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Agenda Date: 10/21/2014
Agenda Placement: 9C
Set Time: 9:40 AM PUBLIC HEARING
Estimated Report Time: 1 Hour

NAPA COUNTY BOARD OF SUPERVISORS
Board Agenda Letter

TO:	Board of Supervisors
FROM:	David Morrison - Director Planning, Building and Environmental Services
REPORT BY:	Sean Trippi, Principal Planner - 299-1353
SUBJECT:	Woolls Ranch LLC Use Permit Appeal P13-00187

RECOMMENDATION

Consideration and possible action regarding an appeal filed by Patricia Simpson to a decision by the Planning Commission on November 6, 2013, to approve the Woolls Ranch Winery application for a use permit (P13-00187) to establish a new winery with an annual production capacity of 50,000 gallons including: (1) the construction of three new winery buildings with approximately 17,432 sq. ft. of floor area, including 13,060 sq. ft. for production uses and 4,372 for hospitality/administrative uses, including a commercial kitchen; (2) an approximately 7,454 sq. ft. of outdoor work area including a 3,450 sq. ft. covered crush pad; (3) on-site parking for 19 vehicles; (4) a Marketing Plan with four (4) events per month for a maximum of 30 guests at each event; two (2) events per month for a maximum of 100 guests at each event; four (4) events per year for a maximum of 200 guests at each event; and, participation in the wine auction; (5) tours and tastings, which may include food pairing(s), by appointment only for a maximum of 60 visitors per day; (6) hours of operation from 8:00 AM to 8:00 PM (10:00 AM to 5:00 PM tasting and 8:00 AM to 8:00 PM, non-harvest production), 7 days a week; (7) on premise consumption pursuant to the Evans Bill (AB2004); (8) employment of 10 or fewer full-time employees; (9) installation of a new on-site winery process and domestic wastewater treatment system; and, (10) new landscaping, driveway improvements and signage. The approval also includes an exception to the County's Road and Street Standards (RSS) to allow the use of an existing 14' wide access drive for a length of approximately 400-feet (of a 6,700-foot long access drive) with a proposed turnout meeting County standards. The remainder of the access drive will meet County standards. The 236.66 acre Project Site is located on the east side of Mt. Veeder Road, approximately 1,000 feet north of its intersection with Redwood Road within an Agricultural Watershed (AW) zoning district. APN: 035-010-054. (1032 Mt. Veeder Road, Napa).

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed Project would have potentially significant environmental impacts on: Biological Resources and Hydrology & Water Quality if mitigation measures were not included as part of the project. The project is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

(CONTINUED FROM FEBRUARY 25, MAY 20 AND JUNE 10, 2014)

EXECUTIVE SUMMARY

The project involves an appeal of the Planning Commission's approval of a use permit application submitted by Woolls Ranch, LLC (the Applicant) for a new winery with an annual production capacity of 50,000 gallons on the east side of Mt. Veeder Road, approximately 1,000 feet north of its intersection with Redwood Road at 1032 Mt. Veeder Road, Napa, APN 035-010-054 (the Project Site). The appeal raises issues regarding potential groundwater impacts resulting from the proposed Winery and safety issues related to the proposed driveway entrance. Subsequent to filing of the appeal, the Applicant retained a hydrogeologist and submitted a comprehensive water availability analysis addressing potential groundwater impacts. The Applicant also submitted an updated traffic analysis addressing driveway safety issues.

Pursuant to the Board's direction on June 10, 2014, the appeal was continued to today's date to allow staff ample time to review the Applicant's water availability analysis, prepare and circulate a revised CEQA analysis, prepare a comprehensive staff report and revise the conditions of approval adopted by the Planning Commission.

PROCEDURAL REQUIREMENTS

1. Chair introduces item and requests Staff report presentation.
2. Chair opens public hearing, requests testimony from appellant followed by the applicant and any other interested parties.
3. At the beginning of the appeal hearing if an interested party requests that the record be augmented or that the matter be heard de novo, the Board must first decide whether “good cause” (a substantial reason) exists for such request. Any motion made by a member to allow additional evidence or hear all relevant evidence (de novo hearing) should identify the specific facts presented that support the required good cause finding. If no member makes such a motion, the request will be considered denied.
4. After the Board has heard testimony and received evidence from the appellant, staff and interested parties supporting each, Chairman closes the public hearing.
5. A motion of intent is made and seconded to either deny or uphold the appeal and refer the matter to County Counsel’s office for preparation of a Resolution of Findings and Decision on Appeal.
6. Chairman calls for the vote on the motion of intent to either deny or uphold the appeal and refer the matter to the County Counsel's office for preparation of a Resolution of Findings and Decision on Appeal.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Mitigated Negative Declaration. According to the Mitigated Negative Declaration, the proposed Project would have potentially significant environmental impacts on Biological Resources and Hydrology & Water Quality if mitigation measures are not included in the project. The project is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

The matter before the Board is a neighbor appeal to the Planning Commission's decision to approve a use permit establishing a new 50,000 gallon per year winery within approximately 17,432 square feet of buildings, accessory uses, on-site consumption of wines produced on-site, a marketing plan, tours and tastings by appointment only, landscaping and driveway improvement as further described above (the proposed Project or proposed Winery). The Commission also approved an exception to the County's Road and Street Standards for the proposed Project. The proposed Winery is located on a 236 acre parcel on the east side of Mt. Veeder Road, approximately 1,000 feet north of its intersection with Redwood Road within an Agricultural Watershed (AW) zoning district (the Project Site). The Commission's hearing occurred on November 6, 2013.

After considering all written and verbal evidence presented, the Planning Commission closed the public hearing and voted 5:0 to adopt the Subsequent Negative Declaration and to approve the Woolls Ranch Winery Use Permit No. P13-00187 for the proposed Winery. On November 19, 2013, subsequent to the Planning Commission's decision and within the prescribed period, a Notice of Intent to Appeal was filed by Patricia Simpson (hereafter Appellant). On December 5, 2013, an Appeal Application was submitted by Appellant within the required timeframe.

On an appeal from the Planning Commission, the Board's first order of business is to consider whether any new evidence should be admitted as part of the appeal hearing or whether the matter should be heard de novo and whether "good cause" (a substantial reason) exists for such request. Here, on June 10, 2014, the Board found that "good cause" existed to consider the new groundwater analysis because of the potential groundwater impacts raised by the appeal and because that analysis could not have been presented at the time the decision appealed was made. Staff recommends that the Board make its decision on the record below from the Planning Commission and the new groundwater analysis rather than hearing the matter de novo.

Project History

In addition to the proposed Winery, the Project Site is developed with vineyards. The installation of vineyards was previously analyzed in a Mitigated Negative Declaration (MND) adopted in May 2009 for the associated Erosion Control Plan (P08-00436-ECPA)(the ECPA). The ECPA approved 38.55 gross acres (29.75 net acres) of vineyards on the approximately 236 acre site. According to the Applicant, there are approximately 32 acres of vineyards on the property. An additional vineyard block was laid out in the south corner of the development, on the site of a pre-existing seasonal pond, which has been filled, but the average slope was 5% and therefore an erosion control plan was not required. The vineyard development included the installation of five new 10,000 water storage tanks. To date, the water storage tanks have not been constructed/installed. Because the MND addressed the potential impacts related to vineyard development which encompassed the proposed Winery development area, a Subsequent Negative Declaration was prepared to analyze the incremental effects of the proposed Winery development as compared to the previously approved ECPA. At the Planning Commission hearing on the proposed Winery, information was provided that water had been trucked to the Project Site in the summer of 2013 to irrigate the vineyard and neighbors raised concerns about groundwater impacts. The Commission imposed a condition of approval on the proposed Project requiring monitoring of neighbor wells to prevent interference from the Applicant's wells.

Additional information regarding the trucked in water was also submitted as part of this appeal. In light of the issues raised in the appeal regarding the proposed Winery's potential groundwater impacts, staff recommended that the Applicant retain a hydrogeologist to conduct additional testing and analyses to determine whether a potential impact would result and if so, whether it can be adequately and feasibly mitigated. A Phase 2 Water Availability Analysis was prepared by Luhdorff & Scalmanini, dated August 6, 2014 (the Phase 2 WAA), addressing groundwater supply, recharge and potential impacts on nearby wells and on-site springs for the proposed Winery. The Phase 2 WAA provides a comprehensive analysis of the sustainable levels of groundwater available to serve existing and proposed new uses on the Project Site. Because new information contained in the Phase 2

WAA disclosed potential new groundwater impacts which had not been previously analyzed or disclosed, staff prepared and circulated a new stand alone Initial Study/Mitigated Negative Declaration (MND). The MND was released on September 16, 2014, for a thirty day review and comment period which closed on October 15, 2014. Written comments received on the MND as of the date this report was prepared are attached.

STATED BASIS FOR THE APPEAL AND STAFF RESPONSE

A brief summary of Appellant's grounds of appeal is provided below with Staff''s responses. This is a summary only and Staff recommends that the Board review the actual appeal, the Phase 2 WAA, the Planning Commission staff report, and the balance of the administrative record for more detail.

Appeal Ground No. 1: Appellant contends that the proposed Winery will have a negative impact on groundwater supply for residential uses on adjoining properties including the Simpson (Appellant's) property. In particular, Appellant asserts that water has been trucked to the property, that there are discrepancies in the amount of water usage reported in the use permit application and since Applicant drilled its wells and began using groundwater for its vineyard operations, one of the two springs used for residential water supply to the Simpson (Appellant's) property has run dry.

Staff Response:

Staff acknowledges that there were discrepancies in the amount of groundwater usage reported in the use permit application and the Phase One Water Availability Analysis submitted by Applicant and provided to the Planning Commission. However those inconsistencies have been corrected and much more detailed groundwater usage information has been provided by the Applicant and evaluated by staff and the consultant. Since the Commission's decision on the proposed Project, the Applicant has retained Luhdorff & Scalmanini Consulting Engineers (LSCE), a professional hydrogeological engineering consulting firm with extensive Countywide groundwater experience and expertise, to assess groundwater conditions for the Project Site. Staff, the Applicant and LSCE have spent a significant amount of time analyzing of the existing water uses on the Project Site, and conducting aquifer testing so as to provide the public and the Board with a more robust and complete understanding of the overall groundwater availability on the Project Site and the potential groundwater impacts resulting from existing and proposed uses. This additional analysis, compiled in the Phase 2 WAA prepared by LSCE, served as the foundation for the revised Mitigated Negative Declaration that was prepared and circulated for the proposed Winery. A summary of the Phase 2 WAA conclusions and recommendations is provided in this report.

The initial Phase One Water Availability Analysis Considered by the Planning Commission

The initial Phase One Water Availability Analysis (the initial Phase One WAA) prepared by the Applicant in June, 2013 and provided to the Planning Commission stated that existing water usage was approximately 10.41 af/yr for the vineyards. The proposed Winery was expected to require an additional water supply of 1.73 af/yr resulting in an annual water demand 12.12 af/yr. However, the Water Supply Waste Disposal Information Worksheet submitted by Applicant stated that existing water use for vineyard irrigation was 9,500 gal/day (10.64 af/yr) and that the total anticipated water demand for the Project Site would be 11,100 gal/day (12.43 af/yr). This inconsistency in the two documents resulted in a discrepancy of 0.31 af/yr of groundwater usage.

There is also an existing residence located on a separate parcel owned by the Applicant that has received water from wells on the Project Site in the past, but since 2010 has received water purchased from the City of Napa brought in by tanker truck to the home as needed. The initial Phase One WAA did not include an allocation for this home as it was presumed water was supplied from the home site itself. The Project Site also provides the water supply for a neighboring property to the south (the Appellant's/Simpson property) conveyed via a spring box pursuant to a recorded water easement agreement. This water supply was also not included in the Phase One

WAA.

The Revised Water Availability Analysis

Because of these discrepancies, some of which became more apparent as a result of the appeal, and in order to fully assess whether the proposed Winery would have potential groundwater impacts on neighboring wells, springs and water sources, a Phase 2 WAA was completed. The Phase 2 WAA analyzed all of the existing uses that rely on groundwater from the Project Site, including the vineyard, the existing home located on an adjacent parcel owned by the Applicant, and the water supply provided to the Simpson (Appellant) parcel pursuant to a recorded water easement agreement. The earlier Phase One WAA only evaluated the proposed Winery and existing vineyard water demands. The Phase 2 WAA has a broader analysis.

The Project Site has three existing water supply wells (Woolls-Walker well, Winery well, and Pond well). The groundwater from these three wells would be used for the existing vineyards and Winery operations. As noted above, there is a residence located on an adjoining property owned by the Applicant. The Phase 2 WAA refers to this residence as a guest house and states that approximately 3-4 loads of water, or 10,000 gallons per year, have been delivered from the City of Napa for storage at the house. The Applicant states that the home is used infrequently, however in the revised Mitigated Negative Declaration, staff included a groundwater allocation of 0.5 af/yr for this home. This level of water usage is consistent with the County's Estimated Water Use Guidelines for a primary residence, as this is the only home on the property and there is really no way to limit occupancy. Water from the Project Site is also provided from springs on the Project Site to the neighboring Simpson (Appellant's) parcel under a water easement agreement. While the agreement does not guarantee the quantity or quality of the water furnished under the agreement, it does state that the Woolls Ranch "may not interfere with or take any action that will decrease the flow or quality (within legal limits)" to the Simpson's (Appellant's) property. As noted in the Phase 2 WAA, there are no known records of actual water use on the Simpson property. Again, in order to capture all existing groundwater demands on the Project Site, staff allocated 0.5af/yr for this use based on the County's Estimated Water Use Guidelines which are used for purposes of estimating the amount of groundwater used for a residence. The Phase 2 WAA also indicates that a storage tank with a capacity totaling 50,000 gallons will be used to store groundwater pumped for irrigation purposes from the three wells. Water storage tanks for fire protection (53,000 gallons) and domestic use (14,000 gallons) are also proposed and have been analyzed in the Phase 2 WAA. In summary, the existing and proposed Winery annual groundwater demands for the Project Site are as follows:

- Vineyard demand is estimated to range from 12.97 to 13.83 af/yr in normal water years and up to 15.56 af/yr in dry years
- Water demand for Simpson property (Appellant) is 0.5 af/yr
- Water demand for residence owned by Applicant is 0.5 af/yr
- Water demand for the proposed Winery is 1.64 af/yr consisting of 1.23 af/yr for winery operations, 0.04 af/yr for landscaping, 0.14 af/yr for use by employees and 0.23 af/yr for use by visitors

Total Water Demand (Existing and Winery Uses): Projected water demand on the Project Site would be 15.61 to 16.47 af/yr in normal years and 18.21 af/yr in dry years.

Aquifer Testing and Conclusions

At the Planning Commission hearing on the project, Appellant and one other neighbor expressed concerns regarding potential well interference from groundwater used on the Woolls Ranch. The Commission imposed a condition of approval on the proposed Project that required monitoring of wells to address well interference concerns. As part of the Phase 2 WAA, aquifer testing on all three wells located on the Project Site was performed to assess the connectivity of the fractured rock aquifer between the on-site wells, a nearby well on an adjoining

property (Allen/Campbell well), and naturally-occurring springs and/or surface water bodies.

The three wells on the Woolls Ranch (Project Site) were tested separately and pumped for approximately one day each in March and April, 2014. Pumping rates in gallons per minute (gpm) were recorded from the wells when the pump was running. The average pumping rate for the Winery well was approximately 19.74 gpm, 18.07 gpm for the Woolls-Walker well, and 27 gpm for the Pond well. The aquifer testing showed that pumping for a 24-hour period at the Winery well and the Pond well had no effect on other wells, springs, or surface water bodies. However, when the Woolls-Walker well was tested, a reduction in groundwater levels in the neighboring Allen/Campbell well was observed during the 24-hour testing period. The Phase 2 WAA concluded that localized impacts and potential pumping interference on the Allen/Campbell well are possible due to its close proximity (approximately 30 feet) to the Woolls-Walker well, the similar depths of the two wells, and the low aquifer test at the Woolls-Walker well.

To reduce this potential impact, the Phase 2 WAA recommended that the Applicant: (1) install automated water level monitoring equipment in the Woolls-Walker well to record groundwater levels at 15-minute intervals to the nearest 0.1 foot; and (2) install an automated pump controller at the Woolls-Walker well with the capability to modulate the pumping rate or stop pumping to ensure that the water level is no more than 320 ft. below ground surface due to operation of the pump. This potential impact and resulting mitigation measure have been included in the Mitigated Negative Declaration, agreed to by the Applicant in the Project Revision Statement and included in the revised conditions of approval for the Winery project. (See COA No. 2E.3)

The Phase 2 WAA also evaluated potential impacts on springs and other surface water features and concluded that it is unlikely that pumping by any of the Woolls Ranch wells directly affects the springs or other surface water features including the spring relied on by Appellant for her water source. However, it appears that there may be an *indirect* effect of pumping at the Woolls Ranch on the hydrogeologic environment contributing flow to springs on the same property. In the absence of more conclusive data with which to characterize the nature and extent of the impact, and out of an abundance of caution, the Phase 2 WAA recommends that the Applicant implement the following monitoring and reporting measures, for a period of five years, to develop data regarding patterns in spring discharge relative to potential factors, including time of year, water year type, groundwater levels, and groundwater use by Applicant:

1. Install automated water level monitoring equipment at the Winery well to record water levels at intervals no greater than 6 hours to the nearest 0.1 foot.
2. Install a flow meter on pipes that convey water from the unnamed springs (i.e., Springs #1 and 2 in the Phase 2 WAA)to the Simpson property and record monthly total flows or install shallow piezometers near these springs and record groundwater levels with automated transducers, if measurements of total spring discharge are not likely to be attained using flow meters on the conveyance pipes.
3. Record monthly and total annual groundwater pumping at the Winery well with a flowmeter.
4. Create an annual summary report of groundwater conditions at the Winery well and flows or groundwater levels at the unnamed springs based on the data described above.

If in the opinion of a hydrogeologist the monitoring data shows a direct impact on spring discharges due to pumping at the Winery well, the Applicant is required to replace the corresponding volume of spring discharge impacted by the Applicant's operations with water pumped from wells on the Applicant's property.

This indirect potential impact and the Phase 2 WAA recommendations have been included in the Mitigated Negative Declaration, agreed to by the Applicant in the Project Revision Statement and are included in the revised conditions of approval on the proposed Winery. (See COA No. 2E.4)

While the Phase 2 WAA concludes that overall there is sufficient groundwater resources on the Project Site to meet

the existing uses and proposed new Winery use, because of a lack of available data regarding historic water levels in the area and to ensure that groundwater demands would not lower groundwater levels over time in a way that effects groundwater resources in the vicinity of the Project Site, staff requested and the Applicant agreed to additional monitoring for a period of five years as follows:

Monitor groundwater levels continuously at

1. All Woolls Ranch wells with automated pressure transducers and at least semi-annually (i.e., in spring and fall) by manual measurement to confirm the transducer data. Quarterly groundwater level measurements will also be recorded at the Allen/Campbell well, pending landowner authorization. Spring and fall manual groundwater levels will be measured to record the annual range of levels typically observed in aquifer systems in the region. When measured manually at the Woolls Ranch wells, groundwater levels will be recorded no sooner than 48 hours after the well last operated in order to collect data representative of aquifer conditions (static groundwater levels).
2. Monitor precipitation onsite or compile precipitation data records from the nearest publicly available source.
3. Record annual groundwater pumpage with flow meters at all wells in production on the Woolls Ranch. Groundwater pumpage shall not exceed 16.47 af/yr in normal years and 18.21 af/yr in dry years.
4. No new on-site or off-site water sources, including but not limited to wells or imported water shall be permitted without additional environmental review and a modification to the use permit. A new Phase 2 Water Availability Analysis shall be required prior to drilling any new wells on the property.
5. Create an annual summary report of groundwater conditions on the Woolls Ranch based on the data described above.

This additional monitoring has been incorporated into the Mitigated Negative Declaration, agreed to by the Applicant in the Project Revision Statement and is included as a revised condition of approval on the proposed Winery. (See COA No. 2E.5)

In light of the additional analysis in the Phase 2 WAA and the revised conditions of approval, in staff's opinion the potential groundwater impacts have been mitigated and monitoring safeguards have been put in place to ensure that the proposed Winery would not have an adverse impact on neighboring wells and surface water features.

Rate of Recharge Analysis and Conclusions

Groundwater recharge is a key component of long-term water supply availability. The geologic materials, soil infiltration rates, and slopes were evaluated by LCSE to assess the potential for groundwater recharge on the Project Site. According to the Phase 2 WAA, the principal areas for recharge appear to occur along the ridgeline on the north to northeastern part of the parcel. The groundwater recharge on the Woolls Ranch parcel is estimated to be approximately 21.79 af/yr in both normal and dry years. The total average annual groundwater recharge volume for the entire Woolls Ranch parcel (e.g., the entire 236 acre holding) is 21.79 AF which represents a parcel-specific fair share volume of groundwater on the property. The average annual groundwater recharge volume is distinct from, and likely much less than, the total volume of groundwater available on the parcel. The average annual groundwater recharge volume represents an amount up to which extraction by pumping is unlikely to reduce groundwater availability on the parcel over time. Staff has included a new condition of approval on the proposed Winery which limits the amount of groundwater pumped to 16.47 af/yr in normal years and 18.21 af/yr in dry years. (See COA No. 2.E5.c)

The projected water demand on the project site is 15.61 to 16.47 af/yr in normal years and 18.21 af/yr in dry years. Based on the professional opinion of LCSE as reflected in the Phase 2 WAA, the average annual groundwater recharge volume is 21.79 af/yr. This results in a net surplus of 3.58 to 5.31 af/yr. The discrepancies in the existing and proposed water usage have been corrected. Revised conditions of approval and intensive monitoring has

been imposed on the proposed Winery. For all of these reasons, staff believes that there is substantial evidence in the record demonstrating that the proposed Winery will not have an adverse impact on groundwater resources.

Appeal Ground No. 2: Appellant asserts that the Applicant has failed to fully disclose the total amount of existing and proposed groundwater usage on the property and has failed to fully complete the use permit application.

Staff Response: Staff agrees with Appellant that a full disclosure of existing and proposed groundwater usage was not provided by Applicant. The use permit application includes a Water Supply/Waste Disposal Information sheet to be filled in by the project Applicant. This sheet asks for current water use, anticipated water demand and water availability. Applicant's original submittal included current water use of 9,500 gallons per day and anticipated water demand of 11,100 gallons per day. However, it did not include water availability. The Water System Feasibility Report, dated August 30, 2013, prepared by Delta Consulting and Engineering indicated that the existing well on the property, which was intended to provide water to the proposed Winery (identified in the Phase 2 WAA as the Woolls Winery well), had a pump rate of 90 gallons per minute. This was the yield during the first two hours of pumping. Pumping over a seven hour time frame produced a yield of 60 gallons per minute. Unfortunately the well pump rate was not provided on the Water Supply Information sheet.

As noted above, a Phase 2 WAA has been prepared for the proposed Project which includes a more detailed break down of the existing and proposed groundwater usage on the Project Site. The Applicant has submitted a revised Water Supply/Waste Disposal Information Sheet (attached) that is consistent with the analysis and findings contained in the Phase 2 WAA. The revised submittal indicates that current water use is 12,796 gallons per day and anticipated water demand is 14,264 gallons per day.

Staff believes that the discrepancies in the existing and proposed water usage have been corrected and disclosed, that the use permit application has been fully completed, that a comprehensive analysis of groundwater use and availability has been prepared and that there is substantial evidence in the record demonstrating that the proposed Winery will not have an adverse impact on groundwater resources.

Appeal Ground No. 3: Appellant contends that the proposed driveway entrance is unsafe and cannot be corrected. In particular, Appellant asserts that: (1) the driveway proposed to access the Winery begins on the Simpson (Appellant's) property and improvements and signage is proposed on Appellant's property without Appellant's consent; (2) the Applicant proposes removal of the embankment but the embankment is not on property owned by Applicant; (4) the Applicant has provided no plans or engineering statements to show what changes to the hillside are proposed and whether those changes are feasible and will not jeopardize the stability of the hillside; and (5) the proposed driveway presents a safety hazard.

Staff Response:

Driveway and Improvements Located on Appellant's Property

In response to this assertion, staff acknowledges that the existing driveway and the proposed improvements are located on a portion of the Appellant's property. However, according to the plans prepared by the Applicant's engineer, the proposed improvements are contained within an existing access easement that provides access to the Applicant's property over a portion of the Appellant's property. A copy of the recorded easement demonstrating Applicant's access rights and a letter from New Albion Surveys, dated November 5, 2013, opining that the proposed driveway improvements are within the existing access easement are attached. The easement is for "road and utility purposes and all uses incidental thereto." It does not limit the access to residential use or have any other limitations on Applicant's access rights and therefore appears to be valid on its face. Appellant has provided no evidence in support of her position that this access easement is invalid on its face. The County does not have jurisdiction in disputes over the validity of recorded private easements.

Lack of Engineering Plans for Embankment and Hillside Improvements

The plans submitted with the use permit application included a profile of the proposed driveway improvements and the portion of the embankment that will be altered to improve sight distance visibility. The project engineer's drawings show grading for the embankment starting at a point approximately 60 feet southwest of the existing driveway and extending into the site along the driveway alignment approximately 180 feet where the grading tapers into the existing driveway. The embankment will be stabilized with a proposed shotcrete wall ranging from 5 to 10 feet in height. The proposed driveway improvements are shown in the graphics attached to this report.

Driveway/Access Safety

Access to the proposed Winery is from an existing driveway on Redwood Road. The proposed Winery also requires an exception to the County's Road and Street Standards to allow an existing portion of the access drive to remain at its 14-foot width for a length of approximately 400-feet (of a 6,700-foot long access drive) with a proposed turnout meeting County standards. The remainder of the access drive will meet County standards. The Traffic Analysis prepared by Darlene Whitlock, PE, PTOE of W-Trans, dated September 10, 2013, indicated existing vehicle speeds on Redwood Road were measured at about 35 miles per hour (mph) with no posted vehicle speed limits in the vicinity of the proposed Project. Stopping sight distances, based on Cal Trans design standards for the measured vehicle speeds, would be 250 feet measured along the two travel lanes on Redwood Road. Vehicle visibility was measured at about 400 feet when exiting the site looking north and about 100 feet when looking south. The proposed Project includes altering the embankment along the southeast corner of the driveway. The traffic study indicated that it is uncertain that a sight distance of 250 feet when exiting the site looking to the south will be achieved as the traffic consultant had not reviewed the proposed alterations to the embankment.

Subsequent to the Planning Commission's decision on the proposed Winery, an addendum to the Traffic Analysis prepared by Darlene Whitlock of W-Trans, dated March 5, 2014, was submitted addressing sight distance to the south for motorists exiting the driveway. The addendum indicates that a brief radar survey was conducted as part of the original Traffic Analysis and that a more exhaustive survey was conducted on February 18, 2014 to better assess the speed of traffic on Redwood Road approaching the Project Site driveway. Based on the more exhaustive radar survey, the 85th percentile vehicle speeds were measured at 30 mph for both directions and 29 mph for northbound traffic. Stopping sight distances would be 200 feet measured along the two travel lanes on Redwood Road. Since stopping sight distances are set in 5-mph increments the stopping sight distance for 29 mph would be slightly less than 200 feet. Since the original Traffic Analysis was prepared, the traffic consultant was able to review the embankment alteration plans and concluded stopping sight distance would be at least 200 feet. Although the addendum concludes that the stopping sight distance should be adequate, a condition of approval is recommended to reevaluate the driveway sight distance once the embankment alteration is completed and provide any additional recommendations prior to occupancy of the proposed Winery. This recommendation has been incorporated as a condition of approval on the Winery project. (See COA No.2C)

Correspondence received to date is attached, excluding correspondence attached to the May 20 and June 10, 2014, reports.

SUPPORTING DOCUMENTS

A . Appeal Packet

B . Conditions of Approval (revised)

C . Mitigated Negative Declaration

D . MMRP / Project Revision Statement

E . Phase 2 WAA - August 6, 2014

F . Water Supply Info & Water System Feasibility Report

G . Access Easement

H . Traffic Study Addendum

I . Transcripts - November 6, 2013 PC Hearing

J . PC Staff Report - November 6, 2013

K . PC Revised Condition of Approval

L . PC Correspondence 1

M . PC Correspondence 2

N . PC Correspondence 3

O . List of Previous Board Correspondence

P . Correspondence

Q . Graphics

CEO Recommendation: Approve

Reviewed By: Molly Rattigan