



# Napa County

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## Legislation Text

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**File #:** 24-53, **Version:** 1

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**TO:** Board of Supervisors  
**FROM:** Brian D. Bordona, Director of Planning, Building and Environmental Services  
**REPORT BY:** Donald Barrella, Planner III  
**SUBJECT:** KJS Investment Properties and Sorrento Inc. Appeal

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### **RECOMMENDATION**

PUBLIC HEARING - Hyperion Vineyard Holdings (KJS Investment Properties and Sorrento Inc.) Appeal No.P23-00350-APL.

Open and move to continue the public hearing for an appeal filed by Center for Biological Diversity (Appellant) of the KJS Investment Properties and Sorrento Inc. (Applicant) Agricultural Erosion Control Plan No. P17-00432-ECPA approved by the Director of the Napa County Planning, Building and Environmental Services (PBES) Department on November 3, 2023. (No Fiscal Impact)

(APPELLANT, APPLICANT, AND STAFF REQUEST A CONTINUANCE TO MAY 7, 2024, AT 2:00 PM)

### **BACKGROUND**

The matter before the Board involves an appeal filed by Appellant of the KJS Investment Properties and Sorrento Inc. (Applicant) Agricultural Erosion Control Plan (ECPA) No. P17-00432-ECPA and the approval decision made by the Director of the PBES Department on November 3, 2023, to: (1) certify the Final EIR prepared for the KJS Investment Properties and Sorrento Inc. ECPA (No. P17-00432-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 and Increased Stream and Wetland Setback Alternative, finding the Reduced Vegetation Removal/Grading and Road Use Alternative (the Modified Project) as set forth in the Final Environmental Impact Report (FEIR) 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. P17-00432-ECPA as revised to reflect the Modified Project.

The Modified Project consists of a reduced overall footprint (from 156.8 gross acres to 113.4 gross acres) and associated road use and maintenance that reduces vegetation and woodland removal including, avoiding sensitive biotic communities and habitats of limited distribution (purple needlegrass grassland and blue wildrye grassland), increased avoidance of special-status plant and animal species and their habitats (including mapped oak trees greater than 30 inches in diameter at breast height, and areas generally containing higher biological diversity), provides for greater wildlife movement, and decreases surface water demand of the project.

The project site is located at 3380 and 3370 Sage Canyon Road, an approximate 950.9-acre holding situated in the Elder Valley Creek Drainage within the larger Lake Hennessey Sensitive Domestic Water Supply Drainage, approximately 10 miles east of the City of St. Helena, on the north side of Sage Canyon Road approximately 1.25 miles east of its intersection with Lower Chiles Valley Road (APNs 025-270-022 and 025-270-025).

On November 17, 2023, a timely Notice of Intent to Appeal was filed by the Appellant, and on December 5, 2023, the Appellant submitted a timely Appeal Packet.

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 May 7, 2024, at 2:00 p.m. Applicant, Appellant and Staff all support the continuance request.

Staff, Appellant and Applicant presentations and public testimony will not occur at the February 27, 2024 hearing: presentations and public testimony will occur at the May 7, 2024 hearing.

Documents associated with No. P17-00432-ECPA and this appeal record (No. P23-00350-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/dr4xHyB6RpioHyK>

Requested Actions:

1. Chair introduces the item 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 hearing to May 7, 2024, at 2:00 p.m.

**FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact?	No
Is it currently budgeted?	No
Where is it budgeted?	All County staff costs associated with this Appeal will be fully reimbursed by the Applicant on a time and materials basis as set forth in County Fee Policy 80.037 (c).
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	No
Future fiscal impact:	No
Consequences if not approved:	Noncompliance with the County's appeals ordinance (NCC Chapter 2.88), which requires a public hearing on an appeal not less than fifteen days or more than ninety calendar days from submittal of a timely appeal.

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: Draft Environmental Impact Report (State Clearinghouse No. 2018092042) prepared (April 2021); Final Environmental Impact Report (FEIR) prepared (March 2023) and circulated March 17, 2023, and certified on November 3, 2023.