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Agenda Date: 11/22/2014
Agenda Placement: 9A
Set Time: 9:00 AM PUBLIC HEARING
Estimated Report Time: 2 Hours

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: Sean Trippi, Principal Planner - 299-1353
SUBJECT: Woolls Ranch LLC Use Permit Appeal P13-00187

RECOMMENDATION

Consideration and possible action regarding an appeal filed by Patricia Simpson to a decision by the Planning Commission on November 6, 2013, to approve the Woolls Ranch Winery application for a use permit (P13-00187) to establish a new winery with an annual production capacity of 50,000 gallons including: (1) the construction of three new winery buildings with approximately 17,432 sq. ft. of floor area, including 13,060 sq. ft. for production uses and 4,372 for hospitality/administrative uses, including a commercial kitchen; (2) an approximately 7,454 sq. ft. of outdoor work area including a 3,450 sq. ft. covered crush pad; (3) on-site parking for 19 vehicles; (4) a Marketing Plan with four (4) events per month for a maximum of 30 guests at each event; two (2) events per month for a maximum of 100 guests at each event; four (4) events per year for a maximum of 200 guests at each event; and, participation in the wine auction; (5) tours and tastings, which may include food pairing(s), by appointment only for a maximum of 60 visitors per day; (6) hours of operation from 8:00 AM to 8:00 PM (10:00 AM to 5:00 PM tasting and 8:00 AM to 8:00 PM, non-harvest production), 7 days a week; (7) on premise consumption pursuant to the Evans Bill (AB2004); (8) employment of 10 or fewer full-time employees; (9) installation of a new on-site winery process and domestic wastewater treatment system; and, (10) new landscaping, driveway improvements and signage. The approval also includes an exception to the County's Road and Street Standards (RSS) to allow the use of an existing 14' wide access drive for a length of approximately 400-feet (of a 6,700-foot long access drive) with a proposed turnout meeting County standards. The remainder of the access drive will meet County standards. The 236.66 acre Project Site is located on the east side of Mt. Veeder Road, approximately 1,000 feet north of its intersection with Redwood Road within an Agricultural Watershed (AW) zoning district. APN: 035-010-054. (1032 Mt. Veeder Road, Napa).

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed Project would have potentially significant environmental impacts on: Biological Resources and Hydrology & Water Quality if mitigation measures were not included as part of the project. The project is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

(CONTINUED FROM FEBRUARY 25, MAY 20, JUNE 10 AND OCTOBER 21, 2014)

EXECUTIVE SUMMARY

The project involves an appeal of the Planning Commission's approval of a use permit application submitted by Woolls Ranch, LLC (the Applicant) for a new winery with an annual production capacity of 50,000 gallons on the east side of Mt. Veeder Road, approximately 1,000 feet north of its intersection with Redwood Road at 1032 Mt. Veeder Road, Napa, APN 035-010-054 (the Project Site). The appeal raises issues regarding potential groundwater impacts resulting from the proposed Winery and safety issues related to the proposed driveway entrance. Subsequent to filing of the appeal, the Applicant retained a hydrogeologist and submitted a comprehensive water availability analysis addressing potential groundwater impacts. The Applicant also submitted an updated traffic analysis addressing driveway safety issues.

Pursuant to the Board's direction on June 10, 2014, the appeal was continued to October 21, 2014 to allow staff ample time to review the Applicant's water availability analysis, prepare and circulate a revised CEQA analysis, prepare a comprehensive staff report and revise the conditions of approval adopted by the Planning Commission. On October 21st, the Board heard the Staff report presentation and some limited testimony. Due to time constraints, the appeal hearing was continued to a special meeting of the Board on November 22, 2014, at 9:00 a.m.

PROCEDURAL REQUIREMENTS

1. Chair introduces item and opens the continued public hearing.
2. Chair requests Staff report presentation.
3. Chair requests testimony from appellant followed by the applicant and any other interested parties.
4. After the Board has heard testimony and received evidence from the appellant, staff and interested parties supporting each, Chairman closes the public hearing.
5. A motion of intent is made and seconded to either deny or uphold the appeal and refer the matter to County Counsel's office for preparation of a Resolution of Findings and Decision on Appeal.
6. Chairman calls for the vote on the motion of intent to either deny or uphold the appeal and refer the matter to the County Counsel's office for preparation of a Resolution of Findings and Decision on Appeal.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Mitigated Negative Declaration. According to the Mitigated Negative Declaration, the proposed Project would have potentially significant environmental impacts on Biological Resources and Hydrology & Water Quality if mitigation measures are not included in the project. The project 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 is a neighbor appeal to the Planning Commission's decision to approve a use permit

establishing a new 50,000 gallon per year winery within approximately 17,432 square feet of buildings, accessory uses, on-site consumption of wines produced on-site, a marketing plan, tours and tastings by appointment only, landscaping and driveway improvement as further described above (the proposed Project or proposed Winery). The Commission also approved an exception to the County's Road and Street Standards for the proposed Project. The proposed Winery is located on a 236 acre parcel on the east side of Mt. Veeder Road, approximately 1,000 feet north of its intersection with Redwood Road within an Agricultural Watershed (AW) zoning district (the Project Site). The Commission's hearing occurred on November 6, 2013.

After considering all written and verbal evidence presented, the Planning Commission closed the public hearing and voted 5:0 to adopt the Subsequent Negative Declaration and to approve the Woolls Ranch Winery Use Permit No. P13-00187 for the proposed Winery. On November 19, 2013, subsequent to the Planning Commission's decision and within the prescribed period, a Notice of Intent to Appeal was filed by Patricia Simpson (hereafter Appellant). On December 5, 2013, an Appeal Application was submitted by Appellant within the required timeframe.

The Board conducted a public hearing regarding the appeal on October 21, 2014, and received the staff report, a summary of the Phase 2 Water Availability Analysis prepared by Luhdorff & Scalmanini, and comments from the applicant and a member of the public. The hearing was then continued to today to allow additional testimony. Staff recommends that after a brief updated staff report that the Board hear from the Appellant and her representatives.

The October 21, 2014 Board staff report and exhibits have been attached to this agenda item as well as correspondence received since the previous meeting. Staff has also corrected condition of approval 2.C regarding the application of shotcrete to stabilize the cut embankment associated with improving sight visibility at the driveway. The October 21, 2014 staff report and attachments are included here commencing with Exhibit H.

Included in the attached correspondence (Exhibit E) is a letter from Appellant's attorney, Maureen Harrington, dated November 2, 2014, raising additional questions regarding the access easement, the impact of vineyard operations on the springs serving Appellant's property, water availability on the Woolls Ranch parcel, water usage, water quality and proposed mitigation, and groundwater recharge and depletion. Attached are responses from the Applicant's attorney, Jim Rose (e-mail dated November 13, 2014) addressing the easement issue and a memo dated November 14, 2014, from Vicki Kretsinger Grabert; Reid Bryson; Ken Utley P.G., C.E.G.; and Barbara Dalgish, P.G., of Luhdorff & Scalmanini addressing the groundwater related issues.

Staff is also recommending two new conditions if the Board desires to approve the project: 1) that the third party reports required by the proposed mitigation measures verify the water use assumptions as well as actual water use are consistent with the usage and assumptions analyzed in the WAA, and 2) that the initial monitoring reports be reviewed by the Planning Commission. The final wording would be incorporated into the Board resolution and conditions of approval if the project is approved.

SUPPORTING DOCUMENTS

- A . Conditions of Approval (corrected)
- B . BOS Memo & Correspondence
- C . Draft WAA Phase 2 - May 12, 2014 (1)
- D . Draft WAA Phase 2 - May 12, 2014 (2)
- E . Correspondence
- F . Luhdorff & Scalmanini Memo - November 14, 2014
- G . Jim Rose E-Mail - November 13, 2014

- H . October 21, 2014 Board Report
- I . Appeal Packet
- J . Mitigated Negative Declaration
- K . MMRP / Project Revision Statement
- L . Phase 2 WAA - August 6, 2014
- M . Water Supply Info & Water System Feasibility Report
- N . Access Easement
- O . Traffic Study Addendum
- P . Transcripts - November 6, 2013 PC Hearing
- Q . PC Staff Report - November 6, 2013
- R . PC Revised Condition of Approval
- S . PC Correspondence 1
- T . PC Correspondence 2
- U . PC Correspondence 3
- V . List of Previous Board Correspondence
- W . Correspondence
- X . Graphics

CEO Recommendation: Approve

Reviewed By: Molly Rattigan