101-MOD and Variance #P19-00441

Page 2 of 29

D. Notice of Completion

Appendix C

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: William Cole Winery Use Permit Major Modification No. P19-00101 and Variance P19-00441-VAR
Lead Agency: NapaCounty **Contact Person:** Kelli Cahill
Mailing Address: 1195 Third Street, Suite 210 **Phone:** (707) 265-2325
City: Napa **Zip:** 94559 **County:** Napa

Project Location: County: Napa City/Nearest Community: St. Helena
 Cross Streets: Deer Park Road Zip Code: 94574
 Longitude/Latitude (degrees, minutes and seconds): 38 ° 31 ' 5.444 " N / -122 ° 29 ' 27.967 " W Total Acres: 5.72
 Assessor's Parcel No.: 022-230-015-000 Section: 26 Twp.: 8N Range: 6W Base: MDM
 Within 2 Miles: State Hwy #: 29 Waterways: Napa River, York Creek, Sulpher Creek, Mill Creek, Bell Creek, Canon Creek
 Airports: 0 Railways: 0 Schools: 5

Document Type:
 CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document
 Early Cons Supplement/Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) Draft EIS Other:
 Mit Neg Dec Other:

Local Action Type:
 General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other:

Development Type:
 Residential: Units _____ Acres _____
 Office: Sq.ft. _____ Acres _____ Employees _____
 Commercial: Sq.ft. 3,120 Acres _____ Employees _____
 Industrial: Sq.ft. _____ Acres _____ Employees _____
 Educational:
 Recreational:
 Water Facilities: Type _____ MGD
 Transportation: Type _____
 Mining: Mineral _____
 Power: Type _____ MW
 Waste Treatment: Type _____ MGD
 Hazardous Waste: Type _____
 Other:

Project Issues Discussed in Document:
 Aesthetic/Visual Fiscal Recreation/Parks Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Archeological/Historical Geologic/Seismic Sewer Capacity Wetland/Riparian
 Biological Resources Minerals Soil Erosion/Compaction/Grading Growth Inducement
 Coastal Zone Noise Solid Waste Land Use
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Cumulative Effects
 Economic/Jobs Public Services/Facilities Traffic/Circulation Other:

Present Land Use/Zoning/General Plan Designation:
 Zoning: Agricultural Watershed (AW) District / General Plan Designation: Agricultural, Watershed and Open Space (AWOS) Designation

Project Description: (please use a separate page if necessary)

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 items that are out of compliance with the permitted entitlements and for expansion beyond existing entitlements such as production, number of employees, weekly visitation, marketing activities, on-premises consumption of wine produced on-site, parking, conversion of an existing agricultural barn for winery use, outdoor hospitality areas, and necessary infrastructure improvements and upgrades. The request also includes a Variance to the road setback requirement of 600 feet from Highway 29, where the existing barn is located less than 320 feet from Highway 29.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.
 Revised 2010

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
 If you have already sent your document to the agency please denote that with an "S".

- | | |
|--|--|
| <input type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Emergency Management Agency | <input type="checkbox"/> Parks & Recreation, Department of |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input checked="" type="checkbox"/> Caltrans District # 4 | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input type="checkbox"/> Regional WQCB # _____ |
| <input type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Resources Recycling and Recovery, Department of |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Rights |
| <input type="checkbox"/> Fish & Game Region # _____ | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> General Services, Department of | Other: _____ |
| <input type="checkbox"/> Health Services, Department of | Other: _____ |
| <input type="checkbox"/> Housing & Community Development | |
| <input type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date March 14, 2024 Ending Date April 2, 2024

Lead Agency (Complete if applicable):

Consulting Firm: New Albion Surveys, Inc. Applicant: Bill and Jane Ballentine
 Address: 1113 Hunt Avenue Address: 2849 N. St. Helena Hwy
 City/State/Zip: St. Helena, CA 94574 City/State/Zip: St. Helena, CA 94574
 Contact: Jon Webb Phone: (707) 963-5656
 Phone: (707) 963-1217

Signature of Lead Agency Representative: Kelli Cahill Date: 3/11/24

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

STATE CLEARING HOUSE ATTACHMENTS

COMMISSION ATTACHMENTS

Attachments

Draft Environmental Document
[Draft IS, NOI_NOA_Public
notices, OPR Summary Form,
Appx.]

Notice of Intent - William Cole PDF 228 K Summary_Form_for_Document_Submittal_William Cole PDF 592 K

Final Document(s)
[Approved_Certified draft
environmental documents]

Initial Study Neg Dec William Cole PDF 479 K


Notice of Completion [NOC]
Transmittal form

NOC_William Cole PDF 244 K

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NAPA COUNTY

CALIFORNIA

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Details **Reports**

File #: 24-479 **Version:** 1

Type: Public Hearing **Status:** Agenda Ready

File created: 3/14/2024 **In control:** [Planning Commission](#)

On agenda: 5/1/2024 **Final action:**

Title: WILLIAM COLE WINERY (WILLIAM BALLENTINE JR. AND JANE SORENSON TR) / USE PERMIT MAJOR MODIFICATION NO. P19-00101 - MOD & VARIANCE P19-00441-VAR CEQA STATUS: Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would not have any potentially significant environmental impacts. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5. State Clearinghouse No. SCH 2024030466. 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 items that are out of compliance with the permitted entitlements and for expansion beyond existing entitlements such as production, number of employees, weekly visitation, marketing...

Sponsors: [Planning Commission](#)

Attachments: 1. [Attachment A Recommended Findings](#), 2. [Attachment B Recommended Conditions of Approval and Final Agency Approval Memo](#), 3. [Attachment C Previous Project Conditions](#), 4. [Attachment D Initial Study Negative Declaration](#), 5. [Attachment E Use Permit Modification Application Packet](#), 6. [Attachment F Variance Application Packet](#), 7. [Attachment G Water Availability Analysis](#), 8. [Attachment H Will Serve Request and Water Neutrality Analysis](#), 9. [Attachment I - Wastewater Feasibility Study](#), 10. [Attachment J Trip Generation Worksheet](#), 11. [Attachment K Graphics](#), 12. [Attachment L Winery Comparison Analysis and Summary of Changes](#), 13. [Attachment M Public Comments](#), 14. [Attachment N Water Audit Comment Letter \(added after initial agenda posting\)](#), 15. [Attachment O Memo and Staff Responses to Water Audit \(added after initial agenda posting\)](#), 16. [Item 8B - Additional Public Comment \(added after initial agenda posting\).pdf](#)

History (0) **Text**

0 records

COMMISSION ATTACHMENTS

Planning Commission

1. [Attachment A Recommended Findings](#), 2. [Attachment B Recommended Conditions of Approval and Final Agency Approval Memo](#), 3. [Attachment C Previous Project Conditions](#), 4. [Attachment D Initial Study Negative Declaration](#), 5. [Attachment E Use Permit Modification Application Packet](#), 6. [Attachment F Variance Application Packet](#), 7. [Attachment G Water Availability Analysis](#), 8. [Attachment H Will Serve Request and Water Neutrality Analysis](#), 9. [Attachment I - Wastewater Feasibility Study](#), 10. [Attachment J Trip Generation Worksheet](#), 11. [Attachment K Graphics](#), 12. [Attachment L Winery Comparison Analysis and Summary of Changes](#), 13. [Attachment M Public Comments](#), 14. [Attachment N Water Audit Comment Letter \(added after initial agenda posting\)](#), 15. [Attachment O Memo and Staff Responses to Water Audit \(added after initial agenda posting\)](#), 16. [Item 8B - Additional Public Comment \(added after initial agenda posting\).pdf](#)

“The water supply and related components must comply with the California Safe Drinking Water Act and Related Laws... Alternatively, a will serve Letter from the City of St. Helena may be submitted showing the project will be served by a permitted water system.”

Commission Attachment B. Recommended Conditions of Approval

“Water demands for the residence, pool, and landscaping irrigation will be supplied by the City of St. Helena public water system and will not require groundwater.”

Commission Attachment G. RCS Water Availability Analysis

**The SCH Initial Study states:
 “Public Water from the City of St. Helena serves
 the residence and is used for landscape irrigation.”
 This statement is key to the Application.**

Source of Demand	Existing (acre-ft.)	Proposed (acre-ft.)	Proposed w/ reductions (acre ft)
Winery Production	0.43	0.65	0.55
Winery Domestic Use	0.05	0.198	0.205
Landscape Irrigation*	0.0	0.0	0.0
Residential*	0.0	0.0	0.0
Vineyard Irrigation	0.95	0.95	0.95
Total Use	1.43	1.8	1.71
*Public Water from the City of St. Helena serves the residence and is used for landscape irrigation.			

The approval by the Commission is based upon
a proposed water use “move to city water.”

See Attachment H: Will Serve Request and Water Neutrality Analysis

William Cole Winery Groundwater Use Estimate			
	Estimated Water Use (Acre-Feet / Year)		
	Existing	Proposed	
Residential Water Use			
Primary Residence	0.000	0.000	(e) city water
Pool	0.000	0.000	(e) city water
Second Dwelling Unit - Not Applicable	0.000	0.000	
Guest Cottage - Not Applicable	0.000	0.000	
Total Residential Domestic Water Use	0.000	0.000	
Winery Domestic & Process Water Use			
Winery - Daily Visitors ⁽²⁾⁽³⁾	0.005	0.060	move to city water
Winery - Events with Meals Prepared Onsite ⁽²⁾⁽⁴⁾	0.000	0.000	move to city water
Winery - Events with Meals Prepared Offsite ⁽²⁾⁽⁵⁾	0.003	0.006	move to city water
Winery - Employees ⁽²⁾⁽⁶⁾	0.101	0.202	move to city water
Winery - Event Staff ⁽²⁾⁽⁶⁾	0.001	0.002	move to city water
Winery - Process ⁽²⁾⁽⁷⁾	0.430	0.645	
Total Winery Water Use	0.539	0.915	
Irrigation Water Use			
Lawn ⁽⁸⁾	0.300	0.300	(e) city water
Other Landscape ⁽⁹⁾	0.500	0.500	(e) city water
Vineyard - Irrigation	0.95	0.95	
Vineyard - Frost Protection - Not Applicable	0	0	
Vineyard - Heat Protection - Not Applicable	0	0	
Total Irrigation Water Use	1.750	1.750	
Total Combined Water Use	2.29	2.66	

Data provided to the Commission was internally substantially inconsistent. See e.g. Attachment G. *Water Availability Analysis* compared with H. *Will Serve Request and Water Neutrality Analysis*

"G"
Water Availability Analysis



William Cole Winery
Groundwater Use Estimate

	Estimated Water Use (Acre-Feet / Year)		
	Existing	Proposed Standard	Proposed Reduced
Residential Water Use			
Primary Residence	0.000	0.000	0.000
Pool	0.000	0.000	0.000
Second Dwelling Unit - Not Applicable	0.000	0.000	0.000
Guest Cottage - Not Applicable	0.000	0.000	0.000
Total Residential Domestic Water Use	0.000	0.000	0.000
Winery Domestic & Process Water Use			
Winery - Daily Visitors ⁽²⁾⁽³⁾	0.005	0.060	0.060
Winery - Events with Meals Prepared Onsite ⁽²⁾⁽⁴⁾	0.000	0.000	0.000
Winery - Events with Meals Prepared Offsite ⁽²⁾⁽⁵⁾	0.003	0.006	0.006
Winery - Employees ⁽²⁾⁽⁶⁾	0.042	0.134	0.134
Winery - Event Staff ⁽²⁾⁽⁶⁾	0.001	0.002	0.002
Winery - Process ⁽²⁾⁽⁷⁾⁽¹⁰⁾	0.430	0.645	0.552
Total Winery Water Use	0.481	0.848	0.755
Irrigation Water Use			
Lawn ⁽⁸⁾	0.000	0.000	0.000
Other Landscape ⁽⁹⁾	0.000	0.000	0.000
Vineyard - Irrigation	0.95	0.95	0.95
Vineyard - Frost Protection - Not Applicable	0	0	0
Vineyard - Heat Protection - Not Applicable	0	0	0
Total Irrigation Water Use	0.950	0.950	0.950
Total Combined Water Use	1.43	1.80	1.71

(e) city water

(e) city water

(e) city water

(e) city water

WAA omits water supply source

Water Use Data 50% difference

- Estimates per Napa County Water Availability Analysis - Guidance Document, May 12, 2015 unless noted
- (1) 0.5 to 0.75 ac-ft/yr for Primary Residence, includes some landscaping per Napa County WAA Guidance Document - On City Ws
 - (2) See attached Winery Production, Guest, Employee and Event Staff Statistics
 - (3) 3 gallons of water per guest per Napa County WAA Guidance Document
 - (4) 15 gallons of water per guest per Napa County WAA - Guidance Document
 - (5) 5 gallons of water per guest used because all food preparation, dishwashing, etc. to occur offsite
 - (6) 15 gallons per shift per Napa County WAA - Guidance Document
 - (7) 2.15 ac-ft per 100,000 gallons wine per Napa County WAA - Guidance Document
 - (8) 0.1 ac-ft/yr per 1,000 sf of lawn per Napa County WAA - Guidance Document - 3,000 sf +/- estimated - On City Water
 - (9) 0.1 ac-ft/yr per 2,000 sf landscape per Napa County WAA - Guidance Document - 10,000 sf +/- estimated - On City Water
 - (10) Reduced water use to 6 gallons per gallon of wine or 1.84 ac-ft per 100,000 gallons wine (14% reduction)

Not calculated from WAA Guidance Document



"H"
Will Serve Request and Water Neutrality Analysis

406



407



408



409



William Cole Winery
Groundwater Use Estimate

	Estimated Water Use (Acre-Feet / Year)	
	Existing	Proposed
Residential Water Use		
Primary Residence	0.000	0.000
Pool	0.000	0.000
Second Dwelling Unit - Not Applicable	0.000	0.000
Guest Cottage - Not Applicable	0.000	0.000
Total Residential Domestic Water Use	0.000	0.000
Winery Domestic & Process Water Use		
Winery - Daily Visitors ⁽²⁾⁽³⁾	0.005	0.060
Winery - Events with Meals Prepared Onsite ⁽²⁾⁽⁴⁾	0.000	0.000
Winery - Events with Meals Prepared Offsite ⁽²⁾⁽⁵⁾	0.003	0.006
Winery - Employees ⁽²⁾⁽⁶⁾	0.101	0.202
Winery - Event Staff ⁽²⁾⁽⁶⁾	0.001	0.002
Winery - Process ⁽²⁾⁽⁷⁾	0.430	0.645
Total Winery Water Use	0.539	0.915
Irrigation Water Use		
Lawn ⁽⁸⁾	0.300	0.300
Other Landscape ⁽⁹⁾	0.500	0.500
Vineyard - Irrigation	0.95	0.95
Vineyard - Frost Protection - Not Applicable	0	0
Vineyard - Heat Protection - Not Applicable	0	0
Total Irrigation Water Use	1.750	1.750
Total Combined Water Use	2.29	2.66

(e) city water

(e) city water

move to city water

move to city water

move to city water

move to city water

(e) city water

(e) city water

- Estimates per Napa County Water Availability Analysis - Guidance Document, May 12, 2015 unless noted
- (1) 0.5 to 0.75 ac-ft/yr for Primary Residence, includes some landscaping per Napa County WAA Guidance Document
 - (2) See attached Winery Production, Guest, Employee and Event Staff Statistics
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 - (7) 2.15 ac-ft per 100,000 gallons wine per Napa County WAA - Guidance Document
 - (8) 0.1 ac-ft/yr per 1,000 sf of lawn per Napa County WAA - Guidance Document - 3,000 sf +/- estimated
 - (9) 0.1 ac-ft/yr per 2,000 sf landscape per Napa County WAA - Guidance Document - 10,000 sf +/- estimated

In addition to reaching out to Responsible and Trustee Agencies, other agencies that a Lead Agency must consult and request comments from include any other state, federal, or local agency that has jurisdiction by law with respect to the project or that exercises authority over resources which may be affected by the project.

PRC Sections 21104(a); CEQA Guidelines Section 15086(a)(3)

Notice shall be given to every city or county bordering the city or county within which the project is located.


CEQA Guidelines Section 15086(a)(4)

“The County did not circulate the IS/ND to the City of St. Helena as there are no proposed changes to the existing domestic residential water services that are provided by the City. The proposed winery project and the existing vineyard rely on two existing wells of which the City has no permitting or regulatory authority.”

Attachment M. County Response to Water Audit California comment

The fire suppression water contract with the CSH does not permit potable or landscape use.

“No other connection to, extension of or use of City’s water system is approved or implied by this limited Agreement.”


2013-0031460

Recorded	REC FEE	0.00
Official Records	CC1 ONE CONFORM	1.00
County of Napa		
JOHN TUTEUR		
Assessor-Recorder-Cou		
	EV	
08:02AM 07-Nov-2013	Page 1 of 5	

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

City Clerk
City of St. Helena
1480 Main Street
St. Helena, California 95474
EXEMPT FROM RECORDING FEES PURSUANT TO GOVERNMENT CODE SECTION 27383

Assessor’s Parcel Nos. 022-230-005

**WILLIAM COLE VINEYARDS
FIRE SERVICE AGREEMENT**

This Agreement is entered into on October 22, 2013, between William Cole Vineyards (“Owner”) and the City of St. Helena a California Municipal Corporation (“City”), and provides as follows:

RECITALS

A. In compliance with Napa County Fire Code Standards adopted in furtherance of the California Fire Code, Owner is required to provide automatic fire sprinkler protection and on-site private fire hydrant system (together referred to herein as “Private Fire Service”) for APN 022-230-005 at 2849 N. St. Helena Highway, commonly known as William Cole Vineyards and more particularly described in Exhibit A (“Site”).

B. St. Helena Municipal Code Section 13.04.200 allows the connection of Private Fire Service outside the City limits to City’s water distribution system, provided that all conditions of Section 13.04.200 are complied with.

C. City and Owner desire to enter into this Agreement to permit the extension of Private Fire Service from the City’s existing water transmission main to Site along State Route 29.

D. St. Helena Municipal Code Section 3.32.070 finds that water impact fees shall be paid for every connection to the City’s water system

E. The City Council has directed staff to draft this Agreement pursuant to the terms and conditions set forth below.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

AGREEMENT

1. City shall allow two (2) connections to the existing aforementioned water transmission main as follows:

- City Standard Fire Hydrant Assembly located in the public right of way;
- City Standard Fire Service Assembly Meter (6-inch) with City Standard Double Detector Check Valve (6-inch) to serve an on-site private fire hydrant system.

2. The connection(s) shall only serve the Site described in Exhibit A, with the exact location and installation details of the connection to City’s water main supply for the Private Fire

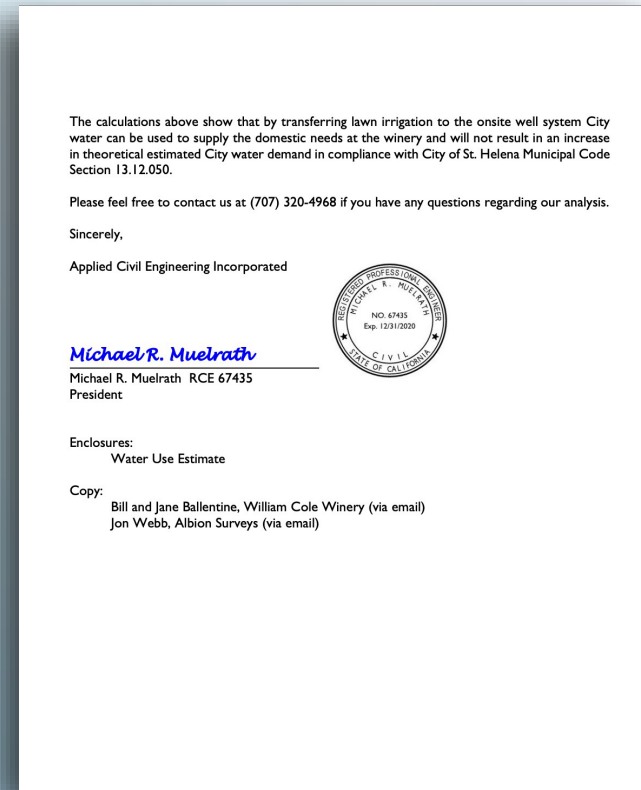
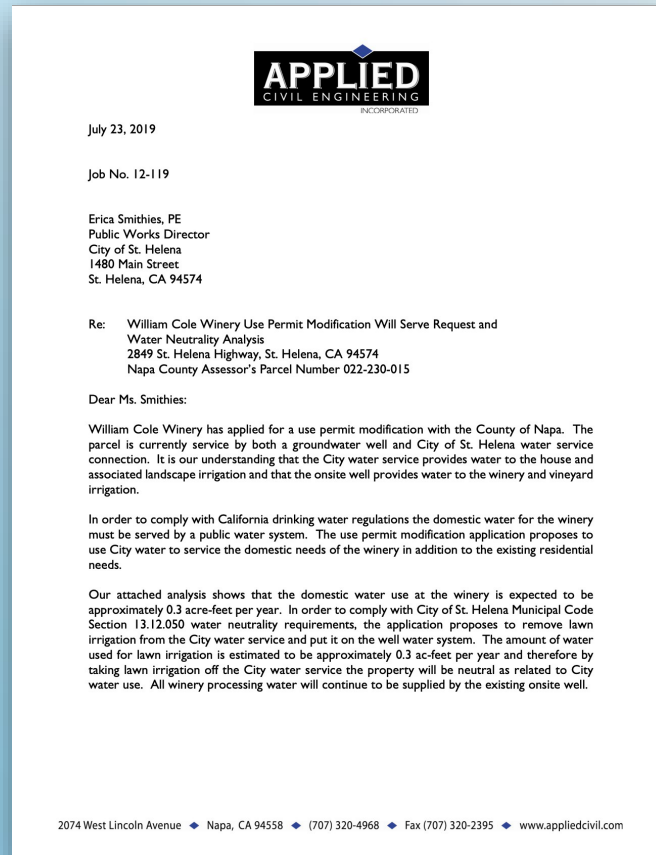
Page 1 of 5

Service to conform to City of St. Helena Standards and be approved by the City of St. Helena Director of Public Works and Napa County Building Official.

- Owner shall prepare and submit plans and specifications for the two (2) connections for the fire hydrant and fire services from City’s water transmission main acceptable to the City of St. Helena Director of Public Works and Napa County Building Official.
- City maintenance responsibility shall end at the valve outlet flange of the inlet valve on each of the required double detector check valve.
- Following receipt of both approvals required under section 2. Above, Owner shall give City seventy-two (72) hours notice prior to each construction inspection of and test for the Private Fire Service and submit the results of all such inspections and tests to City.
- All Water Impact Fees are due and shall be received by the City prior to the hot-tap connection to the City’s water system.
- A final inspection and hydrostatic pressure test of the Private Fire Service shall be performed and satisfactory passed prior to City’s activating the service.
- Owner shall perform a second hydrostatic pressure test one (1) year after the original test and submit the results to City.
- Owner shall maintain the Private Fire Service in accordance with the most current applicable version of the California Building and Fire Code and allow inspections by City.
- The Private Fire Service shall only be used by authorized fire fighting personnel, City of St. Helena personnel and such other persons granted specific permission to do so by City. Said Private Fire Service shall be used by those persons only for fire suppression, testing of the protection system, fire drills, and flushing and cleaning of water distribution mains. No other connection to, extension of or use of City’s water system is approved or implied by this limited Agreement.
- The Private Fire Service shall be privately owned and maintained by Owner and Owner shall be responsible for maintenance of the Private Fire Service in its entirety from the point at which it connects to the aforementioned valve outlet flange of the inlet valve on each of the required double detector check valves.
- Owner shall pay full cost of the construction and installation of the Private Fire Service including, testing and the cost of connecting to the City’s existing water main. Owner shall pay City for all attorney, planner and City staff time incurred in connection with this Agreement at the City’s normal rates.
- Owner shall pay the City a one-time water impact fee at the applicable commercial rate set forth in St. Helena Municipal Code Section 3.32.070.b. Water Impact Fee shall be paid prior to the connection to City Water Transmission Main.
- Owner shall pay the applicable monthly fee for one 6-inch Private Fire Services as established by St. Helena Municipal Code Section 13.04.200 E. All bills for water charges will be rendered by the City as established by St. Helena Municipal Code Section 13.04.100 G. All bills shall become due and payable upon presentation and shall be paid at the office of the department.
- Owner shall pay for any City water used for fire suppression or other approved and/or unauthorized uses on the Owner’s property based on fire service meter assembly readings, at the rate set forth in St. Helena Municipal Code.
- In the event of a leak as indicated by the meter, City shall have the authority to discontinue service, with notice to the County Fire Chief, until adequate repairs are made. Owner shall be responsible for payment of the water lost through any leak, as determined by the meter readings. In the event of breach of this Agreement by Owner, City shall

Page 2 of 5

**“The use permit modification application proposes
to use City water to service the domestic needs of the winery.
Attachments include a REQUEST, BUT NO WILL-SERVE LETTER.**



“Water for the project is from existing groundwater well(s) as identified in the project description, the staff report, the Initial Study/Negative Declaration (IS/ND), and supporting Water Availability Analysis prepared by Richard C. Slade & Associates. Water from the City of St. Helena serves the existing residence, pool, and is used for irrigation, none of which are part of the proposed project.”

Attachment M. County Response to Water Audit comment

**"Water for the project is represented to be supplied by a
'will serve' letter from the City of St. Helena...**

**No such letter is attached; in fact, only a request for a will serve letter is part of
the packet. The existing water supply agreement with CSH states that it is for
fire suppression only."**

Attachment M, Water Audit California comment

**“That which does not appear to exist is to
be regarded as if it did not exist.”**

Cal. Civ. Code § 3530

Enacted 1872.

Monitoring Proposed

RCS recommends implementation of a groundwater monitoring program at the subject property. This would include the frequent, ongoing monitoring of static and pumping water levels in the onsite wells, and also of the instantaneous flow rates and cumulative pumped volumes from each of the onsite wells via installation of new dual reading flow meters that record both flow rate and totalizing values.

RCS also recommends that water level transducers be purchased and installed in the onsite wells to permit the automatic, frequent, and accurate recording of water levels in those wells. By continuing to observe the trends in groundwater levels and future well production rates/volumes over time by qualified professionals, potential declines in water levels and well production in the onsite wells, along with possible changes in operational pumping scenarios, can be addressed in a timely manner.

Attachment G. Water Availability Analysis