

**BEFORE THE BOARD OF SUPERVISORS  
OF NAPA COUNTY**

In the Matter of:

An appeal filed by Appellant John Murphy on behalf of Preserve Lodi Lane concerning the Napa County Planning Commission’s decision on May 3, 2023, to approve the Duckhorn Vineyards Winery Use Permit No. P19-00097-MOD. The project is located on a 30.34-acre parcel, at the corner of Lodi Lane and Silverado Trail, located at 1000 Lodi Lane, St. Helena. (Assessor’s Parcel Numbers 022-130-010, 022-100-033, 022-100-034 and 022-100-035.)

**RESOLUTION NO. 2024-\_\_\_\_\_**

**FINDINGS OF FACT AND  
DECISION ON APPEAL**

WHEREAS, on or about March 26, 2019, Applicant Duckhorn Wine Company, DBA Duckhorn Vineyards (Applicant or DV) applied for a Use Permit Major Modification to expand Duckhorn Vineyards Winery, an existing 160,000 gallon a year pre-Winery Definition Ordinance (WDO) winery to establish the majority of wine production activities on the West Property through the construction of a 58,042 sq. ft. facility, referred to as the West Winery, including a 90,000-gallon fire protection water tank, two (2) 158,000-gallon irrigation water storage tanks, a 24,000-gallon domestic water tank, landscaping, driveways and other winery improvements (the Project, Winery or Duckhorn); and

WHEREAS, the pre-WDO winery is on a 30.34-acre parcel, at the corner of Lodi Lane and Silverado Trail, located at 1000 Lodi Lane, St. Helena (APN: 0022-130-010, 022-100-033, 022-100-034 and 022-100-035) (the Property) within the Agricultural Preserve (AP) zoning district and general plan designated Agricultural Resources (AR) and Agricultural, Watershed and Open Space (AWOS); and

WHEREAS, on April 3, 2023, the Public Notice of the Planning Commission hearing and Notice of Intent to adopt a Mitigated Negative Declaration (MND) was mailed to all property owners within 1,000 feet of the subject property as well as any other persons who had requested notice. The County’s requirements to notice all property owners within 1,000 feet far exceeds the State mandate of noticing all owners within 300 feet. Notice was also provided to those persons on the general CEQA document notification list. The Notice was published in the Napa Valley Register on April 3, 2023; and

WHEREAS, on May 3, 2023, the Planning Commission held a public hearing to consider the Project. After considering the Staff Report, Applicant presentation and all verbal and written

public comment, the Planning Commission voted (3:0 – AYES: Phillips, Whitmer, and Dameron; EXCUSED: Brunzell and Mazotti) to approve the Duckhorn project; and

WHEREAS, on May 17, 2023, a timely notice of intent to appeal was filed by Appellant John Murphy on behalf of Preserve Lodi Lane (Appellant PLL or PLL) and a timely appeal packet was submitted on June 1, 2023 (the Appeal); and

WHEREAS, a timely notice of appeal and appeal packet was also submitted by Appellant Water Audit California (Appellant WAC or WAC); and

WHEREAS, in accordance with Napa County Code (NCC) Section 2.88.080.A, a hearing on the Appeal was scheduled before the Board of Supervisors (the Board) for July 25, 2023, a date at least twenty-five but no more than ninety days from the date of submittal of the Appeal. On July 25, 2023, the Board opened the public hearing and continued the matter to November 7, 2023; and

WHEREAS, on October 23, 2023, Applicant requested that the Appeal hearing be continued to a date uncertain to allow Applicant to consider Project revisions based on comments received from neighbors. Appellant PLL, Appellant WAC and Staff supported Applicant's request for a continuance and on November 7, 2023, the Board granted the Applicant's request and continued the hearing to a date uncertain to allow Applicant to revise the project; and

WHEREAS, on February 27, 2024, Applicant submitted project revisions. Staff reviewed the revised Project description, updated Water Availability Analysis (WAA), and determined that because the project is being reduced, there are no new or different environmental impacts and the requirements for recirculation of an MND under CEQA Guidelines section 15073.5 were not triggered; and

WHEREAS, on May 29, 2024, the revised MND was circulated to Appellants PLL and WAC for review and comment and an opportunity to provide additional evidence and/or legal arguments related only on the topics of: (1) reduced visitation; (2) reduced size of the West building; (3) drilling of a new well; and (4) the updated WAA; and

WHEREAS, in accordance N.C.C. Section 2.88.080.A, a hearing on the Appeal was scheduled before the Board for August 20, 2024; and

WHEREAS, public notices of the Appeal hearing were mailed, emailed and provided to all parties who received notice of the Planning Commission hearings, all property owners within 1,000 feet of the Property, and published in the newspaper on August 1, 2024; and

WHEREAS, on August 20, 2024, at a duly noticed continued public hearing on the Appeals, the Board heard and considered the Staff presentation, Appellant PLL's presentation, the terms of a compromise between Appellant WAC and Applicant, Applicant's presentation and all evidence and all written and verbal testimony regarding the Appeal. The Board closed the public hearing and adopted a motion of intent to deny the Appeal in its entirety, uphold the

Planning Commission's decision to approve the Project, and approve the Project subject to revised Conditions of Approval (COA); and

WHEREAS, the Board further directed County Counsel's office to prepare a resolution containing Findings of Fact and Decision on Appeal in support of its proposed decision and to present those findings to the Board for consideration at its meeting on November 12, 2024; and

WHEREAS, on November 12, 2024, a proposed resolution containing the Findings of Fact and Decision on Appeal was presented to the Board for possible adoption; and

WHEREAS, this proposed resolution containing the Findings of Fact and Decision on Appeal having been presented to the Board for possible adoption at a regular meeting of the Board on November 12, 2024 and interested persons having been given an opportunity to address the Board regarding the proposed resolution.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors finds, determines, concludes and decides as follows:

**Section 1. Recitals.**

The Board hereby finds and determines that the foregoing recitals are true and correct.

**Section 2. Conduct of Appeal.**

A. NCC Section 2.88.090 (B) provides that if the appeal pertains to a decision for which a record on appeal exists, the board, in hearing the appeal, shall base its consideration of the appeal on the record on appeal and any extrinsic evidence submitted by the parties and allowed by the chair for good cause shown. "Good cause" means that the proposed evidence, in the exercise of reasonable diligence, could not have been produced to, or was improperly withheld or excluded from, the decision maker. Here, a record on appeal of the Planning Commission's decision exists and was provided to the Board.

B. To clarify the County's procedural requirements and expectations regarding land use appeals, the Board requires the parties attend a mandatory pre-hearing conference with a representative of the County Counsel's office and the Chair of the Board of Supervisors to discuss estimates on presentation lengths, scope of evidence, and testimony to be presented, together with witness lists.

C. A pre-hearing conference was held on July 11, 2023, with Appellants PLL and WAC, Applicant's counsel, Belia Ramos the 2023 Chair of the Board, and a Deputy County Counsel. Appellants and Applicant agreed to various procedural matters related to the Appeal hearing including, but not limited to, exchanging witness lists, providing the Chair in advance of the hearing with any requests for "good cause" to either supplement the record with new information and/or requests to have the Appeal heard de novo (e.g., a fresh hearing), time limits for presentations and page limits for supplemental legal arguments.

D. On August 17, 2023, Appellant PLL submitted a “good cause” request to supplement the record on appeal before the Board with additional cumulative project information and prepared traffic studies referenced in the Appeal Packet. The Chair granted PLL’s request regarding the Napa de Oro Winery May 10, 2023, project description and the Napa de Oro Winery trip generation worksheet. The Chair determined that the Inn at the Abbey Initial Study and Inn at the Abbey 2019 Traffic Study were already part of the record for the Duckhorn project. The Chair denied PLL’s request to augment the record with the Inn at the Abbey Traffic Impact Study Addendum because PLL failed to identify why, in the exercise of reasonable diligence, the documents could not have been provided to the Planning Commission for consideration because this document was publicly available on the County’s Current Project Explorer website.

E. On August 18, 2023, Appellant WAC submitted a “good cause” request to supplement the record on appeal before the Board with legal opinion, expert opinion, and witness testimony. The Chair denied this information as to the good cause request but allowed the legal opinion to be incorporated in the written additional information, and expert opinion and testimony to be included in the summary of WAC’s witness list and witness testimony. The Applicant objected to information depicted on two slides and in Exhibit 1 of WAC’s appeal packet, because it introduced new grounds of appeal regarding the Endangered Species Act and California Endangered Species Act that were not part of the record and not submitted as part of a good cause request. The Chair sustained the Applicant’s objection because this information was not provided to the Planning Commission, and WAC failed to identify why, in the exercise of reasonable diligence, the information depicted on two slides and in Exhibit 1 could not have been provided to the Planning Commission for consideration. The Chair also confirmed that the record on appeal includes the Tier 2 and Tier 3 analysis, in response to the Applicant’s request for confirmation.

F. There were no timely requests received to overturn the Chair’s good cause ruling.

G. Prior to the continued Appeal hearing on August 20, 2024, the Chair provided Appellants an opportunity to provide additional evidence and/or legal arguments related only to the topics that were revised which were: (1) reduced visitation; (2) reduced size of the West building; (3) drilling of a new well; and (4) the updated WAA.

H. On August 17, 2024, a joint letter was submitted to the Clerk of the Board of Supervisors from Applicant’s counsel and Appellant WAC’s counsel requesting that the Board accept the parties’ settlement proposal by modifying the Planning Commission’s approval of the Project to include additional conditions of approval referenced in the letter to resolve Appellant WAC’s appeal.

I. On August 20, 2024, at the appeal hearing after considering the joint letter from Applicant and WAC, the Staff Report, Appellant PLL’s presentation, all public verbal and written comment and Applicant’s presentation, the Board took final action to accept the settlement proposal, waive preparation of findings on the appeal pursuant to N.C.C. § 2.88.090.C (b), and adopt the revised conditions of approval referenced in the joint letter. This resulted in a final decision by the Board and disposed of the WAC appeal.

**Section 3. Findings of Fact and Conclusions of Law on Appeal.**

The Board hereby makes the following findings of fact and conclusions of law in regard to each of the grounds for appeal as stated by Appellant in the Appeal<sup>1</sup>:

**A. First Ground of Appeal.**

**Appellant's position:** Appellant PLL asserts various deficiencies in the public process regarding the Project. Specifically, PLL contends that: (a) the Planning Commission failed to consider written and verbal public comments, particularly from citizens living within 1,000 feet of the Project; (b) the hearing was prejudicial because it was scheduled the day following the closure of the 30-day comment period on the MND without ever responding to public comments; (c) the Commission and Staff failed to evidence any awareness of having read or responded to public comment; (d) members of the public were limited to three minutes each during the hearing; and (e) the \$1,000 appeal fee and adherence to the complex PBES public participation process intentionally disenfranchises Napa County citizens from the ability to participate substantively in the Planning Commission's decision-making process.

**Findings and Decision:** The Board finds and determines as follows:

1) The record reflects that the public had ample opportunity to review and comment on the Project. Public notice of the Project exceeded what is required by law. Also, all written comments were provided to and considered by the Planning Commission prior to approving the Project.

2) The Planning Commission adequately considered written and verbal public comments, particularly from citizens living within 1,000 feet of the Project. The Project application was initially submitted on March 26, 2019. A New Project Courtesy Notice was sent out on April 22, 2019, to properties within 1,000 feet and the County's Interested Parties list. On April 3, 2023, a Notice of the Planning Commission Hearing and Intent to Adopt a Mitigated Negative Declaration (MND) was published in the Napa Valley Register and mailed to nearby properties, the County's Interested Parties list, individuals who had requested notice, the State Clearinghouse, and the City of St. Helena. The notice outlined the 30-day public review and comment period required by CEQA that ran from April 3, 2023, through May 2, 2023, and directed the public to the location both online and physically where the Project documents could be viewed and the Project planner for whom to direct written comments and questions.

3) Staff considered and responded to the one (1) comment that was received prior to the release of the Staff Report and included the comment in the agenda packet. After its publication, five (5) additional public comments and one (1) Responsible Agency comment were received and distributed to the Planning Commission. Additionally, at the beginning of the Planning Commission meeting and at the beginning of Staff's presentation of the Project, the

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<sup>1</sup> This Resolution summarizes the grounds of appeal. For the complete text of the PLL Appeal, please see the actual Appeal dated June 1, 2023.

Commission was informed that six (6) additional comments had been received for their consideration.

4) Furthermore, Staff spent approximately five (5) hours discussing the Project and Staff's evaluation of the Project with interested parties, including Appellant PLL members Nancy Yewell, Dave Yewell, Joann Sculatti and Frank Sculatti before the hearing at the Planning Commission. Appellant PLL member John Murphy did not request a meeting with Staff prior to the Planning Commission hearing. Staff's interaction with neighbors consisted of topics such as aesthetics, noise, biological resources, tree removal, stormwater, traffic, flooding, the proposed hospitality operations, and the WDO. All parties were encouraged to either submit their comments in writing prior to the meeting or provide verbal comments to the Planning Commission.

5) The Board considered the Planning Commission record as well as additional verbal and written public comment submitted to the Board after the Commission's decision. Public comment received prior to the release of the Board Staff report were included in the Agenda Packet which was released ten days before the Appeal hearing.

6) The hearing was not prejudicial. The Planning Commission did not take action on the project until the 30-day public review and comment period required by CEQA for the MND, which ran from April 3, 2023 to May 2, 2023, was closed. As is customary practice for the County, the Planning Commission held the hearing for the Project on May 3, 2023, following the closure of the public comment period to allow for consideration of all comments received. Lead agencies must consider agency and public comments on an MND but are not required to prepare written responses to such comments. (14 Cal. Code Regs. § 15074(b).)

7) The record reveals that the Commission and Staff read, considered, and thoughtfully responded to public comment received. The Commission and Staff considered both written and verbal public comment concerning traffic, noise, groundwater, air quality, tree removal and the size of the Project. As reflected in the record, Commissioners commented and asked questions of Staff and the Duckhorn team regarding traffic, groundwater usage and the WAA, tree removal, lighting, noise, and signage.

8) Members of the public desiring to speak were allotted three minutes each at the Commission and Board hearings, which is a valid time limit. A three-minute time limit for public comment is customarily used by public agencies and has been upheld by courts as a valid time limit. (See *Ribakoff v. City of Long Beach* (2018) 27 Cal.App.5th 150, 176.)

9) Napa County's appeal fee is set by the Board of Supervisors and is universally applied to all parties who wish to appeal a discretionary decision to the Board. There is no evidence in the record that articulates how the public process intentionally disenfranchises County citizens from participating. As discussed above, the public had ample notice and opportunity to engage in the process both at the Commission and at the Board. This is evidenced

in the record, as members of the public met with staff, the Applicant, Planning Commissioners, and Board members, as well as submitted written and verbal public comment for consideration by both the Planning Commission and Board of Supervisors.

**Conclusion:**

For the foregoing reasons, the Board finds that substantial evidence exists in the record to uphold the Planning Commission's decision. Therefore, the Board denies the First Ground of Appeal and upholds the Planning Commission's approval of the Project.

**B. Second Ground of Appeal.**

**Appellant's position:** Appellant PLL asserts approval of the Project will transform Duckhorn from a charming rural winery into an industrial monument for the wine industry and place Lodi Lane residents under siege.

**Findings and Decision:** The Board finds and determines as follows:

1) The County adopted a Winery Definition Ordinance in 1990, which defined wineries as an agricultural land use, and permissible in agricultural areas, because they are a necessary component to facilitating the conversion of grapes (a crop) into wine (an agricultural product). The WDO was adopted with the intent of defining and limiting the types of uses that are permitted in association with wineries to ensure that wineries approved since 1990 are primarily agricultural processing facilities with limited accessory and incidental uses. General Plan Agricultural Preservation and Land Use (AG/LU) Element Policy AG/LU-1 states that agriculture and related activities are the primary land uses in Napa County. Policy AG/LU-2 defines "agriculture" to include the production of agricultural products "and related marketing, sales and other accessory uses." Similarly, the definition of "agriculture" in Napa County Code includes marketing, sales, and other accessory uses that are related, incidental and subordinate to the main agricultural processing use. (Napa County Code (N.C.C.) § 18.08.040.)

2) Duckhorn is a 50-year-old pre-WDO winery. The Property has 12.90 acres of vineyards in production on the West Property and 3.71 acres on the East Property. Duckhorn's planning consultant and its Executive Vice President testified that the purpose of the expansion is to allow Duckhorn to maximize operational efficiencies and reduce water use, pollution and truck trips. Duckhorn is currently trucking up to 1,500 tons of fruit which come from vineyards in close proximity to the Winery out of the County to a facility in Hopland for processing into wine. The expansion will modernize the outdated facility, create a safer environment for Duckhorn employees, and implement labor saving measures including the use of forklifts to stack barrels as opposed to stacking them by hand under current practices. The Project would increase the winery coverage by approximately 187,585 square feet, expanding the facility for operational and efficiency purposes. The total winery coverage would be slightly less than 25% of the entire 30.34-acre parcel.

3) The Napa County Planning Division, Environmental Health Division, Building Division, Engineering Division, Napa County Fire Marshall and the Public Works Department each reviewed the Project and found the Project to be consistent with the applicable Agricultural Preserve (AP) zoning district regulations and, as conditioned, complies with the WDO including the sizing of accessory structures related to the winery (N.C.C. § 18.104.200), winery development area (N.C.C. § 18.104.210), winery coverage (N.C.C. § 18.104.220), winery setbacks (N.C.C. § 18.104.230), winery minimum parcel size (N.C.C. § 18.104.240) and production capacity (N.C.C. § 18.104.250).

### **Conclusion**

For the foregoing reasons, the Board finds that substantial evidence exists in the record to uphold the Planning Commission's decision. Therefore, the Board denies the Second Ground of Appeal and upholds the Planning Commission's approval of the Project.

### **C. Third Ground of Appeal.**

**Appellant's position:** Appellant PLL contends that the less than significant conclusion about the Inn at the Abbey's impact on traffic means that without being forced to file an appeal public concerns about the colossal Duckhorn expansion were not included in the decision-making process.

**Findings and Decision:** The Board finds and determines as follows:

1) The record includes a Traffic Impact Study prepared by W-Trans dated June 10, 2021 (the Duckhorn TIS), that analyzed the Duckhorn expansion and the Inn at the Abbey's impact on traffic. The public had ample opportunity as referenced above to engage with the Applicant, staff, and to comment on the Duckhorn TIS. In fact, PLL submitted formal public comments on the Project to the Planning Commission on May 2, 2023, which primarily focused on the Project's traffic impacts.

2) The Duckhorn TIS existing condition analysis consisted of traffic volumes that were collected in October of 2019, which reflected harvest conditions. Dalene Whitlock, a Principal Traffic Engineering Consultant for W-Trans, explained that W-Trans undertook the Duckhorn TIS in mid-2020. Dalene Whitlock informed the Board that the October 2019 counts were the best available data at that time as mid 2020 traffic counts would be substantially lower due to the COVID-19 shelter in place order. Traffic Engineer Whitlock further noted that current 2024 volumes are not as high as the volumes counted in 2019, pre COVID-19 and therefore the 2019 counts most accurately reflected baseline or existing conditions.

3) Contrary to PLL's contention, the expected traffic volumes from the Inn at the Abbey were included and evaluated in the cumulative scenario in the Duckhorn TIS. Traffic Engineer Whitlock noted that the Duckhorn TIS included a future conditions scenario, representing 2040 model volumes, which conservatively assumes that every parcel is developed.



Whitlock explained to the Board that under the 2040 model volumes, the trips on Silverado Trail are projected to increase by one third (1/3) and even under those conditions, the traffic intersection at Silverado Trail and Lodi Lane continues to operate acceptably. The intersection at Highway 29 and Lodi Lane is already at level of service F. Level of Service F is marked by “stop-and-go” traffic and stoppages of long duration. Vehicles at signalized intersections usually have to wait through one or more signal changes, and intersections may be blocked by long queues. To address this delay and increase the capacity, the Duckhorn TIS recommends restriping for a dedicated westbound right-turn lane as well as northbound and southbound speed feedback signs on Silverado Trail, which the Planning Commission included in the adopted conditions of approval. (COA No. 9.5.)

4) Lodi Lane is a rural setting, and its configuration is typical of hundreds of roads in the County. General Plan Circulation Element Goal CIR-1 states, “the County’s transportation system shall be correlated with the policies of the Agricultural Preservation and Land Use Element and protective of the County’s rural character.” This goal is carried out through various policies that preserve the rural character of the county.

5) Traffic Engineer Whitlock testified at the Board hearing that Lodi Lane carries fewer than 1,500 vehicles per day, which is consistent with a residential road under traffic engineering terminology, as it is under 2,000 vehicles. The Project would add about one hundred (100) trips per day, resulting in fewer than one hundred (100) trips utilizing either end. The Inn at the Abbey is estimated to add approximately two hundred (200) trips per day. Therefore, analyzing both the Project and the Inn at the Abbey, Lodi Lane is estimated to carry 1,800 trips per day which would remain under the 2,000-trip threshold for a residential road. Per Figure CIR-1: Circulation Map in the County’s General Plan, Lodi Lane is considered a rural collector and therefore expected to carry up to 5,000 vehicles per day.

6) The Board notes that PLL’s concerns related to the Inn at the Abbey’s Traffic Impact Study are beyond the scope of this Appeal. Appellant PLL will have an opportunity to comment on that traffic study when the Draft EIR for that project is released for public review and comment.

**Conclusion:**

For the foregoing reasons, the Board finds that substantial evidence exists in the record to uphold the Planning Commission’s decision. Therefore, the Board denies the Third Ground of Appeal and upholds the Planning Commission’s approval of the project.

**D. Fourth Ground of Appeal.**

**Appellant’s position:** Appellant PLL asserts that the Napa County Traffic Impact Study Guidelines (County’s TIS Guidelines) require traffic studies to be completed within two-years prior to the submission of a Use Permit Major Modification. According to PLL, the Duckhorn and Inn at the Abbey traffic studies violate this TIS Requirement.

**Findings and Decision:** The Board finds and determines as follows:

- 1) Duckhorn's TIS complied with the County's TIS Guidelines. It was completed on June 10, 2021, which is within two years of the May 3, 2023, public hearing date for the Project. Other documents such as guidelines, manuals or policy documents are not subject to the two-year limit in the County TIS Guidelines.
- 2) As to the TIS for the Inn at the Abbey project, Appellant PLL's concerns are premature and beyond the scope of this appeal hearing. That project is still undergoing environmental review, and a public hearing has not been scheduled. PLL will have an opportunity to comment on that TIS when the Draft EIR is released for public review and comment.
- 3) The Winery submitted its application to the PBES Department on March 26, 2019. During the initial review, the Department of Public Works (DPW) indicated that a Traffic Impact Study (TIS) was required and requested a draft scope of work for approval before the study could begin. On June 30, 2020, the traffic consultant, W-Trans, submitted a Memorandum of Assumptions for the TIS to the DPW. W-Trans proposed to utilize turning movement count data that had been captured in October of 2019 due to the impacts on traffic levels during the COVID-19 pandemic and related stay-at-home orders issued on March 19, 2020. This earlier data point was reviewed by DPW, applied universally to similar projects preparing Traffic Impact Studies during the pandemic, and found to be a feasible and a realistic representation of pre-pandemic conditions for modeling turning movements.
- 4) The Inn at the Abbey's Traffic Impact Study was referenced in the Duckhorn TIS because both studies had similar conclusions about the need for restriping a dedicated westbound right-turn lane at the intersection of SR-29/Lodi Lane as well as northbound and southbound speed feedback signs on Silverado Trail.

**Conclusion:**

For the foregoing reasons, the Board finds that substantial evidence exists in the record to uphold the Planning Commission's decision. Therefore, the Board denies the Fourth Ground of Appeal and upholds the Planning Commission's approval of the Project.

**E. Fifth Ground of Appeal.**

**Appellant's position:** Appellant PLL contends that the Duckhorn TIS failed to examine traffic in the context of Inn at the Abbey's traffic, including 53-foot long Duckhorn tanker truck designated to use the "tee" intersection of Lodi Lane and Highway 29 to access and depart Duckhorn because of the 100-year-old bridge that commonly floods closing Lodi Lane during extended heavy rains.

**Findings and Decision:** The Board finds and determines as follows:

1) Contrary to PLL's assertion, Duckhorn's TIS did examine heavy vehicle trips (trucks hauling grapes or those with five (5) or more axels) and use of the bridge during heavy flood conditions.

2) Under Duckhorn's existing operations, heavy vehicles access the production facility of the winery on the East property by turning onto Lodi Lane from either intersection: SR29/Lodi Lane and Silverado Trail/Lodi Lane. The Project application uses 53-foot-long trucks to model truck access at the West property driveway. (Duckhorn TIS, p. 36.) Modeling requires using the largest potential vehicle that might visit the site to determine if the existing driveway is suitable for the proposed uses. This modeling does not imply that all commercial vehicles accessing the property will be 53-foot-long trucks. Further, heavy vehicle trips occur during the Duckhorn's existing hours of operation only. Duckhorn's existing hours of operation are 6 a.m. to 7 p.m.; commercial vehicles are not allowed to access the property outside of these hours. Further, COA No. 4.11 requires Duckhorn to schedule deliveries and other travel outside of the peak travel window of 4 p.m. to 6 p.m., to the extent feasible. The Duckhorn TIS capacity analysis calculated the percentage of heavy vehicles at each intersection based on previous data collected during harvest in September 2017 and concluded that heavy vehicles represent just two (2) to four (4) percent of all peak hour vehicle trip. (Duckhorn TIS, p. 13.)

3) Heavy vehicle traffic due to the expanded operations is not likely to increase substantially. (Napa County's Winery Traffic Information/Trip Generation sheet (County Trip Generation sheet.) Expanding production capacity from 160,000 gallons per year to 300,000 gallons per year increases the expected average daily trips (ADT) of heavy vehicles to the winery by 2.5 ADT, from 2.9 ADT to 5.4 ADT. (Duckhorn TIS, p. 182.)

4) Lastly, Traffic Engineer Whitlock testified that Lodi Lane had zero crashes during the 2014-2019 five (5) year study period and therefore no safety concerns were identified. On SR 29, there were crashes, but the rate was below the statewide average for two lane highways, so there were also no demonstrated safety concerns. Silverado Trail had an above average crash rate, most crashes associated speeding; this concern was addressed by the addition of feedback signs as required in the Conditions of Approval.

5) The Duckhorn TIS also assessed sight distances at the Project's driveways. W-Trans examined field conditions, and the posted speed limit of 40-mph and concluded that both the East and West Property driveways have adequate sight distance in both directions. The two driveways do not require vehicle traffic utilize the Lodi Lane bridge over the Napa River during emergency flood conditions because vehicular traffic leaving the East Property can turn left towards Silverado Trail and vehicular traffic leaving the West Property can turn right towards SR 29. These driveways have been operating safely and therefore it is reasonable to assume that they continue to do so.

**Conclusion:**

For the foregoing reasons, the Board finds that substantial evidence exists in the record to uphold the Planning Commission's decision. Therefore, the Board denies the Fifth Ground of Appeal and upholds the Planning Commission's approval of the Project.

**G. Sixth Ground of Appeal.**

**Appellant's position:** Appellant PLL asserts that Duckhorn incorporates the Inn at the Abbey traffic studies completed between 2015 and 2019 as part of the rationale for finding the Winery's traffic impacts would be "less than significant impact" and excluded it from the Planning Commission's consideration of Duckhorn.

**Findings and Decision:** The Board finds and determines as follows:

1) Duckhorn's TIS prepared by W-Trans was part of the materials provided to the Planning Commission for consideration and specifically incorporated trips from the Inn at the Abbey proposed project.

2) The Duckhorn TIS recorded the collision rate for the Silverado Trail/Lodi Lane intersection and found that all three (3) of the collisions documented in the five (5) year study came from northbound traffic. The Inn at the Abbey TIS documented the same collision pattern, as referenced in the Duckhorn TIS. (Duckhorn TIS, p. 7.) The sight distances for stopping given the posted speed limit comply with Caltrans recommendations. (Duckhorn TIS; Inn at the Abbey TIS referenced therein.) The sight distances are inadequate if vehicles travel above the posted speed limit, therefore a Conditions of Approval requires the installation of northbound and southbound feedback signs on Silverado Trail. (See COA No. 9.5.)

3) The Duckhorn TIS capacity analysis included the average daily trips of the Inn at the Abbey TIS in its analysis of the Near-Term Conditions for the proposed Project. The Inn at the Abbey TIS calculated an average of 645 new trips per day generated, including 33 weekday p.m. peak hour trips and 57 trips during the weekend peak hour. (Traffic Impact Study for the Inn at the Abbey, W-Trans, 2019.) This analysis was used in the Near-Term conditions scenario. (Duckhorn TIS, p. 16.) Under Cumulative Conditions for the stop-controlled approach at SR 29/Lodi Lane, the Duckhorn project is expected to have an adverse effect during peak hours for Friday and Saturday. The Duckhorn TIS and Inn at the Abbey TIS both include recommendations to restripe a dedicated westbound right-turn lane to address the delay. The Duckhorn TIS found that all other intersections and segments would be expected to operate normally, even with the inclusion of the Inn at the Abbey to the Near-Term scenario. (Duckhorn TIS, pp. 16-17.)

**Conclusion:** For the foregoing reasons, the Board finds that substantial evidence exists in the record to uphold the Planning Commission's decision. Therefore, the Board denies the Sixth Ground of Appeal and upholds the Planning Commission's approval of the Project.

## **H. Seventh Ground of Appeal.**

**Appellant's position:** Appellant PLL asserts that there is substantial public evidence to support a fair argument that the Duckhorn project may have significant traffic impacts and an EIR is necessary. Specifically, PLL asserts that Preserve Lodi Lane members and supporters have personally observed and experienced traffic safety hazards that engender accidents and near misses and necessitating the preparation of an EIR.

**Findings and Decision:** The Board finds and determines as follows:

1) The collision data does not support the Appellant's assertion that unsafe conditions exist at the SR 29/Lodi Lane intersection. The rate of crashes recorded during the 2014-2019 five (5) year study period at the SR 29/Lodi Lane intersection was below the statewide average for two lane highways. (Statewide Integrated Traffic Records System; Board of Supervisors Meeting August 20, 2024, Recording 3:03:09.) Additionally, the segments of SR 29 both north and south of Lodi Lane had a collision history below the statewide average for similar facilities. Silverado Trail/Lodi Lane intersection and segments of Silverado Trail north and south of Lodi Lane had an above average crash rate for similar facilities. Most crashes associated speeding; W-Trans recommended physical improvements (north- and south-bound speed feedback signs on Silverado Trail) to reduce the common cause of collisions within these facilities. (Duckhorn TIS, pp. 6-8.)

2) The Duckhorn TIS also assessed sight distances at the Project's driveways based on sight distance criteria contained in the Highway Design Manual (HDM) published by Caltrans. (Duckhorn TIS, p. 34.) Sight distances on Lodi Lane are adequate to meet the applied criteria for both entering and exiting turning movements.

3) Most increases in delay as a result of the Project for the study intersections and segments meet acceptable standards of the Napa County General Plan related to level of service under all traffic scenarios. The only study intersection and segment that did not meet the County's criterion is the westbound approach at the SR 29/Lodi Lane intersection under Cumulative Conditions. The Duckhorn TIS recommended restriping the stop-controlled approach to include a separate right-turn lane and is included as a Condition of Approval by DPW. (Duckhorn TIS, p. 28.) As a result of this improvement, the stop-controlled delays would be reduced to less than the delays without the project. (Duckhorn TIS, p. 28.)

### **Conclusion**

For the foregoing reasons, the Board finds that substantial evidence exists in the record to uphold the Planning Commission's decision. Therefore, the Board denies the Seventh Ground of Appeal and upholds the Planning Commission's approval of the Project.

## **I. Eighth Ground of Appeal.**

**Appellant's position:** Appellant PLL asserts that the construction of the Vine Trail extension on Highway 29 from St. Helena to Calistoga primarily for bicyclists must be considered since the Vine Trail will contiguously occupy the space both north and south property line of the proposed Inn at the Abbey on Highway 29 crossing Lodi Lane. When the Vine Trail is operative, drivers using Lodi Lane to turn either north or south on Highway 29 will physically impede the passage of Vine Trail bicyclists and pedestrians - along with Inn at the Abbey visitors and employees, attempting to use the crosswalk. Pedestrians and bicyclists will be forced to stop or dangerously negotiate passage in front of vehicles nosed into the northbound traffic lane, or even more threatening, between queued vehicles.

**Findings and Decision:** The Board finds and determines as follows:

1) Napa Valley Transportation Authority (NVTA) Board of Directors considered the environmental and safety impacts for the Napa Valley Vine Trail: St Helena to Calistoga Section and approved the Mitigated Negative Declaration at a special meeting on August 19, 2020. The Vine Trail alignment immediately concerning the Duckhorn project is described in the Initial Study in Trail Section 2 and Trail Section 3. (Napa Valley Vine Trail: St. Helena to Calistoga Section; Initial Study/Mitigated Negative Declaration (Vine Trail IS/MND), p. 10.) The Vine Trail IS/MND states, “(t)he trail would continue along private property frontage to Lodi Lane...Segment 3 would be located within CalTrans’ ROW [right of way] and on private property. The proposed trail would cross Lodi Lane, into CalTrans’ ROW and continue north to parallel Freemark Abbey Winery. A portion of this segment would be located on the shoulder of SR 29.” (Vine Trail IS/MND, p. 10.)

2) Pedestrians and bicyclist currently utilize the shoulder of this roadway for travel. (Vine Trail IS/MND, p. 144.) Overall, the Napa Valley Vine Trail: St. Helena to Calistoga Section will enhance transportation safety for both pedestrians and drivers on SR 29 by introducing safer routes of travel and by reducing several roadway hazards. Safety improvements and signage would be installed at crossings to conform to applicable local, Caltrans, and California Manual on Uniform Traffic Control Devices standards. (Vine Trail IS/MND, p. 7.)

**Conclusion:**

For the foregoing reasons, the Board finds that substantial evidence exists in the record to uphold the Planning Commission’s decision. Therefore, the Board denies the Eighth Ground of Appeal and upholds the Planning Commission’s approval of the Project.

**J. Ninth Ground of Appeal.**

**Appellant's position:** Appellant PLL asserts that when combined with the traffic expected from Inn at the Abbey, the Duckhorn project would add an estimated 44,000 passenger vehicles and hundreds of 53-foot-long tanker trucks to the Inn at the Abbey traffic load at Lodi Lane and Highway 29. PLL contends that despite a massive increase in traffic load, no present-day traffic study was required by PBES for either the Inn at the Abbey or Duckhorn. Appellant

PLL further asserts that PBES chose not to assess the cumulative impacts of traffic load, safety, and hazards arising from the Inn at the Abbey and Duckhorn projects.

**Findings and Decision:** The Board incorporates Findings 3, 5 and 6 here by reference. The Board finds and determines that the County's traffic engineers in DPW reviewed the Duckhorn TIS, appropriately and adequately analyzed traffic loads and volume, safety, hazards, and cumulative impacts and concluded that the TIS complied with the established protocols of the County TIS Guidelines.

**Conclusion:**

For the foregoing reasons, the Board finds that substantial evidence exists in the record to uphold the Planning Commission's decision. Therefore, the Board denies the Ninth Ground of Appeal and upholds the Planning Commission's approval of the Project.

**K. Tenth Ground of Appeal.**

**Appellant's position:** Appellant PLL asserts that the County's reliance on mostly four-to-five-year-old traffic safety hazard analysis materially failed to analyze present-day traffic health and safety issues at either the project level or cumulatively in light of the Permit Major Modifications at virtually every winery in proximity to Lodi Lane at the tee-intersections at Highway 29 and Silverado. The following wineries within one-half mile of Duckhorn have been granted use permit major modifications within the last five years: Ballentine, Ravena, Grace Family, Brasswood, Titus, Trincherro, Ehlers, Charles Krug and Faust Haus and the resulting increased visitors, employees and vehicle trips were apparently excluded from the Inn at the Abbey and Duckhorn traffic analysis because impacts were found to be less than significant.

**Findings and Decision:** The Board finds and determines as follows:

- 1) Because of the impacts to traffic levels during the pandemic, W-Trans proposed utilizing turning movement count data that had been captured in October of 2019. The DPW approved the use of traffic count data from prior to the COVID-19 pandemic to better reflect the pre-pandemic environment. The Board incorporates the Findings and Determinations set forth above as to the Fourth Ground of Appeal here by reference.
- 2) Six (6) of the nine (9) wineries listed above by the Appellant have not received approval from the County for major modifications to their Use Permits within the last five (5) years:
  - Ravena - Ravena Winery received approval for a Minor Modification to their Use Permit (P20-00225-MM) on August 31, 2021, to increase in annual wine production from 15,000 to 30,000 gallons. According to the County Trip Generation sheet, increasing production from 15,000 gallons to 30,000 gallons resulted in an increase of 0.2 heavy truck ADT.

- Grace Family - Grace Family Winery's Very Minor Modification to their Use Permit (P16-00183-VMM), was approved on September 14, 2016, and permitted only physical improvements to the winery.
- Titus - Titus Vineyard Winery received approval for a Major Modification to its Use Permit on August 16, 2017. Their operational modifications would have been in effect during the data collection for the Duckhorn TIS, and thus would be considered part of the existing conditions.
- Trincherro – Trincherro Family Estates received approval for a Very Minor Modification (P11-00066-VMM) to their Use Permit, on March 22, 2011, which permitted only physical improvements to the winery.
- Charles Krug - Charles Krug Winery resides within the municipal boundaries of the City of St. Helena and is thus subject to the City's permit modification procedures and regulations. According to City Planning Staff, the last modification, which included increased operational entitlements at Charles Krug Winery, was approved on July 15, 2008.
- Faust Haus - Faust Haus received approval for a Winery Administrative Permit (P18-00012-ADM) on August 29, 2018, which permitted only physical improvements to the winery.

3) Only three (3) of the nine (9) wineries listed above by the Appellant PLL have received approval from the County for major modifications to their Use Permits within the last five (5) years. Ballentine Vineyards, Ehlers Estate, and Brasswood Cellars received Major Modifications to their Use Permits in the last five years, including various increases in production, visitation, employment, etc. Due to the location of their driveways, the increased operations are expected to primarily affect SR 29 rather than the roadway segments of Lodi Lane and Silverado Trail.

4) Modeling cumulative conditions found that both study intersections are expected to continue operating at the same service levels as without the Project. The County TIS Guidelines allow forecast modeling to be used for traffic volume and vehicle miles of travel (VMT) and provide criteria for appropriate forecasting. (County TIS Guidelines, p. 16.) For large projects that have the potential to affect regional travel patterns, County TIS Guidelines identify the Napa-Solano Travel Demand Model as an appropriate modeling tool. (County TIS, p. 17.) The Duckhorn TIS utilized the Napa Solano Travel Demand Model for projecting future volumes for horizon year 2040. (Duckhorn TIS, p. 19.) Silverado Trail/Lodi Lane would continue to operate acceptably. (Duckhorn TIS, p. 20.) SR 29/Lodi Lane which would already be operating unacceptably under cumulative conditions without the Project, would continue to do so with addition of the Project. (Duckhorn TIS, p. 20.) W-Trans recommended measures to improve operational conditions under the cumulative scenario, and those measures were incorporated in the Project's Conditions of Approval by the DPW.



5) The Board incorporates the Findings and Determinations set forth above as to the Third and Seventh Grounds of Appeal here by reference.

**Conclusion:**

For the foregoing reasons, the Board finds that substantial evidence exists in the record to uphold the Planning Commission's decision. Therefore, the Board denies the Tenth Ground of Appeal and upholds the Planning Commission's approval of the Project.

**L. Eleventh Ground of Appeal.**

**Appellant's position:** PLL asserts a number of structural hazards in regard to transportation facilities at the Project's study roadway segments and intersections. These hazards include the topography, turn lanes, queuing and sightline issues raised in the Seventh Ground of Appeal, as well as hazards related to users of the Vine Trail, movement of employees, patrons, and service vehicles to the proposed Inn at the Abbey project, and public transit stops.

**Findings and Decision:** In response to the twelve structural safety hazards asserted by PLL, the Board finds and determines as follows:

1) The existing SR 29 travel lanes do not constitute a structural hazard. The Board incorporates the Findings and Determinations set forth above as to the Seventh Ground of Appeal here by reference.

2) SR 29 is a State highway and CalTrans determines what traffic control devices are warranted for their various roadway segments. The Project's Notice of Intent was sent to CalTrans offices, and they did not submit any comments about concerns with the Project's impacts to SR 29.

3) Duckhorn does not introduce any new uses to SR 29 or the SR 29/Lodi Lane intersection. Private and commercial vehicles currently travel along SR 29 and turn onto Lodi Lane to access the Duckhorn property and other properties. Bicyclists presently utilize the contiguous bicycle paths adjacent to the vehicle travel lanes and public transit buses utilize public transit stops. The Board incorporates the Findings and Determinations set forth above as to the Seventh and Eighth Ground of Appeal here by reference.

4) As conditioned, Duckhorn will be required to provide a dedicated striped right turn lane at this intersection, which will cut down on delays caused by the increase in traffic from the Project. Sight distances on Lodi Lane are adequate to meet the applied criteria for both entering and exiting turning movements. The Board incorporates the Findings and Determinations set forth above as to the Seventh Ground of Appeal here by reference.

5) This alleged structural hazard deals with Appellant PLL's perception of access issues for the Inn at the Abbey project, which is not the subject of this appeal.

6) The Board incorporates the Findings and Determinations set forth in No. 4 and No. 2 directly above.

7) The construction of the Vine Trail will include various safety improvements and signage. Bicyclists and pedestrians currently travel along this right-of-way and completion of the Vine Trail will improve safety along this corridor. The Board incorporates the Findings and Determinations set forth above as to the Eighth Ground of Appeal here by reference.

8) The bus stop currently exists and buses, such as the UpValley Connector, currently utilize this stop. This segment of SR 29 has a collision history below the statewide average for similar facilities. (Duckhorn TIS, p. 6.) The Board incorporates the Findings and Determinations set forth above as to the Seventh Ground of Appeal here by reference.

9) The Board incorporates the Findings and Determinations set forth in No. 2 directly above.

10) This alleged structural hazard deals with Appellant PLL's perception of potential pedestrian & business operational movement for the Inn at the Abbey project, which is not the subject of this appeal.

11) This alleged structural hazard deals with Appellant PLL's perception of business operations and their movement for the Inn at the Abbey project, which is not the subject of this appeal.

12) This alleged structural hazard deals with Appellant PLL's perception of project access issues with the Inn at the Abbey Project, which is not the subject of this appeal.

### **Conclusion:**

For the foregoing reasons, the Board finds that substantial evidence exists in the record to uphold the Planning Commission's decision. Therefore, the Board denies the Eleventh Ground of Appeal and upholds the Planning Commission's approval of the Project.

### **M. Twelfth Ground of Appeal.**

**Appellant's position:** Appellant PLL contends that the production site fails to include a proposed 1,000 foot-long, 20-foot-wide paved road necessary to allow 53-foot long Duckhorn tanker trucks to enter and exit the production facility that is located only 200 feet from a residence on Lodi Lane.

**Findings and Decision:** The Board finds and determines as follows:

1) The Duckhorn Vineyards Winery TIS included a simulation of truck turning movements into and out of the West Property driveway. The TIS found that the existing driveway would not be adequate for the largest potential commercial vehicle type and

recommended upgrading the driveway to current Napa County Road and Street Standards (RSS). (Duckhorn TIS, p. 36.) The driveway to the new West Winery will be improved per Standard Detail P-2 of the RSS, which calls for a minimum return radius and driveway width of 20 feet. (Duckhorn TIS, p. 36.) The widening and improvement of the West Property driveway to meet the RSS is described in the MND. (Duckhorn Vineyards Winery Initial Study/Mitigated Negative Declaration (Duckhorn IS/MND), p. 2.) The East Property driveway warrants a left turn lane. This improvement is also discussed in the MND. (Duckhorn IS/MND, p. 2.) The Duckhorn Project was reviewed by the Napa County Planning Division, Engineering Division, Public Works Department, and Cal Fire. After improvements, the Project's driveway fully complies with the County's RSS.

2) Further, the Duckhorn Notice of Intent (NOI) does not mention setbacks. Winery setbacks are regulated by N.C.C. § 18.104.230. The winery setback for Silverado Trail is 600 feet and 300 feet for Lodi Lane. Winery setbacks apply only to buildings of the winery facility. Driveways are exempt from setbacks and yard requirements. (N.C.C. § 18.104.280.B.)

### **Conclusion**

For the foregoing reasons, the Board finds that substantial evidence exists in the record to uphold the Planning Commission's decision. Therefore, the Board denies the Twelfth Ground of Appeal and upholds the Planning Commission's approval of the Project.

### **N. Thirteenth Ground of Appeal.**

**Appellant's position:** Appellant PLL asserts that the MND failed to assess the impacts of constructing a new wine production facility together with a new entrance and exit road physically required to reach the facility that is 200 feet from an occupied residence. According to PLL, the MND noise analysis fails to address either the noise from the production facility, or the noise of 53-foot-long tankers and delivery trucks that are likely to utilize the new road night and day. Since the new road is only 200 feet from an occupied residence, PLL claims that an EIR is required.

**Findings and Decision:** The Board finds and determines as follows:

1) All potential impacts resulting from the Project have been adequately and appropriated mitigated to a less than significant level and therefore an EIR is not required.

2) The distance between the proposed production facility and the closest sensitive receptor (residence) is approximately 580 feet to the east. (Duckhorn IS/MND, p. 25.) Noise impacts from this stationary location would not be expected to exceed County noise standards.

3) The application proposes to build a new winery facility on the West Property. The Project's building was specifically designed to address operational noise, with a central pull through for vehicles so that idling noise is contained within the building. Development of the facility would require improvement and expansion of an existing driveway on the West Property.

4) Subsequent to the development of the new facility, Duckhorn would begin improvements and expansion of their existing estate house on the East Property. During this time hospitality operations currently conducted on the East Property would temporarily take place within and around the new winery facility on the West Property. These hospitality operations on the West Property would be temporary and would return to the East Property at the completion of the Estate House expansion. At the conclusion of the Estate House expansion, the West Property would return to a production only winery facility.

5) The Project would result in a temporary increase in noise levels during grading and construction activities for the proposed West Winery building, existing Estate House expansion, building demolition, driveway, and other infrastructure expansion. (Duckhorn IS/MND, pp. 24-25.) Vehicle traffic on the improved West Property driveway would likely increase due to the development of the new winery facility, but the increase in vehicle traffic is not expected to cause noise impacts to neighboring sensitive receptors because “traffic noise is not highly sensitive to changes in traffic volume.” (Noise Resources - Napa County Baseline Data Report, 2005, p. 23; *see also* Duckhorn Vineyards Winery Noise and Vibration Assessment, p. 16.) The conditions of approval require construction activities to be limited to daylight hours, vehicles to be muffled, and backup alarms adjusted to the lowest allowable levels. All construction activities would be conducted in compliance with the Napa County Noise Ordinance. (N.C.C. Chapter 8.16.)

6) After temporary vehicle traffic due to hospitality operations on the West Property concludes, vehicle traffic on this driveway would primarily be production Staff, agricultural and commercial vehicles. This vehicular activity would not take place during all hours of the day and night; Duckhorn is conditioned to only operate during the hours of 6:00 a.m. – 7:00 p.m., except during crush. (Duckhorn IS/MND, p. 39; Duckhorn Conditions of Approval and Final Agency Memos.)

7) Truck traffic would not be expected to be a sizable portion of vehicular traffic on the West Property driveway. The Trip Generation sheet, included in the Duckhorn TIS, estimates truck traffic for a 160,000 gallon per year winery is 2.9 average daily trips (ADT). (Duckhorn TIS, p. 182.) Truck traffic for a 300,000 gallon per year winery is expected to be 5.4 ADT, an increase in 2.5 ADT. Trip count data from the Project’s TIS found heavy vehicles to make up two (2) to four (4) percent of vehicles using the study intersections.

**Conclusion:**

For the foregoing reasons, the Board finds that substantial evidence exists in the record to uphold the Planning Commission’s decision. Therefore, the Board denies the Thirteenth Ground of Appeal and upholds the Planning Commission’s approval of the Project.

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**O. Fourteenth Ground of Appeal.**

**Appellant's position:** Appellant PLL asserts that based on the lengthy personal experience of Lodi Lane residents and people living within 1000 feet of the Duckhorn property with structural traffic safety threats at the tee-intersections of Highway 29 and Silverado Trail, establishes a fair argument that the Planning Commission approval Duckhorn MND must be the subject of an EIR.

**Findings and Decision:** The Board finds that the Duckhorn TIS addresses the following traffic and safety elements:

- 1) A description of study roadways and bicycle, pedestrian and transit facilities. Any planned County or Caltrans improvements within the Project vicinity.
- 2) Traffic controls, turning movement counts, average daily traffic figures by scenarios.
- 3) Trip Generation for existing and proposed annual and daily trips, showing the net added trips.
- 4) Trip Generation for existing and proposed peak hour trips, showing the net added trips.
- 5) Project scenarios Level of Service (LOS), and net change with plus Project scenarios.
- 6) Collision analysis table.
- 7) Traffic volume figures for all Project scenarios.
- 8) Vehicle Miles Traveled (VMT) Analysis.
- 9) A Transportation Demand Management (TDM) Plan.
- 10) Parking Analysis.
- 11) Site Access and On-site Circulation.
- 12) Sight Distance Analysis.
- 13) Collision Analysis.
- 14) Left Turn Lane Warrant at proposed Project Driveway.
- 15) Mitigations/Recommendations.

Based on the DPW conditions on the Project, the depth of analysis in the Duckhorn TIS, the MND, and evidence presented to the Board by the traffic consultant and staff, there are no impacts from the Project that would exceed identified and established thresholds of significance or result in impacts that would be significant and unavoidable.

**Conclusion:**

For the foregoing reasons, the Board finds that substantial evidence exists in the record to uphold the Planning Commission's decision. Therefore, the Board denies the Fourteenth Ground of Appeal and upholds the Planning Commission's approval of the Project.

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**Section 4. Revised Conditions of Approval.**

The Board revised the Conditions of Approval (COA) to include: (a) a revised cap on the daily visitation; (b) the new production building size, rate of groundwater extraction and volume of groundwater; (c) the construction of a new project groundwater well; (d) extending asphalt resurfacing to include the bridge deck, the bridge over the Napa River; (e) removing the existing pre-WDO entitlement of 75% grape sourcing rule; (f) and additional TDM measures. The revised COA are attached as Exhibit "A."

**Section 5. CEQA Determination.**

A. The Board has received and reviewed the revised Mitigated Negative Declaration pursuant to the provisions of CEQA and of Napa County's Local Procedures for Implementing CEQA, and finds that:

1. The revised Mitigated Negative Declaration is based on independent judgment exercised by the Board of Supervisors.
2. The revised Mitigated Negative Declaration was prepared and considered in accordance with the requirements of CEQA.
3. There is no substantial evidence in the record as a whole that the Project will have a significant effect on the environment after implementation of mitigation measures. Mitigation measures are proposed for the following areas: Biological Resource and Cultural Resources.
4. There is no evidence in the record as a whole that the proposed Project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends after implementation of mitigation measures.
5. The site of this proposed Project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5 and is not within the boundaries of any airport land use plan.
6. The Clerk of the Board is the custodian of the records of the proceedings on which this decision is based. The records are located at the Napa County Planning, Building, & Environmental Services Department, 1195 Third Street, Second Floor, Napa, California.

B. The Board adopts the revised Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan prepared for the Project and finds that the proposed Project would not have any potentially significant effects.

**Section 6. Substantial Evidence.**

Substantial evidence supporting each and every finding made herein is contained in the record of proceedings. All of the files and records that comprise the administrative record for the Project are incorporated herein by reference.

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**Section 7. Summary of Decision.**

Based on the foregoing facts, findings, rationales, determinations and conclusions, the Board of Supervisors hereby:

- A. Denies the Appeal in its entirety;
- B. Adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the Project;
- B. Upholds the Planning Commission's approval of the Project; and
- C. Approves Use Permit No. P19-00097-MOD subject to the revised Conditions of Approval attached as Exhibit "A."

**Section 8. Effective Date.**

This resolution shall take effect in accordance with the provisions of Napa County Code Section 2.88.090.

**Section 9. Judicial Challenge.**

Unless a shorter period applies, any judicial challenge to this decision is governed by California Code of Civil Procedure Section 1094.6.

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**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED**  
 by the Board of Supervisors of the County of Napa, State of California, at a regular meeting of  
 said Board held on the 12th day of November 2024, by the following vote:

AYES: SUPERVISORS \_\_\_\_\_  
 NOES: SUPERVISORS \_\_\_\_\_  
 ABSENT: SUPERVISORS \_\_\_\_\_  
 ABSTAIN: SUPERVISORS \_\_\_\_\_

NAPA COUNTY, a political subdivision of  
 the State of California

\_\_\_\_\_  
 JOELLE GALLAGHER, Chair of the  
 Board of Supervisors

<p>APPROVED AS TO FORM          Office of County Counsel</p> <p>By: <i>Laura J. Anderson</i>          Deputy County Counsel</p> <p>Date: November 1, 2024</p>	<p>APPROVED BY THE NAPA          COUNTY          BOARD OF SUPERVISORS</p> <p>Date:          Processed By:</p> <p>_____          Deputy Clerk of the Board</p>	<p>ATTEST: NEHA HOSKINS          Clerk of the Board of          Supervisors</p> <p>Date:          By:</p>
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Attachment:

- Exhibit "A" – Revised COA