

CERTIFIED

NAPA COUNTY PLANNING COMMISSION

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IN RE: ITEM 8A
MOUNTAIN PEAK WINERY/MOUNTAIN PEAK VINEYARDS, LLC--USE
PERMIT NO. P13-00320-UP AND ROAD AND STREET STANDARDS
EXCEPTION REQUEST, APPLICANT: STEVEN REA

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TRANSCRIPT OF VIDEOTAPED PROCEEDINGS
MEETING OF OCTOBER 19, 2016

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PRESENT:

MICHAEL BASAYNE, Chair, District 2
HEATHER PHILLIPS, District 1
ANNE COTTRELL, District 3
TERRY SCOTT, District 4, Absent
JERI GILL, District 5

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Transcribed by: Kathryn Johnson

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1 CHAIR BASAYNE: So, that brings us to Item 8A, Public
2 Hearing items to be decided without additional testimony.
3 Mountain Peak Winery/Mountain Peak Vineyards, LLC Use Permit
4 Number P13-00320-UP and Road and Street Standards Exception
5 Request.

6 And the request here is--while the request has been
7 previously continued from the July 20th regular meeting and
8 August 17th regular meeting, the new request is to continue this
9 item to November 16th and its regular meeting.

10 DEPUTY DIRECTOR MCDOWELL: Yes, that is correct Chairman
11 Basayne. At this point, before beginning your deliberations on
12 the continuance, I would request that you hear from the
13 applicant's representative and other interested parties
14 regarding the continuance date. We are not discussing the merits
15 of the proposal at today's hearing.

16 CHAIR BASAYNE: Okay, thank you. So we are not discussing
17 the merits of the proposal, but we certainly will hear from the
18 applicant's representative. And what I will do next is--I'm
19 sorry. Do you have a question? Okay.

20 DEPUTY DIRECTOR MCDOWELL: I do not have a question.

21 CHAIR BASAYNE: Okay.

22 DEPUTY DIRECTOR MCDOWELL: It's simply what--the comments
23 should be limited to the continuance date.

24 CHAIR BASAYNE: Okay. Thank you. So, I'm going to open the
25 Public Hearing and allow the applicant to speak about the
26 continuance.

27 DONNA OLDFORD: Good morning, Mr. Chairman, members of the
28 Commission, Staff. My name is Donna Oldford. I'm planning

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1 consultant, St. Helena, here representing Mountain Peak
2 Vineyards, LLC.

3 We just found out yesterday that there had been a request
4 for a continuance, and I've just received the letter explaining
5 the request as of this morning.

6 We are opposed to another continuance. We have been in
7 queue now for over three years with this project. We requested a
8 continuance sometime back to basically completely redesign the
9 project to respond to concessions that the opponents had asked
10 us for.

11 At the first hearing we had a continuance, of course,
12 because we received 800 pages of material the night before the
13 hearing and the morning of. We are ready to go with this. We
14 don't believe that any substantial evidence that can't be
15 responded to was submitted as part of 128 pages that you've
16 received in the last week.

17 All things must reach closure at some point. We are not
18 available--I personally am not available on the dates that are
19 in this letter. I'm gone on the 21st. And we just don't feel that
20 another three-month delay on this is really appropriate, or
21 reasonable.

22 So we are requesting that we go ahead with the hearing on
23 the 16th. Of course there is no guarantee that the Commission
24 would not choose to continue on the 16th, depending on what we
25 see then, because I would be amazed if we didn't see anything
26 further.

27 It's just time to move on, I think your Director can
28 confirm. You have such a long queue now that just constant

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1 continuances are really not only less than constructive for
2 applicants, and they do cause some hardship for applicants, but
3 they're also creating a hardship on doing the people's business,
4 because I think you have something like over 150 winery projects
5 now in the queue. How will you ever catch up with that? It's
6 just time to move on. And we respectfully ask that we not be
7 continued again.

8 We have an attorney of record also, he is a trial attorney,
9 he has several trials between now and the date of the 16th even.
10 But we all try to make ourselves available and set our
11 priorities.

12 So we request that we proceed with the hearing on the 16th
13 and then what happens on the 16th is what happens then, but we're
14 ready to go, and it's been a long time. Thank you. If you have
15 any questions of me, I'm happy to answer them.

16 CHAIR BASAYNE: Commissioner Phillips has a question.

17 COMMISSIONER PHILLIPS: I see my [inaudible] light is on
18 [inaudible.]

19 CHAIR BASAYNE: Okay. It's that phantom light. Thank you
20 very much, Ms. Oldford.

21 MS. OLDFORD: Thank you.

22 YEORYIOS APALLAS: Good morning. Yeoryios Apallas,
23 Silverado Trail. I believe that the chutzpah principle may be
24 applicable in this instance in that it is at the behest of Ms.
25 Oldford's clients that this continuance is occurring. The
26 continuance to the date proposed is not convenient for us. I
27 understand why she wishes to have it continued, because she
28 wants a fair, balanced, and vigorous presentation. We do too.

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1 In the interest of fairness I think that that continuance
2 ought to be granted to Ms. Oldford, but not for the date that
3 she suggests. We are unavailable. Mr. Arger, who is counsel to
4 several proponents of neighborhood interests, is unavailable. He
5 has a trial, a six-to-eight-week jury trial in Reno. He has
6 proposed a couple of dates that would be alternate dates for the
7 hearing where all of us can gather, subject to the Commission's
8 calendar, and hear this thing out.

9 It seems that I don't recall a single continuance that was
10 requested on behalf of the proponents of the neighborhood
11 interests. It has always been at the behest of the proponents of
12 the project.

13 It seems to me, in the great words of Gerry Spence, a trial
14 lawyer I admire greatly, it is the goose/gander rule that has to
15 be invoked. What is good for the goose, has to and must be
16 applied for the good of the gander. Thank you very much.

17 CHAIR BASAYNE: Thank you, sir.

18 DIANE SHEPP: Good morning Commissioners. Diane Shepp, Soda
19 Canyon Road. We--I just want to restate very simply, and not as
20 eloquently as the prior person, that MPV has been the ones that
21 have always requested the continuances. We, the residents, have
22 not. We are, for the first time, asking because it is not only
23 inconvenient, but several of us will be out of town and not
24 available for the November date, that it be continued for
25 another couple of weeks on behalf of the local citizens. It's
26 our right to have our legal counsel there, it's our civil right,
27 and I ask that you honor that. Thank you.

28 CHAIR BASAYNE: Thank you.

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1 CYNTHIA GRUPP: Good morning ladies and gentlemen. Cynthia
2 Grupp, Soda Canyon Road. I just want to add to what Ms. Shepp
3 and Yeoryios have said that I think it would be unfair for the
4 residents of Soda Canyon who have been prepared for the hearing
5 in July. We were prepared for the next hearing date. We were
6 prepared today, to come today. And then this continuance was
7 again requested.

8 We are not--our attorney is not available at the requested
9 date in November. And also, I would like to say I feel it is
10 unfair, as Ms. Oldfield has suggested--Oldford, that we should
11 be penalized for the--and our rights should be subjected to, or
12 diminished because of the backlog of applications that the Board
13 has. That is not our responsibility.

14 We are here for our hearing on this matter, and feel that
15 our rights should not be subjected to other applications you
16 have in the queue. Thank you.

17 CHAIR BASAYNE: Thank you.

18 DAVID HALLETT: Good morning Commissioners.

19 CHAIR BASAYNE: Good morning.

20 MR. HALLETT: David Hallett, a resident on Soda Canyon
21 Road. As the prior speakers--three prior speakers to me have
22 informed you, or reiterated to you, the three requests for
23 continuances have been made by the applicants.

24 I have arranged my calendar to be here today to speak in
25 opposition to the application. I've done it before, I've always
26 turned up on schedule. But I'm not available on the ninth--
27 November 16th. I will not be in Napa on that day. And it's a date
28 that I have to keep.

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1 My appointed spokesman, Attorney Arger, has also told you
2 in writing that he will not be available on that day. So I'm
3 requesting, please listen to the opponents and apply or agree to
4 our first request for a continuance.

5 And do not--you can continue this, absolutely, the
6 applicants have a right to ask for their own continuance. But
7 they do not have a right to demand a specific date. So please
8 consider that, and do not agree to the continuance to the 16th of
9 next month. Thank you.

10 CHAIR BASAYNE: Thank you, sir. Are there any more members
11 of the public who wish to speak?

12 DOREEN LEIGHTON: Good morning. Doreen Leighton, Soda
13 Canyon. So I'm adding my voice to ask for the continuance. It
14 seems fair. We all want to be able to present and be whole when
15 we do this. Both sides.

16 So I ask your granting of the continuance that we asked for
17 until December or beyond. Thank you.

18 CHAIR BASAYNE: Thank you, Ms. Leighton.

19 MS. OLDFORD: Donna Oldford, just one response to the
20 testimony. I think the record will show that we've been very,
21 very accommodating in trying to respond to the opponents'
22 wishes, and I just want to remind that the continuances that
23 have been granted have been, first of all, to basically redesign
24 the entire project to try to create a settlement agreement with
25 the applicants. They refused to sign the agreement once we had
26 responded to everything, and we said we're going to do these
27 things anyway, because it seems the right thing to do.

28 So, the second continuance, I don't think that--I don't

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1 think it's exactly accurate to say that these continuances were
2 requested by us when we received, first 800 pages of information
3 less than 24 hours before our hearing date. And then this past
4 week 128 pages, again. Anytime you get that large a drop right
5 before a hearing, it basically predicates a continuance. And,
6 you know, this could go on forever.

7 We don't believe--we cannot be here on December the 19th.
8 That simply isn't possible. Our legal counsel has an obligation.
9 I am out of town, and I don't even know that my client will be
10 here. But we're ready to go on the 16th, and then we'll see. The
11 opponents can always ask for another continuance at that time.

12 But, our legal counsel has obligations too. I have
13 obligations. I'm trying to work on 20 different winery projects
14 right now, and juggling my schedule. And so I just think at some
15 point we have to maintain some momentum and I appreciate that
16 they want everybody there that can possibly be there. So do we,
17 and I think we're in a process now where we really don't need to
18 stop and continue this project for two to three months based on
19 what we have in the record today. We're ready to go, and we ask
20 your consideration of our ability to maintain some momentum
21 here. Thank you.

22 CHAIR BASAYNE: Yes sir, if you can limit it, please.

23 MR. APALLAS: I'll use the last minute of my three minutes
24 earlier. I think that the applicant's proponent is simply
25 misrepresenting the reason for this particular continuance.

26 It is no secret to all of you that the reason she's asking
27 for the continuance is because there's an empty chair up there.
28 And she's expressly said that she wanted to have a full board

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1 hearing on this matter. It is not because of substantive issues,
2 but rather of tactical issues.

3 And for that reason she is seeking a continuance to
4 November 16th. It would be the height of irony to implement
5 gamesmanship here and deny the proponents of the neighborhood
6 interests whose representatives and speakers are not present to
7 continue it to a date that the Commissioners do know is
8 inconvenient and unavailable to us.

9 CHAIR BASAYNE: Okay, thank you sir. I appreciate it.

10 MR. APALLAS: Thank you.

11 CHAIR BASAYNE: Thank you. Are there any other members from
12 the public who wish to speak? And I would like to keep this
13 short, if we can. Thank you.

14 GLENN SCHREUDER: Commissioner Basayne, honorable
15 Commissioners, County Staff, members of the public. Glenn
16 Schreuder, Soda Canyon Road.

17 A couple things. The fairness and due process issues to me
18 are of great concern. The timing of this hearing today was
19 something that I've rearranged my schedule for. My entire
20 company, the senior leadership of my company, myself included,
21 were supposed to be in the Caribbean, they're all there. I'm
22 here.

23 The reason why I'm here is because of this hearing, okay,
24 so I took it pretty seriously that you guys--that this was the
25 hearing date. We were ready to go, we provided all our materials
26 on time to the County, to Mr. McDowell. We've done everything in
27 our power to make this hearing the date, but--and the applicant
28 has asked for a continuance at one point because the owner's on

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1 the road. Well, you know, I could have been on the road this
2 week too, but I'm here, okay. This matters to us. This matters
3 big time.

4 So I want you guys to understand that. And, you know, we
5 were ready to go. We provided all our stuff, there was time to
6 review. You know, I have to agree with Mr. Apallas, I don't want
7 to see gamesmanship become part of this. I can show you and
8 prove to you that I'm supposed to be in the Caribbean right now
9 with my team. But I'm not. They understood, but it was with a
10 wince they understood that. Thank you very much.

11 CHAIR BASAYNE: Thank you, Mr. Schreuder. Are there any
12 other members of the public who wish to speak?

13 [SODA CANYON RESIDENT]: It's difficult for me to speak,
14 but I live on Soda Canyon Road. Been there since 1962. I know it
15 well. The thing is, this is the first time I heard about this
16 case. I'm here because I have to be here. I don't agree with the
17 [winery going in] there's too many wineries in this county. You
18 understand what I'm saying?

19 CHAIR BASAYNE: Yes. If you could just direct your comments
20 to the continuance, and I appreciate your other comments, sir,
21 we're just--we're trying to come to a decision here.

22 [SODA CANYON RESIDENT]: Yeah. I need some time to go over
23 the continuance. I have not received it yet, but there's lots of
24 things going on. You have to live on that road to understand
25 what is going on. Thank you.

26 CHAIR BASAYNE: Thank you, sir. Okay. Are there any other
27 members of the public who wish to speak? And if not, I will
28 close the Public Hearing, bring it back to the Commission for

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1 deliberation and decision.

2 DEPUTY DIRECTOR MCDOWELL: Chair Basayne.

3 CHAIR BASAYNE: Yes.

4 DEPUTY DIRECTOR MCDOWELL: Can I ask you to keep the Public
5 Hearing open, this is a continued item.

6 CHAIR BASAYNE: Okay. I--yes. Thank you. I will keep the
7 Public Hearing open, but I will bring it back to the Commission
8 for deliberation, discussion, and decision. Commissioner
9 Cottrell.

10 COMMISSIONER COTTRELL: I'll dive in. Thank you, Chair
11 Basayne. And I appreciate hearing from the applicant's
12 representative and the neighbors in the area, and people
13 concerned about the project. I do--I guess I have a couple of
14 thoughts.

15 First of all that, you know, who has requested the
16 continuance, I think the fact that the applicant has requested
17 the first three continuances, and this is the first one that we
18 have heard from the neighbors, resonates with me. On the other
19 hand, as Ms. Oldford points out, much of the reason behind those
20 continuances has been to be responsive to, perhaps, the late
21 information received.

22 And so I don't think anyone on this Commission or in this
23 room, I think, would say that the applicant has been attempting
24 to delay. So I understand that the continuances that the
25 applicant has previously requested have made sense for the flow
26 of things.

27 I do feel that it is important to have both parties as well
28 represented as possible. And I must say that the fact that the

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1 applicant is here today requesting a continuance makes it
2 difficult for me to not honor the opponent's request in also
3 wanting a continuance, and it sounds like it's coming up with an
4 appropriate date.

5 So, after all that not making a lot of sense, I would say
6 that I am in favor of the further out continuance at a date
7 uncertain at this point.

8 CHAIR BASAYNE: Okay, Commissioner Phillips.

9 COMMISSIONER PHILLIPS: I would be supportive of that as
10 well.

11 CHAIR BASAYNE: Okay, so you're recommending a date
12 uncertain at this point.

13 DEPUTY COUNTY COUNSEL LAURA ANDERSON: Excuse me, Chair, if
14 I could just add, if you're going to do a continuance, it would
15 need to be to a date certain, otherwise we would have to re-
16 notice it.

17 COMMISSIONER PHILLIPS: [Inaudible.]

18 CHAIR BASAYNE: Okay. Thank you.

19 COMMISSIONER COTTRELL: Sorry, I guess I should say, to a
20 date recommended by Staff.

21 CHAIR BASAYNE: Okay. Commissioner Gill.

22 COMMISSIONER GILL: I agree with Commissioner Cottrell's
23 assessment of the situation and how sometimes difficult it can
24 be. The reasons for the prior continuances was really based on
25 response to input from the public, and also from the late
26 receipt of volumes of materials. So while they were indeed
27 applicant requests, I think they were really put forward for
28 very compelling reasons.

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1 I understand that everyone has busy schedules, I know that
2 we all do. I think at some point, this project must move
3 forward, and I agree with Ms. Oldford when she stated that we
4 should proceed on November 16th is the date? And let's see what
5 happens that day.

6 I think that there are still going to be more--there's
7 going to be more information revealed. We may have a better
8 handle on some of the comments that we have just more recently
9 received.

10 So I am willing to proceed on the 16th of November, just to
11 continue with the momentum and keep the process going forward. I
12 am supportive of that.

13 CHAIR BASAYNE: Okay, thank you. Commissioner Phillips.

14 COMMISSIONER PHILLIPS: I have a question for [inaudible].

15 CHAIR BASAYNE: I think your--I think your microphone might
16 be off.

17 COMMISSIONER PHILLIPS: ...requested today?

18 DEPUTY DIRECTOR MCDOWELL: I'm sorry?

19 COMMISSIONER PHILLIPS: Of why the continuance was being
20 requested today.

21 DEPUTY DIRECTOR MCDOWELL: I believe the reasons are
22 articulated in Ms. Oldford's email, which was attached in your
23 Staff report. Take me just a second to punch those up.

24 COMMISSIONER PHILLIPS: But it was also to ask for--because
25 I think we're hearing different reasons for requests for the
26 continuation. But there had been a request made due to the
27 applicant being traveling--who was traveling, correct?

28 DEPUTY DIRECTOR MCDOWELL: Oh. I'm sorry. I was

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1 misunderstanding your question. Regarding continuance to this
2 date?

3 COMMISSIONER PHILLIPS: Right.

4 DEPUTY DIRECTOR MCDOWELL: So, as I recall history, the
5 item was heard, I believe on July 20th, and it was continued to
6 August 17th, I'll say more or less at the insistence of Staff
7 because of the materials that had been submitted. We needed
8 opportunity to review those materials.

9 And I would need to go back and review the agenda, which
10 might take me a couple of minutes here, but there was a request
11 by the applicant, prior to the October [sic] 17th meeting, to
12 today's date. And I'm sorry, I can't recall the rationale. I can
13 look it up though.

14 CHAIR BASAYNE: Okay, well, just to weigh in, from my
15 perspective. I certainly understand from the perspective of the
16 neighbors that it is important to be present at all of these
17 hearings. Likewise from the perspective of the applicant, they
18 need to be, obviously, engaged and present and prepared to
19 present their case.

20 I've been disturbed by the notion of the abundance of
21 continuances that we have with a number of our projects. And
22 this is a prime example of that. I certainly don't like the idea
23 of continuing in perpetuity. And I like the notion of
24 maintaining momentum, at least so that, if anything, we can
25 discover issues that may warrant further continuances.

26 And so, for that matter, I would be supportive of staying
27 with the November 16th date, but it is altogether possible that
28 at that date we would continue this process further to Ms.

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1 Oldford's point.

2 So, again, for that matter, I would be supportive of a
3 November 16th date. And rather than just simply going further out
4 at this time. So, having said that, Deputy Director, you're
5 still researching?

6 DEPUTY DIRECTOR MCDOWELL: I'm trying to find a way out of
7 this.

8 CHAIR BASAYNE: Okay.

9 COMMISSIONER GILL: The door's right there. [Laughter.]

10 DEPUTY DIRECTOR MCDOWELL: Yeah. Where's the exit button?
11 So County Counsel can dive in here if I'm not understanding the
12 situation correctly. But I believe if the Commission remains
13 deadlocked on this topic that the item would carry over to--
14 automatically to the November 2nd meeting.

15 CHAIR BASAYNE: November 16th?

16 DEPUTY DIRECTOR MCDOWELL: Well I think--well November
17 2nd...

18 CHAIR BASAYNE: Oh, okay.

19 DEPUTY DIRECTOR MCDOWELL: ...is the next meeting on your
20 regular agenda.

21 CHAIR BASAYNE: Okay.

22 DEPUTY DIRECTOR MCDOWELL: So I don't know. Really--coming
23 at this from an abstract angle. Perhaps continuing it to
24 November 2nd to determine what the future continuance date might
25 be, would be one option out there.

26 Another would be simply to continue it to November 16th, and
27 meet with the applicant to determine whether or not the item is
28 truly ready to go on the 16th as is in line with your comments

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1 there.

2 Or, we look at dates further out. Now I believe
3 Commissioner Cottrell is not going to be available on the
4 meeting of December 21st, which would mean if it was a desire for
5 the Commission to have a full Commission available, you would
6 really be looking at a January or later date to have a full
7 Commission available.

8 COMMISSIONER PHILLIPS: And I will not, I will be
9 unavailable on November 16th.

10 DEPUTY DIRECTOR MCDOWELL: So.

11 COUNSEL ANDERSON: I would also just like to add there is
12 another option if the Commission desired to have a special
13 meeting.

14 DEPUTY DIRECTOR MCDOWELL: Oh. Yeah.

15 CHAIR BASAYNE: Okay, so that is yet to be determined. And
16 so, the solution would then simply be to have this roll to
17 November 2nd for discussion as to a continuance date potentially.

18 DEPUTY DIRECTOR MCDOWELL: Inaction by the Commission
19 today, if you do not have a motion that carries, because I'm
20 seeing a two/two split here. I believe it automatically advances
21 to the November 2nd meeting.

22 COMMISSIONER COTTRELL: And what advances is the discussion
23 about the continuance? It's still not a review of the merits of
24 the hearing--of the application?

25 COUNSEL ANDERSON: Correct.

26 COMMISSIONER COTTRELL: Okay. So, if I may ask, County
27 Counsel, if you could give us a little guidance, because I think
28 one of the things that it sounds like we're all interested in is

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1 helping the applicant and the neighbors get to a place where we
2 can have as many people in the room. And it sounds like it's in
3 the applicant's request--it's just to make a clarification that
4 it's not the Commission that's weighing in on wanting a full
5 Commission, it's the applicant's request for that. That if you
6 could give us any guidance in how we might schedule a special
7 meeting?

8 COUNSEL ANDERSON: Well, it would probably be difficult
9 right now to determine your availability, especially since one
10 of the Commissioners is missing. So, probably the best thing
11 would be to continue it to November 2nd, and then at that time a
12 date would be announced, and it would either be a special
13 meeting date, because Staff would have an opportunity to check
14 in and find out what might be an acceptable date.

15 Since at least two of you are not available for one of the
16 dates in November and December, it might make sense anyway to
17 possibly shift that regular meeting to a special meeting
18 somewhere in between, just so that there is a full Commission
19 for the upcoming items. I mean, that's one option.

20 CHAIR BASAYNE: Right, but--I'm sorry, go ahead.

21 DIRECTOR DAVID MORRISON: I would, if I may, Chair, thank
22 you very much. I would concur with Ms. Anderson. The rolling it
23 over to the 2nd or the 16th would provide time, not only for Staff
24 to poll the Commission as to when their dates of availability
25 may be in the next two months, but it would also allow both the
26 applicant, their representative and attorney, and any neighbors
27 and/or their representatives and attorneys to provide Staff with
28 availability in order to see what dates might be working for

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1 everyone.

2 So I think some time to coordinate schedules to find what
3 the earliest available date where everybody can be available
4 would be--present would be--that time would probably be very
5 productive.

6 CHAIR BASAYNE: I like that solution. I think it's the most
7 reasonable one. Commissioner Phillips.

8 COMMISSIONER PHILLIPS: I agree with that. I think that
9 everyone is ready to keep the momentum going forward and to
10 continue--it looks like both sides now asked for continuances,
11 but would really focus, I think the best, on finding an exact
12 date so that we can really move it forward.

13 CHAIR BASAYNE: Thank you, Commissioner Phillips.
14 Commissioner Cottrell.

15 COMMISSIONER COTTRELL: Yeah, that was--thank you Director
16 Morrison. That was one of the things I was going to see if we
17 can ask Staff. To speak with both applicant and applicant's
18 representative, and the neighbors and their representatives to
19 resolve potential time conflicts. Because I think it's worth us
20 noting that we've had many applications before us where we've
21 had neighbors say we don't have enough time to process the
22 information.

23 And that's not what we're hearing today. We're not hearing
24 the neighbors say that they need more time, it's more a question
25 of finding time when representation will be in town.

26 So if Staff could work with both parties to come up with
27 potential dates, I think that would be a great--and that way we
28 don't have to come back, you know, do this again.

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1 DIRECTOR MORRISON: And if I may, that would be the
2 earliest available date for all parties, and would not be
3 limited to regular Planning Commission meetings. Okay.

4 CHAIR BASAYNE: Commissioner Gill.

5 COMMISSIONER GILL: So, just to clarify. Our action today
6 may be inaction, and that it automatically rolls to the 2nd? Or
7 do you need something that says...

8 CHAIR BASAYNE: We need a vote.

9 COMMISSIONER COTTRELL: Right.

10 DEPUTY DIRECTOR MCDOWELL: I think it would be cleaner if
11 you did a simple continuance to November 2nd, which I'm hearing a
12 majority of the Commissioners voicing that. Regarding the
13 comments, I do not believe that needs to be part of the motion.
14 We will understand that as direction to Staff and can pursue a
15 mutually agreeable hearing date, either as a regular or special
16 meeting with the parties that are involved.

17 COMMISSIONER GILL: And that meeting on the 2nd is side B of
18 this album, where we are basically talking about the same things
19 that we are today, but not the project, or--it's really just...

20 DEPUTY DIRECTOR MCDOWELL: Correct.

21 COMMISSIONER GILL: ...about finding the date and either
22 continuing it to the 16th or to a date set where more people are
23 available.

24 COMMISSIONER PHILLIPS: Perhaps it's [inaudible.]

25 DEPUTY DIRECTOR MCDOWELL: If our discussions bear fruit
26 and we arrive at an agreeable hearing date, the item on November
27 2nd would simply be to continue that item to the future agreeable
28 hearing date.

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1 COMMISSIONER GILL: Okay.

2 CHAIR BASAYNE: So, in the best interest of cleanliness,
3 shall we just vote first on the request, which is to continue
4 this item to November 16th, and then subsequently, if necessary,
5 vote for...

6 DEPUTY DIRECTOR MCDOWELL: I believe you only need to do
7 one motion.

8 CHAIR BASAYNE: Okay.

9 DEPUTY DIRECTOR MCDOWELL: And it would be to continue it
10 to the date of your choosing, which I understand to be November
11 2nd at this point.

12 CHAIR BASAYNE: Okay.

13 COUNSEL ANDERSON: Correct.

14 CHAIR BASAYNE: So I will entertain a motion for a
15 continuance to November 2nd, 2016. Commissioner Cottrell.

16 COMMISSIONER COTTRELL: I move that we continue the--and
17 I'm pausing here, because I think we want to continue the
18 discussion about the continuance.

19 CHAIR BASAYNE: Okay. Yes.

20 COMMISSIONER COTTRELL: Do I need to make that clear in my
21 motion?

22 CHAIR BASAYNE: Yes, so thank you.

23 COUNSEL ANDERSON: I think just to make it clear you're
24 continuing it to November 2nd for purposes of setting a date for
25 the hearing on the merits.

26 COMMISSIONER COTTRELL: Okay. So I move that we continue
27 this item to November 2nd for the purposes of--I can't even hold
28 a thought in my head that long.

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1 CHAIR BASAYNE: Determining...

2 COUNSEL ANDERSON: Setting the date on the merits...

3 COMMISSIONER COTTRELL: Setting the dates on the merits.

4 COUNSEL ANDERSON: But that's the only purpose.

5 COMMISSIONER COTTRELL: Okay.

6 COUNSEL ANDERSON: There will not be any discussion about
7 the underlying project.

8 COMMISSIONER COTTRELL: With the limited purpose of setting
9 the date on the merits of the application.

10 CHAIR BASAYNE: Okay, is there a second?

11 COMMISSIONER PHILLIPS: Second.

12 CHAIR BASAYNE: We have a motion and second, all in favor?
13 Aye.

14 COMMISSIONER PHILLIPS: Aye.

15 COMMISSIONER COTTRELL: Aye.

16 COMMISSIONER GILL: Aye.

17 CHAIR BASAYNE: Opposed? Passes unanimously. We are
18 continuing the discussion of the continuance of this item, and
19 establishing a date to November 2nd, 2016.

20 DEPUTY DIRECTOR MCDOWELL: Thank you, Chairman Basayne.

21 CHAIR BASAYNE: Okay. Thank you. And thank you members of
22 the public for your patience.

23 MR. APALLAS: I feel like I'm walking out of Solomon's
24 court here.

25 COMMISSIONER GILL: Yeah.

26 COMMISSIONER COTTRELL: Thank you, County Counsel.

27 [UNKNOWN:] Not all of us are [reliable].

28 CHAIR BASAYNE: Okay.

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

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

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

Dated this 16th day of February, 2017.

Kathryn F. Johnson

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

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

ATTEST: *Greg Morgan, Deputy*

DATE: 4/7/2017

OCTOBER 19, 2016