

March 31, 2016

Mr. Brian Bordona
Supervising Planner
Napa County Planning, Building & Environmental Services Department
1195 Third St. Suite 210
Napa, CA 94559

Dear Mr. Bordona,

We are writing in response to the Walt Ranch FEIR and wish to address several issues. As we are not lawyers, we will be making few comments with reference to CEQA or OSHA. We are addressing you as residents directly affected by the construction and vineyard project under your consideration. Though not written in legalese nor bureaucratic language, we sincerely hope that our comments—as owners, voters and taxpayers who are directly affected—will nonetheless be taken seriously.

The Halls have chosen to pit their economic interests against those of hundreds of landowners and watershed users downstream, including the thousands of residents in the City of Napa.

A four-year industrial construction project within a pristine watershed on relatively undisturbed land that surrounds the Circle Oaks community negatively impacts the value of every house and is exacerbated by the unknown threat to the water supply. The disruption caused by construction traffic, clear-cutting mature oak forest, shredding and burning 28,000 large trees and untold numbers of smaller trees, deep ripping the exposed soil, dynamite blasting, grinding gravel, and construction of vineyards is a substantial burden to a neighborhood whose primary selling point is tranquility.

Post-construction, surrounding communities will have an upwind and upstream industrial agriculture operation that sprays pesticides, herbicides and fungicides and uses unsustainable levels of water. Considerable damage to county roads and underlying infrastructure is also a significant risk, and these roads are not built for heavy equipment and are prone to erosion—witness the current situation on 121 and the past bills paid by the County of Napa of major collapses along Circle Oaks Drive – the most recent in 2006.

These are considered permissible under a “right to farm.”

How does a theoretical “right to farm” confer the right to decorate real estate parcels with vineyards in order to increase their sale value? Witness the current excellent example, and likely end result of this project in the [Hall development in Alexander Valley](#). Is the Planning Commission truly inclined to believe that Walt Ranch is a purely agricultural undertaking? The proposed road and water lines certainly imply access to each of 35 parcels, allowing a total of 105 buildings, each zoned for a winery. Would this project be approved if it was presented as a real estate development from the start?

We submit that the current county standards were developed with the flat and better-watered Napa Valley, not for the steep, unstable, terrain where neighborhoods such as Circle Oaks and neighboring communities are situated. How is it that the county ordinances are blind to this very obvious differentiation – and – does it occur to no one that there is no vineyard development on this terrain for sound environmental reasons?

We may be challenging current ordinances that support wineries and vintners in general, but we know the difference between right and wrong when it comes to the general interests of a

community and the people who live in it. In this case, the Walt Ranch and the Halls are clearly in the wrong

We encourage you to dismiss this project.

Our Safety Counts

The FEIR states that the community has no right to challenge or limit the use of Circle Oaks Drive and other streets in this neighborhood by the developers of Walt Ranch, or their construction and operating crews. Circle Oaks is a residential neighborhood, not an industrial construction and agriculture zone.

Hall maintains that construction and vineyard operation traffic will be limited to the hours of 7am to 7pm (except during harvests!) and this poses no unreasonable disturbance. In fact, the constant flow of construction equipment, vineyard equipment, trucks, and commuting worker traffic is a very heavy disturbance. During the construction of the Walt pilot vineyards, the residents of Circle Oaks endured dozens of cars racing up and down the road early in the morning at at quitting time. During the construction of the pilot vineyards, there were many close encounters with Hall workers. Their driving behavior was quite belligerent, regularly driving faster than the speed limit and providing zero courtesy to people out running or walking (including school children walking to the bus stop).

In case none of the planners have been to Circle Oaks – we know that our supervisor refuses to visit – there are no sidewalks. People use the roads to walk and run. Children congregate at the bus stop in the morning and are present on the roads after school. Heavy traffic creates a safety problem and poses an undue burden on residents to curtail their ability to walk and enjoy their neighborhood for 12 hours per day. This includes some Saturdays, when people are home, relaxing, and living their lives. The county is responsible to the health, safety, and general welfare of its residents in addition to the economic interests of developers like Hall.

What on earth would make this proposed use of Circle Oaks Drive any different? How much is a life worth in the calculations of the County of Napa in its allowing Hall to turn Circle Oaks Drive into a major commuter and construction artery? How will the County of Napa handle and compensate for injuries and accidents, and lives ruined, brought about by the increased traffic during four years of construction and then management of the Walt Ranch vineyard? These are not hypothetical questions. Do the tax revenues that the County of Napa anticipates from this development so exceed its current revenue that the residential interests and lives of current property owners and taxpayers are to be held as null and void?

Circle Oaks is a residential neighborhood, not a rural community, and certainly not an industrial construction zone. How does the fact that many people drive to jobs confer the right to Hall to create a disturbance and use the streets as a construction thoroughfare during the hours those individuals are not at home? What rights do the people who work at home, or who do not work have to be left undisturbed by the great increase of noise and traffic? And what of the people who work midnight shifts, of which there are more than a few?

The Walt Ranch can be accessed directly from State Highway 121. Why disturb the Circle Oaks community and threaten damage to Circle Oaks Drive?

Hall maintains that the roads are built to sustain significantly more traffic to what they currently bear. This is absurd. Circle Oaks roads are continually crumbling and shifting due to land and water movement. Just because a road is theoretically built to sustain additional traffic, does that automatically, in your calculations, make it acceptable to allow that traffic? Additionally, the roads are currently in a constant state of disrepair. Does this mean that Hall's proposed mitigation means that once they are done with construction, they will return the roads to their

current state of disrepair? Does the County of Napa let people off that easily? It is stated that Circle Oaks streets are considered to be county-maintained roads, thus conferring access by Hall construction and operating crews to the Walt Ranch. When does the County of Napa propose that it will begin to maintain the roads in Circle Oaks?

Hall further asserts that it is a hardship for them to build access roads from their current entrances to Walt Ranch further down 121. This is cloaked in “traffic safety” language but is a transparent ploy to avoid the Caltrans approval process. Hall’s FEIR comments further state that building access roads into their property would needlessly burden the Halls with a requirement to submit another EIR – and that more trees would be ripped down. (As if the clear cutting they currently propose is acceptable!) Once again, we must demand an answer to the question of how the economic well-being of a land developer proposing to cause great disturbances to a neighborhood trumps the needs, interests, and safety of the neighborhood residents to keep disturbances to a minimum and safety to a maximum? How does increasing safety problems posed to Circle Oaks residents represent a lower safety risk than an entrance to the Walt Ranch off Hwy. 121, like every other resident on 121, and for which they currently have two sites of entrance? Surely, if you confer the “right to farm” to the Halls (where no farm currently exists), then you can require them to access their “farm” from their own entrances and roads.

The Environment Counts

Hall admits in the FEIR that there are risks posed by the use and storage of herbicides, pesticides and fungicides caused by seepage into common water sources. In addition, airborne pollution is also caused by the use of these chemicals. At night, when much of the spraying is done on vineyards upwind, residents of Circle Oaks must close their windows when other growers in the area apply these chemicals. Adding several hundred acres of additional vineyard directly upwind from the patterns of night-time airflows causes even greater health and safety risks. Farm workers are required to use protection when they apply these chemicals, but residents are not asked to sleep in hazmat suits during these applications, nor do growers warn residents of these applications. How will the County of Napa compensate the residents of Circle Oaks for increased health problems brought on by chemical usage and storage in the construction and operation of the Walt Ranch?

The current access to Walt Ranch, past the Circle Oaks water company at the end of Circle Oaks Drive cuts over an area of wetland inhabited by the red-legged frog and likely other endangered creatures. How will Walt Ranch chemical application, traffic, and overall environmental disturbance be “mitigated” to protect this fragile environment, as well as the other fragile species and bio-zones Hall claims to be less important than their alleged “right to farm?”

Among the disturbances asserted as “insignificant” by Hall based on their supposed “right to farm,” one was completely shunted aside in the FEIR: The usage of heavy construction equipment, dynamite, and other means to create this “farm” will cause **four years** of noise pollution, vibration, and unbelievable disturbance to the residential community of Circle Oaks and other neighbors. Here we will cite excerpts from peer-reviewed comments (written by Eric Yee) that we believe are inadequately addressed, and belligerently refuted in the FEIR:

Mitigations do not address the anticipated noise from dump trucks and hauling trucks on Circle Oaks Drive during construction or grape-hauling during project operation.

Transportation and Traffic sections anticipate ongoing trips to and from the site during the peak AM and PM hours. The anticipated vehicle type of these additional one-way trips will be heavy trucks to carry rocks and debris off site. These trucks generate 84 dB at 50 feet. Several homes along Circle Oaks Drive are within 50 feet of the center line. Truck traffic will be within 40 feet of these homes and may generate noise levels in excess of 86 dB. Federal and State standards limit noise emissions of trucks to 80 dB at 50 feet.

- *The anticipated noise from truck traffic exceeds the Federal and State standards.*
- *The calculated increase to noise during the peak AM and PM hours exceeds 10 decibels.*
- *The additional truck traffic will increase to the day-night average sound level (DNL) 13 decibels.*

The report does not address noise from the transportation of grapes from the project through the Circle Oaks residences. During harvest, the main entrance to and from the site is on Circle Oaks Drive. Many homes occur within a 50-foot setback and would be exposed to noise in excess of 80 dB from trucks, which is above the Federal and State standards.

Truck noise is not covered under the agricultural operations exemption. This exemption only applies to noise while on agricultural property. Once trucks leave the agricultural property, all noise ordinance requirements apply.

Truck noise exceeds CEQA threshold of significance based on the following:

- *The project related traffic (construction and operations) will expose persons to or generate of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.*
- *The project related traffic (construction and operations) will create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.*

Barriers are not practical along the main arterial roadway through the residential community. Many homes are two-story and would overlook barriers of conventional heights. To reduce impacts to less than significant, reroute all truck traffic away from Circle Oaks Drive. The project site has other roadways that can be utilized to access the project.

The report does not address noise from alternative methods of rock demolition and removal or noise generated by common construction equipment such as hoe rams and hydraulic breakers. These pieces of equipment will be used to break up large boulders within 775 foot “no blasting zone”. This equipment typically generates noise levels of 90 dB at 50 feet. The nearest residence to the project site is 30 feet away. At this distance, hammering noise would reach levels of 94 dB.

Alternative methods of rock demolition and removal (i.e., hoe ram) noise will likely exceed the construction noise limit of 75 dBA and exceed CEQA level of significant impact based on the following:

- *The project related excavation and removal of bedrock will expose persons to or generate of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies*

The report states that “sound walls will be constructed of materials and at heights sufficient to reduce construction noise by 15 dB.” In practice, building noise barriers that provide 15 decibels of noise reduction are impractical; they are too tall to build simply. Other factors such as wind loads and structural integrity would require a significantly engineered wall. For hoe ram operation, the barrier would need to provide at least 19 decibels of noise reduction. The theoretical limit of a barrier is 20 decibels. Most walls seldom provide more than 10 decibels of reduction.

For bedrock removal, use alternate methods of rock demolition within 160 feet of the homes. Handheld jack hammers generate significantly less noise compared to hoe rams. Enclosing a jackhammer in a sound barrier is more feasible than a hoe ram.

The report does not adequately address vibration from alternative methods of rock demolition and removal from other impact equipment such as hoe rams and hydraulic breakers. These

pieces of equipment will be used to break up large boulders within 775 foot “no blasting zone”. This equipment typically generates PPV levels of 0.18975 at 100 feet. The nearest residence to the project site is 30 feet away. At this distance vibration levels would reach PPV levels of 1.1 inches per second.

Hoe ram vibration will likely exceed the project vibration limit of PPV 0.10 inches per second and exceed CEQA level of significant impact based on the following:

The project related excavation and removal of bedrock will expose persons to or generation of excessive groundborne vibration or groundborne noise levels

For bedrock removal, use alternate methods of rock demolition within 160 feet of the homes. Handheld jack hammers generate significantly less vibration compared to hoe rams. Enclosing a jackhammer in a sound barrier is more feasible than a hoe ram.

The report states “sound walls will be constructed of materials and at heights sufficient to reduce construction noise by 15 dB.”

Sound barriers reduce noise by increasing the distance sound has to travel to reach the receiver. A sound barrier that breaks line of sight between the source and receive location provides 5 decibels of reduction. Each additional foot of height increases the sound reduction 1 decibel.

In order to provide 15 decibels of noise reduction at the ground level, the wall must extend at least 10 feet above the height of the source. Construction equipment noise typically emanates from the diesel exhaust stack, which is 12 feet above grade. To reduce this noise 15 decibels, the wall must be at least 22 feet tall. For elevated receivers such as second story bedroom windows, the barrier will likely need to increase in height.

When close to the residential properties (i.e. within 160 feet), we recommend using smaller portable equipment to remove bedrock instead of larger construction equipment. Noise barriers are still required even with smaller equipment to minimize acoustical impacts.

During construction, we recommend implementing a continuous noise monitoring program to measure and regularly report noise levels to prove the project meets all Federal, State, and local noise regulations. The construction team should designate a team member as a liaison to the residences to field concerns, questions, and complaints. Alternatively, noise monitoring may be used in conjunction with real time text and email notification system. Thresholds may be set so that the construction team receives notification of noise levels approaching designated thresholds. Construction plans may be altered in the field to insure the noise requirements are not exceeded.

Perhaps it is acceptable amidst the hum of constant traffic in Napa Valley for the level of disturbance to be created by vineyard construction, though we seriously doubt it. And would anybody would allow or be willing to put up with dynamite blasting on their doorstep? If any of you – Planning Commissioner, County Supervisor, or staff were to take the time to visit the area during the proposed hours of construction and operation of the Walt Ranch, you will see and hear for yourselves how this project would greatly alter the environment and *destroy* a way of life currently lived by 180 families in Circle Oaks, and hundreds of others in the surrounding community.

Yes, the General Plan may include provisions that allow major projects to be constructed in Napa County, but pitting the interests of one developer against those of several thousand people, whose lives will be impacted so negatively in favor of the economic and political interests of so few, should give you pause.

We most strongly oppose the development of Walt Ranch, and will hope that in your deep consideration and, perhaps wisdom, the Planning Commission, staff, and County Supervisors will do the same.

Sincerely,



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