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Variance Application Packet

October 17, 2016

Wyntress Balcher
Napa County PBES
1195 Third Street
Napa, California

RECEIVED
OCT 17 2016
Napa County Planning, Building
& Environmental Services

Via hand delivery

RE: LMR – Rutherford Estate Winery (P16-00222)

Dear Wyntress,

Enclosed please find an application form, indemnification agreement, revised project narrative for a variance associated with this project. Also, I am providing a check payable to Napa County in the amount \$3,6550.02 as a deposit on fees that may be incurred in processing this application.

The applicant believes the Mitigated Negative Declaration and Initial Study for the original winery use permit and variance¹ adequately examined this project's potential environmental impacts pursuant to California Environmental Quality Act (CEQA) Guidelines §§15063, 15162. Pursuant to CEQA Guidelines §15162(a), a subsequent Mitigated Negative Declaration shall not be required when:

- A. There is not a substantial change to the project that involves new significant environmental effects or an increase in the severity of a previously identified significant effect;
- B. There is not a substantial change to the circumstances which the project is undertaken that involves new significant environmental effects or an increase in the severity of a previously identified significant effect; and
- C. There is no new information of substantial importance that shows the project will have a significant effect, significant effects will be more severe, and mitigation measures that would reduce significant effects are rejected by the Applicant.

The applicant believes the above guidelines apply to this project so that Napa County could rely upon the previously certified negative declaration in its approval

¹ The original winery use permit and variance were designated P13-00167 & P13-00185 for which a mitigated negative declaration was adopted by the Planning Commission on July 16, 2014.

of the current project. I would be happy to discuss this project's review under CEQA with you and/or County Counsel if that's helpful.

Please feel free to contact me with any questions. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rob Anglin", with a stylized flourish at the end.

Rob Anglin

cc: Ted Hall



A Tradition of Stewardship
A Commitment to Service

FILE # _____

NAPA COUNTY
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES
1195 Third Street, Suite 210, Napa, California, 94559 • (707) 253-4417

APPLICATION FORM

FOR OFFICE USE ONLY

ZONING DISTRICT: _____ Date Submitted: _____
TYPE OF APPLICATION: _____ Date Published: _____
REQUEST: _____ Date Complete: _____

TO BE COMPLETED BY APPLICANT

PROJECT NAME: LMR Rutherford Estate Winery

Assessor's Parcel #: 030-100-016 Existing Parcel Size: 29.6 acres

Site Address/Location: 1790 St. Helena Hwy South, Rutherford, CA 94573
No. Street City State Zip

Property Owner's Name: LMR Wine Estates LLC

Mailing Address: PO Box 477, Rutherford, CA 94573
No. Street City State Zip

Telephone #: (707) 963 - 5628 Fax #: () - E-Mail: tedhall@longmeadowranch.com

Applicant's Name: Same as Owner

Mailing Address: _____
No. Street City State Zip

Telephone #: () - Fax #: () - E-Mail: _____

Status of Applicant's Interest in Property: _____

Representative Name: Albion Surveys, Inc: Attn: Jon Webb, jwebb@albionsurveys.com

Mailing Address: 1113 Hunt Avenue, Saint Helena, CA 94574
No. Street City State Zip

Telephone # (707) 963-1217 Fax #: (707) 963-1829 E-Mail: jwebb@albiionsurveys.com

I certify that all the information contained in this application, including but not limited to the information sheet, water supply/waste disposal information sheet, site plan, floor plan, building elevations, water supply/waste disposal system site plan and toxic materials list, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved.

Ted W. Hall
Signature of Property Owner

7-25-16
Date

Signature of Applicant Date

Ted W. Hall, Manager
Print Name

Print Name

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

Total Fees: \$ _____ Receipt No. _____ Received by: _____ Date: _____

REASONS FOR GRANTING A VARIANCE

1. Please describe what exceptional or extraordinary circumstances or conditions apply to your property (including the size, shape, topography, location or surroundings), which do not apply generally to other land, buildings, or use and because of which, the strict application of the zoning district regulations deprives your property of the privileges enjoyed by other property in the vicinity and under identical zoning classification.

In 2014, the Planning Commission approved a winery use permit and a variance (P13-00185-VAR) locating the winery building within the 600-foot setback. Those permits have been "used" and vested. A minor modification application is being processed concurrent with this variance application to increase the winery size. The size increase primarily is needed to accomodate sustainable features within the winery. The rationale provided for the original variance is unchanged and provided in the attached copy of the Commission's findings approving the original variance.

The proposed modification of the approved winery increases the winery's size within the 600 foot setback but no closer to Highway 29.

2. Please state why the granting of your variance request is necessary for the preservation and enjoyment of your substantial property rights.

The AP zoning district allows modifications increasing winery size upon grant of a use permit.

By adhering to the strict application of the zoning regulations, the efficiency of the winery would be greatly diminished and create an economic hardship on the owner, not allowing the owner fair and proper enjoyment of his property rights, particularly so, since the Commission has already approved this same setback in approving the original winery use permit.

3. Please state why the granting of your variance request will not adversely affect the health or safety of persons residing or working in the neighborhood of your property, and will not be materially detrimental to the public welfare or injurious to property or improvements in your neighborhood.
The health and safety of the neighborhood and of the County will not be affected by this project because with the approval of the lesser setbacks, the winery will be built in an area already developed, and already approved for the main winery building. The earthwork and grading will be dramatically reduced by not being in the AE Flood Zone. The addition to the winery building will be screened from the highway and neighbors by vineyards and landscaping. This location will also reduce traffic on County Roads and Highway 29 during construction and for the transport of grapes once the winery is operating. The variance also allows for the protection of prime agricultural land.

Reasons For Granting a Variance

1. Continued.....

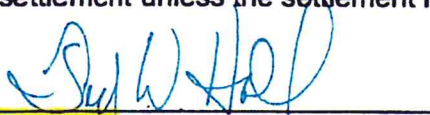
The rear property line of the property is Bale Slough and has indications there may be Archeological sensitivities near and around the slough. By granting the variance, the County is protecting a natural resource and environmentally sensitive area because the variance will allow the winery to be built in an area a safe distance from these sensitivities.

INDEMNIFICATION AGREEMENT

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.



Applicant

Property Owner (if other than Applicant)

7-25-16

Date

Project Identification

e

PROJECT NARRATIVE

(LMR Rutherford Estate Winery Minor Modification to Use Permit Number P13-00167 and Variance Number P13-00185)

The purpose of this Application is to request a Minor Modification to Use Permit Number P13-00167 and Variance Number P13-00185. The approved Use Permit granted the construction of 13,400 square feet of enclosed space (floor area), 8,328 square feet of covered outdoor fermentation, production and mechanical space and the use of the non-farmstand portion of the open air Pavilion.

This Minor Modification Application is requesting an increase of the approved 13,400 square feet of floor area to 16,650 square feet of floor area resulting in a 24% increase in the size of the approved floor area. The proposed modification of the approved winery increases the winery's size within the 600 foot setback but no closer to Highway 29. This Minor Modification is also requesting an increase in the covered outdoor fermentation, production and mechanical space area from the approved 8,328 square feet to 24,628 square feet. This Minor Modification Application is also requesting the addition of 824 square feet of covered outdoor porch space to the office building.

The AP zoning district allows modification's increasing winery size upon grant of a use permit. Specifically, the previously approved 11,000 square feet of Wine Production Building floor area is being increased to 13,900 square feet to accommodate needed additional barrel storage. The previously approved 816 square feet (16'x50') of Winery Equipment Storage floor area is being increased to 1,016 square feet (20'x50') of Winery Equipment Storage floor area and a small (10'x15') 150 square foot Fire Pump and Fire Equipment shed is included in the Modification to the permit along with two Fire Suppression water tanks.

The increased Wine Production Building and outdoor fermentation, production and mechanical space will be in the previously approved location on the site and adhere to the approved setback of 160 feet from Highway 29. An extension of the variance to include the increased wine production building is also requested. The Winery Equipment Storage building remains in the previously approved location. The Fire Pump and Fire Equipment shed is being located adjacent to the Visitor/Employee restrooms.

In 2014, the Planning Commission approved a winery use permit and a variance (P13-00185-VAR) locating the winery building within the 600-foot setback. Those permits have been "used" and vested. A minor modification application is being processed concurrent with this variance application to increase the winery size. The size increase primarily is needed to accommodate sustainable features within the winery. The rationale provided for the original variance is unchanged and provided in the attached copy of the Commission's findings approving the original variance.

No other changes to the previously approved Use Permit are being requested.

7/20/16