

PALMAZ HELIPORT APPLICATION

The EIR is telling us that the proliferation of helicopter flights in the Napa valley is "speculative". They are already happening illegally and the County does nothing to stop them.

This taxi service is a reality and once this use permit is granted it will accommodate private residences as is happening else place in the country.

Planning Commission Mtg.

MAY 17 2017

Agenda Item # 7A

Rec'd at meeting  
Jim Wilson



Helicopter Tours of Napa Valley Wineries



**Enjoy an Exclusive and Exciting Helicopter Tour of Napa Valley**

There is no luxury like a private helicopter tour through California's best wineries in the Napa Valley.

This tour is the ultimate experience for people who truly appreciate great wine and food.

First we'll pick you up in a limo, and we'll take you to a private helicopter chartered for the Napa valley. You'll get a tour of San Fran, Alcatraz, and the Golden Gate Bridge, then we'll take you deep into the infamous Napa valley wine region. The day will be filled with boutique wineries (many of these are not available to the general public), wine tasting, and delicious food.

If you like wine, this tour will be an unforgettable experience. Simply get in touch with us if you want to learn more about this unique opportunity.

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Bell Jet LongRanger (<http://millionairesconcierge.com/service/helicopter-tours-charters-bell-jet-longranger>)

Bell Jet 206 LongRanger (<http://millionairesconcierge.com/service/helicopter-tours-charters-bell-jet-206-longranger>)

Sikorsky S-76 (<http://millionairesconcierge.com/service/helicopter-tours-charters-sikorsky-s-76>)

Agusta 109 (<http://millionairesconcierge.com/service/helicopter-tours-charters-agusta-109>)

**Tour Itineraries**

**Additional Accommodations**

**FAQ's**

**Photos**





Planning Commission Mtg.

May 15, 2017

MAY 17 2017

MATTER No. 32624

Agenda Item # 7A  
*Rec'd at meeting*

DOC. No. 5968071

Napa County Planning Commission  
1195 Third Street  
Napa CA 94558

Re: Palmaz "Personal Use" Heliport Use Permit Application No. P14-00261-UP

Dear Chairperson Gill and other members of the Commission:

On behalf of myself, a 33 year resident of Napa County, Robert Pursell, and Farella, Braun & Martel LLP we are filing this formal objection to the applicants' request to construct a heliport as reflected in the above-referenced permit application.

We do object and strongly urge denial for the following reasons which will be discussed further below:

1. Palmaz request does not qualify as a "personal use", but instead is for business and commercial purposes which are specifically excluded under county and state law.
2. Palmaz request is inconsistent with, and specifically contrary to the General Plan, thus requiring a vote of the public to be approved.
3. This permit, if approved, will be difficult, if not impossible to enforce..

**1. Palmaz request does not qualify as "personal use".**

In 2004, the Napa County Board of Supervisors outlawed private commercial heliports. (Ordinance No. P04-0198-ORD). This is further codified in NCO 18.08.460 wherein it states: "'Personal use airport and heliport' means an airport or heliport limited to the **noncommercial** activities of an individual owner or family and occasional invited guests." [Emphasis added]. State law has a similar standard at CCR, Title 21, section 3527. It provides that : "Examples of a facility used for a business purpose are facility used for the transport of persons for a corporate business purpose..."

Even a cursory review of the evidence surrounding this permit application clearly demonstrates that the proposed heliport has one, primary purpose: to be used to promote and improve the many businesses owned by the applicant.

A. Statements to the public and the media:

Wine Business Center • 899 Adams Street • St. Helena, CA 94574 • T 707.967.4000 • F 707.967.4009

**Intent:** To identify areas in the fertile valley and foothill areas of the county in which agriculture is and should continue to be the predominant land use, where uses incompatible with agriculture should be precluded...”

There is no question that construction and operation of this private heliport within the Ag Preserve is inconsistent with the General Plan. The staff analysis of impact on the General Plan is woefully inadequate as it ignores the obvious: this heliport is intended for business purposes.

There is county precedence for denial for these reasons:

In 2008, an applicant sought approval of a use permit to allow horse boarding and training within the Ag Watershed. The applicant proposed being permitted to provide riding lessons as a means of exercising the horses and while not charging for the lessons, allowing children to work at the location (and accept donations).

The county denied the permit finding that it was a “commercial use” despite the claims that the lessons were being provided gratis. County Counsel, in responding to the attorney for the applicant stated the obvious, “Commercial use (as defined by the County Code) means a use that involves any exchange of cash, goods, or services...” It also took the position that “horseback riding lessons are not “agriculture” as defined in the County Code, both because they are not properly accessory to a horse raising operation and because the Code classifies “horse boarding and/or training stables as a separate use.”

Much the same may be said of the Palmaz’s proposed use. They have made it clear that the installation of a heliport in the Ag Watershed is to promote their business, whether it be as a “productivity tool” or some other means of obtaining more money for their businesses, it is clearly commercial in nature.

B. Measure P requires that the Palmaz request be voted on by the electorate.

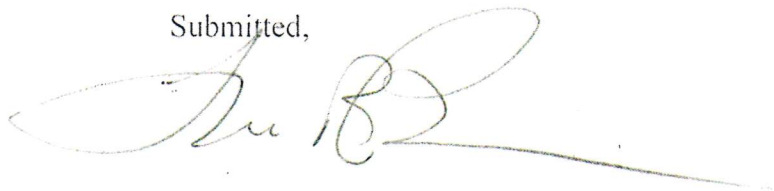
In 2008, Measure P which extended 1990’s Measure J through 2058, passed easily, with 62.3 percent of the vote in Napa County. It requires voter approval before agricultural land can be converted to other uses. The intent of the initiative, and certainly, the Napa County voters, was to “prevent the premature or unnecessary conversion of agricultural, watershed, and open space land to other uses-will continue to guide land use planning in Napa County.”

If we step back, consider our history, including these initiatives and policies written for the General Plan to preserve agriculture, and use open eyes to consider the incontrovertible evidence of the Palmaz’s intent to use this to increase their business by using it as a “productivity tool”, there is one inescapable conclusion: the voters must be allowed to decide this issue per Measure P.

**3. This permit, if approved, will be difficult, if not impossible to enforce.**

strongly object to the granting of a use permit for the Palmaz heliport.

Submitted,



Lee B Philipson  
Attorney at Law

[http://napavalleyregister.com/news/local/napa-county-planners-open-palmaz-heliport-hearing/article\\_7c34f0f1-e759-5db9-af74-2ccc37508b69.html](http://napavalleyregister.com/news/local/napa-county-planners-open-palmaz-heliport-hearing/article_7c34f0f1-e759-5db9-af74-2ccc37508b69.html)

LAND USE

## Napa County planners open Palmaz heliport hearing

BARRY EBERLING [beberling@napanews.com](mailto:beberling@napanews.com) Mar 1, 2017



J.L. Sousa/Register file photo

Christian Palmaz is seeking permission for a private helipad at on Mount George to serve his family businesses.

Palmaz talked about a proposed no-fly zone proposed to be established for his helicopter over a nearby rural residential neighborhood. He would submit flight log data created by the helicopter computer system and other data to the county to show he is complying with the zone.

He thanked neighbors who met with him and submitted opinions to him in writing on the proposed heliport, while also acknowledging that he and the various parties weren't necessarily able to reach agreement.

"I hope many of you recognize adaptations to the project stemming from your thoughtful contributions," Palmaz said.

Consultant Ken Brody of Mead & Hunt spoke during presentation by the Palmaz team. He said the Bell 429 helicopter owned by Palmaz is one of the quietest available.

Attorney Brian Russell on behalf of Palmaz told commissioners that Napa County has allowed private heliports since 1965. It has approved four helipads, two for individuals and two for St. Helena Hospital.

Then came dozens of public comments.

Resident Robert Pursell said that the last heliport approval for unincorporated Napa County came in 1979. The county has since discouraged such applications.

"The precedent is for denial," Purcell said.

Hagen Road resident William Baker said he doesn't want the noise from a heliport. Instead, Palmaz can continue flying his helicopter out of Napa County Airport.

"The Napa County Airport is 10 miles from the Palmaz's—10 miles ... the (auto) trip takes less than 20 minutes," Baker said.

Commissioner Anne Cottrell asked how the county would enforce such features as a no-fly zone over the rural Olive Hill Lane neighborhood, given that the Federal Aviation Administration controls the air space. The answer rests with the use permit the county would issue for the heliport.

"You can revoke the use permit," airport attorney Barbara Lichman said. "That's your enforcement mechanism. Once the aircraft leaves the ground, it's in the charge of the FAA and the pilot."

Gill noted that this is to be a personal use heliport, but that the Mount George site has no house on it. She wanted more information.

Commissioner Joelle Gallagher wanted to explore some residents' claim that building the helipad would hurt property values in the area.

Planning, Building and Environmental Services Director David Morrison said property values aren't an environmental or general plan consideration. Staff may not be able to provide any information that is more than speculation, he said.

#### MORE INFORMATION

What about jets too?

Barry Eberling

## Currents

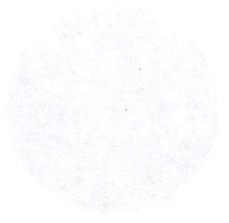


Slideshow: Best-selling books

5 things to know about French president-elect Emmanuel Macron



EXHIBIT B



Department of Environment and Planning  
The State of New York  
Office of the State Comptroller

Department of Environment and Planning

Office of the State Comptroller

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Office of the State Comptroller

EXHIBIT C

Table 1: Description

Year	State	City	County	Engine Model	Engine Serial	Year Built	Category
2012	California	Los Angeles	Los Angeles	2012-01-01	12345678	2012	Tractor
2013	California	Los Angeles	Los Angeles	2013-01-01	12345679	2013	Tractor
2014	California	Los Angeles	Los Angeles	2014-01-01	12345680	2014	Tractor
2015	California	Los Angeles	Los Angeles	2015-01-01	12345681	2015	Tractor
2016	California	Los Angeles	Los Angeles	2016-01-01	12345682	2016	Tractor
2017	California	Los Angeles	Los Angeles	2017-01-01	12345683	2017	Tractor
2018	California	Los Angeles	Los Angeles	2018-01-01	12345684	2018	Tractor
2019	California	Los Angeles	Los Angeles	2019-01-01	12345685	2019	Tractor
2020	California	Los Angeles	Los Angeles	2020-01-01	12345686	2020	Tractor

Table 2: Description

Year	State	City	County	Engine Model	Engine Serial	Year Built	Category
2012	California	Los Angeles	Los Angeles	2012-01-01	12345678	2012	Tractor
2013	California	Los Angeles	Los Angeles	2013-01-01	12345679	2013	Tractor
2014	California	Los Angeles	Los Angeles	2014-01-01	12345680	2014	Tractor
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Table 3: Description

Year	State	City	County	Engine Model	Engine Serial	Year Built	Category
2012	California	Los Angeles	Los Angeles	2012-01-01	12345678	2012	Tractor
2013	California	Los Angeles	Los Angeles	2013-01-01	12345679	2013	Tractor
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2018	California	Los Angeles	Los Angeles	2018-01-01	12345684	2018	Tractor
2019	California	Los Angeles	Los Angeles	2019-01-01	12345685	2019	Tractor
2020	California	Los Angeles	Los Angeles	2020-01-01	12345686	2020	Tractor

MAY 17 2017

Agenda Item #

7A

**Ayers, Dana**

**From:** psmithrs@comcast.net  
**Sent:** Tuesday, May 16, 2017 5:39 PM  
**To:** Ayers, Dana  
**Subject:** Re: Notice of Planning Commission Public Hearing Regarding Palmaz Personal Use Heliport Use Permit

Thank you for allowing me to comment on the proposed helipad project. I am against this personal use of a helicopter.

You will have no ability to determine whether a trip is personal or business. We had a neighbor build a winery in their backyard (truly). When it was noted that they were having prohibited commercial activity in the neighborhood, they answered that with the idea that all these trips weren't just customers, they were friends, so they were entitled to do it. Applicant's lawyers find ways out of regulations; like small children, if you give them an inch they will take a mile. They will soon be claiming all trips are just with/for their friends. How can you prove otherwise?

I live in St Helena, so I will not be directly affected by this approval. However, I can attest that helicopters are loud and unnerving. This last weekend there was a helicopter rescue in Calistoga and they flew over near our house. The neighbors who live near this proposed helipad will have something taken from them if it is approved. They moved to a rural area, they deserve to get what they bought, peace. **Helicopters cannot be called 'quiet' no matter what technology they employ.**

It astonishes me that this young man is willing to disturb all his neighbors to get his way. Do newcomers not realize how ironic their behavior is? He likely bought his property for the rural nature of it, and now he's willing to disregard that for his personal convenience. In addition, Mt George is home to wildlife and special botanical species. Please do the right thing for Mt. George.

Someone must be the adult in the room and make a tough decision against the applicant; I hope it is the Napa County Planning Dept. and Planning Commission.

Thank you.

Pam Smithers  
 1819 Vallejo Street  
 St Helena, CA 94574

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**From:** "Dana Ayers" <[Dana.Ayers@countyofnapa.org](mailto:Dana.Ayers@countyofnapa.org)>  
**To:** "Dana Ayers" <[Dana.Ayers@countyofnapa.org](mailto:Dana.Ayers@countyofnapa.org)>  
**Sent:** Friday, May 5, 2017 5:12:56 PM  
**Subject:** Notice of Planning Commission Public Hearing Regarding Palmaz Personal Use Heliport Use Permit

Interested Party,

Attached is a notice of a public hearing scheduled for 9:00 a.m. (or as soon thereafter as the matter can be heard) on the morning of May 17, 2017, before the Napa County Planning Commission regarding the proposed Palmaz Personal Use Heliport (Use Permit Application No. P14-00261).

At this meeting, the Planning Commission will resume the public hearing begun on March 1, 2017, to accept additional public testimony on the use permit request and the environmental impact report (EIR) prepared for the project. Following the hearing, the Planning Commission will be asked to make a tentative decision on whether to certify the EIR and whether to approve or deny the requested use permit.

Questions about the information contained in this notice can be directed to my attention, at the email address or phone number below.

You are receiving this email because you have expressed an interest in or submitted a comment letter on the proposed project or the draft EIR for the proposed project. If you wish to have your email address removed from this list, please contact me by reply to this email.

Regards,

Dana Ayers, Planner  
Napa County  
Planning, Building & Environmental Services  
1195 Third Street, Napa, CA 94559  
Phone: 707-253-4388  
Fax: 707-299-4320

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220 Montgomery Street, Suite 2100 San Francisco, CA 94104  
415 389-9329  
415 609-9329 mobile

May 16, 2017

*Via Email*

Jeri Gill  
Planning Commission Chair  
Napa County Planning, Building, and Environmental Services  
Department 1195 Third Street, Suite 210  
Napa, CA 94559

**Re: Palmaz Private Helipad and Hangar Project Use Permit**

Dear Commissioner Gill,

I am writing this letter on behalf of Michelle Goss and her family who live immediately adjacent to and south of the Palmaz Winery. The quiet rural existence that they have enjoyed for the 49 years they have owned their land will be adversely affected by the development and operation of the proposed project. The proposed helipad project is inconsistent with the values and key policies of the Napa County General Plan and would reverse the County's long-standing precedent of denial of personal use airports and helipads. The Commission should deny the Use Permit.

This letter is focused on the merits of the project and why you should deny the Use Permit. We submitted a separate letter regarding the Final EIR on February 27, 2017.

As a Planning Commissioner for the people of Napa County, you can ensure that the values, rural character, and rich agricultural and natural resources that make Napa County a special place to live are protected and sustained.

Section 18.124.070 of the Napa County Code requires you to make written findings in order to issue a Use Permit. For the reasons described in this letter, we believe that there are at least two findings that you cannot make for the Palmaz Heliport including:

- Finding C. “That grant of the use permit, as conditioned, will not adversely affect the public health, safety or welfare of the county;” and
- Finding D. “That the proposed use complies with the applicable provisions of this code and is consistent with the policies and standards of the general plan and any applicable specific plan.”

Please consider the key questions below as you make your decision and your written findings regarding the Palmaz helipad:

**A. Does this project further the goals and policies of Napa County?**

The Agricultural Preservation and Land Use Element of the Napa County General Plan contains policies that “...are collectively intended to perpetuate a policy framework that sets agricultural preservation as the immovable foundation for sound decision-making within Napa County.” (Page AG/LU-8)

The project would not further the goals and policies of Napa County. In fact, it would be inconsistent with many key policies, including the following:

- “Goal AG/LU-6: Create a stable and predictable regulatory environment that encourages investment by the private sector and balances the rights of individuals with those of the community and the needs of the environment.”
- “Policy AG/LU-3: The County’s planning concepts and zoning standards shall be designed to minimize conflicts arising from encroachment of urban uses into agricultural areas...”
- “Policy AG/LU-4: The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/open space, except for those lands which are shown on the Land Use Map as planned for urban development.”
- “Policy AG/LU-27: For purposes of this General Plan, the perms “urbanized” or “urbanizing shall include the subdivision, use, or development of any parcel of land for non-agricultural purposes...”
- “Policy AG/LU-108: With the proviso that no rights are absolute, that we will all best be served by striking a balance between private property rights and all our other rights and our other important community values, this General Plan nevertheless explicitly acknowledges that private ownership provides valuable incentives for the proper care of property and the environment, that preservation of

property rights is an important cultural, economic, and community value, that protection of property rights is one of the primary and necessary functions of government at all levels, and that private property rights are therefore deserving of respect and consideration whenever land use decisions are made.”

The helipad is inconsistent with these goals and policies because it would satisfy the desire of one individual to avoid a ten-mile drive but impair the rights, quality of life, and values of the community.

The project would adversely affect the ability to use of the Goss lands and other lands in the Coombsville area for agricultural purposes. The Goss lands are zoned Agricultural Watershed and have been used for grazing and cultivation in the past. If the helipad were built, it could limit the Goss family’s ability to use their lands for agriculture, which they hope to do in the future.

Irrigation ponds attract migrating geese which, according to the FAA are the third most dangerous animal in bird strikes on aircraft. Therefore, the FAA recommends airports be at least 10,000 feet away from such ponds. In order for the Goss family to use their land again for grazing or vineyard cultivation they may need an irrigation pond which would be located less than 10,000 feet from both the proposed and alternative helipad sites.

Because the project would limit use of the Goss lands and other properties in the vicinity of the project for agricultural purposes, it would be inconsistent with the key policies that aim to preserve and reserve agricultural lands.

We disagree with the Planning staff’s analysis which claims that the project and alternative are consistent with AG/LU-3 and -27. They claim that “...because the heliport would not be a primary use on the site...” that it would be consistent with these policies. This is not true, it is an urban use in an agricultural area.

The project would also be inconsistent with the following Napa County General Plan goals and policies addressing excessive noise:

- Goal CC-7: Accept those sounds which are part of the County’s agricultural character while protecting the people of Napa County from exposure to excessive noise.
- Goal CC-8: Place compatible land uses where high noise levels already exist and minimize noise impacts by placing new noise-generating uses in appropriate areas.
- Policy CC-36: Residential and other noise-sensitive activities shall not be located where noise levels exceed the standards contained in this Element without provision

of noise attenuation features that result in noise levels meeting the current standards of the County for exterior and interior noise exposure.

- Policy CC-37: The County shall seek to limit excessive noise impacts of recreational uses—including motorboats, shooting ranges, motorcycles, and other noise-producing equipment— through the enforcement of applicable laws (such as requirements for mufflers) and limits on the location and/or extent of such uses.

The project would permit a new, high-noise-generating use, in a peaceful agricultural and rural residential area.

The project would also be inconsistent with the standards of the Napa County Airport Land Use Compatibility Plan (ALUCP). Most importantly, under the policies set to guide plans for new airports and heliports, policy 2.3.1 states that “In reviewing proposals for new airports and heliports, the Commission shall focus on the noise, safety, overflight, and height limit impacts upon surrounding land uses.” And, under section 1.4.6 of the ALUCP, when reviewing proposals for new airports or heliports, among the Commission’s choices of action is: “(c) Disapprove the proposal on the basis that the noise and safety impacts it would have on surrounding land uses are not adequately mitigated.”

**B. Should a project be approved that will benefit one property owner at the expense of many?**

The project sponsor’s desire to avoid a short drive to the Napa Airport does not outweigh the negative consequences this project would cause. The small increment of benefit to the project sponsor is not worth the noise, hazards, etc. that would adversely affect the Goss family and many other residents and wildlife in the area.

**C. Why have former Planning Commissioners and Supervisors denied permits for the majority of personal airports/helipads in the past?**

In making the decision on this project, it is important to acknowledge that most of the permit requests made in the past for similar projects have been denied. *There have not been any applications approved for a non-emergency services helipad for 37 years.* The last time Napa County approved an application for a new personal airport or helipad was in 1979 for Timothy Parrot for a 90-day trial and then for a three-year period. This consistent, long-standing precedent should be respected by following suit on this project.

**D. If the County approves this Helipad, will it encourage others to obtain permits for personal airports/helipads?**



This is a major concern. The project would reverse the County's time-honored decisions regarding private helipads, and open the door for additional applications.

Approval of this project would encourage others to apply and it may be difficult for the County to deny such projects after approving the Palmaz helipad.

#### **E. Can the Conditions of Approval and Mitigation Measures be Enforced?**

Because federal law may preempt most local regulation of air traffic, if you approve this project, Napa County's only theoretical mechanism to enforce the Conditions of Approval is permit revocation. Moreover, the conditions of approval cite revocation and a possible remedy for flight path deviations only, not for breaching limits on hours of use or flight frequency. Because the practicality/reliability of revocation is unrealistic or limited, the County cannot reasonably rely on this tool to ensure compliance. Even if preemption were not an issue, Project Condition 2.4 states that the remedy for increases in flights over four round-trips per week is permit modification, not revocation. Staff has researched and found records of just 17 permits for which the County initiated revocation proceedings over a 39-year period, from 1968 to 2007. According to staff: "Four of the 17 we found were fully revoked; others were subject to revised conditions, subsequent permit reviews, or, in some cases, the permit holder remedied the matter of permit noncompliance prior to completion of the revocation process." The County has not revoked, or even attempted to revoke a permit in the last ten years.

The County did not even pursue permit revocation in 2007 when the Napa County Counsel's Office and Napa District Attorney's Office said, and the court found, "that owners Amalia and Julio Palmaz improperly planted 750 vines too close to a stream and failed to get the proper permits before repairing or reconstructing two bridges over a stream, cutting back creekside foliage, spreading tailings from their wine cave onto open land and repairing a spring box — a water catchment device on a stream." If in this extreme situation, the County did not pursue permit renovation, how realistic is it for this Commission to believe that the threat of permit revocation will deter violations of this permit?

The County may have no practical ability to enforce any conditions of approval. CEQA requires that mitigation measures must be enforceable.

#### **F. Does Napa County want to expend precious resources to monitor aircraft activity, respond to complaints, threaten to revoke permits under the threat of litigation, defend itself against potential lawsuits, and all other activities that approval of a heliport would require?**

Even if the County might realistically use permit revocation as an enforcement mechanism, it is hard to understand why the County would want to "sign up for this." Monitoring for a typical land use project is minimal compared with the staffing resources that would be required for this project to handle and follow-up on noise complaints. How will this additional workload be absorbed? Is staff time available to answer complaints, keep records, and take action to prevent unpermitted activities?

Moreover, given the arguments for federal preemption of local regulation of air traffic, does Napa County want to risk exposure to litigation and pay the defense costs should the project sponsor decide to challenge local control? **G. Is there a reason that state law requires real estate disclosures for homes within two miles of an airport or heliport?**

California law mandates that sellers reveal *noise and other nuisance factors* in a Real Estate Transfer Disclosure Statement prior to sale, permitting prospective buyers to look elsewhere or to lower their offers. As of January 1, 2004, residential property owners in California are required, under certain circumstances, to disclose to prospective buyers that the property is in the "vicinity" of an airport (Assembly Bill 2776, 2002). (See AB 2776.)

The legal definition of a private nuisance is an interference with a person's enjoyment and use of his land. The law recognizes that landowners, or those in rightful possession of land, have the right to the unimpaired condition of the property and to reasonable comfort and convenience in its occupation. Examples of nuisances interfering with the comfort, convenience, or health of an occupant include loud noises.

**H. Just because an EIR determines that environmental impacts have been reduced to a less than significant level, does that mean that approving the project would be a wise land use decision?**

Land uses that are not permitted as of right, but only allowed with a Use Permit must meet specific standards, and you must make findings if you approve such uses. Just because the EIR concludes that the project's environmental impacts could be reduced below a particular threshold does not mean that approval should be granted. There are many other land use and policy reasons that the Use Permit should not be granted.

**I. Is the Helipad and Helicopter for Personal Use Only?**

The project sponsor continues to argue that the helipad and helicopter will be used "for personal use only." If that truly is the case, it is confusing to read the following direct quotes in the Napa Valley Register article dated March 1, 2017

*"The helicopter to my family is a productivity tool," Palmaz said.*

*"It allows us to more efficiently manage our five family-owned-and-operated companies collectively employing more than 600 people."*

[http://napavalleyregister.com/news/local/napa-county-planners-open-palmaz-heliport-hearing/article\\_7c34f0f1-e759-5db9-af74-2ccc37508b69.html](http://napavalleyregister.com/news/local/napa-county-planners-open-palmaz-heliport-hearing/article_7c34f0f1-e759-5db9-af74-2ccc37508b69.html)

Moreover, the helicopter is owned and registered in the business' name (and a business that is not even the permit applicant), so this at a minimum, muddies the claim that this is for personal use only.

For the many reasons described in this letter, we ask that you make the right decision for Napa County and deny the Use Permit for the Palmaz Helipad.

Thank you for consideration and please feel free to call me at (415) 389-9329 if you have any questions or would like additional information.

Sincerely,

Deborah Holley

cc: Commissioner Joelle Gallagher  
Commissioner Michael Basayne  
Commissioner Anne Cottrell, Vice Chair  
Commissioner Terry Scott  
David Morrison, Planning Director  
John McDowell, Principal Planner  
Dana Ayers, Planner

## Ayers, Dana

---

**From:** Tittel/Caloyannidis <calti@comcast.net>  
**Sent:** Tuesday, May 16, 2017 10:12 PM  
**To:** Ayers, Dana  
**Subject:** PALMAZ USE PERMIT P14-000261

Dear Dana,

It has come to our attention that Christian Palmaz is also using his helicopter to fly to Fremont where his father maintains a research lab.

This is clearly a commercial business use of the helicopter which presumably will continue from the proposed site. If the "applicant" maintains that such use of the helicopter will cease from the proposed site, it will be that more difficult to separate the two uses and for the County to be able to monitor such separation of uses.  
Thank you.

ORIGINAL

FILED

APR 25 2007

Clerk of the Napa Superior Court  
By: J. Oliver  
Deputy

1 GARY LIEBERSTEIN  
2 District Attorney, County of Napa  
3 Daryl A. Roberts (SBN 111981)  
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CASE MANAGEMENT CONFERENCE  
DATE: 10/2/07  
TIME: 8:30 am  
PLACE: Courtroom A  
825 Brown Street, Napa CA 94559

8 ROBERT WESTMEYER  
9 County Counsel, County of Napa  
10 Robert W. Paul (SBN 114558)  
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12 1195 Third Street, Suite 301  
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DELAY REDUCTION CASE

Attorneys for Plaintiff

SUPERIOR COURT OF CALIFORNIA  
IN AND FOR THE COUNTY OF NAPA

17 PEOPLE OF THE STATE OF CALIFORNIA,  
18 THE COUNTY OF NAPA,

) NSC No. 26 - 37569

19 Plaintiffs,

20 vs.

) COMPLAINT FOR  
) CIVIL PENALTIES AND  
) EQUITABLE RELIEF

21 AMALIA B. PALMAZ, Individually and as  
22 Trustee of the Amalia B. Palmaz Living Trust,  
23 JULIO PALMAZ, and CEDAR KNOLL  
24 VINEYARDS, INC.,

25 Defendants.)

26 The People of the State of California, by and through Gary Lieberstein, District  
27 Attorney for the County of Napa, and the County of Napa ("the County"), allege on  
28

MAY 17 2017

Agenda Item # 7A

Received at meeting

1 information and belief the following:  
2

### 3 JURISDICTION AND VENUE

4 1. The authority of the District Attorney to bring this action is derived from the  
5 statutory law of the State of California, specifically Business and Professions Code §§17200,  
6 17203, 17204, and 17206, Fish & Game Code §1615, Code of Civil Procedure § 731 and  
7 Government Code § 26528. The authority of the County Counsel to bring this action is  
8 derived from Napa County Code §1.20.020.

9 2. Defendants transact business by conducting, operating and maintaining a vineyard  
10 and vineyard operations within Napa County, State of California. The violations of law  
11 herein alleged have been carried out within Napa County, California.

### 12 DEFENDANTS

13  
14 3. Defendant Amalia B. Palmaz does business in Napa County under the fictitious  
15 name of "Palmaz Vineyards", and is a trustee of the Amalia B. Palmaz Living Trust  
16 (hereinafter "the Trust"), which is a living trust organized under the laws of the State of  
17 California. At all times herein mentioned, she caused and/or engaged in the violations of law  
18 hereinafter alleged in Napa County, California.

19 4. Defendant Julio Palmaz does business in Napa County who, at all times herein  
20 mentioned, caused and/or engaged in the violations of law hereinafter alleged in Napa  
21 County, California.

22 5. Defendant Cedar Knoll Vineyards, Inc., is a California corporation and the owner  
23 of a portion of the property described herein.

24 6. Whenever in this complaint reference is made to any act of Defendants, or to any  
25 of them, such allegations shall be deemed to mean the act of each and every Defendant acting  
26 individually and jointly.

27 7. Whenever in this complaint reference is made to any act of Defendant or to  
28

1 Defendants generally, such allegations shall be deemed to mean that the owners, officers,  
2 directors, agents, representatives, or employees of these Defendants did or authorized such  
3 act or acts while engaged in the direction, operation, management, control, or conduct of the  
4 affairs of these Defendants.

### 6 GENERAL ALLEGATIONS

7 8. The Trust and Defendants Amalia Palmaz, Julio Palmaz and Cedar Knoll  
8 Vineyards own or possess the real estate parcels identified as Napa County Assessor's Parcel  
9 Numbers 033-110-056, 033-110-058, 033-110-062, 033-110-072, 049-270-019, and 049-  
10 270-020, each within Napa County, California.

11 9. Starting on various dates and continuing through the early part of 2006,  
12 Defendants carried out, or caused to be carried out, work on, in and around these parcels of  
13 property. This work included excavating a cave on parcel 049-270-019-000, and depositing  
14 the spoils from the cave excavation on parcels 033-110-056-000 and 033-110-058-000. This  
15 work also included construction of retaining walls, roads, fences, raising the elevation of the  
16 land, grading and planting vineyards on such land, appurtenant improvements needed for the  
17 vineyards, and the construction, erection, installation and/or remodeling of various structures  
18 or improvements without having first obtained necessary permits to do so. Most of the land  
19 on these two parcels where the cave spoils were deposited contained slopes in excess of 5%.

20 10. The spoils deposited on parcel 033-110-058-000 were used to make what is  
21 known as the "1200 Vineyard." During the construction of the 1200 Vineyard, Defendants  
22 buried approximately 250 linear feet of an unnamed ephemeral tributary of Hagen Creek with  
23 cave spoils, and they constructed a significant portion of the 1200 Vineyard within the stream  
24 setback of Hagen Creek. The materials dumped in this unnamed ephemeral tributary of  
25 Hagen Creek were deleterious to fish or plant life, and they substantially changed the bed,  
26 channel or bank of a river or stream designated by the Department of Fish & Game.

27 11. Defendants failed to apply for and obtain grading permits, building permits,  
28

1 approved Erosion Control Plans, or Fish & Game Code §1602 agreements for any aspect of  
2 the construction of the 1200 Vineyard and related structures, as required by law.

3 12. The spoils deposited on parcel 033-110-058-000 were used to make what is  
4 known as the "1400 Vineyard." During the construction of the 1400 Vineyard, Defendants  
5 buried known archeological sites and areas of wetlands. Defendants failed to apply for and  
6 obtain grading permits, building permits, or approved Erosion Control Plans for any aspect of  
7 the construction of the 1400 Vineyard and related structures, as required by law.

8 13. Sometime in 2002 to 2003, Defendants reconstructed or caused to be recon-  
9 structed a spring box from what was a non-functional, deteriorated dam in the immediate  
10 proximity to the spring located above the 1200 Vineyard, and they constructed or caused to  
11 be constructed two bridges over Hagen Creek. These projects substantially diverted the  
12 natural flow, or substantially changed the bed, channel or bank of any river or stream  
13 designated by the Department of Fish & Game. Once the spring box project was completed,  
14 Defendants diverted the water from the spring for domestic and agricultural uses.

15 14. In early 2006, Defendants cleared or caused to be cleared a ten to thirty foot  
16 swath of the creek bed and bank of Hagen Creek. Over 2,000 linear feet of Hagen Creek  
17 were cleared of vines, shrubs, grasses and trees. This activity substantially changed the bed,  
18 channel or bank of a river or stream designated by the Department of Fish & Game.

19 15. The activity of Defendants, described in paragraphs 9-14, above, was not  
20 reasonably discovered until 30 April 2004.

21 **FIRST CAUSE OF ACTION**  
22 **(By the People Against All Defendants)**  
23 **Fish & Game Code §1615**

24 16. The People incorporate by reference herein paragraphs 1 through 15, inclusive, of  
25 this complaint.

26 17. Beginning at an exact date that is unknown to the People, but within three years  
27 prior to 30 April 2004, Defendants, and each of them, substantially diverted or obstructed the  
28



1 flow of a stream, river, or lake, or substantially changed the bed, channel, or bank of any  
2 stream, river, or lake without first having procured from the Department of Fish & Game an  
3 agreement to do so, in violation of Fish & Game Code §1602.

4 18. The People are entitled to civil penalties and equitable relief pursuant to Fish &  
5 Game Code §1615.

6 **SECOND CAUSE OF ACTION**  
7 **(By the People Against All Defendants)**  
8 **Fish & Game Code §5650.1**

9 19. The People incorporate by reference herein paragraphs 1 through 15, inclusive, of  
10 this complaint.

11 20. Within the last three years prior to 30 April 2004, Defendants, and each of  
12 them, deposited, permitted to pass into, or placed where they could pass into waters of the  
13 State of California, substances which were deleterious to fish or plant life.

14 21. The People are entitled to civil penalties and equitable relief pursuant to Fish  
15 & Game Code §5650.1.

16 **THIRD CAUSE OF ACTION**  
17 **(By the People Against All Defendants)**  
18 **Business & Professions Code §17200, et. seq.**

19 22. The People incorporate by reference herein paragraphs 1 through 21, inclusive, of  
20 this complaint.

21 23. Beginning at an exact date that is unknown to the People, but within four years of  
22 the filing of this complaint, Defendants, and each of them, engaged in a course of conduct  
23 constituting acts of unfair competition, as defined by Business & Professions Code §17200,  
24 including but not limited to the following:

25 (A) All of the violations set forth in the First and Second Causes of Action,  
26 above, and the Fifth Cause of Action, below.

27 (B) Engaging in activity for which a soil erosion control plan was required,  
28 including but not limited to engaging in earthmoving activity or grading within an erosion

1 hazard area, without having first obtained an approved soil erosion control plan from the  
2 County of Napa, in violation of Napa County Code §18.108.070.

3 (C) Engaging in earth-moving and earth-filling activity for which a grading  
4 permit was required, without having first obtained an approved grading permit from the County  
5 of Napa, in violation of Uniform Building Code §3309.8, as adopted by Napa County Code  
6 §15.08.080.

7 (D) Engaging in grading or earthmoving activities between October 15 and  
8 April 1, in violation of Napa County Code §18.108.070(L).

9 (E) Engaging in grading, earthmoving activities, removal of vegetation, or using  
10 land for agricultural purposes within a stream setback area, in violation of Napa County Code  
11 §18.108.025.

12 (F) Erecting, constructing, improving, enlarging, altering, repairing,  
13 improving, converting or demolishing any buildings or structures, without first obtaining an  
14 appropriate permit to do so, in violation of Napa County Code §15.04.070.

15 (G) Discharging waste that could affect the quality of waters of the state without  
16 a report of waste discharge, in violation of Water Code §§13260 and 13264.

17 (H) Discharging waste without a permit, in violation of Water Code §13387(a).

18 24. The People are entitled to civil penalties, pursuant to Business & Professions  
19 Code §17206, and injunctive relief, pursuant to Business & Professions Code §§17203 and  
20 17204.

21  
22 **FOURTH CAUSE OF ACTION**  
23 **(By the People Against Defendants Amalia Palmaz and Julio Palmaz Only)**  
24 **Business & Professions Code §17207**

25 25. The People incorporate by reference herein paragraphs 1 through 21, inclusive, of  
26 this complaint.

27 26. On or about 12 September 2000, a Final Judgment Pursuant to Stipulation was  
28 entered against Defendants Amalia Palmaz, Julio Palmaz, and the Trust in the case of *People*

1 of the State of California v. Cedar Knoll Vineyards, et. al., Napa County Superior Court No.  
2 26-09613 (hereinafter, "the 2000 Judgment").

3 27. Paragraph 3(A) of the 2000 Judgment prohibited Defendants from engaging in  
4 any activity for which a soil erosion control plan would be required, unless they first obtained  
5 an approved soil erosion control plan from Napa County. Paragraph 3(C) of the 2000  
6 Judgment prohibited Defendants from substantially diverting or obstructing the natural flow  
7 or substantially changing the bed, channel or bank of any river, stream or lake unless  
8 Defendants first notify the Department of Fish & Game, obtain from the Department of Fish  
9 & Game an agreement pursuant to Fish & Game Code §1603 [recently recodified as Fish and  
10 Game Code §1602], and do not exceed the scope of or fail to abide by and follow each and  
11 every provision and condition of said agreement

12 28. Defendants Amalia Palmaz, individually and as trustee of the Trust, and Julio  
13 Palmaz have intentionally violated the terms of the 2000 Judgment by having done the  
14 following:

15 (A) Engaged in activity for which a soil erosion control plan was required,  
16 without having first obtained an approved soil erosion control plan for such activity from Napa  
17 County;

18 (B) Substantially diverted or obstructed the natural flow, and substantially  
19 changed the bed, channel or bank, of rivers and streams without having first notified the  
20 Department of Fish & Game and obtained from the Department of Fish & Game an  
21 agreement pursuant to Fish & Game Code §1603 [recently recodified as Fish and Game Code  
22 §1602].

23 29. The People are entitled to civil penalties, pursuant to Business & Professions  
24 Code §17207, which provides that any person who intentionally violates any injunction  
25 prohibiting unfair competition shall be liable for a civil penalty of not to exceed Six  
26 Thousand Dollars (\$6,000.00) for each violation.

**FIFTH CAUSE OF ACTION**  
**(By the People and the County Against All Defendants)**  
**Public Nuisance and County Code Penalties**

1  
2  
3 30. The People and County incorporate by reference herein paragraphs 1 through 21,  
4 inclusive, of this complaint.

5 31. Defendants are allowing a public nuisance to exist with respect to their property  
6 as a result of the activity described in paragraphs 9 through 15, above, including but not  
7 limited to:

8 (A) Engaging in activity for which a soil erosion control plan was required,  
9 including but not limited to engaging in earthmoving activity or grading within an erosion  
10 hazard area, without having first obtained an approved soil erosion control plan from the  
11 County of Napa, in violation of Napa County Code §18.108.070.

12 (B) Engaging in earth-moving and earth-filling activity for which a grading  
13 permit was required, without having first obtained an approved grading permit from the County  
14 of Napa, in violation of Uniform Building Code §3309.8, as adopted by Napa County Code  
15 §15.08.080.

16 (C) Engaging in grading, earthmoving activities, removal of vegetation, or using  
17 land for agricultural purposes within a stream setback area, in violation of Napa County Code  
18 §18.108.025.

19 (D) Erecting, constructing, improving, enlarging, altering, repairing,  
20 improving, converting or demolishing any buildings or structures, without first obtaining an  
21 appropriate permit to do so, in violation of Napa County Code §15.04.070.

22 32. Defendant's activities constitute violations of various provisions of the Napa  
23 County Code, and constitute a public nuisance per se, pursuant to Napa County Code  
24 §1.20.020. Each and every day the violations continued constituted a distinct and separate  
25 violation, pursuant to Napa County Code §1.20.160. Said violations also subject Defendants  
26 to civil penalties of up to One Thousand Dollars (\$1,000.00) for each distinct and separate  
27 violation, pursuant to Napa County Code §1.20.155.B.

1           33. The People are authorized to bring this action to abate the public nuisance by  
2 Code of Civil Procedure §731, Government Code §26528, and the County is authorized to  
3 bring this action pursuant to Napa County Code §1.20.020.

4           34. The continued maintenance of the aforesaid public nuisance will cause irreparable  
5 injury to the community and the public at large, and should be enjoined by the Court.

6           35. The People and the County have no plain, speedy, or adequate remedy at law by  
7 reason of the foregoing.

8  
9           **WHEREFORE**, the People and the County pray as follows:

10           1. For a preliminary and permanent injunction restraining and enjoining Defendants  
11 and all those acting under, by, through, or on behalf of them, from engaging in or performing,  
12 directly or indirectly, any acts as set forth in the First, Second, Third, Fourth and Fifth Causes  
13 of Action.

14           2. That Defendants and each of them be ordered to pay a civil penalty for each  
15 unlawful act as described in the First Cause of Action, pursuant to Fish & Game Code §1615.

16           3. That Defendants and each of them be ordered to pay a civil penalty for each  
17 unlawful act as described in the Second Cause of Action, pursuant to Fish & Game Code  
18 §5650.1.

19           4. That Defendants and each of them be ordered to pay a civil penalty for each  
20 unlawful act as described in the Third Cause of Action, pursuant to Business & Professions  
21 Code Section 17206.

22           5. That Defendants and each of them be ordered to pay a civil penalty for each  
23 unlawful act as described in the Fourth Cause of Action, pursuant to Business & Professions  
24 Code Section 17207.

25           6. That Defendants and each of them be ordered to pay a civil penalty to the County  
26 of Napa for each unlawful act as described in the Fifth Cause of Action, pursuant to Napa  
27 County Code Section 1.20.155.B.

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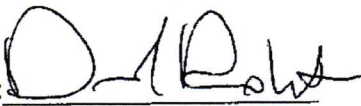
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7. That the People and County recover their costs of suit herein.

8. That the People and County be given such other and further relief as the nature of this case may require and this Court deems proper to fully and successfully dissipate the effects of the unlawful acts complained of in this complaint.

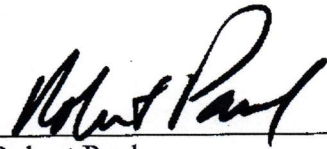
Date: 4/25/07

GARY LIEBERSTEIN  
District Attorney

By:   
Daryl A. Roberts  
Deputy District Attorney

Dated: 4-25-07

Robert Westmeyer  
County Counsel

By:   
Robert Paul  
Deputy County Counsel

ORIGINAL

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Attorneys for Plaintiffs

SUPERIOR COURT OF CALIFORNIA  
IN AND FOR THE COUNTY OF NAPA

THE PEOPLE OF THE STATE OF CALIFORNIA, ) NSC No. 26-37569  
THE COUNTY OF NAPA )  
 ) FINAL JUDGMENT  
Plaintiffs, ) PURSUANT TO STIPULATION  
vs. )  
 )  
AMALIA B. PALMAZ, et. al., )  
 )  
 )  
Defendants. )

Plaintiff, the People of the State of California ("the People"), appears through its attorneys, Gary Lieberstein, District Attorney of Napa County, by Daryl A. Roberts and Richard A. Zimmerman, Deputy District Attorneys. Plaintiff, the County of Napa ("the County"), appears through its attorneys, Robert Westmeyer, County Counsel, and Robert Paul, Deputy County Counsel. Defendants, Amalia B. Palmaz, individually and as trustee of

FILED

JUN - 8 2007

Clerk of the Napa Superior Court  
By: [Signature]  
Deputy

Planning Commission Mtg.

MAY 17 2017

Agenda Item # 7A

*Rec'd at meeting*

RECEIVED  
JUN 07 2007  
Napa Superior Court

1 the Amalia B. Palmaz Living Trust, Julio Palmaz, and Cedar Knoll Vineyards, Inc., a  
2 California corporation (hereinafter "Defendants") appear through their attorneys, Dickenson,  
3 Peatman & Fogarty, by Cathy Roche and David W. Meyers. It appears to the Court that the  
4 parties hereto have stipulated and consented to the entry of this final Judgment. The Court  
5 having considered the matter and the pleadings, and good cause appearing therefor,  
6

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

8 1. The Court has jurisdiction of the subject matter hereof and of the parties  
9 hereto.

10 2. The Court hereby makes the following findings, for purposes of this action  
11 only, should a later enforcement action hereunder be brought by the People or the County.  
12 These findings shall have no force and effect and may not be relied upon or utilized for any  
13 purpose in any proceeding brought by another party or agency: cave tailings and fill were  
14 deposited on Napa County Assessor Parcels Numbers ("APNs") 033-110-056 and 033-110-  
15 058 by or pursuant to the direction of the Defendants without first securing an Soil Erosion  
16 Control Permit; retaining walls were placed within the applicable stream setback of Hagen  
17 Creek by or pursuant to the direction of the Defendants in violation of Napa County Code  
18 §18.108.025; in excess of 750 grapevines were planted within the stream setback of Hagen  
19 Creek by or pursuant to the direction of the Defendants in violation of Napa County Code  
20 §18.108.025; portions of avenues providing access to the vineyards were constructed within  
21 the stream setback of Hagen Creek by or pursuant to the direction of the Defendants in  
22 violation of Napa County Code §18.108.025; two bridges were constructed or repaired  
23 within the bank of Hagen Creek by or pursuant to the direction of the Defendants without  
24 first notifying the Department of Fish & Game ("DFG") and securing a Section 1602  
25 agreement from DFG; the spring box installed by others leading to the headwaters of Hagen  
26 Creek was altered and repaired by or pursuant to the direction of the Defendants without first  
27 notifying DFG and securing a Section 1602 agreement from DFG; vegetation within the  
28 banks of Hagen Creek was cut back by or pursuant to the direction of the Defendants



1 without first notifying DFG and securing a Section 1602 agreement from DFG.

2 3. The injunctive portions of this Judgment are applicable to Defendants, Amalia  
3 B. Palmaz, individually and as trustee of the Amalia B. Palmaz Living Trust, Julio Palmaz  
4 and Cedar Knoll Vineyards, Inc., a California corporation, and also to each of their agents,  
5 servants, employees, representatives, partners, successors and assigns, and to all persons,  
6 employees, and other entities who are acting in concert or participating with Defendants, with  
7 actual or constructive notice of this Judgment.

8 4. Pursuant to Business & Professions Code §§17203 and 17204, and Fish &  
9 Game Code §§1615 and 5650.1, Defendants, and each of them, are hereby permanently  
10 prohibited, enjoined and restrained from doing, directly or indirectly, any or all of the  
11 following:

12 A. With regard to those portions of the real property currently owned by  
13 Defendants at the time of the filing of this Judgment, identified as Napa County APNs 033-  
14 110-072, 033-110-056, 033-110-058, 033-110-062, 049-270-019 and 049-270-020 ("the  
15 Property"), colored green, circumscribed by black lines and identified as areas (A) through  
16 (K) on the map of the Property attached hereto as Exhibit "1," and incorporated herein by this  
17 reference, until Defendants' consultant has provided copies of the Wetland and Watercourse  
18 Assessment (the "Assessment") to representatives of Napa County and the Department of  
19 Fish & Game ("DFG"), as required by the provisions of paragraph 5(A), below, engaging in  
20 or causing to be engaged in: (1) any activity for which a soil erosion control plan would be  
21 required, including but not limited to engaging in or causing to be engaged in earthmoving  
22 activity, grading, improvement, or construction of a structure within an erosion hazard area;  
23 (2) any earth-moving or earth-filling activity for which a grading permit would be  
24 required;(3) any activity to erect, construct, improve, enlarge, alter, repair, improve, convert  
25 or demolish any buildings and/or structures; (4) any activity that substantially diverts or  
26 obstructs the natural flow or substantially changes the bed, channel or bank of any river,  
27 stream or lake; or, (5) any activity that deposits in, permits to pass into, or places where it can  
28 pass into any waters of the State of California, any substance or material deleterious to fish,

1 plant life or bird life, including but not limited to willfully depositing or placing fill of any  
2 kind into any waters of the State of California. The hereinabove provisions shall not apply to  
3 the work called for in paragraph 5(C), (D) and (E) below, or the work authorized by Napa  
4 County grading permit W06-01364.

5 B. Prohibitions (1) through (5) set forth in subparagraph A, above, shall  
6 remain in effect after the issuance of the Assessment as to all those areas of land with slopes  
7 between 5% and 30% that are green but not circumscribed by black lines and identified as  
8 areas (A) through (K), not within a developed area, or not within the "forever wild"  
9 easement, all as shown on the attached Exhibit "1". Such prohibitions shall remain in effect  
10 until Defendants do all the following:

11 (1) Provide the People and the County with sixty (60) days written  
12 notice of their intent to engage in any of the activities prohibited by items (1) through (4), in  
13 subparagraph (A), above, on such areas of land specifically indicated in the notice.

14 (2) Complete an Assessment on such areas of land specifically  
15 indicated in the notice and provide copies of such Assessment to representatives of Napa  
16 County and DFG, unless an independent CEQA evaluation is made or required by the County  
17 for such areas of land.

18 C. With regard to the undeveloped portions of any real property in the  
19 unincorporated areas of Napa County containing more than one acre of undeveloped land, the  
20 ownership of which Defendants acquire after the date of the filing of this Judgment, until  
21 Defendants have complied with the provisions of ¶5(B), below, engaging in or causing to be  
22 engaged in: (1) any activity for which a soil erosion control plan would be required,  
23 including but not limited to engaging in or causing to be engaged in earthmoving activity,  
24 grading, improvement, or construction of a structure within an erosion hazard area; (2) any  
25 earth-moving or earth-filling activity for which a grading permit would be required; (3) any  
26 activity to erect, construct, improve, enlarge, alter, repair, improve, convert or demolish any  
27 buildings and/or structures; (4) any activity that substantially diverts or obstructs the natural  
28 flow or substantially changes the bed, channel or bank of any river, stream or lake; or, (5) any

1 activity that deposits in, permits to pass into, or places where it can pass into any waters of  
2 the State of California, any substance or material deleterious to fish, plant life or bird life,  
3 including but not limited to willfully depositing or placing fill of any kind into any waters of  
4 the State of California.

5 D. Engaging in or causing to be engaged in any activity for which a soil  
6 erosion control plan would be required, including but not limited to earthmoving activity,  
7 grading, improvement, or construction of a structure within an erosion hazard area, or in any  
8 erosion hazard area that would damage, destroy or fill any jurisdictional wetlands and/or  
9 watercourses subject to DFG permitting that are set forth in the Assessment required by the  
10 provisions of ¶5(A) and (B), below, without first applying for and obtaining approval from  
11 the appropriate department of Napa County for a soil erosion control plan, as required by and  
12 pursuant to the provisions of Chapter 18.108 of the Napa County Code, as currently worded  
13 or amended in the future. As used herein, "the appropriate department of Napa County"  
14 means the department within Napa County to which Defendants are required to submit a  
15 written application for a soil erosion control plan; "Approval" means an official written  
16 confirmation and affirmation by the director of such appropriate department of Napa County,  
17 the Napa County Planning Commission, or the Napa County Board of Supervisors in  
18 response to a complete and competent written application for a soil erosion control plan  
19 which was specifically submitted by Defendants, and does not include oral statements of any  
20 kind or written statements in response to anything but a complete and competent written  
21 application specifically submitted by Defendants for a soil erosion control plan.

22 E. Exceeding or causing to be exceeded the approved parameters of,  
23 and/or failing or causing to fail to abide by and follow, each and every provision of any soil  
24 erosion control plan approved by Napa County.

25 F. Engaging in or causing to be engaged in earth-moving or earth-filling  
26 activity for which a grading permit would be required, including in any area that would  
27 damage, destroy or fill any jurisdictional wetlands and/or watercourses subject to DFG  
28 permitting that are set forth in the Assessment required by the provisions of ¶5(A) and (B),

1 below, without first applying and obtaining approval from the appropriate department of  
2 Napa County for a grading permit, as required by Uniform Building Code §3309.8, as  
3 adopted by Napa County Code §15.08.080, as currently worded or amended in the future. As  
4 used herein, "the appropriate department of Napa County" means the department within Napa  
5 County to which Defendants are required to submit a complete and competent written  
6 application for a grading permit; "Approval" means an official written confirmation and  
7 affirmation by the director of such appropriate department of Napa County or the Napa  
8 County Board of Supervisors, in response to a complete and competent written application  
9 for a grading permit which was specifically submitted by Defendants, and does not include  
10 oral statements of any kind or written statements in response to anything but a complete and  
11 competent written application specifically submitted by Defendants for a grading permit.

12 G. Engaging in or causing to be engaged in grading or earthmoving  
13 activities between October 15 and April 1, except as permitted by the Napa County Code,  
14 including §18.108.070(L), as currently worded or amended in the future.

15 H. Engaging in or causing to be engaged in grading, earthmoving  
16 activities, removal of vegetation, or using land for agricultural purposes within a stream  
17 setback area, as and to the extent prohibited by Napa County Code §18.108.025, except as  
18 permitted by the Napa County Code, including § 18.108.040, 18.108.050, 18.108.055 or  
19 18.108.130, as currently worded or amended in the future.

20 I. Erecting, constructing, improving, enlarging, altering, repairing,  
21 improving, converting or demolishing any buildings and/or structures, including doing so in  
22 any area that would damage, destroy or fill any wetlands and/or watercourses that are set  
23 forth in the Assessment required by the provisions of ¶5(A) and (B), below, without first  
24 obtaining an appropriate permit to do so, as and to the extent prohibited by Napa County  
25 Code §15.04.070, as currently worded or amended in the future.

26 J. Substantially diverting or obstructing the natural flow or substantially  
27 changing the bed, channel or bank of any river, stream or lake, including any wetlands or  
28 watercourses set forth in the Assessment required by the provisions of ¶5(A) and (B), below,

1 unless Defendants, or either of them, first notify DFG, obtain from DFG an agreement  
2 pursuant to Fish & Game Code §1602, and do not exceed the scope of and/or fail to abide by  
3 and follow each and every provision and condition of such agreement. As used herein,  
4 "substantially changing the bed, channel or bank" includes removing any vegetation that  
5 provides substantial shade to any such watercourse.

6 K. Depositing in, permitting to pass into, or placing where it can pass into  
7 any waters of the State of California, any substance or material deleterious to fish, plant life  
8 or bird life prohibited by Fish & Game Code §5650. As used herein, "Waters of the State of  
9 California" includes but is not limited to any wetlands or watercourses set forth in the  
10 Assessment required by the provisions of ¶5(A) and (B), below.

11 5. Defendants, and each of them, shall be and are hereby permanently ordered  
12 and mandated, pursuant to Business and Professions Code §§17203 and 17204, to do all of  
13 the following:

14 A. Within sixty (60) days of the date of the filing of this Judgment,  
15 contract with a qualified consultant approved by Defendants and the People and the County  
16 from the list of consultants set forth on the attached Exhibit "2" to conduct an Assessment  
17 which identifies the existence and location of jurisdictional wetlands and watercourses  
18 subject to DFG permitting requirements within the areas colored green, circumscribed by  
19 black lines and identified as areas (A) through (K) on the map of the Property attached hereto  
20 as Exhibit "1." The Assessment is not intended to be and shall not be a protocol survey,  
21 requiring consultation with, review, or approval by any other agencies (i.e. Corps of  
22 Engineers, Regional Water Control Board, Fish & Wildlife Service, etc.). It is intended as an  
23 assessment to identify the location of these wetlands and watercourses in a report with  
24 accompanying maps and aerial photographs. Existing maps and photographs may be used as  
25 part of the report whenever deemed appropriate and helpful by the retained consultant. Such  
26 contract shall require the consultant to do the following:

27 (1) Conduct and complete by no later than April 1, 2008, such  
28 Assessment of the areas of the Property described in ¶5(A), above. Such Assessment shall

1 exclude areas of the Property which have slopes greater than thirty percent (30%), the  
2 "forever wild" easement area granted to the Napa County Land Trust as shown on the  
3 attached Exhibit " 1", the developed areas of the Property as shown on the attached Exhibit  
4 "1", and those portions of the Property with slopes between 5% and 30% that are not  
5 circumscribed in black outline on the attached Exhibit "1".

6 (2) Upon the completion of such Assessment, prepare and publish  
7 by no later than sixty (60) days thereafter a report setting forth, through the use of appropriate  
8 narrative, topographical maps and/or aerial photographs, the location of each and every such  
9 wetland and watercourse.

10 (3) Provide within seventy-five (75) days thereafter copies of this  
11 report to representatives of the Napa County Department of Public Works ("Public Works"),  
12 Department of Conservation, Development and Planning ("Planning"), the District Attorney's  
13 Office, and DFG.

14 (4) The Assessment shall not exceed \$25,000 in costs. If all three  
15 consultants from the list set forth in the attached Exhibit "2" estimate the cost will exceed  
16 \$25,000, then the parties agree to reasonably revise the parameters of the survey to keep the  
17 cost no higher than \$25,000.

18 B. With regard to the subsequent acquisition of real property within the  
19 unincorporated area of Napa County by Defendants containing more than one acre of  
20 undeveloped land, not currently owned at the time of this Judgment, Defendants shall do all  
21 of the following:

22 (1) Provide written notice to the People and the County, no less than  
23 twenty-one (21) days prior, of the proposed close of escrow date for the proposed acquisition  
24 and its location; and provide, for the period from the close of escrow to sixty (60) days  
25 thereafter, a right of entry, upon reasonable advance notice, to representatives of the County  
26 and DFG for the purpose of inspecting and photographing such property, at no additional  
27 expense to the Defendants, to identify and document archeological sites, jurisdictional  
28 wetlands (whether seasonal or perennial), and watercourses (whether ephemeral, intermittent

1 or perennial) subject to DFG permitting.

2 (2) No Assessment of such property shall be required until  
3 Defendants propose development of the undeveloped property that involves one of the  
4 prohibited actions set forth in paragraph 5(A) hereinabove and unless, within ninety (90)  
5 days after close of escrow, Defendants are notified in writing by the County Planning  
6 Director or Public Works Director, or a Fish & Game geomorphologist or biologist, that an  
7 Assessment of such property is necessary because of the existence of jurisdictional wetlands  
8 or watercourses subject to DFG permitting on the property. In that event, unless an  
9 independent CEQA evaluation is made or required by the County, Defendants shall contract  
10 with a qualified consultant reasonably approved by Defendants, the People and the County  
11 from the list set forth on the attached Exhibit "2", or as otherwise agreed, to conduct such an  
12 Assessment, before any permits or approvals for any such proposed development shall issue  
13 (Defendants may apply for said permits or approvals beforehand). This contract shall require  
14 the consultant to do all of the following:

15 (a) Conduct and complete within two hundred and forty  
16 (240) days after contracting with the consultant, a full and complete Assessment of the land  
17 on such property for the purpose of locating on such property all jurisdictional wetlands  
18 (whether seasonal or perennial) and watercourses (whether ephemeral, intermittent or  
19 perennial) subject to DFG permitting. Such Assessment shall exclude areas of such property  
20 which have average slopes greater than thirty percent (30%), and areas of such property that  
21 have already been developed.

22 (b) Upon the completion of the Assessment, prepare and  
23 publish within sixty (60) days, a report setting forth, through the use of appropriate narrative,  
24 topographical maps and/or aerial photographs, the location of each and every such wetland  
25 and watercourse.

26 (c) Provide within thirty (30) days thereafter, copies of this  
27 report to representatives of Public Works, Planning, the District Attorney's Office, and DFG.

28 C. Modify the spring box, as designated on the conceptual plan set forth

1 in the attached Exhibit "3", by doing all of the following:

2 (1) Within ninety (90) days of the date of the filing of this  
3 Judgment, submit engineered plans to DFG prepared by a qualified consultant approved by  
4 Defendants and DFG consistent with the plan and specifications set forth on the attached  
5 Exhibit "3", that detail how the spring box modification and rehabilitation will be  
6 completed.

7 (2) Upon receipt of written approval from DFG of such plans, fully  
8 implement and complete all aspects of the approved plans so that the spring box area is  
9 modified consistent with the approved plans, within one hundred eighty (180) days after  
10 installation of the well on APN 033-110-058 and the tanks and pipelines pursuant to Napa  
11 County building permit B07-00313 and Napa County grading permit W06-01364, excluding  
12 County "no work" dates from October 15 to April 1 of each year, but by no later than  
13 October 15, 2008, provided DFG has approved the plans at least ninety (90) days prior  
14 thereto. Defendants shall follow or cause to be followed all provisions of such plans, and  
15 shall not exceed or cause to be exceeded the scope of such plans.

16 D. Plant approximately 160 Coast Live Oak, California Bay and Willow  
17 trees on approximately 1.9 acres along Hagen Creek as shown on the detailed conceptual  
18 plan set forth in the attached Exhibit "4", by doing all the following:

19 (1) Plant the trees as detailed on Exhibit "4" within one hundred and  
20 eighty (180) days from the date of the filing of this Judgment, weather permitting and  
21 excluding the County 'no work' period from October 15 to April 1 of each year, and  
22 maintain such trees for a period of five years. Defendants shall follow or cause to be  
23 followed all provisions of such plans.

24 (2) If the cost of planting such trees, as determined by two bids  
25 obtained by the Defendants to do the work, exceeds \$5000, then the parties shall reasonably  
26 agree upon such revisions to the approved plans as are necessary to reduce the cost to no  
27 higher than \$5000.

28 E. Within ninety (90) days of the filing of this Judgment, Defendants shall



1 remove the approximately 750 grapevines that were planted in the 1200 Vineyard within the  
2 stream setback of Hagen Creek, as set forth in the attached Exhibit "5", and they shall either  
3 remove the stumps of these vines from the ground, which shall be permitted without any  
4 further approvals being required, grind, or poison such stumps so that no vines grow back.  
5 Further, Defendants are hereby prohibited from replanting any vines within any portion of the  
6 stream setback of Hagen Creek. Defendants shall allow representatives of the County to  
7 inspect the 1200 Vineyard for compliance with this provision. It has been determined that  
8 the removal of the existing spoils within the setback of Hagen Creek would potentially result  
9 in more environmental impacts than requiring them to remain in place but not be allowed to  
10 be used for beneficial purposes. This enforcement requirement is consistent with Section  
11 18.108.50 K of the Conservation Regulations and is exempt from any further permit  
12 requirements.

13 F. Within ninety (90) days of the filing of this Judgment, Defendants shall  
14 complete the spreading and stabilization of cave tailings existing on APN 049-270-019  
15 associated with work already performed under Use Permit No. 00243-UP by placing and  
16 spreading said cave tailings on APNs 033-110-056 and 033-110-058 in strict adherence to  
17 the requirements of Grading Permit W06-00187 on file with the County Department of  
18 Public Works. In no event shall this additional spreading and stabilization occur within any  
19 applicable stream setback.

20 6. Defendants shall be and are hereby permanently ordered and mandated,  
21 pursuant to Business and Professions Code §§17203, to do all of the following:

22 A. Within 30 days of the date of the filing of the Judgment, provide a copy  
23 of the injunctive portions of this Judgment to all independent contractors presently hired by  
24 and all employees of Defendants, who presently supervise, manage or direct any  
25 earthmoving, grading, building, or filling activity for Defendants on the Property;

26 B. Provide a copy of the injunctive portions of this Judgment to any future  
27 independent contractors hired by and employees of Defendants, who supervise, manage or  
28 direct any earthmoving, grading, building, or filling activity for Defendants on any real

1 property owned by Defendants in Napa County, within fifteen (15) days after such person  
2 commences his or her responsibilities;

3 C. Obtain from each independent contractor and employee provided with a  
4 copy of the injunctive portions of this Judgment pursuant to the terms of subparagraphs A  
5 and B, above, a legible signed written acknowledgment of having received a copy of said  
6 provisions, that he/she has read and understands these provisions, and that he/she agrees to  
7 fully abide by these provisions;

8 D. Maintain and upon request make available, within thirty (30) days of  
9 any such request, to representatives of the People or the County for inspection and copying, a  
10 list of all independent contractors and employees who supervise, manage or direct any  
11 earthmoving, grading, building, or filling activity, and each or all legible signed written  
12 acknowledgments of having received a copy of the injunctive portions of this Judgment, as  
13 required by subparagraph C, above.

14 7. The actions undertaken by or required of the Defendants pursuant to the  
15 Judgment are not subject to the California Environmental Quality Act ("CEQA") and/or  
16 alternatively have been determined, after review by the County, to be categorically exempt  
17 from the requirements of the CEQA (Public Resources Code, §2100 et seq.) pursuant to the  
18 California Code of Regulations, title 14, division 6, chapter 3 ("CEQA Guidelines"), sections  
19 15300 et. Seq., including, but not limited to, section 15321 (enforcement actions), section  
20 15304 (minor alterations to land), section 15311 (accessory structures), and/or section 15333  
21 (small habitat restoration project). The County shall use the existing physical conditions on  
22 the Property as the environmental baseline for purposes of any projects or activities thereon  
23 requiring review under CEQA.

24 8. Defendants shall pay, at the time of the filing and entry of this Judgment,  
25 pursuant to Napa County Code §1.20.155, a civil penalty of Three Hundred and Seventy Five  
26 Thousand Dollars (\$375,000.00) to the County of Napa.

27 9. Defendants shall pay, at the time of the filing and entry of this Judgment,  
28 pursuant to Fish & Game Code §1615, a civil penalty of Sixty Thousand Dollars

1 (\$60,000.00) to the Napa County District Attorney's Office, which penalty shall be  
2 apportioned as set forth in Fish & Game Code §1615(f).

3 10. Defendants shall pay, at the time of the filing of this judgment, pursuant to  
4 Business & Professions Code §17203, *cy pres* restitution in the amount of One Hundred  
5 Thousand Dollars (\$100,000.00) to the Napa County District Attorney's Office, which funds  
6 shall be distributed to the Napa County Fish & Wildlife Propagation Fund.

7 11. Defendants shall pay, at the time of the filing and entry of this Judgment,  
8 pursuant to Business & Professions Code §17203, costs in the amount of Fifteen Thousand  
9 Dollars (\$15,000) to the Department of Fish & Game.

10 12. It is further ordered that in the event Defendants, or any of their agents or  
11 employees, engage in activities in the future that result in litigation brought by the People or  
12 the County alleging violations of the Napa County Code, the Fish & Game Code, the  
13 Business & Professions Code, or the terms of this Judgment, the contents of any Assessments  
14 and the findings set forth in paragraph 2 above shall not be contested by the Defendants. In  
15 addition, Defendants shall not contest the information contained on any County of Napa  
16 Environmental Sensitivity Maps identifying archeological sites, (unless more detailed  
17 information is provided by a qualified professional based on site specific analysis that  
18 demonstrates the maps are in error), jurisdictional wetlands (whether seasonal or perennial),  
19 and watercourses (whether ephemeral, intermittent or perennial) subject to DFG permitting,  
20 if any, for any property acquired by Defendants after the date of this Judgment, unless  
21 Defendants provide, within sixty (60) days after close of escrow for such property, written  
22 objections to such information and a reasonable scientific basis for such objections.

23 13. Jurisdiction is retained for the purposes of enabling any party to this Final  
24 Judgment to apply to the Court at any time for such order or directions as may be necessary  
25 or appropriate for the construction of or carrying out of this Final Judgment, for the  
26 modification or termination of any of the injunctive provisions hereof, for the enforcement of  
27 compliance herewith, or for the punishment of violations hereunder.

28 14. This Final Judgment shall have *res judicata* effect and bar any criminal action

1 by the People, whether directly or indirectly based upon, arising out of, or related to any of  
2 the past activities, work or the development of any and all vineyards on the property as  
3 particularly identified on the maps attached hereto as Exhibit "6", violations or wrongdoing  
4 by the Defendants, or the need for any permits related thereto, as set forth in the Complaint or  
5 which could have been set forth in the Complaint on file herein, based upon what is known or  
6 reasonably could have been known at the time of the filing of the Complaint, including any  
7 action pursuant to Fish and Game Code §§1602 and/or 5650, and/or Water Code §§ 13261,  
8 13265 and/or 13387. This Final Judgment shall also have *res judicata* effect and bar any  
9 further civil action, whether by the People or the County, as a result of or arising out of the  
10 above activities, including any action pursuant to Business and Professions Code §§ 17203,  
11 17204 and/or 17206, Code of Civil Procedure §731, Government Code 26528, Water Code  
12 §§ 13261 and/or 13265, Fish and Game Code §§ 1615 and/or 5650.1, and/or any provisions  
13 of the Napa County Code, including §§ 1.20.020, 1.20.155, 13.15.020, 15.04.070, 15.08.080,  
14 16.04.750, 16.04.480, 16.28.050, 16.18.130, 16.28.150, 18.12.080, 18.108.025, 18.108.070,  
15 and/or 18.144.040.

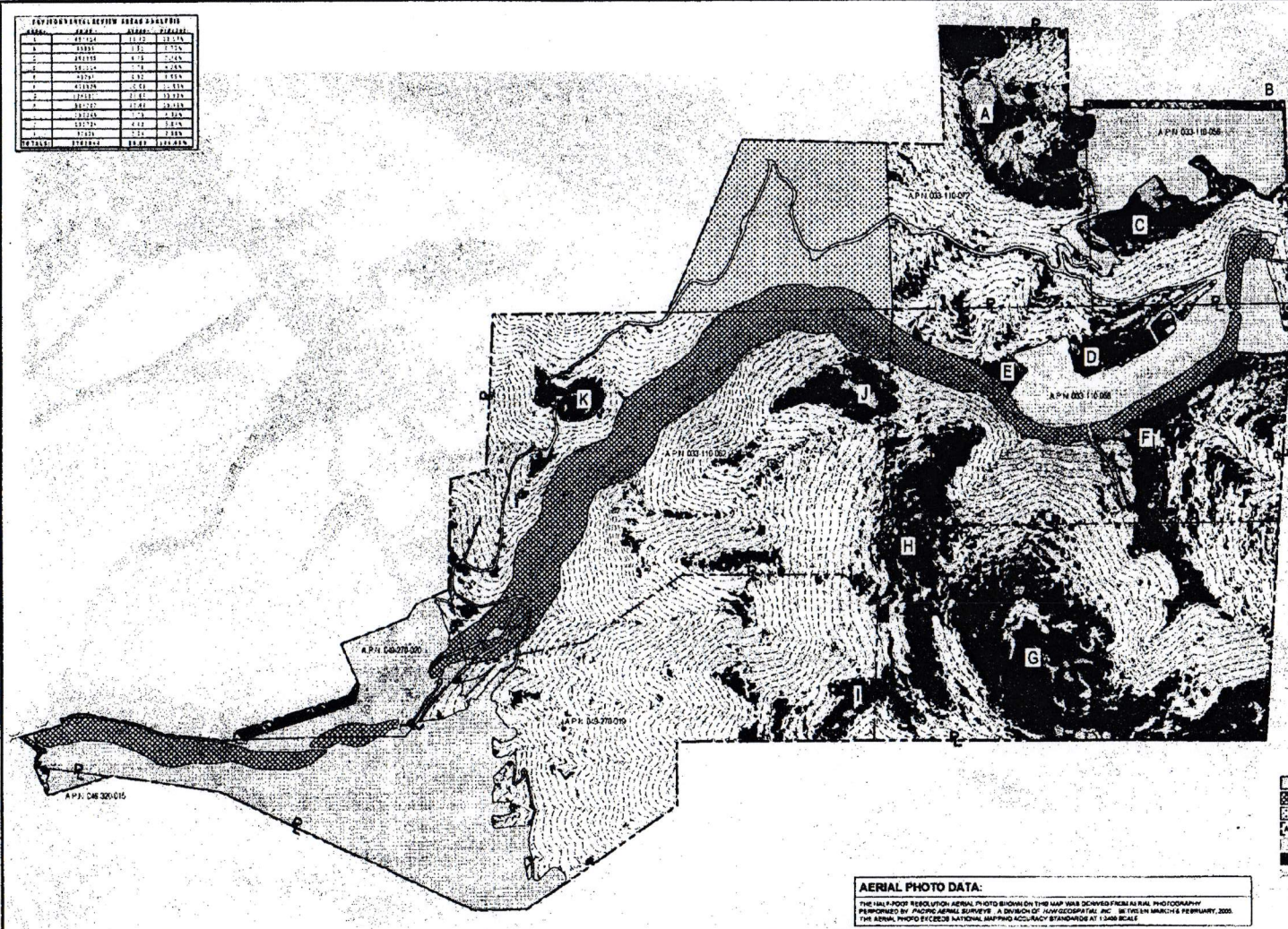
16 15. This Final Judgment shall take effect immediately upon entry thereof.

17  
18  
19 Date: 6/8/07

  
Judge of the Superior Court

EXHIBIT "1"

NO.	AREA	ACRES	PERCENT
1	21-22	11.12	11.54%
2	23-24	1.31	1.37%
3	25-26	4.18	4.36%
4	27-28	7.9	8.28%
5	29-30	2.82	2.93%
6	31-32	2.51	2.61%
7	33-34	11.41	11.91%
8	35-36	7.2	7.5%
9	37-38	4.42	4.61%
10	39-40	1.21	1.26%
11	41-42	14.83	15.52%
TOTAL		94.83	99.22%



- LEGEND:**
- ▣ DEVELOPED AREA
  - ▨ CREEK SETBACK AREA \*
  - ▩ CONSERVATION EASEMENT \*
  - ▧ ENVIRONMENTAL REVIEW AREA
  - ░ 0% TO 5% SLOPES
  - ▒ 5% TO 30% SLOPES
  - ▤ EXISTING BRIDGE
  - ▥ CONTOUR (25' INTERVAL) \*
  - ▧ U.S.G.S. BLUELINE STREAM

**AERIAL PHOTO DATA:**  
 THE HALF-FOOT RESOLUTION AERIAL PHOTO SHOWN ON THIS MAP WAS DERIVED FROM AERIAL PHOTOGRAPHY PERFORMED BY PHOTO AERIAL SURVEYS, A DIVISION OF RAW GEOSPATIAL, INC. IN TWELVE MARCH & FEBRUARY, 2003. THE AERIAL PHOTO EXCEEDS NATIONAL MAPPING ACCURACY STANDARDS AT 1:24,000 SCALE.

<b>R.E.B.</b> ENGINEERING, INC. 800-750-0000	DRAWN BY: R.E.B. CHECKED BY: C.B.S. PROJECT NO: 2007-004-J DATE: 02/16/07								
	COMMENTS:	TYP. NO.	REV. DATE	REVISION	BY	DATE	APPR. DATE		

**R.E.B. ENGINEERING, INC.**  
 CIVIL & STRUCTURAL  
 ENGINEERING, PLANNING, & SURVEYING  
 865 L PALM BL, SUITE 8 • P.O. BOX 115  
 WEST PALM BEACH, FL 33411  
 PH: (561) 843-8833 FAX: (561) 843-8844

**PALMAZ PROPERTIES**

**ENVIRONMENTAL REVIEW AREAS  
 W/AERIAL PHOTO**

JOB NO: 2007-004-J  
 DATE: 02/16/07  
 SHEET NO: 1  
 OF 1

**EXHIBIT "2"**

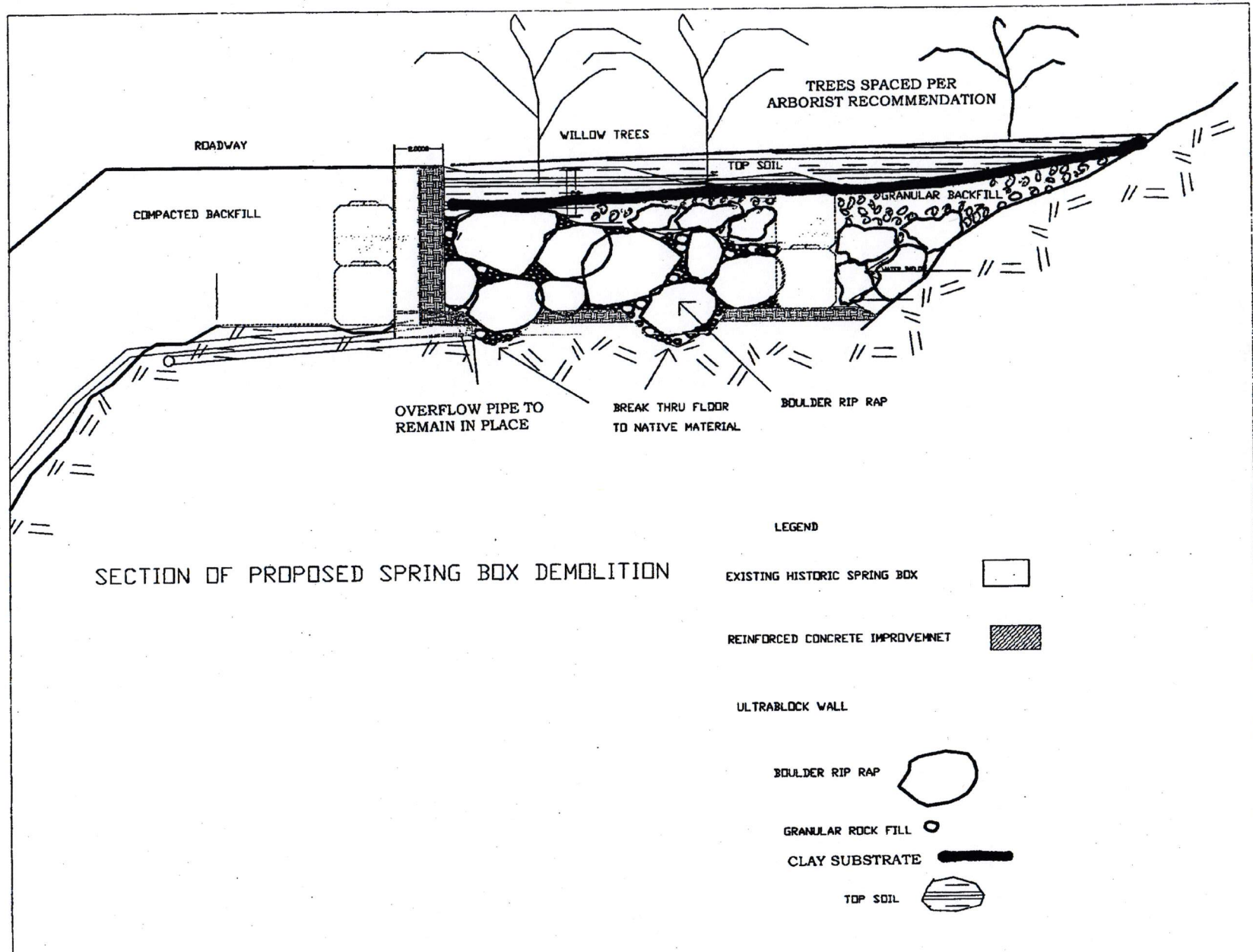
Michael N. Josselyn PhD  
WRA Environmental Consultants  
2169 - G East Francisco Blvd.  
San Rafael, CA 94901

Michael Zander  
Zander Associates  
150 Ford Way, Suite 101  
Novato, CA 94945

Terry Huffman, Ph.D.  
The Huffman Broadway Group  
828 Mission Ave.  
San Rafael, CA 94901

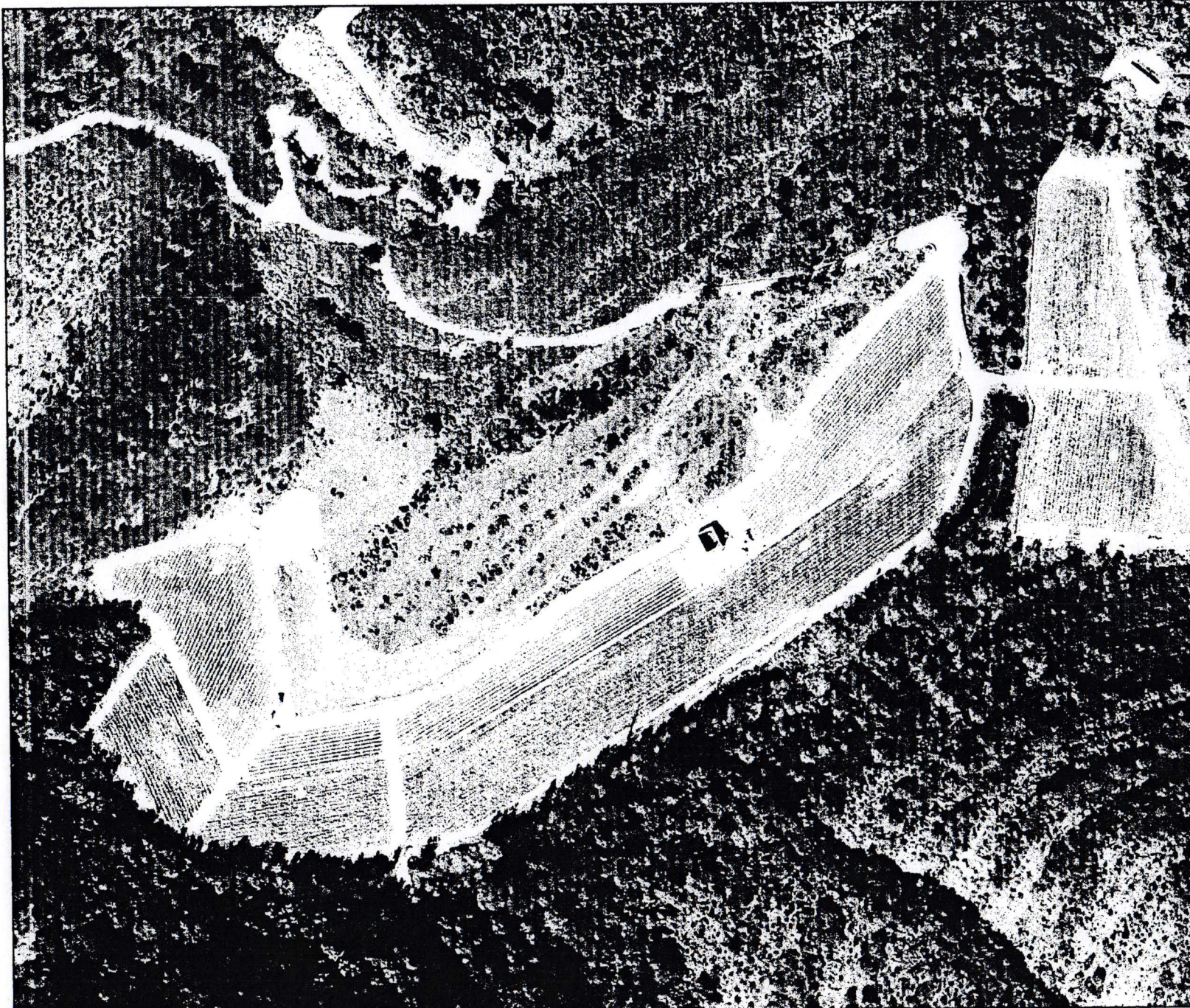
**EXHIBIT "2"**

EXHIBIT "3"



SECTION OF PROPOSED SPRING BOX DEMOLITION

EXHIBIT "4"



**wra**  
ENVIRONMENTAL CONSULTANTS  
2169-G East Francisco Blvd.  
San Rafael, CA 94901  
(415) 454-8868 Phone  
(415) 454-0129 Fax

**Palmaz Winery**  
Napa, California

**Legend**

- Coast Live Oak
- California Bay Deepot
- ▨ Willow Cutting
- - - Limit of Planting Area

Date	Drawn/Revisions	No.
03-29-2007		

PROJECT #16021  
DRAWN BY: HB, SM  
ORIGINAL DRAWING SIZE: 8.5" X 11"

SCALE: 1" = 200'

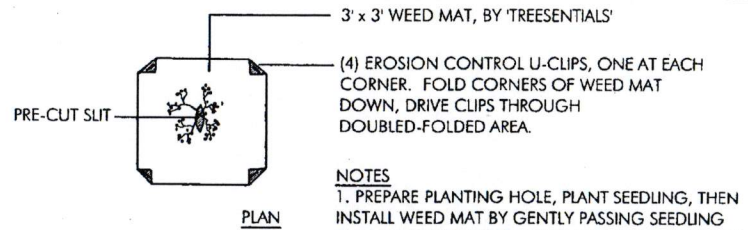


**Figure 1**  
Potential Riparian Mitigation



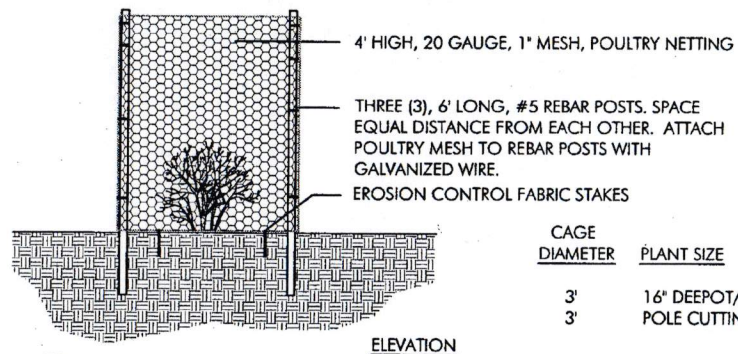
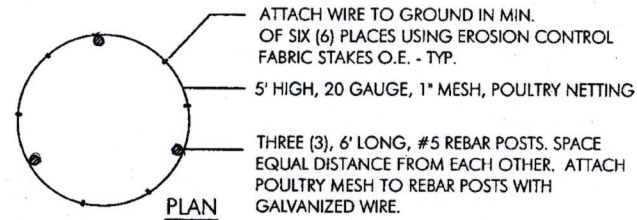
**NOTES:**

1. ALL PLANTS TO BE INSTALLED PER PLANT LEGEND.
2. WIRE CAGES FOR DEER PROTECTION AND WEED MATS FOR WEED CONTROL SHALL BE INSTALLED FOR EACH TREE AND WILLOW CUTTING.
3. THE TEMPORARY DRIP IRRIGATION SYSTEM SHALL PROVIDE WATER TO ALL TREES AND WILLOW CUTTINGS FOR A TWO TO THREE YEAR PLANT ESTABLISHMENT PERIOD.
4. THE TEMPORARY DRIP IRRIGATION SYSTEM SHALL INCLUDE TWO 0.5 GALLON-PER-HOUR DRIP EMITTERS PER TREE AND WILLOW CUTTING.
5. MAINTENANCE DURING THE 5-YEAR MONITORING PERIOD SHALL INCLUDE INSPECTING THE TEMPORARY DRIP IRRIGATION SYSTEM AT THE BEGINNING OF THE DRY SEASON, AND MONTHLY THROUGHOUT THE DRY SEASON. IRRIGATION SYSTEM REPAIR SHALL OCCUR AS NEEDED DURING THE DRY SEASON. WEED ENCROACHMENT SHALL ALSO BE CONTROLLED AS NECESSARY.
6. TREES AND WILLOW CUTTINGS SHALL BE MONITORED FOR SURVIVAL ON AN ANNUAL BASIS FOR FIVE YEARS, AND RESULTS OF THIS MONITORING SHALL GUIDE ANY TREE REPLACEMENT NECESSARY. TREE REPLACEMENT SHALL OCCUR IN THE LATE FALL FOLLOWING THE ANNUAL INSPECTION VISIT.



**NOTES**  
 1. PREPARE PLANTING HOLE, PLANT SEEDLING, THEN INSTALL WEED MAT BY GENTLY PASSING SEEDLING THROUGH SLIT IN WEED MAT, SECURE WEED MAT TO GROUND WITH U-CLIPS.

**1 WEED MAT**  
 NOT TO SCALE



CAGE DIAMETER	PLANT SIZE
3'	16" DEEPOT/1 GALLON
3'	POLE CUTTINGS

**2 WIRE CAGE FOR DEER PROTECTION**  
 NOT TO SCALE

**PLANT LEGEND**

LATIN NAME	COMMON NAME	SIZE	ON-CENTER SPACING	QUANTITY	NOTES
QUERCUS AGRIFOLIA	COAST LIVE OAK	16" DEEPOT	20'	56	
SALIX sp.	WILLOW	CUTTINGS	10'	40	CUTTINGS TAKEN FROM ON-SITE WILLOWS
UMBELLULARIA CALIFORNICA	CALIFORNIA BAY	16" DEEPOT	20'	64	
<b>TOTAL</b>				<b>160</b>	

**wra**  
 ENVIRONMENTAL CONSULTANTS  
 2169-G East Francisco Blvd.  
 San Rafael, CA 94901  
 (415) 454-8868 Phone  
 (415) 454-0129 Fax

**Palmaz Winery**  
 Napa, California

03-29-2007 Draft  
 Date Issues/Revisions No.  
 PROJECT #16021  
 DRAWN BY: MB, JM  
 ORIGINAL DRAWING SIZE: 8.5" x 11"

NOT TO SCALE

Figure 2  
 Riparian Planting  
 Details

EXHIBIT "4"

EXHIBIT "S"

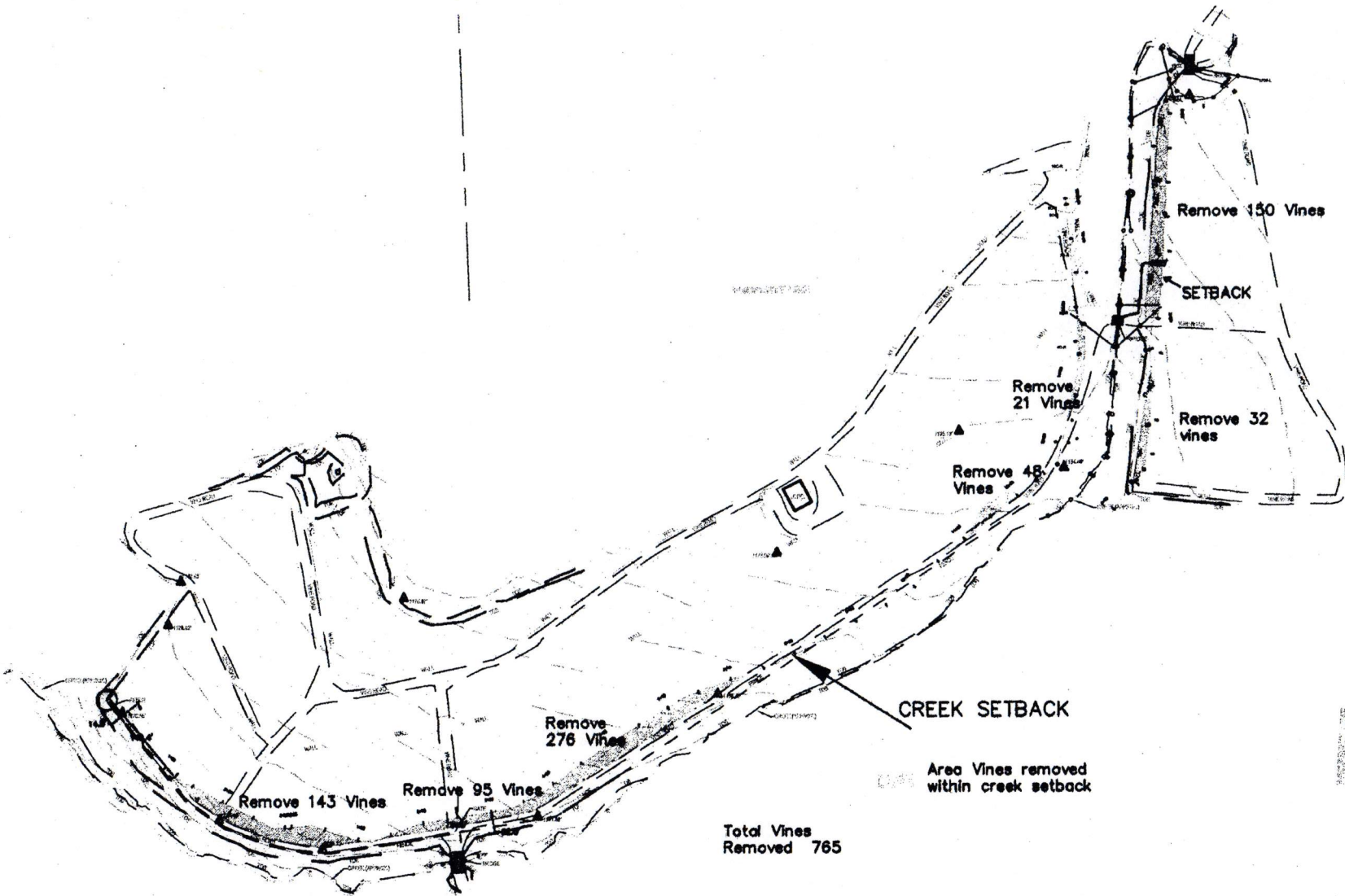
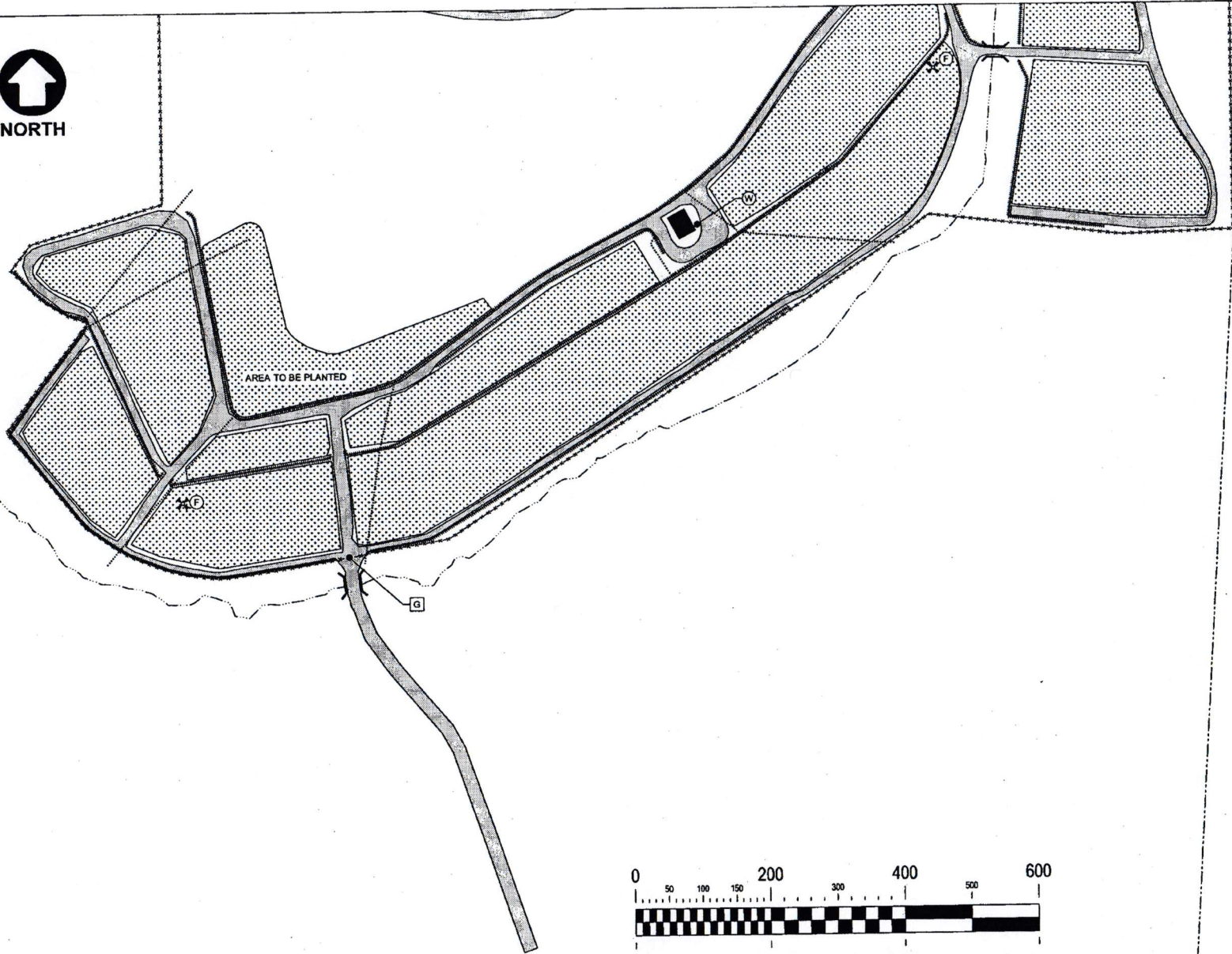


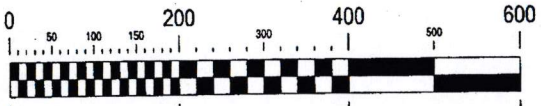


EXHIBIT "6"



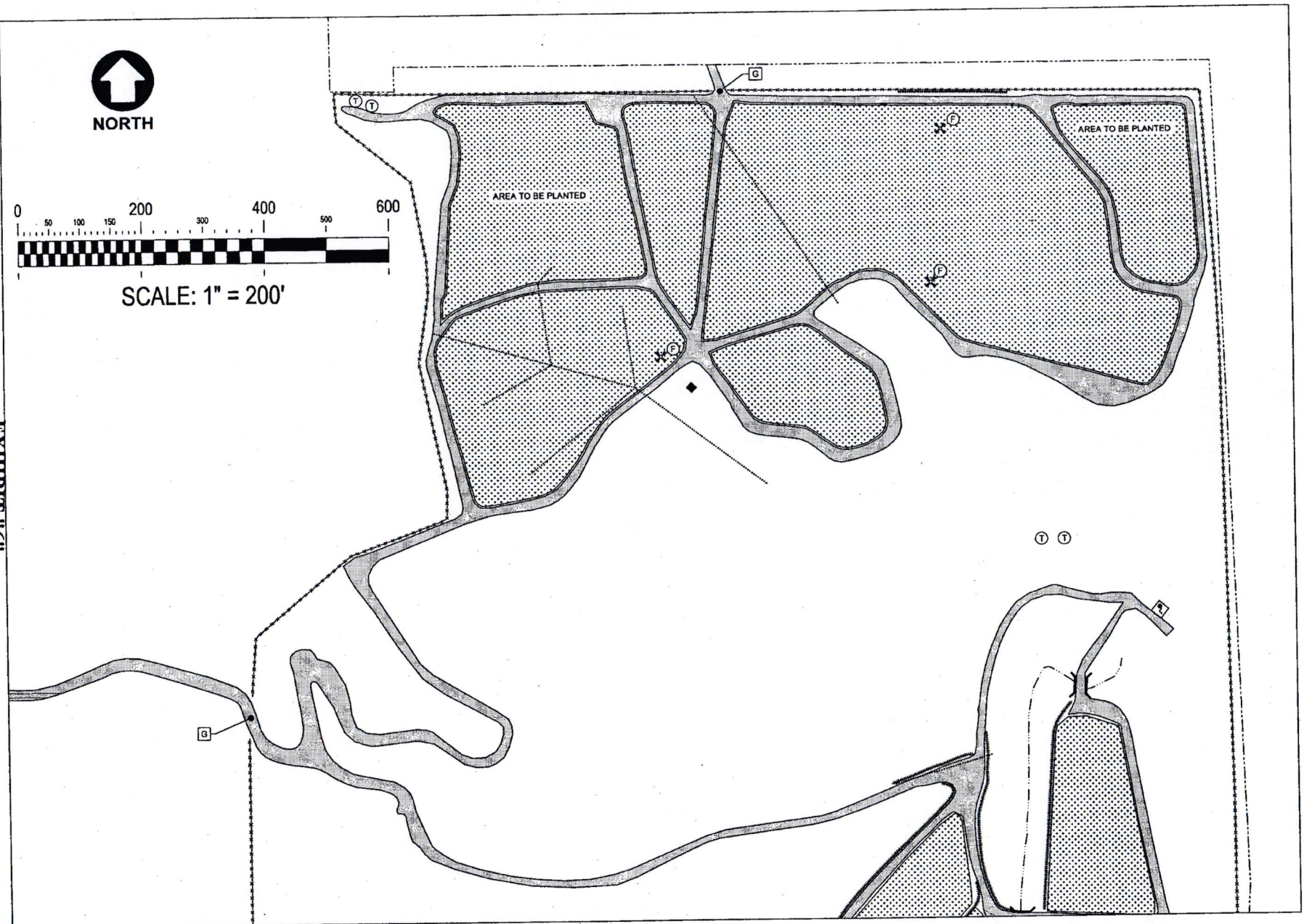
EXISTING DEVELOPMENT OF THE  
PALMAZ & CEDAR KNOLL PROPERTIES

SHEET 8 OF 9  
DATE: APRIL 2, 2007



SCALE: 1" = 200'

EXHIBIT "6"



EXISTING DEVELOPMENT OF THE  
PALMAZ & CEDAR KNOLL PROPERTIES

SHEET 9 OF 9  
DATE: APRIL 2, 2007

afternoon  
Good ~~morning~~ commissioners and thank you for your time. My name is Deborah Holley and I am a land use and environmental planning consultant with over 20 years of experience. I represent Michelle Goss and her family who live adjacent to the Palmaz property. The quiet agricultural existence they have enjoyed on their land for almost 50 years is threatened by this project.

The helipad is an urban use that is inconsistent with the values and key policies of the Napa County General Plan protecting agriculture and if you approve it you would reverse the County's long-standing 37-year precedent of denying permits for personal use airports and heliports. The General Plan sets "agricultural preservation as the immovable foundation for sound decision-making in Napa County." Policy AG/LU-4 states that "The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/open space, except for those lands which are shown on the Land Use Map as planned for urban development.

-----

The project site is within the Agricultural Watershed Zoning District. Under the Napa County Code, Personal Use Heliports are listed as exceptions to use limitations and conditional in every zoning district, and so are sanitation treatment plants and hot air balloon launching sites.

You are not obligated to approve any of these conditional uses if you determine that they do not comply with County policies.

If you deny this project you will be complying with the General Plan and you will help protect and sustain the values, rural character, and rich agricultural and natural resources that make Napa County a special place to live and farm.

-----

General Plan Policy AG/LU-6 requires that you balance the rights of individuals with those of the community and the needs of the environment.

If you allow this heliport you would satisfy the desire of one individual to avoid an occasional ten-mile drive but would degrade the quality of life and values of the community. There just isn't enough weight on the private property rights side of the scale to justify approval.

Planning Commission Mtg.

MAY 17 2017

Agenda Item # 7A

Rec'd at meeting

~~The Napa County Code requires you to make specific written findings in order to issue a Use Permit.~~

~~To issue this permit, you would need to find "that grant of the use permit, as conditioned, will not adversely affect the public health, safety, or welfare of the County;" and~~

~~that "the proposed use complies with the applicable provisions of this code and is consistent with the policies and standards of the general plan and any applicable specific plan."~~

For these reasons alone you should deny this permit, but there are many other important reasons as well, including the questionable ability of the County to enforce any proposed conditions or mitigation measures due to FAA preemption. ~~Based on the information provided by the County's aviation attorney~~ it seems that the only legally defensible remedy that the County has is to deny or ~~revoke~~ the land use permit. The FAA alone controls the airspace.

*the county has not revoked any land use permits*  
Because ~~revocation has not even been attempted in the County~~ in the past ten years and because only four ~~permits~~ *land use* were revoked in a 38-year period prior to 2007, ~~the~~ *that* chances of this permit being revoked to address violations is highly unlikely.

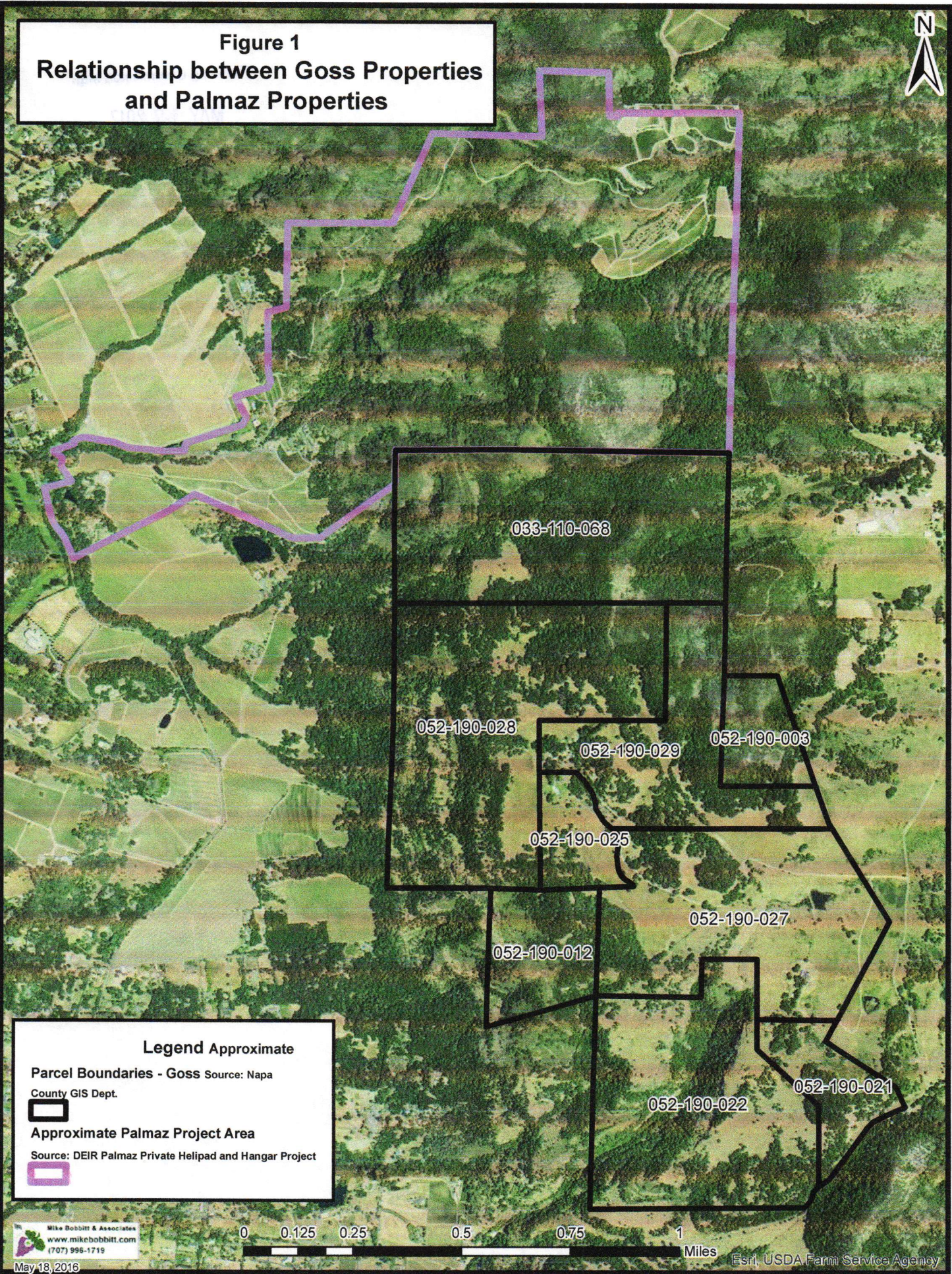
Given what is at risk for the community, I urge you to err on the side of caution by denying the permit instead of rolling the dice and hoping you might be able to revoke it if conditions and mitigation measures are not adhered to.

I would like to ask the public to stand or raise your hand if you agree with my comments.


Commissioners, thank you for listening and considering my testimony as you weigh your options.


When describing the site and vicinity, Dana did not mention my clients 800 acres located south of and adjacent to the Palmaz site. Here is a map again for your reference and for the record.

**Figure 1**  
**Relationship between Goss Properties**  
**and Palmaz Properties**

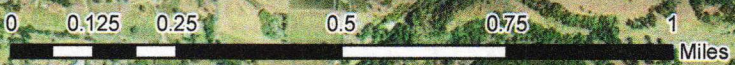


**Legend Approximate**

**Parcel Boundaries - Goss** Source: Napa County GIS Dept.  


**Approximate Palmaz Project Area**  
Source: DEIR Palmaz Private Helipad and Hangar Project  


Mike Bobbitt & Associates  
www.mikebobbitt.com  
(707) 996-1719  
May 18, 2016



Esri, USDA Farm Service Agency

**Helicopter Landing location discussion and the FAA**  
Public Comment by Wayne Williams  
Member - Los Angeles Area Helicopter Noise Coalition

Planning Commission Mtg.

MAY 17 2017

Agenda item # 7A  
*Rec'd at meeting*

Thank you commissioners.

My name is Wayne Williams; I am a member of the Los Angeles Area Helicopter Noise Coalition (LAAHNC), a group dedicated to reducing helicopter noise in our county. I am also a Board Member of the Van Nuys Airport Citizens Advisory Council (VNY CAC).

I'm here at the request of residents of Napa Valley and the Napa Agricultural Protection Association to inform this Commission of my experience and thoughts on the matter of personal helicopter landing pads and the FAA's jurisdiction regarding helicopters. Residents growing concerns about increased helicopter noise should landing facilities on private property be approved in the Valley are quite legitimate.

After working for over 25 years to remove noisy Stage 2 Jets at Van Nuys Airport, I speak from experience in dealing with the FAA on noise issues.

It is critical for this Commission to understand that the FAA has exclusive jurisdiction over aircraft in flight. No other agency at any level of government has any ability to control how pilots fly. The FAA's overriding concern is safety. The FAA does not limit the numbers of aircraft that can use the airspace, has no minimum noise standards for helicopter flights nor are there any noise regulations to enforce other than that helicopters are to fly at least 40 feet above an obstruction. Let me repeat... 40' above any obstruction.

Since 2012, LAAHNC has been meeting with the (FAA), local helicopter pilots/operators, and other stakeholders seeking written agreements on voluntary flight practices. In 2014, Congress and the President directed the FAA to continue to collaborate with local stakeholders. This has come be known as the LA Helicopter Noise Initiative. Under that directive, the FAA was to make significant voluntary noise restriction progress by the end of the 2014, or begin the process of establishing mandatory regulations.

The FAA did not implement any significant voluntary restrictions, they failed to act upon noise complaints filed via a phone number and website reporting service they established. That noise complaint service has averaged more than five thousand complaints per month since being implemented 2 years ago. As the ruse of voluntary measures have failed on all fronts, the FAA resisted implementing any mandatory regulations in the Los Angeles area as required by Congress. So, after more than 50 meetings with the FAA and helicopter pilots, no benefit to residents has occurred. NONE!

Let this be a cautionary tale for Napa Valley. There are no good solutions to controlling noise from helicopters once they are in the air.



The lower that helicopters fly, and/or the more weight they carry, the more noise they cause to those on the ground

**However**, local land use agencies like this Commission do have control over aircraft on the ground and where they can land. Careful consideration should be given before approving helipads on private property or granting permits for helicopter operations outside current designated aircraft facilities. This is of particularly issue where helipads at residences and businesses within their jurisdictions are concerned.

Failure to completely restrict such landing locations (aside from government emergency services like fire, police or medical response) would likely create a slippery slope where the approval of one personal helipad would open the door for others, increasing the noise to nearby residents exponentially. If you do allow one resident approval and try to block others in the future, there is every likelihood the community could be set up for costly discriminatory lawsuits as a result.

Additionally, I highly recommend reading the comments of Christine Tittel of Calistoga in her "Many Reasons to oppose helipad" write up in the Napa Valley Register of January 7<sup>th</sup> 2016.

[http://napavalleyregister.com/news/opinion/mailbag/many-reasons-to-oppose-helipad/article\\_f02a5b46-0835-501b-bdd8-17a662c7964a.html](http://napavalleyregister.com/news/opinion/mailbag/many-reasons-to-oppose-helipad/article_f02a5b46-0835-501b-bdd8-17a662c7964a.html)

If you have any questions, I am happy to respond.

Thank you.

MAY 16 2017

Agenda Item # 7A

**From:** Tittel/Caloyannidis  
**To:** Ayers, Dana  
**Cc:** C/ COUNTY PC Anne Cotrell; C/ COUNTY Jeri Gill; C/ COUNTY PC Joelle Gallagher; C/ COUNTY PC Michael Basayne; C/ COUNTY Terry Scott  
**Subject:** FW: Second hearing held on Genesee Valley heliport - Plumas News  
**Date:** Tuesday, May 16, 2017 12:55:54 PM  
**Attachments:** PALMAZ - PLUMAS COUNTY HEARING.pdf  
PALMAZ - P.C COMMENT #3.doc

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RE: Palmaz Application P14-000261 UP

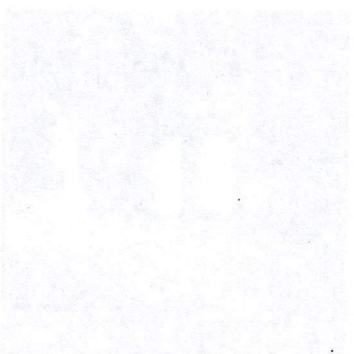
Please consider this comment and insert into the Record.

hangar is a type of storage building, "hangars must meet different building and fire codes" and allowing this structure to be used as a hangar "requires a change of use".

This is further evidence that the Palmaz family in whatever form of its various entities, continues to disregard codes and chooses to pay after the fact fines, restore compromised wetlands or rectify building code violations.

As previously mentioned, due to the particular nature of the conditions of the Use-Permit under consideration, the "applicant's" compliance record is material.

Enclosure: Plumas County News  
Second Hearing on Genesee Valley Heliport, May 14, 2017



*[Faint, mirrored text watermark, likely bleed-through from the reverse side of the page, including the words 'Genesee Valley Heliport' and '24 and meeting held on']*

The Palmaz family applied instead to have the helicopter, heliport and hanger declared an "appurtenant" (accessory) to agriculture.

The issues involved in the hearing were whether a helicopter is the "functional equivalent" of a tractor or other piece of agricultural equipment; whether a heliport is an airport; and whether the structure built by the Palmaz family to house the helicopter should have been permitted and inspected as a hanger.

Wilson opened the meeting by stating that he will accept written comments until 5 p.m. on May 17. Wilson has 40 days to announce his decision and litigants have 10 days after his decision to appeal to the board of supervisors.

### Storage building vs. hanger

Plumas County Building Official Jim Green started the meeting by noting that the Palmaz hanger was permitted as a storage building rather than a hanger.

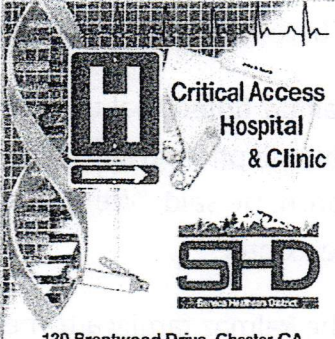
"The building was only permitted for storage and only inspected for storage," said Green.

Green noted that although a hangar is a type of storage building, hangars must meet different building and fire codes. He thought there had to be a change of use for the hangar.

### Palmaz family

Christian Palmaz then read a statement that he supported maintaining the historic, environmental and community qualities of Genesee Valley and thanked those in the community who have supported him and his family. Palmaz also emphasized that, "The landing site has the potential to save lives."

Palmaz later added that the county planning department knew what the building, that houses his helicopter, was to be used for.




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Hospital  
& Clinic**

**SHD**  
Genesee Health Services District

130 Brentwood Drive, Chester CA



**Plumas**  
DISTRICT HOSPITAL



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Wilson gave everyone who wanted to speak ample opportunity to do so. Over a dozen people got up to speak, both for and against the heliport, some more than once.

Residents of Genesee Valley disagreed on how much noise the helicopter made.

Palmaz said, "We are very responsible in the way we arrive and depart." One resident, who lives near the Genesee store, said she has only heard a helicopter five times and was not sure how many of those times it was the Palmaz helicopter. Another person commented that a helicopter makes a lot less noise than some of the motorcycles that go by his house.

On the other hand, two other residents said they heard the Palmaz helicopter coming in and landing at 7:40 p.m. the evening before the hearing.

Many other issues were raised at the hearing.

Those opposed to the Palmaz heliport brought up the amount of fuel used by the helicopter and its effect on global warming, the high price of the beef raised by the Palmaz family and its export out of the county. Opponents commented on the lack of community input sought by the Palmaz family. Other comments identified that the need for monitoring cattle for disease requires being on the ground, not in a helicopter. Others commented on the onset of corporate ranching in the valley and control in the valley shifting from those who helped to protect the valley to the wealthy.

Those in support of the Palmaz' right to fly their helicopter praised their generosity in funding part of the trip made by local children to Uganda, the potential for economic development coming to the valley, the fact that individuals have landed personal helicopters in Genesee Valley in the past and the rudeness and hostility shown to the Palmaz family.

The benefit of the Palmaz family having a heliport for getting people to the hospital was both touted and discounted.

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**From:** [Tittel/Caloyannidis](#)  
**To:** [C/ COUNTY PC Anne Cotrell](#); [C/ COUNTY Jeri Gill](#); [C/ COUNTY PC Joelle Galagher](#); [C/ COUNTY PC Michael Basayne](#); [C/ COUNTY Terry Scott](#)  
**Cc:** [Ayers, Dana](#)  
**Subject:** UP P14-000261  
**Date:** Tuesday, May 16, 2017 3:10:02 PM  
**Attachments:** [Napa County Code Compliance FAQ.pdf](#)

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Palmaz Personal Use Heliport Application UP # P14-000261

**RE: Permitting Testimony Relevant to the Propensity of the Owner to Abide by Permit Conditions**

Dear Commissioners,

In further reviewing Commissioner Gill's refusal to allow testimony by Mr. Apallas regarding the relevance of the prior conduct of the Palmaz family in abiding by Code and Use-Permit conditions of the Palmaz family during the first Planning Commission hearing, we have no further to look than Napa County Code and Code FAQs:

Enforcement FAQs confirming that:

"Napa County Code section 18.124.040 allows the Planning Commission to admit and consider all "relevant evidence," which the provision defines as that "which reasonable persons are accustomed to rely upon in the conduct of serious affairs."  
**Evidence of past or ongoing violations (and the impact of such violations) is relevant and admissible.**

Please see Napa County's Code Enforcement FAQs (copy enclosed) and relevant portions provided below, for further elaboration on this matter:

2. May the Planning Commission accept and consider evidence showing past or ongoing violations of the County Code or of use permit conditions as a basis to revoke or suspend a use permit?

Answer: Yes.

Napa County Code section 18.124.120 gives the Planning Commission the authority to suspend or revoke a use permit in certain circumstances, including instances where the operator is violating the use permit's conditions. Thus, during the Commission's hearing on possible revocation or suspension of the permit, the Commission would certainly hear and consider evidence relating to the violation of such conditions or violation of a provision of the County Code.

3. May the Planning Commission accept and consider evidence showing past or ongoing violations of use permit conditions in a hearing on an application for a use permit modification?

## CODE ENFORCEMENT

### Frequently Asked Questions

1. If someone violates the County Code or is operating in violation of the conditions stated in his or her use permit, and if he or she seeks a permit modification to allow the violative use to continue, can the County require the Applicant to revert to what is allowed pursuant to the current code/use permit until such time as the modification application is decided?

Answer:

Yes. The County can order the Applicant to discontinue the unlawful activity that is in violation of the code/use permit. In addition, Napa County Code Section 18.124.120(C) enables the County (at a Planning Commission hearing) to consider suspension or revocation of a use permit in its entirety if "the use for which the use permit was granted is being, or has been, exercised contrary to the terms or conditions of such approval." The suspension penalty for the *existing* use permit could be implemented at the time the individual applies for a use permit modification, as well as the imposition of an administrative penalty. Note that due process is required for any suspension or revocation of the permit.

2. May the Planning Commission accept and consider evidence showing past or ongoing violations of the County Code or of use permit conditions as a basis to revoke or suspend a use permit?

Answer:

Yes. Napa County Code section 18.124.120 gives the Planning Commission the authority to suspend or revoke a use permit in certain circumstances, including instances where the operator is violating the use permit's conditions. Thus, during the Commission's hearing on possible revocation or suspension of the permit, the Commission would certainly hear and consider evidence relating to the violation of such conditions or violation of a provision of the County Code.

3. May the Planning Commission accept and consider evidence showing past or ongoing violations of use permit conditions in a hearing on an application for a use permit modification?

Answer:

Yes. For use permit modification applications that are heard by the Planning Commission ( i.e., those that are more significant than minor modifications that may be considered by the Zoning Administrator upon notice but without a hearing or very minor modifications that may be approved administratively by the Planning Director without notice or hearing), Napa County Code section 18.124.040 allows the Planning Commission to admit and consider all "relevant evidence," which the provision defines

Furthermore, independent remedies are available to the County to address use permit violations. Ongoing violations already result – or can result – in the County’s imposition of fines or even revocation or suspension of the existing use permit under the procedures established in Napa County Code section 18.124.120. That provision also states that if a use permit is revoked or if a use permit is denied, then “no application for a use permit for the same or substantially the same use and design or use of the same or substantially the same site shall be filed within one year from the date of denial or revocation.”

6. If someone receives a citation and is assessed an administrative fine by the County, what rights – if any – does that person have to challenge the fine? Where can information pertaining to those appeal rights be found?

Answer:

An Individual who receives an assessment of an administrative fine from the County has the right to appeal that fine pursuant to the procedures provided in Section 1.28.090 of the County Code. Specifically, the individual may request a hearing by completing a “request for hearing form” and returning the form to the Clerk of the Board of Supervisors within thirty days from the date of the citation, along with an advance deposit of the full amount of the penalty.

Next, unless the matter is urgent, a hearing will be scheduled between fifteen and sixty days from the date the “request for hearing” is filed. The hearing officer will provide notice of the time and place of the hearing.

At the hearing, the individual may testify and present evidence regarding the fine. The hearing officer will then issue a written decision upholding or canceling the County’s issuance of the fine. While the hearing officer’s decision is final, his or her decision may be appealed to the Napa County Superior Court in accordance with Government Code Section 53069.4.

7. How are people supposed to know if they are in violation of the County Code before being subject to an administrative fine or penalty?

Answer:

At the time (or shortly after) an individual receives a notice of violation, citation, or letter that includes an order to comply, the County will inform the individual of the fine that will be imposed if the individual fails to timely cure the violation. In addition, the County Code is available online and includes the County’s ordinances for which a violation would subject a person to the imposition of penalties.



PUBLIC DOCUMENT

permit violations relating solely to the *existing* use permit or to other aspects of the County code. The County may at any time impose an administrative penalty for past or present code violations, pursuant to the County Code, even at the time in which an application for a use permit modification is submitted. However, the ultimate inquiry of whether the approval of a CUP promotes the general welfare is a separate and distinct issue independent of the penalty that is imposed for a failure to comply in the past.

Lars Christensen  
1065 LaGrande Avenue  
Napa, CA 94558  
lekcheistensen@gmail.com  
(707) 287-4367

**To:** Napa County Planning Commission  
**From:** Lars Christensen  
**Re:** Amalia Palmaz Living Trust/Palmaz Personal Use Heliport, Use Permit Application #P14-00261 – UP  
**Date:** May 17, 2017

Good morning. My name is Lars Christensen and I have been a resident of Napa County since 1989 and have resided at 1065 LaGrande Avenue, since 2003. The LaGrande Avenue neighborhood and surrounding environs would be directly affected in a negative manner should the Planning Commission choose to positively certify the Final Environmental Impact Report (FEIR) and subsequently grant the requested use permit for the construction and operation of a personal use heliport on the Palmaz Estate on Hagen Road.

It is a privilege to speak before the Commission this morning.

In review of the Public Notices announcing this hearing and the hearing of the Airport Land Use Commission (ALUC), I will acknowledge that per the draft Environmental Impact Report (EIR) and the guidelines by which the Airport Land Use Commission must adhere to when making their "Consistency Determination" with regard to compatibility with airport regulations, that with proper mitigation measures, the Palmaz Heliport project would meet the minimum standards as established by Napa County for a project of this scope and impact.

However, more than just adherence to and compatibility with minimum standards and environmental regulation, the ramifications of the approval of such a project, particularly with regard to the health and safety of Napa County residents is significant.

As residents in an area surrounded by and zoned for agricultural purposes, we choose to accommodate and accept the sights and sounds associated with our chosen life style; namely the noise of agricultural machinery (tractors, trucks, and wind-turbines), dust blowing, the scent of fertilizers and even the sound of roosters crowing.

That said, there is not, nor should there be an expectation that area residents be subject to the impact of and risks associated with low flying aircraft, unless such action is carried out by professionally trained, emergency personnel, not an amateur, hobbyist pilot.

The Palmaz use permit is based solely on vanity, convenience and want, not need. Though the

**From:** Frost, Melissa  
**To:** "gossm@att.net"  
**Cc:** Avers, Dana  
**Subject:** RE: Palmaz hearing May 17  
**Date:** Tuesday, May 16, 2017 3:50:47 PM

---

Hi Michele,  
Your email will be entered into the Administrative record.  
Thank you,

Melissa Frost

Napa County  
Planning, Building & Environmental Services  
707.299.1380

---

**From:** gossm@att.net [mailto:gossm@att.net]  
**Sent:** Tuesday, May 16, 2017 2:50 PM  
**To:** Frost, Melissa  
**Subject:** Palmaz hearing May 17

Dear Ms. Frost,

Although I am planning to be at the meeting tomorrow, I would also like to protest this helipad by email. My family's land lies just to the south of Mr. Palmaz' second choice on Mt. George.

Both options for the helipad are objectionable to me because no one should be allowed to have a private helipad for personal use. Mr. Palmaz may try to cloak his desire for his own helipad under the guise of a business expense, but there are how many vineyards in the Napa valley which have equal needs? Napa County would be opening up a can of worms if they approve this one.

My second main objection is on the noise level. Napa Valley and the hills surrounding it are too calm and serene to have the blasting of helicopters overhead. The wildlife will be spooked and driven away, and potential grazing lands will no longer be able to be used as such.

Please, please do not let the excitement of higher real estate taxes cause you to make a bad decision here. If this helipad is approved, Mr. Palmaz will build it as he wants, regardless of any zoning or restrictions, pay the penalties, and then abuse his use permit. You all know this from his past history of his doing so!

Thank you,

Michele Goss

Sent from [Mail](#) for Windows 10



May 15, 2017

Planning Commission  
County of Napa  
1195 Third Street  
Napa, CA 94559

RE: Palmaz Heliport

Dear Commissioners:

Many thanks for providing the agenda and related documents one week prior to the hearing on May 17<sup>th</sup>. It is most helpful to have extra time to research, reach out to staff and/or commissioners, and gather your thoughts.

According to Mr. Russell's presentation at the previous hearing, Napa County has not approved a helistop, emergency medical landing sites, or heliports since the 1980s. Yet he clearly implies that the Palmaz Heliport application will set the standard for any future applications.

I don't believe it is appropriate nor reasonable to rely upon one applicant to set the standard. In fact, there are no guidelines for you to use in your decision process. There is no minimum parcel size, type of helicopter, noise limits, amenities, number of flights, proximity to rural residents or wineries established.

If you believe as I do, that the approval of this application will quickly open the door to many others, then you should not make a determination until you first agree on a set of guidelines.

I strongly disagree with the staff report regarding the Definition of Personal Use Heliport (pages 4 & 5) that concludes that the Palmaz application meets the definition of **Personal Use**.

- The helicopter is owned and licensed by Cedar Knolls Vineyards, DBA Palmaz Vineyards – a Delaware corporation and a commercial enterprise. And I would expect that it is depreciated on their corporate taxes along with other business assets.
- The pilot's license issued by the FAA is in the name of Christian Palmaz, President of Palmaz Vineyards.
- The use of the helicopter is not to take the Palmaz family shopping or on vacation in Palm Springs or Tahoe. It is used to transport persons to other sites, such as Plumas County, for a corporate business purpose – **which by California Code defines a Commercial Activity**.
- And thus is clearly inconsistent with Napa County General Plan and County Zoning Codes.

**From:** Morrison, David  
**To:** Avers, Dana; Gallina, Charlene; Frost, Melissa  
**Subject:** FW: HELIPORT? aren't we really talking about TRAFFIC issues?  
**Date:** Tuesday, May 16, 2017 10:17:59 AM

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-----Original Message-----

From: Comcast [mailto:jlmlynar@comcast.net]  
Sent: Tuesday, May 16, 2017 10:11 AM  
To: Morrison, David  
Subject: HELIPORT? aren't we really talking about TRAFFIC issues?

Dear Napa County Planning Commission c/o David Morrison

Nothing against the family making the heliport request, I am OPPOSED to approval of any aircraft--small plane, helicopter--taking off or landing on private property in Napa County. We all know what happens when an inch is given.....over time it will become miles and miles. The AG PRESERVE has protected county land from non-agriculture uses, making Napa Valley the most desirable place to live in the world. It appears that we now need an AIR PRESERVE to protect all Napa County residences from NOISE POLLUTION, not to mention air pollution.

The BEST outcome for all residents of Napa County would be to address the REAL REASON for this request....ONGOING and CHRONIC TRAFFIC issues. If we can solve the commuter issue, like using the wine train to ferry commuters to their jobs up-valley, using tech solutions to improve the flow of traffic, and other ideas persons much more informed than I could suggest. How about this CRAZY idea--like the Golden Gate Bridge during peak commuter times-- make Highway 29 and Silverado Trail TWO lanes one-way...probably too crazy...but I hate complaining without offering solutions.

Say NO to the heliport proposal and YES to resolve traffic issues.

Sincerely,  
Janet Mlynar  
1157 Division Street  
Napa, CA. 94559

Sent from my iPad

CONFIDENTIALITY NOTICE: This email message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If you are not the intended recipient of the message, please contact the sender immediately and delete this message and any attachments. Thank you.