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Recommended Findings

Ladera Vineyards Winery
Minor Modification P21-00294-MOD and Viewshed P22-00109
Planning Commission Hearing May 3, 2023

PLANNING COMMISSION HEARING – MAY 3, 2023
RECOMMENDED FINDINGS

Ladera Vineyards Winery Minor Modification and Viewshed
Application No. P21-00294-MOD and No. P22-00107-VIEW
3942 Silverado Trail, Calistoga
APN 021-030-047

ENVIRONMENTAL:

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

1. The Planning Commission has read and considered the Negative Declaration prior to taking action on said Mitigated Negative Declaration and the proposed project.

2. The Mitigated Negative Declaration is based on independent judgment exercised by the Planning Commission.

3. The Mitigated Negative Declaration 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 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 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, Second Floor, Napa, California.

PLANNING AND ZONING ANALYSIS:

USE PERMIT:

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

8. The Commission has the power to issue a Use Permit under the Zoning Regulations in effect as applied to property.

   Analysis: The project is consistent with the Agricultural Watershed (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 with an approved use permit. The project, as conditioned, complies with the Napa County Winery Definition Ordinance (WDO) and all other requirements of the Zoning Code as applicable.

9. The procedural requirements for a Use Permit set forth in Chapter 18.124 of the Napa County Code (zoning regulations) have been met.

   Analysis: The Use Permit Minor Modification has been appropriately filed and notice and public hearing requirements have been met. The hearing notice and intent to adopt a Mitigated Negative Declaration were posted on April 13, 2023, and copies were forwarded to appropriate persons on the mailing list. The public comment period ran from April 13, 2023, to May 2, 2023.

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

    Analysis: Granting the Use Permit Minor Modification for the project, as proposed and conditioned, will not adversely affect the health, safety or welfare of the County. Various County divisions and departments have reviewed the project and commented regarding site access, parking, water and wastewater disposal systems, building permits, and fire protection. Conditions of Approval are recommended which will incorporate County comments into the project to ensure the protection of the public health, safety, and welfare is maintained during construction and operation of the project.

11. 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 Agricultural Watershed (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 18.16.020) are permitted in the AW District with an approved use permit. Modifications to operational aspects of the property will comply with the zoning ordinance. The existing winery building, approved and constructed prior to the WDO, is approximately 206 feet from the centerline of Silverado Trail. In compliance with Napa County Code Section 18.104.230.B. the expanded winery building will be no closer than 206 feet from the centerline of Silverado Trail. The closest portion of the cave area is proposed at 265 feet from the centerline of Silverado Trail, and the cave wall is set back an additional 54 feet. Because the cave entry area is not used for winery functions and the portals are not visible, the setback is in compliance with County Code section 18.104.230.A.

    Analysis: Compliance 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). The General Plan land use designation for the subject parcel is Agricultural Resource (AR).

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 approved 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 Major 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-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.

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-54: The County shall maintain or enhance infiltration and recharge of groundwater aquifers by requiring all projects in designated groundwater deficient areas as identified in the County's groundwater ordinance (County Code Chapter 13.15) be designed (at minimum) to maintain a site's predevelopment groundwater recharge potential, to the extent feasible, by minimizing impervious surfaces and promoting recharge (e.g., via the use of water retention/detention structures, use of permeable paving materials, bio-swales, water gardens, cisterns, and other best management practices).

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 would 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-60.5 All aspects of landscaping from the selection of plants to soil preparation and the installation of irrigation systems should be designed to reduce water demand, retain runoff, decrease flooding, and recharge groundwater.

Policy CON-72: The County shall seek to reduce the energy impacts from new buildings by applying Title 24 energy standards as required by law and providing

information to the public and builders on available energy conservation techniques, products, and methods available to exceed those standards by 15 percent or more.

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

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

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

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

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

1) Adequacy of water supply.
2) Site design for fire department access in and around structures.
3) Ability for a safe and efficient fire department response.
4) Traffic flow and ingress/egress for residents and emergency vehicles.
5) Site-specific built-in fire protection.
6) Potential impacts to emergency services and fire department response.

12. That 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 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: The project 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.

A Water System Feasibility Report, dated July 2022, was prepared by Sherwood Design Engineers. Based on the proposed uses, the onsite public water system will be classified as a transient noncommunity (TNC) public water system per the State of California Drinking Water Requirements. The existing water system (tanks, utilizes, treatment devices) will not be used as part of the proposed project and will be demolished as part of the improvements. The Division of Environmental Health reviewed this report and concurred with its findings.

A Water Availability Analysis was prepared by Sherwood Design Engineers, dated Revised September 21, 2022. As directed by the County Water Availability Guidelines (May 2015) the report includes a Tier 1 calculations for the existing and proposed water uses and a groundwater recharge analysis, a Tier 2 well interference analysis, and a Tier 3 surface water interference analysis. An onsite water audit was completed and the existing water use associated with the residence and winery is estimated to be 1.37 acre-feet/year (af/yr). Due to the increase in employees and hospitality guests, along with the new landscape design, water use would increase by 0.17 af/yr to a total of 1.54 af/yr. Due to the parcel location outside of the GSA boundary, a parcel specific recharge calculation was prepared. The estimated recharge potential totaled 2.44 af/yr, which exceeds the proposed use.

The proposal includes installation of well pump equipment limiting the pumping rate to 9 gpm or less. The Tier 2 demonstrated that with the restricted well pumping rate, the proposed usage of the project well would not significantly impact neighboring wells within 500 feet. The Tier 3 analysis demonstrated that the increase in water use would not substantially impact Dutch Henry Creek, located approximately 730 feet from the well. Based on the distance, aquifer hydraulic conductivity, well seal and perforation depth, and with the limited well pumping rate, the proposed well usage would wall within the acceptable conditions as outlined in the County's WAA Guidelines. Therefore, the project is considered not to have a potential to significantly impact groundwater resources. The requested Use Permit Modification 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.