

**Truchard Family Winery
Variance Statement P14-00331
(APNs 043-040-001)**

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Napa County Planning, Building
& Environmental Services

The project involves the construction and operation of a 100,000 gallon winery on an existing 11.5 acre parcel. The property is currently planted to vineyard and the proposed winery location includes an existing barn and a cleared area where a house was previously demolished by the Fire Department. This property was the first purchased by the Truchard family and has special meaning to them. Particularly, they love the large old oak tree and want to integrate it into the winery design; in addition, the winery site was chosen because it is located in a depression of the land so that it creates natural screening of the winery as visible from Old Sonoma Road.

A variance pursuant to Chapter 18.104.230 is required for a winery proposed within 600 feet of the centerline of Old Sonoma Road. The proposed winery would be 412 feet from the centerline of Old Sonoma Road, requiring a variance of 178 feet.

The purpose of establishing the winery setbacks in 1990 was to reduce the visual impact and “corridor” effect that was created when new wineries were located close to main arterial roads and scenic highways – in particular Highway 29 and the Silverado Trail. In this current case, the location of the winery is screened from the road by a row of existing redwood trees, as well as by existing mature riparian vegetation, additional proposed landscaping, and topographical depression. Further, the curvature of the property boundary and the road makes the winery site appear more than 600 feet from the road and is in harmony with the intent of the road setback requirements.

Most importantly, the property is an irregular shape, with the west property boundary following the curvature of the road and giving it a range of depth ranging from 457- 624 feet. The widest portion of the property is only 624 feet, and the Zoning regulations require a 20 foot rear-setback, which makes it impossible to comply with the road setback (see attached Parcel Dimensions Exhibit). Thus, although the parcel is more than large enough to meet the minimum parcel size for a winery, it cannot meet the setbacks due to its unique and irregular shape.

Prior to issuing a Variance the Planning Commission will need to make the following findings:

- (1) That the procedural requirements set forth in this chapter have been met;
As can be seen from the application, all procedural requirements are met.
- (2) Special circumstances exist applicable to the property, including size, shape, topography, location or surroundings, because of which strict application of the zoning district regulations deprives such property of

privileges enjoyed by other property in the vicinity and under identical zoning classification;

Special circumstances exist because, although the parcel exceeds the minimum parcel size for a winery, the lot dimensions are 490 feet deep on the northern setback to the road and 457 feet on the southern setback to the road, with the maximum depth of the lot being 624 feet, which makes adhering to the strict application of the setback impossible. The property follows the curvature of the road, which makes the rear property boundary an arc, a very unusual shape in this area and in this zoning district. Thus, a parcel that is in all other respects suitable for a winery and meets all other requirements, is – without a variance – precluded from this privilege due to its geographic configuration.

Denying the requested variance would pose a significant hardship on the property owner. *An unnecessary hardship occurs where the natural condition or topography of the land places the landowner at a disadvantage vis-à-vis other landowners in the area. See Committee to Save Hollywood Specific Plan v. City of Los Angeles, 161 Cal. App. 4th 1168, 1183 (2008). The hardship must arise due to features inherent to the property, such as peculiarities of the size, shape or grade of the parcel, as is manifestly the case here where the unusual shape of the parcel precludes compliance with the setback.. Id; see also Eskeland v. City of Del Mar, 224 Cal. App. 4th 936, 951 (2014).*

The unique and irregular shape of the parcel, coupled with the two competing setback requirements, would render the property unworkable as a winery absent the requested variance. The denial of the variance would create financial hardship to the property owner, a grapegrower, and deny it the rights afforded by other vineyard properties within the vicinity.

The property has unique circumstances that are not shared by other properties in the vicinity. *There are no properties within the relevant public notice boundaries (i.e., properties within 1000' eligible for winery development) that are hampered by the same irregular shape and setback limitations as those that apply to the relevant parcel. In fact there are no other parcels within the relevant public notice boundaries that have a similar situation – either they are less than 10-acres, or the parcels are larger than 10-acres and can easily comply with the setback requirements.*

Approval of a variance will allow the property owner to achieve parity. *The factual and legal information in this application demonstrates that denial of the requested variance would result in significant hardship for the property owner. Specifically, without the requested variance the property cannot process the fruit they grow. Because no other property within the public*

notice boundaries faces the same hardships, the requested variance is necessary to allow the property owner to achieve parity with other properties in the vicinity.

(3) Grant of the variance is necessary for the preservation and enjoyment of substantial property rights;

By granting the variance request, the property owner will enjoy the same property rights as other owners of parcels of over 10 acres in size that meet the other applicable requirements: namely, the right to have an agricultural processing facility to process their estate grown fruit into wine.

(4) Grant of the variance will not adversely affect the public health, safety or welfare of the County of Napa;

Because the intent of the road setback is for visual protection of the public right-of-way, granting the variance will promote the public health, safety, and welfare because it provides a location that is naturally screened from the public right-of-way and preserves the existing historic vineyards, old growth redwoods, riparian corridor vegetation, and mature oak trees.

(5) That, in the case of groundwater basins identified as "groundwater deficient areas" under Section 13.15.010, grant of the variance would not require a new water system or improvement, or utilize an existing water system or improvement causing significant adverse effects, either individually or cumulatively, on said groundwater basins in Napa County, unless that variance would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Section 13.15.070 or 13.15.080 of this code;

Granting this variance would not require a new water system and it is not located in a "groundwater deficient area." As analyzed in the attached Water Availability Analysis (WAA), should the winery use the existing groundwater well for its water demands, it will not affect the groundwater basin.

(6) That, in the case of other groundwater basins, or areas which do not overlay an identified groundwater basin, where grant of the variance cannot satisfy the criteria specified for approval or waiver of a groundwater permit under Section 13.15.070 or 13.15.080, substantial evidence has not been presented demonstrating that grant of the variance might cause a significant adverse affect on any underlying groundwater basin or area which does not overlay an identified groundwater basin;

If the winery does not use the municipal water connection and instead utilizes the existing well, the criteria for a groundwater permit have been met as demonstrated in the Water Availability Analysis.

(7) In the case of a development or improvement with a reasonably foreseeable connection to a public water supply as defined in 13.15.010, regardless of the number of parcels served, grant of the variance would not require a new water system or utilize an existing water system necessitating a groundwater permit pursuant to Chapter 13.15. This finding shall not be required if the applicant presents substantial evidence demonstrating that grant of the variance for such development or improvement would not have a significant adverse effect on the underlying groundwater basin; or if that variance would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Section 13.15.070 or 13.15.080 of this code.

This finding is not required because the connection to public water exists and the WAA presents substantial evidence demonstrating that, should the well on the property be used for the winery's water demands (rather than the public water source), there will be no significant effect on the groundwater basin.

Actions Requested

This application seeks a new Use Permit to allow for the construction and operation of a new winery and ancillary marketing activities and a Variance to allow the location of the winery to encroach 178 feet into the required road setback.

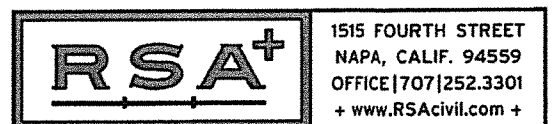
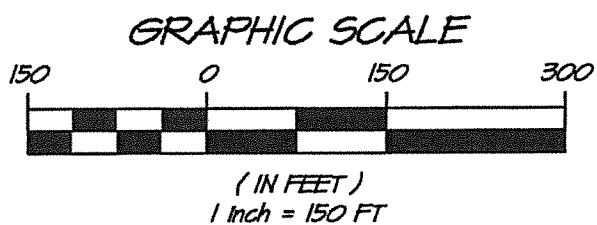
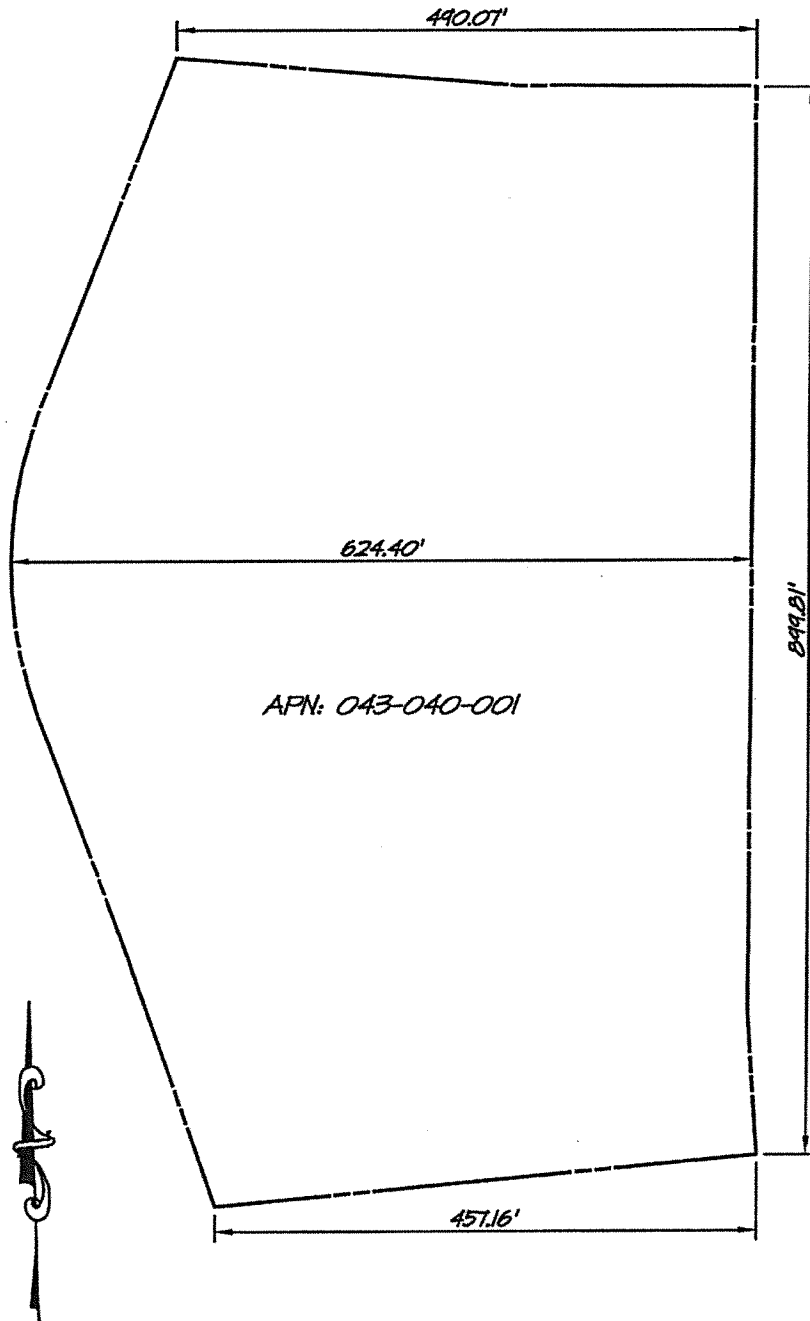
Consistency with Adopted Local Plans and Policies

The General Plan land-use designation for the property is Agricultural, Watershed and Open Space, and the property is zoned Agricultural Watershed, a zoning district intended for the Napa hillsides and the Carneros neighborhood. Wineries are a conditional use in this district, subject to the provisions of the Winery Definition Ordinance. The proposal for a new winery is consistent with both the General Plan land-use designation and with applicable zoning provisions.

Summary

As a longstanding member of the Napa Valley winery community, the Truchard family looks forward to the opportunity to expand its facilities for the production of its premier wines. The Truchard family appreciate the opportunity to process this use permit and look forward to working with the County on finalizing their application.

TRUCHARD WINERY PARCEL DIMENSIONS



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