



Agenda Date: 6/13/2006
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NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Susan Ingalls for Robert Westmeyer - County Counsel
County Counsel
REPORT BY: Laura Anderson, Attorney IV , 259-8252
SUBJECT: Consideration of a Resolution Containing Findings of Fact and Decision on Appeal - Abreu
Appeal of Mondavi's Rocky Ridge Winery

RECOMMENDATION

County Counsel requests consideration and possible adoption of a resolution containing Findings of Fact and Decision on Appeal denying the appeal filed by attorney James Rose on behalf of Lucia Abreu Vineyard, Howell Mountain, LLC to 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. P05-0056-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; 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 mile 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.

EXECUTIVE SUMMARY

At the appeal hearing of May 16, 2006, the Board heard and considered evidence submitted from the applicant, the appellant and staff regarding the Project. After considering all evidence presented, the Board closed the public hearing and adopted a motion of intent to: (1) reject each of the grounds and deny the appeal; (2) uphold the Planning Commission's approval of the project; (3) adopt the Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program; and (4) approve the project and conditions of approval. The Board further directed County Counsel to prepare a resolution containing Findings of Fact and Decision on Appeal for formal

adoption reflecting the tentative decision.

FISCAL IMPACT

Is there a Fiscal Impact? No

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 affirmatively readopt the Mitigated Negative Declaration prior to approving the project.

BACKGROUND AND DISCUSSION

On December 7, 2005, the Planning Commission approved the Mondavi's 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, a timely appeal was filed by attorney James Rose on behalf of Lucia Abreu Vineyard, Howell Mountain, LLC.

A hearing on the appeal was held before the Board on May 16, 2006, at which time the Board heard and considered all evidence presented. After the public hearing was closed, the Board tentatively voted to deny the appeal, and directed County Counsel to prepare a resolution containing Findings of Fact and Decision on Appeal for formal adoption reflecting the tentative decision. The attached proposed resolution containing Findings of Fact and Decision on Appeal reflect the Board's intent as expressed on May 16, 2006.

SUPPORTING DOCUMENTS

A . Resolution of Findings of Fact and Decision on Appeal

CEO Recommendation: Approve

Reviewed By: Maiko Klieman