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Recommended Findings

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

**PLANNING COMMISSION HEARING – FEBRUARY 17, 2021
RECOMMENDED FINDINGS**

**Dakota Shy Winery, Use Permit Major Modification Application No. P19-00131-MOD and
Request for Exception to Napa County Road and Street Standards
771 Sage Canyon Road, St. Helena, California
Assessor's Parcel No. 030-120-024**

ENVIRONMENTAL:

The project is subject to the requirements of the California Environmental Quality Act ("CEQA," Public Resources Code Section 21000 *et seq.*) The Planning Commission has received and reviewed the Initial Study for the Use Permit Major Modification request, pursuant to the provisions of CEQA, the State CEQA Guidelines and Napa County's Local Procedures for Implementing CEQA, and finds that:

1. The Planning Commission has read and considered the Initial Study, as well as any comments received thereon, prior to taking action on the Negative Declaration and the proposed project.
2. The Negative Declaration is based on independent judgment exercised by the Planning Commission.
3. The Initial Study and Negative Declaration were prepared and considered in accordance with the requirements of CEQA.
4. There is no substantial evidence in the record as a whole, that the proposed project will have a significant effect on the environment when made subject to compliance with standard conditions of Napa County land use permit approval.
5. 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 compatibility plan.
6. 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 that wildlife depends.
7. The Secretary of the Planning 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 NAPA COUNTY ROAD AND STREET STANDARDS:

The Planning Commission has reviewed the request for exception to the Napa County Road and Street Standards (RSS) and finds that:

8. The request for exception to the requirements of Sections 13 and 15 of the RSS to allow the existing winery access road to have portions where the road width is narrower than 20 feet with 2-foot of shoulders, and to have two locations where the inside curve radius is less than 50 feet, is necessary to accommodate physical constraints and legal constraints of the site. The narrowness of the access road approaching at the site entrance access gate is due a steep slope on the south side of the driveway and a city of Napa watermain easement on the north

side of the driveway. Construction of the one-way roadway width and radius curves in strict conformance with the RSS would require retention of the existing slope and could result in damage to the city of Napa watermain that extends through the property.

9. Granting the exception will provide the same overall practical effect of providing defensible space and consideration towards life, safety and public welfare. Despite lack of shoulders, narrow gate width 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, during the past four years of operation of the winery. Thus, approval of the exception request will still provide adequate, safe access for emergency apparatus, safe civilian evacuation, and the avoidance of delays in emergency response based on the demands of the property.

USE PERMIT MAJOR MODIFICATION:

The Planning 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:

10. The Commission has the power to issue the Use Permit Major Modification 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 permitted wine 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.) 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 requires action by the Board of Supervisors.

11. The procedural requirements for a Use Permit Major Modification set forth in Chapter 18.124 of the Napa County Code (Zoning – Use Permits) 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 January 27, 2021, notice of public hearing and intent to adopt a Negative Declaration for this project 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 and property owner, the owner's/applicant's representative, and other interested parties who had previously requested such notice.

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

Analysis: Access to the winery from Sage Canyon Road/State Route 128 is not proposed to change with the project, and no on-site or off-site improvements are proposed with the project that will result in closure or partial closure of any public right-of-way. Thus, no existing roadways will 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/State Route 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 to travelers or impair emergency vehicle response is less than significant.

Existing utility infrastructure on-site is adequate to accommodate wastewater treatment demands of the property under the requested modification. Water drawn for winery operations from on-site wells will continue to be regulated and is estimated to be less than one-third of the average annual groundwater recharge rate of 2.4 acre-feet, and approximately half of the dry year recharge rate of 1.4 acre-feet, so as not to strain groundwater resources. Photovoltaic solar panels recently installed on the winery building roof will continue to reduce the winery's energy demands and greenhouse gas emissions generated from winery operations.

No new construction-related noise will be generated from the property, as new construction on-site is not proposed with this application. Given the distance to the nearest sensitive receptors in residences off-site, the closest of which is over 550 feet away from the winery's outdoor event pad, the potential operational noise impacts resulting from the addition of a 125-person event to the annual winery operation program is also less than significant.

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.

13. 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 will be newly created on the property with respect to zoning regulations and reduced setbacks as approved for the winery under Use Permit No. P14-00335 and Variance No. P14-00336.

Analysis: Consistency with the General Plan

As proposed and as conditioned, the requested Use Permit 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 Economic Development 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), 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 will facilitate continued operation of the current agricultural activity of grape processing. Water demand generated by the requested Use Permit Major Modification is in line with General Plan goals supporting sustainable water use and prioritization of groundwater for agricultural purposes (CON-10 and CON-11).

14. 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 030-120-024). The applicant submitted with the Use Permit Major Modification application a Water Availability Analysis (WAA) prepared by Bartelt Engineering and dated January 2021. Using data from collegiate and national resources, the WAA calculates the average annual rainfall at 34.8 inches for the subregion in which the property is located. Applying a factor of 14 percent of precipitation available for groundwater recharge (Ludhorff and Scalmanini Consulting Engineers, *Updated Hydrogeologic Conceptualization and Characterization of Conditions*, 2013, Table 8-9), the analysis estimates the average recharge of the property at 2.4 acre-feet per year. Applying the same formulas in the WAA to the wettest and driest years between 2007 and 2017 (when rainfall was as low as 19.3 inches and as high as 46.7 inches per year), groundwater recharge for the project site is calculated at 1.4 acre-feet for a typical dry year and 3.3 acre-feet for a typical wet year. At 0.72 acre-feet of water per year for proposed winery operations, the estimated groundwater demands of the proposed project will not exceed the average rate of groundwater recharge nor the estimated rate of groundwater recharge during typical dry or wet years, and the project will not have a negative impact on groundwater.

Thus, while groundwater demands of the winery will increase as a result of the proposed production increase and hospitality program changes, the estimated increase in water demand will not exceed the estimated rate of groundwater recharge during average, typical wet or typical dry years. 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.