

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

NAPA COUNTY BOARD OF SUPERVISORS MEETING  
COUNTY OF NAPA

RE: 10 Community Resources & Infrastructure  
Director of Planning Building and  
Environmental Services requests  
Confirmation of direction on proposed winery  
compatibility measures.

=====

TRANSCRIPT OF PROCEEDINGS

October 16, 2018

SUNSHINE LITIGATION SERVICES  
TRANSCRIBED FROM RECORDING  
Transcribed By: GAIL R. WILLSEY, CSR #359, CA CSR  
#9748

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

^ . ^

A P P E A R A N C E S

Chair Brad Wagenknecht  
Supervisor Ryan Gregory  
Supervisor Diane Dillon  
Supervisor Belia Ramos  
Supervisor Alfredo Pedroza



1 direction on proposed winery compatibility measures.

2 Mr. Morrison?

3 MR. MORRISON: Thank you, Mr. Chair.

4 It feels much emptier up here without the  
5 other task force numbers. I'll try and keep my  
6 opening comments fairly brief, given the lateness of  
7 the day, but I do want to take a minute to just kind  
8 of reset the stage a little bit.

9 So the County's been described in the past as  
10 having a solution oriented approach to wineries, that  
11 was a much easier process to do when the potential  
12 winery sites were more plentiful but as development  
13 moved on to more challenging sites, it's been much  
14 more difficult to find solutions that satisfy both the  
15 winery owner and their neighbors. Over the last year,  
16 solutions have not been found and the Planning  
17 Commission has denied several projects. However,  
18 these decisions were made on a case by case basis  
19 without any underlying context.

20 The Board is taking quick action to provide a  
21 framework that will inform applicants, staff and the  
22 Planning Commission on how these projects can be  
23 addressed that have significant constraints which will  
24 help reduce the extensive debate over marginal

1 proposals. What is that underlying context? I would  
2 say as always, what does the general plan have to  
3 contribute to this discussion. Sure enough, if you  
4 look at Policy AGLU-10, new wineries and other  
5 agricultural processing facilities as well as  
6 expansion of existing wineries and facilities in  
7 agricultural areas should be designed to convey their  
8 permanence and attractiveness.

9 Now, to me, permanence implies that a project  
10 is sustainable, it's going to be here for the  
11 long-term. It's been designed with those principles  
12 and that may include things like hold and haul or may  
13 include things like a water availability analysis but  
14 it may include things like estate grape requirements.  
15 But it implies that it's not designed for planned  
16 obsolescence or disposability but for something that's  
17 here that's going to be here for a long time and  
18 designed well in that regard.

19 Attractiveness, also, I think with the  
20 permanence, implies compatibility, it's compatible  
21 with the community, compatible with the neighborhood,  
22 compatible with the physical constraints of the site.  
23 So I think the general plan has already spoken to this  
24 just in a way that perhaps we haven't looked at

1 previously.

2 I would also point out that the action item  
3 to policy LU-10 talks about maintaining a data base of  
4 wineries including production capacity, marketing  
5 events and other characteristics which we've done and  
6 that data base should include other characteristics  
7 that could influence analysis of the cumulative  
8 effects or the winery's effect on neighbors.

9 So again, the fit, the compatibility of a  
10 winery neighborhood is recognized in a general plan as  
11 being something that's valuable, and I think that goes  
12 to much of the heart of the discussion that the Board  
13 had two weeks ago and is having again today.

14 So that concludes my comments. I'm certainly  
15 available for any questions. Following Board  
16 questions and public comment, I can go through each  
17 item, if the Board would like to take that approach,  
18 or we can do it more holistically, and I'll conclude.

19 THE CHAIR: And just because it has been kind  
20 of hinkey with electricity around and people not  
21 getting some of their written stuff that comes over  
22 the Internet usually, we have copies of this Staff  
23 Report, it's not a long Staff Report in the side tray  
24 over there. So if you're missing that, you can have

1 the benefit of that at this point.

2 General questions from the Board at this  
3 point? I don't see any at this point. So let's -- I  
4 will open it up to the community. What do you all  
5 think? What are your -- what's your input?

6 THE SPEAKER: Hello, again, Eve Conn.

7 I have a comment on visitation, on tasting  
8 room and marketing visitation. Mike Hackett earlier  
9 mentioned that he was concerned and wanted to roll  
10 back some of the changes to the WDO specifically as it  
11 relates to food service.

12 This month has been very interesting because  
13 there's been a lot of restaurants closing and a lot  
14 of articles published. One of them is why  
15 Yountville's Red's restaurant is closing. I'll quote  
16 from here. It says, "Blanchard who is a master --  
17 inaudible-- points to the wineries as having a role in  
18 the challenges restaurants are now facing. Red's  
19 closing says a lot about the changing dynamics of  
20 dining in the valley. Restaurants have to compete  
21 with so many wineries that are now offered food  
22 pairings and lunches with in-house chefs. Tourists  
23 aren't necessarily interested in a big dinner or fancy  
24 lunch when they could have an experience at a winery."

1           There was another article about Brian Arden  
2 wines from Silverado Trail in Calistoga and it's  
3 talking about the, "Chief bites are served for  
4 intimate groups, two to eight. Four course menus  
5 change frequently based on seasonal harvest and  
6 contain plentiful portions that might require  
7 reconsidering a dinner reservation."

8           And just this morning in the register,  
9 there's a big article about food and wine at Sequoia  
10 Grove and the author is pleased that we can have more  
11 than wine crackers, water crackers or Hershey's Kisses  
12 but wineries are now and visitors are able to benefit  
13 from an ambiguity in the ordinance that allows for  
14 educational wine and food pairing.

15           This little loophole is making it possible  
16 for us to enjoy meals at wineries. They're talking  
17 about five-course meals. They're talking about how  
18 difficult it is to set up this restaurant within the  
19 winery and support staff and it's says "Is no small  
20 endeavor. Neither is staying within the parameters of  
21 the loophole."

22           So this is not -- these are not my words.  
23 These are words that are coming from the industry  
24 themselves. I think if we're going to look at

1 compatibility and sustainability, we need to look at  
2 the continued viability of our cities and how the  
3 changes in the wine industry are now affecting and so  
4 we have restaurants closing from Calistoga all the way  
5 through Napa. So I don't want to that to be  
6 overlooked. I would love to have some of that kind of  
7 brought into this discussion. Thank you.

8 THE CHAIR: Thank you.

9 THE SPEAKER: Howdy again, Bernadette Brooks,  
10 3013 Dry Creek Road in Napa.

11 I think a lot of the topics that are in here  
12 are very important to maybe go down a little bit more  
13 level of detail in some of them so that we would know  
14 how they would be enforced or a little bit more when  
15 you talk about estate grapes, that makes sense but is  
16 10 percent reasonable, is 15 percent; does it still  
17 depend where they are.

18 There was a conversation between someone  
19 going in for a major mod and a neighbor saying well I  
20 don't have enough water to do the vineyard and my  
21 beautiful winery, I just won't plant the vineyard  
22 because I'll save all the water to make my wine and  
23 have my events in my beautiful place at the top of my  
24 hill. That's going the completely wrong direction of

1 what we want to do here.

2           So we have to be careful but we have to be  
3 more specific. Some of the things that are being  
4 built are major mods are oversized for what they might  
5 be asking for the first time around but we need to  
6 look at also when they come back in five years if we  
7 told them the first time around that one size was all  
8 that parcel could handle, then when they come back  
9 again for a major mod, we shouldn't be saying now all  
10 of a sudden because you are there, you've already  
11 built something, we're going to let you do another --  
12 you're going to go from 30,000 gallons to 100,000  
13 gallons. I mean, that's a huge jump in production and  
14 we know we already have I don't know how many times  
15 over production allowed out there.

16           So I think we need to look at that. I think  
17 -- the thing that makes me nervous and planters bless  
18 them, I don't know how they have the patience  
19 sometimes, but they really are trying to help the  
20 customer come up with something that will work. I  
21 think then the customer gets frustrated because  
22 they're trying to say, Well, maybe if you did this or  
23 maybe if you did that, I think sometimes we just need  
24 to say "No." Thank you.

1 THE CHAIR: Thank you.

2 THE SPEAKER: Hi. Thank you very much for  
3 this opportunity to speak to the Board. My name is  
4 Keith Glance. I live at 390 Cold Springs Road. I  
5 first came to Angwin in 1968, and I've been at the  
6 Cold Springs Road address for 32 years.

7 They say that a picture is worth 1000 words.  
8 I don't know if there's a thousand words in this  
9 memorandum or not but I am and always have been an  
10 advocate of personal property rights. However, I draw  
11 the line at one simple word "safety" and I still hold  
12 true to that. I may not want people buzzing up and  
13 down my road to go to a winery but I'm not the center  
14 of the universe, however, my children are.

15 The picture that you have in front of there  
16 was taken in front of my house just a few days ago.  
17 Fortunately, U P S trucks on Cold Springs Road is an  
18 infrequent event. If you do meet a truck even if you  
19 meet another car, you can see there's two pickups  
20 behind that, you dive into somebody's driveway so you  
21 can get by. That's the way things are on Cold Springs  
22 Road, but we don't have that many trucks. If there is  
23 a winery at Cold Springs Road, you have tanker trucks,  
24 box load trucks, it's going to change the landscape

1 enormously.

2           Immediately to the right of that picture is a  
3 house where three kids ride their bikes to school  
4 every day. Behind me where I was standing to take  
5 that picture, there's two kids in that house. There's  
6 a lot of kids in that neighborhood, and their safety  
7 -- mine are grown up and they're gone thank goodness,  
8 but their safety is what I'm speaking to today. Cold  
9 Springs Road is no place for a winery because of  
10 safety. I'm not going to speak to whether or not the  
11 wineries and the restaurants should compete, I'm only  
12 speaking to the fact that that road -- if the County  
13 wants to make it a four-lane road, that's fine, bring  
14 it on but I shouldn't have to pay for it.

15           The other issue that I would like to speak to  
16 regarding is safety and I apologize to the Board for  
17 digressing but the safety issue of P&GE turning off  
18 the power has created a huge nightmare for us. I  
19 haven't slept for two nights. We have no way at our  
20 house of calling the police, calling the fire knowing  
21 whether or not we need to evacuate or anything because  
22 when PG&E cuts off the power, we lose all Internet.  
23 We lose all access to the outside world incoming or  
24 outgoing. We don't know whether we're supposed to

1 evacuate until somebody pounds on our door.

2           So we haven't slept for two nights and we're  
3 looking forward to the power being back on. The  
4 Chevron station has no fuel, and there's generators  
5 running all around me. Not everybody should have a  
6 generator. You're creating a lot of problems there.  
7 I realize that this is the first time this has  
8 happened but it's not PG&E's first rodeo and to revert  
9 to a third world process of just shutting the power  
10 down is not the answer. They should have had a better  
11 answer by now. Thank you.

12           THE CHAIR: All right. Thank you.

13           THE SPEAKER: Trisha Damery, Dry Creek Road.

14           I appreciate the leadership that is shown in  
15 this document. I really feel that if we come up with  
16 a set of regulations that honors the environment,  
17 honors the agriculture, our watersheds the whole and  
18 we hold to it, not let the economics of a few drive  
19 the engine here, it's going to do a lot for our  
20 community because I think our community really has  
21 been fractured by what's happened.

22           So I really celebrate this. I'm glad that  
23 we're working on it. I think that many of these are  
24 very reasonable suggestions, and I hope that you make

1 it an ordinance. So thank you.

2 THE CHAIR: Thank you.

3 THE SPEAKER: Kelly Anderson, Angwin. Last  
4 call, I promise.

5 One of the things that I think we need to  
6 address in drafting policy like this timber harvest  
7 conversions typically occur in Napa County for  
8 vineyard development. In the case of a recent winery  
9 application, you have a timber harvest conversion  
10 where the trees will be taken down to accommodate a  
11 winery. So I think we need to think about that. We  
12 would be taking down our coniferous forest, in some  
13 cases, for a winery. So maybe that's not something we  
14 want to address.

15 I did want to mention that Dawn and Jack  
16 Morgan were here this morning unable to stay. Robin  
17 Lail and then Nancy Lacorte of Pacific Union College  
18 all came at 9:00 and were unable to stay all day. One  
19 of the big concerns when we start putting wineries in  
20 mountain top canyon locations, these are our  
21 headwaters of our watershed, and we are going to be  
22 putting industrial waste water treatment facilities in  
23 our depressions and our headwaters, do we want to do  
24 that. I think that's a point it is slightly mentioned

1 in there, but as a concept, do we want to have waste  
2 water treatments for 50,000, 100,000, 50,000 visitors  
3 where we get our drinking water.

4 I think we need to discuss the nexus between  
5 I believe there is a policy about clearing of trees  
6 and vegetation in sensitive domestic water supplies  
7 that there is a cap to protect those water supplies  
8 and are we allowing the wineries to exceed that  
9 clearing cap for their footprint, how are we dealing  
10 with that and how are we dealing with the cave tailing  
11 degree as far as it impacts natural vegetation.

12 Definitely, we're going to have to have a meeting in  
13 Angwin on this. Obviously, we are the community that  
14 is most greatly affected with the potential for winery  
15 development.

16 Power outages, of course, necessitate  
17 generators and though we may build wineries to try to  
18 be quiet and be good neighbors, when you do have to  
19 power up large generators for cooling and processing,  
20 you can't help but hear those echoing through the  
21 canyons and that impacts wildlife as well.

22 I really believe that we need to address a  
23 cap, a finite number of wineries that our county can  
24 accommodate. Piece-mealing, of course, is always a

1 concern when a winery -- a new winery has gallonage  
2 and visitation and comes back later and asks for  
3 changes, that is piece-mealing -- inaudible -- brought  
4 up a particular winery, Brian Arden, and I had just  
5 read about them. They have 260 vines, they're quite  
6 proud of that, 260 vines.

7 Now, they are within the City of Calistoga,  
8 but they actually employ a chef. I think we need to  
9 think about that. What is the relationship of the  
10 actual grapes that they have versus the product  
11 they're delivering which is food service. Thank you.

12 THE CHAIR: Thank you.

13 THE SPEAKER: Good afternoon, Deborah --  
14 inaudible, Treasurer Wine Estates. I wasn't actually  
15 going to speak but I have three really quick points.

16 The first one being when you're dealing with  
17 new wineries in these remote areas, I would like to  
18 remind you all that you cannot put any limitations on  
19 new wineries that you can't -- that would also apply  
20 to existing wineries, if they come to change their  
21 business or expand their business. So I think we need  
22 to keep that in mind as you move forward.

23 The second is I don't think that we can  
24 really make policy based on what the Napa Valley

1 register reports. While labor is an issue, I know for  
2 a fact the two big restaurants closing Red and Terra  
3 have nothing to do with wineries, food and wine  
4 pairings or even labor, it was different issues at  
5 both. I know this because I have -- my husband is in  
6 the restaurant business so I do hear what's going on  
7 and one of the open air restaurants, I've never heard  
8 it once in looking at different sides is what wineries  
9 are doing.

10 Having said that, you can all help us who are  
11 trying to do the right thing with enforcement from  
12 those wineries who are not because I get on, if not  
13 weekly at least a monthly basis. People on my D D T  
14 and marketing teams coming to me with what some winery  
15 is doing about meals. Why can't we do this, and I  
16 have a hard time stopping them and telling them well,  
17 here is why you can't do this.

18 So if you enforce the people who are actually  
19 doing the illegal operations and help us who are  
20 actually doing the food and wine pairings which is  
21 educational, how you should be serving wine with food  
22 and educating people that's how it should be consumed  
23 would help us tremendously for those of us who are  
24 doing the right thing. So thank you.

1 THE CHAIR: Thank you.

2 THE SPEAKER: Margo Kennedy, Cold Springs  
3 Road, Angwin.

4 I'm here at the moment at the podium to  
5 represent Nancy Lacorte. She's the P U C vice  
6 president for academic administration in Angwin. So  
7 she's been a resident of 35 years of Angwin and lives  
8 also on Cold Springs Road. Nancy had to leave and so  
9 she asked me if I would share her comments.

10 Pacific Union College -- she was here to  
11 represent the college, is concerned about increase in  
12 traffic resulting from winery developments or  
13 proposals especially near P U C Elementary School and  
14 the Discovery Land Preschool. They're both on Cold  
15 Springs Road. Many children and their parents use  
16 this narrow road including on foot, bicycle. The  
17 college urges the supervisors to preserve the  
18 residential character of Angwin's roads and this would  
19 obviously include Cold Springs.

20 P U C also wants to make note that some of  
21 the wineries in Angwin already are using their parking  
22 lots for staging grounds and where they -- I guess  
23 they must move their clientele from that spot. So  
24 they meet them at the supermarket. They meet them --

1 they've even used the elementary school parking lot.  
2 One situation that I'm aware of that just happened  
3 recently is they moved a truck on to one of the  
4 parking lots because they wanted to use their parking  
5 in front of their house for their own friends to be  
6 able to come.

7 So various things will happen in  
8 neighborhoods that you would never know because you  
9 don't live there but P U C is very concerned about the  
10 use of their facilities for wineries that may not be  
11 able to accommodate the clientele at their own winery.

12 Okay. Thank you.

13 THE CHAIR: Thank you.

14 THE SPEAKER: Hello, Michelle Benivito, Wine  
15 Growers of Napa County.

16 I just want to remind us of the conversation  
17 we just had which was a universal desire to have data  
18 driven evidence based decisions, transparency and  
19 community outreach and education and collaboration  
20 between the community and the County.

21 So just three weeks ago on September 25th  
22 with little notice, the Board considered the remote  
23 winery ordinance, it was described as a way to address  
24 winery agreement in remote or restricted access areas.

1 The Board did a thoughtful discussion and listed items  
2 to consider. One item was the definition of "remote."  
3 Since, as the supervisors expressed, not all areas of  
4 the AW would be considered remote, yet the proposal  
5 before you today appears to disregard location of a  
6 winery and recommends change to all agricultural zoned  
7 areas.

8 So I urge the Board to require engagement  
9 with the wine community including its trade groups  
10 regarding the proposed amendments to the W D O because  
11 that's what this is a proposed amendment to the W D O.  
12 In 2010, the Board nearly adopted changes to the W D O  
13 to allow weddings at wineries and it was the wine  
14 community who urged restraint, then worked with the  
15 County regarding the small incremental changes.

16 The County has a successful history of  
17 working with the wine industry on significant wine  
18 industry regulation like the D W O, the conservation  
19 regs, the water availability analysis. Involving the  
20 industry you are regulating is critical to help avoid  
21 unintended consequences in the future.

22 I'd love to go into detail of all of the  
23 items listed in today's Staff Report, but I don't have  
24 the time in this meeting and with the limited time the

1 Staff Report was available and the limited  
2 availability of Board members, I wasn't able to  
3 contact and talk to you all directly about each and  
4 every item.

5 So again, the changes discussed in today's  
6 Staff Report would be significant amendments to the W  
7 D O, it would also impact existing wineries at a time  
8 when the Board is encouraging existing wineries to  
9 update their use permits in order to address upcoming  
10 code compliance changes.

11 Lastly, Wine Growers is concerned that the  
12 Staff Report suggests implementing these changes  
13 through a memorandum while an ordinance is being  
14 drafted. Implementing legislation before the adoption  
15 of an ordinance is inappropriate and not consistent  
16 with Sequa's requirements. Napa County requires  
17 extensive Sequa process for proposed winery  
18 activities. So we expect Napa County would hold  
19 itself to the same standard. Thank you.

20 THE SPEAKER: Good afternoon to the Board.  
21 Gary Margonant from up on Mount Veeder Road.

22 We recently went through a winery application  
23 up near my home on Mount Veeder Road that proposed a  
24 winery that had absolutely no vineyards whatsoever,

1 and the Planning Commission didn't particularly like  
2 that combination of compliance.

3           So I would say to you and it's interesting  
4 what you talk about custom crush because the, you  
5 know, that's what that place would have been, it would  
6 have been just a custom crush. I think for them to  
7 actually place the custom crush by what David was  
8 speaking about and I hope I heard him right, was that  
9 the industrial areas are more a route for the custom  
10 crush. Mainly because of all of the traffic that's  
11 involved in this type of thing. I would be more than  
12 happy to see that and the cost of compliance for all  
13 of the regulations and the coming to work with the  
14 County and stuff is really something that -- it gets  
15 to be a real bug there because of certain people.

16           I mean, if you take the Anthem winery,  
17 they've spent a lot, a lot of money trying to make  
18 themselves comply and fit that thing onto a piece of  
19 property. You know, they have water. They have  
20 access. They have a number of issues and stuff like  
21 this, do you think it would have been -- the Anthem  
22 winery is just might not be the acceptable size for a  
23 winery in that area.

24           So I would say to you that the cost of

1 compliance and stuff like this just to try to make it  
2 fit. If your planning department and your  
3 conservation department is working overtime to try to  
4 get them to fit this into the project, maybe you  
5 should really look at it and say no, you know, a  
6 little earlier before the applicant has to spend that  
7 much money to try to fit it in. You know, somebody  
8 has to sit there and say "Yes" or "No" about these  
9 issues that, you know, this remote winery discussion  
10 is all about.

11           So we would appreciate something -- you know,  
12 you talked about community, you know, community  
13 compatible. That's what we really, really wanted up  
14 on Mount Veeder was something that was like this. We  
15 didn't want a 7-11 winery up there, you know, that was  
16 just going to have the grapes hauled into it and then  
17 all of a sudden, they make the wine and then they have  
18 the parties because they pulled the winery, they  
19 wanted it 75 feet from the road when the setback was a  
20 couple of hundred feet which would have been more  
21 compatible with that. We would have just liked that  
22 and it's too bad, you know. I think it would have  
23 been better in a different location. Thank you.

24           THE CHAIR: Thank you.

1 THE SPEAKER: I'm going to be a rebel and  
2 come over on this side. My name is Roxanne Hogan. I  
3 live on Fresian Drive in Angwin. I wasn't going to  
4 speak today but apparently my comrades didn't show up  
5 so I'm going to speak on their behalf.

6 Fresian Drive is a private road. We  
7 currently have two wineries located there. One winery  
8 went in many, many years ago. The residents bought  
9 into that, it was fine with lots of restrictions which  
10 they have not adhered to at all. The one visit per  
11 day can be 20 people in a van. So that's one visit.

12 The wineries use our road more than our  
13 residents do and because of the amount of cars and  
14 vans and then, of course, just the winery equipment  
15 and all the tractors and whatnot that go in and out,  
16 our road is falling apart. Because it's a private  
17 road, we're responsible for it. They don't put any  
18 money into it.

19 The proposed winery is going to be up a road  
20 that is really quite treacherous. Even the people  
21 that live up that road don't like to go up there own  
22 road. There's just no way. There's some parts of our  
23 road that are only 12 feet wide. So we have a few  
24 turnouts, but there would never be enough room for

1 these winery trucks especially for this winery that's  
2 going to be bringing in grapes because they don't have  
3 enough vineyard up there.

4 So it's a safety issue. It's a safety issue  
5 just for the folks that live there and want to walk on  
6 the road with our animals. It's a safety issue for  
7 the wildlife but it's an extreme safety issue on the  
8 road that this proposed winery is going to be. Those  
9 folks up there if something were to happen on one of  
10 those trucks went off the road or jackknifed or  
11 whatever, they wouldn't be able to get out. There's  
12 one way in and one way out on Fresian. So evacuation  
13 especially in light of the fires is a real concern for  
14 everybody.

15 So I'm just throwing that out there. People  
16 don't always thing of safety as a big concern. They  
17 always think we just don't want a bunch of wineries up  
18 there. We don't want all these people coming up to  
19 party and disturbing us. Safety is a huge issue.  
20 Thank you and I'm sorry, I didn't get to read this  
21 before but maybe it was addressed in here. I don't  
22 know.

23 THE CHAIR: Thank you. Further public  
24 comment on this point? There's not a repeating public

1 comment, no.

2 THE SPEAKER: Well, I -- Margo Kennedy, Cold  
3 Springs Road Angwin. I thought about asking for two,  
4 three-minute periods, one I could speak for Nancy  
5 Lacorte.

6 THE CHAIR: We normally don't do this at all  
7 so can you keep it very, very, very, short.

8 THE SPEAKER: So you close comment?

9 THE CHAIR: Well, I usually only let one bite  
10 at the apple for --

11 THE SPEAKER: For any one individual?

12 THE CHAIR: Yeah.

13 THE SPEAKER: Okay. Even though I was  
14 representing her?

15 THE CHAIR: Yeah. So if you can keep it  
16 really, really short.

17 THE SPEAKER: I'll try and you can cut me  
18 off.

19 Wineries, in my opinion -- am I cutoff  
20 already? Wineries, in my opinion, do not really  
21 belong in the watershed. Now, we have a history where  
22 we've created wineries and we have businesses in  
23 Angwin. They don't belong in the watershed for a  
24 number of reasons -- is that my well already?

1 THE CHAIR: Conclude your statement.

2 THE SPEAKER: Okay. They're industrial and  
3 they're commercial. When you have a watershed you're  
4 trying to protect and a water quality you need other  
5 ingredients. You need forest. You need water drop.  
6 You need water filtration and therefore, you get water  
7 quality. Adding septic, large septic systems to  
8 those conditions are not a good scenario.

9 Now, in the 90's, a winery wanted to go in  
10 behind me and at that point, we had to come back to  
11 the Board. None of you were on it and that was the  
12 very case and they didn't put that winery in so.

13 THE CHAIR: Thank you.

14 THE SPEAKER: Good afternoon. I'm Michael  
15 Mondavi. I live at Silverado Trail, Napa.

16 Thank you for the study, first of all the  
17 strategic plan. It is so important in evaluating all  
18 of this. It was like deja vu today going back to the  
19 60's and 70's when the wine industry and the Board of  
20 Supervisors got together and created the winery  
21 definition ordinance and how do we preserve the jewel  
22 that we have here in the Napa valley.

23 I just love the photograph of Santa Clara  
24 valley in the 1940's and of Oakville, Rutherford Napa

1 Valley in the 1940's and then flash forward to  
2 10 years ago, still the same vineyards, in Napa. It's  
3 all factories and warehouses and subdivisions in Santa  
4 Clara valley, it was a very fertile, wonderful valley.  
5 I commend for taking this study but we need the time  
6 to work together with the vineyards, the wine  
7 community, the general community and especially now  
8 with the remote winery evaluation, especially during  
9 the harvest when people are out there scrambling to  
10 get the grapes done.

11 Please take the time to study this. The  
12 wineries would love to be involved with you and do  
13 what's best for my grand children and great children,  
14 not just for the next ten or 15 years. Thank you very  
15 much.

16 THE CHAIR: Thank you. I'm seeing no others  
17 at this point. I will close the public comment and  
18 return it back to the Board. You had an offer from  
19 Mr. Morrison to walk us through the different bullets,  
20 is that something interesting to you or do we just  
21 have some good thoughts to add to what is here at this  
22 moment?

23 Supervisor Dillon?

24 SUPERVISOR DILLON: Well, first of all, I

1 don't think this is ready yet to be directed to be put  
2 into an ordinance or any other document. I really  
3 think in general that we're arguing about -- we're not  
4 arguing but we're focused on these details when what  
5 should happen is a common sense application of does  
6 this proposal fit into this place.

7 I can remember a year and a half ago when I  
8 thought uh-oh I think we're in a little bit of trouble  
9 because I looked at the Mountain Peak Winery  
10 comparison chart and that's what -- this is  
11 compatibility but compatibility is in way comparison,  
12 that had been prepared by the planning staff and it  
13 was for Mountain Peak at the top of Soda Canyon and it  
14 was compared to ashes and diamonds, round pond, black  
15 stallion, Trincaro, Alpha Omega. Why on earth was it  
16 compared to those things? I remember thinking this is  
17 not a good thing because we're not comparing apples to  
18 apples.

19 The essence of what we're talking about today  
20 and the reason this started as remote is because we're  
21 supposed to be talking not comparing a winery at the  
22 top of Soda Canyon with a winery on Silverado Trail  
23 because you just can't make that comparison and yet  
24 that's where we are right here. We're talking about

1 these details.

2           What I'm really concerned about is going  
3 through each of these things, seven, and deciding on  
4 each of these factors and then you're going to have  
5 some proposal come before the Planning Commission that  
6 might technically fit into each of these. It's not a  
7 good fit at the location where it is. I realize this  
8 is land use planning, so it's a little difficult to  
9 use. I don't know if it was a metaphor.

10           I remember in the discussion of pornography,  
11 there was the judge at one point who said, "I'll know  
12 it when I see it." Well, I mean, the sort of flip of  
13 that is I'll know when this is not a good fit at this  
14 location based on what the neighbors say, based on  
15 many factors and that's the way the winery definition  
16 ordinance was designed, it didn't have all these  
17 details in it. If you look at the transcript from  
18 when it was decided, the legislative history which I  
19 wish staff would bring to us. We have it, it says  
20 we're going to look at these on a case by case basis.

21           So I don't think this is the way for us to  
22 solve the problem which we have which is that we have  
23 had a Planning Commission that has approved wineries  
24 that are not compatible with the neighborhood or the

1 physical situation where they're located and then we  
2 have a lot of community consternation and/or we have  
3 an appeal to hear.

4 One of the things that's missing from this  
5 process is a meeting between the Planning Commission  
6 and this board which it's been at least a couple of  
7 years and we used to have that regularly. So we would  
8 have some interaction and they would get some informal  
9 direction from us and that informal direction  
10 solidified that decision-making that was based on the  
11 common sense approach of what was the appropriate  
12 thing to do.

13 So, you know, going through each of these and  
14 having each of these as decision points, to me, it's  
15 not the answer to the challenge that we do have before  
16 us. I question, for instance, on Number 7 Variances  
17 and Exceptions. "Strictly construe the interpretation  
18 of regulations to protect public health and safety."

19 Does that mean that there's another case  
20 where we're going to loosely construe. I mean, I just  
21 don't think this is ready for prime time. So given  
22 that -- it's not that late in the day but I've been up  
23 for most of the last two days. So as I said earlier,  
24 I think we should be looking at other things. I think

1 we should be looking at the bigger picture. We just  
2 had our strategic plan folks say what was the number  
3 one thing that people appreciated about the Napa  
4 valley in the slide show that had no buildings in it  
5 by the way. I think that's always very interesting  
6 that we always show photographs of vineyards without  
7 wineries in them. I don't -- I think we should show  
8 wineries in them because they're part of the landscape  
9 and part of the context.

10 What we cherish is natural beauty and  
11 environment. I think we should go back -- I think we  
12 should go look at some other solutions that were  
13 previously proposed. For instance, instead of  
14 thinking about the minimum parcel size of a winery, I  
15 mean, I'm not saying we should reduce the 10 acres but  
16 think about how close they should be in appearance.  
17 If you have a place where you have a whole bunch of  
18 10-acre parcels, you're going to have a whole bunch of  
19 wineries. I think it creates something that is  
20 adverse to what we cherish about this place.

21 So either increasing the minimum parcel size  
22 in certain areas, talking about the developable area  
23 including one of the things that's left over was the  
24 residential coverage. We've got to get to that

1 because all the things that people here are saying  
2 about wineries, residents could do far more, a mini  
3 mansion or make a mansion or whatever.

4 Talking about the distance between wineries  
5 and talking about the safety issues, those are the  
6 things that I think we should focus on.

7 THE CHAIR: Thank you.

8 SUPERVISOR DILLON: And we've got to have a  
9 meeting -- sorry, I'm going to repeat it. It's been  
10 long overdue the Planning Commission and our Board.

11 THE CHAIR: I was talking about that just the  
12 other day so I'm with you on that.

13 Supervisor Pedroza?

14 SUPERVISOR PEDROZA: Thank you, chair.

15 And I don't disagree with having the big  
16 comprehensive picture discussion. I think we should  
17 have that. I think that's what I've been hearing  
18 through this strategic retreat and the folks I talked  
19 to but I guess I'm just a little confused when this --  
20 these seven bullet points and David, you can correct  
21 me if I'm wrong, came out of the last meeting that we  
22 had, correct?

23 THE CHAIR: Yes.

24 SUPERVISOR PEDROZA: So my concern is if we

1 don't have the appetite to take these on now, that's  
2 okay but we can't keep spending resources on having  
3 these discussions over and over again. The reason I  
4 wanted to go one by one is to really understand if we  
5 have appetite to have these discussions.

6 SUPERVISOR DILLON: I've got a big appetite  
7 Mr. Pedroza, so bring it on.

8 SUPERVISOR PEDROZA: Well, then we should  
9 talk about them versus continuing the conversation. I  
10 think that's what the public deserves. If we want to  
11 talk about custom crush, let's talk about it. If we  
12 don't want to talk about hold and haul, let's not talk  
13 about it. But I think we owe it to the public to have  
14 these discussions because if not, what messages are we  
15 sending to the community.

16 I would be supportive of having a discussion  
17 on each one so I'm happy to begin. On number one, I  
18 think the discussion about vehicle trips is a good  
19 discussion. I think we should have that. I think  
20 looking at that from a visitation aspect and counting  
21 vehicles, I think that's a good thing. I don't think  
22 that's just specific to the remote rule. I think that  
23 can be applied county wide, but we should have a  
24 discussion with the community about that.

1           On custom crush, I brought it up before that  
2 that was a genesis for me bringing up this discussion  
3 of I do think there are appropriate areas to have  
4 custom crush. The examples I've used like Soda Canyon  
5 and Atlas Peak Road, I don't believe a custom crush  
6 facility at the top of Atlas Peak or Soda Canyon is  
7 appropriate. I want to have a discussion with the  
8 community about that.

9           The activity of custom crush is what concerns  
10 me. If there's no fruit on-site, that means they're  
11 bringing trucks up the road. Those are the  
12 discussions I want to have. If there's concerns about  
13 it, if there's unattended consequences, let's put  
14 those on the table and have those discussions.

15           So that's kind of what I've been envisioning  
16 with this discussion. I'm happy to continue on --  
17 hold and haul, we talked about that on APEC. I think  
18 there's other things going on that we might want to  
19 know in terms of what the state is regulating with  
20 that. On topograph, that's site specific. I don't  
21 think that needs to be manifested in an ordinance or  
22 in a memo. So I would ask staff what they meant by  
23 that a little bit more.

24           On the fire safety, I'm really concerned

1 about that in terms of what is a fire hazard area who  
2 designates that, what type of conditions of approval  
3 are we looking at. So there's a lot of questions  
4 about that. Visitation number six, that's site  
5 specific. I don't think that needs an ordinance or  
6 more regulation to be manifested in that, that's part  
7 of the authority we have.

8 The same goes with variances and exceptions.  
9 So I think the ones that I glean from these that can  
10 be discussed more elaborately and be manifested in  
11 policy potentially is looking at traffic and custom  
12 crush.

13 THE CHAIR: Thank you.

14 Supervisor Dillon?

15 SUPERVISOR DILLON: Happy to discuss traffic.  
16 I agree with Mr. Pedroza, but I think the issue is  
17 enforcement. We need to build in a mechanism. For  
18 instance, if you have ten parking spaces when the  
19 parking spaces are full, you close the gate. There  
20 needs to be some enforcement mechanism that's easily  
21 enforceable. We need code enforcement on the weekends  
22 too because that's when these issues happen.

23 The wish -- the width of county roads is a  
24 factor. The road and street standards in the S R A

1 require 20-foot wide and yet we have a photo right  
2 here of an access road that's not 20 feet wide. So  
3 that just doesn't make any sense.

4 I have a question I think the rest of them  
5 you kind of dispensed with which is not unlike where I  
6 was. With regard to custom crush I recall that in  
7 2005, we had -- we were sued to say we couldn't  
8 control custom crush and we -- the planning director  
9 wrote we changed course as a result of that. So where  
10 are we on that topic, it's a legal -- go ahead.

11 MR. MORRISON: I can speak for the planning  
12 director's memo. I can't speak to the lawsuit but the  
13 planning director's memo is it rescinded the prior  
14 planning director's memo which came out in 1996 I  
15 believe that provided some restrictions on how many or  
16 to what extent custom crush independent operators  
17 could locate out of a winery.

18 The 2005 memo that was issued by the  
19 subsequent director indicated that the County would  
20 just look at total wine production regardless of  
21 whether custom crush operators were operating  
22 underneath that umbrella. I don't know if Mr. Bracks  
23 has anything to add regarding that.

24 MR. BRACKS: Yeah, I think that summarizes it

1 well. I think the planning director's memo talks  
2 about a more efficient metric of environmental  
3 community impact meaning more of a nexus I would  
4 probably say legally, pertains to the overall tonnage  
5 limit rather than five or seven or trying to regulate  
6 a specific number of custom crush operations that go  
7 in, but we've pulled the lawsuit, it was dismissed  
8 shortly after this memo was repealed.

9 So I'm not aware of any prohibition on a  
10 regulation or limitation on custom crush. We would  
11 take all efforts to make sure it's legally drafted, of  
12 course, depending on the Board's direction.

13 THE CHAIR: The other side of custom crush is  
14 estate requirement, you know, that way we can say,  
15 Well, you can only do estate bottled wine; is that a  
16 way to get there?

17 MR. BRACKS: Yes.

18 The flip side of that is imposing some  
19 requirement or percentage on estate-bottled grapes in  
20 recognition of I think what Mr. Morgan had said  
21 actually which is that custom crush facilities absent  
22 that percentage involve more traffic as trucks are  
23 bringing the grapes to it and then the wine is leaving  
24 than regular wineries would do or estate wineries so.

1 MR. MORRISON: As an example, Santa Barbara's  
2 wine ordinance that was adopted I think last year for  
3 wineries located in the designated inland area,  
4 wineries required to have at least one half acre of  
5 vineyard per 1000 cases or about 2000 gallons, that's  
6 about five percent. I'm not aware of any lawsuit  
7 against Santa Barbara county on that requirement.

8 THE CHAIR: That's a requirement that they've  
9 made. Okay thank you.

10 Supervisor Gregory?

11 SUPERVISOR GREGORY: There's a long list of  
12 things to consider. I just want to say again that  
13 there's other things coming that are already behind,  
14 completing the APEC recommendations that are undone  
15 and then the compliance program we're seeing in a few  
16 weeks but there's parts of this I think we need to do  
17 too.

18 Of this list of things, there's one thing  
19 that got us to this conversation which was a project  
20 out in the watershed without any vineyard on it and  
21 our Planning Commission feeling like they were  
22 concerned about it but they didn't have the policy  
23 backup to help them out. It's the one thing I'd like  
24 to do right away but we're not -- we haven't figured

1 out what that state requirement might be that hasn't  
2 been vetted.

3 So that's one thing that jumps out that I  
4 think we should handle and not take too long to do it.  
5 The others are things we've been talking about for a  
6 while. Counting cars instead of people, I'm not sure  
7 how to do that, how we would implement that a lot of  
8 work needs to go into figuring that out.

9 Then on the custom crush issue, I -- this was  
10 about not having up in the Ag watershed, not  
11 necessarily that it wasn't appropriate somewhere in  
12 the Ag Preserve on the valley floor. Then the rest  
13 are really site specific. I agree with Supervisor  
14 Pedroza, but I will say on hold and haul, I feel that  
15 a property that can't support or fit a proper waste  
16 water system might mean that that property shouldn't  
17 be developed commercially. So I feel that's one we  
18 should take on too at some point.

19 The rest are very site specific but I'm  
20 horribly unclear on how we would move those others  
21 forward because there's a lot we've heard today from a  
22 lot of people that, you know.

23 MR. MORRISON: On these grape requirements,  
24 if that's the direction the Board chooses to go, I

1 think that the Board just needs to set the direction.  
2 You don't need to hammer out the detail. I think the  
3 details of how that direction gets manifested or gets  
4 implemented, I think is an appropriate discussion for  
5 staff to have with the industry and the community  
6 about what makes sense. I don't think -- the Board  
7 isn't prepared to land on a specific percentage or  
8 requirement. Staff isn't prepared to give that  
9 recommendation right now. I think we would need to  
10 learn more about it.

11 SUPERVISOR GREGORY: Well, I agree but one  
12 solution offered us today was that you would write an  
13 administrative memo right away and get that out to the  
14 world. We're not anywhere near doing that.

15 MR. MORRISON: No, I agree and that memo was  
16 more or less to -- and I echo Supervisor Dillon's  
17 concerns about pre-determination.

18 The memo -- there was a concern at the last  
19 board meeting two weeks ago about how long an  
20 ordinance might take and how projects that are  
21 currently in the pipeline might continue to move  
22 through the Planning Commission, either get approved  
23 and wind up being appealed before the Board, while the  
24 ordinance is being developed. The memo is more of a

1 generic I guess set of common sense expectations in  
2 terms of trying to lay those out to give the Planning  
3 Commission some additional direction while the  
4 ordinance is being prepared.

5 Certainly, one option would be if -- would be  
6 to recognize the need to base decisions only on  
7 adopted code and ordinance and to not prepare any memo  
8 at all and to let the projects that are in line right  
9 now go ahead and be considered under the rules that  
10 are currently in place.

11 Another option might be that by narrowing  
12 down the scope of the direction today, that might help  
13 speed the time in which an ordinance could be brought  
14 back to the Board. Certainly one that only looks at  
15 two or three things is a little bit easier bite to  
16 chew than one that looks at several things.

17 So the intent of the memo is not to lay  
18 everything out in detail but more to kind of express  
19 the overall intent of the Board to serve as a  
20 placeholder until such time as an ordinance to give  
21 direction to the Planning Commission, again direction  
22 but if that's something that the Board is not  
23 interested in, it's not a requirement. It's not going  
24 to get working directly with the community and the

1 industry on a draft ordinance.

2 MR. TRAN: Chair, if I may chime in real  
3 quick. Just to amplify what Mr. Morrison just said  
4 mainly that today this meeting here is the second time  
5 that staff is coming back with this item.

6 Basically, today's purpose is to confirm the  
7 Board's directions in terms of moving forward. Staff  
8 is looking for confirmation for direction from the  
9 Board in order to basically take it -- and  
10 procedurally speaking, staff does not want to spend  
11 time and resources on anything that the Board does not  
12 support.

13 So basing on the Board's direction, I think  
14 Mr. Morrison is looking for confirmation so he can  
15 communicate back in terms of starting the process  
16 because as you well know, any type of land use  
17 ordinance that has to start at the Planning Commission  
18 and before staff work on the ordinance, bring it to  
19 the Planning Commission, we want to get the Board's  
20 general direction first.

21 Then in terms of the opportunity to be heard  
22 on this, to vet on this with the industry, with the  
23 community, with the public meeting, those will be had  
24 once the general direction is given. If the concern

1 is in regard to the -- when I think Michelle Benivito  
2 mentioned it and it's very absolutely correct,  
3 basically the applicant and the public have the right  
4 to rely upon what is currently existing in the book,  
5 in the law. Until that is adopted by the Board, that  
6 typically cannot be imposed.

7           However, in terms of for those who are  
8 interested or thinking about this, if the Board gives  
9 this direction and I think the purpose for the memo  
10 and please do correct me if I'm wrong, David, is that  
11 if the intention is to communicate properly as to,  
12 hey, this is the general direction of the Board, we  
13 will be taking it on, we will be drafting the  
14 ordinance. We will have public meetings. We will  
15 have stakeholder meetings. That I think is the  
16 purpose of the meeting.

17           But in terms of the effectiveness of what is  
18 the County's code or the County's ordinance that would  
19 indeed have to be stated in the text of the ordinance  
20 itself. Typically speaking after the ordinance passed  
21 through the Planning Commission and forwarded to the  
22 Board, the Board would need to do it readings and then  
23 if the ordinance would take effect 30 days after that,  
24 after the second reading, however, if there's an

1 urgency, then obviously, we can do it as an urgency  
2 ordinance taking effect immediately as well.

3 So I for today's purpose, I think if the  
4 majority of the Board is willing to certainly give  
5 direction to staff and staff can take that and go from  
6 there.

7 THE CHAIR: I'm not seeing that we're exactly  
8 there yet but Supervisor Ramos?

9 SUPERVISOR RAMOS: Thank you, Chair.

10 I'm going to start a little bit backwards.  
11 Because it's interesting we had this discussion. I  
12 reviewed the notes you sent out, the summaries, how  
13 you got to this memo. I get it, but I think one of  
14 the things that we're doing here is we're trying to  
15 push a square peg into a round hole. I say that  
16 because -- inaudible a lot of available tools in our  
17 toolbox and I don't think we pulled them all out and  
18 perhaps we should. So for that reason, I think  
19 another iteration of this synopsis would be helpful as  
20 -- before it does go out for further vetting that  
21 incorporates what those options are and I'll go  
22 through the a few of them.

23 So one, when it comes to traffic, we all know  
24 that's a subject near and dear to my heart. You know

1 and I heard a couple of questions how do we do that,  
2 trip counters, trip counters that we use them -- we  
3 used them back in my prior life in American Canyon and  
4 the way in which trip counters can be utilized is  
5 through a Traffic Impact Fee Program and making it  
6 conditioned on the Use Permit as part of the Traffic  
7 Impact Fee Program. You pay an impact fee based on  
8 your projected traffic trips. You exceed your traffic  
9 trips, you have a true up on a three-year average.  
10 That's how it was implemented in American Canyon.  
11 There is no gray. It's black or white. You get a  
12 check in, a year in so you can see do you need to make  
13 adjustments to your business model to stay true to the  
14 representations you made in your application.

15 So for me, yes, I think that traffic needs to  
16 be definitely a component that we look at in terms of  
17 how are we living within our means here, are we  
18 creating a future that we can live with but perhaps it  
19 doesn't need to live within this projected ordinance.  
20 Perhaps it can be -- it can live within the Traffic  
21 Fee Impact Program and through the Use Permit process,  
22 that might be a better method of being site specific  
23 being able to be amenable to be workable.

24 When it comes to custom crush, I certainly do

1 appreciate the benefit of Supervisor Dillon sharing  
2 with us the 2005 incident. We're using big terms  
3 today things and incidents. So I'll say incident and  
4 the director's memo of how to change that. I think  
5 that one of the things we need to look at is expanding  
6 but I believe one person said what does the estate  
7 component mean and how important is it. I said this  
8 in my last comments, it's a chicken or an egg. Do the  
9 vineyards need to come first and then you get the  
10 winery or are we saying we're saying yes to the  
11 wineries so now we have to say yes, to the vineyard.

12 We've got to be very careful in that balance  
13 of how far we're willing to go to create that  
14 environment of an estate component. I think one of  
15 the key stakeholder's, in my personal opinion, that  
16 would be really important here would be the AVA's  
17 themselves because when I think about estate  
18 component, I don't think about it necessarily in the  
19 Napa -- in the Napa way. We already have our  
20 75 percent rule. When I'm thinking about estate  
21 component and when we really look at what areas of the  
22 valley are being affected by our thoughts here because  
23 it's nothing more than mere thoughts here at this  
24 moment. I think about those AVA's whether it's Soda

1 Canyon and Mount Veeder, Kuntzville and we look at  
2 those types of apalachians themselves, I think that  
3 would be a really good way for us to focus in on what  
4 does this mean for us.

5           Personally, I'm on the same page as the  
6 engineer and that should give me great value in what  
7 I'm about to say because I think hold and haul is a  
8 real issue. If we're depending on a system of waste  
9 water that requires us to load up water into trucks  
10 that may or may not -- when I get to Number 7, may or  
11 may not meet the sufficient roadway standards, loading  
12 up waste water into a truck and taking it all the way  
13 to East Bay Mud, I do not believe that meets our  
14 objectives of sustainability, that can't be the  
15 solution for us saying we're going to rely on another  
16 municipality to take our waste water, it's got to be a  
17 balanced approach. So whether that means -- I've said  
18 this before. I've been saying this since 2012,  
19 whether that means we have to take an earnest look  
20 with Napa Sand and say what are we doing to provide  
21 for our future. I think hold and haul is a very  
22 important component here, but I think it also requires  
23 us talking to other entities such as Napa Sanitation.

24           Topography, I agree it's very site specific.

1 I think topography, at least in my comments that I  
2 made and I was certainly making them in terms of  
3 roadway standards and access. So I don't see  
4 topography as it's own category personally at least  
5 from any of our comments. Correct me anyone if I'm  
6 wrong, but I think we were looking at it more from a  
7 slope issue, from a setback issue and from a roadway  
8 access issue. When it comes to fire safety, certainly  
9 those same issues apply for me. It's that topography  
10 so I would loop that into that bucket.

11 Visitation, how many times are you flushing  
12 the toilet and how many trips do you have per day.

13 UNIDENTIFIED SPEAKER: That's a personal  
14 question.

15 SUPERVISOR RAMOS: It's a personal question  
16 we need to ask.

17 But I think that that's where that gets  
18 embodied not necessarily as it's own issue to put  
19 necessarily a -- pick a number out of thin air. I  
20 think it's got to be evidence based. What is that  
21 site capable of handling that is consistent with the  
22 community.

23 Then I'll get to variances and exceptions.  
24 What's the word I'm looking for successes -- success

1 of projects. I think when we look at variances, we  
2 need to look at -- the word that you use "strict," I  
3 think what we need to do is being looking at variances  
4 as do we actually need the variance. We shouldn't be  
5 accepting the variance just because it's the cheaper  
6 way of doing something because it's more expensive to  
7 accommodate the way it should be done within the rules  
8 that have been set. To bend that is exactly what we  
9 do with the variance, to bend the rules, to make it  
10 fit erodes the standards that this board sets forth.

11 So perhaps what needs to happen is a policy  
12 from the board to the Planning Commission of what our  
13 tolerance is for variances, what we would like to see,  
14 how much is too much. I'm not saying how much in  
15 terms of a number, I'm saying in the depth of the  
16 variance. To what extent are you asking for an  
17 exception.

18 The next one is the successiveness of the  
19 projects where I think -- this is a hard one and this  
20 is where I think Supervisor Dillon's recommendation or  
21 more demand I think it was that we meet with the  
22 Planning Commission, I'll go ahead and call it a  
23 demand. I second that and I'll say that we're looking  
24 at projects in isolation as opposed to the totality of

1 the circumstances. I don't mean that from a  
2 cumulative impact standpoint. I mean that from a  
3 community impact standpoint.

4           When we look at what's the horizon look like  
5 when you're standing at one parcel and what do each of  
6 those successive modifications do to the integrity of  
7 the application when originally granted and to what  
8 has happened in the community around where that major  
9 modification is happening. When you -- to look at  
10 things and just say oh, 20-acre parcels is the  
11 solution, I actually don't think it is. I don't think  
12 the 20-acre parcel is a solution because if you take  
13 triangular parcels that are all narrower towards the  
14 roadway, you do your 200-foot setback, you have a  
15 completely different picture versus a 20-acre parcel  
16 that is square in size or long rectangular on the  
17 front.

18           So we've got to look at what is that  
19 successiveness in projects to be able to understand  
20 what is the total -- what is the total shift that  
21 we're making in these policies. I'm not comfortable  
22 -- I'll conclude with saying I'm not comfortable with  
23 sending this out into the world because I think that  
24 there is a lot that has been said today alone.

1 I think one of the ways in which procedurally  
2 we've expressed a lot of concern and I understand the  
3 director's inclusion of the option of the memo was  
4 certainly to come and say that I had made at our last  
5 meeting they're available options. One, it can be a  
6 meeting as soon as possible with the Planning  
7 Commission, it can be a memo from this board to the  
8 Planning Commission, it can also be where the Planning  
9 Commission certifies questions to this board.

10 I have been on this board for nearly  
11 two years. We've never had a Planning Commission  
12 question get certified up to the board where the  
13 Planning Commission says, what you would like us to do  
14 with this one we're a little uncertain? That's always  
15 an option for the Planning Commission to be able to  
16 take a pause and say agendaize it for the board and for  
17 the board to give direction on something, if that's  
18 where we're at. I don't believe that we're at a point  
19 of complete vagueness that that would be required but  
20 if that is the feeling that we haven't given  
21 sufficient direction, we should utilize all the  
22 procedural tools available to us which includes a  
23 joint meeting.

24 THE CHAIR: Thank you.

1 Supervisor Dillon?

2 SUPERVISOR DILLON: I appreciate Supervisor  
3 Ramos bringing up the trip counter enforcement. I  
4 mean, it's an enforcement mechanism, but I think -- I  
5 don't know what this is going to be, an ordinance, a  
6 modification, what process this takes maybe changes to  
7 the conditions of approval would be what you bring --  
8 what you would bring back to us might be a step  
9 forward at least. I mean, I don't think preparing a  
10 map showing the width of county roads for public use  
11 is an ordinance item. So -- but changing the  
12 conditions of approval to talk about the number of  
13 vehicles and talking about how that's enforced and  
14 incorporating the trip counter aspect of it and  
15 limitation on parking aspect of it or whatever other  
16 suggestions there are.

17 I still -- I mean, that's something -- it  
18 would also meld with -- it's something that would also  
19 meld with our climate action policy. It's about  
20 vehicle miles traveled and so forth. I mean, I have  
21 no doubt that we're all ready to go there in some  
22 fashion.

23 I still have a question about the custom  
24 crush. You gave the example of Santa Barbara says you

1 get X gallons per Y acres of vineyard, how does that  
2 prohibit custom crush? If I decide not to use the  
3 grapes from my vineyard or I sell my vineyard grapes  
4 -- or I'm sorry, that's a redundant term. I sell my  
5 grapes to that other winery and I decide I'm going to  
6 do a lot of custom crushing this year. I don't get  
7 how the Santa Barbara example prohibits the custom  
8 crushing.

9 MR. MORRISON: No. I think that's a great  
10 point, it sets the stage to allow for an estate  
11 component to be used in the wine but you're right, it  
12 does not mandate that.

13 SUPERVISOR DILLON: Okay. So I think we're  
14 sort of back to can we say no custom crush, that was  
15 the question I heard and what we heard in 2005 was we  
16 couldn't say that. So I still feel like that hasn't  
17 been conclusively decided or given to us.

18 Counsel, can we say no, you can't do custom  
19 crush? Can we say no you can't do custom crush  
20 because it means more vehicles? I mean, we've never  
21 done that before. I'm not saying we shouldn't do it  
22 because we've never done it before. I'm just  
23 basically is it legal for us to do it?

24 MR. BRAKUS: I don't know what was allegedly

1 said in 2005 and I'm not sure I hear three votes yet  
2 to regulate that. If so, we'll come back to something  
3 I think there are options in that regard.

4 SUPERVISOR DILLON: Okay. I just wanted to  
5 make sure that there wasn't any confusion about doing  
6 this -- inaudible -- grape meant there was no custom  
7 crush because that was the implication.

8 And just to follow up with Supervisor Ramos'  
9 comments, I am concerned about the hold and haul but I  
10 got the idea, from your comments, that there's  
11 conversation that needs to be had with Napa Sanitation  
12 District so I'm not sure what direction you're  
13 suggesting there specifically.

14 Then with regard to the minimum parcel size,  
15 I'm going to go back to distance between structures.  
16 That's a way of taking care of one aspect of that.

17 Thank you.

18 THE CHAIR: One of the things that I've heard  
19 and I've now got it at least three nods for a joint  
20 meeting. We were trying to look at dates. This is  
21 just one that I looked at my calendar. We don't have  
22 a meeting set for the 30th or the 31st, that would be  
23 a Planning Commission day. We possibly could do a  
24 joint meeting on one of those days, you know, just

1 schedule it for an hour or two hours.

2 UNIDENTIFIED SPEAKER: Don't we have a  
3 meeting on the 30th?

4 THE CHAIR: The 30th, okay. Not on the 31st.  
5 Most of us don't have -- it's like the 5th Wednesday  
6 so most of us don't have -- it is the 5th Wednesday.  
7 Most of us don't have recurring meetings that happen  
8 on that day so that might be an easier one to come up  
9 with.

10 This discussion was far beyond what I was  
11 anticipating. I still -- and maybe I just when we  
12 talked about it, I was talking about it as a -- and  
13 I'll go back to what we talked about is a remote  
14 winery. I was concerned about the remoteness. In the  
15 work product we have today, there's no mention of the  
16 remoteness of the -- what a remote site would be, it  
17 would be a lot of -- I think it could be a lot of  
18 things, the remoteness of the road, the narrowness of  
19 the road, the accessibility of the parcel, how far the  
20 parcel was from arterials. You know kind of -- most  
21 of the things that you have in here would help address  
22 a remote winery very nicely.

23 I guess I'm kind of the in the mindset in my  
24 mind, that I'm not seeing a real need for more

1 wineries in the far inter lands of Napa County. I'm  
2 seeing that we have plenty of them out there. So I  
3 liked having these things to look at remote wineries.  
4 So to me, the remote winery was my access point to  
5 this discussion. You know, there would need to be a  
6 traffic benefit from the winery coming in, the traffic  
7 for the overall neighborhood coming in. There would  
8 need to be a safe -- fire safety and a safety benefit  
9 for that winery coming in, emergency benefit.

10 The water, you know, and we kind of talked  
11 about this in water -- that the water was, you know,  
12 sometimes they're going to move the winery. So they  
13 say okay. We'll put in the grapes now that we have a  
14 winery. The grapes should be the reason for -- that  
15 should be the reason that you're having the winery up  
16 there, not the other way around.

17 So you know, I thought a lot of these  
18 questions they helped me answer the remote winery  
19 question. I've appreciated the discussion that we've  
20 had more broadly, but I don't want to lose that I'm  
21 very concerned with wineries that are going out in the  
22 middle of nowhere that are -- and I don't -- yeah.  
23 I'm not seeing a huge reason for them. Maybe that's  
24 -- maybe in that discussion with the Planning

1 Commission, I'll see that but I don't see it right at  
2 the moment. So that was my access point to this  
3 discussion.

4 MR. MORRISON: At the prior board meeting,  
5 there was some discussion about that and the question  
6 -- phrase that's used is remote wineries. Remote from  
7 what? What are you being remote from? I think that  
8 using a definition of proximity to an arterial would  
9 be a very functional definition, if that's something  
10 that the board would like to go through.

11 THE CHAIR: Well, it's a number of things but  
12 proximity to an arterial would be one of them. Other  
13 access in and out, the narrowness of the roads. All  
14 those would be parts of that.

15 MR. MORRISON: If that's something that other  
16 board members would agree to, I think we could work at  
17 coming up with that definition.

18 I think that if some of the language in here  
19 is a bit broad it's because as a planner, we know that  
20 there's a multitude of situations, that it's very hard  
21 to write language that is applicable in every single  
22 situation. I know the board is already aware, but I  
23 think some of these same questions can be applied in  
24 retrospect to -- inaudible -- hill which was hardly

1 remote, it's at the edge of Yontville but is on a  
2 hill, had very steep driveway slopes, only had one or  
3 two acres for 100,000 gallons of proposed production.  
4 A lot of the issues we're talking about apply there as  
5 well.

6 THE CHAIR: Might be able to turn that down  
7 other basis so --

8 MR. MORRISON: And, of course, there's some  
9 talk about custom crush on the valley floor. We do  
10 have AP land out in Wooden Valley so which by some  
11 standards could be considered remote. So for me, I'm  
12 trying to think about how this could be played out in  
13 variety of situations in trying to protect the County  
14 the best we can from how this could be used or  
15 stretched.

16 So what I've heard this afternoon is -- and  
17 please correct me if I'm wrong, because it's -- I'm  
18 trying to understand the nuisances of five very  
19 thoughtful people. I've heard general interest in  
20 custom crush although I'm not quite sure what that  
21 means or how we get there but at least worth exploring  
22 whether something can be written to that extent.

23 I've heard at least three talk about hold and  
24 haul and again, that might require staff going out and

1 talking to Napa Sand or talking to Regional Water  
2 Quality Control Board because of our pending local  
3 agency management plan. I've heard general interest  
4 in traffic. Whether that gets carried out through  
5 conditions of approval or an ordinance or the  
6 circulation which would be coming to you for  
7 consideration in January. A lot of these concepts  
8 that the board has talked are in the circulation  
9 element. The question is January is three or  
10 four months away and what can we do before that.

11 So that's the points of commonality I've  
12 heard and that is direction that staff can at least  
13 start exploring those options in terms of what can be  
14 done. The board -- many of you have said what can we  
15 do, we don't know. That's right, that's what staff  
16 can go out and start figuring out working with County  
17 Council, working with industry and community partners  
18 and figure out what can be done in bringing back those  
19 recommendations.

20 As Mr. Tran said, it's not an efficient use  
21 of limited staff resources to track down everything.  
22 So staff needs to know where we can best marshal our  
23 resources to track down those issues which there is  
24 general board consensus and direction on.

1 THE CHAIR: Supervisor Gregory?

2 SUPERVISOR GREGORY: You know, this started  
3 as a simple -- well, no, let me start over. This  
4 started as looking at a very discreet thing that  
5 resulted in a really good conversation. The second  
6 part today which has been great but I imagine we got a  
7 lot of similar comments through our stakeholder  
8 meetings or our strategic plan meetings things related  
9 to the D W O about winery growth.

10 I have a long list today from one of our more  
11 active citizens of things they would like us to do D W  
12 O and winery growth. We've added a layer here  
13 ourselves. It may be that this is just stuff that  
14 adds to the list of comments that -- we already had  
15 the tough task over the next couple of months of  
16 congealing into some kind of plan to attack it, right?  
17 I was thinking we might be able to get something done  
18 related to the estate grape requirement, but I'm not  
19 sure we're getting that done today.

20 So maybe this is a statement and not a  
21 question for you, doesn't this just put in the hopper  
22 at this point. Somebody had the hard challenge of  
23 putting everything else related to this subject into a  
24 plan of attack, is that the best way to move this

1 forward now given that we're --

2 MR. MORRISON: I would also ask Mr. Tran to  
3 weigh in given his involvement with strategic plan.  
4 The strategic plan in December is going to be laying  
5 out broad priorities for the board for the next  
6 three years and then as has been stated, that's not  
7 going to be an implementation plan, implementation  
8 will follow. Again, we have to make sure that we  
9 understand where the board is agreement on what needs  
10 to be done over those next three years. That will  
11 happen in December, implementation will follow that.

12 The question really to the board is how  
13 urgent is that issue. I can't answer that question.  
14 If you tell me which hill to take, I can go take that  
15 hill, but I can't tell you which hills to take.  
16 That's something -- with the board's great exposure to  
17 the public, with your status as elected  
18 representatives, with the prospective that you have  
19 overseeing all 1400 employees as opposed to me being a  
20 single department head, if the board feels that this  
21 is an issue of some timeliness, then I work with my  
22 staff to start investigating these questions now. If  
23 the board feels that this is not as urgent and can be  
24 included within the strategic plan, I'm happy to work

1 with Mr. Tran on that.

2 SUPERVISOR GREGORY: But you've heard  
3 concerns and questions from us that we feel are  
4 timely. That's why we're talking about it and I'll  
5 bet there's a sense of urgency all the comments we  
6 received from the public during the strategic plan  
7 session related to winery growth. It's probably the  
8 hottest topic. So I have to imagine there's some  
9 action step in there that's the most important one  
10 that is we will do this. How will we possibly get  
11 through all these comments we got which we just added  
12 to. I'm not asking that as a question but isn't that  
13 what the strategic plan is going to do?

14 I'm just trying to find a way to move forward  
15 and not just drop this and you know, let it get pushed  
16 aside.

17 MR. TRAN: Right. And as I mentioned  
18 earlier, that strategic planning is a very important  
19 process, and we will certainly -- whatever comes out  
20 of it, we will certainly supplement any and be carried  
21 out separately. However, as far as the County's daily  
22 operation goes including all these things that are  
23 pending, that's already in the hopper.

24 For example, this issue about compatibility

1 of winery has been ongoing for several months, and the  
2 Board has this again as a second board meeting. And  
3 this is a very good discussion in terms of great  
4 detail, in terms of knowing where you are -- at least  
5 from staff's perspective, we hear where the board  
6 wants to go.

7 As far as my take away from today is that  
8 number one, that there's a desire by the board to have  
9 a joint Planning Commission meeting, that will be had.  
10 In fact, I'm going to propose and I don't know what  
11 the Planning Commission's availability are but  
12 October 30th seems to be a very, very good day mainly  
13 because presently, tentatively we have -- on the  
14 tentative agenda, we have items including the Carnaros  
15 agreement. We have the -- inaudible -- protection  
16 plan workshop. We have the co-compliance update. So  
17 those are very much land use intensive and very  
18 appropriate for the joint meeting so that is timely.

19 Now, as far as whether or not the board wants  
20 to wait, certainly the board can wait, but I know that  
21 based on community input through the strategic  
22 planning, based on the board's discussion and prior  
23 directions, this is not the first time we have heard  
24 about this basing on the appeal hearings of the prior

1 winery projects. We have heard about this based on  
2 the Planning Commission decision on the prior projects  
3 as well.

4           So in terms of timeliness, I think that if  
5 the board is willing, staff can certainly bring this  
6 forward and when I say forward, what I mean is that  
7 start the process because it typically would take  
8 about six months for this item to go back because  
9 absolutely, we have to do Sequea. We have to do  
10 public hearing. We have to do stakeholder's vetting  
11 through reaching auto. So it will be six months  
12 before this item comes back.

13           Now, if there's another sense level  
14 timeliness urgency, then the board can certainly look  
15 at it as an urgency ordinance, as I mentioned earlier.  
16 So for me, I don't know if David is prepared to  
17 summarize. I know you tried that a little bit earlier  
18 and again, this is the second time confirmation --  
19 today we're coming back for confirmation of what the  
20 board gave direction the last time. I know that  
21 there's a lot of nuances here that needed to be  
22 thoughtfully vetted so that way when staff goes out,  
23 that we are not taking on and making policy at that  
24 level. We want to get direction from the board.

1 THE CHAIR: Supervisor Pedroza?

2 SUPERVISOR PEDROZA: I like the joint meeting  
3 with the Planning Commission. I think that's a good  
4 idea.

5 On the custom crush, Supervisor Dillon raised  
6 the question of if it's legally possible. I'd like to  
7 get an answer on that and have a discussion around it.  
8 If the Board thinks differently, then it's done, but I  
9 think we've been discussing around -- so I would like  
10 to provide direction one way or another whether we  
11 want to continue forward on that.

12 THE CHAIR: We've got a couple.

13 Supervisor Dillon?

14 SUPERVISOR DILLON: Yeah, I'd like to -- I  
15 agree with Supervisor Pedroza. I would like to have  
16 staff come back to us on the hold and haul with what  
17 we said. Did you already say that? I'm sorry, I'm  
18 really tired. The hold and haul, we need to find out  
19 what are our options. It is -- it fits -- I mean,  
20 what are the things people complain about, traffic and  
21 housing. Hold and haul is a traffic issue. It's more  
22 trucks on the road. So that's why I'm interested in  
23 finding out can we eliminate trucks going to East Bay  
24 Mud and maybe take them to Napa Sand. If we can't,

1 then we're down to two options it seems. I mean, it  
2 narrows it down. So we need to know what our options  
3 are.

4 I would like to see staff come back to us  
5 with a proposal about how we look at number of  
6 vehicles. Putting it in the circulation element is  
7 not what I'm interested in both because of the  
8 timeline and because the circulation element is an  
9 element, it doesn't have the specificity we need. So  
10 either in an ordinance or a modification for the  
11 conditions of approval and what the enforcement  
12 mechanism will be. So that's where I am.

13 THE CHAIR: And those pretty well reflect  
14 what you gave us on your recitation.

15 SUPERVISOR DILLON: Mr. Chair, it does but I  
16 felt like Mr. Martin was asking again. I just want to  
17 underscore I hope that if for some reason our Planning  
18 Commission members are not paid the vast sums that we  
19 are to do their job. So I'm a little reluctant to  
20 say, "Hey, come from the day, we're going to discuss  
21 all these land use issues."

22 I think we would need to -- I would suggest  
23 to staff that when the joint meeting part of it  
24 happens if they're available, it has to be a time set

1 matter. I just -- if it can't happen then, we have a  
2 Planning Commission with one person -- the  
3 longest-serving person is now Ms. Catrell almost going  
4 on four years. So it underscores for me that why that  
5 is so important.

6 MR. MORRISON: I think staff has enough  
7 direction to move forward at this point. If I had a  
8 white flag, I would waive it.

9 THE CHAIR: Supervisor Gregory, we're going  
10 to make sure.

11 SUPERVISOR GREGORY: One more try.

12 What I'm saying is now that we have the data,  
13 we received a lot of feedback from our community on  
14 land use matters, probably a lot related to winery  
15 growth, we might as well have that in front of us as  
16 well and start to marry these two conversations.  
17 That's all I'm saying. So if that's a data set that  
18 can be pulled out and be ready and in front of us when  
19 we meet together, why not. If we don't, we're getting  
20 detached and ahead of what we're getting from the  
21 community, trying to get from the community.

22 MR. MORRISON: You mean having winery data  
23 pulled out for the joint meeting with the Planning  
24 Commission that broader discussion?

1 SUPERVISOR GREGORY: Land use comments made  
2 by the public throughout the strategic planning  
3 process.

4 MR. TRAN: I hear and support that. The  
5 question would be what topic because it's a spectrum  
6 of issues and it goes from general plan amendment to  
7 something more, a lot more nuances. So the difficult  
8 piece is that if staff is going to come forward, what  
9 topics or issues about land use. If the board trusts  
10 me to pick easy, low-hanging fruit, I'm happy to do  
11 that but with the understanding that this is not  
12 comprehensive nor complete nor is it the priority in  
13 terms of conscious decision by staff in bringing  
14 forth.

15 So I just want to put that out there as a  
16 caveat because as you know, we have 37 meetings now on  
17 these public inputs and there's a spectrum of issues.

18 SUPERVISOR GREGORY: I trust staff's ability  
19 to whittle that out for us.

20 MR. TRAN: Alright, that we can do.

21 SUPERVISOR DILLON: Mr. Chair, I echo Mr.  
22 Gregory's concern. I trust you have to do it but I  
23 think one lens might be things that are applicable to  
24 decisions that the Planning Commission is making if

1 that's the discussion and not everything in the land  
2 use realm is in their purview.

3 MR. TRAN: Absolutely. I don't know if we  
4 may want to plan for a four-hour or six-hour or  
5 eight-hour meeting because depending on the number of  
6 topics. Today we just covered one topic and look how  
7 long it took and only one body.

8 Thank you.

9 THE CHAIR: Okay. Let me turn to the Board.  
10 We've been at this now almost two hours.

11 (A recess was taken.)

12

13

14

15

16

17

18

19

20

21

22

23

24

1 STATE OF NEVADA )  
2 ) SS.  
3 COUNTY OF WASHOE )  
4  
5

6 I, GAIL R. WILLSEY, do hereby certify:

7 That I was provided a recording and that  
8 said recording was transcribed by me, a Certified  
9 Shorthand Reporter, in the matter entitled herein;

10 That said transcript which appears  
11 hereinbefore was taken in stenotype notes by me from  
12 the recording and thereafter transcribed into  
13 typewriting as herein appears to the best of my  
14 knowledge, skill and ability and is a true record  
15 thereof.

16  
17  
18  
19 -----  
20 GAIL R. WILLSEY, CSR #359  
21  
22  
23  
24