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## Recommended Findings

**PLANNING COMMISSION HEARING – SEPTEMBER 21, 2016  
RECOMMENDED FINDINGS**

**KENZO ESTATES  
MAJOR MODIFICATION #P15-00293-MOD  
3200 MONTICELLO ROAD  
(APN: 033-110-075-000)**

**ENVIRONMENTAL DETERMINATION:**

The Planning Commission (Commission) has received and reviewed the proposal 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 Commission has read and considered the Initial Study/Negative Declaration, as well as any comments received thereon, prior to taking action on the Negative Declaration and the proposed project.
2. The Negative Declaration is based on independent judgment exercised by the Planning Commission.
3. The Initial Study and Negative Declaration were 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 Napa County Code §18.124.070 and makes the following findings. That:

8. 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 AW (Agricultural Watershed) zoning district regulations. A winery (as defined in Napa County Code §18.08.640) and uses in connection with a winery (see Napa County Code § 18.20.030) are permitted in an AW-zoned district subject to use permit approval. The project complies with the requirements of the Winery Definition Ordinance (Ord. No. 947, 1990, *as amended*) and the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code), as applicable.

9. The procedural requirements for a use permit set forth in Chapter 18.124 of the Napa County Code have been met.

**Analysis:** The use permit application has been filed and noticing and public hearing requirements have been met. The hearing notice and intent to adopt the Initial Study/Negative Declaration was posted on August 31, 2016. Copies of the notice were forwarded to property owners within 1000 feet of the Property. The public comment period ran from August 31, 2016 through September 20, 2016.

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

**Analysis:** Various County departments and divisions have reviewed the project and commented regarding water, traffic, access, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the ongoing protection of 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 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), the 2009-2010 Winery Definition Ordinance Update (Ord. No. 1340, 2010), and the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code), all as applicable.

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.” Approval of this project furthers both of these key goals.

The subject parcel is located on land designated Agriculture, Watershed, and Open Space (AWOS) on the County’s adopted General Plan Land Use Map. This project is comprised of wine production up to 102,000 gallons per year, increase daily tours and tastings by appointment, expand the marketing program, increase the number of employees, add on-site premises wine consumption, remove the limitation on custom crush, and expand the wastewater system.

As approved here, the use of the property for the accessory uses thereto supports the economic viability of agriculture within the county consistent with General Plan **Economic Development Policy E-1** (“The County’s economic development will focus on ensuring the continued viability of agriculture...”).

As analyzed in item **№ 12**, below, the 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 project is consistent with General Plan **Conservation Policies CON-53** and **CON-55**, which require that applicants for discretionary land use approvals prove the availability of adequate water supplies, which can be appropriated without significant negative impacts on shared groundwater resources.

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 applicant completed a Water Availability Analysis prepared by RSA+ dated August 31, 2015, which included a parcel specific recharge evaluation. According to the recharge evaluation, the project recharge area revealed that average water year recharge available to the project site was approximately 17.34 AF/YR. Furthermore, the report found there are no non-project wells within 500 feet that would be impacted by the project's water use. The current well produces at 180 gpm. The projected water use for the project is 0.63 AF/YR. Current water use for the vineyard is 5.50 AF/YR and will remain constant. The winery currently uses 2.08 AF/YR and is expected to use 2.71 AF/YR. Landscaping currently utilizes 0.43 AF/YR and will remain constant. The proposed and existing water use of 8.64 AF/YR, represents an increase of 0.63 AF/YR over the existing condition, and is well below the 17.34 AF/YR average water year recharge calculation for the site. The winery, as part of its entitlement will include the County's standard condition of approval requiring well monitoring as well as the potential to modify/alter permitted uses on site should groundwater resources become insufficient to supply the use.