

EXHIBIT A - FINDINGS

NAPA COUNTY PLANNING, BUILDING & ENVIRONMENTAL SERVICES DEPARTMENT PLANNING COMMISSION HEARING – MARCH 19, 2014

YOUNTVILLE HILL WINERY USE PERMIT & EXCEPTION TO THE CONSERVATION REGULATIONS (P13-00279), VARIANCE (P13-00417) AND VIEWSHED (P13-00416) APN'S: #0031-130-028 &029

ENVIRONMENTAL:

The Planning Commission (Commission) has received and reviewed the proposed Mitigated Negative Declaration 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 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 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 Commission is the custodian of the records of the proceedings on which this decision is based. The records are located at the Napa County Planning, Building & Environmental Services 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.

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:

7. 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) 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) are permitted in an AP - 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.

8. 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 February 14, 2014, and copies of the notice were forwarded to property owners within 300 feet of the Property. The public comment period ran from February 14, 2014 through March 18, 2014.

9. 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.

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.

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 project is comprised of an agricultural processing facility (winery), along with wine storage, marketing, and other WDO - compliant 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 #13, 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.

11. 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: 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.

The 10.89 project site is located in the valley floor area which has an extraction threshold of 1.0 acre foot of water per acre, resulting in a site threshold of 10.89 af/yr. Based on the submitted Water System Feasibility Report, dated October 24, 2013, existing water usage on the parcel is approximately 1.8 af/yr for the existing vineyards and residential use. This application proposes the construction of new buildings and caves for winery uses. As a result of the foregoing, annual water demand for this parcel would increase from 1.8 af/yr to 4.87 af/yr. including 2.65 af/yr for the winery, 1.5 af/yr for landscaping, and 0.72 af/yr for the vineyards. Irrigation of the vineyards will be supplemented by using treated wastewater reducing reliance on groundwater. Based on these figures, the project would remain below the established fair share for groundwater use on the parcel. The project 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. Based on these figures, the project would remain below the established fair share for groundwater use on the parcel. The project 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.

EXCEPTION TO THE CONSERVATION REGULATIONS:

The Commission has reviewed the request to grant an Exception to the Conservation Regulations in the form of a use permit in accordance with the requirements of the Napa County Code §18.108.040(A) and makes the following findings:

12. Roads driveways, buildings and other man-made structures have been designed to complement the natural landform and to avoid excessive grading.

Analysis: The winery production building, parking lot, access drives, and site retaining walls have been designed to complement the natural landform and to avoid excess grading. The existing driveway will be removed and replaced with vegetation. The new driveway will follow the contours of the site resulting in a driveway that complies with county requirements regarding slope (the existing driveway exceeds these requirements). The two buildings are cut into the hillside reducing the mass of each building. The main winery building includes three levels reducing the overall footprint. Exclusive of cave construction, a net of about 5,100 cubic yards of cut and fill are proposed at the winery site. The cave spoils will be hauled off-site to an approved landfill or alternative site approved by the County.

13. Primary and accessory structures employ architectural and design elements which in total serve to reduce the amount of grading and earthmoving activity required for the project, including the following elements:
 - a. Multiple floor levels which follow existing, natural slopes,
 - b. Foundation types such as poles, piles or stepping levels which minimize cut and fill and the need for retaining walls,
 - c. Fence lines, walls and other features which blend with the existing terrain rather than strike off at an angle against it.

Analysis: Structural development associated with this approval will be limited to the construction of small reception building and a multi-level winery building. Both buildings follow the existing slope to the extent possible. The proposed buildings employ architectural and design elements that serve to reduce the amount of grading and earthmoving activity associated with the Project.

14. The development minimizes removal of existing vegetation, incorporates existing vegetation into the final design plan, and replacement vegetation of appropriate size, quality and quantity is included to mitigate adverse environmental effects.

Analysis: The request proposes the majority of development on the portion that consists of approximately 6.4 acres of Coast Live oak woodlands, predominantly Live, Blue and Valley oaks with an understory of non-native grasslands. Approximately 2.1 acres of the 6.4 acres of coast live oak woodland habitat will be impacted by the proposed project. The remaining 4.3 acres are proposed to be preserved and protected as well as enhanced with additional plantings per the preliminary tree planting plan. Pursuant to General Plan Policy Con-24, for all oak woodland that is removed, oak woodland must be preserved or replaced at a ratio of 2:1. The proposal is consistent with this policy since the proposal includes the preservation of more than 4.4 acres of oak woodland on the site, resulting in a preservation ratio greater than 2:1. In addition, a tree planting plan showing the removal of with approximately 116 trees and the planting of approximately 185 trees, including a minimum of 63 oaks, has been incorporated into the project landscape plan.

15. Adequate fire safety measures have been incorporated into the design of the proposed development.

Analysis: Adequate fire safety measures have been incorporated into this application. The Fire Marshall has reviewed the submittal and recommends approval as conditioned.

16. Disturbance to streams or watercourses shall be minimized and setbacks shall be retained as specified in Section 18.108.025

Analysis: Two constructed drainages are found on the lower portion of the site. One drainage flows beneath the existing driveway within an 18-inch culvert. The existing driveway will be widened by about 10-feet to meet county standards and the existing culvert will be replaced by a three-sided box culvert in approximately the same location as the existing culvert. Other than replacing the existing culvert and improving the driveway, no other work will occur within the creek setback areas. Implementation of mitigation measure **BIO-1**, below would reduce potential impacts to the drainage and riparian vegetation to a less than significant level.

17. The project does not adversely impact 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.

Analysis: A Biological Assessment Report, dated June 2009, by Pacific Biological & Consulting and a Habitat Assessment, dated November, 13, 2013, by Wildlife Research Associates were prepared to evaluate direct, indirect and cumulative impacts of the proposed project on existing site characteristics such as vegetative communities, wildlife habitats, special-status plant and animal species, and aquatic resources. Although no special-status birds were observed on the project site during the surveys, the report did note several stick nests and more generally, that potential nesting habitat occurs for listed and non-listed special-status species of birds. Project activities such as earthmoving and grading during the nesting season (February 15 to August 15) have the potential to result in direct mortality of these species. In addition, human disturbances and construction noise have the potential to cause nest abandonment and death of young or loss of reproductive potential at active nests located near project activities. Mitigation measure **BIO-2** will reduce potential impacts to nesting birds to a less than significant level.

In addition to nesting bird species, special-status bats have the potential to roost in hollow cores in trees and structures on the project site. Human disturbances and construction noise have the potential to cause roost abandonment and death of young or loss of reproductive potential at active nests located near project activities. Mitigation measures **BIO-3a & 3b** will reduce potential impacts to bats to a less than significant level.

18. An erosion control plan has been prepared in accordance with Section 18.108.080 and has been approved by the Director or his designee.

Analysis: This Project will disturb more than an acre of total land area, and as a result, the permittee must file a Notice of Intent with the California Regional Water Quality Control Board (SRWQCB) prior to any grading or construction activity. A Stormwater Pollution Prevention Plan (SWPPP) must be submitted for the review and approval of the Engineering Services Division prior to the issuance of a building, grading, or any other development

permit. A standard condition requiring an NOI as reviewed and approved by the SRWQCB and a SWPPP reviewed and approved by the DPW and CDPD prior to the issuance of any development permit has been incorporated into this approval.

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:

19. 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.

20. 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: The proposal herein is to construct a new winery consisting of two buildings and lower and upper caves. The two structures comply with the 600-foot setback from the centerline of State Route 29 (SR 29). The portals for the lower cave are approximately 300-feet from the centerline of SR 29. The caves themselves are not subject to this setback requirement. However, the portals visible to the roadway are as well as the pad in front of the portals if any winery related activities were to occur on the pad. The lower and upper caves house the production components of the winery and provide needed floor area that would otherwise be housed within an above grade building. Given the topography of the site, caves are preferable and present less of an impact than would additional above grade floor area. Existing vegetation and new tree plantings will soften views and screen portions of these two portals. Both winery buildings also encroach into the 300-foot setback from a shared driveway. There is really no location on the site where a variance from this setback would not be necessary. In addition, stairways and a retaining wall creating a stepped non-occupied area at the rear of the winery building encroach into the 20-foot rear yard by 6-feet and 15-feet, respectively. The location of the winery building is predicated on constructing the new driveway so that it does not exceed a slope of 20%. If the winery building were moved forward, or to the west of its proposed location, the driveway would become steeper, exceeding a 20% slope.

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

Analysis: The property is located within the Agricultural Preserve zoning district in which wineries are permitted upon approval of a use permit. The predominate portion of the site is impacted by moderate to steep slopes. Development of any type on this site would require some form of an exception or variance.

22. 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 uniform building codes, fire department requirements, and water and wastewater requirements.

VIEWSHED

The Commission shall make the following findings prior to approving projects under the Napa County's Viewshed Protection Program that are not subject to the program's administrative review and approval process (18.106.050(B)):

23. The project as designed or modified is consistent with Chapter 18.108, *Conservation Regulations*, of the code;

Analysis: Access and siting of the proposed winery takes advantage of the existing access disturbed areas to the extent feasible including cutting the winery buildings into the hillside and utilizing caves for the majority of the floor area associated with the winery. Although a number of trees will be removed, the proposal preserves approximately two-thirds of the woodlands and site and includes a number of new trees. Additionally, a SWPPP will be required for the winery development to control erosion, runoff, and associated sedimentation.

24. If the highest point of the proposed project is located more than 25 vertical feet below a major or minor ridgeline, that measures have been included in the project to reduce its visual impact on the major or minor ridgeline through use of existing natural vegetation, landscaping, topographical siting, architectural design, and color tone; or if the highest point of the proposed structure is within 25 vertical feet of a major or minor ridgeline, that the existing vegetation, proposed landscaping, topographical siting, architectural design, and color tone screen the predominant portion of the proposed structures;

Analysis: The proposed winery site and associated structures are located more than 25 vertical feet below a minor ridgeline; the closest ridgeline feature is located approximately 260 feet above the winery site. Measures have been included in the project to reduce its visual impact on surrounding ridgelines including caves that reduce the overall floor area that would otherwise be required above ground, architectural details and design features to break up and reduce the visual mass of the facility and to add visual interest. The development utilizes earth-tone colors and natural materials to blend with the surrounding environment. A landscape plan is also included and the planting of additional vegetation will ensure substantial visual screening of the project from SR 29.

25. The proposed structures, access roads and other site improvements are sited and designed to minimize adverse effects on views from designated public roads;

Analysis: The main winery building will replace the existing residential structure near the top of the property which is more of a vertical structure than the proposed winery building reducing its visibility and prominence from the road. The winery facility has been cut into the

hillside and has been oriented to run parallel to existing grade. The winery facility includes architectural details (varying exterior treatments) and design features to break up and reduce the visual mass of the facility and to add visual interest. These design features and planting a significant number of trees will result in limited external views of the winery facility. Furthermore, a majority of the winery's processing and operations will occur within the caves, further reducing the visual prominence of the winery.

26. The proposed structures, access road and other site improvements, including earthmoving or grading, and benches or shelves minimize the removal of vegetation;

Analysis: Approximately two-thirds of the woodlands on the site will be preserved. Although approximately 116 trees will be removed, 185 new trees will be planted. The larger intact woodland located behind the winery will provide a more prominent visual resource related to vegetation.

27. The siting and design of site improvements and access roads minimize grading and alteration of natural landforms and topography;

Analysis: The winery facility has been cut into the hillside and has been oriented to run parallel to existing grade to reduce overall grading and the height of retaining walls and fill slopes. The design of the facility has reduced grading and alterations to landforms to the maximum extent practical.

28. A landscape and/or vegetation retention plan in conformance with the Design Manual has been submitted and approved for the site that would provide maximum screening from designated public roads through preservation of existing vegetation and the planting of new vegetation and provide for defensible space in conformance with state law;

Analysis: A landscape plan is included as part of the proposed project. The plan is in conformance with the Design Manual as it provides supplemental screening vegetation and includes plantings to create "green" retaining walls.

29. The proposed structures and associated improvements substantially conform to the Design Manual in order to reduce their visual impact on the views of major and minor ridgelines as viewed from any designated public road and unique topographic or geologic features as viewed from any county road. The following landforms will be considered to be unique topographic or geologic features for the purposes of this subsection: Mt. St. Helena, Stag's Leap, Calistoga Palisades, Round Hill, Mt. George and Mt. St. John, all of which are not applicable to this site;

Analysis: The proposed winery and associated improvements substantially conform to the criteria and requirements detailed in the Viewshed Protection Design Manual, in that: the siting of the winery is well below surrounding ridgelines and the prominent knoll top behind the site; cut and fill slopes have been contoured to the natural terrain to the extent practicable; and, the winery has been cut into the hillside and has been oriented to run parallel to existing grade. Furthermore, a majority of the winery's processing and operations will occur within the caves, further reducing the visual prominence of the winery.