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Public Comments



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FILE #: P17-00428 UP
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David Morrison
Director

PERMIT APPLICATION AND INITIAL STUDY
REQUEST FOR COMMENTS

TO: CA State Parks Bay Area District - Attn: Laura Wilson

APPLICATION TITLE: Bergman Family Winery Use Permit

APN: 022-080-010

DESCRIPTION OF PROJECT: Use Permit application to permit the following: 1) 8,000 gallon per year maximum production winery; 2) 5,174 square foot winery building and 485 square foot uncovered porch area; and 3) Two full-time & two part-time employees. No tours, tastings, marketing plan, or food service is proposed. Please refer to the attached resubmittal response letter, revised Road Exception Request and plans for project details.

RESPONSE REQUEST DATE: 3/22/18

RESPONSE RETURN DATE: **4/9/18**

PLEASE RESPOND VIA E-MAIL TO: jason.hade@countyofnapa.org
OR FAX TO (707) 299-4298; TELEPHONE #: (707) 259-8757

This application (see enclosed project statement and plans) 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.

- 1. Do you have any comments on this project? Yes No
- 2. Do you have jurisdiction by law over this project? Yes No *partially on park property*
- 3. Attach your agencies comments, or list below: Comments attached *3 pages* Comments below

Name of contact person: Laura Wilson

Telephone #: 707 769 5652 ext 218

Email: Laura.Wilson@parks.ca.gov

Title: Sr. Park and Recreation Specialist

Date: April 18, 2018



DEPARTMENT OF PARKS AND RECREATION

Bay Area District
845 Casa Grande Road
Petaluma, California 94954

Lisa Ann L. Mangat, *Director*

April 18, 2018

Mr. Jason Hade
Senior Planner
Napa County Planning, Building, and Environmental Services
1195 Third Street, Suite 210
Napa, California 94559

Project: Bergman Family Winery Use Permit, APN # 022-080-010

Subject: 2nd Round Response to Request for Comments for Permit Application and Initial Study

Dear Mr. Hade,

California State Parks, Bay Area District appreciates the additional information and an opportunity to provide comments for Napa County's Request for Comments for Winery Use Permit Application and Initial Study for Bergman Family Winery Use Permit Application.

California State Parks is a Trustee Agency as defined by Title 14 CCR 15386 for the resources within the state park potentially affected by this project. Bothe-Napa Valley State Park shares a common boundary line with the subject parcel where this new Use Permit for commercial development/expansion proposal is located and is the subject of this comment letter. Further, Bothe-Napa Valley State Park has federal park protections in place via a Land and Water Conservation Fund Agreement with National Park Service (NPS), and any uses other than for park purposes could be considered a violation and cannot be allowed.

We are submitting these comments and requests for information in response to Napa County's Request for Comments, dated March 22, 2018 for your consideration as follows:

- The copy of the draft northern spotted owl (NSO) survey conducted by Scott Butler, dated April 10, 2015 that was referenced in the project application and was included with the recent materials provided for review does not appear to be relevant to the current project application as it does not have the current project's scope, nor appropriate studies and analysis for project related new-commercial use, winery building or construction activities, nor discussion of added noise or visual disturbances as noted in the guidance by USFWS for NSO. Further, the County may want to review historical information produced by the applicant for its series of

projects on the parcel. For example, the applicant had submitted a different northern spotted owl survey conducted by Scott Butler, dated September 4, 2014 for their previous project description which included removal of one dead tree during the Fall 2014 (within potential NSO habitat but outside of breeding season), but then proceeded with a different scope of work for multiple tree removal during April 2015 (during NSO breeding season). Therefore, we request a current northern spotted owl survey conducted for this project's new commercial use and construction, and if appropriate, suggest avoidance measures for the project and methods/oversight for ensuring compliance.

- Provide an archaeological/cultural resource report for the project's application. There are known cultural resources documented in the regional database (perhaps outside the County's GIS database but in the industry profession's regional database) that are located adjacent to the private access road and the general area is sensitive for archaeology.
- Project overall site (aerial) drawing, C1 shows the shadow or outline of tree foliage along the north westerly area of the project's 20' driveway which is in close proximity to or possibly over the shared boundary line with the state park, thus we request further details/discussion of the plants (and their potential requested removal) associated with the driveway installation. If necessary, a site discussion with the State Parks Environmental Scientist will be required prior to tree removal so that we may determine if any trees are on state park property or that may be potentially impacted by this project. Further, project applicant should have their property boundary surveyed in this area so we may determine the trees location in proximity to the boundary and to ensure any and all project improvements are fully contained within Permittee's land.
- Project storm water drawing, C10 shows water sheet flow drainage off of the parcel's proposed new impervious surfaces onto and using state park property which will not be allowed. The applicant is suggesting the existing drainage as a baseline condition, but this would only apply to the existing natural undeveloped condition, conversely the applicant is proposing constructing a new hardened impervious driveway surface that will collect and channel water which will need to be accommodated within their parcel so as not to cause potential erosion, dispersal of paved driveway toxins, or other project related off-site impacts to the state park. Therefore, the project drawings should be re-designed so that the proposed new driveway/drainage facilities are fully contained within its parcel and will not directly or indirectly impact or reference unauthorized private use of state park property.
- In general, the project should be properly designed so that the parcel's proposed new Use Permit for commercial development (added to its current facilities) is fully contained within its property boundaries so as not to cause potential off-site impacts to the neighboring state park. This may include appropriate setbacks from the boundary for where there may be new facilities and/or hardened surfaces to ensure that these facilities are designed properly with adequate drainage facilities which are fully contained within their parcel to accommodate these proposed new built facilities. The project should not potentially cause direct or indirect sheet flow/water runoff or erosion or other off-site impacts to the state park which will not be allowed.

- Project did not adequately describe construction related work that may involve the use of large vehicles/trucks or equipment use and access, transporting materials to the site and off-site hauling, added noises, and other related project construction elements that may contribute to potential impacts which should be described, addressed and evaluated for potential impacts to the state park and its inhabitants. Lastly, for the County's consideration, while it is usually common for a project applicant to provide a detailed project description, plans and related project information and studies, however it does not seem appropriate for the project applicant to make a CEQA determination for the County.
- The project application is requesting an exception to County road standards for its private road easement for their proposed new commercial development and Use Permit, and has expressed no interest in a possible solution for the applicant to explore other road access alternatives like use of Bea Lane, which does not go through park property. For this new commercial Use Permit application, we encourage the County to review the application for this request for new commercial use, vs the historical residential use, thus closely reviewing and evaluating for what type of vehicle limitations may be relevant and appropriate for the proposed new commercial use/frequency of trucks (not only for construction estimated for 6 – 8 months and 200 truck trips for hauling soil off-site, although there was not mention of trucks bringing in construction materials and winery equipment, etc) to ensure that all easement users or park property are not affected by a County exception. Currently, the plans show that the private road in many areas is paved less than 16' wide and has sharp turns. Further, there is evidence of vehicles leaving the paved private driveway and going off into the adjacent dirt area which the use by commercial venue may exacerbate this existing situation.

In summary, with this letter we hope our comments are helpful to the County in its review of the Bergman Family Winery Use Permit Application. We look forward to receiving the requested materials and information and welcome the opportunity to engage with Napa County throughout the environmental review process for Permittee's project site development and use to ensure there are no project related impacts to Bothe-Napa Valley State Park.

If any of these comments need clarification or further explanation please do not hesitate to contact me at (707) 769-5652, extension 218.

Sincerely,



Laura Wilson
Senior Park and Recreation Specialist
Bay Area District

cc: Vince Anibale, Bay Area District Superintendent