

NAPA COUNTY PLANNING COMMISSION

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IN RE: ITEM 7B  
WAYNE AND KARA FINGERMAN/HARD SIX CELLARS WINERY/USE  
PERMIT #P16-00333 AND USE PERMIT EXCEPTION TO  
CONSERVATION REGULATIONS #19-00315 AND EXCEPTION TO THE  
NAPA COUNTY ROAD AND STREET STANDARDS

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TRANSCRIPT OF VIDEORECORDED PROCEEDINGS  
MEETING OF OCTOBER 16, 2019

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PRESENT:

JOELLE GALLAGHER, Chair, District 1  
DAVE WHITMER, District 2  
ANNE COTTRELL, District 3  
ANDREW MAZOTTI, District 4  
JERI HANSEN, District 5

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Transcribed by: Kathryn Johnson

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1 CHAIR GALLAGHER: All right we're going to move to Item 7B,  
2 Wayne and Kara Fingerman/Hard Six Cellars Winery/Use Permit P16-  
3 00333 and Use Permit Exception to Conservation Regulations 19-  
4 00315 and Exception to the Napa County Road and Street  
5 Standards. Mr. Hade. Welcome.

6 JASON HADE: Thank you, Chair Gallagher, and members of the  
7 Planning Commission. Jason Hade with the Planning Division. So  
8 hopefully I can get through a hundred slides before lunchtime,  
9 but I'll do my best. No, actually, I have only about 20 here for  
10 you this morning.

11 So this project, as you can see here, is located on a 53-  
12 acre site within the Agriculture Watershed Zoning District. The  
13 address is 1755 South Fork Diamond Mountain Road and it's just  
14 about three quarters of a mile south of the city of Calistoga.

15 As far as the General Plan Land Use designation, it is  
16 Agriculture, Watershed & Open Space. This just gives you a  
17 better idea of where it's located in terms of you can see the  
18 highway here to the east, and of course the project parcel is  
19 here.

20 I believe most of you have had the chance to visit the  
21 site, but I'll just walk through. These are some of the existing  
22 site photographs that I think are helpful to kind of orient  
23 ourselves and give us a better idea of what's been developed at  
24 the site so far. That includes an existing home, about four  
25 acres of vineyards, landscaping, a pool, two 10,000-gallon water  
26 storage tanks. Another feature which we'll discuss a little bit  
27 more in detail, there is a pond on site. Right here, as you can  
28 see, that's actually to be restored as part of this proposal. So

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1 site access is provided off of the south fork of Diamond  
2 Mountain Road. That would continue as part of this request.

3 So the request before you this morning is a use permit for  
4 a new winery with a 20,000-gallon-per-year maximum production  
5 capacity. The key features of the winery as you can see here  
6 would include a building, which is just under 4,000 square feet  
7 in size, two stories. There will also be a 7,000-square-foot  
8 cave, uncovered work area, and an outdoor hospitality area.

9 This gives you a better idea of the pond area. You can see  
10 here the building, as well as the proposed caves with the  
11 outdoor work area. There is a visitation and marketing program  
12 requested as part of the proposal as well. And then the other  
13 two key components we'll be diving kind of more into detail this  
14 morning are a Road & Street Standards Exception to allow a few  
15 exceptions for the road standards on a couple of parts of the  
16 driveway, and then also a Use Permit Exception to the  
17 Conservation Regulations to permit some regrading within the  
18 existing creek setback for the driveway improvements.

19 This slide just gives you a better idea here of, again, the  
20 building to be constructed as part of the proposal, and also the  
21 cave.

22 These are the floorplans shown here. This is just a--I  
23 don't think I mentioned this, but this is an accessory, just a  
24 pumphouse structure also to be part of the proposal.

25 So moving on to the exterior elevations. You can see here  
26 that the design would be in keeping with the agriculture theme  
27 of the community. It's fairly subdued in terms of the colors  
28 proposed, as well as the material. The max height would be about

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1 23 feet measured from grade.

2 I should also mention that these buildings and cave would  
3 not be visible from any public roadways, so there would be no  
4 viewshed issues, and that's based on the, as you probably saw  
5 when you were at the site, just the site topography.

6 These next couple slides just give you an idea of the cave  
7 details, and includes the floorplan, as well as the two, or  
8 three, excuse me, portals there.

9 And then I'd like to briefly just touch on the landscaping  
10 proposed. As you can see here, and then lastly this gives you a  
11 more detailed view of the existing pond and the plan to restore  
12 it as part of the project.

13 So moving on to just some of the key issues that Staff  
14 looked at as we reviewed the request, that would include, first  
15 off, with the visitation and marketing program. We found that  
16 the numbers are slightly on the higher end of things when you  
17 look at similar size production facilities and we're to address  
18 part of that, you'll see that within the Conditions of Approval  
19 there is a transportation demand management plan program that  
20 would be required. And that would essentially have shuttles  
21 utilized for the larger events. We would also recommend that the  
22 tasting room would be closed during those larger marketing  
23 events.

24 So, you'll see in our recommendation that while Staff was  
25 comfortable with the marketing/visitation program request in  
26 terms of numbers, if you do have concerns about that or are  
27 uncomfortable with those numbers based on all the analysis, we  
28 do have one of our options and the decision-making chart there

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1 would be for you to, in fact, reduce those numbers and there's a  
2 path laid out for you to do that if you would like.

3         So the other thing I'd like to just touch on this morning  
4 is the Road & Street Standards Exception. There's a few  
5 different components of that having to do with slope without  
6 transition zones, also with the re-grading here as you can see  
7 in this slide. This is important because this shows the fire  
8 truck apparatus that would be required to be able to make that  
9 turn, so that's the re-grading that would be required within the  
10 stream setback.

11         So as part of the evaluation that we had, our team of  
12 experts, which is our fire department, our engineering staff,  
13 they visited the site several times, met with the applicant,  
14 they've reviewed all the different information. There's a pretty  
15 stringent set of findings to be made to recommend approval of  
16 road exceptions and throughout their process and review they  
17 found that they recommend those findings and can in fact be  
18 made. You'll see there's memos to that effect in July of 2019 as  
19 well as the September 4<sup>th</sup>, 2017, that get into the details about  
20 the road exception request.

21         Just moving on to Conservation Regulation Exception, again,  
22 that's required to allow there to be appropriate fire truck  
23 clearance there, so you've kind of got competing objectives with  
24 both the Conservation Regulations, as well as the Street  
25 Standards. In this case, in our biology reports, analysis bears  
26 this out, but it would be a pretty limited incursion into the  
27 stream setback, so we found that there wouldn't be significant  
28 impacts with that by granting the exception, and it would also

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1 still allow the fire truck there to make the needed turn.

2 Again, as with the Road & Street Standards Exception,  
3 there's a set of criteria findings that have to be made before  
4 Staff is comfortable recommending approval. We've looked at that  
5 carefully and do believe in this case because of the limited  
6 incursions to the stream setback, as well as the limited  
7 impacts, that those findings can be made.

8 So that brings us to Environmental Review of the project.  
9 We're recommending the adoption of a Mitigated Negative  
10 Declaration. We found that all the impacts could be mitigated to  
11 a level of less than significant with mitigation measures  
12 specifically for biological resources and transportation.

13 So, as Ms. Gallina mentioned this morning, we did receive  
14 quite a few public comment letters about this project. I'll just  
15 briefly mention what's in your packet. So there were about, I  
16 believe, ten public letters that were in support of the project.  
17 Some of those were from neighbors, other ones with folks within  
18 the region.

19 One letter I did want to just briefly mention is the  
20 Middletown Rancheria Tribal Comment letter. This was requesting  
21 a number of mitigation measures. Unfortunately, it was requested  
22 well outside our 30-day deadline for those types of requests,  
23 but Staff reached out to the tribe and coordinated with them,  
24 and as a result of that effort and consultation, we have a  
25 Condition of Approval that would require an onsite meeting with  
26 the tribe and the applicant to take place before project  
27 construction begins.

28 So even though it's not technically required because their

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1 request was months beyond that 30-day deadline, we have made an  
2 effort to contact them and work with them, and I think we've  
3 come up with a Condition that would meet their needs as well as  
4 the applicant to take care of that part of the project.

5       So moving on to correspondence that you received after the  
6 Staff Report was published, you'll notice there's a PC memo.  
7 Within that there is a--that's from Staff, and within that  
8 there's a letter from the California Department of Fish and  
9 Wildlife. They outline some concerns with our biological  
10 resources analysis. As a result of that we prepared a Staff memo  
11 with some recommended changes or additions to, I think, about  
12 three mitigation measures.

13       We also received, I think, three or four letters expressing  
14 opposition or concerns to the project, as well as independent  
15 biological report or assessment conducted for a neighboring  
16 property owner.

17       So the gist of the theme throughout the letters with  
18 concern is just issues with traffic, with water, with the scope  
19 and intensity of the project and also with the biological  
20 resources assessment.

21       One thing I did want to point out is in looking at the  
22 independent biological assessment, throughout the letter it  
23 alludes to the State may or may not permit this, concerns of  
24 what the State may say. In this case, though, we're lucky, we  
25 don't have to guess because we have a letter from the State,  
26 which outlines their concerns, and that's actually what our memo  
27 seeks to address with the Revised Conditions. So we feel like  
28 the State concerns have been addressed as part of that memo you

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1 have before you.

2 I did want to touch on one other, or it's actually two  
3 other letters. One, I think, was the latest edition. It's an  
4 applicant letter from their water consultant that just speaks to  
5 a response to some of the water concerns you have. I think from  
6 another couple public comment letters. And I should also point  
7 out there, within the Attachment M, there is an applicant  
8 outreach letter that they conducted a pretty extensive amount of  
9 outreach, and you'll find that in your packet as well.

10 So that brings me to our Staff Recommendation just to wrap  
11 up here. We do recommend approval of the applicant's proposal  
12 based on all our analysis with all the different sets of  
13 findings I have talked about this morning, as well as  
14 consistency with the zoning ordinance and the various applicable  
15 General Plan policies.

16 We found that there is sufficient water to serve the  
17 project. The grapes supply is in keeping with the production  
18 request initially, and also they're incorporating several  
19 greenhouse gas reduction emission strategies throughout. And  
20 lastly, there would be no civic and environmental impacts based  
21 on the mitigation measures we discussed.

22 So at this point I'd be happy to answer any questions you  
23 may have for Staff. I'd also like to note that we have [Asan  
24 Cosme] with our Public Works Department as a traffic engineer.  
25 He'll be available to answer any traffic questions or questions  
26 about, perhaps, the condition of Diamond Mountain Road, and we  
27 also have Patrick Ryan available from engineering to address any  
28 specifics on the Road Exception Request. So. Thank you.

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1 CHAIR GALLAGHER: Thank you, Mr. Hade. Does anyone have any  
2 questions for Mr. Hade? Can I ask a question about, and maybe  
3 this is more for the applicant about the cave spoils? There was  
4 some discussion around percent of cave spoils that would be kept  
5 onsite for the pond restoration versus those that were going to  
6 be trucked off. I was just wondering, I didn't read that, it  
7 looks like Ms. Oldford might have an answer for that. So maybe  
8 we can just move on, if that feels better. Okay. All right.  
9 Great. we'll go ahead and open the Public Hearing and hear from  
10 the applicant.

11 DONNA OLDFORD: Good morning, still, Commissioners. My name  
12 is Donna Oldford. I'm the planning consultant for Hard Six  
13 Cellars and for the Fingermans, who you'll meet a little later.  
14 We have a number people here today. Our design team, Peter  
15 Collins, the architect. We have Dane Hoime and Lusvin Araujo  
16 from Delta Engineering. We have Tony Hicke from Richard Slade &  
17 Associates to talk about water, and you have his letter. Mark  
18 Crane from Crane Transportation Group will speak briefly to  
19 traffic as well.

20 In addition to our team, we have--at last count we had 15  
21 supporters in the group, one had to leave, and you have, I  
22 think, 10 to 12 letters of support in the package.

23 Some people may have to leave, because, as you know, we're  
24 picking grapes now. One of the neighbors that did have to leave  
25 had to go to San Francisco for a meeting, and he lives at the  
26 base of Diamond Mountain Road and had planned to tell you about  
27 the, what he perceives as very low level of traffic overall, but  
28 we're going to let the traffic engineer speak to that

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1 scientifically.

2 I want to commend Mr. Hade for doing an excellent Staff  
3 Report and very thorough. This has been going on for, we're over  
4 four years now since this project was first filed with the  
5 County. And here we are.

6 I also want to point out that thank you for coming to the  
7 site to see it and we heard questions about the level of  
8 activity with the visitation. We heard you and we've come here  
9 today instead of to belabor the point. We're prepared, my client  
10 is prepared to offer a compromise on the numbers that would  
11 hopefully make this a little more palatable to you and still  
12 keep him in business. His emphasis is on the tours and tastings  
13 rather than marketing events. So I'll get into that a bit later.

14 Our issues here are the road exception. As you know, you  
15 don't grant all road exceptions, and sometimes we don't even  
16 propose them. I had a project here not too long ago where we  
17 didn't even propose a road exception, we just told them right up  
18 front, this is not going to make it, and your wineries won't  
19 have visitation, and they didn't. But this is not the case with  
20 this project. There are actually quite a few turnouts already  
21 along Diamond Mountain Road.

22 So, the biology on the pond, as Mr. Hade said, we feel like  
23 we have that pretty effectively resolved through the letter with  
24 Fish and Game. We weren't too happy that it came in at the  
25 eleventh hour, but it really is, sort of, a critical map outline  
26 for exactly what needs to happen and what permits are needed in  
27 order to do that.

28 This is a pond that's a manmade feature. As you could see,

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1 it's a dust bowl, and it is much of the year. But my client  
2 isn't trying to restore the dust bowl, he's trying to do  
3 something there that would be aesthetically pleasing and could  
4 offer a watering place for wildlife and waterfowl, and he's  
5 trying to do something nice there. He would use the cave spoils  
6 to do that. If he doesn't, I mean, he doesn't have to put the  
7 cave spoils there. This is over a 50-acre site, 53-acre site, so  
8 there's plenty of room on that site where he could use the  
9 spoils.

10 The objective would be to keep as much, if not all of that  
11 onsite, if possible, whether he uses it to redo the pond or not.  
12 And I won't say restore, because there was nothing there to  
13 restore. This is manmade. There's no infill, there's no outfall  
14 from it. It's just--it is what you saw it to be the other day.

15 I want to say that just clarifying AB 2004 does not mean  
16 that you're a restaurant or you're a commercial kitchen. We are  
17 not proposing a commercial kitchen. They intend to use caterers  
18 when they serve food with wine.

19 On the water, I'm going to ask Tony Hicke to summarize on  
20 that. It is a science. We pay dearly for it and you rely on it,  
21 and we have a report, and Tony will summarize that.

22 Also, there's a misunderstanding that a winery is an  
23 intensive water user. Actually, a winery uses about the same  
24 amount of water as a single-family rural residential unit.  
25 That's because they treat and reuse much of the water they use  
26 for process. Our wastewater feasibility report is positive.

27 We have the ability to treat wastewater on the site. One  
28 letter mentioned a hold and haul system. It's never been part of

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1 what we anticipated or even considered. So there will be no hold  
2 and haul.

3 Construction impacts were addressed, and these are worth  
4 noting and worth finding a way to try to minimize those, of  
5 course, but in terms of CEQA, CEQA considers construction  
6 impacts temporary and therefore they do not rise to the level of  
7 significant impacts for purposes of their evaluation.

8 Just a quick correction on the Staff Report, page 3,  
9 paragraph 1, it mentions 35 square feet into the setback. It's  
10 actually 35 feet into the 55-foot setback. Page 8, paragraph 2,  
11 there is a left turn lane at Highway 29. We weren't required to  
12 put one in because there already is one.

13 And then one statement that a hundred percent of their wine  
14 production will be Napa Valley fruit. They, of course, are  
15 obligated to abide by the 75-percent-grape rule and they've  
16 signed that. They do have some grapes that might come from a  
17 vineyard they own in Sonoma County. It would be far below the 25  
18 percent, but that is a little misleading. They might have blend  
19 and that sort of thing. They do own four acres of vineyards on  
20 the site, two acres of vineyards up on Hennessey Ridge. They are  
21 not visible from Diamond Mountain Road and there should be no  
22 discernible noise.

23 The production is going to occur to the rear or in the cave  
24 of the winery or in the cave, and their visitation is such that,  
25 you know, you're not going to have a lot of noise up there. The  
26 Fingermans live in their home onsite. They do live there full  
27 time, so they're not interested in creating nuisance factors.

28 On the visitation and marketing, currently they have asked

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1 for 16 visitors per day on their busiest day and a maximum of  
2 112 per week. We went back and forth about the maximum weekly  
3 number and they want to be able to see 16 on their busiest day  
4 just so they're not out of compliance on a really busy day.  
5 Obviously they're not going to do 16 people every day. So we've  
6 lowered that 112 number to 80. So you're looking at on average  
7 ten per day, some days you might not have any, but we want them  
8 to be able to cover when they have 16 people at the winery,  
9 which would translate into five cars per day, less than one car  
10 per hour on weekdays, busiest day, six cars per day, still less  
11 than a car an hour, on the weekends. They have offered the use  
12 of shuttle service for their marketing events and many of their  
13 visitors they expect will come in higher occupancy vehicles like  
14 an SUV, or even some of the wine services that would carry a  
15 number of people in one vehicle.

16 So we heard you, we don't need to, you know, we don't--on  
17 the marketing events, we are proposing to reduce those from four  
18 larger events per year to only two. So we'd be giving up two of  
19 the larger events per year and placing the emphasis, as many  
20 people do, on the tours and tastings. That's really their  
21 lifeblood. And the two events per year plus one auction event  
22 would all have the ability of shuttle service to assist.

23 I think the important thing here is that this is an area  
24 where you've got a lot of grapes. I guess the comment was made,  
25 well, this is a residential community. No it's a hill of grapes.  
26 There are many people up there that have grapes who need a place  
27 to crush, would love to have a place to crush, you're going to  
28 hear from one of them at least today who would love to have the

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1 ability to process their fruit on Diamond Mountain instead of  
2 having to take it down Highway 29 to Benessere, which is where  
3 my client crushes now, or even to Laird.

4 So, we think this is--obviously this is a small-scale  
5 project, 20,000 gallons per year. It's low profile in virtually  
6 all respects. We believe all the issues have been addressed  
7 definitively. We have two biology reports, we have the letter  
8 from Fish and Game, the Big Kahuna, and the mitigation measures  
9 that were proposed as a result of that report.

10 The Road Exception has been approved by your Public Works,  
11 County Engineering Staff, and CDF, and we think that this  
12 actually improves safety on the road.

13 And then I want to speak just to the issue of estate-grown  
14 wineries. We have this trend where projects are seen as really  
15 superior and just great if everybody grows all their own grapes  
16 onsite. Well, some people want to do that. Some people do that.  
17 But not many wineries do that. Certainly not a lot of big ones,  
18 and the small ones grow, obviously, as many grapes as they can,  
19 but they depend on our independent growers here. And if every  
20 winery becomes an estate-grown winery, then we're not doing much  
21 other than putting our farmers out of business. Because 66  
22 percent of all the wine that comes out of the Napa Valley is  
23 grown by independent growers. There is a symbiotic relationship  
24 there and sometimes I think we are, as Ned Beatty said, toying  
25 with the fundamental rules of nature. This is an important  
26 balance. And what better situation than to have a winery that's  
27 of a small scale that has the ability to crush grapes that  
28 otherwise have to be trucked up and down the Valley.

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1 Public outreach, you know, obviously there's been a lot of  
2 that, and you have a number of supporters and some who do not  
3 agree. They reached out to everybody. We got three emails from  
4 people who live much further up the road that were not on the  
5 mailing list. They reached out to those people after they  
6 received the email and there was not a response.

7 We want to reserve the right for rebuttal at the end of  
8 testimony, but I would just offer that we feel all of the areas  
9 of importance that have been noted by either side have been  
10 definitively addressed, the Road Exception with a recommendation  
11 from your own Staff, the biology from two reports, Fish and Game  
12 and follow-up mitigation measures, and the water by--the letter  
13 from Tony Hicke of Richard Slade.

14 There is one really odd thing in one of the letters that I  
15 just wanted to rectify. There's a comment about an  
16 indemnification form and I thought--when I read it I thought,  
17 what? This--it didn't make any sense to me, and I went back into  
18 my files and I realized what it was. At one time before we  
19 filed--before we moved the access road back completely within  
20 the easement, there was the option of having the access road go  
21 on a portion of property that was not within the easement, but  
22 did belong to another party. So the indemnification form was not  
23 intended, and would never have been intended for the other  
24 property owner to sign off indemnification to my client. In  
25 fact, it would have been the reverse.

26 What this was, was in order to put any portion of the  
27 winery access road that was not within the easement, any portion  
28 of that road on a neighboring property, a property that was not

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1 a party to the winery application, that party would have had to  
2 sign your County indemnification form. And so that was the  
3 indemnification form that was forwarded.

4 So the upshot of that was that the property owner  
5 respectively said no, we're not interested, and we went back and  
6 redesigned and found a way to keep all of the winery facilities  
7 on the applicant's parcel.

8 Finally, I hope--I know I've worn your hat in the past and  
9 it's really difficult when you get people who disagree. It's  
10 difficult for everybody. I think it's especially hard on the  
11 neighbors and I think we just have to find--we've always looked  
12 for a happy balance between agriculture and residential uses and  
13 tourism. It's always been a delicate balance and I see us  
14 tipping more and more into lifestyle instead of livelihood, and  
15 you don't have--the two are not mutually exclusive.

16 But we also have a lot of people who are not engaged in  
17 agriculture who just want lifestyle to be the difference. And  
18 you know, it's kind of--once you go down that road, you don't  
19 come back again. Ask anyone who's been there.

20 So hopefully we can find that balance, but remember the  
21 highest and best use for these lands is still agriculture and  
22 the business of agriculture, and at the end of the day I think  
23 people find a way to work it out.

24 If there are any questions for me I'm happy to answer. We  
25 have our team here to answer questions and--okay. I'd like to  
26 have the applicant introduce themselves, Kara and Wayne  
27 Fingerman.

28 CHAIR GALLAGHER: Okay. Did you have a question for Ms.

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1 Oldford?

2 COMMISSIONER WHITMER: I do.

3 CHAIR GALLAGHER: Okay can we just do that first?

4 Commissioner Whitmer.

5 COMMISSIONER WHITMER: Thank you, Chair Gallagher. Donna, I  
6 thought I heard you say, or someone said that the Road & Street  
7 Standard Exception was going to have a--be encroaching into the  
8 55-foot setback by 35 feet, and it made it sound to me as if  
9 that was a linear distance, but what I read in the Staff Report  
10 was that that encroachment was approximately 35 square feet,  
11 which is, that's a five-by-seven-foot area. So...

12 MS. OLDFORD: Yeah. I think that was a typo.

13 COMMISSIONER WHITMER: So what I'm trying to get to is what  
14 are we talking about in terms of the encroachment? Is it 35  
15 linear feet, is it 35 square feet?

16 MS. OLDFORD: This is our civil engineer.

17 MR. HADE: Yeah. I can speak to what's in the Staff Report,  
18 too. That's actually, it's not the distance, that's the area  
19 that would be disturbed or within that setback and that is,  
20 according to the application, that's 30 to 35 square feet is the  
21 area to be disturbed. The creek setback.

22 COMMISSIONER WHITMER: Okay.

23 MS. OLDFORD: Would you say something? You have to  
24 introduce yourself.

25 DAINE HOIME: Dane Hoime, Delta Consulting Engineering  
26 address 1104 Adams Street in St. Helena. The encroachment occurs  
27 at the driveway's intersection with the south fork of Diamond  
28 Mountain. I think the 35 square feet might have been a typo. I

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1 can't recall if we're 35 feet in to the 55, or 35 feet outside  
2 of the top-of-bank. Either way, this intersection improvement  
3 would be occurring on the opposite side of the south fork.  
4 There's already been improvements made adjacent to that creek  
5 top-of-bank. That is the publicly maintained road.

6 So we're staying on the opposite side of that. We're not  
7 doing anything, any development close to the creek that hasn't  
8 already been done. So there's already a road there. We're just  
9 improving the opposite side of the road on the project side of  
10 the road.

11 COMMISSIONER WHITMER: Jason, can you bring up the graphic  
12 there for me?

13 [UNKNOWN:] It'd be UP 2.7 [inaudible].

14 MR. HADE: Yeah, let me find the best one here for you.

15 COMMISSIONER WHITMER: Yeah. Thank you.

16 MR HADE: Is that helpful or is it...

17 COMMISSIONER WHITMER: If you go to the next one, Jason.

18 MR. HADE: The next one? Okay. That's the [access point].  
19 That's what I was looking for.

20 COMMISSIONER WHITMER: So maybe with the cursor you could  
21 show the area that you're talking about in terms of the  
22 encroachment please.

23 [MR. HADE:] It might even be--is this 2.7?

24 MS. OLDFORD: Point six.

25 MR. HADE: Sorry. I'll find the best one for you here.

26 COMMISSIONER WHITMER: Yeah. Thank you. [Inaudible  
27 conversation.] Sorry. I didn't mean to put you on the spot.

28 MR. HADE: So that one, I think, is in the [packet].

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1 [Inaudible conversation].

2 [UNKNOWN:] I don't think they downloaded the complete set  
3 of plans. Or he didn't put that in for some reason. I don't  
4 understand that, but. Patrick knows what's going on. Yeah. He's  
5 getting Jason straight, so [inaudible].

6 [Inaudible conversation.]

7 COMMISSIONER WHITMER: Sorry.

8 CHAIR GALLAGHER: No, it's a...

9 MR. HADE: Got it. Thank you for your patience.

10 MS. GALLINA: Page 157 of your iPad. Page 157.

11 [Inaudible conversation.]

12 MS. GALLINA: If you wanted to zoom in. It's kind of hard  
13 to see.

14 CHAIR GALLAGHER: Is that the right one?

15 [UNKNOWN:] Yeah.

16 MR. HADE: All right. So I think we've finally found it  
17 here. A little hard to read here, but this is--do you have--  
18 oops--you can see, there's the creek setback line there, and  
19 this area--yeah, and then the disturbance would be, let's see,  
20 that would be--so 30...

21 MR. HOIME: So your cursor is hovering over an  
22 improvement...

23 MR. HADE: Yeah, it's really...

24 MR. HOIME: That would happen within the Setback. But still  
25 on the opposite side of the south fork from the creekbank.

26 [Inaudible comment.]

27 MR. HOIME: Yeah.

28 MS. OLDFORD: Does that answer your question?

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1 MR. HADE: Does that help you out, or is that...

2 COMMISSIONER WHITMER: It does. Thank you very much.

3 MS. OLDFORD: I would like for you to--the Fingermans to  
4 introduce themselves. I also want to say there are no compliance  
5 issues on this property. So we'll move ahead. The Fingermans  
6 would like to introduce, and then I'd like for Richard Slade,  
7 Tony Hicke to make a brief statement about water and Mark Crane  
8 to make one about traffic. Thank you.

9 CHAIR GALLAGHER: Thank you.

10 WAYNE FINGERMAN: Good morning. I hope it's okay if I read  
11 my introduction, or at least a portion of it. We're Wayne and  
12 Kara Fingerman, 1755 Diamond Mountain Road South in Calistoga.  
13 First, Kara and I would like to thank you, the Planning  
14 Commission, for considering our project. As you know, we've been  
15 working towards this goal for many, many years now. We'd also  
16 like to thank the County Staff, and in particular, Jason, for  
17 their efforts in managing the process to date, and lastly, we  
18 have had a really nice turning out here of support, so we'd like  
19 to thank those of you who showed up. We know you're very busy  
20 people.

21 So Kara and I have made the Napa Valley our permanent  
22 residence now since 2012. In 2011 we purchased a vineyard  
23 property up on Hennessey Ridge with the intent of making some  
24 nice wines from that location. We decided to move out a little  
25 bit sooner than expected, and came out in 2012 and produced our  
26 first vintage of 2012 Hennessey Ridge Cabernet and a sauvignon  
27 blanc that we sourced.

28 As luck would have it, Kara was rifling through some

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1 listings and saw an exceptional piece of property on Diamond  
2 Mountain, one of our two favorite appellations. In particular,  
3 what we really like about it are the volcanic ash soils,  
4 obviously the beauty of the site, but the rustic nature and the  
5 ability in a bit of a cooler climate to produce the kind of  
6 wines we were hoping to make. So we jumped on that opportunity  
7 in 2014 and moved up there full time in 2015.

8 We're very lucky to have found that vineyard because it  
9 really is aligned with the kinds of wines, the restrained style  
10 that we're looking to make. We participate in almost all facets  
11 of the farming and winemaking processes from weeding to hauling  
12 fruit, and we're in constant and close consultation with our  
13 winemaker.

14 Our efforts can best be described as minimal intervention  
15 with labor intensive farming techniques and little to no  
16 chemical inputs. We're very respectful of the ecosystem in which  
17 we live and again hope our wine showcases sites where our grapes  
18 are grown.

19 In what seems a natural progression of our past efforts,  
20 our own facility would allow us to have more control over the  
21 winemaking process as we do in the farming process. We believe  
22 we can make a better product at our own facility with that  
23 oversight.

24 The other obvious benefit would be the ability to entertain  
25 potential clients, which we cannot currently do at our crush  
26 facility and thereby grow the business and of this endeavor.

27 We've spent a tremendous amount of time and resources  
28 towards achieving this goal in the hopes of furthering our brand

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1 and sharing our wines with more and more people over time. We're  
2 very passionate about what we do, and we think it shows in our  
3 wines. As such we hope you will help us move to the next step in  
4 our evolution and grant us a permit for our own facility. Thank  
5 you.

6 CHAIR GALLAGHER: Thank you. Thank you both.

7 ANTHONY HICKE: Good morning, Chair and Commissioners. My  
8 name is Anthony Hicke, or Tony Hicke, with Richard Slade &  
9 Associates. I'm a hydrogeologist that prepared the Water  
10 Availability Analysis for this project. You have the Water  
11 Availability Analysis, I'm not going to go through the entire  
12 thing, I just wanted to touch on a few of the comments that were  
13 received and kind of a summary of the letter that you received  
14 very recently.

15 I'm a certified hydrogeologist in California. I've been  
16 with Richard Slade & Associates for 19 years and I've been  
17 working up here in Napa County that entire time.

18 One of the comments in the letters talked about geology or  
19 hydrogeology or groundwater not being quantifiable, and my  
20 entire career has been spent quantifying groundwater. The  
21 purpose of the County's WAA guidelines is to require projects to  
22 quantify groundwater volume and rate and to make sure that the  
23 water there at the property is sufficient for the project.

24 I also understand, in doing this for a long time, that the  
25 nature of the geological sciences creates discomfort with a lot  
26 of people. Nobody here has x-ray vision, I can't see  
27 underground, neither can you, and so we have to rely on a lot of  
28 references and other methods and methodologies to do these

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1 calculations.

2 So the important part is, for this project, number one, we  
3 used County references, the updated Hydrogeologic Conceptual  
4 Model of the Napa Valley that was prepared for the County,  
5 published in 2013. That was an important reference. We looked at  
6 multiple sources of rainfall, not just one. There's a discussion  
7 of many different sources of rainfall we look for in the  
8 original WAA. And we look for long-term trends, we look for  
9 local sources and we compare all of those in our Water  
10 Availability Analysis.

11 And thirdly, we considered a very conservative drought in  
12 our document. We talk about what the most recent drought was and  
13 what historic droughts have been, and we actually estimated an  
14 even more severe drought, and that's outlined in the Water  
15 Availability Analysis. So we think we did quantify those  
16 parameters.

17 And just a few comments on the project water use. There was  
18 some question about how much water was considered, etcetera.  
19 There's a detailed list of the estimates that were made for this  
20 project on how much water it's going to use. They are estimates,  
21 of course. Especially the projected future estimates, but,  
22 importantly, we made the assumption that 7.5 gallons per minute  
23 is what was required for this project. And that was a  
24 conservative estimate because we said there's a lot of factors.

25 The residence uses water over the course of the year,  
26 irrigation occurs at a certain time, and crushing appears at a  
27 certain time. Let's assume they all occur at the same time of  
28 year during the same 16 weeks that you're irrigating the

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1 vineyards. So that's how we come up with that 7.5 gallons per  
2 minute. It doesn't mean that the entire year that well has to  
3 pump at that rate for the entire time.

4 That was a conservative estimate so we could compare what  
5 we think this well is going to have to do to provide water for  
6 the project and how much this project actually needs. So that  
7 number is high and that number is double what--the pump test was  
8 performed by a reputable drilling company. They pumped that well  
9 at 15 gallons per minute and that's also detailed in the Water  
10 Availability Analysis.

11 It's also important to note that this well isn't a new  
12 well, it is currently being used at the property for the  
13 existing site uses. And the existing site uses are higher than  
14 the proposed site uses with the winery.

15 As Donna Oldford mentioned just a moment ago, just to put  
16 things in perspective, we often talk about winery and water use  
17 and how much they use, and so as a hydrogeologist working in the  
18 county, if you come to me and say I want to build one residence  
19 on a property, how much water am I going to need. And the back-  
20 of-the-envelope standard estimate is you need one acre-foot of  
21 water per year and that's an estate-style home, you'd probably  
22 have some pretty nice landscaping, etcetera. So we say one acre-  
23 foot per year. This winery project is less than that, and I  
24 think Donna also made that point. So not to belabor it too much,  
25 but, you know, relative terms are concerning to scientists.

26 Finally, when we talk about a lot of the comments that we  
27 received talk about anecdotal evidence of low flow in a  
28 neighbor's well. And I'm not trying to belittle those comments

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1 or say I don't understand them, I mean there are absolutely  
2 problems with water wells and people run into them and there can  
3 be low flows, and I don't doubt that people have problems with  
4 water wells in the area.

5 What is important that is not provided in some of those  
6 comment letters and it doesn't allow someone like me to express  
7 a strong opinion on them is, what is the well being used for.  
8 How much is it trying to water. You know, we say low flow. Is  
9 that two, five, ten, twenty. It's all relative terms.

10 And so when we talk about a low-flow well, we also like to  
11 talk about are we trying to irrigate ten acres of vines with  
12 that or are we just trying to provide a two-bedroom house with  
13 water. So, it's tough to evaluate those things when we talk  
14 about low flows.

15 But what we do know is what we know about the onsite well.  
16 The well currently meets the onsite demands, the analysis and  
17 calculation shows that the volume of groundwater that we  
18 estimate to recharge on the property is sufficient for the  
19 project and the data we have for the rate at which the well  
20 pumps and the rates at which the project will require  
21 groundwater, this well is sufficient.

22 So, as I said, short summary. I thank you again for your  
23 time and if you have any questions I'd be happy to answer them.

24 CHAIR GALLAGHER: Thank you, Mr. Hicke.

25 MR. HICKE: Thank you.

26 MARK CRANE: Mark Crane, Crane Transportation Group. I'll  
27 be even more brief than that because I received no comments on  
28 the traffic, so usually traffic people are punching bags, and

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1 this project, no.

2 Just a quick background of the traffic conditions up in  
3 this area. Traffic counts were taken at the project entrance, as  
4 well as down at 29 and Diamond Mountain Road for the peak  
5 traffic hour on a Friday afternoon. There were roughly about 60  
6 vehicles on Diamond Mountain Road at 29. Peak hour on a Saturday  
7 afternoon there were roughly 40 vehicles on Diamond Mountain  
8 Road. Up at the project site itself, about five vehicles per  
9 hour on both the Friday and Saturday afternoon peak hours. That  
10 was one of the few locations where you could actually almost go  
11 to sleep waiting for the next car to come. Not much activity up  
12 there.

13 There is already a left turn lane on Highway 29 at Diamond  
14 Mountain Road. The delay for vehicles turning off of Diamond  
15 Mountain Road to Highway 29 are well within acceptable limits  
16 set by the County.

17 In regards to project traffic during the peak hours it  
18 would be surely visitation traffic for those time periods, maybe  
19 one car an hour at most two cars an hour as, you know, people  
20 are set up for appointments to come in for their tasting. So  
21 those one or two vehicles would produce no significant impacts.

22 CHAIR GALLAGHER: Thank you, Mr. Crane.

23 MR. CRANE: Thank you.

24 CHAIR GALLAGHER: Ms. Oldford, did you have anyone else  
25 from the team that wanted to speak before we hear from anyone  
26 else?

27 MS. OLDFORD: Donna Oldford. No, we don't.

28 CHAIR GALLAGHER: Okay.

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1 MS. OLDFORD: We're happy to answer questions and we'd like  
2 a chance for rebuttal at the conclusion of testimony.

3 CHAIR GALLAGHER: Okay. Thank you.

4 MS. OLDFORD: Thank you. Madam Chair, I know there are  
5 people here to speak for and in opposition to the project, some  
6 of whom on either side might not be able to return after the  
7 lunch hour, so I wonder if I could request that the lunch hour  
8 be delayed long enough to let people speak.

9 CHAIR GALLAGHER: I think that we'll probably be able to  
10 get through the Public Comments.

11 MS. OLDFORD: Thank you.

12 CHAIR GALLAGHER: Okay. Thank you. So please, if you'd like  
13 to speak on this item, please come forward.

14 MARTIN CHECOV: Good morning, Chair Gallagher,  
15 Commissioners. Thank you for this opportunity. My name is Martin  
16 Checov. My husband and I, Tim Bause, live at 2031 Diamond  
17 Mountain Road. It is one of the immediately adjacent properties  
18 to the subject property. The south fork of Diamond Mountain Road  
19 bisects our property and ends in our front door right in our  
20 eyes, and we have a line of sight to some of the buildings  
21 currently on the subject property and also activities there are  
22 audible.

23 As such, we are members of the Diamond Mountain community  
24 for more than 20 years. We are owners of the driveway easement  
25 that was the subject of discussion earlier. We are as a result  
26 directly impacted by the proposed project on environmental,  
27 bioresource, vehicular traffic, noise, water availability, and  
28 wildfire protection issues, some of which, but not all of which,

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1 were addressed in the materials put before the Commission.

2 I want to commend Mr. Hade, who has been respectful and  
3 receptive to me at all times, for the extremely hard work that  
4 he and his staff had to do to, permit the metaphor, squeeze a  
5 very large and ill-fitting foot into a very small and delicate  
6 shoe.

7 We don't take the view that all agricultural activity is a  
8 bad idea, although reasonable minds could differ with Ms.  
9 Oldford's statement that agricultural activity is the highest  
10 and best use for even the highest peaks and most remote, and as  
11 Mr. Fingerman has said, beautiful and special and rustic  
12 properties everywhere in the Napa Valley. There has to be a  
13 balance, and that's what I'm here to talk about.

14 We submitted a detailed report accompanying our letter. I  
15 commend it to the Commissioners' review, from Huffman-Broadway  
16 dealing with some of the important CEQA issues. I won't go into  
17 the details of those there, but he points out deficiencies in  
18 the proposed declaration of no environmental impact, no  
19 significant environmental impact. The negative declaration would  
20 be a problem.

21 But let me point out that I come at this from--and Tim and  
22 I come at this from perhaps an unusual, and maybe on the  
23 mountain, unpopular view, which is that we recognize and endorse  
24 the dream of people to build a winery, to make their own wine,  
25 and we have always been sympathetic to the Fingermans in this  
26 regard. We don't oppose the building of all facilities. We  
27 didn't oppose even the--if I may continue.

28 CHAIR GALLAGHER: Just go ahead, and if you can wrap up.

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1 MR. CHECOV: I can wrap it up very quickly. We did not  
2 oppose other developments on the properties adjacent to this,  
3 including two vineyards. We did not oppose the Rosewood resort  
4 that Calistoga approved at the bottom of the hill, and we don't  
5 oppose the building of an estate winery that would service Mr.  
6 Fingerman and Mrs. Fingerman's personal production of grapes,  
7 and would be appropriate in scale with this delicate ecosystem  
8 that would be severely impacted by the building of what I  
9 consider to be an industrial facility, completely out of  
10 relation to anything else in the region that high up the  
11 mountain.

12 We are three miles up Diamond Mountain. To import grapes  
13 from up and down the Napa Valley would involve not just heavy  
14 traffic on a one-lane road, most of it, it is not a two-lane  
15 road, it has turnouts, but it is a very impaired artery, and the  
16 size would be disproportionate to virtually everything on the  
17 mountain and certainly everything that high up the mountain.

18 I believe Mr. Fingerman and Mrs. Fingerman report on their  
19 website a production of something like 2,500 gallons of grapes.  
20 This is, as Mr. Hade put it, something on the high side for an  
21 approval of this nature. A multiple of eight, which by the way,  
22 I'm told by people who play craps is the odds of a hard six.  
23 Eight to one. Multiple of eight of what they need to handle  
24 their own production and is probably in excess by a multiple of  
25 any reasonable number of what should go that high up on the  
26 mountain.

27 We would be happy to discuss with them the various issues  
28 that we've raised in our letter and perhaps come to some

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1 accommodation. It's nice that they have reduced the proposed  
2 number of visitors to what would still be the largest number of  
3 visitors for any winery facility on that portion of the mountain  
4 by a factor of four or--three or four, and needs to be  
5 customized and tailored to the delicacy and extreme rustic  
6 nature of the site. If there are any questions, I'll be happy to  
7 handle them, but I commend to the Commission the reading of the  
8 letter we have submitted. It provides in some detail an analysis  
9 of these questions. Thank you.

10 CHAIR GALLAGHER: Thank you, Mr. Checov.

11 DAVID HEITZMAN: Hello again. David Heitzman, 23 Rockrose  
12 Court. Boy. Pretty interesting. First thing is AB 52. It  
13 involves CEQA. Please look it up. You'll find, I have a copy of  
14 it right here, second sentence is--the word is requires, not  
15 reach out to the tribe. It is required. Read the law. That was  
16 one of the big--when it was first passed, that was the one big  
17 thing that no one knew how that was going to play out and we  
18 still don't. So that was required.

19 And the second thing was that mitigations like meeting with  
20 the tribe is not a mitigation. A mitigation, and this has been--  
21 look up Susan Brandt-Hawley, she's actually a--has a winery,  
22 she's a lawyer. Her court decisions on CEQA and she championed  
23 the fair argument. The fair argument is, well excuse me. The  
24 fair argument is if anyone makes a reasonable argument, no  
25 matter how many other arguments are presented, you could have 50  
26 experts supporting one issue, and if someone comes up with a  
27 good argument against them, one expert, or a good argument  
28 against them, you have to proceed with the EIR. Okay. Susan

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1 Brandt-Hawley, you can research her that way, I'm sure.

2 So it gets back--getting back to the mitigations. Meeting  
3 with the tribal leaders is not mitigation. Again, there's plenty  
4 of court decisions on that. A mitigation is a defined action.  
5 You say actions to be followed, something in the future. Sorry.  
6 There's plenty of court decisions against that. You can do what  
7 you want, but that's how it's been played out.

8 Next thing. Unstable soil. On the soil cuts. I was looking  
9 up at the plans up there on the roads going in. It appears that  
10 they're greater than one to one. Two to one is generally  
11 accepted as a standard road, beyond that needs engineering. You  
12 have engineers here. Okay. Case covered except that the soil  
13 types up there. You've got volcanics and you've got cretaceous  
14 soil. The cretaceous soil is the same thing we have up in Circle  
15 Oaks. We have volcanics and cretaceous soil. You cut into a bank  
16 like that, you should have a soil support. Right? We're required  
17 to have it. It's known problems of soil movement up there too.  
18 Okay. That should be done.

19 I have sat through many hearings here in the county and I  
20 thought we were going--we're not going to have wineries at the  
21 end of single-access roads. Isn't that where we're supposed to  
22 be going. I thought so. Everyone's talking that way.

23 Very quickly, part of my career I spent as fighting  
24 wildland fires. Okay, I was a professional firefighter. We've  
25 seen what happens up there with the winds. Again. Single access.  
26 We know better.

27 End of conversation. Anyway, thank you for your time and  
28 your attentiveness.

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1 CHAIR GALLAGHER: Thank you, Mr. Heitzman.

2 KETAN MODY: Hi. My name is Ketan Mody, I'm the neighbor  
3 that lives at 2087 Diamond Mountain Road. I'm in favor of this  
4 project for a number of reasons, but mostly because we need to  
5 champion small grower-owned wineries in this Valley.

6 This Valley's reputation was built on small detail-oriented  
7 wines and showed a sense of sight on a world-class level. The  
8 unintended consequences of this has been a flood to the Valley  
9 to chase that dream and many laws that have tried to protect how  
10 special a place this is to grow grapes. But those laws have  
11 played to the lowest common denominator and have pushed wine  
12 quality to be more homogenous due to larger custom crush  
13 facilities being the only choices small winemakers have.

14 If you grow grapes and make wine, which is what this Valley  
15 does, then it should be reasonable to make those wines on your  
16 property and close the loop. Just as the founders of this Valley  
17 would have wanted as well. I grow grapes on Diamond Mountain and  
18 currently make my wines in Sonoma County and would love to have  
19 the opportunity to bring all this closer to home by possibly  
20 crushing at their facility.

21 A project such as the Fingermans is more what this Valley  
22 needs, and I hope you choose this Valley's best interest instead  
23 of those neighbors who love to live in Napa Valley and use all  
24 of its resources but not participate in the lifeblood of this  
25 Valley, which is grapes and wine. Thank you.

26 CHAIR GALLAGHER: Thank you, Mr. Mody.

27 CHARLES DE LIMUR: My name is Charles De Limur. I live  
28 adjacent to the property. I want to thank you for hearing what I

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1 have to say, which is, essentially, the project is too big. We  
2 know that you, or the report says that the turnout is  
3 permissible or mitigatable, or whatever it is, but it's not  
4 really that that makes the difference here.

5       What makes the difference is the fact that it is a mostly  
6 three-mile, single-lane road with some turnouts and many blind  
7 curves. Anybody that comes up that road that doesn't have either  
8 their wits about them, or the knowledge of where they're going,  
9 creates a major hazard. We have no fire access besides going  
10 down, that's reasonable. We have a dirt road that comes off the  
11 top, but that's not actually accessible in most cases because of  
12 a variety of reasons.

13       So one thing that was really interesting--what I found  
14 interesting about this report is that 12 people or 18 people a  
15 day coming up in single cars and all the rest of it doesn't  
16 actually discuss what it takes to actually produce wine at a  
17 location. It's just not the visitors that we're concerned about,  
18 it's the truck traffic, it's the supply chain, it's the  
19 delivery, it's all the things that actually create this  
20 endeavor. And we're not against the endeavor. We're mainly  
21 against the size.

22       So I would like you to consider that when you deliberate  
23 that this is actually too big for the site and it has problems  
24 that are really systemic to life, safety and the enjoyment of  
25 everybody on the hill. Thank you.

26       CHAIR GALLAGHER: Thank you, Mr. De Limur.

27       GEORGE CALOYANNIDIS: George Caloyannidis, Calistoga. There  
28 is not much that I can say that points out that I have an

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1 objection to people making wine, making their own wine, and the  
2 Fingermans are making their own wine. Also I have nothing  
3 against the Fingermans. The Fingermans come and go. Wineries  
4 change hands, but the question for this particular application  
5 is what does it take for a winery to be denied.

6 If this winery is approved, that is accessed by a single-  
7 lane road, that is on a road that has no secondary access, that  
8 requires a stream setback variance, three more variances on road  
9 standards, that produces 20,000 gallons of wine, of which 19,000  
10 are imported, creating the traffic that the previous speakers  
11 were talking about. What does it take to deny a winery at a  
12 certain location.

13 The County has been working, and I don't know if they still  
14 do, but I haven't heard that they reached a conclusion about  
15 rules for remote wineries. Well this is a remote winery. And the  
16 traffic study, when they're talking about well, there are only  
17 four or five more cars, yeah, that's no problem. The problem is  
18 what type of cars. I sent to all of you two pictures that show a  
19 catering truck and another big truck that comes up to this  
20 access road and trucks of this size prevent other trucks and  
21 other cars to navigate this road. And the more people you bring  
22 up there, with no secondary access, the more fire danger  
23 incidents you invite.

24 So the question is what does it take to deny a winery up in  
25 the hills? I think this particular application, and I wish the  
26 Fingermans every possible luck to make the best wine they can,  
27 but this is not the right location. Thank you.

28 CHAIR GALLAGHER: Thank you, Mr. Caloyannidis.

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1 KELLIE ANDERSON: Good afternoon. Kellie Anderson, Angwin.  
2 I had a couple of questions that maybe the applicant or Staff  
3 could ask. At some point a timber harvest conversion plan was  
4 issued by the State of California, CAL FIRE, to develop the  
5 vineyard that is on that property. So I'm curious if the  
6 applicant plans any additional acreage.

7 There are notes in there about the Western Pond Turtle  
8 occupying, potentially, the site, it's always potential, it  
9 couldn't be identified. But the mitigation measures that were  
10 offered were that a biologist would come and pick up the turtle  
11 should he be found during construction and be relocated is  
12 simply not a feasible mitigation measure.

13 One of the topics that needs to really be delved into with  
14 these projects is the fencing. Where is the extent of the  
15 fencing now on the property and will new fencing be installed  
16 and how will that impact wildlife movement.

17 I have stories about Diamond Mountain Road. The vineyard  
18 management company I work for put in the Seaver vineyard next  
19 door. And I was basically acting as the pilot car for all the  
20 traffic that our company would generate. That was in the day of  
21 Nextels. And I would go first and report to the guys behind me  
22 with trucks and trailers and equipment what the road was and we  
23 would have a phalanx of vehicles. We would occupy the space and  
24 force everybody to get out of the way because there's not enough  
25 room for agriculture traffic and visitors and residents there.  
26 It was a very important job that somebody had to be the pilot  
27 car for us to safely get up and down that road. I will never  
28 forget that.

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1 Another important and often overlooked thing are the cave  
2 spoils. If there's someone in this room today who is going to be  
3 building the cave, they should know the amount of cave spoils,  
4 cubic yards, cubic feet, that is going to be extracted. There's  
5 probably an estimate of how much cave spoils will be used for  
6 construction of the pond or other onsite development, but it  
7 seems to me in my experience that a lot of cave spoils are just  
8 simply pushed off into the forest edge and that is an impact  
9 that is never analyzed. So it's not just taking it off, but it's  
10 what if we don't take it off. How does that get deposited on the  
11 property and how does it impact the wildlife habitat.

12 Rural remote winery ordinance was something that the Board  
13 of Supervisors was definitely taking up and discussing. It had  
14 to do with Howell Mountain, it has to do with Mt. Veeder, it has  
15 to do with Atlas Peak, it has to do with Diamond Mountain. How  
16 many people are we willing to put up there so somebody else can  
17 have their dream. At this point, I don't think it's a difficult  
18 decision anymore, I think it's simply the decision you have to  
19 make. We can't continue to put people up in these canyons with  
20 only one way out.

21 And lastly, and I don't know if the applicant or Staff can  
22 address this, but what number, exactly--what number exactly  
23 would this be in Napa County if it was approved. Thank you.

24 CHAIR GALLAGHER: Thank you, Ms. Anderson. Is there anyone  
25 else from the public who would like to speak?

26 LAURIE POUSMAN: I really don't like public speaking. So it  
27 just shows how much I care about these guys that I'm up here. My  
28 husband and I have known Wayne and Kara for six years.

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1 CHAIR GALLAGHER: I'm sorry. Could you just let us know  
2 your name and address please?

3 MS. POUSMAN: Oh. I'm sorry. I'm Laurie Pousman and my  
4 address is 1740 Lytton Springs in Healdsburg. My husband and I  
5 have known Wayne and Kara for six years. I honestly don't know  
6 any more kind, compassionate and generous people as these guys  
7 are. They've approached every step of this journey with  
8 integrity, commitment to preserving the community, and  
9 minimizing environmental impacts. Their motivation in  
10 establishing this winery is their passion for wine, not to make  
11 any big profits or anything.

12 Lastly, we drive up to visit them at least once a month for  
13 the last five or six years, and I think we've had a car coming  
14 the other direction maybe three times. So. Thank you.

15 CHAIR GALLAGHER: Thank you, Ms. Pousman.

16 STEVE KLEIN: Good afternoon. Steve Klein. I live in Napa.  
17 I also have a farm management concern here locally. I'm in the  
18 middle of my 30<sup>th</sup> harvest. I actually farm for the Fingermans for  
19 the past few years, and I resonate much with what the last gal  
20 was saying. They are very conscientious in everything they do.

21 Fun story. When I heard the question on the turtle, the  
22 Fingermans actually hand sort all their fruit to get rid of  
23 [mog,] and by that I mean they save every single bug that goes  
24 in the bins. They're very conscientious of everything that goes  
25 on around them. They take great pride in how the work is done in  
26 their vineyard, and to what Wayne said earlier, they are very  
27 hands on in everything that goes on. I can tell you that  
28 firsthand from my experience with them.

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1 From my personal perspective, I, too, deal a lot with farm  
2 equipment and going up and down that road. I would have a  
3 consideration that there might be less traffic regarding farming  
4 going on if the fruit was to stay on site versus having to be  
5 trucked down the mountain sometimes in two and three picks.

6 And then regarding the size, in my opinion, I would just  
7 offer the fact that typically it doesn't really matter the size,  
8 it's still the same amount of planning and trips involved to get  
9 set up for whatever is going on. And that's really all I have to  
10 say. Thank you.

11 CHAIR GALLAGHER: Thank you, Mr. Klein.

12 MS. OLDFORD: Donna Oldford. Oh. I was hoping Mr. Klein  
13 would tell the story about activities ceasing while a mouse gave  
14 birth to little mice. I want to say the scope of this winery is  
15 not unreasonable. This is a 53-acre parcel. A 20,000-gallon-per-  
16 year winery is less than small, in fact, I wonder sometimes why  
17 anybody bothers to go through this process for anything less  
18 than that. So the scope of the winery is not large.

19 The estate-grown winery, I think you've heard today,  
20 there's been a demonstrated need for fruit on Diamond Mountain  
21 Road that could stay on the mountain rather than being trucked  
22 all the way down Highway 29. So the Fingermans certainly intend  
23 to engage in that and are engaged with people now for discussion  
24 of that.

25 The numbers which were mentioned, someone mentioned that  
26 this would be the highest number of visitors. Actually, that's  
27 not correct. Joseph Cellars has a--and these are all on Diamond  
28 Mountain Road. Joseph Cellars has a total of 525 a week, which

1 would be 75 a day. The 1520 Acquisition has 100 a week or 15,  
2 and Checkerboard has 75 per week, or 10. And I would point out  
3 that the Fingermans are offering to give up two of their larger  
4 events to maintain their ability to accommodate 16 people on  
5 their busiest day, which would be primarily on a weekend.

6 We do not have four exceptions. We have no variances. And  
7 we have a Road Exception, of course, and we have the  
8 Conservation Regulations Exception for the encroachment that was  
9 described earlier.

10 There was a question posed about how many more vineyards.  
11 The Fingermans have two more acres up on top of the ridge above  
12 the winery that could be planted, and they've actually been told  
13 they have as many as ten by one of the viticulturists or civil  
14 engineers. Ten's probably pushing the margin, but there is  
15 reason to think that they could have more if they wanted them.

16 The spoils are in your Staff Report and in your  
17 environmental document as to how much area that is. You can't  
18 just push them down the hill or along the road. You have to keep  
19 them in your temporary spoils area and as I said, they intend to  
20 keep these spoils on site, but anytime someone removes any  
21 spoils at all, they have to take them from approved areas and  
22 notify the County when they're leaving and were they're being  
23 taken.

24 I want to say on the question of the tribal, the AB 52, it  
25 is a requirement. The legislature adopted AB 52 for this to be  
26 required. They require you to reach out. We did reach out, Staff  
27 reached out, and months went by and we didn't hear anything from  
28 the tribal groups, which is not unusual.

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1 But when Mr. Hade told me that they had weighed in very  
2 late in the game, I checked with my client and we said yes,  
3 we're happy to have this conference with them on site, and we  
4 can make sure that occurs prior to the issuance of any building  
5 permit. So, it is law, but they have an obligation too, to  
6 respond and let us know. So that's being accommodated. Even so.

7 On an EIR, someone earlier said you're required to have an  
8 EIR done. This is actually not correct. There's something called  
9 dueling experts that says if you can't reach agreement that, you  
10 know, you could choose to do a focused EIR, however, there is a  
11 part 2 to that that's very important. It isn't just come up with  
12 a study and we'll throw you into an EIR. The burden of proof is  
13 on the challenge, which also has to show you that there is  
14 reason to expect that there would be a significant impact  
15 incurred. And if you don't have that, then all bets are off. So  
16 we have not seen that.

17 We have an opinion letter. We have two qualified  
18 biologists, we have the agency in charge saying here's what we  
19 need to see, and these are the mitigation measures. I think  
20 turtles would be as safe as mice here. I think these people are  
21 willing to do whatever they have to do in the way of performance  
22 standards, and we have to assume that our laws, just like  
23 compliance or mitigation measures, we can't say, oh that doesn't  
24 make sense, nobody will pay attention to that. That runs  
25 contrary to everything that we all do here every day.

26 So, with that, we hope you agree that this is a reasonably  
27 sized project, that it's a responsible project, that it's going  
28 to take the larger vehicles off the road, which would be many of

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1 the grape trucks. I was up and down that road frequently, and I  
2 can tell you that just this week, I met traffic, a mail truck, a  
3 grape truck, a UPS truck, and cars of all sizes. We were in a  
4 vineyard truck.

5 Nobody had to pull off the road. Nobody had to stop. There  
6 were turnout points, but everybody managed to navigate, and when  
7 you say, well, there are going to be more trucks that aren't  
8 reported, the trucks that would be things like labels and caps,  
9 those come by UPS now. UPS is on the hill anyway. And there are  
10 a certain number of truck trips that are required with a winery  
11 that don't translate into the number of grape trucks that you  
12 get a credit for taking off the road, but those truck trips are  
13 evaluated in your traffic study. The multipliers that you see on  
14 the famous page 15, all assume a certain level of truck traffic  
15 that is necessary for the winery.

16 That's all I have. I hope you agree and can see fit to  
17 approve the Fingermans' application. Any questions for me? Thank  
18 you.

19 CHAIR GALLAGHER: Thank you. Is there anyone else who would  
20 like to speak?

21 TIM BAUSE: My name's Tim Bause, I live at 2031 Diamond  
22 Mountain Road adjacent to their parcel. Sorry, I'm very nervous  
23 speaking in public, I didn't want to do this. But, Donna, the  
24 winery she pointed out, Joseph Cellars is on Highway 29. What  
25 does that have to do with this winery. Checkerboard comes down  
26 onto Azalea Springs, which is right on Highway 29 and is a very  
27 wide road. I forget whether they were referring to Reverie, or  
28 what used to be Von Strasser. They're less than a mile up the

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1 road. That doesn't have anything to do with the Fingermans'  
2 winery. And like George, I want to say I like the Fingermans.  
3 This isn't about the Fingermans. This is about the winery that  
4 will be there long after the Fingermans are gone.

5 And then the other real issue that hasn't been discussed  
6 that much is calling it a restoration of the pond when they're  
7 putting cave spoils into the pond, and the pond will be  
8 shallower. I don't understand how that's a restoration, that  
9 seems like a change. And I'm sorry I'm shaking too much, my  
10 time's not up, but I'm going to stop there. Thank you.

11 CHAIR GALLAGHER: Thank you, Mr. Bause. Could everyone  
12 please silence their phones? We've just been hearing a lot of  
13 phones today. Or, you know, turn it off if you can't silence it.  
14 That would be great, thank you.

15 MS. OLFORD: Very briefly, all of these wineries that I  
16 mentioned are shown in your Staff Report as having Diamond  
17 Mountain Road addresses. And there's one that we didn't include,  
18 Constant Winery, the old Constant Winery. And that has even  
19 higher levels of visitation. They're on the north fork of the  
20 road, not the south fork. So, you know, and, so I just wanted to  
21 point that out. This is in your Staff Report.

22 CHAIR GALLAGHER: Thank you. I have a question, and maybe  
23 it's for Mr. Hade and maybe it's for the applicant, so I'm going  
24 to go ahead and ask it now before I close the Public Hearing. It  
25 would be helpful if you could review the transportation  
26 management plan. What I'm reading in the Staff Report says,  
27 events at the winery--this is in the Conditions of Approval.  
28 Events at the winery shall not be scheduled to begin or end

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1 between 3:00 and 6:00 p.m. To minimize trips during the evening  
2 peak hour a shuttle bus system shall be utilized for events of  
3 125 guests. So I'm guessing that the shuttles will not be then  
4 used for the events with 75 guests, which I would actually like  
5 to see.

6 And then I have a question about where people are actually  
7 parking to get on the shuttle. It says that guests will be  
8 transported from additional temporary parking along vineyard  
9 roads and along the shoulders of the winery access road. So, I  
10 think if we could get a little bit more clarification on that  
11 plan and how that would work that would be helpful.

12 MR. HADE: Sure, so that is correct that this was  
13 envisioned to apply to the events of 125 people or more.  
14 However, as you point out, that could be adjusted certainly to  
15 apply to the 75-person events as well if the Commission chooses  
16 to go that direction.

17 This is a requirement for a plan to be developed in the  
18 future so that the details aren't all known at this point. But  
19 just the basics are laid out there as far as the parking along  
20 the vineyard road, or also the winery access road would be the  
21 driveway, so the idea would be that guests would park there and  
22 then take that shuttle further on to the site to the actual  
23 winery location. But a lot of that would have to be determined  
24 as that plan is developed, and it would be required to be  
25 submitted to County Staff for review and approval prior to those  
26 events taking place.

27 CHAIR GALLAGHER: Okay I think that when we think about  
28 shuttles, we think about off site [inaudible]...

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1 MR. HADE: Offsite. Well there are--I was going to add that  
2 too. There's actually a possibility, if this wording is  
3 confusing or you have to change it we could actually shift that  
4 to maybe require--it could be some other, maybe offsite location  
5 somewhere else with the same concept and that could be applied  
6 again to the 75 percent events, as well as the larger events,  
7 although, I think from what I heard the applicant intends to  
8 maybe possibly eliminate the largest events, but...

9 CHAIR GALLAGHER: Well, two of the 75.

10 MR. HADE: Two. Okay. Okay.

11 CHAIR GALLAGHER: So that's still two 75, but it sounds  
12 like Ms. Oldford might have a comment on it.

13 MS. OLDFORD: Donna Oldford. We are offering shuttle  
14 service for the events of 75, as well as the larger one.  
15 Frankly, most wineries are doing this already. They've got high  
16 occupancy vehicles and when they go to a parking lot to--they  
17 can't park along Diamond Mountain Road, obviously. But they go  
18 to a legally approved parking lot and they shuttle the people  
19 from there or they might go to a hotel. You might have a number  
20 of people staying at a hotel. But it would be a legally approved  
21 parking lot that the shuttle serves from. And so. Thank you.

22 CHAIR GALLAGHER: Thank you. It sounds like we might need  
23 to make some changes in that to reflect that.

24 MS. GALLINA: And historically we've always allowed this  
25 because it's included in the standard condition [inaudible] at  
26 the end, talking about marketing event activities that is not  
27 limited to valet service or offsite parking and shuttle service  
28 to the winery. It's a little bit difficult for an applicant to

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1 make prearrangements at this time when it could possibly take  
2 anywhere from three to five years to build the winery and then  
3 get it under operation, so we allow that flexibility of them to  
4 come in in the future to let us know, you know, what kind of  
5 arrangements they're making to make sure that it's appropriate,  
6 and legal location.

7 CHAIR GALLAGHER: All right. Okay. Thank you for the  
8 clarification, but I think we need to work on that piece so that  
9 it's clarified based on what Ms. Oldford stated. Okay.  
10 Commissioner Cottrell.

11 COMMISSIONER COTTRELL: Thank you. Mr. Hade, I am, having  
12 just done the site visit yesterday and driven up and down  
13 Diamond Mountain Road, I'm just concerned about the  
14 characterization of that road and also how we find in the Staff  
15 Report pieces about the road. So if you could help me  
16 understand, I think--in one place it says, it's talking about  
17 offsite, it's a County-maintained road that is, and I'm  
18 paraphrasing here, but that it's steeper than the 16 percent  
19 requirement in certain places and narrower than the standard  
20 width in certain requirements, and we've heard a lot of  
21 testimony today about the road being one lane rather than a two-  
22 lane road for many stretches, and I guess, and maybe this isn't  
23 important, but in some places it's called a collector.

24 So, I guess I'm just really concerned about the steepness  
25 and narrowness of the road and perhaps because it's not, like  
26 the project site, we don't see a lot of discussion of it in the  
27 Staff Report, but maybe you could comment on that.

28 MR. HADE: Sure. So some of the--I guess we're kind of--

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1 there's different components here, but some of the information  
2 in the CEQA document came from the traffic study, which has a--  
3 it characterizes the road as different types of width and use.

4 Also I think what might be helpful for as part of the Road  
5 Exception request, it's in your packet, the Staff memo, it also  
6 talks about the driveway width and the varying width and  
7 topography for that, but, are you talking about more of the  
8 existing condition of Diamond Mountain Road rather than the  
9 onsite improvements?

10 COMMISSIONER COTTRELL: Right. Yes. And I guess maybe what  
11 I need is some clarification that the scope of the review here  
12 does not include that road. Is that true?

13 MR. HADE: No. That's actually not correct. So the scope of  
14 the review, the traffic study, it looked at, from the highway  
15 all the way to the project site, so the road was looked at as  
16 part of the traffic study, and there's some minor, some site  
17 distance improvements proposed as part of that, so that was,  
18 again, part of the traffic study. I could maybe have our Public  
19 Works staff speak to, maybe, the existing condition of the road  
20 if you want more details, but that's kind of what I can offer at  
21 the moment.

22 COMMISSIONER COTTRELL: I think that does it for the time.  
23 Thank you.

24 CHAIR GALLAGHER: And I forgot to close the Public Hearing,  
25 so I'm going to do that. Any Commissioners like to speak?

26 Do we need a break to do some reading? Or thinking? Okay.  
27 Okay.

28 Apologies. We have issues with our iPads, too, so we're

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1 trying to navigate up here. If you'd like. Commissioner  
2 Cottrell.

3 COMMISSIONER COTTRELL: All right. Thank you. Thank you,  
4 first of all, for everyone who came to speak today and for the  
5 work done by the applicant. I'm sure it's been a long road and  
6 it's many pieces here.

7 Again, I have just a lot of concerns about this access  
8 road, the access road being Diamond Mountain. It is a public  
9 road, and it's steep and windy, and the fact that the request is  
10 for 20,000 gallons when only a fraction of that is currently  
11 grown on site, in my mind means that we're going to be asking,  
12 baked into this use permit is a lot of truck trips bringing wine  
13 up--excuse me, bringing grapes to the site, and I appreciate  
14 what's been shared by the applicant and the neighbor saying, you  
15 know, perhaps other grapes could be coming from down the  
16 mountain to the site, but at this point, that's not--that's  
17 speculation. That's not what--that's not part of the package  
18 today, and you know, I think as has been raised before, this  
19 issue of a winery at, you know, miles up a narrow, winding road,  
20 I think there's questions for me about safety and access in  
21 terms of, you know, emergencies, but also those regular truck  
22 trips that have to be going up and down the mountain, and again,  
23 the built-in need here to have grape trucks going up that steep  
24 road is of concern to me.

25 And, you know, having visited the site, it's a large  
26 parcel. The winery is a relatively small footprint with  
27 innovative features, the caves, the drive through aspect of the  
28 operations there. I just feel that this ask for this level of

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1 production and the visitation, and again, I appreciate the  
2 applicants working to try to bring down their visitation  
3 numbers, but it does feel at this point in my review too big a  
4 project for the access that has to occur to get to the site.

5 CHAIR GALLAGHER: Thank you. Commissioner Whitmer.

6 COMMISSIONER WHITMER: Yeah. Thank you. You know, a 20,000-  
7 gallon winery in my estimation is not a huge ask and I agree  
8 that the site is remote, but that is the character of the Napa  
9 Valley and the roads that we have.

10 I am appreciative of the concerns that have been given to  
11 the number of visitors, and I think that what's been proposed as  
12 a revision to those numbers brings this project a little bit  
13 more in line to the numbers of folks that I thought would be  
14 more applicable to this kind of site and location. I think that  
15 this is appropriately zoned. I think Staff have done a  
16 tremendous job in working with the applicant and the applicant's  
17 representatives to bring this forward.

18 All of the background on traffic and water and biology, I  
19 appreciate hearing from the State agency responsible, and that  
20 folks are going to be responsive to the issues that are raised  
21 there.

22 I understand the requirements of CEQA to reach out to the  
23 tribes, but the tribes have a responsibility to get back to the  
24 folks within a reasonable timeframe, and quite frankly, the  
25 applicant is going over and beyond in my estimation to try and  
26 accommodate the tribes' concerns here.

27 So at this point I haven't heard anything that would  
28 dissuade me from voting in favor of this proposal.

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1 CHAIR GALLAGHER: Thank you. Commissioner Hansen.

2 COMMISSIONER HANSEN: Thank you, Chair Gallagher, and also  
3 for my fellow Commissioners' comments. I was just, again, trying  
4 to navigate through some of the information and just taking some  
5 notes as far as the visitation based on what I heard about the  
6 reduction today. We would be looking at something more similar  
7 to the second option in the Staff Report, which is the revised  
8 reduction alternative. So, right? It's a reduced visitation  
9 proposal even though there's no numbers in there, it seems like  
10 this is closer to where we would be coming into. Okay.

11 And then just again on some of the conversation around  
12 exceptions or exemptions, I do think that those words have in  
13 the past probably been given a different meaning than how they  
14 are being used in planning. I still see them as a tool that we  
15 have available in our deliberations, in our thoughtful decision  
16 making to use them in a way that does in fact lead us to an  
17 environmentally, in many cases, in most cases, or public safety,  
18 a better alternative or a better option. So I do want to make  
19 sure that we are defining those things in the most appropriate  
20 and clear way possible, that in this particular case, for  
21 example, the Road & Street Standards Exception where it--on one  
22 of the, I can't--page 9 of the Staff Report, it meets the same  
23 overall practical effect while protecting life, safety, welfare,  
24 of the public, providing vegetation management and doing all  
25 these things, so I want to make sure that we're seeing those as  
26 in this case a positive tool that we can use to deliberate.

27 Also, just to interrupt myself, maybe Ms. Anderson, the  
28 remote winery conversation that was happening at the Board

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1 level, there isn't any definition of that as of today, it's  
2 really been more of a conversation?

3 DEPUTY COUNSEL ANDERSON: That's correct.

4 COMMISSIONER HANSEN: Okay. So what we have is, again, back  
5 to we are framing this in the current policy environment in  
6 which we have to assess our decision making. Should that time  
7 come when the Board of Supervisors defines a remote winery, I  
8 think at that point we can use it as a way to evaluate a  
9 particular project. But we shouldn't get into the habit of  
10 creating broader policy on a project by project basis. So I  
11 understand that this is a consideration, but it's certainly not  
12 something that we can assess, and it hasn't been assessed here  
13 today.

14 So. I appreciate that the applicant was really responsive  
15 and listened to concerns about numbers of visitors, and thank  
16 you for bringing us another alternative, which I think brings  
17 down some of the other pieces that we're talking about. Like  
18 traffic or water impacts should there be any.

19 So, again, with that--also, just to go back to something  
20 that Ms. Gallina mentioned about the traffic and the  
21 transportation demand, I do think it would be too premature to  
22 describe in a transportation Condition of Approval really  
23 specific things. I think we need to absolutely wait for the  
24 applicant to understand a little bit better what they need at  
25 the time and then come to Staff, and that would be one of the  
26 Conditions before even they were able to start operating to have  
27 that reviewed by Staff and checked off. Correct? Okay.

28 So I am comfortable with the way that that's written, and

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1 as we have written it in the past just so we can provide that  
2 flexibility and also the planning that the applicant needs and  
3 that the Staff can help them get there. So. Thank you for  
4 clarifying that.

5       Anyway, with all that, I would be prepared to support this  
6 application and this project.

7       CHAIR GALLAGHER: No? Do you want to speak? If you'd like.

8       COMMISSIONER MAZOTTI: I--sure. Well, I mean, I think in a  
9 vacuum looking at the site it makes a lot of sense. I think we  
10 sort of talked about that yesterday.

11       Yeah, I see the road is a concern, but I agree with  
12 Commissioner Whitmer that this is what we deal with in the Napa  
13 Valley and we deal with it well, and while it's not ideal, the  
14 road seems adequate to me. So at the moment I don't feel  
15 compelled to deny the project.

16       One thing I do want to make a comment on that's sort of  
17 aside from this is I was looking at the wine and food pairings  
18 as part of the tours and tasting, and I know that that's  
19 allowed, but I would hope that the pairings that you're  
20 envisioning are not substantial, and would not take away from  
21 the cities because I do believe that the primary food activity  
22 should be taking place in the cities to promote thriving  
23 downtown, so, as a side comment I just wanted to say that.

24       CHAIR GALLAGHER: Okay. Thank you. Duly noted. Okay. I  
25 think this is really a tough one, I have to say. I feel that way  
26 because I know that the remote nature of this site, it does  
27 cause me concern when I drive up that road and I see how narrow  
28 it is, and it is in places like one lane. But I also know that,

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1 you know, we drive around this Valley and we're not going to  
2 widen every road to be a two-lane roadway either. I mean, that's  
3 totally out of character with the Valley, so we're not going to  
4 do that.

5 I do really appreciate the reduction in the marketing and  
6 visitation. I think that's very important because I do think  
7 that that was too large. I think I'd rather see lower  
8 production, but in some ways, it's like, well, you know, you're  
9 going to go up and build the winery and I don't know that it's  
10 going to matter as much. I think that it sounds like not only  
11 are there grapes on site, but there's potential for additional  
12 vineyards on site to, you know, to be produced there as well as  
13 the offsite vineyards owned by the Fingermans.

14 But I think that what this illustrates to me is the need to  
15 have more conversation about the remote wineries and whether,  
16 you know, where wineries should, indeed, be on these really  
17 remote areas, especially areas that are considered in severe  
18 fire hazard zones. I think that brings up a lot of questions and  
19 a lot of--there's a lot of discussion needed around that.

20 So, you know, I feel like we don't really have the policy  
21 behind us right now to necessarily deny this. It is in an ag  
22 zone and I'm not entirely comfortable with it, but I also don't  
23 feel like I have a lot of policy backing at this point.

24 But I think it really illustrates the need to have more  
25 discussion and for the Board to certainly have more discussion  
26 about these remote locations. So.

27 And I did want to ask about that. I know I'm probably  
28 making a nuisance of myself about this Condition of Approval

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1 4.19a and how that's going to read. We want it to say that--  
2 shuttle bus will be utilized for guests of 75 or more and then  
3 can we just strike out that from additional temporary parking  
4 along vineyard roads and along the shoulders of the winery  
5 access road, that makes me really uncomfortable.

6 MR. HADE: Sure. That works. So what I'm hearing, yeah, we  
7 can strike that and then I think the idea would be just to have  
8 it read so that--my understanding is that a shuttle--it's for  
9 all of that essentially. It wouldn't--I don't think there would  
10 be a number, necessarily...

11 CHAIR GALLAGHER: Okay.

12 MR. HADE: ...it would just be if that works for the  
13 applicant.

14 CHAIR GALLAGHER: Right. Right. And understanding that the  
15 applicant has to figure out, you know, where they're going to  
16 park, etcetera, and Ms. Oldford mentioned an appropriate place  
17 and that that plan would come back to you at some point for, you  
18 know, authorization or whatever.

19 MR. HADE: Correct.

20 CHAIR GALLAGHER: So that's great. But I did want to make  
21 sure we changed that language in that. And Commissioner Hansen.

22 COMMISSIONER HANSEN: Yeah. And just sort of in the forward  
23 thinking way, by striking that language, that does not preclude  
24 that language from being a part of a transportation management  
25 plan for a specific event in the future. It just means that it's  
26 not part of these Conditions of Approval. So it could be a  
27 separate document where the applicant says in this particular  
28 case, we're going to be utilizing the vineyard road leading up

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1 to our property, but it won't affect anybody else, we just want  
2 to make sure we get people down that road safely. That could  
3 still be a part of their transportation management plan as  
4 presented to Staff prior to opening. Correct?

5 MR. HADE: That's correct. And by making this change it  
6 actually would give a little bit more flexibility, so it doesn't  
7 lock them into what I think the Commissioner expressed concerns  
8 about.

9 COMMISSIONER HANSEN: Right. It doesn't have to be, but it  
10 also doesn't not have to be. So, I just want to leave that  
11 flexibility in case for some reason that is the best alternative  
12 at the time.

13 DEPUTY COUNSEL ANDERSON: Excuse me, Chair. I would also  
14 say that Condition of Approval number 4.3 would also need to be  
15 wordsmithed to make sure that the shuttle activity occurs for  
16 all events, not just the ones where there's not sufficient  
17 parking on site.

18 CHAIR GALLAGHER: Okay. Okay. That's--oh. Commissioner  
19 Whitmer. Sorry. Yeah. Sorry.

20 COMMISSIONER WHITMER: Sorry. Well, I was willing to try  
21 and make a motion if the time is appropriate.

22 CHAIR GALLAGHER: So just for clarification, would we be  
23 making the motion the second alternative recommended by Staff,  
24 because it's a reduction in the marketing and visitation?

25 MS. GALLINA: Hold on a minute. So we're going to change to  
26 remove what, Type number two?

27 MR. HADE: Correct. So you would go that direction. So I  
28 think it'd be the second option under Recommendations there, and

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1 then we would just want to, we may need the applicant just to  
2 confirm, or just to clarify the numbers that they had specified.

3       Probably best to start with the Staff memo dated October  
4 16<sup>th</sup>. This is the latest Conditions of Approval Recommendation  
5 and just probably walk through a couple Conditions here,  
6 specifically, I think we've already covered the TDM1, but we  
7 would need to amend 4.2c at a minimum to just specify the  
8 maximum number of persons per week. I think that was 80, but we  
9 may just want to get confirmation from the applicant on that.

10       And then we'd also need to change 4.3a, I believe, that  
11 would be--frequency would change from four times a year to two  
12 times per year, so I think those would be the recommended  
13 changes to make that happen.

14       MS. GALLINA: And eliminate b.

15       DEPUTY COUNSEL ANDERSON: And the language at the bottom.

16       MR. HADE: And also b, I think the 125-person event. If I  
17 understood correctly, I think that would be eliminated  
18 altogether. That would be the Type 2 event, but I'm not quite  
19 sure about that. We could probably confirm with the applicant on  
20 that one.

21       DEPUTY COUNSEL ANDERSON: We can put in special...

22       MS. GALLINA: Okay. Yeah. Yeah.

23       DEPUTY COUNSEL ANDERSON: They need to be consistent.

24       MS. GALLINA: Okay.

25       MR. HADE: So we may need to have the applicant just  
26 briefly confirm what we just went over here, so.

27       CHAIR GALLAGHER: Yes. Ms. Oldford.

28       MS. OLDFORD: Do you want to open?

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1 CHAIR GALLAGHER: Yes. We'll open it up so you can speak.

2 MS. OLDFORD: Thank you. Ms. Oldford. Just to reiterate the  
3 numbers. The marketing events would go from four events of 75  
4 each to two events of 75 each, which would utilize some form of  
5 shuttle service. The other marketing event would be the 125,  
6 otherwise known as auction event that would also utilize shuttle  
7 services, and that was in the original application.

8 And then the tours and tastings would show as 16 per day on  
9 the busiest days, but a maximum of 80 per week instead of the  
10 originally proposed 112 per week.

11 CHAIR GALLAGHER: Great. Thank you.

12 MS. OLDFORD: Does that answer your question?

13 CHAIR GALLAGHER: I think so.

14 MS. OLDFORD: Thank you.

15 CHAIR GALLAGHER: Thank you very much. I'll close the  
16 Hearing again. And do Staff have everything you need for...

17 MR. HADE: Yes. Thank you.

18 CHAIR GALLAGHER: Okay. No light. Commissioner Whitmer.

19 COMMISSIONER WHITMER: So I would move that the Planning  
20 Commission number one, adopt the Mitigated Negative Declaration  
21 and Mitigation Monitoring and Reporting Program based upon  
22 Recommended Findings 1 through 7 in Attachment A, approve an  
23 Exception to the Napa County Road & Street Standards based on  
24 Findings 8 through 10 of Attachment A and subject to the  
25 Recommended Conditions of Approval in Attachment B.

26 MS. GALLINA: The...

27 [DEPUTY COUNSEL ANDERSON:] Using the revised memo. We  
28 would use the revised memo.

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1 COMMISSIONER WHITMER: Using the revised memo. Approve Use  
2 Permit Exception to Conservation Regulations Number P19-00315-UP  
3 based on Recommended Findings 11 through 17 in Attachment A, and  
4 subject to the Recommended Conditions of Approval (as amended)  
5 in Attachment B. And Four, Approve Use Permit number P16-00333-  
6 UP based on Recommended Findings 18 through 22 in Attachment A  
7 and subject to the Recommended Conditions of Approval in  
8 Attachment B (as amended).

9 MS. GALLINA: Which is referring to the memo.

10 COMMISSIONER WHITMER: Well, Staff memo and the changes  
11 we've made here today during the session.

12 CHAIR GALLAGHER: Good job. Would anyone like to second  
13 that motion? Commissioner Hansen.

14 COMMISSIONER HANSEN: I will second that.

15 CHAIR GALLAGHER: Okay. We have a motion and a second. All  
16 those in favor please signify by saying aye. Aye.

17 COMMISSIONER WHITMER: Aye.

18 COMMISSIONER MAZOTTI: Aye.

19 COMMISSIONER HANSEN: Aye.

20 CHAIR GALLAGHER: All those opposed.

21 COMMISSIONER COTTRELL: Nay.

22 CHAIR GALLAGHER: Okay. Motion passes.

23 MS. OLDFORD: Thank you, Commission.

24 CHAIR GALLAGHER: Thank you. Thank you, and thank you, Mr.  
25 Hade.

26 MR. HADE: You're welcome.

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

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

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

12 Dated this 9<sup>th</sup> day of December, 2019.

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15 Kathryn F. Johnson

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