



December 12, 2018

Mr. Jason Hade and
Napa County Planning Commission
Department of Planning, Building & Environmental Services
Napa County
1195 Third Street, Suite 210
Napa, CA 94559

RE: BERGMAN FAMILY WINERY USE PERMIT - APN #022-080-010-000

Dear Mr. Hade and Members of the Commission:

This letter is presented on behalf of Pam and Alan Bergman, applicants on the above noted project, which will go before the Planning Commission in hearing on Wednesday, December 19, 2018. Our letter speaks specifically to comments that you received from Laura Wilson, CA Department of Parks and Recreation. As you are aware, the project information was available to State Parks well over a year ago and they were noticed by the State Clearinghouse on the CEQA document. On April 18, 2018, a follow-up letter was submitted by Laura Wilson. We responded to Ms. Wilson's comments at that time. The purpose of this letter is to reiterate that response and also to point out some factual errors and misconceptions contained in those letters. As you know, the clarification of these matters earlier was reflected in the County's CEQA document.

Specifically, we would like to point out the following.

Project Characteristics: All winery facilities are proposed exclusively upon the property owned by the applicant. There are no winery improvements located on properties owned by State Parks. The only area of shared use for this project is the easement that both my client and State Parks are parties to. That easement clearly allows my client legal access to their property, and also allows them to make any improvements within the easement as may be required by the County. Our legal counsel, Brien McMahon of Perkins Coie Law Firm, confirmed the Bergmans' access rights under this easement and his findings are in the record.

The Bergman Winery proposes to make a maximum of 8,000 gallons of wine per year, all of it from the on-site vineyard. We have proposed no daily visitation and no marketing events. The fruit produced by this 50-year old vineyard currently must be trucked off-site to be processed at a separate facility, so those trips will be unnecessary in the future. There are two employees proposed, one a winemaker who will visit the winery several days each week and the other a winery manager, who resides on the property.

Spotted Owl: This study was updated by Steve Butler and submitted on April 15, 2018.

Cultural Resources: We had Origer and Associates prepare a cultural resources report and submitted this to the County for the record. Origer found only one site of potential impact, which was a small corner of the existing vineyard that is located entirely on-site. The CEQA document addresses standard mitigation measures for the handling of any replant of this vineyard, in order to minimize potential impact.

20-ft. Driveway over the Property Boundary: This is an incorrect assumption, as we pointed out earlier. The driveway is not over the shared property line. This is confirmed in a survey that was done in 2014. The driveway in question has been in this same location since the 1960s, well before the Bergmans purchased the subject property. There has been no tree removal here.

Stormwater: The drainage plan was done by Mike Muelrath of Applied Civil Engineering and is consistent with the State and local regulations for stormwater drainage. None of the winery facilities are located anywhere remotely close to the shared property boundary with the State Park. In fact, the proposed site for the winery is located about as far from the easement shared with State Parks as possible, at the far end of the property and below the Bergman's residence.

Construction Impacts: Construction impacts are addressed in the CEQA document. Construction activity is considered temporary and therefore, not a significant impact.

Alternative Access: The currently proposed access was chosen because it represents the least environmental impact. The alternative location (known as Bea Lane) noted by Ms. Wilson is not a County road, not one that is regularly maintained, also crosses State Parks property in the same manner as the proposed access. In addition, the Bergmans' parcel does not have a recorded easement to use Bea Lane for access, even if said access been chosen. There would be significant impacts related to grading on steep slope areas, removal of mature indigenous trees, and proximity to residences on this road, had it been chosen. Construction of a road here to serve the winery parcel would incur unnecessary grading, tree removal and paving that are unnecessary.

The alternative road suggested by Ms. Wilson would also cross the State Park land in easement, so the objective of avoiding State Land property would not be met. There is also the complication that the winery parcel does not have an easement to utilize the alternative road. This alternative road is not the proposed access for the winery.

Agricultural-zoned Parcel as "Residential Area": This parcel is zoned AW (Agricultural Watershed), where the "highest and best use" of the land is described as vineyards and wineries in the goals reflected in the County's General Plan. Although residences are an allowed use, the parcel is not considered a "residential area." Vineyards and wineries are not commercial uses in Napa County. If they were, they would not be allowed by voter initiative Measure J, which

prevents commercial uses on lands zoned for agriculture. As mentioned earlier, the vineyard on-site has been here for around 50 years.

SUMMARY

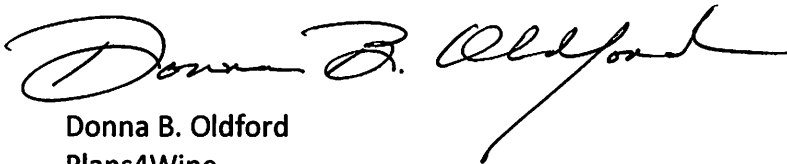
In summary, this letter corrects a number of factual errors contained in Ms. Wilson's two similar letters responding to the County's notice. No winery facilities or improvements are proposed for lands owned by CA State Parks and Recreation. The Bergmans are legally entitled to access their property (and the proposed winery) via the shared easement that crosses State Parks land.

We wish to point out that this winery has an extremely small to non-existent traffic generation, due to its being an entirely estate-grown facility, its having no visitors or marketing events, and having only one of its two winery employees residing off-site. The applicant proposes no variances or exceptions other than the road exception, for a road that serves only the applicant. By contrast, the Bothe State Park and Bale Grist Mill State Park both receive dozens of visitors each day, without limitation, and they host large charitable events several times each year.

The applicant has done all necessary environmental studies and has proposed a winery that will have as little impact as one could possibly have. This winery is the very definition of a "small winery," one that incurs little or no impact.

Thank you for this opportunity to correct the record relative to this project. We will have our team and our client at the hearing to answer any additional questions that may arise.

Respectfully,



Donna B. Oldford
Plans4Wine

cc: Mr. Vin Smith, Napa County Assistant Planning Director
Ms. Pam Bergman and Mr. Alan Bergman, Applicant