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Recommended Findings  
Parable Winery Use Permit Minor  
Modification  
P23-00230-MM

**ZONING ADMINISTRATOR HEARING – JANUARY 22, 2025  
RECOMMENDED FINDINGS**

**PARABLE WINERY MINOR MODIFICATION AND VARIANCE  
P23-00230-MM & P23-00231-VAR  
4300 SILVERADO TRAIL., CALISTOGA, CA 94515  
APN 020-120-028-000**

**ENVIRONMENTAL:**

The Zoning Administrator 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 Zoning Administrator 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, land use and planning and tribal cultural 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 Planning 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, Room 210, Napa, California.

**VARIANCE:**

The following findings must be made in order for the Zoning Administrator to grant a Variance pursuant to County Code § 18.128.060.

8. That the procedural requirements set forth have been met.

**Analysis:** An application and required processing fees have been submitted for a variance accompanied with a statement from the applicant outlining the reasons for the request. Site

plans depicting the location of the project and elevation drawings showing the appearance of the existing structure have been submitted as required by Napa County Code (NCC) § 18.128.020. According to NCC § 18.128.040, the applicant shall bear the burden of proof in establishing facts supporting the applicant's eligibility for grant of variance while also providing other appropriate information, including graphic depictions necessary to show the grounds for granting of a variance. As such the applicant has submitted a narrative with responses to the required findings and the appropriate information needed to support approval of a variance. Noticing and public hearing requirements have been met. The hearing notice for the January 22, 2025, public hearing was posted on December 21, 2024, and copies were forwarded to property owners within 1,000 feet of the project parcels and all other interested parties.

9. Special circumstances exist applicable to the property, including size, shape, topography, location or surroundings, because of which strict application of the zoning district regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

**Analysis:** The property is zoned AW, and located at the base of a steep hill, which levels out approaching Silverado Trail. It thus has limited flatter areas for development. Those flatter areas are largely within the 600-foot setback, and as such those are the existing developed areas of the property. As shown on accompanying plan sheet UP1.0 and 2.0, the property has existing structures – the residence and destroyed winery – in the flatter portions of the property within 600 feet of the road. The previous winery building was approximately 179 feet from the center of Silverado Trail. The new tasting room buildings are to be located approximately 323 and 265 feet, respectively, in the flat portions of the property before the property becomes steep. The new winery building will be approximately 296 feet from the center of Silverado Trail. The property is located fronting Silverado Trail, which places much of the developable portions of the property within 600 feet of the road.

As shown on UP1.0 and the accompanying Variance Exhibit, the only small, flatter portion of the property beyond 600-feet from the road is inaccessible on the opposite side of a blue line stream and within the stream setback. Thus, development of a winery elsewhere on the property beyond the 600-foot setback is essentially impossible, as the only portion outside of the applicable setbacks, as indicated in the accompanying Variance Exhibit, is located on steep terrain, and encumbered by a PG&E easement. Even if a location could be identified that was within an allowable slope, it would require extensive removal of trees and vegetation and extensive grading.

Other properties located on Silverado Trail, State Highways such as Highway 29 or the up-valley portion of Highway 128, which are flatter, can accommodate 600-foot setbacks. However, the applicant's property cannot accommodate the imposed 600-foot setback due to its shape, topography, and vegetation. Thus, the strict application of the setback would deprive the applicant's property of privileges enjoyed by other similar properties in the vicinity and under identical zoning classification.

10. Grant of the variance is necessary for the preservation and enjoyment of substantial property rights.

**Analysis:** The property is zoned AW and a winery is allowed with a use permit. A winery has been permitted on the property since before the creation of the 600-foot setback. While code allows for expansion of such wineries further from the existing encroachment, the winery was destroyed by the Glass Fire. The replacement plans provide to build new structures significantly further from Silverado Trail than the prior winery. The applicant has a vested right to the winery use, but replacing the winery where it was would have a greater impact on Silverado Trail, allowing a variance to build replacement structures further from Silverado Trail is necessary to preserve and enjoy these substantial property rights.

If the applicant is not able to construct replacement structures where proposed, there is no other feasible developable portion of the property for winery purposes further from Silverado Trail, and the applicant would be deprived of substantial property rights as a result.

11. Grant of the variance will not adversely affect the public health, safety or welfare of the County of Napa.

**Analysis:** The intent of the 600-foot winery setback is to avoid impacts to views and noise of a winery on major thoroughfares and neighbors. The prior winery was only approximately 130 feet from the Silverado Trail right of way. The applicant proposes to replace the destroyed winery much further from the Trail. If the variance were denied, the applicant would need to replace the destroyed winery where it was. As such, only denial of the variance could potentially adversely affect its neighbors, as denial would result in a structure closer to the road. There are no residential neighbors that will be impacted by the new structures, and only those driving on Silverado Trail will be able to see the winery.

There are no residential neighbors that could be impacted by the variance. Rather, again, denial of the variance would require the replacement structure to be built much closer to the road. Or, if it were even possible, new structures would need to be built that would require substantial grading and removal of trees and vegetation. Only were the variance denied would such activities need to be undertaken that would be potentially noticeable to the neighbors. As such, approval of the variance request benefits the health or safety of persons residing or working in the neighborhood. The variance provides a benefit to the public welfare by avoiding construction impacts or vegetation removal and will improve the view from the prior conditions.

Thus, for the above reasons, approval of a variance to allow replacement of the winery within the 600-foot setback is appropriate.

#### **USE PERMIT**

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

12. The Commission has the power to issue a use permit major modification 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.

13. The procedural requirements for a use permit minor modification set forth in Chapter 18.124 of the 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 was posted and published in the Napa Valley Register on December 21, 2024, and copies of the notice were forwarded to property owners within 1,000 feet of the Property.

14. The grant of a use permit major modification, as conditioned, will not adversely affect the public health, safety, or welfare of the County of Napa.

**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.

15. The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan and any applicable specific 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, construction of tasting rooms, construction of new process and domestic wastewater systems, an increase in annual wine production, establishment of employment, tours and tastings/visitation and marketing events. 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 and other applicable specific plans**

As proposed and as conditioned, the requested Use Permit Minor Modification is consistent with the overall goals and objectives of the General Plan (2008). The General Plan land use designation for the subject parcel is Agricultural Resource (AR) and Agriculture, 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 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...”). By allowing the expansion of the existing agricultural use, the requested Use Permit Minor Modification supports the economic viability of both the vineyard and agricultural product processing uses on the property, 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 hydrogeologic 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 hydrogeologic 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.

16. The proposed use would not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on the affected groundwater basin.

**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. Water Demand Calculations submitted for the project placed the water demand for existing uses on the property (primary residence, .5 af/yr; vineyard irrigation, .815 af/yr; process water, .430 af/yr; landscaping, .1 af/yr; employees .03 af/yr) at a total of 1.881 af/yr. The proposed winery project increases process water, employees, visitation and marketing events. In order to maintain no adverse impacts from the potential increase in groundwater use the applicant has proposed to construct a recycled process wastewater system, which will reduce groundwater used for vineyard irrigation by .446 af/yr. These water saving features would reduce the overall groundwater use of the project from the existing 1.881 af/yr to 1.78 af/yr. Based upon this figure, the project would not increase groundwater extraction over existing demand. The County is not aware of, nor has it received any reports of, groundwater shortages near the project area. 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. Because the projected water demand reduces groundwater use from the existing entitlements, 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.