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Appellant WAC  
Supplemental Information

Bonny's Vineyard Appeal P25-00020-APL  
Board of Supervisors Hearing – May 6, 2025



1230 Pine Street  
St. Helena, CA 94574  
707.967.9656 Phone  
707.963.0771 Fax

April 1, 2025

707.200.9414 Direct  
kfalace@buchalter.com

Napa County Board of Supervisors  
1195 Third Street, Suite 310  
Napa, CA 94559

*Delivery via email to:  
anne.cottrell@countyofnapa.org*

<b>Re:</b>	<b>Bonny's Vineyard</b>
<b>Applicant:</b>	<b>Bonny's Vineyard</b>
<b>Appellant:</b>	<b>Water Audit California</b>
<b>Action Being Appealed:</b>	<b>Appeal of December 18, 2024, Planning Commission's Unanimous Approval of Bonny's Vineyard Winery Use Permit No. P22-00002-UP</b>
<b>Action Being Requested:</b>	<b>Denial of this Appeal</b>

Dear Chair Cottrell and Supervisors:

This letter is respectfully submitted on behalf of Applicant, Bonny's Vineyard, in opposition to the appeal filed by Water Audit California ("WAC") regarding the Planning Commission's approval of the above-referenced application for a New Winery Use Permit ("Project"). The Planning Commission properly issued the new winery use permit for the Project on December 18, 2024. For all of the reasons set forth herein, the Board of Supervisors should deny appellant's appeal.

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## **INTRODUCTION**

### **1. Project Overview**

The Project consists of the following features:

1. Construction of a 10,996 square-foot winery building with additional covered and uncovered spaces;
2. Employment of six full-time staff;
3. By-appointment tours and tastings, accommodating up to 45 visitors per day, with offsite catering provided;
4. A marketing program including large and smaller events throughout the year, with on-premises wine consumption;
5. Production operations and visitation occurring seven days a week;
6. Parking arrangements for both daily operations and event overflow;
7. Landscaping, on-site wastewater treatment, and a drip dispersal system;
8. Driveway upgrades to comply with Napa County Road and Street Standards (NCRSS); and
9. Installation of three 10,000-gallon water storage tanks and monitoring for site well usage.

The Project is located on a 25.41-acre parcel within the Agricultural Preserve (AP) zoning district, designated as Agricultural Resource (AR) in the General Plan at 1555 Skellenger Lane, Napa (APN 030-200-080). The property has been under cultivation since the 1940s and has had planted vineyards since the 1980s.

### **2. Staff Findings**

All proposed development, including ground and earth disturbance, is situated well outside of any stream setbacks. The winery structure is more than 600 feet from Silverado Trail, meeting the setback requirements, and it also adheres to the mandated side, rear, and front property line setbacks.

In terms of environmental determination, the Mitigated Negative Declaration was distributed to the State Clearinghouse, relevant agencies, and interested parties, ensuring thorough review and compliance. None of the proposed development is occurring in areas that have not already been actively managed for decades, reflecting responsible land stewardship.

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Additionally, the Project demonstrates a no-net increase in water use compared to current conditions. The site is supported by three wells: two wells will continue to supply water to the primary residences and vineyard, while the third will serve the winery. This parcel is located within the Groundwater Sustainability Area (GSA), which enforces a water use criterion of 0.3 acre-feet per acre per year. Based on this, the parcel has a water allocation of 7.66 acre-feet per year. The existing water usage stands at 10.18 acre-feet, as per the County's WAA guidelines, but the project demonstrates a reduction, achieving no-net water use increase.

The Applicant has committed to submitting monitoring reports, which will enable active oversight and ensure compliance with water usage criteria moving forward.

### **3. Unanimous Approval**

After reviewing the submitted materials, on December 18, 2024, the Planning Commission unanimously approved the Project and staff's recommendations. The Planning Commission commended staff for its "incredibly complete and detailed report." Chair Whitmer observed the project was planned "in a very sustainable manner." There were no callers at the Planning Commission that objected to the Project, no negative comments from any agencies, and only two comments on the Project: one in favor and one from WAC. As to each concern articulated by the WAC, staff address each point methodically and fully before the Planning Commission.

The appeal ignores the comprehensive record before the Board. Bonny's Vineyard's application is complete and supports the Planning Commission's unanimous approval, which the Board should uphold.

### **STANDARD OF REVIEW**

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

The Planning Commission's adoption of the Mitigated Negative Declaration and approval of the Project are supported by substantial evidence. The Mitigated Negative Declaration sets forth detailed and amply supported analysis demonstrating that the Project, with the mitigation set forth therein, is not likely to have a significant impact on the environment. Materials provided to the Commission, including the Recommended Findings, set forth a compliant public trust analysis that shows the Project will not impact any public trust resources. WAC's appeal, which consists largely of untethered recitations of the law, fails to demonstrate otherwise.

## **DISCUSSION**

Appellant has articulated thirteen grounds for its appeal. Applicant addresses each of these grounds below.

### **1. The Application is Proper**

The application is for approval of a use permit for a winery on an already developed lot. The subject parcel is a 25.41-acre lot, which is currently developed with two residences, a main (794 Oakville Cross Road) and a second residence (1555 Skellenger Lane), a pool, a pool house (associated with 794 Oakville Cross), two (2) barns, three (3) wells and associated driveways and vineyard avenues, along with landscaping for the two residences and along the residential drive to the Oakville Cross house. There are approximately 17.06 net acres (20.21 gross) of vineyard currently existing on the parcel; a total of 0.63 net acres of vineyard will be removed to allow for the construction of the new winery. Accordingly, this ground for appeal does not apply.

### **2. The Proposed Use Correctly Identifies the Sources of Water**

The WAC cites to no authority for this argument and the Applicant has complied with water discharge and treatment standards.

### **3. The Application Refers to all Necessary Information Regarding Wells**

There are three wells on the property. The winery well (well #1 – “Project Well”) shall be equipped with a flow regulation devise limiting the pumping capacity to less than or equal to 160 gallons per minute. The second well (well #2) provides water for the residence. Per the conditions of approval, this well shall be equipped with a flow regulation devise limiting the pumping capacity to less than or equal to 200 gallons per minute. The primary residential/agricultural well (well #3) shall also be equipped with a flow regulation devise limiting the pumping capacity to less than or equal to existing operations. Each of the wells was properly permitted and Applicant does not understand WAC’s contention that there is no data for the wells. WAC’s contention is wholly without evidence.

#### **4. There is No Need for Additional Water**

There is no need for an additional water supply. WAC's statement that the "approval is not conditioned on compliance" is difficult to understand. Applicant must follow the conditions of approval, which include well monitoring and use limitations.

#### **5. There is Sufficient Well Data**

The well data provided by the Applicant complies with the criteria set forth by the County. The winery will utilize the third well for its winery uses. The property is located within the groundwater sustainability area and has met these standards. To be sure, to offset the water uses to ensure that the project is meeting the no net increase, Applicant will be utilizing wastewater to irrigate some of the existing vineyard, which will actually result in a slight decrease in overall water usage. Here, WAC seems to confuse environmental impacts with conditions of compliance, which are a non-discretionary approval. The Applicant will be required to satisfy all inspection and reporting requirements prior to final building permit approval. This objection puts the cart before the horse and ignores the separate available remedies if conditions are not met. For the Board's purposes, however, each concern articulated is already satisfied through the conditions of approval.

#### **6. This is not a "Faith Based" Application**

Historically, the parcel was actively managed as an orchard. An orchard has a much higher water use compared with a vineyard. As set forth at the Planning Commission hearing, the current existing water use on the parcel is 10.18 acre-feet and the conditions of approval cap the water use of the parcel at 10.16 acre-feet per year. Each well will be monitored so there is empirical data to demonstrate compliance with the water use limitations. If the Applicant exceeds these limits, there are measures to reduce water use further, as discussed before the Planning Commission.

#### **7. The Future Consumption is Sufficiently Calculated**

As set forth before the Planning Commission, the proposed Project is not a significant departure from current uses. The winery is for 30,000 gallons, minimal visitations, and the Applicant is taking measures to monitor and ensure it maintains its water use. To be sure, the Project actually reduces future water use on the Project site.

## **8.– 12. Applicant’s Water Availability Analysis (WAA)**

WAC’s appeal points 8-12 center around Applicant’s WAA. As set forth therein, the proposed water use does not exceed the existing water use. Specifically, the existing water use for the site is estimated to be 10.18 acre-feet per year with .8 acre-feet attributable to residential use and 9.38 acre-feet attributable to agricultural use. There are no proposed changes to the residential use, leaving this number (.8 acre-feet) unchanged. Approximately .63 net acres of existing vineyard will be removed to allow for the construction of the new winery, reducing vineyard usage.

The methodology used in reaching these calculations is consistent with the current Napa County Water Availability Guidance Document.

## **13. The Public Trust Doctrine**

Under the Public Trust Doctrine, Napa County’s obligation is to take the public trust into account and to protect the public trust resources from adverse impacts where feasible. There is no required procedural matrix or other substantive requirement for a public trust analysis. Here, the County performed a satisfactory public trust analysis demonstrating that the Project, in establishing buffers and setbacks in compliance with County requirements and reducing overall water use compared to existing conditions, will not harm any public trust resources. WAC’s appeal provides only general recitations of public trust law and no analysis or evidence to demonstrate otherwise. The County has fulfilled its public trust doctrine obligations, and this ground for appeal should be rejected.

## **CONCLUSION**

Applicant is not dismissive of WAC’s concerns. Still, the proper conclusion here is that there has been a thorough review of the project and the mitigation and conditions of approval for the Project demonstrate there is not likely to be a significant adverse effect to the environment. In fact, WAC notes “it is acknowledged that this Application is a noteworthy improvement in form over other applications submitted in the last year.” Applicant appreciates this comment as significant time and effort was spent on the application. Applicant disagrees that there is any underlying inadequacy to the water supply analysis and further disputes the other grounds for appeal for all of the reasons set forth herein.

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For all of the foregoing reasons, Applicant respectfully requests that the Board deny the appeal and uphold the Project approval.

Very truly yours,

BUCHALTER  
A Professional Corporation



Katharine H. Falace  
Shareholder

cc: Laura Anderson  
[laura.anderson@countyofnapa.org](mailto:laura.anderson@countyofnapa.org)

William McKinnon  
[legal@waterauditca.org](mailto:legal@waterauditca.org)

[Clerkoftheboard@countyofnapa.org](mailto:Clerkoftheboard@countyofnapa.org)