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NOV 12 2008

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Walter & Sylvia Klenz

1300 Loma Vista Drive
Napa, CA 94558

Phone: 707-252-7819

Fax: 707-253-1610

Cell: 707-486-0671

Cell: 707-337-1901

Email: wklenz@msn.com

srklenz@aol.com

November 12, 2008

TO: Mr. Chris Cahill
Napa County Planning Commission

RE: Objection to Vasser Winery Proposal
No. P07-00598-UP

We reside at 1300 Loma Vista Drive and are the neighbors adjacent to Mr. Vasser's above-referenced property to the southeast of his parcel and proposed winery site. With the proposed location of the winery and related improvements, our house is also the closest neighboring home to the proposed winery and road access to the winery.

We have been residents of the Napa Valley for thirty years and have lived at our current address for ten years.

We have met with Mr. Kleis and appreciate having received a full tour of the property and the proposed project.

We do not object to the planting of vineyards or to the construction of a winery that is appropriately sized to vineyard potential of the property, and the rural, residential nature of this area of the Napa Valley. The applicant's description of the project states its goal as being a "small, estate vineyard" winery. We support a proposal that meets the applicant's description.

Our objections to the winery proposal are two-fold:

1. The 36,000-gallon (15,000-case) size of the project
2. The request for custom crushing capacity of 12,000 gallons (5,000 cases)

As we understand it, the Vasser property has 12 acres of vineyards approved for development, of which about 8 are planted. In discussing the vineyard potential with Mr. Kleis we agreed that it is unlikely that more than 20 acres of vineyards

could be developed on his parcel. With the low –yielding soils in our area, this would likely produce about 3,000 cases of wine, only 20% of the proposed winery capacity.

A 15,000-case winery, one-third of which is planned to be a commercial, custom-crush business, is inconsistent with the applicant’s description of the project’s goal, and it is out of proportion to the vineyard potential of the property and the residential and rural nature of our area.

We specifically request the Commission modify the proposal as follows:

1. Reduce the maximum capacity of the proposed winery to 20,000 gallons (8,000 cases)
2. Do not permit any custom crushing operations or any other winery activities for third parties.

An 8,000-case winery would allow the applicant to produce wine at a volume over five times the wine production from currently planted vineyards, and nearly three times more than the full vineyard potential of the property.

This lower capacity would reduce all related impacts – ground-water use, traffic, noise, etc. – by over 40% while still providing the applicant significantly more winery capacity than needed to produce “estate” wines.

We further believe that a “custom-crush” commercial business is inappropriate to the rural and residential nature of this area of the Napa Valley and not consistent with the stated goals of the applicant.

Thank you very much for including this submission in the Staff Report.

Walter T. Klenz
Sylvia Klenz

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NOV 12 2008

Cahill, Christopher

From: LVOSTI@aol.com
Sent: Tuesday, November 11, 2008 2:22 PM
To: tower.snow@gmail.com; Cahill, Christopher
Cc: bob@jvasser.com; linda_boster@yahoo.com; frank@husic.com; JAHusic@aol.com; JCohn@dpf-law.com; wklenz@msn.com
Subject: Re: FW: Objection To Vasser Winery Proposal -- No. P07-00598-UP

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Chris,
I will be appearing at the hearing to speak against the proposal. I would appreciate the staff report as soon as possible.
Thank you,
Laurence Vosti

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Cahill, Christopher

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From: Frank Husic [frank@husic.com]
Sent: Tuesday, November 11, 2008 2:40 PM
To: Cahill, Christopher
Cc: jahusic@aol.com; Tower Snow (GMail)
Subject: Vasser winery project

Hi Chris, My wife and I are opposed to the Vasser winery project as well. Has the meeting been advanced to December?...thank you..Frank Husic

11/12/2008

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DEVELOPMENT & PLANNING DEPT.

Cahill, Christopher

From: Joan Cohn [JCohn@dpf-law.com]
Sent: Tuesday, November 11, 2008 7:21 AM
To: Cahill, Christopher
Cc: Tower Snow (GMail); Linda Boster; jahusic@aol.com; srklenz@aol.com; LVOSTI@aol.com; Celeste White
Subject: Objections to the Jimmy Vasser Winery Project - No. PO7-00598-UP

Dear Mr. Cahill:

The northerly line of our property abuts the southerly line of the Vasser vineyard. When we purchased our property over 25 years ago, we were fortunate to have a very high quality and quantity of water. Since Jimmy Vasser developed his vineyard three years ago, we have seen the quantity and quality of our water severely compromised. Rambling rose bushes and other natural vegetation that thrived without irrigation for more years than we have owned our property have now dried up and died.

The winery application requires the applicant to provide information to evaluate the potential impact to static water levels of neighboring wells. We did not find this issue addressed in the Vasser application.

This past May, Governor Schwarzenegger declared a statewide drought after the state recorded two years of below average rainfall. Last month, local water agencies were warned by state officials that their water deliveries could be cut by as much as 85% next year. Statewide, many reservoirs have been drained and cattle ranchers have been forced to cut their herds and to reduce crop plantings. The Coombsville area has severe water shortages and some homes have to truck in water in the summer and/or drill new wells because of the increased number of vineyards in that area.

While vineyards are a part of life in Napa Valley and Jimmy Vasser is entitled to plant grapes on his property and to develop a winery under current law, is he entitled to a custom crush operation to pay for his winery project? His application states that the anticipated water usage will be more than double the current usage (i.e., from 5,847 gallons to 11,072 gallons). The result is that our environment will be further compromised.

When is enough enough?

Respectfully submitted,

Gerald and Joan Cohn
1355 Loma Vista Drive
Napa, California 94558

Cahill, Christopher

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From: Tower Snow (GMail) [tower.snow@gmail.com]
Sent: Sunday, November 09, 2008 9:04 AM
To: Cahill, Christopher
Cc: 'Bob Kleis'
Subject: Change of Hearing Date Request -- Vasser Winery Proposal -- No. P07-00598-UP
Importance: High

NOV 10 2008

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Dear Mr. Cahill,

I just sent to you a formal written objection to Mr Vasser's winery proposal.

I have to be in New York City on business on November 19, and I have Dr.'s appointments scheduled for December 3 which cannot be changed.

Since I regard this matter with the utmost importance and would like to be at the hearing, I respectfully request that the hearing be continued until December 17, 2008.

I have talked to Mr. Kleis about this and requested that he agree to the continuance.

Thank you for your continued courtesy and assistance.

Respectfully submitted,

Tower C. Snow, Jr.

11/10/2008

NOV 10 2008

Cahill, ChristopherNAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

From: Tower Snow (GMail) [tower.snow@gmail.com]
Sent: Sunday, November 09, 2008 8:55 AM
To: Cahill, Christopher
Cc: 'Bob Kleis'; 'Linda Boster'; 'Frank Husic'; jahusic@aol.com; 'Joan Cohn'; wklenz@msn.com; LVOSTI@aol.com
Subject: FW: Objection To Vasser Winery Proposal – No. P07-00598-UP
Importance: High

Dear Mr. Cahill,

I very much appreciate your taking the time to speak with me several days ago. Per your request, I am submitting in writing the single, strong objection I have to the Vasser Winery Proposal. It is my understanding that this will be forwarded to all members of the Planning Commission sufficiently in advance of any meeting so that they have the opportunity to consider the facts here presented. Succinctly stated, as submitted, the proposal would compromise the safety, privacy and security of the neighbors who have long lived in this area.

Two years ago, my nine year old daughter and I were involved in a head-on automobile crash on Ridge Drive, involving a speeding car driven by a non-resident, while I was driving her to school. Had it been a different time of day, and had we been walking on the road as we do on a nearly daily basis with our dog, we would all have been killed. Chimney Rock Road and Ridge Drive – both private roads – serve as the driveways to those of us who live here, not commercial roads. To preserve this, and protect those of us who use these roads to get to and from our homes, and for recreation, any entrance to Mr. Vasser's winery should be separate from the existing entrance to Chimney Rock Road off Soda Canyon.

I. History

I am a neighbor of Mr. Vasser's. I bought my land in 1993 and built my home over the next year. I moved to Napa full time in 1994, and have resided continuously at 177 Ridge Drive since then.

I am supportive of Mr. Vasser's desire to build a winery on his property. I have talked and met with him several times, and have done the same with Mr. Kleis. They have been at all times professional, courteous and considerate. I have no desire to obstruct the project. I do, however, have a very strong desire to protect the security and privacy of my home, and the safety of my family and friends on Chimney Rock Road and Ridge Drive (Chimney Rock Road turns into Ridge Drive approximately 1/4 mile from Soda Canyon Road).

Chimney Rock Road was originally constructed as a rough dirt road in the 1960's or early 1970's. It was substantially upgraded, improved and paved by Tom and Linda Boster (another neighbor) in the mid-1980's. The Boster's built their home in 1986. In 1994 when I built my home – located 1.1 miles from Soda Canyon Road, I paid to have the road from the Boster's residence (Ridge Drive) widened, upgraded, re-graded and then paved. I also paid to have the security gate and adjoining walls put in at the Soda Canyon entrance to Chimney Rock Road. The expense to do all this was substantial. All of this expense was incurred a decade or more before Mr. Vasser purchased his property.

I had three objectives when putting in the Soda Canyon security gate.. First, to keep out potential trespassers – of which there were a surprising number when I built my home. I wanted my home and family to be secure from intruders. Second, to insure that I would be able to enjoy the peace and quiet of the land I had purchased. Third, I wanted my family and friends, as well as my pets, to be able to use Chimney Rock Road and Ridge Drive safely, without concern of traffic or cars. For the last fourteen years all of these objectives have been met, with few exceptions. The exceptions have arisen when non-residents access the roads either with consent or because they have been able to drive through the security gate when it is open.

II. Concerns

11/10/2008

The residents of this area frequently walk on Ridge Drive and Chimney Rock Road or use the roads for personal recreation. My daughter, dog and I take nearly daily walks. Tom Boster does so as well with his dog. Frank Husic can be seen driving his ATV on the roads with his two young sons. These roads are narrow, windy, hilly and have poor visibility. They were made for one way automobile traffic, going slowly. This is how the residents drive on them. Their fundamental and historical use would be forever changed by allowing them to be used, directly or indirectly, for a commercial enterprise.

Mr. Vasser's proposal would result in a dramatic increase in the number of cars using Chimney Rock Road, with all of the attendant dangers. Mr. Vasser and Mr. Kleis have suggested that they would move the security gate from its present location off Soda Canyon Road back approximately 75 yards past what would be the entrance to their winery. Although this is an obvious improvement to allowing access to the public through the Soda Canyon gate -- which everyone agrees would be unacceptable -- it still does not fully address the realities of usage.

First, the turn off from Soda Canyon Road is narrow and the easy access of those of us who live here to our homes may be impeded, depending on the frequency and nature of the traffic going to the winery. It is easy to imagine a short line, or a bus, blocking the ability of those who live here to get in or out of our properties.

More importantly, however, is the very real world fact that if the residents' security gate is immediately adjacent to the winery entrance, cars intending to go to the winery will, on occasion, by intent or accident gain access to Chimney Rock Road and Ridge Drive. Security gates stay open for safety reasons for a period of time after a car has driven through. This means that as those of us who live here go in and out of our homes, there will be times when cars going to the winery can drive through our gate. I do not want to worry, as I am sure is the case with my other neighbors, about my daughter being hit by a car which shouldn't be on an inherently dangerous road with poor visibility.

One may say that the odds of such an accident are low. My response is that after having already been involved in a "low probability" head-on accident on these very roads, I profoundly understand the risks. All it takes is for one car to be at the wrong place at the wrong time and a deadly tragedy can occur.

III. Solution

I am supportive of Mr. Vasser and Mr. Kleis. I do not oppose the winery. The safety concerns described here can easily be addressed by simply requiring that a separate entrance be built to Mr. Vasser's winery from Soda Canyon Road. I understand that this involves some additional expense, but those of us who have lived here for years before Mr. Vasser bought his property incurred significant expense in building, improving and maintaining the roads and security gate which exist today. We did so to ensure the privacy, security and safety of our homes. My neighbors and I live in Napa. Mr. Vasser has no home here and lives out of state.

Surely it is not too much to ask that what we paid for and have enjoyed for many years not be compromised by the after-the-fact construction of a commercial enterprise by an out-of-state owner. Would any homeowner, e.g. you or the members of the Planning Commission, feel differently if the privacy, security and safety of your homes and families were at stake?

Since Mr. Vasser has already built the road leading to the site of his winery, the only thing which need be done is that a separate entrance be built from Soda Canyon leading to his access road. The distance involved is probably no more than 50-75 yards. A pre-fabricated bridge or culvert can easily be installed over the small creek which runs parallel to Soda Canyon Road. There is no additional expense for a security gate, as one would have to be installed in any event, and the amount of paving required would be minimal.

IV. Conclusion

Most of us have chosen to live in Napa for its beauty and quiet. Those of us who have lived here for years should not now be deprived of this. When the safety of children is added to the balance, the resolution should become simple. A separate entrance should be required before the proposal is approved.

Respectfully submitted,

11/10/2008

Tower C. Snow, Jr.

**Charles A. Hillestad**
ATTORNEY - AT - LAW

November 3, 2008

The Members of the Napa County
Conservation Development and Planning Commission
c/o Hillary Gitelman, Planning Director
1195 Third Street, Suite 210
Napa, CA 94559
[via fax #707-253-4336]

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NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Subject: Winery Use Permit and Road and Street Standards Exception
Application No. P07-00598-UP
V-12 Winery
2001 Soda Canyon Road, Napa, California APN 039-630-011

Dear Commission Members:

I represent the Pauline Preserve, Inc., a 501(c)(3) charitable institution which owns and operates a non-profit wildlife preserve. One of its properties adjoins the western boundary of the property where the winery is planned.

In principle, the Preserve does not object to the concept of a small winery so long as it does not disrupt the natural environment the Preserve is dedicated to enhance. However, there are a few matters that need your close attention regarding the regulation of the proposed winery construction and use.

The most important item is one which is critical to the future of the Preserve and its function as a nature sanctuary. There is a live spring on the Preserve property. It is just over the hill from the winery. Please impose restrictions on any excavations or caverns that the winery plans to construct so that such earth movement does not adversely affect either the quantity or quality of the water flow from that live spring. The viability of the Preserve is at risk unless your Commission does everything it can to protect that spring. Among other things, it is requested that before proceeding the winery be required to provide both the Planning Director and the Preserve a determination by an appropriate licensed water engineer or hydrologist that the proposed construction work will not adversely impact the spring. Wildlife in the area depends on that source.

Secondly, for wildlife enhancement purposes, it is very useful to keep the human traffic minimized. Otherwise, local bird and other animal life tends to be driven away or die out. The Preserve location has benefitted over the years because the area where both the winery and the Preserve are located has restricted access thanks to a locked gate. That reduced traffic is very valuable not only to the Preserve and what it protects, but no doubt to other property owners as well. The Preserve requests that the gate be kept locked and closed except for those with keys. We would not mind if the winery posts a person at the gate to open it when needed or installs a

-2-

phone or buzzer system to allow the winery to be alerted when someone wants in, but in general, please mandate that the gate stays in place and normally closed.

Since the Preserve is right next to the winery, the Preserve is also concerned that those who drink too much wine or for other reasons might wander off and cross into the Preserve property. What will be required of the winery to insure that does not happen?

The winery needs to be reminded though that there are mobile animals such as cougars, coyotes, foxes, and turtles on the Preserve that might cross the fence going toward the winery. Every effort must be taken to protect them from harm on the winery grounds. What assurances will the winery offer for that?

Finally, in order to minimize the auditory and visual impacts of the winery upon the Preserve, the height of all structures should be kept below the crest of the hill which separates the winery from the Preserve. For the same reason, there should be no outdoor loudspeakers or amplified sound permitted on the property. In addition, lights from the winery should not crest the hill, particularly during the hours of dusk to dawn.

Thank you for whatever assistance your Commission can provide in helping preserve and protect the local flora and fauna from unrestricted development. That assistance is desperately needed.

Sincerely,



Charles A. Hillestad

CAH:arh

ctc115.wilson.ltr2 re winery.wpd

cc: Kay Wilson, Pauline Preserve Board of Directors

Cahill, Christopher**RECEIVED****SEP 24 2008****NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.**

From: Diane Moore [moorebio@softcom.net]
Sent: Wednesday, September 24, 2008 3:49 PM
To: LVOSTI@aol.com
Subject: Re: Vasser Bio Studies v.2

Larry:

The CEQA document does not lead me to believe there will be no impact to the creek, as the issue is glossed over. The project description suggests increased use (and possible improvement) of the road that crosses the creek, but there are no maps. The project description says there will be work on a steep slope next to the creek and the "threat of erosion is very high" in the soil type present. The 2002 biology report identifies Soda Creek as under Corps' jurisdiction, but there no delineation has been done. The 2007 and 2008 biology reports don't even mention creeks or Corps jurisdiction. Discussion item "b-c" in the biology section of the County's Mitigated Negative Declaration identifies that there will be "project-associated development in the vicinity of Soda Creek", but does not describe what those will be or where. Maybe they need to replace a culvert? Or maybe work upslope of the creek will cause sediment to enter the creek and adversely impact federally-listed salmon or steelhead (in Soda Creek or in downstream waters). I think the County is acting very irresponsibly here. Mr. Kjeldson (the biologist) does NOT have the authority to say what is jurisdictional and what is not. He can submit a delineation to the Corps, and then THEY make the call. There also could be other wetlands and/or waters of the U.S. and there could be project impacts to those. The County is not fulfilling their responsibilities as a CEQA lead agency: 1) the project description is inadequate, 2) potential project impacts to waters of the U.S. and wetlands are not analyzed, 3) potential project impacts to federally-listed salmon or steelhead are not analyzed, and 4) they have failed to circulate to NOAA and Corps, both of whom have jurisdiction over resources that may be impacted.

Those are my thoughts for now. I think you need to press the County to do their job. You could win a lawsuit on CEQA inadequacy with what is going on here.

Diane

Moore Biological Consultants

10330 Twin Cities Road, Ste. 30
 Galt, CA 95632

(209) 745-1159
 fax: (209) 745-7513
 cell: (209) 986-5862

e-mail: moorebio@softcom.net

On Sep 23, 2008, at 6:08 PM, LVOSTI@aol.com wrote:

FYI

What do you think? If they are not advised how do we know there is no permitting required?

10/01/2008

LAURENCE VOSTI

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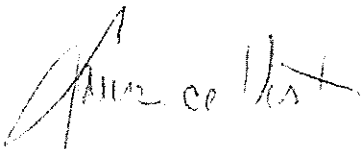
September 23, 2008

Drew Lander
Napa County Dept. of Public Works
1195 Third St, Rm. 201
Napa, Ca.94559

Dear Mr. Lander,

As per our discussion, I would like to comment on the traffic and access conditions for P07-00598- 2001 Soda Canyon Rd. In discussing the negative declaration with Mr. Cahill, I asked that, if there was no impact on traffic with 12,000 trips per year, what was the current traffic count on Soda Canyon. He did not know. How can a negative declaration about traffic impact be made without knowing the percentage of increase? The ingress/egress for this project is through a 14 ft. wide gated road that accommodates one lane only. Again with this traffic increase, how can this be considered a safe ingress and egress? Lastly, this driveway is obscured coming south on Soda Canyon. There is a substantial amount of traffic going in this direction at certain hours. As you come over the bridge there is a rise just before the driveway. A line of oak trees and underbrush hides this egress and makes the addition of a minimum 6,000 cars and trucks extremely dangerous. I almost have to pull into the road to check the oncoming cars. 6000 strangers who do not understand this could create havoc at this site. If the winery must go in, I would suggest a new access to the South 2-3 hundred feet. At this point there are clear sightlines in both directions.

Very truly yours,



Laurence Vosti

LV:kt