



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 8/15/2017
Agenda Placement: 9E
Set Time: 9:30 AM PUBLIC HEARING
Estimated Report Time: 5 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Laura Anderson for Minh Tran - County Counsel
County Counsel
REPORT BY: Laura Anderson, Deputy County Counsel - 259-8252
SUBJECT: Mountain Peak Winery Appeal Findings of Fact

RECOMMENDATION

County Counsel requests consideration and adoption of four resolutions regarding the following:

1. A Resolution of Findings of Fact and Decision on Appeal denying the appeal filed by Appellant Kosta M. Arger in its entirety, adopting the Negative Declaration, and upholding the Planning Commission's approval of Use Permit No. P13-00320-UP and the exception to the Road and Street Standards (RSS) for the **Mountain Peak Winery** subject to the Updated Conditions of Approval (Updated COA);
2. A Resolution of Findings of Fact and Decision on Appeal denying the appeal filed by Appellant Cynthia Grupp in its entirety, adopting the Negative Declaration, and upholding the Planning Commission's approval of Use Permit No. P13-00320-UP and the exception to the RSS for the Mountain Peak Winery subject to the Updated COA;
3. A Resolution of Findings of Fact and Decision on Appeal denying the appeal filed by Appellant William Hocker in its entirety, adopting the Negative Declaration, and upholding the Planning Commission's approval of Use Permit No. P13-00320-UP and the exception to the RSS for the Mountain Peak Winery subject to the Updated COA; and
4. A Resolution of Findings of Fact and Decision on Appeal denying the appeal filed by Appellant Glenn Schreuder in its entirety, adopting the Negative Declaration, and upholding the Planning Commission's approval of Use Permit No. P13-00320-UP and the exception to the RSS for the Mountain Peak Winery subject to the Updated COA.

Adoption of the Resolutions and approval of the Mountain Peak Winery would allow the following: (1) construction of a new 100,000 gallon per year winery including an approximately 33,424 square foot cave, approximately 8,046 square foot tasting and office building, and approximately 6,412 square foot covered outdoor crush pad and work area; (2) demolition of the existing single family residence; (3) installation of 26 parking spaces; (4) construction of 2 new driveways and private access roads with ingress/egress from Soda Canyon Road; (5) installation of a High

Treatment wastewater treatment system and community non-transient potable water supply sourced from on-site private wells including two 100,000 gallon water tanks for vineyard irrigation and one 20,000 gallon water tank for domestic supply; (6) disposal of all cave spoils on-site within existing vineyards; (7) 19 full time employees, 4 part-time employees and 4 seasonal harvest employees; (8) tours and tastings by prior appointment only for a maximum of 60 visitors per day and a maximum of 275 visitors per week; (9) a marketing plan of 2 annual events for a maximum of 75 visitors and 1 annual event for a maximum of 125 visitors; and (10) on premises consumption of wines produced on site in the tasting room and outdoor terrace. The Project also includes approval of an exception to the Napa County Road and Street Standards to increase the maximum slope on a portion of the commercial access road to the covered crush pad and cave portals from 16% to 19.6%. The Project is located on a 41.76-acre parcel on the northwest side of Soda Canyon Road, approximately 6.1 miles north of its intersection with Silverado Trail, 3265 Soda Canyon Road, Napa, CA, 94558; APN: 032-500-033.

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed Project would not have any potentially significant environmental impacts. The Project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

(CONTINUED FROM APRIL 18, 2017 AND MAY 23, 2017)

(TO ACCOMMODATE THE BOARD'S SCHEDULE, THE CLERK OF THE BOARD REQUESTS A CONTINUANCE TO A SPECIAL MEETING OF AUGUST 22, 2017 AT 9:00 A.M.; ALL PARTIES CONSENT TO THE CONTINUANCE)

EXECUTIVE SUMMARY

At the appeal hearing on May 23, 2017, the Board heard and considered evidence submitted from the Appellants, Applicant, Staff, and members of the public regarding the appeals. After considering all of the evidence presented, the Board closed the public hearing and adopted motions of intent to adopt the following:

1. A Resolution of Findings of Fact and Decision on Appeal denying the appeal filed by Appellant Kosta M. Arger, in its entirety, adopting the Negative Declaration, and upholding the Planning Commission's approval of Use Permit No. P13-00320-UP and the exception to the Road and Street Standards (RSS) for the Mountain Peak Winery subject to the Updated Conditions of Approval (Updated COA);
2. A Resolution of Findings of Fact and Decision on Appeal denying the appeal filed by Appellant Cynthia Grupp, in its entirety, adopting the Negative Declaration, and upholding the Planning Commission's approval of Use Permit No. P13-00320-UP and the exception to the RSS for the Mountain Peak Winery subject to the Updated COA;
3. A Resolution of Findings of Fact and Decision on Appeal denying the appeal filed by Appellant William Hocker, in its entirety, adopting the Negative Declaration, and upholding the Planning Commission's approval of Use Permit No. P13-00320-UP and the exception to the RSS for the Mountain Peak Winery subject to the Updated COA; and
4. A Resolution of Findings of Fact and Decision on Appeal denying the appeal filed by Appellant Glenn Schreuder, in its entirety, adopting the Negative Declaration, and upholding the Planning Commission's approval of Use Permit No. P13-00320-UP and the exception to the RSS for the Mountain Peak Winery subject to the Updated COA.

The Board directed staff to return on August 15th with a Resolution of Findings and Decision on Appeal consistent with the Board's motions of intent. Due to previously scheduled matters on the Board's agenda for August 15th, the clerk requests that the Board continue the item to a special meeting of August 22, 2017 at 9:00 a.m. Representatives for the Appellants and Applicant are available on August 22nd and have no objection to the continuance.

PROCEDURAL REQUIREMENTS

1. Chair introduces item and requests motion for continuance.
2. Chair calls for vote on the continuance after the motion has been seconded.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed Project would not have any potentially significant environmental impacts. The Project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

On January 4, 2017, after considering the Staff report, Applicant's presentation, and all public comment, the Planning Commission voted (3:1 – AYES: Basayne, Gill, Scott; NOES: Cottrell) to approve the Mountain Peak Winery. On January 30, 2017, timely appeal packets were filed by Appellant Kosta M. Arger, Appellant Cynthia Grupp, Appellant William Hocker, and Appellant Glenn Schreuder to the Planning Commission's decision to approve the Project.

Pursuant to the County's appeals ordinance (Napa County Code Chapter 2.88) a public hearing on the appeal must be scheduled not less than fifteen days nor more than ninety calendar days from submittal of an appeal. To accommodate all parties' schedules, on April 18, 2017 the Chair opened and continued the hearing (with the consent of all parties) to May 23, 2017. No testimony was taken on April 18th.

On May 23, 2017, the Board heard and considered evidence submitted from the Appellants, Applicant, Staff, and members of the public regarding the appeals. After considering all of the evidence presented, the Board closed the public hearing and adopted motions of intent to:

1. Deny the appeal filed by Appellant Kosta M. Arger in its entirety, adopt the Negative Declaration, and uphold the Planning Commission's approval of Use Permit No. P13-00320-UP and the exception to the Road and Street Standards (RSS) for the Mountain Peak Winery subject to the Updated Conditions of Approval (Updated COA);
2. Deny the appeal filed by Appellant Cynthia Grupp in its entirety, adopt the Negative Declaration, and uphold the Planning Commission's approval of Use Permit No. P13-00320-UP and the exception to the RSS for the Mountain Peak Winery subject to the Updated COA;
3. Deny the appeal filed by Appellant William Hocker in its entirety, adopt the Negative Declaration, and uphold the Planning Commission's approval of Use Permit No. P13-00320-UP and the exception to the RSS for the Mountain Peak Winery subject to the Updated COA; and
4. Deny the appeal filed by Appellant Glenn Schreuder in its entirety, adopt the Negative Declaration, and uphold the Planning Commission's approval of Use Permit No. P13-00320-UP and the exception to the RSS for the Mountain Peak Winery subject to the Updated COA.

The Board directed Staff to return on August 15, 2017, with a Resolution of Findings of Fact and Decision on Appeal (the Resolution) for each of the four appeals. In early June, the Clerk of the Board received direction to schedule a special Board meeting on August 22, 2017. Because of the number of items previously scheduled on the Board's agenda for August 15th, the clerk requests that this item be continued to a special meeting of August 22, 2017 at 9:00 a.m. Representatives for the Appellants and Applicant are available on August 22nd and have no objection to the continuance.

Staff has prepared four proposed Resolutions that reflect the Board's intent as expressed on May 23rd, which were shared with the Applicant and Appellants respective counsel on July 24th. The public hearing is closed. No testimony will be taken on August 15th, and public comment on August 22nd will be limited to whether or not the proposed Resolutions accurately reflect the Board's intent as expressed on May 23rd.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi