

Item H-1

11 May 2008

To the attention of:

Mr. Jeff Manfredi, Chairman
Calistoga Planning Commission

Last Monday, May 5, I received the City's notice of public meeting on May 14 for input on extending your Sphere of Influence to include the property that I own and live on.

As soon as I got your letter, I tried to get information on what you have planned. I went to the City offices last week and was told that there was no information ready yet but that I shouldn't worry about this because it is not a specific plan but just a general one.

Wouldn't you worry if it was your house?

Your notice stated that the reports would be available to people with computers by noon yesterday. I do not have a computer but was told that you made a mistake and did not have the report ready.

Even if I get the report on Monday, how can I study it and be ready for your meeting on Wednesday?

This is my home that you seem to be claiming but cannot give me any information on what you have planned for it? And you do not even give me a chance to have any input on this matter?

I ask that you continue this meeting until a time when I have had a chance to get your reports, read and study them, and prepare my input.

Thank you,

Pauline Tofanelli
1076 Dunaweal Lane
Calistoga, CA 94515

RECEIVED
MAY 12 2008
BY: *[Signature]*

cc: Charlene Gallina, Director of Planning and Building, City of Calistoga

PLEASE CONFIRM RECEIPT OF LETTER

Item H-1

11 May 2008

p 1 of 1

To the attention of:

Jeff Manfredi, Chairman
Calistoga Planning Commission

I am writing to request a continuance to a future meeting of Item H 1 which is on the Planning Commission Agenda for May 14, 2008.

The notice sent to property owners states that the Planning Commission report for this item will be available online, "Beginning Saturday, May 10, 2008 no later than 12:00 noon...".

However, no staff report has been made available as of this writing. The staff report for this item is linked instead to the staff report for the Vineyard Oaks subdivision.

We cannot give input without knowing what the project is and what the city's intentions are regarding this item.

It is unreasonable to expect property owners and interested parties to comment on that which is unknown.

Even if the staff report is made available on Monday, May 12, this allows only 2 days for review and comment. This is not enough time to read, comprehend and comment on projects that will impact our properties and their values.

It is also critical that the city provide more specific maps of the "project" area. It is impossible to tell where this vague line is situated on the properties involved.

I, therefore, request that a metes and bounds description of the areas, if not included in the missing staff report, be provided before we can intelligently comment. It is impossible to tell, for example, if this line goes through any wells, includes or excludes them, or interrupts critical drainage.

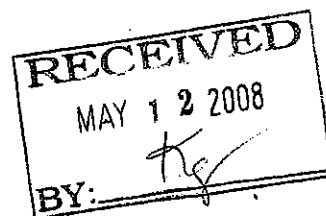
Please advise of your decision regarding this matter.

Thank you,

Norma J. Tofanelli

Norma J. Tofanelli
1001 Dunaweal Lane
Calistoga, CA 94515

707-942-4641



cc: Charlene Gallina, Director of Planning and Building, City of Calistoga

PLEASE CONFIRM RECEIPT OF FILE

Kathy Guill

Item H-1

From: Conley, Jeff [jeff@montelena.com]
Sent: Monday, May 12, 2008 9:25 AM
To: Plans Department
Cc: Plans Department

- 1) I am asking for a continuance of Item H. 1 Extension of Calistoga's Sphere of Influence which is on the agenda for the Planning Commission meeting of May 14, 2008.

- Or: Please continue item Item H. 1 Extension of Calistoga's Sphere of Influence which is on the agenda for the Planning Commission meeting of May 14, 2008 to a future date.

- 2) The online link provided on the Planning Commission web page does not include the project staff report. The link for the staff report is for the Vineyard Oaks Subdivision staff report.

- 3) I am interested in this project and want to comment but cannot as the staff report is not available so I really don't even know what the project is.

- 4) Even if the report becomes available on Monday, 2 days is not enough time for you to study and comment intelligently on the project and its effects.

- 5) Please advise as soon as the report is available and how you can get it...

*JEFF CONLEY
CHATEAU MONTELENA WINERY*

RECEIVED
MAY 13 2008
BY: *ACV*

Kathy Guill

Item H-1

From: Michele LeBlanc [mleblanc@sonic.net]
Sent: Monday, May 12, 2008 9:39 AM
To: Plans Department
Subject: Planning Commission May 14 continuance request

TO: Jeff Manfredi, Planning Commission Chairman
CC: Charlene Gallina, Director of Planning & Building

Good Morning -

As a Calistoga resident I am interested in the "Extension of Calistoga's Sphere of Influence" project and want to comment on it - but cannot as the staff report is not available. I am requesting a continuance of this Item on the agenda for the Planning Commission meeting on Wednesday, May 14, 2008, because the online link provided on the Planning Commission web page does not include the pertinent information.

Even if the staff report becomes available today - two days is not adequate to study and comment on the effects of this project.

Please advise me as soon as the report is available and how I can access it online. Several of my neighbors are joining me in this request and I will forward them your reply as soon as I receive it as this is an imediate concern to all of us.

Thank you.

--
Michele LeBlanc
tel: 707.942.9609
fax: 707.942.5254
email: MLeBlanc@sonic.net
.....

RECEIVED
MAY 13 2008
BY: *Kg*

Item H-1

From: Norma Tofanelli [mailto:enjt@sonic.net]
Sent: Monday, May 12, 2008 12:23 PM
To: Kathy Guill
Subject: Re: Continuance of Item H 1 Policy Interpretation

Thank you - I have received and am able to open the files that you sent. I did call last Friday to inquire when the hard copy would be available for those who do not have computers but I received no response from Planning....

I still am requesting a continuance to a future meeting as this still does not allow us time to prepare intelligent input on such an important issue.
Again, thank you, Norma J. Tofanelli

On May 12, 2008, at 8:45 AM, Kathy Guill wrote:

Please be advised the connection has been corrected. Even with our Web presence the hard copies of all reports continue to be available in the office on Monday mornings, and/or during the meeting on Wednesday. Please accept our apology for the inconvenience. I have also attached the report for your convenience.

Respectfully,

Kathleen Guill

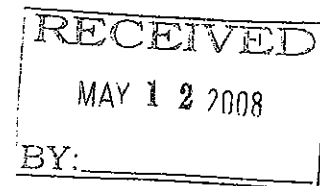
Administrative Secretary

Planning and Building Department

City of Calistoga

707-942-2827

707-942-2831 Fax



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Item H-1

FARELLA BRAUN + MARTEL LLP

Attorneys At Law

899 Adams Street / Suite G
St Helena / CA 94574

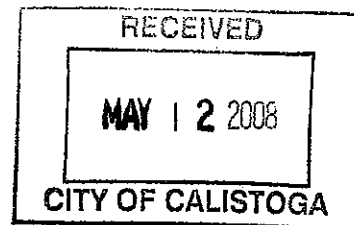
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www.fbm.com

KATHERINE PHILIPPAKIS
kp@fbm.com
D 707.967.4154

May 12, 2008

Via facsimile to 707-942-0732

Ms. Charlene Gallina
Planning Director
City of Calistoga
1232 Washington Street
Calistoga, CA 94515



Re: Proposed Revision to City's Sphere of Influence (for 5/14/08 Planning Commission Hearing)

Dear Ms. Gallina:

I am writing on behalf of my clients, Fisher Vineyards, with regard to the proposed revisions to the City's Sphere of Influence, which are currently scheduled for hearing before the Planning Commission on May 14, 2008. My clients hereby request that this matter be continued to the first meeting in June, as they did not receive adequate notice of the nature and scope of this hearing.

As you know, the City makes hearing materials available on its website by 12:00 noon on the Saturday before each hearing. On Saturday May 10, 2008, my clients were dismayed to discover that the staff report for this agenda item was not available on the City's website. Instead, the City had mistakenly posted another copy of the staff report for the Vineyard Oaks subdivision in its place. All of the members of Fisher Vineyards had to leave town on Sunday May 11, 2008 for an out-of-state meeting, and they will not have access to a computer until their return. Accordingly, due to the mistaken posting, they have not had an opportunity to review the staff report for this matter.

It is impossible for my clients to determine from the notice they received what is the proposed nature of the revisions to the Sphere of Influence and what impact these revisions may have on the Fishers' property or their rights as landowners. Notice given by a local agency must adequately describe the nature and scope of the action being requested. *Drum v. Fresno County Dep't of Pub. Works*, 144 Cal.App.3d 777 (1983). Here, because the staff report was not



Ms. Charlene Gallina
May 12, 2008
Page 2

properly made available on Saturday pursuant to the City's own guidelines for the release of hearing materials, the Fishers have not had adequate notice of the proposed hearing.

Accordingly, we respectfully request that the matter be postponed until Wednesday, June 4, 2008, when the Fishers will have had an opportunity to obtain a copy of the staff report and to review it.

Sincerely,

Katherine Philippakis

KP:rlj

cc: Fred Fisher, Fisher Vineyards

5-13-08

CITY OF CALISTOGA
City Clerk

MAY 13 2008

Re: ~~Re: Planning~~ planning commission meeting
of 5-14-08

I am writing + faxing this to put on record a request
for a continuance of a notice read on 5-5-08
for "input + guidance on potential revisions to
the Sphere of Influence needed to serve planned
public facility + service needed"
(what is this?!?) (very vague!)

Please refer to be back at (707) 942-7415 -
so i have record of receipt - + signed for as
well.

We have NOT been able to digest this informa-
tion - AS SAID staff reports were not made avail-
able until mon. 5-12-08 (instead of fri 5-9, not
sat. 5-10)

We are quite concerned as our vineyards are our
livelyhood + have no idea of your said intentions
I find it interesting as well as several planning
commissioners have no idea of this either, as of
monday eve, 5-12-08. Thanks -

MARY SE FREDIANI
Home Business Candler
Frediani Vineyards
On the Edge Winery

FAX -
(707)
942-7415

Kathy Guill

Item H-1

From: don [don@napanet.net]
Sent: Wednesday, May 14, 2008 10:03 AM
To: Plans Department
Subject: To Jeff Manfredi- please postpone
Attachments: "AVG certification"

Jeff Manfredi

Chairman, Planning Commission
City of Calistoga

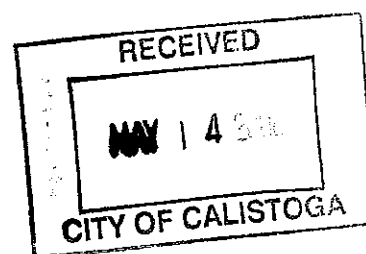
Dear Mr. Manfredi,

I just learned that the City Council will be considering an extension of Calistoga's Sphere of Influence this evening. I wish to request a continuance for this item. I would like to find out more about it to see how it will affect me and my neighbors. I do not want to see Calistoga sprawling outside of its current boundaries. I am concerned about the quality of life here and I don't think the city has the need to expand nor the means to maintain additional infrastructure.

I live near Dunaweal Lane.

Thank you,

Donald Scott



Kathy Guill

Item H-1

From: Douglas Hayes [douglasth@sbcglobal.net]
Sent: Wednesday, May 14, 2008 10:25 AM
To: Plans Department
Subject: Truck Route

Jeff Manfredi
Planning Commission Chairman
&
Charlene Gallina
Director of Planning & Building

Dear Jeff & Charlene,

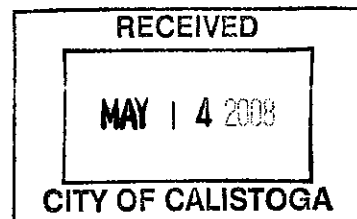
The proposed new truck route and sewer pond expansion need to have plenty of time for public comment. The schedule as announced does not give plenty of time for public comment. Added to this, the city website has linked this proposal with a link to a different subdivision project. A continuance is in order so you can straighten out your website, and so that people who are affected by the proposed project have enough time to respond in an informed manner.

At this moment, the way this proposed project has been presented by the City of Calistoga comes across as abusive unethical behavior. Do you want to support this kind of behavior?

Sincerely,

Douglas

Douglas Hayes Architect, Inc.
P.O. Box 588
Calistoga, CA 94515
707 942-5107 Voice



Item H-1

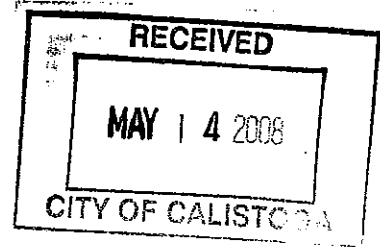


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www.fbm.com



FACSIMILE TRANSMITTAL Number of Pages: 4

Date: 5/14/2008

To: 707-942-0732

F: 707-942-0732

T:

From: Johnston, Robert (WCO) x3572

D: (415) 954-3572

Matter No: 06424

Please call (415) 954-3572 if this transmission is incomplete.

Message:

CONFIDENTIAL COMMUNICATION

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FARELLA BRAUN + MARTEL LLP
Attorneys At Law

899 Adams Street / Suite G
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www.fbm.com

KATHERINE PHILIPPAKIS
kp@fbm.com
D 707.967.4154

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.)

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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 Dunawael, 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

07717\1585291.1

H-1

Kathy Guill

From: Ehren Jordan [Ehren@turleywinecellars.com]
Sent: Wednesday, May 14, 2008 2:28 PM
To: Plans Department
Subject: Planning Commission Agenda item H.1.

May 14, 2008

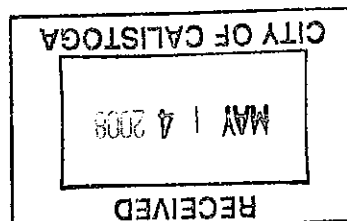
Jeff Manfredi
Chairman

Dear Jeff-

As a Calistoga resident and buyer of local grapes I would like to request that you postpone consideration of your Agenda item H.1. on tonight's meeting calendar. This matter deserves substantially more public input than time will allow this evening. In addition I was shocked by the lack of mention in the staff report of the proposed expansion of the City's sphere of influence that included in the lands being considered for annexation is the longtime residence of Pauline Tofanelli (age 83).

Thanks for your consideration,

Ehren Jordan
1002 Cedar Street
Calistoga



Kathy Guill

H-1

From: Jennifer Williams [jennifer@spottswode.com]
Sent: Wednesday, May 14, 2008 3:03 PM
To: Plans Department
Subject: planning and building department
Attachments: May 14, 2008.doc

Please see letter attached.

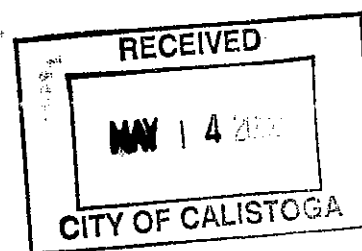
Dear Mr. Manfredi and the staff at the Planning and Building Department,

I am writing as a concerned citizen of Napa County regarding the pursuit of revisions to the City's Sphere of Influence with the Local Agency Formation Commission of Napa County (LAFCO). The proposed expansion areas include valuable farm land dedicated to agricultural production. I am concerned that this proposed Sphere Expansion threatens both farm land protected under the Ag Preserve and the livelihood of the family farmers who tend this land.

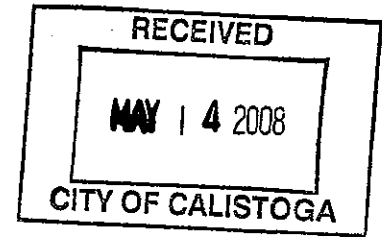
Please consider that portions of the land in question are owned and farmed by second and third generation farmers. These families have proven a dedication to the land and to the community and should be considered an asset to Calistoga and all of Napa Valley. Further, I believe that Calistoga's attempt to expand its sphere of influence to these private farms will set a dangerous precedent that could jeopardize Napa farms into the future as well as influence the rural nature of our community.

Please reconsider this proposed expansion. Most immediately, due to the serious nature of this situation, I encourage you to grant these property owners a continuance to a future date so they may better understand and analyze the proposal.

Thank you,
Jennifer Williams



**Kristin Casey and Carl Sherrill
1132 Denise Drive
Calistoga, CA 94515**



May 14, 2008

To: Chairman Manfredi and Planning Commission Members
Re: Concerns About Proposals to Expand Calistoga's Sphere of Influence

I have had a short time to read the Staff Report and the accompanying report by LAFCO, but not in the depth that I would like. However, I feel it is necessary to make some initial response to the proposal even if this is probably incomplete. There may also be matters that I don't yet fully understand, which could cause my comments to change. Therefore, I hope that this matter will be allowed a further and more in-depth review by the Planning Commission and the public before it is sent on to the City Council.

Having worked on the revision of Calistoga's General Plan for several years, I am fully aware of what our intentions were when we chose to specifically limit Calistoga's sphere of influence to its City boundaries. This was a decision based upon our intention to protect our small town character and to preserve the overall agricultural aspects of, not only our City, but the surrounding County lands. The County lands in the outlying "planning area boundary" are well protected from over-development by County zoning ordinances and the Agricultural Preserve. These lands, which we intended should remain outside of the City's sphere of influence, are a crucial component of our sense of being in a small town in the country with open space around us.

It is a fact that a sphere of influence which reaches beyond a City's borders sets the stage for later annexation by the City. Extending a sphere of influence is simply a first step in this ultimate direction. If agricultural lands outside of our City limits become subject to such annexation, higher density development and increased growth beyond what is called for in our General Plan may well result. Open space and agricultural vistas would not be required by the City to the extent that they are required under County rules. As stated in the LAFCO report at 2(d) on Exhibit A: "County of Napa's land use policies for unincorporated lands located within the Planning Area of the Calistoga General Plan are restrictive and limit opportunities for new growth and development adjacent to the City." *This is precisely why we wanted to leave the adjacent lands safely within the County and not subject to annexation by the City.*

Our policy was quite clear. To begin chipping away at our intention of keeping the sphere of influence contiguous with our City limits is a concern. A little here, a little there this year, and a precedent is set for further expansion in coming years.

Page two

I am not entirely clear about the need for expanding the sphere of influence at the base of Washington Street, identified as "utility and road expansion" areas. I would certainly hate to see the home and surrounding land of a long-time resident down near the sewage treatment plant become subject to any future eminent domain action because the City has annexed her property and wants to use it for a different purpose.

Regarding the notion of extending the sphere of influence to include land at the base of the Oat Hill Mine Trail, I have two comments. First, I would hate to see the owner(s) of the two + homes on that corner become subject to future eminent domain actions because the City has annexed their property and wants to use it for a different purpose. Second, the Oat Hill Mine Trail is in County lands and I don't see why we can't encourage the County to work toward providing parking/bathrooms. In addition, there is property within City limits just kitty corner across from the entrance to this trail which could certainly suffice for parking and amenities, if the City wants to spend money to make that happen. I don't see a compelling reason for setting up this corner for annexation by extending our sphere of influence.

I'm unclear about why the Kimball Dam and Fiege Reservoir areas need to be formally annexed, when it's apparent that the City has had use of them without any noticeable problems for thirty years. Why do we need to complete these annexations now? My further potential concern is that the annexation of these small pieces of property a distance outside the City limits could set up "leap frog" annexation in future years. I can see someone reasoning, "Well, those pieces way out there are part of the City, we should just gobble up the areas between Calistoga proper and those outer areas and unite them." This isn't what we wanted to see happen when we revised our General Plan.

According to the LAFCO report, we have a \$4 Million budget shortfall for the 2007-2008 year. Would going forward with expanding our sphere of influence and/or completing some annexations that were promoted 30 years ago entail expenditure of City money and staff time? This isn't addressed in the staff report.

The LAFCO report contains some additional information that should be discussed at a later meeting. It states that Calistoga is currently providing water to 75 connections outside of our City limits. I would like to be told more about this - it's a surprise to me. In addition, the report imparted some interesting information about a "recent federal ruling" that may restrict our access to the water we obtain from the State Water Project. I'd like to learn more about this issue as well - it could have a bearing on water allocations in the future.

Thank you for your consideration of my questions and concerns.

Kristin Casey
Kristin Casey