



Agenda Date: 8/9/2005
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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: Findings of Fact and Decision on Appeal - (Mondavi Vineyard Project Appeal)

RECOMMENDATION

County Counsel requests the Board consider and adopt a resolution of Findings of Fact and Decision on Appeal regarding the appeal filed by Earth Defense for the Environment Now (EDEN), to the decision by the Conservation, Development and Planning Director on March 28, 2005 to certify the Final Environmental Impact Report (FEIR) for Erosion Control Plan No. 99323-ECPA and to approve 99323-ECPA, for the Robert Mondavi Properties, Inc. Suscol Springs Vineyard Project within an Agricultural Watershed and Airport Compatibility (AW:AC) zoning district. (Assessor's Parcel No. 046-400-034)

ENVIRONMENTAL DETERMINATION: An Environmental Impact Report (EIR) was prepared and certified by the Conservation, Development and Planning Director pursuant to CEQA, the State CEQA Guidelines, and the County's local procedures. The adequacy of the FEIR was the subject of the appeal so the Board will need to affirmatively recertify the FEIR pursuant to State CEQA Guidelines Section 15090.

EXECUTIVE SUMMARY

At the appeal hearing of July 26, 2005, the Board heard and considered evidence submitted from the Applicant, the Appellant and Staff regarding the Project and the Revised Project. Based on the evidence submitted at the appeal hearing, and EDEN's agreement to withdraw its appeal, the Board adopted a motion of intent to approve the Revised Project No. 99323-ECPA and to recertify the FEIR.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: An Environmental Impact Report (EIR) was prepared and certified by the Planning Director pursuant to CEQA, the State CEQA Guidelines, and the County's local procedures. The adequacy of the FEIR was the subject of the appeal so the Board will need to affirmatively recertify the FEIR pursuant to State CEQA Guidelines section 15090.

BACKGROUND AND DISCUSSION

On March 28, 2005, the Planning Director certified a FEIR for earth moving activities on slopes greater than 5% associated with an 85-acre vineyard project proposed by Robert Mondavi Properties, Inc. for property located south-east of the City of Napa, on the east side of State Route 221 and north of its intersection with Kaiser Road (Assessor Parcel No. 046-400-034). On the same day, the Planning Director approved Erosion Control Plan No. 99323-ECPA proposed for the property and analyzed in the FEIR.

On April 15, 2005, a timely appeal was received from the Law Offices of Thomas N. Lippe representing EDEN claiming that the Director acted improperly in certifying the FEIR and approving the ECP.

At the appeal hearing on July 26, 2005, EDEN agreed to withdraw its appeal if the Board expressed its intent to approve No. 99323-ECPA, (as modified by the revised ECP Map for the Revised Project prepared by Bartelt Engineering, dated July, 2005). After reading and considering all evidence presented at the appeal hearing and in the administrative record, the Board closed the Public Hearing and declared its intent to approve revised erosion control plan no. 99323-ECPA and to recertify the FEIR. The attached proposed resolution reflects the Board's intended action.

Staff recommends the Board adopt the proposed resolution.

SUPPORTING DOCUMENTS

- A . Resolution of Findings of Fact and Decision on Appeal
- B . Project Revision Statement
- C . Mitigation Monitoring and Reporting Plan
- D . Memorandum re Proposed Modifications – Addendum to the Final EIR

CEO Recommendation: Approve

Reviewed By: Lorenzo Zíalcita