

RESOLUTION NO. P-07-00435-MOD

**A RESOLUTION OF THE NAPA COUNTY CONSERVATION,
DEVELOPMENT AND PLANNING COMMISSION, STATE OF
CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION
AND APPROVING A USE PERMIT FOR THE PECOTA WINERY**

WHEREAS, the Conservation, Development and Planning Commission of the County of Napa conducted a public hearing on March 19, 2008, relating to the following described project:

Use Permit Modification # P07-00435-MOD
Robert Mondavi Winery/Constellation Brands, Inc.
7801 St. Helena Highway, Napa

On a 63.0 acre parcel located on the west side of St. Helena Highway, approximately 0.5 mile north of its intersection with Oakville Cross Road, within the AP (Agricultural Preserve) zoning district.

Assessor's Parcel # 027-280-050

WHEREAS, the application included a request to: 1) increase annual production from 1.6 million gallons per year to 3.0 million gallons per year, 2) recognize an existing tank pad with ten relocated fermentation tanks, and 3) recognize up to 900 existing visitors per day and up to 2,500 visitors average per week; and

WHEREAS, the public hearing before the Conservation, Development and Planning Commission was duly noticed in accordance with applicable State law and Napa County Code requirements; and

WHEREAS, the Conservation, Development and Planning Commission received testimony from County staff, the applicant and interested parties regarding the proposed project; and

WHEREAS, the Conservation, Development and Planning Commission received the Draft Mitigated Negative Declaration for this project pursuant to the provisions of the California Environmental Quality Act (CEQA) and in accordance with the requirements of Napa County's Local Procedures for Implementing the California Environmental Quality Act, and finds:

1. The Conservation, Development and Planning Commission has read and considered the Mitigated Negative Declaration prior to taking action on said Mitigated Negative Declaration and the proposed project;
2. The Mitigated Negative Declaration is based on independent judgment by the Planning Commission;
3. The Mitigated Negative Declaration was prepared and considered in accordance with the requirements of the California Environmental Quality Act;

4. There is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment;
5. 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. 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; and

WHEREAS, the Conservation, Development and Planning Commission has reviewed the request for a use permit on the proposed project in accordance with the requirements of Napa County Code and makes the following required findings:

7. The Commission has the power to issue a Use Permit under the Zoning Regulations in effect as applied to the property. The project is consistent with the AP (Agricultural Preserve) zoning district regulations that apply to this property which permit winery operations with use permit approval. A winery (as defined in (Section 18.08.640) and uses in connection with a winery [Section 18.16.030 (F), (G) & (H)] are permitted in an AP zoning district with an approved use permit. Provisions required under the Winery Definition Ordinance (ORD. 947, 1990) and Napa County Code (zoning regulations as amended) can be met;
8. The procedural requirements for a Use Permit set forth in Chapter 18.124 of the Napa County Code (zoning regulations) have been met. The use permit application has been filed and notice and public hearing requirements have been met. The hearing notice was posted and published on Friday, February 15, 2008 and copies were forwarded to the appropriate persons on the mailing list. The public review period was February 15, 2008 to March 19, 2008;
9. The grant of the Use Permit, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa. 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. 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. The goals established by the 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 the County's existing cities and urban areas. The County will enact and enforce regulations that will retain agriculture as a major source of income and employment in Napa County. The Winery Definition Ordinance 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 proposal is consistent with the General Plan. Agricultural Policy 3.11 of the County General Plan recognizes wineries, and any use clearly accessory to the winery, as agriculture. The Land Use Standards of the General Plan, subsection 3(F)(8) and subsection 3(F)(7), list the processing of agricultural products as one of the general uses recognized by the Open Space-Agricultural Resource land use designation. The proposed project provides for agriculture as the predominant land use on the project site and is consistent with the General Plan. The General Plan allows wineries in agriculturally designated areas;

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 §13.15.070 or 13.15.080 of this code. The Phase 1 water study prepared for the project and reviewed by the Department of Public Works showed that the estimated water demand is below the established threshold for the property, and, therefore, the projected water use for this project is not expected to have a significant effect on the static water levels of neighboring wells or the groundwater table; and

NOW, THEREFORE, BE IT RESOLVED that the Conservation, Development and Planning Commission does hereby Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and Approves the Use Permit subject to the attached Conditions of Approval for the proposed project.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Planning Commission of the County of Napa, State of California, at a regular meeting of the Commission held on the 19th day of March, 2008, by the following vote:

AYES: COMMISSIONERS _____

NOES: COMMISSIONERS _____

ABSENT: COMMISSIONERS _____

TERRY SCOTT, Chair
Napa County Planning Commission

ATTEST:

Clerk of the Planning Commission

By: _____

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>(by e-signature)</u></p> <p>Date: _____, 2008</p>
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<p>APPROVED BY THE NAPA COUNTY PLANNING COMMISSION</p> <p>Date: _____</p> <p>Processed by: _____</p> <p>Deputy Clerk of the Commission</p>
