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Recommended Findings

**ZONING ADMINISTRATOR HEARING – JANUARY 27, 2021
RECOMMENDED FINDINGS**

**A.S. VINEYARDS USE PERMIT MINOR MODIFICATION AND
VIEWSHED PERMIT
APPLICATION No. P19-00273 and P20-00153
3283 NORTH ST. HELENA HIGHWAY, ST. HELENA, 94558
APN 022-080-004**

ENVIRONMENTAL:

The Zoning Administrator has received and reviewed the proposed Addendum to the previously adopted 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 Zoning Administrator has read and considered the Addendum prior to taking action on said Addendum and the proposed project.
2. The Addendum is based on independent judgment exercised by the Zoning Administrator.
3. The Addendum was 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.
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 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 plan.
7. The Zoning Administrator 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, Second Floor, Napa, California.

VIEWSHED:

The Zoning Administrator has reviewed the attached Viewshed application and makes the following findings as required by Napa County Code §18.106.050(B):

8. The project as designed or modified is consistent with Chapter 18.108, Conservation Regulations, of the code.

Analysis: In accordance with Chapter 18.108, no construction on the project site occurs on slopes of 30% or greater. In conjunction with the Use Permit and Viewshed applications, the Engineering Services Division has conditioned the submittal of a storm water pollution prevention plan and incorporation of best management practices, as necessary. Plans will be reviewed by staff to meet all the requirements and intent pursuant to Chapter 18.108.

9. If the highest point of the proposed project is located more than twenty-five (25) vertical feet below a major or minor ridgeline, that measures have been included in the project to reduce its visual impact on the major or minor ridgeline through use of existing natural vegetation, landscaping, topographical siting, architectural design, and color tone; or if the highest point of the proposed structure is within twenty-five (25) vertical feet of a major or minor ridgeline, that the existing vegetation, proposed landscaping, topographical siting, architectural design, and color tone screen the predominant portion of the proposed structures.

Analysis: The project has been designed in substantial conformance with the County's viewshed protection manual because it would avoid grading on slopes in excess of 30 percent and will be located more than 25-feet below the minor ridgeline. As shown in the submitted viewshed analysis, the proposed winery will not be visible from State Highway 128 or Silverado Trail because of the existing contours of the property and existing vegetation. The proposed project includes a new cut and cover cave that will be embedded into the hillside and two winery structures measuring 2,493 square feet and 1,811 square feet that are located on the southwest corner of the property, set away from Highway 128 and screened by heavy vegetation that borders the roadway. The proposed parking spaces will be located in front of the proposed winery structure and will not be visible from State Highway 128 or Silverado Trail. The structures will be further screened by olive trees that will be planted to augment the existing vegetation.

10. The proposed structures, access roads and other site improvements are sited and designed to minimize adverse effects on views from designated viewshed roads.

Analysis: As designed, the proposed structures will be significantly screened from views on viewshed roads due to the combination of screening by existing vineyards, vegetation, site topography, proposed tree planting, and the backdrop of hillside topography.

11. The proposed structures, access road and other site improvements, including earthmoving or grading, and benches or shelves minimize the removal of vegetation.

Analysis: Grading on slopes in excess of 30 percent will not occur. The winery includes the construction of a cut and cover cave and two new structures that will utilize the existing project site driveway with minor improvements, to further minimize hillside grading and vegetation removal. Development of the modified project will require the removal of 16 trees, including four olive trees, two madrone, six Douglas fir, one maple and three fruit trees. None of the identified tree species to be removed are currently considered sensitive, of special status or limited distribution within the County's General Plan.

12. The siting and design of site improvements and access roads minimize grading and alteration of natural landforms and topography.

Analysis: Proposed grading will follow the natural contours of the site and will not disturb slopes in excess of 30 percent. The siting of the winery structures avoid disturbance to the steep slopes within the eastern portion of the site helps minimize the required grading and alterations of the natural landform and topography.

13. A landscape and/or vegetation retention plan in conformance with the Design Manual has been submitted and approved for the site that would provide maximum screening from designated viewshed roads through preservation of existing vegetation and the planting of new vegetation and provide for defensible space in conformance with state law.

Analysis: The winery structures will be substantially screened via retention of natural vegetation and augmentation of the existing vegetation with the planting of olive trees. The design and location of proposed vegetation allows for the required defensible space.

14. The proposed structures and associated improvements substantially conform to the Design Manual in order to reduce their visual impact on the views of major and minor ridgelines as viewed from any designated viewshed road and unique topographic or geologic features as viewed from any county road. The following landforms will be considered to be unique topographic or geologic features for the purposes of this subsection: Mt. St. Helena, Stag's Leap, Calistoga Palisades, Round Hill, Mt. George and Mt. St. John, all of which are not applicable to this site.

Analysis: The proposed structures will be located more than 25 vertical feet below a minor ridgeline. Therefore, as designed the proposed project and associated improvements substantially conform to the County's Design Manual, and thereby reduce visual impacts on ridgelines. No unique topographic or geologic features are applicable to this subject site.

PLANNING AND ZONING ANALYSIS:

USE PERMIT:

The Zoning Administrator has reviewed the use permit request in accordance with the requirements of the Napa County Code §18.124.070 and makes the following findings:

15. The Zoning Administrator has the power to issue a Use Permit 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 use permit. The project, as conditioned, complies with the Napa County Winery Definition Ordinance (WDO) and all other requirements of the Zoning Code as applicable.

16. 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 minor modification has been appropriately filed, noticed and public hearing requirements have been met. The hearing notice and intent to adopt an addendum to a previously adopted Mitigated Negative Declaration was posted and published in the Napa Valley Register on January 15, 2021, and copies of the notice were forwarded to property owners within 1,000 feet of the property, the applicant, property owner and other interested parties who had previously requested such notice.

17. 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 minor modification to the use permit for the project as proposed and conditioned will not adversely affect the health, safety or welfare of the County. Affected County divisions and departments have reviewed the project and commented regarding the proposed driveway, grading, drainage, the proposed septic system, parking, building permits, and fire protection. Conditions are recommended that will incorporate these comments into

the project to assure the protection of the public health, safety, and welfare.

18. 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 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 subject to an approved use permit. The proposed site improvements will comply with the development regulations of the AW District, including the minimum 600-foot road setback for winery buildings and 35-foot maximum building height 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: Compliance with the General Plan

As proposed and as conditioned, the requested modified Use Permit 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 Watershed & Open Space.

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 proposed 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 authorizing a winery at the project site the requested Use Permit supports the economic viability of both the vineyard use 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:

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-24(c): Maintain and improve oak woodland habitat to provide for slope stabilization, soil protection, species diversity, and wildlife habitat through appropriate measures including one or more of the following:

- a) Provide replacement of lost oak woodlands or preservation of like Habitat at a 2:1 ratio when retention of existing vegetation is found to be infeasible. Removal of oak species limited in distribution shall be avoided to the maximum extent feasible.

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:

- a) Site design for fire department access in and around structures.
- b) Ability for a safe and efficient fire department response.
- c) Traffic flow and ingress/egress for residents and emergency vehicles.
- d) Site-specific built-in fire protection.
- e) Potential impacts to emergency services and fire department response.

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 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. Two wells are located on the project parcel. One well lies near the southeast corner of the parcel and is not potable because of high concentrations of arsenic, but is suitable for vineyard irrigation. The second well is located near the southwestern corner of the parcel and provides potable water for the existing residence, and would also provide potable water for the proposed winery. The applicant completed a Water Availability Analysis which included a parcel specific recharge evaluation. According to the recharge evaluation, “mean annual groundwater recharge in the project recharge area (Area 2) is estimated using the Soil Water Balance model to be 37.1 acre-feet. The estimated annual demand for all water use within the project recharge area is 10.6 ac-ft/yr which represents 29 percent of the estimated average annual recharge. At the project parcel scale, estimated average recharge across the 12.1 acres is 10.4 acre-feet. Annual demand for the 12.1 acre parcel is 4.5 ac-ft which represents 43 percent of the estimated recharge during an average water year. The estimated surpluses under the proposed conditions indicate that increase in water use associated with the proposed increase in wine production and added events is highly unlikely to result in reductions in groundwater levels or depletion of groundwater resources over time” (Sodhani Winery Water Availability Analysis, May 18, 2020, 3283 St. Helena Highway, St. Helena, County of Napa, APN 022-080-004). Because the projected water demand for the project is far below the estimated mean estimated annual recharge of 4.85 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.