

“A”

Recommended Findings

The Winery at Mount Veeder Use Permit P22-00248-UP, Exception to
the Conservation Regulations P25-00088-UP, and Exception to the
Roads and Street Standards
Planning Commission Hearing - June 4, 2025

PLANNING COMMISSION HEARING –JUNE 4, 2025

RECOMMENDED FINDINGS

**THE WINERY AT MOUNT VEEDER
WINERY USE PERMIT P22-00248, CONSERVATION REGULATIONS EXCEPTION
P25-00088, EXCEPTION TO THE ROAD AND STREET STANDARD
1300 Mt. Veeder Road, Napa, CA
APNs 034-230-029**

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 the project:

1. The Planning Commission has read and considered the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program (MMRP) 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 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 biological 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. Records are located at the Napa County Planning, Building, and Environmental Services Department, 1195 Third Street, Room 210, Napa, Calif.

EXCEPTION TO ROAD AND STREET STANDARDS:

The Commission has reviewed the attached described Road and Street Standards (RSS) Exception request in accordance with Road and Street Standards Section 3 and makes the following findings:

8. The exception will preserve unique features of the natural environment which includes, but is not limited to, natural water courses, steep slopes, geological features, heritage oak trees, or other trees of least six inches in diameter at breast height and found by the

decision-maker to be of significant importance, but does not include human altered environmental features such as vineyards and ornamental or decorative landscaping, or artificial features such as, rock walls, fences or the like.

Analysis: The existing and proposed driveway follows the existing driveway alignment to minimize earthmoving. Of the 2,700 foot driveway from Mt. Veeder Road to the proposed winery, 605 feet subject to the exception to the RSS are constrained by steep slopes that are 30 percent or greater, an adjacent blueline stream (Pickle Creek), and ephemeral drainages. An exception to the RSS would minimize grading on steep slope, further encroachment into stream setbacks, and limit vegetation removal while ensuring adequate access for emergency vehicles.

9. The exception is necessary to accommodate physical site limitations such as grade differentials.

Analysis: The proposed driveway design follows the existing gravel driveway alignment. The segments totaling 604 feet subject to the RSS are constrained by steep slopes, an adjacent blueline stream and ephemeral drainages, which physically limit expansion of the existing driveway to meet commercial standards. To achieve the same overall practical effect, there are two (2) turnouts proposed at locations to be inter-visible, including placement of signs to yield to emergency vehicles. These measures were reviewed by the Fire Department and Engineering Services and found to provide the same overall practical effect towards providing adequate access, and defensible space, consistent with the SRA Fire Safe Regulations.

See Engineering Services Division SRA Road Exception Evaluation memorandum dated March 21, 2025, and Recommended Approval Conditions dated March 21, 2025, for further analysis and proposed conditions.

CONSERVATION REGULATIONS EXCEPTION

10. Roads, driveway, building and other man-made structures have been designed to complement the natural landform and to avoid excessive grading.

Analysis: The existing gravel road which will serve the proposed winery follows the existing alignment and complements the natural landform. Portions of the existing road, and the existing bridge that crosses Pickle Creek already lie within the stream setback of Pickle Creek and ephemeral streams that are tributary to Pickle Creek. Balancing emergency and vehicular access, the project engineer has designed improvements to the existing road that minimizes grading and vegetation removal.

11. Primary and accessory structures employ architectural and design elements which in total serve to reduce the amount of grading and earthmoving activity required for the project including the following elements: a) multiple-floor levels which follow existing, natural slopes; b) foundation types such as poles, piles, or stepping levels which follow minimize cut and fill and the need for retaining walls; c) fence lines, walls, and other features which blend with the existing terrain rather than strike off at an angle against it.

Analysis: The cave and pavilion associated with the proposed new winery are not proposed on excessive slopes or within stream setbacks.

12. The development project minimizes removal of existing vegetation, incorporates existing vegetation into the final design plan, and replacement vegetation of appropriate size, quality and quantity is included to mitigate adverse environmental effects.

Analysis: In coordination with the biologist, Solecology, the site was assessed for significant or potentially significant impacts, including vegetation and watercourses as part of both the winery project and the proposed road improvements. The April 2022 assessment concluded that the proposed and required improvements will not result in significant or potentially significant impacts with the recommendations provided by the biologist and incorporated into the project and Mitigated Negative Declaration.

Additionally, the project includes preservation of oak woodland and where trees cannot be preserved, a 3:1 replacement of all oak trees greater than six (6) inches in diameter, removed as part of the project. The tree replacement area will occur partially within areas of the property burned in recent fires. The development project minimizes removal of existing vegetation, incorporates existing vegetation into the final design plan, and replacement vegetation of appropriate size, quality and quantity is included to mitigate adverse environmental effects;

The limited footprint of the proposed project would result in coverage of less than 2% of the parcel. The proposed access road will follow the alignment of the existing road reducing impacts on existing vegetation, slopes and site watercourses. Over 90% of the existing vegetation canopy will be retained following project completion. Additionally, a tree replanting program principally within areas burned by recent fire events will be undertaken as part of the project to compensate for trees greater than six inches in diameter removed as part of the project. The biological report confirms that the project as proposed with recommendations will not significantly impact the existing oak woodland, vegetation, aquatic environment, terrestrial plants or animals.

13. Adequate fire safety measures have been incorporated into the design of the proposed development;

Analysis: The project has been developed in consultation with the project fire safety consultant to ensure that adequate fire safety measures are incorporated into the project design. The proposed winery will be located underground with the only above ground structure being the hospitality pavilion. The cave includes provisions for fire sprinklers and emergency and secondary access leading away from the underground winery. A 50,000-gallon firewater tank provides fire protection for both the winery and hospitality pavilion.

The hospitality pavilion is sited with required defensible space provided around it; utilizes fire retardant building materials and is fully accessible to emergency equipment and vehicles as it is located within 150 feet of the fire truck turnaround area.

The improvements to the existing driveway proposed as part of this project carefully balances emergency access for first responders and guests with preservation of the

significant trees and steep slopes present on the property. The design of the proposed driveway with the measures included provides equivalent access to the site and same overall practical effect as the current State Responsible Area (SRA) Fire Safe Regulations.

14. Disturbance to streams and watercourses shall be minimized, and the encroachment if any, is the minimum necessary to implement the project.

Analysis: Improvements to the proposed access road and the replacement entry bridge encroach into the required setbacks of Pickle Creek and its ephemeral tributaries. A biological assessment, prepared by SolEcology has been prepared to assess the potential impacts of the earthmoving activities and road improvements associated with the project. This assessment concludes that the project as designed will not result in significant or potentially significant impact on the environment, with the mitigation measures recommended in the assessment.

15. The project does not adversely impact threatened or endangered plant or animal habitats as designated by state or federal agencies or identified as special status species, sensitive biotic communities or habitats of limited distribution in the county's Baseline Data Report (2005 or as amended) or Environmental Resource Mapping System;

Analysis: The biological assessment prepared for the project confirms that the proposed project as designed will not result in significant or potentially significant impacts on threatened or endangered plant or animal habitats as designated by state or federal agencies or identified as special status species, sensitive biotic communities or habitats of limited distribution in the county's Baseline Data Report (2005 or as amended) or Environmental Resources Mapping System. The biological assessment also includes recommended mitigation measures for any and all identified impacts. A tree mitigation plan to compensate for loss of trees >6" dbh has also been prepared and will be implemented as part of this project.

16. The proposed development does not result in a net increase in soil loss or runoff;

Analysis: A storm water management plan including measures to address potential erosion has been prepared by RSA+ and is included with the project application. Required improvements to the existing gravel road will reduce sediment delivery to on and off-site watercourses thereby improving local area water quality. Implementation of the erosion control plan will ensure that the project does not result in a net increase in baseline soil loss and runoff.

USE PERMIT

17. That the commission or board has the power to issue a use permit under the zoning regulations in effect as applied to the property.

Analysis: The Commission is authorized by County Code section 18.124.010 of the to grant use permits for new wineries in the Agricultural Watershed (AW) zoning district. The proposed project as designed is consistent with the AW zoning standards and section 18.20.030.H which allows wineries in the AW zoning district with a use permit, and

conforms to the definition of a winery pursuant to Section 18.08.640 of the Napa County Code. The project, as designed, complies with the applicable sections of the 1990 Winery Definition Ordinance (WDO). An exception in the form of a use permit has been filed to allow for some earthmoving and construction within designated watercourse setbacks. Additionally a request for exception to road and street standards (RSS) has been submitted.

18. That the procedural requirements set forth in Chapter 18.124 of the Napa County Code (zoning regulations) 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 were posted and published in the Napa Valley Register on May 1, 2025, and copies of the notice were forwarded to property owners within 1,000 feet of the Property, as well as other interested parties. The public comment period ran from May 1, 2025 and running through June 2, 2025.

19. That 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. Various County divisions and departments have reviewed the project and commented regarding the proposed site access, grading, drainage, installation of a proposed wastewater system, parking, 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.

The proposed project as designed will not adversely affect the public health, welfare and safety of the County of Napa. Technical studies confirm that adequate groundwater is available to supply all existing and proposed uses of the property without adversely affecting local groundwater supplies. Adequate on-site areas are present to treat and dispose of project generated wastewater to state and local standards. Treated wastewater will be applied to on site vineyards, further reducing demand on local groundwater. The winery access road has been designed to provide an equivalent level of emergency, truck and vehicular access while respecting the natural resources of the parcel. The biological assessment prepared for the project confirms that all potential impacts of the winery and access road can be reduced to a less than significant level through the adoption of feasible mitigation measures. The project includes the 3:1 replacement of oak trees >6" dbh removed as part of this project. A tree mitigation plan depicting replacement area, planting and maintenance requirements is included with this application. Vegetation retention (+/- 99%) far exceeds the 70% retention threshold required by the AW zoning district.

The project was reviewed by the Engineering and Environmental Health Divisions and Fire to ensure that site access and driveways, grading, drainage, the proposed wastewater disposal system, parking, and fire protection are consistent with county standards. Recommended conditions adopted by the Planning Commission will be incorporated into the final project design to ensure that the project will not adversely affect the public health, safety or welfare of the County of Napa.

20. That the proposed use complies with the applicable provisions of this code and is consistent with the policies and standards of the 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 establishment of a new winery including a visitation and market program. The project, as conditioned, complies with the Napa County Definition Ordinance (WDO) and all other requirements of the Zoning Code as applicable.

The proposed project complies with all property line and winery road setbacks, the 35-foot maximum building height, maximum lot coverage and accessory use to production area ratios. An exception in the form of a use permit has been prepared to allow for earthmoving and construction of required road improvements within stream setbacks established by section 18.108.025 of the County Code. These improvements have been carefully designed in consultation with project biologist to minimize impacts on Pickle Creek, and existing ephemeral streams. Mitigation recommended by the project biologist will be implemented to ensure that the project will not result in significant or potentially significant impacts. A detailed tree mitigation plan has been prepared to replace designated trees removed as part of the project. An erosion control plan to protect downstream water quality has been prepared for the project.

The production facility is located underground on the flatter portions of the property and to minimize or eliminate off-site visual impacts, potential impacts on steep slopes and nearby watercourses. Over 99% of existing vegetation canopy is retained with project approval. Adopted conditions will be incorporated into the final project design to ensure that the project complies with the Napa County Winery Definition Ordinance (WDO) and all other applicable requirements of the Napa County Code.

Analysis: Compliance with the General Plan

Agriculture has been designated as the primary land use in Napa County since the Agricultural Preserve was first enacted in 1968. The passage of Measures 'J' and 'P' further supported protection of agricultural lands. The proposed winery is in support of the agricultural use of the subject property and is consistent with goals and policies of the General Plan (2008). The General Plan land use designation for the subject parcel is Agriculture, Watershed and Open Space (AWOS). A summary of key Goals and Policies that support the approval of the requested Use Permit are discussed below.

General Plan Agricultural Preservation and Land Use Goal AG/LU-1 instruct 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 proposed 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 construction of a winery at the project site, the proposed Use Permit supports the economic viability of both the nearby vineyards in the region and agricultural product processing uses on the property, consistent with Economic Development Goal E-1 and Policy E-1.

The Water Availability Analysis (WAA) estimates that the subject property including proposed winery, existing residence, approved vineyard and site landscaping will use a total of 7.6 acre feet annually which is below the annual rate of recharge estimated at 10.3 acre-ft/year. Water generated during the wine making process will be treated by a Biofiltro treatment system or equivalent system, before it is surface dripped on the approved vineyard. Using groundwater sustainably by irrigating with treated wastewater and limiting withdrawal to well below the parcel's recharge (CON-10). Use of groundwater for recognized agricultural uses furthers goal CON-11 of the conservation element.

Treated winery wastewater will be dispersed onto existing approved vineyards to reduce project groundwater use to maintain the long-term viability of local groundwater resources consistent with Goals CON 10, 11 and 53.

The proposed production facility is located underground with the exception of a west portal that provides secondary access for winery employees and guests and allows for the addition of natural lighting into the underground winery. Placing the winery building underground in combination with the screening of the above ground elements reduces any significant or potentially significant impact on county viewshed roads. Constructing the winery underground minimizes tree removal when compared to an above ground facility of comparable production levels. Constructing the winery underground also has significant operational and energy savings with concomitant GHG reduction when compared to a standard above ground construction. The winery's orientation and proposed clerestory windows allows for penetration of natural lighting. Finally, the proposed project will comply with Title 24 and other green code requirements in compliance with CON-72.

The proposed hospitality pavilion is located on the gently sloping saddle where slopes are moderate, ranging from less than 1% to 30%. With a small footprint of just over 1,000 s.f. (1,052) minimal grading is required to construct the proposed accessory building.

The proposed winery has been designed to convey both permanence and attractiveness, a goal of general plan policy AG/LU-10. The siting and design of the underground winery with limited visual exposure, the retention of the over 99% of existing on-site vegetation, and proposed replanting program ensures that the project fits well into the existing landscape, and the surrounding area.

The structures employ defensible space, and fire-retardant building materials to that

include textured concrete siding and weathered steel cladding and standing seam metal roof. The winery access road will follow the alignment of the existing road to minimize required grading and removal of mature vegetation. While seeking an exception to county RSS, the winery road is designed to ensure adequate traffic flow and ingress/egress for the existing residence and for guests, delivery trucks and emergency vehicles.

Improvements to the existing gravel road together with installation of required erosion control measures, installation of water diversion and energy dissipation devices will reduce baseline sediment delivery to area watercourses, consistent with goals CON-11 and SAF-9 of the conservation and safety elements.

Adequate water is also available for fire protection through the construction of one (1) 60,000-gallon water storage tanks, and on-site hydrants pursuant to policy SAF-20 of the general plan Safety Element.

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-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

21. That, in the case of other groundwater basins, or areas which do not overlay an identified groundwater basin, substantial evidence has not been presented which demonstrates that the new water system or improvement might cause a significant adverse affect on any underlying groundwater basin, 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 this code.

Analysis: The subject property is not located in a “groundwater deficient area” as identified in Section 13.15.010 of the 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.

Based on the submitted Water Availability Analysis (WAA) by Richard C. Slade and Associated, the subject 114.87-acres, has an estimated groundwater recharge of 10.3 acre feet per year (af/yr). Water Demand Calculations submitted for the project placed the water demand for existing (and proposed) uses on the property as follows:

Usage Type	Existing Usage	Proposed Usage
Irrigation		
Vineyard – Well	2.94	6.87 ^a
Vineyard – Process Wastewater	0.000	-0.270
Landscaping	0.000	0.125
Winery		
Process Water	0.000	0.384
Domestic Water	0.000	0.116
Residential	0.403	0.403
Total (Acre-ft per Year)	7.286	7.568

The estimated water use for the approved vineyard, existing residence, proposed landscaping and winery will be 7.568 af/yr. Based upon this figure, the project would result in a 0.30 af/yr increase groundwater extraction beyond the existing groundwater demand, but less than the parcel’s yearly estimated groundwater recharge of 10.3- af/yr. 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 for the project is below the estimated groundwater recharge 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 preservation and sustainable use of groundwater for 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.