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Applicant Supplemental Information



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September 13, 2024

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Napa County Board of Supervisors
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*Delivery via email to:
Joelle.Gallagher@countyofnapa.org*

Re:	William Cole Winery Additional Written Information
Applicant:	William Cole Winery
Appellant:	Water Audit California
Action Being Appealed:	Appeal of May 1, 2024, Planning Commission’s Unanimous Approval of William Cole Winery Use Permit Major Modification No. P19-00101-MOD & Variance P19-00441-VAR
Action Being Requested:	Denial of this Appeal

Dear Chair Gallagher and Supervisors:

This letter is respectfully submitted on behalf of Applicant, William Cole Winery, in opposition to the appeal filed by Water Audit California (“WAC”) regarding the Planning Commission’s approval of the above-referenced application for a Use Permit Major Modification and Variance (“Project”).

INTRODUCTION

William Cole Winery is applying for a Use Permit Modification and Variance for their existing winery located at 2849 St. Helena Highway in Napa County, California. No new buildings are planned as part of the Use Permit Modification.

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1. History of Ballentine Family and Winery

William Cole Winery is operated by Bill and Jane Ballentine. The Ballentine family history is deeply rooted in Napa Valley, with distant relatives arriving in Napa Valley in the 1850s. Mr. Ballentine grew up in the vineyard and wine industry in the Napa Valley working for his family, and then later working at several wineries after receiving his oenology degree from Cal State Fresno.

In 1992, Bill Ballentine was instrumental in helping his parents create Ballentine Vineyards Winery in St. Helena, and in 1999, Bill Ballentine and his wife purchased the property where William Cole Winery is located, beginning his dream of being a winemaker and winery owner.

Thereafter, they filed for a winery use permit and ultimately received their current use permit in 2002. Once the winery remodel and updates were completed a few years later, the Ballentines began producing William Cole wines.

William Cole Winery is a truly family-owned and operated winery. Bill Ballentine is the winemaker and vineyard manager along with his son, Cole Ballentine, who is the assistant winemaker and vineyard manager. Bill's wife, Jane, is the bookkeeper and office manager, and their daughter, Claire, is a marketing manager. All of their wines are sold direct to consumer or in restaurants.

2. Application and Unanimous Approval

William Cole Winery submitted the current Project application that is the subject of this appeal on March 25, 2019. There are no proposed changes to the winery building or residence that were covered by the 2002 use permit. The pending application covers proposed changes to convert the existing barn to meet commercial standards for use as production, aging, and barrel storage. The barn constructed in 2018, which was not part of the winery, was being used as barrel storage. The applicant also seeks to expand its entitlements to increase wine production from 20,000 gallons per year to 30,000 gallons per year. The application also proposes to increase employees, daily and weekly visitation, marketing events and increase in parking. Staff determined that the applicant's proposal would not have any potentially significant environmental impacts and recommended adoption of the Negative Declaration and approval of the Use Permit as requested and approval of the Variance as conditioned.

Napa County Board of Supervisors
September 13, 2024
Page 3

After reviewing the submitted materials, on May 1, 2024, the Planning Commission unanimously approved the Project and staff's recommendations, subject to a three year waiting period for the increase in production and visitation.

The appeal ignores the comprehensive record before the Board. William Cole Winery's application is comprehensive and proper and the Board should uphold the Planning Commission's unanimous approval.

STANDARD OF REVIEW

Pursuant to Napa County Code ("NCC") section 2.88.050(A)(4), the appeal before the Board is limited to the grounds set forth in the appeal packet. New extrinsic evidence is specifically disallowed and the appellant did not bring a "good cause" request to raise new issues before the deadline. Any issue not set forth in the appeal packet has been waived. *Id.*

Under CEQA, potential impacts are measured from the baseline of existing conditions. Here, the Project is in compliance and WAC has raised no contrary evidence.

DISCUSSION

Appellant has articulated eight grounds for its appeal. William Cole Winery addresses each of these grounds below.

1. The County properly circulated or published the project documents to secure regulatory agency approvals.

The application was sent to all regulatory agencies that were required to approve same. The County responded to WAC on April 16, 2024, in greater detail as to this issue. Therein, the County confirmed: The 13 available documents on the Current Projects Planning Website correspond to the documents attached to or referenced in the Staff Report prepared for Planning Commission hearing, on April 17, 2024. One document is the draft Staff Report with the accompanying Attachments, including the CEQA Initial Study/Negative Declaration (IS/ND). The application was sent directly to CalFire for review at the same time the application was sent for review to all other internal County Divisions.

The County did not circulate the IS/ND to the City of St. Helena as there are no proposed changes to the existing domestic residential water services that are provided by the City.

Napa County Board of Supervisors
September 13, 2024
Page 4

Furthermore, comments were received from both Caltrans and the State Water Resources Control Board (Water Board) providing guidance to the applicant to ensure any permitting or notification requirements are met. The comment letters were provided to the applicant's team and to the Planning Commission for the hearing on April 17, 2024 (see Attachment M to the Staff Report).

Finally, the IS/ND was submitted to the State Clearinghouse SCH No. 2024030466 for review by the following agencies: California Air Resources Board (ARB), California Department of Fish and Wildlife, Northern and Eureka Region 1 (CDFW), California Department of Forestry and Fire Protection (CalFire), California Department of Parks and Recreation, California Department of Transportation, District 4 (DOT), California Department of Water Resources (DWR), California Highway Patrol (CHP), California Native American Heritage Commission (NAHC), California Natural Resources Agency, California Regional Water Quality Control Board, San Francisco Bay Region 2 (RWQCB), California State Lands Commission (SLC), Department of Toxic Substances Control, Office of Historic Preservation, State Water Resources Control Board, Division of Drinking Water, State Water Resources Control Board, Division of Water Quality.

2. There is a proven water source for the project and no "will serve" letter from the City of St. Helena is required.

William Cole Winery is not obligated or required to obtain a "will serve" letter from the City of St. Helena. A "will serve" letter is a letter from a Water Purveyor declaring that the purveyor's system will provide a water connection to a *proposed* project. The City of St. Helena is not supplying any new water as it relates to this Project. Instead, domestic use, including the residence, pool, and landscaping, are all using water currently supplied from the City of St. Helena Water District. The City will continue providing water service to the existing house onsite, as it has for decades. The City of St. Helena has also executed a "fire service agreement" on October 22, 2013, for the addition of a fire service (County Record No. 2013-0031460). The City of St. Helena is not supplying water for any *new* uses. Accordingly, a "will serve" letter is not required. WAC has been advised of this analysis, including being provided a letter from Joe Leach, the director of Public Works for the City of St. Helena, confirming same.

3. The application is complete for a private water source.

Napa County Environmental Health oversees this water system which is subject to regular testing requirements. Accordingly, William Cole Winery has complied with all conditions required of it. This is not a proper ground for appeal as the record and Conditions of Approval directly contradict this allegation.

4. The well pumping data is adequate and proper.

The well pumping data submitted, as discussed in the Richard C. Slade & Associates, LLC (“RCS”) WAA, is adequate for the purpose of meeting County analysis requirements for project approval. Specifically, a pumping test and Tier 2 WAA analysis was performed. Accordingly, the Board should reject this ground.

5. The Conditions of Approval are consistent with the Caltrans comments and requirements.

Public Works did not have any recommended conditions of approval for the Project and the Project is below the threshold for preparation of a traffic study. Accordingly, there is no basis for this ground of appeal.

6. The second floor of the “barn” is not a tasting room.

WAC is incorrect that the second floor of the “barn” is proposed to be a tasting room. Specifically, the “barn” does not have a second floor. Again, this is not a proper ground for appeal.

7. The Conditions of Approval provided the necessary and conceded provision for the preservation of cultural resources.

The applicant included a Cultural Resource Study and was referenced as part of the CEQA review, which is available at the State Clearinghouse under No. SCH 2024030466.

8. The Application was complete and included: (a) adjoining property owners list (2) associated Assessor’s parcel book pages; (3) USGS Survey Quadrangle per Checklist Requirement; (4) grape source statement; (5) storm drainage plan.

Information regarding property owners within 1,000 feet of the proposed project, Assessor parcel book pages, and the USGS Survey Quadrangle were included in the project file and available for public review. Additionally, the Initial Statement of Grape Source was included in the application packet. Finally, the plans illustrate the compliant Storm Drainage Plan, with no additional improvements requested.

Napa County Board of Supervisors
September 13, 2024
Page 6

CONCLUSION

The Ballentines are one of the few longtime Napa Valley families that live on their winery property and operate their winery as a family. They are excellent stewards of the land and the wine industry. We respectfully urge the Board to adopt the findings and decision made by the Planning Commission and deny the appeal.

Very truly yours,

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