



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 10/24/2017
Agenda Placement: 9C
Set Time: 10:00 AM
Estimated Report Time: 15 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Laura Anderson for Minh Tran - County Counsel
County Counsel
REPORT BY: Laura Anderson, Deputy County Counsel - 259-8252
SUBJECT: Raymond-Ticen Ranch Winery Findings of Fact

RECOMMENDATION

County Counsel requests consideration and adoption of a Resolution of Findings of Fact and Decision on Appeal denying the appeal filed by Beckstoffer Vineyards, Frank Leeds, and Kelleen Sullivan (Appellants) to a decision made by the Napa County Planning Commission on March 15, 2017 to approve the **Raymond-Ticen Ranch Winery Use Permit Major Modification No. P15-00307-MOD** filed by Tom Blackwood.

Adoption of the Resolution and approval of the Raymond-Ticen Ranch Winery Project would allow the following: 1) integration of the Ticen Ranch parcel, located at 1584 St. Helena Highway, into the Raymond Winery's operations, with conversion of the Ticen Ranch residence and barn into winery visitation and administration space; 2) extension of winery operating hours until 11:00 p.m. during harvest (August through November) and visitation hours until 6:30 p.m. year round; 3) allowance for on-site consumption of wine in specified areas on the properties; and 4) allowance for up to half of Raymond Winery's currently permitted, annual marketing events to be held outdoors. The request also includes modifications to the development of the Raymond Winery and Ticen Ranch parcels that include a new access driveway to the Raymond Winery from St. Helena Highway and across the Ticen Ranch parcel, as well as construction of a vineyard viewing platform, 61 new parking stalls between the two existing parcels; improvements to the existing sanitary wastewater treatment system, and installation of a new, 30,000-gallon water storage tank for fire suppression purposes. The project also increases the number of permitted employees from 26 to 90 (full-time, part-time and seasonal) to bring the operation into compliance and allows additional site modifications and conversions of building use that were completed without benefit of County permit approvals. No increase in visitation, marketing or production was requested. The properties are located at 849 Zinfandel Lane and 1584 St. Helena Highway St. Helena, California (Assessor's Parcel Nos. 030-270-013 and 030-270-012, respectively).

ENVIRONMENTAL DETERMINATION : Consideration and possible adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. According to the Mitigated Negative Declaration, the proposed Project would not have any potentially significant environmental impacts after implementation of mitigation measures related to potential impacts to Biological Resources and Tribal Cultural Resources. This proposed

Project site is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.
(CONTINUED FROM AUGUST 15, 2017)

EXECUTIVE SUMMARY

At the appeal hearing on August 15, 2017, the Board heard and considered evidence submitted from Appellants, Applicant, Staff and members of the public regarding the appeal. After considering all of the evidence presented, the Board closed the public hearing and adopted a motion of intent to deny the appeal filed by Appellants of the Napa County Planning Commission's decision on March 15, 2017, to approve the Raymond-Ticen Ranch Winery Use Permit Major Modification No. P15-00307-MOD (the Raymond-Ticen Winery, Winery or the Project); to adopt the Revised Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and to uphold the Planning Commission's approval of the Project subject to the Updated Conditions of Approval (COA) including the Applicant's voluntary local grape source condition.

The Board directed Staff to return on October 10, 2017, with a Resolution of Findings of Fact and Decision on Appeal (the Resolution). Staff has prepared a proposed Resolution that reflects the Board's intent as expressed on August 15, 2017, which was shared with the Applicant's and Appellants' respective counsel on August 24, 2017. Neither Applicant's for Appellants' respective counsel had any comments on the Resolution or Updated COA. The public hearing is closed. Public comment is limited to whether or not the proposed Resolution and Updated COA accurately reflect the Board's intent as expressed on August 15th.

PROCEDURAL REQUIREMENTS

1. Staff report.
2. Chair invites Appellants, the Applicant and interested parties to comment on the proposed findings.
3. Motion, second, discussion and vote on the findings.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. According to the MND, the proposed Project would not have any potentially significant environmental impacts after implementation of mitigation measures related to potential impacts to Biological Resources and Tribal Cultural Resources. This proposed Project site is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

On March 15, 2017, after considering the Staff report, Applicant's presentation, and all public comment, the Planning Commission voted (3:2 – AYES: Basayne, Gill, Scott; NOES: Cottrell, Gallagher) to approve the Raymond-Ticen Ranch Winery. On April 11, 2017, timely appeal packets were filed by Appellants to the Planning Commission's decision to approve the Project. Pursuant to the County's appeals ordinance (Napa County Code

Chapter 2.88) a public hearing on the appeal must be scheduled not less than 15 days nor more than 90 calendar days from submittal of an appeal. To accommodate all parties' schedules, on June 20, 2017 the Chair opened and continued the hearing (with the consent of all parties) to August 15, 2017. No testimony was taken on June 20th.

On August 15, 2017, the Board heard and considered evidence submitted from the Appellants, Applicant, Staff, and members of the public regarding the appeal. After considering all of the 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) adopt the Revised Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program for the Project; (3) uphold the Planning Commission's approval of the Project; and (4) approve the Raymond-Ticen Ranch Winery Project subject to the Updated COA, including Applicant's voluntary local grape sourcing condition of approval.

The Board directed Staff to include the voluntary local grape source condition offered by Applicant into the final Updated COA and to return on October 10, 2017, with a Resolution containing the Findings of Fact and Decision on Appeal. Staff prepared the Resolution and Updated COA that reflect the Board's intent as expressed on August 15, 2017. The Applicant's voluntary grape source condition has been included as Updated COA No. 4.20 (h). Just like all of the other conditions of approval, the voluntary condition once adopted by the Board runs with the land and becomes binding on all future owners of the property and Raymond-Ticen Ranch Winery. The proposed Resolution and Updated COA were shared with the Applicant's and Appellants' respective counsel on August 24, 2017 and neither party had any comments on the documents. Due to cancellation of the Board meeting on October 10th because of fires in Napa County, this item was continued to today's meeting. All parties were notified of the rescheduled date.

The public hearing is closed. Public comment is limited to whether or not the proposed Resolution and Updated COA accurately reflect the Board's intent as expressed on August 15, 2017. Staff believes the Resolution and Updated COA accurately reflect the Board's intent and recommends that the Board adopt the proposed Resolution and Updated COA.

SUPPORTING DOCUMENTS

A . Resolution

CEO Recommendation: Approve

Reviewed By: Helene Franchi