

From: [Whitmer, David](#)
To: [Bordona, Brian](#); [Gallina, Charlene](#)
Subject: Fwd: Frank Family-Benjamin Ranch Winery P-13-00371-UP
Date: Tuesday, September 15, 2020 7:45:20 AM

FYI...

Please add to public comments on Frank Family- Benjamin Ranch.

Thanks,

Dave

From: Nancy Montgomery <namontgomery@gmail.com>
Sent: Monday, September 14, 2020 10:09 PM
To: Whitmer, David
Subject: Frank Family-Benjamin Ranch Winery P-13-00371-UP

[External Email - Use Caution]

To Dave Whitmer and the Planning Commission

I am writing to oppose the application for the Frank Family-Benjamin Ranch Winery. As a 30 resident of Rutherford, I am seriously concerned that the development of so many new wineries is changing the character and essence of the Valley. I appreciate that the Napa Valley has become a world center for the wine industry and believed that is because of vision and careful planning. Ordinances were passed to encourage growth but growth has gotten out of control and is taking its toll. More has become too much. The Valley is overwhelmed. Traffic is regularly stalled on Hwy 29, Silverado Trail and feeder side roads. Idling traffic pollutes vineyards and homes. Garbage accumulates on all roads and in vineyards. Road surfaces are badly broken up and aren't repaved. For example, Howell Mt Road is so destroyed it is closed permanently, leaving Angwin without a second emergency escape route. Loud public events are the norm, not the exception. This year there is a glut of grapes. Vineyard owners are finding it difficult if not impossible to sell their crop due to over planting and a dramatic drop in demand. The new normal of annual fire storms is another threat to the welfare of the Valley - one that cannot be ignored and needs to be addressed.

Something is very wrong when the Valley is over-crowded, dirty, noisy and dangerous (fires). Why? Because the wine industry has grown to a point that it overwhelms the infrastructure. Time has come to pause and address these issues before it is too late. We need to ask what is the tipping point past which the damage can't be repaired. I strongly suggest a moratorium on any new wineries until the county can take the time to fully assess if the current guidelines for development are in the best interest of the Valley and the wine industry.

All of us who love the Napa Valley want it to be the best it can be. The direction it is currently going is deeply disturbing, indeed frightening. Thank you for considering my concerns.

Nancy Montgomery
1095 Ponti Road
Rutherford, CA 94558

James and Barbara Fetherston
P.O. Box 239
Rutherford, Ca. 94573

Napa County Planning Commission
Mr. Brian Bordona, Deputy Planning Director
Ms. Charlene Gallina, Supervising Planner
1195 Third Street, Suite 210
Napa, CA 94559

15 September, 2020

Subject: Comments regarding MND for proposed Benjamin Ranch Winery Use Permit Application
p13-00371-UP,
September 16, 2020 Agenda Item 7B

Hon. Planning Commissioners:

Barbara and I have lived at 8817 Conn Creek Road, Rutherford for 28 years. We own the home closest to the proposed site for the Benjamin Ranch Winery (BRW). Our home was built in the 1860s. At one time, the Cole Family owned our property and 8895 Conn Creek Road, the proposed site for BRW. We hope you will consider our comments regarding this project as the Planning Commission (PC) deliberates on the BRW application for a winery use permit. **We believe the current BRW application and the County's initial study are incomplete and for this reason we request a continuance for the hearing scheduled tomorrow and your consideration regarding the need for preparing an EIR.**

We are familiar with the Agricultural Preserve (AP) zone and the beautiful property that is proposed as the site for BRW's large winery and visitor/event center comprising an estimated 88,000 sq. ft. These expansive buildings are designed to accommodate up to 400 visitors per day; and the many marketing events that are planned--up to 357 per year-- to be scheduled as late as 10:00 p.m. seven days a week, twelve months a year. **In its initial UP Application, BRW limited its business hours to 6:00 p.m. We feel that would be more appropriate.**

Traffic and Transportation Issues

It seems incongruous that a project of this size is being proposed in the AG Preserve. This land was protected from development for more than 50 years by the County's AP Land Use Element policy. And it concerns us that the approval of this project will set a precedent for other ambitious projects that will want to match BRW's size, scale, appearance, hours of operation, visitation levels, and impacts. We cannot remember a new winery of this size being approved in the unincorporated areas of Napa Valley primarily because the existing road network cannot support the level of additional traffic a project of this size generates. The County has dozens of traffic studies on file; one or more for every winery use permit application, major modification request, and EIR. County and state agencies also conduct regular traffic analyses that show compelling evidence regarding the dysfunction of our roads. **Yet, the traffic congestion continues, intersections operate at unacceptable levels of service, and traffic mitigation measures do not seem to make a difference. The road network and infrastructure need to keep up with new development or everyone is affected by traffic congestion and all its related impacts on quality of lives. We must remember that visitors are also affected by congested traffic and that is not a nice memory to take home.**

Noise is one of the significant aspects of heavy truck traffic in Rutherford.

In our quiet rural area, where noise carries further, 24-hour truck traffic has a major impact on our quality of life. We hear the trucks rumbling along the road night and day. It is surprising that BRW's TIS did not address truck traffic in a detailed way. The addition of the new entry driveway from Conn Creek Road to BRW will double the sound we hear from trucks at the current time. The new driveway extends the area trucks will travel within our hearing range. We will hear the trucks as they pass along Conn Creek Road and continue to hear them as they shift, slow down, and turn left to follow the new segment of road proposed by BRW. If they stop in the new left turn lane, we will hear them idle there as well. **We feel it would be appropriate for BRW to move its proposed driveway north so that when trucks enter its property they can turn right at the winery and smaller passenger vehicles can turn left. In this way, trucks will not pass the Visitor/Event Center and spew diesel fumes on visitors. It will be quieter for all.**

Another benefit of moving the driveway north is that it would resolve an issue regarding the existing farm road along the southern property line (which is estimated on the site plan). On the proposed blueprints, the driveway replaces a gated unpaved access road that has been in common use by surrounding vineyards for more than 25 years. In the AG Preserve, this is not unusual as agricultural activities and farm roads cross one parcel to another. Farm roads increase worker safety and ease of traveling from one vineyard to another on heavy, slow-moving equipment while avoiding highways and heavily traveled byways. Some neighbors who have used the existing farm road for years believe they have a prescriptive easement, another believes he has a deeded easement, another is having the area surveyed to determine where the property line is located. **Although the County requires all locations, dimensions, and property lines and easements of subject parcels to be reported on the UP application, it doesn't seem BRW did so. Prior to any PC approvals, we believe this issue needs to be addressed. The BRW TIS also needs to consider the additional farm machinery that will be forced to travel along Conn Creek Road/Hwy. 128 because it has been displaced by the demolition of the existing farm road.**

The BRW TIS also needs to be updated to include traffic studies from new Rutherford wineries-- Mathew Bruno Tasting Room on Rutherford Road and Scarlett Winery on Ponti Road. The TIS states this was not done as traffic studies for these projects were unavailable. However, they are posted on the County website and should be included as cumulative impacts. When operable, these businesses will add to the already significant impacts at the intersection of Silverado Trail and Conn Creek Road, Hwy 29 and Hwy 128, and Silverado Trail at Skellenger Lane. **The TIS failed to mention that these intersections do not meet the new minimum acceptable operating condition standard for unsignalized intersections set by Napa County. Based on new standards, level of service D (LOS D) is the poorest acceptable operation for side street stop sign-controlled approaches at two way stop intersections and for all-way-stop-intersections. The nearest intersections to the proposed BRW site operate at LOS E and F.**

Another failing of the BRW TIS is its calculations and reporting of Truck Trips. It is surprising that BRW does not have a bottling line in its proposed winery plans. This may indicate that grapes will be crushed at BRW and then bottled at Frank Family Winery in Calistoga. If this is true, **the BRW application should describe their processing plan and calculate the grape count in accordance with its actual processing and bottling practices instead of using the formulae provided on the Caltrans and County forms.**

Biological Resources

Napa County's General Plan has specific requirements regarding setbacks from waterways, access to natural areas, conservation of natural resources, habitat protection, and wildlife corridors. Site conditions related to these issues have not been addressed in the BRW application. The proposed project site is bordered on the east by Conn Creek and by the Napa River on the west. Nesting birds, bats, and migratory species like Canadian Geese are often sighted at the subject property along with birds of prey. Because the property is large and has very little traffic, it provides undisturbed habitat and biological resources for regional wildlife including a variety of mammals; frequently sighted are: California ground squirrel (*Spermophilus beecheyi*), rabbit (*Lepus Californicus*), raccoon (*Procyon lotor*), opossum (*Didelphis*), coyote (*Canis virginiana*), gray fox (*Urocyon cinereoargenteus*), bobcat (*Lynx rufus*), skunk (*Mephitis mephitis*), and the occasional cougar (*Puma concolor*). Animals use the property as a wildlife movement corridor that links Conn Creek with the Napa River. The new BRW driveway and other proposed improvements have the potential to disrupt the corridor and create isolated "islands" of wildlife habitat.

The last comments we would like to make regard the aesthetics of the project. It would be very helpful to see story poles for the buildings and in-place markings for road alterations that are proposed for Hwy. 128.

The PC will need to consider **if** the proposed color for the winery's exterior walls, "Barn Red" meets the aesthetic requirement set forth in Public Resources Code Section 21099 that specifies "Colors for roof, exterior walls and built landscaping features shall be limited to earth tones that will blend the facility into the colors of the surrounding site-specific vegetation. Is the same color story proposed for the winery and the visitor/event center? **The Initial Study Checklist (pg. 6, 4.16.c.) States, "the permittee shall obtain the written approval of the Planning Division in conjunction with building permit review and/or prior to painting the building."** Our preference is to use earth tones as the County's regulation specifies.

We believe the issues regarding traffic, transportation, trucking, and biological resources highlighted in this letter are significant and justify our request for a continuance and for an EIR to be prepared for the proposed BRW project.

Thank you for your consideration and your valuable service to our community,

Barbara and James Fetherston

Planning Commissioners
Joelle.Gallagher@countyofnapa.org
Dave.Whitmer@countyofnapa.org
Anne.Cottrell@countyofnapa.org
Andrew.Mazotti@countyofnapa.org
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September 15, 2020

Via Email david.morrison@countyofnapa.org, charlene.gallina@countyofnapa.org

Napa County Planning Commission
David Morrison, Director of Planning
Charlene Gallina, Supervising Planner
County Administration Building
1195 Third Street, 2nd Floor
Napa, CA 94559

Re: September 16, 2020 Agenda, Item 7B: Benjamin Ranch Winery Use Permit P13-00371-UP; Request for Continuance Due to Project Revisions

Honorable Commissioners:

After submitting comments on behalf of Michael Honig, we received notification from the County that a revised application had been submitted for the Benjamin Ranch Winery Project. Based on the changes made to this Project in the revised application, we again urge the Planning Commission to continue the hearing on the Benjamin Ranch Winery Project. This continuance is now required to allow Mr. Honig and other neighbors and community members adequate time to evaluate the significant changes proposed for the Project and the impacts associated with those changes. Thank you for your time and consideration in this matter.

Sincerely,

Amy Minter

cc:

Joelle Gallagher, Napa County Planning Commission (joellegPC@gmail.com)

Dave Whitmer, Napa County Planning Commission (Dave.Whitmer@countyofnapa.org)

Anne Cottrell, Napa County Planning Commission (anne.cottrell@lucene.com)

Andrew Mazotti, Napa County Planning Commission (andrewmazotti@gmail.com)

Megan Dameron, Napa County Planning Commission (megan.dameron@countyofnapa.org)

Brian Bordona, Deputy Planning Director (Brian.Bordona@countyofnapa.org)

Planning Commission Clerk (planningcommissionclerk@countyofnapa.org)

From: [Bordona, Brian](#)
To: [Ayers, Dana](#); [Anderson, Laura](#); [Gallina, Charlene](#)
Subject: [EXTERNAL] FW: benjamin Ranch
Date: Tuesday, September 15, 2020 10:26:47 AM

This is an **EXTERNAL** email. Do not click links or open attachments unless you validate the sender and know the content is safe.

From: agustin huneus <huneusagustin@gmail.com>
Sent: Tuesday, September 15, 2020 10:21 AM
To: Bordona, Brian <Brian.Bordona@countyofnapa.org>
Cc: Rodrigo Soto <rodrigo.soto@quintessa.com>; Alejandro Huneus <alejandro@huneuswines.com>; Nick Withers <nick@huneuswines.com>
Subject: benjamin Ranch

[External Email - Use Caution]

Napa County
Planning Commission

Re: Benjamin Ranch Use Permit Application by Frank Family Winery – P13-00371.
Commissioners,

I am writing to express my opposition to the referenced project. As much as we celebrate the growth of family owned wineries like ours, we believe the Benjamin Ranch project is disproportionate to the area and the zoning aspirations of its neighbors. Allowing this project to be built and operated as proposed is a radical departure from these widely embraced policies.

We will be happy to support a project of a scale, that is a better reflection of what Rutherford and Napa Valley want to be. As it stands, we respectfully request the Commissioners to reject it.

Sincerely,

Agustin Huneus
Proprietor & Founder
Quintessa Winery

From: [Bordona, Brian](#)
To: [Ayers, Dana](#); [Anderson, Laura](#); [Gallina, Charlene](#)
Subject: [EXTERNAL] FW: Benjamin Ranch Opposition
Date: Tuesday, September 15, 2020 10:05:20 AM

This is an **EXTERNAL** email. Do not click links or open attachments unless you validate the sender and know the content is safe.

From: Beth Milliken <beth@spottswode.com>
Sent: Tuesday, September 15, 2020 9:19 AM
To: Bordona, Brian <Brian.Bordona@countyofnapa.org>
Cc: Anne Cottrell (anne.l.cottrell@gmail.com) <anne.l.cottrell@gmail.com>; Dameron, Megan <megan.dameron@countyofnapa.org>; joellegPC@gmail.com; andrewmazotti@gmail.com; Whitmer, David <Dave.Whitmer@countyofnapa.org>
Subject: Benjamin Ranch Opposition

[External Email - Use Caution]

Dear Napa County Planning Commissioners Cotrell, Dameron, Gallagher, Mazotti and Whitmer,

We, the Growers/Vintners for Responsible Agriculture, write to request a delay in the hearing on the Benjamin Ranch Project, which is on your agenda for Wednesday, September 16th. This is a significant project that requires great scrutiny, and we need time to meaningfully weigh in.

As we await your reasonable action to delay this hearing, we take this opportunity to express our strong opposition to the Benjamin Ranch Winery project now before you. The words, "Responsible Agriculture" in our name express exactly why we are opposed to this project, which has inexplicably received a Mitigated Negative Declaration despite the fact that its scale is immense and it is located in our Agricultural Preserve. This proposal represents an entirely unacceptable and irresponsible development in Napa Valley's scarce and precious agricultural lands, and an EIR must be mandated.

Here are the facts:

- 12.8 acres of land to be developed out of 85.1 total acres (15% of the land!)
 - Vineyard reduction from 47.5 to 42.7 acres (a loss of 4.8 acres of agriculture)

- 87,292 square feet of buildings, which will house administration & production, with a *commercial kitchen* to accompany its tour and tasting activities
 - Operating hours of 8:00am to 6:00pm
 - 400 people a day combined for tours and special events (Potential: 146,000/year!)
 - 357 annual events for between 16-150 people per event

- Only 8 days/year closed to events
- 42.7 planted acres (a reduction of 4.8 acres) equates to 149.45 tons (@ 3.5 tons/acre), which is 25,406.5 gallons (@ 170 gallons/ton) or 128,233 bottles of wine
 - Thus, this “agricultural” operation will produce fewer bottles from its on-site vineyard than the number of visitors (146,000) they ask to receive for tours annually. This defines an event center, as production seems to be ancillary to the marketing and sales functions.
- 475,000 gallons production capacity (199,580 cases, or 2,394,960 bottles)
 - Related to the above, where are the Napa Valley grapes coming from? Certainly not from the site, whose agricultural acreage is being decreased (and we have a 75% rule that must be honored)
- 61 full-time and part-time staff people

By every metric these are astoundingly large numbers, decidedly not in keeping with the intent and spirit of our Agricultural Preserve nor our agriculturally based economy. In addition, these on-site special events and late tasting closing time (6:00pm) take business away from our local restaurants and other food-service businesses, which need our support, especially during these most uncertain times.

Projects in our Agricultural Preserve cannot be looked at individually – rather, development in the AP must be looked at holistically, taking all other existing developments into account. To not look at individual projects in the context of the whole undermines our *moral obligation to protect the integrity of our Agricultural Preserve*, and damages Napa Valley’s reputation as a National Treasure. We must preserve and protect that which we still have, as our land is special, scarce and irreplaceable. We call upon you to be responsible stewards of our agricultural lands!

Thank you.

Sincerely,

Beth Novak Milliken, on behalf of Growers/Vintners for Responsible Agriculture

Laurie & Tom Clark
 Randy Dunn
 Mike Hackett
 Julia Levitan
 Beth Novak Milliken
 Cio Perez
 Joyce Black Sears
 Jim Wilson
 Warren Winiarski

Beth Novak Milliken
 President & CEO

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Please paws before printing. – Riley