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Revised Recommended Findings  
Use Permit Mod, Variance, RSS Exception  
and Viewshed

Anthem Winery P14-00320-MOD and Exception to Road and Street Standards,  
Variance P14-00321-VAR and Viewshed, and  
Agricultural Erosion Control Plan P14-00322-ECPA  
Planning Commission Hearing Date (Wednesday, February 5, 2020)

**PLANNING COMMISSION HEARING – FEBRUARY 5, 2020**

**REVISED RECOMMENDED FINDINGS**

**Anthem Winery Use Permit and Exception to the Napa County Road & Street Standards,  
Variance and Viewshed Application #P14-00320-UP and #P14-00321-VAR  
3454 Redwood Road, Napa APN 027-310-039 (Winery Parcel) and  
3123 Dry Creek Road, Napa, APN 035-460-038 (Access Parcel)**

**ENVIRONMENTAL:**

The Planning Commission (Commission) has received and reviewed the proposed Mitigated Negative Declaration pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County's Local Procedures for Implementing CEQA, and finds that:

1. The Planning Commission has read and considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) prior to taking action on said Mitigated Negative Declaration and the proposed project.
2. The Mitigated Negative Declaration is based on independent judgment exercised by the Planning Commission.
3. The Mitigated Negative Declaration was prepared and considered in accordance with the requirements of the California Environmental Quality Act (CEQA).
4. There is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment provided that measures to mitigate potentially significant impacts to biological resources, geology and soils, noise, transportation/traffic, and tribal cultural resources are incorporated into the project approval.
5. There is no evidence, in considering the record as a whole that the proposed project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends.
6. The site of this proposed project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5 and is not within the boundaries of any airport land use plan.
7. The Secretary of the Commission is the custodian of the records of the proceedings on which this decision is based. The records are located at the Napa County Planning, Building & Environmental Services Department, 1195 Third Street, Second Floor, Napa, California.

**EXCEPTION TO ROAD AND STREET STANDARDS:**

The Commission has reviewed the attached described Road and Street Standards (RSS) Exception request in accordance with Road and Street Standards Section 3 and makes the following findings:

8. The exception is necessary to accommodate other limiting factors such as recorded historical sites or legal constraints

Analysis: The Access Parcel (3123 Dry Creek Road – APN 035-460-038), is a flag lot with a 20.5 foot wide by ±1,700 foot long stem leading to the parcel's body west of Dry Creek Road,

that currently provides access to this parcel. A portion of this access drive crosses over the northwest corner of the abutting parcel to the east (Lands of Rowe, 3109 Dry Creek Road, APN 035-460-024): a residential access easement currently encumbers this portion of the access drive.

The request for exceptions to: (1) the two 10 foot wide traffic lanes and 22 feet of horizontal clearance, (2) the 22 foot wide turnouts, and (3) slope exception for road grades exceeding 18% without the required transition zones which also includes a slope exception for road grades exceeding 18% without the required transition zones of, is based on the following limiting factors of the site: (i) the physical constraint presented by the 20.5 foot wide flagpole section of the Access Parcel's connection with Dry Creek Road; (ii) a legal easement constraint located within the northwest corner of the abutting parcel to the east (Lands of Rowe) due to the owner's objection to utilizing this access easement for the project; and (iii) physical site limitations of the existing grade differential of the adjacent properties.

As discussed in Section IV Biological Resources of the Initial Study/Mitigated Negative Declaration, potential biological related impacts would be less than significant with implementation of mitigation measures. This exception has been reviewed by the County Engineering Services Division and Fire Marshal, and they have determined that there are physical and legal constraints restrict the existing access drive from being improved to meet the current NCRSS; thereby recommend approval of this request.

9. Grant of the Road and Street Standards Exception will provide the same overall practical effect as the Standards do in providing defensible space, and does not adversely affect the life, safety, and welfare of the public or persons coming to the property.

Analysis: The existing access drive configuration and proposed improvements in the exception requests, in conjunction with the Project's Emergency Ingress/Egress Plan (RSA+ January 2018), that are subject to recommended conditions of approval by Engineering Services and the Fire Marshal, will serve as an alternate method by which adherence to the NCRSS may be achieved and would provide the same overall practical effect as the NCRSS towards adequate emergency access protecting the life, safety and welfare of the public.

The Emergency Ingress/Egress Plan utilizes the permanent placement and use of traffic controls consisting of static and electronic yield signs at the winery and along the access drive to direct and control outbound vehicles during an emergency so that adequate emergency access will be provided. Specifically, outbound traffic would be yield-controlled through signs located at the western end of each driveway segment that is less than 18 feet wide (as described in the Emergency Ingress/Egress Plan), directing outbound vehicles to yield to inbound vehicles, and directing outbound traffic to either Dry Creek Road or Redwood Road access depending on the nature of the emergency. Static signs would be placed along the access drive electronic signs would be located at the winery site. Electronic signs will be manually operated by a switch at the winery and employees will be trained in evacuation procedures as detailed in the Project's Emergency ingress/Egress Plan.

### **VARIANCE:**

The Commission has reviewed the Variance application and makes the following findings:

10. That the procedural requirements set forth in Chapter 18.128.060 have been met.

Analysis: An application has been submitted for a variance accompanied with a statement from the applicant outlining the reasons for the request. The required processing fees have been included in the processing of the Use Permit application. Site plans depicting the location of the project and elevation drawings showing the appearance of the proposed structure have also been submitted. Noticing and public hearing requirements have been met. The hearing notice was posted on August 31, 2018, and copies were forwarded to property owners within 1,000 feet of the subject parcel and all other interested parties. The CEQA public comment period ran from August 31, 2018 to October 2, 2018.

11. 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.

Analysis: The 27.23 acre Winery Parcel has constraints not shared by other properties in the vicinity which limit siting options of winery structures and site improvements in the overall site design, that include: (i) slopes in excess of 30%; (ii) existing agricultural development consisting of approximately 8 acres of vineyard and winery cave and crush pad; (iii) existing residential development; (iv) setbacks from existing wells; and (v) because the winery setback is taken from the private access drive located on the Access Parcel (APN 035-460-038), which is under the ownership of the applicant/Permittee, rather than a public road. As documented in the Project's Variance Application, exhibits and supporting documentation, approximately 40% (or 11 acres) of the Winery Parcel contains slopes over 30%. This in conjunction with the effects of siting a similar sized winery, in terms of production and storage capacity, to observe required setbacks, avoid slopes over 30%, and avoid existing agricultural and residential site improvements to the maximum extent practical, as demonstrated in the Project Variance Application, would result in the permanent removal of approximately 0.6 acres of vineyard and the inability to develop approximately 0.4 acres of entitled/approved vineyard on the Winery Parcel, as well as result in a larger facility that would be more visible from surrounding properties and public roadways.

Regarding the Applicant's driveway, it is the only shared driveway on similar parcels in the vicinity that is shared by itself, and there are other properties in the vicinity under the AW zoning designation that enjoy permitted wineries without setbacks from their own driveways. These wineries include (in order of proximity) Phoenix/Matthiasson Vineyards, Woolls Ranch Winery, Olney Family Winery, Frisinger Vineyards, Hendry Ranch Winery, and Hess Collection. The Phoenix/Matthiasson Vineyards Winery (APN 035-460- 022: 3171 Dry Creek Road: a Pre-WDO winery) located approximately 800 feet from the Winery Parcel is within the 300 foot setback from a driveway it shares with other neighbors, and the Shifflet Winery (APN 034-190-038: 1201 Darms Lane) located approximately 1.7 miles north of the Winery Parcel that was granted a variance to allow a 48 foot setback (#03333-VAR).

The granting of this variance would not confer a special privilege as the subject parcel contains a unique combination of constraints not shared by surrounding parcels.

12. Grant of the variance is necessary for the preservation and enjoyment of substantial property rights.

Analysis: Staff Comment: The property is located within the AW zoning district in which wineries are permitted upon approval of a use permit. Denial of the variance could deprive the applicant of the ability to develop an expanded winery in close proximity of the existing winery,

which would result in increased grading and disturbance within the site, a much larger winery structure necessary to provide equivalent production and storage capacity as the proposed expansion, that would be more visible and located closer to adjacent residences. A larger winery structure would also result in increased operational energy use and GHG emissions. Relocation of the winery outside of the 300 foot winery road setback would create a substantial hardship in that any alternative location on the 27.23 acre parcel would necessitate the construction of a larger winery structure, improvement of longer access driveways, the permanent removal of approximately 0.6 acres of vineyard, the loss of approximately 0.4 acres of approved but not yet developed vineyard, and would result increased operational energy use and GHG emissions. Approval of the variance would allow the Winery Parcel to expand its agricultural use consistent with the site's zoning and General Plan land use designations in a manner that utilizes existing site conditions to reduce the prominence and visibility of the winery, reduces operational energy use and GHG emissions, and to provides the ability to site the winery expansion further from adjacent residential structures.

The variance to the winery setback would allow the applicants to achieve a degree of parity with other properties in the vicinity within the same zoning district that are currently in agricultural use and are not constrained by the site conditions described in Finding #2. Strict application of the setbacks, results in both practical and financial hardships, which would restrict the ability to expand and modify the existing winery use permit. Grant of the variance would bring the parcel into "parity" with other properties zoned AW that have been granted use permits and variances for wineries.

The economic burden of developing and operating an expanded winery that observed the required winery road setback and avoids existing agricultural and residential site improvement would have the potential to create a substantial hardship. Additional construction costs associated with a comparable winery facility would result in an approximate 30,800 square foot structure located approximately 800 feet south of the existing winery cave and crush pad would total approximately \$1,331,200, consisting primarily of the following: (i) grading and importation of approximately 14,800 cubic yards of offsite fill to level the site; (ii) widening, grading and paving an approximate 800 foot segment of existing driveway located between the existing winery and the alternate location to meet road and street standards; and (iii) extending water, electric, sewer, and septic lines and other infrastructure to the alternate location (as demonstrated in the Projects Variance Application and exhibits). Ongoing annual energy use and cost associated with controlling the temperature of a larger winery production and storage building, and additional water and wastewater pumping, would result in significant increases in associated GHG emissions. According to the Variance Application such a facility would use about 336,000 kWh of energy more per year at an additional cost of \$74,000 per year. In addition to increased energy use and cost, the use of approximately 336,000 kWh of energy per year would result in approximately 236 metric tons of additional GHG emissions as compared to the proposed winery. Another potential hardship would be the loss of wine due to the evaporation that occurs in large winery buildings compared to caves. A barrel of wine stored in a typical wine cave loses about one gallon of wine per year per barrel, however, barrels of wine stored in a typical warehouse can loses up to 4 times that amount (four gallons per barrel per year) (see Exhibit 3 of Attachment E<sup>2</sup>). Considering the average wholesale price per bottle and the amount of wine Applicant plans to produce, it is estimated that the value of the additional 5,000 gallons of wine that will be lost to evaporation each year is \$1.25 million for a winery located outside the winery road setback.

Further, the variance to the winery setbacks would allow the applicant/Permittee to achieve a

degree of parity with other properties in the vicinity within the same zoning district that are currently in agricultural use and are not constrained by the site conditions described herein. Strict application of the setbacks, results in both practical and financial hardships, which would restrict the ability to expand on the existing winery use permit. Grant of the variance would bring the parcel into “parity” with other properties zoned AW that have been granted use permits for wineries.

13. Grant of the variance will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: There is nothing included in the variance that would adversely impact the public health, safety, or welfare of the County of Napa. Construction of the new buildings would be subject to County Codes and regulations including but not limited to California building codes, fire department requirements, and water and wastewater requirements. The granting of the variance to the winery road setbacks would not adversely affect the health or safety of persons residing or working in the neighborhood of the property. The proposed winery facility, caves and site development, with the variance would be over approximately 500 feet to the west, the next closest residences would be located approximately 1,000 feet to the north and east. The majority of winemaking activities would occur within the Fermentation and Bottling buildings. As disclosed in the Project’s Initial Study and Mitigated Negative Declaration, considering project site characteristics, surrounding environment, and the scope and scale of the proposed project, the project with incorporation of identified mitigation measures and conditions of approval, is not anticipated to result in either project specific or cumulative significant unavoidable impacts. Furthermore, the proposed use would include activities that are typically considered normal and reasonable for a property within an Agricultural Watershed zoning district. Various County departments have reviewed the Project and commented regarding water, waste water disposal, access, building permits, and fire protection. Conditions are recommended which would incorporate these comments into the project to assure protection of public health, safety, and welfare.

14. Grant of the variance 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 the grant of the variance might cause a significant adverse effect on any underlying groundwater basin or area which does not overlay an identified groundwater basin.

Analysis: Water sources for the project, as disclosed and analyzed in the Project’s IS/MND Hydrology and Water Quality Section, and the Project’s Water Availability Analysis, would consist of a combination of three (3) existing project site groundwater wells, recycled/reclaimed winery process water, and harvested rainwater. The estimated long-term groundwater demand for both existing and proposed uses occurring on the project site (i.e. the Winery and Access Parcels) is estimated to be 5.515.40 AF/yr during a drought year and 4.71 AF/yr during an average water year. The Water Availability Analysis estimates that annual groundwater recharge would be up to approximately 11.01 AF/yr of during an average rainfall years and up to approximately 5.29 AF/yr during dry rainfall years. To ensure groundwater use is minimized, and that anticipated groundwater use does not exceed the use envisioned by the project as a result of the installation of supplemental water sources, the Department of Public Works has recommended project specific conditions of approval that include, among other provisions, limiting overall ground water use to 4.71 AF/yr, demonstration of adequate on-site water

storage prior to issuance of Certificates of Occupancy, and requiring any other water sources that were not evaluated as part of these applications to be subject to additional environmental review and use permit modification if necessary. For these reasons the project does not have a significant impact on groundwater resources.

## **VIEWSHED**

The Commission shall make the following findings prior to approving projects under the Napa County's Viewshed Protection Program that are not subject to the program's administrative review and approval process (18.106.050(B)):

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

Analysis: The primary intent of the Conservation Regulations, among other things, is the preservation of natural resources and existing vegetation, the minimization of artificial or manufactured effects in the natural terrain and on existing land forms, avoiding development on steep slopes, and the minimization of soil loss, runoff and erosion as a result of development. In accordance with Chapter 18.108: slopes of 30% or greater avoided; existing vegetation is retained to assist screening the development from surrounding views minimizing its effect in the natural terrain; and a storm water control plan and agricultural erosion control plan that include construction and operational best management practices consistent with Regional Water Quality Control Board guidance from the *Storm Water Best Management Practice Handbooks for Construction and for New Development and Redevelopment*, and the *Erosion and Sediment Control Field Manual* are included in the project.

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

Analysis: The Fermentation and Bottling buildings are set into the hillside so that a majority of these building do not extend above on and off-site site hilltops and ridgelines located adjacent to the winery development area. This design feature also maximize the ability of adjacent trees and woodlands to substantially screen these structures by placing them partially below the tree canopy. The winery's Tasting Room and Office/Catering/Conference Room Buildings are a single story design with an overall height of ±16 feet as not to introduce large structural features into the natural and human landscape. Additionally, design features that include horizontal wood siding, integral color concrete, corrugated metal roof, and earth tone colors, in addition to the landscape plan that provides for additional screening trees around the winery, would further assist in blending it into its surroundings further reducing its prominence within the larger landscape. Visual portions of the access drive and associated improvements are located approximately 100 feet below surround hilltops and ridgelines.

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

Analysis: The expanded winery is sited within the northeast corner of the Winery Parcel over 1,800 feet from Dry Creek Road and over 800 feet from Redwood Road in an area where existing on and off-site vegetation and topographic features can be utilized to screen structures from adjacent public roads. Setting the larger winery structures into the hillside maximizes the ability of existing trees and woodland to screen the expanded winery and minimize its visibility. As demonstrated in the Project's Viewshed Analysis, only approximately 20% of the expanded winery facility would be visible from Dry Creek Road and Napa Valley floor located approximately 2,000 feet to the east of the project site. Due to project siting, site topography, and existing vegetation associated with Redwood Creek and along Redwood Road the proposed winery structures would not be visible from Redwood Road. Access improvements that would be visible from Dry Creek Road, which include cut and fill slopes and retaining walls have been designed to the maximum extent practical to minimize their effects given constraints of the Access Parcel, particularly the 20.5 foot wide access stem. These design features include wood rather than concrete construction and generally limiting retaining wall height to  $\pm 6$  feet.

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

Analysis: There is approximately 26.5 acres of oak woodland located on the project site. The project would remove up to approximately 130 trees covering approximately 1.1 acres of oak woodland (approximately 0.9 acres for the winery facility and approximately 0.2 acres of the access drive improvements); therefore, approximately 25.4 acres of the project site's 26.5 acres of oak woodland would be retained so that existing trees and woodland will continue to be a prominent visual resource within the Winery and Access Parcel's.

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

Analysis: The project design includes setting the larger components of the expanded winery (i.e. the Fermentation and Bottle Room buildings) into the hillside to reduce the overall visual prominence of the structures in the environment, and more efficiently integrate the cave system and on-site placement of spoils into the overall site design. While this would increase grading, the siting of the winery and site design takes advantage of existing vegetation and topography to minimize the overall visual effects on landforms as a result of the project, as demonstrated in the Project's Viewshed Analysis. Access improvements, that include cut and fill slopes and retaining walls, have been designed to the maximum extent practical to minimize their effects given constraints of the Access Parcel, particularly the 20.5 foot wide access stem. These design features include wood rather than concrete construction and limiting retaining wall height to  $\pm 6$  feet.

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

Analysis: The expanding winery has been sited to avoid trees and woodland located east of the winery which provides a prominent visual and screening resource related associated with vegetation. As demonstrated in the Project's Viewshed Analysis, only approximately 20% of the expanded winery facility would be visible from Dry Creek Road and Napa Valley floor located approximately 2,000 feet to the east of the project site. A landscape plan is included



in the project that is in conformance with the Design Manual as it provides supplemental screening vegetation around the Tasting Room and Office/Catering/Conference building to further obscure the project as viewed from Dry Creek Road.

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

Analysis: The expanded winery and associated improvements substantially conform to the criteria and requirements detailed in the Viewshed Protection Design Manual, in that: the design and siting of the winery facility minimizes its effects on surrounding hilltops and ridgelines; existing vegetation to remain and proposed vegetation would adequately screen the winery; the winery has been cut into the hillside to reduce overall height and mass of the facility; and the winery structures include design features such as horizontal wood siding, integral color concrete, corrugated metal roof, earth tone colors and natural materials (wood and stone) to blend with the surrounding environment.

#### **USE PERMIT:**

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

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

Analysis: The project is consistent with the Agricultural Watershed (AW) zoning district regulations. A winery (as defined in the Napa County Code Section 18.08.640) and uses in connection with a winery (refer to Napa County Code Section 18.20.030) are permitted in the AW District with an approved use permit. The project, as conditioned, complies with the Napa County Winery Definition Ordinance (WDO) and all other requirements of the Zoning Code as applicable.

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

Analysis: The use permit application has been appropriately filed and notice and public hearing requirements have been met. The [October 3, 2018](#) hearing notice and intent to adopt a Mitigated Negative Declaration were posted on August 31, 2018, and copies were forwarded to appropriate persons on the mailing list. The public comment period ran from August 31, 2018 to October 2, 2018. [The hearing notice for the February 5, 2020 hearing was posted on January 25, 2020 and copies were forwarded to appropriate persons on the mailing list.](#)

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

Analysis: Granting the Use Permit for the project as proposed and conditioned will not adversely affect the health, safety or welfare of the County. Various County divisions and

departments have reviewed the project and commented regarding site access and driveways, grading, drainage, the proposed wastewater disposal system, parking, building permits, and fire protection. Conditions are recommended which will incorporate these comments into the project to ensure the protection of the public health, safety, and welfare.

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

Analysis: Compliance with the Zoning Ordinance

The project is consistent with the Agricultural Watershed (AW) zoning district regulations. A winery (as defined in the Napa County Code Section 18.08.640) and uses in connection with a winery (refer to Napa County Code Section 18.20.030) are permitted in the AW District with an approved use permit. The proposed project will comply with the development standards of the AW District including the 35-foot maximum building height as prescribed in County Code Section 18.104.010 and winery coverage area identified in Section 18.104.220. The project requests a Variance from the 300-foot winery setbacks prescribed in Section 18.104.230.A.2. The project, as conditioned, complies with the Napa County Winery Definition Ordinance (WDO) and all other requirements of the Zoning Code as applicable.

Analysis: Compliance with the General Plan

As proposed and as conditioned, the requested Use Permit is consistent with the overall goals and objectives of the General Plan (2008). The General Plan land use designation for the subject parcel is Agricultural Watershed & Open Space (AWOS).

General Plan Agricultural Preservation and Land Use Goal AG/LU-1 guides the County to “preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.” General Plan Goal AG/LU-3 states that the County should “support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.” Goal AG/LU-3 and Policy AG/LU-2 recognize wineries as agricultural uses.

The approved use of the property for fermenting and processing of grape juice into wine supports the economic viability of agriculture within the County, consistent with Goal AG/LU-3 and Policy AG/LU-4 (“The County will reserve agricultural lands for agricultural use including land used for grazing and watershed/open space...”). By allowing the construction of a winery at the project site, the proposed Use Permit supports the economic viability of both the nearby vineyards in the region and agricultural product processing uses on the property, consistent with Economic Development Goal E-1 and Policy E-1. The “Right to Farm” is recognized throughout the General Plan and is specifically called out in Policy AG/LU-15 and in the County Code. “Right to Farm” provisions ensure that agriculture remains the primary land use in Napa County and is not threatened by potentially competing uses or neighbor complaints. Napa County’s adopted General Plan reinforces the County’s long-standing commitment to agricultural preservation, urban centered growth, and resource conservation.

Finally, the project is also consistent with General Plan Conservation Policy 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.

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

Analysis: The project is categorized as “all other areas” based upon current County Water Availability Analysis (WAA) policies and therefore water use criteria is parcel specific. A project specific WAA was completed by Richard C. Slade & Associates on March 23, 2018. Water sources for the project, as disclosed and analyzed in the Project's IS/MND Hydrology and Water Quality Section, and the Project's Water Availability Analysis, would consist of a combination of three (3) existing project site groundwater wells, recycled/reclaimed winery process water, and harvested rainwater. The estimated long-term groundwater demand for both existing and proposed uses occurring on the project site (i.e. the Winery and Access Parcels) is estimated to be ~~5.54~~5.4 AF/yr during a drought year and 4.71 AF/yr during an average water year. The Water Availability Analysis estimates that annual groundwater recharge would be up to approximately 11.01 AF/yr of during an average rainfall years and up to approximately 5.29 AF/yr during dry rainfall years.

Because of potential groundwater supply issues that the County has recently become aware of in this area through review of the Woolls Ranch Winery and this project, and the other components involved in the water supply system for the expanded winery (i.e. rainwater harvesting and winery process water recycling/reuse), the Public Works Department had the County's groundwater consultant, Luhdorff and Scalmanini Consulting Engineers (LSCE), conduct the adequacy review of the Project WAA. Based on that review the Public Works Department in cooperation with LSCE determined the Project WAA was adequate and provided recommended project specific conditions of approval for the proposed project (Public Works Department Memo dated August 14, 2018). To ensure groundwater use is minimized, and that groundwater use does not exceed the use envisioned by the project, the Public Works Department recommended project specific conditions of approval that include, among other provisions, limiting overall ground water use to 4.71 AF/yr, demonstration of adequate on-site water storage prior to issuance of Certificates of Occupancy, and requiring any other water sources that were not evaluated as part of these applications to be subject to additional environmental review and use permit modification if necessary.

The Project WAA calculations demonstrated that the project would not have a significant impact on groundwater supply and recharge rates. Because the projected water demand for the project is below the estimated groundwater availability the requested Use Permit is consistent with General Plan Goals CON-10 and CON-11, that support sustainable use of groundwater for agricultural and related purposes. The project will not require a new water system or other improvements and will not have a negative impact on local groundwater.