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Recommended Findings

**PLANNING COMMISSION HEARING AUGUST 5, 2020
RECOMMENDED FINDINGS**

**ROMBAUER VINEYARDS WINERY MAJOR MODIFICATION #P19-00103-MOD
AND ROAD AND STREET STANDARDS EXCEPTION REQUEST
3522 Silverado Trail, St. Helena, CA
APN 021-410-025 and 021-410-024**

ENVIRONMENTAL DETERMINATION:

The Planning Commission (Commission) has received and reviewed the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan 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 prior to taking action on said Mitigated Negative Declaration and the proposed project.
2. The Mitigated Negative Declaration is based on independent judgment exercised by the Planning Commission.
3. The Mitigated Negative Declaration was prepared and considered in accordance with the requirements of the California Environmental Quality Act (CEQA).
4. 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, and Environmental Services Department, 1195 Third Street, Room 210, Napa, California.
5. There is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment with adoption of the noise mitigation measure.
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 project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

EXCEPTION TO ROAD AND STREET STANDARDS:

The Commission has reviewed the attached described Road and Street Standards (RSS) Exception request in accordance with Road and Street Standards Section 3 and makes the following findings:

8. The exception will preserve unique features of the natural environment which includes, but is limited to, steep slopes, heritage oak trees, or other trees of at least 6"dbh and found by the decision-maker to be of significant importance, but does not include manmade environmental features such as vineyards, rock walls, ornamental or decorative landscaping, fences or the like.

Analysis: The existing internal access driveway has sections where the maximum centerline slope exceeds 16% and the road is flanked by steep uphill and downhill slopes that exceed 30%, and several mature native trees. To reduce the centerline slope in these areas would require grading on slopes that exceed 30% and the removal of native oak trees that vary in diameter from 6 inches to 24 inches diameter breast height. A reduction to the inside radius of curvature for a horizontal curve is also requested and at the station where the reduced horizontal inside radius is where surrounding areas include steep slopes. The applicant has provided a 30 foot wide road section throughout the turn and modeled a Fire Apparatus navigating the turn. The RSS requires a commercial driveway to have a 20 foot wide road with 22 feet of unobstructed horizontal clearance. The existing internal roadways generally vary in width from 12 feet to 22 feet or greater. These existing roadways are bound by the steep slopes and mature trees. The applicant is proposing to widen all internal access roads to the maximum extent practical and to provide vegetation management to help with sight distance along the entire road way.

The RSS provides an exception to the Standards with an intent to serve as an alternate method by which adherence to the Standards may be achieved at the same time the County assures compliance with its goal to ensure the preservation of the unique features of the natural environment. There are constraints from existing topographical features, steep slopes, and setback from the natural water course as allowed by the RSS Section 3, (d)i and (d)ii, and the exceptions are requested serve to minimize the hillside grading and any removal of mature native oak trees.

9. Grant of the Road and Street Standards Exception will provide the same overall practical effect as the Standards do in providing defensible space, preserving the natural environment and protecting the life, safety and welfare of the public and not compromising civilian egress or Fire Department access.

Analysis: Engineering Division staff has reviewed the exception and discussed the request with the Napa County Fire Department. Engineering staff has made the determination that: the exception request has provided the necessary documentation, as required by RSS Section 3; the exception request has been submitted in connection with a major modification application; that the exception has received the appropriate environmental review from the Planning Division; and shall be heard by the Planning Commission along with the major modification. Further, the exception request will minimize earthwork on steep slopes and removal of mature native trees in order to preserve the existing environmental features and are justified based upon existing topographic conditions of the site; the applicant is proposing to improve widen the travel lane to maximum extent practical over the entire length of the roadway; and, the implementation of the improvements proposed would serve as an alternate method by which adherence to the RSS may be achieved and would provide the same overall practical effect as the RSS towards providing defensible space, preserving the natural environment and protecting the life, safety and welfare of the public.

USE PERMIT MODIFICATION REQUIRED FINDINGS:

The Commission has reviewed the major modification request in accordance with the requirements of the Napa County Code Section 18.124.070 and makes the following findings.

10. The Commission has the power to issue a use permit under the zoning regulations in effect as applied to the property.

Analysis: The project is consistent with Agricultural Preserve (AP) zoning district regulations. A winery (as defined in Napa County Code Section 18.08.640) and uses in connection with a winery (see Napa County Code Section 18.16.030) are permitted in an AP zoned district with an approved use permit. The project complies with the requirements of the Winery Definition Ordinance (Ord. No. 947, 1990) and the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code) as applicable.

11. The procedural requirements for a use permit set forth in Chapter 18.124 of the Napa County Code (Use Permits) have been met.

Analysis: The use permit modification application has been filed, noticed and public hearing requirements have been met. The hearing notice was posted on July 15, 2020 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 July 15, 2020 to August 4, 2020.

12. The granting of the use permit, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: Various County departments have reviewed the project and commented regarding water, waste water disposal, traffic and access, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the ongoing protection of the public health, safety, and welfare.

13. 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.

Analysis: Compliance with the Zoning Ordinance

The project is consistent with the AP 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 project includes interior changes to an existing building, driveway improvements, and the construction of covered work areas and will comply with the development standards of the AP District. 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 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 (AR).

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 expansion of the existing agricultural use, the requested 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.

Applicable Napa County General Plan goals and policies:

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| <u>Goal AG/LU-1:</u> | Preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County. |
| <u>Goal AG/LU-3:</u> | Support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands. |
| <u>Policy AG/LU-2:</u> | “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. |
| <u>Policy AG/LU-4:</u> | 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. |
| <u>Policy AG/LU-8:</u> | The County’s minimum agricultural parcel sizes shall ensure that agricultural areas can be maintained as economic units. |
| <u>Goal CON-10:</u> | 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. |
| <u>Goal CON-11:</u> | 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-54: The County shall maintain or enhance infiltration and recharge of groundwater aquifers by requiring all projects in designated groundwater deficient areas as identified in the County’s groundwater ordinance (County Code Chapter 13.15) be designed (at minimum) to maintain a site’s predevelopment groundwater recharge potential, to the extent feasible, by minimizing impervious surfaces and promoting recharge (e.g., via the use of water retention/detention structures, use of permeable paving materials, bio- swales, water gardens, cisterns, and other best management practices).

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-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.

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.

14. The proposed use would not require a new water system or improvements 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 Napa County Code Section 13.15.070 or Section 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, and 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. Minimum thresholds for water use have been established by the Department of Public Works using reports by the United States Geological Survey (USGS). These reports are the result of water resources investigations performed by the USGS in cooperation with the Napa County Flood Control and Water Conservation District. Any project which reduces water usage or any water usage which is at or below the established threshold is, for

purposes of the application of the County's Groundwater Conservation Ordinance, assumed not to have a significant effect on groundwater levels. Based on the submitted the Tier 1 Water Availability Analysis (WAA) by Bartelt Engineering (March 2019), the subject 31.85 acre parcel plus 5.15 acre parcels (total 37 acres) located on the valley floor area have an estimated groundwater recharge of 37 acre feet per year (af/yr), which is arrived at by multiplying their total 37 acre size by a one acre feet per year per acre, fair share water use factor. The Water Demand Calculations submitted for the project placed the water demand for existing uses on the property (winery process, 9.68 af/yr; domestic, landscaping, 2.25 af/yr; vineyards irrigation, 2.70 af/yr; frost protection, 1.35 af/yr; heat protection, 1.35 af/yr; commercial, 0.29 af/yr; residence, 0.75) a total of 18.37 af/yr. The proposed winery project increase of total employees places the new demand for the parcel (winery process, 9.68 af/yr; domestic and landscaping, 2.25; af/yr; vineyards irrigation, 2.70 af/yr; frost protection, 1.35 af/yr; heat protection, 1.35 af/yr; commercial, 0.69 af/yr; residence. 0.75 af/yr) at a total 18.77 af/yr. Based upon this figure, the project would be well below the established threshold for groundwater use on the property and is projected to increase by 0.4 af/yr. The County is not aware of, nor has it received any reports of, groundwater shortages near the project area. The project will not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level.

Therefore, the project is considered not to have a potential to significantly impact groundwater resources. Because the projected water demand for the project is below the estimated water availability acre feet per year for the parcel, the requested Use Permit 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. The project will not require a new water system or other improvements and will not have a negative impact on local groundwater.