

“E”

Correspondence July – October 2016

McDowell, John

From: Lynne Hallett <lynnehallett@gmail.com>
Sent: Tuesday, July 26, 2016 9:47 AM
To: McDowell, John
Subject: Fire on Soda Canyon Road

Dear Mr. McDowell,

There is a fire, happening now, on Soda Canyon Road (approx. 2000 block). I have called CAL Fire and they are responding and I am contacting neighbors. The Canyon is quickly filling with dense smoke. I invite you, the County Planners, Commissioners and Supervisors to please visit and experience first-hand how frightening fires are for Soda Canyon residents.

Lynne Hallett
2444 Soda Canyon Road

July 31, 2016

Mr. Michael Basayne, Chair, Napa County Planning Commission
1195 Third Street, Suite 210
Napa, CA 94558

Email: Napacommissioner@yahoo.com

Re: Mountain Peak Winery #P13-00320-UP

Dear Mr. Michael Basayne, Chair, Napa County Planning Commission,

I urge you to support and approve the Use Permit for Mountain Peak Winery. The applicant, Mr. Steven Rea has presented a Use Permit request for a winery that meets and or exceeds every requirement for a winery use permit with no mitigating measures and or variances. I was in attendance at the July 20th meeting, but due to public comments going past lunch I was unable to speak and therefore I'm sending you this letter.

Please consider these facts:

- Winery is on a 40-acre parcel and another 180 parcel is connected via a private road to the north.
- Grapes come from 112 acres of estate owned vineyards just up a private road from the winery.
- Vineyard is certified organic – CCOF
- No VARIANCES
- No significant impacts per CEQA document
- Wine production and storage all underground
- Leed Platinum design – first winery in Napa County to be Leed Platinum certified.
- Multiple neighbor concessions – latest concession limits visitation to 39 visitors a day, or roughly less than 2 cars per hour on Soda Canyon road.
- Excellent water, 27 feet below surface
- Traffic study forecasts LOS (Level of Service) rating of A on Soda Canyon road through 2030. This is the highest rating for any roadway, F is the worst. LOS A is defined as: *Traffic flows at or above the posted speed limit and motorists have complete mobility between lanes. The average spacing between vehicles is about 550 ft(167 m) or 27 car lengths. Motorists have a high level of physical and psychological comfort. The effects of incidents or point breakdowns are easily absorbed. LOS A generally occurs late at night in urban areas and frequently in rural areas*
- Winery is located on AW land, and wineries are permitted as an accessory use on Ag land.

I am very concerned about the ramifications of a denial of this project based on traffic concerns and other meritless objections by neighbors. This applicant has gone above and beyond all requirements for a winery permit. We live in an agricultural community that promotes and protects agriculture and it is the job of the planning commission to uphold these rights. If you deny this project based on concerns by neighbors that have chosen to live on lands zoned for agriculture, you then have effectively changed land use policy in Napa County away from agriculture in favor of homes and residences. This could be the beginning of the end of agriculture in the Napa Valley. Please approve this project.

Respectfully,

Tom C. Davies
St. Helena, CA

McDowell, John

From: Mike Basayne <mbasayne@sbcglobal.net>
Sent: Tuesday, August 09, 2016 12:30 PM
To: McDowell, John
Subject: Fwd: Mountain Peak Winery #P13-00320-UP
Attachments: Mountain Peak Winery Letter of Support.docx; ATT00001.htm

John,
Received today from Tom Davies. Please enter into the record and distribute accordingly if you were not already copied.

Thank you,

Mike

Michael Basayne
(707) 815-7042
Sent from my iPhone

Begin forwarded message:

From: Tom Davies <tom@vsattui.com>
Date: August 9, 2016 at 11:54:43 PDT
To: "napacommissioner@yahoo.com" <napacommissioner@yahoo.com>
Subject: Mountain Peak Winery #P13-00320-UP

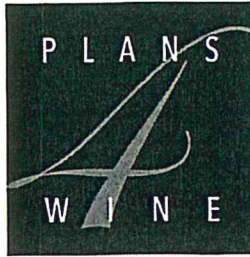
Dear Commissioner and Chair, Michael Basayne,

Please find the attached letter in support of Mountain Peak Winery.

Thanks for your thoughtful consideration.

Best, Tom

Tom C. Davies
President
V. Sattui Winery
1111 White Lane
St. Helena, CA 94574
☎ 707-286-7220 Direct Line
☎ 707-225-2875 Cell
🌐 www.vsattui.com



August 8, 2016

Mr. John McDowell
Zoning Administrator
Napa County Dept. of Planning, Engineering & Environmental Management
1195 Third Street
Suite 210
Napa, CA 94559

RE: MOUNTAIN PEAK VINEYARDS WINERY CONTINUED HEARING DATE

Dear John:

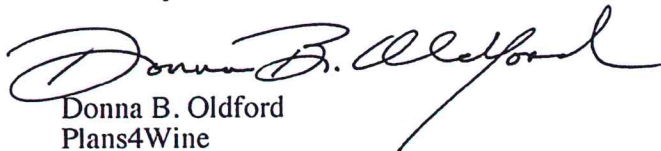
As a follow-up from our telephone conversation of last week, this letter is to formally request that the continuance of our July 20 hearing before the Planning Commission be continued to a date certain of Wednesday, October 19, 2016.

There are several reasons for requesting the continuance:

- (1) To allow both our team and the County staff time to review more than 800 pages of materials that was submitted to the County the evening before and day of the July 20 hearing;
- (2) To allow the resumed involvement of County legal counsel Laura Anderson, since she has been involved with the project for some three years now;
- (3) To accommodate a scheduling conflict with one of our key team members; and
- (4) To secure a continued hearing date that is less congested than some of the dates between now and October 19, 2016.

Thank you for your cooperation and assistance with having the date of October 19, 2016 set.

Sincerely,


Donna B. Oldford
Plans4Wine

cc: Mr. Steven Rea, Owners Representative
Mr. Brien McMahon, Perkins Coie Law Firm

Oct 8, 2016

John McDowell, Deputy Planning Director, Napa County Planning,
Building & Environmental Services Department
1195 Third Street, Suite 210, Napa, California 94559
Email: john.mcdowell@countyofnapa.org

RE: OPPOSITION TO MOUNTAIN PEAK WINERY-USE PERMIT #P13-00320-UP

Dear Deputy Planning Director McDowell,

My name is Shelle Wolfe and live at 3240 Soda Canyon Road in Napa, 50 yards from the entrance of the proposed Mountain Peak Winery. I wrote to you in August as a neighbor of the proposed Mountain Peak Winery and why I'm adamantly against such a monstrous project here in this little rural valley, up a treacherous, poor quality road, with limited water supplies and close to residences. Today I write as the owner of the largest and oldest tour and event company in Napa, Wine & Dine Events.

Honestly, I find it absolutely nonsensical that you'd even consider permitting a winery of this size in such a remote, peaceful location. But that's beside the point.

In the 17 years that I've served this valley's tourists and corporate groups, I've seen the winery regulations go from one extreme to the other. From barely there to barely enforced, to NO NEW EVENT SPACES, and now, "Sure go ahead and build yourself anything at all and do anything at all... but call it 'Education and Marketing'."

The proposed Mountain Peak permit would allow a multitude of evening events as well as picnicking anytime of the day. However, there are no less than 50 other wineries already built, that have commercial kitchens and plenty of space and privacy, but cannot use them due to their permitting. Wineries along the Highway and Silverado Trail with no neighbors and where there is already traffic and acceptable noise. What sense does that make? They can't host an event but new wineries that shouldn't, can?

Many wineries seem to be permitted for 'marketing and education' events, at least that is what our event contracts with them indicate. But there is no marketing or education going on at these dinners, other than a tour of the facility. I can attest to that with many years experience working with these wineries. I don't want to close them down, but this loophole must be closed... it forces wineries and event managers at the wineries to be dishonest!!! And is a wild stretch of the description "agriculture".

There are SO many event spaces in the Valley where events can legally be hosted, and many more where they can NOT be hosted, but you would consider approval of events at an enormous winery in the middle of nowhere... because the regulations have changed to allow events disguised as education and marketing programs? Completely ridiculous!

The word around the valley in my industry is that tourism and events are DOWN at many of the wineries that have been around for a while, as people flock to the new venues and find everything new. More tourists scattered around visiting the ever-increasing population of winery hosts who are becoming more and more clever (and expensive) in their approach to attract guests.

Sure competition is great for everyone, keeps us on our toes, however, when you add thousands of new tourists each year in the Valley, on top of the circus and traffic that we already have going on here, there comes a time when you have to say "ENOUGH IS ENOUGH!" And if our winery friends that were the forerunners suffer because of the extreme growth in this Valley, then I again, I say "ENOUGH IS ENOUGH!"

So, once again, I urge you to consider all of the ramifications of this decision ... the rural, quiet area; the poorly maintained and dangerous road; our water situation; and the additional traffic, to name a few. PLEASE DO THE RIGHT THING AND REDUCE THE SIZE AND SCOPE OF THIS PROJECT TO SOMETHING THAT FITS APPROPRIATELY ON THE 40 ACRES AND WITH MINIMAL ROAD USEAGE!

Sincerely,
Shelley Wolfe

October 8, 2016

John McDowell, Deputy Planning Director, Napa County Planning,
Building & Environmental Services Department
1195 Third Street, Suite 210
Napa, California 94559
Email: john.mcdowell@countyofnapa.org
Fax: (707) 299-1358

RE: OPPOSING MOUNTAIN PEAK WINERY-USE PERMIT #P13-00320-UP

Dear Deputy Planning Director McDowell,

My name is Steve Chilton and I reside on Soda Canyon Road, Napa, CA 94558. My wife and I constructed our home on a small acreage that has been in her family for nearly 100 years. While designing the house we worked around the 100+ year old oaks and Soda Creek. No oaks were removed for the house nor was the creek impacted. We practice positive environmental stewardship and expect the County and others on the Road to do the same. I recently retired from a career of 35 years with the Tahoe Regional Planning Agency and the US Fish and Wildlife Service. I strongly oppose the Mountain Peak project and request that you deny or significantly reduce this use permit for the following reasons.

- The size, scope and lack of environmental documentation of the project dictates that an Environmental Impact Report following the requirements of CEQA is mandatory. A negative declaration for a project this large and with its concurrent impacts upon water quality and quantity, wildlife, traffic, public safety, noise and vegetation cannot be supported by the facts. I have recently begun investigating the presence of the California Red-Legged frog within the Rector Creek Watershed. The Initial Study Checklist includes the finding that the proposed project could not have a significant effect on the environment. Section IV. A) of the checklist shows that the project will have a less than significant effect (not a no impact determination) upon unnamed species. The California Red-Legged Frog is a federally listed threatened species by the US Fish and Wildlife Service. Populations have been identified in Wragg Creek near Capell Valley Road. Similar, if not higher quality habitat occurs in the Rector Creek watershed. Did county staff conduct or request a survey of possible populations within the watershed? What is the basis for the statement that the project will have a less than significant effect rather than no impact? Approving this project without knowing the full impacts could open the county to challenges from wildlife advocates such as the Center for Biological Diversity and others.
- The permit request is for 100,000 gallons, which would require ~700 tons of grapes to satisfy. The project parcel has only 28 acres of planted vines, producing a maximum of ~80 tons of grapes per year (a mere 11% required to produce 100,000 gallons!). The applicant's representative has told county staff that 112 producing acres are owned or under contract "nearby". Unfortunately "nearby" is not defined and could be on Silverado Trail. Has the County identified where the grapes will come from as a means of properly reviewing the traffic report and do they have a means of enforcing sourcing? The County's code enforcement record for wineries on Soda Canyon Road is illustrated by the Caves debacle. A ventilation shaft that became a tasting room? And have County staff checked on them lately?
- As the County is aware of, Soda Canyon Road is narrow, steep in places, wet and foggy at times on the steepest section and used extensively by bicyclists. Deer and other wildlife frequently cross the road, especially at night. A hoard of tasters, leaving the event center at 10:00 PM after one last toast, must navigate this dark, unforgiving road without hitting a deer, a tree or a resident. It is only a matter of time.

- Fire danger is always discussed and seems to be dismissed by the County every time a project like this comes up. The risk of a man-caused fire on Soda Canyon Road is great now and with this project will become much worse. A fire occurred early in the morning on the Road on July 26th of this year. Thanks to the quick and professional efforts of CalFire/Napa County, the fire was soon brought under control. Cal Fire has sent extensive resources to the Canyon when there have been other incidents and we applaud their efforts. As each fire season begins and continues through the summer and fall, other fires in the state drain our local resources. Cal Fires' ability to respond fully becomes more limited and the risk of a small car fire or an equipment trailer dragging a sparking chain becoming an inescapable inferno becomes greater. Soda Canyon has a history of major fires. Because Soda Canyon Road is a dead-end road, there are significant public safety concerns with regard to fire, and all emergencies. There is essentially zero cell service on Soda Canyon Road, offering the potential of a small incident such as a vehicle accident, a tossed cigarette, or a jackknifed or otherwise stuck truck becoming a disaster that would impact the entire county.
- A routine tactic of developers and their consultants is to present a grossly over stated project and when confronted with opposition, to seemingly, reluctantly, reduce the project to 75 or even 50% of the initial proposal. As I thought, this has happened, and we and the County are expected to give our thanks to the consultants for taking such a reduction, when that was the plan all along. I almost forgot: This is also the "Best Project" the consultants have ever worked on! I bet their next project will also receive that tribute. Your planning department and planning director have seen this before and should not be fooled into believing this was not the proponents' intent all along. The project in its present form and when reduced will still qualify for the CEQA requirement of an EIR because there are unmitigatable, significant impacts to transportation, public safety, wildlife and water quality and quantity.

For all of the reasons above, among many others cited by concerned taxpayers and voters, the County must deny this project and reduce the size to one that fits the rural environment and road conditions. Please protect our community's safety and preserve the quickly dwindling natural resources that Napa has left, particularly in the remote hillsides.

Sincerely,

Steve Chilton



October 10, 2016

John McDowell
Deputy Planning Director
Napa County Planning, Building & Environmental Services Department
1195 Third Street, Suite 210, Napa, California
Fax: (707) 299-1358F
Email: John.Mcdowell@countyofnapa.org

Dear Mr. McDowell, Members of the Napa Planning Commission, and Supervisors:

Thank you for allowing me to offer my perspective on the proposed winery permit for Mountain Peak Winery (Use Permit #P13-00320-UP)

A little background: I am a businessman, I am pro-growth, providing it is sensible and responsible growth, and my wife, Marilyn, and I have owned a vineyard in the Soda Canyon Ranch since 1999. As a vintner, I am familiar with the permit process, and one day I too may apply for a winery permit, at that time, I will expect that what I'm asking of the counsel as it relates to the Mountain Peak project, will apply to me as well.

We were unable to attend the last meeting, so we watched the four-hour streaming presentation from July 20, 2016, and our take-away was that the most important issue on this topic is the hazardous road with a major influx of people/cars/trucks driving back on forth on a six mile, two-lane winding country road, and the risk/reward decision-making process as it relates to approval or denial of this permit.

Enclosed with this letter are several communications that I (and others) began writing to the Napa County Public Works and our County Supervisors all the way back in 2010 concerning the condition of Soda Canyon Road and the everyday dangers faced driving that road. As you will read, Supervisors Dillon, Dodd, and Pedroza all confirmed that this road was ***well below acceptable standards***, but the county has lacked the funds to bring it up to proper standards. My first letter was written prior to the Mountain Peak application, and the content of these letters were focused solely on safety and the subpar road condition at that time. The condition of the road has only worsened over the years, which is particularly disconcerting when evaluating the proposed Mountain Peak project, and the very questionable data and assumptions on which it purports to rely.

After listening to the July 20, 2016 comments from our neighbors who have had long term, first hand experiences of the major issues in this application review, it was disappointing to hear certain counsel members' responses; some seemed to undervalue the contributions made by day-to-day residents' experiences of driving on SC Rd. and the impression was that the members trivialized the concerns of these truly "ground zero experts."

Before brushing off the feedback from those who drive SC Rd. with regularity, the County tax payers should expect you to conduct proper due diligence before allowing someone to build a large scale entertainment venue near the end of a six-mile long winding two-lane road; a special-events venue where people travel to primarily consume alcohol; a destination where in route to or from, they could potentially drive into an oncoming car with a family inside, drive over

a cliff or toss a lit cigarette out the car window causing a wildfire. I doubt that Napa County Taxpayers would take kindly to spending money defending a wrongful death claim against the county or having their tax dollars spent fighting a wildfire, knowing that the counsel had the opportunity to prevent those potentially tragic events. (Letters pertaining to fire issues are also attached).

I also want to comment on the Mountain Peaks consultants' cleverly patched together proposal supporting fruit yield numbers in order to qualify for a 100,000 gallon use permit. You have heard from Soda Canyon grape growers who dispute the yield numbers projected by the Mountain Peaks paid consultants. These are growers who know their tonnage yield figures due to firsthand experience, yet they don't seem to make an impression or cause you to question Mountain Peaks advisors' assumptions - much in the same way the comments and facts regarding the road dangers are dismissed.

My vineyard, which is just to the east of the Mountain Peak site, produces on average 2 tons per acre. In my best year, viewed over a 14-year period, the highest volume my land has ever produced was 2.5 tons per acre. Many others have provided the council with figures at similar levels. The Mountain Peak consultant maintains that by way of some "special farming techniques," blended varieties and some weird science, he believes Mountain Peak will produce 5 tons per acre – over twice the yield everyone else has ever produced in that region.

But it doesn't end there. Even when using this pumped up tonnage yield projection, Mountain Peak still falls short by almost 50% of what they need to qualify for a 100,000 gallon facility.

So to bridge this gap and meet the guidelines requirement for a production facility of this size, the Mountain Peak representatives testified that they have a contract with a grower at the top of Soda Canyon Road. According to Mountain Peak, obtaining grapes from this remote geographic location would mitigate any potential argument related to increased traffic, and it conveniently allows the County to overlook the additional 100 trucks that would be required to transport fruit up to the facility if this purchase agreement wasn't in place. However, this argument completely overlooks the fact that trucks will still have to travel up and down Soda Canyon Road to reach the remote vineyards to then transport the grapes back and forth between this supposed contract vineyard and the Mountain Peak winery, unless of course Mountain Peak plans to purchase and maintain a fleet of large transport trucks on-site so that there would truly be no impact on the road, which you know and I know is not going to occur.

For transparency, if the County is seriously considering accepting Mountain Peak's unsupported claim that it has significant grape contracts with Upper Soda Canyon vineyards to the point where it can substantiate its claim that it will produce "92 percent" of the grapes "on-site," and that it will therefore not require 100 additional trucks, the County should require Mountain Peak to produce signed contracts that not only support their claim, but are also ***written in perpetuity so that the continuation of future grape purchasing rights will always transfer to the Mountain Peak property should either the Mountain Peak OR the suppliers' property ever be sold.*** Such a request may have achieved a hearty guffaw from any reader of this letter because obtaining such a contract is probably impossible, but so too is the blind assertion that Mountain Peak will grow or obtain "92 percent" of the grapes "on-site." If Mountain Peak's numbers are to be believed, they must be required to provide support in order to protect the Soda Canyon community from the Mountain Peak property being sold and allowing any new owner to start trucking in grapes, negating these baseless claims that their winery will not be adding 100 large trucks to any already treacherous road. Please do not allow this proposed large-scale operation to pull a fast one on the County and the Soda Canyon community by using



drastically exaggerated and unsupported figures in order to qualify for a facility that is four times greater than what they can actually produce. If Mountain Peak is serious about these contracts, and the County is committed to doing its job of maintaining a sustainable Napa Valley and Agricultural Preserve, please make them satisfy these contracting conditions.

Evaluating this data, the flaws in this application are obvious and I, along with my family and many other property owners, vineyard owners, and residents on Soda Canyon Road, *firmly believe that there is no way that Mountain Peak should be entitled to develop a facility the size they are proposing in this extremely remote location*. The math and the facts simply do not add up.

The application by Mountain Peak has attempted to check off all the boxes in the application permit, but in that process, they have used questionable data, overlooked potential material changes in their assumptions, and have turned a blind eye to their moral obligation of being responsible by ignoring risk on all levels. Since this project is being proposed in a remote area considered by many as high risk, the application process should not be viewed as "one size fits all." It requires careful consideration of the facts, because if approved, it will not only impact the SCR neighbors, but could also impact all Napa county tax payers. One bad outcome could impose a burden on limited tax dollars, taking away opportunities from areas where those dollars are currently earmarked. Who will take responsibility if and when someone is hurt, killed or loses their home from a wildfire caused by this project's scale?

You represent the Napa County Tax Payers, and if your assessment of this project relies solely upon the fatally flawed data as provided by Mountain Peak, then the consequences and damages placed on us Tax Payers fall squarely on you. Just because Mountain Peaks' developers have ignored these important concerns, doesn't mean that you too should turn a "blind eye."

Thank you for reading my letter.

A handwritten signature in black ink, appearing to read "Steven J. Rivera".

Steven J. Rivera, Owner
Rivera Vineyards
3225 Soda Canyon Road
Napa, CA 94558
925-639-3919 mobile

Subject: Re: Soda Canyon Road

Date: Wednesday, November 4, 2015 at 3:55:51 PM Mountain Standard Time

From: Steve Rivera

To: Pedroza, Alfredo

Thank you Alfredo. I started writing letters addressing this issue about six years ago and of course not only has the road condition gotten much worse, the traffic on this road has increased as well. I do understand the financial constraints but this might be a excellent time to try to move the clock forward on this long overdue project since infrastructure seems to be a political buzz word these days. I wish you the best of luck on our behalf!

Steven Rivera
925-639-3919 cell
925-943-1111 office

riveravineyards.org
diablomag.com

On Nov 4, 2015, at 2:49 PM, Pedroza, Alfredo
<Alfredo.Pedroza@countyofnapa.org> wrote:

Hi Steve,

Thanks for reaching out. You're right, the road condition has deteriorated, we have PCI (Pavement Condition Index) standards with an objective of having County Roads be at 70 and unfortunately Soda Canyon Rd is well below. That said, this is a concern and a priority. The County will be receiving additional road funds in 2018, in addition to what we budget and allocate yearly for (I believe that number is \$6.2 Million, but need to confirm). I'll continue to work with staff on this and look for opportunities to improve this road sooner. I'll follow-up in the next week or two with a better sense of direction.

Feel free to give me a call anytime, 707-225-2019.

Thanks,

-Alfredo

Alfredo Pedroza
Supervisor, District 4
County of Napa
Cell: 707-225-2019
Email: alfredo.pedroza@countyofnapa.org
Sent with Good (www.good.com)

From: Steve Rivera

Sent: Wednesday, November 04, 2015 10:14:25 AM

To: Diane Dillon

Cc: Marshall, Rick; Pedroza, Alfredo

Subject: Re: Soda Canyon Road

Thanks for your prompt reply and for redirecting my query. I trust I'll hear from Mr. Pedroza soon. Best wishes!

Steven Rivera

925-639-3919 cell

925-943-1111 office

https://urldefense.proofpoint.com/v2/url?u=http-3A_riveravineyards.org&d=CwMFAg&c=yU98RTqmkHZnyr3K3nExYR0AsYvCxdg1GRVyYwwHmM0&r=jvgVD9y_BDlxE3elwejuqx71yyNmUXMK-9Sf363s8YA&m=vbdwXinSN4tIH6aZU3wzhQ2qHKC3lcjQo1gkXS6WRs&s=rVOZvfU1Oqg2bhzt64ZahSv3AD3douCGirLEBrRLEBk&e=>

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On Nov 4, 2015, at 10:11 AM, Diane Dillon
<diane@dianedillon.net<<mailto:diane@dianedillon.net>>> wrote:
Hi, Steve -



I do remember ... and it's nice to hear from you! However, I no longer represent Soda Canyon folks directly; we were required to establish new Supervisor Districts in 2011, and the "line" between District 3 and District 4 changed. The result is that - from about Oakville Crossroad going south - everything east of Silverado Trail is in District 4.


That means that Supervisor Pedroza (who was appointed to fill Bill Dodd's vacancy) is your current Supervisor. We have a protocol at the County whereby we refer constituent inquiries to the appropriate Supervisor, so I'm lateraling your email to Supervisor Pedroza as well as Rick Marshall from public works department.

Thanks again for writing,
Diane

Diane Dillon
Napa County Supervisor - District 3
(707) 963-0890

supervisor@dianedillon.net<<mailto:supervisor@dianedillon.net>> NEW EMAIL ADDRESS

< < <https://urldefense.proofpoint.com/v2/url?u=https-3A_www.facebook.com_dianedillon-supervisor&d=CwMFAg&c=yU98RTqmkHZnyr3K3nExYR0AsYvCxdg1GRVyYwwHmM0&r=jvgVD9y_BDlxE3elwejuqx71yyNmUXMK-9Sf363s8YA&m=vbdwXinSN4tIH6aZU3wzhQ2qHKC3lcjQo1gkXS6WRs&s=4xD6tG-mbns74s7hGruixp6dK7R5oj479NreTHyIQbl&e=>> [linkedin]

<https://urldefense.proofpoint.com/v2/url?u=http-3A_www.linkedin.com_profile_view-3Fid-3D25518027-26trk-3Dnav-5Fresponsive-5Ftab-5Fprofile&d=CwMFAg&c=yU98RTqmkHZnyr3K3nExYR0AsYvCxdg1GRVyYwwHmM0&r=jvgVD9y_BDlxE3elwejuqx71yyNmUXMK-9Sf363s8YA&m=vbdwXinSN4tIH6aZU3wzhQ2qHKC3lcjQo1gkXS6WRs&s=pwuHUGQ50mGF49hv6obaKdErflxGuvNbucGQz8G1S-Q&e=>> <

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Hi Diane,

You may remember that I wrote to you a few years ago expressing my concerns

about the condition of Soda Canyon Road. I'm attempting once again to see if perhaps funds could be secured to resurface the road since it continues to show serious degradation.

I wonder if you would take time to review the roads condition now that so many cars and trucks use it with regularity and work to bring this road up to suitable standards? Thank you,

Steven Rivera

925-639-3919 cell

925-943-1111 office

riveravineyards.org <[diablomag.com <\[**CONFIDENTIALITY NOTICE:** This email message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If you are not the intended recipient of the message, please contact the sender immediately and delete this message and any attachments. Thank you.\]\(https://urldefense.proofpoint.com/v2/url?u=http-3A_diablomag.com&d=CwMFAg&c=yU98RTqmkHZnyr3K3nExYR0AsYvCxdg1GRVyYwwHmM0&r=JvgVD9y_BDlxE3elwejuqx71yyNmUXMK-9Sf363s8YA&m=vbdwXinSN4tlHY6aZU3wzhO2qHKC3lcjOo1gkXS6WRs&s=nTfsAfSU-KvHg7M1i02c4r5aS1j2yZnijqCGYPTNgX8&e=></p></div><div data-bbox=\)](https://urldefense.proofpoint.com/v2/url?u=http-3A_riveravineyards.org&d=CwMFAg&c=yU98RTqmkHZnyr3K3nExYR0AsYvCxdg1GRVyYwwHmM0&r=JvgVD9y_BDlxE3elwejuqx71yyNmUXMK-9Sf363s8YA&m=vbdwXinSN4tlHY6aZU3wzhO2qHKC3lcjOo1gkXS6WRs&s=rVOZvfU1Oqg2bhzt64ZahSv3AD3douCGirIEBrRLEBk&e=></p></div><div data-bbox=)

Subject: RE: Soda Canyon Road

Date: Wednesday, November 4, 2015 at 10:11:43 AM Mountain Standard Time

From: Diane Dillon

To: Steve Rivera

CC: 'Marshall, Rick (Rick.Marshall@countyofnapa.org)', Pedroza, Alfredo

Hi, Steve -

I do remember ... and it's nice to hear from you! However, I no longer represent Soda Canyon folks directly; we were required to establish new Supervisor Districts in 2011, and the "line" between District 3 and District 4 changed. The result is that - from about Oakville Crossroad going south - everything east of Silverado Trail is in District 4.

That means that Supervisor Pedroza (who was appointed to fill Bill Dodd's vacancy) is your current Supervisor. We have a protocol at the County whereby we refer constituent inquiries to the appropriate Supervisor, so I'm lateraling your email to Supervisor Pedroza as well as Rick Marshall from public works department.

Thanks again for writing,

Diane

Diane Dillon

Napa County Supervisor - District 3

(707) 963-0890

supervisor@dianedillon.net NEW EMAIL ADDRESS



Hi Diane,

You may remember that I wrote to you a few years ago expressing my concerns about the condition of Soda Canyon Road. I'm attempting once again to see if perhaps funds could be secured to resurface the road since it continues to show serious degradation.

I wonder if you would take time to review the roads condition now that so many cars and trucks use it with regularity and work to bring this road up to suitable standards? Thank you,

Steven Rivera
925-639-3919 cell

Thursday, August 11, 2016 at 9:17:16 AM Mountain Daylight Time

Subject: Fwd: Soda Canyon Road

Date: Friday, November 22, 2013 at 9:37:20 AM Mountain Standard Time

From: Gailtna@aol.com

To: dean@napatax.com

CC: marlenecerchi@yahoo.com, Steve Rivera

From: Gailtna@aol.com
To: Rick.Marshall@countyofnapa.org
Sent: 11/22/2013 9:36:20 A.M. Pacific Standard Time
Subj: Soda Canyon Road

Mr. Marshall:

We have owned property at the 3200 block of Soda Canyon Road for 27 years and in that time our road has NEVER been re-paved. I have complained and complained. We pay extremely high property taxes and our road should be as nice as Atlas Peak Road that got re-paved a few years ago.

I call and complain about the pot holes, the need for striping and the need to resurface. Why do I have to call? Doesn't anyone come up here?

When foggy one can hardly see the road. 2 years ago I complained about the striping and was told the County ran out of paint.

Also, at the top of the road where it is really curvy someone is using the side of the road/hill as a dumping ground. There is a bunch of trash there. Who cleans that up?

Who is looking out for us tax paying citizens?

I look forward to hearing from you.

Gail Thornberry
3235 Soda Canyon Road
707-252-7623

Subject: Fwd: Soda Canyon Road
Date: Friday, November 22, 2013 at 9:38:40 AM Mountain Standard Time
From: Gailtna@aol.com
To: Steve Rivera

From: dean@napatax.com
To: helios@digitalpath.net
CC: Gailtna@aol.com, sodacanyonranch@aol.com, nvwines1@gmail.com, ahavenner@yahoo.com, marlenecerchi@yahoo.com
Sent: 11/22/2013 9:27:06 A.M. Pacific Standard Time
Subj: Fwd: RE: Soda Canyon Road

Neighbors,
read the below from the bottom up. If you feel like emailing Rick Marshall, feel free to do so. Sure money is tight, but some weight should be given to conditions and time waiting as well. The squeaky wheel....
Dean

----- Original Message -----

Subject: RE: Soda Canyon Road
Date: Thu, 21 Nov 2013 18:03:24 -0600
From: Marshall, Rick <Rick.Marshall@countyofnapa.org>
To: Dodd, Bill <Bill.DODD@countyofnapa.org>, Dean Lumbert <dean@dlumbert.comcastbiz.net>

Mr. Lumbert, thank you for your message. I always appreciate when people take the time to let us know what is happening in their areas.

We share your concern for the condition of Soda Canyon Road, as well as all of the County's 450 miles of maintained roads. There are millions of dollars' worth of needed repairs on the system, but no where near enough funding to accomplish everything that's needed. It has not been possible to do more in recent years, due to limited funding sources, some of which fluctuate greatly from year to year. As such, we have given priority to the major routes, which serve the most users.

The recent passage of Measure T will provide a stable ongoing source of funding with which we will be able to address concerns such as these in a more timely manner, but unfortunately its revenue does not start flowing until 2018.

In the meantime, we will keep an eye on this road and address any basic needs as soon as possible.

Rick Marshall, P.E., P.L.S.
Deputy Director of Public Works
Road Commissioner & County Surveyor
Napa County Public Works
(707) 259-8381
Rick.Marshall@countyofnapa.org

-----Original Message-----

From: Dodd, Bill
Sent: Monday, November 18, 2013 3:57 PM
To: 'dean'
Cc: Marshall, Rick
Subject: RE: Soda Canyon Road

Hi Dean

I am familiar with the deplorable condition of your road. I have passed this on to Rich Marshall and he might be able to shed some light on the situation.

Thanks

Bill

-----Original Message-----

From: dean (<mailto:dean@napatax.com>)
Sent: Friday, November 15, 2013 1:13 PM
To: Dodd, Bill
Subject: Soda Canyon Road

Dear Supervisor Dodd,

My wife and I have owned property on Soda Canyon Rd. since 1988, and have made our home there since 1996. We are six miles up the road from Silverado Trail. When we bought our property twenty-five years ago, Soda Canyon Road was in dire need of resurfacing. Since then, ruts have been patched, and striping has been done, but that's about it. We now have many more hundreds of acres of vineyards planted by Krupps, Mondovi's, Trincheros and other wineries/owners, and many more residents and workers pass over Soda Canyon Road every day. But Soda Canyon Road has been passed by for major work all these years. A few weeks ago I hit a pothole so bad that the emergency roll bar in my car actually popped up.

I am requesting that you do whatever is in your power to get our road on the list for a much needed resurfacing. I know that county funds are not in overabundant supply, but please do what you can.

Thank you for reading this email.

Yours truly from a fellow Rotarian,

Dean Lumbert

.

Rick Marshall

Deputy Director of Public Works

& County Surveyor

Napa County Public Works

(707) 259-8381

Rick.Marshall@countyofnapa.org

From: Gailtna@aol.com [<mailto:Gailtna@aol.com>]

Sent: Tuesday, October 19, 2010 6:06 AM

To: Marshall, Rick

Subject: Soda Canyon Road

Good morning Mr. Marshall:

I live at 3235 Soda Canyon Road. I am writing regarding the condition of Soda Canyon Road. I have owned my property for 23 years and in those years the road has only been patched. Never resurfaced. Why is that?

My husband went to a meeting at the 4,000 block of Atlas Peak Road and he said it had been resurfaced and was very nice.

There are so many pot holes on our road and being a narrow road when you try to go around it you can come upon traffic coming at you which is a hazard for sure. With the winter coming I am sure there will be more pot holes.

I know there is a lot of road work being done in the city but what about us in the county? We pay a lot of money in property taxes and I really feel something better should be done to our road.

I look forward to hearing from you.

Gail Thornberry

252-7623

From: **Steven Rivera Mr.** srivera@maildiablo.com
Subject:
Date: Today at 9:04 AM
To: **Steven Rivera Mr.** srivera@maildiablo.com



October 18, 2010

Dear Rick,

I live at 3225 Soda Canyon Road in Napa County and I would like to inquire about having the road resurfaced as it is in serious need of repair.

Over the past seven years we have seen much more traffic on this road as well as many new homes built along and adjacent to this road artery. Furthermore the many new vineyards at the very top of Soda Canyon Road have expanded to a point where because of the large number of vineyard workers driving this road each day, it has become quite dangerous in part because of the irregularities in the road surface coupled with the narrow winding conditions that currently exist.


I would like to request that a formal surface review of this road be considered as well as a review of when the last resurfacing took place so you can determine and recommend that Soda Canyon Road be a candidate for resurfacing in 2011.

Thank you.

Sincerely,

Steven J. Rivera

Thank you for contacting this office through our website. I always appreciate when people



take the time to let us know what is happening in their areas.

We share your concern with Soda Canyon Road, and have added it to our ever-growing list of needed pavement rehab projects. It will not be possible to put together any more pavement projects this year, as this type of work needs to be concluded before rains come in the Fall. We hope to be able to include this road in the package of projects for next year's construction season; however, funding for such work is not certain at this point. There are millions of dollars' worth of needed repairs on the County's 450-mile road system, but nowhere near enough funding to accomplish everything that's needed. We are working with other local and regional agencies to identify other possible sources of funding which would not only increase funding, but hopefully stabilize it so it's certain from year to year and we can plan accordingly.

In the meantime, we will keep an eye on this road and address any basic needs as soon as possible.

Please let me know if you have questions or need additional information.

Rick Marshall

Deputy Director of Public Works

& County Surveyor

Napa County Public Works

(707) 259-8381 <tel:(707)%20259-8381>

Rick.Marshall@countyofnapa.org <mailto:Rick.Marshall@countyofnapa.org>

Thursday, August 11, 2016 at 9:25:13 AM Mountain Daylight Time

Subject: FW: Fire question

Date: Wednesday, August 10, 2016 at 9:49:39 AM Mountain Daylight Time

From: Marilyn Rivera

To: Steve Rivera

Priority: High

Marilyn Beck Rivera
925-683-6049, cell phone
mrivera@maildiablo.com

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From: Gail + Rick Thornberry <gailtna@aol.com>

Date: Monday, February 27, 2012 at 9:46 AM

To: Marilyn Rivera <mrivera@maildiablo.com>

Subject: Re: Fire question

I don't really know. It is my understanding that the works at Davidowski's called their boss and said I don't think we should burn as it is really windy up here. The boss told them to do it and all would be fine. Obviously not. We are living in town right now as the house has smoke damage. We are going up today to investigate and see when it can be cleaned up so we can move back in.

It was really scary and awful. Thank God my husband had cleared as much as he did. We lost a few things but nothing like it could have been. The Fire Inspector of the fire told us Rick had done a really good job and that he had driven around the neighborhood and he felt all the homes had good clearing. That would be you as well. He gave us his card and said if anyone had any questions, to call him. His name is Tim Hoyt and his number is 967-1428 (office) 486-8069 (cell).

I am going to send you a couple of links from that day and Friday.

When you are in the area, please give us a call 707-252-7623 and come up to see all the burning.

If you have any other questions, please feel free to contact me.

Gail

In a message dated 2/27/2012 7:25:50 A.M. Pacific Standard Time, mrivera@maildiablo.com writes:

Hi Gail: We're still in Idaho, and putting the pieces together as to what happened up at the ranch. Is it true that vineyard people can burn during 25 MPH winds? That seems really weird to me.

I hope all is well with you - MR

Subject: FW: Soda Canyon Ranch Fire

Date: Wednesday, August 10, 2016 at 9:49:23 AM Mountain Daylight Time

From: Marilyn Rivera

To: Steve Rivera

Priority: High

Marilyn Beck Rivera
925-683-6049, cell phone
mrivera@maildiablo.com



From: dlumbert <helios@napalink.net>

Date: Friday, February 24, 2012 at 1:57 PM

To: Ron + Karen Davidowski <RJDWine@aol.com>, Barbara Weare <blweare@hughes.net>, Gail Leff <gpleff@earthlink.net>, Gail + Rick Thornberry <gailtna@aol.com>, George Gaskins <nvwines1@gmail.com>, Trinchero Family Estates <hhuffsmith@tfewines.com>, Marilyn Rivera <mrivera@maildiablo.com>, Marlene Cerchi <marlenecerchi@yahoo.com>, Michael Rudd <mdrudd@ruddequipment.com>, Nancy Probst <nprobst@pacbell.net>, Richard Leff <rleff@gmail.com>, Gail + Rick Thornberry <sodacanyonranch@aol.com>, Steven Rivera <srivera@maildiablo.com>

Subject: Soda Canyon Ranch Fire

Hi neighbors!

I'm sure you have all heard about the fire up here by now. Fortunately no one was hurt and no homes were burned. Barbara Weare's home and that of the Thornberrys got hit with a lot of smoke damage. There were some relatively minor losses like pool furniture, etc. All in all it was a scary day for those of us observing the fire. It was certainly an excellent reminder of how important having a good defensible space really is. Also we can never get so comfortable up here that we forget to be mindful of good fire prevention practices. Obviously having vineyard workers burn on a windy day isn't one of them. Especially when the winds were around 25 mph. But people make mistakes, natural events can cause a lot of damage so I guess we just need to employ that good old Boy Scout motto "Be Prepared".

I watched as the fire spread up Haystack on the Valley side. The CDF were really on top of it and almost immediately a helicopter was filling its buckets from the Probst Pond (thank you for having that available) and was working to control the fire going up Haystack and at the base. Things were looking pretty good but then the high winds just whipped the fire across the Ranch road and down the "wild" hillsides between Thornberry's and Davidowski's properties. By this time Rick Thornberry was here with me and we watched as the smoke and plumes began moving up the slope towards his driveway. It moved along up along his drive up to a shed and wood pile, burning brush along the way. Fortunately, Rick had an excellent defensible space created and we could see the fire stop at the edge of this space. The fire then burned down the hills behind his home and sometime later the winds blew it along the ridge behind them and Trincherro's property. By this time many fire departments had brought in additional crews, a helicopter continued to bucket water over the fire, and ground crews were deeply involved moving to create fire breaks and fight hot spots they could reach.

It appears just from my vantage point at this time, that the Davidowski, Weare, Leff and Thornberry properties were those that sustained damage in the fire. The Trincherro, Rudd, Rivera, Caldwell and Havener properties were not in the fire's path, nor thankfully were we. The winds were pushing the fire toward Yountville. Once the helicopter stopped the fire at the top of Haystack, there was no danger that it would spread to the Havener property side of the Ranch. The Probst and Gaskin properties were totally removed from the fire zone.

The smell of smoke is in the air and there are still quite a few firefighters working the area today. A helicopter is flying over areas and dropping buckets of water on hot spots. I've been told by two fire crew that they are still keeping people away from this side of the Ranch today.

I am attaching just a few photos taken between 2:30 and 4:00 yesterday just to give you an idea of what it was like up here. I'm sure Rick or Gail Thornberry will write to you with more information as the days progress. I understand we have sustained some severe damage to the Ranch road due to the heavy equipment brought in to fight the fire, including several bulldozers. All this will be evaluated and you'll get more information in the coming days.

This all could have gone horribly bad for many more people. I know we're all grateful it did not. I'm sure we all extend our support to those who have been hit by this situation and offer our willingness to help in any way we can.

I'm happy to answer any questions you might have, but I only have limited information as I haven't been able to enter the fire area.

Jeanne

Thursday, August 11, 2016 at 9:25:47 AM Mountain Daylight Time

Subject: FW: Last nights fireworks
Date: Wednesday, August 10, 2016 at 9:55:33 AM Mountain Daylight Time
From: Marilyn Rivera
To: Steve Rivera
Priority: High

From: Steven Rivera <srivera@maildiablo.com>
Date: Tuesday, July 26, 2016 at 6:59 AM
To: Barbara Weare <blweare@hughes.net>
Subject: Re: Last nights fireworks

Thank you for your prompt reply. I could only assume you weren't there to witness this incredibly irresponsible action - I'm just thankful a wildfire wasn't started. Safe travels Barbara.

Steven Rivera
925-639-3919 cell
925-943-1111 office

riveravineyards.org
diablomag.com

On Jul 25, 2016, at 11:04 PM, Barbara Weare <Blweare@hughes.net> wrote:

Hi Steve
You can bet I did not know about this. I am out of the country in Croatia. I will call my son right now and give him a piece of my mind. Thanks for letting me know and o am very sorry this happened

Sent from my iPhone

On Jul 25, 2016, at 4:40 PM, Steve Rivera <srivera@maildiablo.com> wrote:

Dear Barbara,

I'm writing to let you know that I was one of at least two callers to the sheriff last night expressing concern over the illegal aerial fireworks emanating from your home. After the sheriff's visit, he called to confirm

that it was coming from 3239 SCR and some kids were having a party. He mentioned that they expressed apologies for setting the fireworks off. Sidebar, we also had to listen and tolerate gunfire the better part of the weekend which certainly changes the peaceful nature of why we choose to own a home here.

Barbara I would assume you know that Cal Fire has defined Soda Canyon as the second highest danger area for fire in the Napa Valley. There is a reason that fireworks are illegal to set off in our area, not the least being the obvious dry tinder box that surrounds us during this time of year. Please see www.firewise.org.

I can only assume you weren't home, but someone needs to have a conversation with these young people and explain the serious risk and liability placed on you AND the impact it would have had on your neighbors if a wildfire had started from their thoughtless act . Please feel free to call me if you wish to discuss this further.

Steven Rivera
925-639-3919 cell
925-943-1111 office

riveravineyards.org
diablomag.com

POB 2144
Yountville CA 94599
October 10, 2016

Napa County Planning Commission
John Mc Dowell, Deputy Planning Director
Napa County Planning, Building & Environmental Services Department
1195 Third Street, Suite 210
Napa, CA 94559

RE: Opposing Mountain Peak Winery-Use Permit #P13-00320-UP

Dear Deputy Planning Director McDowell,

I am a resident of Soda Canyon who is extremely concerned with the negative impact the massive Mountain Peak Winery proposal will have on the agricultural preserve, Soda Canyon, Napa County, and future tourism developments.

I have read the Initial Study Checklist, attended the Planning Commission meeting on July 20, 2016 and have previously submitted a letter opposing this permit. I share the concerns of the citizens who spoke at the July 20th meeting and would encourage the commission to consider the traffic, well water, noise pollution, fire danger, quality of life, road condition, and watershed issues.

I believe it is the Planning Commission's responsibility to not only take under consideration these issues but to also carefully analyze the scope and size of the project, the remoteness (Resolution No. 2010-48, WDO) of the proposed winery location, and the unspoken reasons behind the Planning Department's seemingly "rubber-stamping" of this project, along with most of the proposed wine industry project proposals in Napa County.

A substantial amount of information was presented to the commission at the July 20th hearing regarding the Soda Canyon Road. I personally spoke to the commission regarding the factors that make Soda Canyon Road dangerous:

- narrow windy road with limited sight distance
- zero shoulder width
- wildlife
- unlighted
- narrow historical bridge
- steep grade
- unsafe and speedy vineyard workers commuter traffic convoys

When this road was paved, it was designed for the few families and the agricultural projects that existed in the canyon at that time; however, the development of new residences, vineyards, and wineries over the last twenty years, have changed not only the community of Soda Canyon but also the traffic needs of those who live and work in the canyon. Soda Canyon Road is barely able to handle these existing needs and increased traffic trips for winery tours and tasting, along with the sizable increased of traffic due to the construction process (equipment, workers, supplies etc.) and vineyard development, will overwhelm the capacity of this road to safely meet the needs of those who live and work in the canyon.

I would like to make one more point regarding the traffic concerns and that is the potential for fires as a result of increased traffic of nonresidents. There is a huge amount of litter on the side of the road, along with cigarette butts. The fire that started on July 26, 2016 was approximately 200 feet from my home and although it was undetermined what caused the fire, I personally counted four cigarette butts on the side of the road as I walked up to talk to fire personnel. I seriously doubt a homeowner or vineyard/winery owner would throw out a cigarette butt and put their property in danger. Unfortunately, tourists and workers might not have the same regard for the canyon.

If the permit is approved and the construction process begins, I have little faith in Napa County's ability to appropriately supervise the construction process in view of what has happened in Angwin with the Bremer Winery. Despite citizens complaining for over two years regarding multiple environment violations, the county finally red-tagged the project in September for grading without a permit, constructing water tanks in a creek zone, and trucking to a Deer Park location. If the Mountain Peak Winery permit is granted, will Soda Creek habitat suffer the same damage as Canon Creek in Angwin? What assurances do the property owners of Soda Canyon have that the county will respond to potential violations in a timely manner?

I am aware the individuals in Planning Department and on the Planning Commission have devoted a great deal of time and energy into reviewing this project. As a citizen and tax payer, I would ask these individuals to consider the cumulative impact of their decisions regarding this proposed project. Please vote to NOT turn our valley into a Disneyland for wealthy wine enthusiasts wannabes. Please vote to keep our valley the agricultural treasure that it is.

Thank you,
Barbara Guggia tahoemtgirl@gmail.com

John McDowell
Deputy Planning Director
Napa County Planning, Building & Environmental Services Department
1195 Third Street, Suite 210, Napa, California
Fax: (707) 299-1358F
Email: John.Mcdowell@countyofnapa.org

Dear Mr. McDowell & Members of the Planning Commission,

My name is Ram Challapalli. I am writing this letter on behalf of myself, my wife Sridevi Challapalli, MD, Phillip Dahan, DDS, and his wife, Linda Savoie. I am writing you to inform you of our strong opposition to the Mountain Peak Project. We purchased our 10 acre vineyard property on 3520 Soda Canyon Road in the fall of 2015. We looked at numerous properties over several years before making this selection. We intentionally eschewed properties on the valley floor near the larger wineries as well as properties in and near the established towns in the County of Napa. We sought serenity and privacy in a pastoral setting. We also looked forward to joining a close-knit community with similar interests. In addition to responsibly growing a small lot of high quality of Napa grapes, we looked forward to many of the other opportunities that living in this small community could offer. I am a recreational cyclist and hiker. We are all lovers of nature. It is my opinion that the Mountain Peak Project threatens many of these pursuits. In fact, we would not have purchased our current property had had the project already been approved.


First and foremost, I am greatly concerned with the increased vehicular traffic that will burden Soda Canyon Road. One estimate suggests that the Mountain Peak project will add an additional 47,000 car trips per year on already busy and dangerous road. Given that these trips are for the purpose of wine tasting, safety for entire community may be compromised. Soda Canyon is a steep narrow mountain road this is difficult to navigate under ideal circumstances, let alone after wine tasting. As a recreational cyclist who rides Soda Canyon Road on a regular basis, I would most likely have to drive my bicycle to other locations for riding. The road conditions and traffic for riding are already scary and the addition of some 47,000 car trips per year were likely make this road too dangerous to ride. This increased traffic will also pose a threat to the wild life in the area and increase risk of fire.

I also have great reservations with Mountain Peak Project's request for a permit to produce 100,000 gallons of wine annually. This amount of production would require approximately 700 tons of grapes. It is my understanding that after construction, their winery site will leave room for roughly 25 plantable acres. Our vineyards produce around 2.5 tons to the acre, and we were told when we bought the property that in a good year we may get 3 tons to the acre. Based on those figures, that means that Mountain Peak's vineyard after construction will only be able to produce somewhere between 62.5 and 75 tons of grapes per year. How can

they justify production for 700 tons of grapes? Based on my experience they cannot, and the net result would again be increased vehicular traffic only now with large trucks transporting tons of grapes up the steep and narrow mountain road. The water required for this level of production may also compromise the many other modest vineyards in the area, especially during these drought stricken times.

Finally, if the Mountain Peak Project is given approval a precedent will be set inviting other large developers to pursue similar large-scale tourist based projects in the area. This would forever change the character of this small rural community. Thank you for your consideration.

Sincerely,



Ram Challapalli, MD
3520 Soda Canyon Road
Napa, California

RECEIVED
OCT 13 2016
Napa County Planning Building
2200 Main Street, Napa, CA 94559

10 October, 2016

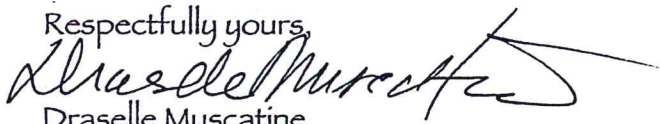
To the Planning Commission and Board of Supervisors

I write again to urge you to think of the consequences of allowing the Mountain Peak project to proceed as proposed. Not only is the scale outrageous but it would set an ominous trend for those that are already here in Soda Canyon and for those who might come in the future.

I regale you again with the fact that Soda Canyon Road was not built for this level of traffic. The idea that, against your better judgment, Mountain Peak found favor for achieving the Greene Award, is ludicrous.

I am concerned about the future of Napa Valley. Attached is a news item from the Wall Street Journal. Take note. You're about to kill the Golden Goose.

Respectfully yours,



Draselle Muscatine

2410 Soda Canyon Road

Napa, California

707-265-8237

See attached WSJ article

Wall Street Journal – Sept. 25, 2016

Oregon's Willamette Valley: Wine Country Travel Without the Headaches

WINE-COUNTRY travel can often be better in theory than practice, with overpriced tasting rooms, heavily trafficked highways and crowded restaurants and bars. Does an oenophile's paradise even exist anymore? While some may pine for the palazzos of Tuscany, for me it's the Willamette Valley of Oregon. About an hour south of Portland, the Willamette Valley is synonymous with great Pinot Noir. But it has much more to offer: namely, a laid-back atmosphere in which visitors can still meet winemakers in person, eat meals next to famous winemaking families, ride horseback through vineyards and spend the night in a vintage trailer park.

In almost everything—from wineries to hotels to dining locales—travelers will find a disarming lack of pretension. Take, for example, my first meal. Hidden among the many shopping plazas in Newberg, a key wine town and one of the northernmost in the valley, the [Dos Mundos Food Cart](#) came highly recommended. "Prepared to be thrilled," Rollin Soles, winemaker and owner of [Roco Winery](#) in Newberg, told me.

October 11, 2016

John McDowell, Deputy Planning Director, Napa County Planning,
Building & Environmental Services Department
1195 Third Street, Suite 210
Napa, California 94559
Email: john.mcdowell@countyofnapa.org
Fax: (707) 299-1358

RE: PROTESTING: MOUNTAIN PEAK WINERY-USE PERMIT #P13-00320-UP

Dear Deputy Planning Director John McDowell:

My name is Julia Arger and I, along with my husband Kosta Arger MD, own vineyard property at 3030 Soda Canyon Road, directly across the gravel road from the proposed winery project Mountain Peak. I previously wrote a letter in July 2016, but am again voicing my strong and sincere opposition to the Mountain Peak "Tourist Event Center" winery proposal based on what I heard at the July 20, 2016 Planning Commission hearing.

After listening to the applicant's presentation at the July 20 hearing, I am even more convinced that this proposal is fatally flawed in multiple areas. Instead of addressing the extreme size and scope of this proposal at the hearing, the applicant and its various representatives (aka "hired guns") focused on abstracts such as the LEED Certification point system requirements and "model projections" allowing the viticulturist to arrive at an absurd figure of 5 tons/acre of annual grape production.

The simple fact is that the applicant did not address the realities of this project because nobody, not even the LEED Certification expert or the expensive San Francisco attorney can refute the massive assault on the terrain with the proposed excavating for 35,000 feet of underground caves, the incredible water usage necessary to sustain a 14,575 annual tourist event center, and the noise and other environmental impacts that this project and its commercial visitation figures will create. Currently, the one lane gravel road which separates our property from the Mountain Peak property is overburdened with truck and vineyard worker traffic starting before dawn. I can only imagine the added noise, dust and congestion from both the construction and operation if this project is allowed to move forward.

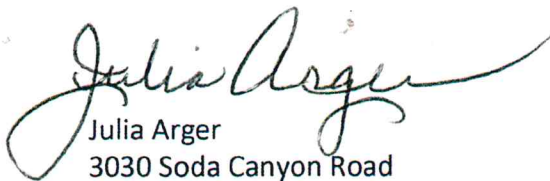
The already increased numbers of vineyard workers driving up and down Soda Canyon Road every day since we purchased our property in 1999 is alarming. Add to that the workers and the massive increase in large trucks transporting equipment and grapes, and the result produces serious safety concerns for workers and property owners alike. The county needs to listen to the facts and face the realities. With each added vineyard and winery proposal in Napa's remote hillsides, the problems compound. Approved projects already threaten to overwhelm the capacity of rural roads to accommodate the increased traffic, and further approval of wineries like Mountain Peak, which are completely out-of-scope for their remote

and rural locations, will result in disaster for residents, property owners, and the entirety of Napa Valley. The county must acknowledge that the remoteness of these hillside locations is a significant consideration not to be "brushed aside" as appears to be the case now. To keep rubber stamping these winery proposals is to threaten the future of the Napa Valley. Officials must seriously consider the ramifications of this rubber stamping. Growth can be positive if done responsibly, but approving Mountain Peak and others like it in our remote hillside locations threatens not only our environment, but also the economy and quality of life for our Napa Valley community, as there will come a point in the very near future when tourists stop coming to Napa precisely because it so overpopulated with wineries and has completely lost the charm of yesteryear. To protect our incredible treasure and brand that is the Napa Valley, the County must act responsibly and oversee common sense development, not irresponsible projects like Mountain Peak that are truly wolves dressed in sheep's clothes when it comes to the adverse environmental and public safety impacts they will have on the communities in which they are being proposed.

On a more personal note, when I spoke at the July 20, 2016 hearing, I stated that the owners have made no attempt to reach out to me or my family and we live directly across the road. It has now been nearly three months since the last hearing and we have still not met them. They have made zero attempt to connect with us. One would think that after the community outrage that was demonstrated at the hearing that they would at least try to make some inroads with the neighbors who will be most impacted by this project. They did not. I seriously question the motivation behind their project as they have certainly made no attempt to be neighborly or to assuage our legitimate concerns over the environmental and safety impacts that will result from this commercial project.

To finish, let me be clear: I am not opposed to the Napa Valley Wine Industry. I am, however, for common sense responsible growth. With this in mind, I urge you to deny the Mountain Peak permit, as it is grossly out of scale in terms of both scope and size for the remote location at the end of the 6.5 mile, windy and rough two-lane Soda Canyon Road.

Sincerely,

A handwritten signature in cursive script that reads "Julia Arger". The signature is written in black ink and is positioned above the typed name and address.

Julia Arger
3030 Soda Canyon Road
Napa, CA 94558

Diane Shepp
Soda Canyon Road
Napa, CA 94558
sheppdiane@gmail.com

11 October 2016

John McDowell, Deputy Planning Director
Napa County Planning, Building & Environmental Services Dept.
1195 Third Street, Suite 210
Napa, CA 94559
John.McDowell@countyofnapa.org

Re: Mountain Peak Vineyard [Winery] application Use Permit #P13-00320-UP

Dear Deputy Planning Director McDowell,

Since the last Planning Commission hearing regarding Mountain Peak Vineyard [Winery] (MPV) of July 20, 2016, several more incidents of note have occurred on Soda Canyon Road that pertain to my request to deny or substantially reduce the scope of the MPV proposal.



A refresher: Soda Canyon Road is a poorly maintained, two lane, dangerous, dead-end road that winds its way up Soda Creek, over a steep grade and ends on a high plateau at the edge of Rector Creek Canyon. The plateau is the watershed of Rector Reservoir on the eastern side of the Napa Valley. There are three ends to Soda Canyon Road [one is paved, the other two are dirt and lead to residences and vineyards].

This area, described in the Napa County General Plan as a dark-sky environment, is remote from the light and noise of the Napa Valley. Until recently, the area has been entirely residential, agricultural or undeveloped watershed. Only two commercial wineries have been on the road in the last half century: the small White Rock Winery on Loma Vista and the large Antica Napa Valley set in its own 1000 acres on the Rector Plateau.

As of today's date, Soda Canyon Road has eight (8) wineries approved or in the application process. The MPV proposal brings the total to nine (9).



UPDATE WILDFIRE: July 26, 2016 Soda Canyon Road blocked by emergency vehicles all morning. Thankfully the wildfire was contained quickly, however there was no ingress/egress for the entire morning for anyone [residents, winery personnel, tour buses, visitors or the mailman].

The Soda Canyon Road area has the second highest number of emergency incidents in Napa County. Wildfires are an unfortunate occurrence throughout the year and pose significant safety issues for anyone visiting the area [including proposed MPV visitors].

UPDATE TRAFFIC INCIDENTS: Tour bus breaks down on Soda Canyon Road, while visiting the Beau Vigne vineyards not winery.

Date: September 24, 2016 Three tour buses visiting the vineyards of Beau Vigne Winery (winery approved on September 7, 2016, by the Napa County Planning Commission*) transport their winery visitors to their vineyards located on the dirt portion of Soda Canyon Road in Foss Valley (~7 mile marker). One of the buses broke down on the steepest part of the paved grade (~5 mile marker). The other two buses continued to the vineyard...kicking up a lot of dust. One of the tour buses later returned to the broken-down bus and transported the remainder of visitors to the vineyard.

Breakdowns of this nature are frequent and not limited to tour buses. Many vineyard and delivery trucks likewise breakdown at the steepest part of the paved road, sometimes blocking traffic in both directions.

While Beau Vigne visitation and production may be modest, it is just one of several projects approved or in the pipeline right at the base of Soda Canyon Road that will change the character of the Trail in this location and increase the amount of traffic we have to deal with at the Soda Canyon junction and on the mountain.

This brings up another topic: Was the visitation of Beau Vigne tourists to their vineyards at the top of Soda Canyon also included in the permit? Do winery use permits include vineyard visitation as well? This is very relevant to the MPV application in that they also have vineyards located down the dirt portion of Soda Canyon Road which is not a county maintained and one lane. Not a safe place to be in an emergency.

*Beau Vigne Winery is located at 4057 Silverado Trail, Napa; 625 feet north of its intersection with Soda Canyon Road. Their vineyard is located on Soda Canyon Road (dirt road section).



Stranded tourists waiting to be rescued on their way to the Beau Vigne vineyards at the top of Soda Canyon.

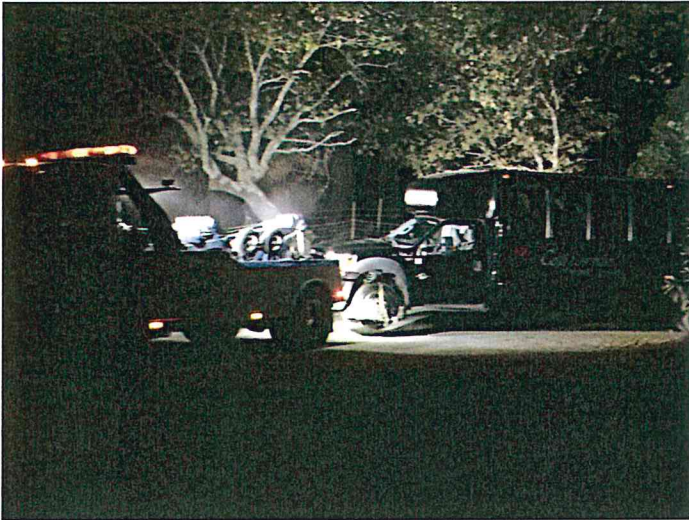


One of the other tour buses that did not break down entering the Beau Vigne vineyard. Please note all the DUST.

There is great concern regarding travel on Napa County dirt roads and its negative impact on our water resources, siltation and degradation of our environment.

This practice certainly does not protect our agricultural lands from an invasion of tourists among the vines. Or is this merely marketing and therefore defined as agriculture?

Is this the next phase we are to expect of tourism posing (and imposing) on agriculture in the Napa Valley?



The final indignity, the broken down tour bus being hauled away later that night in front of MPV.

REVELANCE to the MPV proposal:

Safety/Danger: The historic danger of wildland fire on the Soda Canyon Road is a given. Soda Canyon is a dangerous, dead-end road...no place for a huge, industrial strength, visitor center/winery with many employees and thousands of visitors. The recent increase in the number of wineries and related winery traffic on Soda Canyon, increases the potential of putting visitors, residents and wineries at increased risk and having to shelter-in-place during an emergency.

Current road conditions are not going to change: The road has not been improved and has in fact deteriorated at an alarming rate. The County has indicated it is not going to improve the paved road anytime soon, and they are not going to pave the dirt portions of the road probably ever.

Proximity to significant water resources and dirt roads: MPV's proposed site is located at the junction of the paved and gravel road at the 6.1 mile marker; and sits in proximity to Rector Canyon and Reservoir. MPV's second vineyard is located down the dirt road another 2-3 miles. If a precedent is set with the Beau Vigne example, then MPV could begin conducting tours down the one-lane, dirt road (not county maintained or owned) which then poses potential significant negative impacts and degradation of the Rector watershed and siltation from dirt-country roads.

The scale of the MPV proposal and its ambitious tourism marketing plan mark the true negative impact of wine tourism in a remote corner of the county. The MPV project promises to change the character of life on Soda Canyon Road and not for the better. If successful, it will not be the last such project to cash in on the bucolic remoteness of the rest of Soda Canyon...and that remoteness will be irreparably destroyed.

The MPV as proposed only adds to an already existing difficult and dangerous situation and adds more risk to anyone 'visiting' Soda Canyon Road; risk to our County's valuable water resources; and the safety of tourists and residents alike. It adds nothing of real value.

The proposed MPV is not a small family winery designed to be consistent with the immediate local environment. In fact, it is quite the opposite. A winery of the proposed size and scope does not belong in a remote area on a dead-end road.

Please protect our fragile environment and homes from unwarranted, industrial strength, mega-wineries in remote locations in Napa County. I'm counting on you to represent and ensure the health and safety of local residents. If you truly wish to create a Napa County where our children and future generations of Napa citizens will live, and raise their families, then the choice is clear.

I respectfully request that you deny the MPV application. Short of that, please significantly reduce the number of allowed public tours, events, winery size and production levels.

Thank you,

A handwritten signature in black ink, appearing to read "Diane Shepp". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Diane Shepp

McDowell, John

From: Anthony Arger <aargerlaw@gmail.com>
Sent: Thursday, October 13, 2016 3:49 PM
To: McDowell, John
Subject: Re: Supplemental Letter of Opposition re: Mountain Peak Winery UP P-13-00320-UP
Attachments: (Revised) Exhibit 10f to Anthony G. Arger 10.11.16 Supplemental Opposition to Mountain Peak Winery.pdf

Mr. McDowell,

Attached please find the corrected/revised exhibit 10f. Please substitute this exhibit 10f for the current exhibit 10f to my supplemental letter. This revised 10f correctly lists the approximate mile marker of 6.2 miles on Soda Canyon Road at which this photo was taken. Thank you.

Sincere regards,
Anthony

On Thu, Oct 13, 2016 at 10:52 AM, McDowell, John <John.McDowell@countyofnapa.org> wrote:

So can you submit the correction to this now that there is more time?

From: Anthony Arger [mailto:aargerlaw@gmail.com]
Sent: Wednesday, October 12, 2016 11:15 AM
To: McDowell, John
Cc: Frost, Melissa
Subject: Re: Supplemental Letter of Opposition re: Mountain Peak Winery UP P-13-00320-UP

Hi John,

I just noticed that in my Supplemental Letter, Exhibit 10f is incorrectly marked. It currently says "(mile 5.0)" - that is incorrect. That specific picture (of the tow truck towing the CA Wine Tours bus) was taken at ~mile 6.2. If you could cross out mile 5.0 and write (mile 6.2) next to or below that on your master copy, I would really appreciate it.

Thank you,

Anthony

On Tue, Oct 11, 2016 at 5:43 PM, Anthony Arger <aargerlaw@gmail.com> wrote:

Excellent, thank you Mr. McDowell!

On Tue, Oct 11, 2016 at 5:40 PM, McDowell, John <John.McDowell@countyofnapa.org> wrote:

Anthony – looks like it all conveyed in Google Docs. 128 pages. I need to leave but will try download first thing tomorrow.

From: Anthony Arger [mailto:aargerlaw@gmail.com]

Sent: Tuesday, October 11, 2016 5:28 PM

To: McDowell, John

Cc: Frost, Melissa

Subject: Supplemental Letter of Opposition re: Mountain Peak Winery UP P-13-00320-UP

Dear Deputy Planning Director McDowell,

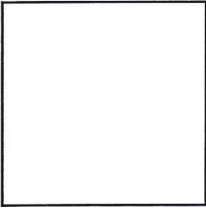
Attached please find my Supplemental Letter of Opposition re: Mountain Peak Winery (Use Permit P-13-00320-UP). Please include my letter and all exhibits with the packet to be submitted to the Planning Commission in advance of the October 19, 2016 hearing.

Note that the file is quite large and had to be attached/shared via Google drive. I have never had to attach a document to an email in that manner, so am not sure if/how it will work.

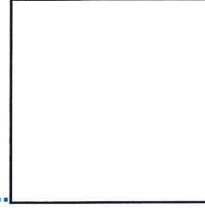
Please confirm receipt of this email and if you are able to access/download the document. If you have any trouble, please let me know and I will break the document up into smaller parts.

Sincere regards,

Anthony



[Supplemental Letter to Napa County re Mitigated...](#)



--

Anthony G. Arger, Esq.

[\(775\) 750-6545](tel:(775)750-6545)

Email: aargerlaw@gmail.com

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--

Anthony G. Arger, Esq.

[\(775\) 750-6545](tel:(775)750-6545)

Email: aargerlaw@gmail.com

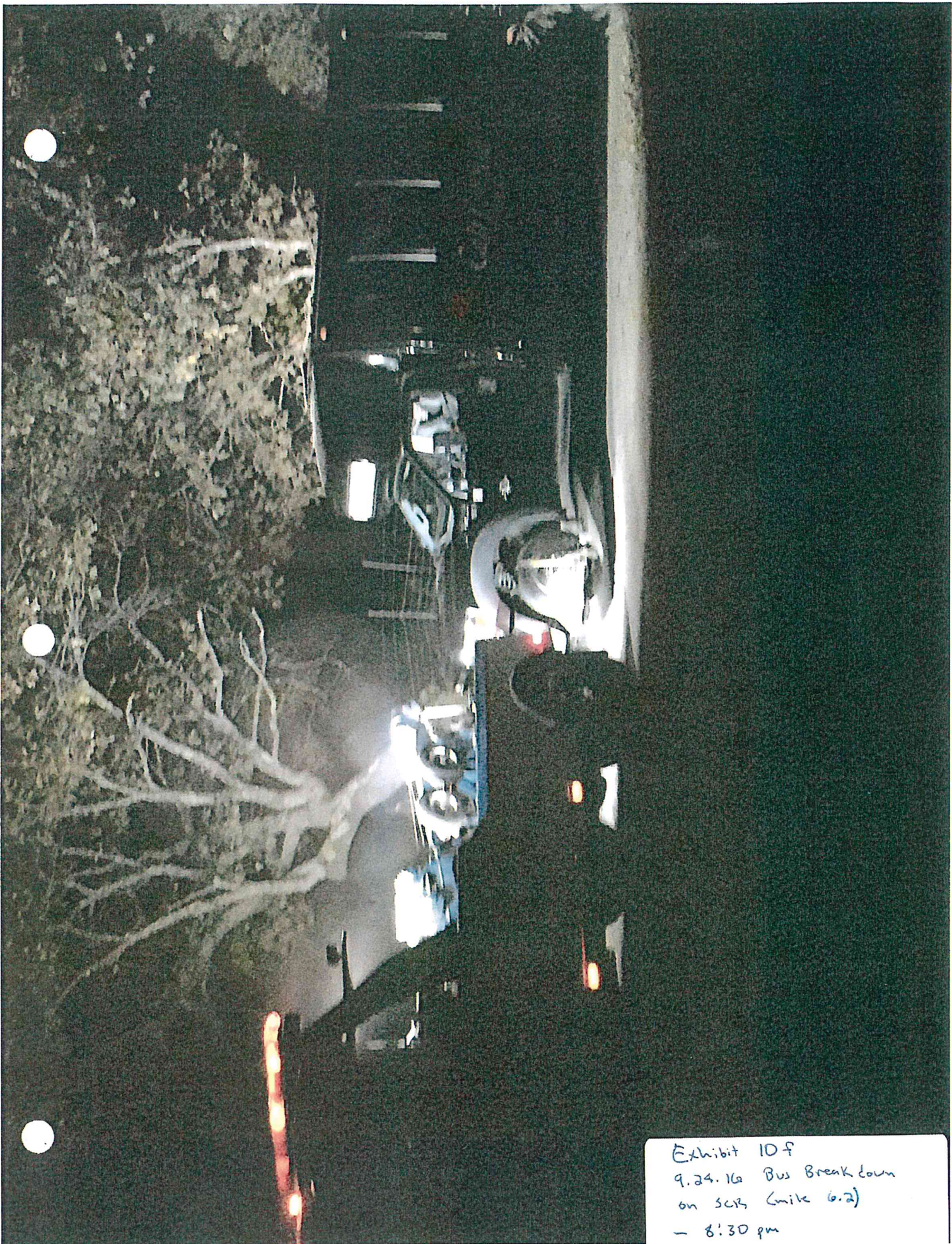


Exhibit 10f
9.24.16 Bus Break down
on 50th (mile 6.2)
- 8:30 pm

Dave Phinney
Orin Swift Cellars
P.O. Box 475
Rutherford, CA 94573

RECEIVED
OCT 29 2015
73
Napa County Planning, Building
& Environmental Services

October 16, 2015

John McDowell
Deputy Planning Director
Dept. of Planning, Building & Environmental Services
Napa County
1195 Third Street, Suite 210
Napa, CA 94559

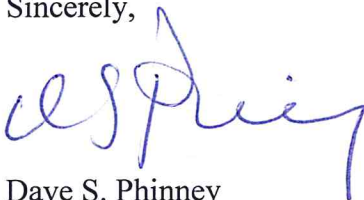
Dr. Mr. McDowell:

I am writing of support for Mountain Peak's winery use permit application as the application meets and exceeds both the letter and the spirit of the laws and standards. Several examples of this include:

- The proposed winery will source grapes from the estate surrounding vineyards or in close proximity, alleviating some truck traffic that is currently trucking the grapes to another facility
- Mountain Peak has removed all variances from the application.
- The design of the proposed winery is designed for and targeting LEED Platinum certification. I have seen the proposed design, and find its use of natural materials very appropriate, and appreciate that the barrel storage is slated to be completely underground and out of site.

I am a neighbor to this property, and feel strongly that as long as the property owners strictly follow the established laws and regulations required for the permit, the permit application should be approved.

Sincerely,



Dave S. Phinney

cc: David Morrison, Laura Anderson

McDowell, John

From: Anthony Arger <aargerlaw@gmail.com>
Sent: Tuesday, October 18, 2016 2:33 PM
To: jerrigillPC@outlook.com
Cc: McDowell, John
Subject: Fwd: Request for Alternate Hearing Date on Mountain Peak Winery Use Permit
Attachments: Request for Alternate Hearing Date on Mountain Peak Winery - Anthony G. Arger.pdf

Commissioner Gill,

I entered your email address incorrectly on the first go around; please see below and attached for my request for an alternate hearing date.

Thank you.

Sincere regards,
Anthony

----- Forwarded message -----

From: Anthony Arger <aargerlaw@gmail.com>
Date: Tue, Oct 18, 2016 at 1:49 PM
Subject: Request for Alternate Hearing Date on Mountain Peak Winery Use Permit
To: "McDowell, John" <john.mcdowell@countyofnapa.org>, heather@vinehillranch.com, mikebasayne@gmail.com, anne.cottrell@lucene.com, tkscottco@aol.com, jerrigillPC@outlook.com
Cc: Yeoryios Apallas <yca@apallaslawgroup.com>

Dear Deputy Planning Director McDowell & Members of the Planning Commission,

Attached please find my letter requesting an alternate hearing date on the continued Mountain Peak Winery use permit.

Please do not hesitate to let me know of any questions and thank you in advance for your consideration.

Sincere regards,
Anthony

--
Anthony G. Arger, Esq.
(775) 750-6545
Email: aargerlaw@gmail.com

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October 18, 2016

John McDowell
Deputy Planning Director
Napa County Planning, Building & Environmental Services Department
1195 Third Street, Suite 210, Napa, California
Email: John.Mcdowell@countyofnapa.org

Re: Request for Alternate Hearing Date on Mountain Peak Winery Use Permit, P13-00320-UP


Dear Deputy Planning Director McDowell & Members of the Planning Commission,

As one of the closest neighbors to the Mountain Peak Winery project, as well as acting legal counsel for my family and several other opponents of the project, I respectfully request that the re-scheduled hearing on Mountain Peak Winery be moved to a date **on or after December 19, 2016**. I am a civil litigation attorney and am going to be assisting the managing partner at my firm in a four to six-week jury trial that is scheduled to begin on November 7, 2016, which will preclude me from participating in the Mountain Peak hearing if it is rescheduled to November 16, 2016. With the Thanksgiving holiday falling in the middle of the scheduled trial, the earliest I would be available is the week of December 19, 2016. I understand there is calendar availability for a continued hearing on this matter on both December 21, 2016 and January 7, 2017, for which I am currently open.

When considering my request, please recall that opponents of this project have been ready and willing to move forward with the continued hearing on this permit, but the applicants have twice requested a continuance within a few days before the rescheduled hearing. Specifically, following the July 20, 2016 hearing, members of the Planning Commission rescheduled the hearing to August 17, 2016. Within a week before August 17, 2016, the applicant requested a continuance because the owner was going to be traveling. At the applicant's request, the hearing was then continued to October 19, 2016. On October 12, 2016, the applicant again requested a continuance, even though opponents submitted all additional information eight days in advance of the hearing as requested by the County. Many of the opponents, including myself, work full-time and have now twice re-arranged our schedules in order to attend the hearing on this critical matter. Importantly, the applicant is requesting a November 16, 2016 date that is three months past the originally re-scheduled date of August 17, 2016, indicating that a delay of a few more weeks to late December 2016 or January 2017 will *not* adversely affect the applicant. Thus, there is good cause and will be no impact on the applicant to re-set the hearing for a date in late December 2016 or January 2017.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on this 18th day of October, 2016 at Reno, Nevada.

Sincerely,


Anthony G. Arger, Esq.
3030 Soda Canyon Road
Napa, CA 94558