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Recommended Findings

**PLANNING COMMISSION HEARING – NOVEMBER 18, 2020
REVISED RECOMMENDED FINDINGS**

**SHADYBROOK ESTATE WINERY
MAJOR MODIFICATION P20-00158-MOD
100 RAPP LANE, NAPA
ASSESSOR PARCEL NO. 052-170-019**

ENVIRONMENTAL:

1. The Planning Commission (Commission) has received and considered the proposed Addendum to the Shadybrook Estate Winery Negative Declaration prepared pursuant to the provisions of the California Environmental Quality Act (CEQA), (Public Resources Code Section 21000 *et seq.*) and of Napa County's Local Procedures for Implementing CEQA, as further described in the Attached Addendum.

EXCEPTION TO ROAD AND STREET STANDARDS:

2. The Commission has reviewed the attached described Road and Street Standards Exception request in accordance with Road and Street Standards Sections (3) and (5) and makes the following findings:

The Exception request is to allow the project to seek an exception to the RSS for widening the existing 20.59' wide entrance gate since the Winery is located in a Locally Responsibility Area (LRA) and not in a Very High Fire Hazard Severity Zone (VHFHSZ) pursuant to Section Five of the RSS.

The subject parcel and entry gate/access drive falls entirely within the Local Responsibility Area (LRA) and is not designated as being in a Very High Fire Hazard Severity Zone (VHFHSZ). Engineering Division staff has reviewed the Road Exception Request letter prepared by RSA+ dated August 25, 2020 with the applicant's authorized agents, Engineering staff and the Fire Marshal's office. With respect to Section (3) & Section (5) of the RSS as adopted by Resolution No. 2020-12 by the Board of Supervisors on February 4, 2020, the Engineering Division and the Fire Marshal's office have determined the following: Unlike exceptions within the SRA or for property located within the VHFHSZ, exceptions for property located completely within the LRA may be permitted when they do not provide the same overall practical effect as the SRA Fire Safe Regulations. However, the exception request must provide measures, which provide safe access for emergency apparatus, safe civilian evacuation, and the avoidance of delays in emergency response based on the demands of the property.

As proposed, the gated access serving a commercial driveway has 22 feet of unobstructed horizontal clearance. The existing gated access has an approximately 20.5-foot clear horizontal opening. The roadway will provide an overall clear width of 22 feet on either side of the gate and the applicant has provided an exhibit demonstrating clear line of sight for approximately 625 feet from the gate.

USE PERMIT MODIFICATION:

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

3. The Commission has the power to issue the Major Modification under the Zoning Regulations in effect as applied to property.

Analysis: The project is consistent with the AW (Agricultural Watershed) 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 18.20.030) are permitted in the AW District with an approved major modification. The project, as conditioned, complies with the Napa County Winery Definition Ordinance (WDO) and all other requirements of the Zoning Code as applicable.

4. The procedural requirements for a Major Modification set forth in Chapter 18.124 of the Napa County Code (zoning regulations) have been met.

Analysis: The Major Modification application has been appropriately filed and notice and public hearing requirements have been met. The hearing notice and intent to adopt an Addendum to the previously adopted Negative Declaration was posted and published in the Napa Valley Register on November 6, 2020. Copies were forwarded to property owners within 1,000 feet of the subject parcel, as well as, other interested parties.

5. The granting of the Major Modification, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: Granting the Major Modification as proposed and conditioned will not affect the health, safety or welfare of the County. Various County divisions and departments have reviewed the project and commented regarding waste disposal, water demands and an exception to the Napa County Road and Street Standards (RSS) for widening the existing entrance gate. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health, safety, and welfare.

6. 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 proposed use is consistent with the regulations of the AW District in which the property is located. Wineries are conditionally permitted uses in the AW District (Napa County Code Section 18.20.030). No expansion of the existing winery facilities is proposed such that an inconsistency would be newly created on the property with respect to zoning regulations. This request is a result of the Planning Commission's action taken on January 15, 2020 on Major Modification P18-00450-MOD, which required the applicant to bring the subject winery into compliance prior to reconsideration of the expansion beyond existing entitlements, which included an increase in visitation and marketing. 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).

General Plan Agricultural Preservation and Land Use Goal AG/LU-1 guide 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 and the requested increase in visitation and marketing to sell the final product supports the economic viability of the winery and agriculture in general with the County consistent with Goal AG/LU-3, as well as, Policy AG/LU-4, and Goal E-1 and Policy E-1. General Plan Policy AG/LU-2 recognizes wineries as agricultural uses.

The General Plan land use designation for the subject parcel is Agriculture, Watershed & Open Space (AWOS). The primary part of the intent of this land use designation is to “provide areas where the predominant land use is agricultural oriented” (General Plan Policy AG/LU-20). The agricultural development currently on the property (winery with vineyard), is consistent with the general uses identified in the General Plan as being compatible with the AWOS designation, and the requested use permit modification would facilitate continued operation of the current agricultural activity. Water demand generated by the requested use permit modification for an increase in visitation and marketing, including domestic wastewater treatment and dispersal on the parcel is in line with General Plan goals supporting sustainable water use and prioritization of groundwater for agricultural purposes (CON-10 and CON-11).

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.

Policy AG/LU-20: The following standards shall apply to lands designated as Agricultural, Watershed, and Open Space on the Land Use Map of this General Plan.

Intent: To provide areas where the predominant use is agricultural oriented; where watersheds are protected and enhanced; where reservoirs, floodplain tributaries, geologic hazards, soil conditions, and other constraints make the land relatively unsuitable for urban development; where urban development would adversely impact all such uses; and where the production of agriculture, watershed, and floodplain tributaries from the fire, pollution, and erosion is essential to the general health, safety, and welfare.

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-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.

6. That in the case of groundwater basins identified as "groundwater deficient areas" under Section 13.15.010, the proposed use would not require a new water system or improvement, or utilized an existing water system causing significant adverse effects, either individually or cumulatively, on an affected said 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 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.

The project site is located in the designated Milliken-Sarco-Tulocay (MST) Groundwater Deficient Area. The parcel has an area of 11.37 acres and there is an existing well on the property. A Groundwater Permit # 90-00069 was granted in 2003 for water storage tanks and 5.9-acre feet/year (af/yr) water use. In 2007, this ground water permit was revised and reduced pursuant to Use Permit Modification P06-01095-MOD to 3.41 af/yr (residential - 0.50 af/yr; winery - process 0.46 af/yr, domestic 0.11 af/yr, and landscaping 0.32 af/yr; vineyard - 2.02 af/yr). The winery has an approved Domestic Water Supply Permit for a Public Water System with State ID# 28-00046. The parcel is also participating in the MST recycled water community facilities district in which irrigation demand is met with recycled water at 1.83 af/yr.

The applicant, who owns two adjacent parcels, previously received authorization from the Planning Commission for consolidation of the required public water system for Shadybrook Estate Winery (APN 052-170-018) with Rapp Equestrian Center (APN 052-170-018) on January 15, 2020 (RSA+, dated September 18, 2018 (Rapp Equestrian Center) and July 9, 2018 (Shadybrook Estate Winery). The amount of water authorized was 4.16 af/yr for Equestrian Center (P18-00197-UP) and 3.41 af/yr for the Winery (P18-00450-MOD).

A Joint Water Availability Analysis for Shadybrook Estate Winery and Rapp Equestrian Center by RSA+, dated May 29, 2020 was submitted for this new request to confirm usage consistent with prior Commission authorization. No changes were made or requested. As summarized, Rapp Equestrian Center has an area of 11.97 acres and is entitled to groundwater usage of 4.16 af/yr per Napa County Groundwater Permit 90-00051. The Rapp Equestrian Center currently irrigates with the existing well water on the property. Total water demand on this property is 1.13 af/yr for the residences, employees, visitors and marketing events, 1.50 af/yr for horses and landscaping, and 1.53 for vineyard irrigation.

Shadybrook Winery (P18-00450-MOD) which originally requested an increase in production and, employees, visitation and marketing will result in a net decrease in the use of the groundwater by 1.0 af/yr for a total water demand at the Winery to be 2.41 af/yr (residential - 0.50 af/yr; winery - process 1.07 af/yr, domestic 0.33 af/yr, and landscaping 0.32 af/yr; vineyard - 0.19 af/yr [1.83 irrigated from MST recycled water]). A reduction of 1.00 af/yr will be achieved through use of recycled water for most of the vineyard irrigation. This proposed Winery modification (P20-00158-MOD) to consider an increase in visitation and marketing will result in no change in the use of groundwater.

The resultant groundwater demand for both parcels will be less than the associated ground water permits and use permit allocation and would not result in a substantial increase the demand of ground water supplies or interfere with groundwater recharge or lowering of the local groundwater level in the MST. Because the projected water demand will result in a net decrease, the requested Major 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. The project will not require a new water system or other improvements and will not have a negative impact on local groundwater.