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August 13, 2008

John McDowell
Deputy Director
Napa County Department of Conservation, Development
& Planning
1195 Third Street
Napa, California 95231

**RE: LYNCH FAMILY VINEYARDS, LLC/BENNET LANE WINERY-USE PERMIT
MAJOR MODIFICATION REQUEST #P07-00299-MOD**

Dear Mr. McDowell:

I am writing to follow up on the public hearing held on the above-referenced project on July 16, 2008. I commend you for your efforts after assuming responsibility for this application unexpectedly. As you are aware, many citizens have written letters in opposition to the proposed modification and provided very compelling public testimony regarding the applicant's previous size limitation promises, the applicant's ongoing code violations, the applicant's aggressive marketing plan, the adverse traffic and groundwater conditions and the thoroughness of the current review process.

I recognize that the Planning Commission and the applicant have worked very diligently and cooperatively to address many of the issues raised by the surrounding neighbors. I also recognize that the Planning Commission does not have the authority to address all of the neighbors' concerns. I do commend all of the parties on their efforts to ensure that applicant is held accountable for its statements and actions and that the county is held accountable for its review process.

In writing this letter I want to summarize my understanding of the proposed conditions now acceptable to the applicant. I also want to discuss outstanding issues which need to be clarified or resolved.

It is my understanding that the applicant initially proposed having 48 events per year for 40 persons, 3 wine auction-related events per year for 125 persons, and 4 trade events per year for 50 persons. At the public hearing, the applicant agreed to reduce the number of 40 person events from 48 to 24 per year.

Given the testimony from several citizens regarding the precarious groundwater conditions in the area, and the concerns raised by the Planning Commission itself regarding cumulative groundwater impacts, the applicant also agreed to allow well monitoring to take place.

With respect to the environmental review process, I believe that there has been more than sufficient testimony regarding the fragile condition of surrounding wells to justify a reconsideration of the Negative Declaration attached to the previous Staff Report. It appears rather clear that the impacts are far more substantial than originally contemplated. In fact, one Planning Commissioner referred to similar groundwater issues involving the nearby Robert Pecota/Two Sisters Winery project. In addition, in my review of the proposed Negative Declaration, I note the lack of any meaningful discussion regarding the winery's current and proposed drainage into the creek adjacent to the property, especially as it relates to erosion and sediment control during the course of construction. These issues are extremely important because of the potential adverse impacts on the Napa River.

With regard to traffic conditions, the applicant assured the Planning Commission that the design of the proposed modification would eliminate the need for trucks having to back into the site from Highway 128. This practice is in violation of several regulations. It is also unsafe because it encourages impatient drivers to resort to dangerous passing maneuvers.

With regard to the applicant's admitted signage violations, the applicant agreed to eliminate sandwich boards and ensure the continued visibility of those signs cautioning that tours and tasting are by appointment only. The applicant further agreed to a condition that no tours or tasting would be held on special event days and that the winery would post a notice that it was closed to visitors on special event days.

On the issue of prior code violations raised by the neighbors, I understand that the applicant will remove its harvest bins from visibility to neighbors before and after harvest, will maintain adequate landscaping to screen its operations and will no longer have outdoor sound amplification. The restriction on outdoor sound amplification would apply to the proposed roofless courtyard area surrounded by walls.

One of the issues remaining to be resolved is the actual number of proposed personnel at the winery. This question was raised at the hearing but the applicant never provided a response.

In its application papers, the applicant suggests that it will continue to have only three full-

time employees. This number appears to be overly optimistic. Moreover, the number of part-time employees, independent contractors, catering personnel, Community Water System personnel and other workers at the site is not discussed in any fashion. The actual number of winery personnel and third party personnel is an extremely important consideration because this impacts the septic system capacity. Thus, it is critical that the Planning Commission have the required information to make informed judgments regarding the proposed septic system requirements and the limitations on the use of the apartment on the property.

With regard to the adequacy of the county's review process, I previously noted that the letter dated June 11, 2007 from the Napa County Public Works Department assumes an "increase in square footage of the production area from 7,552 sq/ft to 10,170 sq/feet" with "no increase in production, employees, or visitation proposed." Likewise, the letter dated June 20, 2007 from the Napa County Fire Department assumes an "increase in the size of an existing winery from 7,552 to 10,170 square feet of building space." In this letter from the Fire Department, Mike Wilson explains that the acceptable fire flow for the protection of the proposed project is based on the total square footage of the buildings. Thus, contrary to statements made at the public hearing, building square footage is an important consideration when discussing fire protection and public safety.

Of course, as we all know, the proposed project size has substantially increased since the initial county review in June 2007. The applicant now intends to increase the building square footage to 17,550 square feet, not 10,170. Moreover, the applicant does in fact propose to increase visitation through a very aggressive marketing plan, and it is very likely that the applicant will require additional workers. In fact, at page 136 of the previous Staff Report the applicant's consultant concedes the need for additional personnel related to the Community Water System. Increased visitation and special events will also require substantially more personnel. More personnel and visitation will necessarily require more septic system capacity.

In response to inquiries regarding the outdated letters from the Public Works Department and the Fire Department, it was stated that a project review meeting of Napa County personnel took place before the public hearing to discuss the amended project. It was reported that no additional recommendations or conditions were made by Public Works or the Fire Department. No minutes were kept and no further project review letters were submitted into the public record.

Although we trust that a project review meeting did take place, without any written memorialization of the meeting it is difficult for the public to judge the quality and depth of the review. As a consequence, the public has been left to speculate as to whether a critical analysis of the neighbors' concerns actually took place. Under these circumstances we would respectfully request the submittal of updated project review letters from the Fire Department and Public Works. This would go along way in maintaining the integrity of the

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review and enforcement process.

Thank you for your consideration of the points raised in this letter and for your professional courtesy and cooperation throughout this process.

Very truly yours,

A handwritten signature in black ink, reading "Paul Jamison Dohring". The signature is written in a cursive style with a large, stylized "P" and "J".

Paul Jamison Dohring

PJD/ak