

Cimarossa
P.O. BOX 573, ANGWIN, CA 94508
www.cimarossa.com

November 20, 2008

Donna B. Oldford
Plans4Wine
2620 Pinot Way
St. Helena, CA 94574

Dear Ms. Donna,

As a neighbor in our Friesen Drive area, I wanted to contact each of you personally to let you know that the long awaited hearing on our Cimarossa Winery will be on Wednesday, December 17 before the Napa County Planning Commission. While each of you will receive a formal notice from Napa County in advance of the hearing, I wanted to provide you with some information on the winery and improvements to Friesen Drive that are required as part of the conditions of approval associated with the winery.

The winery is small at a maximum production level of 10,000 gallons per year. The wine will be made exclusively from estate-grown grapes. This means that the small amount of traffic associated with our winery marketing plan will be offset in part by our no longer having the need to truck grapes to an off-site location for processing. Enclosed are elevations for the winery and the wine cave, along with floor plans.

Napa County Public Works and CDF require of us some minor road improvements for fire safety. There are areas of Friesen Drive that will be widened slightly, with several turnouts provided for emergency ingress and egress. The County has approved a road exception request so that we do not have to widen the road in areas where mature trees or significant rock outcroppings might require removal, or where significant slope area would be potentially impacted. Except for such areas, we will be required to widen the road to 18 feet of paving, with two feet of shoulder. These road improvements will take place at the end of our construction period.

We would be happy to answer any questions that you might have about either the winery or the road improvements. I would welcome a chance to meet with each of you and can make my winery planning team available to answer questions. Please contact my office at 510 665 4601 to schedule a meeting prior to December 17, if you wish. Thank you.

Sincerely,

Dino Dina, Owner
Cimarossa Vineyards

Cimarossa
P.O. BOX 573, ANGWIN, CA 94508
www.cimarossa.com

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NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

November 28, 2007

Howell Mountain Mutual Water Co Inc.
PO Box 9
Angwin, CA 94508-0009

Dear Neighbor:

As a neighbor to my Cimarossa Vineyards property located at 1185 Friesen Drive in Angwin, I would like to make sure that you are fully informed of our application for a small winery on the property. Although neighbors will receive a formal notice about the winery use permit application prior to our hearing, it is important to me that you are offered an opportunity to review the project and meet with us well in advance of the hearing. I am happy to meet with you personally, at a time mutually convenient for us or I am available by telephone to answer any questions. We have assembled a team of the best known winery consultants to prepare our application, and we can also have the team available for presentation, if you feel this is necessary.

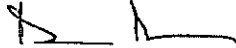
Enclosed with this letter is a copy of our Project Statement, which describes the winery and the necessary infrastructure as well as a very minimal marketing plan for our wine. Also enclosed are copies of the winery site plan and elevations for the structure for your information and review.

As you are probably aware, we currently maintain vineyards on the 56-acre property, with the grapes removed to an off-site location for processing. The request for approval of a 10,000-gallon per year winery will allow us to process the wines on-site. The proposal is for a winery structure of 3,053 square feet, a 491-sq. ft. covered entry, a 939-sq. ft. outdoor covered crush area, and 2,500 sq. ft. of winery caves. The winery will be served via a private winery access road and will have a sanitary and process wastewater treatment system consisting of a leach field and pressure distribution system for reuse of treated process wastewater for olive orchard irrigation.

The County has just begun processing of our application, which typically takes about four months before a hearing is scheduled before the Napa County Planning Commission. The current timeline would seem to position us for hearing sometime in early to mid-March of 2008. Between now and then, we would like to meet with each of our neighbors to answer any questions or concerns that you might have. Of course, we would greatly appreciate your support of the winery, one which will be very minimal in terms of operations and traffic.

Please feel free to contact my office in Berkeley at ((510) 665-4601 and speak with Victoria House about scheduling a phone call or meeting. I look forward to meeting with you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dino Dina', with a stylized flourish at the end.

Dr. Dino Dina, M.D.

Enclosures: Project Statement for Winery Use Permit
Winery Site Plan
Winery Elevations

From: MARIE DEARBORN [mariedearborn@sbcglobal.net]
Sent: Sunday, December 07, 2008 1:19 PM
To: Hornisher, Trish
Cc: Michael Hogan
Subject: Re: Cimarossa Winery Permit Request # P07-00719-UP

To whom it may concern, my wife and I are concerned about this new winery building permit and the very large scale for this relatively small winery, and there lack of wanting to have any consideration of their Buckeye Lane & Freisen Drive neighbors .

It seems that this new winery which is smaller in size and the amount of wine their permit would allow is seeking a much higher volume of visitors and events than the O'Shaughnessy Winery permit allows.

The number of marketing events of 2 separate events of twenty people each per month, and two 40 person , and two 100 person events per year would over load our small road and have a negative effect on all the residence of Buckeye Lane and Freisen Drive. This large amount of traffic would be a danger to all the people who walk these small roads and do considerable damage to the existing road that has already suffered a tremendous amount damage due to vineyard build up and new construction, and the tours from the land trust. It would be a disservice to Napa county to grant this winery a "Exception to the County Road and Street Standards" This is water shed land and left up to the winery to make decisions on how and what improvements are made to a road is asking for trouble to the water shed of our community, and to the existing laws of the Fish & Game Dept.

If there is a permit to be granted to this winery, we feel that it should have to meet the same requirements no more or less than that of the existing winery in our area, that of Betty O'Shaughnessy. This is a much smaller operation than hers and should not be granted any more rights than her permit allows her winery. The amount of quest and events far exceeds that which is needed or has been grated to the O'Shaughnessy Winery.

We regret that we will not be able to attend the planning commission meeting on this permit, but need you to know of are objections to this large scale visitor and events schedule for this small winery in basically residential area.

Sincerely:
Dana & Chris Dearborn
330 Buckeye Lane
Angwin Ca.

Phone 965-9107
E-mail mariedearborn@sbcglobal.net

December 8, 2008

Napa County Conservation and Planning Department
1195 3rd Street
Suite 210
Napa, CA 94558

RE: Cimarossa Winery
USE PERMIT REQUEST #P07-00719-UP

Comments:

Issues are divided into three (3) parts, Safety, Road and Street Standards, Road Exception Request.

SAFETY

Portion of Friesen Drive, improved by O'Shaughnassey Winery, has been destroyed by traffic driving over edge of Friesen Drive. Vehicles become "stuck" blocking any emergency vehicle. This portion of Friesen Drive was improved without proper engineering. Road was built on an inside radius with a down slope of 100%. Road is moving down hill.

Two (2) bridges, constructed over 60 years ago of reinforced concrete, must be certified for H20 (40,000 lbs.) load rating. Also, additional requirements of California Department of Forestry are required.

O'Shaughnassey Winery "permit application initial study request for comments". November 18th, 1999. Gilbert Muth, then president of Howell Mountain Mutual Water Company, expresses: "Concerns are the proposed increase in Traffic flow on a single lane road and the fact that the traffic appears to cross through or adjacent to one of the water company lakes". This Lake Oroville is part of a domestic water supply for 400 water meters. Who is responsible if this bridge is not certified. Also, Friesen Drive floods at this water crossing.

Friesen Drive floods at 39 +00 to 39 +75. During the last Flood road was washed down the creek, asphalt and all.

Friesen Drive floods from station 26 +50 to station 27 +25.

Repairing Friesen Drive from Station 10 +90 to 11 +40 will require engineering for safety.

ROAD AND STREET STANDARDS

Cimarossa Winery is proposing to use standards for a common drive. APN#018-060-069 does not qualify, as Friesen Drive has in excess of 30 parcels. APN#018-060-069 is a parcel created by division under Subdivision Map Act of 1972. Friesen Drive is a dead end Road. A parcel of 20 acres or larger has a maximum private road length of 5,280 LF. (*reference page 13 of Napa County Road standards.*)

ROAD EXCEPTION REQUEST

Letter of July 1, 2008 from Bartelt Engineering to Napa County Dept. of Public Works regarding Cimarossa Winery exception requests. Exception from Napa County Road standards.

Existing Road Conditions

"Serves several parcels". Reality is over 30 parcels.

"Turnouts are located at strategic locations". Reality, most important location does not have a turn out. Plans show substandard turnout at 10 +90 to 11 +40.

O'Shaughnessy road improvements stop at 25 +00. Improvements from 25 +00 to 60 +00 constructed by Howell Mountain Mutual Water Company and Dick Crain.

Proposed Improvements

Plans show turnouts at every 400 LF. Letter shows less.

No standard turnout at 10 +90.

Exception Request and Justification

"The exception is necessary to protect and insure preservation of unique features of the natural environment". Not True

Exception is for cost.

"di minus" Amount of new traffic that will be generated by the proposed small winery. Visitation is 5 times that of O'Shaughnessy Winery. 365 vs. 1904

"County granted exception as part of it's approval of O'Shaughnessy Winery Project". Road Standards of 1999 do not apply to 2008. "Well maintained". Cimarossa parcel has contributed zero dollars (\$0.00) to the improvement and maintenance of Friesen Drive.

Road and Street Standards provide for the life, safety, and welfare of the Public.

Richard P. Crain
850 Friesen Drive
Angwin, CA 94508
Phone: (707) 965-3493
Fax: (707) 965-1514
Email: dick@fcs.net

From: Michael Hogan [michaelroberthogan@yahoo.com]
Sent: Tuesday, December 09, 2008 2:13 PM
To: Hornisher, Trish
Subject: Opposition to Cimarossa Winery

Napa County Conservation Development & Planning Department

To: All commissioners of the Napa planning dept.
RE: Cimarossa winery/Dino Dina

If one were to boil down all of the shortcomings of use permit application #P07-00719-UP, some key issues are: (1) the overall tone is one of conquest instead of cooperation, (2) It completely dismisses the people and the character of the existing neighborhood and, actually seeks to convert the neighborhood rather than live within its limitations, (3) Takes a completely opposite approach to the successful approach the O'Shaughnessey's took with their use permit.

It is hard to understand the spectacular arrogance of an applicant who has a successful application (OS) staring him down the barrel and instead chooses to completely disregard and dismiss that application and instead take an I'll show them approach. The O'Shaughnessey permit allows for 1 visit per day and this limitation is a recorded DEED restriction and also, there are no retail sales allowed, no large events or auctions. Although, this is fairly restrictive, it was done to respect the neighborhood and not convert the neighborhood to commercial use. The (OS) winery use was supposed to be further limited because Roger O. intended to "buy a retail store front on highway 29 as their tasting room and retail outlet".

Another concern with the applicant is with some of his past actions and whether such behavior is an endorsement to "permit" him additional activities. Specifically, 2 years ago (11/2006) he had his pond, which is immediately above and spills into the water supply for Angwin, entered by a huge excavator to expand its holding capacity. The problem was the pond had water in it, the work started after the earth moving deadline (9/15/2006) and the net result was that the tractor ran back and forth through the water creating a giant mud pie, potentially jeopardizing the Angwin water supply.

The safety and adequacy of the one lane road is another issue of growing urgency and concern. However, having said that, the neighbors would prefer that use be limited rather than the road be widened. The fact that Friesen/Buckeye is a narrow country lane does not take away from the bucolic natural setting, a wider road would.

Possible mitigation's and other factors to consider. Even though the O'S were generally quite respectful of the neighbors, there remain several items of unfinished business. The entrance on Buckeye lane was supposed to be gated, telephone coded and fenced on the sides to completely secure the entrance, this work is still not complete. There was to be a cyclone fence installed along Friesen drive from the lower reaches of the lake Henne dam continuing above lake Oroville near the O'S driveway. Napa county requested also that railings be installed at each of the creek crossings. There was to be a road maintenance agreement and all maintenance was to be performed by the O'S for 5 years. At the five year point we reminded Betty O about the maintenance (most of which was damage done by her trucks), her response was I have done all I am doing. Road maintenance was also to include tree and brush trimming, a comment to this effect was also in the comments to the applicant herein, I would only add that the trimming requirement also include the removal of dead wood overhanging the road or near the road.

Given that Betty O'S owns three parcels, she has an alternate access by way of Bell Canyon road. Perhaps Mr. Dina should negotiate with Betty to improve the alternate access so that all vineyard and winery traffic go that way instead of through Friesen drive/Buckeye Lane.

The issue of relative property values also needs to be addressed. In addition to wanting

to protect our privacy, there is a feeling among neighbors that this project will likely result in an appreciation of the applicants property value and just as likely this project will take away from the value of neighboring properties.

We do not need to list all possible mitigation here, but possibilities include packaged trips, rock walls, planting screens and other landscape work, deliveries on only certain days, get rid of Betty's huge garbage truck.....

You are no doubt very busy and are under significant pressure from the applicant, however, it seems to me the problems are in large part of the applicant's own making and arrogance. My request is that the permit be denied and not for a specific future time but rather for specific performance: doing the project correctly, safely and with respect for the neighbors, without converting the area to commercial use.

Sincerely, Michael Hogan 785 Friesen Drive
Roxanne Hogan

Napa County Planning Commission
Cimarossa Winery/Dino Dina Use Permit
Request #P07-00719-UP

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NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

We, Jeannie and David Tillay of 400 Buckeye Lane – Parcel # 024-023-004-000, have serious reservations to the Cimarossa Winery Project and its potential environmental effects to our neighborhood.

Notification of the hearing was first received from the County on November 21, 2008, and Mr. Dino Dina on November 28th, 2008. This is an inadequate flow of timely information for a project of the lasting magnitude as proposed for our neighborhood.

Furthermore, it violates the recognized O'Shaughnessy Process established when the original winery was proposed for our neighborhood. This process evolved over several months through a personal visit in our home, several restaurant-neighborhood group discussion meetings, and a follow-up meeting at the winery when the project was completed. Our first and only contact regarding the Cimarossa Project and Mr. Dino Dina was his letter dated November 20th, 2008. The offer of meeting with him and his winery team is a nice one, but the time line for those of us, like myself, who commute to work at 5:30 am and return home after 5 p.m., is too short for us to observe documents on-hand at the Office of the Conservation, Development and Planning Department. The process to date is exclusionary to those of us who will have to live with the resulting winery and the resulting changes to our rural neighborhood.

Our neighborhood was a low noise, traffic, litter, and fire danger area. The expansion of these problems was a natural outgrowth of the establishment of a winery with 360 guest visits per year and the increase in the number of construction projects in the neighborhood. With two sides of our property facing roadways (Buckeye and Friesen), we have noticed a marked increase in non-neighborhood traffic in the last two years as we daily walk our dogs. The litter, unregulated traffic speed, and potential fire danger from cigarettes and human activity has increased markedly. We have had several potential fire problems due to these hazards on our property. We had our personal road severely damaged by a delivery semi-tractor trailer making a delivery to the O'Shaughnessy Winery. People were driving up our house at all hours of the day (yes, even 4 – 5 am) and night which necessitated us locking a gate at the entrance to our property. True, the O'Shaughnessy Winery provided a paved road which lowered the dust quotient and the Buckeye Lane Gate Project kept the honest people out of our area until the Land Trust began conducting tours. These private roads cannot accommodate the kind of traffic numbers described in the Cimarossa Winery proposal. Who will accept the liability issues associated with the increased traffic on a non-conforming private road? Who will be responsible for maintaining and improving the existing roads? How will the expense of maintaining the road be apportioned? Will the potential dangers of failing trees, tree limbs, cars going off the road and down the canyon, vehicle collisions, injuries to those of us who have walked these roads for years, and other unforeseen related liabilities and dangers be addressed by this use permit?

We purchased this property, especially, because of its rural, secluded nature. The limited number of neighbors and traffic was a huge factor in our purchase. As a bird watcher, I have enjoyed observing the diversity of birds inhabiting this area (annual Angwin Bird Count participant). The water fowl, owls, and other forest native species make this a unique place to live.

It is further disturbing to hear the alleged course of construction on the winery began without a permit. Of further concern are ambiguities like Mr. Dino referring to "areas of Friesen Drive that will be widened slightly, with several turnouts provided for emergency ingress and egress...to widen the road to 18 feet of paving, with two feet of shoulder" without any mapped specifics. As a land owner with a significant frontage on Friesen Drive, we would like to know the specifics of these generalized comments and whether they pertain to our property.

We, Jeannie and David Tillay, urge the Planning Commissioners to:

- #1. Honor the O'Shaughnessy Process established by this neighborhood. REQUIRE Mr. Dino to set-up meetings to discuss his project with his neighbors. Learn who we are. The burden of arranging a common meeting should rest with Mr. Dino.
- #2. Lengthen the time for neighbor examination of documents to afford the working families an opportunity for equal access to information.
- #3. Provide neighbors with a map of all proposed road changes along with requiring a meeting with all of the related property owners about these issues.
- #4. Address the increased liability and danger issues related to bringing more people to "tours and tasting" using two private roads.
- #5. Limit the number of support personnel for any winery event.
- #6. Provide guidelines like the O'Shaughnessy Winery on the number of visits per year. Potentially, the Cimarossa Winery could have more than ten times the number of visitors per year as the O'Shaughnessy Winery. These numbers are totally unreasonable for this neighborhood!

Planning Commissioners, this proposal has not been carefully and thoughtfully crafted or distributed to the parties involved in the magnitude of change proposed by Mr. Dino.

Sincerely,

Jeannie M. Tillay
400 Buckeye Lane
Angwin, CA
Parcel # 024-032-004-000

David W. Tillay

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NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

From: Petra Hauptmann [petrahauptmann@runbox.com]
Sent: Wednesday, December 10, 2008 10:27 AM
To: Hornisher, Trish
Subject: Cimarossa winery use permit request

Cimarossa Winery Use Permit Request #PO7-00719-UP

Concerns:

Road: We have lived at 955 Friesen Road for 13 years. This road is a private road according to the Napa county road standards as of August 2004. It states that in order to have commercial use, the property can not exceed 5280 feet distance from the beginning of the road, however Cimarossa Winery exceeds that length by more than 4000 feet. We are not interested in allowing more traffic on this road. The road is not adequate, it is a one lane road, with no adequate turnouts, we already experience safety issues from speeding cars and traffic jams from workers going back and forth. Also widening the road would not be in our favour. since homeowners are not willing to give up more of their land. We also like to refer to Richard Crain who analysed the road very carefully and submitted his study to you.

Sincerely
Anna Hauptmann

Anna Hauptmann
955 Friesen Road
Angwin, CA 94508
Phone: 707-965-3234
Fax: 707-965-9239
Email: petrahauptmann@mac.com