

EXHIBIT A - FINDINGS

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

CCBJ PROPERTIES LLC / JEFF VENESS

USE PERMIT # P09-00002-UP

APN # 024-163-010

ENVIRONMENTAL:

It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act (CEQA). The project will not impact an environmental resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites, cause substantial adverse change in the significance of a historical resource or extract groundwater in excess of the Phase 1 groundwater extraction standards as set by the Department of Public Works. [See Class 3 ("New Construction or Conversion of Small Structures") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15303; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.] The project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5

The following finding must be made pursuant to CEQA:

1. That the Planning Commission finds the project Categorically Exempt pursuant to CEQA Guidelines Section 15303, Class 3, New Construction or Conversion of Small Structures, and Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.

PLANNING AND ZONING ANALYSIS:

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

2. The Commission 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 2008 Napa County General Plan and is consistent with the CN (Commercial Neighborhood) zoning district regulations which permit dental laboratory and gift/novelty shop uses upon grant of a use permit.

3. 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 filed and notice and public hearing requirements have been met. The hearing notice and intent to find the project Categorically Exempt from CEQA, Class 3, were posted on August 7, 2009 and copies were forwarded to appropriate persons on the mailing list.

4. 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 the Use Permit 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, 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.

5. 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 use is consistent with the CN (Commercial Neighborhood) zoning district regulations, as conditioned, including lot area, building height and parking requirements.

Analysis: Compliance with the General Plan.

The General Plan designates the Angwin Area airport area for industrial development. The project site is located within the General Plan land use designation Agriculture, Watershed & Open Space which allows the proposed use. The proposed use is consistent with the goals, requirements, standards and policies in the General Plan.

The goals established by the General Plan are to plan for agriculture and related activities as the primary land use in Napa County. Overall, the project was evaluated for and found to be consistent with General Plan policies concerning residential and commercial land uses (listed separately below at the conclusion of these findings).

6. 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 property currently receives water service from the Howell Mountain Mutual Water Company.

General Plan Policies:

Policy AG/LU-45: All existing commercial establishments that are currently located within a commercial zoning district shall be allowed to continue to operate and use the existing buildings and/or facilities. Additional commercial uses and mixed residential-commercial uses which are permitted by the existing commercial zoning of the parcel shall be permitted on that portion of the parcel zoned commercial. With respect to Policies AG/LU-44 and 45, due to the small numbers of such parcels, their limited capacity for commercially-viable agriculture due to pre-existing uses and/or size, location and lot configuration, and the minimal impact such commercial operations and expansions will have on adjacent agriculture or open space activities or the agricultural and open space character of the surrounding area, such limited development will not be detrimental to Agriculture, Watershed or Open Space policies of the General Plan. Therefore such development is consistent with all of the goals and policies of the General Plan.

Action Item AG/LU 45.1: Review and revise sections of the Napa County Code that provide the list of land uses permitted on existing commercially zoned parcels to encourage neighborhood-serving commercial uses and new limited accessory dwellings where appropriate.

Policy AG/LU-46: All existing and legally established nonconforming uses shall be allowed to continue to operate and to use existing buildings and/or facilities provided they are not determined to be a public nuisance or voluntarily abandoned as defined by the zoning ordinance. Legal nonconforming buildings and facilities may be rehabilitated or rearranged, as long as there is no increase in the intensity of use.

Goal, CON-1: The County of Napa will conserve resources by determining the most appropriate use of land, matching land uses and activities to the land's natural suitability, and minimizing conflicts with the natural environment and the agriculture it supports.

Policy CON-44: The County shall identify, improve, and conserve Napa County's surface water resources through the following measures:

- a) Evaluate and develop land use policies resulting in the appropriate density and mix of impervious surface and stable vegetation cover to

improve water quality and reduce surface water pollution and siltation within domestic water supply watersheds.

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 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.