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Correspondence

Anthem Winery P14-00320-MOD and Exception to Road and Street Standards,
Variance P14-00321-VAR and Viewshed, and
Agricultural Erosion Control Plan P14-00322-ECPA
Planning Commission Hearing Date (Wednesday, February 5, 2020)

From: [Steve Moulds](#)
To: [Barrella, Donald](#); [Whitmer, David](#)
Cc: [Morrison, David](#); [Gallina, Charlene](#)
Subject: Anthem Winery
Date: Monday, January 27, 2020 5:38:29 PM

Don and Dave,

Greetings as this long saga nears a determination, if not an end. I am writing to express my concern about the size and scope of the Anthem proposal. As the neighbor sharing the greatest common fencing, we have already expressed our sense of appropriate scale given the extreme site limitations, including ingress and egress. My wife and I share the sentiment of the extensive documentation submitted by the DCRA committee.

I would like to reiterate what I think should be an overriding factor in this discussion. We understand the winery as a commercial use is attendant to the Agricultural Watershed zoning. It is a stretch to allow a form of more intense commercialization by even considering a custom crush use given the unique limitations the Arbuckles face with this property. I have long stood in support of the small family winery. I have spoken in favor of many with the Commission already. I am eager to support Justin and Julie as well, as their project becomes properly sized for the remote, rural site it is.

I have heard the allegation that the County does not have the right to limit the custom crush application in a winery use determination. It seems to me that this topic is front and center in the ongoing conversation about wineries expanding away from AP zoning to AW parcels. As a staunch Industry supporter for many years, I believe this is where we have to take into account the restive community voices that ascribe malevolence to any expansion. We are heading toward the day when estate fruit will be a primary determinant in new remote winery applications. The extreme intensification of the commercial aspect of the Anthem proposed use is antithetical to the protection of agriculture, be it large or small A.

This is an opportunity for the Commission to acknowledge and recognize the need for reconciling diverse populations in this Valley. There are those of us who want to see the historic heart of our Valley remain a part of the landscape. I do mean the small family farm. We must recognize as well, the growing concern of many that our environment is being inadequately protected by industry, and by extension, government. This is an opportunity to make a tough, but appropriate call, on an ill considered plan from the beginning.

At the end of the day, if limitation on the custom crush aspect of this business plan cannot be considered, I will rely on the holding of this application to the existing 30,000 gallons already in place. I would like to express my high regard and distinct appreciation to all of the Commissioners who have taken the time to personally review the conditions. Each one has responded to our concerns by visiting and walking the properties involved.

Sincerely,

Steven P. Moulds
3075 Dry Creek Road
Napa, Ca. 94558

From: [Walt Brooks](#)
To: [Barrella, Donald](#); [Whitmer, David](#)
Cc: [Gallina, Charlene](#); [Morrison, David](#)
Subject: Fw: DCRA Public Comment as of 1/2020 on Anthem Project
Date: Monday, January 27, 2020 2:51:25 PM
Attachments: [compromisehistory.docx](#)

Hello Don and Dave,

As you know the Anthem Winery neighbors and members of the Dry Creek Road Alliance (DCRA) have consistently expressed concerns about the Anthem Winery Major Mod and ECP project plans.

Our concerns include the potentially significant and permanent negative impact the project will have on the area's water availability, hillside stability, health of creeks, streams and fish, fire safety and the quality of life of many neighbors.

The proposed Anthem development is planned on parcels that are very steep in places, have existing erosion problems, includes a problematic access road that includes a one-lane bridge with low visibility, and is in an area of proven limited groundwater sources.

We understand that every winery needs access to their customers and so proposed to the Arbuckle's a plan which we believe would allow them reasonable visitation for their already existing 30K gallon permit. Some of us same neighbors have welcomed smaller projects in our neighborhood in the past year and know many family wineries that thrive on 30 K or less gallons.

To the neighbors the Anthem modification is more significant than may appear on the surface. The existing Anthem winery has very little activity on site and of course no visitation and includes only few structures and a small cave. Yet despite its limited use it has impacted some neighbors and had its well issues in the past.

However the new Anthem plan proposes a significant change to the area, more like a new 50K winery:

- Large designer winery meant for large/50K gallon production
- A second access road from Dry Creek next to and across neighbor easements and yards
- Requests numerous large events and sizable visitation
- Plans for a very large cave, significant road and drainage changes in sensitive areas
- Relies on significant draw of ground water while surrounding area known for water issues and
 low-yield and/or dry wells

At the October 2018 hearing the Planning Commissioners asked the

neighbors and Julie Arbuckle to work together to see if a possible compromise could be reached. Since that time Julie and via her lawyer Rob Anglin has communicated with neighbors face-to-face, via email or letters or through me as the spokesperson for the DCRA group. The Arbuckles initially proposed reductions in their marketing events mainly by eliminating a 300-person event (that even they agreed would require an almost undoable mitigation) and a few 100-person events. DCRA responded in early April 2019 and offered a significant option for a compromise on the Anthem project around the access road easement issues but insisted on limitations especially on production to 30 K. The Anthem response was that the requirements for loosening the easement constraints were not doable and provided a counter proposal late May 2019. The Anthem May proposal eliminated more of the 100-person events and reduced their production request to 45 K gallons. Eliminating more of the bigger events was welcomed. However, as we all know, a 45K gallon winery may go over its production limit by 10% in 2 out of 3 years which basically would allow Anthem 50 K production most years anyway. The additional production would have to be fed by having many alternating proprietors and their grapes and supplies trucked in. At this point in August 2019 the negotiation on some points like event hours and numbers still looked negotiable but the main point of disagreement, the gallonage and accompanying development, was not being worked out. The Anthem neighbors and DCRA members are steadfast in limiting the production to the current 30 K gallon permit .

Attached is a chart with the history of the discussions since the Oct. 2018 hearing.

It includes the reasoning by both sides of why we think our different proposals make sense.

However the latest Anthem request on record seems to revert back to its previous request not its latest counter proposal.

We ask you and all the Planning Commissioners to limit Anthem production to their current permit amount of 30 K gallons and adjust visitation and marketing events and other development to an appropriate size given the site constraints. This is critical to limiting the intensity of use on the parcels and impact on streams, groundwater and neighborhood and ensuring a sustainable plan for the area.

Thank you,
Bernie Brooks for DCRA

	First Planning Commission Hearing Application	Current Application	DCRA * 4/1/19 Counter-Proposal	DCRA Reasoning	Anthem 5/28/19 Counter-Proposal	Anthem Reasoning
Marketing Events	24 30-person events	22 30-person events	20 30-person events	Per REAX Fire Safety expert only 50 person or less safe for emergency exit due to access constraints	20 30-person events	
	10 100-person events	6 100-person events	No 100-person events		4 100 person events	
		2 50-person events	4 50-person events		2 50-person events	
	1 200-person event	1 200-person event	No 200-person event		1 200-person event	
	1 300-person event	No 300-person event	No 300-person events		No 300-person events	
Total Annual Marketing	2,220	1,560	800	Above average for 30 K wineries	1,300	Well below the annual marketing event average (1,851) granted to 40K-50K g wineries in last 10 years; Also well below the annual average (2,170) granted to 35K-45K g wineries in last 10 years.
Event Hours	11 am – 12 am with events over 30 guests moving indoors by 10 pm	11 am – 10 pm	11am – 5 pm Sun.-Thurs. 11am- end of civil twilight Fri. & Sat. (5:30-9pm)	Ensure safety of visitors and lessen impact on wildlife and neighbors	11am-6pm Sun.-Tues. 11am-10pm Wed.-Sat.	Consistent with many other wineries, including Matthiasson; we need the flexibility to have some events end by 10pm.

Tastings	32/day weekday	32/day weekday			32/day weekday	Consistent with many other wineries; Well below the annual tastings average (15,704) granted to 40K-50K g wineries in last 10 years; Also well below the annual average (13,728) granted to 35K-45K g wineries in last 10 years; Staying open until 6pm avoids peak traffic hour of 5-6pm and is consistent with many other wineries, including Matthiasson.
	48/day weekend	48/day weekend			48/day weekend	
	256/week Max yr: 13,312 10-6 pm	224/week (?) Max yr: 11,648 10am-6pm	115/week Max yr.: 5,980 11am-5pm	Above average for 30 K wineries	Nov. 16-March: 145/week April-Nov. 15: 220/week Max yr.: 9977 10am-6pm	
Production	50,000	50,000	30,000	Due to constraints of water, steep slopes, nearby creeks, in AW and only 15% estate fruit	45,000	Reasonable increase in production is consistent with similar wineries on similarly sized parcels. Wineries granted 30K gallons in past 10 years were almost all new wineries on 10-15 acre parcels
Custom Crush	No Restriction	Max. 9 alternating proprietors	No processing of non-Anthem products	Minimize impact on parcels and watershed	Max. 6 alternating proprietors	Our business plan includes our winemaker and children being able to make wine onsite. This limitation is not one that Napa County can legally impose, but we are willing to compromise in this area to address neighbor concerns.

***In exchange : Compromise to be worked out on allowing legal access across Rowe easement but with other access road constraints.**

From: [Betsy Moulds](#)
To: [Barrella, Donald](#); [Dave Whitmer](#)
Cc: [Morrison, David](#); [Gallina, Charlene](#)
Subject: letter for the Planning Commission - ANTHEM Winery
Date: Monday, January 27, 2020 4:55:56 PM
Attachments: [2520 letter to planiing commision.docx](#)

Don and Dave,

I have written down my thoughts and concerns in the attached letter to the Planning Commission about the Anthem Winery project. I ask that you read it, place it in the ANTHEM file and make it available to the rest of the planning commissioners well before the meeting on Feb 5th. I am very sorry to be out of town on this date, but know that my concerns and those of our neighborhood will be heard.

Many thanks for all your hard work on behalf of the Napa community.

Betsy Moulds

Members of the Planning Commission:

This outline presents the numbers necessary to understand the impact of ANTHEM's plan to expand from now NO onsite winemaking activity through their permitted 30,000 gallons with ANTHEM as sole proprietor to escalate to 50,000 gallons with several proprietors, as they are requesting. As our vineyard produces about the same amount of fruit as the ANTHEM vineyard is projected to produce when completely planted out, I will describe our water situation and grape production and transportation at Moulds Family Vineyard for comparison. Thank you

1. Moulds Family Vineyard, est. 2000, owned & farmed by Betsy Moulds and Steve Moulds
 - a. Farm 11 acres of 57 acres that shares 1000' of property line with ANTHEM
 - i. We appreciate family owned and run wineries, and have supported several in their journey to get permits: Behrens Family Wines, Dakota Shy, Relic and Matthiasson.
 - b. Understand the fragility of the area's water supply.
 - i. Over the 21 years that we have owned our property, we have drilled 9 wells, of which only 3 are functioning from ½ gal /minute to 10 gal/minute, all those are along Dry Creek Road
 - ii. Within a couple of years after drilling, our records show that all our functioning wells dropped in production by a 50% to 80% reduction in water produced
 - iii. Therefore, we put in a 5 acre ft. reservoir for all vineyard and landscape use, saving the wells for residential use only.
 - c. Vineyard production and transportation
 - i. Produce an average of 42 Tons of cabernet and cabernet franc grapes
 - ii. 42 Tons will yield 5,000 gallons of wine, approximately.
 - iii. Very comparable to ANTHEM with the fully planted and producing vineyards
 - iv. We sell all our grapes to 4-7 wineries who buy from 2 Tons - 20 Tons
 - v. Deliver our own fruit during harvest to the wineries using a F250 pick up and trailer.
 1. ANTHEM will have to receive their offsite fruit with similar transportation due to the limitations of their driveways
 2. We carry a maximum of 4 Tons per delivery but many times less per winery request.
 3. Minimum of 15 deliveries a season for all 42 Tons
2. ANTHEM
 - a. Currently possess a 30,000-gallon permit but has never made wine on site
 - b. With their existing vineyards plus planned expansion for a new vineyard, in full production, they can expect to grow about 37 Tons of grapes = 4,500 gallons of wine
 - i. *4,500 gallons is less than 10% of the 50,000 gallons they are requesting*
 - ii. *4,500 gallons is exactly 15% of the 30,000 gallon permit they have now*

- c. What does that mean over 3 months of harvest?
 - i. 50,000 gallons of wine is made from 417 Tons of grapes, approx.
 - ii. They will be hauling 380 tons up a non-conforming residential driveway.
 - 1. If Steve and I were to deliver all that fruit, it would take us 94 fully loaded trips.
 - 2. Fruit readiness and winery tank capacities dictate how many tons are harvested at any one time, thus many trips hauling grapes are not to our 4 ton max capacity, requiring more trips
 - iii. ANTHEM winery could be making many more than 100 trips just bringing in grapes over the 90 days when harvest occurs
 - d. What does it mean the rest of the year?
 - i. 50,000 gallons of wine needs to be bottled in 20,850 cases of bottles, corks, capsules, labels all hauled up the driveway and back out for sale.
 - ii. To farm 37 Tons of fruit grown on site, they will need to haul, supplies, for example, 100 tons of compost, a tractor trailer load of hay bales for erosion control, and all materials and equipment for maintenance and pest control, and haul out vineyard waste.
 - iii. Haul in supplies to maintain winery, office, food services, beverage services and haul out trash.
 - iv. Transit of vineyard workers, winery workers, hospitality and administration plus visitors
 - v. Their access and egress are not sized to handle large commercial trucks, so many more trips than for a standard roadway will be required.
3. ANTHEM plus their Winemaker's Clients = Custom Crush Facility
- a. ANTHEM is requesting that they have their winemaker's clients also make wine at their new winery. This is called Custom Crush.
 - b. ANTHEM, according to their website, produces wines with approx. 50% of their fruit outsourced.
 - c. Other Custom Crush Clients - all of their fruit is being outsourced (not from the ANTHEM site)
 - i. 380 tons will be coming from somewhere else in small loads for each client's different wines.
 - ii. Multiply those 94 full loads of grapes (referred to above) for ANTHEM by 150% and you have more like 150 loads, as each client could have their own source vineyards different from the others.

Consider these statistics about the pressure this project, if approved as requested, will put on the land and the water, and now on the residential driveways from both Redwood Road and Dry Creek Road and those residents that live along them and in the neighborhood through which all this activity is funneled. The existing 30,000-gallon permit for ANTHEM allows them to produce more than triple their estate production and tread more gently on the earth and everyone around them, a much more sustainable land use solution.

Betsy Moulds, Moulds Family Vineyard, 3075 Dry Creek Road

Barrella, Donald

From: Tim Culler <tjculler99@icloud.com>
Sent: Sunday, January 26, 2020 6:02 PM
To: Barrella, Donald
Subject: Anthem winery proposed expansion

Dear Mr. Barrella:

I have lived at [4282 Dry Creek Road](#) for the past fourteen years. Having visited Napa extensively for the past 35 years, I know the county well; and while I like the energy and vitality of the Valley's wineries, restaurants, and cultural institutions, I chose to buy a home on Dry Creek Road because of its remote, rural location. While there are a number of vineyards and wineries in the vicinity, they are all small scale and fit in well with the area. They are not of a size that creates excess noise, traffic, water depletion, etc. They are good neighbors and enjoy our support and respect.

Having read about the proposed expansion of the Anthem winery, I became quite concerned because this proposal represents an out of scale departure from the size and shapes of the existing neighborhood wineries. As a result, I joined the Dry Creek Road Alliance (DCRA), to work together to highlight the serious problems with the Anthem proposal beyond just being oversized for the area—specifically, its effect on traffic, safety, road adequacy, exacerbation of water scarcity. I agree with the DCRA's concerns and ask you to take them very seriously. I have found the people in the group to be thoughtful, rational, and focused on safety and fairness for all parties.

Since the various concerns of the DCRA will be addressed specifically by several members, I do not wish to duplicate their efforts by reiterating them. Instead, I will focus on one area that might not be otherwise addressed: hours of operations for tasting and for special marketing events.

After several back and forth discussions with the Anthem owners, the DCRA members agreed to support tasting room hours up to [5 pm](#) and event hours [from 11am to 5pm Sunday](#) through Thursday and 11am-twilight ([9 pm](#) in summer) on Friday and Saturday. While DCRA members might consider [6pm](#) vs [5 pm](#) for smaller events, Anthem's best counterproposal was for tastings [from 10-6pm](#) every day and events [from 11-6pm Sunday](#) through Tuesday and [11-10pm Wednesday](#) through Saturday —although it appears Anthem's request has reverted to [11-6pm](#) every day.

As you know, almost all Napa wineries close their tasting rooms [at 5pm](#). A very few stay open until 6 or [7pm](#) but most of those are really downtown tasting rooms or on Highway 29 or the Silverado Trail. Anthem is on a small rural driveway joining a minor road, Dry Creek. As Napa County looks to allow more small family wineries to expand their tastings and events, I think the Planners need to consider the cumulative effect (especially of allowing late hours) on rural and remote areas both in terms of safety and local impact.

Do the Planners really want to allow this and, more importantly, create a precedent for others to follow suit? We surely hope not.

Special Marketing Events, held a few times a year, are a different story and should be treated differently. I want to request that the latest time for such events in rural areas should be civil twilight or [9pm](#) at the latest. Again, Anthem is not a winery located on a major road such as 29 or Silverado with good lighting, traffic signals, signage, etc. This is a winery accessed from a narrow driveway and a one lane bridge without good visibility shared with several neighbors. Given the narrowness of the road, safety concerns for neighbors and visitors alike should constrain Special Event hours to daytime or dusk at the latest. In the event of fire or other emergencies, getting large numbers of people out on short notice will be significantly compromised by darkness.

Thanks for your thoughtful consideration of these and other concerns of the DCRA. We are of course available anytime for questions of follow up information.

Sincerely,

Tim Culler and Ellen Bermingham

[4282 Dry Creek Road/ 415-828-3281](#)

From: [Patricia Damery](#)
To: [Barrella, Donald](#)
Cc: [Morrison, David](#); [Jeff Atlas](#)
Subject: Anthem Project and Fish and Wildlife Review
Date: Wednesday, January 22, 2020 3:41:01 PM
Attachments: [Anthem proposed bridge and erosion, 12220.pdf](#)

Dear Don,

I am attaching a letter regarding the proposed bridge area of the Anthem Project. We see no documents where Fish and Wildlife have reviewed the plans. We were told by David Hines of Fish and Wildlife that this would be necessary. We are also attaching several pictures of the concerned area. We include one of a similar bridge of the Arbuckle's that they propose to use. Will all of the construction be completely within their 20 foot, flagpole strip of land? The footings of their bridge onto Redwood Road shows the footings extend either side of the bridge.

The photo of the silt in the water is one taken on January 16, 2020. We had just had 0.9 inch of rain. The photo is looking into the area of the proposed bridge. The metal posts are about on the property line.

Regards, Patricia

January 22, 2020

Dear Donald Barrella,

We are writing to you to highlight recent findings by Mike Podlech, aquatic ecologist, and David Hines of Fish and Wildlife concerning the fragility of land on or near the Arbuckle parcels and the possible impact on our erosion mitigation steps if the Anthem project were to be approved as is. We also include some assessments of the project by Nick Bonsignore of Wagner and Bonsignore Civil Engineering.

We are joint owners of the small irrigation pond which the Class II, blue-line stream flowing through the proposed bridge area of Anthem project serves. Patricia Damery e-mailed you about two areas of concern of erosion on the property boundary between the Harms/Damery and Arbuckle lands earlier this month. This letter specifically addresses the Class II stream which drains into the Harms/Damery property and into our shared reservoir. Please note that Podlech has designated this as a Class II watercourse.

Despite the clear designation as Class II watercourse, this stream is inaccurately referred to as “drainage” in the driveway exception document, [Driveway exception request](#), Station 76+00 to 78+50. Currently Liz Colby of National Resource Conservation Service (NRCS) is engineering a stabilization plan for a bypass gully for the area just below the proposed bridge. We also are working with Nick Bonsignore of Wagner and Bonsignore Civil Engineering on the stabilization project.

The erosion stabilization may be impacted by the current Anthem project plan in several ways. Below are the issues and questions we have about the Anthem plan that must be addressed before any approval of their plan.

1. The Anthem Driveway Plan, Option Two, could well influence water flow into the stream area and the bypass gully. The flow of the Class II stream could be increased by the tree removal, the paving, causing more runoff and significantly more erosion into the bypass which we are working to have stabilized at some expense, as well as the area upstream of the bypass between the bypass and the bridge.
2. The Anthem tree cutting and grading in the area could potentially result in further silting in of weir area that drains into the irrigation pond. Since the last rebuilding of the residential easement driveway by the previous owner, we have had significant silt each winter and have to dig out the area to keep from blocking the weir as well as creating new gullies or further damaging the existing gully (see Photo A). The Biological Resources Assessment confirms that the soils in the affected are Fagan Clay Loam on 30 to 50% slopes and Felton Gravelly Loam on 30 to 50% slopes. According to Nick Bonsignore, based on a published USDA Soil Conservation Service (SCS, now NRCS) soils report, runoff from these soil types is considered to be “rapid” and the hazard of erosion is “high” for Fagan and “moderate to high” for Felton. The Fagan soil is also “subject to landslides”.
3. We were required to retain Mike Podlech, Aquatic Ecologist, to study the area and classify the stream. His designation was Class II watercourse. We also had David Hines of Fish and Wildlife review the proposed project. He stated that any disturbance upstream of the Class II stream would need Fish and Wildlife review. We have not seen a report, however, from Fish and Wildlife in the Anthem documents. Has Fish and Wildlife looked at the downstream impact in the project? Fish and Wildlife must provide feedback to the Anthem Plan.
4. (See Stormwater Control document) Did Anthem account for drop inlets that divert water into natural flow into the blue-line stream and onto Harms/Damery land? Has Fish and Wildlife reviewed this plan, and specifically the areas of

DMA10 and DMA11? According to Nick Bonsignore, this report appears to focus on bioremediation measures associated with water quality of the runoff. Although these measures may have some effect on reducing peak runoff flows, the report does not appear to directly address increases in runoff intensity associated with the overall development and the driveway portion in particular.

5. Is there a grading plan for the area near the bridge that is to be clearcut of trees? We could not find this document. Could you refer us to it if it exists?
6. Does the Anthem plan comply with the erosion components of the Napa County 2019 Water Quality and Tree Protection Ordinance ?

We appreciate your immediate attention to these matters.

Regards,

Patricia Damery and Jeff Atlas

Cc. David Morrison

Photo A: Class II stream on January 16, 2020, after 0.9 inches of rain. Notice silt. Harms/ Damery property line with Anthem is about at fence posts. Standing on Harms/Damery property. Erosion has gotten much worse since rebuilding of easement driveway by previous owner.



Photos B Anthem Bridge on Redwood Creek Access. Notice concrete footings. This is the same type designated for the proposed Anthem road.





Note the erosion and the impact on Redwood Creek under it.







From: [Patricia Damery](#)
To: [Barrella, Donald](#)
Subject: Fwd: Erosion work: Copy of letter the Julie Arbuckle
Date: Thursday, January 23, 2020 4:46:34 PM
Attachments: [Anthem Winery ECP, Erosion issues, DameryHarms.pdf](#)

Please put this letter in the records.

Begin forwarded message:

From: Patricia Damery <pdamery@patriciadamery.com>
Subject: Erosion work: Copy of letter the Julie Arbuckle
Date: January 14, 2020 at 3:54:13 PM PST
To: "Barrella, Donald" <donald.barrella@countyofnapa.org>, David Morrison <david.morrison@countyofnapa.org>

Dear Don Barrella,

We are sending you a copy of the letter that we have sent to Julie Arbuckle regarding the work we are doing on erosion at two places on our joint property line with NRCS. Liz Colby, engineer, is happy to review and comment on the ECP for both the bridge area as well as the extended vineyard.

I am sending this now as the work is in process and I understand the hearing before the Planning Commission is scheduled for 2/5/20. We are concerned that the areas mentioned are permitted before we receive the results of the studies. Please hold back on approving the ECP's until we understand the cause fo the erosions.

Regards,

Patricia Damery



January 11, 2020

Julie Arbuckle
3454 Redwood Road
Napa, CA 94558

Dear Julie,

I tried to email you but it did not go through so we are writing to you to address two matters of serious erosion involving our properties. Since the Anthem project is coming before the Planning Commission on February 5, 2020, I want to alert you to the research we are currently doing with the Natural Resources Conservation Service (NRCS) on two areas on or near our shared property lines. I think once NRCS completes their analysis it will be clearer on how best to proceed with any soil disturbances in the areas. We ask that you hold off on your proposed ECP and road bridge work until more is known

1. Over the last several months we have been researching the cause of the severe erosion on our land at the property line with you near our home and the cause of the extra runoff that has occurred since the earthquake and the last heavy rains. Liz Colby, an engineer with NRCD, has completed an initial site visit to investigate the erosion and suspects the cause is the extra runoff that has occurred since the last earthquake and the last few heavy rain seasons. She is looking at a review and a stabilization plan (including existing condition and historic pictures and a Google Earth map to show the proximity to the proposed work). I would like NRCS and/or the RCD to have time to review the Anthem proposed ECP plan in relation to the erosion issue. They are willing to review the Anthem plans and make suggestions or comment on any issues they might find based on their analysis. As they develop their stabilization plan for the gully, they will provide us copies of their work. The Anthem proposed ECP plan is to deep rip the meadow/savanna just above the erosion area to extend your vineyard. I am very concerned about having this ECP approved before we thoroughly understand the cause of the erosion and what impact further development in the area would have.

We will share these copies with you. We think this might save you from future problems with drainage or stability in the area of the new proposed vineyard.

2. The second area of concern is the area along the road and property line upon which you want to build a bridge. This area has always been vulnerable to erosion issues as evidenced by the previous owner, Dick Lemon, having to rebuild the road three times, each time impacting our property. Since the last road rebuild, there have been massive amounts of silt flowing into the blue-line stream during rain storms.

Steve Matthiasson, Jeff Atlas, Donald and I are currently working with Liz Colby for a fix in this area. The Anthem proposed road plan involves cutting a path through the forest for the road and creating concrete footings for the bridge in this very vulnerable area. We think it crucial to allow a thorough analysis to be done by the NRCS first before the work in this area proceeds. The Anthem construction will almost certainly impact the area and possibly undo all the improvements we are currently having engineered. When the Fish and Wildlife biologist was here, he was very concerned.

I am wondering if you have received all the necessary clearances and approvals, including from Fish and Wildlife as when the Fish and Wildlife biologist was here, he was very concerned.

With the prediction of more atmospheric river storms in our future and knowing the areas involved already have land slide and erosion issues, we need to allow the time to properly assess the situation and create a sustainable plan. Until then the Anthem ECP should not be approved.

Regards,

Patricia Damery and Donald Harms

cc. Don Barrella, David Morrison, Rob Anglin

June 21, 2019

Dear Don Barrella,

I am writing in regard to the oak savanna in which the Arbuckle's intend to plant vineyard. My concern about permitting expansion in the tree easement and beyond is not based on aesthetic interests alone but more importantly on concerns of already problematic erosion which could be further exacerbated, of oak root disturbance that could kill off the trees, and of the impact of irrigation on groundwater resources and resulting impact on the trees. The erosion on our land started after the Arbuckle well and its plumbing in the area were installed. We are afraid what further changes to the area would bring, even if not harmful to the oaks.

Part of this savanna has already been permitted (though not yet planted)— without notifying us, including some in the recorded tree easement— but part is in the proposed ECP.

According to consultants from Napa RCD and ecologist Shari Gardner, this oak savanna is one of the highest in elevation remaining in the Napa Valley. According to RCD, valley oaks, iconic of the Napa Valley, were once numerous here, but they have been drastically reduced in numbers for vineyards and other development by as much as 95%. Valley oaks are the predominate member of oak woodlands and are native only in California. As Robin Grossinger states, "As we anticipate changing climatic conditions in the future, "re-oaking" the valley would provide a range of valuable ecological services, such as shading and temperature modulation, carbon storage, and improved air quality. Without an incorporation of evergreen live oaks, which capture and slowly release rainfall from their canopies the new savannas can reduce the severity of runoff pulses. Valley oaks occupy a broad climatic gradient and, once established, are relatively tolerant of arid conditions— **particularly if groundwater levels are maintained within acceptable levels.**"¹ I will address the issue of wells in the oak savanna later.

Donald and I and the previous owner of Anthem's land, Dick Lemon, were drawn to protect the portion between our two properties because of the size of the valley oaks, but in the process we learned that the "meadow and forest conditions" are critical to maintaining the health and the continuance of the oak savanna and oak

¹Napa Valley Historical Ecology Atlas: Exploring a Hidden Landscape of Transformation and Resilience. Robin Grossinger, p. 46.

woodlands into the future. Small trees need to be protected, as do the soils in which they grow. These areas should not be irrigated or deep ripped.

Nevertheless, California Oak Foundation gives guidelines to protect oaks in the event that planting happens near these trees. It is critically important to not disturb the **root protection zone (RPZ) which extends beyond the drip line by at 1.5 times the distance from the trunk to the drip line. This area should not be planted, irrigated, or disturbed.** ² A Chronicle article³ also cautions against planting, irrigating, or having vineyard driveways within the root zone of oaks. Irrigation in these areas could kill the trees. I might add that the watering of new vines near the oaks could be a problem for oaks in that their roots do not like to be wet and the curve of the ECP area's land drains in the oaks' direction.

I am unable to tell from the plans if these guidelines are being followed in the ECP. I would like to go over this with you when we meet.

Recent research shows that a critical part of a forest and of an oak woodland is the mycelia in the soils. This is like a living internet system through which tree coordinate with each other and bring balance during times of stress, such as disease or drought. Deep ripping destroys these connections. Are the Arbuckle's deep ripping these soils? My understanding is that they are. This would be damaging to the health and the longevity of these ancient trees and to the future of their offspring.

One of the Arbuckle's arguments is that Donald and I have planted a garden and lavender in the tree easement and that this means they can plant a vineyard in the easement. Very little of our lavender is in the easement. When we planted lavender around our home, we did not fence to keep out wildlife and **we did not deep rip the soils— in the garden or for the lavender.** We planted the lavender six inches deep directly into the ground to protect the soils. Lavender uses far less water than grapes, critically important in that we do not have much water! In recent years we have also worked with the Napa RCD Re-oaking the Valley project to plant valley oaks and coastal live oaks in the easement area as well as the larger savanna on our side. We also collect acorns from our ranch trees for the re-oaking projects, particularly in nearby Alston Park.

² <http://californiaoaks.org/wp-content/uploads/2016/05/CareOfCAsNativeOaks.pdf>

³ <https://homeguides.sfgate.com/root-zone-live-oak-trees-73857.html>

If you study the research coming out on climate change, you will see that Napa area average temperatures have already increased by 1-2 degrees C. A National Academy of Sciences study estimated that the premium grape growing area within United States could be reduced by as much as 81% by the turn of the next century and that in California, the coast is the most likely place that will grow premium grapes.⁴ Not here.

In looking ahead, the oak savanna and our forests and other oak woodlands take on more importance. Their functions of protecting the land from erosion and ensuring water quality and quantity cannot be further compromised. We need ecological resilience if we are to continue to live and farm in Napa County, and our forests and oak woodlands are key. “Establishing viable densities of valley oaks— whose distance of genetic exchange appears to be relatively small— may help the tree persist in the face of climate change. **Having declined for a century and a half, this icon of the valley may have a larger role to play in coming decades.**”⁵

Dry Creek Road Alliance retained hydrologist Greg Kamman to study the water situation with the Anthem project. We residents know water on this ridge is limited. Many of us have addressed this. Kamman asserted that Arbuckle’s wells will likely impact the neighbors’ wells to the west of their property as well as the flow of Redwood Creek, important for salmonid populations still present in the creek. Not only will this project threaten Redwood Creek and the neighbors’s wells to the west (some are already having to haul water), pumping wells in the savanna also threatens the trees. They depend on groundwater.

I appeal to the Planners and Planning Commission to protect this savanna with its ecological diversity. There are some areas that just should not be farmed, and this area with its ancient oaks is one of them.

Sincerely,

Patricia Damery and Donald Harms
Harms Vineyard

⁴ <https://www.northbaybusinessjournal.com/northbay/napacounty/8503956-181/climate-change-napa-wine>

⁵ Grossinger, p. 46.

Barrella, Donald

From: Julie Arbuckle <jarbuckle@sbcglobal.net>
Sent: Friday, March 15, 2019 11:36 AM
To: Barrella, Donald
Cc: Rob Anglin
Subject: Napa Valley Register article

Don,

Please add this Napa Valley Register article to our record:

[4 Napa County roads still closed from storm, including Redwood Road](#)



4 Napa County roads still closed from storm, including Redwood Road

Kevin Courtney

The number of Napa County roads closed due to this week's storm had shrunk to four as of Thursday morning, inclu...

Thanks,
Julie Arbuckle
Anthem Winery and Vineyards, LLC
707.227.0722

Barrella, Donald

From: Tim Culler <tjculler99@icloud.com>
Sent: Tuesday, January 8, 2019 11:34 AM
To: Barrella, Donald
Subject: Anthem Winery Proposal

>
> Hello, Donald,
>
> It is my understanding that you are collecting comments and letters from interested parties in regards to the proposed Anthem winery application. I would like to go on record in opposition to the proposal, as I summarize in my comments below. I trust you will forward my note to the Planning Commissioners, and I will attend the upcoming meeting on Jan 16th and any future hearings to speak in person.
>
>
> Dear Planning Commissioners:
>
> I have lived part-time at 4282 Dry Creek Road since 2006 and full time since I retired 3 years ago.
>
> Certainly, a large part of the appeal of living in Napa County is its agricultural character, offering residents and businesses a quality of life unmatched in nearby counties and cities. A strong wine industry is obviously essential to making agriculture economical and strengthening the county's economy. As such, I support grape growing and winery operations—as long as they are managed in a responsible way.
>
> On Dry Creek road, there are growers and vintners doing just that. Moulds Family Vineyard and Mathiasson Winery are just a couple of examples of family businesses being run responsibly and in harmony with residents of the area. They are good neighbors and earn our respect and support.
>
> The proposed Anthem winery, however, does not appear to be a responsible or harmonious use of land on Dry Creek Road; it is much larger in scope and design than anything else in the area and will have an outsized impact on several risk factors in our neighborhood.
>
> The Dry Creek Road Association (DCRA), of which I am a member, has documented risks in at least the following categories from a "too large " winery: water availability, traffic safety (especially on one of the most popular cycling/running paths in the county), fire safety issues from large events in an area with small access roads, erosion concerns, and overburdening of easements on existing access roads not designed for visitation. Members of the DCRA have done much research on these risks and provided details to the Planning Commission.
>
> It is obvious that the Anthem Winery proposal—with demands for increased production to 50000 gallons, many thousands of visitors for events, and nine "alternating proprietors" (i.e., a sizable custom crush facility instead of just making wine from their own grapes) is not a small family winery but a business designed to maximize profits for the owners (with a likely eye toward eventual sale to a large profit making conglomerate). Nothing like this exists on Dry Creek Road, nor should it. These kinds of businesses belong in industrial parks, where the economic needs of running the business are in harmony with the neighborhood.
>
> I look forward to attending the meeting to address the Commissioners in person on the 16th and at any future hearings and appreciate the opportunity to do so.
>

> Sincerely,
>
> Tim Culler
> 4282 Dry Creek Road
> 415 828 3281

Barrella, Donald

From: Anna Kurtz <annakurtz@hotmail.com>
Sent: Monday, January 7, 2019 1:06 PM
To: Barrella, Donald; Cottrell, Anne
Cc: ICE George Kurtz
Subject: Anthem Winery Review

To Mr. Barrella and Ms. Cottrell,

My husband, George, and I recently purchased 3167 Dry Creek Rd. We had been make aware of the requests that the large Anthem Winery is proposing to the Napa Planning Commission. Our concern is that there is a shortage of water in the area. As it stands now, there is a deliWe also are concerned about the large events in the neighborhood that Anthem Winery is proposing. Please know these extreme requests in the area will cause long term harm. I hope a compromise on a smaller scale can be made so everyone can benefit in the end.

Thank you for your understanding,

Anna Kurtz

Sent from my iPad

January 6, 2018

Members of the Planning Commission:

Since the first time Steve and I learned about the Anthem project we had hoped that the Arbuckle family would enjoy their venture growing grapes and making wine within the parameters of their existing winery permit. We are supportive of a small family winery with proportionately sized visitation.

When we learned that they wanted to expand and take on other licenses, we continued to ask for less intrusive use in the Ag Watershed than a commercial custom crush facility. It is interesting that Julie Arbuckle, as a member of the Coalition Napa Valley, agrees with the comments as printed in the Napa Valley Register 12/20/18, that growth should not be prohibited, but 'shift large-scale wine production and administration to the South County, to the airport industrial area and American Canyon'. We support this theory, and believe that for the Anthem project, the commercially zoned areas mentioned are the best solution for the environment, their dream and the neighbors.

In our wonderful 20 years on Dry Creek Road, we have learned a lot about living off the land.

Respect, Conserve, Sustain and the Land will be Vibrant, Healthy and Fruitful.

It is our hope that the Arbuckles will step back and not challenge the limits of their ecosystem.

Thank you for your consideration of this matter,
Steve and Betsy Moulds

1/05/2019

Mark Warrington
3440 Redwood Road
Napa CA 94558

Subject: Anthem Winery Expansion

Dear Napa County Planning Commissioners

I am writing to you regarding the Anthem Winery Expansion Project. Our families' property (my mother, Dotia Scriven residence) is at 3440 Redwood Road. The property is in a family trust of which I am a trustee.

She has lived there since 1986. Her former Neighbor Mr. Stan Woods lived up on the hill to the northwest at 3454 Redwood Road. Mr. Woods and another neighbor used a narrow courtesy access across my mother's property to access the easement that they have on the 3500 Redwood Road property (parcel #035010055000). The deeded easement on that parcel abuts my mother's property. It is very narrow and appears to be 12' in width. It is accessed by an almost 90 degree turn and there always seems to me some new fence damage due to the tight radius.

Mr. Woods and his son in law Mark Jessup approached my mother and my deceased stepfather George "Dan" Scriven regarding a small wine cave that his son in law wanted to

build on the property. Mark Jessup was a local successful businessman and wanted to follow his dream of hobby winemaking. According to Stan there was not to be any crushing or fermenting as his properties water wells could not support that type of operation.

Since that time in the 1990's there have been a few small expansions of the wine operation and Mark Jessup opened up a retail tasting storefront in Yountville to market his wines. Several vineyard blocks were planted up on the hill.

Mr. Woods passed away and eventually the property at 3454 Redwood road changed hands.

My stepfather "Dan" Scriven passed away in 1992 and I became very involved with the property helping my mother with things that she could not do, "The Guy Stuff".

In the last 10-12 years my mother's water supply has become unreliable, in the mid summer and well into the fall. She has seen both of her wells stop pumping enough water for her. This has forced my mother to hire Bingham's Potable Water Service to truck in water to her residence. Some month's water bills from Mr. Bingham have been as high as \$2400.00 for one month. But \$1200.00- \$1400.00 a month is a more accurate average of what she spends on water deliver from mid July to November 1st.

The hydrologist's report and rebuttal of that that report by Walt of the Dry Creek Alliance showed that Anthem has insufficient water on their property for their expansion and that their winery and vineyard operation have a significant impact on their Redwood Road neighbors water supplies. My mother is not the only person on Redwood Road that is having water trucked in. I see the water trucks going up and

down the road all of the time during the summer months that coincide with when the grapes are being watered.

I would like to point out several reasons why the Anthem winery expansion should be denied.

1. The water issues in that area are going to greatly impact the neighbors possibly forcing them to have to pay more for potable water deliver. My mothers well output could be measured at 20-30 gallons per day in late august or early September. After learning the facts regarding what properties are effected by the water currently used up at Anthem I believe that Mark Jessup's vineyards up on the hill and the County allowing expansion up there into a full blown winery are part of the cause for my mothers summer water problems.
2. The Redwood Road side access is does not even meet current standards for a residential driveway. It may exceed the 18 degree uphill grade in portions of the driveway and is 10' wide. Commercial projects such as the Anthem Winery Expansion require an 18' driveway with a 2' improved shoulder. This is so cars can pass each other when traveling in opposite directions. The lack of that required driveway width posses a significant safety hazard in the event of a first responder (Cal Fire, AMR, or Napa County Sheriff's Office) dispatch. In the event of a sudden evacuation for a wildfire or other significant event all it takes is for one vehicle to stall or break down and everyone that is behind them will become trapped. Or if EMS is summoned a 2 minute delay for a vehicle to back up to a wide spot or turn out could be the difference between living and dyeing.

It is my understanding that the driveway situation on the Dry Creek Road side is equally narrow and does not meet county standards.

3. Stan Woods allowed Mark Jessup to follow his dream of becoming a vintner. For the most part they respected their neighbors and never considered placing a commercial endeavor with 1000's of visitors into the neighborhood. Instead Jessup Cellars respected those that lived around their facility and they opened a tasting salon in Yountville. It was the right way to pursue his dream.

Because of the reasons above and likely more the project as proposed does not meet County Road standards, it will also likely fail the ground water element of CEQA.

This one doesn't fit...

Respectfully,
Mark Warrington