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Recommended Findings

**PLANNING COMMISSION HEARING – JUNE 3, 2026
RECOMMENDED FINDINGS**

**AXR WINERY NAPA VALLEY WINERY
USE PERMIT MODIFICATION (P22-00417-MOD), VARIANCE (P26-00045-VAR),
AND VIEWSHED (P26-00044-VIEW)
3199 ST. HELENA HIGHWAY, ST. HELENA, CA 94574
APN 022-080-025**

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 makes the following findings.

That:

1. The Planning Commission 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, visual, transportation, tribal and 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 Clerk of the 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, Ste 210, Napa, California.

VARIANCE:

The following findings must be made in order for the Commission 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 existing and proposed structures 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 was posted on April 30, 2026, 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 project includes a request for a Variance to allow construction of an aboveground winery process wastewater treatment system within the established 600-foot winery road setback from St. Helena Highway / Highway 29 (SR 29). This Variance is requested in tandem with the Use Permit request to modify the AXR Napa Valley Winery (formerly "V Madrone Cellars") use permit to allow the construction of new wine caves, associated wastewater treatment systems and water storage, and an increase in the number of employees, visitation, and marketing events. As shown on the AXR Napa Valley Winery Variance Application – the parcel is 7.85 acres in size and configured in such a way that no portion falls outside of the required 300-foot setback from Bea Lane (private) and 600-foot setback from SR 29. Existing buildings within the setback include the main winery building (historic Hirsch residence), located 218+/- feet from SR 29, and the barrel storage building, located 30+/- feet from Bea Lane. The new winery process wastewater treatment system will be constructed approximately 415 feet from SR 29 and over 400 feet from Bea Lane. The proposed wine cave portals are also within winery setbacks but meet visibility exception criteria in Sec. 18.104.230 of the Zoning Code.

As discussed below, the AXR Napa Valley Winery parcel is unique in that the entire parcel is encumbered by overlapping winery road setbacks and it contains the historic Hirsch residence (pre-prohibition winery) known as Napa County Historic Landmark ID #141202.

Special Circumstances

In 2005, the 7.85-acre substandard parcel was approved to re-establish a 20,000 gallon per year pre-prohibition winery in historic structures that do not meet setbacks as allowed under Sec. 18.104.245 – Exceptions to winery setback and minimum parcel size for pre-prohibition wineries. Per Sec. 8.104.230.B, building additions to legally established wineries are allowed within the required setbacks without a variance provided that the new structure is attached to the original structure and is not any closer to a winery setback roadway. If a winery parcel contains historic structures, new detached structures may encroach 300 feet into the highway setback provided all required findings in Sec. 18.104.235 are met. New structures that do not meet these exception criteria are subject to winery road setbacks.

In this case, the applicant requests to install winery accessory structures associated with a new process wastewater treatment system. Aboveground components of the system include two 5,000-gallon tanks and/or a 900 square foot treatment unit that may range from 5 to 10 feet in height. The project results in separating the existing comingled wastewater treatment system to accommodate permitted wine production levels while increasing sanitary sewage flows for winery employees, visitation, and event guests. As can be seen from the Variance Exhibit provided in Attachment O, it is not physically possible to construct new winery structures outside the required 300-foot and 600-foot winery road setbacks due to the size and shape of the parcel, unlike most surrounding parcels where the size and shape do not inhibit location of winery structures outside the required setbacks. The proposed structures will be constructed in the southwestern corner of the property, approximately 415 feet from SR 29, in a previously disturbed area adjacent to the onsite vineyard. The proposed structures will be substantially screened from view from the highway due to a combination of topography, existing and proposed vegetation, the neighbor's residence, and by using non-reflective, earthtone exterior materials and colors. According to the Historic Resource Evaluation prepared by Evans & De Shazo, Inc., dated August 2025, the project will not diminish the historic integrity of the property. Per Mitigation Measure CUL-1, all site work, rehabilitation, and modifications to the site must comply with the Secretary of Interior's Standards for the Treatment of Historic Properties and Napa County's Landmark Preservation Ordinance.

Unnecessary Hardship

Meeting the setbacks presents a practical difficulty as the property is encumbered by overlapping winery setbacks and the applicant does not own adjacent parcels. Although the parcel is a designated Historic Napa County Landmark, the site's historic structures are not eligible for listing on the California or National Register and consequently do not qualify for reduced setbacks allowed under 18.104.235. Additionally, historic preservation requirements and Environmental Health setbacks prevent the expansion of existing buildings for wastewater treatment systems.

Summit Engineering Inc., evaluated the feasibility of undergrounding two hold and haul tanks (Option 3 of the project's Wastewater Feasibility Study) and estimated \$80,000 would be added to the construction costs for a project that already faces significant costs, including a new left-turn lane at an estimated cost of over \$1,000,000, archaeological monitoring, water system conversion, fire protection, and the construction of historian-approved caves. Requiring the undergrounding of the entire wastewater system to meet setbacks, when landscaping and exterior materials can provide sufficient visual screening, would impose an unnecessary hardship on the landowner.

As the subject parcel cannot physically accommodate the imposed winery road setbacks for new aboveground structures, the strict application of the setbacks would deprive the applicant of privileges enjoyed by other 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: This finding requires the applicant to demonstrate that granting of the variance is necessary for the preservation and enjoyment of substantial property rights generally enjoyed by other property in the same zone and vicinity but will be denied to the applicant's parcel due to special circumstances of the property and unnecessary hardship. This is generally referred to as the "parity" prong. The property is located within the AW zoning district in which wineries and winery expansions are permitted upon approval of a use permit. In 2005, the property was approved for a 20,000 gallon per year winery within the winery road setbacks as allowed under Sec. 18.104.245 – Exceptions to winery setback and minimum parcel size for pre-prohibition wineries. Approval of the variance will allow the existing winery to modernize its winery process wastewater treatment system while expanding its marketing and hospitality uses consistent with the site's zoning and General Plan land use designations. Strict application of the setbacks results in a practical hardship and a financial hardship which will restrict the ability to obtain a use permit and ultimately modernize the facility's wastewater treatment systems and expand winery hospitality

uses. Granting of the variance will bring the parcel into “parity” with other properties zoned AW that have been granted use permits for winery expansion.

The grant of this variance will not confer a special privilege to the applicant as the Commission has previously granted variances to allow the construction of wineries, including accessory facilities, within roadway setbacks on properties with the same zoning and similar property characteristics. These include, but are not limited to, two wineries within approximately one mile of the site- Brasswood Napa Valley and William Cole Winery. Brasswood Napa Valley (formerly Cairdean Winery) was approved on a larger parcel with frontage on SR 29 and obtained a variance to the 600-foot highway setback due to steep topographic conditions and natural features on the property. William Cole Winery was approved to re-establish a pre-prohibition winery in the 600-foot highway setback on a parcel similar of size to AXR Napa Valley Winery as allowed under Sec. 18.104.245. Subsequently, William Cole Winery obtained a variance to expand into an existing barn 280 feet from the highway as there was no alternative location on the site where the variance would not be necessary. Other nearby wineries located in the 600-foot SR 29 setback and in the same zoning district include Morlet Family Estate (pre-prohibition winery re-established under Sec. 18.104.245) and pre-WDO facilities that were not limited by winery setbacks.

As referenced above, several properties in the County under similar or identical zoning classification enjoy permitted wineries (and subsequent expansions) within the setback. Thus, in addition to avoiding unnecessary hardship to the applicant, approval of the requested variance will allow the applicant to achieve parity with other properties. Furthermore, if the landowner cannot construct an aboveground process wastewater treatment system in the winery setback, there is no other physical location for aboveground structures available on the property, and the landowner 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 and preserve the rural character of Napa County.

The requested variance will not adversely affect public health, safety and welfare as discussed further below.

- The wastewater treatment system will be 415 feet from the highway (where 600 feet is required) and screened from view from vehicles driving along SR 29 due to existing and proposed vegetation, its location behind the neighbor’s residence, and use of non-reflective, earthtone exterior colors and materials. This design

provides screening and viewshed protections consistent with the intent and spirit of the setback regulations described in the Napa County Winery Definition Ordinance (WDO) and Code Section 18.104.230.

- The wastewater treatment system will be constructed in an area already disturbed by vineyard activities. No trees will be removed and all sensitive habitats in the vicinity will be protected.
- This proposal will not result in the potential for creation of significant noise. The proposed structures will be sized for treating/disposing of 20,000 gallons of wine per year, which is considered a small winery. The nearest offsite residence located 200+/- feet to the east will be shielded by approximately 100 feet of existing mature vineyard and new landscaping via required Conditions of Approval. Additionally, potential noise levels are expected to be minimal due to the site's ongoing vineyard and winery activities, as well as ambient noise levels from the highway. Standard project Conditions of Approval further reduce noise impacts to neighbors by requiring compliance with Napa County's Noise Ordinance.
- The project is required to minimize nighttime light disruption and visual glare by using shielded exterior light fixtures and directing them downwards as specified in the County's standard Conditions of Approval.
- Construction activities must adhere to best management practices for dust control as specified in the County's standard conditions of approval.

Furthermore, various County departments have reviewed the Project and commented regarding water, wastewater disposal, access, building permits, and fire protection. Given that recommended conditions of approval and mitigation measures are incorporated, the project will not adversely affect the public health, safety or welfare of the County of Napa.

- 12.** Grant of the variance in the case of other groundwater basins, or areas which do not overlay an identified groundwater basin, where grant of the variance cannot satisfy the criteria specified for approval or waiver of a groundwater permit under Section 13.15.070 or 13.15.080, substantial evidence has not been presented demonstrating that grant of the variance might cause a significant adverse effect on any underlying groundwater basin or area which does not overlay an identified groundwater basin.

Analysis: The project is located on a 7.85-acre hillside parcel, adjacent to the Napa Valley Floor and outside of a groundwater deficient area. Water Availability Analysis was prepared (EBA Engineering) and submitted with the application utilizing the Napa County's Water Availability Analysis (WAA) Guidance Document (Adopted May 12,

2015) and 2024 Interim Guidelines. The analysis concluded that a Groundwater Recharge Rate of 6.42 acre-feet per year (AFY) has been identified for the parcel. The projected water demand for the parcel would increase by approximately 0.1197 AFY, bringing the total water demand to 2.8 AFY¹. Project Conditions of Approval require the applicant to participate in a groundwater demand management program to cap groundwater pumping at 42 gallons per minute and a maximum of 2.8 AFY for the entire parcel. Thus, the project would not increase groundwater extraction beyond the yearly maximum estimated groundwater recharge of 6.42 AFY and 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.

VIEWSHED PROTECTION PROGRAM:

The following findings must be made to approve a project applicable to the Viewshed Protection Program – Administrative Review requirements pursuant to Napa County Code (NCC) Section 18.106.040(C):

- 13.** The highest point of the proposed structure is located more than twenty-five vertical feet below a major or minor ridgeline.

Analysis: The development area is more than 900 feet below the minor ridgeline west of the site on slopes ranging from 5+/- to 18+/- percent.

- 14.** The project as designed and sited meets all of the following standards and substantially conforms to the Design Manual:
- a. The maximum floor area, including all floors, of the main residence or agricultural structure is four thousand square feet or less and the maximum floor area, including all floors, for accessory structures are a combined total of two thousand five hundred square feet or less,
 - b. The height of the structure is twenty-four feet or less as measured from finished grade along fifty percent or more of the longest wall as viewed from any designated public road,
 - c. The improvement(s), including any required earthmoving or grading associated with the structure shall minimize removal of existing vegetation with emphasis on preserving mature trees. If the improvements require the removal of any tree with a diameter of six inches or greater, a detailed landscaping plan shall be prepared showing the location and replacement of trees and vegetation in a manner which

¹ 2.8+/- AFY is staff's adjusted estimate for proposed water demands which considers the following project changes: no increase in wine production, conversion of the main residence, and new screening vegetation.

screens the improvements from substantial views from designated public roads and provides for defensible space in conformance with state law,

- d. A significant portion of natural on-site vegetation has been retained to naturally screen the project from views of designated public roads,
- e. Landscaping will be installed and designed to screen the project from substantial views from designated public roads,
- f. The project lighting, including site lighting, has been designed to minimize off-site visibility and glare,
- g. The exterior color treatment of the structure will blend with the color of surrounding vegetation and landforms,
- h. Exterior windows and trim are nonreflective, and
- i. Roof angles and composition are designed to conform to existing landforms and landscape

Analysis: As designed, the proposed structures do not result in tree removal or exceed 4,000 square feet in size. All new structures will comply with the 24-foot height limit-cave portals will be 13-feet, 8-inches in height, new tanks will be 8 to 15 feet in height, and a wastewater treatment unit typically ranges between 5 to 10 feet in height. All proposed new structures on slopes of 15% or higher will be screened adequately from views on viewshed roads by retaining existing trees and most of the vineyard onsite and installing new screening landscaping at each structure and the parcel's frontage. Conditions of Approval require the project minimizes off-site visibility and glare, and utilizes non-reflective, earthtone colors and textures to blend with the background. With the incorporation of the submitted landscape plan designed for vegetative screening of more than 51 percent of the proposed structures and Conditions of Approval, the design will minimize adverse effects on views from designated public roads.

- 15.** If the structure is an addition to an existing residence or an agricultural structure, the total floor area, including all floors shall not exceed four thousand square feet. If the addition pertains to an accessory structure, the total floor area, including all floors, shall not exceed a combined total of two thousand five hundred square feet.

Analysis: No additions are proposed to existing buildings.

- 16.** The project as sited and designed shall be in substantial compliance with the Design Manual to reduce its visual impact on the views of major and minor ridgelines as viewed from any designated public road and unique topographic or geologic features as viewed from any county road. The following landforms will be considered to be unique topographic or geologic features for the purposes of this subsection: Mt. St. Helena, Stag's Leap, Calistoga Palisades, Round Hill, Mt. George and Mt. St. John.

Analysis: The proposed structures are more than 900 feet below the minor ridgeline west of the project property. Therefore, as designed, the proposed project and associated improvements substantially conform to the County’s Design Manual and thereby reduce visual impacts on ridgelines. No unique topographic or geologic features are applicable to this subject site.

- 17.** Involves the grading of less than one and one-half acres of land.

Analysis: The project would result in disturbance of less than 0.5 acres of land to construct the new wine cave access road, portals, and water and wastewater system improvements. The siting and design of site improvements do not involve significant grading nor alteration of natural landforms and topography. All new structures on slopes exceeding 15 percent slope will be screened from view from the designated viewshed road (SR 29).

- 18.** Future structures, including roads, driveways, wastewater disposal systems, and necessary earthmoving to construct project improvements shall be located to avoid environmentally sensitive areas as defined by Section 18.08.270 of the code.

Analysis: All proposed structures and driveways are outside of environmentally sensitive areas. Tree removal is limited to six oak trees from the SR 29 Caltrans right-of-way, in an area mapped as Agriculture according to Napa County GIS Environmental Sensitivity Maps (Vegetation Layer). Conditions of Approval require replacement trees along the property’s frontage or a deed restriction preserving existing oak woodland onsite. All construction on the parcel utilizes areas previously disturbed by the existing winery and vineyard activities and will comply with stream setbacks.

- 19.** A detailed landscape plan prepared by a qualified landscape professional shall be prepared which incorporates the criteria set forth in the Design Manual for review and approval by the director.

Analysis: The landscaping plan (“Cave Portal Visibility Analysis”) prepared by Studio 1515 Landscape Architecture, dated March 7, 2024, demonstrates cave portals will be 100 percent screened from view from the designated viewshed road due to a combination of existing topography and vineyard, and installation of new screening vegetation. The landscaping plan proposes manzanita shrubs around cave portals and nine (9) 24-inch box ‘Swan Hill’ multi-trunk olive trees at the property’s frontage. Conditions of Approval require a detailed landscape plan prepared by a qualified landscape professional consistent with the Design Manual for the cave portals as well as all structures associated with new water and wastewater systems.

USE PERMIT:

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

- 20.** The Commission has the power to issue a use permit 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.

- 21.** The procedural requirements set forth in Chapter 18.124 of Napa County Code have been met;

Analysis: The use permit application has been appropriately filed, noticed, and public hearing requirements have been met. The public hearing notice and intent to adopt a Mitigated Negative Declaration was posted and published in the Napa Valley Register on April 30, 2026, and copies of the notice were forwarded to property owners within 1,000 feet of the Property and other interested parties. The public comment period ran from April 30, 2026, to June 2, 2026.

- 22.** The grant of the Use Permit, as conditioned, will not adversely affect the public health, safety or welfare of the County;

Analysis: Granting the Use Permit for the project as proposed and conditioned 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, water and wastewater treatment systems, 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.

- 23.** The proposed winery use complies with the applicable provisions of Napa County Code and is consistent with the policies and standards of the Napa County General 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 zoning district subject to an approved use permit. The proposed project will comply with the

development standards of the AW District and winery coverage area identified in Section 18.104.220. The project requests a Variance from the 600-foot winery setbacks prescribed in Section 18.104.230.A.1. (Refer to Variance Findings provided above) 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

As proposed and as conditioned, the requested Use Permit 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 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 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 proposed winery expansion, the requested Use Permit Modification supports the economic viability of the existing vineyards and agricultural product processing, 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 hydrogeological 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 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-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

24. The proposed use 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 Section 13.15.070 or 13.15.080 of the Napa County Code.

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. The project is located on a 7.85-acre hillside parcel, adjacent to the Napa Valley Floor and outside of the GSA. The project well is approximately 345 feet from the nearest offsite well, 600 feet from a spring, and 400 feet from a designated significant stream (Hirsch Creek); therefore, a Tier 2 and Tier 3 analysis were completed. Based on the submitted Water Availability Analysis (WAA) by EBA Engineering Inc., the parcel has an estimated groundwater recharge of 6.42 acre-feet per year (AFY). Water Demand Calculations evaluated for the project indicate the water demand for existing uses on the property as 2.7+/- AFY² which includes an existing 20,000-gallon winery with visitation and marketing events, four dwellings (three cottages and one apartment), a 3.5+/- acre vineyard, and landscaping. The proposed groundwater demand would increase to approximately 2.8 AFY³ to accommodate the requested increase in employees, visitation, and marketing events, as well as new screening landscaping. One existing dwelling (apartment) will be converted to winery office use and approximately 8,000 square feet of vineyard will be removed to accommodate a new wine cave access road. The WAA determined that pumping from the project well at 42 gallons per minute and for a total of 2.82+/- AFY will not interfere substantially with groundwater recharge and that there is no drawdown from pumping the project well at a distance of 155 feet, which correlates with no anticipated well or spring interference, nor groundwater/surface water interaction with Hirsch Creek.

Project Conditions of Approval require the applicant to participate in a groundwater demand management program to limit the project to 3.0 AFY that may be pumped from the project well at a maximum rate of 42 gallons per minute, which aligns with the project’s WAA and satisfies the County’s Public Trust duties. Thus, 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 the potential to significantly impact groundwater resources. Since the projected water demand is well below the estimated water availability acre feet per year for the parcel, 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

² 2.7+/- AFY is staff’s adjusted estimate for existing water demands which considers that Cottage #5 and Cottage #6 are no longer existing on the property.

³ 2.8+/- AFY is staff’s adjusted estimate for proposed water demands which considers the following: no increase in wine production, conversion of the main residence, and new screening vegetation.

agricultural and related purposes. The project will not require a new water system or other improvements and will not have a negative impact on local groundwater.