

EXHIBIT A

FINDINGS

CIMAROSSA WINERY

Use Permit & Road and Street Standards Exceptions

#P07-00719-UP

APN: 018-060-069

1185 Friesen Drive, Angwin

In approving Use Permit # P07-00719-UP, the Conservation, Development And Planning Commission (Commission) has made the following findings:

Approval of a Use Permits to allow the following:

- establishment of a new 10,000 gallon per year winery;
- construction of a 3,613 square foot two-story winery building, a 902 square foot covered outdoor work area, 2,500 square feet of caves and convert an existing 1,360 square foot barn to wine barrel storage for a winery totaling 8,375 square feet;
- two full-time and two part-time employees;
- five parking spaces (including on ADA space);
- tours and tasting by appointment only with a maximum of eight visitors per day and 56 visitors per week;
- a marketing plan with: two 20-person events per month; two 40-person events per year; and, two 100-person Wine Auction related events per year (all events to be catered);
- installation of fire protection and winery use water tanks totaling 20,000 gallons on a 400 square foot concrete pad as shown on the submitted plans by Bartelt Engineering dated September 2008;
- installation of a wastewater treatment system; and,
- approval of an Exception to the County Road and Street Standards to allow: (A) improvements and routine maintenance to be made to Friesen Drive (an existing private road that is currently 10 to 16 feet wide serving the winery) and, (B) widening the existing private winery driveway to an average of 10 to 14 feet with a 2 foot shoulder and 2 fire turn-around areas (18 feet plus two foot shoulders required for both roads).

Environmental Determination:

Pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County's Local Procedures for Implementing CEQA, the following findings have been made in order to adopt the Mitigated Negative Declaration:

1. That the Planning Commission has read and considered the Mitigated Negative Declaration prior to taking action on said Mitigated Negative Declaration and the proposed project.

2. That the Mitigated Negative Declaration is based on independent judgment by the Planning Commission.
3. That the 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.

Use Permit Required Findings:

The Commission has reviewed the use permit request in accordance with the requirements of the Napa County Code Section 18.124.070 and makes the following findings:

7. **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 AW (Agriculture Watershed) 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 18.20.030) are permitted in an AW 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.

8. **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 November 17, 2008 and copies were forwarded to property owners within 300 feet of the subject parcel as well as properties bordering within 300' of Friesen Drive.

9. **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.

10. 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 AWOS 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.

11. 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 56.8 acre parcel is located in the Mountain Areas of the Napa Valley which have an established acceptable water use criteria of 0.5 acre foot per acre per year on a 56.8 acre parcel resulting in a threshold for the property of 28.4 acre feet per year. The estimated water demand for the site will be 19.2 acre-feet of water per year.

Exception to Road and Street Standards Findings:

The Commission has reviewed the above-described Road and Street Standards exception request in accordance with Road and Street Standards Section 3 and makes the following findings:

12. The requested exception will preserve unique features of the natural environment including steep slopes, a blue-line surveyed creek adjacent to the roadway and a significant number of trees in excess of 6 inches in diameter at breast height (dbh). As analyzed by Nate Galambos of the Department of Public Works in a July 23, 2008, letter, existing slopes in the vicinity of the road are greater than 30% on the up-hill and down-hill side of the roadway and "deviating from the existing alignment may require extensive earth disturbance in the form of cuts and fills, removal of vegetation and large established trees." Were the roadway to be constructed at a width of 18 feet with two foot shoulders, a large number of mature oak, pine and madrone trees would be at risk of removal or permanent damage. With the Road and Street Standards exception proposed here, 1-2 trees will be removed along Friesen Drive. Five oak trees will be removed along the existing driveway to the winery site but will be replaced at a 2:1 ratio.
13. The requested exception is necessary to accommodate physical site limitations such as slope and the near proximity of the road to a blue line creek. Friesen Drive runs parallel to a blue creek. And both roadway run within an area characterized by slopes from 15 and 30%. The roadway width exceptions proposed here will minimize disturbance to the riparian area adjacent to the creek and the natural slopes of both roads.
14. The Road and Street Standards exception proposed here provides the same overall practical effect as the Standards towards providing defensible space, and consideration towards life, safety, and public welfare. The Commission's approval of an exception, as conditioned above, will improve emergency vehicle access and general traffic flow along the subject access drive above existing conditions while protecting the vast majority of the unique features of the natural environment near the roadway including steep slopes and native trees with a diameter greater than 6". The Project has been designed to comply with emergency access and response requirements and has been reviewed by the Napa County departments responsible for emergency services; it will not have a negative impact on the public health, safety, or welfare.