



STANFORD LAW SCHOOL
ENVIRONMENTAL AND NATURAL RESOURCES
LAW AND POLICY PROGRAM

SLS Simulation. No 98-001

Mountain Winery

General Instructions

The class should be divided into three groups: the Mountain Winery representatives; members of the public concerned with environmental issues; and city staff. Prior to the class session, all students are to review the simulation materials and prepare a brief reflection paper that addresses the questions for their assigned group (posed below in the annotated schedule).

At the beginning of the class session, each group will have 45 minutes to further review the simulation materials, discuss their reflection papers, develop a unified position (or set of positions), and prepare a 20 minute group presentation for the in-class “public hearing.” In the spirit of standard public hearing procedures, the applicant (the Mountain Winery) and city staff may structure their presentations so that no fewer than two individuals present during their respective 20 minutes. Members of the public must conform to a three-minute per person limit. (Normally the applicant and city staff are given unlimited time, or at least generous time constraints, while members of the public are typically restricted to three minutes each.)

In preparing the presentations, each group should consider and be ready to address the other groups’ likely positions and concerns. In addition, each group should think through its negotiating strategy, including identification of common interests, acceptable “fall-back” positions, and a “bottom-line” position. Flip charts and markers should be made available to each group during the preparation period.

Prior to the class session, clarification questions may be posed to the instructor by email up to two days prior to the class session. The clarification questions and answers can then be

Meg Caldwell, Lecturer of Law and Director, Environmental and Natural Resources Law and Policy Program, Stanford Law School, prepared this simulation solely for educational purposes rather than to illustrate either effective or ineffective handling of an environmental matter. The help of Amy Fox is greatly appreciated. Some or all of the characters or events may have been fictionalized for pedagogical purposes. Copyright © 1998 by the Board of Trustees of the Leland Stanford Junior University. To request permission to use or reproduce case materials, write to Environmental and Natural Resources Law and Policy Program, Stanford Law School, 559 Nathan Abbott Way, Stanford, CA 94305 or visit www.stanford.edu/group/law/library/casestudies/lawschool.shtml

broadcast to the entire class by email.

Simulation Assumptions

- The majority of the Mountain Winery property (555 acres) is located in the unincorporated County and is zoned for 20-160 acres per unit, depending on the topography (slope) of the land in question.
- Seventy-five acres of the Mountain Winery property are located within the City boundaries and are currently zoned “HR” (for “Hillside Residential”), which was formerly referred to as “NHR” (for “Northwestern Hillside Residential”).
- The majority of the Mountain Winery property is located in a known geologic hazard area.
- It is generally accepted that LAFCO would approve the City’s annexation of the Mountain Winery property were annexation proposed by the City.
- “Phase One” of the proposal is allowed under the City’s HR zoning district.
- “SFR” means “Single Family Residential.”
- The “SW/NE road” does not yet exist. If built, this road would provide new access from the urbanized area of the City to the hillside region located on the City’s northwest side.
- There have been no “ex parte” communications between the Mountain Winery representatives and the City’s elected officials regarding this proposal.
- The class session will take place at the April 13, 1993 City Council meeting, as noted on the attached Agenda item 5.

Annotated Simulation Schedule

20 minutes **Class announcements, simulation introduction, and group assembly.**

45 minutes **Group discussion and presentation preparation.**

20 minutes **Mountain Winery presentation**

Why shouldn’t the City simply change the R-OS zoning district to accommodate the proposal?

Why won’t the HR zoning district work for the Mountain

Winery proposal?

In what ways is the proposal consistent with the City's General Plan provisions?

In what ways it is inconsistent?

Is R-OS vulnerable to constitutional challenge? Explain.

Why is the proposal good for the City? The environment?

The Santa Clara Valley community?

20 minutes Members of the public concerned with environmental issues presentation (3 minutes per person)

Should the City keep R-OS the way it is? Explain.

What is good/bad about the new zoning district proposed by the Mountain Winery?

In what ways is the development proposal inconsistent with the City's General Plan?

Why is R-OS a valid exercise of the City's police power and able to withstand constitutional challenge?

What is wrong/right about the proposal from an environmental perspective?

20 minutes City staff presentation (City Manager, City Attorney, Assistant City Attorney, Planning and Community Development Director, Planning Staffperson, and City Engineer can be present)

Should the City amend the R-OS district to accommodate the proposal, or should the City form a new Hillside Concert district as the Mountain Winery suggests? Explain.

Is the proposal consistent with the City's General Plan provisions?

Could R-OS be vulnerable to legal challenge? Explain.

Is the Mountain Winery proposal good for the Mountain Winery neighborhood? The City as a whole? The Santa Clara Valley region? The environment?

15 minutes Class Debriefing and Discussion

Simulation Exhibits

Exhibit A: City Council Meeting Agenda for April 13, 1993

Exhibit B: Environmental Community Alert

Exhibit C: Mountain Winery letter to the City Council, dated April 13, 1993, with maps

Various City staff memos and excerpts from the City's Zoning Ordinances and General Plan