



## NAPA COUNTY FARM BUREAU

May 28, 2008

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

RE: Sphere of Influence revisions

Dear Chairman Manfredi & Members of the Commission,

Napa County Farm Bureau supports the City of Calistoga's recently announced decision to withdraw consideration of seeking LAFCO approval to expand the Sphere of Influence. While we understand the city's needs to adequately plan for public services and infrastructure, we were dismayed to see the proposal to utilize Agricultural Preserve land for the construction of reclaimed water storage ponds, vehicle circulation improvements and rural residential development.

For over 40 years, citizens and government officials throughout Napa County have supported the protection and preservation of Napa's Ag Preserve. Indeed, not one acre of Ag Preserve land has been lost since the adoption of the Ag Preserve on April 9, 1968. We urge the city to re-examine the options to meet future infrastructure demands and to utilize infill development planning that would not rely on annexation and conversion of Ag Preserve lands adjacent to the city boundary. Smart and sustainable development strategies that focus on infill development should be implemented to protect the quality of life, add vitality to the town center and prevent urban sprawl and the annexation of unincorporated lands.

With the intent of long-term protection of the Ag Preserve, we encourage the city to consider adoption of a voter approved Urban Boundary line to protect the quality of life and agricultural legacy of our community for future generations. We appreciate the opportunity to comment on these planning issues and offer our assistance in understanding and managing the urban/agricultural interface which is so important to our future.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter Nissen'.

Peter Nissen  
Napa County Farm Bureau President

SHUTE, MIHALY & WEINBERGER LLP  
ATTORNEYS AT LAW

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ELLISON FOLK  
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JEANNETTE M. MACMILLAN  
ISAAC N. BOWERS

LAUREL L. IMPETT, AICP  
CARMEN J. BORG, AICP  
URBAN PLANNERS

May 28, 2008

Via Facsimile (707-942-2831) & U.S. Mail

Kathleen Guill  
City of Calistoga Planning Commission  
1232 Washington Street  
Calistoga, CA 94515

Re: Policy Interpretation (P 2008-02)


Dear Ms. Guill:

This firm represents the Tofanelli family on matters related to the preservation of agricultural land owned by the Tofanellis in the County of Napa. By this letter, I am requesting that the City include me on its list for all public notices related to above-referenced policy interpretation, as well as any proposal by the City with respect to the Tofanelli property, including any proposed changes to the City's Sphere of Influence in this area.

Please let me know if you have any questions about this matter.

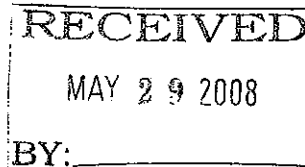
Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

  
Ellison Folk

cc: Members of the Calistoga Planning Commission  
Michelle Kenyon, City Attorney of Calistoga

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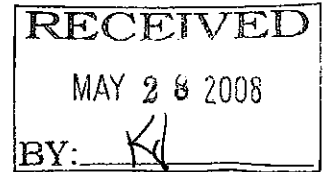




DICKENSON, PEATMAN & FOGARTY  
A Professional Law Corporation

J. ROBERT ANGLIN, JR.  
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May 27, 2008



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Chairman Jeff Manfredi  
City of Calistoga Planning Commission  
1232 Washington Street  
Calistoga, California 94515

Charles H. Dickenson  
Paul G. Carey  
Richard P. Mendelson  
James W. Terry  
Thomas F. Carey  
Matthew J. Eisenberg  
Kevin W. Teague  
Michael J. Holman  
David A. Diamond  
J. Scott Gerien  
Richard C. Rybicki  
Brandon R. Blevans  
Kevin D. DeBorbe  
David Balter  
W. Scott Thomas  
Gregory J. Walsh  
J. Robert Anglin, Jr.  
Megan Ferrigan Healy  
Julia M. Walk  
John N. Heffner  
Patrick B. Sutton  
Deirdre I. Bourdet  
Susan L. Schwegman

RE: **Review of City's Sphere of Influence**

Dear Chair Manfredi and Commissioners:

This firm represents Sterling Vineyards ("Sterling") in relation to the potential expansion of the City of Calistoga's sphere of influence ("sphere"). Sterling owns vineyard property known as Assessor's Parcel Number 020-180-060 (the "Property"). We appreciate the opportunity to comment on the City of Calistoga's consideration of whether to submit a request that Napa County's Local Agency Formation Commission ("LAFCo") approve an expansion of the sphere. We understand that the City's planning staff supports a Commission recommendation that City Council not petition LAFCo for an expansion of the sphere. Sterling agrees with planning staff's recommendation for the reasons described below.

The Property is located in the Agricultural Preserve ("AP") zoning district, and its designation on the Napa County General Plan Land Use Map is Agricultural Reserve ("AR"). Additionally, the Property is subject to an agricultural preservation contract pursuant to California's Williamson Act.<sup>1</sup>

The May 14 Staff Report for this matter correctly notes that a sphere denotes a city's probable boundaries,<sup>2</sup> and the sphere expansion is the first step towards annexation and eminent domain of the Property.<sup>3</sup> The May 14 Staff Report indicates that the Property and other nearby areas would be used to increase the City's wastewater treatment capacity to meet the demand of future growth. Sterling has no objection to adding infrastructure to meet the City's future needs. However, Sterling does object to the conversion of agricultural lands to support urban growth. Due to the Property's agricultural use and designations, the sphere expansion is inconsistent with the City of

Of Counsel  
Francis J. Collin, Jr.  
C. Richard Lemon  
David W. Meyers  
Cathy A. Roche

Retired  
Howard G. Dickenson  
Joseph G. Peatman  
Walter J. Fogarty, Jr.  
(1939 - 2007)

<sup>1</sup> California's Williamson Act is codified as Government Code §51200 *et seq.*

<sup>2</sup> See Staff Report dated May 14, 2008 at lines 29-31.

<sup>3</sup> Extension of a city's sphere of influence in a prerequisite to annexation. *City of Agora Hills v. LAFCO of Los Angeles County* (1988) 198 Cal. App.3d 480, 491.

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Calistoga's General Plan, Napa County's General Plan, and LAFCo law and policies. These policies are addressed briefly below.

Calistoga's General Plan

The City of Calistoga's General Plan states the "[a]nnexation of unincorporated land shall be discouraged."<sup>4</sup> This policy plainly states that further expansion of the City's boundaries shall be discouraged as being inconsistent with the City General Plan. The May 14 Staff Report asserts that this policy is not intended to include annexations for public facilities.<sup>5</sup> We have not seen language that supports this interpretation of intent. The plain language of the policy does not distinguish between annexations for public facilities versus other forms of development.

LAFCo Policies and the Napa County General Plan

In addition to the City's General Plan, LAFCo policies strongly disfavor inclusion of agricultural lands into a city's sphere. Though the Planning Commission's task is to consider whether the sphere expansion is consistent with the Calistoga's General Plan, the LAFCo process is relevant to the consideration of this proposal.

LAFCo's Policy Manual states that "[I]and specifically designated as agricultural or open-space lands shall not be approved for inclusion within any city sphere of influence for purposes of urban development. An agricultural or open-space designation shall be recognized by the Commission as designating the land as non-urban in character in regard to the existing use of the area or its future development potential."<sup>6</sup> In considering a potential sphere expansion, LAFCo utilizes the land use designations set forth in the Napa County General Plan.<sup>7</sup> Accordingly, the Property will be considered as having an agricultural designation.

Napa County's current General Plan and its proposed General Plan Update<sup>8</sup> contain a host of policies promoting and protecting agricultural lands. While a full review of these

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<sup>4</sup> City of Calistoga General Plan, policy P1, page LU-50.

<sup>5</sup> See May 14 Staff Report lines 74-80.

<sup>6</sup> LAFCo Policy Manual (2005) §3.II.C.1.c., page 8. While exceptions to this policy may be considered, LAFCo policies weigh heavily against converting agricultural lands to nonagricultural uses especially where those lands are protected by Williamson Act contracts.

<sup>7</sup> LAFCo Policy Manual (2005) §3.II.C.1.b, page 8.

<sup>8</sup> Napa County has spent the past several years updating its General Plan. The General Plan Update has been tentatively approved by the Napa County Board of Supervisors. Findings for the adoption on the General Plan Update are scheduled for presentation to the Board on June 3.

May 27, 2008

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policies protecting agriculture is beyond the scope of this letter, those policies include the language added by voter approved Measure J, which retains strong agricultural preservation policies and requires a vote of the people to change agricultural designations on the General Plan Land Use Map.

Based on the above, Sterling Vineyards believes the proposed expansion of the City's sphere is inconsistent with the numerous agricultural preservation policies of the City of Calistoga, Napa County, and LAFCo. Additionally, this sphere expansion would be a departure from the long history of Calistoga's steadfast commitment to preserving the agriculture character of Napa Valley. Sterling Vineyards asks that the Planning Commission continue that commitment by following the recommendation in the May 28 Staff Report to reject the proposed sphere expansion.

Thank you for your consideration.

Sincerely,

DICKENSON, PEATMAN & FOGARTY



J. Robert Anglin, Jr.

JRA:rml

cc: Ken McNab, Senior Planner  
Sterling Vineyards

May 23, 2008

**BY FACSIMILE AND U.S. MAIL**

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 28, 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 28, 2008, concerning further discussions with respect to the above-referenced matter. As you know, our client owns the land either on or directly adjacent to the proposed sphere expansion for the "Oat Hill Trail Parking Area" (the "Area"). Mr. Lantz's preliminary comments (see our letters of May 8 and 9, as well as public comments by attorney Christopher D. LeGras at the May 14, 2008 Planning Commission meeting) are already part of the record.

In my letter to you of May, I expressed our client's desire to meet with City staff. It would be our preference to schedule such meeting prior to the next formal meeting of the Planning Commission on May 28, 2008. To be specific, the subject matter of such a meeting comprises all the issues relating to the Lantz Properties arising out of certain documents. Each of these documents is relevant not only to the ongoing public dialogue related to the proposed expansion of the sphere of influence ("SOF"), but also to the current boundaries between the Lantz Properties and the City limits.

May 23, 2008  
Page 2

The relevant documents are the following:

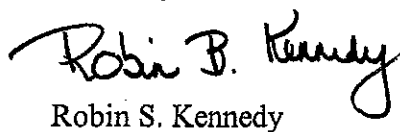
- A. Railroad Map of Calistoga (City Limits Line, recorded May 27, 1869);
- B. Morgan Map of Calistoga (City Limits Line, recorded March 4, 1871);
- C. The incorporation of the town of Calistoga moving the City Limits Line (recorded January 4, 1886);
- D. Annexation District Silverado Trail #1 appears to be different than the deed to 17-230-008 (recorded January 12, 1972);
- E. Tentative Parcel Map #1872, Assessor's Parcel #17-230-06 (recorded June 29, 1976);
- F. Final Environmental Impact Report on Parcel Map #1872, #2098, and #3207 (recorded October, 1977);
- G. Napa County Planning Department Report and Recommendation Requesting a Resubdivision of Land, Assessor Parcel #17-230-06 (May 2, 1979);
- H. Parcel Map #3207, Book 11, pages 2 and 3, Resubdivision of Mr. Lantz's property (recorded October 5, 1979);
- I. Superior Court Law Suit, case no. 36253, entitled *Ronald G. Seivert v. Victor Holanda and the City of Calistoga* (filed May 1, 1981). This lawsuit established the Foundation of Calistoga;
- J. Review letters to County of Napa and State of California regarding washouts on the Oat Hill Mine Road on Lantz Property (February 19, 1993 and August 12, 1996);
- K. Edgar Lantz's file regarding negotiations with the State of California Department of Parks and Recreation and their comments (June 20, 1996); and
- L. Mr. Lantz's letters to City of Calistoga discussing the possibility of annexation to the City of Calistoga (September 10, 1996).

If City Staff does not have ready access to any of the foregoing documents, we would be pleased to provide copies in advance of the proposed meeting. I will phone the Planning Department early next week in an effort to schedule the requested meeting.

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Page 3

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

Sincerely,

A handwritten signature in black ink that reads "Robin B. Kennedy". The signature is written in a cursive style with a large, looped "K" at the end.

Robin S. Kennedy

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





napa valley vintners

May 22, 2008

Chairman Jeff Manfredi  
Calistoga Planning Commission  
City of Calistoga Planning and Building Department  
1232 Washington Street  
Calistoga, CA. 94515

**SUBJECT: NAPA COUNTY'S AGRICULTURAL PRESERVE**

Dear Chairman Manfredi:

At the Napa Valley Vintners (NVV) Board of Directors meeting today, the board voted unanimously to reaffirm its longstanding support of the Napa Valley Agricultural Preserve.

In 1968, Napa Valley vintners and others in the community had the forethought to preserve open space and prevent future over-development by enacting the nation's first Agriculture Preserve. Since its adoption, not one acre of land has been removed from the preserve. This land-zoning ordinance established agriculture and open space as the "best use" for the land in the "fertile valley and foothill areas of Napa County." Initially the ordinance protected 23,000 acres of agricultural land stretching from Napa in the south to Calistoga. Today, more than 38,000 acres are contained within the Preserve.

Calistoga is a historically significant grape growing and wine making region of Napa Valley.

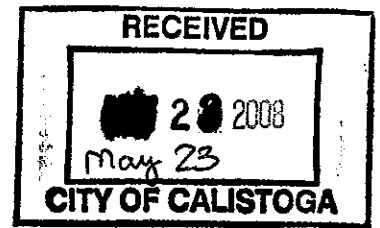
The NVV board strongly encourages the City of Calistoga Planning Commission to continue to respect the Napa Valley Ag Preserve and to do everything within its power to ensure that the Ag Preserve remains untouched.

Sincerely,

Rick Jones, Jones Family Vineyards  
CFO, Napa Valley Vintners Board of Directors

LAW OFFICES OF  
**JAMES R. ROSE**

1500 RAILROAD AVENUE  
ST. HELENA, CALIFORNIA 94574  
ROSELAWINC@SBCGLOBALNET



JAMES R. ROSE  
KATHARINE HELDT FALACE

TELEPHONE (707) 967-9656  
FACSIMILE (707) 963-0771

May 21, 2008

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/c Kathleen Guill  
Administrative Secretary  
Planning and Building Department  
City of Calistoga  
1232 Washington Street  
Calistoga, CA 94515

Re: Proposed Expansion of Sphere of Influence/Frediani Vineyards  
Policy Interpretation (P 2008-02)

Honorable Commissioners:

Please be advised that this law firm represents the Frediani family, property owners of a portion of the proposed expansion of the Sphere of Influence as identified in your notice originally dated May 1, 2008. After conversations with planning staff and reading the staff report, it is apparent that the City intends at some point in time to utilize the Frediani ponds for expanded wastewater treatment purposes.

Please be advised that the use of the Frediani water ponds, which are used by approximately 120 acres of their vineyards for frost protection and water cannot be utilized by the City for purposes of discharging or treating wastewater. As you well know, the City's wastewater due to the number of spas and other contaminants related to those industries, have a high level of boron. Food and Drug Administration and other agencies prohibit the use of boron in food products, not to mention the use of boron for watering would impair, if not destroy, these vineyards.

The City needs to look at other alternatives to the wastewater treatment facility expansion due to

the huge financial impact on the Frediani's, not to mention the City of Calistoga, should it annex and proceed with condemnation/eminent domain proceedings. The direct damages caused to the Frediani family could be in the millions and the cost effectiveness of this approach is seriously ill advised.

I would respectfully request that the wastewater expansion area be reconsidered for these purposes.

Respectfully Submitted,

THE LAW OFFICES OF JAMES R. ROSE

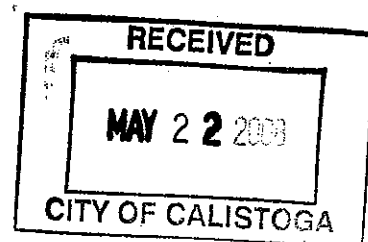


JAMES R. ROSE

cc: client

City of Calistoga  
Planning Commission

Paul G. Smith  
3747 Langtry Road  
St. Helena, California 94574



May 20, 2008

Sirs:

The City of Calistoga is moving towards eminent domain proceedings to acquire unincorporated properties in the County's Agricultural Preserve. The City has yet to clarify any proposed use for the target properties adequate to provide justification for this taking and annexation. While there is a suitable, ideally located undeveloped property within the city limits and while the Calistoga General Plan documents that wastewater infrastructure is in balance with planned growth, the City apparently intends to justify condemnation, acquisition and annexation of excellent adjacent vineyard lands based on its perceived need for increased wastewater storage and disposal. While we wait for the City to validate its basis for taking these properties, we all need understand the true nature of the City's "wastewater problem".

Treated wastewater is discharged to the Napa River when flows are adequate. When flows are inadequate this wastewater must be stored or disposed of on land. The environmentally preferred approach towards disposal of treated wastewater is to reclaim it for use in irrigating landscaping or agricultural crops. This is a common approach. Unfortunately, in the case of Calistoga's wastewater, the high level of BORON prevents it to be used to irrigate vineyards.

**FACT 1: Boron is not present in the City's municipal water supply.**

**FACT 2: Boron enters the wastestream from private and business users of geothermal water.**

**FACT 3: The Calistoga Municipal Code specifically states discharge of boron-laden geothermal water into the wastestream is illegal:**

**13.08.395 Geothermal or mineralized water discharges.**

A. The City is required to utilize land irrigation as a method of wastewater effluent disposal during the summer dry season when there is insufficient flow for dilution in the Napa River, and it is therefore necessary to limit the concentration of boron, total dissolved solids, chlorides and sulfates that could have a toxic effect upon plant growth or degrade groundwater that could otherwise be used as a source of irrigation water.

B. Regulations pertaining to restriction of boron content as set forth in CMC 13.08.345 and other sections of this chapter shall be strictly enforced.

C. No person or entity shall by any connection, use, maintenance, construction, alteration or repair of sanitary sewer facilities, discharge or cause to be introduced into the sanitary sewer

system any substance or material which has an element of chloride or sulfate exceeding 250 milligrams per liter, or of total dissolved solids that would exceed 500 milligrams per liter. All such discharges are prohibited. (Ord. 435 § 6, 1988; Ord. 322 § 1, 1976).

**13.08.345 Prohibited wastes – Toxic Substances**

Any waters or wastes containing toxic or poisonous substances in sufficient quantity to injure or interfere with or create any hazard in the sewage treatment processes, effluent quality, or receiving water quality requirements to humans, animals, or plant life are prohibited

**FACT 4: According to the State of California, Department of Conservation database there are 47 geothermal wells in Calistoga.**

1	05590023	Amax Exploration, Inc.	620
2	05590125	C. J. Associates	Lincoln Ave
3	05590119	California Div. of Mines and Geology	Les
4	05590075	California Div. of Mines and Geology	Les
5	05590074	California Div. of Mines and Geology	Les
6	05590054	Calistoga (private) well	Cirio's
7	05590050	Calistoga (private) well	Donsnick
8	05590057	Calistoga (private) well	Calistoga Spa
9	05590056	Calistoga (private) well	Calistoga Spa
10	05590129	Calistoga (private) well	Ester
11	05590051	Calistoga (private) well	Wilkinson
12	05590052	Calistoga (private) well	Dober
13	05590058	Calistoga (private) well	Little Village
14	05590053	Calistoga (private) well	Fox
15	05590114	Calistoga (private) well	Grant St
16	05590085	Calistoga (private) well	View Road
17	05590061	Calistoga (private) well	Golden Haven Spa
18	05590121	Calistoga (private) well	View Road
19	05590055	Calistoga (private) well	Greenwood Ave
20	05590063	Calistoga (private) well	Michael Way
21	05590133	Calistoga (private) well	Silverado Tr
22	05590134	Calistoga (private) well	Silverado Tr
23	05590062	Calistoga (private) well	Tubbs Lane
24	05590070	Calistoga (private) well	Godward
25	05590064	Calistoga (private) well	Greenwood Ave
26	05590065	Calistoga (private) well	Geyser
27	05590071	Calistoga (private) well	Geyser
28	05590049	Calistoga (private) well	Shade Factory
29	05590080	Calistoga Joint Unified School District	CHS
30	05590122	Calistoga Mineral Water Co.	
31	05590124	Calistoga Mineral Water Co.	CMW
32	05590013	Calistoga Power Co.	Pacheteau
33	05590082	City of Calistoga Exploration, Inc.	Calis
34	05590123	City of Calistoga Exploration, Inc.	CDHS

35	05590131	Crystal Geyser Water Co.	Crystal
36	05590132	Crystal Geyser Water Co.	Crystal
37	05590128	Crystal Geyser Water Co.	Crystal
38	05590127	Crystal Geyser Water Co.	Crystal
39	05590130	Crystal Geyser Water Co.	Crystal
40	05590120	Napa Valley Springs Mineral Water Co.	Fox
41	05590059	Pacheteau's	Pacheteau
42	05590060	Pacheteau's	Pacheteau
43	05590068	Pacheteau's	Pacheteau
44	05590135	Palisades LLC	Palisades Resort
45	05590081	Quast, Max	Roman Spa
46	05590083	VIP Associates	Village Inn
47	05590048	Wilson, Constance S.	Wilson

FACT 5: The discharge of geothermal waters contaminate the entire wastestream with BORON, rendering it unsuitable for reclamation and vineyard irrigation.

FACT 6: The General Plan acknowledges the impacts of the BORON-laden wastewater as well as the required permits for geothermal discharge: "... Calistoga currently has few resources available to monitor and enforce the provisions of these permits", and "... enforcement of existing sewer ordinance requirements would reduce these impacts."

Fact 7: The General Plan states: "Removal of boron is possible through pre-treatment."

Given the City's apparent apathy towards the boron contamination of the wastewater, the real question is not whether the City needs to condemn, annex and convert agricultural lands for use as wastewater storage and disposal. But rather is the City acting in a socially, economically and environmentally responsible fashion by allowing the few within the City limits to contaminate the otherwise reclaimable irrigation water which is, in fact, a valuable public resource. And, should the City's failure to address this internal problem provide any justification for eminent domain of private properties, annexation of Napa County lands and ultimate conversion of the Agricultural Preserve to a City utilities use.

The answers should be very clear to everyone, particularly the City of Calistoga.

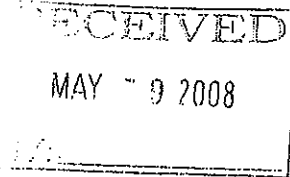
Sincerely,

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.

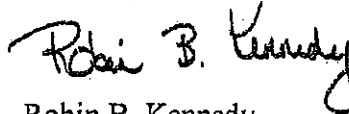
Members of the Planning Commission  
Calistoga, California  
May 8, 2008  
Page 2

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)