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Staff Memo Dated November 20, 2025



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Planning, Building & Environmental Services

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Brian D. Bordona
Director

MEMO

DATE: November 20, 2025

TO: Napa County Planning Commission

FROM: Sean Trippi, Supervising Planner

RE: E&P Technology Way Buildings A & B / Dennis Paulley / Use Permit Applications P22-00307 and P22-00308

The following are responses to the Water Audit California Letter Dated November 19, 2024,

1. FINDINGS

The project was reviewed by Airport Land Use Commission (ALUC) staff for consistency with the 1999 Airport Land Use Compatibility Plan (ALUCP) since the project was evaluated prior to the December 4, 2024, adoption of the Napa Countywide Airport Land Use Compatibility Plan. Table 3-2 of the ALUCP includes examples of normally acceptable uses as well as examples of uses not normally acceptable. Both project proposals were found to be normally acceptable within Zone D of the ALUCP. Therefore, a formal determination by the ALUC is not required because the ALUC determined that the County's General Plan and Zoning Code are consistent with the ALUCP. Further, Planning staff asked ALUC staff for a consistency determination with the 2024 Plan. ALUC staff determined the two project proposals qualify as minor land use actions per 2.1.28, which can be reviewed by the ALUC Executive Officer per 2.8.2(a) and do not need to go to the ALUC for a compatibility determination.

The IP zoning district and Napa Valley Business Park Specific Plan (NVBPSP) include provisions that the Planning Commission may allow, as part of the approval of a use permit, variations from development standards including building setbacks. The NVBPSP variation standard codified in Napa County Code (NCC) section 18.40.250 is a *separate* process than County's variance procedures in Chapter 18.128. (see Background and Discussion No. 4 of the staff report).

2. CONDITIONS OF APPROVAL ("COA") BUILDING A AND B

A separate use permit is required for each building as the buildings are proposed on different sites. Each use permit has separate conditions of approval associated with the specific request.

The proposal does not include horizontal directional drilling under Sheehy creek or any new utilities crossing the creek.

BIO mitigation measures in Conditions of Approval 6.15 and 7.4 include PBES and CDFW as responsible agencies where applicable.

The agenda packet for the November 20, 2024, Planning Commission meeting was published on Friday May 8, 2024, with the staff report and all supporting documentation and review agency comments. Comments received prior to publication were attached and included in the agenda packet. At the time of publication, no public comments had been received. Comments from CDFW were received on November 15, 2024. Comments

received after Agenda publication were forwarded to the Planning Commission prior to the meeting and included the comments received from CDFW, Water Audit California, and Adams, Broadwell, Joseph and Cardozo. No other public or agency comments were received.

The Initial Study/Mitigated Negative Declaration (IS/MND) has been revised to incorporate CDFW's comments.

3. **WATER AND SEWER**

All three parcels comprising the two project sites are undeveloped and do not use potable water. Water will-serve letters have been issued by the City of American for both sites. Any previously issued will-serve letters would have expired and are not germane.

An application for a well permit (E07-00683) was submitted on September 20, 2007, and completed/inspected on September 24, 2007. The APN on the permit application was 057-250-031; however, the well was constructed on APN 057-250-030. The applicant has confirmed that there is a capped six-inch plastic (pvc) riser that was constructed on APN 057-250-030 near the east property line shared with APN 057-250-031. The well was never put into production and will be destroyed prior to development on the site (see Environmental Health's conditions of approval).

An application for a use permit (P07-00864) for wine production facility on AP 057-250-030 was filed on December 14, 2007, and subsequently withdrawn on August 21, 2001. The City of American Canyon issued a will-serve letter for water service on March 29, 2007, which was valid for two years from the date of issuance, and has since expired.

4. **INITIAL STUDY**

The Initial Study/Mitigated Negative Declaration (IS/MND) was submitted to the State Clearinghouse (SCH) and posted on October 18, 2024 (SCH confirmation number 2024100855). As noted above, CDFW submitted comments on November 15, 2024, which have been incorporated into the revised IS/MND. A Notice of Determination will be filed after a project has been approved.

5. **APPLICATION**

Water Audit California is correct that both the Major Modification Box and the Use Permit Box were checked. However, the applications were clearly processed, assessed, as well as publicly noticed and described in the Initial Study/Mitigated Negative Declaration (MND) and staff report as use permits.

Furthermore, the Planning Department's Use Permit application is for both new use permits and major modifications, and as such, is labeled as 'Use Permit/Major Modification Application'. Given this, the applicant may have thought they were required to select both Use Permit and Major Modification since that is the title on the County's application form. All required and necessary application submittal materials were received.

The applicant's Civil Engineer collected record plans and conducted a field survey and verified that there are existing sewer, water and storm drain utilities within Technology Way and Morris Court. The master plan for recycled water obtained by the Civil Engineer showed an existing 6" recycled water line on the south side of Technology Way and a 4" stub on the north side at the east end of the project site. The plans show the extension to the 4" recycled water to serve the project. These existing utility lines are shown on the Utility Plans prepared by the Civil Engineer.

6. **STORMWATER**

While the existing trail may create a natural setback for proposed construction along Sheehy creek, Sheehy creek has a 35-foot setback measured from the top of bank on both sides of the creek. The setback is shown on project plans in the Graphics attached to the staff report. (Attachment K). The setback is also shown on the Final Maps for the Napa Valley Gateway subdivision and is further described in the Easement Deed for Habitat Conservation and open space access.

7. BIOLOGICAL

The Biological Resources Assessment includes several exhibits. Exhibit 2 shows the project site on a USGS base map which includes Suscol, Sheehy and Fagan creeks. It should be noted that the USGS map shows the original alignment of Sheehy creek.

The County GIS mapping system includes numerous layers to help inform staff and the public of a property's characteristics. The Vegetation layer would indicate the potential plant and tree types that may be present on a site and the surrounding area including vegetation that may be indicative of wetlands. The Wetland and Vernal Pools layer shows areas where wetlands or vernal pools have been identified in Napa County. This is not meant to be an exhaustive list. It is not related to the National Wetlands Inventory (NWI). The NWI layer represents the extent, approximate location, and type of wetlands, surface waters and deepwater habitats in Napa County. Both the Vegetation and NWI layers are based on aerial imagery and not site-specific investigation. Review of these and other layers in the County GIS mapping system would be used to determine if a Biological Resources Assessment would be required as is the case here.

The United States Environmental Protection Agency defines wetlands as areas where water covers the soil or is present either at or near the surface of the soil all year or for varying periods of time during the year, including during the growing season. Water saturation (hydrology) largely determines how the soil develops and the types of plant and animal communities living in and on the soil. Wetlands may support both aquatic and terrestrial species. The prolonged presence of water creates conditions that favor the growth of specially adapted plants (hydrophytes) and promote the development of characteristic wetland (hydric) soils.

The hydrology indicators described above are considered to be "primary indicators", any one of which is sufficient evidence that wetland hydrology is present when combined with a hydrophytic plant community and hydric soils.

The three-tier wetland delineation criteria used by the U.S. Army Corps of Engineers (USACE) to determine the presence of a wetland would include saturated soils and/or standing water, hydrophytic plants, and hydric soils. The Biological Resources Assessment prepared by First Carbon Solutions assessed the site for potential wetlands. Based on their investigation, the site lacks USACE wetland criteria and concluded that there are no potentially jurisdictional wetlands in the project's development area.

8. GEOLOGICAL

The civil plans note existing easements and infrastructure in the area of Sheehy Creek. But no new utility crossings are proposed at Sheehy for this project. As noted in the staff report, Initial Study/Mitigated Negative Declaration, and other support documents, Sheehy creek was realigned to its present location in approximately 2003-2004. The original location was then back filled. No filling, cutting, or relocation of Sheehy creek is proposed with this project.

9. TRAFFIC

The Project Statement for Building A indicated that the winery expects to have 16 full-time and 7 part-time employees for most of the year. During harvest the winery would have 35 total employees. The Executive Summary of the Traffic Impact Study (Attachment G) reiterates these numbers and further breaks down harvest employees to 25 full-time and 10 part-time. There is, however, a Winery Trip Generation Worksheet in the Application Submittal Materials for Building A (Attachment E) that breaks down harvest employees as 28 full-time and 7 part-time. This page has been left in the packet materials but has been labeled "superseded."

10. GRAPHICS

Attachment K includes graphics prepared by staff as well as the plan set submitted by the applicant. The project APN's are listed on the graphics prepared by staff and on the cover sheet of the plan sets for Buildings A and B.

11. PARCEL REPORT

As noted in the staff report and the conditions of approval for Building B, APN's 057-250-031 and -032 will be combined prior to issuance of a building permit (see Recommendation section and condition of approval 6.16(a) in Attachment C).

12. WATER BOARDS

The link provided under this comment is to the Napa County Stream Maintenance Manual (Manual) that was prepared for the Napa County Flood Control and Water Conservation District in January 2019. The Manual refers to the portion of Sheehy creek from North Kelly Road west to Highway 29 as defined on Pdf page 177 of the report and depicted on the map on pdf page 179. The portion of Sheehy creek abutting the project site is not included in this Manual.

The Napa County Flood Control and Water Conservation District (District) has maintenance responsibilities for flood control channels that the District owns in fee title, as well as other channels for which the District has a maintenance agreement or easement. The District is also responsible for operating and maintaining elements of the Flood Protection Project. The location and ownership type for District maintained channels are presented in the Manual. As noted above, the portion of Sheehy creek abutting the project site is not a District maintained channel.

13. THE PUBLIC TRUST

Under the public trust doctrine (the Doctrine), Napa County has an affirmative duty to take the public trust into account in the planning and allocation of trust resources, and to protect public trust uses whenever feasible. The Doctrine applies if extraction of groundwater adversely impacts a navigable waterway to which the public trust doctrine applies. In Napa County, the Napa River is the navigable waterway protected by the public trust doctrine. An analysis of impacts to trust resources is triggered by whether the groundwater extraction (whether new or the continued extraction or a reduction over existing extraction levels) is hydrologically connected to a navigable waterway or non-navigable tributaries of those waters. The analysis begins and ends with whether the proposed project harms a navigable waterway and thereby violates the public trust.

Public trust does not apply in this case as the project does not propose to use or extract groundwater from the project site. The City of American Canyon has prepared a water supply report and a water will-serve letter indicating there is sufficient water for the proposed project. These documents are part of the project packet and were available to the public. Furthermore, they have been incorporated as conditions of approval.