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Agenda Date: 6/2/2021

Agenda Placement: 7B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Brian Bordona for David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: Trevor Hawkes, Planner III - 707-253-4388

SUBJECT: Pickett Road Wine Company Major Modification; P19-00172-MOD

RECOMMENDATION

PICKETT ROAD WINE COMPANY / PICKETT ROAD WINE COMPANY / USE PERMIT MAJOR MODIFICATION NO. P19-00172-MOD

CEQA Status: Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would not have any potentially significant environmental impacts. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Request: Approval of a Use Permit Major Modification to an existing 12,000 gallon per year winery to allow the following: A. Components Necessary to Remedy Existing Violations: (1) Recognition of six (6) full-time on-site employees. The winery has approval for three (3) full-time on-site and two (2) part-time on-site employees. B. Expansion Beyond Existing Entitlements: (1) Increase employment of part-time employees from two (2) to four (4) part-time on-site employees; (2) Increase tours and tastings by appointment only from the existing eight (8) visitors per day and 60 visitors per week maximum to 24 visitors per day and 120 visitors per week maximum. No change to existing approved tours and tastings hours of 10:00 a.m. and 4:00 p.m. The proposed modifications to tours and tasting would increase the total number of visitors from 3,120 to 6,240 for a net increase in 3,120 visitors a year; (3) Modification of the existing Marketing Program consisting of six (6) events per year, including four (4) events with a maximum attendance of 60 visitors between the hours of 10:00 a.m. and 10:00 p.m. and two (2) events with a maximum attendance of 125 visitors between the hours of 10:00 a.m. and 10:00 p.m.) to allow the following: one (1) event per year with a maximum attendance of 125 visitors between the hours of 10:00 a.m. and 10:00 p.m., 10 events per year with a maximum attendance of 60 visitors between the hours of 10:00 a.m. and 10:00 p.m., 10 events per year with a maximum attendance of 24 visitors between the hours of 10:00 a.m. and 4:00 p.m., and three (3) wine release events per year with a maximum of 50 visitors between the hours of 10:00 a.m. and 10:00 p.m.; (4) Construction of a crush pad canopy to cover an existing 1,000 square foot uncovered crush pad; (5) Conversion of the existing cave from a Type I to a Type III and approval of Tours and Tastings within 1,654 square feet of the converted cave; (6) Width expansion for sections of the private roadway/project driveway in order to bring them into compliance with the current Napa County Road and Street Standards; and (7) Expansion of the winery's

Domestic Wastewater Treatment and Dispersal System. The project is located on an approximately 83.14 acre site within the AW (Agricultural Watershed) zoning district with a General Plan land use designation of AR (Agricultural Resources) and AWOS (Agriculture, Watershed, and Open Space) at 2339 Pickett Road, Calistoga, CA 94515; APN: 018-050-067.

Staff Recommendation: Adopt the Negative Declaration and approve the Use Permit Major Modification, as conditioned.

Staff Contact: Trevor Hawkes, Planner III, (707) 253-4388, trevor.hawkes@countyofnapa.org

Applicant Contact: Kelly Fleming, Pickett Road Wine Company, (707) 942-6849, kelly@kellyflemingwines.com

Applicant Representative Contact: John Webb, Albion Surveys, Inc., (707) 963-1217, jwebb@albionsurveys.com

EXECUTIVE SUMMARY

That the Planning Commission:

1. Adopt the Negative Declaration based on recommended Findings 1-5 in Attachment A; and
2. Approve Use Permit Major Modification No. P19-00172-MOD based on recommended Findings 6-10 in Attachment A, and subject to the recommended conditions of approval in Attachment B.

Discussion:

This application was submitted to participate in the County's Code Compliance Program as described in Resolution No. 2018-164 adopted by the Napa County Board of Supervisors on December 4, 2018. Under the program, property owners may apply for a permit to voluntarily remedy existing violations. The proposal is to modify an existing winery Use Permit to recognize existing employment, which was not approved under the initial Use Permit or its subsequent modifications.

Staff has reviewed both the components necessary to remedy existing violations, as well as, the requested expansions beyond the existing entitlements and found them to be consistent with the Zoning Ordinance and applicable General Plan policies. As noted above, the Use Permit Major Modification Application requests recognition of existing employment. Although not initially permitted at the existing levels under Use Permit #P05-0441-UP, or the subsequent modifications, these activities are already occurring at the subject site. The applicant also requests an increase in employment over the existing level, as well as, increases in visitation and marketing activities.

As described in Resolution No. 2018-164, the subject application was found to be substantially conforming prior to the submittal deadline of March 29, 2019 at 2:00 P.M. Accordingly, the County may use the existing operations as the environmental baseline for the CEQA analysis related to this application. The winery's existing visitation and marketing is slightly above the median and average levels for wineries with a similar production level, and the requested increase in visitation and marketing would bring those levels further above the median and average levels of wineries with similar production levels. However, as noted above, the applicant has submitted an application which Staff has found is consistent with the Zoning Ordinance and applicable General Plan policies, and has submitted documentation which demonstrates that the proposed project would not impact groundwater to a significant level. The project also proposes to make modifications to the project's private road/access driveway which would bring the access to the project in compliance with the County's existing Road and Street Standards. County Divisions of Engineering, Environmental Health, Fire Marshal, and the Department of Public Works have all

reviewed the project and approved as conditioned.

Based on the reasons stated above, staff recommends approval of the project (the components necessary to remedy existing violations and the requested expansions beyond the existing entitlements), subject to the recommended conditions of approval.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

ENVIRONMENTAL IMPACT

Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would not have any potentially significant environmental impacts. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Owner/Applicant: Kelly Fleming, Pickett Road Wine Company., kelly@kellyflemingwines.com or (707) 942-6849

Representative: John Webb, Albion Surveys, Inc., jwebb@albionsurveys.com or (707) 942-6849

Parcel Size: 83.14 acres

Zoning: Agricultural Watershed (AW)

General Plan Designation: Agricultural Resource (AR) & Agriculture, Watershed and Open Space (AWOS)

Application Filed: April 2, 2019; Resubmittal Received: September 25, 2019; March 11, 2020; August 8, 2020.
Application Deemed Complete: April 8, 2021

Existing Development: The project parcel was impacted by the 2020 LNU Complex fires and according to the applicant the majority of the parcel burned, damaging or destroying the following structures and improvements; an existing pump house, detached garage, three (3) poly tanks, four (4) acres of vineyards, all deer fencing, tank fittings, buried PVC and electrical lines, three (3) water tank liners, and 4 water holding tanks. Building permit applications have been submitted for the pump house (BC21-00331-RPL) and the detached garage (BR21-00657-RPL), and are currently under-review by county staff. Structures currently existing on the property include the winery building, a single-family residence, and a guest house.

Existing and Proposed Winery Characteristics:

Approved/Existing Winery Building Size: 6,305 square feet

Proposed Winery Building Size: No change;

Approved: 7,000 square feet (Type I)

Existing Cave Size: 7,538 square feet (Type I)
Proposed Cave Size: 7,538 square feet (Type III)

Approved/Existing Winery Development Area: 9,700 square feet
Proposed Winery Development Area: No change

Approved/Existing Winery Coverage Area: 34,243 square feet
Proposed Winery Coverage Area: 36,243 square feet or .83 acres (maximum allowed: 25 percent or approximately 15 acres)

Approved/Existing Production Facility: 14,334 square feet
Proposed Production Facility: 12,680 square feet

Approved/Existing Accessory/Production Ratio: 3,203 square feet or 22% (maximum allowed: 40 percent)
Proposed Accessory/Production Ratio: 4,857 square feet or 38% (maximum allowed: 40 percent)

Existing Production Capacity: 12,000 gallons
Proposed Production Capacity: No change

Approved Number of Employees: Three (3) full time, two (2) part time.
Existing Number of Employees: Six (6) full time, two (2) part time.
Proposed Number of Employees: Six (6) full time, four (4) part time.

Approved/Existing Visitation: Hosted daily, tours and tasting by appointment for a maximum of eight (8) visitors per day and 60 visitors per week, resulting in 3,128 visitors per year.
Proposed Visitation: Hosted daily, tours and tasting by appointment for a maximum of 24 visitors per day and 120 visitors per week, resulting in 6,240 visitors per year. Visitation to continue to take place in the outdoor courtyard and hospitality areas of the winery building, and expand into a 1,654 square foot portion of the existing wine cave.

Existing Marketing Program: A total of six (6) marketing events per year, with four (4) marketing events allowing a maximum 60 guests per event and two (2) marketing events allowing a maximum of 125 guests per event. The total amount of annual marketing guests allowed under the existing program is 490.
Proposed Marketing Program: A total of 24 marketing events per year, with one (1) marketing event allowing a maximum 125 guests per event, 10 marketing events allowing a maximum of 60 guests per event, 10 marketing events allowing a maximum of 24 guests per event, and three (3) marketing events (wine release event) allowing a maximum of 50 guests per year. The total amount of annual marketing guests allowed under the proposed program is 1,115. Marketing events to continue to take place in the outdoor courtyard and hospitality areas of the winery building, and expand into a 1,654 square foot portion of the existing wine cave.

Approved/Existing Days and Hours of Operation: 6:00 A.M. – 6:00 P.M. Monday through Sunday
Proposed Days and Hours of Operation: No Change
Approved/Existing Days and Hours of Visitation: 10:00 A.M. – 4:00 P.M. Monday through Sunday
Proposed Days and Hours of Visitation: No Change
Approved/Existing Hours of Marketing Events: 10:00 A.M. – 10:00 P.M. Monday through Sunday
Proposed Hours of Marketing Events: No change.

Approved/Existing Parking: six (6) parking stalls, one ADA compatible
Proposed Parking: No change

Setbacks:
Required road setbacks: 28 feet from the centerline of Pickett Road

Required property line setbacks: 20 feet front, side, and rear yards setbacks.

Required Winery Setback: 300 feet from Private Roadway

Existing Setbacks: The existing winery building is located approximately 319 feet from its eastern property line, which is the closest property line. Approximately 420 feet from the centerline of the private driveway.

Proposed Setbacks: No planned expansion of building footprint.

Adjacent General Plan Designation / Zoning / Land Use:

North: Agriculture, Watershed and Open Space (AWOS) General Plan designation / Agricultural Watershed (AW) Zoning Ordinance designation / open space land uses.

South: Agricultural Resource (AR) General Plan designation / Agricultural Preserve (AP) Zoning Ordinance designation / vineyard, wineries, and rural residential land uses.

East: Agriculture, Watershed and Open Space (AWOS) General Plan designation / Agricultural Watershed Zoning (AW) Ordinance designation / rural residential and open space land uses.

West: Agriculture, Watershed and Open Space (AWOS) General Plan designation / Agricultural Watershed (AW) Zoning Ordinance designation / rural residential and open space land uses.

Wineries in Vicinity:

Please refer to the winery comparison tables included in Attachment I.

Parcel History:

#P05-0441-UP - Approved by the Planning Commission on October 4, 2006 to establish a 12,000 gallon per year winery and the construction of a 6,305 sq. ft. winery building, 7,000 sq. ft. of caves, three (3) full-time and two (2) part-time employees, and six (6) parking spaces. Tours and tastings by appointment only were permitted at this time for a maximum of eight (8) daily visitors and a maximum of 60 weekly visitors. The marketing program authorized consisted of two (2) events with 125 persons maximum and four (4) events for 60 persons maximum per year. A Conservation Regulations Setback Exception (P05-0459) was also approved alongside the Use Permit to reduce the required 45 and 55 foot stream setbacks to 22 feet for a portion of the 20 foot wide access driveway.

#P07-00834-MOD - Zoning Administrator approval on December 18, 2007 to modify the design of the prior approved winery structure, reducing the building footprint by approximately 5% and revising the building design from a one-story building to a two-story building. Building materials were changed to reflect those already in use with the on-site residence.

#P08-00538-MOD – Zoning Administrator approval on October 3, 2018 to make further modifications to the winery building and cave portal design, as well as making minor changes to a riparian restoration plan for Simmons Creek. During building permit review and excavation of the cave, staff allowed for a minor deviation in the size of the cave (538 Sf) and thereby deemed it in substantial conformance with the use permit.

Code Compliance History:

A site inspection was conducted by Code Compliance, Planning, and Fire staff on April 23, 2019, to identify any potential health and safety issues, as well as, to review the existing use and proposed changes. As a follow-up to the site inspection, a notice regarding apparent code violations was issued to the property owner by the Code Enforcement Division on June 19, 2019. Life safety issues included a number of Fire and Building Code issues such as, non-operational emergency lights, securing tanks, extension cords with approved protective covers, among other items. All items noted in the apparent code violation notice of June 19, 2019 have been addressed and the code enforcement division cleared the project to continue with the compliance program on April 15, 2020.

Discussion Points:

Setting - The project is located on an 83.14 acre parcel, approximately 3,350 feet northwest of the City of Calistoga. Elevations on the property range from ± 415 feet msl, where Simmons Creek exits the property at its southern boundary, to ± 810 feet msl at the northern boundaries of the property. Outside of developed areas, the property is highly vegetated and includes several sensitive biotic communities including; Douglas-Fir/Redwood Forest, Chaparral, Deciduous Oak Woodland, Evergreen Oak Woodland, Valley Oak Woodland, and Pine Forest. Four separate intermittent streams in the northern portions of the property form the headwaters of Simmon's Creek, which proceeds to run adjacent to, and east of, the project's driveway. Foundation materials consist of quaternary alluvium surficial deposits from the Holocene and late Pleistocene eras located in the Simmons Creek areas and its tributaries, and Sonoma Volcanics from the Pliocene-Miocene era. The property contains several different soil types including; Guenoc-Rock outcrop complex, five (5) to 30 percent slopes, Guenoc-Rock outcrop complex, 30 to 75 percent slopes, Hambright rock-outcrop complex, 30 to 75 percent slopes, Cortina very gravelly loam, zero (0) to five (5) percent slopes, and Boomer gravelly loam, volcanic bedrock, 14 to 60 percent slopes.

The project parcel was impacted by the 2020 LNU Complex Fire. The applicant reports that the fire destroyed or significantly damaged an existing pump house, a detached garage, three (3) poly tanks, over four (4) acres of existing vineyards, existing deer fencing, tank fittings, buried PVC lines, electrical lines, three (3) water tank liners, four (4) water holding tanks, and a bridge over Simmons Creek. The applicant is currently in the process of replacing all fire damaged structures and improvements. However, the replacement of these residential and vineyard related structures are not associated with the subject use permit modification request.

Existing development includes a 6,305 square foot winery building, 7,000 square feet of wine caves, approximately 11 acres of vineyards, a single-family residence, a guest house, four (4) wells, a water tank, six (6) designated parking spaces, and other minor infrastructure elements associated with winery operations. Pickett Road Wine Company's property is at the north end of a portion of the Napa Valley Floor, and a portion of the property falls within this designated area. For this reason, adjacent land uses to the south include vineyards, wineries, and rural residential. Surrounding land uses to the north, east, and west include watershed, open space and rural residential.

Winery Proposal - This request seeks to recognize existing employment levels; which were not approved under the initial Use Permit for the subject site in 2006, or the subsequent modifications to the initial use permit. In addition to the changes requested to remedy existing violations, several expansions beyond the existing entitlements are requested including both physical and operational changes. The applicant requests approval to build a 1,000 square foot canopy above an existing crush pad, expansion of the winery's Domestic Wastewater Treatment and Dispersal System, conversion of the existing wine cave from a Type I to a Type III cave and to dedicate 1,654 square feet inside the cave to hospitality use (visitation and marketing), and finally width expansion of the project's private roadway/access driveway to bring it into compliance with the current Napa County RSS. Operational expansions include; an increase in daily and weekly visitation for by appointment tours and tastings which would increase the annual visitation by 3,120 visitors for a total annual visitation of 6,240 visitors, modification of the existing marketing program increasing the number of events from six (6) to 24 thereby increasing annual marketing event guests from the existing 490 to 1,115 guests annually, and finally an increase over the existing employment (requested for recognition) from six (6) full-time and two (2) part-time employees to six (6) full-time and four (4) part-time employees.

Road and Access Improvements – Review of the initial application submittal indicated that segments of the private roadway/access driveway did not meet standards of the current Napa County RSS. The applicant proposes to make modification to project access in order to bring the project into compliance; width expansion of the private roadway where it meets Pickett Road from 18 feet to 20 feet, width expansion of a segment of the private roadway from 17 feet to 20 feet, widening the project gate at the entrance to the access driveway from 20 feet to 22 feet, width expansion of a segment of the access driveway from 20 feet to 24 feet, and finally an expansion of width at the entrance to the winery's parking courtyard from 21.5 feet to 22 feet. The winery's driveway was originally approved under a Conservation Regulations Setback Exception (P05-0459), and segments of the access driveway

exist within the stream setbacks for Simmons Creek, however none of the planned roadwork for the proposed project would take place within the creek setback.

Board of Forestry Fire Safe Regulations and Napa County Road and Street Standards - The State Board of Forestry and Fire Protection (BOF) is currently updating the minimum wildfire protection standards commonly known as the State Fire Safe Regulations (FSRs). One of the purposes of the FSRs is to establish the State's minimum fire protection standards for emergency ingress and egress. The BOF's FSRs apply state-wide to all jurisdictions and all construction and development located in the State Responsibility Area (SRA) and after July 1, 2021 they are expected to apply to the Very High Fire Severity Hazard Zones (VHFSHZ). The updated FSRs have been released by the BOF and are in the formal public review and comment phase of their rule-making process and are expected to be adopted later this year or in early 2022. Given the FSRs have yet to be adopted, the current version from July 27, 2020, remains in effect. Once formally adopted by the BOF, the County's Road and Street Standards will be required to be updated to comport with the new regulations.

Condition of Approval 4.11.b has been included to ensure regulations in effect at the time building construction acceptance are applied.

Crush Pad Canopy – The existing winery's crush pad is located in between the winery building, the north portal to the wine cave system, and a covered mechanical area. The applicant proposes a 1,000 square foot canopy above the existing crush pad, which would extend from the north cave portal to an existing gate dividing the concrete crush pad from an uncovered concrete work pad area. The canopy is proposed to be a steel structure with a corrugated metal roof and a maximum height of 15 feet. The corrugated metal roof is planned for a rust color, and example pictures of a similar canopy structure have been provided in the Graphic Packet (Attachment J). Given the location of the structure on the northeastern side of the existing winery building, it is unlikely that it would be viewable from a public roadway.

Visitation and marketing – Consistent with the definition of “marketing of wine” (County Code Section 18.08.370), the applicant proposes a visitation and marketing program to include tours and tastings for up to 24 guests per day and 120 guests per week. Visitation would be by appointment only and would occur between the hours of 10:00 a.m. and 4:00 p.m., Monday-Sunday. The applicant also proposes 24 winery events per year with one (1) event per year with a maximum attendance of 125 guests, 10 events per year with a maximum attendance of 60 guests, 10 events per year with a maximum attendance of 24 guests and three (3) events per year (wine release events) with a maximum of 50 guests. Portable toilets would be provided for all marketing events. The winery has an existing 346 square foot kitchen which it utilizes for on-site food preparation and catered food preparation for marketing events only, and the kitchen would continue to function under existing entitlement. The winery's existing visitation and marketing is slightly above the median and average levels for wineries with a similar production level, and the requested increase in visitation and marketing would bring those levels further above the median and average levels of wineries with similar production levels.

Traffic and Parking – Pickett Road Wine Company is located approximately 1 mile from Silverado Trail, at the north end of Pickett Road. Access to the winery is achieved by heading north on Pickett Road approximately .85 miles, before reaching a private roadway which heads east from its intersection with Pickett Road. At approximately 385 feet along the private roadway, Pickett Road Wine Company's access driveway is forks to the north where an additional 585 feet will bring you to the winery's parking area.

Because of the modification request, the applicant and the county's engineering division reviewed the project for compliance with the existing Napa County RSS. Several sections of the private roadway/access driveway were found to be noncompliant and, as a feature of this modification request, the applicant proposes to bring them into compliance by extending roadway width in a number of areas. These areas include; an extension of width at the intersection of Pickett Road and the private roadway from the existing 18 feet to 20 feet, an extension of width along the private roadway from 17 feet to 20 feet, a widening of the gate at the entrance to the project's access driveway

from the existing 20 feet to 22 feet, widening of sections of the access driveway from the existing 20 feet to 24 feet, and finally a widening of the entrance to the project courtyard from 21.5 feet to 22 feet. All expansion of width to the project access driveway will be done on the west side of the driveway, away from Simmons Creek and outside of the stream setbacks.

The applicant submitted a Winery Traffic Information/Trip Generation sheet as a part of their application. Based on calculations which utilized the applicant's proposed increases in employment, visitors for by appointment tours and tastings, and marketing events, the highest amount of daily trips would be 41 and would be generated on harvest Fridays. This would increase trips on harvest Fridays by 11 over the existing project. To ensure compliance with the County's General Plan policy on Reduction of Vehicle Miles Traveled (VMT), staff is recommending a condition of approval requiring only the development and submittal of a Travel Demand Management (TDM) plan, and submittal of annual reporting documentation. (Refer to Condition of Approval 4.20(b) of Attachment B).

There is currently parking for six (6) vehicle parking spaces provided on site, with one (1) of those spaces designated for ADA access. At six (6) available designated parking spaces and an estimated turnaround time for visitors of by appointment Tours and Tastings of 1.5 hours, all six (6) parking spaces would need to be utilized on days when maximum visitation reservation has been reached. It is unlikely that the winery will reach maximum allowance of by appointment tours and tastings, and on most days, visitors and employees should be able to share the six (6) designated parking spaces. In the event more parking is required than existing designated spaces provide, there is more than enough shoulder area along the west side of the internal access driveway leading up to the winery, and in the paved area around the detached garage. The applicant has indicated that for marketing events, guests will typically utilize ride services such as Uber, Lyft or limousine service. When shuttle service is utilized for marketing events the winery will prearrange a pickup location in Calistoga, and use 20-40 person shuttle vans to bring guests to the winery. While the applicant does not have a Transportation Demand Plan currently with the County, they have also indicated that they employ some of the measures found in TDM plans such as employee incentives, priority parking for efficient transportation, bike riding incentives, and shuttle service for large marketing events.

Water – The project is located just outside the area known as the Valley Floor, therefore the applicant prepared a site specific Water Availability Analysis (O'Conner, August 2020 and revised March 2021) to determine the project's impact to groundwater resources. Immediate hydrogeological conditions suggest that the project aquifer is located within a significant portion of a large block of Rhyolite of Calistoga. Given the properties of the Rhyolite of Calistoga as an aquifer, and data from adjacent wells, led O'Conner to conservatively conclude that the project well (Well #4 on the submitted plans), was part of a specific recharge area that was bounded by the main channel of Simmons Creek to the west and drainage divides of an eastern tributary of the Simmons Creek watershed. This recharge area, which includes adjacent parcels and water uses to the east of the project parcel, measured approximately 181.5 acres, of which 20.7 acres resides within the project parcel. O'Conner then calculated recharge for this area based upon a Soil Water Balance (SWB), which simulates average precipitation, evapotranspiration and runoff, across the recharge area. The recharge coefficient yields a total of 19.7 af/yr for the recharge area just within the project parcel.

Because the recharge area includes parcels that are to the east of the project parcel and further up the drainage divide that defines the area, water demand was calculated for the proposed project expansion as well as non-project uses within the recharge area. Neighboring uses include a residence, a swimming pool, and .25 acres of vineyards; whose water demand was calculated to be 1.23 af/yr. The project, under proposed conditions is estimated to have a water demand of .49 af/yr. This total water demand on the recharge area of 1.72 af/yr is well below the estimated recharge for just the project parcel at 19.7 af/yr.

Three (3) other wells exist on the project parcel (Wells 2, 3 & 5 on the submitted plans). These wells provide water for winery landscaping, a single family residence, a guest cottage, approximately 11 acres of vineyards, 0.5 acres of olive trees and 0.1 acres of garden irrigation. Based upon Napa County WAA Guidelines, water demand for

these uses could be calculated at approximately 9.32 af/yr. Based on the location of the other wells on the project parcel and the noted hydrogeological conditions of the surrounding area, O'Conner opined that these wells do not impact the recharge area that supplies groundwater to Well #4, however staff notes that the addition of the water demand within the recharge area (1.72 af/yr) and the water demand of uses utilizing Wells 2, 3 & 5 (9.32 af/yr) would still be well below the estimated recharge of the defined recharge area (19.7 af/yr).

The submitted WAA also includes a Well Interference Analysis. No springs were identified within 1,500 feet of the project well, however one neighboring well (identified as Well #6 in the WAA) is located 328 feet to the east of the project well. O'Conner calculated a drawdown of less than .01 feet, which is below the screening criteria of the Napa County WAA Guidelines (10 to 15 feet) and below the threshold of concern for wells with a casing diameter of six (6) inches such as the case with Well #4.

On May 10, 2021, Governor Newsom expanded his drought emergency declaration to cover a majority of California counties, including Napa County. O'Conner was asked to provide Staff with additional calculations for projected recharge under drought conditions. Based upon their calculations, O'Conner expects recharge for the defined recharge area only within the project parcel to drop to 6.0 af/yr. Under these conditions the project's water demand as a percentage of recharge would rise from 9% to 29%. Calculation tables have been provided in Attachment H.

Sanitary Waste Disposal – An Onsite Wastewater Disposal Feasibility Study was prepared by Applied Civil Engineering for the proposed project on September 24, 2019. The existing winery's Process Wastewater Treatment and Dispersal System is designed to handle the existing production volume of 12,000 gallons, and since no increase in wine production is sought by the applicant, this system requires no modification. The winery's Domestic Wastewater Treatment and Dispersal System was found to require modification to handle the increase wastewater flows from the increases in employment, visitation and marketing guests. The report recommends the expansion of the subsurface drip dispersal field, approximately 130 lateral feet of new tubing to accommodate the modification.

Greenhouse Gas Reduction Strategies – The applicant currently implements voluntary best management practices to reduce GHG emissions for Pickett Road Wine Company. These practices include generation of on-site renewable energy, habitat restoration, exceedance of Title 24 energy efficiency standards, encouraging HOV for visitations and marketing, solar hot water heating, energy conserving lighting, water efficient fixtures, water efficient landscape, composting 75% food and garden material, planting of shade trees within proximity of the winery building, optimized site design, and limiting the amount of grading and tree removal.

Noise - The proposed project would result in a temporary increase in noise levels during grading and construction activities and the intermittent increase of ambient noise resulting from increases in visitation and marketing events. However, noise generated by construction activities would be limited to daylight hours and the use of properly muffled vehicles. Ambient noise resulting from wine making and visitation would be intermittent and would only occur within the proposed operation hours of 9:00 a.m. to 5:00 p.m., and the nearest residence to the property is 600 linear feet from the winery building. No outdoor amplified music is proposed as part of the project.

Public Comments - At the time of staff report preparation no public comments have been received.

Pursuant to BOS Resolution No. 2018-164, Staff has provided separate decision-making options for the components of the project necessary to remedy existing violations and the new expansions beyond existing entitlements.

Decision-making Options:

Decision Making Options Regarding Remediating Existing Violations:

As noted in the Executive Summary Section above, staff is recommending approval of the components of the

project necessary to remedy existing violations with conditions of approval as described in Option 1 below. Decision-making options also include a no project alternative and a reduced project alternative.

Option 1 - Approve Applicant's Proposal

Disposition - This option would result in approval of the existing full time employment. Staff recommends this option as the request is consistent with the Zoning Ordinance and applicable General Plan policies. Further, analysis of the project demonstrates that there will be sufficient access, adequate water supplies, and insignificant environmental impacts to traffic and noise

Action Required - Follow the proposed action listed in Executive Summary. If conditions of approval are to be amended, specify conditions to be amended at time motion is made. This option has been analyzed for its environmental impacts, which were found to be less than significant.

Option 2 - Reduced Employment Alternative

Disposition - Given that the County may use the winery's existing operations as the environmental baseline for the CEQA analysis related to this application, no potential environmental impacts have been identified with this project proposal. Staff recommends no changes to the existing visitation and employee numbers. However, this option would require that the applicant reduce their existing full time employment.

Action Required – Follow proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to reduce the maximum full time employment. The item may need to be continued to a future date if significant revisions to the recommended conditions of approval are desired.

Option 3 - Deny Applicant's Proposal

Disposition - In the event the Commission determines that the project does not, or cannot meet the required findings for the granting of a Use Permit modification, Commissioners should identify what aspect or aspects of the project are in conflict with the required findings. State Law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed Use Permit modification is not being approved.

Action Required - Commission would take tentative motion to deny the project and remand the matter to staff for preparation of required findings to return to the Commission on a specific date.

Option 4 - Continuance Option

The Commission may continue an item to a future hearing date at its own discretion.

Decision Making Options Regarding Expansions Beyond Existing Entitlements:

Staff recommends approval of the applicant's proposal as described in Option 1 below.

Option 1 - Approve Applicant's Proposal

Disposition - This option would result in approval of the expansions beyond the existing entitlements which are requested including additional visitation, marketing events, employees, wine cave conversion, a 1,000 square foot crush pad canopy cover, and infrastructure improvements. Staff recommends this option as the changes requested are compliant with the Zoning Ordinance and applicable General Plan policies and have been analyzed for their environmental impacts and found to be less than significant. Improvement of the private roadway/access

driveway will bring it into compliance with the current Napa County Road and Street Standards and to support the requested expanded visitation and marketing program outlined above. Although the requested intensification of annual maximum visitation and marketing guests exceeds that of similar production capacity by appointment wineries, staff is supportive of the request based upon the project's adjacency to the valley floor, the proposed access improvements, and the ability of the project to mitigate all potentially significant environmental impacts to a less than significant level.

Action Required - Follow the proposed action listed in Executive Summary. If conditions of approval are to be amended, specify conditions to be amended at time motion is made. This option has been analyzed for its environmental impacts, which were found to be less than significant.

Option 2 - Reduced Visitation and/or Marketing Program Proposal

Disposition – All potential environmental impacts related to traffic, safety, noise and water resources have been found to be less than significant through a combination of project design and conditions of approval. Furthermore, the Department of Public Works, the County Fire Department and the Engineering Division have reviewed the proposal and are in support of the request. However, this option provides the Planning Commission the ability to further reduce potential impacts related traffic, safety, noise and water resources by reducing the requested maximum annual visitation and/or marketing program (number of events). This could be accomplished by potentially reducing the maximum number of weekly visitors and/or eliminating several of the marketing events. If the Planning Commission elects to pursue this option, the recommended conditions of approval would need to be amended to reflect the revised visitation and marketing program.

Action Required - Follow the proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to require the reduction of the visitation and marketing program. If major revisions of the conditions of approval are required, the item may need to be continued to a future date.

Option 4 - Deny Proposed Project

Disposition - In the event the Commission determines that the project does not, or cannot meet the required findings for the granting of a Use Permit modification Commissioners should identify what aspect or aspects of the project are in conflict with the required findings. State Law requires the Commission to adopt findings, based on the General Plan and County Code, setting forth why the proposed Use Permit modification is not being approved.

Action Required - Commission would take tentative motion to deny the project and remand the matter to staff for preparation of required findings to return to the Commission on a specific date.

Option 5 - Continuance Option

The Commission may continue an item to a future hearing date at its own discretion.

SUPPORTING DOCUMENTS

- A . Recommended Findings
- B . Recommended Conditions of Approval and Final Agency Approval Memos
- C . Previous Conditions of Approval
- D . Initial Study/Negative Declaration
- E . Use Permit Major Modification Application

F . Water/Wastewater System Information

G . Water Availability Analysis

H . Dry Year WAA Analysis

I . Winery Comparison Tables

J . Graphics

Napa County Planning Commission: Approve

Reviewed By: Brian Bordona