



WATER AUDIT CALIFORNIA

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September 15, 2025

County of Napa
Planning Commission

meetingclerk@countyofnapa.org

RE: Hearing – September 17, 2025
Item 7A. STEVEN CONTURSI / ARROW AND BRANCH WINERY / USE
PERMIT MAJOR MODIFICATION P23-0005

Water Audit California ("Water Audit") is an advocate for the public trust.

Water Audit comments as follows:

The tragedy of the commons is a widely recognized economic theory where individuals, acting in their own self-interest, deplete a shared, finite resource that no one owns, ultimately harming everyone. The core problem is that the benefit of using the resource accrues to the individual, while the cost of depletion is spread among all users. Without regulation or shared responsibility, a "use it or lose it" mentality takes over, leading to overconsumption and the eventual destruction of the resource.

This tragedy is exactly what is happening in the Napa Valley, and this application is a good example of how it has all gone so wrong. It is incomplete and disingenuous, a perfect merging of the self-interests of applicant and staff at public expense. More importantly, it is cynical proof positive that all of Water Audit's work over the last many months has been thus far in vain, and any averments of planning change or reform are empty words intended to delay and distract. For a simple example, turn to the project checklist, the one thing so benign that no one could object to its useful inclusion. Oh, there's no checklist? How about the pumping data to support the Water Availability Analysis, an honest public trust review or the Water Feasibility Study? Oh, they aren't present either.

Regrettably, these omissions are commonplace, par for the course.

Unlike earlier comment iterations with previous applications, Water Audit has not made the effort to reduce or organize our initial review for your convenience. We have had to sort through gigabytes of data in various repositories to review and comment on this matter, and it took days. We have highlighted numerous missing items. Either take the time to read these eighteen or so pages of raw review, or not, as your conscience dictates.

If there are any questions we can answer, or any point that requires clarification, we stand ready to immediately oblige. We have provided sample questions that seek to fill in some of the missing data if you should choose to ask them.

INTRODUCTION

The current project before the Planning Commission is seeking to increase wine production from 30,000 gallons per year to 45,000 gallons per year, increase employment, increase daily tours and tastings by appointment only¹, increase marketing events, expansion of an existing winery building to create additional production and accessory space, construction of a covered terrace with outdoor tasting, installation of an approximately 81,000 gallon process water storage tank, and reconfigure existing parking. The project is located on an approximately 10.09-acre site at 5215 Solano Avenue APN: 034-190-040. The project parcel is the site of Ideology Cellars.

The site plans do not include the Silenus well easement, site of the offsite water pipeline, or distances from wells to water course or septic fields. The Water System Feasibility is omitted, the Water Availability Analysis did not perform the required 8-hour pumping tests for the easement well, or the 24-hour pumping test for project well public water system. There is no water quality test. The Conditions of Approval continue to omit Department of Public Works review and determination and usurp Department of Public Works authority. The Findings provide no language that Public Works reviewed and determined the Water Availability Analysis.

¹ This factor is stunningly disingenuous, as this provision is routinely ignored and seldom, if ever, enforced. In a recent presentation to the Board and Commission, it was proposed to simply dismiss the limitation.

The project parcel supplies well water (referred to as the “easement well”) to an adjacent parcel site:

“The project well (Well 1) is approximately 40-70 feet from the nearest portion of Dry Creek (located north of the project parcel) and the Silenus Easement Well is approximately 50-80 feet from the nearest portion of Dry Creek.” (Packet page 14) (emphasis added)

“The second well on the property is used exclusively by the adjoining winery, Silenus Vintners, located on APN 034-212-035. **According to the property owner, this well supplies water for the existing winery and vineyards** and the residential uses on the property are supplied by the City of Napa water system.” (Packet page 141)

SILENUS “EASEMENT WELL”

It is uncertain if the Silenus well easement serves additional parcels, other than the Silenus Vintners Winery parcel.

Although there is a Grant Deed in the packet, it is not accompanied with a site map or assessor parcel numbers:

“PARCEL FOUR:

A non-exclusive easement, appurtenant to Parcel One, for water pipeline and incidental purposes as reserved in the Grant Deed from L'Attitude Vineyards, LLC., a California limited liability company to Silenus International Group Inc., a California corporation Recorded September 23, 2010, Instrument Number 2010-0022090 and being more particularly described therein.” (packet page 293)

Not in the packet but found on the County’s Electronic Document Record (“EDR”) is a historical 2009 P09-00474 Ag Preserve Contract on the project parcel APN 034-190-040. It appends a site plan created by RSA Consulting Civil Engineers, naming four parcels. Parcel One is the project parcel. Parcel Four is a 40.21-acre vineyard parcel. Parcel Two is the Silenus Vintner parcel. The Silenus parcel appears to already consume water usage from its two existing wells. The Silenus wells are not sited in the packet site plans before the Planning Commission. It would appear that there is *not* a well easement from the project parcel to the Silenus parcel, and the Silenus well easement is actually associated with the 40.21-acre vineyard parcel. (WAC-A&B.Ex1)

It would appear that the current project parcel is “Parcel One” and the “Silenus” well easement is tied to a “Parcel Four”. That Instrument Number 2010-0022090 is **not in the packet** before the Planning Commission.

The packet Water Availability Analysis calculations do not include the Parcel Four 40.21-acre vineyard parcel water consumption.

Not in the packet but found on the Department of Water Resources website, there are no wells sited on any of the four parcels. (WAC-A&B.Ex2)

Not in the packet but found on County EDR, and in conflict with the Ag Preserve Contract, is an historical Lotline permit W09-00679. On September 11, 2009, Environmental Health Services Memorandum claims the current project parcel One water system serves parcel Two. (WAC-A&B.Ex3) W09-00679 does not include a well easement.

Does the project parcel “Silenus” easement well on Parcel One, serve both Parcel Two and Parcel Four?

Further quandary is how many wells are already existing on the Silenus Vintner parcel. **Not in the packet** but found on EDR, is a 2009 Lotline Adjustment W09-00679. It appended a 2001 Tentative Map that sites one well on the Silenus Vintners parcel. (WAC-A&B.Ex4)

Not in the packet but found on EDR is an earlier 1990 well permit #26445 that sites *two wells* on the Silenus Vintners parcel. (WAC-A&B.Ex5)

Not in the packet but found on County EDR, Silenus Vintners parcel 034-212-035 (Formerly APN# 034-212-030, 31 & 25) Conditions of Approval use permit 01093 October 16 2001 Public Works Department Inter-Office Memo stating review of the phase one, water availability analysis for the proposed project, an estimated water demand of 12.34 AF/Y and water for wine processing and domestic purposes supplied to the site by existing wells. (WAC-A&B.Ex6):

“RECOMMENDED CONDITIONS:

1. This Department has reviewed the phase one, water availability analysis for the proposed project. The 14.3 acre parcel is located in the valley floor area, with a fair-share allowance of 1.0AF/Acre/Year, resulting in a total allowable groundwater extraction volume of 14.3 AF/Year. The estimated water demand of 12.34 AF/Y is below the established threshold for the property. Therefore, the projected water use for this project should not have a significant impact on static water levels of neighboring wells. No further analysis is necessary.” (Page 26)
- 2.

“INTRODUCTION

Koves-Newlan Winery has applied for a use permit to allow an addition to an existing winery. **Water for wine processing and domestic purposes is supplied to the site by existing wells.** No increase in production from the current 72,000 gallons/year is proposed. A lot line adjustment is proposed which will result in the winery being located on a 14.3 acre parcel.” (page 32) (emphasis added)

Why are no wells on the Silenus Vintners parcel sited on the current project site plan?
How many wells exist on the Silenus Vintners Parcel? Why is the current project providing well water to a parcel with already existing wells?

WATER AVAILABILITY ANALYSIS

The Department of Public Works did not review or determine the Water Availability Analysis (“WAA”). There are no water level measurement worksheets, and the following supporting documents are omitted from public review: testing worksheets with geologist signature and date, constant rate pumping test.

The WAA Revised memorandum does not include determinative supporting documents: “alignments of two geologic cross sections prepared by others (LSCE & MBK, 2013; LSCE, 2022) that were used for reference, **but not reproduced herein.**” (Packet page 154)

The WAA assumptions are resultant from two Well Completion Reports, a 2019 six-year-old 4-hour air-lift test (packet page 170), and a 1990 thirty-five year old 5-hour air-lift test (packet page 173). The latter has only a 25-foot sanitary seal and is not an adequate back up well for the drinking water supply. Both are non-compliant in duration and type of test.

Not in packet but found on County website, the County’s 2015 Water Availability Analysis Adopted Policy (“Adopted Policy”) describes the required Public Works review (<https://www.countyofnapa.org/DocumentCenter/View/1056/Water-Availability-Analysis-Adopted-Policy-May-12-2015-PDF>):

“PBES and **Public Works (PW) staff will review** the application for completeness and reasonableness, review the County’s groundwater data management system for additional information about the characteristics of the areas/basin and nearby wells, compare the analysis to the screening criteria, and determine if additional analysis is required” (page 6)(emphasis added)

The Adopted Policy further states that driller's logs well yields are not sufficient pumping rate determinations, and constant rate aquifer test at a minimum 8 hours:

“Estimates of well yield shown on driller’s logs are not sufficient for this purpose. The planned pumping rate should be determined based on the pump and related equipment installed, or planned to be installed, in the well and, if available, **constant rate aquifer test data for tests conducted for a minimum of 8 hours.**” (page 11) (emphasis added)

“The County’s preferred method for determining the aquifer hydraulic conductivity or other parameters is by conducting an aquifer test and analyzing aquifer test data. In some cases, **pump test data may be recorded by a well driller at the time of well construction** and included as part of the Well Completion Report submitted to the California Department of Water Resources. However, **these tests are not always conducted to standards that result in meaningful aquifer parameters** (i.e., the pumping rate may not be constant, the pumping rate may not be large enough to analyze aquifer parameters, the test may be of too short a duration, and groundwater level measurements may not have been made during the test in the pumped well and one or more observation wells, etc.) (page 14) (emphasis added)

The WAA has not satisfied the Adopted Policy criteria.

Furthermore, the County’s 2015 Water Availability Analysis Adopted Policy requires a site map that includes interconnecting plumbing between various water sources (<https://www.countyofnapa.org/DocumentCenter/View/1056/Water-Availability-Analysis-Adopted-Policy-May-12-2015-PDF>):

“The WAA application contains the following information:

3. **A narrative...including description of interconnecting plumbing between the various water sources...**”
(Page 5)(emphasis added)

The site plans do not reveal interconnecting plumbing between the various water sources (packet page 308)

Not in the packet but found on the EDR is the underlying 2012 P12-00440 Conditions of Approval. The Department of Public Works Included is named in the Conditions, and the Department of Public Works Groundwater Memorandum dated October 10, 2013 is appended to those Conditions. (WAC-A&B.Ex7):

“Department of Public Works Steven E. Lederer Director

Subject Ideology Cellars Winery, APN# 034-190-040, P12-00440

1. **We have reviewed** the phase one, water availability analysis for the proposed project.” (page 31) (emphasis added)

That Memorandum was determined after review of the Water Availability Analysis-Phase One Study, also performed by the Department of Public Works under Donald G. Ridenhour, P.E. Director and signed 2/5/2013 by the same civil engineer as the current project, Michael Muelrath. (WAC-A&B.Ex8):

“Congratulations! Just sign the form and your are done! **Public works staff will now compare your projected future water usage with a threshold of use as determined for your parcel(s) size, location, topography, rainfall, soil types, historical water data for your area, and other hydrogeologic information.** They will use the above information to evaluate if your proposed project will have a detrimental effect on groundwater levels and/or neighboring well levels. Should that evaluation result in a determination that your project may adversely impact neighboring water levels, a phase two water analysis may be required. You will be advised of such a decision” (page 56) (emphasis added)

Why does the current project omit the Department of Public Works Groundwater Memorandum, and Water Availability Analysis-Phase One Study determination?

The WAA consultant assumes no flow occurs alongside the project parcel, identifying it as intermittent and thereby dismissing the importance of intermittent streams:

“Surface water in the portion of Dry Creek near the subject property flows, when present, along a northeasterly path towards the confluence with Hopper Creek.” (packet page 154)

“It is important to note that this section of the creek is shown as “intermittent” in the National Hydrographic Dataset (USGS, 2023). Therefore, while Figure 4 above shows that, on average, minor flows have occurred in Dry Creek in the summer and fall, the Creek is generally expected to be dry (not flowing) during the drier months of any given year.” (Packet page 155)

There is no data in packet to support no-flow in Dry Creek. When has Dry Creek recorded no flow? Is a dry creek appearance determinative of no flow under the surface of the creek bed?

Non-perennial streams make up the majority of California’s stream network, and are an important interface between land-use activities and downstream impacts, and support a wide variety of aquatic life uses. **Not in the packet** but found on California Water Board website is the report *WATERBOARD EXTENT OF CALIFORNIA'S PERENNIAL AND NO-PERENNIAL STREAMS*

(https://www.waterboards.ca.gov/water_issues/programs/swamp/docs/reports/mgmt_memo2e xtent):

“However, currently **best-available stream maps are replete with inaccuracies** about the extent and classification of perennial and non-perennial streams. For example, a recent field study in Southern California demonstrated that the **flow status of greater than 50% of streams was misclassified.**” (Page 1) (emphasis added)

DRY CREEK IS AN ANCHOR HABITAT

Not in the hearing packet (“packet”) but found online is the science driven studies produced by CEMAR that reports Dry Creek is an anchor habitat, and the highest priority habitat in the Napa System. The following descriptions are excerpted from *Napa River Flow Enhancement Study: An assessment of streamflow conservation opportunities in selected reaches of the Napa River watershed*. Napa County Flood Control was notified for its monitoring data’s unreliable daily large scale fluctuations, concluding the data is unlikely to represent the stream’s water level. (www.cemar.org/pdf/2013-12-31%20Napa%20River%20Flow%20Enhancement%20Study.pdf) (WAC-A&B.Ex9) and (WAC-A&B.Ex10):

“While various efforts are underway to remove or modify passage barriers, and to directly enhance in stream habitat, fewer projects affecting dry season flow have been implemented, leading to the current study.

In previous analyses, we and other investigators identified the portions of the Napa River system with the most extensive aquatic habitat resources. In decreasing order of availability, our study indicated that Dry, Redwood, Carneros, Sulphur, Tulucay, Napa, Ritchie, Milliken and York and Suscol creeks topped the list of most important potential contributors to the Napa River watershed steelhead fishery. **Another "anchor" habitat analysis cited Dry Creek as the highest priority habitat in the Napa system,** followed by a tier including Carneros, Redwood, Sulphur and Ritchie creeks (Dewberry 2003). A third tier consisted of Jericho, Mill, Dutch Henry and Milliken creeks.²

² Dewberry (2003) used two years of juvenile steelhead surveys for the prioritization while Becker *et al.* analyzed all available observations.” (Page 4) (emphasis added)

“We found that the quality of stage (i.e., water height) data available through the NCFWCWD varied considerably. For some sites, portions of the record showed characteristics of varying peak and base flow water levels in winter and gradual recession to base flow in summer that are characteristic of the regional flow regime (e.g., Figure 6). These patterns suggested the gauge was operating correctly and we described the data quality as “Fair” in Table 2. However, **many of the stage values exhibited large fluctuations on a daily scale that we considered unlikely to**

represent the streams 'water levels. In these instances, where the gauge did not appear to be operating correctly we described the data quality as "Poor" in Table 2. Ultimately, we decided not to use "fair" or "poor" data to characterize streamflow at these sites, as **estimates based on inaccurate stage data would be unreliable.**⁷

⁷ **We contacted NCFWCWCD staff and shared our observations. The District shared our concerns regarding data reliability and noted that steps are being taken to repair or replace equipment, and to address maintenance, data management, and communications protocols in the future.**" (Page 18) (emphasis added)

Has Napa County Flood Control and Water Conservation District ("NCFWCWCD") repaired or replaced monitors? What maintenance has been addressed? Where is the data being managed? What communication protocols have been implemented?

Not in the packet but found on County NCFWCWCD ("Flood Control") website (<https://www.countyofnapa.org/1403/Flood-Control-Water-Conservation-District>):

"The Napa County Flood Control and Water Conservation District is the local sponsor for the award-winning Napa River Flood Management Plan and **administers** Water Supply Contracts, **Watershed Management**, and Stormwater Management Programs throughout Napa County." (Emphasis added)

Department of Public Works manages Flood Control. Flood Control has not reviewed or determined the current project. Department of Planning, Building, & Environmental Services do not manage watershed, groundwater, or natural resources.

Not in the agenda packet but found on County websites:

"Director of Public Works Steve Lederer, Deputy Director of Public Works - **Flood Control & Water Resources** Richard Thomasser, Water Resources & R.I.Ds Engineering **Manager Water Resources** - Chris Silke"
(<https://www.countyofnapa.org/DocumentCenter/View/3244/Public-Works-Department-Organizational-Chart-PDF>) (Emphasis added)

"In Napa County, **Watershed Management** consists of: Clearing problem areas within the Napa River and its tributaries, **Managing and monitoring groundwater**, Overseeing adjudicated watersheds, Preparing special studies for flood protection and watershed management"
<https://www.countyofnapa.org/1161/Watershed-Management> (Emphasis added)

"Natural Resources, Groundwater, Water Conservation, Watershed Information"
(<https://www.countyofnapa.org/1646/About-Us>) (Emphasis added)

WATER SYSTEM FEASIBILITY

There is no Water System Feasibility in the packet. There are no pumping test data, worksheets, or water quality reports.

Staff has attached a document “Transient Non-Community Water System Information” that is intended to be accepted in lieu of the required Water Feasibility Report. The naming difference is subtle, and the document provides no pumping test on the project well. According to County policy the Water System Feasibility Study is required at the time a Use Permit application is submitted. And the public water system requires 24-hour pumping test. There is no water quality testing. There is no back up well for the regulated water system.

Not in the packet but found on County website, County policy requires a water system feasibility report submitted as a completeness item at time Use Permit is submitted, and the technical pumping test requirement is 24 hours

(<https://www.countyofnapa.org/DocumentCenter/View/10959/Water-System-Information-for-Use-Permits-2025?bidId=>) (WAC-A&B.Ex11):

“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.” (Page 1) (emphasis added)

“3. 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” (page 2) (emphasis added)

It would appear the water system consultant uses misleading and deceptive language in an attempt to disguise non-compliance:

"assuming a conservative well pumping cycle of 12 hr per day" (packet page 259) (emphasis added)

Not in packet but found on EDR, the underlying use permit P12-00440 requested a single-family residence. The January 30, 2013, Environmental Health Services Memorandum

determined the applicant required a transient non-community water system, and conditioned applicant to provide a water system feasibility report. (WAC-A&B.Ex12):

“The application is considered INCOMPLETE at this time. **The applicant must submit the following information so we may continue our review:**

3. With the addition of the dwelling on the parcel, it seems the total number of water users (combined employees, visitors, and residents) proposed exceeds 25 daily. If that is the case, the water supply and related components serving this facility will have to comply with the California Safe Drinking Water Act and Related Laws. If the existing water sources will not meet the construction requirements for a regulated water system, a new well (source) may have to be constructed and developed. **A water system feasibility report as outlined in the enclosed handout must be prepared and submitted**” (page 42) (underline in original) (emphasis added)

In order to avoid the required transient non-community water system, the applicant filed P13-00435 and modified the permit by removing the single-family residence request. (WAC-A&B.Ex13). In a letter dated November 28, 2013 Use Permit Application #P12-00440-UP Project Status Report Ideology Cellars Winery APN 034-190-040, Applicant Bob Williamson writes:

“We would like to make the following changes.
5. Remove single family Res. From winery” (page 1)

Why does the current project omit the water system feasibility report completeness item requirement?

FINDINGS

“Net neutral” does not assure no injury to the environment or public trust. The Public Trust is evergreen. Water Audit California disagrees with Environmental Findings 4 and 5:

“4. There is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment provided that measures to mitigate potentially significant impacts to biological and noise resources are incorporated into the project approval.

5. There is no evidence, in considering the record as a whole that the proposed project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends.” (packet page 64)

The Findings do not establish review has been performed by the County Department of Public Works.

Not in packet found on EDR are the historical Findings for the project parcel 2002 Use Permit 01093 citing the Department of Public Works review and determination. (WAC-A&B.Ex14):

“Findings 23.f. The Phase I water study prepared of the project and reviewed by the Department of Public Works showed that the estimated water demand is below the established threshold of rate property, and, therefore, the projected water use for this project is not expected to have a significant effect on the static water levels of neighboring wells or the groundwater table.” (page 13) (emphasis added)

Why do the current project Findings omit Department of Public Works review and determination?

CONDITIONS OF APPROVAL

Not in the packet but found on State Clearing House, the CDFW Letter boldly states the project has the potential to impact Dry Creek and a Lake & Streamed Alteration Agreement may be required. (WAC-A&B.Ex15):

“The Project has the potential to impact Dry Creek, therefore an LSA Notification may be required as further described below.” (Page 2) (emphasis in original)

“Remove the “to the maximum extent practicable” language. Alternatively, add the following requirement to MM BIO-5. If impacts to the bed, bank, channel, or riparian area of the stream cannot be completely avoided, the Project shall notify CDFW for Project impacts to the stream. More information for the notification process is available at <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>. The Project shall comply with all measures of the SAA, if issued, and shall not commence activities with potential to impact the stream until the SAA process has been completed. Restoration to mitigate impacts to the stream shall include a qualified biologist preparing and implementing a restoration plan including, but not limited to success criteria, a minimum of five years of monitoring and maintenance, and achieving success criteria, unless otherwise approved in writing by CDFW.” (Page 5)

The CDFW Letter has not been included in the packet before the Planning Commission. It has not been uploaded to the County Calendar Supporting Documents webpage as of the writing of this comment September 14, 2025. (WAC-A&B.Ex16)

The Conditions of Approval 4.18 COMPLIANCE WITH OTHER DEPARTMENTS AND AGENCIES – OPERATIONAL CONDITIONS does not recognize the California Department of Fish & Wildlife September 8, 2025 Letter of determination (packet page 76/7)

Why is the CDFW Letter not appended to the COA, and why is the Letter not recognized in COA 4.18?

The Biological mitigation measures recognize CDFW as the Responsible Agency but continue to omit the recommended language timing and Responsible Party. (Packet page 82/4)

The Conditions of Approval omits the Public Works Groundwater Memorandum.

The Project Scope omits installation of a transient non-community water supply system, and assigned well. (Packet page 71/2)

There is no condition prohibiting trucked-water.

There is no condition requiring dry-farming vineyards.

The COA omits language "jointly implemented by Public Works and PBES":

"4.9 GROUND WATER MANAGEMENT – WELLS **[RESERVED]** " (packet page 75)

The PBES Director continues to assume the authority of the Department of Public Works.

“COA 6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

d. Groundwater Demand Management Program

1. ... Prior to the issuance of a grading or building permit for the winery the permittee shall submit for review and approval by the **PBES Director** a groundwater demand management plan which includes a plan for the location and the configuration of the installation of a meter on the two wells serving the parcel.
5. For the first twelve months of operation under this permit, the permittee shall read the meters of at the beginning of each month and provide the data to the **PBES Director** monthly... shall be required to be submitted to the **PBES Director** for review and action... Permittee shall also provide well level data to the **PBES Director**.
7. At the completion of the reporting period per 6.15(d)(5) above, and so long as the water usage is within the maximum acre-feet per year as specified above, the permittee may begin the following meter reading schedule:

i. On or near the first day of each month the permittee shall read the water meter and provide the data to the **PBES Director** during the first weeks of April and October. The **PBES Director, or the Director's designated representative, has the right to access and verify the operation and readings of the meters** during regular business hours." (Packet page 86/7)

STAFF REPORT

Omitted from the hearing packet attachments: Notice of Hearing, Affidavit of publication, Water System Feasibility. And, the following CEQA documents: Notice of Completion and Environmental Document Transmittal, Summary Form for Document Submittal. The following agencies were not noticed: United States Fish & Wildlife Service, surrounding cities. (WAC-A&B.Ex17) and (WAC-A&B.Ex18)

The Notice of Hearing does not include SCH number. (WAC-A&B.Ex19)

State Clearing House Project Description Location omits Hopper Creek.

(<https://ceqanet.lci.ca.gov/2025080635>)

Staff continues to accept Draft documents: WAA Revised Memorandum FIGURE 1 Regional Map "DRAFT" (packet page 165), FIGURE 2 Property Map w neighbor well sites "DRAFT" (packet page 166), FIGURE 5 Cross Section A-A' "DRAFT" (packet page 168.)

The Staff Report does not include a full Permit History discussion.

APPLICATION

Application form omits staff initial, date received, and permit number (packet page 113.)

Application Details Project Description omits Date Received, Received By, Receipt No., File No., Deposit Amount, Check No. (Packet page 114)

Hearing packet omits Checklist of Required Application Materials, Water Feasibility Study, interconnecting plumbing between various water sources, Adjoining Property Owner List, Assessor Page, labeled distances, utility lines and easements.

Not in packet but found on County website is a complete application form.

(<https://www.countyofnapa.org/DocumentCenter/View/11761/Use-Permit-Application-Winery>)

Omitted from the current project packet are the following items:

“Form Adjoining Property Owner List Requirements” (page 2)

“To-Scale Site Development Plans (ALL plans must be to an identified architect’s or engineer’s scale and shall be legible): Submit three (3) 24” X 36” and one 11” x 17”copies of plans consistent with information contained in the *Building Division – DesignInformation-SampleSitePlanHandout*:
<https://www.countyofnapa.org/1890/Building-Documents>.” (Page 5)

“Additional Information Required by the Environmental Health Department:

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.” (Page 6)

“All applications shall include a list of the current owners of all the properties whose outer perimeters are within 1,000 feet of the property boundary of the project site. The list shall include the property owner’s names, their addresses, and the assessor’s parcel numbers of the property owned. The list may be expanded to include other affected property owners at the discretion of the Planning Director as well as individuals having a request for notice on file with the Commission Clerk.

Preparation, verification and submission of this list of property owners is the responsibility of the applicant. Lists of the property owners appearing on County tax rolls in the form required are available from all local title insurance companies. Each such list must be certified by a title insurance company as reflecting the most recent County tax roll information. **While the mailing list is not necessarily required at initial project submittal, the project cannot be noticed for hearing without it.**” (Page 26)

“Submit a full page copy of the assessors’ parcel book page(s) and a copy of the latest equalized assessment roll used to compile the property owners’ list. Please indicate the location of all parcels listed, by check mark or colored parcel number circled on the pages.” (Page 26) (emphasis added)

Not in packet found on County website easements are required and all utility lines

(<https://www.countyofnapa.org/DocumentCenter/View/20486/Sample-Site-Plan->)

“G. Existing and proposed water, wastewater, and stormwater treatment systems systems must be shown and include:

Label distances between well(s), septic tank, leach field, and creek, streams, rivers or lakes, if applicable

I. Utilities: **Show utility lines or service points of connection** (water, sewer, electrical, gas, cable). Indicate work areas under overhead lines or above buried lines. If a utility line crosses over a structure/improvement, show clearance above the structure/improvement.

J. Easements: Show any easements that exist. **Indicate the location of all easements** (water, sewer, roadways, open space, etc.)” (page 2) (emphasis added)

Not in packet but found on EDR are the historical application supporting materials for the Silenus parcel 2002 Use Permit 01093 containing both the Notice with List of Adjoining Property Owners and affidavit of publication. (WAC-A&B.Ex20)

Why did staff accept an application packet that omitted the Checklist of Required Materials, Water System Feasibility, List of Adjoining Properties, and Assessor Page?

Current Project Applicant Planning Consultant, Donna Oldford, has appeared before the Planning Commission on other projects for example Far Niente and Vida Valiente. In the Vida Valiente matter, Oldford’s response to the Planning Commissioners safety issues and conclusions, was borderline bullying. Dismissing the Commissioners concerns as “arbitrary decision”, “individual judgement”, “non-expert evaluation” and “staff is telling you”:

“DONNA OLDFORD PLANNING CONSULTANT TO THE APPLICANT. I’M GOING TO ASK, I’M VERY DISAPPOINTED THAT WE ARE IN THIS PLACE **WHERE INDIVIDUAL JUDGMENT IS TAKING THE PLACE OF YOUR STAFF. YOUR STAFF IS TELLING YOU WHAT YOU NEED TO KNOW** AND HOW THEY HAVE EVALUATED. I’M NOT, IT APPEARS AS SORT OF **A RATHER ARBITRARY DECISION WHEN IT RUNS CONTRARY TO THE EXPERT ON YOUR STAFF.** THIS CONCERNS ME BECAUSE THERE’S A MESSAGE HERE. THE MESSAGE IS, **YOU KNOW, IF IT JUST DOESN'T FEEL RIGHT, WE WILL IGNORE THE STAFF.** THE MESSAGE IS ALSO YOU DON'T NEED TO DO ALL THESE STUDIES BECAUSE AT THE END OF THE DAY, IT'S GOING TO BE HOW I FEEL THAT DAY. I HAVE BEEN A PLANNING COMMISSIONER TWICE IN MY CAREER. IT IS NOT EASY. BUT AS A PLANNING COMMISSIONER YOU DON'T HAVE A CONSTITUENCY, WE ARE THERE TO EVALUATE THE PROJECT. AND WHAT I AM HEARING IS THAT **A NON-EXPERT EVALUATION CAN TRUMP WHAT YOUR STAFF IS TELLING YOU.** IT'S KIND OF UNFORTUNATE SITUATION FOR STAFF. BECAUSE THAT IS THEIR JOB.” (December 6, 2023 Hearing Vida Valiente at Granicus video 2:31:51) (closed caption appeared on the video in capitalized text)

GRAPHICS

Site plans omits “Silenus” well easement numbers, utility lines, and distances between wells, water course, and septic field(s) (packet page 308) There is sited a “10’ WATERLINE EASEMENT PER RS DOC #2009-0030145” however, that document is not included in the packet, and it is unclear if a waterline easement is equivalent to a well water usage easement.

As discussed above, the packet included ownership documents appended to the Transient Non-Community Water System Information document, with a 2020 Grant Deed document 2020-0027169 (packet page 279.) The packet does not include any well easement documents. It is uncertain any easement applies to the Silenus Vintners parcel 034-212-035.

Is the Treated Process Wastewater Irrigation Storage Tank above or below ground?

Not in the packet but found online is the California Aquatic Resources Inventory “CARI” map is the siting of Ideology Cellars, Silenus Vintners, and Dry Creek. (WAC-A&B.Ex21)

CARI incorporates multiple data sources to provide the best available map of the state surface waters. (<https://www.sfei.org/projects/california-aquatic-resource-inventory-cari>):

“CARI is a Geographic Information System (GIS) dataset of surface waters and their riparian areas consisting of polygon and line features with data-rich attributes that can be used for developing broad- or fine-scale landscape summaries of aquatic features. **CARI is a seamless statewide map compiled from multiple data sources and standardized to a common classification system. This statewide dataset provides the best available map of state surface waters and serves as the base map in EcoAtlas to coordinate monitoring and assessment at the landscape scale across federal, state, and local agencies, while providing enough detail to inform local land use planning.**” (Website page 1) (emphasis added)

The County continues to ignore the importance of this map, even after the July 2, 2025, Tesson hearing when CDFW recognized superior CARI dataset over the County Significant Streams map. (WAC-A&B.Ex22)

THE PUBLIC TRUST

The public trust fulfills the basic elements of a trust: intent, purpose, and subject matter. (Estate of Gaines (1940) 15 Cal.2d 255, 266.) It has beneficiaries, the people of the state, and trustees, the agencies of the state entrusted with public trust duties. Fish and wildlife form a critical part of the public trust. In the limited circumstances of the alienation of components of the public trust into private hands, the private party becomes bound with trustee duties pursuant to Public Resources Code § 6009.1.

The essential idea of the public trust doctrine is that the government holds and protects certain natural resources in trust for the public benefit. (See *Illinois Central Railroad v. Illinois* (1892) 146 U.S. 387, 452, 456; *National Audubon Society v. Superior Court (Audubon)* (1983) 33 Cal.3d 419, 441; *Berkeley v. Superior Court* (1980) 26 Cal.3d 515, 521.)

Public trust theory has its roots in the Roman and common law (*United States v. 11.037 Acres of Land* (N.D. Cal. 1988) 685 F. Supp. 214, 215) and its principles underlie the entirety of the State of California. Upon its admission to the United States in 1850, California received

the title to its tidelands, submerged lands, and lands underlying inland navigable waters as trustee for the benefit of the public. (*People v. California Fish Co. (California Fish)* (1913) 166 Cal. 576, 584; *Carstens v. California Coastal Com.* (1986) 182 Cal.App.3d 277, 288.) The People of California did not surrender their public trust rights; the state holds land in its sovereign capacity in trust for public purposes. (*California Fish, Ibid.*)

The courts have ruled that the public trust doctrine requires the state to administer, as a trustee, all public trust resources for current and future generations, specifically including the public trust in surface waters and the life that inhabits our watercourses. These trust duties preclude the state from alienating those resources into private ownership.

The beneficiaries of the public trust are the people of California, and it is to them that the trustee owes fiduciary duties. As Napa County is a legal subdivision of the state, it must deal with the trust property for the beneficiary's benefit. No trustee can properly act for only some of the beneficiaries – the trustee must represent them all, taking into account any differing interests of the beneficiaries, or the trustee cannot properly represent any of them. (*Bowles v. Superior Court* (1955) 44 C2d 574.) This principle is in accord with the equal protection provisions of the Fourteenth Amendment to the US Constitution.

An agency of the State "may not approve of destructive activities without giving due regard to the preservation of those [public trust] resources." (*Center for Biological Diversity, Inc. v. FPL Group, Inc. (Bio Diversity)* (2008) 166 Cal.App.4th 1349, 1370, fn. 19, 83 Cal.Rptr.3d 588.)

Agencies of the state must not engage in unlawful conduct. "It is a fundamental principle of our constitutional scheme that government, like the individual, is bound by the law." (*Alderman v. United States* (1968) 394 U.S. 165, 202.) When lawless conduct occurs, the Government may not profit from its fruits. (*Weeks v. United States*, (1914) 232 U.S. 383.) The County's duty is to obey the law, which among other things requires that it not harm public trust resources by its decisions and requires the state to use its best efforts for the long-term preservation of public trust resources for the public benefit. (Audubon, supra, 33 Cal.3d 419, 440-441; *Surfrider Foundation v. Martins Beach 1, LLC* (2017) 14 Cal.App.5th 238, 249-251; Public Resources Code, § 6009.1.)

Common law imposes public trust considerations upon the County's decisions and actions pertaining to trust assets. (*Bio Diversity, supra*, 166 Cal.App.4th 1349; *Environmental Law Foundation v. State Water Resources Control Board (ELF)* (Cal. Ct. App. 2018) 26 Cal.App.5th 844.) The courts have recognized the State's responsibility to protect public trust uses whenever feasible. (See, e.g., *Audubon, supra*. 33 Cal.3d 419, 435; *California Trout, Inc. v. State Water Resources Control Bd.* (Cal. Trout I) (1989) 207 Cal.App.3d 585, 631; *California Trout, Inc. v. Superior Court* (Cal. Trout II) (1990) 218 Cal.App.3d 187, 289.) Napa County has an affirmative duty to administer the natural resources held by public trust solely in the interest of the people of California.

Napa County must manage its public trust resources so as to derive the maximum benefit for its citizenry. Article X of the California Constitution and the public trust doctrine hold that no water rights in California are truly "vested" in the traditional sense of property rights.

Regardless of the nature of the water right in question, no water user in the State "owns" any water. The owner of "legal title" to all water is the State in its capacity as a trustee for the benefit of the public. There can be no vested rights in water use that harm the public trust. A "water right" grants the holder only the right to use water, an "usufructuary right." All water rights are usufructuary only and confer no right of private ownership in the water or the watercourse, which belongs to the State. (*People v. Shirokow* (1980) 26 Cal.3d 301 at 307.)

Fish & Game Code, section 1600 provides:

The Legislature finds and declares that the protection and conservation of the fish and wildlife resources of this state are of utmost public interest. Fish and wildlife are the property of the people and provide a major contribution to the economy of the state, as well as providing a significant part of the people's food supply; therefore their conservation is a proper responsibility of the state.

The California Department of Fish & Wildlife (CDFW):

... is California's Trustee Agency for the State's fish, wildlife, and plant resources. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitats necessary for biologically sustainable populations of those species. For the purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.
(<https://wildlife.ca.gov/Conservation/Environmental-Review/CEQA>.)

Respectfully,

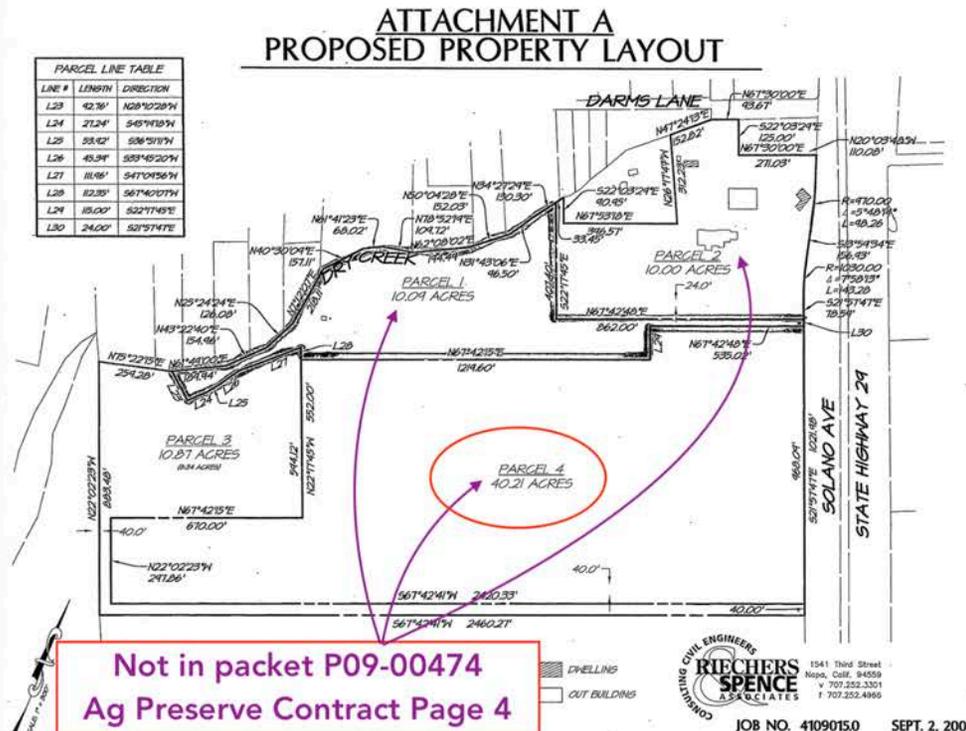


William McKinnon
General Counsel
Water Audit California

Attachments - Exs. 1-22 attached



Packet page 142



Not in packet County GIS sites Parcel 4 at APN 034-190-043

White Elevation Contour Lines (West)

 White Elevation Contour Lines (East)

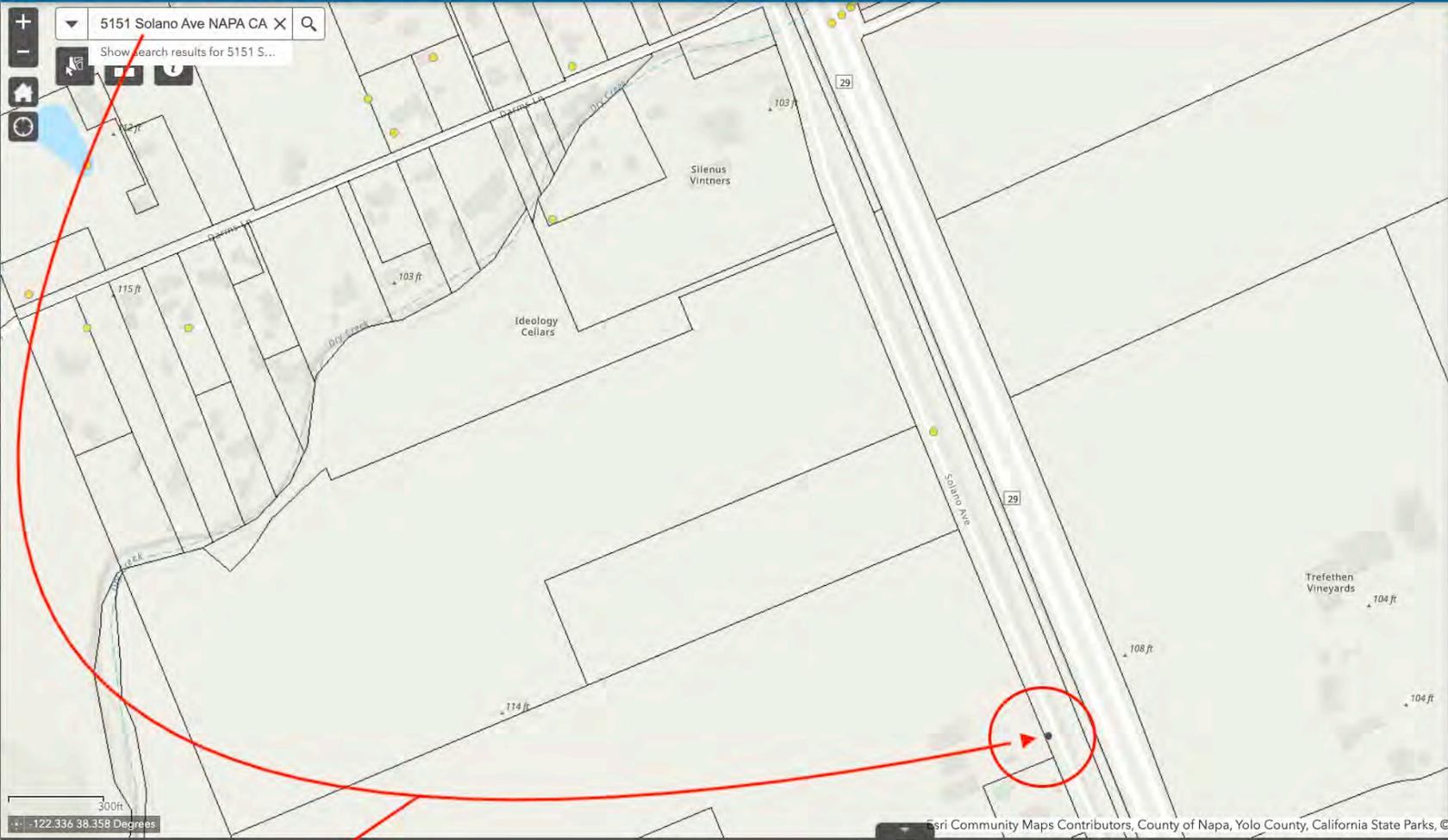
 Groundwater Sustainability Agency

 Digital Elevation Model

 Napa County USGS Digital Raster G

Description R/W ESMT-S 2009-0007734 & 2001-0001283; 0030150, AMENDED 2019-0007472; 40RS40; WATER RIGHTS-D 2010-0022217

Landuse 3801
 TRA 072001



Layer List

Layers

- Well Completion Reports
 - Location from PLSS Section
 - Recorded Location
 - PLSS Sections
 - Domestic Well Count
 - Domestic Well Average Depth
 - Domestic Well Minimum Depth
 - Domestic Well Maximum Depth
 - Production Well Count
 - Production Well Average Depth
 - Production Well Minimum Depth
 - Production Well Maximum Depth
 - Public Supply Well Count
 - Public Well Average Depth
 - Public Well Minimum Depth
 - Public Well Maximum Depth
- Assessor's Parcels
- i15_Parcels_Assessor_Lightbox
- Multipage WCR Links

Well Completion Reports

Options Filter by map extent Zoom to Clear selection Refresh

WCR Number	Legacy Log Number	Owner Assigned Well Number	Well Location	City	County Name	Local Permit Agency	Permit Date	Permit Number	Region Office	Record Type	Planned Use/Former Use	Driller Name	Driller License Number	Decimal Latitude	Decimal Longitude	Method of Determination LL	LL Accuracy
WCR2020-002803	e03272607	1-2019	1072 DARMS LN	NAPA	Napa	Napa County Planning Building and Environmental Services	April 15, 2019	E19-00188	DWR North Central Region Office	WellCompletion/ Monitoring/NA	Water Supply Irrigation - Landscape	HUCKFELDT WELL DRILLING INC	439746	38.364167	-122.342500		
WCR2014-014102	E0236740	NAPA COUNTY-217D-SWGW2	SITE #2- DRY CREEK AT WASHINGTON STREET	NAPA	Napa	Napa County Planning Building and Environmental Services		E14-00667	DWR North Central Region Office	WellCompletion/ Monitoring/NA	Monitoring	CLEAR HEART DRILLING INC	780357	38.365231	-122.337532	Unknown	Unknown
WCR2020-002111		2020-1	5151 Solano AVE	Napa	Napa	Napa County Planning Building and Environmental Services	December 15, 2019	E19-00681	DWR North Central Region Office	WellCompletion/ Monitoring/NA	Water Supply Irrigation - Landscape	LES PETERSEN DRILLING & PUMP INC	261084	38.361610	-122.336621		
WCR2014-014104	E0236731	NAPA COUNTY-216S-SWGW2	SITE #2- DRY CREEK AT	NAPA	Napa	Napa County Planning		E14-00667	DWR North Central Region	WellCompletion/ Monitoring/NA	Monitoring	CLEAR HEART DRILLING INC	780357	38.365231	-122.337532	Unknown	Unknown



1



2



3



4



5



6



7



8



9



A Tradition of Stewardship
A Commitment to Service

MEMORANDUM

Environmental Management

1195 Third Street, Suite 101
Napa, CA 94559
www.co.napa.ca.us

Main: (707) 253-4471
Fax: (707) 253-4545

Steven Lederer
Director

034-212-035

To: Napa County Public Works Department Patt Throne-Hetzer, Senior Engineering Aide	From: Napa County Environmental Management Department Christine M. Secheli, Assistant Director
--	---

Date: September 11, 2009	Re: Lot Line Adjustment for L'Attitude Oak Knoll Vineyards Location: 5225 Solano Avenue Assessor's Parcel # 34-190-032, 34-212-032,033,034 File # W09-00679
--------------------------	--

We have reviewed the above proposal and recommend approval. The attached Agreement for Grant of Easements and Water Rights be recorded concurrently with the Lot Line Adjustment.

cc: Riechers Spence & Assoc. 1541 Third St. Napa, CA 94559
L'Attitude Vineyards, LLC, 5225 Solano Ave. Napa,

\\data2\EnvMgmt\l-shared\PUBLICWORKS&LAFCO\County\PW\2009\W09-00679b.doc



A Tradition of Stewardship
A Commitment to Service

MEMORANDUM

Environmental Management

1195 Third Street, Suite 101
Napa, CA 94559
www.co.napa.ca.us

Main: (707) 253-4471
Fax: (707) 253-4545

Steven Lederer
Director

To: Napa County Public Works Department Patt Throne-Hetzer, Senior Engineering Aide	From: Napa County Environmental Management Department Kim Withrow, Senior Environmental Health Specialist
--	--

Date: July 7, 2009	Re: Lot Line Adjustment for L'Attitude-Oak Knoll Vineyards Location: 5225 Solano Avenue Assessor's Parcel # 034-190-032, 034-212-032, 033 and 034 File # W09-00679
--------------------	---

We have reviewed the above proposal and have determined it to be incomplete. The following is needed in order for us to complete our review:

- All improvements are not shown on the proposed property layout. All wells, developed springs, septic systems, buildings, waste water facilities and water storage tanks on the involved parcels must be shown.
- An agreement to grant an easement and water rights for the water system located on proposed parcel 1 and serving proposed parcel 2 must be reviewed and approved by this office and recorded concurrently with the legal descriptions. Applicant should contact this office for the easement forms.

cc: Riechers Spence & Assoc., 1541 Third St., Napa, CA 94559
L'Attitude Vineyards, LLC, 5225 Solano Ave., Napa, CA 94558

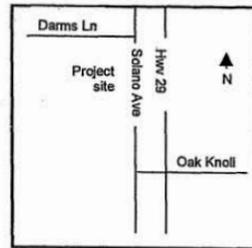
**Tentative Map
for a Lot Line Adjustment
of the lands of
Koves-Newlan, LLC**

**Owner: Koves-Newlan LLC
5225 Solano Avenue
Napa, California 94558**

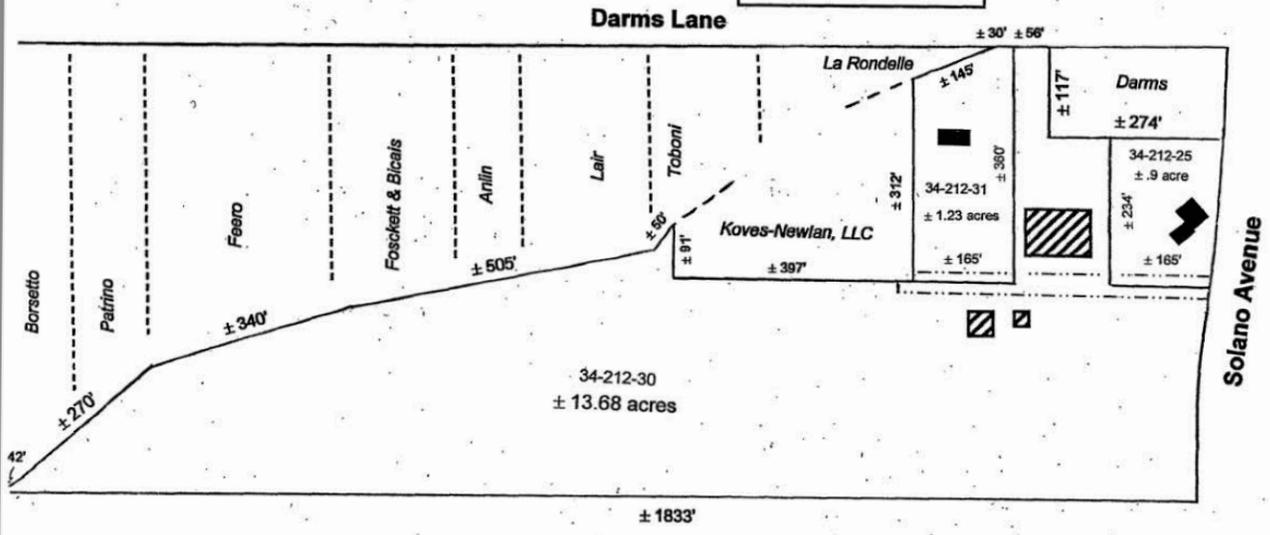
Received

JAN 09 2002

Napa County Public Works



North
1"=200'



EXISTING PARCEL CONFIGURATION

UCC Vineyard Fund LLC

Assessor's Parcel Numbers: 034-212-025, 030 & 031
General Plan Designation: Agricultural Resource
Zoning: Agricultural Preserve



**Not in packet 2009 W09-00679 Lotline Adjustment with
2001 Tentative Map Silenus Parcel with one well (page 13/14)**

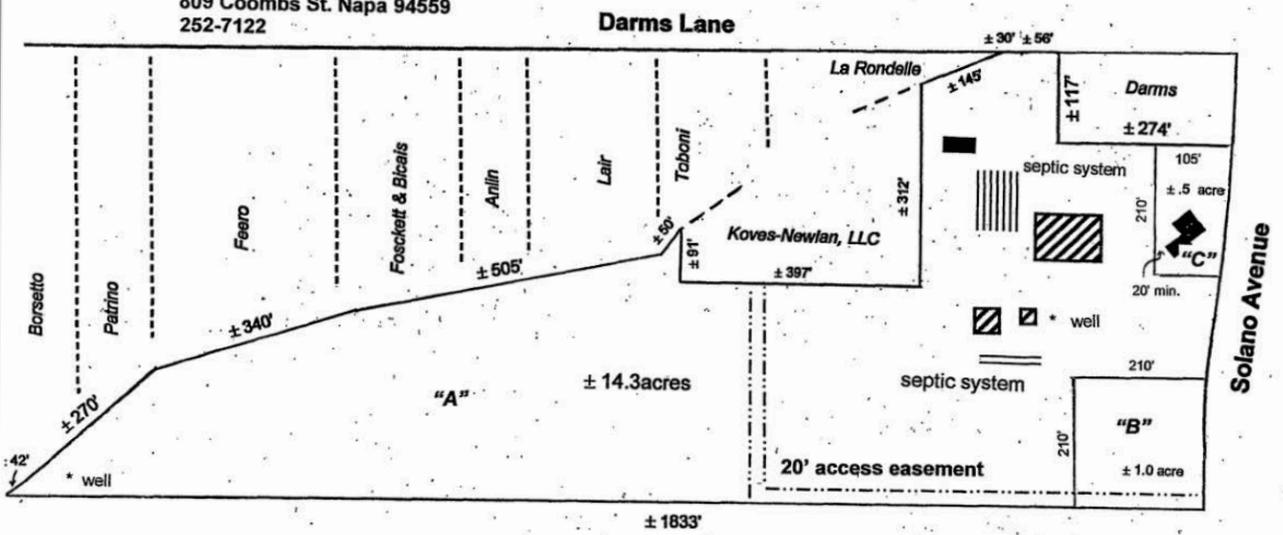
**Tentative Map
for a Lot Line Adjustment
of the lands of
Koves-Newlan, LLC**

**Owner: Koves-Newlan LLC
5225 Solano Avenue
Napa, California 94558**

**Representative: Dickenson, Peatman & Fogarty
809 Coombs St. Napa 94559
252-7122**

RECEIVED
DEC 04 2001
NAPA COUNTY
DEPT. OF PUBLIC WORKS

North
1"=200'



PROPOSED PARCEL CONFIGURATION

UCC Vineyard Fund LLC

Assessor's Parcel Numbers: 034-212-025, 030 & 031
General Plan Designation: Agricultural Resource
Zoning: Agricultural Preserve

Existing/Proposed Water Supply

- A Well
- B Well
- C City of Napa

Existing/Proposed Waste Disposal

- A Septic System
- B Septic System
- C Septic System (easement to be included to Parcel A)



25



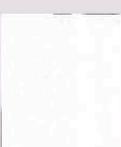
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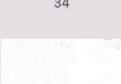
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PUBLIC WORKS DEPARTMENT
INTER-OFFICE MEMORANDUM



RECEIVED
OCT 16 2001
NAPA COUNTY
DEPARTMENT OF CONSERVATION
DEVELOPMENT & PLANNING DEPT.

TO: Conservation Development and Planning Department
FROM: Annamaria Martinez, Junior Engineer
SUBJECT: Koves-Newlan LLC, 5225 Solano Avenue
APN# 034-212-030, 31 & 25, File #01093-UP

This application will allow the applicant to construct an 18,400 sq. ft. addition to an existing 72,000 gallon winery. No change in production capacity is proposed. Employment will increase from 6 full time to 7 full time employees, and a decrease in part time employees from 8 to 6 is proposed for an overall net increase of one employee. The parking lot capacity will increase from 11 to 25 spaces. Total floor area will increase from 18,500 sq. ft. to 25,700 sq. ft. Parcel is located on the western side of Solano Avenue between Darms Lane and Oak Knoll Avenue.

EXISTING CONDITIONS:

- Existing access road is approximately 18 feet wide and completely paved.
- Parking surface is currently asphalt concrete.
- The traffic count for Solano Avenue was 1777 just south of Darms Lane taken on 10/04/99.

RECOMMENDED CONDITIONS:

- This Department has reviewed the phase one, water availability analysis for the proposed project. The 14.3 acre parcel is located in the valley floor area, with a fair-share allowance of 1.0AF/Acre/Year, resulting in a total allowable groundwater extraction volume of 14.3 AF/Year. The estimated water demand of 12.34 AF/Year is below the established threshold for the property. Therefore, the projected water use for this project should not have a significant impact on static water levels of neighboring wells. No further analysis is necessary.
- Access drive shall be a minimum of 18 feet wide with 2 feet of shoulder. Structural section shall be a minimum 5 inches of Class II Aggregate Base plus a double chip seal coat or equivalent. (County Road and Street Standards, Page 9, Par. 12)

KOVES #02105-VAR & #01093-UP 4-17-02

29

- Any parking proposed by the applicant or required by the Planning Commission as a condition of this use permit must have a minimum structural section of 5 inches of Class II Aggregate Base plus a double chip seal coat or equivalent.
- Parking lot details shall conform to the requirements of the latest edition of the Napa County Road and Street Standards.
- Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.
- The pre-development and the post-development flow for a 100-year event shall be provided with improvement plans. Improvement plans shall address the attenuation of peak flow due to the additional runoff resulting from this development.
- Any necessary storm drainage improvements shall conform to the latest "Napa County Road and Street Standards.
- The applicant must obtain an encroachment permit for any work performed within the Napa County Right-of-Way.
- Improvements shall be constructed according to plans prepared by a registered civil engineer which will be reviewed and approved by this office. A plan check fee in the amount of 3% of the estimated cost of the proposed construction will be paid to Napa County Public Works prior to approval of these plans.
- Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee and County shall survey and document the condition of County roads before construction begins, and then reevaluate conditions at the end of construction. Prior to Occupancy of any buildings or commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items at this time please contact Annamaria Martinez or Larry Bogner of this office.

cc: OWNER
REPRESENTATIVE

Not in packet 2001 #01093-UP Silenus Vintners
APN 034-212-035 "Water for wine processing and
domestic purposes is supplied to the site by existing wells.

PHASE 1 WATER ANALYSIS
KOVES-NEWLAN WINERY
AP# 34-212-30, 31 & 25
5225 SOLANO AVENUE, NAPA

INTRODUCTION

Koves-Newlan Winery has applied for a use permit to allow an addition to an existing winery. Water for wine processing and domestic purposes is supplied to the site by existing wells. No increase in production from the current 72,000 gallons/year is proposed. A lot line adjustment is proposed which will result in the winery being located on a 14.3 acre parcel.

EXISTING AND PROPOSED WATER USE	ACRE FEET OF WATER PER YEAR
1. 10.5 acre vineyard	10.50
2. 72,000 gallon winery	1.84
Total	12.34

ACCEPTABLE WATER USE

- Below average rainfall 1 acre foot x 14.30 acres 14.30 acre ft

Received
OCT 16 2001
Napa County Public Works



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Department of Public Works

1195 Third Street, Suite 201
Napa, CA 94559-3092
www.co.napa.ca.us/publicworks

Main: (707) 253-4351
Fax: (707) 253-4627

Steven E. Lederer
Director

GROUNDWATER MEMORANDUM

DATE: October 10, 2013

TO: Conservation Development and Planning Department

FROM: Annamaria Martinez, Assistant Engineer *AM*
Phone: 707-259-8378
Email: annamaria.martinez@countyofnapa.org

SUBJECT: Ideology Cellars Winery, APN# 034-190-040, P12-00440

The applicant requests to establish a 30,000 gpy winery.

COMMENTS:

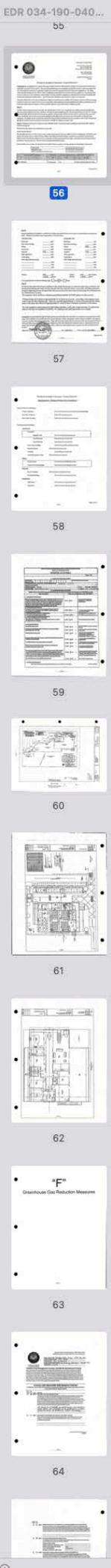
1. The parcels are located in the "Valley Floor" region.
2. The existing use for the parcel is estimated to be 3.65 acre-feet per year.

RECOMMENDED CONDITIONS:

1. We have reviewed the phase one, water availability analysis for the proposed project. The 10.09 acre parcel is located in the valley floor area with an extraction threshold of 1.0 AF/Acre, resulting in a total parcel threshold of 10.09 AF/Year. The estimated water demand of 4.89 AF/Year is below established threshold for the property.

Based on the information provided, the projected groundwater usage for all of the project parcels should not have a significant impact on static water levels of neighboring wells.

No further analysis is necessary.



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A Commitment to Service

Department of Public Works

1195 Third Street, Suite 201
Napa, CA 94559-3092
www.co.napa.ca.us/publicworks

Mail: (707) 253-4351
Fax: (707) 253-4627

Donald G. Ridenhour, P.E.
Director

WATER AVAILABILITY ANALYSIS - PHASE ONE STUDY

Introduction: As an applicant for a permit with Napa County, it has been determined that Chapter 13.15 of the Napa County Code is applicable to approval of your permit. One step of the permit process is to adequately evaluate the amount of water your project will use and the potential impact your application might have on the static groundwater levels within your neighborhood. The public works department requires that a Phase 1 Water Availability Analysis (WAA) be included with your application. The purpose of this form is to assist you in the preparation of this analysis. You may present the analysis in an alternative form so long as it substantially includes the information required below. Please include any calculations you may have to support your estimates.

The reason for the WAA is for you, the applicant, to inform us, to the best of your ability, what changes in water use will occur on your property as a result of an approval of your permit application. By examining the attached guidelines and filling in the blanks, you will provide the information we require to evaluate potential impacts to static water levels of neighboring wells.

Step #1:

Provide a map and site plan of your parcel(s). The map should be an 8-1/2"x11" reproduction of a USGS quad sheet (1:24,000 scale) with your parcel outlined on the map. Include on the map the nearest neighboring well. The site plan should be an 8-1/2"x11" site plan of your parcel(s) with the locations of all structures, gardens, vineyards, etc in which well water will be used. If more than one water source is available, indicate the interconnecting piping from the subject well to the areas of use. Attach these two sheets to your application. If multiple parcels are involved, clearly show the parcels from which the fair share calculation will be based and properly identify the assessor's parcel numbers for these parcels. Identify all existing or proposed wells

Step #2: Determine total parcel acreage and water allotment factor. If your project spans multiple parcels, please fill a separate form for each parcel.

Determine the allowable water allotment for your parcels:

Parcel Location Factors

The allowable allotment of water is based on the location of your parcel. There are 3 different location classifications. Valley floor areas include all locations that are within the Napa Valley, Pope Valley and Carneros Region, except for areas specified as groundwater deficient areas. Groundwater deficient areas are areas that have been determined by the public works department as having a history of problems with groundwater. All other areas are classified as Mountain Areas.

Please underline your location classification below (Public Works can assist you in determining your classification if necessary):

Valley Floor	1.0 acre feet per acre per year
Mountain Areas	0.5 acre feet per acre per year
MST Groundwater Deficient Area	0.3 acre feet per acre per year

Assessor's Parcel Number(s)	Parcel Size (A)	Parcel Location Factor (B)	Allowable Water Allotment (A) X (B)
134-190-040	10.09 acres	1.0	10.09 ac-ft per acre per year

Page 19 of 25

Step #3:

Using the guidelines in Attachment A, tabulate the existing and projected future water usage on the parcel(s) in acre-feet per year (af/yr). Transfer the information from the guidelines to the table below.

EXISTING USE:		PROPOSED USE:	
Residential	_____ af/yr	Residential	_____ af/yr
Farm Labor Dwelling	_____ af/yr	Farm Labor Dwelling	_____ af/yr
Winery	_____ af/yr	Winery	0.80 af/yr
Commercial	_____ af/yr	Commercial	_____ af/yr
Vineyard*	3.65 af/yr	Vineyard*	3.30 af/yr
Other Agriculture	_____ af/yr	Other Agriculture	_____ af/yr
Landscaping	_____ af/yr	Landscaping	_____ af/yr
Other Usage (List Separately):	_____ af/yr	Other Usage (List Separately):	_____ af/yr
_____	_____ af/yr	_____	_____ af/yr
_____	_____ af/yr	_____	_____ af/yr

TOTAL:	3.65 af/yr	TOTAL:	4.10 af/yr
	1.19 M gallons*	TOTAL:	1.34 M gallons*

Is the proposed use less than the existing usage? Yes No Equal

Step #4:

Provide any other information that may be significant to this analysis. For example, any calculations supporting your estimates, well test information including draw down over time, historical water data, visual observations of water levels, well drilling information, changes in neighboring land uses, the usage of other water sources such as city water or reservoirs, the timing of the development, etc. Use additional sheets if necessary.

The proposed winery will have a maximum permitted production of 30,000 gallons of wine per year.

*Vineyard water use is based on approximately 0.5 ac-ft per acre per year. According to the property owner water is used for drip irrigation only. There are currently approximately 7.3 acres of vineyard and the winery project will require the removal of approximately 0.7 acres of vines to facilitate installation of the winery.

The well completion report prepared by Bill Pulliam indicates a well yield of approximately 110 gallons per minute at the time of completion (7/3/1990). No additional well yield information was available.

Conclusion: Congratulations! Just sign the form and you are done! Public works staff will now compare your projected future water usage with a threshold of use as determined for your parcel(s) size, location, topography, rainfall, soil types, historical water data for your area, and other hydrogeologic information. They will use the above information to evaluate if your proposed project will have a detrimental effect on groundwater levels and/or neighboring well levels. Should that evaluation result in a determination that your project may adversely impact neighboring water levels, a phase two water analysis may be required. You will be advised of such a decision.

Signature: M. M. M. M. Date: 2/5/2013 Phone: (707) 320-4968



Fishery and Related Issues Background

Fishery

The Napa River is the second largest watershed tributary to the San Francisco Estuary and offers by far the most extensive steelhead habitat resources (Becker *et al.* 2007). Historical estimates of the annual steelhead run in the Napa River vary from a low of about 600 individuals to highs in the range of 6,000-8000 (Anderson 1969; USFWS 1968). Run sizes are extremely difficult to measure or estimate, and vary considerably inter-annually. Nevertheless, a few hundred steelhead are believed to spawn in the Napa system during an "average" year.

The decline of steelhead abundance in the Napa River system was studied in a limiting factors analysis (LFA), which found that temperature and lack of dry season flow "appear to severely limit juvenile steelhead growth during summer months." The study also identified fish passage barriers and relatively low amounts of large woody debris as decreasing both habitat availability

Napa River Flow Enhancement Study

3

and habitat quality in tributaries to the Napa River. In the mainstem Napa, "pervasive channel incision and habitat simplification have greatly reduced the quantity of habitat for...early juvenile rearing (riffle margins, side channels and sloughs)..." (Stillwater 2002, p. vii). While various efforts are underway to remove or modify passage barriers, and to directly enhance instream habitat, fewer projects affecting dry season flow have been implemented, leading to the current study.¹

In previous analyses, we and other investigators identified the portions of the Napa River system with the most extensive aquatic habitat resources. In decreasing order of availability, our study indicated that Dry, Redwood, Carneros, Sulphur, Tulucay, Napa, Ritchie, Milliken and York and Suscol creeks topped the list of most important potential contributors to the Napa River watershed steelhead fishery. Another "anchor" habitat analysis cited Dry Creek as the highest priority habitat in the Napa system, followed by a tier including Carneros, Redwood, Sulphur and Ritchie creeks (Dewberry 2003). A third tier consisted of Jericho, Mill, Dutch Henry and Milliken creeks.²

For this study, we reviewed a conceptual model of the steelhead fishery of the Napa River system with several colleagues familiar with the local geography and habitat resources. This model includes several key features:

- spawning and high-growth rate rearing habitat concentrated in a limited number of Napa River tributaries (cited above)
- opportunities for juvenile fish to move away from drying reaches in late spring and summer to more favorable habitat areas
- habitat refugia in tributary and mainstem reaches allowing for overwintering of age 0+ steelhead (aka, young of the year)

We confirmed that this model is consistent with fish trapping and observation data gathered to date as well as with observed habitat conditions, especially regarding flows.

Related Issues

In the Napa River watershed, as in much of coastal California, the natural hydrologic regime of the streams (even "unimpaired," or without diversions) may pose unforgiving conditions on native aquatic species. The Mediterranean climate typically offers cool, rainy winters with regular high-flow events and warm, dry summers in which base flows in streams gradually diminish. Many creeks reach intermittence during the dry season, sometimes leaving only isolated pools that may be fed by seeps, springs or groundwater contacts (Deitch *et al.* 2009, Deitch and Kondolf 2012).

¹ The LFA recommends: "[Conduct] studies to assess how...water use activities influence stream habitat quantity and quality..." and "...reduce unnecessary or inefficient water use and thus increase summer baseflow..."

² Dewberry (2003) used two years of juvenile steelhead surveys for the prioritization while Becker *et al.* analyzed all available observations.

Napa River Flow Enhancement Study

An assessment of streamflow conservation opportunities in selected reaches of the Napa River watershed



Prepared by CEMAR
James C. Deitch
in collaboration with
The Napa River Foundation
December 2012

1

In this river section, the stream flows over a bed of coarse sand and gravel. The water is clear and the banks are lined with dense vegetation. The stream flows in a straight line through the center of the channel.

James C. Deitch
Napa, The River of American Dreams

Napa River Flow Enhancement Study

2

Introduction
The Napa River watershed is a historic world-class wine and viticulture region. The river is the lifeblood of the region, providing water for irrigation, recreation, and habitat. The river is also a source of drinking water for the city of Napa. The river is a source of pride for the people of Napa and is a source of inspiration for many artists and writers.

Fishery and Related Issues Background

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3

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4

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CEMAR 2013-12-31...

We found that the quality of stage (*i.e.*, water height) data available through the NCFWCWD varied considerably. For some sites, portions of the record showed characteristics of varying peak and base flow water levels in winter and gradual recession to base flow in summer that are characteristic of the regional flow regime (*e.g.*, Figure 6). These patterns suggested the gauge was operating correctly and we described the data quality as “Fair” in Table 2. However, many of the stage values exhibited large fluctuations on a daily scale that we considered unlikely to represent the streams’ water levels. In these instances, where the gauge did not appear to be operating correctly we described the data quality as “Poor” in Table 2. Ultimately, we decided not to use “fair” or “poor” data to characterize streamflow at these sites, as estimates based on inaccurate stage data would be unreliable.⁷

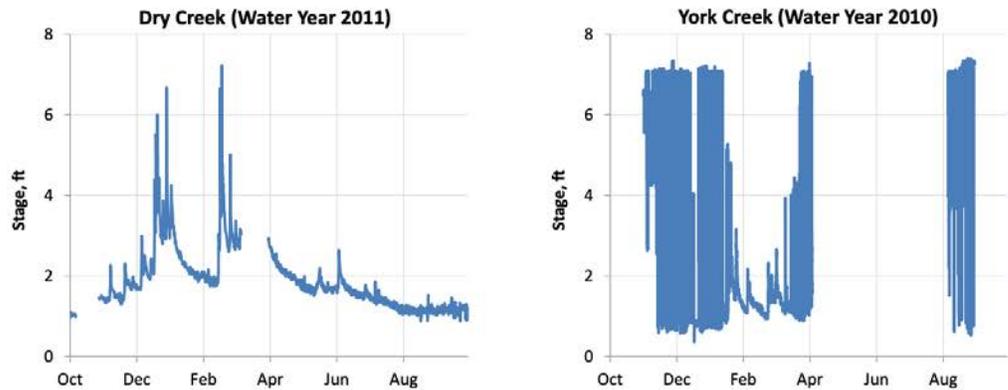


Figure 6. Stage graphs showing fair and poor data from Napa River tributaries.

Human Water Needs

Irrigated agriculture is the most visible form of water use in the Napa watershed, but the many rural residences and wineries in the region also contribute to water need. Domestic needs typically include requirements for landscaping and household use, and wineries use water for barrel and equipment cleaning and for dish washing in tasting rooms. Water needs at locations such as summer camps and parks can include campground showers and park restrooms. The current study focused on potential streamflow enhancement related to agricultural, industrial and rural residential water use, consistent with our ongoing work in other coastal California watersheds. We compiled related datasets (such as winery locations and agricultural fields) from the Napa County GIS Data Catalog, and hand-digitized additional pertinent information (such as building structure locations) using aerial imagery in ArcMap to construct a model of the human development footprint in each watershed (Figure 7). We reviewed all data

⁷ We contacted NCFWCWD staff and shared our observations. The District shared our concerns regarding data reliability and noted that steps are being taken to repair or replace equipment, and to address maintenance, data management, and communications protocols in the future.



A Tradition of Stewardship
A Commitment to Service

Brian Bordona
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/certlic/drinkingwater/Permits.html

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.



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

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

Hillary Gitelman
Director

MEMORANDUM

To: Ron Gee, Project Planner

From: Kim Withrow, Senior Environmental Health Specialist

Date: January 30, 2013

Re: Ideology Cellars Winery Use Permit, 5151 Solano Avenue
Assessor Parcel # 034-190-040
File # P12-00440

The application requesting approval to establish a 30,000 gallon per year winery including constructing a new building, crush pad, and dwelling among other items detailed in application materials received January 24 has been reviewed. The application is considered **INCOMPLETE** at this time. The applicant must submit the following information so we may continue our review:

1. A septic feasibility report must be submitted detailing the type and location of waste water treatment system proposed for the winery and dwelling. A site evaluation will have to be done to determine if the area proposed for waste water treatment and disposal is acceptable. Additionally, the septic system location shown on the plan is within the 100 year floodplain so approval must be obtained from the Engineering Division before the plan will be approved by this Division.

May only have 1 well that serves neighboring parcel

It appears the property has existing wells however the locations were not included on the site plan. The applicant must specify the source of water for the winery and show the location of the existing wells on the site plan.

3. With the addition of the dwelling on the parcel, it seems the total number of water users (combined employees, visitors and residents) proposed exceeds 25 daily. If that is the case, the water supply and related components serving this facility will have to comply with the California Safe Drinking Water Act and Related Laws. If the existing water sources will not meet the construction requirements for a regulated water system, a new well (source) may have to be constructed and developed. A water system feasibility report as outlined in the enclosed handout must be prepared and submitted.

Planning Division
(707) 253-4417

Building Division
(707) 253-4417

Engineering & Conservation
(707) 253-4417

Environmental Health
(707) 253-4471

Parks & Open Space
(707) 259-5933

WAC-A&B.Ex12

P13-00435
SUB- P13-00435
34-190-040

November 28, 2013

Re:

Use Permit Application # P12-00440-UP
Project Status Report (Pursuant to Government Code 65920)
Ideology Cellars Winery, 5151 Solano Avenue, Napa, CA 94558
Assessor's Parcel Number 034-190-040

Dear Mr. Ronald Gee,

Thank you for all your assistance with this permit.

After rethinking a few details with this project we would like to request a Very Minor Modification to the permit that we believe makes it a better project.

We would like to make the following changes.

1. Move the area for the project on our property south. far enough to keep it out of the 100 year flood zone.
2. Raise the plate height on the second floor residence to 10 feet. This will still not exceed the 35 foot maximum height limit.
3. Add about 3 feet to the north side of the covered crush pad.
4. ~~Add about 3 feet to the south side of the tasting room and offices.~~

5. Remove Single family^{Res} From Winery

~~These changes not to exceed the maximums allowed for "small wineries" by definition.~~

I am including before and after plans that include a chart with the revised numbers for your review. Please let me know if this is everything you need.

Thank you,



Bob Williamson

23. The following findings must be made in order TO APPROVE THE USE PERMIT:

a. Commission has the power to issue a Use Permit under the Zoning Regulations in effect as

Section 18.124.010 of the Napa County Code provides that the Commission may grant a use permit. The project is located with the Agricultural Preserve (AP) Zoning District, which allow issuance of a use permit upon grant of a use permit (§18.16.030).

b. The procedural requirements for a Use Permit set forth in Title 18 of the Napa County Code (zoning regulations) have been met.

The use permit application has filed and noticed. Public hearing requirements have been met. The hearing notice and intent to adopt a Mitigated Negative Declaration was posted on March 26, 2002 and copies were forwarded to 33 property owners on the mailing list. The written comment period is September 21, 2001 to March 29, 2002.

c. The proposed use is consistent with the policies and standards of the Napa County General Plan. The proposal is in conformance with General Plan designation of Agricultural Resource.

The goals established by the County General Plan are to plan for agriculture and related activities as the primary land use in Napa County and to concentrate urban uses in the County's existing cities and urban areas. The County will enact and enforce regulations that will retain agriculture as a major source of income and employment in Napa County. The Winery Definition Ordinance (WDO) was established to protect agriculture and open space and to regulate winery development and expansion in a manner that avoid potential negative environmental effects.

Agricultural policy 3.11 of the County General Plan recognizes wineries, and any use clearly accessory to the winery, as agriculture. The Land use Standards of the General Plan (Subsection 3(F)(8)) list the processing of agricultural products as one of the general uses recognized by the AR land use designation. The proposed project provides for the continuation of agriculture as the predominant land and is consistent with the general plan.

Agricultural Policy 3.13 regarding winery location and design states that "wineries and related activities will, where practical, be located on sites with prime soils areas, and should be designed to convey the attractiveness associated with existing Napa Valley Wineries.

d. The proposed use complies with applicable provision of the Napa County Code and with Agricultural Preserve (AP) District Zoning specified for the property.

6



7



8



9



10



11



12



13



14



The zoning district regulations established by the WDO are interpreted to achieve the General Plan goal to protect agriculture and open space as the primary land use in Napa County, and are intended to regulate winery development and expansion in a manner that avoid potential negative environmental effects.

The AP zoning district permits wineries (§18.16.030(F)) upon grant of a use permit, including the crushing of grapes outside or within a structure, fermentation, barrel aging, processing and storage of wine in bulk, bottling and storage of bottled wine, shipping, retail sale of wine fermented and bottled at the winery, and conducting winery marketing events.

The proposed winery addition is partly within the required minimum 300-foot setback from Solano Avenue, Darms Lane and the private accesses to APN 034-212-029 and APN 034-212-025. The existing 7,200 square foot winery building to which the addition is being attached is within the same setbacks. The existing winery building was approved under variance (V-90-8) and use permit (U-90-13), on November 21, 1990. The approval of the Variance Request #02105-VAR resolves the winery setback requirement.

The winery is located on a parcel having more than 14 acres of area, which is greater than the required minimum ten acres (§18.104.240(B)).

In total, the proposed winery will have a Total Coverage (Impervious) area of approximately 49,800 sq. ft. (1.14 acre) or approximately 7.9% of the existing parcel. The County Code (§18.104.220) limits the coverage of new or expanded wineries to twenty-five percent or fifteen acres, whichever is less.

The marketing of wine as defined by the WDO are activities that are not only necessary to retain agriculture as a major source of income and employment, but will also ensure the continued agricultural viability of Napa Valley vineyards. The proposed marketing activities are consistent with the definition of marketing of wine (§18.08.370) since the marketing activities include private promotional tastings/meals for the wine trade and consumers who have a pre-established relationship with the winery. Marketing activities are permitted within the AP Zoning District as an incidental, related and subordinate activity to the operations of the winery.

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

The winery will be developed in compliance with County Codes and regulations, and all required septic systems, road and property improvement plans, and building plans will be prepared, reviewed and approved in accordance with County regulations. The applicant has agreed to incorporate mitigation measures into the project to ensure that adverse environmental impacts will be at a level of insignificance.

f. That the proposed use would not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on the affected groundwater basin in Napa County, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under section 13.15.070 or 13.15.080 of this code.

The Phase I water study prepared for the project and reviewed by the Department of Public Works showed that the estimated water demand is below the established threshold for the property, and, therefore, the projected water use for this project is not expected to have a significant effect on the static water levels of neighboring wells or the groundwater table.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



September 8, 2025

Matt Ringel, Planner III
Napa County
1195 Third Street
Napa, CA 94559
Matthew.Ringel@countyofnapa.org

Subject: Arrow and Branch Winery, Use Permit Major Modification (P23-00057-MOD), Initial Study/Mitigated Negative Declaration, SCH No. 2025080635, Napa County

Dear Mr. Ringel:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from Napa County (County) for the Arrow and Branch Winery, Use Permit Major Modification (P23-00057-MOD) (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

CDFW is submitting comments on the IS/MND to inform the County, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Lake or Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Proponent: Steven Contursi, Property Owner

Objective: The Project would entail further development of an existing winery facility with modifications to an existing Use Permit, including:

- A. Increase annual production capacity from 30,000 gallons per year to 45,000 gallons per year;

WAC-A&B.Ex15

Matt Ringel
Napa County
September 8, 2025
Page 2

- B. Expansion of an existing winery building by adding approximately 3,529 square feet of additional production space and conversion of approximately 1,721 square feet of space for accessory uses to production space, totaling 13,797 square feet of production space, and construction of approximately 4,308 square feet for additional accessory uses, totaling 4,687 square feet for accessory uses;
- C. Excavation of approximately 1,500 cubic yards of spoils associated with the construction of proposed structural pads and exterior improvements;
- D. Relocation of on-site parking (no change in number of parking spaces);
- E. On-site domestic and process wastewater treatment systems, including the installation of an approximately 81,000-gallon process water storage tank; and
- F. Landscaping, and other improvements associated with wineries.

Location: The 10.09-acre project site is located on Assessor's Parcel Number 034-190-040-000; at approximately 38.36273°N, -122.34122°W; 5215 Solano Avenue, in the City of Napa, CA 94558; County of Napa.

REGULATORY REQUIREMENTS

Lake and Streambed Alteration

An LSA Notification, pursuant to Fish and Game Code section 1600 et. seq. is required for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. **The Project has the potential to impact Dry Creek, therefore an LSA Notification may be required as further described below.** Work within streams and riparian areas are subject to LSA notification requirements. CDFW, as a Responsible Agency under CEQA, would consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends below and

Matt Ringel
Napa County
September 8, 2025
Page 3

included in **Attachment 1** Draft Mitigation Monitoring and Reporting Program, CDFW concludes that an MND is appropriate for the Project.

Mitigation Measure Related Impact Shortcoming

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or U.S. Fish and Wildlife Service?

COMMENT 1: Stream Alteration

Issue: The IS/MND Mitigation Measure BIO-5, Riparian Protection, indicates that the Project would avoid impacts to stream and riparian habitat, however it also includes the following statement:

“All construction and related traffic shall remain outside of the protective fencing to the maximum extent practicable [emphasis added] to ensure that the stream, buffer zones, and associated woodland habitat remains undisturbed.”

Including “to the maximum extent practicable” in the mitigation measure provides the option for the Project to impact stream and riparian habitat, which could result in significant impacts to Dry Creek.

Recommended Mitigation Measure: To comply with Fish and Game Code section 1600 et seq. and reduce impacts to riparian habitat to less-than-significant, CDFW recommends that MM BIO-5 remove the *“to the maximum extent practicable”* language. Alternatively, add the following requirement to MM BIO-5.

If impacts to the bed, bank, channel, or riparian area of any stream cannot be completely avoided, the Project shall notify CDFW for Project impacts to the stream. More information for the notification process is available at <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>. The Project shall comply with all measures of the Streambed Alteration Agreement (SAA), if issued, and shall not commence activities with potential to impact the stream until the SAA process has been completed. Restoration to mitigate impacts to the stream shall include a qualified biologist preparing and implementing a restoration plan including, but not limited to success criteria, a minimum of five years of monitoring and maintenance, and achieving success criteria, unless otherwise approved in writing by CDFW.

Please be advised that a SAA, if issued for the Project, would likely include the above recommended mitigation measures, as applicable, and may include additional measures to protect fish and wildlife resources.

Matt Ringel
Napa County
September 8, 2025
Page 4

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Nicholas Magnuson, Environmental Scientist, at (707) 815-4166 or Nicholas.Magnuson@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486...
Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Land Use and Climate Innovation (SCH No. 2025080635)

Matt Ringel
 Napa County
 September 8, 2025
 Page 5

ATTACHMENT 1

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM)	Description	Timing	Responsible Party
BIO-5	<p>Remove the “to the maximum extent practicable” language. Alternatively, add the following requirement to MM BIO-5.</p> <p>If impacts to the bed, bank, channel, or riparian area of the stream cannot be completely avoided, the Project shall notify CDFW for Project impacts to the stream. More information for the notification process is available at https://wildlife.ca.gov/Conservation/Environmental-Review/LSA. The Project shall comply with all measures of the SAA, if issued, and shall not commence activities with potential to impact the stream until the SAA process has been completed. Restoration to mitigate impacts to the stream shall include a qualified biologist preparing and implementing a restoration plan including, but not limited to success criteria, a minimum of five years of monitoring and maintenance, and achieving success criteria, unless otherwise approved in writing by CDFW.</p>	<p>Prior to Ground Disturbance</p>	<p>Project Applicant</p>

Sign In



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File #: 25-1606 **Version:** 1
Type: Public Hearing **Status:** Agenda Ready
File created: 8/29/2025 **In control:** [Planning Commission](#)
On agenda: 9/17/2025 **Final action:**

Title: STEVEN CONTURSI / ARROW AND BRANCH WINERY / USE PERMIT MAJOR MODIFICATION P23-00057-MOD CEQA Status: Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures. Mitigation measures are proposed for the following areas: Biological and Noise Resources. 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 Major Modification to include the following: an increase wine production from 30,000 gallons per year to 45,000 gallons per year, increase employment, increase daily tours and tasting by appointment only, increase marketing events, expansion of an existing winery building to create additional production and accessory space, construction of a covered terrace with outdoor tasti...

Sponsors: [Planning Commission](#)

Attachments: [1. Attachment A - Initial Study/Mitigated Negative Declaration and MMRP](#), [2. Attachment B - Recommended Findings](#), [3. Attachment C - Recommended Conditions of Approval](#), [4. Attachment D - 45000g Winery Comparison Table](#), [5. Attachment E - Application and Project Narratives](#), [6. Attachment F - Water Availability Analysis Tier I & III](#), [7. Attachment G - Biological Reports](#), [8. Attachment H - Environmental Noise Assessment](#), [9. Attachment I - Onsite Wastewater Disposal Feasibility Study](#), [10. Attachment J - Transient Non-Community Water System Information](#), [11. Attachment K - Stormwater Control Plan](#), [12. Attachment L - Graphics](#)

History (0) Text

TO: Napa County Planning Commission
FROM: Brian D. Bordona, Director Planning, Building and Environmental Services
REPORT BY: Matt Ringel, Planner III
SUBJECT: Arrow and Branch Winery Use Permit Major Modification (P23-00057-MOD)

CEQA Arrow & Branch...

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends below and

DocuSign Envelope ID: F39AD030-EF6B-4B6E-A8E9-372FFE6C8A07

Matt Ringel
 Napa County
 September 8, 2025
 Page 3

included in **Attachment 1** Draft Mitigation Monitoring and Reporting Program, CDFW concludes that an MND is appropriate for the Project.

Mitigation Measure Related Impact Shortcoming

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or U.S. Fish and Wildlife Service?

COMMENT 1: Stream Alteration

Issue: The IS/MND Mitigation Measure BIO-5, Riparian Protection, indicates that the Project would avoid impacts to stream and riparian habitat, however it also includes the following statement:

"All construction and related traffic shall remain outside of the protective fencing to the maximum extent practicable [emphasis added] to ensure that the stream, buffer zones, and associated woodland habitat remains undisturbed."

Including "to the maximum extent practicable" in the mitigation measure provides the option for the Project to impact stream and riparian habitat, which could result in significant impacts to Dry Creek.

Recommended Mitigation Measure: To comply with Fish and Game Code section 1600 et seq. and reduce impacts to riparian habitat to less-than-significant, CDFW recommends that MM BIO-5 remove the *"to the maximum extent practicable"* language. Alternatively, add the following requirement to MM BIO-5.

If impacts to the bed, bank, channel, or riparian area of any stream cannot be completely avoided, the Project shall notify CDFW for Project impacts to the stream. More information for the notification process is available at <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>. The Project shall comply with all measures of the Streambed Alteration Agreement (SAA), if issued, and shall not commence activities with potential to impact the stream until the SAA process has been completed. Restoration to mitigate impacts to the stream shall include a qualified biologist preparing and implementing a restoration plan including, but not limited to success criteria, a minimum of five years of monitoring and maintenance, and achieving success criteria, unless otherwise approved in writing by CDFW.

Please be advised that a SAA, if issued for the Project, would likely include the above recommended mitigation measures, as applicable, and may include additional measures to protect fish and wildlife resources.

Notice of Completion & Environmental Document Transmittal

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

SCH #

Project Title: Arrow and Branch Winery, Use Permit Major Modification (P23-00057-MOD)

Lead Agency: <u>Napa County</u>	Contact Person: <u>Matt Ringel</u>
Mailing Address: <u>1195 Third Street Suite 210</u>	Phone: <u>(707) 299-1351</u>
City: <u>Napa</u> Zip: <u>94559</u>	County: <u>Napa County</u>

Project Location: County: Napa City/Nearest Community: City of Napa
 Cross Streets: Solano Avenue and Darms Lane Zip Code: 94558
 Longitude/Latitude (degrees, minutes and seconds): 38 ° 21 ' 43.831 " N / 122 ° 20 ' 30.153 " W Total Acres: 10.09
 Assessor's Parcel No.: 034-190-040-000 Section: 18 Twp.: 06N Range: 04W Base: MDM
 Within 2 Miles: State Hwy #: St. Hwy. 29 Waterways: Dry Creek and Napa River
 Airports: N/A Railways: N/A Schools: Unidos Middle School

Document Type:

CEQA: <input type="checkbox"/> NOP	<input type="checkbox"/> Draft EIR	NEPA: <input type="checkbox"/> NOI	Other: <input type="checkbox"/> Joint Document
<input type="checkbox"/> Early Cons	<input type="checkbox"/> Supplement/Subsequent EIR	<input type="checkbox"/> EA	<input type="checkbox"/> Final Document
<input type="checkbox"/> Neg Dec	(Prior SCH No.) _____	<input type="checkbox"/> Draft EIS	<input type="checkbox"/> Other: _____
<input checked="" type="checkbox"/> Mit Neg Dec	Other: _____	<input type="checkbox"/> FONSI	

Local Action Type:

<input type="checkbox"/> General Plan Update	<input type="checkbox"/> Specific Plan	<input type="checkbox"/> Rezone	<input type="checkbox"/> Annexation
<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Prezone	<input type="checkbox"/> Redevelopment
<input type="checkbox"/> General Plan Element	<input type="checkbox"/> Planned Unit Development	<input checked="" type="checkbox"/> Use Permit	<input type="checkbox"/> Coastal Permit
<input type="checkbox"/> Community Plan	<input type="checkbox"/> Site Plan	<input type="checkbox"/> Land Division (Subdivision, etc.)	<input type="checkbox"/> Other: _____

Development Type:

<input type="checkbox"/> Residential: Units _____ Acres _____ <input type="checkbox"/> Office: Sq.ft. _____ Acres _____ Employees _____ <input checked="" type="checkbox"/> Commercial: Sq.ft. <u>7,837</u> Acres <u>2</u> Employees <u>1</u> <input type="checkbox"/> Industrial: Sq.ft. _____ Acres _____ Employees _____ <input type="checkbox"/> Educational: _____ <input type="checkbox"/> Recreational: _____ <input type="checkbox"/> Water Facilities: Type _____ MGD _____	<input type="checkbox"/> Transportation: Type _____ <input type="checkbox"/> Mining: Mineral _____ <input type="checkbox"/> Power: Type _____ MW _____ <input type="checkbox"/> Waste Treatment: Type _____ MGD _____ <input type="checkbox"/> Hazardous Waste: Type _____ <input type="checkbox"/> Other: _____
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Project Issues Discussed in Document:

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

Present Land Use/Zoning/General Plan Designation:

Zoning: Agricultural Preserve (AP) District / General Plan Designation: Agricultural Resource (AR) Designation

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

Approval of a Use Permit Major Modification to include the following: an increase in annual wine production from 30,000 gallons per year to 45,000 gallons per year, increase employment, increase daily tours and tasting by appointment only, increase marketing events, expansion of an existing winery building to create additional production and accessory space, construction of a covered terrace with outdoor tasting, construction of a balcony, installation of an approximately 81,000 gallon process water storage tank, and reconfigure existing parking.

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

Reviewing Agencies Checklist

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

- | | |
|---|--|
| <input checked="" type="checkbox"/> Air Resources Board | <input checked="" type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Emergency Management Agency | <input type="checkbox"/> Parks & Recreation, Department of |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input checked="" type="checkbox"/> Caltrans District # 4 | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input checked="" type="checkbox"/> Regional WQCB # 2 |
| <input type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Resources Recycling and Recovery, Department of |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Delta Protection Commission | <input checked="" type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Education, Department of | <input checked="" type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Energy Commission | <input checked="" type="checkbox"/> SWRCB: Water Rights |
| <input checked="" type="checkbox"/> Fish & Game Region # 3 | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Food & Agriculture, Department of | <input checked="" type="checkbox"/> Toxic Substances Control, Department of |
| <input checked="" type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> General Services, Department of | |
| <input type="checkbox"/> Health Services, Department of | <input checked="" type="checkbox"/> Other: <u>Army Corps of Engineers</u> |
| <input type="checkbox"/> Housing & Community Development | <input type="checkbox"/> Other: _____ |
| <input checked="" type="checkbox"/> Native American Heritage Commission | |

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

Starting Date 8/14/25 Ending Date 9/13/25

Lead Agency (Complete if applicable):

Consulting Firm: <u>Plans4Wine</u>	Applicant: _____
Address: <u>2620 Pinot Way</u>	Address: _____
City/State/Zip: <u>St. Helena</u>	City/State/Zip: _____
Contact: <u>Donna Oldford</u>	Phone: _____
Phone: <u>(707) 204-5794</u>	

Signature of Lead Agency Representative: Matthew Ringel Digitally signed by Matthew Ringel
Date: 2025.06.09 10:22:11 -0700' Date: 8/12/25

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

Summary Form for Electronic Document Submittal

Form F

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

SCH #: _____

Project Title: Arrow and Branch Winery, Use Permit Major Modification (P23-00057-MOD)

Lead Agency: Napa County

Contact Name: Matt Ringel

Email: Matthew.ringel@countyofnapa.org Phone Number: (707) 299-1351

Project Location: APN: 034-190-040-000 Napa County
City *County*

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

Approval of a Use Permit Major Modification to include the following: an increase in annual wine production from 30,000 gallons per year to 45,000 gallons per year, increase employment, increase daily tours and tasting by appointment only, increase marketing events, expansion of an existing winery building to create additional production and accessory space, construction of a covered terrace with outdoor tasting, construction of a balcony, installation of an approximately 81,000 gallon process water storage tank, and reconfigure existing parking.

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

Please see Mitigation Monitoring and Reporting program Document as well as other associated project submittal attachments.

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

None. Please see documents attached to submittal package.

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

California Department of Fish and Wildlife



A Tradition of Stewardship
A Commitment to Service

PUBLIC NOTICE

NOTICE OF PLANNING COMMISSION HEARING & INTENT TO ADOPT MITIGATED NEGATIVE DECLARATION

On Wednesday morning, the 17th day of September, 2025 at 9:00 a.m. at 1195 Third Street, Suite 305, Napa, California, a public hearing will be conducted by the Napa County Planning Commission regarding the project identified below. All interested persons are invited to attend the hearing and be heard.

Arrow and Branch Winery - Use Permit Major Modification (P23-00057-MOD)

Location: 5215 Solano Ave, Napa – Accessor's Parcel Number: 034-190-040-000, ±10.09-acre parcel, the project site is approximately 0.2 miles south of the Solano Avenue and Darms Lane intersection.

Zoning and General Plan Designation: Agricultural Preserve (AP) zoning district and Agricultural Resource (AR) general plan designation.

CEQA STATUS: Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures. Mitigation measures are proposed for the following areas: Biological and Noise Resources. 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 Major Modification to include the following: an increase in annual wine production from 30,000 gallons per year to 45,000 gallons per year, increase employment, increase daily tours and tasting by appointment only, increase marketing events, expansion of an existing winery building to create additional production and accessory space, construction of a covered terrace with outdoor tasting, construction of a balcony, installation of an approximately 81,000 gallon process water storage tank, and reconfigure existing parking.

Application materials, including the draft environmental determination, are available on the Department's Current Projects Explorer at: <https://www.countyofnapa.org/2876/Current-Projects-Explorer> Copies of documents and other information relating to the project described above may be examined between 8:00 AM and 4:00 PM Monday through Friday at the office of the Planning, Building, and Environmental Service Department, Napa County Administration Building, 1195 Third St, Ste 210, Napa, California. For documents that are publicly available on the Current Projects Explorer, there will be a Public Record Copying Fee associated with the physical printing of documents. While drops-in may be accommodated to the extent possible on a case-by-case basis, we strongly encourage you to schedule an appointment for document review.

Written and verbal comments regarding this project and comments regarding the environmental effects of this project and the adequacy of the proposed Mitigated Negative Declaration are solicited. Comments or appointment requests to review documents should be directed to Matt Ringel, Napa County Planning, Building & Environmental Services Department, 1195 Third Street, Suite 210, Napa, California; (707) 299-1351 or matthew.ringel@countyofnapa.org. Comments must be received by Noon on September 16, 2025.

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

DATED: August 14, 2025

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

Planning

Cover Sheet

APN	034-212-035-000
Permit #	01093
Program	USE
DocType	NOT
Street #	
Street Name	
Year	



POSTED

POSTED: MAR 28 2002 BY: [Signature]

COMPLETED: MAY 16 2002 BY: [Signature]

NAPA COUNTY CLERK

PUBLIC NOTICE

NOTICE OF PLANNING COMMISSION HEARINGS

On Wednesday morning, the 17th day of April, 2002, at 9:00 a.m. in the County Administration Building, 1195 Third Street, Room 305, Top Floor, Napa, California, a public hearing will be conducted by the Conservation, Development and Planning Commission of the County of Napa regarding each of the projects identified below. All interested persons are invited to attend the hearing and be heard.

1. NEWLAN VINEYARDS AND WINERY/ KOVES-NEWLAN, LLC. – VARIANCE REQUEST #02105-VAR

CEQA STATUS: See item #2

REQUEST: Approval of a second variance from the 300 foot winery road setback regulations (Section 18.104.230 (B) of the Count Code) to allow for modifications and additions to an existing winery building that has a previously approved variance within the winery setbacks. The setback request applies to Solano Avenue, Darms Lane and a private road located on a 13.68 acre parcel, west of Solano Avenue approximately 0.8 miles north of Oak Knoll Avenue within the AP (Agricultural Preserve) zoning district. (Assessor's Parcel # 034-212-030) 5225 Solano Avenue, Napa.

2. NEWLAN VINEYARDS AND WINERY/KOVES-NEWLAN, LLC. – USE PERMIT REQUEST #01093-UP

CEQA STATUS: Mitigated Negative Declaration Prepared. According to the Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: geology, noise, and traffic.

REQUEST: Approval to modify Use Permit #U-90-13 to: (1) construct a 18,400 square foot addition to an existing 7,200 square foot winery building, and remove 2,500 square feet of smaller existing winery buildings, outside wine storage tanks and work areas resulting in a total winery area of 25,600 square feet; (2) increase full-time employees to a total of 8 persons and reduce part-time employees to a total of 6; (3) increase the marketing plan to a total of 18 marketing events per year; (4) add 39 parking spaces for a total of 50 spaces; (5) approve an entry structure and a comprehensive sign plan; and (6) reconfigure three parcels with a lot line adjustment, located on a 13.68 acre parcel west of Solano Avenue approximately 0.8 miles north of Oak Knoll Avenue within an AP (Agricultural Preserve) zoning district. (Assessor's Parcel # 034-212-030) 5225 Solano Avenue, Napa.

3. STAGLIN FAMILY PARTNERS/STAGLIN TRUST ETAL - USE PERMIT MODIFICATION REQUEST #02044-MOD

CEQA STATUS: Negative Declaration Prepared. According to the Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: none.

REQUEST: Approval to modify Use Permit #98072-UP to: (1) crush, press and conduct fermentation of red grapes within the previously allocated production capacity of 36,000 gallons; and, (2) conduct bottling of all wine produced at the winery in a permanent bottling facility of 546 square feet within the approved cave, located on a 40.07 acre parcel between Bella Oaks Lane and Manley Lane approximately 5,000 feet southwest of State Highway 29 within an AP (Agricultural Preserve) zoning district. (Assessor's Parcels #27-250-057) 1570 Bella Oaks Lane, Napa.

4. COMPLETE WELDERS/MIKE AND MELISSA KOWALESKI - USE PERMIT REQUEST #02026-UP

CEQA STATUS: Mitigated Negative Declaration Prepared. According to the Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: housing, traffic and hazardous materials.

REQUEST: Approval of a use permit to construct a 5,000 square foot office/warehouse building consisting of 2,000 square feet of office and 3,000 square feet of warehouse with a fenced outdoor storage yard and eleven parking spaces with driveway access from an existing shared drive fronting Camino Dorado, located on a 0.44 acre site on the northwest side of Camino Dorado approximately 250 feet southwest of North Kelly Road, within the GI:AC (General Industrial: Airport Compatibility Combination) zoning district. (Assessor's Parcel # 057-151-027).

Comments regarding each project or the environmental effects of the projects are solicited and should be presented at the hearing on the project.

Copies of all documents which relate to the above described projects, including the environmental documents and all supporting documents referred to therein, may be examined at, and comments not submitted at the hearing may be sent to the Office of the Conservation, Development and Planning Department, 1195 Third Street, Room 210, Napa, California. Written comments over four (4) pages will require submittal of 27 copies.

Appeals to decisions of the Planning Commission must be filed in writing with the Department within ten (10) working days from the date final action is taken.

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

DATED: March 26, 2002

CHARLES WILSON
Director of Conservation, Development and Planning

PUBLISH: Thursday, March 28, 2002 - Napa Valley Register

APN 034 190 032 000
Ucc Vineyard Fund Llc
1776 2Nd St
Napa, CA 94559

APN 034 210 001 000
Napa Valley Wine Train Inc
1275 Mckinstry St
Napa, CA 94559

APN 034 211 005 000
Gonzales Rogelio O;Cristina
PO Box 134
Saint Helena, CA 94574

APN 034 211 006 000
Armstrong Edward;Marilyn E Tr
1042 Darms Ln
Napa, CA 94558

APN 034 211 007 000
Bailey John T;Dona M Tr
260 Mission Dr
Camarillo, CA 93010

APN 034 211 047 000
Montes Sergio;Mary Sandman
1012 Darms Ln
Napa, CA 94558

APN 034 211 048 000
Becker David W;Tina Marie
1036 Darms Ln
Napa, CA 94558

APN 034 211 049 000
Kraemer Ann T
1030 Darms Ln
Napa, CA 94558

APN 034 211 050 000
Mcvicar Patsy A
PO Box 2232
Yountville, CA 94559

APN 034 212 003 000
Venning Karen;Bryant Robert
1120 Pinewood Dr.
Napa, CA 94558

APN 034 212 004 000
Hall Marcia F
PO Box 2737
Yountville, CA 94559

APN 034 212 005 000
Ensele Gail A
1125 Darms Ln
Napa, CA 94558

APN 034 212 006 000
Sawicki Norman J
1123 Darms Ln
Napa, CA 94558

APN 034 212 007 000
Borsetto Antonio;Kathrine L Tr
1115 Darms Ln
Napa, CA 94558

APN 034 212 009 000
Caravantes Ramon;Elaine Clayton Tr
1107 Darms Ln
Napa, CA 94558

APN 034 212 010 000
Patrino Armond;Janet
1109 Darms Ln
Napa, CA 94558

APN 034 212 011 000
Feero Barbara J Tr
1088 Darms Ln
Napa, CA 94558

APN 034 212 012 000
Foskett Michael J;Barbara Bicais Tr
12173 Road 244
Porterville, CA 93257

APN 034 212 013 000
Anglin Robert J;Peggy J
1891 Mulberry St
Yountville, CA 94599

APN 034 212 014 000
Lair Jack;Karen
1057 Darms Ln
Napa, CA 94558

APN 034 212 015 000
Toboni David J;Barbara M Tr
1055 Darms Ln
Napa, CA 94558

APN 034 212 016 000
Hazlet John W;Maribel W
1045 Darms Ln
Napa, CA 94558

APN 034 212 017 000
Young Gertrude R
1043 Darms Ln
Napa, CA 94558

APN 034 212 018 000
La Rondelle James A;Patricia L
1039 Darms Ln
Napa, CA 94558

APN 034 212 022 000
Taddei Jack F;Madeline J Tr
1073 Darms Ln
Napa, CA 94558

APN 034 212 024 000
Darms John W;Barbara J Tr
612 St Marys Rd
Lafayette, CA 94549

APN 034 212 025 000
Koves-Newlan Llc
5229 St Helena Hwy
Napa, CA

APN 034 212 029 000
Koves-Newlan Llc
5225 Solano Ave
Napa, CA 94558

APN 034 212 030 000
Koves-Newlan Llc
5225 Solano Ave
Napa, CA 94558

APN 034 212 031 000
Koves-Newlan Llc
5225 Solano Ave
Napa, CA 94558

APN 036 140 058 000
Trefethen John V;Janet S Tr
PO Box 2460-0245
Napa, CA 94558

APN 036 140 059 000
Trefethen John V;Janet S Tr
PO Box 2460-0245
Napa, CA 94558

APN 036 230 034 000
Baila Cornel J;Margaret H
5268 Saint Helena Hwy
Napa, CA 94558

THOMAS N LIPPE
ONE MARKET PLAZA
STEUART TOWER _ 16th FLOOR
SAN FRANCISCO CA 94105

DICKENSON, PEATMAN & FOGARTY
MARK PHILLIPS

NEWLAN VINEYARDS
#02105-VAR
#01093-UP
CDPC mtg. Of 4-17-02
Date mailed 3-28-02

Mailed out 31
on 3-28-02
By R.E.B.

AFFIDAVIT OF PUBLICATION

NAPA VALLEY REGISTER

NAPA COUNTY PLANNING
1195 THIRD ST 210
NAPA CA 94559

REFERENCE: 101074

435333 #141 CO. PLANNING

STATE OF CALIFORNIA
COUNTY OF NAPA

**PUBLIC NOTICE
NOTICE OF PLANNING
COMMISSION HEARINGS**

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variance within the winery setbacks. The setback request applies to Solano Avenue, Darms Lane and a private road located on a 13.68 acre parcel, west of Solano Avenue approximately 0.8 miles north of Oak Knoll Avenue within the AP (Agricultural Preserve) zoning district. (Assessor's Parcel # 034-212-030)

2. NEWLAN VINEYARDS AND WINERY/KOVES-NEWLAN, LLC. - USE PERMIT REQUEST #01093-UP

CEQA STATUS: Mitigated Negative Declaration Prepared. According to the Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: geology, noise, and traffic.

REQUEST: Approval to modify Use Permit #U-90-13 to: (1) construct a 18,400 square foot addition to an existing 7,200 square foot winery building, and remove 2,500 square feet of smaller existing winery buildings, outside wine storage tanks and work areas resulting in a total winery area of 25,600 square feet; (2) increase full-time employees to a total of 8 persons and reduce part-

time employees to a total of 6; (3) increase the marketing plan to a total of 18 marketing events per year; (4) add 39 parking spaces for a total of 50 spaces; (5) approve an entry structure and a comprehensive sign plan; and (6) reconfigure three parcels with a lot line adjustment, located on a 13.68 acre parcel west of Solano Avenue approximately 0.8 miles north of Oak Knoll Avenue within an AP (Agricultural Preserve) zoning district. (Assessor's Parcel # 034-212-030), 5225 Solano Avenue, Napa.

3. STAGLIN FAMILY PARTNERS/STAGLIN TRUST ETAL - USE PERMIT MODIFICATION REQUEST #02044-MOD

CEQA STATUS: Negative Declaration Prepared. According to the Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: none.

REQUEST: Approval to modify Use Permit #98072-UP to: (1) crush, press and conduct fermentation of red grapes within the previously allocated production capacity of 38,000 gallons; and, (2) conduct bottling of all wine produced at the winery in a permanent bottling facility of

546 square feet within the approved cave, located on a 40.07 acre parcel between Bella Oaks Lane and Manley Lane approximately 5,000 feet southwest of State Highway 29 within an AP (Agricultural Preserve) zoning district. (Assessor's Parcel #27-250-057) 1570 Bella Oaks Lane, Napa.

4. COMPLETE WELDERS/MIKE AND MELISSA KOWALESKI - USE PERMIT REQUEST #02026-UP

CEQA STATUS: Mitigated Negative Declaration Prepared. According to the Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: housing, traffic and hazardous materials.

REQUEST: Approval of a use permit to construct a 5,000 square foot office/warehouse building consisting of 2,000 square feet of office and 3,000 square feet of warehouse with a fenced outdoor storage yard and eleven parking spaces with driveway access from an existing shared drive fronting Camino Dorado, located on a 0.44 acre site on the northwest side of Camino Dorado

I AM A CITIZEN OF THE UNITED STATES AND A RESIDENT OF THE COUNTY FORESAID; I AM OVER THE AGE OF EIGHTEEN YEARS, AND NOT A PART TO OR INTERESTED IN THE ABOVE-ENTITLED MATTER. I AM THE PRINCIPAL CLERK OF THE NAPA VALLEY REGISTER, A NEWSPAPER OF GENERAL CIRCULATION, PRINTED AND PUBLISHED DAILY IN THE CITY OF NAPA, COUNTY OF NAPA, AND WHICH NEWSPAPER HAS BEEN ADJUDGED A NEWSPAPER OF GENERAL CIRCULATION BY THE SUPERIOR COURT OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, UNDER THE DATE OF NOVEMBER 16, 1951, CASE NUMBER 12752, THAT I KNOW FROM MY OWN PERSONAL KNOWLEDGE THE NOTICE, OF WHICH THE ANNEXED IS A PRINTED COPY (SET IN TYPE NOT SMALLER THAN NONPAREIL), HAS BEEN PUBLISHED IN EACH REGULAR AND ENTIRE ISSUE OF SAID NEWSPAPER AND NOT IN ANY SUPPLEMENT THEREOF ON THE FOLLOWING DATES, TO WIT:

PUBLISHED ON: 03/28

FILED ON: 03/28/02

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATED AT NAPA COUNTY, CALIFORNIA, THIS 28 DAY OF Mar, 2002

SIGNATURE: *Nona Chavez*

approximately 250 feet southwest of North Kelly Road, within the GI:AC (General Industrial: Airport Compatibility Combination) zoning district. (Assessor's Parcel # 057-151-027).
Comments regarding each project of the environmental effects of the projects are solicited and should be presented at the hearing on the project.
Copies of all documents which relate to the above described projects, including the environmental documents and all supporting documents referred to therein, may be examined at, and comments not submitted at the hearing may be sent to the Office of the Conservation, Development and Planning Department, 1195 Third Street, Room 210, Napa, California.
* Written comments over four (4) pages will require submittal of 27 copies.
* Appeals to decisions of the Planning Commission must be filed in writing with the Department within ten (10) working days from the date final action is taken.
* If you challenge the particular proceeding in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the public hearing.
DATED: March 26, 2002
CHARLES WILSON
Director of Conservation, Development and Planning
141 3/28

Untitled map

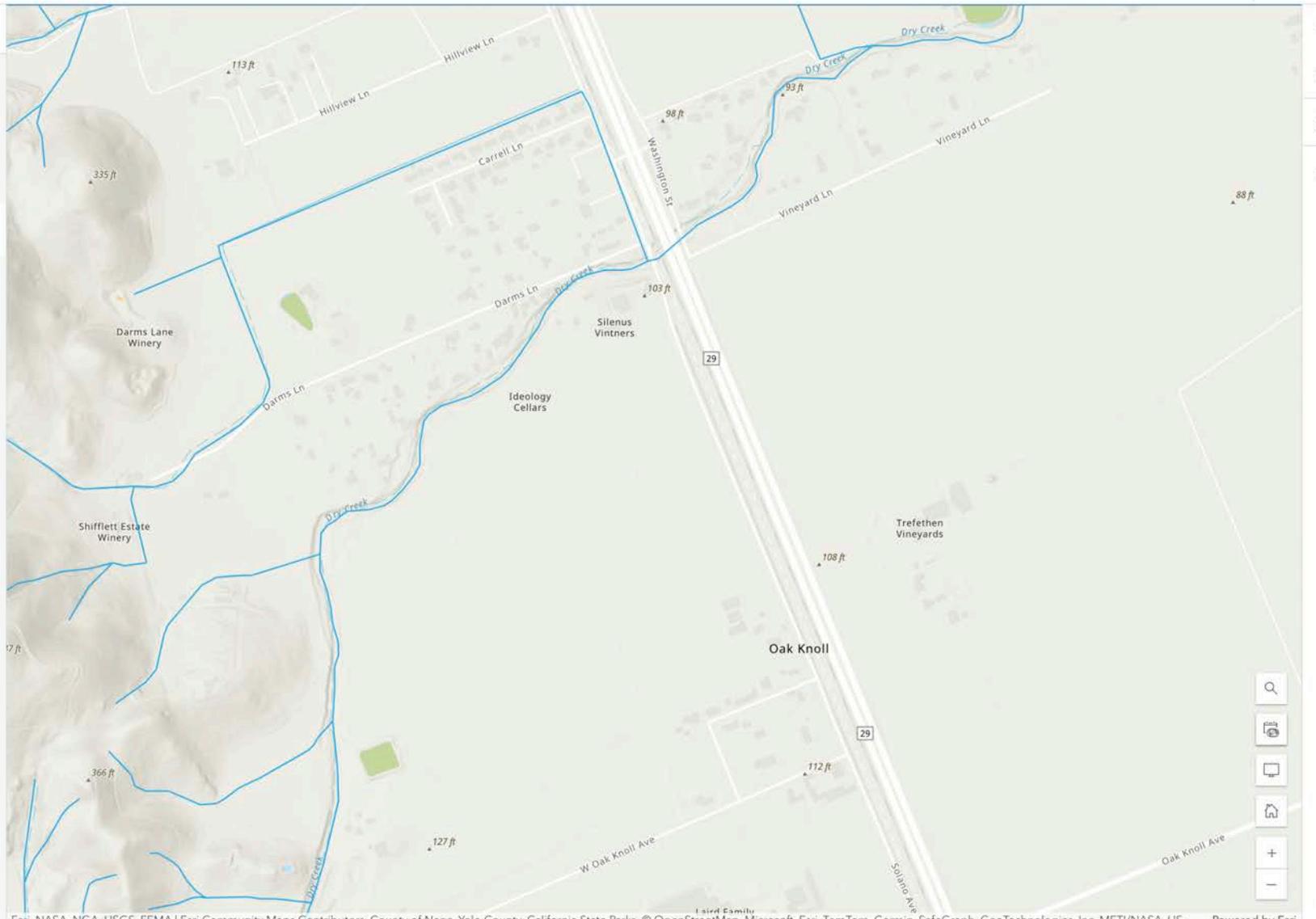
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Layers

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California Aquatic Resource Inventory

Add



From: Magnuson, Nicholas@Wildlife <Nicholas.Magnuson@Wildlife.ca.gov>
Sent: Wednesday, March 12, 2025 4:52 PM
To: Morrison, Dana <dana.morrison@countyofnapa.org>
Subject: RE: P22-00309 New Winery Use Permit CDFW commetnes/review - Going out for Public Comment Soon

[External Email - Use Caution]

Items 1 to 3 of your below list sound good.

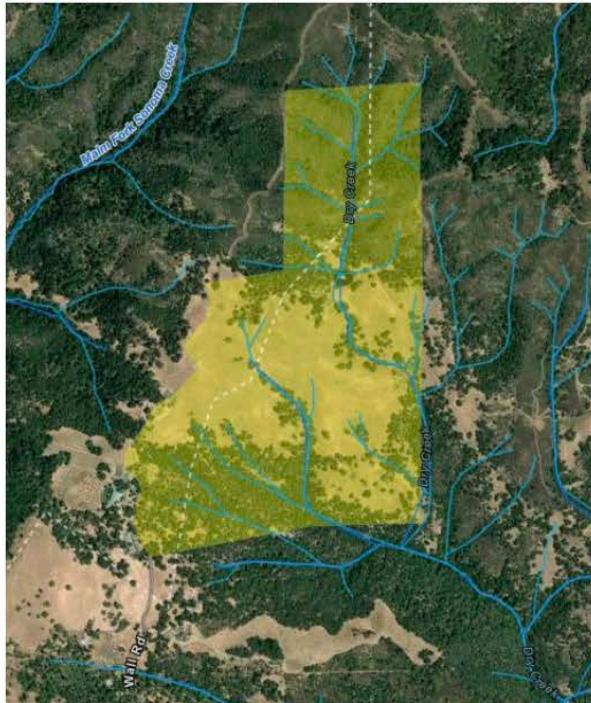
For the "Ensure no indirect impacts to CDFW jurisdiction areas subject to F&GC section 1600 et sec." language, this was just for you to consider. It looks like impacts to the stream(s) would be avoided per page 12, part c, but I always take special care on this in my reviews. I noticed that APN 027-060-020 encompasses several blue line streams per California Aquatic Resources Inventory (see screenshot). If a stream could be potentially impacted by this project, I recommend including the below measure.

Impacts to Streams and Riparian Areas. Prior to the commencement of Project activities, the Project shall conduct a thorough assessment for potential impacts to streams and riparian habitat including but not limited to impacts resulting trail clearing, earth moving, and vegetation removal. If impacts to the bed, bank, channel, or riparian area of the streams cannot be avoided, the Project shall notify CDFW for potential Project impacts to the streams. More information for the Notification process is available at <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>. The Project shall comply with all measures of the Streambed Alteration Agreement (SAA), if issued, and shall not commence activities with potential to impact the stream until the SAA process has been completed. Impacts to the streams and riparian habitat shall be mitigated by restoring riparian habitat at a minimum 3:1 mitigation to impact ratio in area

425

and linear feet for permanent impacts, all temporary impact areas shall be restored, and trees shall be replaced at an appropriate ratio based on size and species, unless otherwise approved in writing by CDFW. An SAA, if issued, may include additional avoidance and minimize measures to protect fish and wildlife resources

Thanks!



Nicholas Magnuson
Environmental Scientist
California Department of Fish and Wildlife
Bay Delta Region (R3)
(707) 815-4166

WAC-A&B.Ex22