

EXHIBIT A - FINDINGS

NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING DEPARTMENT CONSERVATION & DEVELOPMENT PLANNING COMMISSION

SUSCOL CREEK WINE PRODUCTION FACILITY USE PERMIT (#P09-00101-MOD) & TENTATIVE PARCEL MAP (#P09-00100-PM) June 17, 2009

ENVIRONMENTAL:

The following findings must be made in order to adopt the Subsequent Mitigated Negative Declaration:

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

PLANNING AND ZONING ANALYSIS:

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

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

Analysis: The project is consistent with the 1986 Airport Specific Plan, and is consistent with the General Industrial: Airport Compatibility Combining (GI:AC) zoning district regulations which permit agricultural processing facilities, including wineries, upon grant of a use permit. The project site is located in Zone D of the Airport Land Use Compatibility Plan which also allows the proposed use.

8. 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 modification application has been filed and notice and public hearing requirements have been met. The hearing notice and intent to adopt a Subsequent Mitigated Negative Declaration were posted on May 18, 2009, and copies were forwarded to appropriate persons on the mailing list. The environmental document was also transmitted to the State Clearinghouse. The public comment period ran from May 18, 2009, through June 17, 2009.

9. The grant of the Use Permit modification, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: Granting the Use Permit modification for the project 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 grading, drainage, access, parking, building permits, waste disposal, water, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health, safety, and welfare.

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 and the Airport Industrial Area Specific Plan.

Analysis: Compliance with the Zoning Ordinance

The proposed use is consistent with the General Industrial: Airport Compatibility Combination (GI:AC) zoning district regulations, as conditioned, including setbacks, landscaping, building height, parking requirements, lot coverage and floor area ratio.

Analysis: Compliance with the General Plan and Airport Industrial Area Specific Plan.

The goals established by the Napa County General Plan are to plan for agriculture and related activities as the primary land use in Napa County and to concentrate urban uses in existing cities and urban areas. The Airport Industrial Specific Plan was established to support agriculture and meet industrial and business park needs consistent with the 1986 Specific Plan. This proposal is consistent with both the General and Specific Plan. The General Plan designates the airport area for industrial development. The project site is located within the General Plan land use designation Industrial and within the General Industrial designation of the 1986 Airport Industrial Area Specific Plan (AIASP) which allow the proposed use. The project site is also within Compatibility Zones C and D of the Napa County Airport Land Use Compatibility Plan (ALUCP), which also allow the proposed use. The AIASP and ALUCP have been reviewed for the proposal's consistency. The proposed use is consistent with the goals, requirements, standards and policies in the General Plan, the AIASP, and the ALUCP. Policy AG/LU-96 of the County General Plan recognizes wineries, and any use clearly accessory to a winery, as compatible to the Airport Industrial Area Specific Plan.

11. 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 project site is located within an area designated by the Airport Industrial Area Specific Plan as difficult to serve with municipal utilities, and is therefore allowed to be served by groundwater. The Phase 1 water study prepared for the project and reviewed by the Department of Public Works showed that the estimated water demand of 9.4 acre-feet per year is below the established threshold for the property of 10.32 acre-feet per year, and, therefore, the projected water use for this project is not expected to have a significant effect on the static water levels of neighboring wells or the groundwater table. In addition, a condition of approval has been included requiring well monitoring upon determination of the Directors of Environmental Management and Public Works. In the event that the project affects, or potentially affects groundwater supplies or nearby wells, the condition enables the Director of Environmental Management to implement additional reasonable conditions on the permittee as necessary to meet County Groundwater standards.

TENTATIVE PARCEL MAP: Pursuant to Section 17.14.060 of the Napa County Code, the Planning Commission shall deny approval of a tentative map if the Commission makes any of the following findings:

12. That the proposed map is not consistent with applicable general and specific plans. A proposed subdivision shall be deemed consistent with the Napa County General Plan and any applicable specific plan the County has officially adopted for the area where the land is located if the proposed subdivision or related land uses are compatible with objectives, policies, general land uses and programs specified by such plan or plans.

Analysis: The project site is designated as Industrial on the adopted Land Use Element of the Napa County General Plan, is within the General Industrial District of the Airport Industrial Area Specific Plan (AIASP) and is zoned GI:AC – General Industrial: Airport Compatibility. The project is consistent with the General Plan and AIASP designations, as well as the GI:AC zoning district regulations that apply to this property. The proposed building and site improvements associated with the use permit modification are consistent with applicable County regulations.

13. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

Analysis: The tentative parcel map would create a subdivision for condominium purposes. The proposed building and site would be divided into 19 condominium units. As a condominium subdivision, the condominium units within the buildings do not technically have a separate lot area. Each condominium occupies air space within one commonly held single parcel, and in accordance with State law is considered similar to leased space. Minimum parcel sizes do not apply to condominiums because the space is not technically an independent parcel. Overall, the proposed parcel map is consistent with the General Plan and the AIASP.

14. The site is not physically suitable for the type of development.

Analysis: The property is located within the General Industrial (GI) zoning district and is located within a developing industrial park. The proposed project is consistent with development standards contained in the Zoning Ordinance and the AIASP. Located near two state highways and a regional airport, the site is physically suitable for the proposed development.

15. The site is not physically suitable for the proposed density of development.

Analysis: The existing site is currently designated for general/heavy industrial development in the General Plan and the AIASP. The site is generally level and has adequate street frontage. The subdivision of a building into individual ownership opportunities does not increase the acceptable density or intensity anticipated by the Zoning Ordinance and AIASP. The extent of potential development on this site will not change as a result of the subdivision.

16. The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Analysis: An Initial Study and Subsequent Mitigated Negative Declaration were prepared for the project which finds that the proposed project will not have a significant impact on any special status plant or animal species, wetlands or wildlife corridors on the project site or within the immediate vicinity. The design of the tentative parcel map will not injure fish or wildlife or their habitat.

17. The design of the subdivision or the type of improvements is likely to cause serious public health or safety problems.

Analysis: The proposed development and the proposed tentative parcel map are consistent with the GI:AC zoning district and Airport Industrial Area Specific Plan. The proposed development has been designed to and conditions of approval will be imposed such that the proposal will comply with County regulations concerning public health and safety.

18. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Analysis: Conditions of approval of the original use permit (P05-0434-UP) required an open space or conservation easement along the rear of the property adjoining Suscol Creek. No development is proposed within this easement. There are no other public easements through the project site.

General 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 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-60.5: All aspects of landscaping from the selection of plants to soil preparation and the installation of irrigation systems should be designed to reduce water demand, retain runoff, decrease flooding, and recharge groundwater.

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 CON-81: The County shall require dust control measures to be applied to construction projects consistent with measures recommended for use by the BAAQMD.

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.