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Recommended Findings

**BOARD OF SUPERVISORS – SEPTEMBER 13, 2022
RECOMMENDED FINDINGS**

**Meadowood Napa Valley Rehabilitation Project
Use Permit Modification Application No. P21-00211-MOD
900 Meadowood Lane, St. Helena
APN's #025-080-032, -033, -034, -035, and -036**

ENVIRONMENTAL DETERMINATION:

The Board of Supervisors (Board) has received and reviewed the proposed Statutory and Categorical Exemptions pursuant to the provisions of the California Environmental Quality Act (CEQA), Napa County's Local Procedures for Implementing CEQA, and the CEQA Memorandum dated August 2, 2022, and finds that:

1. It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act ("CEQA"); as a statutory exemption to repair, restore, demolish, or replace property or facilities damaged by a disaster (Public Resources Code § 21080(b)(3)); an exemption for a project that is consistent with a Community Plan, General Plan, or Zoning Code (CEQA Guidelines § 15183); and categorical exemptions for Class 1 (Existing Facilities), Class 2 (Replacement or Reconstruction of Existing Structures of Facilities), and Class 3 (Construction of New Small Facilities or Structures) types of projects (CEQA Guidelines §§ 15301, 15302 & 15303); and an exemption under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, otherwise known as the "Common Sense Exemption" (CEQA Guidelines § 15061(b)(3)). It has been determined that this type of project does not have a significant effect on the environment and is exempt from CEQA under the aforementioned exemptions pursuant to Napa County's Local Procedures for Implementing CEQA and the CEQA Guidelines.
2. The site of this proposed project is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5 and is not within the boundaries of any airport land use plan.
3. The Clerk of the Board of Supervisors is the custodian of the records of the proceedings on which this decision is based. The records are located at the Napa County Planning, Building & Environmental Services Department, 1195 Third Street, Second Floor, Napa, California.

PLANNING AND ZONING ANALYSIS:

USE PERMIT:

The Board 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:

4. The Board has the power to issue a Use Permit Modification under the Zoning Regulations in effect as applied to property.

Analysis: The project site is within the (PD) Planned Development zoning district. The PD district allows all commercial uses permitted in the CL zoning district including inns/hotels, restaurants, cafes, retail uses, and associated accessory uses upon grant of a use permit. The project, as conditioned, complies with the requirements of the Zoning Code, as applicable.

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

Analysis: The use permit modification application has been appropriately filed and notice and public hearing requirements for the Planning Commission and Board have been met. The Planning Commission hearing notice and intent to adopt Statutory and Categorical Exemptions were posted and published in the Napa Valley Register on August 5, 2022. Copies were forwarded to property owners within 1,000 feet of the subject parcel, the City of St. Helena, as well as other interested parties. The public comment period ran from August 5, 2022 to August 17, 2022.

The Board hearing notice and intent to adopt Statutory and Categorical Exemptions were posted and published in the Napa Valley Register on September 2, 2022. Copies were forwarded to property owners within 1,000 feet of the subject parcel, the City of St. Helena, as well as other interested parties. The public comment period ran from September 2, 2022 to September 12, 2022.

6. The grant of the Use Permit Modification, as conditioned, will not adversely affect the public health, safety or welfare of the County of Napa.

Analysis: Granting the Use Permit Modification 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 the proposed driveway, grading, drainage, 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.

7. 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 site is within the (PD) Planned Development zoning districts. As noted above, the PD district allows all commercial uses permitted in the CL district including inns/hotels, restaurants, cafes, retail uses, and associated accessory uses upon grant of a use permit. The project, as conditioned, complies with the requirements of the Zoning Code, as applicable.

Analysis: Compliance with the General Plan

The project site is designated as AWOS (Agriculture, Watershed, and Open Space) on the County's adopted General Plan Land Use Map and is zoned (PD) Planned Development. General Plan Agricultural Preservation and Land Use Policy AG/LU-45 allows for the continuation and limited expansion of existing commercial uses which are located on commercially-zoned property, despite the fact that the underlying General

Plan land use designation may be agricultural. All existing and previously approved development is consistent with County zoning regulations and General Plan policies. General Plan Agricultural Preservation and Land Use Policy AG/LU-103, states that consistent with Policy AG/LU-45, existing parcels zoned for commercial uses in the South St. Helena area as of February 1, 1990, shall be allowed to develop commercial uses and mixed residential-commercial uses which are permitted by the existing commercial zoning as if they were designated on the Land Use Map for these uses. Meadowood Resort may be modified in conformance with the commercial zoning referenced in Policy AG/LU-45 notwithstanding its location in a Planned Development (PD) zone. Overall, the project was evaluated and found to be consistent with goals, policies, action items and objectives and programs of the County's General Plan concerning the Development Agreement and rehabilitation/redevelopment of the project site (listed separately below at the conclusion of these findings).

8. 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 §'s13.15.070 or 13.15.080 of the County Code.

Analysis: As demonstrated in the Water Availability Analysis dated, March 7, 2022, prepared by Sherwood Design Engineers, the Project will not result in a net increase in water usage over prior water use based on no increase in intensity of use, its existing water contracts with the City of St. Helena for potable water, groundwater wells and proposed state of the art tertiary wastewater treatment plant. With the development of the new wastewater treatment plant, which will provide for more landscape irrigation than existed during pre-fire conditions, the project will not result in an increase in groundwater use. Compliance with current building codes also should result in less potable water usage than the pre-fire conditions. The project will not have a negative impact on local groundwater.

General Plan goals/policies:

Goal AG/LU-6: Create a stable and predictable regulatory environment that encourages investment by the private sector and balances the rights of individuals with those of the community and the needs of the environment.

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-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-14: Promote policies to ensure the long-term sustainability of Napa County, including its environment, economy, and social equity.

Goal E-2: Develop and promote a diversity of business opportunities, which do not conflict with agriculture.

Policy AG/LU-12: No new non-agricultural use or development of a parcel located in an agricultural area shall be permitted unless it is needed for the agricultural use of the parcel, except as provided in Policies AG/LU-2, AG/LU-5, AG/LU-26, AG/LU-44, AG/LU-45, and ROS-1.

Policy AG/LU-45: All existing commercial establishments that are currently located within a commercial zoning district shall be allowed to continue to operate and use the existing buildings and/or facilities. Additional commercial uses and mixed residential-commercial uses which are permitted by the existing commercial zoning of the parcel shall be permitted on that portion of the parcel zoned commercial. With respect to Policies AG/LU-44 and 45, due to the small numbers of such parcels, their limited capacity for commercially-viable agriculture due to pre-existing uses and/or size, location and lot configuration, and the minimal impact such commercial operations and expansions will have on adjacent agriculture or open space activities or the agricultural and open space character of the surrounding area, such limited development will not be detrimental to Agriculture, Watershed or Open Space policies of the General Plan. Therefore such development is consistent with all of the goals and policies of the General Plan.

Policy AG/LU-46: All existing and legally established nonconforming uses shall be allowed to continue to operate and to use existing buildings and/or facilities provided they are not determined to be a public nuisance or voluntarily abandoned as defined by the zoning ordinance. Legal nonconforming buildings and facilities may be rehabilitated or rearranged, as long as there is no increase in the intensity of use.

Policy AG/LU-47: Legal structures and uses destroyed by fire or natural disaster may be rebuilt within the time period established by the zoning ordinance or as otherwise approved by the County, whether or not they conformed to the zoning ordinance at the time of the fire/disaster.

Policy AG/LU-103: Consistent with Policy AG/LU-45, existing parcels zoned for commercial uses in the South St. Helena area as of February 1, 1990, shall be allowed to develop commercial uses and mixed residential-commercial uses which are permitted by the existing commercial zoning as if they were designated on the Land Use Map for these uses. Meadowood Resort may be modified in conformance with the commercial zoning referenced in Policy AG/LU-45 notwithstanding its location in a Planned Development (PD) zone.

Policy AG/LU-108: With the proviso that no rights are absolute, that we will all best be served by striking a balance between private property rights and all our other rights and our other important community values, this General Plan nevertheless explicitly acknowledges that private ownership provides valuable incentives for the proper care of property and the environment, that preservation of property rights is an important cultural, economic, and community value, that protection of property rights is one of the primary and necessary functions of government at all levels, and that private property rights are therefore deserving of respect and consideration whenever land use decisions are made.

Policy CON-50: The County will take appropriate steps to protect surface water quality and quantity, including the following:

a) Preserve riparian areas through adequate buffering and pursue retention, maintenance, and enhancement of existing native vegetation along all intermittent and perennial streams through

existing stream setbacks in the County's Conservation Regulations (also see Policy CON-27 which retains existing stream setback requirements).

b) Encourage flood control reduction projects to give full consideration to scenic, fish, wildlife, and other environmental benefits when computing costs of alternative methods of flood control.

c) The County shall require discretionary projects to meet performance standards designed to ensure peak runoff in 2-, 10-, 50-, and 100-year events following development is not greater than predevelopment conditions.

d) Maintain minimum lot sizes of not less than 160 acres in Agriculture, Watershed, and Open Space (AWOS) designated areas to reflect desirable densities based on access, slope, productive capabilities for agriculture and forestry, sewage disposal, water supply, wildlife habitat, and other environmental considerations.

e) In conformance with National Pollution Discharge Elimination System (NPDES) requirements, prohibit grading and excavation unless it can be demonstrated that such activities will not result in significant soil erosion, silting of lower slopes or waterways, slide damage, flooding problems, or damage to wildlife and fishery habitats.

f) Adopt development standards, in conformance with NPDES Phase II requirements, for post-construction storm water control.

g) Address potential soil erosion by maintaining sections of the County Code that require all construction-related activities to have protective measures in place or installed by the grading deadlines established in the Conservation Regulations. In addition, the County shall ensure enforceable fines are levied upon code violators and shall require violators to perform all necessary remediation activities.

h) Require replanting and/or restoration of riparian vegetation to the extent feasible as part of any discretionary permit or erosion control plan approved by the County, understanding that replanting or restoration that enhances the potential for Pierce's Disease or other vectors is considered infeasible.

i) Encourage management of reservoir outflows (bypass flows) to maintain fish life and riparian (streamside) vegetation.

j) Encourage minimal use of chemical treatment of reservoirs to prevent undue damage to fish and wildlife resources.

k) Prohibit new septic systems in areas where sewage treatment and disposal systems are available and encourage new sewage treatment and disposal systems in urbanized areas where there is high groundwater recharge potential and existing concentrations of septic systems.

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.

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-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-67: The County shall promote and encourage “green building” design, development, and construction through the achievement of Leadership in Energy and Environmental Design (LEED) standards set by the U.S. Green Building Council, the Green Point Rated system standards set by Builditgreen.org, or equivalent programs. Actions in support of this policy shall include:

- a) Audit current County practices to assess opportunities and barriers to implementation of current sustainable practices.
- b) Amend the County Code as necessary to remove barriers to and encourage “green” construction.
- c) Develop new County buildings as “green buildings,” utilizing sustainable construction and practices.
- d) Encourage all new large development projects and major renovation of existing facilities to be based on Green Building Council standards utilizing sustainable construction and practices to achieve a minimum LEED rating of Silver, or comparable level on the Green Point Rated system per standards set by Builditgreen.org or other comparable updated rating systems.
- e) Support state and federal incentive programs that offer rebates and cost sharing related to the implementation of “green building” standards and LEED certification.

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.

Policy E-2: The County recognizes that tourism contributes to the economic viability of agriculture in Napa County and is an important part of the County’s economy, generating jobs, local spending, and tax revenues.

Policy E-6: The County values the businesses which currently operate in Napa County. Business retention strategies will be integral to meeting the County’s economic goals.

Policy SAF-16: Consistent with building and fire codes, development in high wildland fire hazard areas shall be designed to minimize hazards to life and property. Action Item SAF-16.1:

Develop site criteria and construction standards for development in high fire hazard areas, and adopt standards to restrict urbanizing these areas as defined in Policy AG/LU-27 unless adequate fire services are provided. Action Item SAF-16.2: Continue to implement “Napa Firewise” through information and education programs, community outreach, and fuel modification.

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.