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Variance Application Packet



**NAPA COUNTY
CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION
1195 Third Street, Suite 210 Napa, California 94559 (707) 253-4416**

APPLICATION FOR A VARIANCE

FOR OFFICE USE ONLY

ZONING DISTRICT: _____ Date Filed: _____

REQUEST: _____ Date Published: _____

_____ Date Posted: _____

_____ Hearing: _____

ZA CDPD BS

TO BE COMPLETED BY APPLICANT

Applicant's Name: Les Behrens, Behrens Family Winery

Telephone #: (707) 963-1774 Fax #: () 963 - 8206 Email: lesbehrens@yahoo.com

Mailing Address: 4078 Spring Mountain Road, St Helena, CA 94574

No.	Street	City	State	Zip
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Status of Applicant's Interest in Property: Owner

Property Owner's Name: Same as Applicant

Telephone #: () _____ Fax #: () _____ - _____ Email: _____

Mailing Address: _____

No.	Street	City	State	Zip
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Site Address/Location: 4078 Spring Mountain Rd, St Helena, CA 94754


No.	Street	City	State	Zip
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Assessor's Parcel #: 020-300-015

PLEASE COMPLETE THE ATTACHED QUESTIONS EXPLAINING THE REASONS
THE VARIANCE REQUEST SHOULD BE APPROVED

I certify that all the information contained in this application is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for preparation of reports related to this application, including the right of access to the property involved.


10-12-15 Date
 Signature of Applicant
 Les Behrens


10-12-15 Date
 Signature of Property Owner

Submit with a check or money order payable to the County of Napa.

TO BE COMPLETED BY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT

FEES: \$ _____ Received By: _____ Date: _____

Receipt #: _____ Pre-application Receipt #: _____ Date: _____

REASONS FOR GRANTING A VARIANCE

1. Please describe what exceptional or extraordinary circumstances or conditions apply to your property (including the size, shape, topography, location or surroundings), which do not apply generally to other land, buildings, or use and because of which, the strict application of the zoning district regulations deprives your property of the privileges enjoyed by other property in the vicinity and under identical zoning classification.

This property is located at the end of a private drive off of Spring Mountain Road. The existing location of the Winery and the location of the proposed Hospitality Building and the Barrel Barn will not meet the 300 foot setback from the private drive which serves one other parcel past the winery. The property has a unique rectangular shape which encompass' Spring Mountain, 75 percent of the 20 acre parcel contains land which is over 30 percent slope. There is no area on the property outside of the 300 foot setback that is under 30 percent slope. The unique shape of the property along with the steep slope of the land creates an exceptional and extraordinary hardship that is unique to this property and not common to many properties, if any, in Napa Valley. By adhering to the strict application of the Zoning regulations, it would not be possible to build a Winery on this property and thus creates a unique hardship not experienced by other properties in the County. The strict application of the Zoning Regulations would create an extraordinary hardship on this property that will prohibit a Winery.

2. Please state why the granting of your variance request is necessary for the preservation and enjoyment of your substantial property rights.

The AW zoning district allows a winery on this property subject to the approval of a Use Permit. The property complies with the development standards for a winery in all other manners other than the setbacks from a Private Driveway. A Winery Use Permit was granted to this property and all of the findings necessary for the granting of a Use Permit can be made and the project is consistent with the General Plan. The granting of this variance is necessary to allow the approval of the Use Permit Modification for the winery, and the preservation and enjoyment of property rights enjoyed by other properties in the AW zoning district. Due to the unique shape, terrain and environmental characteristics of this property, this variance will not be a grant of special privilege inconsistent with the limitations on other properties.

3. Please state why the granting of your variance request will not adversely affect the health or safety of persons residing or working in the neighborhood of your property, and will not be materially detrimental to the public welfare or injurious to property or improvements in your neighborhood.

The health and safety of the neighborhood and of the County will not be affected by this project because with the approval of the lesser setback, the winery will be built in an area where earthwork and grading will be minimal. The winery facility will be screened from the neighbors by the natural terrain and vegetation. The granting of the variance will allow the winery to be located on this property in areas which will minimize earthwork and actually benefit the County and neighborhood by reducing traffic on the State Highway and County roads.

VARIANCE FINDINGS
Napa County Code §18.28.060(A)(1)-(7)

(1) The procedural requirements set forth in Chapter 18.128 of the Napa County Code have been met.

Analysis: The applicant variance filed an application for a variance along with a statement outlining the reasons for the request. The required processing fees have been included in the processing of the Use Permit application. Site plans depicting the location of the project and elevation drawings showing the appearance of the structures proposed for winery use also have been submitted. Notice and public hearing requirements have been met. The hearing notice was posted on March 3, 2017 and copies were forwarded to property owners within 1000 feet of the subject parcel and all other interested parties. The CEQA public comment period ran from March 3, 2017 to April 5, 2017.

(2) Special circumstances exist applicable to the Property. Including size, shape, topography, location or surroundings, because of which strict application of the zoning district regulations deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications.

Analysis: This property is located at the end of a private drive off of Spring Mountain Road. The property already is developed with a permitted winery as are three other parcels sharing access off the same private drive. The property is located in the Agricultural Watershed (AW) zoning district in which wineries are permitted upon approval of a use permit. The County's winery database lists seventeen other wineries in the vicinity (i.e. listed with a Spring Mountain Road address). The property meets the minimum lot size for a winery, and the applicant has provided evidence showing that the property can support the proposed expansion of the existing winery. The proposed location of the winery expansion will not meet the 300 foot setback from the private drive, which provides access to one other parcel past the winery.

The property's topography consists of very steep slopes and encompasses Spring Mountain itself. Seventy-five percent of the 20-acre parcel (roughly 15 acres) is over 30% slope. The applicant has provided a site plan confirming that there is no location on the property outside of the 300 foot setback that is under 30 percent in slope. Therefore, any development on these areas would require significant grading and a use permit exception to the Conservation Regulations (NCC §18.108.060(A)). The unique shape of the property places the areas of moderate slope near the private drive, which creates an exceptional and extraordinary hardship that is not common to many properties, if any, in Napa Valley. By adhering to the strict application of the setback, building any new winery structures on this property

would be impossible without costly and environmentally damaging hillside grading, thus creating a severe hardship not experienced by other properties in the County under identical zoning. The strict application of the setback would create an extraordinary hardship on this property that will prohibit the winery expansion. Meeting the setback would provide two practical difficulties. First, meeting the setback would require the placement of new winery buildings approximately 300 feet away from the existing winery. Spacing winery structures and associated operations over 300 feet apart results in: a) increased impervious surfaces; b) increased infrastructure (pipes, power lines, etc.) to serve the facility; and c) much less efficient winemaking operations.

Second, the project engineer, Applied Engineering, has estimated the approximate cost of the work required to complete the development outside the setback. The estimate evaluated costs for increased rough grading to build a road and grade a pad for the proposed winery structures as well as extending utilities to that location. The estimate, assuming the Commission would be willing to make the necessary use permit exemption findings to grade slopes in excess of 30%, totaled an additional cost of \$250,000 to \$350,000 to construct outside the setback. This estimate excludes any cost of mitigation that may be required to reduce impacts of development on such steep slopes.

Granting the variance would be consistent with other properties in the vicinity that also take access from the same private drive. An adjacent parcel contains the Sherwin Family Vineyards winery (APN 020-300-045), which is within the 300-foot setback from the private drive. Barnett Vineyards (APN 020-300-047) also takes access from this private drive, and its structures are located within 300 feet of the access drive. Lastly, Smith-Madrone winery (APN 020-300-086) takes access from this same private drive and is located within the 300 foot setback. Sherwin Family Vineyards, Barnett Vineyards, and Smith-Madrone are under identical AW zoning.

(3) Grant of the variance is necessary for the preservation and enjoyment of substantial property rights.

Analysis: The AW zoning district allows a winery on this property subject to the approval of a Use Permit. The property complies with the development standards for a winery in all other manners other than the setbacks from a Private Driveway. The existing winery was granted a use permit, and all of the findings necessary for the granting of a use permit can be made. The project is consistent with the General Plan. The granting of this variance is necessary to allow the approval of the Use Permit Modification for the winery, and the preservation and enjoyment of property rights enjoyed by other properties in the AW zoning district. The variance does not allow a use that is not normally permissible on AW zoned properties, so it does not grant a special privilege. (*See Neighbors in Support of Appropriate Land Use v. County of Tuolumne* (2007) 157 Cal. App. 4th 997 (variance grants a special privilege where the variance allows a use not otherwise allowed in subject zoning district).)

(4) Grant of the variance will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: The health and safety of the neighborhood and of the County will not be affected by this project because with the approval of the lesser setback, the winery will be built in an area where earthwork and grading will be minimal. The winery facility will be screened from the neighbors by the natural terrain and vegetation. The granting of the variance will allow the winery to be located on this property in areas which will minimize earthwork and resulting construction traffic thereby reducing traffic on the State Highway and County roads.

(5) In the case of groundwater basins identified as "groundwater deficient areas" under Section 13.15.010, grant of the variance would not require a new water system or improvement, or utilize an existing water system or improvement causing significant adverse effects, either individually or cumulatively, on said groundwater basins in Napa County, unless that variance would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Section 13.15.070 or 13.15.080.

Analysis: The subject property is not located in a "groundwater deficient area" as identified in Section 13.15.010 of the Napa County Code.

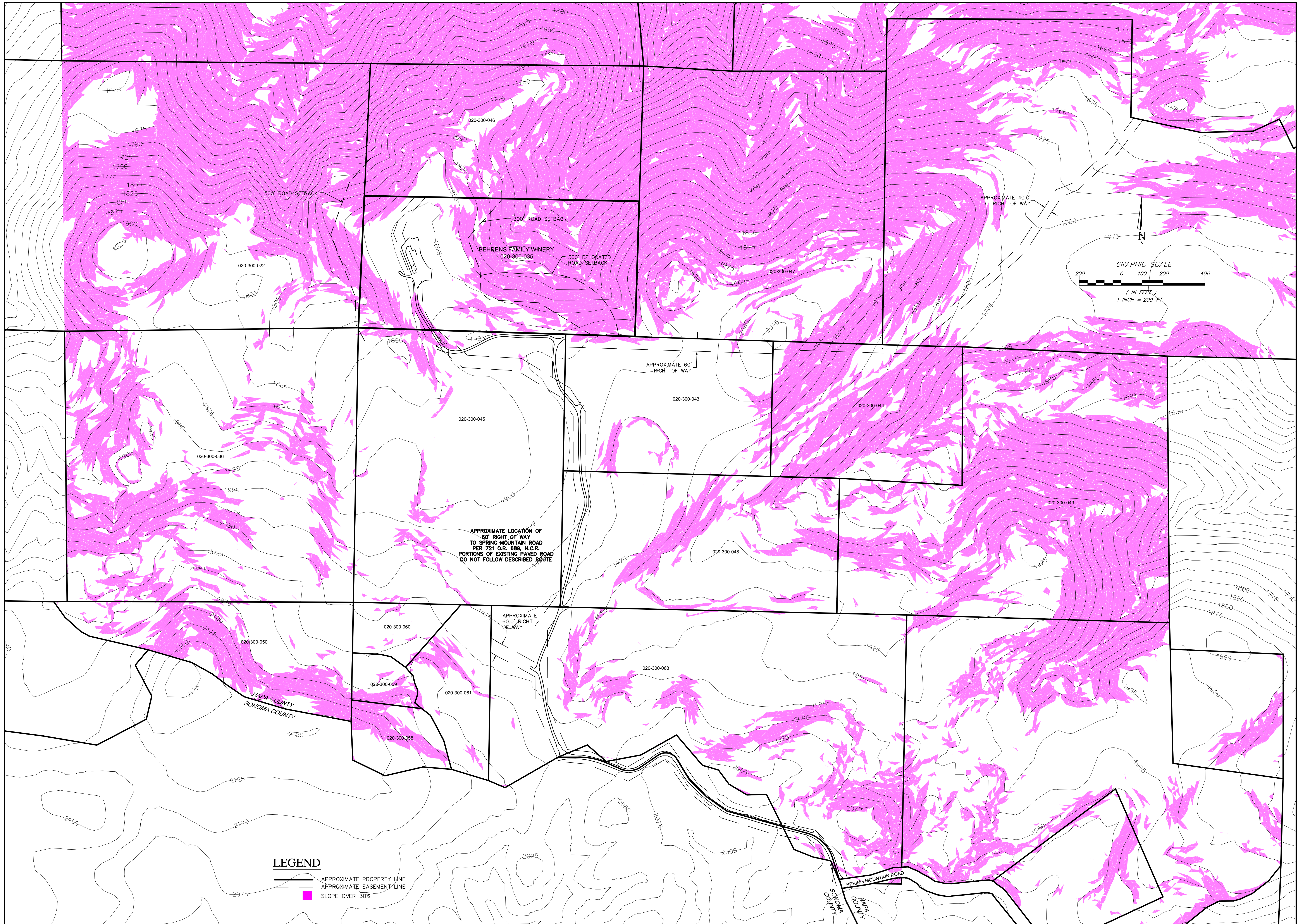
(6) Grant of the variance in the case of other groundwater basins, or areas which do not overlay an identified groundwater basin, where grant of the variance cannot satisfy the criteria specified for approval or waiver of a groundwater permit under Section 13.15.070 or 13.15.080, substantial evidence has not been presented demonstrating that the grant of the variance might cause a significant adverse affect on any underlying groundwater basin or area which does not overlay an identified groundwater basin.

Analysis: The County requires all Use Permit and Variance applicants to complete necessary water analyses in order to document that sufficient water supplies are available for the proposed project. For this project, a Water Availability Analysis was prepared by Richard C. Slade and Associates. The analysis included a water demand analysis detailing the existing and proposed groundwater uses, an analysis of the aquifer recharge rate, and a Tier 2 well interference analysis. The water demand for the existing residential structure, existing permitted winery structure and operations, existing vineyard, and proposed winery expansion was determined to be approximately 1.59 acre feet per year. The proposed winery expansion results in water use increase of approximately .38 acre feet per year. The subject property's average annual recharge rate was calculated 7.6 acre feet per year. The report

demonstrates that the parcel has sufficient recharge rate to support the winery expansion.

(7) In the case of a development or improvement with a reasonably foreseeable connection to a public water supply as defined in 13.15.010, regardless of the number of parcels served, grant of the variance would not require a new water system or utilize an existing water system necessitating a groundwater permit pursuant to Chapter 13.15. This finding shall not be required if the applicant presents substantial evidence demonstrating that grant of the variance for such development or improvement would not have a significant adverse effect on the underlying groundwater basin; or if that variance would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Section 13.15.070 or 13.15.080 of this code.

Analysis: The nearest public water supply is the City of St. Helena. The City's policy and Napa LAFCO policies do not support additional water connections outside the City's boundaries. There are no indications that the sphere of influence of St. Helena would be extended to include the Property. Based on the above, a connection to a public water system is not reasonably foreseeable.



ALBION SURVEYS
 CONSULTING LAND SURVEYORS
 1113 HUNT AVENUE
 ST. HELENA, CA 94574
 (707) 963-1217
 www.albionsurveys.com

DRAWING NOTES

THIS MAP IS NOT A BOUNDARY SURVEY. IT IS PROVIDED TO LOCATE THE SUBJECT PROPERTY IN RELATION TO ADJOINING LANDS, HIGHWAYS, ROADS, STREETS AND NOT TO GUARANTEE ANY FIXED DIMENSION, AREA OR EASEMENT LOCATIONS. A FIELD SURVEY SHOULD BE PERFORMED PRIOR TO ANY CRITICAL DESIGN WORK, CONSTRUCTION OR CONVEYANCE. EASEMENTS MAY AFFECT THIS PROPERTY. THIS SURVEYOR WAS NOT PROVIDED ANY INFORMATION REGARDING EASEMENTS BY THE OWNER.

SITE INFORMATION

APN: 020-300-035
 STREET: 4078 SPRING MOUNTAIN ROAD
 CITY: ST. HELENA
 SITE CONTACT: SCHATZI THROCKMORTON
 PHONE: 707-963-1774

ARCHITECT

COMPANY: WAYNE HOLLAND & ASSOCIATES
 CONTACT: WAYNE HOLLAND
 PHONE: 707-226-7309
 EMAIL: wayneholland@mac.com

ENGINEER

COMPANY: APPLIED CIVIL ENGINEERING
 CONTACT: MIKE MUELARTH
 PHONE: 707-320-4968
 EMAIL: mike@appliedcivil.com

OWNER'S REPRESENTATIVE

COMPANY: ALBION SURVEYS
 CONTACT: JON WEBB
 PHONE: 707-963-1217
 EMAIL: jwebb@albionsurveys.com

NEIGHBOR PARCEL MAP
 OF THE LANDS OF
BEHRENS FAMILY WINERY
 COUNTY OF NAPA STATE OF CALIFORNIA

REVISIONS & ADDITIONS

DATE	FB	PG
DATE DRAFTER	FB	PG
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ALBION REFERENCES

PROJECT NO: 2466
 PROJECT MANAGER: J. WEBB
 DATE: MARCH 16, 2017

VERTICAL DATUM BASED ON NAVD'88
 PER NAPA COUNTY GIS TOPOGRAPHY
 CONTOUR INTERVAL = 25'

HORIZONTAL DATUM BASED ON NAD'83
 PER TRIMBLE NETWORK GPS OBSERVATIONS



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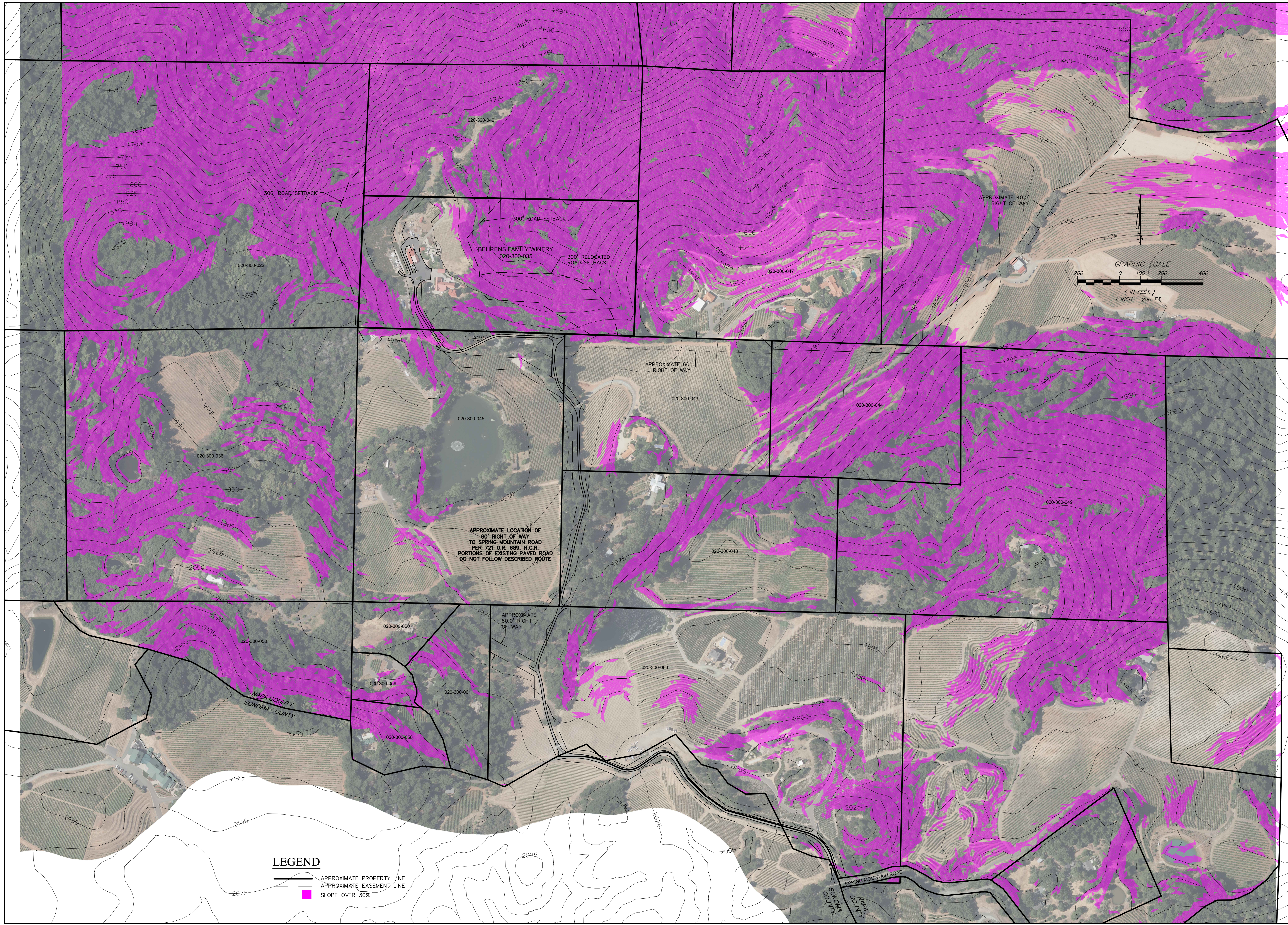
REVISIONS & ADDITIONS

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VERTICAL DATUM BASED ON NAVD'88
 PER NAPA COUNTY GIS TOPOGRAPHY
 CONTOUR INTERVAL = 25'
 HORIZONTAL DATUM BASED ON NAD'83
 PER TRIMBLE NETWORK GPS OBSERVATIONS



LEGEND
 — APPROXIMATE PROPERTY LINE
 - - - APPROXIMATE EASEMENT LINE
 ■ SLOPE OVER 30%

