

## EXHIBIT A - FINDINGS

PLANNING COMMISSION HEARING MARCH 21, 2012

ENVY WINES, LLC / MARK CARTER  
USE PERMIT MAJOR MODIFICATION # P11-00163-MOD  
1170 TUBBS LAND, CALISTOGA  
APN: 017-210-027

Approval to modify Use Permit # 01074-UP and Use Permit Major Modification # P09-00288-MOD to allow an increase in annual production from 20,000 gallons/year to 50,000 gallons/year; construction of a new 3,500 square foot barrel storage building with approximately 1,360 square feet of covered walkway on three sides; construction of 699 square feet of covered crush pad area; adoption of a new marketing plan to allow daily wine and food pairings (catered food only) and one new monthly marketing event with 75 people; allow on-site bottle consumption; with no increase in the number of employees.

### Environmental Determination

The Conservation, Development, and Planning Commission (Commission) has received and reviewed the proposed **Subsequent Negative Declaration** (Environmental Document) 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. That:

1. Prior to taking action on the Environmental Document and the proposed project, the Commission read and considered said Environmental Document.
2. The Environmental Document is based on independent judgment exercised by the Commission.
3. The Environmental Document was prepared and considered in accordance with the requirements of CEQA.
4. Considering the record as whole, there is no substantial evidence that the project will have a significant effect on the environment.
5. The Secretary of the Commission is the custodian of the records of the proceedings on which this decision is based. Records are located at the Napa County Conservation, Development, and Planning Department, 1195 Third Street, Room 210, Napa, Calif.
6. There are no substantial changes proposed in the project which will require major revisions of the previous Mitigated Negative Declaration (MND) due to the involvement of new significant environmental effects.

7. There are no substantial changes proposed in the project which will require major revisions of the previous MND due to a substantial increase in the severity of previously identified significant effects.
8. No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects.
9. No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to a substantial increase in the severity of previously identified significant effects.
10. No new information of substantial importance been identified, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted which shows that: a) the project will have one or more significant effects not discussed in the previous MND; or b) significant effects previously examined will be substantially more severe than shown in the previous MND; or c) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents have declined to adopt the mitigation measure or alternative; or d) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents have declined to adopt the mitigation measure or alternative.

**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 zoning 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.

**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 March 1, 2012 and copies were forwarded to property owners within 300 feet of the subject parcel. The CEQA public comment period ran from March 1, 2012 through March 20, 2012.

**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:** This proposal is consistent with the *Napa County General Plan 2008*. 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 complementary 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.

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 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 **18.4** 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 an **18.4** acre parcel, the resulting Napa County standard calculation for the existing uses on the property is **18.4** acre feet per acre per year. Current water use for 15,000 gallons/year wine production, vineyard and landscape irrigation is 6.998 acre-feet per year. The estimated water demand for the site after the expansion would be **9.575** acre-feet per year. Based on these figures, the project would be well 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 14 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.