

“G”

**Public Comments
Pickett Road Wine Company Major
Modification
P19-00172-MOD**

----- Forwarded message -----

From: **ruralangwin** <kelliegato@gmail.com>

Date: Tue, Sep 7, 2021 at 10:38 AM

Subject: Water trucking occurring on Pickett Lane Calistoga

To: Dameron, Megan <megan.dameron@countyofnapa.org>, Dave.Whitmer@countyofnapa.org
<Dave.Whitmer@countyofnapa.org>, Joell gallagher <joellegPC@gmail.com>,
anne.cottrell@lucene.com <anne.cottrell@lucene.com>

Dear Commissioners,

Following the last public hearing on the modification of the Kelly Fleming Winery application, I took a little time to capture photos and videos of water trucking happening in the area.

I was flabbergasted to see that water trucks are running up and down Pickett Rd. and Rosedale Lane pretty much full time.

If the applicant has provided you a water availability analysis that claims adequate groundwater recharge, you might want to consider that the parcel that Fleming does not own, that has been tasked with providing Fleming groundwater, seems to be the site of nearly non stop water delivery from a source on Crystal Springs Rd. In S. Helena !

I have many videos that can not be uploaded due to their size, but suffice to say there is a major water trucking program occurring by multiple neighbors immediately adjacent to the Kelly Fleming Winery.

In my opinion, after monitoring the water trucks in the immediate area of the Kelly Fleming project, and visually observing local creeks gone completely dry, there is sufficient information to contradict applicants assertion that there is adequate ground water and to deny the project.

Thank you for your service,

Kellie Anderson

Angwin











From: Jon Webb <jwebb@albionsurveys.com>

Sent: Tuesday, September 7, 2021 3:50 PM

To: Hawkes, Trevor <trevor.hawkes@countyofnapa.org>

Cc: kellyflemingwines.com <kelly@kellyflemingwines.com>; joellegPC@gmail.com; Whitmer, David <Dave.Whitmer@countyofnapa.org>; Bordona, Brian <Brian.Bordona@countyofnapa.org>; Dameron, Megan <megan.dameron@countyofnapa.org>; A Cottrell <anne.l.cottrell@gmail.com>; Gallina, Charlene <Charlene.Gallina@countyofnapa.org>; kelliगतo@gmail.com; Jon Webb <jwebb@albionsurveys.com>

Subject: RE: Water trucking occurring on Pickett Lane Calistoga

[External Email - Use Caution]

Trevor

I am copying everyone in this email chain so we can state the facts and truth of the matter.

Its quite disturbing this person from Angwin is driving around the valley following water trucks and possibly trespassing onto private properties. I am flabbergasted, I would think there is more useful ways to spend ones time.

Nevertheless, as you know it is not a violation of County Code to haul water to one's property. More importantly, Ms. Fleming, as stated on the record during the previous Winery Use Permit hearing, IS NOT, AND HAS NEVER hauled water to the winery. I think its absurd for this person from Angwin to make these false, malicious accusations that my client is hauling water to her properties and to waste the Counties time and resources looking into these accusations. Just because others around her might be hauling water to their property in no way demonstrates Ms. Fleming is hauling water to her properties. The photos sent by this person from Angwin might not even be anywhere near Pickett Lane, Ms. Fleming and I certainly do not recognize the photo backgrounds.

I know the Planning Commission must allow this person from Angwin to speak at the hearing but I believe it's a waste of valuable time listening to these unfounded, unproven, factless accusations and I certainly hope the County staff and Planning Commissioners do not rely on this person from Angwin for the facts in this matter. Additionally, I think any time spent and charged to Ms. Fleming by the County looking into these false accusations should be billed to the person from Angwin who is making these accusations, not Ms. Fleming. At some point people who attempt to alter or stop projects based upon unfounded accusations should be held accountable.

Thank You

Jon M Webb, PLS 6709

Albion Surveys, Inc.

1113 Hunt Avenue

Saint Helena, CA 94574

707-963-1217, ext 117

707-963-1829(facsimile)

jwebb@albionsurveys.com

[Electronic Data User Agreement](#)

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From: [Hubert Verdeille](#)
To: [Hawkes, Trevor](#)
Cc: anne.cottrell@lucene.com; [Whitmer, David](#); joellegPC@gmail.com; [Dameron, Megan](#); andrewmazotti@gmail.com; [Fuller, Lashun](#); [LaMische Blanche](#)
Subject: Fleming Winery Major Modification application
Date: Saturday, September 11, 2021 9:29:55 PM
Attachments: [2021 Pickett water truck deliveries.pdf](#)

[External Email - Use Caution]

patently Regarding **MAJOR MODIFICATION # P19-00172-MOD**
Pickett Road Wine Company / Kelly Fleming Winery expansion

As a neighbor affected by the Kelly Fleming Major Modification, we received the Notice of the September 15th Planning Commission meeting - postmarked on the Friday before Labor Day weekend - on September 7th, only 8 days before the hearing. Inadequate notification for a project of this impact in our area.

We addressed our concerns at the previous hearing in June, and also in a follow up letter to the Napa County Planning, Building & Environmental Services on July 9th. We were informed by the Planning Department on the 12th of July that our concerns were "forwarded to Pickett Road Wine Company's agent for this Use Permit Modification, they will be contacting you to include you in neighbor discussions." To date, neither we nor our neighbors have been contacted by Pickett Road Wine Company to mitigate our concerns.

Water Availability Analysis: The hydrology section of this report is inadequate and invalid.

"Groundwater recharge was simulated for water Year 2010, chosen because annual precipitation totals across most of the county were close to their 30 year average in 2010."

Conclusions on data from 2010 do not reflect current drought conditions. Climate and resulting rainfall have changed dramatically, (see CA Drought Map attached). The report is incorrect, inadequate, and needs to be completely redone to reflect current conditions and more accurate estimations.

The report calculations relating to the recharge of groundwater are inconsistent with what the current drought conditions will produce. During the 2020/2021 rainfall season, our area received just slightly more than 35% of its average, annual rainfall.

Further, over 75% of the ground water recharge area is outside of the Fleming parcel. How can the applicant control or limit other ground water extraction uses outside her parcel? This matters when other developers say they are also using that area for development and groundwater recharge for their vineyard and winery expansions. What happens to recharge when additional development occurs?

The report states that, "the project site is not located within a water deficient area." That statement is patently incorrect. We possess daily written logs and videos of the constant deliveries (up to 8 a day) of 3500-gallon potable water trucks along Pickett Road to properties close by the Fleming Winery, (see Pickett water trucks PDF attached).

Treasury Wine Estates has been trucking in water by double tankers 4 to 5 times a day to their vineyards down Pickett onto Rosedale Road since late spring. Further, we have documented a 20' static water level drop in our own well this summer. Four of our neighbors have notations of diminished well output as well, and two others have wells that rely on the Simmons Canyon Creek/Aquifer actually run dry. We are reporting to you that our wells are failing. This all speaks to an overall water deficiency and instability in this area.

Because of our extreme drought conditions, Napa County residents have been asked to reduce their water usage. One must conclude that in this dire situation, the Planning Commission should not consider approving any projects which

contain increases in water consumption.

Traffic Analysis: Missing

Concerns were addressed at the June hearing regarding the increased traffic burden of the Major Modification; no studies or analysis were conducted regarding this issue.

The Pickett Road/Rosedale Road corridor can not sustain a further increase in traffic. This area has seen a drastic uptick since the construction of the new Four Seasons Resort along with the on-going operations of vineyards and the 3 existing Pickett Road wineries -- with an application for a fourth new 30,000 gallon winery on the books. This is unsustainable.

Further, the recent designation of Pickett-Rosedale Roads as a public "Bike Path" has added additional bicycle traffic to the current joggers and dog walkers who frequent this rural area. The road is narrow and has no stop signs or speed bumps to curtail the speed of vehicles that often drive in excess of the posted limit down Pickett toward the Silverado Trail. Local homeowners are adversely affected. Children and pets are at risk.

We strongly believe that the requested winery visitor increase along this rural road/area is an unnecessary safety risk for everyone, tourists and locals alike, and should not be allowed. The environmental impacts from the proposed project associated with traffic are Adverse and Unmitigable - and an EIR with current site specific studies is required to correctly assess the project impacts..

Summary

We oppose the approval of a Negative Declaration as to the project because of its inaccuracy, its inadequacy and its out of date assumptions on the Hydrology section, as well as the total lack of a Traffic Impact study for the Pickett corridor that was addressed in June.

Hubert and Michele Verdeille
lamische@gmail.com | 707.942.9609
17 Rosedale Road, Calistoga, CA 94515

see

September 28, 2010

(Released Thursday, Sep. 30, 2010)

Valid 7 a.m. EST

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	85.44	14.56	8.08	0.24	0.00	0.00
Last Week 9/21/2010	85.44	14.56	8.08	0.24	0.00	0.00
3 Months Ago 6/29/2010	87.97	12.03	8.08	0.24	0.00	0.00
Start of Calendar Year 12/29/2009	6.56	93.44	72.16	9.24	0.00	0.00
Start of Water Year 9/29/2009	0.00	100.00	73.44	45.82	0.00	0.00
One Year Ago 9/29/2009	0.00	100.00	73.44	45.82	0.00	0.00

Intensity:

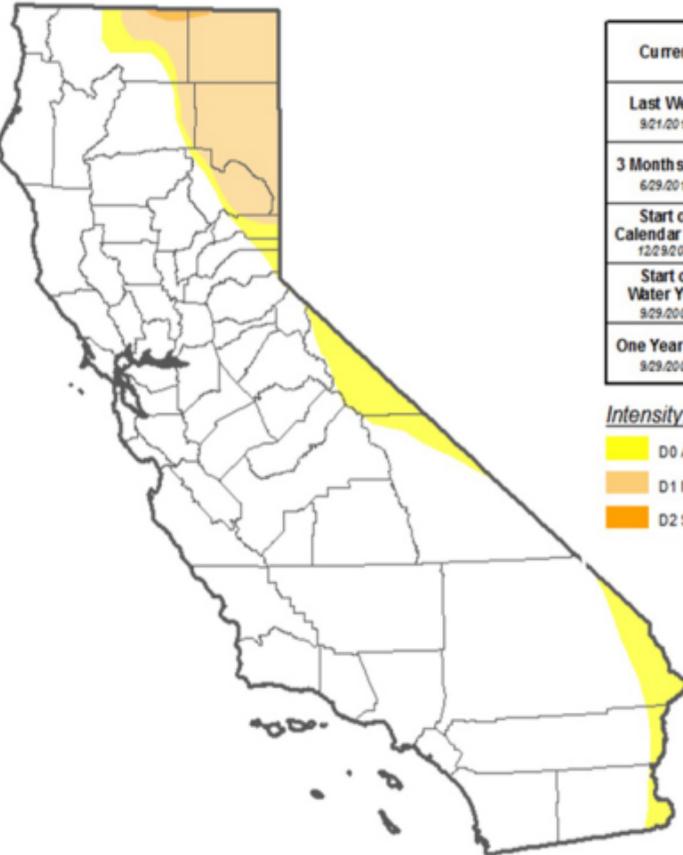
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.

Author:
Richard Heim
NCDC/NOAA



<http://droughtmonitor.unl.edu/>



December 1, 2015

(Released Thursday, Dec. 3, 2015)

Valid 7 a.m. EST

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	0.14	99.86	97.33	92.26	70.55	44.84
Last Week 11/24/2015	0.14	99.86	97.33	92.26	70.55	44.84
3 Months Ago 9/1/2015	0.14	99.86	97.35	92.36	71.08	46.00
Start of Calendar Year 12/30/2014	0.00	100.00	98.12	94.34	77.94	32.21
Start of Water Year 9/29/2015	0.14	99.86	97.33	92.36	71.08	46.00
One Year Ago 12/2/2014	0.00	100.00	99.72	94.42	79.69	55.08

Intensity:

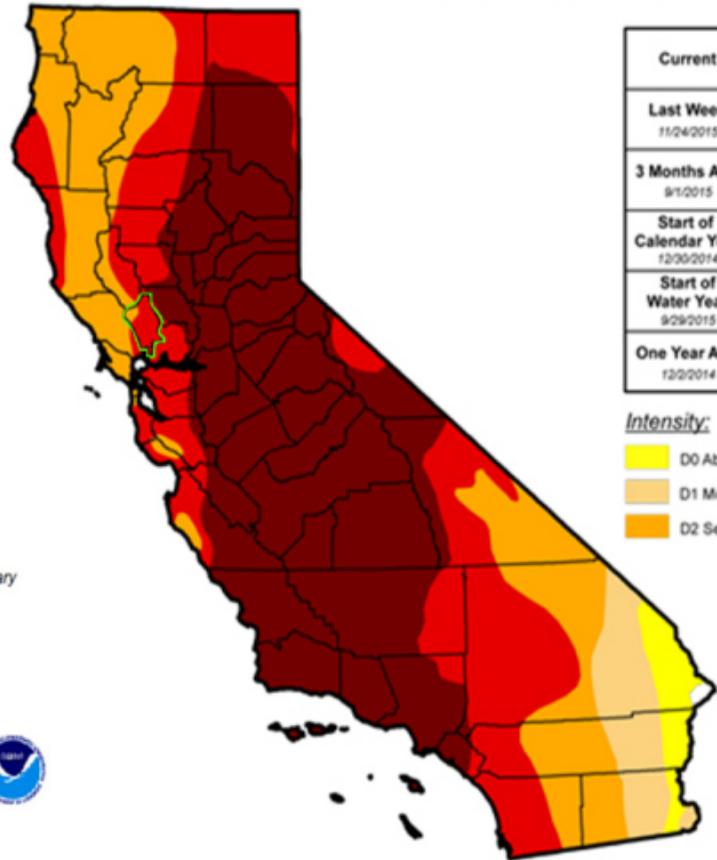
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.

Author:
David Simeral
Western Regional Climate Center



<http://droughtmonitor.unl.edu/>



August 31, 2021

(Released Thursday, Sep. 2, 2021)

Valid 8 a.m. EDT

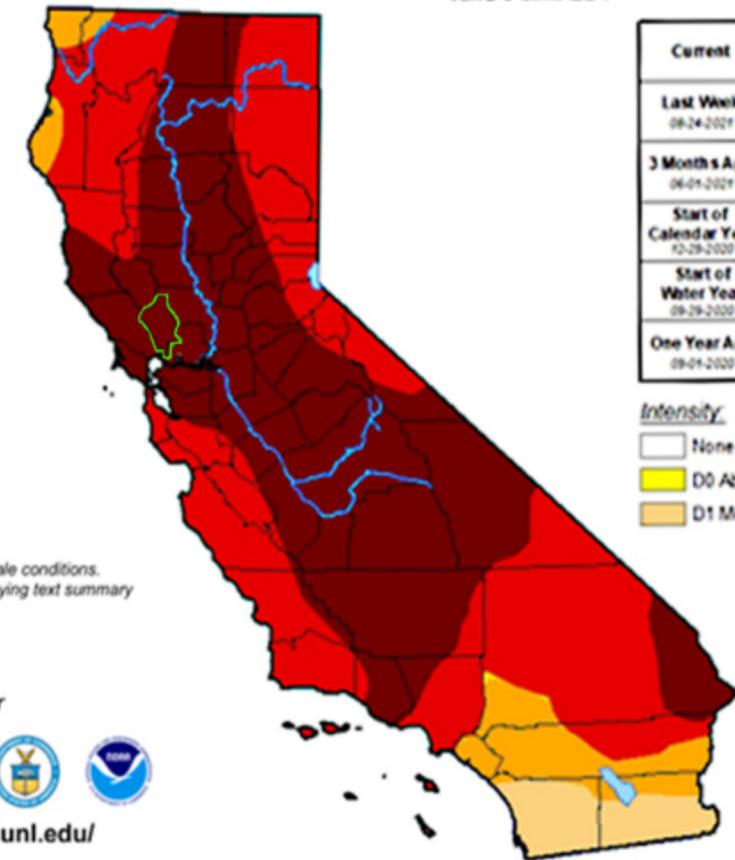
Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	0.00	100.00	100.00	95.56	88.37	47.40
Last Week 08/24/2021	0.00	100.00	100.00	95.58	88.37	47.40
3 Months Ago 06/01/2021	0.00	100.00	100.00	94.61	74.46	26.04
Start of Calendar Year 12/29/2020	0.00	100.00	95.17	74.34	33.75	1.19
Start of Water Year 09/29/2020	15.35	84.65	67.65	35.62	12.74	0.00
One Year Ago 09/01/2020	20.39	79.61	54.38	31.78	3.04	0.00

Intensity:

- None
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

U.S. Drought Monitor
California





07/10/2021 12:34PM CAMERA1

JULY 10, 2021 12:34PM



07/11/2021 02:52PM CAMERA1

JULY 11, 2021 2:52PM



07/14/2021 01:08PM CAMERA1

JULY 14, 2021 1:08PM



07/14/2021 02:20PM CAMERA1

JULY 14, 2021 2:20PM



07/15/2021 05:37PM CAMERA1

JULY 15, 2021 5:37PM



07/16/2021 01:29PM CAMERA1

JULY 16, 2021 1:29PM

From: [Michael Krassner](#)
To: [Hawkes, Trevor](#)
Subject: Fleming Winery Modification
Date: Monday, September 13, 2021 9:10:47 AM

[External Email - Use Caution]

Regarding **MAJOR MODIFICATION # P19-00172-MOD**
Pickett Road Wine Company / Kelly Fleming Winery expansion

Trevor,

Although there are changes from their earlier application, most of the points raised by myself (emails of June 1, 2021 and June 2, 2021 incorporated here by reference) and others including Robert Levenstein, and **Hubert and Michele Verdeille** in which I join, are not.

Aside from the ethereal meditative nature of the walk up Pickett to its end near the winery, the increased traffic on a roadway with no lanes, and no shoulder to speak of is dangerous.

As pointed out at the hearing by Christopher Kostow, this traffic includes not just the visitors but staff for these events and the tours and tastings (none of which was addressed by Fleming or Planning Staff) including catering folk and other support elements (waitstaff, security, floral and décor, entertainment etc.).

Aside from the residents, the children, and pets, we see visitors walking and biking from the area and local resorts, which is sure to increase with the Four Seasons opening shortly.

This speaks to the need addressed in the Levenstein and Verdeille letters asking, in part, for an environmental impact statement highlighted by the complete avoidance of any discussion of this in the negative declaration.

Unfortunately, should the application be approved I fear we will likely see over time injury to people or animals along Pickett. To think otherwise is, at best, folly and worst a chimera.

Therefore we join others in opposing the approval of a Negative Declaration as to the project because of its inaccuracy, its inadequacy and its out of date assumptions on the Hydrology section, as well as the total lack of a Traffic Impact study for the Pickett corridor that was addressed in June.

Michael and Nicole Krassner

Michael L. Krassner
mkrassner25@gmail.com
415-624-4110

From: Mark Armbruster <mark@agd-landuse.com>
Sent: Monday, September 13, 2021 3:50 PM
To: Hawkes, Trevor <trevor.hawkes@countyofnapa.org>
Subject: RE: PRWC Application Revision Memo

[External Email - Use Caution]

Yes, but also please include Kelly's commitment to begin closing evening events at 9pm

From: Hawkes, Trevor <trevor.hawkes@countyofnapa.org>
Sent: Monday, September 13, 2021 3:46 PM
To: Mark Armbruster <mark@agd-landuse.com>
Subject: RE: PRWC Application Revision Memo

Mark,

Please confirm is the previous email the public comment you would like me to enter into the record?

From: Mark Armbruster <mark@agd-landuse.com>
Sent: Monday, September 13, 2021 3:42 PM
To: Hawkes, Trevor <trevor.hawkes@countyofnapa.org>
Subject: RE: PRWC Application Revision Memo

[External Email - Use Caution]

I have comments on the conditions:

1. 4.12 Parking. The condition says no parking on access or public roads EXCEPT during approved marketing events. Kelly agreed there would be no parking on access or public roads during marketing events.
2. It was my understanding from Kelly that marketing events would take place in the cave.
3. 4.20 regarding notice to neighbors. I would like to be sure we are provided notice via email.

Mark

From: Hawkes, Trevor <trevor.hawkes@countyofnapa.org>
Sent: Monday, September 13, 2021 3:24 PM
To: Mark Armbruster <mark@agd-landuse.com>
Subject: RE: PRWC Application Revision Memo

Here you are.

From: Mark Armbruster <mark@agd-landuse.com>
Sent: Monday, September 13, 2021 3:00 PM
To: Hawkes, Trevor <trevor.hawkes@countyofnapa.org>
Subject: RE: PRWC Application Revision Memo

[External Email - Use Caution]

Thanks Trevor,

Can you also send me your proposed conditions of approval? Thanks.

Mark

From: Hawkes, Trevor <trevor.hawkes@countyofnapa.org>
Sent: Monday, September 13, 2021 2:48 PM
To: Mark Armbruster <mark@agd-landuse.com>
Subject: PRWC Application Revision Memo

Trevor Hawkes

Planner III

Planning, Building, & Environmental Services

County of Napa | 1195 Third Street, Room 210 | Napa, CA 94559

(707) 253-4388 | trevor.hawkes@countyofnapa.org

From: [Hubert Verdeille](#)
To: [Hawkes, Trevor](#)
Cc: anne.cottrell@lucene.com; Dave.joellegPC@gmail.com; Whitmer@countyofnapa.org; andrewmazotti@gmail.com; [Dameron, Megan](#)
Subject: Kelly Fleming / Pickett Road Wine Company / Major Modification #P19-00172-MOD
Date: Monday, September 13, 2021 3:57:41 PM

[External Email - Use Caution]

Napa County Planning Commission
1195 Third Street, Suite 305
Napa, California

TREVOR HAWKES:

trevor.hawkes@countyofnapa.org

With CC to:

anne.cottrell@lucene.com

Dave.joellegPC@gmail.com

Whitmer@countyofnapa.org

andrewmazotti@gmail.com

megan.dameron@countyofnapa.org

Kelly Fleming / Pickett Road Wine Company / Major Modification #P19-00172-MOD

The Kelly Fleming Major Modification #P19-00172-MOD public hearing scheduled to be heard by the Planning Commission on September 15, 2021 **must be continued to a future date.**

"It should be noted that a public hearing was opened on June 2, 2021 to hear this item and solicit public comments. As a result of public comments, this project was continued to allow the applicant time to meet with neighbors regarding their concerns with the proposed modifications."

Public Notice, Notice of Planning Commission Hearing & Notice of Intent to Adopt a Negative Declaration, Kelly Fleming / Pickett Road Wine Company / Major Modification #P19-00172-MOD. September 3, 2021

Please note the sole reason for continuing the June 2 public hearing was, per the public notice, "...to allow the applicant time to meet with neighbors regarding their concerns with the proposed modifications." There is no evidence nor finding that there has been any such meeting between the applicant and all the affected and concerned neighbors as instructed by the Commission.

Although neighbors contacted County Planning to facilitate such a meeting, no effective response from applicant or county staff has been received to date. Neighbors, therefore, have been unable to adequately prepare for the hearing on September 15 as we have been waiting for further information from this meeting.

This sole condition for continuing the public hearing, as specified in the public notice, has not occurred; therefore the public notice is defective. I request that the hearing be continued to a future date - after such applicant/neighbor meeting has occurred and after being legally noticed.

Signed,
Hubert and Michelle Verdeille
17 Rosedale at Pickett / Calistoga, CA 94515

From: [Tof_DG](#)
To: [Hawkes, Trevor](#)
Cc: anne.cottrell@lucene.com; Dave.joellegPC@gmail.com; Whitmer@countyofnapa.org; andrewmazotti@gmail.com; [Dameron, Megan](#)
Subject: Request for continuance: Kelly Fleming Major Modification #P19-00172-MOD
Date: Monday, September 13, 2021 4:03:06 PM

[External Email - Use Caution]

Napa County Planning Commission
1195 Third Street, Suite 305
Napa, California

re: Kelly Fleming / Pickett Road Wine Company / Major Modification #P19-00172-MOD

The Kelly Fleming Major Modification #P19-00172-MOD public hearing scheduled to be heard by the Planning Commission on September 15, 2021 **must be continued to a future date.**

“It should be noted that a public hearing was opened on June 2, 2021 to hear this item and solicit public comments. As a result of public comments, this project was continued to allow the applicant time to meet with neighbors regarding their concerns with the proposed modifications.”

Public Notice, Notice of Planning Commission Hearing & Notice of Intent to Adopt a Negative Declaration, Kelly Fleming / Pickett Road Wine Company / Major Modification #P19-00172-MOD. September 3, 2021

Please note the sole reason for continuing the June 2 public hearing was, per the public notice, “...to allow the applicant time to meet with neighbors regarding their concerns with the proposed modifications.” There is no evidence nor finding that there has been any such meeting between the applicant and all the affected and concerned neighbors as instructed by the Commission.

Although neighbors contacted County Planning to facilitate such a meeting, no effective response from applicant or county staff has been received to date. Neighbors, therefore, have been unable to adequately prepare for the hearing on September 15 as we have been waiting for further information from the anticipated meeting.

This sole condition for continuing the public hearing, as specified in the public notice, has not occurred; therefore the public notice is defective. I request that the hearing be continued to a future date to allow full participation of neighbors who are directly impacted - and after such applicant/neighbor meeting has occurred and after being legally noticed.

Norma J. Tofanelli
4th generation Napa Valley farmer
Calistoga

Only he can understand what a farm is, what a country is, who shall have sacrificed part of himself to his farm or country, fought to save it, struggled to make it beautiful. Only then will the love of farm or country fill his heart.

ANTOINE DE SAINT-EXUPERY, Flight to Arras



WATER AUDIT CALIFORNIA

A PUBLIC BENEFIT CORPORATION

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

September 12, 2021

Napa Planning Commission Clerk

PC@countyofnapa.org

RE: Hearing September 14, 2021
P19-00172-MOD
2339 Pickett Road Calistoga
APN 018-050-067

To all that it may concern:

Water Audit California ("Water Audit") objects to the failure of the applicant to ensure that this application does not injure the public trust. Additionally, for the record, Water Audit incorporates all oral and written objections and comments of all other persons as if they were set forth in full here. In particular, we endorse the neighbors' complaints about the failure to engage proximate landowners.

There is a recognized water shortage in the immediate vicinity. Neighbors report dropping well water levels and dry wells, and the applicant has resorted to trucking water just to sustain the existing uses.

Simmons Creek ("Creek") is a watercourse that transverses the property. In 2006, the California Department of Fish and Game, now Department of Fish and Wildlife, ("CDFW") reported to the then Conservation, Development and Planning Commission that the Creek was a long-recognized steelhead spawning area. The public trust doctrine prohibits injury to this protected species including the diminution of the surface water flows by groundwater extraction. The applicant appears to have five active wells at headwaters of the drainage (WCR1993-003592; WCR1993-003641; WCR1993-003593; WCR2005-006798 and WCR1999-005318) but the applicant has failed to consider the potential for public trust injury.

To the contrary, project materials are missing key information about well location(s) and production. The hand-drawn well location map for well #4 places it only 65' south of the house, whereas the Water Availability Analysis (WAA) places it 460' south of the house. Well #3 is reported to be in an odd location, not proximate to structures, vines, or water tanks. None of the five wells at the Fleming parcels are located on their actual coordinates in the DWR dataset; two appear at the centroid of the Section, one has Township and Range listed (accuracy of up to ~6 miles) but no x, y coordinates. Others have no location data at all.

Further muddying the waters, one of the four productive Fleming wells is listed at address "2395 Pickett Rd" - an address which doesn't exist. A neighboring property is "2359 Pickett Rd" so perhaps this was a moment of dyslexia... but that also seems odd, as the DWR dataset lists at least **three other wells** at the non-existent "2395 Pickett Rd" address. A close comparison of the original documents shows the "2359" number on well #7 and 2395 on well #8. Respectfully, it is impossible from the information before the Commission for the public (or the Commission) to know what is going on.

The Napa County planning process does not provide for cross-examination by members of the public, placing the burden of determining the veracity of the application upon the Commissioners.

Site plans submitted in support of the proposed project, without explanation, do not fully accord with historical documents previously submitted. Additionally, the applicant's consultant has used hydrological data from 2010. Expert opinion is predominantly that data is no longer pertinent. In a presentation to the Groundwater Sustainability Plan Advisory Committee Dr. Thomas Harder said in relevant part:

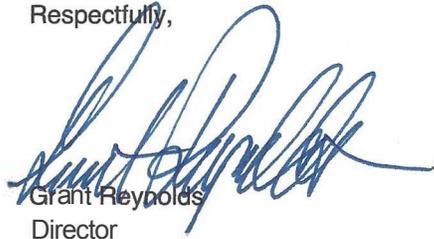
Much of the California system has been built around having an approximately even number of average wet years on one hand, and dry years on the other hand, over the course of a 20-year period. If you look at the 20th century, and you look at records of precipitation over a 20, 25, to 30-year period, you see an even number of average and wet years on one hand, and dry years on the other hand. If you look at the last 20 years, or now 22 years (I've added the last few years here, to this graph) the score is relatively uneven. We have only eight average and wet years and we've had 14 dry years. In a lot of parts of the state, that has wrought some havoc on groundwater resources ...

In June 2020 the Watershed Information and Conservation Counsel published an article making reference to a publication in the journal Science:

A recent [paper](#) on climate change in California and the West has been in the news and raising concerns. Based on extensive analysis of tree ring data—a good measure of summer soil moisture—the authors postulate that most of the region is in an unfolding “megadrought” that began in 2000 and is the second worst in the past 1,200 years.

In summary, it is not possible to determine from the application whether adjoining property owners have legitimate objections and whether the proposed development would cause impermissible injury to the public trust. For those reasons Water Audit respectfully submits that this application should be denied, or in the alternative, that the hearing be continued to allow the applicant to consider and address their potential injury to the public trust.

Respectfully,



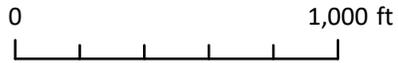
Grant Reynolds
Director
Water Audit California

Pickett Road Wine Company

Water features of concern

-  Fleming well
-  Adjacent well
-  Napa RCD stream*
-  Road
-  Parcel
-  Vineyard

* 35' and 55' setbacks shown in white



© Water Audit California September 2021



From: [MeetingClerk](#)
To: [MeetingClerk](#)
Subject: Automatic reply: Kelly Fleming/Picket Road Wine Company/Major Modification #P19-00172-MOD
Date: Tuesday, September 14, 2021 1:48:23 PM

From: lkhill23@gmail.com <lkhill23@gmail.com>
Sent: Tuesday, September 14, 2021 8:45 AM
To: PlanningCommissionClerk <planningcommissionclerk@countyofnapa.org>
Subject: Re: Automatic reply: Kelly Fleming/Picket Road Wine Company/Major Modification #P19-00172-MOD

[External Email - Use Caution]

My apologies - please see below.

The Kelly Fleming Major Modification #P19-00172-MOD public hearing scheduled to be heard by the Planning Commission [on September 15, 2021](#) **must be continued to a future date.**

"It should be noted that a public hearing was opened on June 2, 2021 to hear this item and solicit public comments. As a result of public comments, this project was continued to allow the applicant time to meet with neighbors regarding their concerns with the proposed modifications."

Public Notice, Notice of Planning Commission Hearing & Notice of Intent to Adopt a Negative Declaration, Kelly Fleming / Pickett Road Wine Company / Major Modification #P19-00172-MOD. September 3, 2021

Please note the sole reason for continuing the [June 2](#) public hearing was, per the public notice, "...to allow the applicant time to meet with neighbors regarding their concerns with the proposed modifications." There is no evidence nor finding that there has been any such meeting between the applicant and all the affected and concerned neighbors as instructed by the Commission. I have not received any notification by mail, email, or other ordinary means of correspondence.

Although neighbors contacted County Planning to facilitate such a meeting, no effective response from applicant or county staff has been received to date. Neighbors, therefore, have been unable to adequately prepare for the hearing [on September 15](#) as we have been waiting for further information from this meeting.

This sole condition for continuing the public hearing, as specified in the public notice, has not occurred; therefore the public notice is defective. I request that the hearing be continued to a future date - after such applicant/neighbor meeting has occurred and after being legally noticed.

Respectfully,

Lauren K Hill

Sent from my iPhone

From: [PlanningCommissionClerk](#)
To: [PlanningCommissionClerk](#)
Subject: RE: Kelly Fleming Winery Major Modification #P19-00172-MOD32
Date: Tuesday, September 14, 2021 3:31:39 PM

From: Hurd Beeswax Candles <hurdcandles@yahoo.com>
Sent: Tuesday, September 14, 2021 12:03 PM
To: Hawkes, Trevor <trevor.hawkes@countyofnapa.org>; anne.cottrell@lucene.com;
joellegpc@gmail.com; Dameron, Megan <megan.dameron@countyofnapa.org>; Gallina, Charlene
<Charlene.Gallina@countyofnapa.org>; Whitmer, David <Dave.Whitmer@countyofnapa.org>;
andrewmazotti@gmail.com
Cc: hurdcandles@yahoo.com
Subject: Kelly Fleming Winery Major Modification #P19-00172-MOD32

[External Email - Use Caution]

Dear Napa County Planning Commission members -

I am attaching the following Napa Register Article regarding the upcoming hearing for the Major Modification of Kelly Fleming's Pickett Road Wine Company Winery Expansion.

I am requesting that any decision be tabled or postponed until there HAS BEEN a neighborhood meeting with ALL parties expressing concerns.

I have been continuously contacting neighbors to inquire if THEY have heard anything of a neighborhood meeting, since the last Planning Commission Meeting... (as stated in the below article, as well..) and as of yet, No One has.

The issues remain the same, even though the only changes made have been to ask for 8 events a year and 1 wine release event per year. This in No Way eases the concerns of the neighbors regarding these serious issues; Our local water table, their Water Resources; well locations and production, the traffic and safety, the noise, and increased fire potential.

I personally feel that Napa County at this time, should have an emergency Mandatory Moratorium on ALL Winery developments/expansions, due to the Major Water issues affecting our county and state.

I also think a good look should be taken to the numerous trucks hauling water up and down Pickett & Rosedale Roads, from one location to another, is this legal? It not only is lessening the water resource in one location, and adding greatly to the wear & tear to our already worn county roads, and creating this intrusive, trucking traffic on our community residential lanes. I wish Each of you would spend Any given day out on Rosedale or Pickett Roads, and see for yourselves the speed and frequency of traffic from the continuous water trucks, and... neighbors??!! (I didn't realize there were That Many Homes back in those canyons ?!)

Please... keep us All informed.

Don't make this another opportunity for our county (elected / appointed) officials to ignore what We, the people, the neighbors are requesting and instead, ram rod something which is wrong down our throats and into our lives and neighborhoods !

Mary Sue Frediani
Frediani Vineyards LLC

June 8, 2021 Napa Register:

.Napa County needs more time with a winery proposal at the end of a mile-long narrow road

Jun 8, 2021

Kelly Fleming Wines wants a higher visitation cap. The county Planning Commission last week wants the winery and neighbors to take more time to work out concerns.

Paul Franson photo

[Barry Eberling](#)

Kelly Fleming's winery near Calistoga wants more visitors and, in an increasingly familiar story for off-the-beaten-path Napa County wineries, rural neighbors are concerned.

The winery under the name of Pickett Road Wine Co. asked the county Planning Commission last week to, among other things, raise the visitation cap. Commissioners told Fleming and the neighbors to try to work out their differences.

“I would much prefer to have the applicant and neighbors come together,” Commissioner Dave Whitmer said.

Commissioners agreed that the matter should return to them at a date-to-be-determined.

The winery is located in Simmons Canyon near the end of mile-long Pickett Road. Pickett Road is narrow and runs past vineyards, some rural homes and a few wineries before reaching a dead end.

Fleming secured county approval for her winery in 2006 and opened it in 2010. Her request to the Planning Commission included increasing annual visitation from a maximum of 3,618 to 7,372.

Some Pickett Road residents expressed concerns about the potential for more traffic, more noise and more water use.

Pickett Road resident Robert Levenstein supported Fleming's interest in increasing her business.

"But we're not supportive — just as county code is not supportive — of loud parties and amplified music which disturbs the peaceful enjoyment of local property," he said.

Pickett Road resident Christopher Kostow is the chef at The Restaurant at Meadowood. He said winery events involve not only guests arriving in shuttles, but also florists, planners, musicians and others.

"That is a lot of traffic, a lot of cars, hurtling down that road," Kostow said.

Pickett Road at some points is no wider than 11 feet, he said. There is a crumbling ditch to the north side. He fears regularly for his children's lives. A local dog was recently killed by a speeding motorist.

Whitmer said he understood.

“You come down from the very top of Pickett Road and it’s a straightaway,” Whitmer said. “A lot of folks are probably going, ‘Oh boy, this is like a race track.’ Well, that’s a problem on a small, narrow road like that.”

When he drove on the road, he saw no posted speed limit, though perhaps he just missed it, Whitmer said.

Kostow and others in letters talked about the aquifer that provides drinking water to residents. Supplies have become increasingly spotty, they said.

“Water trucks can be seen every day on Pickett Road,” Levenstein said. “They tell us the water problem is a big one.”

Consultant Jon Webb on behalf of the winery said the water increase would be minimal, about 26,000 gallons a year. That’s about the use of a residence for one month.

Webb said the winery could be put up directional signs to make certain guests find the winery easily. It could reduce the number of additional marketing events, switch some from nighttime to daytime and notify immediate neighbors of nighttime events.

Commissioners also addressed the possibility of canceling events and visitation when severe weather makes wildfires a particular danger. The winery during 2020 fires lost four acres of vineyards, a pump house, a detached garage, various tanks and buried lines.

“I think because of the location of this winery, being conservative is the right move here,” Commissioner Megan Dameron said.

Such issues will return to the commission as it grapples with another growth decision involving a winery that is not along a major roadway. The county approaches "remote" wineries on a case-by-case basis, looking at what is unique to each request.

County officials in 2018 said unincorporated Napa County has 484 wineries, and 57 percent are located in hillside areas and the Carneros region. Thirty-eight percent are located on the valley floor. The rest are in such places as the airport industrial area.

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