





What is the Walt Ranch?

The Walt Ranch is a proposal to plant a vineyard in land zoned for Agriculture.

Goal AG/LU-1 - Preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.



Project Overview

- Nearly 2000 acres will remain in Open Space.
- The vineyard will cover 9% of the property.
- 660 acres of the property will go into permanent conservation easements.

Policy AG/LU-4: The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/open space, except for those lands which are shown on the Land Use Map as planned for urban development.



We believe that the proximity to Circle Oaks, which is a residential development surrounded by Agricultural land is at the core of the dispute.

This conflict between Agriculture and Urban uses has long been recognized by the County of Napa and is addressed in the General Plan.

Policy AG/LU-15: The County affirms and shall protect the right of agricultural operators in designated agricultural areas to commence and continue their agricultural practices (a "right to farm"), even though established urban uses in the general area may foster complaints against those agricultural practices. The "right to farm" shall encompass the processing of agricultural products and other activities inherent in the definition of agriculture provided in Policy AG/LU-2, above.



Since the initial Notice of Preparation in 2008, the County has systematically responded to comments from appellants and others. Where legitimate concerns have been raised, the project has been revised, new analyses have been performed, and new mitigation measures and conditions of approval have been imposed. Remaining disputes amount to differences of opinion.

The County staff and consultants have concluded that the project, as mitigated, will have no significant environmental effects.

In practical terms, all potentially significant environmental problems have been resolved. No significant impacts remain.



Agenda

- History
- The appeals
- A review of CEQA
- Napa County General Plan consistency
- Other questions



- We purchased the property in 2005. Our plans have always been to plant a vineyard on the property. Contrary to what you may have heard, there are no investors in this property.
- Shortly after purchasing the property, we met with neighbors at Circle Oaks and Napa County to let them know about our intention to plant a vineyard. In both cases, we were encouraged to go forward.



We have been Listening

- The Public has been included since 2008 with the first Notice of Preparation (NOP). There was a second Notice of Preparation in 2012. Concerns received through both of the NOP's, the Draft EIR and the Final EIR comments have been addressed systematically and the project has been reduced substantially through the process.
- Napa County, for the first time in history, has held Public Hearings on a vineyard Erosion Control Plan. We have had two to date and expect at least three more.



We have been Listening

- We attempted multiple times in 2009, and again in 2014 to reach out to both the Circle Oaks Homeowners Association and the Circle Oaks Community Water District. We were told <u>in</u> <u>writing</u> that they were unwilling to meet with us. The Water District finally met with us in 2016 - after 7 years of requests to meet.
- We held our own public meeting on November 6th, 2014 and a second county meeting on November 20th. The residents who attended provided valuable feedback for the project. Subsequently, we mailed a large portion of the Napa Community and received again valuable feedback and much support.
- Through all of these interactions, the project has been reduced and other changes have been made.

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The Property

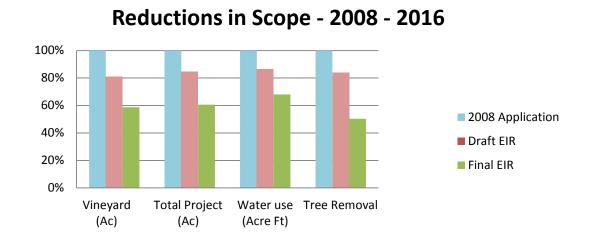


- A 2300 acre property (3.5 square miles)
- Currently has +/- **21 miles of existing roads**
- Zoned AWOS (Ag Watershed)
- Studies of the property began in 2006.
- MOU with Napa County initiated in 2008
- Draft EIR published in July 2014 with more than 1500 pages of review and studies.
 - Public Hearing November 2014
- Final EIR published in Feb 2016 responding to all of the questions/concerns regarding the project.
 - Public Hearing April 2016
- Approval August 1, 2016



The Property and Project: Big Reductions in Scope

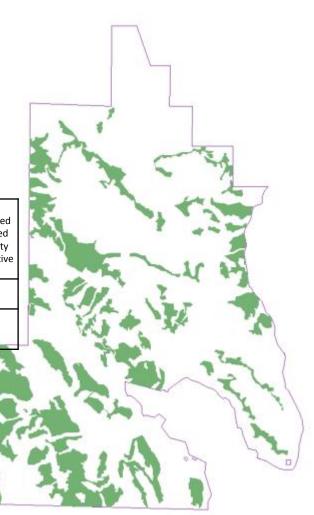
Through the EIR process, which was led by Napa County, along with voluntary reductions in response to community concerns, the project has been reduced dramatically from the original proposal.



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Walt Ranch

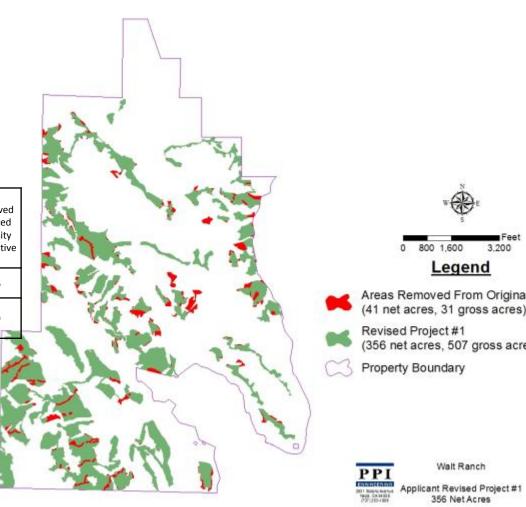
Acreage Totals	Original Project	Applicant Revised Project #1	Mitigated Project	Applicant Revised Project #2	Approved Reduced Intensity Alternative	
Total Acres (Gross)	538	507	429	410	316	
Vineyard Acres (Net)	397	356	294	282	209	







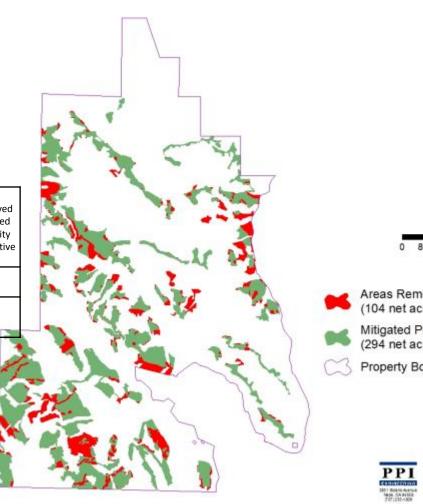
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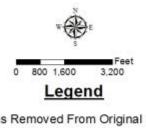




Walt Ranch

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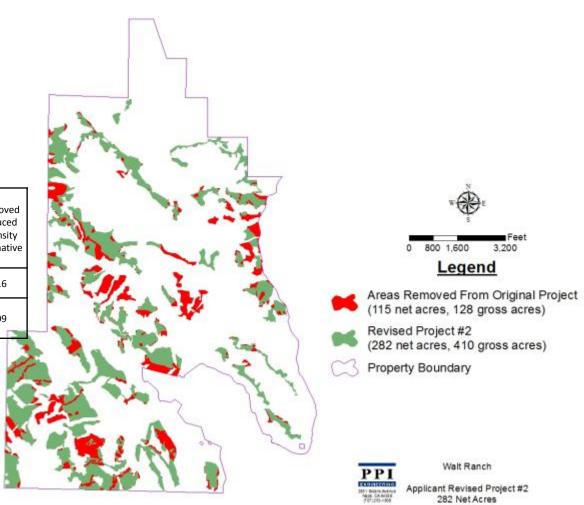


Areas Removed From Original Project (104 net acres, 109 gross acres)

Mitigated Project (294 net acres, 429 gross acres)

Property Boundary

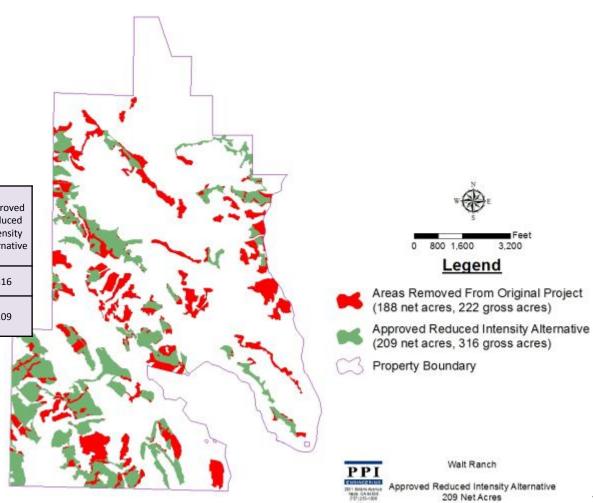
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Feet

3,200

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WALT RANCH

What is being appealed?

- Groundwater availability Project and Cumulative impacts
- Surface Water Runoff
 - Soil Infiltration and Peak Flow Rates
 - Erosion
 - Landslide Potential
- Surface Water Quality Nutrients and Monitoring
- Circle Oaks Road Use Project impacts
- Biological Animal species
- Biological Plants and Trees
- Greenhouse Gas emissions
- The EIR as an informational document and Standard of Review

NCH

Groundwater Availability

Appeal: The appellants suggest that the EIR's conclusions about groundwater are flawed. They question the following analysis and assumptions:

- Available Groundwater
- Recharge Capacity
- Well interference
- Groundwater connectivity to streams and the MST
- Cumulative Groundwater needs (Walt, Circle S, Circle Oaks)
- Adequacy of Groundwater Mitigation Plans

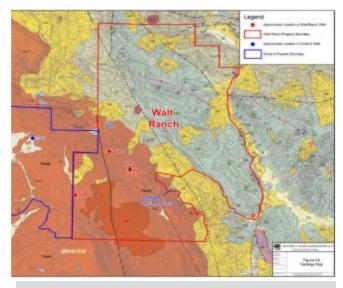
Response: The subject of groundwater availability is an important one affecting all players in Napa County.

Planning Director Hilary Gitelman required intensive empirical analysis and study of the geology of the property, existing and neighboring wells, assessment of well interference (if any), and an assessment of recharge. These studies meet and go beyond the requirements of Napa County's WAA.

In addition, an extensive Groundwater Monitoring and Mitigation Plan (GWMMP) was created to monitor protect neighboring wells, if any interference is observed.

The results of the studies and GWMMP are described in subsequent pages. 18

WALT RANCH Groundwater Availability



<u>Geology key</u>

Orange - Sonoma Volcanics (volcanic rocks) Yellow – Landslide deposits Green – Great Valley Sequence (sandstone, shale, mudstone)

- This property has ample available groundwater. Located in the Sonoma Volcanics. Extensive testing confirmed this. Due to the rocky nature of the soils, they are not connected to streamflows
- 782 acres of the Walt Ranch lie in the Sonoma Volcanics formation, which is the principal hillside water-bearing formation in Napa. Conservative estimates suggest 1.4 and 3.5 Billion gallons (4,310 – 10,700 AF) are available under only 1/3 of the property
- Well monitoring and pump testing were undertaken to determine if there was any impact on neighboring wells. During this pumping test, *no impact* was measured in any of seven neighboring wells. Ongoing monitoring of wells and mitigations are part of the EIR.
- Water use for vineyards has been reduced by 32% from the original proposal.
- Wind machines, drip irrigation, and low-flow frost protection are already in use at the property.
- The geology demonstrates that Walt Ranch is not connected to the MST, which is >3 miles away.

Groundwater Availability

There is plenty of Annual Recharge

Project Use

Cumulative Use Walt, Circle S, and Circle Oaks

Annual Vineyard Use – 145 af/year Annual Recharge – 161 af/year¹ Annual Use – Walt (145 af) + Circle Oaks² (56.7 af) + Circle S (189 af) = 390.7 af/yr

Annual Recharge – 486 af/year¹

 ¹ Developed using infiltration rates 20% – 30% lower than Napa County has used on similar projects. ² Water Use at Circle Oaks is presented as the total water requirements for Circle Oaks, not simply the wells located in the Sonoma Volcanics, to be conservative.

Groundwater Availability

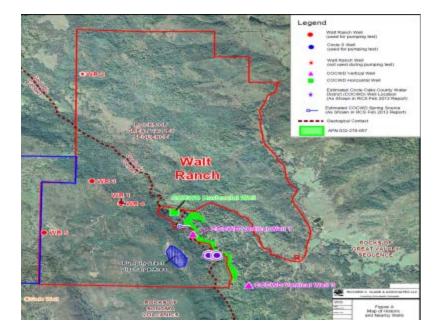
The Wells do not interfere with one another...

96 hour test – September 2009

The largest well was pumped for 96 hours continuously, at 150 gpm

Conclusions:

- 1. "No ...drawdown attributable to the pumping of WR-3 was observed in any of the seven observation wells."
- 2. The closest monitored well was 1600 ft (WR 4).
- 3. "The more distant the wells are apart, the less chance there is for hydraulic communication between them." *RCS 2014*
- 4. Distance from COCWD Wells to the closest Walt well (WR-4) are:
 - 1. COCWD Well #1 3,180 ft.
 - 2. COCWD Well #3 6,420 ft
 - 3. COCWD Well #4 2,100 ft
- 5. **Conclusion:** "It is our opinion that the cumulative effect of temporary water level drawdown due to pumping for irrigation purposes at both properties will <u>not</u> have a significant impact on offsite wells and springs located nearby the Walt Ranch and Circle S properties." *RCS 2014*



Groundwater Availability

Groundwater Monitoring and Mitigation Plan Based on empirical data, the hydrogeologist has concluded that the project is not expected to have a significant

impact on groundwater levels or neighboring wells.

Despite these conclusions, an extensive Groundwater Monitoring and Mitigation Plan has been developed as part of the project. Five key steps are proposed:

- 1. Data collection and Well history
- Installation of monitors on existing wells (including COCWD) and drilling new monitoring wells at strategic sites 2.
- 3. Development of Baseline data set
- Monitor conditions and impact of vineyard development (if any) 4.
- 5. If it is determined that the well production of pre-existing offsite wells drop to a level which does not support existing or planned land uses, then the following mitigations may be implemented (this is the trigger):
 - a) Reducing the peak pumping rates of seasonal irrigation in all or selected wells
 - Reducing the pumping volume of all or selected wells. b)
 - c) Shifting groundwater extraction to different project wells
 - d) Ceasing production in specific project wells and replacing that production
 - e) Lowering the pump depths in offsite wells
 - f) Development of new offsite wells to replace those that have been impacted
 - g) Providing an alternate source of water to the owner of the impacted well



Surface Water Runoff Soil type changes, infiltration, and Peak Flows

Appeal: The General Plan standard for Napa County requires that there is no net increase of erosion and no increase of runoff from the property.

In 2014, NRCS sent a letter to Napa RCD indicating that the infiltration rate in rocky soils (e.g. Hambright) could be increased with deep ripping. The EIR was based on this assumption.

In June 2016, NRCS sent a letter that indicated that the first letter was theoretical, and that further testing on the site should be done to confirm the change, and the increase in infiltration. This called into question the design of the vineyard with relation to the peak flow and infiltration assumptions. Appellants are questioning the runoff assumptions.









Response:

PPI Engineering, in conjunction with NRCS and Napa County Engineering, conducted field testing (10/20/16) of ripped vineyards on the Walt Ranch (10 years old) to confirm that the soil depth and infiltration rate increased.

The testing not only confirmed the thesis that the soil types would change, but it also confirmed that the increase in soil depth is permanent. In fact, the observed change in soil type was greater than expected.

As a result, the *assumptions used in the modeling were confirmed and are conservative.*





Surface Water Quality Nutrients, Erosion and Monitoring

Appeal: Appellants argue that the addition of vineyards on the property will increase sedimentation, nutrients to surface water, increase TMDL levels in the Napa River, and threaten wildlife.



Response: Both the DEIR and the FEIR, after exhaustive study, concluded that there **was no impending threat** for contamination of surface waters from erosion or nutrients.

Regardless, we approached the City of Napa to work out a monitoring and mitigation agreement. This agreement is **voluntary** on our part and was the first of its kind in Napa County.

The first samples under this plan have already been taken to establish important baseline water quality data.

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Surface Water Runoff: Erosion and Sedimentation

- Contrary to the recent public statements about this project, water quality in the Milliken watershed is expected to improve due to the reduction of sedimentation and soil loss in both the Milliken and Capell Watersheds.
- Sedimentation/Soil Loss is expected to decrease in both the Milliken (43%) and Capell (13%) watersheds. The +/-21 miles of already existing roads will be graveled and/or improved as an important part of reducing sediment load.
- The project will not result in an increase in the rate or volume of surface water runoff in the Milliken Creek watershed.
- The applicant is committed to organic farming on the property following vineyard establishment.
- The data provided by the scientists who have studied the project closely point to the conclusion that developing these vineyards in the responsible way proposed will materially <u>benefit</u> this watershed.



Circle Oaks Drive Access

Appeal: Appellants claim the EIR failed to adequately study the geotechnical conditions, traffic, noise, air quality and other effects of the use of Circle Oaks Drive, a county road with a specific concern related to construction traffic.



Response: Applicant volunteered, and the County added as mitigation, a condition that all construction equipment (and those over 80,000 lbs) must take an alternative access away from the neighborhood.

Employee access limited to specific hours.

An assessment of the road will be done prior to development. Although no impacts to the road or underground pipelines are anticipated, mitigation requires that we repair any problems caused by the project.

The use of County-maintained roads for Ag use is consistent with the General Plan.



Biological – Animal Species

Appeal: The appellants questioned the impacts on multiple animal species. They include the Foothill Yellow Legged Frog, the California Red Legged Frog, Western Pond Turtle, Mountain Lions, Peregrine Falcons, White-tailed Kites, etc.





Response: Extensive surveys were undertaken over many years by qualified biologists to establish the presence and habitats of the species in question.

Avoidance was the primary mitigation.

Mitigations: All the vineyards require the following:

- Pre-construction surveys for the presence of the species.
- Remove vineyard to protect habitat (WPT nesting and upland habitat), resulting in 98% preservation.
- Setbacks from the vineyards to protect habitat.
- Larger setbacks to protect the upland habitat of multiple species
- Protective fencing in construction areas to protect wildlife habitat during construction
- Develop invasive species program to prevent predatory bullfrogs from establishment in reservoirs
- All construction workers will be trained to identify and avoid FYLF, CRLF, and WPT species and habitat.

Wildlife corridors of a minimum of 100 ft to provide connectivity for wildlife movement.

Smaller block design encourages larger wildlife corridors.

WALT RANCH Biological – Plant Species

Appeal: The appellants questioned the impacts on a long list of Plant species and Woodland Alliances. The list is presented on the next page.



Response: Extensive surveys were undertaken over many years by qualified biologists to establish the presence and habitats of the species in question, and a Biological Resources Management Plan (BRMP) was developed by those experts.

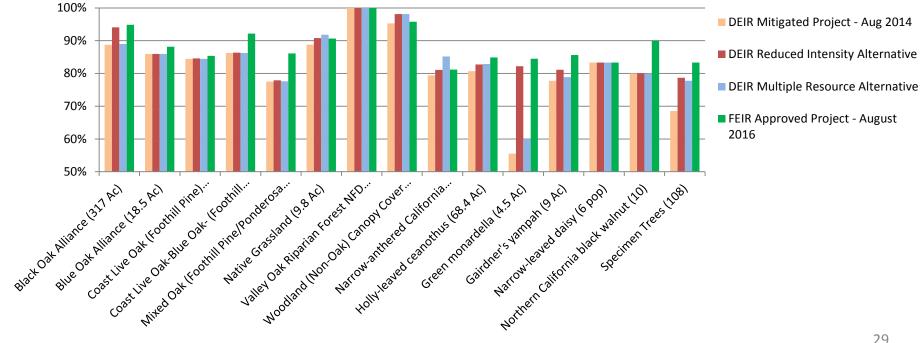
Avoidance and preservation of sensitive plants and habitats was the primary mitigation.

Mitigations: All the vineyards require the following:

- In all cases, retained populations are above 80%.
- Conservation easements are required for the long term preservation of nearly all species.
- Sensitive habitats will be identified and protected with fencing prior to construction.
- Replanting, propagation, and preservation of many of the species will take place at a 1:1, 2:1, or 5:1 ratio as directed by the General Plan.

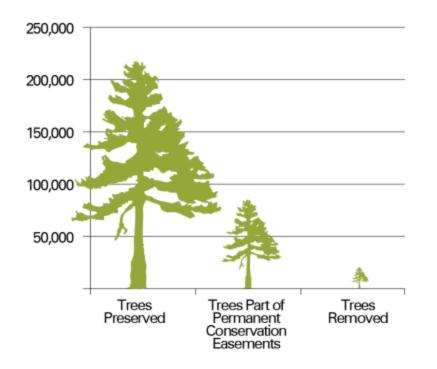


Avoidance of Sensitive Habitats and Plants - by Species (Comparison of Alternatives in DEIR/FEIR)





Oak Woodlands / Trees



- The FEIR calls for a combination of avoidance, replanting, and preservation and conservation of sensitive species on the property, including trees.
- More than 221,000 (94%) of the trees will be conserved.
- At a minimum, 525 acres (30%) of oak woodlands will be placed into permanent conservation easements.
- Depending on the specific species or habitat of tree or plant, replanting and preservation in perpetuity will take place on a 1:1, 2:1, or 5:1 basis.
- The proposal is consistent with Napa County's voluntary Oak Woodland Management plan, which is the highest Napa standard.

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Do as I say, not as I do?



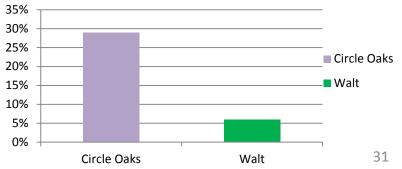
Aerial photograph of Circle Oaks (2011) Showing 29% of trees removed for development

The Circle Oaks Subdivision

Ironically, some of the most active opponents to the Walt vineyard live in the Circle Oaks subdivision. They claim many things including their desire to protect trees and maintaining their rural way of life.

The aerial photo on the left demonstrates that approximately 29% of the woodland canopy was removed to establish Circle Oaks in the 1960's, or approximately 61 acres. The Walt Ranch removes only 6% of tree canopy.







Greenhouse Gas Emissions

Appeal: Appellants state the EIR's analysis of GHG emissions does not comply with CEQA.

Response:

In the absence of a Napa County Climate Action Plan (CAP), the Solano County CAP was used as the basis for the analysis, in conjunction with BAAQMD CEQA Guidelines.

In addition, due to the recent Newhall Ranch decision by the California Supreme Court, the significance thresholds from the SMAQMD CEQA Guidelines were used for GHG emissions for construction and operations.

Mitigations and Actions:

- 525 acres of woodlands on the property will be permanently conserved to offset GHG emissions.
- 2. With the preservation, both the project construction and ongoing operations were well below the existing thresholds for GHG emissions.
- As new GHG rules and guidance have come from local agencies and courts, Napa County has updated the analysis and demonstrated that the project complies with each GHG emission standard.
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Surface Water Runoff Highway 121 Landslide Surface Water Runoff Vineyard Blocks to mapped Landslides

Appeal: The appellant asserts that the recent slide on Highway 121 is an indicator that upstream vineyard development will cause future, similar landslides.

Response: While this is an interesting thesis, the County's expert has reviewed both sites and articulated why the Highway 121 site and the Walt Ranch are completely different.

- Gilpin Geosciences Memo – October 2016.

Appeal: The appellant claimed that runoff in vineyard blocks 31A, 40B, 50, 52, 54, 57, and 61 directs drainage directly into mapped landslides, thereby increasing the risk of landslide failure in the future.

Response: The County's expert responded to note that blocks 31A, 40B, 50, 52, and 61 were all removed from the ECP. Block 54 directs the runoff downslope of the landslide and an upslope berm limits sheetflow from above. In their opinion, the engineered plan will improve the existing condition.

- Gilpin Geosciences Memo – September 2016.



Conservative and Cautious Plans

Through this 10 year process, Napa County has consistently applied the most conservative assumptions in the assessment of the Walt Ranch proposal, and the project has been reduced. After extensive study and review, the EIR concludes that **significant impacts are not expected**.

Despite this conclusion, we have established ongoing monitoring and mitigation plans to provide further protection to the environment and neighbors in four distinct areas:

- 1. Groundwater
- 2. Surface Water
- 3. Circle Oaks Roadway
- 4. Phasing of Vineyard development



A review of the Legal Requirements under California State Law

Whit Manley



Public hearings encouraged but not required.

Here, County has held multiple public hearings to receive comments on the Environmental Impact Report, on public review periods, and on the decision whether to approve the ECP.

Agency must provide notice and an opportunity to provide comments on the scope of the analysis (30 days), and on the Draft EIR (45 days, "not to exceed" 60 days).

Here, County requested scoping comments twice. Comment period on Draft EIR extended to 133 days.



The Process (Continued)

EIR process should generally take no longer than a year.

Here, EIR process has been ongoing for eight years.

EIR should generally be 300 pages in length.

Here, EIR spans 1,100+ pages, not including technical appendices. The technical appendices, which were circulated with the Draft EIR and are part of that document, span another 1,100+ pages.



Substance

Agency must make good-faith effort to describe project's impact on the physical environment.

Here, EIR was prepared by technical experts in each resource area (biologists, air quality experts, hydrogeologists, planners, etc.).

WALT RANCH Substance (Continued)

EIR's analysis subject to oversight by the County. Technical reports submitted by applicant subject to peer review. Where project may have significant environmental effects, EIR should identify, and agency should adopt, mitigation measures that avoid or substantially lessen those effects, where it is feasible to do so.

Here,

- EIR identifies mitigation for every potentially significant impact. EIR concludes there are no "significant and unavoidable impacts."

- Applicant has reviewed recommended mitigation measures and has agreed to incorporate all of them into the project.

- Mitigation measures monitored and enforced through MMRP.

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Substance (Continued)

EIR identifies range of alternatives that avoid or substantially lessen significant environmental effects, and agency must adopt such an alternative if feasible and consistent with basic project objectives.

Here,

- EIR identifies range of alternatives.

-Project, as mitigated, will not have significant and unavoidable effects. Thus, the County is not legally required to consider alternatives.

- The approved Project, at 209 vineyard acres, is substantially reduced from the analyzed Reduced Intensity Alternative.



Substance (Continued)

Final EIR must provide good-faith responses to comments.

Here, EIR systematically responds to every comment received. For certain recurring issues, comprehensive "master responses" provided.



Where the record contains a dispute amongst experts about the project's effects, agency has discretion regarding which analysis to rely upon. Standard of review is deferential to considered judgment of County policy-makers.

Here, Final EIR includes responses, and provides detailed responses from County's technical experts. The County is therefore provided with a robust record upon which to base its decision.



Substance (Continued)

General Plan contains policies addressing resources potentially affected by the project.

Here, EIR and staff report include detailed discussion of the extent to which the project is consistent with these policies. Conclusion: The approved project is consistent. Applicant agrees.

Standard of review is deferential, recognizing that the local agency is best equipped to interpret and apply its own General Plan policies.

Director Morrison adopted detailed findings supporting his decision to approve Reduced Intensity Alternative (with further reductions). Findings are supported by abundant evidence and should be upheld.

Resource areas addressed in EIR:

- Ø Water supply
- Ø Biological impacts
- Ø Greenhouse gas emissions



General Plan Consistency

Tom Adams



Legal Standard for General Plan Consistency

- Courts are "highly deferential" to the County's interpretation of its general plan "because policies in a general plan reflect a range of competing interests, the [County] must be allowed to weigh and balance the plan's policies when applying them, and it has broad discretion to construe its policies in light of the plan's purpose. [Friends of Lagoon Valley v. City of Vacaville, 154 Cal.App.4th 807 (2007).]
- The General Plan stresses the flexibility of policies and ability of decision makers to balance competing policies when necessary. (Napa County General Plan, p. 4.)



General Plan Consistency and Appeals

- Appeals assert that the project and CEQA analysis are inconsistent with specific general plan goals and policies but fails to acknowledge the following goals and policies that also need to be considered:
 - Goal AG/LU-1: Preserve existing agriculture and plan for agriculture and related activities as the primary land uses in Napa County.
 - Policy AG/LU-4: The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/open space...
 - Policy AG/LU-15: The County affirms and shall protect the right of agricultural operations in designated areas to commence and continue..., even though established urban uses in the general area may foster complaints.

WALT RANCH General Plan Goal CON-1

- CON-1 Goal: County of Napa will conserve resources by determining the most appropriate use of land, matching land uses and activities to the land's natural suitability, minimizing conflicts with the natural environment and the agriculture it supports.
- ANALYSIS:
 - Consistent with the General Plan, the site is zoned for agriculture use with vineyards being allowed within the zoning designation.
 - The project has been analyzed, mitigated, and reduced to specifically insure that any conflicts are minimized.
 - The County approved the Reduced Intensity Alternative (Environmentally Superior Alternative) NOT the proposed project.

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General Plan Policy CON-18

- Policy: To reduce impacts on habitat conservation and connectivity the County shall require retention of movement corridors of adequate size and quality to allow for continued wildlife use based on needs of species (paraphrased)
- ANALYSIS:
 - Mitigation requires corridors \geq 100 feet in width
 - Nearly 2000 acres (86+%) of property will remain open space.
 - Permanent protection of large swaths of natural woodland landscape in areas selected by a qualified biologist as important wildlife movement corridors.
 - Four northwest-southeast trending woodland corridors were selected, in addition to four north-south corridors, including stream corridors.

WAIT R A N C H

General Plan Policy CON-24

- Policy: Maintain and improve oak woodland habitat to provide slope stability, soil protection, species diversity, and wildlife habitat via preservation, compliance with Oak Woodland Preservation Act, or preservation of lost woodlands at 2:1 ratio (paraphrased)
- ANALYSIS:
 - Project avoids 94% of the trees on the property.
 - Preserves lost oak woodlands at 2:1 ratio (525 acres) protected via conservation easement.
 - The project is consistent with Napa County's voluntary Oak Woodland Management plan, which is the highest Napa standard.
 - Additional avoidance is simply not feasible given the time, costs, and acreage reductions to date.



County Agricultural Policy Overview

- In 1968 the County created the first Agricultural Preserve.
- This legacy continued with Measures J and P to insure agriculture remains the highest and best use of land.
- The General Plan's first AG/LU Goal establishes Agriculture as the County's primary land use.
- The General Plan EIR estimated that the County would have 12,500 new acres of vineyard by 2030.



County Agricultural Policy Overview

- Based on a straight-line projection, the County anticipated approval of roughly 5,000 acres. To date, the County has approved 3,587 new acres of vineyards.
- Today we see some who support the agricultural preserve but are opposed to agriculture.
- This is a project that balances the competing policy objectives of the General Plan.
- Walt Ranch is an agricultural project on only 13% of a large property leaving almost 2000 acres in open space that is fully mitigated and it deserves your support.



Bottom Line

This proposal is to plant a vineyard in a part of the county zoned for agriculture in Napa Valley. Nothing more.

During the last two decades we, as applicants, have demonstrated our commitment to responsibility and the environment through our actions (organic farming, LEED construction, engagement in the community).

We are proud of the proposal. We believe it is balanced, responsible, and has been responsive to public comment as well as being consistent with Napa County's General Plan.