

**Re: Item 4.C**

NCRPOSD  
RECEIVED  
13.Sep.21

----- Forwarded message -----

From: **WordPress** <[Do\\_not\\_reply@napaoutdoors.org](mailto:Do_not_reply@napaoutdoors.org)>

Date: Mon, Sep 13, 2021 at 9:33 AM

Subject: Website contact: Proposed resort for Pope Valley by Aetna Springs LLC and Six Seasons:

To: <[info@ncrposd.org](mailto:info@ncrposd.org)>

Name: Ken R Stanton

Email: [ken.stan395@gmail.com](mailto:ken.stan395@gmail.com)

Subject: Proposed resort for Pope Valley by Aetna Springs LLC and Six Seasons:

Message: Comment –

I urge the Board to discontinue negotiations with the developer at Monday's NCRPOSD meeting.

Napa county needs additional overnight camping opportunities, but those offering reasonably priced tent and RV camping, not a bloated glamping resort costing hundreds of dollars a night that would likely serve few locals. Appropriate scale should be similar to Skyline Park, Bothe/Napa Valley State Park, the Eco Camp at Berryessa, and primitive camping in Knoxville area.

It is simply the wrong idea in the wrong place.

Thanks

Ken Stanton

Angwin



Re: Item 4.C

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13.Sep.21

To: NOSD Board of Directors

Re: Agenda Item 4c, September 13, 2021

First of all I want to know that you have my most sincere appreciation. I think all of you, and the district staff, are Rock Stars. What you did to keep Napa County's parks and trails open during the worst months of the pandemic (especially when every surrounding county had shut theirs down) was nothing short of miraculous. I think the voters in Napa took notice. And had Measure K been voted upon AFTER the pandemic instead of before it, I have no doubt it would have passed.

So, right now you are floating along on a sea of local approval. But I am afraid you will lose all that local good will and support when the voters find out you are even *considering* partnering with a luxury resort developer who appears to have found a way to chip away at the protections offered by the Ag Watershed by dangling a few little carrots in front of your noses.

With the information I have so far, I am disappointed that John Woodbury has even been conducting these conversations. Are there any record of these conversations. . . .anywhere? And by even engaging this conversation, has the district opened itself up to future litigation?

In any case, of critical consideration should be the impact that partnering with a resort developer will have on the District's current staffing level. Any time taken away from the excellent and important work being done by district staff, with the help of an army of volunteers, in order to deal with what will certainly become huge complications resulting from any kind of partnership with a luxury resort developer on this project is not acceptable.

And if you open *this* door to *this* developer, make no mistake, more will come.

Please don't fall into the ruse that "employee" housing is the same thing as "affordable" or "workforce" housing. One supplies an actual, on-going need. The other merely attempts to mitigate a need that the project itself creates. I say "attempts" because we have no indication that the 120 employees they mention will actually chose to live there. And if they don't, does the applicant then come back with a request to turn that housing into additional resort units?

And where are the environmental and cultural surveys they say have been done during past 15 years showing "no sensitive findings" that are mentioned in the proposal? Who paid to have those surveys

done? Have they been reviewed by the public or district staff? Has the Suscol Intertribal Council been made aware of this?

Water? They claim to “enjoy” secure water rights from wells onsite. Nothing about groundwater is secure these days. And what will nearby property owners say once their wells go dry because this resort is “enjoying” all the water in the aquifer? Will the resort pay for the deeper wells these neighbors may have to drill as a result? And trucking water in, even if there is some water available somewhere, with its huge carbon footprint, should not even be considered.

A discount to Napa County residents? That’s only applicable if you can afford to pay \$800 a night to stay in one of their tent cabins! (The cost to stay at a Six Senses Resort in Portugal) Most residents (and voters) in Napa County don’t fall in that category.

As a resident of St. Helena, I have to look no further than the ill-fated Los Alcobas rresort development to know that the promised income from these projects is often little more than pie in the sky and may be a very long time coming....not to mention the severe financial impacts to resorts by factors out of our control, such as an ongoing global pandemic, wildfires, extreme heat, and dangerous particulate matter in the air.

I’m also disappointed that more was not done to let the public know about this. Staff suggests considering any “public comment.” And yet what was done to ensure the public was aware that the district would be considering taking this huge step that would essentially alter its basic mission? At the very least the public deserves to know much more *before* any conversations, considerations, negotiations, or direction to staff goes any further.

So I am requesting that you please cease any further conversations with this and *any* luxury resort developers and spend your time and energy doing what you do best--maintaining the parks we have and creating legitimate recreational opportunities for the people who actually live here. Let the Land Trust deal with the conservation easements or the properties this property owner wants to get rid of.

If funding is the issue, let’s re-examine regional park passes, free or deeply discounted to Napa County residents. But please don’t tarnish your reputation by partnering with a luxury resort developer.

Elaine de Man

Napa County Resident, U.C. Certified California Naturalist and Climate Steward, Supporter of the District



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13.Sep.21

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From: **WordPress** <[Do\\_not\\_reply@napaoutdoors.org](mailto:Do_not_reply@napaoutdoors.org)>  
Date: Mon, Sep 13, 2021, 11:41 AM  
Subject: Website contact: Agenda Item 4.c for September 13, 2021  
To: <[info@ncrposd.org](mailto:info@ncrposd.org)>

Name: Cio Perez  
Email: [cio@venika.com](mailto:cio@venika.com)  
Subject: Agenda Item 4.c for September 13, 2021  
Message: September 13, 2021

Napa County Regional Park & Open Space District  
1195 Third Street, Second Floor  
Napa, CA 94559

RE: September 13, 2021

Agenda Item 4.c

Presentation by David Wickline of Aetna Springs Resorts LLC on his request to partner with the District on a luxury campground resort on Turkey Hill in Pope Valley with up to 80 tent-cabin units and housing for up to 120 employees, discussion, and Board direction to staff.

Dear Mr. Cahill:

I want to thank the Board for the opportunity to have input in regards to item 4.c on today's agenda.

I want to express my opposition to the Napa County Regional Park & Open Space District forming a partnership with Mr. David Wickline of Aetna Springs Resorts LLC. I feel that such a partnership is "outside" of your mission to provide recreational opportunities and open space serving the local community and visitors to Napa County. In fact, this proposal will only serve "high-end" guests visiting the County. Don't put yourselves in the position of competing with other commercial enterprises in the cities and town, which have the infrastructure to deal with high volumes of visitors.

I don't agree with the staff report in the environmental determination that for CEQA purposes this is not a "project". If you read the code referenced in the report it says the following;

14 CCR § 15378

§ 15378. Project.

(a) "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the

environment, and that is any of the following:

- (1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700.
- (2) An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
- (3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

This section alone makes this project subject to CEQA, in that this project causes direct physical changes to the environment, as well as increases the density of people into an area that is considered a high fire risk zone. This proposal also involves a lease agreement between the two parties. This area of the County does not have adequate ingress and egress in the case of a wildfire. So this "proposed action" is subject to CEQA.

The Board should understand, as stated by the staff report, that this project will not happen without the participation of the Napa County Regional Park & Open Space District. As a private venture it is not allowed by the Counties policies on ag lands. You're only being asked to partner because they "need" you.

There are recreational policies that the County has that don't allow the recreational use to displace or remove agriculture. Grazing still falls under the definition of agriculture here in the County, and since there has been grazing for the last 10 to 15 years, this proposal is removing agriculture from the parcel(s). This is not allowed within the County's ag lands.

This proposal includes the construction of housing for at least 60 employees. This should also raise a red flag for the Board. This type of housing on ag lands is only allowed for farmworker housing. I don't think the employees for the glampground fall into this category. I also question the intelligence of placing these many employees in an area with such a high fire risk.

These are only a few of the reasons that your Board should consider in your deliberations today to partner with anyone with a proposal in our ag lands and open space. I'm sure there are many more that can be considered to support a decision to refuse/deny a formation of such a partnership that will have no benefit to our local communities, nor our governmental agencies.

Thank you again for the opportunity to express my opposition to the formation of the proposed partnership.

Sincerely,

Cio Perez  
St. Helena, CA  
Candidate for Napa County District 3 Supervisor



Sept 13, 2021  
Chris Cahill, General Manager  
Napa County Regional Park & Open Space District  
1195 Third Street  
Napa, CA 94559

NRPOSD  
Received  
13, Sept. 21

RE: Item 4C

My name is Eve Kahn, a City of Napa resident, a 20-year real estate agent, chair of Get a Grip on Growth, Co-President of Napa Vision 2050, and a public member of Napa LAFCO. I have been on numerous city and county committees and commissions and continue to be very involved in land use in Napa County.

I wish to thank Mr. Wickline for providing the details of his proposed resort in Pope Valley. I am impressed and intrigued with the concept of a luxury campground. Unfortunately, your proposal is incompatible and inconsistent with land uses in Ag Watershed & Open Space [AWOS] zones. And there are many, likely unsurmountable hurdles to overcome. Here are just a few:

- The luxury campground will be placed in a high (or very high) fire risk area requiring compatibility with new local and state regulations.
- AWOS zoning allows, by right, a single-family home, a second home of 1200 sq ft or less, and a guest house with no kitchen and in most cases cannot be subdivided.
- Twenty-two parcels are listed in tax records as Vacant Land – Rural, three are listed as Vineyard >5 acres. I have to question the statement: “*The site has residential zoning with existing residence and grazed for decades.*” So, how does this translate to the development of a luxury campground/resort and high-density employee housing?
- Placement of the camping structures may be subject to the County’s Viewshed Ordinance.
- You state that “numerous environmental studies” have been completed but this has no bearing unless those studies were based on the density and intensity of uses you propose.
- **The proposed commercialization and intensity of uses would require a Measure P vote.**
- In 2006, the Napa voters passed Measure I establishing the Regional Park & Open Space District with explicit responsibilities related to **public lands**. **Your proposal may require another vote to modify the NRPOSD charter.**
- So now I am counting two ballot initiatives in addition to other development and infrastructure hurdles. I fail to understand why you didn’t opt to use Aetna Springs Resort property for this luxury campground? In 2012 the County considered and I believe affirmed the historic uses and approved major modifications to structures and infrastructure.
- The Napa County Board of Supervisors have prioritized restoring the resorts at Lake Berryessa. And honestly, with access from Solano and Napa counties, housing (urban bubbles) nearby, and other resort amenities and infrastructure, you might have more success shifting your focus from Pope Valley to Lake Berryessa.

**My last comment is directed at the District Board of Directors. Please refrain from any further discussion on a development partnership that would put the District in financial jeopardy and, more importantly, in jeopardy of violating the public trust.**

Regards, Eve Kahn







## DEPARTMENT OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246  
SACRAMENTO, CA 94244-2460  
(916) 653-7772  
Website: [www.fire.ca.gov](http://www.fire.ca.gov)

RE-ITEM  
4.F



NCRPOSD  
RECEIVED  
10.Sep.21

September 10, 2021

Chris Cahill  
Napa County Regional Park and Open Space District  
1195 Third Street, Second Floor  
Napa, California, 94559

MITIGATED NEGATIVE DECLARATION FOR THE ADOPTION OF A PARK PLAN AND  
USE PERMIT MINOR MODIFICATION FOR DAN'S WILD RIDE TRAIL

The California Department of Forestry and Fire Protection (CAL FIRE) has reviewed the Mitigated Negative Declaration (MND) for the Dan's Wild Ride Trail and has concerns regarding potential land use inconsistencies.

The Trail Project Overview Map in the MND indicates the trail crosses Las Posadas State Forest (LPSF) boundaries. The LPSF was granted to CAL FIRE in October 1929 with specific land use requirements that prohibit recreational activities. Napa County Regional Park and Open Space District's adoption of a use permit for a designated public recreational trail entering LPSF boundaries would violate these specific land use restrictions. Additionally, Napa County Regional Park and Open Space District does not possess the right to establish a public use trail on LPSF. Finally, due to the deed restrictions, CAL FIRE cannot grant the Napa County Regional Park and Open Space District access across the LPSF to complete the Bay Area Ridge trail.

Additionally, as indicated in the Trail Project Overview Map, the trail alignment encroaches on, or is directly adjacent to LPSF lands, thus a determination on impacts to biological resources would need to be ascertained.

If you have any questions, please contact me at (916) 995-6044 or via email at [christina.snow@fire.ca.gov](mailto:christina.snow@fire.ca.gov).

Sincerely,

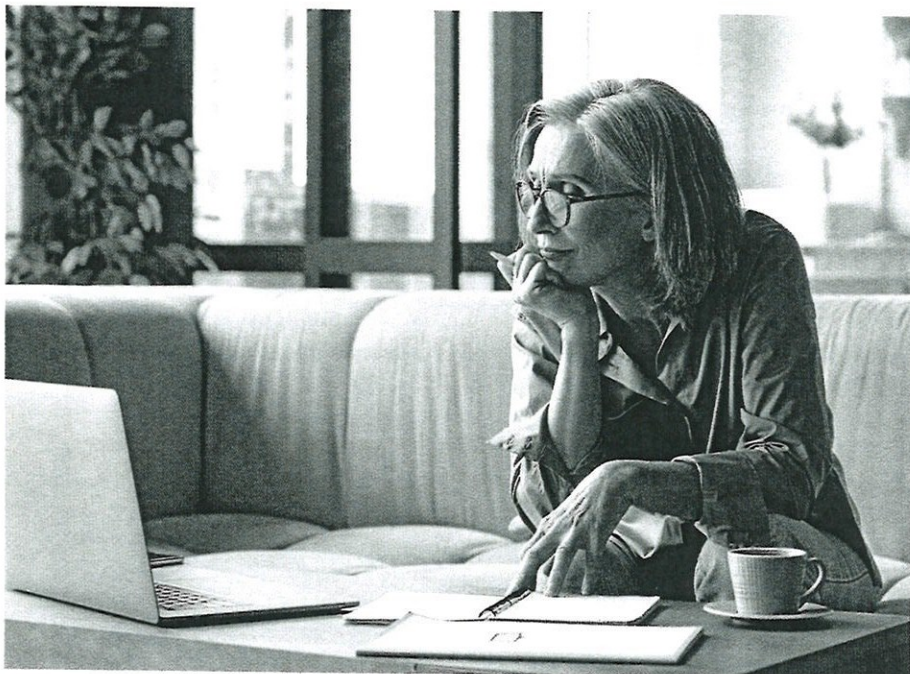
Christina Snow  
Senior Environmental Planner  
Technical Services





# Brown Act in the Pandemic Matrix: Finding Your Way Back in a Post-Pandemic Reality

By Eddy Beltran and Jeff Hoskinson, Atkinson, Andelson, Loya, Ruud & Romo



The Ralph M. Brown Act (Govt. Code §54950 et seq.) (“Act”), passed in 1953, governs the conduct of, and the public’s participation in, local legislative body meetings. Government Code section 54950 sets for the Act’s legislative intent that actions of local legislative bodies “be taken openly and that their deliberations be conducted openly.” The COVID-19 pandemic tested this intent as we all worked to maneuver through a new normal, and public meetings and life in general transitioned from the physical world and into a digital world analogous to The Matrix.

With the pandemic waning, and pandemic-related orders expiring, the question now is how difficult will be it to find our way out of that matrix. Or, perhaps more realistically, the question of which, if any, of the pandemic’s temporary Act authorizations will remain. The answer thus far is “none,” but activity in Sacramento suggests that may very well change.

As many know, the Act covers a wide range of topics applicable to local

legislative body meetings, including: 1) notice and agenda, 2) legislative body conduct and 3) public attendance and comment. As the dangers from COVID-19 reached the public’s awareness in February and March 2020, it became abundantly clear that business-as-usual was not going to work for open public meetings—meetings that depended on in-person and open attendance for the public. Compliance would, at minimum be challenging, if not impossible.

For example, Government Code section 54953(a) provides that, subject to certain exceptions, “all persons shall be permitted to attend any meeting of the legislative body of a local agency.” When it looked like physical attendance at meetings might be prohibited, local agencies looked to the Act’s teleconferencing provisions for a solution, but soon realized that they also had problematic requirements. The Act requires a local agency that uses teleconferencing to, in part: 1) post agendas at all teleconference locations, 2) identify the teleconference location in the notice and agenda of the legislative body meeting, 3) make each teleconference location accessible to the public and 4) allow members of the public to “address the legislative body directly...at each teleconference location.” Gov. Code §54953(b)(3).

As all agencies are undoubtedly aware, in March 2020 Governor Gavin Newsom issued a series of Executive Orders, including N-25-20 and N-29-20, which suspended key, but now impractical, parts of the Act and provided alternative methods to transparently carry out the public’s business. For the better part of the last 18 months, local agencies have been operating under the authorizations set forth in N-29-20. N-29-20 suspended the traditional teleconferencing requirements mentioned above and provided simplified means to hold public meetings via teleconferencing while making the meetings accessible to the public for viewing and comment



“telephonically or otherwise electronically.” N-29-20 also waived all provisions of the Act requiring the physical presence of board members or the public.

Because N-29-20 did not remove the Act’s traditional methods of compliance and only authorized an alternative means of compliance, we saw a number of different compliance methods during the pandemic including, but not limited to, a) board members, staff, and public all in person, b) board members and staff in person with public observing and commenting “telephonically or otherwise electronically,” (c) staff in person with board members and public teleconferencing, and (d) everyone teleconferencing with the public commenting “telephonically or otherwise electronically”. Although all of these methods had their own pros and cons, on June 11, 2021, the Governor issued Executive Order N-08-21, setting September 30, 2021 as the expiration date for the “virtual” meetings authority provided by N-29-20 and the “physical presence” waiver. As a result, beginning on October 1, 2021, local agencies will have to return to in-person meetings and those agencies that want to use teleconferencing will have to comply with the stricter teleconferencing Act requirements that existed before the pandemic.

In anticipation that the authorization of N-29-20 would not last forever, in late 2020 and early 2021 California legislators

introduced legislation to authorize or require various electronic means of public observation and participation under the Act on a permanent basis. Many of those efforts “died” in the current legislative session, but some are still being considered, including AB 361 (Rivas). AB 361 is sponsored by the California Special Districts Association (“CSDA”) and focuses on a local agency’s ability to meet remotely during declared emergencies.

As summarized by CSDA, AB 361 would 1) allow local agencies to meet remotely during a declared state of emergency or a declared local emergency, 2) remove the requirement to post meeting notices and/or agendas in physical locations when remotely meeting during an emergency, 3) remove the requirement to make all remote meeting sites accessible to the public, 4) remove the requirement to include the remote location details in the meeting notice or agenda during a declared state of emergency or a declared local emergency and 5) remove the requirement of physical attendance by local agency board members at remote sites within the territorial bounds of the agency during a declared state of emergency or a declared local emergency.

We believe that more bills will likely be introduced as we get back to our pre-pandemic normal because N-29-20, in certain respects, helped local agencies and the public achieve the intent of the Act. Interested parties will likely look to

implement and codify the “best” aspects of N-29-20 in the months and years to come.

Until that comes to pass, however, public agencies must make preparations to return to their original pre-COVID world. Public meetings will be required to offer in-person attendance. Board members will be unable to teleconference to meetings unless the location of their teleconference is published on the agenda, an agenda timely posted at that alternative location, and the public offered an opportunity to attend at that location.

Some modifications can, however, remain. While the Brown Act will once again mandate in-

person options for public attendance, nothing would prevent public agencies from allowing public attendance via teleconference, videoconference, or similar options, potentially increasing ease of access to the public. Similarly, in many cases, consultants and other professionals could likewise be scheduled for remote attendance, potentially saving time and money for agencies across the State. So while life will start to look more like “normal,” there is no reason why the lessons of the last year cannot be applied in a way to aide in the ultimate mission—to provide open, efficient, and transparent public meetings.

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