

EXHIBIT A

FINDINGS

ALPHA OMEGA WINERY MAJOR MODIFICATION P08-00047-VAR and P07-00869-MOD APN: 030-080-046

In approving Variance # P08-00047 and Use Permit Major Modification # P07-00869-MOD, the Commission has made the following findings:

Approval of a Variance request (#P08-00047-VAR) to allow the following:

- a new, single story, 9,273 square foot attached production / barrel storage building to encroach a maximum of 74 feet into the required 300 foot setback from the centerline of the public road, Mee Lane; and,
- a new covered porch loggia area of the existing winery structure to encroach 127 feet into the required 600 foot setback from the centerline of State Highway 29.

Approval to modify Use Permits: #U-118081, #U-538485, and #95037-MOD for a two phased project to allow the following:

- construct a new approximately 9,273 square foot, single story, production / barrel storage building with a new 20 foot wide roof connection adjacent to the existing 6,298 square foot, two story, winery structure for a winery totaling approximately 15,571 (interior) square feet;
- increase production from 50,000 gallons to 144,000 gallons per year;
- relocate the existing well;
- expand the dual domestic and process wastewater system to accommodate the winery production increase to 144,000 gallons;
- increase employees from the originally approved three full-time and no part-time employees to 19 full-time and 6 part-time with an additional 15 part-time, seasonal workers during Harvest;
- establish the size of the pre-Winery Definition Ordinance (WDO) public tasting room;
- Public Tours and Tasting: recognize Public Tours and Tasting visitors without prior appoint at a maximum of 70 visitors per week
- By Appointment Tours and Tasting Visitors: establish Tours and Tasting by appointment only visitors for maximum of 430 visitors per week. The total combined Public, By Appointment and Marketing event visitors is not to exceed a maximum of 700 visitors per week (350 visitors on the busiest day);
- establish a Marketing plan to include 12 events per month with a maximum of 25 persons per event, 6 events annually with a maximum of 50 persons per event, and 2 events annually with a maximum 200 people per event (1 event may be designated for the Napa Valley Wine Auction.) Events will be catered using an off-site food service.
- authorization of the use of the outdoor covered patio and garden areas by visitors and marketing events attendees for wine tasting;
- add a second work shift from 6 a.m. to 11 p.m. during Harvest season only;
- increase parking spaces from 10 spaces to 63 auto spaces and 2 bus spaces; and,
- discontinue the use of the existing septic leach system and convert the existing wastewater pond to a dual domestic and process wastewater system.

Environmental Determination:

The following findings have been made in order to adopt the Subsequent Mitigated Negative Declaration:

1. That the Planning Commission has read and considered the Subsequent Mitigated Negative Declaration prior to taking action on said Subsequent Mitigated Negative Declaration and the proposed project.
2. That the Subsequent Mitigated Subsequent Mitigated Negative Declaration is based on independent judgment by the Planning Commission.
3. That the Subsequent Mitigated Negative Declaration was prepared and considered in accordance with the requirements of the California Environmental Quality Act.
4. That there is no substantial evidence in the record as a whole, with the inclusion of the signed Project Revision Statement and the Mitigation Monitoring and Reporting Program, that the project will have a significant effect on the environment.
5. That the Secretary of the Planning Commission is the custodian of the records of the proceedings on which this decision is based. The records are located at the Napa County Conservation, Development & Planning Department, 1195 Third Street, Room 210, Napa, California.
6. That considering the record as whole there is no evidence that the proposed project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends.

Variance Required Findings

The Commission has reviewed the above-described variance request and, in accordance with the requirements of Napa County Code Section 18.128.060, makes the following findings:

7. The requirements set forth in Chapter 18.128 of the Napa County Code have been met. The variance application has been filed and notice and public hearing requirements have been met. The hearing notice and notice of availability of the proposed Negative Declaration were posted on August 4, 2008 and copies were forwarded to property owners within 300 feet of the Property.
8. 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. A combination of multiple factors creates the special circumstances applicable to this property requiring the variance. First, special location of the new winery structure is required due to the constraints of the property's location in the floodplain. Because the property slopes downward to the south, relocating the new building at the south end of the property would put it at a lower elevation and potentially cause it to fall out of compliance with the floodplain management permit requiring the lowest floor elevation to be above 160 feet Mean Sea Level. Second, there are physical constraints due to the locations of the existing winery structure and the waste treatment pond. The new structure needs to be situated behind the winery to avoid further intrusion into the St. Highway 29 setback. It also cannot be placed south of the existing winery building because it would interfere with the existing leach field and/or waste treatment pond and necessitate removal, fill and relocation of these facilities elsewhere on the parcel. This would not be feasible since more vineyard acreage would be lost to make room for these relocations. Thus, the constraints limit expansion of the winery to a small quadrant in the northeastern corner of the property. Alternate positions for the new winery building by shifting or rotating are also infeasible due to vineyard loss or relocation of septic and wastewater pond facilities.

9. Grant of the variance is necessary for the preservation and enjoyment of substantial property rights. The AP (Agricultural Preserve) zoning district, in which the Property is located, allows wineries and uses accessory to a winery, subject to the approval of a conditional use permit. The applicant has a vested right to produce wine on this property as established by Use Permit #U-538485. As discussed in the above special circumstances finding, a variance from the required 300 foot public roadway setback from Mee Lane is required to allow the construction of a new winery barrel building on the Property within the Floodplain. This application allows the location of this structure to be placed at the most advantageous Floodplain elevation on the property while still making primary considerations for preservation of vineyard land along with limited increases in production and allowed winery accessory uses. The operation of legally constructed and operated agricultural production facilities within the County's agricultural zoning districts is a substantial property right.
10. Grant of the variance will not adversely affect the public health, safety or welfare of the County of Napa. Various County departments have reviewed the Project and commented regarding water, waste water disposal, access, building permits, and fire protection. Conditions are recommended which will incorporate these comments into the Project to assure protection of public health and safety. The location of winery facilities at the required Floodplain elevation will result in a decrease in both the applicant's and public's exposure to risks associated with flooding and inundation.

Use Permit Required Findings:

11. **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 AP (Agricultural Preserve) zoning district regulations. A winery (as defined in Napa County Code § 18.08.640) and uses in connection with a winery (see Napa County Code § Section 18.16.030) are permitted in an AP zoned district with an approved use permit. Provisions required under The Winery Definition Ordinance (ORD. 947, 1990) and Napa County Code (zoning regulations as amended) can be met.

12. **The procedural requirements for a use permit set forth in Chapter 18.124 of the Napa County Code (Use Permits) have been met;**

Analysis: The use permit application has been filed and notice and public hearing requirements have been met. The hearing notice was posted on August 4, 2008 and copies were forwarded to property owners within 300 feet of the subject parcel as well as properties with access onto Mee Lane.

13. **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 a use permit for the winery as proposed and conditioned will not affect the health, safety or welfare of the County. Various County departments have reviewed the project and commented regarding water, waste water disposal, access, building permits, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health and safety.

14. **Compliance with the General Plan**

Analysis: The goals established by the Napa County General Plan are to plan for agriculture and related activities as the primary land use in Napa County and to concentrate urban uses in existing cities and urban areas. The County will enact and enforce regulations that will

retain agriculture as a major source of income and employment in Napa County. The Winery Definition Ordinance (WDO) was established to protect agriculture and open space and to regulate winery development and expansion in a manner that avoids potential negative environmental effects. This proposal is consistent with the General Plan. The "Right to Farm" is recognized throughout this Plan and is specifically called out in both this Element 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.

Agricultural Policy AG/LU-13 of the County General Plan recognizes wineries, and any use clearly accessory to a winery, as agriculture. The Land Use Standards of the General Plan Policy AL/LU-2 list the processing of agricultural products as one of the general uses recognized by the AW and AR land use designations. The proposed project allows for the continuation of agriculture as a dominant land use within the county and is consistent with General Plan Agricultural Policy AG/LU-13.

- 15. The proposed use would not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on the 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 Napa County Code § 13.15.070 or § 13.15.080.**

Analysis: 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 assumed not to have a significant effect on groundwater levels.

Based on the submitted phase one water availability analysis, the subject parcel is below the established threshold for groundwater use on the parcels and would not result in a substantial depletion of groundwater supplies. The 10.8 acre parcel is located on the Napa Valley floor, in an area that has an established acceptable water use criteria of 1 acre foot per acre per year on a 10.8 acre parcel resulting in a threshold for the property of 10.8 acre feet per acre per year. The estimated water demand for the site at Phase B build-out would be 8.49 acre-feet of water per year.