

**From:** [Barbara Fetherston](mailto:Barbara.Fetherston@trccompanies.com)  
**To:** [DAyers@trccompanies.com](mailto:DAyers@trccompanies.com)  
**Cc:** [Gallina, Charlene](#); [Bordona, Brian](#); [PlanningCommissionClerk](#)  
**Subject:** Initial Study MND for Frank Family's Benjamin Ranch Winery  
**Date:** Tuesday, May 18, 2021 2:55:07 PM

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Dear Dana,

I have read the revised Frank Family use permit application for Benjamin Ranch Winery (BRW) and the Initial Study (I.S.) you prepared plus over 400 pages of supporting documents, studies, opinions, and facts. Whew! It is a lot to process and I commend you for the work you have done on this complicated project. Of course, it will receive a lot of attention as it is a new project that will be built on a pristine-vineyard parcel with incredible scenic views in Rutherford. If approved, the project would be quite large-scale in its production (475,000 gallons), enormous in its visitation (85,800 visitors per year), substantial in its hours of operation on a daily basis, and include year-round outdoor evening events up to 10:00 p.m. As the Traffic Impact Study (TIS) reports, the new visitor and employee traffic associated with this proposed project will be considerable.

The traffic studies indicate that congested intersections and delayed turning is going to be aggravated at the intersections on Silverado Trail at Conn Creek Road and Rutherford Road at Hwy. 29.

I can't help but wonder why a left-turn lane (LTL) is not part of this revised application and staff recommendations? Did the applicant eliminate this tested and successful mitigation feature for traffic congestion that could be used at the sizable private, commercial road that is proposed for access to BRW from S.R.128/Conn Creek Road?

Why were Honig and Round Pond Wineries required by Napa County to installed left turn lanes (LTL) but BRW was not? BRW has more production and visitation planned than either Honig or Round Pond.

At Caymus, a LTL was built in addition to an improved design and reconstruction of the triangular roundabout where Rutherford and Conn Creek Roads meet. The improvements in front of Caymus Winery have transformed what was a very dangerous area on S.R.128/Conn Creek Road into a LOS A rated intersection as reported in the latest BRW traffic impact study. All four of these wineries are on State Route 128 and BRW would have the highest production and visitation levels of the four but it seems it will not have a LTL. As all four wineries are located between the two worst intersections in the upper valley — Silverado Trail at Conn Creek and Hwy. 29 at Rutherford Road— effective mitigation measures are needed in this area. Why not traffic signals?

It would be helpful to know why traffic lights are not allowed at these LOS D-F intersections? At both Oak Knoll in Napa and Pope St. in St. Helena, traffic signals keep the vehicles moving in a predictable flow on Hwy. 29. Traffic signals permit safe and timely left turns and crossings. Why not use them in Rutherford?

Full disclosure, I live on Conn Creek Road and have seen real improvements in traffic flow that results from LTLs and the redesign of an intersection. Those mitigations have worked well.

If proven and effective measures are not available for use in mitigating impacts, then the Commission can also reduce the project's environmental impacts by limiting production, visitation, operations, and traffic. What is not acceptable is more traffic, traffic noise, vehicle emissions and no mitigations.

I hope this matter will be addressed at the Public Hearing on May 19 for BRW.

Thank you for your consideration.

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

Cc:  
Hon.Planning Commissioners  
Anne Cottrell  
Megan Dameron  
Joelle Gallagher  
Andrew Mazotti

Dave Whitmer

**DIANE B. WILSEY  
RUTHERFORD RIVER RANCH  
999 RUTHERFORD ROAD  
RUTHERFORD, CA 94558**

May 17, 2021

**VIA EMAIL**

Charlene Gallina  
Supervising Planner  
Napa County Planning, Building, & Environmental Services Department  
1195 Third Street, Suite 210  
Napa, CA 94559

**RE – Benjamin Ranch Winery Use Permit Application No. P13-003071-UP**

Dear Ms. Gallina:

I am writing to express my continued misgivings related to the proposed Benjamin Ranch Winery project. Given its size and location, I am really surprised there has not been more consideration given to the implications of this proposal. As currently proposed, the project is out of character for Rutherford and the surrounding community of which I am a part.

I believe the planning commission should reconsider the proposal as currently drafted. I strongly support a delay in any decision with respect to the project for at least ninety days so that all parties have necessary time to consider the implications and impact to our community. I do not believe that all the parties involved have been given necessary time to address all the questions and concerns the project raises.

As I have previously stated, we are all in favor of local projects that would fit the character of the area and help to complement Rutherford. However, they must be carefully considered, and all the parties involved should have time to ensure correct and fair decisions are made.

I strongly encourage the commission to extend any decision on the project for at least ninety days and to reconsider this project as it is currently presented.

Sincerely,

\s\ Diane B. Wilsey  
Diane B. Wilsey, Proprietor  
Rutherford River Ranch

**From:** [Diane Wilsey](#)  
**To:** [Gallina, Charlene](#)  
**Cc:** ["joellegPC@gmail.com"](#); ["andrewmazotti@gmail.com"](#); [Whitmer, David](#); [Dameron, Megan](#); [Bordona, Brian](#); [Morrison, David](#)  
**Subject:** Request for Delay of Benjamin Ranch Project decision  
**Date:** Tuesday, May 18, 2021 2:50:00 PM  
**Attachments:** [DBW LTR to Napa Co re Ben Ranch project 5.17.pdf](#)

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Dear Ms. Gallina:

Attached, please find a formal request to the planning commission to reconsider the Benjamin Ranch project and to grant a delay of at least 90 days for all parties to further study the implications of the project.

Thank you,

Diane B. Wilsey  
Rutherford River Ranch  
999 Rutherford Road  
Napa, CA 94558

**From:** [Judith Crichton](#)  
**To:** [Bordona, Brian](#); [Gallina, Charlene](#); [MeetingClerk](#)  
**Subject:** Frank Family - Benjamin Ranch Winery P13-00371-UP  
**Date:** Tuesday, May 18, 2021 4:22:44 PM

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Dear Brian,

I have reviewed the Revised Plan, the Traffic Impact Study and related documents and still conclude this project is completely inappropriate for this site and should not be approved.

### Scale

Although the number of events and visitors has been reduced this is an excessive, industrial, commercial enterprise and better suited for the Corporate Park.

Plunking a Costco-size building, 94 parking spaces and a commercial two-lane road into one of the last pristine swaths of vineyard in the AG Preserve is unconscionable.

Attorney Greenwood-Mienert stated at the September meeting that it is the "largest winery project, none like it in 15 years in Napa Valley." This is exactly why it should not be allowed.

Caymus was required to cease excessive production and now the County wants to approve/replace it with a winery of similar size next door. What is the rationale, where is the commonsense or consistency?

There are 15 wineries on Hwy 128 from Inglenook to five at the Trail, 2.8 miles. Within one mile of BRW there are eight wineries between 200Kgal to oneM gal, three at over 850Kgal, with an average building size of 32K square feet. Conn Creek at 850Kgal is 30K sq feet, Round Hill at oneMgal is 30K sq feet. BRW would be nearly THREE times larger at 87K sq feet and at 475Kgal one of the largest in the county. Clearly the building size has the capacity to triple or quadruple production levels.

RE: Visitors - Frank Family - Larkmead has one hundred eleven thousand (111K) visitors per year. BRW would have 87K per year, a combined total of 191K per year.

- Commercial kitchen for employees, really? For how long?
- Operate 8 - 6p, does that include trucking/tanker hours?
- 61 staff - why so huge? And where is all this staff going to live/drive from?
- 94 parking stalls - adequate for harvest but INADEQUATE for events. Will need shuttle service and off-site parking during 150 person events. Where will that be?

Plan says there is ROOM for bottling if plans change although in "Double-Counting" production scenario which BRW says County uses, they argue NOT bottling at BRW minimizes size of building in AG Preserve. This is double-talk.

Says same production level between the two properties will be 575Kgal not oneM with the Larkmead level. A subsequent increase/adjustment could occur and since they say production is already "Double-Counted" what is to stop them from producing double the amount?

BRW gives Frank Family (excessive) "room to grow" they state. We do NOT need more growth in mega-volume wineries and should not be allowed.

### Traffic

"Increased traffic numbers are unacceptable." Revised Traffic Analysis 3/30/21

Summary -

- 61 employees, 408 new trips per day Friday, 69 during Peak hour.
- 340 trips Sat, 65 during Peak hour
- Silverado Trail/Conn Creek UNACCEPTABLE LOS F at Peak hours and would continue ADVERSE IMPACT on intersection operation.
- Implementation of Transportation Demand Management(TDM) Plan is recommended.
- Rutherford Road/Hwy 29
- UNACCEPTABLE at LOS F under ALL scenarios...exceed County's level of significance for Future conditions. No signals...recommended by County.
- A TDM should be implemented...a MONITORING PROGRAM should be established.

How does BRW and County plan to do this and WHO oversees and enforces this?

- No left turn lane - why was it required for Honig, Round Pond, Caymus? This is a more heavily trafficked project.
- Where is the EIR that Crane Transport Group said is required and Honig requested? Traffic impacts must be analyzed in an EIR.

### Conclusion

How will the County follow-up on Use Permit violations, i.e., parking, visitors per day, expanded case production. Applicants have shown their intent with the original application so how does County expect or enforce compliance? And how long in the future until a Modification to the permit is sought for production and programming by Frank Family or the Corporate entity who buys it?

It is incumbent upon Supervisors/Commissioners/Planners to reevaluate winery development in the AG Preserve. Napa Valley is over-saturated and being destroyed. We need no new wineries and certainly not wineries of this industrial scale.

This application should be denied.

For the record I do not appreciate the bullying and attempted intimidation by the Franks at the September meeting.

Judith Crichton

1100 Rutherford Road

**From:** [Barbara Fetherston](#)  
**To:** [Gallina, Charlene](#)  
**Cc:** [PlanningCommissionClerk](#)  
**Subject:** Frank Family BRW Use Permit  
**Date:** Tuesday, May 18, 2021 4:44:53 PM

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

Napa County Planning Commission  
May 18, 2021  
Mr. Brian Bordona, Deputy Planning Director  
Ms. Charlene Gallina, Supervising Planner  
Hon. Commissioners

Subject: Comments regarding MND for proposed Benjamin Ranch Winery Use Permit Application P13-00371-UP, May 19, 2021

Hon. Planning Commissioners:

My husband, James, and I purchased our historic home and vineyard at 8817 Conn Creek Road in 1992. It is the closest residence to the south of the proposed new access road for 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 Frank Family's application for the BRW use permit. **We believe the revised 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. The proposed expansive buildings have been designed to accommodate up to 300 visitors per day; and the tours, tastings, and marketing events that are planned to be scheduled daily from 10-6 and as late as 10:00 p.m. for some events. The revised Mitigated Negative Declaration for this project states the proposed project would not have any potentially significant environmental impacts with incorporation of mitigation measures. I respectfully disagree. I read more than 400 pages of studies, opinions, facts, statistics, and ideas for mitigation but remain unconvinced that the description of the proposed project and the reality of the proposed project can be impact-neutral.

The environmental impacts and concerns for the BRW project will be unique to its address at 8895 Conn Creek Road because this property has never before had a winery or event center, but they will not be surprising or unknown to the neighbors. We have seen these impacts and shared these concerns before as the saga of Caymus Winery was long and uncomfortable for the neighborhood and Napa County. It took years for the County to work out an agreement with Caymus. And for years the neighbors suffered the consequences of unmitigated impacts from a winery that was over producing wine, entertaining too many visitors and running a 24/7 truck stop, year round. We do not want to see that happen again so we are being vigilant with regard to the plans for BRW. It also needs to be said that impacts from local wineries are not confined to their neighborhoods; impacts ripple through the whole valley. When Frank Family requests visitation levels of 106,000 for the winery on Larkmead Lane and 87,150 visitors for BRW, some of those 193,150 people will end up in traffic jams in American Canyon, Calistoga, and St. Helena. When trucks rumble through the valley from vineyards in Carneros, Capel Valley, and elsewhere to deliver grapes to BRW, traffic will be impacted, noises will be annoying, exhaust and emissions will offend; just as they did when Caymus did them. The settlement agreement between Napa County was a win-win for all. Napa received a generous sum from Caymus, our neighborhood had its quality of life restored, and Caymus found a new location

that embraced its expanded operations without opposition. Best of all, Chuck Wagner built a lovely new home next to his old Caymus Winery and is still enjoying our neighborhood.

We hope there will be an agreeable outcome for BRW and us as well. This may take a little more planning and an EIR would help sort it all out.

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

Barbara Fetherston