

## **“LESS THAN SIGNIFICANT”**

**By John D. Murphy—Preserve Lodi Lane**

All five members of the Napa County Board of Supervisors arguably served as undertakers for what turned out to be the Requiem for Lodi Lane at the Preserve Lodi Lane appeal hearing on August 20th.

Families living on or in proximity to Lodi Lane eloquently expressed personal concerns and factual observations at the hearing about Duckhorn Portfolio’s proposed nearly football-field-sized wine factory to be constructed in the Agricultural Preserve solely accessible from Lodi Lane. Among salient points made by local residents, was the failure to observe Napa County’s General Plan directive about protecting rural areas from industrialization out of scale with the environment.

Lodi Lane is a .7-mile-long, 24-30-foot-wide, two-lane rural road without usable shoulders between Highway 29 and the Silverado Trail. Given its limited size, Lodi Lane is literally a one-of-a-kind country road linking the Mayacamas Mountains on the west to the Vaca Range on the east at two of the narrowest points of the Napa Valley.

A treasured rural road surrounded by the Agricultural Preserve, Lodi Lane has historically been the exercise and touring domain of pedestrians—often with strollers and dogs—runners, and cyclists. Duckhorn tanker-trucks together with thousands of Duckhorn visitor vehicles will physically dominate the narrow, two-lane rural without usable shoulders constituting an authentic danger to anyone using Lodi Lane outside a vehicle.

The operative term characterizing the proposed industrial-scale wine factory served by 53-foot-long, 81,000 lbs., when loaded, tanker-trucks occupying a narrow rural road with virtually no shoulders, together with an increase in approved visitations to some 88,000, is the finding by Duckhorn’s traffic consultant—endorsed by the Napa County Planning, Building, and Environmental Services Department(PBES)—is that its traffic impact is “less than significant.”

“Less than significant” also arguably characterizes how Napa County treats citizens whose lives and properties will be materially degraded in perpetuity as the result of the unanimous decision to deny the Preserve Lodi Lane appeal.

Despite warm acknowledgement by a member of the Planning Commission of Duckhorn’s engagement with its neighbors, we were informed by Duckhorn that the only suggestions they would consider from neighbors were for the color of five massive water tanks and landscaping for the 52,000 square foot, 35-foot-high wine factory. Written concerns and opinions about the proposed development were submitted to county planning staff, and oral testimony delivered to the Planning Commission, were not acknowledged at the hearing, creating the impression, rightly or wrongly, of implementing Duckhorn’s restriction on the content of public opinion.

In response to the specification public commentary to matters cosmetic, a number of us purchased Duckhorn Portfolio stock in the hopes that as stockholders we might reasonably have our views considered by its Board of Directors. Other than pro forma acknowledgement of the receipt of letters setting forth our concerns, we have never received a response from the Duckhorn Portfolio board.

In February of this year, a document revising the original Duckhorn development plan was submitted by its planning consultant to the (PBES). The consultant claimed that the revisions were based on communications with appellants Preserve Lodi Lane and Water Audit. Neither of us were even aware the of the revisions until we were provided a copy of the finished product by PBES.

The process established for public engagement in Napa County government's decision-making process constitutes a substantial impediment to the rightful exercise of due process rights. Anyone filing an appeal of a Napa County governmental decision is automatically defined as a legal adversary. The principal consequence of being so compartmentalized, is the prohibition of the county providing any information even remotely applicable to the appeal.

Duckhorn's restriction on the content of public opinion; PBES's endorsement of developer-commissioned that concluded that its traffic impact was "less than significant;" and the filing of an appeal that automatically defined the appellant as a legal adversary, effectively negated the objective consideration of legitimate concerns identified by local residents.

Collectively, this dynamic constitutes an impediment to rightful public participation in the governmental decision-making process demanding critical assessment and improvement. The most potentially deadly legal consequence is the failure of the county to exercise its fiduciary responsibility for the protection of public health and safety exposing taxpayers to substantial financial liability in the event of harm or death of one of its citizens.

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