

Revd. 05/15/08
Kg



May 14, 2008

City of Calistoga
Planning Commission
1307 Washington Street
Calistoga, CA 94515

Page 1 of 2

SUBJECT: Comments to be presented to The City Planning Commission, May 14, 2008

Ladies and Gentlemen:

Our family of five, including my wife and our three children, own one of the Napa AgPreserve parcels on which the City of Calistoga wishes to position its footprint. We have had little time to learn the specifics of what the City has in mind although we have been able today to briefly scan the City's Staff Report. This brief glance suggested at least to me that the City Plans are unclear, inconsistent, and confusing. I would hope that we would be allowed further time to properly review the Report and to identify important questions about the Plan.

We acquired the property in the Napa AgPreserve a little over 32 years ago. From the very start, our family mission has been to nurture the land in the best possible way with all our energy to produce the finest quality Napa Valley grapes possible. At the same time our offspring literally grew up on the land with its soil on their feet, its grapes in their mouths, and the stars above in their eyes. All three came back over the last ten years to take over the vineyard operations full time.

Our family mission from day one 32 years ago has been to nurture with uncompromising care the finest quality Napa Valley grapes on this treasured parcel of Napa AgPreserve land. Over the years this has led to many significant improvements. But possibly the most important of all have been two improvements implemented in the last several years. First, we have adopted organic farming methods that we believe have yielded significant improvements in the quality of our grapes and vines and also in the structure and nurturing capability of the land itself.

Second, we designed and constructed a major reservoir that sources its water solely from the rains that fall on our lands. This gives us an incredible opportunity to irrigate our vines and soils with truly the purest water on this earth for the maximum health benefit to the vines and soils over the long term.





At first glance, the City's Plan appears certain over the long term to completely erase the benefits of these latest improvements in our farming procedures. First, the City appears to intend over the long term to utilize our farmland and that of our neighbors for waste water processing and disposal. In this case we will no longer be able to utilize the water from our very own reservoir for irrigation purposes because we know now it is a matter of record that this water will contain a raft of chemicals at low concentrations but nevertheless sufficient to degenerate the soils over the long term. In effect we will be deprived of our treasured reservoir. We will be forced once again to rely on our wells for irrigation water which is of substantially lower quality. In turn this will mean lower quality grapes that are not acceptable for our winemaking ---- potentially a devastating blow to our economic viability.

Second, the City's Plan will prevent us from replanting our multi-acre vineyard in their proposed "Sphere of Influence." This will be another severe blow to our financial viability.

Third, the City proposes to place a 60 foot wide roadway, a highway, through our Ag Preserve land and that of our neighbors so that "cargo trucks" can proceed to the edge of the City. On the surface, this seems unjustifiable because these very trucks are merely trying to get around the City and already do so by crossing to Silverado Trail on Dunaweal Lane. What else does the City have in mind for this intrusion on our Ag Preserve land?

Fourth, the City proposes utilization of the land for housing development. Incredible. How can the City be justified in taking private property, albeit AG Preserve land of the finest quality, for sale as housing sites to other citizens of the County?

Finally, doesn't the City have other and much better alternatives to satisfy their appetite for expansion? Doesn't the City have a number of acres of bare land within its current boundaries that would be entirely suitable for their needs? But in any case, how can the City justify seriously threatening our family's future in farming our own vineyards?

Sincerely,

A handwritten signature in cursive script that reads "Fred J. Fisher".

Fred J. Fisher
Proprietor



Rec'd. 05/14/08 Kg

May 14, 2008

To: City of Calistoga Planning Commission
From: Robert Fisher, 4771 Silverado Trail N., Calistoga

Re: 5.14.08 Regular Meeting Agenda Item H.1

Dear Planning Commission,

I was traveling in Chicago on business on Monday, May 5, the day the notice of this Planning Commission hearing (scheduled for 5.14.08) arrived to my office in the mail. While in Chicago I was marketing our family wine, which is grown on a parcel that is proposed by the Planning Commission to be paved over, irrigated with waste-water and subdivided for "rural residential development." But the notice received on May 5 did not even convey these disturbing intentions. Instead it merely proclaimed a hearing date regarding expansion of the City's 'Sphere of Influence,' noting that the relevant staff report conveying the purpose of the expansion would be posted online prior to 12:00pm on Saturday, May 10. But on that Saturday, to our further surprise, the city failed to post their report.

On Sunday, May 11, I was scheduled to return on follow-up business to Chicago with my entire family, each and every one of us a partner / owner of the threatened Fisher Vineyards parcel. Were it not for this hearing, my father (Fred Fisher) and I would still be traveling on business as planned for this evening, but we have instead returned home to attend this hearing at no small expense to our business.

On the basis of having been inadequately informed of the timing and substance of this meeting I would first like to request that the hearing on the proposed expansion of the City's Sphere of Influence be postponed until we can adequately prepare to comment.

In the absence of adequate time to prepare, having had access to the Planning Commission's staff report for less than 48 hours, it seems most appropriate at this point for me to object in entirety to the proposed expansion of the City's Sphere of Influence and to condemn the basis for the Commission's plans, the logic in reasoning, as well as the lack of integrity in communication and planning.

To fully appreciate my emotion and position in this matter, I feel compelled to explain the significance of the proposed changes that threaten our family business, our private farm-land and neighboring farmland that vitally impacts us. The grapes we grow on our parcel are the single source for our flagship wine, Coach Insignia, which has been in development and produced for over 30 years. Representing the core brand for our business, this wine is inextricably tied to the site where it is grown (not blended with any other source), which by Napa Valley and wine industry standards is the purest representation of a vineyard site and one which we are proud to have represent our local wine growing area. In this sense, it is truly impossible to produce this wine, our core brand for two generations, anywhere else.

Furthermore, the Coach Insignia name very intentionally represents our family's heritage of quality craftsmanship and integrity in family business reaching back to 1908. To be clear, the proposed plans that affect our parcel and neighboring parcels represent an immediate threat to the health and survival of our business. This comes at a time when corporate consolidation of family growers and producers threatens to eradicate the very last existing multi-generation family owned and operated wine growers and producers in our area. These families have been the heart of our Valley and the driving force behind the local economy and community, without which Calistoga will be left to absentee corporate ownership and paved over by trucking routes that wind through desecrated farmlands irrigated by toxic waste-water.

Regards,



Rob Fisher
General Manager, Fisher Vineyards

Rec'd. 05/14/08 Hg

May 14, 2008

To: City of Calistoga Planning Commission
From: Whitney Fisher, 1501 Cedar St., Calistoga

Re: 5.14.08 Regular Meeting Agenda Item H.1

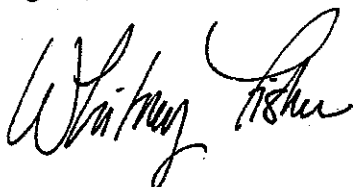
Dear Planning Commission,

We were shocked to receive a notice of today's agenda on Monday May 5th at the end of our day. Much of the language was confusing and after looking into the meaning of such legal phrases as "sphere of influence" and LAFCO we waited for the city's staff report to be released fearing the annexation of our prime agricultural land for the city's municipal purposes. The city's "staff report" that was to be released on Saturday May 10th no later than 12noon was not in fact posted on the website. Taking my time to review the city of Calistoga website on Saturday, I found that the link that was intended to be for the Staff Report regarding the "Policy Interpretation P2008-02)-Sphere of Influence" was in fact linked to the Staff Report regarding the Vineyard Oaks project and that there was no Staff Report for the "Policy Interpretation P2008-02) – Sphere of Influence" at all.

Without having further details regarding the proposed Sphere of Influence, I can only address the obvious concerns we have as a family who has been farming this land for the last 35 years. It seems that the city is making the first step towards taking a third of our farming property as well as our entire water supply that is used to farm our remaining vineyard lands: in effect putting an end to our family farming operation. My brother, my sister and I have returned to Calistoga after leaving for our schooling to join our family farming operation and continue our pursuit of growing the finest grapes from our unique property in Calistoga. We have transitioned our farm to use of Organic farming practices and have invested in re-planting our land with some of the best rootstock and clonal selections for wine grapes. We have also invested in the renovation of the farmhouse along Silverado Trail respecting the original footprint and all of the original architecture. For this we have received numerous compliments from members of the Calistoga community. All of this has been part of our dream and this proposed Utility and Municipal use of our property effectively ends this dream of our family farm and two generations.

It is with great urgency that I request you entirely reconsider your proposal for expansion, or at the very least, postpone the hearing on these matters so that our family may more fully respond and attend (I am committed to travel outside of California through Saturday, May 18 and unable to change plans).

Regards,



Whitney Fisher
Winegrower, Fisher Vineyards

Rec'd
05/14/08
6:10 PM

May 14, 2008

Via Hand Delivery and Facsimile to (707) 942-0732

Mr. Jeff Manfredi, Chairman
City of Calistoga Planning Commission
City of Calistoga
1232 Washington Street
Calistoga, CA 94515

Re: Policy Interpretation (P 2008-02) - Sphere of Influence

Dear Chairman Manfredi and Members of the Commission:

Our firm represents Fisher Vineyards, the owner of property at 4771 Silverado Trail in the unincorporated County. We are writing on behalf of our client in response to the Notice of Public Meeting for the above-referenced matter, which seeks "input and guidance on potential revisions to the Sphere of Influence needed to serve planned public facility and service needs."

In particular, we wish to provide the following comments for your consideration:

1. The proposed Sphere of Influence is inconsistent with the General Plan.

The proposed Sphere expansion for various roadway, wastewater storage and water reclamation purposes is inconsistent with the provisions of the Land Use element of the General Plan. In particular, the proposal is inconsistent with the following General Plan Provisions:

- Goal LU-4: "Maintain the rural qualities of the unincorporated part of the Calistoga Planning Area." (LU-49)
- Objective LU-4.1: "Preserve agricultural and natural resources in the unincorporated area to provide the natural setting for Calistoga's identity." (LU-49).
- Policy P1: "Annexation of any unincorporated land shall be discouraged." (LU-50, emphasis added.)



Mr. Jeff Manfredi, Chairman
May 14, 2008
Page 2

- Policy P4: "The City shall collaborate with Napa County and with Napa County LAFCO to protect existing land uses from development inappropriate for rural areas." (LU-50)
- "The City has no intention of annexing any area outside of the current city limits, and the City's Sphere of Influence is coterminous with the city limits." (LU-35-36)

2. Alternative land is available within the City limits for the proposed wastewater storage and water reclamation uses.

The City's General Plan identifies approximately 400 acres of land within the city limits that are vacant or used for low intensity agriculture. (LU-11) Available public lands within the City that could be used for wastewater storage include, at a minimum, the Fairgrounds and Golf Course Grounds, the Athletic Field and the airport. Before considering annexation of agricultural lands, the City should exhaust available lands within city limits.

3. Use of agricultural land for reclamation or wastewater storage is environmentally deleterious.

As noted in the General Plan (I-32), elevated boron concentrations in the City's wastewater limits use of reclaimed water to boron-tolerant crops like turf grasses (I-35-36). Waste reclamation is environmentally inappropriate for application to agricultural lands planted to vineyard.

4. The extension of Fair Way into unincorporated area is unnecessary.

Although the General Plan discusses the possible extension of Fair Way through to Dunaweal, it also discusses its extension to a new "southern crossing." (CIR-21) Because the southern crossing is located within the city limits, this circulation alternative is preferable, as it avoids the inconsistency with the Land Use element that annexation (and extension of Fair Way into the unincorporated area) would cause.

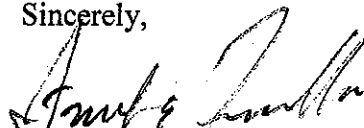
For all of these reasons, then, we urge you to determine the proposed revisions to the Sphere of Influence to be unnecessary, inappropriate and inconsistent with the General Plan and ask that you recommend that no changes to the current Sphere of Influence be made.



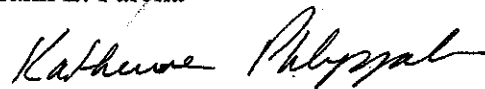
Mr. Jeff Manfredi, Chairman
May 14, 2008
Page 3

We appreciate the opportunity to comment on this matter, and we ask that our comments be included in the public record.

Sincerely,

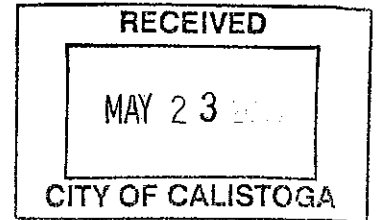


Frank E. Farella



Katherine Philippakis

cc: Fred Fisher



ORIN • SWIFT
CELLARS

May 13, 2008

To Whom It May Concern:

My name is David Phinney, I live with my family in St. Helena where I also own and operate Orin Swift Cellars. We produce about 60,000 cases of wine annually. Of those 60,000 cases we make only one vineyard designated wine, and only one white wine. That wine is the Tofanelli Vineyard Sauvignon Blanc. We make this wine with no monetary motivation as 100 % of the profits go to a local charity. The only motivation is to try express in a wine the site and the people that farm this site. In short it is out of respect to Pauline Tofanelli and her vineyard. I am writing to you because I understand that this vineyard is in jeopardy of being bulldozed along with the home of its proprietor Pauline Tofanelli. I think this is the wrong decision.

What first comes to mind is the historical significance of the vineyard and of Pauline Tofanelli. Both are literally living history. The vineyard not only has older plantings of Zinfandel, Semillon, and Muscadelle, (perhaps some of the only Muscadelle left in the valley), it also has what I believe is the only surviving head trained and dry-farmed Sauvignon Blanc in the Napa Valley. Pauline Tofanelli, with the help of her family still farms that vineyard. There is no vineyard management company hired or consulted, they simply farm it, as they know how born out of decades of experience. The result is a superior and unique vineyard that along with its proprietor is irreplaceable.

I understand that this proposal would also affect the Fisher and Frediani vineyards. Both historical and important in there own right. I also buy grapes from Jim Frediani and believe that some of his Charbono and Grenache are the oldest in the Napa Valley. Like the Tofanelli vineyard, it is "irreplaceable".

All three of these families represent an important soon to be forgotten and lost notion in the Valley, the family farmer. This land is intergal to the survival of these family farms and in some cases is the family farm. The family farm is what built this community. It is impossible to be bettering this community while at the same time eroding it's core. That is what this proposal would do. These vineyards and these people are irreplaceable. Please do not proceed with this proposal.

Thank You,

ds Phinney
David Phinney

TURLEY



Mr. Jeff Manfredi
Chairman
Calistoga Planning Commission

May 14, 2008

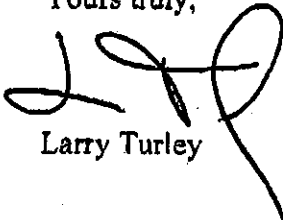
By Fax: 942-2831

Dear Mr. Manfredi:

I would like to respectfully request a continuation of your agenda item H.1. on tonight's planning Commission calendar. I am a local vintner who buys grapes from one of the parcels under consideration in the expansion of the City's sphere of influence and I think the city as well as the parcel owners would be well served by a thoughtful consideration of all issues in this matter.

As a long time buyer of Pauline Tofanelli's zinfandel grapes I was suprized at the lack of mention in your staff report that her long-time residence was part of the land under consideration.

Yours truly,



Larry Turley



2155 PICKETT ROAD
 CALISTOGA, CA 94515
 PHONE (707)942-6061
 FAX (707)942-6471

FACSIMILE TRANSMITTAL SHEET

TO:
 Members of the Planning Commission:

FROM:
 Bart and Daphne Araujo

Jeff Manfredi, Chairman
 Carol Bush
 Paul Coates
 Clayton Creager
 Nicholas Kite

COMPANY:

DATE:

May 14, 2008

FAX NUMBER:

707-942-2831

TOTAL NO. OF PAGES INCLUDING COVER:

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RE:

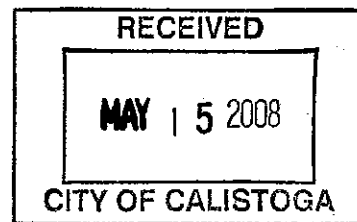
Calistoga's Sphere of Influence

NOTES/COMMENTS:

ARAUJO
ESTATE WINES

May 14, 2008

Members of the Planning Commission
City of Calistoga
1232 Washington Street
Calistoga, CA 94515



Re: Calistoga's Sphere of Influence

Dear Commissioners:

In your deliberations regarding the staff report prepared for the Calistoga Planning Commission meeting of May 14, 2008, addressing the City's Sphere of Influence, we request that you please take the following points into consideration on the topic of expansion for wastewater treatment purposes:

As the staff report points out, Calistoga's General Plan states that "annexation of any unincorporated land shall be discouraged". However, staff is proposing that unincorporated land be annexed in the future for wastewater treatment expansion, and has identified prime agricultural land belonging to our friends and neighbors as the land to be taken.

Among the 59 acres that are in question, staff admits on lines 172-174 that "There could be potential for a limited amount of rural residential development in a portion of the northeast area" that has been singled out for expansion. In other words, more land is being designated than is actually needed for this project. Taking Ag land should be a last resort. Taking more Ag land than needed and converting it to housing should not be an option at all.

Although the report notes, in lines 285-290, "that expansion of the Sphere does not automatically trigger annexation proceedings", there is little question that expanding the Sphere does indeed send an unmistakable message that the City plans to expand, even into agricultural land. All of us within the City's Planning Area are aghast that such expansion is even being considered by staff, as such direction creates a slippery slope from which it would be almost impossible to escape.

Furthermore, the consideration of Ag land for public utility use at a time when the City is actively encouraging the formation of a Calistoga Wine Appellation is inconsistent. The City should follow its General Plan and seek alternatives to expansion into Ag lands.

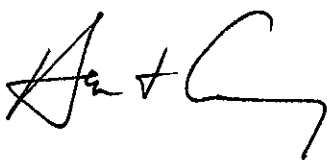
We feel strongly that multiple alternatives to this proposal exist which should be considered before any taking Ag land is contemplated, several of which we list below.

EISELE VINEYARD
NAPA VALLEY

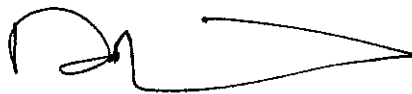
1. Other parcels that are not prime Ag land, which are now undeveloped and are perhaps not suited to agriculture which could be considered for wastewater use. (One such parcel is located at the southwest corner of Hwy 29 and Dunaweal Road.) Annexing developed Ag land should be the choice of last resort, not the first.
2. The City could explore more creative ways to address wastewater treatment. It could reduce the amount of wastewater generated by subsidizing (investing in) water efficient toilets and other appliances, such as washing machines, throughout the sewer district, eliminating or at least reducing the need for expansion. This kind of investment is a legitimate use of taxpayer dollars and doesn't require more land.
3. The City could treat its wastewater to remove excess boron so that it could be used for irrigation and frost protection by surrounding vineyards. In this era of scarce resources, such an investment would be more in keeping with its Land Use goal of preserving agriculture, and would create a win-win situation. It is probable that grant money could be obtained for this kind of project, and many land owners would likely pay for the use of high quality reclaimed water for their vineyards and their gardens, thereby reducing the amount of land needed by the district for spraying.
4. Our final point addresses the issue from a different angle: why must Calistoga, St Helena, Yountville, Napa and American Canyon continue to be driven to provide more housing by ABAG? Please see the attached letter written by Dan Monez to the editor of the Saint Helena Star, which discusses the issue very clearly.

We feel that it is time to reexamine this 25-year-old law that tells communities how they must plan and how much they must grow, even against their wishes and against their most closely held beliefs. We urge you to begin a conversation with our County Supervisor Diane Dillon, our State representatives, Senator Patricia Wiggins and Assemblywoman Noreen Evans, and with our Congressman Mike Thompson, to take this matter on now, while there is still agricultural land left to defend.

Sincerely,



Bart Araujo



Daphne Araujo

Cc: Diane Dillon
Noreen Evans
Mike Thompson
Patricia Wiggins

B2

Thursday, May 8, 2008

OPINION

St. Helena Star

Editorial Board

Doug Ernst • *Publisher*

David Stoneberg • *Assistant Editor*

Tom Giugni • *Resident*

Linda Reiff • *Resident*

Jay Greene • *Resident*

Bill Savidge • *Resident*

BEWARE OF HOUSING BOOM

Editor: Underlying all the debate over land use in Napa County, (Measure J, Measure N, Napa Pipe, Angwin Bubble, Ghisletta annexation, etc.), is the mindset that the State of California is holding a gun to our collective heads and ordering communities to create more and more housing. Elected officials seem to throw up their arms and just accept this reality.

In fact, the "State Housing Requirement" was enacted some 25 years ago and sets up a self-fulfilling prophecy wherein state "experts" project how many new houses might be needed in the future statewide. This number is divided among the regional government bodies such as the Association of Bay Area Governments, (ABAG), for our area. ABAG then decides how to allocate those housing numbers among the cities and counties it covers. Local jurisdictions must then find open space or underutilized land and rezone it to housing. Presto, projection comes true!

There is little, if anything, local government can do to challenge those allocations regardless of their desire to grow or their ability to provide infrastructure or municipal services for new populations. Existing deficiencies in a community such as poorly maintained streets, lack of adequate public safety services, and lack of public facilities such as parks, overcrowded schools, or traffic congestion are not reasons to lower or eliminate the new housing allocation. Only a current inability to provide water or sewer can justify an appeal.

But, laws can be changed. Our state and local elected officials need to begin a process to re-examine this 25 year old law. California is a very different state today than it was 25 years ago. State government is in fiscal crisis with a budget deficit of \$3.3 billion projected to rise to \$14.5 billion next year. Prisons are overcrowded, freeways are poorly maintained and congested, the state water supply and delivery system is in serious jeopardy and we may be entering a decade long drought, (check out calwatercrisis.org). Yet, this archaic law creates a public policy that says, "Bring us more and more people, we can grow ourselves into prosperity." Kind of reminds me of the story of the shopkeeper who is losing \$5 per item and hopes to make up the loss by selling more items.

I have always been an advocate for affordable housing. But, I don't believe that the only way we can have it is by building over every piece of open space and creating a poor quality of life. I don't believe that we have to

grow by some arbitrary number of units mandated by someone who doesn't know the community or its ability to serve its residents. I believe we can do better.

If you really care about quality of life, open space, protecting agriculture and letting local communities decide how big they want to be, call, contact Assembly Member Noreen Evans (258-8007), State Sen. Patricia Wiggins (224-1990) both at 1040 Main St., Suite 205, Napa, 94559. Tell them that you want meaningful changes to the state housing mandate law. Ask your city council and Board of Supervisors candidates what they will do to get some meaningful reform to this law. Otherwise, I suggest you spend some time in Contra Costa, Santa Clara, San Mateo, or Southern California so you can get used to what is in store for Napa County.

Dan Monez
Napa

City of Calistoga
 Planning Commission
 1232 Washington St.
 Calistoga, CA 945615

Paul G. Smith
 P.O. Box 689
 1255 Lincoln Ave.
 Calistoga, CA 94515

May 14, 2008

VIA FAX
 5-14-08
 4:35 PM.

942-2831

Subject: Request for Continuance
 Planning Commission Meeting May 14, 2008
 Agenda Item H.

P 2008-02. Policy Interpretation. Determination of General Plan consistency for pursuing revisions to the City's Sphere of Influence with the Local Agency Formation Commission of Napa County (LAFCO); and (2) Input and guidance on potential revisions to the Sphere of Influence needed to serve planned public facility and service needs.

Honorable Commissioners

It is my understanding the Chairman of the Planning Commission received the subject staff report only Monday afternoon, May 12. Web savvy citizens and affected property owners had staff report access beginning with Tuesday May 13. This is an issue of extreme importance with significant, long-term financial, land use, circulation, open space, quality of life and private property rights implications. Like most, I've had neither access nor opportunity to completely understand the City's rationale in pursuing this issue. My brief review frankly left me confused and questioning the City's perceived need to pursue this issue. A few quick comments and comments follow:

- 1) The General Plan and LAFCO project "utilities" capacity and growth to be in balance without revisions to the Sphere of Influence.
- 2) There is no information available defining the "planned public facility and service needs". Where is this information available? What is the basis upon which the proposed revisions are based? If the scope and scale of the "planned public facility and service needs" are yet to be identified, how can the City make a determination of General Plan consistency?
- 3) The General Plan excludes any discussion of "planned public facility and service needs" as well as revision of the Sphere of Influence.
- 4) The General Plan specifically, emphatically and repeatedly discourages annexation.
- 5) Use conversion of lands specifically targeted by the proposed revisions to the Sphere of Influence are in conflict with uses identified in the General Plan.

Additionally, having personally served as a member of the Napa County Airport Planning Commission during the development of the comprehensive Napa County Airport Land Use Plan, including the Calistoga Airport Specific Plan, it is clear to me that once the gliderport was closed (after a questionably legal and silent administrative approval in Sacramento which changed the airport's category bringing the entire City under the jurisdiction and restrictive land use mandates of the Specific Plan without noticing and without public hearings), neither Caltrans nor the FAA will again permit this property as a Private or Special Use airport due to its one-way configuration. Yet the City perpetuates this false hope with its so-called "Airport-commercial" designation. Further, given the restrictions imposed by the City's growth management and allocation programs, it is unlikely to be completely developed. Thus, any inventory of lands potentially suitable for even a poorly conceptualized "Utilities and Road" expansion is incomplete if it excludes what is an ideally situated, already incorporated and largely undevelopable property.

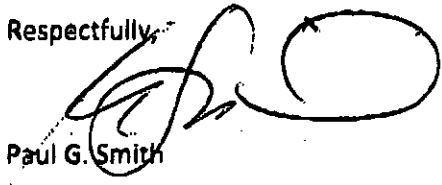
Unfortunately, the de-facto 48 hour period allowing some to access and review the documentation is woefully inadequate. It is simply unreasonable to expect that the citizens of Calistoga and the many affected property owners had adequate access to the necessary documentation. It is perhaps equally unreasonable to expect the Commissioners to have studied the Summary, Staff Report, Attachments A, B, C, D, E, and F, as well as the corresponding elements of the Calistoga General Plan and LAFCO correspondence adequately to form any intelligent conclusion. Clearly then, any determination of consistency with the 2003 General Plan is premature.

Consequently, it is incumbent upon the Commission to continue any public hearing on this item until such time the citizens, the many affected property owners and the Commissioners themselves are allowed rightful access the necessary documentation along with the appropriate time to evaluate the significant implications of the proposal.

The last time a similar proposal came before the City was 36 years ago. Prudence must prevail over any perception of urgency.

Thank you for the opportunity to provide these comments and please include them in the administrative record.

Respectfully,

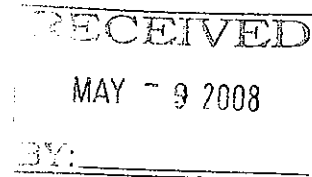

Paul G. Smith

May 8, 2008

Client-Matter: 40331-031

BY HAND DELIVERY

Mr. Jeff Manfredi, Chairman
Mr. Clayton Creager, Vice Chairman
Ms. Carol Bush, Member
Mr. Paul Coates, Member
Mr. Nicholas Kite, Member
City of Calistoga Planning Commission
c/o Ms. Kathleen Guill
Administrative Secretary
Planning and Building Department
City of Calistoga
1232 Washington Street
Calistoga, California 94515



**Re: Planning Commission Meeting, May 14, 2008
Policy Interpretation (P 2008-02)**

Honorable Commissioners:

We are land use counsel for Lantz Properties III, LLC, owner of Napa County Assessors Parcel Numbers 017-230-027, -028 and -030 (collectively, the "**Lantz Properties**"). This letter is written on our client's behalf in response to the Notice of Public Meeting by the Calistoga Planning Commission, scheduled for May 14, 2008, concerning the above-referenced matter. Specifically, the Planning Commission will seek "input and guidance on potential revisions to the Sphere of Influence needed to serve planned public facility and service needs." Attached to your notice is a map indicating, among other things, a rectangular "Area" designated as the "Oat Hill Trail Parking Area" (the "Area"). The Area is either on or directly adjacent to the Lantz Properties.

On behalf of our client, we provide the following comments for the Commission's consideration:

1. It is not possible for us or our client to discern, based upon the map provided, whether the Area is located within or outside the boundaries of the Lantz Properties. We respectfully request that a metes and bounds description of the Area be provided to us before the Commission takes a vote on the inclusion of the Area within the City's Sphere of Influence.

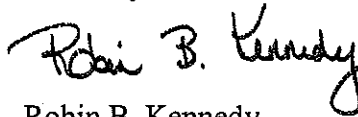
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May 8, 2008.
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2. We respectfully inform you that a lawsuit [Napa County Case No. 26-38501] is currently pending between our client and Napa County respecting the County's rights, if any, in and to an easement over and across Oat Hill Mine Road, fee ownership to which is vested in our client. It is plausible that the City's "planned public facility and service needs" may be affected by the outcome of this litigation. Our client and we would be pleased to meet with Planning Staff to describe the nature of the litigation and the rights that are at stake. Alternatively (or additionally, as Planning Staff prefers), we would be willing to provide a copy of the complaint.

3. To the extent that the discussion on revising the City's Sphere of Influence is related in any way to the creation of a "roundabout" on the Silverado Trail, our client offers his availability and interest in discussing this issue with Planning Staff for the purposes of determining whether any interests of the City align with his.

We thank you for this opportunity to provide comments, and request that they be included in the administrative record.

Sincerely,



Robin B. Kennedy

cc: Edgar Lantz (via email)
Ed Burg, Esq. (via email)
Michael Polentz, Esq. (via email)
Chris LeGras, Esq. (via email)