

## **EXHIBIT A**

### **NAPA COUNTY PLANNING, BUILDING & ENVIRONMENTAL SERVICES DEPARTMENT**

**PLANNING COMMISSION HEARING – APRIL 17, 2013**

#### **FINDINGS – INGLENOOK WINERY USE PERMIT MODIFICATION (P12-00136-UP) & VARIANCE (P13-00072-VAR) APN's: #027-210-018 & 024**

#### **ENVIRONMENTAL:**

The Planning Commission (Commission) has reviewed this proposal pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County's Local Procedures for Implementing CEQA, and finds that:

1. The proposed project is Categorically Exempt pursuant to Section 15301, Class 1, of the State CEQA Guidelines, which exempts minor alterations to existing structures. Categorically Exempt, pursuant to the California Environmental Quality Act, Section 15301, Class 1 - Existing Facilities, Section 15303, Class 3 - New Construction or Conversion of Small Structures, Section 15305, Class 5 - Minor Alterations in Land Use Limitations, Section 15331, Class 31 - Historical Resource Restoration and/or Rehabilitation, and Napa County's Local CEQA Procedures, Appendix B, Section 3 (Class 1 - Minor Modifications to Existing Wineries). The project consists of relocating, restoring and converting an existing 770 sq. ft. historic tank house to a winery information center and relocating an existing 1,685 sq. ft. winery office building (White House) approximately 55-feet north of its current location and associated site improvements.

#### **VARIANCE:**

The Commission has reviewed the variance request in accordance with the requirements of the Napa County Code §18.124.060 and makes the following findings:

2. That the procedural requirements set forth in Chapter 18.128.060 have been met.

**Analysis:** An application and required processing fees has been submitted for a variance accompanied with a statement from the applicant outlining the reasons for the request. Site plans depicting the location of the project and elevation drawings showing the appearance of the proposed winery have also been submitted. Noticing and public hearing requirements have been met.

3. Special circumstances exist applicable to the property, including size, shape, topography, location or surroundings, because of which strict application of the zoning district regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

**Analysis:** This site is unique in that there are two areas developed with winery related structures separated by acres of vines. The lower portion of the site includes three existing buildings consisting of winery related office and storage uses. The main production and

hospitality buildings are located to the west of this area at the base of a small hill on the site. The proposal herein is to relocate, restore and convert a dilapidated historic tank house near the top of the hill above the winery to the existing developed area near the highway and to relocate an existing winery office building (the White House) north of where it sits now, but no closer to the highway than its current location. The other two buildings located near the highway are to be demolished. Relocating, restoring and converting the tank house will allow public access to the long neglected building. In addition, the tank house will be no closer to the highway than the existing structures that will be removed. The General Plan encourages the restoration and reuse of historic structures. The Zoning Ordinance includes setback reductions for the conversion of or additions to historic structures. A variance is applicable here because the Tank House is being relocated to its proposed location and the White House is being moved to the north. Again, restoring and relocating the tank house brings a part of Napa's past to the public eye.

4. Grant of the variance is necessary for the preservation and enjoyment of substantial property rights.

**Analysis:** The site is located within the Agricultural Preserve and Agricultural Watershed zoning districts in which wineries and accessory uses are permitted upon approval of a use permit. As noted above, the winery has two development areas and the remainder of the site planted in vines. Moving the historic tank house down near the highway and relocating the White House will both give a neglected structure a new life, and make it visible to both visitors to the winery as well as passers by. The proposal will also enhance a very visible portion of the winery site with new landscaping and other site improvements.

5. Grant of the variance will not adversely affect the public health, safety or welfare of the County of Napa.

**Analysis:** There is nothing included in the variance proposal that would result in a measurable impact on the public health, safety, or welfare of the County of Napa. Construction of the new winery would be subject to County Codes and regulations including but not limited to the California Building Code, Fire Department requirements, and water and wastewater requirements.

#### **USE PERMIT:**

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

6. 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) and AW (Agricultural 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 § 18.16.030 and 18.20.030) are permitted in an AP and/or AW - zoned district subject to use permit approval. 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.



7. The procedural requirements for a use permit set forth in Chapter 18.124 of the Napa County Code have been met.

**Analysis:** The use permit application has been filed and noticing and public hearing requirements have been met. The hearing notice was posted on April 5, 2013, and copies of the notice were forwarded to property owners within 300 feet of the Property.

8. The grant of a use permit, as conditioned, will not adversely affect the public health, safety, or welfare of the County of Napa.

**Analysis:** Various County divisions and departments have reviewed the project and commented regarding water, waste water disposal, access, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the ongoing protection of public health and safety.

9. 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.

**Analysis:** 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.

**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.

The subject parcel is located on land designated Agricultural Resources (AR) on the County's adopted **General Plan Land Use Map**. This existing facility is comprised of an agricultural processing facility (winery), along with wine storage, marketing, and other WDO - compliant accessory uses. The proposal concerns new and existing winery accessory uses as outlined in and limited by the approved project scope (see attachment B, Condition of Approval No. 1 et seq.) 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. As approved here, the use of the property for the "fermenting and processing of grape juice into wine" (NCC §18.08.640) and for uses accessory thereto 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 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).** The proposed addition to the existing building incorporates the architectural style, materials and details of winery buildings located throughout the County and will be fully in keeping with the permanence and attractiveness of older long standing structures. The proposed production building is designed to fit into and harmonize with the surrounding hillside.

As analyzed at item #10, below, the 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 project is consistent with **General Plan Conservation Policies CON - 53 and CON - 55**, which require that applicants for discretionary land use approvals prove the availability of adequate water supplies which can be appropriated without significant negative impacts on shared groundwater resources.

Napa County's adopted General Plan reinforces the County's long standing commitment to agricultural preservation, urban centered growth, and resource conservation. On balance, this project is consistent with the General Plan's overall policy framework and with the Plan's specific goals and policies.

10. 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.

**Analysis:** Water is provided by the St. Helena Water Enterprise which will continue to provide water to the project site via the existing water meter. There will be little to no increase in water use as there is no increase in production, the number of employees or the number of visitors.