



Napa County

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Title: VENGE LAND VENTURES, LLC / VENGE VINEYARDS / USE PERMT MAJOR MODIFICATION # P19-00141-MOD

CEQA Status: Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of a mitigation measures. A mitigation measure is proposed for the following area: Tribal Cultural Resources. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Approval of a Use Permit Major Modification to an existing 20,000 gallon per year winery to allow the following:

A. Components Necessary to Remedy Existing Violations: (1) Recognition of existing production of 70,000 gallons per year. Currently authorized to produce a maximum of 20,000 gallons of wine per year; and (2) Recognition of five full-time employees. Currently authorized for two full-time and two part-time employees. B. Expansion Beyond Existing Entitlements: (1) Decrease daily tours and tastings from 20 persons per day (appointment required), 140 person per week maximum to 19 persons per day (appointment required), 133 visitors maximum per week; (2) Modification of an existing Marketing Program to increase events from 8 events per year (180 guests) to 36 events per year (600 guests) as follows: (a) Twenty-four (24) annual events for up to 10 guests; and (b) Twelve (12) annual events for up to 30 guests; (3) Addition of 10 new parking spaces and provision of a minimum of two bicycle parking spaces; (4) Improvement of the existing driveway to county standards; (5) Installation of a left turn lane at Silverado Trail and the project driveway; and (6) Upgrade the existing wastewater treatment system. The project is located on an approximately 12 acre site within the AP (Agricultural Preserve) zoning district at 4708 Silverado Trail, Calistoga; APN: 020-350-043.

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

Staff Contact: Jason R. Hade, Principal Planner, (707) 259-8757 or jason.hade@countyofnapa.org

Applicant Contact: Jeffrey Redding, AICP, 2433 Renfrew Street, Napa, CA 94558, (707) 255-7375 or jreddingaicp@comcast.net

Sponsors:

Indexes:

Code sections:

Attachments: 1. Recommended Findings, 2. Recommended Conditions of Approval and Final Agency Approval Memos, 3. Previous Project Conditions, 4. Initial Study/Mitigated Negative Declaration, 5. Use Permit Major Modification Application Packet, 6. Water Availability Analysis, 7. Wastewater Feasibility Study, 8. Traffic Impact Study, 9. Graphics, 10. Winery Comparison Analysis, 11. Public Comments, 12. Item 7A - Supplemental Memorandum.pdf, 13. Item 7A - Additional Public Comment.pdf

Date	Ver.	Action By	Action	Result
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TO: Napa County Planning Commission
FROM: Brian Bordona for David Morrison - Director Planning, Building & Environmental Services
REPORT BY: Jason Hade, Principal Planner - (707) 259-8757
SUBJECT: Venge Vineyards Use Permit Major Modification P19-00141

RECOMMENDATION

VENGE LAND VENTURES, LLC / VENGE VINEYARDS / USE PERMT MAJOR MODIFICATION # P19-00141-MOD

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B. Expansion Beyond Existing Entitlements: (1) Decrease daily tours and tastings from 20 persons per day (appointment required), 140 person per week maximum to 19 persons per day (appointment required), 133 visitors maximum per week; (2) Modification of an existing Marketing Program to increase events from 8 events per year (180 guests) to 36 events per year (600 guests) as follows: (a) Twenty-four (24) annual events for up to 10 guests; and (b) Twelve (12) annual events for up to 30 guests; (3) Addition of 10 new parking spaces and provision of a minimum of two bicycle parking spaces; (4) Improvement of the existing driveway to county standards; (5) Installation of a left turn lane at Silverado Trail and the project driveway; and (6) Upgrade the existing wastewater treatment system. The project is located on an approximately 12 acre site within the AP (Agricultural Preserve) zoning district at 4708 Silverado Trail, Calistoga; APN: 020-350-043.

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

Staff Contact: Jason R. Hade, Principal Planner, (707) 259-8757 or jason.hade@countyofnapa.org

Applicant Contact: Jeffrey Redding, AICP, 2433 Renfrew Street, Napa, CA 94558, (707) 255-7375 or jreddingaicp@comcast.net

EXECUTIVE SUMMARY

Proposed Actions:

That the Planning Commission:

1. Adopt the Mitigated Negative Declaration based on recommended Findings 1-7 in Attachment A; and
2. Approve Use Permit Major Modification No. P19-00141-MOD, including those modifications to remedy existing violations, based on recommended Findings 8-12 in Attachment A, and subject to the recommended conditions of approval in Attachment B.

This application was submitted to participate in the County's Code Compliance Program as described in Resolution No. 2018-164 adopted by the Napa County Board of Supervisors on December 4, 2018. Under the program, property owners may apply for a permit to voluntarily remedy existing violations. The proposal is to modify an existing winery Use Permit to recognize an existing production capacity of 70,000 gallons per year and five existing full-time employees which were not permitted in the previously approved Use Permit and modifications. In addition, the application also seeks to expand its entitlements to, among other improvements, increase marketing events and parking spaces.

Staff has reviewed both the components necessary to remedy existing violations, as well as, the requested expansions beyond the existing conditions and found them to be consistent with the Zoning Ordinance and applicable General Plan policies. As noted above, the Use Permit Major Modification Application requests recognition of existing production and employees. Although not initially permitted at the existing levels under the previously approved Use Permit and modifications, these activities are already occurring at the subject site.

As described in Resolution No. 2018-164, the subject application was found to be substantially conforming prior to the submittal deadline of March 29, 2019 at 2:00 PM. Accordingly, the County may use the existing operations as the environmental baseline for the CEQA analysis related to this application. The requested changes to the winery's marketing program are less than that of similar production capacity by appointment wineries. Staff is supportive of the request based upon the project's location on the valley floor near Silverado Trail and the determination that all potentially significant environmental impacts are less than significant. Minimal intensifying operational changes are proposed in excess of the existing site conditions as shown in the

"summary of changes" in Attachment J.

The winery has already implemented the following GHG reduction methods: installation of solar panels which generate on-site renewable energy; installation of energy conserving lighting; installation of water efficient fixtures; use of water efficient landscaping; recycling of 75 percent of all waste; implementation of a sustainable purchasing and shipping program; site design oriented to optimize conditions for natural heating, cooling, and day lighting of interior spaces, and to maximize winter sun exposure; and minimizing the amount of grading and tree removal.

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

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Mitigated Negative Declaration. According to the proposed Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of a mitigation measures. A mitigation measure is proposed for the following area: Tribal Cultural Resources. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

BACKGROUND AND DISCUSSION

Owner: Kirk Venge, 4708 Silverado Trail, Calistoga, CA 94515, (707) 942-9100 or kirk@vengevineyards.com

Representative: Jeffrey Redding, AICP, 2433 Renfrew Street, Napa, CA 94558, (707) 255-7375 or jreddingaicp@comcast.net

Zoning: Agricultural Preserve (AP) - District

GP Designation: Agricultural Resource (AR) designation

Filed: March 28, 2019; Resubmittal Received: September 25, 2019; June 8, 2020; July 22, 2020; March 2, 2021; July 16, 2021; and August 18, 2021; Deemed Complete: October 26, 2021

Parcel Size: 12.37 acres

Existing Development: The site is currently developed with three winery buildings, a waste disposal system, six parking spaces, a well, and approximately 11.5 acres of vineyards.

Proposed and Existing Winery Characteristics

Winery Development Area - Approved: 16,000 square foot winery development area with uses identified above.

Winery Development Area - Proposed: No change.

Production Capacity Approved: 20,000 gallons per year. Actual maximum annual production was 71,220 gallons in 2018.

Production Capacity Existing: 70,000 gallons per year.

Production Capacity Proposed: No change.

Winery Coverage Approved: 41,818 square feet or approximately 8%.

Winery Coverage Proposed: 60,000 square feet or approximately 11.48%. (Maximum 25% or approximately 15 acres permitted, whichever is less).

Accessory/Production Ratio Approved: 2,129 square feet accessory/16,647 square feet production - approximately 13%.

Accessory/Production Ratio Proposed: No change.

Number of Employees Approved: Two full-time and two part-time employees.

Number of Employees Existing: Five full-time employees.

Number of Employees Proposed: No change.

Visitation - Approved: 20 visitors per day by appointment and 140 visitors maximum per week.

Visitation - Proposed: 19 visitors per day by appointment and 133 visitors maximum per week.

Marketing Program - Approved: Three events per year (10 guests per event) and five events per year (30 guests

per event).

Marketing Program - Proposed: 24 events per year (10 guests) and 12 events per year (30 guests).

Days and Hours of Operation - Approved: 9:00 AM to 5:00 PM daily (production and visitation hours).

Days and Hours of Operation - Proposed: No change.

Parking - Approved: 6 parking spaces.

Parking - Proposed: 10 parking spaces and provision of a minimum of two bicycle parking spaces.

Setbacks:

Required Road setbacks - 600 feet from the centerline of Silverado Trail. Required Property line setbacks - 20 feet side and rear yard setbacks (for structures).

Existing Setbacks - The existing winery production building is located approximately 1,425 feet from the centerline of Silverado Trail, 40 feet from the rear property line, 98 feet from the eastern side property line and 335 feet from the southern side property line.

Proposed Setbacks - No change.

Adjacent General Plan Designation/ Zoning / Land Use:

North: Agricultural Resource (AR) General Plan land use designation/Agricultural Watershed (AW) zoning district/agricultural use (vineyards) and rural residential

South: AR/ Agricultural Preserve (AP)/winery, vineyards and rural residential

East: AR/AW/rural residential

West: AR/AP/vineyards and rural residential

Nearby Wineries: (located within 1 mile of the project)

Please refer to Attachment J.

Parcel History:

Venge Vineyards was approved by the Planning Commission on December 2, 2009 (Use Permit P08-00647-UP) with a maximum annual production capacity of 20,000 gallons, conversion of an existing 2,800 square foot residence to an administrative office/hospitality building, construction of a 3,600 square foot barn-style production and fermentation building, construction of up to 9,000 square feet of barrel storage either within a cave or, in lieu of the cave, by expanding the production building to accommodate the needed barrel storage for a winery totaling a maximum of 15,400 square feet, construction of a 3,324 square foot uncovered outdoor work area, six parking spaces, 12,000 gallon water tank, and improvement of portions of the existing private road to the winery. An exception to the Napa County Road and Street Standards (RSS) was granted to permit a 780 linear foot portion of the access road to include 10-foot wide surfaced roadway plus two-feet of drivable shoulders. The Use Permit authorized two full-time and two-part time employees, tours and tastings by appointment only with 20 visitors per day and a maximum of 140 visitors per week, and a marketing program with three events per year with 10 persons per event, five events per year with 30 persons per event, and participation in the Napa Valley Wine Auction event as a temporary event. On April 26, 2013, the PBES Director approved Use Permit Modification P13-00047-MOD to permit the construction of a 3,348 square foot structure for barrel and winery equipment storage.

Code Compliance History:

This application was submitted to participate in the County's Code Compliance Program as described in Resolution No. 2018-164. Pursuant to that Resolution, a site inspection was conducted by Code Compliance, Planning, Engineering and Fire staff on April 18, 2019, to identify any potential health and safety issues, as well as to review the existing use and proposed changes. As a follow-up to the site inspection, a notice regarding apparent code violations was issued to the property owner by the Code Enforcement Division on June 27, 2019. Apparent code violations included various Fire Code violations regarding the tasting room signage, fire sprinkler test records and fire hydrant repainting. Code Enforcement Case CE19-00154 was opened for the alleged violations outside the scope of the Use Permit, but would be resolved by approval of this Use Permit Major Modification request. All items noted in the apparent code violation notice of June 27, 2019, have been addressed as confirmed via a follow-up email received from Code Compliance staff on November 25, 2019.

Discussion Points:

Setting - The 12.37-acre parcel is relatively flat. Access to the property is from Silverado Trail via a paved driveway. On-site soil type is Pleasanton loam, 0 to 2 percent slopes. The site lies outside of the boundaries of the 100 and 500-year flood hazard boundaries. The majority of the project site is outside of a designated Fire Hazard Severity area with the exception of the northwest corner, which is designated moderate, and the northeast corner, which is designated high. Land uses in the area are dominated by large lot residential properties, wineries, including Fisher Winery and Phifer Pavitt Family Vineyards, and vineyards. The nearest residence to the project site is approximately 350 feet to the northwest of the existing hospitality building.

Winery Proposal - The request is to modify an existing winery Use Permit to recognize unpermitted production, and employees. In addition to the changes requested to remedy existing violations, the applicant requests several expansions beyond the existing entitlements and conditions, including increased marketing events and physical improvements such as improving the existing driveway to County standards.

Visitation/Marketing Program - Components Necessary to Remedy Existing Violations: None proposed. Expansion Beyond Existing Entitlements and Conditions: Minimal intensifying operational changes are proposed in excess of the existing site conditions as shown in the "summary of changes" in Attachment J. The proposed visitation decrease would result in a net decrease of 364 visitors per year versus the existing condition while the marketing program change would result in a net increase of 420 guests per year. As stated in the Executive Summary, the requested changes to the winery's marketing program are less than that of similar production capacity by appointment wineries. Staff is supportive of the request based upon the project's location on the valley floor near Silverado Trail and the determination that all potentially significant environmental impacts are less than significant. Additionally, a project specific condition would ensure that daily tastings would not occur during events of greater than 10 guests.

Traffic and Parking - GHD prepared a Focused Traffic and VMT Analysis for the Proposed Venge Vineyards Use Modification Project in April 2021. According to the study, the proposed project is expected to generate 42 total daily trips during the weekdays and 41 total daily trips on the weekend. During the weekday (Friday), the project would be generating 15 PM peak hour (4:00 PM to 5:00 PM) trips with the weekend (Saturday) midday peak hour (1:00 PM to 2:00 PM) generating 20 peak hour trips. Accounting for permitted winery uses, the net increase in daily and peak hour trips would be even less. Specifically, there would be an actual net increase of 15 daily trips during both the weekday and weekend periods. During the weekday (Friday) PM peak hour, the project would generate 5 net new trips. There would be a net increase of 8 project trips during the weekend (Saturday) midday peak hour. The largest requested marketing event would have up to 30 attendees per event and up to ten times a year. These events would be scheduled to not start or end during the weekday PM hour (4:00 PM to 5:00 PM) or weekend midday peak hour (1:00 PM to 2:00 PM) on weekend days. With year 2030 cumulative (no project) traffic volumes, the Dunaweal Lane/Silverado Trail intersection would operate at LOS F during the weekend midday peak hour. The remaining two study intersections would operate at acceptable LOS levels. Directional roadway segment operations along Silverado Trail, Dunaweal Lane, and Picket Road would operate at acceptable levels (LOS D or better) with year 2030 cumulative (no project) volumes. The Dunaweal Lane/Silverado Trail intersection would continue to meet the peak hour signal warrant under year 2030 cumulative (no project) conditions. Similar to year 2030 cumulative (no project) conditions, the Dunaweal Lane/Silverado Trail intersection would continue to operate at LOS F during the weekend midday peak hour with proposed project traffic. The remaining two study intersections along Silverado Trail at Pickett Road and Venge Vineyards would operate at acceptable LOS levels. Directional roadway segment operations along Silverado Trail, Dunaweal Lane, and Picket Road would operate at acceptable levels (LOS D or better) with year 2030 cumulative plus. The Dunaweal Lane/Silverado Trail intersection would continue to meet the peak hour signal warrant under year 2030 cumulative (no project) conditions. Based on updated County significance criteria for unsignalized intersections; the off-site intersection of Dunaweal Lane/Silverado Trail has been evaluated for proposed project impacts since its LOS operates at an unacceptable level (LOS F) without proposed project trips during the weekend midday peak hour. County criteria indicate that a significant impact could be found if the proposed project contributes 5 percent or more of the total traffic growth the intersection. The guidelines go on to state, "the peak hour signal warrant criteria should also be evaluated and presented for

informational purposes.” During the weekend midday peak hour, the proposed project would add five trips to the Dunaweal Lane/Silverado Trail. Based on the net growth in cumulative traffic volumes at the intersection of 258 vehicles during the weekend midday peak hour the proposed project contribution would be less than 5 percent and less-than-significant. Public Works Department staff reviewed the study and concluded that the study adequately demonstrates that the proposed use in the proposed location would not result in any significant impacts, either project-specific or cumulative, on traffic circulation in the vicinity. Therefore, the project would result in a nominal increase in trips on the study area transportation network.

The project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). The proposed project is estimated to generate 15 net new daily trips on, which is well below the 110 trip threshold in the Office of Planning and Research guidelines. The traffic study provided strategies such as carpool incentives, active transportation incentives, on-site lunches, and a guaranteed ride home to be considered for implementation via a Transportation Demand Management (TDM) Plan. A condition of approval would require implementation of a TDM with strategies such as these for the life of the project. Impacts would be less than significant.

As proposed, the project would not conflict with any adopted policies, plans or programs supporting alternative transportation. According to the traffic impact study, “pedestrian and bicycle circulation occur primarily in the areas adjacent to the winery production building (WPB) and hospitality building (HB) in the northeast portion of the project site. The one-way internal loop road around the WPB is wide enough (14-20’) to allow pedestrian and bicycle traffic to access the Winery facilities. In addition, pedestrians can walk along the both

sides on the WPB (adjacent to parking spaces) removed from any circulating vehicles. Pedestrians would access the HB on the north side of the project site where a pedestrian walkway links the building with the parking areas. Bicyclists would access the project site via the primary driveway (planned for widening) from Silverado Trail then extend north to the WPB and/or HB via the one-way loop road. The Napa Countywide Bicycle Plan has been completed and adopted by the Napa Valley Transportation Authority (NVTA) and the County. In the project site vicinity, Silverado Trail is designated at a Class II bike route (on-street bike lanes). A review of the Napa Countywide Pedestrian Plan indicates that no specific pedestrian improvements are identified for Silverado Trail in the area” (GHD, 2021). A minimum of two on-site bicycle parking spaces would be provided as part of the project.

Vehicle parking for daily operations is provided by a combination of visitor and employee parking spaces accessible via the primary Venge Vineyards driveway from Silverado Trail. As noted, visitors access parking areas along the east side of the WPB, immediately adjacent the HB, and adjacent to the winery storage building. As shown on the project site plan, there would be 17 striped parking spaces made up of 14 standard spaces and three ADA spaces. There would be one ADA parking space located in each of the three parking areas. A parking area is also proposed between the winery storage building and HB. This parking area is intended to

accommodate 10 additional parking spaces. Typically, there are more employees on-site during the weekdays with fewer visitors and vice-verse on the weekends. Shared parking serves to provide adequate parking supply while reducing the project’s on-site parking footprint.

Left-Turn Lane - Based on the existing volumes on Silverado Trail and expected daily volumes at the project driveway under the expansion beyond existing entitlements scenario described above, a left turn lane is required at the proposed project driveway per the County's standard left turn lane warrant. Therefore, a left turn lane would be installed at the intersection of the property driveway and Silverado Trail as a recommended condition of approval from the Public Works Department.

Groundwater Availability - The project is categorized as "all other areas" based upon current County Water Availability Analysis policies and therefore water use criteria is parcel specific based upon a Tier 2 analysis. A Tier 2 analysis was completed by O'Connor Environmental, Inc. on September 18, 2020 which included a parcel specific recharge evaluation. According to the recharge evaluation, groundwater recharge for the project parcel is estimated to be 8.6 AF/YR (O'Connor Environmental, Inc., 2020). Currently, there are five wells located on the project parcel. Well #1 would continue to serve as the project well for winery related water demands while wells #2 - 5 would continue to serve water demands for irrigation purposes including the on-site vineyard. Well completion details regarding the wells located on the project parcel as well as nearby parcels are included within Table 1 of the Water Availability Analysis completed for the proposed project. According to the Water Availability Analysis for Venge Vineyards 4708 Silverado Trail, Calistoga, CA 94515 APN: 020-350-043 prepared by O'Connor Environmental, Inc. on September 18, 2020, the anticipated total overall water demand for the project site would be 7.76 AF/YR representing a 0.04 AF/YR increase of the existing water demand of 7.72 AF/YR, and within the estimated groundwater recharge of 8.6 AF/YR provided by O'Connor Environmental, Inc.. The amount of water required for wine production needs would remain the same as the project seeks recognition for the annual production of 70,000 gallons of wine as an existing condition.

The proposed project would result in a modest increase on the demand of ground water supplies, but would remain below the parcel's water allotment and estimated recharge, and therefore would not interfere with groundwater recharge or lowering of the local groundwater level. According to the WAA, the closest neighboring offsite well to the project well is located at least 650 feet southeast of the project well. Given the significant distances separating the project wells from neighboring wells, well interference associated with water use for the proposed project is highly unlikely (O'Connor Environmental, Inc., 2020). According to Napa County environmental resource mapping (Water Deficient Areas/Storage Areas), the project site is not located within a water deficient area and the County is not aware of, nor has it received any substantiated reports of groundwater deficiencies in the area.

Under contract with Napa County, Luhdorff and Scalmanini, Consulting Engineers (LSCE) conducted a peer review of the Venge Vineyards Draft Water Availability Analysis (WAA), dated June 8, 2020 and found that the WAA adequately addresses Tier 1 criteria and the proposed project will have a water use less than estimated normal year recharge occurring on both the subject parcel and the surrounding watershed. They further concluded that the WAA presents information on Tier 2 requirements for well interference and notes that no non-project wells exist within 500 feet of the project well, which is the distance criteria established in the County's WAA Guidelines for triggering a Tier 2 analysis. Based on this information and the absence of substantial evidence of a potentially significant impact from the proposed use of the Project Well, the WAA adequately addresses the Tier 2 criteria. Minor technical changes and clarifications were completed as a result of the peer review and are included in the final WAA dated September 18, 2020. In particular, with respect to project water use during dry years, the final WAA reiterated that the water use data for all project wells and irrigation water

use was discussed in the context of a dry water year in the Existing Use subsection of the Water Demand portion of the report on pages 8 and 9. It was determined that farming practices at Venge Vineyards result in a water use of approximately 0.09 acre-ft/acre, substantially less than the 0.5 acre-ft/acre previously estimated, and therefore the 0.5 acre-ft/acre use rate is now considered to be a conservative “worst-case” demand representing a dry year in which the vineyard requires regular irrigation. It was assumed that winery water use would not change during dry year or drought conditions.

Wastewater - According to the Onsite Wastewater Disposal Feasibility Study for the Venge Winery Use Permit Modification Application 4708 Silverado Trail, Calistoga, California APN 020-350-043 prepared by Applied Civil Engineering, Incorporated on June 2, 2020, the project site and proposed system upgrade, consisting of the addition of 800 linear feet of new leach line, would create adequate disposal capacity to serve the project. The Division of Environmental Health reviewed this report and concurred with its findings.

Greenhouse Gas Emissions - The County requires project applicants to consider methods to reduce Greenhouse Gas (GHG) emissions consistent with Napa County General Plan Policy CON-65(e), which requires GHG review of discretionary projects. The applicant has completed the Department's Best Management Practices Checklist for Development Projects, which is attached to this report as Attachment E. As discussed above, the winery has already implemented the following GHG reduction methods: installation of solar panels which generate on-site renewable energy; installation of energy conserving lighting; installation of water efficient fixtures; use of water efficient landscaping; recycling of 75 percent of all waste; implementation of a sustainable purchasing and shipping program; site design oriented to optimize conditions for natural heating, cooling, and day lighting of interior spaces, and to maximize winter sun exposure; and minimizing the amount of grading and tree removal.

Tribal Cultural Resources - On October 12, 2020, County staff sent invitations to consult on the proposed project to Native American tribes who had a cultural interest in the area and who as of that date had requested to be invited to consult on projects, in accordance with the requirements of Public Resources Code section 21080.3.1. The Middletown Rancheria requested consultation and met with the County at the project site on November 18, 2020 to discuss their concerns. A mitigation measure was developed in consultation with the tribe and is included in Attachment B as COA 6.12.a. The mitigation measure requires the execution of a Standard Monitoring Agreement with Middletown Rancheria and presence of an archaeological monitor and tribal representative on-site during initial rough grading of improvements (driveway widening). No other responses were received within 30-days of the tribe’s receipt of the invitations.

Grape Sourcing - The project site includes approximately 11.5 acres of vineyards. Grape sourcing information provided by the applicant as part of the County’s Code Compliance Program indicates that the winery utilized 55 percent Napa fruit in 2017, 66 percent Napa fruit in 2018 and 68 percent Napa fruit in 2019. The recommended conditions of approval include a requirement for compliance with the 75 percent grape sourcing rule (COA 4.6 - Attachment B).

Public Comments - At the time of staff report preparation, public comments had been received expressing

concerns regarding water availability, number of employees on-site, traffic, a requested exception to the Road Street Standards which is no longer proposed, and the project's lack of progress in moving forward as part of the County's Code Compliance Program. Public comments received to date are included within Attachment K.

Decision Making Options Regarding Remediating Existing Violations:

As noted in the Executive Summary Section above, staff is recommending approval of the components of the project necessary to remedy existing violations with conditions of approval as described in Option 1 below. Decision-making options also include a no project alternative and a reduced project alternative.

Option 1 - Approve Applicant's Proposal

Disposition - This option would result in approval of the existing employees and production levels at the winery. Staff recommends this option as the request is consistent with the Zoning Ordinance and applicable General Plan policies. Further, staff recommends recognition of the existing operational conditions based upon the site's non-remote location, sufficient access, proximity to Silverado Trail and, availability of adequate water supplies.

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

Option 2 - Reduced Employee and/or Production Alternative

Disposition - This option would require that the applicant reduce their number of maximum existing employees and/or production. Staff recommends no changes to the existing employee and production levels. However, as noted above, the winery failed to comply with the County's 75 percent grape sourcing rule in 2017, 2018, and 2019. If the Commission is concerned about the winery's ability to comply with the 75 percent grape sourcing rule at its existing production level of 70,000 gallons per year, a lower maximum annual production amount could be considered for recognition. All potential environmental impacts were found to be less than significant.

Action Required - Follow proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to reduce the number of existing employees and/or production level and required conditions of approval. The item may need to be continued to a future date if significant revisions to the recommended conditions of approval are desired.

Option 3 - Deny Applicant's Proposal

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

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

Option 4 - Continuance Option

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

Decision Making Options Regarding Expansions Beyond Existing Entitlements:

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

Option 1 - Approve Applicant's Proposal

Disposition - This option would result in approval of the expansions beyond the existing entitlements which are requested including a slight decrease in visitors, a minor increase in the number of annual marketing event guests, additional parking spaces, and installation of a dedicated right-turn lane at the intersection of the project's driveway and Silverado Trail.

Staff recommends this option as many of the changes requested such as the modified marketing program are operational modifications to support the future growth of the winery and would not result in significant physical changes at the subject site. The additional marketing program changes do not represent a significant change beyond the existing conditions.

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

Option 2 - Reduced Marketing Program Alternative

Disposition - This option would require that the applicant reduce their proposed maximum marketing event numbers and/or the number of marketing events. As noted above, the proposed marketing program requested is below the average and median calculations of similar production capacity by appointment wineries. However, the requested modifications represent a minor change to the existing marketing program. Visitation is requested to actually slightly decrease to a maximum of 133 visitors per week. All potential environmental impacts were found to be less than significant.

Action Required - Follow proposed actions listed in the Executive Summary and amend scope and project specific conditions of approval to reduce the number of proposed marketing program events and required conditions of approval. The item may need to be continued to a future date if significant revisions to the recommended conditions of approval are desired.

Option 3 - Deny Proposed Project

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

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

Option 4 - Continuance Option

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

