

Open Letter Regarding Flynnville Winery Development Past, Present & Future February 10, 2017

Dear Commissioner Anne Cottrell: As our up valley planning commissioner, I thank you for visiting the Flynnville area. Your visit provided me the opportunity to show the location from the point of view of a neighbor who has owned and lived on the adjacent farm property for more than fifty nine years. I appreciated your openness, questions and you were unmoved by the conditions of a rainy day.

My main objective during your visit was to provide you with a history of how the Flynnville complex was started and the failure it has become. It has been a constant problem for the multiple owners, Napa County and neighbors for decades. I have known and worked with many owners of the Flynnville parcels prior to the current owners.

The Napa County Commission who approved the original Master Plan, use permits and conditions of approval were the same famous commissioners honored for their creation of the Napa Valley Agriculture Preserve. Their vision and actions remain historic. Their vision was of outstanding stewardship for the Napa Valley.

The 1973 Flynnville Master plan was based on solid ground with a "Who's Who Architect"- Fredrick Monhoff , Napa County Public works developed conditions of approval all proposing an attractive project. Permits were based on this approved plan.

Failure of the project points to two areas. First: The County of Napa failed to monitor the use permit progress and enforce the established conditions of approval. Second: The developer/owner failed in self discipline to complete the requirements he agreed to do both in deed and spirit. Neighbors were in favor of the development as promised by the county and owner partly because of the elements included in the conditions of approval. The requirements of the project protected the interests of the neighbors and all citizens.

I have no hope that the county planners will clean up underlying and conflicting requirements on the various parcels before they laminate new conditions of approval on top of prior permits and requirements.

The planners are at the edge of declaring:

Use permits and conditions of approval DO NOT go with the land.

Irrevocable is subject to interpretation or DOES NOT mean irrevocable.

Altering parcels or dividing parcels into two parcels requires a prescribed process. The current application proposes the merging of a number of parcels with one stroke of a variance. This proposed merger could be in conflict with the original circulation plan required in the conditions of approval. It is my hope any approved plan will honor and follow the recently recorded Superior Court rulings pertaining to Ida Lane (parcel 3), Drew Drive and Drew parcels.

The planners are considering a new project. This proposed winery project is not being located on vacant, undeveloped land with Flynn Creek running through the middle of open land into the Napa River. The site has been developed with a master plan, use permits and conditions of approval. Ignoring past and current use permits and conditions of approval will result in covering a failed infected set of parcels with a bandage. In correcting most problems it is required to identify the cause and origin of the problem, make corrections and then move forward. "One who does not learn from his mistakes is likely to repeat them".

I am in favor of an improved Flynnville complex of appropriate size and attractiveness.

Your explanation of the Brown Act prompted me to send this communication to multiple recipients.

I am available to discuss this note and the Flynnville location including visits.

Will Drew Email: wmwerd@att.net phone (707) 579-7861

Frost, Melissa

Subject: FW: Flyville Wine Company Use Permit - Additional Correspondence Item 8A

From: NVhigh@aol.com [<mailto:NVhigh@aol.com>]
Sent: Friday, February 10, 2017 11:25 AM
To: Hade, Jason
Cc: dan@winecountrycases.com
Subject: Flyville Wine Company Use Permit

February 10, 2017

Jason R. Hade, AICP
County of Napa Planning, Building, & Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559

Re: Flynnville Wine Company Use Permit

Dear Mr. Hade,

I urge the Napa County Planning, Building & Environmental Department to recommend approval of the Flynnville Wine Company Use Permit, and I also urge the Napa County Planning Commission to unconditionally approve the permit.

The production limit of 25,000 cases, 25 visitors per day and the limited number and size of the events are all modest for the site and location. In fact, I would support a much higher visitor limit given their location on Highway 29 along with ease of access and space on the site.

This parcel is one of the many zoning "bubbles" within the County which has been a long unresolved issue for Napa County. Approving this winery Use Permit, which is consistent with its AW zoning, would go a long way toward resolving a thorny and embarrassing issue. You may know that I was on the Napa County General Plan Steering Committee and both the County and the Steering Committee punted on what to do with these bubbles, because, quite frankly, no one knew how to resolve them. It was a classic case of kicking the can down the road.

With the aforementioned in mind, the applicant's need for a variance should not be seen as a negative to approval, but simply as part of the larger goal of resolving a troublesome bubble. I also understand that as part of this global resolution 8 small parcels will be merged into one. Clearly this should be seen as major win for the Napa County.

Lastly, I would like to remind the Planning Commission that NIMBYism is alive and well in Napa County and that applications that are consistent with the zoning and the General Plan and void of significant negative impacts should have the expectation of a quick approval process. This is just such a project.

Thank you,

Stuart Smith
Smith-Madrone Vineyards & Winery
4022 Spring Mt. Rd.

St. Helena, CA 94574
707-963-2283

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Clerici, Brian

Subject: FW: Merger of Parcels, Flynnville Wine Co, Hearing February 15, 2017 - Additional Correspondence Received Item 8A
Attachments: Scan0012.pdf; Scan0013.pdf; Scan0014.pdf

From: Will Drew [<mailto:wmwerd@att.net>]
Sent: Tuesday, February 14, 2017 1:11 PM
To: Marshall, Rick; Hade, Jason; McDowell, John; Anne Cottrell
Subject: Merger of Parcels, Flynnville Wine Co, Hearing February 15, 2017

February 13, 2017

Memo:

From: Will Drew, Property Owner, phone, 707-579-7861 email: wmwerd@att.net
To: Rick Marshall, Deputy Director of Public Works (and others)
Re: Flynnville Wine Company, Voluntary merger of parcels 17.51.020 (B) 1

I would appreciate being included in the inclusion of easements, a covenant, a superior court ruling and master plan conditions of approval of circulation roads and, the development of those roads. My deeded property has been and continues to be a part of the Flynnville property..

The master plan, conditions of approval and permits pertain to the original 1960 parcels 3-8. It appears parcel 4 and 5 have been removed from the current proposal since the hearing of October 2, 2013 and they are not listed in the proposed project for the February 15, 2017 hearing. It seems logical they should also be included in any such merger.

Covenant: I deeded a parcel [Vol.659 Page 351] into the subdivision/non subdivision Map Survey 644 Book 6 Page 37. The covenant is the North 70' by 451' from Drew Drive of parcel 1 (new parcel # 009). The 12' by 70' parcel was retained as a Drew parcel (note the 12' by 70' parcel at North end of Drew Drive.

Recorded Superior Court Judgment {recorded # 6-November 2015-0027896}. A copy was mailed to John McDowell November 5, 2015. Easements are described in this recorded judgement.

An attached schematic indicates current parcels of the area with original and current parcel numbers. The yellow color indicates the Caltrans ownership extending into Maple Lane and Drew-Heitz-Flynn entrance from SR 29/128.

A 12' Easement was granted to the City of Calistoga for the the construction and maintainance of the North Bay Water Line. (See Vol. 1336, Page 653)

The history of Maple Lane is interesting and also confusing. The center line of the road continues to move in an Easterly direction. The two parcels are recorded in Shamp to David Rose et al (Rose, Lloyd & Steel) 33/342 of Deeds, February 6, 1883. The State Hwy has a different take and the railroad line ads to the confusion. I am one of the five owners of the bridge over the Napa River.

Attachments: (1) Survey 1959/60, (2) a schematic drawing, (3) a deed stating the covenant, (4) the original Master Plan and Conditions of Approval and (4) the Superior Court Judgment.

Thank you for your review and inclusion of this information into the record for the February 15, 2017 hearing.

Will Drew

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Recorded at the request of

Return to

RECORDED AT REQUEST OF
Western Title Guaranty Company
HAWAII COUNTY OFFICE
AT 31 END PAGE 3 P 0
SEP 14 1962
VOL. O. R. 659 PAGE 351

HAWAII COUNTY, CALIFORNIA

John Swan
COUNTY RECORDER

3 - 158707 A

200

Indexed *EP* Covered _____

Consideration
less than
\$100.00

GRANT DEED (Individual)

For value received WILL J. DREW and PATRICIA M. DREW, his wife

GRANT to WESTERN TITLE GUARANTY COMPANY, Hapa County Division,
a corporation

all that real property situate in the

County of Hapa State of California, described as follows:

Commencing at the point formed by the intersection of the southwestern line of the Right of Way of the Southern Pacific Railroad Company, and the center line of the road leading to Maple Station; running thence southeasterly, along said center line, 72.07 feet to a point 70 feet at right angles southwesterly from the southwestern line above referred to; thence northwesterly parallel to said southwestern line, 837.72 feet, more or less, to the southeastern line of the 12 foot strip of land described in the deed to Charles E. Strods of record in Book 33 of Deeds, page 4, said Hapa County Records; thence northeasterly, along said southeastern line, 70 feet to the southwestern line of the Southern Pacific Right of Way above referred to; thence southeasterly, along last mentioned line, 851.22 feet to the point of commencement.

EXCEPTING THEREFROM, a strip of land 12 feet wide, the northwestern line of which is the northwestern line of the above described parcel.

This grant and deed is made subject to the expressed covenant, which covenant shall extend to and be binding upon the Grantees herein and its successors in interest, that the portion of the property conveyed herein, located within the boundaries of Parcel One on Map No. 644 entitled, "Record of Survey of the Flynn-Sellmer-Robinson Properties", filed December 22, 1960 in Book 6 of Surveys at page 37, shall not be used for any industrial nor commercial venture and no construction accomplished upon said portion without the prior written approval of the grantors herein. Said written approval shall be duly acknowledged and recorded in the Office of the Hapa County Recorder and shall terminate the covenant created herein.

Dated April 5th 19 62

Patricia M. Drew
(Patricia M. Drew)

Will J. Drew
(Will J. Drew)

STATE OF CALIFORNIA

County of Hapa

On August 29,

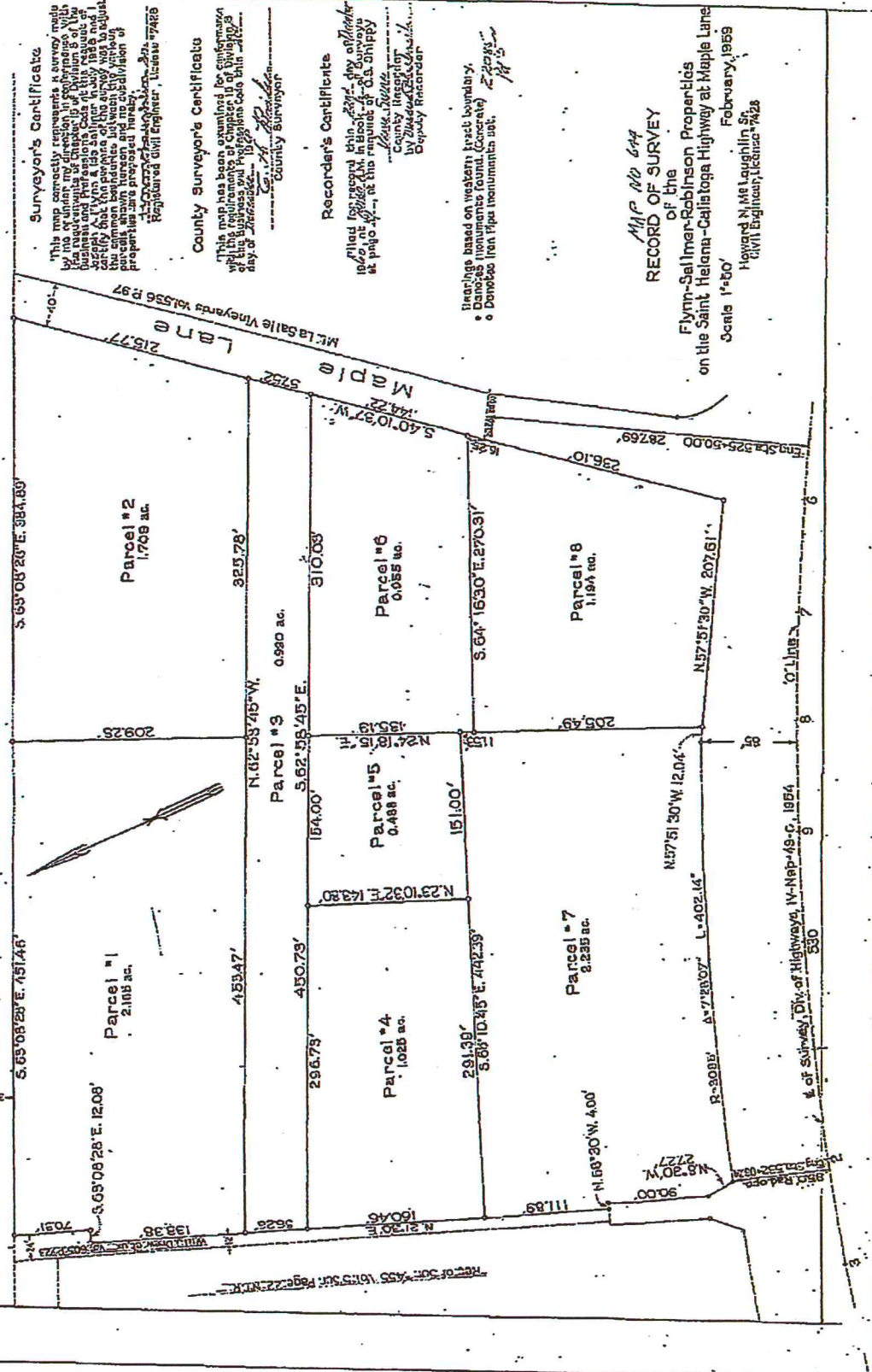
the undersigned a Notary Public.

Patricia M. Drew and Will J. Drew

15

6.0.5. 27

Southern Pacific Railroad (Galistoga Branch)



Surveyor's Certificate

This map correctly represents a survey made by me of certain my claim in Division 8 of the business and professions code of the State of California, 1991, and I am a duly licensed surveyor. I have shown the common boundaries between the parcels shown hereon and no subdivision of property has been made.

Registered Civil Engineer, License #72428

County Surveyor's Certificate

This map has been examined for compliance with the requirements of Chapter 10, Article 5 of the Code of Civil Procedure, and I have approved it.

County Surveyor

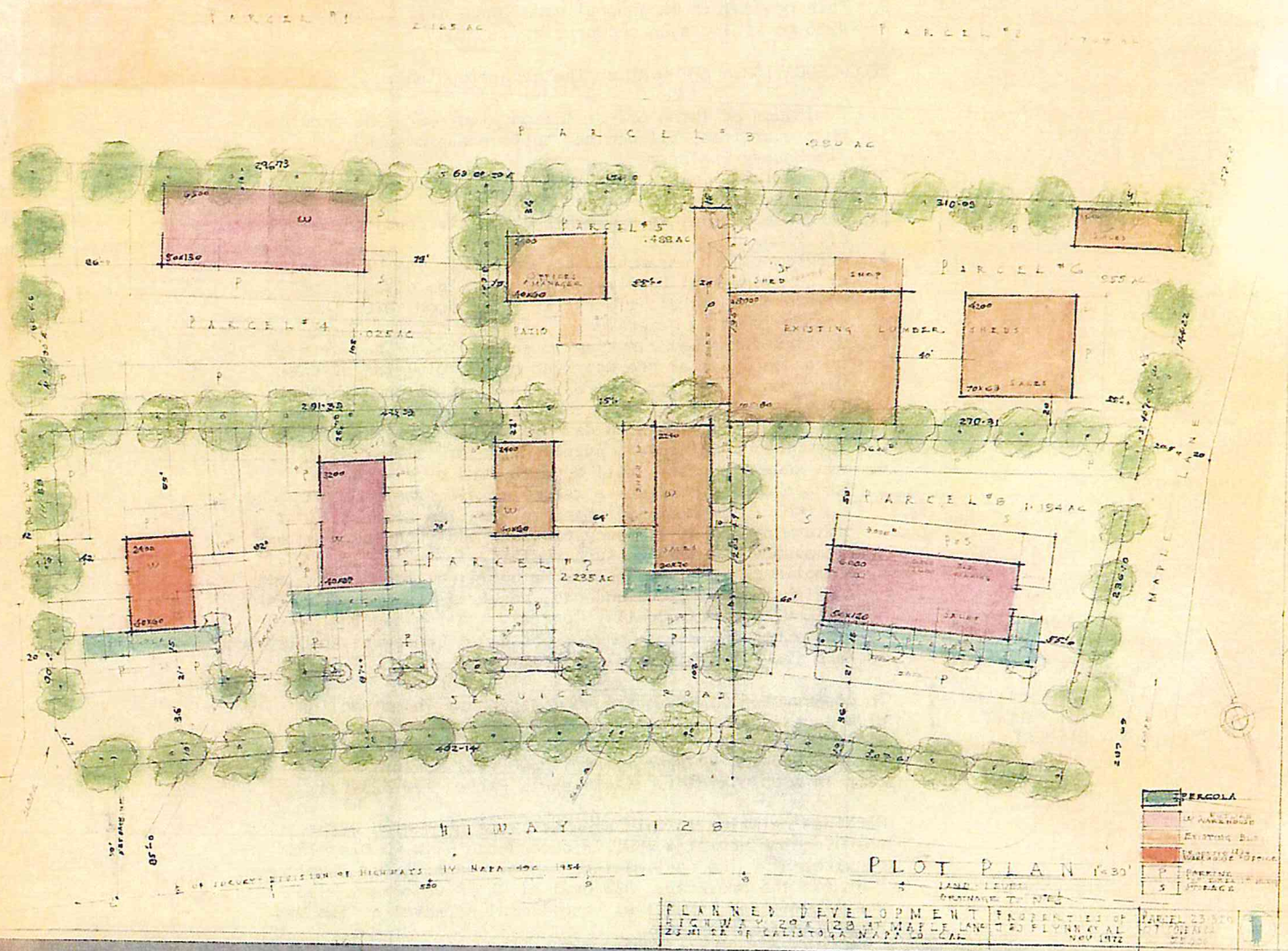
Recorder's Certificate

This map is correct in accordance with the requirements of the Code of Civil Procedure, and I have recorded it.

County Recorder

Iron pipe based on western tract boundary.
 • Dances monuments found. (Concrete)
 • Dances Iron Pipe monuments set.

MAP NO. 644
RECORD OF SURVEY
 of the
 Flynn-Salmer-Robinson Properties
 on the Saint Helena-Galifornia Highway at Maple Lane
 Scales 1"=50'
 Howard N. McLaughlin Sr.
 Civil Engineer, License #428
 February, 1959



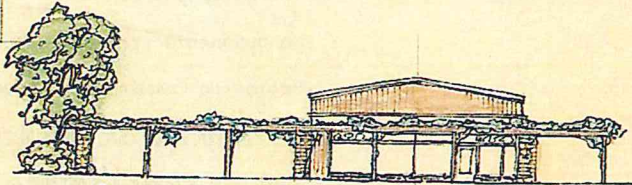
European Sycamore	Oleander	SA	Sasanqua	Pergola
		PI	Pittosporum	& Vines

• LANDSCAPING - SYMBOLS •

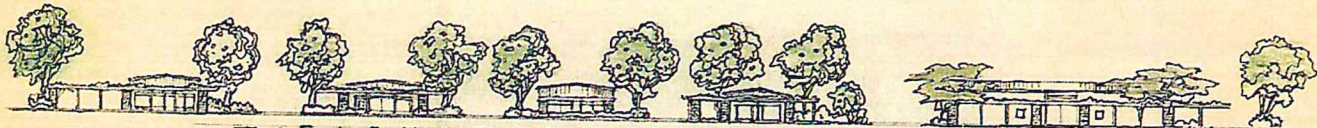
BUILDING MATERIALS
 SIMULATED DARK-BATTEN PREFAB
 METAL STRUCTURE NATURAL STONE POSTS
 RED WOOD PERGOLA FENCING ACCENTS

COLOR SCHEME
 EARTH TONES - IRON OXIDE
 OLIVE GREEN - VOCHRE - BROWN

• MASTER PLAN •
 • FLYNNVILLE # II •



PROPOSED WAREHOUSE UNIT 1-10
 NORTH ELEVATION
 (MAX BLDG HT - 20' TO RIDGE.)



• ELEVATION NORTH HIGHWAY 128 • 1" = 30'

4. The rural low density area of this proposal does not have a high concentration of rest and special care homes.
5. This request is in general compliance with Ordinance #266 governing such occupancies.

RECOMMENDATION: APPROVAL on the condition that:

1. A minimum of three off-street parking spaces be provided on a dust-free, all weather surface approved by the County Engineer.
2. Approval be limited to a maximum of 10 handicapped persons.
3. The site be kept in a clean and orderly condition at all times.
4. Provide sewage easements, acceptable to the Division of Environmental Quality Control for the disposal of sewage upon parcels other than those upon which the sewage is being generated.
5. Construct the water system in such a manner and using such sources that are approved by the Division of Environmental Quality Control. In conjunction with this requirement, it shall be the responsibility of the applicant to furnish such data as may be necessary to assure that a sufficient supply of water is available.
6. All sewage systems shall be inspected by a licensed sewage contractor and a report of same shall be provided to the Division of Environmental Quality Control for a determination of adequacy and such additions as may be necessary are made to such systems.
7. Compliance with all applicable building codes, State and Health and Welfare Standards, requirements of the Division of Environmental Quality Control, the Engineering Department, the Flood Control and Water Conservation District, and the State Division of Forestry.

1-17-1973

JOSEPH FLYNN -
USE PERMIT
REQUEST

To construct a 2,400 square foot warehouse in connection with an existing tree service business. Proposed building would be located on a 2.2 acre parcel of land on the east side of Highway 29 approximately 600 feet north of Maple Lane in a PD District. (Assessor's Parcel #20-320-07)

Findings relative to this proposal were presented with the Director advising that in accordance with PD District requirements, the applicant had submitted a Master Development Plan for the property. Approval of the Development Plan was recommended as well as conditional approval of the Use Permit application.

During public hearing, Mr. Flynn spoke briefly in support of the proposal.

No opponents were present.

Following Commission review and discussion

MOTION BY PELISSA, SECONDED BY BLAUFUSS

that the Master Development Plan for this property be approved and the accompanying Use Permit application also be approved subject to the recommendations of the Department.

APPROVED

This motion carried on the following roll call vote:

AYES: Blaufuss, Ingalls, McFarland, Pelissa, and Vanderschoot
 NOES: None
 ABSENT: None

Findings and recommendations on which approval of this request were based are as follows:

FINDINGS:

1. The applicant wishes to construct a 2,400 square foot metal prefabricated warehouse on a 2.2 acre parcel which is one of eight contiguous parcels owned by the applicant. Six of the parcels (approximately 7 acres) are located within a PD District which was established several years ago without approval of a Master Development Plan.
2. The applicant's architect has prepared a Master Development Plan for approval indicating the location of existing and proposed structures and the subject warehouse. Incorporated in the Plan are the parking and landscaping schemes.
3. The Department has determined that this warehouse would not have a significant environmental impact on the property or adjacent area (negative assessment).
4. This request is in general compliance with PD District requirements.

RECOMMENDATION: Approval subject to the following conditions:

1. Approval of the Master Development Plan for this PD District as a guide to:
 - a. The location and character of the proposed warehouse.
 - b. The location of all off-street parking areas and general circulation patterns.
 - c. The general building color scheme and landscaping treatment of the property.
 - d. The future development of the property.
2. Approval of the use permit for the warehouse, subject to the following conditions:
 - a. The site be kept in a clean and orderly condition at all times.
 - b. Any signs to be approved by the Department for design, area, height and placement.
 - c. A minimum of ten off-street parking spaces be provided on a dust-free, all-weather surface to be approved by the County Engineer.
 - d. Each phase of the Plan be subject to prevailing ordinance requirements at the time of construction.
 - e. The warehouse be of a matt earth-tone coloring to blend with the surrounding rural area.
 - f. Landscaping in accordance with the Master Plan be installed adjacent to the proposed warehouse.
 - g. Storage of goods and materials be screened from public view.
 - h. Compliance with all applicable building codes, zoning standards, and requirements from the Division of Environmental Quality Control, the Engineering Department, the Flood Control and Water Conservation District and the State Division of Forestry.

WARREN BEAN -
RESUBDIVISION
OF LAND

Resubdivision of land involving Lots 17, 27, and 29 as shown on the map entitled "Map of Imrieville, Part of Tulocay Grant, Napa County". (Assessor's Parcel #52-030-14 and 15)

The Director advised that following action by the Commission and the Board of Supervisors on the applicant's Preliminary Parcel Map and subsequent recording of the Final Map, existing subdivision lines had been discovered on the property which were not indicated on the submitted Parcel Map. While the matter had been heard at public meeting by both the Commission and the Board, public hearing had not been conducted on the resubdivision in accordance with resubdivision map procedures. It was recommended therefore, that the Commission proceed with the necessary public hearing. The Commission concurred.

During public hearing, neither proponents nor opponents spoke to the matter.

NAPA COUNTY
CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT
REPORT AND RECOMMENDATION

Agenda Item: 9

APPLICANT: Joseph A. Flynn

REQUEST FOR: Use Permit to construct two (2) warehouses of 2,400 and 6,500 square feet with related offices and expand an existing warehouse with a 2,400 square foot addition located on two (2) parcels totalling 3.27 acres.

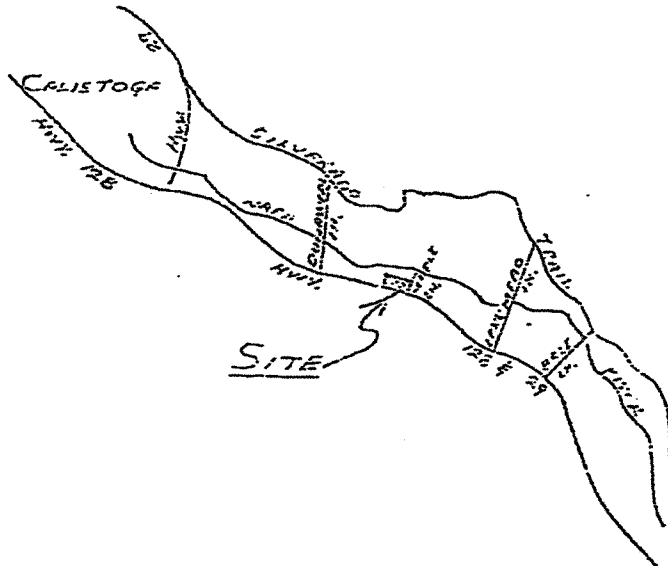
LOCATION: On the northwest corner of State Highway #29 and Maple Lane within a PD District (Assessor's Parcels #20-320-04 and 07)

PROJECT IDENTIFICATION INFORMATION

DATE FILED: 10-3-75

DATE PUBLISHED: 2-7-76 NOTICE POSTED: 2-13-76 APPLICANT NOTIFIED: 2-13-76

SITE MAP:



NO SCALE

DEPARTMENT REPORT

CORRESPONDENCE: Letter(s) from:

 Petition(s) from:



NAPA COUNTY

CONSERVATION—DEVELOPMENT
AND PLANNING COMMISSION

FELIX J. VANDERSCHOOT, JR.
CHAIRMAN

1121 FIRST STREET - NAPA, CALIFORNIA 94558
AREA CODE 707: 253-4416

February 19, 1976

Mr. Joseph A. Flynn
1194 Maple Lane
Calistoga, California 94515

Dear Mr. Flynn:

Your Use Permit Application Number U-347576 to construct two (2)

warehouses of 2,400 and 6,500 square feet with related offices located on two parcels

located on the northwest corner of State Highway #29 and Maple Lane in a PD District
has been approved by the Napa County Conservation, Development and Planning Com-
mission based upon the following conditions:

(SEE ATTACHED LIST OF CONDITIONS OF APPROVAL)

APPROVAL DATE: February 18, 1976

Your Use Permit becomes effective ten (10) days from the approval date, provided all conditions of approval are met or assurances made to guarantee compliance. The ten (10) day waiting period is required to provide sufficient time for anyone wishing to appeal the action of the Commission in approving your Use Permit. In the event an appeal is made to the Board of Supervisors, you will be notified.

Should this Use Permit not be used within one (1) year after the date of approval, it shall be null and void without further action by the Commission or Department.

If you intend to request any time extension for your approved Use Permit, please note that any such request must be submitted to the Conservation, Development and Planning Department at least 30 days prior to the expiration of the present permit.

Very truly yours,

by: James H. Hickey

JAMES H. HICKEY
Secretary-Director

JHH:jl

cc: Donald W. Jones
Chief Building Inspector
County of Napa

Page 2

Report and Recommendation

Joseph A. Flynn

Meeting Date: 2-18-76

FINDINGS:

1. On January 17, 1973, the Commission approved the applicant's Use Permit #U-357273 for a General Development Plan of the subject property and construction of a warehouse as the initial phase.
2. The application now before the Commission is a two-part request as follows:
 - a. The applicant is now requesting a revision to the approved General Development Plan to change the location and reduce the size of a proposed warehouse and to add on to another adjacent warehouse as follows:
 1. Building 'B' as shown on the revised General Development Plan has been moved approximately 20 feet south and reduced from 3,200 square feet to 2,400 square feet.
 2. Building 'C' as shown on the revised General Development Plan has been added to Building 'W' to increase its size from 2,400 square feet to 4,800 square feet.
 - b. The applicant requests approval to construct the following as the second phase of this project:
 1. The 2,400 square foot building 'B' described above.
 2. The 2,400 square foot addition Building 'C' described above.
 3. A 6,500 square foot warehouse building indicated on the Revised General Development Plan as Building 'K-W'. This building was shown on the original General Development Plan approved by the Commission and remains the same on the revised plan.
3. The applicant indicates that the new buildings would be used for storage and maintenance of heavy agricultural vehicles and machines which is currently being kept outdoors on the subject property. There would be no significant increases in vehicles moving on and off of the property. There are several buildings in use on the property for office, sales and storage. All but one of these buildings was constructed prior to the PD zoning of the property. The subject property has been used for a tree service business--(Flynn's Tree Service - Trimming, Spraying, and Removal) for several years and currently contains a lumber yard and irrigation pipe supply storage use.
4. The subject property was rezoned from a manufacturing zoning designation to the present PD (Planned Development) District by the County in conjunction with the formation of the Agricultural Preserve in 1968

Page 3

Report and Recommendation

Joseph A. Flynn

Meeting Date: 2-18-76

FINDINGS:
(Cont'd.)

5. The subject property, owned by the applicant, zoned PD and included in the original General Development Plan consists of six (6) separately assessed parcels #20-320-03, 04, 05, 06, 07 and 08. Subsequent to the approval of the original General Development Plan, the applicant sold Parcel #20-320-06 which contains a lumber yard. Changes in the General Development Plan and proposed second phase construction involve only two parcels, #20-320-04 and 07.
6. Building 'K-W' as shown on the revised General Development Plan does not comply with the 15 foot sideyard requirement of the PD zone for a manufacturing/industrial use. (Plan indicates a 10 foot side yard).
7. The adopted Land Use Element of the County General Plan designates the subject property as Open Space/Agricultural Resource. The Napa Valley Area Plan, a more specific plan which was, in part, a basis for the Land Use Element, states that all existing non-residential and non-agricultural zoned areas (i.e., C zones, M zones, PC and PD zones) shall retain their current zoning status and development options as described in the County Zoning Ordinance.
8. With the proper right-of-way access, circulation pattern and building setbacks, the revised General Development Plan would be in conformance with the regulations of the PD District.
9. The General Development Plan Revision to add approximately 1,600 square feet of building area and allow construction of three (3) warehouse buildings would have no detrimental effect on persons residing or working in the area or to the County in general.
10. The applicant indicates that there will be one or two employees connected with each of the proposed buildings.
11. The Department has issued a Negative Declaration to this proposal in regard to environmental considerations.

RECOMMENDATION: Approval Denial x Approval with Conditions and Findings

RECOMMENDATION #1: APPROVAL of the Revised General Development Plan submitted October 3, 1975.

RECOMMENDATION #2: APPROVAL to construct two warehouse buildings and a storage building addition (Buildings 'B', 'C', 'K-W' on the Revised General Development Plan) subject to the following conditions:

Page 4

Report and Recommendation

Joseph A. Flynn

Meeting Date: 2-18-76

Conditions of Approval Are:

1. Building K-W be located in the general location shown on the Revised General Development Plan with the exception that the side yard on the northeasterly side be increased from 10 feet to 15 feet and a plot plan be submitted at the time of building permit application which reflects this change.
2. A minimum of six (6) off-street parking spaces be provided in conjunction with Building K-W on Assessor's Parcel #20-320-04. The precise location to be shown on a plot plan for the building permit.
3. A minimum of twelve (12) off-street parking spaces be provided in conjunction with buildings B and C on Assessor's Parcel #20-320-07 - the precise location to be shown on the plot plan submitted for the building permit.
4. Plans for any additional signs be submitted for the Department's approval in regard to design, area, height and placement.
5. Each phase of the plan be subject to prevailing ordinance requirements at time of construction.
6. The new structures be of earth tone coloring to blend with the surrounding rural area.
7. Storage of goods and materials be screened from public view and the site be kept in a clean and orderly condition at all times.
8. Landscaping in accordance with the Revised General Development Plan be installed adjacent to the proposed buildings. *
9. The proposed buildings be limited to warehouse and storage use. Any change in use or expansion shall require a separate use permit to be considered by the Commission.
10. Compliance with all applicable building codes, zoning standards, and requirements of the various County departments and agencies.

Improvement Summary:

1. Public Works requires the following future improvements for ultimate development of the subject property.

Page 5

Report and Recommendation

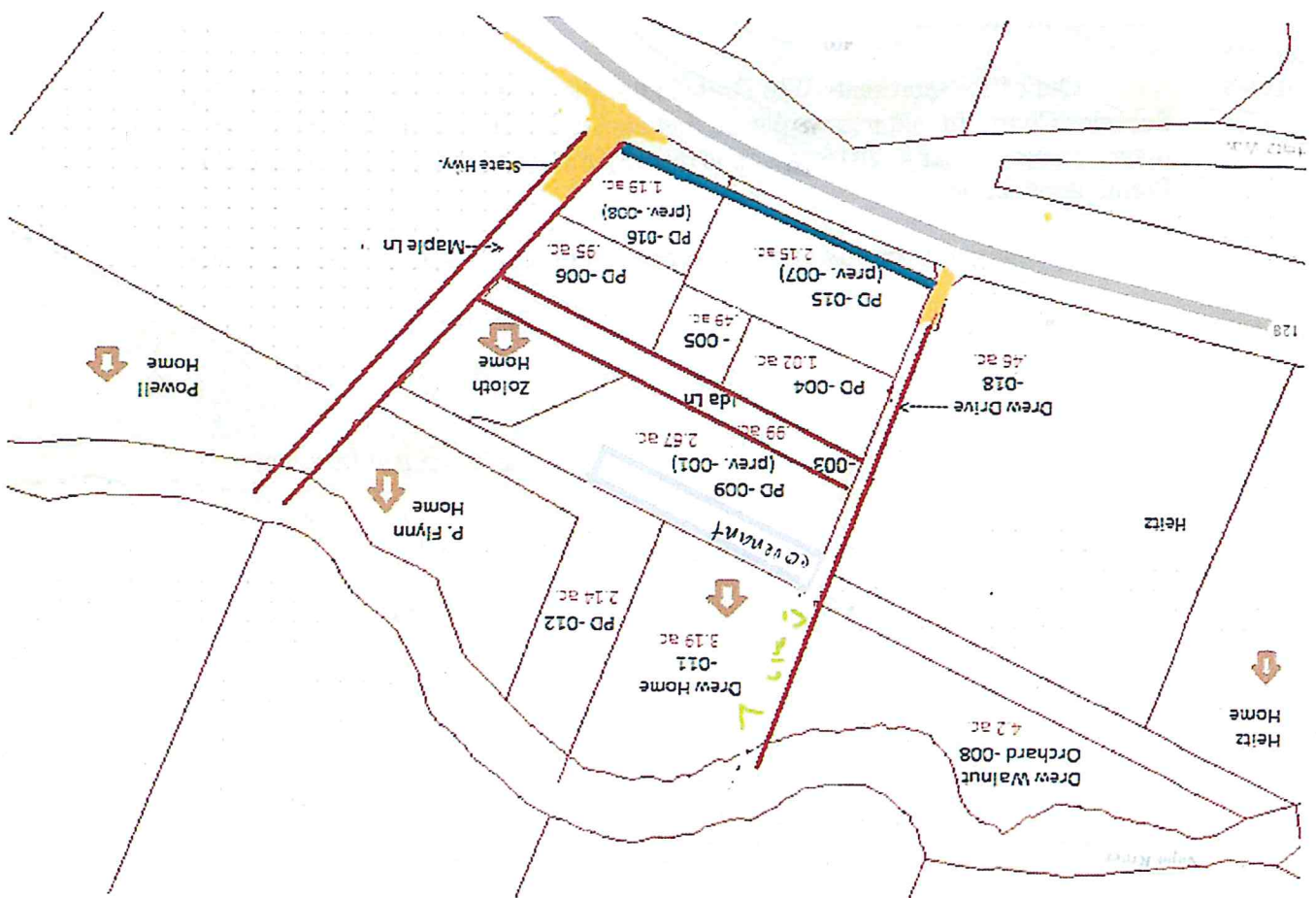
Joseph A. Flynn

Meeting Date: 2-18-76

Improvement Summary:(Cont'd.)

PRESENT (Required for this proposal)

- a) Frontage right-of-way along Maple Lane be granted to the County.
 - b) Rights of way of Service Road, Drew Road and Parcel 3 road to be Irrevocably offered for dedication to the County.
 - c) If the applicant chooses to defer the future improvements listed above, some improvement will be required on the same basic on-site circulation pattern.
 - d) Improved access to the proposed warehouses to be over a road from the circulation network. Any required additional parking area to be on a dust free all weather surface approved by the Public Works Department.
2. Environmental Health requires:
That sewage disposal systems be approved for all proposed construction, prior to approval of building permits.
 3. The Flood Control and Water Conservation District and the State Division of Forestry offer no objections or improvement requirements at this time.



Coombs & Dunlap, LLP

ATTORNEYS AT LAW

Serving the Napa Valley since 1876

Business Law
Employment Law
Estate Planning &
Administration
Family Law
Immigration
Land Use
Litigation
Municipal Law
Real Estate
Wine Law
Writs & Appeals

November 5, 2015

mmackenzie@coombslaw.com
Direct Dial: 707.603.2392
Reply to Napa Office

By U.S. Mail

John McDowell
Deputy Planning Director
Napa County Planning Dept.
1195 Third Street, Room 210
Napa, CA 94559-3092

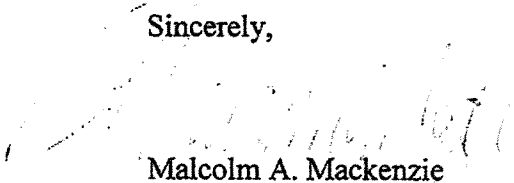
RE: Use Permit # P15-00225-UP – Flynnville Wine Company
Drew v. P D Properties, Napa County Superior Court No. 26-64618

Dear Mr. McDowell:

Our office represents Will Drew in the above-referenced litigation in Napa Superior Court. In that regard, please find enclosed a Judgment that was entered in this matter on November 4, 2015, which is directly related to the above-referenced Use Permit application.

Should you have any questions or need further information, please contact me.

Sincerely,


Malcolm A. Mackenzie

1211 Division Street
Napa, California
94559-3398
Tel 707.252.9100
Fax 707.252.8516

1312 Oak Avenue
St. Helena, California
94574-1943
Tel 707.963.5202
Fax 707.963.4519

www.coombslaw.com

/mam/07900-0009
Enclosure
cc: Will Drew

ENDORSED

NOV 04 2015

Clerk of the Napa Superior Court
By: Y. O'DONNELL
Deputy

**SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF NAPA**

WILL J. DREW, STEVEN JAMES DREW
AND DANA MARIE DREW FACTO, CO-
TRUSTEES OF THE DREW FAMILY 1988
REVOCABLE TRUST,

Plaintiffs,

v.

DAN C. PINA; P D PROPERTIES, LLC,

Defendants.

Case No. 26-64618

JUDGMENT

This matter came on for trial on May 19-20, 2015, in Department I, the Honorable Rodney G. Stone presiding. Counsel Malcolm A. Mackenzie appeared on behalf of plaintiffs Will J. Drew, Steven James Drew and Dana Marie Drew Facto, Co-Trustees of the Drew Survivor's Trust, established under the Drew Family 1988 Revocable Trust, and Will J. Drew, Steven James Drew and Dana Marie Drew Facto, Co-Trustees of the Drew Bypass Trust, established under the Drew Family 1988 Revocable Trust (collectively "plaintiffs"). Malcolm A. Mackenzie also appeared on behalf of cross-defendants Will J. Drew, Steven James Drew and Dana Marie Drew Facto, individually and as Co-Trustees of the Drew Family 1988 Revocable Trust, (collectively "Cross-Defendants"). Counsel Lawrence Papale appeared on behalf of defendant/cross-complainant P D Properties, LLC. The Court issued its statement of decision. The Court now enters its judgment.

Judgment on the complaint is entered in favor of plaintiffs on all causes of action. Plaintiffs have established a 32 foot wide prescriptive easement over Ida Lane in Napa County, California, bearing Napa County Assessor's Parcel # APN 020-320-003, and is more particularly described as:

PARCEL 3, as shown on the Record of Survey map filed December 22, 1960, in Book 6 of Surveys at page(s) 37, in the office of the County Recorder of Napa County. (APN #020-320-003)

The prescriptive easement is for ingress and egress of plaintiffs' three parcels of land. These parcels bear Napa County Assessor's Parcel #'s APN 020-210-018, APN 020-170-008, and APN 020-170-011, and are more particularly described as follows:

APN # 020-210-018:

PARCEL ONE:

A strip of land 12 feet wide as described in the deed from Samuel E. Strode to Charles E. Strode, recorded November 4, 1882 in Book 33 of Deeds at page 4, said Napa County records, extending from the Southwestern line of the Southern Pacific Railroad Company right of way to the State Highway from Napa to Calistoga, the Northwestern line of which strip is the Southeastern line of Parcel B (and the Northeastern extension thereof) as shown on the map entitled, "Record of Survey Map of a Portion of the Lands of Marie Signorelli et al," filed November 20, 1959 in Book 5 of Surveys at page 22 in the office of the County Recorder of said Napa County.

PARCEL TWO:

A strip of land 12 feet wide, as reserved in the Deed from Will J. Drew and Patricia M. Drew to Western Title Guaranty Company, Napa County Division, recorded September 14, 1962, in Book 659 at page 351, Napa County records.

APN # 020-170-008:

PARCEL ONE:

COMMENCING at a point in the center of Napa River, which said point is the most Eastern corner of that certain 36.30 acre tract of land described as first tract in the deed to M. Heitz of Record in Book 78 of Deeds, at page 116, said Napa County Records, and running thence South 21°30' West and along the Southeasterly line of said parcel 260 feet to a point on the Northerly line of the Southern Pacific Railroad Right of way; thence Northwesterly along said last mentioned line 870 feet to a point in the center of Napa River; and thence Easterly down the center of Napa River to the point of commencement.

PARCEL TWO:

A strip of land sixty feet in width bounded on the Southeast by the Lands conveyed to Samuel E. Strode by Deed recorded July 7, 1869 in Book M of Deeds, at page 48 and on the Northwest by the lands conveyed to Ralph L. Kilburn by Deed recorded November 14, 1866 in Book J of Deeds at page 243, and lying equally on each side of the center line of the former Napa Valley Railroad Company's track.

EXCEPTING THEREFROM that portion lying Northwesterly of the center of the Napa River.

EXCEPTING that portion thereof lying below a depth of 500 feet, measured vertically, from the contour of the surface of said property, as set forth in the deed to the Vestee herein, as reserved in the document recorded October 1, 1982 in Book 1257 at page 116 of Official Records.

PARCEL THREE:

An Easement for ingress and egress over the following described parcel of land:

Commencing at the most Northern corner of Parcel 1 as shown on the map entitled, "Record of Survey of the Flynn-Selmer-Robinson properties", filed December 22, 1960 in Book 6 of Surveys at Page 37, Napa County Records; thence from said point of commencement South 21°30'00" West along the Northwestern line of said Parcel 1 at a distance of 70.31 feet to an angle point in said Northwestern line; thence continuing South 21°30'00" West along a line that is 12.00 feet Southeasterly at right angle to the Northwestern line of Parcels 1, 3, 4 and 7, a distance of 466.99 feet to a point that lies South 68°30' East 8.00 feet from the Easterly end of the course and distance labeled "N68°30'W 4.00"; thence continuing South 21°30'00" West to the intersection of the Northerly line of State Highway 29 "St. Helena Highway"; thence Westerly along the Northerly line of said State Highway 29 to the intersection with the Southeastern line of the 12.0 foot strip of land as described in the Quitclaim Deed to Will J. Drew et ux, recorded March 13, 1961 in Book 626 of Official Records at page 566, Napa County Records; thence North 21°30'00" East along said 12.0 foot strip to the Westerly end of the course and distance labeled "N68°30'W 4.00", being an angle point in the Northwesterly line of Parcel "7" herein above referred to; thence continuing North 21°30'00" E along the Northwesterly line of Parcels 7, 4, 3 and 1, a distance of 466.99 feet to the Northwesterly end of the course and distance on the Northwesterly line of said Parcel 1 labeled "S63°08'28"E 12.08"; Thence continuing North 21°30'00" East 70.31 feet to a point on the Southwestern line of the Southern Pacific Railroad; thence South 63°08'28" East along the Southwestern line of said railroad 12.08 feet to the point of

commencement, as contained in the documents recorded October 13, 1998 as Series Number 1998-30072 and Series Number 1998-30075 of Official Records.

APN # 020-170-011

PARCEL ONE:

All that portion of Lot 4, as shown on the Map entitled "Map of the division of the land deeded by C. Hartson to Ida, Ira, Mary, Harriet and Mary Kilburn, by Deed bearing date March 16, 1858, made by T.J. Dewoody September 30, 1873, filed October 2, 1873, in the office of the County Recorder of Napa County and a portion of the Carne Humana Rancho, described as follows:

COMMENCING at a point on the Northerly line of the Southern Pacific Railroad lands, where said Northerly line crosses the Easterly line of the tract of land purchased by David Rose from Chas. F. Strode, by Deed dated June 30, 1883 and recorded in Book 34 of Deeds at page 42, said Napa County Records; thence along the Westerly line of said Strode Tract, North 21 degrees East 4 62/100 chains to the center of the Napa River; thence down the center of said river North 71 ½ degrees East 2.27 chains; South 85 ¾ degrees East 1.95 chains and South 58 ¼ degrees East 92 links to a point in the center of the river at the Southeasterly corner of the first tract of land described in the deed from David Rose to James Rose, dated May 29, 1885 and recorded in Book 37 of Deeds at page 420, said Napa County Records; thence leaving the river and running South 21 ¼ degrees West 6.88 chains to a point on the North line of said railroad lands thence continuing South 21 ¼ degrees to the Southwesterly line of said railroad; thence Northwesterly along said Southerly line to a point that bears South 21 degrees East from the point of commencement, thence North 21 degrees to the point of commencement.

EXCEPTING that portion thereof lying below a depth of 500 feet, measured vertically, from the contour of the surface of said property, as set forth in the deed to the Vestee herein, as reserved in the document recorded October 1, 1982 in Book 1257 at page 116 of Official Records.

PARCEL TWO:

An Easement for ingress and egress over the following described parcel of land:

Commencing at the most Northern corner of Parcel 1 as shown on the map entitled, "Record of Survey of the Flynn-Selmer-Robinson properties", filed December 22, 1960 in Book 6 of Surveys at Page 37, Napa County Records; thence from said point of commencement South 21°30'00" West along the Northwestern line of said Parcel 1 a distance of 70.31 feet to an angle point in said Northwestern line; thence continuing South 21°30'00" West along a line that is 12.00 feet Southeasterly at right angle to the Northwestern line of Parcels 1, 3,

4 and 7, a distance of 466.99 feet to a point that lies South 68° 30' East 8.00 feet from the Easterly end of the course and distance labeled "N68° 30'W 4.00"; thence continuing South 21° 30'00" West to the intersection of the Northerly line of State Highway 29 "St. Helena Highway"; thence Westerly along the Northerly line of said State Highway 29 to the intersection with the Southeastern line of the 12.0 foot strip of land as described in the Quitclaim Deed to Will J. Drew et ux, recorded March 13, 1961 in Book 626 of Official Records at page 566, Napa County Records; thence North 21° 30'00" East along said 12.0 foot strip to the Westerly end of the course and distance labeled "N68° 30'W 4.00", being an angle point in the Northwesterly line of Parcel "7" herein above referred to; thence continuing North 21° 30'00" E along the Northwesterly line of Parcels 7, 4, 3 and 1, a distance of 466.99 feet to the Northwesterly end of the course and distance on the Northwesterly line of said Parcel 1 labeled "S63° 08'28"E 12.08"; Thence continuing North 21° 30'00" East 70.31 feet to a point on the Southwestern line of the Southern Pacific Railroad; thence South 63° 08'28" East along the Southwestern line of said railroad 12.08 feet to the point of commencement, as contained in the documents recorded October 13, 1998 as Series Number 1998-30072 and Series Number 1998-30075 of Official Records.

The Court quiets a prescriptive easement title to plaintiffs, and upholds their rights to a prescriptive easement in Ida Lane. The Court also enters an injunction enjoining defendant, along with its successors, from interfering in any way with plaintiffs' ingress and egress of Ida Lane. The prescriptive easement shall run with the land. The prescriptive easement is for plaintiffs' benefit and for all successors in interest to plaintiffs' three properties, and is binding on defendant and all its successors in interest to Ida Lane. The prescriptive easement's scope includes ingress and egress by plaintiffs, their agents, guests, and successors-in-interest.

Judgment on the cross-complaint is entered in favor of plaintiffs and against defendants.

The parties are to bear their own costs.

Date: 11-3-15



Rodney G. Stone, Judge

NAPA SUPERIOR COURT
Certificate of Mailing/Service

Will J Drew vs. P D Properties

26-64618

Malcolm A. MacKenzie
Coombs & Dunlap, LLP
1211 Division Street
Napa, CA 94559

Attorney for Plaintiff/Cross-Defendant

Lawrence G. Papale
Law Offices of Lawrence G. Papale
1308 Main St., Suite 117
St. Helena, CA 94574

Attorney for Defendant/Cross-Complainant

**** CERTIFICATION ****

I hereby certify that I am not a party to this cause and that a copy of the foregoing *JUDGMENT* was:

- mailed (first class postage pre-paid) in a sealed envelope
 personal service: personally delivered to the party listed above
 placed in attorney/agency folders in the Criminal Courthouse Historic Courthouse

at Napa, California on this date and that this certificate is executed at Napa, California this date.

I am readily familiar with the Court's standard practice for collection and processing of correspondence for mailing within the United States Postal Service and, in the ordinary course of business, the correspondence would be deposited with the United States Postal Service on the day on which it is collected at the Courthouse.

Date

Jul. 1, 2015

RICHARD D. FELDSTEIN, Court Executive Officer

Deputy Court Executive Officer

Clerici, Brian

Subject: FW: Emailing - doc03022620170214101355.pdf - Additional Correspondence Item 8A
Attachments: doc03022620170214101355.pdf

From: Mark Heitz [<mailto:mheitz@bellproducts.com>]

Sent: Tuesday, February 14, 2017 10:30 AM

To: Hade, Jason; mikebassayne@gmail.com; anne.cottrell@lucene.com; tkscottco@aol.com; JeriGillPC@outlook.com; joellegPC@gmail.com

Cc: mdheitz@att.net; Mark Heitz

Subject: Emailing - doc03022620170214101355.pdf

All: Letter of response (attachment) regarding Flynnville Wine Company Use Permit Application #P15-00225. Respectfully submitted, Mark Heitz/Heitz Bros. Vineyards.

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HEITZ BROS. VINEYARDS
HEITZ WAY
CALISTOGA AVA
FAMILY LAND STEWARDSHIP
AND FARMING SINCE 1904

February 14, 2017

Heitz Bros. Vineyards
381 Jefferson Street
Napa, CA 94559

Jason Hade, Planner
Napa County Planning, Building and Environmental Services Department
1195 Third Street
Napa, CA 94559

RE: FLYNNVILLE WINE COMPANY USE PERMIT UP #P15-00225
1184 MAPLE LANE, CALISTOGA, CA (APN020-170-12,
020-320-003,006,009,015, 016)

Please be advised:

This letter of concern relates to Heitz Bros. Vineyards (APN #020-210-015-000, #020-210-016-000 & #020-210-017-000) property located to the North West along Drew Drive and across Highway 29 along Heitz Way.

While Mr Pina has indicated that he worked with neighbors to resolve concerns, other than a neighborhood meeting in May of 2015 and a recent 'neighborhood letter' dated in January of 2017, there has been no direct contact or phone call/email from the development person/group. The January 2017 letter was obviously an attempt to validate the comment that he has worked with the neighbors while in fact, plans were already completed by the time the letter was sent.

The following are the concerns of Heitz Bros. Vineyards regarding the subject requested permit and variance for construction of the facility and infrastructure.

1) FLOODING

Several times over the past several decades flood waters running 6" to a foot deep have covered parts or all of what is now Drew drive (from Highway 29 to the old SP tracks). This occurs when the Napa River overflows its banks upstream of the proposed winery. Should the proposed winery elevate the grade above current grade and/or if the planned buildings and/or burming block the flow of this water, they will act as a dam and cause flooding upstream (to the North and Northwest) and to the East of subject property. Our property will be the most impacted by any such flooding. Has the proposed project accounted for these events? We believe that they should further address this issue prior to any further consideration of granting a permit.

In addition, there is a creek that runs under Highway 29 just to the South of the southern entrance/exit to Heitz way. It is not apparent that the flow of this water has been adequately addressed to ensure that there is no back-up or flooding upstream of the proposed development and into our property.

2) WATER USAGE

A 60,000 gallon winery will use significant amounts of water. We are most concerned that the use of such large quantities of water will impact water available to our property. We currently "dry farm" part of the vineyard (four of eleven acres) and a reduction in groundwater due to this planned development may require us to drill an additional well or use more water from an existing well to start vineyard irrigation for that part of the vineyard, which will contribute further to the depletion of the underground water aquifer while increasing our operating and production costs. The other large neighboring winery has already impacted water availability to at least one other neighbor and we have also experienced diminished water availability in our existing well over the past few years.

3) OTHER WINERIES

Would the approval of this winery prevent or interfere with any future plans for a winery on our property? We are concerned that a winery of this size might do so and we would like to preserve our rights to also construct a winery in the future – should we desire to do so.

4) SETBACKS

It appears that applicants are requesting variances from several required setbacks enumerated in the county plan. Why should this project receive variances unless all other projects are allowed the same variances? Would we be allowed variances from setbacks on our property?

5) TRAFFIC

There are no left turn lanes on Highway 29 at Heitz Way and Drew Drive. Currently, during the summer and also at other times, it is very difficult to make a left turn at this intersection. Those making a left turn must stop and wait for oncoming traffic. In doing so, one also blocks following traffic and causes following traffic to make a sudden stop. This has resulted in numerous near misses and some accidents. Increasing traffic, as this winery surely will, without making adequate provisions at Highway 29 and Heitz Way/Drew Drive, will cause further delays and increase hazardous conditions, impacting personal safety.

Will a sign at the Drew Drive entrance actually prevent visitors from attempting to enter the proposed winery at that location – or will visitors still attempt to use Drew Drive, creating further congestion and safety issues?

Further, it is not clear that the traffic study recognized traffic related to the operation of our vineyard - which uses Drew Drive as our ONLY entrance and exit to our vineyard. Any changes at this intersection, except for the necessary left turn lanes, would be of serious concern to us.

6) VISITORS/EVENTS/EMPLOYEES/PARKING

For a relatively small property, the number of events and visitors appear excessive.

7) ODORS

Will there be odors from the operations? It is not clear that they have been fully remediated. Any odors will they be a nuisance to those living in the area.

8) NOISE

A large operation such as this creates a significant amount of noise. The other large winery recently constructed in the neighborhood (Castillo De Amorosa) currently creates a significant amount of noise – and an operation of this size would add considerably to noise pollution.

It is not clear that proposed noise reductions are adequate to mitigate noise from trucks and construction equipment during construction and from trucks during normal operations.

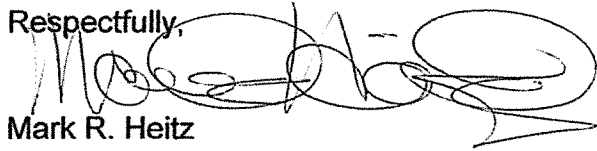
9) SIZE

Finally, this project is just too large for the amount of acreage and for the location in general. This project is much more suited to a large industrial park or another non-rural area. It is not

suitable for a rural area with homes and small vineyards. The parcel in question (Flynnville) is much more suitable for a small winery of up to 30,000 gallons in capacity – if a winery is to be located on that parcel.

Basis the above, we request that you reject the use permit and the variance(s) as submitted.

Respectfully,



Mark R. Heitz
Clifford A. Heitz
Sheldon M. Heitz
Walter L. Heitz

Owners, HBV Vineyards
381 Jefferson St.
Napa, CA. 94559

CC: Napa County Planning Commission
Michael Basayne
Anne Cottrell
Terry Scott
Jeri Gill
Joelle Gallagher

Staff Liaison to the Commission
David Morrison

Clerici, Brian

Subject: FW: Fw: 2/15 PC Hearing - Additional Correspondence Item 8A
Attachments: Scan0011.pdf

From: Will Drew [<mailto:wmwerd@att.net>]
Sent: Saturday, February 11, 2017 6:55 PM
To: Anne Cottrell; Hade, Jason; McDowell, John; Caltrans; Marshall, Rick
Subject: Fw:

February 11, 2017

Memo:

From: Will Drew, Property Owner, phone: 707-579-7861 email: wmwerd@att.net
To: Rick Marshall, Deputy Director of Public Works [P15-00225 and other permit #s]
Eric Bird, State of California Transportation agency, District 4 [NAPA029-2016-005, NAP-29-34.38, SCH#20130822090].

Re: Vine Trail Napa Countywide Bicycle Plan, ingress & egress in and out of SR 29/128 at Maple Lane and Drew-Heitz and Flynn access entrances., related to the proposed Flynnville Winery Company development, hearing February 15, 2017.

Please review the entrances identified above. Both access entrances and exits have experienced increased activities and related traffic. My parcel driveway [deeded in the 1880s] extended to the old Napa County Road between Calistoga and St. Helena [now Heitz way}. Our parcel now ends at the State HWY. This entrance from the SR 29/128 Hwy is the only access for the Heitz Brothers Vineyard parcels. The access also serves the Flynn and Drew parcels.

The proposed bicycle easement is along the frontage road path described in the original master plan conditions of approval. This conditions of approval used the terms of "Service and Access Road".

Two names have been associated with these entrances, Maple Lane and Drew Drive. The Drew Drive access is very narrow and probably should have been constructed wider for safety. Trucks using ths access fill all available footage.

The "Drew Drive" road must continue as an entrance/exit but mitigated improvements should be included at this location. The proposed winery and the added Vine Trail Bicycle Plan will increase and cause traffic safety issues.

Attachments:

1942 photo of the property Southern Pacific R.R. to the North, Maple Lane at right, Drew Drive on the left and the old County Road at the bottom. The Flynn Creek runs to the Napa River through the center of property.

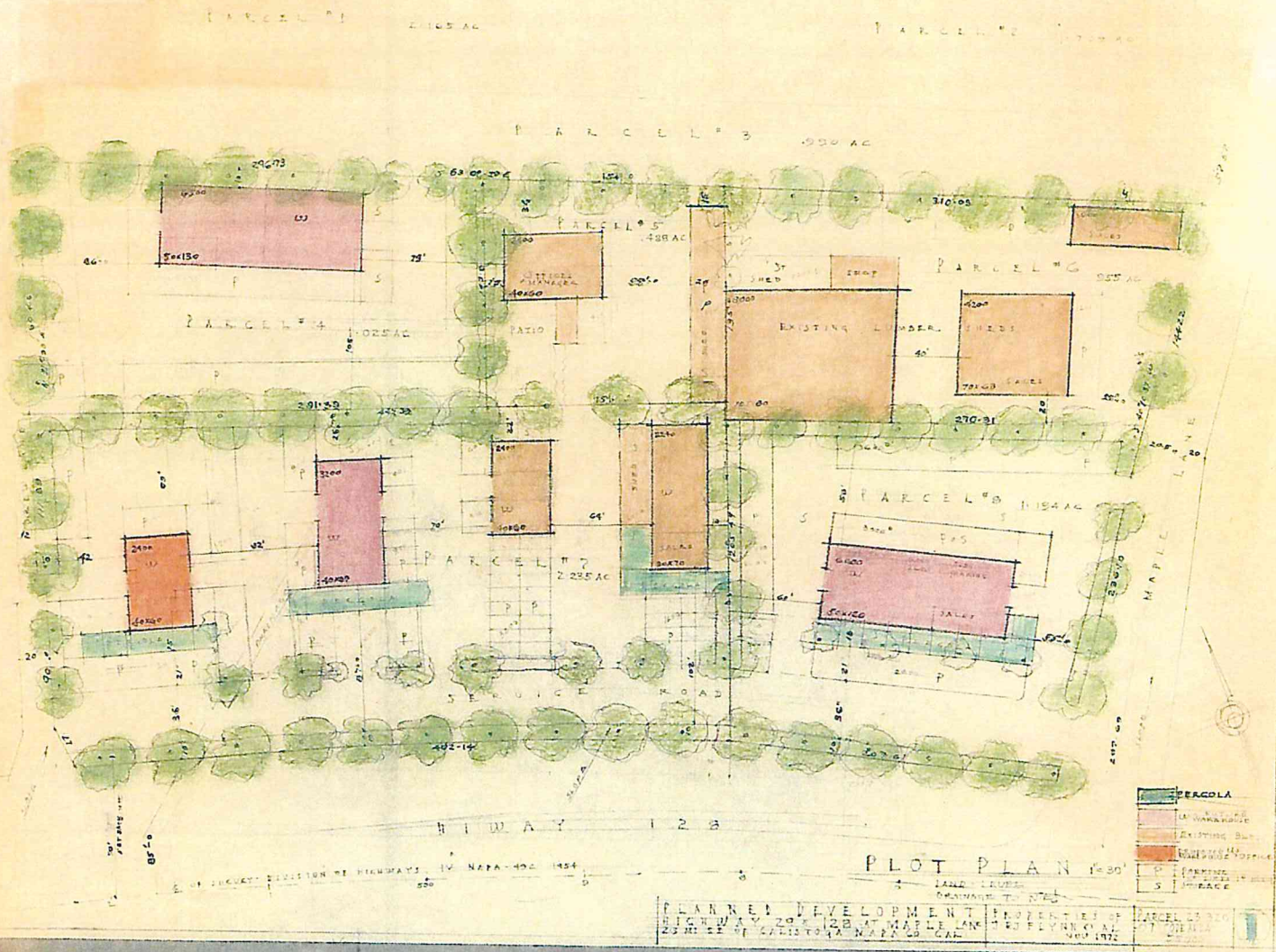
1973 Master Plan approved with Conditions of approval and related use permits.

This current photo shows the site and the schematic indicates parcels and names. The State HWY ownership is shown in yellow extending into Maple Lane and Drew Drive.

Thank you for your attention to this information..

Will Drew

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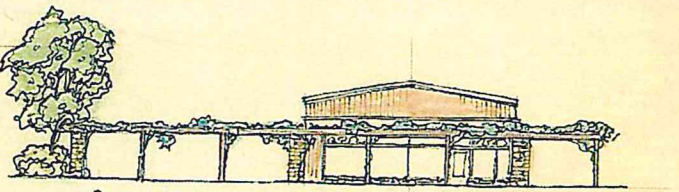
European Sycamore	Oleander	SA	Jasanaqua	Pergola
		PI	Pittosporum	& Vines

LANDSCAPING - SYMBOLS

BUILDING MATERIALS
 SIMULATED BOARD-BATTEN PREFAB
 METAL STRUCTURE - NATURAL STONE POSTS
 REDWOOD PERGOLA - FENCING - LACONTS

COLOR SCHEME
 EARTH TONES - IRON OXIDE
 OLIVE GREEN - YOCHEM - BROWN

MASTER PLAN # II

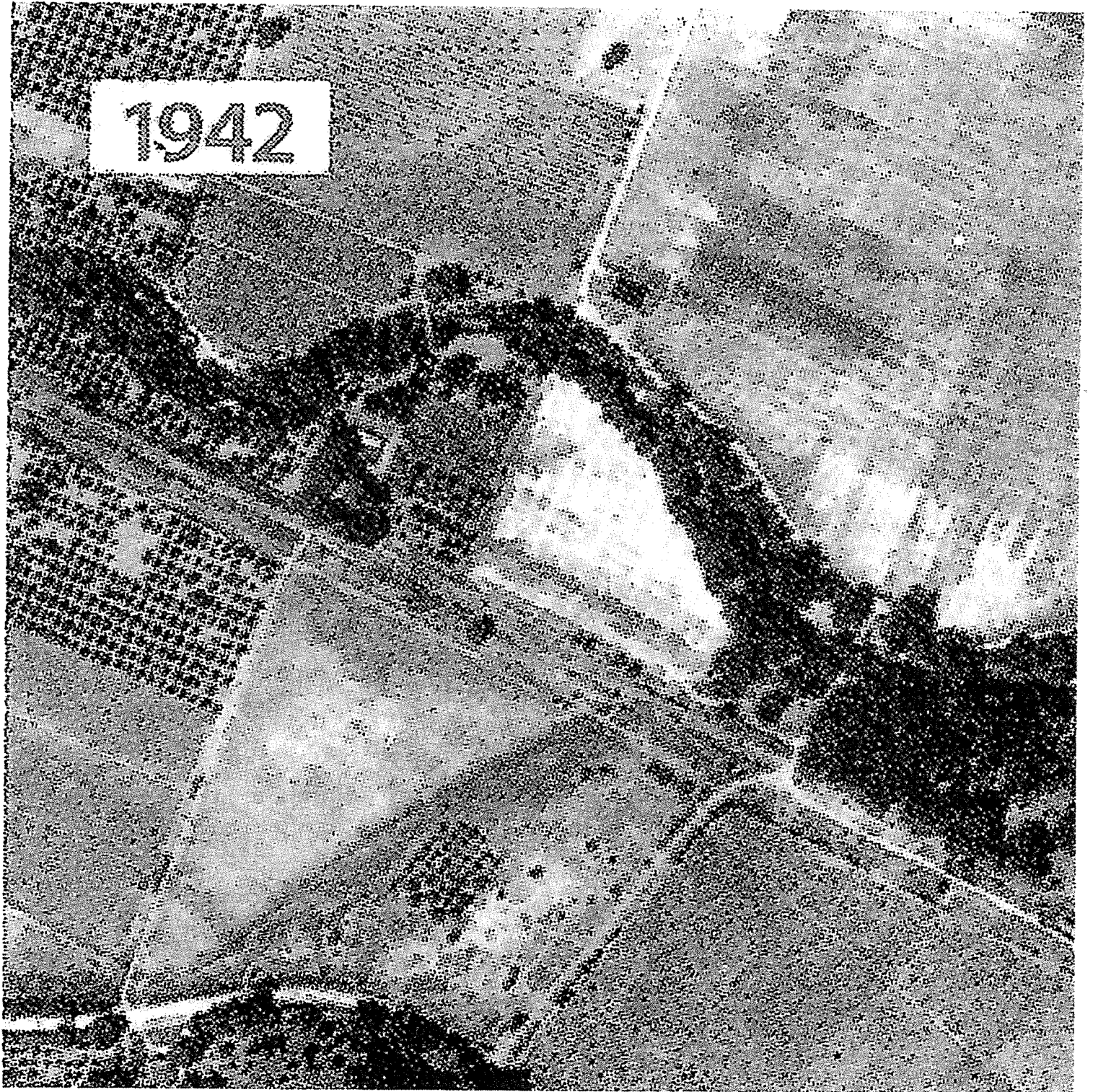


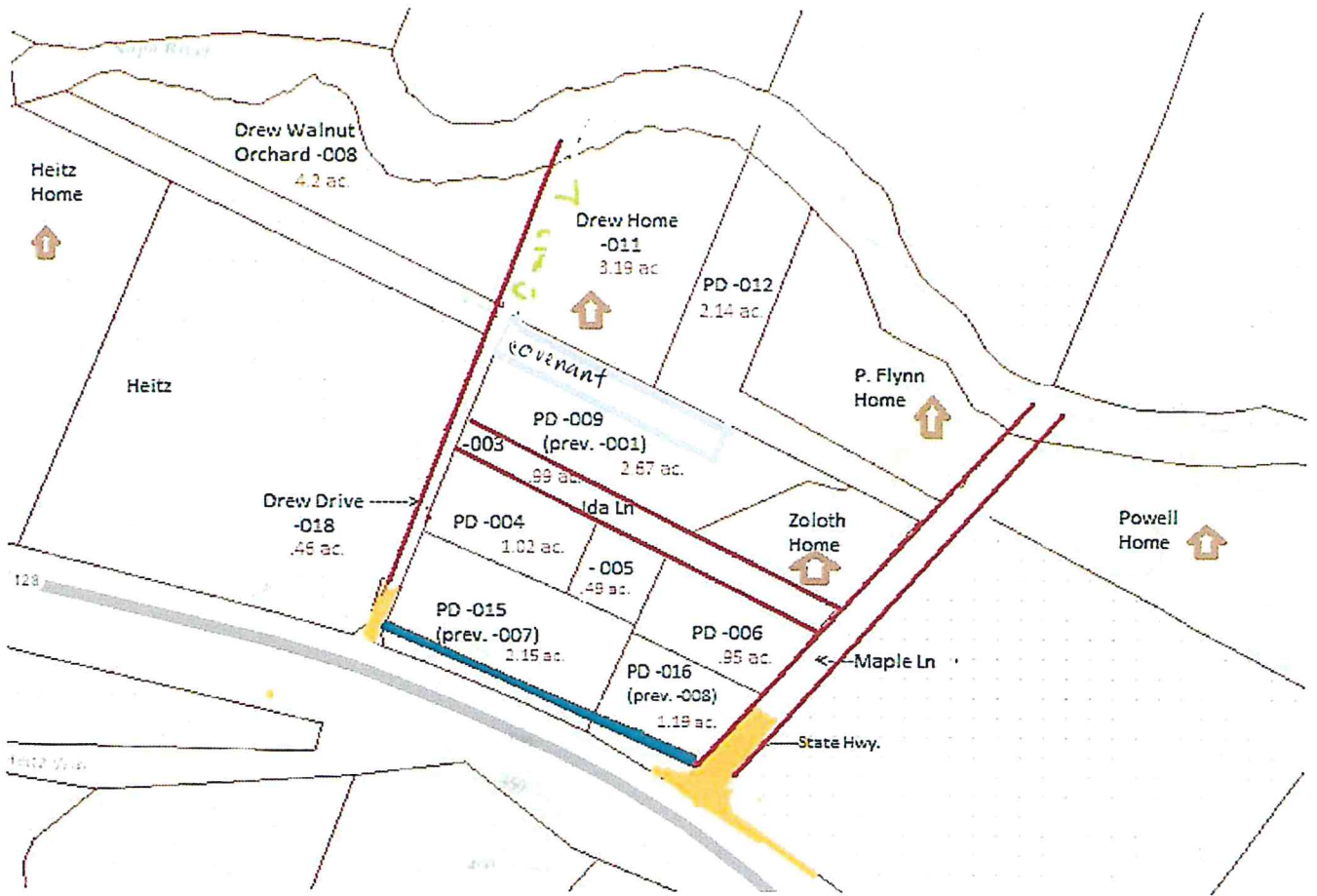
PROPOSED WAREHOUSE UNIT #10
 NORTH ELEVATION
 (MAX BLDG HT - 20' TO RIDGE.)



ELEVATION NORTH HIGHWAY 128 1" = 30'

1942





Clerici, Brian

From: lindafotsch@aol.com
Sent: Monday, February 13, 2017 9:48 PM
To: Hade, Jason
Subject: Flynnville Proposal

Linda Fotsch
AP 020-370-033-000
Maple Lane, Calistoga, CA

February 12, 2017

RE: Flynnville Proposal

Dear Planning Commissioners,

I am a neighbor of the proposed development by the Flynnville Wine Company. I urge you to reject variances, use permits and the project in its entirety. While we would welcome a nice, smaller winery on this parcel; the proposed project is out of character with the surroundings and much too aggressive of a project for such a small site in our area of beautiful vineyards and homes. The impact on our area would be forever adversely impacted, if approved as submitted. Our neighborhood met with the developers in the past, with our concerns. This proposal ignores our concerns. The developers are greedily proposing as much development that they can possibly get approved by your committee .

The wineries in our area are primarily shielded by and enhanced by vineyards and blend with the environment. This project has no such shielding and would be more suited for an industrial area, than this agricultural bucolic setting. The approval of variances would make this project blend even less into the environment and make it more visible. Outdoor bottling is loud and unattractive and should not be approved.

This proposal brings traffic from visitors and grape trucks that will burden the shared road to our homes. The hours of wine tasting are more extended than for other wineries and the impact of visitors for the Special Events would bring excessive vehicles and noise to our area. I don't feel that this proposal has been well vetted to show where the parking could be accommodated, on their property, for such large events. The number, size, and extended hours of the proposed special events will have too great of an impact on our area and roads.

I urge you to ask for an updated traffic study. In the past two years we have seen a great increase of traffic in our area due to development of other wineries and construction of new resorts in Calistoga. During harvest, Maple Lane will be overwhelmed with noise, grape trucks, visitors, employee vehicles, vendors etc This old study that was submitted does not reflect the current conditions.

I close by saying that we do not disapprove of development on this property. A more appropriate proposal would be a smaller winery, surrounded by vineyards and pushed back from existing houses and Maple Lane. A permit to process 60,000 gallons of wine is not in keeping with the area. The scope of this project is too big and the site planning and placement of the buildings is not appropriate for the setting.

Respectfully,

Linda Fotsch
lindafotsch@realnapa.com

Clerici, Brian

From: Ramirez, Jannette P@DOT <jannette.ramirez@dot.ca.gov>
Sent: Monday, February 13, 2017 3:47 PM
To: Hade, Jason
Cc: Maurice, Patricia@DOT
Subject: Caltrans Comment Letter for Flynnville Wine Company - MND
Attachments: 04-NAP-2016-00005-29-MND-Flynnville Wine Company-20160213.pdf

Good afternoon Mr. Hades:

Please find attached a soft copy of the Caltrans comment letter regarding the Flynnville Wine Company Mitigated Negative Declaration. The original letter has been faxed to you at (707) 299-4320. Thank you for including Caltrans in the environmental review process. Should you have any questions regarding this letter or require any additional information, please feel free to contact me at (510) 286-5535 or jannette.ramirez@dot.ca.gov.

Sincerely,

Jannette Ramirez
Associate Transportation Planner
Local Development - Intergovernmental Review
California Department of Transportation, District 4
111 Grand Avenue, MS 10D
Oakland, CA 94612
(510) 286-5535 office (510) 286-5559 fax

DEPARTMENT OF TRANSPORTATION
DISTRICT 4
OFFICE OF TRANSIT AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
FAX (510) 286-5559
TTY 711
www.dot.ca.gov



*Serious Drought.
Help save water!*

February 13, 2017

SCH # 2013082090
GTS # 04-NAP-2016-00005
NAP-29- 34.38

Mr. Jason R. Hade
Planning, Building and Environmental Services Department
Napa County
1195 Third Street, Suite 210
Napa, CA 94559

**Flynnville Wine Company, Use Permit #P-12-00222 & Variance # P12-0023—Mitigated
Negative Declaration (MND)**

Dear Mr. Hade:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Flynnville Wine Company, Use Permit #P-12-00222 & Variance # P12-0023. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), the Caltrans' mission signals a modernization of our approach to evaluate and mitigate impacts to the State Transportation Network (STN). Caltrans' *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Travelled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the MND, dated January 12, 2017. Additional comments may be forthcoming pending final review.

Project Understanding

The project sponsor seeks approval of a use permit to construct a 60,000 gallon per year winery to allow two winery buildings, totaling 24,210 square feet in area, hosted daily tours and tastings by appointment only for a max of 25 persons per day and 175 persons per week. The project will include a marketing program to permit six events per year with a max of 25 guests, six events per year with a max of 50 guests, and three events per year with a max of 100 guests. Proposed hours of operation: 8:00 am to 8:00 pm (production hours, except during harvest) and 10:00 am to 6:30 pm, 7-days a week (visitation hours). The project would also include the demolition of five existing buildings; in addition to:

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

- Employment of 15 full-time non-harvest employees and 5 additional employees during harvest, for a total maximum of 20 employees;
- Construction of 17 parking spaces ;
- Installation of landscaping and entry gates;
- Installation on a west-bound right-turn taper from State Route (SR) 29 onto Maple Lane;
- Improving Maple Lane from SR 29 to Ida Lane to County standards;
- Construction of one new driveway to access Maple Lane and the improvement of two existing driveways to County standards;
- Installation of a wastewater treatment system;
- Construction of three 20,000 gallon water storage tanks and associated piping; and
- A parcel merger for six Accessory Parcel Numbers (APN).

The project site is located adjacent to SR 29 with no direct driveways to the STN. SR 29 provides regional access to the project site via Maple Lane and Drew Drive.

Lead Agency

As the lead agency, Napa County is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This includes any required improvements to the STN or reductions in VMT. Required improvements should be completed prior to issuance of the Use Permit. Since the Department will not issue an Encroachment Permit until our concerns are adequately addressed, we strongly recommend that the Napa County work with both the applicant and the Department to ensure that our concerns are resolved during the California Environmental Quality Act (CEQA) process, and in any case prior to submittal of a permit application. See the end of this letter for more information on the Encroachment Permit process.

Transportation Demand Management/Vehicle Trip Reduction

From Caltrans' *Smart Mobility 2010: A Call to Action for the New Decade*, the project site is identified as a **Rural Town and Agricultural Lands** place type where location efficiency factors, such as community design, vary from moderate to high and regional accessibility is low. Given the size of the project, the expected annual events and limited mode access to and from the project area, the project should include a robust Transportation Demand Management (TDM) Program to reduce auto trips, vehicle miles traveled and greenhouse gas emissions. Such measures will be critical in order to facilitate efficient transportation access to and from the site and reduce transportation impacts associated with the project. From Napa Valley Transportation Authority's *Vision 2040: Moving Napa Forward*, we recommend that the County consider the following TDM/Vehicle Trip Reduction strategies:

- Public-private partnerships or employer contributions to provide improved transit or shuttle service in the project area, specifically to service to Vine Transit's Route 10 and 29;
- Transit fare incentives such as free or discounted transit passes on a continuing basis;
- Designate clean-fuel parking spaces conveniently located to encourage clean-fuel vehicles;
- Parking cash out/parking pricing;
- Bicycle parking taking into consideration Napa County's Zoning Ordinance requires 1 bicycle rack per 20 parking spaces (§18.110.040);
- Formation of a Transportation Management Association (TMA) in partnership with other developments in the area;
- Adoption of an aggressive trip reduction target with a Lead Agency monitoring and enforcement program.

For additional TDM options, please refer to Chapter 8 of FHWA's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference*, regarding TDM at the local planning level. The reference is available online at:

<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>.

For information about parking ratios, please see MTC's report, *Reforming Parking Policies to Support Smart Growth*, or visit the MTC parking webpage:

http://www.mtc.ca.gov/planning/smart_growth/parking.

Cultural Resources

Section V Cultural Resources (page 9) cites that a records search was conducted of the Napa County Environmental Resource Maps. However, this level of effort is inadequate for identifying cultural resources for evaluation as historical resources per CEQA. We recommend that the County of Napa conduct a cultural resource technical study that at a minimum includes a records search at the Northwest Information Center of the California Historical Resources Information System (CHRIS) at Sonoma State University and a field survey of the project area by a qualified archaeologist. Additionally, there is no Native American consultation documented in the IS-MND. We recommend that the County of Napa, in accordance with CEQA and Assembly Bill (AB) 52, conduct Native American consultation with tribes, groups, and individuals who are interested in the project area and may have knowledge of Tribal Cultural Resources, Traditional Cultural Properties, or other sacred sites.

If the project will require an encroachment permit from Caltrans for work within State right-of-way (ROW), the following should be included in Section V Cultural Resources:

"Should ground-disturbing activities take place as part of this project within State right-of-way

Ms. Hade, Napa County

February 13, 2017

Page 4

and there is an inadvertent archaeological or burial discovery, in compliance with CEQA, PRC 5024.5, and Caltrans Standard Environmental Reference (SER) Chapter 2 (<http://www.dot.ca.gov/ser/vol2/vol2.htm>), all construction within 60 feet of the find shall cease and the Caltrans District 4 Office of Cultural Resource Studies (OCRS) shall be immediately contacted. An OCRS staff archaeologist will evaluate the find within one business day after contact. If an inadvertent discovery results in the necessity of archaeological investigations within State right-of-way, a data recovery plan will need to be approved by the OCRS prior to any further action in the area of the find."

Transportation Management Plan

Where vehicular, bicycle, and pedestrian traffic may be impacted during the construction of the proposed project requiring traffic restrictions and detours, a Caltrans-approved Transportation Management Plan (TMP) is required. Pedestrian and bicycle access through the construction zone must be maintained at all times and comply with the Americans with Disabilities Act (ADA) regulations (see Caltrans' *Temporary Pedestrian Facilities Handbook* for maintaining pedestrian access and meeting ADA requirements during construction at:

http://www.dot.ca.gov/hq/construc/safety/Temporary_Pedestrian_Facilities_Handbook.pdf

(See also Caltrans' Traffic Operations Policy Directive 11-01 "Accommodating Bicyclists in Temporary Traffic Control Zones" at: www.dot.ca.gov/trafficops/policy/11-01.pdf).

All curb ramps and pedestrian facilities located within the project limits are required to be brought up to current ADA standards as part of this project. The TMP must also comply with the requirements of corresponding jurisdictions. For further TMP assistance, please contact the Caltrans District 4 Office of Traffic Management Operations at (510) 286-4579. Further traffic management information is available at the following website:

www.dot.ca.gov/hq/traffops/trafmgmt/tmp_lcs/index.htm.

Transportation Permit

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a Transportation Permit that is issued by Caltrans. To apply, a completed Transportation Permit application with the determined specific route(s) for the shipper to follow from origin to destination must be submitted to:

Caltrans Transportation Permits Office
1823 14th Street
Sacramento, CA 95811-7119.

See the following website for more information about Transportation Permits:

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

<http://www.dot.ca.gov/trafficops/permits/index.html>

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires an Encroachment Permit that is issued by Caltrans. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. To apply, a completed Encroachment Permit application, the adopted environmental document, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process.

David Salladay, District Office Chief
Office of Permits, MS 5E
California Department of Transportation, District 4
P.O. Box 23660
Oakland, CA 94623-0660

See the following website for more information:

<http://www.dot.ca.gov/trafficops/ep/index.html>

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jannette Ramirez at 510-286-5535 or jannette.ramirez@dot.ca.gov.

Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

Clerici, Brian

Subject: FW: Flynnville Wine Company: Drew Comments - Additional Correspondence Item 8A
Attachments: Flynnville Comments Drew 2-14-17.pdf
Importance: High

From: Dan Drew [<mailto:danduhman34@yahoo.com>]
Sent: Tuesday, February 14, 2017 1:52 PM
To: Marshall, Rick; Hade, Jason; McDowell, John; Anne Cottrell
Cc: Will Drew; Dana Facto; GERRI DREW; Patrick Drew; Mick Drew; Steve Drew
Subject: Flynnville Wine Company: Drew Comments

All,

Please find the attached comments prepared on behalf of Drew Family 1988 Rev. Trust, and kindly respond to confirm receipt.

Dan Drew, P.E.
danduhman34@yahoo.com

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COMMENTS BY DREW FAMILY 1988 REV. TRUST

Flynnville Wine Company, Use Permit #P12-00222 & Variance # P12-00223

GENERAL COMMENTS

Comment G-1: IS/MND for the Project violates the minimum standards of adequacy under the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 including but not limited to:

*(d) The **capacity of the environment** is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any **critical thresholds** for the health and **safety** of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.*

Comment G-2: IS/MND fails to adequately characterize the capacity of the environment and to identify critical thresholds of environmental factors including but not limited to Hydrology, Utilities, and Service Systems.

Comment G-3: Evidence has been provided to County that Project may negatively impact existing localized flooding conditions, create new localized flooding conditions, and negatively impact the undersized existing storm water drainage systems, and failure to require applicant address potentially significant impacts such that Project may pose a threat to public safety of neighbors, visitors, employees, and the travelling public as well as damage to property and public right of way [i] [m].

Comment G-4: IS/MND fails to incorporate existing information on groundwater, which would enable a comparisons of water demand, maximum pumping rates, and expected groundwater recharge rates, as such IS/MND is silent on identifying (proactive) mitigation measures and instead there appears to be a reliance on (reactive) post-construction conditions of approval.

Comment G-5: While IS/MND provides narratives that reference pertinent information sources, County is obligated as Lead Agency to require specific studies, engineering project reports, and technical documents that give adequate assurance that critical thresholds are identified, ensure that the capacity of the environment is accurately characterized, and require that impacts will be mitigated through engineering methods known to be feasible and effective, said studies, reports, and documents to be prepared by individuals who have been registered by a registration board established under California law.

IS/MND COMMENTS

I. AESTHETICS

Comment I.c-1: The location of the sewer pre-treatment equipment is a great concern. It is requested that the County require applicant to relocate the equipment elsewhere within applicant’s property out of the view of Drew property.

Comment I.c-2: Regardless of the location of the sewer pre-treatment equipment, it is requested that the County require applicant to screen equipment from view.

Comment I.c-3: It is requested that the County require an architectural review of elevated water storage tanks to ensure that structures are attractive and compatible with the setting.

IX. HYDROLOGY AND WATER QUALITY

Comment IX.b-1: IS/MND fails to identify engineering methods known to be feasible and effective in mitigating depletion of groundwater supplies, a lowering of the local groundwater table level, and the reduction in the production rate of pre-existing nearby wells.

Comment IX.b-2: IS/MND fails to incorporate water well records for five (5) existing water wells on the Project site, and it is reasonable to conclude that such records would support rough order-of-magnitude (ROM) estimates of the maximum groundwater pumping rate thereby establishing a basis of reasonable assessment of potentially significant impacts to groundwater supply.

Comment IX.b-3: IS/MND fails to include pre-design engineering analyses that support findings of “no potential impact” relating to groundwater including but not limited to rough order-of-magnitude (ROM)

COMMENTS BY DREW FAMILY 1988 REV. TRUST

Flynnville Wine Company, Use Permit #P12-00222 & Variance # P12-00223

estimates of maximum groundwater pumping rates and a comparison of planned groundwater pumping rates to potable water demand.

Comment IX.e-1: Evidence has been provided to County that the capacity of existing storm water drainage systems [i]. The outlet conditions the 48-inch/36-inch “Flynnville culvert” directly affect the operation of planned storm drain shown in engineering drawings (Sheet UP2). The County as Lead Agency is remiss in approving the IS/MND that is silent on the capacity of existing storm water drainage systems and the existing threat to public safety associated with localized flooding caused in part by the undersized Flynnville culvert as well as high-velocity offsite sheet flow that runs over Ida Lane and enters the natural waterway to the north of the Project.

Comment IX.e-2: Evidence has been provided to County that the configuration of planned storm water drainage systems as shown in engineering drawings (Sheet UP2) may re-direct runoff in a manner that creates conditions of localized flooding at Ida Lane in the vicinity of a private residence [m].

Comment IX.e-3: IS/MND states:

Patrick Ryan, P.E., Supervising Engineer, of the County's Engineering Division, reviewed all drainage studies referenced above and concluded that the project would not substantially alter the existing drainage pattern on site or cause a significant increase in erosion or siltation on or off the site. General Plan Policy CON-50 c) requires discretionary projects, including this project, to meet performance standards designed to ensure peak runoff in 2-, 10-, 50-, and 100-year events following development is not greater than predevelopment conditions. Impacts would be less than significant.

Per Comment IX.e-2, IS/MND fails identify engineering methods known to be feasible and effective that support a conclusion of “less than significant impact,” such methods that include but are not limited to basic hydraulic (backwater) calculations that support the design of a planned storm drain outlet subject to submerged conditions and causing the storm drain to operate under pressure. The hydraulic grade line (HGL) of the planned storm drain shown in engineering drawings (Sheet UP2) appears to be above existing grade at drain inlets, which evidence that planned storm drain systems may flow out of planned storm drains and cause flooding and erosion of Ida Lane and damage to adjacent private property. Further, a (reactive) citation of General Plan Policy CON-50 does not support a conclusion of “less than significant impact” and such approach should not be a substitute for identifying (proactive) mitigation measures in the IS/MND.

Comment IX.e-4: Analyses prepared by Summit Engineering, Inc. appear to rely upon pre-Project assumptions that over-estimate the areas of impermeable soils and conclude that there will not result in a numerically significant increase in the magnitude of post-Project runoff. Regardless of subjective interpretations of appropriate hydrologic calculations, there appears to be no evidence of negative environmental impact associated with a numerically or statistically insignificant increase in post- Project runoff. Per Comments stated herein, the IS/MND fails to incorporate hydraulic calculations that identify critical thresholds (e.g. Flynnville culvert HGL, outlet conditions of planned storm drain systems).

XII. SOUND

Comment XII.c-1: Per Comment I.c-1, sewer pre-treatment equipment would cause a substantial permanent increase in ambient noise levels in the Project vicinity. Equipment should be relocated.

COMMENTS BY DREW FAMILY 1988 REV. TRUST

Flynnville Wine Company, Use Permit #P12-00222 & Variance # P12-00223

REFERENCES

- [a] Google Earth Pro (Build 7.1.5.1557)
- [b] Hydraulic Design of Highway Culverts, Third Edition, U.S. Department of Transportation, Federal Highway Administration, April 2012
- [c] Technical Release 55 (TR-55), Second Edition, U.S. Department of Agriculture, Natural Resources Conservation Service, Conservation Engineering Division (NRCS), June 1986
- [d] Natural Cooperative Soil Survey, California, Napa County (Current), NRCS
<http://www.nrcs.usda.gov/wps/portal/nrcs/surveylist/soils/survey/state/?stateId=CA>
- [e] Water Supply Paper 2339 (USGS 2339), United States Geological Survey, Guide for Selecting Manning's Roughness Coefficients for Natural Channels and Flood Plains
- [f] NOAA Atlas 14, Volume 6, Version 2, Calistoga, California, US, Latitude 38.5961°, Longitude - 122.6014°, Elevation: 404 ft
- [g] Napa County's Local Procedures for Implementing the California Environmental Quality Act (CEQA), revised February 2015
- [h] Comments on Initial Study, Flynnville Wine Company Use Permit #P12-00222 & Variance P12-00223, Will Drew / Stakeholders of Drew Family Trust, September 30, 2013
- [i] Technical Memorandum, Conceptual Drainage Study (Draft), Daniel Drew, June 30, 2015
- [j] Stormwater Control Plan for a Regulated Project, Flynnville Wine Company, Summit Engineering, Inc., July 2, 2015
- [k] Hydrology Analysis, Flynnville Wine Company, Summit Engineering, Inc., August 27, 2015
- [l] Hydraulics Design Manual, Chapter 13, "Storm Drainage," Oregon Department of Transportation Highway Division, April 2014
- [m] Technical Memorandum, Stormwater Drainage Assessment (Draft), Daniel Drew, July 28, 2016

Clerici, Brian

From: Hade, Jason
Sent: Tuesday, February 14, 2017 10:44 AM
To: Clerici, Brian
Subject: FW: FLYNNVILLE WINE COMPANY USE PERMIT UP # P15-00225 1184 MAPLE LANE, CALISTOGA (APN 020-170-12 020-320- 003,006,009,015,016) - Additional Correspondence Item 8A

From: w h [mailto:retired358@yahoo.com]
Sent: Tuesday, February 14, 2017 8:49 AM
To: Hade, Jason
Cc: mikebasayne@gmail.com; anne.cottrell@lucene.com; tkscottco@aol.com; JeriGillPC@outlook.com; joellegPC@gmail.com; Morrison, David
Subject: FLYNNVILLE WINE COMPANY USE PERMIT UP # P15-00225 1184 MAPLE LANE, CALISTOGA (APN 020-170-12 020-320- 003,006,009,015,016)

Jason Hade, Planner
Napa County Planning, Building and Environmental Services Department
1195 3rd Street
Napa, CA 94559

Re: FLYNNVILLE WINE COMPANY USE PERMIT UP # P15-00225
1184 MAPLE LANE, CALISTOGA (APN 020-170-12 020-320- 003,006,009,015,016)

I am one of the owners of property at 4109 and 4111 Heitz Way (across Hwy 29 and just to the North of subject property). This has been our family home since 1941.

While Mr. Pina has indicated that he has worked with neighbors to resolve concerns, his last direct contact with us was in a May, 2015 meeting. He has had no further contact with us (other than a recent "form" letter inviting questions – most probably after it was too late to change the current submission) to resolve concerns expressed at that meeting nor have all concerns expressed at the prior hearing been fully addressed. My concerns remain similar to those expressed earlier in regards to the proposed development/winery.

1) WATER USAGE

A 60,000 gallon winery will use significant amounts of water. We are most concerned that the use of such large amounts of water will further impact our water supply. We say this because when the other large neighboring winery began operation within the past few years, our water supply was drastically reduced (to something less than 5% of prior available water). Since 1941, our wells have provided ample water for both domestic use and garden and fruit trees and this through periods of drought. However, coincident with the construction/operation of the neighboring winery, we now have barely enough water for domestic use. Our concern is that a further, large use of water in the area may cause us additional water issues.

2) TRAFFIC/ROADS

There are no left turn lanes on Highway 29 at Heitz Way and Drew Drive. Currently, during the summer and also at other times, it is very difficult to make a left turn. Those making a left turn must stop and wait for oncoming traffic. In doing so, one also blocks following traffic and causes following traffic to make a sudden

stop. This has resulted in numerous near misses and some accidents (members of our family have been hit from behind on two occasions). Increasing traffic, as this winery will, without making adequate provisions at Highway 29 and Heitz Way/Drew Drive will cause further delays and increase hazardous conditions, impacting personal safety. In addition, if bicycle access is considered at this intersection, it will cause further congestion and increase risks to both cyclists and motor vehicles.

While proposed restrictions at the intersection of Drew Dr., Heitz Way and Highway 29 appear to no longer be part of the proposal, any restrictions to the Southern entrance/exit to Heitz Way would substantially impact us and our property and changes at this intersection, other than the needed left turn lanes, would be opposed.

3) FLOODING

Several times in the past 76 years that our family has lived at this address, water 6" to a foot deep has flowed South across what is now Drew drive (all the way from Highway 29 to the old SP tracks). This occurs when the Napa River overflows its banks upstream of the proposed winery. Should the winery elevate the grade above the current grade level and/or if the planned buildings and/or any burming block the flow of this water, they will act as a dam and cause flooding upstream (to the North, Northwest and to the Northeast) and to parts of our property. It is not apparent that the proposed project has accounted for these events.

Also, there is a creek that runs under Highway 29 just to the South of the southern entrance/exit to Heitz way. It is not apparent that the flow of this water has been adequately addressed so that there is no back-up flooding upstream of the proposed development.

4) VISITORS/EVENTS

For a relatively small property, the number of events and visitors appears excessive.

5) SETBACKS

It appears that applicants are requesting variances from several required setbacks enumerated in the county plan. Over the years the Planning Department has developed these rules and regulations based on experience. Why, then, would the Planning Department now ignore or override these setbacks? If these variances are allowed, will they now be allowed for other property owners in the area?

6) ODORS

Will there be odors from treatment facilities? If so, how will they be remediated – or will they be a nuisance to those living in the area?

7) SIZE

This project appears too large for the amount of acreage and for the location in general. The coverage is excessive. This project is much more suited to an industrial park than to a rural area with homes and small vineyards.

8) NOISE

The prior winery permitted just to the West of our property generates significant noise at various times of the day/night. If the proposed project is approved, quality of life in the area can be expected to be further degraded.

9) PROPERTY VALUES

Due to the concerns listed above, we are concerned that the value of our property will be reduced (traffic, noise, odors, potential further loss of water).

We request that you reject the use permit and the variance(s) as submitted.

Respectfully,

Walter L. Heitz, owner
4109 and 4111 Heitz Way
Calistoga, CA 94515

Cc: Napa County Planning Commission
Michael Basayne
Anne Cottrell
Terry Scott
Jeri Gill
Joelle Gallagher

Staff Liaison to the Commission
David Morrison

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Clerici, Brian

Subject: FW: Flynnville Wine Company Proposal - Additional Correspondence Item 8A
Attachments: Tape log of Jan 9, 1991 May 16, 2015.docx

From: Hade, Jason
Sent: Tuesday, February 14, 2017 10:38 AM
To: Clerici, Brian
Subject: FW: Flynnville Wine Company Proposal - Additional Correspondence Item 8A

From: Will Drew [<mailto:wmwerd@att.net>]
Sent: Sunday, February 12, 2017 2:27 PM
To: McDowell, John; Hade, Jason; Anne Cottrell
Subject: Flynnville Wine Company Proposal

February 12, 2017

Napa County Planning Commission, Flynnville Wine Co Hearing February 15, 2017.
John McDowell, Jason Hade, Commissioner Anne Cottrell and the Commission.

On September 15, 2015 my daughter Dana Drew Facto and I met in the planning department regarding the proposed Flynnville Wine Company proposal. We appreciated having conversations with Linda St. Claire, Nate Galambos and Jason Hade. I submitted a letter asking for a review of past use permits and conditions of approval. Also included were recorded discs of the January 9, 1991 planning commission hearing on proposed changes to County Zoning. The attorney for the Flynnville owners made the presentation for the new proposed Agricultural Services designation. I obtained taped copies of that hearing and included them as information into the Flynnville Winery file.

This hearing and the final action is a 101 lesson on County Government Planning.

Jeff Redding as a Napa County Planner presented a detailed list of reasons why the uses in Flynnville should not exist or continue. {Comparing his dialog with his presentation to the planning hearing in October 2, 2013 regarding the same Flynnville location is frightening. Listening to his trained logical words as a lobbyist questions the origin of TRUTH!}.

The commission denied the request for an Ag Services designation and the BOS supported the PC and denied the appeal. Of interest today, agriculture support businesses continue in the buildings in Flynnville.

The attachment is a time line log of the comments on the tapes. It is possible to select what you want to hear. A thumb drive was provided to Commissioner Cottrell. The two discs were added to the Flynnville file on September 15, 2015.

Thank you including these tapes in the Flynnville Winery Company file.

Will Drew

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January 9, 1991 Planning commission hearing to change General Plan.

Peatman plan to approve an Agricultural Service Zones.

Disc One.

.25 Jeff Redding, Planning Commission hearing

2.13 Should Flynnville be established as an urban area in Napa Co?

Do you want to change agriculture areas into an urban area?

4.10 Look at the future 20 years ahead, (May 2015 is 24 years later)

5.40 Flynnville is not a proper site for commercial/industrial development.

6.30 Urban developments belong in Calistoga or an urban area.

7.10 There are no public services of water, sewer roads, etc.

8.00 Commercial developments belong in urban areas.

10.10 Deny this proposed master plan change.

11.00 Joseph Peatman

Reasons to approve his proposal.

29.50 Peatman advises the commission that their role is advisory

32. Lunch

33.50 Patrick Flynn, reasons to approve. Mentions fill in the area.

Harsh comments that the commissioners, in effect, "They should get out of their seats and visit the site so they would understand rather than from Napa". The commissioners pushed back. Patrick apologized to the commission later.

34.00 UNVA award for Flynnville Complex.

40.00 Will Drew, same stuff, injunction, conditions of approval, and same conflict of commercial vs. agriculture.

47.00 End Disc One.

Disc Two.

6.00 Drew, Audio problem & repeat comments on Water.

12.26 End Drew

13.00 Patrick Flynn apologizes for his earlier comments. He was hostile in his earlier words.

16.00 Joseph Peatman

18.30 Pat Flynn

20.29 Morton Vandenberg, neighbor at Flynnville. His concerns were drainage, possible wet lands, toxic problems, traffic, sale of water, disposal of waste water. He wished the commission lots of luck in solving the Flynnville problems.

23.00 Hearing closed. Discussion among commissioners, from wanting to solve the Flynnville problems but not willing to open a floodgate potential for the future direction of Napa Co. The long term direction should be back to agriculture.

41.00 Motion passed as a denial. ? Check for vote? Unanimous or 4 to 1?

43.11 End of item and start of next item

End of Disc Two.

W.D The tapes contain much more discussion than the notes noted on this list

Date: February 14, 2017

To: Napa County Planning Commission
Jason Hade / Planner

From: Dana Drew Facto

RE: Flynnville Winery Application P15-00224 aka P12-00222 and P12-00223

My comments regarding the above application:

Winery Orientation, Traffic Flow and Parking

1. Winery building should be re-oriented away from Maple Lane so that it is facing South towards Hwy 29/128.
2. Visitor, employee and commercial traffic serving the winery should flow from Hwy 29/128 to Maple Lane then making an immediate turn to the winery front onto the existing service/frontage road that runs parallel to and North of parallel to and North of Hwy 29/128.
3. Winery visitor parking and employee parking should be located off of the frontage service road and not along Maple Lane.
4. The project adjacency along Maple Lane should be fenced with attractive landscaping trees and shrubs to screen the fencing.
5. Ida Lane from Maple Lane to Drew Drive should have fencing along the South side of Ida Lane to screen the project site and its contents from Ida Lane and Drew residences and associated traffic from views of winery and accessory buildings and equipment. Attractive landscaping to screen that fencing. (per 1975 masterplan conditions of approval.
6. The complete lack of the scope and associated impacts of the Vine Trail is extremely concerning. The CEQA process for a Bicycle path should stand on its own.

Project Application Parcels included in current P12-00222 and P12-00223

The Use Permit and Variance applications being reviewed today (a.k.a. P-15-00225) have excluded 2 parcels 020-320-004 and 020-320-005 that were included in the original project application.

1. Parcel -004 has a 6,500 sq ft structure that is permitted for warehouse and storage. The address of this building is 3 IDA Lane Unit 1 as noted on the buildings ABC Licence # 371633 for Type 14 Public Warehouse and Type 22 Wineblender DBA Upper Valley Barrel Storage, owners PD Properties LLC
2. Parcel 020-320-004 should be included in any merger of parcels for the granting of this permit and the square footage of the structure and land surface area should be included in the overall site coverage calculations as well as drainage calculations. Existing well and septic (current and future) should also be in all water and wastewater assessments.

Aside from the 6,500 sq ft. structure, this parcel also is being used for the unsightly storage of 3 large dilapidated shipping containers and various vehicles and equipment. Per use permit conditions of approval on this parcel, this use is to be screened from view along Ida Lane. This building has had many uses over the years, some uses not permitted. Parcel 020-320-004 should be included in the Use Permit site plan being considered as it is an established part of Flynnville and the existing master plan.

3. Parcel 020-320-005 should be included in any merger of parcels for the granting of a use permit. Although a very dilapidated residential and other structures exist on this parcel currently, either the square footages should be included in site coverage calculations as well as drainage calculations. Existing well and septic (current and future) should also be in all water and wastewater assessments. The residential structure should be red tagged and demolished.
4. The exclusion of the above mentioned parcels appears to be an interesting way of qualifying this application site as being 'an irregular shaped site' for the purposed of the granting of variances.

Gallina, Charlene

From: Morrison, David
Sent: Wednesday, February 15, 2017 8:00 AM
To: Gallina, Charlene
Subject: FW: NC Planning Commission Feb 15 2017 - Item 8A - Flynnville

Planning Commission Mtg.

FEB 15 2017

Agenda Item # 8A

Sent with Good (www.good.com)

From: Geoff Ellsworth
Sent: Wednesday, February 15, 2017 7:52:25 AM
To: Hade, Jason; Morrison, David; McDowell, John; Jeri Gill; Mike Basayne; Terry Scott; Anne Cottrell
Subject: NC Planning Commission Feb 15 2017 - Item 8A - Flynnville

To all concerned,
I am submitting these comments as a private citizen.
I request that no further winery/wine tourism approvals or major modifications are made until a proper compliance/enforcement program is in place that measures visitation, water use, and monitors stipulations from the Winery Definition Ordinance that food service be on a cost recovery basis only.

I also request that an EIR that includes cumulative impacts be done on all projects so that we understand impacts to our Napa County communities, infrastructure and environment, including traffic and greenhouse gasses.

Also I also believe we need an overall water equity program in place to protect all of our residents and businesses.

Also the continued use of variances and exceptions in winery approvals is concerning and needs to be addressed.

Thank you
Geoff Ellsworth
St. Helena

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Hade, Jason

From: Geoff Ellsworth <geoffellsworth@yahoo.com>
Sent: Wednesday, February 15, 2017 7:52 AM
To: Hade, Jason; Morrison, David; McDowell, John; Jeri Gill; Mike Basayne; Terry Scott; Anne Cottrell
Subject: NC Planning Commission Feb 15 2017 - Item 8A - Flynnville

Planning Commission Mtg.

FEB 15 2017

Agenda Item # 8A

To all concerned,

I am submitting these comments as a private citizen.

I request that no further winery/wine tourism approvals or major modifications are made until a proper compliance/enforcement program is in place that measures visitation, water use, and monitors stipulations from the Winery Definition Ordinance that food service be on a cost recovery basis only.

I also request that an EIR that includes cumulative impacts be done on all projects so that we understand impacts to our Napa County communities, infrastructure and environment, including traffic and greenhouse gasses.

Also I also believe we need an overall water equity program in place to protect all of our residents and businesses.

Also the continued use of variances and exceptions in winery approvals is concerning and needs to be addressed.

Thank you
Geoff Ellsworth
St. Helena

Clerici, Brian

Subject:

FW: NC Planning Commission Feb 15 2017 - Item 8A - Flynnville

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Sent: Wednesday, February 15, 2017 7:52:25 AM

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FEB 15 2017

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Agenda Item # 8A

Joan Zoloth & Travis Stephens
1166 Maple Lane
Calistoga CA 94515

February 13, 2017

Planning Commission Mtg.

FEB 15 2017

Agenda Item # BA

Dear Planning Commissioners,

We live at 1166 Maple Lane and we are opposed to the Flynnville Wine Company project as submitted for approval. The proposed project involves a commercial tasting room that is inconsistent with the agricultural character of the area, and its proposed 10,000 yearly visitors would have an unacceptable adverse impact on water, traffic, and noise in this residential neighborhood. Located not more than 75 feet from our bedroom, the Wine Company proposes to erect a commercial tasting room in a quiet area and create a cacophony of noise and traffic with extended tasting hours and tours from 10 a.m. to 6 p.m. (two hours after the typical 4 pm cut-off); and operating hours for employees that extend as late as 8:30 p.m. This project is as unsuitable as it sounds on its face.

This letter address two primary issues with the project:

1. The project should be rejected since it does not conform to the intent of the Ag Preserve and Ag Watershed definition. It is an aggressive use of the property that is not in character for the reasons discussed more fully below.

2. An Environmental Impact Report should be required. The environmental impacts to the neighborhood and the conclusions made by the developer are inadequate. The documents lack the evidentiary support for the developer's conclusions that this project will not adversely impact the groundwater, water quality, traffic, flora and fauna. The project will create excessive light and noise pollution. In the absence of an enforceable and proven plan for mitigation for these significant environmental impacts, the project should be rejected and/or an EIR should be required.

A. Adverse Impact To The Neighborhood

Our home and bedroom is situated only about 75 feet from the proposed winery development. As a result, the proposed development will adversely impact our use and enjoyment of our property as a result of the noise, traffic, and light pollution caused by the project.

Most prior approvals for wineries have occurred only when the winery was a greater distance away from a family residence. Our neighborhood is rural and, in keeping with the Ag Preserve, is a mix of vineyards, open woodland and family homes. The area borders the Napa River and many seasonal creeks. There is no light pollution and noted astronomers have studied the night sky in this area. There are NO wineries nearby that can be seen from most of the homes. The closest wineries are almost one mile away from

Maple Lane and are shielded from view. All of the existing wineries are surrounded by vineyard.

In contrast, the proposed development is extremely close to neighbors and hence poses a unique situation. The adverse impact includes the increased noise, traffic, lights, parking and a marketing plan for *10,000 visitors a year* to the area.

We therefore request the planning commission to reject this proposal. If the planning commission does not reject the proposal, it should put strict conditions of approval on any use permits tied to development of this property. The conditions should include the required submission of detailed mitigation plans to and approval by the closest neighbors for each of these plans. The plans would cover noise, traffic, safety, lighting, parking, water, landscaping and marketing plans. In addition, we request the planning commission require as a condition of any approval for use that the architectural plans must be in keeping with the neighborhood. For example, the plans currently include a 30-foot tower. This tower is significantly taller than anything in the area and the height of the tower near homes raises additional privacy concerns.

B. Production and Coverage

The development is zoned Agricultural Preserve and Ag Watershed, but the requested 60,000 gallon production is out of scale with the 3.2 acre vineyard that is proposed. To process the 60,000 gallons of grapes, as stated in the application, would require fruit from at least 60-70 acres of land. The scope of this project is way beyond what can be produced from any planting on this property. This is a robust proposal that is not appropriate for the size of the parcel.

In addition, if the project does not use estate grapes, there is no indication how the applicants are going to comply with the grape ordinance that requires that 75% of grapes must come from our valley. The developers are attempting to cobble together their separate acreage into one ten-acre piece so they can build a winery on only two of these acres. This is an issue of scale and accessory activity that is not in scale with production. A better use of this property in line with the Ag preserve is for vineyard development, and a much smaller winery.

C. Inadequate Noise Mitigation

First, the submitted noise mitigation plans do not contain any information regarding the mitigation of construction-related activities (including construction schedule, location, number of construction employees, staging areas, location of spoils sites and haul routes, description of reuse or disposal of site spoils, etc.) has not been included at all in any noise mitigation plans.

Second, the noise mitigation plan does not consider many other project features, including the effect of outdoor bottling, the existence of outdoor events, additional noise from trucks, and other sound related activities.

This failure to describe the whole of the project is a serious and pervasive deficiency. By ignoring noise impacts to the neighborhood, it renders faulty the environmental impact analyses as well as the discussion of potential mitigation measures to minimize those impacts.

D. Water Use

The project is inconsistent with General Plan **Conservation Policies CON-53** and **CON-55**, which require that applicants for discretionary land use approvals prove the availability of adequate water supplies that can be appropriated without significant negative impacts on shared groundwater resources. There are several issues involving water and geology of the area. The known existence of Boron in the area could result in destroying the neighborhood vineyards and wells. I am also concerned about the increased use of water by such a large project. I have asked that the developers pay for a new well in the event their operation causes my well to run dry; they have refused and stated they do not know the impact of this development on the existing water table. The unknown effect of this project on neighbor's water supply and wells that any costs related to having to replace wells or deliver water to the area should be borne by the developers.

E. Marketing For Commercial Use

The marketing and daily tastings in the proposal are commercial uses, not agriculture ones. They are clearly inconsistent with the intent of the General Plan's Agricultural Resources designation and hence may not be lawfully approved. In 2008, County voters reaffirmed in approving Measure P that "agriculture is and should continue to be the predominant land use, where uses incompatible with agriculture should be precluded."

Moreover, the Marketing Plan is an excessive burden on the surrounding area and neighborhood.

1. The hours of tastings far exceed the hours of surrounding wineries. The majority of wineries in the area are open from 11 am to 4 pm. The hours for tours and tastings requested for this proposal are for 10am to **6 pm**; and open to **8:30 pm** for employees. Since the tasting room stays open significantly later than other wineries in the Valley, it is likely to draw an intoxicated and loud group of visitors who are looking for a location to continue drinking after other wineries close. The impact from these hours could be particularly burdensome to the project's neighbors, yet the plan provides an inadequate analysis of these impacts.

2. The number of visitors of about 9,000-10,000 per year would have a severe environmental impact on the area. The impact of these visitors was not properly evaluated and they far exceed the scope of the winery. The size of the visitation should be reduced due to the major impact on water, traffic, noise and other environmental concerns.

3. The number of events proposed is also excessive. The number of events as well as guest numbers for each event should be substantially reduced to minimize the severe environmental impact to the area. The hours of these events from 11am-10 pm should also be reduced. Noise from the winery's marketing events, in particular larger events, would result in significant increases in vehicular traffic, truck traffic, buses and amplified sound, water usage, and light pollution. All of these factors need to be measured via an EIR.

F. The Traffic Study Is Inadequate

The traffic study is two years old and is out of date. Since the study was submitted, there has been the approval of two major resorts in the area. New wineries also have been approved. These resorts and new wineries will bring additional cars to an already saturated area. The additional truck traffic (UPS, Fed Ex, Supply Trucks, and Food Delivery Trucks, not to mention the trucks needed to supply the winery during crush) will negatively affect traffic. In addition, the employees for the facility will put a huge burden on the traffic in the area and on the surrounding roadways and nearby city streets. A new traffic plan needs to be submitted before any use permit is granted and an EIR prepared.

Conclusion

We urge and hereby request the Planning Commissioner's to reject the variances, the use permits, and the project in its entirety. As stated above, the project would have significant impact on the environment, the neighborhood, and the character and quality of the area. Those impacts were not properly evaluated; nor was a complete mitigation plan offered. At a minimum, a full Environmental Impact Report should be required before the project moves forward.

Respectfully submitted,

Joan Zoloth & Travis Stephens

