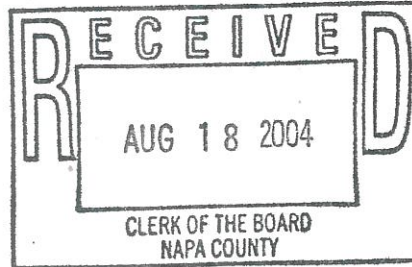


LAW OFFICES OF
GAGEN, McCOY, McMAHON & ARMSTRONG
A PROFESSIONAL CORPORATION

WILLIAM GAGEN, JR.
GREGORY L. MCCOY
PATRICK J. McMAHON
MARK L. ARMSTRONG
CHARLES A. KOSS
MICHAEL J. MARKOWITZ
RICHARD C. RAINES
VICTOR J. CONTI
BARBARA DUVAL JEWELL
ROBERT M. FANUCCI
ALLAN C. MOORE
STEPHEN T. BUEHL
AMANDA BEVINS
MARTIN LYSONS
KATHERINE S. ZELAZNY
ANA C. MOON
ERIC S. QUANDT
MELINDA K. STANISH
LAUREN E. DODGE

OF COUNSEL
LINN K. COOMBS

August 18, 2004



cc: S. Lederer, CDPD
L. Anderson, cc
N. Galambos, PCW
Applicant

DANVILLE OFFICE
279 FRONT STREET
P.O. BOX 218
DANVILLE, CALIFORNIA 94526-0218
TELEPHONE: (925) 837-0585
FAX: (925) 838-5985

NAPA VALLEY OFFICE
THE OFFICES AT SOUTHBRIDGE
1030 MAIN STREET, SUITE 212
ST. HELENA, CALIFORNIA 94574
TELEPHONE: (707) 963-0909
FAX: (707) 963-5527

Please Reply To:

Danville

Via Hand-Delivery

Michelle Price
Clerk of the Board
County of Napa
1195 Third Street, Suite 310
Napa, CA 94559

Re: *Appeal of the Harrison Winery Use Permit #03383-MOD*
1527 Sage Canyon Road APN 032-510-004
Board of Supervisors Hearing August 31, 2004

Dear Ms. Price:

Our offices continue to represent Dan Wojtkowiak with regard to his appeal of the Planning Commission's approval of the modification to the Harrison Winery Use Permit #03383-MOD. That permit modification allows the Harrison Vineyards Winery: (i) an increase in production capacity to a maximum of 15,000 gallons per year; (ii) conversion of existing space for winery storage and office; (iii) additional tours and tastings; (iv) a marketing plan; (v) retail sales; (vi) additional parking spaces; and (vii) certain road improvements.

Mr. Dan Wojtkowiak timely filed his appeal of the Planning Commission decision on June 15, 2004. In addition, Mr. Wojtkowiak has submitted checks in the amount of \$629.30 for the filing fee and estimated cost for preparation of the record; and an additional check for \$297.55 for the balance due for preparation of the transcript, as requested by your office. If there are any other monies due or procedural requirements for the appeal please let us know.

Your office has requested that we submit any additional information for consideration by the Board in support of the appeal by August 18, 2004. Our additional information is set forth below.

A. The Phase 1 Water Study For The Project Is Inaccurate, And A New Water Study Needs To Be Prepared Prior To The Project Being Approved.

The Staff Report states as follows under "Hydrology and Water Quality."

Hydrology and Water Quality: A Phase 1 water study was prepared for the project. There are two existing wells with a combined production of 20 gallons per minute on the property that supply the water used for wine processing and domestic purposes. The winery facility will use .25 acre-feet of water per year. The vineyard and olive orchard use approximately 5.4 acre-feet of water per year. The 1.5 acre-feet reservoir supplies water for the vineyard during peak irrigation. Water for the reservoir is supplied by a well on site. The existing residence and farm labor residence on the property use approximately 1.0 acre-feet of water per year. The total amount of well water used on the parcel is 6.65 acre-feet per year.

The Staff Report's hydrology and water analysis is completely inaccurate, as specifically set forth below.

1. The Staff Report Fails To Describe The Community Water System On The Harrison Vineyards Winery Site.

The Staff Report states that the Harrison Vineyards Winery site has two existing wells, with a combined production of 20 gallons per minute. This simplistic analysis is inaccurate and misleading.

The Harrison Vineyards Winery site has a "Community Water System," as specifically outlined in the chart attached hereto as "Att. A." The Community Water System consists of the following:

*A well ("Well #1"), which has traditionally been dedicated to a separate cottage on the site. Well #1 does not produce water year round, and has gone dry during the summer months in past years. Well #1 produces water at approximately 9 gallons per minute during the winter months.

*A second well ("Well #2"), which is part of the Community Water System set forth in Att. "A." Well #2, combined with a spring on the site (see discussion below), produces water into a community tank, which is shared by the Harrison, Allen and Bryant properties in the area. Well #2, like Well #1, does not produce water year round, and has gone dry during peak irrigation and summer months. When producing, Well #2 may produce approximately 9 gallons per minute.

A spring ("Spring") on the Harrison Vineyards Property site combines with Well #2 to produce water for the Community Tank as shown on Att. "A." The Spring flows to a cistern, with a pump capable of pumping 40 gallons per minute. The Spring water flow is directly proportional to (and dependent upon) the rain fall in any given year. In summer months the Spring flows at approximately 15 gallons per minute and has been as low as 5 gallons per minute.

The reservoir ("Reservoir") on the Harrison Vineyards Property site is dependent on Community water. As stated in our appeal, the referenced Wells on the site have not in the past been sufficient to produce enough water to supply the Reservoir or Community tank.

Thus, the Community Water System *is dedicated to and benefits three property owners*, and not just the Harrison Vineyards Winery. *The Staff Report does not contain any of this information. The Staff Report's discussion and figures regarding well use and production are simply inaccurate and must be corrected prior to any project approval.*

2. The Staff Report Fails To Discuss Or Address Adjacent And Nearby Wells.

Aside from the site's Well #1 and Well #2 as described above, there are two adjacent and nearby wells. The Wojtkowiak property is located approximately 200 feet from the Harrison Vineyards Property site. The well on the Wojtkowiak property ("Well #3," or "Wojtkowiak Well") produces water at approximately 9 gallons per minute.

Near the end of the Wojtkowiak property driveway, on the adjacent Anderson property, there is another well ("Well #4," or "Anderson Well"). The Anderson Well has gone dry and has been abandoned.

Thus, the status of the four wells on or near the project site is as follows:

*Well #1 (on site) produces only 9 gallons per minute on an intermittent basis;

*Well #2 (on site) produces only 9 gallons per minute on an intermittent basis;

*Well #3 (Wojtkowiak Well) produces only 9 gallons per minute; and

*Well #4 (Anderson Well) has gone dry and has been abandoned.

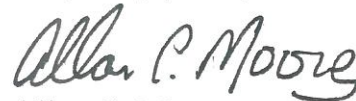
3. The Staff Has Stated That Discontinuation Of The Olive Oil Production On The Site Will Act To Lower The Current Water Usage On The Site.

The Staff has stated that the applicant's planned discontinuation of the olive oil production and facility on the site will lower the current water demand and usage on the site. We believe this assumption is inaccurate, because it is our understanding that olive production was discontinued years ago (in approximately 2001).

I. Conclusion

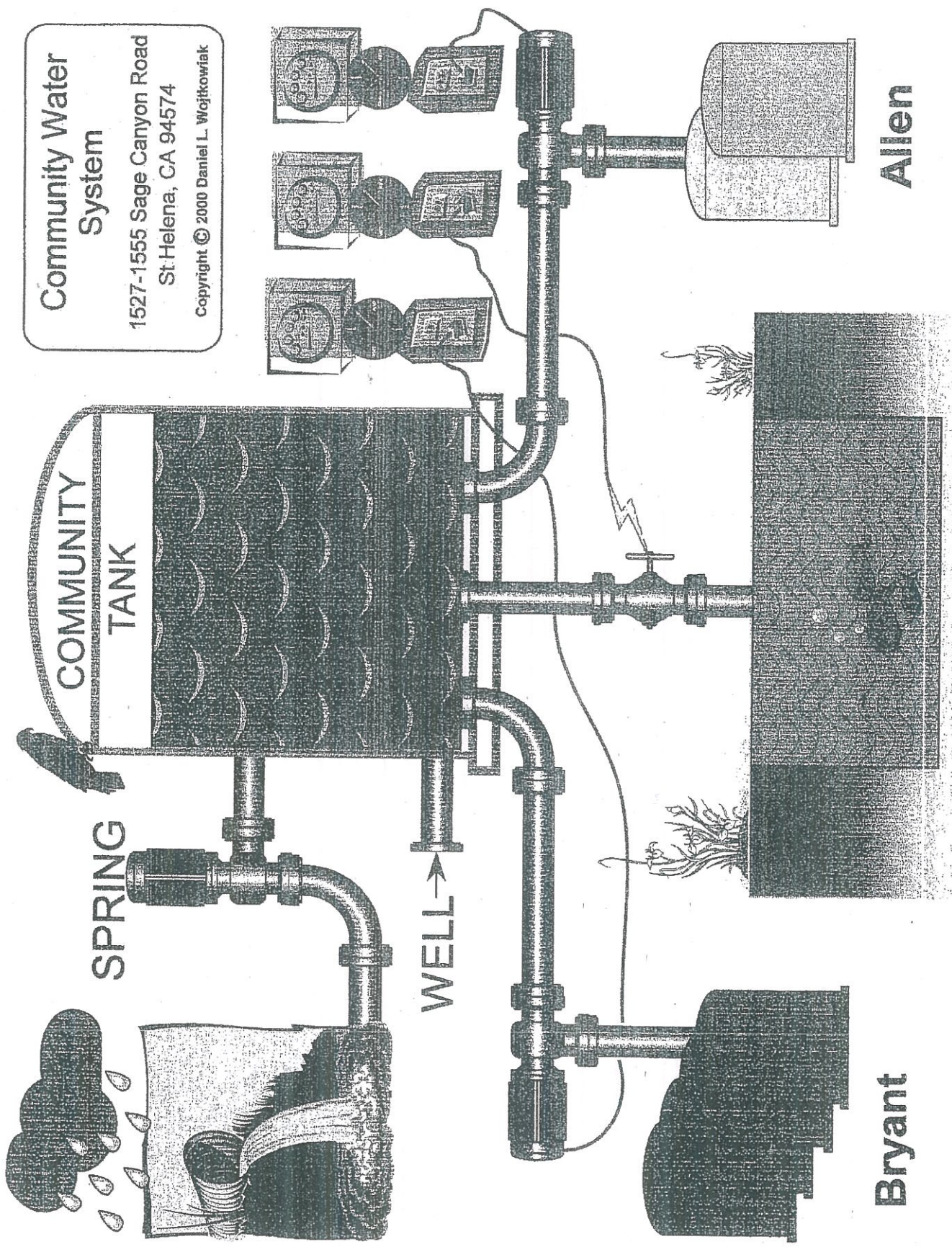
We strongly believe that a hydrologist must be hired by the County to prepare a new Phase 1 study and Staff Report for the project. It is clear that none of the above issues have been discussed or addressed to date. It is further clear that the proposed project may have an impact on adjacent water usage and well usage on several adjacent properties in the area. A new water study is needed to protect such property owners.

Very truly yours,



Allan C. Moore

ACM:kra
Enclosure



**Community Water
System**

1527-1555 Sage Canyon Road
St. Helena, CA 94574

Copyright © 2000 Daniel L. Wojtkowiak

Bryant

Harrison

Allen

October 1, 2000