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## Recommended Winery Use Permit and Viewshed Protection Program Findings

Harcross Winery and Vineyard, Use Permit #P23-00105-UP, Viewshed  
Protection Program #P25-000314-VIEW, and Agricultural Erosion  
Control Plan #P23-00325-ECPA  
Planning Commission Hearing Date May 7, 2025

**PLANNING COMMISSION HEARING – MAY 7, 2025  
RECOMMENDED FINDINGS**

**HARCROSS WINERY USE PERMIT AND VIEWSHED  
P23-00105-UP AND P25-00031-VIEW  
6476 DRY CREEK ROAD, NAPA, CA 94574  
APN 027-530-006-000**

**ENVIRONMENTAL:**

The Planning Commission (Commission) has received and reviewed the proposed Mitigated Negative Declaration pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County's Local Procedures for Implementing CEQA, and makes the following findings. That:

1. The Planning Commission has read and considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) prior to taking action on said Mitigated Negative Declaration and the proposed project.
2. The Mitigated Negative Declaration and MMRP is based on independent judgment exercised by the Commission.
3. The Mitigated Negative Declaration and MMRP was prepared and considered in accordance with the requirements of the California Environmental Quality Act (CEQA).
4. There is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment provided that measures to mitigate potentially significant impacts to biological resources are incorporated into the project approval.
5. There is no evidence, in considering the record as a whole that the proposed project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends.
6. 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.
7. The Secretary of the Commission is the custodian of the records of the proceedings on which this decision is based. Records are located at the Napa County Planning, Building, and Environmental Services Department, 1195 Third Street, Ste 210, Napa, California.

**USE PERMIT:**

The Commission has reviewed the use permit request in accordance with the requirements of Napa County Code §18.124.070 and makes the following findings:

8. The Commission has the power to issue a use permit under the zoning regulations in effect as applied to the property;

**Analysis:** The project is consistent with Agricultural Watershed (AW) zoning district regulations. A winery (as defined in Napa County Code Section 18.08.640) and uses in connection with a winery (see Napa County Code Section 18.20.030) are permitted in an AW zoned district with an approved use permit. The project complies with the requirements of the Winery Definition Ordinance (Ord. No. 947, 1990) and the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code) as applicable.

9. The procedural requirements set forth in Chapter 18.124 of Napa County Code have been met;

**Analysis:** The use permit application has been appropriately filed, noticed, and public hearing requirements have been met. The hearing notice and intent to adopt a Mitigated Negative Declaration for the May 7, 2025, public hearing was posted and published in the Napa Valley Register on April 3, 2025, and copies of the notice were forwarded to property owners within 1,000 feet of the Property.

10. The grant of the Use Permit, as conditioned, will not adversely affect the public health, safety or welfare of the County;

**Analysis:** Granting the Use Permit for the project as proposed and condition will not adversely affect health, safety or welfare of the County. Affected County divisions and departments have reviewed the project and commented regarding the proposed site access, grading, drainage, the existing septic system capacity, parking, building permits, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health, safety, and welfare.

11. The proposed winery use complies with the applicable provisions of Napa County Code and is consistent with the policies and standards of the Napa County General Plan;

**Analysis:** Compliance with the Zoning Ordinance The project is consistent with the AW zoning district regulations. A winery (as defined in the Napa County Code Section 18.08.640) and uses in connection with a winery (refer to Napa County Code Section 18.20.030) are permitted in the AW District subject to an approved use permit. The proposed project includes the construction of a new winery facility and establishment of the winery's visitation and marketing program. The project, as conditioned, complies with the Napa County Winery Definition Ordinance (WDO) and all other requirements of the Zoning Code as applicable.

**Analysis:** Compliance with the General Plan As proposed and conditioned, the requested Use Permit is consistent with the overall goals and policies of the 2008 Napa County General Plan. The General Plan land use designation for the subject parcel is Agricultural, Watershed, and Open Space (AWOS). General Plan Agricultural Preservation and Land Use Goal AG/LU-1 guides the County to "preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County." General Plan Goal AG/LU-3 states that the County should "support the economic viability of agriculture, including grape growing,

winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.” Goal AG/LU-3 and Policy AG/LU-2 recognize wineries as agricultural uses. The use of the property for fermenting and processing grape juice into wine supports the economic viability of agriculture within the County, consistent with Goal AG/LU-3 and Policy AG/LU-4 (“The County will reserve agricultural lands for agricultural use including land used for grazing and watershed/open space...”). By allowing the proposed agricultural use, the requested Use Permit supports the economic viability of the existing vineyards and agricultural product processing, consistent with Economic Development Goal E-1 and Policy E-1. The “Right to Farm” is recognized throughout the General Plan and is specifically called out in Policy AG/LU-15 and in the County Code. “Right to Farm” provisions ensure that agriculture remains the primary land use in Napa County and is not threatened by potentially competing uses or neighbor complaints. Napa County’s adopted General Plan reinforces the County’s long- standing commitment to agricultural preservation, urban centered growth, and resource conservation.

Applicable Napa County General Plan goals and policies:

Goal AG/LU-1: Preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.

Goal AG/LU-3: Support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.

Policy AG/LU-4: The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/open space, except for those lands which are shown on the Land Use Map as planned for urban development. Policy AG/LU-8: The County’s minimum agricultural parcel sizes shall ensure that agricultural areas can be maintained as economic units.

Policy AG/LU-15: The County affirms and shall protect the right of agricultural operators in designated agricultural areas to commence and continue their agricultural practices (a “right to farm”), even though established urban uses in the general area may foster complaints against those agricultural practices. The “right to farm” shall encompass the processing of agricultural products and other activities inherent in the definition of agriculture provided in Policy AG/LU-2.

Goal CON-10: Conserve, enhance and manage water resources on a sustainable basis to attempt to ensure that sufficient amounts of water will be available for the uses allowed by this General Plan, for the natural environment, and for future generations.

Goal CON-11: Prioritize the use of available groundwater for agricultural and rural residential uses rather than for urbanized areas and ensure that land use decisions recognize the long-term availability and value of water resources in Napa County.

Policy CON-53: The County shall ensure that the intensity and timing of new development are consistent with the capacity of water supplies and protect groundwater and other water supplies by requiring all applicants for discretionary projects to demonstrate the availability of an adequate water supply prior to approval. Depending on the site location and the specific circumstances, adequate demonstration of availability may include evidence or calculation of groundwater availability via an appropriate hydrogeological analysis or may be satisfied by compliance with County Code “fair-share” provisions or applicable State law. In some areas, evidence may be provided through coordination with applicable municipalities and public and private water purveyors to verify water supply sufficiency.

Policy CON-55: The County shall consider existing water uses during the review of new water uses associated with discretionary projects, and where hydrogeological studies have shown that the new water uses will cause significant adverse well interference or substantial reductions in groundwater discharge to surface waters that will alter critical flows to sustain riparian habitat and fisheries or exacerbate conditions of overdraft, the County shall curtail those new or expanded water uses.

Policy CON-72: The County shall seek to reduce the energy impacts from new buildings by applying Title 24 energy standards as required by law and providing information to the public and builders on available energy conservation techniques, products, and methods available to exceed those standards by 15 percent or more.

Policy CON-77: All new discretionary projects shall be evaluated to determine potential significant project-specific air quality impacts and shall be required to incorporate appropriate design, construction, and operational features to reduce emissions of criteria pollutants regulated by the state and federal governments below the applicable significance standard(s) or implement alternate and equally effective mitigation strategies consistent with BAAQMD’s air quality improvement programs to reduce emissions. In addition to these policies, the County’s land use policies discourage scattered development which contributes to continued dependence on the private automobile as the only means of convenient transportation. The County’s land use policies also contribute to efforts to reduce air pollution.

Policy CON-81: The County shall require dust control measures to be applied to construction projects consistent with measures recommended for use by the BAAQMD [Bay Area Air Quality Management District].

Goal E-1: Maintain and enhance the economic viability of agriculture.

Policy E-1: The County’s economic development will focus on ensuring the continued viability of agriculture in Napa County.

Policy SAF-20: All new development shall comply with established fire safety standards. Design plans shall be referred to the appropriate fire agency for comment as to:

1) Adequacy of water supply.

- 2) Site design for fire department access in and around structures.
  - 3) Ability for a safe and efficient fire department response.
  - 4) Traffic flow and ingress/egress for residents and emergency vehicles.
  - 5) Site-specific built-in fire protection
  - 6) Potential impacts to emergency services and fire department response
12. The proposed use would not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on an affected groundwater basin in Napa County, unless that use would satisfy any of the other criteria specified for approval or waiver of a groundwater permit under Section 13.15.070 or 13.15.080 of the Napa County Code.

**Analysis:** The subject property is not located in a “groundwater deficient area” as identified in Section 13.15.010 of the Napa County Code, and is consistent with General Plan Conservation Policies CON-53 and CON-55 which require that applicants, who are seeking discretionary land use approvals, prove that adequate water supplies are available to serve the proposed use without causing significant negative impacts to shared groundwater resources. Minimum thresholds for water use have been established by the Department of Public Works using reports by the United States Geological Survey (USGS). These reports are the result of water resources investigations performed by the USGS in cooperation with the Napa County Flood Control and Water Conservation District. Any project which reduces water usage or any water usage which is at or below the established threshold is, for purposes of the application of the County’s Groundwater Conservation Ordinance, assumed not to have a significant effect on groundwater levels. Based on the submitted Water Availability Analysis (WAA) by O’Connor Environmental (OEI), the subject 51-acres, has a maximum estimated groundwater recharge of 25.4 acre-feet per year (af/yr) and a conservative estimate of 11.4 af/yr. Water Demand Calculations submitted for the project indicate the water demand for existing uses on the property (primary residence, 1 af/yr and a potential second residence, .75 af/yr, and a residential pool, .1 af/yr. The proposed winery project would use the following: process water, 0.11 af/yr; hire employees, .06 af/yr; establish a visitation and marketing program .06 af/yr, and plant vineyards, 1.5 af/yr. Using unrounded numbers, the proposed project would increase water usage by 1.72 af/yr, to total 3.57 af/yr. Based upon this figure, the project would not increase groundwater extraction beyond the parcel’s yearly maximum estimated groundwater recharge of 25.4 af/yr or conservative estimated groundwater recharge of 11.4 af/yr. The project will not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level.

Therefore, the project is considered not to have potential to significantly impact groundwater resources. Since the projected water demand for the project is below the estimated water availability acre feet per year for the parcel, the requested Use Permit is consistent with General Plan Goals CON-10 and CON-11, as well as the policies mentioned above that support reservation and sustainable use of groundwater for agricultural and related purposes. The project will not require a new water system or other improvements and will not have a negative impact on local groundwater.

### **VIEWSHED PROTECTION PROGRAM FINDINGS:**

The following findings must be made in order for the Planning Commission to approve a Viewshed Protection Program Use Permit pursuant to County Code Section 18.106.050.B:

13. The project as designed or modified is consistent with Chapter 18.108 of the code;

**Analysis:** The project is consistent with Chapter 18.108 (Conservation Regulations) of the Napa County Code. No construction occurs on slopes of 30% or greater or within a stream setback. All oak trees proposed for removal will be replaced at a 3:1 ratio.

14. If the highest point of the proposed project is located more than twenty-five vertical feet below a major or minor ridgeline, that measures have been included in the project to reduce its visual impact on the major or minor ridgeline through use of existing natural vegetation, landscaping, topographical siting, architectural design, and colortone; or if the highest point of the proposed structure is within twenty-five vertical feet of a major or minor ridgeline, that the existing vegetation, proposed landscaping, topographical siting, architectural design, and colortone screen the predominant portion of the proposed structure;

**Analysis:** The highest point of the proposed structure is below twenty-five vertical feet of a designated minor ridgeline. Existing vegetation, proposed landscaping, topographical siting, architectural design, and colortone screen the predominant portion of the proposed structure. A minimum of 51% of the structure will be screened within two (2) to five (5)-years of establishment of screening vegetation. The proposed winery will be constructed from concrete, include natural wood, and concrete blocks with earthtone colors, matte black earthtone siding, and nonreflective glass to blend into the surrounding environment.

15. The proposed structure, access roads and other site improvements are sited and designed to minimize adverse effects on views from designated public roads;

**Analysis:** A substantial portion of the proposed project will be screened with existing and proposed vegetation. An earthtone color paint scheme and use of natural materials will blend the project into the existing hillside and minimize adverse effects on views from designated Viewshed Protection Program roads. The retaining wall curves and blends into the topography of the existing hillside.

16. The proposed structure, access road and other site improvements, including earthmoving or grading, and benches or shelves minimize the removal of vegetation;

**Analysis:** The proposed project has been designed to require the removal of minimal amounts of vegetation. The building envelope was selected to allow for a maximum amount of topographic features to screen the proposed structures. The proposed project will protect the majority of the existing vegetation and proposes the planting of new native screening vegetation.

17. The siting and design of site improvements and access roads minimize grading and alteration of natural landforms and topography;

**Analysis:** The proposed project will blend the winery facility into an existing hillside by constructing a majority of the facility underground, with earthen berms that mimic the naturally existing topography of the hillside.

18. A landscape and/or vegetation retention plan in conformance with the Design Manual has been submitted and approved for the site that would provide maximum screening from designated public roads through preservation of existing vegetation and the planting of new vegetation and provide for defensible space in conformance with state law;

**Analysis:** The proposed project will be screened by a minimum of 51% by vegetative screening within five (5)-years of the establishment of the landscaping. 63 oak trees, 17 redwood trees, and 12 manzanita trees will be planted to achieve substantial screening as viewed from Dry Creek Road. The proposed landscaping will maintain defensible space surrounding the proposed project, in conformance with state law and will be planted with a minimum root base size of 5-gallons.

19. The proposed structure and associated improvements substantially conform with the Design Manual in order to reduce their visual impact on the views of major and minor ridgelines as viewed from any designated public road and unique topographic or geologic features as viewed from any county road. The following landforms will be considered to be unique topographic or geologic features for the purposes of this subsection: Mt. St. Helena, Stag's Leap, Calistoga Palisades, Round Hill, Mt. George and Mt. St. John;

**Analysis:** The proposed project and associated improvements substantially conform with the Viewshed protection Program Design Manual to reduce their visual impact on the views of minor and major ridgelines as viewed from any designated public roads and unique topographic or geologic features as viewed from any county road. The proposed project includes vegetative screening that screens a substantial portion of the new structure, downward facing lighting, and includes colortones to blend the facility into the surrounding area. The proposed project is designed in a manner that would not bring attention to the project site from view from Dry Creek Road or any protected unique topographic landforms.