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Recommended Findings

RECOMMENDED FINDINGS

PLANNING COMMISSION HEARING – FEBRUARY 22, 2017
Black Sears Winery
Major Modification to Use Permit, Application P15-00201 – MOD and
Request for Exception to Napa County Road and Street Standards
2600 Summit Lake Drive, Angwin
Assessor's Parcel No. 018-060-066

ENVIRONMENTAL:

The Planning Commission has reviewed this application pursuant to the provisions of the California Environmental Quality Act (CEQA), CEQA Guidelines and Napa County's Local Procedures for Implementing CEQA, and finds that:

1. The proposed project is Categorically Exempt pursuant to Appendix B, Class 3 (New Construction or Conversion of Small Structures) of Napa County's Local Procedures for Implementing CEQA. This section of the Local CEQA Procedures exempts from CEQA discretionary permits for wineries meeting certain criteria related to winery size and annual production, visitation and marketing levels. This project site is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

EXCEPTION TO NAPA COUNTY ROAD AND STREET STANDARDS:

The Planning Commission has reviewed the request for exception to the Napa County Road and Street Standards (RSS) and makes the following findings:

2. Granting the exception to the minimum 20-foot road width requirements of the RSS will preserve unique natural features of the environment. Where exceptions are requested, the Summit Lake Drive roadside is bordered by mature maple, walnut and oak trees. Widening the roadway to meet the minimum width requirements of the RSS would require removal of the trees, which contribute to the natural woodland character of the area in which the winery and private road are located.
3. Granting the exception will provide the same overall practical effect of providing defensible space and safe access for the public and emergency responders; provided, that the applicant maintains roadside vegetation and installs mirrors and signage in appropriate locations, to ensure adequate driver sight distances and to give drivers advance warning of one-lane segments of the roadway.

USE PERMIT:

The Planning Commission has reviewed the Use Permit Modification request in accordance with the requirements of Napa County Code and makes the following findings:

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

Analysis: The winery is located on property located in the AW (Agricultural Watershed) zoning district. Modifications to permits for wineries located in the AW zoning district require

Planning Commission approval of a conditional use permit (Napa County Code Sections 18.20.030, 18.124.010 and 18.124.130). There is no companion action necessary for the requested Use Permit Modification that would require action by the Board of Supervisors.

5. 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 application for a Major Modification to the Use Permit has been appropriately filed, and notice and public hearing requirements of County Code Sections 18.124.040.B and 18.136.040 have been met. The notice of public hearing was published in the Napa Valley Register on February 11, 2017; and on February 10, 2017, copies of the notice were mailed via first class mail to the applicant and owners of property within 1,000 feet of the subject parcel.

6. 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: The requested addition of tours and tastings and a marketing program to the operation of the winery will not have an adverse effect on public health, safety or welfare. The proposed modification includes a modest hospitality program consisting of no more than 16 visitors per day, with an anticipated average per day of 12 visitors. Marketing events will also be small, with no more than 30 guests per event, and events are scheduled to occur no more than 10 times per year. Noise impacts generated from the winery's proposed 30-person events will not be significant because tasting and event activities are proposed to occur within existing buildings, and because the closest off-site residences are over 800 feet (this residence is currently owned by the applicant) and 2,000 feet away from the winery buildings. In addition, events are proposed to conclude by 9:00 p.m., an hour before the start of the nighttime hours specified in County Code (Sections 8.16.060 and 8.16.070), when receptors' sensitivity to noise is heightened. Events shall also be subject to standard conditions of approval that prohibit outdoor amplified sound.

Additional septic system capacity needed to accommodate the increase in visitation can be provided on-site with minor grading and without need for tree removal. Groundwater recharge would continue to exceed the estimated extraction associated with addition of hospitality and marketing operations to the winery, so that the requested Use Permit Modification will not result in declines in groundwater elevations or significant depletion of groundwater resources.

Various County divisions and departments have also reviewed the project and commented regarding wastewater treatment system permitting, food service, and ensuring accessibility around the property. Conditions are identified that will incorporate these comments, along with other project-specific and standard County conditions pertaining to noise, water monitoring, light and glare, into the project approval to assure the protection of the public health, safety, and welfare.

7. The proposed Use Permit Modification 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 AW District, where wineries with accessory uses are conditionally permitted. The proposed project is compliant with minimum winery building setbacks for winery structures existing prior to adoption of the Winery Definition Ordinance, as well as maximum winery lot coverage and maximum accessory to production ratio requirements specified in Napa County Code. 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 requested permit modification is 7.5 percent of the indoor and outdoor areas dedicated to wine production. The 2,900 square foot, underground expansion to the wine cave requested to be recognized with this Use Permit Modification is compliant with the zoning code, as underground portions of caves are not included in the calculation of winery development area and are not subject to minimum winery or yard setback requirements (County Code Sections 18.104.201 and 18.104.230).

Analysis: Consistency with the General Plan

As proposed and as conditioned, the requested Use Permit Modification 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 continued 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...”). General Plan Policy AG/LU-2 recognizes wineries as agricultural uses of land, and includes in the definition of agriculture “related marketing, sales and other accessory uses.” Water demand generated by the winery’s modified operational characteristics will be in line with General Plan Goal CON-11, which supports prioritization of groundwater for agricultural purposes.

The General Plan land use designation for the subject parcel is Agriculture, Watershed and Open Space. The intent of this land use designation is to “provide areas where the predominant use is agriculturally oriented” and “where watersheds are protected and enhanced.” The agricultural development currently on the property (vineyard and winery), as well as the existing single-family dwelling to be retained on-site and the addition of accessory hospitality and marketing programs to the operation of the winery, are consistent with the general uses identified in the General Plan as being compatible with the specific land use designation (Policy AG/LU-20). Granting of the RSS exception also facilitates preservation of mature trees along the private segment of Summit Lake Drive, which trees provide habitat and soil retention value and also contribute to maintenance of the watershed.

8. The proposed Use Permit Modification 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 County Code Title 13, Map 13-1. Current water demand associated with residential use, wine production, and vineyard irrigation within the hypothesized groundwater recharge area in which the winery is located is estimated at approximately 28.3 acre-feet per year. The proposed addition of tours and tastings and a marketing program to the winery's operation will increase water demand by an estimated 0.07 acre-feet per year. Based on the information provided in the water availability analysis submitted with the use permit application, proposed project water use represents approximately 15 percent of annual groundwater recharge in an average year, and 34 percent in a drought year. Thus, with groundwater recharge exceeding the estimated extraction associated with addition of hospitality and marketing operations to the winery, total water use of the winery as proposed to be modified will not result in significant declines in groundwater elevations or significant depletion of groundwater resources.

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-20: The following standards shall apply to lands designated as Agricultural Resources on the Land Use Map of this General Plan.

Intent: To provide areas where the predominant use is agriculturally oriented; where watersheds are protected and enhanced; where reservoirs, floodplain tributaries, geologic hazards, soil conditions, and other constraints make the land relatively unsuitable for urban development; where urban development would adversely impact all such uses; and where the protection of agriculture, watersheds and floodplain tributaries from fire, pollution, and erosion is essential to the general health, safety, and welfare.

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

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.