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Exhibit A - Findings

**EXHIBIT A – RECOMMENDED FINDINGS
PLANNING COMMISSION HEARING – MARCH 23, 2016**

**CAYMUS VINEYARDS
USE PERMIT (#P12-00221-UP) & DEVELOPMENT AGREEMENT
8700 CONN CREEK ROAD, ST. HELENA, CALIFORNIA
APN 030-200-066**

ENVIRONMENTAL:

The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) and Napa County's Local Procedures for Implementing CEQA pursuant to:

1. State CEQA Guidelines Section 15302 which provides an exemption for the "Replacement or Reconstruction" of existing structures or facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced (14 Cal. Code Regs. § 15302).
2. State CEQA Guidelines Section 15301, which provides an exemption for "Existing Facilities" consisting of the repair, maintenance, minor alteration of existing public or private facilities, such as existing highways and streets, and similar facilities (this includes road grading for the purpose of public safety) (14 Cal. Code Regs. § 15301). The road enhancements would also be Categorically Exempt under the County's Local Guidelines pursuant to Appendix B, Class 1, Section (d) which identifies the addition of a short auxiliary lane when required for localized purposes such as turning, lane changing or accelerating or decelerating as the type of local project that is considered exempt.

PLANNING AND ZONING ANALYSIS:

USE PERMIT:

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

1. The Commission has the power to issue a Use Permit under the Zoning Regulations in effect as applied to property.

Analysis: The project is consistent with the AP (Agricultural Preserve) zoning district regulations. A winery (as defined in the Napa County Code Section 18.08.640) and uses in connection with a winery (refer to Napa County Code Section 18.16.030) are permitted in the AP District with an approved use permit. The project, as conditioned, complies with the Napa County Winery Definition Ordinance (WDO) and all other requirements of the Zoning Code as applicable.

2. The procedural requirements for a Use Permit set forth in Chapter 18.124 of the Napa County Code (zoning regulations) have been met.

Analysis: The use permit application has been appropriately filed and notice and public hearing requirements have been met. The hearing notice and intent to adopt a Categorical

Exemption was published in the Napa Valley Register and copies were forwarded to property owners within 1,000 feet of the subject parcel, as well as other interested parties.

3. 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 the Use Permit for the project as proposed and conditioned will not adversely affect the health, safety or welfare of the County. Affected County divisions and departments have reviewed the project and commented regarding modifications to the existing site access, grading, drainage, the proposed septic system, water supply system, parking, building permits, and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health, safety, and welfare.

4. 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 and any applicable specific plan.

Analysis: Compliance with the Zoning Ordinance

The project is consistent with the AP (Agricultural Preserve) zoning district regulations. A winery (as defined in the Napa County Code Section 18.08.640) and uses in connection with a winery (refer to Napa County Code Section 18.16.030) are permitted in the AP District subject to an approved use permit. The proposed site improvements will comply with the development regulations of the AP District. The project, as conditioned, complies with the Napa County Winery Definition Ordinance (WDO) and all other requirements of the Zoning Code as applicable.

Analysis: Compliance with the General Plan

As proposed and as conditioned, the requested Use Permit is consistent with the overall goals and objectives of the General Plan (2008). The General Plan land use designation for the subject parcel is Agricultural Resource.

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 Goal AG/LU-3 states that 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.” Goal AG/LU-3 and Policy AG/LU-2 recognize wineries as agricultural uses.

The continued use of the property for fermenting and processing of grape juice into wine supports the economic viability of agriculture within the County, consistent with Goal AG/LU-3 and Policy AG/LU-4 (“The County will reserve agricultural lands for agricultural use including land used for grazing and watershed/open space...”). By authorizing the proposed modifications at the project site the requested Use Permit Major Modification supports the economic viability of both the vineyard use on the property, consistent with Economic Development Goal E-1 and Policy E-1.

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.

Applicable Napa County General Plan goals and policies:

Goal AG/LU-1: Preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.

Goal AG/LU-3: Support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.

Policy AG/LU-1 Agriculture and related activities are the primary land uses in Napa County.

Policy AG/LU-2: "Agriculture" is defined as the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses. Agriculture also includes farm management businesses and farm worker housing.

Policy AG/LU-5 The County will promote an agricultural support system including physical components (such as farm labor housing, equipment supply and repair) and institutional components (such as 4-H, FFA, agricultural and natural resources education and experimentation).

Policy AG/LU-9: The County shall evaluate discretionary development projects, re-zonings, and public projects to determine their potential for impacts on farmlands mapped by the State Farmland Mapping and Monitoring Program, while recognizing that the state's farmland terminology and definitions are not always the most relevant to Napa County, and shall avoid converting farmland where feasible.

Where conversion of farmlands mapped by the state cannot be avoided, the County shall require long-term preservation of one acre of existing farm land of equal or higher quality for each acre of state-designated farmland that would be converted to non-agricultural uses. This protection may consist of establishment of farmland easements or other similar mechanism, and the farmland to be preserved shall be located within the County and preserved prior to the proposed conversion. The County shall recommend this measure for implementation by the cities and town and LAFCO as part of annexations involving state-designated farmlands.

Policy AG/LU-13 The 1990 Winery Definition Ordinance, recognized certain pre-existing wineries and winery uses as well as new wineries. For wineries approved after the effective date of that ordinance, agricultural processing includes tours and tastings by appointment only, retail sales of wine produced by or for the winery partially or totally from Napa County grapes, retail sale of wine-related items, activities for the education and development of consumers and members of the wine trade with respect to wine produced by or at the winery, and limited non-commercial food service. The later activity may include wine-food pairings. All tours and tastings, retail sales, marketing

activities, and non-commercial food service must be accessory to the principal use of the facility as an agricultural processing facility. Nothing in this policy shall alter the definition of “agriculture” set forth in Policy AG/LU-2.

Policy AG/LU-15: The County affirms and shall protect the right of agricultural operators in designated agricultural areas to commence and continue their agricultural practices (a “right to farm”), even though established urban uses in the general area may foster complaints against those agricultural practices. The “right to farm” shall encompass the processing of agricultural products and other activities inherent in the definition of agriculture provided in Policy AG/LU-2.

Policy AG/LU-21 The following standards shall apply to lands designated as Agricultural Resource on the Land Use Map of this General Plan.

Intent: To identify areas in the fertile valley and foothill areas of the county in which agriculture is and should continue to be the predominant land use, where uses incompatible with agriculture should be precluded, and where the development of urban type uses would be detrimental to the continuance of agriculture and the maintenance of open space which are economic and aesthetic attributes and assets of the County of Napa.

General Uses: Agriculture, processing of agricultural products, single-family dwellings.

Minimum Parcel Size: 40 acres, except that parcels with a minimum size of 2 acres may be created for the sole purpose of developing farm labor camps by a local government agency authorized to own or operate farm labor camps, so long as the division is accomplished by securing the written consent of a local government agency authorized to own or operate farm labor camps that it will accept a conveyance of the fee interest of the parcel to be created and thereafter conveying the fee interest of such parcel directly to said local government agency, or entering into a long-term lease of such parcels directly with said local government agency. Every lease or deed creating such parcels must contain language ensuring that if the parcel is not used as a farm labor camp within three years of the conveyance or lease being executed or permanently ceases to be used as a farm labor camp by a local government agency authorized to develop farm labor camps, the parcel will automatically revert to, and merge into, the original parent parcel.

Maximum Building Intensity: One dwelling per parcel (except as specified in the Housing Element). Nonresidential building intensity is non-applicable, but where practical, buildings will be located off prime soils.

Policy AG/LU-118 The County is committed to maintaining the quality of life in Napa County through enforcing regulations and codes. The County shall uniformly and fairly enforce codes and regulations, and shall assign high priority to abatement of violations that may constitute potential threats to public health or safety or that may cause significant environmental damage.

- Goal CIR-1 The County's transportation system shall be correlated with the policies of the Agricultural Preservation and Land Use Element and protective of the County's rural character.
- Policy CIR-5 The County's transportation system shall be correlated with the policies of the Agricultural Preservation and Land Use Element and protective of the County's rural character.
- Policy CIR-6 The county's roadway improvements should minimize disruption to residential neighborhoods, communities, and agriculture.
- Policy CIR-7 Roadway improvements shall be designed to conform to existing landforms and shall include landscaping and/or other treatments to ensure that aesthetics and rural character are preserved.
- Policy CIR-8 Roadway, culvert, and bridge improvements and repairs shall be designed and constructed to minimize fine-sediment and other pollutant delivery to waterways, to minimize increases in peak flows and flooding on adjacent properties, and where applicable to allow for fish passage and migration, consistent with all applicable codes and regulations.
- Policy CIR-13.5 While not suitable for all intersections, roundabouts have a wide variety of applications, and Napa County will consider them as an alternative for intersection improvements. Roundabouts have been used extensively in Europe for several decades, and their use in the United States has grown substantially over the past several years. Research shows that they have the potential to reduce accidents, traffic delays, fuel consumption, air pollution, maintenance, and in some cases construction costs compared to more traditional intersection controls.
- Policy CIR-14 Recognizing limited funding for road maintenance, the County shall prioritize maintenance activities which provide safe travel for the public.
- Policy CIR-15 The County shall maintain and apply consistent highway access standards regarding new driveways to minimize interference with through traffic while providing adequate local access. The County shall also maintain and apply consistent standards (though not exceeding public road standards) regarding road widths, turn lanes, and other improvements required in association with new development. Application of these standards shall consider the level of improvements on contiguous roads.
- Policy CIR-19 Applicants proposing new discretionary development projects with the potential to significantly affect traffic operations shall be required to prepare a traffic analysis prior to consideration of their project by the County and shall be required to mitigate project impacts and to pay their fair share of countywide cumulative traffic improvements based on their contribution to the need for these improvements.
- Action Item CIR-19.1: In cooperation with the Napa County Transportation and Planning Agency, develop a countywide traffic impact fee to address

cumulative (i.e., not project-specific) impacts associated with new employment. Fees shall be used to pay for the cost of network improvements listed in Policy CIR-13 as well as other transportation improvements such as transit.

Policy CIR-23 New uses shall provide adequate parking to meet their anticipated parking demand and shall not provide excess parking that could stimulate unnecessary vehicle trips or commercial activity exceeding the site's capacity. The concept of shared parking may be considered.

Policy CON-6 The County shall impose conditions on discretionary projects which limit development in environmentally sensitive areas such as those adjacent to rivers or streamside areas and physically hazardous areas such as floodplains, steep slopes, high fire risk areas and geologically hazardous areas.

Policy CON-27 The County shall enforce compliance and continued implementation of the intermittent and perennial stream setback requirements set forth in existing stream setback regulations, provide education and information regarding the importance of stream setbacks and the active management and enhancement/restoration of native vegetation within setbacks, and develop incentives to encourage greater stream setbacks where appropriate. Incentives shall include streamlined permitting for certain vineyard proposals on slopes between 5 and 30 percent and flexibility regarding yard and road setbacks for other proposals.

Goal CON-8 Reduce or eliminate groundwater and surface water contamination from known sources (e.g., underground tanks, chemical spills, landfills, livestock grazing, and other dispersed sources such as septic systems).

Goal CON-9 Control urban and rural storm water runoff and related non-point source pollutants, reducing to acceptable levels pollutant discharges from land-based activities throughout the county.

Goal CON-10: Conserve, enhance and manage water resources on a sustainable basis to attempt to ensure that sufficient amounts of water will be available for the uses allowed by this General Plan, for the natural environment, and for future generations.

Goal CON-11: Prioritize the use of available groundwater for agricultural and rural residential uses rather than for urbanized areas and ensure that land use decisions recognize the long-term availability and value of water resources in Napa County.

Goal CON-13 Promote the development of additional water resources to improve water supply reliability and sustainability in Napa County, including imported water supplies and recycled water projects.

Policy CON-48 Proposed developments shall implement project-specific sediment and erosion control measures (e.g., erosion control plans and/or stormwater pollution prevention plans) that maintain pre-development sediment erosion

conditions or at minimum comply with state water quality pollution control (i.e., Basin Plan) requirements and are protective of the County's sensitive domestic supply watersheds. Technical reports and/or erosion control plans that recommend site-specific erosion control measures shall meet the requirements of the County Code and provide detailed information regarding site specific geologic, soil, and hydrologic conditions and how the proposed measure will function.

Policy CON-51 Recognizing that groundwater best supports agricultural and rural uses, the County discourages urbanization requiring net increases in groundwater use and discourages incorporated jurisdictions from using groundwater except in emergencies or as part of conjunctive-use programs that do not cause or exacerbate conditions of overdraft or otherwise adversely affect the County's groundwater resources.

Policy CON-52 Groundwater is a valuable resource in Napa County. The County encourages responsible use and conservation of groundwater and regulates groundwater resources by way of its groundwater ordinances. [Implemented by Action Items CON WR-6 and 9]

Policy CON-53: The County shall ensure that the intensity and timing of new development are consistent with the capacity of water supplies and protect groundwater and other water supplies by requiring all applicants for discretionary projects to demonstrate the availability of an adequate water supply prior to approval. Depending on the site location and the specific circumstances, adequate demonstration of availability may include evidence or calculation of groundwater availability via an appropriate hydrogeologic analysis or may be satisfied by compliance with County Code "fair-share" provisions or applicable State law. In some areas, evidence may be provided through coordination with applicable municipalities and public and private water purveyors to verify water supply sufficiency.

Policy CON-55: The County shall consider existing water uses during the review of new water uses associated with discretionary projects, and where hydrogeologic studies have shown that the new water uses will cause significant adverse well interference or substantial reductions in groundwater discharge to surface waters that would alter critical flows to sustain riparian habitat and fisheries or exacerbate conditions of overdraft, the County shall curtail those new or expanded water uses.

Policy CON-60.5 All aspects of landscaping from the selection of plants to soil preparation and the installation of irrigation systems should be designed to reduce water demand, retain runoff, decrease flooding, and recharge groundwater.

Policy CON-72: The County shall seek to reduce the energy impacts from new buildings by applying Title 24 energy standards as required by law and providing information to the public and builders on available energy conservation techniques, products, and methods available to exceed those standards by 15 percent or more.

Policy CON-77: All new discretionary projects shall be evaluated to determine potential significant project-specific air quality impacts and shall be required to incorporate appropriate design, construction, and operational features to reduce emissions of criteria pollutants regulated by the state and federal governments below the applicable significance standard(s) or implement alternate and equally effective mitigation strategies consistent with BAAQMD's air quality improvement programs to reduce emissions. In addition to these policies, the County's land use policies discourage scattered development which contributes to continued dependence on the private automobile as the only means of convenient transportation. The County's land use policies also contribute to efforts to reduce air pollution.

Policy CON-81: The County shall require dust control measures to be applied to construction projects consistent with measures recommended for use by the BAAQMD [Bay Area Air Quality Management District].

Goal E-1: Maintain and enhance the economic viability of agriculture.

Policy E-1: The County's economic development will focus on ensuring the continued viability of agriculture in Napa County.

Policy SAF-20: All new development shall comply with established fire safety standards. Design plans shall be referred to the appropriate fire agency for comment as to:

- 1) Adequacy of water supply.
- 2) Site design for fire department access in and around structures.
- 3) Ability for a safe and efficient fire department response.
- 4) Traffic flow and ingress/egress for residents and emergency vehicles.
- 5) Site-specific built-in fire protection.
- 6) Potential impacts to emergency services and fire department response.

5. That 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 §'s 13.15.070 or 13.15.080 of the County Code.

Analysis: The project is consistent with General Plan Conservation Policies CON-53 and CON-55, which require that applicants, who are seeking discretionary land use approvals, prove that adequate water supplies are available to serve the proposed use without causing significant negative impacts to shared groundwater resources. The applicant submitted a water availability analysis (WAA) for the proposed winery modifications, prepared by Summit Engineering, Inc., dated October 20, 2015. Data was collected from three groundwater wells currently in use on the parcel, wells 1, 2 and 4 with capacities of 60 gallons per minute (gpm), 20 gpm, and 180 gpm, respectively. Based on the average water demand of 46,367 gallons per day (32.19 gpm over 24 hours), the existing wells according to the project Engineer has sufficient capacity to meet the projected demand. Additionally, the data collected represents two previous years when production levels exceeded 2 million gallons and 1.8 million gallons, respectively. The existing water use for the property, including wine

production, process water, domestic use and irrigation (vineyard and domestic landscaping) totals 40.06 acre feet per year. The Engineer concluded that water demand would be reduced by 5.2 acre feet from existing demand with the proposed phased project. Upgrades to the Lyve wastewater treatment system in Phase Two would produce “recycled” water available for irrigation purposes, offsetting water demands by as much as 24 acre feet. This represents a total reduction in groundwater use of approximately 69%. It is assumed that the total groundwater demand for the facility would then be approximately 10.8 acre feet annually, or approximately 31% of the total water availability.