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## Recommended Findings

## RECOMMENDED FINDINGS

**PLANNING COMMISSION HEARING – SEPTEMBER 19, 2018**  
**Hendry Winery**  
**Major Modification to Use Permit, Application No. P15-00173 – MOD**  
**3104 Redwood Road, Napa**  
**Assessor's Parcel No. 035-120-031**

### **ENVIRONMENTAL:**

The project is subject to the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 *et seq.*) The Planning Commission has received and reviewed the Initial Study for the Use Permit Major Modification, pursuant to the provisions of CEQA, the State CEQA Guidelines 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 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 CEQA.
4. There is no substantial evidence in the record as a whole, that the proposed project will have a significant effect on the environment when made subject to compliance with standard conditions of development approval.
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 compatibility plan.
6. 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.
7. 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 Major Modification request in accordance with the requirements of Napa County Code and makes the following findings:

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

**Analysis:** The winery is located on property in the AP (Agricultural Preserve) zoning district of Napa County. Modifications to use permits for wineries located in the AP zoning district require Planning Commission approval (Napa County Code Sections 18.16.030, 18.124.010 and

18.124.130). There is no companion action necessary for the requested Use Permit Major Modification that would require action by the Board of Supervisors.

2. The procedural requirements for a Use Permit Major 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. On August 29, 2018, the notice of public hearing was emailed to interested parties requesting such notice; was published in the Napa Valley Register; and mailed via first class mail to the applicant, property owner, and the applicant's engineer, as well as, to owners of property located within 1,000 feet of the subject parcel and adjacent parcel on which is located the existing winery well to be abandoned. The CEQA public comment period ran from August 30 through September 18, 2018.

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

**Analysis:** The requested modification of the use permit to change winery staffing and expand the tours and tastings and marketing programs of the winery will not have an adverse effect on public health, safety or welfare. The proposed modification includes a modest visitation program consisting of no more than 20 visitors per day and no more than 13 marketing events per year, with the majority of events hosting 50 or fewer guests and only one large event for up to 150 people. Noise impacts generated from the winery's events will not be significant because events and other on-site wine consumption will occur inside of or proximate to the winery building, and because the closest off-site residence is over 1,400 feet (this residence is also owned by the applicant) and 1,500 feet away from the winery building. In addition, events are proposed to occur between 9:00 a.m. and 5:00 p.m., outside of the nighttime hours of 10:00 p.m. to 7:00 a.m. (Napa County Code Section 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 wastewater treatment system capacity needed to accommodate the winery staffing changes and requested visitation program can be provided on-site with fewer than 25 cubic yards of grading and without need for tree removal. With the modification, groundwater demands of the 60.7-acre property (including both winery and permitted agricultural uses) would increase by an estimated 0.07 acre-feet per year but, at an estimated 6.31 acre-feet, would not exceed the one acre-foot per parcel acre per year that the County has considered to be an acceptable threshold for measurement of potential groundwater impacts.

Various County divisions and departments have also reviewed the project and commented regarding wastewater treatment system permitting, food service, and proper waste disposal. 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.

4. The proposed Use Permit Major 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 AP District, where wineries with

accessory uses are conditionally permitted. The proposed project is currently compliant with minimum winery building setbacks, 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 building area for accessory uses at 40 percent of the area used for winemaking, the increased accessory use square footage associated with the requested permit modification is approximately four percent of the indoor and outdoor areas dedicated to wine production.

### **Analysis: Consistency with the General Plan**

As proposed and as conditioned, the requested Use Permit Major 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.” Additional 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 that portion of the property on which the winery facility is located is Agricultural Resource. The intent of this land use designation is to provide “areas in the fertile valley and foothill areas of the county in which agriculture is and should continue to be the predominant land uses” (Policy AG/LU-21). 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 expansion of the winery’s existing tours and tastings and marketing programs, are consistent with the general uses identified in the General Plan as being compatible with the specific land use designation (Policies AG/LU-2 and AG/LU-21).

5. The proposed Use Permit Major 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 proposed project includes discontinuation of use of an off-site well (Assessor’s Parcel No. 035-120-030) and drilling of a new, on-site well to serve the winery. The property is not located in any groundwater deficient area defined by County Code Title 13, Map 13-1. With the modification, groundwater demands of the 60.7-acre property (including both winery and permitted agricultural uses) would increase by an estimated 0.07 acre-feet per year but, at an estimated 6.31 acre-feet, would not exceed the one acre-foot per parcel acre per year that the County has considered to be an acceptable threshold for measurement of potential groundwater impacts.

**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 Resource 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 where 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.

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.