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Exhibit A - Findings

**PLANNING COMMISSION HEARING – MARCH 2, 2016
EXHIBIT A - FINDINGS**

**3646 SMR VINEYARD WINERY
USE PERMIT #P14-00327-UP
3646 SPRING MOUNTAIN RD, ST. HELENA, CALIFORNIA
APN 022-150-026**

ENVIRONMENTAL DETERMINATION:

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 Planning 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 exercised by the Planning Commission.
3. The Mitigated Negative Declaration was prepared and considered in accordance with the requirements of CEQA.
4. 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, and Environmental Services Department, 1195 Third Street, 2nd Floor, Napa, California.
5. There is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment.
6. There is no evidence, in considering the record as a whole that the proposed project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends.

EXCEPTION TO ROAD AND STREET STANDARDS:

The Commission has reviewed the attached described Road and Street Standards (RSS) Exception request in accordance with Road and Street Standards Section 3 and makes the following findings:

7. The exception will preserve unique features of the natural environment which includes, but is limited to, steep slopes, heritage oak trees, or other trees of at least 6"dbh and found by the decision-maker to be of significant importance, but does not include man made environmental features such as vineyards, rock walls, ornamental or decorative landscaping, fences or the like.

Analysis: There are a number of mature natural trees alongside the driveway that area worthy of preservation. The trees are important because they define the natural land forms and character of the area, which is generally forested and very rural. Minimizing the amount of grading and tree removal necessary for providing safe access will retain the unique

feature of the natural environment, and will also provide shelter and habitat for a wide range of animal and plant species.

8. Grant of the Road and Street Standards Exception will provide the same overall practical effect as the Standards do in providing defensible space, and does not adversely affect the life, safety, and welfare of the public or persons coming to the property.

Analysis: The .5 mile common access road from Spring Mountain Road has historically been paved with asphalt from its intersection with Spring Mountain Road to its terminus at the Robert Keenan Winery, located next door to the project. A road exception for the 0.5 mile stretch of shared driveway was approved on July 24, 2014 under the Robert Keenan Winery Use Permit modification, where Napa County approved improvements to develop portions of the roadway to meet the same overall practical effect of the proposed RSS. The County Engineering Division has discussed the Request with the Napa County Fire and has conducted a site visit. Engineering staff recommends acceptance of the previously approved Road Exception as part of the proposed SMR Vineyard development, subject to recommended conditions in their memo of May 4, 2015. The proposed improvements are shown to meet the same overall practical effect of the RSS while preserving the unique features of the natural environment by providing widening to the existing paved access drive to the maximum extent practical, providing intervisible turnouts along the sections of the roadway that do not meet the required widths, improving line of sight through a vegetation management plan, and providing wide angle mirrors through horizontal radii where roadway widths are reduced from the required two travel lands. The existing roadway configuration and proposed improvements in the Request, will serve as an alternate method by which adherence to the RSS may be achieved and would provide the same overall practical effect as the RSS towards providing defensible space, preserving the natural environment and protecting the life, safety and welfare of the public.

USE PERMIT REQUIRED FINDINGS:

The Commission has reviewed the use permit request in accordance with the requirements of the Napa County Code Section 18.124.070 and makes the following findings. That:

9. 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 (Agricultural Watershed) zoning district regulations. A winery (as defined in Napa County Code Section 18.08.640) and uses in connection with a winery (see Napa County Code Section 18.20.030) are permitted in an AW zoned district with an approved use permit. 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.

10. 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 modification application has been filed, noticed and public hearing requirements have been met. The hearing notice was posted on January 16, 2016 and copies were forwarded to property owners within 1000 feet of the subject parcel and all

other interested parties. The CEQA public comment period ran from January 16, 2016 to February 16, 2016.

11. The granting of the use permit, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: Various County departments have reviewed the project and commented regarding water, waste water disposal, traffic and access, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the ongoing protection of the public health, safety and welfare.

12. 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 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 project complies with the requirements of the AW zoning District. 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).

This proposal is consistent with the *Napa County General Plan 2008*. The subject parcel is located on land designated Agricultural Watershed and Open Space (AWOS) 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.

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."

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..."). Policy AG/LU-8 also states, "The County's minimum agricultural parcel sizes shall ensure that agricultural areas can be maintained as economic units and General Plan Economic Development Policy E-1 (The County's economic development will focus on ensuring the continued viability of agriculture...). Approval of this project furthers these key goals.

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 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.

The project is also consistent with General Plan Conservation Policy CON-53 and CON-55, which require 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.

Finally, the "Right to Farm" is recognized throughout the General Plan and is specifically called out in Policy AG/LU-15 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.

13. The proposed use would not require a new water system or improvements 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 Section 13.15.070 or Section 13.15.080.

Analysis: The subject property is not located in a "groundwater deficient area" as identified in Section 13.15.010 of the Napa County Code. 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, for purposes of the application of the County's Groundwater Conservation Ordinance, assumed not to have a significant effect on groundwater levels.

A Tier 2 Water Availability Analysis (WAA) was prepared by O'Connor Environmental, Inc. (dated August 10, 2015) for the 56.75-acre parcel located in the "hillside zone. The WAA included a Tier 2 analysis detailing the existing and proposed groundwater demands and an analysis of the aquifer recharge. The existing water demand is 5.20 af/yr, specifically: from the residence-.75 af/yr and from the 8.9 acres of vineyard-4.45 af/yr. The total increase in demand from the project and future vineyards (approved for 10.2 acres, only 8.9 acres is

planted) would be 2.04 af/yr, which represents a 39% increase in groundwater demand relative to existing demand. Groundwater demand from the winery project plus a future 1.3 acre vineyard would be 2.04 af/yr, specifically: 1.3 acre vineyard-.5 af/yr; winery production-.43 af/yr; landscaping-1.0 af/yr; winery visitors-.03 af/yr; events-.02 af/yr, and winery employees-.06 af/yr.

Therefore, the total demand on the parcel with the winery would equal 7.24 af/yr from: residence-.75af/yr and 10.2 acres of vineyards (8.9 planted, 10.2 approved)-4.95 af/yr. The total water demand under the proposed project 7.24 af/yr) is equivalent to 11% of the dry year recharge and <4% of the average year recharge. Given the fact that the proposed use is significantly less than the contributing recharge even during the dry water year of 2014, it is highly unlikely that the proposed pumping would result in long-term declines in groundwater elevations or depletion of groundwater resources. The nearest neighbor's well is located 800 feet from the proposed project well, indicating that the potential well interference is negligible and requiring no further evaluation per the WAA procedures.