



Agenda Date: 4/18/2006
Agenda Placement: 8C
Set Time: 10:30 AM PUBLIC HEARING
Estimated Report Time: 5 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Steven Lederer for Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Steven Lederer, Deputy Planning Director, 253-4417
SUBJECT: Abreu Appeal Hearing of Mondavis' Rocky Ridge Winery

RECOMMENDATION

Consideration and possible action regarding an appeal filed by attorney James Rose on behalf of Lucia Abreu Vineyard, Howell Mountain, LLC of a decision by the Conservation, Development and Planning Commission on December 7, 2005, to approve Marc and Janice Mondavi's Rocky Ridge Winery Use Permit Application No. 05-0056-UP to: (1) construct a new 35,000 gallon per year winery and associated improvements including a new, two story 17,130 sq. ft. winery production facility (crushing, fermentation, barrel aging and storage, bottling, case good storage, administrative offices and laboratory); a cave; outdoor crush and grape delivery pad; five employees; parking; tours and tasting by appointment; retail wine sales by appointment; a marketing plan; and an on-site wastewater system; and (2) allow an exception to the County's Conservation Regulations (Section 18.108.027 (B)) to allow retention of less than the minimum of 60% tree canopy and 40% brush/grass cover existing on the parcel as it was configured on June 16, 1993, on a 20.65 acre parcel on the north side of Las Posadas Road, approximately 1/2 miles west of its intersection with Cold Springs Road and located at 383 Las Posadas Road, Angwin, APN 024-300-065. The project is located within an Agricultural Watershed: Airport Compatibility Overlay (AW:AC) zoning district and is designated in the General Plan as Agriculture, Watershed and Open Space (AWOS).

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration prepared. According to the Mitigated Negative Declaration, the proposed project may have, if mitigation measures are not included, potentially significant impacts in the following areas: noise and transportation.

(CONTINUED FROM MARCH 14, 2006; APPLICANT REQUESTS CONTINUANCE TO MAY 16, 2006 AT 10:30 A.M.)

EXECUTIVE SUMMARY

The hearing before the Board is to consider an appeal filed by attorney James Rose on behalf of Lucia Abreu Vineyard, Howell Mountain LLC, to the Planning Commission's decision to approve the Rocky Ridge Winery Use Permit Application No. 05-0056-UP. The appeal is based on the contention that: (1) because the winery will be located within 300 feet of a private roadway, the Planning Commission should have required a variance from the County's 300 foot setback requirement in County Code section 18.104.230; (2) the Planning Commission erroneously determined that in order to trigger the 300 foot setback under Section 18.104.230 the used portion or tire marks of a roadway must physically touch the boundary line of the contiguous parcel which would of necessity

create a trespass; (3) appellant's private recorded easement which is contiguous to the boundary line but not necessarily touching it should be included within the definition of a contiguous roadway; (4) appellant's private roadway easement is contiguous to the winery property and therefore satisfies the definition of a contiguous roadway for purposes of imposing the 300 foot setback requirement under Section 18.104.230; (5) the Planning Commission previously determined that a private roadway easement falls within the meaning of a private road under Section 18.104.230 when the Commission required a variance for the Biale Winery Estate (Use Permit Application No. 03-088-UP); and (6) County staff have previously interpreted and applied Section 18.104.230 such that private easements are considered private roads for purposes of imposing the 300 foot setback.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Because the County does not recover the full cost of processing appeals, general fund impacts to the budgets of Conservation, Development & Planning and the Clerk of the Board occur during the processing of appeals.
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	Yes
Future fiscal impact:	None.
Consequences if not approved:	County Code allows for the appeal of Planning Commission decisions.
Additional Information:	

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration prepared. According to the Mitigated Negative Declaration, the proposed project may have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: noise and transportation. If the Board decides to deny the appeal, it would need to readopt the Mitigated Negative Declaration prior to approving the project.

BACKGROUND AND DISCUSSION

PROCEDURAL BACKGROUND: On December 7, 2005, the Planning Commission approved the Mondavis' application for the Rocky Ridge Winery Use Permit No. P05-0056-UP to allow a 35,000 gallon per year winery and related improvements and an exception to the County's Conservation Regulations. On December 21, 2005, subsequent to the Planning Commission's final decision and within the prescribed appeal period, an appeal was filed by attorney James Rose on behalf of Lucia Abreu Vineyard, Howell Mountain LLC.

CURRENT STATUS AND ACTIONS REQUESTED BY THE BOARD OF SUPERVISORS: The matter before the Board is an appeal of the Planning Commission's decision approving the Mondavis' application for the Rocky Ridge Winery Use Permit No. P05-0056-UP. County Code section 2.88.090 provides for appeals of Planning Commission decisions and indicates that the Board's appeal hearing shall be based on the documentary record, including a transcript of the Planning Commission hearing, plus any additional evidence that could not have been presented at that time, unless the Board affirmatively permits additional evidence. The Code further states that following the

appeal hearing, the Board may affirm, reverse, or modify the decision by the Planning Commission. Should the Board deny the appeal and approve the project, the Board would also need to readopt the Mitigated Negative Declaration.

(CONTINUED FROM MARCH 14, 2006; APPLICANT REQUESTS CONTINUANCE TO MAY 16, 2006 AT 10:30 A.M.)

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Andrew Carey