

Exhibit A

FINDINGS

Peju Black Forest Vineyard Conversion

**Use Permit Application No. P09-00243-UP (Exception to Creek Setbacks)
and Agricultural Erosion Control Plan Application No. P09-00385-ECPA**

321 Dutch Henry Canyon Road, Calistoga CA 94515

Assessor's Parcel No. 018-060-068

ENVIRONMENTAL DETERMINATION

The Conservation, Development, and Planning Commission (Commission) has received and reviewed the proposed Mitigated Negative Declaration (State Clearinghouse No. 2010122095) and Mitigation Monitoring and Reporting Program (MMRP) 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 Commission has read and considered the Mitigated Negative Declaration and MMRP prior to taking action on said Negative Declaration and the proposed project.
2. The Mitigated Negative Declaration and MMRP are based on independent judgment by the Commission.
3. The Mitigated Negative Declaration and MMRP 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 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 a 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.

CONSERVATION EXCEPTION

The following findings must be made in order for the Commission to grant an exemption to the Conservation regulations in the form of a use permit pursuant to County Code Section 18.108.040(B) for agricultural projects.

7. The erosion rate that results two years from the completion of the proposed agricultural development does not exceed the soil tolerance factor approved by the soil conservation service for the soil type, topography and climatic conditions in which the project is located:

As detailed in the Initial Study and Mitigated Negative Declaration, soil loss and erosion rates as a result of the project will not be increased above pre-development conditions and the minimum soil loss tolerance factor for soils located within the project area is 4 tons per acre: the maximum post project soil loss is anticipated to be 1.54 tons per acre.

8. An erosion control plan has been prepared in accordance with Section 18.108.080 and has been approved by the director or designee;

The owner/applicant has prepared an ECPA in accordance with Section 18.108.080 for the proposed project that is both technically adequate pursuant to Napa County Resource Conservation District standards and consistent with applicable code requirements and applicable General Plan policies.

9. Impacts on streams and watercourses are minimized, and adequate setbacks along these drainage-ways are or will be maintained;

Mitigation measures have been incorporated into the proposed project to reduce impacts to water courses and/or associated riparian vegetation. Creek setback encroachments along Dutch Henry Creek will typically range from 30 to 40 feet, creek setbacks provided in areas of encroachment will range from 61 to 140 feet (typically 70 feet). All other required stream setbacks of the proposed project conform to Section 18.108.025 of the Napa County Code.

10. The project does not adversely impact sensitive, rare, threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the county's environmental sensitivity maps;

No special status animal species were observed on the project site during the project site inspections conducted by Foothill Associates, and preferred habitats for many of the special status animal species found in the general vicinity do not occur on project site. Additionally, pre-construction surveys for birds are included in the conditions of approval for the project.