

October 31, 2017

Wyntress Balcher

Napa County Planning, Building & Environmental Services Department

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Re: Comments on the Reynolds Family Winery Use Permit Modification (#P14-00334)

Dear Ms. Balcher & Members of the Planning Commission,

My name is Anthony Arger and my family owns and operates a vineyard on upper Soda Canyon Road. I must start by saying that I am torn in writing this letter because I generally support what Mr. and Mrs. Reynolds have created – a small family winery built from the ground up over many years that is located on Silverado Trail (i.e on the Napa Valley “floor” and not in its remote and rural hillsides). As such, my letter is not intended as a complete opposition to the Reynolds Family Winery Use Permit #P14-00334 (the “Project”). Instead, it is to be construed as an opposition directed at the County of Napa (“County”) based solely on the grounds of cumulative impact of winery traffic from this Project and other winery and vineyard operations that must utilize the intersection of Soda Canyon Road and Silverado Trail (the “SCR/ST Intersection”), which in turn will adversely impact the public health, safety, and welfare of the residents and property owners of the community, as well as any and all visitors and users of Soda Canyon Road.

As will be described in detail below, there are currently 42,012 tourists permitted to visit wineries either on Soda Canyon Road or at wineries near the SCR/ST Intersection (within approximately 1,000 feet) on an annual basis. If all proposed wineries at or near the SCR/ST Intersection are approved/permitted, that number will increase to 103,866 annual tourists at or near the SCR/ST Intersection – an increase of 147%. Currently, there is a significant traffic backup every afternoon at the stop sign on Soda Canyon Road for traffic trying to turn left onto Silverado Trail. There are also numerous traffic accidents that occur at or near the SCR/ST Intersection on an annual basis. An increase in visitation from 3,740 visitors per year, to 16,586 visitors per year (an increase of 443%) at the Project site will only exacerbate these existing conditions, and create added liability for the County and Project owners when the inevitable major accident at the intersection of Soda Canyon Road and Silverado Trail occurs, particularly if there is alcohol involved. While I applaud the construction of a left turn lane into the Project site, that still will not solve, and in fact may even worsen, traffic conditions currently experienced at the Soda Canyon Road/Silverado Trail intersection.

Accordingly, as much as I would like to, I simply cannot support this Project in its current form, but would be willing to withdraw my opposition to the Project and in fact would support the Project under either/both of the following circumstances: 1) significantly reduce the proposed increase in winery visitation, and/or 2) install a traffic light at the SCR/ST Intersection to alleviate existing and future traffic problems.

A. Cumulative Traffic Impacts

The Project seeks to increase its annual winery visitation from 3,740 to 16,586. (*See Winery Visitation from Current and Future Wineries on SCR & ST*, attached as Exhibit 1). As compared to some other valley floor wineries throughout the Napa Valley, this figure is not an enormous number, especially when it is viewed as a stand-alone project on the Silverado Trail. However, this project cannot be viewed as a stand-alone project, as it is located a mere 300 feet south of the increasingly busy and dangerous SCR/ST Intersection, which is currently and will continue to be impacted from several existing and proposed winery projects located on either Soda Canyon Road or within the immediate vicinity of the SCR/ST Trail intersection. Currently, on any given weekday, the morning traffic turning left onto Soda Canyon from Silverado Trail, and the afternoon traffic turning left onto Silverado Trail from Soda Canyon is terrible. Long queues of resident, vineyard worker, and winery visitor traffic regularly develop, and there have been several fender benders from cars trying to make the left turn. If traffic at this intersection continues to increase at its current pace, it is only a matter of time before there is a serious and potentially catastrophic accident at this location, which could raise serious questions of liability for both the Project's owners and the County. *See* Cal. Gov. Code §835.

More specifically, there are currently eight County approved and operating wineries on Soda Canyon Road – Antica Napa Valley, Astrale e Terra/Meadowrock Winery, La Vallette Winery, Roy Estate Vineyards, the Caves at Soda Canyon, V-12 Winery, White Rock Vineyards, and Relic Winery. On Silverado Trail, and within approximately one quarter mile of the intersection of Soda Canyon Road and Silverado Trail there are currently two County approved and operating wineries – Reynolds Family Winery and Black Stallion Winery. The combined number of current annual permitted winery visitors for the above listed ten wineries is **42,012**.

Recently, the Planning Commission approved Mountain Peak Winery,¹ located approximately 6.2 miles up Soda Canyon Road. If, after the litigation process, the Project moves forward as approved by the County, it will be permitted to host 14,575 annual winery visitors. Importantly, it will add approximately 44,275 annual car trips on Soda Canyon Road. The County also recently approved the Grassi Family Winery (located 0.2 miles up Soda Canyon Road), Beau Vigne Winery (located just north of the SCR/ST Intersection), and Sam Jasper Winery (also just north of the SCR/ST Intersection), which are permitted to host another 17,445 annual visitors.

If the Reynolds Family Winery project is approved, it will add 16,586 annual winery visitors, as well as an untold number of additional vehicles to service the increased visitation and winery production. In addition, there is the proposed Corona Winery project, which seeks to add another 16,988 annual visitors to the SCR/ST Intersection.

In total, the recently approved projects increase the number of annual winery visitors at/near the SCR/ST Intersection from 42,012 to 65,594 – an increase of 56%. **If the Reynolds expansion and Corona Winery are additionally approved, the number will climb to 103,866 annual visitors, an increase of 147% from the existing 42,012 annual visitors.** Importantly, this 147% increase in winery traffic does **not** account for the additional traffic from general winery

¹Appellants of the Mountain Peak Project filed a lawsuit in September 2017.

operations (employees, business operations, etc.) from the proposed winery projects described above (e.g. Mountain Peak adding approximately 44,275 annual car trips on Soda Canyon Road).

Of further importance with regard to traffic is that between 1999 and 2015, there has been an **88% traffic increase** (48,472 winery visitors and vineyard workers in 1999 to 78,994 in 2015) from winery visitation and vineyard workers solely from Soda Canyon wineries and vineyards at the intersection of Soda Canyon Road and Silverado Trail. (*See Vineyard Worker & Winery Visitor Traffic on Soda Canyon Road & Silverado Trail*, attached as Exhibit 2). And, if all of the above proposed wineries are approved in their proposed form, **the total number of winery visitors and vineyard workers who must utilize the SCR/ST Intersection to access the respective wineries or vineyards, will increase to 148,678, a 207% increase in winery visitor and vineyard worker traffic since 1999.** In short, traffic has steadily increased in the area, and as will be demonstrated below, so too have the number of accidents and emergency incidents.

B. Accidents & Incidents from the Sherriff's Office, CHP, and CalFire

Below are detailed descriptions of accidents and incidents at the SCR/ST Intersection and on Soda Canyon Road as reported by the California Highway Patrol ("CHP;"), the Napa Sheriff's Department, and the California Department of Forestry and Fire ("CalFire").² As a brief summary, during the three-year period from January 2014 to December 2016, there have been 639 incidents and accidents on Soda Canyon Road or on Silverado Trail at the intersection with Soda Canyon Road. Notably, the number of incidents and accidents increased *each year during this period*. Specifically, there were 175 incidents/accidents in 2014, 222 in 2015, and 242 in 2016. (*See Combined Agency Incidents*, attached as Exhibit 3). That represents a 38% increase in incidents from 2014 to 2016. Moreover, when looking at the 639 incidents and accidents by month, 74% (471 of 639) of the incidents/accidents occurred between March and October, which is during the height of the winery tourist season.

Again, I am generally **not** opposed to this Project given its location on Silverado Trail, but there are simply too many emergency incidents at the SCR/ST Intersection or on Soda Canyon Road that will only worsen if the County fails to take more action to alleviate the existing traffic problems at the Intersection. Moreover, in light of the recent fires, emergency evacuations from Soda Canyon Road cannot be over-stated, and must be taken into account as the traffic continues to accumulate in the immediate vicinity of the SCR/ST Intersection.

1. California Highway Patrol

Reports from the California Highway Patrol ("CHP") confirm the treacherous and incident-prone area of the SCR/ST Intersection where the Project seeks to increase its winery uses. Attached to this letter is a summary of the **65 incidents and accidents** as reported by the CHP that

² I personally prepared the summaries of the CHP, Sheriff's Department, and CalFire reports using detailed incident reports provided to me by the respective agencies. As an officer of the court, I declare under penalty of perjury under the laws of the State of California, that these summaries accurately reflects exactly what is contained in the much longer, more detailed incident reports for the respective agencies. However, if the applicant or the County wishes to see the full reports from each agency, I am more than happy to provide them upon request. Alternatively, any and all of them can be obtained from the respective agencies as they are all public records.

have occurred on Soda Canyon Road or at the intersection of Silverado Trail and Soda Canyon Road from January 2013 through March 2017.³ (See *CHP Incident Report Summary*, attached as Exhibit 4). During the roughly 4-year period for which reports are provided, there have been **14 incidents of driving under the influence** on Soda Canyon Road or on Silverado Trail at the intersection with Soda Canyon Road. It is also worth noting that **30 of the 65 incidents reported by the CHP during the roughly four-year period of reports provided have occurred during the last year** (between April 6, 2016 and March 22, 2017). This indicates that the **existing, increasing traffic levels on or near Soda Canyon Road have already led to a significant increase in the number of incidents that regularly occur**. Furthermore, the vast majority of the incidents (43 of 65) took place during the daytime, precisely when the Project seeks to add thousands of additional drivers, many of whom may have consumed alcohol, to the road on an annual basis.

Brief Summary of CHP Incidents on/near Soda Canyon from Jan. 2013 to Mar. 2017

Total Number of Incidents: 65

Number of 2 car collisions: 9

Number of 1 car collisions: 14
(i.e. into tree, ditch, pole, etc.)

Traffic Hazards: 6

Reckless Driving: 7

Animal in Roadway: 1

Driving Under the Influence: 14

2 Car Speed Contest: 1

Fire: 3

Semi-Trucks Stalls/Accidents: 2

Abandoned Vehicle: 2

Parking Violation: 1

Shots Fired: 1

Hit & Run: 2

Take a Report: 1

Unidentified: 1

Daytime Incidents (6am-6pm): 43

Nighttime Incidents (6pm-6am): 22

2. Napa County Sheriff's Department

From January 9, 2014 to March 6, 2017, a period of just three years and two months, **there have been 498 "Calls for Service" on Soda Canyon Road**. (See *Sheriff's Dept. Calls for Service and Naturecodes*, attached as Exhibits 5a and 5b). This is an average of 13 calls per month and 157 calls per year. Importantly, during that short period of time, there were **28 reports of Drunk Drivers**. Moreover, the vast majority (366 of 498) took place during the daytime hours, when traffic is at its highest. A summary of these calls for service on Soda Canyon Road is as follows:

Brief Summary of Sheriff Calls for Service on Soda Canyon from Jan. 2014 to Mar. 2017

Total Number of Calls (1/9/14 to 3/6/17): 498

911 Hangup Call (CODE11): 40

Abdominal Pain (ABDOM): 3

Agency Assist (AA): 3

Alarm (1033): 22

Animal Control Callout (ASO): 73

Area Check (ACK): 3

Assault (ASSAU): 4

Attempt to Contact (ATC): 3

Barking Dog (1091B): 1

Bite Animal Human Insect Reptile (BITE): 1

Bleeding Problem (BLEED): 1

Breathing Problem (BREATH): 2

Burglary (459): 4

³ It is my understanding that the CHP has jurisdiction over Silverado Trail, while the Napa County Sheriff's Office maintains jurisdiction over Soda Canyon Road.

Chest Pain (CHEST): 6	Ped Check (PEDCK): 3
Choking (CHOK): 1	Person Down (PDOWN): 2
Citizen Assist (CA): 10	Petty Theft under \$400 Loss (488): 7
Civil Problem (CIVIL): 2	Phone Message: 1
Coroner Case (1144): 3	Probation/Parole Search (SEARC): 3
Disturbance of the Peace (415): 12	Prowler (1070): 1
Drug Activity (DRUG): 2	<u>Reckless Driver (RECK): 19</u>
<u>Drunk Driver (23152): 28</u>	Security Check (SCK): 1
Elder Abuse (EABUS): 2	Seizure (SEIZU): 5
Embezzlement (EMBEZ): 1	Shots Fired (SHOTS): 4
Follow Up (FU): 25	Sick Person (SICK): 3
Found (FOUND): 2	Stolen Vehicle (10851): 1
Fraud (FRAUD): 4	Stroke (STROK): 1
Garbage Dump (GDUMP): 2	Suicide (1056): 1
Grand Theft over \$400 Loss (487): 3	Suspicious Situation (1030): 20
Harassment (HARASS): 1	<u>Traffic Collision (TC): 13</u>
Hazardous Condition (HAZCON): 2	<u>Traffic Hazard (1125): 7</u>
Lost (LOST): 1	<u>Traffic Stop (TS): 13</u>
Mail Tampering/Theft (MAIL): 7	Trauma (TRAUM): 2
Medical Needed (MEDIC): 8	Trespassing (TRES): 30
Motorist Assist (MA): 2	Unconscious Person (UNCON): 1
Napa County Ordinance Violation (NCO): 1	Vandalism (594): 6
Neighbor Problem (NPROB): 2	Vehicle Check (VCK): 11
NSIB Event (NSIB): 2	Welfare Check (WCK): 4
OCR: 1	
Overdose (OVERD): 2	Daytime Incidents (6am-6pm): 366
Patrol Check (PCK): 16	Nighttime Incidents (6pm-6am): 132
Patrol Info (PATROL): 31	

3. CalFire Incidents

The recent fires demonstrate the ever-present danger of wildland and residential fires on Soda Canyon Road. Unfortunately, this type of fire was not unexpected by Soda Canyon property owners and residents, as Soda Canyon/Atlas Peak experiences a major wildfire every 20-40 years, and has since records have been kept beginning in the 1800s. In light of the recent fires, I do not need to go into details at how serious the fire danger is for all of Soda Canyon/Atlas Peak, but only point out that increased traffic at the SCR/ST Intersection will impede evacuation and/or rescue efforts when the next big fire occurs in some 20-30 years.

In the meantime, it is important to keep in mind that CalFire deals not only with fires, but also with medical and other emergency related incidents, of which there are a significant number. Many of the residents and property owners on Soda Canyon are growing older and are increasingly requiring emergency medical assistance, as evidenced in the CalFire summary. Be it a fire truck or ambulance that needs to rush up or down Soda Canyon Road, the addition of visitors to the Project could easily impede access by emergency services to house fires, wildfires, or elderly persons needing emergency care. For example, if an accident occurs at the Project's entrance, or at the SCR/ST Intersection, and blocks the roadway, all individuals above that line are trapped because of one-way in, one-way out design of Soda Canyon Road.

In terms of data, there is a significant number of incidents reported by CalFire. (See *CalFire Summary Report*, attached as Exhibit 6). A review of the brief summary below demonstrates that from January 2005 to December 2016, there have been **318 incidents reported by CalFire on Soda Canyon Road**. And similar to the CHP and Sheriff's reports, the majority (210 of 318) of all the CalFire incidents occurred during the daytime, which again is when the most wine-tasting and associated traffic with winery operations occurs.

Brief Summary of CalFire Incidents on Soda Canyon from Jan. 2005 to Dec. 2016

Total Number of Incident Calls/Responses: 318

Number of Calls/Incidents for Medical/EMS: 156

Number of Calls/Incidents for Residential Fires: 14

Number of Calls/Incidents for Wildland Fires: 19

Number of Calls/Incidents for Reported Fires/False Alarms/Smoke Checks: 62

Number of Calls/Incidents for Traffic Collisions: 22

Number of Calls/Incidents for Hazmat/Hazardous Condition: 23

Number of Calls/Incidents for PA/Other/No-Description: 22

Daytime Incidents (6am-6pm): 210

Nighttime Incidents (6pm-6am): 108

4. Analysis of Combined Agency Incidents/Accidents

To provide an even better picture of existing incidents and accidents that occur at the SCR/ST Intersection and on Soda Canyon Road, it is instructive to analyze the total number of incidents from each agency over the period of time during which the reports overlap, which is from January 2014 through December 2016. Such an analysis is important for the County to consider because it prevents the piecemeal analyses and conclusions that could be drawn from only looking at a single agency, for example the CHP, which has a relatively low number of incidents as compared to the Sheriff's Department. A summary of the total number of combined agency incidents is as follows:

Combined Agency Incidents January 2014 – December 2016: 639

Sheriff's Department:

Daytime Incidents (6am-6pm) 2014-Present: 360

Nighttime Incidents (6pm-6am) 2014-Present: 129

Total Sheriff's Department Incidents 2014-2016: 489

CHP:

Daytime Incidents (6am-6pm) 2014-Present: 31

Nighttime Incidents (6pm-6am) 2014-Present: 20

Total CHP Incidents 2014-2016: 51

CalFire:

Daytime Incidents (6am-6pm) 2014-Present: 63

Nighttime Incidents (6pm-6am) 2014-Present: 36

Total CalFire Incidents 2014-2016: 99

Grand Total Daytime Incidents 2014-2017 (All Agencies Combined): 454

Grand Total Daytime Incidents 2014-2017 (All Agencies Combined): 184

Grand Total Incidents 2014-2017 (All Agencies Combined): 639

In summary, over the course of just three years, from January 2014 to December 2016, there have been a **total of 639 reported incidents and accidents** on or near Soda Canyon Road. **That is an average of 213 reported incidents and accidents per year, 18 reported incidents per month, and 4 reported incidents per week on Soda Canyon Road over the three-year period.** Furthermore, the *vast majority of the incidents (454 of 639) took place during the daytime hours*, precisely when the Project will add thousands of drivers to the area. Moreover, during the three-year period, there have been **41 reports of drunk driving on Soda Canyon Road or on Silverado Trail at the intersection with Soda Canyon Road.**

C. Napa County Code Section 18.124.070(C) – Public Health, Safety, and Welfare

Under Napa County Code (NCC) section 18.124.070(C), the Planning Commission or Board of Supervisors “*shall make*” a written finding that “[t]he grant of the use permit, as conditioned will not adversely affect the public health, safety or welfare of the county.”

As indicated above, this Project, if standing on its own, would not appear to pose a serious threat to the public’s health, safety, and welfare. However, in light of all of the winery expansion and development in and around the intersection of Soda Canyon Road and Silverado Trail, this Project cannot be reviewed in a bubble. Instead, the County must step back and review the cumulative impacts of the existing and proposed winery projects on Soda Canyon Road and at the intersection of Soda Canyon Road and Silverado Trail in its determination of whether this Project will adversely affect the public health, safety or welfare.

As outlined above, if all of the proposed projects are approved, that will result in a **147% increase** in the number of annual winery visitors permitted to visit wineries at or near the SCR/ST Intersection, which does **not** account for the additional traffic from general winery operations (employees, business operations, etc.) from the proposed winery projects described above. (See Exhibit 1). Moreover, since 1999, there has already been an **88% traffic increase** (48,472 winery visitors and vineyard workers in 1999 to 78,994 in 2015) from winery visitation and vineyard workers solely from Soda Canyon wineries and vineyards at the intersection Soda Canyon Road and Silverado Trail, and, if all of the above wineries are approved in their proposed form, the total number of winery visitors and vineyard workers who must utilize the SCR/ST intersection to access the respective wineries or vineyards, will increase by **207%**. (See Exhibit 2). Again, these figures do **not** account for other types of traffic (residents, property owners, business operations, etc.), meaning that the 207% increase in traffic at the intersection is in reality much larger.

Combine these increased traffic figures with the existing accidents, incidents, and fires as reported by the Napa County Sheriff’s Office, the CHP, and CalFire on or near Soda Canyon Road, and there is a strong argument that the County’s granting of the Reynolds Family Winery use

permit without either limiting visitation and/or implementing more significant traffic mitigation measures will adversely affect the public health, safety or welfare of the county, and especially the residents and property owners of Soda Canyon Road.

D. Approval of Reynolds Family Winery May Expose the County to Liability

In California, state law imposes liability upon public entities for dangerous conditions of public property. If the County of Napa approves the Project in its current form, and without mitigation measures to address the existing traffic issues at the intersection of Soda Canyon Road and Silverado Trail, the County could be subjecting itself to multi-million dollar lawsuits in the event of any serious accidents or incidents at or near that intersection or on Soda Canyon Road itself that stem from the approval of this Project, or others, which together have adverse cumulative traffic impacts on the intersection and Soda Canyon Road. This, in turn, would then adversely impact the tax-paying citizens of Napa County, as they would ultimately foot the bill in one form or another for mistakes made by the County. As public servants, it is the duty of the County of Napa, and especially its Planning Commissioners and Supervisors, to render decisions that are in the best interests of the citizens of Napa, particularly when it comes to public safety.⁴ Without further traffic mitigation measures, approval of the Reynolds Family Winery expansion, its 16,586 annual visitors to an already dangerous intersection, would be contrary to the public welfare, morals, and best interests of not only Soda Canyon residents and property owners, but also citizens throughout Napa County.

Under California Government Code, section 835,

a public entity is liable for injury caused by a dangerous condition of its property if the plaintiff establishes that the property was in a dangerous condition at the time of the injury, that the injury was proximately caused by the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred, and that either: (a) [a] negligent or wrongful act or omission of an employee of the public entity within the scope his employment created the dangerous condition; or (b) [t]he public entity had actual or constructive notice of the dangerous condition under [s]ection 835.2 a sufficient time prior to the injury to have taken measures to protect against the dangerous condition.

As described above, the intersection of Soda Canyon Road and Silverado Trail has seen a dramatic increase in winery and vineyard worker traffic over the last 10 to 15 years. Importantly, for years now, residents and property owners on Soda Canyon have been notifying the County of the dangerous road conditions, numerous traffic accidents, and extreme wildfire danger, yet the County has dismissed all citizen concerns and taken no action other than putting up a few “No Parking” signs and fixing an occasional pothole. In fact, email correspondence dating back several years between various Soda Canyon property owners and several County officials, including

⁴See *BreakZone Billiards v. City of Torrance*, 81 Cal. App. 4th 1205, 1246, 97 Cal. Rptr. 2d 467, 499 (2000) (determining that “[i]n reaching a decision on an application for a CUP it is also appropriate for an agency to consider traffic, parking, safety, noise and nuisance problems; these clearly represent concerns that are well within the domain of the public interest and public welfare.”)

Alfredo Pedroza, Diane Dillon, Rick Marshall, and Bill Dodd, demonstrates their knowledge that Soda Canyon Road is and has been for years in a “deplorable condition” that is “well below” the required Pavement Condition Index (PCI) standard of 70.

In light of the recent fires, not to mention approval of the Mountain Peak Winery project, which will add some 44,275 annual trips to the road, along with this and several other pending winery projects that will significantly increase the amount of traffic at the intersection of Soda Canyon Road and Silverado Trail, it is truly baffling how the County appears ready and willing to continuously approve these projects when it is obvious that the County is aware of how “deplorable” Soda Canyon Road is, how much worse the SCR/ST intersection has become, that there are no near-term funds or plans to improve Soda Canyon Road (and likely the intersection of Soda Canyon and Silverado Trail), and how much worse both locations will become if the Project, along with all of the other proposed projects in the immediate area are approved without more meaningful mitigation measures to address worsening traffic issues.

As this Project pertains to Government Code section 835, the intersection of Soda Canyon Road and Silverado Trail represents a “dangerous condition” of property maintained by the County. Approval of the Project without drastic mitigation measures (e.g. a traffic light), will only exacerbate the dangerous condition because traffic, including the number of inebriated drivers, will unquestionably increase. This creates a foreseeable risk of injury to members of the public. In addition, this letter, along with all of the opposition letters filed in both the instant matter and the Mountain Peak Winery matter opposing the projects and notifying the County of the dangerous conditions of the road, is more than adequate to satisfy both actual and constructive notice of the dangerous condition as required by Government Code section 835.2. In combination, it is entirely foreseeable that if the County approves the Reynolds Family Winery project, and an accident, fire, or other incident resulting in serious bodily injury or death occurs on at the SCR/ST Intersection, and/or on Soda Canyon Road itself, as the result of a visitor, employee, vineyard worker, or truck driver going to or from Reynolds Family Winery, the County could be held liable for millions of dollars in damages for such injury or death.

Unfortunately, in the event of such a tragic event it is the very same citizens and taxpayers who are advocating against this project and the unbridled winery and event center expansion across the Napa Valley who would ultimately have to bear the cost of defending such a lawsuit precisely because the County is funded by taxpayer dollars. This scenario is maddeningly unjust, and I implore the County to consider these potentially devastating consequences while reviewing this application, so that proper mitigation measures can be put in place to alleviate the growing traffic and public safety concerns in and around the intersection of Soda Canyon Road and Silverado Trail stemming from the seemingly endless stream of new projects. To ignore these considerations would be contrary not only to California statutory authority and supporting caselaw, but also the very function of the County as a public office to protect the safety and welfare of its citizens.

E. Conclusion

As noted in the introduction, Reynolds Family Winery is the type of winery I would like to see prosper and succeed. However, in light of the existing traffic and safety issues at the SCR/ST

Intersection and on Soda Canyon Road, I simply cannot offer my full support until the County takes further action to mitigate the cumulative traffic impacts and threats to the public safety and welfare at the SCR/ST Intersection. Again, I would be willing (and in fact would very much like) to withdraw my opposition and instead support the Project if the County 1) significantly reduces the proposed increase in winery visitation, and/or 2) installs a traffic light at the SCR/ST Intersection to alleviate existing and future traffic problems.

Thank you for taking the time to review my letter and please do not hesitate to let me know of any questions or concerns.

Sincerely,
Anthony G. Arger, Esq.
Odyssey Vineyards
3030 Soda Canyon Road,
Napa, CA 94558

Winery Visitation from Current and Future Wineries on Soda Canyon Road & Intersection w/ Silverado Trail

Name	Status	County Approval Date	Has Cave	Cave Size (sf)	Production (Gallons)	Type of Tours, Tastings	Daily Visitation (Ppl/Day)	Daily Visitation (Ppl/Week)	Daily Visitation (Ppl/Year)	Marketing Visitation (Events/Year)	Marketing Visitation (Ppl/Year)	TOTAL Annual Visitation
Producing Wineries: ACCESSED BY SODA CANYON RD												
ANTICA NAPA VALLEY												
3700 Soda Canyon Road	PROD	1987	x	36,000	450,000	PVT	20	100	5,200	-	-	5,200
ASTRALE E TERRA/MEADOWROCK WINERY												
3148 Soda Canyon Road	PROD	1988		-	20,000	TST APPT	-	1	52	-	-	52
LA VALLETTE WINERY												
Soda Canyon Road	UNKNWN	1988		-	20,000	TST APPT	-	-	-	-	-	-
ROY ESTATE VINEYARDS												
1220 Soda Canyon Road	APVD	2002	x	6,500	12,000	APPT	10	40	2,080	12	630	2,710
THE CAVES AT SODA CANYON												
2275 Soda Canyon Road	PROD	2006	x	16,000	30,000	APPT	20	70	3,640	18	1,320	4,960
V-12 WINERY												
2001 Soda Canyon Road	APVD	2009	x	7,000	22,500	APPT	16	36	1,872	5	300	2,172
WHITE ROCK VINEYARDS												
1115 Loma Vista Drive	PROD	1987	x	6,000	20,000	TST APPT	2	10	520	-	-	520
RELIC WINERY												
(County Approved, but still Pending ABC Approval) 2400 Soda Canyon Road	APVD	2010	x	2,458	20,000	APPT	20	*	4,180	11	278	4,458
Total Existing Winery Visitors on/accessed by Soda Canyon Road											20,072	
Producing Wineries: ON SILV. TR. At Intersct. w/ SCR												
REYNOLDS FAMILY WINERY (Existing)												
3266 Silverado Trail	PROD	2000		-	20,000	APPT	10	70	3,640	3	100	3,740
BLACK STALLION WINERY												
4089 Silverado Trail	PROD	1985		-	100,000	PUB	50	350	18,200	-	-	18,200
Total Existing Winery Visitors on Silverado Trail at Intersection w/ Soda Canyon Road											21,940	
Recently Approved: ON SILV. TR. At Intersct. w/ SCR												
BEAU VIGNE WINERY												
4057 Silverado Trail	APVD	2016			14,000	APPT	10 to 15	85	4,420	14	360	4,780
SAM JASPER WINERY												
4059 Silverado Trail	APVD	2017			20,000	APPT	25	160	8,320	23	550	8,870
Recently Approved Winery Visitors on Silv. Tr. At Intersct. w/ SCR											13,650	
Recently Approved: ACCESSED BY SODA CANYON RD												
GRASSI FAMILY WINERY												
1044 Soda Canyon Road	APVD	2017			25,000	APPT	12	70	3,640	3	155	3,795
MOUNTAIN PEAK WINERY												
3265 Soda Canyon Road	APVD	2017	x	33,424	100,000	APPT	60	275	14,300	6	275	14,575
Recently Approved Winery Visitors on/accessed by Soda Canyon Road											18,370	
Pending Approval: ON SILV. TR. At Intersct. w/ SCR												
CORONA WINERY												
3165 Silverado Trail	PEND				100,000	APPT	48	336	17,472	80	2,428	16,988
REYNOLDS FAMILY WINERY (Expansion of Existing)												
3260 Silverado Trail	PEND				40,000	APPT	40	280	14,560	54	2,026	16,586
Total Pending Winery Visitors on Silverado Trail at Intersection w/ Soda Canyon Road											33,574	
Subtotal EXISTING WINERY VISITORS at/near Intersection of Silverado Tr. & Soda Canyon Rd.											42,012	
Subtotal RECENTLY APPROVED OR PROPOSED WINERY VISITORS at/near Intersection of Silverado Tr. & Soda Canyon Rd.											65,594	
GRAND TOTAL ANNUAL WINERY VISITORS at Intersection of Soda Canyon & Silverado Trail IF ALL PERMITS APPROVED											103,866	
Increase from Existing Traffic to Future Total if All Approved (as a percentage)											147%	

Key
 APVD: Approved Winery, **NOT** producing
 PEND: Winery pending approval
 PROD: Active winery
 UNKNWN: Status unknown, needs follow-up

Key
 APPT: By appointment only
 NO: No tours, no tasting
 PUB: Open to public, no appointment necessary
 PVT: Private
 TST APPT: Tasting by appointment only

Date: October 31, 2017
Data Compiled by: Amber Manfree, PhD
Source: Napa County Winery Database & Napa County Documents

Vineyard Worker & Winery Visitor Traffic on Soda Canyon Road & Silverado Trail

Soda Canyon Road Vineyard Worker Visit Calculations

Average Number of Vineyard Worker Visits to Farm 20 Acres of Vineyards on Soda Canyon Road Per Year	400
Average Number of Vineyard Worker Visits to Farm 1 Acre of Vineyard on Soda Canyon Road Per Year (400 workers/20 acres)	20

Year	No. Acres Existing		Total Worker Visits (20 worker visits x No. Acres)
1998	1,225		24,500
2010	1,956	(1,125 + 731 acres planted since 1998)	39,120
2015	2,072	(1,956 + 116 acres planted since 2010)	41,440

Accessed by Soda Canyon Road: Vineyard Workers

Year	Vineyard Worker Visits on SCR
1999	24,500
2015	41,440

Accessed by Soda Canyon Road: Winery Visitors

Year	Winery Visitors Permitted
1999	5,772
2015	15,614
Recently Approved Visitors: Grassi, MPW, & Relic	
	22,828
Total Future/Pending (Existing + Relic, MPW, Grassi Proposed)	
	38,442

Accessed by Silverado Trail at Intersection with Soda Canyon Road: Winery Visitors

Year	Winery Visitors Permitted
1999	18,200
2015	21,940
Approved/Proposed Visitors: Beau Vigne, Reynolds, Corona, Grassi, Sam Jasper	
	47,224
Total Future/Pending (Existing + Approved/Proposed Visitors)	
	69,164

Combined Vineyard Worker & Winery Visitors at Intersection of Silverado Trail & Soda Canyon Road

Year	Vineyard Worker Traffic & Winery Visitors
1999	48,472
2015	78,994
Existing Vnyd Workers + Existing Winery Visitors + ALL Proposed Winery Visitors	
	149,046
Increase from 1999 Traffic to 2015 (as a percentage)	
	63%
Increase from 2015 Traffic to Future Total if All Approved (as a percentage)	
	89%
Increase from 1999 Traffic to Future Total if All Approved (as a percentage)	
	207%

Date: October 31, 2017

Acreage & Winery Visitors Compiled by: Amber Manfree, PhD

Worker Visits/Acre/Year Compiled by: Anthony Arger, JD, MBA

(Sources: Napa County Winery Database, Napa County Documents, Aerial Photos, & Soda Canyon Road Vineyard Financials)

Soda Creek Vineyards
4054 Silverado Trail
Napa, CA 94558
www.sodacreekvinenyrads.com

Yeoryios C. Apallas
Nancy K. Apallas
Proprietors

October 30, 2017

Wyntress Balcher, Planner
Napa County Planning Commission
Building and Environmental Services Department
1195 Third Street, Suite 210
Napa, CA 94559

Re: Reynolds Family Winery Use Permit Modification P14-00334

Dear Ms. Balcher:

We live about 1500 feet due north from the Reynolds Family Winery and are writing to oppose the proposed project as currently submitted. The project's request for a use permit to expand its production from its current 20,000 gallons to 40,000 gallons on a 13.45-acre parcel and to increase its marketing events from its current 3 to 54 events per year is not only unsustainable but ceases to be a winery and becomes an event center, plain and simple. The applicant's flagrant violations of its current use permit should be sanctioned not rewarded by a grant of increased visitations and larger wine production to the detriment of the Napa community.

A. This is Not a Winery but an Event Center with High Traffic Generation.

You may know that already there is a winery, a home, and various accessory buildings and a pond on the site, which reduce the vineyard to approximately 6.6 acres of plantable (or planted) grapes. At a generous production of 4 tons to the acre, it will produce 26.4 tons total or 3960 gallons¹. The requested new volume of 40,000 gallons is 10 times the amount of grapes being harvested on the property. If the additional volume is allowed, obviously it will have to be trucked in on an already busy, crowded and dangerous Silverado Trail near the intersection of the storied Soda Canyon Road. You may know that at times, the intersection of Soda Canyon Road and the Silverado Trail, is experiencing a Level F traffic factor. (*See, Traffic Study—Exhibit I to the PC Packet.*) With the already approved wineries at or around this intersection, traffic will be substantially exacerbated and make the intersection more dangerous than it already is. Thus, you should consider the cumulative impacts of this major expansion of a winery on such a small footprint and in conducting such, you should disregard wineries that have already been approved from the base analysis. The reasons for this are obvious. If you include such wineries in the

¹ The conversion factor is 150 gallons of wine to one ton of grapes

analysis, the impact this project will have will be diminished or significantly discounted and thus, you will reach a result which, *ipso facto*, militates in favor of a negative declaration and against the preparation of an EIR, focused or otherwise.

The hospitality events are also incredibly disproportionate to the parcel size. An increase from few events to 54 events per year or an 18-fold increase establishes beyond peradventure the pedigree of this project. **It is an event center and not a winery.** Indeed, the ineluctable conclusion that this is an event center is fortified by two facts: (1) the serving of so called “light fare foods”, etc. at all of its wine tasting events to some 2,026 visitors; and (2) increasing its daily visitations from 10 per day to 40 per day or a total of 14,600. This represents a 400% increase. Remarkable! This number of visitors to an already congested traffic area will compound problems with circulation. And notably, the corner of Soda Canyon Road and Silverado Trail is a high-volume area because of the substantial commercial/retail activity at the Soda Canyon Road. These cumulative traffic impacts must be considered in a full blown CEQA analysis. Additional planned wineries within a quarter mile of the intersection of Soda Canyon Road and the Silverado Trail (see, Map attached) will only worsen the traffic conditions at that intersection. The Corona Winery which has not yet been built but approved will add an additional 16,988 trips per year. Sam Jasper Winery at 4059 Silverado Trail will add another 8,870 tourist vehicle trips. The Beau Vigne at 4057 Silverado Trail will contribute 5,820 trips per year (see, Attachment No. 9). The Grassi Winery at 1060 Soda Canyon Road will increase traffic by 3,795 trips per year. And finally, the Reynolds Winery at 3266 Silverado Trail will add more than 15,600 vehicle trips a year. If all these wineries come on line in the next few years as planned, including Mountain Peak Winery, the total additional yearly vehicle trips will exceed 111,149 or an increase of 120%. Clearly then, these cumulative vehicular trips far exceed the “less than significant” marker of the initial study and a full blown (or at the very least a focused) EIR should be prepared as required under CEQA.

B. The Current County Water Analysis Does Not Justify the Grant of the Use Permit Absent an Environmental Impact Report.

Significant water availability issues abound in the area and the expansion of the Reynolds winey will only exacerbate the water availability for existing uses. The water analysis cannot withstand rigorous analysis. The Bartlett Engineering work is riddled with false assumptions and erroneous data and ought not to be relied upon by the county in analyzing whether to grant this project a use permit. It is suggested by the staff report at page 16 of 25 that the water demand will decrease. This is materially incorrect.

On December 7, 2015, Mr. Steven E. Lederer, Director of Public Works prepared a memorandum (Memorandum) addressed to Mr. David Morrison, Director of Planning, Building & Environmental Services (copy attached) which referenced the changes in water availability around the Reynolds Winery. Mr. Lederer stated the following:

“The 2014 Annual Report notes that in this area [Petra Drive is less than half a mile from the Reynolds Winery] there has been “a 10 to 30-foot decline in [seasonal groundwater elevations] over the last 15 years”

The report goes on to state that “[i]n continuing to monitor this area, [Mr. Lederer] learned that 12 of the approximately 30 homes on Petra Drive have applied for new well permits in the past 10 years” He goes on to state that “[t]his is an older subdivision, which may account for this issue, at least in part... [Mr. Lederer notes that he has] not yet reviewed each individual permit to determine the cause of each well replacement, but **initially this does seem to be an inordinately high ratio of well replacement to parcels.**” [Emphasis added]

Clearly, there is a substantial issue regarding water availability in this area as noted in Mr. Lederer’s Memorandum. The Memorandum presents material expert evidence that this project will have a significant environmental effect on water availability around less than half a mile from the Reynolds Winery Project (or a reasonable possibility of such) and therefore an environmental impact report must be prepared. *Guidelines, § 15063, subd. (b) (2); El Dorado County Taxpayers for Quality Growth v. County of El Dorado* (2004) 122 Cal. App. 4th 1591, 1596. The county’s jejune suggestion in its Initial Study (Initial Study- “D”--top of page 16) that the water consumption will be reduced elides the fact that wine production capacity will double, visitations will quadruple, and special events will increase from their current 2 to a staggering 54. And not to put too fine a point on this bankrupt analysis, but the alleged reduction after the above increased activities go into effect will be a mere .02 hundred of an acre foot, or maybe a thimble-full or two.

C. The County Should Deny the Requested “After the Fact” Approvals of Use Permit Violations by Reynolds Winery

Reynolds Winery has been a consistent violator of its “tourist visitation” and “production volume” use permit since at least 2012 and now seeks to remedy these blatant violations without penalty. Chutzpah!

In the 2012 Wine Audit of Reynolds, the Planning Department found that Reynolds was not in compliance with the allowable production and visitation levels. To determine the term and level of the violations the county, by letter dated January 17, 2014, requested that Reynolds provide production and visitation numbers for an additional two years—2010 and 2011. Reynolds did not comply with this request and consequently a second letter was sent by the county on April 15, 2012. Ultimately the information was provided and in a memorandum dated October 15, 2015 by Linda St. Claire, Planner III, to Wyntress Balcher and David Morrison, she sets out the production figures for each of years 2010 (19,308 gallons), 2011 (20,466 gallons) and 2012 (30,916 gallons—a 50% increase). No additional gallonage was reported.²

² The Reynolds Winery, at the time of the 2011 and 2012 violations was permitted, (and as of the time of this writing), is only a production of 20,000 gallons. Although no production figures have been publicly supplied, it is reasonable to assume that Reynolds continues to be in violation of its permitted gallonage production. Of course, Reynolds can disabuse the writer and the county of this notion by voluntarily providing the actual gallonage figures under a confidentiality agreement. We doubt that these production figures and visitation numbers will be soon provided.

In the same audit it was determined that the number of visitors ranged from 41 to 384. Recall that under Use Permit No. 99386-UP, Reynolds was allowed 10 visitors per day and by appointment only.³

Given the track record of the Reynolds Winery use permit violations there is nothing punitive about the County simply requiring a property owner, such as Reynolds, to comply with the law or preventing those who violate the law from unjustly enriching themselves at the public's expense. Nor is there a valid claim that doing so would deprive Reynolds of equal protection under the law. This is particularly so given the seriousness of Reynold's violations, which are neither isolated incidents nor minor mistakes. It is appropriate therefore that the county deny any request to authorize the requested expansion of the visitation and gallonage numbers for a period equal to the number of years that Reynolds has used its winery illegally and contrary to its existing use permit⁴.

These positions are not novel to the Reynolds Winery. They were ably argued by Beckstoffer Vineyards in a letter dated December 16, 2015 addressed to the members of the Planning Commission and the Board of Supervisors. The letter went on to forcefully assert "Taking enforcement action against [named winery], however is not enough. The Napa County Grand Jury, leading voices in the County's agricultural community, and the Board's own Agricultural Protection Advisory Committee ("APAC") have posed similar questions as our client and come to the same conclusion: The County's failure to enforce its existing laws is encouraging some property owners to take the law into their own hands and determine which County rules to comply with, and which to ignore.

...

"As Justice Frankfurter long ago explained in an analogous context, "[i]f one man can be allowed to determine for himself what is law, every man can. That [leads to] chaos..." *United States v. United Mine Workers*, 330 U.S. 258, 312 (1947) If lawbreakers receive the same treatment for their unpermitted activities as do winery owners who seek all required permits before undertaking those activities, what incentive do property owners have comply with the County's permitting process? Why does the County have a Code if it is not willing to enforce its requirements?" [All very valid questions.]

"Taking effective enforcement action against [Reynolds] is legal, proper, and fair, and it will send a clear message to [Reynolds and other similarly situated parties that they must comply with the County's laws. Now is the time to put a stop to [this] behavior. Failure to do so will only lead to

³ Recall the corrective action taken by this very Commission in connection with the Caves matter during which the writer invoked the "Chutzpa principle".

As with its production numbers, Reynolds was wildly in violation of its visitation numbers. No figures were provided by Reynolds for the years 2013 and following.

⁴ The county clearly has the legal authority to take corrective action against Reynolds. It also (the county) has not only the authority but indeed the obligation to do so, not only as a matter of fundamental fairness and equal treatment of the wine industry, but also as a matter of sound public policy and basic good government.

more of the chaos predicted by Justice Frankfurter, more violations by businesses that seek an advantage from ignoring the law, and more vices calling for the County to enforce its laws.”

(Emphasis added). *See, Letter dated December 16, 2015 from Shute, Mihaly & Weinberger, LLP to Members of the Board of Supervisors and Planning Commission.*⁵

The county’s continued willingness to issue Papal absolution *ab initio* through the issuance of “after the fact” permits has spawned excessive and intractable noncompliance by various wineries big and small throughout the county. Instead of routinely issuing after-the-fact permits, it is time for the county to commence strict enforcement of existing permits. If after appropriate enforcement citations have been issued and corrective action mandated, a winery continues to flagrantly violate its existing permit, the county should impose significant fines as permitted by law for each day that the violation exists, and simultaneously commence the revocation process. Simply put, there is no other effective alternative to compliance. Papal absolution *ab initio* is counterproductive and not effective. Its use will only commence another permit violation cycle.

D. Conclusion

For all the above reasons, I respectfully request that the use permit modification of Reynolds Winery be denied and that the matter be referred to County Counsel or the Napa County District Attorney for enforcement action regarding the blatant and persistent winery use permit violations.

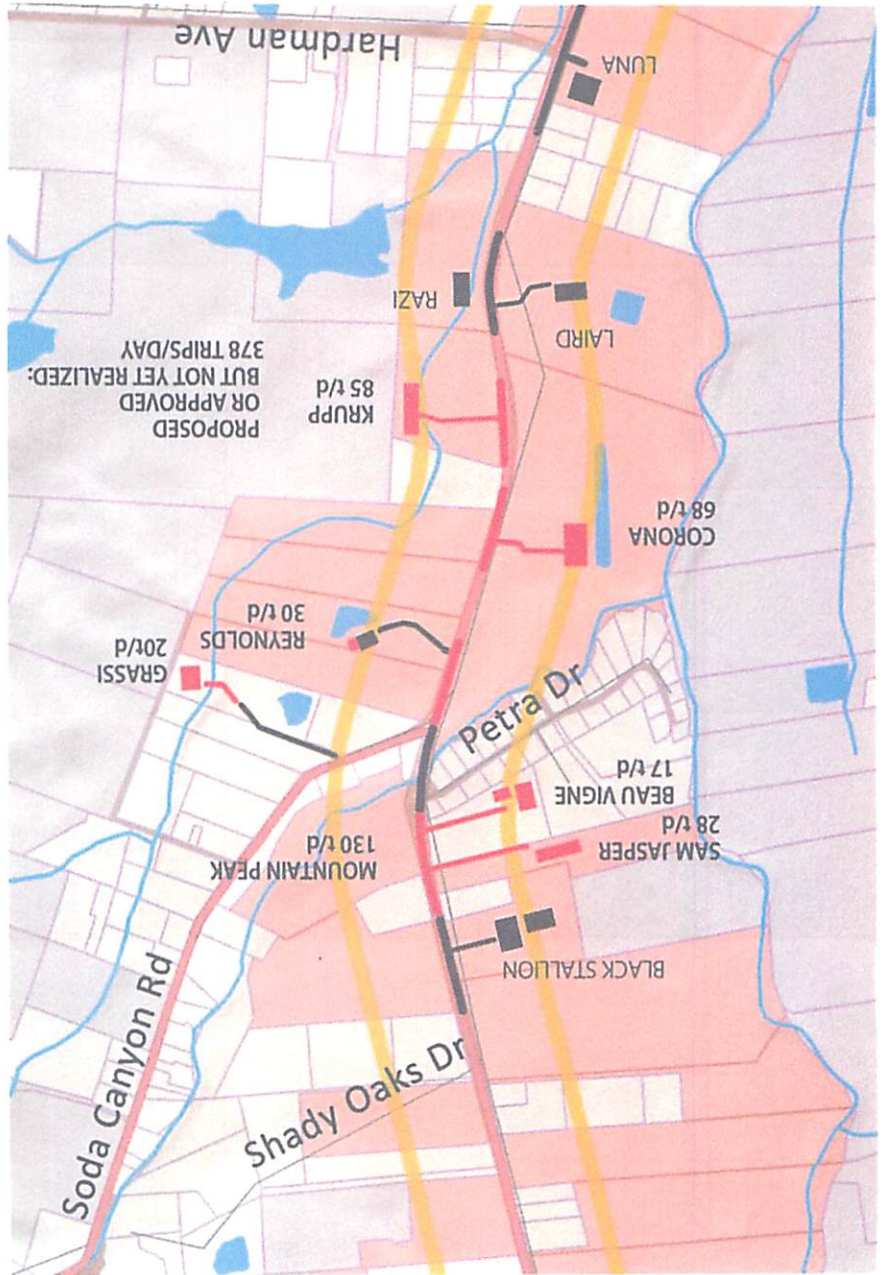
Respectfully submitted,



Yeoryios C. Apallas
yeoryios@sodacreekvineyards.com

Attachments—3

⁵NB: Please note that the wording appearing within the brackets [] are this letter’s author.





A Tradition of Stewardship
A Commitment to Service

Department of Public Works

1195 Third Street, Suite 101
Napa, CA 94559-3092
www.countyofnapa.org/publicworks

Main: (707) 253-4351
Fax: (707) 253-4627

Steven E. Lederer
Director

December 7, 2015

From: Steven E. Lederer, Director of Public Works

A handwritten signature in black ink, appearing to be "S. Lederer", written over the "From:" line.

To: David Morrison, Director, Planning, Building, & Environmental Services

Subject: Groundwater Concerns in the Northeastern corner of the Napa Subarea

As Public Works is beginning to receive and analyze groundwater monitoring data for calendar year 2015, I took this opportunity to review the County's most recently published groundwater monitoring report. In March of 2015 County staff presented the *Napa County Comprehensive Groundwater Monitoring Program 2014 Annual report and CASGEM Update (2014 Annual Report)* to the Board of Supervisors. The 2014 Annual Report presents a generally stable picture of groundwater sustainability on the valley floor. However, it did identify one area of potential concern, the Northeastern corner of the Napa Subarea. For ease of reference Page 36 of the 2014 Annual Report is excerpted and attached (Attachment 1). A map of the approximate area of concern is also included (Attachment 2). Of particular note is that this area of concern is adjacent to the Milliken, Sarco, Tulocay (MST) designated groundwater deficient area.

The 2014 Annual Report notes that in this area there has been "a 10 to 30 foot decline in [seasonal groundwater elevations] over the past 15 years." The Report further discusses the possibility that this area may be hydraulically connected to the MST. There are two wells that have been monitored by the County in this area for several decades, both of which show a history of groundwater level decline during the early 2000s until about 2009. Since that time, spring and fall groundwater levels have fluctuated seasonally, but the overall trend appears to have stabilized. One of these wells is no longer available for monitoring. However, the other well, also located northwest of the MST and east of the Napa River, continues to be monitored. The 2015 spring and fall groundwater level data continue to exhibit a more stable trend, though the overall concern remains. At the time the 2014 Annual Report was issued, the recommendation was simply to continue to monitor the area.

In continuing to monitor this area, I learned that 12 of the approximately 30 homes on Petra Drive have applied for new well permits in the past 10 years (Attachment 3). This is an older subdivision, which may account for this issue, at least in part. I have not yet reviewed each individual permit to determine the cause of each well replacement, but initially this does seem to be an inordinately high ratio of well replacement to parcels.



Department of Public Works
1100 North Main Street
Tucson, Arizona 85724

December 1, 2011

From: Steven L. Ledwith, Director of Public Works

To: Director, Planning, Building & Environmental Services

Subject: Groundwater Monitoring in the Northeastern Corner of the Napa Subarea

Department of Public Works

1100 North Main Street, Suite 1001
Tucson, AZ 85724
www.tucson.gov

Main Office: (520) 795-1111
Fax: (520) 795-1111

Steven L. Ledwith
Director

The 2011 Annual Report notes that in the area there has been a 10 to 30 foot decline in [seasonal] ground water levels over the past 15 years. The Report further discusses the possibility that this may be attributable to the MST. The two wells that have been monitored by the County in this area for several years show a history of groundwater level decline during the early 2000s until about 2009. Since that time spring and fall groundwater levels have fluctuated seasonally, but the overall trend appears to have declined. One of these wells is no longer suitable for monitoring, however, the other well is located adjacent to the MST and east of the Napa Subarea. The 2011 spring and fall groundwater levels in this well are comparable to the other well, though the overall trend remains. At the time the 2011 Annual Report was prepared, the recommendation was simply to continue to monitor the area.

The 2011 Annual Report notes that in the area there has been a 10 to 30 foot decline in [seasonal] ground water levels over the past 15 years. The Report further discusses the possibility that this may be attributable to the MST. The two wells that have been monitored by the County in this area for several years show a history of groundwater level decline during the early 2000s until about 2009. Since that time spring and fall groundwater levels have fluctuated seasonally, but the overall trend appears to have declined. One of these wells is no longer suitable for monitoring, however, the other well is located adjacent to the MST and east of the Napa Subarea. The 2011 spring and fall groundwater levels in this well are comparable to the other well, though the overall trend remains. At the time the 2011 Annual Report was prepared, the recommendation was simply to continue to monitor the area.

In continuing to monitor this area, it is recommended that the approximately 30 homes on Petra Drive have installed new well casing in the past 10 years (Attachment B). This is an older subdivision, which may suggest that the wells in Petra Drive are not well cased and each individual permit is required for the casing. Each well installation, but initially the casing, should be an individually high rate of well replacement to

The purpose of this memorandum is therefore to notify Planning, Building, and Environmental Services (PBES) of an ongoing level of concern regarding this specific area. Public Works will proceed with the following actions:

1. Further investigate the current wells on Petra Drive (to the extent that property owners will allow);
 - a. Analyze the 12 replacement wells and determine causes for replacement;
 - b. Provide well construction data to the County's consultant, LSCE; and
 - c. Determine if any wells are available and appropriate to be included in the County's groundwater monitoring program.
2. During the presentation of the 2015 Annual Report (expected in March, 2016), request Board direction (and funding) to conduct additional studies in this area to better understand groundwater conditions and to determine if this area is in fact an extension of the MST and controls similar to those implemented in the MST are warranted.

We will keep PBES, the Board, and the public apprised as additional data become available. In the meantime, it is my understanding that PBES is in receipt of several pending discretionary applications in this area. It is my recommendation that such applications be treated with an abundance of caution and be given the appropriate level of scrutiny. PBES is also requested to keep Public Works apprised of any groundwater information that is obtained in this area during the course of processing of those (or other) permits.

Attachments:

- (1) Pg 36 of the *Napa County Comprehensive Groundwater Monitoring Program 2014 Annual report and CASGEM Update*
- (2) Map of Northeast corner of Napa Subarea, Area of Concern
- (3) Petra Drive Parcel Map with Well Replacement Information

CC: Laura Anderson, Deputy County Counsel
Board of Supervisors
Planning Commission
Vicki Kretsinger, Luhdorff & Scalmanini Consulting Engineers

The purpose of this memorandum is to provide to County Planning, Building, and Environmental Services (PBES) an ongoing level of contact regarding this specific area. Public Works will proceed with the following actions:

1. Conduct a field visit to the contact wells on Petra Blvd to the extent that property owners will allow.
 - a. Apply the 3 replacement wells and determine causes for displacement.
 - b. Provide well construction data to the County's consultant, ESCI, and determine if any wells are available and appropriate to be included in the County's Groundwater Monitoring Program.
 - c. Review the information of the 2012 Annual Report (expected in March, 2013), report board members (and staff) to conduct additional studies in this area to better understand groundwater conditions and to determine if this area is in fact an extension of the MST and controls similar to those implemented in the MST area watershed.

We will keep PBES, the Board, and the public apprised as additional data become available. In the meantime, it is recommended that PBES is in receipt of several pending discretionary applications in this area. It is recommended that such applications be treated with an abundance of caution and be given an appropriate level of scrutiny. PBES is also requested to keep Public Works apprised of any groundwater information that is needed in this area during the course of processing of those (or other) permits.

Attachments

- (1) Pg 35 of the 2012 Comprehensive Groundwater Monitoring Program 2011 Annual Report and
Cover Sheet
- (2) Map showing west corner of Napa Tubular Area of Concern
- (3) Petra (Town) Water Well Replacement Information

CC: Laura Anderson, Deputy County Counsel
Board of Supervisors
Planning Commission
Nick Kratzenberg, Inhoff & Scamman Consulting Engineers

the north. Seasonal fluctuations vary by proximity to the center of the valley. Along the western and eastern edges of the subarea, levels are more subject to larger seasonal fluctuations. Groundwater elevations in the center of the valley fluctuate seasonally approximately 10 to 25 feet, and near the edge of the valley fluctuate approximately 25 to 35 feet.

In the Napa Subarea, depth to water ranges from about 20 to 50 feet below ground surface during the spring. Seasonal groundwater elevations in this subarea generally fluctuate from 10 to 40 feet. Long-term trends have been generally stable with the exception of the northeastern area at well NapaCounty-75 where there has been a 10 to 30 foot decline over the past 15 years. This well is located east of the Napa River and adjacent to the MST Subarea. It appears that the decline in water levels at this well may indicate that the cone of depression in the MST Subarea is expanding westward.

Well NapaCounty-75 is located just east of the Napa River and west of Soda Creek fault (i.e., the well that shows a Spring 2014 groundwater elevation of -11.9 ft, msl) is constructed to a depth of 205 feet and is completed in the Sonoma Volcanics formation. The Sonoma Volcanics formation is also present in the MST Subarea to the east, where previous monitoring has shown several pumping depressions (LSCE, 2011a). The two nearest monitoring wells located west of the Napa River in the northeastern Napa Subarea constructed to depths of 120 feet or less and are completed in the alluvium. These wells have shown stable groundwater level trends. The monitoring well in the alluvium that is closest to the well constructed in the Sonoma Volcanics has shown stable water levels since the 1960s. It appears that the extent of the pumping depression beyond the MST subarea may be limited to the northeastern Napa Subarea east of the Napa River.

In the southwestern part of the Yountville Subarea and at the Napa Valley margin, groundwater levels in well NapaCounty-135 have also declined since the first measurements were recorded in the late 1970s and early 1980s. Groundwater levels appeared to begin stabilizing in the mid-2000s, then were affected more recently by drier years. As with well NapaCounty-132 in the southeastern St. Helena Subarea, the declining groundwater levels observed in this well indicate multiple potential causes. At well NapaCounty-135, the spring to fall groundwater level changes have been larger in magnitude in more recent years, ranging from approximately 30 feet to 50 feet in many years since 2000. Prior spring to fall groundwater level fluctuations in this well were generally 10 feet to 20 feet. This pattern could indicate an increase in the rate of groundwater pumping, either by NapaCounty-135 or other wells in the vicinity. However, even as the spring to fall groundwater level fluctuations have increased in recent years, groundwater levels have fully recovered in many years. The exceptions appear to coincide with single and multiple dry years, such as 2001, 2007 and 2013 to 2014.

5.1.3 Napa Valley Floor – Milliken-Sarco-Tulucay (MST) Subarea

Although designated as groundwater subarea for local planning purposes, the MST is not part of a groundwater basin as mapped by DWR. In the MST, the aquifer system is composed primarily of the Sonoma Volcanics and associated sedimentary deposits. These aquifer materials have different hydraulic properties than the Napa Valley alluvial deposits and the level of communication and connectivity between the two areas is limited. Groundwater levels used for contour mapping in the MST Subarea generally represent conditions of a composite aquifer system as previously described by Farrar and Metzger (2003).

Historically, groundwater flow directions in the MST Subarea were generally from the Howell Mountains in the east toward the Napa River to the west. Beginning in the 1970s, investigators have identified pumping depressions in the northern, central and southern parts of the MST (Johnson 1975, Farrar and Metzger 2003). The current coverage of wells does not extend to the former location of the central (and

The data from the monitoring wells vary by proximity to the center of the valley. Along the western side of the valley, the water table elevations are generally higher than those in the center of the valley. The water table elevations are generally higher than those in the center of the valley. The water table elevations are generally higher than those in the center of the valley.

In the area of the well, the water table elevations are generally higher than those in the center of the valley. The water table elevations are generally higher than those in the center of the valley. The water table elevations are generally higher than those in the center of the valley.

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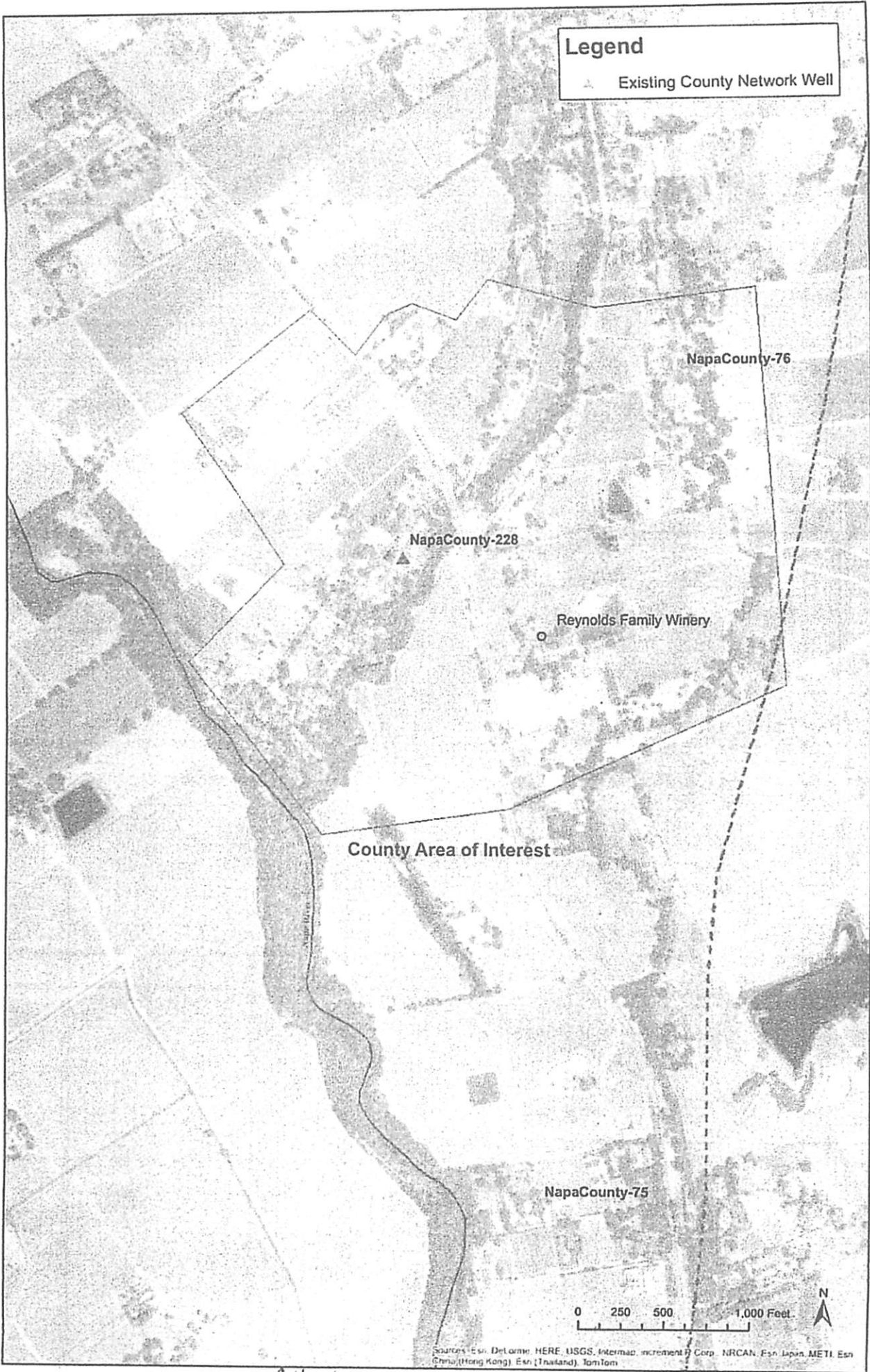
The water table elevations are generally higher than those in the center of the valley. The water table elevations are generally higher than those in the center of the valley. The water table elevations are generally higher than those in the center of the valley.

Water Table Elevation - Milliken-Summit (MST) Subarea

The water table elevations are generally higher than those in the center of the valley. The water table elevations are generally higher than those in the center of the valley. The water table elevations are generally higher than those in the center of the valley.

The water table elevations are generally higher than those in the center of the valley. The water table elevations are generally higher than those in the center of the valley. The water table elevations are generally higher than those in the center of the valley.

Handwritten signature or initials

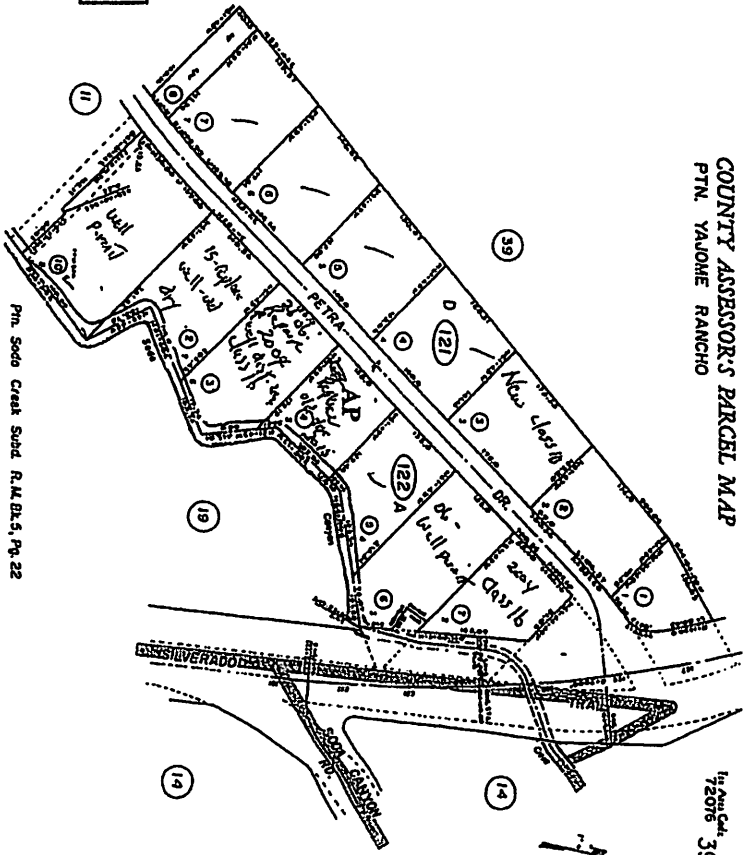


Attachment 2

11

COUNTY ASSESSOR'S PARCEL MAP
PTN. YALOHE RANCHO

1/2 Acre Cell.
72076 39-12



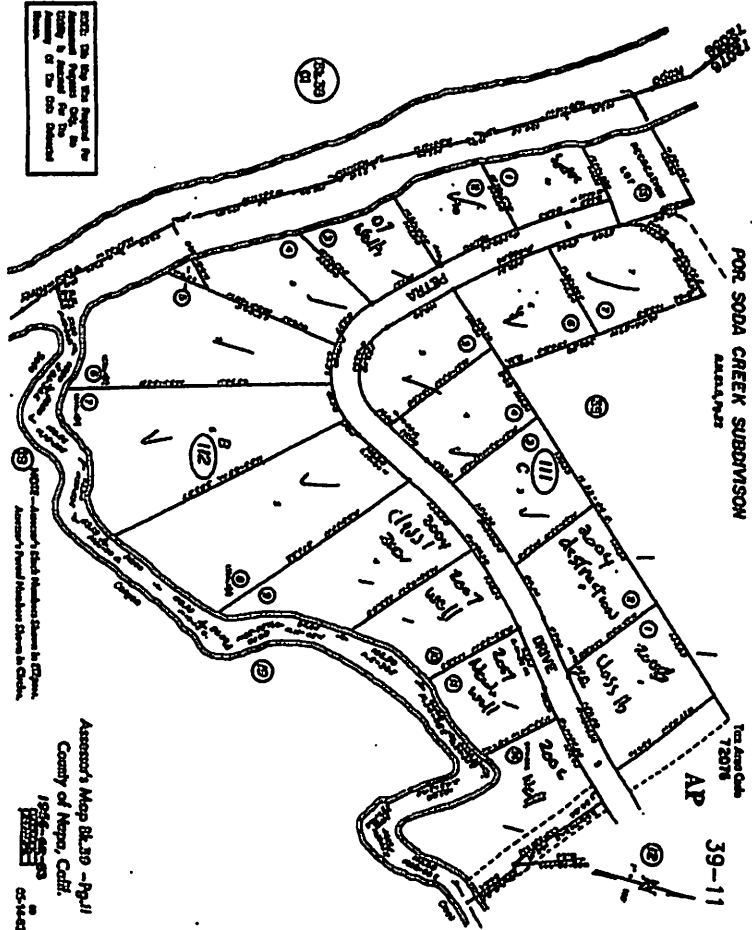
P.M. SODA CREEK ROAD R.L.M. Bk. 5, Pg. 22

39-12
02-03-02

NOTICE: This Map was prepared for
 the purpose of showing the location
 of the parcels shown on this map
 and is not to be used for any other
 purpose.

Approved: 1971

Attachment 3



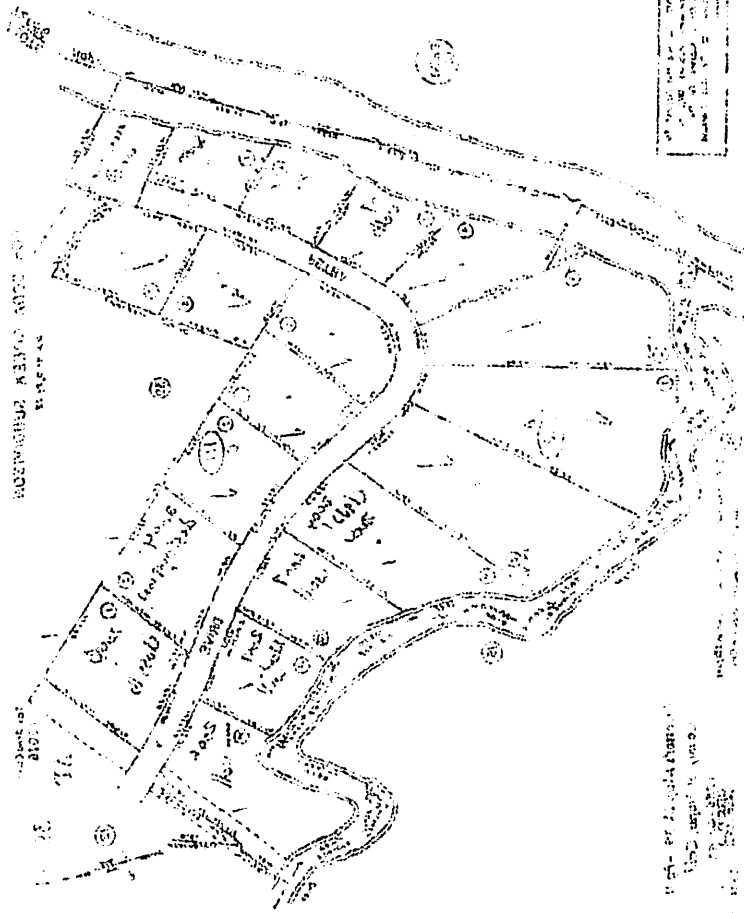
1. The area shown on this map is the same as shown on the map of the City of Nevada, County of Nevada, dated 1998-08-23, and is subject to the provisions of the City Ordinance No. 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200.

1998-08-23 Assessor's Parcel Numbers Shown in Green. Assessor's Parcel Numbers Shown in Yellow.

Assessor's Map No. 39-11-15
 County of Nevada, Calif.
 1998-08-23
 05-18-03

39-11-15
 614
 613

(Handwritten initials or mark)



100-100
 100-100
 100-100