

“A”

Recommended Findings

**PLANNING COMMISSION HEARING – FEBRUARY 15, 2017
RECOMMENDED FINDINGS**

**BALDACCI FAMILY VINEYARDS
USE PERMIT (P15-00422-UP) & VIEWSHED (P16-00295-VIEW)
6236 (WINERY) & 6171 (DRIVEWAY) SILVERADO TRAIL, NAPA, CALIFORNIA
(APN'S: 031-230-006 (WINERY) & 031-220-015 (DRIVEWAY))**

ENVIRONMENTAL DETERMINATION:

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 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, Second Floor, Napa, California.

PLANNING AND ZONING ANALYSIS:

VIEWSHED:

The Commission shall make the following findings prior to approving projects under the Napa County's Viewshed Protection Program that are not subject to the program's administrative review and approval process (18.106.050(B)):

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

Analysis: Access and siting of the proposed production building takes advantage of an existing access/vineyard road, to the maximum extent practical, to reduce overall grading

and vegetation removal associated with roads. The production building has been cut into the toe of the hillside and has been oriented to run parallel to existing contours to reduce overall grading and vegetation removal. No trees would be removed to accommodate the building. Approximately four new trees 24-inch box Olive trees will be planted on site as part of this proposal to screen predominate views of the building in addition to other proposed landscaping. 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.

9. If the highest point of the proposed project is located more than 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 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 production building is located more than 25 vertical feet below the top of the hillside or minor ridgeline; the hillside located on the project site is approximately 160 feet above the proposed production building. Measures have been included in the project to reduce its visual impact on surrounding ridgelines including an expanded cave area that will be directly accessed through the production building that reduces the overall floor area that would otherwise be required above ground, architectural details (varying exterior treatments) and design features (such as varying wall and roof heights) to break up and reduce the visual mass of the facility and to add visual interest. The development utilizes earth-tone colors and natural materials (wood siding) to blend with the surrounding environment. A landscape plan is also included and the planting of additional vegetation will ensure substantial visual screening of the project from Silverado Trail.

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

Analysis: As noted above, the access and siting of the proposed winery takes advantage of the existing access drive, to the maximum extent practical, to reduce overall grading and vegetation removal associated with roads. The proposed production building is set back 600 feet from the Silverado Trail reducing its visibility and prominence from the road. The building has been cut into the hillside and has been oriented to run parallel to existing contours to reduce overall grading and the height of retaining walls and fill slopes. The building includes architectural details (varying exterior treatments) and design features (stepping back portions of the buildings) to break up and reduce the visual mass of the facility and to add visual interest. Furthermore, a majority of the winery's processing and production operations will occur within the caves, further reducing the visual prominence of the production building.

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

Analysis: The proposed production building will not require the removal of any trees and little existing vegetation, if any, except for vines. The larger intact woodland located behind the

building and the majority existing vineyard in the foreground will be retained and will continue to provide a more prominent visual resource related to vegetation.

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

Analysis: Access and siting of the proposed winery takes advantage of the existing access drive, to the maximum extent practical, to reduce overall grading and vegetation removal associated with roads. The winery facility has been cut into the hillside and has been oriented to run parallel to existing contours to reduce overall grading and the height of retaining walls and fill slopes. The design of the facility has reduced grading and alterations to landforms to the maximum extent practical.

13. 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 public roads through preservation of existing vegetation and the planting of new vegetation and provide for defensible space in conformance with state law;

Analysis: A landscape plan is included as part of the proposed project. The plan is in conformance with the Design Manual as it provides supplemental screening vegetation located in front of the production building where existing vegetation is sparse, to obscure the project as viewed from Silverado Trail. Additionally, the building's location would avoid the larger intact woodland located behind the building (where slopes increase) that provides the prominent visual resource related to vegetation.

14. 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 public 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 winery and associated improvements substantially conform to the criteria and requirements detailed in the Viewshed Protection Design Manual, in that: the siting of the winery is well below surrounding ridgelines and the prominent knoll top behind the site; fill slopes have been contoured to resemble natural terrain; the building includes design features such as articulated walls, varying wall treatments, and wood and stone exteriors; the winery has been cut into the hillside and has been oriented to run parallel to existing grade to reduce overall grading and the height of retaining walls and fill slopes; existing vegetation to remain and proposed vegetation would screen the winery; the siting and design takes advantage of the existing development (i.e. the access drive) to reduce overall grading and vegetation removal; and the winery development utilizes earth-tone colors and natural materials (wood and stone) to blend with the surrounding environment. Furthermore, a majority of the winery's processing and operations will occur within the caves, further reducing the visual prominence of the winery.

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:

15. 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 AP (Agricultural Preserve) 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 AP 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.

16. 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 and published in the Napa Valley Register on January 25, 2017. Copies were forwarded to property owners within 1,000 feet of the subject parcel, as well as other interested parties. The public comment period ran from January 25, 2017 to February 14, 2017.

17. 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. Affected County divisions and departments have reviewed the project and commented regarding the proposed driveway, grading, drainage, the proposed 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.

18. 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 AP (Agricultural Preserve) 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 AP District subject to an approved use permit. The proposed site improvements will comply with the development regulations of the AP District, including the minimum 300-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 Resource.

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 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 and Policy AG/LU-4 (“The County will reserve agricultural lands for agricultural use including land used for grazing and watershed/open space...”). By authorizing a winery at the project site the requested Use Permit supports the economic viability of both the vineyard use 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.

See below for additional General Plan policies.

19. 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: The project is consistent with General Plan Conservation Policies 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. Approximately 16 acres of the subject property is located on the valley floor. The remaining 12.7 acres comprises the knoll or hillside that rises up from the valley floor in the northwest portion of the property. A Tier I Water Availability Analysis (WAA), dated June 13, 2015 (revised), was prepared by Summit Engineering, Inc., to determine the estimated water use of the existing development, the proposed project and water availability. There are six existing wells on the project site. One well will be destroyed, four wells are located on the valley floor and the other well is located near the base of the knoll. Two of the wells located on the valley floor will serve the winery, farmworker dwelling and main residence. The other three wells will be used for irrigation. Since the groundwater extraction for the winery and residences would be from two wells located on the Valley Floor area, the Valley Floor screening criteria of one acre-foot of water per acre of land will be used for the 16 acres of the property located on the valley floor; generating a water use availability of 16 acre-feet per year. The WAA

considered the entire property in the analysis; however, in order to be conservative staff excluded water availability of the remaining 12.7 acres of the hillside.

The “existing” winery, according to the WAA only differs as to employees and tours and tastings visitors, 10 and 54, respectively. The analysis indicates that the originally approved winery with all other existing uses on the site would have a typical annual water demand of 2.59 acre feet per year (af/yr). Winery related water use under the originally approved use permit would account for .37 af/yr of the overall water use; vineyards account for 0.86 af/yr; the main dwelling and farmworker dwelling 1.25 af/yr; and, winery landscaping accounts for 0.09 af/yr. Current water use, accounting for visitation occurring beyond the scope of the use permit and more employees, raise overall winery water use to 2.84 af/yr. Existing or current water use compared to the original use permit entitlement represents an increase of 0.25 af/yr., or roughly 81,000 gallons annually. The proposed project which includes increases to production and visitation would result in an annual water demand of 3.49 af/yr. To be conservative, vineyard irrigation continues to be calculated with a water demand 0.86 af/yr although one acre of vines will be removed to facilitate construction of the project an does not take into account that recycled wastewater may be used for irrigation. In addition, the vineyards are dry farmed with irrigation generally occurring between June and October. No water is used for frost protection. According to the analysis, the winery would create an increase in annual water demand, from between 2.59 to 2.84 af/yr to 3.49 af/yr, totaling an approximate increase of 0.9 to 0.65 af/yr. The winery would account for approximately 1.4 af/yr of the total water use on the property. 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 project will not require a new water system or other improvements and will not have a negative impact on local groundwater. Because the projected water demand for the project is below the calculated availability of 16.0 acre feet per year for the parcel, the requested Use Permit is consistent with General Plan Goals

Other 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-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.