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TRANSCRIPT OF PROCEEDINGS
NAPA, CALIFORNIA
WEDNESDAY, JULY 20, 2016

REPORTED BY:
JOANNE BALBONI, CSR 10206
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Transcript of proceedings, taken at 1195 Third Street, Room 310, Napa, California 94559, commencing at 8:59 a.m., Wednesday, July 20, 2016, before Joanne Balboni, CSR No. 10206.

A P P E A R A N C E S

PLANNING COMMISSIONERS:

MICHAEL BASAYNE
HEATHER PHILLIPS
JERI GILL
TERRY SCOTT
ANNE COTTRELL

SILVA DARBINIAN, DEPUTY COUNTY COUNSEL
JOHN MCDOWELL, DEPUTY DIRECTOR
DAVID MORRISON, DIRECTOR
CHARLENE GALLINA, SUPERVISING PLANNER

MELISSA FROST, CLERK

SPEAKERS:

DONNA OLDFORD
STEVE REA
ANTHONY HICKEY
BRIEN MCMAHON
EARL WILSON
STUART SMITH
YEORYIOS APALLAS
GLENN SCHREUDER
DIANE SHEPP
BARBARA GUGGIA
DRASELLE MUSCATINE
ANNE PALOTAS
ANTHONY ARGER
NICHOLAS ARGER
CYNTHIA GRUPP
DAVID HALLETT
JULIA ARGER
BILL HOCKER
KOSTA ARGER
DANIEL MCFADDEN
DEBRA MANFREE
DIANA MCCABE WHITED
PATRICIA DAMERY
BILL KEEVER
STEVE CHILTON
EMILY WALZ
PAUL BARTELT
GARRETT BUCKLAND
AMBER MANFREE
HARRIS NUSSBAUM
DOREEN LEIGHTON

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PROCEEDINGS

MR. BASAYNE: Well, good morning, and welcome to the Wednesday, July 20th, 2016 -- interruption here. Good morning. Okay. We are going to start again here.

Good morning and welcome to the Wednesday, July 20th, 2016 Planning Commission Meeting. May we have roll call?

THE CLERK: Commissioner Gill?

MS. GILL: Here.

THE CLERK: Commissioner Cottrell?

MS. COTTRELL: Here.

THE CLERK: Commissioner Phillips?

MS. PHILLIPS: Here.

THE CLERK: Commissioner Scott?

MR. SCOTT: Here.

THE CLERK: And Chair Basayne?

MR. BASAYNE: Present. Pledge of Allegiance. Comments and recommendations, the Commissioner invites comments and recommendations concerning current problems and future prospects of a planning nature, which are within the jurisdiction of the Planning Commission.

Anyone who wishes to speak to the commission on such a matter, if it's not on the agenda today, may do so at this time. Well, seeing none, let's move to the

1 approval of minutes.

2 We have minutes from May 18th, 2016, and at
3 that time all commissioners were present. May 25th,
4 2016, all commissioners were present at that time. And
5 on June 15th, 2016, all commissioners were present.

6 May I have a motion to approve the minutes?

7 MS. GILL: So move.

8 MR. SCOTT: Second.

9 MR. BASAYNE: Second, motion second. All in
10 favor?

11 UNANIMOUS RESPONSE: Aye.

12 MR. BASAYNE: Passes unanimously. May I have
13 the director's report? Good morning, Director Morrison.

14 MR. MORRISON: Good morning, Chair Basayne.
15 Given the number of people who are here today and the
16 nature of the case we have before us, I'm going to skip
17 the director's report this morning.

18 MR. BASAYNE: Okay. Well, thank you very much.
19 Moving on to the agenda review.

20 MS. GALLINA: Good morning, Chair Basayne and
21 Members of the Commission. Charlene Gallina,
22 supervising planner. I just want to point out today we
23 have two items on the agenda. We have no public hearing
24 items to be decided without additional testimony.

25 Of the two public hearing items, the first one

1 will be presented by John McDowell. It's Mountain Peak
2 Winery, Mountain Peak Vineyards, LLC, use permit and
3 roads and street standards. You did receive copies of
4 correspondence that came in starting on Friday.

5 Then Monday, last night -- we are putting
6 together another packet that came in last night. It
7 contains a lot of information, probably over 500 pages
8 of reading material. So you may want to kind of take a
9 few minutes or some time to look it over, but John
10 McDowell will take you through the meeting when he gets
11 the item. It's a lot of information that we haven't --
12 staff has not gone through, just so you are aware.

13 The other item is Napa Vault Storage facility,
14 Barn Stable, LLC, Storage Tech. It's a use permit and
15 tentative map. Last night, the applicant, due to
16 information that we had received from other agencies as
17 part of public comment, has requested a continuance of
18 this item today. So you may want to take that up first.
19 Beth Painter is here representing the applicant. They
20 have asked us for a continuance, and we are looking at
21 August -- I believe August 17th, as the meeting date for
22 that item to continue. Once again, we did receive
23 correspondence. It's much smaller, and that's on your
24 DIAS. So with that, I will end my presentation. Thank
25 you.

1 MR. BASAYNE: Okay. That brings us to
2 disclosures.

3 Commissioner Phillips?

4 MS. PHILLIPS: With regards to item 9(A), I met
5 with the applicant and their representatives at the
6 site. And with regards to the second item, exchanged
7 e-mails with the applicant's representative.

8 MR. BASAYNE: Thank you.

9 Commissioner Scott?

10 MR. SCOTT: In regard --

11 MS. PHILLIPS: And I'm sorry, Terry. My
12 apologies. And I received the e-mails regarding item
13 9(A) as directed from staff.

14 MR. SCOTT: Pretty much likewise. Regarding
15 item 9(A), I spoke with the applicant's consultant, and
16 I met with her, the applicant, Mr. Rea, and their
17 engineer, Mr. Bartelt, and Planning Commissioner
18 Phillips yesterday and toured the site.

19 And regarding the Napa Vault item, I spoke with
20 the consultant, Beth Painter, and met with her and the
21 applicant, Mr. Bedford, and Commissioner Gill and walked
22 the site, and I also received numerous e-mails.

23 MR. BASAYNE: Thank you. Likewise, with regard
24 to item 9(A), I actually visited the site, met with the
25 applicant and the applicant's representative and have

1 had discussions subsequent to that meeting.

2 With regard to item 9(B), I've actually visited
3 the site this week, but also had visited the site back
4 in 2009, when this application was in a different form.
5 And I did speak briefly with the applicant's
6 representative, Beth Painter, but I did not meet with
7 her at the site.

8 Ms. Gill: For item 9(A), I met with the
9 applicant's representative, Donna Oldford, as well as
10 Steven Rea, and a very friendly chocolate lab named
11 Buddy. Item 9(B), I met with Beth Painter and Eric
12 Bedford also at the site.

13 MR. BASAYNE: Commissioner Cottrell?

14 MS. COTTRELL: On item 9(A), I met with Steven
15 Rea and Donna Oldford on the site, and I have also met
16 with some of the neighbors to the project and have
17 received the same e-mails. And on item 9(B), I visited
18 the site with Eric Bedford and Beth Painter.

19 MR. BASAYNE: Thank you. And I am also in
20 receipt of the many e-mails with regard to item 9(A).
21 However, I have not had time, nor have any of the
22 commissioners, to review the documents that have
23 recently been submitted.

24 MR. SCOTT: Mr. Chairman, I'd like to also
25 disclose that a month or two ago, I attended an event

1 with the neighbors at Soda Canyon and spoke with a
2 number of them about this project.

3 MS. PHILLIPS: And I would like to add to my
4 disclosure on item 9(A) that I spoke to both Deputy
5 Director McDowell as the staff representative and to
6 Rick Marshall with regards to traffic.

7 MR. BASAYNE: Okay. Thank you very much. So
8 we have before us item 9(A) and item 9(B). We are at
9 this point looking at continuing item 9(B). And so for
10 that matter, I know that Commissioner Gill has a
11 question, and I'm ordering --

12 Does the applicant's representative wish to
13 speak prior to our vote on the continuance? Okay. And
14 so given that, Commissioner Gill, did you have a
15 question for staff with regard to item 9(B), the Napa
16 Vault Storage Facility, Barn Stable, Limited, LLC,
17 Storage Tech, LLC, use permit P14-00296-UP and tentative
18 map P16-00298-TM.

19 MS. GILL: Chair Basayne, I did have a question
20 about what you just said.

21 MR. BASAYNE: Okay.

22 MS. GILL: So I was just out there on Monday,
23 and we were moving forward, and so I wanted -- is it the
24 vine trail letters that is causing a delay, or what --

25 MS. GALLINA: It's a letter we received from

1 California Fish & Wildlife, and we are working with the
2 applicant to give them additional time to look at
3 potential mitigation measures we are going to add to the
4 project.

5 MS. GILL: Okay. The Fish & Wildlife letter is
6 not in our packet?

7 MS. GALLINA: It is in your packet, yes.
8 Everything we have received on the project is in your
9 packet.

10 MS. GILL: The electronic packet. It's not in
11 the packet for today?

12 MS. GALLINA: You did receive some
13 correspondence today.

14 MS. GILL: But the Fish & Game letter --

15 MS. GALLINA: It's in your packet, yes.

16 MS. GILL: Okay. Thank you.

17 MR. BASAYNE: So at this point, I will
18 entertain a motion to continue item 9(B), the Napa Vault
19 Storage Facility, to August 17th, 2016.

20 MR. SCOTT: So move.

21 MS. COTTRELL: Second.

22 MR. BASAYNE: We have a motion, second. All in
23 favor?

24 UNANIMOUS RESPONSE: Aye.

25 MR. BASAYNE: Passes unanimously for a

1 continuance to August 17th, 2016. Thank you very much.
2 Okay. That brings us to item 9(A), the Mountain Peak
3 Winery, Mountain Peak Vineyards, LLC, use permit
4 P13-00320-UP and road and street standards exception
5 request.

6 And I know there are a number of individuals
7 here today who are interested in speaking either in
8 favor or opposed to the project. I do have a list of
9 individuals who have already been so kind as to share
10 their names.

11 I also have speaker cards that have been
12 submitted already. There are speaker cards on the back
13 table. If you do wish to speak, and you haven't
14 recorded your interest, please complete one of these
15 cards, and we'll get to you today and give you an
16 opportunity to express your thoughts. Okay.

17 That brings us to the presentation from staff.
18 Good morning, John McDowell, Deputy Director.

19 MR. MCDOWELL: Good morning, Chairman Basayne,
20 and thank you for the introduction.

21 Commissioners, this item is a 100,000-gallon
22 new winery proposal on Soda Canyon Road. To be
23 specific, 3265 Soda Canyon Road, which is located six
24 and a half miles up the canyon.

25 Before getting into the particulars of the

1 proposal, I guess I'd like to talk over some of the
2 processing options that you have for this morning. As
3 it was noted in the agenda review, a large volume of
4 materials came in yesterday afternoon. We have been
5 working on copying those materials. I believe they are
6 ready to hand out to you at this point, but it is
7 something that staff has not been able to do a thorough
8 review of at this point.

9 So factoring that in, along with a number of
10 requests from the public that this item be continued, I
11 guess I would like to first entertain with the
12 Commission whether we move forward today at this point
13 with the hearing, or whether we continue it outright,
14 which is the Planning Commission's option.

15 And at this point, given the number of people
16 that have come here and the applicant's wishes and the
17 staff's wishes, we are recommending that you commence
18 the hearing and hear from the people who have taken time
19 out of their day to come here and speak.

20 And at the conclusion of today's proceedings,
21 then continue the item to give staff time and
22 opportunity to conduct a thoughtful review of all the
23 materials that came in. At the conclusion of today's
24 discussions, we could get into a discussion over what
25 would be an appropriate time to continue the item to.

1 So if it's the chairman's pleasure, I will
2 continue on with the presentation unless you wish to
3 discuss what I have just put forward.

4 MR. BASAYNE: I'd like to give the members of
5 the Commission an opportunity to weigh in at least and
6 share their thoughts.

7 Commissioner Cottrell?

8 MS. COTTRELL: Thank you, Chair Basayne, and
9 thank you, Deputy Director McDowell. I am in favor of
10 commencing the public hearing today. So we can -- you
11 know, everyone has come here to give input. So I'd like
12 us to be able to gather as much input as we could while
13 we have folks here today to offer that.

14 MR. BASAYNE: Commissioner Scott?

15 MR. SCOTT: I agree with Commissioner Cottrell.
16 I would like to open the public hearing and hear from
17 applicants, and I'm leery about postponing or continuing
18 this item again without more information because it's
19 been three years in the process.

20 And it concerns me to receive a volume of new
21 information the night before that staff, obviously,
22 hasn't had an opportunity to review and absorb, and that
23 concerns me, that we are accepting that kind of late
24 information. Obviously, we have to accept it, but we
25 don't have an opportunity to utilize it, to read it, and

1 understand the concerns that are being expressed. And
2 I'm concerned that that going forward doesn't become a
3 tactic by opponents of projects or applicants for that
4 matter.

5 MR. BASAYNE: Thank you, Commissioner Scott.
6 Commissioner Gill?

7 MS. GILL: I agree that we definitely need to
8 gather input. I think the full room here is an
9 indication of interest in this project, and so I'm open
10 to receiving public input, as well as hearing from the
11 applicant about the project.

12 I am also concerned about the late hit of
13 information the night before a hearing, and I actually
14 don't see it as a future potential for delay tactics. I
15 think that's exactly what it is today. And so if we are
16 going to continue the hearing, I would say we take a
17 couple hours of break, and we read through the
18 information. And if we want to continue it, we do it at
19 2:30 today.

20 MR. BASAYNE: Commissioner Phillips?

21 MS. PHILLIPS: I think we all want to continue
22 with this today. You know, I have to say that in terms
23 of the material coming in, I think we've seen it before
24 as a tactic. I think it's somewhat the way that it does
25 work. But I will admit that, you know, I received this

1 staff report on a Thursday afternoon as did the rest of
2 the public, and it takes a while to be able to formulate
3 responses. So we've discussed this before.

4 Part of the issue of materials coming in so
5 late is part of the timing with which it's released on a
6 project of this scope. So it's a massive report, and it
7 was a push for me even to be able within that time frame
8 to be able to digest it.

9 So I would feel comfortable being able to take
10 the information in today and have the extra time to
11 digest the material that has since come in and have my
12 own questions for staff on this project answered as
13 well.

14 MR. BASAYNE: Thank you, Commissioner Phillips.

15 Whether this receipt of information or the
16 giving of information to us was intended as a tactic or
17 to delay the process or unintended, it has somewhat set
18 us back on our heels and effectively.

19 So I think that given the fact that, in
20 agreement with my fellow commissioners, we have so many
21 members of the public here who wish to speak, express
22 their thoughts and opinions, we do need to move forward
23 with the hearing today.

24 But I am of a mind with Commissioner Phillips
25 that given the sheer volume of information, we really --

1 even if we were to sit sequestered for the next
2 two hours as commissioners trying to digest this
3 information, we wouldn't do an effective job, and I
4 believe we would also potentially need input from our
5 legal counsel. And for that matter, I believe we
6 probably will need to continue this item.

7 Are there any other thoughts at this time?

8 Okay. I turn it back to you, Mr. McDowell. And I guess
9 we'll just continue forth with the hearing today, and
10 we'll discuss the need whether to continue as we get to
11 that point.

12 MR. MCDOWELL: Wonderful. Thank you. So what
13 I recommend is, after a brief staff presentation, you
14 proceed as you normally do with the public hearing item,
15 hear from the applicant and the applicant's
16 representatives, hear from members of interested
17 parties, entertain any questions you have for staff,
18 applicant, or interested parties, and conclude with the
19 applicant's response or rebuttal to testimony, and then
20 begin your deliberations and take appropriate action at
21 the end of that proceeding. So without further ado,
22 I'll get into my piece, if that's okay.

23 MR. BASAYNE: Please.

24 MR. MCDOWELL: Thank you. Graphics are up.

25 So the project site highlighted on the

1 television screens is a 41-acre parcel. If you can see
2 the little hand of our mouse, what I attempted to
3 describe in the staff report is the somewhat unusual
4 shape of the property. I just described it as two
5 rectangles that are divided by a narrow point. I think
6 this is of particular importance for the property
7 because we have two sections of property that are
8 roughly 20 acres in size, and the project is primarily
9 occurring on this western portion of the site. As we
10 get into the site plans later, in these graphics, I'll
11 detail the three main areas of where development's
12 happening on the site.

13 But while I have this exhibit up, I just want
14 to call your attention to a couple of notable features
15 that are in the area. As you all noted, you made the
16 effort to go up to and visit the project site. We are
17 near the end of Soda Canyon Road, which as you are
18 aware, runs up a canyon, and then there is a rather
19 steep section of roadway which, more or less, falls off
20 of this map, and goes through a little saddle here near
21 the Stags' Leap geographic feature, and then the
22 property -- the roadway drops down into a different
23 watershed. This is actually the Rector Reservoir
24 watershed. If you look at the western portion of this
25 map, you can see the main part of that Rector Reservoir

1 Canyon.

2 So the road traverses the side of the hill, and
3 you come up on the project site. The property owner not
4 only owns this particular site but an additional
5 180-acre parcel where my cursor is presently located,
6 which is accessed by private dirt or gravel, but a
7 shared driveway, which goes through the Mountain Peak
8 property and accesses all of the properties that are
9 essentially north of the Mountain Peak development.

10 So turning to the aerial photo, I'd just like
11 to call out a couple of the existing features on the
12 site, which I'm sure you saw when you conducted your
13 site visit.

14 Soda Canyon Road is on the lower portion of
15 this exhibit. We have the existing driveway into the
16 main residence, which is around this cluster of trees.
17 The remainder of the property is planted in vineyards
18 with the exception of, on the eastern rectangle, as I
19 call it, we have a creek corridor or stream corridor,
20 which feeds down into the Rector Reservoir.

21 We have residents in this location just east of
22 what will be the winery site and north of the project
23 site in these areas here, and then a number of residents
24 across Soda Canyon Road, which these parcels tend to be
25 smaller parcels that are steeper and heavily forested.

1 In your graphics package, we have a detailed exhibit
2 from the project engineer, Bartelt Engineering, which
3 shows the existing conditions.

4 I'd like to point out the residence in this
5 location and just call your attention to the driveway
6 heading into the residence. From your site visit,
7 you'll recall that was lined by a series of Italian
8 Cypress.

9 So turning back to the overall project site
10 plan, as I noted, there are three development areas that
11 are occurring on the project site. What I'm calling the
12 main development area is on the southern portion of the
13 site near Soda Canyon Road. It contains the tasting
14 room and office building. You'll see it better on later
15 exhibits, but the main cave, which is where the majority
16 of their production activities will be occurring and
17 then next to the cave, will be the outdoor crush pad and
18 mechanical area, work area.

19 North of that area is what I call the second
20 development area, which is where the wastewater system
21 will be placed, as well as cave spoils will be deposited
22 in this area, and there will be storm drain, retention
23 facilities, or storm water retention facilities going on
24 in this overall area.

25 And then on the eastern rectangle is the final

1 development area, which is a cave spoils area. All of
2 the cave spoils will be placed in areas that are
3 currently planted in vineyards. So those vineyards will
4 be removed. The cave spoils will be placed in there,
5 and then the vineyards will be replanted.

6 Close up here on the project site, I'd just
7 like to call your attention to the cave feature, which
8 is outlined in gray here. It's a 33,424-square-foot
9 cave. Note its connections to the new office building,
10 tasting room. That building is in roughly the same
11 location that the residence sits right now. We have a
12 number of existing trees that will be preserved as part
13 of the project that currently surround the residence.
14 And then with this development, they will surround the
15 tasting room.

16 The cave is below this tasting room, office
17 building feature, and connects in with the outdoor crush
18 pad. Again, as you recall from your site visit, the
19 property slopes fairly dramatically from the shared
20 private drive on the eastern portion of this rectangle
21 area. It slopes downward, towards the western portion
22 of the site and, therefore, the cave winds up being
23 below the roadway and the access roads and the parking
24 lot to the facility with the portals facing away from
25 Soda Canyon Road.

1 Please call your attention to the three
2 driveways that are proposed as part of the project. One
3 of the driveways is essentially an existing driveway
4 that will be refigured. This is where the dirt/gravel
5 access road goes to the properties served beyond the
6 site.

7 The applicant has proposed to separate the
8 access road for the visitor parking area from that
9 shared private road, and then there will be a new
10 production driveway. I call it a production driveway.
11 This will be the employee and I'll say back-of-house
12 driveway serving the crush pad and outdoor work area.

13 This project complies with the overall
14 development regulations as far as distances from
15 property lines, winery road setbacks, the height of
16 buildings, the size of structures, accessory production
17 ratios, those sorts of technical items.

18 However, there is an exception being requested
19 to the slope of the service driveway. At the time that
20 this project was originally designed, it complied with
21 the slope requirement, which was 20 percent for a
22 private road. But within the last six months, the State
23 of California put forward new regulations on driveway
24 slopes. So the county had to update its road and street
25 standards, and that new slope standard is 16 percent.

1 Well, the applicant's proposed design calls for a
2 section of this driveway to be at a slope of
3 19.6 percent maximum. So it complied with the old
4 standard, but it didn't comply with the current
5 standard.

6 The state does allow for local agencies to
7 grant exceptions to the standard. So the county is
8 continuing with its practice of evaluating road
9 exception requests.

10 There's two mandatory findings that the
11 Commission must meet in order to grant this exception.
12 One is -- they are detailed in the staff report. We can
13 get into this later, but the findings very briefly are
14 that the design serves the same overall practical effect
15 as meeting the standard, and then the other is that
16 there is an environmental constraint, such as steep
17 slopes or trees or natural terrain, that prevents the
18 applicant from meeting the standard.

19 I believe the applicant's engineer is prepared
20 to speak to this further if the materials in the
21 commission packet generate questions from you.

22 This is a grading plan. I said I would be
23 brief, but there's a lot of details to this project that
24 I think are of great importance to the commission. So
25 I'll try to get through this as quickly as possible.

1 This grading plan is very informative. I spent
2 a lot of time up at the site just sort of digesting how
3 the site will change as a result of the project. As I
4 noted earlier, the project site slopes down to the west,
5 and it's all planted in vineyards. The project will
6 result essentially in all of this area between what is
7 the existing residence and Soda Canyon Road being
8 regraded as a result of installing the cave, doing the
9 cut in order for the crush pad, outdoor work area,
10 installation of the driveway to the visitor parking
11 area.

12 So the resulting development will place a
13 substantial amount of cave spoils in this area around
14 the project site. There will be a berm added closest to
15 Soda Canyon Road. There was a subterranean water tank
16 in this area. So when the project is finished, this
17 will all be replanted in vineyards.

18 And from my professional view of the project
19 site, with the office being -- office/tasting room being
20 located in essentially the same location as the existing
21 home, with the majority of the trees in that area being
22 preserved, the resulting development that happens in
23 this area winds up -- I'll say in my opinion -- not
24 substantially changing the visual character of the
25 project site once the development is done.

1 Portions of the development will be visible
2 from Soda Canyon Road and from the adjoining property
3 owners, but it appears that it's been pretty
4 thoughtfully designed reducing degrees of visibility. I
5 was impressed as well by the architecture on the
6 development.

7 The last thing that I'd like to call your
8 attention to on this grading plan is this inset on the
9 lower portion of the plan. It shows the storm water
10 retention basin and the wastewater treatment system,
11 which is in that second development area that I
12 described.

13 So we do have in your graphics package exhibits
14 showing the cave portal mechanical area, the tasting
15 room and office building, as well as cross sections of
16 the landscaping plan of what the site will look like.

17 This one exhibit, Exhibit L1.2, I think is a
18 good representation of how the cross section changes
19 once the development happens. You can see the existing
20 setting. Actually, this is not the existing setting.

21 Section A shows what the view would be from the
22 gravel roadway, and then section B here would be a
23 little bit farther down that roadway. Okay. So turning
24 away from graphics, I'd just like --

25 MR. BASAYNE: Deputy Director, Commissioner

1 Phillips has a question for you.

2 MS. PHILLIPS: While we are on the topic of the
3 cave spoils, is the berm going to be constructed with
4 cave spoils, or is that separate?

5 MR. MCDOWELL: My understanding is, it will be,
6 and the project engineer can detail that question for
7 you.

8 MS. PHILLIPS: Okay. And then the other
9 question -- we were talking about the visual character.
10 But in terms of that with the -- you were mentioning
11 putting the cave spoils in this -- ripping the vineyard,
12 placing the cave spoils, and then replanting the
13 vineyard. And I checked earlier, and it said that Track
14 2 -- plants had been done. Is that a separate -- I just
15 want to clarify if those included the cave spoils.

16 MR. MCDOWELL: So if I'm understanding your
17 question, the vineyards that are on the site have been
18 approved by the county under Track 2 Erosion Control
19 Plan Approvals or ECPs, as we call them in-house.

20 This proposal will not trigger a new Track 2
21 approval, but we would do a grading permit as part of
22 this project, which will be led by our engineering
23 division, and the grading permit will include an
24 extensive water pollution prevention plan leading to the
25 vineyards being reinstalled on top of the cave spoils.

1 As I recall, the spoils areas in some areas raised the
2 grade from existing conditions as much as five feet in
3 height.

4 MS. PHILLIPS: So with the five feet inclusion,
5 that is still covered under the existing Track 2
6 permits?

7 MR. MCDOWELL: The short answer is yes. The
8 Track 2 permit focuses on maintenance of the vineyards
9 after it's been reinstalled. The grading permit will
10 focus on best management practices while construction
11 activities are occurring.

12 MS. PHILLIPS: Thanks.

13 MR. BASAYNE: Deputy Director, with regard to
14 the area that is, more or less, being taken out of
15 commission temporarily and then replanted, how large is
16 that area?

17 MR. MCDOWELL: I apologize. I don't have the
18 exact number with me. I'm sure the applicant's engineer
19 can detail it. But I will note that there are 28 acres
20 of gross vineyards planted on the site right now, and
21 that will be reduced by just under three acres,
22 2.96 acres, as a result of the development. So new
23 paved areas, the outdoor crush pad, the wastewater
24 treatment system will take about three acres of
25 vineyards out of production.

1 MR. BASAYNE: I have an unrelated question and
2 a comment to make here, if I might. We've had some
3 additional members of the public join us, and I wanted
4 to mention to you, if you do have an interest in
5 speaking later, please complete a speaker's card and
6 give it to Melissa here at the front area.

7 And then also, is there not overflow seating as
8 well that's been set up?

9 MS. FROST: If we turn the TVs on right now in
10 the lobby.

11 MR. BASAYNE: Okay. So it will be in the
12 lobby. If for whatever reason, you get tired of
13 standing, please go to the lobby. There are some seats
14 down there, and there are televisions down there.

15 So having said that, please continue, Deputy
16 Director.

17 MR. MCDOWELL: Thank you, Chair Basayne.

18 Turning your attention away from the plans,
19 I'll attempt to set the table for what I understand to
20 be the issues on the project, and then we can turn
21 things over to hear from folks other than myself. So
22 this has been one of our more controversial projects.

23 Have we distributed the correspondence that we
24 just copied?

25 THE CLERK: I'll do it.

1 MR. MCDOWELL: So in your materials that you
2 received on Thursday as part of your commission packet,
3 there is all of the correspondence that was received
4 prior to the publishing of the packet essentially
5 through Wednesday of last week.

6 After the packet was published, we received
7 some more materials by the close of business on Friday
8 that were e-mailed to you, and those were provided as
9 separate hard copies this morning, and then what's being
10 distributed to you right now are materials that came in
11 on Monday and Tuesday, which is one packet of materials.
12 It's mostly letters of which -- letters and e-mails to
13 staff.

14 And then a second piece of information which
15 was a binder submitted from an interested party who will
16 speak today, Mr. Arger. That document contains a thirty
17 five-page letter with 50 exhibits. Many of those
18 exhibits are photos or newspaper articles, which we will
19 provide to you here in a minute.

20 The last piece or grouping of correspondence
21 that came in, which I think you now have, was materials
22 that came in this morning, which I believe was 38 pages
23 of additional e-mails and letters.

24 So as I noted earlier, you did not have an
25 opportunity to thoroughly digest, understand what all

1 has come in. But, you know, roughly paraphrasing, my
2 understanding of the view of people who are concerned
3 about this project, they generally are concerned about
4 what they call their neighborhood or their community
5 being -- it's a nice place. It's a place that they
6 identify with where they enjoy living and enjoy owning
7 property, and they are concerned this project is going
8 to have dramatic impacts to their quality of life.

9 To be more specific, they've raised concerns
10 about the volume of traffic, the safety of traffic, and
11 how the project will potentially change those
12 conditions. They are concerned about fire, safety,
13 groundwater availability, noise, and a number of other
14 items.

15 So I'll be happy to detail staff's position on
16 this. This was not an easy project for staff to
17 evaluate. But ultimately, when we came to forming a
18 recommendation on the project, after conducting a
19 technical analysis and hearing from not only the
20 applicant's professionals, but having our professionals,
21 like our traffic engineer and our groundwater experts
22 evaluate the materials that have been submitted, we
23 arrived at the conclusion that based on our
24 understanding of the board direction on winery projects,
25 that this project could be approved as proposed and,

1 therefore, the first option that's detailed in your
2 staff report, which is the applicant's proposal, has
3 been recommended by staff.

4 We did also recommend -- excuse me, not
5 recommend, but outlined an alternative option, which
6 I'll call option two or the reduced development option,
7 but we did not set parameters around that option. It's
8 really at the Planning Commission's discretion if you
9 wish to entertain a project of smaller size than what is
10 proposed by the applicant, and our last option we
11 detailed is the denial option.

12 So moving forward, as you are well aware, but
13 perhaps for the benefit of the audience, the
14 Commission's decision here is a quasi-judicial decision.
15 Napa County's zoning ordinance details a series of
16 required findings in order to approve a use permit,
17 which are detailed in the proposed findings attached to
18 your staff report.

19 So as the Planning Commission acts on this
20 project -- normally, you are required to make those
21 findings in order to approve the project. But if you
22 were to deny the project, you would have to find that
23 the project doesn't comply with one of the required
24 findings. The same goes for the road and street
25 standards component where there are two required

1 findings that must be met or refuted.

2 So as staff is absorbing the testimony that's
3 presented today and the written and the video materials,
4 we will be approaching our evaluation of that evidence
5 from the standpoint of, how does it relate to the
6 required findings for the project and then updating our
7 recommendations accordingly.

8 So with that, I believe I'll conclude. So much
9 for a five-minute presentation, and I'll be happy to
10 answer any questions.

11 MR. BASAYNE: Are there any questions for
12 Deputy Director McDowell?

13 Commissioner Cottrell?

14 MS. COTTRELL: Thank you for the presentation.
15 I have one question about the process. You're outlining
16 that the commission needs to make findings for an
17 approval or for a denial, and then if the commission
18 were to come up with some option two, as you mentioned,
19 would there need to be a new set of findings drafted to
20 accompany that decision?

21 MR. MCDOWELL: Staff will tailor the findings
22 based on the commission's direction as the public
23 hearing unfolds. So if you modify the project, which is
24 within your discretion, we will seek your rationale for
25 moving -- why you've moved in that direction and then

1 articulate that in the findings for the project.

2 I guess to say it in a less bureaucratic way,
3 the more you change the project from what's proposed,
4 the more we are going to need to change the findings.

5 MR. BASAYNE: Commissioner Phillips?

6 MS. PHILLIPS: I also have a process question,
7 which is -- I did have some questions regarding the
8 staff report that some may consider on the fringes, but,
9 you know, this is a sensitive area in the watershed, and
10 some of the numbers were close to the margin, and I want
11 to be -- due diligence. And I'm wondering if it's
12 appropriate to ask those now or to wait until the end of
13 the day?

14 MR. MCDOWELL: I'm happy to attempt to respond
15 right now if that's your wish.

16 MR. SCOTT: Are these questions that you don't
17 think will be answered either in the packet or in the
18 presentations that we are going to hear?

19 MS. PHILLIPS: Well, it's somewhat giving a
20 heads-up so that it allows the applicant the chance to
21 respond to them in their presentation as well. It's
22 just some areas that I'm interested in for further
23 clarification.

24 MR. BASAYNE: I think that's appropriate.

25 MS. PHILLIPS: One of the questions was

1 regarding the production accessory ratios since that is
2 one of the numbers that had a really close margin. And
3 these actually, we can wait and answer them later, but
4 just some areas were some clarification it would be
5 appreciated.

6 You know, we have the outdoor buildings. We
7 have the tasting room, and the only number I could find
8 that would be applied to that ratio was the 4,484 square
9 feet of space designated for hospitality in the cave.

10 MR. MCDOWELL: In the materials -- and I'm
11 sorry. I don't have it handy -- is a detailed breakdown
12 of all of the accessory and production space. The
13 majority of it is within the enclosed portions of the
14 office/tasting room building because, as the Commission
15 is aware, we do not calculate the amount of accessory
16 space that is outdoors. So there are outdoor -- and
17 sorry. I didn't outline it in my presentation.

18 But there are two outdoor landscape features
19 where visitation will be conducted, and there are
20 unenclosed patio areas surrounding the building or
21 incorporated into the building, but they don't
22 technically count as visitation space because they are
23 unenclosed. There's some additional accessory space,
24 which occupies a small portion of the cave.

25 MS. PHILLIPS: Okay. Well, then maybe this

1 will --

2 MR. MCDOWELL: And the overall accessory
3 production ratio -- once the project is complete, all
4 phases of the project will be 37.1 percent.

5 MS. PHILLIPS: And 40 is the maximum?

6 MR. MCDOWELL: 40.

7 MS. PHILLIPS: And that's one reason why the
8 due diligence where we have close margins just to be
9 buttoned up, and I guess some clarification, because it
10 was discussed with that, the outdoor buildings were
11 included in the ratio. So --

12 MR. MCDOWELL: I think what would be most
13 helpful for the Commission is, if I'm able to dig out
14 that sheet of the accessory to production ratio.

15 MS. PHILLIPS: And I have a sense now. I
16 appreciate my fellow commissioners indulging me, but
17 some of my questions get somewhat technical. Maybe we
18 should wait, and I will ask these questions at the end.

19 MR. BASAYNE: Okay. Thank you, Commissioner
20 Phillips. I have a question as well. In terms of
21 giving you a heads-up, and it may be more appropriate to
22 have the applicant's representative or the applicant's
23 team to answer this question.

24 But in developing the production numbers that
25 have been put forth, 112 acres was the number that was

1 used to, more or less, come up with the calculus, the
2 mathematical calculation. And so I'm wondering what
3 comprised the 112 acres, and how that all worked, and I
4 don't know if you have that information at your
5 fingertips.

6 MR. MCDOWELL: I gave a brief analysis in the
7 staff report. The staff's understanding of the grape
8 source for this project is the 28 acres of vineyards on
9 the project site, and the remainder of the 112 acres --
10 sorry. I can't do the math in my head -- on the
11 180-acre parcel just north of the project site. So 112
12 acres of producing vines.

13 We did a rule-of-thumb calculation, which under
14 planner math came out to roughly 71,00, 72,000 gallons
15 of wine production, assuming four tons per acre and
16 160 gallons per ton.

17 MS. PHILLIPS: What I think is confusing, if I
18 may jump in, is that we are using the under ownership,
19 not necessarily on site. So that's the clarification, I
20 think.

21 MR. BASAYNE: And the properties where the
22 grapes are being grown are not contiguous, but they are
23 in reasonable proximity?

24 MR. MCDOWELL: Yes. I'd say that second parcel
25 is approximately half a mile north of the project site.

1 MR. BASAYNE: Thank you. Are there any other
2 questions for Deputy Director McDowell? Okay.

3 You may have noticed that we've received some
4 reading material, and, of course, this relates to what
5 we were discussing earlier in terms of the large volume
6 of materials that was received last night.

7 While we don't really need to spend two hours
8 reviewing this material, given what we've discussed
9 earlier, I think it might be appropriate to take a
10 reading break before we launch into the public hearing,
11 and also that could in tandem with a comfort break.

12 So what I'd like to recommend is that we take a
13 15-minute break until 10:15 and continue with the public
14 hearing. Thank you.

15 (Recess.)

16 MR. BASAYNE: Okay. If you can please find a
17 seat, we'll resume shortly. Okay. So at this point,
18 we've concluded our conversation with staff. We'd like
19 to open the public hearing. I'd like to just request
20 with regard to decorum that you limit your comments to
21 three minutes. You will be timed, and you will have a
22 warning light that will remind you that you are
23 approaching three minutes. We do have a number of
24 speakers, but we should be able to get to everybody
25 today. And we definitely welcome the opportunity to

1 hear your thoughts and opinions and commentary.

2 First up, we have speaking -- let me open the
3 public hearing. We have Mr. Yeoryios Apallas.

4 MR. SCOTT: We are not going to hear from the
5 applicant --

6 MR. BASAYNE: Pardon me. I'm very sorry.
7 Please take the floor. If the applicant would please
8 make their presentation. Thank you.

9 MS. OLDFORD: Thank you, Mr. Chair, Members of
10 the Commission, and Staff.

11 MR. BASAYNE: I'm sorry.

12 MS. OLDFORD: It's quite all right. Thank you,
13 first of all, for taking the time to come out to the
14 site. I think it's always good to see the site,
15 particularly in this case, because it does have some
16 very distinguishing features. So thank you for that.

17 I am Donna Oldford. I am the planning
18 consultant here to represent Mountain Peak Vineyards,
19 LLC, today, and I would like to introduce people. We've
20 brought everyone that might need to answer a question
21 today.

22 We have our applicant's representative, Steve
23 Rea, who is a resident of Pedro Drive in Napa. We have
24 Mr. and Mr. Eric Ewing, who are the owners of the
25 property. We have Garrett Buckland who is the

1 viticulturist. We have Paul Bartelt, our civil
2 engineer, from Bartelt Engineering. We have Earl Wilson
3 from the architecture firm of BAR. We have Tony Hickey,
4 a hydrologist from the firm of Slade & Associates, and
5 we have Brien McMahon, who is our attorney of record.

6 All of you know my profound fondness for a
7 20-minute hearing. This is not one of those, but we
8 will try to be as brief as possible in presenting our
9 project.

10 I want to submit something for the record.
11 This is a flyer that went out to the residents on Soda
12 Canyon Road. It was provided to us by some of our
13 supporters of the project who were, you may understand,
14 be somewhat reluctant to come and speak because of the
15 degree of controversy here, but I want to call this to
16 your attention because there are quite a few errors in
17 this project description.

18 So I will say if there are people who came here
19 today to testify about this project, this is not the
20 project that we proposed. This is not the project that
21 you are hearing a presentation from your staff about
22 today.

23 Our owner's rep is not a Los Angeles developer.
24 He resides here. He a resident and a taxpayer for
25 several years now. We are not proposing 78 events that

1 will all last until 10:00 o'clock at night. We do not
2 have an unprecedented visitor and events allowance.
3 And, in fact -- I'll speak to this later -- not only is
4 it not unprecedented, but we actually fall at the
5 mid-level of wineries of this production level, and
6 which are on a hillside road, some of which are one way
7 in, one way out.

8 So you require us to be accurate and honest and
9 consistent in our applications. We think there is merit
10 in truth. And so to that end, I want to place this into
11 the record.

12 We are going to save time for you in two ways
13 this morning. We are not going to present 500-plus
14 pages. We have one page to submit to the record, and
15 that's the response on the ventilation and the noise for
16 the caves. It's half a page, in fact, and we'll submit
17 that to the record.

18 I also want to submit this because my client is
19 very proud that they recently received a certification
20 for organic status for their vineyards. In my 27-year
21 career doing winery projects in Napa County, I have
22 never had a project that was as environmentally sound
23 and that had performance standards that even came close
24 to this one.

25 I have never had a project where my client did

1 more in the way of concession to try to make the project
2 more acceptable to its neighbors. The applicant owns or
3 is in control of 92 percent of the grapes that will be
4 used to make his estate-grown wines, and that assumes
5 that you hit the ground running with your full
6 production, which we all know does not happen.

7 These vineyards are either on site or in direct
8 proximity to the winery to the extent that they don't
9 have to take the grapes out onto Soda Canyon Road, and
10 those of you -- well, all of you went to the site, and
11 you understand how they are taken in.

12 The winery has been designed to be LEED
13 platinum certified by the world famous architecture firm
14 of BAR, and we are going to have Earl Wilson give you a
15 presentation about what is involved in a LEED certified
16 project. As you probably know, LEED isn't always winery
17 friendly, but I think you'll be very interested to hear
18 what Earl has to say.

19 The winery production area is almost entirely
20 within the cave, and we've made changes to the cave.
21 We've actually reduced the size of the cave by almost
22 half of what it was originally. We have to stack in a
23 different way. We have to do things in a different way,
24 but that was part of one of the more recent concessions.

25 As I mentioned, we have organic certified

1 vineyards. And I think if every project that comes
2 before you -- winery project that comes before you
3 followed the model of this one, maybe your jobs would be
4 easier, maybe not. But I dare say I cannot think of a
5 winery project that was even 50,000 gallons or more that
6 could claim that they had virtually almost all of their
7 production on site or within direct proximity to the
8 vineyards. And I know we don't have any built LEED
9 platinum projects. This is the first. So it doesn't
10 come without a cost, and it hasn't come without a lot of
11 delay, too.

12 In addition to these performance standards, the
13 applicant over the last two and a half years has
14 responded literally to every concern that was voiced to
15 us at several meetings with the neighbors early on.

16 We took those concerns to heart. We went back.
17 We agreed that we would do these things, which I'll just
18 summarize. We agreed we would do these things. We
19 drafted it into an agreement with signature asking if
20 they would agree to not appeal the project if we
21 performed to that extent. And to our disappointment,
22 they did not sign the agreement. My client said, "We
23 are going to do it anyway because it's the right thing
24 to do," and so we are.

25 So we went back and just redesigned this

1 project at a considerable delay, at a considerable cost,
2 and that's the project you have before you today. The
3 ways that the project changed is, the private easement
4 that John McDowell pointed out to you, that easement
5 belongs -- the property that provides that easement to
6 the neighbors is owned by my client.

7 We said we will take all the winery traffic off
8 that road. Even though they own it, we agreed to take
9 the winery traffic off. We agreed to construct a berm
10 next to the closest neighbor so that he would not have
11 any view of the winery project.

12 We agreed to put in a canvas drop cloth that
13 would protect their vineyards from dust during
14 construction. We removed the ag barn and a couple of
15 other accoutrement structures from the far -- the other
16 neighbor to the far west of the parcel because he didn't
17 want to look at them. So we removed those.

18 We downsized the caves from just under
19 60,000 square feet to 33,000 square feet, again, at
20 considerable expense and delay. We removed a small
21 second tasting room all together. We had two variance
22 requests. One pertaining to a small area of mechanical
23 structure. This was to the 300-foot setback, and the
24 other one pertained to the second tasting room.

25 When variances became very problematic and were

1 challenged by a number of people, we removed those two
2 variances completely from our application. We
3 eliminated the road exception by redoing the access road
4 with the exception of the road to the rear, which was
5 designed to be wider in anticipation of the grade
6 difference, but also that road is not traveled by winery
7 visitors. That is for production and winery employees
8 only.

9 Today we are adding one more concession. We
10 are not under the illusion that that's going to satisfy
11 those who are opposed to this project, but we have heard
12 them. I think that's obvious. We heard your concerns,
13 and we are trying still to do the right thing.

14 After hearing everyone, the applicant wishes to
15 propose a change in the numbers, the visitation, and the
16 marketing numbers. That change basically amounts to
17 about a 50 percent cut in what was proposed. Now, I'll
18 also point out that you ask us for consistency. You ask
19 us to look at other wineries of a similar size with
20 similar location criteria and come to you with a
21 justified application.

22 We did that. Your staff evaluated and they
23 found we were not at the high end of visitors. In fact,
24 we were right in the middle. We are not talking about
25 all wineries. We are not talking about 100,000-gallon

1 wineries on Highway 29 and Silverado Trail. We are
2 talking about 100,000-gallon-per-year wineries that are
3 located on hillside roads, some of which are one way in
4 and one way out.

5 So that's the analysis we did. Your staff
6 finds that we are at the mid-level. In spite of all the
7 performance standards we offered, we haven't asked for
8 any special treatment for that. In spite of all the
9 concessions we have made with neighbors, it seems like
10 no good deed goes unpunished, but I think we have
11 justified.

12 Now, what is the compromise? Instead of 320
13 visitors per week, we are proposing 275. That average
14 would be about 39 people per day. On our busiest day,
15 we would like to see the number come from 80 to 60. And
16 as you know, you require us to report what the busiest
17 day might be. That's an unusual day. It's certainly
18 not every day. It's probably not even every week. But
19 we want to be in compliance, and we don't want to be set
20 up to fail.

21 So we are asking that that number be recognized
22 as the busiest day. We have 39 people per day. That
23 amounts to about 4.8 -- just under five cars per hour
24 over what is on the road today, and the road today is
25 Level of Service A for its entire length.

1 On weekends with 2.5 people per car on a
2 weekday -- I'm sorry. It's less than five people per
3 hour. Basically, we are under two cars per hour with
4 either one of those numbers. So we would be adding --
5 with these numbers, we would be adding less than two
6 cars per hour to a road that has a Level of Service A
7 along its entire length.

8 Very importantly, we are proposing to
9 completely eliminate the food and wine pairings. There
10 were a total of six of those per month. We are
11 completely eliminating those, and we are simply asking
12 that we have the ability to serve food with some of the
13 daily tours and tastings.

14 We are proposing to reduce the larger events.
15 Currently, there are four. We are proposing to reduce
16 those from four to two and with 150 people or less of
17 those two, and we are proposing to reduce the two
18 auction events, which are pretty standard for everyone
19 anymore. We are proposing to reduce that to one event
20 with 125 people or less. So that's a significant
21 reduction in the visitation.

22 And as I say, we are offering that in hopes
23 that the commission will be fair with us and that, as
24 you've asked us, to show consistency in what we are
25 proposing to you, that you would show consistency in how

1 you evaluate this project.

2 On the conditions, we are going to ask our
3 attorney to speak to that from the standpoint of legal
4 concerns. On noise, we were asked to do noise studies,
5 two noise studies. One related to the ventilation in
6 the caves. That's actually the half page.

7 We got a response from our noise consultant
8 that said, "Worst-case scenario, there is no significant
9 impact." So we went ahead, and we did that. I'm going
10 to defer to Brien about the second noise -- request for
11 a noise study that would be done after the winery is
12 built and at a marketing event.

13 This was evaluated in our original noise study,
14 which we offered to do, and we just feel that -- when do
15 we ever exit this process? There is a procedure for
16 that. It's called code enforcement. And I think that
17 that is more appropriate, but I'll defer to Brien.

18 As I said, this project, certainly in my
19 experience, is unique to any winery I've seen and
20 certainly to any I've worked on in Napa County. The
21 staff report is recommending approval. The CEQA
22 document shows no significant impact in any area. It's
23 exceptional from the standpoint of the applicant's
24 performance standard, and it's exceptional from the
25 standpoint of this applicant's willingness to try and

1 appease neighbors' concerns. So we urge you to follow
2 the recommendation of your staff.

3 Finally, we have a balance in this valley, and
4 I've been here for almost 30 years now. We've always
5 relied on a balance between people who live here, even
6 people who live here only on the weekend, and the people
7 who work here in the agriculture business and the winery
8 business and, yes, also in the hospitality business.
9 You can't have a store with no customers.

10 And I know that there is a belief that wineries
11 can operate without customers, but you know this to be
12 false. With the new model, it simply isn't possible.
13 Direct to consumer is too important. Many of these
14 wineries would rather not do it.

15 We are just asking, don't set us up for
16 failure, especially after all the performance, all the
17 concessions. We want to be in compliance. We want to
18 be a healthy business. We don't want to see wineries
19 become landscape features. They are businesses. We
20 have to keep the balance, yes, but the balance is so
21 important. We've done so well with it for so many
22 years.

23 Things have been tipped over the last year to
24 two years, and there is a price to pay for that. Things
25 may not always be as rosy as they are today, but this is

1 our business. This is in a way our only business is
2 agriculture, selling our product, and being able to
3 promote it.

4 So with that said, I'm happy to answer any
5 questions you have for me. We have our entire team
6 here. We are going to ask for the opportunity for a
7 rebuttal after everyone has spoken, and I promise you we
8 are not going to debate in rebuttal. We will only offer
9 information to correct any misstatements that have been
10 made, and that will be for the record, and also to
11 respond to any specific questions that may arise from
12 the public.

13 So the first person I want to introduce you to
14 is Steven Rea. As I have mentioned, he is a resident of
15 Petra Drive, and he is the general manager for the
16 winery, and then the next speaker will be Tony Hickey,
17 who is from Richard Slade. He is going to talk very
18 briefly about our water performance, which we are very
19 proud of. Then Brien McMahon is going to speak to just
20 a couple of legal issues that pertain to the letters.

21 We had to do a very cursory review of the
22 500-plus pages. Most of it appears to be anecdotal, but
23 Brien is going to speak to the two letters from the
24 noise and the traffic.

25 And then finally, we have kind of a treat for

1 everybody, including us. Earl Wilson from BAR is going
2 to do a short presentation about what's involved with
3 designing an ultra-green winery, and specifically a LEED
4 certified winery.

5 So thank you for your time. Thank you for your
6 indulgence in going up the hill with me, and we look
7 forward to answering any questions you have.

8 Do you have any of me for the moment?

9 MR. BASAYNE: Are there any questions for Ms.
10 Oldford? Apparently, there are not.

11 MS. OLDFORD: Thank you.

12 MR. BASAYNE: Thank you.

13 MS. OLDFORD: What a treat.

14 MR. REA: Good morning everyone. My name is
15 Steve Rea. I live at 1114 Petra Drive. I first want to
16 thank especially Deputy Director McDowell, Director
17 Morrison, who spent countless hours on this as well as
18 -- we have an amazing team that's put together a project
19 that we are all actually very proud of, and thank you
20 all for coming up and seeing it so we can share just
21 what it's about.

22 And like Donna said, I'm not going to go into
23 too many facts. I just want to share what we are doing,
24 you know, and why we are doing it so that you can
25 understand how, hopefully, we are beyond and in

1 accordance with the spirit of the general code -- the
2 general plan and the code.

3 So from the beginning, we came to this project
4 because we were looking -- I was with the project from
5 the beginning with Eric and his family, and we love
6 Napa. We love mountainside cab, and you've been to the
7 site. It's stunning. It's gorgeous, and the terroir is
8 full of this volcanic red iron rich soils, which are
9 fantastic for mountainside cabernet, the kind of style
10 we like to make.

11 So immediately, before we even bought the
12 property, we talked to Donna and elicited her services
13 to do a feasibility study to see how feasible is it to
14 build a winery here. Now, that was -- we purchased the
15 property -- well, we went the first time in -- I believe
16 it was June 2012 and closed escrow in December of 2012.

17 So we started this process back then, and the
18 process was pretty clear. These are the standards, the
19 setbacks, et cetera, and everything was set so that you
20 can build a winery. We said, "Well, we'd want to do
21 caves because we don't want to affect the site lines."

22 And to give a little bit of perspective, back
23 in the day, I had long hair. I was a total hippy
24 25 years ago. And I was into organic farming and food
25 25 years ago, and yoga before it became popular, and

1 even attended a biodynamic workshop in Sacramento in
2 '91. So my roots of caring about the environment and
3 caring about social issues goes back a long time, and we
4 try to be as considerate as possible both of the
5 environment, as well as our neighbors, and what's
6 appropriate business all the way through this process.
7 That's something I'd like to just share so you
8 understand kind of our perspective.

9 We've heard a lot from neighbors, and we will
10 continue -- and I also want to share that I really
11 understand their feelings. You know, I can totally
12 understand that it's just a gorgeous place up there.
13 They are afraid of losing this idyllic life, and I've
14 tried to do everything we can to protect that, and to be
15 considerate of that, and all of the --

16 I understand it's also easy to feel that and to
17 be afraid of that. But when you look at the numbers --
18 I mean, for example, in our compromise, if you break it
19 down to an average of 4.875 people a day, that's an
20 average of 1.95 cars an hour. That's not going to
21 destroy the life. And so I hope that as we continue to
22 go on, that people can see that we are going to be doing
23 everything we can to be considerate of the neighborhood.

24 At the same time, the reason we came here is
25 because this is Napa Valley. It's an agricultural

1 community with an agricultural preserve and a right to
2 farm, and part of the general plan illustrates that
3 agriculture includes winemaking and marketing the wine.

4 So, you know, when I first came, I was on
5 Manley Lane in Rutherford in a small converted garage.
6 Luckily, I only paid 800 a month. It was fantastic.
7 But at night, in the wintertime or in the spring, there
8 was like this small airplane outside my window, and
9 little did I know, oh, that happens all the time when it
10 gets cold. It's the frost machines, the wind machines.

11 Then you have people spraying, but that's Napa,
12 you know. As we currently stand, that's Napa, and I
13 hope we can continue to do that because there are so few
14 agricultural communities left, and it's such an amazing
15 opportunity for people to connect with nature, enjoy the
16 wine, and we saw from the Fehr and Peers study that one
17 of the most important reasons people come to Napa is not
18 just the wine. They come for the beauty of the scenery,
19 you know, and the fact we've got farming on it, and
20 people can connect where the wine comes from is very,
21 very important. So we are going to continue to do
22 everything we can to be both socially and
23 environmentally responsible.

24 Regarding neighborhood outreach, some practical
25 things we did at the beginning -- back in August of

1 2013, before we submitted our application, because we
2 submitted it in September, we sent an invite out to
3 neighbors to participate, just an introduction, a
4 barbecue, saying, "We are going to be doing this
5 project. We just want to meet everyone."

6 And back then, I think the regulation was maybe
7 300 feet as far as what you have to officially notice.
8 And this, of course, isn't any notice, but, quite
9 frankly, that seemed kind of silly to me because up
10 there 300 feet included, like, two neighbors. You know,
11 everyone is so far. So we said -- from our actual
12 community, it's more like from the top of Soda Canyon
13 Road -- so we said, "Okay. How far is it to the top of
14 Soda Canyon Road where it flattens out after the
15 upside?"

16 We invited everyone. We had over 45 people
17 there. And we just said, "This is what we are going to
18 do. We just got to meet everyone." People were happy.
19 They were like, "Oh, we haven't gotten together like
20 this in years." So that was the first introduction
21 before we submitted. We submitted in December of 2013.

22 In November, December of 2013, there was a
23 truck that ran over the mailboxes and I shared a little
24 bit with all of you when you were up there. So I don't
25 want to bore you with additional details, but it was

1 rather dangerous in the middle of the road.

2 We offered to use some of our property to move
3 it out of the intersection so it was safer. Also, we
4 offered to pay for the design, which actually our
5 architects did, and the construction, which we paid for,
6 and we tried to design it in a way that was in harmony,
7 that it would enhance the neighborhood.

8 We sent it out to the neighbors. Nobody
9 complained about the design. We offered larger
10 mailboxes. We offered parcel mailboxes. If people
11 wanted to keep their old mailboxes, they could -- we
12 weren't trying to force it on anyone -- and not a single
13 person wanted to keep their old mailbox. And I think
14 it's beautiful, and hopefully that gives some indication
15 of our sincerity to protect the views, to protect the
16 environment and the atmosphere of the neighborhood we
17 love, too.

18 Then in March 4, 2014, I had my first meeting
19 with Mr. Bill Hocker, one of our neighbors. He
20 expressed various concerns of landscape features that we
21 had on that northern part of the property near his, the
22 storage building that we previously added in, the color
23 of our agricultural office.

24 And, you know, I thought we had a really good
25 conversation, and I said very sincerely we would do our

1 best to make some concessions. And at the end, he said,
2 "No matter what, I'm going to oppose." And I
3 appreciated his honesty for sure, and I was very
4 saddened. I guess I was kind of green at this and
5 thought, "Wow, we are going to make all these
6 concessions, and there is no common ground."

7 But we forged on, and then the next meeting was
8 early April 2014. That was for four hours with Mr.
9 Hocker, the Arger family, Donna Oldford, and myself,
10 which we continued to address concerns.

11 They wanted to meet with our engineer. So
12 later in that month, we had another couple hour meeting
13 with Anthony and Julia Arger and our project engineer,
14 Paul Bartelt. Later in that month, we had another
15 couple hour meeting with Bill Hocker, Anthony and Julia
16 Arger, Tony Gonzales, and then Paul Wilkinson came up
17 from the City Public Works, as well as Patrick Ryan.

18 Those were specifically to address concerns
19 that have come up about the neighbors, and especially
20 the Argers who when we first had our entrance, for the
21 hospitality, it was on the side road because we had
22 walked the property to see what's the spot where we can
23 take the least amount of trees out and the least amount
24 of vineyards. That was the spot that we felt was the
25 best.

1 They were concerned about it being in front of
2 their driveway. And even though we felt the numbers
3 were really low, I was like, "Well, okay. I can
4 understand why maybe someone wouldn't want a winery
5 driveway right in front of their driveway."

6 So we went through a lot of talks with the
7 engineers. The county engineers were okay with it. Our
8 engineers were okay with it, and then we went into some
9 discussions with the neighbors about some possible
10 compromises on some other issues.

11 What's interesting is, when I went through
12 these e-mails to get this timeline, we literally had
13 been discussing with the county about the possibility --
14 it was never put on the docket -- the possibility of a
15 May 7th, 2014 hearing date. So over two years ago,
16 there were discussions about us coming here for our
17 hearing.

18 We did not accept that or move towards that
19 because we wanted to address the neighbors' concerns and
20 compromise. Who knows what would have happened. If we
21 had not compromised and just accepted the date, we might
22 have our tasting room open now. Who knows? But we
23 continued forward. We proposed the compromise. Donna
24 went over the details. So I don't want to go over those
25 too much again.

1 And we were disappointed, of course, that they
2 didn't accept, but, again, we are -- like I'm a believer
3 in karma. I believe in doing the right thing. I'm not
4 going to get hurt doing the right thing. So we are
5 going to just keep trying to do that.

6 So in regards to the various county issues,
7 Donna pretty much summarized that also. So we tried to
8 be sensitive both to the neighbors, and then we just
9 wanted a clean project. I mean, we are trying to do our
10 best all along, and then things change for the county.
11 No variances. No this, no that. Okay. We'll change,
12 and we want to do the right thing. It was sometimes
13 hard to even know what we could do. But we've continued
14 to do that, and we will continue to do that in the
15 future.

16 Since then, we were not invited to any other
17 neighborhood meetings. I understand there were a number
18 of them, but, again, we are very much going to stick to
19 doing the right thing and to do our best. Like Donna
20 summarized, we've got 112 acres of actually owned
21 grapes. Both of those are owned. No variances.

22 Our water supply is fantastic even after
23 four years of drought. We are targeting LEED platinum
24 design. We are very happy about the organic
25 certification and having gotten that before we got our

1 use permit, which is kind of unique, and minimizing the
2 visual effects of the entire project.

3 So we thank you for your time, and I know this
4 is a long day. I thank you very much for your
5 consideration because we've all put our heart and soul
6 into it. So it's something we are very proud of, and we
7 look forward to hopefully receiving your approval.
8 Thank you very much.

9 MR. BASAYNE: Thank you, Mr. Rea.

10 MR. HICKEY: Mr. Chair, good morning,
11 Commissioners. My name is Anthony Hickey. I'm a
12 certified hydrogeologist in California with Richard
13 Slade & Associates. You probably know Richard Slade.
14 He's been working in Napa and surrounding counties since
15 about 1983 doing similar projects like this, groundwater
16 availability and well work. So he says hello.

17 I'm up here to highlight just some of the work
18 we've done for this project and basic points regarding
19 groundwater availability and the ability of the on-site
20 aquifers to perform for this project.

21 This was a unique project for us in that while
22 we were doing our work, the water availability analyses
23 guidelines were changing. And so when we started and
24 what we ended was different. We worked closely with
25 staff to make sure that while we were working, we were

1 reflecting what was probably going to come as part of
2 the regulations, and there were comment periods that
3 everyone was involved with. And so it made it a little
4 challenging, but I think we got through that, and got
5 the information that the county ultimately needed under
6 those new guidelines.

7 Just a summary of water use for the project, as
8 outlined in our pumping test report and also developed
9 by the civil engineer, winery, tasting room, landscaping
10 demands for the project is 3.44-acre feet per year, and
11 there is going to be reuse of the processed wastewater
12 that's going to be used for vineyard irrigation of
13 1.6-acre per year.

14 If we look at the total, including the existing
15 on-site vineyards, and what will exist in the future,
16 the difference today -- the groundwater use we estimated
17 today is somewhere around 15-acre feet per year. I'm
18 rounding numbers from the report just so we don't have
19 to deal with decimels, and the future use is around 16
20 and a half acre feet per year. So we are talking about
21 an increase in use with the new project of about
22 1.7-acre feet per year.

23 Acre feet is a funny unit. People, you know,
24 look at it and don't quite understand it. We can go
25 through how it's derived, but I think the easiest way to

1 think about it is a typical residence, maybe an
2 estate-style residence on a hill. Depending on how much
3 landscaping, et cetera, it's somewhere around an acre
4 foot per year. So when we look at 1.7-acre feet per
5 year, the increase in water use for this project is
6 roughly two residences. I think it's a way to put those
7 acre feet units in perspective.

8 So we calculated the recharge that might occur
9 solely on the subject property as is required by the
10 current water availability analyses guidelines. Our
11 estimates of recharge were based on conservative
12 estimates of rainfall for the property, and that's
13 detailed in our report. So we used lower numbers than
14 we probably could have or that were defensible, and then
15 we used the hydrogeologic conceptual model report from
16 2013 developed as part of the Groundwater Resources
17 Advisory Committee to help estimate some of those
18 recharge estimates.

19 All of that being said, more recharge occurs
20 than is the future use for the project when you are
21 looking at the average year. We also looked at drought
22 impacts in our report and found that the groundwater was
23 sufficient in the area to sustain the project.

24 Most importantly, I think, is to talk about the
25 pumping test and the ongoing monitoring at the property

1 in the existing well. Yes, there is a new well required
2 to address some of the seal issues. If you look in the
3 report, that new well is very close to the existing
4 well. So the existing well testing is a very good
5 example of the performance of wells and groundwater
6 availability on the property.

7 In 2012, the well was pumped at 100 gallons a
8 minute. Unfortunately, there wasn't a lot of water
9 level data. It's the typical test that's done for, you
10 know, assessment purposes just to understand what the
11 well makes.

12 In 2014, as described in our report, we did a
13 test or helped direct a test -- I didn't pump the well
14 myself -- at 50 gallons a minute, and that well drew
15 down 3.3 feet while pumping. I'm sure a number of you
16 are well owners. 3.3 of 50 gallons per minute is very
17 little. That's a very good performing well.

18 When you look at impacts on neighboring wells,
19 when you pump a well and draw-down occurs, it's always
20 greater in the pumping well than it is at a distance.
21 So if it's only 3.3 feet in our well at a distance, that
22 draw-down reduces while you are pumping, and so we are
23 talking less than three feet, an insignificant amount of
24 impact on neighboring wells.

25 To meet the demands that I talked about, that

1 roughly 16 and a half acre feet, this well needs to pump
2 just under 50 gallons a minute in peak times. That's
3 peak times. That's not around the clock. That's not
4 the entire year. That's when it's hot, and winery
5 processing is happening and things like that. So the
6 peak pumping rate is less than the rate at which we
7 perform the pumping test.

8 Most importantly, the client has been proactive
9 in monitoring water levels. Beginning in 2014, we have
10 two years of water level data. That's also provided in
11 the report. Water levels are stable. If you look at
12 the 1991 water levels compared to today, considering the
13 current drought, and how much water is being extracted,
14 water levels are stable.

15 You'll see in the report that more water has
16 been extracted from that well than is proposed for the
17 project for various reasons, and water levels are still
18 stable. So all of these data combined makes me
19 comfortable as a hydrogeologist to say the groundwater
20 on this property is sufficient to supply the project and
21 not affect neighboring wells.

22 So just a quick summary, the increase from
23 existing to future is small, roughly two residences. We
24 conservatively estimated the groundwater recharge that
25 occurs solely within the project boundaries, and that

1 exceeds the estimated future use of the project.

2 We had a pumping test that showed very little
3 draw-down at a rate similar to what's required from the
4 on-site wells pumping in the future, and water levels
5 are stable over time based on water level monitoring.

6 So with that, I'll stop boring you with the
7 details. If you have any questions, I'll be happy to
8 answer them.

9 MR. BASAYNE: Are there any questions for Mr.
10 Hickey?

11 UNIDENTIFIED SPEAKER: Yeah.

12 MR. BASAYNE: Sorry, sir. I'm referring to the
13 Commission here. Ms. Gill?

14 MS. GILL: So the difference of current use and
15 new use you said is about 1.7-acre feet a year, but now
16 with the new marketing and visitation numbers, that will
17 likely go down?

18 MS. HICKEY: I would imagine that's true. I'll
19 leave that to --

20 MS. GILL: I mean, it says it's 1.01-acre feet
21 per year for marketing, the tours, and tastings, and any
22 events. So I'm assuming it would be maybe half an acre
23 foot a year?

24 MS. HICKEY: I wouldn't want to estimate how
25 that's calculated. We get that from a civil engineer --

1 MS. GILL: It's lower?

2 MR. HICKEY: -- but I would imagine fewer
3 people and events, it would be lower.

4 MR. BASAYNE: Okay. Thank you, Mr. Hickey. I
5 appreciate it.

6 MR. HICKEY: Thank you.

7 MR. BASAYNE: Good morning.

8 MR. MCMAHON: Good morning, Chair Basayne, Vice
9 Chair Gill, Commissioners Philips, Scott, and Cottrell.
10 My name is Brien McMahon. As Donna Oldford indicated,
11 I'm an attorney for the applicant. I work at the law
12 firm of Perkins Coie. My office is 505 Howard Street,
13 San Francisco, but I live in Santa Rosa and come over
14 here because it's such a great place to be.

15 I'm sure as much you are interested in hearing
16 lawyers like myself go on and on, most of the people
17 here would like to get to Mr. Wilson's much more
18 interesting presentation. So I'm going to keep it
19 really brief despite the disappointment that I'm sure
20 you'll have in hearing that.

21 I'm only going to address three things. One,
22 the general standard under CEQA, and I'll be very brief
23 about that. Number two, noise issues, and number three,
24 traffic issues as presented by the neighbors' traffic
25 consultant in a letter that I got late last night.

1 First, in terms of just the general standard, I
2 want to commend Mr. McDowell and staff on doing a great
3 job on working this up. My job is made easier by the
4 fact that the county has concluded, after a thorough
5 review over a number of years of this project, that
6 there are no significant impacts, and a negative
7 declaration would be appropriated. We clearly agree
8 with that.

9 And just in terms of the CEQA standard that the
10 opponents have raised, in order to set aside that
11 determination, there must be substantial evidence in the
12 record of a significant impact that the project will
13 have on the environment. Not the environment in
14 general, but exacerbated by the project on the
15 environment, and that has to be based on facts,
16 reasonable assumptions predicated on facts, or expert
17 opinions supported by facts.

18 And obviously, what's not substantial evidence
19 is argument, speculation, or unsupported narrative or
20 lay opinion no matter how deeply felt. What also isn't
21 substantial evidence is the substantiality of the papers
22 that have been received.

23 I received a lot of this this morning, and I've
24 had a chance to flip through it. And with that, I'm
25 going into the details since you'll have an opportunity

1 to look at this yourself.

2 None of these amount to any new evidence of any
3 substantial or significant impacts. They are not
4 substantial evidence. They are essentially opinions
5 deeply felt of the neighbors about the effect on their
6 lives that this project would have. But in terms of
7 CEQA factors, they are not significant impacts.

8 Now, I said I would only talk about two issues
9 and I will. First, noise. As Ms. Oldford indicated
10 earlier, there was a condition in the draft conditions
11 2.3 that Mr. McDowell wrote asking that the applicant
12 provide a noise analysis regarding the siting of the
13 fans and the ventilation system in the caves.

14 And I'd like to put into the record an e-mail
15 that Ms. Oldford received from Carrie Janello of the
16 Illingworth & Rodkin firm, which prepared an overall
17 noise analysis on the project. And Ms. Janello's
18 analysis that took the worst-case scenario concluded
19 that the siting of the ventilation system in terms of
20 where the outlet portals would be are in compliance with
21 the county's daytime and nighttime noise standard. It's
22 not even all that close. And I would ask that that be
23 put into the record, and you can examine that, if you'd
24 like.

25 The second noise issue relates to condition

1 2.4, and Mr. McDowell -- it's probably the only area
2 where we have a difference of opinion with Mr. McDowell
3 about this project.

4 There was a condition that would have the
5 applicant do a further noise study upon the commencement
6 of operations regarding activities, tourists, and
7 tastings, that sort of thing. As you know, we already
8 did a noise study. The staff concluded, based on that
9 noise study of Illingworth & Rodkin, that there were no
10 significant impacts of the project in terms of noise.

11 There were a couple of elements in terms of the
12 larger events where the decibel level would be close to
13 the county's noise standard, but would not exceed the
14 county's noise standard. And staff concluded that based
15 on the Illingworth & Rodkin noise analysis, there were
16 no impacts. So our only point to you is that, as there
17 were no impacts, there shouldn't be a requirement to do
18 a further noise study upon completion of operations.

19 The opponents have called this deferred
20 mitigation. We don't agree, or future studies. We
21 don't agree because in order for that to be the case,
22 there would have to be a conclusion in the first place
23 that there was an impact. And staff concluded with
24 respect to every single activity that the project would
25 have that there are no impacts, and you can review in

1 your packet the Illingworth & Rodkin study which details
2 that, and I won't go over that again.

3 Finally, on noise, the opponents last night
4 produced a two -- a little over two-page report from the
5 Earl Wilson firm in the East Bay stating that while
6 generally speaking all of the county's noise figures are
7 okay, they omitted something in the county's noise
8 ordinance, which would say that if there is music or
9 conversation, that the decibel level has to go down by
10 five.

11 Interestingly, they omitted the language from
12 the ordinance with three ellipses that says, if the
13 alleged offensive noise as judged by the noise control
14 officer does these things, they can reduce the level by
15 five decibels. There has been no determination like
16 that in this case, and all of the calculations that
17 Illingworth & Rodkin performed, there is really not any
18 disagreement that they accurately performed the
19 calculations.

20 So our position is, there is no noise impact.
21 There is no need for a further noise study upon
22 completion of operations, and third, that the study that
23 the Earl Wilson people said, which really amassed
24 nothing more than pointing out this language, which they
25 actually didn't point out in the noise ordinance, which

1 somehow reduced the level to allow them to craft the
2 situation where at two of the residences, there would be
3 an excess of a couple of decibels that they would reduce
4 by five, we don't think that's warranted. It's
5 certainly not a fair argument of the significant impact.

6 And then finally, on the traffic, you've heard
7 -- and, really, I imagine you may want to hear it from
8 your own staff about this. But basically, the city did
9 a traffic analysis, commissioned one, the applicant
10 performed. The city had a peer review done of that. I
11 haven't seen that, but it's referred to in a letter that
12 was received last night by Mr. Smith, a traffic
13 engineer, who is questioning the impacts of the traffic
14 on the project and has --

15 As others have testified already, this is an
16 LOS A road. The county already concluded, based upon
17 the Crane Transportation Group study and its own
18 apparent peer review analysis, that there would be no
19 significant impacts in any manner by this project.

20 And Mr. Smith's conclusions to the contrary are
21 basically speculation and improper factors. The
22 improper factor is, he acknowledges that the safety was
23 adequately considered in terms of line of sight in the
24 traffic analysis, but says that conditions along Soda
25 Canyon Road are somehow greater than that, but that's

1 not the standard.

2 The standard is whether this project
3 exacerbates the existing conditions. The existing
4 conditions are what they are. That's the environment.
5 Does this project significantly impact the environment
6 so as to require a further study, and the county
7 concluded, after reviewing our traffic study and its own
8 peer review to what extent it did, that there were no
9 significant impacts.

10 Mr. Smith says that, well, the peer reviewer
11 made findings of significance. I can just assure you
12 had that fact been the case, Mr. McDowell's report would
13 have said so. Instead, there were no findings of
14 significance, and really all this amounts to is
15 speculation by Mr. Smith as to what can happen.

16 For example, queuing up these couple of cars an
17 hour that in the worst-case scenario would be under peak
18 conditions at the intersection of Soda Canyon and
19 Silverado Trail, there is no basis for that. It's utter
20 speculation. It's not substantial evidence that would
21 constitute any kind of contrary ruling.

22 And finally, his speculation about where we are
23 going to have to get our fruit, you already have ample
24 materials that discuss the sources of production for
25 this facility, and how 92 percent approximately of the

1 production will be sourced either from the site itself
2 or locally owned or leased in controlled vineyards.

3 So with that in mind, I'll end unless you have
4 any questions, and I might have a comment or two in
5 rebuttal, if appropriate. Thank you for your
6 consideration.

7 MR. BASAYNE: Thank you, Mr. McMahon.

8 Are there any questions for this gentlemen?
9 Thank you very much.

10 MR. MCCANN: Thank you.

11 MR. WILSON: Hello. My name is Earl Wilson.
12 I'm a principal with BAR Architects in San Francisco,
13 project architect for the project. Thank you,
14 Commissioners. Thank you for hearing us. We have a few
15 slides we want to show to help illustrate the green
16 building aspects of our project, but I'll just say a few
17 words in advance. There we go. Thank you.

18 So to advance, I just use the arrows?

19 MS. GALLINA: Yes.

20 MR. WILSON: So when we first visited the site
21 -- we had the pleasure to go up to the site. We were
22 struck, I'm sure as all of you are, by the beauty of
23 that location, the rural site, and the roads going up.

24 And, really, we decided almost immediately upon
25 being asked to propose on this project that this had to

1 be an environmentally sensitive project, that it had to
2 have low impact, and it was for those reasons that a
3 scheme of all -- to put the major part of the program
4 underground and to have only the light -- the spaces
5 that needed light and air and view, the offices in the
6 case room above ground, and to shelter the winery from
7 having any visual impact on not only the site, but one's
8 appreciation for the site as you approach.

9 And so the intent was that that experience of
10 coming up to this beautiful valley up Soda Canyon Road
11 would be maintained all the way to your visiting of the
12 winery and your experience of being on this property.

13 But also it was clear that this needed to be an
14 environmentally sensitive, green winery, and we are very
15 fortunate to have an owner that not only shared those
16 views, but really was driving a lot of this as well, and
17 cared deeply about this being a green winery.

18 So, you know, we immediately embarked on trying
19 to make this a LEED platinum winery. And so, you know,
20 the overall strategies, again, were to have low impact,
21 to be visually and environmentally friendly, but the
22 decision to be a platinum winery is a significant
23 decision.

24 As Donna was saying, there is not really a
25 precedent in the valley for this. There are LEED gold

1 wineries. But we even recently researched the LEED
2 website for registered LEED platinum wineries, and there
3 is, in fact, only one that we are aware of, and that's
4 the one at UC Davis. That's the teaching winery
5 facility at the school, the enology there.

6 And so there is a reason for that. It's a
7 difficult thing to accomplish. What is LEED? LEED is
8 leadership and energy and environmental design, and it's
9 a system that was established by the U.S. Green Building
10 Council for independent reporting. We can report on the
11 green features, and they can verify it. They can
12 examine our project and what we submit and verify that
13 it meets a LEED rating.

14 And the LEED ratings are categorized into a
15 simple certified winery, LEED silver, LEED gold, and
16 LEED platinum being the highest. And with LEED, you
17 have different categories. So as part of that reporting
18 process, we report under six different categories,
19 sustainable sites, water efficiency, energy and
20 atmosphere, materials and resources, indoor
21 environmental quality, innovation and design, which
22 takes into account innovations and green design that we
23 can bring to the project and regional priorities.

24 And the points under -- in each of these
25 categories, you gain points for green building features,

1 and a minimal level to be certified by LEED is 40 to
2 49 points. To get LEED silver, it's 50 to 59 points.
3 To get LEED gold is 60 to 79 points, and platinum is 80
4 to 110 points.

5 And it is a significant challenge, I can assure
6 you, to get to that over 80. To get the LEED platinum
7 is not an insignificant thing. It needs to be baked
8 into the DNA of the project. It's not something you
9 decide at some point in the project, that we'd like to
10 be LEED platinum. It really gets to the fundamentals of
11 how the project is conceived in the beginning, and how
12 it's carried through all the way to the end in terms of
13 its reporting and certification by the U.S. Green
14 Building Council.

15 Currently, Mountain Peak -- you can see the
16 little temperature gauge there on the lower right of the
17 slide. Currently, we are at 91 points for Mountain Peak
18 Winery with the features that are incorporated. We are
19 not yet at a point where we are submitting, but we have
20 that cushion there so that if we don't get a certain
21 point for some reason, we are assured to being over 80
22 -- the minimum 80 points for LEED platinum.

23 And so, you know, what are the specific
24 features on the project? This is one of the drawings
25 we've submitted. This is the cross-section elevation

1 through the site showing the building. In terms of
2 sustainable sites, we have things that address
3 alternative transportation, things like bike racks,
4 electric car charging stations. We have features that
5 we are getting points for storm water control and
6 quality and quantity control.

7 We have things in terms of the consideration of
8 both the pavements and the roof design that reduce
9 what's called heat island effect, the build-up of heat.
10 So looking at the surface reflectants index, how much
11 roof activity versus absorption of those materials, and
12 light pollution reduction. All the lights are pointed
13 downwards, and we minimized night lighting to avoid
14 light pollution.

15 But we are gaining points also for water
16 efficiency and regional priority. And in each of these
17 categories, we are getting almost all of the points that
18 are available to LEED, which is the only way we will
19 ultimately gain LEED platinum. So we have things --
20 water efficient --

21 In this category, we get points for water
22 efficient plumbing fixtures and reduction of water use,
23 the water efficient landscaping both in terms of the
24 plant selection and the irrigation and our wastewater
25 treatment on site that we are doing and the recycling of

1 the water on the site.

2 I'm sorry the slides are getting a little bit
3 cut off. But this is an energy and atmosphere category,
4 and this is one of really the most important categories
5 in the whole LEED platinum process. This one has an
6 available 35 points. So this one, we need to really be
7 very -- how should I say? -- extreme in the green
8 building measures in this category so that we get as
9 many points, and I think this is probably where many
10 wineries have had difficulty complying, and so --

11 But through connecting the caves to the tasting
12 room, and being able to use the cave for its geothermal
13 heat sink, we gained a lot of points for energy
14 efficiency, but -- all the orientation, all the shadings
15 of windows so that we can have very little heat gain and
16 shade the sun when the sun has the greatest impact on
17 generating cooling load, using natural ventilation for
18 night air-cooling, which is something we can benefit
19 from these beautiful cool evenings in Napa, by opening
20 up the facility at night and cooling it down and using
21 thermal mass within the building so that it slowly
22 changes temperature back up. And then, of course,
23 alternative energy and using PVs on the site. So it's
24 really a lot being done in this category, a lot of
25 things that are, again, integral to the design.

1 And then materials and resources, this is a
2 category where we get points for using healthy renewable
3 materials, things like certified wood, recycled content,
4 controlling the waste from the construction process, and
5 using certified wood products. And then we have a
6 category -- again, I'm sorry for the slides being cut
7 off here at the bottom.

8 This is called indoor environmental quality,
9 and we are getting points here for the quality of the
10 air. So using fresh air, the quantity of fresh air, and
11 the quality of the air, increased ventilation, natural
12 ventilation, the types of materials that we are using in
13 the building, carpets, they are low emitting, that they
14 don't have high VOCs and things like that.

15 And also, the use of daylight is, again, a
16 particular feature of this winery, that all of the rooms
17 can really almost be completely lit during the day by
18 natural light, utilizing light from all sides, and a
19 minimum of artificial lighting.

20 And then that last category is innovation and
21 design, and here we've achieved the maximum points.
22 Again, in this particular case, we are gaining --
23 70 percent of the power is coming from the power that we
24 are generating on site through the PVs, and then this
25 conservation of water and processing of water on site,

1 the quantity of daylighting that we are doing, and then
2 things like integrated pest management and having a LEED
3 accredited professional on the project. So those are
4 how we gain all these 91 points that we're currently at.

5 And really I think just in closing, you know,
6 this is not just an exercise that we embarked on because
7 we wanted to do it. It's really -- I think, as Steve
8 alluded to, this is representative of the values of the
9 client, how they make their wine, the organic wine, the
10 viticulture, the preservation of the site, and the
11 environmental approach to the whole project. Thank you
12 very much for your time.

13 MR. BASAYNE: Any questions for Mr. Wilson?
14 Thank you very much, sir. Okay. So I'm assuming this
15 concludes at least the first presentation by the
16 applicant. What I'd like to do is tee up the speakers
17 here. And it was brought to my attention that a
18 gentleman in the audience does have an emergency he
19 needs to attend to, and so he's asked that he can speak
20 first.

21 After this gentleman, what I'll do is, I'll
22 read out the individuals who are on deck. And, again,
23 if you can limit your comments to three minutes, it will
24 be greatly appreciated.

25 The first speaker is Mr. Stu Smith. After this

1 gentleman, it will be Yeoryios Apallas, Diane Shepp, and
2 Glenn Schreuder.

3 MR. SMITH: Thank you. I'm Stewart Smith,
4 general partner of Smith-Madrone Winery, 4022 Spring
5 Mountain Road, Saint Helena. I founded the winery in
6 1971. I was a member of the Napa River Watershed Task
7 Force in 2008, Napa County General Plan Steering
8 Committee.

9 I'm here today to support Mountain Peak
10 Winery's use permit. The Mountain Peak Winery's use
11 permit is consistent with our general plan. It is
12 consistent with the agricultural watershed zoning that
13 it occurs in. There is no request for any variances.

14 Staff has recommended a negative declaration
15 with no mitigation measures required. Of the 17
16 subjects reviewed for that project, including
17 aesthetics, air quality, biological resources, soils,
18 greenhouse gas emissions, water quality and traffic,
19 there is not one potentially significant impact, and not
20 one less than significant with mitigations incorporated
21 impact. Let me repeat. There are no mitigation
22 measures required here, none.

23 The winery will sit on a 40-plus-acre parcel
24 with ownership of over 100 acres of vineyard at both the
25 winery site and another parcel approximately half a mile

1 farther up Soda Canyon Road. They've used rootstocks,
2 such as 110R, 1103 Paulson, and Saint George that are
3 drought tolerant, and will use a minimum amount of
4 water. Much of the winery is underground and, just as
5 we heard, has achieved a LEED platinum design
6 certification, and please note that Soda Canyon Road is
7 a grade A level of service road.

8 Quite simply, I cannot imagine a more
9 environmentally-friendly project than this one. Yet,
10 there are those that will oppose this project with
11 meritorious arguments that at the very core of their
12 objections is the stark reality that they oppose any and
13 all winery projects here.

14 I urge you to approve this project as presented
15 to show our community that by working within the rules,
16 guidelines, zoning, and the general plan, the county's
17 planning process can be relied upon, and that emotional
18 and specious arguments will not lead to capricious
19 decisions by yourselves. Thanks very much.

20 MR. BASAYNE: Thank you, Mr. Smith. Next up,
21 Mr. Apallas, Ms. Shepp, Mr. Schreuder.

22 MR. APALLAS: Mr. Basayne, Chair, Vice Chair,
23 Ms. Gill, Members of the Planning Commission, Ms.
24 Phillips, Mr. Scott, Ms. Cottrell, my name is Yeoryios
25 C. Apallas. I am a lawyer. I am today honored by the

1 assistance of Mr. Anthony Arger in this presentation,
2 and we have the privilege of representing many of the
3 citizens in the Soda Canyon community.

4 I do want to thank and acknowledge the gracious
5 amendments that were made here this morning -- we took
6 note of them -- by the applicants, and we will be
7 crunching the numbers and make some determinations about
8 what the impacts, environmental or otherwise, are going
9 to be on this project to not only the neighborhood, but
10 the downstream residents of which my family is in that
11 number.

12 I recall Ms. Gill that -- not too long ago, we
13 all sat in this very same room talking about the WDO,
14 and one of the important considerations that were raised
15 in that is the siting of a winery and a consideration of
16 the remoteness of that siting -- many of these people
17 will speak to that umbral and penumbral underlying
18 issues that come from that siting.

19 Suffice it to say, that I, of necessity, have
20 turned to becoming a traffic counter regarding this
21 project and sat for several hours at the Soda Canyon
22 store -- you are all familiar with it -- and counted the
23 number of cars between 4:00 and 6:00 p.m. on Monday,
24 July 13th, I believe, 2015.

25 And, if you will, I counted over 180

1 automobiles coming down Soda Canyon Road and stopping at
2 the traffic stop sign there. I have some pictures. I
3 believe -- there it is -- one of the pictures shows the
4 queue that others have talked about from the applicants.
5 That's my little electric Prius over there to the right.

6 Accidents and impacts on my family, which owns
7 three parcels right at the mouth of the Soda Canyon Road
8 and Silverado Trail. We were fortunate in obtaining the
9 CHP incident report for the period of January 2013 and
10 April 2016, and you can see the slide and the number of
11 collisions that occurred at or near the intersection of
12 Soda Canyon Road and Silverado Trail, as well as
13 upwards.

14 Mr. Chairman, may I be indulged for two more
15 minutes?

16 MR. BASAYNE: Yes. I'd like to continue to
17 hear what you have to say. However, I really ask that
18 you be mindful of the length of your presentation.

19 UNIDENTIFIED SPEAKER: Everybody gets five
20 minutes.

21 MR. APALLAS: I am mindful. Thank you, Mr.
22 Chairman.

23 MR. BASAYNE: Thank you, sir.

24 MR. APALLAS: Quickly, you can see the slide,
25 and this has Napa-wide impact. We also obtained

1 additional information from the highway patrol incident
2 archives that show that Napa is the second worst county
3 for 2013 out of the 58 that have been studied -- and I
4 think they are only 58 -- that shows that it is number
5 two in terms of fatalities, in terms of bicycle
6 accidents, in terms of pedestrian accidents, and so
7 forth.

8 I have submitted to you a statement which
9 attached these studies. It is short. It is not
10 habit-forming, and it will induce a state of solemnness
11 and sleepiness. So please take a moment and read it
12 when you are having a difficult time falling asleep.

13 Now, there are other citizens here that will be
14 speaking to you this morning. Diane Shepp who will
15 speak about the dangerous vineyard workers, and how she
16 got caught in various caravans coming through her home.
17 Glenn Schreuder, curvy, steep, rain, fog, ice, deer,
18 dark, bicyclists impacts.

19 Barbara Guggia will discuss the narrowness of
20 the bridge in which she is located and discuss one or
21 two accidents that she witnessed. Draselle Muscatine
22 will explain to you the difficulty of big gondola trucks
23 going up to such a degree that they have to poach rocks
24 from her garden as positive stops behind the wheel
25 before they can shift and move forward.

1 Anne Palotas will also speak to the experience
2 she's had in the road being completely blocked in her
3 attempts to attend to an emergency of her sister. Cindy
4 Grupp, a volunteer fire person, who will talk about the
5 numerous fires and the danger that will be impacting the
6 community if additional development occurs. David
7 Hallett, more fires 2003 through 2013. Julia Arger, Mr.
8 Kosta Arger, and Anthony Arger will speak to the impacts
9 that they will experience by reason of what's considered
10 to be a 100,000-gallon manufacturing gorilla sitting in
11 a pristine sylvan setting that stars shine brightly at
12 night and I'm concerned about the direction of
13 commercial lighting being upwards or downwards. They
14 have the stars to see with.

15 Doreen Leighton will also speak about some
16 calculations and impacts on drought and so forth, and
17 Mr. Dan McFadden, as all of you may know, is among us
18 and a resident of Soda Canyon Road, and is a Nobel
19 laureate in economics. He will give us some economic
20 analysis about the project and its economic stability
21 and sustainability. Mr. Arger will then close by a
22 significant presentation about the road condition --
23 it's dangerous -- and how this is the wrong place to
24 site such a large facility.

25 Now, I've heard said here, ladies and

1 gentlemen, that we are all opposed to a winery. I, for
2 one, am not. I am a farmer. I am a member of the Board
3 of Directors of the Farm Bureau, and I make my living
4 with grape harvests.

5 I just think that this particular project is so
6 large in scope, in impacts, in visitations -- footnote:
7 We'll recalculate based on comments made earlier by
8 applicants -- that it ought not to be sited here. We
9 would be happy to consider a more appropriately sized,
10 appropriately scaled, appropriately gallonaged facility
11 so that we can welcome these folks as neighbors. But at
12 100,000 gallons, it just cannot be sustained by the wine
13 that they will be harvesting from other grapes.

14 And to Mr. McDowell's point about the four-ton
15 to the acre, I don't know what producer he's talked to,
16 but you will hear from a winemaker and an owner of a
17 vineyard up there, and you'll be lucky if you get two
18 and a half to three-ton an acre on a good year at the
19 peak area. Thank you very much. I appreciate your
20 patience and courtesy.

21 MR. BASAYNE: Thank you, Mr. Apallas. Next up,
22 Ms. Diane Shepp, Mr. Glenn Schreuder, and Ms. Barbara
23 Gudiette.

24 UNIDENTIFIED SPEAKER: We just flopped Mr.
25 Schreuder, and --

1 MR. BASAYNE: Okay.

2 MR. SCHREUDER: Good morning, Commissioners,
3 Commissioner Basayne, Ms. Phillips, Scott, Gill, and
4 Cottrell, and staff. Thank you very much for your time
5 today. Thank you for this opportunity to speak.

6 My name is Glenn Schreuder. I live at the
7 upper reaches of Soda Canyon Road with my wife and my
8 16-year-old daughter who just started driving. My
9 parents moved to Soda Canyon Road in 1957. My dad took
10 a teaching job at Napa High School, taught a certain
11 supervisor, Diane Dillon, science at the time, and my
12 mom was a music teacher.

13 My family has owned and lived continuously at
14 our family residence on Soda Canyon Road for just under
15 60 years. I grew up on Soda Canyon until the age of 18
16 where I joined the Air Force from 1984 to '88, and I
17 worked for the Air Force as an enlisted man and then
18 later for the United States Space Command.

19 I received my bachelor's degree in accounting
20 and business in 1993 from Sonoma State and moved back to
21 Napa and became a licensed certified public accountant.
22 I've been a senior financial executive for a large
23 employer here in Napa for just under ten years. And
24 prior to that, I worked in the wine industry in a
25 similar capacity, as you know, Mike.

1 I have the utmost respect and appreciation for
2 the wine business. I'm not opposed to wineries. I'm
3 not opposed to the agricultural preserve. I'm a
4 defender of the agricultural preserve. The concern I
5 have, as Mr. Apallas mentioned, is the size, the scale,
6 the scope, the very remote location.

7 The road is something that I know a lot about.
8 I'm driving up and down that road my entire life. The
9 road is repaved. It was originally designed in the
10 '60s, widened from a one-lane road to a two-lane road
11 in approximately the early 1960s, and it was built then
12 to serve what was a very sparsely populated rural
13 neighborhood. It was fully repaved when I was in high
14 school in approximately 1980, 1981, and it was a really
15 fine piece of pavement. Let me tell you that we all
16 rode motorcycles. It was great.

17 That aside, unfortunately, time has passed.
18 The road now is a patchwork quilt of cracks and it's
19 culled together. It's really -- I guess I don't really
20 fully understand what a level of service grade A road is
21 because I hate to see what B or C looks like, and that
22 probably has to do with more its carrying capacity than
23 people.

24 I'm looking at the roadway, looking at the
25 surface going, what have we got going on here? It's

1 very narrow in areas. It's deeply concerning to me. We
2 go through a lot of shocks and tires on that road,
3 brakes.

4 The steepness of the road at the grade is a
5 force to be reckoned with. You've got trucks that come
6 up that road trying to deliver things, pick things up.
7 They get stuck. You end up with these altercations on a
8 fairly regular basis where trucks on the steep part of
9 the grade either can't get up or can't get down.
10 Weather conditions don't help, if it's wet.

11 I've personally tried to help people get up the
12 road and kind of get a running start to get their big
13 truck up and over the grade. I'm scratching my head
14 going, what am I trying to do here? It's a concern.
15 It's a deep concern for me having a daughter that's a
16 new driver.

17 The foggy conditions on the road, I don't know
18 where that fits into this equation. I don't see it
19 spoken about. There we go. I should pay attention to
20 this. This is great. That's down from my house. You
21 can get into foggy conditions because it's not really
22 fog. It's clouds that push into that elevation from the
23 south of the San Francisco Bay, and you have, you know,
24 near white-out conditions going down. And right there
25 is -- that's the widow-maker. You know, it is what it

1 is.

2 Unfortunately, if you go off that unguard rail
3 edge, I really don't know that's a survivable accident.
4 It would be a lot of tumbling on the way down to be
5 sure. You know, I think over time, it's easy to say,
6 yeah, one percent each project. There is a cumulative
7 impact to all of this. The road hasn't really been
8 changed or improved in a long time. It's very rough on
9 the edges. It makes bicyclists drift more to the
10 middle.

11 And I think it's great people want to bicycle
12 that road. It's a fantastic road to ride, but the
13 concern I have is for their safety, the safety of the
14 drivers that encounter bicyclists. You've got a passing
15 truck coming. It all happens at various points in time,
16 and I'm deeply concerned about the traffic safety
17 issues. Primarily, the condition of the roadway, and
18 the ability for all people who are residents and
19 existing -- people with commercial interests up there to
20 use the road as it is today. And, you know, to add more
21 to that just doesn't make a lot of sense to me as
22 someone with a lot of time and experience having lived
23 up there.

24 So I want to thank you for your time today. I
25 appreciate everyone's time, and thank you.

1 MR. BASAYNE: Thank you, Mr. Schreuder.

2 Ms. Shepp followed by Barbara Guggia and
3 Draselle Muscatine.

4 MS. SHEPP: Good morning. I am Diane Shepp. I
5 live at 3580 Soda Canyon Road. I'm speaking both for
6 myself and my husband. Unfortunately, he couldn't be
7 here today and neither could my daughter. She is a good
8 speaker, too.

9 Anyway, we moved up to Soda Canyon Road 32
10 years ago. We have raised our family there. We were
11 attracted by the remoteness, the rural quietness, and
12 the dark skies at night that were filled with more stars
13 than you can imagine. It was just about the first time
14 I ever saw the milky way from our house.

15 We have watched the quality of our life and
16 quiet enjoyment of our neighborhood deteriorate with the
17 build-out of the Rector Watershed, which is where the
18 end of Soda Canyon and Foss Valley is.

19 We live eight miles up Soda Canyon Road from
20 the Silverado Trail at one of the three dead ends. At
21 this sixth mile approximately marker, there is a fork in
22 the road. And that is the entrance essentially to
23 Mountain Peak Winery, and we live down that dirt and
24 gravel road. You get to the end of the road sign, and
25 then that's us. That's eight miles.

1 Soda Canyon Road is a poorly maintained,
2 dangerous, narrow, steep, two-lane, dead-end road that
3 has fog-related zero visibility, ice during the winter
4 -- the county comes in and de-ices the road continually
5 -- and flooding in the lower areas down by Soda Creek.

6 Soda Canyon Road experiences the second highest
7 rate of emergency incidences in the entire county. This
8 was verified by the Napa County Grand Jury in '07, '08.
9 And since then -- I wrote it in my long letter. I'm not
10 going to go into all that stuff.

11 On the steepest and narrowest portion of the
12 Soda Canyon, there are no pullouts. There are no
13 shoulders. There is no bike lane. There's no
14 guardrails, and there is an immediate 500-foot drop-off.
15 So if you accidentally get a tire off, just like Glenn
16 said, it's a bad accident.

17 There have been several deaths on Soda Canyon
18 Road since we've lived there. In the 32 years we've
19 lived on Soda Canyon Road, the road has never been
20 improved with the exception of, they put a white line
21 down the center. That's it.

22 Industrial strength, tourist-oriented projects
23 of the scope and size of the proposed Mountain Peak
24 Winery belong on the valley floor. Alcohol and a
25 dangerous dead-end road do not mix well.

1 Every day, well over 100 cars filled with
2 vineyard workers drive Soda Canyon Road. I have counted
3 the cars on many occasions and, unfortunately, I've been
4 caught in the mass exodus of these vineyard workers.

5 One day recently I was leaving my home to
6 attend a meeting down a neighbor's -- halfway down Soda
7 Canyon, there are at least five blind turns between my
8 home and hers and a very steep decline. Vineyard
9 workers are accustomed to driving much faster than I
10 consider to be safe, particularly on that steep decline.
11 And invariably, their speed causes their cars to cross
12 the centerline into the oncoming traffic.

13 Anyway, that day I kept my safe speed despite
14 their tailgating me. A few hundred yards before my
15 neighbor's entrance, I turned on my blinker, slowed down
16 to negotiate a very hard 90-degree turn into her
17 driveway.

18 As I entered the driveway, the car behind me
19 full of vineyard workers honked their horn, yelled
20 expletives, flashed me the finger, and sped away. This
21 is only one of many terrifying incidences that I have
22 experienced on Soda Canyon Road in recent years.

23 If the CHP wanted their daily quota of tickets,
24 Soda Canyon Road is the place to get it. I won't go
25 into the many times that my family -- we have been told

1 and stuck to shelter in place because wildfire blocked
2 Soda Canyon Road. Others will speak to that today.

3 The long-term negative consequences of approval
4 of the Mountain Peak Winery as it is proposed have no
5 reasonably positive outcomes for the 173 households that
6 reside on Soda Canyon Road.

7 I respectfully ask that you deny the Mountain
8 Peak Winery proposal as presented to you today. We also
9 have other photos for reference, but I know I'm out of
10 time. So thank you.

11 MR. BASAYNE: Thank you, Ms. Shepp. After, Ms.
12 Guggia. After, Draselle Muscatine and Anne Palotas.

13 MS. GUGGIA: Good morning. My name is Barbara
14 Guggia, and I recently built a home on Soda Canyon Road
15 about three miles up the road. So I'm going to speak to
16 kind of that middle section of Soda Canyon Road.

17 This property has been in my family for almost
18 100 years, and it's been a very special place in my
19 heart, not just because of the family connection, but
20 Soda Canyon is beautiful. It's a great place to live,
21 very peaceful. I like the remoteness of it, and I feel
22 extremely fortunate.

23 I oppose the Mountain Peak Winery for a number
24 of reasons. Today I'm going to focus on the Soda Canyon
25 Road, and how it's overburdened with existing traffic of

1 the residents, of the workers, and visitors. I believe
2 that the proposal for the Mountain Peak Winery will
3 significantly increase traffic patterns, noise, and also
4 the threat to other folks on the road.

5 This is a treacherous road. We all know that.
6 The road near my house is narrow, winding, limited sight
7 distance, and minimal to zero shoulder widths. There is
8 also a very narrow historical bridge on the turn that
9 crosses Soda Creek and numerous heavily-shaded areas,
10 which comprise your ability to see. In addition to all
11 of this, we have a lot of deer in the area, and they
12 like hanging out at dusk.

13 For Mountain Peak Winery visitors attending
14 evening events, they are going to have to drive an
15 unfamiliar and unlighted winding, narrow road, and often
16 have to negotiate wildlife.

17 Not only is Soda Canyon a difficult road to
18 drive, but often the drivers on this road display less
19 than cautious attitude. And unfortunately, along with
20 Diane Shepp, I've seen and experienced a lot of those
21 attitudes.

22 I'm a runner, and I refuse to run on Soda
23 Canyon Road on the weekdays because it's just too
24 dangerous. Every now and then I can see a bicyclist
25 going up the road during peak hours, and I just shake my

1 head and say, "Somebody should have warned him." It's
2 just not safe.

3 My house is situated very close to the road.
4 I'm acutely aware of drivers abusing the speed limit,
5 crossing the double line, and at times running off the
6 road. Morning commute starts at 5:00 a.m., speeding by
7 my house usually in groups, nose to tail.

8 During the afternoon commute, drivers will
9 often speed up after going over that narrow bridge and
10 often experience time (sic) when they make that turn to
11 stay on the road. I've been walking my dog on the
12 property, and numerous times I've seen commuter cars
13 almost land in my front yard, which is a little scary.

14 In January of this year, I was driving up Soda
15 Canyon Road at approximately 9:00 p.m., and I
16 encountered two young men walking around in the dark
17 with dark clothes holding up their cell phone trying to
18 get cell service in the middle of the road. I stopped
19 to see what was going on. Their car had flipped over
20 and gone into a ditch, and they didn't have cell
21 service. There's no lights, and it was kind of scary.

22 Soda Canyon Road is barely handling the
23 existing traffic load, and the Mountain Peak Winery
24 project will significantly escalate these traffic
25 problems. Approving a massive commercial winery and an

1 event center in a remote area with a compromised
2 accessibility is a disservice, I think, to the
3 environment, the area residents, and to all citizens of
4 the county. I will ask you to please deny this. Thank
5 you.

6 MR. BASAYNE: Thank you. Up next, Ms.
7 Muscatine.

8 MS. MUSCATINE: You are getting closer.

9 MR. BASAYNE: Oh, okay.

10 MS. MUSCATINE: It's Draselle Muscatine. I'm
11 at 2410 Soda Canyon Road. I feel like it's a repetition
12 of everything that's been said, but I am greatly
13 concerned about the scope this Mountain Peak as
14 proposed.

15 I too have a winery. I use only the grapes
16 that are grown on the property. It is estate grown and
17 bottled and tough to sell, but that is not -- I'm not
18 against the winery. I'm against the size, and what they
19 are trying to do.

20 I live four miles up the road, and I'm right at
21 the incline as it starts to incline up. So I have had
22 more trucks stop to shift gears, and they cannot do it.
23 And like what Yeoryios said, they take a rock out of my
24 little rock wall that lines my property, stick it under
25 their tires, and take off. And that means that I get to

1 put the rock back when they are done, and this has
2 happened repeatedly.

3 It's the nature of the road. It's very steep,
4 very curvy, very windy and scary, and not really good
5 for people who have been drinking wine to come down the
6 road because that's even more scarier than going up the
7 road.

8 However, there is a bigger problem beyond this
9 particular winery. Napa Valley itself is overloaded,
10 and what was once rural is now overwhelmed with
11 corporate grape production. I fear that by allowing
12 this proposal to stand as it is, it will be opening
13 Pandora's box.

14 I urge you to reduce the scope of the project
15 to match the on-site grape production and to reduce the
16 number, even though they've been reduced already. I
17 would appreciate that. I also realize that this is an
18 emotional issue, and it's emotional because it matters
19 so much. Thank you.

20 MR. BASAYNE: Thank you. Next up, Anne Palotas
21 followed by Cindy Grupp.

22 MS. PALOTAS: Good morning, Commissioners. My
23 name is Anne Palotas. I live on Soda Canyon Road in
24 close proximity to the proposed Mountain Peak Vineyard.
25 I'm a Boeing 747 captain, and I'm fully versed in the

1 operation of large 18-wheel vehicles.

2 During the last three years, traffic has become
3 overwhelmingly hazardous on Soda Canyon Road. I will
4 have to preface that whatever traffic analysis has been
5 performed by the applicant, it has no bearing on the
6 reality of real conditions on Soda Canyon Road.

7 The sharp, narrow turn that is next to
8 Draselle's property is a location where numerous trucks
9 have overturned into the adjacent ravine. My sister had
10 directly witnessed an overturned accident and had to go
11 to the Soda Canyon store to call 911 due to the lack of
12 cell phone coverage in the area.

13 At times -- there is a firehouse nearby that
14 area. The driveway is completely blocked by big rigs
15 with no one in attendance. If it is necessary for a
16 response from the firehouse, how would they possibly be
17 able to exit the building?

18 One year ago today, when taking my sister to
19 the emergency room, we were unable to depart the area
20 because an 18-wheeler had completely blocked off the
21 road at the grade, which is the big sticking point on
22 this road. An ambulance had to be called in an attempt
23 to transport my sister past the blockage.

24 The driver demonstrated his ineptitude by
25 leaving the vehicle in position on the road so that it

1 would remain fully blocked off. He was dumbfounded when
2 I suggested to him to simply back down the hill and
3 unblock the road. This gives you a measure of the level
4 of competence that we have to endure. So we have a bit
5 of a video here.

6 MR. ARGER: We have a small video. Just for
7 background, I took this video personally -- this is
8 Anthony Arger speaking -- last year on -- I believe it
9 was June 18th, 2015, and this is just one of the
10 numerous types of trucks that Ms. Palotas is speaking
11 about, trying to navigate this road on which there's no
12 guardrails, as you will see shortly, and there is no
13 possible way this guy could even stay in his lane even
14 if he wanted to, which I'm sure he does.

15 But we'll just play a few more seconds just to
16 give you an idea of the type of traffic and particularly
17 trucks going up and down this road, and please think
18 about now -- whatever the revised numbers are, I believe
19 they are about 15,500 with the newest proposal --
20 visitors coming up and down this road having consumed
21 alcohol trying to cope with this type of truck on the
22 road.

23 MS. PALOTAS: In any case, I have had
24 construction trucks nearly smear me off the road as they
25 dominate the centerline. I had a tractor trailer bed

1 block the road for half an hour because he could not
2 find a code to a security gate.

3 Daily vineyard workers make sport of driving
4 down Soda Canyon Road in a belligerent manner. More
5 times than I can count, I've been horrified to see -- to
6 be facing a sea of vehicles straddling the centerline at
7 obscene velocities leaving me with no other option than
8 a deadly head-on collision.

9 I was the first on the scene to a vehicle
10 rollover. The vehicle had struck the embankment on the
11 opposite side of the road and was upside down in the
12 trees with smoke coming from it. I was able to call
13 911. Luckily, I got a cell phone signal, and thankfully
14 Cal Fire was first on the scene.

15 To summarize, I will say that the traffic
16 conditions on Soda Canyon Road at this point in time are
17 unacceptable. Consider these factors: Blockage of
18 emergency facilities and the ability of all the people
19 that are either working or living up there to egress in
20 case of a fire, irresponsible driving by vineyard
21 workers, fire risk from smoking drivers, which will be
22 attested to by David, limos, tour buses and large trucks
23 overwhelming the capacity of the road, serious
24 deterioration of the road surface by outside large
25 vehicles.

1 Part of the road up on top is already
2 crumbling. There is a big hole there this morning. An
3 exponential increase in traffic on the road that is
4 already over capacity and in poor condition. These
5 conditions would increase by an order of magnitude the
6 Mountain Peak Winery proposal. This would make
7 conditions totally intolerable.

8 Just on the strength of traffic issues alone,
9 we respectfully request that you deny the Mountain Peak
10 Vineyard application, and I would just like to also let
11 you know that my speech was not plagiarized from
12 Michelle Obama.

13 MR. BASAYNE: Thank you, Ms. Palotas. Up next,
14 Cindy Grupp and then David Hallett.

15 MS. GRUPP: Good morning, Ladies and Gentlemen,
16 each and every one of you. My name is Cynthia Grupp.
17 I've lived at 2367 Soda Canyon Road since 1973. My
18 children grew up on Soda Canyon and attended Napa
19 schools --

20 (Timer sound.)

21 MS. GRUPP: That was quick.

22 -- and rode the Soda Canyon school bus. I'm a
23 grape grower. I am a member of the Grape Growers
24 Association and also the Napa Farm Bureau.

25 I'm here today to ask this commission to deny

1 the use permit for the Mountain Peak Winery. This
2 project should be denied for a multitude of reasons,
3 many of which you've already heard and others we'll
4 discuss.

5 I have my share of horror stories involving
6 near misses with trucks driving around blind curves in
7 the middle of the road. However, I'm going to use my
8 three minutes, what's left of it, to talk about one
9 thing, fire.

10 When my husband and I moved to Soda Canyon 43
11 years ago, we found ourselves living across the road
12 from the volunteer fire station, so we joined. What did
13 we know? We were from the city. It turns out we had
14 moved into statistically to one of the worst areas for
15 huge, devastating fires in Napa County dating back more
16 than a century.

17 There was one in 1913 that started in Capell
18 Valley. It had a head of five miles wide and swept over
19 Atlas Peak down to Foss Valley -- excuse me. It started
20 in Capell Valley. It swept through Foss Valley down
21 Soda Canyon Road and surrounded the Napa Soda Springs.
22 And according to the news -- the news report or -- the
23 newspaper report sent resort guests fleeing for their
24 lives. Another fire in 1944 finally destroyed the Soda
25 Springs beyond restoration. There were other huge fires

1 in the '60s.

2 When I joined the fire department, besides the
3 monthly training sessions conducted by CDF, now Cal
4 Fire, I took wildland fire management classes through
5 Napa College. I received my EMT certification, became a
6 CPR instructor, trained in auto extrication, arson
7 investigation. And in one four-day workshop, I learned
8 more than I ever wanted to know about the BLEVEs.
9 Medical training and auto extrication was particularly
10 relevant as 90 percent of our calls were medical or
11 vehicle accidents.

12 During the ten years that I was with the
13 department, there were two alcohol-related fatal
14 accidents on Soda Canyon Road. The geography of Soda
15 Canyon and the Rector basin, along with the local Foehn
16 winds contribute to this area's potential for really big
17 fires.

18 The radiant heat from one large fire -- from
19 the large fire burning on one side of the steep canyon
20 can and will preheat the fuel on the other side of the
21 canyon, and the smallest ember can ignite the opposite
22 side. Now you have two fires until they burn together.

23 The last big one in Soda Canyon was the 1981
24 Atlas Peak fire. The intensity of that fire started by
25 arson and driven by local Foehn winds on the tenth day

1 of a heat wave was fed by a few loads of brush that had
2 built up for almost 20 years since the last big fire.
3 The perfect storm. The Atlas Peak fire burned over
4 23,000 acres in ten hours. That's 23,000 acres in an
5 hour or 38.33 acres a minute.

6 Cal Fire has developed the Soda Canyon
7 Monticello Pre-Attack Fire Plan. The comprehensive plan
8 is to deal with fire, fire that starts during fire
9 season on a normal day and quickly spreads beyond the
10 capability of available resources.

11 The plan recommends that if a decision is made
12 -- if a decision is made to call for an evacuation, it
13 should be made early on, or it won't be an option
14 because the road will become clogged with emergency
15 vehicles, in which case the order will be made to
16 shelter in place as it has been in the past.

17 Residents, tourists, and vineyard workers will
18 all shelter in place, and one wonders what place that
19 will be for the hundreds of vineyard workers. That plan
20 is for a normal day.

21 Every year, every season -- every fire season,
22 Soda Canyon residents hold their breaths during the
23 extraordinary days, days when the temperature is 90 to
24 105 degrees, and a hot dry north wind has been blowing
25 for several days already. Days when the fuel load is

1 tinder, dry, and extremely high because the last big
2 fire was over 35 years ago. Days when a carelessly
3 tossed cigarette from an overheated car pulled off the
4 road on the grass, or any number of incidents can spark
5 a flame.

6 These are the days when the Pre-Attack Fire
7 Plan can go back into the drawer because these are the
8 days when wildland fires could be burning in other parts
9 of the country or state taking up all the additional
10 resources that would be called up on a normal day.
11 Wildland fires are caused predominantly by human
12 activities.

13 The proposed Mountain Peak Winery, even with
14 today's reduction in the number of visitation offered,
15 will double the currently permitted winery visitors on
16 Soda Canyon Road substantially, increasing the number of
17 humans. It will substantially increase the fire danger.
18 Thank you.

19 MR. BASAYNE: Thank you, Ms. Grupp.

20 Next up, Mr. Hallett, and then followed by
21 Julia Arger. Again, I'll just ask the speakers to try
22 to be mindful of the three-minute limit. However, we
23 absolutely appreciate what you have to say.

24 MR. HALLETT: Good morning, Commissioners. My
25 name is David Hallett. I live on 3444 Soda Canyon Road,

1 approximately four and one-quarter miles above the
2 Silverado Trail and about 400 feet above Draselle
3 Mascutine's house where this narrow section of the Soda
4 Canyon Road -- it's the narrowest section.

5 I came here today to speak about fire dangers
6 on Soda Canyon. During my 13 years of residency in Soda
7 Canyon, I've experienced four wild fires much too close
8 to my home for comfort.

9 In May 2013, the hillside half a mile north of
10 my home burst into flames. According to the Cal Fire
11 investigator, it was a discarded cigarette butt from a
12 passing vehicle. They had helicopters dropping water on
13 the fire.

14 In August 2005, the area immediately at the
15 entrance of my driveway on Soda Canyon Road was set on
16 fire when the cargo in the back of a pick-up truck
17 exploded in fire, flammable liquids. Five acres burned.
18 Hundreds of feet of overhead PG&E power lines were
19 destroyed. My security gate -- it's solar celled power
20 source it's whole system were destroyed.

21 November 1st, 2011 was the Loma Vista fire.
22 Hundreds of acres and brush were consumed. Fifty
23 families were instructed to evacuate. My wife and I and
24 ten other people were trapped in our vehicles for one
25 and a half hours on Soda Canyon Road.

1 We had downed power lines sparking on the road
2 in front of us uphill. We had the Loma Vista fire
3 coming across the hills close to the road behind us. We
4 were rescued by our local volunteer fire chief who came
5 down from close to Mountain Peak, cut the wires, and
6 dragged them out of the road, and allowed us to escape
7 uphill. Much too close for comfort.

8 On November the 2nd, one day after the Loma
9 Vista fire, the hillside on the 2500 block, a mile above
10 me, went on fire. So during these four fires -- very,
11 very close to me -- I noticed the helicopters dropping
12 water, fixed-wing aircraft spraying fire retardant
13 chemicals, and Cal Fire working in appalling conditions.
14 This made me very, very much aware of the risk of living
15 on Soda Canyon.

16 The Cal Fire incident summary for Soda Canyon
17 in the years 2007 to 2015 notes 13 calls to fires in
18 residences and 16 wild fires. Cal Fire has assigned
19 Soda Canyon as a high-risk fire area. The California
20 Department of Forestry Protection has stated that people
21 are to blame for most wild fires.

22 The residents at Soda Canyon are very much
23 aware of the fire risks. We accept these risks in order
24 to live in a quiet rural area. However, recently the
25 verges of Soda Canyon are now regularly littered with

1 cigarette butts, passing cars posing an increased fire
2 risk.

3 Logically, there is no way to mitigate the
4 increased risk posed by an additional 47,000 annual
5 trips to and from the Mountain Peak Winery. Thus, I
6 request that you deny the Mountain Peak Winery
7 application in full or severely reduce the scope of this
8 massive project. Thank you very much for your time.
9 Thank you.

10 MR. BASAYNE: Thank you, Mr. Hallett. Next up,
11 Julia Arger followed by Bill Hocker.

12 MS. ARGER: Good afternoon. As I get the clock
13 -- my name is Julia Arger, and I, along with my husband,
14 purchased our property at 3030 Soda Canyon Road 19 years
15 ago in 1997, but my connection to the Napa Valley goes
16 back to 1975 when my husband and I honeymooned in the
17 Napa Valley.

18 It's fun to recall those -- Napa Valley
19 41 years ago with the scattered wineries, still
20 beautiful vineyards, not enough restaurants really to
21 handle the people that maybe wanted to try -- that's all
22 happened since, but we were very happy and privileged to
23 be entertained on our honeymoon by Joe and Alice Heitz.
24 You maybe know that name as an icon of part of the
25 history of Napa Valley.

1 They entertained us with a marathon lunch on
2 our honeymoon at their home. I say "marathon," because
3 it was a lunch, but it went into dinner, and we didn't
4 leave until about 10:00 o'clock at night. We had a
5 great time.

6 I maintain our friendship with the Heitz family
7 today. In fact, we had dinner with Alice last night,
8 and we were talking a little bit about the changes in
9 the valley. She said that Joe would be mortified at the
10 transition and change from wineries being places to
11 produce wine and not tourist centers. So I certainly
12 agree with him on that. The emphasis 41 years ago was
13 definitely on grape growing and producing wine and not
14 the elaborate event centers that have become the trend
15 today.

16 My husband and I chose to purchase our property
17 6.2 miles up Soda Canyon Road and to realize our
18 lifetime dream. By the way, our property is directly
19 across from the proposed Mountain Peak property.

20 Once we planted our vineyard in 1998, we
21 momentarily considered adding a family winery, but
22 quickly dismissed the idea as irresponsible because of
23 our remote location. Instead, we chose to make and sell
24 our wine at a small winery on Inglewood Avenue in Saint
25 Helena.

1 As grape growers, we are part of this wine
2 industry, and our three children are a significant part
3 of this legacy. We first learned of the Mountain Peak
4 proposal over two years ago, and we were intrigued and
5 anxious to meet our new neighbors.

6 Mr. Rea mentioned having a barbecue. For some
7 mysterious reason, we never got the invitation. So we
8 missed the barbecue. But after we first met with Mr.
9 Rea and Ms. Oldford, we were alarmed by the grandiose
10 size and scope of the Mountain Peak Winery proposal.
11 You can see from the slide just the massive statistics
12 there. In addition, the owners had made no attempt to
13 reach out to us, and we live directly across the road.
14 We have never met the owners.

15 I've also searched the Mountain Peak project
16 statement and cannot find the owner's name mentioned
17 anywhere. Considering the massive size and scope of the
18 proposal and the mysterious absence of the owners, I can
19 only conclude that this must be strictly a financial
20 business decision staging a massive tourism enterprise
21 in the remote Napa hillside devoid of any personal care,
22 regard, or concern for the neighbors and our objections.
23 Perhaps this oversized tourism component is why the
24 owners have chosen not to reside at the Mountain Peak
25 Winery location.

1 In fact, as you noted in the applicant's
2 presentation, their plans call for the destruction of
3 the current lovely two-story French country home on the
4 property. When we met with Mr. Rea, the general
5 manager, early in the process, he said the owners did
6 not plan to live on the property, but rather prefer to
7 purchase a home in Marin County.

8 I mention the tourism component because I
9 currently am a governor-appointed board member of the
10 Nevada Arts Council. And as chair, I'm also a
11 commissioner on the Nevada Department of Tourism
12 Commission. I understand and appreciate the
13 significance of tourism. At our commission meetings, we
14 receive reports on the numbers and success of our
15 marketing campaigns. You may have seen our current ad
16 theme "Don't fence me in." I reflect and say, "Boy, I
17 hope that doesn't turn into don't run me off the road"
18 in a Napa scenario.

19 Yes, tourism is a marketing component in one
20 aspect of selling wine. However, creating a huge,
21 out-of-scale winery event center in a remote hillside
22 location is not only irresponsible, but an insult to
23 common sense.

24 If this is our tourism direction, Napa is
25 poised to destroy the authenticity of the Napa

1 experience. Traffic and high prices are already driving
2 tourists to other wineries -- Paso Robles, Sonoma,
3 Mendocino, Oregon, Washington -- that are more
4 affordable and certainly less congested. To keep within
5 the intended requirements of the Napa Valley Master
6 Plan, the Mountain Peak Winery Project belongs on the
7 valley floor.

8 Again, I am a part of the Napa Valley wine
9 industry, and I support responsible tourism, but I
10 vehemently oppose this and all future out-of-scale
11 hillside winery developments. Please protect. Don't
12 exploit rural Napa. Thank you.

13 MR. BASAYNE: Thank you, Ms. Arger.

14 Mr. Hocker, before you speak, I just want to
15 confer with my fellow commissioners for a question of
16 whether or not we want to have a break here shortly, and
17 I've just counted 20 speaker cards. An average of
18 three minutes each, that would be about an hour,
19 although I think we are running a bit over three minutes
20 each.

21 So we are looking at about an hour and a half
22 potentially of more public expression, and so that
23 raises the question as to whether or not we might want
24 to take a lunch break at some point. So I'm open to
25 suggestions.

1 Do you just want to take a short break and then
2 follow with a time certain lunch break?

3 MS. COTTRELL: I think I'd be in favor of an
4 hour lunch break or something, but I'm open to
5 suggestions.

6 MR. BASAYNE: Okay. An hour break sounds
7 appropriate. Since Mr. Hocker was next in line to
8 speak, I'd like to give him an opportunity to speak.
9 And then what we'll do is, we'll take a one-hour lunch
10 break, and we'll be back at 1:20 this afternoon.

11 Is that acceptable?

12 MR. SCOTT: Yes.

13 MR. BASAYNE: Thank you.

14 MR. SCOTT: 1:30? Is that your request?

15 MR. BASAYNE: All right. Let's go with 1:30
16 then. Mr. Hocker?

17 MR. HOCKER: Good afternoon. My name is Bill
18 Hocker, 3460 Soda Canyon Road. My wife and I are next
19 to the proposed project. We've been there for 22 years.
20 We have concerns about the impacts of a large commercial
21 facility in our backyard. Ours has been until now a
22 remote residential, agricultural community, a beautiful
23 community, as the applicant has said.

24 We are concerned about the six-mile -- like
25 everyone, we are concerned about the six-mile road that

1 links us to the outside world. More traffic will only
2 make an already degraded road and dangerous road more
3 so.

4 In the application, much was made of the 88
5 truck trips to be saved by the project because the
6 grapes are growing near it. That's probably a
7 recognition of how bad the road is. Little is made of
8 the tens of thousands of trips up and down the road each
9 year to bring equipment and goods and employees and
10 tourists to such a remote place.

11 As immediate neighbors, we are concerned about
12 water. A second larger well is being added.
13 100,000-gallon winery and 100 people per day, maybe a
14 few more now, will consume water that hasn't been
15 consumed before. Efforts to recycle some of that water
16 will not mean much if our wells go dry.

17 We are concerned about the amount of earth to
18 be moved, enough, in my rough calculation, to a football
19 field with end zones 20 feet high. We are concerned
20 about the dust covering our properties, and the
21 crumbling and beeping of construction equipment for a
22 couple of years.

23 We are concerned about the spillage and erosion
24 of all that dirt into adjacent creeks on our property
25 and theirs.

1 We are concerned about the wastewater treatment
2 plan proposed on our property line. 200,000 gallons,
3 25-foot-high storage tanks, and a large treatment
4 machine.

5 We are concerned about the noise of the motors
6 and the pumps operating every day.

7 We are concerned about noise and the cave
8 ventilation fans, which they seem to be concerned about
9 as well, always humming. The noise of vans and cars
10 coming and going from the parking lot. The noise of the
11 revelry and clinking tableware long into the night.

12 In this remote place, there is often absolute
13 silence. Noises are very noticeable here. We are
14 concerned about the sweep of headlights from the parking
15 lot and the outdoor lights needed for a factory and
16 nighttime events and the glow from the very large
17 tasting room windows. You can still see the Milky Way
18 as people have noted, and you can see satellites passing
19 overhead.

20 We are concerned about a light polluted future
21 here. We are concerned about the planet. Much is made
22 about this LEED certified building, but LEED, of course,
23 doesn't measure the energy spent for a couple of years
24 to build this massive project, or that needed for tens
25 of thousands of trips up and down the six-mile road, or

1 that needed, for that matter, to build and demolish the
2 relatively new mansion on the property, and probably not
3 even much of the energy needed to keep all those pumps
4 and motors and fans going all year long.

5 We are concerned about the precedent this
6 project sets, about other entrepreneurs building
7 wineries here to make wine that, in fact, is already
8 being made elsewhere and to sell wine that, in fact, is
9 already being sold elsewhere, whose real purpose is to
10 add profit from the remoteness of our beautiful
11 neighborhood as a tourism experience. It will not take
12 many tourists before the remoteness and rural character
13 are gone.

14 We, of course, have many more concerns, more
15 than we have time for here. Given all these concerns,
16 we can't support this project. We respectfully ask that
17 you refuse this application. Thank you.

18 MR. BASAYNE: Thank you, Mr. Hocker. We will
19 resume our public hearing at 1:30 today. Thank you.

20 (Lunch recess.)

21 MR. BASAYNE: Welcome back from our lunch
22 break. This is the Mountain Peak Winery Commission
23 hearing, and we are listening to members of the public.
24 So the last speaker was Bill Hocker, and I have Kosta
25 Arger next. And after her, Amber Manfree. I'm sorry,

1 sir.

2 MR. ARGER: Kosta Arger. Thank you. Are we
3 ready to go?

4 MR. BASAYNE: We are ready to go.

5 MR. ARGER: My name is Kosta Arger. My address
6 is 3030 Soda Canyon. Our family has owned and managed
7 our vineyard since 1997. When we developed our 39-acre
8 parcel, we had intended to establish a winery there,
9 which is 6.2 miles up Soda Canyon.

10 However, in the year 2000, we chose to have our
11 winery, which was called Arger-Martucci Vineyards, on
12 the valley floor on Inglewood Avenue as we felt that at
13 that time that Soda Canyon Road was not suitable to
14 handle additional traffic, especially after visitors
15 consumed wine at a tasting room.

16 We recognized it was not in the interest of our
17 neighbors or the residents of Soda Canyon. We also felt
18 that liability was just too daunting to risk wine
19 tasting at the end of a winding road. Believe me, being
20 a physician, I know what liability is.

21 Over the past 19 years, since we purchased our
22 Soda Canyon property, I have observed further
23 development of vineyards and wine facilities on Soda
24 Canyon, which has further burdened the already overtaxed
25 and totally inadequate infrastructure of this narrow,

1 rural road.

2 Furthermore, in addition to an inadequate road
3 condition, the stresses placed on the hydrology, the
4 fire threats that you've heard, and the increased noise
5 levels are all incompatible with this remote area and
6 its neighbors.

7 We've heard from consultants today. Well, as
8 you know and many of us know, being in this business,
9 you can have a consultant conclude just about whatever
10 you want as long as you hire him.

11 Above all, I consider safety the most important
12 factor, and adding additional nearly now 15,000 visitors
13 per year, plus the employees and commercial trucks and
14 bus traffic, will place everyone on Soda Canyon at risk.

15 I have personally met on two occasions with Mr.
16 Rea and Ms. Oldford. I must add we have never had the
17 opportunity to meet the owner. I have told them we
18 could and would support a smaller, perhaps ten to
19 15,000-gallon facility with lower limited visitation.

20 By example, we have two wineries nearby --
21 Antica as you know the Antinori family and Astrale e
22 Terra known as Triumph -- who have been very good
23 neighbors and have agreed to either limited or no
24 visitation realizing the limitations of the road.

25 In both meetings with Ms. Oldford and Mr. Rea,

1 it is patently untrue and, frankly, a lie that they
2 offered any significant compromise. I was there at
3 those meetings. Believe me, I know that. The only
4 reasonable offer made was to move their front gate
5 entrance from the easement portion of the gravel road,
6 which I'm sure you observed, to the current entrance off
7 the county road. In fact, they were advised by their
8 own consultants that their entrance should not be placed
9 on a gravel road in the first place, such a compromise.

10 Subsequently, Mr. Rea and Ms. Oldford have
11 dismissed every opportunity for compromise and instead
12 have chosen to be adversarial and to ignore their
13 neighbors and other property owners nearby.

14 Furthermore, contrary to Mr. Rea's assertion,
15 our property is not a vacation home. This is another
16 false representation that has been continued to be made.
17 I have been coming to the Napa Valley since 1971,
18 including working as a seller at various wineries, and
19 chose to purchase land and develop vineyards in 1997.

20 I assure you our Soda Canyon property is a
21 working, viable grape ranch, which we started from bare
22 land, and today continue to supply grapes to wineries
23 with our full-time involvement.

24 While I have been a cardiologist for the past
25 30 years in northern Nevada and northern California,

1 licensed in both, I've also served on multiple boards of
2 directors, public commissions, including the National
3 Board of Advisors to the UC Davis Medical School and
4 Nevada State Medical Association and Trustee of the
5 Washoe County Airport and commissioner and Reno, Sparks,
6 Convention Authority and a 15-year board member of Reno
7 Medical Center, the largest nonprofit hospital system in
8 the State of Nevada.

9 In many years of such board experience, I have
10 sat just like you are today and listened to proposals
11 from developers and the public. I must say in over
12 20 years of such experience, I've not seen, quite
13 frankly, such an egregious disregard for public
14 sentiment, public safety, and public interest.

15 You have received a litany of public opposition
16 for this Mountain Peak project. Yet, the planners'
17 continued support of such a project leads one to believe
18 that there is allegiance to one and only one audience,
19 and that is support for developers and large corporate
20 entities, which pressure their position.

21 I want to also add that it is false and
22 misleading that Mountain Peak will grow 92 percent of
23 their grapes on site. Let's do the math. The current
24 acreage of their 41 acres site will change to 25. I
25 don't know where your planners got the idea that there's

1 four to five tons an acre. That's bologna. I have met
2 with Antica, Antinori property, as well as Mr. Krupp up
3 at Stagecoach. In a great year, we are lucky to get
4 three tons per acre. That 25 acres translates to
5 75 tons.

6 In addition, in their calculations, about a
7 mile and a half from their site, they have an 84-acre
8 planted vineyard. Even assuming three tons per acre,
9 that adds up to 250 tons, which gives a total of
10 325 tons from their own vineyards.

11 A 100,000-gallon winery, as you know, requires
12 approximately 700 tons of grapes -- that's 150 to 160
13 gallons per ton -- to make and produce that much wine.
14 Their vineyard production at best will supply 47 percent
15 of what they need. Putting it bluntly, it's just not --
16 they aren't realistic.

17 And furthermore, in the math -- on the
18 calculation that was presented this morning, they
19 propose to reduce from 18,486 visitors to 14,450.
20 That's a 3,000 person less visitation. How is that a
21 50 percent reduction? Obviously, over 370 tons of
22 grapes would have to be brought from elsewhere. Thus,
23 their projected figures to you are false and misleading.

24 Transporting the additional grapes will
25 obviously further impact the traffic on Soda Canyon

1 Road. In short, the county planners are being duped.
2 You have accepted their figures and assumptions at face
3 value, which are misleading and absurd when the math is
4 truthfully done.

5 Putting it bluntly, this Mountain Peak Winery
6 proposal is simply a large retail, marketing, and
7 entertainment centered place in a mountain hillside
8 location contrary to the intent of your predecessors who
9 formulated the original winery definition ordinance.

10 I, and most of us, are in favor of commerce,
11 having had a small winery, and reasonable development,
12 but not at the cost of your citizen constituency. The
13 Planning Department, Commissioners and Board of
14 Supervisors, I believe, are violating the spirit of the
15 winery definition ordinance. I vehemently oppose this
16 development in its current form as do the majority of
17 neighbors and property owners on Soda Canyon.

18 My request to you is to do the right thing.
19 This is a nice winery. It's planned nicely. It's
20 green. It has a lot of things that we would all like to
21 have, but it's not in the right place. It should be put
22 in another location where it should be. I would ask you
23 to do the right thing. Thank you.

24 MR. BASAYNE: Thank you, Dr. Arger. If the
25 public could refrain from applause, we'd appreciate it.

1 Next up, Amber Manfree and Doreen Leighton.

2 MS. MANFREE: Good afternoon. I'm going to
3 keep us all on topic here. My name is Amber Manfree. I
4 live at 3360 Soda Canyon, which is located two miles
5 past the Mountain Peak site on the dirt road of Soda
6 Canyon.

7 My family has been part of the Foss Valley
8 community for over 75 years. I'm personally opposed to
9 this project for quality of life reasons, which I think
10 my neighbors have described. I object to increased
11 traffic and noise and increased fire and safety risks
12 that this project, as proposed, would incur.

13 Ms. Oldford characterized the amount of
14 opposition to the Mountain Peak proposal as unique. As
15 a long-term resident, I don't see it that way at all.
16 Upper Soda Canyon is a very unique place perhaps, and
17 that may have something to do with the level of interest
18 we all have in the outcome here.

19 Residents have consistently opposed projects
20 that would negatively impact the character of Foss
21 Valley on the Rector Plateau for at least the last
22 35 years.

23 In 1921 to '82, a proposal for a suburban style
24 residential development on the property that Antica now
25 owns was opposed by neighbors. In the late 1980s,

1 residents opposed the rapid and dramatic conversion of
2 wildlands to vineyards. In the 1990s and early 2000s,
3 residents opposed a winery project that would have been
4 located on the applicant's second parcel in the valley.
5 It never was built. Residents have recently opposed
6 several other wine-tasting facilities with
7 tourist-oriented, marketing programs in the area. There
8 is nothing, I think, unexpected about what you are
9 seeing today. It's a trend that's been building over a
10 very long time.

11 With me in the room today are family and
12 friends, many of whom are the children of those who
13 contested these previous proposals. We have a
14 long-standing and perfectly valid interest in our own
15 quality of life. I have a doctorate and master's -- I'm
16 sorry.

17 I also have professional concerns about this
18 project. I will briefly list my qualifications. I have
19 a doctorate and master's degree in geography from UC
20 Davis. My specialties include landscape change, plant
21 ecology, and cartography. I also possess a bachelor's
22 degree in environmental studies.

23 I presently work as a researcher collaborating
24 with engineers, geomorphologists, ecologists, and
25 biologists. For the sake of time, I will hit the high

1 points of the letter I submitted. Additional details
2 can be found there. Okay.

3 The riparian corridor that passes through the
4 applicant's property is incomparable. Rector Creek
5 presently provides the kind of high quality riparian
6 habitat that Napa County is spending astronomical sums
7 of money to restore at nearby locations. So this is the
8 kind of thing you want to keep nice, the way it is. You
9 don't want to ruin it and then have to go back and spend
10 a lot of money fixing it, but that's what Napa has done
11 in a lot of other locations. We are advocating that
12 that not be the path going forward here.

13 Rector Creek is home to rainbow trout and
14 yellow-legged frogs, which are a California Department
15 of Fish and Wildlife species of special concern. A
16 diverse assemblage of native species can be found there,
17 many of which are indicators of streams in excellent
18 condition. I have observed yellow-legged frogs as close
19 as to 300 feet of the project site.

20 The applicant proposes to move a lot of earth
21 on a small site, and the potential impacts of this
22 activity on the environment have not been adequately
23 studied. Groundwater impacts also warrant further
24 study, particularly in relation to publications on
25 California's climate history and climate change released

1 in the past ten years.

2 The riparian system on and adjacent to the site
3 shows signs of being at a tipping point ecologically.
4 These signs include the increased presence of alien
5 invasive species, which indicates system disturbance and
6 degradation. The ecosystem today is less resilient due
7 to cumulative impacts because of land use change in this
8 watershed. Activities at the Mountain Peak parcel,
9 including grading and construction of a storm water
10 detention pond, are therefore more likely to have
11 significant negative environmental impacts. The
12 remarkable biological resources that would significantly
13 be impacted by this project deserve more attention than
14 it has yet been given by the project proposal.

15 One of the first things the applicant did after
16 assuming control of the property was to bulldoze the
17 creek bed of the blue line stream that bisects their
18 property to create a road between vineyard areas from
19 one side of the creek to the other. In doing this, they
20 removed rocks and vegetation from within the required
21 stream setback, as well as the bed of the creek itself.
22 I reported this to the county in August 2013.

23 So for all their talk about being
24 environmentally sensitive, I plainly see, as a qualified
25 expert in this kind of thing, that they don't have the

1 knowledge required to really understand the impacts of
2 their activities, and perhaps they are also not aware of
3 the laws or regulations that apply to their site.

4 I would like to close by saying out loud what I
5 think everyone in this room knows, that the design and
6 tourist component of this project will set a precedent
7 for the area and shape the future direction of land use
8 in the Rector Plateau.

9 If a project does not violate any policies and
10 yet engenders this much opposition, that indicates that
11 it may be time to take a step back and revise the
12 policies themselves. Thank you.

13 MR. BASAYNE: Again, I'll just ask to please
14 refrain from applause. Next up, Doreen Leighton, and
15 thereafter Nicholas Arger.

16 MS. LEIGHTON: Good afternoon, Commissioners.
17 Can you hear me? I have a soft voice. So my name is
18 Doreen Leighton, and I live on Loma Vista Drive, about
19 1.5 miles up Soda Canyon Road. There are about 37
20 residences in Loma Vista. It's a two-fork road.

21 My family and I have lived here almost
22 38 years. All of that time adjacent neighbors to a
23 family-owned and farmed winery and vineyard and below
24 another neighbor and their vineyard. We all have lived
25 comfortably and easily, all of us an integral part of

1 this neighborhood of mixed use, residential, vineyard
2 and winery, each thoughtful of the other using our
3 natural resources mindfully.

4 One of my many concerns about the Mountain Peak
5 project is the amount of water the project proposes to
6 use. The Mountain Peak project, revised as of March 15,
7 2016, states "that the property has an existing
8 groundwater well with a reported 100-gallon per minute
9 yield.

10 The current water use on the property is
11 13,202 gallons per day. That the proposed water use
12 within the new winery will be 13,202 gallons per day."
13 13,202 gallons per day is 4,808,730 gallons per year.
14 The average swimming pool is about 14,500 gallons. So
15 4,818,730 gallons would be about 280 average swimming
16 pools worth of water.

17 They are also drilling a second well that will
18 meet their transient non-community water system, which
19 is a public water system that provides water in a place
20 where people do not remain for long periods of time. A
21 41.76 parcel with 28 plus or minus acres of grapes with
22 two wells, one with 100 gallons per minute yield, and
23 two 100,000-gallon water tanks and one 200,000 gallon
24 water tank and an 80,000 gallon fire system, and then
25 there is the wastewater.

1 If you have visitors, employees, all probably
2 will use the restroom at least once a day. That's about
3 29,577.6 gallons more a year, and then there is the food
4 prep and the handwashing just to name a few of the
5 essentials. This is a huge amount of water to take from
6 the commons, the resources that we all share.

7 We are still in a drought. We did have rain
8 last year. However, our aquifers have not had enough to
9 recharge. That much draw may definitely impact the
10 neighboring wells. And if it does, will Mountain Peak
11 be held accountable for ensuring that all the property
12 owners in the neighborhood have an adequate water
13 supply?

14 The Woolls Ranch was required to put in a
15 monitoring system to ensure that the impact on the
16 available water was known. Will Mountain Peak Winery be
17 required to do something similar?

18 In Napa County, the best use of land is
19 agriculture. By no stretch of the imagination is this
20 huge event center a simple agricultural accessory. It
21 is too big for the parcel size, too big for the
22 geographical area, and too big for the resources.

23 I respectfully ask you to deny this project, or
24 if you will not deny it, then downsize it to fit the
25 parcel, say, a 10,000 gallons per year and reduce the

1 visitation to fit the parcel. No outside tasting. No
2 events. No 10:00 p.m. Thank you.

3 And as a sub-note, we have submitted today to
4 you a petition with over 400 signatures on this project.
5 So thank you.

6 MR. BASAYNE: Thank you, Ms. Leighton. Next
7 up, Nicholas Arger, and thereafter Dan McFadden.

8 MR. ARGER: We are going to do a quick
9 substitution, if that's okay, and Harris Nussbaum is
10 going to speak first followed by Dr. Arger.

11 MR. BASAYNE: Okay.

12 MR. NUSSBAUM: Again, Harris Nussbaum.

13 MR. BASAYNE: Good afternoon.

14 MR. NUSSBAUM: Thank you. Napa is a national
15 treasure, and I'm sure that you all really want to
16 protect it. I've been here a long time, but I remember
17 the Soda Canyon fires, like David and Cindy talked
18 about, and maybe some of you remember those as well. It
19 is a problem.

20 Speaking of fire, that's not the only fire that
21 we need to worry about. Our local economy is getting
22 overheated. The economy has changed since the
23 recession. So we need to worry about actually what's
24 happening. Traffic in, out, and around Napa is often a
25 problem.

1 The wine industry is beginning to compete just
2 for the workers to take care of their crops. I was
3 talking to a gentleman who works in the field, and he
4 mentioned how hard it is. He is working seven days a
5 week, and they are competing just to get these workers.
6 Overcook food and it spoils. Overcook Napa, and you'll
7 destroy it. You'll destroy it, but it is our treasure,
8 the treasure that we have.

9 People here are not against the wine industry,
10 but for preservation of that industry, and their quality
11 of life. You talk about protecting the hills. Well,
12 maybe we need to think about not putting this up in the
13 hills area.

14 The 2010 WDO amendment, maybe it created some
15 problems, but it requires you to consider, number one,
16 remoteness. Number two, the amount of wine. Number
17 three, access constraints. And number four, on-site
18 marketing. Someone behind me -- your next speaker will
19 be talking in more detail about those issues because
20 it's really important that you consider what that WDO
21 change says.

22 Realistically, there is no way you'll be able
23 to monitor this project. They can say everything they
24 want, when they want to develop it, but we can see that
25 there are a number of other projects that have been

1 approved that have been violating and all have been
2 talked about. All these problems for this project --
3 certainly, Soda Canyon Road is inadequate to handle the
4 added traffic and marketing that this project will
5 create.

6 I urge you to show how much you care about this
7 Napa Valley jewel by not approving this overdevelopment
8 as proposed. Thank you.

9 MR. BASAYNE: Thank you, Mr. Nussbaum.

10 MR. ARGER: My name is Dr. Nicholas Arger. I'm
11 a pulmonary critical care specialist at UCSF. I'd like
12 to discuss further the points in this 2010 amendment
13 first. I'd like to discuss the remoteness.

14 Ever since my family and I came to this
15 property in 1997, we have not been able to have any type
16 of cell phone service up there. One of the many
17 examples of why this is such a remote location. Going
18 up Soda Canyon Road, within one mile, all cell phone
19 signal goes out on our phones at least, and we've
20 confirmed this with several of our neighbors.

21 So going up this steep, narrow road, if you
22 have any type of car issue, if there is any type of
23 accident, you can't report that until you get to a
24 landline at a neighbor's house or your own home, and
25 I've personally experienced this on foggy nights, which

1 is very concerning. Add to that -- the fact that you'll
2 have tourists trying to come up this road, who are
3 unfamiliar with it, adds more to that concern.

4 In addition to this, the concern I have from
5 the remoteness aspect of the road is that you have
6 cyclists. People who hike, who like to enjoy the road.
7 Adding more cars and more traffic and more visitors will
8 put them at peril, as well as the neighborhood members
9 trying to get up and down the road.

10 The second point, the amount of the wine that's
11 going to be produced, the 100,000-gallon winery permit
12 that's being requested, doing some math here, that takes
13 approximately 700 tons of grapes to produce. The
14 current project request is for 25 acres, which would
15 produce 75 tons of grapes or a mere 11 percent of that
16 700-ton total, which means that 625 tons of grapes will
17 have to be shipped up by big rig trucks to this
18 property. We are talking an area that's meant for
19 agricultural cultivation of grapes and bringing more
20 grapes just to produce it.

21 In terms of the access constraints, there is
22 only one road in and out of this area, Soda Canyon Road.
23 If that is subject to any type of blockage from an
24 accident, from the wildlife, what have you, there is no
25 safe way for the residents to get out of the road,

1 especially if there is a fire.

2 Lastly, in terms of the marketing standpoint,
3 marketing events go well into the evening at 10:00 p.m.
4 The current request is to have seven-day-a-week access
5 to this. And as residents, this would be a big
6 disturbance to the peace and quiet that we enjoy up Soda
7 Canyon Road. So I vehemently oppose this project.
8 Thank you.

9 MR. BASAYNE: Thank you, Dr. Arger. We
10 rearranged the speaking order. I have up next Dan
11 McFadden and then Anthony Arger.

12 MR. MCFADDEN: My name is Daniel McFadden. My
13 wife Beverly and I have lived at 2362 Soda Canyon Road
14 since 1991 where we operate a small vineyard. I'm a
15 professor of health economics and policy at USC and an
16 emeritus professor of economics at UC Berkeley.

17 I've served as president of the American
18 Economists Association. I've testified before the
19 Federal Trade Commission on direct wine sales. I'm also
20 a recipient of a Nobel prize for my work in
21 transportation economics.

22 The MPV proposal includes a visitation program
23 for more than 14,000 visitors annually, adding more than
24 1,609 passenger tourist bus trips per year, or even more
25 private vehicles to the traffic on Soda Canyon Road.

1 This 7.8-mile dead-end road is narrow, steep, and
2 winding without shoulders or guardrails, poorly paved
3 with crumbling margins, and more than 500 filled
4 potholes. Heavy trucks and vineyard work traffic is
5 already degrading the pavement and creating traffic
6 hazards. Additional wine tourist traffic on this road
7 from the MPV proposal would create an enormous risk for
8 Soda Canyon residents and for the taxpayers of Napa
9 County.

10 When wine tourist bus accidents on this road
11 inevitably happen, the county will be called to account
12 for gross negligence if it permits this visitation
13 program without requiring safe access. The only prudent
14 way to accommodate the MPV tourist traffic on Soda
15 Canyon Road is to widen, regrade, and repave the road to
16 the standards the county currently requires for
17 industrial projects.

18 One can show the simple economic calculation
19 that property and business taxes from the MPV operation
20 will be insufficient to cover the cost of this road
21 upgrade. MPV should either withdraw their proposal --
22 their proposed visitor request, or pay for the seven and
23 a half miles road upgrade needed to make their visitor
24 program safe.

25 It is an unreasonable burden on the taxpayers

1 of Napa County to ask them to subsidize MPV operations
2 by paying for the road upgrade and liability for safe
3 access to their plant. MPV argues that their proposed
4 visitor program is an important element in their
5 business model.

6 However, Peju Provence Winery located on
7 Highway 29 with easy access and extensive wine tourist
8 facilities says direct wine sales are about 15 percent
9 of total wine sales. The percentage for a remote plant
10 like MPV would certainly be less.

11 Calculations show that the income from the
12 direct sales originating on an on-site visitation
13 program at MPV will be far below the cost of upgrading
14 Soda Canyon Road to provide safe access.

15 The MPV visitor proposal makes economic sense
16 for them only if the taxpayers in Napa County subsidize
17 them by assuming the enormous cost and upgrade of the
18 road, or assuming the liability for gross negligence if
19 the MPV visitor program is approved without assuring
20 safe access.

21 Napa County government should not impose a
22 massive unfair burden on Napa County taxpayers to
23 subsidize the business operations of this private
24 industrial plan. Thank you.

25 MR. BASAYNE: Thank you, Dr. McFadden and go

1 Bears. Next up, Anthony Arger followed by Debra
2 Manfree.

3 MR. ARGER: Good afternoon, Commissioners. I'm
4 going to do my best to speak a little bit slower for our
5 court reporter.

6 My name is Anthony Arger. I'm an attorney
7 licensed in the State of Nevada and in the State of
8 California. I worked in finance for several years in
9 New York City. I'm familiar with numbers, and I worked
10 as the director of outside sales and marketing in our
11 family winery, Arger-Martucci Vineyards, from 2009 to
12 2013. It's five years. As you've heard from my family,
13 we are deeply engrained and in tune with the wine
14 industry.

15 Before jumping into sort of my portion of the
16 speech, I'd like to respond to a couple of points that
17 were made earlier by the applicants.

18 First, I would like to highlight what Mr. Rea's
19 comment was as he started his speech. He said, "I'm not
20 going to focus on the facts." Let that sink in. He
21 said, "I'm not going to focus on the facts," because you
22 cannot disguise a grizzly bear as a puppy dog.

23 You have the LEED certification program, the
24 guy -- Mr. Earl Wilson I believe his name is, who got up
25 here and told us all about the points required to get

1 the LEED certification. Points, points. What does that
2 mean? That means you pay fees to be certified as LEED
3 certified. So I guess the question is: How many
4 points, and how much pay to play this game is, and how
5 big the teddy bear is at the end of the road.

6 Now, you've heard a lot about the road, the
7 fire, the danger. And everybody, at least in my family
8 and others who are part of the wine industry, has said,
9 "Well, what we would support a smaller winery." So what
10 I'm going to do is give you a baseline of what that
11 should look like based on the Soda Canyon Road immediate
12 area.

13 Ms. Oldford stated several times that wineries
14 and other hillsides are of similar size and scope. That
15 may be the case in other hillsides. I don't know, but I
16 can assure you that the wineries in the immediate
17 location of Mountain Peak Winery proposal are nothing of
18 this size.

19 Let's start with the Krupp winery. In 2001,
20 Mr. Krupp applied for a winery permit on a parcel, and
21 it's still unclear whether it's the same parcel as this
22 project is being proposed, or if -- because I guess he
23 may have sold the parcel. I'm not sure if that question
24 is still outstanding with the county.

25 Regardless, there was a request for 48,000

1 gallons production, 10,500 square feet of caves, and
2 annual visitation of 2,320 visitors. After significant
3 outrage from the community in describing how ridiculous
4 this project would be in the remote location, and
5 apparently from pushback from both the neighborhood and
6 the county, this application permit was withdrawn. So
7 that is our first baseline, that a 48,000-gallon permit,
8 10,500 square feet of caves, and 2,300 visitors a year
9 was too big for this location.

10 Next, we have the Astrale e Terra or the
11 Meadowrock Winery, which is located at 3148 Soda Canyon
12 Road. It's about .4 miles past the applicant's location.
13 There are 63 acres there, 33 of which are planted, with
14 an annual production of 20,000 gallons.

15 Now, originally, when this project was approved
16 in 1987, I believe it was, or '88, the annual visitation
17 was for one visitor a week. So it amounted to 52
18 visitors a year. However, after significant pushback
19 from the neighbors when this particular winery sought an
20 ABC license from the Department of Alcohol and Beverage
21 Control, there was concern over bringing visitation and
22 conducting retail sales in the remote location in which
23 it is located. Again, .4 miles past the applicant's
24 place.

25 There was an evidentiary hearing before an

1 administrative law judge, and the factual determinations
2 were as follows: Evidence established that increased
3 traffic on Soda Canyon Road would interfere with the
4 quiet enjoyment of nearby residences.

5 Second, evidence established that increased
6 traffic on Soda Canyon Road would aggravate a traffic
7 problem on a problematic roadway that serves the
8 applicant, nearby residents, and two other vineyards.

9 As a result of that finding, that factual
10 finding, after a presentation of significant evidence,
11 the ABC decision was to place two conditions on the
12 license. Number one was no wine tasting or tasting by
13 appointment shall be permitted at this location.

14 Number two, no retail sales of alcoholic
15 beverages to walk-in customers shall be permitted at
16 this location. So in 1999, over 17 years ago now, that
17 was the determinations for this remote and rural
18 neighborhood.

19 Now, let's see what's happened since 1999. In
20 1999, there were approximately 48,472 winery permitted
21 visitors and vineyard workers traveling that road.
22 Since that time, there has been an increase to now -- in
23 2015 -- well, 2016, but these calculations were made in
24 2015 -- to 78,994 visitors. So in that 16-year period
25 or 17-year period, there has been an increase of about

1 30,000 users of the road. When in 1999, the department
2 already found that it was a problematic road, and there
3 could be no tasting and no retail sales.

4 Third precedent is the Antica Winery that's
5 been spoken about at 3700 Soda Canyon Road, which is
6 .5 miles from Mountain Peak. The land size of that --
7 those contiguous parcels are 1,223 acres with 570 acres
8 planted. Production are 450,000 gallons a year,
9 3,600 square feet of caves and five- only -- I should
10 point out 5,200 visitors. So what does that mean? As
11 scaled to -- well, first -- we'll come back to that.

12 For Antica, if we do the math and scale it to
13 size, first of all, for on-site production, the top line
14 is 10,714 gallons, 857 gallons of wine, and 124
15 visitors. Scaled to on-site production in 25 percent
16 outside grape sourcing is roughly 14,200 gallons, 1,100
17 square feet of caves, and 165 visitors. Now, scaled to
18 Antica, the land area, the max gallonage is 15,088
19 gallons, almost 1,200 square feet of caves, and 178
20 visitors.

21 Finally, as scaled to the Antica vineyard area,
22 the Mountain Peak proposal should be a maximum of 19,725
23 gallons, 1,500 square feet of caves, and 225 visitors
24 per year.

25 Going back quickly to the Astrale e Terra, as

1 scaled to the land area, the max gallonage should be
2 13,000 gallons, and there are no caves there and, as you
3 heard, no visitors. In terms of the vineyard area,
4 there should be 15,150 gallons per year.

5 So the conclusion is, the scale to this
6 location -- not other hillsides, but the unique location
7 of Soda Canyon Road, the max annual production should be
8 12,000 to 20,000 gallons with caves of 1,200 to 1,600
9 square feet and zero visitors based on the most recent
10 decision.

11 And I should point out that at the beginning of
12 this proceeding, there was talk of a quasi judicial
13 body. That means you have to follow legal precedent
14 which, as you know, with the ABC decision, it allows for
15 zero visitation and zero retail sales on site.

16 In closing, I would also like to make a comment
17 with regard to the talk of the ploy and the tactic of
18 submitting documents at the 11th hour. I'm going to
19 take that on the chin because that was my document book
20 that was submitted last night.

21 However, I would like to thank Ms. Phillips for
22 pointing out the obvious truth in that we only have
23 20 days to respond to this massive winery permit
24 application. What I put together had nothing to do with
25 a ploy or a tactic. I had 20 days from when we learned

1 about the project and all the final reports to read the
2 thousands of pages, and I should also remind you that
3 the Mountain Peak project has changed several times. In
4 fact, it changed again this morning.

5 So how can we be expected to start doing our
6 research until we know what are the final numbers that
7 are going to be proposed. So that's why we waited, and
8 we only had 20 days.

9 If the Commission and other members of the
10 public and perhaps the applicant are upset about that,
11 they should change the rule to allow for a longer period
12 of 20 days. Please do not blame that as a ploy or a
13 tactic.

14 Closing, I'd like to thank you very much for
15 your time and your listening, and I sincerely hope that
16 you read every page of my letter, and all of the
17 attached exhibits as it fully explains what you are
18 dealing with in a remote and rural location of upper
19 Soda Canyon Road and Foss Valley. Thank you very much.

20 MR. BASAYNE: Thank you, Mr. Arger.

21 So next up, we have Debra Manfree. And after
22 her, Diana McCabe Whited.

23 MS. MANFREE: Hello. My name is Debra Manfree,
24 and I live on Soda Canyon Road. And my grandparents
25 came here in the 1940s, and I know many of the people

1 who live right next to this Mountain Peak property. And
2 of course they couldn't all be here today, but they all
3 have the same --

4 We are asking you if you could just deny this
5 project because it doesn't belong in this location. And
6 how is it fair to all of the residents to have this huge
7 winery event center in this place? It's not fair, and I
8 want you to know --

9 Why do rich people have to be so greedy? You
10 know, why do they have to do this, and when will they
11 ever have enough? Is it really necessary to have this
12 enormous development placed in our sensitive watershed?
13 This whole development is only to make a profit. It has
14 no regard for the environment, and you can make all
15 types of studies. However, your business belongs in a
16 business area, not in a remote watershed area.

17 It's not environmentally sound to dig huge
18 caves, build parking lots, and have thousands of people
19 right next to Rector Canyon. The water belongs in the
20 canyon. It's running under your property on its way
21 into the waterfalls, and that's where it needs to go.

22 We do not want Mountain Peak development, and
23 we don't want all these compromises. We just don't want
24 this to happen. We ask you to deny this development.
25 This is our home, and we love this place, and we do not

1 -- do not allow them to pave paradise and put up these
2 parking lots.

3 I have to let you know that you need to listen
4 to what people are saying about the road because one
5 time I was coming down the road. And it had just
6 started raining, and it was the very first rain. And
7 the wheels on my car just left the road, and there was
8 no control. And I went right over the cliff, and of
9 course I didn't die. I'm still here, but you need to
10 listen because when people tell you that it's dangerous,
11 it's because it's dangerous. Thank you.

12 MR. BASAYNE: Thank you, Ms. Manfree.

13 Diana Whited and then Tom Davies, and I don't
14 see Mr. Davies in the audience. So we will go to Stu
15 Smith.

16 UNIDENTIFIED SPEAKER: Stu left.

17 MR. BASAYNE: He is not here. That's right.
18 Therefore, Patricia Damery would be next.

19 MS. MCCABE WHITED: Hello, Commissioners. I am
20 Diana McCabe Whited. I am 46 years old. I grew up at
21 the top of Soda Canyon Road. I just celebrated my 46th
22 birthday up there with my family. And it's a place
23 where we sleep out on the porch at night, but now there
24 is light shining from vineyard equipment at 10:00
25 o'clock at night or 11:00 o'clock at night. That's

1 somewhat disturbing. That's not peaceful. That's not
2 why we are outside sleeping on the front porch. Who
3 does that? Who can sleep like that? Who can do that?

4 The beautiful properties, the stars, the trees,
5 the water, the creatures. We are hill kids. I am a
6 hill kid, third generation. This is number four. We
7 want a whole lot more. But if we have big developments,
8 it's not going to be that way for anybody. And all the
9 things that they are compromising on to make it sound --
10 you know, it sounded great. "Oh, we are going to make
11 it smaller. We are going to make it nicer. We are
12 going to make it, you know, less impactful." Well, it's
13 clearly not. It's not less impactful, and it's sad and
14 disturbing.

15 As many have said, why do we need this big
16 winery up there? I don't think anybody has an answer
17 for that. And it's disturbing that someone from some
18 other country is wanting a piece of it and to open it
19 up. And then once it's opened up, how many others are
20 going to be coming as well?

21 As Mr. Arger said, so many have been declined
22 -- flat out declined. "No, you can't do it. It's too
23 much," and they were so much smaller than what this is.
24 It's unbelievable to me. We are very vested in the
25 place. I mean, we hike down Rector Canyon. We go down

1 there. We pull out the garbage. There's tires.
2 There's oil bottles. There's all kinds of things that
3 don't belong.

4 We go down there to seek paradise on a super
5 hot day. You know, it's 90 degrees on top. And you
6 hike down a little ways, and you are in ferns, and it's
7 lush. And there's waterfalls, and there's newts and
8 salamanders and water snakes, and those are the things
9 that we want to share and preserve. It's all going
10 away, and it's not something I want to see go. I want
11 to hold on to it and have it to share, but not on such a
12 grand scale.

13 And I just hope that you folks will take
14 everything into consideration and keep it going so we
15 can have more hill kids because it's about the hill.
16 Even Donna said, "The hill." I mean, they call it "The
17 hill." They have a love and fondness for it. It is a
18 very special place, and you folks all got to go up
19 there, and I thank you for going up there to look and
20 see the beauty and to experience it.

21 And could you imagine if that was your front
22 porch, and you could go out there, yes, and enjoy a nice
23 glass of wine or to just have a glass of lemonade and to
24 have the ability to take your family hiking, hike up to
25 the top of Atlas Peak and see the whole Bay Area or to

1 hike down and get away from it all? Please don't let us
2 lose it, please.

3 MR. BASAYNE: Thank you, Ms. Whited, and I
4 appreciate your daughter's patience.

5 UNIDENTIFIED SPEAKER: She gets an award.

6 MR. BASAYNE: Yes. Next up Patricia Damery and
7 then Bill Keever, if he is here.

8 MS. DAMERY: I'm Patricia Damery from Dry Creek
9 Road. It's very moving listening to people and how much
10 people love their place. I am impressed with how this
11 much larger issue is being visited through this, through
12 this particular project, but there are projects all over
13 that we are making decisions, and you are making
14 decisions that are going to impact all of us.

15 I do think that we, residents, carry something
16 more than NIMBY. There is so much concern and outrage,
17 and I think there's some very good reasons, not the
18 least of which is, we are in a period of unprecedented
19 climate change. We have a water problem that is far
20 bigger than we may know, and so our watersheds -- our ag
21 watersheds are really important.

22 What I do want to talk about right now is the
23 fire danger and the cumulative impact of living in an
24 area, which is a one-way road, those of us living in the
25 ag watershed, and we do so knowing that our remote

1 locations bring a danger, the safe ingress and egress by
2 residents and emergency vehicles in the event of fire or
3 other emergencies.

4 My husband and I have had three such events
5 that involved helicopters coming in. The road getting
6 blocked. The ambulance couldn't get in. Fortunately,
7 my husband lived through it, but all it takes is an
8 emergency vehicle slipping a little bit and blocking the
9 road. When you have a narrow driveway or a narrow road,
10 it's tricky.

11 However, when you have visitors and increased
12 traffic -- and this is only one project -- there will be
13 others that are going to be applying if this gets
14 permitted, and then you are talking a lot of traffic and
15 a lot of people probably rushing to get out.

16 I think the people who live on that road, their
17 lives are at risk if you keep permitting some of these
18 vineyards. It's important we think about the larger
19 picture.

20 So I really urge you to think in a larger way
21 about protecting a place like Soda Canyon, which is
22 beautiful, but it's also vulnerable to exploitation by
23 all of us, every single one of us. We love beauty, and
24 we are attracted to it. But we are coming into a time
25 that we need to protect it, and I hope that you protect

1 Soda Canyon.

2 MR. BASAYNE: Thank you, Ms. Damery.

3 Next up Bill Kever followed by David Heitzman.

4 MR. KEEVER: Thank you, Mr. Chairman,
5 Commissioners. My name is Bill Kever, Vineyard View
6 Drive, Napa.

7 I have listened intently this morning to all of
8 the speakers from Soda Canyon Road, and must admit they
9 generate a lot of compassion with what they have to say.
10 A couple of concerns that I have is that this approval
11 --

12 This use permit request has come at the
13 tremendous amount of expense on behalf of Mr. Rea and
14 his partners, and they have done all of this with the
15 belief that they are complying with the law in place --
16 with the ordinances in place in Napa County right now.
17 They didn't do this because they thought they were
18 making an application that didn't comply with the
19 current laws and ordinances. They did it because -- and
20 did it thoughtfully because they thought they were doing
21 exactly that.

22 A couple of other things that I would mention
23 is, when you have a winery in a remote location, the
24 people that seek out those wineries frequently come with
25 drivers because they are asking for places called "off

1 the beaten path." Everybody knows how to find their way
2 up and down Silverado Trail and Highway 29, not very
3 many tourists know how to find their way up Soda Canyon
4 Road.

5 So you will find about 65 or 70 percent of them
6 come with drivers, and a large percentage of the rest of
7 them will have a designated driver because they are
8 aware of the fact that they are traveling in difficult
9 pass-on roads, and they need to be very thoughtful about
10 their own safety and the safety of others. I know that
11 from personal experience.

12 Secondly, the fire danger in Soda Canyon is a
13 fact. There is absolutely no disputing it. It was
14 there long before Mr. Rea decided to make his
15 application. It's going to be there long after Mr.
16 Rea's application is approved or denied.

17 I will say one thing, if Mr. Rea's application
18 is approved, the fire protection measures that he will
19 be required to put in for this winery will produce a
20 fire protection resource for the upper Soda Canyon Road
21 area that does not exist right now, hundreds of
22 thousands of gallons of water, I think, by one of the
23 charts that I just saw, plus the fire pump.

24 I live on a fairly remote road, and the house
25 at the end of my road just burned to the ground

1 nine months ago. And the fire guys, the next day, told
2 me if they had known that I had 40,000 gallons of water
3 at my winery and a fire pump, they might have been able
4 to save that house. So this not only brings liability,
5 but it brings assets that should be considered at the
6 same time. Thank you. Sorry for overrunning my time.

7 MR. BASAYNE: Thank you, Mr. Keever.

8 Next up David Heitzman followed by Steve
9 Chilton.

10 MR. HEITZMAN: Good afternoon, Commissioners.
11 I want to address a couple of issues here. I don't live
12 in Soda Canyon. When I moved here 32 years ago, my wife
13 became a building inspector for the City of Napa and
14 ultimately a building official of Saint Helena.

15 I drove all over the county deciding where I
16 wanted to live, where I could afford to live. That was
17 part of it. Soda Canyon was one of the places I looked
18 at. And because I had spent three years of my life on a
19 specialty fire attack crew, we contracted with the
20 federal government and the State of California. We had
21 flown all over the state attacking wildland fires. I
22 got to see some of that stuff up close.

23 I rejected Soda Canyon because it scared the
24 hell out of me. The road scared the hell out of me as
25 far as if there was a danger, I knew what equipment --

1 what it takes to fight a fire. Just for safety, we are
2 now over at Circle Oaks.

3 I developed some property over around Circle
4 Oaks and had to deal with the battalion chief up there.
5 We put in an engineered road. I put in a residence, et
6 cetera, et cetera. I had to deal with the battalion
7 chief to get certified to build a residence up there.
8 There was no fire marshal at that time. So I had to
9 deal with Ed Stadelhofer, the battalion chief on that
10 side of the hill.

11 His words to me -- his major fire concern
12 wasn't fire coming off from Capell. It was from this
13 side of the hill hitting the ridge top and fanning and
14 creating a fire storm on that side of the hill. And
15 I've seen that happen, and we saw it happen in Lake
16 County last year. Just something to consider. It will
17 be hard to attack up there. That was one of the things.

18 The second thing I want to bring up was -- the
19 term "significant impact" is a legal term used in CEQA.
20 It does not mean what you and I would consider
21 significant impact. This is a legal term.

22 Where we are, our baseline background noise is
23 under 30 decibels. Construction noise is allowed -- to
24 OSHA -- to 60 decibels. That's 1,000 times the energy
25 and eight times the actual perceived volume. You and I

1 would consider that pretty damn significant, but legally
2 it's not. So, you know, less than significant impact
3 can impact neighbors quite a bit. It's just the way the
4 laws were written.

5 Next point, visitation. Donna Olford mentioned
6 that it would be less than two cars an hour, and I want
7 to applaud the vineyard owners on this project to be
8 able to get a return on investment on this project for
9 two cars an hour. Everyone could use that. That was my
10 time, and those were my main points. Thank you so much
11 for your time. Please -- you can't put the genie back
12 in the bottle -- let's be cautious. Okay?

13 MR. BASAYNE: Thank you, Mr. Heitzman.

14 Next up Steve Chilton and Ruth Walz.

15 MS. CHILTON: I am not Steve Chilton, but I'm
16 his wife, and he is dealing with a plumbing issue right
17 now. Would it be possible to read a few main points
18 from the letter that was submitted on opposition?

19 MR. BASAYNE: Yes.

20 MS. CHILTON: I'd have to reword it.

21 UNIDENTIFIED SPEAKER: You may want to move the
22 microphone --

23 MS. CHILTON: My name is not Steve Chilton, and
24 I reside at Soda Canyon Road. While designing the
25 house, we worked around 100-year-plus oaks and Soda

1 Creek. No oaks were removed for the house and no
2 enormous creek impact. We practiced positive
3 environmental stewardship and expect the county and
4 others on the road to do the same.

5 I strongly oppose the Mountain Peak project and
6 request that you deny or significantly reduce this
7 permit for the following reasons: The size and scope of
8 the project dictates -- an environmental impact report
9 following the requirements of CEQA is mandatory.

10 A negative declaration for a project this large
11 and with its concurrent impacts upon water quality,
12 wildlife, traffic, public safety, noise and vegetation
13 cannot be supported by the facts.

14 That the proponents have decided to proceed
15 with this environmental disclosure document is an
16 affront to the county staff and the public. A routine
17 tactic of developers and their consultants is to present
18 a grossly overstated project. And when confronted with
19 opposition, to seemingly reluctantly reduce the project
20 to 75 or even 50 percent of the initial proposal. I
21 fully expect that to happen here while keeping the
22 visitors numbers high.

23 Your planning department and planning director
24 have seen this before and should not be fooled into
25 believing that this is not the proponent's intent all

1 along. The project in its present form and when reduced
2 will still qualify for CEQA requirement of an ERA
3 because of its significant impact to transportation,
4 public safety, water quality, and the environment.

5 For all these reasons above, and among others,
6 the county must deny this project and reduce the size to
7 one that fits the rural environment and road conditions.
8 Please protect our community's safety and preserve the
9 quickly dwindling natural resources that Napa has left,
10 particularly in our remote hillsides.

11 MR. BASAYNE: Thank you, Ms. Chilton.

12 Next up Ruth Walz, and then after Ruth, Emily
13 Walz.

14 MS. RUTH WALZ: We might be related. I'm Ruth
15 Walz, 1223 Soda Canyon. This narrow country road is
16 already overwhelmed with trucks and farm workers
17 whizzing by. The additional impact of intoxicated wine
18 tasters is unacceptable to those of us who have lived
19 here in this quiet setting for many years.

20 Ten years ago, large parcels were broken up,
21 and vineyards were put in. We immediately noticed the
22 traffic with many more trucks and cars whizzing by. Let
23 me say that I am a flat lander. I'm in the first
24 one mile between the store and starting to go up the
25 hill. We really feel it where I am.

1 There is no sidewalk. Kids getting off the
2 school bus don't have a chance. Two family dogs have
3 already been run over. My daughter is afraid to wheel
4 my grandchildren over in a carriage on the side of the
5 road. The traffic is too scary.

6 My fear is that folks will drink at this
7 tasting facility and then come roaring down the hill
8 intoxicated and make a bad problem worse. Please deny
9 this application. Thank you.

10 MR. BASAYNE: Thank you. Emily Walz next, and
11 then after Emily Walz, Bernadette Brooks.

12 MS. EMILY WALZ: Hi. My name is Emily Walz,
13 and I grew up on Soda Canyon. I live with my folks
14 because I chose to be a teacher to save the world, but
15 I'm not making enough to live on my own. Before that, I
16 was living in San Rafael for three years. I totally
17 missed what Soda Canyon had to offer which is very
18 unique.

19 Even though I'm at 1223, which is in the flat
20 area, there is something about it. It's almost
21 romantic, this idea of country land within Napa. I
22 thought it at least had something left to it. But being
23 away for three years and coming back to the same area, I
24 realized that it's changed even more than what's
25 happened within the last ten years, and the growth is

1 disturbing to say the least.

2 I know all my neighbors have noticed the same
3 problem, which is traffic is unbearable. And even
4 trying to pull out our driveway is impossible at times,
5 especially between 3:00 and 5:00 or 6:00. We live in a
6 big dip of the road where the trees overhang, and it's
7 just ridiculous.

8 And I know at times people have tried to go so
9 fast that they can to jump the road right there, to,
10 like, jump off the high curve, then go back down, and
11 I've actually seen it. I'm definitely seen, since I've
12 moved in where I am, to stand in the road and yell at
13 people because it's gotten so bad. I wish people were
14 going even 30 to 40 miles per hour, and I know the speed
15 limit is 45. But it's just disheartening to see people
16 not care, and that's kind of what I feel has happened to
17 Napa as a whole, especially in the county. People just
18 don't care anymore, and I feel big business has more of
19 a voice than all the people that live here.

20 And I want everybody to keep in mind that
21 tourist season is only a certain season. People are
22 here all year round and that residents are always here.
23 I'm always here. I wake up in the morning. I go to
24 work, which I missed today, to come to speak because
25 this is really important to me, and I think important to

1 all my neighbors, and I think we've had enough.

2 And so I don't want a new proposal. I don't
3 care what you have to say. If it's green, if it's
4 organic, or gluten free, or if the cement is made of
5 vegan ash, I don't care. I'm going to say right now
6 stop, no more.

7 I work with little kids. We can't bite people.
8 That hurts them. I'm going to look at you in the eye
9 and say no. There is no more options. It's a no,
10 100 percent. So I hope you agree with our residents and
11 say no, that this isn't an option. So please vote for
12 the residents because we've had it. We are done feeling
13 unsafe on the road, and it's not fair. So thank you.

14 MR. BASAYNE: Thank you, Ms. Walz. Next up
15 Bernadette Brooks followed by Jeff Schmidt. I don't see
16 Ms. Brooks. Okay. So Jeff Schmidt is our last
17 scheduled speaker. If you do wish to speak, please let
18 us know.

19 MR. SCHMIDT: Hello, everyone. I appreciate
20 the opportunity to come up here today. I live at 1180
21 Soda Canyon Road. I'm an artisan and contractor here in
22 the valley, and I've lived there nearly 15 years now
23 and, like everyone else, love where I live. It's a very
24 special place.

25 I have to say that, you know, I missed work

1 today, too, because I really do feel this is an
2 important factor that is going to change a lot on the
3 road. The past two to three years, it's become really
4 dangerous on that road.

5 And we have two daughters, and we walk them up
6 the road to their grandmother's house, and it's -- you
7 know, we've had cars go by there at, you know, 70 miles
8 an hour. People -- it's in the flats in the bottom, and
9 people come off that road, and they really speed. It's
10 just scary, you know.

11 So yeah, I've seen a huge change in the way
12 that the road is, and I just feel that it's -- that
13 amount of people would be just amazing to have. You
14 know, too many people there. I just wanted to say that
15 today. The type of road that that is just seems to be
16 too small, and too many people there. So thanks a lot
17 for letting me speak.

18 MR. BASAYNE: Thank you, Mr. Schmidt. Is there
19 anyone else from the public who wishes to speak? The
20 public hearing is still open.

21 MR. ARGER: Not to speak -- don't worry -- but
22 just ask that the PowerPoint be placed as part of the
23 record. I think it's already on your computer, and the
24 videos. Thank you.

25 MR. BASAYNE: All right. Well, I would like to

1 have --

2 MS. SHEPP: I'm getting urged to speak, so I
3 will.

4 MR. BASAYNE: All right.

5 MS. SHEPP: I'm Zia Shepp.

6 MR. BASAYNE: I'm sorry. Your name again?

7 MS. SHEPP: Zia Shepp.

8 MR. BASAYNE: Okay.

9 MS. SHEPP: I live at 3580 Soda Canyon Road.
10 I'm Diane Shepp's daughter. I just did a long drive
11 from Redding. I came all the way back for a job
12 interview. I just wanted to speak really quickly to
13 point out I am in favor with all my neighbors against
14 Mountain Peak Winery for the variety of the reasons that
15 they've spoken about today.

16 I am a young adult of this community. I've
17 grown up in Napa County my entire life. Witnessing the
18 growth in the county has been a benefit and a setback in
19 a lot of ways.

20 I have to agree with a bunch of my neighbors
21 and say that I feel like the locals of this community do
22 not have a voice anymore. Big business has taken over a
23 lot of what our voice can make a difference in. Either
24 it's enacted in some way with money or to support them
25 in some way underneath the table.

1 What I'm trying to get across is, living on
2 Soda Canyon Road all the way at the very top, not just
3 at the bottom, you witness the traffic on a one-way dirt
4 road as well. I've had to pull over many times to
5 people speeding by at 50 miles an hour on our dirt road.
6 And I'm driving 15, and that's the speed limit.

7 So it's quite disheartening to see that the
8 road that I grew up on and I walked on every day and
9 rode my bike and even walked over to a friend's house,
10 unfortunately, I can't safely walk on anymore or bike on
11 without feeling I'm going to get hurt or hit or
12 disgruntled in some way.

13 I'm not against wineries. I feel like that's a
14 lot of what Napa is about, and what we are known for.
15 I'm not against wineries that go against -- with what
16 the locals have to feel as something that's -- something
17 cultivated within inside of them their entire life,
18 something that they put their effort and work into where
19 they live.

20 Unfortunately, when it starts to backlash in
21 some way and restricts them, that's when I feel it's
22 unethical and wrong. And being a future educator --
23 that's what I was up in Redding for, for a job interview
24 to be a teacher. I got my master's at UC Santa Cruz.

25 I also applied to Napa, but I didn't really

1 want to apply to Napa County because I know things I can
2 do for my youth would be restricted later on when they
3 become an adult. So that's why I haven't applied here,
4 and I think that's something you should take to heart
5 because a lot of young adults see that. As a voice
6 coming to this community, they don't feel like they have
7 a voice. Something to think about. Thank you.

8 MR. BASAYNE: Okay. Thank you, Ms. Shepp. Are
9 there any other members of the public? Seeing none --
10 we certainly welcome Ms. Oldford to the podium.

11 MS. OLDFORD: Thank you. Donna Oldford,
12 planning consultant to the applicant. I think we have
13 all listened very carefully to the neighbors' concerns,
14 and we understand their concerns. I think those are
15 concerns we all have. Soda Canyon Road is one road in
16 the county. There are many roads, and we all think of
17 the areas that we live in as being special and unique.
18 That's why we are here.

19 One thing I want to point out is, I'm a little
20 disturbed by the idea that if this project is approved,
21 it destroys the importance and the integrity of Soda
22 Canyon Road because we have this balance that we have.
23 We wouldn't have a lot of what we have without
24 agriculture. We wouldn't have agriculture if we don't
25 have a way to sell the product.

1 Again, I go back to -- are we going to see a
2 time when wineries and vineyards are considered
3 landscape features, not the business, and the thriving
4 economy of the valley? I believe that we can have
5 balance, and it's a matter of both sides being open to
6 finding the right balance. So I kind of take exception
7 to the idea that this project will destroy Soda Canyon
8 Road. I don't agree with that at all.

9 The other thing is, you have an option from
10 your staff for downsizing the project. I mentioned to
11 you earlier we have two ways of saving some time for you
12 today, and one way is, we've already significantly
13 downsized the project. And if you take note, just by
14 removal of the food and wine-pairing events, that means
15 the evening events are sort of automatically eliminated
16 except for a couple of larger events in the course of
17 one year. If we are doing food service with the wine
18 tastings only, those conclude at 6:00 o'clock. So if
19 you are concerned about alcohol consumption and driving
20 after dark, that part of the project has become moot.

21 And second, if you are concerned with people
22 tasting wine, it's better to taste a little wine and
23 have a little food with it at the same time.

24 And finally, I do want Paul Bartelt to speak to
25 some of the questions that were posed about the

1 engineering. Two corrections for the record. I think
2 the willingness --

3 I'm very disappointed to hear the comments
4 about our offer for performance with the neighbors was
5 untrue because it's in your packet. You know, the
6 settlement agreement is in your packet with signature
7 blocks. It stands. It's part of our project statement.
8 It's the start of the project, and we have been very
9 genuine about that. That's too bad.

10 And second, the comment about the road being
11 inappropriate for a gravel road, actually that's
12 incorrect. Both our architect and our civil engineer
13 said, you know, this road -- the use of this easement
14 creates a far better entry road for the winery. So not
15 only are we accepting a less effective and less
16 attractive option with moving the road, but we've gone
17 to considerable expense and delay to accommodate that --
18 to make that accommodation to the neighbors.

19 We just ask for your fair and hopefully
20 consistent consideration of this application, and I know
21 that my client has every intention of being a good
22 neighbor as he has been all along.

23 So I will ask Paul Bartelt to answer
24 Commissioner Phillips' questions or any other that you
25 may have of him. We are still available to answer any

1 questions the Commission may have. Thank you.

2 MR. BASAYNE: Thank you.

3 MR. BARTELT: Good afternoon, Mr. Chair,
4 Members of the Commission. My name is Paul Bartelt.
5 I'm the principal engineer of Bartelt Engineering
6 located here in Napa. Today I'm appearing before you on
7 behalf of Mountain Peak Winery.

8 As I've listened throughout the day, I've made
9 some notes, and I hope that I've caught most of the
10 questions from either the Commission or points of note
11 from the speakers.

12 One of the first questions that came up earlier
13 this morning was whether or not cave spoils would be
14 used for the berm. The answer to that is yes and maybe
15 no. It really is a timing issue. First and foremost,
16 the berm will be planted either in grapes or in
17 landscaping orchard. Cave tailings are not conducive
18 for agricultural use. Therefore, that's why we are
19 burying them in the locations that we are.

20 As I've noted previously in an e-mail that has
21 been put into the record several days ago, the process
22 for removing our cave spoils will be the removal of
23 vineyard in two separate areas, area one -- and the
24 answer to another question -- the larger area is 2.6
25 acres. The second area is 1.3 acres. So we are using

1 cave spoils over approximately 3.9 acres of vineyard
2 that exists today.

3 We currently have an approved track 2 vineyard
4 erosion control plan for the replanting of those
5 existing vineyards. The vineyard will be removed. The
6 topsoil in those areas will be removed and temporarily
7 stockpiled. The cave spoils will then be appropriately
8 placed in those areas per geotechnical recommendations
9 and standard of practice for grading in Napa County.
10 The topsoil will then be replaced and then the vineyard
11 replanted.

12 So after that occurs, we will probably at that
13 point -- towards the end of the project -- build the
14 berm. So we may have cave spoils available, and we may
15 not. We will be stripping topsoil from the area of the
16 cave portal and stockpiling that, and that is more
17 likely to be used as the berm.

18 Just a note to -- and I may have heard Mr.
19 McDowell incorrectly, but he mentioned earlier that the
20 production to accessory ratio was 37.1 percent. I
21 believe if you look at sheets 5 of 5 of my coverage
22 calculation, I believe the coverage calculation or the
23 production to accessory ratio is actually 36.1 percent.

24 There was a coverage or -- a question whether
25 or not the outdoor tasting areas were included in the

1 production to accessory ratio. Per your requirement,
2 those areas are not included in production to accessory
3 ratio, but they are included in the total winery
4 coverage calculations, which are found on sheet 2 of 5
5 of my winery coverage calculations.

6 I'd also like to point out that grape sourcing
7 for this project comes not only from the two project
8 sites that have been mentioned, the existing site and
9 the Edcora Vineyard that was mentioned earlier, but my
10 client also has a long-term lease with an adjacent
11 property owned by Mr. Paul Keezer, which we have also
12 received approval for a track 2 -- actually, it was a
13 track 1 vineyard replant. So they control about
14 five acres on that property as well.

15 There was a question as to how much water was
16 actually being reduced in the tasting room by the
17 proposed marketing reduction by Ms. Oldford. And if my
18 very quick back-of-the-napkin calculations are correct,
19 I believe that that reduction is on the order of about
20 59,000 gallons per year or approximately 0.18-acre feet.

21 I'd like to be able to -- if that, in fact, is
22 accepted by the Commission, I would like to have the
23 opportunity to run calculations at my office. That
24 would perhaps be more exact.

25 I would like to note for the record that the

1 Soda Canyon residents in their PowerPoint presentation
2 used one of the Bartelt Engineering site plans. I would
3 like to note for the record that my drawings are
4 copyright protected. I was not contacted by the Soda
5 Canyon residents regarding the use of my site plan, or
6 was my name appropriately put on the drawings. My name
7 was actually cut off from that, not giving credit as to
8 where that site plan came from. So I just want to note
9 that for the record, please.

10 I would like also to note for the record that
11 for full disclosure, that Bartelt Engineering has in the
12 past performed consulting engineering work for the
13 Arger-Martucci Winery on Inglewood Avenue. I believe
14 that's all that I have in my notes unless there's any
15 further questions from the Commissioners.

16 MR. BASAYNE: I have a question with regard to
17 the production numbers, and I don't know if you feel
18 qualified at this time to address those. And Mr.
19 Buckland, I see you here. So perhaps you are the most
20 appropriate individual to answer my question.

21 MR. BARTELT: If this is regarding actual
22 tonnage and grape production, I'm going to defer to Mr.
23 Buckland on that. I will state that Mr. Buckland and I
24 have conferred on this. One other part of my business
25 is vineyard development as well. We do perform that.

1 And I have reviewed Mr. Buckland's numbers, and I do
2 agree with his assessment of this.

3 MR. BASAYNE: Thank you, Mr. Bartelt.

4 MR. BUCKLAND: Thank you. Garrett Buckland,
5 Premier Viticultural SERVICES, 1427 Jefferson Street,
6 Napa. I've been working with this client since they
7 bought the vineyard.

8 Some of the calculations that we used in that
9 data that you guys have in front of you to arrive at the
10 92,000 roughly gallons of production are based on
11 current site conditions. So what we can actually
12 achieve on the vineyard, given some of our varieties.

13 It takes into account our winemaking production
14 methods, which generally yield about 165 gallons per
15 ton. Obviously, that's different by variety. White
16 grapes are higher. Tempranillo, Malbec, some of the
17 other high-yielding grapes that we have on site do yield
18 significantly more than 165 gallons per ton. So we
19 fully expect in full production to be producing up to
20 600 tons a year.

21 MR. BASAYNE: So just to speak more
22 conceptually about grape-growing, tonnage, and the
23 terrain, certainly when we are looking at valley floor
24 grapes, we are looking at, in some cases, proximity, the
25 water table that allows for potentially a more

1 vegetative growth that would cause the grapes to
2 potentially swell up and have more tonnage.

3 When you are talking about hillside grapes, you
4 tend to see more stressed-out grapes that, of course,
5 would yield lower numbers potentially or in some cases.

6 So this particular site is in some respects a
7 blend of the two, and so you are not looking at
8 extremely low yields because there's a water table that
9 the roots can reach, and -- but I just want to solicit
10 your take on that, and maybe just describe a bit about
11 how you come up with the numbers on tonnage per acre.

12 MR. BUCKLAND: Sure. So the county uses a
13 four-ton-per-acre average, which I think is a great
14 average if you apply it across every scenario. Tonnage
15 is largely elective, you know, in high-end grape
16 growing. So there are some people who are very dogmatic
17 about producing only two and a half, three tons per
18 acre, and others that are not so dogmatic in their
19 winemaking.

20 At our particular location, even though we are
21 on a mountainside, the soil conditions, the conditions
22 of the property are not necessarily consistent with
23 perhaps the rockiest vineyard you might get in that
24 location. We are on the Foss Valley plateau there. And
25 if you dig down deep, there's plenty of soil mimicking,

1 what one might find actually on some of the valley floor
2 locations.

3 So at the current project site, we routinely
4 can get yields -- again, it's variety dependent -- that
5 average five tons an acre or more in some cases. And
6 then also it fits with our desired wine quality, which
7 is a lower alcohol wine and, obviously, something that's
8 specific to our business, maybe not anyone else's.

9 And then at our other property where we have
10 over 80 acres, as we go through and replant these
11 vineyards in the future, we fully expect to get those
12 types of yields.

13 The previous owners supplied us with data from
14 what they used to do. And they would routinely get
15 five tons per acre in practice, and so we know that it
16 can be done. It will be done. It's part of our
17 business plan, and obviously we want to give ourselves a
18 little bit of room for the inevitable change in season
19 where we might get 10 percent more crop than we actually
20 are looking for so that we don't have to come back here
21 in three years and ask you for, you know, a modification
22 to the permit.

23 MR. BASAYNE: So Mr. Buckland, just with regard
24 to the total acreage that we are looking at -- we've
25 heard different numbers from members of the public and

1 so forth -- could you just walk us through the total
2 acreage that you'll be relying upon in creating the
3 production levels?

4 MR. BUCKLAND: Yeah. So these numbers were
5 derived from 112 total acres that's currently on site
6 that's using the Edcora Vineyard as well. We do -- it
7 was mentioned a minute ago that we do have a leased site
8 as well, which is an adjacent property.

9 The total production at 92,000 gallons coming
10 in under 100,000 gallons is expected from largely that
11 Edcora Vineyard, which is the base producer there, and
12 then also on site, which is the Mountain Peak Vineyard
13 site.

14 In terms of the respective yields currently, we
15 are seeing on site at the Mountain Peak Vineyards more
16 than five tons per acre in a lot of varieties. As we go
17 through replant, modernize, get some different
18 architecture for pruning, different spacings in our
19 vineyard, we are obviously looking at yield as a big
20 component. This land is not inexpensive. So obviously
21 we need to have the right return per acre, and that's
22 one key to this.

23 MR. BASAYNE: And so where are we today just in
24 terms of total production for the available vineyard?

25 MR. BUCKLAND: Yeah. So currently, there's a

1 model of -- we are not taking all of the fruit currently
2 obviously because we don't have a winery to crush that
3 at, and it's very expensive in the custom crush world to
4 do this. And more importantly, we don't really have the
5 control as we would get within an estate winery. So
6 there's a lot of fruit that is sold.

7 If you look back at the historical records for
8 all these properties, we are currently doing somewhere
9 between 450 and 500 tons without a problem.

10 MR. BASAYNE: Okay. Great. Thank you for that
11 assessment and information. That gives us a good
12 picture.

13 MR. BUCKLAND: Great. And any additional
14 questions, I'm right over here.

15 MR. BASAYNE: Great. Thank you.

16 MR. APALLAS: Mr. Chair, may I --

17 MR. BASAYNE: Well, typically, we don't allow
18 rebuttal to rebuttal.

19 MR. APALLAS: Surrebuttal?

20 MR. BASAYNE: Unless my fellow commissioners
21 feel otherwise, I would like to move towards closing the
22 public hearing.

23 MR. APALLAS: Pardon me, Mr. Chair. It would
24 have been an informational --

25 MR. BASAYNE: Please approach the podium.

1 MR. APALLAS: Thank you very much. Yeoryios
2 Apallas, again, at the podium. It was an informational
3 question that I was going to ask Mr. Buckland whom I
4 know, respect, a talented fellow. I think he
5 complimented me a couple of times on my pizza-making
6 skills at the house.

7 In any event, the question I have of Mr.
8 Buckland is whether he has the weight tags from each of
9 the properties that are subject to this review here so
10 that we may shed light where darkness now exists and
11 come up with some reasoned understanding of whether it's
12 400 tons, 600 tons, whatever it is, that is produced at
13 these three properties so that we may make some informed
14 decisions as I'm sure the commission would appreciate.

15 MR. BASAYNE: Thank you, Mr. Apallas.

16 MR. APALLAS: Thank you.

17 MR. BASAYNE: I appreciate it. Without
18 burdening the applicant with this right now, because we
19 are continuing the hearing potentially, this certainly
20 may not typically be required regardless. We typically
21 do not ask applicants for their weight tags to provide
22 evidence or proof. At least that's my impression, but
23 more to be revealed.

24 So at this point, does the applicant wish to
25 make any further statements?

1 MS. OLDFORD: No. Thank you.

2 MR. BASAYNE: Okay. So what I would like to do
3 at this point is close the public hearing, bring it back
4 to the commission. I think we are due for another
5 comfort break, perhaps ten minutes. At that point,
6 we'll resume our deliberations.

7 MS. PHILLIPS: Actually, I have a process
8 question. Are we continuing, or are we continuing --

9 MR. BASAYNE: Are we continuing to continue?
10 What I would recommend --

11 MS. PHILLIPS: I know. I want that comfort
12 break, but --

13 MR. BASAYNE: You realize I'm catering to you.
14 I would like to decide that when we return.

15 MS. PHILLIPS: Okay.

16 MR. BASAYNE: Thank you.

17 (Recess.)

18 MR. BASAYNE: We'll resume the discussion here.
19 We closed the public hearing. I brought it back to the
20 commission for discussion. It looks as if we are headed
21 towards a continuance. However, I am very interested in
22 hearing what my fellow commissioners have to say and get
23 an assessment as to what we need to do, where we are
24 going, and what the various opinions are here.

25 This is not a vote today to approve or deny the

1 project, given the fact that we did receive this
2 information in the late hour last night. So I am,
3 therefore, soliciting my fellow commissioners.

4 Commissioner Gill?

5 MS. GILL: Before I'm solicited, I would like
6 to hear from our counsel on what our options are, and
7 what each of the results would be from those options,
8 and where we go from here, and then I think I might have
9 more information to share.

10 MR. BASAYNE: Excellent point. I would like to
11 ask counsel for their opinion.

12 MS. DARBINIAN: So the options are as outlined
13 in the staff report. You can proceed and make a
14 decision today. You can proceed with a smaller-scale
15 project. You can deny the project.

16 My recommendation would be to continue this for
17 even just a short period of time to allow staff and
18 myself time to digest the materials that were provided
19 last night, and so that we can provide you with a
20 meaningful response, to review, and make a more informed
21 decision.

22 MR. BASAYNE: Okay. And if we were to
23 continue, I certainly would like to give staff some
24 direction as well in terms of questions that the
25 commission might have.

1 Also, just in terms of the future calendar, are
2 there openings in the near future?

3 MS. GALLINA: Yes. Mr. McDowell and I were
4 looking at the calendar, and we would recommend that the
5 item be continued to August 17th.

6 MR. BASAYNE: Okay. And what does the calendar
7 look like that day?

8 MS. GALLINA: Well, that day we have airport
9 land use commission items. So we'll have a meeting for
10 that. It starts at 9:00 o'clock, and then we have --
11 Frog's Leap Winery is going to be returning, as well as
12 -- we just continued Napa Vault this morning, and then
13 we have a new item, which would be the Oakville Farms
14 existing horse property use permit and road exception
15 request, and then we will have Mountain Peak. It will
16 be another long day.

17 MR. BASAYNE: Okay. How does that work for the
18 commission in terms of that date?

19 MS. GILL: It's fine. I'll block out 9:00 to
20 midnight.

21 MR. BASAYNE: 9:00 to midnight. Okay.

22 MR. SCOTT: Mr. Chair, the date works for me.
23 Does the chronology of the applications, is that set
24 with --

25 MS. GALLINA: It would have to be the --

1 eventually, ALUC would go first.

2 MR. SCOTT: Yes.

3 MS. GALLINA: It's just one item. That's the
4 Watson Ranch specific plan land use compatibility and
5 then Frog's Leap. It was the first item continued, and
6 then we would, I believe, put Mountain Peak, and then
7 Napa Vault. Then Oakville Farms would be the last one
8 because that's a new item and if be that one would be
9 continued.

10 MR. SCOTT: The reason for my question is, I
11 recuse myself from Frog's Leap, and I'm trying to
12 ascertain how much time is going to be involved before I
13 can participate.

14 MR. MCDOWELL: The Commission's operating
15 bylaws have some general guidance on the order of items
16 on the agenda, but it is up to the chair and the
17 Commission ultimately to determine that order. So you
18 are free to rearrange it if you feel an alternative
19 schedule is appropriate.

20 MS. GALLINA: One more thing. I believe the
21 applicant did request on Frog's Leap that they be the
22 first item that was heard that day. I just remembered
23 that. And I had to tell them the ALUC comes first, and
24 then they would be next.

25 MR. BASAYNE: Okay.

1 MR. MCDOWELL: For the benefit of the
2 Commission and the audience, I don't believe that
3 airport land use commission meeting is going to be a
4 lengthy meeting.

5 MS. PHILLIPS: So you'll be scheduling that
6 message --

7 MR. SCOTT: I'll schedule a late breakfast.

8 MR. BASAYNE: You are going to have to return
9 to the meeting here.

10 Commissioner Gill?

11 MS. GILL: I do have another process question
12 then. Should we continue this item to the 17th, what
13 are the steps that we need to take to ensure that the
14 time between now and then is used specifically to
15 address what came up today, and what was submitted last
16 night? But then on August 16th, we don't have another
17 300-page binder that we then are having to have to deal
18 with and put it off for another two weeks.

19 So what is our control over that? Do we have
20 any?

21 MR. BASAYNE: Requesting legal opinion, or --

22 MS. DARBINIAN: Well, I think you can provide
23 direction to staff to come back and respond to these
24 comments and documents. But if someone from the public
25 has additional comments presented, you should hear it

1 and provide staff an opportunity to respond to that at
2 the time.

3 MR. BASAYNE: Okay.

4 MR. SCOTT: Mr. Chair, one of the things that I
5 would be looking for from staff is an assessment of
6 what, if anything, that they have received today and
7 have not had an opportunity to integrate and absorb and
8 evaluate. If it would in any way change their
9 recommendations, and if so, how? And if there is no
10 change, and no recommendation is made, I'd like to know
11 that.

12 MS. GALLINA: So you want us to present an
13 assessment of the information that we received today and
14 last night?

15 MR. SCOTT: As to how, if in any way, it
16 impacts the recommendations to us that we already
17 received and read.

18 MS. GALLINA: So the new information would be
19 the reduction proposal.

20 MR. MCDOWELL: Yes.

21 MR. SCOTT: Also, the comments and letters
22 from, you know, concerned neighbors?

23 MR. MCDOWELL: Understood. Thank you, yes.

24 MR. BASAYNE: So one of our options conceivably
25 would be to deny this request outright. I'm sensing

1 that first and foremost with the receipt of the
2 additional information and not having processed it, I
3 don't feel prepared to approve or deny myself at this
4 point, but I do wish to hear from my fellow
5 commissioners in this regard.

6 Ms. Phillips?

7 MS. PHILLIPS: I'll make a -- I would put out
8 that -- to continue this. I think that the information
9 that we have received in terms of the numbers is very
10 interesting, and I would like to see how it does affect
11 the staff report in terms of impact, the new numbers in
12 terms of traffic, in terms of all of that, and would be
13 willing to propose the continuance until the 17th.

14 MR. BASAYNE: Okay. Any other comments from
15 the commissioners?

16 Commissioner Cottrell?

17 MS. COTTRELL: Thank you, Chairman Basayne. I
18 have a few comments. I did just want to, first of all,
19 thank everyone in the audience who has participated
20 today because public input on this project is so
21 important. And as some said, you know, we want to make
22 sure that people feel like they do have a voice in
23 participating in this process, and I do --

24 I think one thing I do want to reflect upon is
25 that it's wonderful to hear from so many people who have

1 had such a long history in the community, but I'd like
2 to remind all of us just if someone -- just because
3 someone is new to the area or the community, it does not
4 mean that their interest or appreciation for a place
5 should be valued less. So I think that's important for
6 us to remember going forward and to be respectful of
7 everyone's viewpoint. So with that process note, I
8 would also like to take a moment and address some of the
9 substantive comments we've heard today. And first of
10 all, to thank the applicant, and especially the high
11 degree of environmental awareness and sensitivity about
12 the project structure.

13 And I think that the LEED certification and
14 presentation is a great -- sets a high bar for other
15 projects going forward, so -- and I think it shows a
16 great deal of commitment to the site.

17 On the other hand, I do very much hear the
18 neighbors' concerns about the length of the road, and
19 this focus on some clear direction we do have from the
20 2010 WDO asking us as a policy matter to make sure that
21 we consider remoteness and access constraints.

22 So I want to -- as we are talking about
23 continuing something, I do want to be able to hear from
24 the rest of the commission, but also register my
25 concerns that the production numbers and the visitation

1 numbers seem high to me personally, given the location
2 of this project. And as someone said, you know, we
3 should assess this for where it's located up in this
4 remote hillside, not down on the valley floor.

5 So those are my thoughts at this point, but I
6 would support a continuance, too, until the 17th.

7 MR. BASAYNE: Thank you, Commissioner Gill --
8 (sic) Ms. Cottrell.

9 MS. GILL: It is late.

10 MR. BASAYNE: It is late, yes, and I'm slurring
11 my words here.

12 Commissioner Phillips?

13 MS. PHILLIPS: And I was rushing the process
14 because I actually have to leave, and so -- but if we
15 are going to make comments, I'll just reiterate that I
16 agree with Commissioner Cottrell, and I'm anxious to see
17 what the analysis looks like with the revised numbers
18 that were offered here today. So with that, I will have
19 to depart.

20 MR. BASAYNE: Okay. And we can still vote for
21 a continuance because we will have a quorum. So thank
22 you, Commissioner Phillips, for your input.

23 Commissioner Scott?

24 MR. SCOTT: First of all, I would like to --
25 I'd like to thank the neighbors and the residents of

1 Soda Canyon for their input on things that are not as
2 apparent based on the official information we have in
3 the staff report, you know, the status of road usage.

4 I know you don't feel like it's an LOS 1 or
5 Type A for you folks, and I appreciated hearing the
6 comments about the potential road impacts, the road
7 danger that exists there, the fire dangers, the water
8 concerns, basic traffic concerns, and the repeated
9 testimony that it's kind of a dangerous road, and that
10 is not, you know, completely reflected in the level of
11 service, if you will, and that's something that comes
12 from the neighbors that we wouldn't otherwise be able to
13 ascertain.

14 On the other hand, I think it's important that
15 the neighborhood understands that the applicants haven't
16 created that situation. We do expect and I think they
17 have certainly made some strides to prevent the
18 exacerbation of that situation, but I don't expect them
19 to completely eliminate the issues that you are
20 experiencing with the road.

21 They can certainly do some things in terms of
22 -- if they were constructing the winery, they could
23 perhaps use smaller trucks and be more sensitive to the
24 visual and sound impacts and what have you during
25 construction and so forth, and some of those things

1 they've already committed to do.

2 But it's important that we understand that
3 there are some situations on Soda Canyon that, you know,
4 kind of come with the territory. When you live there --
5 some of them existed before you arrived in some cases,
6 and certainly some of them will, you know, be there when
7 we are gone.

8 So whatever we can do to certainly address
9 those issues, we'll make every attempt to do, but there
10 are some existing issues that will, you know, need to be
11 dealt with on an ongoing basis going forward.

12 MR. BASAYNE: So you are amenable to a
13 continuance?

14 MR. SCOTT: I am.

15 Commissioner Gill?

16 MS. GILL: I will start by saying I am also
17 amenable to a continuance for the reasons that we have
18 discussed today, and mainly because I feel like we need
19 to give staff and the applicants time to come back with
20 a tightened up staff report based on current numbers, up
21 to date numbers that we have seen today, and then also
22 taking into account any new facts that have been brought
23 to our attention through the information delivered to
24 us.

25 And one of the things that the applicants'

1 attorney, Mr. McMahon, mentioned that I thought was -- I
2 wrote it down because it is true. And, again, I'm
3 thanking the neighbors for being a part of this process.
4 The opinions are deeply felt and genuine, and I think
5 that there are some, as Commissioner Scott brought up,
6 things that are brought to our attention that we may not
7 have been aware of before.

8 And this has nothing to do with this project
9 today, but one of the things I'm hearing is that there
10 might be a separate discussion outside of this issue
11 about safety issues on that road. Is there -- I mean,
12 the people that live and work there already are driving
13 apparently not that great. There are some worries.

14 So if there is anything that we can do as a
15 county with respect to signage or enforcement or
16 anything to make residents out there feel a little bit
17 safer about walking their dogs or riding their bike or
18 crossing that road or pulling out of their own
19 driveways, I think that that is something --

20 Again, aside from this application and this
21 project, it sounds like it might be a flash point. And
22 so I want to make sure that is heard and put somewhere.
23 And whoever needs to address that or take a look at
24 that, I think that would be great because that's one of
25 the things that I kept hearing.

1 And then another piece that actually came up in
2 a slide from the neighborhood group -- and I'm sorry. I
3 don't remember who presented the slide, but it had
4 information from USGS, Cal Fire, and Napa County, and it
5 showed --

6 It was Cal Atlas, Cal Fire, Napa County, USGS,
7 and it was about fire hazard severity, and it showed --
8 the little black dots were residences, and then the
9 purple dots were wineries, and I counted, I think, maybe
10 six or seven of the purple dots and of the little black
11 dots, which represent residences. There were too many
12 to count, and we have too many residences to count in an
13 agricultural area.

14 And I think that is really one of the
15 fundamental issues of our day, and how we put those two
16 together, and how we balance uses in an agricultural
17 rural area -- there we go -- and people who have lived
18 and want to live there, and how do we make sure that
19 everyone feels as they have been heard.

20 And if it's not necessarily everyone is happy,
21 at least there is some sort of understanding or
22 compromise about how we coexist together in an
23 agricultural, rural area where business takes place.
24 And sometimes it's noisy, and sometimes it's dusty, and
25 sometimes it's ugly, but that's what happens in an

1 agricultural area. So that was an interesting slide to
2 see. How many houses are up there, too, and how we make
3 sure that they feel protected from fire and all that.

4 And, again, I'm with Commissioner Scott. I
5 don't feel like this project is going to create a fire
6 or, you know, more wet-road accidents. I mean, I think
7 one of the traffic had a listing of a deer in the road,
8 and someone else pulled over because they had a diabetic
9 coma issue. So that has nothing to do with this winery
10 project. Still, it's facts that we need to consider
11 when we are talking about where things go.

12 So I would like the opportunity to get through
13 all this information and ask staff and perhaps the
14 applicants more questions as they come up over the next
15 several weeks. I think I will have more questions to
16 clarify some of these things. But, again, I think that
17 we do have some work ahead of us, and I would be
18 interested in seeing the new staff report.

19 And, again, I support Commissioner Scott's
20 request about if any of the new information that we have
21 received, either verbally or in writing, materially
22 changes your recommendation.

23 MR. BASAYNE: Thank you, Commissioner Gill.

24 So I am also amenable to a continuance. I
25 think it's appropriate at this time, given the need for

1 staff to digest this information. I just want to say I
2 truly appreciate the heartfelt passionate concerns
3 expressed and well-articulated concerns that were
4 expressed, well presented, and I think that the concerns
5 certainly with regard to public safety have absolute
6 merit.

7 And, you know, having lived in the valley for
8 about 35 years, I was harkening back to when I lived off
9 of Hardman Avenue. And our firstborn was in a stroller
10 back in 1989, and, you know, the speed limit was 55
11 miles per hour. So that hasn't changed. And needless
12 to say, my wife was not particularly enthusiastic about
13 taking our son for a walk, you know, given the traffic
14 conditions.

15 And I think that just speaks to Commissioner
16 Gill's comments about the conditions of living in an
17 agricultural environment where there are at least these
18 types of remote winery production situations. And
19 needless to say, I understand the concerns about
20 imposition, new activity in a remote location.

21 I think that the applicants heretofore have
22 done a commendable job with ballistic grade design. And
23 even though there is some criticism to the LEED
24 certification process, I believe that it's more than
25 just paying to play. I believe that there is some merit

1 to actually putting time, effort, and energy into
2 something that really is reflective of the requirements
3 of the environment.

4 So I still am somewhat daunted by just
5 additional traffic on that road. However, I also
6 understand that there will be activity. There isn't
7 necessarily that much more activity that we are looking
8 at, but that's yet to be revealed as well.

9 So at this point, without delving into the
10 details of the application at this point too deeply, I
11 will just say that I am supportive of a continuance, and
12 I would certainly entertain a motion for that
13 continuance to occur on August 17th.

14 MR. SCOTT: So move.

15 MR. BASAYNE: We have a motion. Do we have a
16 second?

17 MS. COTTRELL: Second.

18 MR. BASAYNE: Motion, second. All in favor?

19 MR. SCOTT: Aye.

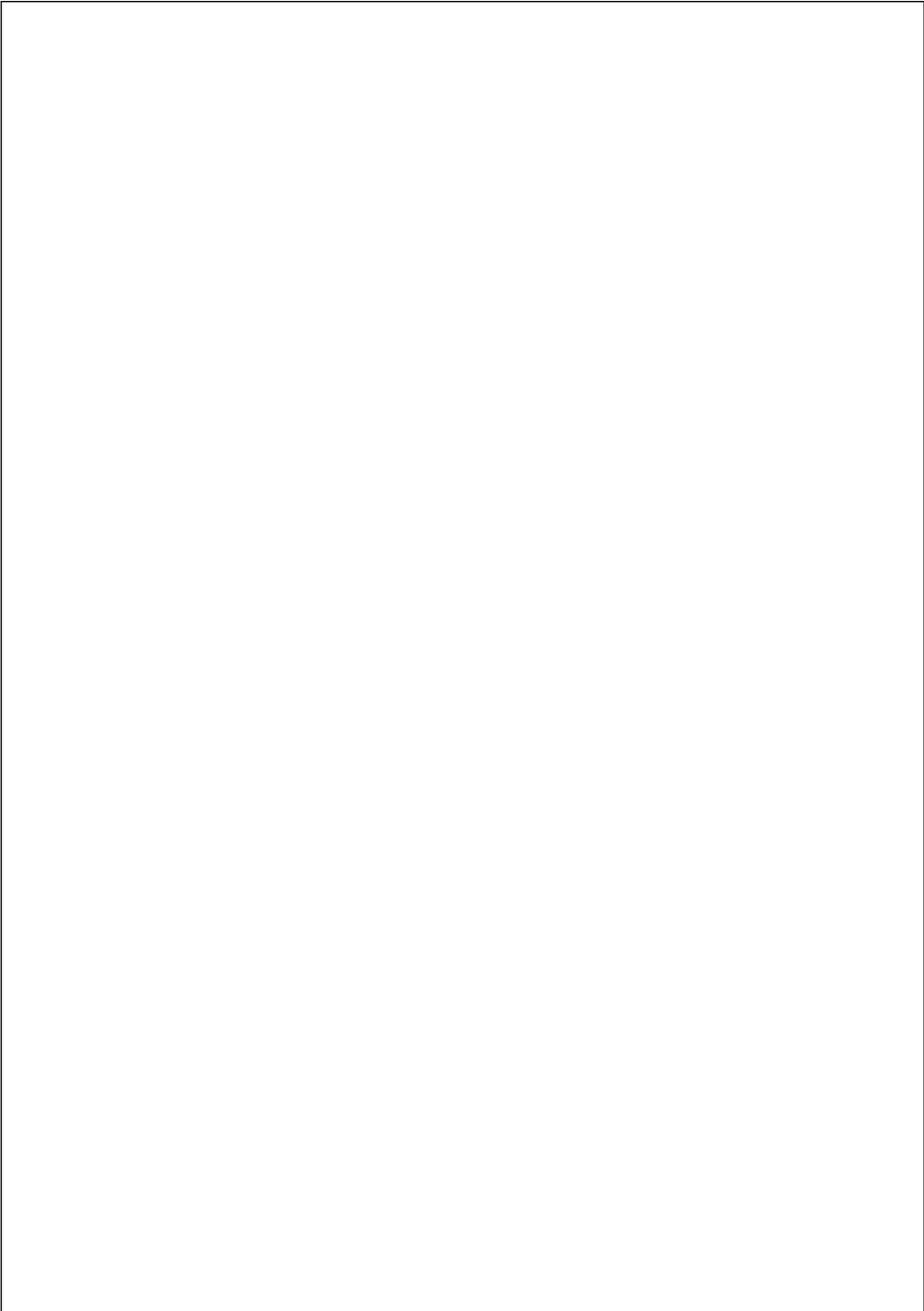
20 MR. BASAYNE: Aye. It passes unanimously.

21 Thank you for your time today, and I'm going to go ahead
22 and open the public hearing again to reflect the
23 continuance. That brings us to our next agenda items.

24 (The hearing adjourned at 3:37 p.m.)

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1 REPORTER'S CERTIFICATE

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3
4 I, JOANNE BALBONI, CSR No. 10206, Certified
5 Shorthand Reporter, certify:

6 That the foregoing proceedings were taken before
7 me at the time and place therein set forth;

8 That the proceedings were recorded
9 stenographically by me and were thereafter transcribed;

10 That the foregoing is a true and correct
11 transcript of my shorthand notes so taken.

12 I further certify that I am not a relative or
13 employee of any attorney of the parties, nor financially
14 interested in the action.

15 I declare under penalty of perjury under the
16 laws of California that the foregoing is true and
17 correct.

18 Dated this 18th day of September, 2016.

19
20
21 _____
22 JOANNE BALBONI, CSR No. 10206
23
24
25