

PLANNING COMMISSION HEARING - MAY 2, 2012
EXHIBIT A - FINDINGS
ROMBAUER VINEYARDS
VARIANCE #P10-00038-VA, USE PERMIT MAJOR MODIFICATION P#10-00039-UP
3522 SILVERADO TRAIL, ST. HELENA, CA
APNS 021-410-025, 021-410-022, & 021-410-021

ENVIRONMENTAL DETERMINATION:

The Conservation, Development, and Planning Commission (Commission) has received and reviewed the proposed Negative Declaration (Environmental Document) pursuant to the provisions of the California Environmental Quality Act (CEQA) and of the Napa County's Local Procedures for Implementing CEQA, and makes the following findings. That:

1. Prior to taking action on the Environmental Document and the proposed project, the Commission read and considered said Environmental Document.
2. The Environmental Document is based on independent judgment exercised by the Commission.
3. The Environmental Document was prepared and considered in accordance with the requirement of CEQA.
4. Considering the record as a whole, there is no substantial evidence that the project will have a significant effect on the environment.
5. The Secretary of the Commission is the custodian of the records of the proceedings on which this decision is based. Records are located at the Napa County Conservation, Development, and Planning Department, 1195 Third Street, Room 210, Napa, California.

VARIANCE REQUIRED FINDINGS:

The Commission has reviewed the variance request in accordance with the requirements of Napa County Code §18.128.060 and makes the following findings. That:

6. The procedural requirements set forth in this chapter have been met;

Analysis: The variance application has been filed and noticed, and public hearing requirements have been met. The hearing notice was posted on April 12, 2012 and copies were forwarded to all interested parties.

7. Special circumstances exist applicable to the property, including size, shape, topography, location or surroundings, because of which strict application of the zoning district regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;

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Analysis: Special circumstances exist applicable to the property due to size, shape and topography, because of which strict application of the zoning district regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Due to the steep terrain on this knoll site, there is no buildable site on the parcel located outside the 600 foot setback for an administrative building and related site improvements. The only portion of the parcel that falls outside the 600 foot setback has a steep slope and would require the removal of a significant number of trees for the construction of the building, employee parking and road improvements needed to meet safety standards. Use of this specific building location in which a temporary office trailer and employee parking already exists, as well as, the existing access road would avoid significant adverse impacts to the parcel.

8. Grant of the variance is necessary for the preservation and enjoyment of substantial property rights;

Analysis: The parcel is zoned Agricultural Preserve (AP) which allows wineries and accessory uses in connection with a winery, subject to the approval of a conditional use permit. All wineries in Napa County typically require office space to conduct administrative functions essential to winery operations. Under Use Permit Modification #96010-MOD, the Winery was authorized to construct a 1,980 sq.ft. winery addition for office, lab and work area. However, other operations and improvements of the winery took precedence and required temporary office space to be utilized instead. Upon reassessment of winery needs to date, the proposed administrative building space is still desirable to the operator. As discussed in the above special circumstances finding, the Commission finds that a variance from the 600 foot Silverado Trail setback is warranted to allow the construction of an administrative building in connection with an existing winery on the property as allowed by and even encouraged in the General Plan. (See Economic Development Policy E-1 – “The County’s economic development will focus on ensuring the continued viability of agriculture...”). The grant of this variance will not confer a special privilege to the applicant, as the Commission has previously granted variances to allow the construction of wineries, including accessory facilities, within roadway setbacks on properties with the same zoning and substantially similar property characteristics.

9. Grant of the variance will not adversely affect the public health, safety or welfare of the County of Napa; and

Analysis: Various County departments have reviewed the project and commented regarding water, waste water disposal, building permits and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the

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protection of the public health and safety. The requested variance will allow the construction and use of an administrative office building in connection with an existing winery facility within 420' of the required Silverado Trail roadway setback where 600 feet is required in furtherance of the goals and policies of the Napa County General Plan.

10. In the case of other groundwater basins, or areas which do not overlay an identified groundwater basin, where grant of the variance cannot satisfy the criteria specified for approval or waiver of a groundwater permit under Section No. 13.15.070 or 13.15.080, substantial evidence has not been presented demonstrating that grant of the variance might cause a significant adverse affect on any underlying groundwater basin or area which does not overlay an identified groundwater basin.

Analysis: The subject property is not located in a "groundwater deficient area" as identified in Section 13.15.010 of the Napa County Code. Minimum thresholds for water use have been established by the Department of Public Works using reports by the United States Geological Survey (USGS). These reports are the result of water resources investigations performed by the USGS in cooperation with the Napa County Flood Control and Water Conservation District. Any project which reduces water usage or any water usage which is at or below the established threshold is, for purposes of the application of the County's Groundwater Conservation Ordinance, assumed not to have a significant effect on groundwater levels. Based on the submitted *Phase One* water availability analysis, the 31.85 acre subject valley-area parcel has a water availability calculation of 31.85 acre feet per year (af/yr), which is arrived at by multiplying its approximately 31.85 acre size by a one acre feet per year per acre fair share water use factor. No changes are proposed to the winery's production, and the Water Demand Calculations submitted placed water demand for the winery, tasting room, wine production and existing residence at 10 af/yr. Based upon this figure, the project would be below the established threshold for groundwater use on the property. The County is not aware of, nor has it received any reports of, groundwater shortages near the project area. The project will not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level.

USE PERMIT MAJOR MODIFICATION FINDINGS:

The Commission has reviewed the use permit modification request in accordance with the requirements of Napa County Code §18.124.070 and makes the following findings. That:

11. The Commission has the power to issue a use permit under the zoning regulations in effect as applied to the property;

Analysis: The project is consistent with AP (Agricultural Preserve) zoning district regulations. A winery (as defined in Napa County Code § 18.08.640) and uses in

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connection with a winery (see Napa County Code § Section 18.16.030) are permitted in an AP zoning district with an approved use permit. The project complies with the requirements of the Winery Definition Ordinance (Ord. No. 947, 1990) and the remainder of the Napa county Zoning Ordinance (Title 18, Napa County Code), as applicable.

12. The procedural requirements for a use permit set forth in Chapter 18.124 (Use Permits) of the Napa County Code have been met;

Analysis: The use permit application has been filed and noticed, and public hearing requirements have been met. The hearing notice was posted on April 12, 2012 and copies were forwarded to all interested parties.

13. The grant of a use permit modification, as conditioned, will not adversely affect the public health, safety, or welfare of the County of Napa;

Analysis: Various County departments have reviewed the project and commented regarding water, waste water disposal, building permits and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health and safety.

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

Analysis: The Winery Definition Ordinance (WDO) was established to protect agriculture and open space and to regulate winery development and expansion in a manner that avoids potential negative environmental effects. The project complies with the requirements of the Winery Definition Ordinance (Ord. No. 947, 1990) and the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code) as applicable.

This proposal is consistent with the *Napa County General Plan 2008*. The subject parcel is located on land designated **Agricultural Resource (AR)** on the County's adopted General Plan Land Use Map. This project site contains an existing an agricultural processing facility (winery), along with wine storage, bottling, and other proposed WDO-compliant accessory uses, operation features and physical improvements as outlined in and limited by the approved project scope (see Attachment B, Conditions of Approval) These uses fall within the County's definition of agriculture and thereby preserve the use of agriculturally designated land for current and future agricultural purposes.

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 Agricultural Preservation and Land Use

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Goal AG/LU-3 states 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.” Approval of this project furthers both of these key goals.

Additionally, the use of the property for the “fermenting and processing of grape juice into wine” as permitted under Napa County Code Section No. 18.08.640, supports the economic viability of agriculture within the county consistent with General Plan Agricultural Preservation and Land Use **Policy AG/LU-4** (“The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/ open space...”) and General Plan Economic Development **Policy E-1** (The County’s economic development will focus on ensuring the continued viability of agriculture...).

The General Plan also includes two complementary policies requiring that new wineries, “...be designed to convey their permanence and attractiveness.” (General Plan Agricultural Preservation and Land Use **Policy AG/LU-10** and General Plan Community Character **Policy CC-2**) As approved here, the architectural design and massing of the new administrative building and other physical site improvements are complimentary to its surrounding agricultural environs and strongly conveys the agricultural nature of its use.

Agricultural **Policy AG/LU-13** of the County General Plan recognizes wineries, and any use clearly accessory to a winery, as agriculture. The Land Use Standards of the General Plan **Policy AG/LU-2** list the processing of agricultural products as one of the general uses recognized by the AW and AR land use designations. The proposed project allows for the continuation of agriculture as a dominant land use within the county and is consistent with General Plan Agricultural **Policy AG/LU-13**.

Finally, the project is consistent with General Plan Conservation **Policy CON-53 and CON-55**, which requires that applicants seeking discretionary land use approvals prove the availability of adequate water supplies which can be appropriated without significant negative impacts on shared groundwater resources. As analyzed below, the proposed administrative building, minor changes in Rombauer’s tours & tastings/marketing program, and other physical site improvements in connection with the existing winery will not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level.

The “Right to Farm” is recognized throughout this Plan and is specifically called out in both this Element 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.

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15. In the case of other groundwater basins, or areas which do not overlay an identified groundwater basin, substantial evidence has not been presented which demonstrates that the new water system or improvement might cause a significant adverse affect on any underlying groundwater basin, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Section 13.15.070 or 13.15.080 of this code.

Analysis: 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. Minimum thresholds for water use have been established by the Department of Public Works using reports by the United States Geological Survey (USGS). These reports are the result of water resources investigations performed by the USGS in cooperation with the Napa County Flood Control and Water Conservation District. Any project which reduces water usage or any water usage which is at or below the established threshold is, for purposes of the application of the County's Groundwater Conservation Ordinance, assumed not to have a significant effect on groundwater levels. Based on the submitted *Phase One* water availability analysis, the 31.85 acre subject valley-area parcel has a water availability calculation of 31.85 acre feet per year (af/yr), which is arrived at by multiplying its approximately 31.85 acre size by a one acre feet per year per acre fair share water use factor. No changes are proposed to the winery's production, and the Water Demand Calculations submitted placed water demand for the winery, tasting room, wine production and existing residence at 10 af/yr. Based upon this figure, the project would be below the established threshold for groundwater use on the property. The County is not aware of, nor has it received any reports of, groundwater shortages near the project area. The project will not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level.

EXCEPTION TO ROAD & STREET STANDARDS FINDINGS:

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

16. The exception will preserve unique features of the natural environment which includes, but is limited to, natural water courses, steep slopes, geological features, heritage oak trees, or other trees of 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 applicant has proposed interior road modifications which will localize narrowing of the existing upper driveway and reduce the inside radius of curvature over a short section of roadway. The Department of Public Works has reviewed this request and determines that the requested exception is necessary to protect and ensure the preservation

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of unique features of the natural environment such as steep slopes and Pacific Douglas Firs greater than 6" dbh.

17. The Road and Street Standards Exception allows a situation that provides the same overall practical effect as the Standards do in providing defensible space, and does not adversely effect the life, safety, and welfare of the public or persons coming to the property.

Analysis: Approval of this exception, as conditioned herein, will improve emergency vehicle access and general traffic flow along the subject access drive above existing conditions while protecting the vast majority of the unique features of the natural environment near the roadway including steep slopes and native trees with a diameter greater than 6". The Project has been designed to comply with emergency access and response requirements and has been reviewed by the Napa County departments responsible for emergency services; it will not have a negative impact on the public health, safety, or welfare.