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Recommended Findings

**PLANNING COMMISSION HEARING – DECEMBER 7, 2016
RECOMMENDED FINDINGS**

**Sleeping Lady Winery Use Permit
Application Number P15-00423-UP
5537 Solano Avenue, Napa, California
APN #034-170-005**

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.
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.

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:

8. 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 Sections 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.

9. 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 November 16, 2016, and copies were forwarded to appropriate persons on the mailing list. The public comment period ran from November 16, 2016 to December 6, 2016.

10. 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 ensure 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 and any applicable specific plan.

Analysis: Compliance with the Zoning Ordinance

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 Sections 18.18.030 and 18.20.030) are permitted in the AW District with an approved use permit. The existing and proposed site improvements currently comply with the development regulation of the AW and AP Districts, including the minimum 600-foot road setback for winery buildings, maximum parcel coverage, property line setbacks, and the 35-foot maximum building height as prescribed in County Code Sections 18.104.230.A.1, 18.104.220, and 18.104.010.

The two proposed water tanks would be located approximately 700 feet behind the winery building, on the western hillside with a slope of greater than 15%, making the tanks subject to the County's Viewshed Protection Program (County Code Chapter 18.106). Based on a site visit attended by staff, the applicant's representative, and project engineer on September 1, 2016, and information provided by the applicant's representative it has been determined that the tanks will not be visible from designated public roads (State Highway 29) because of the surrounding topography and existing vegetation. The tanks will be situated within a grove of existing trees, minimal grading will be required for the water tank pad, and no tree removal is required. Potential views from State Highway 29 would be obstructed by the trees on the hillside as well as the trees that line the western side of the highway. In compliance with County Code Section 18.106.040, prior to the issuance of a building permit, the property owner shall be required to execute and record in the county recorder's office a use restriction, in a form approved by county counsel, requiring the existing covering vegetation to be maintained, or replaced with equivalent vegetation, by the owner or the owner's successors, so as to prevent the project from being viewed from any designated public road.

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

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

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...”). The proposed Use Permit supports the economic viability of the vineyard, 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.

12. 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 Sections 13.15.070 or 13.15.080 of the County Code.

Analysis: For this project a Tier I Water Availability Analysis, dated September 7, 2015, was prepared by Applied Civil Engineering, to determine the estimated water use of the existing development and proposed project and to evaluate the water availability. Currently domestic water for the residential structures is supplied from an existing City of Napa water service and groundwater is used for irrigation of vineyards and landscaping. Groundwater will continue to be used for landscape and vineyard irrigation as well as for the proposed winery facility.

According to the Groundwater Monitoring Plan the subject property is located at the boarder of the Western Mountains subarea and the Valley Floor subarea of Napa County. Based on

USGS soil types, the analysis considered the eastern portion of the 104-acre property, approximately 63 acres comprised of the vineyards and existing development, as Valley Floor and considered the approximately 40 acres of hillside as "All Other Areas", as described in the County Water Availability Analysis (WAA). Due to the unique location of the property, on the border between Valley Floor and hillside areas, the analysis considered the location of the well that would serve the winery. Since the groundwater extraction would be from a well located on the Valley Floor area, the Valley Floor screening criteria of 1 acre-foot of water per acre of land was used for the 63 acres of vineyards; generating a water use availability of 63 acre-feet per year. In order to be conservative the analysis did not take into account the water availability or potential recharge of the 40 hillside acres of the property.

According to the Tier 1 analysis, the existing water use for the vineyards, landscaping, and the residential pool (domestic water for the structures is provided by the City of Napa) is 28.6 acre feet. The winery would create an increase in annual water demand, from 28.6 acre feet per year to 29.3 acre feet per year, totaling approximately 0.79 acre feet per year for the proposed winery. Since the proposed water use of 29.3 acre-feet per year is less than the calculated availability of 63 acre-feet per year, the project is found to comply with the WAA requirements and a Tier 2 and Tier 3 analysis are not required.

The proposed Use Permit 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 would not have a significant impact on groundwater supply and recharge rates. The project would not require a new water system or other improvements and would not have an impact on local groundwater.