



Agenda Date: 1/8/2008  
Agenda Placement: 8H  
Set Time: 9:30 AM  
Estimated Report Time: 15 Minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Susan Ingalls for Westmeyer, Robert - County Counsel  
County Counsel  
**REPORT BY:** Laura Anderson, Attorney IV , 259-8252  
**SUBJECT:** Resolution of Findings of Fact and Decision on Appeal - Frank Family Vineyards

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### **RECOMMENDATION**

County Counsel requests consideration and adoption of a Resolution of Findings of Fact and Decision on Appeal denying the appeal filed by attorney Charles Meibeyer on behalf of his client, Richard Frank (Appellant), of a decision by the Conservation, Development and Planning Commission on August 1, 2007, to approve Use Permit Modification P06-0102 to the Frank Family Vineyards winery to allow: (1) crush activities; (2) construction of a new crush pad, entry gate and two-story building; (3) demolition of the existing visitor/tasting building; (4) increased parking; (5) an increase in the number of employees; (6) an increase in the number of tours and tastings by appointment only; (7) revisions to the marketing activities; (8) installation of new site landscaping; (9) modification of the exiting sewage disposal system; and (10) revisions to certain prior conditions of approval. The winery has a production capacity of 564,500 gal/yr approved in 1997 and is located on a 5.15-acre site on the east side of Larkmead Lane, between Silverado Trail and State Highway 29, approximately 2,400 feet north of Highway 29 and approximately 100-200 feet south of the Napa River within an AP (Agricultural Preserve) zoning district. (Assessor's Parcel No. 020-290-007) 1091 Larkmead Lane, Calistoga, CA. The appeal challenged the Commission's approval of the Use Permit.

**ENVIRONMENTAL DETERMINATION:** Subsequent Mitigated Negative Declaration Prepared. According to the Subsequent Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following area: Biological Resources. If the Board decides to deny the appeal, it would need to affirmatively readopt the Subsequent Mitigated Negative Declaration prior to approving the project. This project site is not on any of the lists of hazardous waste sites enumerated under Government code section 65962.5.

### **EXECUTIVE SUMMARY**

At the appeal hearing of October 23, 2007, the Board heard and considered evidence submitted from the Appellant, Staff and members of the public regarding the appeal. After considering all evidence presented, the Board closed the public hearing and adopted a motion of intent to: (1) reject each of the grounds of the appeal and deny the appeal in its entirety; (2) uphold the Planning Commission's approval of the project; (3) adopt the Subsequent Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program for the Project; and (4) approve

the project and conditions of approval adopted by the Planning Commission.

**Procedural Requirements:**

1. Chair announces the agenda item.
2. Staff reports on the item.
3. Questions by the Board.
4. Chair invites interested parties, if they would like, to comment on the findings.
5. Member makes a motion.
6. Different member seconds the motion.
7. Board discussion and debate on the motion.
8. Chair calls for the vote.
9. If roll call vote requested by member, Clerk calls the roll.
10. Chair announces the result of the vote.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

**ENVIRONMENTAL DETERMINATION:** Subsequent Mitigated Negative Declaration Prepared. According to the Subsequent Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following area: Biological Resources. If the Board decides to deny the appeal, it would need to readopt the Subsequent Mitigated Negative Declaration prior to approving the Project. This project site is not on any of the lists of hazardous waste sites enumerated under Government code section 65962.5

**BACKGROUND AND DISCUSSION**

On August 1, 2007, after considering all written and verbal evidence presented at the June 27 and July 28, 2007, hearings, the Planning Commission approved the project and imposed conditions of approval addressing visitor numbers (both tours and tasting and marketing activities) at the winery. On August 14, 2007, subsequent to the Planning Commission's final decision, and within the prescribed 10-day period for appeal, an appeal was filed by attorney Charles Meibeyer on behalf of Richard Frank.

At the appeal hearing on October 23, 2007, the Board heard and considered all evidence presented relating to the appeal, including the administrative record, testimony and documentation of County staff, testimony and documentation submitted on behalf of Appellant and the public, and all oral and written testimony presented during the hearing. After considering all evidence presented, the Board closed the public hearing and adopted a motion of intent to: (1) reject each of the grounds of the Appeal and deny the Appeal in its entirety; (2) uphold the Planning Commission's approval of the Project; (3) adopt the Subsequent Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program for the Project; and (4) approve the project and conditions of approval adopted by the Planning Commission.

The proposed resolution reflects the Board's intent as expressed on October 23, 2007.

**SUPPORTING DOCUMENTS**

A . Resolution

CEO Recommendation: Approve

Reviewed By: Helene Franchi