



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 2/4/2020
Agenda Placement: 9D
Set Time: 9:30 AM PUBLIC HEARING
Estimated Report Time: 5 Minutes

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: Bremer Group LLC/Bremer Family Winery Conservation Regulation Exception Appeal

RECOMMENDATION

Consideration and possible action regarding an appeal filed by Michael Hackett to a decision by the Napa County Planning Commission on October 16, 2019, approving a request from Bremer Group LLC/Bremer Family Winery for an exception to the Napa County Conservation Regulations (County Code Chapter 18.108), in the form of a Use Permit (P19-00153-UP), in order to maintain in their current configuration the following existing physical site improvements, or portions thereof, that encroach into the minimum required stream setbacks: (1) an approximate 2,200 square foot agricultural storage building and associated water tank, (2) approximate 800 square foot pad and associated walls attached to the winery, (3) an approximate 150 square foot ground floor/story addition and second floor/story deck to the farmhouse/office building, (4) an approximate 100 square foot freestanding restroom, (5) approximately 3,740 square feet of landscaping, (6) approximately 1,210 lineal feet of rock walls, and (7) two pedestrian bridges over a blue-line stream. The project is located on an approximately 47.1-acre holding (assessor's Parcel Nos. 021-400-002 and 021-420-027) at 975 Deer Park Road, St. Helena, California.

ENVIRONMENTAL DETERMINATION: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Section 15301, Class 1 Minor Alterations to Existing Facilities; Section 15302, Class 2 Replacement or Reconstruction; Section 15303 Class 3 New Construction or Conversion of Small Structures; Section 15304, and Class 4 Minor Alterations to Land, which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301, §15302, and §15304. This project has also been determined to be exempt pursuant to CCR §15061 in that the recognition, retention, and maintenance of existing site improvements has no possibility of causing a significant effect. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

(APPLICANT AND STAFF REQUEST CONTINUANCE TO MARCH 17, 2020 AT 9:30 AM)

EXECUTIVE SUMMARY

The matter before the Board involves an appeal, filed by Michael Hackett, of the Planning Commission's decision (3:2) to approve an exception to the Conservation Regulations in the form of a Use Permit (P19-00153-UP) to recognize and allow existing site improvements associated with the winery and the residence that presently encroach into required stream setbacks on an approximate 47.1 acre holding located at the northern intersection of Sanitarium Road and Deer Park Road (975 Deer Park Road: APNs 021-400-002 and 021-420-027). 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 the submittal of an appeal. It is requested that the appeal be heard on March 17, 2020. In order to satisfy the ninety-day scheduling deadline in the appeals ordinance, staff requests that the Chair introduce the item, open the public hearing, and request a motion for continuance to March 17, 2020 at 9:30 a.m. Staff presentation and public testimony will not occur at the February 4, 2020 meeting. Applicant and staff support the continuance.

PROCEDURAL REQUIREMENTS

1. Chair introduces item and opens the public hearing.
2. Motion by a Board member and second by another Board member to continue the item to March 17, 2020 at 9:30 A.M.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?

No

County Strategic Plan pillar addressed:

Livable Economy for All: Collaboratively design systems and structures that promote a diverse and stable economy, with livable wages. Action Item 9.F: Implement and enforce the updated Code Enforcement Program.

Effective and Open Government

ENVIRONMENTAL IMPACT

Consideration and possible adoption of Categorical Exemptions Class 1, 2, 3, and 4. It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Section 15301, Class 1 Minor Alterations to Existing Facilities; Section 15302, Class 2 Replacement or Reconstruction; Section 15303 Class 3 New Construction or Conversion of Small Structures; and Section 15304, Class 4 Minor Alterations to Land, which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301, §15302, and §15304. This project has also been determined to be exempt pursuant to CCR §15061 in that the recognition, retention, and maintenance of existing site improvements has no possibility of causing a significant effect. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

This matter involves an appeal of the Planning Commission's approval of an exception to the Conservation

Regulations in the form of a Use Permit (P19-00153-UP) to recognize and maintain in their current configuration existing physical site improvements, or portions thereof, that encroach into required stream setbacks as follows: (1) an approximate 2,200 square foot agricultural storage building and associated water tank, (2) an approximate 800 square foot pad and associated walls attached to the winery, (3) an approximate 150 square foot ground floor/story addition and second floor/story deck to the farmhouse/office building, (4) an approximate 100 square foot freestanding restroom, (5) approximately 3,740 square feet of landscaping, (6) approximately 1,210 lineal feet of rock walls, and (7) two pedestrian bridges over a blue-line stream. The Use Permit was approved by the Planning Commission on October 16, 2019. A timely appeal was filed by the appellant subsequent to the Commission's action. 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. It is requested that the appeal be heard on March 17, 2020. In order to satisfy the ninety-day scheduling deadline in the appeals ordinance, staff requests that the Chair introduce the item, open the public hearing, and request a motion for continuance to March 17, 2020 at 9:30 a.m. Staff presentation and public testimony will not occur at the February 4, 2020 hearing. Applicant and staff support the continuance. Staff has contacted Appellant's counsel regarding the March 17th hearing date but Appellant's counsel has declined to cooperate in scheduling the hearing.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Leigh Sharp