

CERTIFIED

NAPA COUNTY PLANNING COMMISSION

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IN RE: ITEM 9A
MOUNTAIN PEAK WINERY/MOUNTAIN PEAK VINEYARDS, LLC--USE
PERMIT NO. P13-00320-UP AND ROAD AND STREET STANDARDS
EXCEPTION REQUEST,
APPLICANT: STEVEN REA

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TRANSCRIPT OF VIDEOTAPED PROCEEDINGS
MEETING OF JANUARY 4, 2017

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PRESENT:

JERI GILL, Chair, District 5
MICHAEL BASAYNE, District 2
ANNE COTTRELL, District 3
TERRY SCOTT, District 4

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Transcribed by: Kathryn Johnson

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1 CHAIR GILL: All right. Thank you for indulging us for a
2 short reading break. Homeroom is now over and we will move on to
3 Item 9A. And I'm assuming Deputy Director McDowell will take the
4 mic.

5 DEPUTY PLANNING DIRECTOR JOHN MCDOWELL: Thank you Chairman
6 Gill.

7 CHAIR GILL: You're not on.

8 DEPUTY DIRECTOR MCDOWELL: There we go.

9 CHAIR GILL: Thanks.

10 DEPUTY DIRECTOR MCDOWELL: I'm having mic issues.

11 CHAIR GILL: That's okay.

12 DEPUTY DIRECTOR MCDOWELL: Commissioners, John McDowell
13 representing the Planning Division. This item is a continued
14 hearing, as Ms. Gallina noted from your July 20th regular
15 meeting, 2016, concerning the Mountain Peak Winery. This is a
16 hundred-thousand-gallon annual production winery located near
17 the end of Soda Canyon Road. I have the complete graphics
18 package if you wish to go back through that again, but I was not
19 planning on covering that in this presentation.

20 The site is on the screen here, I believe it's 41--a little
21 over 41-acre site. The winery would be located on the southern
22 portion of the site closest to Soda Canyon Road, which is
23 located at the bottom of the screen here. Generally where this
24 cluster of trees are is where the tasting facility would be and
25 then the cave and work area would be located on this portion of
26 the site. The remainder of the site would pretty much remain in
27 vineyards other than a number of vineyards would be removed and
28 then replanted after cave spoils are deposited in those areas.

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1 As I'm sure you recall from the July 20th meeting, we
2 received a lot of correspondence in the days leading up to the
3 hearing and at the hearing. We had a lengthy hearing with
4 testimony from a variety of people. At the conclusion of that
5 hearing the Planning Commission, at Staff's request, continued
6 the item to August to allow Staff the opportunity to digest all
7 the materials.

8 While we were reviewing the materials in August it was
9 determined that additional hydrologic review would be done by
10 the applicant's hydrologist, a response to a hydrological report
11 that came in that led to several additional continuances and got
12 us to where we're at here today.

13 So in our Staff Report we detailed our responses to the
14 main issues surrounding the project. I'm sure everyone is here
15 to speak far better than I can on what those issues are, but
16 just to simply outline the areas of focus, there were concerns
17 raised about fire safety, traffic, biological impacts,
18 hydrology, and noise impacts.

19 As we note in the Staff Report we believe that all of the
20 impacts have been adequately addressed and Staff is recommending
21 approval of the project in its revised form. That includes
22 applicant-proposed revisions that occurred on July 20th where the
23 project--the physical improvements with the project remain the
24 same, as well as production, but the applicant significantly
25 scaled back the visitation and marketing program.

26 Daily visitation went from 80 visitors on a busiest day
27 down to 60 visitors. Weekly visitation went from 320, busiest
28 week, down to 275. And then marketing events went from 78 total

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1 events down to three events.

2 Essentially all of the smaller events were eliminated.
3 There were 36 events for 12 people and 36 events for up to 24
4 people, which were taken out of the project, which leaves two
5 events for 75 people and one event for 150 people.

6 In your packet materials, Attachment C is an updated winery
7 comparison analysis, which shows where both the originally
8 proposed project and the revised project sit in comparison to
9 its peers. That was prepared by Staff.

10 I'm sorry, I lost my train of thought here. Oh. And then
11 the last aspect that I wanted to cover here was in regard to the
12 basic premise behind Staff's support of the project. With the
13 issues that are coming forward, especially on water availability
14 and biology, the concern is that the project would potentially
15 dewater groundwater resources in the area, as well as
16 potentially result in impacts to biological species.

17 From the analysis conducted by the applicant's hydrologist,
18 as well as reviewed internally here with the Staff, water use is
19 already significant on the project site and the project results
20 in a net loss of 2.96 acres of vineyards, and as a result, the
21 water use associated with the winery will actually be just
22 slightly less than what the water use is currently out on the
23 project site. This has led Staff to the conclusion that the
24 project itself, which is the construction of a winery, does not
25 have the potential to cause hydrological or biological impacts.
26 And thus we're resolved on supporting the Draft Negative
27 Declaration that we've put forward to you today.

28 So with that, there are revised updated Conditions of

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1 Approval that not only reflect the applicant's proposed
2 revisions to the project, but they also include updates in terms
3 of changes that have occurred to the standard Conditions of
4 Approval over the last six months here while this project's been
5 in process.

6 That's all I wish to share with you at this point. I'd be
7 happy to answer any questions. Thank you.

8 COMMISSIONER BASAYNE: Just a quick question, Deputy
9 Director. The cave spoils, where are they going to be deposited?

10 DEPUTY DIRECTOR MCDOWELL: They show best on this exhibit
11 right here. Let's see if I can get the magic hand to work.
12 Here's the winery site on the southern portion of the site and
13 one cave spoil deposition area is up here on the northwestern
14 side of the property and then the second is over in this portion
15 of the property. And if we could see enough detail there, the
16 engineers actually calculated the amount of fill that's
17 associated with each one of those spoil piles.

18 COMMISSIONER BASAYNE: Thank you.

19 CHAIR GILL: Deputy Director, I had a quick question, and
20 it might be jumping ahead a little bit on the Conditions of
21 Approval. I noted that the LYVE wastewater treatment system was
22 called out specifically by brand name and I was wondering if
23 that was because of the applicant's request. So should this move
24 forward today, are we tying them to a brand that maybe--if that
25 changes, how does that affect the Conditions?

26 DEPUTY DIRECTOR MCDOWELL: We'd certainly be open to a
27 change if the applicants...

28 CHAIR GILL: Okay.

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1 DEPUTY DIRECTOR MCDOWELL: Yeah. I see. Condition 1.2e,
2 installation of a LYVE wastewater treatment system. I think...

3 CHAIR GILL: And I know that there are other...

4 DEPUTY DIRECTOR MCDOWELL: ...that wording could be
5 changed.

6 CHAIR GILL: Okay.

7 DEPUTY DIRECTOR MCDOWELL: If we get down to that level of
8 detail.

9 CHAIR GILL: Okay. All right. I will open the Public
10 Hearing.

11 DEPUTY DIRECTOR MCDOWELL: Just for the record, the Public
12 Hearing has remained open since July 20th...

13 CHAIR GILL: Oh.

14 DEPUTY DIRECTOR MCDOWELL: ...But it is appropriate for us
15 to reopen this hearing...

16 CHAIR GILL: Oh. I'm reopening. Reopening after a very long
17 break--recess.

18 DONNA OLDFORD: Good morning Chairman Gill, members of the
19 Commission, Staff. My name is Donna Oldford, I'm a planning
20 consultant from St. Helena. I'm here this morning representing
21 the Mountain Peak Winery and their use permit hearing number
22 two, continued.

23 As I was preparing for this hearing last night--I want to
24 introduce--we have a number of people here today. We're not
25 going to reiterate what was done in the last hearing or what
26 John has presented to you in the Staff Report. We do have Steven
27 Rea, who is the applicant's representative on the project. We
28 have Garrett Buckland, our viticulturist, Brien McMahon from

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1 Perkins Coie, our legal counsel. Earl Wilson, the project
2 architect from BAR, Paul Bartelt is or civil engineer. We have
3 Tony Hicke from Slade Associates, and also Mark Crane from Crane
4 Transportation Group, here to answer questions, and that's
5 primarily what we'll be doing today.

6 As I was preparing just a brief overview this morning, it
7 occurred to me, I guess it's a sign of the times that this--in
8 my 28-year career, 28-and-a-half-year career here of doing
9 winery permits, this is the--probably the most environ--
10 certainly the most environmentally sensitive project I've worked
11 on and I would argue the best designed. And yet it has taken the
12 longest amount of time to process and it has probably been the
13 most controversial project.

14 So it's a kind of interesting situation. I think if every
15 project that came before this Commission assumed the same
16 footprint and profile as this one, the LEED Platinum design
17 performance, the practically unprecedented greenhouse gas
18 emissions checklist, almost the entire winery is housed in the
19 wine cave and not visible. Less water use with the winery than
20 without it. And the applicant will speak to the issue of
21 improving fire hazard conditions by providing access to their
22 water on site, their water storage area, and I'll have Steve
23 speak to that.

24 They have 92 percent of their full 100-gallon-per-year
25 production either under their ownership or their control on site
26 or on an adjacent large parcel, so this will all--virtually all
27 be estate-grown wine.

28 We have a negative declaration for this project. Not a

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1 mitigated neg. dec., but a negative declaration. We've spoken to
2 all of the concerns that were expressed in neighbors meetings,
3 the meetings we had with neighbors, and completely redesigned
4 the project to be responsive to those, including downsizing the
5 winery, the wine caves, by 49 percent of what they were as
6 originally proposed.

7 We have no variances on this project. We have one very
8 minor road exception for the road grade and that is traffic that
9 will only be winery production traffic, it will not be visitor
10 traffic.

11 So that's about as good as it gets. I was reminded of our--
12 of former commissioner Tony Holzhauer's comments from one of my
13 hearings from years ago. He said in Napa County it's true. We
14 grow wine, we make wine, and yes, we like to sell a little wine
15 too. The General Plan is filled with goals and policies for the
16 protection of agriculture. The promotion of agriculture is our
17 primary industry in this valley. This project is consistent with
18 those goals. It's consistent with the ordinances of the County
19 in every way and I just wish that every project I bring before
20 you had that kind of performance standard and I hope that the
21 Commission will see the wisdom in supporting that type of
22 project and hopefully this can serve as a sort of role model for
23 others.

24 On marketing, I just wanted to make the comment that we
25 have scaled back the marketing from 80 tours and tastings per
26 day on busiest day to 60. We completely eliminated the food and
27 wine pairings. We want the ability to serve food with some of
28 the private tours and tastings, but we completely eliminated all

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1 of the wine and food events, which is important because it
2 basically takes after dark traffic off that road entirely except
3 for larger events, which will have more higher occupancy
4 vehicles than a smaller one would have.

5 We request that the Commission not scale us back yet again
6 on the tours and tastings because of the concessions that the
7 applicant has made. If the Commission is so inclined for some
8 reason, then we would simply ask that the food and wine events
9 that we've already conceded that we revisit that at least for
10 some of those because doing away with those entirely means that
11 the applicant is entirely reliant on the private tours and
12 tastings for their direct to marketing promotion of this wine
13 and building of the brand.

14 So as I said, we're here to answer questions. We request
15 the opportunity for rebuttal at the conclusion of all testimony
16 and we will be holding our rebuttal to two areas, number one, if
17 there are statements that we feel need to be corrected for
18 accuracy for purposes of the record, we'll say something about
19 that. And number two, if you have specific questions of us,
20 obviously we have everybody here to answer those questions and
21 we're happy to do that. We may--there may be some questions or
22 points made, for instance, the letter regarding the LEED
23 certification and the LEED design. I think that's all in your
24 packets from last time, the presentation, and I will be asking
25 the Commission if you choose to have us address that.

26 We'd like to keep things short today. We know there are a
27 lot of people who have come here to speak and we are very
28 hopeful that we will leave today with a decision from the

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1 Commission to support this, what we feel, a very excellent
2 project. Thank you for your time, for your patience and if there
3 are any questions for me I'm happy to answer them and if not I
4 would like to yield to Steve Rea, the applicant's
5 representative. Any questions for me?

6 CHAIR GILL: No?

7 MS. OLDFORD: Thank you.

8 CHAIR GILL: Thank you, Ms. Oldford.

9 STEVEN REA: I'm Steven Rea, the representative of the
10 owner and resident at Petra Drive. Very Happy New Year to you
11 all. Thank you all so much for your efforts in your role, I know
12 you don't get fame or fortune and I appreciate your efforts on
13 behalf of the County.

14 Donna expressed it, I think, very eloquently and accurately
15 and we covered all the details at the past hearing, so I just
16 want to reinforce that from the very beginning we've really
17 tried to do a good project, to understand the laws, to be
18 socially responsible, to be environmentally responsible, and
19 every step of the way from before we even applied for the
20 project reaching out almost three miles. We had people coming
21 away from us to go to the barbecue to say that we're going to be
22 doing this project and that was back when the County was only
23 requiring like 300 feet.

24 So this kind of spirit we've been doing throughout all
25 aspects of our project. We've converted to organic farming, we
26 care about the environment, we're targeting LEED Platinum, we
27 care about the neighbors, we've brought in the mailboxes. And
28 the reason I'm saying this is not because we're doing it to get

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1 something out of it. It's how we are. It's our ethos. We really
2 care. And after this project should the Commission see fit to
3 approve it, we will continue to be good neighbors, we'll
4 continue to be good stewards of the land.

5 We have 220 acres total with 116 acres of vineyards. We
6 care very much about the farming. We've designed this to be in
7 keeping with both the letter and the spirit of the General Plan,
8 the direction of Napa County, and we've done everything we could
9 with the guidelines, laws, precedents, pretty much everything
10 that we could follow to try and adhere to it and go beyond that
11 because, again, that's who we are.

12 So if policy changes or laws change we'll change. But I
13 can't image--I honestly can't imagine us doing a whole lot more
14 to run a viable agricultural business in our application. So
15 thank you very much. If you have any questions, we're happy to
16 answer and we really appreciate it.

17 CHAIR GILL: Thank you, Mr. Rea.

18 BRIEN MCMAHON: Good morning Chair Gill, members of the
19 Commission. My name is Brien McMahon. I'm the attorney for the
20 applicant and you heard from me the last time and I don't want
21 to duplicate what I said then or to--or what Mr. McDowell or Ms.
22 Oldford or Mr. Rea said, but I just want to emphasize one thing.

23 As we discussed in the July hearing, there was an initial
24 study prepared for this project which determined that there was
25 no environmental--significant environmental impact and therefore
26 the recommendation was for a negative declaration, not a
27 mitigated negative declaration.

28 You've received numerous letters from concerned neighbors,

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1 and as I've mentioned to Chair Gill the last time around, these
2 are heartfelt concerns of the neighbors, but they should not be
3 conflated with the project and any alleged impacts that the
4 project has and as the initial study concluded and as Mr.
5 McDowell stated in his staff report January 4th, nothing has
6 really changed despite the hundreds of pages of submissions
7 regarding Soda Canyon Road road safety issues, traffic safety,
8 hydrology, biology. There simply are no impacts of the project.
9 There's no nexus between the project and those existing
10 conditions and we have people here to talk about any of the
11 specific ones if you want to hear them, but the key point is
12 that the existing conditions and the project are two separate
13 things and they don't meet.

14 On traffic you had the traffic study which indicated the
15 level of service was at Level A and won't be changed by the
16 project, well within the County's standards. On hydrology you've
17 heard from Mr. McDowell and you've seen in the Slade response
18 that there's no additional water use arising from the project
19 and indeed a net reduction.

20 Therefore, there can't be any hydrological or biological
21 impact and even if there were some tweaking of some of those
22 numbers, there's still, in the Slade report, ample evidence that
23 the project water level has been stable over time and no
24 evidence of any impact to neighboring wells, and therefore
25 there's no water impact. The same with biology. No evidence at
26 all of any actual impact and certainly couldn't be any if the
27 project is using less water than under the existing conditions.

28 And in terms of the noise, the initial study concluded that

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1 all of the noise impacts, even when we had 78 proposed events,
2 were within County standards. With the reduction from 78 to
3 three and elimination of all nighttime events with the exception
4 of three events, there's certainly no further concern in that
5 regard and Mr. McDowell stated that in his report.

6 And then the road safety, we worked with the County to just
7 take a look at the existing conditions and provided input to the
8 County on that and you've noted some comments by Mr. McDowell in
9 his report on that. But again, that has nothing to do with the
10 project, that existing condition, and there's no nexus between
11 the project and that.

12 So in conclusion, there is simply no impact, significant or
13 otherwise, of this project on the environment and we request
14 that you approve the negative declaration as recommended by
15 Staff and its very thorough initial study and subsequent report.
16 And I'm happy to answer any specific questions either now or
17 after the neighbors have a chance to speak, but I am conscious
18 of your time and don't want to belabor this. Thank you.

19 CHAIR GILL: Thank you. Anyone else from the applicant's
20 team? I'm assuming you're here just for reference.

21 MS. OLDFORD: Q and A.

22 CHAIR GILL: Okay. Q and A. Before we begin the rest of the
23 public testimony, I just want to lay some guidelines out for
24 everybody. We will be trying to keep it to the three-minute mark
25 and there is a stop, slow down, go, light on the podium to help
26 with that, as well as, I think, a very annoying beep from what I
27 understand.

28 So please try to keep it to three minutes. We have a lot of

1 people here who would like to share information and opinion and
2 we want to be fair that everyone is able to do so. Please also
3 keep your comments to the item and the project, not--no personal
4 comments about neighbors or applicants or consultants. It really
5 is about this project. So as much as we all loved the--midnight
6 at December 31st, no cheering or booing, if you will, depending
7 on how you felt about 2016.

8 And I guess just to sort of frame this is that disagreement
9 and differences of opinion happen in the public process. It's
10 very important. I think that makes, sometimes, things better in
11 the end. We get to a place where everyone can at least agree on
12 something. We understand that disagreement happens, but it's how
13 we express that disagreement that really sets the tone and
14 meetings that hold civility and respect in the highest priority
15 is, I think, something that we should all strive for in this
16 meeting and in this process, as well as in this community in
17 which we all live and work.

18 Regardless of what we agree or disagree on in this room, we
19 all walk outside that door and we live in this community
20 together, so please remember that as we are speaking today and
21 you may continue.

22 And now nobody wants to come up. Did I scare you?

23 [MR. MCMAHON:] So the applicants--it's now open to the
24 public?

25 CHAIR GILL: Yes. And just a reminder. Please, for the
26 record, state your name and your address so that we have that
27 for the record.

28 YEORYIOS C. APALLAS: Good morning Madam Chair,

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1 Commissioners, Staff members, Director, and Counsel. Yeoryios C.
2 Apallas. I have the privilege and honor of representing the
3 residents of Soda Canyon Road and the respondents in this
4 matter.

5 We will address issues that are new and have been brought
6 up by reason of various presentations by others from the
7 applicant's side. But I would like to first set out the
8 parameters within which this decision of the Planning Commission
9 should be based.

10 It is on State law and that State law is found in various
11 reported cases and the regulations and guidelines pertaining to
12 CEQA. An important consideration is that the County must prepare
13 an EIR whenever it is presented with a fair argument, and I
14 emphasize fair argument, that a project may have a significant
15 effect on the environment even if there is also substantial
16 evidence to indicate that the impact is not significant. That is
17 a state Supreme Court case of No Oil, Inc. versus City of Los
18 Angeles.

19 And another important principle that has been established
20 over the history of environmental law is that where there are
21 conflicting opinions regarding the significance of an impact,
22 the agency must treat the impact as significant and prepare an
23 EIR. That is Stanislaus Audubon Society against County of
24 Stanislaus and I have the cites for counsel if they so wish it,
25 but I'm sure they're quite familiar.

26 With that background in mind I should point out, first,
27 that the concession that has been made by applicants is giving
28 away the sleeves from their vests. Really it isn't significant

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1 at all. The original proposed visitation figures are 18,486. It
2 was represented that it was going to be 50 percent in what was
3 proposed. The actual revised visitation figure is 14,575 and
4 that amounts to about 21 percent reduction, not the 50 percent
5 reduction that the applicants represented to this board.

6 Next slide, please. The visitation, we have taken a look at
7 in terms of visitors and although they proposed 16,640 in the
8 original application, the 14,300 now is what is being considered
9 by the Commission, ultimately the revised visitation numbers are
10 still too high based on--based on the project's scope and
11 acreage.

12 Although we have testimony from their viticulturist, who I
13 respect and count as a friend, that he will be able through
14 magic processes yield some 5.5 tons to the acre. Believe me I'm
15 just down the road from them and I struggle to get about three,
16 three and a half. Others will testify that that number is
17 unrealistically high and therefore the numbers do not support
18 the visitation that they propose.

19 Next slide please. We have also taken a look at the various
20 projects that are in the queue right now and/or around Soda
21 Canyon Road and Silverado Trail and those are Reynolds, Corona,
22 Jasper, oh the architect and builder Rossi--Grassi, and just--
23 Beau Vigne. Choked up. I apologize.

24 When you factor all of the traffic increases by reason of
25 these cumulative impacts, you will see that there is an 88
26 percent increase to existing traffic based on this project and
27 future approved projects or to be approved projects and that.
28 And that to me suggests that there will be significant impacts

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1 that ought to be weighed and considered through an environmental
2 impact statement. There will be more traffic incidents,
3 accidents, and fatalities. There will be increased fire risk,
4 more adverse environmental impacts including watershed pollution
5 and deterioration and increased risk of exposing the county and
6 taxpayers to liability.

7 Each of these headings will be addressed by various members
8 of the community. And I must tell you that in closing, you've
9 got to really either do one of two things here. Recommend to the
10 Board of Supervisors that this project be rejected as it's
11 currently constituted and modified, or refer the matter back to
12 Staff to require that they prepare a full bore environmental
13 impact statement to consider all of the fair arguments and facts
14 that have been presented by experts such as hydrology and so
15 forth.

16 Thank you, I'll be happy to answer any questions.

17 CHAIR GILL: Thank you, Mr. Apallas.

18 JULIA ARGER: Good morning Commissioners. My name is Julia
19 Arger and I, along with my husband, purchased our property at
20 3030 Soda Canyon Road in 1997. I divide my time between my home
21 in Reno and our vineyard home here in Napa. I currently am a
22 governor-appointed board member of the Nevada Arts Council, a
23 state agency that oversees the awarding of arts and grants to
24 artists and arts organizations. I have served for eight years in
25 this capacity, the past three as board chair. And as chair, I am
26 a commissioner on the Nevada Department of Tourism Commission.

27 I understand and appreciate the significance of tourism.
28 However, tourism needs to be managed skillfully and requires

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1 conscientious and astute leadership. Each of you on the Napa
2 County Planning Commission is charged with the responsibility to
3 make informed and wise decisions that demonstrate your
4 proficient leadership and I thank you for taking on this
5 important job.

6 The Mountain Peak Winery application includes 14,575
7 visitors a year. Tourists traveling a dangerous, windy, rutted,
8 remote mountain road. Current Napa County Sheriff incidents on
9 Soda Canyon Road from January 1st, 2014, to September 26th, 2016
10 include, as you can see on the chart, numerous medically related
11 incidents, including eight calls for a medic, four seizures, two
12 overdose, two breathing problems, two trauma and four assaults.
13 These medical emergencies require access on Soda Canyon to serve
14 the safety and welfare of citizens. With 14,575 visitors to
15 Mountain Peak Winery at the top of Soda Canyon Road, that access
16 could be jeopardized.

17 In addition to the medical incidents, please note the 28
18 drunk driver incidents, the 11 traffic collisions, the seven
19 traffic hazard and the 13 traffic stop incidents. All of these
20 affect the safety and welfare of neighbors and workers, as well
21 as visitors to Soda Canyon. Adding 14,575 tours to this road is
22 a potentially dangerous proposition and totally irresponsible.

23 In summary, the Napa County Sheriff incidents on Soda
24 Canyon Road from January 1st, 2014, to September 26th, 2016, show
25 465 calls for service, with an average of 14 calls per month,
26 and 169 calls per year. Please note that the daytime incidents,
27 7 a.m. to 6 p.m. number 341, or the majority of the calls. This
28 timeframe is when Mountain Peak expects to receive their 14,575

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1 visitors. Adding this absurd visitation number will certainly
2 affect the safety and welfare of neighbors and workers already
3 using Soda Canyon Road.

4 The next slide shows the California Highway Patrol
5 incidents on Soda Canyon Road from January 1st, 2013, to October
6 3rd, 2016. As you can see, there were nine two-car collisions, 12
7 one-car collisions, six reckless driving incidents, and two
8 semi-truck stalls or accidents. Again, the daytime incidents at
9 32 surpass the nighttime incidents.

10 To summarize the combined CHP and Sheriff's Soda Canyon
11 Road incidents totaled 518, an average of 12 incidents per
12 month, an average of 138 incidents per year. Once again, the
13 daytime incidents at 373 surpass the 145 nighttime incidents.
14 Mountain Peak's proposed visitation would occur during the
15 busier daytime time period and is totally irresponsible.

16 In conclusion, the 518 incidents are only reported
17 incidents and have been innumerable--and there have been
18 innumerable unreported incidents in the short three-year period
19 timeframe I have outlined here. In June of 2015 just beyond us
20 there was an accident that went unreported.

21 Let me underscore once again that 72 percent of the
22 reported CHP and Sheriff's incidents took place during the
23 daytime exactly when Mountain Peak proposes its visitors. The
24 current average of 138 incidents per year will increase
25 dramatically. These visitors will be totally unfamiliar with the
26 dangerous road conditions and are likely to cause accidents.
27 Assuredly the combination of visitors drinking alcohol and the
28 unfamiliar dangerous remote mountain road will result in

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1 injuries and fatalities.

2 Finally, as members of the Napa County Planning
3 Commission...

4 CHAIR GILL: Ms. Arger, we need to wrap it up please.

5 MS. ARGER: ...and leaders in our community you must
6 eliminate or dramatically reduce any visitation at Mountain Peak
7 Winery. Tourists belong on the valley floor, not 6.2 miles up a
8 dangerous, eroded, deer friendly, poorly maintained remote
9 county road. Stop the creation of winery events centers,
10 especially in our pristine, naturally peaceful remote mountain
11 area of Napa County. Thank you.

12 CHAIR GILL: Thank you, Ms. Arger. As a reminder, we'd like
13 to keep it to three minutes. When the buzzer beeps, you can
14 finish your sentence and your thought, but don't start a whole
15 new one. So we want to make sure that everyone gets their fair
16 shot at the microphone.

17 BARBARA GUGGIA: Good morning and Happy New Year. My name
18 is Barbara Guggia and I'm a resident of Soda Canyon. I have
19 previously submitted a letter to the Commission and attended the
20 July 20th hearing, where I voiced my concerns, along with my
21 friends and neighbors regarding the Mountain Peak Vineyard.

22 You may consider us somewhat of an irritant, [laughter]
23 neighborhood busybodies, tree-hugging, not-in-my-backyard types,
24 but although we may speak passionately about Soda Canyon and
25 this particular proposal, our concerns are not based on just
26 emotions. There's facts, there's science, and there's reality.

27 Six days after the July 20th hearing, I was slapped in the
28 face with a big dose of reality. I was in Yountville at the time

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1 and I learned that there was a fire 200 yards from my home up
2 Soda Canyon Road. That drive from Yountville was the longest 15
3 minutes of my life. I was fortunate. I was lucky. The stars were
4 in alignment, but the fire went up a hill with some brush and
5 some small trees instead of down the road directly to my house.
6 So my pets, my house and my property was saved. Nevertheless, I
7 was scared to death. So the reality of the fire danger in Soda
8 Canyon is just--it's a reality. And it's something that,
9 unfortunately, kind of put more gray hair into my hair than I
10 wanted.

11 After I had gotten home from Yountville, I went up to talk
12 to the firemen and learned about the fire. They were still
13 putting it out and later on received a report that the cause of
14 the fire was undetermined. However, when I was walking back to
15 my house by the side of the road I counted 11 cigarette butts.

16 Soda Canyon is a high-risk area and the facts support this.
17 Between 2007 and 2015 there were 13 residential fires and 16
18 wildland fires. The potential of a man-caused fire will be
19 increased by this project. With almost zero cell service, a
20 dangerous, dead-end road, there is potential for a small
21 incident turning into a much larger one. A casually tossed
22 cigarette, a knife-jacked, or stuck car, equipment trailer that
23 could be dragging a sparking chain, or even a small car fire
24 could turn into a county-wide disaster. And you, the Commission,
25 have the circumstances to increase the fire potential under your
26 control. Please take the time to critically look at all these
27 issues and do not rubber stamp the planning department's report.
28 Use common sense, look at the facts, and consider not only the

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1 neighbors, not only the environment, but our entire county.

2 Thank you.

3 CHAIR GILL: Thank you.

4 DRASELLE MUSCATINE: Good morning. Oh good lord. Okay. I am
5 Draselle Muscatine and a resident of Soda Canyon. I have a small
6 vineyard and we produce an estate-bottled wine and we do not
7 have a tasting at our winery.

8 Thank you. When we moved here 17 years ago, there were owls
9 calling each other at night and hawks building nests in our
10 trees. They are gone, but there is still--I'm sorry, the
11 lighting is not so terrific, so it's hard for me to see it. They
12 are gone, but the deer are still an integral part of our
13 community, so much so that their lives and those of people
14 driving up and down the road are at risk.

15 My neighbor, Cindy Grupp, is too ill to attend the meeting
16 today, and so I want to relate what happened to her property in
17 the wee hours of August 12th, 2016. About one o'clock in the
18 morning she heard a loud sound and went out to investigate. A
19 car driving down Soda Canyon Road around the 4-mile mark, and
20 almost directly across from the Soda Canyon volunteer fire
21 station, hit a deer.

22 The car swerved off the road, plunged down in--eight to ten
23 feet into Soda Creek and hit a tree. The deer was killed, the
24 car badly damaged, but fortunately, the people in the car did
25 not sustain any major injuries. Deer sightings are common in
26 Soda Canyon Road and this year we can include a bear and
27 bobcats. The accident that happened a few months ago is just one
28 of many that happened over the years. While deer and other

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1 wildlife are more active at night, they are regularly seen and
2 are involved in accidents during daytime hours. Even though
3 Mountain Peak has agreed to remove most of the daytime marketing
4 events, the risk of accidents involving vehicles and deer and
5 other wildlife is still very high since the project will add
6 over 44,000 annual trips on the road.

7 I urge you to think of the consequences of what you are
8 voting on. Not only is the concept of Mountain Peak outrageous,
9 it will set an ominous precedent for those who already are
10 established in Soda Canyon, but also for those who might choose-
11 -who might come in the future. What is happening here in Napa
12 Valley is the rape of Napa Valley and you guys are the pimps.

13 SHELLE WOLFE: Good morning everyone. Thank you for
14 listening to us this morning as we express our concerns. My name
15 is Shelle Wolfe, I live at 3240 Soda Canyon, which is about 50
16 yards from the proposed entrance to Mountain Peak Winery. I'm
17 also the owner of the oldest destination management company in
18 the Valley. So I've seen winery growth for the last 20 years
19 very close up and personal. I've also watched the traffic, the
20 tour busses, I've seen it all over the last 20 years.

21 For most of the last 20 years I've lived in St. Helena and
22 decided to move to Napa to this quiet little rural road, Soda
23 Canyon, six miles out because of the traffic that was developing
24 in St. Helena. It was becoming obnoxious to live there and I
25 wasn't enjoying it any longer at all. So a year and a half ago I
26 moved out to Soda Canyon, fell in love with it out there, and
27 then I found out about Mountain Peak Winery going in essentially
28 across the street from my house. That kind of changed things for

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1 me in how I looked at where I wanted to live and when I met
2 neighbors who were also not feeling comfortable and opposed to
3 Mountain Peak Winery, I decided that I wanted to fight rather
4 than move again. I didn't want this big public commercial
5 building across the street from my house.

6 With my experience in tourism for the last 18 years, I've
7 seen a lot of mismanagement, I would say, of winery growth. I
8 used to welcome new wineries that could host events and serve
9 meals. I was waiting for the opportunity for new wineries to be
10 able to do that. But now I am also shocked at the number of them
11 that are being approved. Enough is enough, I say. Watching the
12 daily traffic crawl, the loss of our natural resources, I think,
13 is the worst possible thing that we could keep doing to our
14 Valley.

15 Over the years I've seen winery regulation and enforcement
16 go from one extreme to the other, from strong regulation when I
17 began 20 years ago and the insistence now that places that
18 weren't permitted are shut down, but now you're offering permits
19 to all sorts of places to do anything and everything at all it
20 seems.

21 And we have the term marketing and education and I think
22 that that, as you know, is a total fabrication at a winery. If a
23 winery is offering a dinner and calling it marketing education,
24 that is not correct. That is not the right thing to do here in
25 this Valley.

26 Everything seems to be pretty out of control with growth
27 and I think it's up to you to really be the responsible decision
28 makers here. There are a hundred logical reasons to deny

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1 Mountain Peak and its permit as it was requested, but I will
2 focus on the issue of traffic because I live at the top of
3 Mountain Peak and on October 8th, I decided to go out and watch
4 some of the trucks during harvest, and just keep an eye on them
5 to see for safety what they were actually doing, how it was
6 handled up there, and honestly, the trucks--I stopped counting
7 after 20 or so going up and down on October 8th, but I did follow
8 a couple of them down and this one in particular, which you'll
9 see in a moment--anyway, we all know that peak tourism is--oh,
10 we get to watch it sideways. Peak tourism is in the fall. This
11 is October 8th and again, there were over 20 trucks going up and
12 down loaded with grapes.

13 And so I was following it down to see how it did and
14 honestly it was doing a good job staying on its side of the
15 road, going about eight to ten miles an hour and then this guy
16 decides to pass. Double yellow line going down the hill just
17 flying down the road. I just could not believe it. And then I'm
18 thinking adding drunk tourists to this day with high tourism,
19 that's just a recipe for disaster to me. I think it's a terrible
20 idea.

21 And this truck slowed down and finally ended up just
22 stopping to let people pass, but that's the kind of thing that
23 happens on our road. This is just another image of situations on
24 the road and this is constant. These are just, you know, I don't
25 want to say daily occurrences, but we see these all the time.

26 This was at the end of July, I believe, that one. And very
27 often, about six months of the year I play traffic cop outside
28 my house. This is my driveway and a little further down the road

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1 there you'll see the entrance to what would be Mountain Peak,
2 sorry about all this, you get to look sideways again. That's the
3 mailboxes at Mountain Peak. And the driveway in front of my
4 house.

5 So there were about--[voice over on video: Saturday,
6 October 8th at about 11 a.m.]. Anyway, what I'm trying to point
7 out--[oh. I love this one.] This is again in front of my house.
8 This is August 5th. No particular big harvest day [this is
9 going]--this is just a day during the summer in front of my
10 house. And it would be hysterical and funny if it weren't true.

11 There is Mountain Peak Winery, that truck coming out in the
12 distance with the trailer attached, that would be the winery
13 entrance. This happens all the time up there. August 5th, random
14 day. And to say that traffic is not a problem up there, I think,
15 is a real underestimation.

16 So in essence, these trucks, again, they go by all the
17 time, and I end up helping them go by each other. I give
18 directions to lost tourists, I give directions to lost trucks
19 because they're always lost, the addresses go up and down out
20 there and they don't know where they're going.

21 As neighbors, we can't do anything about the existing
22 situation, which is already out of control, but we can implore
23 you, who are supposed to protect us, our homes and our safety,
24 to do the right thing and deny this permit as it is.

25 I urge you to consider all of the ramifications of this
26 decision. It would be irresponsible to add this winery to this
27 rural, quiet, poorly maintained road--dangerous road, change our
28 water situation, and add the additional traffic.

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1 The stats may support the project, but it is completely
2 irresponsible. Please do the right thing. Serve the citizens of
3 Napa, reduce the size and scope of this project to something
4 that fits on the acreage. Thank you.

5 CHAIR GILL: Thank you, Ms. Wolfe.

6 LAUREN GRIFFITHS: Good morning Commissioners. I am Lauren
7 Griffiths, a resident of upper Soda Canyon Road. I live a
8 quarter of a mile from the proposed Mountain Peak Winery at 3350
9 Soda Canyon Road. My husband and I moved here from Lafayette
10 upon my retirement in June of 2015. Prior to moving here I was
11 the chief business officer of a commercial shipyard with 450
12 employees. We selected this specific Napa location because of
13 its quiet and remote setting. A long search for an antidote to
14 the noise and daily traffic that we faced for many years. We are
15 saddened and appalled that such an outsized commercial facility
16 might be allowed to operate in such a pristine and important
17 agricultural watershed area.

18 At the July 20th hearing, many issues were voiced about the
19 unsuitability of Soda Canyon Road to serve Mountain Peak's
20 proposed winery operation and its visitors. One of the issues
21 raised with the flooding that occurs on Soda Canyon Road. I
22 would like to share with you my recent experience with a flash
23 flood on the road, the first short video.

24 On December 15th at 3:00 p.m. my husband and I were driving
25 down Soda Canyon Road. It was a rainy day following a couple of
26 rainy days. The seasonal Soda Canyon Creek, that parallels Soda
27 Canyon Road for the lower four-mile stretch of road had gone
28 from having a little bit of water to becoming a raging river

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1 overnight. We encountered tree limbs in the road and waterfalls
2 cascading down the hillside onto the road.

3 Just south of Chimney Rock Road as we approached a blind
4 corner, that clip you were just seeing, the raging creek spilled
5 over its bank and completely claimed about a hundred yards of
6 Soda Canyon Road into its swiftly moving waters. The water was
7 approximately 12 to 18 inches deep in the deepest flood section.
8 It was unexpected, shocking, and a frightening sight. The road
9 conditions were dangerous and I begged my husband not to proceed
10 through the water. Nevertheless, he did. But that's a separate
11 issue.

12 We were in a large SUV with four-wheel drive and I feel
13 very fortunate that we got through the floodwaters unharmed. I
14 sent out a flood alert on Nextdoor Soda Canyon to warn others of
15 the dangerous conditions. But imagine the potential for disaster
16 so that someone unfamiliar with the road or perhaps someone who
17 encounters these conditions after drinking. A day spent
18 winetasting could quickly turn into a tragedy.

19 Knowing this, it is irresponsible to encourage winetasting
20 traffic in this location so prone to floods. Longtime neighbors
21 tell me that Soda Canyon Road regularly experiences this type of
22 flooding. Driving conditions on the road can and do change very
23 quickly and unexpectedly, turning an already dangerous road into
24 a treacherous road, one that is clearly unsuitable for winery
25 visitation traffic and large commercial trucks.

26 I implore you to consider the unsuitability of the Mountain
27 Peak Winery location and deny the proposed use permit. Thank
28 you.

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1 CHAIR GILL: Thank you, Ms. Griffiths.

2 DAVID HALLETT: Good morning Commissioners. Happy New Year.
3 David Hallett, 2444 Soda Canyon Road. An update on traffic
4 incidents on Soda Canyon is immediately before Christmas, the
5 Christmas holiday, maybe, or on the 25th/26th, a vehicle ran off
6 the road about two miles uphill from Silverado Trail, hit one of
7 Mr. Marshall's new no parking signs and also the retroreflective
8 signal at the edge of the road.

9 Immediately adjacent to the damaged signs Soda Canyon Road
10 has a very, very gentle left turn--a left curve. It's not a
11 bend, it's just a very, very gentle curve. The truck or the
12 vehicle that ran into the signs just went straight off the road
13 into them.

14 After I took the photographs of the damaged signs, I walked
15 back to my car that was immediately to the north of the sign
16 that's showing there. Walking to my car I noticed some trash at
17 the bottom of that post and I went back to take the photograph
18 of the post and then the trash. First is a VHS tape, the second
19 is an empty gin bottle.

20 To bring a smile to your face maybe, I will tell you that
21 the label on the VHS tape showed what it was. It was a
22 pornographic tape. I've been in the marine business for 50 years
23 and I'm not easily shocked. It didn't shock me at all. But I
24 think maybe some of my neighbors wouldn't like to see porno
25 tapes laid on the side of the road.

26 The--if we could go back to number 3 please here. As an
27 addition to my taking photograph of the trash, I'd like you to
28 look at the condition of the road surface. You could say it's

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1 totally creased down by the two yellow lines at the center and
2 there are all the cracks there. I didn't take the photograph to
3 show you cracks on the road. They just came up in a photograph I
4 took to show you where the trash was.

5 Now you might not consider giving any credence to what I
6 tell you about the road surface, but, you know, this is typical
7 of the surface of our roads. But in your packet you will find
8 copies of two emails. One from previous supervisor for District
9 4, who became a legislator, and has recently been promoted to
10 the senate, California Senate, Bill Dodd. Quote, I am familiar
11 with the deplorable condition of your road. Deplorable is an
12 adjective we've got used to recently.

13 Second from Alfredo Pedroza, who is our current supervisor
14 for District 4. Unfortunately, Soda Canyon is well below County
15 Road Standards. You can ignore what I tell you. I doubt very
16 much if you can ignore what you read from Senator Dodd and
17 Supervisor Pedroza.

18 Soda Canyon Road cannot take the extra 44,000 vehicle
19 trips. The road is falling apart. The money is not available
20 according to Mr. Marshall to fix it. The road was never designed
21 to carry commercial traffic. It was laid down in the 1950s as a
22 thin skin of asphalt over the dirt. There's no bedrock, there's
23 no foundation. Every time it rains we get massive potholes. We
24 now have patches on top of patches. We don't need 44,000 more
25 vehicles per years on Soda Canyon Road.

26 I please ask you to consider the fact that the road will
27 not be maintained in the near future because the County doesn't
28 have the money and please deny this application that would bring

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1 all those extra vehicles onto the road. Thank you very much.

2 CHAIR GILL: Thank you, Mr. Hallett. And while I am sure
3 you were shocked at the label on the tape on the side of the
4 road, I'm shocked that people still use VHS.

5 MR. HALLETT: I--who--who knows? Who knows.

6 CHAIR GILL: Thank you. Thank you.

7 MR. HALLETT: I will tell you that the sailors on the ships
8 I go to still load their VHS tapes. [Laughter.]

9 CHAIR GILL: Okay. Thank you very much.

10 GLENN SCHREUDER: Could have a lot of fun with that, but
11 moving right along--good morning everyone. My name is Glenn
12 Schreuder. Good morning honorable Commission, Chair Gill and
13 honorable Commissioners. Happy New Year. Again. My name is Glenn
14 Schreuder and my family and I have lived continuously at 2882
15 Soda Canyon Road since approximately 1956.

16 I wish to draw your attention to the comparative analysis
17 of daily visitation on page 14 of the applicant's 18-page
18 project statement as revised March 15th, 2016. Five wineries are
19 listed in this comparative analysis of daily visitation.

20 Chappellet, Ladera, Oakville Grade, Schramsberg, and Somerston
21 Winery, ostensibly selected for their location on hillside
22 roads--well, sort of hillside roads, but I'll get to that
23 shortly. The analysis represents that the daily visitation for
24 Mountain Peak Winery is approximately 58 percent of the norm
25 when compared to these five wineries of similar gallons per
26 year.

27 The analysis appears to cherry pick hundred-thousand-
28 gallon-per-year hillside wineries with material visitation

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1 entitlements that are not located on dead-end, one-way-in, one-
2 way-out, rural, residential roads. For example, Chappellet,
3 which is located on California Highway 128, also known as Sage
4 Canyon Road, is not a dead-end road, it is not in the heart of a
5 rural neighborhood, and it's actually a driveway on a state
6 highway between Oakville--rather Rutherford and Winters. So
7 access is not similar. It's not the same.

8 Ladera is up in Angwin. A census-designated place with a
9 population of 3,000, and it is also on a road that's two-way,
10 one way in, one way out--or rather two ways in and out-sort of
11 road. It's not like Soda Canyon.

12 Oakville Grade, a similar situation. A little less
13 traveled, pretty good road, but it's also--there's three ways to
14 it, I mean, if you count the three ways I can think of to get to
15 it, it's not on a dead-end road either.

16 The same is true of Schramsberg. Only that's a private road
17 off of Highway 29 for the Schramsberg winery. It's not a
18 residential neighborhood, nor does it appear to be a County-
19 maintained road, so I fail to see what the comparison is other
20 than they are hundred-thousand-gallon wineries.

21 Somerston is, again, located on Highway 128, Sage Canyon
22 Road, which again is not a dead-end road and not in a--in the
23 heart of a rural neighborhood as upper Soda Canyon is. As a
24 result through this analysis, it's in essence comparing five
25 apples to one orange, which I believe is a misleading
26 comparison.

27 Further, in regard to Exhibit F, winery updated comparison,
28 hundred-gallon per thousand--hundred-thousand-gallon-per-year

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1 wineries, of the 18 counties--I'm sorry, of the 18 wineries
2 listed in the county that are hundred-thousand-gallon-per-year
3 wineries, 14 are indicated to be located on the Valley floor,
4 and four are indicated to be hillside wineries. However,
5 according to Google Maps, the Kent Rasmussen Winery has a
6 tasting room in the Napa Valley Corporate Park. Pahlmeyer Winery
7 has its tasting room at St. Helena Highway in St. Helena.
8 Trinchero, same thing. St. Helena.

9 Moss Creek Winery is at the corner of Moskowite Corner[s].
10 at the corner of Highway 128 and Steele Canyon Road. While some
11 of their vineyards may potentially be somewhere in the hills,
12 three have tasting rooms on the Valley floor and Moss Creek,
13 while remote to the Valley floor is, again, right off of Highway
14 128, which is a major thoroughfare between counties--between
15 Napa and the Central Valley.

16 Moss Creek is remote, but it is not at all problematic in
17 terms of access like Soda Canyon is. Highway 128 is an
18 outstanding county road in this county that I use frequently
19 myself to get to Lake Berryessa and the Central Valley.

20 CHAIR GILL: Mr. Schreuder, please lead us to your
21 conclusion.

22 MR. SCHREUDER: Okay. I'm going to leave the written
23 portion for the record so that I can...

24 CHAIR GILL: Thank you.

25 MR. SCHREUDER: ...[contain] that and I just wanted to
26 mention that to ensure the intensity of winery activities as
27 appropriately scaled, the County considers the remoteness and
28 location and the amount of wine produced at a facility when

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1 reviewing the permit proposals and endeavors to ensure a direct
2 relationship between access constraints and on-site marketing
3 and visitation programs.

4 I respectfully request that the Planning Commission deny or
5 significantly reduce the permitted gallons-per-year and annual
6 visitation requested of this project to something more akin of a
7 family home with a relatively small, unobtrusive estate winery
8 with a majority--that a majority of our neighbors would likely
9 find to be in and of itself insignificant and significantly less
10 objectionable than the current Mountain Peak Winery proposal.

11 Thank you.

12 CHAIR GILL: Thank you.

13 DOREEN LEIGHTON: Good morning. Happy New Year. Doreen
14 Leighton. Short. Doreen Leighton, Soda Canyon. So dear Planning
15 Commissioners, it's not the who, it's the what and the where.
16 The what, Mountain Peak Winery proposal, the where, Soda Canyon
17 Road.

18 The Mountain Peak Winery proposal at the top of Soda Canyon
19 Road, due to the parcel size of 41.6 acres, and the remoteness
20 of the location would be more a more suitable fit at 12,000,
21 19,000 gallons, 160 to 190 visitors a year, if any. Antica Napa
22 Valley a 450,000-gallon-per-year winery has a hundred weekly
23 visitors allowed and is .5 miles from the proposed Mountain Peak
24 Winery site. Astrale e Terra/Meadowrock, a 20,000-gallon-per-
25 year winery is .4 miles from the proposed Mountain Peak Winery
26 site and has zero visitors allowed.

27 In November, 2001, the permit request for the Krupp Winery
28 on the same site as the proposed Mountain Peak Winery was

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1 withdrawn, not approved.

2 The 1999-in 1999, the Alcohol[ic] Beverage Control, ABC,
3 regarding the Astrale e Terra/Meadowrock Winery determined,
4 quote: evidence established that the increased traffic on Soda
5 Canyon Road would interfere with the quiet enjoyment of nearby
6 residences, and increased traffic on Soda Canyon Road would
7 aggravate a traffic problem on a problematic roadway that serves
8 applicant, nearby residents and two other vineyards.

9 And the decision by the ABC: no winetasting or tasting by
10 appointment shall be permitted at this location, no retail sales
11 of alcoholic beverages to walk-in customers shall be permitted
12 at this location.

13 Astrale e Terra/Meadowrock Winery is the most recent
14 precedent for the immediately comparable wineries and must be
15 used as a comparable winery. To quote the 2010 WDO Amendment,
16 quote: to ensure the intensity of winery activities is
17 appropriately scaled, the County considers the remoteness of the
18 location and the amount of wine to be produced at a facility
19 when reviewing use permit proposals and endeavors to ensure a
20 direct relationship between access constraints and on-site
21 marketing and visitation programs. Unquote.

22 Permits are given to the property. They are in forever. If
23 the ABC findings were clear, the safety of the public was at
24 risk and so is the County liability. Soda Canyon Road links Soda
25 Canyon community, a community ranging along the 6.1 miles of
26 narrow, curvy road that climbs through Silverado Trail up the
27 canyon to where the site for the proposed Mountain Peak Winery
28 sits at the end of the paved road. It is a community that shares

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1 grave concerns over the proposed Mountain Peak Winery project.
2 The presented petitions that have signatures which represent
3 more than half of the residents' vineyards and wineries, some
4 here for decades, some new, all concerned.

5 Many in the county are also concerned, as shown by the more
6 than 900 petition signatures so far received. In gathering these
7 signatures, we heard the voices firsthand. We are folks who
8 believe in a person's right to farm, right to build and right of
9 commerce. We also believe in the rights of the community to live
10 in a peaceful, rural setting where all resources are resources
11 in common and that a project of this size and scope does not
12 belong at the end of Soda Canyon Road. I strongly urge you to
13 scale this project to fit the size of the site with no
14 visitation permitted or deny this project. Thank you.

15 CHAIR GILL: Thank you, Ms. Leighton.

16 KOSTA M. ARGER: Good morning. Thank you for allowing us to
17 come before you. My name's Kosta Arger. My residence is at
18 properties at 3030 Soda Canyon Road.

19 At the July 20th, 2016, hearing, Mr. Garrett Buckley, a
20 Mountain Peaks viticulturist--Buckland, excuse me, stated to the
21 Planning Commission that at the Mountain Peak project site they
22 routinely can get yields that average five tons or more per
23 acre. I'm coming back to this again because I mentioned it to
24 you on the last one.

25 He then mentioned some model he based his figures on and
26 say that they are currently doing somewhere between 450 and 500
27 tons without a problem. We asked what the total acreage Mountain
28 Peak is relying on to create this production level. Mr. Buckland

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1 stated that these numbers were derived from 112 total acres on
2 site using a core vineyard as well.

3 Once again I will reiterate to you that our vineyard is
4 directly across the road and professionally managed by Jason
5 Ray, Napa Select Vineyard management company, a very good
6 vineyard management company.

7 We have never produced more than 2.7 tons per acre.
8 Furthermore, I have polled the surrounding vineyards, including
9 Antica, as you know, owned by the Antinoris, which is one of the
10 most professionally managed vineyards in all of Napa. Mr. Glenn
11 Salva, the director there, told me they average at most 3.5 tons
12 per the acre in the best years. Never five tons per acre on any
13 variety.

14 I will also refer you to a letter that you received October
15 10th from Mr. Steven Rivera. I will quote him: My vineyard, which
16 is just to the east of Mountain Peak site produces on average
17 two tons per acre. In my best year, viewed over a 14-year
18 period, the highest volume my land has ever produced was 2.5
19 tons per acre. Many others have provided the council with
20 figures at similar levels. The Mountain Peak consultant
21 maintains that by some way of some special farming techniques,
22 blended varietals or some weird science, he believes they will
23 produce five tons per acre, over twice the yield everyone else
24 has ever produced on Soda Canyon.

25 However, even assume for a moment they could produce five
26 tons per acre at their supposed on site. That gives 125 tons of
27 grapes, which is 375 tons less than the projection given by Mr.
28 Buckland. The actual Mountain Peak vineyard on site has 25 acres

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1 of planted grapes after the proposed construction. Mr. Buckland
2 is therefore relying from another parcel supposedly owned by the
3 applicant several miles past the project and vineyards leased
4 from a core vineyard to arrive at his 112 acres on site. Those
5 parcels are completely separate from the project site and cannot
6 be considered as on-site production. A 100,000-gallon permit
7 requires 700 tons of grapes.

8 I ask you once again to do the math on the project with
9 realistic figures of at most 4 tons per acre on Soda Canyon Road
10 vineyards. That will compute to just over half the grapes needed
11 to fulfill their production of 100,000 gallons. This will
12 require over 350 tons of grapes to be transported to their site
13 either on the one-lane dirt road from beyond the property or up
14 and down Soda Canyon Road.

15 In short, the emperor has no clothes. I would just add one
16 thing. Mr. Brien McMahon, their attorney, said nothing has
17 changed since July 20th. I would bear you to notice, yes, nothing
18 has changed except for the accidents. Thank you. I would ask you
19 to realistically look at the figures. I think what you're being
20 fed is bogus. Thank you.

21 CHAIR GILL: Thank you, Mr. Arger. Bill Hocker.

22 BILL HOCKER: Happy New Year to you all. I'm Bill Hocker,
23 3460 Soda Canyon Road. Much has been made of the LEED
24 Certification on this project. I very much enjoyed Mr. Wilson's
25 presentation on the nature of the LEED process, and especially
26 his appreciation of the beautiful character of the site and the
27 need for a low-impact project. I sense that the Commission was
28 enthused about the LEED presentation, about the LEED

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1 Certification and that it might be an influencing factor in your
2 decision. We should all want energy-efficient buildings, but
3 LEED seems, in fact, to be a very inconsistent predictor of
4 actual performance.

5 In my email to you this morning, I cited an investigation
6 noting that the rating can be translated into tax breaks,
7 marketing, public opinion advantage, or Planning Commission
8 approval that justifies the high cost of the certificate whether
9 the building actually lives up to its LEED Certification is
10 often forgotten after the project is built. There's really no
11 penalty for not meeting the standards.

12 I also included links to several research papers that show
13 a wide disparity in actual performance compared to LEED
14 predictions and to other non-LEED--to comparable non-LEED
15 buildings. If you do intend to let the LEED Certification weigh
16 in your decision, as the applicant seems to assume, the LEED
17 data need to be part of the public record for all to discuss
18 before the decision is made, just as we would for any other
19 consultant's report.

20 As I mentioned in my email, a couple of other LEED
21 scorecard categories of interest--although I mentioned in my
22 email, a couple of other LEED scorecard categories of interest,
23 there is one that seems to be really central to the problems of
24 this project, location and transportation, 16 points. It
25 includes subtopics like surrounding density and diverse uses,
26 five points, intended to conserve land and protect farmland and
27 wildlife habitat by encouraging development in areas with
28 existing infrastructure and to reduce vehicle distance traveled.

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1 Another subtopic, access to quality transportation. Five
2 points. Intended to encourage development in locations shown to
3 have multi-modal transportation choices or otherwise reduced
4 motor vehicle use, thereby reducing greenhouse gas emissions and
5 air pollution.

6 Please note that this LEED disinterest in remote locations
7 corresponds nicely with the Supervisors' directions to you to
8 consider the remoteness of location in reviewing marketing and
9 visitation.

10 As I pointed out in my previous letter, the amount of
11 energy to be saved in the building through LEED compliance is
12 probably dwarfed by the energy spent on the 44,000 trips up and
13 down the road--up and down the six-mile road each year. That's
14 260,000 miles, that's ten trips around the earth each year.
15 Remoteness is at the heart of this inappropriately ambitious
16 project and of the very large amount of energy consumed
17 [inaudible].

18 There is one energy reduction technique that LEED doesn't
19 give points for. Not building the project in the first place.
20 Note that the applicant's grapes are already being made into
21 wine and that the wine is already being sold. The applicant has
22 argued that wineries are necessary for marketing tools. I would
23 counter with the example of the vintner putting in the vineyard
24 just up the road from the project. Dave Finney, creator of the
25 Prisoner Wine has sold two high-end wine businesses for a total
26 of \$350 million dollars. Both companies made wines from contract
27 grapes, from custom crush wineries. Were this applicant to spend
28 millions earmarked for the construction and overhead of an

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1 unnecessary building on other marketing strategies, I suspect
2 that he could also build a multi-million dollar wine business,
3 one without the environmental and neighborhood impacts that ever
4 proliferating wineries and tourist venues are bringing to
5 residents throughout the county. It would be a truly low impact
6 solution and I urge you to support it. Thank you.

7 CHAIR GILL: Thank you, Mr. Hocker.

8 DIANE SHEPP: There you go. Those are my remarks. Good
9 morning. Here. I'm a little taller. I'm Diane Shepp, I live on
10 Soda Canyon Road at the end of Soda Canyon Road.

11 We, Napa County, our county that values agricultural--
12 agriculture and ag land. Our local government developed an
13 ordinance to keep winery development consistent with the
14 protection of ag lands. Those ag protections were not to
15 supersede the higher responsibility of our government to protect
16 the health, safety and welfare of local citizens and residents.

17 The Mountain Peak Winery proposal illustrates the article
18 that was recently featured in the Napa Valley Register, the
19 number one story in 2016, wine industry under fire. It tells the
20 story of local citizens fighting for their Napa Valley. A story
21 of local residents who want to be heard by their elected and
22 appointed representatives in county government. It is a story of
23 citizens who live here versus the corporations that don't.

24 This isn't just an abstract tale, it is very real for us,
25 the residents of Soda Canyon. It is where we live, and where we
26 have lived for decades, if not generations. It has been asserted
27 that you, the people, residents of Soda Canyon, moved to an
28 agricultural area so don't complain. Well, we moved to Soda

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1 Canyon 33 years ago and there was no ag. There was not one vine
2 on Soda Canyon.

3 The Rector watershed where we live was Wilderness and Open
4 Space. The huge fire of '81 had burned and decimated most of the
5 area. It was quiet day and night, the night sky was dark and
6 black and a wonderful place to watch the stars, the meteor
7 showers, and teach our children about the Milky Way.

8 We were remote at the end of a dead-end road. There was
9 plentiful water for residents, clean air and very little
10 traffic. You could count the daily traffic on one hand and you
11 would recognize the vehicles because they were your neighbors'.
12 That's the way the road was designed and engineered and it has
13 not been improved or changed since it was built. Living there
14 was to enjoy seclusion in a community with neighbors who offered
15 help when needed. We loved it, so did our children and so did
16 our neighbors. That's why we moved there.

17 In 1985 a blue-line stream that flows through the east side
18 of the current MPV property and into Rector Reservoir washed out
19 the road. The small, Type 2 stream had turned into a raging
20 river four feet deep. The neighbors got together, we pooled our
21 resources and we built a permanent bridge over the stream.
22 That's right in front of where MPV is.

23 Today with all the recent rain, that blue-line stream
24 continues to flow into Rector Reservoir, the source of water for
25 the Veteran's Home in the town of Yountville. I have included in
26 my remarks a picture that I took yesterday of the stream and it
27 is raging right now.

28 I also want to address the mailboxes. Yes, it was very

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1 generous of Mountain Peak to replace those mailboxes, but it was
2 their delivery truck that had demolished the ones that had been
3 there in the first place. So maybe, eh, okay.

4 I am not so naïve as to think that we can't bring back the
5 good old days of generations ago. Progress and the highest and
6 best use of the land monetarily speaking has and will continue
7 to prevail. However, one, the highest and best use of the land
8 in this case is not a disproportionately large, industrial-
9 strength visitor center that cannot by any stretch of the
10 imagination be defined as ag.

11 Two, this should not be at the expense of the health,
12 welfare, and safety of the citizens or at the risk of longtime
13 residents losing the quiet enjoyment of their home and their
14 primary investment.

15 CHAIR GILL: Ms. Shepp. Please wrap up.

16 MS. SHEPP: I am. The Rector watershed is already the most
17 developed of all watersheds in Napa County. The volume of
18 traffic has already exploded to well beyond what the road can
19 take.

20 This does not bode well for our future, for the safety of
21 Napa Soda Canyon residents. The--as you well know the AP and the
22 WDO were established in '68 and 1990. There are approximately
23 150 residents on Soda Canyon. Most of the households predate the
24 establishment of the AP and the WDO. Well over 30 multi-
25 generational families have been in continual residence in Soda
26 Canyon for decades, with some as far back as the 1920s. They,
27 we, did not move to Soda Canyon to be inundated by 15,000
28 visitors a year tourist attractions.

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1 It is a given that Napa County relies on agriculture, the
2 growing of grapes and production of wine as its primary source
3 of income. However, the industrial strength Mountain Peak
4 visitors center as proposed at the top of Soda Canyon Road, a
5 dangerous, remote, dead-end road is not ag by any stretch of the
6 imagination. For this reason, among many others, such as
7 significant traffic, safety and welfare concerns that so many
8 local residents of Soda Canyon and citizens throughout the
9 entire Napa Valley oppose the Mountain Peak project.

10 I therefore respectfully request that you deny their
11 application. Thank you.

12 AMBER MANFREE: Good morning Commissioners, my name is
13 Amber Manfree, I hold a PhD in geography and my main concerns
14 with this project are potential impacts on groundwater, surface
15 water, and species. If you would like to dig into the details,
16 I'm sure you are aware there are abundant documents available at
17 your disposal.

18 I'll focus on the physical and biological geography of this
19 particular site, which I'm highly familiar with as a lifelong
20 resident of upper Soda Canyon Road. Several of the photos Diane
21 Shepp just showed are from our family archives and we have been
22 there since the 1930s or so.

23 So here's a photo of the site and some neighboring
24 properties. Oh, I take it we didn't get a laser pointer? Okay.
25 So [Inaudible]. Okay. So the line of trees that you see at the
26 foreground is the dirt road that breaks off the main road and
27 goes out onto Rector Plateau. It's what--the vines in front of
28 that belong to Mountain Peak. The vines further back from that

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1 belong to the Arger family and that little cluster of trees is
2 where their house is.

3 Then just beyond that, the Mountain Peak--the other segment
4 of that parcel starts again and you can see another line of
5 trees kind of crossing over sideways a little bit. That's a
6 blue-line creek that goes right through the Mountain Peak
7 property and is a tributary to Rector Creek.

8 Okay, here's another angle from a very similar vantage
9 point. So you can see the arrows pointing to the blue-line creek
10 coming through their property, right? Hopefully that's clear.

11 Okay, so I think if we could go to the next slide. Here's a
12 cross-section of the main portion of Mountain Peak property,
13 which is where the proposed visitor center and caves are and
14 it's got some lines for topography. The higher end is at the
15 bottom of the frame and the slope kind of falls away from that
16 toward their wastewater treatment area.

17 What--okay--and here's another angle on that same kind of
18 thing and it shows the other side of the property, which does
19 not have topo lines it, but you can assume from where the creek
20 is that it slopes down into that creek from both sides.

21 So one of the things Mountain Peak is proposing to do, and
22 I'm going to break this down in, like, real simple terms because
23 as I know you're all aware, there's a lot of resources available
24 already, technical language, reports, rebuttals, everything.

25 They are proposing to move a large amount of cave spoils
26 and to place them next to water features, surface water
27 features. When you excavate material, move it, and place it
28 somewhere else, there's a high potential for erosion. The way

1 that happens is you have big rainstorms like the ones we have
2 right now. A lot of waterfalls suddenly, it causes little
3 gullies and rivulets in the soil that they've moved and it moves
4 it right into creeks. That's how simple it is.

5 The creek that's adjacent to the Mountain Peak property is
6 this one here. Today when I went by it, it was running red with
7 sediment. It's full of dirt. And that's not common. Usually the
8 creeks look more like it does here in a low flow event. But that
9 particular creek is already impacted by some irresponsible
10 developments upstream, which went in before the hillside
11 ordinance was enacted in Napa County and so it's already facing
12 impacts from sediment.

13 The reason that's important is because this creek has
14 several--a couple of species of special concern, as well as
15 trout, which, you know, I would think you might want to consider
16 the impacts on those species with the potential for adding
17 sediment and impacting groundwater.

18 Okay. So the shot you're seeing here is a look up Rector
19 Canyon with an arrow pointing to where the Mountain Peak site
20 is. You can see that this canyon is very steep, very deep, very
21 dramatic. This means that when flows come through there they
22 really barrel through. The water moves fast and it moves a lot
23 of material downstream and can carry a pretty large bedload
24 slide. It's pretty amazing down there.

25 So I'm going to try to get back to my notes and focus on
26 this. It is a water supply for the Yountville Veterans Home in
27 the city of Yountville. That's a picture of the Rector Reservoir
28 and the downstream portion. So that's another thing to consider

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1 is that when you have impacts on the water and it moves into the
2 creeks and all the way down, there's people drawing this water.
3 When you move more sediment into the creek, that means it's more
4 expensive to clean the water that people are going to use. So
5 there's kind of this offset financial impact as well.

6 CHAIR GILL: Ms. Manfree, please conclude.

7 DR. MANFREE: Okay. So the aquatic habitat in Rector
8 watershed is currently--the quality of the aquatic habitat in
9 Rector watershed is currently very high. It's easy to have
10 significant impacts on the system due to the high quality of
11 that habitat and the rate at which sediment is transferred
12 downstream. The species of special concern that exists there are
13 foothill yellow-legged frog, which has disappeared from up to 45
14 percent of its range in California. The stream disturbance is a
15 prime factor in its decline. When you mess with the stream, the
16 frogs disappear because they need clean, clear water for long
17 periods of the year to complete their life cycle. If they don't
18 have that, they don't persist. The same is true for California
19 giant salamander. The larvae spend a minimum of 18 months in the
20 water and the water has to be of pristine quality for them to
21 survive.

22 So--oh. You're getting ahead. Go ahead. A little bit more.
23 Okay, that's a giant salamander. That is a trout and and all of
24 these photos are from Rector Creek. Go ahead again. All right
25 those are--oh--you put these in there. Those are rough-skinned
26 newts, which this is part of their mating behavior in the creek.
27 Again, all of these--this is a pipevine swallowtail, Pacific
28 chorus frog, it's a very healthy, vibrant system and it would be

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1 very easy with cumulative impacts, such as the ones that will be
2 brought by this proposed project, to have negative impacts on
3 it.

4 So if we could go ahead again. Back. Okay. All right. So
5 this is a photo of the applicant's property. They bulldozed a
6 creek channel, the blue-line creek channel on their property. It
7 was one of the first things that happened after they took
8 ownership there. They decided it was inconvenient to have to go
9 out onto the main road and then back onto their property, so
10 they just bulldozed across the creek moving all of the rocks and
11 sediment out of the creek bottom so they could have a road. Now
12 this is completely not allowed by the County, by the Department
13 of Fish and Wildlife, it's just very irresponsible behavior
14 environmentally and I find it conflicting that they would do
15 something like this and then turn around and claim to be so
16 environmentally sensitive.

17 This has still not been remediated. The only action that's
18 been taken is to have moved some boulders to the side of the
19 bank so that it cannot be used as an actual road, but they've
20 never put any rocks back in the creek, they never planted any
21 plants to stabilize the bank, so this is just eroding with every
22 rain event into downstream areas with species of special
23 concern. It's--I mean it's very simple. Like, this is
24 irresponsible. They're claiming they're going to do a nice job.
25 I don't know. I find it a little bit hard to believe. So.

26 CHAIR GILL: We really need to wrap your comments up
27 please.

28 DR. MANFREE: Okay. So in any event, restoration is really

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1 expensive. This is the Rutherford Reach and in sum--with all of
2 the restoration projects that have gone on in Napa County,
3 before too long, Napa County will be approaching a billion
4 dollars in spending from a variety of sources and mechanisms on
5 restoration projects--tidal wetlands, the downtown project I'm
6 sure you're aware of how expensive all of that is. It's a lot
7 better environmentally and financially to not cause that kind of
8 destruction in the first place.

9 The role of the government is to uphold and protect the
10 public trust and I do think that a full environmental impact
11 report is needed to evaluate the potentially significant impacts
12 of this project.

13 CHAIR GILL: Thank you.

14 [AUDIENCE MEMBER:] Amber, you can have my three minutes.

15 CHAIR GILL: I think she took it already.

16 [AUDIENCE MEMBER:] [I doubt it. I'm sure it's...]

17 CHAIR GILL: Thank you.

18 ANTHONY ARGER: Good morning Commissioners. My name is not
19 the foothill yellow-legged frog. Sorry about that. My name is
20 Anthony Arger. My parents are Kosta and Julia. We live--our
21 property is directly adjacent to the Mountain Peak proposed
22 site.

23 You've seen a lot of presentations today about the existing
24 conditions on Soda Canyon Road. I'm going to focus on State law
25 and the exposure to liability that by approving this project you
26 may in fact be embarking on a journey, on a road you do not want
27 to go down. No pun intended.

28 In California, State law imposes liability upon public

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1 entities for dangerous conditions of public property. If the
2 County of Napa approves the Mountain Peak Winery project in its
3 current form or even in a moderately reduced form, it could be
4 subjecting itself to multimillion-dollar lawsuits in the event
5 of any serious accidents on Soda Canyon Road that stem from this
6 poorly located and massively out of scope commercial winery
7 venture. This in turn would then adversely impact the taxpaying
8 citizens of Napa County, as they would ultimately foot the bill
9 in one form or another for mistakes made by the County.

10 As public servants it is the duty of the County of Napa,
11 and especially its Planning Commissioners and Supervisors to
12 render decisions that are in the best interests of the citizens
13 of Napa, particularly when it comes to the public safety.

14 Approval of the Mountain Peak Winery, its 14,575 annual
15 visitors, and approximately 44,275 annual vehicle trips in the
16 form of both passenger vehicles and still more large equipment
17 and trucks on an already dangerous road would be contrary to the
18 public welfare, morals and best interests of not only Soda
19 Canyon residents and property owners, but also citizens
20 throughout Napa County.

21 Before you is government--California Government Code
22 Section 835 and I've highlighted the two sections of it that say
23 the property--a public entity can be exposed to liability when:
24 the property was in a dangerous condition at the time of the
25 injury, that the injury was proximately caused by the dangerous
26 condition and that the dangerous condition created a reasonably
27 foreseeable risk of the kind of injury which was incurred and
28 the public entity had actual or constructive notice of the

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1 dangerous condition under Section 835.2, a sufficient time prior
2 to the injury to have taken measures to protect against the
3 dangerous condition.

4 You have heard today and on July 19th of the incredible,
5 dangerous conditions that exist on Soda Canyon Road. You've
6 heard Mr. Hallett today speak about the poor road construction
7 and design. It's not made for heavy equipment that frequently
8 travels the road. You've seen Supervisor Dodd, former Supervisor
9 Dodd and current Supervisor Pedroza send email correspondence
10 that the road is deplorable in its current state and well below
11 County standards.

12 There have been 518 reported incidents by California
13 Highway Patrol and the Napa Sheriff since 2013, some of those
14 highlights, again, are the traffic collisions, 37 of them, and
15 driving under the influence, or alcohol-related incidents, 40 in
16 the last four years.

17 Napa County Grand Jury report, also, I believe, Ms. Shepp
18 spoke about that on July 20th, rated Soda Canyon Road as the
19 second highest rate of incidents in Napa County. There have been
20 107 CAL FIRE calls from 2007 to 2015.

21 Ms. Grupp, at the July 20th hearing, spoke about the history
22 of extreme and devastating wildfires on the road. There is clear
23 evidence of alcohol consumption. There is clear evidence of
24 dangerous trucks, innumerable hairpin turns, lots of flooding,
25 fog and reckless drivers.

26 It is truly baffling how the Mountain Peak project has
27 initially been recommended for approval when it is obvious that
28 the County is aware of how deplorable the road is and how much

1 worse it will become if the hundred-thousand-gallon, 14,575
2 annual visitation tourist events center is approved.

3 This slide, this hearing on July 20th, serves as actual
4 notice of the dangerous conditions. Approval of the Mountain
5 Peak will dramatically impact and worsen these conditions.

6 I'd like to take a brief moment and talk about the City of
7 Oakland fire that I'm sure everybody has heard about.

8 CHAIR GILL: You're going to need to conclude your remarks
9 though. So get to the...

10 MR ARGER: I will. Thank you.

11 CHAIR GILL: ...the money shot.

12 MR ARGER: It appears that the City of Oakland knew about
13 the problem that is the Ghost warehouse fire, but refused to do
14 anything about it. Now there are going to be multitudes of
15 lawsuits, likely costing the City and the County of Alameda
16 several hundreds of millions of dollars. The first lawsuits have
17 already been filed against the City and against the County.

18 In the event that something happens on Soda Canyon Road, a
19 fire, a serious car accident, this hearing and the record
20 demonstrates that the County had actual notice but refused to do
21 anything about it.

22 Imagine the number of lives devastated just before
23 Christmas in that Oakland fire because the City of Oakland and
24 Alameda County knew about the dangerous condition of the
25 warehouse. There were several citations, but they refused to do
26 anything about it.

27 How will you feel if you approved this project and in
28 three, four, or five years, a loved one of yours, a resident of

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1 Soda Canyon, or perhaps a winery visitor themselves is killed by
2 a drunk driver or going off the side of the road. These
3 incidents, these hypotheticals are not stretch of the
4 imagination. These have happened. We have provided evidence and
5 we implore you to acknowledge those incidents and how greatly
6 exacerbated the existing dangerous conditions will be if this
7 project is approved. Is it worth the risk?

8 In conclusion I would like to reference you to the Napa
9 County seal. The seal says: a tradition of stewardship and a
10 commitment to service. According to the Merriam-Webster
11 dictionary, stewardship is the, quote, careful and responsible
12 management of something entrusted to one's care.

13 Does the County consider approval of a 100,000-gallon
14 winery with 14,575 annual visitors, which will use approximately
15 5.5 million gallons of water per year, and which proposes to put
16 hundreds of thousands of cubic feet of cave spoils on top of a
17 blue-line creek, or I should say, very close to it, that feeds a
18 pristine environmental habitat, the careful and responsible
19 management of something entrusted to its care.

20 Is this the, quote, tradition that the County seeks to
21 follow? For the sake of future generations, I sincerely and
22 certainly hope not. My closing remarks.

23 In March 2015, Supervisor Mark Luce was quoted as saying
24 the justification, frankly, for putting another new winery in
25 our agricultural resource area is much thinner than it ever has
26 been in the past.

27 I, as many other Soda Canyon residents are not opposed to
28 the wine industry and are in fact part of it. We are agreeable

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1 to reasonable and appropriate growth. The Mountain Peak project
2 is not an example of reasonable and appropriate growth. Despite
3 the applicant's intent to disguise this project as
4 environmentally friendly, the project flies in the face of the
5 1968 Ag Preserve, the 1990 WDO, and perhaps most importantly,
6 the 2010 WDO Amendment, which must consider the remoteness and
7 rural-ness of the location.

8 Please heed Supervisor Luce's words and uphold the
9 seemingly distant tradition of stewardship in this Valley and
10 carefully and responsibly manage the incredible natural
11 resources of Soda Canyon Road by denying the Mountain Peak
12 Winery permit in its current form. Thank you.

13 CHAIR GILL: Thank you, Mr. Arger.

14 HARRIS NUSSBAUM: I'm Harris Nussbaum of Mt. Veeder Road.
15 Thank you for listening and this is a new year and we have an
16 opportunity to take some new steps that protect this beautiful
17 valley and the residents who live here.

18 In the past it seemed that almost everything that's come
19 before you has been approved. Maybe a few modifications were
20 required, but the citizens felt abandoned. I wonder if any of
21 you live on Soda Canyon Road and realize the problems that exist
22 there and what this will create.

23 We hear the words that this has been mitigated, but we
24 don't hear you saying that this is about the cumulative impact
25 that has been reached and the point where the quality of life
26 for Napa County residents is threatened. Traffic, housing,
27 environment, water, are just a few of the already existing
28 problems that this project will contribute to.

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1 I've been here since 1955. I don't expect you to go back to
2 those days, you know, but we don't stop--but if you don't stop
3 thinking in terms of more is better, you will destroy this
4 special place.

5 How many of you would like to live in San Jose? It's a
6 nightmare. How can anyone deny that bumper-to-bumper traffic is
7 becoming a norm here?

8 The City and County economics--I'm really surprised that
9 the wine and grape industries aren't here fighting against this
10 approval. The Napa City and County economics are getting
11 overheated.

12 An issue that doesn't seem to be discussed is the labor
13 market. This year there was a great deal of competition for
14 workers to pick grapes and do other jobs. Next year it will be
15 even worse. Imagine the great wall between the US and Mexico
16 that a certain person wants to build to stop the flow of
17 workers. Who will you hire to do the work?

18 I urge you to step back and have the courage to do what is
19 right for our citizens and our Valley. Certainly for those who
20 live in Soda Canyon Road. I hope you have a Happy New Year and
21 the residents can as well. Thank you.

22 CHAIR GILL: Thank you, Mr. Nussbaum.

23 BILL KEEVER: Good morning Madam Chair, Commission members,
24 my name is Bill Keever, Vineyard View Drive, Napa. I have been
25 listening very carefully all morning long and I think the
26 conclusion I've come to is we have a General Plan, we have an Ag
27 Preserve, and we have a WDO and there are very specific
28 guidelines and regulations contained within those that are in

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1 place to govern the activities that go on within our county. And
2 it appears to me that Mr. Rea and his organization have tried
3 diligently to put together a project that is within the bounds
4 and the regulations of those three of General Plan, Ag Preserve,
5 and WDO.

6 It--I've heard the word want and implore and all of those
7 kinds of things used many, many times, but it seems to me that
8 the task here is to determine if the project that is being
9 reviewed fits within the General Plan, fits within the Ag
10 Preserve, and fits within the WDO. It seems to me like Mr.
11 McDowell and his staff have reviewed this thoroughly over a
12 lengthy period of time and have come to the conclusion it does.
13 So it seems to me like it's the responsible thing to do to find
14 out if it doesn't, if the Staff has erred, then we should point
15 that out. It doesn't seem like that's the case. The Staff has
16 had a lot of time to do this.

17 So I would encourage you to take the recommendation from
18 the Staff that has done a thorough job that they're paid to do
19 it, that they're paid to do it in an unbiased and objective way
20 and rule on this request based on exactly that. Thank you.

21 CHAIR GILL: Thank you, Mr. Keever.

22 DAVID HEITZMAN: Good morning Commissioners. David Heitzman
23 from Circle Oaks and Defenders of Napa's--East Napa watersheds.

24 I want to reference a document from Napa County directed to
25 their Planning Department. I'm going to read two--just two
26 sentences from that and you're welcome to pull this up. It's
27 dated October 17th, 2013. I pulled it up on the Wi-Fi here so
28 it's--you should be able to do that too.

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1 In the first paragraph: Under the fair argument test [this
2 is CEQA law] if the record as a whole contains substantial
3 evidence that the proposed project may have a significant
4 environmental impact [sic], the lead agency must prepare an EIR
5 even though there may be evidence to the contrary that the
6 project will have no significant impacts [sic]. The fair
7 argument standard creates a low threshold for the preparation of
8 an EIR.

9 On the earlier hearings you've heard--I think you've heard
10 enough evidence that meets that threshold. It's pretty easy to
11 Google Susan Brandt Hawley, she was the lawyer who most of the
12 State's decisions, you'll find her referenced. They're mostly
13 her decisions, and incidentally, she has a vineyard in Napa
14 County herself and I talked to her about the fair argument.
15 Please investigate that thoroughly. That might be a weak point.

16 [AUDIENCE MEMBER:] What's that document title?

17 MR. HEITZMAN: This is a--it is a--it's from Sean Trippi
18 regarding Woolls Ranch Winery Use Permit [P13-00187].

19 CHAIR GILL: Thank you, Mr. Heitzman.

20 GARY MARGADANT: Good morning to the Commission. It's Gary
21 Margadant from up on Mt. Veeder Road. I wanted to bring up one
22 little point about this area. And this deals with, you know,
23 we're talking about following rules and that sort of thing and
24 that the environmental protections that the County puts on
25 projects and that sort of thing.

26 I want to bring up one particular incident that happened in
27 1998. And this dealt with a large amount of sediment that came
28 down into Rector Canyon and into Rector Reservoir and completely

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1 fouled the filters there so that the owners, the Department of
2 Veterans Affairs, had to replace all of the filters in the
3 Rector Reservoir water treatment plant. This is Mike Thompson at
4 the time was the state senator in charge of this and he drove a
5 bill to replace all of these filters and have the department
6 install them at--to a tune, I think it was between either four
7 or seven million dollars.

8 Now this fouling of the reservoir came off of the
9 Stagecoach Vineyard. This--there was a huge rainstorm at the
10 time that you can go back, it was 1998, I think it was in early
11 February. And it completely flooded. It raised the water in the
12 rivers to an enormous flood level. So it was a deluge that was
13 quite extraordinary at the time. But the fouling of the
14 reservoir did take place at that time and everybody in this room
15 who pays taxes paid for it. The people who owned the vineyard
16 did not. And this--he had just installed this vineyard under an
17 erosion control plan about nine months before this happened.

18 So you can see that obviously it didn't work and it paid
19 heavily, you know, on the taxpayers at this time. These are what
20 these people are worried about. They're worried about events
21 that are going to happen in the future that could be prevented
22 with a little bit of forethought and I think that leaves it to
23 you as to exactly what you're going to do to help the neighbors
24 and help their neighborhood, which is what they're here fighting
25 for. Thank you.

26 CHAIR GILL: Thank you, Mr. Margadant. I've had a couple of
27 requests for a brief comfort break so can we do that right now
28 and be back in our seats at 11:15 and we will resume. Thank you.

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1 --o0o--

2 CHAIR GILL: Hope you had a nice chance to visit, catch up
3 on your vacations. Oh. Thanks for turning on the air. All right.
4 Okay. Thank you for your indulgence for a brief comfort break,
5 and we will resume the Public Hearing. I see we have someone
6 waiting to comment. Thank you.

7 JULIE ARBUCKLE: Hi. Julie Arbuckle. I'm a long-term Napa
8 County resident. I've been carefully listening today to the
9 parade of potential horrors that may result from this project.
10 And on the surface it seems concerning. But if you take a look
11 at what the applicant is actually requesting, which is the right
12 to make wine from their own grapes that they produce on Soda
13 Canyon, which therefore means those grapes will not be being
14 trucked off to a custom crush facility down this supposed
15 dangerous road.

16 I think that needs to be taken into serious consideration.
17 I also think it needs to be taken into serious consideration
18 that that maximum weekly visitation that they're requesting is
19 275, which averages out to an average maximum of four to five
20 people an hour, so to have a new winery trying to sustain its
21 business by having four to five visitors an hour throughout the
22 year, and that's maximum average, so on many times I'm sure
23 there'll be zero people or one person or two people. I just
24 think that needs to be taken into consideration--the scope of
25 what they're actually requesting as far as visitation and it
26 being called an event center.

27 Is really an event center really a maximum of four to five
28 people an hour, 275 a week? So I think focusing back on that

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--59--

1 will be extremely helpful. Thank you.

2 CHAIR GILL: Thank you, Ms. Arbuckle. Any further public
3 comment? Okay. Oh.

4 DEBRA MANFREE: Hello. My name is Debra Manfree and I
5 wasn't prepared to say anything except for that I've been
6 getting outraged at some of the things that they say, the recent
7 one who just came and said, oh, it's only four people per hour.
8 Or when they came up here and said, well, we use water already
9 so if we were making 100,000 gallons of wine and having all
10 these visitors, we're not going to use any additional water.

11 Get real. They have to wash all the wine glasses, they have
12 to wash all the equipment and all those people, that's just
13 lies. They're telling you lies and I don't think you hear
14 anything that we say and I just want you to keep that in mind
15 too.

16 CHAIR GILL: Thank you, Ms. Manfree.

17 KATHY FELCH: Good morning. My name is Kathy Felch. I live
18 here in Napa. I wanted to add to the comments that Gary
19 Margadant made about this silting of Rector Reservoir. I'm doing
20 a lot of historical research on that area and one thing I'd
21 really like you to keep in mind is in addition to the cost that
22 he identified, the residents of the Veterans hospital and
23 Yountville had to use City of Napa water for two years after
24 that incident. So that was an additional cost to the taxpayer.

25 Silting of that reservoir is incredibly important and that
26 reservoir needs to be very carefully protected. Thank you.

27 CHAIR GILL: Thank you, Ms. Felch. Any further comment? All
28 right. We can hear from the applicant on clarification.

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1 MS. OLDFORD: Madam Chairman and members of the Commission.
2 Donna Oldford, planning consultant for the applicant. By way of
3 rebuttal, I'm not going to speak to possible inaccuracies that
4 are--unless they are related directly to the Mountain Peak
5 project. But we've noticed several. We're here to talk about the
6 Mountain Peak project.

7 First of all I want to clarify that a 50 percent reduction
8 in the size of the winery was the scale of the wine cave itself.
9 It was 49 percent, actually, not 50 percent reduction in the
10 visitation numbers.

11 Second, we had a comment about the Krupp Winery at this
12 location. I represented Jan Krupp on his winery permit with the
13 County. We did not have an application for this location. The
14 County did not process one. There was no winery denied at this
15 location previous to this application.

16 I will ask if the Commission wishes to hear on two points
17 that we noted, the one was a Mr. Hocker's questions about the
18 LEED process. If you have specific questions about that, we feel
19 those have been answered and the information is in the record.
20 If you have questions, we have Earl Wilson to respond to that.

21 The other question would be the question about grape yield.
22 We do have figures that can justify that. Our viticulturist is
23 here today ready to justify those figures. He is happy to speak
24 to you, if you wish. Otherwise we won't take up more time.

25 And finally, Mr. Rae advises that the mailboxes were not
26 the casualty of one of their trucks. They don't know who was
27 responsible, but he says they do know it was not their truck.

28 And now I will yield to Brien McMahon, our legal counsel,

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1 to speak to the fair argument issue that's been raised by some
2 of the speakers. Any questions for me and do you wish--if you so
3 wish clarification on the grape yield and the LEED, please
4 advise us and we'll have those people step up. Any questions for
5 me?

6 COMMISSIONER BASAYNE: Ms. Oldford. Just a question since
7 it was raised by Ms. Manfree with regard to the blue-line stream
8 activity and if someone could fill us in on that it'd be great.

9 MS. OLDFORD: Well we do have our civil here today and
10 that's why we have Best Management Practices to protect anywhere
11 on this and I think Paul Bartelt has some history up at the top
12 of the hill, too, over the years, so if you'd like to hear from
13 him, he's here and he'd be happy to talk to you.

14 COMMISSIONER BASAYNE: Great.

15 MS. OLDFORD: Okay. Thank you. Paul, yes, he's here. Paul,
16 let's have you and possibly others go after Brien. Brien
17 McMahan. Thank you very much, Commission.

18 MR. MCMAHON: Good morning again. You see my pile is a lot
19 less at this point. I was hoping not to say anything, but at
20 least three speakers raised this issue about the fair argument
21 and why you're required to do an environmental impact report.

22 I'm not going to presume to lecture you folks on all of
23 this. You have very able legal counsel who had ample opportunity
24 to review the project in conjunction with Mr. McDowell looking
25 at all of those standards and about whether in fact there was
26 any evidence justifying anything more than a negative
27 declaration. And after a very thorough review they concluded
28 there were no significant impacts as we've discussed earlier

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1 this morning and just for the record, the fair argument standard
2 only requires a further review if there's substantial evidence
3 in the record of a significant impact of the project, and as
4 I've mentioned to you earlier, based on the information that you
5 have before you, all you have is evidence, or purported evidence
6 of existing conditions, not evidence of a significant impact
7 arising from the project itself. There's been no counter expert
8 report to dispute the traffic figures and analysis that Mr.
9 Crane prepared in March 26th, 2015. He's here today if you had
10 any questions for him.

11 Mr. McDowell reviewed all of that and basically concluded
12 traffic was not significant. There's been no evidence that
13 despite the location of the project that there's any significant
14 impact from the project itself on hydrology because it's going
15 to use less water, nor on biology because it's going to use less
16 water, and you have all of those statistics in the water
17 availability analysis prepared in March of 2016 by Bartelt
18 Engineering and then Mr. McDowell's subsequent Staff Report that
19 indicates a net use of 0.5 acre feet per year less after the
20 project because of the removal of vineyards and the reuse of
21 irrigation water through the LYVE or other similar system.

22 So therefore there can be no impact, let alone a
23 significant impact from the project from either hydrology or
24 water. And I spared you the details of all of the methodological
25 errors in the Kamman hydrology report that Mr. Hicke and Slade
26 pointed out in their November 30th, 2016, response. If you need
27 to look at those, they're there in the record. But they become
28 irrelevant because since the project is using less water than

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1 under existing conditions by definition there can't be any
2 impact or a significant impact.

3 And finally, on the issue of this Government Code Section
4 835, we're here to talk about whether the project should be
5 approved from a planning perspective. I'm not going to attempt
6 to weigh in on what liabilities the County may have had through
7 information imparted to them over the years regarding this rural
8 road. That certainly is not relevant to the project because as,
9 if you saw from the display of Government Code Section 835 on
10 the screen, it talks about dangerous conditions and injuries
11 proximately caused from dangerous conditions and Mr. Arger's
12 report talked about the existing dangerous conditions on the
13 road. Again, existing conditions, not conditions impacted by or
14 significantly impacted by the project. And therefore there's
15 nothing relevant to that for today's purpose.

16 And one final thing. And it's not within my area, but
17 Commissioner Basayne, you did raise the area about the blue-line
18 creek. Mr. Hicke, who is here today, from Slade, did ask me to
19 point out to you that this is really sort of a misnomer. It's
20 actually an ephemeral creek, not a blue-line creek because even
21 as Mr. Kamman, the applicant's hydrologist, noted in October of
22 2016, the upper extent of the wetted channel was beyond the
23 boundaries of the property at that time and therefore, indicate
24 a dry condition currently as that creek ran through the
25 property. So therefore using the technical language that they
26 use in terms of a blue-line and flowing all the time, it would
27 not be a blue-line creek. But whether it is or it isn't, as
28 pointed out in the initial study, there are ample erosion

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1 control measures, as Ms. Oldford indicated, best managing
2 practices that were considered by Staff under the Biological
3 Resources Impact section and they concluded that with the
4 implementation of those measures and erosion control that there
5 would be a less than significant impact because all of these
6 things are within established setbacks and according to County
7 standards in terms of how to deal with all of that.

8 That's all I have unless you have any specific questions
9 for me.

10 COMMISSIONER BASAYNE: Thank you, sir.

11 MR. MCMAHON: Thank you.

12 CHAIR GILL: Any other questions? Okay. Thank you. Mr.
13 Bartelt.

14 PAUL BARTELT: Good morning. My name is Paul Bartelt. I'm
15 the principal engineer of Bartelt Engineering, here in Napa, to
16 respond to Commissioner Basayne's question regarding the photo
17 that we saw during one of the presentations.

18 I believe that that photo is two to four years old. I am
19 aware of the situation. We addressed the situation as soon as we
20 became aware of it in our office. It was part of the vineyard
21 development going on at that time in that area. The Napa County
22 Resource Conservation District was made aware of it, as was the
23 Napa County Engineering Division.

24 Our company met with both of those agencies, along with the
25 owner. We remediated the issue. We did place rocks across there
26 and I have not been to the site recently, but it is my
27 understanding in previous years that that has been remediated
28 and has been restored to its original condition.

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1 COMMISSIONER BASAYNE: Thank you.

2 CHAIR GILL: Any further comments or clarifications?
3 Questions from the Commission for Staff? Do we have any
4 questions for Mr. Marshall?

5 COMMISSIONER BASAYNE: Yes.

6 CHAIR GILL: Or anyone. Staff.

7 COMMISSIONER BASAYNE: Mr. Marshall, if you could join us.

8 CHAIR GILL: You weren't going to get out of this
9 unscathed, you know.

10 DEPUTY DIRECTOR RICK MARSHALL: Good morning. I'm Rick
11 Marshall with the Department of Public Works at your service.

12 COMMISSIONER BASAYNE: So good morning. I'm curious to
13 know, hearkening back to the email that was referenced from Mr.
14 Pedroza to you or at least if not to you directly, but it
15 included your name in it. It spoke to the issue of future
16 expenditures for road improvements on Soda Canyon Road.

17 I'm just curious to know if you can share with us a sense
18 of the timeline associated with that and I know it relates to
19 County budget, etcetera, etcetera, and just the thought process
20 behind that would be helpful.

21 DEPUTY DIRECTOR MARSHALL: Okay. Soda Canyon Road is not
22 unique in the County-maintained road system in that we have many
23 roads which have a similar condition of the pavement and
24 infrastructure that need a lot of attention to bring them--we
25 have established a goal to gradually over time raise them all so
26 that this network average would have a what's called pavement
27 condition index.

28 The network average index would be 70 on a 100-point scale,

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1 and that was briefly mentioned in that message. That's not the
2 same as a standard. It's a target. We want to provide that level
3 of quality of service, but in the meantime at any given time,
4 roads are all the way from zero to 100 on that scale.

5 Currently we are really struggling with the budget for
6 maintaining the county road system. We are funded primarily with
7 gas tax and due to the way it's calculated and a lot of fine
8 print details of that, we've actually seen the revenue from that
9 decrease substantially over the last couple years. So right now
10 we're kind of in hanging on by our fingernails mode and there
11 really is no funding to do the kind of improvement that this or
12 any other similar road would need in the foreseeable future.

13 The remedy for that is the revenue which will begin flowing
14 from Measure T, which was approved by the voters several years
15 ago, but doesn't take effect until next year. Now that it's
16 2017, I can finally say next year, but I'll caution you and
17 everybody that the tax begins being collected for road purposes
18 once it's done being collected for flood control purposes July
19 1st of 2018.

20 There is a lag in the system of how that money flows. We
21 won't really have dollars available to spend until the beginning
22 of 2019 by which time there's going to be a really long list of
23 things that have been waiting for that date. I'm not in a
24 position to say that Soda Canyon Road will be the very first
25 thing we work on. But I can say that we're well aware of the
26 needs of it and we're working on our plan for the use of [those]
27 funds, but it's not ready at this time.

28 So it's going to be at least 2019, probably sometime later

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1 than that.

2 COMMISSIONER BASAYNE: Thank you. And based on the
3 conditions of Soda Canyon Road if we're looking at the
4 prioritization or stack ranking of projects around the county it
5 would probably, I would imagine, be close to the top in terms of
6 a priority. I don't want to put words in your mouth, but
7 [inaudible]...

8 DEPUTY DIRECTOR MARSHALL: There's a lot of complexity to
9 the way we prioritize projects. There's a school of thought that
10 I share that it's actually wise to invest a substantial portion
11 of your pavement preservation funding in the roads which are not
12 that bad. You spend a little bit to keep the good ones good and
13 it's a lot better use of money over time. That doesn't mean that
14 the ones that are already bad just end up getting let go. We
15 have to find the balance between those two approaches and there
16 is 450 miles of roads. I can't tell you, really, how this one
17 fits in the overall scheme of things.

18 COMMISSIONER BASAYNE: Right. Just one more question and I
19 don't mean to hijack the opportunity to chat with you here, but,
20 curious to know, just in terms of, and you may be or may not be
21 the best resource here with regard to answering this question,
22 but just in terms of the discussion with regard to accidents on
23 this road. No one road in the county is identical to another
24 road in the county. However, there are similarities, as have
25 been identified in the presentation today from a member of the
26 public. How does Soda Canyon Road compare to other roads of
27 similar nature in the county? We have, you know, as was
28 mentioned, the Chappellet Winery, [Prather] Hill, the two-way

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1 road, less degree of residential activity, however, it's still a
2 serpentine road, as is Long Ranch Road, as is Spring Mountain
3 Road. There are so many that have similar characteristics and
4 yet, I'm just very curious to know, we do have a high number of
5 accidents on the roads of the county and we do have issues with
6 regard to floodwaters going over roads and so forth and creating
7 damage. So I hope I've explained [inaudible] one question.

8 DEPUTY DIRECTOR MARSHALL: Okay. [Inaudible.] Sure. I'd
9 love the chance to talk about my road system. So stop me if I
10 get too carried away.

11 We receive copies of all the collision reports that are
12 filed on the County-maintained road system. And we track them
13 using some database methodology that helps us look for patterns
14 and look for priorities among the needs there. So I've seen and
15 I personally read every one of the collision reports on this and
16 all the other 450 miles of roads.

17 While I don't have it memorized, this road is not in my
18 awareness as one of the highest priority county roads that needs
19 attention in terms of collision rate and collision
20 concentration. There's a certain number of collisions on this
21 road over the years. That information is buried in my stack of
22 stuff here, but what I can tell you is that the collisions that
23 we've had reported to us are not concentrated. They're
24 distributed along the length of the road, so there isn't any
25 specific definite pattern, and that distinguishes it from some
26 other roads where there is clearly a pattern, there's, you know,
27 an individual location you can tell that's the place that needs
28 some help. And we've been working on those and made them better.

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1 So I feel good about that.

2 In terms of flooding, we've had various roads that have had
3 substantial concerns with flooding, some that, I can think of
4 one in the middle part of the valley, for example, that just
5 basically goes under water every time it rains, but then when
6 the waters recede, the road is okay, and it isn't an ongoing
7 problem other than stay out when it's flooded.

8 We've had other roads that have experienced substantial
9 storm damage, either upper hillsides coming down, or the road
10 and the hill below it going away. We've had complete washouts of
11 some roads, but those which are in my awareness in the time I've
12 worked here have not included Soda Canyon Road. So that's a
13 problem here. I mean I saw the picture as well. There has been a
14 flooding issue. But I'm not aware that we've had a washout or a
15 landslide specifically that was worse than any other.

16 I can picture a place on Howell Mountain Road, for example,
17 where a couple-hundred-foot-length of road washed away down the
18 canyon below several years ago and that sticks in my mind. That
19 was very distinct.

20 The one other thing I would say in response to your inquiry
21 was a key element of, I think, the tough decision for you today
22 is the distinction between roads which are dead-end versus not.
23 And so some of the roads that were mentioned in the testimony
24 are not dead-end roads. They're otherwise very similar. They're
25 narrow, they're windy, they're mountainous terrain, but they're
26 not dead-end and this one is. It's not the only one. I was
27 trying to think and, you know, likely as soon as I say it
28 somebody will disagree, but, an example to me that's similar is

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1 Diamond Mountain. It's a similar narrow, windy, mountainous
2 terrain and it's a dead-end. So that was just without looking at
3 my maps or lists or anything.

4 I know this is not the only one. The question is, is it
5 appropriate to put this land use at this location on this dead-
6 end road and I hand it back to you at that point. [Laughter.]

7 COMMISSIONER BASAYNE: Well then your example of Diamond
8 Mountain is a scenario where there is a winery at the very top
9 of Diamond Mountain. Correct?

10 DEPUTY DIRECTOR MARSHALL: I know that to be the case, but
11 I'm really not at all familiar, I don't know how big it is or
12 what level of activity it has.

13 COMMISSIONER BASAYNE: Okay. Thank you very much.

14 DEPUTY DIRECTOR MARSHALL: Sure.

15 COMMISSIONER BASAYNE: I appreciate it.

16 CHAIR GILL: Commissioner Cottrell. Thank you for waiting.

17 COMMISSIONER COTTRELL: Thank you. Thank you, Mr. Marshall.
18 I actually had a question for Staff or the applicant about the,
19 sort of, some of the comments that we heard from Ms. Manfree and
20 her presentation and also the biological assessment. So perhaps
21 I'll direct them to Mr. McDowell, but then if there's an
22 appropriate representative from the applicant.

23 And basically my question goes to, in the submittal that's
24 Attachment Q, there is this idea that the cave spoils just being
25 quite a large cave and as we saw from the slides at the top of
26 that canyon and just, I would like to understand more about the
27 mitigation measures that are in place to address potential
28 impacts there and I didn't see in the response to Ms. Manfree's

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1 submittal a comment about that. And I appreciate what Mr.
2 McMahon said that, you know, the questions about water and
3 hydrology, if we're looking at a net decrease in water use, that
4 addresses the question of level of use, but I'd like to hear a
5 little bit more about impacts based on cave spoils and impacts
6 on stormwater.

7 DEPUTY DIRECTOR MCDOWELL: Thank you, Commissioner
8 Cottrell. Dr. Manfree's comments today regarding erosion control
9 is certainly not an area of my expertise for responding. That's
10 handled by our engineering division and it would be appropriate,
11 I think, to hear from the applicant's engineer on how they
12 approach stormwater pollution prevention. But I may be able to
13 get one of our engineers up to speak if your questions are not
14 answered.

15 With that said, Attachment P of the July 20th Staff Report
16 is the stormwater treatment plan that is a requisite of every
17 application that's filed with the County. This process has
18 changed considerably in the last ten years, where prior to ten
19 years ago applications would simply be required to comply with
20 stormwater pollution prevention requirements, which are mandated
21 by the State of California, the Regional Water Quality Control
22 Board, to be specific.

23 Since then, local agencies have been tasked with meeting
24 certain performance levels to ensure that stream health is
25 maintained, not only during construction of a project, but in
26 the post construction period. And this is required, the
27 submittal of these stormwater treatment plans, as part of every
28 land use application and it winds up being a significant hurdle

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1 for an applicant to clear before their application is declared
2 complete and allowed to move forward in the Public Hearing
3 process.

4 And so just to editorialize here, it's a regular occurrence
5 where we hear from applicants griping about the amount of work
6 they have to put into a project design before they've even gone
7 to the Planning Commission for project approval.

8 So in that regard, if you look at the stormwater treatment
9 plan, it's eleven pages and includes certifications. This was
10 reviewed by our certified stormwater engineers and confirmed to
11 comply with County standards.

12 So this is where, when we were composing the environmental
13 document, as the planners, sort of the jacks of all trade, we
14 rely on their expertise, the expertise of our local engineer,
15 and once they've certified that it will comply with standards,
16 we can arrive at a conclusion that the project does not require
17 mitigation, it will simply be implemented in a manner that
18 complies with the best management practices dictated by the
19 State of California Regional Water Quality Control Board.

20 COMMISSIONER COTTRELL: And that statement is embedded in
21 the Conditions of Approval?

22 DEPUTY DIRECTOR MCDOWELL: It's--in a couple places in the
23 Conditions of Approval in the, I'll say, the Planning Conditions
24 of Approval, it references stormwater compliance, but it's more
25 notable in the Engineering Conditions. In the, I think it's
26 their July 1st memo, of, I believe, is Patrick Ryan the engineer
27 on that one?

28 CHARLENE GALLLNA: It's Attachment B in the Recommended

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1 Conditions and it's towards the end.

2 DEPUTY DIRECTOR MCDOWELL: Of the January 4th Staff Report.

3 CHARLENE GALLINA: Of the January Staff Report.

4 COMMISSIONER COTTRELL: All right. Thank you.

5 MS. GALLINA: Page 35.

6 CHAIR GILL: Any further questions for Staff? Or--no
7 comments? Okay. I will close the Public Hearing.

8 MR. ARGER: May I make one...

9 CHAIR GILL: Oh.

10 MR. ARGER: I have one quick question if that's okay.
11 Please?

12 CHAIR GILL: Okay.

13 MR. ARGER: Just...

14 CHAIR GILL: We'll open the Public Hearing.

15 MR. ARGER: Okay. Thank you.

16 CHAIR GILL: See what you did. [Laughter.] Just joking.

17 MR. ARGER: You just want to use the gavel.

18 CHAIR GILL: I do. I do [inaudible.]

19 MR. ARGER: Just a couple of quick inquiries that I think
20 it would be beneficial for everybody, including the applicant,
21 the County and protestants.

22 So we still don't know how many of the 112 acres from Mr.
23 Buckland are planted and/or plantable. I think that would be
24 useful. I think there should be further inquiry into the creek
25 destruction. We have conflicting--Ms. Amber Manfree said there
26 was destruction, Mr. Bartelt said there wasn't. There's gotta be
27 some County records. I think that should be looked into.

28 And as for Mr. Marshall's comment, Mr. Schreuder didn't get

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1 to it, but he provided--there's a slide in your materials that
2 has examples of wineries on Atlas Peak Road. That is very, very
3 important, because I think there's five or six wineries on that
4 road, the length of the road, and all of them past one mile have
5 zero or very, very little visitation. Thank you.

6 CHAIR GILL: Okay, thank you. I will close the Public
7 Hearing and bring it back to the Commission for comments. Mr.
8 Terry Scott, Commissioner Scott.

9 COMMISSIONER SCOTT: Thank you, Madam Chair. My question,
10 I'm afraid, is for Mr. Marshall. Or comment if you will. Mr.
11 Marshall, I heard with interest your comments regarding the Soda
12 Canyon Road and its condition and I think I'd be remiss as--if I
13 didn't convey that I've traveled that road on a number of
14 occasions. It's within my district. And I can honestly agree
15 with many of the residents there that in District 4 at least, if
16 it's not at the very top of the priorities for attention in
17 terms of road maintenance and improvement, it should be. It is
18 for District 4. I cannot speak for the other districts, I don't
19 travel those roads as frequently, but I can tell you that the
20 concern that's been expressed by the residents of Soda Canyon
21 ring very true in my ears and I concur with them.

22 MR. MARSHALL: Noted.

23 COMMISSIONER SCOTT: Thank you.

24 CHAIR GILL: Thank you. You got up for that?

25 COMMISSIONER SCOTT: Yep.

26 CHAIR GILL: Okay. Further Commissioner comments. Everybody
27 jump in at once. Commissioner Basayne.

28 COMMISSIONER BASAYNE: Thank you, Commissioner Gill. So

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1 it's clear that members of the Soda Canyon community have spent
2 countless hours reviewing this project at no small expense, have
3 utilized very qualified, experienced individuals and
4 consultants. The speakers today are deeply engaged, thoughtful,
5 and understandably passionate.

6 Traffic, biological considerations, water usage, they're
7 all significant and valid concerns, not just here, but
8 throughout our Valley, and particularly in areas where there is
9 proposed new development. And not all applications are cookie
10 cutter, and while we'd like to see much easier applications, and
11 we prefer those, the Planning Commission public process affords
12 all applicants the opportunity to be thoroughly and fairly
13 evaluated. This application is a prime example of significant
14 vetting that occurs at the County level.

15 As previously mentioned, we've looked at numerous
16 continuations to get to where we are today. The location of this
17 winery is not ideal for public access and it is not on a well-
18 traveled traffic artery, but, I believe it is suitable. It is
19 not lost on me as to the what and where of this winery location;
20 however, I believe the applicant has taken thorough and
21 deliberate measures to reduce the scope and scale of this
22 project to ameliorate and minimize its impact.

23 This is a well-designed project and it is very reasonable
24 given the applicant's efforts in an area that does, indeed, have
25 high biological integrity. Most of the winery operations that
26 are proposed will be underground and that was intentional in the
27 design. The applicant has volunteered reductions in visitation
28 and marketing. I believe that these are valid concessions. Per

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1 Staff's conclusions, the evidence does not support the
2 assertions that various conditions will be worsened.

3 With regard to traffic safety, grapes, which are currently
4 being crushed elsewhere, will now be processed at the facility.
5 If tonnage is less, therefore, it will be less impactful to the
6 surrounding environment. Any increase in winery activity will
7 not change the level of traffic service. As Mr. Marshall
8 alluded, at some point in time, the condition of the road will
9 be improved, but there are similar roads throughout the county
10 that have higher priority and are actually worse in condition
11 and are well traveled and are accessible to other wineries.

12 With respect to fire safety, which we really didn't talk
13 about at length, or I don't think we even really addressed
14 today, the vineyard process--excuse me, the vineyard itself
15 provides a natural firebreak. The removal of approximately three
16 acres of vines, and the reuse of winery process water will
17 result in less water usage. And since the project will actually
18 decrease water usage, there is no increased drawdown potential.
19 Also, noise generation will be lower because it will be a
20 downsized project.

21 I just wanted to say today that I am absolutely sympathetic
22 to the concerns expressed today. And I believe that the Soda
23 Canyon residents are heartfelt and that we absolutely need to
24 recognize the need for traffic safety in that area and I
25 appreciate Commissioner Scott's comments and stating his
26 concerns for the record.

27 Based on the evidence presented today, however, I am
28 supportive of this project.

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1 CHAIR GILL: Commissioner Cottrell.

2 COMMISSIONER COTTRELL: Thank you, Chair Gill, and thank
3 you, Commissioner Basayne. I wanted to begin my comments by
4 acknowledging the participation of the neighbors and the amount
5 of work that has gone in both on the part of the applicant and
6 the neighbors in preparing for the discussion today and I wanted
7 to thank those who spoke today that in general we stayed on the
8 issues and focused in helping add information to the record.

9 It's pretty clear from what we've heard today that current
10 conditions are distressing to the neighbors. I would like to
11 remind us all that this application did not create these
12 conditions, but these are the baseline conditions that this
13 application would add to and potentially exacerbate. So.

14 And then I wanted to also call out some of the very
15 positive aspects of the project. I understand, I think, Mr.
16 Hocker makes a good point for all the applications that we see
17 that something like a LEED Certification doesn't necessarily
18 mean that every--you know, all environmental boxes have been
19 checked. Like so many measuring sticks, it's an imperfect one,
20 and yet I still think this project, the construction of the
21 building, is very environmentally focused and I believe Ms.
22 Oldford when she states that this may be the most
23 environmentally friendly design that she has worked with. And
24 also I appreciate the applicant's efforts to revise the project
25 and scale it back.

26 And turning to my own view of the materials before us, I am
27 really--the thing that jumps out to me is this direction we have
28 from the County to consider the remoteness of the location among

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1 other variables to ensure a direct relation between access
2 constraints and onsite marketing and visitation programs. And
3 it's my feeling that this project, while so much thought has
4 gone into the design of the building itself, if this were a
5 project on Highway 29 or one of the major arterials, I would
6 have no problem supporting it because then we wouldn't have the
7 access constraints that Soda Canyon Road, all 6.2 miles of it,
8 presents.

9 Given that it is situated at the top of this very windy
10 road in poor condition, I cannot support the level of visitation
11 proposed even in the revisions. So I would not be supportive of
12 the project.

13 CHAIR GILL: Thank you, Commissioner. Commissioner Scott.

14 COMMISSIONER SCOTT: Thank you, Chair Gill. First of all I
15 would like to note that I truly appreciate the close-knit nature
16 of the Soda Canyon Road community and its residents. It truly is
17 one of the great communities in Napa County and I've had the
18 opportunity to visit it on a number of occasions. And although,
19 as I said earlier, I certainly share the residents' concerns
20 about the condition of the road, I also believe it would be
21 inappropriate and inaccurate to hold the current applicant
22 proposal hostage to a preexisting condition issue.

23 And I share their concerns that this particular winery,
24 which I believe is the ninth on that road, would exacerbate the
25 existing traffic issues, but I'm reluctant to assume that
26 they're going to cause additional ones. And I've seen enough
27 evidence on the part of their efforts to not only reduce their
28 marketing events, but respond to the concerns that the

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1 neighborhood has expressed. I mean, we expect, or I expect a
2 reasonable effort to mitigate neighborhood concerns and in my
3 mind, they have met and in some cases exceeded a reasonable
4 effort to mitigate the potential impacts that they might have.

5 Overall, I can't escape the fact that the Mountain Peak
6 Winery proposal is consistent with its Agricultural Watershed
7 property zoning, it's consistent with the General Plan and the
8 Ag Preserve. It's consistent with the WDO and to the extent
9 possible it's consistent with all County ordinances and land use
10 public policy that I've seen in the last 16 years.

11 It provides--this particular application would provide 92
12 percent estate-owned grapes from the two closely adjacent
13 parcels with nearly 120 acres of vineyards and both are large
14 organic vineyards. They have requested no variances. They're of
15 LEED Platinum design and some of you may not be aware, LEED
16 means Leadership in Energy and Environmental Design. And it's
17 touching on all three of those things.

18 I think that they've made some significant changes to the
19 operation to locate most of the operations, primarily
20 underground operations, if you will. They have good water
21 sources and I think the County has demonstrated that they agree
22 with that.

23 And in all, I think that--I'm concerned about the location
24 of the winery at the end of a dead-end road, if you will. But I
25 also believe that it's a relatively moderate visitation and
26 marketing program for a winery that produces, you know, that
27 will produce this much wine from grapes that are largely estate
28 grown.

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1 And so given today's policies, I feel I must support the
2 application.

3 CHAIR GILL: Thank you, Commissioner Scott. I guess one of
4 the best things about being chair is that I have all of my
5 wonderful, thoughtful colleagues go first, so I really don't
6 have much more to add.

7 I did want to go back to those conditions, though, on the
8 LYVE system. If it--if we could take out the brand name if the
9 applicant is willing, so that that's not tying them to a
10 particular brand? Okay.

11 DEPUTY DIRECTOR MCDOWELL: Yeah. So it would read a
12 seasonal surface irrigation disposal system.

13 CHAIR GILL: Okay. That was just a question.

14 DEPUTY DIRECTOR MCDOWELL: That'd be Condition 1.2e.

15 CHAIR GILL: Okay. Thank you. It actually does allow me to
16 get in the weeds a little bit, so.

17 The other piece, and thank you, Commissioner Scott, for
18 bringing up the LEED Platinum certification. While I know that
19 LEED is a voluntary program, it is something that builders and
20 developers can choose to do. It is a statement of their intent
21 to operate at a very high performance level.

22 That said, I know there is some question about what it
23 really means. But I am also confident in the State's own green
24 building code, in Title 24, that ratchets up every year with
25 respect to performance so that when new buildings are built,
26 they are very high performing in energy and water regardless of
27 LEED or other brand name certification. So I just want to
28 clarify that when--should the winery be built, that it will be

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1 to very high State standards. So I'm confident in that.

2 I would like to echo Commissioner comments about the public
3 comments today. I'm so impressed with the thoughtful preparation
4 that neighbors have done and staying within time limit. Thank
5 you for my first meeting as chair you made something that could
6 have been hard pretty easy for me to manage, so I thank you very
7 much for all of your comments, your engagement, your interest. I
8 hope that moving forward, communication with Mountain Peak
9 Winery staff and ownership and consultants and those involved
10 only improves.

11 I think as I mentioned, as we started the meeting that we
12 all live and work in this community and we hope that we can--if
13 we disagree, at least do it in a way that is respectful and
14 civil in trying to find things that we do have in common.

15 So I won't go into much more detail because all of my
16 Commissioners have done a great job of--my fellow Commissioners
17 have done a great job of doing that. I will say that I also
18 appreciate the applicant's attempt to listen, to amend, to be
19 flexible, to try to scale this project to something that did fit
20 in the neighborhood better and that also suited your business
21 and your operation needs. So thank you, also, for your patience.
22 I know we had a lot of chances at this and so today I know
23 you're ready to move on to the next step.

24 So I would also support this project and I will ask for a
25 motion. I think Commissioner Basayne jumped in.

26 COMMISSIONER BASAYNE: Okay. I propose that the Planning
27 Commission adopt the Negative Declaration based on Findings one
28 through seven of Attachment A and, two, approve the request for

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1 a Road and Street Standards Exception based on Findings eight
2 through nine of Attachment A and Use Permit P13-00320-UP based
3 on Findings ten through 14 of Attachment A, subject to the
4 recommended Revised Conditions of Approval, Attachment B as
5 modified.

6 COMMISSIONER SCOTT: Second.

7 CHAIR GILL: We have a motion and a second. All those in
8 favor? Aye.

9 COMMISSIONER BASAYNE: Aye.

10 COMMISSIONER SCOTT: Aye.

11 COMMISSIONER COTTRELL: Nay.

12 CHAIR GILL: Okay. Motion passes. Project approved.

13 MRS. OLDFORD: Thank you, Commission.

14 CHAIR GILL: Congratulations.

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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 17th day of February, 2017.

13
14
15 Kathryn F. Johnson

16 --o0o--

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23
24 THE FOREGOING INSTRUMENT IS A CORRECT
25 COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

26 CLERK OF THE BOARD OF SUPERVISORS OF THE
27 COUNTY OF NAPA, STATE OF CALIFORNIA

28 ATTEST: *Gray Morgan, Deputy*

DATE: 4/7/2017

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