

14 May 2021

To: Napa County Board of Supervisors
Re: Mountain Peak Winery Remand Hearing

Supervisors,

I am a neighbor of the proposed Mountain Peak Winery project, an appellant of your decision to approve the project and one of the Soda Canyon residents opposing the project in court. I ask that you consider the following comments in your review of the project in light the new evidence of the 2017 Atlas Fire.

Concerning the fire:

On Aug 22, 2017 you approved the use permit for the 19-employee, 14,575-visitor/year Mountain Peak Winery 6 miles up the dead-end Soda Canyon Road. Soda Canyon residents had presented ample first-hand experience and data-based assessments of fire danger on Soda Canyon Road at Planning Commission and BOS appeal hearings for the project. Yet you dismissed those concerns in your findings. You found that "in the event of a fire that results in mass evacuations from this area, the road has sufficient capacity and roadway width to accommodate all outgoing traffic while allowing incoming fire response units."

Six weeks later, on Oct 8th, the Atlas fire erupted in fierce winds and quickly engulfed lower Soda Canyon Road. A fallen tree blocked traffic coming down the road and fire trucks coming up as the fire burned on all sides. A frantic effort cleared the road just enough to let the line of cars get by. Fire trucks were unable to continue up the road. Dozens of residents, unable to make it down through the fire, had to be evacuated by helicopter from the top of the road. 134 of the 163 residences on Soda Canyon Road were damaged or destroyed, 118 of them a complete loss. Tragically two lives were lost. Resident declarations vividly present the chaos of the night.

Following the fire, residents petitioned Napa Superior Court to include the new, relevant evidence of the fire as part of their CEQA case against your

approval of the project. The Court agreed and ordered that the project be remanded to you, noting that "the catastrophic nature of the Atlas Fire, and in particular the mass evacuations, many by helicopter, that resulted from the fire constitute truly new evidence of emergent facts that were not presented to the Board."

There has been much said in government meetings about the need for evidence-based decision-making. Unfortunately, rather than confront an approval based on findings countered by evidence, the County and the developer challenged the Court's remand order three times in Appellate Court trying to avoid reconsideration of the approval in light of the fire evidence. The Appellate Court rejected all three appeal attempts, underscoring the importance and credibility of the new evidence.

Concerning the staff report:

For this hearing, Staff is apparently recommending that you ignore the intent of the remand, and once again dismiss the import of residents harrowing fire experiences that highlight the inadequacy of your original finding. Staff does **not** address the intent of the remand: to consider project impacts and mitigations in a future fire-related blockage of the road and required evacuation. Staff does **not** recommend reducing the size and scope of the project in recognition of the danger of its constrained access. Instead they suggest, somewhat casually, that up to 125 visitors and 19 employees might shelter in the vineyards or in the cave. Neither is an instinctive or reliably safe response. Caves can become smoke-filled and oxygen-depleted. Vineyards DO burn.

As the declarations of residents fleeing the fire make quite clear, the first instinct in confronting a wildfire would be to drive down the road. As happened in the Atlas fire, Cal-Fire helicopters would already be blaring a message over loudspeakers to evacuate immediately. Employees and visitors would already be in their cars adding to the vehicles of residents and vineyard workers trying to escape. And the escape scenarios that residents so vividly described in their declarations would again play out, only this time with up to 150 additional people, perhaps 70 vehicles, trying to escape. The one way the project can avoid adding to the dangers of a mass evacuation is to not have people there in the first place, either by not

allowing visitation during fire season or by not building a tourist attraction in such a remote, high fire risk area in the first place.

Staff concludes that the road, with fewer trees, some new paving and guardrails, NOW has "sufficient capacity and roadway width". But the road is now no wider, straighter, or flatter than before. The physical conditions and access constraints remain. And there are now more dead trees waiting to fall. New underbrush will soon be denser than the old. Fire events seem to be increasing in severity. Power lines can still come down. And, by continuing to add vehicles that need to be evacuated, the danger of a road blocking accident in the fiery, smoky chaos of an evacuation on the blind curves, steep grade and narrow stretches of the road increases.

Staff concludes, "No credible evidence established that the addition of another winery along Soda Canyon Road would significantly increase the risk of fire or significantly hinder rescue efforts". As if the additional thousands of people and vehicles the project will bring into the canyon each year will not statistically increase risk of fire mishap or mischief. As if trying to evacuate several dozen additional vehicles or asking helicopter pilots to risk their lives for an additional 150 people would not exacerbate rescue efforts. This is another finding awaiting contradictory, and perhaps tragic, evidence in a future fire.

Staff also notes the project's compliance with the State Fire Safe Regulations for high fire hazard zones like Soda Canyon Road. Those regulations put severe limits on the length of dead-end "local" roads: 1 mile for existing roads, 1/2 mile for new roads, knowing that both road length and width impact fire safety. But the County has labeled Soda Canyon Road a "collector", thus avoiding a consideration of the 6-mile distance from the project to the Silverado Trail. Unfortunately fires do not know the difference between "local" and "collector" roads, particularly in constrained, high fire risk canyons. As the Atlas fire showed, a dead-end collector is still a dead-end road, and the length along which a fire can wreak havoc to block access is a significant factor in its safety. Also, as a "collector", Soda Canyon Road is substandard in width, curve radius and grade slope, measured by the County's own Road and Street Standards. And it even fails the lesser 20' State regulation in some areas. Being labeled a "collector", as the fire showed, does not mean it is safe.

Finally, Staff analyzes the 19.4% service ramp under the State Fire Safe Regulations, finding that it "nearly" complies but doesn't actually comply. The 400' ramp of 19.4% required an exception under previously used NCRSS standards. It totally fails under the new FSR 300' limit for a 19.4% ramp. Fire trucks may or may not be able to negotiate it. Experts more objective than local officials and consultants, who routinely approve and justify exceptions in deference to wine industry non-compliance, should review the ramp design. (In a personal note: the ramp will tower 20 ft above and 30+ ft away from one of our property lines before its ski-jump descent onto the crush pad. It, and the water tanks and waste-water treatment plant pushed up against another property line, is an indication of a project too large for its constricted site.)

Concerning remote tourism venues:

As residents have argued for years now, the scale and scope of this project have never been appropriate for this remote site. You recognized, in your guidance to Planning Commissioners in 2010 that, in reviewing winery proposals, they should "consider the remoteness of location" and "ensure a direct relationship between access constraints and on-site marketing and visitation programs". The dangers that access constraints might pose to such tourism venues has been made painfully clear in more recent county fires as well as on the night of Oct 8, 2017.

There are reasons, aside from fire danger, why Mountain Peak is inappropriate in its location: 60 visitors and 19 employees a day and 125-person nighttime events will only add to the traffic dangers of an already dangerous road; and the precedent of this first tourist attraction in the Foss Valley will only encourage more tourism development, more traffic risk, more buildings to be defended in a fire; and, given the project's massive cave, the excavation and movement of millions of cubic feet of earth on the small site within feet of two blue line streams feeding Rector Reservoir will pose potential risks to the ecology of Rector Canyon and of siltation of the reservoir.

And there are also reasons, aside from fire danger, why tourist attractions in general don't belong in many rural areas of the county: their presence

damages the quality of life of residents who treasure the quiet enjoyment of a rural place; their disruptive potential engenders animosity from residents (including vintners and growers) against the tourism-based wine industry, fueling many neighborhood battles in recent years; building projects and the commercialization of rural areas hasten the urbanization of the county as a whole, diminishing farming as a viable activity - not to mention the vineyard acreage the projects eliminate; and a mass-tourism business model that transports large numbers of people to the remote areas of the county each day (including now apparently to tasting rooms in private homes), and attracts large numbers of tourists to the county each year, will continue to add to Napa's carbon footprint in this age of global warming. (It is also a business model that needs to change for economic reasons, according to Rob McMillan)

But obviously the potential loss of life when concentrating people in fire prone areas, in an age when raging wildfires have become all too common, should be a significant concern to you as you make your decisions to sanction these venues. The remand is an opportunity to reconsider the substantial evidence recent fires have presented of the dangers of further building development in the watersheds. It would be unfortunate if the County fails to take this opportunity to begin to reduce their promotion of tourist attractions in the high fire hazard areas of the county.

Thank you for this opportunity to comment.

Bill Hocker
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