

**“H”**

# Application Materials

Hess Collection – Laird  
General Plan Amendment P21-00055 and Rezone P24-00221  
Planning Commission Hearing October 2, 2024

June 6, 2023 [Updated September 16, 2024]

Mr. Brian B. Bordona  
Planning, Building and Environmental Services Director  
Napa County  
1195 Third Street, Suite 310  
Napa, CA 94559  
brian.bordona@countyofnapa.org

**VIA EMAIL**

Dear Mr. Bordona,

We represent Hess Collection Winery (“HCW”) in connection with its and Laird Family Estate’s (“Laird”) request for a General Plan Amendment and Rezone on approximately 281 acres of land east of Highway 29 in unincorporated Napa County, consisting of property owned by the HCW (APN 057-090-065) (“HCW Property”), and property owned by Laird (APN 057-090-066) (“Laird Property”; together with the HCW Property, the “Properties”). At this time, HCW and Laird are not proposing specific development plans, but rather seek redesignation of the Properties for industrial uses as anticipated by the Napa County General Plan (referred to herein as “the Project”). We are writing to clarify the extent of HCW’s and Laird’s request for County approvals and to provide some background for your consideration regarding the level of environmental review required under the California Environmental Quality Act (“CEQA”) in connection with the Project.

**HCW’s and Laird’s Request for a General Plan Amendment and Rezone**

On June 22, 2021, the Napa County Board of Supervisors authorized the County’s Planning Department to initiate processing of a General Plan Amendment and Rezone for the Properties. For the reasons detailed below, HCW and Laird request that the County begin processing the application for a General Plan Amendment and Rezone to redesignate the Properties from Agricultural Watershed & Open Space to Industrial and rezone the Properties from Agricultural Watershed to Industrial Park.

As contemplated by the Board during its June 2021 consideration of the General Plan Amendment and Rezone request, further processing of the application would require a “will serve” letter from the City of American Canyon, demonstrating its ability to provide water and sewer service to the Properties. On March 6, 2023, the City of American Canyon issued a “will serve” letter to HCW and Laird, confirming that the City would provide water and sewer services to the Properties.

Additionally, as provided in the original request for a General Plan Amendment and Rezone, HCW and Laird indicated their willingness to dedicate a portion of the Properties for purposes of constructing the “Newell Extension,” i.e., extending Flosden/Newell Road north of the previously proposed Green Island Road alignment, in accordance with County General Plan Policy AG/LU-40. On March 23, 2023, HCW and the City of American Canyon entered into a Dedication Agreement, whereby HCW agreed to convey to the City an irrevocable offer of dedication of fee title to certain portions of the HCW Property for purposes of the Newell Extension, in accordance with the terms of the Dedication Agreement.

Accordingly, HCW and Laird have satisfied the necessary pre-requisites to initiate further processing of the General Plan Amendment and Rezone. In processing the application, the County need only consider redesignating the Properties to Industrial and rezoning the Properties to Industrial Park. At this time, HCW and Laird are not proposing specific development plans; rather, HCW and Laird simply seek to redesignate and rezone the Properties in accordance with Napa County General Plan Policy AG/LU-40. Any future development proposal would require additional entitlements from the County, e.g., site plan approval or tentative maps, and could be analyzed in detail at that time. However, as there are no specific development plans, any analysis of potential industrial development on the Properties would be speculative at this time.

### **CEQA Review Requirements for Industrial Redesignation of the Properties**

As you know, in 2008 the County certified the Napa County General Plan Update Environmental Impact Report (“GPU EIR”) and adopted a comprehensive update of its General Plan. Prior to the 2008 GPU, the Properties were designated for industrial uses. Through the GPU, the County designated the Properties “Agriculture, Watershed & Open Space” while acknowledging the possibility for industrial redesignation if Flosden/Newell Road were extended north of Green Island Road.<sup>1</sup> As described in more detail below, the GPU EIR includes analysis of potentially extensive industrial development on the Properties, and we believe the County may approve the requested General Plan Amendment and Rezone in reliance on an addendum to the GPU EIR, confirming that none of CEQA’s triggers for preparation of supplemental environmental review have been met.

The GPU EIR is a program EIR designed to facilitate CEQA evaluation of later projects under the GPU:

This EIR has been prepared as a Program EIR pursuant to State CEQA Guidelines Section 15168... The program level analysis considers the broad environmental effects of the overall proposed General Plan Update. This EIR will be used to evaluate subsequent

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<sup>1</sup> See Napa County General Plan, Policy AG/LU-40 (“The properties known as the “Hess Vineyards” shall be designated Agriculture, Watershed & Open Space, but shall be considered for redesignation to an Industrial designation if Flosden/Newell Road is ever extended north of Green Island Road, through the property.”)

projects (public and private) under the proposed Napa County General Plan Update consistent with CEQA and the State CEQA Guidelines. When individual projects or activities under the General Plan are proposed, the County would be required to examine the projects or activities to determine whether their effects were adequately analyzed in this EIR. If the projects or activities would have no effects beyond those analyzed in this EIR, no further CEQA compliance would be required.

Pursuant to the CEQA Guidelines, if a lead agency finds, pursuant to CEQA Guidelines Section 15162, that no subsequent EIR is required, the lead agency can approve the activity as being within the scope of a program EIR, and no new environmental document is required. (CEQA Guidelines § 15168(c)(2)). The factors that an agency may consider in determining whether a project is within the scope of a program EIR include “consistency of the later activity with the type of allowable land use, overall plan density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure as described in the program EIR.” (*Id.*)

Once an EIR has been certified for a project, “CEQA establishes a presumption against additional environmental review.” (*San Diego Navy Broadway Complex Coalition v. City of San Diego* (2010) 185 Cal.App.4<sup>th</sup> 924, 928; *see also Latinos Unidos de Napa v. City of Napa* (2013) 221 Cal.App.4<sup>th</sup> 192, 201-02 [describing subsequent CEQA review standards].) Following EIR certification, no subsequent EIR shall be prepared for that project unless the lead agency determines one or more of the following:

- substantial changes are proposed in the project that involve new or substantially more severe significant environmental effects than identified in the EIR;
- substantially changed circumstances involve new or substantially more severe environmental effects than identified in the EIR; or
- new information, which was not and could not have been known at the time the previous EIR, shows new or substantially more severe environmental effects, or different feasible mitigation measures or alternatives that would substantially reduce significant effects, but the project proponent declines to adopt them.

(See Public Resources Code § 21166; CEQA Guidelines § 15162(a).)

If none of the triggers for subsequent or supplemental review are met but some changes or additions to the previously certified EIR are necessary, an agency may prepare an addendum to the EIR memorializing those changes. (See CEQA Guidelines § 15164(a) [“The lead agency... shall prepare an addendum to a previously certified EIR if some changes or additions

are necessary but none of the conditions described in Section 15162 calls for preparation of a subsequent EIR have occurred.”.) Agencies often prepare EIR addenda to document analysis confirming further CEQA review is not necessary.

An agency’s determination that subsequent CEQA review is not required is reviewed under the deferential “substantial evidence” standard of review. (*See Committee for Re-Evaluation of the T-Line Loop v. San Francisco Mun. Transp. Agency* (2016) 6 Cal.App.5th 1237, 1247 [upholding decision not to conduct further CEQA review of 900-foot light rail line addition because agency determination was supported by substantial evidence].) Under that standard of review, a reviewing court will uphold the agency’s decision so long there is some evidence in the administrative record supporting the agency’s decision that none of CEQA’s subsequent review triggers have been met. (*See id.*)

In contexts similar to the General Plan Amendment and Rezone request here, courts have upheld local agency decisions that subsequent CEQA review is not required. For example:

- In *Latinos Unidos de Napa v. City of Napa*, the court upheld the City of Napa’s decision not to prepare a subsequent EIR when it approved housing-related general plan and zoning amendments in conjunction with adoption of its Housing Element Update in 2009. (*Latinos Unidos de Napa, supra*, 221 Cal.App.4th at 203-207. The court concluded the City’s decision to rely on its 1998 General Plan Program EIR was supported by substantial evidence.
- In *Citizens Against Airport Pollution v. City of San Jose*, the court rejected several claims that subsequent environmental review was required prior to the City of San Jose’s adoption of changes to its Airport Master Plan related to siting of air cargo and aviation facilities and taxiway modifications. (*Citizens Against Airport Pollution v. City of San Jose* (2014) 227 Cal. App. 4th 788, 807-08.) The city adopted the plan changes in reliance on its eighth addendum to its 1997 Airport Master Plan EIR, and petitioners argued the City was required to prepare a subsequent EIR for a variety of reasons, including potential impacts related to noise, air quality, greenhouse gas emissions, and burrowing owl habitat. Rejecting all claims, the court determined the City’s decision not to prepare a subsequent EIR was supported by substantial evidence.
- In *Committee for Re-Evaluation of the T-Line Loop v. San Francisco Municipal Transportation Agency*, the court upheld the San Francisco Municipal Transportation Agency’s (“Muni”) decision not to prepare a subsequent CEQA document when it approved the addition of a 900-foot light rail line to a partially constructed light rail loop in San Francisco. (*Committee for Re-Evaluation of the T-Line Loop v. San Francisco Mun. Transp. Agency, supra*, 6 Cal.App.5th 1237.) Muni approved the light rail addition in reliance on a 1998 EIR prepared for plans

to connect rail lines in the southeastern part of the City to the rest of the City. Petitioners claimed the proposed light rail line extension fell outside the scope of that EIR and that new information and changed circumstances required preparation of a subsequent EIR. The Court rejected this challenge, concluding that substantial evidence supported the City's determination that no further CEQA review was required.

- In *Save our Heritage Organisation v. City of San Diego*, the court upheld the City of San Diego's approval of changes to the previously approved Plaza de Panama project in reliance on an addendum to the certified EIR for the project. (*Save our Heritage Organisation v. City of San Diego* (2018) 28 Cal.App.5<sup>th</sup> 656.)

As applied to HCW's and Laird's requested General Plan Amendment and Rezone, the GPU EIR analyzed the impacts of two alternatives that assumed designation of the Properties for industrial uses. Alternative A, the "Existing Plan Alternative," assumed the Properties would retain their industrial designation. (GPU EIR, p. 3.0-14.) Alternative E, the "Jobs/Housing Balance Alternative," assumed extensive industrial development on the Properties and nearby property. (*Id.*, p. 6.0-32.) Given the GPU EIR's analysis of the impacts associated with designation and use of the Properties for industrial uses, we anticipate that the County could approve the Project in reliance on the GPU EIR, as augmented by an addendum confirming that (1) the Project is within the scope of the GPU EIR as required by CEQA Guidelines section 15168(c), and (2) none of the triggers for subsequent or supplemental review under Public Resources Code section 21166 and CEQA Guidelines section 15162 have been met:

1. **The Project is within the Scope of the GPU EIR.** The Project is within the scope of the GPU EIR, in that HCW and Laird now request redesignation of the Properties for industrial uses as explicitly provided for in GPU Policy AG/LU-40. The Project would occur within the geographic area analyzed in the GPU EIR and would also be consistent with the industrial land uses described therein. (*See* CEQA Guidelines § 15168(c)(2) [discussing relevant factors that an agency may consider in determining whether a project is within the scope of a program EIR])
2. **The Project would not cause new or substantially more severe significant environmental effects than those identified in the GPU EIR.** GPU EIR Alternatives A and E both assumed the Properties would be redesignated for industrial uses, and the environmental impacts of developing the Properties for industrial/business park uses were analyzed as part of Alternative E. In its analysis of Alternative E, the GPU EIR considered the impacts developing over 6 million square feet of manufacturing and warehouse uses on and in the vicinity of the Properties, resulting in creation of approximately 3,300 jobs.<sup>2</sup> The GPU EIR also analyzed the

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<sup>2</sup> As described in the Industrial Land Use Study developed for the GPU, Alternative E assumed 3,652,000 square feet of industrial development on Hess Vineyards and an additional 2,382,000 square feet of industrial development

impacts of developing a northern extension of Flosden/Newell Road from American Canyon Road to Green Island Road. (See GPU EIR, p. 6.0-33.) The GPU EIR thus analyzed the impacts of extensive industrial development on the Properties, thereby ensuring adequate analysis of potential impacts resulting from redesignation of the Properties for industrial uses. As noted above, no development of the Properties is planned at this time. Accordingly, the mere redesignation of the Properties for industrial uses would not cause new or substantially more severe significant impacts than those identified in the GPU EIR's analysis of Alternatives A and E.

3. **There are no substantially changed circumstances involving new or substantially more severe environmental effects than those identified in the GPU EIR.** We are not aware of any substantial changes in circumstance that would cause redesignation of the Properties for industrial uses to generate new or substantially more severe impacts than those identified for Alternatives A and E. No development of the Properties is proposed at this time; rather, HCW and Laird request that the Properties be redesignated as contemplated by Policy AG/LU-40.
4. **There is no new information showing new or substantially more severe environmental effects or indicating that different feasible mitigation measures or alternatives would substantially reduce significant effects identified in the GPU EIR.** We are not aware of any new information suggesting redesignation of the Properties for industrial uses would cause new or substantially more severe impacts than those identified for Alternatives A and E, especially considering that no development of the Properties is proposed at this time.

For the reasons described above, we anticipate that an addendum to the GPU EIR may be prepared confirming that none of CEQA's subsequent environmental review triggers have been met. Such an addendum would provide substantial evidence supporting a decision by the County to redesignate the Properties for industrial uses without completing further CEQA review. Under the deferential standard of review applied to an agency's subsequent review determinations, the County would be well-positioned to successfully defend against any CEQA challenges to its approval of the redesignation.

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on parcels in the vicinity of the HCW property east of Highway 29. The traffic analysis for Alternative E assumed creation of approximately 2,000 jobs associated with industrial development of the HCW Property and approximately 1,300 jobs associated with industrial development of parcels in the vicinity of the HCW Property. (See GPU EIR Appendix C, p. 4.)

Mr. Brian B. Bordona  
June 6, 2023 [Updated September 16, 2024]  
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Please do not hesitate to contact us should you have any questions regarding this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Clark Morrison", with a long horizontal flourish extending to the right.

Clark Morrison

cc: Sean Trippi  
Chris Apallas  
Tim Persson  
Steve Brock  
Rachel Jones





FILE# P21-00055

NAPA COUNTY  
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES  
1195 Third Street, Suite 210, Napa, California, 94559  
(707) 253-4417

APPLICATION FOR GENERAL PLAN OR SPECIFIC PLAN AMENDMENT

TO BE COMPLETED BY APPLICANT  
(Please type or print legibly)

Application for General Plan Amendment   
Application for Specific Plan Amendment

Applicant's Name: The Hess Collection Winery ("HCW")

Telephone #: (707) 255 - 1144 Fax #: ( ) - E-Mail: tpersson@Hesscollection.com

Mailing Address: 4411 Redwood Road Napa CA 94558  
No. Street City State Zip

Status of Applicant's Interest in Property: Owner

Property Owner's Name: (same as applicant, see above)

Telephone #: ( ) - Fax #: ( ) - E-Mail: (same as applicant, see above)

Mailing Address: (same as applicant, see above)  
No. Street City State Zip

Project Site Address/Location: (see APN, below)  
No. Street City State Zip

Assessor's Parcel Number(s): 057-090-065

General Location and Acreage: 241.1 acres of land located northeast of the intersection of SR 29 and Green Island Road (the "Property").

Existing General Plan Or Specific Plan Designation: Agriculture, Watershed, and Open Space

Proposed General Plan Or Specific Plan Designation: Industrial

Change(s) Requested to Accomplish the Following: General Plan Amendment and Rezone to re-designate the Property to the County's "Industrial" land use designation and to rezone the Property to the County's "General Industrial" zoning district. Following re-designation and rezoning, development of the Property and the adjacent property (owned by Laird Family Estate) with up to 4.5 million square feet of industrial uses, which would include up to 1,250 employees, pursuant to a development agreement with the County.

See attached cover letter. See also the related General Plan Amendment Application submitted by Laird Family Estate.

**SUPPORTING INFORMATION:**

A. Describe what changes have occurred in the area or county which create the need for this change. County General Plan Policy AG/LU-40 provides that the Property, as part of "Hess Vineyards," may be re-designated to an "Industrial" designation if Flöscen/ Newell Road is extended north of the previously-proposed Green Island Road alignment. The Watson Ranch Specific Plan, approved by the City of American Canyon in 2018, contemplates the extension of Newell Road northwards through the Property to connect to SR 29 at Green Island Road. The connection of Newell Road through the Property to SR 29 is necessary for completion of the the Newell Road extension. Further, HCW is willing to dedicate a portion of its Property for a preferred north-south alignment to South Kelly Road. The completed road extension would substantially improve traffic circulation in an already heavily congested area. See conceptual plans attached as Exhibit A.

B) Describe the natural characteristics of the land that make it suitable for the proposed change. The Property is predominantly flat, with direct access to SR 29 as well as the planned Newell Road extension. To the north, west, and south of the Property are existing and planned commercial and industrial uses. To the east of the Property are existing agricultural uses.

C) Describe how the proposed change relates to the goals and policies of the county's adopted General Plan or Specific Plan: Policy AG/LU-40 explicitly contemplates re-designating the Property to an Industrial designation as part of the Newell Road extension. The Property also is located in the County's "South County Industrial Area," which represents the largest urbanized area in the County. The County's General Plan supports continued development of industrial uses in this area. Re-designating the Property to an Industrial designation would be compatible with existing and planned development. The Property is specifically excluded from Measure J and Measure P. The proposed re-designation and rezoning of the Property may benefit from and be tiered off of the County's General Plan Update Environmental Impact Report, certified in June 2008, which analyzed the Property under an industrial designation and converting to industrial uses.

Submit a check or money order in the amount of \$ 5,000 Payable to the County of Napa, as a deposit toward actual costs, to the Planning, Building, and Environmental Services Department office.

Timothy Persson 3/24/21  
Signature of Applicant Date  
Timothy Persson  
Print Name

Timothy Persson 3/24/21  
Signature of Property Owner Date  
Timothy Persson  
Print Name

**TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES**

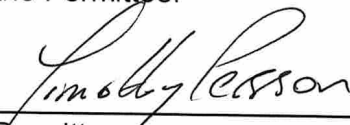
Receipt No. \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_

## INDEMNIFICATION AGREEMENT

In consideration of the discretionary approval for the project identified below, Permittee agrees to defend, indemnify, release and hold harmless the County, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding (collectively referred to as "proceeding") brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County's advisory agencies, appeal boards, zoning administrator, planning staff, planning commission, or board of supervisors, which action is brought within the applicable statute of limitations. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the County, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding that relate solely to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Permittee, the County and/or the parties initiating or bringing such proceeding. Permittee further agrees to indemnify the County for all the County's costs, fees, and damages, which the County incurs in enforcing this indemnification agreement.

Permittee further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County, its agents, officers, employees and attorneys for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Permittee desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Permittee of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Permittee of the proceeding, or if County fails to cooperate fully in the defense, the Permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorney's fees and costs, and defends the action in good faith. The Permittee shall not be required to pay or perform any settlement unless the settlement is approved by the Permittee.

  
\_\_\_\_\_  
Permittee

\_\_\_\_\_  
Property Owner (if other than Permittee)

24 MARCH 2021  
Date

\_\_\_\_\_  
Project Identification





A Tradition of Stewardship  
A Commitment to Service

FILE# P21-00055

NAPA COUNTY  
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES  
1195 Third Street, Suite 210, Napa, California, 94559  
(707) 253-4417

APPLICATION FOR GENERAL PLAN OR SPECIFIC PLAN AMENDMENT

TO BE COMPLETED BY APPLICANT  
(Please type or print legibly)

Application for General Plan Amendment   
Application for Specific Plan Amendment

Applicant's Name: Laird Family Estate ("Laird") (Ken Laird)

Telephone #: (707) 257 - 3910 Fax #: ( ) - E-Mail: kejacklaird@aol.com

Mailing Address: 5055 Solano Avenue Napa CA 94558  
No. Street City State Zip

Status of Applicant's Interest in Property: Owner

Property Owner's Name: (same as applicant, see above)

Telephone #: ( ) - Fax #: ( ) - E-Mail: (same as applicant, see above)

Mailing Address: (same as applicant, see above)  
No. Street City State Zip

Project Site Address/Location: (see APN below)  
No. Street City State Zip

Assessor's Parcel Number(s): 057-090-066

General Location and Acreage: 38 acres of land located east of the intersection of SR 29 and South Kelly Road (the "Laird Property").

Existing General Plan Or Specific Plan Designation: Agriculture, Watershed, and Open Space

Proposed General Plan Or Specific Plan Designation: Industrial

Change(s) Requested to Accomplish the Following: General Plan Amendment and Rezone to re-designate the Laird Property to the County's "Industrial" land use designation and to rezone the Laird Property to the County's "General Industrial" zoning district. Following re-designation and rezoning, development of the Laird Property and the adjacent property (owned by the Hess Collection Winery) with up to 4.5 million square feet of industrial uses, which would include up to 1,250 employees, pursuant to a development agreement with the County.

See attached cover letter. See also the related General Plan Amendment application submitted by the Hess Collection Winery.

**SUPPORTING INFORMATION:**

A. Describe what changes have occurred in the area or county which create the need for this change. The Laird Property is a portion of "Hess Vineyards", as identified in the County's General Plan. Pursuant to General Plan Policy AG/LU-40, Hess Vineyards, including the Laird Property, may be re-designated to an "Industrial" designation if Flosden/Newell Road is extended north of the previously-proposed Green Island Road alignment. The Watson Ranch Specific Plan, approved by the City of American Canyon in 2018, contemplates the extension of Newell Road northwards through Hess Vineyards to connect to SR 29 at Green Island Road. The connection of Newell Road through Hess Vineyards is necessary for completion of the Newell Road extension. Laird is willing to dedicate a portion of its property for a preferred north-south alignment to South Kelly Road, which would substantially improve traffic circulation in an already heavily congested area. See attached conceptual plans.

B) Describe the natural characteristics of the land that make it suitable for the proposed change. The Laird Property is predominantly flat, with direct access to SR 29 and South Kelly Road, as well as the proposed north-south Newell Road alignment option. To the north, west, and south of the Laird Property are existing and planned commercial and industrial uses. To the east are existing agricultural uses. The Laird Property is necessary to complete the proposed north-south Newell Road alignment option and connect to South Kelly Road.

C) Describe how the proposed change relates to the goals and policies of the county's adopted General Plan or Specific Plan: Policy AG/LU-40 explicitly contemplates re-designating the Laird Property, as part of Hess Vineyards, to an Industrial designation as part of the Newell Road extension. The Property is located in the County's "South County Industrial Area," which represents the largest urbanized area in the County. The County's General Plan supports continued development of industrial uses in this area. Re-designating the Laird Property to an Industrial designation would be compatible with existing and planned development. The Laird Property is specifically excluded from Measure J and Measure P. The proposed re-designation and rezoning of the Laird Property may benefit from and be tiered off of the County's General Plan Update Environmental Impact Report, certified in June 2008, which analyzed the Laird Property under an industrial designation and converting to industrial uses.

Submit a check or money order in the amount of \$ 5,000 Payable to the County of Napa, as a deposit toward actual costs, to the Planning, Building, and Environmental Services Department office.

*Ken Laird* 3/24/21  
Signature of Applicant Date  
Ken Laird  
Print Name

*Ken Laird* 3/24/21  
Signature of Property Owner Date  
Ken Laird  
Print Name

**TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES**

Receipt No. \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_


## INDEMNIFICATION AGREEMENT

In consideration of the discretionary approval for the project identified below, Permittee agrees to defend, indemnify, release and hold harmless the County, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding (collectively referred to as "proceeding") brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County's advisory agencies, appeal boards, zoning administrator, planning staff, planning commission, or board of supervisors, which action is brought within the applicable statute of limitations. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the County, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding that relate solely to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Permittee, the County and/or the parties initiating or bringing such proceeding. Permittee further agrees to indemnify the County for all the County's costs, fees, and damages, which the County incurs in enforcing this indemnification agreement.

Permittee further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County, its agents, officers, employees and attorneys for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Permittee desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Permittee of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Permittee of the proceeding, or if County fails to cooperate fully in the defense, the Permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorney's fees and costs, and defends the action in good faith. The Permittee shall not be required to pay or perform any settlement unless the settlement is approved by the Permittee.

  
\_\_\_\_\_  
Permittee

  
\_\_\_\_\_  
Property Owner (if other than Permittee)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Project Identification





A Tradition of Stewardship  
A Commitment to Service

FILE # P24-00221

NAPA COUNTY  
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES  
1195 Third Street, Suite 210, Napa, California, 94559 • (707) 253-4417

**APPLICATION FOR A ZONE CHANGE**

FOR OFFICE USE ONLY

ZONING DISTRICT: AW:AC Date Filed: \_\_\_\_\_

REQUEST: Rezone from AW:AC to IP:AC Date Published: \_\_\_\_\_

\_\_\_\_\_ Date Posted: \_\_\_\_\_

\_\_\_\_\_ ZA CDPC BS APPEAL

\_\_\_\_\_ Hearing: \_\_\_\_\_

\_\_\_\_\_ Action: \_\_\_\_\_

TO BE COMPLETED BY APPLICANT  
(Please type or print legibly)

Applicant's Name: Hess Collection Winery (HCW)  
Telephone #: (707) 255 - 1144 Fax#: ( ) - Email: tpersson@hesspersson.com

Site Address: (See APN #) \_\_\_\_\_ Assessor's #(s): 057-090-065  
No. Street City State zip

Mailing Address: (Same as Applicant, below) \_\_\_\_\_  
No. Street City State  
Zip

Status of Applicant's interest in property: Property owner

Property Owner(s) Name: Hess Collection Winery (HCW)

Telephone #: (707) 255 - 1144 Fax#: ( ) - Email: tpersson@hesspersson.com

Mailing Address: 4411 Redwood Road, Napa, CA 94558  
No. Street City State Zip

**PLEASE ATTACH A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY**

Agricultural Watershed

Zone Change: From (AW) To Industrial Park (IP) Text Change: N/A

Explain Fully the reason for zone change or zoning text change: The proposed project includes a request to amend the General Plan to change the Property's land use designation from AWOS to Industrial and a request to rezone the Property from AW to IP, consistent with GPU Policy AG/LU-40, the GPU EIR's Alternatives A and E, and the Property's prior existing industrial land use designation/zoning.

I certify that the above statements are correct and that the plot plan is accurate.

Timothy Persson  
Signature of Applicant

8/1/2024  
Date

Timothy Persson  
Signature of the Property Owner

8/1/2024  
Date

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

\*Total Estimated Fees: \$ \_\_\_\_\_ Receipt No. \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_

*\*Total Fees will be based on actual time and materials*

**INDEMNIFICATION AGREEMENT**

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

Timothy Persson  
Applicant

\_\_\_\_\_  
Property Owner (if other than Applicant)

8/1/2024  
Date

Hess Collection-Laird General Plan Amendment & Rezoning Project  
Project Identification





A Tradition of Stewardship  
A Commitment to Service

FILE # P24-00221

NAPA COUNTY  
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES  
1195 Third Street, Suite 210, Napa, California, 94559 • (707) 253-4417

**APPLICATION FOR A ZONE CHANGE**

FOR OFFICE USE ONLY

ZONING DISTRICT: AW:AC Date Filed: \_\_\_\_\_

REQUEST: Rezone From AW:AC to IP:AC Date Published: \_\_\_\_\_

\_\_\_\_\_ Date Posted: \_\_\_\_\_

\_\_\_\_\_ ZA CDPC BS APPEAL

\_\_\_\_\_ Hearing: \_\_\_\_\_

\_\_\_\_\_ Action: \_\_\_\_\_

TO BE COMPLETED BY APPLICANT  
(Please type or print legibly)

Applicant's Name: Laird Family Estates (Ken Laird)

Telephone #: (707) 257 - 3910 Fax#: ( ) - Email: kejacklaird@aol.com

Site Address: (See APN #) \_\_\_\_\_ Assessor's #(s): 057-090-066

No. Street City State zip

Mailing Address: (Same as Applicant, below)

No. Street City State

Zip

Status of Applicant's interest in property: Property owner

Property Owner(s) Name: Laird Family Estates (Ken Laird)

Telephone #: (707) 257 - 3910 Fax#: ( ) - Email: kejacklaird@aol.com

Mailing Address: 5055 Solano Avenue, Napa, CA 94558

No. Street City State Zip

PLEASE ATTACH A COMPLETE LEGAL DESCRIPTION OF THE PROPERTY

Agricultural Watershed  
Zone Change: From (AW) To Industrial Park (IP) Text Change: N/A

Explain Fully the reason for zone change or zoning text change: The proposed project includes a request to amend the General Plan to change the Property's land use designation from AWOS to Industrial and a request to rezone the Property from AW to IP, consistent with GPU Policy AG/LU-40, the GPU EIR's Alternatives A and E, and the Property's prior existing industrial land use designation/zoning.

I certify that the above statements are correct and that the plot plan is accurate.

[Signature] 8/5/24 [Signature]

Signature of Applicant Date Signature of the Property Owner Date

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

\*Total Estimated Fees: \$ \_\_\_\_\_ Receipt No. \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_


*\*Total Fees will be based on actual time and materials*

**INDEMNIFICATION AGREEMENT**

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Applicant

8/5/24  
Date

\_\_\_\_\_  
Property Owner (if other than Applicant)

Hess Collection-Laird General Plan Amendment & Rezoning Project  
\_\_\_\_\_  
Project Identification