

Planning, Building & Environmental Services



Hillwalker Winery Appeal P24-00237

Charlene Gallina



Agenda

- Project Introduction
- Planning Commission Approval
- Focus Appeal Grounds Discussion
- Board Decision-Making Options
- Conclusion





Topic one

Project Introduction



Introduction

- Notice of Intent submitted by Water Audit California (the Appellant) on August 30, 2024
- Appeal Packet was submitted by Water Audit California (the Appellant) on September 16, 2024
- Use Permit Application #P23-00101-UP; Road & Street Standards Exception & Conservation Regulations Exception P23-00239-UP as approved by the Planning Commission on August 21, 2024



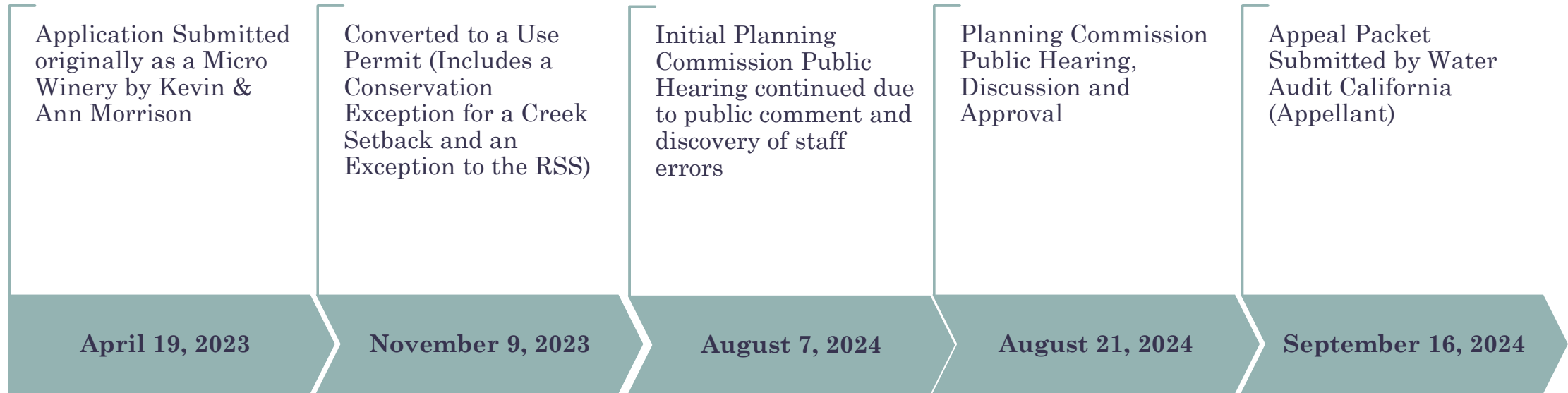


Topic two

Planning Commission Approval



Timeline



Hillwalker Vineyard Winery was
Considered and Approved by the
Planning Commission on August 21,
2024



- Adoption of the Initial Study/Mitigated Negative Declaration
- Exception to the Napa County Road and Street Standards for selective reduction in the width of the private road access
- Exception to the Conservation Regulations in the form of a Use Permit to allow road improvements within a stream setback
- Use Permit for a new winery with an annual production capacity of 7,000 gallons per year



Project Location:

- Project Site 1871 Mt. Veeder Road; APN 034-110-047; 20.46 acres
- Access to the property is through APNs 034-100-020, 034-100-043, and 034-110-059
- General Plan Designation: Agriculture, Watershed and Open Space (AWOS)
- Zoning Designation: Agricultural Watershed (AW)



The Planning Commission Authorized a Use Permit for a New Winery as follows:

- Annual Production Capacity of 7,000 Gallons per year
- Convert a 1,500 sq. ft. residential cave to a commercial cave for wine production and storage
- Conduct visitation activities in an existing 298 sq. ft. covered patio area and allow on-site consumption in accordance AB2004
- Convert existing pool house restroom (80 sq. ft.) to an accessible restroom
- Production and visitation hours from 10:00 a.m. to 6:00 p.m.; Seven (7) days per week; Monday through Sunday



- Tours and tastings by appointment, with a weekly maximum of 113 visitors as follows:
 - 47 days of tours and tastings with up to 35 visitors
 - 306 days of tours and tastings with up to ~~19~~ 13 visitors
 - 25 or more people will be allowed at the winery for a maximum of 59 days per year (Exceeding this amount would trigger the need for a small public water system)
 - Staff recommends revision to COA 4.2 Tours & Tasting/Visitation
- Permit Marketing as follows:
 - Private Food and Wine Tastings
 - 12 marketing events per year
 - Maximum persons: 45
 - 10:00 a.m. to 10:00 p.m. (including cleanup)
 - All food will be catered and prepared off-site
 - No Winery visitation would be held on the same day of the marketing event
 - Marketing events shall not occur upon issuance of a Red Flag Warning (Added by the Planning Commission)
 - During marketing events, shuttle service shall be provided and arranged for guests to park off-site. Any remaining parking may be used by guests (Added by the Planning Commission)



- Up to 2 full-time and 3 part-time employees
- 7 parking spaces, including 1 accessible, and electric vehicle charging station
- Installation of a 2,500-gallon hold and haul tank for process wastewater



Civil Plans:

TREE REMOVAL:

A TOTAL OF 10 SMALL TREES ARE PROPOSED TO BE REMOVED TO DEVELOP ROAD TURNOUTS AS REQUIRED BY NAPA COUNTY ROAD AND STREET STANDARDS AND FIRE ACCESS REGULATIONS. TURNOUTS 1, 2, 3 & 6 REQUIRE TREE REMOVAL. SEE TURNOUT LABELS.

APN: 034-110-047

PROPOSED WINERY PARCEL
1871 MT. VEEDER ROAD

(E) CAVE PORTAL
DISTANCE FROM PORTAL TO FIRE
TRUCK TURNAROUND = 170 FT

(E) RESIDENCE

(E) POOL

(E) GARAGE

(E) GRAVEL DRIVEWAY FROM
STA 42+00 TO STA 44+00
MEETS MINIMUM 22' WIDE REQUIREMENT
NO PROPOSED DISTURBED AREA
NO NEW IMPERVIOUS SURFACE
NO TREE REMOVAL REQUIRED

(E) GRAVEL DRIVEWAY FROM
STA 36+00 TO STA 39+00
MEETS MINIMUM 22' WIDE REQUIREMENT
NO PROPOSED DISTURBED AREA
NO NEW IMPERVIOUS SURFACE
NO TREE REMOVAL REQUIRED

(E) GRAVEL DRIVEWAY USED BY 2 HOUSES
AND TO ACCESS VINEYARDS
MOSTLY USED FOR VINEYARD MAINTENANCE
EXISTING 40' EASEMENT PER 24 RS 45

(P) WIDEN GRAVEL ROAD TO PROVIDE
HAMMER HEAD TURNAROUND AREA
DISTURBED AREA = 1,200 SF
NEW IMPERVIOUS GRAVEL SURFACE = 775 SF
NO TREE REMOVAL REQUIRED

(P) WIDEN GRAVEL ROAD TO PROVIDE
MINIMUM 22' WIDE GRAVEL DRIVEWAY
HORIZONTAL CURVES ≤ 200 RADII
SHALL BE WIDENED UP TO 26'
FROM STA 39+00 TO STA 42+00
DISTURBED AREA = 3,000 SF
NEW IMPERVIOUS GRAVEL SURFACE = 2,400 SF
NO TREE REMOVAL REQUIRED

(P) TURNOUT #9
PROVIDE 22' WIDE GRAVEL TURNOUT AT STA 34+00
DISTURBED AREA = 500 SF
NEW IMPERVIOUS GRAVEL SURFACE = 240 SF
NO TREE REMOVAL REQUIRED

(P) TURNOUT #7
PROVIDE 22' WIDE GRAVEL TURNOUT AT STA 30+00
DISTURBED AREA = 500 SF
NEW IMPERVIOUS GRAVEL SURFACE = 240 SF
NO TREE REMOVAL REQUIRED

APN: 034-110-059

(P) TURNOUT #8
PROVIDE 22' WIDE GRAVEL TURNOUT AT STA 32+00
DISTURBED AREA = 500 SF
NEW IMPERVIOUS GRAVEL SURFACE = 240 SF
NO TREE REMOVAL REQUIRED

(P) WIDEN GRAVEL ROAD TO PROVIDE MINIMUM 22' WIDE
HORIZONTAL CURVES ≤ 200 RADII
SHALL BE WIDENED UP TO 26'
FROM STA 25+50 TO STA 39+00
DISTURBED AREA = 2,500 SF
NEW IMPERVIOUS GRAVEL SURFACE = 2,000 SF
NO TREE REMOVAL REQUIRED

(P) TURNOUT #6
PROVIDE 22' WIDE GRAVEL TURNOUT AT STA 34+00
REMOVE ONE 8" BLACK OAK, ONE 8" LIVE OAK &
ONE 12" LIVE OAK
DISTURBED AREA = 500 SF
NEW IMPERVIOUS GRAVEL SURFACE = 240 SF

(P) TURNOUT #5
PROVIDE 22' WIDE GRAVEL TURNOUT AT STA 19+50
NO TREE REMOVAL REQUIRED
DISTURBED AREA = 500 SF
NEW IMPERVIOUS GRAVEL SURFACE = 240 SF

DRIVEWAY EXCEPTION REQUEST:

EXISTING GRAVEL DRIVEWAY PROVIDES A MINIMUM OF 14-FT WIDTH, ALL TURNS PROVIDE A RADIUS OF AT LEAST 50-FT, & DRIVEWAY SLOPE DOES NOT EXCEED 18%.

DRIVEWAY CANNOT BE WIDENED DUE TO STEEP SLOPES, TREES AND STREAMS.

DRIVEWAY CANNOT BE PAVED DUE TO HEAVY USE BY AGRICULTURAL VEHICLES ON OTHER PARCELS.

SAME OVERALL PRACTICAL EFFECT CAN BE PROVIDED BY INSTALLING TURNOUTS AND WIDENING AS SHOWN.

A USE PERMIT EXCEPTION TO THE CONSERVATION REGULATIONS WILL BE REQUIRED TO PROVIDE TURNOUTS IN THE STREAM SETBACK.

STORMWATER NOTES:

SEE SHEET UP 6.0 FOR EROSION AND SEDIMENT CONTROL PLAN.
THIS PROJECT PROPOSES TO DISTURB A COLLECTIVE AREA OF 11,200 SF FOR DRIVEWAY IMPROVEMENTS.

NEW IMPERVIOUS AREA IS LIMITED TO COMPACTED GRAVELS AS NEEDED TO IMPROVE DRIVEWAY. NO NEW CONTINUOUS IMPERVIOUS AREA EXCEEDS 2,500 SQUARE FEET. SEE NOTES THIS SHEET. NO STORMWATER CONTROL PLAN IS REQUIRED FOR THIS PROJECT.

ALL NEW IMPERVIOUS DRIVEWAY AREAS SHALL CONFORM TO EXISTING DRAINAGE PATTERNS. ALL NEW IMPERVIOUS DRIVEWAY AREAS SHALL FLOW TO PERVIOUS VEGETATED AREAS.

APN: 034-100-043

(P) TURNOUT #1
PROVIDE 22' WIDE GRAVEL TURNOUT AT STA 8+00
REMOVE 3 TREES (12" LIVE OAK, 8" LIVE OAK, 6" BUCKEYE)
DISTURBED AREA = 500 SF
NEW IMPERVIOUS GRAVEL SURFACE = 240 SF

(P) TURNOUT #2
PROVIDE 22' WIDE GRAVEL TURNOUT AT STA 12+00
REMOVE 1 LIVE OAK TREE CLUSTER WITH 3 TRUNKS
(12", 8", 6" TRUNKS)
DISTURBED AREA = 500 SF
NEW IMPERVIOUS GRAVEL SURFACE = 240 SF

(P) TURNOUT #3
PROVIDE 22' WIDE GRAVEL TURNOUT AT STA 14+00
REMOVE 3 LIVE OAK TREES (12", 10", 10")
DISTURBED AREA = 500 SF
NEW IMPERVIOUS GRAVEL SURFACE = 240 SF

(P) TURNOUT #4
PROVIDE 22' WIDE GRAVEL TURNOUT AT STA 17+50
NO TREE REMOVAL REQUIRED
DISTURBED AREA = 500 SF
NEW IMPERVIOUS GRAVEL SURFACE = 240 SF

APN: 034-110-059

APN: 034-100-020

(E) GRAVEL DRIVEWAY
USED BY 2 HOUSES
AND TO ACCESS VINEYARDS
MOSTLY USED FOR VINEYARD MAINTENANCE
EXISTING 40' EASEMENT PER 24 RS 45

(E) GRAVEL DRIVEWAY FROM
STA 0+00 TO STA 2+50
MEETS MINIMUM 22' WIDE REQUIREMENT
NO PROPOSED DISTURBED AREA
NO NEW IMPERVIOUS SURFACE
NO TREE REMOVAL REQUIRED

APN: 034-100-020

STILLWATER
CIVIL DESIGN

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PREPARED UNDER THE SUPERVISION OF:
RG
REGISTERED PROFESSIONAL ENGINEER

HILLWALKER VINEYARDS
WINERY USE PERMIT
1871 MT. VEEDER RD - NAPA, CA 94559
APN: 034-110-047
PRELIMINARY DRIVEWAY PLAN
ROAD EXCEPTION REQUEST

NAPA COUNTY



UP 4.0
OF 6 SHEETS
3/14/24

The Planning Commission Authorized an Exception to the Conservation Regulations:

- 3 of the 6 proposed turnouts located within the stream setback do not propose to disturb ground which is closer to the stream
- Final grading plans will be reviewed, approved, and conditioned by the Engineering Division, which imposes construction and post-construction pollution prevention requirements to ensure that there is no potential for significant on- or off-site erosion, impacts to siltation, or flooding
- A preliminary Stormwater Control Plan has been submitted and reviewed for consistency with NCC Section 16.28.100 (Reduction of pollutants in stormwater)



The Planning Commission Authorized an Exception Request to the RSS

- Allowed for selective widening to two road sections (Stations STA 2+50 to STA 25+50 and STA 28+00 to STA 36+00)
- Other sections were considered compliant with the RSS



Adopted CEQA Document

- An Initial Study/Mitigated Negative Declaration (MND) was prepared by Staff, circulated for review, revised, considered and adopted by the Planning Commission. According to the revised MND, the proposed project would not have any potentially significant environmental impacts after implementation of 7 mitigation measures.
- 7 Mitigation Measures have been proposed for the project:
 - Biological Resources (BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6)
 - Agriculture & Forest (AG-1)
- 4 out of the 7 Mitigation Measures were added or modified in response to the California Department of Fish & Wildlife comments to amplify the MND, require an assessment prior to construction activities, and further decrease any potential environmental impacts



Adopted CEQA Document (con't)

The Mitigation Measures were prepared to specifically address the following Biological resources:

- Northern Spotted Owl
- California Giant Salamander
- Foothill Yellow-Legged Frog
- Western Pond Turtle



Adopted CEQA Document (con't)

- As a result of the 9 oak trees proposed to be removed in the creek setback to allow for the installation of the proposed road turnouts, Mitigation Measure AG-1 (Vegetation Canopy Cover Preservation Ratio) has been required for compliance with NCC Section 18.108.020 (D) 3:1 vegetation canopy cover preservation ratio. In addition, Condition of Approval 6.4.c. requires a 2:1 tree replacement ratio
- A temporary wildlife fence is required to be installed between the edge of the pond and the driveway improvement locations to prevent animals from entering the work area consistent with Condition of Approval 7.5.g



Adopted CEQA Document (con't)

- Please note that since Hillwalker Vineyard Winery was approved by the Planning Commission, PBES has clarified and updated its practices with regards to preparation of Conditions of Approval
- PBES now specifically identifies CDFW as a “responsible agency” within the stated COAs/Mitigation Measures
- Should the Board deny the appeal, a further revised COAs will be included with the Findings





Topic three

Focused Appeal Grounds Discussion



Focused Appeal Grounds

- State Clearing House (SCH) Filing (Appeal Ground Nos.1,5)
- Initial Study/Mitigated Negative Declaration Inadequate & Lacked Disclosure of Information (Appeal Grounds Nos.2,3)
- Water Availability Analysis Not Adequate (Appeal Grounds Nos.4,6,7,8,9)



State Clearing House (SCH) Filing

- County of Napa is the Lead agency for the project
- Required forms filed by the Department of Planning, Building & Environmental Services
- Compliance with the State Clearinghouse CEQA Document submittal requirements and review protocol
- California Department of Fish & Wildlife (CDFW) was provided the opportunity to review and comment on Project through the SCH
- PBES received CDFW's letter dated July 31, 2024, with requested changes to the CEQA document and additional mitigation measures
- Errors in project description (APNs) were corrected, disclosed to the Planning Commission
- Staff was never contacted by State agencies for clarification or information about the project's location



Initial Study/Mitigated Negative Declaration Inadequate & Lacked Disclosure of Information

- IS/MND submitted to the SCH did identify an unnamed tributary to Pickle Creek that crosses under the existing driveway through culverts at two locations and drains to a detention basin
- IS/MND included a detailed staff assessment of the RSS Exception, and the Conservation Regulation Stream Setback Exception
- CDFW requested 4 additional mitigation measures to amplify the IS/MND and further decrease potential environmental impacts
- No new environmental impacts were identified by CDFW
- The Planning Commission Report detail staff's review and confirmation of the project compliance with County regulations, including conclusions of the IS/MND and final staff recommendations



Water Availability Analysis Not Adequate

- In preparation of the WAA, the project was subject to the County's Interim Well Standards accepted by the Board of Supervisors in 2022 and further revised in January 2024
- The Engineering Division on June 5, 2024, deemed the WAA prepared for the project technically adequate based upon information presented by the Applicant's Engineer, the project's location and available geologic and hydrologic information
- The WAA was further shown to be in compliance with Napa County's WAA Guidelines, the Governor's Executive Order N-7-22/N-3-23, the Napa Valley Subbasin Groundwater Sustainability Plan, and the Public Trust Document
- County recognizes it has an affirmative duty to take public trust into account in the planning and allocation of trust resources and to protect public trust when feasible



Water Availability Analysis Not Adequate (con't)

- The WAA identified that there are 4 existing wells on the property to be used to supply water for the proposed winery and no new wells are proposed for the project
- The IS/MND mistakenly stated that there were 5 and counted the 5th well as the Spring Fed Cistern (an existing condition) whereas the preparer of the WAA did not count the Cistern as a well in the WAA
- While preparing the grounds to this appeal it was discovered that there had been a 5th well on the property that had been designated to be decommissioned in 2006. This applicant confirmed it was not, and the applicant is agreeable to a COA requiring its destruction.
- The Tier I analysis calculated the groundwater Annual Recharge as 2.23-acre feet and a total demand of 1.63-acre feet resulting in a net reduction of 1.15-acre feet



Water Availability Analysis Not Adequate (con't)

- The WAA concluded that a Tier II was not applicable because the project is reducing overall groundwater use and there are no known off-site streams within 1,500 feet that are being used for domestic or agricultural purposes.
- The WAA considered impacts to public trust resources in the event the project wells may be connected to a navigable waterway
- The WAA concluded that the project well is not located within 1,500 feet of a significant stream (Pickle and Redwood Creeks) and there was not a hydraulic connection to a navigable waterway. A Tier III analysis was not required
- The tributaries to Pickle and Redwood Creeks are not classified as significant streams. A Tier III analysis was not required





Topic four

Board Decision-Making Options



Board Decision-Making Options

Staff Recommendation

- Deny the Appeal in its entirety and uphold the Planning Commission's approval of the project. Direct Staff to revise applicable COAs with timelines affected by the appeal process.
- Return with Findings and Decision on Appeal on April 8, 2025.

Other Available Options

- Modify the scope of the Project and/or Conditions of Approval and uphold the Planning Commission's Approval of the Project;
- Uphold one or more Grounds of the Appeal and reverse the Planning Commission's decision, thereby denying the Project; or
- Remand the matter to the Planning Commission with direction.





Questions?



Applicant & Appellant

Rob Anglin

General Counsel –
Hillwalker Vineyards
Winery

Kevin Morrison

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Vineyards Winery

William McKinnon

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Thank you

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