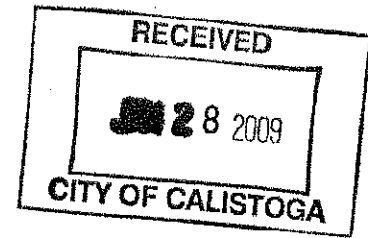


Date: January 28, 2009
 To: Chairman and Members of the Planning Commission
 From: Kristin Casey
 Re: Bounsall Development Proposed for Entry Corridor



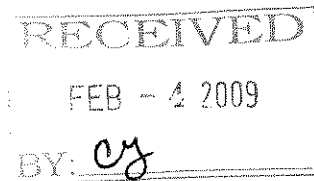
I have two primary issues regarding this proposed development in our Entry Corridor, having just reviewed the application and staff report briefly.

1. I object to the Staff's continued use and reference to the Urban Design Plan (the UDP), including copying provisions for the Planning Commissioners to refer to. The UDP is not yet fully vetted by the public, since the revisions which were mandated by the Planning Commission in response to public input last year have not yet been made available to the public and have not been publicly discussed. More importantly, the UDP has not been formally adopted by our City Council, and therefore it doesn't really legally exist yet. If the provisions of any guiding document are copied for Planning Commission consideration, they should be the provisions from our General Plan, at pages **LU-26, 27, 28, 29** and **LU-32, 33, 34** and **LU-46**. These provisions were not copied for reference in the packet, which means that anyone reading the packet would have to go to a copy of the General Plan to find the guidelines. And, although some of the General Plan provisions and sections mentioned here were set forth in the staff report, not all were included. The fact that the UDP provisions were added as an Attachment tends to give improper weight and authority to the UDP at this time. I continue to simply want to see more deference given to our General Plan and its original intentions.

2. It is clear from even a brief review of this proposed development that it is way over the top in regard to size. I wonder if this outrageously huge proposal is a negotiating ploy sometimes undertaken when someone wants to slip in a too-large project and therefore paints it as much larger to begin with, hoping the powers that be will be relieved to authorize a slightly reduced development (which is nevertheless too big). Beyond the size of the project as a whole, the number of uses being proposed goes beyond anything envisioned when we worked on the General Plan revision. Perhaps ONE small, rural winery was thought possible, but certainly not TWO. And it would have been unacceptable to those who crafted the General Plan to allow retail buildings and event + reception areas as part of the notion of one small winery with perhaps one small inn on this important site. Small is the governing word here, including low-rise (not 2 story) buildings and an emphasis on the agricultural setting over the physical development of the grounds.

I believe it would be inappropriate and irresponsible to encourage this project to proceed to obtaining a Development Agreement, unless and until the developers first show us that the size is seriously reduced and the uses are also limited. Certainly, Calistoga citizens should be concerned about giving water rights to this project – the last time I looked at the papers, California is in a drought.

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



Paul G. Smith
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Calistoga, CA 94515

February 3, 2009

Subject: PA 2008-04, CDR 2008-04
Ref: Calistoga Municipal Code 13.08.395 "Geothermal 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).

Honorable Commissioners

As a winery owner I am generally in favor of most quality winery projects. As such I am not completely against the Bounsai proposal. I am however against this proposal if it proposes to increase the wastewater flow into the city municipal wastewater system. Though not the responsibility of the developer, the city continues to neglect its own ordinances with respect to the discharge of boron-toxic waters into the wastewater flow.

Currently, treated wastewater must be diluted by 600% in order to mitigate the toxic effects of boron in the present wastewater. Until and unless the city adopts a responsible policy with respect to enforcement of its own ordinances against direct dumping of boron-toxic geothermal water, it would be irresponsible to approve any project with the potential to increase the AMOUNT of municipal wastewater. Alternately, such projects should only be approved if all wastewater generated by the project is to be treated and disposed of on the project site.

As the state becomes increasingly parched and the Napa River is looking more and more like a Mojave arroyo, the images of "green" and "healthy" which Calistoga strives to project are in harsh conflict with its secret though absolute refusal to enforce its own boron contamination laws, its subsequent chronic and intentional environmental abuse, its corresponding grossly irresponsible resource management and of course, its disgustingly obvious preferential politics. These actions collectively and irrefutably reveal the true character of Calistoga's previous administrations at best as benevolent in denial or at worst as blatantly hypocritical.

No project with the potential to increase municipal wastewater and thus exacerbate the disposal of same should be approved until and unless the City of Calistoga acknowledges and enforces its own laws against boron-toxicity in the municipal wastewater.

Respectfully,

Paul G. Smith