

“A”

Appeal Packet



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NAPA COUNTY CLERK OF THE BOARD'S OFFICE
1195 Third Street, Suite 310, Napa, California, 94559 (707) 253-4421

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[Signature]

APPEAL PACKET COVER SHEET
(Section 2.88.050 of Napa County Code)

**NAPA COUNTY
CLERK OF THE BOARD**

Deadline for filing with the Clerk of the Board's office: no later than 2 p.m. on the 10th working day after the filing of the Notice of Intent to Appeal. (Napa County Code sec. 2.88.050(A).)

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

Action Being Appealed: DARIO SATTUI / CASTELLO DI AMOROSA USE PERMIT MAJOR MODIFICATION APPLICATION #P19-00459-MOD, approval by Planning Commission Hearing, April 2, 2025- Notice and Procedure did not comply with the law.

Permittee Name: Dario Sattui

project applicant, adjacent property owner, other (describe)

Permittee Address: 3999 North St Helena Highway, Calistoga, CA 94515

Project Site (Address/Location if Different than Permittee Address)

4045 North St Helena Highway Calistoga, CA 94515

Assessor's Parcel No.: 020-390-012 and 020-230-001

Permit No. USE PERMIT NO. P19-00459-MOD

Date of Decision: April 2, 2025

Nature of Permit or Decision: DARIO SATTUI / CASTELLO DI AMOROSA adoption of USE PERMIT MAJOR MODIFICATION APPLICATION #P19-00459-MOD, Planning Commission Hearing, April 2, 2025 - Notice and Procedure did not comply with the law.

Appellant's Name: Water Audit California

Appellant's legal status (check one): Individual Corporation/registered nonprofit
 Individual on behalf of unofficial organization (e.g., neighborhood group, special interest group, etc.)
Specify organization name: _____ Fax #: (_) _____

Telephone #: (530) 575-5335

E-Mail Address: legal@waterauditca.org

Mailing Address: 952 School Street, PMB 316 Napa, CA 94559
City State No. Zip Street

Appellant's Qualification as Interested Person: Submitted Comment for hearing held on April 2, 2025, no financial interest

Primary Point(s) of Contact for Appellant: Check here if Appellant is sole point of contact and will be the prehearing conference representative

Contact # 1 Name: William McKinnon, Water Audit California

Telephone # (530) 575-5335 **Email:** legal@waterauditca.org

Mailing Address: 952 School Street, PMB 316 Napa, CA 94559
No. Street City State Zip

Check here if this contact will be your representative at the prehearing conference

CHECKLIST FOR APPEAL PACKET

Did you remember to include the following:

- a. ___ Name and address of the permittee or the subject of the decision being appealed, along with identifying information about the permittee and/or subject property.
- b. ___ Name and address of appellant.
- c. ___ Appellant's status as an individual or entity.
- d. ___ Basis for Appellant's qualification as an interested person.
- e. ___ Names, addresses, telephone numbers, and email addresses of the Appellant's primary point(s) of contact and the designated representative(s) of the Appellant for the mandatory prehearing conference.
- f. ___ Identification and description of the specific factual or legal determination(s) made as part of the decision that are the focus of the appeal.
- g. ___ A description of all asserted grounds for the appeal and all arguments, contentions and facts that you believe support the appeal and/or show that the decision was in some manner erroneous.
- h. If the decision involved real property, an Ownership Report prepared by a title company, engineer, architect, radius search service, or ownership listing service, that includes the following:
 1. ___ A list, from within the past 6 months, that identifies by name, address, and assessor's parcel number, the owners of all real property located within 1,000 feet of any and all portions of the real property that is the subject of the appeal.
 2. ___ A copy of the Assessor's Map Book Pages that show all real property which is the subject of the appeal and all properties to which the list of property owners within 1,000 feet of the subject property.

To ensure that your Ownership Report contains the necessary components and is provided in the proper format, please provide the following instructions to the preparing company or individual:

INSTRUCTIONS FOR OWNERSHIP REPORT

Please prepare an original and two copies of the property owners' list as follows:

1. Type the property owners' names, parcel numbers and mailing addresses on an 8½" by 11" sheet of Avery #5160 Laser Labels so that this information can be readily used in mailing by the Clerk of the Board of Supervisors.
2. Submit a full page copy of the assessors' map 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.

- i. ____ Evidence that payment of the relevant fees has been made with the Napa County Treasurer-Tax Collector. Evidence of payment must be obtained and provided to the Clerk of the Board's office prior to the 2 p.m. deadline. If you are unsure of the fees due, you must contact the Clerk of the Board's office to obtain a fee estimate and make the appropriate payment prior to the 2 p.m. deadline.
- j. ____ If you are filing by email, you must submit to the Clerk of the Board's office, prior to the 2 p.m. deadline, a copy of the signature page of the Appeal Packet Cover Sheet with your original ("wet") signature.

HOW TO FILE THE APPEAL PACKET

The completed Notice of Intent to Appeal and evidence of payment must be **received** by the Clerk of the Board's office **prior to** the 2 p.m. deadline.

<u>By Hand Delivery</u>	<u>By Mail</u>
Deliver the completed form and evidence of payment to: Napa County Clerk of the Board County Administration Building, 3 rd Floor 1195 Third Street, Suite 310 Napa, CA 94559	Mail the completed form and evidence of payment to: Napa County Clerk of the Board Attention: 2.88 Appeals County Administration Building 1195 Third Street, Suite 310 Napa, CA 94559
<u>By Email</u>	
Scan the signed completed form and attach it, along with evidence of payment, as PDF format to an email addressed to: clerkoftheboard@countyofnapa.org . If filing by email, you must additionally provide by hand delivery or mail a copy of the signature page of this Appeal Packet Cover Sheet with your original ("wet") signature. **You are responsible for ensuring that delivery is effective. Any errors or misspellings of the clerk's email address shall not be cause for extending the deadline.**	

Please Note: County staff is **not authorized** to grant any exceptions, including any extension of the deadlines or alterations of the fees, to the requirements for the Appeal Packet as set forth in Napa County Code Chapter 2.88. It is your responsibility to ensure that you have complied with all requirements and that the Clerk of the Board's office receives your Appeal Packet, supporting documentation, and evidence of payment prior to the 2 p.m. deadline. County staff cannot provide advice or legal assistance with this or any other appeal process.

Water Audit California
952 School St # 316
Napa CA 94559-2826

0156

DATE: 4/30/25

90-4187
1211

PAY TO THE
ORDER OF

Napa County

\$ 2000⁰⁰/₁₀₀

Two thousand

DOLLARS



Bank of Marin
1715 Second Street
Napa, CA 94559

Memo

Sattari

Two thousand

⑆121141877⑆ 25798400⑈

0156

RECEIPT		DATE <u>4/30/2025</u>	No. 415278
RECEIVED FROM <u>Water Audit California</u>		\$ <u>2,000 -</u>	
<u>Two thousand and ⁰⁰/₁₀₀</u>		DOLLARS	
<input type="radio"/> FOR RENT <u>apartment packet - Duro Sattari</u>			
<input checked="" type="radio"/> FOR <u>Castello di Amore, 3PI9-00439-MOP</u>			
ACCOUNT		<input type="radio"/> CASH	FROM <u>[Signature]</u> TO BY <u>[Signature]</u>
PAYMENT	<u>No 0156</u>	<input checked="" type="radio"/> CHECK	
BAL. DUE		<input type="radio"/> MONEY ORDER	
		<input type="radio"/> CREDIT CARD	

3-11



WATER AUDIT CALIFORNIA

A PUBLIC BENEFIT CORPORATION

952 SCHOOL STREET #316 NAPA CA 94559
VOICE: (707) 681-5111
EMAIL: GENERAL@WATERAUDITCA.ORG

April 30, 2025

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

APPEAL PACKET - ADDITIONAL SHEETS
(Appellant Water Audit California)

Appealing the April 2, 2025, decision of the Napa County Planning Commission to adopt the DARIO SATTUI / CASTELLO DI AMOROSA USE PERMIT MAJOR MODIFICATION APPLICATION #P19-00459-MOD

Appellant Name and Contact Information:

Water Audit California
952 School Street, PMB 316
Napa, California 94559
legal@waterauditca.org
530-575-5335

Water Audit California ("Water Audit") appeals the April 2, 2025, decision of the Napa County Planning Commission's approval of the DARIO SATTUI / CASTELLO DI AMOROSA USE PERMIT MAJOR MODIFICATION APPLICATION #P19-00459-MOD, captioned above (collectively the "Application").

Water Audit appeals on its own behalf, on behalf of the general public and in the public interest. Water Audit has standing to appeal based on the submission of comment for the April 2, 2025 hearing. (see Napa County Code sec. 2.88.010 (G).)

A. Introduction.

Water Audit is a public benefit organization dedicated to advocating for the public trust and other public interests. Our concerns regarding this matter are greater than the subject decision alone.

As submitted in public comment, it is asserted by the staff that there is no need to comply with CEQA. This requires that one accepts the remarkable assertion that the increase in visitation of over 500,000 visitors a year does not constitute a change in use, a proposition that prima facie is absurd.

Nevertheless, for the sake of discussion only, let us assume that to be true. Staff improperly conflates its CEQA determination with its duty to do a public trust review. Those are two separate duties. While it will argued that the staff did not perform its CEQA analysis properly, there can be no argument that serious potential undisclosed and undiscussed public trust injuries are occurring and will continue to occur because of this project.

In addition to substantial procedural concerns, Water Audit's principal objection to this Application is to the failure to consider, either initially or now, the impact of this project on the public trust interests by depletion of "significant" Nash Creek by two wells located less than 100 feet from the watercourse. The documented "Reported or Apparent Code Violations" (April 2, Planning Commission Hearing Attachment ("Attachment") I, page 267) includes continuing use, fire and building violations, but does not include review or of the seven-fold increase of water consumption by visitors and employees since the initial approval.

Water Audit objected to the numerous deficiencies in the Application, and during public comment, recommended that the Planning Commission continue the matter to allow for further briefing, or remedy of the existing permit violations choose Option 3 - Deny Applicant's Proposal - Return to Levels in the Permitted Entitlements AND regarding the additional expansion beyond existing conditions.

In the face of those objections, the Planning Commission approved the DARIO SATTUI / CASTELLO DI AMOROSA USE PERMIT MAJOR MODIFICATION APPLICATION #P19-00459-MOD.

B. Grounds for Appeal.

1. This Application does not conform to the prime precondition of the Code Compliance Program.

While nominally a winery, the Castello di Amorosa is primarily marketed as a wine serving tourist destination. It is seeking to add 11,700 square feet of hospitality accommodations and to authorize six times as many employees and more than 400,000 additional visitors a year beyond the existing entitlements. The Applicant has operated out of compliance for at least a decade. (NOTE: Because this matter has been pending for more than six years, the certification of visitation, etc., is now seriously dated, and likely inaccurate.)

Napa County Code Compliance Resolution 2018-164 (herein "Code Compliance Program") was intended to allow parties to remediate their operations, **on one condition:**

Pursuant to Board of Supervisor Resolution 2018-164 Section 1 (a)(v), the County requires the Applicant to discontinue the unlawful activity that is in violation of the code/use permit and maintain compliance within their existing legal entitlements for one year from the date of the initial Notice of Violation prior to approving their use permit modification. In addition, Napa County Code Section 18.124.120(C) enables the County (at a Planning Commission hearing) to consider suspension or revocation of a use permit in its entirety if "the use for which the use permit was granted is being, or has been, exercised contrary to the terms or conditions of such approval." **The suspension penalty for the existing use permit could be implemented at the time the individual applies for a use permit modification, as well as the imposition of an administrative penalty.** Note that due process is required for any suspension or revocation of the permit. (Emphasis added.) (<https://www.countyofnapa.org/3790/Frequently-Asked-Questions>)

To reiterate once again, the County Code Compliance Program requires baseline operations to be monitored for one year. **Owners may submit a Use Permit or Modification Application to remedy violation(s) during the one-year period while they operate within their legal entitlements, but only if they agree in writing that**

their legal entitlements or their existing legal operations, whichever is lower, shall be used as the environmental baseline for all CEQA analysis related to the Application. There is no known document between Applicant and County on the record agreeing to ANY legal entitlements after 1988, and therefore that original determination is the last lawful entitlement. (<https://napa.legistar.com/LegislationDetail.aspx?ID=7253887&GUID=FEFBA2C4-E8B2-47D2-B51A-B37562AE1022&Options=&Search=>)

There is no indication that the Applicant has at any time complied with its existing entitlements. In fact, the record shows an indifference to such limitations. "Staff cannot authorize at this time any increases in entitlements beyond what is listed above nor recognize these activities without the processing of an amendment to the use permit." (Attachment C, page 66) Staff has also written: "The original entitlements, specifically the public visitation, is permitted to continue to occur as approved. All expansion of those entitlements (the existing operational levels requested to be recognized with this permit) are subject to the requirements of the Winery Definition ordinance."

Water Audit acknowledges that not infrequently the Planning Commission and Board of Supervisors choose to ignore this probation provision. On behalf of those who have been compelled to comply with the law, Water Audit respectfully submits that this should not be one of those occasions. The law must be applied

Not all of the Applicant's code compliance violations are encompassed in the Code Compliance Program. A second and new violation notice was issued on June 9, 2023, long after the program had sunset, which reiterated the previous violations and added new offenses to the list. These included violation of the clear injunction from County staff: "You are hereby ordered to immediately cease all hospitality occupancy in areas that are not designated for such occupancy, including all tours in areas not designated for such use." The violations are reported to have continued.

Let us face the truth squarely: the Applicant is a scofflaw. Should it be rewarded by an exemption from a requirement that others have been forced to meet? Or will the law be applied equally?

2. There is no Water Feasibility Study for the project, therefore the Application is incomplete.

In January 2005, revised in 2018, PBES published a Memorandum "To all interested parties" that stated in part:

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 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...**

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.

See also *Water System Information for Use Permits* (<https://www.countyofnapa.org/DocumentCenter/View/10959/Water-System-Information-for-Use-Permits-2025?bidId=>)

It is facially evident that there is no Water System Feasibility report associated with this Application, so prima facie the Application is incomplete. Water Audit has been unable, with diligent search, to find a previous iteration.

The Applicant's water system was initially licensed by SWRCB as a public water system with 75 non-transient and 750 transient persons. Because of a substantial change in demand, it is now significantly out of compliance. The overtaxing of the potable water and wastewater systems is reflected in the reoccurring violations of

drinking water standards discussed below. Since the original entitlement was granted, visitation has increased from 26,000 to 427,000, and the number of employees from 15 to 25 increased from 110 to 150.

The Application states:

The winery currently offers tours and tastings without food and tours and tastings with food to a maximum number of 1,000 visitors per weekday Monday through Friday, 3,500 visitors on the busiest Saturdays, and 2,000 visitors on Sundays. The busiest Saturdays occur throughout the year and often when there is a three-day holiday weekend (e.g. Labor Day Weekend). This results in a weekly maximum of 10,500 visitors to the winery.

Wine & Food pairing "Luncheons" for parties of up to 160 guests are offered 38 times a year. The winery's current marketing plan also includes 54 cellar dinners per year for groups of up to 300 guests, 10 club events per year for groups of up to 400 guests, and one club dinner per year for up to 900 guests, with additional staff for each event type of up to 15, 11, and 45, respectively.

The Conditions of Approval refer to an amended public water system permit, but it is not part of this record, and its issue is not a precondition herein. **It is respectfully submitted that matters of public safety and compliance must be made an enforceable condition of approval.**

An anticipated interface between wastewater ponds and the groundwater recharge was noted in the 1988 Application. (Attachment C, page 9) The attached excerpts of public record shows Drinking Water violations for "coliform bacteria (TCR)" in 2007 (twice); 2008; 2014; 2015; 2019; and 2020. There are several bacteria in the group that are referred to as "coliform." The word coliform derives from the word "colon," since coliform bacteria are commonly found in the colons of humans and animals. The Total Coliform Rule (TCR) is a National Primary Drinking Water Regulation established to protect public health by ensuring the integrity of drinking water distribution systems and monitoring for microbial contamination, specifically total coliform bacteria.

Red and white wines have demonstrated antimicrobial activity under various experimental conditions against pathogenic food bacteria. While the high alcohol content of wine is not conducive to bacterial growth, that is not the case with the "potable" water distributed to visitors. The World Health Organization noted in 2006

that *E. coli* is rarely found in water that is not polluted by feces. Therefore, the presence of *E. coli* is a sign that a water supply may be contaminated by fecal matter. Even if the specific coliform bacteria are not harmful, their presence in a well is an important indicator of contamination. The other bacteria or pathogens introduced by fecal contamination could well be very damaging or even fatal.

Consider what that revelation would mean to the customer satisfaction to millions of visitors over the years to Castello di Amoroso who drank the substandard water.

The Applicant has shown itself otherwise indifferent to public safety. Two years ago, in June 2023, County staff wrote:

A February 20, 2019, a notice identified concerns regarding assembly uses, such as tasting and hospitality, occurring in several areas of the winery that were designated for storage on the original approved plans. A site visit was recently conducted on May 25, 2023, staff observed continued occupancy of areas behind the tasting room, tours being conducted in storage areas, and expanded outdoor tasting in a manner that impedes the exit ways to the crush pad. Staff has grave concerns that in the event of an earthquake or fire, visitors would have difficulty navigating themselves to exits that lead them safely outside the building. Our department encourages voluntary compliance, and you are being given the opportunity to correct the violation identified in this notice before further enforcement action is taken.

There is no evidence that this work, identified over six years ago as critical to public safety, has even yet been done. Nor has the Applicant sited, tested and proved groundwater extraction that does not cause depletion of Nash Creek or flows into the Napa River. In short, the Application is indifferent to the public.

3. The Application does not address public trust concerns.

Napa County Well Permit Standards and WAA Requirements – (January 2024) states in part:

Any project which is using groundwater from a well within 1,500 feet of a Significant Stream must complete a Tier 3 or an equivalent analysis regardless of whether more water is being withdrawn from the project well or if there is no net increase or a reduction in water extraction because the County's duties under the Doctrine are ongoing.(Footnote omitted) An

adequate Tier 3 or an equivalent analysis will allow County to discharge its duty and review a legally defensible project.

(<https://www.countyofnapa.org/DocumentCenter/View/25905/Well-Permit-Standards-and-WAA-Requirements--January-10-2024?bidId=>)

The public trust is evergreen; every new day of injury or violation creates a new cause of action. “Public rights cannot be lost nor the public trust as to their administration and exercise be destroyed either by adverse possession or by laches or other negligence on the part of the agents of the state or municipality who may from time to time be invested with the duty of their protection and administration.” (*San Diego v. Cuyamaca Water Co.*, (1930) 209 Cal. 105, 109.) Public agencies have a ministerial duty to consider the public trust interest, and mitigate harm when feasible, when making its daily decisions to divert water, by the operations and/or permitting of well extractions that impact the Napa River. (See *Envtl. Law Found. v. State Water Res. Control Bd.* (“*Envtl. Law Found.*”) (2018) 26 Cal.App.5th 844, 852.)

Once an appropriation is approved, “the public trust imposes a duty of continuing supervision over the taking and use of the appropriated water.” (*Nat’l Audubon Soc’y v. Superior Court* (“*Audubon*”) (1983) 33 Cal.3d 419, 424.) A public agency is “not confined by past allocation decisions that may be incorrect in light of current knowledge or inconsistent with current needs [and] accordingly has the power to reconsider allocation decisions even though those decisions were made after due consideration of their effect on the public trust.” (*Audubon*, *supra*, 33 Cal.3d 419, 424; see also *Cal. Trout v. State Water Res. Control Bd.* (1989) 207 Cal.App.3d 585, 629, stating that “the rule in section 5946 pertains to a public trust interest no private right in derogation of that rule can be founded upon the running of a statute of limitations, for the same reasons that one may not acquire an interest in public lands by means of adverse possession.”.)

[T]he determinative fact is the impact of the activity on the public trust resource. If the public trust doctrine applies to constrain flows which destroy navigation and other public trust uses in navigable waters, it should equally apply to constrain the extraction of water that destroys navigation and other public interests. Both actions result in the

same damage to the public trust. The distinction between diversion and extraction is, therefore, irrelevant. The analysis begins and ends with whether the challenged activity harms a navigable waterway and thereby violates the public trust. (*Env'tl. Law Found.*, supra, 26 Cal.App.5th 844.)

Tributaries to navigable waterways are also subject to the public trust doctrine. For example, see Fish and Game Code section 711.7. (a) which states in part "The fish and wildlife resources are held in trust for the people of the state ..."

While acknowledging the proximity of the watercourse by proposing to relocate one of two existing wells, the Applicant and staff wholly ignore the second well. Further, neither well is located with sufficient certainty in the Application to determine potential interference with public trust interests or wastewater concerns. Once the wells are relocated, and their depth and composition known, it will be possible to determine with scientific certainty what injury will befall Nash Creek. At that juncture, and no sooner, will the trustee (County) be able to determine whether the (perhaps mitigated) injury is tolerable or not.

Well #1, the project well, was constructed in 1987 under Napa County permit 18894. It is located immediately adjacent to the winery building and **approximately 75 feet from Nash Creek**. It has a 51-foot-deep concrete seal, an eight-inch diameter PVC casing with the perforations beginning at 145 feet below ground surface elevation and was completed to a depth of 245 feet below ground surface elevation. The ground surface elevation at the location of Well #1 is approximately 486 feet (NAVD88 vertical datum).

Well #2 was constructed in 2004 under Napa County permit 96-12662. Well #2 is located approximately 150 feet southeast of Well #1 and **approximately 100 feet away from Nash Creek**. Well #2 has a 60-foot-deep concrete seal, an eight-inch diameter PVC casing with the perforations beginning at 120 feet below ground surface elevation and was completed to a depth of 560 feet below ground surface elevation. The ground surface elevation at the location of Well #2 is approximately 475 feet (NAVD88 vertical datum). (Emphasis added)

Water Audit challenges the reported location of both wells. Images of Well 2, for example, show a well pumped immediately adjacent to the bank of Nash Creek. The Application does not precisely locate either well or do more than speculate regarding the location of a replacement well. The Applicant avows that the location of the wells has been confirmed by survey, but the survey is not part of the subject application.

The Applicant and staff assert that there is no need for a Tier 3 review of interference with Nash Creek on the basis that there is no increase of wine production sought, and therefore no change with environmental consequences since the initial approval. The assertion is disingenuous, as a comparison of water use reveals. In 1988 the County authorized 26,000 visitors, and from 15 to 25 employees, The 2019 Application is for over 427,000 visitors and from 110 to 150 employees. Using the standard Napa consumption values, the anticipated increase in water consumption by these two changes alone is approximately 1.4 million gallons, or approximately 4.3 acre-feet. Water Audit must again note that 2019, the year of certified numbers for this Application, is now six years in the past.

It appears that the Applicant is not being entirely candid regarding the watering of its grapevines. It is asserted in the Application that agricultural irrigation is provided by an authorization for direct diversion into storage. "The average annual vineyard irrigation demand is approximately 11.2 acre-feet/year and is not included in Table 1 because the demand can be supplied by the 20 acre-feet/year available from the surface water reservoir." (Water Availability Analysis)

The SWRCB eWRIMS system reports an authorization for diversion of 69 acre-feet for Permit 20603. However, SWRCB reports show NO DIVERSION under the permit for many years. As the Applicant does not avow that it is dry farming, either the Applicant is filing inaccurate diversion reports to the SWRCB, or it is using groundwater to water its vines and making inaccurate statements herein. Notation on certain of the SWRCB reports make note of using groundwater supply in lieu of surface water diversion. The latter is no longer a predictable source, as upstream vineyards drain the watercourse before reaching the Applicant.

There should not be a question of the source and volume of beneficial uses of any type, because it is the obligation of the Applicant to maintain diversion and pumping records. They are not yet a part of the record and if they exist, should be presented and examined. If they do not exist, then any consumption, diversion or extraction data submitted by the Applicant must be treated with deep suspicion. Attorney Response Agenda Attachment "15. Item 7A- Letter Response" Water Audit has produced true and correct copies of reports made by the Applicant to the State. In response the Applicant has produced a spreadsheet of unknown authorship, and dubious, self-serving data, unsupported by empirical monitoring. The question thus becomes "Is the Applicant lying to the State, or lying in this Application?"

The same inquiry must be made regarding the unsupported assertion by Applicant's counsel that **Nash Creek and the aquifer are two completely different things. Nash Creek itself is dry ten months out of the year. Sometimes eleven months out of the year.** First, counsel has no professional qualification to state that the creek and aquifer are "two completely different things." This expert assertion could not survive two minutes of cross-examination. What does counsel know of such things?

In any event, whether by diversion or extraction, all water is subject to public trust review and review pursuant to the reasonable use provisions of Article X, section 2 of the California Constitution. That does not encompass mitigatable injury to the public trust. The permit issued by SWRCB states in part:

12. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

4. A finding that CEQA is inapplicable does not satisfy County public trust duties.

Staff engaged in a convoluted analysis to conclude that all the building and development being ratified by this Application are CEQA exempt for one reason or another. The concept is baffling but fortunately need not be addressed in the mere thirty

minutes allotted to Water Audit. This is not to say the analysis is not nonsense - which it is, and that objection is preserved for appeal – but rather that a second objection is easier to present.

In *San Francisco Baykeeper, Inc. v. State Lands Com.*, 242 Cal. App. 4th 202, the Court held that CEQA compliance does not necessarily satisfy public trust obligations, and that the record must affirmatively demonstrate that the public trust doctrine was considered. CEQA review alone is insufficient if public trust duties are not **adequately** considered in the process. Brushing the issue aside cannot be considered “adequate.” While a CEQA review can be incorporated into a public trust analysis, it does not automatically fulfill the agency’s obligations under the public trust doctrine. The adequacy of the CEQA review in addressing public trust duties depends on the specific circumstances and the evidence in the record. In this matter the assessment is simple: no public trust review has been conducted on the basis that no CEQA review is required. That conclusion is in error.

“Napa County has determined that a WAA must be provided to complete the permit Application documents, and that the WAA must comply with the most current policy documents published in January 2024, to fulfill Napa County’s duties to protect the public trust as it relates to surface water and groundwater.” (Water Availability Analysis) Napa County makes no distinction between new and existing uses in its requirement for review of the surface water / groundwater interface.

To comply with longstanding California Supreme Court and Court of Appeal holdings, Napa County has determined that projects extracting water from wells within 1,500 feet of defined Significant Streams must submit a Tier 3 or equivalent analysis for the County to discharge its legal duties under public trust doctrine, whether the proposed project is proposing to extract more or less groundwater or remain at status quo (e.g., no net increase). Although there is no single method to evaluate impacts to the Napa River, County’s groundwater consultants, Luhdorff & Scalmanini Consulting Engineers (LSCE), have determined that complying with the Tier 3 analysis from the County’s 2015 Water Availability Analysis Guidance Document (the 2015 WAA Guidance Document) satisfies its legal obligations. Therefore, **PBES cannot find**

Applications which use a project well within 1,500 feet of a Significant Stream complete unless accompanied by a Tier 3 analysis or an equivalent analysis.

(Napa County Counsel Memorandum: *Application of Public Trust Doctrine to Projects Dependent on Groundwater*, January 2024.) (Emphasis added).

The Applicant does not offer proof that its wells will not interfere with public trust waters. It cannot do so with any degree of integrity, because it does not wish to commit to any new well locations, or more tellingly, commit to any manner of extraction that will not dry Nash Creek. The best that is inferred from the proposal to relocate the well is that *some* improvement in impairment *may* be made. Whether this will be adequate or not cannot be determined by this Application, Planning decisions should be based on more than faith alone.

The exact location of the replacement project well has not been determined due to unknown factors related to this use permit modification's review process and the suitability of subsurface conditions in the potential drilling locations. Rather than propose a singular location, Bartelt Engineering, in coordination with the Applicant, has identified a general area of the property for the replacement project well that could potentially reduce its impact on Nash Creek and maintain a 500-foot horizontal separation from all surrounding wells. At minimum, the replacement project well will be installed 130 feet from Nash Creek. At maximum, the replacement project well will be installed 700 feet from Nash Creek. (Water Availability Analysis)

The review of existing extractions was incomplete in the data placed before the Planning Commission:

EDR SATTUI 020-390-012 1986 Well - PBES-PMT - 12_29_1986 - 020-390-012-000 - -ENVIRONMENTAL-WELL-1986

EDR SATTUI 020-390-012 1985 Well "Water source is spring in creekbed-intake line about 18 feet below sand bed"- PBES-NOTES - 9_25_1985 - 020-390-012-000 - ST MICHAELS WINERY-ENVIRONMENTAL-WELL-1985

EDR SATTUI 020-390-012 1987 COR - PBES-COR - 6_16_1987 - 020-390-012-000 - -ENVIRONMENTAL-WELL-1987

EDR SATTUI 020-390-012 1987 WCR 018894 - PBES-WL - 9_14_1987 - 020-390-012-000 - 210175-ENVIRONMENTAL-WELL-1987

EDR SATTUI 020-390-012 1999 Well EAS water service - PBES-EAS - 11_1_1999 - 020-390-012-000 - -ENVIRONMENTAL-WELL-1999.pdf

EDR SATTUI 020-390-012 2004 WCR 96-12662 - PBES-WL - 1_6_2005 - 020-390-012-000 - 0900847-ENVIRONMENTAL-WELL-2005

EDR SATTUI 020-390-012 2004 Well 96-12662 - PBES-PMT - 5_10_2004 - 020-390-012-000 - -ENVIRONMENTAL-WELL-1996

EDR SATTUI 2015 very minor use plans wastewater - PBES-PLNS-A - 10_6_2015 - 020-230-001-000 - -PLANNING--.pdf

EDR UP 278485 1988 Approval PBES-STR - 1_6_1988 - 020-390-012-000 - BOSC, ANDRE-PLANNING-USE-1988.pdf

EDR UP 278485 1988 FINAL Supp to FEIR-023 Jan6 Hearing PBES-STR - 1_6_1988 - 020-230-001-000 - -PLANNING-USE-1988.pdf

5. Miscellaneous inadequacies revealed by reference to the Checklist.

- The Application omits "Adjoining Property Owner List".
- Winery Operations worksheet misstates the legally authorized visitation
- No Application stamped with date received.
- No staff initials/signature or permit number.
- No Water System Feasibility Report for the "amended" Public Water System per COA 6.15.b.
- The Application omits a Traffic Study for Caltrans review as stated in the "Traffic Information Sheet Addendum" at packet pdf page 172.
- The Water Availability Analysis omits existing employee/visitation/marketing calculations, and contains no Well Completion Reports, **no metering data and no pumping data.**
- No Completed Business Activities form.
- No Federal Report of Wine Premises Operations TTB Form 5120.17.
- No current license from the California Department of Alcoholic Beverage Control.
- No copy of the State of California of Food and Agriculture Grape Crush Workbook, showing all sources and amounts of grapes/juice and/or bulk use.
- No Information for all custom crush clients who utilize your winery for their

production.

- No Public Works Groundwater Memorandum.
- Misstatement of SWRCB diversion authorization and use of diverted water.
- No Public Works joint implementation.
- No acre feet limitation.
- No Groundwater Wells Management Demand Program.
- No Public Works Department review of the Application for completeness and reasonability to determine groundwater availability to meet CEQA obligations.
(<https://www.countyofnapa.org/DocumentCenter/View/1056/Water-Availability-Analysis-Adopted-Policy-May-12-2015-PDF>, at page 6)
- There is no conforming pumping test for either well in the packet, and no public water system feasibility study with increased employee/visitation/marketing technical worksheet to determine pumping test for project well. There is no backup well because the Well #2 is impermissibly close to Nash Creek.
- There is no CDFW review, determination or mitigation language for the tree removal and Best Management Practices for the associated ground disturbing activities, including the construction of a new well or wells. There is no obligation to obtain a Lake and Streamed Alteration Agreement mitigation for the work on the levee. The County has exceeded its authority in determining wildlife mitigation. There are no Responsible Agency, Responsible Party, or Timing.
- The well drilling permit was issued March 21, 2023, and therefore has expired and must be reissued.
- The Photographic Site Plan at packet pdf page 289 omits Well #1 and Well #2.
- No distances from the well locations to Nash Creek.
- No Water Utility Lines to Residence parcel.
- No site of "spring in creekbed." See 1985 Report of Investigation identifying water source from spring in creek bed.
- No Process Wastewater Utility line from treatment to vineyards. How and where does the recycled water cross Nash Creek?
- No "28.7" vineyard block acreage identified.
- Drawings do not conform to County standards. (See Sample-Site-Plan-Revised 2024-PDF_202411191159440278 <https://www.countyofnapa.org/DocumentCenter/View/20486/Sample-Site-Plan-.pd>)
- Site Plans omit distances from the wells or septic field to Nash Creek.
- At packet pdf page 293 EXISTING CONDITIONS WEST "Remove all manmade features from dam levee." Historically the levee crest has been graded and used for parked cars inside the creek setback. The Graphics

Existing Conditions photo appears to have been modified to eliminate parked cars. The bridge that crosses Nash Creek is 9.5 feet wide.

- CDFW has not reviewed the project or made a determination.
- CAO 4.2.A.7 shows the maximum number of visitors per year 427,541
- The Applicant has represented a substantially greater water use demand. See planning packet page 189 where (anticipated or current?) visitors are represented to be 546,000, with another 22,065 attending events.
- Staff has represented that there was an earlier EIR approved in 1988 (see agenda packet pages 16 and 18) but despite diligent search Water Audit has been unable to locate the document. It is represented to be available, and should be attached to the planning application given extensive references (twice in the staff report, (pages 16 and 18), in the status determination letter, (page 131) and the Use Permit Application (page 160)) and reliance on the earlier document in this Application. CEQA does not show an EIR. (See attached.)

C. Standard for Review.

If initial study demonstrates that a project may have significant environmental impact, a mitigated negative declaration may be appropriate – however, **only when revisions to a project will avoid or mitigate the significant environmental impacts, as identified in the initial study, “to a point where clearly no significant effect on the environment would occur, and...there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.”** (emphasis added) (Public Resources Code, §§ 21064.5 and 21080(c)(2); *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 331.) “May” in this context means a reasonable possibility of a significant effect on the environment. (Pub. Resources Code, §§ 21082.2(a), 21100, 21151(a); *Pocket Protectors*, supra, 124 Cal.App.4th 903, 927; *League for Protection of Oakland’s etc. Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 904–905.)

The “fair argument” standard requires an EIR if any substantial evidence in the record suggests that a project may have adverse environmental impacts; even under circumstances where opposing evidence is offered that supports an agency’s decision. (CEQA Guidelines, § 15064(f)(1); *Pocket Protectors*, supra, 124 Cal.App.4th 903, 931; *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-15; *Quail Botanical Gardens Found., Inc. v. City of Encinitas*

(1994) 29 Cal.App.4th 1597, 1602.) Rather than issuing negative declarations or notices of CEQA exemption, the “fair argument” standard is a “low threshold” that encourages environmental review through an EIR (*Pocket Protectors*, supra, 124 Cal.App.4th at 928.) It is opposite of the deference generally provided to agencies.

In describing the scope of judicial review of an agency’s application of the fair argument standard, the Supreme Court has stated:

“If there [is] substantial evidence that the proposed project might have a significant environmental impact, evidence to the contrary is not sufficient to support a decision to dispense with preparation of an EIR and adopt a negative declaration, because it [can] be “fairly argued” that the project might have a significant environmental impact. Stated another way, if the [reviewing] court perceives substantial evidence that the project might have such an impact, but the agency failed to secure preparation of the required EIR, the agency’s action is to be set aside because the agency abused its discretion by failing to proceed “in a manner required by law.” ” (Citation omitted.) **“The fair argument standard thus creates a low threshold for requiring an EIR, reflecting the legislative preference for resolving doubts in favor of environmental review. [Citation.]”** (*Save the Agoura Cornell Knoll v. City of Agoura Hills* (2020) 46 Cal.App.5th 665, 675-7 (Emphasis added).)

“[I]t is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency’s determination. Review is *de novo*, with a preference for resolving doubts in favor of environmental review.” (*Pocket Protectors*, supra, 124 Cal.App.4th 903, 928 [emphasis in original].)

The California Supreme Court found that “[i]f no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR.” (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 319-320, citing, *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 88; *Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491, 504–505.) “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” (*Communities for a Better Environment v. Calif. Resources Agency* (2002) 103 Cal.App.4th 98, 109 [“CBE v. CRA”].)

An EIR is essential to CEQA. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214; *Pocket Protectors*, supra, 124 Cal.App.4th 903, 927.) An EIR provides accountability that "demonstrate[s] to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." (*Laurel Heights Improvements Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392.)

An EIR is required if "there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment." (Pub. Resources Code, § 21080(d); see also *Pocket Protectors*, supra, 124 Cal.App.4th 903, 927.) In few conditions, an agency may issue a negative declaration and avoid an EIR (see 14 Cal. Code Regs., § 15371 ["CEQA Guidelines"]), but only under the circumstances where there is not a "fair argument" that the project will have a significant environmental effect. (Pub. Resources Code, §§ 21100, 21064.)

As a matter of law, "substantial evidence includes . . . expert opinion." (Pub. Resources Code, § 21080(e)(1); CEQA Guidelines, § 15064(f)(5).) When "experts" present conflicted evidence on the potential of environmental impacts, an agency must consider impacts (i.e. effects) as significant and prepare an EIR. (CEQA Guidelines § 15064(f)(5); Pub. Res. Code, § 21080(e)(1); *Pocket Protectors*, supra, 124 Cal.App.4th 903, 935.) "Significant environmental effect" is defined as "a substantial or potentially substantial adverse change in the environment." (Pub. Resources Code, § 21068; see also CEQA Guidelines, § 15382.) Effects do not necessarily need to reach a threshold of "momentous" to qualify as CEQA "significant", as the criterion is that the effects are "not trivial." (*No Oil, Inc.*, 13 Cal.3d at 83.)

"[N]either the lead agency nor a court may 'weigh' conflicting substantial evidence to determine whether an EIR must be prepared in the first instance." (*Pocket Protectors*, supra, 124 Cal.App.4th 903, 935.) In the presence of a disagreement on the appropriateness of a negative declaration, the courts require an EIR. "It is the function of an EIR, not a negative declaration, to resolve conflicting claims, based on substantial evidence, as to the environmental effects of a project." (*Id.*)

Absent an accurate description of the baseline physical environment, a proper CEQA decision cannot be made. CEQA Guidelines section 15125(a) states, in pertinent part, that a lead agency's environmental review under CEQA:

...must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time [environmental analysis] is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.

(See *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125.)

D. 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 *res* 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.) [Emphasis added]

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>

E. Conclusion.

For the foregoing reasons, Water Audit California appeals the adoption of the above stated DARIO SATTUI / CASTELLO DI AMOROSA USE PERMIT MAJOR MODIFICATION APPLICATION #P19-00459-MOD, and prays that the application be rejected, and the Applicant directed to prepare and EIR if it wishes to proceed, or in the alternative, that the Conditions of Approval be amended or supplemented as above called forth.

Respectfully,



William McKinnon
General Counsel
Water Audit California



NAPA COUNTY

CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

JAMES H. HICKEY
Director

MEMORANDUM

TO: Conservation, Development and Planning Commission

FROM: James O'Loughlin, Senior Planner *James O'Loughlin*
Environmental Protection Section

SUBJECT: Final Supplement to FEIR-023 (St. Michael Vineyard)
Hearing on January 6, 1988, Commission meeting

DATE: January 6, 1988

APPLICATION DATA:

APPLICANT: St. Michael Vineyard

REQUEST FOR: Review of Final Focused Environmental Impact Report
Supplement on St Michael Vineyard Use Permit Application
(#U-278485)

PROJECT
DESCRIPTION: 115,000 square foot winery with a production capacity of
250,000 gallons including public tours and tasting and
appurtenant waste disposal facilities on 108 acres
located on the west side of State Highway 29, 300 feet
south of Maple Lane within an AW (Agricultural Watershed)
zoning district. (APN #20-230-01 and 20-390-06)

FINDINGS:

SPECIAL INFORMATION:

At the November 18, 1987 Commission hearing on the FEIR Supplement, the Commission directed that the EIR be revised to include the following additional considerations:

- A. Alternate locations for aeration ponds;
- B. Alternate locations for percolation ponds;
- C. Impact of project on Tucker Acres well;
- D. Impact of project on groundwater quality;
- E. Alternative project locations including sites on other parcels.

Woodward-Clyde Consultants has submitted the December 11, 1987 attachment responding to issues raised at the November 18, 1987 Commission meeting.

The following correspondence has been received or sent since the November 18, 1987 Commission meeting. It should be noted that comments on the EIR contained in the November 17 and 21 letters were received after the close of the publicity noticed comment period.

November 17, 1987	Letter from Attorney, Richard Lemon
November 21, 1987	Letter from Walter J. Heitz to Conservation, Development and Planning Commission regarding impacts from noise, drainage, well and performance.
November 24, 1987	Applicant's letter from Department of Environmental Health to Woodward-Clyde Consultants regarding lack of use of Tucker Acres well.
December 16, 1987	Letter from law offices of James A. Henneffer (Mr. Bosc's Attorney) to Robert Westmeyer regarding time limits, CEQA alternatives and a November 19, 1987 letter from Conservation, Development and Planning Department to Woodward-Clyde Consultants.

RECOMMENDATION:

ENVIRONMENTAL:

- 1) That the Commission adopt the following findings:
 - a) The significant environmental issues raised during the public reviews and consultation process have been adequately addressed in the FEIR-023 (Supplement).
 - b) Comments received from the general public, or from State, local or responsible agencies, relating to the scope and content of the environmental information which are germane to responsible agencies' statutory responsibilities in connection with the proposed project have received responses.
 - c) Significant environmental points raised in the review and consultation process have been responded to in FEIR-023 (Supplement).
 - d) No unmitigated significant effects were identified in FEIR-023 (Supplement). Mitigation measures to reduce impact identified in the EIR to levels of non-significant are contained in Exhibit "B".

- e) A listing of the possible adverse environmental effects identified in FEIR-023 (Supplement) are identified in Exhibit "A". In regard to each of those possible adverse environmental effects, the project has been revised in such a manner as to avoid those potentially adverse environmental effects.
- f) The Planning Director has certified that FEIR-023 (Supplement) is an objective and accurate document that has been completed in compliance with CEQA and the State Guidelines, and represents the independent judgement of the Planning Division of the Conservation, Development and Planning Department of the County of Napa. The FEIR-023 (Supplement) was presented to the Planning Commission on Wednesday, January 7, 1987.
- g) According to CEQA Guideline Section 15126(d), an EIR must describe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project and evaluate the comparative merits of the alternatives.

The EIR Supplement and December 11, 1987 response contains the required analysis of project alternative in sufficient detail to provide the decisionmakers with information to allow them to intelligently take account of environmental consequences.

The EIR Supplement and December 11, 1987 response meets the requirement of production of information sufficient to permit a reasonable choice of alternatives. The EIR analyzes the feasibility of alternatives and finding none of them feasible, provides measures to mitigate the potential impacts to an insignificant level.

- h) The process of defining and assessing project alternatives was conducted by the applicant over a period of several years. The alternatives considered can be broadly classified in terms of the following five categories (although they were not identified or assessed in this order):
 - . Alternative sites (i.e., where else might the applicant develop to attain his stated objectives?)
 - . Alternative project scales (i.e., how large a project should be developed?)
 - . Alternative development schedules (i.e., should the project be developed at once or in phases?)
 - . Alternative combinations of facilities (i.e., what other facilities might be developed in conjunction with the proposed vineyard and winery?)

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Memo to CDPC
January 6, 1988

- . Alternative designs and site arrangements (i.e., how should the proposed project deal with water supply, wastewater disposal, and site arrangement?)

As described in pages 2-25 through 2-35 of the FEIR, and response to the Commission dated December 11, 1987 from Woodward-Clyde Consultants, this process led to the applicant's decision to pursue the proposed action (i.e., the St. Michael's Winery, as described in pages 2-1 to 2-25 of the FEIR. However, it also produced a considerable body of information concerning the technical, environmental, financial, and institutional feasibility of various other alternatives which were not pursued.

- 2) That the Commission certify that it has reviewed and considered the information in Final Supplement Environmental Impact Report FEIR-023, the December 11, 1987 response and comments from the general public, State, local or responsible agencies, before making a decision whether to approve or disapprove Use Permit #U-278485 and that said Final EIR demonstrates that the project as approved will not have significant adverse effects on the environment.

JO:PD2

MINUTES OF THE MEETING OF THE
CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION

COUNTY OF NAPA

November 18, 1987

8. Final Environmental Impact Report (St. Michael Vineyard) utilizing previous Environmental Impact Report #FEIR-023 and its supplement to evaluate the environmental effect of Use Permit Request #U-278485 of Andre Bosc for a 250,000 gallons per year winery with public tours and tasting located on 108 acres on the west side of State Highway 29 approximately 300 feet south of Maple Lane with an AW (Agricultural Watershed) District. (Assessor's Parcels #20-230-01 and 20-390-06).
PUBLIC HEARING OPENED

APPLICANTS ATTORNEY AGREED TO EXTENSION OF AB 884 AND CEQA PROCESSING DEADLINES THROUGH JANUARY 6, 1988.

COMMISSION DIRECTED THAT THE EIR BE REVISED TO INCLUDE THE FOLLOWING ADDITIONAL CONSIDERATIONS:

- A. ALTERNATIVE LOCATION OF AERATION PONDS;
- B. ALTERNATIVE LOCATION OF PERCOLATION PONDS;
- C. IMPACT ON TUCKER ACRES WELL;
- D. IMPACT ON GROUND WATER QUALITY;
- E. ALTERNATIVE SITE LOCATIONS INCLUDING SITES ON OTHER PARCELS.

CONTINUED TO JANUARY 6, 1988

RL-LMc-GK-ML-WN

9. Andre Bosc/St. Michael Vineyards - Use Permit Request (U#278485) Environmental Determination: Environmental Impact Report (EIR) required. Request: Approval to establish a 250,000 gallons per year winery with public tours and tasting and to construct related waste water ponds located on 108 acres on the west side of State Highway 29 approximately 300 feet south of Maple Lane within an AW (Agricultural Watershed) District. (Assessor's Parcel #20-230-01 and 20-390-06).
APPLICANT AGREED TO EXTEND THE AB 884 AND CEQA PROCESS DEADLINES.

CONTINUED TO JANUARY 6, 1988.

RL-LMc-GK-ML-WN

100 Bridge Avenue, Suite 200
Wajima Creek, CA 94596-0000
415 945-3000

Woodward-Clyde Consultants

DEC 14 1987

December 11, 1987
90174C/3000

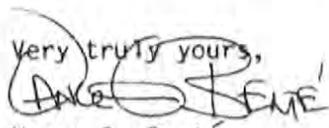
Mr. James O'Loughlin, Sr. Planner
Conservation - Development and Planning
1195 Third Street, Room 210
Napa, California 94559-3092

Dear Mr. O'Loughlin:

Enclosed is the addendum to the St. Michael's Vineyard FEIR Supplement requested in your letter of November 19, 1987. The addendum addresses each of the subject areas that were identified during the Conservation - Development and Planning Commission meeting of November 18, 1987, for which the Commission requested additional information.

The information has been compiled by Woodward-Clyde Consultants from information developed and supplied by Garretson, Elmendorf and Zinov (GEZ), consultants to GEZ, Andre Bosc (applicant), and attorneys to Andre Bosc.

Should you have further questions or require additional information please do not hesitate to call me at (415) 945-3574.

Very truly yours,

Vance G. Benté

Encl

cc J. Elmendorf
J. Hennefer

90174AD



MEMORANDUM

To: Napa County, Conservation-Development and Planning Commission

Subject: St. Michael's Vineyard FEIR Supplement

Date: December 11, 1987

I. CONCERNS OF THE CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION

In response to testimony given at the November 18, 1987, meeting, the Conservation, Development and Planning Commission requested revision of the proposed Final Environmental Impact Report (FEIR) in the following four subject areas:

1. Provide more information on the impact of the project sewage disposal systems on the Tucker Acres well and address the Regional Water Quality Control Board (RWQCB) letter dated October 8, 1987.
2. Add consideration of alternate locations for aeration and percolation ponds both on-site and on adjacent or other parcels.
3. Provide additional discussion of potential impacts on groundwater from percolation ponds.
4. Consider locations other than the project site for the winery itself.

II. RESPONSES TO COMMISSION CONCERNS

Responses, and background data pertinent to the subject areas described above, are presented below.

1a. Impacts of the Projects Sewage System on the Tucker Acres Water Company Well.

RESPONSE 1a. - Please reference response 1b.

1b. RWQCB letter of October 8, 1987. The RWQCB requested information regarding the two inactive wells located 350 feet southeast of the proposed evaporation/percolation ponds. Noting specific concerns regarding the Tucker Acres Water Company (TAWC) well, the RWQCB requests information regarding the following:

- TAWC's intention with regard to preserving the well as a drinking water well, and
- additional discussion of the potential adverse impact on the well resulting from the proposed percolation ponds, if it were used as a drinking water well.

A. **BACKGROUND.** On November 18, 1987, a letter was sent to P.N. Hess, Secretary, Tucker Acres Water Supply Company, to obtain specifics regarding the history, physical particulars, and future use of the well.

1. In a letter received December 7, 1987, Mr. Hess responds as follows. The subject well was the entire water source for the Tucker Acres subdivision (33 of 45 lots occupied) until 1975, when a new well was dug. The subject well was then put in reserve.

2. The well is described by Mr. Hess as 128 deep (sic), fully cased with an 8-inch casing, and has a 5-hp submerged pump. Mr. Hess states that when last checked, the water level was 40 feet below the surface. Mr. Hess describes the water quality as meeting the state requirements, and states that it has a moderately high iron content. The well is further described as having a concrete seal and steel head. The present yield is unknown.

B. On November 19, 1987, a letter was sent to Mr. Ralph Hunter, Supervising Sanitarian, Napa County Department of Environmental Health, inquiring as to the history, use, inspection record, current condition, and status of the subject well.

1. In a letter dated November 24, 1987, Mr. Hunter responds as follows. The Department of Environmental Health (DEH) permits and inspects small water systems with between 5 and 199 connections. The DEH has no data pertaining to the physical characteristics of the well.
2. Based on the DEH files, the well has not been connected to the Tucker Acres water system for at least 12 years. Files are vague with respect to when last used, but indicate a turbidity problem.
3. The DEH has no record of an intent to reconnect the well, and states that it would require considerable work before reconnection would be allowed. There is no record of inspection for the well.
4. The DEH has no declaration of intention on file regarding the well, and would find it substandard. The DEH has requested the district sanitarian to contact TAWC to require destruction of the well after issuance of the proper permits.

RESPONSE 1b. - The FEIR should be amended on Page 5-42 to delete the statement that the Tucker Acres Well is a reserve well, as stated by Mr. Hess in his letter of May 10, 1986 (Page 5-13). Also, the well should be identified as an abandoned well on Figure 3.4-3, Site Plan. The well in question is considered abandoned according to Department of Water Resources and Napa County Standards (Title V, Article 2, Section 5275, Napa County Code), because the owner has neither shown nor declared any intention to use the well again for supplying water or other approved purposes.

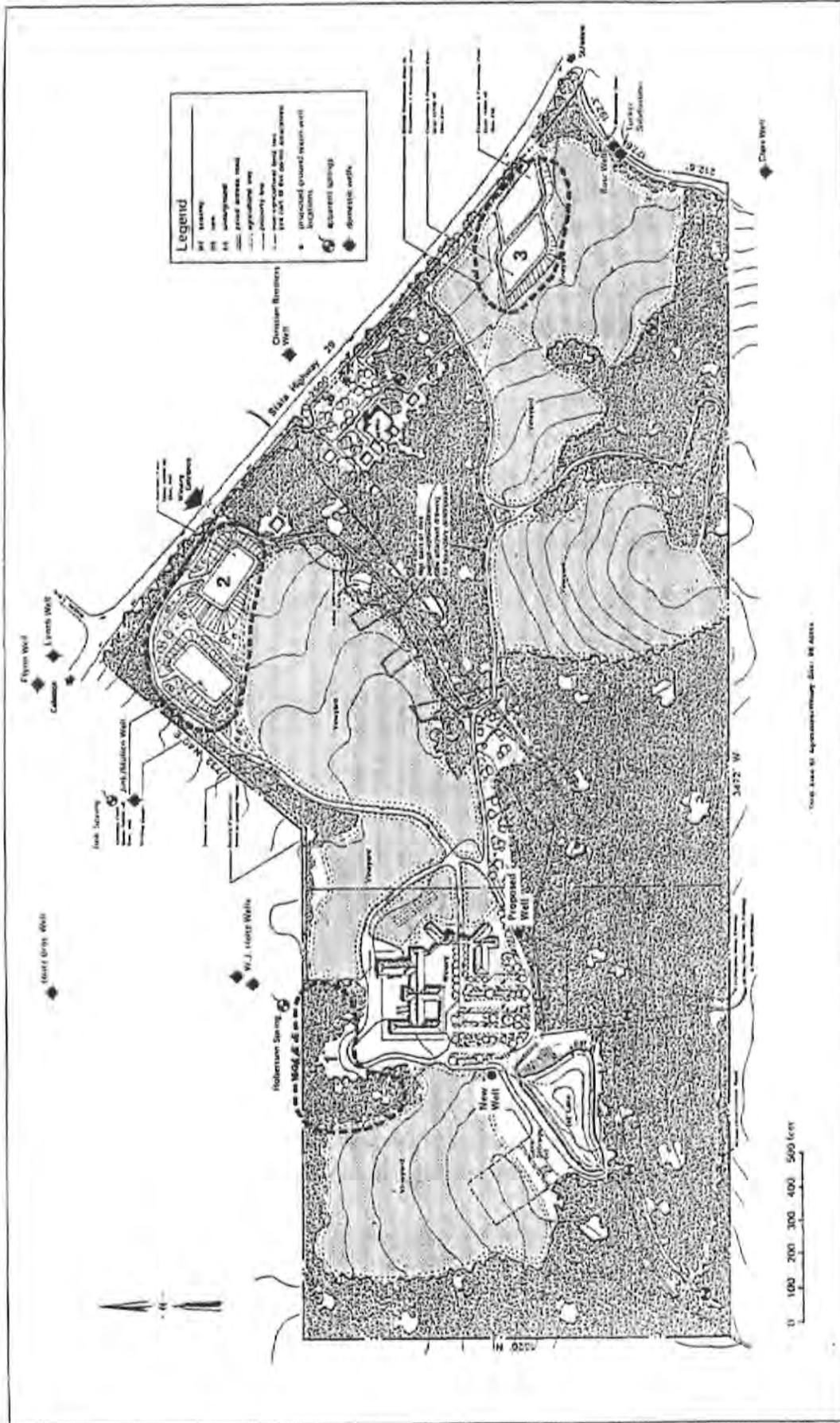
The subject TAWC well has been inactive for at least 12 years, and the owner has drilled a new well near the primary well, which is a considerable distance from the subject well. It is the County's intent to require destruction of the abandoned well after issuance of the proper permits.

The second of the two wells identified by the RWQCB is owned by the project applicant and has been sealed with a welded steel plate.

2a. Alternate locations for the aeration and percolation ponds on subject property.

RESPONSE 2a. - Paragraph 2.6.4.2 of the FEIR identifies the alternative sites considered for the aeration ponds and the evaporation and percolation ponds on Mr. Bosc's property. For easy reference, a copy of the site plan (Figure 3.4-3) is attached upon which we have designated the alternate areas considered as 1, 2, and 3.

Areas 1, 2, and 3 were all considered for location of the aeration ponds. Even though the ponds will be properly sealed on the bottom and sides, consideration of Area 1 was abandoned because of concern for any possible surface leakage of wastewater and the fact that it would be upgrade from the Robertson spring and the Heitz wells. Either Area 2 or 3 is considered an acceptable location for the ponds because the existing surface gradient is not in the direction of a nearby well or spring.



Project No. 901740
 St. Michael's Winery
 Woodward-Clyde Consultants

DISTRIBUTION OF SPRINGS AND DOMESTIC WELLS ON THE PROPERTY SITE

Figure 3-4-3

The evaporation and percolation ponds were not considered for location in Area 1 for lack of adequate percolation. They were considered for location in Area 2 or 3, but Area 2 was ruled out because percolation could impact on the neighboring spring and/or wells, and the distance from the wells does not comply with RWQCB requirements. Area 3 is acceptable, as the ponds comply with RWQCB standards as to distance from any active well. The nearby Bosc and Tucker Subdivision wells are both abandoned.

The logical conclusion is to locate the aeration ponds in Area 2 and the evaporation and percolation ponds in Area 3, as shown in the FEIR.

All other possible locations on the property were not considered desirable or feasible for the following reasons or combination of reasons:

- Slope too steep
- Vineyard area
- Forested
- Ground percolation inadequate
- Proximity to Nash Creek
- Downhill gradient below ponds
- Cost of pumping uphill

The only adjacent or other properties owned by Andre Bosc in the vicinity are the property around the Villa, indicated as not a part of this application, and also to the west of the proposed site, high up on the mountain.

The property behind the Villa was considered as a potential site for the ponds, but was ruled out because the area is adjacent to and too close to Nash Creek, it is heavily forested, the groundwater percolation is poor, and there is a botanical garden in the area behind the Villa.

The property high up on the west side was considered, but it is heavily forested, would have inadequate percolation (in rock), would have steep gradient below the pond area, and the piping and pumping costs would be excessive.

2b. Alternative locations for aeration and percolation ponds or winery on adjacent property above St. Michael's Villa.

RESPONSE 2b. - Andre F. Bosc owns an additional parcel of 65 acres, not considered in the EIR study, which is adjacent to the study area. This property is not accessible by roads. To locate the winery, or to locate the aeration and percolation ponds on this site, would require cutting in roads, with very steep banks, approaching 50 feet in height. It would require that substantial timber be cut for the roads, and even greater timber be cut if aeration and percolation ponds are to be located on this site. Because of the hilly nature of the terrain, and rocky soil, it is unlikely that there is sufficient flat surface area on the 54 acres to locate adequate aeration or percolation ponds.

2c. Additional discussion of alternate site owned by Andre F. Bosc for aeration and percolation ponds.

RESPONSE 2c. - Andre F. Bosc, in addition to the project area and the alternative site of 65 acres located above St. Michael's Villa, owns a 15-acre site adjacent to Highway 29 and astride Nash Creek on which the historic main Victorian residence, and the historic Nash House, as well as adjacent buildings, are located. This site is only 15 acres. Location of the percolation or aeration on this site would be impossible since too little usable flat area exists for such aeration or percolation ponds. Location of the ponds on this site would require moving or destruction of the historical botanical garden. It would also require the clearing of

substantial timber in the Nash Creek area. The aeration and percolation ponds would create possible substantial new environmental impacts as a result of their close proximity to Nash Creek.

3. Additional discussion of potential impacts on groundwater from percolation ponds.

RESPONSE 3. - The effluent received by the proposed percolation ponds will be of a treatment level considered to be a secondary level. This level of treatment is considered acceptable to the Water Resources Control Board of California for this site and is also the level of treatment required by most wastewater treatment plants throughout the State of California. This effluent level is of much higher quality than that which is released into the typical leach field.

Once the effluent begins to percolate through the soils lens beneath the designated percolation ponds, additional removal of materials will occur and even higher water quality will be obtained. Generally speaking, a well located a distance of 100 feet from ponds of this type can be used for non-human consumptive use such as landscape irrigation and recreational uses. Usually potable water wells can be located at a distance of approximately 500 feet from such a source without detectable changes in water quality.

4. Consideration of locations other than the project site not owned by Andre F. Bosc for the winery.

RESPONSE 4. - Andre F. Bosc bought the St. Michael's Villa property in 1960, and has owned it for 27 years. At the time the property was purchased, Foothills Property with frontage on Highway 29, suitable for wineries, was selling for approximately \$1,500 per acre. Such property now often commands in excess of \$10,000 per acre, or six to eight times its

price in 1960. Andre F. Bosc has spent over \$1.5 million in the planning and development of the winery site, vineyards to accompany the winery, and adjunct facilities. To require that Andre F. Bosc attempt to locate, and consider as an alternative site for his winery, locations other than the St. Michael's Villa site would be to require unreasonable and unfeasible alternatives deemed remote and speculative under CEQA.



NAPA COUNTY

TRENT CAVE, R.S.
Director of Environmental Health

November 24, 1987

Vance G. Bente
Woodward-Clyde Consultants
100 Pringle Ave., Suite 300
Walnut Creek, CA 94596-3564

Subject: Tucker Acres Water Company
Calistoga, CA.

Dear Mr. Bente:

This letter is in response to your letter of November 19, 1987 regarding the above water system. I shall attempt to answer each of the questions which you asked in that letter.

- 1) This office permits and inspects small water systems with between 5 and 199 connections. We often have information on the wells supplying these systems, but not always on older wells.
- 2) There was no attached map with your letter, but I assume the subject well is the one between the Bosc property and the small creek, on the south side of Schramsberg Road. We have no information on that well, as to its depth, construction, etc. The well has not been connected to the Tucker Acres water system for at least 12 years, to our knowledge. Our files are vague on when it was last used but indicate there was a turbidity problem.
- 3) We know of no intent to reconnect the well to the system and would require considerable work before allowing it to be connected.
- 4) We have no record of inspection of the well.
- 5) Title V, Article 2, Section 5275 of the Napa County Code states in part:

"A well or test hole is considered to be abandoned when it has not been used for a period of one year. The well will not be considered abandoned if the owner declares his intention, in writing, to use such well again for supplying water or for other approved purposes, and if such well has no defects in construction which would cause pollution or contamination, etc."

This office has no such declaration on file for this well and further, would find it substandard.

- 6) The Tucker Acres Mutual Water Company drilled a new well near their existing primary well, at the western edge of the subdivision which is considerable distance from the subject well.

DEPARTMENT OF ENVIRONMENTAL HEALTH

1195 THIRD STREET, ROOM 205 • NAPA, CALIFORNIA 94559-3082
AREA CODE 707/253-4471

RECEIVED

NOV 25 1987

NAPA COUNTY DEPARTMENT OF
ENVIRONMENTAL HEALTH

7) The Tucker Acres Water Company, to my knowledge, is owned by all of the property owners of the Tucker Acres Subdivision. It was first permitted by this office in March 1952.

For your information, I am requesting that the district sanitarian contact Tucker Acres Water Company to require destruction of that well after issuance of the proper permits. However, destruction of the well does not alter the question of potential ground water contamination, if any, from the proposed project. Our concern is not just to protect existing wells but to protect the ground water for future use.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



RALPH HUNTER, R S.
Supervising Sanitarian

RS:bt

CC: ✓ C.D.&P.
Ken Williams, Sanitarian

Tanner 1: 11/24/87

(2)

LAW OFFICES OF
JAMES A. HENNEFER
220 SANSOME STREET
FOURTEENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94104
(415) 421-6100

December 14, 1987

DEC 18 1987

Robert Westmeyer, Esq.
Chief Deputy County Counsel
Napa County
1195 Third Street, Room 301
Napa, California 94559

Re: St. Michael's Winery - Supplement to EIR-023
Use Permit U-278485

Dear Mr. Westmeyer:

Our offices represent Andre F. Bosc as his personal attorneys and advisors in land use and litigation matters. We have reviewed the procedural history of, and substantive issues raised in, Mr. Bosc's application for a winery permit, Use Permit No. U-278485 and the accompanying EIR, which is a supplement to EIR-023. We view with grave concern both the extraordinary procedural delays, and, now, the unmeritorious substantive issues raised.

Specifically, with regard to the procedural delays, the Use Permit application was filed December 14, 1984. Despite an original intent to proceed on a negative declaration, the Conservation, Development and Planning Commission, after hearings on May 1, 1985 and May 15, 1985, directed the Planning Division to permit preparation of a supplemental EIR pursuant to the California Environmental Quality Act ("CEQA"). We are now approaching three years since the original Use Permit was filed, and will shortly be upon three years since the EIR supplement was begun. Despite certain continuances with the concurrence of the applicant, Andre F. Bosc, (see letter of August 18, 1987 from R. Gregory Rodeno to James O'Loughlin of August 18, 1987) it is our belief that should the Napa County Conservation Development and Planning Department not act on both the EIR supplement and on the use permit for the project at the January 6, 1988 meeting, it will have exceeded the deadlines within which it is required to act under the California Environmental Quality Act § 15109 and Assembly Bill 844.

These delays seem most unwarranted and inappropriate in light of the fact that as early as May 21, 1986 the Napa County staff recommended at public hearings that the supplemental EIR be found adequate, that it be found that the project would not have a significant adverse impact on the environment and that the department should complete the public review and revision into a final EIR supplement. The delays since that time seem to have created an impenetrable hiatus of comments and responses which have raised no new substantive matters not already adequately covered in the EIR. The last round of comments is particularly illustrative of this point.

The most troublesome of the unmeritorious issues raised with regard to CEQA are those raised in the letter of November 19, 1987 from James O'Loughlin to Vance Bente of Woodward-Clyde consultants at paragraphs "2." and "4." This letter purports

to raise, based upon the California Court of Appeals, First District, decision in Laurel Heights Improvement Association of San Francisco, Inc. v. the Regents of the University of California, 193 Cal.App.3d 467 (1987), the requirement that Andre F. Bosc add consideration of "alternate locations for aeration and percolation ponds ... on adjacent or other parcels" and that he must show "consideration of locations other than the project site for the winery itself." Any reasonable and careful reading of Laurel Heights Improvement Association v. Regents of the University of California, makes it immediately apparent that an EIR need not consider the purchasing and development by a private owner of alternate sites as a precondition to completing an environmental impact report. First, and foremost, the Laurel Heights case holds that alternative discussion need not be exhausted and is subject to the rule of reason, and that the EIR need only discuss "reasonably feasible alternatives" (Ibid. at p. 478). Unlike Andre F. Bosc, the University of California **already** owned other sites on the University of California San Francisco Parnassus campus and off-campus sites at other University of California San Francisco facilities which might have been feasible alternatives. The court found that the total lack of discussion by the EIR of these other **already** owned sites was unacceptable under CEQA. No possible reading of the case could require every EIR to consider as alternatives other sites not owned by the proponent, which may not even be for sale, or which, if for sale, may not be feasible to purchase. Such a requirement is not only improper under CEQA, but patently absurd.

Perhaps, more importantly, the court in Laurel Heights focused on the activities proposed by the University of California to be conducted in a residential neighborhood, at the Laurel Heights facility to wit, "whether research employing toxic chemicals, carcinogens and radioactive materials is too high-risk to be conducted in a densely populated residential neighborhood." When such use was proposed by the University of California to be located in the middle of a densely populated residential neighborhood, in San Francisco, at the site of a low rise former office building owned by Fireman's Fund Insurance Company, the court found that "such activities are. . . subject to the stringent requirements of CEQA and especially the informational disclosure and the analytical discussion of an EIR." Unlike the Laurel Heights situation, it has been specifically found with regard to the St. Michael's winery EIR, and in connection with other winery permits by the Commission that "Napa County has traditionally been the center of California's vineyards and wineries. This proposed project would be an addition to the primary industries of Napa County, wineries and tourism," and, that "construction of a winery within an agricultural watershed district is consistent with the zoning and district regulations."

Andre F. Bosc has owned the existing property for over 27 years. He has expended over \$1.5 million in developing the site for a winery. The delays, and the present specious requirements being imposed have reached the level of being confiscatory.

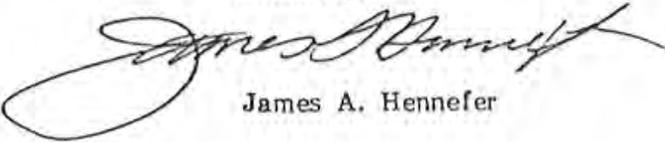
The very attempt to require that Andre F. Bosc discuss and consider alternative sites which he does not own, and likely cannot feasibly purchase and relocate the winery project on, after the extensive work and investment already made in the current site, could well amount to conditions that are not a reasonable exercise of land-use regulation power which serves the public purpose and are not related to the permit requirement, i.e. violation of the Takings Clause of the Fifth Amendment as incorporated against the State of California and its subdivisions by the Fourteenth Amendment. Nollan v. California Coastal Commission ___ U.S. ___ 107 S.Ct. 3141 (1987). Further, the Just Compensation Clause of the Fifth Amendment as incorporated against the State of California and its subdivisions by the Fourteenth Amendment may well require

Robert Westmeyer, Esq.
December 14, 1987
Page 3

compensation as a remedy for any "temporary" regulatory taking which refuses to allow a winery for Andre F. Bosc on his property where such use is within the primary industries of Napa County and consistent with agricultural watershed district zoning. First English Evangelical Lutheran Church v Los Angeles County ___ U.S. ___ 107 S.Ct. 2378 (1987).

If you have any questions, please do not hesitate to call me. We look forward to the county proceeding with final hearing and consideration of the Environmental Impact Report Supplement and Use Permit with regard to St. Michael's Winery on January 6, 1988.

Sincerely,



James A. Hennefer

JAH:er

cc: James O'Loughlin,
Napa County Conservation, Development & Planning Dept.
Andre F. Bosc
Gregory Rogeno, Esq.
James Elmendorf
Garretson, Elmendorf & Zinov
Vance G. Bente
Woodward-Clyde Consultants

November 21, 1987

REC'D

NOV 25 1987

Walter J. Heitz
4111 Heitz Way
Calistoga, California
94515

Napa County Conservation, Development
and Planning Commission
1196 Third Street, Room 210
Napa, California 94559-5092

Attn: James Hickey, Secretary-Director
Re: St. Michael Villa Winery (Bosc project)

Dear Sir:

The final EIR report on St. Michael Winery contains some inaccuracies and errors, and does not fully address some of our concerns, such as:

1. Noise.

- a- As stated on pages 4 and 5 of the final EIR: noise at receptor 2 (located about 200 feet from our residence) would not drop off rapidly; thus resulting noise levels would be in excess of state guidelines for rural areas.
- b- Construction requiring four six-month periods, equals two years of excessive noise over and above the normal noise associated with winery operation.
- c- Normal operating noise (as stated in the EIR) would not exceed that caused by Highway 29 of .47 decibels. Thus Highway 29 noise levels of .47 decibels plus winery noise of another .47 decibels would equal .94 decibels, or twice the noise we now experience.

2. Drainage.

- a- Parking lot drains into Nash Creek. I agree.
- b- North half of winery building, shipping, delivery and roadways will drain north.
- c- Erosion is already a problem as a result of the timber harvest and the vineyard roads.

3. Well.

- a- No test was conducted after access to our well was granted.
- b- Since no testing of wells took place, the result of the pumping of the Bosc well on the surrounding

wells and ground water levels is not known.

c- The static water level of the Heitz well was monitored beginning July 1, 1987. It was noted that at one point the water level dropped from 4 to 5 feet for a period of several days. At other times it was down 2 to 3 feet, whereas the normal static level varied only between 1 and 2 feet. However it was not known whether this variation was due to the pumping of the Bosc well.

4. Performance.

a- The EIR reports are laced through with "ifs, mayes and mightes". In view of Mr. Bosc's poor performance in adhering to the requirements of the Timber Harvest, and his lack of concern for the environment, as well as being unsensitive to his neighbors concerns, there appears to be little hope that he will comply with the EIR requirements for the winery. We ask the Planning Commission to seriously consider Mr. Bosc's record as to his timber harvest compliance, and also ask who will enforce the final EIR conditions if this permit is granted.

Enclosed is a copy of our letter to Woodward-Clyde consultants.

Very truly yours,

Walter S. Heitz

RE
NOV 25 1987
November 21, 1987

Walter J. Heitz
4111 Heitz Way
Calistoga, California
94515

Vance G. Benté
Woodward-Clyde Consultants
100 Pringle Avenue, Suite 300
Walnut Creek, California 94596

Dear Sir:

At a public hearing in May 1986, I informed the Napa County Planning Commission that our well was not located on any map in the draft EIR. Some time later we received a letter from Woodward-Clyde asking us to locate our well on an enclosed map. I did so, and returned the map along with a log of our well to you.

On June 16 and 22 1987, we received communications from you regarding the progress in preparing an approach to assess the effects of pumping the Bosc well on surrounding ground water conditions.

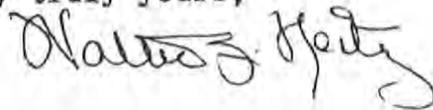
On July 13, 1987, our attorney, Robert P. Oliker answered those letters after several conversations with you by phone, giving permission to use our well for testing under certain conditions.

On July 16, 1987, we met at the Napa County Planning commission office with Woodward-Clyde representatives, Mr. Hickey, Mr. Hunter, Mr. O'Laughlin, yourself, Mr. Bosc's attorney Greg Rodeno, and others to discuss the testing process and other questions. At that meeting, your hydrologist confirmed receipt of a letter from our attorney, Mr. Oliker. We were asked again at that time if we would make our well available for testing. We answered in the affirmative, providing

that Mr. Bosc assume all liability for any injury to the men doing the testing, and any damage to our pump or well during the testing.

We firmly believe we cooperated fully in obtaining an accurate assessment of the water problem by giving you qualified permission to access our well and a copy of our well log. Since this meeting, neither we nor our attorney have heard from you; therefore we feel you are inaccurate by stating in the final EIR report that you did not receive permission to access the Heitz well, nor receive a log for same.

Very truly yours,

A handwritten signature in cursive script that reads "Walter Heitz". The signature is written in dark ink and is positioned to the right of the typed name "Walter Heitz".

HOWARD G. DICKENSON
JOSEPH G. PEATMAN
WALTER J. FOGARTY, JR.
DAVID W. MEYERS
C. RICHARD LEMON
FRANCIS J. COLLIN, JR.
DAVID B. GILBRETH
CHARLES H. DICKENSON
ANNE M. KIRLIN
PAUL G. CAREY
CHARLES W. MEIBEYER
RICHARD P. MENDELSON

DICKENSON, PEATMAN & FOGARTY
A PROFESSIONAL LAW CORPORATION
809 COOMBS STREET
NAPA, CALIFORNIA 94559-2977
TELEPHONE 707 252-7122

OF COUNSEL
JAMES D. BOITANO
ROGER D. PETERSON

TELECOPIER
707 255-6876

November 17, 1987

Conservation, Development
and Planning Commission
1600 First Street
Napa, CA 94558

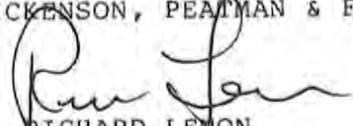
Re: St. Michael's Winery
EIR and Use Permit Hearing

Honorable Commissioners:

On behalf of the Kornell family who own property adjacent to the proposed Bosc/St. Michael Vineyard development, I hereby file the attached letter from Napa Valley Vineyard Engineering which speaks to significant deficiencies in the environmental analysis of said project. In light of these deficiencies, we strongly urge that you delay action on this proposed project until the questions raised in the attached letter have been thoroughly analyzed and answered by the project's environmental consultants.

Very truly yours,

DICKENSON, PEATMAN & FOGARTY


C. RICHARD LEMON

CRL:jg
Enclosure

R.F.
NOV 19 1987

Napa Valley Vineyard Engineering, Inc.

*176 Main Street, Suite B
St. Helena, Napa Valley
California 94574
(707) 963-4927*

*DREW L. ASPEGREN, P.E.
Civil Engineer*

November 12, 1987

Mr. C. Richard Lemmon
DICKENSON, PEATMAN & FOGARTY
809 Coombs Street
Napa, CA. 94559

Re: St. Michael's Winery
Final Environmental Impact Report, September 1987

Dear Mr. Lemmon:

We have made a preliminary review of the Final Environmental Impact Report, prepared by Woodward-Clyde Consultants, for the above-referenced project.

The report appears to be deficient with regards to site specific and area specific data relative to subsurface hydrology, both in terms of geologic structure and water quality. Without such data, it is our opinion that it is very difficult to assess potential impacts to groundwater conditions resulting from waste discharge into subsurface aquifers.

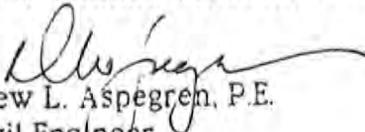
We also have concern about the mixing of winery waste and sanitary waste. Given the seasonal use of water in a typical winery, the proportional mix of winery to sanitary waste is not a constant, and therefore the system will need to operate commensurate with these changing proportions. Failure to properly design and operate the system could cause negative impacts with regards to odor and groundwater conditions.

We notice that certain monitoring programs have been proposed, which are good, but it should be understood that monitoring programs are not mitigations to prevent negative impacts. They are detection systems to discover failures.

Available support data is limited, but these issues seem to stand out. It is our recommendation that the above discussed items be thoroughly investigated and proper mitigation measures be put in place before the project is accepted.

If we can be of further service, please call.

Sincerely,
NAPA VALLEY VINEYARD ENGINEERING, INC.


Drew L. Aspegren, P.E.
Civil Engineer

DLA:jw

cc: James W. Terry

EFFECTS NOT FOUND TO BE SIGNIFICANT

In the preparation of the Initial Study and this Environmental Impact Report supplement on St. Michael's Vineyards, the following areas of environmental concern were determined not to be significantly affected:

FLOODING

1. No portion of the site nor the downstream properties except for the stream channels themselves appears subject to flooding.

DUST

1. Nearest residences are so distant that dust generated during construction should pose at worst a minor problem.

COMMUNITY SERVICES

1. Solid waste generated by the development would not decrease the effective life of the upper valley disposal site.
2. Gas and electric service can be provided to the site without any problem.
3. The winery operation would not have a significant effect on police or fire protection services in St. Helena, Calistoga or unincorporated area.
4. The winery operation would have no effect on FM, TV, or telephone communications.

COMMERCIAL RESOURCES

1. No commercially-exploitable minerals exist on the site.

TRAFFIC

1. Traffic volumes associated with the construction and operation of the winery would produce no significant traffic volume impacts on the roadway network.

HISTORICAL AND ARCHAEOLOGICAL RESOURCES

1. The proposed improvements would not disturb known archaeological or historical resources on the project site.

METEOROLOGY AND AIR QUALITY

1. Traffic generated pollutants due to construction, maintenance and operation of the winery would not significantly change emission patterns or air quality in Calistoga or the vicinity.

VEGETATION AND WILDLIFE

1. Construction and operation of the winery would not be expected to significantly adversely affect terrestrial, riparian or aquatic habitat or rare or endangered flora and fauna.

EXHIBIT "A"

List of Mitigated Impacts and Mitigation Measures

A listing of the possible adverse environmental effects identified in FEIR-023 (Supplement) and the Initial Study are identified herein Exhibit "A". In regard to each of those possible adverse environmental effects, the project has been revised in the following manner to avoid those potentially adverse environmental effects.

HYDROLOGY

Substantial temporary construction period increase in erosion and/or sedimentation.

Substantial permanent increase in erosion and/or sedimentation.

Mitigated by Measures #1, 2, 3, 4, 5, 6 & 7 and on EIR Page 4-25.

Substantial depletion of groundwater resources or significant interference with groundwater recharge mitigated by Measures #1 thru 7, and on pages 4-25, 4-26 and pages 15 and 16 of EIR Appendix C.

WATER QUALITY

Substantial degradation of the quality of waters present in a stream, lake, or pond.

Substantial degradation of the quality of groundwater supplies.

Substantial contamination of a public or private water supply.

Exposure of new site users to substantial health hazards from contaminated drinking water, inadequately treated sewage and/or insect or rodent pests.

Exposure of existing area occupants to substantially increased health hazards from contaminated drinking water, inadequately treated sewage and/or insect or rodent pests. Mitigated on pages 4-16, 4-17, 4-18, 4-19, 4-26, 4-25, 4-27, 4-28, 4-29, 4-30, 4-31, 4-32.

AIR QUALITY

Substantial degradation of local or regional air quality. Exposure of new site users or existing area occupants to annoyance from dust and/or highly objectionable odors. Mitigated by Condition #9 and on EIR pages 4-26, 4-27, 4-28 and 4-29.

NOISE

Exposure of people to high construction noise levels for substantial periods of time.

Exposure of existing area occupants to annoyance from substantially increased ambient noise levels.

Mitigated by Measure #9 and on EIR page 4-24.

ATTACHMENT 1
Mitigation Measures for
St. Michael's Vineyards - A New
Winery by A. Bosc (#U-278485)

"B"

13

HYDROLOGY & WATER QUALITY

1. Restriction of all ground disturbing activities (i.e., grading) to the dry season between April 15 and October 15.
2. Adjoining properties, roads and drainageways shall be protected from sedimentation. Perimeter ditches, berms or silt fences, or sediment-retention ponds shall be used for this protection. Clearing for a vineyard above Nash Creek will create an especially high erosion and sedimentation hazard to the creek.
3. The soils in the proposed vineyard sites have slopes ranging from 25% to over 40%. The erosion hazard ranges from moderate to very high. Some of the proposed vineyard sites contain defined swales. Erosion will result from clearing and grading to install terraces, producing excessive runoff over disturbed areas. The comprehensive plan shall include erosion control provisions on the vineyard, i.e. among other items:
 - a. Proper site selection, to avoid unstable areas such as existing and potential slide-hazardous areas and large drainages.
 - b. Proper layout of terraces.
 - c. Use of diversions.
 - d. Installation of drainage systems of adequate size.
 - e. Use of cover crops, temporary and permanent.

The Soil Conservation Service can provide assistance in preparing an erosion control plan.

4. The aeration ponds appear to be located in a steep swale. A large fill embankment will be needed to create the ponds. The following concerns shall be addressed in the Plan to satisfaction of Resource Conservation District.
 - a. According to the Napa County Soil Survey, the soil has a coarse texture, a permeability of 2-6"/hr., and is shallow. What measures will be taken to insure against leaking?
 - b. What erosion control measures will be used to prevent erosion on the pond face?
 - c. How will water presently carried in the swale be routed? What measures will be taken to prevent this water from eroding the pond fill or a new drainage swale, if created?
5. The evaporation ponds are planned for a steep area adjacent to the road. A large cut will be needed to create a flat area for the ponds. The Plan shall include measures to be taken to insure that these cuts and fills will not cause erosion or land slide problems.

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6. Method and location of the cave excavation material disposal shall be included in Plan.
7. Plan shall include erosion control measures planned for cuts, fills, and other disturbed areas around the roads, winery, and ponds. Recommended measures include:
 - a. Diverting surface water from disturbed areas and carrying it in a non-erosive manner to outlets protected against erosion.
 - b. Proper surfacing of road and roadside ditches to prevent erosion.
 - c. The use of benches or diversion terraces on long cuts or fills to carry off water.
 - d. Seeding, mulching, and fertilizing disturbed areas before Oct. 1.

AIR QUALITY

8. Dust shall be controlled during all construction activity through watering or chemical treatment.

NOISE

9. All construction equipment shall be properly muffled. Noise generating construction activity shall be limited to between the hours of 7:30 A.M. and 6:30 P.M.

CULTURAL

10. Comments from FEIR-023 Cultural Resource Assessment by Ann Peck and Associates, Consulting Archeology:

Nap-174 shall be retained in the present state of preservation. The historic buildings shall be maintained to prevent deterioration of the structures. Should future plans call for a change in the present use, with additional impact to the area of Nap-174, test excavations to evaluate the condition of the cultural deposit and allow an archeologist to determine further disposition of the site shall be done.

Nap-329 shall be fenced and avoided. It shall be preserved and excluded from planting to vineyards. If it should prove to be infeasible to avoid the site, salvage excavations designed to ensure an adequate sample for analysis and interpretation should be funded.

Nap-330, the petroglyph boulder, shall be fenced to protect it from impact and future disturbance.

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1. Required Fire Flow:
Base (4,025,000 Cu ft. \div 400) = 10,100 gpm
Net Adjusted (10,100 - 70%) = 3,030 gpm
at 20 PSI dynamic.
2. Required On Site Fire Protection Water Supply:
(3,030 gpm X 60 Min.) = 182,000 gals.
3. Fire Protection Water Main System:
The water main system to serve the domestic and fire protection needs of this proposed building shall be designed in full accord with American Water Works Association Class I water system standards. It shall be a full grid and looped system having not less than eight (8) inches inside diameter piping, valves and other components. This system must provide a constant fire flow (gpm) at any fire hydrant which is a component of the system of not less than 1500 gpm at 20 PSI dynamic for a period of not less than 2 hours. The water system shall be zoned with isolation valves.
4. Fire Hydrants:
A minimum of six (6) full NFPA steamer type fire hydrants shall be installed at strategic locations which will be determined by the Fire Warden. These hydrants shall have at least two (2) each two and a half (2½") inch National Hose Threaded male outlets equipped with caps and security chains, and one (1) each four and one half (4½") inch National Hose Threaded male outlet equipped the same as above. These hydrants maybe of the dry barrel or the wet barrel type. Piping to each hydrant shall be not less than six (6) inches in inside diameter and all hydrants are to be installed in full accord with NFPA standards.
5. Fire Service Water Supply Booster Pump:
It is noted that the proposed water storage for fire protection purposes is in a lake on the plot plan. The evaluation differential between the lake and the building site is not sufficient to create the water pressure needed by gravity flow. To compensate for this, a fire pump is required. It may be powered by internal combustion engine or a electrical motor. This pump must be rated in full accord with NFPA standards to discharge 3000 gpm at 100 PSI. If a booster pump is used it must be automatically started upon demand and be protected. If the developer chooses to use a water tank in lieu of the lake for fire protection water storage, it may be feasible to locate the tank on the hillside above the proposed building. If this were done the elevation differential should be sufficient to allow a static water pressure at each fire hydrant of not less than 100 PSI. If this were achieved, the required fire pump would not be needed.
6. Fire Detection and Alarm System:
A full service, 24 hour monitored NFPA approved fire detection and fire alarm system is required. This system must be of a "zoned type" complete with indicator panel which will be located in such a way as to be visable to fire service personnel from an outside position. This panel shall be capable of the following functions:

11. In the event that any subsurface archaeological materials should be encountered during excavation and construction activities, all work shall cease within a 10 meter (30 foot) radius until a qualified archaeologist has examined the find and recommended a mitigative action plan. Such plan shall be implemented and the CDPD shall be notified.

TRAFFIC

12. Turning movement improvements shall be installed on Highway 29 to the satisfaction of the Napa County Department of Public Works and the State Department of Transportation. An encroachment permit from the State shall be obtained for any work performed within the State Highway right-of-way.

PUBLIC HEALTH (Fire)

13. All recommendations from the State Department of Forestry (see attached) shall be complied with.

Groundwater Recharge. Shallow groundwater resources are expected to be slightly impacted by potential leakage through the bottoms of the evaporation and percolation ponds. The pre-design leakage rate for the evaporation and percolation ponds is estimated to be approximately 0.3 gallons per square foot per day, including sidewalls. Assuming that the pond bottom and sidewalls have an area of approximately 30,500 square feet, the calculated recharge to the shallow groundwater system in the vicinity of the ponds is estimated to be approximately 9200 gallons per day, or 6.5 gpm.

4.4.2.3 Groundwater Quality Impacts. Andre F. Bosc has obtained waste discharge requirements from the San Francisco Bay Region Water Quality Control Board for both the aeration ponds and the evaporation and percolation ponds. The Board sets waste discharge requirements for facilities which will discharge wastes that may affect groundwater quality. When adopting waste discharge requirements, the Board sets limits (effluent limitations) on each discharge as a condition of approval. The limitations are developed to protect beneficial uses, such as public water supplies, agricultural and industrial water use, wildlife habitats, or any water-related recreational activity.

6 "B" 13

4.9 MITIGATION (From Final Supplement to Eosc EIP.

4.9.1 Introduction

The following discussion presents general mitigation measures for applicable resource areas that are intended to reduce environmental impacts associated with the construction and operation of the proposed St. Michael's Winery. A left-turn lane, the described Transportation and Circulation mitigation measure, has been incorporated into the project plans. The other mitigation measures addressed below were not considered as part of the project in the assessment of environmental impacts.

4.9.2 Geology and Soils

Soil erosion losses could be minimized if construction were scheduled to occur during the dry season. The areas under construction should be sprayed daily to reduce erosivity. Problem areas should be immediately seeded with rye grass and clover, as suggested in FEIR-023, and ditching should be constructed if necessary. An Erosion Control Plan designed to control erosion and sedimentation during project construction and operation shall be developed and submitted to the Napa County Conservation, Development and Planning Department for review and approval prior to the issuance of a building permit.

The Erosion Control Plan shall address the following items:

- On-site sediment sources during project construction and operation

Fire Detection and Alarm System (continued):

1. System status by zone
2. Reset of system by zone
3. Trouble indicator by zone
4. Disable by zone
5. Test by zone
6. Audible alarm silencing by zone

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7. Automatic Fire Sprinkler System:

The entire building including attics, basements, passageways and function areas shall be protected by a calculated flow automatic fire sprinkler system designed, installed, tested and maintained in full accord with NFPA pamphlet 13 and applicable state and local laws.

This system shall be equipped with post indicators, fire department connections, audible water flow alarm, electronic alarm relay switch and drains as needed.

8. Roadways:

Roadway access from the State Highway to and around the building must provide year round all weather access for heavy fire apparatus and other emergency equipment. The roadway shall be at least two traffic lanes in width to allow unrestricted passage of two full sized vehicles travelling in opposite directions at any point. Maximum grade shall not exceed 20% except for short distances. Minimum center line curve radius shall be not less than 40 feet.

Necessary drainage improvements must be provided.

Any required culverts or bridges shall have a minimum load carrying capacity of 20 tons.

Overhead clearance of limbs, trees, etc. shall be a minimum of 14 feet.

9. This site lays within the defined high fire hazard area of the County. Because of this fact, all roofing material must be fire resistive.

If you have any questions, please contact Fire Captain Tom Horgan at 953-4343.

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- Sequential scheduling of equipment usage at each location to reduce the number of pieces of equipment in use at one time

During operations, only receptor 1 might experience significant impacts, and only on a short-term basis during daytime hours. The major noise problem here is due to the extreme proximity of the site access road to the site boundary. Possible mitigation measures are:

- Landscaping along the access road and within the northeast corner of the property
- Ensuring that all visitor vehicles are clear of the site and the access road, by the end of daytime hours (7:00 a.m. - 7:00 p.m.) because of the 10-decibel "penalty" for nighttime noise (10:00 p.m. - 7:00 a.m.), and California's 5-decibel "penalty" for evening noise (7:00 p.m. - 10:00 p.m.).

4.9.4 Hydrology and Water Quality

All land-clearing and construction should be conducted during the dry season to minimize short-term increases in surface runoff. The planned landscaping and revegetation around the two aeration ponds would minimize long-term runoff increases. Until this revegetation is established, the newly cleared areas should be seeded with a rapidly germinating species. The parking lot area should be constructed on a gentle slope to prevent ponding and facilitate proper drainage through culverts and into Nash Creek. Landscaping in the parking lot would detain some incoming precipitation and decrease the surface runoff in this area.

4.9.4.1 Groundwater Resources. Based on the Kleinfelder (1987) study, perceptible impacts on off-site water levels are expected to occur only during the 60 days of the crush (peak) period. The proposed project is expected to result in small but finite lowering of water levels (Kleinfelder 1987).

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- Specific pathways for off-site sediment transport during project construction and operation (i.e., drainage routes)
- Quantities of sediment to be transported off-site during project construction and operation during normal and extreme hydrologic events (average annual 24-hour storm event; 10-year 24-hour storm event; and 100-year 24-hour storm event)
- Erosion control structures designed to direct runoff into the Nash Creek basin, and other mitigation measures to be implemented during project construction and operation. Descriptions of erosion control structures and other mitigation measures should specify the types and locations of erosion control structures and/or mitigation measures implemented
- Operation and maintenance procedures/schedule for erosion control structures and other mitigation measures (if applicable) during project construction and operation

4.9.3 Noise

During construction noise levels at the four receptor points analyzed for impacts would significantly exceed state noise guidelines for residential areas. No single piece of construction equipment stands out as exceptionally noisy (except for the cave driller, shielded by earth from all but receptor 4). Hence, reducing the types of equipment, or number of pieces, is a relatively ineffective means of noise control here (and would extend the construction period, trading longer exposure for slight noise reduction). The most effective means appear to be:

- Close control of equipment maintenance, to ensure fully operating mufflers and sound insulation

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The San Francisco Bay Region Water Quality Control Board has set the following discharge specifications:

For the Aeration Ponds.

- The ponds shall be adequately protected from erosion, washout and flooding from a rainfall event having a predicted frequency of once in 100 years.
- To prevent threat of overflows, a minimum freeboard of 2 feet shall be maintained in the ponds at all time.
- Waste at the surface of the ponds shall meet the following quality limits at all times:
In any grab sample:

Dissolved Oxygen	2.0 mg/l minimum
Dissolved Sulfide	0.1 mg/l maximum
pH	6.0 minimum
	9.0 maximum
- Total waste discharged to the pond system shall not exceed 6000 gallons per day (annual average)
- The ponds shall be lined or sealed so that percolation of waste into subsurface soils has a rate of less than 10^{-6} cm/sec.

For the Evaporation/Percolation Ponds.

- The wastewater applied to the disposal ponds shall at all times be an adequately treated wastewater, and shall meet the following quality limits:
In any grab sample:

BOD ₅	40.0 mg/l maximum
Settleable Solids	0.5 mg/l-hr. maximum
Dissolved Oxygen	2.0 mg/l minimum
Dissolved Sulfide	0.1 mg/l maximum

Should the County of Napa find impacts to groundwater resources as described in Section 4.4.2.1 and 4.4.2.2 to be substantial, some or all of the following mitigation measures recommended by Kleinfelder (1987) should be employed:

1. The existing pond on Nash Creek might be actively managed to promote recharge. Such management would entail periodic dredging and scarification of the beds of the pond [i.e., lake]. The pond [lake] should be maintained by natural flows (to the extent such flows are available) at the highest possible level to maximize the rate of recharge.
2. Effective erosion control is an important contributor to maintaining rainfall recharge rates in areas of sandy, friable soils. An Erosion Control Program prepared by a licensed professional in the fields of engineering, geology, watershed science, or landscape architecture should be developed and implemented, with specific provisions for maintaining and enhancing rainfall recharge.
3. If owners or operators of wells within 1500 feet of the new winery well provide evidence of significant lowering of water levels due to operation during the crush season, a program to reduce these impacts will be tested and implemented. Significant impacts may be defined for this purpose as lowering the static water level to less than 60 percent of its previous height above the bottom of the well. A program to reduce impacts to less than these levels might include one or more of the following:
 - a. altered hours of pumping designed to minimize propagation of the cone of depression beyond the property line.
 - b. deepening the existing new well.
 - c. providing water from another well located at a greater distance from the property line.
 - d. augmenting pond or stream recharge to offset the effects of pumping.

4.9.4.2 Groundwater Quality. The San Francisco Bay Regional Water Quality Control Board (RWQCB) has ordered Andre F. Bosc to comply with a self-monitoring program to ensure compliance with the waste discharge. The applicant is required to treat and dispose of wastes as required by the stipulations set forth in the tentative order for St. Michael's Winery (Water Quality Control Board, April 12, 1985). Failure to comply will result in a requirement for temporary or permanent reduction or elimination of authorized discharge.

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7 MITIGATION PROGRAM

7.1 POTENTIAL NEEDS FOR MITIGATION

The California Environmental Quality Act calls for identifying impacts which may "substantially degrade or deplete ground water resources" and recommending measures for mitigation of significant impacts.

Impacts on the extent of the ground water resource or its availability have been shown to be small relative to annual recharge and very small relative the volume or extent of the aquifer.

Perceptible impacts on offsite water levels will be limited to the 60 days of the crush. The proposed project is expected to result in small but finite lowering of water levels.

1. Pumping during the crush is expected to result in a seasonal cone of depression within the aquifer which will be replenished annually.
2. The nearest well on adjoining parcels is thought to be approximately 900 feet away. Drawdown at this distance is expected to increase gradually to between 2 and 6 feet after 60 days of pumping. The estimates are based on several conservative assumptions, such as assumed fully-confined conditions within the aquifer. The actual drawdown may be less.
3. The offsite effects of the pumping are typical of well-interference patterns associated with most upland uses.
4. The proposed program of pumping will result in moderate increases in the costs of lifting water from the Heitz well, and, to a lesser extent, from other wells further removed from the point of ground water extraction. These additional costs will be incurred for a period of about 60 days per year.
5. Offsite effects on static water levels are small relative to the depth of the aquifer and relative to the reported functioning depths of nearby wells. The additional drawdown, while adding to costs, is not likely to appreciably diminish yields of properly-constructed and maintained wells.

The application of wastewater to the disposal pond shall be discontinued during any period in which there is reason to believe the limits specified above are not being met. 11 "B" 13

- A minimum freeboard of 1 foot in the disposal ponds must be kept all the time during the disposal period (April 15 through October 15).

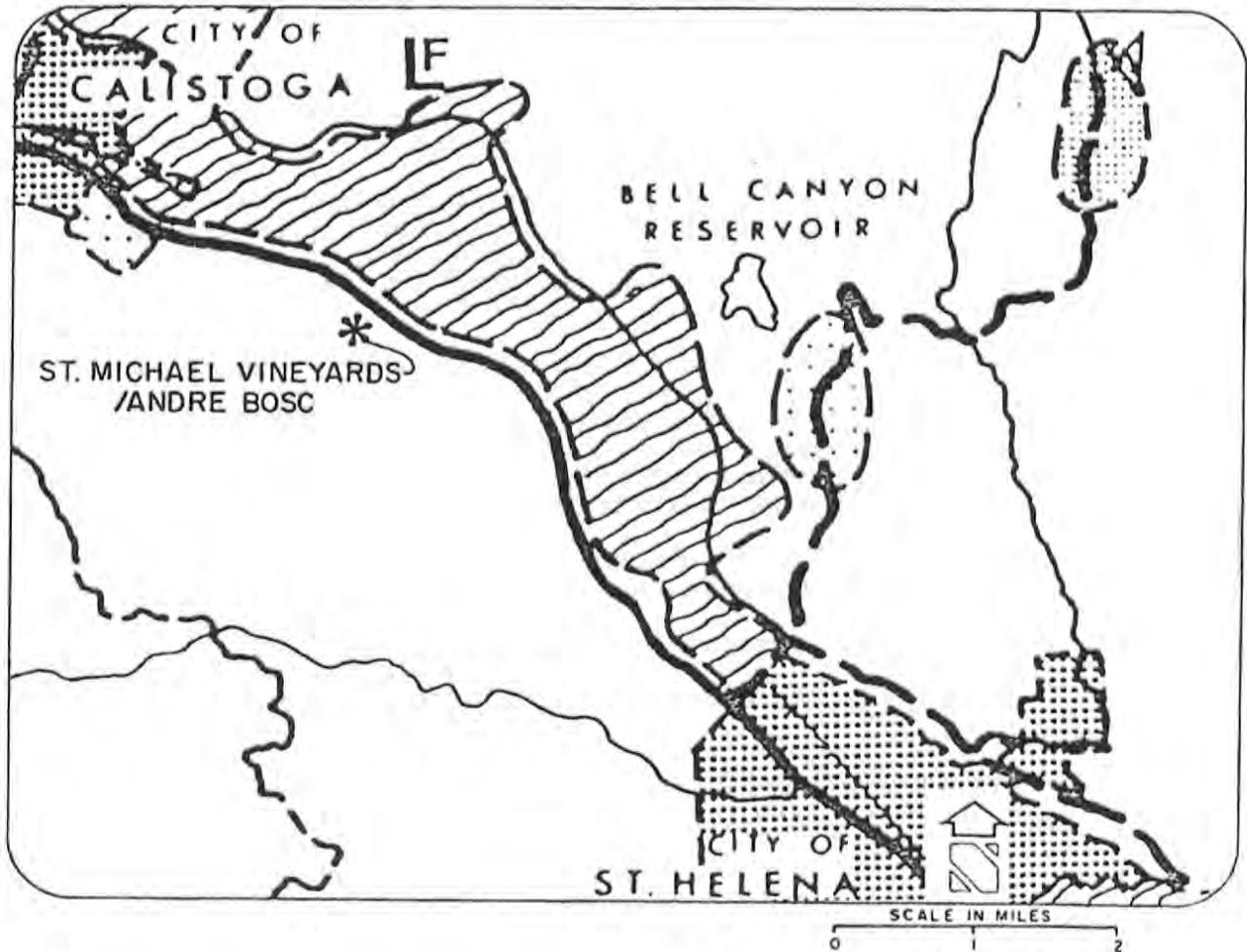
4.9.5 Transportation and Circulation

Impacts to existing roadway and traffic conditions would be minimal except for left turns from Highway 29 into the winery entrance. Vehicles waiting to make a left turn could present a hazard or could interfere with traffic flow. To mitigate this impact, the project applicant has proposed to construct a left-turn lane on the northbound section of Highway 29 at the winery entrance.

This turn lane would be constructed to highway design standards and a portion of Highway 29 may require minor widening to accommodate the added turn lane. The applicant would apply to obtain an Encroachment Permit from Caltrans, which will be required prior to any work being conducted in a state highway right-of-way. Caltrans would review all plans and specifications for any roadway improvements.

An additional archaeological survey of the potentially disturbed area along the highway right-of-way will be conducted by a qualified professional archaeologist after design of the left-turn lane is completed. The results of the archaeological survey and recommended action will be submitted directly to Caltrans for their approval, prior to the issuance of the encroachment permit from Caltrans. 11

NAPA COUNTY LAND USE PLAN 1983-2000



LEGEND

URBAN

-  CITIES
-  URBAN RESIDENTIAL
-  RURAL RESIDENTIAL
-  COMMERCIAL
-  INDUSTRIAL
-  PUBLIC-INSTITUTIONAL

OPEN SPACE

-  AGRICULTURE, WATERSHED & OPEN SPACE
-  AGRICULTURAL RESOURCE

TRANSPORTATION

-  LIMITED ACCESS HIGHWAY
-  MAJOR ROAD
-  SECONDARY ROAD
-  RAILROAD
-  AIRPORT
-  LANDFILL SITE

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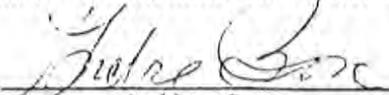
7.2 POTENTIAL MITIGATION MEASURES

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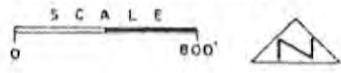
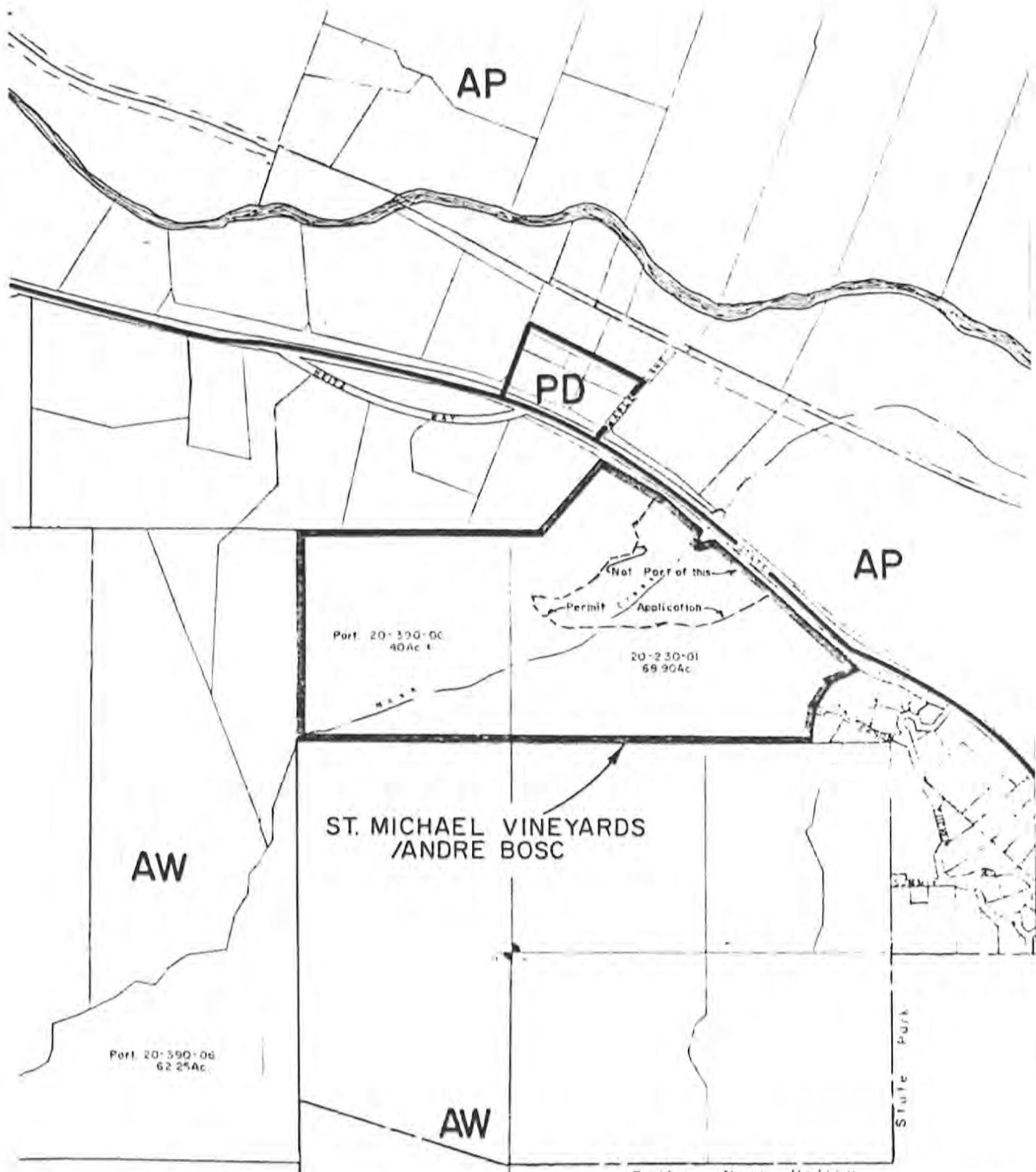
Should the County of Napa find these impacts to be substantial, some or all of the following mitigation measures might be employed:

1. The existing pond on Nash Creek might be actively managed to promote recharge. Such management would entail periodic dredging and scarification of the beds of the pond. The pond should be maintained by natural flows (to the extent such flows are available) at the highest possible level to maximize the rate of recharge.
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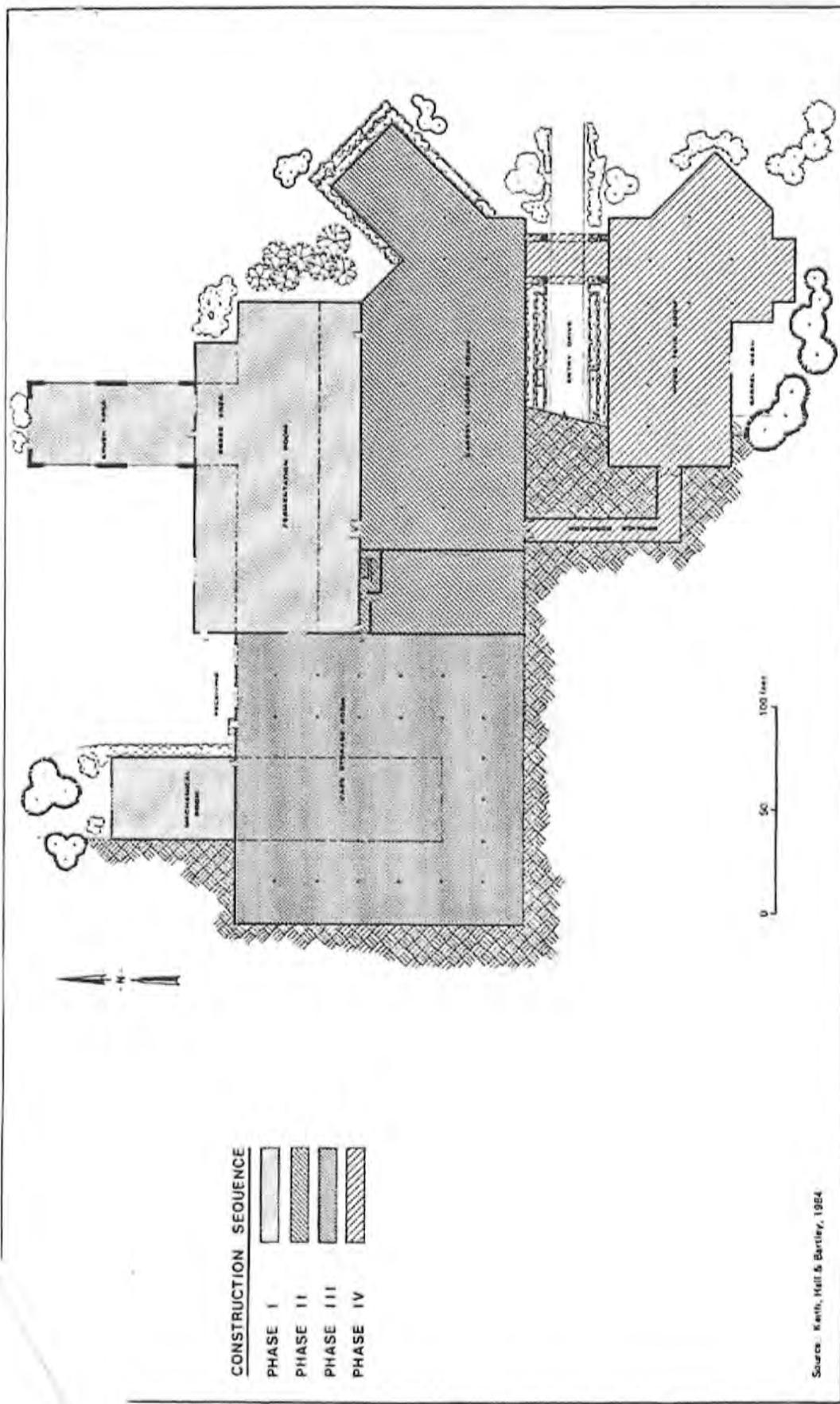
I AGREE TO INCLUDE THE ABOVE MITIGATION MEASURES IN THIS PROJECT.


Andre Bosc

10/4/87
Date



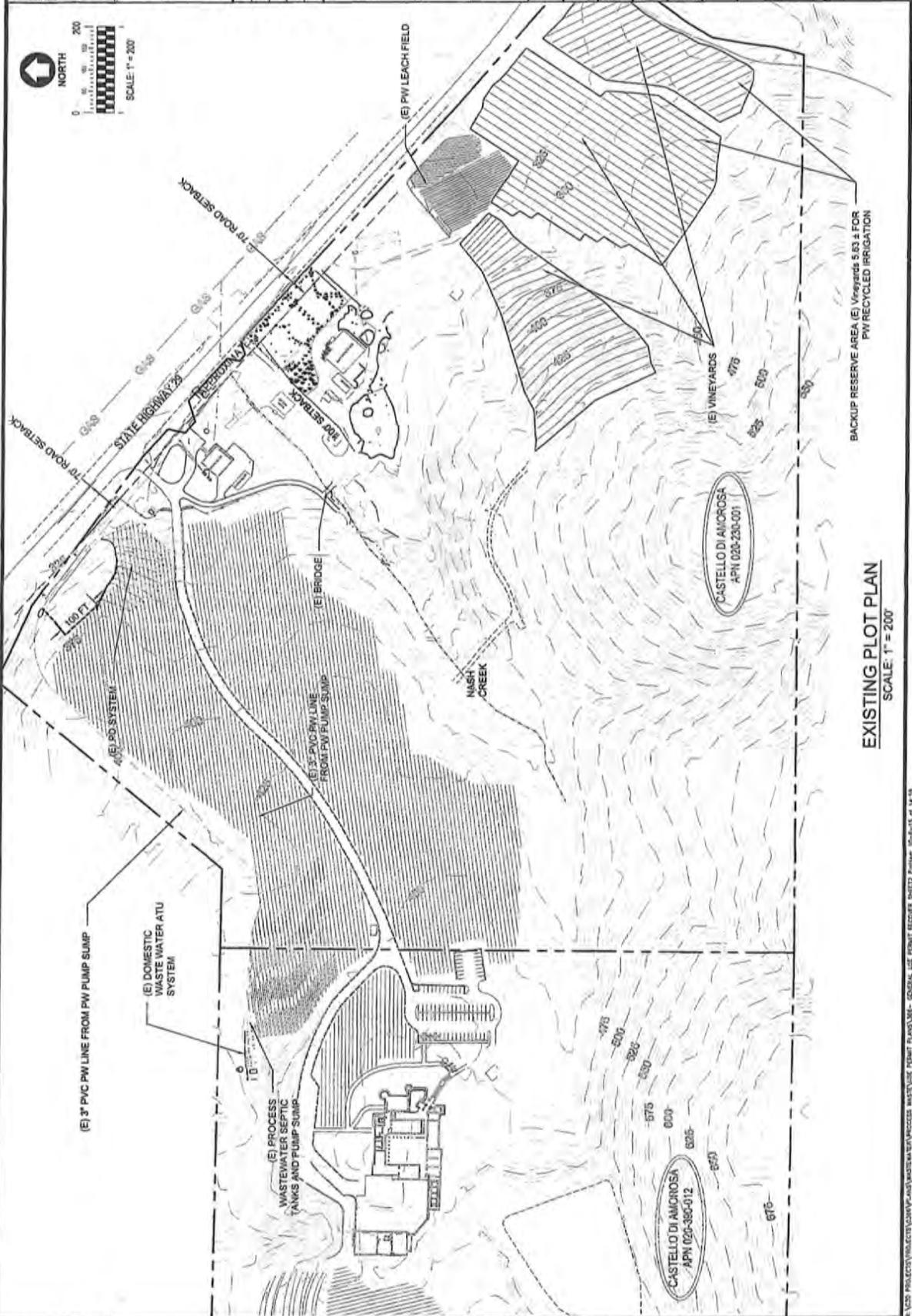
JF
2-27-84



Source: Keith, Hall & Bartley, 1984

Project No. BB174B	St. Michael's Winery	LOWER LEVEL PLAN FOR ST. MICHAEL'S WINERY	Figure 2.3-4
Woodward-Clyde Consultants			

	STEVEN DIRECTOR ENGINEERING SURVEYING AND LAND PLANNING	PHONE 707 681 8288 FAX 707 681 2446 245 LA FATA STREET SUITE F, PO BOX 113 ST HELENA, CA 94774	Copyright © 2013 REB Engineering Any view of this drawing without written consent by REB Engineering, Inc. is prohibited.
	A.P.N. 020-230-001 & 020-390-012 CASTELLO DI AMOROSA CALISTOGA, CA 94515	DRAFTED BY: WAY	DESIGNED BY: REB
ORIGINAL DATE: 07/15/2008	SHEET SIZE: 11X17	SCALE: 1" = 200'	SHEET TITLE: VMUP 2
SHEET: 2			OF 4 SHEETS

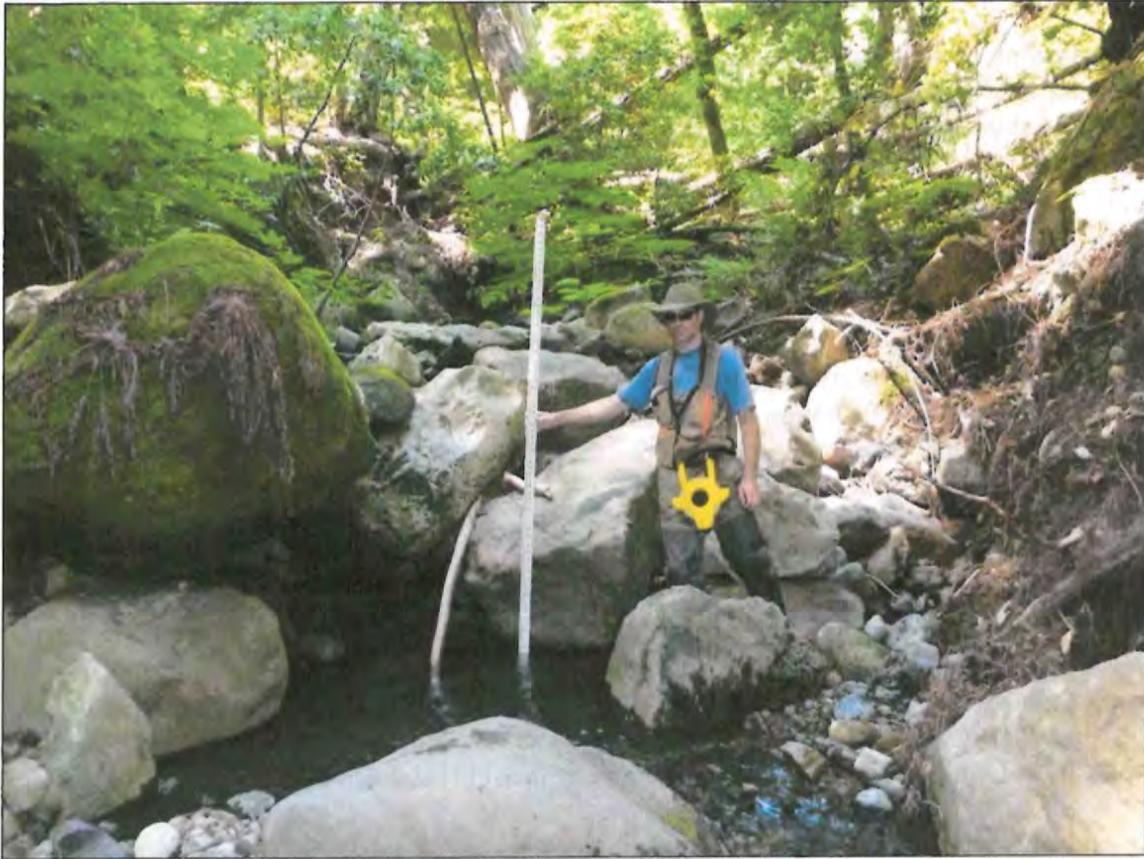


EXISTING PLOT PLAN
SCALE: 1" = 200'

PLANNED BY: WAY

DATE PLOTTED: 07/15/2008 10:54:15 AM PLOTTER: HP DesignJet 5000 Series





Northern Napa River Tributary Streams Survey Report May 2012

Prepared for:
City of St. Helena
1480 Main Street
St. Helena, CA 94574

Prepared by:

NAPA COUNTY

RCD



Resource
Conservation
District

**Napa County Resource Conservation
District**
1303 Jefferson Street
Napa, CA 94559
707.252-4188
www.naparcd.org

Prunuske Chatham, Inc.
400 Morris Street, Ste. G
Sebastopol, CA 95472
707.824.4600
www.pcz.com



PRUNUSKE CHATHAM, INC.

3 METHODS

The following section includes a discussion of the landowner outreach completed prior to initiating field surveys and a description of the approaches used to collect and analyze fisheries habitat data on the eight target watersheds.

3.1 LANDOWNER OUTREACH

Prior to beginning fieldwork, permission for property access was obtained from willing landowners along each stream. A cover letter outlining the goals of the project was sent to each landowner along with an access agreement beginning in summer 2010. Once sufficient access was obtained, the stream surveys were initiated in summer 2011. Letters were sent to owners of 227 parcels within the eight watersheds. Access was granted to 155 parcels. Only one watershed, Nash Creek, could not be fully evaluated due to insufficient access.

3.2 METHODS

The habitat inventories were conducted in accordance with methodology presented in the *California Salmonid Stream Habitat Restoration Manual* (Flosi et al. 1998)¹. The inventories were conducted by a two-person team trained in standardized habitat inventory methods by the California Department of Fish and Game (CDFG). Jonathan Koehler from Napa County Resource Conservation District (NCRCD) led all of the habitat inventories. Paul Blank (NCRCD) or Jennifer Michaud (Prunuske Chatham, Inc.; PCI) assisted with the surveys.

The inventory uses a method that fully samples approximately 10% of the habitat units within the survey reach. All habitat units included in the survey are classified according to habitat type and their lengths are measured. Habitat unit types encountered for the first time are measured for all the parameters and characteristics on the field form. Additionally, from the ten habitat units on each field form page, one is randomly selected for complete measurement. Pools are measured more frequently than other habitat units; approximately every third pool encountered is measured. Additional characteristics, such as flow, temperatures, vegetation community, in-stream habitat, and large woody debris, are also evaluated. Dry sections of stream bed are excluded from the inventory.

Initially, reconnaissance surveys were to be conducted on Blossom, Nash, and Diamond Mountain Creeks to identify fish resources. During 2011, reconnaissance survey methods consisted of stream bank observations. Underwater observations were not used as originally proposed due the lack of adequate water depths and/or dry stream bed conditions. Fish observations and resource potential within the watershed are described in the *Fisheries Resources and Field Observations* sections that follow.

¹ Portions of this work plan appear verbatim from the California Salmonid Stream Habitat Restoration Manual (CDFG 1998).

7

Environmental

Cover Sheet

APN	020 - 390 - 012 - 000
Permit #	
Program	Well
DocType	Notes
Street #	4045
Street Name	Hwy 29
Year	1985



cc: County Planning Dept.
Return County Building Dept.

COUNTY OF NAPA
DEPARTMENT OF PUBLIC HEALTH
DIVISION OF ENVIRONMENTAL HEALTH

178
SERVICE REQUEST NO.

DATE 9/25/85 INFO. RECEIVED BY RA PHONE ORAL LETTER

ASSIGNED TO/DATE: MA 9/26 SPECIAL INSTRUCTIONS NAT - Please Discuss

With Ralph before going out on this - Also arrange joint visit w Bldg. Dept.

LOCATION NAME: St. Michael's Winery PHONE NO.

ADDRESS: 3999 No. St Helena Hwy, Calistoga

SUBJECT OF REQUEST: Complaint indicates water unsafe. Rust floating in storage tank of unapproved "black" water line. Water serves several tenants including his house and the tasting room. He said the NASH house was recently remodeled into a tasting room & bus loads of people are there on weekends. Kay Hardy notified us the water sample was <16.

REQUESTED BY: John Clifford - (Vineyard mgr for St. Michael's Villa)

ADDRESS: 4001 N. St. Helena Hwy PHONE NO. 942-5578
EH 98/83

REPORT OF INVESTIGATION/SERVICE: 9/26/85 SPOKE WITH ANDRE BOIC - COMPLAINT
FILED BY EX-RANCH FOREMAN WHO CURRENTLY RESIDES IN CABIN
NORTH OF NASH HOUSE - ALSO INFORMED ME THAT STORAGE TANK HAD
BEEN RECENTLY VANDALIZED, BUT HAD BEEN REPAIRED & CLEANED SINCE.
DEE SWINNEY IS CHECKING ON AHEADS USUAL REPAIRS OF NASH
HOUSE - BOIC SAID THAT NO CAME TRYING IS DONE AT THIS FACILITY -
WILL CHECK SPRING & STORAGE TANK TOMORROW - SAMPLE WILL BE
TAKEN 9/30/85

9/27/85 INFORMED SYSTEM WITH ANDRE BOIC - WATER SOURCE IS SPRING IN
COMPLAINANT ADVISED DISPOSITION: (ABATED/REFERRED)
AT YES () NO
CHECKED - INTAKE LINE ABOUT 18" BELOW SAND BED - 2" PLASTIC PIPE ON TOP OF
GROUND TO STORAGE TANK - TANK WAS RECENTLY DRAINED & CLEANED & SCREEN REMAINED,
FORCIBLY UP - BUT VENT AREA TOO LARGE TO EXCLUDE WIND-BORNE CONTAMINANTS -
DOMESTIC SUPPLY IS THEN FILTERED AT BOTTOM OF HILL BEHIND MAIN HOUSE -

DATE: SAMPLE TAKEN 9/30/85 - ALSO DISCUSSED PERFORMED BY: MDP
THIS WITH COMPLAINT. 10/25/85 LOWER UNIT NEW PLANT

ENVIRONMENTAL HEALTH
1123 First Street
Napa, CA 94558

MEMORANDUM

TO: File _____
FROM: NAT _____
SUBJECT: H₂O SYSTEM - ST. MICHAEL'S WINERY _____
DATE: 10/18/85 _____

INFORMED COMPLAINT OF UNSATISFACTORY SAMPLE RESULTS & ADVISED NOT
TO DRINK - HE WILL INFORM OCCUPANT OF UPPER LIVING UNIT -
DISCUSSED THIS WITH ANDRE BOSE & INFORMED HIM OF NEED FOR INFORMATION
& ADDITIONAL STORAGE REQUIRED - HE MAY DECIDE TO VACATE CABIN
IMMEDIATELY UNTIL AN APPROVED WATER SYSTEM CAN BE CONSTRUCTED -
WILL INFORM ME OF HIS DECISION IN A FEW DAYS.
11/14/85 LOWER UNIT IN CABIN NOW VACANT - INFORMED OCCUPANT
OF UPPER UNIT THAT PLANS IN MAKING TO VACATE H₂O SYSTEM - HE IS
DRINKING BOTTLED H₂O AT PRESENT -
ANDRE BOSE IS EXPLORING TYPE OF TREATMENT BEST SUITED FOR
HIS NEEDS - WILL GET BACK TO ME IN 7 DAYS.

Environmental

Cover Sheet

APN	020 - 390 - 012 - 000
Permit #	
Program	Well
DocType	pmt
Street #	4045
Street Name	Hwy 29
Year	1984



Permit # 435
 FEE 40.00 DATE 12/29/86
 RECEIPT NO. 18894 BY JB

A.P. NO. 20-390-06

NAPA COUNTY HEALTH DEPARTMENT
 DIVISION OF ENVIRONMENTAL HEALTH

APPLICATION & PERMIT TO CONSTRUCT A WATER WELL

NAME St Michael Vineyards ADDRESS 3999 Hwy 29 Calistoga Ca.
(Owner)
 NAME Weeks Drilling Co ADDRESS PO Box 176 SEB DATE 12-24-86
(Well Driller) (Job Location)

TYPE OF WORK
 NEW WELL RECONDITIONING _____
 TYPE I PERMIT DESTROY _____
 TYPE II PERMIT _____ TEST HOLE _____
 DEEPENING _____
 OTHER _____

PROPOSED USE
 DOMESTIC IRRIGATION INDUSTRIAL _____
 TEST WELL _____ OTHER _____ HOT WATER _____
 MUNICIPAL _____

Sewage Disposal on site (existing or proposed) Public _____ Individual Private _____
 Distance from well to any part of nearest sewage disposal system 100' feet +
 (Sketch of site to accompany application) County road setback 100' + feet from centerline.

TYPE OF EQUIPMENT TO BE USED: Rotary Cable _____ Hand Dug _____ Other _____

WORKER'S COMPENSATION COVERAGE: (Check one of the following)
 A certificate of current Worker's Compensation Insurance coverage is presently on file with this office.
 A certificate of current Worker's Compensation Insurance is being filed with this application.
 I certify that in the performance of the work for which this permit is issued I shall not employ any person in any manner so as to become subject to the Worker's Compensation laws in California.

Bruce Lendrum
 Signature of Applicant

12-24-86
 Date

FOR OFFICE USE ONLY

	Date	By	Remarks
Pre-Inspection			
Class II Approval			
Permit Issued	<u>12/24/86</u>	<u>Map</u>	
Const. Inspection	<u>4-9-87</u>	<u>Ken</u>	<u>52x 2" annular</u>
Final Inspection			
Final Approval			

Remarks: 4-9-87 Weeks was unable to trim pipe the annular space due to closure of hole, a 50' seal was not required so I allowed them to seal it from the top Ken

EH 91
 Revised 12-80
 White-Office Pink-Owner
 Yellow-Return to Office Orange-Contractor

ea 40,000 SF)

.8' E

St. MICHAEL VINEYARDS
3997 Hwy 29
20-390-06

Vineyard

RECEIVED
DEC 29 1986
DIVISION OF
ENVIRONMENTAL HEALTH

Phase I
Construction

Winery

PROPOSED
WELL
12/24/86

(n) Lake

(n) Proposed Well
Pumping of
Non-Potable Water

(n) Proposed Well
Filtration, Purification &
Pumping of Potable Water

(n) Pumping for
Irrigation & Fire
Protection from (e) Lake

Environmental

Cover Sheet

APN	020 - 390 - 012 - 000
Permit #	
Program	WELL
DocType	COP
Street #	4045
Street Name	N ST HELENA Hwy
Year	1987



180 Pringle Avenue, Suite 300
Waimut Creek, CA 94596-3564
415-945-3000

Woodward-Clyde Consultants

June 16, 1987

Mr. and Mrs. Heitz
4111 Heitz Way
Calistoga, CA 94515

Dear Mr. and Mrs. Heitz:

As you are aware, Andre Bosc has been investigating the possibility of constructing a new winery on property adjacent to your own. Among other property owners in the vicinity, you have indicated an interest in how the operation of the winery may affect the existing groundwater condition.

A plan or study to conduct hydrological testing is being prepared that will provide essential data for the final environmental impact report. As we discussed in our telephone conversation of June 4, 1987, the current plan for the hydrological study requires that your existing well be monitored prior to, during and after tests conducted on the Bosc production well. Although the technical specifics of the plan are still under study, the monitoring period would likely be between 12 and 16 days.

During our last conversation, you indicated a preference to discuss the monitoring study with your legal counsel prior to making a decision with regard to authorizing access to your well. To enable the hydrological team to finalize their study plans, we would appreciate hearing from you in this regard. If additional information is required to facilitate your decision, please do not hesitate to call me at (415) 945-3574.

Very truly yours,



Vance G. Bente
Project Manager

VGB:jsa
JSA96-BEV

Consulting Engineers, Geologists
and Environmental Scientists

Offices in Other Principal Cities



Environmental

Cover Sheet

APN	020 - 390 - 012 - 000
Permit #	
Program	WELL
DocType	COR
Street #	4045
Street Name	N ST HELENA Hwy
Year	1987



100 Pringle Avenue, Suite 300
Walnut Creek, CA 94596-3564
415-945-3000

Woodward-Clyde Consultants

November 19, 1987
90174C/3000

Mr. Ralph Hunter
Department of Environmental Health
1195 Third Street, Room 205
Napa, California 94559-3082

RECEIVED
NOV 20 1987
DIVISION OF
ENVIRONMENTAL HEALTH

Re: Tucker Acres Mutual Water Company well adjacent to the property of
Andre Bosc

Dear Mr. Hunter:

The purpose of this letter is to request information pertaining to the Tucker Acres Mutual Water Company well adjacent to the property of Andre Bosc (see attached map). As I understand from your comments at the Commission hearing of November 18, 1987, your department maintains a file on each of the wells over which they have permit authority.

With regard to the Tucker Acres Mutual Water Company perhaps you could inform me as to the date (year), that the company was established/permitted. Also, does the word "mutual" in the title indicate shared ownership by users, or is this a private water company?

With regard to the subject well, perhaps the file contains information that indicates if it is active, and if it is connected to the Tucker Acres Subdivision water supply. Is there any indication if it ever has contributed to that water supply, or if there is intent for it to do so? Additionally, is there any record of inspection, and what were the results?

In general, are there criteria or guidelines by which a well is considered to be active, in reserve, or abandoned? Is there perhaps some level of maintenance or care required to qualify a well as "in reserve?"

Any information pertaining to the above questions would be greatly appreciated. If you have any additional questions or require further information please don't hesitate to call me at (415) 945-3574.

Very truly yours,



Vance G. Bente
Project Manager

Encl.
90174CRH/COT

Consulting Engineers, Geologists
and Environmental Scientists

Offices in Other Principal Cities





NAPA COUNTY

TRENT CAVE, R.S.
Director of Environmental Health

DEPARTMENT OF ENVIRONMENTAL HEALTH

1195 THIRD STREET, ROOM 205 • NAPA, CALIFORNIA 94559-3082
AREA CODE 707/253-4471

November 24, 1987

Vance G. Bente
Woodward-Clyde Consultants
100 Pringle Ave., Suite 300
Walnut Creek, CA 94596-3564

Subject: Tucker Acres Water Company
Calistoga, CA.

Dear Mr. Bente:

This letter is in response to your letter of November 19, 1987 regarding the above water system. I shall attempt to answer each of the questions which you asked in that letter.

- 1) This office permits and inspects small water systems with between 5 and 199 connections. We often have information on the wells supplying these systems, but not always on older wells.
- 2) There was no attached map with your letter, but I assume the subject well is the one between the Bosc property and the small creek, on the south side of Schramsberg Road. We have no information on that well, as to its depth, construction, etc. The well has not been connected to the Tucker Acres water system for at least 12 years, to our knowledge. Our files are vague on when it was last used but indicate there was a turbidity problem.
- 3) We know of no intent to reconnect the well to the system and would require considerable work before allowing it to be connected.
- 4) We have no record of inspection of the well.
- 5) Title V, Article 2, Section 5275 of the Napa County Code states in part:

"A well or test hole is considered to be abandoned when it has not been used for a period of one year. The well will not be considered abandoned if the owner declares his intention, in writing, to use such well again for supplying water or for other approved purposes, and if such well has no defects in construction which would cause pollution or contamination, etc."

This office has no such declaration on file for this well and further, would find it substandard.

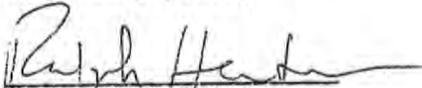
- 6) The Tucker Acres Mutual Water Company drilled a new well near their existing primary well, at the western edge of the subdivision which is considerable distance from the subject well.

7) The Tucker Acres Water Company, to my knowledge, is owned by all of the property owners of the Tucker Acres Subdivision. It was first permitted by this office in March 1952.

For your information, I am requesting that the district sanitarian contact Tucker Acres Water Company to require destruction of that well after issuance of the proper permits. However, destruction of the well does not alter the question of potential ground water contamination, if any, from the proposed project. Our concern is not just to protect existing wells but to protect the ground water for future use.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



RALPH HUNTER, R S.
Supervising Sanitarian

RS:bt

CC: C.D.&P.
Ken Williams, Sanitarian

Tanner 1: 11/24/87



Environmental

Cover Sheet

APN	020 - 390 - 012 - 000
Permit #	
Program	Well
DocType	WL
Street #	4045
Street Name	Hwy 29
Year	1987



DUPLICATE
 Copy with
 Requirements

STATE OF CALIFORNIA
 THE RESOURCES AGENCY
 DEPARTMENT OF WATER RESOURCES
WATER WELL DRILLERS REPORT

Do not fill in
No. 210175

If Intent No. _____
 Permit No. or Date 18894

State Well No. _____
 Other Well No. _____

(1) OWNER: Name [REDACTED]
 Address [REDACTED]
 City [REDACTED] CA Zip [REDACTED]
 (2) LOCATION OF WELL (See instructions):
 County Napa Owner's Well Number 20-390-06
 Well address if different from above same
 Township _____ Range _____ Section _____
 Distance from cities, roads, railroads, fences, etc. _____

(12) WELL LOG: Total depth 245 ft. Depth of completed well 245 ft.

from ft.	to ft.	Formation (Describe by color, character, size or material)
0	5	Volcanic rock
5	10	Clayee brown ash
10	14	Volcanic rock
14	22	Boulders with streaks of brown clay
22	30	Gray ash with boulders
30	81	Brown clayee ash with embedded volcanic ash
81	83	Hard volcanic rock
83	115	Brown clayee ash with embedded ash
115	133	Hard volcanic rock
133	135	Hard volcanic rock (fluid loss)
135	155	Hard volcanic rock with brown clay streaks
155	195	Brown clayee ash with embedded ash
195	220	Brown ash
220	235	Brown clay with streaks of gray ash
235	237	Multi colored clay with ash
237	245	Hard volcanic rock

(3) TYPE OF WORK:
 New Well Deepening
 Reconstruction
 Reconditioning
 Horizontal Well
 Destruction (Describe destruction materials and procedures in Item 12)
 (4) PROPOSED USE:
 Domestic
 Irrigation
 Industrial
 Test Well
 Stock
 Municipal
 Other

WELL LOCATION SKETCH

(5) EQUIPMENT:
 Rotary Reverse
 Cable Air
 Other Bucket

(6) GRAVEL PACK:
 Yes No Size Fine Pea
 Diameter of bore 12 1/2
 Packed from 51 to 245 ft.

(7) CASING INSTALLED:
 Steel Plastic Concrete

(8) PERFORATIONS:
 Micro Perforations
 Type of perforation or size of screen _____

From ft.	To ft.	Dia. in.	Gage or Wall	From ft.	To ft.	Slot size
0	245	8 1/2	CL200	145	245	032

(9) WELL SEAL:
 Was surface sanitary seal provided? Yes No If yes, to depth 51 ft.
 Were strata sealed against pollution? Yes No Interval _____ ft.
 Method of sealing Grout on pack

(10) WATER LEVELS:
 Depth of first water, if known _____ ft.
 Standing level after well completion 45' ft.

(11) WELL TESTS:
 Was well test made? Yes No If yes, by whom? Weeks
 Type of test Pump Bailer Air lift
 Depth to water at start of test 45 ft. At end of test 100 ft.
 Discharge 40 gal/min after 3 hours Water temperature cool
 Chemical analysis made? Yes No If yes, by whom? _____
 Was electric log made? Yes No If yes, attach copy to this report

RECEIVED
 SEP 14 1987
 DIVISION OF ENVIRONMENTAL HEALTH

Work started 4/1/87 19 _____ Completed 4/9/87 19 _____

WELL DRILLER'S STATEMENT:
 This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
 SIGNED Gerald G. Thompson, By Ward Thompson
WEEKS DRILLING AND PUMP COMPANY
 NAME _____
 (Person, firm, or corporation) (Typed or printed)
 Address P. O. Box 176
 City Sebastopol, CA Zip 95472
 License No. C57-177681 Date of this report 4/15/87



NAPA COUNTY

JAMES H. HICKEY
Director

CONSERVATION -- DEVELOPMENT AND PLANNING DEPARTMENT

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

ENDORSED

D 1096
NOTICE OF DETERMINATION
AMENDED

FILED JAN 28 1988
JANICE F. NORTON
NAPA COUNTY CLERK
BY D. BELLO
DEPUTY CLERK

TO: (X) OFFICE OF PLANNING AND RESEARCH (X) COUNTY CLERK
1400 TENTH STREET, ROOM 121 COUNTY OF NAPA
SACRAMENTO, CA. 95814

PROJECT TITLE: St. Michael Vineyard FILE # U-278485
(SCH# 85070921)

PROJECT DESCRIPTION AND LOCATION:

115,000 square foot winery with a production capacity of 250,000 gallons including public tours and tasting and appurtenant waste disposal facilities on 108 acres located on the west side of State Highway 29, 300 feet south of Maple Lane within an AW (Agricultural Watershed) Zoning District. (APN #20-230-01 and 20-390-06)

ADOPTED MITIGATION MEASURES:

Mitigation measures were made a condition of approval of the project.

THIS IS TO ADVISE THAT THE NAPA COUNTY () BOARD OF SUPERVISORS, (X) CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION, ()
HAS APPROVED THE PROJECT AND MADE THE FOLLOWING
DETERMINATIONS ON JANUARY 6, 1988.

1. (X) After reviewing a completed Initial Study and holding a public hearing the Conservation, Development and Planning Commission determined that the above described project would have a significant effect on the environment. As a result of this determination an EIR Supplement was prepared and the project sponsor revised the project to eliminate the significant effects.
2. On January 6, 1988, the () Napa County Board of Supervisors, (X) Napa County Conservation, Development and Planning Commission, () Napa County Zoning Administrator after conducting a public hearing and reviewing all comments received prior to the public hearing determined that the above described project would not have a significant unmitigated effect on the environment, adopted and certified the Environmental Impact Report Supplement.
3. The project () will, (X) will not have a significant effect on the environment.

4. An (X) Environmental Impact Report Supplement, () Negative Declaration was prepared and certified (See 15094(a)(5)) for this project pursuant to the provisions of CEQA. A copy of this document may be examined at the office of the Napa County Conservation, Development and Planning Department.
5. A statement of overriding considerations () was, (X) was not adopted for this project.
6. A copy of the Initial Study and Project Approval and/or the FEIR Supplement may be examined at the Office of the Napa County Conservation, Development and Planning Department, 1195 Third Street, Room 210, Napa, California. Please contact James O'Loughlin at (707) 253-4416 if you wish to examine either document.
7. The FEIR demonstrated that the project as approved will not have a significant effect on the environment and therefore the findings required by 14 California Administrative Code 15091 if significant effects are identified in a final EIR are not made.

Dated: January 28, 1988

JAMES H. HICKEY, Director
Conservation, Development & Planning Department

By James O'Loughlin

:P2E

cc: Robert Westmeyer, Napa County Counsel

P-WP-SR
278485
020-390-012

LARS NIMSCOV

PHONE: 942-8200

FAX: 942-2103

ADDRESS: 3999 ST. HELENA HIGHWAY

NAPA COUNTY
CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT

USE PERMITS

DEPARTMENT REPORT AND RECOMMENDATION

Commission Meeting of January 6, 1988

Agenda Item: 11

APPLICATION DATA:

APPLICANT: Andre Bosc/St. Michaels Vineyards
Use Permit Request #U-278485 Date Filed: Dec. 14, 1984

REQUEST FOR: Approval to establish a 250,000 gallon per year winery with public tours and tasting and to construct related wastewater ponds.

LOCATION: On 108 acres west of State Highway 29 approximately 300 feet south of Maple Lane within an AW (Agricultural Watershed) District. (APN 20-230-01 and 20-390-06).

FINDINGS:

SPECIAL INFORMATION:

1. Details of the proposal are contained in the attached supplemental information sheet and additional pages provided by the applicant. (See Exhibit "A").
2. Comments and recommendations from various County departments and other agencies are attached. Comments were originally solicited in 1984-1985. Due to the preparation of the Environmental Impact Report FEIR-023 (Supplement), comments on the project as described therein were again requested in December 1987.
3. The California Department of Transportation has reviewed the proposed project and found the proposed driveway unacceptable. In its letter dated December 11, 1987, (see Exhibit "C", Pg. 5), the State noted that the proposed driveway was within 1/2 mile from Maple Lane (a public road), and was therefore in conflict with Section 205.1 of the Highway Design Manual. In this regard, the Napa County Public Works Department has recommended approval of the project, contingent upon a grant of an Encroachment Permit from CalTrans.

ENVIRONMENTAL ANALYSIS:

4. Final Environmental Impact Report FEIR-023 (Supplement) prepared by Woodward-Clyde Consultants. (See Agenda Item #10).
5. Each of the possible adverse environmental effects identified in the Final Environmental Impact Report (FEIR-023) (Supplement) has been addressed in such a manner that avoidance of the potential effect has been achieved.
6. The project will not result in unmitigated significant environmental effects, either individually or cummulativey.

Page 2
Report and Recommendation

Meeting Date: January 6, 1988
Use Permit # U-278485

PLANNING AND ZONING ANALYSIS:

7. The Commission has the power to issue a Use Permit under the Zoning Regulations in effect as applied to the property.
8. The procedural requirements for a Use Permit set forth in Title XII of the Napa County Code (zoning regulations) have been met.
9. The grant of the Use Permit, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.
10. The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan.
11. The proposal is in conformance with the General Plan designation of Agriculture, Watershed and Open Space and the AW District Zoning specified for the property.

RECOMMENDATION:

ENVIRONMENTAL:

1. Certify that FEIR-23 (Supplement) prepared for St. Michaels Vineyards adequately covers the environmental impact of the proposed project, and demonstrates that the project as approved will not have a significant adverse effect on the environment.
2. Find that the Commission has read and considered the information in FEIR-023 (Supplement) prior to taking action on the proposed project.

PLANNING:

3. APPROVAL with Findings and subject to the attached Conditions of Approval:

:3h

CONDITIONS OF APPROVAL
Andre Bosc/St. Michaels Vineyards

Agenda Item: 11

Meeting Date: January 6, 1988
Use Permit: #U-278485

1. The permit be limited to the establishment of a 250,000 gallon/year winery totalling 115,000 square feet to be built in phases with tours and tastings and related wastewater disposal ponds in accordance with attached plot plan and associated materials.

Any expansion or changes in use to be by separate Use Permit submitted for Commission consideration.

2. For permit purposes, the project shall be separated into the following phases:

PHASE I: 30,000 cases, beginning 1988.

Winery: 20,800 square feet crusher area, press area, fermentation room, tanks, bottling, barrel storage, case goods storage, laboratory, mechanical room, administrative offices, tasting area, sales area, sanitation and restrooms.

Support Facilities: All roads, loading, one third parking area, two wells, hillside water holding tanks and distribution, one each of holding and percolation ponds, landscaping of scenic corridor, second lake.

PHASE II: An additional 20,000 cases, beginning 1991.

Winery: An additional 20,500 square feet. Expansion of bottling, barrel storage and tasting and sales area.

Support Facilities: Increase parking to two thirds, completion of sanitary system by addition of second each holding and percolation ponds.

PHASE III: An additional 30,000 cases, beginning 1995.

Winery: An additional 25,500 square feet. Expansion of case storage and administrative offices.

Support Facilities: Completion of parking area.

PHASE IV: An additional 20,000 cases, completing the winery at 100,000 cases, beginning 1999.

Winery: An additional 18,200 square feet, completing the winery at 85,000 square feet. Addition of wood tank room, dry storage room and service corridors.

Support Facilities: Addition of cave storage of 30,000 square feet.

3. Prior to proceeding from one Phase to another, for example from Phase I to Phase II, the Use Permit (#U-278485) shall be reviewed by the Conservation, Development and Planning Commission in regard to any modifications or changes proposed by the applicant, the County, or other public agencies.

Conditions of Approval
Andre Bosc/St. Michaels Vineyards
January 6, 1988

4. Prior to proceeding from one Phase to another, the applicant shall submit a project report to the Planning Director describing the status of the project activities to date.
5. Submission of a detailed landscaping, fencing and parking plan to the Department for review and approval indicating names and locations of plant materials, method of maintenance and location of off-street parking spaces. Said plan to be submitted prior to issuance of the Building Permit for Phase I facilities. Landscaping, fencing and parking proposed for each Project Phase shall be completed prior to finalization of Building Permit for said Phase. Landscaping shall be permanently maintained in accordance with the approved landscape plan.
6. Provisions for a minimum of 100 off-street parking spaces on a dust-free, all-weather surface approved by Public Works.
7. Plans for any outdoor signs be submitted to the Department for review and approval with regard to design, area, height and placement.
8. Compliance with all applicable building codes, zoning standards and requirements of various County departments and agencies, and all applicable State, Regional and Local agencies (See Exhibit "C").
9. Compliance with the Mitigation Measures contained in Exhibit "B". Prior to issuance of Building Permit for Phase I, the applicant shall provide to the Conservation, Development and Planning Department, in writing, a report describing the status of compliance with each mitigation measure. Follow-up reports may be required by the Department depending upon status of compliance.
10. Within ninety (90) days from date of approval by the Commission, the applicant shall submit to the Planning Department a revised site plan showing a driveway location which is acceptable to the California Department of Transportation.
11. Except as permitted by County ordinance, no outside social activities including picnicking, outside dining, wine tasting, live music, outdoor festivals, or other activities of a similar nature.
12. Retail sales shall be limited to wine produced and bottled by the winery. Retail sales may commence following the construction of the winery.
13. Tours and tasting shall not commence until after the winery (Phase I) has been constructed and is in operation.

:3h

NAPA COUNTY
 CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION
 1195 Third Street, Room 210 • Napa, California 94559 • (707) 253-4416

APPLICATION FOR LAND USE PERMIT

PLANNING DEPT.

FOR OFFICE USE ONLY

ZONING DISTRICT AW File No.: U-278185

REQUEST: To construct a 250,000 gallons/year winery with public tours and tasting and to establish a bottled water company within the proposed winery on 108 acres located on the west side of State Highway 29, 300 feet south of Maple Lane (AP#'s 20-230-01 and 20-390-06)

Date Filled: Dec 14, 1984

Date Published: _____

CDPC _____ BS _____

Hearing MAY 1, 1985

Action MAY 15, 1985

TO BE COMPLETED BY APPLICANT

Applicant's Name: St. Michael Vineyards Telephone No.: 707/942-6780
20-230-01 - 2-230-01-6

Address: 3999 Highway 29 N, Calistoga, CA Assessor's No.: 20-390-06
NO. STREET CITY STATE Zip Code: 94515

Status of Applicant's Interest in Property: Represent's Property Owner

Property Owner's Name: Andre Bosc

Address: 3999 Highway 29 N, Calistoga, CA Telephone No.: 707/942-6780
NO. STREET CITY STATE

Use for Use Permit request: For construction of a winery and related facilities.

PLANNING DEPT. ** closed Hearing MAY 15, 1985
 referred to Environmental Section for preparation of Supplemental EIR*

EXHIBIT "A" MAY 21, 1986
 SUPPLEMENTAL EIR RETURNED TO DEPT.
 FOR COMPLETION OF PUBLIC REVIEW &
 REVISION TO FINAL EIR SUPPLEMENT.

PAGE 1 OF 26

I certify that the above statements are correct and that the Plot Plan on reverse side is accurate:

St Michael Vineyards Andre Bosc
 SIGNATURE OF APPLICANT SIGNATURE OF PROPERTY OWNER

Submit with a check or money order in the amount of ~~eighty five (\$85.00)~~ eighty five (\$85.00) dollars, payable to the County of Napa, no part of which shall be refundable, to the Conservation, Development and Planning Department Office (the application fee consists of ~~\$50.00~~ for the Use Permit and ~~\$35.00~~ for an Environmental Impact Assessment of the request).

TO BE COMPLETED BY CONSERVATION, DEVELOPMENT & PLANNING DEPARTMENT

\$450.00 02241 Received by: [Signature]
 RECEIPT NUMBER CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT
2/21/84 (over)

PLANNING DEPT.

EXHIBIT A
PAGE 2 OF 26

2.2 PURPOSE AND NEED

Andre F. Bosc has applied to the Napa County Conservation, Development and Planning Department for a land use permit to construct and operate a 250,000-gallon-per-year winery. Bosc is currently cultivating 12 acres of grape vineyards and expects to have a total of 60 acres of vineyards by 1993. The proposed winery would process these grapes, as well as other surplus grapes grown in the Napa Valley area, for the production of wine and champagne. The project also includes public tours and tasting, the purpose of which is to promote the new winery's wines and champagne, in order to increase the winery's revenue through sales.

Napa County has traditionally been the center of California's vineyards and wineries. This proposed project would be an addition to the primary industries of Napa County - wineries and tourism. In addition, the county revenue will increase with an increase in property taxes and with additional employee-income spent in the county.

2.3 PROPOSED ACTION

2.3.1 Proposed Project

Andre F. Bosc currently is proposing to construct and operate a winery and related facilities with the following components:

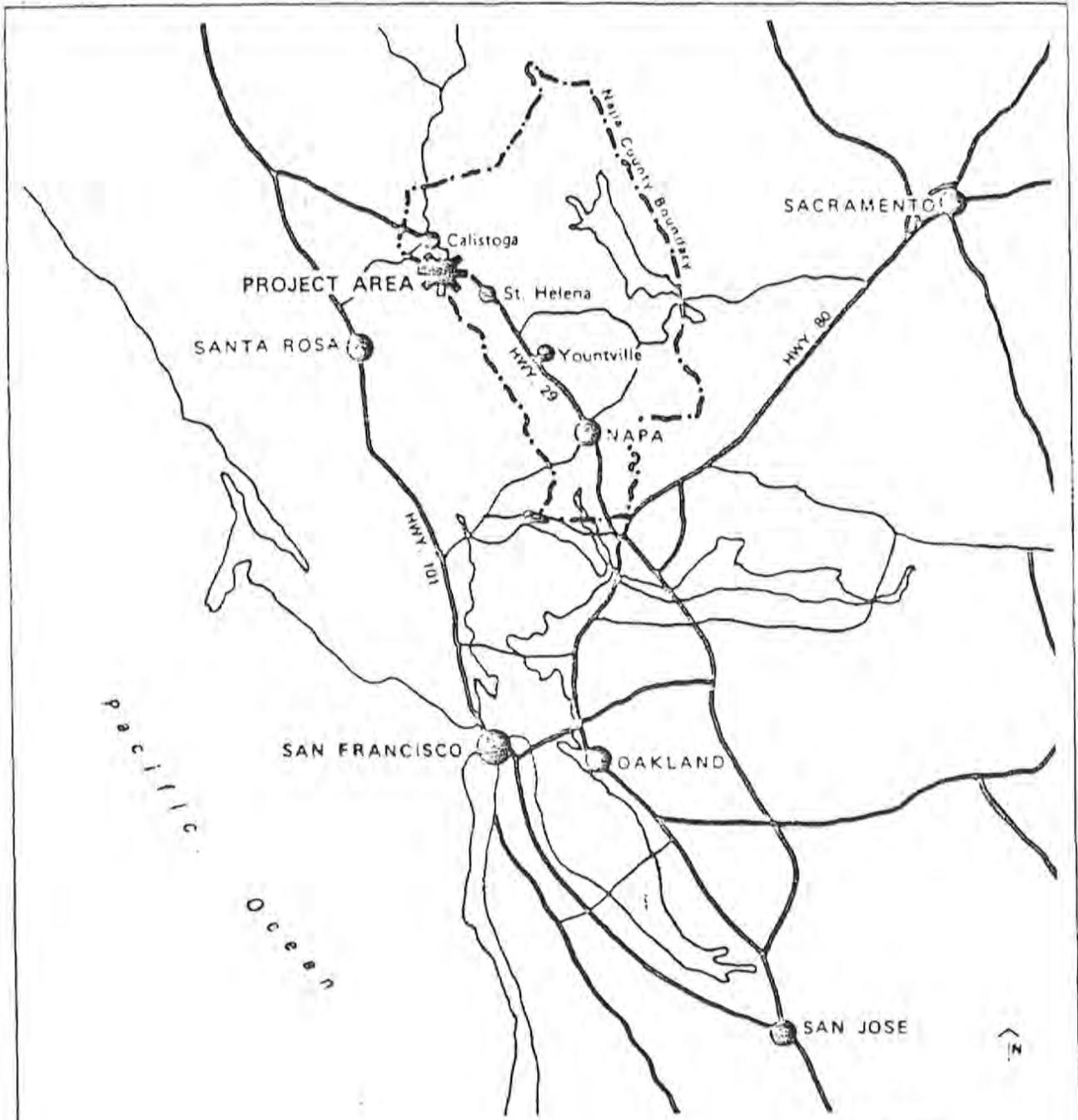
- A 250,000-gallons/year winery with a floor area of 85,000 square feet.
- Public tours and tasting.
- A new water system consisting of two small-capacity wells to be located south of the new winery building. The first of these wells is complete and was used to provide hydrologic data provided in this report.

- Two aeration ponds, approximately 15,000 square feet each, located in the northeast corner of the Bosc property.
- Two evaporation and percolation ponds, approximately 15,250 square feet each, located adjacent to State Highway 29 along the southeast border of the Bosc property.
- Cave storage of 30,000 square feet for premium wines in barrels/bottles, to be located to the north of the existing reservoir in the western portion of the property.
- Access roads to and from the winery and related facilities.
- Approximately 125 parking spaces.

The proposed winery and related facilities would be located approximately two miles south of Calistoga in an unincorporated portion of Napa County. The 98-acre project area covers portions of Sections 8, 9, and 17 of Township 8 North, Range 6 West, Mount Diablo Base Meridian. Figure 2.3-1 shows the regional setting of the project area, Figure 2.3-2 shows the project's local setting and boundaries, and Figure 2.3-3 shows the project site plan.

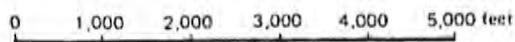
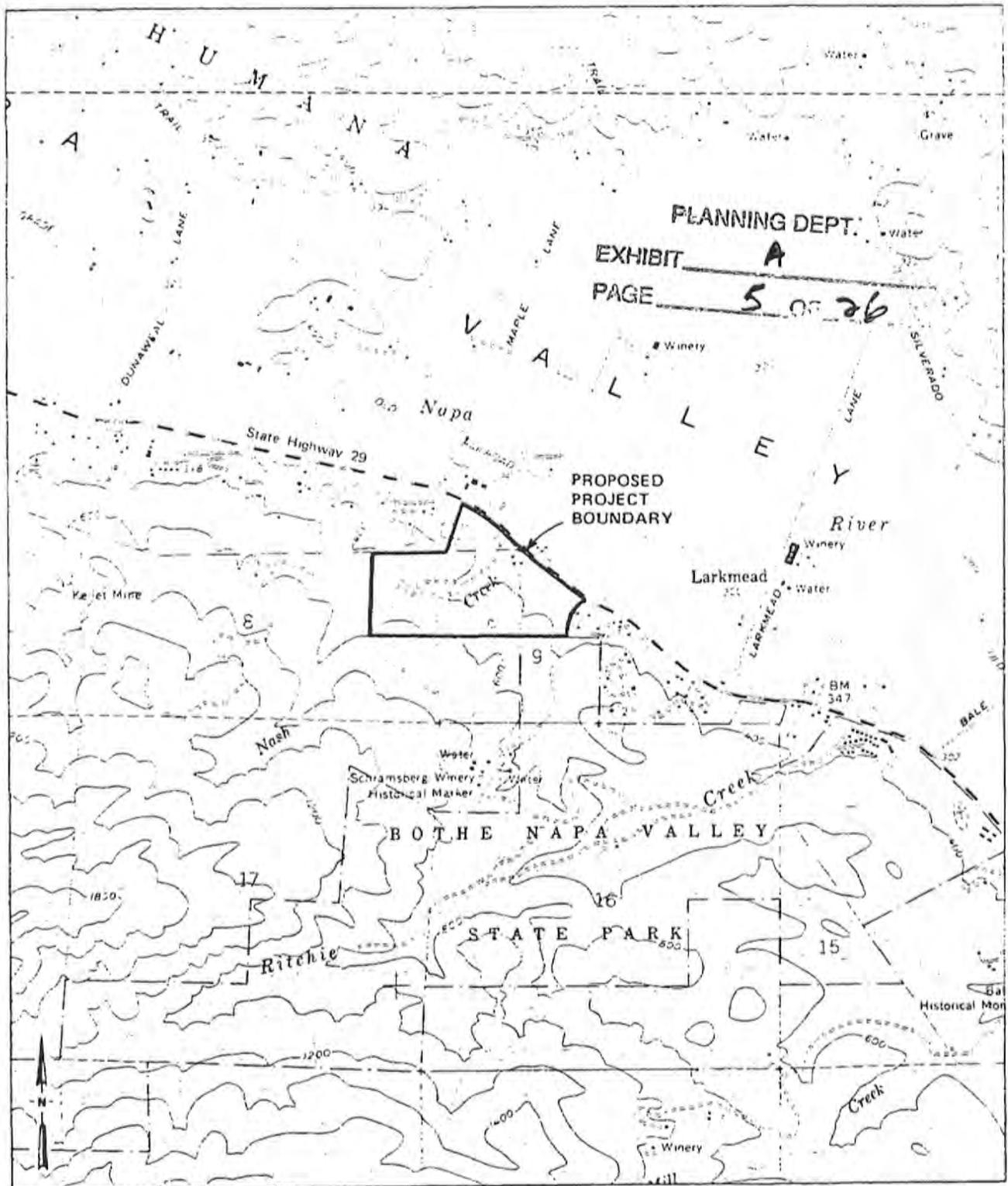
2.3.2 Description of Proposed Winery and Related Facilities

2.3.2.1 Proposed Winery. The proposed winery operation would include grape crushing, fermentation, storage and aging, bottling and packing, and shipping operations to yield 250,000 gallons per year of wine and champagne. The winery building would have two levels and would stand 35 feet above average grade except for the winery tower, which would be 50 feet above average grade. The lower level would consist of concrete slabs on grade and tilt-up concrete walls faced with stucco and stone. The upper portion of the structure would be wood frame walls with a timber roof



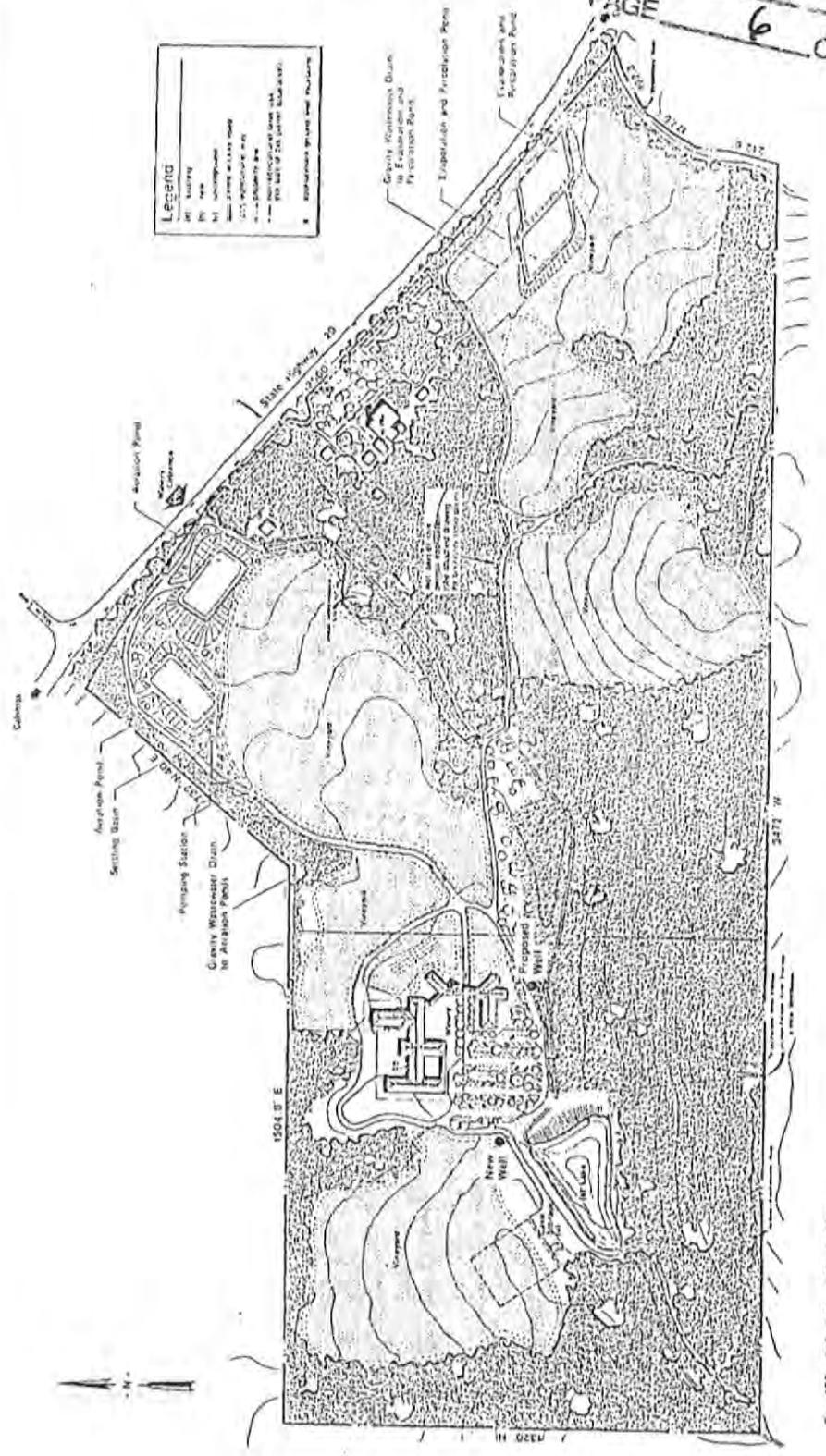
PLANNING DEPT.
 EXHIBIT A
 PAGE 4 OF 26

Project No. 901748	St. Michael's Winery	REGIONAL SETTING OF PROJECT AREA	Figure 2.3.1
Woodward-Clyde Consultants			



Project No. 90174B	St. Michael's Winery	PROPOSED PROJECT BOUNDARY	Figure 2.3-2
Woodward-Clyde Consultants			

Project No. 90174B	St. Michael's Winery	SITE PLAN FOR ST. MICHAEL'S WINERY	Figure 2.3.3
Woodward-Clyde Consultants			



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framing system covered with concrete tile roofing. The walls would be finished with wood siding, stucco, and stone. Native stone and other fire-resistant earth-toned building materials would be used to help create a building which would blend in with its surroundings and be complementary to its environment.

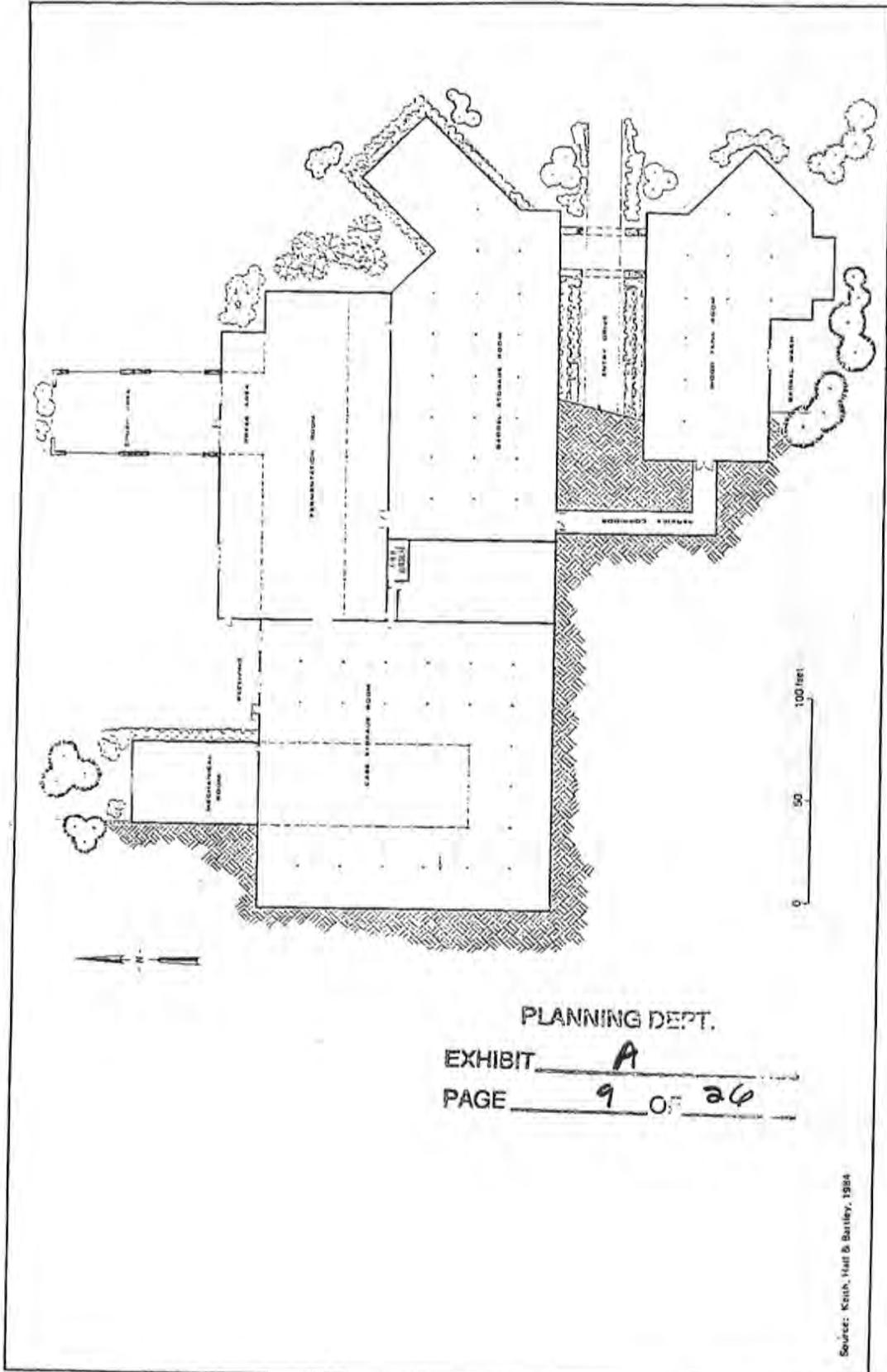
The facility would encompass approximately 85,000 square feet. The major wine-production areas would be located on the lower level, with support facilities such as the administrative offices, labs, winemaker's office, tasting room, and employees' areas located above them on the second level. Table 2.3-1 lists the square footage for these areas. Figures 2.3-4 and 2.3-5 are the proposed winery site floor plans.

The winery would be constructed in four phases. The first phase would include construction of the main access road and parking lot, and the first increment of the winery building (20,800 square feet). It is estimated that approximately 30,000 cases of wine would be produced in the winery's first year. The second phase of construction would only involve the expansion of the winery building by an additional 20,500 square feet. Wine production would increase by an additional 20,000 cases beginning in 1991. The third phase of construction would increase the winery by an additional 25,000 square feet. Construction of Phase III would be completed in early 1995, allowing for an additional 30,000 cases of wine to be produced annually. The final phase of construction would allow for an additional 20,000 cases of wine to be produced, completing the winery production at 100,000 cases, beginning in 1999. An additional 18,200 square feet, completing the winery facility at 85,000 square feet, would be constructed during the final phase. Construction details for these four phases are described in Subsection 2.4, Project Construction.

One of the objectives of the proposed winery is to provide public tours and tasting. As the winery increases in size and production over the four construction phases, it is anticipated that the number of visitors will

Table 2.3-1. THE PROPOSED FLOOR AREAS FOR THE WINERY

Location	Size in Square Feet
<u>Lower Level</u>	
Crushing and Pressing	8,000
Fermentation	11,600
Bottling	3,000
Case Storage Room	19,600
Barrel Storage	14,300
Wood Tank Room	9,400
Mechanical Room	2,400
Service Corridor, Stairs, etc.	<u>1,400</u>
Total Lower Level	69,700
<u>Upper Level</u>	
Administrative Offices (including employees' facilities and storage)	5,900
Tasting Room and Sales Offices	3,000
Water-Quality Control Lab, Sales Offices, and Dry Storage	1,300
	<u>5,100</u>
Total Upper Level	15,300
Total Winery	<u>85,000</u>



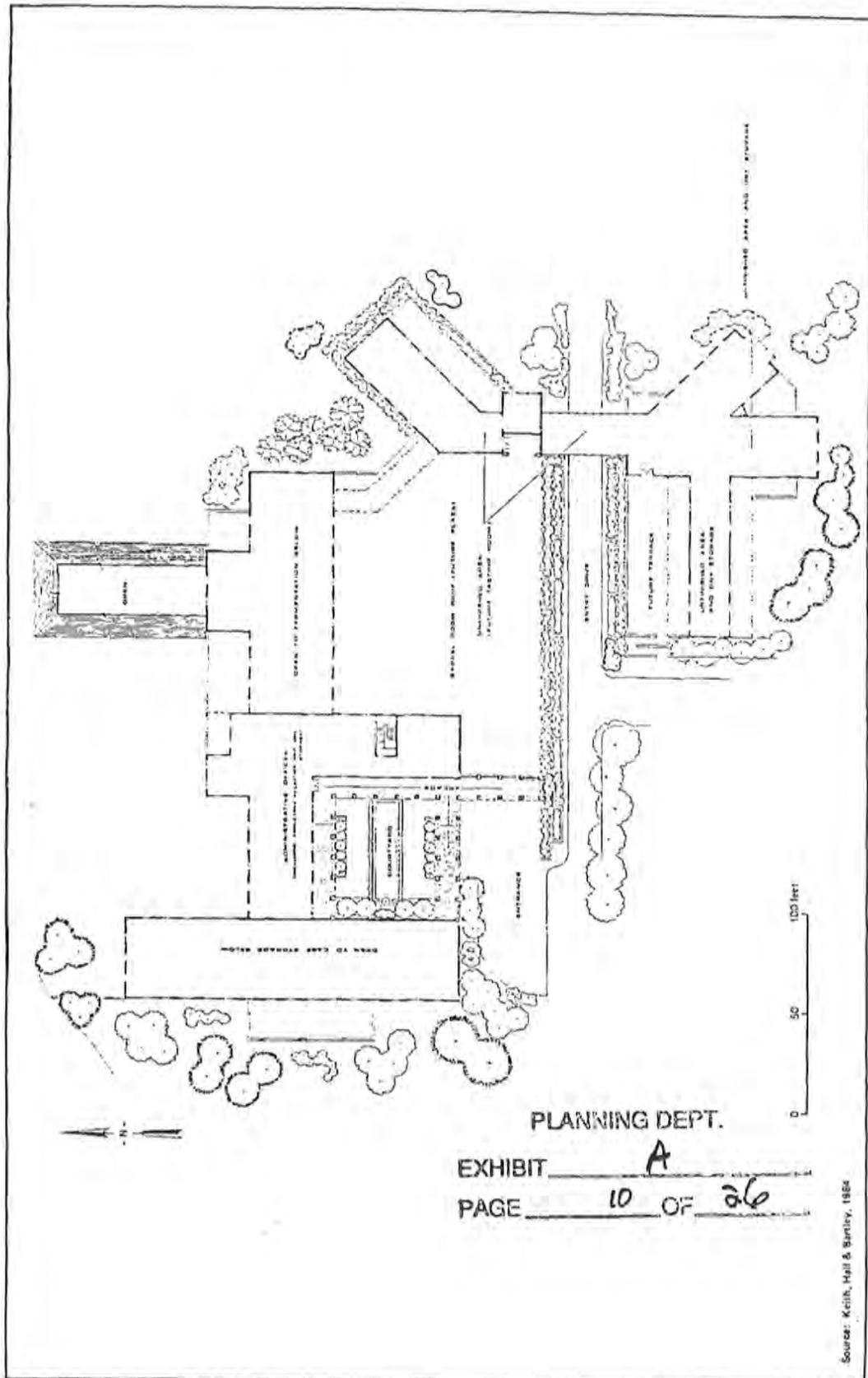
Project No. 201748	St. Michael's Winery	LOWER LEVEL PLAN FOR ST. MICHAEL'S WINERY	Figure 2.3-4
Woodward-Clyde Consultants			

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Source: Keith, Hart & Bartley, 1984

Water Audit_Sattui_000085

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Project No. 501748	St. Michael's Winery	Figure 2.3.5
Woodward-Clyde Consultants		UPPER LEVEL PLAN FOR ST. MICHAEL'S WINERY

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Source: Keith, Hurl & Bartley, 1984

also increase. The estimated number of visitors for the summer season from April 1 to December 2 and the winter season from December 2 to April 1 is listed below for each phase.

	Visitors	
	<u>Summer</u>	<u>Winter</u>
<u>Phase I (1987)</u>		
Weekdays	17	8
Weekend Days	67	34
<u>Phase I (1991)</u>		
Weekdays	33	17
Weekend Days	132	66
<u>Phase III (1995)</u>		
Weekdays	50	25
Weekend Days	200	75
<u>Phase IV (1999)</u>		
Weekdays	50	25
Weekend Days	200	75

The winery has been designed to produce premium varietal wines. The grapes would be received from the field into a stainless steel hopper equipped with a variable-speed stainless auger. The grapes would then go to a crusher-destemmer, and from there the must would be transported through a 5-inch, curved-radius, stainless steel must line and pump. The fermentation tanks would be made entirely of stainless steel and would be equipped with glycol cooling jackets. Tanks would be fully equipped with dial thermometers, electronically-controlled thermostats, quick-coupling attachments for hoses, and sloped bottoms and rounded corners to facilitate cleaning; large access doors would be provided for easy pomace removal.

The winery would utilize a stainless steel centrifuge for filtering the wines before or after the fermentation. Two batch-type presses with stainless steel dejuicing tanks mounted above would be used. Fermentation would take place in oak barrels and upright tanks constructed of French Navarre and Limosine Oak. The winemaker's laboratory would have a separate, fully equipped biological section with all the necessary wine analysis apparatus. Special attention would be given to the floor drains and plumbing systems to allow the winemaker to keep any microbiological contamination that may occur in the lab to a minimum.

Mechanical equipment at the winery would include a hot water boiler capable of providing the large amounts of 180°F (degrees Fahrenheit) water that is necessary to destroy bacteria on the inside of the tanks and cooperage. Sophisticated refrigeration equipment that would allow the winemaker to maintain control of the fermentation process and to drop the wine temperature to below 32°F for cold stabilization would also be included.

2.3.2.2 New Water System. The water supply system would consist of two new small-capacity wells. One water supply well would be located to the south of the new winery building and the other would be located to the west. The production well located to the west of the proposed winery was completed on April 1, 1987, in order to conduct an aquifer pump test to determine existing groundwater conditions, and assess potential groundwater impacts. The results of the test are described in Sections 3.4 and 4.4.

The expected yield for each of the two proposed wells is estimated to be 32 gallons per minute. Water would be pumped to elevated, enclosed metal storage tanks located on the hill at the south side of the property. Two types of water would be stored: potable water for domestic use throughout the site, and non-potable water for emergency fire protection and irrigation. Potable water would pass through water purification equipment to the potable storage tank, and non-potable water

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would flow through pipes connected directly to the non-potable storage tank. Through proper valving and cross piping it would be possible to fill either storage tank from either well, but the water stored in the potable tank would always be purified. To prevent non-potable water from contaminating the potable water, the cross-piping would be made prior to any well water entering the purification equipment. Once water passes through the purification equipment and becomes potable water, there would be no cross-connections between the non-potable and potable systems. Where the potable water is connected to plumbing fixtures or winery equipment, suitable backflow preventing and/or vacuum-breaking devices would be installed as required by the Uniform Plumbing Code. Emergency power would be provided at the winery site and would be available for pumping. Anticipated water demands for the proposed project are summarized in Table 2.3-2.

Both potable and non-potable water would be distributed through separate gravity piping networks. All water piping and outlets would be labeled clearly to indicate whether the water is potable or non-potable. Purified potable water would be fed to the winery facility and the Villa, and non-potable water would be piped to fire hydrants located throughout the winery facility. Currently, the Villa and a homesite located near the southwest corner of the property are supplied with water from an on-site water tank, which receives water from an impoundment located on Nash Creek, below the existing lake. After completion of the new water supply system, no water would be taken from the lakes or Nash Creek for domestic usage.

2.3.2.3 Waste Disposal. The proposed system for treatment and disposal of winery wastewater and domestic sewage generated by the winery (including staff and visitors) would be by two aeration ponds. All wastewater would be screened and settled before pumping into the aeration ponds. The wastewater would flow by gravity in a buried pipeline (6 to 8 inches in size) to a settling basin 6 feet deep with a surface area of approximately 50 square feet. The settling unit would be an open basin constructed of

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Table 2.3-2. WATER DEMAND FOR THE PROPOSED WINERY OPERATIONS AND POTENTIAL RESIDENTIAL USAGE AFTER CONSTRUCTION OF THE THIRD PHASE IN 1995

- Crush season (60 days continuously), on a weekend day, while in operation.

Employees (25 @ 25 gal per day)	=	625 gal/day
Visitors (200 @ 10 gal per day)	=	2,000
Residents (10 @ 75 gal per day)	=	750
Winery Operation	=	<u>14,000</u>
Total		17,375 gal/day

- Balance of the year (10 months), during the week, while in operation, in the summer.

Employees (15 @ 25 gal per day)	=	375 gal/day
Visitors (50 @ 10 gal per day)	=	500
Residents (10 @ 75 gal per day)	=	750
Winery Operation	=	<u>2,050</u>
Total		<u>3,675</u> gal/day

- Balance of the year (10 months), on weekends, not in operation, in the summer.

Employees (10 @ 25 gal per day)	=	250 gal/day
Visitors (200 @ 10 gal per day)	=	2,000
Residents (10 @ 75 gal per day)	=	750
Winery Operation	=	<u>0</u>
Total		<u>3,000</u> gal/day

concrete with an open top, or a precast concrete chamber (a septic tank). Solids and sludge would be removed from the settling unit periodically, dried out, and taken to the County landfill. The wastewater would then flow through a pumping station to the two aeration ponds, approximately 15,000 square feet each, located in the northeast corner of the Bosc property. The total quantity of wastewater to be disposed of from the winery is estimated to be 1,628,000 gallons per year. It is estimated that 378,000 gallons of the wastewater to be treated would be domestic sewage from the winery employees and visitors. Table 2.3-3 provides a breakdown of gallons of domestic waste produced.

The two aeration ponds would be sealed to prevent leakage and would thereby serve as holding ponds. The retention period for the aeration ponds would be 180 days. Each pond would be designed for a wastewater treatment capacity of 779,000 gallons. The total depth of each pond would be approximately 12.5 feet. This would allow for 7.0 feet of wastewater treatment, 3.5 feet of rainfall storage, and 2 feet of freeboard. The rainfall storage is based on the net depth of water between rainfall and evaporation during the period of November through April for the 10-year annual rainfall. Accordingly, the surface area required is approximately 30,000 square feet, or two ponds each 100 feet by 150 feet.

The effluent from the aeration ponds would flow by gravity to the two evaporation and percolation ponds, approximately 15,250 square feet each, located adjacent to State Highway 29 along the southeast border of the Bosc property. Percolation tests performed on the site indicate percolation rates of between two to four inches per hour. The size of each evaporation and percolation pond was determined by using a percolation rate of 0.3 gallons per square foot per day, allowing for the effects of sidewall in the field test. At an average daily flow rate of 8,920 gallons per day, the required surface area is approximately 30,500 square feet. Freeboard or rainfall storage would not be required at the ponds. Each pond would be 2 feet deep and 110 feet by 180 feet.

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Table 2.3-3. GALLONS OF DOMESTIC WASTE PRODUCED IN 1995

15 full-time employees, 5 days per week, 52 weeks per year, at 25 gal per day per employee =	97,500 gal/year
10 part-time employees, 5 days per week, crush season only (Sept. and Oct.), 8 weeks per year, at 25 gal per day per employee =	10,000 gal/year
50 visitors per day, 5 days per week (summer only 4/1 to 12/2), 34 weeks per year, at 10 gal per day per visitor =	85,000 gal/year
200 visitors per day, 2 days per week (summer only 4/1 to 12/1), 34 weeks per year, at 10 gal per day per visitor =	136,000 gal/year
25 visitors per day, 5 days per week (winter only 12/1 to 4/1), 18 weeks per year, at 10 gal per day per visitor =	22,500 gal/year
75 visitors per day, 2 days per week (winter only 12/1 to 4/1), 18 weeks per year, at 10 gal per day per visitor =	<u>27,000 gal/year</u>
Total Annual Domestic Sewage =	378,000 gal/year

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Roads with a minimum width of 12 feet are proposed around the four ponds for maintenance purposes. Both the aeration and evaporation/percolation ponds would be enclosed by a fence with locked access gates.

Disposal of solid waste generated by winery operations would be contracted with the Upper Valley Disposal Company for hauling to the county sanitary landfill.

2.3.2.4 Cave Storage. An underground wine storage facility is proposed for the storage of premium wines in barrels and bottles. The storage facility would be located in manmade caves in the northwest slopes adjacent to the existing lake. Horizontal holes, approximately 30 feet in diameter, would be drilled with mining equipment or excavated by cut-and-cover type construction into the hillside. Approximately eight to ten holes would be drilled, with interconnecting passageways between them. The ground-floor storage would be 30,000 square feet in size.

2.3.2.5 Roadways and Parking. Public entrance to and access from the winery would be provided by the construction of a new two-lane, 24-foot-wide-plus-shoulders paved road. The winery entrance would be located approximately 500 feet southeast of Maple Lane on State Highway 29. Ingress to the winery entrance for north-bound traffic on Highway 29 would be provided by a new left-turn lane. This lane would help alleviate anticipated traffic problems, such as accidents and traffic slow downs, associated with north-bound vehicles turning left from Highway 29 into the proposed St. Michael's Winery.

A new 12-foot-wide paved vineyard-maintenance access road would also be constructed. The maintenance roadway would connect the winery to all the vineyards located on the property. Entrance to the vineyard-maintenance access road would be located on State Highway 29, approximately 1150 feet southeast of the main winery entrance. Public entrance to the maintenance road would be prohibited by a locked gate at Highway 29. The vineyard-

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maintenance roadway would be developed in accordance with Napa County standards.

The new public entrance to and access from the winery would be developed and constructed for highway loading in accordance with Caltrans standards. Where appropriate, guard rails and signs would be used for safety purposes. The speed limit would be posted for 15 to 20 miles per hour (MPH). The average grade of the road would be 12 percent, with a maximum grade of 18 percent.

The proposed winery would have a paved parking lot with a total of 125 spaces to accommodate 110 customers and 15 employees. The parking lot would be adjacent to the winery, northwest of the existing lake. Pole-mounted high-pressure sodium lights would provide exterior night lighting for both the parking area and main winery road.

During peak winery operations (1999), the maximum number of visitor vehicles utilizing the new road would be 25 per weekday and 100 per weekend day. Grapes would be delivered by tractor-drawn gondola in August, September, and October. Approximately 100 gondolas would arrive during this time period, at the rate of one to two per day. Tractor-drawn gondolas are not prohibited on Highway 29, and no special traffic problems are anticipated. The load would be approximately 10 tons per four-axle truck. Case goods produced at the winery would be shipped every other weekday by three- and four-axle trucks throughout the year.

2.4 PROJECT CONSTRUCTION

The proposed winery would be constructed in four increments. The construction period for each of the four phases is estimated to be 6 months.

MAHAR & MOULTON

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May 14, 1986

Conservation Development and Planning Department
1195 Third Street
Napa, CA 94559

Re: Use Permit Application No. U-278485
St. Michael Winery, 3999 St. Highway 29, Calistoga, CA

Gentlemen:

In our review of the draft EIR, on behalf of Andre-Bosc, it has come to our attention that the proposed phasing of the construction has not been fully set forth.

The phases are four in number and color coded on accompanying exhibits, Figures 2.3-4 and 2.3-5, as follows:

PHASE I: 30,000 cases, beginning 1987.

Winery: 20,800 square feet crusher area, press area, fermentation room, tanks, bottling, barrel storage, case goods storage, laboratory, mechanical room, administrative offices, tasting area, sales area, sanitation and restrooms.

Support Facilities: All roads, loading, one third parking area, two wells, hillside water holding tanks and distribution, one each of holding and percolation ponds, landscaping of scenic corridor, second lake.

PHASE II: An additional 20,000 cases, beginning 1991.

Winery: An additional 20,500 square feet. Expansion of bottling, barrel storage and tasting and sales area.

Support Facilities: Increase parking to two thirds, completion of sanitary system by addition of second each holding and percolation ponds.

PHASE III: An additional 30,000 cases, beginning 1995.

Winery: An additional 25,500 square feet. Expansion of case storage and administrative offices.

Support Facilities: Completion of parking area.

PHASE IV: An additional 20,000 cases, completing the winery at 100,000 cases, beginning 1999.

Winery: An additional 18,200 square feet, completing the winery at 85,000 square feet. Addition of wood tank room, dry storage room and service corridors.

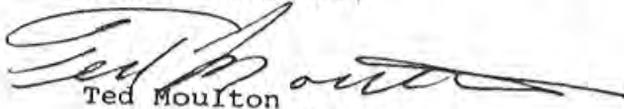
Support Facilities: Addition of cave storage of 30,000 square feet.

We believe that this phasing plan does not require an alternative of the substance of the draft EIR.

Please include this information in your staff report.

Thank you for your cooperation.

Sincerely yours,


Ted Moulton
General Consultant

ST. MICHAEL WINERY
CONSTRUCTION AND OPERATIONAL PHASING

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Provision for phased construction and operation of the proposed St. Michael Winery is outlined below. It is planned that the construction of each phase will begin as shown after each Phase number. Phases are color coded on accompanying exhibits, Figures 2.3-4 and 2.3-5.

Phase I Beginning 1987.

Winery:

Capacity: 30,000 cases

Area of Constuction: 20,800 sq. ft.

Functions:

- Crusher area.
- Press area.
- Fermentation room.
- Tanks.
- Bottling.
- Barrel storage.
- Case goods storage.
- Laboratory.
- Mechanical room.

Administrative offices.
Tasting area.
Sales area.
Sanitation and restrooms.

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Support facilities:

All roads.
Loading.
One third parking area.
Two wells.
Hillside water holding tanks and distribution.
One each, holding and percolation ponds.
Landscaping of scenic corridor.
Second lake.

Phase II Beginning 1991.

Winery:

Capacity: An additional 20,000 cases.

Area of construction: An additional 20,500 sq. ft.

Functions added:

Expansion of bottling.

Expansion of barrel storage.

Expansion of tasting and sales areas.

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Support facilities added:

Increase parking to two thirds.

Completion of the sanitary system by addition of second each
holding and percolation ponds.

Phase III Beginning 1995.

Winery:

Capacity: An additional 30,000 cases.

Area of construction: An additional 25,500 sq. ft.

Functions added:

Expansion of case storage.

Expansion of Administrative offices.

Support facilities added:

Complete the parking area.

Phase IV Beginning 1999.

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Winery:

Capacity: An additional 20,000 cases, completing the winery at 100,000 cases.

Area of construction: An additional 18,200 sq. ft. completing the winery at 85,000 sq. ft.

Functions added:

- Addition of wood tank room.
- Addition of dry storage room.
- Addition of service corridors.

Support facilities added:

Cave storage of 30,000 sq. ft. completing the support facilities.

ATTACHMENT I
Mitigation Measures for
St. Michael's Vineyards - A New
Winery by A. Bosc (#U-278485)

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HYDROLOGY & WATER QUALITY

1. Restriction of all ground disturbing activities (i.e., grading) to the dry season between April 15 and October 15.
2. Adjoining properties, roads and drainageways shall be protected from sedimentation. Perimeter ditches, berms or silt fences, or sediment-retention ponds shall be used for this protection. Clearing for a vineyard above Nash Creek will create an especially high erosion and sedimentation hazard to the creek.
3. The soils in the proposed vineyard sites have slopes ranging from 25% to over 40%. The erosion hazard ranges from moderate to very high. Some of the proposed vineyard sites contain defined swales. Erosion will result from clearing and grading to install terraces, producing excessive runoff over disturbed areas. The comprehensive plan shall include erosion control provisions on the vineyard, i.e. among other items:
 - a. Proper site selection, to avoid unstable areas such as existing and potential slide-hazardous areas and large drainages.
 - b. Proper layout of terraces.
 - c. Use of diversions.
 - d. Installation of drainage systems of adequate size.
 - e. Use of cover crops, temporary and permanent.

The Soil Conservation Service can provide assistance in preparing an erosion control plan.

4. The aeration ponds appear to be located in a steep swale. A large fill embankment will be needed to create the ponds. The following concerns shall be addressed in the Plan to satisfaction of Resource Conservation District.
 - a. According to the Napa County Soil Survey, the soil has a coarse texture, a permeability of 2-6"/hr., and is shallow. What measures will be taken to insure against leaking?
 - b. What erosion control measures will be used to prevent erosion on the pond face?
 - c. How will water presently carried in the swale be routed? What measures will be taken to prevent this water from eroding the pond fill or a new drainage swale, if created?
5. The evaporation ponds are planned for a steep area adjacent to the road. A large cut will be needed to create a flat area for the ponds. The Plan shall include measures to be taken to insure that these cuts and fills will not cause erosion or land slide problems.

6. Method and location of the cave excavation material disposal shall be included in Plan.
7. Plan shall include erosion control measures planned for cuts, fills, and other disturbed areas around the roads, winery, and ponds. Recommended measures include:
 - a. Diverting surface water from disturbed areas and carrying it in a non-erosive manner to outlets protected against erosion.
 - b. Proper surfacing of road and roadside ditches to prevent erosion.
 - c. The use of benches or diversion terraces on long cuts or fills to carry off water.
 - d. Seeding, mulching, and fertilizing disturbed areas before Oct. 1.

AIR QUALITY

8. Dust shall be controlled during all construction activity through watering or chemical treatment.

NOISE

9. All construction equipment shall be properly muffled. Noise generating construction activity shall be limited to between the hours of 7:30 A.M. and 6:30 P.M.

CULTURAL

10. Comments from FEIR-023 Cultural Resource Assessment by Ann Peck and Associates, Consulting Archeology:

Nap-174 shall be retained in the present state of preservation. The historic buildings shall be maintained to prevent deterioration of the structures. Should future plans call for a change in the present use, with additional impact to the area of Nap-174, test excavations to evaluate the condition of the cultural deposit and allow an archeologist to determine further disposition of the site shall be done.

Nap-329 shall be fenced and avoided. It shall be preserved and excluded from planting to vineyards. If it should prove to be infeasible to avoid the site, salvage excavations designed to ensure an adequate sample for analysis and interpretation should be funded.

Nap-330, the petroglyph boulder, shall be fenced to protect it from impact and future disturbance.

11. In the event that any subsurface archaeological materials should be encountered during excavation and construction activities, all work shall cease within a 10 meter (30 foot) radius until a qualified archaeologist has examined the find and recommended a mitigative action plan. Such plan shall be implemented and the CDPD shall be notified.

TRAFFIC

12. Turning movement improvements shall be installed on Highway 29 to the satisfaction of the Napa County Department of Public Works and the State Department of Transportation. An encroachment permit from the State shall be obtained for any work performed within the State Highway right-of-way.

PUBLIC HEALTH (Fire)

13. All recommendations from the State Department of Forestry (see attached) shall be complied with.

Groundwater Recharge. Shallow groundwater resources are expected to be slightly impacted by potential leakage through the bottoms of the evaporation and percolation ponds. The pre-design leakage rate for the evaporation and percolation ponds is estimated to be approximately 0.3 gallons per square foot per day, including sidewalls. Assuming that the pond bottom and sidewalls have an area of approximately 30,500 square feet, the calculated recharge to the shallow groundwater system in the vicinity of the ponds is estimated to be approximately 9200 gallons per day, or 6.5 gpm.

4.4.2.3 Groundwater Quality Impacts. Andre F. Bosc has obtained waste discharge requirements from the San Francisco Bay Region Water Quality Control Board for both the aeration ponds and the evaporation and percolation ponds. The Board sets waste discharge requirements for facilities which will discharge wastes that may affect groundwater quality. When adopting waste discharge requirements, the Board sets limits (effluent limitations) on each discharge as a condition of approval. The limitations are developed to protect beneficial uses, such as public water supplies, agricultural and industrial water use, wildlife habitats, or any water-related recreational activity.

1. Required Fire Flow:
 Base (4,025,000 Cu ft. $\times \frac{9}{8} \times 400$) = 10,100 gpm
 Net Adjusted (10,100 - 70%) = 3,030 gpm
 at 20 PSI dynamic.
2. Required On Site Fire Protection Water Supply:
 (3,030 gpm X 60 Min.) = 182,000 gals.
3. Fire Protection Water Main System:
 The water main system to serve the domestic and fire protection needs of this proposed building shall be designed in full accord with American Water Works Association Class I water system standards. It shall be a full grid and looped system having not less than eight (8) inches inside diameter piping, valves and other components. This system must provide a constant fire flow (gpm) at any fire hydrant which is a component of the system of not less than 1500 gpm at 20 PSI dynamic for a period of not less than 2 hours. The water system shall be zoned with isolation valves.
4. Fire Hydrants:
 A minimum of six (6) full NFPA steamer type fire hydrants shall be installed at strategic locations which will be determined by the Fire Warden. These hydrants shall have at least two (2) each two and a half (2½") inch National Hose Threaded male outlets equipped with caps and security chains, and one (1) each four and one half (4½") inch National Hose Threaded male outlet equipped the same as above. These hydrants may be of the dry barrel or the wet barrel type. Piping to each hydrant shall be not less than six (6) inches in inside diameter and all hydrants are to be installed in full accord with NFPA standards.
5. Fire Service Water Supply Booster Pump:
 It is noted that the proposed water storage for fire protection purposes is in a lake on the plot plan. The evaluation differential between the lake and the building site is not sufficient to create the water pressure needed by gravity flow. To compensate for this, a fire pump is required. It may be powered by internal combustion engine or a electrical motor. This pump must be rated in full accord with NFPA standards to discharge 3000 gpm at 100 PSI. If a booster pump is used it must be automatically started upon demand and be protected. If the developer chooses to use a water tank in lieu of the lake for fire protection water storage, it may be feasible to locate the tank on the hillside above the proposed building. If this were done the elevation differential should be sufficient to allow a static water pressure at each fire hydrant of not less than 100 PSI. If this were achieved, the required fire pump would not be needed.
6. Fire Detection and Alarm System:
 A full service, 24 hour monitored NFPA approved fire detection and fire alarm system is required. This system must be of a "zoned type" complete with indicator panel which will be located in such a way as to be visible to fire service personnel from an outside position. This panel shall be capable of the following functions:

Fire Detection and Alarm System (continued):

1. System status by zone
2. Reset of system by zone
3. Trouble indicator by zone
4. Disable by zone
5. Test by zone
6. Audible alarm silencing by zone

"B"

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7. Automatic Fire Sprinkler System:

The entire building including attics, basements, passageways and function areas shall be protected by a calculated flow automatic fire sprinkler system designed, installed, tested and maintained in full accord with NFPA pamphlet 13 and applicable state and local laws.

This system shall be equipped with post indicators, fire department connections, audible water flow alarm, electronic alarm relay switch and drains as needed.

8. Roadways:

Roadway access from the State Highway to and around the building must provide year round all weather access for heavy fire apparatus and other emergency equipment. The roadway shall be at least two traffic lanes in width to allow unrestricted passage of two full sized vehicles travelling in opposite directions at any point. Maximum grade shall not exceed 20% except for short distances. Minimum center line curve radius shall be not less than 40 feet. Necessary drainage improvements must be provided. Any required culverts or bridges shall have a minimum load carrying capacity of 20 tons. Overhead clearance of limbs, trees, etc. shall be a minimum of 14 feet.

9. This site lays within the defined high fire hazard area of the County. Because of this fact, all roofing material must be fire resistive.

If you have any questions, please contact Fire Captain Tom Horgan at 953-4343.

4.9 MITIGATION (From Final Supplement to Eosc EIP.

4.9.1 Introduction

The following discussion presents general mitigation measures for applicable resource areas that are intended to reduce environmental impacts associated with the construction and operation of the proposed St. Michael's Winery. A left-turn lane, the described Transportation and Circulation mitigation measure, has been incorporated into the project plans. The other mitigation measures addressed below were not considered as part of the project in the assessment of environmental impacts.

4.9.2 Geology and Soils

Soil erosion losses could be minimized if construction were scheduled to occur during the dry season. The areas under construction should be sprayed daily to reduce erosivity. Problem areas should be immediately seeded with rye grass and clover, as suggested in FEIR-023, and ditching should be constructed if necessary. An Erosion Control Plan designed to control erosion and sedimentation during project construction and operation shall be developed and submitted to the Napa County Conservation, Development and Planning Department for review and approval prior to the issuance of a building permit.

The Erosion Control Plan shall address the following items:

- On-site sediment sources during project construction and operation

- Specific pathways for off-site sediment transport during project construction and operation (i.e., drainage routes)
- Quantities of sediment to be transported off-site during project construction and operation during normal and extreme hydrologic events (average annual 24-hour storm event; 10-year 24-hour storm event; and 100-year 24-hour storm event)
- Erosion control structures designed to direct runoff into the Nash Creek basin, and other mitigation measures to be implemented during project construction and operation. Descriptions of erosion control structures and other mitigation measures should specify the types and locations of erosion control structures and/or mitigation measures implemented
- Operation and maintenance procedures/schedule for erosion control structures and other mitigation measures (if applicable) during project construction and operation

4.9.3 Noise

During construction noise levels at the four receptor points analyzed for impacts would significantly exceed state noise guidelines for residential areas. No single piece of construction equipment stands out as exceptionally noisy (except for the cave driller, shielded by earth from all but receptor 4). Hence, reducing the types of equipment, or number of pieces, is a relatively ineffective means of noise control here (and would extend the construction period, trading longer exposure for slight noise reduction). The most effective means appear to be:

- Close control of equipment maintenance, to ensure fully operating mufflers and sound insulation

- Sequential scheduling of equipment usage at each location to reduce the number of pieces of equipment in use at one time

During operations, only receptor 1 might experience significant impacts, and only on a short-term basis during daytime hours. The major noise problem here is due to the extreme proximity of the site access road to the site boundary. Possible mitigation measures are:

- Landscaping along the access road and within the northeast corner of the property
- Ensuring that all visitor vehicles are clear of the site and the access road, by the end of daytime hours (7:00 a.m. - 7:00 p.m.) because of the 10-decibel "penalty" for nighttime noise (10:00 p.m. - 7:00 a.m.), and California's 5-decibel "penalty" for evening noise (7:00 p.m. - 10:00 p.m.).

4.9.4 Hydrology and Water Quality

All land-clearing and construction should be conducted during the dry season to minimize short-term increases in surface runoff. The planned landscaping and revegetation around the two aeration ponds would minimize long-term runoff increases. Until this revegetation is established, the newly cleared areas should be seeded with a rapidly germinating species. The parking lot area should be constructed on a gentle slope to prevent ponding and facilitate proper drainage through culverts and into Nash Creek. Landscaping in the parking lot would detain some incoming precipitation and decrease the surface runoff in this area.

4.9.4.1 Groundwater Resources. Based on the Kleinfelder (1987) study, perceptible impacts on off-site water levels are expected to occur only during the 60 days of the crush (peak) period. The proposed project is expected to result in small but finite lowering of water levels (Kleinfelder 1987).

Should the County of Napa find impacts to groundwater resources as described in Section 4.4.2.1 and 4.4.2.2 to be substantial, some or all of the following mitigation measures recommended by Kleinfelder (1987) should be employed:

1. The existing pond on Nash Creek might be actively managed to promote recharge. Such management would entail periodic dredging and scarification of the beds of the pond [i.e., lake]. The pond [lake] should be maintained by natural flows (to the extent such flows are available) at the highest possible level to maximize the rate of recharge.
2. Effective erosion control is an important contributor to maintaining rainfall recharge rates in areas of sandy, friable soils. An Erosion Control Program prepared by a licensed professional in the fields of engineering, geology, watershed science, or landscape architecture should be developed and implemented, with specific provisions for maintaining and enhancing rainfall recharge.
3. If owners or operators of wells within 1500 feet of the new winery well provide evidence of significant lowering of water levels due to operation during the crush season, a program to reduce these impacts will be tested and implemented. Significant impacts may be defined for this purpose as lowering the static water level to less than 60 percent of its previous height above the bottom of the well. A program to reduce impacts to less than these levels might include one or more of the following:
 - a. altered hours of pumping designed to minimize propagation of the cone of depression beyond the property line.
 - b. deepening the existing new well.
 - c. providing water from another well located at a greater distance from the property line.
 - d. augmenting pond or stream recharge to offset the effects of pumping.

4.9.4.2 Groundwater Quality. The San Francisco Bay Regional Water Quality Control Board (RWQCB) has ordered Andre F. Bosc to comply with a self-monitoring program to ensure compliance with the waste discharge. The applicant is required to treat and dispose of wastes as required by the stipulations set forth in the tentative order for St. Michael's Winery (Water Quality Control Board, April 12, 1985). Failure to comply will result in a requirement for temporary or permanent reduction or elimination of authorized discharge.

The San Francisco Bay Region Water Quality Control Board has set the following discharge specifications:

For the Aeration Ponds.

- The ponds shall be adequately protected from erosion, washout and flooding from a rainfall event having a predicted frequency of once in 100 years.
- To prevent threat of overflows, a minimum freeboard of 2 feet shall be maintained in the ponds at all time.
- Waste at the surface of the ponds shall meet the following quality limits at all times:
In any grab sample:

Dissolved Oxygen	2.0 mg/l minimum
Dissolved Sulfide	0.1 mg/l maximum
pH	6.0 minimum 9.0 maximum
- Total waste discharged to the pond system shall not exceed 6000 gallons per day (annual average)
- The ponds shall be lined or sealed so that percolation of waste into subsurface soils has a rate of less than 10^{-6} cm/sec.

For the Evaporation/Percolation Ponds.

- The wastewater applied to the disposal ponds shall at all times be an adequately treated wastewater, and shall meet the following quality limits:
In any grab sample:

BOD ₅	40.0 mg/l maximum
Settleable Solids	0.5 mg/l-hr. maximum
Dissolved Oxygen	2.0 mg/l minimum
Dissolved Sulfide	0.1 mg/l maximum

The application of wastewater to the disposal pond shall be discontinued during any period in which there is reason to believe the limits specified above are not being met. "B"
11 13

- A minimum freeboard of 1 foot in the disposal ponds must be kept all the time during the disposal period (April 15 through October 15).

4.9.5 Transportation and Circulation

Impacts to existing roadway and traffic conditions would be minimal except for left turns from Highway 29 into the winery entrance. Vehicles waiting to make a left turn could present a hazard or could interfere with traffic flow. To mitigate this impact, the project applicant has proposed to construct a left-turn lane on the northbound section of Highway 29 at the winery entrance.

This turn lane would be constructed to highway design standards and a portion of Highway 29 may require minor widening to accommodate the added turn lane. The applicant would apply to obtain an Encroachment Permit from Caltrans, which will be required prior to any work being conducted in a state highway right-of-way. Caltrans would review all plans and specifications for any roadway improvements.

An additional archaeological survey of the potentially disturbed area along the highway right-of-way will be conducted by a qualified professional archaeologist after design of the left-turn lane is completed. The results of the archaeological survey and recommended action will be submitted directly to Caltrans for their approval, prior to the issuance of the encroachment permit from Caltrans.

PLANNING DEPT.
PROJECT "B"
PAGE 12 OF 13

7 MITIGATION PROGRAM

7.1 POTENTIAL NEEDS FOR MITIGATION

The California Environmental Quality Act calls for identifying impacts which may "substantially degrade or deplete ground water resources" and recommending measures for mitigation of significant impacts.

Impacts on the extent of the ground water resource or its availability have been shown to be small relative to annual recharge and very small relative the volume or extent of the aquifer.

Perceptible impacts on offsite water levels will be limited to the 60 days of the crush. The proposed project is expected to result in small but finite lowering of water levels.

1. Pumping during the crush is expected to result in a seasonal cone of depression within the aquifer which will be replenished annually.
2. The nearest well on adjoining parcels is thought to be approximately 900 feet away. Drawdown at this distance is expected to increase gradually to between 2 and 6 feet after 60 days of pumping. The estimates are based on several conservative assumptions, such as assumed fully-confined conditions within the aquifer. The actual drawdown may be less.
3. The offsite effects of the pumping are typical of well-interference patterns associated with most upland uses.
4. The proposed program of pumping will result in moderate increases in the costs of lifting water from the Heitz well, and, to a lesser extent, from other wells further removed from the point of ground water extraction. These additional costs will be incurred for a period of about 60 days per year.
5. Offsite effects on static water levels are small relative to the depth of the aquifer and relative to the reported functioning depths of nearby wells. The additional drawdown, while adding to costs, is not likely to appreciably diminish yields of properly-constructed and maintained wells.

7.2 POTENTIAL MITIGATION MEASURES

Should the County of Napa find these impacts to be substantial, some or all of the following mitigation measures might be employed:

1. The existing pond on Nash Creek might be actively managed to promote recharge. Such management would entail periodic dredging and scarification of the beds of the pond. The pond should be maintained by natural flows (to the extent such flows are available) at the highest possible level to maximize the rate of recharge.
2. Effective erosion control is an important contributor to maintaining rainfall recharge rates in areas of sandy, friable soils. An Erosion Control Program prepared by a licensed professional in the fields of engineering, geology, watershed science, or landscape architecture should be developed and implemented, with specific provisions for maintaining and enhancing rainfall recharge.
3. If owners or operators of wells within 1500 feet of the new winery well provide evidence of significant lowering of water levels due to operation during the crush season, a program to reduce these impacts will be tested and implemented. Significant impacts may be defined for this purpose as lowering the static water level to less than 60 percent of its previous height above the bottom of the well. A program to reduce impacts to less than these levels might include one or more of the following:
 - a. altered hours of pumping designed to minimize propagation of the cone of depression beyond the property line.
 - b. deepening the existing new well
 - c. providing water from another well located at a greater distance from the property line
 - d. augmenting pond or stream recharge to offset the effects of pumping.

I AGREE TO INCLUDE THE ABOVE MITIGATION MEASURES IN THIS PROJECT.

Andre Bosc
Andre Bosc

10/4/87
Date



TRENT CAVE, R.S.
Director of Environmental Health

RECEIVED

NAPA COUNTY

NOV 23 1987

DEPARTMENT OF ENVIRONMENTAL HEALTH

NAPA COUNTY CONSERVATION
DEVELOPMENT & PLANNING DEPT.

1995 THIRD STREET, ROOM 205 • NAPA, CALIFORNIA 94559-3082
AREA CODE 707/253-4471

PLANNING DEPT.
EXHIBIT C
PAGE 1 OF 17

MEMORANDUM

11-23-87

To: Napa County Planning Department - James Hickey, Director

From: Department of Environmental Health - Tim Snellings, R.S. *TS*

Subject: Use Permit Application of Andre Bosc/ St. Michael Vineyards

Located at Highway 29

A.P.# 20-230-01, 20-390-06 FILE # U-278485 I.S.# EIR 023

We have reviewed the above proposal and recommend approval of the use permit providing the following are included as conditions of approval :

- 1) That the applicant secure a discharge requirement or waiver of same, from the Regional Water Quality Control Board for the proposed waste water system.
- 2) That a permit for the sewage disposal system be secured from the Department of Environmental Health prior to issuance of a building permit.
- 3) Plans for the proposed private sewage disposal system shall be designed by a licensed Civil Engineer or Registered Sanitarian and be accompanied by complete design criteria based upon local conditions and shall be subject to approval by the Department of Environmental Health prior to issuance of any permits.
- 4) The applicant shall maintain regular monitoring of the waste water system as required by the Department of Environmental Health and submit quarterly compliance reports. An annual permit is required.
- 5) Since the proposed ponds are to be installed on a separate parcel from the facility they are to serve, an agreement to grant a sewage easement must be filed with the Department of Environmental Health prior to issuance of sewage permits.
- 6) That the water supply system comply with the California Safe Drinking Water Act. This will require an annual permit from the Department of Environmental Health. A plan review of the water system will also be required.
- 7) That all solid waste be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.

cc : R. Gregory Rodeno, 2140 Jefferson Street, Napa, CA 94558

TS/ts WD-4

27



JAMES H. HICKER
DIRECTOR

NAPA COUNTY
RECEIVED
JAN 8 1985
Napa County Conservation,
Development & Planning Department

Foot
File No.: 2138.02

CONSERVATION — DEVELOPMENT
AND PLANNING DEPARTMENT

1195 THIRD STREET, ROOM 210 - NAPA, CALIFORNIA 94558
AREA CODE 707/253-4416 CALIFORNIA REGIONAL WATER

PERMIT APPLICATION AND INITIAL STUDY
REQUEST FOR COMMENTS

QUALITY CONTROL BOARD

TO: S. F. Bay Regional Water Quality
APPLICATION TITLE: St. Michael Winery FILE #: U-278485
RESPONSE REQUEST DATE: 12/21/84 RESPONSE RETURN DATE: 1/5/85

This application (see enclosed project description and/or raps) is being sent to you for your review and comment. With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

Please advise us as to which of your permits is required, your environmental concerns, and whether you recommend that a Negative Declaration or an Environmental Impact Report be prepared on this project. Due to the provisions of AB 334, it is essential that we receive your comments within the next 10 days.

General Questions

1. Do you have jurisdiction by law over this project Yes No
2. Do you recommend: Approval Denial No Recommendation
3. Recommend conditions-of-approval (use additional page if needed);

4. Are you a responsible agency? Yes No: If yes, indicate required permits: Waste Discharge Requirements for the proposed discharge of combined industrial waste and domestic waste at the winery site.

5. Indicate areas of environmental concern and availability of appropriate technical data: The Winery has submitted Report of Waste Discharge supplemented by consultant's technical report to this Regional Board. Said application for waste discharge requirements is under review by the Regional Board staff.

6. Do you recommend: Negative Declaration Environmental Impact Report
7. Have you previously reviewed an application on any portion of this project?
 Yes No
8. Name of contact person: Randy Lee Telephone: (415)464-1309

Response Prepared by: _____
Title: Area Engineer
Date: 1/4/85

May 29, 1981



JAMES H. HICKET
DIRECTOR

NAPA COUNTY

RECEIVED
JAN 8 1985
Napa County Conservation,
Development & Planning Department

1 Feb
File No.: 2138.02

CONSERVATION — DEVELOPMENT
AND PLANNING DEPARTMENT

1195 THIRD STREET, ROOM 210 - NAPA, CALIFORNIA 94558
AREA CODE 707/253-4416

CALIFORNIA REGIONAL WATER

PERMIT APPLICATION AND INITIAL STUDY
REQUEST FOR COMMENTS

QUALITY CONTROL BOARD

TO: S.F. Bay Regional Water Quality

APPLICATION TITLE: St. Michael Winery FILE #: U-278485

RESPONSE REQUEST DATE: 12/21/84 RESPONSE RETURN DATE: 1/3/85

This application (see enclosed project description and/or maps) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

Please advise us as to which of your permits is required, your environmental concerns, and whether you recommend that a Negative Declaration or an Environmental Impact Report be prepared on this project. Due to the provisions of AB 334, it is essential that we receive your comments within the next 10 days.

General Questions

1. Do you have jurisdiction by law over this project Yes No
2. Do you recommend: Approval Denial No Recommendation
3. Recommend conditions-of-approval (use additional page if needed);

4. Are you a responsible agency? Yes No. If yes, indicate required permits: Waste Discharge Requirements for the proposed discharge of combined industrial waste and domestic waste at the winery site.

5. Indicate areas of environmental concern and availability of appropriate technical data: The Winery has submitted Report of Waste Discharge supplemented by consultant's technical report to this Regional Board. Said application for waste discharge requirements is under review by the Regional Board staff.

6. Do you recommend: Negative Declaration Environmental Impact Report

7. Have you previously reviewed an application on any portion of this project?
 Yes No

8. Name of contact person: Randy Lee Telephone: (415)464-1309

Response Prepared by: _____

Title: Area Engineer

Date: 1/4/85

May 29, 1981

- 1) - That the applicant secure a discharge requirement or waiver of same, from the Regional Water Quality Control Board for the proposed waste water system.
- 2) - That plans for the proposed private sewage disposal system shall be designed by a licensed civil engineer and be accompanied by complete design criteria based upon local conditions and shall be subject to approval by the Department of Environmental Health prior to issuance of any permits.
- 3) - That a permit for the sewage disposal system be secured from the Department of Environmental Health prior to issuance of a building permit.
- 4) - That the applicant shall maintain regular monitoring of the waste water systems required by the Division of Environmental Health and submit quarterly.
- 5) - Since some of the proposed ponds are to be installed on a separate parcel from the facility it is to serve, an agreement to grant a sewage easement must be filed with the Department of Environmental Health prior to issuance of sewage permits.
- 6) - That the water supply system comply with the California Safe Drinking Water Act. This will require an annual permit from the Department of Environmental Health. A plan review of the water system will also be required.
- 7) - That prior to drilling any wells, a well permit be obtained from the Department of Environmental Health.
- 8) - That prior to issuance of any building permits complete plans containing equipment layout, finish schedule and plumbing plans for the food and beverage facilities and employee restrooms be submitted for review and approval by the County Department of Environmental Health. An annual food permit will also be required.
- 9) - That all solid waste be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
- 10) - That the applicant comply with provisions of the California Health and Safety Code Division 5, Part 2, Chapter 7.5 regarding bottled water facilities.

RH:km
cc: St. Michael Vineyard
James Elmendorf



JAMES H. HICKEY
DIRECTOR

NAPA COUNTY

PLANNING DEPT.

EXHIBIT C

PAGE 2 OF 17

CONSERVATION - DEVELOPMENT
AND PLANNING DEPARTMENT

1195 THIRD STREET, ROOM 210 NAPA, CALIFORNIA 94558
AREA CODE 707/253-4416

+ 212-0d3
+ Supplement
15# (9/87)

RECEIVED

NOV 20 1987

RECEIVED

NOV 17 1987

PERMIT APPLICATION AND INITIAL STUDY
DEVELOPMENT & PLANNING DEPT FOR COMMENTS

PUBLIC WORKS DEPT.
COUNTY OF NAPA

TO: Public Works

APPLICATION TITLE: ANDRE BOSCH/st. Mich. Vgls FILE #: U-278485

RESPONSE REQUEST DATE: 11-17-87 RESPONSE RETURN DATE: 11-23-87

This application (see enclosed project description and/or maps) is being sent to you for your review and comment. With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

Please advise us as to which of your permits is required, your environmental concerns, and whether you recommend that a Negative Declaration or an Environmental Impact Report be prepared on this project. Due to the provisions of AB 334, it is essential that we receive your comments within the next 10 days.

General Questions

- Do you have jurisdiction by law over this project Yes No
- Do you recommend: Approval Denial No Recommendation
- Recommend conditions-of-approval (use additional page if needed);
Our comments dated March 8, 1985 are still applicable.
- Are you a responsible agency? Yes No. If yes, indicate required permits:
- Indicate areas of environmental concern and availability of appropriate technical data:
- Do you recommend: Negative Declaration Environmental Impact Report
- Have you previously reviewed an application on any portion of this project?
 Yes No
- Name of contact person: _____ Telephone: 253-4951

Response Prepared by: J.B. Klein
Title: Civ. Engr
Date: 11-19-87

May 28, 1981



NAPA COUNTY

HARRY D. HAMILTON
Director of Public Works
County Surveyor — County Engineer
Road Commissioner

DEPARTMENT OF PUBLIC WORKS

1195 THIRD STREET • ROOM 201 NAPA, CALIFORNIA 94559
AREA CODE 707.253-4351

MAR 11 1985
Planning Department

March 8, 1985

Conservation, Development,
and Planning Commission
1195 Third Street - Rm 201
Napa, Calif. 94559

RE: State Route 29, Near Maple Lane
U-278485
St. Michael Vineyards
(IS# 1869)

Commissioners:

This application is for a winery having an ultimate annual capacity of 250,000 gallons per year and public tours and tasting. There will be a water bottling plant at the winery.

It is recommended that:

- 1) A left turn storage lane is to be constructed on State Route 29 to direct northbound traffic wishing to turn into the facility.
- 2) Access roads that are intended for use by the general public visiting the winery, are to have a minimum structural section equivalent to 2 inches of asphalt concrete on 5 inches of Class II aggregate base and a minimum width of 20 feet with a 4 foot graded shoulder on each side.
- 3) Parking areas that are intended for use by the general public are to have the same minimum structural section indicated in (2).
- 4) Winery and cave storage related roadways and parking areas which are intended for use by delivery and other non-general public vehicles are to be signed as such and are to have a minimum structural section equivalent to a double seal coat on 5 inches of Class II aggregate base. The roadways in this category shall have a minimum width of 16 feet with a 4 foot graded shoulder on each side.
- 5) On site grading shall be accomplished so as to avoid the diversion or concentration of storm water runoff onto adjacent properties.

PLANNING DEPT.

EXHIBIT C
PAGE 3 OF 17

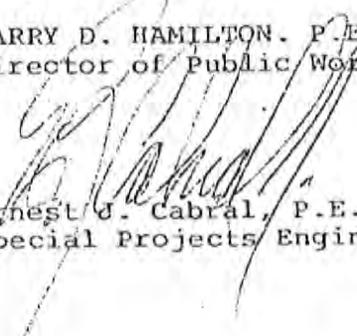
- 6) The above improvements and any necessary drainage improvements are to be constructed according to plans prepared by a registered Civil Engineer and reviewed and approved by the County Engineer. A plan check and inspection fee equal to 3% of the estimated cost of the above improvement is to be submitted to this office.
- 7) All construction performed in the right of way of State Route 29 is to be done under an Encroachment Permit available from CAL-TRANS.

This ends the recommendations. Should the applicant contemplate expansion which will utilize presently designated vineyard maintenance roads then it is respectfully suggested that their alignment and roadbed width be determined at an early stage so as to facilitate their integration into the proposed expansion.

Culverts for service roads crossing Nash Creek should be sized so as to not cause drainage problems, and should be constructed to the highest and best standards consistent with the applicant's goals.

Very truly yours,

HARRY D. HAMILTON, P.E.
Director of Public Works

by 
Ernest J. Cabral, P.E.
Special Projects Engineer

EJC: tro

cc: St. Michaels Vineyards
3999 Highway 29 N.
Calistoga, Calif. 94515

PLANNING DEPT.
EXHIBIT C
PAGE 4 OF 17

DEPARTMENT OF TRANSPORTATION

BOX 7310
SAN FRANCISCO, CA 94120
(415) 923-4444



December 11, 1987

NAP-029-PM-33.8
SCH# 85070921
NP029064

RECEIVED

DEC 17 1987

NAPA COUNTY CONSERVATION
DEVELOPMENT AND PLANNING DEPT.

James O'Loughlin
Napa County Conservation Development
and Planning Department
1195 Third Street, Room 210
Napa, CA 94558

Re: St. Michael's Winery Permit Application

Dear Mr. O'Loughlin:

Thank you for including Caltrans in the review process for the above referenced referral.

According to Section 205.1 of the Highway Design Manual, "access openings on access controlled highways should not be closer than 1/2 mile from a public road. The proposed driveway for this project would be unacceptable to Caltrans for this reason. Perhaps an alternative entrance could be designed from Peterson Drive or across from Maple Lane.

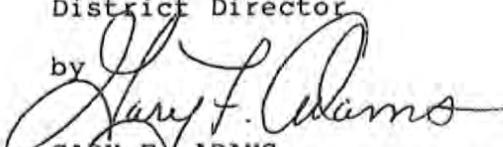
Any work performed within State right of way will require an encroachment permit from Caltrans. To apply for a permit, please contact:

Permit Engineer
P. O. Box 7310
San Francisco, CA 94120
(415) 557-1984

Should you have any questions regarding these comments, please contact Don Steiger of my staff at (415) 557-9139.

Sincerely yours,

BURCH C. BACHTOLD
District Director

by 
GARY F. ADAMS
District CEQA Coordinator

PLANNING DEPT.

EXHIBIT C
PAGE 5 OF 17



DEPARTMENT OF FORESTRY
Lake-Napa Ranger Unit
1572 Railroad Avenue
St. Helena, CA 94574

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NOV 30 1987

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT
Date: November 23, 1987
Subject: Andre Bosc/St. Mich. Vine.
File #: U-278485
IS #: 1869

Napa County Conservation,
Development & Planning Commission
Room 210
1195 Third Street
Napa, CA 94558

Gentlemen:

We have reviewed the original permit application and the supplement permit application and find no changes in the structure size. Thus our recommendations remain the same as the original recommendations dated January 9, 1985, U-278485, IS# 1869.

BYRON J. CARNIGLIA
Ranger-In-Charge

BY:

Don Ferguson
Operations Officer

DF/ccl

PLANNING DEPT.
EXHIBIT C
PAGE 6 OF 17



DEPARTMENT OF FORESTRY

Lake-Napa Ranger Unit
1572 Railroad Avenue
St. Helena, CA 94574
(707) 963-3601

Date: January 9, 1985

Subject: St. Michaels Vineyards
U-278485
IS# 1869

Napa County Conservation,
Development & Planning Commission
Room 210
1195 Third Street
Napa, CA 94558

Gentlemen:

We have reviewed the subject application and offer the following comments:

SEE ATTACHED SUPPLEMENT.

PLANNING DEPT.
EXHIBIT C
PAGE 7 OF 17



BYRON J. CARNIGLIA
Ranger - In-Charge

BY: *Don Ferguson*
By *BB*
Don Ferguson
Operations Officer

CONSERVATION IS WISE USE—KEEP CALIFORNIA GREEN AND GOLDEN

1. Required Fire Flow:
Base $(4,025,000 \text{ Cu ft.} \cdot \frac{0}{8} - 400) = 10,100 \text{ gpm}$
Net Adjusted $(10,100 - 70\%) = 3,030 \text{ gpm}$
at 20 PSI dynamic.
2. Required On Site Fire Protection Water Supply:
 $(3,030 \text{ gpm} \times 50 \text{ Min.}) = 132,000 \text{ gals.}$
3. Fire Protection Water Main System:
The water main system to serve the domestic and fire protection needs of this proposed building shall be designed in full accord with American Water Works Association Class I water system standards. It shall be a full grid and looped system having not less than eight (8) inches inside diameter piping, valves and other components. This system must provide a constant fire flow (gpm) at any fire hydrant which is a component of the system of not less than 1500 gpm at 20 PSI dynamic for a period of not less than 2 hours. The water system shall be zoned with isolation valves.
4. Fire Hydrants:
A minimum of six (6) full NFPA steamer type fire hydrants shall be installed at strategic locations which will be determined by the Fire Warden. These hydrants shall have at least two (2) each two and a half (2½") inch National Hose Threaded male outlets equipped with caps and security chains, and one (1) each four and one half (4½") inch National Hose Threaded male outlet equipped the same as above. These hydrants maybe of the dry barrel or the wet barrel type. Piping to each hydrant shall be not less than six (6) inches in inside diameter and all hydrants are to be installed in full accord with NFPA standards.
5. Fire Service Water Supply Booster Pump:
It is noted that the proposed water storage for fire protection purposes is in a lake on the plot plan. The evaluation differential between the lake and the building site is not sufficient to create the water pressure needed by gravity flow. To compensate for this, a fire pump is required. It may be powered by internal combustion engine or a electrical motor. This pump must be rated in full accord with NFPA standards to discharge 3000 gpm at 100 PSI. If a booster pump is used it must be automatically started upon demand and be protected. If the developer chooses to use a water tank in lieu of the lake for fire protection water storage, it may be feasible to locate the tank on the hillside above the proposed building. If this were done the elevation differential should be sufficient to allow a static water pressure at each fire hydrant of not less than 100 PSI. If this were achieved, the required fire pump would not be needed.
6. Fire Detection and Alarm System:
A full service, 24 hour monitored NFPA approved fire detection and fire alarm system is required. This system must be of a "zoned type" complete with indicator panel which will be located in such a way as to be visible to fire service personnel from an outside position. This panel shall be capable of the following functions:

PLANNING DEPT.

EXHIBIT B C
PAGE 8 OF 17

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Fire Detection and Alarm System (continued):

1. System status by zone
 2. Reset of system by zone
 3. Trouble indicator by zone
 4. Disable by zone
 5. Test by zone
 6. Audible alarm silencing by zone
7. Automatic Fire Sprinkler System:
The entire building including attics, basements, passageways and function areas shall be protected by a calculated flow automatic fire sprinkler system designed, installed, tested and maintained in full accord with NFPA pamphlet 13 and applicable state and local laws.
This system shall be equipped with post indicators, fire department connections, audible water flow alarm, electronic alarm relay switch and drains as needed.
8. Roadways:
Roadway access from the State Highway to and around the building must provide year round all weather access for heavy fire apparatus and other emergency equipment. The roadway shall be at least two traffic lanes in width to allow unrestricted passage of two full sized vehicles travelling in opposite directions at any point. Maximum grade shall not exceed 20% except for short distances. Minimum center line curve radius shall be not less than 40 feet. Necessary drainage improvements must be provided. Any required culverts or bridges shall have a minimum load carrying capacity of 20 tons. Overhead clearance of limbs, trees, etc. shall be a minimum of 14 feet.
9. This site lays within the defined high fire hazard area of the County. Because of this fact, all roofing material must be fire resistive.
- If you have any questions, please contact Fire Captain Tom Horgan at 953-4343.

PLANNING DEPT.

EXHIBIT C
PAGE 9 OF 17



NAPA COUNTY

JAMES H. HICKEY
DIRECTOR

PLANNING DEPT.

EXHIBIT C
10 - 17
PAC CONSERVATION - DEVELOPMENT
AND PLANNING DEPARTMENT

FEIR-023
+ Supplement
15A: (9/87)

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94558
AREA CODE 707/253-4416

RECEIVED

RECEIVED NOV 24 1987

NOV 24 1987

PERMIT APPLICATION AND INITIAL STUDY
REQUEST FOR COMMENTS

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

TO: Napa Co. Mosquito Abatement Dist
APPLICATION TITLE: ANDRE BOSCH/st. Mich. Vgls FILE #: U-278485
RESPONSE REQUEST DATE: 11-17-87 RESPONSE RETURN DATE: 11-23-87

This application (see enclosed project description and/or maps) is being sent to you for your review and comment. With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

Please advise us as to which of your permits is required, your environmental concerns, and whether you recommend that a Negative Declaration or an Environmental Impact Report be prepared on this project. Due to the provisions of AB 334, it is essential that we receive your comments within the next 10 days.

General Questions

1. Do you have jurisdiction by law over this project Yes No
2. Do you recommend: Approval Denial No Recommendation
3. Recommend conditions-of-approval (use additional page if needed);

SEE ATTACHED GUIDELINES

4. Are you a responsible agency? Yes No. If yes, indicate required permits: _____

5. Indicate areas of environmental concern and availability of appropriate technical data: _____

6. Do you recommend: Negative Declaration Environmental Impact Report
7. Have you previously reviewed an application on any portion of this project?
 Yes No
8. Name of contact person: KEN CARDEN Telephone: 226-3915

Response Prepared by: KEN CARDEN
Title: FOREMAN
Date: 11-24-87

May 28, 1981

NAPA COUNTY
Mosquito Abatement District
P. O. Box 655 - 964 Imola Avenue West
Napa, California 94558
226-3915

PLANNING DEPT.
EXAMINED C
DATE 11-17-17

GUIDELINES FOR MOSQUITO PREVENTION,
WEED CONTROL AND MAINTENANCE IN WASTEWATER PONDS

- A. Access to ponds for maintaining Mosquito Control, Weed Control, and Aquatic Midge (gnats) Control.
1. Good access road to ponds.
 2. All levees, cross levees, and dikes wide enough for vehicular traffic (minimum 12 feet).
 3. Keys to locks or a place for Mosquito Abatement District lock on any gate to ponds.
 4. Fences on outside of levees enough to facilitate vehicular traffic.
 5. All levees, cross levees, and dikes clear of obstructions (pipes, pumps, electrical boxes, fuel tanks, etc.) to permit vehicular traffic.
- B. Weed Control
1. Property owners shall furnish soil sterilant (Aatrex, Krovar, Karmex, etc.).
 2. Mosquito Abatement District will apply on yearly basis.
- C. Aquatic Midge Control
1. Be able to launch boat in ponds (or lakes) for midge control.

NOTE: Any pond, lake, or reservoir, is a good potential midge source.



NAPA COUNTY

JAMES H. HICKEY
DIRECTOR

CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94950
AREA CODE 707/253-4416

Supplement (9/87)

K

DEC 24 1987

EXHIBIT C
PAGE 12 OF 17
PERMIT APPLICATION AND INITIAL STUDY
REQUEST FOR COMMENTS

NOV 18 1987

YOUNTVILLE

TO: Dept of Fish & Game
APPLICATION TITLE: ANDRE BOSCH/st. Mich. Vgls. FILE #: U-278485
RESPONSE REQUEST DATE: 11-17-87 RESPONSE RETURN DATE: 11-23-87

This application (see enclosed project description and/or maps) is being sent to you for your review and comment. With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

Please advise us as to which of your permits is required, your environmental concerns, and whether you recommend that a Negative Declaration or an Environmental Impact Report be prepared on this project. Due to the provisions of AB 334, it is essential that we receive your comments within the next 10 days.

General Questions

1. Do you have jurisdiction by law over this project? Yes No
2. Do you recommend: Approval Denial No Recommendation
3. Recommend conditions-of-approval (use additional page if needed);

All earthwork to be stabilized ASAP to prevent sedimentation.

We have reviewed subject project or report & have no comments at this time.
Robert Whist
Regional Manager
Department of Fish & Game
Region III
Date

responsible agency? Yes No. If yes, indicate required areas of environmental concern and availability of appropriate data:

6. Do you recommend: Negative Declaration Environmental Impact Report
7. Have you previously reviewed an application on any portion of this project?
 Yes No
8. Name of contact person: _____ Telephone: _____

Response Prepared by: _____
Title: _____
Date: _____

May 28, 1981



NAPA COUNTY

JAMES H. HICKEY
DIRECTOR

RECEIVED

NOV 24 1987

PLANNING DEPT.

EXHIBIT C

PAGE 13 OF 17

CONSERVATION - DEVELOPMENT
AND PLANNING DEPARTMENT

1195 THIRD STREET, ROOM 210 - NAPA, CALIFORNIA 94558
AREA CODE 707/253-4416

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NOV 25 1987

Dept. of Alcoholic Beverage Control
Santa Rosa PERMIT APPLICATION AND INITIAL STUDY
REQUEST FOR COMMENTS

NAPA COUNTY CONSERVATION
DEVELOPMENT & PLANNING DEPT.

TO: Dept of alcoholic Beverage Control
APPLICATION TITLE: ANDRE BOSCH/st. Mich. Vg. Co. FILE #: U-278485
RESPONSE REQUEST DATE: 11-17-87 RESPONSE RETURN DATE: 11-23-87

This application (see enclosed project description and/or maps) is being sent to you for your review and comment.

With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

Please advise us as to which of your permits is required, your environmental concerns, and whether you recommend that a Negative Declaration or an Environmental Impact Report be prepared on this project. Due to the provisions of AB 334, it is essential that we receive your comments within the next 10 days.

General Questions

1. Do you have jurisdiction by law over this project Yes No
2. Do you recommend: Approval Denial No Recommendation
3. Recommend conditions-of-approval (use additional page if needed);

4. Are you a responsible agency? Yes No. If yes, indicate required permits: Winegrowers license

5. Indicate areas of environmental concern and availability of appropriate technical data: _____

6. Do you recommend: Negative Declaration Environmental Impact Report
7. Have you previously reviewed an application on any portion of this project?
 Yes No

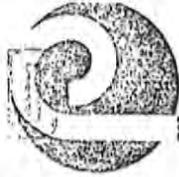
8. Name of contact person: Dave Williams Telephone: 707 576-2165

Response Prepared by: P. Davis
Title: Supervising SA
Date: 11/24/87

May 28, 1981

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FEB 1 1985



Napa County Resource Conservation District

1834 SOSCOL AVE., SUITE 200 • NAPA, CA 94559 • PHONE (707) 252-4188

Napa County Conservation,
Development & Planning Department

February 14, 1985

Napa County Conservation, Development
and Planning Department
1195 Third Street
Napa, CA 94559

PLANNING DEPT.

EXHIBIT C
PAGE 14 OF 17

RE: Land Use Permit Application:
St. Michael Vineyards (Andre Bosc)

Your File No:U-278485

Thank you for the opportunity to review and comment on the referenced documents.

Due to the erosion hazard of developing additional vineyard, winery, roads and ponds, a comprehensive erosion control plan should be developed. The following items should be addressed in such a plan:

1) Adjoining properties, roads and drainageways should be protected from sedimentation. Perimeter ditches, berms or silt fences, or sediment-retention ponds could be used for this protection. Clearing for a vineyard above Nash Creek will create an especially high erosion and sedimentation hazard to the creek.

2) The soils in the proposed vineyard sites have slopes ranging from 25% to over 40%. The erosion hazard ranges from moderate to very high. Some of the proposed vineyard sites contain defined swales. Erosion will result from clearing and grading to install terraces, producing excessive runoff over disturbed areas. The comprehensive plan should include erosion control provisions on the vineyard, i.e. among other items:

- a. Proper site selection, to avoid unstable areas such as existing and potential slide-hazardous areas and large drainages.
- b. Proper layout of terraces.
- c. Use of diversions.
- d. Installation of drainage systems of adequate size.
- e. Use of cover crops, temporary and permanent.

The Soil Conservation Service can provide assistance in preparing an erosion control plan.

3) The aeration ponds appear to be located in a steep swale. A large fill embankment will be needed to create the ponds. The following concerns should be addressed:

- a. According to the Napa County Soil Survey, the soil has a coarse texture, a permeability of 2-6"/hr., and is shallow. What measures will be taken to insure against leaking?
- b. What erosion control measures will be used to prevent erosion on the pond face?
- c. How will water presently carried in the swale be routed? What measures will be taken to prevent this water from eroding the pond fill or a new drainage swale, if created?

MORE.....

CONSERVATION DEVELOPMENT SELF-GOVERNMENT

60

- 4) The evaporation ponds are planned for a steep area adjacent to the road. A large cut will be needed to create a flat area for the ponds. What measures will be taken to insure that these cuts and fills will not cause erosion or land slide problems?
- 5) How will the cave excavation material be disposed of?
- 6) What erosion control measures are planned for cuts, fills, and other disturbed areas around the roads, winery, and ponds? Recommended measures include:
- a. Diverting surface water from disturbed areas and carrying it in a non-erosive manner to outlets protected against erosion.
 - b. Proper surfacing of road and roadside ditches to prevent erosion.
 - c. The use of benches or diversion terraces on long cuts or fills to carry off water.
 - d. Seeding, mulching, and fertilizing disturbed areas before Oct. 1.

The District recommends that the foregoing questions and concerns be satisfactorily resolved prior to the issuance of the Use Permit requested by Mr. Bosc.

Sincerely,

Charles Mac Donald

Charles MacDonald
President

PLANNING DEPT.

EXHIBIT C
PAGE 15 OF 17

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NAPA COUNTY

CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

JAMES H. HICKEY
DIRECTOR

1195 THIRD STREET, ROOM 210 - NAPA, CALIFORNIA 94558
AREA CODE 707/253-4416

PLANNING DEPT.
c

EXHIBIT 16 OF 17
PAGE

PERMIT APPLICATION AND INITIAL STUDY
REQUEST FOR COMMENTS

TO: Building Dept.

APPLICATION TITLE: St. Michael Vineyard FILE #: U-278485

RESPONSE REQUEST DATE: 2/21/84 RESPONSE RETURN DATE: 1/5/85

This application (see enclosed project description and/or raps) is being sent to you for your review and comment. With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

Please advise us as to which of your permits is required, your environmental concerns, and whether you recommend that a Negative Declaration or an Environmental Impact Report be prepared on this project. Due to the provisions of AB 334, it is essential that we receive your comments within the next 10 days.

General Questions

1. Do you have jurisdiction by law over this project? Yes No
2. Do you recommend: Approval Denial No Recommendation
3. Recommend conditions-of-approval (use additional pages if needed);
NONE

4. Are you a responsible agency? Yes No. If yes, indicate required permits: Building, MECHANICAL, Plumbing AND ELECTRICAL PERMITS

5. Indicate areas of environmental concern and availability of appropriate technical data:

6. Do you recommend: Negative Declaration Environmental Impact Report
7. Have you previously reviewed an application on any portion of this project?
 Yes No
8. Name of contact person: BILL J. CRENSHAW Telephone: 253 4376

Response Prepared by: Bill Crenshaw
Title: Supv. Reg. Insp.
Date: _____

May 23, 1981



NAPA COUNTY

CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

JAMES H. HICKEY
DIRECTOR

PLANNING DEPT.

1195 THIRD STREET, ROOM 210 - NAPA, CALIFORNIA 94558
AREA CODE 707/253-4416

EXHIBIT C
PAGE 17 OF 17

PERMIT APPLICATION AND INITIAL STUDY REQUEST FOR COMMENTS

TO: Assessor's

APPLICATION TITLE: St. Michael Vineyards FILE #: U-278485

RESPONSE REQUEST DATE: 12/21/84 RESPONSE RETURN DATE: 1/5/85

This application (see enclosed project description and/or raps) is being sent to you for your review and comment. With respect to environmental analysis, the County is assuming Lead Agency status for the project and will be preparing the necessary environmental documents.

Please advise us as to which of your permits is required, your environmental concerns, and whether you recommend that a Negative Declaration or an Environmental Impact Report be prepared on this project. Due to the provisions of AD 394, it is essential that we receive your comments within the next 10 days.

General Questions

1. Do you have jurisdiction by law over this project Yes No
2. Do you recommend: Approval Denial No Recommendation
3. Recommend conditions-of-approval (use additional page if needed);

4. Are you a responsible agency? Yes No. If yes, indicate required permits:

5. Indicate areas of environmental concern and availability of appropriate technical data: Traffic, Fire, WATER SERVICES needed. the addn. water needed from wells - would this lower the water table for neighborhood wells?

6. Do you recommend: Negative Declaration Environmental Impact Report

7. Have you previously reviewed an application on any portion of this project?
 Yes No 22 215 98

8. Name of contact person: _____ Telephone: _____

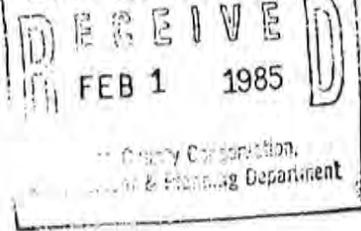
Response Prepared by: [Signature]
Title: Dr. Draftsman
Date: 12/22/84

20-230-01
20-390-06

CALIFORNIA REGIONAL
SAN FRANCISCO BAY REGION
1111 JACKSON STREET, ROOM 6040
OAKLAND 94607

WATER QUALITY CONTROL BOARD

Phone: Area Code 415
464-1255



January 31, 1985

File No. 2139.3098 (RL)ej

Mr. Jeffrey M. Cooper
Born, Barrett & Associates
3184-K Airway Ave.
Costa Mesa, CA 92626

PLANNING DEPT.

EXHIBIT C
PAGE 18 OF 21

Dear Mr. Cooper:

Subject: St. Michael Winery, Calistoga, Napa County - Waste Discharge Permit Application

This is to confirm our telephone conversation on January 23, 1985 regarding the proposed wastewater treatment and disposal system of the subject winery.

We have received from Garreston Elmendorf Zinov Architects and Engineers a Report of Waste Discharge filed for the St. Michael Winery, supplemented by a technical report prepared by the Born, Barrett & Associates. The technical report discussed in detail the proposed wastewater facilities which treats and disposes of a combined domestic waste and industrial waste generated from the St. Michael Winery and a bottled water facility.

Our reviews of the wastewater facility showed that the system as designed, i.e. to treat and store the waste in holding ponds during wet weather and dispose of them by evaporation/percolation during dry weather, is an acceptable way of wastewater handling in this area. A preliminary study of the water balance calculated for this system also indicates that an appropriate approach has been applied.

However, while a general acceptance of the system design concept has been expressed over the phone during our conversation last week, a closer examination of the assumptions used in the water balance has led me to a somewhat different opinion since then. I believe the discrepancy is basically due to the balance between precipitation and evaporation rate. The original water balance assumes that all the precipitation that falls upon the aeration/storage ponds during wet weather can be totally evaporated during dry weather. In order to check this, I carried

Mr. Jeffrey M. Cooper

-2-

January 31, 1985

out a month-by-month water balance calculation as shown in the attached data sheet No. 1 to properly reflect the actual condition. Unfortunately, partly due to the fact that 10-year seasonal rainfall data must be used and partly due to reduced area available for evaporation, the result is negative. The volume of waste that would be evaporated in the aeration pond is much less than the volume of precipitation that would be added to the ponds (as can be easily seen by comparing column 4 and 5 of the data sheet No. 1). Therefore, additional disposal capacity must be provided to dispose of the net inflow.

My estimation showed that the enlargement of disposal/percolation pond area from 30,000 sq. ft. to 40,000 sq. ft. can serve this purpose satisfactorily. Such estimation has been checked by a similar month-by-month calculation as shown in data sheet No. 2 which is attached as well for your information.

Some notes have been put on the data sheets in an attempt to describe the way the calculation was done. I would appreciate your time and effort expended on checking my calculations. Otherwise, I would look forward to hearing your reponse regarding this issue at your early convenience. It's been a great pleasure to work with you. Please call me at (415) 464-1309 if you have any questions.

Sincerely,

Randy Lee
Randy Lee
Area Engineer

Enclosures

cc: Mr. Ralph Hunter, Napa County
Dept. of Environmental Health
Mr. James Hickey, Napa County
Conservation Development and
and Planning Dept.

PLANNING DEPT.

EXHIBIT C
PAGE 19 OF 21

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

TENTATIVE ORDER

WASTE DISCHARGE REQUIREMENTS FOR:

ST. MICHAEL WINERY
CALISTOGA, NAPA COUNTY

PLANNING DEPT.

EXHIBIT C

PAGE 20 OF 21

The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter called the Board) finds that:

1. The St. Michael Winery (hereinafter called the Discharger) is to be located at 3999 Highway 29 North, south of Calistoga, in Napa County. The Discharger, on December 14, 1984, filed with the Board a Report of Waste Discharge supplemented by consultant's proposal for a wastewater facility which treats and disposes of a combination of industrial and domestic waste.
2. Ultimate production capacity of the winery would be approximately 100,000 cases per year of a mix of champagne, white and red wines by crushing 1,660 tons of grapes annually. In addition, a facility for bottling well water is also proposed which has a production capacity of approximately 50,000 gallons per day. Separate bottling lines and equipment will be used for the bottled water facility.
3. The Discharger proposes to discharge the following wastes:
 - (a) Waste-001 consists of winery process wastes resulting from wine production operations such as crushing, bottling, and cleanup. During the 60-day crushing season (September and October) of each year, the average flow is 14,000 gallons per day (GPD), with a peak flow of as high as 57,600 GPD. During the processing season for the rest of the year, waste flow averages approximately 2,100 GPD.
 - (b) Waste-002 consists of industrial waste from bottled water facility due to cleaning of the bottling equipment and packaging stations. Average flow is estimated to be 2,000 GPD.
 - (c) Waste-003 consists of sanitary wastes generated by the employees of the winery and the bottled water facility, and visitors for wine tasting and tours. Average daily flow is estimated to be approximately 1,100 GPD with an anticipated peak flow of up to 2,400 GPD during summer.
4. Winery process waste (Waste-001) will be screened and settled prior to its combination with Waste-002 and Waste-003 in a pump station wet well. The combined flow is then pumped to

two aerated storage ponds (200' x 100' x 12.5') to receive biological treatment. The aeration ponds would be equipped with mechanical mixers and have a total storage capacity of approximately 1.9 million gallons to provide a retention time of 100 days during wet weather (November through April). The storage pond is designed to store seasonal rainfall which has a recurring frequency of once in ten years while maintaining a freeboard of at least two feet.

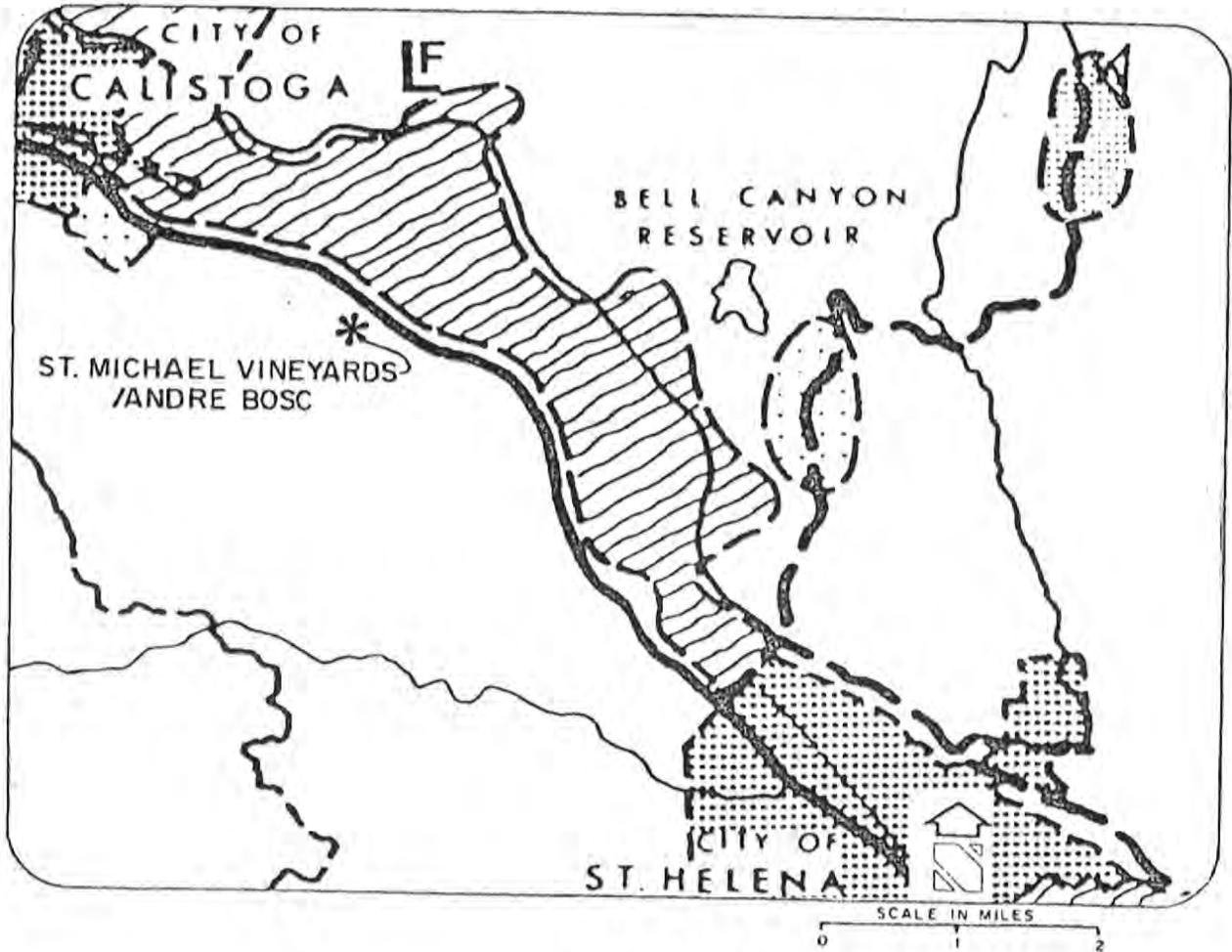
5. Final disposal of the treated effluent is accomplished by discharging into two evaporation/percolation ponds during dry weather period (May through October). The disposal ponds have a total surface area of 40,000 square foot with an overall depth of two feet. The pond surface is sized to dispose of an entire year's waste inflow by both evaporation and percolation within the 6-month dry weather period so that no wastewater will be carried over to the next year.
6. A seasonal stream, Nash Creek, bisects the Winery's property and discharges to the Napa River. Minimum distance between the disposal ponds and the Nash Creek is approximately 300 to 400 feet. (see site map in Attachment A)
7. The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) on July 21, 1982. The Basin Plan contains water quality objectives for the Napa River and its tributaries.
8. The beneficial uses contained in the Basin Plan for the Napa River downstream from the vicinity of St. Michael Winery's sewage system are:
 - a. Municipal and domestic water supply
 - b. Agricultural supply
 - c. Water contact recreation
 - d. Non-contact water recreation
 - e. Warm fresh water habitat
 - f. Cold fresh water habitat
 - g. Wild life habitat
 - h. Preservation of rare and endangered species
 - i. Fish migration and spawning
 - j. Navigation
9. The beneficial uses of the Napa Valley groundwaters as set forth in the Basin Plan includes:
 - a. Domestic water supply
 - b. Agricultural water supply
10. The County of Napa determined on the basis of an initial study that the project, as described, will have no significant adverse effect on the environment, and therefore adopted a Negative Declaration regarding this project dated May 1, 1985 in accordance with the California Environmental Quality Act (Public Resources Code Section 2100 et. seq.).

PLANNING DEPT.

EXHIBIT C

PAGE 21 OF 21

NAPA COUNTY LAND USE PLAN 1983-2000



LEGEND

URBAN

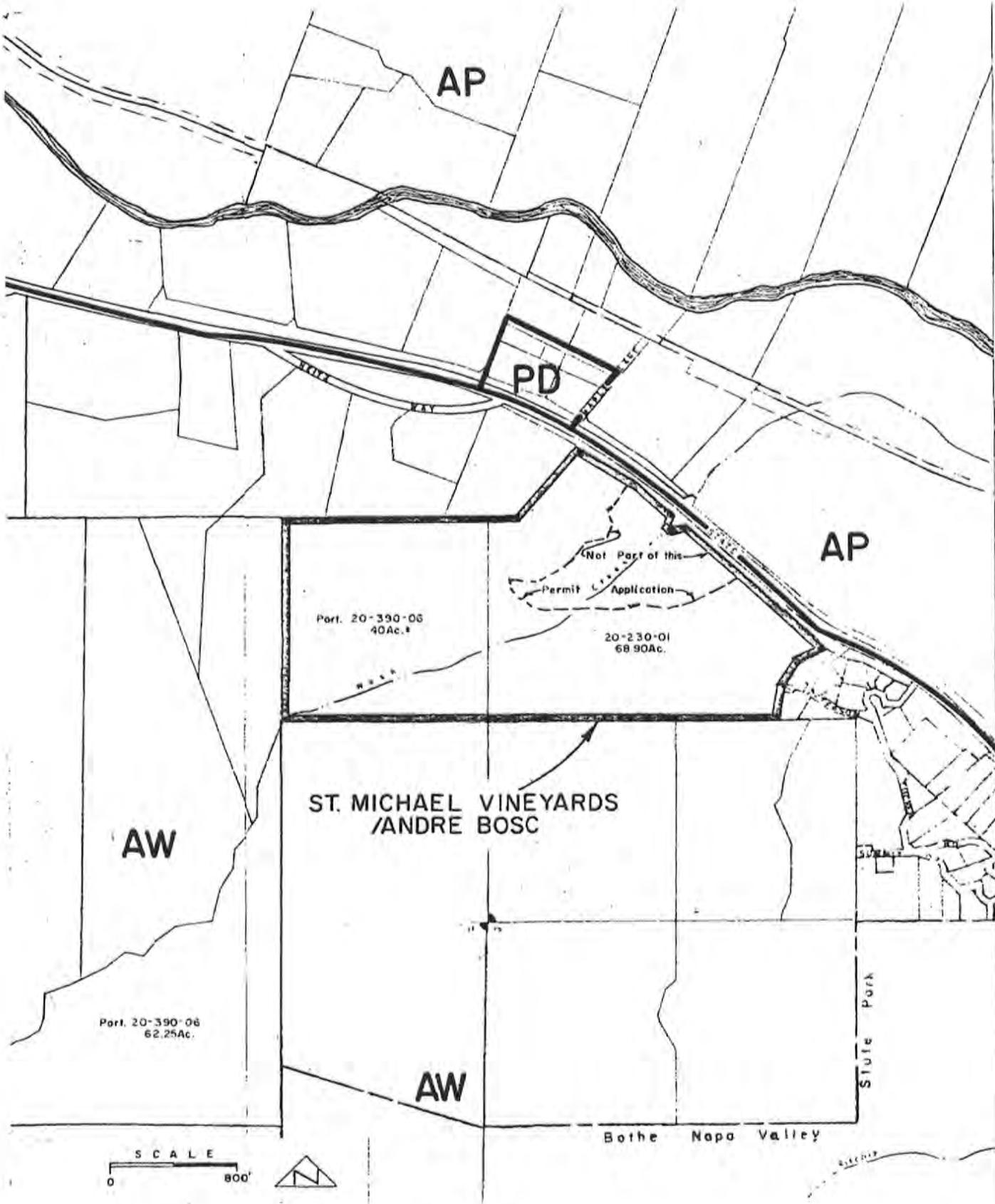
-  CITIES
-  URBAN RESIDENTIAL
-  RURAL RESIDENTIAL
-  COMMERCIAL
-  INDUSTRIAL
-  PUBLIC- INSTITUTIONAL

OPEN SPACE

-  AGRICULTURE, WATERSHED & OPEN SPACE
-  AGRICULTURAL RESOURCE

TRANSPORTATION

-  LIMITED ACCESS HIGHWAY
-  MAJOR ROAD
-  SECONDARY ROAD
-  RAILROAD
-  AIRPORT
-  LANDFILL SITE



UF
2-27-84

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NAPA COUNTY

CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

JAMES H. HICKEY
Director

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

MEMORANDUM

TO: Conservation, Development & Planning Commission

FROM: James O'Loughlin, Senior Planner, *James O'Loughlin*
Environmental Protection Section

SUBJECT: Field Inspection of Bosc Timber Harvest Property Line Buffer
Strip and Erosion Control

DATE: February 17, 1988

BACKGROUND

At the January 6, 1988 Commission meeting concerning the proposed St. Michael's Winery, Walter Jinks and his attorney, James Terry, commented on the apparent lack of compliance with conditions of a previously approved Timber Harvest Permit. Specifically, previous conditions regarding retention of a the property line buffer strip, and erosion control devices such as broken rock near the Jinks/Mullen property (the northeasterly portion of the Bosc property line) were discussed. These three conditions #'s 9, 21 and 25 are attached. At the conclusion of the discussion, the Commission added compliance with these previous conditions to the St. Micael's Winery Use Permit. These additions were acceptable to the applicant.

FIELD INSPECTION OF JANUARY 15, 1988

As a result of the January 6, 1988 Commission hearing on St. Michael's Vineyard, James O'Loughlin of the Conservation, Development and Planning Department and Phil Blake of the Napa County Resource Conservation District, and the applicant/property owner, Andre Bosc, inspected the portion of the site adjoining the Jinks/Mullen property on Friday, January 15, 1988. There apparently was a misunderstanding concerning the nature of the property line buffer strip. Revegetation of the property line buffer zone was not required as part of the Timber Harvest Permit. No ground or vegetation disturbance existed in the buffer strip except at the stream crossing. The vegetation in the property line buffer strip was intact and generally wider than the minimum 35 foot wide requirement. The vegetation included several large Madrone trees, Douglas Fir, mixed species of Live Oak, grasses, Scotch Broom and other scattered shrubs.

Page 2

Field Inspection of Bosc Timber Harvest Property Line Buffer Strip and
Erosion Control
February 17, 1988

Erosion control measures for both sheet runoff and point source runoff were in place. Additional measures will be recommended by the Resource Conservation District such as berms and a retention basin to further slow runoff and catch sediment. Sheet erosion is a very thin film of surface water flowing down relatively flat and uniform slopes. The vegetation buffer strip will function as a filter for sheet erosion.

Point source erosion control devices include large pile of rocks (rip-rap), about 20 feet high and approximately 30,000 cubic feet in volume. This rock pile impedes water flow on the unnamed intermittent creek that traverses the Jinks/Mullen property at the property line. There was a minor amount of sedimentation on the Jinks/Mullen property within sightlines from the Bosc property.

CONCLUSIONS

The requirements of the Timber Harvest Permit with the exception of the required roadside buffer (Condition #21), have been met. The roadside buffer will be installed as part of the use permit condition requiring the planting of a screen between the property line and the aeration pond.

RECOMMENDATION

That the Commission concur with staff findings that Conditions #15 a), b) and c) of Use Permit #U-278485 have been completed.

:P2E

cc: Andre Bosc
Walter Jinks
James Terry
Gregory Rodeno

ST. MICHAEL VINEYARDS
Use Permit #U-278485

ATTACHMENT "A"

Conditions of Approval Modified by the Conservation, Development and Planning Commission at their January 6, 1988 meeting are as follows:

- 1) Language to Condition No. 2 deleted to read under Phase IV Support Facilities, "...Cave Storage of 30,000 square feet."
- 2) Language to Condition No. 12 added to read, "...Retail sales may commence following the construction of the winery (Phase I).
- 3) The following conditions were added:
 - 14) Applicant agrees to defend, indemnify, and hold harmless the County from any action filed against the County to attack the approval of Use Permit #U-278485, including but not limited to indemnifying the County if attorney fees or costs are awarded pursuant to Section 1021.5 of the Code of Civil Procedure or Section 800 of the Government Code.
 - 15) Applicant agrees to fulfill all outstanding mitigation measures adopted as part of the Timber Harvest Plan for Andrew Bosc (1976), including:
 - a) Replant the disturbed areas on the Jinx property with a mixture of trees, grass, and shrubs acceptable to Mr. Jinx.
 - b) Replant the disturbed areas of the required Jinx property line buffer with permanent erosion retardant vegetation, including trees and brush acceptable and approved by the Napa County Resource Conservation District.
 - c) Installation of a permanent debris retention barrier with design acceptable to the Napa County Resource Conservation District to prevent sediment from moving north around to the Jinx property.
 - d) Inclusion of an evergreen buffer zone to shield visibility of the ponds from Mr. Jinx's property.

JC/jm-4

ATTACHMENT 1
Rose Timber Harvest & Vineyard Conversion Project
Conditions-of-Approval *
(Timber Harvest Permit TH-17374 - Revised)
May 6, 1981

1. Lumbering and related road and landing construction activities shall begin after ~~April 1, 1980~~ May 20, 1981. All timbering operations onsite exclusive of erosion control measure installation but including the proposed commercial firewood cutting shall be completed prior to ~~September 15, 1980~~ August 18, 1981. All erosion control measures shall be installed prior to ~~October 15, 1980~~ 1981. No extensions of the above specified 3-month long timber harvest period can nor will be granted beyond August 18, 1981.
2. All ground disturbance involved with converting the approved clear cut areas to agricultural use shall occur during the dry season. A cover crop of oats, annual rye, barley or a mixture of same shall be planted in these areas prior to the first winter rains. Rate of seeding shall exceed between 27 pounds per acre (rye) and 216 pounds per acre (uncertified barley) or equivalent.
3. Lumbering activity shall occur only within the approximately 81 acre area designated on the amended timber harvest plan to be submitted under Condition 39.
4. Clear cutting shall be limited to the ~~43~~ 41 acres of approved clear cut shown on the amended timber harvest plan to be submitted under Condition 39. Clear cutting of any area not to be converted to agricultural use is prohibited.
5. Selective cutting shall be limited to the ~~38~~ 40 acres of land covered by the ~~scenic~~ roadside corridor, selective cut area, and "stream buffer" zones shown on the amended timber harvest plan to be submitted under Condition 39. Said area shall include the presently proposed clear cut area along the south side of Nash Creek and that portion of the requested clear cut area north of Nash Creek west of the stream buffer zone shown on the applicant's July 1978 timber harvest plan that drains into Nash Creek. No cutting shall be permitted in the remainder of this latter area.
6. A 100 foot wide watershed protection zone shall be maintained along Nash Creek and its spring-fed tributary. No cutting of vegetation, construction of landings or construction of new roads except the needed road crossings shown on the July 1978 timber harvest plan submitted by the project forester shall be permitted in this zone.
7. A 50 foot wide "stream buffer" zone shall be maintained on either side of the watershed protection zones required along Nash Creek and its spring-fed tributary. No construction of new roads or landings except the three (3) needed road crossings shown on the July 1978 timber harvest plan submitted by the project forester shall be permitted in these zones.

* Strike-outs indicate deletions; underlining indicates additions.

- 
8. An on-site 100 foot wide "stream buffer" zone shall be maintained along each of the three main ravines draining northward onto the Sawyer property and all other stream buffer strips shown on the submitted timber harvest plan. Except for construction of the three needed road crossings shown on the July 1978 timber harvest plan submitted by the project forester no construction of roads or landings in these strips shall be permitted.
 - * 9. A 35 foot wide "property line buffer" zone shall be maintained along the northern boundary of the subject parcel in all areas where the ground's slope exceeds 15 percent. No ground or vegetation disturbance within this zone shall be permitted.
 10. ~~The scenic-highway-corridor-strip~~ A 200-foot-wide roadside corridor strip shall be maintained along State Highway 29 in the area shown on the July 1978 timber harvest plan submitted by the project forester. shall be maintained. This corridor shall be shown on the amended timber harvest plan to be submitted under Condition 39. No activities or actions shall be permitted in the adjoining clear cut area which would adversely affect the life or health of the vegetation present in this strip.
 11. Cutting of hardwoods shall be prohibited except in the approved clear cut area and in the right-of-ways of the new permanent roads to be constructed.
 12. The recognized midden on the property shall be excluded from the timber harvest and agricultural conversion areas unless lumbering and agricultural activity are approved in this area by a trained archaeologist. Otherwise, no disturbance of the ground or vegetation in this area shall be permitted.
 13. Four or more heavy metal posts shall be firmly set in the ground around the recognized petroglyph rock in such a manner as to protect this feature from damage from logging equipment and passing trucks. No movement or disturbance of this rock shall be permitted without the concurrence of a trained archaeologist.
 14. No new road crossings of Nash Creek shall be constructed. The existing ford, however, may be improved by installation of a combination of one or more culverts sufficient to carry the 10-year flood and a paved ford of sufficient length to handle the additional flows from the 100-year event or an equivalent bridge structure. All other proposed stream crossings shall consist of a culvert of sufficient size to pass the 10 year flood without head and the 100 year flood with head. Rip-rap shall be installed as necessary to prevent erosion. The specific crossing design selected shall be submitted to the Napa County Flood Control and Water Conservation District for review and approval.
 15. The cutting specifications to be employed in the selective cut areas shall comply with the leave tree requirements of the State Forest Practice Rules for conifers.
 16. The cutting specifications to be employed for conifers in the "stream buffer" zones shall comply with the State Forest Practice Rules. All removal of trees in these areas will be via long-line cable. No heavy equipment will be permitted in these strips except on the proposed permanent roads.

17. The cutting specifications to be employed in the "scenic-highway-buffer roadside corridor" shall comply with the specifications in the March 1978 application submitted as further detailed in the project forester's August 14, 1978 letter. All conifers 24 inches and smaller in diameter and all hardwoods regardless of size in this corridor shall be left undisturbed.
18. All tree felling shall be away from natural watercourses.
19. All log skidding in selective cut and scenic-highway-buffer roadside corridor areas shall be done wherever feasible with rubber tired skidders.
20. Yarding across natural watercourses shall be prohibited.
- * 21. Selective cut, stream buffer, and scenic-highway-buffer roadside corridor areas shall be replanted with Douglas Fir seedlings in conformance with the specifications contained in the March 1978 permit application submitted as further detailed in the project forester's August 14, 1978 letter. All existing clearings and those formed by timber harvest activities in the selective cut, stream buffer and scenic-corridor-buffer-strips roadside corridor strips shall be replanted with Douglas Fir seedlings.
22. The four (4) steps in converting the clear cut areas to agricultural use as specified below shall be completed prior to the start of the rainy season subsequent to timber removal:
 - a.) Clearing of the area of all stumps, debris, brush and trees.
 - b.) Terracing of the steeper portions of the area where consistent with good erosion control practices.
 - c.) Pre-seeding cultivation of the site.
 - d.) Planting of the areas with annual rye or barley prior to the first winter rains after timber removal.
23. Road and landing cut and fill banks shall be reseeded with annual rye grass prior to the first winter rains.
24. Road gradients shall be kept wherever possible to 8% or less. Out-slopes of $\frac{1}{2}$ inch per foot shall be maintained.
- * 25. All culverts to be installed shall be made of corrugated galvanized steel and shall be laid at the same slope as the bottom of the natural watercourse being crossed. Broken rock or other measures recommended by the Napa County Resources Conservation District shall be installed at the lower ends of said culverts to prevent erosion.
26. Ditches shall be installed in the clear cut areas on a contour at a close enough interval to pick up runoff before it gains enough energy to erode the soil. Said ditches shall empty into adjacent stream buffer or watershed zones.

27. All slopes in the clear cut areas steeper than 15% shall be terraced and contour planted prior to agricultural use or other measures acceptable to the Napa County Resource Conservation District shall be implemented to keep the projected soil loss below the soil loss tolerance (T) factor for the specific soil involved. Spoils excavated for terraces, roads, and log landings shall not be placed in natural watercourses.
28. Ditching, erosion checks, and settling basins shall be constructed throughout the timber harvest area to keep amount of sediment delivered to the natural watercourses involved to an absolute minimum. The specific measures needed and their location shall be ~~approved by the~~ installed in conformance with the February 1980 Napa County Resource Conservation District ~~An erosion control plan shall be approved by said District prior to the start of harvesting operations.~~ erosion control plan submitted.
29. **Pesticides and fertilizers, if used, shall be applied via ground application.**
30. The use of pesticides and herbicides in amounts that would produce concentrations of these materials in site runoff high enough to be harmful to man shall be prohibited in areas upslope from domestic water supply points of diversion.
31. All dirt roads and log landing areas shall be watered down as needed to control dust.
32. A Fire Plan shall be submitted and approved by appropriate agencies prior to conducting activities during the fire season.
33. Logging debris within 100 feet of the southern boundary of the subject property shall be bunched and burned.
34. All noise producing harvesting and agricultural conversion operations shall be conducted on weekdays between the hours of 7:00 A.M. and 6:00 P.M.
35. No local on-site commercial disposal of wood products shall occur.
36. No more than 115,000 board feet of redwood sawlogs, 745,000 board feet of Douglas Fir sawlogs and 700 more or less cords of firewood shall be felled on the property involved. The applicant shall submit more exact estimates of the amounts of wood products to be removed prior to the start of felling operations.
37. All requirements of various County departments and other State and local agencies except as modified by the previously specified conditions shall be complied with.
38. Unless exemptions have been granted above or more restrictive conditions established, all specifications of the Napa County Forest Practice Rules shall be met.

39. The present timber harvest plan shall be amended to reflect the conditions of approval of this permit. A revised map at a scale of 1" = 400' or greater on a topographic base shall be submitted at least 10 days prior to commencement of timber harvest operations. Re-flagging and remarking of trees to reflect this revised plan, plus any additional flagging and marking yet to be done, shall be completed prior to submission of said map.
40. Applicant shall post with the County a Performance Bond, or equivalent, in the amount of ~~\$16,200.00~~ \$32,400.00 prior to commencement of timber harvesting activities. Said bond shall remain in effect until all the conditions of approval of this application including the planting of all the clear cut area involved to the required cover crop ~~and maintaining it for 2 years~~ then vineyard or other agricultural use have been met. This bond shall remain in effect for at least 2 years after completion of timber harvesting activities. One hundred percent (100%) of this bond shall be forfeited to the County if the clear cut area has not been replanted to cover crop prior to October 15, ~~1980~~ 1981. Replanting of this area with conifers would then be required.
41. Applicant shall further guarantee compliance with the conditions of approval of this application by extending to the County the same lien rights the State of California enjoys under the provisions of state law governing his State timber harvest and timberland conversion permits.



NAPA COUNTY

CONSERVATION — DEVELOPMENT AND PLANNING DEPARTMENT

JAMES H. HICKEY

Director

MEMORANDUM

1195 THIRD STREET, ROOM 210 • NAPA, CALIFORNIA 94559-3092
AREA CODE 707/253-4416

TO: Conservation, Development and Planning Commission

FROM: James O'Loughlin, Senior Planner *James O'Loughlin*
Environmental Protection Section

SUBJECT: Final Supplement to FEIR-023 (St. Michael Vineyard)
Hearing on January 6, 1988, Commission meeting

DATE: January 6, 1988

APPLICATION DATA:

APPLICANT: St. Michael Vineyard

REQUEST FOR: Review of Final Focused Environmental Impact Report
Supplement on St Michael Vineyard Use Permit Application
(#U-278485)

PROJECT DESCRIPTION: 115,000 square foot winery with a production capacity of 250,000 gallons including public tours and tasting and appurtenant waste disposal facilities on 108 acres located on the west side of State Highway 29, 300 feet south of Maple Lane within an AW (Agricultural Watershed) zoning district. (APN #20-230-01 and 20-390-06)

FINDINGS:

SPECIAL INFORMATION:

At the November 18, 1987 Commission hearing on the FEIR Supplement, the Commission directed that the EIR be revised to include the following additional considerations:

- A. Alternate locations for aeration ponds;
- B. Alternate locations for percolation ponds;
- C. Impact of project on Tucker Acres well;
- D. Impact of project on groundwater quality;
- E. Alternative project locations including sites on other parcels.

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Memo to CDPC
January 6, 1988

Woodward-Clyde Consultants has submitted the December 11, 1987 attachment responding to issues raised at the November 18, 1987 Commission meeting.

The following correspondence has been received or sent since the November 18, 1987 Commission meeting. It should be noted that comments on the EIR contained in the November 17 and 21 letters were received after the close of the publicity noticed comment period.

November 17, 1987	Letter from Attorney, Richard Lemon
November 21, 1987	Letter from Walter J. Heitz to Conservation, Development and Planning Commission regarding impacts from noise, drainage, well and performance.
November 24, 1987	Applicant's letter from Department of Environmental Health to Woodward-Clyde Consultants regarding lack of use of Tucker Acres well.
December 16, 1987	Letter from law offices of James A. Henneffer (Mr. Bosc's Attorney) to Robert Westmeyer regarding time limits, CEQA alternatives and a November 19, 1987 letter from Conservation, Development and Planning Department to Woodward-Clyde Consultants.

RECOMMENDATION:

ENVIRONMENTAL:

- 1) That the Commission adopt the following findings:
 - a) The significant environmental issues raised during the public reviews and consultation process have been adequately addressed in the FEIR-023 (Supplement).
 - b) Comments received from the general public, or from State, local or responsible agencies, relating to the scope and content of the environmental information which are germane to responsible agencies' statutory responsibilities in connection with the proposed project have received responses.
 - c) Significant environmental points raised in the review and consultation process have been responded to in FEIR-023 (Supplement).
 - d) No unmitigated significant effects were identified in FEIR-023 (Supplement). Mitigation measures to reduce impact identified in the EIR to levels of non-significant are contained in Exhibit "B".

- e) A listing of the possible adverse environmental effects identified in FEIR-023 (Supplement) are identified in Exhibit "A". In regard to each of those possible adverse environmental effects, the project has been revised in such a manner as to avoid those potentially adverse environmental effects.
- f) The Planning Director has certified that FEIR-023 (Supplement) is an objective and accurate document that has been completed in compliance with CEQA and the State Guidelines, and represents the independent judgement of the Planning Division of the Conservation, Development and Planning Department of the County of Napa. The FEIR-023 (Supplement) was presented to the Planning Commission on Wednesday, January 7, 1987.
- g) According to CEQA Guideline Section 15126(d), an EIR must describe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project and evaluate the comparative merits of the alternatives.

The EIR Supplement and December 11, 1987 response contains the required analysis of project alternative in sufficient detail to provide the decisionmakers with information to allow them to intelligently take account of environmental consequences.

The EIR Supplement and December 11, 1987 response meets the requirement of production of information sufficient to permit a reasonable choice of alternatives. The EIR analyzes the feasibility of alternatives and finding none of them feasible, provides measures to mitigate the potential impacts to an insignificant level.

- h) The process of defining and assessing project alternatives was conducted by the applicant over a period of several years. The alternatives considered can be broadly classified in terms of the following five categories (although they were not identified or assessed in this order):
 - . Alternative sites (i.e., where else might the applicant develop to attain his stated objectives?)
 - . Alternative project scales (i.e., how large a project should be developed?)
 - . Alternative development schedules (i.e., should the project be developed at once or in phases?)
 - . Alternative combinations of facilities (i.e., what other facilities might be developed in conjunction with the proposed vineyard and winery?)

Page 4
Memo to CDPC
January 6, 1988

- Alternative designs and site arrangements (i.e., how should the proposed project deal with water supply, wastewater disposal, and site arrangement?)

As described in pages 2-25 through 2-35 of the FEIR, and response to the Commission dated December 11, 1987 from Woodward-Clyde Consultants, this process led to the applicant's decision to pursue the proposed action (i.e., the St. Michael's Winery, as described in pages 2-1 to 2-25 of the FEIR. However, it also produced a considerable body of information concerning the technical, environmental, financial, and institutional feasibility of various other alternatives which were not pursued.

- 2) That the Commission certify that it has reviewed and considered the information in Final Supplement Environmental Impact Report FEIR-023, the December 11, 1987 response and comments from the general public, State, local or responsible agencies, before making a decision whether to approve or disapprove Use Permit #U-278485 and that said Final EIR demonstrates that the project as approved will not have significant adverse effects on the environment.

JO:PD2

MINUTES OF THE MEETING OF THE
CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION

COUNTY OF NAPA

November 18, 1987

8. Final Environmental Impact Report (St. Michael Vineyard) utilizing previous Environmental Impact Report #FEIR-023 and its supplement to evaluate the environmental effect of Use Permit Request #U-278485 of Andre Bosc for a 250,000 gallons per year winery with public tours and tasting located on 108 acres on the west side of State Highway 29 approximately 300 feet south of Maple Lane with an AW (Agricultural Watershed) District. (Assessor's Parcels #20-230-01 and 20-390-06). PUBLIC HEARING OPENED

APPLICANTS ATTORNEY AGREED TO EXTENSION OF AB 884 AND CEQA PROCESSING DEADLINES THROUGH JANUARY 6, 1988.

COMMISSION DIRECTED THAT THE EIR BE REVISED TO INCLUDE THE FOLLOWING ADDITIONAL CONSIDERATIONS:

- A. ALTERNATIVE LOCATION OF AERATION PONDS;
- B. ALTERNATIVE LOCATION OF PERCOLATION PONDS;
- C. IMPACT ON TUCKER ACRES WELL;
- D. IMPACT ON GROUND WATER QUALITY;
- E. ALTERNATIVE SITE LOCATIONS INCLUDING SITES ON OTHER PARCELS.

CONTINUED TO JANUARY 6, 1988

RL-LMc-GK-ML-WN

9. Andre Bosc/St. Michael Vineyards - Use Permit Request (U#278485) Environmental Determination: Environmental Impact Report (EIR) required. Request: Approval to establish a 250,000 gallons per year winery with public tours and tasting and to construct related waste water ponds located on 108 acres on the west side of State Highway 29 approximately 300 feet south of Maple Lane within an AW (Agricultural Watershed) District. (Assessor's Parcel #20-230-01 and 20-390-06). APPLICANT AGREED TO EXTEND THE AB 884 AND CEQA PROCESS DEADLINES.

CONTINUED TO JANUARY 6, 1988.

RL-LMc-GK-ML-WN

100 Pringle Avenue, Suite 300
Walnut Creek, CA 94596-3564
415-945-3000

Woodward-Clyde Consultants

RECEIVED

DEC 14 1987

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

December 11, 1987
90174C/3000

Mr. James O'Loughlin, Sr. Planner
Conservation - Development and Planning
1195 Third Street, Room 210
Napa, California 94559-3092

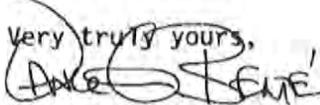
Dear Mr. O'Loughlin:

Enclosed is the addendum to the St. Michael's Vineyard FEIR Supplement requested in your letter of November 19, 1987. The addendum addresses each of the subject areas that were identified during the Conservation - Development and Planning Commission meeting of November 18, 1987, for which the Commission requested additional information.

The information has been compiled by Woodward-Clyde Consultants from information developed and supplied by Garretson, Elmendorf and Zinov (GEZ), consultants to GEZ, Andre Bosc (applicant), and attorneys to Andre Bosc.

Should you have further questions or require additional information please do not hesitate to call me at (415) 945-3574.

Very truly yours,


Vance G. Bente

Encl

cc J. Elmendorf
J. Hennefer

90174AD

Consulting Engineers, Geologists
and Environmental Scientists
Offices in Other Principal Cities



MEMORANDUM

To: Napa County, Conservation-Development and Planning Commission

Subject: St. Michael's Vineyard FEIR Supplement

Date: December 11, 1987

I. CONCERNS OF THE CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION

In response to testimony given at the November 18, 1987, meeting, the Conservation, Development and Planning Commission requested revision of the proposed Final Environmental Impact Report (FEIR) in the following four subject areas:

1. Provide more information on the impact of the project sewage disposal systems on the Tucker Acres well and address the Regional Water Quality Control Board (RWQCB) letter dated October 8, 1987.
2. Add consideration of alternate locations for aeration and percolation ponds both on-site and on adjacent or other parcels.
3. Provide additional discussion of potential impacts on groundwater from percolation ponds.
4. Consider locations other than the project site for the winery itself.

II. RESPONSES TO COMMISSION CONCERNS

Responses, and background data pertinent to the subject areas described above, are presented below.

1a. Impacts of the Projects Sewage System on the Tucker Acres Water Company Well.

RESPONSE 1a. - Please reference response 1b.

1b. RWQCB letter of October 8, 1987. The RWQCB requested information regarding the two inactive wells located 350 feet southeast of the proposed evaporation/percolation ponds. Noting specific concerns regarding the Tucker Acres Water Company (TAWC) well, the RWQCB requests information regarding the following:

- TAWC's intention with regard to preserving the well as a drinking water well, and
- additional discussion of the potential adverse impact on the well resulting from the proposed percolation ponds, if it were used as a drinking water well.

A. **BACKGROUND.** On November 18, 1987, a letter was sent to P.N. Hess, Secretary, Tucker Acres Water Supply Company, to obtain specifics regarding the history, physical particulars, and future use of the well.

1. In a letter received December 7, 1987, Mr. Hess responds as follows. The subject well was the entire water source for the Tucker Acres subdivision (33 of 45 lots occupied) until 1975, when a new well was dug. The subject well was then put in reserve.

2. The well is described by Mr. Hess as 128 deep (sic), fully cased with an 8-inch casing, and has a 5-hp submerged pump. Mr. Hess states that when last checked, the water level was 40 feet below the surface. Mr. Hess describes the water quality as meeting the state requirements, and states that it has a moderately high iron content. The well is further described as having a concrete seal and steel head. The present yield is unknown.

B. On November 19, 1987, a letter was sent to Mr. Ralph Hunter, Supervising Sanitarian, Napa County Department of Environmental Health, inquiring as to the history, use, inspection record, current condition, and status of the subject well.

1. In a letter dated November 24, 1987, Mr. Hunter responds as follows. The Department of Environmental Health (DEH) permits and inspects small water systems with between 5 and 199 connections. The DEH has no data pertaining to the physical characteristics of the well.
2. Based on the DEH files, the well has not been connected to the Tucker Acres water system for at least 12 years. Files are vague with respect to when last used, but indicate a turbidity problem.
3. The DEH has no record of an intent to reconnect the well, and states that it would require considerable work before reconnection would be allowed. There is no record of inspection for the well.
4. The DEH has no declaration of intention on file regarding the well, and would find it substandard. The DEH has requested the district sanitarian to contact TAWC to require destruction of the well after issuance of the proper permits.

RESPONSE 1b. - The FEIR should be amended on Page 5-42 to delete the statement that the Tucker Acres Well is a reserve well, as stated by Mr. Hess in his letter of May 10, 1986 (Page 5-13). Also, the well should be identified as an abandoned well on Figure 3.4-3, Site Plan. The well in question is considered abandoned according to Department of Water Resources and Napa County Standards (Title V, Article 2, Section 5275, Napa County Code), because the owner has neither shown nor declared any intention to use the well again for supplying water or other approved purposes.

The subject TAWC well has been inactive for at least 12 years, and the owner has drilled a new well near the primary well, which is a considerable distance from the subject well. It is the County's intent to require destruction of the abandoned well after issuance of the proper permits.

The second of the two wells identified by the RWQCB is owned by the project applicant and has been sealed with a welded steel plate.

2a. Alternate locations for the aeration and percolation ponds on subject property.

RESPONSE 2a. - Paragraph 2.6.4.2 of the FEIR identifies the alternative sites considered for the aeration ponds and the evaporation and percolation ponds on Mr. Bosc's property. For easy reference, a copy of the site plan (Figure 3.4-3) is attached upon which we have designated the alternate areas considered as 1, 2, and 3.

Areas 1, 2, and 3 were all considered for location of the aeration ponds. Even though the ponds will be properly sealed on the bottom and sides, consideration of Area 1 was abandoned because of concern for any possible surface leakage of wastewater and the fact that it would be upgrade from the Robertson spring and the Heitz wells. Either Area 2 or 3 is considered an acceptable location for the ponds because the existing surface gradient is not in the direction of a nearby well or spring.

The evaporation and percolation ponds were not considered for location in Area 1 for lack of adequate percolation. They were considered for location in Area 2 or 3, but Area 2 was ruled out because percolation could impact on the neighboring spring and/or wells, and the distance from the wells does not comply with RWQCB requirements. Area 3 is acceptable, as the ponds comply with RWQCB standards as to distance from any active well. The nearby Bosc and Tucker Subdivision wells are both abandoned.

The logical conclusion is to locate the aeration ponds in Area 2 and the evaporation and percolation ponds in Area 3, as shown in the FEIR.

All other possible locations on the property were not considered desirable or feasible for the following reasons or combination of reasons:

- Slope too steep
- Vineyard area
- Forested
- Ground percolation inadequate
- Proximity to Nash Creek
- Downhill gradient below ponds
- Cost of pumping uphill

The only adjacent or other properties owned by Andre Bosc in the vicinity are the property around the Villa, indicated as not a part of this application, and also to the west of the proposed site, high up on the mountain.

The property behind the Villa was considered as a potential site for the ponds, but was ruled out because the area is adjacent to and too close to Nash Creek, it is heavily forested, the groundwater percolation is poor, and there is a botanical garden in the area behind the Villa.

The property high up on the west side was considered, but it is heavily forested, would have inadequate percolation (in rock), would have steep gradient below the pond area, and the piping and pumping costs would be excessive.

2b. Alternative locations for aeration and percolation ponds or winery on adjacent property above St. Michael's Villa.

RESPONSE 2b. - Andre F. Bosc owns an additional parcel of 65 acres, not considered in the EIR study, which is adjacent to the study area. This property is not accessible by roads. To locate the winery, or to locate the aeration and percolation ponds on this site, would require cutting in roads, with very steep banks, approaching 50 feet in height. It would require that substantial timber be cut for the roads, and even greater timber be cut if aeration and percolation ponds are to be located on this site. Because of the hilly nature of the terrain, and rocky soil, it is unlikely that there is sufficient flat surface area on the 54 acres to locate adequate aeration or percolation ponds.

2c. Additional discussion of alternate site owned by Andre F. Bosc for aeration and percolation ponds.

RESPONSE 2c. - Andre F. Bosc, in addition to the project area and the alternative site of 65 acres located above St. Michael's Villa, owns a 15-acre site adjacent to Highway 29 and astride Nash Creek on which the historic main Victorian residence, and the historic Nash House, as well as adjacent buildings, are located. This site is only 15 acres. Location of the percolation or aeration on this site would be impossible since too little usable flat area exists for such aeration or percolation ponds. Location of the ponds on this site would require moving or destruction of the historical botanical garden. It would also require the clearing of

substantial timber in the Nash Creek area. The aeration and percolation ponds would create possible substantial new environmental impacts as a result of their close proximity to Nash Creek.

3. Additional discussion of potential impacts on groundwater from percolation ponds.

RESPONSE 3. - The effluent received by the proposed percolation ponds will be of a treatment level considered to be a secondary level. This level of treatment is considered acceptable to the Water Resources Control Board of California for this site and is also the level of treatment required by most wastewater treatment plants throughout the State of California. This effluent level is of much higher quality than that which is released into the typical leach field.

Once the effluent begins to percolate through the soils lens beneath the designated percolation ponds, additional removal of materials will occur and even higher water quality will be obtained. Generally speaking, a well located a distance of 100 feet from ponds of this type can be used for non-human consumptive use such as landscape irrigation and recreational uses. Usually potable water wells can be located at a distance of approximately 500 feet from such a source without detectable changes in water quality.

4. Consideration of locations other than the project site not owned by Andre F. Bosc for the winery.

RESPONSE 4. - Andre F. Bosc bought the St. Michael's Villa property in 1960, and has owned it for 27 years. At the time the property was purchased, Foothills Property with frontage on Highway 29, suitable for wineries, was selling for approximately \$1,500 per acre. Such property now often commands in excess of \$10,000 per acre, or six to eight times its

price in 1960. Andre F. Bosc has spent over \$1.5 million in the planning and development of the winery site, vineyards to accompany the winery, and adjunct facilities. To require that Andre F. Bosc attempt to locate, and consider as an alternative site for his winery, locations other than the St. Michael's Villa site would be to require unreasonable and unfeasible alternatives deemed remote and speculative under CEQA.



NAPA COUNTY

DEPARTMENT OF ENVIRONMENTAL HEALTH

1195 THIRD STREET, ROOM 205 • NAPA, CALIFORNIA 94559-3082
AREA CODE 707/253-4471

TRENT CAVE, R.S.
Director of Environmental Health

November 24, 1987

RECEIVED

NOV 25 1987

Vance G. Bente
Woodward-Clyde Consultants
100 Pringle Ave., Suite 300
Walnut Creek, CA 94596-3564

NAPA COUNTY ELEVATION
DEVELOPMENT & PLANNING DEPT.

Subject: Tucker Acres Water Company
Calistoga, CA.

Dear Mr. Bente:

This letter is in response to your letter of November 19, 1987 regarding the above water system. I shall attempt to answer each of the questions which you asked in that letter.

- 1) This office permits and inspects small water systems with between 5 and 199 connections. We often have information on the wells supplying these systems, but not always on older wells.
- 2) There was no attached map with your letter, but I assume the subject well is the one between the Bosc property and the small creek, on the south side of Schramsberg Road. We have no information on that well, as to its depth, construction, etc. The well has not been connected to the Tucker Acres water system for at least 12 years, to our knowledge. Our files are vague on when it was last used but indicate there was a turbidity problem.
- 3) We know of no intent to reconnect the well to the system and would require considerable work before allowing it to be connected.
- 4) We have no record of inspection of the well.
- 5) Title V, Article 2, Section 5275 of the Napa County Code states in part:

"A well or test hole is considered to be abandoned when it has not been used for a period of one year. The well will not be considered abandoned if the owner declares his intention, in writing, to use such well again for supplying water or for other approved purposes, and if such well has no defects in construction which would cause pollution or contamination, etc."

This office has no such declaration on file for this well and further, would find it substandard.

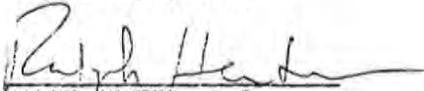
- 6) The Tucker Acres Mutual Water Company drilled a new well near their existing primary well, at the western edge of the subdivision which is considerable distance from the subject well.

7) The Tucker Acres Water Company, to my knowledge, is owned by all of the property owners of the Tucker Acres Subdivision. It was first permitted by this office in March 1952.

For your information, I am requesting that the district sanitarian contact Tucker Acres Water Company to require destruction of that well after issuance of the proper permits. However, destruction of the well does not alter the question of potential ground water contamination, if any, from the proposed project. Our concern is not just to protect existing wells but to protect the ground water for future use.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



RALPH HUNTER, R S.
Supervising Sanitarian

RS:bt

CC: ✓ C.D.&P.
Ken Williams, Sanitarian

Tanner 1: 11/24/87

(2)

LAW OFFICES OF
JAMES A. HENNEFER
220 SANSOME STREET
FOURTEENTH FLOOR
SAN FRANCISCO, CALIFORNIA 94104
(415) 421-6100

December 14, 1987

RECORDED

DEC 16 1987

Robert Westmeyer, Esq.
Chief Deputy County Counsel
Napa County
1195 Third Street, Room 301
Napa, California 94559

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Re: St. Michael's Winery - Supplement to EIR-023
Use Permit U-278485

Dear Mr. Westmeyer:

Our offices represent Andre F. Bosc as his personal attorneys and advisors in land use and litigation matters. We have reviewed the procedural history of, and substantive issues raised in, Mr. Bosc's application for a winery permit, Use Permit No. U-278485 and the accompanying EIR, which is a supplement to EIR-023. We view with grave concern both the extraordinary procedural delays, and, now, the unmeritorious substantive issues raised.

Specifically, with regard to the procedural delays, the Use Permit application was filed December 14, 1984. Despite an original intent to proceed on a negative declaration, the Conservation, Development and Planning Commission, after hearings on May 1, 1985 and May 15, 1985, directed the Planning Division to permit preparation of a supplemental EIR pursuant to the California Environmental Quality Act ("CEQA"). We are now approaching three years since the original Use Permit was filed, and will shortly be upon three years since the EIR supplement was begun. Despite certain continuances with the concurrence of the applicant, Andre F. Bosc, (see letter of August 18, 1987 from R. Gregory Rodeno to James O'Loughlin of August 18, 1987) it is our belief that should the Napa County Conservation Development and Planning Department not act on both the EIR supplement and on the use permit for the project at the January 6, 1988 meeting, it will have exceeded the deadlines within which it is required to act under the California Environmental Quality Act § 15109 and Assembly Bill 844.

These delays seem most unwarranted and inappropriate in light of the fact that as early as May 21, 1986 the Napa County staff recommended at public hearings that the supplemental EIR be found adequate, that it be found that the project would not have a significant adverse impact on the environment and that the department should complete the public review and revision into a final EIR supplement. The delays since that time seem to have created an impenetrable hiatus of comments and responses which have raised no new substantive matters not already adequately covered in the EIR. The last round of comments is particularly illustrative of this point.

The most troublesome of the unmeritorious issues raised with regard to CEQA are those raised in the letter of November 19, 1987 from James O'Loughlin to Vance Bente of Woodward-Clyde consultants at paragraphs "2." and "4." This letter purports

to raise, based upon the California Court of Appeals, First District, decision in Laurel Heights Improvement Association of San Francisco, Inc. v. the Regents of the University of California, 193 Cal.App.3d 467 (1987), the requirement that Andre F. Bosc add consideration of "alternate locations for aeration and percolation ponds ... on adjacent or other parcels" and that he must show "consideration of locations other than the project site for the winery itself." Any reasonable and careful reading of Laurel Heights Improvement Association v. Regents of the University of California, makes it immediately apparent that an EIR need not consider the purchasing and development by a private owner of alternate sites as a precondition to completing an environmental impact report. First, and foremost, the Laurel Heights case holds that alternative discussion need not be exhausted and is subject to the rule of reason, and that the EIR need only discuss "reasonably feasible alternatives" (Ibid. at p. 478). Unlike Andre F. Bosc, the University of California already owned other sites on the University of California San Francisco Parnassus campus and off-campus sites at other University of California San Francisco facilities which might have been feasible alternatives. The court found that the total lack of discussion by the EIR of these other already owned sites was unacceptable under CEQA. No possible reading of the case could require every EIR to consider as alternatives other sites not owned by the proponent, which may not even be for sale, or which, if for sale, may not be feasible to purchase. Such a requirement is not only improper under CEQA, but patently absurd.

Perhaps, more importantly, the court in Laurel Heights focused on the activities proposed by the University of California to be conducted in a residential neighborhood; at the Laurel Heights facility to wit, "whether research employing toxic chemicals, carcinogens and radioactive materials is too high-risk to be conducted in a densely populated residential neighborhood." When such use was proposed by the University of California to be located in the middle of a densely populated residential neighborhood, in San Francisco, at the site of a low rise former office building owned by Fireman's Fund Insurance Company, the court found that "such activities are . . . subject to the stringent requirements of CEQA and especially the informational disclosure and the analytical discussion of an EIR." Unlike the Laurel Heights situation, it has been specifically found with regard to the St. Michael's winery EIR, and in connection with other winery permits by the Commission that "Napa County has traditionally been the center of California's vineyards and wineries. This proposed project would be an addition to the primary industries of Napa County, wineries and tourism," and, that "construction of a winery within an agricultural watershed district is consistent with the zoning and district regulations."

Andre F. Bosc has owned the existing property for over 27 years. He has expended over \$1.5 million in developing the site for a winery. The delays, and the present specious requirements being imposed have reached the level of being confiscatory.

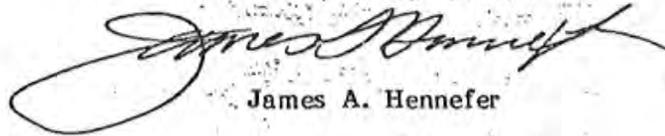
The very attempt to require that Andre F. Bosc discuss and consider alternative sites which he does not own, and likely cannot feasibly purchase and relocate the winery project on, after the extensive work and investment already made in the current site, could well amount to conditions that are not a reasonable exercise of land-use regulation power which serves the public purpose and are not related to the permit requirement, in violation of the Takings Clause of the Fifth Amendment as incorporated against the State of California and its subdivisions by the Fourteenth Amendment. Nollan v. California Coastal Commission ___ U.S. ___ 107 S.Ct. 3141 (1987). Further, the Just Compensation Clause of the Fifth Amendment as incorporated against the State of California and its subdivisions by the Fourteenth Amendment may well require

Robert Westmeyer, Esq.
December 14, 1987
Page 3

compensation as a remedy for any "temporary" regulatory taking which refuses to allow a winery for Andre F. Bose on his property where such use is within the primary industries of Napa County and consistent with agricultural watershed district zoning. First English Evangelical Lutheran Church v Los Angeles County U.S. 107 S.Ct. 2378 (1987).

If you have any questions, please do not hesitate to call me. We look forward to the county proceeding with final hearing and consideration of the Environmental Impact Report Supplement and Use Permit with regard to St. Michael's Winery on January 6, 1988.

Sincerely,



James A. Hennefer

JAH:er

cc: James O'Loughlin,
Napa County Conservation, Development & Planning Dept.
Andre F. Bose
Gregory Rogeno, Esq.
James Elmendorf
Garretson, Elmendorf & Zinov
Vance G. Bente
Woodward-Clyde Consultants

November 21, 1987

RECEIVED

NOV 25 1987

NAPOCO... DIVISION
DEVELOPMENT... WING DEPT

Walter J. Heitz
4111 Heitz Way
Calistoga, California
94515

Napa County Conservation, Development
and Planning Commission
1196 Third Street, Room 210
Napa, California 94559-5092

Attn: James Hickey, Secretary-Director
Re: St. Michael Villa Winery (Bosc project)

Dear Sir:

The final EIR report on St. Michael Winery contains some inaccuracies and errors, and does not fully address some of our concerns, such as:

1. Noise.

- a- As stated on pages 4 and 5 of the final EIR: noise at receptor 2 (located about 200 feet from our residence) would not drop off rapidly; thus resulting noise levels would be in excess of state guidelines for rural areas.
- b- Construction requiring four six-month periods, equals two years of excessive noise over and above the normal noise associated with winery operation.
- c- Normal operating noise (as stated in the EIR) would not exceed that caused by Highway 29 of .47 decibels. Thus Highway 29 noise levels of .47 decibels plus winery noise of another .47 decibels would equal .94 decibels, or twice the noise we now experience.

2. Drainage.

- a- Parking lot drains into Nash Creek. I agree.
- b- North half of winery building, shipping, delivery and roadways will drain north.
- c- Erosion is already a problem as a result of the timber harvest and the vineyard roads.

3. Well.

- a- No test was conducted after access to our well was granted.
- b- Since no testing of wells took place, the result of the pumping of the Bosc well on the surrounding

wells and ground water levels is not known.

c- The static water level of the Heitz well was monitored beginning July 1, 1987. It was noted that at one point the water level dropped from 4 to 5 feet for a period of several days. At other times it was down 2 to 3 feet, whereas the normal static level varied only between 1 and 2 feet. However it was not known whether this variation was due to the pumping of the Bosc well.

4. Performance.

a- The EIR reports are laced through with "ifs, mayes and mightes". In view of Mr. Bosc's poor performance in adhering to the requirements of the Timber Harvest, and his lack of concern for the environment, as well as being unsensitive to his neighbors concerns, there appears to be little hope that he will comply with the EIR requirements for the winery. We ask the Planning Commission to seriously consider Mr. Bosc's record as to his timber harvest compliance, and also ask who will enforce the final EIR conditions if this permit is granted.

Enclosed is a copy of our letter to Woodward-Clyde consultants.

Very truly yours,

Walter J. Heitz

RECEIVED

November 21, 1987

NOV 25 1987

NAPA COUNTY ELEVATION
DEVELOPMENT & PLANNING DEPT.

Walter J. Heitz
4111 Heitz Way
Calistoga, California
94515

Vance G. Benté
Woodward-Clyde Consultants
100 Pringle Avenue, Suite 300
Walnut Creek, California 94596

Dear Sir:

At a public hearing in May 1986, I informed the Napa County Planning Commission that our well was not located on any map in the draft EIR. Some time later we received a letter from Woodward-Clyde asking us to locate our well on an enclosed map. I did so, and returned the map along with a log of our well to you.

On June 16 and 22 1987, we received communications from you regarding the progress in preparing an approach to assess the effects of pumping the Bosc well on surrounding ground water conditions.

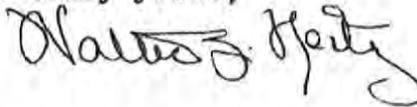
On July 13, 1987, our attorney, Robert P. Oliker answered those letters after several conversations with you by phone, giving permission to use our well for testing under certain conditions.

On July 16, 1987, we met at the Napa County Planning commission office with Woodward-Clyde representatives, Mr. Hickey, Mr. Hunter, Mr. O'Laughlin, yourself, Mr. Bosc's attorney Greg Rodeno, and others to discuss the testing process and other questions. At that meeting, your hydrologist confirmed receipt of a letter from our attorney, Mr. Oliker. We were asked again at that time if we would make our well available for testing. We answered in the affirmative, providing

that Mr. Bosc assume all liability for any injury to the men doing the testing, and any damage to our pump or well during the testing.

We firmly believe we cooperated fully in obtaining an accurate assessment of the water problem by giving you qualified permission to access our well and a copy of our well log. Since this meeting, neither we nor our attorney have heard from you; therefore we feel you are inaccurate by stating in the final EIR report that you did not receive permission to access the Heitz well, nor receive a log for same.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Walter Heitz".

HOWARD G. DICKENSON
JOSEPH G. PEATMAN
WALTER J. FOGARTY, JR.
DAVID W. MEYERS
C. RICHARD LEMON
FRANCIS J. COLLIN, JR.
DAVID B. GILBRETH
CHARLES H. DICKENSON
ANNE M. KIRLIN
PAUL G. CAREY
CHARLES W. MEIBEYER
RICHARD P. MENDELSON

DICKENSON, PEATMAN & FOGARTY
A PROFESSIONAL LAW CORPORATION
809 COOMBS STREET
NAPA, CALIFORNIA 94559-2977
TELEPHONE 707 252-7122

OF COUNSEL
JAMES D. BOITANO
ROGER D. PETERSON

TELECOPIER
707 255-6876

November 17, 1987

Conservation, Development
and Planning Commission
1600 First Street
Napa, CA 94558

Re: St. Michael's Winery
EIR and Use Permit Hearing

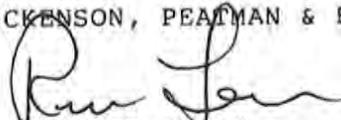


Honorable Commissioners:

On behalf of the Kornell family who own property adjacent to the proposed Bosc/St. Michael Vineyard development, I hereby file the attached letter from Napa Valley Vineyard Engineering which speaks to significant deficiencies in the environmental analysis of said project. In light of these deficiencies, we strongly urge that you delay action on this proposed project until the questions raised in the attached letter have been thoroughly analyzed and answered by the project's environmental consultants.

Very truly yours,

DICKENSON, PEATMAN & FOGARTY


C. RICHARD LEMON

CRL:jg
Enclosure

RECEIVED

NOV 19 1987

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Napa Valley Vineyard Engineering, Inc.

176 Main Street, Suite B
St. Helena, Napa Valley
California 94574
(707) 963-4927

DREW L. ASPEGREN, P.E.
Civil Engineer

November 12, 1987

Mr. C. Richard Lemmon
DICKENSON, PEATMAN & FOGARTY
809 Coombs Street
Napa, CA. 94559

Re: St. Michael's Winery
Final Environmental Impact Report, September 1987

Dear Mr. Lemmon:

We have made a preliminary review of the Final Environmental Impact Report, prepared by Woodward-Clyde Consultants, for the above-referenced project.

The report appears to be deficient with regards to site specific and area specific data relative to subsurface hydrology, both in terms of geologic structure and water quality. Without such data, it is our opinion that it is very difficult to assess potential impacts to groundwater conditions resulting from waste discharge into subsurface aquifers.

We also have concern about the mixing of winery waste and sanitary waste. Given the seasonal use of water in a typical winery, the proportional mix of winery to sanitary waste is not a constant, and therefore the system will need to operate commensurate with these changing proportions. Failure to properly design and operate the system could cause negative impacts with regards to odor and groundwater conditions.



**NAPA COUNTY
CAMPAIGN CONTRIBUTION DISCLOSURE FORM
PROJECT APPEALS**

(To be included with Appeal Packet)

A Tradition of Stewardship
A Commitment to Service

Effective January 1, 2023, California Senate Bill 1439 expanded requirements of Government Code Section 84308, also known as the "Levine Act," to prohibit public officials from participating in any proceeding involving a license, permit, or other entitlement for use pending before the agency if the official has willfully or knowingly received contributions totaling more than two hundred fifty dollars (\$250) within the preceding 12 months from a party to the proceeding or their agent. The same prohibition applies to contributions from any participant in the proceeding or their agent, if the public official knows or has reason to know that the participant has a financial interest in the decision. The Levine Act requires parties to disclose contributions made by them and their agents to public officials, and to make the disclosure part of the record of the proceeding.

Appellant Name: Water Audit California Project Name or Number: DARIO SATTUI / CASTELLO DI AMOROSA USE PERMIT MAJOR MODIFICATION APPLICATION #P19-00459-MOD, approval by Planning Commission Hearing, April 2, 2025- Notice and Procedure did not comply with the law.

Appellant Organization or Firm (if different than above): _____

Have you, your organization or firm, or an agent of any of them, made any campaign contributions of more than \$250 to any Napa County public official within the last 12 months? Please aggregate any contributions made over the previous 12 months to determine if the \$250 threshold has been met.

Yes: No: (check one)

If no, please sign and date below.
If yes, please provide the following information and then sign and date below. Use additional sheets if necessary.

Date of Contribution	Name of Public Official	Name of Contributor	Amount of Contribution

By signing below, I certify that the information herein is true and correct. I also agree to disclose any future contributions made to Napa County public officials from myself, my organization or firm, or an agent of any of them, after the date of signing this disclosure form, and within 12 months following the County's final decision on the license, permit, or entitlement being appealed. This obligation pertains only to Napa County public officials who have jurisdiction over the appeal.

Date: April 30, 2025 Appellant Signature: *William McKinnon*

Organization/Firm name: Water Audit California Appellant Name (printed): William McKinnon, Attorney for Water Audit California

For questions or additional information, please visit <https://www.lppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html>
PL Doc. No. 109747; Ver. 1/2024

 First American Title™	Property Owner's Notice Guarantee
	ISSUED BY First American Title Insurance Company
Guarantee	GUARANTEE NUMBER 50077800-0001076E

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, AND THE GUARANTEE CONDITIONS ATTACHED HERETO AND MADE A PART OF THIS GUARANTEE,

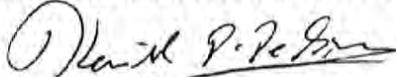
FIRST AMERICAN TITLE INSURANCE COMPANY
a Nebraska corporation, herein called the Company

GUARANTEES

the Assured named in Schedule A of this Guarantee

against loss or damage not exceeding the Amount of Liability stated in Schedule A sustained by the Assured by reason of any incorrectness in the Assurances set forth in Schedule A.

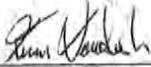
First American Title Insurance Company



Kenneth D. DeGiorgio
President



Greg L. Smith
Secretary

By: 

Authorized Countersignature

 First American Title™	Property Owner's Notice Guarantee
	ISSUED BY First American Title Insurance Company
Schedule A	GUARANTEE NUMBER 50077800-0001076E

File No.: **T0022324-006-006-KD**

Date of Guarantee: **April 22, 2025 at 7:30 AM**

Amount of Liability: **\$1,000.00**

Fee: **\$500.00**

1. Name of Assured:

County of Napa

2. ASSURANCES:

a. According to the last equalized Assessment Roll ("Assessment Roll") in the office of Napa County Assessor/Tax collector as of the Date of Guarantee,

i. The persons listed below as "Assessed Owner" are shown on the Assessment Roll as owning real property within 1,000 feet of the land identified on the Assessment Roll as Assessor's Parcel Number(s): **020-390-012 and 020-230-001**

ii. The Assessor's Parcel Number and any addresses shown below are as shown below are as shown on the Assessment Roll.

020-170-006-000
PATRICK FLYNN
PO BOX 485
CALISTOGA CA 94515

020-170-011-000
STEVEN JAMES DREW TR ETAL
4179 E 3RD AVE
NAPA CA 94558

020-170-012-000
PD PROPERTIES LLC
995 VINTAGE AVE #100
SAINT HELENA CA 94574

020-210-010-000
AHA PARTNERS LLC
4301 AZALEA SPRINGS WAY
CALISTOGA CA 94515

020-210-011-000
4175 HEITZ WAY LLC
PO BOX 41123
JACKSONVILLE FL 32203

020-210-012-000
MICHAEL & JENNIFER FARMER
207 LINDEN AVE
RALEIGH NC 27601

020-210-013-000
4169 HEITZ WAY LLC
PO BOX 41123
JACKSONVILLE FL 32203

020-210-014-000
ALFRED BURTLESON TR
4147 HEITZ WAY
CALISTOGA CA 94515-9628

020-210-015-000
WALTER HEITZ ETAL
16476 W WINDSOR AVE
GOODYEAR AZ 85395

020-210-016-000
MARK RANDALL HEITZ ETAL
381 JEFFERSON ST
NAPA CA 94559

020-210-018-000
STEVEN JAMES DREW TR ETAL
4176 E 3RD AVE
NAPA CA 94558

020-220-006-000
VILLA AMOROSA
4045 N ST HELENA HWY
CALISTOGA CA 94515

020-220-007-000
SHELDON M HEITZ ETAL
16476 W WINDSOR AVE
GOODYEAR AZ 85395

020-230-005-000
REALTY INCOME PROPERTIES 2
LLC
555 GATEWAY DR
NAPA CA 94558

020-230-007-000
NAPA COUNTY HOUSING
AUTHORITY
1195 THIRD ST RM B-20
NAPA CA 94559

020-230-008-000
REALTY INCOME PROPERTIES 2
LLC
555 GATEWAY DR
NAPA CA 94558

020-251-002-000
PETER H RIECHERS ETAL
5 CANOPY LN
NAPA CA 94558

020-251-003-000
DARYL H SATTUI
1111 WHITE LANE
SAINT HELENA CA 94574

020-251-006-000
TUCKER ACRES WATER CO
PO BOX 645
CALISTOGA CA 94515

020-252-001-000
SUSAN & THOMAS KOCH JR ETAL
17 N STONINGTON RD
LAGUNA BEACH CA 92651

020-252-002-000
RAFAEL & PAIGE RIOS TR
3970 PETERSON DR
CALISTOGA CA 94515-9621

020-252-005-000
JILL LYNN HAYS
1391 TUCKER RD
CALISTOGA CA 94515-9653

020-252-006-000
THOMAS & ARLENE OBERMEIER
3960 PETERSON DR
CALISTOGA CA 94515-9621

020-252-008-000
GEROG SALZNER
2285 PALMER DR
SAINT HELENA CA 94574

020-252-009-000
JACQUELINE M RUBIN ETAL
1387 TUCKER RD
CALISTOGA CA 94515

020-252-010-000
THOMAS & RITA TUCKER TR
1385 TUCKER RD
CALISTOGA CA 94515-9653

020-253-001-000
CATHRYN JEAN GREGORY TR
PO BOX 273
SAINT HELENA CA 94574-0273

020-253-002-000
GUADALUPE M HUIJON ETAL
1380 TUCKER RD
CALISTOGA CA 94515

020-253-004-000
GUADALUPE M HUIJON ETAL
1380 TUCKER RD
CALISTOGA CA 94515

020-253-005-000
MICHELLE & GARY HOLGUIN
1326 TUCKER RD
CALISTOGA CA 94515

020-254-001-000
MICHAEL BROWN TR ETAL
1381 TUCKER RD
CALISTOGA CA 94515

020-261-001-000
GEORGE A PUGH & MARA K
MCGRATH TR
1323 TUCKER RD
CALISTOGA CA 94515-9660

020-261-002-000
DOROTHEA A HAMILTON TR
1466 SYLVANER AVE
SAINT HELENA CA 94574

020-261-004-000
JAMES JOHNSON & DEVONNA KAJI
PO BOX 325
CALISTOGA CA 94515

020-261-005-000
JEFFREY & RENEE CLAES
1331 TUCKER RD
CALISTOGA CA 94515

020-262-001-000
REX ROMBACH & JANE HENDLER
1320 TUCKER RD
CALISTOGA CA 94515

020-271-008-000
MARIE LEMOS
PO BOX 98
CALISTOGA CA 94515

020-320-003-000
PD PROPERTIES LLC
995 VINTAGE AVE #100
SAINT HELENA CA 94574

020-320-004-000
PD PROPERTIES LLC
995 VINTAGE AVE #100
SAINT HELENA CA 94574

020-320-005-000
PD PROPERTIES LLC
995 VINTAGE AVE #100
SAINT HELENA CA 94574

020-320-006-000
PD PROPERTIES LLC
995 VINTAGE AVE #100
SAINT HELENA CA 94574

020-320-009-000
PD PROPERTIES LLC
995 VINTAGE AVE #100
SAINT HELENA CA 94574

020-320-010-000
TRAVIS STEPHENS ETAL
21422 PACIFIC COAST HWY
MALIBU CA 90265

020-320-015-000
PD PROPERTIES LLC
995 VINTAGE AVE #100
SAINT HELENA CA 94574

020-320-016-000
PD PROPERTIES LLC
995 VINTAGE AVE #100
SAINT HELENA CA 94574

020-380-006-000
JOE & LEEANDRA BLANTON
1127 MAPLE LN
CALISTOGA CA 94515

020-390-003-000
4199 HEITZ WAY LLC
PO BOX 41123
JACKSONVILLE FL 32203

020-390-004-000
4175 HEITZ WAY LLC
PO BOX 41123
JACKSONVILLE FL 32203

020-390-005-000
4169 HEITZ WAY LLC
PO BOX 41123
JACKSONVILLE FL 32203

020-390-007-000
SCHRAMSBERG VINEYARDS CO
1400 SCHRAMSBERG RD
CALISTOGA CA 94515-9622

020-390-008-000
SCHRAMSBERG VINEYARDS CO
1400 SCHRAMSBERG RD
CALISTOGA CA 94515-9622

020-390-011-000
SCHRAMSBERG VINEYARDS CO
1400 SCHRAMSBERG RD
CALISTOGA CA 94515-9622

020-390-013-000
DARYL SATTUI
1111 WHITE LN
SAINT HELENA CA 94574

020-390-019-000
WILLIAM & SHARON HAYS
3927 PETERSON DR
CALISTOGA CA 94515-9655

020-390-020-000
SCHRAMSBERG VINEYARDS
COMPANY
1400 SCHRAMSBERG RD
CALISTOGA CA 94515

020-251-001-000
PERRY WESTBROOK TR
877 W FREMONT AVE STE J3
SUNNYVALE CA 94087-2332

020-251-004-000
MATTHEW BARNER PETERSON
JOHANNA LAUREN PATRICK
1611 HARLEY ST
CALISTOGA CA 94515

020-251-005-000
MATTHEW BARNER PETERSON
JOHANNA LAUREN PATRICK
1611 HARLEY ST
CALISTOGA CA 94515

022-252-004-000
SCOTT & ARCIA HALLEY TR ETAL
27373 OLD CHIMNEY RD
MALIBU CA 90265-2855

GUARANTEE EXCLUSIONS AND CONDITIONS (06-05-14)
EXCLUSIONS FROM COVERAGE

Except as expressly provided by the assurances in Schedule A, the Company assumes no liability for loss or damage by reason of the following:

- (a) Defects, liens, encumbrances, adverse claims or other matters affecting the title to any property beyond the lines of the Land.
- (b) Defects, liens, encumbrances, adverse claims or other matters, whether or not shown by the Public Records (1) that are created, suffered, assumed or agreed to by one or more of the Assureds; or (2) that result in no loss to the Assured.
- (c) Defects, liens, encumbrances, adverse claims or other matters not shown by the Public Records.
- (d) The identity of any party shown or referred to in any of the schedules of this Guarantee.
- (e) The validity, legal effect or priority of any matter shown or referred to in any of the schedules of this Guarantee.
- (f) (1) Taxes or assessments of any taxing authority that levies taxes or assessments on real property; or, (2) proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not the matters excluded under (1) or (2) are shown by the records of the taxing authority or by the Public Records.
- (g) (1) Unpatented mining claims; (2) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (3) water rights, claims or title to water, whether or not the matters excluded under (1), (2) or (3) are shown by the Public Records.

GUARANTEE CONDITIONS

1. Definition of Terms.

The following terms when used in the Guarantee mean:

- (a) the "Assured": the party or parties named as the Assured in Schedule A, or on a supplemental writing executed by the Company.
- (b) "Land": the Land described or referred to in Schedule A, and improvements affixed thereto which by law constitute real property. The term "Land" does not include any property beyond the lines of the area described or referred to in Schedule A, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
- (c) "Mortgage": mortgage, deed of trust, trust deed, or other security instrument.
- (d) "Public Records": those records established under California statutes at Date of Guarantee for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.
- (e) "Date of Guarantee": the Date of Guarantee set forth in Schedule A.
- (f) "Amount of Liability": the Amount of Liability as stated in Schedule A.

2. Notice of Claim to be Given by Assured.

The Assured shall notify the Company promptly in writing in case knowledge shall come to the Assured of any assertion of facts, or claim of title or interest that is contrary to the assurances set forth in Schedule A and that might cause loss or damage for which the Company may be liable under this Guarantee. If prompt notice shall not be given to the Company, then all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice the rights of the Assured under this Guarantee unless the Company shall be prejudiced by the failure and then only to the extent of the prejudice.

3. No Duty to Defend or Prosecute.

The Company shall have no duty to defend or prosecute any action or proceeding to which the Assured is a party, notwithstanding the nature of any allegation in such action or proceeding.

4. Company's Option to Defend or Prosecute Actions; Duty of Assured to Cooperate.

Even though the Company has no duty to defend or prosecute as set forth in Paragraph 3 above:

- (a) The Company shall have the right, at its sole option and cost, to institute and prosecute any action or proceeding, interpose a defense, as limited in Paragraph 4 (b), or to do any other act which in its opinion may be necessary or desirable to establish the correctness of the assurances set forth in Schedule A or to prevent or reduce loss or damage to the Assured. The Company may take any appropriate action under the terms of this Guarantee, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this Guarantee. If the Company shall exercise its rights under this paragraph, it shall do so diligently.
- (b) If the Company elects to exercise its options as stated in Paragraph 4(a) the Company shall have the right to select counsel of its choice (subject to the right of the Assured to object for reasonable cause) to represent the Assured and shall not be liable for and will not pay the fees of any other counsel, nor will the Company pay any fees, costs or expenses incurred by an Assured in the defense of those causes of action which allege matters not covered by this Guarantee.
- (c) Whenever the Company shall have brought an action or interposed a defense as permitted by the provisions of this Guarantee, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from an adverse judgment or order.
- (d) In all cases where this Guarantee permits the Company to prosecute or provide for the defense of any action or proceeding, the Assured shall secure to the Company the

right to so prosecute or provide for the defense of any action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of the Assured for this purpose. Whenever requested by the Company, the Assured, at the Company's expense, shall give the Company all reasonable aid in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or lawful act which in the opinion of the Company may be necessary or desirable to establish the correctness of the assurances set forth in Schedule A or to prevent or reduce loss or damage to the Assured. If the Company is prejudiced by the failure of the Assured to furnish the required cooperation, the Company's obligations to the Assured under the Guarantee shall terminate.

5. Proof of Loss or Damage.

- (a) In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Assured furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.
- (b) In addition, the Assured may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Guarantee, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Assured shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the Assured provided to the Company pursuant to this paragraph shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Assured to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in the above paragraph, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this Guarantee to the Assured for that claim.

6. Options to Pay or Otherwise Settle Claims: Termination of Liability.

In case of a claim under this Guarantee, the Company shall have the following additional options:

- (a) To pay or tender payment of the Amount of Liability together with any costs, attorneys' fees, and expenses incurred by the Assured that were authorized by the Company up to the time

of payment or tender of payment and that the Company is obligated to pay.

- (b) To pay or otherwise settle with the Assured any claim assured against under this Guarantee. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Assured that were authorized by the Company up to the time of payment or tender of payment and that that the Company is obligated to pay; or
- (c) To pay or otherwise settle with other parties for the loss or damage provided for under this Guarantee, together with any costs, attorneys' fees, and expenses incurred by the Assured that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in 6 (a), (b) or (c) of this paragraph the Company's obligations to the Assured under this Guarantee for the claimed loss or damage, other than the payments required to be made, shall terminate, including any duty to continue any and all litigation initiated by the Company pursuant to Paragraph 4.

7. Limitation of Liability.

- (a) This Guarantee is a contract of Indemnity against actual monetary loss or damage sustained or incurred by the Assured claimant who has suffered loss or damage by reason of reliance upon the assurances set forth in Schedule A and only to the extent herein described, and subject to the Exclusions From Coverage of this Guarantee.
- (b) If the Company, or the Assured under the direction of the Company at the Company's expense, removes the alleged defect, lien or, encumbrance or cures any other matter assured against by this Guarantee in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.
- (c) In the event of any litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom.
- (d) The Company shall not be liable for loss or damage to the Assured for liability voluntarily assumed by the Assured in settling any claim or suit without the prior written consent of the Company.

8. Reduction of Liability or Termination of Liability.

All payments under this Guarantee, except payments made for costs, attorneys' fees and expenses pursuant to Paragraph 4 shall reduce the Amount of Liability under this Guarantee pro tanto.

9. Payment of Loss.

- (a) No payment shall be made without producing this Guarantee for endorsement of the payment unless the Guarantee has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.

- (b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions, the loss or damage shall be payable within thirty (30) days thereafter.

10. Subrogation Upon Payment or Settlement.

Whenever the Company shall have settled and paid a claim under this Guarantee, all right of subrogation shall vest in the Company unaffected by any act of the Assured.

The Company shall be subrogated to and be entitled to all rights and remedies which the Assured would have had against any person or property in respect to the claim had this Guarantee not been issued. If requested by the Company, the Assured shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The Assured shall permit the Company to sue, compromise or settle in the name of the Assured and to use the name of the Assured in any transaction or litigation involving these rights or remedies.

If a payment on account of a claim does not fully cover the loss of the Assured the Company shall be subrogated to all rights and remedies of the Assured after the Assured shall have recovered its principal, interest, and costs of collection.

11. Arbitration.

Either the Company or the Assured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Assured arising out of or relating to this Guarantee, any service of the Company in connection with its issuance or the breach of a Guarantee provision, or to any other controversy or claim arising out of the transaction giving rise to this Guarantee. All arbitrable matters when the amount of liability is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Assured. All arbitrable matters when the amount of liability is in excess of \$2,000,000 shall be arbitrated only when agreed to by both the Company and the Assured. Arbitration pursuant to this Guarantee and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction.

12. Liability Limited to This Guarantee; Guarantee Entire Contract.

- (a) This Guarantee together with all endorsements, if any, attached hereto by the Company is the entire Guarantee and

contract between the Assured and the Company. In interpreting any provision of this Guarantee, this Guarantee shall be construed as a whole.

- (b) Any claim of loss or damage, whether or not based on negligence, or any action asserting such claim, shall be restricted to this Guarantee.
- (c) No amendment of or endorsement to this Guarantee can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

13. Severability

In the event any provision of this Guarantee, in whole or in part, is held invalid or unenforceable under applicable law, the Guarantee shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

14. Choice of Law; Forum

- (a) Choice of Law: The Assured acknowledges the Company has underwritten the risks covered by this Guarantee and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of Guaranties of the jurisdiction where the Land is located.

Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims that are adverse to the Assured and to interpret and enforce the terms of this Guarantee. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.

- (b) Choice of Forum: Any litigation or other proceeding brought by the Assured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

15. Notices, Where Sent.

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this Guarantee and shall be addressed to the Company at First American Title Insurance Company, Attn: Claims National Intake Center, 1 First American Way, Santa Ana, California 92707. Claims.NIC@firstam.com Phone: 888-632-1642 Fax: 877-804-7606.

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16476 W WINDSOR AVE
GOODYEAR AZ 85395

020-230-005-000
REALTY INCOME PROPERTIES 2 LLC
555 GATEWAY DR
NAPA CA 94558

020-230-007-000
NAPA COUNTY HOUSING AUTHORITY
1195 THIRD ST RM B-20
NAPA CA 94559

020-230-008-000
REALTY INCOME PROPERTIES 2 LLC
555 GATEWAY DR
NAPA CA 94558

020-251-002-000
PETER H RIECHERS ETAL
5 CANOPY LN
NAPA CA 94558

020-251-003-000
DARYL H SATTUI
1111 WHITE LANE
SAINT HELENA CA 94574

020-251-006-000
TUCKER ACRES WATER CO
PO BOX 645
CALISTOGA CA 94515

020-252-001-000
SUSAN & THOMAS KOCH JR ETAL
17 N STONINGTON RD
LAGUNA BEACH CA 92651

020-252-002-000
RAFAEL & PAIGE RIOS TR
3970 PETERSON DR
CALISTOGA CA 94515-9621

020-252-005-000
JILL LYNN HAYS
1391 TUCKER RD
CALISTOGA CA 94515-9653

020-252-006-000
THOMAS & ARLENE OBERMEIER
3960 PETERSON DR
CALISTOGA CA 94515-9621

020-252-008-000
GEROG SALZNER
2285 PALMER DR
SAINT HELENA CA 94574

020-252-009-000
JACQUELINE M RUBIN ETAL
1387 TUCKER RD
CALISTOGA CA 94515

020-252-010-000
THOMAS & RITA TUCKER TR
1385 TUCKER RD
CALISTOGA CA 94515-9653

020-253-001-000
CATHRYN JEAN GREGORY TR
PO BOX 273
SAINT HELENA CA 94574-0273

020-253-002-000
GUADALUPE M HUIJON ETAL
1380 TUCKER RD
CALISTOGA CA 94515

020-253-004-000
GUADALUPE M HUIJON ETAL
1380 TUCKER RD
CALISTOGA CA 94515

020-253-005-000
MICHELLE & GARY HOLGUIN
1326 TUCKER RD
CALISTOGA CA 94515

020-254-001-000
MICHAEL BROWN TR ETAL
1381 TUCKER RD
CALISTOGA CA 94515

020-261-004-000
JAMES JOHNSON & DEVONNA KAJI
PO BOX 325
CALISTOGA CA 94515

020-271-008-000
MARIE LEMOS
PO BOX 98
CALISTOGA CA 94515

020-320-005-000
PD PROPERTIES LLC
995 VINTAGE AVE #100
SAINT HELENA CA 94574

020-320-010-000
TRAVIS STEPHENS ETAL
21422 PACIFIC COAST HWY
MALIBU CA 90265

020-380-006-000
JOE & LEEANDRA BLANTON
1127 MAPLE LN
CALISTOGA CA 94515

020-390-005-000
4169 HEITZ WAY LLC
PO BOX 41123
JACKSONVILLE FL 32203

020-390-011-000
SCHRAMSBERG VINEYARDS CO
1400 SCHRAMSBERG RD
CALISTOGA CA 94515-9622

020-390-020-000
SCHRAMSBERG VINEYARDS
COMPANY
1400 SCHRAMSBERG RD
CALISTOGA CA 94515

020-251-005-000
MATTHEW BARNER PETERSON
JOHANNA LAUREN PATRICK
1611 HARLEY ST
CALISTOGA CA 94515

020-261-001-000
GEORGE A PUGH & MARA K
MCGRATH TR
1323 TUCKER RD
CALISTOGA CA 94515-9660

020-261-005-000
JEFFREY & RENEE CLAES
1331 TUCKER RD
CALISTOGA CA 94515

020-320-003-000
PD PROPERTIES LLC
995 VINTAGE AVE #100
SAINT HELENA CA 94574

020-320-006-000
PD PROPERTIES LLC
995 VINTAGE AVE #100
SAINT HELENA CA 94574

020-320-015-000
PD PROPERTIES LLC
995 VINTAGE AVE #100
SAINT HELENA CA 94574

020-390-003-000
4199 HEITZ WAY LLC
PO BOX 41123
JACKSONVILLE FL 32203

020-390-007-000
SCHRAMSBERG VINEYARDS CO
1400 SCHRAMSBERG RD
CALISTOGA CA 94515-9622

020-390-013-000
DARYL SATTUI
1111 WHITE LN
SAINT HELENA CA 94574

020-251-001-000
PERRY WESTBROOK TR
877 W FREMONT AVE STE J3
SUNNYVALE CA 94087-2332

022-252-004-000
SCOTT & ARCIA HALLEY TR ETAL
27373 OLD CHIMNEY RD
MALIBU CA 90265-2855

020-261-002-000
DOROTHEA A HAMILTON TR
1466 SYLVANER AVE
SAINT HELENA CA 94574

020-262-001-000
REX ROMBACH & JANE HENDLER
1320 TUCKER RD
CALISTOGA CA 94515

020-320-004-000
PD PROPERTIES LLC
995 VINTAGE AVE #100
SAINT HELENA CA 94574

020-320-009-000
PD PROPERTIES LLC
995 VINTAGE AVE #100
SAINT HELENA CA 94574

020-320-016-000
PD PROPERTIES LLC
995 VINTAGE AVE #100
SAINT HELENA CA 94574

020-390-004-000
4175 HEITZ WAY LLC
PO BOX 41123
JACKSONVILLE FL 32203

020-390-008-000
SCHRAMSBERG VINEYARDS CO
1400 SCHRAMSBERG RD
CALISTOGA CA 94515-9622

020-390-019-000
WILLIAM & SHARON HAYS
3927 PETERSON DR
CALISTOGA CA 94515-9655

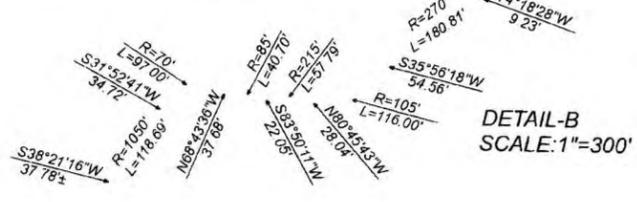
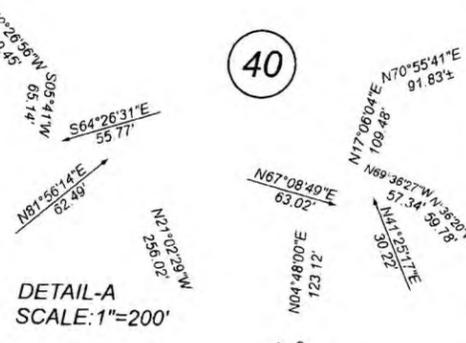
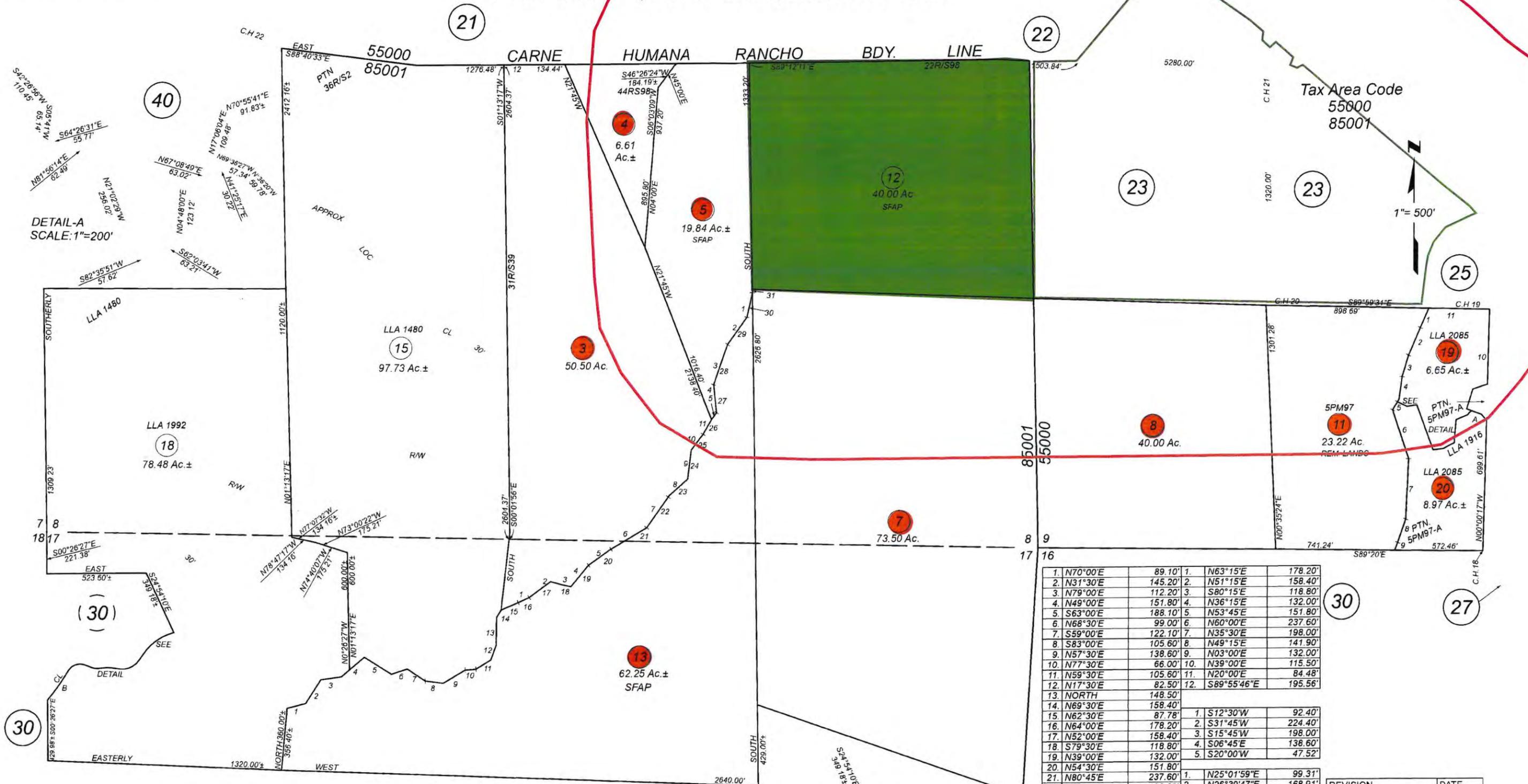
020-251-004-000
MATTHEW BARNER PETERSON
JOHANNA LAUREN PATRICK
1611 HARLEY ST
CALISTOGA CA 94515

THIS MAP MAY OR MAY NOT BE A SURVEY OF THE LAND DEPICTED HEREON. YOU SHOULD NOT RELY UPON IT FOR ANY PURPOSE OTHER THAN ORIENTATION TO THE GENERAL LOCATION OF THE PARCEL OR PARCELS DEPICTED, FIRST AMERICAN EXPRESSLY DISCLAIMS ANY LIABILITY FOR ALLEGED LOSS OR DAMAGE WHICH MAY RESULT FROM RELIANCE UPON THIS MAP.

NAPA COUNTY ASSESSOR'S PARCEL MAP

PTN. SEC'S 8,9 & 17 T.8N.,6W., M.D.B.&M.

20-39
PTN. 20-14



1. N70°00'E	89.10'	1. N63°15'E	178.20'
2. N31°30'E	145.20'	2. N51°15'E	158.40'
3. N79°00'E	112.20'	3. S80°15'E	118.80'
4. N49°00'E	151.80'	4. N36°15'E	132.00'
5. S63°00'E	188.10'	5. N53°45'E	151.80'
6. N68°30'E	99.00'	6. N60°00'E	237.60'
7. S59°00'E	122.10'	7. N35°30'E	198.00'
8. S83°00'E	105.60'	8. N49°15'E	141.90'
9. N57°30'E	138.60'	9. N03°00'E	132.00'
10. N77°30'E	66.00'	10. N39°00'E	115.50'
11. N59°30'E	105.60'	11. N20°00'E	84.48'
12. N17°30'E	82.50'	12. S89°55'46"E	195.56'
13. NORTH	148.50'		
14. N69°30'E	158.40'	1. S12°30'W	92.40'
15. N62°30'E	87.78'	2. S31°45'W	224.40'
16. N64°00'E	178.20'	3. S15°45'W	198.00'
17. N52°00'E	158.40'	4. S06°45'E	138.60'
18. S79°30'E	118.80'	5. S20°00'W	47.52'
19. N39°00'E	132.00'		
20. N54°30'E	151.80'	1. N25°01'59"E	99.31'
21. N80°45'E	237.60'	2. N26°39'47"E	168.91'
22. N36°15'E	198.00'	3. N19°49'31"E	125.33'
23. N50°00'E	141.90'	4. S08°54'56"W	125.30'
24. N03°45'E	132.00'	5. S34°59'30"W	73.90'
25. N39°45'E	115.50'	6. S22°25'24"E	279.95'
26. N30°45'E	132.00'	7. S00°12'33"E	320.38'
27. N06°00'W	138.60'	8. S18°21'W	143.39'
28. N16°30'E	198.00'	9. S12°44'W	52.58'
29. N32°30'E	224.40'	10. N00°00'17"W	409.86±'
30. N13°15'E	92.40'	11. N89°59'31"W	401.41'
31. SOUTH	13.20'		

REVISION	DATE
PTN 390-02 RS	01-23-04
390-14 & 15 LLA	11-29-06
PTN 390-04 RS	07-28-15
390-16 & 17 LLA	02-23-18
390-18 LLA	12-18-20
390-19 & 20 LLA	12-27-23

NOTE: This Map Was Prepared For Assessment Purposes Only , No Liability Is Assumed For The Accuracy Of The Data Delineated Hereon.

1964

20-39

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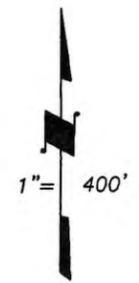
COUNTY ASSESSOR'S PARCEL MAP

POR. CARNE HUMANA RANCHO

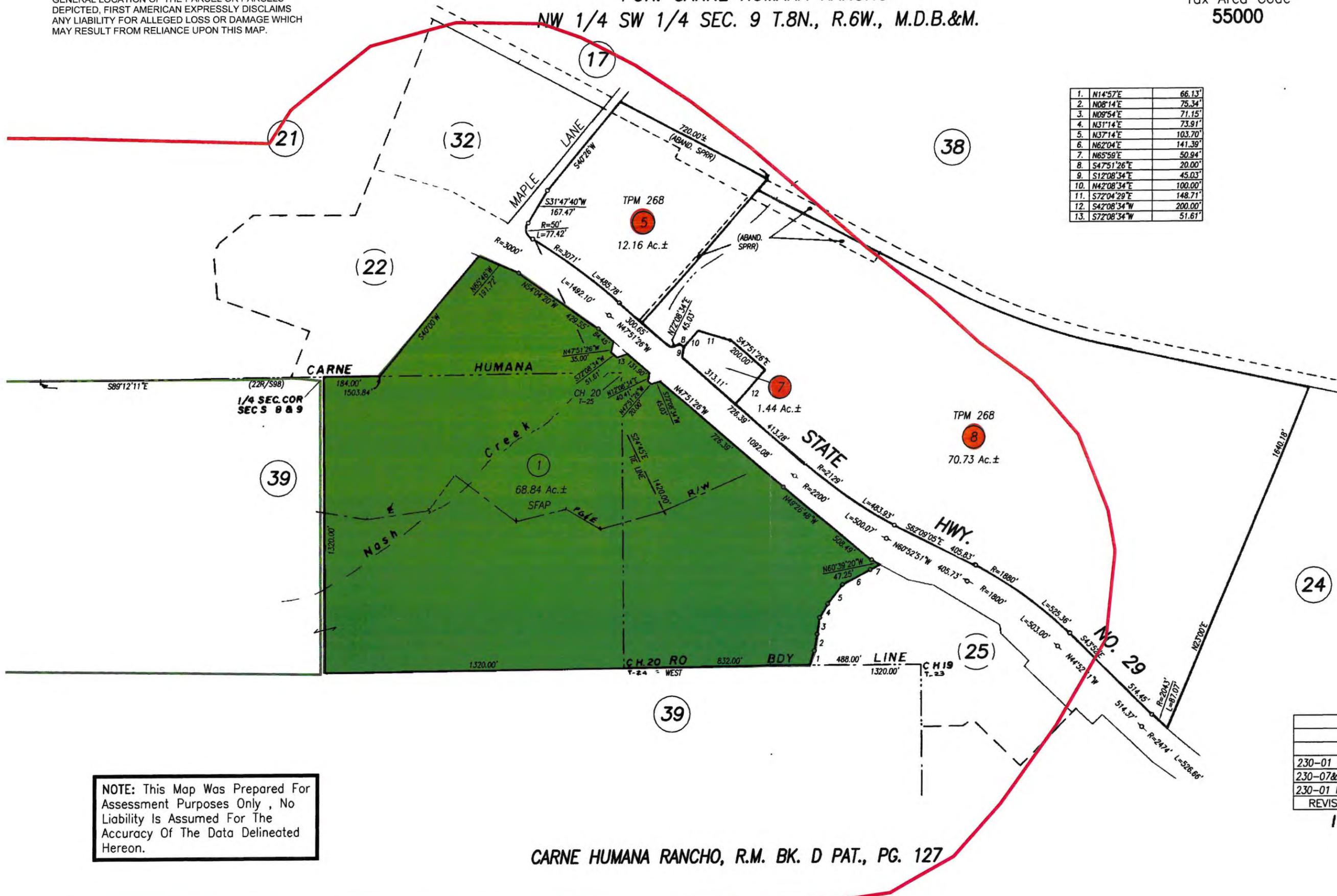
NW 1/4 SW 1/4 SEC. 9 T.8N., R.6W., M.D.B.&M.

Tax Area Code
55000

20-23



1.	N14°57'E	66.13'
2.	N08°14'E	75.34'
3.	N09°54'E	71.15'
4.	N31°14'E	73.91'
5.	N37°14'E	103.70'
6.	N62°04'E	141.39'
7.	N65°59'E	50.94'
8.	S47°51'26"E	20.00'
9.	S12°08'34"E	45.03'
10.	N42°08'34"E	100.00'
11.	S72°04'29"E	148.71'
12.	S42°08'34"W	200.00'
13.	S72°08'34"W	51.61'



NOTE: This Map Was Prepared For Assessment Purposes Only , No Liability Is Assumed For The Accuracy Of The Data Delineated Hereon.

	3-10-82
	3-11-85
	1-25-93
230-01 GD	12-30-97
230-07&08 RMV SFAP	12-31-04
230-01 PTN TO RD	3-30-10
REVISION	DATE

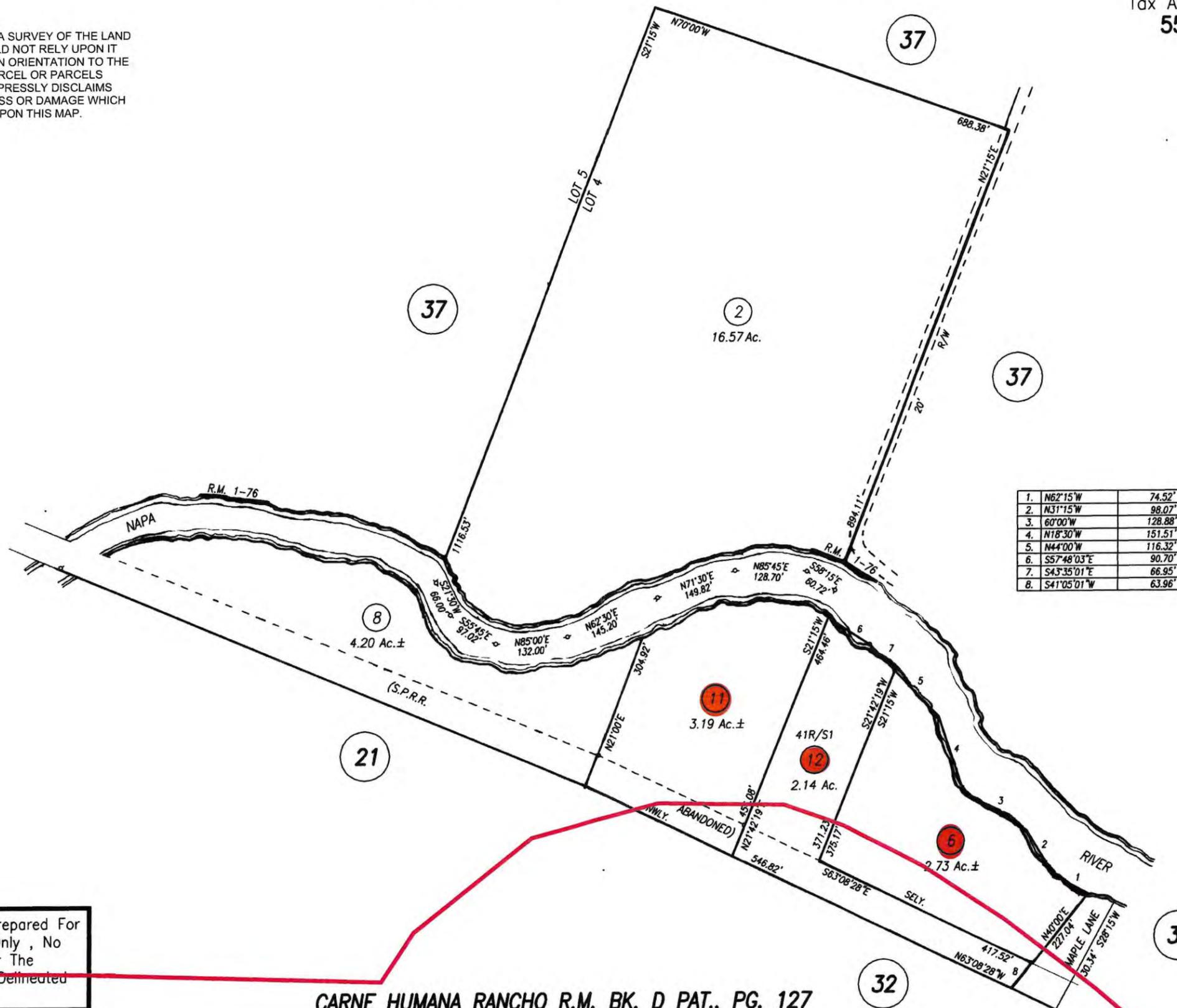
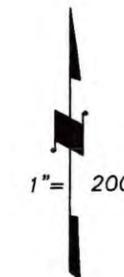
1955-61

COUNTY ASSESSOR'S PARCEL MAP

Tax Area Code
55000

20-17

THIS MAP MAY OR MAY NOT BE A SURVEY OF THE LAND DEPICTED HEREON. YOU SHOULD NOT RELY UPON IT FOR ANY PURPOSE OTHER THAN ORIENTATION TO THE GENERAL LOCATION OF THE PARCEL OR PARCELS DEPICTED, FIRST AMERICAN EXPRESSLY DISCLAIMS ANY LIABILITY FOR ALLEGED LOSS OR DAMAGE WHICH MAY RESULT FROM RELIANCE UPON THIS MAP.



NOTE: This Map Was Prepared For Assessment Purposes Only , No Liability Is Assumed For The Accuracy Of The Data Delineated Hereon.

CARNE HUMANA RANCHO R.M. BK. D PAT., PG. 127
KILBURN CHILDREN'S TRACT R.M. BK. 1, PG. 76

	5-11-66
	3-9-83
	12-23-83
170-11 MGR	3-22-99
170-12 MGR	3-22-99
170-12 RS	4-22-11
REVISION	DATE

1955-61

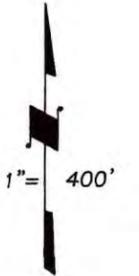
20-07

COUNTY ASSESSOR'S PARCEL MAP

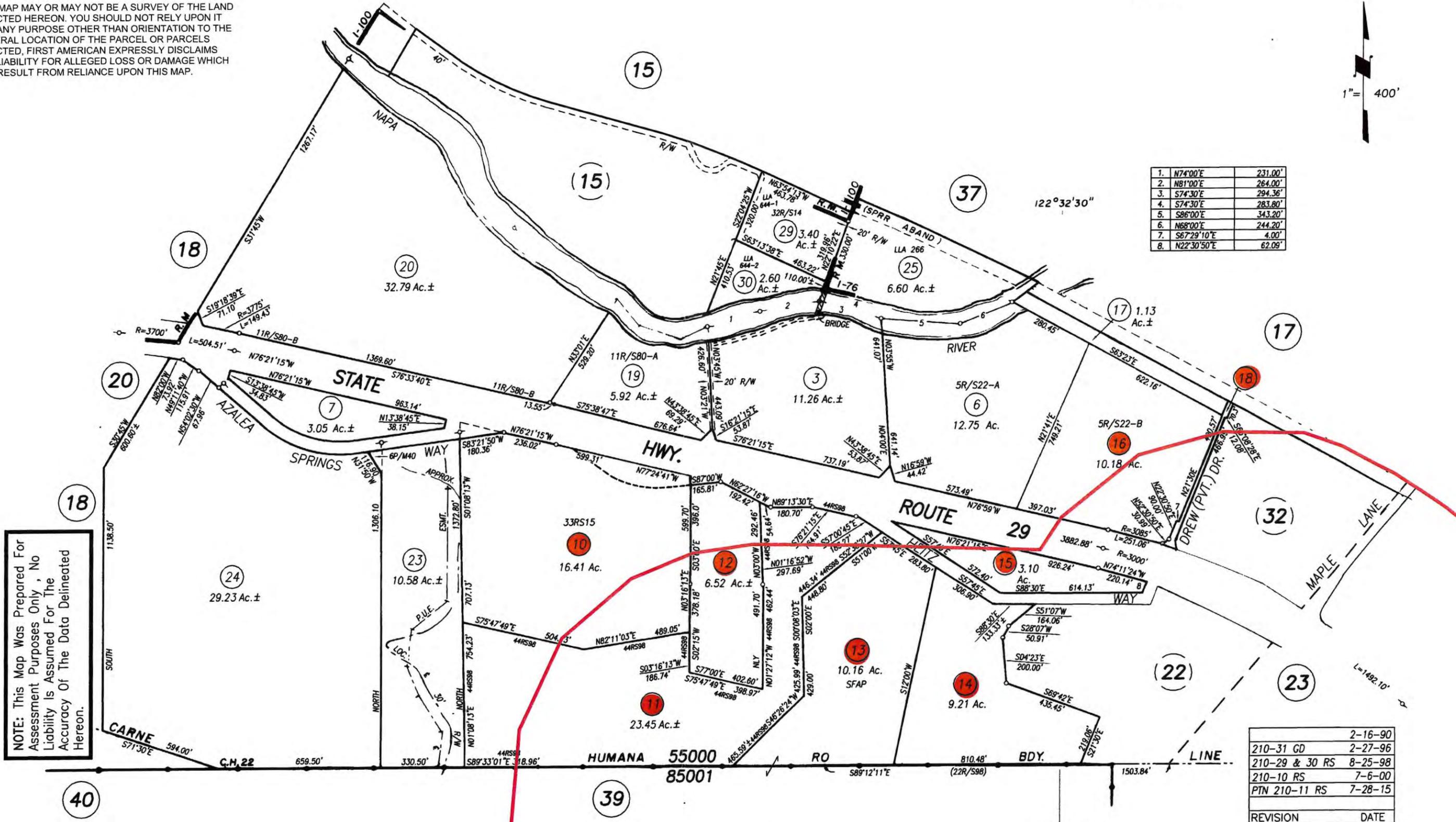
Tax Area Code
55000

20-21

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1.	N74°00'E	231.00'
2.	N81°00'E	264.00'
3.	S74°30'E	294.36'
4.	S74°30'E	283.80'
5.	S86°00'E	343.20'
6.	N68°00'E	244.20'
7.	S67°29'10"E	4.00'
8.	N22°30'50"E	62.09'



NOTE: This Map Was Prepared For Assessment Purposes Only, No Liability Is Assumed For The Accuracy Of The Data Delineated Hereon.

	2-16-90
210-31 GD	2-27-96
210-29 & 30 RS	8-25-98
210-10 RS	7-6-00
PTN 210-11 RS	7-28-15
REVISION	DATE

CARNE HUMANA RANCHO R.M. BK. D PAT., PG. 127
KILBURN CHILDREN'S TRACT R.M. BK. 1, PG. 76

1955-61

20-21

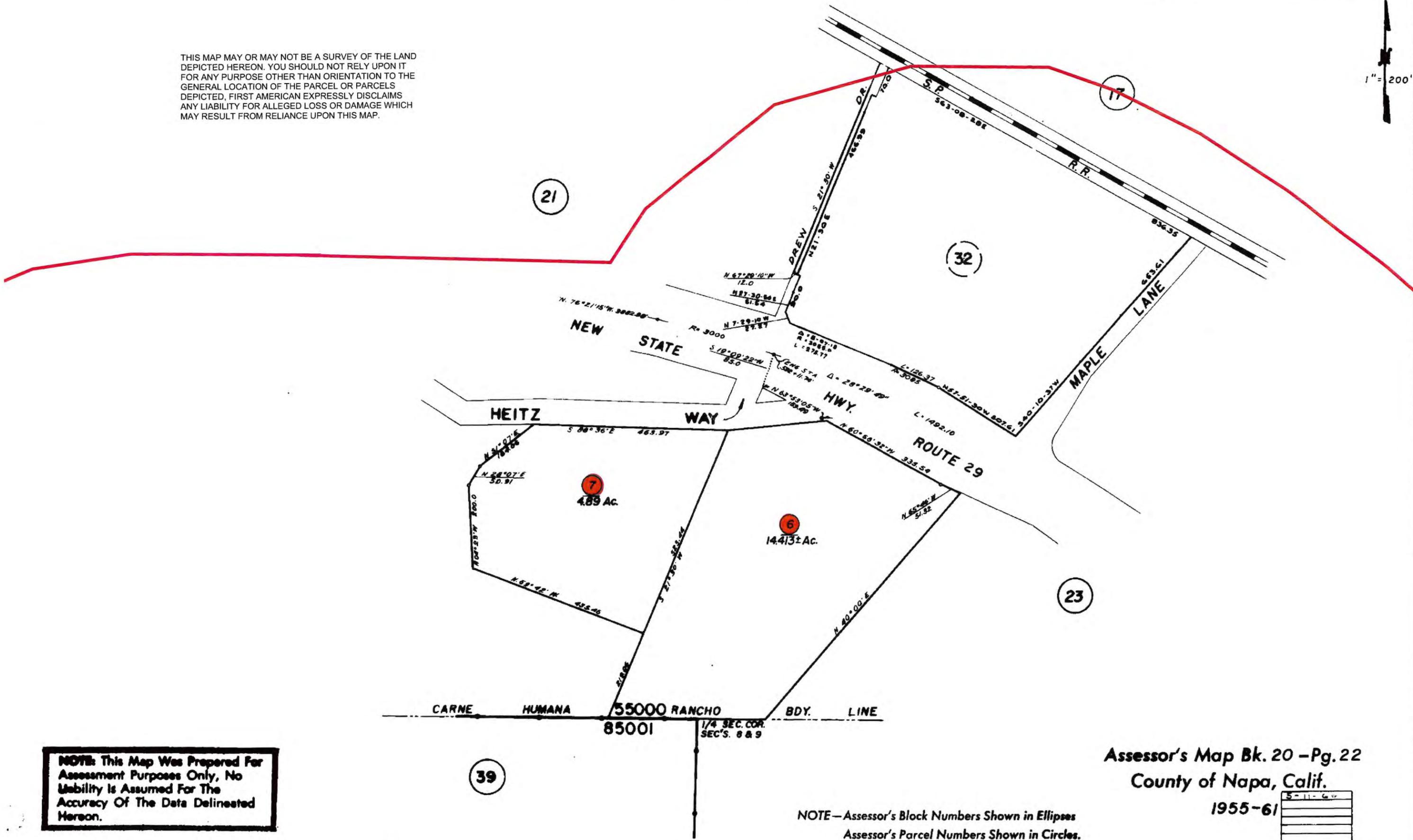
POR. CARNE HUMANA RANCHO
R. M. Bk.D Pat., Pg 127

Tax Area Code
55000

20-22

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1" = 200'



NOTE: This Map Was Prepared For Assessment Purposes Only, No Liability Is Assumed For The Accuracy Of The Data Delineated Hereon.

NOTE— Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk. 20 -Pg. 22
County of Napa, Calif.
1955-61

5-11-61

THIS MAP MAY OR MAY NOT BE A SURVEY OF THE LAND DEPICTED HEREON. YOU SHOULD NOT RELY UPON IT FOR ANY PURPOSE OTHER THAN ORIENTATION TO THE GENERAL LOCATION OF THE PARCEL OR PARCELS DEPICTED. FIRST AMERICAN EXPRESSLY DISCLAIMS ANY LIABILITY FOR ALLEGED LOSS OR DAMAGE WHICH MAY RESULT FROM RELIANCE UPON THIS MAP.

**PTN. CARNE HUMANA RANCHO
PTN. T.8 N., R.6 W., M.D.B. & M.
PTN. KILBURN CHILDREN'S TRACT**

Tax Area Code
55000

20-38

PTN. 20-14

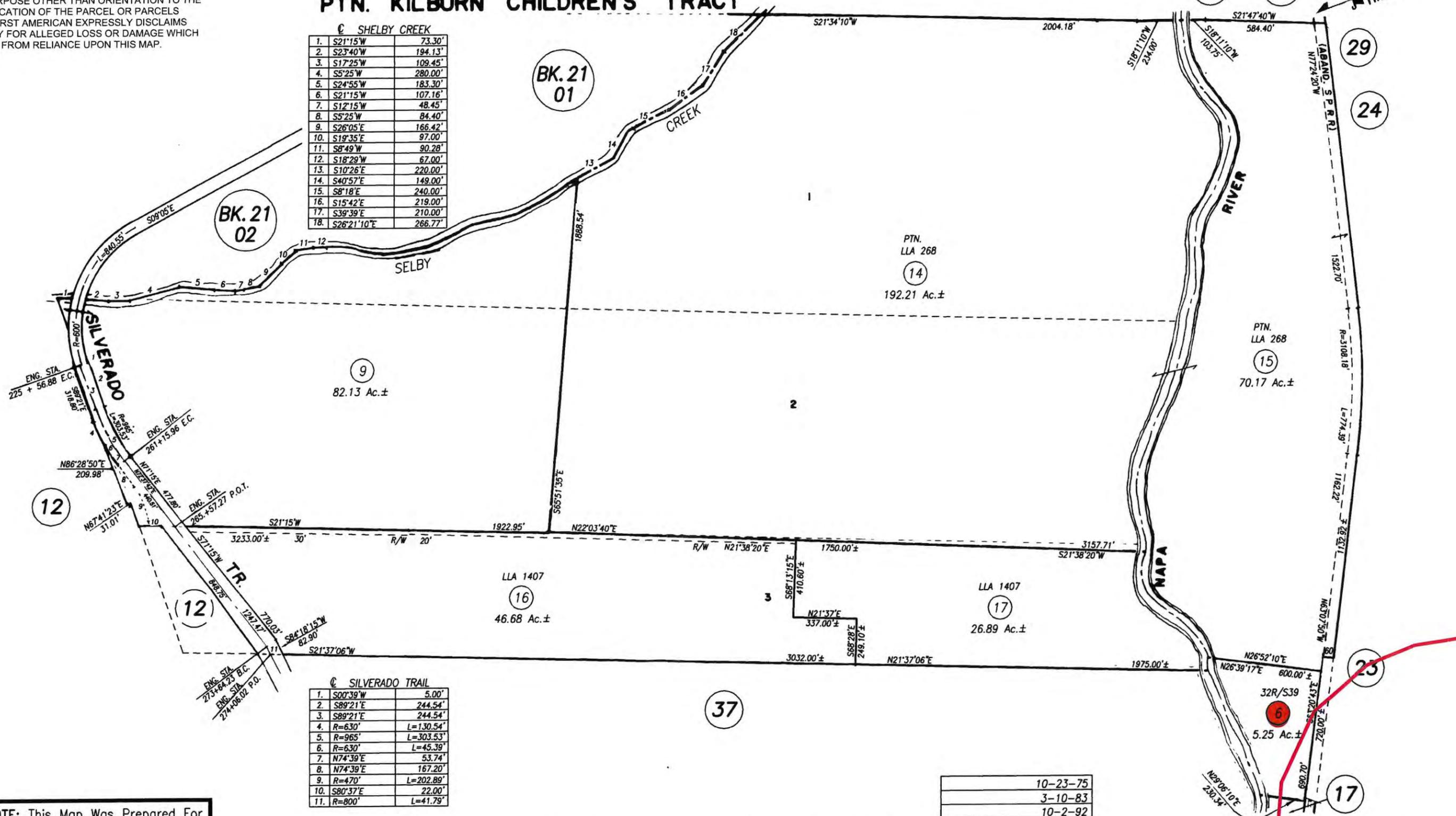
1 IN. = 500 FT.

SELBY CREEK

1.	S21°15'W	73.30'
2.	S23°40'W	194.13'
3.	S17°25'W	109.45'
4.	S5°25'W	280.00'
5.	S24°55'W	183.30'
6.	S21°15'W	107.16'
7.	S12°15'W	48.45'
8.	S5°25'W	84.40'
9.	S26°05'E	166.42'
10.	S19°35'E	97.00'
11.	S8°49'W	90.28'
12.	S18°29'W	67.00'
13.	S10°26'E	220.00'
14.	S40°57'E	149.00'
15.	S8°18'E	240.00'
16.	S15°42'E	219.00'
17.	S39°39'E	210.00'
18.	S26°21'10"E	266.77'

SILVERADO TRAIL

1.	S00°39'W	5.00'
2.	S89°21'E	244.54'
3.	S89°21'E	244.54'
4.	R=630'	L=130.54'
5.	R=965'	L=303.53'
6.	R=630'	L=45.39'
7.	N74°39'E	53.74'
8.	N74°39'E	167.20'
9.	R=470'	L=202.89'
10.	S80°37'E	22.00'
11.	R=800'	L=41.79'



NOTE: This Map Was Prepared For Assessment Purposes Only , No Liability Is Assumed For The Accuracy Of The Data Delineated Hereon.

**CARNE HUMANA RANCHO R.M. BK. D PAT., PG. 127
KILBURN CHILDRENS'S TRACT R.M. BK. 1, PG 76**

	10-23-75
	3-10-83
	10-2-92
380-06 RS	3-25-99
380-16&17 LLA	4-15-05
380-10 TO PG 1210-13-06	
REVISION	DATE

**Assessor's Map Bk. 20 Pg. 38
County of Napa, Calif.
1964**

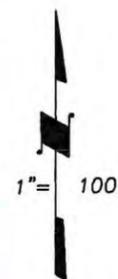
COUNTY ASSESSOR'S PARCEL MAP

POR. CARNE HUMANA RANCHO

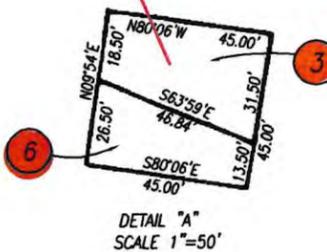
Tax Area Code
55000

20-25

THIS MAP MAY OR MAY NOT BE A SURVEY OF THE LAND DEPICTED HEREON. YOU SHOULD NOT RELY UPON IT FOR ANY PURPOSE OTHER THAN ORIENTATION TO THE GENERAL LOCATION OF THE PARCEL OR PARCELS DEPICTED, FIRST AMERICAN EXPRESSLY DISCLAIMS ANY LIABILITY FOR ALLEGED LOSS OR DAMAGE WHICH MAY RESULT FROM RELIANCE UPON THIS MAP.



1.	N69°25'E	27.04'
2.	S56°10'E	30.39'



NOTE: This Map Was Prepared For Assessment Purposes Only , No Liability Is Assumed For The Accuracy Of The Data Delineated Hereon.

	6-6-80
	11-15-85
252-06 RS	2-19-98
253-05 LLA	5-4-10
REVISION	DATE

1955-61

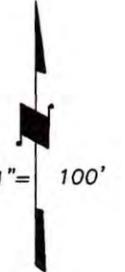
THIS MAP MAY OR MAY NOT BE A SURVEY OF THE LAND DEPICTED HEREON. YOU SHOULD NOT RELY UPON IT FOR ANY PURPOSE OTHER THAN ORIENTATION TO THE GENERAL LOCATION OF THE PARCEL OR PARCELS DEPICTED, FIRST AMERICAN EXPRESSLY DISCLAIMS ANY LIABILITY FOR ALLEGED LOSS OR DAMAGE WHICH MAY RESULT FROM RELIANCE UPON THIS MAP.

COUNTY ASSESSOR'S PARCEL MAP

PTN. CARNE HUMANA RANCHO

Tax Area Code
55000

20-26



NOTE: This Map Was Prepared For Assessment Purposes Only , No Liability Is Assumed For The Accuracy Of The Data Delineated Hereon.

	5-11-66
262-14THRU16 LLA	12-28-07
262-17 LLA	5-4-10
262-12 RS	6-18-13
261-05 LLA	2-23-18
262-03 & 14 RS	12-16-19
REVISION	DATE

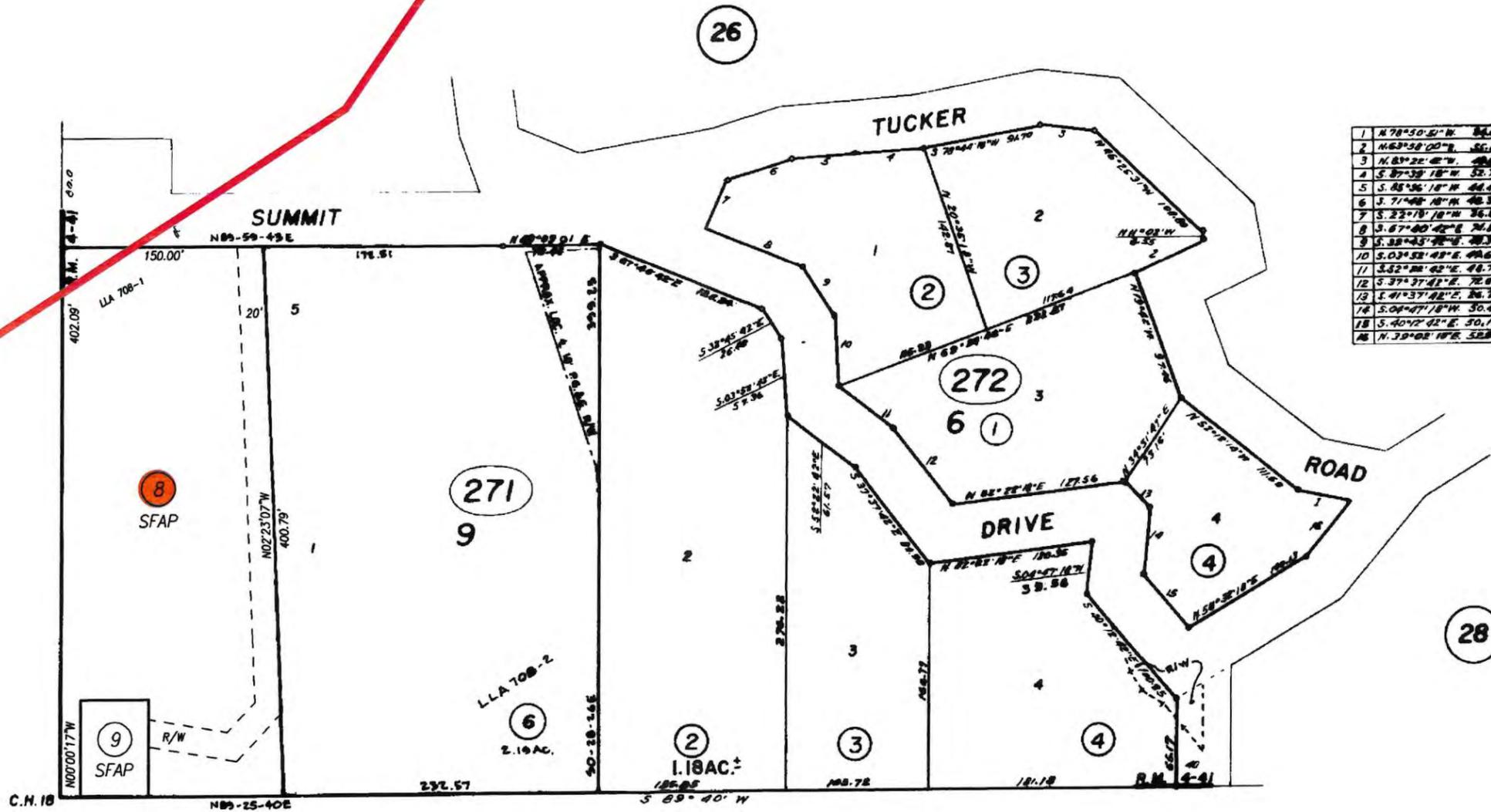
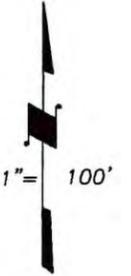
1955-61

COUNTY ASSESSOR'S PARCEL MAP

Tax Area Code
55000

20-27

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1	N 78° 50' 50" W	54.00
2	N 63° 58' 00" E	56.81
3	N 83° 22' 00" W	40.00
4	S 87° 32' 18" W	52.74
5	S 85° 36' 18" W	44.48
6	S 71° 40' 18" W	46.95
7	S 22° 17' 18" W	36.80
8	S 87° 40' 42" E	74.80
9	S 88° 45' 24" W	38.35
10	S 03° 58' 48" E	44.64
11	S 82° 28' 02" E	48.73
12	S 37° 37' 42" E	72.87
13	S 41° 37' 02" E	26.13
14	S 04° 47' 18" W	30.40
15	S 40° 12' 42" E	50.11
16	N 39° 02' 18" E	52.86

NOTE: This Map Was Prepared For Assessment Purposes Only , No Liability Is Assumed For The Accuracy Of The Data Delineated Hereon.

1-29-80
11-1-88
8-28-90
4-5-91
3-1-92
271-08 & 09 LSE 4-20-22
REVISION DATE

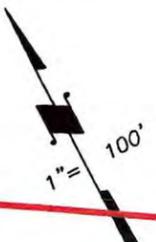
1955-61

COUNTY ASSESSOR'S PARCEL MAP

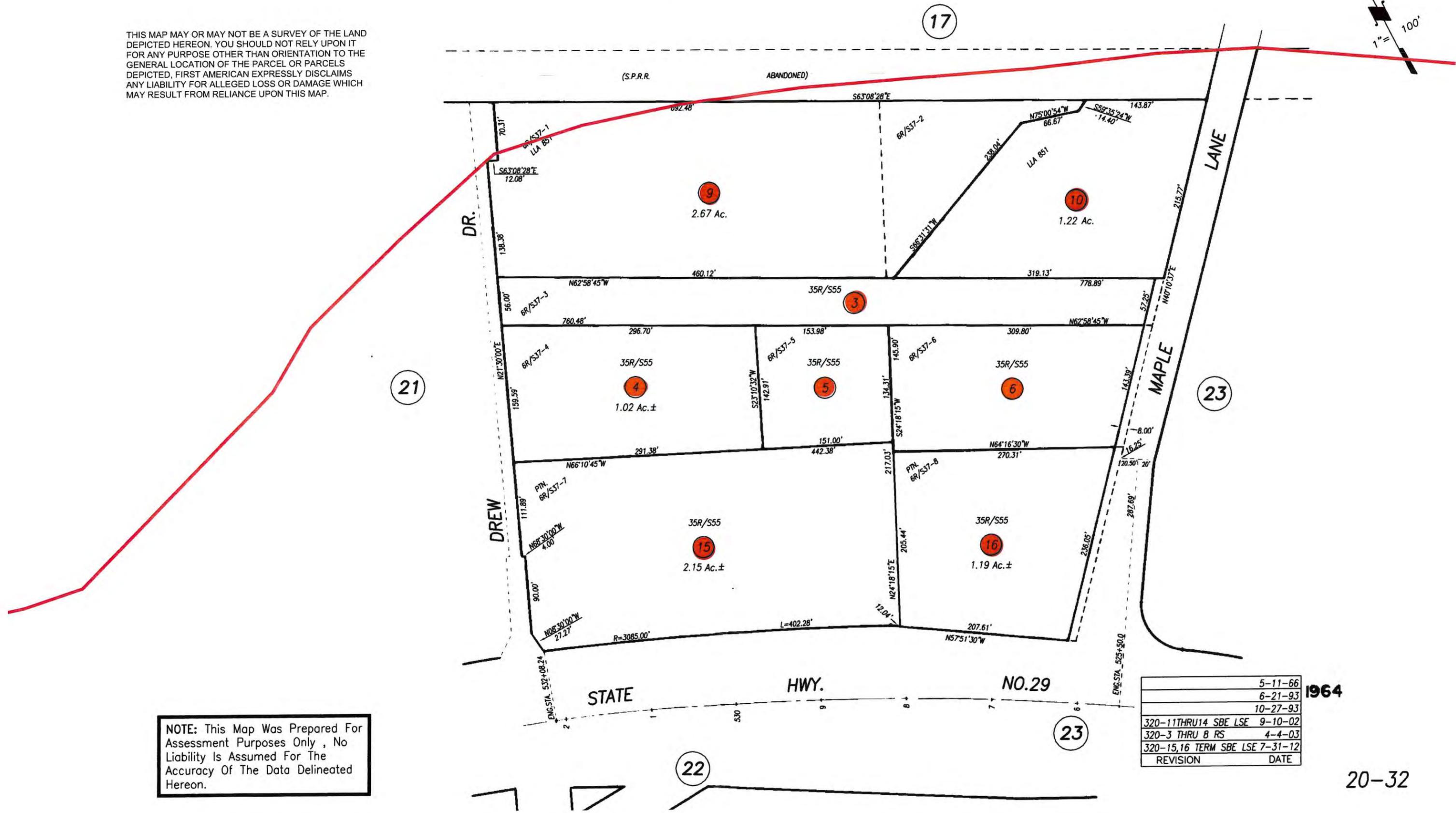
PTN. CARNE HUMANA RANCHO
R.M. BK. D PAT., PG. 127

Tax Area Code
55000

20-32
PTN. 20-22



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	5-11-66	1964
	6-21-93	
	10-27-93	
320-11THRU14 SBE LSE	9-10-02	
320-3 THRU 8 RS	4-4-03	
320-15,16 TERM SBE LSE 7-31-12		
REVISION	DATE	