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Appellant

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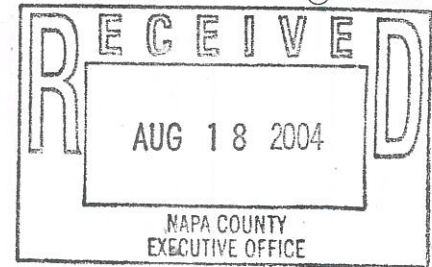
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Napa County Board of Supervisors  
Napa County Clerk of the Board's Office  
1195 Third Street, Room 310  
Napa, CA 94559



Re: Harrison Vineyards Winery  
Dan Wojtkowiak Appeal of Planning Commission Approval of Harrison Vineyards  
Winery Use Permit Modification Request-03383-MOD  
CEQA Status: Mitigated Negative Declaration Prepared

Dear Members of the Board:

I represent applicant Harrison Vineyards ("Harrison") in connection with the pending appeal by Dan Wojtkowiak ("Appellant") to the Board of Supervisors of the Napa County Conservation, Development and Planning Commission's June 2, 2004 approval (the "Approval") of Harrison's use permit modification application (the "Application"). The Approval authorized (1) an increase in production capacity from 7,200 to 15,000 gallons per year, (2) conversion of an existing 2,877 square foot olive oil facility to winery storage and office space (and relinquishment of olive oil production), (3) public tours and tasting by appointment with 30 persons per week, (4) a marketing plan with a maximum of 40 persons per event and two wine auction events with a maximum of 40 persons per event, (5) addition of retail wine sales, (6) six additional parking spaces for a total of 10 spaces; and (7) related road improvements to Highway 128.

Appellant challenges the Approval solely on the ground that the Phase One Water Study is flawed, but **not** because its calculations of the water usage demands for the Harrison project are inaccurate. Rather, Appellant "believes" that the water sources that supply those uses on the Harrison property supposedly are inadequate and claims that such asserted water supply problem should have impacted the Planning Commission's analysis of the Harrison project's water **demands**. Appellant has presented no credible evidence to controvert the Planning Commission's determination, supported by substantial evidence, that Harrison's water usage demands fall well within the County's established threshold for water extraction for the area encompassed by the Project, or any evidence that Appellant, who lives 200 feet from the Harrison property, would in any way be adversely affected by the Harrisons' water usage.

The Appeal should be dismissed. Harrison's estimated water usage, even with the proposed expansion of winery production capacity, more than meets the Planning Commission's Phase One water study threshold levels. Appellant's bald assertion that Harrison may not be able to meet its water needs from water sources on the Harrison property is both irrelevant to the Project Approval and also is not supported by any, let alone substantial evidence presented to the Planning Commission or to the Board. Although not necessary to the Board's decision, Harrison has always been able to meet its water usage needs from available water sources and storage. The Board should uphold Staff's determination that no further water analysis is required.

#### **I. Description of The Property and Available Water Sources.**

The Harrison property is a 44.85-acre parcel located on the east side of Sage Canyon Road/Highway 128, approximately ¼ mile from the intersection with Chiles-Pope Valley Road, and is zoned AW. Approximately 17.5 acres of the property are planted in vineyards, and one-acre is devoted to a producing olive orchard. The property includes a main residence, guest cottage, winery and olive oil production facility that, by the Application, will be converted to winery office and storage space, and olive oil production eliminated. There also is an on-site, 1.5 acre-foot storage reservoir, an approximately 30,000-gallon cistern and two cement 8000-gallon water storage tanks, for additional storage, which can be fed into the reservoir. Attached as Exhibit A is a Plot Plan for the Property submitted in connection with Harrison's use permit application.

Water sources for the Harrison property consist of two wells and an on-site spring. One well, drilled in the mid-1990s, is located approximately 200 feet from the guest cottage, and serves the cottage and the Harrison reservoir. A second, smaller well, drilled in 1989, is located approximately 20 feet from, and feeds into a community water tank that Harrison shares with the Allen and Bryant Family Vineyards properties. Originally, the Harrison property was part of a larger parcel that was subdivided into three properties, one owned by Harrison, and the other two, by Ron and Gloria Allen and Bryant Family Vineyards. The spring, which has existed prior to the Harrison ownership (and which Harrison believes has existed since the 1950s), covered the entire parcel, and after subdivision, by private water use agreement, also serves the same three properties. The spring also feeds into the three-user community water tank. The water allocated to Harrison from the community water tank feeds into a cistern which is used for: (a) potable water for the office and residence, (b) winery production, and (c) irrigation (which is either directly from the cistern or fed into the reservoir first). Pursuant to the private water use agreement, Harrison is entitled to extract water 13 hours per day at 20 gallons per minute. Harrison has cross-piped everything so it can irrigate from the reservoir or cistern. Similarly, it has the ability to refill the reservoir from the cistern and the cottage well. Appellant, whose property is located 200 feet from the Harrison property at higher elevation, is not a party to the private water use agreement between Harrison, the Allens and Bryant Family Vineyards, and has no rights with respect to any of the water produced on the Harrison property.