



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 5/5/2020

Agenda Placement: 9C

Set Time: 9:25 AM

Estimated Report Time: 15 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Jeffrey Brax - County Counsel
County Counsel

REPORT BY: Laura Anderson, Deputy County Counsel - 259-8252

SUBJECT: Bremer Group LLC/Bremer Family Winery Appeal Findings of Fact

RECOMMENDATION

County Counsel requests consideration and adoption of a Resolution of Findings of Fact and Decision on Appeal regarding the appeal filed by Michael Hackett to a decision by the Napa County Planning Commission on October 16, 2019 to approve a request from Bremer Group LLC/Bremer Family Winery for an exception to the Napa County Conservation Regulations in the form of a Use Permit (No. P19-00153-UP) to maintain in their current configuration certain existing physical site improvements, or portions thereof, that encroach into the minimum required stream setback on an approximate 47.1 acre holding located at 975 Deer Park Road, St. Helena, APNs 021-400-002 and 021-420-027.

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, which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301 and §15302. 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.

EXECUTIVE SUMMARY

At the appeal hearing on March 17, 2020, the Board received a staff report and heard and considered evidence submitted from Appellant, the Applicant, and members of the public regarding the appeal. After considering all of the evidence presented, the Board closed the public hearing and adopted a motion of intent to: (1) deny the appeal filed by Appellant in its entirety; and (2) uphold the Planning Commission's approval of Use Permit No. P19-00153-UP as to only the approximately 1,210 lineal feet of low decorative rock walls and the two pedestrian bridges. The Board directed Staff to return on May 5, 2020, with a Resolution of Findings of Fact and Decision on Appeal (the

Resolution) reflecting the Board's intent as expressed.

As to the four remaining structures, on March 17, 2020, the Board took a final action by remanding to the Planning Commission for further consideration the approximate 2,200 square foot agricultural storage barn and associated water tank that replaced an approximate 320 square foot barn; an approximate 800 square foot concrete pad located off the east side of the winery building; an approximate 150 square foot ground floor/story addition and second floor/story deck to the main dwelling (a.k.a. farmhouse/office building); and an approximate 100 square foot freestanding restroom that presently encroach into required stream setbacks on the Property. These four remaining structures will be scheduled for a public hearing before the Planning Commission at a future date. Public notice of the hearing before the Planning Commission will be provided in advance of the meeting.

Staff has prepared a proposed Resolution that reflects the Board's intent as expressed on March 17, 2020, which was shared with Appellant's and Applicant's respective counsel on April 7, 2020. Appellant's counsel generally questioned the accuracy of the Resolution but offered no substantive revisions or comments. Applicant's counsel concurred that the Resolution accurately reflected the Board's intent. The public hearing is closed. Public comment is limited to whether or not the proposed Resolution accurately reflects the Board's intent as expressed on March 17.

PROCEDURAL REQUIREMENTS

1. Staff Report.
2. Chair invites Appellant, the Applicant and interested parties to comment on the proposed findings.
3. Motion, second, discussion and vote on the findings.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No
County Strategic Plan pillar addressed: Effective and Open Government

ENVIRONMENTAL IMPACT

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 and Section 15302, Class 2 Replacement or Reconstruction, which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301 and §15302. 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

At the appeal hearing on March 17, 2020, the Board received a staff report and heard and considered evidence submitted from Appellant, the Applicant, and members of the public regarding the appeal. After considering all of the evidence presented, the Board closed the public hearing and adopted a motion of intent to: (1) deny the appeal filed by Appellant; and (2) uphold the Planning Commission's approval of Use Permit No. P19-00153-UP as to only the approximately 1,210 lineal feet of low decorative rock walls and the two pedestrian bridges. The Board

directed Staff to return on May 5, 2020, with a Resolution reflecting the Board's intent as expressed.

As to the four remaining structures, on March 17, 2020, the Board took a final action by remanding to the Planning Commission for further consideration the approximate 2,200 square foot agricultural storage barn and associated water tank that replaced an approximate 320 square foot barn; an approximate 800 square foot concrete pad located off the east side of the winery building; an approximate 150 square foot ground floor/story addition and second floor/story deck to the main dwelling (a.k.a. farmhouse/office building); and an approximate 100 square foot freestanding restroom that presently encroach into required stream setbacks on the Property. These four remaining structures will be scheduled for a public hearing before the Planning Commission at a future date. Public notice of the hearing before the Planning Commission will be provided in advance of the meeting.

Staff has prepared a proposed Resolution that reflects the Board's intent as expressed on March 17, 2020, and has updated the Planning Commission conditions of approval (COA) to clarify the limited scope of the project that is being approved. The updated COA are attached as Exhibit "B." The proposed Resolution and updated COA were shared with Appellant's and Applicant's respective counsel on April 7, 2020. Appellant's counsel generally questioned the accuracy of the Resolution but offered no substantive revisions or comments. Applicant's counsel concurred that the Resolution accurately reflected the Board's intent. The public hearing is closed. Public comment is limited to whether or not the proposed Resolution accurately reflects the Board's intent as expressed on March 17th. Staff recommends that the Board adopt the Resolution.

SUPPORTING DOCUMENTS

- A . Resolution of Findings and Decision on Appeal
- B . Exhibit A - Map of Improvements
- C . Exhibit B - BOS Updated COA

CEO Recommendation: Approve

Reviewed By: Helene Franchi