

OCT 18 2016

Agenda Item # 8A

October 18, 2016

**John McDowell**  
**Deputy Planning Director**  
**Napa County Planning, Building & Environmental Services Department**  
**1195 Third Street, Suite 210, Napa, California**  
**Email: [John.Mcdowell@countyofnapa.org](mailto:John.Mcdowell@countyofnapa.org)**

**Re: Request for Alternate Hearing Date on Mountain Peak Winery Use Permit, P13-00320-UP**


Dear Deputy Planning Director McDowell & Members of the Planning Commission,

As one of the closest neighbors to the Mountain Peak Winery project, as well as acting legal counsel for my family and several other opponents of the project, I respectfully request that the re-scheduled hearing on Mountain Peak Winery be moved to a date **on or after December 19, 2016**. I am a civil litigation attorney and am going to be assisting the managing partner at my firm in a four to six-week jury trial that is scheduled to begin on November 7, 2016, which will preclude me from participating in the Mountain Peak hearing if it is rescheduled to November 16, 2016. With the Thanksgiving holiday falling in the middle of the scheduled trial, the earliest I would be available is the week of December 19, 2016. I understand there is calendar availability for a continued hearing on this matter on both December 21, 2016 and January 7, 2017, for which I am currently open.

When considering my request, please recall that opponents of this project have been ready and willing to move forward with the continued hearing on this permit, but the applicants have twice requested a continuance within a few days before the rescheduled hearing. Specifically, following the July 20, 2016 hearing, members of the Planning Commission rescheduled the hearing to August 17, 2016. Within a week before August 17, 2016, the applicant requested a continuance because the owner was going to be traveling. At the applicant's request, the hearing was then continued to October 19, 2016. On October 12, 2016, the applicant again requested a continuance, even though opponents submitted all additional information eight days in advance of the hearing as requested by the County. Many of the opponents, including myself, work full-time and have now twice re-arranged our schedules in order to attend the hearing on this critical matter. Importantly, the applicant is requesting a November 16, 2016 date that is three months past the originally re-scheduled date of August 17, 2016, indicating that a delay of a few more weeks to late December 2016 or January 2017 will *not* adversely affect the applicant. Thus, there is good cause and will be no impact on the applicant to re-set the hearing for a date in late December 2016 or January 2017.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on this 18<sup>th</sup> day of October, 2016 at Reno, Nevada.

Sincerely,

  
Anthony G. Arger, Esq.  
3030 Soda Canyon Road  
Napa, CA 94558