



## Legislation Details (With Text)

**File #:** 23-0788      **Version:** 1

**Type:** Public Hearing      **Status:** Agenda Ready

**File created:** 4/28/2023      **In control:** Board of Supervisors

**On agenda:** 6/6/2023      **Final action:** 12/31/2023

**Title:** PUBLIC HEARING 9:00 AM - Le Colline Appeal

Consideration and possible direction regarding an appeal filed by Center for Biological Diversity (Appellant) concerning the Le Colline Vineyard agricultural erosion control application (P14-00410-ECPA) submitted by Le Colline, LLC and Cold Springs, LLC (Applicant) to a decision made by the Designee of the Interim Director of the Planning, Building and Environmental Services (PBES) Department on March 24, 2023, to: (1) certify the Final EIR prepared for the Le Colline ECPA (P14-00410-ECPA); (2) adopt the findings required pursuant to the California Environmental Quality Act (CEQA) including, but not limited to, rejecting the Proposed Project, the No Project Alternative and the Reduced Intensity Alternative, finding the Increased Water Quality and Sensitive Habitat Protection Alternative as revised and as set forth in the FEIR (the Modified Project or the Water and Habitat Alternative) consistent with the Napa County General Plan; (3) adopt the Mitigation Monitoring and Reporting Program; (4) adopt the Modified Project Alternative and (5) approve ECPA No. P14-00410-ECPA as revised to reflect the Modified Project, which generally consists of increased stream setbacks to avoid areas with relative higher biological value, and provide for greater wildlife movement. The project site is located on 88.3-acres south of the community of Angwin, on the east side of Howell Mountain Road and west of Cold Springs Road, within the unincorporated portion of Napa County (County) and zoned Agricultural Watershed (AW) and general plan designated Agricultural, Watershed and Open Space (AWOS) on Assessor's Parcel Numbers (APNs) 024-300-070, 024-300-071, 024-300-072, and 024-340-001.

(APPELLANT, APPLICANT AND STAFF REQUEST A CONTINUANCE TO AUGUST 15, 2023, AT 9:00 A.M.)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
6/6/2023	1	Board of Supervisors		

**TO:** Board of Supervisors

**FROM:** Brian Bordona - Interim Director, Planning, Building and Environmental Services

**REPORT BY:** Brian Bordona - Interim Director, Planning, Building and Environmental Services

**SUBJECT:** Le Colline Vineyard Appeal - Continuance Requested to August 15, 2023

## **RECOMMENDATION**

### PUBLIC HEARING 9:00 AM - Le Colline Appeal

Consideration and possible direction regarding an appeal filed by Center for Biological Diversity (Appellant) concerning the Le Colline Vineyard agricultural erosion control application (P14-00410-ECPA) submitted by Le Colline, LLC and Cold Springs, LLC (Applicant) to a decision made by the Designee of the Interim Director of the Planning, Building and Environmental Services (PBES) Department on March 24, 2023, to: (1) certify the Final EIR prepared for the Le Colline ECPA (P14-00410-ECPA); (2) adopt the findings required pursuant to the California Environmental Quality Act (CEQA) including, but not limited to, rejecting the Proposed Project, the No Project Alternative and the Reduced Intensity Alternative, finding the Increased Water Quality and Sensitive Habitat Protection Alternative as revised and as set forth in the FEIR (the Modified Project or the Water and Habitat Alternative) consistent with the Napa County General Plan; (3) adopt the Mitigation Monitoring and Reporting Program; (4) adopt the Modified Project Alternative and (5) approve ECPA No. P14-00410-ECPA as revised to reflect the Modified Project, which generally consists of increased stream setbacks to avoid areas with relative higher biological value, and provide for greater wildlife movement. The project site is located on 88.3-acres south of the community of Angwin, on the east side of Howell Mountain Road and west of Cold Springs Road, within the unincorporated portion of Napa County (County) and zoned Agricultural Watershed (AW) and general plan designated Agricultural, Watershed and Open Space (AWOS) on Assessor's Parcel Numbers (APNs) 024-300-070, 024-300-071, 024-300-072, and 024-340-001.

(APPELLANT, APPLICANT AND STAFF REQUEST A CONTINUANCE TO AUGUST 15, 2023, AT 9:00 A.M.)

## **EXECUTIVE SUMMARY**

The matter before the Board involves an appeal filed by Appellant to a decision by the Designee of the Interim Director of the PBES Department on March 24, 2023, to certify a Final EIR, adopt CEQA findings and approve agricultural erosion control plan P14-00410-ECPA submitted by the Applicant to develop and operate approximately 20.55 net acres of new vineyard within the Lake Hennessey sensitive domestic water supply drainage. The project also involves a timberland conversion permit from CDF.

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 Appellant's, Applicant's and Staff's schedules, it is requested that the appeal be heard on August 15, 2023. In order to satisfy the ninety-day scheduling deadline in the appeals ordinance, all parties request that the Chair introduce the item, open the public hearing, and request a motion for continuance to August 15, 2023, at 9:00 a.m. Since this is a simple continuance and the project will not be discussed, Staff presentation and public testimony will not occur at the June 6, 2023, meeting. The Staff presentation and presentations by the Applicant and Appellant along with public comment regarding the appeal and the project will occur at the hearing on August 15th. Written public comments should be submitted in advance of the August 15th hearing.

Staff, Applicant and Appellant all support the continuance.

**PROCEDURAL REQUIREMENTS:**

1. Chair introduces items and opens the public hearing.
2. Motion by a Board member, second by another Board member, and a vote by the Board to continue the item to August 15, 2023, at 9 a.m.

**FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact?	No
Is it currently budgeted?	No
Is the general fund affected?	No
County Strategic Plan pillar addressed:	Effective and Open Government

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: Draft Environmental Impact Report (State Clearinghouse No. 2016042030) prepared (January 2019); Final Environmental Impact Report (FEIR) prepared (December 2022) and certified.

**BACKGROUND AND DISCUSSION**

The matter before the Board involves an appeal filed by Appellant concerning the Le Colline Vineyard agricultural erosion control application (P14-00410-ECPA) submitted by Applicant and the decision made by the Designee of the Interim Director of the PBES Department on March 24, 2023, to: (1) certify the Final EIR prepared for the Le Colline ECPA (P14-00410-ECPA); (2) adopt the findings required pursuant to the California Environmental Quality Act including, but not limited to, rejecting the Proposed Project, the No Project Alternative and the Reduced Intensity Alternative, finding the Increased Water Quality and Sensitive Habitat Protection Alternative as revised and as set forth in the FEIR (the Modified Project or the Water and Habitat Alternative) consistent with the Napa County General Plan; (3) adopt the Mitigation Monitoring and Reporting Program; (4) adopt the Modified Project Alternative and (5) approve ECPA No. P14-00410-ECPA as revised to reflect the Modified Project, which generally consists of increased stream setbacks to avoid areas with relative higher biological value, and provide for greater wildlife movement. The project site is located on 88.3-acres south of the community of Angwin, on the east side of Howell Mountain Road and west of Cold Springs Road.

On April 7, 2023, a timely appeal packet was filed by Appellant and a timely appeal packet was submitted on April 20, 2023. 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. In order to satisfy the ninety-day scheduling deadline in the appeals ordinance, Staff requests that the Chair introduce the item, open the public hearing and request a motion for continuance to August 15, 2023, at 9:00 a.m. Staff presentation and public testimony will not occur at the June 6, 2023 hearing. Applicant,

Appellant and Staff all support the continuance.