

Exhibit B

FINDINGS

**Silver Oak Wine Cellars
Use Permit Major Modification Application № P10-00345
915 Oakville Cross Road, Oakville, C^{alif.}, 94562
Assessor's Parcel №. 031-080-030**

ENVIRONMENTAL DETERMINATION

The Conservation, Development, and Planning Commission (Commission) has received and reviewed the proposed **Subsequent Negative Declaration** (Environmental Document) 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. That:

1. Prior to taking action on the Environmental Document and the proposed project, the Commission read and considered said Environmental Document.
2. The Environmental Document is based on independent judgment exercised by the Commission.
3. The Environmental Document was prepared and considered in accordance with the requirements of CEQA.
4. Considering the record as whole, there is no substantial evidence that the project will have a significant effect on the environment.
5. The Secretary of the Commission is the custodian of the records of the proceedings on which this decision is based. Records are located at the Napa County Conservation, Development, and Planning Department, 1195 Third Street, Room 210, Napa, Calif.
6. There are no substantial changes proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects.
7. There are no substantial changes proposed in the project which will require major revisions of the previous EIR or negative declaration due to a substantial increase in the severity of previously identified significant effects.
8. No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects.
9. No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to a substantial increase in the severity of previously identified significant effects.

10. No new information of substantial importance been identified, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted which shows that: a.) the project will have one or more significant effects not discussed in the previous EIR or negative declaration; or b.) significant effects previously examined will be substantially more severe than shown in the previous EIR; or c.) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents have declined to adopt the mitigation measure or alternative; or d.) mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents have declined to adopt the mitigation measure or alternative

USE PERMIT

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

11. The Commission has the power to issue a use permit under the zoning regulations in effect as applied to the Property. The project is consistent with **AP (Agricultural Preserve)** 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 § **18.16.030**) are permitted in an **AP**-zoned district subject to use permit approval. The project complies with the requirements of the Winery Definition Ordinance (Ord. No. 947, 1990, *as amended*) and the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code), all as applicable.
12. The procedural requirements for a use permit set forth in Chapter 18.124 of the Napa County Code have been met. The use permit application has been filed and noticing and public hearing requirements have been met. The hearing notice and notice of availability of the proposed **Subsequent Negative Declaration** were posted on **September 23, 2011** and copies of the notice were forwarded to property owners within 300 feet of the Property. The CEQA public comment period ran from **September 23** through **October 13, 2011**.
13. The grant of a use permit, as conditioned, will not adversely affect the public health, safety, or welfare of the County of Napa. Various County departments have reviewed the project and commented regarding water, access, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the ongoing protection of public health and safety.
14. 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), the 2009-2010 Winery Definition Ordinance Update (Ord. No. 1340, 2010), and the remainder of the Napa County Zoning Ordinance (Title 18, Napa County Code), all as applicable.

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.

The subject parcel is located on land designated **Agricultural Resource (AR)** on the County’s adopted General Plan Land Use Map. This project is comprised of an agricultural processing facility (winery), along with wine storage, marketing, and other WDO-compliant accessory uses as outlined in and limited by the approved project scope (see Exhibit C, Condition of Approval No 1 *et seq.*) 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.

As approved here, the use of the property for the “fermenting and processing of grape juice into wine” (NCC §18.08.640) and for uses accessory thereto 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 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**) **This proposal includes only flatwork** and will be fully compliant with the requirements of policies AG/LU-10 and CC-2.

As analyzed at item **No 10**, below, the 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 project is consistent with General Plan **Conservation Policies CON-53** and **CON-55**, which require that applicants for discretionary land use approvals prove the availability of adequate water supplies which can be appropriated without significant negative impacts on shared groundwater resources.

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.

15. 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. 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.

Based on the submitted *Phase One* water availability analysis, the approximately 22 acre subject valley-area parcel has a water availability calculation of 22 acre feet per year (af/yr), which is arrived at by multiplying its approximately 22 acre size by a one af/yr/acre fair share water use factor. According to the applicant, existing water usage on the parcel is approximately 10.5 af/yr, including 7.0 af/yr for irrigation of established vineyards, 2.8 af/yr for the winery, and 0.7 af/yr. for landscape irrigation. This application proposes an additional 1.7 af/yr of winery water use. As a result of the foregoing, annual water demand for this parcel would increase to 12.2 af/yr. Based on these figures, the project would be below the established threshold for groundwater use on the property. The County is not aware of, nor has it received any reports of, groundwater shortages near the project area. The project 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.