



A Tradition of Stewardship
A Commitment to Service

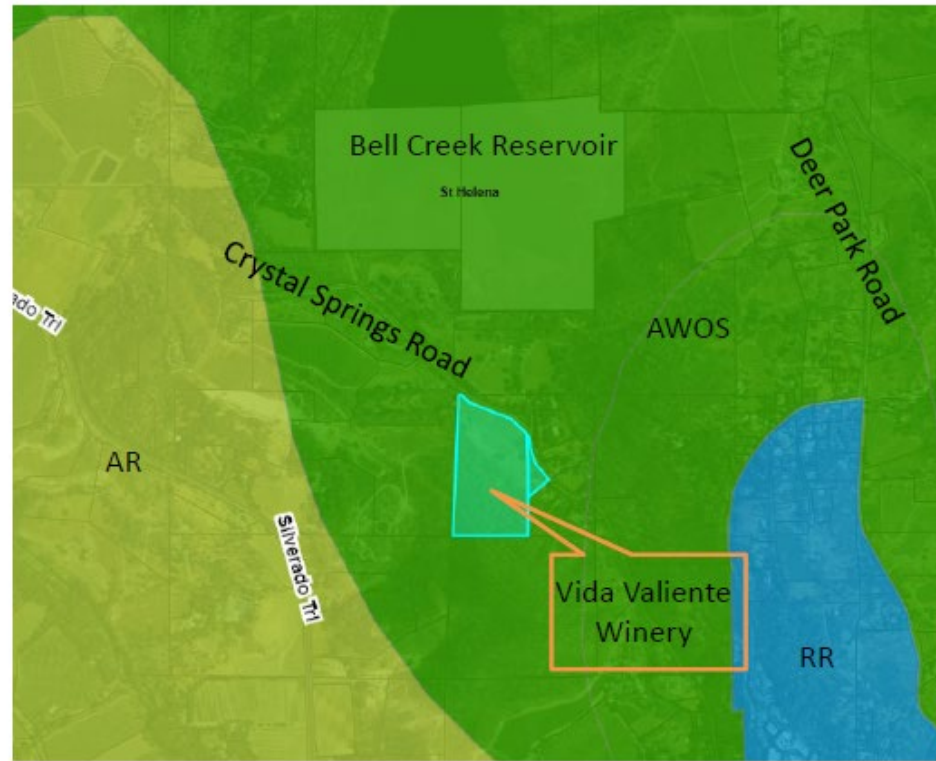
Napa County Board of Supervisors

Vida Valiente Winery Use Permit Appeal

P20-00079-UP/P24-00133-APL







August 6, 2024

NAPA COUNTY LAND USE PLAN 2008 – 2030





LEGEND

URBANIZED OR NON-AGRICULTURAL

-  Study Area
-  Cities
-  Urban Residential*
-  Rural Residential*
-  Industrial
-  Public-Institutional

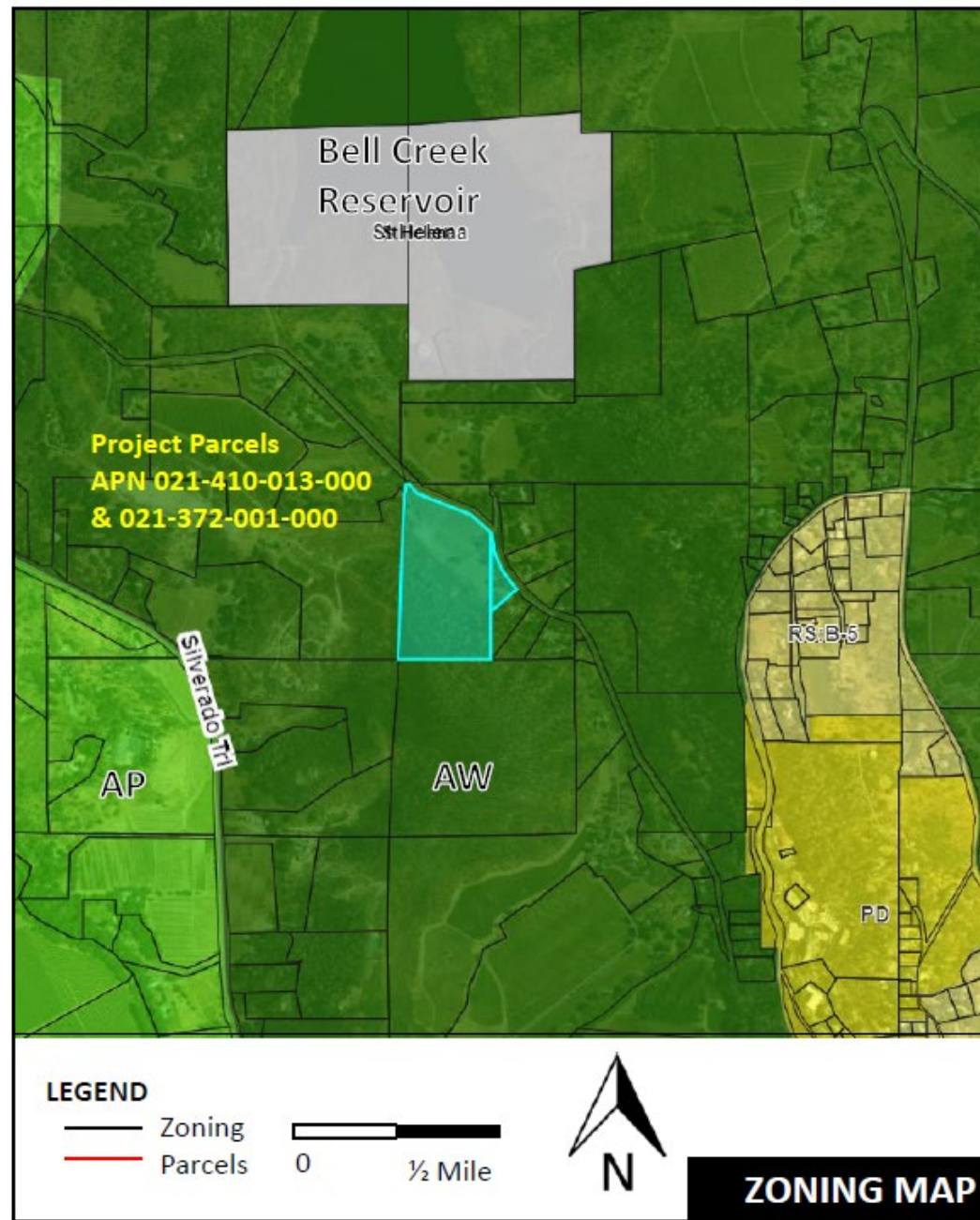
OPEN SPACE

-  Agriculture, Watershed & Open Space
-  Agricultural Resource

TRANSPORTATION

-  Mineral Resource
-  Limited Access Highway
-  American Canyon ULL
-  City of Napa RUL
-  Landfill - General Plan
-  Road
-  Airport
-  Railroad
-  Airport Clear Zone

* See Action Item AG/LU-114.1 regarding agriculturally zoned areas within these land use designations





Existing Conditions



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Pre-Fire Conditions





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Existing Conditions





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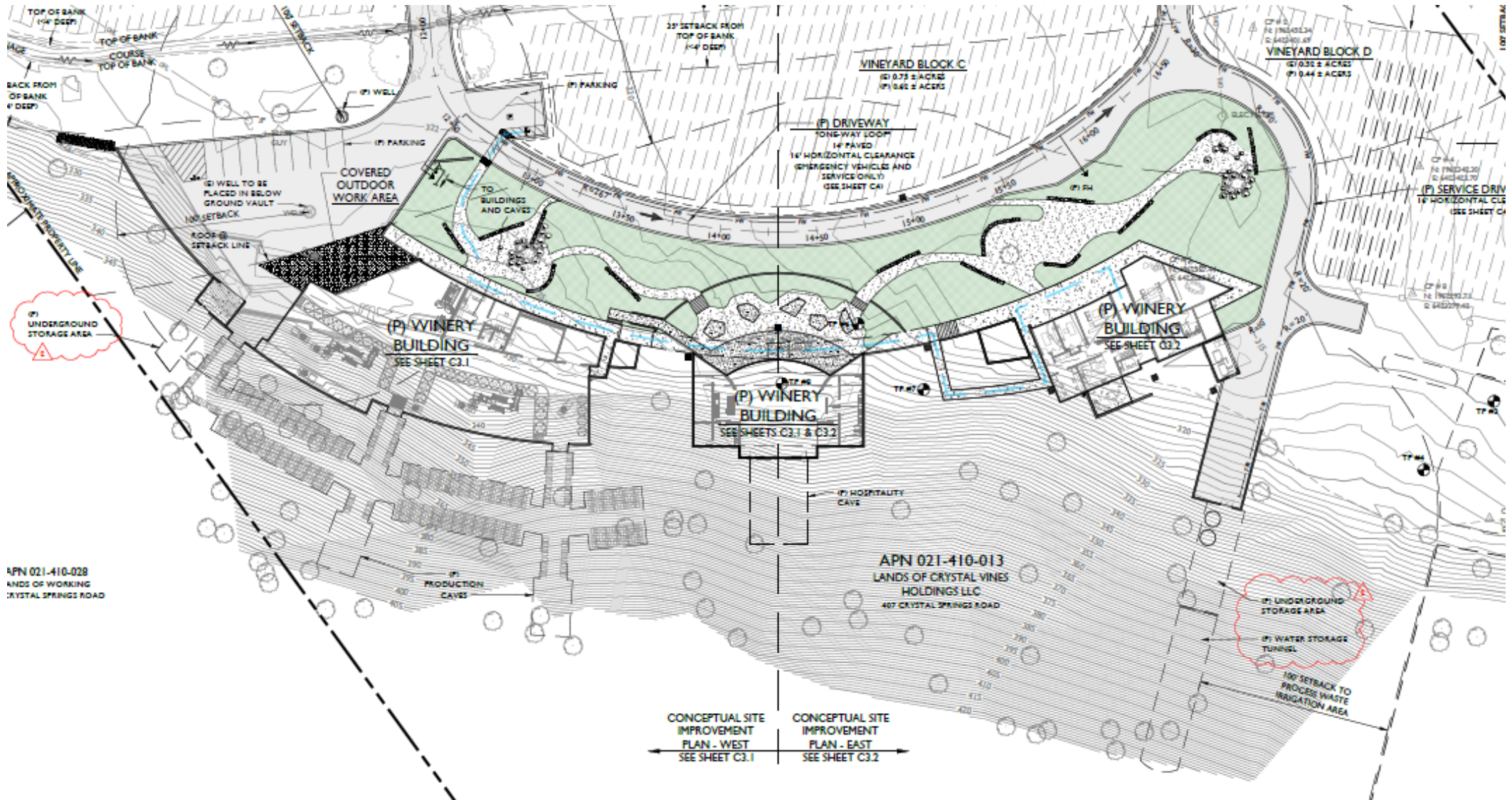
Proposed Project





Site Plan

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Proposed Project



- 5 full-time employees, 2 part-time employees, and 2 seasonal employees
- Visitation
 - 28 per day -> 120 per week cap
 - 10 a.m. to 6 p.m.
 - Daily tours and tasting will not occur on days with marketing events with more than 60 guests.
- Marketing
 - 24 events with 24 guests
 - 3 events with 60 guests
 - 2 events with 125 guests
 - 11 a.m. to 10 p.m. (including cleanup)



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Proposed Project

- 4.3.f. - Tours and tasting and marketing events shall not occur upon issuance of a Red Flag Warning[1] by the National Weather Service or Napa County Office of Emergency Services, or upon issuance of a Public Safety Power Shutoff (PSPS) Warning by Pacific Gas and Electric (PG&E), when such Warnings have been issued affecting any of the subject parcels of this use permit, including any parcels from which primary and secondary ingress/egress occurs. If Warnings are issued within Napa County, marketing events may take place only if the Project Parcels of this use permit are not located within the boundaries of the Warning order. If a marketing event is occurring at the time a Red Flag Warning or PSPS Warning is issued and takes effect, the event shall be terminated and all attendees and non-essential personnel shall be expeditiously directed off of the property.
 - [1] Red Flag Warnings are issued for weather events that may result in extreme fire behavior that will occur within 24 hours, to alert fire departments of the onset, or possible onset, of critical weather and dry conditions that could lead to rapid or dramatic increases in wildfire activity.
 - 9.9.a. - Emergency Plan

Prior to the issuance of a Final Certificate of Occupancy and commencement of visitation and marketing activities authorized under this permit, the permittee shall submit for review and approval to the Napa County Fire Marshal and Planning Division a Fire Safety and Evacuation Plan in accordance with Section 403 of the California Fire Code which, includes but is not limited to, winery personnel training, access routes, and an evacuation plan from the winery building, and outdoor areas for winery guests and employees during an emergency event.
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Water Availability Analysis

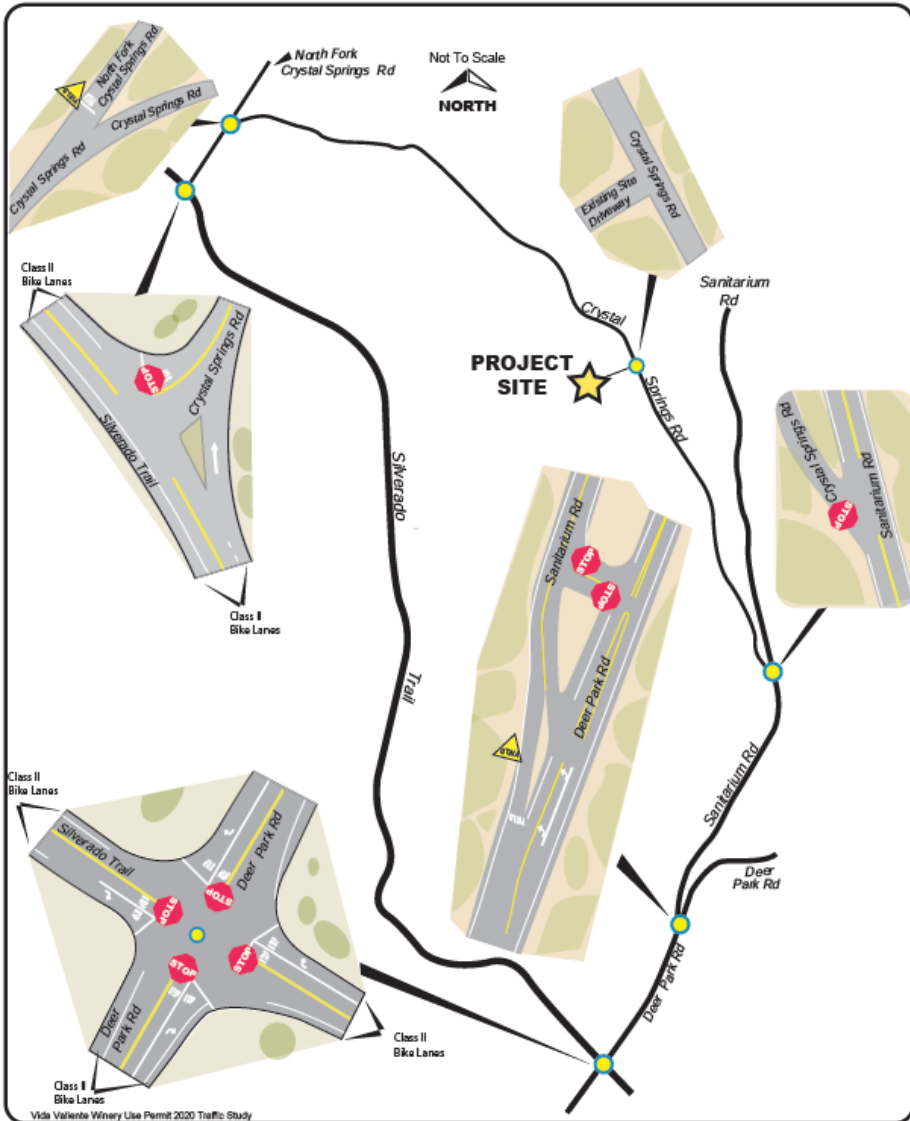
Source of Demand	Existing (acre-ft.)	Proposed (acre-ft.)	Difference (acre-ft.)
Primary Residence	0.75	0	-0.75
Pool	0.1	0	-0.1
Vineyard	1.710	1.605	-.105
Process Water	0	0.645	0.645
Domestic & Landscaping	0	0.5	0.5
Employees	0	0.156	0.156
Tasting Room Visitation	0	0.094	0.094
Events and Marketing, with onsite catering	0	0.032	0.032
Total	2.6	3.0	+0.472

- Tier 1 – The proposed project would increase groundwater usage to 3.0 acre-ft/yr. The parcel specific recharge analysis estimates a yearly parcel specific recharge of 4.5 acre-ft/yr.
- Tier 2 – Neighboring well drawdown interference meets the County’s “Default Well Interference Criteria”
- Tier 3 – Project well is not in direct hydraulic connection with Bell Creek



Transportation

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- **MM TRANS-1:** All promotional information and driving directions provided to guests will only show the Crystal Springs Road connections to Silverado Trail north of the site as the project access route. Also, a sign with the Winery's name will be provided on Silverado Trail at the Crystal Springs Road intersection. Finally, signs will be provided along both Winery Driveways for outbound drivers with an arrow pointing north and a message indicating to make a left turn to access Silverado Trail. Sign size and location are subject to NCC Section 18.116.055 and 18.116.060. A directional sign shall not be constructed, or promotional material distributed, that guides individuals to enter the winery from Deer Park Road or Sanitarium Road.



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Applicant's Reduced Project Scope - July 22, 2024

- Applicant has proposed a reduced project scope
 - Board's discretion, as the newly proposed reduced scope was not included within the Planning Commission's decision.

	Proposed at Planning Commission	Modified Proposal
Tastings	28 visitors/day 120 visitors/week	22 visitors/day 100 visitors/week
Marketing Events	24 events/year with 24 visitors (max. 2 events/month)	12 events/year with 24 visitors (max. 2 events/month)
	3 events/year with 60 visitors	3 events/year with 60 visitors
	2 events/year with 125 visitors	0 events/year with 125 visitors
Maximum Annual Visitation	7,246	5,668 22% reduction



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Appeal Ground 1 - PBES

Appeal Ground No. 1: Applicant/Appellant contends that the Planning Commission decision is contrary to the RSS adopted by the Board because it incorrectly extended “access” to include public roads used by the general public that are maintained by Napa County. The BOF Minimum Regulations do not define “access” but the RSS define “access” as the connection to the nearest public road. The Project is fully compliant with the RSS as adopted by the Board of Supervisors.



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Appeal Ground 1 - PBES

- The Napa County Road and Street Standards define access as:

'Access'

The vehicular route from the nearest publicly maintained Road to Building construction.

- Crystal Springs Road is a publicly maintained road. The Vida Valiente Winery project proposes improvements between Crystal Springs Road and the winery site. Staff have reviewed the proposed project and found that the proposed access improvements are compliant with the NCRSS and therefore compliant with staff interpretation of the 2021 State Minimum Fire Safe Regulations.
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Appeal Ground 5 - PBES

Appeal Ground No. 5: Applicant/Appellant contends that the Planning Commission's decision is not based on substantial evidence because the denial relied on neighbor fear and speculation. Further, the conflicting testimony at the Planning Commission does not support a finding that the Project poses a safety threat. Applicant/Appellant contends that the opposing testimony ignored safety measures, including added conditions of approval which would prohibit any visitation on red flag days or during a PG&E Public Safety Power Shut Off (PSPS), requiring all large events utilize shuttles, and a significant amount of fire protection water and a truck turnaround staging area for fire crew to aid evacuation that would be made available by the Project.



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Appeal Ground 5 - PBES

- Applicant/Appellant is incorrect. The Commission's decision relied on substantial evidence and the record reflects that the Commission considered and weighed verbal and written testimony regarding safety issues. Furthermore, contrary to Applicant/Appellant's assertions, the proposed safety measures were presented by staff to the Commission both in writing and verbally; they were not ignored.
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Appeal Ground 2 – PW

Appeal Ground No. 2: Applicant/Appellant asserts that the Planning Commission’s decision sets a precedent that private property owners must improve the public road. Applicant/Appellant further asserts that the precedential decision extends beyond this Project and beyond wineries because if upheld by the Board, the decision creates a new definition of “access” and it is unclear where the obligation to improve the public road would end under the Planning Commission’s reasoning; presumably, extending throughout the County’s public road system.



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Appeal Ground 2 – PW

- The State Fire Regulations apply to lands designated as being in the State Responsibility Area (SRA) and Local Responsibility Area (LRA) Very High Fire Hazard Severity Zone (VHFHSZ) and became effective on April 1, 2023.
 - On February 28, 2023, and then again on April 18, 2023, the Board of Supervisors considered a proposed Resolution and took public comment regarding the 2021 BOF Minimum Regulations. The Board adopted Resolution No. 2023-59 (Attachment E) amending various sections of the RSS to be consistent with the 2021 BOF Minimum Regulations. The Board's action did not amend the County's historic scope of access. The Resolution ensured that Napa County's scope, applicability and design standards for ingress and egress are equal to or exceed the minimum standards required by the State Fire Regulations (Title 14 California Code of Regulations Section 1270.000, et seq).
 - Planning Commission's interpretation of the RSS is inconsistent with the Board's long standing policy.
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Appeal Grounds 3 and 4 – PW/Fire

Appeal Ground No. 3: Applicant/Appellant contends that imposing the cost of improving the public road disproportionately burdens the Applicant/Appellant and does not fairly allocate responsibility for a road that is shared with neighboring property owners who use Crystal Springs Road to drive to their homes, property owners hauling fruit from vineyards, neighbors walking horses, and travel to and from an approved winery. The Commission placed the entire burden of improving that public road on the Project.

Appeal Ground No. 4: Applicant/Appellant asserts that improvement of the existing public road is not a cost that any property owner could reasonably expect to be imposed. Applicant/Appellant asserts that applicants have expectations based on laws, regulations, or other written policies and can expect requirements to improve private roads, but Appellant could not have anticipated that the Commission would impose a requirement to improve a public road. Applicant/Appellant alleges that the Commission's decision is directly contrary to the RSS, which effectively re-writes the rules during the hearing on the Project.



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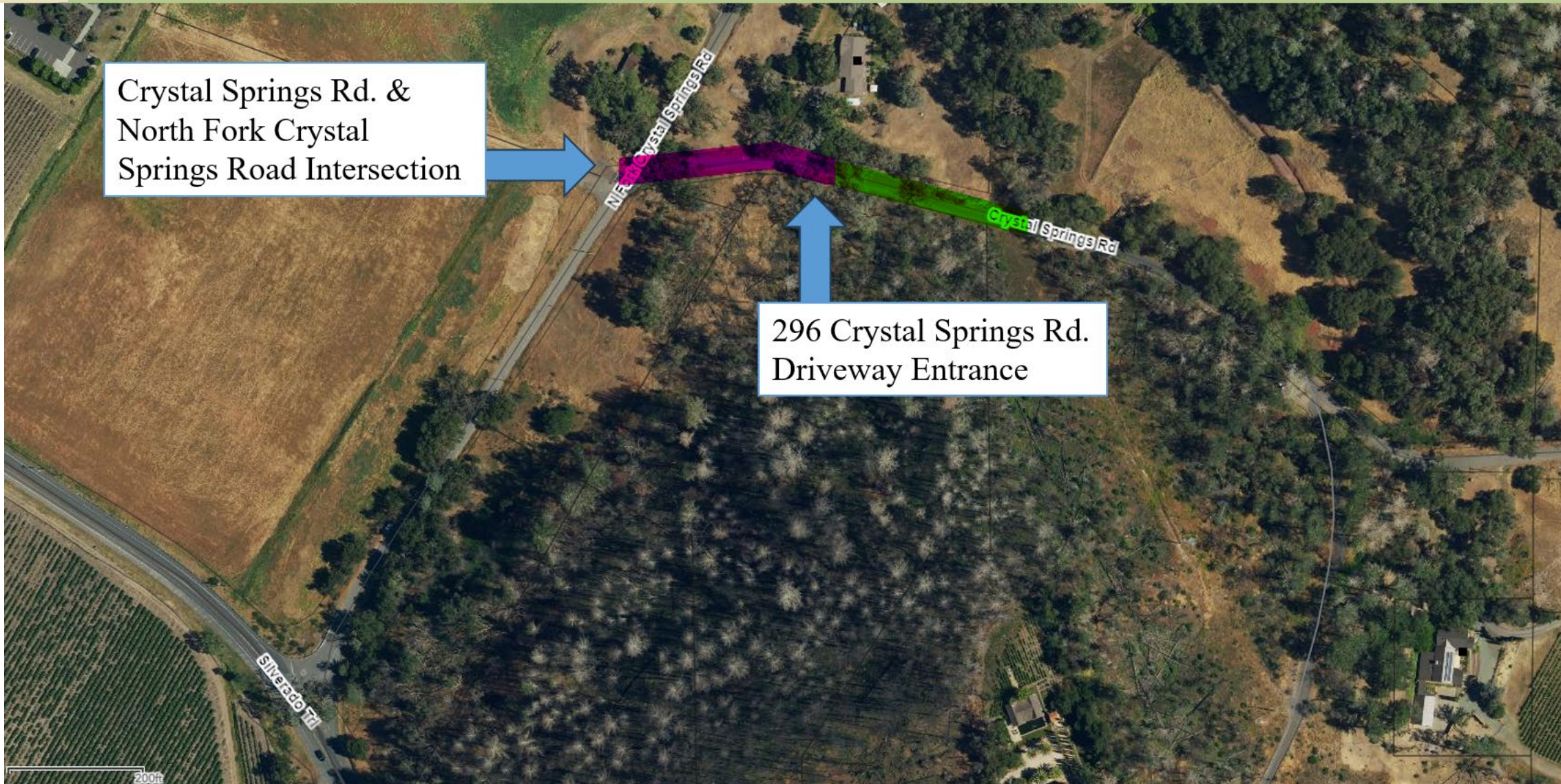
Appeal Grounds 3 and 4 – PW/Fire

- Long-standing Board direction to not require individual projects to make general improvements to public roads (specific impacts, such as the need for a left turn lane, are regularly conditioned)
 - With the exception of a roughly 600' section near the driveway for 296 Crystal Springs Rd., Crystal Springs Rd. from the project driveway to Silverado Trail is 20 feet or more wide, with good sightlines and little elevation change.
 - Circulation Element Policy CIR-40 does give the Board options:
 - Allows, but does not require, the county to condition reasonably proportional improvements to a public road
 - Not been used before on a project that has gone thru the entire approval process, so no legislative history to guide what is reasonable
 - See attached graphic for potential areas of improvement
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Appeal Grounds 2, 3, & 4 – PW/Fire



Crystal Springs Rd. &
North Fork Crystal
Springs Road Intersection

296 Crystal Springs Rd.
Driveway Entrance



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Appeal Grounds 4 – Fire



Additional Photos & Video <https://www.pbes.cloud/index.php/s/KQdNqx4CrryJF6w>



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Action Options

The following options are provided for the Board's consideration regarding possible action on the Appeal:

- Deny the Appeal in its entirety and uphold the Planning Commission's denial of the Project;
 - In the event that the Board is inclined to uphold the Planning Commission's interpretation of the Road and Street Standards, staff would recommend that the Board direct staff to commence a public process to amend the Road and Street Standards and return at a later date with a resolution formally adopting those amendments rather than denying this Project.
 - Grant the Appeal in its entirety or in part and reverse the Planning Commission's decision thereby approving the Project;
 - Modify the scope of the Project or Conditions of Approval (Attachment D) thereby reversing the Planning Commission's denial and approving the Project; or
 - Remand the matter to the Planning Commission with direction.
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