

MINUTES

NAPA COUNTY AGRICULTURAL PROTECTION ADVISORY COMMITTEE



A Tradition of Stewardship
A Commitment to Service

2741 Napa Valley Corporate Drive, Building 2
Large Conference Room
Napa, Ca. 94558

Monday, April 27, 2015
9:00 AM

1. CALL TO ORDER/ROLL CALL

Committee Members in attendance:

John Dunbar, David Graves, Eve Kahn, Peter McCrea, Bruce Phillips, Stan Boyd, Sharon Gardner, Ted Hall, Jim Krider, Dan Mufson, Debra Dommen, Jeri Gill, Charles Hossom, Tony LeBlanc, Lucio Perez, Oscar Renteria

Committee Members absent: Christina Benz

Alternate Members in attendance:

Michelle Benvenuto, Carl Bunch, Bob Fiddaman, Rex Stultz, Larry Bettinelli, Jeff Dodd, Clay Gregory, Norma Tofanelli, Phillip Blake, Harvest Duhig, Gary Margadant, Peter White

2. PLEDGE OF ALLEGIANCE

Bob Fiddaman led the salute to the flag.

3. CITIZEN COMMENTS AND RECOMMENDATIONS

- *Geoff Ellsworth thanked staff for the information in this staff report and reminded the committee that it is important to remember that Napa has two -2-lane roads that feed up valley. He doesn't believe any discussion can exist independent of analysis of what development does with roadways, cumulative impacts, emergency services, etc.*
- *Yeoryios Apallas thanked the committee members for volunteering their valuable time to grapple with a very important and somber issue facing the entire county. He stated that the committee's charge was to determine whether we go forward as an agricultural community, a tourist community, or perhaps a balance of the two. He stated how the committee is required to determine whether a bakery in the middle of a wheat field that takes over 50% of its footprint is an accessory to the wheat field. He hopes that the committee will be guided and enlightened with information from the public, capable staff, and stakeholders in this process and asked the committee to remember the analogy of the wheat field and the bakery as they debate, deliberate, and consider the issues that come before them.*
- *Bernadette Brooks reiterated that this process is a difficult one and because all pieces are interrelated, it is very complicated. She asked the committee to consider that any new requests or modifications of pre-WDO wineries be held to current rules and regulations so that*

compliance can be fair and consistent across the board. She also stated that other General Plan issues such as noise and traffic need to be grappled with.

- Jim Wilson spoke about climate change and shared good news as here in our area we now have Marin Clean Energy and the Deep Green Option which is 100% wind power. He also spoke how environmental loss and rate of climate change are critical issues we are facing and business as usual will get us into hot water. He stated that the balanced approach is getting us further away from a workable climate and a livable planet, so he would like to encourage the committee that when deliberating through this process they consider taking a courageous and moral action and begin to speak on behalf of life.
- George Caloyannidis shared how traveled two hours round trip to speak because he is motivated and is very upset at the way things are going. He said that we have a crisis of trust and confidence in this county. When the WDO was passed it was assumed that wineries would operate on an honor system. The 2013 audit revealed high numbers of wineries exceeding their use permits which is very troubling as it creates a trust issue with government, because nothing has happened to those who are out of compliance. His wife wrote a letter to the Register making the public aware of the Reverie Winery, which is requesting an increase of marketing and production in their use permit, but has a history of exceeding their permit requirements. The granting of the modification would legalize the noncompliant use. He called it chutzpah-arrogance. He stated when the Napa Register called planning staff they were told the winery is following the established legal process. Relying on neighbors to snitch on neighbors as a means of compliance enforcement is unrealistic and jeopardizes neighbor relations. The 2010 WDO Marketing Activities Resolution has outraged the public as it has been abused by the wineries. He proposed that each CEO of wineries sign a sworn affidavit year year swearing that they are compliant in their use permits and have mandatory sanctions, not discretionary sanctions for noncompliance. He stated that activism is not the way to govern but if nothing else happens then that is the way to go.
- Jeff Dodd agreed with the previous speaker and stated nothing on this agenda speaks on enforcement. He feels it's odd to see the time and resources being spent on new laws when we can't even enforce the ones we have in place. With only one county staff person dedicated to winery compliance/enforcement and only on a complaint driven basis, going forward seems like a waste of resources. He said that we need to be talking about enforcing the winery regulations/laws we have in place today.
- Michelle Benvenuto stated she agreed with the comments of Jeff Dodd. She said that the committee will be considering a number of actions over the next few months. She emphasized the importance of looking at all sides of each issue in order to create a comprehensive list of pros and cons, including unintended consequences. The APAC needs facts, figures, and an economic analysis that includes short and long-term impacts for the county, the citizens and the wine community. She also emphasized on the need for enforcement of existing regulations, including acknowledgment of the new Water Availability Analysis regulations and the Planning Commission's current efforts at tackling winery visitation.
- Harvest Duhig stated she is in agreement with previous speakers' comments and asked the committee to consider all things for revision that might already be covered in the WDO that maybe just need clarity and discussion and that potentially there are items that are already covered that can be removed from our list of considerations and or reiterated in a way to say it is already covered so we are not trying to reinvent something that has already been established
- Mike Hackett stated that he is representing Save Rural Angwin and is proud to say a part of

Vision 2050 also. He stated that he is here to talk about the elephant in the room; what is appropriate and what is inappropriate. Inappropriate development is what has been going on; part of the reason is due to the previous administration of Hillary Gitelman as she seemed to be very pro-growth. That's the way the other Planning Directors before her were too. He stated things have changed now or we wouldn't be here. In Angwin specifically, there was a plan for over 800 houses right next to and in the watershed. Conn Creek headwaters are in Angwin and the proposed development was going to roll right through it. Nothing was ever raised about the project except from the grass roots organization. He knows that everything is interconnected and that there is no way to separate concerns regarding traffic, watersheds, and the appropriateness of what wineries are doing. He stated that he applied to be on the APAC and was not selected so he is taking this opportunity to spread the philosophy of what he believes the committee should be looking at; that is, the appropriateness of a specific development. He stated that we have the Agricultural Preserve and that is protected fairly well (at least the ground), but not activities. Watersheds and open spaces have fallen off the table. Whether it is in Angwin, or trying to build an event center in Yountville, inappropriate caves, operating outside of a plan, running off a generator because appropriate facilities are not available; it's all connected. On the bottom of Silverado Trail near Howell Mountain Road, there is a winery being built with what he believes are illegal lot line adjustments and a variance given for past actions. There is another winery across the street with variances too. A quintessential, great example of a strip mall. You don't even have to go very far. The roads are jammed all weekend long even on Silverado Trail. He also stated that he believes they are all here for the same reasons and wants to make sure that when developing a matrix for the wineries and minimum lot sizes for the wineries, that we throw aside our personal stake in things. Cio Perez is an example we should all follow because if the minimum lot size is reduced he would lose money and he is willing to accept that for the greater good.

- Diane Schepp stated she represents Protect Rural Napa, a group of local citizens who are concerned about the future of their beautiful county. She agrees with many who have spoken about enforcement and compliance. In terms of enforcement, she noticed on the definitions page in very small print, that the County may periodically request a copy of the production data. She suggests that it be changed to read that the copy will annually request a copy of the production data and will inspect the premises to ensure compliance and enforcement with the laws that you will be discussing now. The Committee needs to put some teeth in all of this and make sure that everyone is in compliance and on the same page.
- Alex McDonald stated that his family has been land owners in Napa since 1954 and wanted to share his family background and how some of the changes being discussed today may affect them. His great-grandparents purchased 15 acres in Oakville and they and his grandparents had the dream of someday owning a winery on the property. He stated it is a dream that he and his brother are finally getting to realize. They have released a couple of vintages and their goal is to continually build their business to the point where they have the opportunity to put a winery on the property. Increasing the parcel size to 40 acres would diminish that opportunity for them. Increasing the minimum parcel size a way of not so much managing the issues at hand, but cutting down on the number of small businesses. People who are passionate are denied the opportunity to fulfill their dreams for many generations. He stated they have been selling their grapes to the same grape grower for over 60 years based off just a handshake and that grower was Robert Mondavi, whose winery started on just an 11-acre property. That shows that if you have the ability and if you start small, you can do something special. Without some of the

smaller, more passionate people back in the 60's and 70's, Napa Valley wouldn't be where it is today. He also stated he believes the real issue is that people are taking these properties, building big wineries and sourcing fruit from other areas. If the committee wants to find a solution, they should limit those types of wineries and allow the estate-grown people to continue to follow their dreams.

- Jill & Steve Mathiason stated they would like the committee to be very careful to take actions that do not have an unintended consequence. Clearly there is the need to make changes, but the Napa Valley should continue to evolve. We don't want to create a situation where people are shut out of developing their dreams without a boat load of money. They shared that they chose Napa Valley with a dream of living on a farm, being part of a vibrant rural community, and having the ability to make a living as a farmer. There is a great community and good schools, and they have interacted with members of the community at various levels. They stated that when the Ag Preserve was established, it was very visionary; there was nothing like it in the country. Before coming to Napa, Jill worked with a non-profit called the Community Alliance for Family Farmers and was part of a movement to help family farms continue to be viable. Napa was a model of what to do for the rest of the state. She stated that part of what makes family farming viable is value-added activity. Wineries are a great way to add value to the agricultural crop. When the WDO was created, it gave a space for wineries to be value-added, but did not do the same for other crops. They shared that they have fruit orchards, large gardens, and do canning, and they have learned that people come here for different reasons. Visitors want to taste wine, but they also want the experience of being in a rural area and are only getting one small aspect of the overall life here. The Committee is talking about how they can tweak what already exist, but when the Ag Preserve was established there was no model. They said that we have an opportunity to take a step back as a community as say things has evolved since the Ag Preserve and WDO were created. What is our vision going forward? How can we craft these new regulations so we bring people to the valley that will have a deeper experience here than just tasting wine and understand why it is important that we have a viable community. What is the vision that we can create that encompasses all of the people concerned instead of pushing people out who have a stake here. The cottage food ordinance is a good example that allows people to process food in their homes. The State and County lined up to make that possible.
- Ginna Beharry stated that the dreams of people wanting to own small wineries on small parcels are used a lot to try and justify not making any changes to the minimum parcel size. But when others' dreams become your and your community's nightmare, then the question remains; can they have a winery and can they have it without a lot of visitation and events? The dream of winemaking is very different from the infusion of hospitality that we are experiencing. The committee has all the tools to limit growth they need. Napa County doesn't have enough affordable housing, doesn't have enough road space, and doesn't have enough water. Wineries are having an effect on their neighbors and the community at large which is causing a lot of unhappiness. We are out of space and out of resources and need to figure out how to deal with what's left.
- Katen Mody stated these are huge issues and she fears what's going to happen to this valley. Not just for this generation, but for the next couple of generations because talent, nostalgia, and dreams will all be lost and legislated to death. Instead of a shotgun approach, the County needs a more reasonable route and we need to seek that out.

4. APPROVAL OF MINUTES

Minutes for the April 13, 2015 were approved as corrected

5. SECRETARY-DIRECTOR'S REPORT

David Morrison gave the report.

6. ADMINISTRATIVE ITEMS

- A. This public workshop is being conducted by the Agricultural Protection Advisory Committee and County staff to allow for input and discussion regarding proposals for amending the County Zoning Code. The focus of this workshop concerns three topics: (1) the minimum parcel size for establishing new wineries; (2) the net loss of vineyards associated with winery development and/or expansion; and (3) the role of estate grapes in winery production.

Chair Ted Hall spoke to the approach on the workshop process and how the Committee has asked staff to prepare these items for discussion. Although it is a workshop, they do not anticipate recommendations being developed or proposals being made at this meeting. If there are any recommendations that come from this agenda, he asked that they be taken up at the next meeting of May 11, 2015. Since most Committee Members have constituents that they represent and the committee will be receiving a lot of fresh new factual information that may alter many people's views of the situation, he proposed that the April 27, 2015 meeting time be spent vetting and thoroughly understanding the facts and discussing and debating the implications.

Chair Hall asked committee members after consideration of the April 27, 2015 meeting, to provide proposals in writing before the next meeting of May 11, 2015 to avoid any motions being made on the floor and to ensure that those developing recommendations have the discipline to put them down plainly and clearly for consideration.

That the Agricultural Protection Advisory Committee received the staff presentation; accepted public testimony regarding the three issues; and discussed additional research and/or analysis needed for the Committee to make a recommendation at a future meeting.

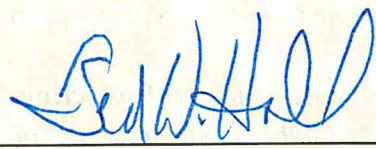
No formal action taken.

7. COMMITTEE REPORTS

8. FUTURE AGENDA ITEMS

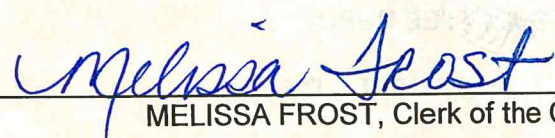
9. ADJOURNMENT

Meeting was adjourned to the regular APAC Meeting of May 11, 2015.



TED HALL, Chairperson

ATTEST: DAVID MORRISON, Secretary-Director



MELISSA FROST, Clerk of the Committee