



Agenda Date: 12/19/2006  
Agenda Placement: 8G  
Set Time: 2:30 PM PUBLIC HEARING  
Estimated Report Time: 15 Minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Silva Darbinian for Robert Westmeyer - County Counsel  
County Counsel  
**REPORT BY:** Silva Darbinian, Attorney IV, 259-8250  
**SUBJECT:** Findings of Fact - Living Rivers Council Appeal of Patrino Stream Setback Use Permit Exception

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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 John Stephens on behalf of the Living Rivers Council of a decision by the Conservation, Development and Planning Commission on September 20, 2006 to approve an exception to the Conservation Regulations in the form of a Use Permit (No. P04-0511-UP-CONSETB) to allow construction of a 792 square foot garage and 280 square foot workshop at a setback of 3 feet where 35 feet is required on a .53 acre parcel within the Agricultural Watershed (AW) Zoning District (Assessor's Parcel No. 034-212-010; 1109 Darms Lane, Napa).

**ENVIRONMENTAL DETERMINATION:** Negative Declaration Prepared. According to the proposed Negative Declaration, the proposed project would have no potentially significant environmental impacts. 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 November 21, 2006, the Board heard and considered evidence submitted from the Applicant, the Appellant, Staff and members of the public regarding the above referenced 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 Negative Declaration; and (4) approve Use Permit No. P04-0511-UP-CONSETB.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: Negative Declaration Prepared. According to the proposed Negative Declaration, the proposed project would have no potentially significant environmental impacts. 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 September 20, 2006, the Planning Commission approved Mr. and Mrs. Patrino's application for an exception to the Conservation Regulations (Use Permit No. P04-0511-UP-CONSETB) to allow for the construction of a 792 square foot garage with a 280 square foot workshop within the stream setback of Dry Creek. The building would be located at a setback of 3 feet where 35 feet is required.

On September 29, 2006, subsequent to the Planning Commission's final decision and within the prescribed appeal period, an appeal was filed by John Stephens on behalf of the Living Rivers Council.

At the appeal hearing on November 21, 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 Negative Declaration; and (4) approve Use Permit No. P04-0511-UP-CONSETB.

**SUPPORTING DOCUMENTS**

A . Resolution

CEO Recommendation: Approve

Reviewed By: Maiko Klieman