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Recommended Findings

**PLANNING COMMISSION HEARING – SEPTEMBER 16, 2020
RECOMMENDED FINDINGS**

**Benjamin Ranch Winery, Use Permit Application No. P13-00371-UP
8895 Conn Creek Road, St. Helena, California
Assessor’s Parcel Nos. 030-120-016 and 030-120-017**

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 request, 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 Mitigated Negative Declaration and the proposed project.
2. The Mitigated Negative Declaration is based on independent judgment exercised by the Planning Commission.
3. The Initial Study and Mitigated 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 transportation and biological resource mitigation measures and other standard conditions of 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 Commission has reviewed the Use Permit request in accordance with the requirements of Napa County Code Section 18.124.070 and makes the following findings:

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

Analysis: The winery is located on property located in the AP (Agricultural Preserve) District. Wineries in the AP District require Planning Commission approval of a conditional use permit

(Napa County Code Sections 18.16.030). There is no companion discretionary action necessary for the requested Use Permit that would require action by the Board of Supervisors.

9. 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 application for a Use Permit has been appropriately filed, and notice and public hearing requirements of Napa County Code Section 18.136.040 and CEQA Guidelines Section 15164 have been met. On or prior to August 14, 2020, notice of a public hearing and intent to adopt a Mitigated Negative Declaration was published in the Napa Valley Register; posted with the Napa County Clerk; mailed via first class mail to owners of property within 1,000 feet of the subject parcels; distributed through the State Clearinghouse for review by potentially permitting State agencies; and mailed via first class mail or electronic mail to the applicant, property owner, the owner's/applicant's representative, and other interested parties who had previously requested such notice.

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

Analysis: The proposed winery and related wine marketing activities will increase water demands, but estimated water use (40.4 acre-feet per year) will still fall within the County's acceptable use threshold for groundwater use on the Valley Floor, not exceeding 1 acre-foot per parcel acre per year for the planned, approximately 63.4-acre site. The project will introduce vehicle trips and generate new vehicle miles traveled by an additional, up to 60 winery employees that currently do not work on the premises. The winery owner has agreed to implement trip reduction measures including daily lunch offerings for employees that will eliminate the need for employees to leave the premises for the lunch hour, cash incentives for carpooling, and shuttle service for group transportation of guests for any event with 24 or more persons. The winery owner has also agreed to construct a right-turn lane on southbound Silverado Trail at Conn Creek Road/State Route 128, and has proposed to construct a left-turn lane on Conn Creek Road/State Route 128 at the proposed winery driveway, to provide sheltered queuing area for turning vehicles, facilitate safer vehicular turning movements and reduce delays that would otherwise be experienced by drivers in through lanes on those roadways. Adequate area and soil profiles exist on-site to accommodate requirements for treatment of all process and sanitary wastewater generated by project operations. While a portion of the winery buildings will encroach into 100-year and 500-year floodplains of the Napa River, project construction will include import of fill to elevate finished floors of buildings above flood contours, thereby minimizing risk of release of pollutants or contaminants stored within the structures into river floodwaters. Requirements for pre-construction surveys of buildings to be demolished will reduce potential impacts to sensitive bird and bat species that may be inhabiting those structures.

Various County divisions and departments have also reviewed the project and provided recommendations pertaining to the proposed project. Recommended conditions incorporate these comments, along with other project-specific and standard County conditions pertaining to noise, air quality and light and glare, into the project approval to assure the protection of the public health, safety, and welfare.

11. 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 property that is the subject of this application is located in the AP District, where the continued use of the site for vineyard is permitted and wineries are conditionally permitted (Napa County Code Sections 18.16.020 and 18.16.030). Thus, the proposed use is consistent with the land use regulations of the AP District.

The proposed project is also compliant with minimum winery building setbacks, maximum winery lot coverage, and maximum accessory to production ratio requirements specified in Napa County Code for wineries located in the AP District. With the tallest structure, the cover over the work area between the production buildings, proposed at a height of 34 feet (where 35 feet of height is allowed, as measured to midpoint between roof peak and gutter), and decorative cupolas proposed to measure 41 feet above grade (where decorative features are allowed to be 50 feet above grade), the proposed structures would comply with the maximum building height regulations of Napa County Code Sections 18.104.010 and 18.104.120. Winery coverage is proposed at 6.3 acres, where 15 acres of the planned 63.97-acre winery parcel may be covered by winery facilities pursuant to Napa County Code Section 18.104.220. Side and rear yard setbacks of proposed new structures also meet or exceed the 20-foot minimum required under County Code Section 18.104.010, and the proposed winery structure is over 1,000 feet away from the centerline of the Conn Creek Road/State Route 128 right-of-way, in compliance with County Code Section 18.104.230, Subsection A.1. 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 proposed project is just 12 percent of the proposed building and covered crush pad areas dedicated to wine production. As outlined in the applicant's project statement, the winery will operate in compliance with the requirement that at least 75 percent of grapes processed at wineries be grown in Napa County.

Analysis: Consistency with the General Plan

As proposed and as conditioned, the requested Use Permit 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 vineyard, and the proposed addition of winemaking to the site supports the economic viability of winery and agriculture in general within the County, consistent with Goal AG/LU-3, as well as Policy E-1 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.

The General Plan land use designation for the subject parcel is Agricultural Resource. The intent of this land use designation is to "identify areas of the fertile valley and foothill areas of the county in which agriculture is and should continue to be the predominant land use." The agricultural development currently on the property (vineyard), as well as the existing single-family dwelling to be retained on a separate parcel within the project area, are consistent with the general uses identified in the General Plan as being compatible with the Agricultural Resource designation. The proposed winery, as an establishment engaged in the processing of

agricultural products, is also consistent with the intent of the designation (Policy AG/LU-21). As part of the winery operation, the applicant has proposed to offer on-site consumption of wine purchased at the winery, daily tours and tastings with food (by-appointment, for up to 400 visitors per day), and up to 357 marketing events annually for 16 to 150 guests. On-site consumption, tastings, and marketing events are proposed to occur in the winery's hospitality rooms or outdoor areas near the visitor's center, the irrigation pond, and landscaped and vineyard areas proximate to the visitor parking lot. Consistent with the General Plan definition (Policy AG/LU-2), agriculture includes raising of crops and livestock, as well as processing of agricultural products and related marketing, sales and other accessory uses. Thus, the continuation of the residential use and vineyard operation on the property, as well as the wine production and associated wine tasting and wine marketing activities requested, are consistent with the uses of the property as described in the General Plan.

Water demand generated by the requested Use Permit, including recycling of treated process wastewater as on-site vineyard irrigation, is in line with General Plan goals supporting sustainable water use and prioritization of groundwater for agricultural purposes (CON-10 and CON-11). Consistent with General Plan Policy CON-50, adopted in an effort to preserve water quality in the County's watersheds, streams and river, the proposed winery development will be outside of the Napa River and Conn Creek minimum stream setbacks as defined in County Code Chapter 18.108 (Conservation Regulations).

12. Substantial evidence has not been presented which demonstrates that the project water system might cause a significant adverse effect on any underlying groundwater basin.

Analysis: The project 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. A project Water Availability Analysis (WAA) prepared for the applicant following the Napa County WAA Guidance was submitted with the Use Permit application and updated in June 2020.

The WAA estimated water demands from existing uses on the property utilizing demand factors in Appendix B of the Napa County WAA Guidance document (2015) at 38.01 acre-feet per year, a conservative estimate given that actual water demand for the 2018 and 2019 calendar years was 12.79 and 10.14 acre-feet, respectively, and less than the standardized factors in the WAA Guidance. Using the same demand factors in the WAA Guidance document for vineyard irrigation and winery uses, and the landscape irrigation demand methodologies in the State Model Water Efficient Landscape Ordinance (MWELo, California Code of Regulations Title 23, Division 2, Chapter 2.7), introduction of the winery, winery development and related accessory activities to the property is estimated to increase to water demand to 40.43 acre-feet per year.

Through various studies and reports, the County has concluded that any project located on the Napa Valley Floor that would utilize 1 acre-foot or less of groundwater per parcel acre per year would not have a significant negative effect on groundwater levels. With the location of the proposed 63.97-acre winery project site on the Napa Valley Floor, the requested Use Permit would have a potentially significant groundwater impact if it resulted in more than 63.97 acre-feet of groundwater demand per year. The conservatively estimated groundwater demand of fewer than 41 acre-feet of groundwater per year is within the groundwater extraction volume considered by the County to be acceptable and will not have a negative effect on groundwater levels in the area.

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-1: Agriculture and related activities are 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.
- Policy AG/LU-9: The County shall evaluate discretionary development projects, re-zonings, and public projects to determine their potential for impacts on farmlands mapped by the State Farmland Mapping and Monitoring Program, while recognizing that the state’s farmland terminology and definitions are not always the most relevant to Napa County, and shall avoid converting farmland where feasible.
- Where conversion of farmlands mapped by the state cannot be avoided, the County shall require long-term preservation of one acre of existing farm land of equal or higher quality for each acre of state-designated farmland that would be converted to non-agricultural uses. This protection may consist of establishment of farmland easements or other similar mechanism, and the farmland to be preserved shall be located within the County and preserved prior to the proposed conversion. The County shall recommend this measure for implementation by the cities and town and LAFCO as part of annexations involving state-designated farmlands.
- Policy AG/LU-10: New wineries and other agricultural processing facilities as well as expansions of existing wineries and facilities in agricultural areas should be designed to convey their permanence and attractiveness.
- Policy AG/LU-21: The following standards shall apply to lands designated as Agricultural Resources 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.

Minimum Parcel Size: 40 acres, except that parcels with a minimum of 2 acres may be created for the sole purpose of developing farm labor camps [subject to certain conditions]

Maximum Building Intensity: One dwelling per parcel (except as specified in the Housing element). Nonresidential building intensity is non-applicable, but where practical, buildings will be located off prime soils.

- Policy CIR-7: All applicants for development projects or modifications thereto shall be required to evaluate the vehicle miles traveled (VMT) associated with their projects, in order to determine the projects' environmental impacts pursuant to the California Environmental Quality Act. Applicants shall specify feasible measures to reduce a proposed project's VMT and shall provide an estimate of the VMT reduction that would result from each measure. Upon the effective date of the pertinent State CEQA Guidelines, projects for which the specified VMT reduction measures would not reduce unmitigated VMT by 15 or more percent shall be considered to have a significant environmental impact.
- Policy CIR-27: The County shall encourage the use of alternative transportation by tourists, visitors and commuters, and will work with wineries, the local hospitality industry, public and private employers, and the cities and town to develop incentives that encourage the use of these options and the development of private transit services.
- 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 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.

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.