**PLANNING COMMISSON HEARING – OCTOBER 15, 2014**

**EXHIBIT A - FINDINGS**

**RELIC WINERY MINOR MODIFICATION**

**USE PERMIT MINOR MODIFICATION #P14-00203**

**2400 SODA CANYON ROAD, NAPA, CA 94558**

**APN 032-090-024**

**ENVIRONMENTAL DETERMINATION:**

1. The proposed minor modification project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15311 Class 11(b), Accessory Structures, Small Parking Lots, which exempts construction, or replacement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities; and pursuant to Section 15301, Appendix B, Class 1(3) (Minor modifications of existing use permits in conformance with Section 18.124.130 of the Napa County Code) of the Napa County’s Local Procedures for implementing the California Environmental Quality Act. This project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5. (See attached CEQA Memorandum for further analysis.)

**USE PERMIT MODIFICATION REQUIRED FINGINGS:**

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

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 AW (Agricultural W) zoning district regulations. A winery (as defined in Napa County Code Section 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 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 modification application has been filed, noticed and public hearing requirements have been met. The hearing notice was posted on October 1, 2014 and copies were forwarded to property owners within 1000 feet of the subject parcel and all other interested parties. The CEQA public comment period ran from October 4, 2014 to October 14, 2014.

4. The granting of the use permit, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: Various County departments have reviewed the project and commented regarding water, waste water disposal, traffic and access, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the ongoing protection of the public health and safety.

5. 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.

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).

This proposal is consistent with the *Napa County General Plan 2008*. The subject parcel is located on land designated Agriculture, Watershed and Open Space (AWOS) on the County’s adopted General Plan Land Use Map. This project is consists of changing the location of the parking approved for the winery. (See Exhibit ‘B’, Conditions of Approval.) This use falls within the County’s definition of agriculture and thereby preserves the use of agriculturally designated land for current and future agricultural purposes.

As approved here, the installation of parking supporting 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…”). Approval of this project furthers supports this key goal.

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 land use designations. The relocation of the parking improving the circulation of the approved winery further supports the winery and 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 “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 supports the operations of the winery and is consistent with the General Plan’s overall policy framework and with the Plan’s specific goals and policies.

6. The proposed minor modification is not a substantial change and will not affect the amount of water use approved by the original application, and therefore the original analysis stated in the original findings of approval would not change:

*“Therefore, 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 10.30 acre parcel is located in the Mountain areas, in an area that has an established acceptable water use criteria of 0.5 acre foot per acre per year resulting in a threshold for the property of 5.10 acre feet per acre per year. The estimated water demand for the site for Phase II at build-out (i.e. cave system) would be the same: 5.10 acre-feet of water per year*