

CERTIFIED

NAPA COUNTY PLANNING COMMISSION

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IN RE: ITEM 9B
REVERIE ON DIAMOND MOUNTAIN WINERY/REVERIE ON DIAMOND
MOUNTAIN, LLC.
USE PERMIT MAJOR MODIFICATION
NO. P13-00027
AND USE PERMIT EXCEPTION TO THE CONSERVATION
REGULATIONS
NO. P15-00141

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TRANSCRIPT OF VIDEO-RECORDED PROCEEDINGS
MEETING OF JUNE 17, 2015

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PRESENT:

HEATHER PHILLIPS, Chair
MATT POPE, Vice-chair
MICHAEL BASAYNE, Commissioner
TERRY SCOTT, Commissioner

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Transcribed by: Kathryn Johnson

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1 CHAIR PHILLIPS: Okay. That now--now that takes us to Item
2 9B, Reverie on Diamond Mountain Winery, Use Permit Major
3 Modification No. P13-00027 and Use Permit Exception to the
4 Conservation Regulations No. P15-00141.

5 DEPUTY DIRECTOR MCDOWELL: Good morning, Chair Phillips,
6 members of the Commission. This is a continued hearing from your
7 prior Planning Commission meeting. And as I recall that hearing,
8 you've closed the Public Hearing at this point and directed
9 Staff to come back with revised Conditions of Approval, which
10 we've provided to you. I'm happy to walk through the changes to
11 the Conditions of Approval, but before getting into that, there
12 is a request from the applicant to reopen the Public Hearing and
13 take additional testimony regarding their visitation.

14 I believe they feel that given all of the other elements
15 that were discussed during the course of the meeting that the
16 marketing and visitation program that they had put forward late
17 in the process did not get vetted to the degree they would have
18 hoped. So if the Commission is open to receiving that then I'm
19 sure the applicant would certainly appreciate the additional
20 public--opportunity for public input.

21 On Conditions of Approval, we attempted to move forward
22 with the various straw votes that the Commission took on the
23 individual elements or components of the project. I'll real
24 briefly try to walk you through them. And I apologize, we had--
25 the initial version of the Conditions that we put out in the
26 Staff Report actually had two versions of the same Project
27 Specific Conditions so we--the applicant pointed that out, as
28 well as others, and we were able to tune that up and I'll walk

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1 you through the current proposed Revised Conditions of Approval.

2 First would be in Scope. The Scope notes that there will be
3 a restoration plan that the applicant has put forward and was
4 included in your packet materials. Staff believes this
5 restoration is consistent with what is necessary to meet the
6 required findings for grant of a conservation use permit
7 exception. The Scope condition also notes that there would be no
8 visitation or marketing activities occurring on the lawn area,
9 which is on the south side of the creek. I believe the
10 Commission had given some mixed direction on that issue so you
11 may want to discuss that further.

12 CHAIR PHILLIPS: Commissioner Scott just turned on his
13 light.

14 COMMISSIONER SCOTT: I was a little confused with that
15 because are we creating different areas for marketing events or
16 visitation, because as I read this and, you know, in all honesty
17 I didn't happen to have that much time, but it appears that
18 we're saying that they can't have visitation in the lawn areas
19 that they've been using for visitation and they can't have
20 visitation in the caves. Where are they supposed to do it?

21 DEPUTY DIRECTOR MCDOWELL: In their tasting room and the
22 redwood grove and there--I think there's a little gazebo out
23 there as well. So it...

24 CHAIR PHILLIPS: And what about in the barbecue area?

25 DEPUTY DIRECTOR MCDOWELL: ...so on--yeah, there was the
26 barbecue area.

27 COMMISSIONER SCOTT: Okay.

28 DEPUTY DIRECTOR MCDOWELL: So project's use permits are

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1 permissive so the activities where they've been conducting
2 tastings for, I believe, the last 15 years...

3 COMMISSIONER SCOTT: Yeah.

4 DEPUTY DIRECTOR MCDOWELL: ...weren't previous--other than
5 the tasting room that was shown in that 1990s use permit, all of
6 the other tasting activities have been conducted outside the
7 bounds their current entitlement.

8 COMMISSIONER SCOTT: Oh. Okay. So.

9 DEPUTY DIRECTOR MCDOWELL: So moving on in Scope, we added
10 a condition that estate-grown grapes would be applied only to
11 the increase in production...

12 CHAIR PHILLIPS: John, I--and I had--I was under the
13 impression that it would be--that it was an estate program so
14 that it was to--going to be to the whole--to the whole capacity.

15 DEPUTY DIRECTOR MCDOWELL: The Commission is free to
16 discuss that in your deliberations. From Staff's perspective we
17 put it forward as the existing improved--approved production of
18 5,000 gallons would not be subject to this because it was
19 already an entitled right on the property.

20 Moving on, there--we added wording that visitation and
21 marketing would not occur within the cave. We struck the
22 applicant's proposed language for the extent of visitation and
23 marketing that they were requesting. If you change your
24 recommendations you would, of course, add some of that language
25 back in.

26 And then we applied a project specific condition of
27 approval regarding the Hold and Haul. In the applicant's
28 correspondence subsequent to the meeting they noted that they

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1 are willing to install the new on-site sewage treatment system,
2 which is reflected in Condition 2J, but that they need to rely
3 on a Hold and Haul System for this year's crush activities,
4 which, from Staff's perspective, we believe this is certainly
5 understandable.

6 So on Condition 2 for the Project Specific Conditions, 2H
7 is the condition requiring the restoration plan to be
8 implemented. Condition 2I speaks to the applicant reporting
9 their annual production and documenting that they're in
10 compliance with production limitations and then 2J, of course,
11 is the provision that they install the on-site sewage treatment
12 system after this year's crush activities.

13 We've updated the Tours and Tastings and Marketing
14 Condition on pages 6 and 7 of the Conditions of Approval under
15 Visitation. I apologize for the areas highlighted in yellow.
16 That was--those were internal Staff comments that were not
17 supposed be going out in the final version of the document but
18 we've updated the Conditions of Approval to reflect the modern
19 version of reporting visitation and the--but not granting them
20 an expansion of their visitation.

21 So with that I'll conclude and I'll be happy to answer any
22 questions.

23 DEPUTY COUNTY COUNSEL LAURA ANDERSON: Chair Phillips. Just
24 a point of clarification. At the last meeting the Commission
25 actually did not close the Public Hearing. You gave Staff
26 direction and you took a straw vote, but you ultimately
27 continued this item to today's date, so technically the Hearing
28 is not closed.

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1 CHAIR PHILLIPS: Thank you. Are there any questions at this
2 time for--oh. Commissioner Basayne.

3 COMMISSIONER BASAYNE: Good morning Deputy Director. Just a
4 quick question with regard to the stream restoration aspect of
5 this request. Is there an updated graphic, because I don't know
6 if I saw it.

7 DEPUTY DIRECTOR MCDOWELL: Yes. In your attachments there
8 is a First Carbon--I forgot the name of the firm.

9 CHAIR PHILLIPS: Page--that was the document I was looking
10 for is page 33.

11 COMMISSIONER BASAYNE: Okay.

12 DEPUTY DIRECTOR MCDOWELL: It starts, yes, on 33 and then
13 continues on to 35 through...

14 CHAIR PHILLIPS: That's it.

15 DEPUTY DIRECTOR MCDOWELL: ...thirty-nine.

16 CHAIR PHILLIPS: Well, thirty--that goes on to the
17 marketing plan. So the only information on the stream
18 restoration is the letter from First Carbon Solutions as well as
19 the Onsite Mitigation Opportunities on page 35.

20 DEPUTY DIRECTOR MCDOWELL: Correct.

21 SUPERVISING PLANNER CHARLENE GALLINA: And 36.

22 DEPUTY DIRECTOR MCDOWELL: And 36. Yeah. I apologize.

23 CHAIR PHILLIPS: That's the plant list.

24 MS. GALLINA: Yes.

25 COMMISSIONER BASAYNE: I was just looking for a visual
26 depiction of what was being proposed.

27 DEPUTY DIRECTOR MCDOWELL: So 35 would be your best exhibit
28 of that, essentially it's a combination of preserving existing

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1 natural features in the area, as well as there are several areas
2 where some native vegetation can be planted. From Staff's
3 perspective, this is commensurate with the amount of area that--
4 within the creek setback that had been disturbed when the cave
5 was constructed.

6 CHAIR PHILLIPS: And then how is this implemented in terms
7 of oversight and completion?

8 DEPUTY DIRECTOR MCDOWELL: Oh. Great question. The
9 Condition 2H reflects that the final version of this plan would
10 be submitted to the Department for review and approval prior to
11 the issuance of permits for the cave and/or conversion of the
12 guest cottage upstairs.

13 So I imagine if timing works out as best as it could, we'd
14 see this plan sometime over the summer concurrent with the
15 building permit submittal to enable the cave and the second
16 floor of the building to be used.

17 CHAIR PHILLIPS: And then because this plan no longer
18 involves any creek--actual creek restoration, it doesn't involve
19 any other agencies like DFG or RCD?

20 DEPUTY DIRECTOR MCDOWELL: That was sort of my approach
21 from beginning was to stay out of the creeks themselves, but we
22 are going to do restoration within the stream corridor area,
23 which is under--just the local--the County's local jurisdiction.

24 CHAIR PHILLIPS: And then--so that's interesting to hear
25 what the trigger is for that. What is the trigger that--for the
26 completion of the septic system, the wastewater system?

27 DEPUTY DIRECTOR MCDOWELL: The--it's detailed, I believe,
28 in Condition 2H.

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1 MS. GALLINA: 2J.

2 DEPUTY DIRECTOR MCDOWELL: 2J. Do you want to go over that?

3 MS. GALLINA: Yes. They would be--the applicant would be
4 allowed to use the Hold and Haul System until--for the 2015
5 crush and then prior to any crushing after 2015, then they'd
6 have to put in their on-site sewage treatment system and that
7 would be in accordance with getting the appropriate permits by
8 Environmental Health and the department--the rest of the
9 department and then installing that system.

10 CHAIR PHILLIPS: I guess my question is what is triggering
11 them to actually come in and get the permits to ensure that the
12 work is done?

13 DEPUTY DIRECTOR MCDOWELL: Well they wouldn't be able to
14 crush in 2016 or any subsequent years.

15 CHAIR PHILLIPS: Okay.

16 COMMISSIONER SCOTT: That's an incentive.

17 CHAIR PHILLIPS: Pardon?

18 COMMISSIONER SCOTT: That's an incentive.

19 CHAIR PHILLIPS: Yeah, that's an incentive. Okay. Are there
20 any other questions for Staff at this time?

21 DEPUTY DIRECTOR MCDOWELL: There's one more thing I'd like
22 to--just a detail on the correspondence that you received from
23 the applicant on June 10th, which we included as Attachment C in
24 your Staff Report. We did not actually include the email that
25 was sent by the office of Dickenson, Peatman & Fogarty.

26 I have it here. All it says is: Good afternoon Mr.
27 McDowell. Attached is a letter and attachment from Scott
28 Greenwood-Meinert relating to the above-mentioned matter for

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1 your review.

2 So it is part of the administrative record but it--but the
3 actual attachments, which contain the analysis, are what was
4 provided to you.

5 CHAIR PHILLIPS: Yes. And that was the--it was the First
6 Carbon letter that I had been looking for.

7 As the Public Comment is open I would invite--if the
8 applicant would like to come to the microphone and state their
9 name and address for the record.

10 COMMISSIONER SCOTT: Or not.

11 CHAIR PHILLIPS: Or not.

12 SCOTT GREENWOOD-MEINERT: Scott Greenwood-Meinert on behalf
13 of Reverie on Diamond Mountain. The microphone wants to take a
14 dive. I'm sorry. I'm with Dickenson, Peatman & Fogarty downtown.

15 First of all, thank you and hello again. I'm not going to
16 read our entire submittal of June 9 into the record. I would,
17 however, like to highlight a couple of things and get them on
18 the record. We worked feverishly after the first Hearing with
19 Staff, with biologists and amongst ourselves to come back with
20 what we felt like was a reasonable set of compromises on our
21 behalf based on what we heard at the Commission the first time.

22 We attempted to do so in the spirit of compromise and in
23 the spirit of trying to get a use permit application in front of
24 you that you could approve. We spoke at great length in the
25 first hearing about our original visitation plan and all of the
26 justification for our request. We reiterate that.

27 With that said, we put into our June 9 correspondence a
28 compromise proposal. We took that proposal seriously. We vetted

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1 those numbers seriously and put them forth in a way that we feel
2 will allow the winery to survive going forward and that will
3 allow the winery to be able, with some significant struggle, to
4 afford the other improvements that you guys seemed inclined to
5 approve, the cave improvements, the live system. For the record
6 I spoke with a local contractor who installs live systems.
7 That's a 150,000-dollar item. There is a cost to coming up to
8 state-of-the-art. And a live system is absolutely state-of-the-
9 art.

10 We're willing to do that. We think it's an important aspect
11 of this going forward. We need to be able with the estate fruit
12 program or the additional increase in production to have the
13 ability to do re-plantings, the ability to blend when necessary,
14 to make wine the customers want to purchase. The vineyards, for
15 the most part, were installed in the early 90s and I think it's
16 fair to say that going forward we can anticipate that there
17 would need to be some significant replanting. And yet you need
18 to be able to keep the winery open so some production
19 flexibility there while complying with and comporting with the
20 idea of an estate program would be much appreciated.

21 With regards to the original visitation request and our
22 offer of compromise, it's difficult in today's wine market to
23 make and sell up to 9,200 gallons of wine. That is not a lot of
24 wine. It is all, for the most part, grown on the estate. It
25 needs to be, for the most part, sold at the estate. But it's not
26 easy.

27 We came in with our original visitation request because we
28 felt like that was not only reasonable and justified, but

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1 because we needed it. Sixty-eight hundred visitors with a
2 thousand folks a year annual increase would get us up over the
3 course of four years to 9,800 people. We think that's very
4 reasonable. It does not, quite frankly, provide for additional
5 growth in terms of being able to grow, perhaps, more fruit on
6 the 20 plus acres that are actually on site. But that's maybe
7 something that would need to be dealt with from a production
8 perspective down the road.

9 We originally built into the original request, room to
10 grow. Something that, as a practitioner in this field, and you
11 guys, as Commissioners and Staff know, was maybe not something
12 that was thought through well enough 20 years ago when people
13 came in for use permits. Room to grow over 20 years or over 10
14 years is a reasonable thing to request.

15 Twenty people a week. And 1,040 visitors a year is not
16 economically feasible. And I would bet that for most folks in
17 the Valley that are small wineries it would not be economically
18 feasible. It is unfair as well. It just--it's punitive. Despite
19 the vitriolic, hyperbolic, and, at times, flippant, opposition
20 that people face these days with their use permit applications,
21 we walked in voluntarily and it has taken years to get in front
22 of you as we have talked about before. But the existing County
23 policy is to allow us to come in with our hat in our hand and
24 seek a use permit and seek it on the basis of the merits. Those
25 merits include a clean negative declaration as to traffic, as to
26 every other aspect of this project.

27 I found it interesting when going back and looking at this
28 again, and looking at opposition letters and looking at the

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1 numerous letters of support from people that live in the
2 neighborhood that we could, as an applicant, any applicant, in
3 AW or AP, could seek to do a daycare center without coming in
4 for a use permit, without any CEQA analysis, and the average
5 daycare center size would triple the traffic to the site above
6 the original request that we asked for and there would be no
7 CEQA review of that. So that would be something that would just
8 fall back on the General Plan.

9 We have come in. We've vetted these issues carefully. And
10 the engineers and the analysts, and quite frankly, the CEQA
11 lawyers, have taken a look at this from a CEQA perspective and
12 this is a clean project. It gets even cleaner with the
13 compromise visitation that we requested.

14 I'll go back and say this one more time. The proposals that
15 we asked for, the compromise proposals that we asked for need to
16 be paid for. A million dollars or more of improvements from a
17 business of any size are significant. Small wineries even more
18 significant. This is an agricultural effort. Million-dollar
19 expenses for agricultural endeavors, even wineries, are
20 significant. We need the ability to pay for those. Quite
21 candidly, if we can't get a compromise visitation number or our
22 original visitation number, we don't need a new well. We don't
23 need a new septic system. We would need Hold and Haul and we
24 would need a live system, but we wouldn't need to upgrade our
25 actual existing septic system. It's just not necessary. Nor
26 would we need the employees that we've asked for that have been
27 analyzed.

28 In closing, we're here to discuss anything and everything

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1 that you guys would like to talk about. We can go into
2 tremendous detail on the justifications for the visitation
3 requests that we've made, but we've gone over a lot of that
4 already. Our traffic engineer is here. Mr. Kiken is here. We
5 appreciate your time and we appreciate your consideration. Thank
6 you. Are there any questions?

7 CHAIR PHILLIPS: Not at this time. I have a question for
8 Staff. Staff, just to clarify that one septic system would need
9 to be moved because it's located above the cave--on top of the
10 cave. So regardless of the visitation numbers there would still
11 need to be work done to one of the septic?

12 MS. GALLINA: That's correct.

13 CHAIR PHILLIPS: Thank you.

14 COMMISSIONER SCOTT: I have one question of Staff as well.
15 The--how far apart are the applicant's compromise requests from
16 what Staff has determined is appropriate for visitation and
17 marketing? It's kind of difficult to determine with these
18 multiple reports and updates.

19 DEPUTY DIRECTOR MCDOWELL: So Exhibit F of your original
20 Staff Report, pages 107 and 108 of your original Staff Report
21 contain the comparison wineries.

22 CHAIR PHILLIPS: So to break it down the average for a zero
23 to 10,000-gallon winery in terms of annual visitation, the
24 average is 1,185, the median is 471. The original proposal was
25 for 10,840 and the revised proposal is for 9,800. They are
26 approved--that--the original permit approval was for 1,262. So a
27 little bit above the average.

28 COMMISSIONER BASAYNE: If I understand correctly, though,

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1 we're looking at a phasing in of these production--excuse me, of
2 these visitation numbers, correct?

3 DEPUTY DIRECTOR MCDOWELL: That's what the applicant's
4 proposal is.

5 PLANNING DIRECTOR DAVID MORRISON: Yet that is not what
6 Staff has recommended...

7 COMMISSIONER BASAYNE: Okay.

8 DIRECTOR MORRISON: ...or how they drafted the Conditions,
9 that is what the applicant's requesting.

10 COMMISSIONER BASAYNE: Okay. Thank you.

11 DEPUTY DIRECTOR MCDOWELL: So the conditions that we came
12 back with were our understanding of the straw vote taken by the
13 Commission at last week's meeting. It's reflective of no change
14 in the level of visitation.

15 CHAIR PHILLIPS: And which was the Staff's recommendation.

16 DEPUTY DIRECTOR MCDOWELL: Correct. Yes.

17 CHAIR PHILLIPS: Are there any other questions of Staff at
18 this time? Seeing as there are none, I'm going to invite anyone
19 else from the public that would care to speak on this matter to
20 come to the podium and state their name and address.

21 GEORGE CALOYANNIDIS: George Caloyannidis, 2202 Diamond
22 Mountain Road. As I'm looking at this picture here, which, I
23 think you see yourselves, and listening about the preservation
24 of natural features, this seems to me like a cartoon. To have
25 this picture and talk about preservation of natural features,
26 plus the forest that you see above, that's going to be going to-
27 -10,000 trees are going to be felled for the resort.

28 The second cartoon that I hear here is the word compromise.

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1 A compromise is proposed by a person who comes from a position
2 of right. To have somebody who has been flouting the law, talk
3 about compromise is kind of very funny.

4 The Planning Department has done its job based on the
5 parameters that it is allowed and empowered to do and it's done
6 a pretty good job. However, you have given additional powers and
7 responsibilities. And regardless of how wonderful Mr. Kiken
8 appears through his supporters, he will be gone after you reward
9 his 20 plus violations with a multi-million-dollar additional
10 check. I don't need to tell you about the monetary value, the
11 modification he is looking for. This is not about Mr. Kiken. Mr.
12 Kiken will be gone.

13 As I pointed out in my written comments, which are
14 expensive--extensive, their CEQA knowledge is not comprehensive
15 enough as I see it. It failed to consider the physical and
16 ownership connection to the resort that this position of 20,000
17 yards of cave tailings onto the property, and most important,
18 the cumulative effects. And these cumulative effects affect all
19 of us. At this point in time, every additional car on our roads
20 destroys our quality of life bit by bit. Bit by bit every less-
21 than-significant effect on top of another less than significant
22 effect has resulted in the proliferation of Level C and Level F
23 and worse work conditions.

24 We, the people who live in this county, being increasingly
25 marginalized once, will not stand by and witness the gradual
26 destruction of our quality of life for the benefit of very few.

27 Mr. Kiken claims that his winery cannot survive without the
28 modification. He made an investment just like buying any

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1 business. Just like buying a piece of real estate, as I have
2 done in my life, neither I nor the Diamond Mountain community
3 nor the Napa Valley community have an obligation to guarantee
4 him a profit by sacrificing the quality of our life and we are
5 no longer willing to let you do that. At the right price within
6 the parameters of the existing use permit, I assure you there
7 are many buyers out there and to buy it, and with plenty of
8 profit for Mr. Kiken's investment.

9 Finally, the public has lost faith in your ability to
10 police your own rules. You have no system in place to conduct
11 real audits. You should not even call them audits. And that ties
12 to Item 11 that is being continued. And you refuse to punish
13 those who violate your own rules. The system is collapsing
14 before our own eyes. Any semblance of controls has vanished.
15 Lawlessness rules. We cannot allow this to continue.

16 In years to come we will look back at this application as
17 the spark which has ignited a gradually filling powder keg of
18 momentous changes in this Valley. Strange as this may seem after
19 all this that I've said, I hope you actually approve this
20 modification. We want it placed right on the Supervisors' lap as
21 we can watch them decide it on appeal because they are the ones
22 who will have to answer to the public. Thank you.

23 CHAIR PHILLIPS: Thank you.

24 MICHAEL HACKETT: Good morning, Commissioners, Michael
25 Hackett, Angwin. All of this is getting muddied over, in my
26 viewpoint, with talking about production capacities, etcetera.
27 But, let's get back to the facts. The facts are that a cave was
28 dug many years ago without permission. Cave tailings were dumped

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1 on the property. The creek was fouled, and there have been use
2 permit violations. In addition, there's been one neighbor that
3 has been positive about this. The rest have been negative. So,
4 it's disingenuous, at the minimum, to say that there's been
5 support from people on Diamond Mountain Road about this project.

6 I thought The Caves on Soda Canyon were the most egregious
7 violations that I'd heard about recently where they popped a
8 hole in the side, but to dig a cave without a permit, and then
9 to have 60-passenger buses going up and down Diamond Mountain
10 Road. Their attorney called this--your treatment of them unfair.
11 Well, that's unfair. That's unfair to the public.

12 I don't think there's any possible purpose for a
13 compromise. I used this analogy at the APAC meeting, as corny as
14 it is, I think it's applicable. If you have a young person that
15 you're raising and they have use of a cell phone and they exceed
16 their times by greatly and the cost goes up and the parents are
17 all upset, what do the parents do with the cell phone. They
18 don't give them another one, they don't increase the usage, they
19 take it away.

20 In my opinion, the cave should be shut down for a minimum
21 of three years. During that time if there's no violations in the
22 use permit, they can reapply. In the interim it should be shut
23 down. The creek should be cleaned up, and that's how I think we
24 can stop the non-compliance issues within Napa County, and
25 there's probably no other way to do it. Thank you very much.

26 CHAIR PHILLIPS: Thank you, Mr. Hackett.

27 GARY MARGADANT: Good morning to the Commission, the
28 Commissioners. My name is Gary Margadant. I live up on Mt.

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1 Veeder Road. And I wanted to speak to a couple of issues on this
2 project. I'm particularly concerned about the handling of the
3 Blueline creek that goes through this property. If you look
4 through your packet and you see the biological assessment on
5 this property that was done originally, you will note that all
6 of the photographs in that biological assessment are of the
7 creek itself. And you will see how the creek has been channeled,
8 how it's been bricked, how it's been changed, how it's been
9 diverted put into a pipe and to go underground. In other words,
10 this creek was something that was considered to be less than
11 useful, and just a nuisance, and was channelized and gone and
12 altered by the people who own the property.

13 Now, if Measure A funds were used in Napa County to change
14 the Napa River, all right, now that Napa River would have been
15 cemented and done exactly the way that the Corps of Engineers
16 would want it to do without local input. They would have changed
17 the river much more so to a flood control device rather than
18 something that would have been scenic. And what I say to you
19 here is that this is what's been done on this property to that
20 creek. It's been channelized, it's just been converted to
21 something that was a nuisance, and has--not considered to be a
22 nice, natural feature.

23 Now the winery has used the natural feature of the redwoods
24 and a garden and to, you know, to say that this is a nice place
25 to go ahead and visit. But I submit to you that if the creek was
26 restored, it would be a much better place to do this rather than
27 having it channelized. Part of those Measure A funds were used
28 by the Rutherford, you know, in the Rutherford Reach area,

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1 they're now being used in the Oakville area to change that
2 river, to make it more natural, and to restore it back to what
3 it was originally done.

4 Those are goals that I think that this County has, and I
5 think it's goals that this Commission needs to adopt also in the
6 way that they handle natural features. Because this creek is not
7 a ditch. And it should be--have and hold respect from you, and
8 everybody who is in this County who relies on the scenic nature
9 of this to realize that these features are something that have
10 to be regarded with high respect, and to be managed properly so
11 that they continue to be what it is that people come here for.
12 They come here to see this natural beauty, and to enjoy some
13 wine, and to enjoy the winemakers who make this. And I would
14 submit to you that it's a lot better to go ahead and consider
15 this to be a revered and natural feature that is part of this
16 winery. Thank you.

17 CHAIR PHILLIPS: Thank you.

18 DONALD WILLIAMS: Donald Williams on View Road in
19 Calistoga. I also ask you to maintain the existing permitted
20 visitation levels. The traffic is too much. The traffic increase
21 that we're talking about is too much for us up Valley. It seems
22 like a small change, but incrementally the cumulative impact,
23 which others have talked about, is true. Little by little, one
24 after another, these increases occur, and there's a saturation.
25 Do we even know what the saturation or the maximum point is? We
26 increase a little bit here, a little bit here, a little bit
27 there, and finally people say too much. Visitors who would come
28 up otherwise say too much, we don't want to sit there in traffic

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1 over and over and over again.

2 Diamond Mountain Road, which I'm familiar with, you've
3 probably seen it, it's small and narrow, and it's not meant for
4 a lot of traffic. That's a small country lane. It's not meant
5 for that kind of traffic.

6 There is--it's irrelevant, it came up last time. It's
7 irrelevant that there are other wineries or events or planned
8 projects, Castle is just down the road, for example, but has a
9 lot of cars, and other wineries have a lot of cars or events do.
10 Irrelevant. The incremental increase over and over and over
11 again is just going to saturate and maximize out the Valley.

12 I don't blame Reverie for asking for it, however, why not?
13 But the responsibility falls on the Commission, and ultimately
14 on the Supervisors, to represent the people, to represent those
15 who over and over again at that March 10 meeting said we see too
16 much. Too much activity. Too much commercialization. Too much
17 urbanization, essentially. Even on a small place like that.

18 So I'm asking you to represent the public that way. Going
19 back to the idea of needing this, I'll remind you about the econ
20 101, when someone says, when any institution, or a person in
21 economics says we need this, the reality of the translation is
22 we want this. Which is legitimate to want something, but that
23 doesn't mean that it has to be accommodated.

24 The unfortunate part, also, is the increasing cynicism, or
25 disenchantment with a system that allows exceptions and
26 variances, and increases despite increasing public comment to
27 the contrary.

28 I would ask you to address Mr. Caloyannidis' two letters,

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1 the points there were very strong, I thought, and I would ask
2 you to address them. I'd be appreciative of hearing comments on
3 those points that he brought up--brings up. Thank you.

4 CHAIR PHILLIPS: Thank you.

5 CHARLOTTE WILLIAMS: Charlotte Williams, 59 View Road,
6 Calistoga. I have some questions, and perhaps this is something
7 that County Counsel can respond to, I'm not sure. But having
8 lived on Diamond Mountain Road about a tenth of a mile up, it's
9 extremely narrow there, and I am concerned when I hear about 66-
10 passenger busses going up that road knowing that there's a very
11 steep bank on one side up hill, and a creek on the other. And
12 when I think about fire access, egress, for all the people who
13 live on Diamond Mountain Road, when the County approves
14 increased usage of any sort of parcel anywhere in the county,
15 that means roads are being used more. So how--who assumes the
16 liability for fire when people who buy property up on Diamond
17 Mountain Road believe they're essentially on a residential sort
18 of road, but commercial uses are being approved more and more.
19 In the case of fire, who's liable, who is liable for egress out
20 of that place. There's no other road out of Diamond Mountain
21 Road. And I know it takes about 25 minutes to drive from
22 Calistoga to the top of that road even though the base of the
23 road is just half a mile from town. So in normal conditions 25
24 minutes. Can you respond to that, County Counsel?

25 CHAIR PHILLIPS: I don't know if it's a legal question, as
26 it is a Planning question in terms of how it's incorporated into
27 the process. Would anyone care to comment?

28 DIRECTOR MORRISON: That's a fairly complicated question

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1 without speaking specifically to the issue of liability. The--
2 there's a lot of different responsibilities. There is the
3 responsibility of the Public Works Department to make sure that
4 the roads are designed and maintained in a--to minimum safe
5 standards, often as determined by County Road Standards, and by
6 Caltrans.

7 There is a responsibility for the fire departments to
8 review projects and to include safety measures and designs into
9 projects, both commercial and residential. There is a
10 responsibility for all property owners, both commercial and
11 residential, to maintain firebreaks around structures and to put
12 in fire sprinklers in a high fire hazard area where people
13 locating there are placing themselves at some risk to begin
14 with. And there is a responsibility to look at these things
15 under CEQA in terms of road design and environmental review.

16 Public roads are public, there's no such thing as a
17 residential street. If you are building a home you're going to
18 have people hauling lumber and pipe up there, large trucks. If
19 you have vineyards up there you're going to have trucks hauling
20 wine, or fruit, or juice in and out. So, roads aren't limited
21 just to residential use. They're open to the public and the
22 public may include truck traffic, and so that's why it's
23 important for streets to be adequately designed to ensure that
24 there is--can be safe egress. There is a whole host of street
25 requirements under the state SRA, fire safe regulations that
26 were passed just after the Oakland Hills fires. So, it's no one
27 single entity. There's a lot of different responsible parties,
28 including both public and private that have to look at the issue

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1 of road safety in high fire hazard areas like that. Certainly
2 this is a part of the conversation, but it's not the only part.

3 MS. WILLIAMS: Okay. And was Cal Fire consulted in this
4 project at all? Cal Fire was, and they have a--they responded.

5 MS. GALLINA: Yes. There are Conditions of Approval from
6 the fire department.

7 MS. WILLIAMS: Okay. All right. You know, I thought about
8 this, mainly because as I'm leaving Calistoga to drive to Santa
9 Rosa, I'm noticing how much clearing has been done beside the--
10 on the sides of Petrified Forest Road. And I had never seen so
11 much clearing. I guess that's Caltrans that's been taking care
12 of that. And it makes me--as I'm already very aware of the
13 drought, but it makes me more and more aware of fire hazard and
14 how--that--up valley is difficult egress-wise. And of course,
15 historically, the 1964 fire, which started on Mount St. Helena
16 and went to Calistoga--or no, to Santa Rosa and nearly to the
17 coast in some places.

18 And I just can't help but thinking about how dangerous that
19 area's becoming, and on a very, very narrow road. And I'd like
20 you to consider that when approving increases in traffic for
21 projects, and not to just be thinking about these as individual
22 parcels. I understand people buy parcels, it's private property.
23 But how the uses of those parcels affect all of their immediate
24 neighbors, as well as everyone else in the area. So I'd like to
25 be sure that you consider that too. Thank you.

26 CHAIR PHILLIPS: Thank you. Okay. I don't see anyone else.
27 I was going to take a minute, it had been requested that we
28 answer the--

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1 DAVID GILBRETH: Excuse me Madam Chair, I would like to
2 speak [inaudible].

3 CHAIR PHILLIPS: I was just going to clarify one of the
4 other questions that one of the speakers asked, and then you
5 certainly will be able to come back up for the...

6 MR. GILBRETH: Thank you.

7 CHAIR PHILLIPS: So, Mr. Calyod...

8 UNKNOWN: Caloyannidis.

9 CHAIR PHILLIPS: Thank you. Asked--or it was asked of us to
10 respond to the letters that he had written. I think the first
11 letter that he had written was regards to--with regards to CEQA.
12 And then the second letter looks like the main question is the
13 serious issue regarding the County's ability to monitor
14 visitation and sales of the winery in the view that it will have
15 direct secondary access to the joining resort within the City of
16 Calistoga jurisdiction. It needs to be addressed whether the
17 modification is granted or denied. So, I think those were the
18 two questions that had--that I took away from both of the
19 letters that he wrote.

20 MR. CALOYANNIDIS: That's correct. The other one has to do
21 with...

22 CHAIR PHILLIPS: Oh, I'm sorry. You have to come up to the
23 microphone and state your name and address.

24 MR. CALOYANNIDIS: George Caloyannidis, 2202 Diamond
25 Mountain Road. This is correct. The two items you addressed. But
26 the main item is to have a violator being rewarded with being
27 rewarded, rather than punished.

28 CHAIR PHILLIPS: Correct.

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1 MR. CALOYANNIDIS: And I think this sets a terrible
2 precedent for the entire county. And it is destructive at all
3 levels, and it is rallying people from all sorts of life.
4 Yesterday we had a meeting. Sixty people attended on those
5 issues. So, as I said before, I need to make you aware that this
6 particular case is very important.

7 CHAIR PHILLIPS: Understood. And just to clarify that the
8 Staff has approached this as to--not to be punitive, but to
9 examine this as if it were an application coming in.

10 MR. CALOYANNIDIS: Which I acknowledge.

11 CHAIR PHILLIPS: Right.

12 MR. CALOYANNIDIS: Staff did a good job. They did a
13 terrific job in analyzing, but you have a different power.

14 CHAIR PHILLIPS: Thank you. Yes. Deputy Director McDowell.

15 DEPUTY DIRECTOR MCDOWELL: So, if I'm understanding of--
16 Staff's position regarding Mr. Caloyannidis' point in his May--I
17 think it was May 19 letter, which is on pages 119 through 126 of
18 the first Staff Report regarding CEQA. Our CEQA analysis is
19 based off of the project--or the existing conditions on the
20 property at the time the project was completed. So, for example,
21 on cave tailings, the cave tailings had been deposited
22 approximately 15 years prior to that, so that was an existing
23 condition. And any impact that may have resulted as part of that
24 activity is unknown and speculative, and was not, therefore,
25 considered any form of significant environmental impact. It was
26 an existing condition. The--which is proper protocol for
27 preparing CEQA analysis on after-the-fact approvals. You take
28 the project at the time it's submitted, and not at--you cannot

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1 go back in time and theorize what the environment was like prior
2 to the project being implemented.

3 On the second point, the connection to the resort, although
4 that has been suggested as a possibility, it's not a component
5 of this project and it would be subject to a future use permit
6 modification should that activity be proposed at any point. I
7 would assume that such an action would be of a magnitude that it
8 would be beyond non-controversial, and the other three triggers
9 for minor modification processing. So it would be a Commission-
10 level review.

11 CHAIR PHILLIPS: So, it would need a use permit
12 modification to be allowed, and then...

13 DEPUTY DIRECTOR MCDOWELL: There--I--we can't--I guess it
14 all depends on what winds up getting proposed. But it seems like
15 it would be difficult to make an argument that connecting a
16 pathway of some sort between a commercial activity located
17 within a city, to an agricultural activity located outside of
18 the city, is minor, non-controversial, and results in no changes
19 to environmental conditions, and no changes in intensity,
20 density, or environmental effect. Which--those are the triggers
21 for minor modification processing.

22 And then I believe you addressed the last point about
23 rewarding violations. Staff attempted to address that issue in
24 your original Staff Report, and it is very much a policy call
25 with the Planning Commission and Board of Supervisors on how you
26 wish to proceed on those fronts.

27 CHAIR PHILLIPS: Thank you. Would you care to speak?

28 MR. GILBRETH: Good morning, Madam Chair, Commissioners,

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1 ladies and gentlemen, my name is David Gilbreth, and my address
2 is 1152 Hardman Avenue.

3 As you know, I am not lead counsel. My colleague, Scott,
4 is, but I do represent someone that's interested in the
5 property, as I'd mentioned before. And as a result of that have
6 been working with Norm's counsel doing a lot of due diligence,
7 and have a very extensive background on what the permits were,
8 what the approvals were, what the status is. And I would like to
9 share that with you, because I think it's very important.

10 I guess first and foremost, I'm a little bit surprised. And
11 that surprise started at the last public hearing. There's no
12 question that this particular use permit modification complies
13 with CEQA, it's consistent with the General Plan, the Zoning,
14 and the regulations. It's been voluntarily submitted, and having
15 said that, and having been here many, many times, it surprises
16 me that some of the commentators don't read the file, don't
17 understand the law, and that's possible in good faith. But to
18 continue to repeat items that are inconsistent with the record
19 is disappointing.

20 Typically speaking, once there is that compliance, I would
21 suggest to you that you would move through these items, but
22 there's a sentiment here, atmospherically, and sometimes they
23 say the word punitive, that somehow Norm should be punished for
24 the history. And I think that is improper, unnecessary, and
25 inconsistent, most importantly, with the record and the policies
26 of the County, over many years.

27 I'd first like to go through what it is that this use
28 permit modification has done. It's been a very thorough

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1 environmental review vetted extensively. We mentioned the Fire
2 Department. There are a variety, as my letter points out, of
3 studies well beyond what was requested prior to the
4 understanding that we had from Staff that it was appropriate for
5 a negative declaration, which would obviously include cumulative
6 impacts, as well as fire, etcetera.

7 So what do we have here that was tens of thousands of
8 dollars? We've got CAB Consulting Engineers, you have it in the
9 big binder, and I have it, doing reports on roads, storm water
10 runoff, septic system feasibility. We've got two reports from
11 First Carbon biologists, the original, and one dealing with the
12 lack of riparian vegetation. And we have W-Trans to confirm what
13 the negative dec. has already told us and there are no impacts,
14 cumulative, or otherwise. So we have, which is startling, an
15 absolutely pristine application, highly studied, that is
16 consistent with all the requirements that the County has.

17 And then we move into, well, this punitive phase. Which is
18 why I went back, I had already done this previously, but I had
19 to organize it. And I wanted to show you something. Here are
20 the...

21 CHAIR PHILLIPS: Can you speak into the microphone?

22 MR. GILBERT: Excuse me. Here are the permits over the
23 years that Norm has obtained, which I copied at least a page or
24 two of them and put them in the binder. And I'd like to go
25 through them. He has been a good citizen of Napa County.

26 And I bring this up, of course, because of the atmosphere
27 of punishing him. At least one person was kind enough to say,
28 well we won't really punish him, we just won't reward him. Well,

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1 that just puts him out of business, and that, of course, is a
2 punishment.

3 So, if you look in the binder, I have outlined historical
4 approvals and permits. We've got the winery use permit, and the
5 approval letter. Although it's not of great weight, if you were
6 to read carefully through there, you would be surprised to see
7 that there's a lot of language about the size of the square
8 footage of the winery, etcetera, etcetera, the marketing events,
9 but nothing about--directly in the approval letter, nothing
10 about 20 visitors. It is incorporated by reference, but it's
11 interesting to note that at the time of the approval, that
12 wasn't specified.

13 CHAIR PHILLIPS: On page?

14 MR. GILBERT: Look under...

15 CHAIR PHILLIPS: I'm sorry, Conditions of Approval on...

16 MR. GILBERT: Yeah, look under Tab 1 and you'll see all
17 this...

18 CHAIR PHILLIPS: Right, like right here, tours and tastings
19 for wine trade personnel, ten per year, private promotional
20 dinners, four per year. I mean, it does seem to be...

21 MR. GILBERT: Well, keep going, that's the interesting
22 thing, and I'm glad you're reading that, because there is no
23 sentence in there with all this detail, 5,000 gallons, 2,237
24 square feet, 3,000 crush pad, this, that, and so on. All of
25 this, and then they get into the marketing that you're talking
26 about.

27 But there isn't a single sentence in the approval letter
28 that says, oh by the way, don't forget, you're stuck with 20 a

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1 day and 20 per week. It does properly incorporate the
2 application, which does in fact say that. But it's kind of
3 curious that if it's so important that it's not set forth in
4 that approval letter.

5 And then also the language in the application talks about
6 anticipated in average. So it's not unusual for someone
7 operating to not think that they're locked down indefinitely as
8 they develop their business. But let's go further. Let's go to
9 number two, which is the negative declaration. So, there's the
10 negative declaration associated with the winery use permit, and
11 then there's an approved landscaping plan.

12 CHAIR PHILLIPS: Well, I have a question, of the approved
13 landscaping plan, I've been to this spot, and it doesn't look
14 anything like this. So, this may have been the initial plan, but
15 what is there on the ground now, is not reflective of what the
16 approved plan was. So, I'm not sure why we're looking at it.

17 MR. GILBERT: Well, I'll tell you. If you take the use
18 permit, the negative dec., and the landscaping plan that deals
19 with what I call, and I had as you'll see in the tab, Jim
20 Cassayre, the engineer that did the work, a ditch, because it
21 looks like one, it functions like one.

22 The biology report says that it's seasonal. It's really a
23 ditch. So, the interesting thing that occurred to me when I was
24 doing my due diligence, and there was issues about the setback,
25 this County has already given Norm the right to have a winery,
26 and with a production area that is 15, 20 feet from the ditch.
27 They didn't give him any prohibition on that.

28 This County has already given him a landscape plan to work

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1 inside that ditch, and the landscaping that's in there is--it's
2 basically some plants and weeds. I don't know how much he did,
3 but the importance of it is he did do other improvements, which
4 you can see out there. I don't know why he chose not to do some
5 more in the ditch area, but he did work in other areas.

6 CHAIR PHILLIPS: Right. So I'm not sure of the relevance of
7 the plan when it wasn't adhered to, and...

8 MR. GILBERT: Well, let me. The relevance of it, is if you--
9 -any person on this Commission had a winery use permit, a
10 negative dec., and a landscaping plan, and no one told you--
11 getting to the cave portal is where I'm going, that somehow
12 you've got to be very, very careful about staying 45 feet away
13 from this ditch, wouldn't you be reasonably under the impression
14 that if you had all these approvals, and no one said anything
15 about it, that you weren't aware of it. And that's what happened
16 going back at that time.

17 So when people say, it's a--as one of these speakers says,
18 it's a flagrant violation, it's really terrible, well your
19 predecessor Planning Commission approved it, and the Staff
20 approved these improvements. But, let's go down the list here,
21 because the reality is that there are no flagrant violations.

22 Then we go to the Erosion Control Plan in '94 with a
23 negative dec. and a series of building permits. So, what does
24 our good citizen do, he comes in, gets that Erosion Control
25 Plan, goes through the entire process, you've seen these, this
26 is just a summary of it, and he gets all of his permits, pays
27 his fees, it's everything from framing, to electrical, to
28 plumbing, on and on and on. Good citizen. Not aware that, wow,

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1 there's some problem in this area. And then on the cave we've
2 included the permit from the State of California that allowed
3 him to go drill that cave. So, wow, another non-flagrant
4 violation. He gets a permit.

5 And it's true, as time went by, as I mentioned last time,
6 that the County came to the conclusion, and I think it's proper,
7 that there's overlapping jurisdiction to regulate what's going
8 on inside the cave. But for years in Napa County there was some
9 different opinion regarding that.

10 So where is he as he--as he goes forward. Again, this is
11 not flagrant, he's operating under State Permit. He's absolutely
12 entitled to drill a cave. So now we go down to, well, the
13 concept--someone mentioned the Warriors winning, which is pretty
14 thrilling, and in the basketball world, and it's good for life,
15 no harm, no foul.

16 So we go to Jimmy Cassayre, I call him that, I've known him
17 for years. He's worked on a lot of projects, including my home.
18 Let's go to Number 8 in your tab, and see what Jim says, who did
19 this work. I asked him, remember what I'm trying to do is do
20 what I think you might be trying to do. I'm trying to do the due
21 diligence and figure out what happened. And my conclusions from
22 the record, are again, that Norm has been a very good citizen in
23 all these areas.

24 So I go to Jim, I have him on site, here's his letter, and
25 he says he reviews it, and in essence, there's no change to the
26 terrain. There's one tree gap, and it's his understanding that a
27 tree died and it was removed. Now, this is the area that some
28 speakers without any good knowledge, first-hand information, say

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1 fouled the creek, which is a ditch. It's absolutely not true.
2 So, you look at what Jim did, and then you look at the Exhibit,
3 because he's an engineer, you look at the attached Exhibit,
4 which he mentions, and you can see that the approved winery
5 production area is closer to the ditch than the cave portal.
6 Which, again, confirms what the County did through the Planning
7 Commission action.

8 Maybe they made a mistake. Are we going to go find the
9 people there in 1995, or whatever, and say that they flagrantly
10 didn't fulfill their duty, when you go out on the site, despite
11 what people say, and all of you have been there, it's a ditch.
12 It's an anomaly that's it's called anything else, frankly,
13 because the reality is it is a ditch.

14 So, you look at this. And if that's not good enough you go
15 to Tab 9, I think maybe you could have been misled last time
16 because the Staff, as is their custom, dated it May 22, 2015,
17 because that's what they do when they're putting together the
18 current Staff Report. But the reality is that this is a photo in
19 about 1995, and it's a view from where the access to the cave
20 portal is, and it's flat, just like Jim Cassayre remembers it.
21 And the actual opening for the cave portal is more than 45 feet
22 away in any event. There's sloping wing walls that come down
23 that were put on this flat ground, it doesn't even really have
24 weeds on it, per se. It's got a little grass in the gravel, as
25 Jim Cassayre notes.

26 So that's the reality. This is a guy that is operating
27 under permits that have been approved by the Planning
28 Commission, and has a State Permit to drill the cave. And he

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1 comes in there, and you look at this, and then you go to the
2 addendum for First Carbon Solutions, and you see as they
3 conclude, with all their Google Map imagery, based on a review
4 of the historical aerial imagery, the approved landscape plan
5 design existing site conditions, the unnamed drainage feature,
6 which again, is a ditch, does not now, and has not historically
7 supported repairing vegetation or repairing corridor.

8 So the other speakers get up in front of you, and they say
9 the creek is fouled, the sky is falling. There has to be, with
10 great respect to all the opposition, if they're going to come in
11 and do that, as I mentioned before, everybody would appreciate
12 it, including me, and maybe especially me, if they came in with
13 a report and they said, you know David, you've got all this
14 stuff, and I think your--I think Jim Cassayre didn't see it
15 right, I didn't think First Carbon did it right. I actually
16 don't even think the Planning Commission approved anything, on,
17 and on, and on, you've made a mistake.

18 I am open to taking a long, hard look at that, and saying,
19 wow, well let's think about that a minute. And I've actually
20 invited members of 2050 to come out prior to the last hearing,
21 which they declined.

22 So we've made an effort to try to educate people. Had they
23 gone out, I had all this information, I would have shared it
24 with them, and then perhaps they wouldn't--people wouldn't come
25 up and say the creek's fouled, the this, it's flagrant, didn't
26 have any permits, when he clearly does. So, I think that that's
27 very important useful information. It is to me, and it would be,
28 I hope, to you.

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1 So we look at this and we go back to compliance with CEQA,
2 consistency with the General Plan, the zoning, the regulations,
3 absolutely in good faith operating, getting permits, doing what
4 he's doing in these areas. There were other violations, but not
5 this one. There is no environmental violation whatsoever. He's
6 been a very good steward of the land. You've seen it on your
7 monitors, you've been out there. This place is not polluted, and
8 not fouled, it's completely wonderful.

9 So why--why would we--why would people say that if it's
10 factually not true. I mean, I was trying to understand that.
11 These are good people, why would they get up there and say it's
12 fouled, it's this it's flagrant. They're frustrated. I mean,
13 that's their reality. This is a chaotic time. Politically they
14 want changes in the General Plan and the Zoning. That's not
15 unreasonable for anybody to come up here and say we want to
16 change the General Plan, we want this thing to be different and
17 the proper course of action is to speak out and say that, go
18 through the political process and maybe there will be some
19 changes. Maybe there needs to be some changes. But not on this.
20 This is in total compliance and in good faith. And then you get
21 into this--and I'm glad that Staff reviewed it and obviously
22 Staff has been incredibly available on many requests for time to
23 talk to them about this.

24 Norm has been in the process for over two years. I think it
25 could be three. I have been meeting with Staff for over two
26 years on all of these issues, which have been voluntarily
27 discussed and disclosed. There's no question about that. You'll
28 even have--I talked to Charlene about this the other day.

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1 You'll--somewhere along the line you'll have my name in
2 meetings, I think, in May, June of 2014, but I was there a lot
3 before that with other people and they don't always itemize it.
4 I have it in my billing records of all of these meetings.

5 I would say that the Staff has been incredibly gracious and
6 probably given 50 hours of time over maybe three years to talk
7 to me, to sort through these issues as they're disclosed and
8 they're analyzed. A lot of care. That is not a flagrant
9 violator, that is not some evil lizard that's hiding things,
10 that's somebody working within the confines of the system in
11 good faith, operating with permits, and then we know--we know,
12 of course, I know, and I believe you know, that over these many
13 years there has been the policy of coming in and saying, okay, I
14 exceeded this and let's go before the Commission and discuss it,
15 and typically what has happened over these many years is, if
16 you're in compliance with CEQA, the General Plan, the Zoning,
17 and you're coming in voluntarily, there's no punitive measure,
18 why would there be?

19 And this concept of going back to the visitation and
20 saying--and this other absurd remark, well, I think you ought to
21 fill up the cave for three years, he's a bad character. Is that
22 not ridiculous? I hope there's other people here that realize
23 that. It's incredible. But as I mentioned last time, I thought--
24 and Scott, my colleague, found it, he was nice enough to hand it
25 to me so I included it, these options are set forth in one of
26 your agenda items. One of your official agenda items. So if you
27 look at Number 7, it's there. We know that, you know that, I'm
28 hoping now the public knows that. So when you do that and

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1 everything is in compliance and you come back and in this
2 application, as Scott mentioned, he's voluntarily going to
3 upgrade the septic system as a good citizen, he's going to
4 voluntarily make some improvements that the Fire Department and
5 Roads, Streets and Standards [sic] would like. Wow, that's a
6 pretty good citizen and it's very expensive and maybe my client
7 doesn't buy this property. We don't know. We don't have a
8 commitment. I'm just sharing with you the factual background so
9 you have a chance to take advantage and at least evaluate the
10 material that I'm submitting to you and the goal is to get you
11 informed so you can make the good decisions that you do make.

12 But on the thousand visitation, the world is changed. He's
13 got a marketing plan, he submitted it, it's been vetted by a
14 professor at Sonoma State University, but as you'll see from my
15 letter, and I--I--I've--I've struggled to get the sentence kind
16 of right and then it--it--here's what it is. Even though Norm
17 has submitted the marketing plan, in his opinion as a result of
18 the Staff Report, and by that I mean--and I didn't--I struggled,
19 as I say, with the language, by that I mean, wow. Where in the
20 world did it come from that the Planning Commission, after
21 compliance with CEQA, the General Plan, the Zoning, no flagrant
22 violations, no harm to the environment, do they want to get into
23 his marketing plan? What is the purpose of that?

24 The purpose of that by the opposition in attacking the
25 visitation is to punish him. There is no reason to punish him
26 when he's in compliance like this. It's improper. And those
27 numbers will put him out of business. And as we go back, again I
28 want to remind you and you know this, and I'm not sure that

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1 other people know it, when it says anticipated an average and
2 you're trying to build your business, are you an evil person if
3 you're building your business and you're moving into direct
4 sales because you don't have the market strength of a Gallo to
5 get your product anywhere you want it on a shelf. Pretty
6 reasonable. And that's pretty much what he's done.

7 And he needs these numbers. He needs the numbers that he
8 requested and as I mentioned before, if you do this, are you
9 going to get into the grapes that he plants, the way that he
10 farms them, the way that he harvests them, what sort of bottle
11 he gets, what sort of label, the brochures that he hands out for
12 selling them, the staff that he hires and trains to--hi, welcome
13 to Reverie, here's our product. Wow.

14 Respectfully I don't think you should get into that. If you
15 see a CEQA issue and you really think he should be punished,
16 that's fair. But in this case that's not what's happening, so
17 why would you get in there? And I thought long and hard about
18 this, I mean, you're becoming his business partner when you do
19 that.

20 In any event, I appreciate the time to speak with you and I
21 respectfully request that you approve the application because it
22 is consistent with CEQA, the General Plan, the Zoning, it's
23 voluntarily disclosed, and he has been a great citizen operating
24 with permits, and if there's any ambiguity in the permits, and
25 any failure to point out the setback it lies maybe in another
26 area also, which, of course, was innocent, back when the
27 Planning Commission approved these things.

28 Thank you very much.

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1 CHAIR PHILLIPS: Thank you. Would Staff care to comment or
2 are you...

3 DEPUTY DIRECTOR MCDOWELL: Thank you, Chair Phillips, and
4 perhaps this is something Mr. Gilbreth would like to address,
5 but some of the materials--most of the materials that were in
6 the binder that you just provided, that he just provided to us,
7 were things that either Staff has seen before or we included in
8 the Staff Report. But their Tab 7, which is the permitting
9 through the State Division of Occupational Safety and Health,
10 Mining and Tunneling Unit, I'm trying to piece together this
11 permit, which is from June of 2008 and it states, one hundred
12 linear feet of ten feet high by thirteen feet wide, horseshoe-
13 shaped tunnels consisting--constituting the two-thousand-square-
14 foot Reverie Vineyard wine cave expansion located at 1520
15 Diamond Mountain Road.

16 What we had reported to you in our original Staff Report
17 and what our understanding was from the applicant's
18 representatives based on the aerial photos in looking back on
19 the history of the property was that the cave, which is 4,710
20 square feet, was constructed in the late 1990s. It appears that
21 there was two phases--from this new evidence coming in, that
22 there were two phases to the cave project. There was an initial
23 phase, which likely happened in the late 1990s and then this
24 subsequent one, which may have happened in the summer of 2008.
25 Perhaps Mr. Gilbreth can elaborate on that.

26 MS. GALLINA: We do have a letter from the engineer, too,
27 confirming that the cave was constructed without a permit in the
28 mid 1990s.

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1 CHAIR PHILLIPS: But to their point, in the 1990s you
2 didn't necessarily need a County permit for a cave, but in 2008
3 you would have needed a County permit for a cave.

4 DEPUTY DIRECTOR MCDOWELL: Well, in the 1990s you needed a
5 permit to finish the cave off and install the tenant
6 improvements and use it for an approved use--a County use.

7 COMMISSIONER POPE: Was that a building permit or was that
8 a cave...

9 DEPUTY DIRECTOR MCDOWELL: Yes. It's building permit. It's
10 a cave portal permit and then a tenant improvement with plumbing
11 and mechanical--it's essentially looking at all of the safe
12 occupancy to allow people in and out of the structure.

13 COMMISSIONER SCOTT: And that was all in place at that
14 time?

15 DEPUTY DIRECTOR MCDOWELL: In the 1990s. Yes.

16 COMMISSIONER SCOTT: When in the 1990s?

17 DEPUTY DIRECTOR MCDOWELL: I can go and dig and find an
18 exact date.

19 COMMISSIONER SCOTT: I'm just curious to...

20 DEPUTY DIRECTOR MCDOWELL: But setting that aside, in
21 2008...

22 CHAIR PHILLIPS: But 2008, certainly.

23 DEPUTY DIRECTOR MCDOWELL: Shoot. I've been working here
24 since two thousand--late, end of 2002 and they needed plumbing
25 and mechanical permits.

26 CHAIR PHILLIPS: And I think--but--but that being said, I,
27 you know, I appreciate all of this background, but, you know,
28 but, I think both the Commission and Staff have really tried

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1 hard to evaluate this as--as a--in--as a current project, not
2 dwelling on how we got here but--and so I--I do--I do appreciate
3 the background.

4 I'm going to--the public--it's still--the comment is still
5 open, but if the--I'm only going to--I'm interested if it's just
6 going to be additional comments or in--if you're going to
7 address the question of the caves.

8 MR. GREENWOOD-MEINERT: Both.

9 CHAIR PHILLIPS: So you're having two people? Okay.

10 MR. GREENWOOD-MEINERT: No. Just me. We can get the
11 individual, Mr. Nordby, who constructed the original portion of
12 the cave in...

13 COMMISSIONER SCOTT: And he is?

14 MR. GREENWOOD-MEINERT: ...as Charlene noted, his letter
15 was...

16 CHAIR PHILLIPS: Oh, I'm sorry. You need to state your name
17 and address...

18 MR. GREENWOOD-MEINERT: I'm sorry, Scott Greenwood-Meinert
19 from Dickenson, Peatman & Fogarty again on behalf of the
20 applicant to address the questions that just came up. Mr.
21 Nordby's letter is in the record that was submitted.

22 I do believe that the '08 permit was also submitted years
23 ago to County Staff. I recall doing it and we can go back if we
24 need to and find the emails two plus years back as to when it
25 was done.

26 With that said, I think Staff, and ourselves, and you guys
27 have evaluated the issues of the cave quite extensively. I
28 wanted to close with just a couple more comments. In particular

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1 there was a reference in here for the second meeting in a row
2 regarding a 60-plus-person bus trying to get to Reverie. That
3 didn't happen. That bus did not go to Reverie. Facts are
4 important things and I have an applicant sitting right here who
5 says there has never been a bus that size. It couldn't get
6 there. We have another road off of Diamond Mountain Road that
7 that bus would need to navigate with some incredibly narrow
8 areas. Those areas, to a great degree will be addressed going
9 forward but there is a historic rock bridge that can't be
10 budged, so we need to be sensitive to that.

11 With regards to the creek, and I wanted to just highlight
12 this for the record, this is actually what the biologist's,
13 March 18, 2015, letter says, and I'm only going to read it
14 because it appears people have not. Not the Commission, but
15 others. This has been in the record and this has been submitted
16 before.

17 An unnamed drainage is located approximately 30 feet east
18 of the existing winery office building, wine cave and associated
19 facilities. This feature is approximately 200 feet long and
20 approximately three feet wide at its ordinary high water mark.
21 The drainage has an earthen bottom with sparse vegetation and
22 steep banks, are composed of river rock and mud, presumably to
23 reduce erosion during high flow events. This drainage is
24 ephemeral in nature--and this is going on an extreme four-year
25 drought, so underline ephemeral--only flowing after storm
26 events. This drainage flows into a dual-piped culvert under the
27 entrance road to the winery facility and eventually flows into
28 Teal Creek.

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1 The point of my stating this is this biologist has been out
2 and looked at this thing twice. She is a thorough professional.
3 She is independent and it's her opinion that the unnamed
4 drainage feature does not now and has not historically supported
5 riparian vegetation or a riparian corridor. That specifically
6 deals with the area that flows through the winery area. Up the
7 hill a little bit, as we identified for the Commissioners, and
8 as is identified in our submittal related to the restoration
9 slash conservation program that we'd like to--you know, that
10 we've agreed to discuss further with Staff as a Condition of
11 Approval. There is a wetlands. It's been there. I don't know
12 that we knew it was a wetlands, but nobody's touched it. So the
13 idea that we have been running willy-nilly amok in the creek is
14 just not true. There is a perfectly preservable perfect wetlands
15 on the property right now that Norm is willing to lock down in
16 perpetuity just as it is.

17 So again, with regards to people being bad actors, that's
18 just simply not the case here.

19 CHAIR PHILLIPS: Well I think it's confusing. I think there
20 is two creeks. One, which is a Blueline creek and...

21 MR. GREENWOOD-MEINERT: And one, which is Teal Creek.

22 CHAIR PHILLIPS: Right.

23 MR. GREENWOOD-MEINERT: Which has not had any disturbance
24 in it whatsoever. And that's also in the original biological
25 report. And again, that has been kept and there is some bank
26 there that can be restored and we are willing to help restore
27 that, including ripping out existing invasive species and
28 restoring that with riparian plants that are listed *ad nauseam*,

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1 quite frankly, a full page worth of them in eight-point type.

2 With that said, there was also an issue raised here about
3 cumulative effects. And I think cumulative effects are something
4 that people forget have been dealt with at a great deal of
5 specificity by the County with regards to the EIR for the
6 General Plan Update that was done seven years ago now?

7 Cumulative effects were addressed. There are further efforts
8 that need to be made by everybody with regards to implementation of
9 things related to cumulative effects, but our negative
10 declaration incorporates those General Plan EIR efforts and
11 analyses and unless I am wrong, we're actually right on or
12 slightly under the growth plan contemplated by the General Plan
13 and even by the General Plan and the EIR that went along with
14 the WDO back in the day. So cumulative effects are an issue, but
15 they have been addressed in this instance.

16 And with that, I forgot to mention one thing previously.
17 And that is, we would really like to be able to have visitation
18 in the grass area. You can't get to the gazebo without going on
19 or around the path that is across the grassy area. It's a key
20 component if we want to have events. And by the way, we're only
21 asking for events with up to an average of 25 people, so we
22 would never need a giant bus anyway. We really would like to
23 have that for that component of visitation as well as for
24 AB 2004, you know, if somebody wants to buy a bottle of wine, I
25 hope they buy a lot of bottles of wine, and use that grass area
26 for a picnic or something. I think that would be an important
27 component of the visitation and marketing plan going forward.

28 And with that, unless there are any questions, I'm going to

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1 step away. Thank you folks.

2 CHAIR PHILLIPS: Thank you. The Public Comment is still
3 open but it really needs to be...

4 [MR. CALOYANNIDIS:] [Inaudible.]

5 CHAIR PHILLIPS: ...yes, substantially new information. So
6 if you can keep it to new information, and I will [inaudible].

7 MR. CALOYANNIDIS: Again. Cumulative effects and the
8 General Plan.

9 CHAIR PHILLIPS: Okay. First you need to state your--sorry--
10 -your name.

11 MR. CALOYANNIDIS: George Caloyannidis, 2202 Diamond
12 Mountain Road. If you look at the Draft EIR of 2007, in order to
13 maintain Level C circulation there are proposals of a six-lane
14 highway from Vallejo all the way to Yountville and many sections
15 from Yountville to St. Helena, four lanes. We know that it's not
16 going to happen, but what is happening is unsustainable traffic.

17 CHAIR PHILLIPS: Thank you. I'm going to close the Public
18 Hearing and bring it back to the Commission. Before we start our
19 debate I was going to check in with, well first with, are you
20 asking for a comfort break?

21 COMMISSIONER POPE: I thought that's what we were doing.

22 CHAIR PHILLIPS: No. I had one thing to do before that. So
23 I wanted to check in with Laura Anderson on--we have four
24 members here today--on what that means in terms of the vote
25 that's taken today.

26 COUNSEL ANDERSON: According to your bylaws, you have a
27 process. So if you have a tie vote or other deadlock on a motion
28 then it constitutes disapproval of the motion except that if a

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1 Commissioner member who has not voted will be able to vote at
2 the next regular meeting, which would be Commissioner Cottrell,
3 then the Chair would be required to place that item on the next
4 agenda for a vote by that member as well.

5 CHAIR PHILLIPS: Thank you for that clarification. So I am
6 going to call a comfort break and we can meet back here at 11:00
7 o'clock.

8 --o0o--

9 CHAIR PHILLIPS: Okay. I'm going to bring the meeting back
10 to order. So we brought--we've closed the Public...

11 COMMISSIONER SCOTT: Hearing.

12 CHAIR PHILLIPS: ...Hearing, and have brought it back to
13 the Commission.

14 Well then, I guess, I--if nobody else will speak, I will--
15 I'll go ahead and start and say that I appreciated all of the
16 background that was provided to us in the binder. And I
17 appreciate the struggles when you choose to increase your
18 production and with a 100 percent direct-to-consumer model.

19 But that being said, I feel like the compromise has already
20 been achieved with the thoughtful and labored recommendation
21 from Staff and our very detailed debate in the last meeting.

22 COMMISSIONER SCOTT: What compromise are you referring to?

23 CHAIR PHILLIPS: That I feel like the Staff Report really
24 took a lot of time to address all the issues and to find
25 something that worked for both the--to--for the conservation
26 regulation, the averages in terms of visitation, and to come up
27 with an all-encompassing recommendation.

28 COMMISSIONER SCOTT: So you're saying, basically, you

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1 approve--or you support the Staff's proposal or what?

2 CHAIR PHILLIPS: That's exactly what I'm saying.

3 COMMISSIONER SCOTT: Okay.

4 CHAIR PHILLIPS: I proposed the Staff's...

5 COMMISSIONER SCOTT: Right.

6 CHAIR PHILLIPS: ...as we--and it wasn't just the Staff's,
7 it was then we all debated it in the last meeting and took a
8 tentative motion.

9 COMMISSIONER SCOTT: Well, on my behalf, I appreciate the
10 effort that has gone forth, but I can't completely support the
11 Staff's recommendation and the--one specific area that I do
12 oppose is the prohibition of visitation or any kind of marketing
13 activities in the lawn area. It just--it really doesn't make
14 sense. And that's where--that's where they should be. That's
15 where these activities have--apparently have, you know, to some
16 degree, historically taken place. They are secure in terms of
17 they are surrounded by mature oaks, it's the natural place to do
18 that.

19 And it's distant from the creek and/or the ditch depending
20 on your perspective, that this is where I would like to see
21 those events. It just makes sense. And they can't be seen, they
22 can't be heard by outside of the property. Where else would you
23 want them that would be more advantageous and would be more
24 beneficial to both the public, who are visiting, and the
25 applicant, the owner of the property. So I have to oppose that--
26 I just--on basis of common sense, logic and reason. It doesn't
27 make sense.

28 I can support, certainly most of the rest of the Staff

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1 Report. The visitation, again, the restrictions on the
2 visitation or the proposal that Staff has made, I was looking
3 for more of a compromise that was acceptable to the applicant as
4 well and they had proposed that in their letter of phased-in
5 visitation process and I'm frankly more supportive of that than
6 I am with Staff's recommendation of--the world has changed. We
7 have to recognize that. I mean, it's--not to do so is bad
8 planning. Good planning is what I think our role is and if we're
9 not doing that then we're not serving the Commission's purpose.

10 So I would like to see some kind of--perhaps that phased-in
11 agreement would work better, but I'm certainly supportive of it.

12 CHAIR PHILLIPS: Commissioner Basayne.

13 COMMISSIONER BASAYNE: I appreciate the concerns that have
14 been expressed by the different speakers today. And, you know, I
15 expressed, certainly a number of thoughts at our last meeting. I
16 am appreciative of the applicant's voluntary efforts to reach
17 compliance. And as I said in our last meeting I believe our goal
18 is to reach compliance the best way that it can be achieved
19 here. I believe that a lot of effort has been put into revising
20 the Staff recommendation and to try to at least reach this
21 compromise, even though it's perceived to be a bad word. I don't
22 see compromise as a bad word. I see it--trying to reach a
23 positive outcome.

24 What I'd like to say though, is that while I am supportive
25 by and large of what Staff is proposing, I have to agree with my
26 fellow Commissioner, Terry Scott, because I believe that the
27 lawn area is very important to the notion of visitation and what
28 I did request at the last meeting was just a better

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1 understanding of, maybe some balance between the stream
2 restoration and the preservation of some lawn. And I think
3 that's possible. I would think that through a landscaping
4 analysis and plan we could reach a happy medium there.

5 And again, all of us have visited the site. I agree with
6 the perspective that yes, there was a Blueline stream there at
7 one point, I just don't know how incredibly large it was and/or,
8 if anything, impeding what there is today if we had heavy runoff
9 now. But I do believe that we can reach a balance here. And I
10 also wanted to say that I am supportive of a phased visitation
11 plan as proposed by the applicant. And I think that that is
12 reasonable I don't, you know, I don't think that if we went to
13 the max that was originally requested that we'd have an
14 opportunity to review the numbers to see if everything is
15 working in a positive way, but I think that by phasing the
16 request, I think that we will have an opportunity to review the
17 numbers and I think that it's reasonable, given, again, and I
18 know there's a lot of debate in this regard, certainly with
19 regard to direct-to-consumer marketing, and that isn't a flag
20 that we're necessarily carrying here, but I think it's important
21 to recognize it and understand that that is very much the
22 current market condition for most wineries in this Valley.

23 So again, that's where I have differences with the Staff
24 Report and recommendation, but by and large I am supportive of
25 it.

26 CHAIR PHILLIPS: Commissioner Basayne. There is--was the--
27 just to clarify, in terms of the phasing plan. There was no
28 triggers. There was nothing saying that it was just an automatic

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1 every year they would be given a thousand people. There was
2 nothing indicating that there would be any kind of review
3 associated with that increase.

4 COMMISSIONER BASAYNE: Okay. And I'm hearkening to the
5 letter here, Item 3, Reverie will report its visitation if this-
6 -if the compromise above is approved for three years after the
7 approval. I think, quite frankly, and this is, perhaps relative
8 to the conversation I had had with Mr. Gilbreth, I would be open
9 to reviewing the numbers annually.

10 MS. GALLINA: Madam Chair if I could intervene. If the
11 Commission so desires to go down that path we can add a
12 Condition that would require the applicant to submit in January
13 of each year an annual report--performance report on production
14 and visitation to ensure compliance and then such information
15 would then be presented to the Planning Commission for
16 information and upon this review the applicant would be able to
17 increase visitors--visitation--and then we can identify, you
18 know, the incremental change for a total of the final number
19 that you would be interested in. So we could add that Condition
20 to the project and then each January we'd get that information
21 and then we'd put it on the agenda for the Planning Commission
22 to review.

23 COMMISSIONER SCOTT: So [a three-year] phase...

24 MS. GALLINA: Yeah. Or however you want to phase it.

25 COMMISSIONER SCOTT: Yeah. Okay.

26 CHAIR PHILLIPS: But just to clarify, too, if Staff has
27 any--I'm not aware that we've done a phased visitation. I know
28 that it was--we discussed it or we may have done it once before,

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1 but...

2 MS. GALLINA: We were doing--I think--I believe Yountville
3 Hill has a phase on the visitation, a phasing program on Bell
4 Winery, I think--I believe we added a Condition that required
5 them to come in and report on their seasonal visitation numbers
6 for performance.

7 COMMISSIONER SCOTT: Okay.

8 CHAIR PHILLIPS: Commissioner...

9 COMMISSIONER POPE: [Inaudible.] Sorry. Yes. Thank you
10 Madam Chair. I, you know, first wanted to start by
11 editorializing and just thanking my fellow Commissioners. I
12 really do think increasingly we find ourselves in this
13 incredibly difficult spot of having to decide each project case
14 by case on its merits, which is really our charter, as I
15 understand it. Somewhere wedged in between the expectation of us
16 to really sort of almost be the long-term growth management body
17 for the County and at the same time also looking out for the
18 needs of the principal industry here in the County, which has a
19 lot to do with agricultural preservation, so it is not an easy
20 spot to be in. I now everybody is working really hard under a
21 lot of pressure to be incredibly thoughtful about these
22 individual applications.

23 I'm really satisfied, especially by the presentations of
24 the applicant's representatives in terms of that yes, while we
25 are looking at this sort of as if it was a new application, but
26 the, you know, in deference to, as it was said, the atmosphere
27 surrounding this particular question, I think the data in the
28 background provided and the issues of the legal discussion are

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1 appreciated.

2 Based on the, I think, the findings of the biology report
3 and really from my consideration from the last meeting is I like
4 the idea of restoration. I am not particularly wed to it, having
5 to necessarily be that grassy area or removing the lawn area
6 from visitation. If there are areas, and it sounded like there
7 were something like 70,000 square feet of potential restoration,
8 if there are areas where we get more bang for the buck in terms
9 of legitimate wetland restoration, I am supportive of that and
10 supportive of Staff working that out with the applicant.

11 I would also be--and it's true, you know, we do--we have
12 long been requested and as part of our review of the
13 applications looked at visitation numbers and that's just
14 something that we do as a Commission. So. It is something that
15 we have to take into consideration. I am not particularly
16 interested, from my perspective of, you know, whether or not we
17 secure somebody a profit or the individual business model of
18 their winery. I am concerned, however, about taking the long
19 view, and I, you know, there was a gentleman, I forget his name,
20 Mr. [Pecarro]...

21 COMMISSIONER BASAYNE: Pecota.

22 COMMISSIONER SCOTT: Pecota.

23 MS. GALLINA: Pecota.

24 COMMISSIONER POPE: Pecota. Thank you. In the previous
25 meeting that I thought made some really excellent points about
26 the long-term preservation of agriculture, and particularly
27 winegrowing regions and keeping open space open space and ag--
28 ag. I do personally believe, in my analysis and the numbers

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1 we've read, that there is a correlation between a small and mid-
2 size winery, which is accessorized to agriculture surviving and
3 the ability for agricultural land to remain a viable principal
4 highest and best use. I think we have seen the loss of ag land
5 all over California and all throughout the Unites States when it
6 becomes easier to just simply sell it and put pressure to change
7 the zoning. So for that reason I am supportive of the visitation
8 numbers that were requested by the applicants in the recent
9 letters with the phased-in plan, with the Condition of Approval
10 as suggested by Staff.

11 CHAIR PHILLIPS: Unfortunately I can't support going nine
12 times above the average. I do feel like we can't get involved
13 with people's business plans, but then they can't say we want to
14 do 100 percent direct-to-consumer, not open one market, so we
15 need all these people. It's a bit of a quandary. But to me it
16 doesn't--it's hard for me to set a new ceiling in terms of
17 visitation based on that.

18 COMMISSIONER SCOTT: I understand your concerns, Chair
19 Phillips, and to a degree I have them as well and I have
20 experienced them in past years. But what we've seen--we've gone
21 through changes in both our environment and in the business
22 environment in which applicants would in the past come in in a
23 year or two as they started to grow and request minor and in
24 some cases major modifications to accommodate the growth that
25 they wanted to see and that they anticipated. But because the
26 political environment, basically, has changed substantially it's
27 difficult for people to come in on a regular basis to update
28 their needs as their business grows. And we're not, you know,

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1 it's not our responsibility for their--to make their businesses
2 profitable, but we also need to not stand in their way from
3 allowing them to do so when they see the need and it's within
4 the County Codes and regulations and consistent with the WDO and
5 the rest of the County Ordinances and the laws that we're
6 operating under.

7 But one of the concerns that I see going forward is that
8 when we've got 50 or 60 or perhaps up to 70 wineries or winery
9 applications in the pipeline and a great number of others that
10 are inactive at this point to ask someone or to require someone
11 to go through this process every two or three years, we won't
12 even get to them for four or five years. That doesn't make--it
13 doesn't make sense. It doesn't seem fair to me and so I--I would
14 be supportive of what the applicant has requested on the phased-
15 in basis as well.

16 DIRECTOR MORRISON: I know that a motion--Madam Chair. I
17 know that a motion hasn't been made or seconded/received, but
18 when such a motion does come forward, if one is coming forward
19 this morning still, I would ask that there be some specificity
20 with regards to whether or not the applicant's proposal as
21 written is part of the motion where there is no Planning
22 Commission review before visitation automatically increases and
23 whether the motion would include the numbers, as suggested by
24 the applicant, just again, so we all know what we're voting on
25 and what Staff is implementing in the future.

26 CHAIR PHILLIPS: So we can either--I can entertain a
27 motion--and we can go from there.

28 COMMISSIONER BASAYNE: Okay. I'd like to propose that the

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1 Planning Commission, one, adopt the Negative Declaration for the
2 project based on Findings 1 through 6 of Exhibit A, and two,
3 approve Exception to Road and Street Standards based on Findings
4 7 through 8 of Exhibit A and subject to the Conditions of
5 Approval Exhibit B and three, approve Use Permit Minor--excuse
6 me, Major Modification P13-00027-MOD and Conservation Regulation
7 Exception Findings P15-00141 based on Findings 9 through 20 of
8 Exhibit A and subject to the Conditions of Approval, Exhibit B.
9 Okay, as modified and...

10 CHAIR PHILLIPS: As modified. And just to clarify with
11 Staff, is that--is that the original one or is that for the
12 incorporating the--just what is the Revised Conditions as
13 discussed from June 3rd, 2015?

14 MS. GALLINA: It would be the Revised Conditions that were
15 presented to you today with adding a Condition that addresses
16 the phasing of the visitation. If you want visitation on the
17 lawn areas we can cross that out and allow that and we would
18 cross out under 1A: "No visitation or marketing activities shall
19 occur within the lawn area." We could strike that.

20 Ah, let me see. Number 5 under the Scope, we would allow
21 the "improved lawn areas," part of the AB 2004. Then we would
22 add a Project Specific Condition under "2" and it would be "K"
23 and it would talk about the applicant submitting an annual
24 report and then with the maximum numbers and the numbers allowed
25 to go up annually. And then Number 4, we would modify 4A,
26 Tastings--Tours and Tasting and we'd put probably the number,
27 what was it, the 6,000, I think, I'm sorry, I don't have the
28 numbers.

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1 DEPUTY DIRECTOR MCDOWELL: You'd need the daily and a
2 weekly.

3 MS. GALLINA: Yeah.

4 CHAIR PHILLIPS: It was 6,800 with--then for three
5 consecutive years 1,000.

6 MS. GALLINA: Yeah. And then we'd add the total amount
7 allowed for the year on that one and then under Marketing the
8 Commission at the last meeting had said no increases in the
9 marketing so this reflects the--what was approved under the
10 prior use permit so if you want to maintain that we would keep
11 those numbers. You would need to decide whether or not you want
12 to go with what the applicant had requested originally. If
13 you're going to keep the existing--under the Use Permit, there
14 was an error in that. B2 should say four times a year rather
15 than two times a year and I was just adding up the total for
16 those marketing events and it was--total is--it generates 222
17 visitors annually from the old Marketing Plan.

18 CHAIR PHILLIPS: Wait. You lost me on that. Sorry.

19 MS. GALLINA: I'm sorry. The new--the new Visitation Plan,
20 I believe, was 9,000...

21 CHAIR PHILLIPS: Nine thousand eight hundred in four years'
22 time.

23 MS. GALLINA: Yes. Okay, 9,800, and if you add up the times
24 under the old Use Permit for the Marketing, you would add an
25 additional, to the 9,800, you would add an additional 220--220
26 visitors that would be generated from the Marketing program and
27 that would be the total...

28 CHAIR PHILLIPS: So then you're at...

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1 DEPUTY DIRECTOR MCDOWELL: It's more than that.

2 MS. GALLINA: Is it more than that?

3 CHAIR PHILLIPS: Ten...

4 DEPUTY DIRECTOR MCDOWELL: Oh yeah.

5 CHAIR PHILLIPS: Yeah. It's...

6 MS. GALLINA: I'm sorry.

7 DEPUTY DIRECTOR MCDOWELL: It's--there's thirty-four
8 marketing events ranging in size from ten up to 60 persons.

9 MS. GALLINA: No. I was going off of the original
10 Condition.

11 DEPUTY DIRECTOR MCDOWELL: Oh. On the original. Okay.

12 MS. GALLINA: On the original Condition.

13 CHAIR PHILLIPS:- And I guess this is partly of why I
14 sometimes--to me, we took a straw vote, we asked the Staff to
15 come back, I then start becoming uncomfortable when we start,
16 kind of, negotiating in the moment and especially with one
17 Planning Commissioner absent. I feel like it's not--it's kind of
18 circumventing the process of it. But.

19 COMMISSIONER SCOTT: Well...

20 COMMISSIONER BASAYNE: Yeah.

21 COMMISSIONER SCOTT: I understand that. But at the same
22 time we, you know, we've continued this item I don't know how--
23 at least once and it seems that--that we--we're continuing
24 everything on a--on a fairly regular basis so at some point in
25 time we need to make a proposal or a recommendation or a
26 decision.

27 I have a question of Staff regarding Item 2I of the
28 Conditions of Approval and the question is, has--is the

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1 applicant in substantial agreeance with the--the restricted use
2 of estate-grown grapes for the increase in production? And the
3 reason I mentioned this at our last meeting--this item came up
4 at Larkmead Winery a few months ago and it was proposed that
5 they be restricted to estate-grown grapes and we discussed it
6 with the applicant and we voted not to do it.

7 DEPUTY DIRECTOR MCDOWELL: I don't want to speak on behalf
8 of the applicant.

9 COMMISSIONER SCOTT: Yeah.

10 DEPUTY DIRECTOR MCDOWELL: I don't know whether they are in
11 agreeance with this or not.

12 CHAIR PHILLIPS: I think it didn't--I think they vetted all
13 of their concerns before. It did not--you know, the grassy area.
14 Everything has been brought up and so I--that was not--ah--
15 brought up as a concern. I'm sure if they had been concerned it
16 would have been...

17 COUNSEL ANDERSON: It's in their letter.

18 CHAIR PHILLIPS: Yeah.

19 COUNSEL ANDERSON: In the proposal it's Item 4.

20 CHAIR PHILLIPS: And also, Terry, the--even to be labeled--
21 to be labeled an estate product you need, by TTB law, to be 95
22 percent...

23 COMMISSIONER SCOTT: Yeah.

24 CHAIR PHILLIPS: ...from--so you still--there is still
25 leeway enough to...

26 COMMISSIONER SCOTT: Oh I understand. Sure. My concern,
27 frankly was, you know, I wanted to know what the applicant's
28 position was in clarity, but also it's the precedent setting

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1 nature of our telling wineries that they have to grow all of the
2 grapes for--on--they have to make all of their wine estate--out
3 of estate-grown grapes and that is a major precedent. I mean
4 we've never done that before.

5 CHAIR PHILLIPS: Well, the Staff's recommendation is--is
6 treating it like a pre-WDO so they actually will only--the--the
7 allotted production capacity--the added production capacity,
8 which is at our discretion, is being required to be 100 percent
9 estate, so it was actually an artful way to not set precedent in
10 terms of requiring it to be a full estate program.

11 COMMISSIONER SCOTT: Yeah.

12 CHAIR PHILLIPS: Because they would still have 5,000
13 gallons that [inaudible]...

14 COMMISSIONER SCOTT: Yeah. I understand, but we're giving
15 them an out. Be we, the Commission, is still making a precedent
16 of telling individual businesses that they can only use grapes
17 grown on their property for their wine and I think that's a very
18 dangerous precedent and I don't want my name to be associated
19 with it.

20 DIRECTOR MORRISON: Madam Chair, If I may, the--I would,
21 with due respect in regard to Commissioner Scott, I would not
22 couch this as a precedent. A precedent, in a casual, informal
23 sense, sure, but not a legal precedent. You know, this is--
24 Commissioner Scott mentioned Larkmead. The Commission is not
25 obligated to follow Larkmead just because that's what the
26 Commission decided then. And any future consideration of another
27 application months from now, they are not--the Commission is not
28 obligated to do the same as you've done with Reverie. That--any

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1 future applications will be decided on their own merit and
2 circumstances. And this is a Condition that was discussed with
3 and accepted by the applicant. This is not the Commission
4 forcing, this is the County--this is County Staff and the
5 applicant agreeing to--mutually agreeing to a recommendation.

6 So I would--I have a different perspective on it than
7 Commission Scott and just offer that in terms of the
8 Commission's support. I would--if the word precedent is being
9 used in an informal sense I would agree, but if it's being used
10 in a legal sense I would object to that characterization.

11 COMMISSIONER SCOTT: Okay.

12 COMMISSIONER BASAYNE: Forgive me if I'm misunderstanding
13 this, but from the letter that was provided by DP&F and Mr.
14 Greenwood-Meinert, if I can read Item Number 4, Reverie will
15 agree to an estate fruit designation subject to being allowed
16 for winemaking purposes to bring in minor amounts of fruit for
17 blending purposes and subject to needing to bring in fruit as
18 necessary to replace lost fruit due to replanting or disease.
19 And of course the WDO would be complied with regarding fruit
20 brought in just as it would be now.

21 As I see it, our proposal incorporates this.

22 COMMISSIONER SCOTT: [Looks at], yeah.

23 COMMISSIONER BASAYNE: So I don't see a disparity.

24 COMMISSIONER SCOTT: All right.

25 COMMISSIONER BASAYNE: Okay. So here we are. I've made a
26 motion. We've gone through as modified. The one question that
27 remained for me is how we incorporate the--based on Director
28 Morrison's comments, how we review the numbers with regard to

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1 visitation when they are submitted and I would propose that it
2 come before the Planning Commission annually.

3 CHAIR PHILLIPS: I think Director Morrison was raising...

4 DIRECTOR MORRISON: If I may, with the Chair's permission,
5 a couple of clarifying questions on the motion. So the motion
6 would include the numbers and the timeline as requested by the
7 applicant?

8 CHAIR PHILLIPS: But I'm not sure that we're clear with
9 Staff on what that--those numbers actually are. It looks like
10 Charlene is calculating...

11 MS. GALLINA: I'm calculating. Sorry.

12 CHAIR PHILLIPS: ...as we speak. So I think we should be
13 clear as to what those--everyone knows what it is.

14 MS. GALLINA: Let me attempt to do this. Okay. The--at the
15 last meeting the Planning Commission took a tentative motion
16 that said there was no increases in visitation. Okay. So we
17 presented in the Conditions under Condition Number 4 what was
18 adopted with the original use permit and so that's reflected in
19 the Visitation and under the Marketing section.

20 The applicant is requesting an increase but an incremental
21 increase based upon review by the Planning Commission. They've
22 agreed to that. So we would, under 1A, we--if the Commission
23 desires that, we would change that Condition to--under--we
24 would--4A. We would change it to reflect that annual review and
25 that incremental change.

26 Under Marketing, there has been no request by the applicant
27 to utilize their original proposal for changes in the Marketing
28 Plan. So it would remain based on what the Planning Commission

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1 had indicated at the last meeting to just utilize their previous
2 approval. The difference between both marketing plans is: under
3 the original approval it would reflect 222 visitors annually
4 just for the marketing, and under their original request it
5 would be 620 visitors annually. And then you would add those
6 numbers onto--on top of the...

7 CHAIR PHILLIPS: So it would be 9,800 after four years with
8 an additional 680 on top of that.

9 MS. GALLINA: Six hundred and twenty.

10 CHAIR PHILLIPS: Six hundred and twenty.

11 MS. GALLINA: Yes.

12 CHAIR PHILLIPS: So then you're basically at the 10,800...

13 MS. GALLINA: Yeah.

14 CHAIR PHILLIPS: ...that was the original request.

15 MS. GALLINA: Yeah. Or you could utilize the existing
16 marketing, which is adding 222 on top of the 9-8...

17 CHAIR PHILLIPS: So technically it's not a decrease in--
18 after four years they would have the number that they initially
19 requested.

20 MS. GALLINA: So they could either get it now or they could
21 come back and request that after they show compliance, you know,
22 with their winery.

23 DIRECTOR MORRISON: If the Commission can--well, I guess
24 what my recommendation would be in terms of the structure of the
25 motion would be to--if that is the motion makers' preference,
26 would be to go ahead and approve the full amount now so that
27 we're covered under CEQA but to make each incremental increase
28 conditional upon Planning Commission approval of compliance with

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1 the permit in the year prior.

2 COMMISSIONER SCOTT: Yeah.

3 DEPUTY DIRECTOR MCDOWELL: So if I could dive in.

4 CHAIR PHILLIPS: Yeah.

5 DEPUTY DIRECTOR MCDOWELL: I think what we need from the
6 Commission is on Condition 4A you would state what the maximum
7 daily number of visitors would be, and the applicant's proposal
8 is 40, the maximum weekly visitation, and the applicant is
9 proposing 200 average. That's problematic for us.

10 And then there's a maximum yearly, and I think the number
11 would be 10,800. And then you would set a marketing plan.
12 Charlene indicated that the marketing plan currently in
13 Condition 2B is reflective of the past condition as I understand
14 the applicant's proposal, which is redlined out in the Scope
15 condition, which was originally Item Number 5. It says:
16 "Recognize and authorize," "existing marketing plan." That
17 marketing plan is for ten events for ten maximum, four events
18 for 18 maximum, two events for 25 maximum, four events for 60
19 maximum, two events for 40 maximum, and 12 events for 10 maximum
20 plus participation in the Napa Wine Auction. So for a total of
21 34 events, not including Napa Wine Auction.

22 CHAIR PHILLIPS: And that's on top of the 10,800 or is
23 that--that includes...

24 MS. GALLINA: That includes the 10,000. [Inaudible.]

25 CHAIR PHILLIPS: Okay.

26 DEPUTY DIRECTOR MCDOWELL: I think the Commission could set
27 it either way.

28 DIRECTOR MORRISON: The question on the table is what

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1 Commissioner Basayne is structuring in his motion. Which,
2 there's still a motion on the table.

3 COMMISSIONER BASAYNE: Okay. So.

4 COMMISSIONER SCOTT: [Inaudible.]

5 COMMISSIONER BASAYNE: All that, please.

6 CHAIR PHILLIPS: I just don't feel comfortable with doing
7 this on the fly, personally. But continue with your...

8 COMMISSIONER BASAYNE: Well, okay. If I understand this
9 correctly, the marketing elements are incorporated in the total
10 number. Correct, 10,800, So I don't see a change.

11 COMMISSIONER POPE: [Inaudible].

12 COMMISSIONER BASAYNE: Correct.

13 CHAIR PHILLIPS: So, to clarify, you're saying that that--
14 your understanding is that the 10,800 includes all visitation,
15 all marketing events?

16 COMMISSIONER POPE: Yes.

17 CHAIR PHILLIPS: All--it's annual visitors, all told, all
18 in. All in.

19 COMMISSIONER POPE: Yes.

20 COMMISSIONER BASAYNE: Okay?

21 COMMISSIONER SCOTT: Okay.

22 DIRECTOR MORRISON: And would the phases 2, 3, and 4
23 increases be automatic, or would they be conditional upon review
24 by the Commission?

25 COMMISSIONER BASAYNE: Well my understanding was that it
26 would be reviewed by the Commission annually.

27 DIRECTOR MORRISON: Conditional. The Commission could say
28 no you cannot increase.

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1 COMMISSIONER BASAYNE: Yes. Correct. Correct.

2 CHAIR PHILLIPS: And then I think the only other point was
3 the lawn.

4 COMMISSIONER BASAYNE: Correct. So, with regard to the
5 lawn, I guess to put this as succinctly as I can, that we are
6 looking for a reasonable landscape plan that incorporates
7 elements of stream restoration, as well as retention of the
8 existing lawn.

9 COMMISSIONER SCOTT: And allowing its use.

10 COMMISSIONER BASAYNE: And allowing its use. Yes, thank
11 you.

12 COMMISSIONER SCOTT: Is that it?

13 COMMISSIONER POPE: Is that a motion?

14 COMMISSIONER BASAYNE: That would be it. That is my motion.

15 CHAIR PHILLIPS: Is that a motion?

16 COMMISSIONER BASAYNE: Yes, that was a motion. It was a
17 very long, protracted, long-winded one. But, yes.

18 COMMISSIONER SCOTT: Second.

19 CHAIR PHILLIPS: Okay, I have a motion and a second. All in
20 favor?

21 COMMISSIONER SCOTT: Aye.

22 COMMISSIONER BASAYNE: Aye.

23 COMMISSIONER POPE: Aye.

24 CHAIR PHILLIPS: Opposed? Commissioner Phillips. So, I
25 guess I'll do a roll call. So, in favor, Commissioner Scott,
26 Commissioner Basayne, Commissioner Pope. Not in favor is
27 Commissioner Phillips.

28 All right. Moving onward.

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

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

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

Dated this 11th day of August, 2015.

Kathryn F. Johnson

JUNE 17, 2015

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

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

ATTEST: Karen Prescott, Deputy

DATE: 8/31/2015

1. 2019年12月31日，甲公司资产负债表显示，应付账款余额为1000万元。2020年1月15日，甲公司收到供应商通知，因质量问题退回部分货物，金额为200万元。2020年1月31日，甲公司应付账款余额为800万元。

2. 2020年2月1日，甲公司收到供应商通知，因质量问题退回部分货物，金额为100万元。2020年2月15日，甲公司应付账款余额为700万元。

3. 2020年2月28日，甲公司收到供应商通知，因质量问题退回部分货物，金额为50万元。2020年2月28日，甲公司应付账款余额为650万元。

4. 2020年3月1日，甲公司收到供应商通知，因质量问题退回部分货物，金额为50万元。2020年3月1日，甲公司应付账款余额为600万元。

5. 2020年3月15日，甲公司收到供应商通知，因质量问题退回部分货物，金额为50万元。2020年3月15日，甲公司应付账款余额为550万元。

6. 2020年3月31日，甲公司收到供应商通知，因质量问题退回部分货物，金额为50万元。2020年3月31日，甲公司应付账款余额为500万元。

7. 2020年4月1日，甲公司收到供应商通知，因质量问题退回部分货物，金额为50万元。2020年4月1日，甲公司应付账款余额为450万元。

8. 2020年4月15日，甲公司收到供应商通知，因质量问题退回部分货物，金额为50万元。2020年4月15日，甲公司应付账款余额为400万元。

9. 2020年4月30日，甲公司收到供应商通知，因质量问题退回部分货物，金额为50万元。2020年4月30日，甲公司应付账款余额为350万元。

10. 2020年5月1日，甲公司收到供应商通知，因质量问题退回部分货物，金额为50万元。2020年5月1日，甲公司应付账款余额为300万元。

11. 2020年5月15日，甲公司收到供应商通知，因质量问题退回部分货物，金额为50万元。2020年5月15日，甲公司应付账款余额为250万元。

12. 2020年5月31日，甲公司收到供应商通知，因质量问题退回部分货物，金额为50万元。2020年5月31日，甲公司应付账款余额为200万元。

13. 2020年6月1日，甲公司收到供应商通知，因质量问题退回部分货物，金额为50万元。2020年6月1日，甲公司应付账款余额为150万元。

14. 2020年6月15日，甲公司收到供应商通知，因质量问题退回部分货物，金额为50万元。2020年6月15日，甲公司应付账款余额为100万元。

15. 2020年6月30日，甲公司收到供应商通知，因质量问题退回部分货物，金额为50万元。2020年6月30日，甲公司应付账款余额为50万元。