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CEQA Categorical Exemption Memorandum

entitled operations for one year to “reset” the CEQA baseline before their application will be considered by the Planning Commission. This “reset” allows the CEQA baseline to be the authorized/permitted, not unpermitted levels of operations.

On March 27, 2019, the applicant submitted a Major Modification P19-00121, meeting the Compliance Program’s submittal deadline. Because the Major Modification was submitted prior to the submittal deadline, the winery’s existing, unpermitted operations were used as the environmental baseline for the CEQA analysis consistent with the CEQA Guidelines and caselaw.

The Project

The Napa County Planning Division has received a request for a Use Permit Major Modification for Hagafen Cellars winery, established under Use Permit No. 97219-UP, for a 50,000 gallon per year winery with by-appointment tastings. This application was submitted under the Compliance Program and requests the following:

1. Components Necessary to Remedy Existing Violations (Based on 2018 records):
 - a. Recognition of days of operation Monday through Sunday. The winery is currently authorized for operations Monday through Friday and Sunday;
 - b. Recognition of a maximum of 60 visitors per day with a maximum of 311 visitors per week, not to exceed an annual total of 9,719 visitors. The winery is currently authorized for 25 visitors per day (six days per week) with up to 150 visitors per week for an annual total of 7,825 visitors;
 - c. Recognition of retail sales occurring Monday through Sunday. The winery is currently permitted for retail sales Monday through Thursday and Sunday;
 - d. Recognition of use of an approximately 720-square-foot storage room in the winery building. The room was not delineated on the original winery Use Permit plans;
 - e. Widening the existing driveway to meet Napa County Road and Street Standards;
 - f. Revise COA No. 2 of Permit No. 99477 to remove the requirement for mailing notice of events to identified individuals;
 - g. Revise COA No. 3 of Permit No. 99477 to remove the requirement for submitting an annual report of daily visitation counts;
 - h. Remove COA No.15 of Permit No. 99477 requiring submittal of an annual report of grape source data;
 - i. Remove COA No.16 of Permit No. 99477 requiring submittal of an annual statement certifying compliance with grape sourcing requirements; and
 - j. Revise COA No. 21 of Permit No. 99477 to remove the requirement for submitting an annual report of the number of gallons of wine produced during the year.

Existing Setting

The project is located at 4160 Silverado Trail, Napa, approximately one half (1/2) mile north of the intersection of Silverado Trail and Soda Canyon Road. The property is zoned Agricultural Preserve (AP) and is designated Agricultural Resource (AR) by the Napa County General Plan.

The property is accessed via a driveway off Silverado Trail, which runs along the entirety of the western property line. The property is currently developed with an approximately 4,500 square-foot

winery building, an approximately 360 square foot tasting room building, a covered outdoor work area, an uncovered outdoor work area, and associated site improvements including driveway, parking areas, and wastewater system. There are approximately 10 acres of vineyards and a single-family residence. Properties in the vicinity of the project site include vineyards, undeveloped parcels, and residences. Many parcels to the east suffered damage to residences and structures in the 2017 Atlas fire.

Past Approvals:

On December 2, 1998, the Planning Commission approved Use Permit #97219-UP to establish a 50,000 gallon per year winery with by-appointment visitation and a marketing plan. Development included an approximately 6,800 square foot winery, consisting of a 4,500 s.f. main winery building with an attached, covered outdoor work area, an approximately 360 s.f. tasting room building, and an uncovered work area.

The use permit approval and the conditions of approval requiring a left turn lane were individually appealed by a neighbor. On March 23, 1999, the Board of Supervisors heard the appeal regarding the use permit and denied the appeal, upholding the Planning Commission's approval of the use permit, subject to revised conditions of approval. Following the Board's decision, the neighbor filed a petition with the Napa Superior Court and then appealed the Court's decision to the Court of Appeals. At that time the owner, neighbor, and County ultimately reached a Stipulation for Settlement. On May 9, 2000, the Board of Supervisors ratified the Stipulation. The provisions of the Stipulation were to be incorporated into the project record through the approval of a use permit modification.

On June 16, 2000, the Zoning Administrator approved minor modification #99477-MOD, which incorporated the provisions of the Stipulation into the formal record of the Planning Department, revising the previously approved Conditions of Approval of Use Permit #97219-UP. Upon approval of the modification the court case and appeals were withdrawn.

On May 10, 2018, the Director approved very minor modification P18-00081-VMM to allow reconstruction of the outdoor trellises that were destroyed in a wildfire, replacement of landscaping destroyed in a wildfire, on-premises consumption, and removal of previous conditions of approval related to custom crush.

Level of Operations - The applicant is not requesting expansions to the levels of current operations, based on the 2018 records. The winery is currently authorized for 25 visitors per day (six days per week) with up to 150 visitors per week for an annual total of 7,825 visitors. The request for recognition of visitation levels is a maximum of 60 visitors per day with a maximum of 311 visitors per week, not to exceed an annual total of 9,719 visitors. The original Use Permit approved winery operations on Monday through Friday and on Sunday (not open on Saturday), with retail sales available Monday through Thursday and Sunday (not available on Friday and Saturday). The request for recognition is to permit the winery to operate and offer retail sales Monday through Sunday. There are no requested changes to the authorized levels of production, employees, or marketing events. Therefore, the project would not result in additional traffic trips, generation of more wastewater, or use of additional groundwater.

An approximately 720-square foot room within the winery building was not delineated on the original winery Use Permit plans, so it wasn't included in the areas for use by the winery. The applicant requests to continue to utilize this space for storage. The storage room is existing, so no new construction would occur. The continued use of the room would not expand the current level of operation.

The operational components of the project would not exceed the environmental baseline (2018 operations) as determined for the analysis under CEQA, and therefore continued operations would not result in an environmental impact.

Physical Improvements - The proposed physical improvements are limited to an expansion of the existing driveway. The driveway will be widened by approximately 4 feet along the main entry, requiring removal of existing olive trees and potentially vineyard rows adjacent to the driveway. Minor expansions to portions of the driveway that loops around the winery building will meet standards for safe access for employees, visitors, and emergency vehicles. The improvements will occur on areas of the site that have previously been disturbed by landscaping, vineyards, and grading for winery development.

Revisions to Existing Conditions – The request to modify conditions of approval removes the requirement for annual reporting of daily visitation counts, grape source data, and production, and the requirement to notice a specific list of individuals prior to winery events. Removal of reporting requirements would not result in an environmental impact.

CEQA Exemption Criteria and Analysis

Article 19 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines) establishes a list of classes of projects that are categorically exempt from the provisions of CEQA. Based on the proposed project as described above, the project meets the criteria for eligibility as Categorical Exemption from CEQA under the following Classes: Class 1 ("Existing Facilities") and Class 4 ("Minor Alterations to Land") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301 and §15304.

Under CEQA Guidelines Section 15300.2, Categorical Exemption Class 4 cannot be used if the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. According to the County's resource maps, there are no scenic resources, hazardous waste sites, or historic resources identified on the site.

As noted above, the Use Permit Major Modification application requests recognition of existing days of operation, existing days allowing retail sales, and levels of visitation, that have been occurring beyond their current entitlements. No intensification of these activities is requested as part of this application. Additionally, there are no requested changes to the authorized levels of production, employees, or marketing events. Therefore, the project would not result in additional traffic trips, generation of more wastewater, use of additional groundwater, or use or consumption of additional resources.

Additionally, the application requests continued use of the existing 720-square foot storage room within the winery building. No new construction or physical improvements are required for continued use. The request to remove reporting requirements is not an action that would result in environmental impacts.

The proposed improvements to the existing driveway are required to comply with the Napa County Road and Street Standards. The improvements will occur on areas of the site with less than 10 percent slopes that have previously been disturbed through planting landscaping and vineyards and grading for winery development of the driveway loop around the winery building and outdoor work areas.

Based on the proposed locations of physical improvements, the project would not result in substantial effects to officially mapped or designated environmentally sensitive areas or resources. No grading would occur in a waterway, in any wetland, in any officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazards such as an Alquist-Priolo Earthquake Fault Zone or within an official Seismic Hazard Zone, as delineated by the State Geologist. The project will not have a cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites, and will not cause substantial adverse change in the significance of a historical resource. Based on the information provided above, the Major Modification application request meets the criteria for eligibility as Categorically Exempt from CEQA under Classes 1 and 4.

Public Trust

The public trust doctrine (Doctrine) requires the state and its legal subdivisions to “consider,” give “due regard,” and “take the public trust into account” when considering actions that may adversely affect a navigable waterway. (Environmental Law Foundation v. State Water Resources Control Bd.; San Francisco Baykeeper, Inc. v. State Lands Com.) There is no “procedural matrix” governing how an agency should consider public trust uses. (Citizens for East Shore Parks v. State Lands Com.) Rather, the level of analysis “begins and ends with whether the challenged activity harms a navigable waterway and thereby violates the public trust.” (Environmental Law Foundation, 26 Cal.App.5th at p. 403.). As demonstrated in the Environmental Law Foundation vs State Water Resources Control Board Third District Appellate Court Case, that arose in the context of a lawsuit over Siskiyou County’s obligation in administering groundwater well permits and management program with respect to Scott River, a navigable waterway (considered a public trust resource), the court affirmed that the public trust doctrine is relevant to extractions of groundwater that adversely impact a navigable waterway and that Counties are obligated to consider the doctrine, irrespective of the enactment of the Sustainable Groundwater Management Act (SGMA).

On January 10, 2024, Napa County released a Tier III Water Availability Analysis guidance memorandum, providing guidance for complying with Public Trust. A Tier III review or equivalent analysis is the County’s adopted method for complying with its duties under the Doctrine. The project Water Availability Analysis (WAA), dated December 4, 2025, by O’Connor Environmental Inc., includes a Tier III equivalent analysis for potential impacts to Soda Creek. The project hydrogeologist

concludes that the project well meets the standards specified in the County's WAA Guidance document to demonstrate that continued use of the well at existing operations would be expected to preclude significant adverse effects on surface waters. The operational pumping rate of the project well shall be reduced and restricted to no more than 17 gallons per minute (where no limitation previously existed). Additionally, a ground water management condition of approval will be included with imposed metering on the project well, monitoring and reporting of groundwater use (at the County's request), and the County's ability to recommend additional measures or revoke the use permit in the future if substantial evidence exists that the Project substantially affects the groundwater basin. These project components and conditions of approval provide even greater protection, further reduce any alleged harm, and align with the requirements of the 2024 Water Memo. The County has satisfied its duty.