

Applicants' Presentation

Appeals of the Planning Commission
approval of the Anthem Winery Project

Rob Anglin – overview, legal standard, grounds of appeal

Paul Warnock – road and bridge design

Anthony Hicke – water availability analysis

Julie Arbuckle – project goals and evolution

Overview - Process

- Application submitted in 2014
- Re-analyzed after regulatory changes:
 - Water Availability Analysis (2015)
 - Road and Street Standards (2017)
- Planning Commission Hearings
 - October 3, 2018 & February 5, 2020
 - 8 ½ hours of substantive hearings before the Commission
- Unanimous Approval by Planning Commission

Overview – Visitation Changes

| | Anthem Request as presented on 2/5/20 | DCRA Proposal 4/1/19 | PC Approval on 2/5/20 |
|--------------------------------|--|---------------------------------|----------------------------------|
| Annual Tastings | 11,648 | 5,980 | 6,823 |
| Annual Event Guests | 1,560 | 800 | 800 |
| Largest Events | 2 @ 50 6 @ 100 1 @ 200 | 4 @ 50 | 1 @ 100 2 @ 50 |

DCRA Spokesperson

“While the total number is still a little high, the fact that they’re willing to give up the large 200, and one of the 100 is really important because that really was danger and noise and everything compounded. And I think bringing in a carload of four people or six people at a time is more livable and safer, and so, all the way around, I think we’re more amenable to that.”

Transcript of Planning Commission February 5, 2020 meeting, pages 143, line 28 – 144, line 6 (emphasis added).

Legal Standard & Scope of Review

- Legal Standard – “In hearing the appeal, the board shall exercise its independent judgment in determining whether the decision appealed was correct.” (NCC §2.88.090(A))
- When interpreting its ordinances, Napa County’s interpretation is given deference by the courts. (*Harrington v. City of Davis* (2017) 16 Cal.App.5th 420, 434-35)
- Scope of Review - Adjudication of easement disputes lies with the courts (Civil Code §809) and is outside the scope of the County’s review.

Scope: Appellants' Easement Issues

- Easements over Appellant Rowe's lands
- Tree Easement

Scope: Redwood Road Access

- Appellants Rowe/Atlas argue that the winery can only be safe if it uses Redwood Road access. (Block letter 7/31/20, page 5)
- Redwood Road is less safe
 - 9.8 foot easement
 - Neighbors refuse to widen easement
 - Slope instability at Redwood Road
 - Fails to create emergency connectivity for Redwood Road

Road Design & Exceptions

- Road design was prepared by professional engineers, reviewed by County Engineering and Fire Department
- Appellant makes highly technical and incorrect arguments
- Staff has rebutted each of these arguments
- Appellants' conclusory statements do not diminish Staff and Commission's decisions that the proposed road provides the same practical effect

Bridge Crossing

- Ephemeral and intermittent stream setback
- County assessment of erosional gully
- Appellants' alternate interpretation of Cons Regs definition of "stream"
- Fish & Wildlife review and CEQA analysis

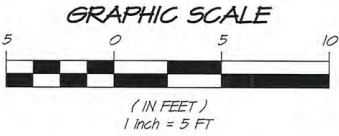
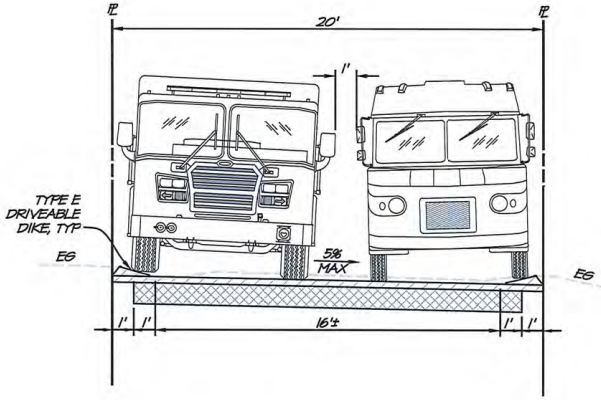
Earthquake Fault & Pesticide Drift

- Fault studies performed
- Pesticide drift violates State law
- Right to Farm

Cave Spoils

- Described and analyzed under CEQA
- Spoils stored onsite and used in road construction (IS/MND pages 2 and 9)
- Following build-out of Phase 2, spoils converted back to vineyard

ANTHEM WINERY TYPE 1 ENGINE AND DELIVERY TRUCK PASSING ON TYPE A DRIVEWAY



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Questions