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Recommended Findings

**PLANNING COMMISSION HEARING – DECEMBER 18, 2024
RECOMMENDED FINDINGS**

**HENDRY WINERY
MAJOR MODIFICATION TO USE PERMIT P15-00173-MOD
3104 REDWOOD ROAD, NAPA
APNS 035-120-031 (WINERY) AND 035-120-030 (WELL)**

ENVIRONMENTAL:

The project is subject to the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 *et seq.*) The Planning Commission has received and reviewed the Initial Study for the Use Permit Major Modification, pursuant to the provisions of CEQA, the State CEQA Guidelines and Napa County's Local Procedures for Implementing CEQA, and finds that:

1. The Planning Commission has read and considered the Initial Study, as well as any comments received thereon, prior to taking action on the Negative Declaration and the proposed project.
2. The Negative Declaration is based on independent judgment exercised by the Planning Commission.
3. The Initial Study and Negative Declaration were prepared and considered in accordance with the requirements of CEQA.
4. There is no substantial evidence in the record as a whole, that the proposed project will have a significant effect on the environment when made subject to compliance with standard conditions of development approval.
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 compatibility plan.
6. 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.
7. The Secretary of the Planning Commission 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, Room 210, Napa, California.

USE PERMIT:

The Planning Commission has reviewed the Use Permit Major Modification request in accordance with the requirements of Napa County Code and makes the following findings:

8. The Planning Commission has the power to issue the approval for the Use Permit Major Modification request under the Zoning Regulations in effect as applied to the property.

Analysis: The winery is located on property in the AP (Agricultural Preserve) zoning district of Napa County. Modifications to use permits for wineries located in the AP zoning district require Planning Commission approval (Napa County Code Sections 18.16.030, 18.124.010 and

18.124.130). There is no companion action necessary for the requested Use Permit Major Modification that would require action by the Board of Supervisors.

The zoning district of the Well Parcel is Agricultural Watershed (AW). The new replacement well is part of the project since it will be used exclusively to serve the winery parcel for winery uses, along with vineyard irrigation.

The project, as conditioned, 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 for a Use Permit Major Modification set forth in Chapter 18.124 of the Napa County Code (zoning regulations) have been met.

Analysis: The application for a Major Modification to the Use Permit has been appropriately filed, and notice and public hearing requirements of County Code Sections 18.124.040.B and 18.136.040 have been met. On November 26, 2024, the notice of public hearing was emailed to interested parties requesting such notice; was published in the Napa Valley Register; and mailed via first class mail to the applicant, property owner, and the applicant's engineer, as well as, to owners of property located within 1,000 feet of the subject parcel and adjacent parcel on which is located the existing winery well to be abandoned. The CEQA public comment period ran from November 26, 2024, through December 17, 2024.

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

Analysis: The requested modification of the use permit to change winery staffing and expand the tours and tastings and marketing programs of the winery will not have an adverse effect on public health, safety or welfare. The proposed modification includes a modest visitation program consisting of no more than 35 visitors per day and no more than 13 marketing events per year, with the majority of events hosting 50 or fewer guests and only one large event for up to 150 people. Noise impacts generated from the winery's events will not be significant because events and other on-site wine consumption will occur inside of, or proximate to the winery building. The closest off-site residence is over 1,400 feet (this residence is also owned by the applicant) and 1,500 feet away from the winery building. In addition, events are proposed to occur between 9:00 a.m. and 5:00 p.m., outside of the nighttime hours of 10:00 p.m. to 7:00 a.m. (Napa County Code Section 8.16.060 and 8.16.070), when receptors' sensitivity to noise is heightened. Events shall also be subject to standard conditions of approval that prohibit outdoor amplified sound.

Additional wastewater treatment system capacity needed to accommodate the winery staffing changes and requested visitation program can be provided on-site with limited grading, to occur in an already disturbed area, and without need for tree removal. Expansion of the system will bring the winery into compliance with County and State health standards. With the modification, groundwater demands of the 60.7-acre property (including both winery and permitted agricultural uses) would increase by an estimated 0.14 acre-feet per year, for an estimated total of 6.42 acre-feet. The parcel-specific groundwater recharge analysis, included in the Water Availability Analysis (Project WAA) prepared by CMP Civil Engineering & Land Surveying, dated June 24, 2024, estimated an annual recharge of 20.99 acre-feet per year. The project would not negatively impact groundwater resources.

Various County divisions and departments have also reviewed the project and commented

regarding wastewater treatment system permitting, food service, and proper waste disposal. Conditions are identified that will incorporate these comments, along with other project-specific and standard County conditions pertaining to noise, water monitoring, light, and glare, into the project approval to assure the protection of the public health, safety, and welfare.

11. The proposed Use Permit Major Modification complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan.

Analysis: Compliance with the Zoning Ordinance

The Winery Parcel is located in the AP District, where wineries with accessory uses are conditionally permitted. The proposed project is currently compliant with minimum winery building setbacks, as well as, maximum winery lot coverage and maximum accessory to production ratio requirements specified in Napa County Code. In compliance with County Code Section 18.104.200, which establishes a maximum allowable building area for accessory uses at 40 percent of the area used for winemaking, the increased accessory use square footage associated with the requested permit modification is approximately nine (9) percent of the indoor and outdoor areas dedicated to wine production.

The new replacement well, would be located on the Well Parcel, in the AW District. Installation of a new or replacement well is not dependent on the parcel's zoning designation. Issuance of a well permit must comply with the "Interim Napa County Well Permit Standards and WAA Requirements – January 2024". The Project WAA demonstrates compliance with the January 2024 Standards.

Analysis: Consistency with the General Plan

As proposed and as conditioned, the requested Use Permit Major Modification is consistent with the overall goals and objectives of the General Plan (2008).

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." The continued use of the property for fermenting and processing of 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..."). General Plan Policy AG/LU-2 recognizes wineries as agricultural uses of land, and includes in the definition of agriculture "related marketing, sales and other accessory uses." Additional water demand generated by the winery's modified operational characteristics will be in line with General Plan Goal CON-11, which supports prioritization of groundwater for agricultural purposes.

The General Plan land use designations for the Winery Parcel are Agricultural Resource (AR) and Agriculture, Watershed and Open Space (AWOS). The portion of the property on which the winery facility is located is AR. The intent of this land use designation is to provide "areas in the fertile valley and foothill areas of the county in which agriculture is and should continue to be the predominant land uses" (Policy AG/LU-21). The intent of the AWOS land use designation is that the predominant use of land is "agriculturally oriented" (Policy AG/LU-20). The agricultural development currently on the property (vineyard and winery), as well as, the existing single-family dwelling to be retained on-site, and the expansion of the winery's existing tours and tastings and marketing programs and increase in employees, are consistent with the general uses identified in

the General Plan as being compatible with the specific land use designation (Policies AG/LU-2 and AG/LU-21). The winery use on the parcel is consistent with both general plan designations.

12. The proposed Use Permit Major Modification 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 Sections 13.15.070 or 13.15.080 of the County Code.

Analysis: A Preliminary Water System Technical Report was prepared by CMP Civil Engineering & Land Surveying, dated October 30, 2024. Due to the proposed number of employees and daily visitation (25 people or more per day for 60 days or more per year), the project will trigger the need for a Transient Non-Community water system. The water source will be connected to the new replacement well on the Well Parcel. The well will meet the requirements for use in this type of water system. The report demonstrated the ability of the Well Parcel to support a Transient Non-Community water system. The Water Availability Analysis was prepared by CMP Civil Engineering & Land Surveying, dated June 24, 2024, demonstrated that the estimated recharge potential of the property (20.99 acre-feet per year) was greater than the proposed water use (6.42 acre-feet per year); therefore, the increase in water use would not significantly impact water resources.

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.

Policy AG/LU-2: “Agriculture” is defined as the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses. Agriculture also includes farm management businesses and farm worker housing.

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.

Policy AG/LU-21: The following standards shall apply to lands designated as Agricultural Resource on the Land Use Map of this General Plan.

Intent: To identify areas in the fertile valley and foothill areas of the county in which agriculture is and should continue to be the predominant land use, where uses incompatible with agriculture should be precluded, and where the development of urban type uses would be detrimental to the continuance of agriculture and the maintenance of open space which are economic and aesthetic attributes and assets of the County of Napa.

General Uses: Agriculture, processing of agricultural products, single-family dwellings.

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.

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-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 Bay Area Air Quality Management District's (BAAQMD) 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 emergency vehicles.
 - 5) Site-specific build-in fire protection
 - 6) Potential impacts to emergency services and fire department response
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