

“A”

Recommended Findings

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

**VINCENT ARROYO WINERY
USE PERMIT MAJOR MODIFICATION P16-00327
2361 GREENWOOD AVENUE, CALISTOGA
APN 017-230-020**

ENVIRONMENTAL:

The Planning Commission (Commission) has received and reviewed the proposed Mitigated 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 Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) prior to taking action on said Mitigated Negative Declaration and the proposed project.
2. The Mitigated Negative Declaration and MMRP are based on independent judgment exercised by the Planning Commission.
3. The Mitigated Negative Declaration and MMRP were 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 provided that measures to mitigate potentially significant impacts to transportation are incorporated into the project approval.
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 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 MODIFICATION REQUIRED FINDINGS:

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:

7. The Commission has the power to issue a Use Permit under the Zoning Regulations in effect as applied to the property.

Analysis: The winery is located on property within the AP (Agricultural Preserve) District. Wineries in the AP District require Planning Commission approval of a conditional use permit; likewise, amendments and modifications to approved use permits to increase production capacity require Planning Commission approval (Napa County Code Sections 18.16.030 and 18.104.250.A.4). The project, as conditioned, complies with the Napa County

Winery Definition Ordinance (WDO) and all other requirements of the Zoning Code as applicable.

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 Use Permit Major Modification application has been appropriately filed and notice and public hearing requirements have been met. The hearing notice and intent to adopt a Mitigated Negative Declaration were posted on October 25, 2017, and copies were forwarded to property owners within 1,000 feet of the subject property and all other interested parties. The public comment period ran from October 25, 2017, through November 14, 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: Granting the Use Permit Modification 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 proposed septic system, parking, building permits, and fire protection. Conditions are recommended which will incorporate these comments into the project. Additionally, a proposed Mitigation Measure has been included to install a stop sign at the winery driveway intersection approach to Greenwood Avenue. The mitigation measure and conditions of approval will 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 and any applicable specific plan.

Analysis: Compliance with the Zoning Ordinance

The project is consistent with the regulations of the AP District in which the property is located. Wineries are conditionally permitted uses in the AP District (Napa County Code Section 18.16.030), and the existing site improvements currently comply with the development regulations of the AP District, including the minimum road and property line setbacks, the 35-foot maximum building height, and maximum lot coverage standards 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: Consistency with the General Plan

As proposed and as conditioned, the requested Major Modification 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 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...”). By allowing the existing permitted winery to increase its production capacity, the proposed Use Permit Major Modification supports the economic viability of both the vineyard and agricultural product processing uses 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. This project is consistent with the General Plan’s overall policy framework and with the Plan’s specific goals and policies.

11. 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 §’s13.15.070 or 13.15.080 of the County Code.

Analysis: The project is 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.

For this project a Water Availability Analysis (WAA) was prepared by Delta Consulting & Engineering (Initial submittal: June 8, 2016; Revision #1: September 5, 2017) to determine the estimated water use of the existing development and proposed project. The parcel is located in “Napa Valley Floor” Region. The Water Use Criteria of the WAA guidelines allows 1 acre-foot of water per acre per year for parcels located on the “Napa Valley Floor”. The subject parcel is approximately 22.62 acres in size; therefore the parcel is allowed the use of 22.62 acre-feet of water per year. Existing water usage consists of a main residence, guest cottage, vineyards, and a 20,000 gallon winery with visitation and marketing. The winery dry farms the approximately 18 acres of vineyards and utilizes a wind machine for frost protection; therefore, the vineyards are estimated to use zero acre-feet of water per year. According to the analysis, the winery would create an increase in annual water demand of 1.529 acre-feet per year; increasing water use from 0.688 acre-feet per year to 2.217 acre-feet per year. Since the proposed winery water use of 2.217 acre-feet per year is less than the calculated availability of 22.62 acre-feet per year, the project complies with the Napa County Water Availability Analysis requirements. A Tier 2 and Tier 3 analysis are not required. The proposed Use Permit Modification is consistent with General Plan Goals 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.

In order to comply with the California Safe Drinking Water Act and related laws, the Environmental Health Division is requiring installation of a non-community water system. The applicant will be required to drill a new well meeting the construction standards of Title 22 California Code of Regulations. Installation of a water system will ensure that public health and safety is maintained and the project will have a less than significant impact on

water quality standards. As stated above, the overall groundwater use on the property is anticipated to be less than the calculated water availability and the increased water use would not have an impact on local groundwater.

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-53: The County shall ensure that the intensity and timing of new development are consistent with the capacity of water supplies and protect groundwater and other water supplies by requiring all applicants for discretionary projects to demonstrate the availability of an adequate water supply prior to approval. Depending on the site location and the specific circumstances, adequate demonstration of availability may include evidence or calculation of groundwater availability via an appropriate hydrogeologic analysis or may be satisfied by compliance with County Code “fair-share” provisions or

applicable State law. In some areas, evidence may be provided through coordination with applicable municipalities and public and private water purveyors to verify water supply sufficiency.

Policy CON-55: The County shall consider existing water uses during the review of new water uses associated with discretionary projects, and where hydrogeologic studies have shown that the new water uses will cause significant adverse well interference or substantial reductions in groundwater discharge to surface waters that would alter critical flows to sustain riparian habitat and fisheries or exacerbate conditions of overdraft, the County shall curtail those new or expanded water uses.

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].

Policy CON-87: The County shall promote solid waste source reduction, reuse, recycling, composting and environmentally-safe transformation of waste. The County shall seek to comply with the requirements of AB [Assembly Bill] 939 with regard to meeting state mandated targets for reductions in the amount of solid waste generated in Napa County.

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.

Policy SAF-20: All new development shall comply with established fire safety standards. Design plans shall be referred to the appropriate fire agency for comment as to:

- 1) Adequacy of water supply.
- 2) Site design for fire department access in and around structures.
- 3) Ability for a safe and efficient fire department response.
- 4) Traffic flow and ingress/egress for residents and emergency vehicles.
- 5) Site-specific built-in fire protection.
- 6) Potential impacts to emergency services and fire department response.