



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 9/16/2009

Agenda Placement: 9A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning

REPORT BY: Trish Hornisher, PLANNER III - 299-1349

SUBJECT: Wheeler Winery - Variance #P09-00347 Use Permit #P08-00672

RECOMMENDATION

WHEELER WINERY / KOHALA INVESTMENT WORKS INC. – VARIANCE REQUEST #P09-00347- VAR AND USE PERMIT REQUEST #P08-00672-UP

CEQA Status: Negative Declaration prepared. According to the proposed Negative Declaration the proposed project would have no potentially significant environmental impacts. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5.

Request: (A) Approval of a Variance (#P09-00347-VAR) from the required road setbacks set forth in Napa County Code section 18.104.230 (A.) (1.) & (2.) to allow a winery to be constructed 200 ft. from the centerline of Zinfandel Lane where 600 ft. is required and 168 ft. from the centerline of a shared private easement where 300 ft. is required; and, (B) Approval of a Use Permit (#P08-00672-UP) to establish a new winery in two phases as follows:

Phase I: Demolish three of the four existing on-site residential structures and in the same location, construct a new 50,000 gallon per year winery that includes: (1) a two-story fermentation building with a below ground barrel storage cellar totaling 14,479 sq. ft., a two-story administrative/hospitality building with a covered breezeway totaling 4,083 sq.ft., and a 2,680 sq.ft. covered crush pad for a winery totaling approx. 21,242 sq. ft.; (2) two full-time and two part-time employees; (3) six parking spaces; (4) Tours and Tasting By Appointment Only for a maximum of 32 visitors per day (224 per week); (5) a Marketing plan with four 24-person events per month, four 75-person events per year and participation in the Napa Valley Wine Auction; (6) installation of a pressure distribution type wastewater disposal system; (7) construction of a main access and a secondary access for winery production use only that includes an Exception to the Napa County Road and Street Standards to allow 12 ft. of surfaced roadway with 2 ft. shoulders (18 ft. of surfaced roadway plus two ft. shoulders required). Phase II: Construction of a separate 4,000 sq. ft. two-story barrel storage building located 70 feet to the east of the proposed Phase I winery structure bringing the winery total to approximately 25,242 sq. ft. The project is located on an 11.66 acre parcel on the northwest side of Zinfandel Lane approximately 2,200 ft. east of its intersection with St. Helena Highway (St. Helena Highway 29) and approximately 1.33 miles south of the City of St. Helena within an AP (Agricultural Preserve) zoning district. (Assessor's Parcel #: 030-260-016). 588 Zinfandel Lane, St. Helena.

Staff Recommendation: Adopt the Negative Declaration and approve the Variance, the Exception to the Napa

County Road & Street Standards and the Use Permit with the proposed Conditions of Approval.

Staff Contact: Patricia Hornisher, 299-1349 or thornish@co.napa.ca.us

EXECUTIVE SUMMARY

Proposed Action: 1. That the Planning Commission adopt the Negative Declaration for the Wheeler Winery, based on the findings 1-6 of Exhibit A;
2. That the Planning Commission approve Variance #P09-00347-VAR based on the attached findings 7-12 of Exhibit A;
3. That the Planning Commission approve the requested Road and Street Standards Exception based on findings 18-19 of Exhibit A; and,
4. That the Planning Commission approve Use Permit #P08-00672-UP based on the attached findings 13-17 of Exhibit A and subject to the recommended Conditions of Approval (Exhibit B).

Discussion:

This application requests approval of a use permit to establish a new 50,000 gallon per year winery in two Phases. Phase I includes construction of a 14,479 square foot, two-story production building with a below ground barrel storage cellar, a 2,680 square foot covered crush pad and a connected 4,083 square foot, two-story hospitality/administration building with a commercial kitchen for a winery totaling 21,242 square feet. Phase I also proposes two full-time and two part-time employees, six parking spaces, Tour and Tasting by Appointment Only for a maximum of 224 visitors per week, a Marketing plan with 4 small sized and 4 medium sized events per year, installation of a pressure distribution wastewater and septic system and construction of a main and secondary winery access road. Phase II includes construction of a 4,000 square foot two-story barrel storage building located 70 feet east of the Phase I buildings bringing the winery to a total of 25,242 square feet and the area devoted to production use to 70.5%. The property is located on an 11.66 acre parcel on the Valley floor on the northeast side of Zinfandel Lane across from Raymond Vineyards approximately 2,200 feet east of its intersection from St. Helena Highway (St. Hwy. 29). The property has been farmed for many years with a producing 9.67 acre old growth vineyard. The project proposes to remove 0.31 acres for a wastewater treatment field leaving 9.36 acres of vineyards.

The applicant proposes a Variance to the required setbacks for arterial and private roads for wineries because the property is constrained by a 600 foot setback from the centerline of Zinfandel Lane and a 300 foot setback from the centerline of an existing private road that traverses the east side of the property and serves three other parcels to the north. Adherence to the required setbacks would essentially leave only a 110 by 400 square foot area available for possible development in the extreme northwest corner of the parcel. In addition, it would require the removal of 1.6 acres of vineyard (versus 0.30 ac.) and construction of nearly 0.40 acres of additional access roads. Approval of the requested Variance however, would allow the applicant to develop the winery within the same footprint as the existing residential units and outbuildings. The applicant proposes to demolish the three second units, pool and tennis court and use this previously disturbed area for the winery development thereby avoiding vineyard removal and additional road construction. The applicant has attempted to reduce the appearance of the mass and size winery by designing a below ground barrel storage area in the Phase I main production building.

Finally, two access points to the winery are proposed from Zinfandel Lane. The main access will be from the existing driveway which will be improved to County Standards. The secondary access will be along an existing private easement located on the east side of the owner's property that also serves three other properties to the north. Use of a 240 foot section of this road is being proposed to provide more direct access to the production areas of the winery. Napa County Public Works would normally require this section to be improved to the County Road and Street Standards. However, because a professional botanist report has suggested that adherence to the Standards would severely impact four mature, heritage Valley oak trees and their associated root systems that are growing adjacent to the roadway, the applicant has requested an Exception to the County Standards.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Negative Declaration prepared. According to the proposed Negative Declaration the proposed project would have no potentially significant environmental impacts. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5.

BACKGROUND AND DISCUSSION

Owner: Kohala Investment Works, LLC.

Applicant: Kohala Investment Works, LLC.

Representative (Project Manager): Donna Oldford

Zoning: AP (Agricultural Preserve)

General Plan Designation: AR (Agricultural Resource)

Filed: December 18, 2008 Resubmitted: May 13, 2009 Declared Complete: June 1, 2009

Building Size:

Phase I: 14,489 square foot, two-story Production Building with additional below ground barrel storage wine cellar; 4,083 square foot Hospitality Building with covered breezeway; 2,680 square foot covered crush pad; Demolish three existing second dwelling units, pool, tennis court.

Phase II: 4,000 square foot, two-story Barrel Storage Building

Production Capacity: 50,000 gallons per year

Visitation: A maximum of 32 visitors per day with no more than 224 persons per week with a average of 68 persons per week.

Marketing: Four 24-person events per month; four 75-person events per year; and annual participation in two Wine Auction events. Marketing events will serve food prepared in a proposed on-site commercial kitchen or will be catered.

Number of Employees: Two full-time and two part-time employees Hours of Operation: 6:00 AM to 6:00 PM, seven days a week

Parking: 6 parking spaces, including one ADA-accessible space; 1 loading area

Adjacent Zoning / Land Use:

North

AP – Agricultural Preserve/Vineyard – 9.9 acre vineyard parcel owned & farmed by Raymond Vineyard & Cellar;

South

AP – Agricultural Preserve/Rural Residential/Vineyard/Winery – across Zinfandel Lane is a 1.1 acre rural residential parcel as well as a 27.86 acre vineyard and winery owned and farmed by Raymond Vineyard & Cellar

East

AP – Agricultural Preserve/Rural Residential/Vacant/Winery - a 1.1 acre rural residential parcel with orchard, a 1.28 acre parcel with orchard, and a 10.9 acre winery with vineyard winery parcel

West

AW – Agriculture Watershed/Rural Residential - an enclave of 15 Rural Residential developed parcels on Victoria Drive ranging in size from 0.77 to 3.12 acres.

Nearby Wineries (within one mile to the northeast and southeast of the project site):Kelham Winery

360 Zinfandel Lane

September 17, 1984 / 40,000 gal/yr / 17,500 / Tours & Tst By Appt / Marketing (24 Small Evts/yr)

V. Sattui Winery

111 White Lane

February 1, 1973 / 96,000 gal/yr / 34,676 sq ft / Public

Milat Winery

1091 So. St. Helena Hwy

February 4, 1986 / 20,000 gal/yr / 4,900 sq ft / Public

Corison Winery

987 St. Helena Hwy. J

July 22, 1998 / 20,000 gal/yr / 9,480 sq ft / Tours & Tst By Appt / Marketing (6 Small Evts/yr)

Del Dotto Winery

1445 So. St. Helena Hwy.

August 12, 2003 / 48,000 gal/yr / 15,163 sq ft / Tours & Tst By Appt / Marketing (27 Small, 2 Med, 2 Lg Events/yr)

Raymond Vineyard & Cellar

849 Zinfandel Lane

May 2, 1984 / 750,000 gal/yr / 112,680 sq ft / Public

Sutter Home Winery

105 Zinfandel Lane

July 1, 1984 / 12,520,000 gal/yr / 442,265 sq ft / No Tours & Tst / Yes Marketing

Property History & Evolution of this Application:May 1971 through December 1996

The County issues various building permits for the repair and maintenance of the existing residential dwellings.

December 2008

The applicant submits an application for a use permit application #P08-00672-UP and a Variance #P09-00347-VAR for Wheeler Winery.

May 2009

The applicant submits project revisions for the original winery use permit application involving clarifications to square footage and employee numbers and water source.

June 2009

At the request of the Planning Department, botanist completes and submits Valley Oak Tree report for heritage trees adjacent to the project site.

July 2009

Applicant requests an exception to the Napa County Road and Street Standards for the private easement on the winery site serving three other properties to the north.

August 2009

Public Works completes final memorandum of use permit conditions and decision to support applicant's request for a road exception with conditions.

August 2009

At the request of the Planning Department, Archaeological and Historic Resources Report completed and submitted.

September 2009

Planning staff schedules the use permit and Variance application for a hearing before the Commission.

Code Compliance History:

Based on a review of Planning and Building files, there are no code compliance issues on the property.

Discussion Points:I. Environmental Review - Negative Declaration

An Initial Study has been prepared for the project and is attached for the Commission's review. Staff reports that no significant environmental impacts have been identified and requests adoption of a Negative Declaration by the Commission.

II. Variance

The subject parcel is substantially impacted on both the south and east property boundaries by required road setbacks for winery developments. The south property line is bound by Zinfandel Lane and requires a 600 foot setback from the road centerline. A private easement traverses over the east side of the subject property. It serves three other parcels and requires a 300 foot setback from its centerline. Because the parcel is limited in size (11.66 acres), strict application of both these setbacks would require a combination of variances from both the 600 and 300 foot road setbacks. As the attached exhibit illustrates, adherence to these setbacks constrains 91% of the property and leaves only a 110 by 400 square foot area for development at the far northwest corner of the parcel. Even if the winery were sited here, a variance from the eastern road setback would still be required.

Adherence to both required road setbacks was considered but found infeasible for number of reasons. First, siting the winery in this location would require the permanent removal of a minimum of 1.60 acres of well established,

producing, old growth vineyard. Second, it would require the construction of much longer entrance and production access roads and result in the removal of an additional half acre of vineyard. Third, if the roads were extended to the back of the parcel, they would virtually divide the existing vineyard into several segments resulting in inefficient farming operations. Fourth, vehicles visiting the winery will cause a greater amount of noise when traveling a longer distance on these roads. Finally, adherence to the setbacks positions the winery far closer to the residential areas on the west side of the property. Obviously, noise from daily operations would be more apparent and the winery structure itself would cause the negative affect of blocking the views of Mt. St. Helena and the distant eastern hillside for the west side neighbors.

The applicant's request is to locate the winery in the existing developed area that currently includes a main residence, three small second units, a tennis court, a swimming pool with patio/outdoor fireplace area and a parking area. Except for the main residence, all the structures will be demolished and the winery built within the same footprint as the razed structures. The requested location is 200 feet from the centerline of Zinfandel Lane and 168 feet from the centerline of the private easement on the east side of the property (600 and 300 feet from centerline respectively required).

This location is requested to avoid, to the greatest extent possible, a number of environmental impacts that would otherwise occur if the maximum road setbacks were enforced. These preservation actions include: Re-using the existing residential developed area thereby maintaining the existing agricultural land without increasing the built area of land; avoiding the removal of 1.6 acres of existing estate vineyard; reducing (by approximately 17,000 square feet) the amount of otherwise required paved access road surfaces thus avoiding additional vineyard removal and surface runoff; reducing the overall amount of ambient noise from cars and trucks driving a shorter distance over shorter access roads; and, preserving the existing views towards Mt. St. Helena and the eastern and western ridgelines for both the traveling public on Zinfandel Lane and the adjacent neighbors. The requested site layout will reduce the amount of parcel segmenting yet still provide optimum vehicle circulation.

Therefore, Staff believes the subject property has unique considerations due to its limited size, the extremely constrained development area resulting from required road setbacks, neighbor proximity and existing natural views that justify the variance. Because of these constraints, approval of the variance would not be a grant of special privilege. Granting the variance as proposed would further reduce negative environmental effects to the site and would not conflict with any applicable County land use plan, policy, or regulations.

III. Viewshed Regulations

The project site is located on the floor of the Napa Valley on the north side of Zinfandel Lane, a locally designated public roadway under the Napa County Viewshed Ordinance. This area of the valley is nearly level and, being less than 15% slopes, is not subject to the Napa County Viewshed Ordinance. However, those areas of Zinfandel Lane where distant landscape views of Mt. St. Helena and the eastern and western hills can viewed by the traveling public, are considered vantage points from which these scenic vistas can be enjoyed. The applicant suggests in the variance application that placement of the winery in the already developed residential footprint will protect the scenic vistas that currently exist along this portion of Zinfandel Lane. This is because the components that create this view such as the existing vineyard and domestic landscaping now surrounding the footprint will be retained. As explained in the variance application, the existing old growth vineyard will still surround the footprint on three sides. Several of the tall, mature redwood trees and other existing trees will be retained. And a generous amount of new landscaping will be added to the front yard area. By constructing the winery in the same area, the vantage points for the scenic vistas are maintained and the components which now add to the important assembly of scenic views (such as sweeping vineyards and beautiful front yard landscaping) remain intact. The applicant has submitted a landscaping and maintenance plan proposing substantial native tree and shrub plantings that will screen and soften the views of the front elevation of the winery structure which will be seen by the traveling public. The rear and the sides of the winery will be surrounded by existing vineyard thus affording a natural screening for at

least 30% of these elevations. In addition, evergreen landscaping is required as a condition of approval to screen industrial portions of the facility from adjacent residential properties that can view these portions. The applicant has been working with neighbors to provide additional screening of the north elevation of the project and to help preserve existing heritage Valley Oak trees growing on the adjacent property to the east. Even though the winery structure will be twice as high as the existing residences, staff believes positioning the winery further to the back of the parcel will result in more obstruction of a greater portion of the distant views than if it were placed in the foreground. Placement of the winery here along with the landscaping and maintenance plan proposed, will maintain important scenic vistas of the Valley along Zinfandel Lane.

IV. Winery Design and Aesthetics

The above ground portion of the proposed Phase I & II winery structures total 20,000 square feet. As shown on the attached winery database spreadsheet, this above ground area is within a similar square footage range as other wineries approved at the 50,000 gallons per year production capacity. In addition, the proposed new winery is similar in height and design as other wineries in the area. The winery itself is designed to blend with the natural environment through the use of earth tone stucco, native stone and wood stained exterior materials. The winery design is of the vintage barn vernacular which is characteristic of other wineries in the Napa Valley with a production accessory ratio of approximately 29.5 percent. The barrel storage area in the Phase I production building is proposed as an underground cellar which further minimizes the overall building height. As previously mentioned, the required landscaping will act to blend the massing and height of the remaining upper portions of the winery. And as a condition of approval, any trees removed shall be replaced elsewhere on the property at a 2 to 1 basis of equivalent caliper. The agricultural design features of the buildings strongly reflect the agricultural nature of their use. The natural and planned landscaping will act to substantially enhance the natural setting along Zinfandel Lane and will thus convey "permanence and attractiveness" as required by General Plan Policies AG/LU-10 and CC-2.

V. Archaeological Resources

Staff conducted a review of the Napa County Sensitivity Map layers and found no evidence of historic or prehistoric cultural resources. However, a number of previous archaeology surveys were shown to have been conducted within one mile of the project site indicating the presence of prehistoric cultural activity. Because several of these sites are (plus or minus) a thousand feet from the project site; and, because the project proposes to excavate 16 feet below ground surface, further investigation was requested by Napa County.

A prehistoric archaeological site and historic resources record search and site evaluation was performed by Vickie Beard of Tom Oringer & Associates in July and August of 2009. She also forwarded inquiry letters to the State of California's Native American Heritage Commission. A final report was submitted to the County on August 3, 2009, which indicated that no archival literature for cultural, ethnographic or historic resources was found for the project area. A field survey was then performed and a final report prepared which stated: "There were no prehistoric or historical archaeological sites within the study area." One of the three contacted Native American sources responded that the project area appeared to be of no great concern. The report summary concluded that no resource-specific recommendations were warranted but that if accidental discovery of archaeological remains was uncovered during grading of the project, construction of the project must cease, and a qualified archaeologist must be retained to investigate the site.

Since the archaeologist found no evidence that the project will directly or indirectly destroy a unique paleontological resource or site or unique geological feature and the suggested methods for recovery of any such deposits, artifacts and/or remains are incorporated into the project as standard conditions of approval for the project, Staff believes that impacts to cultural resources are sufficiently addressed with regards to CEQA.

VI. Winery Access Driveways & Exception to County Road and Street Standards

The applicant proposes to improve the existing main residential driveway on the north side of Zinfandel Lane as the main access to the winery facility. This driveway is perpendicular to Zinfandel Lane and is located at the midway point between the parcel's east and west property boundaries. It will be designed to meet Napa County Fire and Public Works road standards as required for winery installations. The design and location of this driveway at its connection to Zinfandel Lane will be required to provide adequate sight distance for ingress and egress. Any entry signs will be designed to meet the County's standard conditions of approval for sighting winery signs.

The applicant also proposes to construct a secondary access to the winery by utilizing the existing on-site easement located approximately 350 feet east of the main access on Zinfandel Lane. This easement serves the property owner and continues further north to serve three other properties. The applicant plans to use a 240 linear foot portion of the road as an access for employees and winery production/delivery trucks. The applicant states the access is needed in order to: improve the circulation pattern between the visiting public and the production/delivery type vehicles; provide an ingress and egress for production activities; provide additional emergency access; and, locate the production road further away from the adjacent neighborhoods on the west of the property.

Currently, the easement is comprised of dirt and gravel and varies between 10 and 12 feet in width. Normally, Public Works would require all roads serving the winery to be improved to County Road and Street Standards. However, there are four large, heritage Valley oak trees (*Quercus lobata*) that line the first 250 foot portion of this roadway but are actually located on the property immediately adjacent to the subject property. The oak trees are between 24 and 36 inches in diameter with root systems that extend under the road onto the applicant's property. The applicant has been working with the adjacent property owner on a proposal to the Napa County Public Works Department for an Exception to the Road and Street Standards for the purpose of preserving the tree root systems and ultimately the heritage trees themselves. Based on the arborist report (Britton Tree Services, Inc., dated June 18, 2009), the reduced road width and more pervious road surfacing is needed because construction to current standards would impact the root systems due to the excessive depth of excavation required if the Standards were employed.

On August 19, 2009, Public Works recommended grant of an Exception to the County Road and Street Standards for a reduced road width to a minimum 12 ft. of surfaced roadway with 2 ft. shoulders with a chip seal finish for a 200 linear foot portion of the road beyond the entrance. The secondary access entrance itself will be the standard 18ft. width and extend into the easement 40 feet from Zinfandel Lane. This will reduce the need for vehicle queuing in Zinfandel Lane in the event of vehicles entering/exiting simultaneously. Public Works has recommended the Road Exception on the basis that the secondary access will be maintained by the winery operator to an equivalent road standard as described in Public Works conditions of approval memo dated August 19, 2009. Planning supports the Exception as conditioned by Public Works. While there are no local policies or ordinances regarding tree preservation, the preservation of the heritage Valley Oak trees is important because they can be seen from Zinfandel Lane. They are therefore a component of the existing scenic landscape to which their continued presence adds intrinsic beauty and attractiveness. Finally, staff would like to note the applicant is also working with the neighbors and the County to design an appropriated road sign indicating the road is for private use only. This is being done in an effort to deter use of this easement by travelers as requested by the neighbors.

VII. Winery Operation and Traffic Loads

As described above, the applicant plans to improve the existing main residence driveway as the main access to the proposed winery. Zinfandel Lane is one of the major East – West routes transecting the Napa Valley and is basically a two-lane rural road with no left turn lane at the winery site.

As stated in the Initial Study document, a traffic study analyzing the traffic volumes on Zinfandel Lane was performed by George Nickelson, P. E. in January of 2009. He states that a conservative estimate for the traffic volumes on Zinfandel Lane at the winery site is 2,463 daily vehicles. This number is based on the average traffic counts taken west of Silverado Trail (2,205 vehicles) and east of St. Route 29 (2,721 vehicles). Based on Table 1 provided in his report, the winery's expected daily traffic generation on a typical weekday is estimated at 20 daily trips, 26 daily trips on Saturdays and 33 daily trips during the harvest season. The report also estimates that if 20% of the winery's daily trips are generated during peak hour, then the typical weekday or Saturday peak hour would equate to 4 – 5 winery related vehicle trips. According to Mr. Nickelson, these volumes do not warrant a left turn lane when they are compared with the Napa County warrant methodology.

The report concludes by stating that the project's trips will not result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections. The combination of volumes on Zinfandel Lane and volumes in/out of the winery would be well below Napa County thresholds for installation of a left-turn lane and the project will not exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.

VIII. Groundwater Availability

Water for the proposed winery (Phase I) and proposed barrel storage building (Phase II) will be supplied by a new on-site well. It will be used for all stages of the winery making process. The existing well will serve the vineyard, landscaping and maintain fire protection to full capacity. There are two on-site 60, 000 gallon water storage tanks which are used for frost protection. One will be removed as part of the development. As previously mentioned, three of the four residences will be demolished leaving only the main residence. The project proposes that water for this residence will be provided by the City of St. Helena. The City has commented in their letters dated March 2009 and September 8, 2009, that the existing water service for this unit may remain to serve the residential use on the site but may not be used to serve the proposed winery and that the residential use shall not exceed historical levels. The City also requested conditions of approval regarding fire access and emergency water use and storage. Since the applicant will utilize the existing on-site well for the maximum required fire protection, the fire related comments from the City no longer pertain to the project description.

The applicant has prepared a Phase One Water analysis for the projected water use for the proposed project. The report states the project is located in an area that has a County established acceptable water use of 1 acre foot per acre per year. The surveyed parcel is 11.7 acres resulting in a threshold for the property of 11.7 acre feet per year. The total current water use on the site is: $9.7 \pm$ af/yr for vineyard irrigation and heat & frost protection; $0.15 \pm$ af/yr for existing landscaping; $0.5 \pm$ af/yr for an existing main residence; and, $1.2 \pm$ af/yr for the existing three second units. The report estimates the projected groundwater demand for the site at build-out (Phase I & II) will be 10.73 af/yr including: $1.08 \pm$ af/yr for winery production, $9.4 \pm$ af/yr for existing vineyards, none for the main residence as it will be provided by the City's water system at historic levels, and $0.25 \pm$ af/yr for domestic and winery landscaping totaling 10.73 af/yr. This represents a decrease of $0.82 \pm$ af/yr in the overall groundwater use for the proposed winery, existing vineyards and landscaping. Since there is an overall projected decrease indicated for groundwater use, Public Works has commented the proposed project would not have a significant impact on groundwater supplies or static water levels neighboring wells. County Public Works also confirmed in their email dated May 13, 2009 (attached), that the project is still below the County threshold with or without the City of St. Helena provided water for the main residence.

IX. Utilities and Service Systems

The revised onsite Wastewater Disposal Feasibility Study for the Proposed Wheeler Winery was submitted on August 5, 2009, by Bartelt Engineering. The report recommends the installation of three septic tanks and a

pressure distribution type disposal leach field to accommodate the remaining residence and the new winery facility. All plumbing fixtures in the proposed winery will be low flow, water saving fixtures per the current Uniform Building Code.

The April 3, 2009, Site Evaluation report notes that groundwater was observed at a depth of 54 inches below existing grade but not observed during the November 14, 2008, Site Evaluation. The report states: "The presence of groundwater would introduce a limiting condition having a direct effect to the depth of the leach line trenches and effective surface area of each trench to which effluent can be applied." The report concluded the final wastewater design should consider the possibility of pre-treating the effluent to reduce the minimum required separation between the bottom of the leach field trenches and the limiting condition of the groundwater intrusion. Test pits have been evaluated and there is adequate area available to site a 100% reserve area. A water treatment system will be required by Napa County Environmental management as the winery is proposing a commercial kitchen. The Department of Environmental Management has reviewed the proposed wastewater treatment systems and recommends approval as conditioned.

X. Neighbor Comments and Concerns

Two individuals have contacted the Department and voiced their concerns about this application. However, no formal letters have been filed as of the date of this report. In general, the concerns received on or prior to August 28th, were related to: 1) use of Stice Lane as a "cut-through" to the private easement on the east side of the winery property by visitors, construction workers, vineyard workers and delivery persons; 2) the large mass of the proposed winery in relation to the parcel size and required setbacks; 3) inadequate landscaping to screen the winery along the north elevation of the proposed winery; and, 4) possible damage to the heritage Valley Oak trees adjacent to the east side of the subject property if the secondary road for winery access was approved and built to current County standards.

The applicant's project manager has had several one-on-one discussions with several neighbors and discussed plans for the new winery. The owner has also sent out a general letter to surrounding neighbors describing the project and has enclosed plans. The owner has responded to each of the concerned neighbors and has been attempting to negotiate solutions to their concerns. (See attached letters.) To date, the owner has agreed to add median height landscaping to the north elevation, install a "private" road sign along the private easement and has requested grant of a Road Exception for a modified road base to prevent injury the Valley Oak tree root systems.

Consistency with Standards:

Zoning

The project is consistent with AP (Agricultural Preserve) zoning district regulations. A winery (as defined in Napa County Code Section 18.08.640) and uses in connection with a winery (see Napa County Code Section 18.16.020) are permitted in the AP district with an approved use permit. This application complies with the Winery Definition Ordinance and the setbacks (pending a Variance approval) and other requirements of the Zoning Code.

Building Division Requirements

The Building Division recommends approval with standard conditions. Please see the attached August 17, 2009 memo.

Fire Department Requirements

The Fire Department memo of June 17, 2009, recommends approval of the requested winery use permit with standard conditions.

Public Works Department Requirements

The Public Works Department recommends approval with conditions of approval under their memo dated August 19, 2009. Also included are Public Works comments memo for Groundwater dated February 25, 2009 and May 13, 2009 and for Traffic comments memo dated August 5, 2009. In addition, the Commission's approval of an Exception to the Napa County Road and Streets Standards is required prior to issuance of any building or grading plans associated with the use permit.

Environmental Management Department Requirements

The Department recommends provided all conditions of approval are satisfied. Please see their revised memo dated August 3, 2009.

City of St. Helena Requirements

The City requests the inclusion of the conditions of approval as outlined in their letter dated March 19, 2009 and email dated September 8, 2009.

Sheriff's Department Requirements

The Sheriff's Department has reviewed this application and has no comment.

SUPPORTING DOCUMENTS

- A . Exhibit A - Proposed Use Permit, Variance & Road Exception Findings
- B . Exhibit B - Proposed Use Permit Scope & Conditions of Approval
- C . Building Division Conditions of Approval
- D . Environmental Management Conditions of Approval & Community Water System Wksht
- E . Public Works Conditions of Approval (incl.Rd Except, Traffic, Groundwater)
- F . Fire Marshall Conditions of Approval
- G . City of St. Helena Conditions of Approval
- H . Initial Study & Negative Declaration
- I . Use Permit Application Materials (incl. 75% Grape Source Agreement)
- J . Variance Application Materials
- K . Variance - All Department Comments
- L . Request for Exception to County Road & Street Standards
- M . Technical Reports - Traffic, Phase I, Wastewater Feasibility, Hydrology
- N . Other Reports - Heritage Tree Report & Archaeological Abstract
- O . All Applicant & Neighbor Concern Letters
- P . Presentation Graphics
- Q . Winery Database Comparison 50K Production Capacity w Sq Ft

Napa County Planning Commission: Approve

Reviewed By: John McDowell