

EXHIBIT A

DRAFT FINDINGS

**BERRYESSA PEAK TRAIL
JOHN & JUDY AHMANN
NAPA COUNTY REGIONAL PARK & OPEN SPACE DISTRICT**

**Use Permit # P09-00472-UP
APN 015-250-004, -006 and -010**

Environmental Determination:

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

1. Find that the Planning Commission has read and considered the Negative Declaration prior to taking action on said Mitigated Negative Declaration and the proposed project.
2. Find that the Negative Declaration is based on independent judgment by the Planning Commission.
3. Find that the 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:

Section 18.124.080, (Use Permit) Issuance - Findings Required:

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 the AW (Agricultural Watershed) zoning district regulations that apply to this property which permit parks and rural recreation uses with use permit approval. A park and rural recreation (as defined in (Section 18.08.428 and Section 18.20.030 (A)) are permitted in an AW zoned district with an approved use permit. A “park and rural recreational use “ is defined as a place or facility where outdoor recreational uses that are generally unsuitable for urbanized areas are conducted, with structural development limited to customarily accessory structures which necessary to conduct the outdoor use (Section 18.108.428) Provisions required under the Napa County Code (zoning regulations as amended) can be met.

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 application has been filed and notice and public hearing requirements have been met. The hearing notice was posted on November 10, 2009 and copies were forwarded to property owners within 300-feet of the subject parcel. The Negative Declaration was posted on October 30, 2009 and circulated for public review and comment from November 2, 2009 to December 1, 2009 in accordance with CEQA requirements. No comments were received.

9. 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 trail, as proposed and conditioned, will not affect the health, safety or welfare of the County. Various County departments have discussed/reviewed the project as proposed and no comments or concerns were voiced.

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: Compliance with the Zoning Ordinance: The project as proposed is consistent with the AW (Agricultural Watershed) zoning district regulations that apply to this property which permits a park and rural recreation use with use permit approval (Section 18.124.070). The project as proposed is a day-use, non-motorized trail with no new structures. The project as proposed can meet and is consistent with the additional zoning ordinance requirements, specifically Section 18.104.340, Section 18.104.350 and Section 18.104.390.

Section 18.104.340 Outdoor Recreation--General Standards: The project as proposed will not require a water supply or sewage disposal system. For the projected, limited trail use, adequate parking areas exist along Berryessa-Knoxville Road to access the trail. The common practice of recreational trail users is to carry their own water and/or other necessities. The project, as proposed will be maintained by the Napa County Regional Park & Open Space District with District staff and volunteers. No new impervious surfaces will be constructed. No existing agricultural uses (grazing) would be displaced by the trail path.

Section 18.104.350 Outdoor Recreation—Environmental performance standards. The project as proposed will not produce any noise that exceeds any standards of the General Plan Noise Element or County Code Chapter 8.16. The project as proposed will not produce any odors or dust. The project as proposed will not have any lights and will not have any adverse visual effects. The project as proposed will result in a minimal increased fire hazard and will be designed and used in a safe manner. Emergency vehicle access is available from existing adjacent roads. The project as proposed will be designed not to have any erosion potential, will be maintained and monitored to repair damage that may occur.

Compliance with the General Plan:

Agricultural Preservation and Land Use Element Goal AG/LU-1.

Preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.

Analysis: Construction of an approximately 0.5 mile long foot path with a tread width between 1-2 feet only, a rural recreational use, would not remove existing grazing and open space lands on the three subject parcels, 160.00, 27.68 and 520.00 acres in size. The proposal will preserve existing agricultural lands and enhance access along the Blue Ridge in eastern Napa County.

Agricultural Preservation and Land Use Element Goal AG/LU-5.

With municipalities, other governmental units, and the private sector, plan for commercial, industrial residential, recreational, and public land uses in locations that are compatible with adjacent uses and agriculture.

Analysis: The project has been developed in cooperation with the Ahmanns (private property owners), the Napa County Recreation and Open Space District, Federal Bureau of Land Management (BLM), State Department of Fish & Game (DF&G) and volunteers to provide rural recreational access for the enjoyment of a natural environment not currently enjoyed by Napa County residents and visitors. The project will connect public DF&G land with landlocked BLM land.

Agricultural Preservation and Land Use Element Policy AG/LU-4. The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/open

space, except for those lands which are shown on the Land Use Map as planned for urban development.

Analysis: The public trail easement granted by the Ahmanns to the Napa County Regional Park and Open Space District with Parcel Map Exemption # P09-00018-PM specifically provides for construction of a low-impact recreational trail consistent with their existing Agricultural Preserve Contracts, Type H # 511/87 and # 515/87, attached hereto and made a part of this document by reference. Prohibited motorized vehicle, bicycle and equestrian use will ensure continued grazing and open space use of the subject properties.

Agricultural Preservation and Land Use Element Policy AG/LU-12. No new non-agricultural use or development of a parcel located in an agricultural area shall be permitted unless it is needed for the agricultural use of the parcel, except as provided in Policies AG/LU-2, AG/LU-5, AG/LU-26, AG/LU-44, AG/LU-45, and ROS-1.

Analysis: The project consists of a proposed wilderness trail, a rural recreational use, on lands zoned Agricultural Watershed and designated Agriculture, Watershed and Open Space by the General Plan. Although the trail is not considered agriculture or is needed for agricultural use of the parcel, it will provide improved access along the Blue Ridge for pedestrian users. Furthermore, the project would not convert agricultural lands or conflict with existing on-site agricultural uses (grazing) since no barriers would be created to limit access or new utility services installed that would promote further development.

Agricultural Preservation and Land Use Policy AG/LU-27. For the purposes of this General Plan, the terms “urbanized” or “urbanizing” shall include the subdivision, use, or development of any parcel of land for non-agricultural purposes. Engaging in nature-based recreation or agriculturally compatible uses that are permitted in the applicable zoning district without the issuance of a use permit, such as development of one single-family house and/or second unit on an existing legal lot, shall not be considered urbanizing.

Analysis: The proposed project does not involve the development and use of agricultural lands for an urban recreational use. See also rationale above under Goal AG/LU-1, Policies AG/LU-4 and AG/LU-12 which are incorporated here by reference.

Recreation and Open Space Element Goal ROS-1. To ensure an extensive landscape of open spaces in which recreation, the production of natural, cultural and archaeological resources, agricultural production and private property are mutually supportive and complementary.

Analysis: See also rationale above under Goal AG/LU-1, Policies AG/LU-4, AG/LU-12 and AG/LU-22 which are incorporated here by reference.

Recreation and Open Space Element Policy ROS-1. The County encourages the acquisition, location, design, management and operation of recreational open space and facilities, in ways that protect natural resources, enhance natural habitats, conserve agricultural lands, maintain agricultural productivity, and respect private property. The County shall coordinate with and support the Napa County Regional Park and Open Space District in implementing this policy.

Analysis: See also rationale above under Goal AG/LU-1, Policies AG/LU-4 and AG/LU-12 which are incorporated here by reference.

Recreation and Open Space Element Policy ROS-3. Recreational facilities and improvements on open space lands should be the minimum necessary to achieve recreation objectives and be limited in density, intensity, need for public services, impacts on the natural environment, growth inducement, and impacts on neighboring properties. Uses on open space lands shall respect the character of the surrounding area, and shall not contribute to the likelihood that additional nonagricultural uses of agricultural land will be proposed to support or be accessory to the continued existence of the recreational use.

Analysis: No staging area, water or other facilities are proposed as part of the project. See also rationale above under Goal AG/LU-1, Policies AG/LU-4 and AG/LU-12 which are incorporated here by reference.

Recreation and Open Space Element Policy ROS-4. The public's right to access and enjoy publicly-owned lands should be supported where appropriate and consistent with other Recreation and Open Space Element policies and adopted resource management plans.

Analysis: See also rationale above under Goal AG/LU-1, Policies AG/LU-4 and AG/LU-12 which are incorporated here by reference.

Recreation and Open Space Policy ROS-8. Minimize potential negative impacts of proposed open space improvements and uses through appropriate design and by requiring mitigation for any remaining significant impacts.

Analysis: See also rationale above under Goal AG/LU-1, Policies AG/LU-4 and AG/LU-12 which are incorporated here by reference.

Recreation and Open Space Policy ROS-11. Increase by 2030 the amount of dedicated open space available, improved and managed for nature-based recreation by the general public by improving access to existing public lands and by selective public acquisition from willing landowners of fee title ownership, easements, and/or license agreements over high priority open space lands.

Analysis: See also rationale above under Goal AG/LU-1, Policies AG/LU-4 and AG/LU-12.

In addition, the following findings must be made in order to approve the Use Permit request for parks or rural recreation facilities:

Section 18.104.390, Outdoor Recreation—Findings:

11. The use is shown by evidence in the record to be appropriately located.

Analysis: The project as proposed would occur in the AW (Agricultural Watershed) zoning district which allows for parks and rural recreational uses with an approved use permit. Provisions required under the Napa County Code (zoning regulations as amended) can be met. The project will not disrupt existing agricultural use (grazing), connects recreation and open space reserve areas under the jurisdiction of BLM and DF&G, provides views of Lake Berryessa and legal access to Berryessa Peak.

12. There is a demonstrated need for the use within the county.

Analysis: The project as proposed will increase the opportunities for local residents and visitors to view Berryessa Peak and provide increased area for hiking, walking and other pedestrian uses, including hunting. This area has been noted in the existing General Plan as a significant area for open space, for preservation of natural resources, for recreational purposes and will provide access to rivers and streams, and to provide a link between recreation and open space reservations.

12. The use does not significantly affect the ability to conduct existing agriculture uses on the site or nearby.

Analysis: The project as proposed will not affect any existing agricultural uses (grazing). The project as proposed will be located along or near a ridge top. Existing cattle trails will not be affected by the new hiking trail.

13. The use does not significantly affect potential agricultural operations on site or nearby.

Analysis: The project as proposed will not affect potential agricultural operation as the path will be on existing areas that could not be developed for agriculture. The non-motorized multi-use pathway is for pedestrian use only as a passive recreational opportunity for the public to observe, enjoy and have access to Berryessa Peak.

14. The use itself would not be adversely affected by adjacent agricultural activities.

Analysis: The non-motorized trail for pedestrian use is a passive recreational opportunity and would not be adversely affected by adjacent agricultural (grazing) uses. The harsh environment and lack of water in the area limit other forms of agricultural uses.

15. The use is not growth-inducing.

Analysis: The project as proposed in and of, itself would not induce growth, and does not require any increase in public services, infrastructure or facilities. The path would be daylight use only and, because of rugged terrain, harsh climate and lack of water or other facilities, trail use would be limited and would not be expected to attract a large number of users.

16. The use serves local needs.

Analysis: The project as proposed creates a passive recreational opportunity that does not currently exist for the local residents. Provisions required under the Napa County Code (zoning regulations as amended) can be met.