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Use Permit Application Packet

**From:** [Thomas Adams](#)  
**To:** [Balcher, Wyntress](#)  
**Subject:** Caldwell Vineyard Project Revisions  
**Date:** Monday, October 14, 2019 10:41:35 AM  
**Attachments:** [Caldwell UPDATED PROPOSAL \(Final 10.14.19\).docx](#)

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Wyntress,

See attached Updated Proposal for the Caldwell Vineyard winery use permit major modification. The only change from the Updated Proposal submitted to you on August 13, 2019 is to the summary table low season cell where I corrected the math per our earlier correspondence. Please note that the second page of the Updated Proposal lists responses to the Board of Supervisors' direction from the March 12, 2019 Board of Supervisors appeal hearing. The Updated Proposal not only is intended to address the Board of Supervisors' comments on the project but also includes input from a group of neighbors on the maximum number of annual visitors and limited days of operation during the low season. Although we were not able to reach agreement on all of the neighbors' requests we feel the Updated Proposal reflects a reasonable compromise and is in conformance with all County policies and reflects a much more modest project than originally proposed.

Regards,

Tom

**THOMAS S. ADAMS, ESQ.**

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**CALDWELL VINEYARD WINERY USE PERMIT MODIFICATION  
 UPDATED PROJECT REVISION SUMMARY  
 (P17-00074-MOD)  
 AUGUST 2019**

**Production**

Increase to 35,000 gallons

**Cave Expansion**

*none*

**Road Widening**

To County standards (w/continuation of exception for topography)

**Crush Pad Cover**

Install cover & allow harvest activity on pad

**Days & Hours Open Tours/Tastings**

7 Days per Week, 10AM to 6PM;  
 6 Days per Week, 10AM to 6PM in January, February, March, December.

**Employees**

Six (6) full-time, Six (6) part-time

**Tour/Tasting Visitation**

Weekly Maximum limits are set by season. *Total Annual: 6250*

The number of visitors on any single day may not exceed 25 in low season and 35 in mid and high seasons.

Note: Weekly maximums below add up to 6585 annual visitors but this is ONLY to provide flexibility in scheduling. Monthly visitation tracking will ensure that total annual tours and tastings visitation does not exceed 6250 (see Compliance Mechanisms below).

<b>Low Season</b> <i>(Jan Feb Mar Dec)</i>	<b>Mid Season</b> <i>(May June July Aug)</i>	<b>High Season</b> <i>(Apr Sep Oct Nov)</i>
Weekly Maximum: 84  <i>≈ 3.6 days at daily max. of 25</i>	Weekly Maximum: 106  <i>≈ 3 days at daily max. of 35</i>	Weekly Maximum: 190  <i>≈ 5.4 days at daily max. of 35</i>

*All guests encouraged to use drivers, asked to go slowly and respect neighbors' property.*

**Marketing Events**

*Total Net Additional Guests per year: 99 (in addition to Tours/Tastings)*

Max 12 Very Small Events (up to 28 people each) | Max 3 Small Events (up to 68 people each)

- *Guests offset the number of visitors allowed for tour/ tasting on the day of the event. So maximum potential addition to annual total is 99 guests (68-35=33 x 3 events = 99)*
- *Winery will provide 30-days advance notice to neighbors on the private portion of Kreuzer Lane (behind the gate) for Small Events (68 persons max.)*
- *Notice will include cell phone number of contact person who will be on site during event, with authority to immediately address any issues that may arise.*
- *Winery encourages guests to use driver/ car service.*
- *Fire Evacuation Plan notes primary and secondary emergency exit routes (map sent to event guests & kept on site); Porter Family Vineyards agrees to use of secondary route.*

**Outdoor Picnic Area**

May be used by Caldwell employees, drivers waiting for their clients, & Marketing Events only.

**CALDWELL VINEYARD WINERY USE PERMIT MODIFICATION  
UPDATED PROJECT REVISION SUMMARY  
(P17-00074-MOD)  
AUGUST 2019**

**Compliance Mechanisms**

Maintain tour/tasting visitor log book.

Submit log book to County on monthly basis tracking annual visitation totals: 1 year.

Hold annual meetings with neighbors in June to discuss concerns: 2 years.

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**Actions Following Board Direction from March 12, 2019 Board of Supervisors Meeting.**

Applicant proposes to address Board direction as follows:

1. **Board Direction:** Use seasonality approach to add a weekly maximum to visitation numbers.

**Response:** See Tour/Tasting Visitation information, above that incorporates seasonal weekly maximums.

2. **Board Direction:** Include a traffic monitoring program that works in conjunction with a visitor log monitoring program.

**Response:** See Compliance Mechanisms, above that includes the following:

-Maintain tour/tasting visitor log book.

-Submit log book to County on monthly basis tracking annual visitation totals: 1 year.

-Hold annual meetings with neighbors in June to discuss concerns: 2 years.

3. **Board Direction:** Consider the appropriateness of the scope of events during what has been historically considered high fire season.

**Response:** Winery is located in a moderate fire hazard area. Winery developed a Fire Evacuation Plan with primary and secondary emergency exit routes (map sent to event guests & kept on site); Porter Family Vineyards agrees to use of secondary route.

4. **Board Direction:** Consider greater notification to neighbors and surrounding parcels for events including feedback and direction provided by all Board members to consider the project's latest revision in a site-specific manner.

**Response:** See Marketing Event information above. Winery will provide 30-days advance notice to neighbors on the private portion of Kreuzer Lane (behind the gate) for Small Events (68 persons max.) Notice will include cell phone number of contact person who will be on site during event, with authority to immediately address any issues that may arise.

Revised project includes lower seasonal and annual visitation numbers for evaluation by County staff in advance of Planning Commission hearing.

**From:** [Thomas Adams](#)  
**To:** [Balcher, Wyntress](#)  
**Subject:** Fwd: FW: Project Clarification Questions  
**Date:** Wednesday, November 20, 2019 1:15:36 PM

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Wyntress,

See responses to your questions in green below. Joy Caldwell has confirmed that these responses are correct.

Tom

Sent via the Samsung Galaxy S7 edge, an AT&T 4G LTE smartphone

----- Original message -----

**From:** Joy Caldwell <[joy.caldwell@gmail.com](mailto:joy.caldwell@gmail.com)>  
**Date:** 11/20/19 7:24 AM (GMT-08:00)  
**To:** Thomas Adams <[tadams@dpf-law.com](mailto:tadams@dpf-law.com)>  
**Cc:** John Caldwell <[John@caldwellvineyard.com](mailto:John@caldwellvineyard.com)>, terry scott <[tkscottco@gmail.com](mailto:tkscottco@gmail.com)>  
**Subject:** Re: FW: Project Clarification Questions

Hi Tom,

Your answers in green are correct.

Joy

On Tue, Nov 19, 2019 at 8:33 AM Thomas Adams <[tadams@dpf-law.com](mailto:tadams@dpf-law.com)> wrote:

Joy,

Wyntress Balcher with the County needs to have responses to the email below ASAP in order to keep the project on schedule. Please provide responses today or call me because if we don't get this to her she will not be able to meet her deadline.

Tom

**THOMAS ADAMS**

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**From:** Thomas Adams  
**Sent:** Wednesday, November 13, 2019 8:55 AM

**To:** 'Joy Caldwell'; 'John Caldwell'  
**Cc:** terry scott  
**Subject:** Project Clarification Questions  
**Importance:** High

Joy and John, Wyntress wanted to clarify a few issues so see my responses below and please confirm or provide comments.

Wyntress, See responses below in GREEN:

1. allow on premises consumption of wine within the tasting room, the paved areas in front of the cave, under the shade trellis east of the cave entrance; and on the gravel area below the cave in accordance with Business and Professions Code Sections 23358, 23390 and 2339.5; **YES**
2. allow limited food for tastings prepared offsite and catering for marketing events, with limited prep/plating in the proposed prep kitchen; **YES but the cave expansion has been removed from the project so limited food prepared offsite and catering for marketing events is still requested with the ability to use the crush pad area for food prep during marketing events. Caterer will provide prep stations as required.**
3. remove the condition of approval limiting the number of custom producers and activities; **YES**
4. installation of traffic calming measures on the private portion of Kreuzer Lane, including speed limit signs and speed bumps or rumble strips. **YES but will use approved “mumble strips” not “rumble strips” per neighbor request.**

I want to confirm whether these were omitted or missed. Also, is there an actual fire evacuation plan map prepared? **I will provide the map to you once completed.**

**THOMAS S. ADAMS, ESQ.**

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