

April 16, 2018

Gary Margadant  
4042 Mount Veeder Road  
Napa CA 94558

Napa County Planning Commission

Anne Cottrell, Chair

re: **OAKVILLE WINERY, LLC/DRY CREEK / MOUNT VEEDER WINERY / USE PERMIT NO. P17-00343-UP & VARIANCE NO. P17-00345-VAR**

Please accept my concerns about the proposed Use permit and Variance for this project.

1) The Creek Setback and what the owner is allowed to do inside that setback. What are the CFG (CA fish & game) rules, along with the NC rules).

Also, as described in the Mitigated Negative Declaration under MM BIO-5: If any placement of fill within the tributary marked as channel "B" in the *Biological Resource Assessment with Botanical and Bat Habitat Surveys, Woodland Assessment, and Delineation of Waters of the U.S. for the Dry Creek-Mt. Veeder Project APN 027-310-039 Napa County, CA* is proposed, consultation and permitting must be obtained from the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife prior to and during the construction.

Where is the Channel "B" located and is it shown on the plans and drawings for this project? Is this report in the document available to the public in the

2) This parcel was described in an email (attached) on September 14, 2016 indicating brush clearing and earth movement within the stream setback. Was this activity considered to be illegal activity within that setback?

3) The size of the caves in relationship to the proposed production of the winery. 17,000 sqft for 30,000 gallons is excessive in relationship to those wineries in the Comparison Charts

4) The required setback of the winery from Mt Veeder and Dry Creek Road. The reduction in the setback to 85' imposes an undue burden on the neighbors and travelers using Mt Veeder and Dry Creek Roads. The traffic in addition to normal considerations, includes heavy bicycle traffic and extra heavy equipment.. Heavy trucks cannot use the south exit from Mt Veeder Road onto Redwood Road due to a 12 ton road weight limit, imposed by Napa County Dept of Public works to avoid damage to a stone river culvert for Pickle Creek. This imposes a large safety and Health concern due to the increased congestion that has not been studied for the winery impact on road usage.

Also, the setback reduction to almost curb location presents a precedent that is not healthy for other locations along Mt Veeder. A fine example of this problem is 1801 Mt Veeder, at the Mt Veeder Magic Vineyard where the owner has attempted to use the house as a tasting room, and the barn as a winery, all without permits. If the owner of 1801 applies for a winery permit with use of the dwelling and barn for these purposes, than this Winery Variance Application will be used as a precedent for such a variance and close location to the Road. Such a permit and location do not represent an effective Health and Safety guideline for future proposals in this mountainous area with narrow roads, uneven pavements, road repairs, curves and poor line of sight for all vehicles, large and small, heavy and light.

5) Where are the Cave Spoils going to be stored on site as required by NC Regulations. No provisions have been shown on the drawing or mentioned in the documents for the placement, storage and water management

of the cave spoils. Other winery proposals have been required to store the spoils on site as in the Mountain Peak Winery application, P13-00320-UP, and appeal to the BOS.

The spoils in this case are rated at 10,369 Cubic Yards of Material. That means a pile of geologic debris 100ft by 233 ft and 12 ft high. That is quite a pile and one that will be very difficult to store on site without encroaching on the stream setback requirement. Not to mention the installation of the buildings and parking area on the site.

I note that the application has a Grading Spoils Disposal Question (pg 14 of 22) requiring the offsite location for Grading Spoils Disposal. This question was not answered correctly, listing the location. Also, Cave Spoils are a different classification to Grading Spoils and this response does not cover the Cave Spoils and allow removal from the site.

6) Location of Parking for the 30 guest (14 car) and 100 (45 cars) guest Events proposed. Is the proposed parking area large enough to these guest car numbers in addition to catering and winery staff vehicles? I note that street parking is not allowed under the Conditions of Approval, so how is this parking situation to be solved by the applicant. If a remote lot and/or bus transport to be utilized, where is this remote lot?? I know of none on the mountain, so if the applicant has a plan that will not impact the neighbors and road vehicles, please include this in the conditions of approval.

7) The road to the top of the hill (septic location) crosses a creek (class 2 or 3). What are the required efforts to protect the setbacks for this creek? And what temporary structures and permits by CA Fish and Wildlife were used, and will be used in the project construction? Was CAF&W consulted for these crossings.

8) Proximity of neighbors. How many neighbors are on notice for this project. 3 or 4? Yet I find the impact on the neighborhood to be extensive due to the road conditions, variance and usage proposed. This notification is very ineffective considering the mountain location.

9) The name of the owner I believe to be BRYANT L MORRIS 601 ROSSI ROAD , SAINT HELENA, CA 94574. Is he a developer or a small winemaker.

In Conclusion: I find that the proposal for the winery and caves to be an excessive overuse of the easily buildable space on the parcel. These special circumstances mentioned in the recommended findings were easily noticeable to the owner before he purchased this property, and a reasonable due diligence on his part would have not recommended the site for such a project. The importance of the creek as the major spawning stream in the Napa Rivers tributaries and the requirement for Cave Spoils retention on site makes this application incredibly dubious and ill advised.

The unnecessary hardship was very evident to all prospective buyers of the property, and these is no reason for the Napa County Administration and Taxpaying Residents to make up for a poor lack of judgment by the buyer. It is for the buyer to be aware of these physical restraints and the Napa County Requirements that might be placed on a prospective use permit for the construction of a winery.

All one has to do is look at a property across Dry Creek Road, 6000, the driveway just west of the firehouse. The driveway to the top of the hill, house location, cost in excess of \$3 million, so the examples of costs and difficulties for such a location were readily evident to any prospective buyer of the property. This proposal far exceeds the ability of the site to support such a project and the permit application should be rejected.

Regards,

Gary Margadant