

“B”

Findings

**PLANNING COMMISSION HEARING – AUGUST 17, 2016  
FINDINGS**

**FROG'S LEAP WINERY  
MAJOR MODIFICATION #P14-00054-MOD  
8815 CONN CREEK ROAD  
(APN: 030-090-033-000)**

**ENVIRONMENTAL DETERMINATION:**

The Planning Commission (Commission) has received and reviewed the proposed Revised Initial Study / Negative Declaration pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County's Local Procedures for Implementing CEQA, and makes the following findings:

1. The Commission has read and considered the Initial Study/Revised Negative Declaration, as well as any comments received thereon, prior to taking action on Revised Negative Declaration and the proposed project.
2. The Revised Negative Declaration is based on independent judgment exercised by the Planning Commission.
3. The Revised Negative Declaration was prepared and considered in accordance with the requirements of the 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 Planning 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, Suite 210, Napa, California.

**USE PERMIT:**

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

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

**Analysis:** The project is consistent with AP (Agricultural Preserve) zoning district regulations. A winery (as defined in Napa County Code Section 18.08.640) and uses in connection with a winery (see Napa County Code Section 18.16.030) are permitted in an AP zoned 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.

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

**Analysis:** The Use Permit Modification application has been appropriately filed, and notice and public hearing requirements have been met. The Notice of Intent to Adopt a Negative Declaration was published by the Office of Planning and Research; posted with the Napa County Clerk on March 18, 2016, and was published in the Napa Valley Register on March 18, 2016 and copies of the notice were mailed via first class mail to owners of property within 1,000 feet of the subject parcel, as well as other interested parties. The public comment period ran from March 19, 2016, through April 19, 2016.

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

**Analysis:** Granting the Use Permit Modification as proposed and conditioned will not affect the health, safety or welfare of the County. Various County divisions and departments have reviewed the project and commented regarding traffic, storm water, grading, waste disposal, and water demands. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health, safety, and welfare.

11. 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.

**Analysis:** 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. 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 applicable provisions of the Napa County Zoning Ordinance (Title 18, Napa County Code).

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 proposal is for modifications to an existing WDO winery use as outlined in and limited by the approved project scope. (See Attachment 'B', Conditions of Approval.) These uses are either accessory to or 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 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."

As approved here, the use of the property for the "growing and raising of...food crops (NCC Section 18.08040) 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..."). Policy AG/LU-8 also states, "The County's minimum agricultural parcel sizes shall

ensure that agricultural areas can be maintained as economic units and General Plan Economic Development Policy E-1 (The County's economic development will focus on ensuring the continued viability of agriculture...). Approval of this project furthers these key goals.

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 General Plan Policy AG/LU-2 list the processing of agricultural products as one of the general uses recognized by the 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.

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 the availability of adequate water supplies which can be appropriated without significant negative impacts on shared groundwater resources.

Finally, 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. On balance, this project is consistent with the General Plan's overall policy framework and with the Plan's specific goals and policies.

12. That the proposed use would not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on an 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 Sections 13.15.070 or 13.15.080 of the County Code.

**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, is assumed not to have a significant effect on groundwater levels. The threshold for this valley floor parcel is 38.92 af/yr, which is calculated by applying a rate of 1.0 af/yr multiplied by the total acreage of the site. Current water use for the vineyard is 0.0 AF/YR as the vineyards are not irrigated with groundwater and are dry farmed. The winery and agricultural processing facility is expected to use 16.05 AF/YR, an increase from 15.194 AF/YR which includes 10.0 AF/YR from the existing decorative landscaping and orchard. Based on the submitted Tier 1 Water Analysis Study, prepared by Applied Civil Engineering, Inc. the fair share water available is estimated to be 38.92 AF/YR. The proposed water use of 16.05 AF/YR, an increase of 0.14 AF/YR, is well below the available groundwater of 38.92 AF/YR available to the site and no significant impact would occur.