

EXHIBIT A - FINDINGS

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

JOHN FISHER SUBDIVISION / CLAIRE LOUISE FISHER 1997 TRUST- JILL RANDAL

FISHER 1997 TRUST- JOHN FISHER

TENTATIVE TRACT MAP # P06-01290-TM

APN 050-010-024, 030 and -043

August 19, 2009

ENVIRONMENTAL:

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

1. Find that the Planning Commission has read and considered the Mitigated Negative Declaration prior to taking action on said Mitigated Negative Declaration and the proposed project;
2. Find that the 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; and
6. Find that, 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 or on the sit's geology and soils.

PLANNING AND ZONING ANALYSIS:

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:

7. That the proposed map is not consistent with applicable general and specific plans. A proposed subdivision shall be not 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 not compatible with objectives, policies, general land uses and programs specified by such plan or plans.

Analysis: The project site is designated as Agriculture, Watershed & Open Space on the adopted Land Use Element of the 2008 Napa County General Plan and is zoned AW (Agricultural Watershed) District. The project is consistent with the General Plan and AW zoning district regulations that apply to this property. The proposed subdivision and site improvements associated with the subdivision are consistent with applicable County regulations.

8. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

Analysis: The tentative map would create a subdivision for six parcels that complies with the minimum 160 acre lot area for new parcels required in the Agriculture, Watershed & Open Space land use designation of the 2008 Napa County General Plan. With creation of approximately one-acre building envelopes on each new parcel for eventual single-family residential development, allowed by right, the proposed tentative map is consistent with the General Plan.

9. The site is not physically suitable for the type of development.

Analysis: The property is located within the AW (Agricultural Watershed) zoning district and is located within an existing agricultural/rural residential area. The proposed project is consistent with development standards contained in the Zoning Ordinance and the General Plan. Located off Partrick Road, an existing County roadway, the project site is physically suitable for the proposed development.

10. The site is not physically suitable for the proposed density of development.

Analysis: The existing site is designated AW (Agricultural Watershed) zoning district which has a minimum 160 acre lot area; the site is also designated Agriculture, Watershed and Open Space which allows agricultural and rural residential development in the General Plan. Proposed building envelopes for single-family development on each new parcel are generally level. The subdivision does not increase the acceptable density or intensity anticipated by the Zoning Ordinance and General Plan.

11. The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Analysis: An Initial Study/Mitigated Negative Declaration was prepared for the tentative map. The proposed tentative map does not result in any physical changes to the undeveloped site except for creation of new property lines. Three mitigation measures affecting the location of proposed building envelopes and the design of subsequent single-family residential development have been imposed to reduce potential environmental effects to less than significant levels. All requirements of the Zoning Ordinance and applicable health and safety codes for subsequent development will be met. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

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

Analysis: The proposed tentative map is consistent with the AW (Agricultural Watershed) zoning district and General 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.

13. 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: 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-8: The County's minimum agricultural parcel sizes shall ensure that agricultural areas can be maintained as economic units.

Policy AG/LU-20: The following standards shall apply to lands designated as Agriculture, Watershed, and Open Space on the Land Use Map of this General Plan.

Intent: To provide areas where the predominant use is agriculturally oriented; where watersheds are protected and enhanced; where reservoirs, floodplain tributaries, geologic hazards, soil conditions, and other constraints make the land relatively unsuitable for urban development; where urban development would adversely impact all such uses; and where the protection of agriculture, watersheds, and floodplain tributaries from fire, pollution, and erosion is essential to the general health, safety, and welfare.

General Uses: Agriculture, processing of agricultural products, single-family dwellings.

Minimum Parcel Size: 160 acres, except that parcels with a minimum size of 2 acres may be created for the sole purpose of developing farm labor camps by a local government agency authorized to own or operate farm labor camps, so long as the division is accomplished by securing the written consent of a local government agency authorized to own or operate farm labor camps that it will accept a conveyance of the fee interest of the parcel to be created and thereafter conveying the fee interest of such parcel directly to said local government agency, or entering into a long-term lease of such parcels directly with said local government agency. Every lease or deed creating such parcels must contain language ensuring that if the parcel is not used as a farm labor camp within three years of the conveyance or lease being executed or permanently ceases to be used as a farm labor camp by a local government agency authorized to develop farm labor camps, the parcel will automatically revert to, and merge into, the original parent parcel.

Maximum Building Intensity: One dwelling per parcel (except as specified in the Housing Element). Nonresidential building intensity is non-applicable.

Pursuant to Measure Z (1996), the sale to the public of agricultural produce, fruits, vegetables, and Christmas trees, grown on or off premises, and items related thereto, as well as the recreation and educational uses by children of animals, such as children's pony rides and petting zoos, and construction of buildings to accommodate such sales and animals shall be permitted on any parcel designated as agricultural produce stand combination district. (See Policy AG/LU-132.)

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-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 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.