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Recommended Findings

RECOMMENDED FINDINGS

PLANNING COMMISSION HEARING – JANUARY 18, 2017

**Sam Jasper Winery
Use Permit Application P15-00077 – UP
4059 Silverado Trail, Napa
Assessor's Parcel No. 039-390-023**

ENVIRONMENTAL:

The requested Use Permit to establish a winery is subject to the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) The Planning Commission has received and reviewed the Initial Study for the Use Permit request, pursuant to the provisions of the California Environmental Quality Act (CEQA) and Napa County's Local Procedures for Implementing CEQA, and finds that:

1. The Planning Commission has read and considered the Initial Study, as well as any comments received thereon, prior to taking action on the statement of 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 California Environmental Quality Act.
4. There is no substantial evidence in the record as a whole, that the proposed project will have a significant effect on the environment.
5. 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.
6. 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, Room 210, Napa, California.

USE PERMIT:

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

7. The Planning Commission has the power to issue approval for the Use Permit request under the Zoning Regulations in effect as applied to property.

Analysis: The winery is located on property located in the AP (Agricultural Preserve) District. Wineries in the AP District require Planning Commission approval of a conditional use permit (Napa County Code Section 18.16.030 and 18.124.010). There is no companion

action necessary for the requested Use Permit that would require action by the Board of Supervisors.

8. 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 application for Use Permit has been appropriately filed, and notice and public hearing requirements of Napa County Code Section 18.136.040 and CEQA Guidelines Section 15072 have been met. The notice of public hearing and intent to adopt a Negative Declaration were published in the Napa Valley Register and posted with the Napa County Clerk on December 28, 2016; and on or prior to December 28, 2016, copies of the notice were mailed via first class mail to owners of property within 1,000 feet of the subject parcel and via first class mail or electronic mail to the applicant, property owner, his representative, and other interested parties who had previously requested such notice. The public comment period ran from December 28, 2016, through January 17, 2017.

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

Analysis: Implementation of the proposed project will have the effect of reducing groundwater demands compared to the current condition, as the water necessary for production at the requested capacity of 20,000 gallons of wine per year will demand less water when compared to irrigation needs for the existing vineyard acreage, which will be reduced from 7.25 acres to 4.86 acres following construction of the winery building. The proposal also includes extension of the existing left-turn lane on Silverado Trail at the property frontage, which will provide sheltered left-turn vehicle movements into and out of the proposed winery site. Other site improvements include a new wastewater treatment system, as well as covered work and refuse storage areas and stormwater bioretention basins intended to preserve the quality of stormwater runoff from the developed winery area of the site. New driveways to the winery have been designed in accordance with Napa County Road and Street Standards to ensure that emergency responders will be capable of maneuvering around the property when responding to calls for service.

Various County divisions and departments have also reviewed the project and commented regarding potable water supply, wastewater treatment system design, stormwater quality preservation and sediment control, and emergency response access and life safety matters related to the proposed project. Conditions are identified that will incorporate these comments, along with other standard County conditions pertaining to noise, air quality and light and glare, into the project approval to assure the protection of the public health, safety, and welfare.

10. 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: Compliance with the Zoning Ordinance

The property that is the subject of this application is located in the AP District, where the continued use of the site for vineyard is permitted and wineries are conditionally permitted. The proposed project is compliant with minimum winery building setbacks, maximum winery lot coverage, and maximum accessory to production ratio requirements specified in Napa County Code. With a maximum building height of 25 feet and winery coverage of fewer than

1.5 acres of the 10.23-acre parcel, the proposed site modifications comply with the 35-foot maximum building height and maximum 25 percent lot coverage standards of the AP District as prescribed in County Code Sections 18.104.010, 18.104.120 and 18.104.220. Side and rear yard setbacks of proposed new structures also meet or exceed the 20-foot minimum required under County Code Section 18.104.010, and the proposed winery structure is over 700 feet away from the centerline of Silverado Trail, in compliance with County Code Section 18.104.230. In compliance with County Code Section 18.104.200, which establishes a maximum allowable area for accessory uses at 40 percent of the area used for winemaking, the accessory use square footage associated with the proposed project is 29 percent of the proposed building and covered crush pad areas dedicated to wine production. As outlined in the applicant's project statement, the winery will operate in compliance with the requirement that at least 75 percent of grapes processed at wineries be grown in Napa County.

Analysis: Consistency 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).

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." The proposed 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, as well as Policy E-1 and Policy AG/LU-4 ("The County will reserve agricultural lands for agricultural use including land used for grazing and watershed/open space..."). General Plan Policy AG/LU-2 recognizes wineries as agricultural uses of land.

The General Plan land use designation for the subject parcel is Agricultural Resource. The intent of this land use designation is to "identify areas of the fertile valley and foothill areas of the county in which agriculture is and should continue to be the predominant land use." The agricultural development currently on the property (vineyard), as well as the existing single-family dwelling to be retained, is consistent with the general uses identified in the General Plan as being compatible with the Agricultural Resource designation. The proposed winery, as an establishment engaged in the processing of agricultural products, is also consistent with the intent of the designation (Policy AG/LU-21).

As part of the winery operation, the applicant has proposed to offer on-site consumption of wine purchased at the winery, daily tours and tastings with food (by-appointment, for up to 25 visitors per day, up to 160 visitors per week), and up to 23 marketing events annually for 15 to 50 guests. On-site consumption, tastings, and marketing events are proposed to occur in the winery's hospitality rooms or on the outdoor patio on the west end of the proposed building. Consistent with the General Plan definition of agriculture (Policy AG/LU-2), agriculture includes raising of crops and livestock, as well as processing of agricultural products and related marketing, sales and other accessory uses. Thus, the continuation of the vineyard operation on the property, as well as the wine production and associated wine tasting and wine marketing activities requested, are consistent with the uses of the property as described in the General Plan.

The proposed project includes 16 new parking stalls on-site, inclusive of one handicapped accessible stall. The proposed parking will serve the existing residence (two stalls typically required by zoning standards), and will be sufficient to provide off-street parking for the four staff members proposed to be employed year-round at the winery. The remaining 10 stalls will provide parking for seasonal employees and daily visitors to the winery, as well as for some of the two smaller marketing events (20 per year), without oversizing the parking areas to provide extraneous parking for the largest, less frequent, 50-person event. The proposed project is therefore consistent with General Plan Policy CIR-23, which requires new uses to meet their anticipated parking demand, but to avoid excess parking which would stimulate unnecessary vehicle trips or activity exceeding the site's capacity. It is further noted that the applicant's intent to install a roof-mounted photovoltaic array, as indicated in the Greenhouse Gas Management Practices Checklist attached to the use permit application, is consistent with adopted General Plan policies (CON-68, CON-70) that encourage the County and permittees to pursue use of renewable energy sources as a means to reduce greenhouse gas emissions.

Water demand generated by the proposed winery will be in line with General Plan goals supporting sustainable water use and prioritization of groundwater for agricultural purposes (CON-10 and CON-11). Consistent with General Plan Policy CON-50, adopted in an effort to preserve water quality in the County's watersheds, streams and river, the proposed winery development will be outside of Napa River setbacks as defined in County Code Chapter 18.108 (Conservation Regulations).

11. 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 property is not located in any groundwater deficient area defined by Napa County Code Title 13, Map 13-1. Proposed physical changes to the site for the new winery include construction of a winery building, parking stalls and drive aisles. This new construction will require removal of 2.39 acres of the existing 7.25 acres of vineyard existing on the property, and with operation of the winery as proposed, will have the effect of reducing groundwater demand from an estimated 4.38 acre-feet of water per year to an estimated 4.14 acre-feet of water per year from the property's existing well, before taking further deductions for vineyard irrigation from reuse of winery process wastewater. Both existing and projected water demands will serve an agricultural use on the property and will be below the one acre-foot per parcel-acre per year threshold identified in the County's Water Availability Analysis Guidelines (May 2015) as a sustainable water use level in non-deficient groundwater areas on the valley floor.

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.

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.

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-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-21: The following standards shall apply to lands designated as Agricultural Resources on the Land Use Map of this General Plan.

Intent: To identify areas in the fertile valley and foothill areas of the county in which agriculture is and should continue to be the predominant land use, where uses incompatible with agriculture should be precluded, and the development of urban type uses would be detrimental to the continuance of agriculture and the maintenance of open space which are economic and aesthetic attributes and assets of the County of Napa.

General Uses: Agriculture, processing of agricultural products, single-family dwellings.

CIR-23: New uses shall provide adequate parking to meet their anticipated parking demand and shall not provide excess parking that could stimulate unnecessary vehicle trips or commercial activity exceeding the site's capacity. The concept of shared parking may be considered.

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-50: The County shall enforce compliance and continued implementation of the intermittent and perennial stream setback requirements set for the in existing stream setback regulations, provide education and information regarding the importance of stream setbacks and the active management and enhancement/restoration of native vegetation, within setbacks, and

develop incentives to encourage greater stream setbacks where appropriate.

Incentives shall include streamlined permitting for certain vineyard proposals on slopes between five and 30 percent and flexibility regarding yard and road setbacks for other proposals.

- Policy CON-68: The County shall promote research and the development and use of advanced and renewable energy technology through the following actions:
- a) Use expedited permit processing nor other incentives as promotion mechanisms.
 - b) Assist in securing grants to support the implementation of photovoltaic, wind and other renewable energy technologies to provide a portion of the County's energy needs.
 - c) Encourage the use of renewable energy resources in residential, commercial, industrial, and agricultural projects and uses.

Policy CON-70: The County shall seek to increase the amount of energy produced through locally available energy sources, including establishing incentives for, and removing barriers to, renewable and alternative energy resources (solar, wind) where they are compatible with the maintenance and preservation of environmental quality.

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.