**Exhibit B**

**FINDINGS**

**Sinegal Estate, P13-00261**

**2125 Inglewood Avenue, St. Helena, Calif., 94574**

**Assessor’s Parcel *№.* 027-120-008**

**ENVIRONMENTAL DETERMINATION**

The Planning Commission (Commission) has received and reviewed the proposed **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. That**:**

**1.** Prior to taking action on the Negative Declaration and the proposed project, the Commission read and considered said Declaration.

**2.** The Negative Declaration is based on independent judgment exercised by the Commission.

**3.** The Negative Declaration were prepared and considered in accordance with the requirements of the California Environmental Quality Act.

**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 Planning, Building, and Environmental Services Department, 1195 Third Street, Second Floor, Napa, Calif.

**ROAD AND STREET STANDARDS EXCETPTION**

The Commission has reviewed the Road and Street Standards Exception request in accordance with the requirements of Napa County Code §18.124.070 and makes the following findings. That:

The Commission has reviewed the Road and Street Standards Exception request in accordance with the requirements with the County’s Road and Street Standards Sections 3(D) and 3(E), and makes the following findings:

1. The exception will preserve unique features of the natural environment which includes, but is limited to, steep slopes, 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 private driveway is currently paved with widths ranging from 14 feet to 18 feet along the length. The driveway crosses steep slopes and is generally 26.3%, approximately 480 feet in length, with large heritage trees ranging in size from six inches to twenty-four inches in diameter) and vegetation. The Engineering Division has reviewed the request and has determined that the requested exception will preserve unique features in the natural environment such as steep slopes and vegetation in highly erodible landscapes.

1. Grant of the Road and Street standards exception will provide 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: In order to avoid cutting into the hillside or removing large, mature trees and have the same overall practical effect as a commercial driveway the reduced roadway widths have been mitigated with signage, and turnouts for emergency vehicles. Approval of this exception as conditioned will comply with emergency access and response requirements. The exception has been reviewed by the Napa County departments and divisions responsible for emergency services and will not have negative impacts on the public health, safety, or welfare.

**USE PERMIT MAJOR MODIFICATION**

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:

**8.** 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 AW (Agricultural Watershed) and AP (Agricultural Preserve) zoning districts 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 and 18.20.030) are permitted in an AW and AP-zoned districts 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), as applicable.

**9.** The procedural requirements for a use permit set forth in Chapter 18.124 of the Napa County Code have been met.

The use permit major modification application has been filed and noticing and public hearing requirements have been met. The hearing notice and notice of availability of the proposed negative declaration were posted on February 25, 2014 and copies of the notice were forwarded to property owners within 300 feet of the Property. The CEQA public comment period ran from February 25, 2014 through March 18, 2014.

**10.** 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 and divisions have reviewed the project and commented regarding water, access, permits, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the ongoing protection of public health and safety.

**11.** 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 Watershed and Open Space (AWOS) and Agricultural Preserve (AP) on the County’s adopted General Plan Land Use Map. This project is comprised of increased production, additional winery building square footage, an expanded wastewater system, increase in daily visitation and marketing, increase in employees, additional parking spaces, a riparian restoration plan, a Use Permit Exception to the Conservation Regulations, and Napa County Road and Street Standards Exception as outlined in and limited by the approved project scope (see Exhibit C, Condition of Approval № 1 *et seq.*)

As approved here, the use of the property for the accessory uses thereto supports the economic viability of agriculture within the county consistent with General Plan **Economic Development Policy E-1** (“The County’s economic development will focus on ensuring the continued viability of agriculture…”).

As analyzed at item **№ 12**, 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.

**12.** 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 combined 30 acre subject valley floor-area property has a water availability calculation of 30 acre feet per year (af/yr), which is arrived at by multiplying its 30 acre size by a 1 af/yr/acre fair share water use factor. According to the applicant, existing water usage on the parcel is approximately 13.05 af/yr, including .30 af/yr for winery water use, .05 af/yr for landscape irrigation, and 6.9 af/yr for irrigation of established vineyards. The approval of the increased visitation and marketing would raise the applicant’s water use to 15.48 af/yr, a figure that is well below the fair share water use level. 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.

**CONSERVATION REGULATIONS EXCEPTION:**

The following findings must be made in order for the Commission to grant an exception to the Conservation regulations in the form of a use permit pursuant to County Code Section 18.108.040(A) for structural and road development projects. The Commission has reviewed the Conservation Regulations Exception request in accordance with the requirements of Napa County Code §18.108.040(A) and makes the following findings. That:

**13.** Roads, driveways, buildings and other man-made structures have been designed to complement the natural landform and to avoid excessive grading.

Analysis: The project is consistent with the AW, Agricultural Watershed and AP, Agricultural Preserve Zoning District regulations that apply to this property, which permits the construction of a winery and related accessory structures (Sections § 18.16.030 and 18.20.030), and Conservation Regulations, which allow construction within the 45 feet stream setback area with issuance of a Use Permit Exception (Section18.108.060(A)). The encroachment is an existing feature of the project and will expand minimally by 360 square feet as a result of the proposed improvements. With the improvements taking place in previously developed areas the need to grade further is reduced greatly. Also in order to attenuate any impacts to the stream the project is proposing and will repair the riparian habitat with a restoration plan.

**14.** The development project minimizes removal of existing vegetation, incorporates existing vegetation into the final design plan, and replacement vegetation of appropriate size, quality, and quantity is included to mitigate adverse environmental effects.

Analysis: The use permit application includes a Riparian Restoration plan as part of the project proposal. This project will remove a total of five trees within the setback area, of which one in a native species, which will be replaced on-site at a ratio of 4:1. Additionally, many of the non-native species will be removed from the setback area and be replanted with native species.

**15.** Adequate fire safety measures have been incorporated into the design of the proposed development;

Analysis: The project has been reviewed and approved by the Fire Marshal, with conditions of approval.

**16.** Disturbance to streams or watercourses shall be minimized and setbacks shall be retained as specified in Section 18.108.025;

Analysis: While there is encroachment within the stream setback the possibility of any disturbance to the stream in unlikely with the proposed incorporation of a Riparian Restoration plan. The plan has been reviewed by the Napa County Conservation division and adequately addresses any impacts to the stream by the project.

**17.** The project does not adversely impact threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the County’s environmental sensitivity maps;

Analysis: There are no threatened or endangered plants or animal habitats as designed by state or federal agencies with jurisdiction or as identified on the County’s environmental sensitivity maps.

**18.** An erosion control plan has been prepared in accordance with Section 18.108.080 and has been approved by the Director or his designee;

Analysis: Project specifications have been submitted and approved by the Engineering Division, as conditioned.