

>> CHAIR LOUIE: GOOD MORNING. WELCOME TO THE MARCH 6TH REGIONAL PLANNING COMMISSION, I'D LIKE TO ASK COMMISSIONER PEDERSON IF HE COULD LEAD US IN THE FLAG SALUTE.

>> COMMISSIONER PEDERSEN: WOULD YOU PLEASE RISE, PLACE YOUR RIGHT HAND OVER YOUR HEART. (PLEDGE OF ALLEGIANCE). I PLEDGE ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA AND TO THE REPUBLIC FOR WHICH IT STANDS ONE NATION UNDER GOD, INDIVISIBLE, WITH LIBERTY AND JUSTICE FOR ALL.

>> CHAIR LOUIE: WELCOME AND GREETINGS. FOR THOSE OF YOU WHO ARE VISITING WITH US FOR THE FIRST TIME, THERE ARE AGENDAS AVAILABLE AT THE BACK OF THE ROOM AND IF YOU PLAN TO SPEAK ON AN ITEM, YOU'LL NEED TO COMPLETE A SPEAKER'S CARD AND BRING IT FORWARD TO ONE OF OUR STAFF PEOPLE. I LIKE FOR THE APPROVAL OF THE AGENDA. MOVED, SECONDED, THERE HAVE BEEN NO OBJECTIONS, THE AGENDA IS APPROVED. GOOD MORNING, COUNTY COUNSEL, DO YOU HAVE ANY REPORTS FOR US THIS MORNING?

>> GOOD MORNING, I DON'T HAVE ANY REPORTS FOR YOU THIS MORNING, THOUGH I CAN TALK THIS WEEK.

>> CHAIR LOUIE: DEPUTY DIRECTOR?

>> NO REPORTS THIS MORNING.

>> CHAIR LOUIE: WE HAVE THE MINUTES FOR FEBRUARY 13TH, MOVED AND SECONDED, NO OBJECTIONS, THE MINUTES ARE APPROVED. IT BRINGS US TO THE FIRST PUBLIC HEARING, ZONING PERMIT PROJECT NUMBER R201001829, MS. SIEMERS.

>> MS. SIEMERS: THANK YOU, COMMISSIONERS. REPENT SIEMERS, ZONING NORTH SECTION, THIS PROJECT IS A CONDITIONAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A GAS STATION MINI MARK KNOWN AS LAKE LA DAIRY, IT SELLS ALCOHOLIC BEVERAGES TO PURSUANT TO GRANDFATHER PROVISIONS IN THE ZONING CODE, THE NEW CUP IS TRIGGERED BY THE EXISTING 1300 SQUARE FOOT MARKET AND TO A NEW 5500 FOOT STRUCTURE, ASSOCIATED PLOT PLAN FOR THE REDEVELOPMENT OF THE MARKET IS BEING SEPARATELY REVIEWED. THE APPLICANT PROPOSES TO SELL BEER AND WINE FOR OFF-SITE CONSUMPTION. THE SHELF SPACE DEDICATED TO ALCOHOLIC BEVERAGES IS 6% OF THE TOTAL SALES AREA WITHIN THE MINI MARKET AND IS LOCATED WITHIN PREFABRICATED FREEZERS ALONG THE NORTHERN WALL OF THE MINI MARKET, WALL MOUNTED SECURITY CAMERAS ARE PROPOSED WITHIN THE MINI MARKET LOCATED AT THE FREEZERS CONTAINING THE ALCOHOL AND ON EITHER SIDE TO HAVE CASHIER AREA AS WELL AS ALONG THE EXTERIOR OF THE BUILDING ADJACENT TO THE PARKING AREA. THE PROJECT MEETS THE REQUIREMENTS OF THE C-2

DESIGNATION AND THE DESIGNATION IN THE ANTELOPE AREA VALLEY PLAN, IN ADDITION, STAFF BELIEVES THE PROJECT HAS MET THE BURDEN OF PROOF REQUIREMENT, FURTHERMORE, THE PROJECT MEETS ALL RELEVANT REQUIREMENTS OF COUNTY CODE SECTION 2256245 WHICH IMPOSES ADDITIONAL DEVELOPMENT STANDARDS AS CONDITIONS WHEN BEER IS WINE ARE SOLD IN CONJUNCTION WITH THE SALE OF MOTOR VEHICLE FUEL, BASED ON THE FACTUAL INFORMATION PROVIDED AS WELL AS THE ANALYSIS OF CONSISTENCY WITH CURRENT ADOPTED PLANS AND ORDINANCES, STAFF RECOMMENDS APPROVAL OF CUP 201000174 WITH CONDITIONS AND RECOMMENDS THAT THE COMMISSION ACCEPT STAFF'S DETERMINATION THAT THE PROJECT IS EXEMPT FROM CEQA. THAT CONCLUDES MY PRESENTATION. THANK YOU.

>> CHAIR LOUIE: THANK YOU VERY MUCH. QUESTIONS FROM THE COMMISSION? OKAY, IS THE APPLICANT PRESENT?

>> MS. SIEMERS: I DON'T SEE HIM, NO.

>> CHAIR LOUIE: ARE YOU AWARE OF WHETHER THEY WERE PLANNING TO ATTEND?

>> MS. SIEMERS: YES, THEY WERE PLANNING TO ATTEND.

>> CHAIR LOUIE: WHY DON'T WE HOLD THIS --

>> COMMISSIONER HELSLEY: MR. CHAIRMAN, I MOVE WE TABLE THIS ITEM UNTIL THE APPLICANT ARRIVES.

>> CHAIR LOUIE: THANK YOU. THAT'S A GOOD SUGGESTION. PLEASE HAVE A SEAT. WE'LL CALL THE SECOND MATTER.

>> MS. SIEMERS: OKAY.

>> CHAIR LOUIE: OKAY, ITEM NUMBER 7, PROJECT NUMBER R201201036, MR. GLASER?

>> MR. GLASER: THANK YOU. GOOD MORNING, CHAIR, AND MEMBERS OF THE COMMISSION, MY NAME'S ROBERT GLASER, I WITH THE ZONING PERMITS NORTH SECTION, TODAY I'LL BE DISCUSSING PROJECT NUMBER R201201036-5, WITH CONDITIONAL USE PERMIT NUMBER 201000068, THE PROJECT IS LOCATED AT 24233 THE OLD ROAD IN NEWHALL WHICH IS ALSO WITHIN THE NEWHALL ZONED DISTRICT. THE APPLICANT IS REQUESTING A CONDITIONAL USE PERMIT TO AUTHORIZE A CONSTRUCTION OF A 9400 SQUARE FOOT SINGLE STOREY PRIVATE HISTORICAL VEHICLE COLLECTION FACILITY LOCATED ON A 2.87 ACRE PROPERTY IN THE A-2-1 WHICH IS THE HEAVY AGRICULTURE ONE ACRE MINIMUM REQUIRED LOT AREA ZONE WITHIN THE SANTA SUSANNA MOUNTAINS SIGNIFICANT ECOLOGICAL AREA. THE PROJECT REQUEST WAS PRESENTED TO SEATAC FOR

THE REVIEW AND RECOMMENDATION FOR THE PROJECT COMPATIBILITY WITHIN THE SEA ON JUNE 4, 2012. IN ADDITION, THE APPLICANT IS REQUESTING AUTHORIZATION TO CONVERT AN EXISTING SINGLE FAMILY RESIDENCE AND INTO A CARETAKER'S RESIDENCE ON THE SUBJECT PROPERTY. THE PROPOSED DEVELOPMENT FOOTPRINT WHICH COVERS THE EAST HALF OF THE SUBJECT PROPERTY IS LOCATED OUTSIDE THE BOUNDARIES OF THE SIGNIFICANT ECOLOGICAL AREA AS ADOPTED ON NOVEMBER 27, 2012 AS PART OF ONE VALLEY ONE VISION AND IS LOCATED ENTIRELY WITHIN A RELATIVELY FLAT [INAUDIBLE] DISTURBED AREA, THE RELATIVELY UNDISTURBED PORTIONS OF THE APPROXIMATE ONE HALF OF 2 PROPERTY CONTAIN STAINS STEEP SLOPE WITH TREES, THE PROJECT WILL PROVIDE A PAVED FIRE LANE, ACCESS TO HISTORICAL VEHICLE COLLECTION FACILITY, THE PROJECT INCLUDES A 750 CUBIC YARDS OF GRADING FOR THE FACILITY, IN ADDITION, THE PROJECT PROPOSES THE RENOVATION OF ANTELOPE PENS FOR FUTURE ANIMALS, PLANNING OF A VINEYARD, A DECORATIVE WINDMILL, A DECORATIVE WATER TOWER AND AN OFFICE STORAGE BUILDING AND ALL GAS STATION SERVICE STATION A HALF BATHROOM IS PROPOSED IN THE VEHICLE -- THE HISTORICAL VEHICLE FACILITY AND REQUIRED A NEW ON-SITE WATER SYSTEM BE INSTALLED, THE EXISTING RESIDENCE IS [INAUDIBLE] AND ON-SITE WASTE WATER TREATMENT. THE ONE CARGO CONTAINER WILL REMAIN ON THE PROPERTY THE SUBJECT PROPERTY IS SURROUNDED BY A 7 FOOT HIGH CHAIN LINK FENCE WITH BARBED WIRE AROUND THE TOP AROUND THE SIDE AND REAR OF THE PROPERTY THE FACILITY WILL BE

USED FOR PRIVATE USE ONLY, THE PROPOSED FACILITY IS 9400 SQUARE FEET WITH MULTIPLE GARAGE DOORS, 35 FEET TALL AT THE HIGHEST POINT, IT WILL CONTAIN AREAS INSIDE FOR VEHICLE STORAGE AND A HALF BATHROOM, A 300 SQUARE FOOT PATIO COVER IS ATTACHED TO THE EASTERN PORTION OF THE FACILITY AND THERE ARE CURRENTLY 12 CARS PROPOSED BY THE APPLICANT INCLUDING HISTORIC CARS FROM THE 1930S TO THE 1960S. SEATAC HAS REVIEWED THE PROJECT AND HAS MADE RECOMMENDATIONS TO THE PROJECT SO ENVIRONMENTAL IMPACTS ARE LESS THAN SIGNIFICANT, A DRAFT INITIAL STUDY AND SUPPORTING REPORTS HAVE SHOWN THAT ALL ENVIRONMENTAL IMPACTS WERE SUPPORTED WITH SEATAC RECOMMENDATIONS ARE LESS THAN SIGNIFICANT A DRAFT NEGATIVE DECLARATION HAS BEEN PREPARED AND ON JANUARY 23, 2013, THIS PROJECT WAS PRESENTED TO THE COMMISSION AS A DISCUSSION ITEM FOR CONCURRENCE AS TO THE APPROPRIATE ENVIRONMENTAL DOCUMENT. AFTER A BRIEF PRESENTATION BY STAFF, COMMISSION HEARD THE COMMENTS REGARDING THE APPLICANT OF THE PROJECT AND THE COMMISSION DETERMINED WITH THE ENVIRONMENTAL DETERMINATION WHICH ALLOWED STAFF TO PURSUE THE CASE FOR PUBLIC HEARING, STAFF RECOMMENDS THE NEGATIVE DECLARATION IS THE APPROPRIATE ENVIRONMENTAL DOCUMENT UNDER CEQA AND THE COUNTY ENVIRONMENTAL GUIDELINES, THE INITIAL STUDY CONCLUDED THERE IS NO EVIDENCE THAT THE PROJECT MAY HAVE A SIGNIFICANT ENVIRONMENTAL IMPACT AND WILL HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT. LETTERS OF SUPPORT WERE RECEIVED ON MAY 21, 2012 FROM PEOPLE WHO ARE IN

SUPPORT AND AND THE PROJECT WILL BRING NO ADVERSE EFFECT TO THEIR FAMILY, HOME OR BUSINESS. AN E-MAIL DATED FEBRUARY 27, 2013 WAS ALSO RECEIVED FROM A CONCERNED CITIZEN IN OPPOSITION TO THE PROJECT AS WELL, AND THAT WAS PROVIDED IN LAST WEEK'S MAIL-OUT. IT MEETS THE ZONING REQUIREMENTS AND SET FORTH IN THE SANTA CLARITA VALLEY AREA PLAN. THE LOCATION OF THE FA SHIPMENTS IS CONCLUDED OUTSIDE THE SEA AND WILL NOT IMPACT [INAUDIBLE] THE APPLICANT HAS MET BOTH BURDENS OF PROOF, STAFF RECOMMENDS APPROVAL OF CONDITIONAL USE PERMIT 20 1201036 SUBJECT TO THE ATTACHED CONDITIONS.

>> CHAIR LOUIE: QUESTIONS?

>> COMMISSIONER HELSLEY: THE WATER TANK YOU SAID IS A DECORATIVE AND IS NOT FUNCTIONAL, IS THAT CORRECT?

>> MR. GLASER: THAT'S CORRECT.

>> COMMISSIONER HELSLEY: THE WINDMILL AS WELL?

>> MR. GLASER: THAT'S CORRECT.

>> COMMISSIONER MODUGNO: YOU INDICATED THERE WILL BE 12 VEHICLES, ONE OF THE ATTACHMENTS WE HAD HAD 17 VEHICLES.

>> MR. GLASER: SO, THE 12 VEHICLES ARE FOR THE HISTORIC VEHICLE FACILITY AND THE OTHER VEHICLES ARE TWO WERE FOR YARD MAINTENANCE WHICH WERE A BOB CAT FOR LIKE A LITTLE TRACTOR TRAILER, ONE OF THEM WAS ALSO A TRUCK WHICH WAS ALSO PART OF A LARGER TRAILER WHICH TRANSPORTED THE VEHICLES, THAT WASN'T NECESSARILY PART OF THE HISTORICAL VEHICLES, THE VEHICLE HISTORICAL COLLECTION VEHICLE ITSELF WAS THE 12 VEHICLES FROM THE 1930S TO THE 1960S, AND WE ALSO WITHIN THE CONDITIONS OF APPROVAL, WE GAVE A LITTLE FLEXIBILITY TO HAVE A COUPLE OF THOSE VEHICLES STORED ON-SITE THAT MIGHT NOT BE HISTORIC.

>> COMMISSIONER MODUGNO: SO, YOU'RE DESCRIBING THE ONES UP THROUGH 1965 AND THE OTHER 76, 99, 2006, 2008.

>> MR. GLASER: THOSE WERE USED TO TRANSPORT THE HISTORICAL VEHICLES BACK AND FORTH.

>> COMMISSIONER MODUGNO: THERE'S A LIMITATION OF HOW MANY VEHICLES CAN BE ON-SITE, CAN WE PUT THAT ON THE CONDITION?

>> MR. GLASER: SOME OF THE VEHICLES ARE AS FAR AS MAINTENANCE AND THINGS, THERE WAS A GAIT TOR TRACTOR THAT'S BEEN USED TO DO SOME CLEARANCE, SOME THINGS ALONG THOSE LINES.

>> COMMISSIONER MODUGNO: I WOULDN'T MIND HAVING SOME FLEXIBILITY THERE.

>> MR. GLASER: WE DO HAVE A LITTLE BIT OF FLEXIBILITY ALONG THE CONDITIONS OF APPROVAL, 25% OF THE VEHICLES STORED ON-SITE MAY NOT HAVE TO FIT THAT HISTORICAL VEHICLE CONDITION PART OF THE REPORT.

>> COMMISSIONER MODUGNO: IN TERMS OF THE DECORATIVE WATER TANK AND DECORATIVE WINDMILL, IS THERE ANY POSSIBILITY EITHER OF THOSE MIGHT BE USED LATER ON AS CELL TOWER SITES?

>> MR. GLASER: YEAH, I DIDN'T CONSIDER THAT.

>> COMMISSIONER MODUGNO: WE SEE CE TOWER SITES DISGUISED AS WINDMILLS AND TREES.

>> MR. GLASER: DUE TO THE LOCATION OF THE SUBJECT PROPERTY IT'S AT THE BASE OF HOW THE FIVE ROUTE COMES DOWN AND THOSE TOWERS ARE ONLY 45 FEET, I DON'T BELIEVE THEY WOULD BE HIGH ENOUGH TO BE FUNCTIONAL FOR A CELL TOWER, I THINK IT WOULD HAVE TO BE AT LEAST 50 FEET OR HIGHER.

>> COMMISSIONER MODUGNO: OKAY, THANK YOU.

>> COMMISSIONER HELSLEY: TO FOLLOW THAT COMMENT IN RELATION TO HAVING A WINDMILL OR A WATER TANK AS A CELL TOWER, THERE IS ONE IN IRVINE THAT HAS PROBABLY 35 CELL UNITS ON THIS WIND FILL AND IT'S THE MOST UNDECORATIVE THING THAT YOU WOULD EVER SEE.

>> CHAIR LOUIE: THANK YOU, NO FURTHER QUESTIONS. IS THE APPLICANT PRESENT?

>> MR. GLASER: YES, HE IS.

>> CHAIR LOUIE: OR THEIR REPRESENTATIVE?

>> MR. GLASER: YES.

>> CHAIR LOUIE: SO, WE'RE GOING TO HAVE A PRESENTATION WHICH WE'VE HAD FROM STAFF AND THEN THE APPLICANT WILL HAVE 15 MINUTES TO PRESENT THEIR MATTER. WE WILL THEN HAVE PUBLIC, BOTH PROS AND CON, AND THEN THE APPLICANT WILL HAVE ANOTHER TEN MINUTES FOR REBUTTAL. AND I'D ASK YOU TO STAND, I WOULD LIKE TO SWEAR YOU IN AS WELL AS ANYBODY ELSE IN THE ROOM THAT FEELS THAT THEY WILL BE SPEAKING BEFORE THIS COMMISSION ON THIS OR ANY OTHER MATTER, SO IF YOU COULD RISE. OKAY, WOULD YOU RAISE YOUR RIGHT HAND,

TODAY IS MARCH 6, 2013. (SWEARING IN OF WITNESSES). PLEASE HAVE A SEAT. AND YOU'LL HAVE 15 MINUTES. THERE IS A TIMER AT THE DESK. THE GREEN LIGHT WILL GROW GREEN FOR 14 AND A HALF MINUTES, YELLOW FOR THE LAST 30 SECONDS AND RED WHEN WE ASK YOU TO CONCLUDE. YOUR TIME WILL BEGIN WHEN YOU STATE YOUR NAME. PLEASE.

>> I MISUNDERSTOOD YOU, I APOLOGIZE, I THOUGHT SOMEBODY ELSE WAS GOING TO SPEAK FIRST, MY NAME IS ERNIE AND I WANT TO THANK YOU FOR TAKING THE TIME TO HEAR OUR CASE. IT'S FUNNY, I STOOD UP HERE LAST TIME AND I WASN'T PREPARED AS MUCH, BUT I NEEDED TO THANK LIKE THE PLANNING COMPRISING AND THE PEOPLE THAT HELPED ME, I'VE BEEN ON THE PHONE AND CALLING AND THAT'S WHO WE ARE, MR. REDDING OWNED TOYOTA FOR YEARS, I WORKED FOR HIM FOR 24 YEARS AND ONE OF MY JOBS WAS TO MAKE PHONE CALLS SO MR. NERAG KNEW ME AND MR. GLASER WORRIES ABOUT ME IF I DON'T CALL HIM, THE OPERATOR THERE, IF I DON'T CALL, SHE WONDERS WHERE I AM, BUT SHE RECOGNIZES MY VOICE, HAMER TOYOTA, THE WORKER, THE PROJECT, WHAT WE'RE TRYING TO DO IS MAKE A PARK-LIKE ATMOSPHERE, A FAKE CELL TOWER, NO, WE'RE NOT GOING TO DO A CELL PHONE TOWER, WE'RE GOING TO DO A FAKE WINDMILL, MAKE IT LOOK CHARMING AND RUSTIC, THE BUILDING IS GOING TO BE RUSTIC, THE WATER TANK IS GOING TO BE RUSTIC BUT NOT FOR ANY OTHER PURPOSE OTHER THAN LOOKS. WE WANT IT LOOKING OLD, WE WANT IT LOOKING LIKE A RANCH, IT'S FOR HIS PRIVATE USE, ACTUALLY, MR. REDDING IS A LITTLE ADDICTED TO CARS SO HE'S GROWN

THE COLLECTION BY FOUR CARS IN THE LAST THREE MONTHS, HE'S GOT A NICE LITTLE 63 NOVA THAT I'VE BEEN WORKING ON AND HE'S ADDED ANOTHER 55 CHEVY, AND HE LIKES TO FIX THEM UP AND TAKE THEM TO CAR SHOWS AND THAT'S WHAT HE'S GOING TO DO, I WANTED TO MENTION WHO HE WAS IN TERMS OF -- MR. HAMER SOLD HAMER TOYOTA TO HIM 20 YEARS AGO AND IF YOU LOOK AT WHAT WE DID IN 1994, THE FOUR STOREY BUILDING THAT ALMOST CAME DOWN IN THE EARTHQUAKE AND WE HAD TO RESTORE IT AGAIN, IT'S TOP NOTCH AND ACROSS THE STREET WHERE THAT THREE STOREY BUILDING IS, SOME PEOPLE RAISED SOME CONCERNS, WHAT ARE THEY BUILDING THERE AND NOW TOYOTA AND ST CITY BRAG ABOUT IT, WE BUILT A BUILDING THAT TRIPLED OUR PARKING FACILITIES, AND MR. REDDING BEING CAUTIOUS ABOUT THIS, HE WANTED MORE LIGHT THAN ANYBODY ELSE HAD BUT AT THE SAME TIME BEING ENVIRONMENTALLY SENSITIVE, WE GET 60% MORE LIGHT WITH REFLECTORS AND REFRACTORS AND SOME NEW TECHNOLOGY TO MAKE SURE OUR BUILDINGS LIGHT UP BUT WE'RE NOT SPENDING WASTED RESOURCES, RIGHT NOW WE'RE IN THE PROCESS OF BUILDING IT ON THE WEST SIDE WHERE MR. HAMER STARTED IN 1979, BUT INSTEAD OF TEARING DOWN THE WHOLE BUILDING AND STARTING OVER, WE DID A REMODEL FACELIFT, WE LEFT A LOT OF THE OLD OFFICES IN TACT, THE BUSINESS OFFICE IN TACT BUT WE ADDED MORE FACADE TO IT AND THAT'S WHAT MR. REDDING IS PROPOSING FOR THIS PROPERTY. I WENT TO A MEETING ON SATURDAY AND I WAS EXCITED, THERE WAS A PROPERTY CALLED RIVENDELL, A HORSE RANCH, JUST BEAUTIFUL, IT'S HEART OF THE MICHAEL

ANTONOVICH OPEN SPACE AND WE'RE EXCITED ABOUT WHAT THE PROJECT WAS GOING TO BE, THE SCOPE, THEY TALKED ABOUT OUTDOOR MOVIES AND CONCERTS IN THE PARK AND HAVING AN OPEN SPACE FOR HANDICAPPED AND ELDERLY, SENIOR CITIZEN PICNIC AREAS THAT'S ACCESSIBLE TO ALL AND THEY WANT IT TO BE PART OF THE GATEWAY TO SANTA CLARITA VALLEY AND THE PROJECT NARRATIVE WE GAVE YOU ALMOST TWO YEARS AGO, WE PUT DOWN THAT WE WANT TO BE PART OF THE NEW OLD ROAD, WE'RE LOOKING FORWARD TO BEING THE MODEL PICTURE, THE MODEL PROJECT THAT YOU GUYS POINT AT AND SAY THAT'S WHAT WE WANT, WE'RE LOOKING TO MAKE SOMETHING THAT'S MODERN BUT OLD AND RUSTIC, WE'RE NOT GOING TO HAVE GAS TANKS, BUT I WILL HAVE GAS PUMPS, AND WE'RE GOING TO PUT AN AWNING IN THE FRONT OF THAT BUILDING, IT WAS A GAS STATION MANY YEARS AGO AND THAT'S WHAT GAVE US THE IDEA AND WE'LL HAVE THE GAS STATION LOOK OUT FRONT, THE GENERAL STORE LOOK ON THE OTHER SIDE AND WE'RE EXCITED ABOUT BEING PART OF THE PROJECT. I DO THANK YOU FOR A LOT OF THE GUIDANCE FROM MR. ANTONOVICH'S OFFICE TO THE PLANNING OFFICE, EVERYBODY'S BEEN GREAT, SUSIE HAS TAUGHT ME HOW TO COPY AND PASTE AND SHE'S BEEN GREAT ABOUT THAT. ROBERT MENTIONED A LETTER AND I'VE BEEN HIGH AND UP AND REALLY EXCITED ABOUT THIS PROJECT AND THEN I SAW THIS LETTER THAT SOMEBODY OBJECTED TO OUR PROJECT BASED ON WE WERE ENCROACHING ON THE SENSITIVE ECOLOGICAL AREA. WELL, IN THE LAST COUPLE OF YEARS, BASED ON SOME ADVICE I'VE GOTTEN ON MANY PEOPLE IN THE OFFICE, WE SPENT OVER 50 THOUSAND

DOLLARS ON BIOLOGICAL CONSTRAINT ANALYSIS, PLANT MAPPINGS AND SPECIES MAPPING, WE SPENT MORE MONEY BECAUSE WE WANTED TO BE PREPARED, OUR WHOLE INTENTION IS THE PROJECT IS IN PREVIOUSLY DISTURBED AREAS, NOTHING UP ON THE HILL, WE'RE NOT PLANNING ON TOUCHING ANYTHING THAT HASN'T PREVIOUSLY BEEN DISTURBED SO WE SPENT EVERY -- WE EXHAUSTED EFFORTS TO MAKE SURE WE DON'T ENCROACH ON THAT AND WE DON'T VIOLATE ANY OF THAT, NEVER OUR INTENTION. AGAIN, WHERE OUR PROJECT IS FOCUSED IS IN A PREVIOUSLY DISTURBED AREA WHERE THERE IS 9 RESIDENTS AND IF YOU TALK TO AMEER, IT WAS THE MOST VIOLATED PIECE OF PROPERTY IN THE AREA. ONE THING, I COULD SAY 9 RESIDENCES, WE TOOK OVER 100 DUMP LOAD TRUCKS OF TRASH OFF OF THERE, WE TOOK OVER 50 DUMP TRUCKLOADS OF CONCRETE AND I RECYCLED THEM AND HAVE THEM IN PILES, WE BROKE IT DOWN AND CRUSHED IT AND MADE BASE OUT OF IT, WE RECYCLED EVERY PIECE OF BLOCK OR METAL THAT WE COULD AND WE HAD IT RECYCLED. WE ALSO HAD ALL THE GREEN, INSTEAD OF TAKING LANDFILL, WE HAD THEM CHIPPED AND SHREDDED, WE WANTED TO MAKE SURE WE DID IT THE RIGHT WAY AND THAT'S HOW MR. REDDING IS. AS FOR PAINT, WITH THE DIRECTION FROM THE COUNTY, WE GOT RID OF THREE DUMP TRUCKLOADS OF OLD PAINT, THEY HAD A SIGN MAKING FACILITY ON THE PROPERTY AND THERE WAS A LOT OF LEAD BASE PAINT, THEY TOOK THE TIME AND MOUND ME A PLACE IN L.A. COLLEGE, WE TOOK THREE TRUCKLOADS OF USED PAINT THERE AND THEY TOOK IT HAPPILY AND WE APPRECIATED THE HELP THERE. AGAIN, WE'VE TRIED TO DO EVERYTHING BY THE BOOK AND

EVERYTHING FIRST CLASS AND AGAIN EVEN THOUGH WE'RE NEAR THE CITY OF SANTA CLARITA, WE'RE LOOKING LIKE THEY'RE GOING TO LOOK AT US AND WE WANT TO BE A LITTLE BIT OF THEM, WE HAVE A LITTLE BIT OF EVERYTHING THERE AND IT'S GOING TO BE A PARK-LIKE ATMOSPHERE FOR HIS FAMILY AND FOR FAMILIES TO RELAX. AND I THANK YOU FOR YOUR TIME.

>> CHAIR LOUIE: THANK YOU VERY MUCH. QUESTIONS? MR. HELSLEY?

>> COMMISSIONER HELSLEY: MR. CHAIRMAN, THE DRAFT CONDITIONS SPECIFY THE SERIES OF CARS AND THEIR LICENSE PLATE NUMBERS AND THIS TYPE OF THING. IS THE COLLECTION GOING TO BE THAT STATIC?

>> I'M SORRY?

>> COMMISSIONER HELSLEY: IS THE COLLECTION GOING TO BE THAT STATIC THAT IT'S NOT GOING TO BE A COLLECTION THAT CHANGES MUCH? BECAUSE --

>> A LOT OF THE CARS HAVE BEEN THE SAME FOR THE LAST 12, 15 YEARS, SOME OF THE CARS ARE NEW EDITIONS AND I BUILT HIM A FACILITY IN THE EAST SIDE OF SAPOVITA AND HE'S GOT ABOUT 4 THOUSAND SQUARE FEET IN THERE, WE HAVE CARS STACKED. WHEN WE SOLD THE BUSINESS, REDDING PROPERTY STILL OWNS THE PROPERTIES

AND WE'RE THE LANDLORDS, WE HAD TO VACATE SOME OF THE AREAS, SO WE DID MOVE SOME CARS, WE SOLD SOME CARS, ONES THAT WEREN'T HIS FAVORITES BUT FOR THE WHOLE, THE COLLECTION WILL PROBABLY REMAIN THE SAME WITH ONLY AN ADDITION HERE AND AN ADDITION THERE. I'LL TELL YOU THIS, HE'S LIKE A KID CARRYING THE HOT WHEEL CARS IN THERE, HE LOVES THEM, HE DOES A LOT OF THINGS WITH THEM, CHARITY EVENTS, PARADES USE THEM, HE'S A BIG PHILANTHROPIST THAT WAY, HE LIKES TO SHOW THEM OFF.

>> COMMISSIONER HELSLEY: ANOTHER CONCERN IS, IT WAS AN OLD GAS STATION, HAVE THOSE GAS TANKS BEEN REMOVED?

>> LONG GONE.

>> COMMISSIONER HELSLEY: THAT'S GOOD. THE LIGHTING I KNOW IS A CONCERN NEAR THE SEA OR BEING IN THE SEA, AND THERE'S AN INDICATION, A VERY GENERALIZED STATEMENT THAT THE PERMITTEE SHALL NOT CAUSE LIGHT POLLUTION IN NATURAL AREAS OF THE RESTROOM PORTION OF THE PROPERTY SO YOU'LL BE USING APRONS AND FOCUS LIGHTING?

>> YES, SIR, I BOUGHT 16 ANTIQUE LAMPS THAT LOOK LIKE THE 40'S WITH THE NICE BIG BASES AND BUT THEY'RE LOW VOLTAGE, THEY'RE LOW VOLTAGE AND THE SAME COMPANY THAT HELPS US LIGHT TOYOTA ON THE

EAST SIDE, THEY'RE GOING TO HELP US FIT THOSE LIGHTS, BUT THEY ARE SHROUDED AND SHADED, FOCUSED DOWN.

>> COMMISSIONER HELSLEY: THANK YOU.

>> CHAIR LOUIE: ADDITIONAL QUESTIONS, YESES?

>> COMMISSIONER MODUGNO: MR. CHAIRMAN, I FIRST WOULD LIKE TO DISCLOSE, I LIVE ABOUT A MILE FROM THIS PROPERTY AND PASS IT VERY FREQUENTLY AND WOULD AGREE THAT IT WAS IN A VERY DISTURBED STATE, THE CLEANUP HAS BEEN INCREDIBLE, THE PROPERTY NEXT DOOR WAS OWNED BY FRIENDS OF OURS, MANY, MANY YEARS AGO, THEY STARTED THAT AND HE WAS AN ANIMAL DOCTOR AND THAT IS ALSO IN A VERY DISTURBED SITUATION, THE CITY OF SANTA CLARITA PURCHASED THAT LAND ENCROACHING OVER THE I5, IT IS SORT OF CAPTURED WITHIN THE CONFINES AND THIS IS A SOLE PIECE OF PROPERTY THE CITY OWNS OUTSIDE OF THE CITY LIMITS AS ENCROACHED OVER -- AGAIN, TRYING TO PROTECT THAT ENTRANCE INTO THE CANYON. I'VE HIKED THERE A LOT WHEN OUR DAUGHTERS WERE YOUNGER, WE USED TO GO DOWN THERE AND RIDE OUR BICYCLES AND THINGS LIKE THAT, MY QUESTION AND CONCERN ABOUT IT IS SITUATED WHERE IT IS AND THERE'S A GOOD DEAL OF TRAFFIC THAT GOES ALONG THE OLD ROAD, PEOPLE OFTEN BYPASSING THE VALLEYS AND WE CONNECTED AT CALGROVE SO THERE IS A LOT OF TRAFFIC AND THERE'S A LOT OF FOOT TRACK OF PEOPLE HIKING BECAUSE

A PARKING LOT THAT IS NEARBY FOR HIKING CANYON, MY CONCERN IS THE ATTRACTIVE NUISANCE AND THE AMOUNT OF PEOPLE WHO MIGHT COME BY AND SAY WHAT IS THIS, AND SEE BUILDINGS AND IT'S PRIVATE PROPERTY FOR CARS DRIVING UP, WHETHER THERE'S SPACE OUT ON THE STREET THAT THEY'RE GOING TO PARK AND SORT OF TRY TO WANDER IN WHERE THE DRIVEWAY IS OPEN, SO HOW ARE YOU GOING TO PROTECT THIS FROM THE WANDERING EYE OF THE GENERAL PUBLIC RECOGNIZING THIS IS A PRIVATE FACILITY, SO THERE THERE SHOULD BE A KIND OF SIGNAGE THAT'S THERE AND IF WE QUESTION THAT OR LOOK AT IT FROM A SIGNING STANDPOINT, THE TYPE OF DRIVEWAY THAT SOMEBODY MIGHT BE ABLE TO SORT OF DRIVE IN AND FIND OUT AND DISCOVER, OKAY, THIS IS PRIVATE PROPERTY I HAVE NO BUSINESS BEING HERE AND BACKING OUT, OR THOSE PEOPLE TRYING TO WALK AROUND, SO IN TERMS OF FENCING THAT WOULD PREVENT PEOPLE FROM COMING IN, BECAUSE I THINK YOUR ISSUE IN THE FUTURE IS GOING TO BE VERY ATTRACTIVE, THE SORT OF 1934, 35 GAS STATION IS GOING TO BE APPEALING FOR PEOPLE TO LOOK AT, YOU'RE GOING TO HAVE IT VISIBLE FROM THE OUTSIDE, SO THERE'S A MUSEUM SORT OF LIKE ACTIVITIES TO IT THAT PEOPLE CAN SEE AND IT'S GOING TO BE A NATURAL CURIOSITY OF WANTING TO GET IN. I GUESS THAT'S SORT OF DOWN THE ROAD, CAN WE ANTICIPATE THAT AND IF THERE'S SOMETHING THAT WE CAN DO IN THESE CONDITIONS TO PROTECT YOU AND YOUR PROPERTY MR. REDDING'S PROPERTY IN THE FUTURE FROM THAT TYPE OF PUBLIC CURIOSITY, HAVE YOU THOUGHT ABOUT THAT? I GUESS I WOULD LIKE YOU TO THINK ABOUT

IT AND MR. GLASER SORT OF RESPOND BACK TO HOW WE CAN DEAL WITH THAT.

>> THEY SHOW THE WINDMILL AND THE WATER TANK POWER BUT THEY SHOW A [INAUDIBLE], I MOLDED THOSE GATES AND MADE THEM, I WILL BE TURNING THAT IN TO BUILD THAT FRONT FENCE, IT WILL BE A LITTLE RUST I CAN LOOKING, A LITTLE PRIVATE, IT WILL BE ELECTRIC GATES. WE HAVE A UNIQUE SITUATION THAT NOBODY ELSE IN THAT NEIGHBORHOOD HAS, WE'RE ON A FRONTAGE ROAD WHEREAS ALL THE OTHER PROPERTIES ADJACENT TO THE OLD ROAD EXIT TO THE OLD ROAD. WE HAVE A ROAD THAT'S ABOUT 24 FOOT WIDE, ABOUT 400 FEET LONG AND THAT IS THE ENTRANCE TO THE DAVIS PARK AND OPEN SPACE AND THEN IT COMES BACK THE CITY'S PROPERTY INTO OUR PROPERTY NOBODY CAN GET OUT OF THAT PLACE EXCEPT FOR GOING BACK TO THE ENTRANCE, THERE'S PLENTY OF PARKING. THEY WERE TO OPEN THEIR FENCE LINE BACK AND MOVE IT AND MAYBE CONSIDERING IT AS A PARK AND RIDE FOR THE FUTURE TO ALLEVIATE THE PARKING PROBLEMS AND MAKING IT A LITTLE BIT GREEN BECAUSE THEY WANT THAT PARK TO BE SOLAR POWERED, RESTROOMS, REALLY MODERN BUT ALSO THEY WANT TO BE ABLE TO HAVE PEOPLE USE IT AND PEOPLE USE IT FOR A PARK AND RIDE ALREADY, WE HAVE MAYBE TEN CARS PARKED IN FRONT OF OUR PART ALL THE TIME AND THAT'S PUBLIC PROPERTY AND THAT'S FINE. THERE'S NEVER ANY PROBLEMS, WE HAVE TEMPORARY FENCING RIGHT NOW AND NOBODY COMES IN. ONCE IN A WHILE, A MOTOR HOME WILL COME AND I'LL

OPEN UP THE GATES AND LET THEM TURN AROUND AND GO BACK OUT, WHERE WE'RE PLANNING THE FENCE, WE'LL BE 15 FEET INSIDE OUR PROPERTY LINE, SO IT WILL BE CONCEDING SOME AND IT WILL ACCOMMODATE SOME PARKING AS WELL.

>> COMMISSIONER MODUGNO: THE ONLY PROBLEM ALONG THAT ROAD THAT I WITNESSED OVER THE YEARS IS THESE BIG TRACTOR TRAILERS THAT HAVE NO PLACE TO PARK AND THEY CAN'T PARK IN RESIDENTIAL AREAS, SO THEY JUST PARK ALONG THE ROAD, AND THEY'RE ACROSS THE STREET FROM YOU AND CLOSER TO THE FREEWAY WHERE THERE'S THAT LARGE VACANT LOT. THERE ARE OFTEN TIMES OVER THE WEEKENDS THREE, FOUR, FIVE VERY LARGE SEMIS, THERE'S ALMOST EVERY WEEK EN, THERE'S A BEACON'S TRUCK THAT JUST GETS LEFT THERE, I DON'T KNOW WHERE THE DRIVERS LIVE, BUT THEY TEND TO SORT OF PARK THEM ALONG THE ROADS, FEELING, WELL, THIS IS UNINCORPORATED COUNTY AND DO IT, SO THE FRONTAGE ROAD MAY BE AN ISSUE ONCE THAT GETS IMPROVED AND SOME THINGS, PEOPLE WILL SAY I'LL PARK MY SEMI THERE, I WANT TO MAKE SURE WE ADDRESS THAT AND MAYBE PROVIDE FOR US THE EVENTUALITY IF THERE NEEDS TO BE SOME SIGNAGE THERE THAT WE CAN ALLOW FOR A CERTAIN DEGREE OF SIGNAGE, AGAIN, THIS IS PRIVATE PROPERTY TRESPASSERS BLAH, BLAH, BLAH, SECURITY CAMERAS AND SOME THINGS JUST AS PREVENTION, I'M ANTICIPATING DOWN THE ROAD, BECAUSE AGAIN, I'VE LIVED BY THIS FOR CLOSE TO 30 YEARS, I'VE WITNESSED A LOT OF STUFF TAKING PLACE.

>> ALONG THAT POINT, PARKS AND REC AND THE PARK RANGERS THAT ARE IN CONTROL OF THAT AREA, THAT OPEN SPACE, THEY'VE BEEN EXCELLENT ABOUT NO OVERNIGHT PARKING. THEY SAY YEARS PAST, IT WAS LIKE A LITTLE LOVER'S LANE IN THAT AREA, SO ANYTHING AFTER DARK, THERE SHOULD BE NO CARS THERE. THEY'VE BEEN VERY GOOD ABOUT ENFORCING THAT. WE DON'T HAVE SEMIS EVER IN FRONT TO HAVE CITY PARK PROPERTY OR IN FRONT OF OURS, I KNOW ABOUT THE ADJACENT ACROSS THE STREET DOWN BY MIKE'S DOG KENNELS, THERE'S AT AREA THERE, PROBABLY THREE OR FOUR SEMIS PARKED NEAR THERE.

>> CHAIR LOUIE: NO FURTHER QUESTIONS. THANK YOU VERY MUCH. PLEASE REMAIN, WE'RE GOING TO HAVE PUBLIC COMMENT, IF THERE IS PUBLIC COMMENT, AND THEN YOU'LL HAVE A CHANCE FOR REBUTTAL, SO THANK YOU VERY MUCH.

>> THERE ARE NO OTHER SPEAKERS.

>> CHAIR LOUIE: NO OTHER SPEAKERS, NO REBUTTAL, ANY OTHER COMMENTS FROM THE STAFF AND ANY OTHER QUESTIONS FOR --

>> COMMISSIONER MODUGNO: AT THIS POINT, I MOVE THAT WE CLOSE THE PUBLIC HEARING AND ADOPT THE DECLARATION.

>> CHAIR LOUIE: ED MOVED AND SECONDED, NO FURTHER DISCUSSION,
CALL FOR A VOTE, THOSE IN FAVOR?

>> AYE.

>> OPPOSED?

>> COMMISSIONER MODUGNO: I MOVE THE REGIONAL PLANNING
COMMISSION APPROVE CONDITIONAL USE PERMIT 201000067 SUBJECT TO
THE ATTACHED MINDING AND CONDITIONS.

>> COMMISSIONER HELSLEY: SECOND.

>> CHAIR LOUIE: MOVED, SECONDED, DISCUSSION? YES, SIR?

>> COMMISSIONER HELSLEY: I THINK IN MY 13 YEARS HERE, THIS IS
THE FIRST TIME I'VE SEEN A CONDITION THAT THE PERMITTEE SHALL
USE A FINE MESH SCREEN TO COVER THE CAVITIES AND TREES NEAR
STRUCTURES THAT EXCLUDES BEES BUT ALLOWS AIR EXCHANGE. I LOVE IT.
THANK YOU.

>> CHAIR LOUIE: WE HAD IT MOVED, SECOND, NO FURTHER
DISCUSSION. CALL FOR THE VOTE, THOSE IN FAVOR?

>> AYE.

>> CHAIR LOUIE: AYE. OPPOSED, PASSED, CONGRATULATIONS, THANK YOU VERY MUCH.

>> THIS ACTION MAY BE APPEALED TO THE BOARD OF SUPERVISORS, THE LAST DAY TO APPEAL WOULD BE MARCH 20TH.

>> CHAIR LOUIE: ITEM NUMBER 6, HAS THE APPLICANT, LA LAKE DAIRY ARRIVED?

>> MS. SIEMERS: YES, THE APPLICANT AND THE REPRESENTATIVE ARE HERE.

>> CHAIR LOUIE: PLEASE, IF THEY COULD STEP FORWARD. HAVE YOU BEEN SWORN IN?

>> YES.

>> CHAIR LOUIE: WERE YOU HERE TO BE SWORN IN?

>> YES.

>> CHAIR LOUIE: I'M GOING TO SPECULATE PROBABLY NOT.

>> SORRY, WE WERE BOTH SITTING NEXT TO EACH OTHER AND WE BOTH RAISED OUR HAND AND WE WERE SWORN IN.

>> CHAIR LOUIE: OKAY, PLEASE HAVE A SEAT. I DIDN'T REALIZE YOU WERE HERE, WE HAD ASKED FOR THE APPLICANT AND WE THOUGHT YOU WERE NOT HERE, SO WE'VE HAD A STAFF REPORT. YOU, AS THE APPLICANT, HAVE 15 MINUTES TO PRESENT YOUR MATTER BEFORE US AND WE'RE --

>> COMMISSIONER HELSLEY: MR. CHAIRMAN, I WOULD LIKE TO REQUEST WE REMOVE ITEM 6 FROM THE TABLE AND TAKE IT UP. WE NEED TO TAKE IT OFF THE TABLE BEFORE THEY DISCUSS.

>> CHAIR LOUIE: DO I NEED TO TAKE ANY ACTION TO DO THAT?

>> COMMISSIONER HELSLEY: AND I JUST -- I MOVED THAT WE TAKE IT OFF THE TABLE.

>> CHAIR LOUIE: THANK YOU.

>> MS. SIEMERS: MR. CHAIR, WE HAVE ONE SPEAKER CARD THOUGH FOR BOTH OF THEM. ARE YOU BOTH GOING TO TESTIFY TODAY?

>> YES.

>> MS. SIEMERS: YOU'RE NOT GOING TO, OKAY. THAT'S OKAY.

>> CHAIR LOUIE: OKAY. YOU HAVE 15 MINUTES. THE TIMER ON THE TABLE WILL GO GREEN FOR 14 AND A HALF MINUTES, THAT TIMER RIGHT THERE, AND THEN WHEN THE LAST 30 SECONDS, THE YELLOW LIGHT WILL COME ON AND AT THAT CONCLUSION OF 15 MINUTES, A RED LIGHT WILL COME ON. IF YOU TAKE ALL THE TIME, WE'LL ASK YOU TO CONCLUDE. YOUR TIME WILL BEGIN WHEN YOU STATE YOUR NAME, YOU CAN STATE YOUR NAME.

>> OKAY. MY NAME IS JIM HANBOLI, I'M THE PROJECT ENGINEER AND THE PROJECT IS -- WE HAVE EXISTING BUSINESS, EXISTING MINI MARKET AND GAS STATION AND THE OWNER, HE'S EXPANDING THE BUSINESS, WE'RE ADDING ALSO SOME RETAIL STORE NEXT TO THE BUSINESS, AND WE WENT AND WE PROVIDE ALL THE DRAWINGS AND ALL THE ITEMS NECESSARY FOR THE CUP REQUIREMENTS, AND I'M HERE, THE OWNER ALSO NEXT TO ME, HE IS HERE TO ANSWER ANY QUESTIONS YOU MIGHT HAVE FOR HIM. HE HAS BEEN THERE IN BUSINESS AND HE HAS A GOOD REPUTATION OF THAT AREA AND HE WOULD LIKE TO ENHANCE HIS BUSINESS AND THAT'S WHY WE ARE HERE TODAY. AND I'LL BE VERY HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE.

>> CHAIR LOUIE: THANK YOU. MR. HELSLEY? ANY QUESTIONS? MR. PEDERSEN? OKAY. NO QUESTIONS. OKAY, THANK YOU VERY MUCH.

>> WE HAVE JUST ONE COMMENT FROM THE OWNER. IT'S REGARDING THE CONDITIONS, AS I MENTIONED, HE ALREADY IN BUSINESS AND HE ALREADY SELL ALCOHOL AND EVERYTHING IN HIS LOCATION, THE CONDITIONS WE'RE PROVIDED, THERE'S AN ITEM NUMBER 29 AND IT'S KIND OF LIMITED TO SELLING INDIVIDUAL CONTAINERS OF LESS THAN 32 OUNCE, AND HE IS IN BUSINESS RIGHT NOW AND HE SELLS ALL SIZES AND 32 OUNCES IS VERY LIMITED FOR HIM. THAT'S GOING TO REALLY AFFECT HIS BUSINESS. HE'D LIKE TO SEE IF YOU CAN REDUCE IT TO 16 OUNCE OR LARGER IF THAT'S POSSIBLE.

>> CHAIR LOUIE: THANK YOU. COMMISSIONER?

>> COMMISSIONER MODUGNO: I DON'T THINK I'M FAVOR TO GOING TO 16 OUNCE, HOWEVER 32 OUNCE IS A QUART, IS HE SELLING ANY WINE THAT COMES IN LITER BOTTLES WHICH ARE LIKE 28 OUNCES, OR IS IT BEER AND WINE THAT HE'S SELLING? I THINK WE TRY TO AVOID THAT UNLESS THEY'RE SELLING IMPORTS OR SOMETHING THAT COME -- WHICH I DON'T NECESSARILY SUSPECT IS THE CASE HERE, THAT IF THERE'S A PACKAGING AND THAT PACKAGING IS BOTTLES OR CANS IN A CERTAIN LEVEL AND THAT'S THE WAY THEY BUY THEM FROM THE WHOLESALER, WE DON'T WANT PACKAGES BROKEN UP AND WE'RE TRYING TO AVOID SOMEBODY

GOING IN AND BUYING A SINGLE BOTTLE OR CAN MOST LIKELY OF BEER OUT OF A CONTAINER, PARTICULARLY WHERE GAS IS SOLD, GETTING BACK INTO A VEHICLE WHICH SHE SHOULDN'T BE DOING AND DRINKING, AND SO BY HAVING -- AND THAT'S WHAT WE'VE TRADITIONALLY DONE THROUGHOUT THE COUNTY SO WE HAVE NOT MADE EXCEPTIONS ON THAT. WE HAVE THOUGH IN THE CASE OF WINE BOTTLES THAT COME IN A LITER WHICH IS 28 OUNCES, SO I WOULD BE WILLING TO MAKE THAT CHANGE, BUT PERSONALLY, I DON'T KNOW IF THE OTHER COMMISSIONERS FEEL THE SAME. I WOULDN'T SUPPORT GOING DOWN TO 16 OUNCES BECAUSE 16 OUNCE CAN OF BEER, BUYING THAT IN A SINGLE WITHOUT -- IT'S JUST NOT SOMETHING THAT WE'VE APPROVED, PARTICULARLY WHERE GAS IS SOLD. THERE HAVE BEEN SOME INSTANCES WHERE THERE HAVE BEEN SOME SPECIALTY STORES, SPECIALTY FOOD STORES WHERE THERE MIGHT HAVE BEEN SOME IMPORTED BRANDS OF ALCOHOL THAT COME IN SMALLER CONTAINERS, BUT THOSE ARE BOUGHT BY THE STORE IN A SINGLE CONTAINER AS WELL, SO ANYTHING THAT'S COMING THAT'S BEING BROKEN OUT OF A FOUR PACK, SIX PACK, TWO PACK, WE HAVE NOT PERMITTED THAT WITHIN GAS STATIONS, PARTICULARLY IF IT'S CHILLED.

>> YOU KNOW, IF YOU'RE TALKING ABOUT WINE, WINE DOESN'T COME ONLY 32 OUNCES AND UP.

>> CHAIR LOUIE: SORRY TO INTERRUPT YOU, YOU HAVE TO FILL OUT A SPEAKER'S CARD. WHY DON'T YOU GO AHEAD AND MAKE YOUR STATEMENT AND MAKE A COMPLETE ONE.

>> IF YOU'RE TALKING ABOUT WINE SALE, WINE COME 32 OUNCES AND UP, BUT IF YOU TALK ABOUT BEER SALE, BEER SALE COME LIKE --

>> CHAIR LOUIE: EXCUSE ME, COULD YOU BEGIN YOUR STATEMENT WITH THE STATEMENT OF YOUR NAME.

>> MENTION YOUR NAME.

>> MY NAME IS YASRUM BARK LEE, I'M THE OWNER OF THE PROPERTY 170TH STREET EAST, I'M TRYING TO DO MORE CONVENIENT BUSINESS OF THE CUSTOMERS, I'VE BEEN IN BUSINESS FOR 20 YEARS OVER THERE AND I HAVEN'T HAD PROBLEMS WITH THE ABC OR SOMETHING LIKE THAT, MY PLACE IS VERY SMALL, IT'S ONLY A THOUSAND SQUARE FEET, I TRIED TO EXPAND IT AND MAKE MORE BIGGER AND EASY TO DO BUSINESS WITH IT, YOU KNOW, IT'S NOT A DRIVE-THRU AND GO ON OTHER SIDE AND INSIDE, AND EVERYTHING COMES WITH A CONDITION, I AGREE WITH IT, ONLY ONE CONDITION, IT SAYS I CANNOT SELL ONLY 32 OUNCES AND UP. FOR THE WINE, I DON'T MIND BECAUSE THE WINE DOESN'T COME ONLY 32 OUNCES AND UP, BUT FOR THE BEER, YOU KNOW, EVERYBODY KNOWS AND EVERYBODY SHOP, YOU KNOW, ALL THE IMPORTED BEER COME

32 OUNCE, ALL THE IMPORTED BEER COME 22 OUNCE, I CANNOT SELL 24 OUNCE BEER OR SOMETHING LIKE THAT, THAT MEANS I'M LOSING MORE THAN HALF MY BUSINESS AND EITHER I STOP THE PROJECT OR STAY WITH THE WAY I WAS, I AM RIGHT NOW BECAUSE I HAVE NO CONDITION WHATSOEVER, OR I NEED TO GO AT LEAST 16 OUNCE OR MORE SO IT WOULDN'T AFFECT MY BUSINESS.

>> CHAIR LOUIE: OKAY, THANK YOU.

>> COMMISSIONER PEDERSEN: JUST A COMMENT, THIS CONDITION REFERS TO BEER ONLY, IT DOESN'T MENTION WINE, SO I DON'T KNOW IF WE WANT TO MAKE IT MORE INCLUSIVE OR NOT BECAUSE WE'RE TALKING ABOUT BEER AND WINE, BUT THE CONDITION JUST SAYS NO BEER SOLD IN CONTAINERS UNDER ONE QUART.

>> COMMISSIONER MODUGNO: I DON'T WANT TO SEE US MAKE AN EXCEPTION TO OUR CURRENT POLICY, SO PERHAPS STAFF CAN REMIND US WHAT WE'VE DONE AS POLICY, AND I THINK THAT WE HAVE GONE DOWN TO LITER BOTTLES WHICH WOULD BE LESS THAN A 32 OUNCE, BUT I DO NOT BELIEVE THAT WE HAVE ANY CONDITION THROUGHOUT THE COUNTY WHERE WE'VE GONE LOWER THAN THAT.

>> MS. SIEMERS: RIGHT, YOU'RE CORRECT. THERE HAVE BEEN INSTANCES OF ALCOHOL SHOPS, WINE BARS, SPECIALTY STORES THAT GO

DOWN TO 16 OUNCES, AND MAYBE COUNTY COUNSEL CAN CHIME IN IF THERE WERE ANY [INAUDIBLE] OF THESE SMALLER UNITS IN CONJUNCTION WITH MOTOR VEHICLE FUEL BUT I HAVEN'T SEEN ANY.

>> THERE HAVE BEEN, ALTHOUGH I CAN'T RECALL IF IT'S SPECIFICALLY IN CONJUNCTION WITH MOTOR VEHICLE FUEL SALES, BUT THERE HAVE BEEN A FEW PROJECTS IN THE RECENT PAST WHERE THE COMMISSION WAS WILLING TO GO DOWN TO 16 OUNCES PROVIDED THAT THERE WAS A CONDITION THAT REQUIRED THAT TO ONLY BE IN THE CASE WHERE THE MANUFACTURER PACKAGED IT IN THAT SIZE AS A SINGLE SALE BOTTLE, SO FOR SPECIALTY BEERS THAT DO COME PACKAGED IN THE SMALLER SIZE BOTTLES FROM THE MANUFACTURER, THE COMMISSION ALLOWED THAT PROVIDED THEY WERE NOT BELOW 16 OUNCES.

>> COMMISSIONER MODUGNO: SO, I RECALL THOSE BEING IN CONJUNCTION WITH MORE SPECIALTY STORES LIKE KOREAN FOOD AND KOREAN BEERS, OR THERE WERE IMPORT STREETS THAT SPECIALIZED, THEY WERE NOT CONVENIENCE -- I DON'T KNOW A SINGLE CASE WHERE IT WAS A CONVENIENCE STORE TIED WITH GASOLINE SALES. I MEAN, I'M WILLING TO STAND CORRECTED BUT UNLESS SOMEBODY CAN PULL OUT AN EXAMPLE AND SHOW US THAT, I DON'T WANT TO USE THIS AS A FIRST APPROACHING INTO THAT.

>> COMMISSIONER HELSLEY: MR. CHAIRMAN, I WOULD CONCUR WITH THAT POSITION AND THAT WHERE WE'VE HAD GASOLINE SALES, WE'VE LIMITED TO 32 OUNCE OR A COMPOSITE OF 32 OUNCES A SIX PACK, THAT TYPE OF THING, AND AGAIN, NOT CHILLED. MOST OF THAT IS NOT CHILLED BEER.

>> CHAIR LOUIE: YOU KNOW, FROM MY PERSPECTIVE, I CAN'T THINK OF JUSTIFICATION TO MOVE BELOW THAT 32 OUNCE SINGLE SERVING.

>> I HEAR YOU VERY WELL.

>> CHAIR LOUIE: FROM MY PERSPECTIVE AS THE CHAIR OF THIS COMMISSION, I CANNOT THINK OF THE RATIONAL THAT WILL JUSTIFY GOING BELOW A 32 OUNCE SINGLE SERVING SALE, IT HAS BEEN DEVASTATING TO MANY COMMUNITIES WITHIN THE COUNTY AND WITHIN THE CITY OF LOS ANGELES, SO I WOULD NOT SUPPORT ALLOWING SINGLE SALES BELOW 32 OUNCE.

>> COMMISSIONER HELSLEY: ANOTHER CONCERN, AND THAT IS, WE DON'T HAVE ANYTHING IN HERE ON WINE COOLERS OR THAT TYPE OF THING. SHOULD THAT BE ADDED TO THIS LIST?

>> COMMISSIONER PEDERSEN: THAT'S THE REASON I BROUGHT IT UP, IT DOESN'T REFER TO WINE AT ALL, IT JUST REFERS TO BEER, AND

WHETHER WINE COOLERS WOULD BE EXEMPT FROM -- WOULD BE THE WAY THIS IS WRITTEN, WINE COOLERS WOULD BE EXEMPT FROM 32 OUNCE. I DIDN'T KNOW IF THAT WAS THE -- WHAT YOUR RATIONAL WAS WHEN YOU PUT THESE CONDITIONS TOGETHER.

>> MS. SIEMERS: THAT WAS AN UNINTENDED OMISSION, SO IF YOU GUYS WOULD LIKE TO ADD WINE COOLERS, THAT IS SOMETHING WE CAN DO.

>> COMMISSIONER MODUGNO: I WOULD SUGGEST WE HAVE IT TO ANY ALCOHOLIC BEVERAGE OF SIZES LESS THAN -- AND RATHER THAN 32 OUNCE, I THINK BECAUSE THERE ARE FOREIGN ENTITIES, I WOULD USE THE LITER BOTTLE AND I THINK A LITER IS EQUIVALENT TO ABOUT 28 OUNCES. IS WHAT? IT'S 22? BECAUSE THAT'S THE SIZE THAT MOST -- WHAT'S COME IN, OKAY.

>> MS. SIEMERS: SO, EXCUSE ME, COMMISSIONERS, SO TO SUMMARIZE, THE CONDITION SHOULD BE CHANGED TO NOT ALLOW ANY ALCOHOLIC BEVERAGES UNDER 22 OUNCES? ONE LITER, OKAY.

>> COMMISSIONER MODUGNO: AND COUNTY COUNSEL, THAT WOULD BE CONSISTENT WITH WHAT WE'VE DONE TO YOUR KNOWLEDGE ELSEWHERE WHERE GASOLINE HAS BEEN SOLD?

>> AGAIN, I CAN'T SPECIFICALLY RECALL WHAT WAS DONE ON PROJECTS WHERE THERE IS GASOLINE SALES, BUT I DO KNOW THAT THERE HAS BEEN AN INTEREST IN THE COMMISSION TO ALLOW FOR SMALLER THAN 32 OUNCES ON OTHER TYPES OF PROJECTS WHERE THERE'S AN UNDERSTANDING THAT THERE ARE SPECIALTY OR IMPORTED ALCOHOLIC BEVERAGES THAT COME IN SMALLER THAN 32 OUNCE SIZES, SO THAT HAS HAPPENED IN THE PAST ON PROJECTS AND I KNOW THAT 22 OUNCES HAS BEEN USED AT LEAST ONCE OR TWICE BEFORE BY THIS COMMISSION ON PROJECTS.

>> COMMISSIONER MODUGNO: DID WE ALSO TIE THAT, THAT THEY PURCHASED -- THAT THE STORE ITSELF PURCHASES IT -- THAT THEY CAN PURCHASE IT IN SINGLE ACTIVITY, SO INSTEAD OF PACKAGED, THEY'RE NOT BREAKING PACKAGES.

>> YES, ANY TIME THE COMMISSION HAS GONE BELOW 32 OUNCES, IT HAS BEEN WITH THE CONDITION THAT THAT BE HOW THE MANUFACTURER INTENDS IT TO BE SOLD SO THAT IT'S SOMETHING THAT'S NOT BEING BROKEN UP BY THE MANUFACTURED PREPACKAGED QUANTITIES.

>> COMMISSIONER MODUGNO: I WOULD LIKE THAT TO BE INCLUDED IN THE LANGUAGE AS WELL.

>> MS. SIEMERS: UNDERSTOOD.

>> IT WOULD ALSO TAKE CARE OF THE WINE COOLER IF THEY HAVE SOLD IN THE PACKAGES THAT'S PROVIDED BY THE MANUFACTURER, THAT WOULD PREVENT ANY WINE COOLER SALES OF LESS THAN --

>> VICE-CHAIR VALADEZ: AND JUST AS CLARIFICATION AS SOMEONE WHO'S HAD NUMEROUS APPLICATIONS FOR ALCOHOL WITH ACTUAL MOTOR VEHICLES AND GAS, ETC., BEING THERE, WE HAVE NOT GONE BELOW THIS LIMIT THAT WE'RE TALKING ABOUT RIGHT NOW, THE CHAIR INDICATED WE FEEL IT'S AN ISSUE TO HAVE THAT ABILITY FOR SOMETHING AS LOW AS 16 OUNCES TO BE USED TO BE IN A CAR EITHER WITH A PASSENGER OR THE PERSON DRIVING OR DRINKING AS A -- THEY NEED.

>> CHAIR LOUIE: I KNOW THE EXPANSION IS PROPOSED . DO YOU INTEND TO HAVE 1500 SQUARE FEET AS AN OFFICE?

>> THAT COULD BE FURTHER EXPANSION SPACE, BUT FOR NOW, IT'S INTENDED TO BE AN OFFICE.

>> CHAIR LOUIE: AND IF THERE IS AN EXPANSION TO BE USED FOR ALCOHOL SPACE, WOULD THAT BE A RECURRENCE BEFORE US?

>> MS. SIEMERS: YES, IT WOULD.

>> CHAIR LOUIE: THANK YOU. NO OTHER QUESTIONS OF THE APPLICANT.
THANK YOU VERY MUCH. NO PUBLIC COMMENTS. SO, WE ARE AT -- ANY
QUESTIONS OF THE STAFF?

>> COMMISSIONER MODUGNO: MR. CHAIRMAN, I WAS SORT OF ENJOYED
SOME OF THE PHOTOGRAPHS THAT WE HAD ASSOCIATED WITH IT, ONE HAS
TWO SHERIFF'S CARS SITTING IN THE PARKING LOT, SO I DON'T KNOW
IF THAT'S A GOOD THING OR A BAD THING, THE ONE BELOW IT HAD
REGULAR GAS SELLING AT \$3.05 A GALLON, I THINK THAT'S -- AT THIS
POINT, I'LL MOVE THAT WE CLOSE THE PUBLIC HEARING AND FIND THE
PROJECT EXEMPT FROM THE ENVIRONMENTAL QUALITY ACT.

>> I'LL SECOND IT.

>> MOVED, SECONDED, DISCUSSION? THOSE IN FAVOR?

>> I MOVE THE PLANNING COMMISSION TO CLOSE THE PUBLIC HEARING --
MOVE THE REGIONAL PLANNING COMMISSION, APPROVE CONDITIONAL USE
PERMIT NUMBER 2011000174, WITH ATTACHED CONDITIONS, WITH THE
CHANGE OF ONE CONDITIONS THAT WILL LIMIT ALCOHOL SALES TO
PREPACKAGED CON -- OR PREPACKAGED, THE MANUFACTURER WOULD NOT BE
LESS THAN 1 LITER BOTTLES OR 1 LITER SIZE.

>> MOVED.

>> SECOND.

>> CHAIR LOUIE: MOVED AND SECONDED, DISCUSSION?

>> COMMISSIONER HELSLEY: COMMENT.

>> CHAIR LOUIE: YES?

>> COMMISSIONER HELSLEY: ONE OF THE THINGS IN RELATION TO WHEN WAS THE SHERIFF'S PICTURE TAKEN, YOU KNOW IT WAS \$3.05 GAS, THAT WAS A WHILE BACK, BUT I WOULD HAVE A LITTLE CONCERN IN THAT YOU CAN GET WINE COOLERS IN A FOUR PACK THAT IS PROBABLY SMALLER THAN WHAT YOU WERE TALKING ABOUT IN LIMITATION, BUT THAT'S THE WAY THEY COME, IN A PICNIC PACK TYPE OF THING.

>> CHAIR LOUIE: THANK YOU, NO FURTHER DISCUSSION. MOVED, SECONDED, THOSE IN FAVOR?

>> AYE.

>> CHAIR LOUIE: AYE. OPPOSED? THANK YOU.

>> THE LAST DAY TO APPEAL WOULD BE MARCH 20TH.

>> CHAIR LOUIE: NEXT ITEM IS ITEM 8, PROJECT NUMBER R201200691, MR. SEAWARDS?

>> MR. SEAWARDS: GOOD MORNING, MEMBERS OF THE COMMISSION, MY NAME IS TRAVIS SEAWARDS AND I'M A REGIONAL PLANNER IN THE ZONING PERMIT'S WEST SECTION. THE APPLICANTS ARE MICHAEL AND SUSAN MESSINA, THEY ARE REQUESTING A CONDITIONAL USE PERMIT TO OPERATE A PRIVATE VINEYARD ON THE RESIDENTIAL PROPERTY WHICH IS LOCATED ON AN R-1 2 ZONE IN THE UNINCORPORATED SANTA MONICA AREA NORTH AREA, THE SUBJECT PARCEL IS APPROXIMATELY 1.93 ACRES AND IS DEVELOPED IN A SINGLE FAMILY RESIDENCE IN THE VALLEY ESTATES. THE VINEYARD COVERS APPROXIMATELY 30 THOUSAND 312 SQUARE FEET OF THE TOTAL LOT AND IT'S LOCATED IN TWO AREAS ON THE SUBJECT PROPERTY AS SEEN ON THE SITE PLAN ON THE RIGHT SCREEN AND I DID PROVIDE AN AERIAL FOR YOU ON THE LEFT SCREEN AS WELL. SO, THE AREAS THAT ARE HIGHLIGHTED IN YELLOW ON THE RIGHT SCREEN ARE THE VINEYARD. OKAY. THE VINEYARD WAS PLANTED IN 2005 WITHOUT A CUP AND A NOTICE OF VIOLATION WAS ISSUED ON DECEMBER 6, 2011. SINCE THE NOTICE OF VIOLATION, THE APPLICANTS HAVE CEASED USE OF THE VINEYARD ON THEIR SITE. THERE IS NO WINERY OR TASTING ROOM ON THE PROPERTY ACCORDING TO THE APPLICANTS, THE WINE PRODUCED BY THEIR VINEYARD IS FOR PERSONAL CONSUMPTION ONLY. THE APPLICANTS STATE THERE'S NO RETAIL SALE OF THIS WINE, ADDITIONALLY, NO PRODUCTION

OF WINE OCCURS ON THE SUBJECT PROPERTY. THE GRAPES ARE HARVESTED ONLY ONCE A YEAR BY HAND, LOADED ON A TRUCK AND TRANSPORTED TO VENTURA COUNTY, THEY ARE PROCESSED INTO WINE AND BOTTLED, THE WINE BOTTLES ARE SHIPPED TO A FACILITY IN OXFORD WHERE THEY ARE STORED FOR THE OWNERS. IN THE PAST, THE APPLICANTS STATE THEY HAVE UTILIZED THE APPLICATION OF PESTICIDES, INSECTICIDES AND OTHER CHEMICALS TO CONTROL INSECTS AND WEEDS IN THE VINEYARD, FOR THESE PROCEDURES, THE APPLICANTS HAVE BEEN USING A PERMITTED COMPANY THAT WAS APPROPRIATELY LICENSED BY THE COUNTY DEPARTMENT OF AGRICULTURAL COMMISSIONER, WEIGHTS AND MEASURES, ACCORDING TO THE COMMISSIONER'S OFFICE, THE APPLICANTS DID ACQUIRE ALL OF THE APPROPRIATE PERMITS FOR THE USE OF THE CHEMICALS ON THEIR PROPERTY UPON APPLYING FOR THEIR CONDITIONAL USE PERMIT, THE APPLICANTS AGREED TO A CONDITION OF APPROVAL THAT THEY WILL NOT SPRAY PESTICIDES OR USE OTHER HAZARDOUS CHEMICALS ON THE VINEYARD AND THE ACT COMMISSION HAS SUBSEQUENTLY VERIFIED THEY HAVE WITHDRAWN THEIR PERMIT FROM THEIR DEPARTMENT WERE THE USE OF CHEMICALS ON THEIR PROPERTY. AS SUCH, THE PROJECT DESCRIPTION BEFORE US IS AN APPLICATION FOR A PERSONAL ORGANIC VINEYARD ON A RESIDENTIALLY ZONED PROPERTY. THE SUBJECT PROPERTY IS ADJACENT TO AN Ag ZONE TO THE SOUTH, IF WE COULD PULL THAT UP ON THE LEFT SCREEN IT IS SURROUNDED BY RESIDENTIAL HOMES TO THE NORTH, EAST AND WEST. THE PROJECT SITE IS DESIGNATED RURAL RESIDENTIAL 2 IN THE SANTA MONICA AREA MOUNTAINS NORTH PLAN WHICH IS INTENDED FOR

LOW DENSITY RURAL SINGLE FAMILY RESIDENCES, HOWEVER, AGRICULTURE IS LISTED AS A PERMITTED USE UNDER THIS LAND USE CLASSIFICATION. AN INITIAL STUDY WAS COMPLETED FOR THE PROJECT AND A PERSONALLY ORGANICALLY GROWN VINEYARD THAT IS PROCESSED BY HAND AND UTILIZES ONLY ONE TRUCK TRIPPER HARVEST WAS NOT FOUND TO HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT. THEREFORE, BASED ON THIS ANALYSIS, STAFF RECOMMENDS APPROVAL OF THE PROJECT AND HAS ATTACHED SPECIFIC CONDITIONS OF APPROVAL THAT STATE THAT NO CHEMICALS WILL BE USED ON THE VINEYARD, NO HEAVY AGRICULTURAL MACHINERY WILL BE USED ON THE VINEYARD AND THAT THE WINE PRODUCED FROM THE VINEYARD IS FOR PERSONAL USE ONLY. SINCE THE PROJECT WAS NOTICED FOR PUBLIC HEARING, A LARGE NUMBER OF RESIDENTS IN THE NEIGHBORHOOD HAVE WRITTEN TO STATE THAT THEY OPPOSE THE PROJECT. IN SUMMARY, MANY RESIDENTS DISAPPROVE OF THE VINEYARD IN THEIR NEIGHBORHOOD AND HAVE SERIOUS CONCERNS ABOUT THE PAST USE OF CHEMICALS ON THE SITE, MANY RESIDENTS HAVE WRITTEN LETTERS THAT ATTRIBUTES SERIOUS ILLNESSES AND DISEASES TO THE INSTALLATION OF THE VINEYARD AND THE USE OF CHEMICALS TO TREAT THE VINEYARD. ALL THE COMMUNITY LETTERS HAVE BEEN FORWARDED TO YOUR COMMISSION, OTHER ISSUES THAT WERE RAISED BY THE RESIDENTS INCLUDE CONCERNED ABOUT POSSIBLE DRINKING WATER CONTAMINATION AND CONCERNS THAT THE VINEYARD IS BEING USED FOR COMMERCIAL PURPOSES AND FOR THE RETAIL SALE OF WINE PRODUCED BY THE SUBJECT PROPERTY. FOR

EXAMPLE, RESIDENTS PROVIDED RECEIPTS OF THE WINE THAT THEY BOUGHT AT A WINE SHOP IN RECENT WEEKS. FINALLY, THE HOMEOWNER'S ASSOCIATION THAT GOVERNS THE NEIGHBORHOOD HAD INITIALLY APPROVED THE INSTALLATION OF THE VINEYARD IN 2005, THEY HAVE STATED THE APPLICANT HAS NOT MADE ANY AGREEMENTS AND THE HOA HAS SUDDENLY SUBSEQUENTLY REVOKED THEIR PERMISSION TO HAVE A VINEYARD. I'M PROVIDED SOME PICTURES FROM YOU ON THE RIGHT SCREEN AND THAT CONCLUDES MY PRESENTATION.

>> CHAIR LOUIE: THANK YOU VERY MUCH, QUESTIONS? MR. HELSLEY?

>> COMMISSIONER HELSLEY: MR. CHAIRMAN, CAN YOU RELATE TO THE LAST COUPLE OF STATEMENTS YOU MADE, THE HOMEOWNER'S ASSOCIATION MADE WHAT COMMENT?

>> MR. SEAWARDS: THEY MADE A COMMENT THAT THEY DID INITIALLY APPROVE THE VINEYARD IN 2005, THEY STATED THE APPLICANT HAS NOT MADE ANY FORMAL AGREEMENTS WITH THE HOA TO STOP THE USE OF CHEMICALS ON THE VINEYARD AND THAT THE HOA IS SUBSEQUENTLY TRYING TO REVOKE THEIR APPROVAL OF THE VINEYARD.

>> COMMISSIONER HELSLEY: OKAY, TRYING TO REVOKE.

>> MR. SEAWARDS: YES, OKAY.

>> COMMISSIONER HELSLEY: THE CONCERN OF LOT SIZE, YOU INDICATE THAT IT'S WITHIN THE BOUNDARY OF ACCEPTABLE POSITION, IT'S 1.9 ACRES BUT IN ORDER TO HAVE IT ACCORDING TO THE NORTH AREA PLAN, ISN'T IT 2 ACRES?

>> MR. SEAWARDS: THE ZONE IS R-1 2 SO IT'S SUPPOSED TO BE A TWO ACRE MINIMUM, ALL OF THESE PARCELS WERE CREATED THROUGH A SUBDIVISION I THINK IN THE 1970'S, SO WE USUALLY ALLOW THAT TO GO THROUGH.

>> COMMISSIONER HELSLEY: SO, YOU'RE KIND OF SAYING THAT EVEN IF I HAVE A 1 ACRE PARCEL THERE, THAT I COULD PUT A VINEYARD ON THAT?

>> MR. SEAWARDS: I DON'T THINK WE'RE EQUATING THE SIZE OF THE PARCEL, WHETHER THEY'RE ALLOWED TO HAVE A VINEYARD IN AN R-1 ZONE, YOU'RE ALLOWED TO HAVE A CROP WITH A CUP, SO NO MATTER WHAT SIZE THE PARCEL IS.

>> COMMISSIONER HELSLEY: OKAY.

>> MR. SEAWARDS: IS THAT ANSWERING YOUR QUESTION?

>> COMMISSIONER HELSLEY: AND THAT IS ACCEPTABLE TO THE NORTH AREA PLAN?

>> MR. SEAWARDS: THE NORTH AREA PLAN FOR THE LAND USE DESIGNATION, IT DOES LIST AGRICULTURE AS ONE OF THE OTHER PERMITTED USES ALONG WITH SINGLE FAMILY RESIDENCES, YES.

>> COMMISSIONER HELSLEY: OKAY.

>> CHAIR LOUIE: THANK YOU.

>> COMMISSIONER MODUGNO: MR. CHAIRMAN, I WOULD LIKE PERHAPS COUNTY COUNSEL TO STEER US ON THIS. MY QUESTION IS OUR JURISDICTIONAL AUTHORITY, AND IF THERE'S A HOMEOWNER'S ASSOCIATION AND IF THERE ARE CCNR'S GOVERNING THAT HOMEOWNER'S ASSOCIATION AND THAT HOMEOWNER'S ASSOCIATION, WHETHER A CCNR IS ALLOWED FOR THIS AT ONE POINT IN TIME, IF THE CCNR'S HAD NOT BEEN AMENDED BY THE HOMEOWNER'S ASSOCIATION HAS REPRESENTED TO US THAT THEY'RE MOVING IN A DIRECTION OF CHANGING THOSE , WE HAVE HOMEOWNER'S ASSOCIATIONS ALL OVER THE COUNTY, WHERE THOSE CCNR'S THAT GO THROUGH STATE APPROVAL, ETC., TYPICALLY THEY GOVERN WHAT'S IN IT, JUST LIKE WE WOULD HAVE, YOU KNOW, SPECIFIC DISTRICTS THAT WE'VE SET UP, THAT WE HAVE SOME OVERLAYS, AND I'M CONCERNED OF WHAT IS OUR JURISDICTION OF PIERCING IN TO THAT AND

EITHER OVERRIDING THE INTENT OF THE CCNR'S, AND, AGAIN, I THINK WHERE COMMISSIONER HELSLEY WAS HEADING WITH THIS, IF AGRICULTURE TYPE OF USE IS AVAILABLE ON A 2 ACRE OR GREATER PARCEL AND BECAUSE THE SUBDIVISION PROBABLY TOOK A LARGE PORTION OF LAND, BROKE IT UP AND CLUSTERED AND CAME UP WITH LESS THAN 2 ACRE PARCELS, IS THE FACT THAT THERE IS OPEN SPACE THAT PROBABLY STAYS UNDER THE OWNERSHIP OF THE HOMEOWNER'S ASSOCIATION THAT MAKES UP THAT DEFICIT OF WHERE THIS IS NOT ALLOWING -- IT DOESN'T HAVE THE 2 ACRES, I SEE SOME SORT OF LEGAL ISSUES HERE, AND I'D LIKE SOME GUIDANCE BEFORE WE REALLY START GETTING TOO DEEPLY INTO THIS CASE BECAUSE QUITE FRANKLY, I'M CONCERNED THAT WE MIGHT HAVE EVERY HOMEOWNER'S ASSOCIATION IN THE COUNTY POTENTIALLY COMING BACK TO US AND SAYING, WELL, GEE, WE WERE -- BECAUSE I KNOW WHERE I LIVE, THERE WERE 271 ACRES, THERE'S 271 HOMES, MY LOT IS PROBABLY LESS THAN 7 THOUSAND SQUARE FEET BECAUSE THEY CLUSTERED THE HOUSES IN LESS THAN 100 ACRES AND KEPT A LOT OF OPEN SPACE, AND YET I WOULD NOT WANT THAT HOMEOWNER'S ASSOCIATION START GETTING -- YOU KNOW, FINDING, WELL, WE WANT TO COME BACK AND START MAKING SOME CHANGES BECAUSE WE HAVE THIS 170 ACRES OF OPEN SPACE AND WE WANT TO NOW RESUBDIVIDE THIS, SO THERE'S ALL SORT OF THINGS THAT CAN START OCCURRING AND I'M A LITTLE BIT NERVOUS OF US GETTING, AGAIN, DEEPLY INTO THIS AND IF YOU CAN'T ANSWER THE QUESTIONS, I WOULD ALMOST PREFER TO SEE US CONTINUE THIS UNTIL WE GET SOME

REAL CLEAR DIRECTION ON THE CASE OF AN AGRICULTURAL PROPERTY THAT OUR COUNTY PLANS SAY IT HAS TO BE A 2 ACRE LOT OR MORE, AND WE'VE GOT SOME ACTIONS WHERE YOU'VE GOT JURISDICTION HERE IN TERMS OF AN HOA AND CCNR'S THAT WOULD BE VERY MUCH LIKE ANY ONE OF THE SPECIFIC PLANS THAT WE HAD SET UP THAT WE HAVE TO RELY UPON BECAUSE WE'RE JUST SORT OF JUMPING AROUND. SO, I JUST WANT TO COMMENT ON THAT.

>> I THINK A COUPLE OF THINGS TO POINT OUT, ONE, REGARDING YOUR QUESTION ABOUT THE INTERACTION OF THE COUNTY AUTHORIZING A PROJECT ON PROPERTY THAT THE CCNR'S FOR PARTICULAR HOMEOWNER'S ASSOCIATION MIGHT HAVE OTHER REGULATIONS, IN THE PAST WHEN THE COMMISSION HAS BEEN FACED WITH A SIMILAR ISSUE, WHAT THE COMMISSION HAS DONE AND WHAT THE COUNTY JURISDICTION ALLOWS FOR IS THIS COMMISSION TO AUTHORIZE A PROJECT PURSUANT TO OUR ZONING CODE WITH THE RECOGNITION THAT THAT DOES NOT IN ANY WAY AFFECT THE PROPERTY OWNER'S OBLIGATIONS UNDER THE CCNR'S WHICH THEY HAVE AGREED TO, SO THE COUNTY CODE MAY ALLOW FOR MORE USES THAN THE CCNR'S ALLOW FOR BECAUSE THE CCNR'S ACT AS A PRIVATE CONTRACT WHERE THE PROPERTY OWNERS GET TOGETHER AND FURTHER RESTRICT THEIR RIGHTS IF THEY SO CHOOSE, SO THIS COMMISSION COULD AUTHORIZE A USE BUT IT WOULD BE SUBJECT TO THE PROPERTY OWNER THEN GETTING WHATEVER APPROVALS ARE NECESSARY UNDER THE CCNR'S AT WHATEVER POINT IN TIME THEY NEED TO FROM THEIR

HOMEOWNER'S ASSOCIATION, SO THE COMMISSION'S ACTIONS WOULD NOT -
- ACTUALLY, WOULD NOT NEGATE THE PROPERTY OWNER'S OBLIGATION TO
ALSO COMPLY WITH THEIR CCNR'S. REGARDING THE LOT SIZE, THESE
PRINTS WERE SUBDIVIDED BEFORE THE NORTH AREA PLAN WENT INTO
PLACE SO THERE IS A SECTION OF THE ZONING CODE THAT EXPLAINS
WHEN PROPERTIES ARE ESTABLISHED WITH A CERTAIN LOT SIZE PRIOR TO
THE COUNTY CODE SETTING A MINIMUM REQUIRED AREA, IT'S A
COMPLICATED SECTION, THERE ARE ABOUT 8 DIFFERENT WAYS TO
ESTABLISH THE "REQUIRED AREA" FOR A LOT, BUT ONE OF THEM IS TO
HAVE THAT LOT ESTABLISHED BY A SUBDIVISION PRIOR TO THE COUNTY
CODE MINIMUM LOT SIZE REQUIREMENT COMING INTO PLACE, SO AS MR.
SEAWARDS WAS MENTIONING, THIS LOT WAS ESTABLISHED LEGALLY AT THE
SIZE THAT IT IS TODAY, AND IS CONSIDERED TO HAVE THE REQUIRED
AREA IN THE ZONE TO ALLOW FOR WHATEVER USES ARE ALLOWED UNDER
THAT ZONING PURSUANT TO WHATEVER PROCESS APPLIES AND HERE THAT
WOULD BE A CONDITIONAL USE PERMIT FOR AN AGRICULTURAL USE ON
THAT PROPERTY SO THE SHORT ANSWER IS THE LOT HAS THE REQUIRED
AREA TO BE ALLOWED TO PROCEED WITH AN APPLICATION FOR A
CONDITIONAL USE PERMIT AT THIS TIME.

>> COMMISSIONER MODUGNO: CAN YOU TELL ME WHAT MAKES THIS AN
AGRICULTURAL USE VERSUS LANDSCAPING? BECAUSE WHAT IF I PLANT 50
BLUEBERRY BUSHES OR HAVE 80 ROSE BUSHES AND I HAVE A HUGE -- OR
SEVERAL FRUIT TREES AND I PRIVATELY PICK WHATEVER IT IS, FLOWERS

THAT I DISTRIBUTE, BLUEBERRIES THAT I PICK AND DISTRIBUTE,
RASPBERRIES I PICK AND DISTRIBUTE, I GIVE AWAY TO FRIEND, I HAVE
A LOT OF FRUIT TREES AND I PICK THE FRUIT FROM THE TREES AND I
PUT IT IN MY CAR OR A TRUCK COMES BY AND I GIVE IT TO SOMEBODY
AND IT GOES OFF-SITE, AT THIS POINT, IT'S A LOT OF GRAPEVINES
THAT YOU'RE PICKING GRAPES AND YOU'RE SENDING THE GRAPES SOME
PLACE ELSE, IT'S NOT AS IF YOU'RE SELLING, YOU'VE GOT A STAND
THAT YOU'RE SELLING SOMETHING ON-SITE, THAT YOU'RE CRUSHING
GRAPES ON-SITE, THAT YOU'RE MAKING WINE ON-SITE. WHAT'S MAKING
THIS AGRICULTURAL THAT ARISES THE CUP VERSUS A NORMAL SORT OF -
- I HAVE A LOT MORE GRAPEVINES, MY MOTHER HAS GRAPEVINES AT HER
HOUSE THAT WE PICK THE GRAPES AND ALONG WITH THE POMEGRANATES
AND THINGS, WE'VE DONE THAT, SHE'S BEEN ON THAT PROPERTY FOR
60-SOME YEARS, WE MAKE GRAPE JUICE AND MAKE GRAPE JELLY AND DO A
NUMBER OF THINGS AND WE GIVE IT TO FAMILY AND FRIENDS, A COUSIN
OF MINE HAS 8 ACRES OF LAND AND HE'S GOT A BUNCH OF GRAPEVINES
AND THEY CRUSH THE GRAPES AND THEY SEND THEM OFF TO CAL STATE
NORTHRIDGE AND SOMEBODY MAKES SOME WINE AND THEY PICK UP THE
WINE AND BRING IT BACK AND GIVE IT TO FRIENDS. I WANT TO KNOW,
IS IT THE NUMBER OF GRAPEVINES THAT PASSES THE THRESHOLD?
BECAUSE, AGAIN, I SEE PEOPLE WHO ARE NUT JOBS WITH ROSES, WE
HAVE HUNDREDS OF ROSE BUSHES AND THEY PICK THE ROSES AND THEY --
I DON'T KNOW IF THOSE END UP IN FLOWER SHOPS OR THEY GIVE THEM
AWAY BUT THEY'RE NOT SELLING THEM ON PROPERTY IT'S AT A CERTAIN

POINT OF TIME, A LOT OF ROSES COME OUT AND THEY'RE PICKING, SO I GUESS I'M CURIOUS AS TO WHY THIS HAS GOTTEN TO US WHEN QUITE FRANKLY I DON'T SEE A COMMERCIAL APPLICATION. I'M NOT SURE IT'S AGRICULTURE VERSUS PRIVATE USE OF SPACE.

>> THERE IS A SPECIFIC PROVISION IN THE R-1 ZONE SECTION OF OUR ZONING CODE THAT CALLS OUT THE NEED FOR CONDITIONAL USE PERMIT FOR CROPS, FIELD, TREE, BUSH, BERRY AND ROW INCLUDING NURSERY STOCK AND IT WAS DETERMINED THAT THESE GRAPEVINES WOULD FALL UNDER THAT DEFINITION, SO IT'S SPECIFICALLY BECAUSE OF THE WAY THAT THE R-1 ZONING CODE IS WRITTEN, AND THERE IS LANDSCAPING ON THE PROPERTY THESE ARE NOT WITHIN ANY OF THE REQUIRED SETBACK AREAS WHERE THERE WOULD BE THE TRADITIONAL TYPICAL LANDSCAPING FOR RESIDENTIAL PROPERTY SO THIS WAS DETERMINED TO BE SOMETHING THAT IS OUTSIDE OF THE SCOPE OF SOMETHING TYPICAL FOR A RESIDENTIAL USE AND FALLS UNDER THE SPECIFIC LINE ITEM IN THE CUP SECTION OF OUR ZONING CODE.

>> COMMISSIONER PEDERSEN: SO, DOES THE IDEA OF FOR COMMERCIAL USE OR PRIVATE USE, DOES THAT FALL -- AT ALL IN THAT SAME ORDINANCE, WHERE DOES THAT COME FROM?

>> THE SECTION OF OUR CODE THAT TALKS ABOUT NEEDING A CUP FOR THE TYPE OF CROP HERE DOES NOT ACTUALLY SPECIFY WHETHER IT'S

COMMERCIAL OR PRIVATE USE BUT IF YOU INTRODUCE A COMMERCIAL ASPECT TO THE ACTIVITY ON A RESIDENTIALLY ZONED PROPERTY THERE MAY BE OTHER SECTIONS OF OUR CODE THAT ARE TRIGGERED, LIKE HOME BASED OCCUPATIONS OR WHETHER QUESTIONS THAT IT CONVERTS THE RESIDENTIAL USE TO A COMMERCIAL USE, SO THE ASPECT OF IT BEING PRIVATE AND MENTIONING THAT IT'S FOR PRIVATE USE TAKES AWAY THE QUESTIONS ABOUT WHETHER OR NOT THERE IS SOMETHING ELSE GOING ON IN THE PROPERTY THAT TRIGGERS OTHER REQUIREMENTS.

>> COMMISSIONER PEDERSEN: AND AS TO THE CCNR'S YOU WERE TALKING ABOUT, YOU'RE SAYING THAT'S A PRIVATE CONTRACT?

>> CORRECT.

>> COMMISSIONER PEDERSEN: SO, THAT CAN BE WAIVED IF THEY DESIRE, THE INDIVIDUAL CAN WAIVE THE RIGHTS UNDER THE PRIVATE CONTRACT?

>> IT IS A PRIVATE CONTRACT THAT THE COUNTY'S NOT A PARTY TO SO IT WOULD BE UP TO THE PROPERTY OWNER TO WORK WITH THE HOMEOWNER'S ASSOCIATION TO SEE WHAT IS PROPER THERE.

>> COMMISSIONER MODUGNO: WHAT PREVENTS THIS PERSON OR ANY PERSON IN THE COUNTY FROM PLANTING A VEGETABLE GARDEN AND WHEN

DOES IT SUDDENLY GET FROM THE POINT THAT I'VE GOT THREE CORN STOCKS THAT I PUT IN 50 CORN STOCKS, THAT I'VE GOT ONE LITTLE PLANTING BOX OF CARROTS TO I'VE GOT A LOT OF CARROTS? IS THERE SOME THRESHOLD THAT WE'VE DESIGNATED, BECAUSE WHAT IF THE APPLICANT COMES BACK AND SAYS, I DON'T WANT TO DEAL WITH YOU OR THE HOMEOWNER'S ASSOCIATION, I'M GOING TO TAKE OUT 20 OF MY PLANTS, DOES THAT CHANGE THE DIMENSION? BECAUSE WE'RE DEALING -- I SEE THIS AS A VERY GRAY SORT OF AREA AND WE'RE TRYING TO ENCOURAGE PEOPLE TO BE MORE ORGANIC, TO GROW GARDENS, TO BE MORE LOCAL, TO CUT DOWN ON HAVING TO TRANSPORT FOOD FROM CHILE OR WHEREVER WE'RE BRINGING IT IN AND DOING SOME PIECES OF -- WHAT IS THAT THRESHOLD? I'M CONCERNED ABOUT THE SLIPPERY SLOPE THAT WE MAY BE ON WITH THIS AND WHAT IS IT THAT ROSE IT TO THE OCCASION OF SOME HOBBY IN SOMEBODY'S YARD THAT IT TAKES IT BEYOND? IS IT THE NUMBER OF GRAPEVINES, IS IT THE PROTESTS WHICH HAVE BEEN MOUNTED? IS IT THE FACT THAT A TRUCK IS COMING AND PICKING UP THE GRAPES? IS IT THE INCONVENIENCE OF THE HARVEST? WHAT IS IT THAT'S -- I HEARD YOU READ THROUGH THE PIECE, BUT AS YOU READ THROUGH THAT, THAT COULD STOP A WHOLE LOT OF PEOPLE DOING WHATEVER THEY'RE DOING IN THEIR BACKYARD.

>> I THINK YOU RAISE A FAIR POINT. ON THIS PROJECT, THE SCALE OF THE OPERATIONS IS LARGE ENOUGH AND THE PROJECT WAS PRESENTED TO THE PLANNING DEPARTMENT AS A VINEYARD, THAT IT WENT BEYOND THE

SCOPE OF WHAT WOULD BE CONSIDERED TO BE AN ANCILLARY USE TO A SINGLE FAMILY RESIDENCE WHICH IS WHAT YOUR STANDARD VEGETABLE GARDEN WOULD BE. I THINK IT'S A FAIR POINT TO RAISE THAT THE DEPARTMENT CAN LOOK INTO IN MORE DETAIL TO FIGURE OUT AT WHAT POINT THAT THRESHOLD IS MET, BUT I THINK ON THIS PROJECT, THE SCALE WAS LARGE ENOUGH THAT IT PASSED ANY REASONABLE THRESHOLD TO CALL IT AN ACCESSORY OR ANCILLARY USE TO A RESIDENTIAL PROPERTY.

>> COMMISSIONER MODUGNO: I WOULD SUGGEST THAT PERHAPS WE DO DO A LITTLE INVESTIGATION AND LOOK AT IT AND MAYBE THAT THRESHOLD IS THE PERCENTAGE OF THE PROPERTY THE LAND ITSELF THAT'S BEING USED FOR THIS SO THAT PEOPLE DON'T RIP OFF FRONT LAWNS AND PUT IN VEGETABLE GARDENS, OR MAYBE IT NEEDS TO BE SOME SCREEN THERE, AGAIN, I JUST FIND US GETTING INTO A VERY, VERY BROAD, OPEN AREA THAT A LOT OF PEOPLE DON'T LIKE WHAT THEIR NEIGHBOR IS DOING AND CAN COME FORWARD AND SAY THAT'S IN VIOLATION OF A ZONING ORDINANCE OR WHATEVER ELSE IT MAY BE.

>> CHAIR LOUIE: THANK YOU. THANK YOU. SO, YOU'RE SUGGESTING THAT WE CONTINUE THE MATTER?

>> COMMISSIONER MODUGNO: I'M JUST ONE PERSON. THERE'S FOUR OF YOU.

>> CHAIR LOUIE: I APPRECIATE THAT. WHY DON'T WE HAVE THE APPLICANT PRESENT AND MAKE A DECISION AS FAR AS DIRECTION AFTER THAT AS WELL AS TAKING IN THE PUBLIC COMMENT, SO IF THE APPLICANT COULD STEP FORWARD.

>> COMMISSIONERS, FOR YOUR INFORMATION, WE HAVE A TOTAL OF 33 SPEAKERS THAT ARE SIGNED UP FOR THIS ITEM, FIVE OF THEM ARE FROM THE APPLICANT'S TEAM, THE REMAINDER ARE EITHER UNDECLARED OR IN OPPOSITION TO THE REQUEST.

>> CHAIR LOUIE: OKAY, I'M GOING USE MY PREROGATIVE AND TAKE A 10 MINUTE RECESS HERE PRIOR TO YOUR PRESENTATION. OKAY? THANK YOU. (MEETING IS IN RECESS FOR 10 MINUTES, MEETING WILL RESUME AT 10:28).

>> CHAIR LOUIE: THE APPLICANT'S NOW GOING TO HAVE A 15 MINUTE PERIOD OF TIME IN WHICH TO STATE YOUR CASE. YOUR TIME WILL BEGIN WHEN YOU STATE YOUR NAME, YOU'LL HAVE 15 MINUTES AND YOU CAN BEGIN NOW.

>> MR. CHAIRMAN, HONORABLE COMMISSIONERS, MY NAME IS TIM RILEY, I'M REPRESENTING THE APPLICANTS, MICHAEL AND SUSAN MESSINA, APPLICANTS OF THE PROPERTY IN QUESTION. I APPRECIATE ALL THE

THOUGHTFUL COMMENTARY AND QUESTIONS THAT CAME FROM THE COMMISSIONERS AT THE BEGINNING OF THIS MEETING AND IN PARTICULAR, I THINK COMMISSIONER MODUGNO ASKED SOME PERTINENT QUESTIONS ABOUT AGRICULTURAL USE ON PRIVATE PROPERTY AND HOW DO YOU DISTINGUISH THAT FROM, YOU KNOW, COMMERCIAL USE AND ONE THING TO KEEP IN MIND IS THAT YOU'VE JUST RECENTLY ADOPTED THE BOARD OF SUPERVISORS APPROVED THE HEALTHY DESIGN ORDINANCE IN WHICH COMMUNITY GARDENS ARE NOW PERMITTED BY RIGHT IN ALL RESIDENTIAL ZONES, SO I SEE THAT AND I LEAVE THAT TO OTHERS TO DECIDE THAT IT WOULD BE INCONSISTENT WITH YOUR CURRENT ZONING CODE WHICH REQUIRES A CUP FOR CROPS, FIELD, TREE, BUSH, BERRY, WHATEVER, AND QUITE FRANKLY, NONE OF THOSE WORDS ARE PARTICULARLY DEFINED IN THE CODE ITSELF, THERE ARE ALWAYS DEFINITIONS FOR WORDS IN THE CODE BOOK, BUT NOTHING FOR THAT, WHAT WE'RE MOVING IS TOWARDS A TREND NOW TOWARDS MORE ORGANIC FARMING, MORE FARMER'S MARKETS, MORE PEOPLE GROWING THEIR OWN PRODUCE, FRUITS, VEGETABLES AND THE IMPORTANT THING HERE IS THIS IS A PRIVATE VINEYARD, IT IS NOT A COMMERCIAL ENTERPRISE AND WE'LL GET THAT INTO MORE AS WE MAKE OUR PRESENTATION, BUT I WANTED TO GET THAT OUT ON THE OFFSET, THERE ARE -- SOME GOOD QUESTIONS CAME UP AND I THINK THE HEALTHY DESIGN ORDINANCE IS MOVING US IN A DIFFERENT DIRECTION, THIS TRACT WAS DEVELOPED AROUND 1983, IT'S ALL R-1 ZONE LOTS, AS YOU KNOW, THE APPLICANT HAS THE LARGER LOTS IN -- MOST OF THEM ARE ONE ACRE LOTS, THIS

IS A TWO ACRE LOT AND IT'S COMPLETELY SURROUNDED BY A1 ZONING ON ALL SIDES, THE TRACT ITSELF, I THINK IT'S 50 OR 60 HOPES, I'M NOT SURE, THEY BOUGHT THE PROPERTY IN 1994, THEY GOT THE APPROVAL FOR THIS PRIVATE VINEYARD WHICH IS REALLY -- I THINK THE WORD VINEYARD ISN'T QUITE AS ACCURATE, IT'S GROWING OF GRAPES JUST LIKE YOU WOULD GROW BLUEBERRIES OR A TOMATO GARDEN, BE THAT AS IT MAY, THEY GOT APPROVAL FROM THE HOA ON JUNE 16, 2005 AND THE ARCHITECTURAL CONTROL COMMITTEE HAD NO OBJECTION FROM ADJACENT NEIGHBORS AND HER HANDWRITTEN NOTE SAID, AND I QUOTE, THE IMMEDIATE NEIGHBORS WERE NOTIFIED AND DID NOT HAVE ANY OBJECTIONS, THE HOA APPROVAL LETTER OF JULY 15, 2005 NOTES THE BOARD "AGREES YOUR IMPROVEMENTS WILL COMPLIMENT THE NEIGHBORHOOD", SO THE APPLICANT'S PROPERTY IS THE LARGEST LOTS IN THE AREA AND YOU RECEIVED THIS PHOTO EXHIBIT WHICH WILL SHOW YOU THAT AT THE BEGINNING, A LOT OF LANDSCAPED LAND HERE, A LOT OF LAWN TO WATER. IN FACT, WATER USE, THE IMPORTANT ISSUE, WE WANT TO CONSERVE WATER. THIS PARTICULAR VINEYARD HAS CUT DOWN SIGNIFICANTLY ON THE WATER USE. YOU DON'T HAVE TO WATER ALL THIS LAWN, SO GROWING MORE CROPS, MORE BUSHES, VINES, ALL THAT WILL HELP SAVE MORE WATER, SO AS WAS MENTIONED, THIS PARTICULAR VINEYARD IS 36% OF THE SITE AREA, WE FOLLOWED ALL THE SETBACK REQUIREMENTS, THE HARVESTING ONLY OCCURS ONCE A YEAR AND THE ONE TRUCKLOAD COMES IN TO LOAD THE GRAPES SO IT'S A MINIMAL IMPACT AND THERE ARE TRANSPORTS THAT COME IN AND CUSTOM CRUSH IN

VENTURA COUNTY WHERE THEY'RE CRUSHED, PERMITTED, IN VATS OWNED BY THE APPLICANT AND SHIPPED, THEY'RE BOTTLED THERE AND SHIPPED OVER TO MONTAGE VINEYARD IN OXNARD, VINEYARDS, AS ARE SAID MANY TIMES, THIS VINEYARD IS FOR PERSONAL USE ONLY AND THERE'S NO COMMERCIAL ACTIVITY AND THE WINE THAT IS SHIPPED FROM MONTAGE GOES TO FAMILY AND FRIENDS AND VINEYARDS ARE INCREASING IN THE SANTA MONICA MOUNTAINS AND THEY ARE SMALL, PRIVATE OPERATIONS AND HAS BEEN NOTED IN WEBSITES LIKE DAY TRIP, A LOT OF THESE ARE HOBBIES, THEY'RE NOT COMMERCIAL ENTERPRISES, A LOT OF VINEYARDS THAT SPRING UP THROUGHOUT THE SANTA MONICA MOUNTAINS ARE MAYBE TWO ACRE LOTS OR LESS, AND IN THE APPLICATION, I WANT TO ADDRESS THIS NOW AND I KNOW WE HAVE REBUTTAL TIME, THE APPLICANT CEASED USE OF THE VINEYARD PENDING CUP APPROVAL. THE INTENTION WAS TO NOTE SENSATION OF TRADITIONAL VAIN YARD TRADITIONS SUCH AS USE OF PESTICIDES AND PLANNING ANY NEW VINES ON THE PROPERTY. WE DO NOT INTEND TO REMOVE THE VINEYARD OR LET THE VINES DIE, SO NOT WATERING THE VINEYARDS FOR A YEAR OR SO WOULD NOT HAVE BEEN A GOOD IDEA, THEY WOULD HAVE DIED, YOU WOULD HAVE AN UNSIGHTLY APPEARANCE AND A POTENTIAL NUISANCE AS WELL, SO WE WEREN'T GOING TO LET THEM WITHER AND DIE AND I THINK IT'S REASONABLE THAT WE CONTINUE TO WATER DURING THIS PERIOD OF TIME. AS MENTIONED IN THE PRESENTATION BY MR. SEAWARDS AND AT THIS POINT, I WOULD LIKE TO GIVE MY THANKS TO STAFF FOR ALL THE WORK THEY'VE DONE ON THIS PARTICULAR APPLICATION, ANYWAY, PESTICIDES

WERE LAWFULLY APPLIED, WE'VE BEEN INSPECTED SEVERAL TIMES AND WE ARE NOT USING PESTICIDES ANYMORE, WE -- THIS HAS BEEN VERIFIED BY THE AGRICULTURAL COMMISSION'S OFFICE, WE ALSO AGREED AFTER FILING THE APPLICATION AS WELL, BEFORE THE APPLICATION, WE STOPPED SPRAYING AND USING PESTICIDES, AFTER WE FILED, WE CAME TO AN AGREEMENT AND WE PROVIDED A CONDITION TO STAFF THAT WE WOULD STRICTLY PROHIBIT ANY PESTICIDE USE IN THE FUTURE. THE OPPONENTS ALSO MADE A FALSE CLAIM ABOUT BACK FLOW PREVENTION DEVICE, THEY DO EXIST ON THE PROPERTY AND IT'S BEEN TESTED AND CERTIFIED THEY DO EXIST AND THERE ARE TWO OF THEM. AGAIN, A LOT OF THIS -- THE PEOPLE WHO HAVE SUBMITTED COMMENTS SAY THIS IS A COMMERCIAL OPERATION, IT IS NOT, NO WINE IS PRODUCED ON THE SITE, NO WINE OCCURS ON THE SITE, THIS OCCURS ELSEWHERE, THEY SUBMITTED EXHIBITS OF A WEBSITE AND I WILL POINT TO THE FACT THAT IF YOU WENT TO THAT WEBSITE, ONE, YOU COULD NOT CLICK AND ORDER ANY WINES BECAUSE IT WAS A DUMMY MOCK UP, AND TWO, THERE WERE FICTIONAL ADDRESSES ON THAT WEBSITE, IT WAS ONLY TO CREATE A LOOK AND IT WENT NO FURTHER. THE PROPERTY IS LOCATED IN THE SANTA MONICA NORTH AREA PLAN, THE LAND USE CATEGORY IS RURAL RESIDENTIAL AND I THINK AS YOU ALREADY HEARD, RURAL RESIDENTIAL IS TO PROVIDE LOW DENSITY SINGLE FAMILY DETACHED HOUSING CONSISTENT WITH THE PLAN'S DEFINITION OF RURAL AREA AND RURAL IS DEFINED IN THIS BOOK AS A WAY OF LIFE CHARACTERIZED BY LIVING IN A NON-URBAN ENVIRONMENT OR AGRICULTURAL ENVIRONMENT IN LOW

DENSITIES WITHOUT TYPICAL URBAN SERVICES, EQUESTRIAN AND AGRARIAN ACTIVITIES ARE OFTEN APPROPRIATE IN SUCH AREAS, END OF QUOTE, AND THE RURAL RESIDENTIAL LAND USE PROGRAMS [INAUDIBLE] OTHER USES THAT MIGHT BE APPROPRIATE INCLUDE AGRICULTURE. THE VINEYARD IS CONSISTENT WITH SANTA MONICA MOUNTAIN'S NORTH AREA PLAN'S LAND USE CATEGORY. ALSO, IT'S CONSISTENT WITH THE ADOPTED GENERAL PLAN AND IT IS CONSISTENT WITH THE DRAFT GENERAL PLAN 2035, THE TEXT VERSION OF MAY 2012 ALSO DEFINES RURAL AND IN DEFINING RURAL, IT HAS AN RL2 CATEGORY, SIMILAR TO THE N2 CATEGORY AND THAT AS WELL IS NOTED IN THE NEW TEXT AS PURPOSE OF THE LAND FOR THAT CATEGORY IS SINGLE FAMILY RESIDENCES, EQUESTRIAN AND LIMITED ANIMAL USES AND LIMITED AGRICULTURAL AND RELATED ACTIVITIES SO WE'RE CONSISTENT WITH THESE REGULATIONS IN THE PLAN, AND IN CONCLUSION, THIS HAS BEEN WELL MAINTAINED, THIS PROPERTY THERE'S NO COMMERCIAL ACTIVITY, WE HAVE AGREED TO THE CONDITIONS THAT ARE REQUESTED BY STAFF THAT THERE WILL BE NO SPRAYING NOW OR EVER AND THAT THERE WILL BE NO COMMERCIAL ACTIVITY AND THANK YOU, AND I'LL RESERVE MORE TIME DURING THE REBUTTAL. THANK YOU VERY MUCH.

>> HI, THANK YOU FOR YOUR CONSIDERATION, MY NAME IS SUE MESSINA AND I AS WELL AS WITH MY HUSBAND OWN THE PROPERTY THAT WE ARE DISCUSSING, A COUPLE OF THINGS, I DON'T WANT TO REITERATE WHAT EVERYONE ELSE HAS SAID, WE DID PURCHASE THE PROPERTY IN 1994, MY

UNDERSTANDING IS IT'S TWO PARCELS AND IT TOTALS JUST OVER 2.03 ACRES, IT'S LOT 64 AND 65 AND IS ONE OF THE LARGEST IN OUR AREA. THE PREVIOUS OWNER HAD PLANTED SEVERAL TIMES THE FRONT HILL UNSUCCESSFULLY, NOTHING WOULD GROW, IT'S A VERY ROCKY, STEEP TERRAIN AND IT WAS SORT OF UNSUITABLY, IT HAD SPLOTCHES OF BROWN DIRT, IN 2005, WHEN MANY OTHER HOMES THROUGH THE MOUNTAINS WERE MAKING LITTLE PRIVATE VINE YARDS, I HAD AN IDEA, MAYBE I DIDN'T THINK IT THROUGH FAR ENOUGH BUT IT WAS TO IMPROVE OUR FRONT YARD, I WANTED TO PUT METAL LAWN, AND WE KNEW THAT WASN'T GOING TO GO BECAUSE OF THE WATER IT WOULD REQUIRE, AND SOMEONE SUGGESTED TO PLANT GRAPEVINES, I HIRED SOMEONE, A CONSULTANT AND HE CAME OUT AND WE -- HE DETERMINED THAT, YES, THEY WOULD GROW, IT WAS CONDUCIVE TO IT AND I DID GO BEFORE THE HOMEOWNER'S ASSOCIATION, I WAS A MEMBER OF THE BOARD MYSELF FOR 10 TO 12 YEARS, IT WENT THROUGH THE ARCHITECTURAL COMMITTEE AND THEY DID APPROVE THAT I WOULD BE ALLOWED TO HAVE THE VINEYARD. IT WAS NEVER MY INTENTION TO BE COMMERCIAL, IT WAS NEVER MY INTENTION TO SELL ANY WINE, THERE WILL BE NO WINE TASTING FACILITY ON MY PROPERTY IT IS NOT COMMERCIAL, AND WE OPERATED IT AS A FRONT YARD, WATCHED IT GROW, PICKED THE GRAPES IN SEPTEMBER, NO ONE KNEW IF A TRUCK WAS ON OUR PROPERTY IT'S A SMALL PICK-UP TRUCK OR SEMI TRUCK, TAKES THE GRAPES, THEY MAKE THE WINE, THEY ARE LICENSED AND BONDED AND HAVE ALL THE PROPER LICENSING, THEY DO ALL OF THE OTHER VINEYARDS IN THE AREA, IT IS THEN SHIPPED AND

STORED IN A FACILITY THAT HAS THE PROPER LICENSE FOR STORAGE FOR WINE AND NONE OF IT IS ON MY PROPERTY AND WILL NEVER BE FOR COMMERCIAL USE. THEY HAVE WINE SIP TASTING ROOMS IN THEIR FACILITIES WHERE PEOPLE HAVE TASTED IT. WE WERE BLESSED IN OUR VERY FIRST YEAR, 2008 TO WIN A GOLD MEDAL AWARD AT SAN FRANCISCO WINE COMPETITION WITH OVER 5 THOUSAND WINES, SINCE THEN, WE HAVE A BRONZE AND A SILVER FOR THE THREE YEARS OF PRODUCE. I NEVER INTENDED TO HARM ANY OF MY NEIGHBORS OR CAUSE ANYONE HARM LET ALONE MY OWN THREE CHILDREN OR MY WORKERS OR ME. WHEN IT CAME UP THAT PEOPLE WERE WORRIED ABOUT PESTICIDE USE, I TRIED TO WORK WITH THEM AND THEY SAID THAT I NEEDED A CUP. IT'S NOT AN EXCUSE BUT I DID NOT KNOW UNTIL THEN THAT ONE WAS NEEDED, I LIKE YOU THOUGHT, THIS IS A HOBBY IN MY FRONT YARD, IT COULD BE MY TOMATO PATCH. I ASKED IF THEY WOULD AGREE TO NOT OPPOSE THE CUP, THEY WANTED ME TO GET IT DUE THAT IT IS VERY COSTLY, EITHER I WAS GOING TO TAKE OUT MY VINEYARD THEN AND REPLANT THE YARD WITH THAT 25 THOUSAND DOLLARS OR GO THIS ROUTE AND THEY SAID -- THEY DID NOT OPPOSE GET THING CUP, THEY REQUESTED THAT I DID GET IT, SO WITH THAT IN GOOD FAITH, WE PUT IN OUR APPLICATION, THEN THEY WANTED -- THERE WAS A PROBLEM BECAUSE OF THE PESTICIDE USE. I AGREED TO STOP AT THAT TIME ALL FERTILIZING AND PESTICIDE USE AND THE LAST TIME WE DID WAS IN JULY OF 2011, AND AS A CONDITION HAVE AGREED TO MAINTAIN THAT GOING FORWARD. WE WILL NOT USE PESTICIDES, WE WILL USE WATER OUR GRAPES AND

THAT'S IT. THEY WILL NOT BE FOR SALE, OCCASIONALLY, THROUGH THAT WINE TASTING ROOM IN CAMARILLO, YOU CAN BUY IT BY THE BOTTLE OR BY THE GLASS AND THOSE ARE THE RECEIPTS, I DID NOT GET THEM, IT WAS NOT PAID TO ME OR BENEFIT ME. THEY HAVE THE RIGHT AS THEY ARE THE LEGAL FACILITY STORING THE WINE TO SELL IT. I REQUEST THAT YOU -- LET ME SAY, IT IS WITH HEART FELT SORRY THAT WE'VE GOTTEN TO THIS POINT. THESE ARE MY NEIGHBORS, SOME OF THEM WERE VERY GOOD FRIENDS AND I HAVE TREMENDOUS SUPPORT IN THE NEIGHBORHOOD AS WELL AS YOU'RE GOING TO HEAR IN OPPOSITION, I DID NOT TAKE THEIR COMPLAINTS LIGHTLY, I FEEL I HAVE ADDRESSED IT EVERY STEP OF THE WAY AS HONESTLY I COULD IN TRYING TO COMPLY WITH THEM AND REACH AN AGREEMENT WITH THEM AND I WILL CONTINUE TO DO SO. IT STARTS WITH BEING PERMITTED TO HAVE THE GRAPEVINES GROWING AND NOT BE REQUIRED TO TAKE OUT THE ACRE OF EXISTING GRAPES, SO I APPRECIATE YOUR TIME.

>> CHAIR LOUIE: THANK YOU. ANY QUESTIONS FROM THE COMMISSION? COMMISSIONER HELSLEY?

>> COMMISSIONER HELSLEY: THANK YOU, MR. CHAIRMAN. I'D LIKE TO DROP BACK TO YOUR BACK FLOW DEVICE.

>> I'M SORRY?

>> COMMISSIONER HELSLEY: THE BACK FLOW DEVICE, TELL ME A LITTLE BIT ABOUT IT, IS IT AN AIR GAP FACILITY.

>> I'M JUST A LITTLE HOMEOWNER THAT SITS AND LOOKS AT THE PRETTY VINES, THEY WERE TESTED AND CERTIFIED, THEY HAVEN'T BEEN IN USE FOR THE LAST TWO YEARS BECAUSE THERE HASN'T BEEN ANY NEED. I DON'T KNOW SPECIFICALLY ABOUT THEM OR HOW THEY OPERATE. I KNOW THAT MOST OF THEM, I WAS TOLD THIS WEEK THAT MOST OF MY NEIGHBORS SHOULD BE REQUIRED TO HAVE THEM ON THEIR PROPERTIES TOO DUE TO THE ENORMOUS SIZE OF THEIR LOTS.

>> COMMISSIONER HELSLEY, MAY I FURTHER ANSWER THAT QUESTION.

>> COMMISSIONER HELSLEY: I WOULD APPRECIATE IT, YOUR NAME IS?

>> JUST THAT ON MARCH 4TH. I APOLOGIZE, MY NAME IS FERNANDO VIA ON BEHALF OF THE APPLICANT, AND ON MARCH 4TH, A LICENSE INSPECTOR THAT'S CERTIFIED BY THE COUNTY INSPECTED THE VINEYARD BACK FLOW PREVENTION DEVICES AND FOUND IT "THIS IRRIGATION IS PROTECTED BY BACK FLOW DEVICES THAT WERE TESTED AND TO BE TESTED PER THE LOS ANGELES HEALTH DEPARTMENT", AND HE ALSO DETERMINED THE FOLLOWING, THAT THERE ARE NO FERTILIZER CHEMICAL INJECTION SYSTEMS IN OPERATION AT THE TIME OF TESTING AND "THERE IS NO DANGER OF WATER POLLUTION SHOULD THE OWNER CHOOSE TO PLACE IT IN

OPERATION". SO, THIS BACK FLOW PREVENTION DEVICE SYSTEM HAS VERY RECENTLY BEEN TESTED AND FOUND TO BE IN PERFECT OPERABLE CONDITION AND THERE'S NO EVIDENCE OF ANY KIND OF CHEMICAL OR OTHER USE AND NO PROBLEM OF WATER POLLUTION.

>> COMMISSIONER HELSLEY: BUT MY CONCERN IS, IS IT A HIGH PRESSURE FLOW DEVICE OR A LOW PRESSURE FLOW DEVICE? A LOW PRESSURE FLOW DEVICE IS HOW YOU WOULD USE IN A LAWN SPRINKLER SYSTEM, WHEN YOU PUT PRESSURE ON IT, IT CLOSES THE VALVE OFF AND LETS THE PRESSURE GO THROUGH, IF IT'S A HIGH PRESSURE SYSTEM, IT WOULD HAVE A POSITIVE FLOW BUT IT CANNOT GO IN THE REVERSE DIRECTION.

>> IT'S A HIGH PRESSURE DEVICE.

>> COMMISSIONER HELSLEY: THANK YOU, THAT CLARIFIES THAT PROBLEM. THE ASPECT OF THE CCNR'S ON THIS PROPERTY YOU ARE A PAST MEMBER OF THE BOARD SO YOU KNOW WHAT THE CCNR'S ARE, ARE THERE VIOLATIONS OF CONCERN THAT WE SHOULD BE AWARE OF?

>> NOT TO MY KNOWLEDGE.

>> COMMISSIONER HELSLEY: THANK YOU. THE LAST QUESTION IN THIS SERIES IS THERE'S A LITTLE INSECT THAT HARMS GRAPES.

>> THAT'S SHARP SHOOTER.

>> COMMISSIONER HELSLEY: YES, PSILLIE.

>> I HAVE NO IDEA, IT [INAUDIBLE] WINERIES.

>> COMMISSIONER HELSLEY: THEY CAME IN TO SOUTHERN CALIFORNIA
AND DEVASTATED THE EUCALYPTUS TREE.

>> AND I THINK THEY ALSO DO THE OLEANDER ON THE SIDE OF THE
FREEWAYS.

>> COMMISSIONER HELSLEY: THE VINEYARDS OUTSIDE OF ONTARIO
DISAPPEARED BECAUSE OF THIS INSECT.

>> THAT'S CORRECT.

>> COMMISSIONER HELSLEY: HOW DO YOU PROPOSE TO CONTROL THAT
INSECT WITHOUT INSECTICIDES?

>> I DON'T, THAT'S THE PROBLEM, WE HAD STICKY TRAPS WHEN WE
FIRST DID THE STUDY TO SEE BECAUSE THEY ARE RAMPED IN OUR AREA
AND THEY CAN INFEST AND IF MY VINEYARD GETS THEM, IT CAN SPREAD

THROUGH THE MOUNTAINS, AND THOSE PEOPLE ARE MY FRIENDS AND WOULD HATE TO HAVE THEIR CROPS RUINED BECAUSE OF ME, WE CAN'T CONTROL THEM WITH STICKY TRAPS, MY PARTICULAR PIECE OF PROPERTY HAS NOT HAD ANY ISSUE WITH THEM UP TO NOW AND WE'LL LET NATURE TAKE ITS COURSE, IF IT WERE TO BECOME A PROBLEM, I WILL NOT SPRAY.

>> COMMISSIONER HELSLEY: A QUESTION AND IT PROBABLY IS NOT A LAND USE QUESTION, BUT IT'S A QUESTION, WHAT'S YOUR CLOSEST LARGE GROUP OF EUCALYPTUS TREES, HOW FAR AWAY?

>> I HAVE NO IDEA.

>> COMMISSIONER HELSLEY: OKAY. I THINK THAT'S THE QUESTIONS I HAD AT THE PRESENT TIME.

>> CHAIR LOUIE: THANK YOU VERY MUCH. ADDITIONAL QUESTIONS?

>> COMMISSIONER PEDERSEN: I WOULD LIKE TO CLARIFY YOUR RELATIONSHIP WITH MONTAGE, YOU SAY YOU STORE YOUR WINES THERE AND THEY AT TIMES SELL YOUR WINE BY EITHER THE BOTTLE OR THE GLASS?

>> WELL, THE OWNER OF MONTAGE, GOOD GOODIN IS JUST A STORAGE FACILITY, SO HE HAS MY WINE STORED THERE. IF HE PURCHASES IT, HE

PURCHASES IT FROM CAMARILLO CRUSH WHICH IS DOWN THE STREET IN OXNARD, AND THEY SELL IT TO PROMOTE LOCAL WINES AND LOCAL VINEYARDS IN THE AREA BECAUSE THEY'RE TRYING TO ESTABLISH IT AS LITTLE NAPA VALLEY, THEY WILL HAVE WINE TASTING FROM TIME TO TIME, I HAVE DONATED THE WINE FOR CERTAIN FUND -- FUNDRAISER, AND AT THAT TIME, THE FUNDS GO TO -- I DON'T GET THE PROCEEDS.

>> COMMISSIONER PEDERSEN: YOU SAID IN YOUR AFFIDAVIT YOU GET SOME CREDIT BACK FOR --

>> YES, THEY WILL CREDIT MY THOUSANDS OF THE DOLLARS THEY MAKE FOR ME MAKING AND STORING THE WINE FOR ME, THEY WILL CREDIT ME A NOMINAL AMOUNT ALL OF WHAT I OWE THEM.

>> COMMISSIONER PEDERSEN: DO YOU HAVE A LIMIT TO THE WINE THEY CAN SELL?

>> I ONLY MAKE 100 CASES SO WE'RE NOT TALKING A BIG AMOUNT SO, I WOULDN'T BE ABLE TO ESTABLISH A LIMIT.

>> COMMISSIONER PEDERSEN: OKAY, THANK YOU.

>> CHAIR LOUIE: ANY OTHER QUESTIONS? OKAY, THANK YOU VERY MUCH, STAND BY, WE'RE GOING TO HAVE PUBLIC COMMENT, YOU WILL HAVE AT

THE CONCLUSION 10 MINUTES FOR REBUTTAL, SO IF YOU COULD STEP AWAY FROM THE TABLE, I WOULD APPRECIATE IT, WE HAVE 30 PLUS 5.

>> WE HAVE MORE THAT HAVE SIGNED UP FROM THE APPLICANT'S TEAM. SO, I'LL MOVE UP AT THIS MOMENT AND THAT WILL BE 8 AT THIS STAGE.

>> CHAIR LOUIE: HOW MANY ARE IN FAVOR?

>> ALL HAVE INDICATED OPPOSED OR NOT ONE WAY OR THE OTHER, WITH --

>> CHAIR LOUIE: I'M GOING TO LIMIT THE TIME WITH TWO MINUTES EACH, I WOULD ENCOURAGE FOR THOSE WHO ARE GOING TO SPEAK, PLEASE LISTEN TO WHAT THE PREVIOUS SPEAKERS HAVE SAID AND TRY NOT TO DUPLICATE WHAT THEY HAVE SAID AND KEEP THAT IN MIND. THERE'S TWO SEATS AT THE TABLE, THE OTHER FOUR CAN TAKE A SEAT IN THE FRONT ROW AND QUEUE YOURSELF AND BE PREPARED TO REPLACE THE SPEAKERS AS THEY FINISH SPEAKING.

>> SO, THE FIRST SIX, GARY AROUND, RICHARD SILVERSTEIN, ELLEN HERRING, ROBIN TYLINS, TERRY CLEVELAND AND KENNETH CLEVELAND.

>> CHAIR LOUIE: I ASSUME THAT EACH OF YOU HAS BEEN SWORN IN. IF WE CALLED YOUR NAME AND YOU HAVE NOT BEEN SWORN IN, PLEASE LET ME KNOW. YOU'LL HAVE TWO MINUTES, THE TIME WILL START WHEN YOU STATE YOUR NAME, YOU'LL HAVE A MINUTE AND A HALF WITH THE GREEN LIGHT, 30 SECONDS WITH THE YELLOW AND THE RED WE'LL ASK YOU TO CONCLUDE. THE TIME WILL BEGIN WHEN YOU STATE YOUR NAME, PLEASE PROCEED.

>> MY NAME IS GARY AROUND, I'M THE ATTORNEY FOR THE HOMEOWNER'S ASSOCIATION, I'LL TRY TO MAKE THIS BRIEF, FIRST OF ALL, THE HOMEOWNER'S ASSOCIATION HAS ACTED TO RESCIND THE APPROVAL OF THE ACCESS OF THE VINEYARD BASED ON VIOLATION OF THE CCNR'S, THAT HAS BEEN DONE AND WE'RE MOVING FORWARD ON THAT. THIS IS WAY BEYOND A PERSONAL VEGETABLE GARDEN, YOU CAN LOOK AT THE PICTURES AND YOU CAN SEE THIS IS A COMMERCIAL OPERATION, MS. MESSINA TESTIFIED THAT THERE IS COMMERCIAL SALES OF THESE WINES THAT ARE PRODUCED AT THIS RESIDENCE. THE EXISTENCE OF A FARMING OPERATION, AN AGRICULTURAL OPERATION IN A VERY UP SCALE, VERY BEAUTIFUL COMMUNITY IS APPARENT TO THE VAST MAJORITY OF RESIDENTS IN THE AREA AND THE ASSOCIATION IS TRYING TO PROTECT THE RIGHTS AND INTEREST OF OUR NEIGHBORS. THE PAST USE OF THESE HAZARDOUS AND DANGEROUS CHEMICALS WHICH WILL BE TALKED ABOUT BY SOME OTHER PEOPLE POSES A REAL AND IMMEDIATE DANGER TO THE NEIGHBORHOOD. WE HAVE OPPOSED THAT. WE HAVE NOT REACHED ANY

FORMAL AGREEMENTS DESPITE OUR EFFORTS TO DO SO. WE DO NOT THINK THAT THE ENFORCEMENT AND MONITORING PROVISIONS THAT ARE BEING PROPOSED ARE NEARLY ADEQUATE ENOUGH TO PROTECT THE NEIGHBORHOOD AGAINST SOME VERY DANGEROUS AND COMMERCIAL-TYPE ACTIVITIES, IT SHOULD NOT BE PERMITTED IN THIS COMMUNITY. ONE ITEM WHILE IT IS TRUE THAT THE MESSINA WERE GIVEN APPROVAL TO PLANT THE VINEYARD, THE APPROVAL DID NOT CONTAIN ANY DIRECT LEGITIMIZATION OF THE SPRAYING ACTIVITIES, I WOULD ALSO LIKE TO MENTION BRIEFLY, I KNOW I'M GOING TO BE LIMITED IN TWO MINUTES WHICH IS UP IN 10 SECONDS.

>> CHAIR LOUIE: WITH MY DISCRETION, I'M GOING LET YOU HAVE SOME ADDITIONAL TIME.

>> AND I WILL TELL YOU BASED UPON THE WRITTEN COMMUNICATIONS THAT HAVE ALREADY BEEN SUBMITTED, THERE IS AN OVERWHELMING DEGREE OF OPPOSITION TO THIS VINEYARD IN THE COMMUNITY. I KNOW A LOT OF THE PEOPLE THAT ARE GOING TO BE SPEAKING AFTER ME WOULD VERY MUCH APPRECIATE SOME LIN -- LENIENCY IN THEIR COMMENTS, I WOULD MAKE THAT REQUEST TO THE COMMISSION AT THIS TIME. WE ARE CONCERNED ABOUT THE UTILIZATION OF THE CHEMICALS, AS I SAID, THE EXISTENCE TO THE BACK FLOW SYSTEM OF THE DRAINAGE OFF OF THE PROPERTY GOING BACK TO OUR COMMUNITY. IT APPEARS THAT THE IRRIGATION SYSTEM IS HOOKED UP TO THE DRINKING WATER SYSTEM OF

THE COMMUNITY. THAT IS ALSO OF SIGNIFICANT CONCERN TO US FROM A HEALTH AND SAFETY STANDPOINT. SO, WITH THAT, I WILL CONCLUDE MY COMMENTS. I AM HERE FOR QUESTIONS OF THE COMMISSION AS WELL AS AGAIN THE ATTORNEY FOR THE ASSOCIATION, FU FOR LETTING ME SPEAK.

>> CHAIR LOUIE: COMMISSIONER HELSLEY?

>> COMMISSIONER HELSLEY: I WOULD LIKE TO FOLLOW-UP YOUR BACK FLOW CONCERNS, THE LAS VIRGENES HAS A PROGRAM WHERE THEY WILL CHECK THAT BACK FLOW ON AN ANNUAL BASIS BUT I THINK A GREATER SAFETY FACTOR THAT WE CAN PUT IN AS A POTENTIAL CONDITION IS THAT THERE BE AN AIR GAP TO THE IRRIGATION SYSTEM, AND AT THAT POINT, I THINK THAT IT WILL MEET THOSE CONCERNS THAT YOU MIGHT HAVE.

>> I APPRECIATE THAT AND WHILE WE HAVE NOT REALLY ADDRESSED A LOT OF THE CONDITIONS OR ANY OF THE CONDITIONS TO THE CUP, THE ASSOCIATION IS OPPOSED TO THE ISSUANCE OF THE CUP, WE DO NOT BELIEVE THAT THE MONITORING AND ENFORCEMENT PROVISIONS ARE GOING TO BE ADEQUATE TO PROTECT THE COMMUNITY, AND WE, AGAIN, WE SIMPLY OPPOSE THE EXISTENCE OF THE VINEYARD ITSELF AS BEING DETRIMENTAL AND INCOMPATIBLE WITH THE OVERALL RESIDENTIAL UP SCALE COMMUNITY FEEL AND COMMUNITY FEEL OF MEDELA VALLEY.

>> CHAIR LOUIE: THANK YOU. FROM THE HOMEOWNER'S ASSOCIATION'S PERSPECTIVE, IT APPEARS THAT THE CONTINUED OPERATION OF THE VINEYARD IS GOING TO BE OUT OF COMPLIANCE WITH WHAT THE HOMEOWNER'S ASSOCIATION WOULD LIKE TO DO. WHAT REMEDIES DO YOU HAVE? ARE YOU ABLE TO SIMPLY WITHDRAW THE APPROVAL AND TERMINATE THE ACTIVITY?

>> WE ALWAYS HAVE RECOURSE IN THE COURTS AND ULTIMATELY, THAT IS SOMETHING THAT WE RESERVE THE RIGHT TO DO. WE HOPE THAT IT DOES NOT GET TO THAT POINT. I THINK THAT THE COMMUNITY HAS SPOKEN LOUD AND CLEAR TO THE MESSINAS THAT THE VINEYARD IS NOT WANTED IF THE AREA, WE HAVE REVOKED THE APPROVAL. FOR WHATEVER IT'S WORTH, IF YOU LOOK AT THE ORIGINAL APPROVAL, IT WAS -- THE CONDITION WAS THE COMPLIANCE OF ALL LAWS, ONE OF THEM WAS A CUP 7 YEARS AGO WHICH THE MESSINAS NEVER GOT AND GETTING BACK TO THE BACK FLOW, WE KNOW THE BACK FLOW PREVENTION DEVICES EXIST, AS FAR AS WE KNOW, IT MA NOT BEEN TESTED IN 7 YEARS, IT'S NICE TO KNOW THAT IT HAD BEEN TESTED WITHIN THE LAST WEEK, THAT'S HELPFUL, BUT IT'S THAT SORT OF THING THAT TROUBLES THE BOARD OF THE ASSOCIATION AND TROUBLES US THAT THIS BLIGHT IS GOING DO CONTINUE TO EXIST GOING FORWARD.

>> CHAIR LOUIE: THANK YOU VERY MUCH AND IF YOU CAN EXCUSE YOURSELF FROM THE TABLE, THE NEXT SPEAKER CAN COME UP.

>> MY NAME IS RICHARD SILVERSTEIN, I LIVE AT 29174 WAGON ROAD WHICH IS THE PROPERTY ADJACENT TO THE MESSINAS' PROPERTY ON THE EASTERN SIDE. I HAVE LIVED THERE SINCE 1994 AND I'M THE CURRENT OWNER OF THE PROPERTY. I'M HERE TO ADDRESS THE ARCHITECTURAL APPROVAL REQUEST FORM OF JUNE 3 -- DATED JUNE 3, 2005 OF WHICH MY WIFE AT THE TIME SIGNED AND CLEARLY THE SIGNATURE ON THIS FORM AS ROSIE SILVERSTEIN IS NOT ANY SIGNATURE THAT SHE WOULD SIGN, HER LEGAL NAME IS ROSEANN SILVERSTEIN AND EVERY LEGAL DOCUMENT WE'VE SEEN TOGETHER, WE BOTH OWNED THE HOME AT THE TIME HAD THAT NAME AS ROSEANN SILVERSTEIN, NOT ROSIE SILVERSTEIN, TO BE THOROUGH, I E-MAILED HER THIS MORNING, SHE'S CURRENTLY OUT OF THE COUNTRY, IN ABOUT HALF AN HOUR IN ANSWER TO THIS QUESTION, SHE ANSWERED TO ME, RICK, YOU KNOW IF I SIGNED SOMETHING LEGAL, I WOULD NOT USE THE NAME ROSIE. ALSO, I'M A LITTLE CONFUSED AS TO WHY I HAD TO SEE THIS DOCUMENT IF THE IMMEDIATE NEIGHBORS WERE NOTIFIED, I QUALIFY AS AN IMMEDIATE NEIGHBOR, I DON'T RECALL ANYTHING ABOUT THIS ISSUE, I CERTAINLY NEVER SAW ANY DOCUMENT THAT REQUIRED MY SIGNATURE REGARDING THIS ISSUE AND I WOULD THINK THAT I WOULD HAVE BEEN IN THE LOOP, SO TO SPEAK, ABOUT THIS. THANK YOU FOR YOUR CONSIDERATION.

>> CHAIR LOUIE: THANK YOU. PLEASE, IF YOU COULD STATE YOUR NAME TO BEGIN.

>> MY NAME IS THELIN HERRING, WE MOVED INTO THE PROPERTY IN 1986, IN THIS APPLICATION OF THE MESSINAS, IT STATE THAT IS THE APPLICANTS HAVE ENTERED INTO AN AGREEMENT WITH THE HOMEOWNER'S ASSOCIATION, THAT THEY WILL NOT SPRAY PESTICIDES FOR USE OF HAZARDOUS CHEMICALS ON THEIR VINEYARD AND USE NATURAL AND ORGANIC METHODS. I HAVE BEEN ON THE BOARD FOR THE PAST TWO YEARS AND I CAN ASSURE YOU THERE WAS NO AGREEMENT WITH THE MESSINAS. AS A MATTER OF FACT, THE OPPOSITE IS TRUE. THE BOARD WHOSE PRIMARY FOCUS AND CONCERN IS TO PROTECT THE HEALTH AND SAFETY OF THE RESIDENCE OF THE COMMUNITY HAS GONE SO FAR AS TO WRITE A FORMAL LETTER TO THE MESSINAS ON FEBRUARY 14TH OF THIS YEAR RESCIND RING AND REVOKING ITS PRIOR APPROVAL FOR MULTIPLE VIOLATIONS OF TERMS AND CONDITIONS ON WHICH THE PRIOR BOARD APPROVED THE VINEYARD. THE HEAD OF OUR HOMEOWNER'S ASSOCIATION HAS SPOKE WITH THE HEAD OF THE ARCHITECTURE COMMITTEE WHO HAD APPROVED IT BACK IN 2005, BOTH SAY THEY FEEL DUPED. THEY APPROVED PRETTY LANDSCAPING AND A HOBBY, NO ONE TOLD ANYONE ABOUT MASSIVE SPRAYING OF PESTICIDES WEEKLY OR BIWEEKLY FOR THE ENTIRE GROWING SEASON YEAR AFTER YEAR, OR THAT THEY WOULD BE TYING A PESTICIDE DELIVERY SYSTEM INTO OUR DRINKING WATER. LAURIE BISCON, THE HEAD OF THE ARCHITECTURAL COMMITTEE SAID SHE KNEW IF THERE WAS GOING TO BE THESE KINDS OF CHEMICALS USED, SHE WOULD NOT HAVE APPROVED THE VINEYARD. AS A COMMUNITY, WE ARE

DEALING WITH THE DECEPTION AND ASK YOU NOT TO REWARD THIS DECEIT
BY GRANTING THIS PERMIT. THANK YOU.

>> CHAIR LOUIE: THANK YOU VERY MUCH.

>> COMMISSIONER HELSLEY: MR. CHAIRMAN, A QUESTION, PESTICIDES
INTO YOUR DRINKING WATER SYSTEM, WHERE DO YOU GET YOUR WATER?

>> SO, WE GET OUR WATER FROM A TAP, THE GROUND WATER, THE
PESTICIDES SEEP DOWN INTO THE GROUND AND COME BACK AND ARE
CIRCULATED INTO WATER.

>> COMMISSIONER HELSLEY: IN THE LAS VIRGENES WATER DISTRICT,
ALL WATER IS IMPORTED FROM NORTHERN CALIFORNIA, SO THERE'S NO
WELLS THAT SERVE THAT WATER DISTRICT.

>> OKAY.

>> I AM ROBIN, I LIVED IN THE NEIGHBORHOOD FOR TWO YEAR, I HAVE
A 3 AND A 5 YEAR-OLD AND IT'S THE PESTICIDE USE THAT CONCERNS
ME, EVEN PAST THE PESTICIDE USE, AND I'M CONCERNED ABOUT IF
FUTURE IF IT DOES GET APPROVED, APPROVAL MEANS MONITORING AND
I'M WORRIED THAT THERE WILL NOT BE ENOUGH MONITORING AND THAT
SOMETHING WILL BE APPLIED AND THAT MY CHILDREN WHO PLAY IN THE

STREET, THERE'S A CREEK AT THE END OF THE STREET, THEY HAVE BEEN INVITED TO PLAY IN THE CREEK, I'M CONCERNED ABOUT POSSIBLE CONTAMINATION OF THAT FROM GROUND WATER CONTAMINATION OR, YOU KNOW, PESTICIDES FLOWING INTO THE CREEK BECAUSE IT IS ON A DOWN SLOPE TO THE CREEK. I LOVE THE NEIGHBORHOOD AND WE DID CHOOSE THE NEIGHBORHOOD BASED ON HOW CLOSE TO NATURE WE COULD BE AND IN MY OPINION, I'M KIND OF IN SHOCK THAT THIS IDYLIC RESIDENTIAL NEIGHBORHOOD IT WOULD BE ALLOWED TO USE TOXIC, YOU KNOW, INDUSTRIAL GRADE CHEMICALS. THANK YOU.

>> CHAIR LOUIE: THANK YOU VERY MUCH, PLEASE.

>> GOOD MORNING, HONORABLE COMMISSIONERS, MY NAME IS TERRY CLEVELAND, MY FAMILY AND I HAVE RESIDED ON WAGON ROAD SINCE 1993, I SPEAK TODAY ALSO FOR MY ELDERLY AND IN FIRM NEIGHBORS, WHO HAVE RESIDED ON WAGON ROAD AS WELL, WE MOVED INTO OUR COMMUNITY BECAUSE IT WAS A SAFE, QUIET, BEAUTIFUL RESIDENTIAL NEIGHBORHOOD, OUR EXPECTATION WAS THAT IT WOULD REMAIN A PRIVATE RESIDENTIAL NEIGHBORHOOD, NOT A LITTLE NAPA VALLEY. WE WERE ALARMED WHEN MR. AND MRS. MESSINA TURNED THEIR HOME INTO A VINEYARD BUSINESS AND THEN MOVED OUT OF OUR COMMUNITY. PLEASE, I URGE YOU TO LOOK AT THEIR PAST HISTORY OF LAND USE, WHAT THEY SAY THEY WILL DO AND INTEND TO DO AND WHAT THEY HAVE ACTUALLY DONE. OUR HOMEOWNER'S ASSOCIATION DOES PROHIBIT ILLEGAL AND

HAZARDOUS LAND USE. PLEASE, DON'T PLACE AN ADDED BURDEN ON THIS HOMEOWNER'S ASSOCIATION TO HAVE TO MONITOR AND USE OUR OWN RESOURCES TO BE ABLE TO MONITOR THIS. AND TO ADD TO WHAT MRS. HERRING SAID, GROWING GRAPES ORGANICALLY IS SOMETHING THAT THE MESSINAS STATE IN THEIR CUP REPORT THAT THEY NOW PLAN TO DO, GROWING GRAPES ORGANICALLY IS STILL AN AGRICULTURAL THING IN OUR SMALL COMMUNITY, THEY USE SULFUR AND QUANTITY CONTROLS, IT TAKES FIVE TO SIX YEARS TO CONVERT THE SOIL FROM PESTICIDE BASED GROWING TO ORGANIC GROWING. IF THE PESTICIDES SOIL AND TERRAIN IN THIS VINEYARD WILL EVEN SUPPORT PURE ORGANIC GROWING. HAVE THE SOIL SAMPLES BEEN DONE? I DON'T KNOW THAT, I DON'T SEE THAT IN THE PUBLIC RECORD, I DON'T SEE THAT IN YOUR RECORD. ANOTHER KEY ORGANIC PRACTICE INVOLVES COMPOST IN THE VINEYARD, THE COMPOST WILL RUN INTO OUR BACKYARDS, THE RESIDUE, IT WILL BE UNBEARABLE, THE SMELL AND RUNOFF INTO THE STREET IN THE 100 DEGREES SUMMER HEAT, WHETHER IT'S ORGANIC PESTICIDES OR SOMETHING ELSE UNKNOWN, WE'RE FEARFUL OF THE CONTINUOUS STREAM OF LONG TERM NEGATIVE RAMIFICATIONS SHOULD YOU APPROVE THIS CUP.

>> CHAIR LOUIE: IF YOU COULD CONCLUDE, PLEASE.

>> THANK YOU.

>> CHAIR LOUIE: YOU MENTION THAT IT IMPLIED THE MESSINAS MOVED OUT OF THE COMMUNITY?

>> IT'S MY KNOWLEDGE AND ACCORDING TO OTHER OBSERVANCES FROM NEIGHBORS THAT NEITHER MR. OR MRS. MESSINA LIVE AT THIS HOME AT THE MOMENT.

>> CHAIR LOUIE: THANK YOU. IF YOU COULD CALL THE NEXT SIX SPEAKERS.

>> JANIE LAY, LOUIS WOMAN, MARCY WOMAN, DANIEL GOLDBERG, YONAHHERZBERG AND --

>> CHAIR LOUIE: SIMPLY SLIDE IN AND TAKE THE VACANT SEAT, PLEASE. YOU CAN PROCEED, STATE YOUR NAME, PLEASE.

>> YES, MY NAME IS KENNETH CLEVELAND, I HAVE RESIDED THERE FOR 20 YEARS, PROCEEDINGS MUST BE MADE ON FACTUAL, TRUTHFUL INFORMATION, MUCH OF THE INFORMATION THAT HAS BEEN PROVIDE TODAY MR. SEAWARDS, TO THE BOARD BY THE MESSINAS AND THEIR REPRESENTATIVES ARE NEITHER FACTUAL OR TRUTHFUL, ON JUNE 3, 2005 WHEN THEY STATED IN THEIR APPLICATION FOR THE ARCHITECTURAL CHANGE, IT WOULD BE FOR HOBBY AND LANDSCAPING, MUCH LIKE I WOULD THINK THE PALM TREES IN MY BACKYARD IS, ALL I DO IS WATER

IT, THAT'S IT. IN REALITY, FOR THE PAST 7 YEARS, OR AT LEAST 6 YEARS, THE MESSINAS WERE USING DEADLY ILLEGAL CHEMICALS THAT THEY HAD NO PERMITS OR PERMISSION FOR UNTIL THEY GOT CITED WITH A VIOLATION AFTER DOING IT FOR 6 YEARS. THE NEIGHBORS HAD NO IDEA THIS WAS GOING ON UNTIL SOME OF THE NEIGHBORS GOT SICK, THEY STATED THEIR WEBSITE IS NOT A COMMERCIAL THING, NOT JUST A PICTURE. WELL, THAT PEAKED MY INTEREST SO I WENT TO THE WEBSITE ON MY PHONE AND I ORDERED A BOTTLE OF WINE FROM THE MESSINA FAMILY VINEYARD TO BE DELIVERED TO MY HOUSE, 18 DOLLARS FOR THE WINE, 17 DOLLARS FOR DELIVERY AND I JUST DID IT ABOUT 10 MINUTES AGO, SO IF YOU WOULD LIKE TO SEE MY RECEIPT FROM PAY PAL, YOU'RE ABLE TO LOOK AT IT ON MY PHONE, NOW WHAT CONCERNS ME MOST IS THEN -- WHEN THIS CAME UP ON APRIL 18 ON 2012, MR. MESSINA ATTENDED A HOMEOWNER'S MEETING, HE SAID HE WOULD NEVER USE ANY CHEMICALS OR PESTICIDES, THEY PUT INTO THE CUP REQUEST THAT THEY'LL BE USING ORGANIC WHICH HAS BEEN PROVEN AND MY OTHER RESIDENT NEIGHBORS WILL CONTEST TO THIS, THAT IS TOXIC IN A SMALL NEIGHBORHOOD, SO WHAT I WOULD URGE THE COMMISSION TO DO IS REALIZE THAT BASED ON THE PAST MISINFORMATION THAT HAS BEEN GIVEN TO US, BASED ON THE PAST MISREPRESENTATIONS, BASED ON THE PAST TOTAL DISREGARD FOR COUNTY REGULATIONS FOR THE PAST 6 YEARS, THERE CAN BE NO ASSURANCE THAT IS THE MESSINAS WILL FOLLOW ANY CUP, EVEN IF IT HAS RESTRICTIONS AND COVENANTS, MR. SEAWARDS SAID, SO I URGE YOU TO DENY IT IN FULL. THANK YOU.

>> CHAIR LOUIE: PLEASE, YOU CAN PROCEED, STATE YOUR NAME.

>> I'M DAN GOLD BERG, I LIVE NEXT DOOR TO THE MESSINAS ON WAGON ROAD. SUE MESSINA SUBMITTED A SWORN STATEMENT TO THE COMMISSION, IN IT, SHE SAYS THE HOMEOWNER'S ASSOCIATION DID NOT PROHIBIT THE USE OF PESTICIDES ON MY PROPERTY NOBODY TOLD HER SHE COULDN'T SPRAY THESE PESTICIDES, PESTICIDES SO HAZARDOUS THAT THEY NEED A RESTRICTED MATERIALS PERMIT TO USE THEM, NOBODY SAID THEY COULDN'T SPRAY 7XLR, THIS IS CLASSIFIED AS A HUMAN CARCINOGEN THE EPA, HARMFUL IF INHALED, MAY LEAD TO RAPID ONSET NAUSEA, ABDOMINAL PAIN, VOLUNTARY SHAKING, EXCESS ELEVATION, BLURRED VISION, TEMPORARY PARALYSIS, CONVULSIONS, IT PERSISTS INTO 8 MONTHS OF THE AIR, NOBODY TOLD THEM THEY COULDN'T SPRAY THIS CHEMICAL IN OUR COMMUNITY, SO THEY WENT AHEAD AND DID IT FOR 6 YEARS. THIS IS OUR -- THIS IS A REPRESENTATION OF OUR COMMUNITY. THIS IS THE MESSINAS [INAUDIBLE], OUR HOUSE HERE. UP HERE IS A HUGE RIDGE LINE THAT'S MANY HUNDREDS OF YARDS, SO WE'RE IN THE VALLEY, ALL THE DRIP STAYS IN HERE, ALL THE CHEMICALS STAY IN HERE. AND THEREFORE THIS HAS ALS, MY WIFE THYROID, A CONDITION SHE GOT A COUPLE OF YEARS AGO, DOWN HERE [INAUDIBLE]--

>> CHAIR LOUIE: YOU'LL NEED TO CONCLUDE.

>> THEY NEVER HAD A BACK FLOW PERMIT THAT WE HAVE FOUND OR ANY BACK FLOW DEVICE INSPECTION EXCEPT FOR FOUR DAYS AGO WHEN THEY HAD IT FOR THE FIRST TIME, AND MY QUESTION IS, WHY ARE THEY GETTING A BACK FLOW DEVICE INSPECTION IF THEY'RE NOT GOING TO NEED IT, YOU DON'T NEED A BACK FLOW DEVICE FOR WATER BUT THEY HAVEN'T DONE IT FOR SIX YEARS, SO THAT'S MY CONCLUSION.

>> CHAIR LOUIE: THANK YOU VERY MUCH.

>> I AM THE OTHER NEIGHBOR FROM THE SILVERSTEINS WHO SIGNED THIS APPROVAL, THAT'S NOT MY SIGNATURE, I HAVE NEVER BEEN APPROACHED BY IT, IT'S EITHER FORGED OR SOMEONE'S FOOLING AROUND SOMEHOW.

>> CHAIR LOUIE: THANK YOU.

>> MY NAME IS JENNY LAY, I HAVE LIVED THERE SINCE 1997. I'M A BOARD MEMBER SINCE 2011. IN 2010, ON AN AIRPLANE, I HAPPENED TO SIT NEXT TO MIKE MESSINA'S CLOSE RELATIVE. HIS NAME IS MR. HUCHIN, AFTER HE FOUND OUT THAT I AM A NEIGHBOR OF MESSINA, HE TOLD ME THEY COME TO MESSINAS' HOUSE ON THANKSGIVING EACH YEAR, SO I KNOW MIKE MESSINA WAS FROM A [INAUDIBLE] FAMILY, MR. HUCHIN FAMILY OWNED TECH AG AND BOUGHT A WHEELER WAREHOUSE COMPANY AND IS A VERY WELL KNOWN COMPANY, ALSO THE LARGEST [INAUDIBLE] AND VINEYARD OWNER IN BAKERS FIELD AREAS, BUT THE WHEELER WAREHOUSE

COMPANY IS A LEADING FARMING PRODUCTS COMPANY, THAT SELLS EVERYTHING RELATED TO FARMING INCLUDING FERTILIZER AND PESTICIDES. THEY HAVE TEN BRANCHES LOCATED THROUGHOUT VENTURA, CALIFORNIA, MIKE MESSINA WAS CERTAINLY AWARE OF WHAT IT TAKES TO GROW GRAPES. AN AMOUNT OF CHEMICAL THEY WOULD BE SPRAYING AND [INAUDIBLE] IN OUR COMMUNITY WHEN THEY ASKED FOR APPROVAL FOR GROWING VINEYARD TO BEAUTIFY THE LANDSCAPE AND HAVE A FUN HOBBY, BUT THEY NEVER HOLD THE HOMEOWNER'S ASSOCIATION OR THEIR NEIGHBORS THAT THIS WOULD SPRAY TOXIC CHEMICAL OR INSTALL [INAUDIBLE] SYSTEM IN THIS RESIDENTIAL NEIGHBORHOOD. WE DID RESEARCH AND FOUND OUT THAT IT IS VERY DIFFICULT TO HAVE GOOD GRAPE PRODUCTION IF YOU DON'T USE ANY CHEMICALS. WE HAVE BEEN WONDERING, WHY DID THE GRAPES FLOURISH WITHOUT ANY CHEMICALS LAST YEAR? COULD MIKE MESSINA HAVE GOTTEN CHEMICALS FROM THEIR RELATIVE TO MAINTAIN THEIR VINEYARD? AND OTHER THINGS I WOULD LIKE TO MENTION, 2011, I WAS NEARLY ELECTED BOARD MEMBER, IN THE FIRST BOARD MEMBER MEETING, AT THAT TIME, THERE WAS ABOUT 7 BOARD MEMBER, MIKE MESSINA'S FRIENDS, I'M THE ONLY ONE AGAINST THE VINEYARD AND SHE, THAT WAS THE FIRST BOARD MEMBER MEETING AND SHE'S BRAGGING THAT HER WINE WON THE MEDAL AND SHE MAKE 60 THOUSAND DOLLARS FROM SELLING THE WINE. I'M NOT ARGUING WITH THAT, BUT YOU CAN CHECK HER TEXT RETURN TO VERIFY IF SHE'S TELLING THE TRUTH TO EVERYBODY OR NOT. YEAH, THAT'S MY CONCLUSION. THANK YOU.

>> CHAIR LOUIE: PLEASE.

>> MY NAME IS LOUIS WORE MAN, TWO YEARS AFTER THE MESSINAS BEGAN SPAYING THEIR VINEYARD, MY DAUGHTER EMILY WHO WAS 13 YEARS AT A TIME, SHE WAS UNABLE TO READ OR WRITE, SHE DEVELOPED A MASSIVE TICK DISORDER AND REQUIRED US TO REMOVE HER FROM THE PUBLIC SCHOOL SYSTEM. ALTHOUGH SHE'S WORKED HARD, SHE SUFFERS FROM A RARE HORMONAL CONDITION, IT'S MY CONCLUSION THAT [INAUDIBLE] LET ME SPEAK DIRECTLY ABOUT MIKE MESSINA, HE IS A LIAR, FROM THE INITIAL APPLICATION HE SUBMITTED, HIS MOST RECENT REQUEST, [INAUDIBLE] INCLUDING YOU, THE COMMISSIONERS WHO ARE RULING TODAY TO GRANT YOU A CUP, LET ME TELL YOU A LITTLE BIT ABOUT MIKE MESSINA, HE IS AN ATTORNEY BY PROFESSION, HE CAN PUSH HIS AGENDA THROUGH A BUREAUCRATIC SYSTEM AND GARNER [INAUDIBLE] HIS GREAT GROWING BUSINESS, IF ANY OF YOU DIDN'T REALIZE HIS TRUE INTENTIONS OF THE FIRST READ THERE HAVE -- THROUGH, THERE ARE SOME LAWS THAT EVEN HE WON'T BE ABLE TO AVOID, HE CONNECTED HIS [INAUDIBLE] SYSTEM TO A PORTABLE WATER SUPPLY TO DISTRIBUTE HIS TOXIC CHEMICALS, THIS IS THE SAME WATER LINE THAT OUR HOPES USE FOR DRINKING, COOKING AND BAKING, [INAUDIBLE] IF A CRIME HAS BEEN COMMITTED TO THE PAST YEARS OF WILLFUL NEGLIGENCE, WE HOLD HIM PERSONALLY ACCOUNTABLE, I HOPE YOU AS COMMISSIONERS TAKE TIME TO SEE THE [INAUDIBLE] WHEN MOST OF US MAULED INTO OUR

HOMES, WE DID NOT EXPECT TO LIVE ALONGSIDE A VINEYARD AND BE EXPOSED TO RISKS, THIS VINEYARD WAS THRUST UPON US BY A CONFLICTED BOARD THAT IMPOSED ITS [INAUDIBLE] THE YEAR THE [INAUDIBLE] I AM ASKING YOU TO HAVE THE COURAGE TO SET THINGS RIGHT AND DENY THE CUP, THEY HAVE DEMONSTRATED THAT THEY CANNOT BE TRUSTED, EVEN MORE SADLY, MIKE AND SUE MESSINA HAVE SHOWN THEY ARE NOT CONCERNED ABOUT THE RECENT DISCOVERIES OF THE MANY UNUSUAL AND RARE ILLNESSES THAT ARE CLUSTERED AROUND THEIR VINEYARD, THE INVESTIGATION INTO THE MANY UNEXPLAINED ILLNESSES WILL CONTINUE, THERE'S A TREMENDOUS AMOUNT OF POTENTIAL LIABILITY AS A RESULT OF THIS SITUATION. WHEN OUR INVESTIGATION IS COMPLETE, THE MESSINAS, THEIR LAND MANAGEMENT COMPANY AND ANY GOVERNMENT AGENCY OR OFFICIAL THAT FAILED TO PROTECT ITS CITIZENS FROM HARM WILL BE BROUGHT TO JUSTICE, PLEASE DENY THE MESSINAS' CUP APPLICATION. THANK YOU.

>> CHAIR LOUIE: THANK YOU. MA'AM? PLEASE BEGIN.

>> IN THE MESSINAS' CUP APPLICATION, THEY STATE THEY HAVE --

>> CHAIR LOUIE: IF YOU COULD STATE YOUR NAME, PLEASE.

>> ELONA HERTZBERG. IN THE MESSINAS' CUP APPLICATION, THEY STATE THEY HAVE ENTERED INTO AN AGREEMENT WITH THE HOMEOWNER'S

ASSOCIATION THAT THEY WILL NOT SPRAY PESTICIDES OR USE OTHER HAZARDOUS CHEMICALS ON THE VINEYARD BUT WILL USE NATURAL AND ORGANIC METHODS, WE WERE TOLD AT A NEIGHBORHOOD MEETING IN 2011 THAT DUE TO THE QUALITY OF THE SOIL AND THE CONDITION OF THE HILLSIDE, THIS VINEYARD WOULD REQUIRE SUCH VAST QUANTITIES OF ORGANIC MATERIALS THAT THEY WOULD BE CONSIDERED TOXIC. HE SPECIFICALLY MENTIONED THAT SULFUR BEING USED IN PLACE OF CHEMICAL FUNGICIDES BUT SAID THAT SULFUR THAT WOULD COME BACK WOULD BE EXCESSIVE AND TOXIC, HE IS ABSOLUTELY CORRECT. HE SEARCH SHOWS THAT CONTINUOUS EXPOSURE TO ORGANIC SULFUR LEADS TO EYE AND RESPIRATORY DISTURBANCES, CHRONIC BRONCHITIS AND CHRONIC SINUS EFFECTS, BRONCHIAL PULMONARY DISEASE COULD OCCUR, IT MAY BE COMPLICATED BY EMPHYSEMA, THIS DOES NOT SEEM LIKE A WISE CHOICE FOR OUR COMMUNITY EITHER, WE HAVE HAD ENOUGH ILLNESS IN OUR COMMUNITY, IT CANNOT BE PROVED AND CONNECTED TO WHAT HAS HAPPENED IN THE VINEYARD, OUR SAFETY OF OUR WATER CANNOT BE HELD IN THE [INAUDIBLE] THE VARIOUS CITY DEPARTMENTS, NONE OF THEM HAS THAT KIND OF TIME AND THOSE KIND OF RESOURCES. YOU CANNOT RIGHT A WRONG THAT HAS BEEN DONE, BUT YOU HAVE THE POWER TODAY TO ENSURE THAT IT DOESN'T CONTINUE. THANK YOU.

>> CHAIR LOUIE: THANK YOU. PLEASE.

>> HELLO, MY NAME IS MARCY WOREMAN AND I LIVE DOWN THE STREET FROM THE MESSINA VINEYARD. OVER THE PAST TWO YEARS, I'VE BEEN INCREASINGLY CONCERNED ABOUT THE WAY THIS VINEYARD HAS BEEN OPERATING AND THE UNINTENDED CONSEQUENCES OF USING TOXIC CHEMICALS IN PESTICIDES AND FERTILIZERS WITHIN OUR COMMUNITY. WHAT CONCERNS ME MOST IS HOW THE MESSINAS HAVE REPEATEDLY DISTORTED FACTS AND WITHHELD INFORMATION. THE MESSINAS CLAIM THAT THE RESIDENTS KNEW PESTICIDES WERE BEING SPRAYED. WOE WERE NEVER NOTIFIED, WELL, THAT'S SIMPLY NOT TRUE. WE WERE NEVER MADE AWARE OF THE SPRAYING, WE WERE NEVER NOTIFIED OF DATES AND TIMES WHEN SPRAYING WOULD OCCUR AND WE WERE NOT INFORMED THAT TOXIC CHEMICALS WERE BEING USED IN PESTICIDES, AND CHEMICAL FERTILIZERS THAT SUSTAINED THE VINEYARD. AS I HAVE TWO CHILDREN WITH HEALTH ISSUES, I AM PARTICULARLY DISTURBED BY THIS. MY DAUGHTER HAS A SIGNIFICANT NEUROLOGICAL CONDITION AND THAT WAS MY HUSBAND WHO WAS SPEAKING BEFORE ABOUT HER, AND SHE'S HAD PART OF THIS SINCE BIRTH. MY SON HAS SEVERE ASTHMA. I CAN ASSURE YOU THAT HAD I BEEN GIVEN AN OPPORTUNITY TO SAFEGUARD MY CHILDREN FROM FURTHER HEALTH PROBLEMS, I WOULD HAVE DONE SO. YOU MAY THINK THAT ATTRIBUTING SOME OF OUR COMMUNITY'S HEALTH ISSUES TO PESTICIDE DRIFT IS IRRATIONAL WITHOUT SCIENTIFIC MERIT AND FUELED BY FEAR, THIS IS NOT THE CASE. IN TERMS OF HEALTH ISSUES, IT'S WELL DOCUMENTED THAT DRIFT FROM PESTICIDE SPRAYING WITH CAUSE HEADACHES, CONFUSION, ANXIETY AND OTHER ACUTE SYSTEMS.

FROM WHAT I HAVE RESEARCHED AND LEARNED, THERE ARE THREE KINDS OF DRIFTS, SPRAY DROPLET DRIFT, VAPOR AND PARTICLE DRIFT, SCIENTISTS RECOGNIZE THAT ALMOST EVERY PESTICIDE PROVIDES SOME SORT OF DRIFT AWAY FROM THE AREA, IT CAN POISON BEES, POSE HEALTH RISKS TO HUMANS AND ANIMALS AND CONTAMINATE SOIL IN ADJACENT AREAS, DRIFT ISN'T LIMITED TO THE PERIOD, DURING OR IMMEDIATELY AFTER AN APPLICATION, IT CAN OCCUR HOURS OR DAYS LATER AND DAYS AFTER AN APPLICATION, FURTHER PROBLEMS CAN OCCUR WHEN PESTICIDES VOLATIZE INTO A GAS, OUR SUMMER WEATHER CONDITIONS WORK HAND IN HAND TO CREATE AN IDEAL SCENARIO FOR PESTICIDE DRIP, SO I WILL CONCLUDE BY SAYING THAT THE ILLNESS CLUSTERS THAT EXIST IN OUR NEIGHBORHOOD ARE REAL. THE POSSIBILITY THAT THOSE CLUSTERS WERE CAUSED BY THE USE OF DANGEROUS CHEMICALS THAT HAVE BEEN SPRAYED ADMINISTERED BY APPROPRIATE CONTROLS IS ALSO REAL, IT IS THE PRIMARY RESPONSIBILITY OF OUR CIVIC LEADERSHIP TO TAKE PRECAUTIONARY MEASURES TO PROTECT THE HEALTH AND SAFETY OF THE PUBLIC, THEY SHOWED DISREGARD FOR THE HEALTH OF OUR COMMUNITY BEFORE AND LIED REPEATEDLY IN ORDER TO HIDE THIS FACT. THEY CANNOT BE TRUSTED TO UPHOLD THE CONDITIONS OF A CUP EVEN IF IT IS GRANTED UNDER REASONABLE CONDITIONS SO I RESPECTFULLY URGE THE COMMISSION TO NOT ONLY DENY THE CUP BUT TO LAUNCH A FURTHER INVESTIGATION AS TO WHETHER THE ILLNESS CLUSTERS THAT EMERGED WERE LIKELY THE RESULT OF THEIR IRRESPONSIBLE USE OF PESTICIDES. THANK YOU.

>> CHAIR LOUIE: THANK YOU. ANOTHER SIX, PLEASE.

>> THE NEXT SIX SPEAKERS, JOSEPH LECKMAN, MARY LECKMAN, GARY CRAWFORD, MAURICIO BRAUN, AND BRAD KINGS BURY.

>> CHAIR LOUIE: AND I DO APPRECIATE THE PUBLIC COMMENT. I KNOW THAT MANY OF YOU HAVE TAKEN TIME AWAY FROM WORK TO MAKE THE TRIP HERE AND SO YOUR TESTIMONY IS VALUABLE AND APPRECIATED. I WOULD REMIND YOU THAT IF YOU ARE GOING TO REPEAT SOMETHING THAT HAS ALREADY BEEN SAID TO MAYBE ELIMINATE THAT FROM YOUR STATEMENT. PLEASE, PROCEED.

>> I WAS FIRST, MY NAME IS JOE LECKMAN AND I OWN A HOME NEAR THE MESSINA VINEYARD, FIRST THAT I PERCEIVE AS A MISREPRESENTATION, THEIR WINE IS AVAILABLE FOR PURCHASE IN RETAIL STORES, THIS WINE WAS PURCHASED IN THOUSAND OAKS AT THE WINE YARD, ANY SUGGESTION THAT THEIR WINES ARE JUST FOR PERSONAL USE IS NONSENSE. THE IDEA THAT THEY'RE SAYING THAT WHILE OUR BOTTLE IS USING AND TAKING SOME OF IT AND OFFSETTING SOME OF OUR COSTS, THAT'S A COMMERCIAL ENTERPRISE, THEY ARE PRODUCING PRODUCT FOR RETAIL SALE, IT IS NOT APPROPRIATE IN OUR COMMUNITY. SECOND, I WANT TO MAKE A LEGAL POINT. BOTH MY HOME AND THE MESSINAS' HOME ARE PART OF A PLANNED DEVELOPMENT CALLED THE MEDIA VALLEY ESTATES, IT IS LUXURY

ESTATES, TO MAINTAIN THE..[reading].. EACH HOMEOWNER'S DEVELOPMENT AND USE OF THEIR LOT, ACCORDING TO CALIFORNIA CIVIL CODE SECTION [INAUDIBLE] THESE CCNR'S ARE [INAUDIBLE] AND TO THE BENEFIT OF AND BIND ALL OWNERS OF PROPERTIES IN THE DEVELOPMENT. THERE IS NO PROVISION MR. THE CIVIL CODE SECTION 1354 TO ALLOW PLANNING COMMISSIONERS TO IGNORE THE APPLICATION BY WAY OF A CUP. IN 2005, THEY APPLIED TO PLANT A VINEYARD TO BEAUTIFY THEIR HILLSIDE AND MAKE FINE WINES FOR PERSONAL USE, THEY INCLUDED FORGED SIXTIES OF THEIR IMMEDIATE NEIGHBORS, THERE WAS NO MENTION THAT THEIR GRAPE CRUSHER AND WINE BOTTLE WOULD BE SELLING WINES AT RETAIL SALE, WHETHER THE MESSINAS GET A CHECK OR CREDIT AGAINST PROCESSING COSTS, THAT'S A COMMERCIAL OPERATION FOR THEIR BUSINESS, WHO ARE THEY KIDDING? BASED ON THE UNDISCLOSED AGAINST CHEMICALS, THE HOA HAS REVOKED THEIR APPROVAL, I BEG AND PRAY THAT YOU WILL HONOR THE CCNR AND DENY THE CUP AS REQUIRED BY CIVIL CODE 1354, IF THE PLANNING IGNORES THE RULING, THEN CONDITION THE CUP TO FORBID ANY AND ALL USE OF CHEMICALS, TRADITIONAL OR ORGANIC OR OTHERWISE WHETHER SPRAY DRIP SYSTEMS OR OTHERWISE, THEY SHOULD INCLUDE A PHASE 2 ENVIRONMENTAL REPORT AND TAKE ANY REMEDIATION WORK NEEDED TO CLEAN THE SOIL TO RESIDENTIAL STANDARDS. THE CUP SHOULD FORBID ANY SALES OF GRAPES, WINE, OR OTHER GROUPS PRODUCED BY THE MESSINAS' VINEYARD, WHETHER IT'S FROM THEIR GRAPE CRUSHER OR WINE BOTTLER, FINALLY, THIS CUP SHOULD EXPRESSLY STATE THAT THE

CUP IS ON THE WAY TO OVERRULE OR LIMIT THE HOMEOWNER'S ASSOCIATION TO PURSUE WHATEVER REMEDIES AND RIGHTS THEY HAVE UNDER THE CCNR'S, THANK YOU. MY NAME IS MARY LICK MAN AND MY HOUSE IS AT OLD MILL CREEK LANE AND WE'VE BEEN LIVING THERE OWNING THE HOUSE SINCE 2003. FROM BOTH MY GIRLS' BEDROOM WINDOWS, OUR HOUSE IS HERE, THEY CAN SEE THE MESSINAS' PRECIOUS VINEYARD, I'M ALSO ASTOUND TO THE CONTINUED STRATEGIES BEING USED BY THE MESSINA EVERY TIME AN UNTRUTH COMES TO LIGHT, THEY WROTE AN OPEN LETTER TO THE COMMUNITY ON FEBRUARY 6 OF THIS YEAR STATING THEY WOULD NO LONGER USE PESTICIDE, SHORTLY THEREAFTER, THE COMMUNITY DISCOVERED THAT ON JANUARY 30TH, SIX DAYS BEFORE THE MESSINAS SENT THE LETTER, THEY USED RESTRICTED CHEMICALS THE COMING YEAR, THEY WERE ASSUMING THEY WOULD BE GRANTED THE CUP TODAY. WHEN THE MESSINA DISCOVERED THE COMMUNITY LEARNED ABOUT THIS, THEY WITHDRAW THE APPLICATION ON FEBRUARY 12TH. THE MESSINAS SENT THE SAME LETTER TO THE COMMUNITY THAT THEY ARE NOT MAINTAINING A COMMERCIAL OPERATION, THEY CANNOT BE TRUSTED, THEY ARE SELLING THEIR WINE IN STORES TODAY. I'M GOING TO PASS BY EVERYTHING EVERYBODY ELSE KIND OF STATED BUT CLEARLY I WANT TO STATE THE MESSINAS DON'T CARE ABOUT US, THEY DON'T CARE ABOUT THE LAW, THEY DON'T CARE ABOUT OUR NEIGHBORHOOD AND THEY DON'T CARE OF THE TRUTH, AND I RESPECTFULLY ADVISE YOU GUYS NOT TO GRANT THEM THE CUP. THANK YOU.

>> CHAIR LOUIE: THANK YOU.

>> HELLO, MY NAME IS GLEN CRAWFORD, I LIVE ON WAGON ROAD WITH MY WIFE AND TWO SONS. OUR COMMUNITY HAS REALLY GALVANIZED OVER THIS ISSUE, I HAVE SIX PETITIONS FOR THE COUNCILMEMBER TO REVIEW THAT ARE ALL SIGNED BY THE RESIDENTS. I ALSO HAVE TWO FOR THE ATTORNEY FOR THE MESSINAS I HAVE COPIES OF THE SIGNATURES OF EVERY ONE OF THOSE PETITIONS THAT WERE SIGNED. IT'S PRETTY STRONGLY WORDED, OUR COMMUNITY IS NOT A STRONGLY ACTIVATED ONE, THEY'RE CONSUMED WITH THEIR KIDS, LIVES, JOBS, THEY DON'T GET EASILY INVOLVED IN COMMUNITY ACTIVISM. IF HALF OF OUR HOUSEHOLDS TURN OUT FOR A COMMUNITY VOTE, IT'S AMAZING, BUT THINGS HAVE CHANGED SINCE THE REALITIES HAS SPREAD THROUGHOUT THEIR COMMUNITY, THEY HAVE BEEN WORRIED ABOUT THE HEALTH OF THEIR FAMILY AND THEIR SAFETY. THERE IS NO WAY THAT OUR DRINKING WATER HAS BEEN SAFE FOR THE LAST 7 YEARS, SINCE THE MESSINAS TIED THEIR PESTICIDE FERTILIZER DISTRIBUTION SYSTEM INTO OUR WATER LINES, WE DON'T HAVE AGRICULTURAL WATER LINES, WE HAVE POTABLE WATER, NOT OF THE OFFICIAL AGENCIES RESPONSIBLE FOR OUR SAFETY WERE EVER NOTIFIED, NONE OF US KNEW ABOUT THE SPRAYING OR THE CHEMICALS AND THE MESSINAS AND THE AGRICULTURAL MAINTENANCE COMPANY, THEY SPRAYED THE CHEMICALS FOR 6 YEARS AND NEVER TOLD A SOUL, THIS WAS DISCOVERED ACCIDENTALLY, THEY FULLY KNEW WHAT THEY WERE DOING TO KEEP THEIR CROPS SAFE AND HEALTHY,

SACRIFICING THE HEALTHY OF MOMS, DADS, KIDS AROUND THEM, THE MESSINAS NO LONGER LIVE IN OUR COMMUNITY, THEY NO LONGER OCCUPY THIS PROPERTY. WE ASK YOU TO NOT TRUST THEM WITH THE FUTURE HEALTH AND SAFETY OF OUR COMMUNITY, WE ASK YOU TO STOP THE COMMERCIAL VENUE AND TO DENY THEIR CUP.

>> CHAIR LOUIE: THANK YOU VERY MUCH.

>> MY NAME IS MAURICIO BRAUN, I GUESS YOU ALREADY HAVE A BLUE BINDER, IF YOU CAN PLEASE FOLLOW ME AND IF YOU HAVE ANY QUESTIONS, PLEASE ASK. IF YOU CAN TURN TO TAB NUMBER 1, THAT'S PAGE 337 ON THE DOCUMENT ENVIRONMENTAL CHECKLIST FORM WHICH I'M SURE YOU LOOKED AT A 100 TIMES AND THEY LIST ALL THE AGENCIES THAT HAVE REVIEWED THIS PROJECT FOR MR. SEAWARDS. AS A PRIVATE CITIZEN, ANYBODY THAT READS A REPORT LIKE THIS AND YOU GO THROUGH THE REPORT, YOU MUST ASSUME THAT IF THE CUP IN QUESTION WAS SCRUTINIZED AND REVIEWED BY THESE IMPORTANT AGENCIES, NOT BY ANY AGENCY BUT THE FOUR AGENCIES WROTE A STRONG RECOMMENDATION LETTER, THE NEGATIVE DECLARATION MUST BE JUSTIFIABLE. IF YOU CAN TURN -- I'M SORRY, THE FIRST -- LET ME START WITH THE EASY ONES, SANTA MONICA MOUNTAINS CONSERVANCY, MR. PAUL EDELMAN, HE INDICATED HE WASN'T SURE THEY RECEIVED A REQUEST FROM PLANNING BUT HE'S SURE THEY NEVER RENDERED AN OPINION. [INAUDIBLE]. HE CONFIRMED HE DOESN'T REMEMBER EVER

GETTING ANY REQUEST FROM COUNTY PLANNING TO REVIEW THIS PROJECT. HE SAID HIS OFFICE DEFINITELY DIDN'T RENDER AN OPINION OR GENERATE ANY REPORT TO THAT EFFECT. I SPOKE WITH MR. DANIEL BLANKETS SHIP, HE CONFIRMED HE REVIEWED THE REPORT BUT NEVER ISSUED A REPORT OR RENDERED ANY OPINION. PARKS AND RECREATION, THEY RENDER AN OPINION, AND THEY APPROVED OR THEY CONCUR WITH THE NEGATIVE DECLARATION, BUT THEIR CLOSEST FACILITY IS 8 MILES FROM THE SITE. THE DEPARTMENT, I SPOKE WITH MR. WALLY COLLINS AND HE CONFIRMED THE PROPERTY OWNERS NEED TO CONFIRM WITH A BRUSH CLEARANCE AND I DON'T HAVE ANY OBJECTIONS WITH THAT. THE DIFFICULT ONES IS NUMBER 1, PUBLIC HEALTH. ON JUNE 15, 2012, MR. KEN HABARATUS, AND IF YOU CAN TURN TO TAB NUMBER 3, HE WROTE A VERY, VERY STRONG RECOMMENDATION LETTER --

>> CHAIR LOUIE: I'M GOING TO HAVE TO ASK YOU TO CONCLUDE.

>> WELL, HE WROTE A RECOMMENDATION TO THIS EFFECT AND I ASKED HIM TO RETRIEVE HIS RECOMMENDATION BASED ON THE FINDINGS THAT THE COUNTY NEVER INSPECTED THE PROPERTY FOR BACK FLOW OR FOR A BACK FLOW DEVICE, AND JUST YESTERDAY, I GOT AN E-MAIL FROM SOMEBODY FROM HIS OFFICE SAYING THAT THE CUP PROCESS ONLY INDICATES THAT SUCH PROJECT IS FEASIBLE AND IT'S NOT TO BE PERCEIVED AS AN OPERATING PERMIT.

>> CHAIR LOUIE: THANK YOU VERY MUCH. PLEASE.

>> MY NAME IS [INAUDIBLE], I LIVE AT 29166 WAGON ROAD RIGHT UNDERNEATH THE WINERY. ME AND MY FAMILY, WE LIVED SINCE 1994, WE LOVED THE COMMUNITY SO MUCH THAT ABOUT TEN YEARS AGO, WE TORE OUR HOUSE DOWN COMPLETELY AND BUILT A NEW ONE, ABOUT THREE YEARS AGO, MY WIFE STARTED HAVING SOME STRANGE SYMPTOMS, SHE STARTED TRIPPING AND WEAKNESS ON THE RIGHT FOOT, WE STARTED GOING TO EVERY SINGLE DOCTOR, THEY CANNOT FIGURE OUT WHAT IT WAS. EVENTUALLY, SHE START FALLING, SO SHE START HAVING -- SHE HAD TO USE THE CANE. FROM THE CANE, SHE WENT TO THE WALKER, FROM THE WALKER INTO THE WHEELCHAIR. FINALLY AFTER A YEAR AND A HALF, SHE WENT TO THE CLINIC AND SHE WAS DIAGNOSED WITH THIS HORRIBLE DISEASE, IT'S CALLED ALS KNOWN AS LOU GEHRIG'S DISEASE, IT'S FATAL, 10% OF THIS DISEASE IS HEREDITARY, 90% IS PERIODIC, MEANING ENVIRONMENTAL, WITH WE SAT WITH THE OFFICE, WHEN HE GAVE US THE NEWS THAT MY WIFE HAS LOU GEHRIG'S, THE DOCTOR EXPLAINED TO MY WIFE HOW SHE'S GOING DIE, BASICALLY WHAT'S GOING TO HAPPEN TO HER, MY WAIF SAID I WANT TO HEAR EVERYTHING, SO WE LEFT AND WHATEVER HE SAID STARTED HAPPENING. WE AGREED WITH THE WHEELCHAIR AND I WAS HOPING THAT SHE'LL BE ABLE TO AT LEAST TO BREATHE ON HER OWN, TALK ON HER OWN AND EAT AND CHEW RUST u JUST LIKE EVERYBODY ELSE WITH HER OWN MOUTH. WELL, SHE'S GETTING SO BAD NOW, NOW IT'S BEEN THREE YEARS THAT THE DOCTOR INSISTING

FOR HER TO HAVE A FEEDER BECAUSE IT'S TOO DANGEROUS FOR HER TO SWALLOW. THE MUSCLES ARE GETTING WEAKER AND WEAKER DAY BY DAY. SHE LOST 60% OF ABILITY TO BREATHE, THEY HAVE TO PUT A MASK, SHE HAS TO WEAR A MASK AT NIGHT SO SHE CAN BREATHE. WE CHANGED THE BED TO ELEVATE HER SO SHE DOESN'T -- SO, SHE CAN BREATHE EASIER. SHE AGREED WITH EVERYTHING BUT SHE SAID I JUST WANT ONE THING FROM GOD THAT I CAN KEEP MY VOICE AND I CAN TALK TO MY THREE CHILDREN, THAT'S ALL I WANT, I DON'T MIND NOT EATING WITH THE FEEDER IS OKAY, BREATHING ON MACHINE IS OKAY, PLEASE, IF I CAN COMMUNICATE WITH MY CHILDREN. WELL, THE VOICE NOW IS GOING AWAY AND NOW WE HAVE TO FIND SOME KIND OF DEVICE, WE HAVE TO BANK HER VOICE, BANKING HER VOICE MEANING WHEN SHE CALL MY DAUGHTER, THE MACHINE DOESN'T SPEAK FOR HER, HER VOICE COMES UP.

>> CHAIR LOUIE: SIR, IT'S A TRAGEDY AND MY CONDOLENCES.

>> I URGE YOU PLEASE TO DO SOMETHING ABOUT THIS. PLEASE DON'T LET MESSINA TO CONTINUE TO ENJOY THIS WINERY AND PUT ALL THE NEIGHBORS INTO FEAR, SHE PUT THE FEAR IN OUR HEARTS, ALL OF US. NOW I'M CONCERNED ABOUT MY KIDS, EVERY TIME MY KID COMES WITH PAIN IN THE LEG, I GET WORRIED THAT IT COULD BE ALS. THANK YOU.

>> CHAIR LOUIE: THANK YOU. PLEASE.

>> GOOD MORNING, MY NAME IS BRAD KING BURY AND I'VE LIVED IN THE MEDELA VALLEY ESTATES, IT WAS A VERY FAMILY ORIENTED ENVIRONMENT, IT'S A NEIGHBORHOOD OF LARGE HOMES, ANYWHERE FROM 3 THOUSAND SQUARE FEET TO 10 THOUSAND SQUARE FEET WITH LOTS OF FAMILIES SO YOU'RE GOING TO FIND LOTS OF KIDS OUT PLAYING, WOMEN PUSHING THEIR CHILDREN IN STROLLERS, THEY DID HAVE A HOMEOWNER'S ASSOCIATION LIKE THE PREVIOUS RESIDENCE I HAD, KNOWING THAT MY INVESTMENT IN THE COMMUNITY WOULD BE PRESERVED AND I WOULDN'T HAVE A RENEGADE NEIGHBOR DOING SOMETHING THAT WOULD DEGRADE THE VALUE OF MY HOUSE, A FEW YEARS AGO, I WAS MORE THAN SURPRISED AND AMAZED THAT THE MESSINAS WERE TURNING THEIR FRONT YARD LANDSCAPING INTO A FARM. I QUESTIONED A NUMBER OF MY NEIGHBORS AS TO HOW THIS COULD PASS THE HOMEOWNER'S ASSOCIATION AND I WAS TOLD, WELL, THERE WERE THREE THINGS THAT WERE TOLD, IT WAS GOING TO BE TO BEAUTIFY THE LANDSCAPING. WELL, HERE'S THE BEAUTIFICATION THAT TAKES PLACE, BASICALLY STICKS AND WOODEN STAKES STICKING OUT OF THE GROUND. THAT'S WHAT WE SEE ABOUT HALF THE YEAR, THE OTHER THING I WAS TOLD IS IT'S A HOBBY. I DON'T KNOW ABOUT YOU, WHEN I HAVE A PERSONAL HOBBY, LET'S SAY I DO GRAPES, MY LITTLE GARDEN, I NEVER SEE THEM OUT THERE GARDENING, WE SEE AGRICULTURAL WORKERS OUT THERE WORKING THE FARM BASICALLY ABOUT HALF THE YEAR. THE LAST THING IS IT WAS TOLD IT WAS A NON-COMMERCIAL VENTURE, AS STATED, MANY PEOPLE HAVE BOUGHT WINE FROM THE DIFFERENT PLACES, AND WHY WOULD THEY CREATE A

WEBSITE. IF THIS IS A MOB BY, WHY WOULD YOU CREATE A WEBSITE TO SELL YOUR PRODUCTS ON, THEY HAVE LIED IN THE PAST WITH THE HOMEOWNER'S SITUATION, SAYING THIS IS A NON-COMMERCIAL VENTURE AND THEY CAN'T BE TRUSTED GOING FORWARD, AND I BEG YOU TO DECLINE THIS CUP. THANK YOU VERY MUCH.

>> CHAIR LOUIE: THANK YOU.

>> THE NEXT SIX SPEAKERS, NICOLE HOLLAND, ZUZU HOLLAND, [INAUDIBLE] HOLLAND, BRUCE BUNCH, ED KRUGER AND SUE APEL.

>> CHAIR LOUIE: HOW MANY ADDITIONAL SPEAKERS DO WE HAVE?

>> BEYOND THAT, THERE WERE FOUR OTHERS.

>> CHAIR LOUIE: OKAY.

>> HI, MY NAME IS NICOLE HOLLAND AND I LIVE AT 3737 MEDELA CREEK ROAD, I FIRST LEARNED ABOUT THE IRRIGATION SYSTEM ABOUT THREE MONTHS AGO AND I HAVE FOUR CHILDREN, WE'RE A FAMILY OF SIX AND I HAVE BROUGHT A NEWBORN BABY HOME TO THIS HOUSE AND NOW I HAVE FEAR OF BATHING MY BABY IN THE WATER, HAVING MY KIDS PLAY IN THE CREEK, HAVING -- WE'VE BEEN DRAINING -- DRINKING TAP WATER AND PEOPLE SURROUNDING OUR HOME HAVE ILLNESSES RELATED TO

PESTICIDES, SO THAT FORCED ME TO START CALLING GOVERNMENT AGENCIES, I REACHED OUT TO PUBLIC HEALTH DEPARTMENT, AGRICULTURAL DEPARTMENT, I HAD CALLED THE SUPERVISOR'S OFFICE, I HAVE CONTACTED EVERY PERSON AND I WILL NOT STOP CONTACTING PEOPLE ASK I WILL MAKE SURE THAT THIS WILL NOT KEEP GOING ON IN THIS NEIGHBORHOOD, THE MEDIA, EVERYONE WILL BE CONTACTED IF THIS CONTINUES. THIS IS A TREND THAT NEEDS TO STOP AND THIS IS WAY TOO CLOSE TO HOME. VINEYARDS AREN'T THIS CLOSE TO HOMES. I SPOKE WITH PUBLIC HEALTH, MR. JORDY FUENTES TO SEE IF HE COULD CAN TEST THE BACK FLOW, HE SAID HE WAS NOT ABLE TO SPEAK WITH THE RESIDENTS BECAUSE THEY DON'T LIVE THERE, THERE WAS A HOUSE ATTENDANT, HE WAS NOT ABLE TO GET A HOLD OF THEM, BUT LEFT MESSAGES, THEY HADN'T CONTACTED THEM, BUT THEN THEY HAD BACK FLOW TESTED BY SOMEONE FROM RIVERSIDE, I BELIEVE, WHICH WE HAVE NO KNOWING IF THEY NEEDED TO DO ANY REPAIRS FOR THE LAST SIX, 7 YEARS THAT THEY'VE BEEN RUNNING THEIR VINEYARD. WE'RE ALL LIVING IN FEAR IN OUR NEIGHBORHOOD. I HAD SPOKEN TO DEPUTY DIRECTOR MR. CREEK MAYR, HE WAS CONCERNED AS WELL, SO WE DID A WALK TO SHOW THROUGH OUR COMMUNITY HOW CLOSE OUR HOMES WERE.

>> CHAIR LOUIE: YOU NEED TO CONCLUDE, PLEASE.

>> AND I JUST WANTED TO SAY THAT THEY SAID THAT THEY WERE NOT GOING TO HARVEST THEIR VINEYARD AND THEY LIED, THEY HARVESTED

THIS YEAR PER MR. CREEK MEYER'S CONVERSATION WITH THEM. I HAVE THE E-MAIL REGARDING THAT THAT I WOULD LIKE TO BE HANDED OUT TO YOU, JUST TO SHOW THE COMMISSIONERS THE CONTINUED LIES FROM THE MESSINA FAMILY THAT NEEDS TO STOP. PLEASE, LISTEN TO OUR CONCERNS AND TAKE THEM SERIOUSLY BECAUSE WE WILL NOT STOP. WE WILL NOT LET THIS REST IF YOU LET THEM HAVE THIS APPROVAL. THANK YOU.

>> CHAIR LOUIE: THANK YOU.

>> THIS IS MY DAUGHTER ZUZU, AND SHE LIVES AT 3737 MEDELA CREEK.

>> MY NAME IS ZUZU, AND I'LL BE READING A LETTER FROM --

>> MR. NATER'S WIFE.

>> TO WHOM IT MAY CONCERN, IN THE SUMMER OF 2010, I STARTED EXPERIENCING VERY STRANGE SYMPTOMS, I WAS HAVING DIFFICULTY LIFTING MY RIGHT LEG AND STARTED WALKING BY DRAGGING IT. THESE SYMPTOMS CONTINUE TO PROGRESS UNTIL I WAS WALKING WITH A CANE. WITH A WALKER, THEN I COULDN'T WALK AT ALL WITH A CANE TO BEING IN A WHEELCHAIR, THE DOCTORS WERE UNABLE TO DIAGNOSE MY DISEASE UNTIL A YEAR AND A HALF LATER WHEN I FINALLY RECEIVED THE DIAGNOSIS, I WAS GIVEN THE TERRIBLE NEWS THAT I HAVE ALS,

OTHERWISE KNOWN AS LOU GEHRIG'S DISEASE, THIS DISEASE IS
EVENTUALLY FATAL, THE DISEASE HAS PROGRESSED SO MUCH THAT I CAN
NO LONGER INDEPENDENTLY DO ANYTHING AND CANNOT MOVE ANY PART OF
MY BODY. IN ADDITION, I AM STARTING TO HAVE DIFFICULTY
SWALLOWING, THE DOCTORS HAVE DETERMINED THAT MY ALS IS NOT
HEREDITARY AND THAT IT IS CAUSED OF THE ENVIRONMENT. THE EXACT
CAUSE IS UNKNOWN BUT MANY STUDIES HAVE SHOWN THAT ALS CAN BE
CAUSED BY THE ENVIRONMENT. SIMILAR TO ONES THAT MESSINA HAS BEEN
SPRAYING ON THE VINEYARD. MY HOUSE IS JUST A FEW HOUSES DOWN
FROM THE MESSINAS' VINEYARD, YET WE ARE TOLD NOTHING ABOUT THIS
DECISION TO SPRAY POISONOUS CHEMICALS. WE MOVED TO OUR HOUSE IN
1994. WHEN WE MOVED INTO OUR NEIGHBORHOOD, WE WERE SO EXCITED TO
START OUR LIVES AND RAISE OUR KIDS IN SUCH A BEAUTIFUL PLACE. WE
LOVE ALL OUR NEIGHBORS AND FELT EVERYONE WAS SO KIND AND
SUPPORTIVE TO EACH OTHER. LITTLE DID WE KNOW THAT ONE OF OUR
NEIGHBORS WOULD SHOW ABSOLUTELY NO THOUGHT TO THE REST TO HAVE
COMMUNITY AND POISON ITS RESIDENT, LITTLE DID I KNOW THAT
BECAUSE OF THIS NEIGHBOR'S SHELLFISH AND RASH DECISION, MY LIFE
IN FUTURE WOULD ESSENTIALLY BE OVER AND MY WHOLE FAMILY WOULD
HAVE TO SUFFER. PLEASE DO NOT GRANT THE MESSINAS PERMISSION TO
CONTINUE POISONING THE RESIDENTS OF THIS COMMUNITY. TOO MF OF US
HAVE SUFFERED AND I DO NOT WANT ANYONE TO HAVE TO EXPERIENCE THE
TERRIBLE SITUATION I MAD TO GO THROUGH. SINCERELY, VERARDA

AMERPOL, WRITTEN BY HER DAUGHTER ON BEHALF OF HER MOTHER
BECAUSE SHE CANNOT USE HER FINGERTIPS TO TYPE.

>> CHAIR LOUIE: THANK YOU VERY MUCH.

>> HELLO, MY NAME IS KAY JOHN ROWLAND AND I AM THE SISTER OF
ZUZU AND THE SON OF NICOLE HOLLAND. I USED TO PLAY IN THE CREEK
WHICH IS HIGHLIGHTED IN GREEN EVERY DAY UNTIL -- AND ME AND MY
NEIGHBORS WOULD UNTIL WE FOUND OUT THAT THERE WAS POSSIBLE
PESTICIDES BEING SPRAYED THAT WERE COMING DOWN THROUGH A SLOPED
HILL GOING DOWN IN OUR CREEK AND WE WERE WORRIED BECAUSE WE
WOULD SWIM EVERY DAY AND WE WOULD ALSO BE SICK FROM IT, SO YES,
THANK YOU VERY MUCH FOR YOUR GUY'S TIME.

>> CHAIR LOUIE: THANK YOU VERY MUCH. DID WE HAVE OTHER SPEAKERS
CALLED?

>> I DID CALL BRUCE BUNCH, IS BRUCE BUNCH HERE, AND THEN TED
KRUGER? SUE APEL? WOULD YOU LIKE ME TO CALL THE REMAINING FOUR?
MOLL KRUGER, STEPHEN LLOYD, STEVE GOLDMAN AND STEVE BURSON.

>> CHAIR LOUIE: GENTLEMEN?

>> BEFORE WE START, COULD YOU PUT THAT ONE ON YOUR SCREEN,
THAT'S WHAT I'LL TALK ABOUT.

>> CHAIR LOUIE: WHEN YOU SAY OUR SCREEN, YOU'RE TALKING OUR
TABLE?

>> YES. THANK YOU, MY NAME IS BRUCE BUNCH, SINCE 1990, WE HAVE
LIVED DIRECTLY ACROSS THE STREET FROM THE VINEYARD, IF YOU LOOK
DIRECTLY ACROSS THE STREET JUST ON THE UPSIDE, THAT'S OUR HOUSE.
THE CONCERNS I WOULD TALK ABOUT ARE I UNDERSTOOD THE COMMISSION
TO SAY THAT YOU HAD AN INTEREST IN MAKING SURE THAT WE HAVE, YOU
KNOW, HOME GROWN THINGS, WHY WOULDN'T WE WANT TO FOSTER THAT,
AND I WOULD SUGGEST THAT IT'S IMPORTANT THAT YOU KNOW THE
TOPOGRAPHY. THIS IS A COMMUNITY IN THE MOUNTAINS WHERE THERE ARE
ABOUT 55 OR SO HOMES. THE VINEYARD IS ON A STEEP SLOPE. THE WAGON
ROAD RUNS DOWNHILL FROM THE VINEYARD. ALL THE WATER AND ALL THE
RUNOFF FROM THERE EVENTUALLY HITS MEDELA CREEK IN WHICH EVERY
KID IN THE NEIGHBORHOOD, PARTICULARLY THE BOYS PLAY, SO IT'S NOT
JUST A QUESTION OF THE BACK FLOW, IT'S A QUESTION OF WHAT SPILLS
OFF. I WOULD URGE THE -- IF THIS IS A FOR PRIVATE USE ONLY, I
THINK IT WOULD BE INCUMBENT UPON THE MESSINAS TO DOCUMENT HERE
THAT THEY LIVE THERE, WE ARE INFORMED AND I LIVE ACROSS THE
STREET, WE THINK THEY DO NOT CURRENTLY LIVE THERE. IF THE
QUESTION IS WHERE DO YOU DRAW THE LINE BETWEEN HOW MANY PLANTS

OR ROSE BUSHES DO YOU HAVE THAT TURN IT FROM JUST A HOBBY OR A LITTLE THING INTO SOMETHING BIG, THIS IS TWO ACRES OF GRAPES, AND IF INDEED IT'S TRUE THAT THE WINE IS BEING SOLD, THEN IT IS INDEED A COMMERCIAL USE AND THAT PUSHES IT OVER. THE REAL TEST IS I WOULD SAY IS THAT THIS COMMUNITY WAS UNAWARE OF THE SPRAYING AND CHEMIGRADING, IF YOU ISSUED A CUP IS THAT THE LANGUAGE WOULD HAVE TO BE VERY TIGHTLY DRAWN TO MAKE SURE THERE IS NOT A VIOLATION OF THAT AND HOW WOULD IT EVER BE POLICED, THOSE WOULD BE MY INPUT.

>> CHAIR LOUIE: THANK YOU VERY MUCH.

>> GOOD MORNING, AND THANK YOU VERY MUCH FOR YOUR ATTENTION, MY NAME IS TED KRUGER, I RESIGN ON OLD MILL CREEK LANE, I'VE LIVED THERE FOR 23 YEARS WITH MY WIFE AND WE RAISED TWO KIDS AND A NUMBER OF DOGS, SINCE MOST OF THE INFORMATION HAS BEEN PROVIDED TO YOU, NUMBER ONE, IT IS TRUE AS FAR AS I KNOW, THE MESSINAS DO NOT LIVE AT THEIR HOUSE, THEREFORE, THIS IS NOT A MATTER OF A HOUSE OWNER PLANTING SOME ROSES, THEY'RE NON-RESIDENT FARMERS, IMAGINE SOMEONE COMING INTO YOUR COMMUNITY AND NOT LIVING IN THE HOUSE AND SOMETHING GETTING MANUFACTURER TO PRODUCE WINE, SECONDLY, I'M ADVISED BY RESEARCH THAT THEIR SYSTEM UNTIL RECENTLY HAS BEEN TAPPED INTO OUR DRAINING WATER SYSTEM, ALTHOUGH THE WATER MAY COME FROM LAS VIRGENES, THIS IS

INFORMATION THAT HAS BEEN PROVIDED TO ME, MOST IMPORTANTLY, I CANNOT SUPPORT THE CUP BECAUSE OF THE REVIEW OF THE HISTORY AND THEIR CONSISTENT LYING. I HAVE FOUR QUICK POINTS TO MAKE, WHEN THE MESSINAS DECIDED TO PUT UP THEIR VINEYARD, THEY DIDN'T GO DOOR TO DOOR AND DECIDED TO PRAY, THE THREE PEOPLE WHO APPROVED THE PAPER WORK BACK IN 2005 WAS INSUFFICIENT. IN MY OPINION, THE MESSINAS COMMITTED A VERY SERIOUS OMISSION, AN OMISSION THAT QUALIFIES AS A LIE, THEY HAVE A DUTY TO TELL THE TRUTH BY GOING TO EVERYONE AND TELLING THEM OF THEIR INTENTIONS TO USE DANGEROUS TOXIC CHEMICAL, THEY FAILED TO DO THAT, STRIKE 16789 STRIKE 2, THEY PLANT AND HAD HARVESTED THEIR GRAPES WITHOUT COMING TO THIS GREAT BOARD AND OBTAINING A CUP THEN, ISN'T THIS JUST A SUCCESSFUL EXAMPLE OF NOT ASKING FOR PERMISSION FIRST AND THEN BEGGING FOR FORGIVENESS LATER? I'M CERTAIN THE PLANNING COMMISSION CANNOT BE PLEASED THAT AN UNPERMITTED FARM WAS CONSTRUCTED AND OPERATED FOR YEARS AND INVOLVED THE USE OF DANGEROUS CHEMICALS IN A COMPACT LOS ANGELES COUNTY NEIGHBORHOOD. I'M ALSO PERPLEXED WHY THE PLANNING STAFF IS NOT CONSIDERING SIGNIFICANT MONETARY DAMAGES TO COMPENSATE THOSE WHO HAVE SUFFERED FROM THESE ACTS. NUMBER 3, STRIKE 3, AT A HOMEOWNER'S MEETING THAT I ATTENDED, THEY PROMISED THEY WOULD NOT USE SPRAYING ON THE PREMISES, THEN IN APRIL OF THE NEXT YEAR, LAST YEAR, HIS CUP APPLICATION WHICH IS BEFORE YOU STATES WE NEED TO USE PESTICIDES TO GROW THE GRAPES, THIS IS A WELL

CONTRADICTION, IT'S AN EXAMPLE OF DISTRUST, LASTLY, MY FOURTH POINT, THE FOURTH STRIKE, JUST A FEW WEEKS AGO, THEY DID APPLY TO CALIFORNIA RESTRICTED MATERIALS PERMITTED PROGRAM AND IT WAS EXPOSED FROM A HOMEOWNER'S RESEARCH, THEY WERE TRYING TO GET AUTHORIZATION TO USE PESTICIDES AND CHEMICALS IMMEDIATELY UPON HEARING ABOUT THIS DISCOVERY, THEY WITHDRAW THEIR APPLICATION, SO IN SUMMARY, I'VE LIVED ENOUGH LIFE HISTORICALLY, THESE PEOPLE HAVE LIED TO US OVER AND OVER AGAIN, THERE IS NO SET OF CONDITIONS THAT CAN PROTECT US FROM FUTURE LIES AND DECEIT AND THERE'S NO WAY TO MONITOR CONTROL THIS ABUNDANCE OF PROBLEM, THANK YOU FOR YOUR CONSIDERATION.

>> HELLO, MY NAME IS SUE APEL, MY FAMILY AND I HAVE LIVED THERE FOR 14 YEARS, WE LIVE DOWNHILL FROM THERE, I AM CERTAIN THAT HAVING NO ARGUMENT THAT HAVING PESTICIDE CHEMICALS IS HARMFUL TO THE WILDLIFE WHICH RELIES ON THE CREEK FOR THEIR DRINKING WATER, IN OUR LITTLE ENCLAVE AT THE BOTTOM OF THE STREET, MANY PEOPLE HAVE BEEN STRICKEN WITH DISEASE WHEN THEY STARTED IRRIGATING, THEY SPRAYED 7XLR, TOXIC CHEMICAL AS A DOCUMENT HORMONE AND ENDOCRINE DISRUPTOR, ONE OF MY DAUGHTER'S DIAGNOSIS WHICH HAS BEEN DOCUMENTED IN MR. SEA WARD'S FILE, IT REMAIN FRIGHTENING CLEAR THAT THERE'S BEEN MANY ILLNESSES SINCE THE SPRAYING. THEY CANNOT BE TRUSTED WITH CONDITIONAL USE PROVISION, THEY WERE NOT SUPPOSED TO BE SPRAYING LAST YEAR AND MY HUSBAND

SAW WORKERS SPRAYING THE VINEYARD IN THEIR PROTECTIVE SUITS DURING THAT TIME, THEY HAVE STATED THE VINEYARD IS A HOBBY BY MS. MESSINA, A HOBBY IS SOMEONE THAT ONE LIKES TO DO IN ONE'S SPARE TIME, THEY DO NOT TEND TO THIS SO-CALLED HOBBY AT ALL. THEY HAVE HIRED OTHER COMPANIES TO INSTALL THE VINEYARD, MAINTAIN THE VINEYARD, HARVEST THE GRAPES, CREATE AND BOTTLE THE WINE, THEY DO NOT LIVE ON THE PROPERTY OR ANYWHERE NEAR THIS SO-CALLED HOBBY. I WILL CONCLUDE, NOTHING POSITIVE, NOTHING GOOD COMES FROM SPRAYING PESTICIDE OR HAVING A VINEYARD OPERATION FOR ANYONE, IT IS TOO CLOSE OF QUARTERS TO ALLOW THIS VINEYARD OPERATION TO CONTINUE. PLEASE DENY THE CUP APPLICATION. THANK YOU.

>> CHAIR LOUIE: THANK YOU.

>> COMMISSIONER HELSLEY: MR. CHAIRMAN, I WOULD ASK A 5 MINUTE BREAK.

>> CHAIR LOUIE: THAT'S FINE. HOW MANY MORE SPEAKERS DO WE HAVE?

>> I'VE GOT FOUR SPEAKER CARDS LEFT.

>> CHAIR LOUIE: TAKE A BREAK, YOU OKAY WITH IT? WE'LL TAKE A BREAK. (MEETING ON A 5 MINUTE BREAK, MEETING WILL RESUME AT 12:06).

>> CHAIR LOUIE: LET'S RECONVENE, WE'RE BACK IN SESSION. WE HAVE PUBLIC COMMENT, WE HAVE FOUR SPEAKERS, FOUR ADDITIONAL SPEAKERS, NUMBER 1. MAKE SURE YOU STATE YOUR NAME. THANK YOU.

>> STEVE GOLDMAN WE'VE LIVED IN MEDELA VALLEY FOR 18 YEARS, THE MESSINAS REPRESENTED THE VINEYARD AS A HOBBY, IT WAS FOR A COMMERCIAL OPERATION TO SELL AND PRODUCE WINES AT RETAIL AND SELL TONNAGE OF GRAPES TO WINERIES. WE FOUND MESSINA WINES AT RETAIL ONLINE AND SUE HERSELF TOLD ME IN FRONT OF HER VINEYARD THAT THEY WERE USING THE SAME VINEYARD COMPANY AS THE VERY COMMERCIAL ROSENTHAL WINERY TO PRODUCE WINES AND SELL AND SHE WAS SELLING ABOUT TWO TONS OF GRAPES TO OTHER WINERIES. REGARDING THE CUP APPLICATION, THE MESSINAS REPRESENTED THE VINEYARD FOR PERSONAL USE AND CONSUMPTION ONLY AND DIDN'T CHECK THE WINE BOX ON THE APPLICATION. THEY REPRESENTED THE HOMEOWNER'S ASSOCIATION, THEY WOULD CEASE USING PESTICIDES, YET THEIR CUP APPLICATION STATES THAT THEIR VINEYARD REQUIRES APPLICATION OF PESTICIDES AND "THE APPLICANT HAS BEEN LICENSED BY THE L.A. COUNTY OF ACWM TO APPLY PESTICIDES". REGARDING HEALTH CLAIMS, I CONFIRMED WITH DR. KIM GORDON, PREVIOUSLY, SHE WAS A

PRESIDENTIAL APPOINTEE AS ASSISTANT ADMINISTRATOR, OFFICE OF CHEMICAL SAFETY AND POLLUTION FOR THE EPA, DR. GOLDMAN READ THE HEARING RECORD AND TOLD ME, ONE, MESSINAS HAVE COMMERCIAL AGRICULTURE GOING ON WITH NO BUFFER, THERE IS LITTLE MARGINAL SETTING, EVEN IF THEY HAVE A BACK FLOW VALVE, WHAT HAPPENS IF AND WHEN IT FAILS, THE THREAT TO DRINKING WATER SHOULD BE TAKEN SERIOUSLY BY THE COUNTY, HEADACHES AND OTHER ACUTE SYMPTOMS DO OCCUR WITH DRIFT, IF THEY'RE USING CARBOROL, HOW ARE THEY DEALING WITH FRONT DOOR ENTRY, [INAUDIBLE] CALIFORNIA YIELDS 7 AND A HALF TONS OF GRAPES PER ACRE, WINE SPECTATOR STATES ONE [INAUDIBLE] OF GRAPES MAKES 20 GALLONS OF WINE, SO THAT EQUATES TO THEM SELLING 900 GALLONS CALIFORNIA ALLOWS PEOPLE TO PRODUCE 200 GALLONS PER WINE PER YEAR OR A SINGLE HOUSEHOLD, THEY'RE GROWING SIGNIFICANTLY MORE FOR PERSONAL USE THAN THEY COULD LEGALLY PRODUCE FOR LEGAL CONSUMPTION, THIS IS NOT VINEYARD FANTASY CAMP BUT A FULL FLEDGE COMMERCIAL OPERATION PROVIDING SHEATHED -- HEALTH RISKS, THEY CANNOT BE TRUSTED, PLEASE DO NOT GRANT THIS CUP.

>> COMMISSIONER HELSLEY: MAY I REQUEST THAT THAT MATERIAL THAT YOU READ BE LEFT AS A RECORD.

>> MY NAME IS MARO KRUGER, I LIVED IN THE ESTATES FOR 23 YEARS, I MOVED THERE BECAUSE IT WAS LOVELY, BEAUTIFUL AND RURAL, AND I

LIVE AT THE END OF OLD MILL CREEK WHICH WAGON ROAD -- WHICH IS BELOW WAGON ROAD WHERE THE WINERY IS. I JUST WANTED TO ADD A LETTER FROM KIMY KONKLAN, OR TO OUR FIELD REPRESENTATIVE, THE LAS VIRGENES WATER DISTRICT DOES NOT HAVE A BACK FLOW PREVENTION DEVICE AT THE SERVICE 06220 WAGON ROAD, AGOURA CALIFORNIA, THIS IS DATED FEBRUARY 15, 2013, AND I HAVE A LETTER HERE FROM GREG CREEKMER FROM THE AGRICULTURAL COMMISSION OF L.A. COUNTY, AFTER RECEIVING ALL OF -- AFTER REVIEWING ALL OF OUR RECORDS AND CHECKERING WITH OTHER AGENCIES INVOLVED, I WANTED TO KNOW YOU ARE CORRECT, WE DO NOT HAVE ANY RECORDS FOR THE INSPECTION OF THE BACK FLOW DEVICE AT 29200 WAGON ROAD IN AGOURA CALIFORNIA AND THIS IS DATED FEBRUARY 21, 2013, AND I JUST WANT TO ECHO WHAT MY NEIGHBORS HAVE SAID, THAT ALTHOUGH THE VINEYARD IS BEAUTIFUL TO LOOK AT, I WAS TOTALLY UNAWARE IT WAS -- THAT ANYTHING WAS GOING ON THERE. I DIDN'T KNOW ANYTHING ABOUT PESTICIDES, NOBODY EVER TALKED TO ME OR MY FAMILY AND I AM VERY CONCERNED ABOUT THE HEALTH HAZARDS. THANK YOU.

>> CHAIR LOUIE: THANK YOU VERY MUCH.

>> MY NAME IS STEVE LLOYD, I LIVE AT 3733 MEDELA CREEK ROAD AROUND THE CORNER FROM THE VINEYARD, THEY SAY THAT THE DEPARTMENT OF AGRICULTURE INSPECTED HER VINEYARD AND FOUND NO EVIDENCE OF PESTICIDE USE. WHAT TESTS DID HE CONDUCT, SOIL

SAMPLES? IF SO, WHAT PESTICIDES DID HE SAMPLE FOR? ALL OF THESE CHEMICALS HAVE BEEN CONFIRMED TO BE USED, SO HOW COULD HE FIND NO EVIDENCE IF THEY HAVE BEEN USED, WHAT LAB WAS USED, WHERE ARE THE DOCUMENTED RESULTS? IF THIS HAD BEEN DONE PROPERLY, THE RUMENS SHOULD BE HERE TODAY. IF THE CUP IS APPROVED, THESE ARE THE SAME KINDS OF INSPECTIONS THE COUNTY WILL NEED TO CONDUCT TWICE A YEAR TO DETERMINE IF THE MESSINAS ARE SPRAYING, DO THEY HAVE THE MANPOWER AND RESOURCES TO TEST THE GRAPES, THE LEAVES, THE SOIL, THE WATER, THE EQUIPMENT FOR ALL THE CHEMICALS THE MESSINAS HAVE BEEN KNOWN TO USE TWICE PER YEAR, IT WILL BE EXPENSIVE, HUNDRED DOLLARS PER YEAR, WHO WILL PAY FOR THIS, AND IN HER SWORN STATEMENT IN HER VERY BRIEF THAT YOU HAVE, WE SEE HOW LOOSELY SHE DEALS WITH THIS MISINFORMATION. PLEASE, DO NOT ALLOW OUR COMMUNITY TO BE AT FURTHER RISK, PLEASE DENY THIS PERMIT.

>> CHAIR LOUIE: THANK YOU.

>> STEVE BURSON, I LIVE DOWN THE HILL FROM THE MESSINAS, SO THERE'S SO MUCH EVIDENCE PROVEN TODAY THAT THEY WILL NOT ABIDE BY THE RULES, AND EVEN IN HER STATEMENT, SHE'S CONTRADICTING HERSELF AND SAYING SHE DOESN'T USE THE IRRIGATION SYSTEM TO DISPERSE CHEMICALS, THEY'VE BEEN DOING THIS FOR 6 YEARS, THEY STARTED SPRAYING IN 2006, MY SON GOT CANCER IN 2007, HE LOST THE

NEXT TWO YEARS OF HIS LIFE FETING THAT HORRIBLE DISEASE. THERE'S DEAD BEES ALL OVER MY BACKYARD AND THAT'S FROM THE SPRAYING AND THE DRIFT. MY CAT GOT A CANCEROUS TUMOR LAST YEAR, SO OBVIOUSLY I DON'T WANT ANY OF MY FAMILY MEMBERS TO HAVE ANY KIND OF HEALTH PROBLEMS IN THE FUTURE AND I DON'T WISH THAT ON ANY OF THE NEIGHBORS AS WELL, THAT'S JUST RIDICULOUS, IT'S NOT A COINCIDENCE THAT I THINK THERE'S A STATISTIC THAT 20% OF THE HOUSEHOLDS IN OUR NEIGHBORHOOD HAVE HEALTH ISSUES, IT'S NOT A COINCIDENCE. THE MESSINAS CAN'T BE ENTRUSTED WITH ANYTHING THAT AFFECTS THE HEALTH AND SAFETY OF THE NEIGHBORHOOD. THE IDEA OF TOASTING THEIR WINE, OF THEM TOASTING THEIR WINE REPULSES ME WHEN I THINK ABOUT WHAT MY SON WENT THROUGH AND WHAT COULD BE LATTEN MEDICAL PROBLEMS IN THE FUTURE. I'LL JUST CONCLUDE WITH ONE QUESTION, ARE 100 CASES OF WINE WORTH IT? THANK YOU.

>> CHAIR LOUIE: THANK YOU.

>> THAT WAS THE LAST SPEAKER.

>> CHAIR LOUIE: THANK YOU. IF THE APPLICANT CAN STEP FORWARD AND TAKE THE SEATS. THERE WILL BE 10 MINUTES FOR REBUTTAL, IF YOU WOULD LIKE TO ADDRESS ANY OF THE QUESTIONS THAT WERE RAISED DURING PUBLIC COMMENT, THIS IS YOUR OPPORTUNITY. AGAIN, IF YOU COULD BEGIN BY STATING YOUR NAME.

>> YES, THANK YOU MR. CHAIRMAN OF THE COMMISSION, AGAIN, MY NAME IS FERNANDO VIA ON BEHALF OF THE APPLICANTS, I WILL IN THE AMOUNT OF TIME TALK ABOUT THE CONCERNS THAT WERE EXPRESSED, MS. MESSINA WILL ALSO TALK ABOUT HER CONCERNS IN THE PARTICIPATION OF THE VINEYARD. LET ME MENTION THREE THINGS THAT I ASK THIS COMMISSION TO BEAR IN MIND AS IT CONSIDERS THE CUP WHICH I THINK ARE VERY CRITICAL AND NOTHING THAT'S BEEN PRESENTED TODAY FOR OR AGAINST THE CUP CHANGES THAT, NUMBER 1, IS THIS VINEYARD USE COMPATIBLE WITH THE SURROUNDING AREA? THERE ARE MANY VINEYARDS IN THE NEAR PROXIMITY TO THIS VINEYARD, IT'S A RUSTIC LOW DENSITY AREA, THE PLANNING COMMISSION STAFF FOUND THERE IS COMPATIBILITY AND CONSISTENCY WITH CONSISTENT ZONING AND WE AGREE WITH THAT FINDING. SECOND, WILL THIS VINEYARD HAVE ANY SIGNIFICANT IMPACT ON THE ENVIRONMENT, AN INITIAL STUDY HAS BEEN DONE, A NEGATIVE DECLARATION HAS BEEN PREPARED, PLANNING STAFF THAT CONCLUDED SUBJECT TO YOUR DECISION-MAKING THAT NO SIGNIFICANT ENVIRONMENTAL IMPACT WILL RESULT, INCLUDING BUT NOT LIMITED TO ANY PAST USE, I EMPHASIZE THE WORD PAST USE OF PESTICIDES, AND THEN FINALLY, YOU HAVE HEARD SO-CALLED -- WE THINK THE CONCERNS EXPRESSED BY EVERYONE HERE ARE IMPORTANT, THEY'RE IMPORTANT TO MY CLIENTS, THEY'RE IMPORTANT TO ME, BUT THE EVIDENCE THAT'S BEEN PRESENTED OR THE STATEMENTS THAT HAVE BEEN MADE, WE BELIEVE, IN FACT THE EVIDENCE WILL SHOW THAT THEY ARE BASED ON

MISPERCEPTION AND INCORRECT FACTS AND LET ME ADDRESS THESE POINTS AS THEY HAVE ARISEN, PESTICIDE USE CONTINUES TO THIS DAY. STATEMENTS HAVE BEEN MADE THAT PEOPLE HAVE BEEN SEEN USING PESTICIDES RECENTLY, THAT THERE'S BEEN A NEW PESTICIDE PERMIT THAT'S BEEN SUBMITTED TO THE COUNTY TO CONTINUE THE USE AND SO ON. NO PESTICIDE SPRAYING HAS OCCURRED SINCE JULY OF 2011, FOR ALMOST TWO YEARS, AND WE HAVE EVIDENCE THAT WE'VE PRESENTED IN OUR SUBMITTALS THAT DEMONSTRATES THAT, FIRST AND FOREMOST, DON'T BELIEVE US, BELIEVE YOUR DEPARTMENT OF AGRICULTURAL COMMISSION OFFICE, THE DEPUTY AGRICULTURAL OFFICER STATED THAT NO PERMIT HAS BEEN SOUGHT SINCE JULY 14, 2011, EXACTLY THE TIME MY CLIENT STOPPED SPRAYING, WE HAVE SOMEONE WHO CAN ATTEST TO THAT IF THE COMMISSION DEEMS THAT NECESSARY. SECOND, THE -- THAT'S THE SECOND, A LOS ANGELES INSPECTOR CAME ON THE PROPERTY AS ONE OF THE RESIDENTS NOTED ON FEBRUARY 2013 AND FOUND NO EVIDENCE WHATSOEVER OF SPRAYING ON THE PROPERTY. THIRDLY, A LICENSE INSPECTOR THAT'S BEEN CERTIFIED BY THE COUNTY WENT ON-SITE TO CHECK ON THE BLACK FLOW DEVICE SYSTEM, HE CONCLUDED THERE WERE NO FERTILIZER CHEMICAL INJECTION SYSTEMS IN OPERATION AND THERE IS NO DANGER OF WATER POLLUTION, THOSE ARE QUOTES, HE ALSO FOUND THAT BACK FLOW PREVENTION STATEMENT AS I STATED EARLIER TO BE COMPLETELY OPERABLE AND FUNCTIONING AND PER THE COUNTY'S CODES. THE PRODUCT USE REPORTS THAT THE HOMEOWNER'S ASSOCIATION COUNCIL IN FACT SHOWS THAT THE VERY LAST SUCH PESTICIDE USE

PERMIT APPLICATION WAS SUBMITTED ON GUESS WHAT, I'M SORRY, JULY 14, 2011, EXACTLY WHEN THE COMMISSIONER CON LAUDED NO MORE PESTICIDE APPLICATION HAS OCCURRED ON THE PROPERTY. SO, THAT ALSO BY THE WAY, THAT STATEMENT BY THE COMMISSIONER REFUTES THE CLAIM THAT THE MESSINAS HAVE APPLIED FOR NEW PERMITS, MUCH HAS BEEN SAID ABOUT THE MISLEADING AND MISSTATEMENTS BY THE MESSINAS, WHEN MR. AND MRS. MESSINA APPLIED FOR A VINEYARD IN THE SUMMER OF 2005, NOTHING IN THE APPLICATION FORMS SUBMITTED STATED THAT THEY WERE NOT GOING TO USE PESTICIDES AND HAS BEEN SAID EARLIER, PESTICIDE USES, COMMONLY WHAT'S USED IN CULTIVATING AND MAINTAINING THESE VINEYARDS, THE MESSINAS NEVER TOLD THE ASSOCIATION THAT THEY WERE NOT GOING TO USE PESTICIDES AND THEY OPENLY USED PESTICIDES FOR THE 6 OR SO YEARS BEFORE ANYONE EVER SAID ANYTHING ABOUT CONCERNS, AND WHEN THOSE CONCERNS WERE EXPRESSED, OUR CLIENTS, MY CLIENTS TOOK THOSE CONCERNS SERIOUSLY AND STOPPED USING PESTICIDES. AND SO WHAT HAVE THE MESSINAS DONE, THEY STOPPED USING PESTICIDES, THEY HAVE BEEN TRUE TO THEIR WORD, THEY CAN BE TRUSTED AND THIS IS GOING TO BE REFLECTED IN THE CUP, IT'S THE MESSINAS THAT WILL BE SELF-ENFORCING, IT WILL BE YOUR AGENCY THAT WILL BE SELF-ENFORCING, YOU DON'T HAVE TO TAKE THE MESSINAS OWN WORD, ALTHOUGH SINCE THE TIME THEY STOP ED USING PESTICIDES, THAT HAS BEEN TRUE, REGARDING COMMERCIAL ACTIVITY, I'LL LIMIT MY ACTIVITIES IN THE SO-CALLED RETAIL SALES, THESE HAVE BEEN OCCASIONAL SALES BY

ENTITIES TO SELL WINES, THE MESSINAS ARE NOT TOLD AHEAD OF TIME WHEN THESE ARE TO BE SOLD, THE CODE SAYS NO COMMERCIAL USE ON THE PROPERTY THERE IS NO COMMERCIAL USE ON THE PROPERTY. THIS KIND OF SALE THAT'S GOING ON IS TWO OR THREE LAYERS REMOVED FROM OUR CLIENTS, THEY RECEIVED NO PROCEEDS FROM THE SEAS, THEY RECEIVED NO MONEY, THEY DON'T MAKE ANY MONEY FROM THE SALE BUT WE CAN INSTRUCT, OUR CLIENTS CAN INSTRUCT MONTAGE STOP BUYING AND DON'T SELL, THAT'S AN EASILY ADDRESSABLE PROBLEM IF THAT'S A CONCERN OF THE COMMISSION, THIS IS NOT A COMMERCIAL ENTERPRISE, THERE'S NOTHING IN THE RECORD THAT REFLECTS THAT. WE'VE ALREADY TALKED ABOUT THE BACK FLOW PREVENTION DEVICES, THEY EXIST, THEY WORK. THE FORGED APPLICATION, HE HEARD A HANDFUL OF RESIDENTS CLAIM THAT THE MESSINAS HAVE FORGED THE APPLICATION AND MISLED THE ASSOCIATION BY STATING NEIGHBORS DID NOT OBJECT. MY CLIENTS HAVE STATED IN SUE MESSINA'S DECLARATION UNDER PENALTY OF PURELY -- PERJURY, THEY HAVE NOT CLEARED THOSE FORMS, IT WAS [INAUDIBLE] WHO HAVE CONTACTED THE FORMS, MR. SILVERSTEIN SAID HE DOESN'T REMEMBER TALKING TO MS. MESSINA, IT WAS LAURA BISCON WHO TALKED TO HIM. THERE WERE HANDWRITTEN COMPLETED FORMS, THERE'S NO SIGNATURE OR ATTEMPT TO SIGN A SIGNATURE, AND MOST IMPORTANTLY, MY CLIENTS DIDN'T COMPLETE IT, SO MY CLIENTS DID NOT COMMIT ANY FORGERY OR MISLEADING CONDUCT. THE REVOCATION OF THE VINEYARD, THERE'S MUCH TO DO ABOUT THE IDEA THAT THE NEW BOARD -- THE MAJORITY THAT WAS JUST ELECTED INTO OFFICE LAST

WEEK, THE NEW BOARD PURPORTED AND I AGREE WITH COMMISSIONER'S SUGGESTED TERM, TRIED TO REVOKE THIS USE THAT'S BEEN IN OPERATION FOR 8 YEARS WITH THE FULL KNOWLEDGE OF THE COMMISSION KNOWING THAT THIS VINEYARD HAD BEEN USED, KNOWING THAT PESTICIDES HAVE BEEN USED. THE REVOCATION DOES NOT BELONG IN THIS FORM. SECONDLY, WE DISPUTE, WE DISAGREE AND NOT THAT WE WANT TO AIR OUR LEGAL LAUNDRY BEFORE YOU, BUT THERE ARE CLAIMS MADE THAT THERE WERE VARIOUS OVERLYING OF THE CCNR'S, THERE HAVE BEEN NO VIOLATIONS OF THE CCNR'S, NOTHING IN THE CCNR PROHIBITS PESTICIDES, NOTHING IN THE CONDITIONS TO THE APPLICATION OR THE APPROVAL BY THE HOA BOARD PROHIBITED PESTICIDES. MR. AROUND REFERRED TO COMPLIANCE WITH THE LAWS, BOTH THE BOARD -- MR. AROUND TOLD ME, MY CLIENTS DID NOT KNOW A CUP WAS REQUIRED, WHEN WE BECAME AWARE OF IT, WE PROCEEDED IMMEDIATELY TO SUBMIT AN APPLICATION AND WHILE WE WERE HEADING TO OUR APPLICATION, MR. AROUND ON BEHALF OF THE ASSOCIATION AND MYSELF ATTEMPTED TO REACH AN AGREEMENT. WE OFFERED TO AND DID CEASE TO CONTINUE SPRAYING, WE DID TRY TO REACH AN AGREEMENT ON INSPECTION, THE BOARD WANTED TO HAVE THE RIGHT TO INSPECT, WHEN A NEW BOARD WAS ELECTED, HE SAID WE'RE NOT TALKING TO YOU ANYMORE, WE'VE CHANGED OUR MINDS, WHILE THIS APPLICATION IS PENDING, WE'RE GOING TO SEEK TO TERMINATE YOUR USE, SO THEY STOPPED DISCUSSIONS, WE WANTED TO RESOLVE THIS AMICABLY, WE WANTED TO DISCUSS THIS

BEFORE YOU. WE JUST HAVE A MINUTE OF TWO, SUE MESSINA HAS A CUM
OF POINTS THAT SHE WOULD LIKE TO ADDRESS.

>> THERE WERE A COUPLE OF POINTS I WANTED TO CLARIFY, ONE IS I
HAVE MADE NO MONEY FROM THIS VENTURE, NOT NEARLY 60 THOUSAND
DOLLARS, THE OFFSET FOR PROCEEDS HAS BEEN UNDER A THOUSAND
DOLLARS, I'VE SOLD TWO OR THREE CASES, MAYBE FOUR SINCE
NOVEMBER, NOT ME PERSONALLY AGAIN, THAT WAS THROUGH THE CRUSH
WINERY, THEY SOLD A FEW CASES TO MONTAGE WHO THEN TOOK IT TO
SIP WINE YARD CORNELL WINE TASTING CLUBS, WE DO RESIDE AT THE
HOUSE, I AM PERIODICALLY FLYING BACK AND FORTH TO WASHINGTON TO
MY ELDERLY PARENTS. MY CHILDREN LIVE HERE, THEY ARE AT THE HOUSE
EVERY DAY, THEY BOTH WORK, MY DAUGHTER IS IN SAN DIEGO, AT NO
TIME IS MY HOUSE VACANT OR NOT REPRESENTED BY MY FAMILY. THE
BACK FLOW DEVICE HAS BEEN THERE SINCE THE ORIGINATION OF OUR
VINEYARD, IT IS NOT CONNECTED TO THE WATER SYSTEM AND IT IS NOT
OUR DRINKING WATER. I DO TAKE SERIOUSLY THE HEALTH OF MY
NEIGHBORS AND THESE ARE MY NEIGHBORS AND I HAVE PROMISED AND
STILL STAND BY IT, NOT SPRAY, WE WILL NOT USE FERTILIZER
CHEMICALS OF ANY KIND, AND I SEE MY TIME IS UP, BUT I THANK YOU
FOR YOU -- THIS HAS BEEN HARD ON ME AND MY HUSBAND AS WELL AND
MY FAMILY, AND WE HOPE YOU WILL TAKE CONSIDERATION FOR US TOO.

>> WE'LL TAKE ANY QUESTIONS THAT THE COMMISSIONERS MAY HAVE.

>> CHAIR LOUIE: QUESTIONS, COMMISSIONER HELSLEY?

>> COMMISSIONER HELSLEY: I WOULD LIKE TO RELATE TO YOUR LAST STATEMENT ABOUT GROWTH ASSISTING NUTRIENTS, FERTILIZERS.

>> YES.

>> COMMISSIONER HELSLEY: CAN YOU -- I HAVE A HARD TIME WITH THAT STATEMENT OF NO FERTILIZERS BECAUSE I THINK YOU HAVE TO HAVE A NUTRIENT FLOW INTO THAT GRAPE SUBSYSTEM, AND SO I DON'T SEE FERTILIZERS NECESSARILY BEING A POLLUTANT PROBLEM.

>> I WOULD LIKE TO SAY MY PURPOSE IN SAYING THAT IS I DON'T MANAGE THIS AS A BUSINESS OR AS ANYTHING MORE THAN JUST KEEPING IT GREEN AND PRETTY IN OUR YARD, THERE IS WINE MADE FROM IT BUT WE USE NOTHING THAT IS ILLEGAL, EVEN WHEN PESTICIDES WERE BEING USED, IT WAS BY A CERTIFIED COMPANY THAT HANDLES A LOT OF FERTILIZATION THROUGHOUT CALIFORNIA AND CHEMICALS, MUCH OF WHAT OUR NEIGHBORS USE ON THEIR EFEDS AND THEIR MIRACLE GROW AND IT'S JUST AS HARMFUL AND SWALLOWED AS GOING INTO MY YARD, BUT I WILL NOT PUT ANYTHING ON MY YARD, I DON'T WANT TO CAUSE ANYBODY ANY ILLNESS AND I DON'T WANT TO LOSE ALL THE MONEY THAT'S BEEN INVESTED IN THIS IN TERMS OF INSTALLING IT, BUT IT HAS NEVER

MADE ME ANY MONEY, IN BOLD LETTERS WAS AT THE TOP OF THE REPORT,
IF YOU INTEND TO MAKE MONEY ON THIS, YOU WILL NOT.

>> CHAIR LOUIE: ANY FURTHER QUESTIONS? OKAY, THANK YOU VERY
MUCH.

>> COMMISSIONER PEDERSEN: I JUST WANTED A LITTLE CLARIFICATION
ON THE RESTRICTED MATERIALS PERMIT. NOW, PRIOR, YOU HAD A
RESTRICTED MATERIALS PERMIT FOR THE --

>> CORRECT.

>> COMMISSIONER PEDERSEN: AND I'M NOT AN EXPERT ON PESTICIDES,
SO SOME RESTRICTED MATERIALS WERE USED ON THE GRAPES DURING
THAT PERIOD OF TIME?

>> CORRECT.

>> COMMISSIONER PEDERSEN: OKAY, IS THERE ANY REQUIREMENT FOR
NOTIFICATION WHEN RESTRICTED MATERIALS ARE APPLIED TO CROPS?

>> I'M NOT AWARE OF THAT, WE WERE GOING THROUGH A LICENSED
SOMA'S COMPANY THAT HAS ITS PESTICIDE PERMITS AND I'M NOT AWARE
THAT I NEEDED TO NOTIFY NEIGHBORS OF --

>> COMMISSIONER PEDERSEN: WELL, I NOTICED ON THIS ONE, WE RECEIVED THE COPY THAT YOU EXCLUDED YOUR PROPERTY FROM AND IT SAYS ON HERE, NOTICE OF INTENT REQUIRE 24 HOURS NOTICE OF PRIOR PESTICIDE RESTRICTED MATERIALS, SO I'M JUST WONDERING IF YOU WERE AWARE OF THAT REQUIREMENT OR IF THAT'S A STILL CURRENT REQUIREMENT AND HOW IT WAS HANDLED IF SO?

>> I AM NOT AWARE THAT I WAS NECESSARILY TO NOTIFY --

>> TIM RILEY REPRESENTING THE APPLICANT, WE'VE HAD CONVERSATIONS WITH VARIOUS PEOPLE IN THE AGRICULTURAL COMMISSIONS OFFICE, STARTING A LONG TIME AGO, I STARTED PERCHING WITH RICHARD AND HE SAID THERE WAS THE PROPER PERMITS, AND THAT COMMISSIONER'S CHARGE IS TO MAKE SURE THESE PERMITS ARE CHARGED AND THEY DON'T NECESSARILY AS I UNDERSTAND IT INSPECT A PROPERTY BUT THEY REQUIRE THAT YOU GO THROUGH THE PERMITTED PROCESS AND THEY DID IT PROPERLY AND APPROPRIATELY, NOW, I WOULD LIKE TO ADD ONE THING. WHEN I TALKED TO RICHARD SOKOLSKY THAT'S BEEN OUT ON THE SITE, WHEN I LAST SPOKE TO HIM AND HE'S UNAVAILABLE RIGHT NOW, HE'S ON MEDICAL LEAVE SUFFERING A LEG INJURY, HE SAID ON THE OCCASION HE WAS OUT THERE, HE FOUND A GARDENER WORKING ON A NEIGHBOR'S PROPERTY WOULD WAS SPRAYING AND HE WENT UP AND ASKED HIM, DO YOU HAVE A LICENSE FOR THIS, DO YOU HAVE THE PAPERS, AND

HE SAID HE WAS TOTALLY UNLICENSED, PEOPLE WILL USE GARDENER THAT IS ARE USING PESTICIDES AS BAD OR WORSE THAN WHAT IS APPLIED HERE AND THERE'S NO RECORD FOR THAT SITUATION GOING ON, SO HE CITED THIS PERSON I BELIEVE AT THE TIME AND THEY CITE A LOT OF THESE GARDENERS FOR APPLYING PESTICIDES. I CAN GO TO HOME DEPOT AND BUY ROUND UP AND SPRAY MY ROSE BUSHES OR OTHER THINGS WHICH I DON'T DO BUT I KEEP MY GARDEN AS EASY TO MAINTAIN, BUT THIS IS WHAT HAPPENS SO A LOT OF PESTICIDE USE OCCURS AND IT'S NOT COMING FROM THE MESSINAS, AND IT COULD BE DRIFT RIGHT ON TO THEIR PROPERTY. YOU WANT TO TALK ABOUT DRIFT FROM WHAT HAPPENED IN THE PAST, THERE'S DRIFT THAT CAN OCCUR FROM OTHER USERS, SO WE DID IT ALL PROPERLY AND LEGALLY.

>> COMMISSIONER PEDERSEN: THERE WAS A NUMBER OF COMMENTS FROM THE NEIGHBORS THAT SAID THEY HADN'T RECEIVED ANY NOTICE OF SPRAYING, AND SO I WAS JUST GIVING YOU AN OPPORTUNITY TO RESPOND TO THAT.

>> WELL, I DON'T KNOW THE ANSWER TO THAT, BUT I AM CONCERNED THAT THIS WHOLE PROCESS DEVOLVED INTO A CONVERSATION ABOUT PESTICIDES THAT WE AGREED THERE WOULD BE NO PESTICIDES AT ALL, THERE ARE IRONCLAD CONDITIONS, EVEN CONDITIONS THAT CAME OUT ON FEBRUARY 28TH ADDING MORE PENALTIES TO US IF ANYTHING SHOULD OCCUR. I WOULD BE CONCERNED JUST FROM MY OWN PERSONAL POINT OF

VIEW THAT SOMEONE WOULDN'T TRY TO SPRAY SOMETHING ON A PROPERTY AND THEN CLAIM THAT WE DID IT. I MEAN -- WELL, ALLEGATIONS WERE MADE HERE THAT SOME SORT OF HAS MAT TAPES WERE OUT THERE IN THE MIDDLE OF THE NIGHT SPRAYING. THIS IS NOT A VERY GOOD SITUATION WHERE THOSE CLAIMS ARE MADE. THIS IS WHY THE COUNTY NEEDS TO DO THE INSPECTIONS, I'M SURE THEY WILL DO IT PROPERLY.

>> COMMISSIONER PEDERSEN: THAT'S A POINT I WAS TRYING TO GET TO, IT'S THE INSPECTION, THE NECESSITY OF INSPECTION BECAUSE OBVIOUSLY THERE'S A LOT OF PEOPLE IN THE AUDIENCE THAT HAVE PROBLEMS WITH THE VERACITY OF -- OR POSSIBLE PROBLEMS WITH THE VERACITY OF THE APPLICANT AS FAR AS BEING UPFRONT WITH THEM AND I WANT TO MAKE SURE THEY'RE REASSURED THAT IN THE FUTURE, THE SAME THING WON'T BE HAPPENING AGAIN.

>> COMMISSIONER PEDERSEN, BACK, MS. MESSINA, I HAVE A COPY OF THE E-MAIL WITH THE HOA BOARD IN WHICH THEY STATED SOME STRONG LANGUAGE THAT WE VOLUNTEERED RIGHT UPFRONT, THIS IS ABOUT A MONTH AND A HALF AFTER WE FILED THE APPLICATION, THIS CONDITION WAS PROPOSED AND I KNOW IT'S BEEN IN ONE OF THESE PACKAGES, BUT IT COVERED ALL THESE TERM, WE WOULDN'T USE PESTICIDES, HERBICIDES, ANYWAY, IT'S ALL HERE IN WRITING, AND I WOULD BE GLAD TO HAVE YOU TAKE A LOOK AT THIS.

>> COMMISSIONER PEDERSEN: THANK YOU.

>> COMMISSIONER, ANY OTHER QUESTION ON THIS MATTER?

>> COMMISSIONER HELSLEY: CONTINUING A LITTLE DISCUSSION, I THINK THE STATEMENT WAS MADE THAT YOU HAD THE CORRECT SETBACKS AND CLEARANCES AND THIS KIND OF THING?

>> YES.

>> COMMISSIONER HELSLEY: IT APPEARS TO ME THAT RIGHT ALONG THE EDGE HERE, THERE IS NOT A SETBACK AND I DON'T KNOW WHETHER THERE'S ONE REQUIRED.

>> IT IS ON OUR SITE PLAN. IT SHOWS FIVE OR SIX FEET AND IT'S A FIVE FOOT SETBACK REQUIREMENT.

>> COMMISSIONER HELSLEY: I DON'T KNOW --

>> I THINK IT'S THE ANGLE OF THE PICTURE.

>> AND WE'RE SET BACK 56 FEET FROM THE PROPERTY LINE, THE SETBACK REQUIREMENT IS 50 FEET.

>> CHAIR LOUIE: ANY OTHER QUESTIONS? THANK YOU VERY MUCH.

>> THANK YOU, I APPRECIATE YOUR TIME, IT'S BEEN A LENGTHY HEARING, THANK YOU.

>> CHAIR LOUIE: ANY QUESTIONS OF STAFF? SIR?

>> COMMISSIONER MODUGNO: MR. CHAIRMAN, I WENT THROUGH A ROUND OF QUESTIONS EARLIER AND I'M STILL TROUBLED WITH THIS. WE'RE A LAND USE BODY AND WE MAKE DECISIONS BASED UPON ALL OF OUR ZONING CODES AND ETC., A GREAT DEAL HAS BEEN ALLEGED TODAY THAT I THINK IS COMPLETELY BEYOND OUR JURISDICTION AND YET OUR PROXIMITY TO THE CATHEDRAL DOESN'T FALL LIGHTLY ON ME IN TERMS OF SOME ALLEGATIONS THAT OCCURRED ACROSS THE STREET AND I JUST WANT COUNTY COUNSEL OR STAFF TO JUST REFLECT, IS THERE ANY RESPONSIBILITY THAT THIS BODY HAS OR THE COUNTY HAS BASED UPON THE ALLEGATION OF HEALTH ISSUES IN TERMS OF NECESSITY OF REPORTING THAT -- AS I LISTENED TO SOME OF THE TESTIMONY, IT WAS SWORN TESTIMONY, I WOULD BELIEVE THAT THIS WAS A DANGEROUS BROWN FIELD THAT THERE SHOULD BE NOTIFICATION PUT OUT TO ANY SUSPECTED BUYER IN TERMS OF THE HEALTH ISSUES THAT MIGHT BE OCCURRING, SO THAT IS SOMEWHAT TROUBLESOME TO ME BUT I'M GOING TO PUT THAT ASIDE BECAUSE I DON'T THINK THAT ACTS WITHIN OUR JURISDICTION. I'VE WRESTLED WITH THE DIFFERENCE BETWEEN A HOBBY

AND SOMETHING BEYOND AND I THINK THAT'S WHERE I WAS TRYING TO HEAD WITH THE COUNTY TO BEGIN WITH AND WHILE I PERSONALLY STRONGLY ENCOURAGE CONVERSION FROM VERY HIGH WATER USAGE LAWNS THAT HAVE NO INTRINSIC VALUE OTHER THAN TO LOOK AT THAT DO REQUIRE THEIR OWN FERTILIZATIONS, CHEMICALS, ETC., TO KEEP PESTS OUT, WEEDS OUT, ETC., TO SOME FORM OF PLANT LIFE THAT PRODUCES SOMETHING OF INTRINSIC VALUE, BE IT A GRAPE, A FRUIT TREE, BE IT A VEGETABLE FIELD, AS I LOOK AT THE PHOTOGRAPH, THE AERIAL PHOTOGRAPH OF THIS SITE, TO ME, IT'S CROSSED THE EDGE OF BEING A HOBBY. IT'S NOT SOMETHING THAT SOMEBODY'S PRODUCING FOR THEIR OWN USE, EVEN TO TAKE TO A FARMER'S MARKET WHICH I WOULD ALSO ENCOURAGE, THE TYPE OF -- AGAIN, WHETHER IT'S TO A FARMER'S MARKET, WHETHER IT'S SOME BARTER AND EXCHANGE WITH NAMES, LOCAL PRODUCTION OF THINGS, BE IT, I HAVE EXCESS ORANGES OR EXCESS TANGERINES AND I'M GOING TO SWAP THOSE WITH SOMEBODY A DIFFERENT TIME OF YEAR HAS GOT TOMATOES, THIS HAS STEPPED BEYOND AND I QUITE FRANKLY THINK THAT WHAT HAS AT LEAST BEEN ALLEGED AND SOMEWHAT DEMONSTRATED, NOW, STAFF WAS LOOKING DOWN ON THEIR MOBILE DEVICES AND I CAN SORT OF SEE THE TWO STAFF TO MY LEFT, BOTH OF WHOM PULLED UP WEBSITES AND SAW WINE BOTTLES ON WEBSITES, SO THERE IS -- WHETHER THERE'S A COMMERCIAL APPLICATION ON THIS SITE PRECISELY OR THAT THIS SITE IS LEADING TO SOMETHING THAT'S GOT COMMERCIAL APPLICATION, AGAIN, I THINK IT'S GONE OVER THE TOP SO I WILL BE VOTING NO ON THIS DESPITE

THE FACT I TYPICALLY WOULD SUPPORT STAFF. I THINK IN THIS CASE, STAFF ITSELF MAY NOT HAVE BEEN FULLY INFORMED OF THE EXTENT OR MAGNITUDE, SO AS THIS COMES UP FOR A VOTE, MY VOTE WILL BE NO ON THE APPLICATION.

>> COMMISSIONER HELSLEY: MR. CHAIRMAN, AND MY FIRST COMMENT IS I HOPE YOU DON'T VOTE NO BECAUSE I'M GOING -- I'D LIKE TO MOVE A MOTION AND THAT IS I MOVE THAT THE PLANNING COMMISSION CONTINUE THIS MATTER UNTIL APRIL 17, 2013 AND DIRECT STAFF TO OBTAIN ADDITIONAL INFORMATION AND CLARIFICATION REGARDING THE NATURE OF THE PROPOSED PROJECT TO DETERMINE WHETHER THIS IS A COMMERCIAL OPERATION AND TO DETERMINE THE APPROPRIATE PROCESS FOR THIS TO CONTINUE.

>> CHAIR LOUIE: I'LL SECOND THAT.

>> COMMISSIONER HELSLEY: I APPRECIATE THAT.

>> CHAIR LOUIE: MR. BRUCKNER?

>> GIVEN THE MOTION ON THE FLOOR, I JUST WANT TO BEFORE ACTION IS TAKEN ON IT UNDERSTAND WHAT FURTHER INFORMATION THE COMMISSION EXPECTS TO HAVE? YOU'VE HEARD TESTIMONY TODAY ABOUT THE TYPE OF OPERATION AND SOME OF THAT WE WERE NOT AWARE OF. WE

TOOK THE APPLICATION AT FACE VALUE AS A HOBBY. AT SOME POINT, IT'S A JUDGMENT CALL FROM THE COMMISSION OVER WHETHER IT'S A COMMERCIAL OR A RESIDENTIAL "HOBBY" ACTIVITY, SO IF YOU'RE GOING TO GO IN THAT DIRECTION AND EXPECT US TO COME BACK, I THINK YOU'RE GOING TO BE FACED WITH THE SAME JUDGMENT WITHOUT A LOT MORE INFORMATION. IF YOU NEED MORE INFORMATION, WE'LL TRY TO SEE AND SEEK IT OUT.

>> COMMISSIONER HELSLEY: I'LL RESPOND TO THAT IF I MAY. THE CONCERN I HAVE AND THE PART THAT I WOULD LIKE TO HAVE STAFF DELVE INTO IS THE OPERATIONS, WHAT HAS BEEN THEIR ENDEAVOR ON THIS PROPERTY, WHAT IS THE MAINTENANCE COMPANY BEEN INVOLVED IN, ARE THEY A CONTINUAL CONTRACTOR ON THIS, PICKING OPERATIONS, ARE THEY DONE BY A COMMERCIAL COMPANY OR ARE THEY DONE BY LOCAL HIRING.

>> IF THOSE ARE THE QUESTIONS, THE APPLICANT IS HERE AND CAN ANSWER -- WE WOULD HAVE VERY LITTLE WAY TO INDEPENDENTLY ANSWER THOSE, WE WOULD TURN TO THE APPLICANT AND SAY, -- AND ASK THOSE QUESTIONS, IF THOSE ARE THE TYPE OF QUESTIONS, AND I THINK IT WOULD BE A FAIR QUESTION THROUGH THE CHAIR TO ASK THE APPLICANT, HAVE THEY ENGAGED COMMERCIAL ENDEAVORS TO CARRY OUT THEIR HOBBY.

>> COMMISSIONER HELSLEY: OKAY, WITH THE AG MAINTENANCE COMPANY, AS THEY APPLY HERBICIDES AND PESTICIDES ON A COMMERCIAL BASIS, IS THERE A CLEARANCE OR SETBACK ON THE PROPERTY WHERE THIS IS NOT APPLIED?

>> THIS WAS A COMMERCIAL -- I DON'T HAVE THE ANSWER TO THAT QUESTION.

>> COMMISSIONER MODUGNO: MR. CHAIRMAN, PERHAPS THE APPLICANT ORIGINALLY STATED THERE WERE SEVERAL PEOPLE HERE AND I THINK THERE WERE SOME SPEAKER SLIPS, I WOULD LIKE STAFF TO GO THROUGH WHO THOSE SPEAKERS WERE FOR, IF THEY WERE PEOPLE REPRESENTING COMMERCIAL COMPANIES WHO DEAL WITH CUSTOMERS WOULD ENGAGE IN COMMERCIAL VINEYARDS OR WINE PRODUCTION VERSUS JUST A LANDSCAPE COMPANY THAT COMES ON AND DOES SOME THINGS, I THINK THAT ALONE ALMOST SORT OF VERIFIES -- AND, AGAIN, I PERSONALLY DO BELIEVE THAT I'M CONVINCED BASED UPON ALL THE TESTIMONY AND WHAT'S BEEN SAID THAT THIS HAS CROSSED THE LINE AND I DON'T KNOW IF EXTENDING IT IS GOING TO PROVIDE ANYTHING EXCEPT JUST SOME CLARIFICATION OF WHAT WE ALREADY HAVE, SO THAT'S WHY I DIDN'T RUSH TO JUMP IN AND SECOND YOUR MOTION BECAUSE I AGREE THAT IT WOULD BE NICE TO HAVE MORE INFORMATION, I AT THE PRESENT TIME HAVE ENOUGH INFORMATION IN MY MIND.

>> COMMISSIONER HELSLEY: I WOULD BE OPEN FOR A MOTION, A
SUBSTITUTE MOTION.

>> COMMISSIONER MODUGNO: I THINK WE HAVE TO AK ON THE FIRST
MOTION.

>> CHAIR LOUIE: I HAVE A QUESTION OF MR. BRUCKNER, IF THERE
WAS A CONCLUSION THAT WAS A COMMERCIAL ENDEAVOR, WOULD THAT
RESULT IN DIFFERENT CONDITIONS BEING APPLIED?

>> WELL, FIRST OF ALL, THE APPLICATION WAS FOR A NON-COMMERCIAL,
SO WE WOULD HAVE TO GO BACK AND REANALYZE IT AND I DON'T WANT TO
STAND HERE TODAY AND SAY WHAT CONDITIONS WE WOULD PLACE ON IT,
OBVIOUSLY THESE VINEYARDS ARE POPPING UP, BUT THEY'RE A
RELATIVELY NEW LAND USE TO US IN THIS REGULATION. I DON'T WANT TO
STAND HERE TODAY AND TRY TO PUT CONDITIONS OR CRAFT CONDITIONS,
SO I WOULD RESPECTFULLY ASK THAT IF WE WERE GOING TO LOOK AT
THIS AS A COMMERCIAL OPERATION THAT WE LOOK AT IT IN A DIFFERENT
KIND OF AN APPLICATION AND WE WOULD EVALUATE IT IN A DIFFERENT
WAY.

>> CHAIR LOUIE: MY INCLINATION IS TO DENY THE CUP AND I SOUGHT
THE CONTINUANCE TO GIVE THE APPLICANT AND THE STAFF AN
OPPORTUNITY TO CONCLUDE WHETHER OR NOT DIFFERENT CONDITIONS

SHOULD BE APPLIED. IF THE FEELING IS THAT SENDING IT BACK TO STAFF WOULD NOT RESULT IN ANY TYPE OF CONCLUSION, WHETHER IT IS COMMERCIAL OR NOT COMMERCIAL, I'M PREPARED TO MOVE FORWARD TO A DENIAL.

>> COMMISSIONER MODUGNO: MR. CHAIRMAN, LET ME THEN JUST BASED UPON THAT, IF THERE ARE THREE OF US WHO ARE PREPARED TO GO TOWARDS DENIAL, THE BURDEN OF PROOF IS CLEARLY ON THAT OF THE APPLICANT. I THINK THERE'S BEEN SUFFICIENT ALLEGATIONS, TESTIMONY THAT WOULD LEAD AT LEAST AGAIN IN MY OPINION, THIS HAS CROSSED THE THRESHOLD FROM A HOBBY TO A COMMERCIAL APPLICATION. THE APPLICANT HAS THE ABILITY OF APPEALING THIS AND I WOULD RATHER HAVE THE ONUS ON THE PART OF THE APPLICANT IF IT GOES TO APPEAL TO THE BOARD OF SUPERVISORS VERSUS HAVING ALL OF THE PUBLIC THAT'S COME OUT ON THIS WITH ITS CONCERNS AND ALLEGATIONS WHO HAVE NO FINANCIAL INTEREST IN THIS TO PUT THE BURDEN ON THEM TO APPEAL A DECISION OF OURS AND QUITE FRANKLY, I THINK THE EXTENSION OF TIME, ALL THAT DOES IS ADD TO THAT AND IT WOULD REQUIRE ALL THESE PEOPLE HAVE TO COME OUT AGAIN AND REHEAR THE TESTIMONY. I JUST WOULD NOT WANT TO HAVE TO PUT THEM THROUGH THAT.

>> CHAIR LOUIE: THANK YOU.

>> I WOULD LIKE TO REMIND YOU THAT WE HAVE ONLY PREPARE DOCUMENTS TODAY THAT WOULD ALLOW YOU TO APPROVE THE CONDITIONAL USE PERMIT, IF YOU ARE LEADING TOWARDS A DENIAL, WE WOULD HAVE TO COME BACK WITH DENIAL FINDINGS, WE WOULD NEED TO CONTINUE FOR THAT TO HAPPEN.

>> COMMISSIONER HELSLEY: MR. CHAIRMAN?

>> CHAIR LOUIE: YES, SIR. I WOULD LIKE TO WITHDRAW THE PREVIOUS MOTION AND APPROVAL OF THE SECOND AND I MOVE THE PLANNING COMMISSION CONTINUE THIS ITEM UNTIL A DATE CERTAIN BRINGING BACK FINDINGS FOR DENIAL.

>> COMMISSIONER MODUGNO: AND I'LL SECOND THAT MOTION.

>> CHAIR LOUIE: OKAY, MOVED AND SECONDED. FURTHER DISCUSSION? PLEASE?

>> COMMISSIONER HELSLEY: I WILL PUT ONE MORE ITEM OF DISCUSSION, AND THAT IS IT IS WITH THIS ACTION, IT IS GOING TO THAT BODY THAT PUT VINEYARDS INTO THE NORTH AREA PLAN AND LET THEM MAKE THE DECISION.

>> CHAIR LOUIE: THANK YOU. MR. BRUCKNER, ANY OTHER THOUGHTS?

>> NO, I JUST WANTED TO BE CLEAR, BASED ON THE PRIOR MOTION, I FELT IMPORTANT TO STAND AND SPEAK. WE'LL WORK -- IF THE MOTION'S APPROVED, WE'LL WORK CLOSELY WITH COUNTY COUNSEL IN BRINGING BACK CONDITIONS.

>> CHAIR LOUIE: FINDINGS.

>> EXCUSE ME, FINDINGS.

>> CHAIR LOUIE: THANK YOU.

>> SO, POSSIBLE DATES FOR CONTINUING THIS WOULD BE APRIL 3, ALTHOUGH THERE ARE A NUMBER OF ITEMS ON THAT DATE, AND THERE MAY BE SOME DISCUSSION YOU WOULD LIKE TO HAVE, OR RIGHT NOW, WE ALSO HAVE APRIL 17TH AVAILABLE, AS IT STANDS RIGHT NOW, THAT WILL BE THE ONLY ITEM ON THE AGENDA THOUGH.

>> CHAIR LOUIE: WOULD THAT BE ADEQUATE TIME.

>> THAT IS ADEQUATE TIME, CERTAINLY APRIL 17TH, BUT THE EARLIER DATES, THERE WOULD BE ENOUGH TIME, THE FIRST EARLIEST DATE WE COULD RETURN THAT HAS SOME SPACE WOULD BE APRIL 3RD?

>> CHAIR LOUIE: DO WE HAVE A FULL COMMISSION?

>> COMMISSIONER MODUGNO: I WILL NOT BE HERE ON APRIL 17TH AND SINCE COMMISSIONER VALADEZ WAS NOT HERE FOR THE ENTIRE MEETING, I WOULD BE SOMEWHAT CONCERNED ABOUT HAVING AN ELIGIBLE QUORUM IF IT'S ON THE 17TH.

>> SO, APRIL 3RD?

>> CHAIR LOUIE: APRIL 3RD. NO FURTHER DISCUSSION? IT'S BEEN MOVED AND SECONDED, THOSE IN FAVOR?

>> AYE.

>> CHAIR LOUIE: AYE. OPPOSED? THANK YOU VERY MUCH. THAT ENDS THE PUBLIC HEARINGS. ANY PUBLIC COMMENT? DEPUTY DIRECTOR?

>> NO PUBLIC COMMENT.

>> CHAIR LOUIE: CONTINUATION OF REPORTS, POSSIBLE CALL FOR REVIEW? NONE?

>> NO ITEMS.

>> CHAIR LOUIE: WE ARE ADJOURNED UNTIL 9:00 A.M. WEDNESDAY
MARCH 13TH, THANK YOU VERY MUCH. (MEETING IS ADJOURNED).