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Recommended Findings

**ZONING ADMINISTRATOR HEARING –April 24, 2024
RECOMMENDED FINDINGS**

**Chaix Family Vineyard Micro-Winery
Use Permit P23-00223-UP**

**1204 Manley Lane, Napa
APN 027-210-026**

ENVIRONMENTAL:

The Zoning Administrator has received and reviewed the subject application pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County's Local Procedures for Implementing CEQA, and finds that:

1. The project is Categorically Exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15303 (Class 3 – New Construction or Conversion of Small Structures) and under Appendix B of Napa County's Local Procedures for Implementing CEQA (Additional Categorically Exempt Projects in Napa County), Item No. 10 – Construction and operation of small wineries, other agricultural processing facilities and farm management uses that: (a) are less than 5,000 square feet in size excluding caves; (b) will involve either no cave excavation, or excavation sufficient to create no more than 5,000 additional square feet within all of the excavated cave spoils to be used on site; (c) will produce 30,000 gallons of wine or less per year; (d) will generate less than 40 vehicle trips per day and 5 peak hour trips except on those days when marketing events are taking place; (e) will hold no more than 10 marketing events per year, each with no more than 30 attendees, except for one wine auction event with up to 100 persons in attendance; and f) hold no temporary events. The project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Use Permit:

The Zoning Administrator (ZA) has reviewed the use permit request in accordance with the requirements of the Napa County Code §18.124.070 and makes the following findings:

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

Analysis: The project is consistent with the Agricultural Preserve (AP) zoning district regulations. A Micro-winery (as defined in the Napa County Code Section 18.08.377) and uses in connection with a winery (refer to Napa County Code Section 18.20.030) are permitted in the AP District with an approved use permit. The project, as conditioned, complies with the Napa County Winery Definition Ordinance (WDO) and all other requirements of the Zoning Code as applicable.

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

Analysis: The Use Permit application has been appropriately filed and noticed and public hearing requirements have been met. The hearing notice was posted on April 13, 2024, and copies were forwarded to property owners within 1,000 feet of the subject parcel, as well as other interested parties. The notice was published in the newspaper on April 13, 2024. No CEQA public comment period was required [CEQA Guidelines Section 15164 (c)].

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

Analysis: Granting of approval of the Use Permit for the project as proposed and conditioned will not affect the public health, safety or welfare of the County. Various County divisions and departments and responsible agencies have reviewed the project and commented regarding water, waste disposal, fire protection, building construction, access improvements and traffic. Conditions are recommended that will incorporate these comments into the project to assure the ongoing protection of the public health, safety and welfare of the County.

4. The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan and any applicable specific plan.

Analysis: Compliance with the Zoning Ordinance

The project is consistent with the AP zoning district regulations. A winery (as defined in Napa County Code Section 18.20.030) is permitted within the AP Zoning District with the approval of a use permit. The proposed project includes the establishment of a 5,000 gallon per year winery within an approximately 244 square foot portion of an existing 463 square foot garage, a visitation program, one employee, and onsite driveway and parking areas. 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 conditioned, the requested Use Permit is consistent with the overall goals and policies of the 2008 Napa County General Plan. The General Plan land use designation for the subject parcel is Agricultural Resource (AR).

General Plan Agricultural Preservation and Land Use Goal AG/LU-1 guides the County to “preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.” General Plan Goal AG/LU-3 states that the County should “support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.” Goal Ag/LU-3 and Policy AG/LU-2 recognize wineries as agricultural uses.

The 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 agricultural use, the requested Use Permit 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-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.

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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.
6. 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 Sections 13.15.070 or 13.15.080 of the Napa County Code.

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. Minimum thresholds for water use have been established by the Department of Public Works using reports by the United States Geological Survey (USGS). These reports are the result of water resources investigations performed by the USGS in cooperation with the Napa County Flood Control and Water Conservation District. Any project which reduces water usage or any water usage which is at or below the established threshold is, for purposes of the application of the County’s Groundwater Conservation Ordinance, assumed not to have a significant effect on groundwater levels. The applicant proposes use of the existing three on-site wells for water. Water for the vineyards is supplied by two wells located with the vineyard. A third well located north of the previous existing residence will be used for the proposed winery. Per Napa County standards, the subject property is located within the Napa Valley Subbasin, so groundwater use is limited to a Reduced Water Use Screening Criteria of 0.3-acre-feet per acre per year. Where existing groundwater use exceeds the 0.3 ac-ft.ac, no net increase in groundwater use is required.

The total parcel acreage with the Napa Valley Floor area is approximately 37.31 acres and therefore the water use screening criteria is calculated as follows:

WWA Guidance Document Water Use Screening Criteria = 37.31 acres x 1.0 acre-foot per acre per year.

Reduced Water Use Screening Criteria: 37.31 acres x 0.3 acre-feet per year = 11.19 acre-feet per year.

Since the existing property water use is already above the Reduced Water Use Screening Criteria the project must comply with the no net increase criteria and the proposed water use must be the same or less than the current water use (21.60 ac-ft/yr).

The project complies with the WWA Water Use Screening Criteria of 1.0 acre foot per acre per year of groundwater use but this criteria has been superseded by a new Reduced Water Use Screening Criteria. The property currently uses more than the Reduced Water Use Screening Criteria of 0.3 acre-feet per year and therefore the proposed project must not increase water use beyond current levels. By using low flow fixtures when rebuilding the residence, the proposed project complies with the Napa County’s current requirements for no net increase in groundwater use. Tier 2 and Tier 3 Analyses are not required according to the WWA – Guidance Document and current practice since no additional use of groundwater is required for this project.

Because the projected water demand for the project will not be increased, the requested Use Permit is consistent with General Plan Goals CON-10, CON-11, and CON-12 as well as the policies mentioned above that support reservation 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.