



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 11/10/2020
Agenda Placement: 9E
Set Time: 1:30 PM PUBLIC HEARING
Estimated Report Time: .5 Hours
Continued From: May 19 and September 1, 2020

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: Donald Barrella, Planner III - 707-299-1338
SUBJECT: Anthem Winery Appeal Hearing

RECOMMENDATION

Consideration and possible direction regarding appeals filed by Patricia Damery, c/o Kathy Felch (Appellant Damery), and George and Jeff Atlas and Paul Rowe, c/o Kevin Block (Appellant Atlas and Rowe), to a decision by the Planning Commission on February 5, 2020 to approve (5:0– AYES: Gallagher, Whitmer, Hansen, Mazotti, Cottrell) an application submitted by Anthem Winery and Vineyards, c/o Justin H. Arbuckle and Julie A. Arbuckle, Trustees of the Arbuckle Family Trust May 5, 2006 (Applicant) for approval of a Use Permit Major Modification (P14-00320-MOD) for an existing 30,000 gallon winery permit ("the Project"). The Project also includes an Exception to the Napa County Road and Street Standards (RSS) for reduced commercial driveway widths and for road grades exceeding 18%, a viewshed request and an Agricultural Erosion Control Plan (ECPA) for the installation and maintenance of approximately 1.19 acres of new vineyard. The Project is located on an approximate 44.8 acre holding within the Agricultural Watershed (AW) zoning district that consists of two parcels: (1) the "Winery Parcel" (3454 Redwood Road, APN 035-470-046), an approximate 27.23 acre parcel located on the east side of Redwood Road approximately 1.5 miles north of its intersection with Browns Valley Road; and (2) the "Access Parcel" (3123 Dry Creek Road, APN 035-460-038), an approximate 17.54 acre parcel located on the west side of Dry Creek Road approximately 1.7 miles north of its intersection with Redwood Road (or approximately 0.4 miles north of its intersection with Linda Vista Avenue). Access to the winery is proposed from Dry Creek Road.

(CONTINUED FROM MAY 19 AND SEPTEMBER 1, 2020. APPLICANT AND STAFF REQUEST A CONTINUANCE TO JANUARY 26, 2021, AT 1:30 P.M. BOTH APPELLANTS AND COUNTY STAFF ARE AVAILBLE AND SUPPORT THE REUQUEST.)

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed Project would not have any potentially significant environmental impacts after implementation of mitigation measures. Mitigation measures are proposed for the following area(s) Biological Resources, Geology and Soils, and Noise. The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

EXECUTIVE SUMMARY

At the September 1, 2020, meeting the Board continued the two subject appeals of the Anthem Winery to November 10, 2020. Due to scheduling conflicts, the Applicant, Appellants and Staff request this hearing be continued to the next regular Board meeting date when all parties are available, which would be January 26, 2021 at 1:30 P.M.

PROCEDURAL REQUIREMENTS

1. Chair introduces item.
2. Motion by a Board member and second by another Board member to continue this item to January 26, 2021 at 1:30 P.M.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed: Effective and Open Government

ENVIRONMENTAL IMPACT

Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed Project would not have any potentially significant environmental impacts after implementation of mitigation measures. Mitigation measures are proposed for the following area(s) Biological Resources, Geology and Soils, and Noise. The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

The matter before the Board involves neighborhood appeals filed by Patricia Damery, c/o Kathy Felch (Appellant Damery), and George and Jeff Atlas and Paul Rowe, c/o Kevin Block (Appellant Atlas and Rowe), to a unanimous decision by the Planning Commission on February 5, 2020 to approve an application submitted by Anthem Winery and Vineyards, c/o Justin H. Arbuckle and Julie A. Arbuckle, Trustees of the Arbuckle Family Trust May 5, 2006 (Applicant) for a Use Permit Major Modification (P14-00320-MOD) for an existing 30,000 gallon winery permit to allow the construction of a new 10,388 sq. ft. winery facility with 29,053 sq. ft. of caves, the development of related infrastructure and access improvements, a visitation and marketing program with a maximum of 7,623 annual visitors, and the development of approximately 1.19 acres of new vineyard, on an approximate 44.8 acre holding within the Agricultural Watershed (AW) zoning district that consists of two parcels: (1) the "Winery Parcel" (3454 Redwood Road, APN 035-470-046), an approximate 27.23 acre parcel located on the east side of Redwood Road approximately 1.5 miles north of its intersection with Browns Valley Road, and (2) the "Access Parcel" (3123 Dry Creek Road, APN 035-460-038), an approximate 17.54 acre parcel located on the west side of Dry Creek Road approximately 0.4 miles north of its intersection with Linda Vista Avenue. The project also includes an Exception to the Napa County Road and Street Standards (RSS) for reduced commercial driveway widths and for road grades exceeding 18%, a viewshed request and an Agricultural Erosion Control Plan (ECPA) for the installation and maintenance of approximately 1.19 acres of new vineyard.

On February 20, 2020, two timely Notices of Intent to Appeal were filed by 1) George and Jeff Atlas and Paul Rowe and 2) Patricia Damery, and on March 4, 2020 and March 5, 2020, two timely appeal packets were filed by 1) George and Jeff Atlas and Paul Rowe and 2) Patricia Damery, to the Planning Commission's decision to approve Use Permit Major Modification P14-00320-MOD and associated actions (RSS exception and ECPA) for the Anthem Winery. 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 fifteen days nor more than ninety calendar days from submittal of an appeal. In compliance with the ninety day scheduling deadline, the hearing was scheduled for May 19, 2020 and then continued to September 1, 2020, and subsequently continued to November 10, 2020. Due to scheduling conflicts, the Applicant, Appellants and Staff request this hearing be continued to the next regular Board meeting date when all parties are available, which is January 26, 2021 at 1:30 P.M.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi