



Napa County
Board Agenda Letter

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Board of Supervisors

Agenda Date: 12/3/2024

File ID #: 24-1968

TO: Board of Supervisors
FROM: Brian D. Bordona, Director of Planning, Building and Environmental Services
REPORT BY: Michael Parker, Planning Manager
SUBJECT: Benjamin Ranch Winery Appeal P21-00151-APL

RECOMMENDATION

PUBLIC HEARING 2:00 PM - Benjamin Ranch Appeal (P21-00151-APL)

Conduct a public hearing to consider adoption of revised conditions of approval mutually agreed upon by Michael Honig/ Keep Rutherford Rural (Appellant) and Frank Family Vineyards, LLC, acquired by Treasury Wine Estates Americas Company (Applicant) to resolve the appeal filed by the Appellant concerning the Napa County Planning Commission's approval of Benjamin Ranch Winery's Use Permit Application No. P13-00371. (No Fiscal Impact; Mandatory)

BACKGROUND

The matter before the Board involves a joint request by the Appellant and Applicant to resolve the appeal by adopting additional conditions of approval on Benjamin Ranch Winery's Use Permit Application No. P13-00371.

The project consists of a new winery, visitor's center with accessory uses including administrative offices, wine tasting rooms, a commercial kitchen for preparation of meals for winery staff, a wine marketing program, by appointment tours and tastings, retail sale of wine and wine-related items, along with allowance for on-site consumption of wine purchased on premises pursuant to Business and Professions Code Sections 23358, 23390, and 23396.5, and full-time and part-time employees. The proposed project includes demolition of an existing shed currently used for vineyard management, on-site relocation of an existing storage barn, and a new access driveway from Conn Creek Road/State Route 128 (See below for further details regarding the winery approved by the Planning Commission).

The winery is located on 9.8-acres of an approximately 64±-acre site at 8895 Conn Creek Road, St. Helena, in the Agricultural Preserve Zoning District and has a General Plan land use designation of Agricultural Resource.

On June 16, 2021, the Appellant submitted a timely Appeal packet. On August 25, 2021, a notice of a public hearing on the Appeal before the Board of Supervisors was published and posted.

In December of 2021, Treasury acquired Frank Family Vineyards and stepped into the position of Applicant on the Benjamin Ranch Winery Appeal.

On June 7, 2022, at the request of all parties, without considering the merits (or lack thereof) of the appeal, the Board referred the project to the Planning Commission for preparation of an advisory report on the following three topics: (1) changes proposed by the Applicant to the winery's design and operational characteristics; (2) the new BAAQMD Air Quality and GHG Guidelines that took effect in April 2022; and (3) the Governor's Executive Order pertaining to well permits and the extreme drought.

In April 2024, the Applicant submitted changes to the winery's design and operational characteristics and an updated Water Availability Analysis. Additionally, the Appellant and Applicant have negotiated a mutually agreeable settlement that resolves the appeal by the adoption of additional conditions of approval on the project that the parties request the Board adopt and impose on the project. The County is not a party to the settlement agreement.

A summary of the proposed design and operational characteristics agreed upon by the parties noted below:

	Planning Commission Approval	Treasury's Amendment/ Settlement Agreement
Production (gallons/ year)	475,000	300,000
Tastings	150/day (Mon. - Wed.) 300/day (Thurs. - Sun.) Maximum of 1,650/ week	100/ day Monday - Sunday Maximum of 700/ week
Marketing Events	Eight 150 person events per year (2/ month) One 150 person Annual Wine Auction event per year 1,350 annual attendees	Four 100 person events per year Four 50 person events per year Removal of Annual Wine Auction Event 600 annual attendees
Winery	87,292± square feet	65,879± square feet
Winery Coverage Area	274,406± square feet	249,737± square feet
Winery Development Area	99,540± square feet	80,531± square feet
Parking Lot	94 parking spaces	84 parking space

In addition to the design and operational changes, the parties have requested the addition of a condition of approval requiring: "No tours and tastings, marketing events, or visitor-serving activities of any kind shall be allowed on the exiting pond's berm" (see COA No. 4.20.a) and that the project's landscaping plan will be augmented to increase tree plantings (36" box specimens) for screening (see COA No. 6.15.c).

To resolve the appeal, the Appellant, Applicant, and Staff request that the Board:

- 1) Rescind the June 2022 remand to the Planning Commission; and
- 2) Adopt the mutually agreed upon revised Conditions of Approval (See Attachment B - Redline Changes)

Should the Board decline to impose the revised conditions of approval, the parties reserve the right to elect to

proceed with a hearing of the pending appeal on its merits at a future date.

PROCEDURAL REQUIREMENTS/REQUESTED ACTIONS

1. Chair invites disclosures regarding any ex-parte communications and/ or new Levine Act Disclosures, if any.
2. Chair introduces item.
3. Staff report presentation.
4. Chair invites Appellant, Applicant, and any interested members of the public to comment on the revised Conditions of Approval.
5. Chair closes the public hearing.
6. Board deliberations. A motion is made and seconded to adopt the revised Conditions of Approval on the project. If the motion is to deny, the appeal hearing will need to be continued to a future date for a possible hearing on the merits.

Documents associated with this appeal record (No. P21-00151-APL) are available for review in the Napa County Department of Planning, Building and Environmental Services, and at <https://www.pb.es.cloud/index.php/s/Brqy6Ps3H3wWQk4>

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	No
Is it Mandatory or Discretionary?	Mandatory

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: According to the Revised Mitigated Negative Declaration adopted by the Planning Commission on May 19, 2021, the proposed project would not have any potentially significant environmental impacts with incorporation of mitigation measures pertaining to Biological Resources and Transportation. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.