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Planning, Building & Environmental Services

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David Morrison
Director

MEMORANDUM

To: Planning Commission	From: Emily Hedge, Planner III
Date: November 19, 2019	Re: P18-00431 Fontanella Winery Revised Recommended Conditions of Approval

The applicant has requested a change to the water use limit imposed by Conditions of Approval #4.20 and #6.15. The applicant is requesting that the water use limit be modified to be consistent with the groundwater recharge estimate calculated in the Water Availability Analysis (WAA). The July 8, 2019, WAA Addendum calculated an Average Water Year recharge potential of 7.7 acre-feet per year and a Dry Water Year recharge potential of 3.1 acre-feet per year (Addendum Table A3). The current quantity in the Conditions limits the water use to 2.7 acre-feet per year, based on the estimate of water use that would result from approval of the project. Utilizing the Dry Water Year recharge estimate would allow for some variability in water use quantity, while remaining at or below the estimated recharge. Staff has reviewed the request and determined that changing the limit to 3.1 acre-feet per year, does not affect the environmental analysis prepared for the project, nor does it change the findings that were made. A track-change version of Conditions of Approval #4.20 and #6.15 is attached.

**PLANNING COMMISSION HEARING – NOVEMBER 20, 2019
REVISED RECOMMENDED CONDITIONS OF APPROVAL**

**Fontanella Winery Major Modification
Application Number P18-00431-MOD
1721 Partrick Road, Napa, California
APN# 050-010-018**

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

- a. The parcel shall be limited to ~~2.72~~ 3.1 acre-feet of groundwater per year for all water consuming activities on the parcel. A Groundwater Demand Management Program shall be developed and implemented for the property as outlined in COA 6.15(a) below.

In the event that changed circumstances or significant new information provide substantial evidence¹ that the groundwater system referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

a. Groundwater Demand Management Program

1. The permittee shall install a meter on each well serving the parcel. Each meter shall be placed in a location that will allow for the measurement of all groundwater used on the project parcel. Prior to the issuance of a grading or building permit for the winery or expanding any operations as approved under this modification, the permittee shall submit for review and approval by the Director of Public Works a groundwater demand management plan which includes a plan for the location and the configuration of the installation of a meter on all wells serving the parcel.
2. The Plan shall identify how best available technology and best management water conservation practices will be applied throughout the parcel.
3. The Plan shall identify how best management water conservation practices will be applied where possible in the structures on site. This includes but is not limited to the installation of low flow fixtures and appliances.
4. As a groundwater consuming activity already exists on the property, meter installation and monitoring shall begin immediately and the first monitoring report is due to the county within 120 days of approval of this modification.
5. For the first twelve months of operation under the Use Permit, the applicant shall read the meters at the beginning of each month and provide the data to the Public Works Director monthly. If the water usage on the property exceeds, or is on track to

¹ Substantial evidence is defined by case law as evidence that is of ponderable legal significance, reasonable in nature, credible and of solid value. The following constitute substantial evidence: facts, reasonable assumptions predicated on facts; and expert opinions supported by facts. Argument, speculation, unsubstantiated opinion or narrative, or clearly inaccurate or erroneous information do not constitute substantial evidence.

exceed, ~~2.72~~ 3.1 acre-feet per year, or if the permittee fails to report, additional reviews and analysis and/or a corrective action program at the permittee's expense shall be required and shall be submitted to the Public Works Director and the PBES Director for review and action.

6. The permittee's wells shall be included in the Napa County Groundwater Monitoring program if the County finds the well suitable.
7. At the completion of the reporting period per 6.15(a)(5) above, and so long as the water usage is within the acre-feet per year as specified above, the permittee may begin the following meter reading schedule:
 - i. On or near the first day of each month the permittee shall read the water meter, and provide the data to the Public Works Director during the first weeks of April and October. The Public Works Director, or his designated representative, has the right to access and verify the operation and readings of the meters during regular business hours.