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Sheryl L. Bratton
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MEMORANDUM

To:	Board of Supervisors	From:	McKayla McMahon, Deputy County Counsel
Date:	June 24, 2025	Re:	Item No: 5F Adopt a Resolution of Findings of Fact and Decision on Appeal regarding an appeal filed by Appellant Water Audit California concerning the Napa County Planning Commission's decision on December 18, 2024, to approve Bonny's Vineyard New Winery Use Permit Application No. P22-00002-UP and adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

Water Audit California's response to the Resolution of Findings of Fact and Decision on Appeal was inadvertently omitted as an attachment to File ID 25-1083 on the June 24, 2025 agenda at the time of publication. Water Audit California's response letter is attached to this memorandum for your review and reference.

Thank you.



WATER AUDIT CALIFORNIA

A PUBLIC BENEFIT CORPORATION

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VOICE: (707) 681-5111
EMAIL: GENERAL@WATERAUDITCA.ORG

June 5, 2025

To: Napa County Board of Supervisors
1195 Third Street, Ste. 310
Napa, CA 94559

Submitted via email to: Laura.Anderson@countyofnapa.org,
mckayla.mcmahon@countyofnapa.org, anne.cottrell@countyofnapa.org
Clerkoftheboard@countyofnapa.org, kfalace@buchalter.com

Re: Board of Supervisors Resolution of Findings of Fact & Revised COAs

Appellant Water Audit California appealed the December 18, 2024, decision of the Napa County Planning Commission to Adopt the BONNY'S VINEYARD (MEYER'S FAMILY WINERY) NEW WINERY USE PERMIT NO. P22-00002-UP and Mitigated Negative Declaration

Appellant Water Audit California ("Water Audit"), submits the following:

I. Comments Specific to the Appeal Process Before the Board of Supervisors

Water Audit California Bonny's Appeal was opened for public hearing on April 8, 2025. No public testimony occurred, as the hearing was continued until May 6, 2025.

However, during the May 6, 2025 hearing, various members of the Board of supervisors disclosed *ex parte* communications with the Applicant and the Applicant's Representatives, after the December 18, 2024 Planning Commission decision and before the May 6, 2025 hearing before the Board of Supervisors.

Water Audit was NOT noticed that the communications and/or meetings were to occur, or had occurred. **The Supervisors did not state the date of their *ex parte* communication or the content of the communication.** On the granicus video, it appeared that they were reading a written statement.

Government Code, section 11430.10 states that "(a) While the proceeding is pending there shall be no communication, direct or indirect, regarding any issue in the proceeding, to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and opportunity for all parties to participate in the communication."

Napa County is a general law county authorized by the California Constitution Article XI, as set forth in Government Code, section 23000 et seq. General law counties are expected to adhere to state laws and statutes. Thus, members of an adjudicative body, such as the Napa Board of Supervisors are prohibited from *ex parte* communications, with interested persons, such as an Applicant or their Representatives, without notice the opportunity of all parties to participate in the communication and/or meeting.

The United States Constitution and the California Constitution recognize and preserves the fundamental right of citizens to be free from government actions that harm life, liberty, and property. These inherent and inalienable rights reflect the basic societal contract of the Constitution to protect citizens and posterity from government infringement upon basic freedoms and basic (or natural) rights.

The right to due process, especially during processes that could impact public trust resources, is inherently protected by the Constitution. Thus, *ex parte* communications by members of the Board of Supervisors, while acting under the color of law, deprive Water Audit of its rights under the Constitution.

Napa County is continuing its unconstitutional customs, practices, and policies that impede the due process required for application review and appeals of application decisions and are inadequately providing for the Fourteenth Amendment rights of the public to due process in application and appeal proceedings. (see also California Constitution, Article I, §§ 1, 7; Code Civ. Proc., § 1094.5; *La Prade v. Department of Water and Power of City of Los Angeles* (1945) 27 Cal.2d 47; *Today's Fresh Start, Inc. v. Los Angeles County Office of Educ.* (2013) 57 Cal.4th 197; *In Tumey v. State of Ohio* (1927) 273 U.S. 510.)

The Institute for Local Government's *The Planning Commission Handbook*, notes that

"Site Visits Raise Concerns. It is often tempting to visit a project site to get a better feel for the issues. However, this action raises due process concerns. The visit provides you with an opportunity to draw conclusions outside of the hearing process. For example, if neighboring owners are concerned about traffic congestion and you visited the property on a Sunday morning when there was no traffic, you might dismiss their claims as unwarranted. They may have just assumed you knew their concern was about congestion at peak travel times. **Many local agencies require that you disclose any site visits that you may have made—along with any conclusions you drew from such visits—at the beginning of the hearing.** Other agencies may take a more conservative approach. **Always check with staff or the agency's attorney to see what procedures may apply to your commission.**" (emphasis added)

(see <https://www.ilgplanninghandbook.org/meetings-and-procedures.>)

The proposed Resolution of Findings omits any record of the members of the Board of Supervisors *ex parte* communications. According to Supervisor statements made on the

record during the May 6, 2025, a majority of the Supervisors made individual site visits (i.e. Ramos, Chair Cottrell and Allesio). None of the Supervisors **disclosed the content or any conclusions as a result of the ex parte communications, or provided any written information** drawn from their visits.

By letter on May 14, 2025, Water Audit asked the County's Counsel to provide the code/statute/rule that allows site visits, provides for communication with line staff, and the policy for sworn testimony in applications. Counsel did not specifically respond to that request. Instead, on May 15, 2025, County Counsel stated "... the County is treating it as a formal request under the Public Records Act. Mr. McKinnon's request will be logged into the County's NextRequest system and responded to in accordance with the timelines under the PRA." To date, the County has not provided any documents or answers responsive to that request.

II. Comments Specific to the Resolution of Findings

1) Water Audit disagrees with Findings Related to Appeal Ground 3

Water Audit disagrees with including new evidence that erroneously supports FINAL Finding Section 3. Findings of Fact and Conclusions of Law on Appeal:

"C. Third Ground of Appeal Findings and Decision

7) The Wastewater System Feasibility Report and **the Preliminary Water System Technical Report** are two different reports, both of which were **provided and available to the public**. The Preliminary Water System Report is analyzed by the State of California and is included on the Application Checklist for submittal. The Wastewater System Feasibility Report was analyzed by staff and included as part of the agenda packet for consideration by both the Planning Commission and Board of Supervisors." (emphasis added)

Water Audit Appeal Ground 3. "The application refers to four wells on the property but does not include any well drilling information to determine the utility and acceptability of the existing infrastructure. The application and Department of Water Rights database contains no well drilling data for three of the alleged additional wells. Appellant contends that this information is critical to determine the suitability for incorporation into a public water system." The Water Audit powerpoint slides provide evidence that the Water System Feasibility Study was not included in the agenda packet (see Powerpoint Presentation exhibit.)

Staff included new evidence in the May 6, 2025 Appeal Hearing: Attachment L. Well Permit E11-00266, Attachment M. Preliminary Water System Technical Report, Attachment U_Building Plan set for B11-01347, Attachment V_Building Plan set for B16-01016.

Prior to the hearing on May 6, 2025, Water Audit emailed a demand that the County withdraw the new evidence (cited above). It was not withdrawn, and instead staff said that the permits were on County record. There is no evidence that the Planning Commission had or were advised of the permits.

Staff advised that the Preliminary Report was a part of the Planning Commission December 18, 2024 Hearing packet. As a matter of fact, it was not.

Water Audit stated that there was NO Preliminary Water System Technical Report provided and available to the public; the Water System Feasibility Report, and Preliminary Water System Technical Report, were NOT a part of the Planning Commission Hearing (see Powerpoint Slide 10 exhibit); and that the Preliminary Water System Technical Report is NOT an Application Checklist item (see Powerpoint Slide 8 exhibit).

The FINAL Findings erase reference to hearing exhibits submitted by Water Audit.

2) Water Audit disagrees with Findings Related to Appeal Ground 4

"D. Fourth Ground of Appeal.

Findings and Decision: The Board finds and determines that the Project COAs require monitoring and installation of flow regulation devices on all of the parcel's wells not because there is a need for additional water sources, but rather as a limitation on the pumping capacity of the other existing wells on site to ensure overall water demand of 10.16 af/yr is not exceeded and that the Project reduces its existing overall groundwater demand. (COA 4.9) If only Well #1 is monitored, the pumping could potentially be increased on the other two wells resulting in increased groundwater use."

Water Audit Appeal Ground No. 4 "The approval of the Application makes tangential reference to the need for an additional water supply, but the approval is not conditioned on compliance." That appeal ground is referring to the Environmental Health Services Memorandum **"The water supply and related components must comply with the California Safe Drinking Water Act and related Laws. This will require plan review and approval** prior to approval of building permits" (emphasis added.) (see Powerpoint Slide 9.) The Planning hearing packet and the Board of Supervisors Appeal hearing packet do NOT include a Water System Feasibility Report. *[How can the "water supply" plan have been reviewed when there was not a plan in either hearing packet?]* The Recommended Conditions of Approval "1.0 PROJECT SCOPE This permit encompasses and shall be limited to" does NOT bring forward the Environmental Health Services water supply approval. The SCOPE does not include "water supply" language. (see Powerpoint Slide 4.) Staff presumes a water supply plan review and approval has been performed by misrepresenting the Conditions of Approval Groundwater Wells Management conditioning groundwater monitoring, installation of flow regulation

devices, and pumping capacity limits on all three wells. The FINAL Findings omits critical Tier Analysis language and well demolition language. (see Water Audit Comparison Grounds No. 4 exhibit.)

3) Water Audit disagrees with Findings Related to Appeal Ground 5

E. Fifth Ground of Appeal

Findings and Decision:

2)...**The COAs require well monitoring data be made available to the Director of Planning, Building, and Environmental Services in order to comply with Groundwater Monitoring Program.** (COA 4.9.)" (emphasis added)

Water Audit Appeal Ground No. 5 "Although this project has been in development since 2018, and although it acknowledges the need for well monitoring, there is no well monitoring or consumption data." The Applicant provided no data. Staff argues older wells do not have meters or actual data. The Project Well #1 was permitted in 2011. The Department of Public Works is tasked with monitoring the data.

4) Water Audit disagrees with Findings Related to Appeal Ground 6

"G. Sixth Ground of Appeal

Findings and Decision:

1) The Project Description, the WAA, and the **Water** Feasibility Report are all consistent in their representation of water uses for existing and proposed conditions." (emphasis added)

Water Audit Appeal Ground No. 6 "Accordingly, this is a "faith based" application. In the total absence of data the Applicant asserts that it has complied with current groundwater extraction limitations by the simple assertion that it complies. There is no empirical data to support that proposition."

Staff misstates Water Audit Appeal Ground No. 6 in writing "Appellant's position: Appellant contends that the application is based on assertions rather than empirical data, claiming that the Applicant's compliance with current groundwater extraction limitations is not supported by evidence. The Appellant contends that the Applicant's calculations of future consumption are also baseless and were adjusted only after staff pointed out that future consumption exceeded current extractions. Moreover, the Appellant asserts that the Applicant's representations are inconsistent, with different input values appearing in various parts of the application."

Staff is also substituting words to create the appearance that there is a "Water" Feasibility Report (by substituting the word "Wastewater," and omitting the word "system")

III. Comments Specific to Revised Conditions of Approval

1) Water Audit disagrees with the "Final Findings"

The FINAL Finding Section 4. Revised Conditions of Approval:

"... require a flow regulation device for all three wells to limit pumping time and pumping capacity to existing uses. The revised COA are attached as Exhibit "A."

The Revised COA 4.9 GROUNDWATER MANAGEMENT-WELLS does not include language "implemented jointly by Public Works and PBES." It inserts redline language regarding the pumping data shall be submitted to PBES when *it should be submitted to Public Works*.

The Revised COA 4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT also inserts redline language regarding the pumping data shall be submitted to PBES when *it should be submitted to Public Works*.

The Revised COA 6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS lists the Mitigation Measure BR-1, -2, -3 but continues to omit Responsible Agency CDFW.

The Revised COA 7.4 CONSTRUCTION MITIGATION MEASURES lists the Mitigation Measure BR-1, -2, -3 but continues to omit Responsible Agency CDFW.

Water Audit Appeal Grounds No 10

"Based on the remarkable representation that the change of use does not change water consumption, the Applicant claims to be exempt from Tier reviews. Whatever the merits of this questionable argument, it is directed solely at the WAA, not to the County's evergreen duty to determine potential injury to the public trust." Staff misstates Water Audits Appeal Grounds No. 10 and enumerates it as "No. 8."

FINAL findings claim the Change of Use has been considered and determined that the Applicant Engineer performed his duty to consider the Public Trust with his alternative evaluation. However, the facts reveal that the County Department of Public Works did not Peer Review the Applicant's submitted work.

Appellant's position: Appellant contends that the claim that 45 daily visitors and events hosting up to 800 people will use no more water than the previously existing grape vines is because the constraints of the Water Availability Analysis (WAA) do not apply if the Applicant can show no net increase in water extraction. Appellant contends that the Applicant claims to be exempt from Tier reviews because the change of use does not change water consumption. Appellant

further contends that it is directed solely at the WAA, not to the County's ongoing duty to determine potential injury to the public trust.

Findings and Decision

4. A Tier 3 equivalent analysis was prepared by Cameron Pridmore (Registered Professional Engineer No. 76691) of CMP Engineering & Land Surveying. This equivalent analysis demonstrates that the Project will feasibly reduce any alleged harm to public trust resources by reducing the overall water use for the parcel by 0.02 af/yr. This will be accomplished through the removal of 0.63 acres of existing vineyard (resulting in less vineyard requiring water), the watering of portions of the existing vineyard with process wastewater from the winery, reducing the annual pumping time for the parcel and limiting the pumping rate for all three parcel wells (Wells #1, # 2 and #3) to their existing operational capacity. (Project WAA, p. 5.) CMP Engineering & Land Surveying **opined that these changes harm to public trust resources and no further analysis is required."** (emphasis added)

The Recommended Findings do not establish that review has been performed by the County Department of Public Works. Findings omit County General Plan Goals and Policies and Code provisions that need to be addressed through the CEQA review.

Goal CON-2: Maintain and enhance the existing level of biodiversity.

Goal CON-3: Protect the continued presence of special-status species, including special-status plants, special-status wildlife, and their habitats, and **comply with all applicable state, federal, or local laws or regulations**

Goal CON-4: Conserve, protect, and improve plant, wildlife, and fishery habitats for all native species in Napa County.

Policy CON-13: **The County shall require that all discretionary** residential, commercial, industrial, recreational, agricultural, and **water development projects consider and address impacts to wildlife habitat and avoid impacts to fisheries and habitat supporting special-status species to the extent feasible.** Where impacts to wildlife and special-status species cannot be avoided, **projects shall include effective mitigation measures and management plans including provisions to:**

c) Employ supplemental planting and maintenance of grasses, shrubs and trees of like quality and quantity to provide adequate vegetation core to enhance water quality, minimize sedimentation and soil transport, and provide adequate shelter and food for wildlife and special-status species and maintain the watersheds, especially stream side areas, in good condition.

d) Provide protection for habitat supporting special-status species through buffering or other means.

e) Provide replacement habitat of like quantity and quality on- or off-site for special-status species to mitigate impacts to special-status species.

Policy CON-17: Preserve and protect native grasslands, serpentine grasslands, mixed serpentine chaparral, and other sensitive biotic communities and habitats of limited distribution. The County, in its discretion, shall require mitigation that results in the following standards:

a) Prevent removal or disturbance of sensitive natural plan communities that contain special-status plant species or provide critical habitat to special-status animal species.

b) Require no net loss of sensitive biotic communities and habitats of limited distribution through avoidance restoration, or replacement where feasible. Where avoidance, restoration, or replacement is not feasible, preserve like habitat at a 2:1 ratio or greater within Napa County to avoid significant cumulative loss of valuable habitats.

Policy CON-42: **The County shall work to improve and maintain the vitality and health of its watersheds.** Specifically, the County shall:

d) Support environmentally sustainable agricultural techniques and best management practices (BMPs) **that protect surface water and groundwater quality and quantity.**

Chapter 18.108: Napa County Conservation Regulations (Section 18.108.010 NCC) in part encourages: the preservation of the natural resources of the county of Napa; the minimization of grading operations and other such man-made effects in the natural terrain; the preservation of riparian areas and other natural habitat by controlling development near streams and watercourses; and development which minimizes impacts on existing land forms and preserves existing vegetation.” (Emphasis added)

Source: 2019 P&M/Winery at Mt. Veeder underlying Erosion Control Plan Findings)

2) Water Audit disagrees with Section 5. CEQA Determination

"A. The Board has received and reviewed the Mitigated Negative Declaration pursuant to the provisions of CEQA and of Napa County's Local Procedures for Implementing CEQA, and finds that: ...

2. The Mitigated Negative Declaration was prepared and considered in accordance with the requirements of CEQA.

3. There is no substantial evidence in the record as a whole that the Project will have a significant effect on the environment after implementation of mitigation measures. Mitigation measures are proposed for the following areas: Biological Resources."

(emphasis added)

Respectfully,



William McKinnon
General Counsel Water Audit California
Direct: 530.575-5335

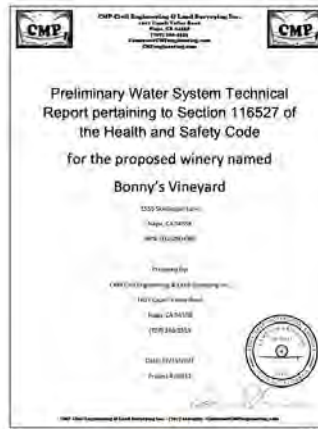
Bonny's Winery

NEW WINERY USE PERMIT NO. P22-00002-
UP and Mitigated Negative Declaration

"M"


Preliminary Water System
Technical Report

Assembly's Worksheet Approval (P) 10/08/2021
Board of Supervisors Meeting on May 4, 2022




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CMP Civil Engineering & Land Surveying Inc.
1607 Capell Valley Road
Napa, CA 94558
(707) 266-2559
Cameron@CMPengineering.com
CMPengineering.com




Preliminary Water System Technical Report pertaining to Section 116527 of the Health and Safety Code for the proposed winery named **Bonny's Vineyard**

1555 Skellenger Lane
Napa, CA 94558
APN: 032-200-080

Prepared By:
CMP Civil Engineering & Land Surveying Inc.
1607 Capell Valley Road
Napa, CA 94558
(707) 266-2559

Date: 12/15/2021
Project # 00212



CMP Civil Engineering & Land Surveying Inc. - (707) 266-2559 - Cameron@CMPengineering.com

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25-665 Version: 1

Public Hearing	Status:	Agenda Ready
4/8/2025	In control:	Board of Supervisors
5/6/2025	Final action:	

Conduct a public hearing to consider an appeal filed by Appellant Water Audit California (WAC or Appellant) concerning the Napa County Planning Commission's decision on December 18, 2024, to approve the Bonny's Vineyard New Winery Use Permit No. P22-00002-UP submitted by Barbara Meyer/BJ Meyer Properties, LLC). (No fiscal impact.) (CONTINUED FROM APRIL 8, 2025)

[Board of Supervisors](#)

1. [Attachment A Notice of Intent to Appeal and Appeal Packet](#), 2. [Attachment B Staff Responses to Grounds of Appeal](#), 3. [Attachment C Appellant WAC Testimony and WAC's witnesses list Testimony](#), 4. [Attachment D Applicant Testimony and Applicant witnesses list Testimony](#), 5. [Attachment E Project Approval Letter and Final Conditions of Approval](#), 6. [Attachment F Appellant Good Cause Request](#), 7. [Attachment G Chair Denial of Appellant Good Cause Request](#), 8. [Attachment H Appellant WAC Supplemental Information](#), 9. [Attachment I Applicant Supplemental Information](#), 10. [Attachment J Planning Commission Public Hearing Notice](#), 11. [Attachment K Planning Commission Staff Report](#), 12. [Attachment L Environmental Well Permit E11-00266](#), 13. [Attachment M Preliminary Water System Technical Report](#), 14. [Attachment N Existing and Historic Conditions Aerial Images](#), 15. [Attachment O Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Plan](#), 16. [Attachment P Project Description](#), 17. [Attachment Q Water Availability Analysis \(WAA\)](#), 18. [Attachment R Interim Well Permit Standards-WAA Requirements](#), 19. [Attachment S Plan Set and Exterior Color Elevations](#), 20. [Attachment T Waterwater System Feasibility Report](#), 21. [Attachment U Building Plan set for B11-01347](#), 22. [Attachment V Building Plan set for B16-01016](#), 23. [Attachment W Use Permit-Major Modification Application \(Winery Uses\)](#)

24-2000 Version: 1

Public Hearing	Status:	Agenda Ready
11/15/2024	In control:	Planning Commission
12/18/2024	Final action:	

BONNY'S VINEYARD (MEYER'S FAMILY WINERY) NEW WINERY USE PERMIT NO. P22-00002-UP
CEQA STATUS: Consideration and possible adoption of a Mitigated Negative Declaration.
According to the Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts with incorporated Mitigation Measures. Mitigation Measures are proposed for the following areas: Biological Resources. In accordance with Section 15073 of the California Environmental Quality Act (CEQA) Guidelines, Napa County submitted the proposed Initial Study/Negative Declaration to the State Clearinghouse for a 30-day review period beginning on November 15, 2024 and running through December 17, 2024 (State Clearinghouse No 2024110514). The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. REQUEST: Approval of a Use Permit to allow a new winery with an annual production of 30,000 gallons with the following character...

[Board of Supervisors](#)

1. [Exhibit A Recommended Findings](#), 2. [Exhibit B Recommended COA and Final Agency Approval Memos](#), 3. [Exhibit C Initial Study - Mitigated Negative Declaration](#), 4. [Exhibit D Project Description](#), 5. [Exhibit E Plan Set and Exterior Color Elevations](#), 6. [Exhibit F Use Permit Application, Site Photos, Correspondence](#), 7. [Exhibit G Biological Study](#), 8. [Exhibit H Final Transportation Impact Study](#), 9. [Exhibit I Noise Study](#), 10. [Exhibit J Waterwater System Feasibility Report](#), 11. [Exhibit K Water Availability Analysis](#), 12. [Exhibit L Stormwater Control Plan Report](#), 13. [Exhibit M Winery Comparison Tables](#), 14. [Exhibit N Project Revision Statement](#), 15. [Exhibit O Graphics](#), 16. [Exhibit P Public Comment](#), 17. [Public Comment \(added after initial agenda posting\).pdf](#)

1.0 PROJECT SCOPE

This permit encompasses and shall be limited to:

- 1.1 Approval of a Use Permit, for a 30,000 gallons per year winery with the following characteristics:
- a. Construction of a 10,996 square foot (sf) winery building with a 1,426 sf covered crush pad, a 392 sf uncovered mechanical yard and 1,255 sf of covered loggia (patio space);
 - b. Six (6) full-time employees;
 - c. By appointment tours and tastings for a maximum of 45 visitor per day with catering provided; catering will be prepared off-site, including outdoors tastings as set forth in Conditions of Approval (COAs) No. 4.1 and 4.2;
 - d. A marketing program consisting of two (2) large events per year with a maximum of 150 visitors and nine (9) smaller events per year with a maximum of 80 visitors, including on-premises consumption of wine (as set forth in COA No. 4.3 and 4.4);
 - e. Hours of operation: production days and hours 9:00 AM to 5:00 PM, seven (7) days per week, visitation days and hours 10:00 AM to 5:00 PM, seven (7) days per week;

Recommended Conditions of Approval
P22-00002 Bonny's Vineyard New Winery

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- f. Parking for 20 cars with overflow event parking occurring on-site, and as needed along the existing vineyard avenues for events (but not within required stream setbacks);
- g. Installation of on-site landscaping;
- h. On-site domestic wastewater treatment system and drip dispersal system with a 3,616 sf dispersal area;
- i. Widening existing driveway to Napa County Road and Street Standards (NCRSS);
- j. Three (3) 10,000-gallon water storage tanks for fire suppression and water storage, and;
- k. Use of existing site well #1 for winery uses (with monitoring of all 3 parcel wells).



Division of Environmental Health
A Commitment to Service

Planning, Building & Environmental Services

1100 First Street, Suite 210
Napa, CA 94559
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David Morrison
Director

MEMORANDUM

To:	All interested parties	From:	Division of Environmental Health
Date:	January 5, 2005 Revised December 6, 2018	Re:	Use Permits and Regulated Water Systems

The purpose of this memo is to provide information regarding requirements for regulated water system permitting. The Division of Environmental Health has a contract with the California State Water Resources Control Board (Water Board) to administer the small water system program. Public water systems are required to be permitted by Water Board or the local delegated agency.

In Napa County, the most commonly proposed small public water systems serve wineries. During the use permit process, the division reviews the number of anticipated visitors, employees and onsite residents and makes a determination if the proposed facility is required to be served by a regulated water system. A public water system is required if the project includes either (1) a combined number of users (visitors, employees, residents) greater than 24 daily for at least 60 days of the year; or (2) the total number of employees and residents is greater than 24 daily for 6 months or more of the year. If either threshold is met, the water system will be regulated. If you have questions on whether the proposed project will be regulated as a public water system, contact this division to discuss with the district inspector. If the project does not meet these thresholds but will have a regulated kitchen used for food service for food and wine pairings or marketing events, a different type of regulated water system is required.

If your project will be regulated as a small public water system, a water system feasibility report will be required as a completeness item at the time a Use Permit application is submitted. This report ensures that the proposed project can satisfy the technical, managerial and financial requirements set forth by the Water Board and must include the information listed on the attached worksheet. There is a possibility that existing wells may not meet the construction requirements for a regulated water system. If the source does not meet the requirements, a new water supply will have to be developed, which must be reflected in the feasibility report. Prior to issuance of a building permit, the new water supply must be developed and full plans for the water system must be submitted and approved by this division. In addition to the local requirements, the Water Board requires a water system to also submit a preliminary technical report demonstrating the water system is viable and ensuring the water system has evaluated whether consolidating with another water system is possible. The County must receive concurrence from the Water Board before any related building permits can be issued. Additional information regarding the preliminary technical report required by the Water Board can be found at: https://www.waterboards.ca.gov/drinking_water/cert/drinkingwater/Permits.html

Planning Division: (707) 253-4417 Building Division: (707) 253-4417 Engineering & Construction: (707) 253-4417 Environmental Health: (707) 253-4417 Parks & Open Space: (707) 259-6933

New Community and Non-Community Water Systems Technical, Managerial and Financial Capacity Worksheet

(Use Permit Applications and Water System Feasibility Reports)

1. **Water system name**
2. **Name of person who prepared the report**
3. **Technical Capacity:**
 - System description from source to point of use-what is expected (including treatment, etc.)
 - One year projection for water demand and an analysis of the water system to meet the projected demand (project expansion and improvements for a ten year period).
 - Source adequacy:
 - Groundwater: Does the well have a 50-foot seal with a 3-inch annular space? Is a well log available?
 - Surface water treatment: Can the water system comply with the Surface Water Treatment Rule?
 - Water supply capacity: Can the water system (including all sources and storage facilities) supply a minimum of three gallons per minute for at least 24 hours for each service connection served?
 - Provide a characterization of the water quality (or expected water quality if a new source is required), including a comparison with established or proposed drinking water standards and the feasibility of meeting these standards.
 - An evaluation of the feasibility of consolidation with other (existing) water systems.
4. **Managerial:**
 - Description of the organization's ability to manage a water system (personnel to be hired and/or job descriptions for water system maintenance responsibilities). For systems that use land that is not owned by the water system, the terms for a long-term agreement for use of the land/facilities must be disclosed.
 - Document the system's water rights.
5. **Financial:**
 - Budget projection and description of system's financial capacity (your ability to financially support the operation of a water system).

Questions on this worksheet or the information required should be addressed to the water specialist in the Division of Environmental Health.

Paragraph 3:

If your project will be regulated as a small public water system, a water system feasibility report will be required as a completeness item at the time a Use Permit application is submitted.

Use Permits and Regulated Water Systems (20050

If your project will be regulated as a small public water system, a water system feasibility report will be required as a completeness item at the time a Use Permit application is submitted. This report ensures that the proposed project can satisfy the technical, managerial and financial requirements set forth by the Water Board and must include the information listed on the attached worksheet. There is a possibility that existing wells may not meet the construction requirements for a regulated water system. If the source does not meet the requirements, a new water supply will have to be developed, which must be reflected in the feasibility report. Prior to issuance of a building permit, the new water supply must be developed and full plans for the water system must be submitted and approved by this division. In addition to the local requirements, the Water Board requires a water system to also submit a preliminary technical report demonstrating the water system is viable and ensuring the water system has evaluated whether consolidating with another water system is possible. The County must receive concurrence from the Water Board before any related building permits can be issued. Additional information regarding the preliminary technical report required by the Water Board can be found at:

https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Permits.html

Planning Division
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Building Division
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Engineering & Conservation
(707) 253-4417

Environmental Health
(707) 253-4471

Parks & Open Space
(707) 259-5933

Use Permit Checklist

- ☐ Geological/Geotechnical Hazard Report – Alquist Priolo Act
- ☐ Hydraulic Analysis (flood impact) if within Floodplain and/or Floodway
- ☒ Stormwater Control Plan (consistent with Napa County BASMAA Post Construction Manual)
- ☒ Other: Biological Study
- ☐ Other: _____

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2. Septic Feasibility Report for any new or upgraded septic systems or any expansion of use relying on an existing septic system.
3. Water System Feasibility Report if the water supply system will serve 25 or more people inclusive of employees, visitors, and residents or if kitchen is proposed. See enclosed handout provided by Environmental Services.
4. Water and/or Sewage Disposal Easement if an off-site spring, well, reservoir, storage tank, or individual sewage disposal system is proposed.
5. Completed Business Activities form, enclosed.
6. Solid Waste & Recycling Storage area location and size included on overall site plan. See guidelines at www.countyofnapa.org/DEM/.
7. Cave setback plan if a cave is proposed. See handout provided by Environmental Services.

From Environmental Health Dept.

P22-00002

Page 2 of 3

4. The water supply and related components must comply with the California Safe Drinking Water Act and Related Laws. This will require plan review and approval prior to approval of building permits. The technical report must be completed by a licensed engineer with experience in designing water systems. The preliminary technical report must be submitted to the Regional Water Quality Control Board staff a minimum of six (6) months prior to beginning any water-related improvement in accordance with the California Health and Safety Code, Section 116527. Prior to occupancy, the owner must apply for and obtain an annual operating permit for the water system from this Division. The applicant must comply with all required monitoring and reporting.

Attachments

Final Environmental Document
(Draft EIS, NEA, NEA, Public
Notice, NEA Summary Form,
Appendix)



Department of Mathematics (DPM)



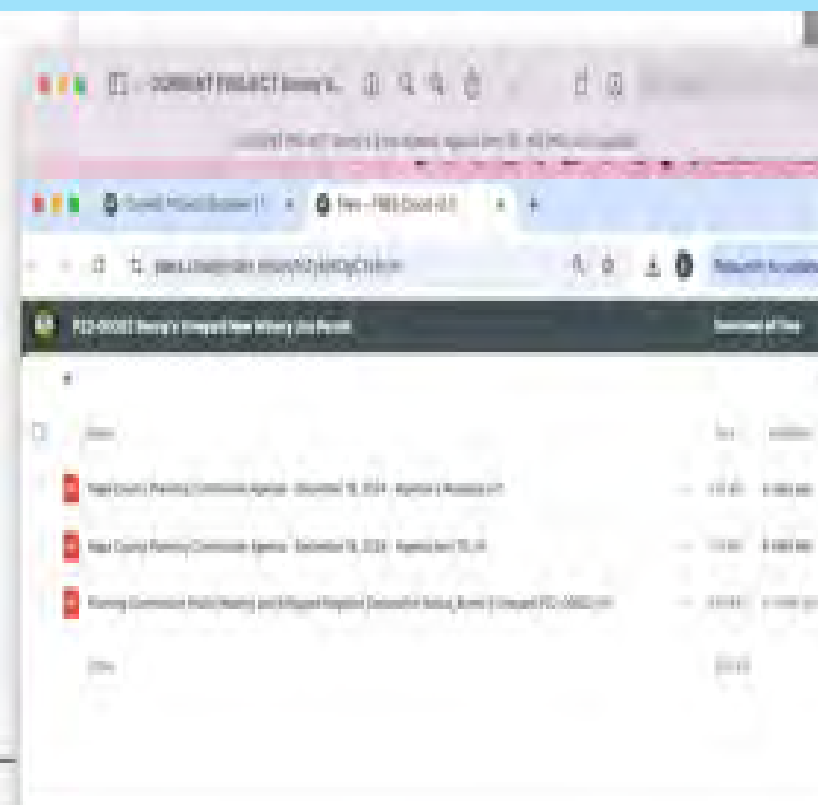
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c.palmer@cmpengineering.com

1000

- Exhibit A, Recommended Findings
- Exhibit B, Recommended CUA and Final Agency Approval Memo
- Exhibit C, Initial Study - Mitigated Negative Declaration
- Exhibit D, Project Description
- Exhibit E, Plan Set and Exterior Color Diagram
- Exhibit F, Live Form Application, Site Photos, Correspondence
- Exhibit G, Biological Data
- Exhibit H, Final Transportation Impact Study
- Exhibit I, Noise Study
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- Exhibit K, Water Availability Analysis
- Exhibit L, Stormwater Control Plan Report
- Exhibit M, Winery Comparison Tables
- Exhibit N, Project Revenue Statement
- Exhibit O, Graphics
- Exhibit P, Public Comment





CMP Civil Engineering & Land Surveying Inc.
1607 Capell Valley Road
Napa, CA 94558
(707) 266-2559
Cameron@CMPengineering.com
CMPengineering.com



Water System Feasibility Report for the proposed winery named Bonny's Vineyard

1555 Skellenger Lane

Napa, CA 94558

APN: 032-200-080

Prepared By:

CMP Civil Engineering & Land Surveying Inc.

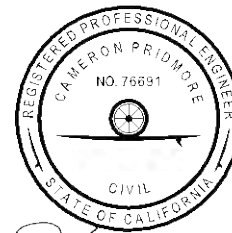
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PROPERTY LLC – ENVIRONMENTAL-UP-2022



C. Third Ground of Appeal.

Appellant's position: Appellant contends that the application refers to four wells on the property but does not include any well drilling information to determine the utility and

DocNo. 132505 / Matter ID: 2003.1812.001

acceptability of the existing infrastructure. The application and Department of Water Rights database contains no well drilling data for three of the alleged additional wells. Appellant contends that this information is critical to determine the suitability for incorporation into a public water system.

Findings and Decision: The Board finds and determines as follows:

- 1) The application and WAA identify three existing wells and includes well drilling information on the Project well as follows:
 - Well #1 (Winery well) was approved in 2011 for a well with an 8-inch casing diameter, 15-inch boring diameter, with a 3-inch annual seal with Environmental Well Permit E11-00266.
 - Well #2 (the secondary residences' well) – no well permit history. Non-project well.
 - Well #3 (the primary residences' well) – no well permit history. Non-project well.
- 2) There is no well permit history for Well #2 and Well #3 in the Napa County records. This parcel went through a Lot Line Adjustment in 2011. Prior to 2011, there were two separate parcels, each with an existing primary residence and associated well. Well #2 served the residence located at 1555 Skellenger Lane and Well #3 served the residence at 794 Oakville Cross Road. Well #2 and Well #3 are located immediately adjacent to the existing primary and secondary residences. Both residences were constructed prior to 1955, before the County required building permits and well permits.
- 3) There is building permit history in the County's records which supports the existence of the three wells noted in the application submittal materials for the Bonny's Vineyard New Winery Use Permit, but said permit history also appears to indicate that, at least in 2016, there were four wells on the property. Building Permit B11-01347, a permit for a 10,500 gallon water tank, noted the existence of Well #2 (secondary residences' well) and Well #1 (the proposed winery project well which was a new replacement well approved under E11-00266). Building Permit B16-01016, a permit for updates to an existing barn near the primary residence (the residence accessed off of Oakville Cross Road) calls out two wells near the residence. First, a "well for house" located immediately adjacent to the pool and which was not noted in the Bonny's Vineyard Plan Set. Second, a "well and pump house for the pool" located immediately adjacent to the solar barn and noted as Well #3 in the WAA and Plan Set. According to the Applicant, the "well for house" is no longer in use and was not observed during their reconnaissance work of the site. Currently both the main residence and pool water uses are served by existing Well #3.

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4) At the Appeal hearing, Supervising Planner Dana Morrison, testified that in connection with the appeal, a fourth potential well, "Well for House," was discovered during review of the building permit history. A site visit to the property revealed that the potential well is covered by an above ground deck and existing patio furniture. Because the potential well is covered, this well was not observed during the reconnaissance work for the site. The potential well is not in use and covered by an above ground deck, since at least 2005 based on review of historical aerials. (*Id.*)

5) The Board of Supervisors added a new condition of approval requiring destruction of the fourth well on the Property, identified as "(E) Well for House" on the approved Plan Set for B16-1016, unless already destroyed. The two residential wells (Wells #2 and #3), and unused Well #4 are not proposed for use as part of the new winery, however, to feasibly mitigate any alleged harm to public trust resources the Planning Commission adopted COA Nos. 4.9 require that the parcel's overall groundwater use be limited to 10.16 acre feet per year (af/yr), that the Project well (Well#1) and parcel wells (Wells #2 and #3) be equipped with flow regulation devices limiting the pumping capacity to less than or equal to existing operations, preparation of a Ground Water Management Plan, and inclusion of the Project in the County's well monitoring program and that the pumping rate, pumping duration, and extraction volumes remain unchanged and/or are reduced from existing conditions. To ensure accurate measurements of existing well operations, immediately upon approval, the Applicant shall monitor Well #2 and Well #3 to establish a baseline pumping operation.

Findings and Decision

7) The Wastewater System Feasibility Report and the Preliminary Water System Technical Report are two different reports, both of which were provided and available to the public. The Preliminary Water System Report is analyzed by the State of California and is included on the Application Checklist for submittal. The Wastewater System Feasibility Report was analyzed by staff and included as part of the agenda packet for consideration by both the Planning Commission and Board of Supervisors.

Conclusion:

For the foregoing reasons, the Board finds that substantial evidence exists in the record to uphold the Planning Commission's decision. Therefore, the Board denies the Third Ground of Appeal and upholds the Planning Commission's approval of the Project.

D. Fourth Ground of Appeal.

Attachment B_Staff Responses to Grounds of Appeal

"B"
Staff Responses to
Grounds of Appeal

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Attachment B_Staff Responses to Grounds of Appeal

Appeal Ground No. 3: Appellant contends that the application refers to four wells on the property but does not include any well drilling information to determine the utility and acceptability of the existing infrastructure. The application and Department of Water Rights database contains no well drilling data for three of the alleged additional wells. Appellant contends that this information is critical to determine the suitability for incorporation into a public water system.

Staff Response:

Staff were unable to find any reference to four wells within the application submittal materials. However, as noted above, staff determined that there does appear to be a potential fourth well on the subject parcel which staff recommends be destroyed.

Contrary to Appellant's assertions, that application and WAA includes well drilling information on the project well as follows:

1. Well #1 (proposed winery well) was approved in 2011 for a well with an 8 inch casing diameter, 15 inch boring diameter, with a 3 inch annual seal with Environmental Well Permit E11-00266 (**Attachment L**).
2. Well #2 (the 2nd residence well) – no well permit history. Non-project well.
3. Well #3 (the primary residences well) – no well permit history. Non-project well.

There is no well permit history for Well #2 and Well #3 in the Napa County records. As noted in the Planning Commission Staff Report and MND, this parcel went through a Lot Line Adjustment in 2011. Prior to 2011 there were two separate parcels, each with an existing primary residence and associated well; Well #2 served the residence located at 1555 Skellenger Lane and Well #3 served the residence at 794 Oakville Cross Road. Well #2 and Well #3 are located immediately adjacent to the existing primary and secondary residences [see Plan Set and Exterior Colors - **Attachment S**]. Both residences were constructed prior to 1955, before the County required building permits and well permits (see **Attachment N** for historic aerials). However, there is building permit history in the record which supports the existence of the three wells noted in the application submittal materials for the Bonny's Vineyard New Winery Use Permit,

but said permit history also appears to indicate that, at least in 2016, there were four wells on the property.

Building Permit B11-01347 (see **Attachment U**), a permit for a 10,500 gallon water tank, noted the existence of Well #2 (2nd residence well) and Well #1 (the proposed winery project well which was a new replacement well approved under E11-00266). Building Permit B16-01016 (see **Attachment V**), a permit for updates to an existing barn near the primary residence (the residence accessed off of Oakville Cross Road) calls out two wells near the residence. First, a "well for house" located immediately adjacent to the pool and which was not noted in the Bonny's Vineyard Plan Set. Second, a "well and pump house for the pool" located immediately adjacent to the solar barn and which was noted as Well #3 in the WAA and Plan Set (**Attachments Q and S**, respectively). According to the Applicant, the "well for house" is no longer in use and was not observed during their reconnaissance work of the site. Currently both the main residence and pool water uses are served by existing Well #3. However, staff recommends the Board of Supervisors adopt a new condition of approval to require the destruction of the fourth unused well – identified as "(E) Well for House" on the approved Plan Set for B16-1016, unless already destroyed. The two residential wells (Wells #2 and #3), and unused Well #4 are not proposed for use as part of the new winery, however, to feasibly mitigate any alleged harm to public trust resources the Planning Commission adopted conditions of approval requiring that the parcel's overall groundwater use be limited to 10.16 acre feet per year (af/yr), that the project well (Well#1) and parcel wells (Wells #2 and #3) be equipped with flow regulation devices limiting the pumping capacity to less than or equal to existing operations, preparation of a Ground Water Management Plan, and inclusion of the project in the County's well monitoring program and that the pumping rate, pumping duration, and extraction volumes remain unchanged and/or are reduced from existing conditions. To ensure accurate measurements of existing well operations, immediately upon approval the applicant shall monitor Well #2 and Well #3 to establish a baseline pumping operation. (See **Attachment E** – COA Nos. 4.9.A, 4.9.B, 4.9.C, 4.9.D, 4.20.A, 4.20.B, 4.20.C, and 6.15.A).

A Preliminary Water System Technical Report was prepared by CMP Civil Engineering & Land Surveying Inc. and submitted with the application (**Attachment M**). This report concluded that there are no public water systems within three (3) miles of the proposed project, that the water supply to the proposed system is more than enough for the proposed use, and that the only viable option for the proposed winery is to develop its own transient non-community water system. The proposed water system will supply potable water solely from Well #1 and the water storage facilities (that will also be filled utilizing water pumped from Well #1).

Appeal Ground No. 4: Appellant claims that the approval of the application makes tangential reference to the need for an additional water supply, but the approval is not conditioned on compliance.

D. Fourth Ground of Appeal.

DocNo. 132505 / Matter ID: 2003.1812.001

7

Appellant's position: Appellant claims that the approval of the application makes tangential reference to the need for an additional water supply, but the approval is not conditioned on compliance.

Findings and Decision: The Board finds and determines that the Project COAs require monitoring and installation of flow regulation devices on all of the parcel's wells not because there is a need for additional water sources, but rather as a limitation on the pumping capacity of the other existing wells on site to ensure overall water demand of 10.16 af/yr is not exceeded and that the Project reduces its existing overall groundwater demand. (COA 4.9) If only Well #1 is monitored, the pumping could potentially be increased on the other two wells resulting in increased groundwater use.

Conclusion:

For the foregoing reasons, the Board finds that substantial evidence exists in the record to uphold the Planning Commission's decision. Therefore, the Board denies the Fourth Ground of Appeal and upholds the Planning Commission's approval of the Project.

Attachment B: Staff Responses to

**Staff Responses to
Grounds of Appeal**

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Attachment B: Staff Responses to Grounds of Appeal

Appeal Ground No. 4: Appellant claims that the approval of the application makes tangential reference to the need for an additional water supply, but the approval is not conditioned on compliance.

Staff Response:

Staff is unclear how the conditions tangentially reference the need for an additional water supply. The specific conditions require monitoring and installation of flow regulation devices on all the parcel's wells. This is not in reference to the need for additional water sources, but rather a limitation on the pumping capacity of the other existing wells on site to ensure the noted overall water demand of 10.16 af/yr is not exceeded thereby ensuring that the project is truly resulting in a reduction in overall groundwater demand. Because the Applicant is reducing groundwater use, the *Interim Napa County Well Permit Standards and WAA Requirements - January 2024* (see **Attachment R**) do not require a Tier II interference and Tier III interaction analysis. If only Well #1 is monitored, the pumping could potentially be increased on the other two wells resulting in increased groundwater use. The COAs will require the demolition of the potential well and monitoring of all three of the parcel's remaining wells (Well #1, Well #2 and Well #3) to ensure overall water use is reduce from 10.18 af/yr to 10.16 af/yr.

Appeal Ground No. 5: Appellant asserts that although this project has been in development since 2018, and although it acknowledges the need for well monitoring, there is no well monitoring or consumption data.

Staff Response:

The WAA data provided by the Applicant was reviewed by County staff and complies with the requirements set forth in the WAA Guidance Document. As noted above the winery will utilize the Well #1 to serve the winery use. The project has been designed to offset the increase in water use through the removal of 0.63 acres of existing vineyard (resulting in that much less vineyard

Attachments

Draft Environmental Document
(Draft IS, NOI, NOA, Public
notices, OPR Summary Form,
Appx.)

ENVIS_CEQA IS.MND_P22-00002-DCR PDF 641 K	Exhibit D, Project Description PDF 642 K
Exhibit E, Plan Set and Exterior Color Elevations PDF 943 K	
Exhibit F, Use Permit Application, Site Photos, Correspondence-OPR PDF 274 K	
Exhibit G, Biological Study PDF 893 K	Exhibit H, Final Transportation Impact Study PDF 802 K
Exhibit I, Noise Study PDF 548 K	Exhibit J, Waterwater System Feasibility Report PDF 882 K
Exhibit K, Water Availability Analysis PDF 424 K	Exhibit L, Stormwater Control Plan Report PDF 154 K
Exhibit M, Project Revision Statement PDF 159 K	Exhibit O, Graphics PDF 579 K
MNDP_Bonny's Vineyard_P22-00002 PDF 111 K	OPR Summary Form, DCR PDF 111 K
PC Hearing Notice_P22-00002 PDF 230 K	

Notice of Completion (NOC)
Transmittal form

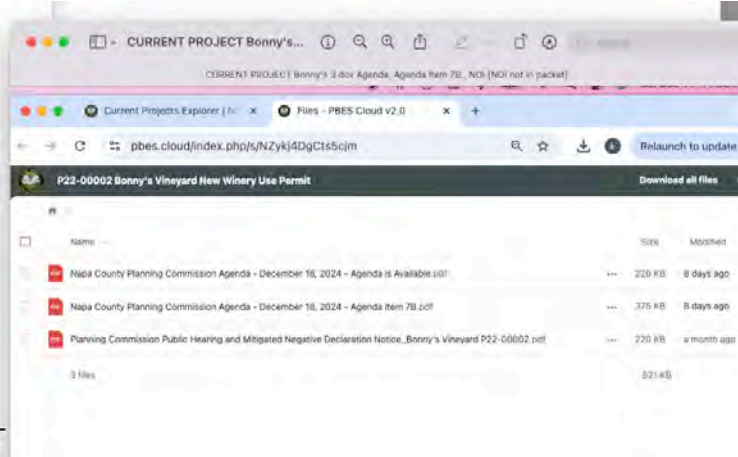
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cameron@cmpengineering.com

Attachments: [Exhibit A, Recommended Findings](#)
[Exhibit B, Recommended COA and Final Agency Approval Memo](#)
[Exhibit C, Initial Study - Mitigated Negative Declaration](#)
[Exhibit D, Project Description](#)
[Exhibit E, Plan Set and Exterior Color Elevations](#)
[Exhibit F, Use Permit Application, Site Photos, Correspondence](#)
[Exhibit G, Biological Study](#)
[Exhibit H, Final Transportation Impact Study](#)
[Exhibit I, Noise Study](#)
[Exhibit J, Waterwater System Feasibility Report](#)
[Exhibit K, Water Availability Analysis](#)
[Exhibit L, Stormwater Control Plan Report](#)
[Exhibit M, Winery Comparison Tables](#)
[Exhibit N, Project Revision Statement](#)
[Exhibit O, Graphics](#)
[Exhibit P, Public Comment](#)



Power Point 10 Slide

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