



Agenda Date: 6/21/2005
Agenda Placement: 8F
Set Time: 10:00 AM
Estimated Report Time: 15 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Laura Anderson for Robert Westmeyer - County Counsel
County Counsel
REPORT BY: Laura Anderson, Attorney IV , 259-8252
SUBJECT: Findings of Fact and Decision on Appeal - Barthelemy Appeal

RECOMMENDATION

County Counsel requests the Board consider and adopt a resolution of Findings of Fact and Decision on Appeal denying the appeal filed by Richard Barthelemy, Trustee and Cynthia Barthelemy, Trustee to a decision by the Conservation, Development and Planning Commission on March 2, 2005 to deny the applicants' Parcel Map Request No. 02630-PM application to subdivide a parcel of approximately 40.0 acres into three small parcels at the terminus of Steele Canyon Road approximately 1100 feet north of its intersection with Headlands Drive. The site lies entirely within an RC (Residential Country) zoning district and within an area designated Agriculture, Watershed & Open Space (AWOS) by the Napa County General Plan (Assessor's Parcel No. 019-180-015).

ENVIRONMENTAL DETERMINATION: State CEQA Guidelines Section 15270 provides: (a) CEQA does not apply to projects which a public agency rejects or disapproves; and (B) this section is intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initialization of the CEQA process where the agency can determine that the project cannot be approved. A recommendation of denial is not subject to CEQA review.

EXECUTIVE SUMMARY

On May 24, 2005, the Board of Supervisors heard the appeal of Richard Barthelemy, Trustee and Cynthia Barthelemy, Trustee to the Planning Commission's March 2, 2005 decision to deny the applicants' request for a subdivision (Parcel Map Request No. 02630-PM). After the close of the public hearing, the Board tentatively voted to deny the appeal, and directed County Counsel to prepare 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: State CEQA Guidelines Section 15270 provides: (a) CEQA does not apply to projects which a public agency rejects or disapproves; and (B) this section is intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initialization of the CEQA process where the agency can determine that the project cannot be approved. A recommendation of denial is not subject to CEQA review.

BACKGROUND AND DISCUSSION

On May 24, 2005, the Board of Supervisors heard the appeal of Richard Barthelemy, Trustee and Cynthia Barthelemy, Trustee to the Planning Commission's decision to deny the applicants' Parcel Map request No. 02630-PM. After the public hearing was closed, the Board tentatively voted to deny the appeal, and directed County Counsel to prepare findings of fact and a decision on appeal for formal adoption reflecting the tentative decision. The attached proposed Findings of Fact and Decision on Appeal finalize the tentative decision.

SUPPORTING DOCUMENTS

A . Resolution

CEO Recommendation: Approve

Reviewed By: Lorenzo Ziálcita