

## EXHIBIT A

### FINDINGS

**Wallis Family Estate Winery  
Use Permit & Napa County Landmark Designation #P08-00197-UP  
Assessor's Parcel #: 020-450-014, 015 SFAP, 016 SFAP  
& 017 SFAP (Pending a Lot Line Adjustment)**

#### **I. USE PERMIT**

##### **Use Permit Environmental Determination:**

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

1. Find that 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. Find that the Mitigated Negative Declaration is based on independent judgment by the Planning Commission.
3. Find that the 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.

##### **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. Provisions required under the Winery Definition Ordinance (ORD. 947, 1990) and 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 (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 March 22, 2010, and copies were forwarded to property owners within 300 feet of the subject parcel.

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: 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 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).

The subject parcel is located on land designated Agriculture, Watershed and Open Space 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. In addition, the proposed reuse is supported by the Napa County General Plan 2008, Cultural Resources Policies: CC-17, CC-18, CC-19, CC-24 and CC-26 which have been adopted for the purpose of avoiding or mitigating the effect on significant Historic Resources.

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 AWOS

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.

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.

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 threshold 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 threshold for groundwater use on the parcels and would not result in a substantial depletion of groundwater supplies. The 16.80 acre parcel is located on the Mountain Areas, in an area that has an established acceptable water use criteria of 0.5 acre feet per acre per year resulting in a threshold for the property of 8.40 acre feet per acre per year. The estimated water demand for the site at build-out would be 8.40 acre-feet of water per year.

## **II. Napa County Landmark Designation**

### **Landmark Designation Environmental Determination:**

12. Find the General Rule applies to the landmark designation project. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable [Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)]

### **Landmark Designation Required Findings:**

13. The Commission may, at the request of the property owner, designate existing buildings or structures and related structures and landscaping as landmarks if they meet the criteria established in subsection (B) of Napa County Code 15.52.030.

Analysis: The Commission has reviewed the Wallis Family Estate Winery owner's request for Landmark Designation of the site and its historic resources dated April 7, 2010.

14. Designations shall be made only after the commission has conducted a public hearing, duly noticed, pursuant to Section 18.124.040 of the county's zoning provisions.

Analysis: The request for Landmark Designation was duly noticed on April 9, 2010, and a public hearing for Landmark Designation was conducted on April 21, 2010.

15. Find that the Planning Commission has read and considered Section 15.52.030 Landmark designation criteria and procedures section (B.) listing the factors to be considered that the proposed landmark has special historical, architectural, cultural aesthetic or engineering interest or value of an historical nature.
16. Find that the proposed landmark designation meets one or more of the special historical criteria specifically, 15.52.030 (B) (1) (b) & (2) (b):

- (1) Its character, interest or value as a part of the local, regional, state, or national history, heritage or culture:  
(c.) Its identification with a person or persons who significantly contributed to the local, regional, state or national history and culture.

Analysis: Jacques Pacheteau was owner and operator of Pacheteau's Original Hot Springs which still operates in Calistoga on the grounds of Brannan's resort of the 1860's. Hot springs attracted visitors world-wide for health reasons which in turn helped to shape the cultural and economic heritage of the county. The site where Pacheteau's Castle and Carriage House are located is what remains of his legacy.

- (2) Its architectural significance at the local, state or national level:  
(b.) Its identification as the work of an architect, builder or designer whose work has influenced the development of the county.

Analysis: Pacheteau's Castle was constructed using the well known stonemasonry of Bennasini & Maggetta and the Carriage House was designed by William Corlett, a renowned turn of century architect. A copy of his drawings is still extant.

17. Find that the structure(s) or building (s) is/are at least fifty years old.  
Analysis: Both structures were constructed in the early 1900's.