

EXHIBIT A

FINDINGS

**Joseph Cellars Winery
4455 St. Helena Highway, Calistoga
P09-00174
APN: 020-180-058**

Approval to allow the following:

- Production of a 30,000 gallons per year winery;
- Construction of 15,798 sq. ft. of caves and a 4,702 sq. ft. two-story winery with a 2,009 sq. ft. exterior deck;
- Installation of a new left turn lane on State Route 29 at the approach to Quail Mountain Lane;
- Installation of a new waste water treatment system including 2,230 sq. ft. subsurface drip disposal field;
- Abandonment of an existing septic tank;
- Installation of a 40,000 gallon fire protection water tank and associated water line;
- Improvement of the existing driveway to a 20 foot width with all season paving, and
- Construction of 28 new parking spaces;
- The project construction will be divided into two phases:
 - **Phase 1** – construction of caves, portals, and restrooms, grading and improvement of the access roads, installation of wastewater treatment, and the left-hand turn lane.
 - **Phase 2** – construction of the two-story winery structure, and associated parking.
- Adoption of a marketing plan including
 - a maximum of 75 visitors per day, not to exceed 525 visitors per week open seven days per week from 10am-6pm;
 - two private food and wine events with a maximum of 40 guests per week, not to exceed 104 events per year;
 - participation in the wine auction events not to exceed 200 guests; and
 - One release party per year not to exceed 200 guests.
- **Phase 1** – construction of caves, portals, and restrooms, grading and improvement of the access roads, installation of wastewater treatment, and the left-hand turn lane.
- **Phase 2** – construction of the two-story winery structure, and associated parking.

Environmental Determination:

The Conservation, Development, and Planning Commission (Commission) has received and reviewed the proposed Revised 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 makes the following findings:

1. That the Planning Commission has read and considered the Revised Mitigated Negative Declaration prior to taking action on said Mitigated Negative Declaration and the proposed project.
2. That the Revised Mitigated Negative Declaration is based on independent judgment by the Planning Commission.
3. That the Revised Mitigated Negative Declaration was prepared and considered in accordance with the requirements of the California Environmental Quality Act.
4. That there is no substantial evidence in the record as a whole, with the inclusion of the signed Project Revision Statement and the Mitigation Monitoring and Reporting Program, that the project will have a significant effect on the environment.
5. 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. 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.

Use Permit Required 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 AW (Agricultural Watershed) 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 § Section 18.20.030) are permitted in an AW zoned district with an approved use permit.

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.

8. **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 application has been filed and notice and public hearing requirements have been met. The hearing notice was posted on January 18, 2010 and copies were forwarded to property owners within 300 feet of the subject parcel. The CEQA public comment period ran from January 19, 2010 through February 17, 2010.

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 a use permit for the winery 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 water, waste water disposal, access, building permits, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health and safety.

10. Compliance with the General Plan

Analysis: This proposal is consistent with the General Plan. 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 Attachment 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." Approval of this project furthers both of these key goals.

Additionally, the use of the property for the "fermenting and processing of grape juice into wine" as permitted under Napa County Code 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...") 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 also 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**) As approved here, the architectural design and massing of the new barrel building is complimentary to its surrounding agricultural environs and strongly conveys the agricultural nature of its use.

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 AW and 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**.

Finally, the project is consistent with General Plan Conservation **Policy CON-53 and CON-55**, which requires that applicants 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 such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level.

The “Right to Farm” is recognized throughout this Plan and is specifically called out in both this Element 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.

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 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 § 13.15.070 or § 13.15.080.

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 Napa County standard calculation is assumed not to have a significant effect on groundwater levels.

Based on the submitted phase one water availability analysis, the subject parcel is below the established Napa County standard calculation for groundwater use on the parcels and would not result in a substantial depletion of groundwater supplies. The 25.96 acre parcel is located partly in the valley floor area and partly in the mountain area. The 13.5 acres located in the valley floor has an extraction threshold of 1.0 acre foot per acre and the 12.46 acres located in the mountain area has an extraction threshold of 0.5 acre foot per acre, resulting in a total parcel threshold of 19.7 acre foot per year. The estimated water demand of 5.6 acre foot per acres is well with the 19.7 acre foot per year total allowable extraction. Based on these figures, the project would be below the established threshold for groundwater use on the parcels and is deemed not to result in a substantial depletion of groundwater supplies. Groundwater extraction will also be limited as a result of the use of treated process wastewater to irrigate approximately fourteen acres of existing vineyard. The project will not interfere substantially with groundwater recharge that would result in a net deficit in aquifer volume or a lowering of the local groundwater level.