

## **EXHIBIT A - FINDINGS**

### **NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT CONSERVATION & DEVELOPMENT PLANNING COMMISSION**

#### **NUSTAD REVOCABLE TRUST / STEVEN SCHERNER USE PERMIT (# P09-00211-MOD) & TENTATIVE PARCEL MAP (# P09-00210-PM) August 5, 2009**

#### **ENVIRONMENTAL:**

The following findings must be made in order to find the project is within the scope of the previously adopted Mitigated Negative Declaration:

1. Find that the Planning Commission has read and considered the previous Mitigated Negative Declaration adopted for Use Permit Major Modification # P05-0382-MOD on October 4, 2006 on the project site as part of earlier construction prior to taking action on the proposed project.
2. Find that the adopted Mitigated Negative Declaration is based on the independent judgment of the Planning Commission.
3. Find that the Mitigated Negative Declaration was prepared and considered in accordance with the requirements of the California Environmental Quality Act.
4. Find that there is no substantial evidence in the record as a whole that the project will have a significant effect on the environment.
5. Find 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. Find that, considering the record as whole, there is no evidence that the proposed tentative map and modification of site development standards result in any physical changes to the developed site and therefore are within the scope of the previously adopted Mitigated Negative Declaration; no changes to existing development would occur except for creation of new property lines. No new potential environmental effects have been identified and therefore no further environmental documentation is necessary pursuant to State CEQA Guidelines Section 15162.

## **PLANNING AND ZONING ANALYSIS:**

### **USE PERMIT: The following findings must be made in order to approve the use permit:**

7. The Commission has the power to issue the Use Permit under the Zoning Regulations in effect as applied to property.

**Analysis:** The project is consistent with the 1986 Airport Specific Plan, and is consistent with the General Industrial: Airport Compatibility Combining (GI:AC) zoning district regulations which permit modification to its Site Development Standards to reduce yard setbacks upon grant of a use permit. The project site is located in Zone D of the Airport Land Use Compatibility Plan which also allows the proposed use.

8. 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 modification application has been filed and notice and public hearing requirements have been met. The hearing notice and previous Mitigated Negative Declaration adoption were posted on July 23, 2009, and copies were forwarded to appropriate persons on the mailing list. The previous environmental document was also transmitted to the State Clearinghouse on October 6, 2006. The comment period ran from July 21, 2006 through August 1, 2006.

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

**Analysis:** Granting the Use Permit modification for the project 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 grading, drainage, access, parking, building permits, waste disposal, water, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health, safety, and welfare.

10. 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 the Airport Industrial Area Specific Plan.

### **Analysis: Compliance with the Zoning Ordinance**

The proposed tentative map and modification of site development standards for setbacks is consistent with the General Industrial: Airport Compatibility Combination (GI:AC) zoning

district regulations, as conditioned, including landscaping, building height, parking requirements, lot coverage and floor area ratio.

**Analysis: Compliance with the General Plan and Airport Industrial Area Specific Plan.**

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 Airport Industrial Specific Plan was established to support agriculture and meet industrial and business park needs consistent with the 1986 Specific Plan. This proposal is consistent with both the General and Specific Plan. The General Plan designates the airport area for industrial development. The project site is located within the General Plan land use designation Industrial and within the General Industrial designation of the 1986 Airport Industrial Area Specific Plan (AIASP) which allow the proposed use. The project site is also within Compatibility Zone and D of the Napa County Airport Land Use Compatibility Plan (ALUCP), which also allow the proposed use. The AIASP and ALUCP have been reviewed for the proposal's consistency. The proposed use is consistent with the goals, requirements, standards and policies in the General Plan, the AIASP, and the ALUCP. Policy AG/LU-96 of the County General Plan recognizes wineries, and any use clearly accessory to a winery, as compatible to the Airport Industrial Area Specific Plan.

11. That 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 §'s13.15.070 or 13.15.080 of the County Code.

**Analysis:** The project site is located within an area already served with municipal utility services by the Napa Sanitation District and City of American Canyon for water. Both agencies have issued "Will Serve" letters for each new lot and existing buildings.

**TENTATIVE PARCEL MAP:** Pursuant to Section 17.14.060 of the Napa County Code, the Planning Commission shall deny approval of a tentative map if the Commission makes any of the following findings:

12. That the proposed map is consistent with applicable general and specific plans. A proposed subdivision shall be deemed consistent with the Napa County General Plan and any applicable specific plan the County has officially adopted for the area where the land is located if the proposed subdivision or related land uses are compatible with objectives, policies, general land uses and programs specified by such plan or plans.

**Analysis:** The project site is designated as Industrial on the adopted Land Use Element of the Napa County General Plan, is within the General Industrial District of the Airport

Industrial Area Specific Plan (AIASP) and is zoned GI:AC – General Industrial: Airport Compatibility. The project is consistent with the General Plan and AIASP designations, as well as the GI:AC zoning district regulations that apply to this property. The proposed building and site improvements associated with the use permit modification are consistent with applicable County regulations.

13. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

**Analysis:** The tentative parcel map would create a subdivision for three parcels that complies with the minimum 20,000 square foot lot area for new parcels, 100 feet minimum lot width and maximum 50% lot coverage. These standards apply to existing parcels less than 20 acres in size in the General Industrial area of the AIASP. Overall, the proposed parcel map is consistent with the General Plan and the AIASP.

14. The site is physically suitable for the type of development.

**Analysis:** The property is located within the General Industrial (GI) zoning district and is located within a developing industrial park. The proposed project is consistent with development standards contained in the Zoning Ordinance and the AIASP. Located near two state highways and a regional airport, the site is physically suitable for the proposed development.

15. The site is physically suitable for the proposed density of development.

**Analysis:** The existing site is currently designated for general/heavy industrial development in the General Plan and the AIASP. The site is generally level and has adequate street frontage. The subdivision does not increase the acceptable density or intensity anticipated by the Zoning Ordinance and AIASP. The extent of potential development on this site will not change as a result of the subdivision.

16. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

**Analysis:** An Initial Study and Mitigated Negative Declaration was prepared for the existing on-site development. The proposed tentative map and modification of site development standards do not result in any physical changes to the developed site and therefore are within the scope of the previously adopted Mitigated Negative Declaration; no changes to existing development would occur except for creation of new property lines. No new potential environmental effects have been identified and therefore no further environmental documentation is necessary pursuant to State CEQA Guidelines Section

15162. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

17. The design of the subdivision or the type of improvements is unlikely to cause serious public health or safety problems.

**Analysis:** The proposed development and the proposed tentative parcel map are consistent with the GI:AC zoning district and Airport Industrial Area Specific Plan. The proposed development has been designed to and conditions of approval will be imposed such that the proposal will comply with County regulations concerning public health and safety.

18. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

**Analysis:** Conditions of approval of the original Use Permit # P05-0382-MOD recognized existing public utility easements on-site and will be incorporated as part of the tentative map conditions. New shared right-of-way access, utility and parking easements included as part of the tentative map will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

#### **General Plan Policies:**

**Policy AG/LU-37:** The County will locate industrial areas adjacent to major transportation facilities. Necessary utilities and services, including child care centers, will be planned to meet the needs of the industrially zoned areas.

**Policy AG/LU-38:** The Airport Industrial Area Specific Plan (AIASP) was adopted in 1986 to set forth detailed land use and circulation standards, capital improvement requirements, associated financing, and improvement sequencing measures, as well as necessary supporting policies and regulatory procedures for the industrial area near Napa County Airport. The AIASP, as amended, implements the General Plan in the Airport Industrial Area.

**Policy AG/LU-39:** The County will plan for the reservation of sufficient industrial property to satisfy future demands for orderly growth and economic development of the County. Non-agriculturally oriented industry shall not be located on productive agricultural lands, but should be located in areas more suitable for industrial purposes.

**Policy AG/LU-93:** The County supports the continued concentration of industrial uses in the South County area as an alternative to the conversion of agricultural land for industrial use elsewhere in the county.

Policy AG/LU-95: New land uses in the South County Industrial Areas shall be compatible with or buffered from adjacent industrial uses and consistent with the Land Use Compatibility Plan for Napa Airport.

Policy AG/LU-96: The Airport Industrial Area is planned for industrial and business/industrial park uses that support agriculture and meet industrial and business park needs consistent with the 1986 Airport Industrial Area Specific Plan. In 2004, the Airport Industrial Area Specific Plan was amended to recognize two hotels which were subsequently approved for construction. Further commercial uses in the area shall be limited to local-serving uses that support or serve the industrial and business park uses.

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Policy CON-13: The County shall require that all discretionary residential, commercial, industrial, recreational, agricultural, and water development projects consider and address impacts to wildlife habitat and avoid impacts to fisheries and habitat supporting special-status species to the extent feasible. Where impacts to wildlife and special-status species cannot be avoided, projects shall include effective mitigation measures and management plans.

Policy CON-60.5: All aspects of landscaping from the selection of plants to soil preparation and the installation of irrigation systems should be designed to reduce water demand, retain runoff, decrease flooding, and recharge groundwater.

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.

Policy E-10: Ancillary uses in the Airport Industrial Area shall be limited to locally-serving (i.e., business park supporting) uses, with regard to both nature and extent, as specified in the Airport Industrial Area Specific Plan.

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.