

1 **NAPA COUNTY PLANNING, BUILDING & ENVIRONMENTAL SERVICES**
2 **DEPARTMENT**

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5 **IN RE: WALT RANCH DRAFT ENVIRONMENTAL IMPACT REPORT**
6 **EXTENSION OF PUBLIC COMMENT PERIOD**

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10 **TRANSCRIPT OF AUDIOTAPED PROCEEDINGS**
11 MEETING OF AUGUST 6, 2014

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14 **PRESENT:**

15 BOB FIDDAMAN, Chair
16 MIKE BASAYNE, Commissioner
17 HEATHER PHILLIPS, Commissioner
18 TERRY SCOTT, Commissioner

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25 Transcribed by: Kathryn Johnson
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 AUGUST 6, 2014

1 CHAIR FIDDAMAN: We have three administrative items, as Ms.
2 Galina mentioned. The first of which is the Walt Ranch Draft EIR
3 Extension of Public Comment Period. And I'd like to mention in
4 response to the questions that have already been raised, this
5 actually is not a public hearing today on this item. It's an
6 administrative item. But we typically extend the courtesy to the
7 public to comment on an administrative item, and particularly
8 when it's one of obvious such interest to a lot of people.

9 Well, I think what we'll do at this point, we're going to
10 have a Staff Report first, and then I will make some other
11 comments before I will invite public comment. So, let's go with
12 the Staff Report. Thank you.

13 KELLI CAHILL: Chairman, or Chair Fiddaman, Commissioners,
14 Kelli Cahill with the Planning Department. Before you today is
15 consideration of possible action regarding a request for
16 extending the public comment period an additional 45 days for
17 the Draft Environmental Impact Report, or EIR, for the Walt
18 Ranch vineyard conversion project.

19 The project proposes development of approximately 356 net
20 vineyard acres and 507 gross disturbance acres in a 2,300-acre
21 parcel--or holding, I'm sorry. The project is located on the
22 west side of State Route 121, or Monticello Road, in the Capell
23 Creek and Milliken Reservoir watersheds in the southcentral Napa
24 County. And again, this is a 45-day extension to extend the
25 comment period ending currently August 25th to October 9th. If you
26 have any questions, I'll take them.

27 CHAIR FIDDAMAN: Any questions for Staff? Okay, I did want
28 to mention to the public, I mean, we're always happy to see lots

AUGUST 6, 2014

1 of folks out here to comment on items that concern them. But I
2 would like to ask first, is there anybody here to speak against
3 extending the time for this EIR? I see none.

4 And then I would remind everybody that this administrative
5 decision here today is only with respect to the amount of time
6 being devoted to the EIR response period. So we're not here
7 today to discuss the merits, or lack of merits of the project.

8 I would also point out that the Commission has received 122
9 pages of letters and petitions from the public, all of which
10 were in favor of extending this EIR response period for at least
11 45 days and to as much as six months.

12 I would also point out that the Staff has recommended that
13 the Commission approve this extension, and that the applicant
14 has agreed to the extension. And for that reason the applicant's
15 not even here today, they're assuming that it will be extended.

16 I would also point out that as soon as we've heard whatever
17 comment there will be from the public that it's my intention to
18 invite a motion to approve the extension from my colleagues.

19 So I'm simply pointing out that this is all but a done
20 deal. I'm not attempting to stifle public comment, but I'm also
21 reluctant for it to take a lot of time to hear comment on
22 something that's, for all purposes, a done deal.

23 But, with that, I will open it to public comment on this
24 administrative item.

25 GARY MARGADANT: Good morning Commissioners, my name is
26 Gary Margadant, I live up on Mt. Veeder Road. I just have one
27 little comment. I talked to Ms. Cahill about this extension
28 because I was concerned about the notification of it. And she

AUGUST 6, 2014

1 explained to me that the EIR was completed by a contractor, and
2 part of his contract was to--that he would take care of the
3 notification. So the notification didn't come through the
4 government offices, you know, and the Planning Department. And I
5 think that--so if all of us were expecting a notification, and
6 something coming from the County, which I would have normally--
7 because I'm on an email list for notifications of this sort--I
8 didn't get it.

9 And I would just say that that was one of maybe the flaws
10 in part of the process that I think that could be improved in
11 this. And that--that's essentially my feedback to you that I
12 would like to see that that was--that was a little disconcerting
13 to me to know that it was done by somebody else who wasn't
14 familiar with the procedures that we do it, and could not
15 duplicate it. So, thank you very much for your time.

16 CHAIR FIDDAMAN: Thank you. I'm sure Staff will take note
17 of your comment, Mr. Margadant, and make sure that in the future
18 when we've got a contractor responsible for the notification
19 process that they do it in accordance with our standard
20 procedure.

21 DEPUTY PLANNING DIRECTOR JOHN MCDOWELL: I believe there
22 was an exchange that occurred at the time the notice went out
23 between Mr. Bordona, and Ms. Cahill, and Mr. Margadant, and I
24 believe that our noticing obligations as prescribed by Code were
25 satisfied when this initial notice went out. Perhaps Brian or
26 Kelli can speak more to that.

27 CHAIR FIDDAMAN: Go ahead, Kelli.

28 MS. CAHILL: So in this case the environmental consultant

AUGUST 6, 2014

1 did produce the notification for the Napa Register, and the
2 legal notification for publication. The County produced
3 notification to the residents within 300 feet of the property,
4 including any other interested parties that had come along over
5 the years, had been notified as well. And in this case, Mr.
6 Margadant was on a separate list, and inadvertently left off,
7 however, his colleagues with the--correct me...

8 COMMISSIONER BASAYNE: Mt. Veeder Stewardship.

9 MS. CAHILL: Thank you. A few of them were notified. So as
10 a group they were notified, but Mr. Margadant, specifically, had
11 not been notified until he contacted me directly, in which time
12 I provided a CD copy of the report, as well as a notification.

13 CHAIR FIDDAMAN: Thank you, and for the members of the
14 public that may not be aware, the noticing procedures are
15 currently under review and have been discussed here at this
16 Commission, and, I believe, also with the Board of Supervisors
17 in our joint meeting. So I am anticipating that we're going to
18 be extending the noticing procedures and making it quite a bit
19 better. We're trying to do better than what the law requires.
20 So. All right, next speaker please.

21 DAVID HEITZMAN: My name is David Heitzman. I live in
22 Circle Oaks, 23 Rockrose Court, and I've served on the water
23 well advisory committee for the County at one time. I also
24 represent an ad hoc group trying to organize in Circle Oaks to
25 give a response to the EIR.

26 The EIR is a 1,500-page document. There's quite a few
27 questionable things on there that I don't believe meet best
28 practices. To have a response to that, this requires legal

AUGUST 6, 2014

1 counsel, and it's going to require expert witnesses, all of
2 which require money. To get money, because this is more of an
3 affordable housing place, probably one of the less expensive
4 places in the county. People up there do not have deep pockets,
5 which means we have to organize and we have to raise money
6 before we can even get the consultants on board. We need time
7 for that. Serious time for that. We need time to organize and
8 try and get people to open up their pocketbooks a little bit.
9 People don't believe, actually, what's going on.

10 Our first step has to be education, organization,
11 fundraising, get the experts to do their reports, and then file
12 it with the County. How can we do that, even in an additional 45
13 days? It's almost an impossible task, because we're all working
14 stiffs. Could you go through a 1,500-page document and organize
15 and do this with a bunch of rural people? It's pretty difficult.

16 So we're trying to do a real response, not necessarily stop
17 the project, but it's got to be at least best practices. His
18 experts have to meet the same standards we're going to have to
19 meet. And I don't believe that that's the case in there. So
20 there's a lot to contend. And we need time. And 45--if it's the
21 45 days, we'll have to be back here again, and we will. Couldn't
22 we make this simpler for everyone and go as far as we can,
23 because it's going to take time. It's just too complicated, it's
24 just too big a shift. Legally maybe they can do it, but we're
25 shifting from ranch to vineyard.

26 There's a lot going on here, there's a lot of moving parts
27 here. All right? And if we can get more time, the more time for
28 us, the more we'll be able to respond, take less time with the

AUGUST 6, 2014

1 County, we'll be able to give a better response, a more thorough
2 and legal response. Thank you.

3 CHAIR FIDDAMAN: Thank you.

4 GEOFF ELLSWORTH: Geoff Ellsworth.

5 [AUDIENCE MEMBER:] Excuse me.

6 MR. ELLSWORTH: Geoff Ellsworth, St. Helena. I just wanted
7 to ask, is there going to be a public hearing at the end of the
8 public comment period, or is it just a period where people send
9 letters in? Because I was just going to request if there could
10 be a hearing, you know, that people could come to as well. Thank
11 you.

12 COMMISSIONER PHILLIPS: Should we talk about next time...

13 CHAIR FIDDAMAN: We can respond--I think we'll discuss that
14 in a little bit. As--my understanding is that the normal
15 procedure for a vineyard EIR approval is it's basically an
16 administrative decision and does not come to this Commission.
17 This is relatively unusual for the extension of the EIR response
18 period to come to this Commission. So, under that circumstance,
19 John, would the administrative hearing--would actually be a
20 public hearing that's announced, and?

21 DEPUTY DIRECTOR MCDOWELL: I'm smiling because I don't get
22 to answer this question, Brian Bordona does. [Laughter.]

23 CHAIR FIDDAMAN: Okay.

24 BRIAN BORDONA: The conservation regulations are not set up
25 in a way that brings the approval of the erosion control plans
26 before you. Such a change to the Code would be necessary,
27 directed by the Board. I suppose the only way this item would
28 come before the--in a public hearing would be in the form of an

AUGUST 6, 2014

1 appeal, if and when the County approved the project.

2 CHAIR FIDDAMAN: Right, and so an appeal would come to this
3 Commission before it would go to the Board of Supervisors?

4 MR. BORDONA: It would go before the Board of Supervisors.

5 CHAIR FIDDAMAN: It would. Okay.

6 COMMISSIONER PHILLIPS: Well then, so how would that work?
7 So if people are submitting comments, and we have to respond to
8 all comments, so we do that all--so they are--we then...

9 CHAIR FIDDAMAN: It's not us.

10 COMMISSIONER PHILLIPS: Well, I meant the County.

11 CHAIR FIDDAMAN: Yeah.

12 COMMISSIONER PHILLIPS: The County. So, then, so if you
13 were interested in this you would then read the responses to the
14 EIR. But then there is no--to the point that Mr. Ellsworth was
15 making, there is no public forum with which to discuss the
16 responses to your questions.

17 MR. BORDONA: That's correct. It would all be done by way
18 of written format in the context of a final EIR. Which,
19 essentially, is a response-to-comments document to all the
20 comments received during the Environmental Impact Report comment
21 period.

22 CHAIR FIDDAMAN: Commissioner Scott.

23 COMMISSIONER SCOTT: All right, then my understanding is
24 that this really doesn't come before us at all, except for the
25 extension of the comment period.

26 MR. BORDONA: That's correct. The County CEQA Guidelines
27 compel us to come to you before for the purpose of extending the
28 EIR comment period.

AUGUST 6, 2014

1 COMMISSIONER SCOTT: All Right. Is it within our purview to
2 extend the comment period beyond 45 days?

3 MR. BORDONA: I believe so. But, yeah, Laura's shaking her
4 head yes.

5 CHAIR FIDDAMAN: Okay.

6 COMMISSIONER PHILLIPS: Well, I actually am going to
7 comment on what you just said, which, based on the fact of the
8 process, and based on the comment that, and I'm sorry I forgot
9 the gentleman's name, made regarding 45 days...

10 CHAIR FIDDAMAN: Mr. Heitzman.

11 COMMISSIONER SCOTT: Mr. Heitzman. Yeah.

12 COMMISSIONER PHILLIPS: That I feel that 45 days is not a
13 great amount of time for a lay person to dig in to a 1,500-page
14 document. So, I don't know what direction you were going Terry,
15 but I would support discussing--I think what we're seeing is
16 these continual continuations, so to speak. And I would like to
17 try to nip that in the bud. So I would be interested in
18 exploring that.

19 CHAIR FIDDAMAN: Okay. With those comments then we will
20 continue with public comment on this administrative item.

21 EVANGELINE JAMES: Good morning, my name's Evangeline
22 James. I actually have three comments this morning. First of
23 all, I have to agree with Commissioner Phillips, I think 45 days
24 really is not a sufficient amount of time to allow the people
25 who want to oppose this EIR, the draft EIR, enough time to
26 oppose it, so I would join in a request to extend the public
27 comment period, up to as much as six months, although there may
28 be a certain time limit. Ms. Anderson I'm sure can answer that

AUGUST 6, 2014

1 question.

2 My second comment deals with the issues that you were just
3 discussing regarding the fact that there is no hearing at the
4 end of the public comment period on this particular application.
5 So, my observation is just that the people who oppose this
6 application, I'm not sure how they get notice if the project is
7 approved. I think that's of a concern to them. If they do want
8 to appeal, I'm not sure that they would know how to do that.

9 My third comment goes back...

10 CHAIR FIDDAMAN: Let me just comment. I think there is a
11 hearing, but it's an administrative hearing, is that correct?

12 MR. BORDONA: No, there's no hearing whatsoever.

13 CHAIR FIDDAMAN: There's no actual hearing, so it's just
14 approved administratively without any further comment from the
15 public other than written comments that are...

16 MR. BORDONA: Yeah, that's more or less correct. So, we
17 send the final EIR out, which contains all the County's
18 responses to the responses received. And within 10 days, or no
19 sooner than 10 days we'll be in a position to approve the
20 project. And we can notify folks of that approval at that time.

21 CHAIR FIDDAMAN: Okay.

22 COMMISSIONER PHILLIPS: They're just--it's just based on
23 written...

24 CHAIR FIDDAMAN: Right.

25 COMMISSIONER PHILLIPS: ...the responded, and then that's
26 it.

27 CHAIR FIDDAMAN: Right.

28 COMMISSIONER PHILLIPS: It's an interesting.

AUGUST 6, 2014

1 CHAIR FIDDAMAN: Sorry to interrupt you there, Ms. James,
2 but I wanted to get those thoughts.

3 MS. JAMES: That's fine. I appreciate the clarification. My
4 last comment, just very briefly, it is correct that I did
5 receive notice from Ms. Cahill when the documents were ready.
6 However, it was not because I was on the normal email list. It
7 was because I had been dealing with Mr. Bordona personally on
8 this issue earlier, and he asked that I be notified. So, I just
9 wanted to clarify that, and thank you very much.

10 CHAIR FIDDAMAN: Thank you.

11 DAN MUFSON: My name is Dan Mufson, I live on Atlas Peak
12 Road, and I represent many of my neighbors who are concerned
13 about this audacious project. This is the--these are the
14 documents that we're being asked to take a look at in 45 days. I
15 mean, we're just citizens, as David pointed out. I mean, what
16 sane person can really sit down and chew through these things.
17 So I really would hope that you would think about what the
18 Commissioner, Phillips, said, and extend this at least to six
19 months, because otherwise it's just not going to be appropriate
20 and fair.

21 And I would say that there are groups both at Circle Oaks,
22 and Atlas Peak, and people in the MST region who are quite
23 concerned about the impact of this project sucking the water off
24 at the top of the hill, and its impact on the Milliken and
25 Capell Valley watersheds. So, I hope that we will all join
26 together, and I hope you will give us some sufficient time to
27 respond to this.

28 CHAIR FIDDAMAN: Thank you. Okay. Any other public comment?

AUGUST 6, 2014

1 Thank you for restraining yourselves. [Laughter.] I know there's
2 a lot of you out there who would like to say me too. But we've
3 got the word, I think.

4 Okay, I'll bring it back to the Commission then, and I
5 think at least one Commissioner would like to have a little
6 dialogue on this and maybe ask a question or two of Staff. And
7 I'll let him start off. I have a question myself. So,
8 Commissioner Scott.

9 COMMISSIONER SCOTT: I agree. First of all, I would like to
10 have that dialogue with Staff and County Counsel. I have no
11 objection to an extension. And based on the comments from the
12 affected neighbors, I have no objections to an extended
13 extension beyond 90 days. I don't know what is appropriate, what
14 our limitations are, what can we recommend here. And I would ask
15 our County Counsel, Ms. Anderson, to address that.

16 COUNTY COUNSEL LAURA ANDERSON: So, there is no outer limit
17 on how far you can extend it. It's completely within your
18 discretion, and really you're just guided by a reasonable
19 standard. So, whatever you think is a reasonable amount of time
20 would be appropriate. I will let you know that when I talked to
21 Tom Adams who's representing the applicant, that they were
22 certainly comfortable with the 45-day extension. They understand
23 the document is voluminous and takes time. But, at the same
24 time, they are looking to get through the process. And so I
25 would imagine that they would view six months as being...

26 COMMISSIONER SCOTT: Excessive.

27 COUNSEL ANDERSON: ...out there. Yeah. But it's up to you.

28 CHAIR FIDDAMAN: Yeah, I think that is an aspect that we

AUGUST 6, 2014

1 need to keep in mind, is that the applicants have agreed to this
2 45-day extension. And in fact in an email exchange I had with
3 Mr. Paul, you know, I agreed with him that he probably didn't
4 need to be here today. But I don't think he had anticipated that
5 there might be longer than a 45-day extension, and in some
6 respects it's a little unfair to them if we extended
7 significantly longer when they're not here to make any comment.
8 So...

9 COMMISSIONER PHILLIPS: Well, I have to respectfully
10 disagree with you.

11 CHAIR FIDDAMAN: Just let me finish.

12 COMMISSIONER PHILLIPS: Okay.

13 CHAIR FIDDAMAN: Please.

14 COMMISSIONER PHILLIPS: All right. And my light was on, so.

15 CHAIR FIDDAMAN: Well I know but I'm speaking. [Laughter.]
16 So I think we just all need to keep that in mind, we have to be
17 fair to everybody. I'm not saying that I'm not in favor of a
18 longer extension, but I think we might also need to explore a
19 potential for granting a 45-day extension today, with the
20 expectation that we might extend it further at another
21 administrative meeting where the applicant would be here to
22 represent their interest. I am bothered by doing something
23 against an applicant's interest when they're not here. So. Okay.
24 Commissioner Phillips.

25 COMMISSIONER PHILLIPS: Well, I feel that you have to
26 respect that right. But they had every ability to be here today.
27 And I think you have to respect the right of--I mean it's not
28 easy to come down and spend a workday coming in to voice your

AUGUST 6, 2014

1 opinion as well. So, I think there has to be a balance. So
2 people have made the effort, and I don't think that--I think
3 that--I agreed--you did redeem yourself saying that we had to be
4 fair to everyone. But I do want to point out that they could
5 have come, and a lot of people have made the effort.

6 [Applause.]

7 CHAIR FIDDAMAN: All right. I didn't know I needed to
8 redeem myself. [Laughter.]

9 COMMISSIONER PHILLIPS: It was--no, no, but it's a...

10 CHAIR FIDDAMAN: But--let me point out...

11 COMMISSIONER PHILLIPS: It's a--you know, I think that we
12 have to be respectful of people that do make the effort to come.

13 CHAIR FIDDAMAN: Of course.

14 COMMISSIONER PHILLIPS: And so it wasn't redeeming, but
15 it's just I just want to make sure that we all understand what
16 it takes to come down here and do that. So.

17 CHAIR FIDDAMAN: Certainly.

18 COMMISSIONER PHILLIPS: Maybe redeem wasn't the right word.

19 CHAIR FIDDAMAN: We all respect that. But I might point out
20 that of the 122 pages of letters and petitions that we received,
21 which I went through last night, I do remember seeing one that
22 asked for a six-month extension.

23 COMMISSIONER SCOTT: Yeah.

24 CHAIR FIDDAMAN: And I don't--there--I might have missed
25 one, but all the rest of them that I saw were asking for the 45
26 days. So.

27 [MR HEITZMAN:] With all due respect, that's all we were
28 told we could have.

AUGUST 6, 2014

1 CHAIR FIDDAMAN: You can't speak from the back of the room
2 please, you'll have to come back up.

3 So I'm just pointing that out. If--we are trying to be fair
4 to everybody. If the applicants thought 45 days is what
5 virtually everybody wanted, then that's why they didn't show up
6 today.

7 Okay, so, hold on just a second, we have a couple other
8 Commissioner comments. Commissioner Basayne.

9 COMMISSIONER BASAYNE: I just wanted to say that given the
10 proposed scope and magnitude of this project, at least 45 days
11 is needed for the public to digest this, particularly the local
12 individuals who are being impacted.

13 And so, your concern absolutely resonates with me. And
14 obviously we have a process here that we're following, but I
15 definitely am supportive of the need for at least 45 days, if
16 not more time, in order to delve more deeply into the draft EIR.

17 CHAIR FIDDAMAN: Commissioner Scott.

18 COMMISSIONER SCOTT: I agree with Commissioner Basayne's
19 comments. Personally, I would have--I would be supportive of
20 actually an extended period beyond 45 days. I would agree with
21 several of the applicants' comments. They were not prepared for
22 an extended, you know, process in going through the application.
23 And this is something that's been in process on the applicant's
24 part for a long period of time.

25 CHAIR FIDDAMAN: Several years.

26 COMMISSIONER SCOTT: And they have not been necessarily
27 aware of it. I don't know what the awareness level was of the
28 community in this particular neighborhood. But I suspect it's

AUGUST 6, 2014

1 much more recent than that.

2 Long story short, is I don't think that 45 days is
3 adequate. I would agree with a longer extension. [Applause.]

4 CHAIR FIDDAMAN: Okay, next speaker please.

5 LISA HIRAYAMA: Hi, my name is Lisa Hirayama, I live in
6 Circle Oaks. I'm actually the one who asked for the six-month
7 extension. I'm actually the person who went out and talked to a
8 lot of the neighbors in the neighborhood. And a lot of us didn't
9 know what was going on. Or I should say that a lot of them
10 didn't know what was going on.

11 One thing I do want to point out is that Walt Ranch has
12 been working on this EIR for--since 2006, which is eight years.
13 You know, we get 45 days to comment on that huge mass of paper.
14 You saw that. Nobody in their right mind is going to be able to
15 go through that in 45 days. Like you said, we are the lay
16 people. We don't know what's in there. We need time to digest
17 all of that.

18 So, I just want you to take that into consideration that we
19 only get 45 days, and they've been working on this for eight
20 years. So I think six months is actually a minimum of what we
21 should get, quite honestly, because this is going to impact our
22 lives if this goes through. Our home values, our water sources.
23 And this drought, we don't know when this drought is going to
24 end. How can you guys justify allowing a vineyard to go in there
25 using this much water. This is our only water source. So, I just
26 want to point that out that, you know, eight years versus 45
27 days isn't very much time. Thank you.

28 CHAIR FIDDAMAN: Thank you.

AUGUST 6, 2014

1 MR. HEITZMAN: For the record, the applicant...

2 CHAIR FIDDAMAN: Mr. Heitzman, just give your name again if
3 you would.

4 MR. HEITZMAN: David Heitzman again. For the record, all of
5 the land in this proposed property is owned by Hall Bramblebee
6 Associates, Limited. It's a partnership based in Texas. It is
7 not Craig Hall. The only listed officer on that partnership is
8 Hall Phoenix Inwood Limited, which Craig Hall supposedly is an
9 officer on. Another Texas corporation, and all correspondence
10 for both these businesses are through their lawyer, all at the
11 same address in Frisco, Texas. This is not an individual. This
12 is--incidentally according to the Dallas Business Times, Hall
13 Phoenix Inwood is a billion-dollar corporation. This is what we
14 are up against. All of our comments that are going to have to--
15 that contest any of his experts that he put on the Environmental
16 Impact, or what he put on there, it's going to have to meet the
17 same credibility, or more, a higher standard than what he put on
18 there for the County to consider our comments because we are lay
19 people. Consider that. We're up against a mon--huge--the
20 largest--he's purchased more land--that corporation has
21 purchased more land in Napa in the last ten years than anybody
22 else. We're being run over, in my opinion.

23 We have to organize, and we have to raise serious money to
24 contest this. This is not a minor project. I realize all we're
25 doing is contesting the environmental impact, it is nothing more
26 than that. But there are some issues on there that were not
27 done, again, by the legal definition as best practices. They
28 were done minimal standards, at best. Which is, you know, how

AUGUST 6, 2014

1 businesses work. Why would you do more than what you have to?
2 But a lot of this stuff is contestable, including the comments
3 that I made. I was one of the people that made comments on the
4 initial Environmental Impact Report. And my comments were
5 addressed as it's insignificant. In the Environmental Impact
6 Report. This is what we're up against. It's frightening. It is
7 frigging frightening.

8 CHAIR FIDDAMAN: Thank you, Mr. Heitzman.

9 MR. MUFSON: Dan Mufson again. Just to set the record
10 straight, my letter to the Planning Commission requesting an
11 increase in time to look at this didn't put a time limit on
12 there. As a layman I have no idea what the boundaries were. But
13 certainly 45 days never entered in my mind that it had to be a
14 longer period of time. So I hope you'll consider that this
15 morning.

16 CHAIR FIDDAMAN: Thank you.

17 MR. MARGADANT: Good morning again Commissioners. This is
18 Gary Margadant. I just wanted to bring up a little point because
19 we're arguing--or excuse me, we're discussing the difference
20 between lay people and professional people and stuff, and the
21 amount of time that they have on a project. As they said, you
22 know, this project has been going on since 2006, so that's a
23 considerable period of time.

24 And the applicant, you know, has responsibilities to do.
25 He's got to produce all different types of reports, he's got to
26 set up, he's got to check for the red-legged frog, he's got to
27 find a guy who's going to do this first. Then he's got to make a
28 contract with him. Then he's got to set it up and the guy has to

AUGUST 6, 2014

1 go out and look in all of the wetlands up there, and things like
2 that. He's got to get a guy up there to count all of the trees.
3 And I don't remember--I can't remember, was it a figure of 6,000
4 trees?

5 AUDIENCE COMMENTS: Twenty-eight thousand--six hundred and
6 sixteen.

7 CHAIR FIDDAMAN: Twenty-eight thousand, yeah. A lot of
8 trees. [Laughter.]

9 MR. MARGADANT: My memory is fading, but I'm glad that
10 there's a lot of gray matter out here. But, you know, somebody
11 has to go out and count those trees. I mean, you know, so it
12 does take time to do that. And if, as Mr. Mufson said, you know,
13 they have to produce reports and get their own experts and stuff
14 like this, to counter this on the basis of a professional
15 opinion, well then it's very difficult, you know, to do that in
16 45 days. And you must remember that, you know, these people want
17 an equal chance, you know, to present their case. You know, as
18 you consider it to be dueling experts, that sort of thing.

19 But they do need more time. And I would heartily recommend
20 that you give them some type of reasonable thing, and--a
21 reasonable amount of time. And if you could have another hearing
22 just to--or administrative thing, just to talk about whether
23 they have had enough time, you know, to complete this subject, I
24 think that would be very--most helpful to the project. You know,
25 and a fair rendition of the ability to balance what is going on
26 here. So thank you very much.

27 CHAIR FIDDAMAN: Thank you, Mr. Margadant.

28 MS. HIRAYAMA: Could I just make one quick comment again?

AUGUST 6, 2014

1 Regarding the 45 days...

2 CHAIR FIDDAMAN: If you'll say who you are again for the
3 record.

4 MS. HIRAYAMA: Lisa Hirayama. Lisa Hirayama. The 45 days is
5 what we all thought that we had, and that was the maximum. Which
6 is--once I found out we had more time, you know, I started
7 telling people that. So some people put 60 days, and then some
8 people have even further out. I actually asked for six months
9 because I realize I don't know how much time I have. I figure
10 six months possibly you guys could give us, but if it, you know,
11 it would be less than six months. But that's--it's not that
12 everybody wanted only 45 days, it's because that's what we all
13 thought at the time. Thank you.

14 CHAIR FIDDAMAN: Okay. Looks like that is all the comment
15 from the public. I think that's been a good dialogue on the
16 issues here. I'll bring it back to the Commission for comments
17 and a motion, if necessary. Commissioner Basayne.

18 COMMISSIONER BASAYNE: Yeah, just to continue the
19 discussion about how many days is the correct number of days,
20 you know, certainly we've looked at a number of different
21 continuances in the past. And we felt that if indeed there is an
22 objection or a reason to continue we will continue, certainly
23 more than once.

24 And so I certainly don't want to assign an arbitrary number
25 here. Although the sense I get is perhaps six months might be
26 sort of an outer limit. Although I know that the public may
27 disagree with that, I absolutely don't feel that 45 is enough.
28 Nobody's applauded for me yet, though, so I'm waiting for that.

AUGUST 6, 2014

1 [Applause.]

2 COMMISSIONER BASAYNE: Thank you. Thank you. But, and I'm
3 not really looking for that. [Laughter.] But needless to say I
4 would throw in a number without being arbitrary, but at least 90
5 days at this point I think would make sense. So I'm interested
6 in what my fellow Commissioners have to say, and perhaps we can
7 come up with some kind of extension here that's meaningful.

8 CHAIR FIDDAMAN: Okay. Commissioner Scott.

9 COMMISSIONER SCOTT: Well I've been wrestling with this as
10 well. And given the starting point and the length of time that
11 this process has--or that this application and project has been
12 in process, I would be receptive to a 120-day extension. It
13 seems reasonable and a reasonable compromise between what the
14 neighbors would like and what the applicant must bear.

15 COMMISSIONER PHILLIPS: I would support that
16 recommendation.

17 DIRECTOR DAVID MORRISON: For the Commission's reference, a
18 120 days on top of the current 45 days would put the comment
19 period around Christmas Eve.

20 COMMISSIONER SCOTT: I wasn't talking about in addition to
21 the 45 days.

22 DIRECTOR MORRISON: So a total of 120.

23 COMMISSIONER SCOTT: I was talking about a total of 120
24 days.

25 DIRECTOR MORRISON: That would put the comment period to
26 approximately November 8th.

27 COMMISSIONER SCOTT: Okay.

28 CHAIR FIDDAMAN: Yeah, I, you know, I've already mentioned

AUGUST 6, 2014

1 that I have some discomfort with extending this too much longer
2 than the vast majority asked for, just out of fairness to the
3 applicants. But I'm not uncomfortable with a 90-day extension
4 myself, which gives them a total, which gives all of you a total
5 of 115 days to respond, which is almost four months. And so that
6 would be--that's where my comfort area lies, would be a 90-day
7 extension...

8 COMMISSIONER PHILLIPS: On top of the 45.

9 CHAIR FIDDAMAN: On top of the 45 days.

10 COMMISSIONER PHILLIPS: So, it's 115 days...

11 CHAIR FIDDAMAN: Right.

12 COMMISSIONER PHILLIPS: ...total, rather than 120 days
13 total.

14 DIRECTOR MORRISON: 90 plus 45 is 135. For clarification
15 are we talking about 90 plus 45 is 135.

16 CHAIR FIDDAMAN: Right, okay. 135 days, so it's more than
17 four months.

18 DIRECTOR MORRISON: Okay.

19 CHAIR FIDDAMAN: Bad math.

20 COMMISSIONER PHILLIPS: So you're saying 135, so you're
21 actually saying higher than what--the number that Terry said.

22 [Applause.]

23 CHAIR FIDDAMAN: Yeah, well. Somewhere in that range.

24 COMMISSIONER PHILLIPS: I didn't even coffee this morning.
25 Wow.

26 CHAIR FIDDAMAN: A hundred and twenty to 135 days. Yeah.
27 So, Commissioner Basayne.

28 COMMISSIONER BASAYNE: Chair Fiddaman, I would agree with

AUGUST 6, 2014

1 you, and let's just go for 135 days.

2 COMMISSIONER PHILLIPS: We're done.

3 COMMISSIONER BASAYNE: So if there...

4 COMMISSIONER PHILLIPS: Oh wait...

5 CHAIR FIDDAMAN: So what we'd be talking about here is
6 instead of a 45-day extension, a 90-day extension beyond...

7 COMMISSIONER PHILLIPS: On top of the 45.

8 COMMISSIONER BASAYNE: On top of the 45.

9 CHAIR FIDDAMAN: Beyond the existing 45-day response
10 period.

11 DIRECTOR MORRISON: Okay. We're over here furiously trying
12 to look at calendars. We believe that 135 days would put it to
13 November 23, which is a Sunday, so we would ask that the comment
14 period would end on November 24, which is the Monday before
15 Thanksgiving.

16 CHAIR FIDDAMAN: All right.

17 DIRECTOR MORRISON: Just for reference.

18 COMMISSIONER PHILLIPS: Okay.

19 CHAIR FIDDAMAN: So, you're saying a specific approval to
20 extend to November 24.

21 DIRECTOR MORRISON: Yes, the comment period can't end on a
22 weekend. People have the right to...

23 CHAIR FIDDAMAN: Right.

24 DIRECTOR MORRISON: ...the next business day. So we would
25 ask that it just be made the 24th.

26 CHAIR FIDDAMAN: Okay.

27 DEPUTY DIRECTOR MCDOWELL: And maybe instead of talking
28 about the actual number of days, maybe we should just pick a

AUGUST 6, 2014

1 date for clarity for everyone, and...

2 CHAIR FIDDAMAN: Right.

3 DEPUTY DIRECTOR MCDOWELL: Say...

4 COMMISSIONER PHILLIPS: It sounds like based on the days
5 that would be it. It would be November...

6 COMMISSIONER BASAYNE: 24th.

7 COMMISSIONER PHILLIPS: 24th.

8 CHAIR FIDDAMAN: Right.

9 DEPUTY DIRECTOR MCDOWELL: It might be better to do the
10 Friday before that.

11 CHAIR FIDDAMAN: Probably would.

12 DEPUTY DIRECTOR MCDOWELL: The Friday before that?

13 AUDIENCE MEMBERS: Why?

14 COMMISSIONER BASAYNE: Yeah.

15 CHAIR FIDDAMAN: Okay.

16 COUNSEL ANDERSON: You want the last weekend?

17 CHAIR FIDDAMAN: So the Friday before would be November
18 Twenty...

19 DIRECTOR MORRISON: 21st.

20 COMMISSIONER PHILLIPS: First.

21 CHAIR FIDDAMAN: First. Okay. I think that's fair. That's--
22 so. Commissioner Scott.

23 COMMISSIONER SCOTT: No comments. I was going to make a
24 motion. Go ahead, Commissioner Phillips.

25 DEPUTY DIRECTOR MCDOWELL: If I--Chairman Fiddaman, if I
26 could dive in.

27 CHAIR FIDDAMAN: Sure.

28 DEPUTY DIRECTOR MCDOWELL: For the benefit of the audience,

AUGUST 6, 2014

1 what occurs after the close of the public comment period, it
2 takes Staff several weeks, if not months, to digest the
3 comments, distill them, respond to them, before we send out the
4 notice of the final EIR being published. So, it's not like there
5 will be a decision made three days after all of these comments
6 come in. I imagine we're going to get volumes of comments on
7 this particular project. So, it might be spring of the following
8 year by the time the comments are all compiled and ready to be
9 published in a final EIR.

10 CHAIR FIDDAMAN: Thank you, John. That's a very helpful
11 reminder. So that everybody understands. You know, when a draft
12 EIR is put out for a response, all the responses are made, and
13 then all of those responses have to be responded to in the final
14 EIR. And so, it is a pretty lengthy process. And as John says,
15 it will probably be the following spring before you'd actually
16 have a final EIR.

17 And then for everybody, I'd just like to remind you all,
18 that, you know, once all of that has happened, there's still
19 appeal periods that go on to the Board of Supervisors and so on.
20 So. So I am--my own thought is that a November 21st deadline for
21 responses to this draft EIR is a pretty generous move on this
22 Commission's part. So. I would invite a motion.

23 COMMISSIONER SCOTT: So moved.

24 CHAIR FIDDAMAN: Second?

25 COMMISSIONER BASAYNE: Second.

26 CHAIR FIDDAMAN: All in favor, say aye.

27 COMMISSIONER SCOTT: Aye.

28 CHAIR FIDDAMAN: Aye.

AUGUST 6, 2014

1 COMMISSIONER BASAYNE: Aye.

2 COMMISSIONER PHILLIPS: Aye.

3 CHAIR FIDDAMAN: Opposed? So it's carried unanimously to
4 extend the response period for this EIR to November 21st, Friday.
5 Thank you very much everybody for being here today.

6 MS. HIRAYAMA: I just have one quick question.

7 CHAIR FIDDAMAN: Sure.

8 MS. HIRAYAMA: Lisa Hirayama. Are we allowed to ask for
9 another extension at that point, or is this a one-time thing.

10 CHAIR FIDDAMAN: Ummm. You know, you can always ask. I
11 don't know what...

12 MS. HIRAYAMA: I just want to make sure that, you know, we
13 have that option, as opposed to we find out after this has
14 happened that this was it. This is all the time that we get.

15 CHAIR FIDDAMAN: I can't personally give you an answer on
16 that, but, Laura.

17 COUNSEL ANDERSON: The only thing I can say is that, you
18 know, the Commission has decided to extend it to this period,
19 this is unusual to extend a comment period out this far on an
20 erosion control plan. And you can ask for anything you like.
21 But, Staff, I don't believe, would be inclined to bring this
22 forward to the Commission for a further extension. So I would
23 suggest if you have comments put them in now.

24 MS. HIRAYAMA: Okay, so then this is basically November
25 21st, you said, will be...

26 CHAIR FIDDAMAN: Right.

27 MS. HIRAYAMA: ...the only time we have.

28 DIRECTOR MORRISON: Well, you should also note that the

AUGUST 6, 2014

1 decision by the Commission to extend the comment period is
2 appealable by both neighbors and the applicant. So, assuming
3 that this does not get appealed up to the Board of Supervisors,
4 November 21st would be the comment. I agree with Ms. Anderson,
5 and absent any compelling evidence, I don't know that Staff
6 would support any further extensions. But, we'd have to look at
7 it when it comes in.

8 MS. HIRAYAMA: Okay. All right. Thank you.

9 CHAIR FIDDAMAN: Thank you. All right well thank you
10 everybody for being here today. And it's democracy in action.
11 We're going to take a brief recess before we move on to the next
12 administrative items.

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AUGUST 6, 2014

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1 I, Kathryn F. Johnson, do hereby certify and believe:

2 That the foregoing pages are a true and correct transcript
3 of the proceedings before the Napa County Planning, Building &
4 Environmental Services Department, Napa, California, excepting
5 words noted "inaudible" or words placed in [brackets] to the
6 best of my ability. Speech disfluencies, discourse markers and
7 pause fillers have been deleted, except when deemed function
8 words. Commas may be used for emphasis as well as for grammar.

9 I further certify that I am not interested in the outcome
10 of said matter or connected with or related to any of the
11 parties of said matter or to their respective counsel.

12 Dated this 19th day of September, 2016.

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15 Kathryn F. Johnson
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AUGUST 6, 2014