

“ A ”

Recommended Findings

**PLANNING COMMISSION HEARING – NOVEMBER 20, 2019
RECOMMENDED FINDINGS**

**Brasswood Winery, Use Permit Major Modification
Application No. P19-00004-MOD
3125 St. Helena Highway North, St. Helena, California
Assessor's Parcel No. 022-070-028**

ENVIRONMENTAL:

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

USE PERMIT MODIFICATION:

The Commission has reviewed the Use Permit Major Modification request in accordance with the requirements of Napa County Code Section 18.124.070 and makes the following findings:

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

Analysis: The winery is located on property located in the AW (Agricultural Watershed) District. Wineries in the AW District require Planning Commission approval of a conditional use permit; likewise, amendments and modifications to an approved use permit to increase production capacity or change other terms of the use permit require Planning Commission approval (Napa County Code Sections 18.20.030 and 18.104.250.A.4.) With the exception of equipment upgrades to the existing process wastewater treatment unit, no physical changes to the property are proposed with this project. There is no companion action necessary for the requested Use Permit Major Modification that would require action by the Board of Supervisors.

3. The procedural requirements for a Use Permit set forth in Chapter 18.124 of the Napa County Code (zoning regulations) have been met.

Analysis: The application for a Use Permit Major Modification has been appropriately filed, and notice and public hearing requirements of Napa County Code Section 18.136.040 and CEQA Guidelines Section 15164 have been met. On or prior to November 8, 2019, notice of public hearing and intent to adopt an Addendum to the previously-adopted Mitigated Negative Declaration were published in the Napa Valley Register; posted with the Napa County Clerk; mailed via first class mail to owners of property within 1,000 feet of the subject parcel; and mailed via first class mail or electronic mail to the applicant, property owner, the owner's/applicant's representative, and other interested parties who had previously requested such notice.

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

Analysis: According to Napa County's Winery Trip Generation formulas, the requested modification would generate an estimated nine to ten new vehicle trips per day, an estimated

two of which would occur during the evening peak commute hour. The estimated increase in the number of daily vehicle trips is roughly equivalent to the 9.5 daily trip average for a typical single-family residence, a permitted use of land in the AW District. There is an existing left-turn lane that provides a sheltered location for queuing vehicles to wait outside of the northbound through travel lane to access the winery from State Route 29.

No new construction-related or operations-related noise would be generated from the property, as new construction or expansion of the winery's existing marketing program is not proposed with this modification. Utility infrastructure on-site is adequate to accommodate wastewater treatment demands of the property, with equipment upgrades limited to the existing process wastewater treatment unit. Water use on the site would increase to an estimated 2.08 acre-feet per year as a result of the proposed production increase and employment change; however, the estimated increase in water demand would not exceed the estimated level of groundwater recharge rate of 26.16 acre-feet per year. Treated process wastewater is proposed to be utilized for on-site vineyard irrigation, off-setting some of the property's existing irrigation demands.

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

5. The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan.

Analysis: Compliance with the Zoning Ordinance

The proposed use is consistent with the regulations of the AW District in which the property is located. Wineries are conditionally permitted uses of land in the AW District (Napa County Code Section 18.20.030). No expansion of existing winery facilities is proposed such that an inconsistency would be newly created on the property with respect to zoning regulations and reduced setbacks as approved for the winery under Variance No. P11-00299.

Analysis: Consistency with the General Plan

As proposed and as conditioned, the requested Major Modification is consistent with the overall goals and objectives of the General Plan (2008).

General Plan Agricultural Preservation and Land Use Goal AG/LU-1 guides the County to "preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County." General Plan Goal AG/LU-3 states that the County should "support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands." The continued use of the property for fermenting and processing of the requested increased quantity of grape juice into wine supports the economic viability of winery and agriculture in general within the County, consistent with Goal AG/LU-3, as well as Policy E-1 and Policy AG/LU-4 ("The County will reserve agricultural lands for agricultural use including land used for grazing and watershed/open space..."). General Plan Policy AG/LU-2 recognizes wineries as agricultural uses of land.

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

6. The proposed use would not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on an affected groundwater basin in Napa County, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Sections 13.15.070 or 13.15.080 of the County Code.

Analysis: The project is consistent with General Plan Conservation Policies CON-53 and CON-55, which require that applicants who are seeking discretionary land use approvals prove that adequate water supplies are available to serve the proposed use without causing significant negative impacts to shared groundwater resources. The well serving the winery is located on the project parcel (APN 022-070-028). The applicant submitted with the Use Permit Major Modification application a Water Availability Analysis prepared by RSA and dated June 6, 2019, as well as, an Annual Groundwater Recharge Rate analysis also prepared by RSA and dated October 25, 2018. Starting with an estimated annual rainfall of 35 inches per year on the 50.31-acre site (146.74 acre-feet), the report deducts estimated annual runoff volume based on slope and soil types (99.73 acre-feet) and estimated evapotranspiration from existing vineyard, grassland and oak woodlands (20.89 acre-feet), to arrive at an estimated groundwater recharge rate of 26.16 acre-feet per year.

An estimated 0.42 acre-feet of the 1.46 acre-feet of water needed for the requested increased wine production would be treated and recycled on-site as vineyard irrigation. The water availability analysis indicated that with the proposed increase in production, and accounting for recycling of treated process wastewater, estimated water use at the site for the proposed project would be 2.08 acre-feet per year. This estimated water use would be an increase of 0.3 acre-feet from the water demand under currently permitted conditions. Thus, while groundwater demands of the winery will increase as a result of the proposed production increase and employment change, the estimated increase in water demand (2.08 acre-feet per year) will not exceed the estimated rate of groundwater recharge. The property is not located in any groundwater deficient area defined by Napa County Code Title 13, Map 13-1.

Applicable Napa County General Plan Goals and Policies:

- Goal AG/LU-1: Preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.
- Goal AG/LU-3: Support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.
- Policy AG/LU-2: “Agriculture” is defined as the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses. Agriculture also includes farm management businesses and farm worker housing.
- Policy AG/LU-20: The following standards shall apply to lands designated as Agricultural, Watershed, and Open Space on the Land Use Map of this General Plan.
- Intent:** To provide areas where the predominant use is agriculturally oriented; where watersheds are protected and enhanced; where reservoirs, floodplain tributaries, geologic hazards, soil conditions, and other constraints make the land relatively unsuitable for urban development; where urban development would adversely impact all such uses; and where the protection of agriculture, watersheds, and floodplain tributaries from fire, pollution, and erosion is essential to the general health, safety, and welfare.
- General Uses:** Agriculture, processing of agricultural products, single-family dwellings.
- Goal CON-10: Conserve, enhance and manage water resources on a sustainable basis to attempt to ensure that sufficient amounts of water will be available for uses allowed by this General Plan, for the natural environment, and for future generations.
- Goal CON-11: Prioritize the use of available groundwater for agricultural and rural residential uses rather than for urbanized areas and ensure that land use decisions recognize the long-term availability and value of water resources in Napa County.
- Policy CON-53 The County shall ensure that the intensity and timing of new development are consistent with the capacity of water supplies and protect groundwater and other water supplies by requiring all applicants for discretionary projects to demonstrate the availability of an adequate water supply prior to approval. Depending on the site location and the specific circumstances, adequate demonstration of availability may include evidence or calculation of groundwater availability via an appropriate hydrogeologic analysis or may be satisfied by compliance with County Code “fair-share” provisions or applicable State law. In some areas, evidence may be provided through coordination with applicable municipalities and public and private water purveyors to verify water supply sufficiency.

Policy CON-55: The County shall consider existing water uses during the review of new water uses associated with discretionary projects, and where hydrogeologic studies have shown that the new water uses will cause significant adverse well interference or substantial reductions in groundwater discharge to surface waters that would alter critical flows to sustain riparian habitat and fisheries or exacerbate conditions of overdraft, the County shall curtail those new or expanded water uses.

Goal E-1: Maintain and enhance the economic viability of agriculture.

Policy E-1: The County's economic development will focus on ensuring the continued viability of agriculture in Napa County.