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Initial Study / Negative Declaration

Dakota Shy Winery, Use Permit Major Modification
Application No. P19-00131-MOD
Planning Commission Hearing, February 17, 2021

COUNTY OF NAPA
PLANNING, BUILDING AND ENVIRONMENTAL SERVICES DEPARTMENT
1195 THIRD STREET SUITE 210
NAPA, CA 94559
(707) 253-4417

REVISED
(State CEQA Guidelines Section 15073.5[c][4])
Initial Study Checklist
(form updated January 2019)

1. **Project Title:** Dakota Shy Winery, Use Permit Major Modification Application No. P19-00131-MOD and Request for Exception to Napa County Road and Street Standards
2. **Property Owner:** DS Property, LLC, 771 Sage Canyon Road/State Route (SR) 128, St. Helena, CA 94574
3. **County Contact Person, Phone Number and Email Address:** Charlene Gallina, Supervising Planner, phone number 707-299-1355, email address Charlene.Gallina@countyofnapa.org
4. **Project Location and Assessor's Parcel Number (APN):** 771 Sage Canyon Road/SR 128, St. Helena, CA 94574 (nearest cross street Silverado Trail); APN 030-120-024
5. **Project Sponsor's Name and Address:** Tom Garrett, 771 Sage Canyon Road/SR 128, St. Helena, CA 94574
6. **General Plan Description:** Agriculture, Watershed and Open Space (AWOS)
7. **Zoning:** AW (Agricultural Watershed) District
8. **Background/Project History:**
The six (6) acre property at 771 Sage Canyon Road/SR 128 is currently developed with a single-family residence with secondary dwelling, and a winery. Approximately 0.75 acre on the property is planted with olive trees. Historic aerial photographs indicate that the property has had residential and agricultural (orchard) uses since as early as the mid-20th century.

On June 15, 1988, the Napa County Conservation, Development and Planning Commission approved Use Permit Application No. 298788 authorizing operation of a winery on the property. Production at the winery was limited to 1,000 gallons of wine per year, with no public tours and tastings or other activities permitted to occur outside of a building. Private tours and tastings by appointment were allowed, with no limit specified on the number of guests. Retail sales were limited to sale of wine to guests of private tours and tastings. The property was authorized and developed prior to the adoption of the Winery Definition Ordinance (WDO, Napa County Code Section 18.104.200 through 18.104.255) regulations, which established 600-foot and 300-foot road setback standards, as well as, a 10-acre minimum lot size, for winery uses in the agricultural zoning districts of unincorporated Napa County.

On January 20, 2016, the Napa County Planning Commission approved Use Permit Application No. P14-00335-UP and Variance Application No. P14-00336-VA. That approval superseded the approval of Use Permit No. 298788 and allowed operation of a winery on the premises with an increased production capacity of 14,000 gallons of wine per year. All wine to be produced at the winery was to be subject to the "75 percent rule" that requires at least 75 percent of grapes used to make the winery's wine to be grown in Napa County (Napa County Code Section 18.104.250.B and Use Permit No. P14-00335-UP Condition of Approval [COA] 5.0). Daily tours and tastings by appointment were permitted for up to 20 guests per day, with a weekly maximum of 112 guests. Approval of Use Permit No. P14-00335-UP also authorized a wine marketing event program consisting of two events per year, for up to 40 guests per event. Physical changes to the site that were approved with the use permit included construction of a new wine production building (+/- 6,100 square feet) that also housed a new tasting room (+/- 400 square feet); installation of an outdoor, uncovered event pad (+/- 2,400 square feet); conversion of an existing garage (+/- 1,600 square feet) to winery storage; paving of a one-way loop access road providing access to and from Sage Canyon Road/SR 128; and installation of up to 14 vehicle parking spaces, plus utilities infrastructure in support of the winery operation. Winery production and hospitality services were to be conducted by as many as 10 employees. Variance No. P14-00336-VA

approved with the project allowed the winery building to encroach 502 feet into the 600-foot setback from Silverado Trail that is required by Napa County Code Section 18.104.230.

On January 10, 2017, Napa County Planning staff on behalf of the Zoning Administrator approved Use Permit Minor Modification Application No. P16-00414-MM. That approval: 1) increased approved winery accessory floor area by approximately 270 square feet (additional 184 square feet in a first floor and new second floor office plus additional 83 feet of tasting area); 2) increased winery production floor area from approximately 4,900 to 5,615 square feet; and 3) reduced on-site parking from 14 to 10 stalls to accommodate priority parking for carpool/electric vehicles and a universal van accessible stall.

On August 10, 2017, the Napa County Zoning Administrator approved Variance Application No. P17-00170-VA allowing the construction of two, 5,000-gallon water tanks to encroach 20 feet into the 90-foot road and yard setbacks from the centerline of Silverado Trail as required by Napa County Code Sections 18.104.010 and 18.112.040.

Currently, the winery operates within approximately 8,900 square feet of winery buildings and utility structures (including barrel storage, office spaces, equipment sheds, etc.) and has an approximately 2,400 square foot outdoor, uncovered event pad. Tours and tastings occur in compliance with current entitlements allowing up to 20 visitors a day and 112 visitors per week, in a 480-square foot tasting room inside the winery building. The winery hosts two wine marketing events per year for up to 40 guests per event and provides valet parking in informal (unstriped) parking areas near the winery storage building and on-site stormwater detention basin. The winery employs up to 10 people, with wine production hours of operation occurring daily between 6:00 a.m. and 6:00 p.m., and tours and tastings occurring daily between 10:00 a.m. and 6:00 p.m.

9. **Description of Project:**

DS Property, LLC (the applicant or permittee) is requesting a modification to the current winery entitlements authorized by the approvals of Use Permit No. P14-00335-UP and Use Permit Minor Modification No. P16-00414-MM. No physical changes to the property are requested. Rather, with the use permit major modification request, the applicant is requesting operational changes to the winery that consist of the following:

- Increase in permitted wine production from 14,000 gallons of wine per year to 20,000 gallons of wine per year;
- Increase in the number of permitted tours and tastings visitors, from 20 guests per day by appointment with a weekly maximum of 112 guests, to as many as 48 guests per day by appointment with a weekly maximum of 250 guests; and
- Addition of one annual wine marketing event for up to 125 people, within the same window of time as existing, entitled marketing events (6:00 p.m. and 10:00 p.m.)

Tours and tastings would be suspended on the three days each year during which marketing events occur. The use permit major modification request includes recognition of 11 on-site vehicular parking stalls where Use Permit Minor Modification No. P16-00414-MM specified 10 stalls.

In addition to the use permit major modification request, the applicant's proposal includes a request to the County Engineer for a public road exception to the requirements of Sections 13 and 15 of the Napa County Road and Street Standards (RSS). In combination, these sections of the RSS require that: 1) wineries to be served by a common driveway with minimum 20-foot width for two-way traffic (12-foot width for one-way traffic), plus 1 foot or wider shoulder on each side of the roadway, and where applicable, a gate that opens 2 feet wider than the road; and 2) roadways that have a minimum inside radius of 50 feet on any curves or turns where the roadway is not superelevated. The winery property currently has a two-way, asphalt-paved, entry/exit driveway and access road adjacent and parallel to the eastern property line, and a one-way, 12-foot wide, gravel-paved, exit-only roadway that branches off of the two-way road northeast of the on-site residence and leads to an exit-only driveway and gate just west of the center of the property frontage. The existing two-way winery access road is asphalt-paved in compliance with the RSS but has widths that vary from 20 or more feet along the two-way driveway access road to the winery, down to as narrow as 18 feet, 8 inches at the two-way access gate. The one-way gravel access road lacks the requisite 2 feet of shoulders, and it has two locations where the inside radius is 10 feet and 13 feet where 50-foot minimum inside radius is required by the RSS.

10. **Describe the environmental setting and surrounding land uses.**

The property is located on the east side of the Napa Valley, southeast of the city of St. Helena and northeast of the unincorporated Rutherford area. The project site sits south of Conn Creek and north of the Silverado Trail right-of-way. The property is predominantly flat, and it is partially developed with winery buildings. An olive tree grove and a single-family residence with accessory dwelling are also on the property and are permitted uses that are outside the scope of the winery use permit and the above-described use permit major modification request. Surrounding the site are large and by comparison smaller parcels, some of which also include residential and agricultural development.

North: The right-of-way of Sage Canyon Road/SR 128 is immediately north of the project site. Further north, on the opposite side of the road, is Conn Creek and an approximately 30-acre parcel that is largely undeveloped except for a single-family residence and landscaped grounds. An approximately 10-acre, undeveloped parcel is also north of and on the opposite side of Sage Canyon Road from the project site. Both the 30-acre and 10-acre parcels are zoned AW District and have AWOS General Plan land use designation.

West: The western property line of the site adjoins an approximately 8-acre parcel developed with a single-family residence and planted in vineyards. A similar small, 4.7-acre property is further to the west and is also developed with a single-family residence and vineyards. The 8-acre and 4.7-acre parcel are separated from each other by the Sage Canyon Road/SR 128 right-of-way. Both parcels are zoned AW District and have AWOS General Plan land use designation.

South: The southern property line of the site adjoins the Silverado Trail right-of-way. Further south of Silverado Trail is a large, approximately 74-acre parcel planted entirely in vineyards. The parcel to the south of the site is zoned AP (Agricultural Preserve) District and has a General Plan land use designation of Agricultural Resource (AR).

East: Another large, over 95-acre parcel is immediately east of the project site. That parcel is partially planted in vineyards but is largely undeveloped. The parcel is zoned AW District and has AWOS General Plan land use designation.

Other wineries currently operating in proximity to the Dakota Shy Winery property include the Rutherford Ranch Winery roughly 0.25-mile to the northwest, Conn Creek Winery less than 0.25-mile to the west, across Silverado Trail.

11. **Other agencies whose approval is required** (e.g., permits, financing approval, or participation agreement).
No physical changes requiring ministerial permits, such as building, grading or encroachment permits, would be necessary for the proposed project. Permits may be required by the Department of Alcoholic Beverage Control and Bureau of Alcohol, Tobacco & Firearms for the requested changes to winery operations.

Responsible (R) and Trustee (T) Agencies
None

Other Agencies Contacted
Alcohol and Tobacco Tax and Trade Bureau (TTB)
California Department of Alcoholic Beverage Control (ABC)

12. **Tribal Cultural Resources. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resource, procedures regarding confidentiality, etc.?**
Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

On February 7, 2020, Napa County Planning staff sent by certified mail invitations to consult on the proposed project to three Native American tribes who had a cultural interest in the area and who as of that date had requested to be invited to consult on projects, in accordance with the requirements of Public Resources Code Section 21080.3.1. County staff received an email request from a representative of the Middletown Rancheria (Tribe) for additional information about the project. By response email dated March 18, 2020, Planning staff provided project-related documents to the Tribe's representative and advised that the project scope encompassed operational winery changes but did not include ground disturbance. The Tribe responded that no consultation was requested, based on the information provided by Planning staff, but asked that the Tribe be notified in the event that earth-disturbing activities became warranted for the project. No other tribes to whom notice was sent requested information or consultation on the project.

ENVIRONMENTAL IMPACTS AND BASIS OF CONCLUSIONS:

The conclusions and recommendations contained herein are professional opinions derived in accordance with current standards of professional practice. They are based on a review of the Napa County Environmental Resource Maps, the other sources of information listed in the file, and the comments received, conversations with knowledgeable individuals; the preparer's personal knowledge of the area; and, where necessary, a visit to the site. For further information, see the environmental background information contained in the permanent file on this project.

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

February 4, 2021

Date

Name: Dana Ayers, Consultant Planner
Napa County
Planning, Building and Environmental Services Department

I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a-c) The 6-acre project site is located on the eastern edge of the Napa Valley Floor. Based on topographic maps available on the Napa County Public Browser (http://gis.napa.ca.gov/Html5Viewer/Index.html?viewer=Public_HTML, viewed November 3, 2020) and staff observation during a November 4, 2020, site visit, the site is flat, with the entirety of the site lying at or near the 220-foot contour elevation and with no visible rock outcroppings.

Because the site is flat and on the edge of the valley, it is not subject to the requirements of Napa County Code Chapter 18.106 (Viewshed Protection Program), which would otherwise subject development on the property to additional design and aesthetic criteria for projects built on ridgelines or on slopes in excess of 15 percent (Napa County Code Section 18.106.030). Additionally, no new construction is proposed with the project that would change the visual character of the property from the existing condition. Therefore, no project revisions or other measures are necessary to ensure the project's compliance with the Viewshed Protection Program, even though the property has double-frontage on Silverado Trail and Sage Canyon Road/SR 128, two scenic roadways designated in the Napa County General Plan (Community Character Element, Figure CC-3).

Sage Canyon Road/SR 128, at the property's northern frontage, is also a state highway under the jurisdiction of the California Department of Transportation (Caltrans). Effective January 1, 2020, SR 128 was added to the California scenic highway system (Streets and Highways Code Section 263.1 as amended by Assembly Bill 998, Augiar-Curry). Based on this Assembly Bill and statute, SR 128 is therefore eligible for official designation as a California scenic highway by Caltrans, upon the local agency's (Napa County's) preparation of a corridor protection program and Caltrans' acceptance of that program. Although it is eligible for designation, SR 128 in the vicinity of the property is not an officially designated scenic highway because no corridor protection program has been established for the roadway. Nonetheless, the proposed project includes no new construction nor demolition of any buildings, nor removal of any existing mature trees, that would change the visual character of the property when viewed from the highway right-of-way. As such, the scenic appearance of the property as viewed from the highway would continue to be as it exists currently, dominated by existing wood fencing and a row of mature trees near the edge of the right-of-way that serve to screen existing residential and winery structures on the property. The project would have no impact.

d) Production hours of operation of the winery would continue to be between 6:00 a.m. and 6:00 p.m., with or without the requested use permit major modification. These hours exclude the months of the harvest/crush season between September and November, when hours of operation of many wineries often extend into nighttime hours to allow grape harvesting during cooler hours. Thus, late, nighttime production lighting (after 6:00 p.m.) would not occur for most months of the year, though the twice annual marketing events would continue to be permitted to occur until 10:00 p.m., and the requested additional event would operate within the same hours as entitled events. Though no operational changes requested to be implemented at the winery would require installation of new lighting, and physical changes to the property are not proposed with the project, the winery would continue to be subject to an original condition of approval (COA 9.0) of Use Permit No. P14-00335-UP that limits outdoor lighting generated at the winery to the minimum necessary for operational and security needs, and that prohibits up-lighting of buildings and landscaping. Under this adopted condition, the winery operators must keep lighting fixtures as low to the ground as possible and include shields to deflect the fixtures' light downward. Use of neutral colors and avoidance of highly reflective surfaces would continue to be a condition of the winery entitlement, as well, under COA 12.0 of Use Permit No. P14-00335-UP.

These conditions would continue to apply to all winery activities, though restrictions on nighttime lighting would not apply during harvest activities.

The text of the adopted conditions of approval referenced above, is reproduced below. With the winery operator's continued compliance with these conditions of approval, the project's impacts would be less than significant.

9.0 LIGHTING

All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations, shall be on timers, and shall incorporate the use of motion detection sensors to the greatest extent practical. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards. Lighting utilized during harvest activities is not subject to this requirement.

Prior to issuance of any building permit pursuant to this approval, two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the California Building Code.

12.0 COLORS

The colors used for the roof, exterior walls and built landscaping features of the winery shall be limited to earth tones that will blend the facility into the colors of the surrounding site specific vegetation and the applicant shall obtain the written approval of the PBES [Planning, Building and Environmental Services] Department prior to painting the building. Highly reflective surfaces are prohibited.

Mitigation Measures: None required.

II.	AGRICULTURE AND FOREST RESOURCES. ¹ Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Important (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Conflict with existing zoning for, or cause rezoning of, forest land as defined in Public Resources Code Section 12220(g), timberland as defined in Public Resources Code Section 4526, or timberland zoned Timberland Production as defined in Government Code Section 51104(g)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d) Result in the loss of forest land or conversion of forest land to non-forest use in a manner that will significantly affect timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, or other public benefits?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

¹ "Forest land" is defined by the State as "land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits." (Public Resources Code Section 12220(g)) The Napa County General Plan anticipates and does not preclude conversion of some "forest land" to agricultural use, and the program-level EIR for the 2008 General Plan Update analyzed the impacts of up to 12,500 acres of vineyard development between 2005 and 2030, with the assumption that some of this development would occur on "forest land." In that analysis specifically, and in the County's view generally, the conversion of forest land to agricultural use would constitute a potentially significant impact only if there were resulting significant impacts to sensitive species, biodiversity, wildlife movement, sensitive biotic communities listed by the California Department of Fish and Wildlife, water quality, or other environmental resources addressed in this checklist.

II. AGRICULTURE AND FOREST RESOURCES. ² Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Discussion:

- a/e) That portion of the 6-acre property on which the single-family residence was built near the center of the property is designated as Urban and Built-up Land by the California Department of Conservation; the remainder of the property, including the olive tree orchard and winery buildings, are designated as Prime Farmland (<https://maps.conservation.ca.gov/DLRP/CIFF/>, viewed November 3, 2020). The proposed project includes no physical changes to the property that would remove existing agricultural plantings on-site. With continued use of the property as a wine-making facility, the property would be maintained in agricultural use according to the Napa County General Plan definition of agriculture. More specifically, Napa County General Plan Policy AG/LU-2 states that the “continuation of the processing of agricultural products (in this case, grapes into wine) and expansion of the related, accessory uses (such as sales and marketing of agricultural products) are agricultural uses of land.” Therefore, the proposed project, consisting of continued operation of the winery with expanded visitation, production and marketing, would have a less than significant impact with respect to conversion of farmland to non-agricultural use.
- b) Napa County’s zoning of the property is agricultural; specifically, the project site is in the AW (Agricultural Watershed) District. The existing winery, with or without proposed operational changes, is consistent with the property’s zoning, as Napa County Code Section 18.08.040 includes wineries and related, accessory uses in the definition of agriculture, and Napa County Code Section 18.20.030 lists wineries and related, accessory uses as conditionally permitted uses of land in the AW District. There is no Williamson Act contract in effect on the property. This impact is less than significant.
- c/d) The project would have no impact on forest resources. The site is currently developed with a combination of residential and agricultural uses including a winery, and there are no existing forest resources on the project site. The proposed project site is not zoned for forest or timberland use.

Mitigation Measures: None required.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

² “Forest land” is defined by the State as “land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.” (Public Resources Code Section 12220(g)) The Napa County General Plan anticipates and does not preclude conversion of some “forest land” to agricultural use, and the program-level EIR for the 2008 General Plan Update analyzed the impacts of up to 12,500 acres of vineyard development between 2005 and 2030, with the assumption that some of this development would occur on “forest land.” In that analysis specifically, and in the County’s view generally, the conversion of forest land to agricultural use would constitute a potentially significant impact only if there were resulting significant impacts to sensitive species, biodiversity, wildlife movement, sensitive biotic communities listed by the California Department of Fish and Wildlife, water quality, or other environmental resources addressed in this checklist.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion:

On June 2, 2010, the Bay Area Air Quality Management District (BAAQMD) Board of Directors unanimously adopted thresholds of significance (Thresholds) to assist in the review of projects under the California Environmental Quality Act (CEQA). These Thresholds are designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA and were posted on BAAQMD's website and included in BAAQMD's updated CEQA Guidelines (updated May 2012). The Thresholds are advisory and may be followed by local agencies at the agencies' discretion.

The Thresholds were challenged in court. Following litigation in the trial court, the court of appeal, and the California Supreme Court, all of the Thresholds were upheld. However, in an opinion issued on December 17, 2015, the California Supreme Court held that CEQA does not generally require an analysis of the impacts of locating development in areas subject to environmental hazards unless the project would exacerbate existing environmental hazards. The Supreme Court also found that CEQA requires the analysis of exposing people to environmental hazards in specific circumstances, including the location of development near airports, schools near sources of toxic contamination, and certain exemptions for infill and workforce housing. The Supreme Court also held that public agencies remain free to conduct this analysis regardless of whether it is required by CEQA.

In light of the Supreme Court's opinion, local agencies may rely on Thresholds designed to reflect the impact of locating development near areas of toxic air contamination where such an analysis is required by CEQA or where the agency has determined that such an analysis would assist in making a decision about the project. However, the Thresholds are not mandatory, and agencies should apply them only after determining that they reflect an appropriate measure of a project's impacts. These Guidelines may inform environmental review for development projects in the Bay Area but do not commit local governments or BAAQMD to any specific course of regulatory action.

BAAQMD published a new version of the Guidelines dated May 2017, which includes revisions made to address the Supreme Court's opinion. The May 2017 Guidelines update does not address outdated references, links, analytical methodologies or other technical information that may be in the Guidelines or Thresholds Justification Report. The Air District is currently working to revise any outdated information in the Guidelines as part of its update to the CEQA Guidelines and thresholds of significance.

a,b) The mountains bordering Napa Valley block much of the prevailing northwesterly winds throughout the year. Sunshine is plentiful in Napa County, and summertime can be very warm in the valley, particularly in the northern end. Winters are usually mild, with cool temperatures overnight and mild-to-moderate temperatures during the day. Wintertime temperatures tend to be slightly cooler in the northern end of the valley. Winds are generally calm throughout the County. Annual precipitation averages range from about 24 inches in low elevations to more than 40 inches in the mountains.

Ozone and fine particle pollution, or PM_{2.5}, are the major regional air pollutants of concern in the San Francisco Bay Area. Ozone is primarily a problem in the summer, and fine particle pollution in the winter. In Napa County, ozone rarely exceeds health standards, but PM_{2.5} occasionally does reach unhealthy concentrations. There are multiple reasons for PM_{2.5} exceedances in Napa County. First, much of the County is wind-sheltered, which tends to trap PM_{2.5} within the Napa Valley. Second, much of the area is well north of the moderating temperatures of San Pablo Bay, and as a result, Napa County experiences some of the coldest nights in the Bay Area. This leads to greater fireplace use and, in turn, higher PM_{2.5} levels. Finally, in the winter, easterly winds often move fine-particle-laden air from the Central Valley to the Carquinez Strait and then into western Solano and southern Napa County (BAAQMD, *In Your Community: Napa County*, April 2016).

The impacts associated with implementation of the project were evaluated consistent with guidance provided by BAAQMD. Ambient air quality standards have been established by state and federal environmental agencies for specific air pollutants most pervasive in urban environments. These pollutants are referred to as criteria air pollutants because the standards established for them were developed to meet specific health and welfare criteria set forth in the enabling legislation. The criteria air pollutants emitted by development, traffic and other activities anticipated under the proposed development include ozone, ozone precursors, oxides of nitrogen and reactive organic gases (NO_x and ROG), carbon monoxide (CO), nitrogen dioxide (NO₂), and suspended particulate matter (PM₁₀ and PM_{2.5}). Other criteria pollutants, such as lead and sulfur dioxide (SO₂), would not be substantially emitted by the proposed development or traffic, and air quality standards for them are being met throughout the Bay Area.

BAAQMD has not officially recommended the use of its Thresholds in CEQA analyses, and CEQA ultimately allows lead agencies the discretion to determine whether a particular environmental impact would be considered significant, as evidenced by scientific or other

factual data. BAAQMD also states that lead agencies need to determine appropriate air quality thresholds to use for each project they review based on substantial evidence that they include in the administrative record of the CEQA document. One resource BAAQMD provides as a reference for determining appropriate thresholds is the *California Environmental Quality Act Air Quality Guidelines* developed by its staff in 2010 and as updated through May 2017. These guidelines outline substantial evidence supporting a variety of thresholds of significance.

As mentioned above, in 2010, the BAAQMD adopted and later incorporated into its 2011 CEQA Guidelines project screening criteria (Table 3-1 – Operational-Related Criteria Air Pollutant and Precursors Screening Level Sizes) and thresholds of significance for air pollutants, which have now been updated by BAAQMD through May 2017. The project encompasses approximately 8,900 square feet of enclosed or covered production floor area (winery production, fermentation, barrel storage, crush/bottling areas and administrative offices), of which approximately 480 square feet of space is dedicated to wine tasting and hospitality services. Compared to the BAAQMD's screening criteria of 541,000 square feet (general light industry) and 47,000 square feet (high quality restaurant) for NO_x, the project as modified would continue to contribute a less than significant amount of air pollution and would not result in a conflict or obstruction of an air quality plan. (Note: A high quality restaurant is considered comparable to a winery tasting room for purposes of evaluating air pollutant emissions, but grossly overstates emissions associated with other portions of a winery, such as office, barrel storage and production, which generate fewer vehicle trips. Therefore, a general light industry comparison has also been used for other such uses.) The project falls well below the screening criteria as noted above, and consequently will not significantly affect air quality individually nor contribute considerably to any cumulative air quality impacts.

In 2017, the BAAQMD adopted an updated Clean Air Plan that outlines a regional program and a set of measures to reduce the emissions of ozone, ozone precursors, particulate matter, toxic air contaminants, greenhouse gases, and other sources of air pollution. As noted in the Clean Air Plan (2-5), the nine-county San Francisco Bay Area as a region is in non-attainment status for achievement of state and federal standards for ozone and particulate matter (PM₁₀ and PM_{2.5}). Primary sources of ozone and PM in the Bay Area include combustion (e.g., burning of fossil fuels, wood or vegetation), fugitive dust from earth-moving activities, and vehicle use (including engine combustion and tire and brake pad wear).

The proposed project would not conflict with nor obstruct the implementation of the applicable air quality plan. Wineries in general are not producers of air pollution in quantities substantial enough to result in an air quality plan conflict. Over the long term, emissions resulting from the proposed use permit modification would consist primarily of mobile sources, including emissions associated with vehicle trips to and from the site.

As noted above, the combustion process of engines in passenger and heavy duty vehicles is a source of air pollutants, including particulate matter as well as carbon dioxide and nitrogen dioxide, two precursors to formulation of ozone. The Clean Air Plan acknowledges that PM_{2.5} continues to be the "most harmful air pollutant to Bay Area residents" (2-26), and that "no safe threshold of exposure to PM has yet been identified, [so] it is important that we continue efforts to further reduce PM emissions and concentrations" (2-25, 2-26). In general, emissions of diesel particulate matter have and are expected to continue to decrease over time due to tighter regulations of the California Air Resources Board and BAAQMD programs (2-25). The applicant currently provides priority parking for low-emissions electric vehicles and intends to implement programs for employee carpooling to reduce emissions from single-occupant vehicles (Napa County Voluntary Best Management Practices [BMP] Checklist for Development Projects, BMP-6). It is also noted that one of the winery's 10 permitted employees currently lives on the property and does not generate emissions associated with work-destined vehicle trips.

The project proponent identified in the use permit major modification application several measures listed in the 2017 Clean Air Plan with which the existing and proposed winery operations would be consistent, including intent to install roof-mounted photovoltaic panels for solar generation of power (recently completed under Napa County Building Permit BC20-01367-ELC), and intent to maintain previous installations of energy-conserving lighting, water-efficient plumbing fixtures, water-efficient landscape (Napa County Voluntary BMP Checklist for Development Projects, BMP-1, BMP-9 and BMP-10). These measures in combination provide a renewable energy source on the property and further reduce demand for energy derived from fossil fuels otherwise needed for space conditioning and illumination. Each measure intended to reduce fossil fuel-related energy demands of the winery is consistent with Measures BL2 (Decarbonize Buildings) and EN2 (Decrease Electricity Demand) of the 2017 Clean Air Plan. Other BMPs identified on the checklist as currently being implemented by the applicant, including recycling 75 percent of waste (BMP-17) and composting 75 percent of food and garden material (BMP-18), have the effect of reducing GHG emissions associated with landfills, including transport and decomposition of refuse. While certain components of the requested use permit major modification implement elements of the Clean Air Plan, the proposed project would not implement other measures of the Plan that are more generally applicable to heavy industrial rather than winery and hospitality uses. As such, the requested use permit major modification would not obstruct implementation of the applicable Clean Air Plan for the San Francisco region.

No new construction or utility installation is proposed with the project. Thus, no new short-term emissions would occur from grading, vegetation removal or ground disturbance associated with the requested use permit major modification. Though the requested use permit major modification requires no new construction, earth-disturbing activities on the property might occur in the future related to permitted agricultural planting or utility repairs. Such activities would be subject to a standard County condition of approval intended to reduce impacts from dust:

7.1.b DUST CONTROL

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur when average wind speeds exceed 20 miles per hour.

With no new construction proposed with the use permit major modification request, and with the winery operator's adherence to the County's standard conditions of project approval in the event of future ground-disturbance for planting or utility repair, the winery project would have a less than significant impact on air quality, would not substantially increase particulate matter, and would not substantially affect the region's current nonattainment status for this criteria pollutant.

c,d) The BAAQMD defines public exposure to offensive odors as a potentially significant impact. However, land uses that are more commonly known generators of offensive odors typically include landfills and transfer stations, wastewater treatment plants, refineries, and heavy industrial and manufacturing plants. Production of wine and storage of wine barrels are not land uses that are typically associated with generation of offensive odors comparable to these types of industrial uses. Consistent with General Plan Policy AG/LU-15, odors that are associated with production of wine and other agricultural product processing facilities are considered acceptable elements of the County and its agricultural development goals.

There are no schools or healthcare facilities within 1 mile of the winery (the nearest schools are St. Helena Montessori and St. Helena Elementary School and are 4 or more miles northwest of the site). There is an existing residence on APN 030-120-031 over 500 north of the existing winery building. There are no other substantial air pollutant emissions that would be expected to occur for the winery beyond those discussed herein, and the nearest potential sensitive receptor (residence located on APN 030-120-031) is not immediately adjacent to the winery. This impact would be less than significant.

Mitigation Measures: None required.

IV.	BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a-e) The 6-acre project site is an existing developed property, planted with an olive orchard and built with a residence, a winery building, and related utility buildings such as garages, a trash enclosure, and storage and equipment sheds. As observed by the project planner during a November 3, 2020, site visit, there are no wildlife nurseries, wetlands or waterbodies located on the site. Conn Creek is located on the opposite side of Sage Canyon Road/SR 128 from the project site; the creek generally follows the alignment of Sage Canyon Road on the north side of the roadway, and no part of the creek crosses the project site. As noted in the initial study and negative declaration adopted for the winery use permit (P14-00335-UP), Napa County Environmental Resource Maps indicate no known candidate, sensitive or special status species occurring within the project boundaries. Further, the scope of the use permit major modification request is limited to operational changes to the winery that include changes to the number of daily tours and tastings visitors, the annual winery marketing program, and annual gallons of permitted wine production. No physical changes are proposed with the project that would remove existing trees or vegetation, fill or modify any existing waterbody or wetland (of which there are none on-site), demolish abandoned structures that could have become roosting spots for birds or bats, or add impervious surface area causing increased surface discharge to Conn Creek. As the proposed project would not construct a barrier nor remove existing native habitat in an undisturbed area, it would not impede wildlife movement within an existing terrestrial wildlife habitat corridor. The project's impacts to biological resources would be less than significant.
- f) There is no habitat conservation plan (HCP) or natural community conservation plan (NCCP) that has been adopted or is being implemented in unincorporated Napa County. The project would have no impact with respect to conflict with an HCP or NCCP.

Mitigation Measures: None required.

V. CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a) The winery structure on the property is relatively new and built within the past five years. Due to its young age, the winery buildings lack historic significance. (See 36 CFR Sec. 60.4 and 14 CCR Sec. 4852 which provide a general guideline that, with some exceptions, buildings fewer than 50 years old are not historically significant.) The existing single-family residence on the property is much older, appearing in aerial photos as early as 1948 (www.historicaerials.com, viewed November 16, 2020). However, although the residence is older than 50 years, no further evaluation of its potential historic significance is necessary because no change to that or any residential accessory structure is proposed with the requested use permit major modification. Further, the residence is not listed on any Napa County local list of historically significant properties (see Napa County Code Section 15.52.035 and Napa County General Plan Table CC-A.) The project otherwise includes no physical changes to the property that would demolish or alter any existing building or physical feature on the property that may carry historic significance. The project would have no impact.
- b/c) No physical changes are proposed with the requested use permit major modification that would require excavation that could uncover previously undiscovered archeological resources. In the event that the applicant or future winery operator conducts ground excavation in future winery operations, as may be necessary for repairs to buried utility systems for example, the applicant or future operator would continue to be subject to conditions of approval of the original use permit that require contractors (or the property owner) to stop work, notify the Planning, Building and Environmental Services (PBES) Department, and retain a qualified archeologist upon discovery of any culturally significant historic resources:

15.0 ARCHEOLOGICAL FINDING

In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the PBES Department for further guidance, which will likely include the

requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required.

If human remains are encountered during project development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed, so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, nearest tribal relatives as determined by the State Native American Heritage Commission shall be contacted by the permittee to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.

The permittee's and the permittee's contractors' continued compliance with the use permit condition of approval, above, would reduce potential impacts to archeological resources on-site to less than significant.

Mitigation Measures: None required.

VI.	ENERGY. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Result in potentially significant environmental impact due to wasteful, inefficient or unnecessary consumption of energy resources during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a/b) All new development in unincorporated Napa County must be designed to comply with the Building Energy Efficiency Standards of the California Code of Regulations, Title 24, Part 6 (California Energy Code) and Part 11 (California Green Building Standards Code). These standards are updated every three years, and the most recent update of the standards in 2019 became effective January 1, 2020. The standards are intended to reduce wasteful consumption of energy in new buildings and building additions, and they are one means to facilitate implementation of broader efforts such as the energy efficiency and “zero net energy” goals of the California Public Utilities Commission. Applicants for building permits for new construction must demonstrate compliance with the standards in plans and supporting analyses submitted with the building permit applications for construction of their projects.

The winery building is relatively new, with Napa County Building Division records indicating that a final inspection/certificate of occupancy was issued for the building in October 2017 (Napa County Building Permit No B16-00861). Though the building was constructed under a recent though prior iteration of the state Building Energy Efficiency Standards, the building nonetheless includes energy-conserving lighting, water-efficient plumbing fixtures, an energy-conserving roof, and an electric vehicle parking space (see Napa County Voluntary BMP Checklist for Development Projects, BMP-9, BMP-10, BMP-14 and BMP-21). These measures in combination reduce demand for energy derived from fossil fuels otherwise needed for space conditioning, illumination and travel and are consistent with state goals to eliminate wasteful energy consumption.

No new construction would be necessary to implement the requested use permit major modification, and no new building permits would be necessary for the project. Although the use permit major modification request encompasses increases in wine production and the number of tours & tastings and marketing event visitors, the number of employees and hours of operation of the winery and tasting room would not change with the proposed project. Energy needs for heating/cooling, staffing and illuminating the winery building would therefore not change significantly from existing conditions. It is further noted that the winery operators recently installed roof-mounted photovoltaic panels for on-site generation of renewable solar energy (Napa County Building Permit BC20-01367-ELC; also see Napa County Voluntary BMP Checklist for Development Projects, BMP-1). The property owner reports that the new photovoltaic system is capable of generating 76,160 kilowatt-hours of power annually, which is roughly 88 percent of the winery's typical annual energy demand of 86,180 kilowatt-hours. Although production, marketing event guest and daily visitation numbers are proposed to be increased, the hours of operation of the winery are not proposed to change, so a significant change in the winery's current energy demands is not anticipated.

With the recency of winery construction and maintenance of renewable energy and energy reduction measures currently in place at the winery, the project's impact would be less than significant.

Mitigation Measures: None required.

VII.	GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) Be located on expansive soil creating substantial direct or indirect risks to life or property? Expansive soil is defined as soil having an expansive index greater than 20, as determined in accordance with ASTM (American Society of Testing and Materials) D 4829.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a/c) Regional mapping shows much of the lands proximate to the Napa Valley Floor, such as the subject property, as surficial deposits with few landslide hazard risks (Metropolitan Transportation Commission/Association of Bay Area Governments [MTC/ABAG] Hazard Viewer Map, online at <https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8>, viewed December 30, 2020). As observed by the project planner during a November 4, 2020, visit to the site, and based on Napa County GIS data (http://gis.napa.ca.gov/Html5Viewer/Index.html?viewer=Public_HTML, viewed December 30, 2020), the property is generally flat, lying primarily along the 220-foot contour elevation. The 2015 "Stormwater Control Plan for a Regulated Project: Dakota Shy Winery, 771 Sage Canyon Road, Napa County, CA," (2015 Dakota Shy Winery SCP) completed by Bartelt Engineering for the applicant for the 2014 winery use permit application, further notes that the maximum slope in the proposed development area does not exceed 5 percent (1). A slope

located off-site, near the northeastern corner of the site could have potential for soil creep that could spill onto the project site; however, the layout of the development on the parcel places the winery entrance road nearest the slope, with secondary access roads and structures set further back from the slope such that they would not likely incur damage as a result of movement on that slope. Based on this information, risk of substantial adverse effects from landslides on the specific project site is less than significant.

The project site is in a seismically active region that is subject to strong seismic ground shaking. The property is approximately 8 miles northeast of the Alquist-Priolo designated fault zone of the West Napa fault and is outside of any other Alquist-Priolo Earthquake Fault Zone designated by the California Department of Conservation (California Earthquake Hazards Zone Application, online at <https://www.conservation.ca.gov/cgs/geohazards/eq-zapp>, viewed January 11, 2021). Although no fault zone underlies the property, the site is generally located within a region of active fault zones, including those of the San Andreas, Healdsburg-Rodgers Creek, Concord-Green Valley and Cordelia faults. Movement along any of these faults, as well as other regional faults including the Hayward, Berryessa and Mayacamas faults, is anticipated to result in intensities of VII to VIII on the Modified Mercalli Scale at the project site according to the MTC/ABAG Hazard Viewer Map. These “strong” to “very strong” intensities could result in some damage to poorly-constructed buildings, weak foundations, and some masonry building elements. Regional mapping also indicates liquefaction potential on and proximate to the project site is moderate.

California Building Code requires that buildings be structurally designed so as to minimize potential earthquake-related damage. Given the young age of the winery structure (less than five years old) and the requirement for new structures to comply with the seismic standards of the California Building Code and Occupational Health and Safety Administration regulations (i.e., bracing of barrel storage racks), damage to the winery and hospitality buildings that have been built on the property is anticipated to be minor and would not expose people to substantial hazards related to ground shaking or liquefaction during an earthquake. The use permit major modification request includes operational changes that do not necessitate any physical changes, including construction of new buildings, on the property. The project's impacts would be less than significant.

b,d) As referenced on page 1 of the SCP submitted for the 2014 winery use permit application, the Natural Resource Conservation Service's Soil Survey for Napa County maps four soil types across the 6-acre parcel:

- Cortina very gravelly loam, 0 to 5 percent slopes (map symbol 124)
- Pleasanton loam, 0 to 2 percent slopes (map symbol 170)
- Riverwash, 0 to 5 percent slopes (map symbol 174)
- Yolo Loam, 0 to 2 percent slopes (map symbol 181)

The NRCS Soil Survey describes these soils as shallow-sloping, well-drained alluvial deposits, for which runoff tends to be slow and hazard of erosion is slight. With low shrink/swell potential of the existing soil layers on-site, development on-site is not likely to experience cracking in building foundations and pavement surfaces as soil is dampened and subsequently dries. Building permit applications for the recently-built winery building would have had to include geotechnical recommendations, if necessary, to ensure structural integrity of the building and its foundation. While geotechnical constraints on the property are generally minimal, it is noted that no new construction or grading is proposed on the property, and no new structures are proposed that would increase any potential geotechnical risks compared to the existing condition. The project would have no impact.

e) Analysis prepared for the applicant by Bartelt Engineering and composed in the “Onsite Wastewater Dispersal Feasibility Study for the Dakota Shy Winery, 771 Sage Canyon Road, Napa County,” (Dakota Shy OWFS) revised July 2019, concluded that the wastewater generated from the project could adequately be disposed on-site, using existing tanks and leachlines installed on the property with construction of the winery building. That analysis determined peak daily process and sanitary wastewater flows to be as high as 1,465 gallons during the 30 days of harvest and crush season, assuming 1.5 gallons of wastewater is generated per gallon of the winery's requested annual production of 20,000 gallons of wine, and coincidence of the proposed 125-person marketing event (tours & tastings would be suspended on the three days each year that a marketing event would occur).

The engineer's analysis in the Dakota Shy OWFS describes the elements of the existing wastewater treatment system, which includes: 1) two, 1,500-gallon septic tanks for process wastewater flows; 2) one, 1,500-gallon septic tank for sanitary wastewater flows; 3) one, 2,000-gallon does tank for combined wastewater flows; and 4) a pressure distribution dispersal field with 720 lineal feet of leachline. The existing wastewater treatment system on-site has capacity to treat as many as 1,728 gallons of wastewater per day, in excess of the 1,465-gallon daily maximum conservatively estimated for the proposed harvest season winery operations plus once-annual 125-person marketing event. Thus, though flows to the existing wastewater treatment system on-site would increase, no expansion of the existing system would be necessary for the proposed project, and the proposed project's impacts would be less than significant.

f) As referenced in Section V, Cultural Resources, of this initial study, the site has been previously disturbed through past construction and grading activities associated with the existing winery, residence, driveways, orchard plantings, and other miscellaneous structures. No physical changes are proposed with the requested use permit major modification that would require excavation that could uncover previously undiscovered archeological or paleontological resources. In the event that the permittee conducts ground excavation in future winery operations, as may be necessary for repairs to buried utility systems for example, and a contractor or the property owner uncovers

archeological or paleontological resources during any earth-disturbing activities associated with that maintenance work, construction of the project is required to cease, and a qualified archeologist must be retained to investigate the site in accordance with COA 7.2 identified in Section V, above. Should this occur, compliance with the previously-adopted use permit conditions of approval would reduce the impact to less than significant.

Mitigation Measures: None required.

VIII.	GREENHOUSE GAS EMISSIONS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Generate a net increase in greenhouse gas emissions in excess of applicable thresholds adopted by the Bay Area Air Quality Management District or the California Air Resources Board which may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Conflict with a county-adopted climate action plan or another applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

Greenhouse gases (GHGs) are the atmospheric gases whose absorption of solar radiation is responsible for the greenhouse effect, including carbon dioxide, methane, ozone, and the fluorocarbons, that contribute to climate change (a widely accepted theory/science explaining human effects on the atmosphere). Carbon dioxide (CO₂) gas, the principal GHG being emitted by human activities, and whose concentration in the atmosphere is most affected by human activity, also serves as the reference gas to which to compare other greenhouse gases. Agricultural sources of carbon emissions include forest clearing, land-use changes, biomass burning, and farm equipment and management activity emissions (http://www.climatechange.ca.gov/glossary/letter_c.html). Carbon dioxide equivalents (CO₂e) is the most commonly reported type of GHG emission and a way to get one number that approximates total emissions from all the different gasses that contribute to GHG (BAAMD CEQA Air Quality Guidelines, May 2017). In this case, CO₂ is used as the reference molecule to obtain atmospheric carbon CO₂ effects of GHG. Carbon stocks are converted to CO₂e by multiplying the carbon total by 44/12 (or 3.67), which is the ratio of the atomic mass of a carbon dioxide molecule to the atomic mass of a carbon atom (<http://www.nciasi2.org/COLE/index.html>).

Napa County has been working to develop a Climate Action Plan (CAP) for several years. In 2012, a Draft CAP (March 2012) was recommended using the emissions checklist in the Draft CAP, on a trial basis, to determine potential GHG emissions associated with project development and operation. At the December 11, 2012, Napa County Board of Supervisors (BOS) hearing, the BOS considered adoption of the proposed CAP. In addition to reducing Napa County's GHG emissions, the proposed plan was intended to address compliance with CEQA for projects reviewed by the County and to lay the foundation for development of a local offset program. While the BOS acknowledged the CAP's objectives, the BOS requested that the CAP be revised to better address transportation-related greenhouse gas, to acknowledge and credit past accomplishments and voluntary efforts, and to allow more time for establishment of a cost-effective local offset program. The BOS also requested that best management practices be applied and considered when reviewing projects until a revised CAP is adopted to ensure that projects address the County's policy goal related to reducing GHG emissions.

In July 2015, the County re-commenced preparation of the CAP to: i) account for present day conditions and modeling assumptions (such as but not limited to methods, emission factors, and data sources); ii) address the concerns with the previous CAP effort as outlined above; iii) meet applicable state requirements; and iv) result in a functional and legally defensible CAP. On April 13, 2016, the County, as the part of the first phase of development and preparation of the CAP, released Final Technical Memorandum #1: 2014 Greenhouse Gas Emissions Inventory and Forecast, April 13, 2016. This initial phase included: i) updating the unincorporated County's community-wide GHG emissions inventory to 2014; and ii) preparing new GHG emissions forecasts for the 2020, 2030, and 2050 horizons. Additional information on the County CAP can be obtained at the Napa County Department of Planning, Building and Environmental Services or online at address <https://www.countyofnapa.org/2876/Current-Projects-Explorer>.

a,b) Overall increases in GHG emissions in Napa County were assessed in the Environmental Impact Report (EIR) prepared for the Napa County General Plan Update and certified in June 2008. GHG emissions were found to be significant and unavoidable in that document, despite the adoption of mitigation measures incorporating specific policies and action items into the General Plan.

Consistent with these General Plan action items, Napa County participated in the development of a community-wide GHG emissions inventory and “emission reduction framework” for all local jurisdictions in the County in 2008-2009. This planning effort was completed by the Napa County Transportation and Planning Agency in December 2009, and served as the basis for development of a refined inventory and emission reduction plan for unincorporated Napa County.

In 2011, the BAAQMD released CEQA Project Screening Criteria and Significance of Thresholds (1,100 metric tons [MT] per year of carbon dioxide and carbon dioxide equivalents). This threshold of significance is appropriate for evaluating projects in Napa County.

During our ongoing planning effort, the County requires project applicants to consider methods to reduce GHG emissions consistent with Napa County General Plan Policy CON-65(e). (Note: Pursuant to State CEQA Guidelines Section 15183, because this initial study assesses a project that is consistent with an adopted General Plan for which an EIR was prepared, it appropriately focuses on impacts which are “peculiar to the project,” rather than the cumulative impacts previously assessed.) For the purposes of this analysis, potential GHG emissions associated with winery ‘construction’ and ‘development’ and with ‘ongoing’ winery operations are discussed.

One time “Construction Emissions” that can be associated with a winery project include emissions associated with the energy used to develop and prepare the project area, construction, and construction equipment and worker vehicle trips (hereinafter referred to as Equipment Emissions). These emissions also include underground carbon stocks (or soil carbon) associated with any existing vegetation that is proposed to be removed. As previously stated, the use permit major modification requested by the owners of the Dakota Shy winery consists solely of operational changes to an existing winery, with no physical site modifications requiring ground disturbance or new vertical construction that would result in construction emissions.

“Operational Emissions” of the winery are also considered and can include: i) any reduction in the amount of carbon sequestered by existing vegetation that is removed as part of the project compared to a “no project” scenario (hereinafter referred to as Operational Sequestration Emissions); and ii) ongoing emissions from the energy used to maintain and operate the winery, including vehicle trips associated with employee and visitor trips (hereinafter referred to as Operational Emissions). See Section XVII, Transportation, of this initial study, for anticipated number of operational trips. Operational Emissions from the proposed winery would be the primary source of emissions over the long-term.

As discussed in Section III, Air Quality, of this initial study, in 2010, the BAAQMD adopted and later incorporated into its 2011 CEQA Guidelines project screening criteria (Table 3-1 – Criteria Air Pollutants and Precursors & GHG Screening Level Sizes) and thresholds of significance for air pollutants, including GHG emissions, which have now been updated by BAAQMD through May 2017. With the winery building totaling approximately 8,900 square feet of enclosed floor area, of which 480 square feet of space is dedicated to tasting/hospitality uses, compared to the BAAQMD’s GHG screening criteria of 121,000 square feet for general industrial uses and 9,000 square feet for a high quality restaurant, the project falls below screening criteria and was determined not to exceed the 1,100 MT of CO₂e per year GHG threshold of significance.

Furthermore, the applicant intends to continue to implement the following GHG reduction methods at the winery, as indicated in the Voluntary Best Management Practices Checklist for Development Projects attached to the use permit major modification application:

- Generation of on-site renewable energy (BMP-1): The winery operators recently installed a roof-mounted photovoltaic array for on-site solar power generation. This array generates approximately 85-90 percent of the winery’s energy needs. The project includes retention of this renewable source of solar energy for the winery building.
- Vehicle miles traveled (VMT) reduction plan (BMP-6): Among various options suggested in the checklist, the applicant has indicated intent to reduce emissions from single-occupancy vehicles through continued implementation of an employee carpool incentive program and group shuttles for marketing events.
- Recycle 75 percent of all waste (BMP-17) and Compost 75 percent of food and garden material (BMP-18): The winery operators currently compost and recycle waste. Reduction of the winery’s waste stream through composting and recycling reduces the volume of material deposited in landfills, thereby reducing methane emissions from landfill decomposition.
- Electric vehicle charging stations (BMP-21): Improvements currently on the property include an electric vehicle charging station supporting the use of ultra low emission vehicles by customers or employees.

The proposed project has been evaluated against the BAAQMD thresholds and determined that the project would not exceed the 1,100 MT per year of CO₂e. GHG Emission reductions from local programs and project level actions, such as application of the Cal Green Building Code, tightened vehicle fuel efficiency standards, and more project-specific on-site programs including those winery features and operational programs noted above would combine to further reduce emissions below BAAQMD thresholds.

As indicated above, the County is currently preparing a CAP, and as part of the first phase of development and preparation of the CAP, the County has released Final Technical Memorandum #1 (2014 Greenhouse Gas Emissions Inventory and Forecast, April 13, 2016). Table 1 of the Technical Memorandum indicates that 2 percent of the County’s GHG emissions in 2014 were a result of land use change.

The increase in emissions expected as a result of the project is below screening criteria, and the project is in compliance with the County's efforts to reduce emissions as described above. For these reasons, project impacts related to GHG emissions are considered less than significant.

Mitigation Measures: None required.

IX.	HAZARDS AND HAZARDOUS MATERIALS. Would the project	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wild-land fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a-b) The proposed project consists of continued operation of a winery offering wine tours & tastings and wine marketing events with catered food. These types of food and beverage production and service uses might utilize chemicals for purposes of cleaning and property maintenance activities but are not typically generators or users of significant quantities of hazardous materials. New construction, which might utilize small quantities of building coatings, adhesives or other potentially hazardous substances for a short period, is neither necessary for nor proposed with the project.

Wine production currently occurs on the property and involves utilization of chemicals such as diatomaceous earth and ammonia. Pursuant to California Health and Safety Code, commencing with Section 25500, the permittee and winery operator is required to file a Hazardous Materials Business Plan (HMBP) and to maintain a Hazardous Waste permit with the Napa County Environmental Health Division. Napa County Code Section 16.28.120 authorizes County Environmental Health Division staff to collect permit fees and to conduct periodic inspections under the HMBP; County staff conducts these inspections every three years or more frequently as needed to confirm ongoing compliance with State regulations for management of hazardous materials. Staff of the Napa County Environmental Health Division reported that the applicant is current on their HMBP submittals and has no outstanding violations with respect to their HMBP (Pers. comm., January 7, 2021). With continued compliance with regulatory requirements for use of hazardous materials, the project's impacts would be less than significant.

- c) The proposed winery would have no impact on schools within one-quarter mile. There are no schools within 1 mile of the Dakota Shy winery. The nearest schools are St. Helena Montessori and St. Helena Elementary School and are 4 or more miles northwest of the site.
- d) The proposed project site is not on any State agency list maintained pursuant to Government Code Section 65962.5, of identified hazardous materials sites in Napa County (<https://calepa.ca.gov/SiteCleanup/CorteseList/>, viewed November 23, 2020). The project would have no impact.
- e) The requested use permit major modification would not cause an unsafe condition within 2 miles of a public airport or airstrip, as the subject parcel is not within 2 miles of any public airport or airstrip. There are two public use airports in the County: Angwin-Parrett Field and Napa County Airport. Angwin-Parrett Field is approximately 6 miles northwest of the project site, and the Napa County Airport is over 19 miles southeast of the site. The proposed project site is outside of the boundaries of the land use compatibility plans for both public airports and would have no impact.

River Meadow Farm, located at 1019 Rutherford Road and approximately 1.75 miles southwest of the project site, has Napa County use permit approval for a private use heliport (Use Permit No. U-347778, approved June 7, 1978; U.S. Federal Aviation Administration Location Identification No. 7CA9). While the project site is within 2 miles of a private heliport, the expanded winery uses encompassed within the use permit major modification request excludes any air travel component or on-site aircraft landing facilities that could contribute to increased air traffic in the immediate area. The winery building at its tallest peak is not more than 30 feet tall, and other ancillary and utility buildings on the property are shorter than the winery building. As such, the existing winery buildings are not excessively tall so as to interfere with landing or departure of aircraft from the private heliport. (For reference, as provided in the Napa County Airport Land Use Compatibility Plan, page 3-11, buildings may not exceed 35 feet tall within the airport compatibility planning areas of the County's two public airfields, excluding departure and approach zones of runways where building heights may be more constrained.) The use permit major modification request excludes any request to modify any existing building on the property; therefore, heights of existing structures on-site would remain unchanged. Conditions of the winery's current use permit approval, which would remain in effect should the requested use permit major modification be approved, include prohibition on any uplighting that could cause visual or physical interference with existing air traffic that may occur to or from the nearby private heliport. (Also see Section I, Aesthetics, of this initial study.) Project impacts on use of this private heliport would be less than significant.

- f) The Napa County Emergency Operations Plan (EOP) outlines procedures, including establishing leadership roles and responsibilities of various agency staff, that guide local preparedness, response, recovery and resource management efforts associated with the occurrence of a natural disaster, significant emergency, or other threat to public safety. Physical changes to the winery property or adjacent roads are not proposed with the project, and as such, no component of the project would result in permanent closure or obstruction of right-of-way adjacent to the site (Sage Canyon Road/SR 128). No component of the implementation of the EOP would otherwise be impaired by the requested use permit major modification. The project would have no impact.
- g) The property is currently developed with winery buildings, primary and accessory dwellings, an olive orchard, and at grade installations that include surface parking lots and access roads. Approval of the use permit major modification request would allow continued operation of the Dakota Shy Winery with hospitality services. The Napa County General Plan (Figure SAF-2) indicates that the property is within a State Responsibility Area for fire protection services and has a moderate risk of damage from wildland fires. Thought portions of the property's eastern property line abut undeveloped shrub and grassland spaces, the majority of lands to the north, south and west of the property are paved roadways (Sage Canyon Road/SR 128 north of the parcel and Silverado Trail south of the parcel) or are developed with vineyard plantings. In accordance with building code requirements for commercial buildings, all of the winery and hospitality buildings within the winery are equipped with fire suppression sprinklers. The property is within the emergency response area of Napa County fire protection services and is within an approximately 2.5-mile radius of the Rutherford Fire Station located near the intersection of State Route 29 and Rutherford Road, southwest of the site (Napa County Baseline Data Report, Table 13-7). This impact would be less than significant.

Mitigation Measures: None required.

X.	HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces which would:				
	i) result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

On January 14, 2014, Governor Jerry Brown declared a drought emergency in the state of California. That declaration was followed on April 1, 2015, when the Governor directed the State Water Resources Control Board to implement mandatory water reductions in cities and towns across California to reduce water usage by 25 percent. These water restrictions do not apply to agricultural users. On April 7, 2017, Governor Jerry Brown signed an executive order lifting California's drought emergency in all but four counties (Fresno, Kings, Tulare and Tuolumne). The County of Napa had not adopted nor implemented any additional mandatory water use restrictions. The County requires all discretionary permit applicants to complete necessary water analyses in order to document that sufficient water supplies are available for their proposed projects and to implement water saving measures to prepare for periods of limited water supply and to conserve limited groundwater resources.

In general, recent studies have found that groundwater levels in the Napa Valley Floor exhibit stable long-term trends with a shallow depth to water. Historical trends in the Milliken-Sarco-Tuluca (MST) area, however, have shown increasing depths to groundwater, but recent stabilization in many locations. Groundwater availability, recharge, storage and yield are not consistent across the County. More is known about the resource where historical data have been collected. Less is known in areas with limited data or unknown geology. In order to fill existing data gaps and to provide a better understanding of groundwater resources in the County, the Napa County Groundwater Monitoring Plan recommended 18 Areas of Interest (AOIs) for additional groundwater level and water quality monitoring. Through the well owner and public outreach efforts of the Groundwater Resources Advisory Committee (GRAC), approximately 40 new wells have been added to the monitoring program within these areas. Groundwater Sustainability Objectives were developed and recommended by the GRAC and adopted by the Board of Supervisors. The recommendations included the goal of developing sustainability objectives, providing a definition, and explaining the shared responsibility for Groundwater Sustainability and the important role of monitoring as a means to achieving groundwater sustainability.

In 2009, Napa County began a comprehensive study of its groundwater resources to meet identified action items in the County's 2008 General Plan update. The study, by Luhdorff and Scalmanini Consulting Engineers (LSCE), emphasized developing a sound understanding of

groundwater conditions and implementing an expanded groundwater monitoring and data management program as a foundation for integrated water resources planning and dissemination of water resources information. The 2011 baseline study by LSCE, which included over 600 wells and data going back over 50 years, concluded that “the groundwater levels in Napa County are stable, except for portions of the MST district.” Most wells elsewhere within the Napa Valley floor with a sufficient record indicate that groundwater levels are more affected by climatic conditions, are within historical levels, and seem to recover from dry periods during subsequent wet or normal periods. The LSCE Study also concluded that, on a regional scale, there appear to be no current groundwater quality issues except north of Calistoga (mostly naturally occurring boron and trace metals) and in the Carneros region (mostly salinity). The subject property is located within the Napa Valley Floor – St. Helena subarea of Napa County according to Figure 2-2 of the Napa County Groundwater Monitoring Plan 2013. As noted in the water availability analysis (WAA) prepared for the project by the applicant’s consultant, a small portion of the parcel is located in the Eastern Mountains groundwater subarea (“Water Availability Analysis for the Dakota Shy Winery, 771 Sage Canyon Road, Napa County, CA,” by Bartelt Engineering, July 2019 [“Dakota Shy Winery WAA”, 4).

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 assumed not to have a significant effect on groundwater levels.

The project is categorized as “all other areas” based upon current County water availability analysis policies. The Dakota Shy Winery WAA completed for the applicant by Bartelt Engineering recognizes the parcel’s location in the AW zoning district but outside of a groundwater deficient area. That WAA notes that for parcels located as such, and without any well or spring interference, analysis of water impacts must follow the Tier 1 criteria of the County’s Water Availability Analysis Guidance Document dated May 2015. Under County guidance, the water use criteria is parcel-specific.

- a,c) Provision E.10 of the statewide Phase II municipal stormwater National Pollutant Discharge Elimination System (NPDES) permit reissued by the California State Water Resource Control Board in 2013 requires all individuals undertaking public or private construction or ground disturbing activities to take steps to prevent the discharge of pollutants resulting from their projects. Existing impervious surfaces on the subject parcel consist of the residential, winery and accessory building foundations, and the gravel and asphalt-paved surfaces of the winery parking lot and access driveways extending from Sage Canyon Road/SR 128. The 2015 Dakota Shy Winery SCP (referenced in Section VII, Geology and Soils, of this initial study) describes stormwater control measures to be implemented with the then-proposed winery facilities. As described therein, stormwater flows and quality were then proposed to be maintained through a combination of agriculturally planted areas, landscaped areas with raised inlets, and bioretention facilities that receive, retain, and provide treatment of runoff from roofs, paved surfaces, gravel driveways and other impervious surfaces. These facilities were constructed with the winery building, and the larger detention/infiltration basins to the northwest and south of the winery building are identified on the site plan submitted with the current use permit major modification application. With no new construction proposed with the current request, no new impervious surfaces would be added to the site, and no changes to the design of existing stormwater quality and flow control management improvements is necessary. The project’s impacts would be less than significant.
- b) Water for on-site for fire suppression and domestic use, including wine production, is currently provided from a well that was drilled in 2014 and that is located near the existing winery building on the southerly side of the property. Potable water from this well to the winery is regulated as a transient non-community water system due to the presence on-site of 25 or more people (winery employees and visitors) per day on at least 60 days of the year (see California Health and Safety Code, Division 104, Part 12, Chapter 4). Water necessary for landscaping and orchard irrigation is provided from an existing well located near Sage Canyon Road/SR 128 on the northeasterly side of the property. No changes to existing water sources on the property are proposed with the project.

Concurrently with submittal of the use permit major modification application, the applicant submitted a WAA for the project. The report was updated by the applicant’s engineer in January 2021. The updated Dakota Shy Winery WAA references actual water usage for the property for the years between December 1, 2017, and December 1, 2020, during which the winery operators reported usage of 0.50 to 0.62 acre-feet of groundwater per year for winery operations. Another 0.089 acre-feet of groundwater was drawn each year for purposes of site and residential landscaping and olive orchard irrigation. The single-family and accessory residences on the property receive treated potable water from the City of Napa Municipal Water System and are thus excluded from the water demand estimates for the property.

To provide a comparison between the existing water demand and projected water demand associated with the requested use permit major modification, this initial study breaks down water usage by activity, utilizing a winery usage factors from the Dakota Shy Winery WAA and pages 2 and 3 of the related Onsite Wastewater Feasibility Study (see Section VII.e of this initial study). Water used for irrigation, as reported in the table below, reflects the actual groundwater usage reported by the property owner from olive orchard and landscaping irrigation meters. Applying these assumptions and reported values, existing groundwater demand on the property is broken down as summarized in the following Table 1.

Table 1: Winery Groundwater Demand – Entitled Uses

Winery Activity	Water Usage Rate	Quantity	Estimated Annual GW Demand (acre-feet)
Wine Production	1.84 acre-feet/100,000 gallons of wine	14,000 gallons of wine	0.258
Winery Domestic	1.30 acre-feet/100,000 gallons of wine	14,000 gallons of wine	0.182
Winery Employees	15 gallons/shift	10 employees	Included Winery Domestic
Tasting Room Visitors	3 gallons/visitor	112 max. weekly visitors	Included Winery Domestic
Marketing Event (w/ catered food and portable restrooms)	3 gallons/guest, 15 gallons/event staff	40 guests/event, 3 staff/event (2 events/year)	Included Winery Domestic
Landscaping (Olive Orchard and Site Landscaping)	Actual usage from groundwater meter data, 12/1/17 through 12/1/20		0.089
Total, Existing Demand			0.529 acre-feet

Applying the same water usage factors from Table 2 to the scope requested in the use permit major modification application, and noting that no changes are proposed to on-site landscaping, the WAA estimates annual groundwater demand for the requested entitlement at 0.72 acre-feet, as itemized in Table 2, below.

Table 2: Winery Groundwater Demand – Requested Entitlement

Winery Activity	Water Usage Rate	Quantity	Estimated Annual GW Demand (acre-feet)
Wine Production	1.84 acre-feet/100,000 gallons of wine	20,000 gallons of wine	0.369
Winery Domestic	1.30 acre-feet/100,000 gallons of wine	20,000 gallons of wine	0.260
Winery Employees	15 gallons/shift	10 employees	Included Winery Domestic
Tasting Room Visitors	3 gallons/visitor	112 max. weekly visitors	Included Winery Domestic
Marketing Event (w/ catered food and portable restrooms)	3 gallons/guest, 15 gallons/event staff	40 guests/event, 3 staff/event (2 events/year)	Included Winery Domestic
Marketing Event (w/ catered food and portable restrooms) ³	3 gallons/guest, 15 gallons/event staff	125 guests/event, 6 staff/event (1 event/year)	Included Winery Domestic
Landscaping (Olive Orchard and Site Landscaping)	Actual usage from groundwater meter data, 12/1/17 through 12/1/20		0.089
Total, Existing Demand			0.718 acre-feet

Based on the summaries in the tables above, groundwater usage on the property is estimated to increase by approximately 0.19 acre-feet per year compared to entitled use, or approximately 0.1 acre-feet more per year compared to the winery’s highest actual annual usage since 2017.

The applicant-provided Dakota Shy Winery WAA describes groundwater recharge in the area as inclusive of precipitation, surface water seepage and artificial recharge (as from irrigation, for example). Water is extracted from the ground from wells, spring discharge and evapotranspiration. Groundwater can be overdrawn when extraction exceeds the recharge rate.

Using data from the PRISM Climate Group at Oregon State University and the National Climate Data Center (NCDC), the Dakota Shy Winery WAA notes that recent records for document precipitation levels in the 400 kilometer grid cell that includes the project site were as low as 19.3 inches during a dry year that occurred in 2007, and as high as 46.7 inches during a wet year that occurred in 2017. Between 2007 and 2017, average annual rainfall for this same region was 31.7 inches, **and for the 30-year period between 1981 and 2010, average recorded rainfall was 34.8 inches.** As noted above, the project site is located in the Napa Valley Floor – St. Helena subarea of Napa County according to Figure 2-2 of the Napa County Groundwater Monitoring Plan 2013. The Dakota Shy Winery WAA notes that analysis by LSCE in Table 8-9 of the *Updated Hydrogeologic Conceptualization and Characterization of Conditions* (2013) concluded that 14 percent of precipitation is available for groundwater recharge in the St. Helena sub-watershed. Groundwater recharge for the project site is therefore calculated by multiplying feet of annual rainfall times the area of the site (6 acres) times 14 percent (0.14). **For the average recorded rainfall from 1981 to 2010 (34.8 inches), annual groundwater recharge is therefore calculated to be 2.4 acre-feet.** For a typical wet year, recharge is therefore calculated to be 3.3 acre-feet per year, and during a typical dry year, recharge is calculated to be 2.4 1.4 acre feet per year. At 0.72 acre-feet per year, the estimated groundwater demands of the proposed project would not exceed groundwater recharge during **average**, typical wet or **typical** dry years. The project would have a less than significant impact.

³ With portable restrooms provided are large events, water and wastewater estimates of large events assumes 60 percent of guests use winery restroom facilities.

While no significant groundwater impacts from the project are anticipated, the winery use permit major modification, if approved, would subject the winery's operators to compliance with the following, most-recently adopted standard groundwater condition of approval (recommended to be updated from COA No. 14.1 of Use Permit P14-00335, which limited groundwater extraction to 1.55 acre-feet per year based on 14,000 gallons of annual wine production):

4.9 WELLS

This condition is implemented jointly by the Public Works and PBES Departments:

The permittee shall be required (at the permittee's expense) to record well monitoring data (specifically, static water level no less than quarterly, and the volume of water no less than monthly). Such data will be provided to the County, if the PBES Director determines that substantial evidence indicates that water usage at the winery is affecting, or would potentially affect, groundwater supplies or nearby wells. If data indicates the need for additional monitoring, and if the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project. Water usage shall be minimized by use of best available control technology and best water management conservation practices.*

In order to support the County's groundwater monitoring program, well monitoring data as discussed above will be provided to the County if the Director of Public Works determines that such data could be useful in supporting the County's groundwater monitoring program. The project well will be made available for inclusion in the groundwater monitoring network if the Director of Public Works determines that the well could be useful in supporting the program.

In the event that changed circumstances or significant new information provide substantial evidence¹ that the groundwater system referenced in the Use Permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.

** Substantial evidence is defined by case law as evidence that is of ponderable legal significance, reasonable in nature, credible and of solid value. The following constitute substantial evidence: facts, reasonable assumptions predicated on facts; and expert opinions supported by facts. Argument, speculation, unsubstantiated opinion or narrative, or clearly inaccurate or erroneous information do not constitute substantial evidence.*

- d) According to Napa County GIS data (http://gis.napa.ca.gov/Html5Viewer/Index.html?viewer=Public_HTML, viewed December 30, 2020), the majority of the property lies in an area of minimal flood hazard. A small area at the northeastern corner of the project site at Sage Canyon Road/SR 128 lies within the dam inundation area of Lake Hennessy and the 100-year floodplain of Conn Creek. The project would have no impact with respect to release of pollutants as a result of flooding in this northeastern portion of the site because no winery structures are or are proposed to be built in the dam inundation area or in the creek floodplain. The southwestern corner of the property is within the 500-year Conn Creek flood zone. Existing structures within this area include portions of the fire pump and bin washing building and 61,000-gallon fire suppression water storage tank (a second, 5,000-gallon water storage tank that has Napa County building permit approval but was not installed would also be located in this area). No new structures are proposed to be built with the use permit major modification, and no existing structures are located within the 100-year floodplain, for which the National Flood Insurance Program and Napa County Code Chapter 16.04 would require a floodplain permit with plans describing structural floodproofing methods. As the 500-year storm is considered to be an infrequent event with a one in 500 chance of occurrence during any given year, the potential for release of pollutants from the pump building and water tanks as a result of flooding of the Napa River or failure of the Lake Hennessey dam would be a less than significant impact.
- e) The Sustainable Groundwater Management Act (SGMA, California Water Code Sections 10720-10737.8) requires local governments and water agencies in medium and high priority basins in California to create long-term sustainability plans that would result in balanced groundwater extraction and recharge within 20 years of adoption of the plan, and no later than 2042. Plans for medium or high priority basins are due to the Department of Water Resources (DWR) by January 2022. As designated by the DWR in its SGMA 2019 Basin Prioritization, the Napa Valley Subbasin to which the property is adjacent is a high priority due to local reliance on groundwater resources (<https://water.ca.gov/Programs/Groundwater-Management/Basin-Prioritization>, viewed January 12, 2021). In December 2019, Napa County established a Groundwater Sustainability Agency, and in the first half of calendar year 2020, the GSA established an Advisory Committee and selected LSCE to provide technical support for preparation of a groundwater sustainability plan for the County.

As described in response to question X.b above, the anticipated water demands of the proposed project would be less than the estimated groundwater recharge rate for the parcel. Thus, the proposed project would impede with the County's ongoing efforts toward groundwater management under the requirements of SGMA. Further, as noted in response to Section X.a and X.c, above, the proposed project includes stormwater quality and treatment measures in compliance with County regulations and the Phase II municipal stormwater NPDES permit.

The impact of the project with respect to compliance with water quality or groundwater management programs would be less than significant.

Mitigation Measures: None required.

XI.	LAND USE AND PLANNING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a) The Napa County General Plan (Agricultural Preservation and Land Use Element Policy AG/LU-2) defines agriculture as inclusive of the raising of crops, trees, and livestock; the production and processing of agricultural products (including crushing of grapes into wine); and related marketing, sales and other accessory uses. The Dakota Shy Winery is an agricultural use engaged in the processing of grapes into wine, and with offerings of accessory wine tours and tastings and wine marketing. In addition to the winery, the project site is currently developed with an olive orchard, single-family residence, accessory dwelling, storage and utility structures, and ancillary surface parking and driveways. The proposed project would not change the existing residential and agricultural land uses of the property, which are consistent with the single-family houses and vineyards developed on properties proximate to the site. The proposed project would not introduce a non-agricultural use, nor any new development, to the property. The proposed project would integrate with the property's surroundings and would not physically divide an established community, and thus, there would be no impact.
- b) The requested use permit major modification would change the production and marketing-related operations of the winery but would not otherwise change the agricultural product processing activity (winemaking from grapes) that is currently permitted to occur on the property, the agricultural use of is consistent with General Plan Policy AG/LU-2, as well as Goal AG/LU-1 that directs the County to “[p]reserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.” The requested use permit major modification is consistent with General Plan Policy AG/LU-9, which was specifically adopted by the Board of Supervisors as a mitigation measure of the General Plan EIR and is intended to prioritize preservation of farmland in the County. Napa County Code Section 18.20.030 also identifies wineries as conditionally permitted uses within the AW District in which the site is located. As an agricultural processing facility that must produce wine using at least 75 percent of its grapes sourced from within Napa County (see Napa County Code Section 18.104.250.B), the winery supports the economic viability of agriculture within the County consistent with Policy AG/LU-4 (“The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/open space...”) and General Plan Economic Development Element Policy E-1 (“The County’s economic development will focus on ensuring the continued viability of agriculture...”). The request to increase the winery’s permitted annual production would further support these General Plan goals and policies fostering processing of locally-grown agricultural products. The project is consistent with the County’s agricultural goals and policies, and the project’s impact would be less than significant.

Mitigation Measures: None required.

XII.	MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a/b) Historically, the two most valuable mineral commodities in Napa County in economic terms have been mercury and mineral water. More recently, building stone and aggregate have become economically valuable. Mines and Mineral Deposits mapping included in the Napa County Baseline Data Report (Mines and Mineral Deposits, BDR Figure 2-2) indicates that there are no known mineral resources nor any locally important mineral resource recovery sites located on the project site. No impacts would occur as a result of the project.

Mitigation Measures: None required.

XIII.	NOISE. Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a) Regulations contained within Napa County Code Chapter 8.16 establish exterior noise criteria for various land uses in the County. As described in Project Setting, above, land uses that surround the project site are predominantly agricultural (vineyard) with some rural residential uses. Based on the standards in County Code Section 8.16.070, noise levels may not exceed 50 decibels during daytime hours (7:00 a.m. to 10:00 p.m.) or 45 decibels during nighttime hours (10:00 p.m. to 7:00 a.m.) at the exterior of a residential structure or residential use on a portion of a larger property. Given that the predominant land uses surrounding the project site are roadways and residential and agricultural development, noise impacts of the proposed project would be considered bothersome and potentially significant if sound generated by it had the effect of creating volume exceedances more than 50 percent of the time (i.e., 30 minutes in any hour).

When compared to the existing environment, the proposed project would not cause a temporary increase in noise levels as a result of construction because no new construction or ground disturbance is proposed with the project. Though the request includes an increase in the number of daily tours and tastings visitors, winery tours and tastings would, under typical circumstances, occur indoors in the winery's tasting room and not generate substantial increases in noise.

The use permit major modification application includes a request to add one, 125-person wine marketing event to the winery's existing annual marketing program. This new event could occur entirely or partially outdoors, weather depending, and hours would be consistent with those approved for existing winery marketing events (6:00 p.m. to 10:00 p.m.) As described in the Project Description, above, the winery has an existing, entitled uncovered event pad (+/- 2,400 square feet) located adjacent to the winery building. The nearest sensitive receptor to this outdoor event area is a single-family residence located on an adjacent parcel (APN 030-120-031) to the north; the residence is over 550 feet away from the event pad.

Regulations contained within Napa County Code Chapter 8.16 establish exterior noise criteria for various land uses in the County. As described in Project Setting, above, land uses that surround the project site are predominantly agricultural (vineyard) with some rural residential uses. Based on the standards in Napa County Code Section 8.16.070, noise levels may not exceed 50 decibels during daytime hours (7:00 a.m. to 10:00 p.m.) or 45 decibels during nighttime hours (10:00 p.m. to 7:00 a.m.) at the exterior of a residential structure or residential use on a portion of a larger property. Given the predominant land uses around the parcel, noise impacts of a proposed project would be considered bothersome and potentially significant if sound generated by it had the effect of creating volume exceedances more than 50 percent of the time (i.e., 30 minutes in any hour).

Noise sampling performed under County authority, as part of the analysis for the Bell Winery use permit modification (P13-00055), measured sound from an 85-person event with amplified music, using a meter placed 123 feet from the sound source (marketing event). Measurements taken from that sound meter indicated that noise levels from the event exceeded 56 decibels 50 percent of the time, while equivalent (average) noise level was 60 decibels. It is noted that the size of the largest marketing event proposed to occur at the Dakota Shy Winery (125 people) is approximately 50 percent larger than the 85-person event monitored at Bell Winery. Applying: 1) a 6-decibel reduction per doubling of distance from the noise source; and 2) a 3-decibel increase per doubling of noise sources (number of marketing event guests) as described in that noise study, it is projected that exterior noise experienced at the nearest off-site residence on APN 030-120-031 would be at 46 decibels for half of the event duration, and an average of 50 decibels for the duration of the event. These estimated noise levels would not exceed the County Code standard of 50 decibels during 50 percent of daytime hours. Further, these estimated noise levels are considered to be conservative as they are based on an event that included outdoor amplified sound (which would not occur for the subject Dakota Shy events), and in that they assume all 125 guests of a marketing event are on-site and outdoors at the same time, when in actuality, some guests may be in the tasting room during the event or may not stay for the entirety of the event. The proposed additional marketing event would not occur during nighttime hours (10:00 p.m. until 7:00 a.m.) when acceptable noise thresholds would be lower than 50 decibels.

Given the distance to the nearest sensitive receptors, the potential noise impacts of the addition of a 125-person event to the winery operation would be less than significant. Nonetheless, ongoing winery operations would continue to be subject to the following condition of approval, which was adopted as a condition of approval of Use Permit P14-00335 to reduce to acceptable levels the potential impacts of noise generated from the premises:

14.2 NOISE

Construction noise shall be minimized to the greatest extent practical and allowable under state and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Chapter 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8:00 a.m. to 5:00 p.m. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the County Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.

With no new notable noise sources generated under the requested operational changes to the winery, and with continued compliance with the condition of approval referenced above, the potential noise impacts of the project would be less than significant.

- b) Noise regulations in County Code Chapter 8.16 do not include specific criteria for groundborne vibration. In the absence of local County criteria for vibration analysis, this initial study utilizes the guidance in the "Transit Noise and Vibration Impact Assessment Manual" (2018) prepared for the Federal Transit Administration (FTA, online at https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf, viewed December 18, 2020). While the project is not a transit project, the noise levels generated by heavy construction equipment would be similar to the noise levels that are generated by locomotive engines (85-90 decibels).

The guidance in the FTA manual suggests screening criteria for different land use types, from the most sensitive land uses such as recording studios and research facilities that rely on vibration-sensitive equipment, to comparably less sensitive institutional facilities occupied by potentially sensitive receptors during days and residences occupied by sleeping residents at night. Projects that do not fall within the screening criteria are not considered to have a significant groundborne vibration impact on a sensitive receptor, and no further analysis is required.

Off-site land uses proximate to the project site include vineyard and residential uses. There are no highly vibration-sensitive land uses in the general vicinity of the property. Table 6-8, Screening Distances for Vibration Assessments, of the FTA "Transit Noise and Vibration Impact Assessment Manual" indicates that a residential use located within 200 feet of the right-of-way of a conventional railroad track could potentially be negatively affected by groundborne vibration from the source; an office type of use could be impacted if it was within 120 feet of the vibration source. Translating this criterion to the winery project, a residence within 200 feet of areas of excavation, grading or demolition (e.g., buildings, landscaping, surface parking lot) could potentially be negatively impacted by groundborne vibration from a construction site. The closest off-site residence to the winery building is over 500 feet to the north, on Assessor's Parcel No. 030-120-031.

While groundborne vibration can occur as a result of movement of heavy machinery or impactful construction activity such as pile driving or blasting, there are no ongoing activities related to project operations that would cause groundborne vibrations, and no new grading or construction is proposed with the project that would require pile driving, blasting, or other grading or excavation conducted by heavy equipment that could generate groundborne vibrations. The project would have no impact.

- c) The requested use permit major modification would not expose people to excessive noise levels from air traffic. There are two public use airports in the County for which the County has adopted an airport land use compatibility plan: Angwin-Parrett Field and Napa County Airport. Angwin-Parrett Field is approximately 6 miles northwest of the project site, and the Napa County Airport is over 19 miles southeast of the site. The proposed winery property is outside of the boundaries of the land use compatibility plans for both airports.

River Meadow Farm, located at 1019 Rutherford Road and approximately 1.75 miles southwest of the project site, has Napa County use permit approval for a private use heliport (Use Permit No. U-347778, approved June 7, 1978; U.S. Federal Aviation Administration Location Identification No. 7CA9), though it does not have a land use compatibility plan. While the project site is within 2 miles of a private heliport, the existing vineyard use and requested winery use permit excludes any air travel component. With no element of the project generating additional air traffic to or from this private landing pad, no aircraft-related noise impacts would be generated by the project, and the project would have no impact.

Mitigation Measures: None required.

XIV. POPULATION AND HOUSING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) The requested use permit major modification would facilitate the continued operation of a winery on the project site, with expanded production and hospitality service. It is not anticipated that housing demands would increase as a result of allowances for increased daily transient tours and tastings visitors to the winery, and the request includes no increase in the number of employees of the winery who would travel to the winery daily and therefore be more likely to be residents of the County or region. Though Napa County collects fees from developers of nonresidential projects to help fund local affordable housing (see Napa County Code Section 18.107.060 – Nonresidential developments – Housing fee requirement), the fees are assessed with new construction and are collected a time of building permit issuance, and the proposed project includes no new construction. New visitors to the winery could increase demand for group transportation services to the winery, though the potential for employment changes of other businesses supporting the winery's requested operations is uncertain, unquantifiable, and speculative.

The proposed project does not require installation of any new infrastructure, including that which might induce growth by extending services outside of the boundaries of the subject site or increasing the capacity of any existing roadway.

With no staffing increases proposed with the project and no off-site expansion of utilities or facilities to serve other developments, the project would have a less than significant impact on population growth.

- b) The existing residences on the property, one of which is currently occupied by a winery employee, would remain on the property with the requested use permit major modification. No residential buildings on or off of the property would be demolished as a result of the project. Thus, no residents would be displaced, and there would be no impact.

Mitigation Measures: None required.

XV. PUBLIC SERVICES. Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a) The property is located within the service areas of both the Napa County Sheriff's Department (Beat 4; BDR Figure 13.-3), as well as the Napa County Fire Department. The winery building associated with this use permit major modification request has been inspected by County building inspectors and fire prevention officials, prior to issuance of the certificate of occupancy for the building in 2017 and again in September 2019 as part of the processing of this use permit major modification request, to ensure that construction and ongoing maintenance of the building is in accordance with current Building and Fire Codes. If approved, the requested use permit major modification would facilitate the continued operation of the winery with expanded production, tours and tastings, and one additional annual wine marketing event. The proposed project scope does not include construction of any new residential units nor accompanying introduction of new residents that would utilize existing parks or potentially increase student enrollment in schools located in the cities north and south of the winery. No new parks or other public recreational amenities or facilities (such as police or fire stations) are proposed to be built with or as a result of the requested use permit major modification. Also see discussion under Section XVI, Recreation, below. The project's impacts on public services would be less than significant.

Mitigation Measures: None required.

XVI.	RECREATION. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. The requested use permit major modification does not include any residential component and would not lead to the accompanying introduction of new residents to the site or area. The use permit major modification would not increase the number of winery employees but would increase the number of daily tours and tastings visitors to the property, some of whom might visit regional recreational facilities or on the way to or from other wineries. However, given that the purpose of employees' and guests' trips are to and from the winery as the primary destination, such visits to area recreational facilities are anticipated to be infrequent and would not drastically accelerate the deterioration of the park amenities. This impact would be less than significant.
- b. No new parks or other public recreational amenities are proposed to be built with or as a result of the requested use permit major modification. The proposed project would have no impact.

Mitigation Measures: None required.

XVII.	TRANSPORTATION. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Substantially increase hazards due to a geometric design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	e) Conflict with General Plan Policy CIR-14, which requires new uses to meet their anticipated parking demand, but to avoid providing excess parking which could stimulate unnecessary vehicle trips or activity exceeding the site's capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The project site is located on the eastern side of the Napa Valley. The property is a double-frontage lot, with two property lines adjoining public road rights-of-way: the southern property line adjoins Silverado Trail, a two-lane, two-way north-south, County-managed arterial running along the eastern edge of the Valley, and the northern property line adjoins SR 128, a State-managed two-lane, two-way highway that runs east-west across the Valley and extends to communities east and northwest of Napa County. Silverado Trail and SR 128 intersect approximately 0.25-mile northwest of the project site; east of the intersection, SR 128 is also identified as Sage Canyon Road (west of the intersection, SR 128 is also identified as Conn Creek Road). In the vicinity of the project site, posted speed limits on Silverado Trail and Sage Canyon Road/SR 128 are 55 miles per hour and 40 miles per hour, respectively.

Though the site fronts on two streets, only emergency vehicle access is allowed from Silverado Trail. The site's main vehicular access is provided by an entrance driveway at Sage Canyon Road/SR 128, near the northeastern corner of the site. The driveway extends into the property as a two-way private road leading to the on-site residences and winery building. Within the site boundaries, a one-way access road intersects the two-way driveway and provides internal access to an outbound/exit-only driveway at Sage Canyon Road/SR 128 near the northwestern corner of the property.

a) Level of service standards for roads in the unincorporated areas have been established by the County in its General Plan Circulation Element, last updated in February 2019. Level of service (LOS) is a system for classifying roadway segments' and intersections' operations using a letter rating of A through F, based on how much delay a driver experiences on the particular facility. LOS A indicates free flowing traffic with minimal delays, and LOS F indicates a severely congested segment or intersection. For intersections where the minor approaches are stop sign controlled, LOS indicates the seconds of delay experienced by each driver on the minor approach, where LOS A indicates no more than 10 seconds of delay, and LOS F indicates more than 50 seconds. General Plan Policy CIR-38 establishes the County's desired LOS on all County roadways as LOS D. LOS D represents the level where traffic nears an unstable flow; intersections still function, but short queues develop, and cars at signalized intersections may have to wait through one traffic signal cycle during peak traffic periods. The policy lists some exclusions, including Silverado Trail between Conn Creek Road/SR 128 southward to Yountville Cross Road; for this road segment in the vicinity of the project site, the General Plan policy specifies LOS E as acceptable level of service. The County has further clarified its General Plan policy to specify the following objectives as they apply to proposed projects:

- If an unsignalized intersection operates at LOS A through D under existing PM peak hour conditions, and the project would cause the intersection level of service to fall to LOS E or F, then the applicant should implement actions to restore level of service to LOS D or better.
- If an intersection or segment operates at LOS E or F under existing conditions, and the project would increase automobile delay by 5 or more seconds on the minor approach to an unsignalized intersection, or by one or more percent of total segment volume, then the applicant should implement actions to reduce the increased delay.

Traffic counts on Silverado Trail were collected for the project for two consecutive weeks, on Friday and Saturday afternoons in January and February 2020. Data from these traffic counts reflect that peak hours of traffic occur between 3:30 and 4:30 p.m. on a weekday (Friday) and between 3:00 and 4:00 p.m. on a weekend day (Saturday). Trip counts were also adjusted upward by 15 percent to more closely represent harvest season conditions. Intersection impacts, with and without the project, are described in the traffic study in terms of LOS and seconds of delay. Estimated traffic from a pending winery use permit application (Frank Family Vineyards/Benjamin Ranch Winery, Application No. P13-00371-UP) and an approved but unbuilt winery (Lief Winery, Use Permit No. P07-00171-UP) on nearby sites were added to the proposed project's traffic to generate near-term (2025) and General Plan buildout (2030) traffic projections.

The majority of segments and intersections evaluated in the traffic impact study operate acceptably for General Plan policy, though the Sage Canyon and Conn Creek Roads approaches to Silverado Trail currently operate at LOS F during the Friday afternoon peak hour, without the project. With no roadway improvements planned for the roadways near this intersection, LOS would continue to be unacceptable (i.e., below LOS E) for the near-term and General Plan buildout horizon years, without the project. Traffic volumes would warrant installation of an intersection traffic signal, though traffic signals in unincorporated Napa County are in generally discouraged and considered to be in conflict with the goal of preserving the County's rural character. Adding proposed project vehicle trips to the various scenarios, these intersections would again continue to operate at LOS F. However, with less than one second of increased delay on the Conn Creek Road approach, the project's impacts would not conflict with the County's level of service policies. The project would contribute to an increase in delay of 15 seconds to the existing condition, 24 seconds in the near-term, and as much as 167 seconds at General Plan buildout, on the Sage Canyon Road approach to the intersection. To maintain consistency with County policy, the applicant would need to implement measures to decrease the delay. To this end, the applicant's engineer recommends that the winery operator appoint a transportation demand management (TDM) program coordinator to facilitate ridesharing, and that the operator and winery staff schedule visitation and employee work hours so as to eliminate new project traffic on the roadway system during the Friday peak hour of traffic. With implementation of these voluntary TDM programs, which may be required as project conditions of approval if so desired by the decision-making body, the project would have a less than significant impact with respect to inconsistency with County LOS policy.

The Napa County Board of Supervisors adopted the Napa Countywide Bicycle Plan (2012 Bicycle Plan) most recently on June 26, 2012 (Resolution No. 2012-98). The adopted 2012 Bicycle Plan identifies the northbound lane of Sage Canyon Road/SR 128, which includes the project site frontage, for proposed Class 2 on-street bicycle lanes. The 2012 Bicycle Plan also identifies Silverado Trail behind the project

site as having existing Class 2 on-street bicycle lanes. The more recently drafted 2019 Countywide Bicycle Plan adopted by the Napa Valley Transportation Authority Board of Directors in September 2019 but not yet adopted by the Napa County Board of Supervisors, identifies Sage Canyon Road/SR 128 as a proposed Class 3 route (shared lanes for bicyclists and motor vehicles, with signage installed), with no change to the Class 2 facility designation on Silverado Trail. Proposed project improvements do not indicate construction of either a lane or signage for either type of bicycle facility at the project frontage; however, site plans submitted by the applicant's engineer indicate an unpaved shoulder beyond the paved surface of the roadway that could accommodate a bicycle lane or widened shoulder, should Caltrans want to install one. Thus, there appears to be adequate right-of-way at the project site frontage for either facility, and no additional dedication would be required of the applicant. No improvements to the property's southwestern property line are proposed that would affect the existing Class 2 bicycle lane on northbound Silverado Trail. The project would have a less than significant impact on existing or planned bicycle facilities.

There are no existing, proposed or planned sidewalks, nor are there any public transit routes, on Sage Canyon Road or on Silverado Trail near the project site. The project would have no impact on pedestrian or public transit transportation modes.

- b. Approved by the Governor in 2013 and codified in Section 21099 of Public Resources Code (CEQA), Senate Bill 743 (Steinberg) directs a change in transportation impact analysis conducted under CEQA, wherein transportation impacts of a project are evaluated using the metric of vehicle miles traveled (VMT) rather than LOS. In contrast to the automobile delay and congestion measured by LOS, VMT accounts for the number of trips generated by a project, multiplied by the length in miles of each trip. The intent of the legislation is to reduce greenhouse gas emissions from automobile use by reducing the length and/or number of automobile trips.

Public Resources Code Section 21099 directs the Governor's Office of Planning and Research (OPR) to develop criteria for determining the significance of transportation impacts of projects. Technical guidance offered by the Governor's Office of Planning and Research in its "Technical Advisory on Evaluating Transportation Impacts in CEQA," (December 2018) suggests that a development project would have a potentially significant VMT impact if it did not reduce VMT by 15 or more percent below the per capita average for the region in which the project is located. OPR's technical advisory provides no direct guidance for short-term projects or construction impacts, though it does include a screening criterion of 110 new vehicle trips, below which a project would not be anticipated to have a significant impact (12).

Recently-adopted General Plan Policy CIR-7 suggests that project applicants should aim to reduce their project's unmitigated VMT by at least 15 percent. The County's approach to determining the significance of a project's VMT impacts was considered by its Board to be appropriate for Napa County's rural context, while still supporting the efforts of the County to achieve the greenhouse gas emissions goals of its pending Climate Action Plan. The reduction in VMT and, correspondingly, GHG emissions from the transportation sector, is also necessary for Napa County, the region, and the state to achieve long-term, statewide mandates targeted toward reducing GHG emissions. Such mandates include, but are not limited to Executive Orders S-3-05 and B-16-12, which respectively, set a general statewide GHG emissions reduction target of 80 percent below 1990 levels by 2050, and an 80 percent GHG emissions reduction below 1990 levels (also by 2050) specifically for the transportation sector.

The traffic study prepared by Crane Transportation Group, consultant for the applicant, evaluated roadway volumes, project trip generation and LOS resulting from the project, as well as alternative transportation modes (pedestrian, bicycle and transit facilities), on-site vehicle parking and sight lines. Using Napa County winery trip generation factors, as listed in the County's Use Permit/Major Modification Application for Winery Uses, estimated daily vehicle trips could be as many as 61 trips on days when proposed visitation (48 guests) is maximized during the peak grape harvest season. These 61 daily trips encompass both existing and proposed operations of the winery.

Of the 61 daily trips anticipated for proposed winery operations, and using the same Napa County winery trip generation factors, 51 daily trips are estimated under existing conditions. Thus, the requested use permit modification, if approved, would result in an estimated 10 net new daily trips. Both the estimated 10 net new daily trips, as well as the 61 total trips anticipated under existing conditions plus the proposed project, are under the suggested screening criterion of 110 new daily vehicle trips for which further analysis of potential VMT impacts would be performed. Thus, the proposed project would have a less than significant impact with respect to VMT.

While additional VMT analysis is not necessary and project impacts would be less than significant, to further the regional objectives toward reducing transportation-related air emissions, the traffic study recommends that the winery operator implement a TDM program inclusive of a TDM coordinator, opportunities for employees to work from home, carpool incentives, and promotion of high occupancy vehicle use for transportation of guests attending large marketing events (Appendix G). Currently, two winery employees carpool, one employee works remotely, and one employee resides on the premises, all of which facilitate reductions in total vehicle trips associated with the winery. It is further noted that current site improvements include a parking stall with electric vehicle charging station and bicycle racks and storage areas for employees who choose to bike to work. Based on the recommendation in the traffic study, recommendation will be made to the decision-making body to add a project-specific condition of approval requiring: 1) submittal of a TDM program within 30 days of any decision to approve the use permit; and 2) submittal of annual monitoring reports documenting the effectiveness of the program.

- c/d) The traffic study submitted with the use permit major modification application evaluated vehicle sight distance at the intersections of Sage Canyon Road/SR 128 and the two existing winery access driveways at the northern property frontage. Page 28 of the traffic study notes that based on field measurements, sight distance from the outbound winery access driveway is 400 feet to the east (to see approaching

westbound vehicles on Sage Canyon Road/SR 128) and 365 feet to the west (to see approaching eastbound vehicles on Sage Canyon Road/SR 128). A vehicle traveling at the posted speed limit of 40 miles per hour would need 300 feet to stop to avoid a collision with an obstruction in the roadway (in this case, a vehicle exiting the project site's outbound driveway). Thus, the minimum sight distances to the east and west provide sufficient stopping distances for the outbound driveway. A vehicle traveling 5 miles per hour over the posted speed limit would require 360 feet to stop to avoid collision with an obstruction; the outbound driveway's existing sight lines of 365 and 400 feet would remain adequate for this higher traveling speed. Page 12 of the traffic study notes that there were no vehicle collisions reported to the California Highway Patrol for either of the project site driveway intersections with Sage Canyon Road/SR 128 between 2014 and 2019.

In 1971, Napa County adopted its initial iteration of the Napa County Road and Street Standards (RSS). The intent of the RSS was to establish a uniform set of standards for public and private roads that strive to preserve the natural landscape and water quality, minimize impacts to environmental sensitive areas and native habitats, and provide adequate safety and service in the interest of protecting public health and welfare. As further described in the RSS Objectives, the RSS "attempt to meet the related interests of several other agencies, including the Resource Conservation District, Cal-Fire, the Federal Emergency Management Agency, the Napa County Planning, Building and Environmental Services Department, and the California Department of Fish and Wildlife" (5). The RSS has since been amended to reflect changes in the best practices and regulations of the respective agencies, with the most recent amendment occurring in February 2020 (Board of Supervisors Resolution No. 2020-12).

The proposed project includes a request for exception to the requirements of Sections 13 and 15 of the RSS. In combination, these sections of the RSS require that: 1) wineries to be served by a common driveway with minimum 20-foot width for two-way traffic (12-foot width for one-way traffic), plus 1 foot or wider shoulder on each side of the roadway, and where applicable, a gate that opens 2 feet wider than the road; and 2) roadways that have a minimum inside radius of 50 feet on any curves or turns where the roadway is not superelevated. The winery property currently has a two-way, asphalt-paved, entry/exit driveway and access road adjacent and parallel to the eastern property line, and a one-way, 12-foot wide, gravel-paved, exit-only roadway that branches off of the two-way road northeast of the on-site residence and leads to an exit-only driveway and gate just west of the center of the property frontage. The existing two-way winery access road is asphalt-paved in compliance with the RSS, but has widths that vary from 20 or more feet along the two-way driveway access road to the winery, down to as narrow as 18 feet, 8 inches at the two-way access gate. The one-way gravel access road lacks the requisite 2 feet of shoulders, and it has two locations where the inside radius is 10 feet and 13 feet where 50-foot minimum inside radius is required by the RSS. Sections 3(d) and 5 of the RSS allows the County to make exceptions to the RSS where physical or legal constraints exist, and provided that the exception would not impede or delay emergency response or evacuation efforts.

Analysis submitted by the applicant's civil engineer notes that the narrowness of the site entrance access gate is due to physical and legal constraints, namely, a steep slope on the south side of the driveway and a city of Napa watermain easement on the north side of the driveway (see memorandum from Paul N. Bartelt, P.E. to David Morrison, PBES Director, dated July 13, 2020, re. "Dakota Shy Winery Major Use Permit Modification and Road Exception Request, 771 Sage Canyon Road, Napa County, CA, APN 030-120-024"). The engineer notes that the 18-foot, 8-inch wide access gate has been adequate to accommodate large vehicles since the winery has been in operation, despite the deficiency of the gate width when compared to the RSS. Similarly, the engineer notes that despite lack of shoulders and substandard radii on the one-way gravel access road, the road has provided adequate access for standard passenger and emergency vehicles, with adequate ground clearance for fire trucks (see Project Plans, Sheet UP7). As with the gate width, the engineer notes that construction of the one-way roadway in strict conformance with the RSS could result in damage to the city of Napa watermain that extends through the property.

Access to the winery from Sage Canyon Road/SR 128 is not proposed to change with the project, and no on-site or off-site improvements are proposed with the project that would result in closure or partial closure of any public right-of-way. Page 12 of the traffic study indicates that vehicle volumes on Sage Canyon Road/SR 128 at the winery entrance driveway do not meet County warrant criteria for installation of a left-turn lane from the highway into the driveway. Thus, no existing roadways would be closed so as to constrain or preclude travel by emergency vehicles needing access to the site or surrounding properties. With adequate sight distance at the Sage Canyon Road/SR 128 approaches to both of the winery access driveways, no obstructions proposed to any existing public right-of-way to which the site has access, and sufficient circulation on-site to accommodate both passenger and emergency vehicle movements, the potential for the project to create a significant safety hazard or impair emergency vehicle response would be less than significant.

- e) The property currently has 11 striped parking stalls, three fewer stalls than the 14 that were approved with Use Permit No. P14-00335-UP and one more stall than the 10 parking stalls approved with subsequent Use Permit Minor Modification Application No. P16-00414-MM. The current use permit major modification request includes no increase in the number of parking stalls nor expansion of any paved surface for vehicle parking. With no new paved surface to be installed for vehicle parking, the consequential environmental impacts associated with parking stalls—primarily quantity and quality of stormwater runoff, and additionally generation of new heat-generating surfaces—would not change from existing conditions should the proposed project be approved. The proposed project would therefore have no environmental impact.

Mitigation Measures: None required.

XVIII. TRIBAL CULTURAL RESOURCES. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a/b) As referenced in Section V, Cultural Resources, of this initial study, the existing winery building is fewer than five years old. The proposed project includes no changes to any building on-site that is more than 50 years old, and no physical changes are proposed with the requested use permit major modification that would require excavation that could uncover previously undiscovered archeological resources. In the event that the applicant conducts ground excavation in future winery operations, as may be necessary for repairs to buried utility systems for example, and if contractors or the property owner doing such work finds culturally significant historic resources during any earth-disturbance, construction is required to cease, and a qualified archeologist must be retained to investigate the site in accordance with the project condition of approval referenced in Section V, Cultural Resources, above. The property owner's or the property owner's contractor's compliance with the condition of approval would reduce the winery's potential impacts to archeological resources on-site to less than significant.

Mitigation Measures: None required.

XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of a new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIX.	UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
d)	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a) Utility infrastructure necessary to serve the winery, including water, wastewater treatment, storm drainage, and power have been accommodated on the property within the existing boundaries of the project site and currently serve the existing winery operations. No new changes to or expansions of existing utility infrastructure are necessary for the proposed changes to winery operations. The proposed project would have no impact.
- b) As discussed in additional detail in Section X, Hydrology and Water Quality, of this initial study, water usage under the current entitlements, plus the operational changes requested under the use permit major modification, is estimated at ~~0.79~~ **0.72** acre-feet annually. With groundwater recharge for the parcel estimated at ~~2.4~~ **1.4** acre-feet per year during a typical drought year, the estimated groundwater demands of the proposed project would not exceed groundwater recharge during typical wet or dry years and would not result in overextraction of groundwater resources in the area. The project would have a less than significant impact.
- c) Not applicable to this project. The winery would utilize on-site systems for treatment of process wastewater and sanitary wastewater generated on the property. Will-serve letters or commitments from a wastewater treatment provider are not necessary for the project.
- d/e) Non-recyclable and non-organic waste generated by operations on the property is and will continue to be collected by the Upper Valley Disposal Service and ultimately deposited at the Clover Flat Landfill located in Calistoga. Based on 2019 correspondence from an agent of the landfill and posted on the California Department of Resources Recycling and Recovery (www.calrecycle.ca.gov, letter from Neil Edgar, Edgar & Associates, to Peter Ex, Napa County Local Enforcement Agency), Clover Flat has adequate capacity remaining to accommodate any non-recyclable and non-organic waste generated from the business. More specifically, the landfill has a permitted capacity of 4.56 million cubic yards, and as of November 2019, had over half (2.4 million cubic yards) of its permitted capacity remaining with an anticipated closure date in 2047. The Greenhouse Gas Best Management Practices checklist that the applicant submitted with the use permit major modification application indicates that the winery operator currently strives to reduce its waste stream from typical operations by: 1) composting the majority of its food and garden waste material; and 2) aiming to recycle 75 percent of its waste, consistent with Napa County "Voluntary Best Management Practices Checklist for Development Projects," BMP-17 and BMP-18. Operators of the winery have not requested waiver of any regulation or standard with respect to waste disposal. The project's impact would be less than significant.

Mitigation Measures: None required.

XX.	WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Due to slope, prevailing winds and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XX.	WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a) The Napa County Emergency Operations Plan (EOP) outlines procedures, including establishing leadership roles and responsibilities of various agency staff, that guide local preparedness, response, recovery and resource management efforts associated with occurrence of a natural disaster, significant emergency, or other threat to public safety. No component of the implementation of the EOP would otherwise be impaired by the requested use permit major modification. With no improvements proposed to any public right-of-way in the vicinity of the project site, no component of the project would result in permanent or temporary closure or obstruction of adjacent public rights-of-way (Sage Canyon Road/SR 128 and Silverado Trail). The winery site would maintain two access driveways to Sage Canyon Road/SR 128 affording winery guests and employees sufficient access to leave the premises in the event of an emergency evacuation, and the additional emergency access to/from Silverado Trail would remain unchanged with the proposed project. The project would have no impact.
- b/c) The property is located in a Local Responsibility Area for fire protection services. The property is located in an area of moderate fire risk (Napa County General Plan, Figure SAF-2). The property is also in a very low density location, with just five single-family residences within 0.5 mile of the proposed winery building, and the majority of surrounding properties consisting of 5-acre or larger parcels substantially planted with vineyards. The nearest areas of very high fire risk in the State Responsibility Area are over 1 mile southeast of the project site.
- Existing primary, secondary and emergency access routes from existing rights-of-way (Sage Canyon Road, SR 128 and Silverado Trail) would remain unchanged with the project, and the recently-constructed winery building has been equipped with fire sprinklers required by the California Building Code. No new roads, water lines, water storage tanks or other installations necessary to support fire suppression efforts would be needed for the project. The existing development condition of the project would remain unchanged with the project, and thus, the project would have no impact.
- d) There are no streams, creeks or natural drainages on the property that would create risk of flooding caused by loss of vegetation in the wake of a fire. As noted in the 2015 "Stormwater Control Plan for a Regulated Project: Dakota Shy Winery, 771 Sage Canyon Road, Napa County, CA," (2015 Dakota Shy Winery SCP) completed by Bartelt Engineering for the applicant for the 2014 winery use permit application, maximum slope on the site does not exceed five percent (1). Thus, the site is generally flat. A slope located off-site, near the northeastern corner of the site could have potential for soil creep that could spill onto the project site; however, the layout of the development on the parcel places the winery entrance road nearest the slope, with secondary access roads and occupied structures set further back from the slope such that they would not likely incur damage as a result of movement on that slope should the soil become exposed after vegetation is burned by wildfire. Based on this information, risk of substantial adverse effects from post-fire drainage changes or landslides on the specific project site is less than significant.

Mitigation Measures: None required.

XXI.	MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Discussion:

- a. The project site has been previously developed and disturbed with olive orchard plantings, residences and residential landscaping, and a winery building with ancillary parking, utilities and ornamental landscaping. The scope of the project is limited to operational changes at the winery. No new construction, expansion of utilities or infrastructure is necessary to support those operational changes, and thus, the proposed project would not result in physical changes to the environment that would substantially affect wildlife. As no site modifications are proposed with the project, no element of the project would be subject to creek setback regulations nor be likely to disturb any sensitive plant or wildlife species.

The existing residence on-site is over 50 years old, but the project would have no effect on historic resources because the residence is not a listed historic resource, nor does the project include any changes to that structure. There are no known archeological resources on the property, and no ground disturbance is proposed with the project that would potentially unearth previously undiscovered resources. Nonetheless, if contractors or the property owner finds culturally significant historic resources during any earth-disturbing activities associated with future utility repairs, landscape upkeep or similar maintenance efforts on-site, the work is required to cease, and a qualified archeologist must be retained to investigate the site in accordance with project condition of approval number 7.2 (Archeological Finding), which would remain in effect with or without the approval of the requested use permit major modification. Thus, with implementation of permit conditions of approval, impacts of the project would be less than significant.

- b. The proposed project would have the effect of increasing water usage of the winery, although estimated water usage associated with the project (~~0.79~~ **0.72** acre-feet per year) would be roughly one-third of and less than the estimated **average** rate of groundwater recharge, such that the project would not be expected to strain the aquifer or cause subsidence. The increase in water use would support winemaking activities and the overall continued use of the property for agricultural purposes, consistent with Napa County General Plan, Conservation Element objectives, including Goal CON-11 and Policy CON-53.5. The project would have no noise or air quality impacts associated with construction of building and site improvements, as no such physical changes to the site are proposed with the project. Operational noise and air quality impacts are also anticipated to be less than significant due to the 5-acre or greater size of the subject and adjacent parcels, such that there are no sensitive receptors within 500 feet of areas of proposed expanded outdoor winery operations (outdoor event and crush pad areas). The project would increase traffic associated with the increase in daily tours and tastings. These vehicle trip increases would result in increases in vehicle delay at nearby intersections and on a proximate stretch of Silverado Trail. These delay increases are discussed in this initial study but do not represent environmental impacts, though the County decision-making body could use the information to impose conditions of approval on the project. With fewer than 100 net new daily vehicle trips resulting from the proposed project, vehicle miles traveled impacts resulting from the project would be less than significant.
- c. There are no schools, hospitals or residences housing potentially sensitive receptors within 0.5 mile of the project site. The project would have no noise or air quality impacts associated with construction of building and site improvements, as no such physical changes to the site are proposed with the project. Ongoing operations of the winery and its events are also anticipated to have less than significant noise impacts on nearby residences due to distance between those residences and the existing outdoor tasting/event areas, and visual impacts from winery operations would be less than significant with ongoing compliance with project-specific and standard County conditions of approval imposing restrictions on design and utilization of exterior lighting. (See Section I, Aesthetics, of this initial study.) Compliance with permit regulations governing the design and/or periodic inspection of stormwater and floodplain management improvement, wastewater treatment systems, and hazardous materials storage facilities, as described in Section VII, Geology and Soils, Section IX, Hazards and Hazardous Materials, and Section X, Hydrology and Water Quality, of this initial study would ensure preservation of public health and safety by minimizing risk of contamination of surface or groundwaters. The project would have a less than significant impact.

Mitigation Measures: None required.