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Recommended Findings

**PLANNING COMMISSION HEARING – MAY 3, 2017
RECOMMENDED FINDINGS**

**Flora Springs Winery Use Permit Major Modification
Application Number P1500111-MOD & Exception to Road and Street Standards
1978 West Zinfandel Lane, St. Helena, California
APN #027-100-037**

ENVIRONMENTAL:

The Planning Commission (Commission) has received and reviewed the proposed Mitigated Negative Declaration pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County's Local Procedures for Implementing CEQA, and finds that:

1. The Planning Commission has read and considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) prior to taking action on said Mitigated Negative Declaration and the proposed project.
2. The Mitigated Negative Declaration and MMRP is based on independent judgment exercised by the Planning Commission.
3. The Mitigated Negative Declaration and MMRP was prepared and considered in accordance with the requirements of the California Environmental Quality Act (CEQA).
4. There is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment provided that measures to mitigate potentially significant impacts to cultural resources and tribal cultural resources are incorporated into the project approval.
5. There is no evidence, in considering the record as a whole that the proposed project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends.
6. The site of this proposed project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5 and is not within the boundaries of any airport land use plan.
7. The Secretary of the Commission is the custodian of the records of the proceedings on which this decision is based. The records are located at the Napa County Planning, Building & Environmental Services Department, 1195 Third Street, Second Floor, Napa, California.

EXCEPTION TO ROAD AND STREET STANDARDS:

The Commission has reviewed the attached described Road and Street Standards (RSS) Exception request in accordance with Road and Street Standards Section 3 and makes the following findings:

8. The exception will preserve unique features of the natural environment which includes, but is not limited to, steep slopes, heritage oak trees, or other trees of at least 6"dbh and found by the decision-maker to be of significant importance, but does not include man made

environmental features such as vineyards, rock walls, ornamental or decorative landscaping, fences or the like.

Analysis: The requirement to improve the existing historical bridge constructed in 1902 to current Napa County RSS would likely result in the need to replace this historical structure with a new bridge. Construction of a new bridge across the existing blueline stream could result in potentially negative environmental impacts.

9. The exception is necessary to accommodate other limiting factors such as recorded historical sites or legal constraints.

Analysis: The historic bridge is abutted on both ends by a 20-foot wide driveway which meets the County's RSS. An evaluation of the bridge's condition was conducted as part of the exception request by Morris Engineering. According to the report, "based on visual review and measurements, it is our opinion that both bridge superstructures are currently capable of safely providing access for HS20-44 trucks to the winery" (*Opinion of Bridge Condition for Two Existing Bridges Across an Unnamed Creek for Access to Flora Springs Winery and Vineyards in Saint Helena, Napa County, CA, 2016*). Disapproval of the exception request would likely require destruction of the existing historical bridge.

10. Grant of the Road and Street Standards Exception will provide the same overall practical effect as the Standards do in providing defensible space, and does not adversely affect the life, safety, and welfare of the public or persons coming to the property.

Analysis: The County Engineering Division has discussed the request with the Napa County Fire Department and has conducted a site visit. Engineering staff recommends approval of the requested road exception, subject to recommended conditions in their memo of April 13, 2017. The existing site access has been determined to meet the same overall practical effect of the RSS while preserving the historical bridge and avoiding potential impacts to the natural environment by the replacement of the existing bridge. Proposed alternative improvements include the installation of signage cautioning larger vehicles of the localized narrowing at the bridge. The signage will address weight and/or vertical clearance limitations. The existing site access described in the request will serve as an equivalent method by which adherence to the RSS may be achieved and would provide the same overall practical effect as the RSS towards providing defensible space, preserving the natural environment and protecting the life, safety and welfare of the public.

USE PERMIT:

The Commission has reviewed the Use Permit Major Modification request in accordance with the requirements of the Napa County Code §18.124.070 and makes the following findings:

11. The Commission has the power to issue a Use Permit under the Zoning Regulations in effect as applied to property.

Analysis: The project is consistent with the Agricultural Watershed (AW) and Agricultural Preserve (AP) zoning district regulations. A winery (as defined in the Napa County Code Section 18.08.640) and uses in connection with a winery (refer to Napa County Code Section 18.16.030 and 18.20.030) are permitted in the AW and AP Districts with an approved use permit. The project, as conditioned, complies with the Napa County Winery Definition Ordinance (WDO) and all other requirements of the Zoning Code as applicable.

12. The procedural requirements for a Use Permit set forth in Chapter 18.124 of the Napa County Code (zoning regulations) have been met.

Analysis: The Use Permit Major Modification application has been appropriately filed and notice and public hearing requirements have been met. The hearing notice and intent to adopt a Mitigated Negative Declaration were posted on March 31, 2017, and copies were forwarded to appropriate persons on the mailing list. The public comment period ran from March 31, 2017 to May 4, 2017.

13. The grant of the Use Permit, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: Granting the Use Permit Major Modification for the project, as proposed and conditioned, will not adversely affect the health, safety or welfare of the County. Various County divisions and departments have reviewed the project and commented regarding site access, upgrading the existing wastewater disposal system, parking, building permits, and fire protection. Conditions are recommended which will incorporate these comments into the project to ensure the protection of the public health, safety, and welfare.

14. The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan and any applicable specific plan.

Analysis: Compliance with the Zoning Ordinance

The project is consistent with the AW and AP zoning district regulations. A winery (as defined in the Napa County Code Section 18.08.640) and uses in connection with a winery (refer to Napa County Code Section 18.16.030 and 18.20.030) are permitted in the AW and AP Districts with an approved use permit. The proposed project will comply with the development standards of the AP and AW Districts. However, no new buildings or other external changes to the winery's physical facility are proposed nor any production increase. The project, as conditioned, complies with the Napa County Winery Definition Ordinance (WDO) and all other requirements of the Zoning Code as applicable.

Analysis: Compliance with the General Plan

As proposed and as conditioned, the requested Use Permit Major Modification is consistent with the overall goals and objectives of the General Plan (2008). The General Plan land use designation for the subject parcel is Agricultural Watershed & Open Space and Agricultural Resource.

General Plan Agricultural Preservation and Land Use Goal AG/LU-1 guides the County to "preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County." General Plan Goal AG/LU-3 states that the County should "support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands." Goal AG/LU-3 and Policy AG/LU-2 recognize wineries as agricultural uses.

The approved use of the property for fermenting and processing of grape juice into wine supports the economic viability of agriculture within the County, consistent with Goal AG/LU-3

and Policy AG/LU-4 (“The County will reserve agricultural lands for agricultural use including land used for grazing and watershed/open space...”). By allowing the expansion of the existing structures and construction of the proposed structures, the requested Use Permit Major Modification supports the economic viability of both the vineyard and agricultural product processing uses on the property, consistent with Economic Development Goal E-1 and Policy E-1.

The “Right to Farm” is recognized throughout the General Plan and is specifically called out in Policy AG/LU-15 and in the County Code. “Right to Farm” provisions ensure that agriculture remains the primary land use in Napa County and is not threatened by potentially competing uses or neighbor complaints. Napa County’s adopted General Plan reinforces the County’s long-standing commitment to agricultural preservation, urban centered growth, and resource conservation.

Finally, the project is also consistent with General Plan Conservation Policy CON-53 and CON-55, which require that applicants, who are seeking discretionary land use approvals, prove that adequate water supplies are available to serve the proposed use without causing significant negative impacts to shared groundwater resources.

15. That the proposed use would not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on the affected groundwater basin in Napa County, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under §’s 13.15.070 or 13.15.080 of the County Code.

Analysis: The project is categorized as being partially located within the Valley Floor in an area that has an established acceptable water use criteria of 1.0 acre foot per acre per year based upon current County Water Availability Analysis (WAA) policies. Based upon those criteria, the Allowable Water Allotment for the area of the project site located within the Valley Floor (32.7 acres zoned AP) is 32.7 acre-feet per year (af/yr), determined by multiplying the 32.7 acre Valley floor area by a one AF/YR/acre fair share water use factor. The remainder of the parcel is considered “all other areas” based upon current County WAA policies and therefore water use criteria is parcel specific. A Tier 1 analysis was completed by Bartelt Engineering in May 2016 which included a parcel specific recharge evaluation. According to the recharge evaluation, the estimated annual recharge for the remaining area of the subject parcel zoned AW (170.3 acres) located in All Other Areas is estimated to be 16.3 AF/YR while the potential groundwater available during a typical dry year (2013) is 10.3 AF/YR (*Water Availability Analysis for the Flora Springs Winery, 2016*). The winery well is located within the AW zoning district while the vineyard well and well 2 are located within the AP zoning district. Existing water demand for the site is 34.05 AF/YR. The Water Availability Analysis concluded that sufficient water will be available to serve the proposed project. According to the Water Availability Analysis, a total future demand of 34.12 AF/YR, representing a 0.07 AF/YR increase, will be required to serve the site which is below the parcel’s estimated water recharge and allowable water allotment noted above. In summary, the existing yield would be sufficient to serve all uses on the property. Any project which reduces water usage or any water usage which is at or below the established threshold is assumed not to have a significant effect on groundwater levels. Impacts would be less than significant as there is sufficient water supply available to serve the proposed project.

The proposed winery water use is less than the property’s estimated annual groundwater recharge of 16.3 acre feet per year and Allowable Water Allotment of 32.7 acre feet per

year. Thus, the proposed Use Permit Major Modification is consistent with General Plan Goals CON-10 and CON-11, as well as the policies mentioned above that support preservation and sustainable use of groundwater for agricultural and related purposes.

The water availability analysis WAA calculations demonstrated that the project will not have a significant impact on groundwater supply and recharge rates. The project will not require a new water system or other improvements and will not have an impact on local groundwater.