

Alan & Diane Shepp
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December 16, 2002

Charles Wilson, Chair
Napa County Planning Department
1195 Third Street, Rm 210
Napa, CA 94559
and

Investigator Donnelly
Alcohol Beverage Control
50 D Street, Suite 130
Santa Rosa, CA 95404

re: application development permit, file # 01241-UP
Krupp Brothers LLC; submitted 11/20/01

re: Duplicate Permit Application
Krupp Brothers LLC
3265 Soda Canyon Rd, Napa, CA
Veraizon Cellars aka Stagecoach Vineyards

Dear Mr. Wilson and Mr. Donnelly,

We request that the application by Krupp Brothers LLC to build a winery on Soda Canyon Road, which would be accessed by a shared private road that has been in existence for over 100 years be denied. And we request that the Duplicate Permit Application to ABC, by same, be denied.

The historic nature of the private gravel road portion of Soda Canyon Road, includes mature oaks and stone walls, began when the homesteader John Grant, settled in this area in the late 1800's. The gravel road is now shared by 25 families. The portion of the gravel road which begins at the turnoff from the county road at the mailboxes and runs to the first creek is a deeded right of way of 40' in width. From the creek (near the Peters residence) to the end of the road it becomes a 40' prescriptive right of way. The maintenance of this road is and has been done by the "Soda Canyon Road Committee" which is composed of all the property owners who live on this private road. We have established a pro-rated schedule of annual fees for the property owners. The funds are used to replace gravel, trim trees and brush removal. The accounts have been maintained by our neighbors, George and Elaine Baker.

Our private road is inappropriate for commercial use. Since the Krupp Brothers LLC, aka Stagecoach Vineyards began their operations the increase of traffic has significantly factored into the deterioration of the road and has dramatically reduced the safety of children and pedestrians. We have enclosed a copy of a previous letter relating to the school bus safety issue. The increased traffic has also had a significant negative impact on the Soda Canyon county paved road that dead ends at the Atlas Peak Winery. Numerous times, large trucks hauling vineyard supplies and barrels have broken down at the steepest part of the road. In one case, an oversized vineyard truck caused a school bus with children, to back down the steepest and most dangerous section of Soda Canyon Road.

To avoid a reoccurrence of the above mentioned dangerous circumstance, several judgments were approved by the Court and issued by the Conservation, Development and Planning Department, Napa County, December 24, 1998: Mitigation Measure #11 (of 15 Mitigation Measures) states that *hauling by trucks on public roads shall not be allowed on Monday through Friday, between 7:00 AM - 9:00 AM and also between 2:00 PM - 4:00 PM on school days, to minimize hazardous conditions during school busing times.* However, it has been our experience, that mitigation measures by the Planning Department are nothing but hot air...never enforced no matter how many private complaints are made... simply because the County has only one person to investigate/enforce infractions of this type.

There have been several accidents on both the Soda Canyon county road and on our private gravel road caused by speeding and unlicensed vineyard workers who abandon their vehicle after an accident. It was agreed at our last road committee meeting to post a speed limit (12 MPH) and to install speed bumps for safety. Both have been abused by the winery workers and Krupp Brothers LLC who saw fit to remove our speed bumps to facilitate their workers and delivery/construction vehicles. The CHP will not respond to accidents on a "private" road. The question then, which law enforcement agency is legally responsible? and who ultimately is liable?

The County requirements for issuing a permit for the Krupp Winery would significantly change the nature, configuration and use of our private road. The 18' width requirement plus 2' shoulder width on both sides would require the removal of many mature oaks and historic stone walls. Please note that the width and shoulder requirements do not include footage necessary for ditches on both sides of the road, that are needed to channel the runoff of rain water. This would add another 4'-6' width to the county requirements.

The County may also consider the requirement of new bridges to span streams that cross the private road and a reconfiguration of the road where dangerous curves exist. One of the cross streams gets its runoff from the Atlas Peak Winery Reservoir. During times of heavy rain (like the past few days) the stream overflows across the gravel road. The runoff from the Atlas Peak reservoir was one of the 15 mitigation measures which the Whitbread consortium (now Atlas Peak Winery) was to address prior to their being issued a permit. We have no record of any enforcement of the those mitigation measures and obviously if there were, then the stream would not wash away the gravel road on a regular basis, as it did again these past few days. Yet another mitigation measure not enforced.

We intend to keep our 100+ year, historic private road as a private road and do not want the County to abridge our right to do so for the sake of an ill conceived commercial winery. Winery tours, tastings, wine sales and special events, even if "private and by invitation only" pose unsafe, hazardous and inappropriate traffic on a private, communally owned gravel road. And there is the question of liability in the event of a vehicular accident on the private gravel road?

In a recent conversation with Kate Dargan of NCFD/CDF, she stated that Krupp has requested exemption from County requirements for certain portions of the road. We insist that no exemptions be approved. We are also concerned about pending Stream Set-back regulations and what effect they will have on Krupp's winery application

We are not asking for mitigation measures that have proven to be ignored paperwork and unenforceable. We ask the County to deny the Krupp Brothers LLC application for a winery on Soda Canyon Road. We also ask that the application for a duplicate permit from ABC, by Krupp Brothers LLC, be denied for many of the above same reasons because we believe that Krupp Brothers LLC will eventually transfer the ABC Duplicate permit if their winery permit is approved.

Sincerely,

Alan and Diane Shepp
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enc. ltr, 2/13/02 to Jim King, Chair Planning Commission
cc: Dianne Dillon, District 3 Supervisor
Steve Lederer, Napa County Planning Department
Kate Dargan, NCFD/CDF

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13 February 2002

Jim King, Chair
Planning Commission
1195 Coombs Street
Napa, CA 94559

re: application development permit, file no. 01241-UP;
Krupp Brothers LLC; submitted 11/20/01

Dear Mr. King,

Our children's school bus was late this morning in picking them up because the school bus was stuck behind a large lumber truck coming up the steep grade of Soda Canyon Road. And as it turns out the load of lumber was being delivered to Jan Krupp's Stagecoach Vineyard site...where it is our understanding they have already begun to build a winery, the permit for which has not been approved!

Further, to the best of our knowledge approximately 10-12 people have been living at the vineyard/proposed winery site for several years in an old converted barn/warehouse and half a dozen trailers. We presume these are legal residences and the proper permits from environmental health have been issued and would like to know if there is to be an increase in residences.

Mr. Krupp claims in his application that the two miles of dirt/gravel road (from the paved Soda Canyon Road to his proposed winery) is his "private driveway". In reality, he has shared the use of this road with approximately twenty five (25) neighbors. The dirt/gravel road has been "shared-access" for one hundred plus (100+) years by those who live here.

The current dirt/gravel road is a one-lane country road, winding around and through trees, narrow in places, with an occasional wide space for two vehicles to pass. During the winter, the road is pocked with many pot-holes and occasionally washed away by winter storms. We, the neighbors of Soda Canyon Road meet several times a year to plan the maintenance and repair of the road. We have spent many hours and thousands of dollars over the years maintaining the road and saving as many trees as possible.

Mr. Krupp may have a right-of-way along the dirt/gravel road just as we all do. However Mr. Krupp's right-of-way is for access to a vineyard not a winery. The difference in use and the ramifications of that difference pose many questions that have not yet been addressed in the permit process. What of the trees? Does the dirt road need to be widened? Does the dirt road need to be improved? If so to what degree? And if so at whose expense? Who will maintain the widened road? Who will be liable in the event of an accident considering the increased public use of the road? Who do we call in the event of an accident, the County Sheriff or Highway Patrol? Will the County be taking over the maintenance of the dirt road, in the event the winery is permitted thereby encouraging increased public use of our private road? If a permit is granted for the winery what mitigation on the use of the road and winery access is projected such as turnouts and speed bumps to curtail the winery workers speeding on the road, which they already do blatantly disregarding the posted speed signs. We also expect that heavy truck traffic be restricted to hours when the school buses are not on the road.

In terms of increased use, what about the paved portion of Soda Canyon Road? We, the neighbors have witnessed a dramatic increase in use due to increased vineyard development with an equal increase in vehicle accidents; large trucks unable to make it up the steep grade - stalling - blocking the road for substantial amounts of time; large trucks unable to make the turns without taking up both lanes - blocking the road. And in one incident, the school bus having to back down the steepest portion so that a large delivery truck could pass down the road.

And what of hillside development? We thought there were new statutes that restricted building, or is that just for residences? Are wineries exempt?

These are but a few of the issues that concern us. We respectfully request that you closely scrutinize the Krupp Brothers LLC application for a winery, take into consideration the issues that concern us and most of our neighbors and deny the permit.

Thank you.

Sincerely,


Alan and Diane Shepp