

**PLANNING COMMISSION HEARING – MAY 6, 2015
EXHIBIT A - FINDINGS**

**SAWYER CELLARS WINERY
USE PERMIT (#P14-00353-UP)
759 TECHNOLOGY WAY, NAPA, CALIFORNIA
APN 057-330-005**

ENVIRONMENTAL:

The Planning Commission (Commission) has reviewed this application 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 proposed project is Categorical Exempt pursuant to the following CEQA Guidelines:

CEQA Guidelines Section 15301 (Categorical Exemption Class 1, Existing Facilities) which exempts from CEQA those projects that include use of, interior or exterior building alterations to, and small additions to existing structures when the site is served by public services and is not in an environmentally-sensitive area. Section 15303 of the State and Napa County CEQA Guidelines (Categorical Exemption Class 3, New Construction or Conversion of Small Structures) which exempts from CEQA those projects that involve a change in use of an existing small structure, where only minor modifications are made to the exterior of the structure. Napa County's Local Procedures for Implementing the California Environmental Quality Act Appendix B Class 3 "New Construction or Conversion of Small Wineries" which exempts the construction and operation of small wineries consistent with the criteria contained in Class 3 - Section 10: occupy fewer than 5,000 square feet, produce no more than 30,000 gallons of wine per year, generate fewer than 40 daily vehicle trips (excluding days of marketing events) and no more than five, daily peak hour trips, and hold no more than 10 marketing events per year with no more than 30 guests each (excluding one wine auction event with up to 100 guests). Under CEQA Guidelines Section 15300.2, a Categorical Exemption cannot be used if environmental sensitivities exist at the site or if there will be cumulative impacts.

PLANNING AND ZONING ANALYSIS:

USE PERMIT: The following findings must be made in order to approve the 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:

2. The Commission has the power to issue a Use Permit under the Zoning Regulations in effect as applied to property.

Analysis: The project is consistent with the 1986 Napa Valley Business Park Specific Plan, and is consistent with the Industrial Park: Airport Compatibility Combining (IP:AC) zoning district regulations which permit wineries and associated accessory uses, warehousing, distribution, and ancillary office uses with the approval of a use permit. The project site is located in Zone D of the Airport Land Use Compatibility Plan which also allows the proposed uses.

3. The procedural requirements for a Use Permit set forth in Chapter 18.124 of the Napa County Code (zoning regulations) have been met.

Analysis: The use permit application has been filed and notice and public hearing requirements have been met. The hearing notice and intent to adopt a Categorical Exemption were posted on April 25, 2015, and copies were forwarded to appropriate persons on the mailing list. The public comment period ran from April 6, 2015 through May 5, 2015.

4. 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 the Use Permit for the project as proposed and conditioned will not adversely affect the health, safety or welfare of the County. Various County divisions and departments have reviewed the project and commented regarding drainage, building permits, fire protection, and provision of public utilities services. The City of American Canyon and the Napa Sanitation District have agreed to provide public water and domestic sewer service, respectively. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health, safety, and welfare.

5. 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 and the Napa Valley Business Park Specific Plan.

Analysis: Compliance with the Zoning Ordinance

The proposed use is consistent with the Industrial Park: Airport Compatibility Combination (IP:AC) zoning district regulations, as conditioned.

Analysis: Compliance with the General Plan and Napa Valley Business Park Specific Plan

This proposal is consistent with the 2008 Napa County General Plan, the 1986 Napa Valley Business Park Specific Plan (NVBPSP, formerly entitled Airport Industrial Area Specific Plan), and the Zoning Ordinance (Napa County Code Title 18).

The goals established by the Napa County General Plan identify agriculture and related activities as the primary land use in Napa County, with urban uses encouraged to locate in existing cities, towns and urbanized areas (Goals AG/LU-1 and -2). The NBPSP was established to address the County's industrial and business park development and employment needs, and it implements the General Plan in the Airport Industrial Area (General Plan Policy AG/LU-38 and NBPSP General Goals A.1, A.5, B.1 and C.1). The Zoning Ordinance provides the regulatory framework for implementation of the General Plan and also facilitates implementation of the NVBPSP.

The proposed project site has a General Plan land use designation of *Industrial*. As described in General Plan Policy AG/LU-51, lands designated *Industrial* provide an environment for "a variety of industrial uses such as warehouses, manufacturing, wineries and food processing facilities that are industrial in character." General Plan Policy AG/LU-96 further recognizes agricultural product processing facilities (such as wineries, and any use clearly accessory to a winery) as compatible with the NVBPSP. The proposed project, as proposed and as conditioned, is consistent with these and other General Plan policies

concerning local job-generating and industrial land uses (each applicable General Plan policy is enumerated at the conclusion of these findings).

The proposed project site has an NVBPSP land use designation of *Industrial Park*, and it is located within zone D of the IP:AC (Industrial Park: Airport Compatibility Combination) District as described in Chapter 18.80 of the Zoning Ordinance. Most nonresidential uses, including but not limited to wineries, warehousing, and similar light industrial uses are normally acceptable within the IP:AC District, and new wineries more specifically require Planning Commission approval of a use permit (NVBPSP, page 62, and County Code Sections 18.44.020.B.5 and 18.80.040). No changes to the layout of the site are proposed with this application.

6. 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 §'s 13.15.070 or 13.15.080 of the County Code.

Analysis: The City of American Canyon will provide water service and the Napa Sanitation District will provide domestic sewer service. "Will serve" letters have been issued by both jurisdictions indicating that they have adequate capacity to serve the project. The applicant is proposing to use hold and haul services for winery process wastewater. Winery process waste water will be handled by the hold and haul method and no discharge to Napa Sanitation District sanitary sewer facilities will occur.

General Plan and Napa Valley Business Park Specific Plan (formerly Airport Industrial Area Specific 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-38: The Airport Industrial Area Specific Plan (AIASP) was adopted in 1986 to set forth detailed land use and circulation standards, capital improvement requirements, associated financing, and improvement sequencing measures, as well as necessary supporting policies and regulatory procedures for the industrial area near Napa County Airport. The AIASP, as amended, implements the General Plan in the Airport Industrial Area.

Policy AG/LU-39: The County will plan for the reservation of sufficient industrial property to satisfy future demands for orderly growth and economic development of the County. Non-agriculturally oriented industry shall not be located on productive agricultural lands, but should be located in areas more suitable for industrial purposes.

Policy AG/LU-93: The County supports the continued concentration of industrial uses in the South County area as an alternative to the conversion of agricultural land for industrial use elsewhere in the county.

Policy AG/LU-95: New land uses in the South County Industrial Areas shall be compatible with or buffered from adjacent industrial uses and consistent with the Land Use Compatibility Plan for Napa Airport.

Policy AG/LU-96: The Airport Industrial Area is planned for industrial and business/industrial park uses that support agriculture and meet industrial and business park needs consistent with the 1986 Airport Industrial Area Specific Plan. In 2004, the Airport Industrial Area Specific Plan was amended to recognize two hotels which were subsequently approved for construction. Further commercial uses in the area shall be limited to local-serving uses that support or serve the industrial and business park uses.

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-72: The County shall seek to reduce the energy impacts from new buildings by applying Title 24 energy standards as required by law and providing information to the public and builders on available energy conservation techniques, products, and methods available to exceed those standards by 15 percent or more.

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 E-10: Ancillary uses in the Airport Industrial Area shall be limited to locally-serving (i.e., business park supporting) uses, with regard to both nature and extent, as specified in the Airport Industrial Area Specific Plan.

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.

Policy SAF-26: Development proposals shall be reviewed with reference to the dam failure inundation maps in order to determine evacuation routes.

NVBPSP Goal A.1 Provide a specific plan which recognizes the economic importance to the County and region of the airport industrial area, and responds to the area's

identification in the Napa County General Plan as the principal County location for meeting short-term and long-term requirements for industrial development.

NVBPSP Goal A.5 Provide for expanded employment opportunities for County residents in order to achieve regional (ABAG) and County (General Plan) goals for a more balanced distribution between jobs and people, and reduced out-of-County commuting.

NVBPSP Goal B.1 Treat the planning area as a priority location for meeting both near-future and long-term requirements for industrial development in the County.

NVBPSP Goal C.1 Reserve sufficient property in the planning area to satisfy future demands for orderly industrial growth.