

EXHIBIT A

FINDINGS

**Ceja Winery
Variance Application #P10-00171-VAR and
Use Permit #P0900352-UP
Assessor's Parcel #: 047-240-037**

Environmental Determination:

The following findings have been made in order to adopt the Negative Declaration:

1. That the Planning Commission has read and considered the Negative Declaration prior to taking action on said Negative Declaration and the proposed project.
2. That the Negative Declaration is based on independent judgment by the Planning Commission.
3. That the Negative Declaration was prepared and considered in accordance with the requirements of the California Environmental Quality Act.
4. That there is no substantial evidence in the record as a whole that the project will have a significant effect on the environment.
5. 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.
6. 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.

Variance Required Findings

The Commission has reviewed the above-described variance request and, in accordance with the requirements of Napa County Code Section 18.128.060, makes the following findings:

7. The requirements set forth in Chapter 18.128 of the Napa County Code have been met. The variance application has been filed and notice and public hearing requirements have been met. The hearing notice and notice of availability of the proposed Negative Declaration were posted on May 27, 2010, and copies were forwarded to property owners within 300 feet of the Property.
8. 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. A combination of multiple factors creates the special circumstances applicable to this property requiring the variance.

There are three special circumstances applicable to the property warranting grant of the variance: First, the subject property is constrained by two road setbacks (a collector and a private road) as

required under Napa County Code section [18.104.230 (A)(2.)] for wineries located in open space areas. Second, the subject parcel has only a minimum amount of area available for development. Third, without the variance, more vineyard area would need to be removed because a longer main and secondary access road to the winery would need to be constructed.

1. Road Setbacks: The project is constrained by two winery road setbacks. The first is Las Amigas Road, a County collector road, requiring a 300 foot setback from the centerline of the road. It is located along the southwesterly property line of the site. The second road is located along the northeasterly property line and traverses in a westerly direction at the rear of the proposed winery structure. It is a private road “used by the public” and serves the property to the north of the project site. It also requires a 300 foot setback from the centerline of the road. The project meets the Las Amigas Road winery road setback but due to the unusual shape of the winery parcel and the additional setback area required by the private road, the only remaining area left for development is its extreme back portion of the parcel. This portion is too narrow to develop a viable winery. Together, these road setbacks constrain 90 % of the remaining net area of the parcel. Other surrounding parcels, having the minimum acreage to qualify for a winery use permit, are not subject to two road setback constraints.

2. Parcel size: The subject parcel is small in comparison to the median size of other parcels (50 acres) that have been granted winery use permits in the surrounding area. The parcel is 494 feet wide by approximately 1,165 feet deep and totals 10.39 acres. This is only slightly over the minimum 10 acres required for a winery use to be established. If the required setbacks are applied, only a 340 foot by 185 foot area would remain available for possible development at the extreme northwest corner of the parcel. Pushing the winery to the northwest corner would also result in an overall poor site design because the access road would be twice the length proposed resulting in the removal of additional vineyard.

3. Additional access road construction/Access road relocation: As mentioned, adherence to the required setback would result in the need for an additional 600 feet of road surface for the main access road would be required. Besides creating a poor site design, the additional paved area would also require the removal of an additional quarter-acre of existing vineyard and contribute to increased runoff and road noise.

9. Grant of the variance is necessary for the preservation and enjoyment of substantial property rights. The AW:AC (Agricultural Watershed : Airport Compatibility) combination zoning district, in which the property is located, allows wineries and uses accessory to a winery, subject to the approval of a conditional use permit. The operation of legally constructed agricultural production facilities within the County’s agricultural zoning districts is a substantial property right. The Airport Compatibility combination zone does not in any way further limit this right. As explained above, the property is constrained by its size and road setback requirements. Currently, the property has a well established 7.0 acre vineyard which is developed with associated frost and fire protection water storage tanks. Adherence to the setbacks would require the removal of an additional half acre of this vineyard for additional access road construction thus diminishing the preservation and enjoyment of a substantial property right.
10. Grant of the variance will not adversely affect the health or safety of persons residing or working in the neighborhood of the Property and will not be materially detrimental to the public welfare or injurious to property or improvements in this neighborhood.

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 protection of public health and safety. Approval of the variance in the proposed location will not adversely affect the health and safety of area residents.

The current position of the winery meets the required setback for Las Amigas road. Therefore, its distance from this road precludes any adverse affect on the health and safety of a majority of the area residents and traveling public who could view the winery from this vantage point. In terms of the private road, the winery is set back 130 feet from the traveling public on the private road as it traverses the eastern side of the parcel and 155 feet from the winery as the road traverses behind the winery. It is even further from adjacent surrounding neighbors. The winery's location thus does not create a wall of structures to the viewing public along the private road which the winery road setback attempts to prevent. Neither does it obscure any views as the surrounding distant area is nearly flat. Because the winery is setback nearly half the required distance and does not create a darkened wall of structures and very few members of the traveling public would use the private road, it can be concluded that grant of the variance will not adversely affect the health or safety of persons residing or working in the neighborhood of the property and will not be materially detrimental to the public welfare or injurious to property or improvements in this neighborhood.

11. Grant of the variance is not subject to the requirements of Napa County Code Section 13.15.010 for groundwater basins because the subject property is not located in a "groundwater deficient area" as defined in this section.
12. Grant of the variance will not affect approval or waiver of a groundwater permit under Napa County Code Section 13.15.070 or 13.15.080 nor has substantial evidence been presented demonstrating that the grant of the variance might cause a significant adverse affect on any underlying groundwater basin or area which does not overlay an identified groundwater basin.

Use Permit Required Findings:

13. 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 AW : AC (Agricultural Watershed : Airport Compatibility) combination 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 18.20.030) are permitted in an AW:AC zoned 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. The project also complies with the requirements and conditions of the site's Airport Compatibility Zone E-Other Airport Environs designation in the *Napa County Airport Land Use Compatibility Plan*.

14. 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 May 27, 2010, and copies were forwarded to property owners within 300 feet of the subject parcel.

15. 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.

16. Compliance with the General Plan

Analysis: 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 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 applicable provisions of the Napa County Zoning Ordinance (Title 18, Napa County Code).

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 Resource 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 Exhibit ‘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.

As approved here, the use of the property for the “fermenting and processing of grape juice into wine” (NCC 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 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 winery, to the extent that it will be publicly visible, will convey permanence and attractiveness.

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 AWOS 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 who are 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 based on the criteria established by Napa County Public Works Department.

The “Right to Farm” is recognized throughout the General 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. 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.

17. 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 threshold 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 threshold for groundwater use on the parcels and would not result in a substantial depletion of groundwater supplies. The 10.39 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 resulting in a threshold for the property of 10.39 acre feet per acre per year. The estimated water demand for the site at Phase III build-out would be 5.35 acre-feet of water per year.