



Agenda Date: 5/2/2006
Agenda Placement: 8A
Set Time: 10:30 AM
Estimated Report Time: 15 Minutes
Continued From: April 4, 2006

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Robert Westmeyer - County Counsel
County Counsel
REPORT BY: Margaret Woodbury, Chief Deputy County Counsel, 259-8246
SUBJECT: Acceptance of Withdrawal of Dirk Fulton Appeal

RECOMMENDATION

Consideration and possible action regarding the withdrawal of an appeal filed by Mr. Tom Carey on behalf of Mr. Dirk Fulton to a partial denial by the Director of Public Works of an exception from the County Road and Street Standards requested by the appellant in connection with his application for Use Permit No. 04065-UP relating to the construction and operation of a winery on property located at 263 Petrified Forest Road, Calistoga. (Assessor's Parcel No. 020-430-006)

ENVIRONMENTAL DETERMINATION: It can be seen with certainty that there is no possibility the proposed action accepting the withdrawal may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

(CONTINUED FROM NOVEMBER 22, 2005, JANUARY 10, 24, 31 AND APRIL 4, 2006. APPELLANT REQUESTS WITHDRAWAL.)

EXECUTIVE SUMMARY

The appeal to a decision of the Napa County Director of Public Works denying certain requested exceptions to the adopted County Road and Street Standards has been withdrawn by the appellant. This being the case, the matter is moot and it is recommended that the Board accept the withdrawal.

To provide the Board with additional flexibility in future matters of this type staff will be recommending changes to the exception language found in the County Road and Street Standards that will mirror the exception language in the State Responsibility Area regulations to the maximum extent possible.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: It can be seen with certainty that there is no possibility the proposed action accepting the withdrawal may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

BACKGROUND AND DISCUSSION

Pursuant to Section 3 of the Napa County Road & Street Standards (hereafter "Road Standards"), last revised August 31, 2004, by Resolution 04-150, decisions of the Napa County Director of Public Works (hereafter the "Director") granting or denying requested exceptions to the Road Standards may be appealed to the Board of Supervisors in accordance with the procedures set forth in Chapter 2.88 of the Napa County Code.

The appeal filed by Dirk Fulton to the decision of the Director denying an exception from the road width requirements of the Road Standards for the final 500 foot segment of the private access road owned by the appellant from Petrified Forest Road to his proposed winery on APN 020-430-006 was heard and/or continued on the following dates: November 22, 2005, January 10, 2006, January 24, 2006, January 31, 2006 and April 4, 2006.

On April 28, 2006, Tom Carey on behalf of Dirk Fulton withdrew the Fulton appeal. It is recommended the Board accept the withdrawal.

Section 3 of the Road Standards provides that exceptions to the Road Standards are permitted only when necessary to enable the County to assure compliance with its goal of protecting and ensuring the preservation of unique features of the natural environment. The State Responsibility Area (hereafter the "SRA") regulations, on the other hand, provide that exceptions may be approved in response to a range of natural and manmade constraints. See 14 CCR 1271.00. To afford the Board more flexibility in dealing with these issues in the future, staff will be recommending a change to the Road Standards that incorporates this broader standard.

The Fulton's withdrawal is without prejudice to refile at a future time.

SUPPORTING DOCUMENTS

A . Fulton Withdrawal Letter

CEO Recommendation: Approve

Reviewed By: Maiko Klieman