

ERRATA SHEET

Napa County Winery Definition Ordinance
Final Environmental Impact Report
December 1989

PAGE A-1

Text omitted. Pages A-1, A-2, and A-3 attached.

PAGE A-13

Mitigation number 10 refers to page A-100.

PAGE A-36

Duplicated twice.

PAGES B-312, B-313, AND B-314

Out of order. B-312 and B-313 are after B-314.

The following pages were left out of some copies:

B-19
B-20
B-175 through B-188

These are attached.

Pages illegible in some documents:

B-160
B-187

These are attached.

RECEIVED
DEC 26 1989
COUNTY OF NAPA
CLERK OF THE BOARD

I. SUMMARY

A. PROJECT DESCRIPTION

The project under consideration is application of a new "Winery Definition Ordinance" to 480,000 + acres of AW- and AP-zoned land in Napa County with some provisions affecting the entire County. The draft of the ordinance evaluated here (i.e., Draft 5c) is known as the Draft Winery Definition Ordinance, or "DWDO".

The intent of the DWDO, as listed is to protect agriculture and open space. Following is a list of the provisions of the DWDO:

- (1) Small Winery Use Permit Exemption elimination
- (2) 75% Napa County grape source rule
- (3) Visitor-serving use expansion
- (4) Grandfathering clause
- (5) Public tours/tasting elimination
- (6) Minimum size parcels
- (7) Expansion within Winery Development Area
- (8) Production expansion limitations
- (9) Winery building setback increases
- (10) Accessory use limitation
- (11) Administrative permit for promotional events

B. DIRECT PROJECT IMPACTS AND MITIGATION MEASURES

The significant direct adverse environmental impacts resulting from DWDO adoption are limited (see discussion below). While winery growth over the next 20 years will have a significant adverse effect on the environment, the impacts involved are not a direct result for the most part of adoption of the DWDO but rather are a result of winery growth as regulated by the DWDO. These impacts are known as cumulative impacts and are summarized in the next section.

Further impacts produced by the growth of the wine industry in general will be analyzed and discussed in the Wine Industry Growth Program EIR currently being produced. A decision on the DWDO may be reached independent of resolving all of the industry-related growth issues.

1. Land Use

a. Impact. Undermining the intent of the 40-acre minimum parcel size for agricultural land as specified in the Napa County General Plan by encouraging creation of 10-acre parcels for minimum building sites for wineries.

Mitigation. Implementation of the following measure would completely mitigate the preceding impact:

1. Amend the DWDO to require a minimum winery building site of 40 rather than 10 acres.

b. Impact. Provision of a mechanism for legalization of existing illegal uses, contrary to the County General Plan.

Mitigation. Implementation of the following 2 measures would completely mitigate the preceding impact:

1. Establish a schedule for abating those non-agricultural uses taking place at existing wineries that were not legally established.
2. Amend the DWDO to eliminate the 18-month grace period or grandfathering clause.

c. Impact. Expansion in the number, scope, and intensity of non-agricultural uses in the agriculturally-zoned portions of Napa County in conflict with the provisions of the Napa County General Plan.

Mitigation. Implementation of the following 8 measures would completely mitigate the preceding impact:

1. Amend the DWDO to prohibit the establishment of new, or expansion of existing, commercial and other non-agricultural uses in the agriculturally-zoned portions of the County. Such uses include, but are not necessarily limited to, retail sales except for wine and wine-related items (e.g., wine glasses, cork screws, etc.), display of art (i.e., museums); catering; classes; and public and private promotional events.
2. Amend the DWDO to prohibit new, or expansion of existing public and private tours and tasting facilities in the Agricultural Preserve (AP)-zoned portions of the County.

3. Amend the DWDO to allow, upon grant of a use permit, public and private tours and tasting facilities on 40-acre and larger parcels in the Agricultural Watershed (AW)-zoned portions of the County.
4. Encourage visitor serving facilities and activities to locate in appropriate commercially-zoned areas.
5. Retain the provision of the DWDO eliminating the Small Winery Use Permit Exemption, so that all wineries and winery uses shall be subject to a conditional use permit approval.
6. Amend the current provisions (outdoor festival permit and Planning Department event permit) regarding promotional events to prohibit such public or private events on agriculturally-zoned lands.
7. Encourage new/expanded wineries which are of a scale and character similar to industrial processing plants to locate in industrially-zoned areas.
8. See Mitigation Measures B1(b)(2).

C. GROWTH INDUCTION

Application of the DWDO would allow a variety of promotional events that are not currently allowed, including for-profit events. Allowing the expansion would probably increase at least locally the number of visitors to Napa County. Traffic congestion and limits on lodging facilities will tend to moderate overall increases in the visitor forecast; however, visitor growth and secondary growth of visitor-serving commercial may be accelerated. As a result of traffic congestion, there may be a shift in the location of wineries having promotional events to the southernmost producing regions such as Carneros, Coombsville, and Jameson/American Canyon.

D. CUMULATIVE IMPACTS AND MITIGATION MEASURES

The significant, cumulative, adverse impacts resulting from DWDO adoption are outlined below along with the measures identified to mitigate them. These are summary mitigation measures. The full text of each mitigation measure recommended is contained under the specific topic involved in the Environmental Setting, Potential Impacts and Mitigation Measures section of the EIR.

Significant impacts that are dependent on the specific design of the development undertaken are presented in Section III, Effects Not Found To Be Significant. Section III also presents potentially significant adverse impacts that were found on the basis of this study not to be significant.

sales, etc. are growing in number. The DWDO would legalize much of this activity.

- 16 It appears that the philosophy which originally guided the Agricultural Preserve has been maligned. It now needs to be reexamined and articulated in light of changing market demands. A consensus needs to be reached between the county and the cities so that there is proper understanding of respective roles and obligations. It would seem logical, therefore, to reach a consensus, perhaps through an amendment to the general plan, and then consider a comprehensive ordinance dealing with the winery issue. While this is being accomplished, the interim measure, as proposed in the DEIR should be enacted. This would limit winery approvals to nine a year. An additional provision should be added to prohibit new non-agricultural uses associated with wineries during this interim period.
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With respect to the DEIR the City of Calistoga supports the Environmental Superior Alternative, as it more closely reflects the original intent and philosophy of the Agricultural Preserve in which the wineries are located. Of particular concern to the City are the analyses and mitigation measures addressing land use, water resources, traffic, and visual/aesthetic resources. The proposed mitigation measures need to be incorporated, where practical, into a new draft winery ordinance for public review and comment. The DEIR, itself, concludes that is the only alternative which meets the spirit and intent of CEQA.

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Specific Comments

- 19 The City of Calistoga believes that the DEIR should analyze potential environmental impacts of any proposed regulations from the "Base Case" and not just from the existing regulations or "No Project" alternative. This way the true impacts of the proposed project can be determined.

Accordingly, there are two areas in which the DEIR failed to adequately discuss direct, indirect and cumulative impacts; and, to propose mitigation measures to lessen the potential significant environmental impacts.

Housing Impacts:

- 20 The Land Use Projections Summary -Table 1 forecasts that the DWDO would result in 4000 new permanent and 1000 seasonal jobs over the base case by the year 2010.

If one were to assume that there are 1.2 employed persons per household in Napa County(Source: ABAG Projections 87),

then the above labor force would create the demand for approximately 3333 housing units. This is 166 units per year through the year 2010.

Of greater significance is the likelihood that the majority of these individuals would have low to moderate incomes as defined by HUD. Affordable housing units would have to be provided by the cities, in keeping with the Agricultural Preserve intent of keeping urban uses in the urban areas.

The 1000 seasonal works also create unique housing needs of which the DEIR also does not adequately discuss.

There are mitigation measures which could lessen these housing impacts:

- 1) All new wineries and winery expansions, including accessory structures, should pay an in-lieu housing fee to the Napa County Housing Authority to assist the county and cities to provide affordable housing. This fee should be based on a job creation/housing demand ratio and be charged on a building square foot basis.

- 2) New vineyards and additions to existing ones should provide seasonal labor camps that meet state and county requirements. If it is deemed impractical to provide the camps, as determined on a case by case basis, an in-lieu payment should be paid to the Napa County Housing Authority to support affordable housing projects in the county and cities.

Community Services/Public Safety:

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Creation of 3333 new households over the next twenty years could result in an additional 8065 persons in the county. This assumes there would be 2.42 persons per household(Source: ABAG Projections '87).

This could create a significant impact on certain cities in terms of demand for water, sewer, public safety, and educational services. While it is impossible to predict where these workers will locate, Calistoga and St. Helena have long suffered under water and wastewater service limitations. The DEIR needs to address these indirect and cumulative impacts, should the growth trend set forth in the DWDO and requisite general plan amendments is followed.

Thank you for the opportunity to comment.

technology and how that will change and influence the wine industry and that was particularly translated into yield increases, tons per acre, and for this year we were projecting a yield of 3.73 tons per acre, which is about 120,000 tons. That was before we had rainfall, but that is the number we're using. As you all know or many know the yield last year was quite a bit below this because of some abnormal weather. We're projecting the yield would go to 4.57 tons per acre. We discussed it with several experts at the University of California, with various vineyardists. We know there are a number of vineyards that get a lot more than 4.57 tons per acre right now, but averages tend to be pulled down by a number of reasons and this is the figure after looking at all the factors that we came up with.

The major conclusion I think is that there is enough land available to service the expected demand for the premium wine segment of the Napa Valley which is by far the majority. We did not find the Ordinance particularly influencing vineyards in that we felt that the decision to plant or not plant vineyards is principally an economic one tied mostly to the price of wine, therefore the price of grapes. We did not feel the wine Ordinance really influenced that factor.

The next area we've looked at is the wine supply and demand forecast. We developed the number of wineries in Napa County as there are now there are approximately 50 that were in some stage of approved but not built or partially built. There are a large number of wineries in the County, and a large number produce a very small amount of wine. This is not unusual I think in California. Approximately half the farms in California according to the census produce less than \$10,000 worth of crops a year, so I don't think that it is particularly unusual that we have a large number of very small wineries. The important part of the wine industry here is that it is a very large part of Napa County. It is almost a billion dollar industry and wine grapes are 92% of the agricultural output of the County. On the other hand Napa is fairly small factor in the California wine industry. Of the crush I think it is about 4.7%.

But where Napa is very important is in a segment of the wine industry called the premium wine industry and that is table wines essentially selling for \$3.00 a bottle and up. The other side of the table wine industry is what is sometimes referred to as jug wines or wines sold in larger bottles with often generic names and that is usually \$3.00 and below. Napa is predominantly in the premium industry and fortunately that is a part of the industry that is growing quite rapidly where as the overall table wine market is somewhat flat to even decreasing. The demand for premium wine will continue to grow based on our analysis. Recent growth rates have been above 10% per year, and we expect those will continue but will moderate and go down to 5% in the latter half of the next 20 years. The ratio of production between the popular premium and the super/ultra premium wines is about 75% popular premium and those are wines that sell for \$7.00 and below. So we do have a large segment of the premium wine industry in the lower-priced segment and in general, we find that at Napa Valley vineyards the economics principally have to be devoted to the wines that sell at \$7.00 and above a bottle. But there are certain varieties of grapes that can compete in that popular premium at \$7.00 and below a bottle. We feel that Napa County wine will capture the declining market share of all California wine and Napa will be a dominant factor in the super-premium wine industry. Despite a reduced market share Napa County wine production will more than double from 26 million gallons now to nearly 57 million gallons in the year 2010. The adoption of the Draft Wine Definition Ordinance will not affect overall wine production or vineyard acreage. We would add that Napa wineries in their search for wines

that fit in the \$3-\$7 per bottle category will probably look outside of Napa County because of the higher cost of producing grapes here.

Another element of our work was to take a sample of wineries, different sizes, approximately 30 wineries out of a list of 100 active we have, and ask a series of questions related to their operating characteristics that had an influence on environmental issues. Some of you in the room may have participated in that, we had a lot of cooperation and we developed a lot of data which is in the report in summary form. We divided it into five sizes of wineries which was later divided by Walter Kieser into three sizes of wineries -- small, medium and large. I will not go into that, it's rather detailed information relating to water usage, effluent output, number of visitors, square footage, coverage of a winery, and things like that. This material as I mentioned was then given to Walter Kieser's group for further analysis of the impact of the wine industry on the surrounding environment and the secondary industries within Napa County. I would like to at this time turn that podium over to him to continue in Part III of this report. Also I would like to thank Mr. Hickey and Will Selleck for all their work on this, they were working hand in hand with us in developing data and put in a number of long hours on this project. We had very tight time constraints on the project and I think fortunately we made about 98% of it.

Walter Kieser: Thank you Bill. My name is Walter Kieser, I'm a Principal with the firm Economic and Planning Systems located in Berkeley, California. I'd like today to talk a little bit about the work that we contributed to this effort which primarily focussed on the effort of taking the economic forecast, the grape production forecast and the vineyard forecast and the wine forecast that was prepared by Agland and converting it into a number of secondary economic variables that allowed us to understand what grape and vineyard forecasts meant for the County both in economic and in environmental terms. To accomplish this, there were four basic elements of data that we relied upon, the first of course was the work that has just been presented to you by Mr. Mott regarding the forecast of grape production and segmentation of that industry into the popular premium and the super-ultra and the wines. That was a primary piece of information obviously and probably the lead variable that most importantly and significantly drove all aspects of our analysis. The second general body of information we relied upon is the permit data that the County maintains on wineries. The County as you are aware keeps very detailed records through its land use permit process on wineries. Working closely with Mr. Selleck of the Planning Department we looked carefully at the records of some 160 wineries that have been created over the last eight years to try and understand the structural relationships and the size and the various kinds of elements that make up the wineries and how they interact with the industry in general. The third general area was something else that Mr. Mott mentioned which has to do with the wineries surveyed. That data provided us with an understanding of some of the economic relationships that the wineries have. For example, the number of employees, the seasonal nature of employees, waste production, and those kinds of variables. The final general area of information that we relied upon was a general visitor analysis. As you know one of the key elements or most important elements of this whole effort regarding wineries and the Winery Definition Ordinance is the relationship between the wineries and the industry generally with the visitor industry. We made a special effort to look carefully at this doing our own research as well as relying on research that the County has independently contracted with Dean Runyon, an analysis which you may have been kept up to date on which has to do with doing an overall visitor analysis in the County. Final results of that effort were not available to us and I don't think are available

right now, however, we worked closely with Mr. Runyon's organization to gain access to preliminary survey data that he had which consisted of both Napa County resident patterns as well as intercept survey which was conducted last Fall at the wineries themselves.

So, using all four of those types of information that I've just discussed, we conducted a forecast, an economic forecast using a rather complex model we constructed that basically established a number of estimating relationships between the increased amount of vineyards and the increased amount of wine production and predicted from that the number of wineries, the number of winery employees, and all the variables that are necessary to look at the impacts of this growth that will occur in the County over the next 20 years.

The first thing that we did was what we'll call a baseline forecast of growth for wineries. And basically what we discovered there is that if you take the Agland wine survey, grape production and wine forecast and convert it using our variables and assumptions about the net gallons per average vineyard size and what not, you come up with a number of wineries in the year 2010, roughly close to 500 wineries and that's up from a number of 186 today. So we're talking about a baseline forecast over the next 20 years that's more than doubling of your existing base of wineries. It's a very important assumption and again, that conclusion is based entirely upon the assumption about the market share Napa County will enjoy of the overall growth in the premium wine market as well as the growth of that premium wine market in the State and the Nation and internationally.

The second general conclusion that we made was regarding the visitor forecast and this is a very important conclusion looking at a variety of the data that I've mentioned before, we indicated that the existing visitors to the County which are estimated to be somewhere in the range of two million visits per year will increase to near double that to perhaps 3.6 million over the next 20 years. So again, roughly a doubling of visitors. One of the important aspects of our analysis or forecast was that after looking at the data closely we discovered or we believe that these visitors presently, and in the future are not directly linked, will not be directly linked in the future to the absolute number of wineries, or the visitor-serving wineries at any given winery. Rather the overall visitor forecast and the growth in visitor forecast is driven by economic growth and changes in the Bay region and in the nation for that matter that are beyond the control of this County. The fact is that the Bay Region is transitioning into a rather dominant international visitor destination and it happens that places like Monterey and Napa and other close-by portions of the Bay Area or destinations in the Bay Area receive a lot of attention and visits from those international and national-level visitors. At the same time the Bay Region itself and Northern California, including the Valley is growing very rapidly as you're aware and both in terms of absolute number and economic strength. This converts into a disposable income of residents which translates into the desire for travel. We expect a good deal of visitor pressure coming from the local Bay Area and Northern California residents as well. Accordingly, we believe that this forecast is driven mainly by these external demand factors rather than the attractors, any particular attractor in the County. Not to say that there isn't some relationship there but we don't believe it to be a direct and strong one.

There is an overall constraint that we believe will apply and in fact in doing our forecast we found them to be the road capacity, particularly on Highway

29 North, the number of lodging facilities that will be available in the County, and within the County cities, as well as the level of special attractors, that is, the effort on the part of the County or businesses from the County, wineries, to attract visitors. All three will have an influence on the forecast in the future. Those influences are reflected in our forecast.

The final general area that we looked at had to do with the impacts that the Winery Definition Ordinance might have on the baseline forecast of wineries or on the visitor forecast. Now I'll just run through a number of the key findings. I think overall it's important to point out that from an economic perspective we don't believe that the Winery Definition Ordinance will have a significant overall effect. It certainly will have an effect on a number of individual properties because of the way it excludes certain properties below 10 acres, below 40 acres and what not. But overall, it won't have a dramatic effect on constraining winery growth. It will do some shifting which I will go into. First of all, we don't believe that the Ordinance would have any impact on production. That is, it's our opinion and opinion of our colleagues on this team that the production will be the same one way or the other. We feel that because of a number of the elements of the Ordinance that there will be more larger wineries. There will be a tendency away from the current distribution of wineries that favor smaller wineries. The smaller wineries that do occur will be larger; they'll have higher production than presently experienced. That is primarily because the incentives for smaller wineries will be removed by the Ordinance. The popular premium wineries which will be affected by the 75% rule to be located in the AP/AW lands will have a tendency to locate in industrial and other parts of the County that are not subject to the Ordinance. Although the production will remain, it may shift off to the airport industrial area, those types of areas for the so-called popular premium wines.

We believe that the visitor-serving areas within wineries the applications will be larger because the existing prohibitions against such uses will disappear and hence there will be a tendency for wineries to want to include these uses. And so we've shown an increase in the amount of visitor-serving areas per each winery. More small wineries will have visitor-serving facilities again because the Ordinance removes that regulation that currently exists. And finally, we think that the overall level of visitors have the possibility of increasing due to the fact that these so-called special events and what not that are currently prohibited or strongly regulated will be less regulated under the Ordinance. Accordingly in the potential growth-inducing aspect of the Ordinance we believe that there is the potential for visitors to actually increase as these events that basically are not directly related to the business of making wines become a stronger draw for visitors. We would moderate that of course by the discussion of the constraints or the inclusion of the constraints of traffic, lodging, and these other things that will ultimately influence visitor growth. All this work that we did is documented in the reports that you've received both in EIR and some of the technical appendices and I'd be happy to answer questions regarding my efforts. Before that, I would like to introduce Michael Cale who is going to discuss the environmental analysis that followed on from the forecast that we prepared. Thank you very much.

Michael Cale: Good morning, Mr. Chairman, members of the Board, I'm Michael Cale with LSA Associates and we had the responsibility of preparing the Environmental Impact Report which was the culmination of the efforts of Agland and EPS. I understand from some of you it may be very difficult to read viewgraph and I will for the most part just iterate what is up there so that you will understand what

is available to the Board. The purpose of the EIR was to evaluate the significant effects associated with adopting the Draft Winery Definition Ordinance in effect, in the terms of sink when this became the project and therefore our efforts were to recommend mitigation that would either avoid the adverse effects or reduce those effects to levels of insignificance. The EIR on the Draft Winery Definition Ordinance is not intended to evaluate the effects of industry growth. The EIR is focussed on a specific element of the industry which is wineries. Industry growth in general is discussed in the Master Environmental Assessment which is a separate document currently under review by the County. One of the areas that came to light in our evaluation is what we've titled planning issues or land use issues with certain provisions of the Draft Winery Definition Ordinance as proposed that we felt were inconsistent with the intent of agricultural land uses defined in the Napa County General Plan.

First, the DWDO establishes an 18-month grace period or grandfather clause. We saw this as an opportunity to recognize existing uses as legal that would include illegal uses. Secondly, to permit expansion of non-agricultural uses in agricultural areas. We felt both of these are in conflict with the intent of the General Plan regarding agricultural land in Napa County. The second point was the DWDO would establish a 10-acre minimum for wineries as opposed to the General Plan intent of 40 acres. We're drawing back to the Napa County General Plan and it explicitly has a 40-acre minimum for agricultural land use. The Ordinance itself becomes part of the zoning ordinance for the County of Napa and should be consistent with the General Plan. We therefore felt that it should be amended to reflect what is currently within the General Plan if that is to be the intent of agricultural land use in the County.

The next one is titled Impact Analysis regarding the Draft Winery Definition Ordinance. Direct impacts of the Ordinance are minimal because the economic analysis of the DWDO forecast and by the year 2010 there will be fewer new wineries with the DWDO than without it. There are no direct adverse affects. However, the bugaboo which everyone has become very familiar with over the years is cumulative impacts. Because many resources are already being taxed or are at capacity and I use the example traffic, the cumulative effect caused by the addition of any new wineries would be significant. The implication of traffic for clarification we're not trying to imply that the wine industry is solely responsible for traffic impacts of Napa County, but they are contributing to what's going on out there along with several other cumulative effects.

The next key element that we looked at in terms of what the Draft Winery Definition Ordinance brought to the EIR process was its ability to mitigate. The Draft Winery Definition Ordinance recognizes the significant issues. If you read the findings of fact attached to it, it's very explicit in pointing these key points of Napa County out. It does not provide the mechanisms to avoid or reduce the impacts to a level of insignificance. The EIR recommends mitigations that if incorporated into the DWDO would improve the ability by the Ordinance to achieve its legislative intent and thereby would reduce the majority of impacts to a level of insignificance or avoid them. Our conclusions regarding the DWDO are that the Ordinance as proposed would permit certain winery-related uses not now allowed, it would potentially have more significant adverse cumulative effects than current policy. The Draft Winery Definition Ordinance with mitigation would be a significant benefit to the County.

In conclusion, Mr. Chairman, from the standpoint of the EIR, we're very supportive of a Winery Definition Ordinance for the County of Napa, but we feel

that there are certain elements, that being mitigation, that are missing from the documents being presented to the County. If these are incorporated into the process, we think you'd have a very viable document that would serve the County well in the years to come. That would conclude my presentation, I will be happy to respond to any questions.

Bob White: Do the Board Members or Planning Commissioners have any questions? Allright, Chairman Jones.

- (509) Dan Jonas: I'm curious if you could be a little more or expand on the connection between the County General Plan and ... if you could expand on the relationship and why you think that it doesn't conform to the County General Plan. I know that we have a 40-acre minimum for current lot splits for farmers but we regularly act on use permits for wineries on lots that are smaller than that because they're of record. I'm just curious how you're making that connection and I think it would be helpful to us if you could explain that.

TAPE 2A

Michael Cale, LSA: Our intent is not to jeopardize the existing legal parcels and I would concur with you what you are doing on legal parcels is correct. In reviewing the General Plan, we saw that it did call out the 40-acre minimums as the intent. When the Ordinance was put forward our conclusion was that the ordinance should reflect what is in the General Plan. If a somewhat lesser would suffice for a winery, I'm not questioning that. I'm not trying to get it to say that it must be 40 acres. We can merely go on what we were seeing in the General Plan and if the General Plan needs to be amended to allow wineries to exist on 10 acres or 15 acres, then that should occur. What we saw was 40-acre minimums. We see an Ordinance that would put into the Zoning Ordinance for the County that would in effect not be consistent with what the General Plan was telling us. So our point was merely let's make them say the same thing.

- (510) Mel Varrelman: Mr. Chairman to that same point I thought the purpose of the Ordinance lot size of 10 acres was to eliminate lots less than 10 acres from winery development even though they may be legal parcels.

Michael Cale, LSA: I believe that you are correct, it comes back to the current winery exemptions for small wineries and then our thought process was that it still should come back to the 40 acres. If they're going to establish a minimum maintain consistency with what the General Plan is telling us.

Mel Varrelman: So if the Ordinance were to say 40 acres then lots of record less than 40 acres would not have winery sites?

Michael Cale: Correct.

- (511) Bob White: Okay. Would the wineries in existence be grandfathered in?

Michael Cale: Any existing legal use should be allowed to be grandfathered in and recognized as a legal use, yes sir.

Bob White: That's very important.

Dan Jonas: Mr. Chairman?

Bob White: Yes, Mr. Jonas.

512 Dan Jonas: When you say all legal uses should grandfathered in, your analysis of the EIR, your analysis in the environmental document talks about legal and non-legal uses and what would also be helpful then is to, there are wineries out there that would be on acreages of less than 40 that currently have public tours and tastings. One of the things in the environmental document suggested is mitigation that public tours and tastings are not an agricultural related use. And then you go on to state in the document that as one of the mitigations that there we should abate non-legal uses. So I'd like to have a better understanding of, in other words if we recognize wineries as legal uses on parcels that already exist that are less than 40 acres, if that were the direction that we would go, then I presume that they are legal use you don't need to abate anything. Does that also extend to the public tours and tastings aspect? For example, that facility?

Michael Cale: The question that I would have, you would want to go to the use permit or permit that was issued to that particular facility. At the time it was approved was it permitted to have public tours and tastings? Then it's a legal use. If this is something they have done without the benefit of the County granting approval, you then have an illegal use and it should be abated.

Bob White: Supervisor Mikolajcik?

513 John Mikolajcik: What reason would there be that a winery can't be on less than 10 acres?

Michael Cale: I'm not trying to say they should or they shouldn't, and you can be perfectly correct, I'm not an expert on saying a winery cannot exist on less than 10 acres, you currently have them on, I think, some 1 acre parcels. The Ordinance as it is presented to you is eliminating or suggesting to eliminate the small winery exemption. If wineries are viable on smaller lots or smaller parcels, I think that should be recognized in the General Plan as you do have a General Plan update coming up in 1990, that should probably be incorporated into the process to take into account what is a viable unit for wineries. If it's going to be less than 40 acres, if it's 15, 10 or 5, put it into the General Plan.

Bob White: Any other questions? Mikolajcik?

514 John Mikolajcik: This document, you and the staff wrote it up and you really understand it. It's going to take me about 4 weeks to read it, and I think everyone else in the room the same way, to understand it. So I think everybody should fasten their seatbelts for the next month and a half so that we can all understand it. It's a very complex document for people that don't understand it. I do have some understanding. Of course, I never did read an EIR. I guess everyone understands me there, don't you Walt? If it's sensible, if the County can survive, a good economy, employment for people in the County, I will support it. But if it hinders people, from making a living, or a good economy, I will not support it.

515 Bob White: I'd like to ask you a question, in preparing this Draft, was our County Counsel ever contacted on some of his legal questions or concerns?

Michael Cale: I had a conversation with the Chief Deputy regarding some of the issues that were of concern to County Counsel. From the legal standpoint, some

we approach from the environmental standpoint, there is some overlap but we're trying not to tread in to jurisprudence and make legal interpretations in the EIR's. But we did have some dialogue regarding some issues that were of mutual concern.

Bob White: With Margaret Woodbury?

Michael Cale: Yes.

(516) **Bob Westmeyer:** If the Board pleases, you might want to ask the consultant to go over pages 120-125. He's suggesting certain non-agricultural uses be deleted from the AP & AW and since he's not coming back you may just want to ask him to go through those uses and identify which ones he feels should be deleted from the Ordinance and which ones should not go, so everyone understands the position.

Michael Cale: Okay, we discussed that first one on the 40 acres and I think the next one is on page 2 under Land Use, "DWDO shall be amended to prohibit non-agricultural uses from the agriculture resource and agricultural watershed areas. Non-agricultural uses including . . .". Do you have that?

Mel Varrelman: Mr. Chairman, I have about six documents up here, each numbered differently, I'm not sure which document we're in. I'm not if anyone else in the audience is really aware of where we're at, and I know County Counsel referred to 120-125, perhaps he can be more specific on which document we're talking about.

Bob Wessmeyer: It's the Draft EIR Number 60.

John Mikoładjcik: What page?

Bob Wessmeyer: Page 120. It's a reprint of the Ordinance and in the beginning under Cumulative Impacts, he's suggesting as a mitigation measure that non-agricultural uses be prohibited, which is on page 2 of the same document, the next to the last paragraph. So if the Board wishes more specificity on that, he might want to go over the uses in the Ordinance and identify which ones he believes should be deleted (Varrelman interjects - "which I feel are inconsistent with the General Plan") so everyone understands what his recommendation is.

(517) **Bob White:** I have one concern on that, is golf courses going to be abated on this, will not be allowed?

Varrelman: He doesn't make the decision Mr. Chairman...

Bob White: No, I'm asking if the use is golf courses.

Michael Cale: If golf courses would not be allowed?

Bob White: Yeah.

Michael Cale: Looking at the Ordinance as it's proposed, I don't see golf courses in it. So I'm assuming that the Ordinance that's in front of you would deny golf courses in agricultural areas.

Mel Varrelman: He owns a set of golf clubs. (laughter)

Bob White: We have two golfers on the Board here, maybe three.

Michael Cale: Certainly, as Supervisor Verrelman pointed out, we know that those sorts of amendments are certainly at the discretion of the Board to change them accordingly. We weren't trying to add or delete.

Bob White: Okay, Mick?

518

John Mikolajcik: Well agricultural watershed zoning now means recreational, also.

Mel Varrelman: Before we get too far, Mr. Chairman, County Counsel asked a very specific question I think should be answered, by the consultant with regard to uses that he feels are inconsistent with the General Plan. I would really like to have him go through that.

Bob White: First of all, Supervisor Verrelman, I'm going to let Mr. Mikalodjik ask the question he wishes to then we'll go to page 120.

John Mikolajcik: I say that the Ordinance reads now that agricultural watershed can be used as recreational uses. In your Ordinance it does not.

Michael Cale: It's not my Ordinance, sir. We did not write the Ordinance.

John Mikolajcik: I'm sorry.

Michael Cale: If it's not in there now then may you'd want to add it. We did not add or delete anything to this Ordinance.

Mel Varrelman: It's obvious this Board wants to pass the buck on this one.

Michael Cale: Definitely.

Bob White: Let's go to the concerns of our County Counsel, page 120 and concerns of the Board, section 8 is it Robert?

Michael Cale: Perhaps to simplify the process somewhat Mr. Chairman, in our comments, and we certainly can make it more explicit in the final, we were concerned with non-agricultural uses associated with wineries and the expansion of those types of uses be it special events, or things that are drawing people into the area that were non-agricultural. The criteria that is in the proposed Ordinance, and a lot of it is consistent with the prior Ordinance, we don't take exception to that, we're not saying that you should not have a single family dwelling residential care facilities, these are fairly standard uses allowed in an "ag" zone. We were concentrating on winery-related activities and trying to mitigate those. So I would not at this time delete any of these uses from the Ordinance there in front of you, or attempt to delete them.

Dan Jonas: Mr. Chairman?

Bob White: Yes, Mr. Jonas?

Dan Jonas: Where you start on page 122, or even 121, uses permitted upon granting a use permit you could have to, 5, on top of page 122, 5 a, b, c, H 1, 2, 3, 4, I 1, 2, 3, 4. County Counsel talked about 120 to 125, there's an awful

lot of winery-related and acceptable uses, I think it's going to be most helpful to this commission and helpful to the Board of Supervisors to understand, fairly, what the delineation of either an acceptable or non-acceptable "ag" use is in relation to the EIR.

Michael Cale: I stand corrected. We can then move to, we can move off of page 120. I see nothing on page 121, we can move to the top of page 122. Where we have found concern moving down to sub-paragraph I, very quickly, is public tours and tasting, should be eliminated. Public Promotional activities should be eliminated. Display of wine-related items, again that's a difficult call, it's getting back to is that an agricultural use or is it a marketing activity and how's it going to be done. It's like art displays, that's very gray. Some of the things that are going on I would have some severe reservations about. Coming to page 123, 1202.5, sub-paragraph B, Public Promotional Activities. Moving to page 125, sub-paragraph J, and we begin with Public Tours and Tastings, Public Promotional Activities, that's under, I sorry, under K. At the top of page 126, sub-paragraph B, Public Promotional Activities. That would conclude the concerns expressed by County Counsel.

Bob White: County Counsel said that that covers concerns. I think maybe the Planning Commission should have some concerns.

519 Dan Jonas: Well, I'm just, I have kind of a general question. The environmental document, I presume, analyzes the effects as not significant with the mitigations as proposed. The question is if the Ordinance is not adopted with the mitigations, in other words if for example, you want to leave Public Tours and Tastings in there as a permitted use, is the EIR then, does it need more work to adequately address that, or is it adequately addressed at that point?

Michael Cale: The options available to the County, again, a Statement of Overriding Considerations is always an option available to the County if the economic benefit outweighs the environmental effects, the County may adopt the Statement of Overriding Considerations. If it is felt that that activity is so beneficial that it outweighs the impacts associated with it, you can do a Statement of Overriding Consideration. So you're not limited, the door is not shut, you just have to weigh the options in front of you.

520 Dan Jonas: Let me ask the question a little differently, maybe I'll get the same answer. You make an assumption in the EIR that the 40 acres needs to be the minimum to be consistent with the General Plan. If the decision was, since it's our Ordinance, it should be 10 or 5 or some other number, is the EIR still adequate, does it adequately address the impacts?

Michael Cale: Yes.

521 Dan Jonas: Same answer, I suppose. The Statement of Overriding Consideration?

Michael Cale: I would say yes at this point in time, that or do a General Plan amendment that would bring the General Plan and your Ordinance to be consistent.

522 Dan Jonas: Is the rationale because the economic model says that basically there's going to be this much growth whether it happens on 5 acres parcels of 40 acre parcels or so on, so that really, it's just a question of distribution, not so much a question of how we write that?

Michael Cale: It's just a land use issue, just interpreting the General Plan.

523 Guy Kay: Page 122, 5.b., following your logic would that be in or out? We need your recommendation. He's talked about marketing activities as being inconsistent with the General Plan so I presume this 5.b. would be one issue you would take off as one that would be less than desirable.

Michael Cale: It comes to an interpretation of the word "marketing", marketing of wine produced by the winery suggests that we are dealing with an agricultural product that is being dispensed on location, or some other avenue. Marketing is such a vague word and I don't understand necessarily what they mean by the word "marketing". As dealing with an agricultural product I would suggest that it should be legitimate within the constraints of the Ordinance. I'm not entirely sure what they mean by marketing. Does that mean putting up a billboard sign out on the highway that says there's wine for sale I would say no, if it means they're going to run an advertisement in the Napa Register, where do you draw the line, it's not that clear to me.

524 Dan Jonas: I think it might be helpful to us if we could get, at least at some point, some idea of what that means. . . we've had problems before with ordinances and quite frankly I think our own General Plan because of omissions as inclusions. In other words, I think if we leave a 5.b. in for example, says marketable wine produced by the winery, and then you omit other things, well then five years from now somebody comes back in and says "well, our public tours and tastings are our marketing" and you have nothing in your ordinance that specifically eliminates that. You say eliminate it, if we eliminate it by omission, then it's not there. So, I think that we need to type some how within the confines of the environmental document what marketing a wine produced by the winery does mean. Does it mean that somebody, the general public, can come in and buy it, I assume that it does because you talked about retail sales, and to me retail sales is the general public. But on the other hand, throughout the environmental document you say no public tours and tastings, signs on the winery that say "not open to the public" and I'm pretty confused by some level of inconsistency there. I think that to me, retail sales says that you are open to the public. Yet, I have a feeling that throughout the environmental document you're trying to avoid to the greatest degree that you can the public impact on the ag lands, travelling in and out and doing that sort of thing. So I think before this thing is final, we are going to need to have a better understanding of what that is, and I think that also the Ordinance needs to reflect where we can identify those things that are not permitted, not just by omission but by definition "this is not permitted".

525 Mel Varrelman: Mr. Chairman, to piggy back on Dan's comments, if we were to take the broader marketing and discuss it in your environmental document and what the ramifications of that could be because marketing as you pointed out is a very vague term that can be interpreted any way an entrepreneur would like, it might be beneficial to the County to do that.

Michael Cale: Both your points I think are extremely well taken and we will work on that before the final to help clarify it. Thank you for your comments.

Paul Battisti: Mr. Chairman, I would want everybody to have the opportunity to talk about the EIR first, but will we have an opportunity to get back to the MEA as well?

Bob White: You mean today?

Paul Battisti: This morning, because it's already been discussed.

Bob White: This is not a public hearing, it's not an advertised public hearing. It says on the agenda it's a public hearing, but it hasn't been advertised as such so we probably will take a few comments but we'll have to limit the comments.

Paul Battisti: I guess I haven't made my point, we heard a presentation on the MEA, but we didn't have an opportunity to ask any questions about it. Will there be an opportunity to do that if I have a question for Mr. Mott.

Bob White: If you had any questions, you could have asked them during the presentation or you can do it now.

Paul Battisti: Are there any other questions, though, before we get to that, on the EIR? If not, Mr. Mott, I do have a question.

William Mott: Yes, sir, we'll try to answer any questions on the other document.

(527) Paul Battisti: On the other document, on page 21, there's a reference to 51,660 acres, paragraph two, second paragraph, as the forecast for the year 2010. On the same page next to the last paragraph there's a reference to 58,740 acres as the number for the 21 year period. Which is the correct one? Or are they both correct?

William Mott: That was put in to see if you read the document. (laughter)

Paul Battisti: Well, there a 14% difference, that's why I'm interested.

William Mott: The 51,660 is the correct number.

Paul Battisti: Those numbers are repeated in the appendix as well, that's the reason I'm curious.

William Mott: Yes, 51,660 is the correct number, we have a virus in our computer, I'm afraid.

Dan Jonas: Mr. Mott, I think that the second number relates to the available land for planting whereas the first number is the actual economic forecast. I think they're both correct numbers.

Paul Battisti: Well I thought that the number you were discussing earlier was 123,700.

William Mott: That was the theoretical available, the 58,000 is the number after constraining the theoretical number. The 51,700 is what we project it will be due to normal growth patterns that have been established in the County and what we project the wine industry to do.

Bob White: Any other questions?

Mel Varrelman: Mr. Chairman, Mr. Mott, the current California excise tax on wine is a penny a gallon and there are proposals that are floating around that would

raise that from 20 cents to \$1.28 per gallon. Do you think it would be worthwhile in your assessment to factor that range into it to see what the impact on Napa County, on wine production, wine growth would be?

William Mott: If we were doing one in the Central Valley in California, I think I would be more inclined to look at that. The price level of the Napa wines, premium wines is such to make that number a fairly modest impact on the consumer buying patterns. But we can take a little harder look at it. I think from what I understand it probably has a good chance of passing, the new tax.

Mel Varrelman: I think there's going to be an increase in the excise tax on wine, where that number settles it's not clear right now. I wouldn't mind having a report on Central Valley impacts by November 16th.

Bob White: Mikolajcik, you have a question?

528 John Mikolajcik: Well I don't know which one can answer, of the consultants. In your study where to you feel the biggest growth in vineyards will be in Napa Valley in wineries?

William Mott: It depends whether a percentage change or gross acres, I believe it was the Carneros which was showing the most in gross acres. Percentage change was the American Canyon area, that lower portion of the Napa County.

John Mikolajcik: We want a big winery down there, the biggest there is in Napa County. (laughter)

529 Michael Cale: Mr. Chairman, County Counsel asked me to clarify one point. With the environmentally superior alternative, we have also listed interim measures which suggest a limitation on new wineries or expansion of existing facilities to nine per year and he asked if I would clarify where the number came from. The number nine is based on historical data that was supplied by staff, they go back over time and look at what they have been doing, and the number nine came up. So we're not suggesting something that is inordinate, it will slow down a lot of the permits that are perhaps being seen currently, but is consistent with what has happened in Napa County historically.

Bob White: Okay, thank you for bringing that to our attention.

530 Guy Kay: Chairman, one more question on that. When I read this I annotated my book to try to find out how we would choose between expansions or new wineries or do we need to look at it from a total capacity standpoint, or do we need to look at it from a traffic impact standpoint, or to make some rationale as to which wineries in this nine would be considered.

Michael Cale: Sounds like an issue for the decision maker. It's a good question.

Guy Kay: No, I don't think it is only for the decision makers because we need to have some . . . you're recommending all this because of an environmental reason, and therefore, the size and rate and location also has an environmental impact and therefore needs to be addressed.

Michael Cale: I agree with you and we will discuss this further and we need more opportunity to talk with the Planning Director and staff to get some further

information and to delve into that somewhat deeper. The point's well taken.

(531) **Bob White:** I want to bring something to your attention here to, page three, on this report here, Environmental Assessment, you're stating that there are reports that there a decreasing number of groundwater sources in the Carneros region, this is very true, the. . . if you're predicting the greater growth will be in the Carneros region in the future for planning vineyards and new wineries, but right now they'll have to find some other sources of water. . .

Agnes delZampo: What page are you on, Mr. Chairman?

Bob White: Page three, Water Availability and Quality, are you with me? The thing is the Napa Sanitation District right now are using Disan filters to filter the water and if things go right we will be using that water on golf courses and I feel that this water will meet the State Water Quality Control Board's measures and we'll be able to use that water, raw water, for the irrigation of grapes, planting of new grapes, irrigation for agriculture in that area. I sit on the Sanitation Board and we have to find lands to dispose of this water and the Disan filters we have right now have proven that they do meet the State Water Quality standards, so I just wanted to bring that out. There is groundwater problems in that area and if there's groundwater problems that there is right now there won't be any future plantings out there, unless we do get a water supply such from the Sanitation District.

Michael Cale: Thank you, Mr. Chairman, the point is well taken.

Bob White: Okay, any other questions? Alright, as I said before, this is not a public hearing, it's not an advertised public hearing, but we have ...

Guy Kay: I have one more question.

Michael Cale: Okay.

(532) **Guy Kay:** If I may, Mr. Chairman, in the environmentally superior alternative, there is as one of the mitigation measures, you're asking to find appropriate mechanisms to implement those mitigation measures associated with the MEA. I've read the MEA, admittedly rather rapidly, I can't find any in Part III, that are mitigation measures being recommended. So, in order to evaluate this in its entirety we need to have that information available to us.

Michael Cale: That is correct, the document you are searching for is Part II, that is the one Mr. Hickey made reference to, it's still under review by the Department and they're making a determination on how they want to process it. The document is there, it's just currently not public.

Bob White: Dan, did you have a question, any of the other Board members?

Guy Kay: Just a second, however, we're in the public comment period on the Draft Environmental Impact Report, and if people are going to be able to comment on that they need to know what those measures are. It's a loop we have to close before the comment period is closed.

Bob White: The only thing is that this was not advertised as a public hearing and this was proposed to the planning...

Guy Kay: Excuse me Bob, I'm not suggesting that we take comments on it, I'm merely saying that we need to know what those mitigation measures are and they have to be available not only to us but to the public so that they can have that information in its entirety in order to make comment on the document itself.

Bob White: Okay.

Guy Kay: I think that the question that comes up then is how soon is that going to be a published document?

533 Bob White: Well, you'll have to ask the consultant.

Jim Hickey: You can ask the consultant, but the consultant will say as soon as they get the comments back from the County. So the end result, again, it's a priority matter. You're working against a deadline in terms of the Winery Definition Ordinance, it was given top priority. We have the document. Depends on about how many comments come in, in terms of the EIR, because obviously those have to go back to the consultant so that he can finish the EIR so that he can meet the balance of the schedule. We can get it as soon as possible, but I can't give you a date specific at this point in time. If you like we can pull those pages off the MEA with those particular provisions, if that would satisfy Mr. Kay. Just so that we can see what the recommendations are, and they're available to the public, so...

Bob White: Well, it says the public review period for the EIR runs for 30 days from October 13th to November 12th.

Jim Hickey: That's right.

Bob White: So we have to get the information out by that time.

Jim Hickey: Again, the procedural step is the review comments go back to the consultant, the consultant then modifies as he sees the document. It is then printed, it is then available for distribution. We can work with the consultant to bring out those pages that deal with it, or we can have it printed the way it is without review.

Guy Kay: Mr. Chairman, if there's a 30-day deadline on public comment and they can't make comment without Part II of the MEA, how will the public be able to comment?

Michael Cale: What you have are two documents, and one of course is the EIR and one the MEA. The EIR has a set criteria that are State guidelines when things have to happen. The MEA itself is a database, it's an informational document, it does not have to be distributed in the same sense as you need to do with an EIR. I think Mr. Hickey's recommendation whereby we extrapolate those conditions or mitigation measures and provide those would probably be adequate at this time. The database would subsequently follow when he could complete his review and it would satisfy the CEQA requirements because the EIR is the only thing that is truly governed by CEQA.

Bob White: Okay, does that answer your question, Guy and Supervisor Batiste?

Jim Hickey: Yes, will there be that extrapolation then, made available?

Michael Cale: Be happy to.

Guy Kay: The next question is when? Because it has to be not five minutes before the 30 days are over.

Michael Cale: We will commence that activity probably this afternoon or tomorrow and have it returned to the County within a couple of days.

Guy Kay: Okay, that's fine, thank you.

Bob White: Okay, for the next 25 minutes I'm going to open it up for brief comments from people in the audience, even though it's not a public hearing. And I'll ask you to just take a couple of minutes if you want to make brief statements. You wouldn't want to make comment on what they heard this morning. The reason this is not a public hearing is because this will go before your Planning Commission and then they will hear the facts and bring their recommendations to the Board of Supervisors. Okay I don't see anyone wishing to make comment, Mr. Hickey?

Jim Hickey: The hearing before the Planning Commission will commence tomorrow morning in this room at nine o'clock and will run until all of the comments have been presented. Moving on with the next item on your agenda which is a decision by the Commission and the Board on how you want to proceed to process the Master Environmental Assessment. There were three options given to the Board, one was to accept it as an informational document as Mike Cale has indicated; you are not required to process it under any particular procedure; you could accept it as a simple document for purposes of reference by the County.

Secondly you could consider public meetings to benefit from public input relative to the document in that it does have some significance and relevancy certainly to future planning and decision making relative to the industry.

Or third, you could process it as an Environmental Impact Report, which would be to schedule public hearings and actually take testimony and so on, relative to the document. Of the three, in the past the County's procedure has been to treat Master Environmental Assessments as a full-blown EIR and process them accordingly. Based on the previous action the recommendation would be to treat this MEA in the same fashion so that the County could benefit from the maximum use of the document in the future. However, again, you have three options of whichever way you want to go. We're looking for direction from the Board so that in processing that document we can set it up accordingly.

Mel Varrelman: Mr. Chairman, I think we ought to follow the recommendations of the Department in past practices and expose it to as broad as possible, a segment of the population of Napa County, I think that's one of the best ways to utilize the document and also to find out . . .

(there is a gap between tape 2a and 2b here)

Dan Jonas: I would agree with that because in view of the recommendations of the EIR consultant on the Winery Definition Ordinance EIR and the interim measure situation in particular, relating back to this, I think you're going to be sorry if you wind up implementing any portion of the mitigations involved in that EIR without dealing with this one in a similar fashion.

Paul Battisti: Mr. Chairman, I would like to ask this question, what are the time table implications of this action?

Jim Hickey: The time table implications obviously, if you receive the document and you indicate this is acceptable to the County, you have completed the processing and then it simply becomes a resource document. If you go into public meetings and you schedule two meetings, again, you have shortened the whole process. If you look at a full EIR process which would be to advertise hearings, hold hearings, bring the recommendations to the Board, hold hearings before the Board, you're probably looking at something that is closer to 45 or 60 days. Keep in mind there is no time deadline running on the Master Environmental Assessment, it's the expiration of the moratorium on wineries that's the driving force for the Environmental Impact Report on the winery definition. You don't have that on the MEA side.

Paul Battisti: Conceivably the findings in the MEA going through that process too, would have an impact on the Ordinance decision, would it not?

Jim Hickey: Well, it could, but I mean that really the combining of the two documents presented certain problems in that one deals with the past, present, and future impacts of the industry, the other deals with a specific ordinance which was drafted for particular purpose in terms of what's a winery question. And while the two are interrelated one is specific in point and the other is a very general analysis. One is a very general planning tool and the other is a decision making process that the Board's going to have to and the Commission is going to have to resolve in terms of how they're going to proceed with individual wineries. So they're related; they're both dealing with the wine industry; but one is point specific, and one is more general.

Mel Varrelman: Mr. Chairman, Mr. Hickey, would you restate the recommendations of the Department?

Jim Hickey: Well, we would recommend that the Board and the Commission agree to process the Master Environmental Assessment, basically as you would process an Environmental Impact Report.

Bob White: Yes sir, do you have a comment.

Bill Mott: Yes, I would like to make one comment, a clarification that in the contract that we signed with the Board of Supervisors there were not funds allocated to make an EIR out of the MEA, it was essentially specified an MEA and I'm afraid that there would be extra cost associated with going to the EIR process on the MEA.

Bob White: Was this brought to their attention?

Jim Hickey: This is an area where their attorneys may have to talk to our attorneys. We feel that the contract is clear on what is intended in terms of the documents, the decision to divide the documents was for ease of processing but the decision to divide did not change the content of the documents. Therefore, we feel that the definition of what was to be the project is clear in the contract. The consultants do not agree with that definition.

Mel Varrelman: I was just going to say Mr. Mott, that we don't charge people to come to our meetings, so you're allowed to come for free if you want. I'll

move to recommendation to the Department, Mr. Chairman.

Bob White: Second by Mikalodjcik, all those in favor.

"Aye"

Bob White: All those opposed? (none). It's unanimous. That concludes this part of it, and we're going to take up one other item. Supervisor Negri will not be able to be here this afternoon.

PLANNING COMMISSION PUBLIC HEARING ON DWDO EIR, OCTOBER 18, 1989

Dan Jonas: Item number seven on our agenda, Selection of the Commission to participate in the discussion and action regarding Winery Definition Ordinance and EIR. For those of you who were not here at yesterday's joint meeting between the Planning Commission and the Board of Supervisors that was agendized and posted for that meeting and was in fact completed at that meeting. Commissioner Fornier?), Commissioner Kay, Commissioner Winter's names were all put into a basket, the name was drawn by Board of Supervisors Chairman Bob White and Commissioner Kaye's name was selected to participate in discussion on the winery environmental documents. So that is the situation at this point. We will be operating today with a three-member Commission because we do have three members of this Commission who had a conflict of interest on the winery issue and that was the reason for that drawing. Commissioner Winter you are excused.

Thank you.

Jeffrey Redding: Chairman Jonas, Jeffrey Redding, Director of Conservation Development Planning Department. At this juncture I've asked Margaret Woodbury who is the Chief Deputy County Counsel to speak to the Commission, if you please, as well as members of the audience about the role of the three commissioners who are present and just as importantly the role or opportunity that the two commissioners will have regarding the Draft EIR and the Winery Definition Ordinance. So, if you please, I'd like to ask Margaret Woodberry to comment briefly on that.

Margaret Woodbury: I want to clarify this because there has been an important recent change in the SPPC rules. Up to the last couple of months the SPPC would not allow the Commissioner chosen by lot to serve on the Commission under the rule of necessity to speak and participate other than by vote, which was extremely awkward, and there had been a lot of protesting about it over the years. They have reversed themselves and now the Commissioner chosen by lot may participate fully as if he had no conflict. However, the two commissioners with conflicts who were not chosen in the lottery under the rule of necessity, the rules apply to them the same as before, they cannot participate of course, as commissioners, they also may not participate as public citizens during the comment period from the various podiums unless they are the sole owners of businesses which are the source of their conflict, in this case that does not exist. And the exception perhaps is Commissioner Fornier, who is not here, and he will have to make that decision.

Dan Jonas: Next item on our agenda, is item number 8, Public Hearings, Review of Adequacy of Draft Environmental Impact Report on adoption of the County of Napa, by the County of Napa, of a new Winery Definition Ordinance.

Jeffrey Redding: Mr. Chairman, member of the Commission, Jeffrey Redding, Director of Conservation Development Planning Department. I want to introduce the subject matter to you and to the audience in a brief way, and then continue with today's agenda. Again, as you've introduced, Mr. Chairman, the purpose of today's hearing is to provide an opportunity for the public to testify on the adequacy of the Environment Impact Report prepared by Agland Investments Company to analyze and identify, as well as provide mitigation measures, for the adoption of the Winery Definition Ordinance, as it was presented to the County on February

COMMENTS ON
DRAFT - MEA MITIGATION MEASURES

1. Land Use,

Mitigation Measure 1: No expansion of existing public visitor facilities.

475

Comment: May adversely impact a winery with an existing permitted public visitors facility needing repair or modifications to handle existing visitor load.

2. Geology, Soils & Seismicity

Mitigation Measure 2: Erosion Control Ordinance

476

Comment: An additional source would be the documents prepared by the Association of Bay Area Governments (ABAG) re: erosion and sediment control. Input should also come from the civil and geotechnical engineering professionals.

3. Water Quality

477

Mitigation Measure 1: Coordination between Napa County and the Regional Water Quality Control Board.

Comment: Already being done.

4. Water Resources

Mitigation Measure 1: Water conservation programs approved by the County Water Agency.

478

Comment: More appropriate agency may be Environmental Management, as they are responsible for well and water systems permits as well as wastewater permits.

Mitigation Measure 4: No vineyard irrigation in areas where groundwater is in short supply unless imported water is used.

479

Comment: Irrigation water could also be provided from rainfall catchments.