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Agenda Date: 9/19/2018

Agenda Placement: 7A

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission

**FROM:** Charlene Gallina for David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** Dana Ayers, Planner III - (707) 253-4388

**SUBJECT:** Hendry Winery, Use Permit Major Modification Application #P15-00173-MOD

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### **RECOMMENDATION**

#### **GEORGE HENDRY / HENDRY WINERY / USE PERMIT MAJOR MODIFICATION APPLICATION #P15-00173-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 is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

**Request:** Approval to modify a previously-approved Use Permit (97506-UP, as modified by Major Modifications Nos. 99408-MOD and 00343-MOD) allowing operation of a winery at 3104 Redwood Road, to recognize the following three currently noncompliant winery activities: 1) an increase in the permitted number of visitors to the winery, from 20 guests per week to a maximum of 20 guests per day (140 guests per week), in approximately 450 additional square feet adjacent to the approved 500 square foot tasting room; 2) an increase in on-site parking from six permitted stalls to 10 existing stalls; and 3) a change in the number of winery employees from three full-time and two part-time to four (full-time or part-time). The request also includes recognition of the winery's expansion of its previously-permitted marketing program, to consist of up to 12 events per year for up to 50 guests, plus one event per year for up to 150 guests, with catered food and portable restrooms. Proposed improvements associated with the request include plans to install a new well on-site, and planned modification of the on-site wastewater treatment system to correspond to the requested changes in winery operations. Adopted conditions of approval of Use Permit No. 97506-UP, as modified, are also proposed to be changed to remove custom crush limitations and add an allowance for visitors to consume wine purchased on-site (Business and Professions Code Sections 23358, 23390 and 23396.5). The property at 3104 Redwood Road is approximately 60.7 acres in size and located in the AP (Agricultural Preserve) zoning district; Assessor's Parcel No 035-120-031.

#### **Options for Planning Commission Action:**

**Option 1:** Adopt the Negative Declaration and approve the Use Permit Modification in its entirety, as requested by the Applicant, based on the findings in Attachment A and as conditioned in Attachment B.

**Option 2:** Adopt the Negative Declaration and approved reduced visitation compared to the applicant's requested

Use Permit Major Modification, pursuant to Commission direction and based on modified findings in Attachment A and modified conditions as contained in Attachment B.

Option 3: Deny the requested Use Permit Major Modification based on findings provided by the Planning Commission. This action would require that the winery operators revert current operations to the winery's previously-approved levels.

**Staff Contact:** Dana Ayers, Project Planner, (707) 253-4388 or dana.ayers@countyofnapa.org

**Applicant Contact:** Jeff Miller, Hendry Winery, (707) 480-0084 or hendryjeffmiller@aol.com

## **EXECUTIVE SUMMARY**

### **Brief Property History:**

Hendry Winery is an existing winery located on an approximately 60.7-acre parcel located on the east side of Redwood Road near northwest Napa city. On September 2, 1998, the property owner obtained use permit approval from the County to operate a winery on the property (Use Permit No. 97506-UP). The Commission approved subsequent modifications to the winery use permit in 2000 and 2001 (Major Modifications Nos. 99408 and 00343). Current entitlements for the winery consist of: 1) an annual production limit of 59,000 gallons of wine per year, of which 35,400 gallons could be made available to custom crush producers; 2) a 23,000 square foot winery building and an approximately 7,000 square foot covered crush pad and outdoor work area; 3) a marketing program consisting of up to two, 30-person events per year; and 4) weekly visitation, by appointment, for not more than 20 visitors per week.

As a result of the 2013 Wine Audit, County staff became aware that the winery was exceeding its permitted visitation levels. Subsequently, staff sent a Notice of Violation to the property owner. The applicant submitted this Use Permit Major Modification application in response to the violation and has continued to operate at the unpermitted levels.

### **Proposed Use Permit Modification:**

If approved, the requested Use Permit Modification for the Hendry Winery would recognize noncompliant winery operations consisting of an increase in by-appointment tours and tastings, from up to 20 people per week to up to 20 people per day, and approximately 450 square feet of existing building floor area dedicated to tours and tastings, plus changes an increase in permitted on-site parking. The applicant is also requesting a change in specified winery staffing levels, from its five permitted employees (three full-time and two part-time) to four full-time or part-time staff members. The request also includes recognition of expansion of the winery's marketing program from two, 30-person events per year to up to 12 events per year for 50 guests plus one annual event for 150 guests. Proposed site improvements include installation of a planned new well on-site, and planned installation of 100 feet of leach line in the existing on-site wastewater treatment system leachfield, to correspond to the requested changes in winery visitation and staffing. With the operational and utilities changes described above, the applicant is also requesting to update the winery permit by removing the limitation on custom crush operations and adding allowance for on-site consumption of wine purchased on the property, in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5, in the tasting rooms, on the porch adjoining the tasting rooms, and in a covered work area on the east side of the building.

Staff believes the proposal to be consistent with the Zoning Ordinance and applicable General Plan policies and recommends approval of the Use Permit Major Modification request, subject to conditions.

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

Consideration and possible adoption of a Negative Declaration. According to the Negative Declaration, the proposed project would not have any potentially significant 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/Applicant:** George Hendry, 3104 Redwood Road, Napa, California 94558

**Project Proponent/Applicant's Agent:** Jeff Miller, Hendry Winery, 3104 Redwood Road, (707) 480-0087 or hendryjeffmiller@aol.com

**Zoning:** AP (Agricultural Preserve) District

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

**Application Filed:** April 20, 2015; Resubmittals received June 23, 2017, November 16, 2017, and February 20, 2018

**Application Deemed Complete:** August 27, 2018

**Parcel Size:** 60.68 acres

**Existing Development:** Agricultural uses that include an approximately 20,000 square foot winery building with outdoor, covered work and hospitality areas; approximately 25 acres of vineyard and a vineyard irrigation pond; and three agricultural and utility buildings. There is also a single-family residence on-site.

**Vineyard acreage (existing):** Approximately 25 acres

**Vineyard acreage (proposed):** No change

**Project Details:** For comparison purposes, Table 1 below summarizes the winery's existing and proposed operational and physical characteristics compared against the approved entitlements of Use Permit No. 97506-UP (as modified).

**TABLE 1**

	<b>Approved Entitlements</b>	<b>Current Operation</b>	<b>Use Permit Request</b>
<b>Production</b>	59,000 gallons/year	Within Entitlement	No change
<b>Winery Building Size</b>	23,000 sq. ft. (indoors) 7,000 sq. ft. (outdoor production)	+/- 19,923 sq. ft. (indoors) +/- 6,136 sq. ft. (outdoor production)	No change
<b>Days &amp; Hours of Operation (Winery)</b>	Daily, 9:00 am-5:00 pm	No change	No change
<b>Visitation</b>	20 visitors/week	80 visitors/week (average) 121 visitors/week (maximum)	140 visitors/week (20 maximum/day)
<b>Marketing Program</b>	Two, 30-person events/year	12, 50-person events/year, plus one, 150-person event/year	12, 50-person events/year, plus one, 150-person event/year
<b>Days &amp; Hours of Operation (Visitation)</b>	Daily, 10:00 am-4:00 pm	No change	No change
<b>Winery Parking</b>	6	10	10

Table 2 below summarizes the winery's approved, existing and proposed physical characteristics compared against the standards of Napa County Code.

**TABLE 2**

	<b>County Code Standard</b>	<b>Approved Entitlement</b>	<b>Existing Condition</b>	<b>Use Permit Request</b>
<b>Winery Coverage (Max.)</b>	15 acres	+/- 1.8 acres	+/- 1.7 acres	+/- 1.7 acres
<b>Accessory to Production Ratio</b>	Accessory Area <40% of Production Area	+/- 4%	+/- 4%	+/- 4%
<b>Front Setback (Min.)</b>	300 feet from centerline of Redwood Road	+/- 600 feet from road centerline	+/- 600 feet from road centerline	+/- 600 feet from road centerline
<b>Side Setback (Min.)</b>	20 feet	+/- 630 feet	+/- 630 feet	+/- 630 feet
<b>Rear Setback (Min.)</b>	20 feet	+/- 350 feet	+/- 350 feet	+/- 350 feet

## **Other Winery Characteristics**

**Proposed Marketing Program:** As summarized in Table 1 above, the winery operators request modification of the winery's currently permitted marketing program to add larger, more frequent events. Marketing events would be held in the tasting room and adjoining porch, and behind the winery building, under the canopy of the covered work area outside of the second floor barrel rooms. Some events may be held in a tent placed behind (east of) the winery building and the paved loading area. Events would be scheduled to occur during winery business hours, between 9:00 a.m. and 5:00 p.m.

**On-site Consumption:** The applicant requests that the modification also include an allowance for wine purchased on-site to be consumed on-site. Locations requested for on-site patron consumption are those same areas proposed for marketing events (excluding the temporary tent).

## **Adjacent General Plan Designation / Zoning / Land Use:**

North: The city of Napa's 155-acre Alston Park, within the Napa municipal boundary, borders the Hendry property to the north. The Hendry property also shares its northern property line with a smaller, 6.24-acre parcel that is unincorporated and on which operates the Brookside Inn & Vineyards, a bed and breakfast. The smaller, unincorporated parcel is zoned AW (Agricultural Watershed) and has a General Plan land use designation of AWOS.

East: Alston Park shares roughly one-third of the length of the eastern property line of the project site. The southern two-thirds of the eastern property line is shared with a 42-acre parcel that is also owned by the applicant and predominantly planted with vineyards; the parcel is zoned AP and has a General Plan land use designation of AR.

South: To the south of the Hendry Winery property are two parcels of 22.1 and 18.8 acres in size. Both parcels are owned by the applicant, and both parcels are predominantly planted with vineyards. The larger of the two parcels includes an irrigation pond. Both parcels are zoned AP and have a General Plan land use designation of AR. Along the property line shared between the subject site and the adjoining two parcels is an access stem providing access from Redwood Road to Alston Park to the north and east.

West: The right-of-way of Redwood Road, a county collector facility, borders the property to the west. Across Redwood Road from the winery site is an undeveloped 35.3-acre parcel owned by Michael Hendry, relative of the applicant; the parcel is zoned AW and has General Plan land use designations of AR and AWOS.

## **Wineries in the Vicinity (located within one mile of the project):**

Please refer to Attachment "I".

## **Parcel History:**

The property that is the subject of this application is an approximately 60.7-acre parcel located on the east side of Redwood Road, in an unincorporated area just outside the municipal boundary of northwest Napa city. Members of the Hendry family have owned the subject property and three adjoining parcels since 1939. Although the current property owner planted much of the property in vineyards following his family's purchase of it, the applicant reports that the property had grapevines as early as the 19th century.

On September 2, 1998, the property owner obtained from the Napa County Conservation, Development and Planning Commission, use permit approval to construct and operate a winery on the property (Use Permit No.

97506-UP). The use permit allowed the winery an annual production limit of 59,000 gallons of wine per year; 21,000 square feet of building area to house wine production and barrel storage facilities; and a 6,880 square foot covered crush pad and outdoor work area. The Commission approved weekly visitation, by appointment, for one to two groups of four to eight general public visitors per group, plus one group of one to four visitors from the wine trade, for a total of 20 visitors per week. Use Permit No. 97506 was later modified by approval of Use Permit Major Modifications Nos. 99408-MOD and 00343-MOD, which resulted in: 1) shifting the location of the winery building 400 feet northward, further away from the existing on-site residence; 2) an increase winery building area from 21,000 to 23,000 square feet, inclusive of an approximately 500 square foot tasting room; 3) addition of a marketing program to winery operations, consisting of up to two, 30-person events per year; and 4) an increase in the allotment of annual production available to custom crush producers, from 2,300 gallons to 35,400 gallons of the winery's 59,000 gallon annual production limit.

While the property owner removed some of the vineyard in 2000-2001 to accommodate construction of the existing winery building and production areas (Building Permit No. B00-01156), there are still approximately 25 acres of grape vines planted on-site.

### **Code Compliance History:**

County staff learned through the 2013 Wine Audit that the winery operators were conducting tours and tastings beyond the provisions of the winery's use permit. On February 2, 2015, after a year of communicating with the winery operators in an effort to restore use permit compliance, staff of the Napa County Code Enforcement Division sent a Notice of Violation to the owner of the Hendry Winery. The notice referenced the 2013 Wine Audit. The applicant submitted this Use Permit Major Modification application in response to the violation. The application includes a secondary request to augment the winery's existing marketing program, as described above.

### **Discussion Points:**

Setting - The Hendry Winery property is located on the east side of Redwood Road, in a pocket of unincorporated lands surrounded on the south, north and east by the city of Napa municipal boundary. The property is currently developed with an approximately 20,000 square foot winery building with a 900 square foot attached porch; approximately 6,140 square feet of covered outdoor work areas; and 10 winery employee and visitor parking stalls. Also on-site but outside the scope of this use permit modification are approximately 25 acres of vineyard, an irrigation pond, three agricultural and utility buildings, and the single-family residence of the winery operator and property owner. Redwood Creek extends north to south through the property. Access to the property is directly from Redwood Road, with a 20-foot wide asphalt-paved driveway from Redwood Road providing access to each of the buildings on-site.

Surrounding land uses, as described above, include the city of Napa's Alston Park, a bed and breakfast inn, vineyard acreage and undeveloped lands. The closest off-site residence to the winery building is located approximately 1,400 feet south of the building; this residence is owned by the applicant.

Winery Use Permit Modification Proposal - As described in further detail in the following paragraphs, the applicant is requesting approval of a modification of the existing winery use permit to increase permitted daily visitation and expand the winery's approved marketing program. The request includes proposed modification of the use permit to modify winery staffing (from three full-time and two part-time to four full-time or part-time employees); increase the number of on-site parking stalls from six to 10; and to improve on-site water and wastewater infrastructure to accommodate the proposed increase in visitors and employees on-site.

Tours & Tastings/Marketing Events - Tours and tastings would continue to occur in an approximately 500 square foot reception room in the winery building. Two rooms, adjacent to the reception room and originally approved as offices, are requested to be recognized as additional tasting space. (The use of these spaces for visitation rather

than administrative purposes does not have an effect on the accessory to production ratio of the winery.) As described above, marketing events would also be held inside the tasting room, as well as, under covered spaces and/or a temporary tent placed proximate to the building.

The winery is currently permitted to produce 59,000 gallons of wine per year, and its operators are not proposing to change permitted production (except to the extent of removing custom crush limitations). For this staff report, the winery's hospitality program was compared against other wineries with annual production limits of 60,000 gallons of wine per year. The winery comparison chart provided as Attachment "I" includes other winery facilities throughout the County, with permitted annual production capacities of 60,000 gallons of wine.

The use permit modification, if approved as proposed, would allow up to 20 tours and tastings visitors per day (140 per week) at the winery, an increase from the 20 visitors per week currently permitted. The applicant also requests recognition of expansion of the winery's marketing program. While the current entitlement permits two events per year, each with up to 30 guests, the proposed marketing program consists of 12 events per year, each with up to 50 guests, plus one event annually for up to 150 guests. With a requested maximum of 7,280 tasting room visitors per year, plus a maximum of 750 marketing event guests per year, the Hendry Winery major modification the proposal trends below average and median for visitation and marketing programs, when compared against other wineries with a comparable permitted production level.

Setbacks - The proposed project exceeds all applicable minimum setbacks, including the 300-foot minimum winery building setback from Redwood Road.

Traffic and Parking - Under General Plan Policy CIR-15, a proposed project or permit request would potentially have a significant traffic impact if it added enough vehicle trips during a weekday peak traffic hour to cause a proximate road's or intersection's performance to fall below level of service (LOS) D. The winery operators are currently operating the facility's tasting room out of compliance with its current zoning approvals, as described in the use permit modification request, with up to 20 visitors coming to the winery daily. Thus, the daily traffic associated with the requested modification is already part of background traffic utilizing the road network, and approval of the use permit modification request would not have the effect of changing the current condition with respect to peak hour trips and would not result in newly observed traffic impacts. It is further noted that the current entitlements for the winery allow a maximum of 20 industry and non-industry visitors to the winery each week, and with no limitation on the number of daily visitors to the site, it is permissible for all 20 visitors to come to the winery on one day (provided, that visitation would not occur on any other day within that same week). With the request to increase the hospitality program of the winery to allow up to 20 visitors per day, the number of trips occurring during a given weekday peak hour of traffic would not change between the approved and requested visitation entitlements.

Applying the trip generation factors on page 15 of the County's use permit application, the winery staffing change requested under the modification would add an estimated three to four daily vehicle trips to the road network, of which one would occur during the peak hour. These new trips represent a less than significant number that is not anticipated to have noticeable impacts to the street system in the vicinity of the project site. By comparison, a single-family residence can generate 10-20 trips per day depending on size, a farm labor dwelling could add as many as 12 trips per day, and a small family day care home could add as many as 32 trips per day, and such uses could be established without any discretionary action needed from the County.

The major modification request includes a request for the County to recognize an increase in the number of permitted parking stalls on-site, from six permitted parking stalls to 10 existing stalls. The additional four stalls requested to be recognized have been striped in work areas immediately north and east of the winery building and provide marked spaces for the winery's requested four employees. Staff believes the increased parking requested is reasonably related to the proposed modifications to the winery's operations and accessory uses and would not create an inconsistency with General Plan Policy CIR-23, which discourages uses from providing excessive

quantities of on-site parking. It is further noted that the additional four stalls are located on an existing paved surface used as part of wine production operations and are not be visible from Redwood Road. The total number of parking stalls is still lower than the total number of employees and visitors that could be on-site at any given time.

During marketing events, the paved work areas north and east of the winery building could also accommodate vehicle parking for an estimated 30 or more automobiles. As the applicant has proposed similar schedules for both marketing events and tours and tastings (i.e., during daytime hours, with neither proposed to occur after 5:00 p.m.), staff recommends that the permit be conditioned to preclude tours and tastings from occurring on the same day that a marketing event occurs, so as to ensure adequate on-site parking for all marketing event attendees without disruption to the off-site road network.

Wastewater - The requested modification includes a change in the staffing of the winery (from three full-time and two part-time to four full-time or part-time); and an increase in the number of visitors annually to the winery. The request excludes any increase in the quantity of wine currently permitted to be produced at the site, and although the total annual number of visitors would increase with the modification, from 20 maximum per week to 20 maximum per day, the number of visitors that could come to the winery on a given day could be as high as 20 under permitted conditions, provided that the winery hosted no other visitors for the rest of that week. Thus, while the quantity of process-related wastewater would remain unchanged, and the peak flows generated from up to 20 visitors in a day would remain unchanged from the allowed entitlement, the quantity of domestic wastewater would change due to the requested personnel changes at the winery. With an estimated 15 gallons of wastewater per full-time employee per day, and an estimated eight gallons of wastewater generated per part-time employee per day, the personnel change at the winery would decrease effluent flow from the winery by an estimated one gallon per day. Peak process and domestic wastewater flows estimated with the proposed project scope are a combined 1,595 gallons per day.

The existing wastewater treatment system serving the winery consists of septic tanks, sump tanks, and approximately 1,500 linear feet of leachlines located in a paddock located south of the on-site residence. The system has a total treatment capacity of up to 1,500 gallons of wastewater per day. It is unknown to the current project engineer why the existing system was undersized for the currently permitted peak effluent flow of 1,596 gallons per day. Although the existing system has appeared to function adequately, based on the project engineer's recommendation, the proposed project scope includes installation of an additional 100 linear feet of leachlines adjacent to the existing leachfield to accommodate treatment of the maximum estimated 1,595 gallons of wastewater generated per day.

Groundwater Availability - The proposed modification, if approved, would not increase wine production from 59,000 gallons per year but would allow increased visitation from 20 to 140 visitors per week; would change employment from three full-time and two part-time to four full-time or part-time; and would augment the existing marketing program from two annual events for 30 people per event, to up to 12 annual events for up to 50 people per event each, plus one annual event for up to 150 people. Groundwater (GW) demand for these winery operations is estimated at 1.05 acre-feet per year. Existing agricultural activities are outside the scope of the requested use permit modification and demand an estimated 5.25 acre-feet of water per year. (The existing single-family residence on the property currently receives water from the city of Napa and so is excluded from the estimated groundwater demand of the property.)

With the requested modification, and including permitted agricultural operations on-site, total annual groundwater use for the property is estimated to increase by approximately 0.07 acre-feet, from 6.24 acre-feet to 6.31 acre-feet per year. The winery currently draws water from a well located on a separate parcel located west of the winery and Redwood Road. With the requested modification, the applicant intends to abandon use of that well for the winery and to drill a new well on the same parcel as the winery. The winery parcel is located on the Valley Floor, where the County has determined that one acre-foot per parcel acre per year is considered an acceptable threshold for



measurement of potential groundwater impacts. The estimated annual groundwater demand of 6.31 acre-feet associated with the proposed project coupled with existing permitted agricultural uses would fall below that threshold (60.7 acre-feet per year for the approximately 60.7-acre parcel).

Grape Sourcing - The project site currently has approximately 25 acres of vineyard, which is estimated to yield 10,000 to 15,000 gallons of the winery's permitted annual production of 59,000 gallons of wine. Five properties adjoining or proximate to the Hendry Winery property encompass a total of 103 acres, are also owned by the applicant, and are predominantly planted with vineyards. Though, in practice, some grapes are imported from other properties or sold to other wineries, grapevines grown on these parcels are capable of yielding enough grapes for all of the winery's permitted annual production. The winery operator, through the use permit application, has indicated that he intends to maintain compliance with the 75 percent Napa Valley grape source requirement, should the modification be approved. The applicant's request also includes removal of the condition of approval restricting custom crush operations at the winery, consistent with recent County practice.

Greenhouse Gas (GHG) Emissions - On the GHG Best Management Practices (BMP) Checklist submitted with the use permit application, the applicant identified seven GHG reduction BMPs that the operators are currently implementing at the winery. These include installation of energy-conserving lighting (BMP-9); use of recycled materials (BMP-28); support of local food production (BMP-29); and educational programs for staff and visitors on sustainable practices (BMP-30). As a component of the vineyard operation, the applicant indicated that the operators implement BMPs that include limiting the volume of grading and tree removal on-site (BMP-24); use of 70-80 percent cover crop (BMP-31); and chipping and reuse of pruned biomass, rather than burning the material on-site (BMP-32). The applicant did not indicate on the checklist intent to introduce new GHG reduction programs into the winery's current operations.

Public Comments - At the time of staff report preparation, no public comment letters had been received regarding the proposed project.

### **Decision-Making Options**

As noted in the Executive Summary Section above, staff recommends approval of the project, subject to conditions of approval, as described in Option 1 below.

#### Option 1: Approve Applicant's Proposal (Staff Recommendation).

Disposition - This option would allow changes to the winery's permitted staffing, tours and tastings, and marketing programs, with corresponding changes to water and wastewater treatment infrastructure but no alterations to the existing winery building. Approval of this alternative would remedy the current noncompliant status of the winery. The requested approvals fall within the County's regulations for wineries, including minimum setbacks and maximum accessory to production ratio.

Action Required - Follow the proposed action listed in the Recommendation section of this staff report. If recommended condition(s) of approval are to be amended, identify the condition and specify the desired revision thereto.

#### Option 2: Reduced Visitation Alternative.

Disposition - This option also would continue to allow daily tours and tastings but would reduce daily visitation that is closer to that currently being conducted by the winery operator. With this option, estimated vehicle trips related to employees and visitors would not increase compared to current conditions, as the winery is currently operating out of compliance with its use permit. However, depending on the extent of the reduction of the winery's number of visitors, vehicle trips would be proportionately less than the full scope of the project as analyzed in the initial study

(Attachment D). Potential peak hour trip maximum on a weekday would not change, though emissions associated with annual visitor vehicle trips would decrease. In the future, should the winery operator want to increase visitation to that number currently being requested, the operator would need to submit a new use permit modification request.

It is noted that comparison of the winery against other wineries with similar production levels indicates that the Hendry Winery's request is generally below the majority of wineries permitted to produce up to 60,000 gallons of wine per year.

Action Required - Based on Commission discussion and desire to scale back visitation and marketing activities at some level, amend the scope and recommended conditions of approval (COA) to revise the visitation and/or marketing program described in COA 4.2 and 4.3 to reduced numbers. This amendment should occur at the time the motion of approval is made. If major revisions to conditions of approval are required, the item may need to be continued to a future date.

**Option 3: Deny the Requested Use Permit Modification and Revert Winery Back to Original Use Permit Operational Levels.**

Disposition - This action would result in restoration of all winery operations to that of Use Permit No. 97506-UP, as subsequently modified. Visitation would be reduced from current operations back down to a maximum of 20 people per week, requiring the winery operator to change the winery's approach for marketing its product. With this option, on-site parking, trip generation, groundwater and wastewater treatment demands, and hospitality employment needs of the winery would correspondingly be reduced compared to existing noncompliant conditions, as a result of the reduced number of visitors.

Action Required - In the event the Commission determines that the project does not or cannot with conditions meet the required findings for grant of a use permit exception, the Commissioners should articulate 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 exception is not being approved. Based on the administrative record as of the issuance of this staff report, there does not appear to be any evidence supporting denial of the project.

**Option 4: Continuance Option.**

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

**SUPPORTING DOCUMENTS**

- A . Recommended Findings
- B . Recommended Conditions of Approval and Final Agency Approval Memos
- C . Previous Project Conditions
- D . Initial Study/Negative Declaration
- E . Use Permit Application Packet
- F . Water Availability Analysis
- G . Wastewater Feasibility Study
- H . Graphics
- I . Winery Comparison Analysis

Napa County Planning Commission: Approve

Reviewed By: Vincent Smith