



Remand Hearing on Mountain Peak Winery to Consider 2017 Atlas Fire Evidence

Soda Canyon Group (“SCG”) vs. County of Napa; Mountain Peak Winery (“MPW”)

Superior Court Case No. 17CV001063

County Remand Hearing: May 18, 2021, 2:00pm

SCG Presentation on 2017 Atlas Fire Evidence

Summary

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- ▶ Introduction
- ▶ MPV Project Location & Overview
- ▶ 2017 Atlas Fire Details
- ▶ SCG Evidence Contradicts Staff Conclusions
- ▶ Conclusion

Oct. 8, 2017,
Top SCR



Introduction

Purpose of Remand Hearing

- ▶ “[R]econsideration of the [Mountain Peak] matter in light of ‘truly new evidence of emergent facts’ pertaining to the 2017 Atlas Fire that ***damaged or destroyed 82% of the homes(134 of 163) on Soda Canyon Road and took the lives of two individuals on Soda Canyon Road.***

(Court Order 6/17/19 at p.4)

MPV Project Location & Overview

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MPV located 6.1 miles up the remote, winding, steep, dead-end SCR

- ▶ Seeks largest production (100,000 gpy) of ALL 46 post-WDO, "remote" wineries
- ▶ Seeks largest visitation allowance of any winery in history of Napa County located beyond 1.5 mi. on a dead end road
- ▶ Stands out as **largest Project ever proposed in Napa County when considering the remoteness of the location and access constraints**



MPV Project Location & Overview

MPW Project Location: 6.1 miles up Soda Canyon Road on Atlas Peak

- ▶ 163 residences (prior to 2017 Atlas Fire)
- ▶ SCR 6.75 miles long
- ▶ Dead-end; no escape in case of an emergency
- ▶ Road is steep, serpentine, filled w/ blind corners
- ▶ Road has not been repaved since the 1980s
- ▶ Road is in total disrepair, as repeatedly acknowledged by the County
- ▶ Road was not constructed for the commercial uses it now endures
- ▶ Significant numbers of manmade and naturally caused incidents & accidents



MPV Project Location & Overview

Mountain Peak Winery Key Statistics:

- ▶ 100,000 gpy production facility
- ▶ Total project area of 103,016 sf (Avg. big box Walmart store is 105,000 sf)
- ▶ 33,424 sf of caves (12th largest in history of Napa County; Avg. Best Buy is 28,000 sf)
- ▶ 14,575 annual winery visitors
 - ▶ Maximum 60 visitors per day, 275 visitors per week
 - ▶ 2 annual events for 75 visitors, 1 annual event for 125 visitors
- ▶ 19 full-time employees, 4 year-round part-time employees, 4 seasonal employees
- ▶ Will add btwn 38,000 and 42,000 (~40,000) **annual** vehicle trips on SCR
 - ▶ Average: **769 additional vehicle trips per week**, **110 additional vehicle trips PER DAY**

Wildfires Destroy Canyons



2017 Atlas Fire in Soda Canyon

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- ▶ Lower Soda Canyon on Fire
- ▶ 10/8/17 ~ 10:45pm
- ▶ Mile 4.9
- ▶ **Note:** MPV located at mile 6.1, above fire line

2017 Atlas Fire in Soda Canyon

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- ▶ Lower Soda Canyon on Fire
- ▶ 10/8/17 ~ 10:45pm
- ▶ Mile 4.9
- ▶ **Note:** MPV located at mile 6.1, above fire line

2017 Atlas Fire

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- ▶ October 8, 2017: Atlas Fire erupted
 - ▶ Less than 6 weeks after County entered its “Findings of Fact”
 - ▶ Less than 3 weeks after SCG filed its lawsuit to overturn Board approval of MPW
- ▶ Fire moved at ~100 yards every three seconds, equivalent to 68 mph
- ▶ Day 1: Burned 22,110 acres, including the entirety of lower SCR
- ▶ Day 2: Burned another 20,070 acres for a total of 42,181 acres burned in just two days
- ▶ Damage
 - ▶ Fire damaged or completely destroyed 260 buildings on SCR or its offshoots (Feliz Ranch Road, Loma Vista Drive, Soda Springs Road, Chimney Rock Road, Capps Drive, Ridge Drive)
 - ▶ Specifically, fire damaged or destroyed **82% (134) of the 163 residences on SCR, with 72% (118) of the SCR residences suffering a complete loss.**

Soda Canyon Road Damage Assessments 260 Structures Affected

Red tag: unsafe/destroyed

- Residential (118)
- Outbuilding (116)
- ⊗ Commercial (1)

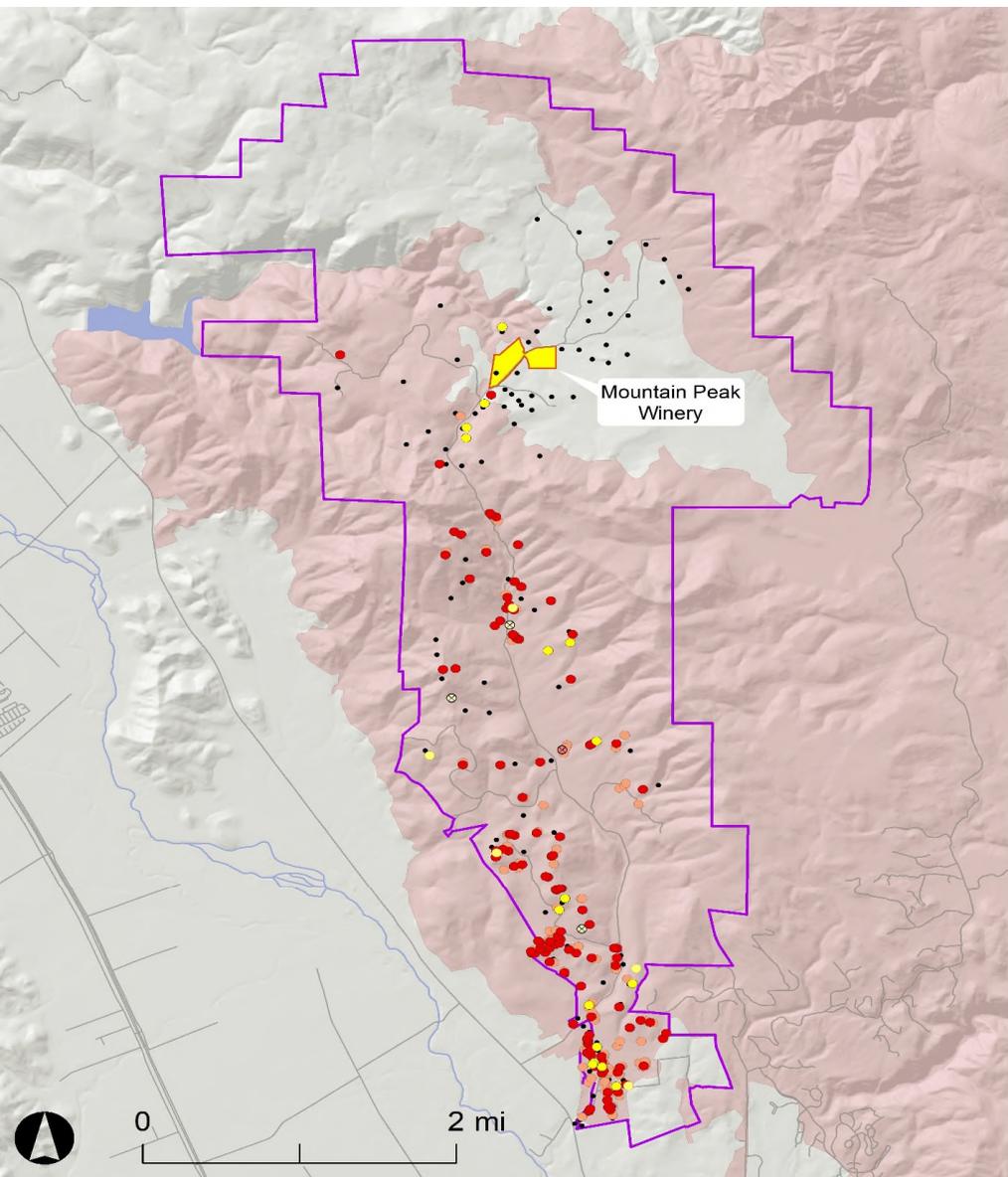
Yellow tag: cautionary

- Residential (16)
- Outbuilding (6)
- ⊗ Commercial (3)

• Unburned structures

- 2017 fire perimeter
- Mountain Peak parcel
- Soda Cyn Rd Service Area
- Roads
- Waterways

Data: FRAP, Napa County, USGS
Amber Manfree 2018 • admanfree@gmail.com



2017 Atlas Fire in Soda Canyon

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April 15, 2017 – Lower Soda Canyon BEFORE the Fire



2017 Atlas Fire in Soda Canyon

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October 15, 2017 – Lower Soda Canyon AFTER the Fire



2017 Atlas Fire in Soda Canyon

14

April 15, 2017 – Lower Soda Canyon BEFORE the Fire



2017 Atlas Fire in Soda Canyon

15

October 15, 2017 – Lower Soda Canyon AFTER the Fire



2017 Atlas Fire in Soda Canyon

16

April 15, 2017 – Lower Soda Canyon BEFORE the Fire



2017 Atlas Fire in Soda Canyon

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October 15, 2017 – Lower Soda Canyon AFTER the Fire



May 18, 2021 Staff Conclusions & Recommendations re New Evidence

- ▶ “[N]one of the new information provided in the seven declarations substantially challenges or requires modification of the decision reached by the Planning Commission on January 4, 2017, and upheld by the Board on August 22, 2017.” (Staff Report at 6)

Staff Conclusions on SCG Fire Concerns (1 of 4)

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- ▶ **SCG concern:** Soda Canyon Road will quickly become congested in the event of a fire, and that approval of the Project would increase risk of fire and significantly impact rescue efforts.

- ▶ **Staff conclusions:**
 - ▶ “In the event of a fire that results in mass evacuations from this area, ***[Soda Canyon] road has sufficient capacity and roadway width to accommodate all outgoing traffic while allowing incoming fire response units.***” (Staff Report at 6) (emphasis added)
 - ▶ “[T]he capacity and condition of Soda Canyon Road are sufficient to accommodate the Project traffic and provide a safe means of evacuation in the event of a wildfire.” (Id.)
 - ▶ “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.” (Id.)

2017 Fire Evidence Contradicts Staff Conclusions (1 of 4)

October 8, 2017 – Lower Soda Canyon (below 5-mile mark)

- ▶ Residents had only moments to grab wallet, keys, and pets before fleeing.
- ▶ 15-20 individuals became trapped behind a large fallen tree across SCR at ~ mile 1.5.
- ▶ For several minutes as fire closed in on all sides, no traffic could pass by, **including a fire engine on downhill side of tree**, which did not have chains or chainsaw to remove tree.
- ▶ An unknown citizen in a white truck had a tow rope, and after several minutes was able to move the crown of the tree just enough for 1 vehicle to squeeze by at a time.
- ▶ **Directly contradicts Staff Conclusion** that “[i]n 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.”

2017 Fire Evidence Contradicts Staff Conclusions (1 of 4)

Staff Conclusion:

- ▶ Removal of trees post-fire significantly reduces “the potential for this type of hazard to happen again.” (Staff Report at 4.)
- ▶ 3 miles of SCR repaved; 300 feet of guardrails installed. (PBES Memo)

MPW Statistics

- ▶ 14,575 annual winery visitors
 - ▶ Maximum **60 visitors per day**, 275 visitors per week
 - ▶ 2 annual events for 75 visitors; 1 annual event for 125 visitors
- ▶ **19 full-time employees**, 4 year-round part-time employees, 4 seasonal employees
- ▶ Add btwn 38,000 and 42,000 (~40,000) **annual** vehicle trips on Soda Canyon Road
 - ▶ Average: 769 additional vehicle trips per week, **110 additional vehicle trips PER DAY**

Future Hazards: SCR has not and cannot be widened or flattened. It would only take 1 car from MPW to block Soda Canyon Road. **MPW Project cannot be considered in a vacuum** as is done in Staff Report.

Staff Conclusions on SCG Fire Concerns (2 of 4)

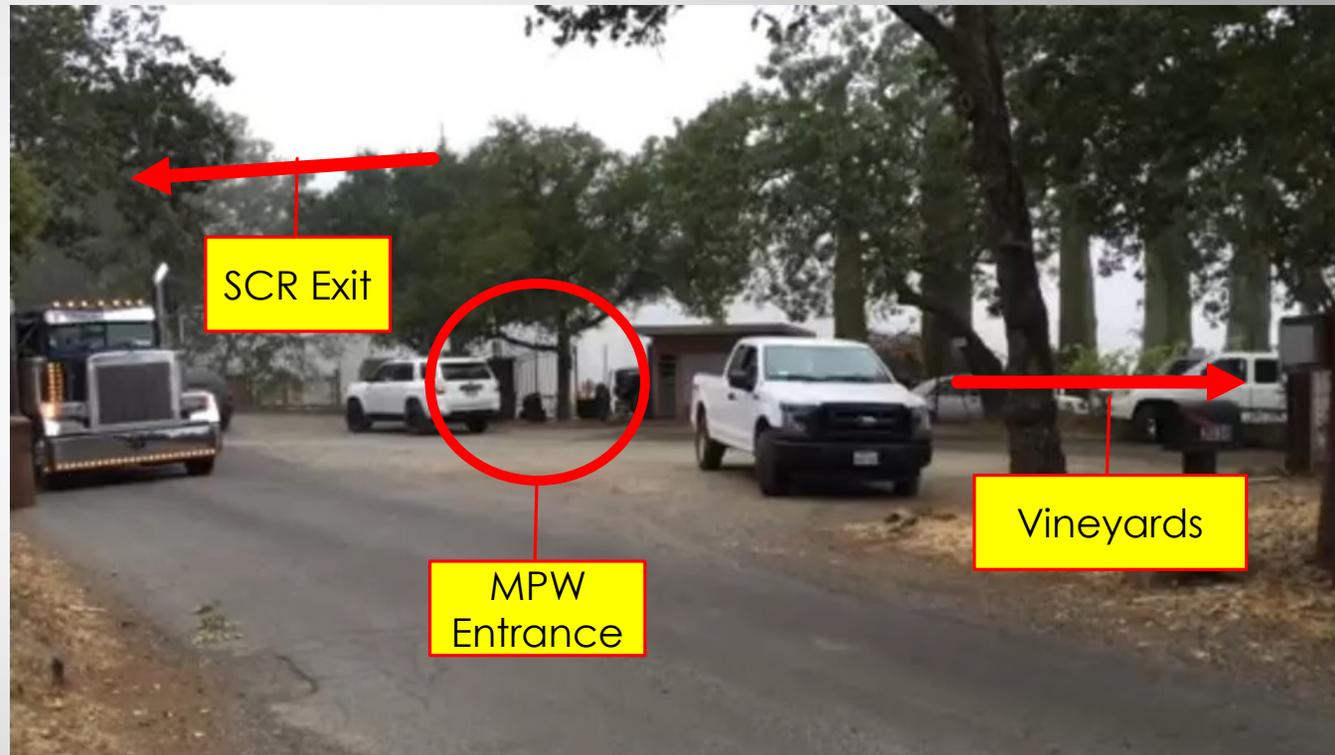
- ▶ **SCG concern**: MPW Project would impact evacuation efforts during a major fire.
- ▶ **Staff conclusion**:
 - ▶ “The addition of the Project, with its minimal number of visitors, would not have substantially impacted the evacuation, as the congestion at [the Project entrance] did not appear to be a result of the lack of capacity of the road.” (Staff Report at 4)

2017 Fire Evidence Contradicts Staff Conclusions (2 of 4)

October 8, 2017 – Upper Soda Canyon (above 5-mile mark, including MPW site)

- ▶ At least 45 residents, property owners, and vineyard workers, became completely trapped b/c lower SCR was blocked by flames
- ▶ Traffic jam at MPW entrance during Atlas Fire
- ▶ **Addition of 5, 10, 20, 30 cars would dramatically impact evac/rescue efforts**
- ▶ **Directly Contradicts Staff Conclusion** that MPW employees/visitors would not have impacted evac/rescue efforts

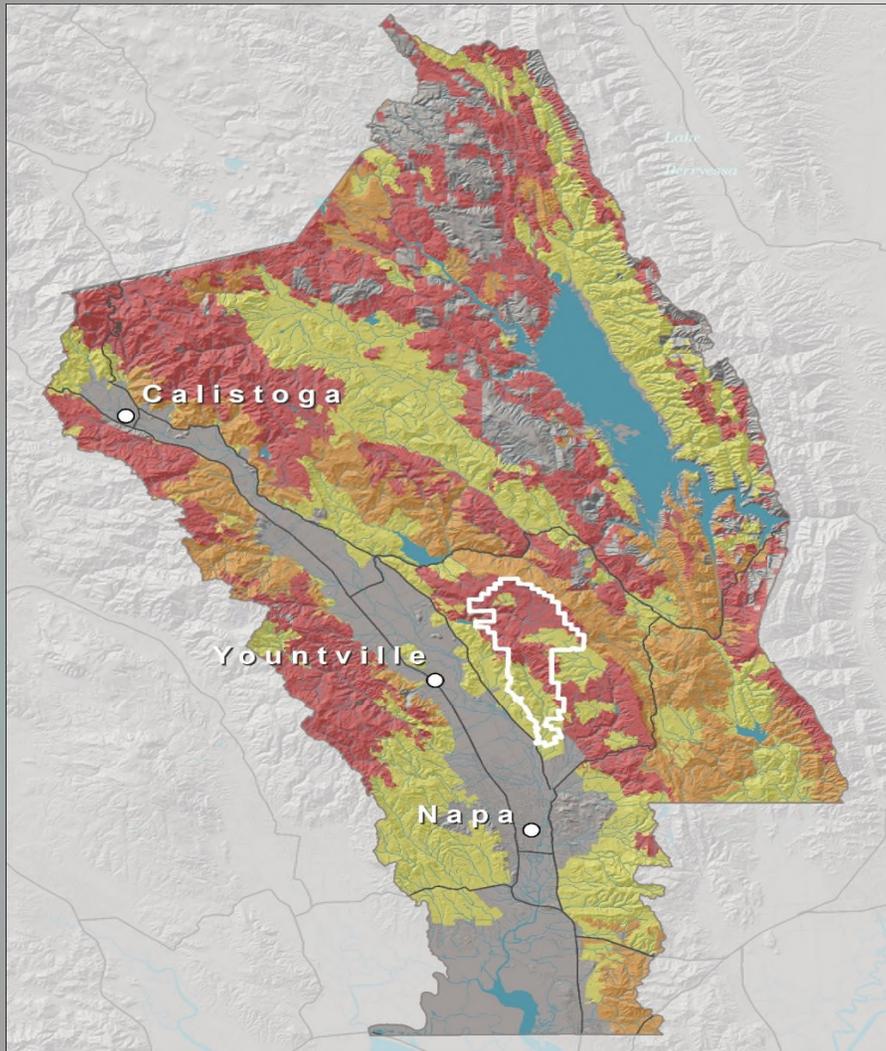
August 2016 Photo



Staff Conclusions on SCG Fire Concerns (3 of 4)

- ▶ **SCG concern:** MPW is located in areas designated High or Very High Fire Hazard Severity Zones by CalFire.

- ▶ **Staff conclusions:**
 - ▶ “The Project would not significantly increase fire risk and meets the regulatory requirements for a winery in the County.” (Id.)
 - ▶ “The Project site also contains substantial areas of reduced fire hazard because most of the property is now planted in vineyard.” (Id. at 4-5)
 - ▶ “[V]ineyards can act as a fire hazard reduction during a wildfire.” (Id. at 5)



Napa County showing Fire Hazard Severity Zones and Soda Canyon Road Service Area

 Soda Cyn Rd service area

 Water bodies

Fire hazard severity zone

 Moderate

 High

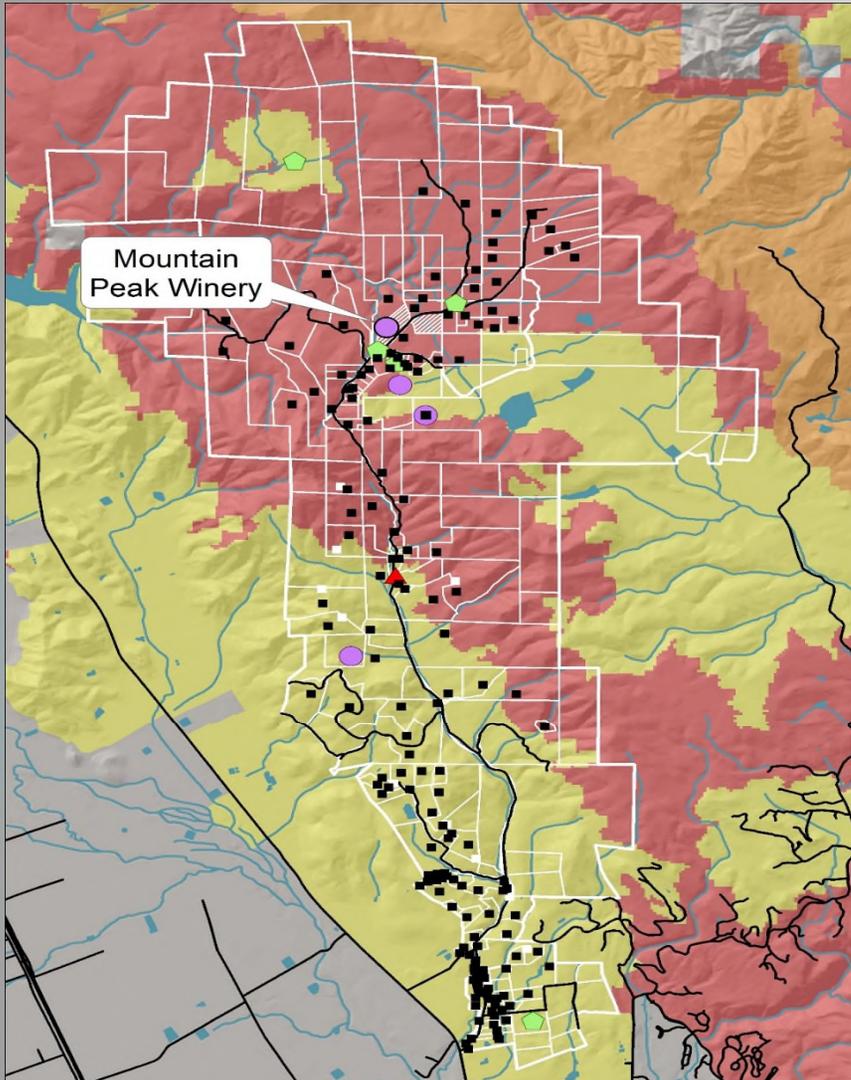
 Very High

0 10 20
mi



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Data Sources: CalAtlas, CAL FIRE, Napa County, USGS

Fire Hazard Severity Zones and Residences



Building type

- Main residence
- Second dwelling unit
- ◼ Winery & main residence
- Winery
- ◼ Agricultural building
- ▲ Fire station

Fire hazard severity

- Moderate
- High
- Very High

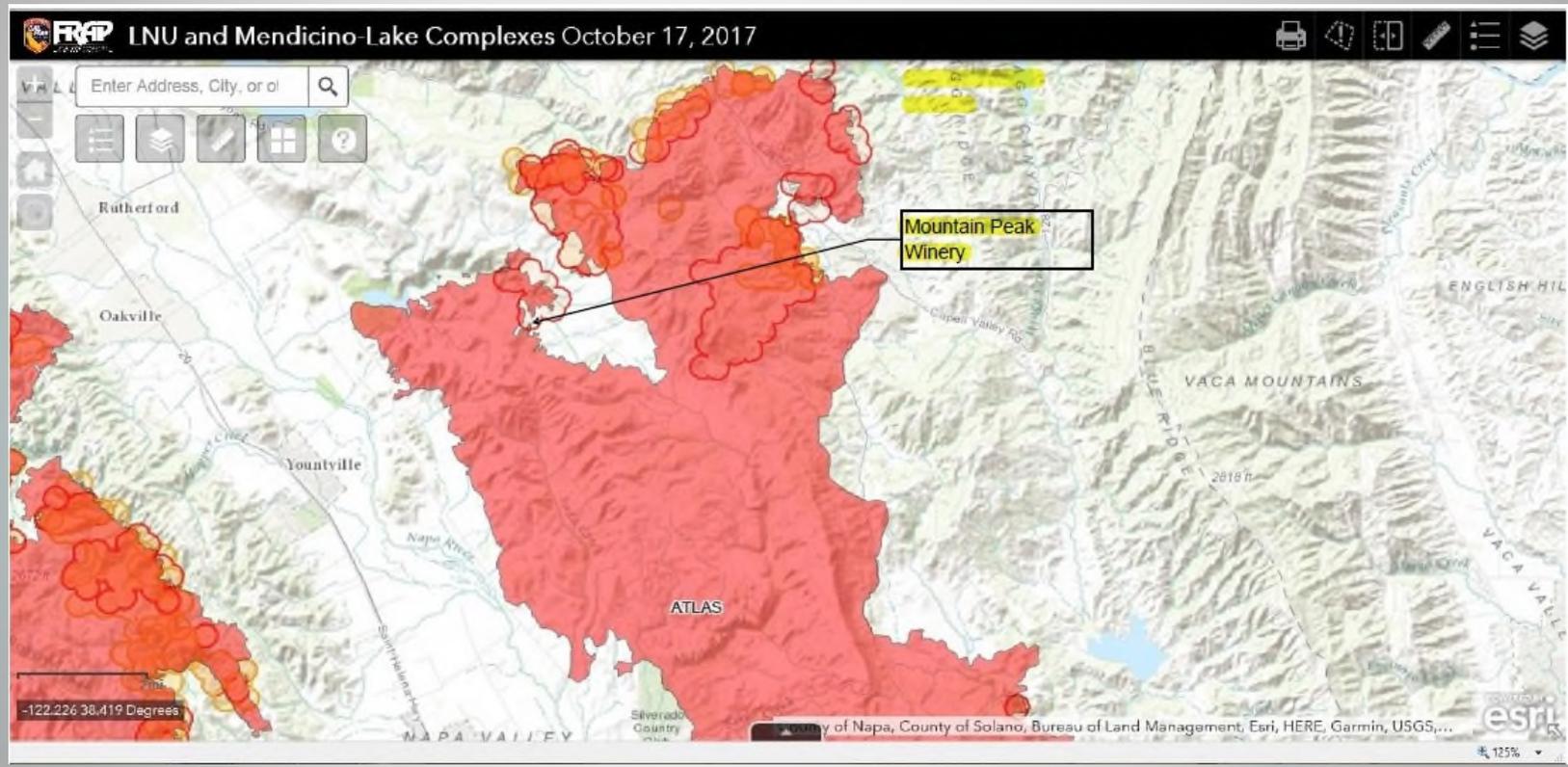
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Data Sources: CalAtlas, CAL FIRE, Napa County, USGS

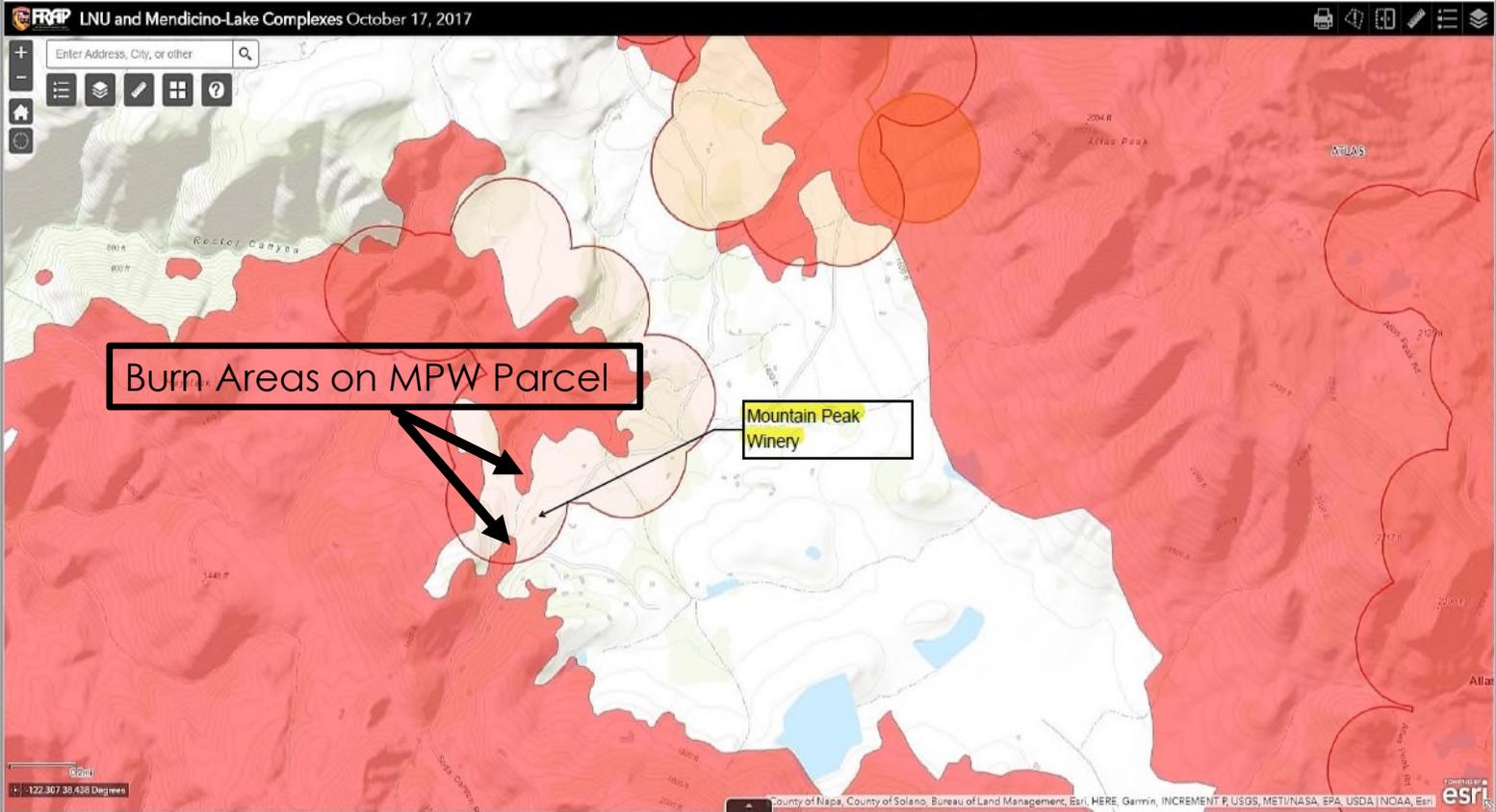
2017 Fire Evidence Contradicts Staff Conclusions (3 of 4)

► Vineyards on MPW Parcel BURNED



2017 Fire Evidence Contradicts Staff Conclusions (3 of 4)

Vineyards on MPW Parcel BURNED

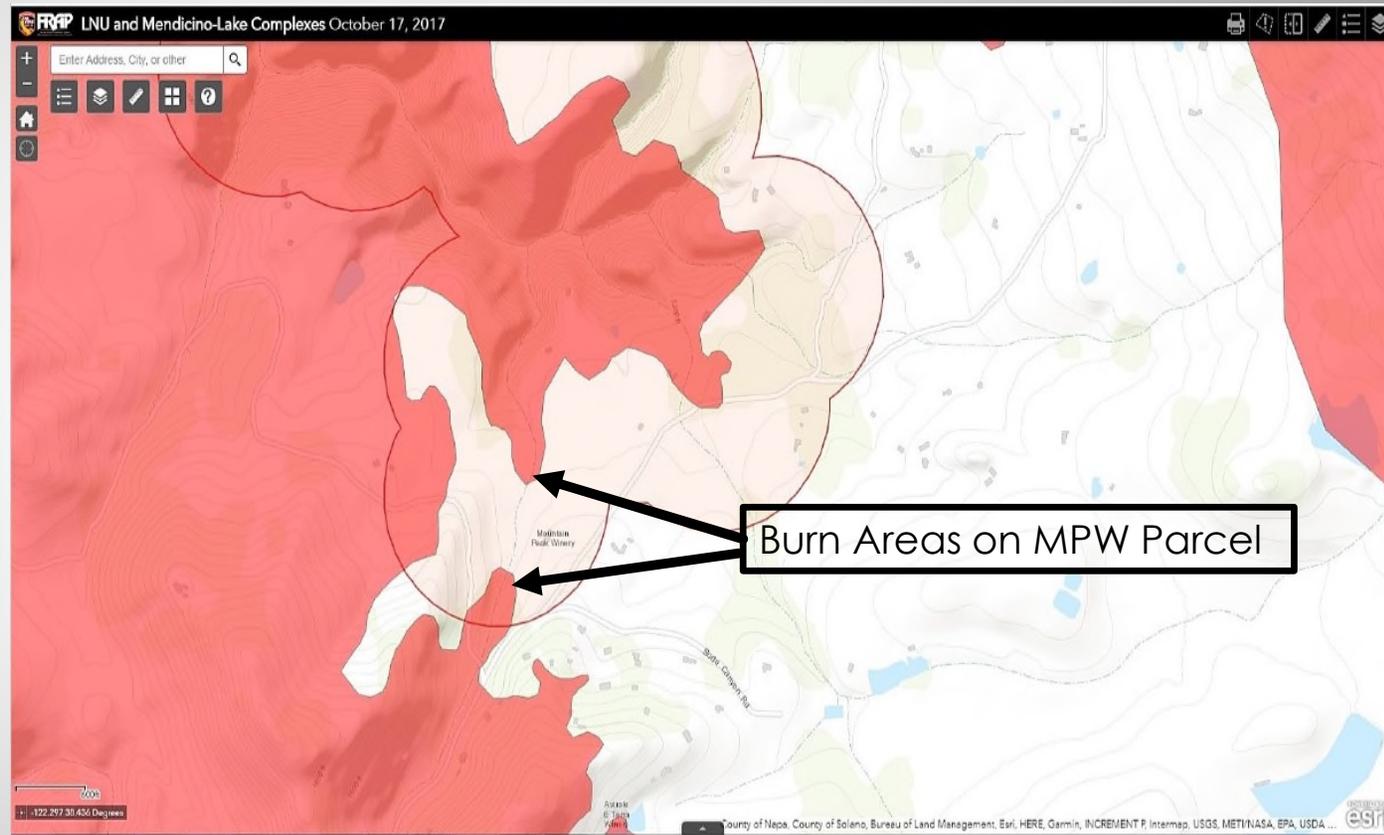


2017 Fire Evidence Contradicts Staff Conclusions (3 of 4)

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Vineyards on MPW Parcel BURNED

- ▶ **Directly Contradicts Staff conclusions** that MPW would reduce fire hazards/dangers.
- ▶ MPW parcel adjacent to draw from Rector Canyon.



Foss Valley & Rector Canyon

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Staff Conclusions on SCG Fire Concerns (4 of 4)

- ▶ **SCG concern:** Construction/operation of MPW would adversely impact fire protection and emergency response setting.

- ▶ **Staff response:**
 - ▶ “Construction of [MPW], especially the cave, would provide a safe haven for sheltering in place, as a last resort, in the event of wildfire conflagration and evacuation.” (Staff Report at p.5)
 - ▶ “Appellant Grupp testified that sheltering in place is one of the recommendations included on the “Pre-Attack Fire Plan’ in the event of evacuation.” (Id.)
 - ▶ “[T]he construction and operation of a new winery would not substantially change the fire protection or emergency response setting.” (Id.)

2017 Fire Evidence Contradicts Staff Conclusions (4 of 4)

People Panic During Emergencies

- ▶ A potential shelter is only useful if people use it – how can/does the County expect employees and/or unfamiliar tourists to stay on site/shelter in place when the entire mountain is on fire and people are panicking?

2017 Fire Evidence Contradicts Staff Conclusions

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CHP Evacuations, Antica Caves

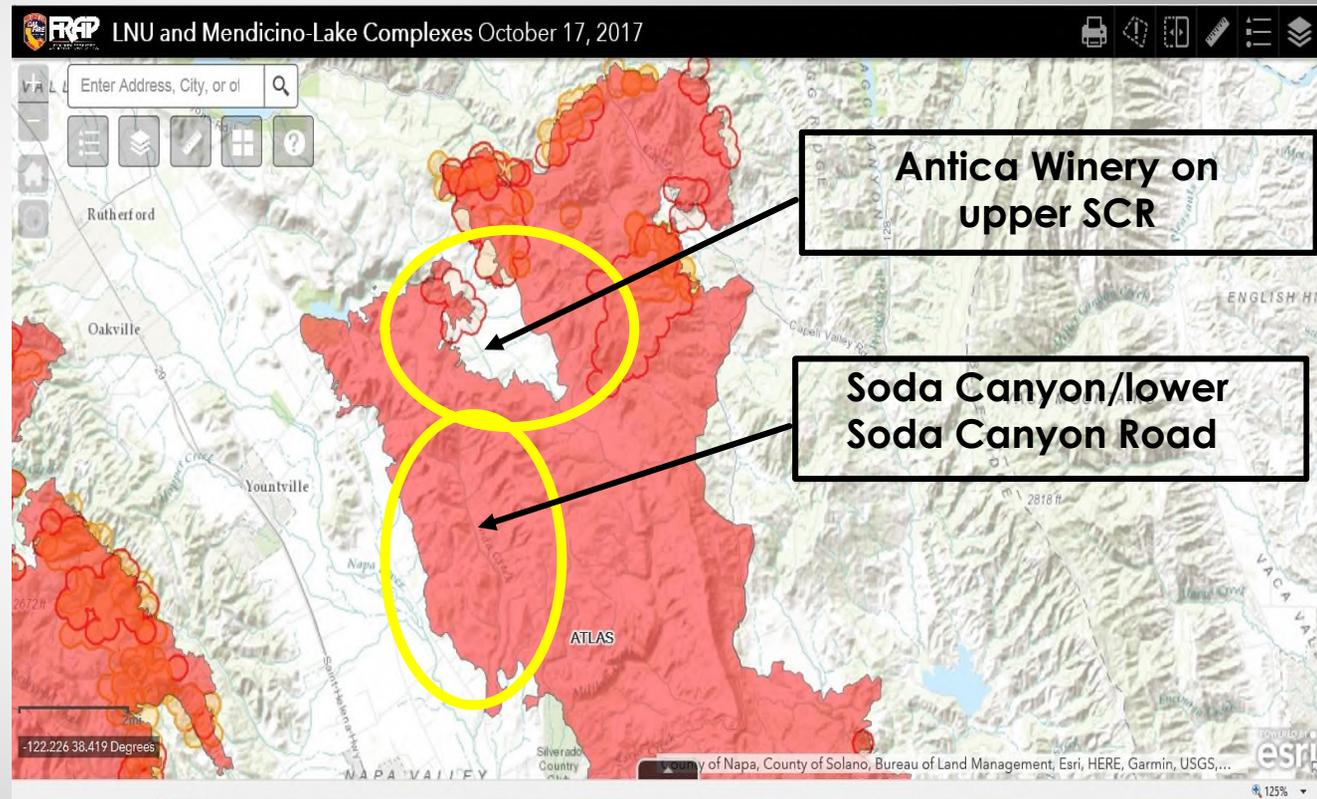
(4 of 4)

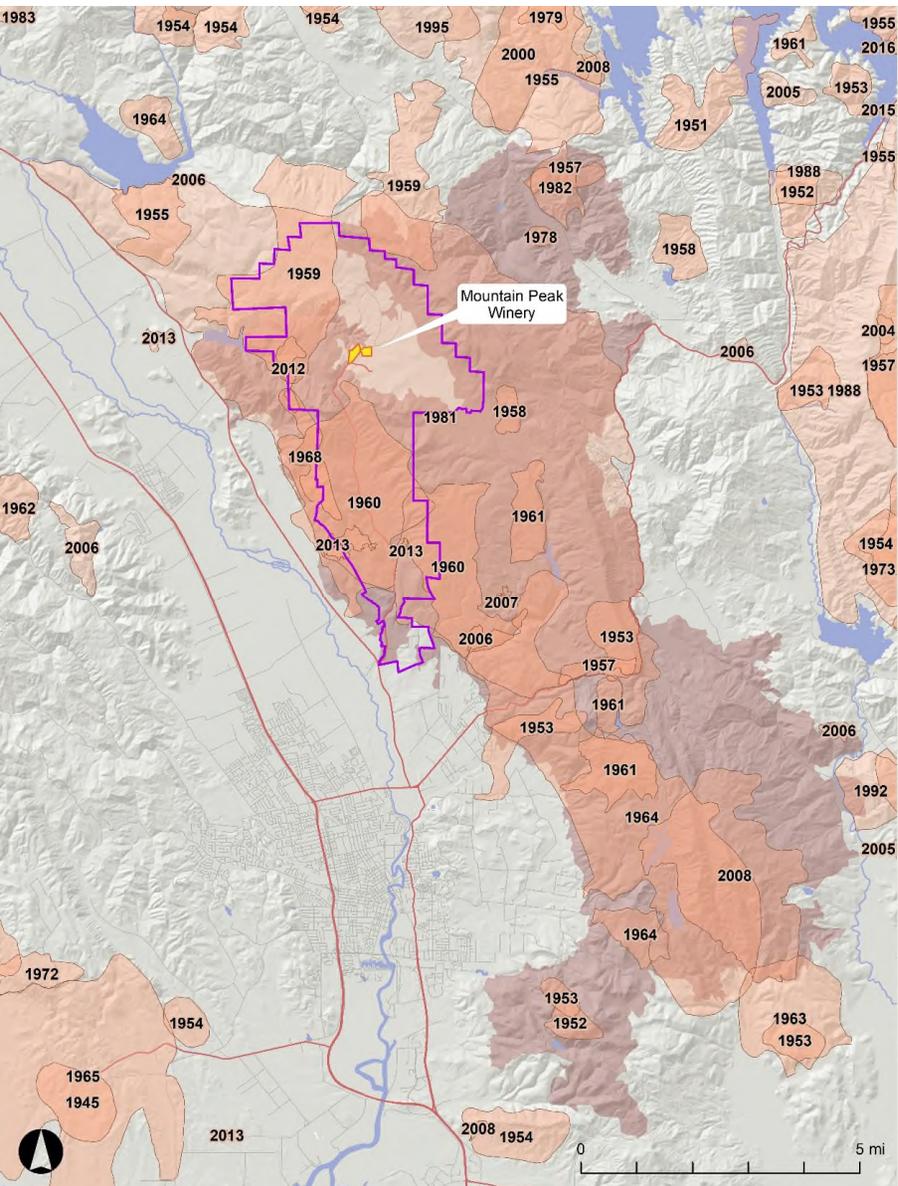
▶ Surrounded by fire, with no escape from upper SCR, at least 45 residents and vineyard workers retreated into vineyard, including on Antica, **which has 36,000sf caves.**

▶ ~42 individuals were evacuated by 2 CHP helicopters in 60+ mph winds, with gusts up to 80 mph.

▶ **Directly Contradicts Staff Conclusion** that people will shelter in caves or vineyards.

▶ **MPW employees/visitors could have made rescue impossible.**





Soda Canyon Road Regional Fires

- 2017 Atlas Fire
- Other fires

- Mountain Peak parcel
- Soda Cyn Rd Service Area
- Highways
- Roads
- Waterways

Note: Numerous additional fires are known to have occurred, but are not represented in the FRAP dataset used for this map (e.g., 1964/Hanley, 1936 and 1919).

Data: FRAP, Napa County, USGS
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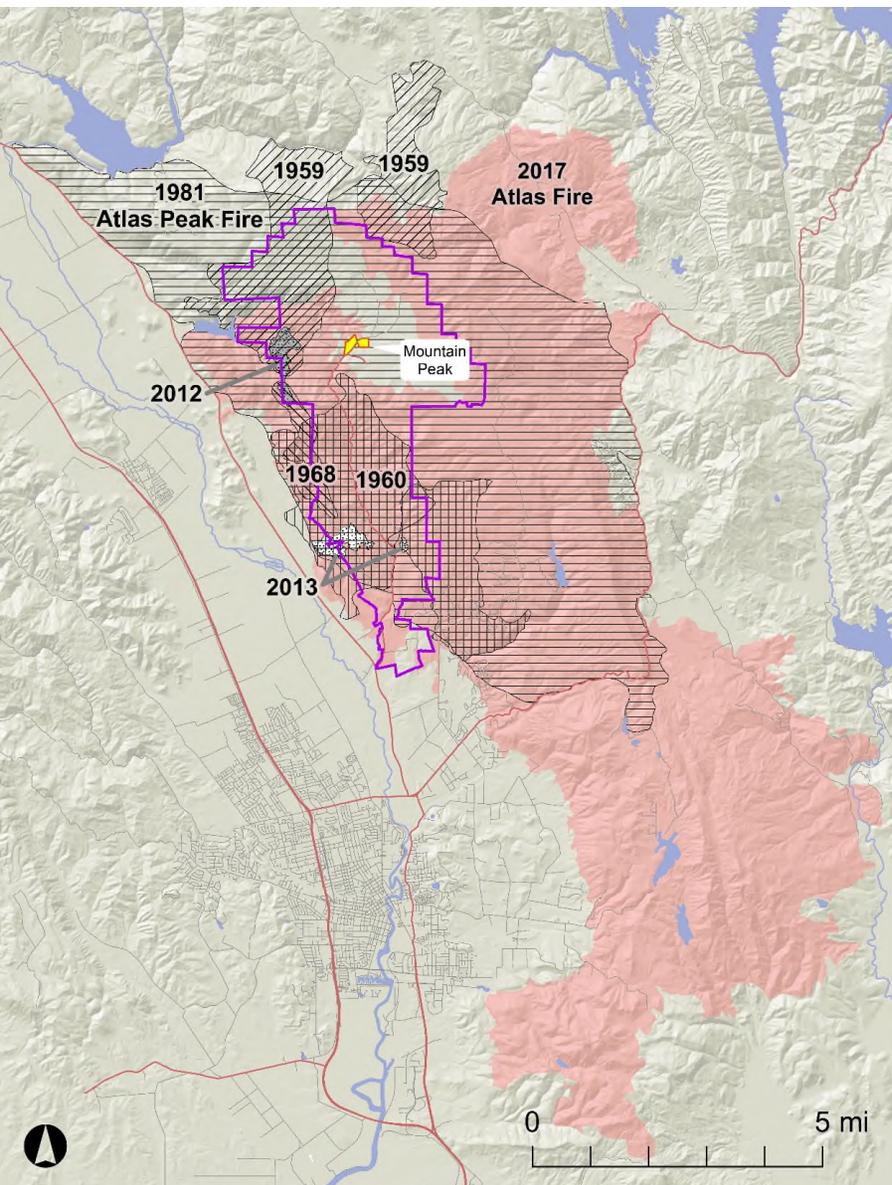
2017 Atlas Fire

Major wildfires have regularly occurred on/near SCR and **will occur again in the future.**

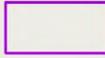
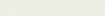
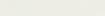
2017 Atlas Fire

▶ Major wildfires have regularly occurred on/near SCR and **will occur again in the future.**

Soda Canyon Road Service Area Fires



	1959		1981
	1960		2012
	1968		2013
			2017

-  Mountain Peak parcel
-  Soda Cyn Rd Service Area
-  Highways
-  Roads
-  Waterways

Note: Numerous additional fires are known to have occurred, but are not represented in the FRAP dataset used for this map (e.g., 1964/Hanley, 1936 and 1919).

Data: FRAP, Napa County, USGS
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Conclusion

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Truly New Evidence of Emergent Facts

- ▶ The MPW Project **cannot** be considered in a vacuum.
- ▶ The County must consider the entirety of SCR, its access constraints, and the fact that MPW site has **two major canyons** (Soda Canyon, Rector Canyon) to the NW and SW.
- ▶ SCG's truly new evidence of emergent facts demonstrates the catastrophic impacts of a major wildfire on Soda Canyon Road, especially with regard to access constraints that **did hinder and will hinder rescue efforts** in future wildfires.
- ▶ If MPW had been operational and hosting visitors on October 8, 2017 – 60 on any given day, 75 or 125 during events – the tragedy of 134 homes and 2 lives lost on SCR would have turned into an absolute disaster of epic proportions. Think Paradise Fire.
- ▶ **SCG respectfully requests this Board either (1) DENY the Project in its entirety, or (2) Substantially reduce the size and scope of the Project such that it is commensurate with the remoteness of the location and properly takes into account access constraints.**

Wildfires Destroy Canyons

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2017 Atlas Fire in Soda Canyon

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- ▶ Lower Soda Canyon on Fire
- ▶ 10/8/17 ~ 10:45pm
- ▶ Mile 4.9
- ▶ **Note:** MPV located at mile 6.1, above fire line

End