

**EXHIBIT A - FINDINGS  
PLANNING COMMISSION HEARING – SEPTEMBER 16, 2015**

**Dalla Valle Vineyards Use Permit, Viewshed, Exception to the Road & Street Standards  
Application Numbers P14-00121-UP and P15-00198-VIEW  
7776 Silverado Trail, Oakville, California  
APN #031-060-027**

**ENVIRONMENTAL:**

The Planning Commission (Commission) has received and reviewed the proposed 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 Negative Declaration prior to taking action on said Negative Declaration and the proposed project.
2. The Negative Declaration is based on independent judgment exercised by the Planning Commission.
3. The Negative Declaration 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.
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, Room 210, Napa, California.

**EXCEPTION TO ROAD AND STREET STANDARDS:**

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:

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 road modification request is due to legal constraints (construction outside the existing easement), to avoid grading on steep slopes, and to preserve mature native trees

that would otherwise have to be removed. These exceptions have been reviewed by the County Engineering Services Division and the Fire Marshal and it has been determined that the requested exception will preserve unique features in the natural environment; thereby recommending approval of this request.

9. 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 existing roadway configuration and proposed improvements in the Request, subject to recommended conditions of approval by Engineering Services Division and the Fire Marshal, will serve as an alternate method by which adherence to the RSS may be achieved and will 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.

#### **VIEWSHED:**

The Commission has reviewed the attached Viewshed application and makes the following findings:

10. The project as designed or modified is consistent with Chapter 18.108, Conservation Regulations, of the code.

Analysis: In accordance with Chapter 18.108, no construction occurs on slopes of 30% or greater. In conjunction with the Use Permit and Viewshed applications, the Engineering Services Division has conditioned the submittal of a storm water pollution prevention plan and incorporation of best management practices, as necessary. Plans will be reviewed by staff to meet all the requirements and intent pursuant to Chapter 18.108.

11. If the highest point of the proposed project is located more than twenty-five (25) vertical feet below a major or minor ridgeline, that measures have been included in the project to reduce its visual impact on the major or minor ridgeline through use of existing natural vegetation, landscaping, topographical siting, architectural design, and color tone; or if the highest point of the proposed structure is within twenty-five (25) vertical feet of a major or minor ridgeline, that the existing vegetation, proposed landscaping, topographical siting, architectural design, and color tone screen the predominant portion of the proposed structures.

Analysis: The proposed structure is located more than 25 vertical feet below a major ridgeline. The new barrel room building is proposed to the north side of the existing winery building and outdoor production area and to the northeast of the existing residence. The siting of the building in the proposed location on the northeast side of the existing residence and winery building will help minimize visibility of the building from many areas on Viewshed Roads and the majority of the valley floor. The building is similar to the existing residence and winery building in architectural style and color tone. From many angles, the new building will appear to be a slight extension of the existing structures. The new landscaping will include a combination of trees and shrubs that will be located between the proposed structure and the existing vineyards on the western portion of the property.

12. The proposed structures, access roads and other site improvements are sited and designed to minimize adverse effects on views from designated viewshed roads.

Analysis: As designed the proposed structure will be significantly screened from views on viewshed roads due to the combination of screening by existing structures and vineyards, proposed landscaping, and the hilltop topography.

13. The proposed structures, access road and other site improvements, including earthmoving or grading, and benches or shelves minimize the removal of vegetation.

Analysis: The project site is relatively flat and limited grading will be required. The project includes minimal improvements to the existing access road and driveway. Improvements to the access road occur in heavily treed areas that are not visible from the valley floor.

Vegetation removal for road improvements will be limited to two 8" oak trees and minimal vegetation clearing and two 10" juniper trees. Vegetation removal for the proposed barrel storage building is limited to removal of approximately 0.25 acres of vineyards.

14. The siting and design of site improvements and access roads minimize grading and alteration of natural landforms and topography.

Analysis: The project site is relatively flat and limited grading will be required for the proposed barrel building and improvements to the access road. The siting of the structures on flat portions of the property and strategic locations of road improvements helps minimize the required grading and alterations of the natural landform and topography.

15. A landscape and/or vegetation retention plan in conformance with the Design Manual has been submitted and approved for the site that would provide maximum screening from designated viewshed roads through preservation of existing vegetation and the planting of new vegetation and provide for defensible space in conformance with state law.

Analysis: As proposed, the new landscaping will include a combination of trees and shrubs and a landscaped trellis. The landscaping will be located between the proposed structure and the existing vineyards on the western portion of the property. Existing trees include three elms approximately 30 feet tall with a 16 foot canopy. Proposed landscaping includes olive trees, with an ultimate height of 25 feet and canopy width of 20 feet, and Italian cypress, with an ultimate height of 40 feet and width of 6 feet. The combination of landscaping will provide significant screening. The design and location of proposed vegetation allows for the required defensible space.

16. The proposed structures and associated improvements substantially conform to the Design Manual in order to reduce their visual impact on the views of major and minor ridgelines as viewed from any designated viewshed road and unique topographic or geologic features as viewed from any county road. The following landforms will be considered to be unique topographic or geologic features for the purposes of this subsection: Mt. St. Helena, Stag's Leap, Calistoga Palisades, Round Hill, Mt. George and Mt. St. John, all of which are not applicable to this site.

Analysis: The proposed structures will be located more than 25 vertical feet below a major ridgeline of the hillside directly behind it. Therefore, as designed the proposed project and associated improvements substantially conform to the County's Design Manual, and thereby reduce visual impacts on ridgelines. No unique topographic or geologic features are applicable to this subject site.

## **PLANNING AND ZONING ANALYSIS:**

### **USE PERMIT:**

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

17. 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 AW (Agricultural Watershed) 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) are permitted in the AW District 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.

18. 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 application has been appropriately filed and notice and public hearing requirements have been met. The hearing notice and intent to adopt a Negative Declaration were posted on August 26, 2015, and copies were forwarded to appropriate persons on the mailing list. The public comment period ran from August 27, 2015 through September 15, 2015.

19. 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 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 modifications to the existing road and driveway, grading, drainage, the existing septic system, parking, building permits, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health, safety, and welfare.

20. 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 (Agricultural Watershed) 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 18.20.030) are permitted in the AW District with an approved use permit. The existing site improvements currently comply with the development regulation of the AW District, including the minimum 600-foot road setback for winery buildings and 35-foot maximum building height as prescribed in County Code Sections 18.104.010, 18.104.220 and 18.104.230. 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 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.

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 existing permitted winery to increase its storage capacity in support of producing at maximum capacity, the proposed Use Permit 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.

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.

For this project a Water Availability Analysis (WAA), prepared in accordance with the County’s adopted WAA Guidelines (May 2015), was submitted by Delta Consulting and Engineering. The analysis, dated August 24, 2015 Revised September 3, 2015, includes a Tier 1 analysis detailing the existing and proposed water uses and an analysis of the aquifer recharge rate as well as a Tier 2.

The Tier 1 analysis calculated an estimated annual proposed water use, for all current uses on the parcel, as 6.567 acre-feet per year. The calculated proposed water use, for all current uses on the parcel, is calculated as 6.534 acre feet per year, resulting in a reduction of 0.032 acre feet per year. The winery water use (process water, domestic water, employees, and landscaping for the winery) is calculated at 0.597. The WAA calculations demonstrated that due to the removal of vineyards for the construction of the requested barrel storage building, the project would not increase overall water demand.

The proposed winery water use is less than the property’s calculated recharge rate of 7.79 acre feet per year. Thus, the proposed Use Permit is consistent with General Plan Goals CON-10 and CON-11, as well as the policies mentioned above that support reservation and sustainable use of groundwater for agricultural and related purposes. (The specifically-

identified goals and policies with which the proposed Major Modification is consistent are listed at the conclusion of these findings).

21. 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 §'s13.15.070 or 13.15.080 of the County Code.

**Analysis:** The water availability analysis (WAA) calculations demonstrated that due to the removal of vineyards for the construction of the requested barrel storage building, the project would not increase overall water demand and the proposed winery water use is less than the calculated recharge rate for the property which was calculated at 7.79 acre feet per year. As analyzed in the WAA the estimated annual proposed water use, for all current uses on the parcel, as 6.567 acre-feet per year. The calculated proposed water use, for all current uses on the parcel, is calculated as 6.534 acre feet per year, resulting in a reduction of 0.032 acre feet per year. The winery water use (process water, domestic water, employees, and landscaping for the winery) is calculated at 0.597. The project would not require a new water system or other improvements and would not have an impact on local groundwater.

Applicable Napa County General Plan goals and policies:

Goal AG/LU-1: Preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.

Goal AG/LU-3: Support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.

Policy AG/LU-2: "Agriculture" is defined as the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses. Agriculture also includes farm management businesses and farm worker housing.

Policy AG/LU-4: The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/open space, except for those lands which are shown on the Land Use Map as planned for urban development.

Policy AG/LU-8: The County's minimum agricultural parcel sizes shall ensure that agricultural areas can be maintained as economic units.

Policy AG/LU-15: The County affirms and shall protect the right of agricultural operators in designated agricultural areas to commence and continue their agricultural practices (a "right to farm"), even though established urban uses in the general area may foster complaints against those agricultural practices. The "right to farm" shall encompass the processing of agricultural products and other activities inherent in the definition of agriculture provided in Policy AG/LU-2.

Goal CON-10: Conserve, enhance and manage water resources on a sustainable basis to attempt to ensure that sufficient amounts of water will be available for the

uses allowed by this General Plan, for the natural environment, and for future generations.

Goal CON-11: Prioritize the use of available groundwater for agricultural and rural residential uses rather than for urbanized areas and ensure that land use decisions recognize the long-term availability and value of water resources in Napa County.

Policy CON-53: The County shall ensure that the intensity and timing of new development are consistent with the capacity of water supplies and protect groundwater and other water supplies by requiring all applicants for discretionary projects to demonstrate the availability of an adequate water supply prior to approval. Depending on the site location and the specific circumstances, adequate demonstration of availability may include evidence or calculation of groundwater availability via an appropriate hydrogeologic analysis or may be satisfied by compliance with County Code “fair-share” provisions or applicable State law. In some areas, evidence may be provided through coordination with applicable municipalities and public and private water purveyors to verify water supply sufficiency.

Policy CON-55: The County shall consider existing water uses during the review of new water uses associated with discretionary projects, and where hydrogeologic studies have shown that the new water uses will cause significant adverse well interference or substantial reductions in groundwater discharge to surface waters that would alter critical flows to sustain riparian habitat and fisheries or exacerbate conditions of overdraft, the County shall curtail those new or expanded water uses.

Policy CON-60.5 All aspects of landscaping from the selection of plants to soil preparation and the installation of irrigation systems should be designed to reduce water demand, retain runoff, decrease flooding, and recharge groundwater.

Policy CON-72: The County shall seek to reduce the energy impacts from new buildings by applying Title 24 energy standards as required by law and providing information to the public and builders on available energy conservation techniques, products, and methods available to exceed those standards by 15 percent or more.

Policy CON-77: All new discretionary projects shall be evaluated to determine potential significant project-specific air quality impacts and shall be required to incorporate appropriate design, construction, and operational features to reduce emissions of criteria pollutants regulated by the state and federal governments below the applicable significance standard(s) or implement alternate and equally effective mitigation strategies consistent with BAAQMD’s air quality improvement programs to reduce emissions. In addition to these policies, the County’s land use policies discourage scattered development which contributes to continued dependence on the private automobile as the only means of convenient transportation. The County’s land use policies also contribute to efforts to reduce air pollution.

Policy CON-81: The County shall require dust control measures to be applied to construction

projects consistent with measures recommended for use by the BAAQMD [Bay Area Air Quality Management District].

Goal E-1: Maintain and enhance the economic viability of agriculture.

Policy E-1: The County's economic development will focus on ensuring the continued viability of agriculture in Napa County.

Policy SAF-20: All new development shall comply with established fire safety standards. Design plans shall be referred to the appropriate fire agency for comment as to:

- 1) Adequacy of water supply.
- 2) Site design for fire department access in and around structures.
- 3) Ability for a safe and efficient fire department response.
- 4) Traffic flow and ingress/egress for residents and emergency vehicles.
- 5) Site-specific built-in fire protection.
- 6) Potential impacts to emergency services and fire department response.