

EXHIBIT A

FINDINGS ROUND POND WINERY MAJOR MODIFICATION P08-00548-MODMAJ APN: 030-140-022 & 023

Approval to modify Use Permit #03529-UP, #P05-0334-ModMin and #P06-0063-ModMin to allow the following:

- increase production from 20,000 gallons to 100,000 gallons per year;
- construct a new 14,775 square foot barrel storage building;
- increase employees from 4 to 10 full-time and 3 to 4 part-time employees (at peak);
- increase parking from 13 to 43 parking spaces (11 prev. approved);
- increase tours and tasting by appointment only from a maximum of 15 busiest day visitors to a maximum of 60 on the busiest day;
- expand the Marketing Plan to include: 3 promotional tastings with meals per week with a maximum of 75 persons per event; 4 Release Events per year with a maximum of 150 persons per event; and, 1 Wine Auction event with a maximum of 100 persons;
- convert the existing combined process and domestic wastewater system to domestic wastewater only and construct a new pretreatment and subsurface drip disposal system;
- construct a two way left turn lane on State Highway 128 (Rutherford Rd.) between the existing Round Pond Winery and Honig Winery driveways as required by Caltrans;
- provide new landscaping prior to issuance of the building permit for the new winery barrel building; and,
- remove the previously approved condition of approval limiting custom production activities.

Environmental Determination:

The Conservation, Development, and Planning Commission (Commission) has received and reviewed the proposed Subsequent Mitigated Negative Declaration pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County's Local Procedures for Implementing CEQA and makes the following findings:

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 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.

Use Permit Required 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 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.

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. The project complies with the requirements of the Winery Definition Ordinance (Ord. No. 947, 1990) and the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code) as applicable.

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 May 18, 2009 and copies were forwarded to property owners within 300 feet of the subject parcel. The CEQA public comment period ran from May 18, 2009 through June 16, 2009.

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: This proposal is consistent with the General Plan. The subject parcel is located on land designated **Agricultural Resource (AR)** on the County's adopted General Plan Land Use Map. This project is comprised of an agricultural processing facility (winery), along with wine storage, bottling, and other WDO-compliant accessory uses as outlined in and limited by the approved project scope (see Attachment B, Conditions of Approval) These uses fall within the County's definition of agriculture and thereby preserve the use of agriculturally designated land for current and future agricultural purposes

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 Agricultural Preservation and Land Use **Goal AG/LU-3** states 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." Approval of this project furthers both of these key goals.

Additionally, the use of the property for the "fermenting and processing of grape juice into wine" as permitted under Napa County Code Section 18.08.640, supports the economic viability of agriculture within the county consistent with General Plan Agricultural Preservation

and Land Use **Policy AG/LU-4** (“The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/ open space...”) and General Plan Economic Development **Policy E-1** (The County’s economic development will focus on ensuring the continued viability of agriculture...).

The General Plan also includes two complimentary policies requiring that new wineries, “...be designed to convey their permanence and attractiveness.” (General Plan Agricultural Preservation and Land Use **Policy AG/LU-10** and General Plan Community Character **Policy CC-2**) As approved here, the architectural design and massing of the new barrel building is complimentary to its surrounding agricultural environs and strongly conveys the agricultural nature of its use.

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 AG/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**.

Finally, the project is consistent with General Plan Conservation **Policy CON-53 and CON-55**, which requires that applicants seeking discretionary land use approvals, prove the availability of adequate water supplies which can be appropriated without significant negative impacts on shared groundwater resources. As analyzed below, the proposed winery will not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level.

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.

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 Napa County standard calculation, 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 Napa County standard calculation for groundwater use on the parcels and would not result in a substantial depletion of groundwater supplies. The **46.23** 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 **46.23** acre parcel, the resulting Napa County standard calculation for the existing uses on the property is **14.95** acre feet per acre per year. The estimated water demand for the site after the expansion would be **16.74** acre-feet of water per year. Based on these figures, the project would be below the established threshold for groundwater use on the parcels and is deemed not to result in a substantial depletion of groundwater supplies. Groundwater extraction will also be limited as a result of the use of treated process wastewater to irrigate approximately fourteen acres of existing vineyard. The project will not interfere substantially with groundwater recharge that would result in a net deficit in aquifer volume or a lowering of the local groundwater level.