From: Sent: To: Subject: Julie Arger <jarger@sbcglobal.net> Tuesday, April 18, 2017 4:31 PM Hedge, Emily Re: Opposition to Major Modification (P16-00106) of The Caves at Soda Canyon (P05-00391)

April 18, 2017

Planning Commission Milg.

Ms. Emily Hedge, Planner II Napa County Planning, Building & Environmental Services Dept. 1195 Third Street, Suite 210 Napa, CA 94559 Email: <u>Emily.hedge@countyofnapa.org</u> *Via Email*

Re: Opposition to Major Modification (P16-00106) of The Caves at Soda Canyon (P05-00391)

Dear Ms. Hedge,

I am writing to express my opposition to The Caves at Soda Canyon major modification request. I have had personal experiences with this project and its owners. In 2007, I was approached by the owner at the time, Mr. Gary Kouck to discuss the sale of the property. He informed me and my representative that the property was for sale, but he was in a legal dispute with Mr. Ryan Waugh over the lease he had given to the Waughs for use of the caves.

We then met with Mr. Waugh who took us through the then unfinished caves. We informed them we were interested in buying the property from Mr. Kouck and they informed us of their version of the lease agreement at the time.

They (Waughs) then took us on a tour of the caves which were unfinished and told us their intent and plans were to drill through to establish and open a portal to overlook Stag's Leap. In fact, they even showed us a sketch of the completed caves which included the (unpermitted) portal. After that, the cave drilling was temporarily interrupted due to their dispute with the owner. We abandoned our intent to purchase the property as a result of the complexity of the lawsuit. The Waughs then proceeded to continue their cave drilling. We later found out that they did not, in fact, have a permit to drill through to open a portal on the North-facing Stag's Leap side. Yet,

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despite that, they completed that portal in violation of their failure to obtain a permit for the portal.

I understand that the County of Napa Planning Commissioners have since directed them to close that portal which is now on abeyance. I feel compelled to point out that the Waughs obviously never intended to comply with the county's issued permit as they indicated to me in 2007. Whatever their permit allows, based on the history of their actions, it appears that they will continue to violate whatever restrictions are placed on them.

Furthermore, their ongoing disregard for their neighbors' requests to mitigate the sound of their generator which reverberates through that entire area of Soda Canyon is another example of their contempt for neighbors and the county's requests. I adamantly oppose their current request to expand their operation.

Sincerely,

Kosta M. Arger, MD Owner, Odyssey Vineyards 3030 Soda Canyon Road Napa, CA 94558

From:	Chuck Wagner <chuck@caymus.com></chuck@caymus.com>
Sent:	Tuesday, April 18, 2017 4:44 PM
To:	Hedge, Emily
Subject:	Use Permit Modification for The Caves of Soda Canyon
r . H	

Follow Up Flag: Flag Status: Follow up Flagged

April 18, 2017

Emily Hedge Napa County PBES 1195 Third Street, Second Floor Napa, CA 94559

Via email: Emily.hedge@countytof napa.org

Dear Ms. Hedge,

I am writing in support of Ryan Waugh's Use Permit Modification for the Caves at Soda Canyon and ask that the Napa County Planning Commission unconditionally approve it. This project has grown to become a large ask when in fact it is quite a meager request. I feel the County should respect good honest hard working people who are an asset to our valley. Ryan has been put through the wringer – regardless of his attempts to follow the rules. To me the County needs to support more fully the vintners who will keep what we have built in place. As I understand, the delays and misunderstandings that Ryan has experienced through this process have become something that is commonplace and is causing harm to the wine businesses of Napa Valley. That being said it appears to me that some improvements have been made at the County and for that, I am thankful. Please give this guy a green light and allow him to get back to making and selling wine!

Sincerely,

Chuck Wagner

Chuck Wagner Owner & Winemaker



Wagner Family of Wine

Office: 707.963.4204 Fax: 707.967.3014

chuck@caymus.com

From: Sent: To: Subject: Steven Rea <Steven@acumenwine.com> Tuesday, April 18, 2017 1:35 PM Hedge, Emily Approval of Caves of Soda Canyon Modification

Dear Ms. Hedge,

For the upcoming Use Permit Modification for The Caves at Soda Canyon, all the facts show that this modification is in alignment with the County's General Plan, WDO and Zoning Codes. The wine production is entirely carried out in the caves, which is a wonderful way to integrate with the natural environment and conserve energy.

The parcel size, location, General Plan, zoning and existing caves are all consistent with the applicant's wish to increase production to a modest 25,000 cases per year. Soda Canyon Road is a Grade "A" Level of Service road which is also consistent for the approval of this Use Permit.

I strongly encourage approval of this project to support the letter and spirit of the law of Napa County.

Thank you,

Steven Rea

1114 Petra Dr. Napa, CA 94558

"Life is Good"

From: Sent: To: Cc: Subject: Morrison, David Monday, April 17, 2017 9:45 PM Hedge, Emily; Gallina, Charlene Anderson, Laura FW: Winery on Soda Cyn.

Sent with Good (www.good.com

From: Susan Sneed
Sent: Monday, April 17, 2017 8:51:29 PM
To: Morrison, David; Wagenknecht, Brad; Gregory, Ryan; Dillon, Diane; Pedroza, Alfredo; Ramos, Belia
Subject: Winery on Soda Cyn.

Give them an inch, they will take a mile. I hate what they are doing to our once country road. No more peace and quiet! They take a wonderful place and ruin it. But I guess when you have Money, other people's lives don't matter. So sad Sent from my iPhone

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.

From:NVhigh@aol.comSent:Monday, April 17, 2017 9:49 PMTo:Hedge, EmilyCc:ryan@thecavesatsodacanyon.comSubject:RE: Use Permit Modification for The Caves of Soda Canyon

April 17, 2017

Emily Hedge Napa County PBES 1195 Third Street, Second Floor Napa, CA 94559

Via email: Emily.hedge@countytof napa.org

Re: The Caves at Soda Canyon Use Permit Modification

Dear Ms. Hedge,

I urge the Napa County Planning Commission to unconditionally approve the Use Permit Modification for The Caves at Soda Canyon. The winery is located on 41 acres; the increase in production will take place in caves that have already been dug and simply need to be finished and there will be no increase in visitation. This expansion was anticipated in 2005 when the original Use Permit was granted. The parcel size, location, General Plan, zoning and existing caves are all consistent with the applicant's wish to increase production to a modest 25,000 cases per year. Please note that Soda Canyon Road is a Grade "A" Level of Service road which is also consistent for the approval of this Use Permit.

I urge you to approve this project as presented to show our community that by working within the rules, guidelines, zoning and General Plan the County's planning process can be relied upon.

Thank you,

Stuart Smith Smith-Madrone Vineyards and Winery 4022 Spring Mountain Road St. Helena, CA 94574 707-963-2283

2008 Member of the Napa County General Plan Steering Committee

From:	Barbara Guggia <tahoemtgirl@gmail.com></tahoemtgirl@gmail.com>
Sent:	Monday, April 17, 2017 3:53 PM
То:	Hedge, Emily
Cc:	Morrison, David
Subject:	Napa Custom Crush LLC/The Caves: Use Permit Major Modification (P16-00106)
Attachments:	Caves Letter April 15 20017.pdf

POB 2144 Yountville, CA 94599 April 15, 2017

Emily Hedge, Planner II Chair Jeri Gill and Members of the Napa County Planning Commission

c/o David Morrison 1195 Third Street, Suite 210 Napa, CA 94559

Re: Napa Custom Crush LLC/The Caves: Use Permit Major Modification (P16-00106)

Dear Ms. Hedge and Chair Jeri Gill and Members of the Napa County Planning Commission:

As a Napa County tax payer, daily reader of the Napa Register, and audience member of numerous Planning Commission meetings, I have become increasingly alarmed by Napa County's continued consideration and approval of after-the fact-permits for illegally built structures/modifications/violations. This action on the part of the County encourages more violations and gives a clear message to wineries and the Napa community that non-compliance is rewarded, the rules don't matter, and the Planning Commission is a push over for any winery development project. I do not think this is the message that Napa County wants to convey to the Napa county citizens or the the winery industry.

The limitations and permit regulations are included for a reason and failure to comply or follow through with obligations should not be rewarded. In the matter of Napa Custom Crush LLC/ The Caves presently before the Commission, I strongly oppose the Use Permit Major Modifications and recommend the Commission and the Planning Department work closely with Napa Custom Crush LLC/The Caves to assist them to come into compliance with existing problems before addressing the modifications they are currently requesting. The two major problem areas are the continued use of generators and lack of a proper wastewater system.

Napa Custom Crush LLC/ The Caves has been operating using stationary or portable power generators. This has been an on-going concern for the neighbors, resulting in numerous complaints, letters, and conversations that have resulted in no progress towards permanent commercial power. I would ask the commissioners to review the file on the generator problem and explain how the county was able to issue a certificate of occupancy without permanent power being in place. It is my understanding a dwelling must have permanent power before a certificate of occupancy is issued. How can the county justify issuing a C of O for a commercial operation open to the public with the commensurate liability and safety issues? In a

letter sent to Chris Miller on October 2, 2014 by Linda St.Claire she implies the county is helpless to enforce the the owners to install PG&E, stating "I have heard that PG&E has been given a copy of the easement from the neighbor which puts limitation on this installation and that the service line is now on hold, or maybe impossible. There is no county code that requires them to install the PG&E and as long as the easement holds them hostage, they will continue to use the generator." Is there a different regulation for residential vs. commercial use? Whatever the reason, it is the owners responsibly to get power to the site regardless of easements problems, financial issues, and time constraints. It is my understanding the Bay Area Air Quality Management District does not allow portable generators to be used for more than 12 continuous months. By allowing the owners to use power from portable generators, is the county leaving it's self open to liability and possible legal action? Napa Customer Crush LLC/ The Caves needs to address this significant issue before the Planning Commission considers any further action on this application.

The existing wastewater treatment system for the winery and tasting room is a "Hold and Haul" system, which is unacceptable. They have an approved sewage treatment system on record since November 13, 2015; however, it has not been built. Can the Planning Department explain what is the reason why the owners have not followed through with this installation? The septic system designed and approved in 2015does it meet existing codes and has it updated? Although the installation of the wastewater system is addressed in this permit request, a review of county materials indicates the owners already have been approved to complete this installation.

The other requests in the modification include doubling production, cover over, patio terrance, removal of cave wall, construction of a kitchen, change of operation hours, and road improvements. These requests should not even be considered by the Commission until the owners follow-though with their previous commitments to the county by stopping the use of the generators, installing PG&E power, and completion of an acceptable wastewater treatment system.

In addition to these significant issues, I would be amiss if I did not also address the numerous concerns which have been voiced before by the Napa community. This business is a large agricultural processing facility/event center located on a remote piece of property up a two-lane, sub-standard, steep, curvy, dead end road. A road that has been described by county officials as "deplorable". The steep driveway that leads to the facility is unsuited for the purpose, which has no agriculture on site. The fire danger is real, last July there was a 10 acre fire just below their entrance.

Thank you for your time and consideration, Barbara Guggia tahoemtgirl@gmail.com

cc. David.Morrison@countyofnapa.org

From: Sent: To: Subject: Aaron Feaver <napafeaver@gmail.com> Monday, April 17, 2017 1:07 PM Hedge, Emily Waugh Cellars

Hello Emily,

I have been a Napa resident for the last 15 years. I have known Ryan And Crystal for the last 8 when our children met at pre-school. We have had the pleasure of being able to follow them in the development of the Caves at Soda canyon. I have yet to met two better stewards of this amazing place we get to call home, the Napa Valley. I have known them to only have the best intentions of their gusts and the people around them. I am as worried about growth as every other resident of this county and in my opinion, Ryan and Crystal Waugh have gone about this project in an admirable way. I support their growth and I hope you all will too.

Aaron Feaver Director of Consumer Sales Chappellet Winery

Husband and Father Napa County Resident

From: Sent: To: Subject: Abigail Feaver <abbieconner@sbcglobal.net> Monday, April 17, 2017 2:31 PM Hedge, Emily The Caves of Soda Canyon/ Waugh Cellars

Dear Emily,

I have known Crystal and Ryan Waugh for over ten years both professionally and as dear friends. As a resident of Napa for 15 years and a professional background in restaurant management and winery hospitality, I believe that the growth of their businesses are a huge asset to the industry. They have persevered through every potential set back along their journey to make the Caves a success and I believe are incredibly dedicated to their business as well to the health and wealth of Napa Valley. Please feel free to contact me with any questions or concerns.

Best, Abbie Conner

707-320-7184 abbie@minerwines.com

From: Sent: To: Subject: Jeff Gerlomes <jeffgerlomes@gmail.com> Monday, April 17, 2017 1:57 PM Hedge, Emily Caves at Soda Canyon - Waugh Family Vineyards

Hello Emily,

I am writing in support of Waugh Family Winery and the Caves at Soda Canyon. I am very aware of the situation at the Caves and spoke at public hearings when the this issue first became a public matter. I support Ryan and the winery's position and their ability to fully utilize the property as initially planned and approved.

I watched the entire event unfold and believe the Waugh's were not treated fairly and were rather singled out politically as an example of the control the county can exercise over wineries and other enterprises in general. I have been a Napa Valley resident for about 30 years and have witnessed egregious violations of the intent of many of our regulations. This is not one of those instances in my opinion. The impact of the proposed use is minimal and has no practical negative affects on neighbors or any fair-minded individual. I never agreed with the county's position and felt closing the access to the patio area was an over-reach and felt the commission struggled with a valid argument. In the end, the temporary closing of the tunnel was explained at the hearing as, partially, a "punishment" that would be reversed if the wineries at the caves were to demonstrate the proper behavior and a willingness to cooperate.

The above is my opinion, the following comment is fact. In July of last year, I visited the winery with guests from out of state. I described the beautiful view just over the hill and decided I would hike around the winery and just stand on the ridge line with them. As soon as I began my walk toward the ridge, employees of the winery ran and caught me and explained I could not go any further. I explained that I understood the situation and just wanted to see the view, that we would only be a second and that I knew Ryan etc... The response was, "absolutely not". Now, I am a very good friend and felt I would be able to talk my way around what was a simple request, "Can I walk up the hill and take look?" Think about that. Can I walk up a small hill, maybe 20 feet, in the Napa Valley and see the view of the valley from a friend's private property? Answer, No. That is absolutely absurd. My guests, who had just been to a Castle and a sprawling factory estate were shocked by the silliness and arbitrary nature of the situation.

I point this out to make clear how firm Ryan and his staff were in complying with the county's position. I am confident that they met their obligation beyond expectation and would question the honesty of anyone who would say otherwise.

Ryan and his family represent the hard work, dedication, passion and vision of those who built this great industry in the our Valley. Ryan is a purest, environmentally aware and he and his partners give back to the community in many ways that I have witnessed first hand. They have held up their end of the deal, even while being put in a very awkward and expensive box. They should be granted permission to use their property in a way that is very consistent with our county's goals and far less impactful than what many other wineries do on a daily basis - especially, those with far greater financial means.

Sincerely,

Jeff Gerlomes 4266 Kingsford Drive Napa, CA 94558

From:	Donna Richards <donnaaschdesigns@aol.com></donnaaschdesigns@aol.com>
Sent:	Monday, April 17, 2017 7:01 AM
To:	Hedge, Emily
Subject:	Waugh cellars
Follow Up Flag:	Follow up
Flag Status:	Flagged

Dear Emily

I just wanted to write you to help support the growth of the Waugh Cellars winery and the Caves at Soda Canyon.

Our family has know the Waughs for many years and have watched their business grow little by little. They are a considerate and honest family and deserve the opportunity to grow their business.

I fully support their growth and look forward to seeing their business further help the community.

Thank you,

Donna Asch Richards (310) 266-3542 www.donnaaschdesigns.com

From:	Julie Murrell <aldermju@gmail.com></aldermju@gmail.com>
Sent:	Monday, April 17, 2017 6:22 AM
To:	Hedge, Emily
Subject:	In support of the Waugh family and the Caves at Soda Canyon
Follow Up Flag:	Follow up
Flag Status:	Flagged

Emily-

I am writing you today in regards to the Caves at Soda Canyon winery. I believe there is to be a hearing on Wednesday April 19th regarding the expansion of the Caves at Soda Canyon and I wanted to email you in support of such expansion. We have worked professionally with this winery, and the Waugh family for many years now. We admire the 4 small family wineries within the Caves at Soda Canyon as we can see how diligently they work to provide a first rate experience for their customers. As small business owners ourselves we understand the need to expand when necessary, for business and customer needs. We fully support the request of the Caves at Soda Canyon.

Thank you for your time. Julie Murrell

From:	Steve Chilton <schilton6@gmail.com></schilton6@gmail.com>
Sent:	Friday, April 14, 2017 1:35 PM
To:	joellegPC@gmail.com; mikebasayne@gmail.com; anne.cottrell@lucene.com;
Subject: Attachments:	tkscottco@aol.com; JeriGillPC@outlook.com; Hedge, Emily The Caves at Soda Canyon Use Permit Modification #P16-00106 Letter in Opposition to the Caves Permit Modification #P16-00106.docx
Follow Up Flag:	Follow up
Flag Status:	Flagged

Staff and County Planning Commissioners,

Please include the attached letter into the record for the April 19, 2017 hearing on the Caves at Soda Canyon Use Permit Modification #P16-00106.

Thank you for your time, Steve Chilton

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April 14, 2017

Emily Hedge Napa County Planning 1195 Third Street Napa, CA 94559 Emily.Hedge@countyofnapa.org

RE: The Caves at Soda Canyon Use Permit Modification #P16-00106, 2275 Soda Canyon Road, Napa CA

Emily Hedge and Napa County Planning Commission Members,

My name is Steve Chilton and I own property on Soda Canyon Road. I recently retired from a career of 35 years with the Tahoe Regional Planning Agency and the US Fish and Wildlife Service. I have concerns with the present use permit application, both from a procedural standpoint (a short notice period to the public) and possible non-compliance with state regulations concerning wastewater treatment and power generation. These are connected to the present proposed operational increases because the present untenable situation will be exacerbated if the Planning Commission approves the proposal.

I attempted to contact Emily Hedge, the Napa County Planner in charge of this application review on Friday, April 14th, but she was not in the office on that day and therefore many of the questions I pose now may have been answered at that time.

Does the approved (November 13, 2015), but unbuilt alternative sewage treatment system use a subsurface pressure emitter distribution? Is there a minimum of 3 feet of soil below the emitters? Did the percolation test and/or subsurface investigation show adequate soil depth and absorption for a drip emitter distribution?

The Winery Use Permit Modification Report is dated 12/18/2015 but appears to include updated information. Is this a new report? Did the engineering firm neglect to change the date?

The Caves have been operating using holding tanks for two years. Were the tanks installed with alarms and automatic shut offs? Are there back-up power systems hard wired in the event of a power failure?

Did the San Francisco Bay Regional Water Quality Control Board approve or comment on the holding tank temporary (two years) solution?

The Caves have been operating for years (since they commenced their operations) using stationary (or portable diesel) power generators. There is no mention in the proposal to increase production from 30,000 gallons to 60,000 gallons of the lack of utility provided power. The Bay Area Air Quality Management District does not allow portable power generators to be used for more than 12 continuous months and these generators must have non-resettable totalizing meters incorporated into them. If the

County considers these generators to be "emergency stationary diesel engines" for generating power, the constraints are even more stringent. Without utility provided electricity, the winery operation, alarm systems for the domestic onsite wastewater treatment system (OWTS), the unbuilt (but soon to be installed?) winery OWTS, and the "Hold and Haul" containment tanks are dependent upon power generation that may not be in compliance with state and regional air quality regulations. Is there a strategy approved by the County for the Caves to connect to utility provided electrical power? If not now, when?

It is unfortunate the County did not have someone available that could answer these questions today. Therefore my letter contains many unanswered questions that will lead to more inquiries as this tangle unfolds. I will end this by stating that I am opposed to the permit modification as presented to the Napa County Planning Commission.

Thank you for your consideration,

Steve Chilton

Cc:

joellegPC@gmail.com, mikebasayne@gmail.com, anne.cottrell@lucene.com, tkscottco@aol.com, JeriGillPC@outlook.com

To: Subject: RB2SpillReports, RB2SpillReports@Waterboards Complaint #COMP-16773 was transferred to you

From: RB2SpillReports, RB2SpillReports@Waterboards [mailto:RB2SpillReports@waterboards.ca.gov] Sent: Friday, April 14, 2017 2:30 PM To: Hedge, Emily Subject: FW: Complaint #COMP-16773 was transferred to you Importance: High

Dear Ms. Hedge,

The attached complaint was originally addressed to Napa County without attention. The CalEPA forwarded the complaint to our office because the county did not respond to the complainant timely. Would you please respond to the questions raised in the complaint.

Regards,

Habte Kifle Water Resources Control Engineer San Francisco Bay Regional Water Board 1515 Clay Street, Suite 1400 Oakland, CA 94612 Tel.: (510) 622-2371 Fax: (510) 622-2371 Fax: (510) 622-2460 Email: <u>hkifle@waterboards.ca.gov</u> Website: <u>https://urldefense.proofpoint.com/v2/url?u=http-</u> <u>3A www.waterboards.ca.gov sanfranciscobay&d=DwIFAg&c=yU98RTqmkHZnyr3K3nExYROAsYvCxdg1GRVyYwwHmM0</u> &<u>r=bhSQAZTN_WGgeYRW0L2sK4NQwyQTdFP_RewsRi5NLoM&m=Aqah8Xh97txpEZHMqebE1pUL-</u> kjBE0YWgZDxjRX4B2A&s=BA7S2gKDa4slYtHz1pS6j0woJRyl0QZ-6m2orbr6okE&e=

-----Original Message-----From: <u>noreply@salesforce.com</u> [mailto:noreply@salesforce.com] On Behalf Of Complaint Site Guest User Sent: Friday, April 14, 2017 2:00 PM To: COMPLAINTS@EPA; RB2SpillReports, RB2SpillReports@Waterboards Subject: Complaint #COMP-16773 was transferred to you

Complaint COMP-16773 has been assigned to you. Please click on the link below to view the record.

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Cc: joelleaPC@gmail.com, mikebasayne@gmail.com, anne.cottrell@lucene.com, tkscottco@aol.com, JenGillPC@outlook.com

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(Read Only) Complaint Address	2275 Soda Canyon Road	(Read Only) Complaint County	Napa County
(Read Only) Complaint City	Napa	(Read Only) Complaint Zip	94558
(Read Only) Latitude	38.40		
(Read Only) Longitude	-122.29		
Water			
System Information	#114004497#10/01/01/01/01/01/01/01/01/01/01/01/01/0		na dan dan Kalamatan Bandan dan menangkan Statu dalam tangkan dari kenangkan dari kenangkan dari kenangkan dar
Created By	Complaint Site Guest User, 4/14/2017 2:00 PM	Last Modified By	Complaint Site Guest User, 4/14/2017 2:00 PM
Complaint Number	COMP-16773	Legacy Complaint ID	
		Record Type	Water [Change]
	Edit Clone Find D	uplicates	
Complaint Teams	New Complaint Team		Complaint Teams Help
No records to display			
Findings	New Findings	zerenzelezeken kontenzioaren (hale kalen in 1990) en 200 en 20	Findings Help
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Referrals No records to display Notes & Attachment No records to display Open Activities No records to display	IS (New Note) (Attach File) (New Task) (New Event)		Notes & Attachments Help Open Activities Help
Referrals No records to display Notes & Attachment No records to display Open Activities No records to display Activity History No records to display	IS (New Note) (Attach File) (New Task) (New Event)		Notes & Attachments Help Open Activities Help
Referrals No records to display Notes & Attachment No records to display Open Activities No records to display Activity History	IS (New Note) (Attach File) (New Task) (New Event)		Notes & Attachments Help Open Activities Help Activity History Help

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