



Agenda Date: 10/17/2006
Agenda Placement: 8E
Set Time: 2:30 PM PUBLIC HEARING
Estimated Report Time: 15 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Laura Anderson for Robert Westmeyer - County Counsel
County Counsel
REPORT BY: Laura Anderson, Attorney IV , 259-8252
SUBJECT: Findings of Fact and Decision on Appeal - Harris Appeal

RECOMMENDATION

County Counsel requests consideration and adoption of a Resolution of Findings of Fact and Decision on Appeal denying the appeal filed by David Rice on behalf of Ren and Marilyn Harris to a decision by the Planning Commission on July 19, 2006 to approve Tom and Collette Gamble / Gamble Winery Variance Application No. 03156-VAR and Use Permit Application No. 03155-UP (the Project), located at 1851 Cook Road, Yountville, CA on a +10.00-acre parcel (after a Lot Line Adjustment) at the terminus of Cook Road approximately 2,050 feet from its intersection with Yount Mill Road within an Agricultural Preserve (AP) zoning district, (Assessor's Parcel No. 031-110-018). The appeal challenged the Commission's adoption of the Mitigated Negative Declaration and approval of the Variance and Use Permit.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration prepared. According to the Mitigated Negative Declaration, the proposed Project may have, if mitigation measures, are not included, potentially significant environmental impacts in the following area: Geology & Soils; Hydrology & Water Quality. The Board needs to readopt the Mitigated Negative Declaration prior to approving the Project.

EXECUTIVE SUMMARY

At the appeal hearing of September 19, 2006, the Board heard and considered evidence submitted from the Applicant, the Appellant, Staff and members of the public regarding the Project. After considering all evidence presented, the Board closed the public hearing and adopted a motion of intent to: (1) deny the Appeal in its entirety; (2) uphold the Planning Commission's approval of the Project; (3) readopt the Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program for the Project; and (4) approve the Variance and Use Permit for the Project.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Mitigated Negative Declaration prepared. According to the Mitigated Negative Declaration, the proposed Project may have, if mitigation measures, are not included, potentially significant environmental impacts in the following area: Geology & Soils; Hydrology & Water Quality. The Board needs to readopt the Mitigated Negative Declaration prior to approving the Project.

BACKGROUND AND DISCUSSION

A Mitigated Negative Declaration was prepared for the Project and circulated for public review and comment for twenty days in accordance with CEQA requirements. A public hearing before the Conservation, Development and Planning Commission (the Planning Commission) on Variance Application No. 03156-VAR and Use Permit Application No. 03155-UP was held on July 19, 2006 at which time the Planning Commission read, received, reviewed and considered the application for the Project, the entire administrative record, and public comments. Following conclusion of the public hearing on July 19, 2006, and in reliance upon the entire record and evidence submitted, the Planning Commission approved the Applicant's request for the Variance and Use Permit to allow a 12,000 gallon per year Winery and related improvements and a variance from the 300 foot winery setback requirements.

On August 1, 2006, subsequent to the Planning Commission's final decision and within the prescribed appeal period, an appeal was filed by attorney David Rice on behalf of Appellants.

At the appeal hearing on September 19, 2006, 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 Applicant 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) deny the Appeal in its entirety; (2) uphold the Planning Commission's approval of the Project; (3) readopt the Mitigated Negative Declaration and the Mitigation, Monitoring and Reporting Program for the Project; and (4) approve Variance No. 03156-VAR and Use Permit No. 03155-UP.

The proposed resolution reflects the Board's intent as expressed on September 19, 2006.

SUPPORTING DOCUMENTS

- A . Resolution
- B . Conditions of Approval

CEO Recommendation: Approve

Reviewed By: Maiko Klieman