

EXHIBIT B

FINDINGS

**Stag's Leap Winery 6150 Silverado Trail P12-00110
APN: 032-530-034**

Environmental Determination:

The Planning Commission (Commission) has received and reviewed this project pursuant to the provisions of the California Environmental Quality Act (CEQA) and of Napa County's Local Procedures for Implementing CEQA and finds that:

1. The proposed project is Categorically Exempt pursuant to Section 15301, Class 1, of the State CEQA Guidelines, which exempt minor alterations to existing structures and Section 15304, Class 4, minor alterations to land. This project is requesting approval for minor fenestration improvements and access improvements to comply with the ADA requirements of a commercial facility and a new underground pipeline to comply with fire requirements as further described in the attached CEQA memo.

Use Permit Modification Required Findings:

2. **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) and 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 Sections 18.20.030 and 18.16.030) are permitted in an AW and AP 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.

3. **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 February 25th and copies were forwarded to property owners within 300 feet of the subject parcel.

4. **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 modification 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.

Compliance with the General Plan

5. Analysis: This proposal is consistent with the General Plan. The subject parcel is located on land designated both **Agriculture, Watershed and Open Space (AWOS)** and **Agricultural Resource (AR)** on the County's adopted General Plan Land Use Map. This project is comprised of conversion of a residence to winery related uses (tasting and visitation space) as outlined in and limited by the approved project scope (see Exhibit C, 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.

- 6. 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 10 acre parcel is located in the valley floor area. The 10 acres located in the valley floor has an extraction threshold of 1.0 acre foot per acre, resulting in a total parcel threshold of 10 acre foot per year. The estimated new water demand is only 60 gallons per day, for a total of 4,020 gallons per day, or 4.5 acre feet per year, about half of the allowed 10 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. 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.

Exception to Road and Street Standards Required Findings:

The Commission has reviewed the attached described Road and Street Standards Exception request in accordance with Road and Street Standards Section 3 and makes the following findings:

- 7. The exception will preserve unique features of the natural environment which includes, but is limited to, natural water courses, steep slopes, geological features, heritage oak trees, or other trees of at least 6”dbh and found by the decision-maker to be of significant importance, but does not include man made environmental features such as vineyards, rock walls, ornamental or decorative landscaping, fences or the like;**

Analysis: The applicant has proposed an interior road modification which will reduce portions to be approximately 11 ft. wide over short distances to accommodate historical features and a double row of mature Walnut trees. The Engineering Division has reviewed this request and determines that the requested exception is necessary to protect and ensure the preservation of unique features such as the double row of Walnut Trees and the

rock entrance columns and rock walls associated with the Historic integrity of the Historic qualified district.

- 8. The Road and Street standards exception allows a situation the provided the same overall practical effect as the Standards do in providing defensible space, and does not adversely affect the life, safety, and welfare of the public or persons coming to the property.**

Analysis: Approval of this exception as conditioned will improve the defensible space and the fire safety of the property, further it will comply with emergency access and response requirements. It has been reviewed by the Napa County departments and divisions responsible for emergency services; it will not have negative impacts on the public health, safety, or welfare.