

Attachment F

Recommended Findings

**BOARD OF SUPERVISORS HEARING SEPTEMBER 10, 2024
RECOMMENDED FINDINGS**

**Pridmore Property Lodging Facility
General Plan Amendment P17-00135
Rezone P20-00223 and
Use Permit P20-00222
1283 Capell Valley Road/Highway 128
APN 032-130-026-000**

ENVIRONMENTAL:

The Board of Supervisors (Supervisors) 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 finds that:

1. The Supervisors has read and considered the Negative Declaration prior to taking action on said Negative Declaration and the proposed project.
2. The Negative Declaration is based on independent judgment exercised by the Supervisors.
3. The Negative Declaration was prepared and considered in accordance with the requirements of the California Environmental Quality Act (CEQA).
4. There is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment.
5. There is no evidence, in considering the record as a whole that the proposed project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends.
6. 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.
7. The Secretary of the Board is the custodian of the records of the proceedings on which this decision is based. The records are located at the Clerk of the Board, 1195 Third Street, Third Floor, Napa, California.

PLANNING AND ZONING ANALYSIS:

The Supervisors have reviewed the Use Permit request in accordance with the requirements of the Napa County Code §18.124.070 and makes the following findings:

8. The Supervisors have the power to issue a Use Permit under the Zoning Regulations in effect as applied to property.

Analysis: Following approval of the changes to the General Plan and Zoning designations, the project will be consistent with the Commercial Limited (CL) zoning district regulations.

The lodge is included in the Hotels, motels, and inns, which are permitted in the CL District with an approved use permit and the caretaker unit is a commercial accessory dwelling unit, which is permitted in the CL District with an approved use permit.

9. 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, General Plan amendment, and zoning change have been appropriately filed and notice, and public hearing requirements have been met. The hearing notice and intent to recommend adoption of a Negative Declaration were posted on April 25, 2024, and copies were forwarded to appropriate persons on the mailing list. The public comment period ran from April 25, 2024, to May 14, 2024.

10. 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. Various County divisions and departments have reviewed the project and commented regarding site access, parking, water and wastewater disposal systems, building permits, and fire protection. Recommended Conditions of Approval incorporate County comments into the project to ensure the protection of the public health, safety, and welfare is maintained during construction and operation of the project.

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 and any applicable specific plan.

Analysis: Compliance with the Zoning Ordinance

Following approval of the change to the General Plan, the property Zoning designation can be rezoned to CL. The property complies with chapter 18.28.10, meeting the characteristics of properties which can be zoned CL. The project will be consistent with the Commercial Limited (CL) zoning district regulations. The lodge is included in the Hotels, motels, and inns, which are permitted in the CL District with an approved use permit and the caretaker unit is a commercial accessory dwelling unit, which is permitted in the CL District with an approved use permit. The proposed facility has been designed to comply with the requirements of the CL zoning (Napa County Code Section 18.28.) Physical improvements will ensure the project meets County requirements for stormwater management, complies with the Road and Street Standards (RSS), and meeting Environmental Health Division regulated standards for a water system and wastewater processes. The project, as conditioned, complies with the Napa Zoning Code as applicable.

Analysis: Compliance with the General Plan

Considering the multiple topics applicable to this area of the county, including agricultural preservation, visitation to Lake Berryessa, tourism, and economic development, staff finds that the proposed changes in the general plan and zoning designations, along with the proposed lodging facility, are consistent with a number of the overall goals and policies set forth for the County. As detailed in the General Plan Consistency Analysis, the project, as conditioned, is consistent with and does not conflict with the overall goals and objectives of the General Plan (2008). See Attachment E - General Plan Consistency Analysis.

12. 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 Sections 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.

As detailed in the Preliminary Water System Technical Report, prepared by CMP Civil Engineering, dated July 22, 2020, the school was served by a state approved small Transient Non-Community water system sourced by the existing well and 10,000-gallon storage tank. The applicant will be required to submit to the State for a new water system permit and improvements to the existing system or the addition of new infrastructure may be required.

The WAA prepared by CMP Civil Engineering, dated February 9, 2023, Tier 1 demonstrated that the estimated annual water use of 3.20-acre feet is less than the potential annual recharge of 4.98 acre-feet. The report reasonably demonstrates that the subject parcel and well has enough potential recharge capacity to serve the proposed use.

Therefore, the project is considered not to have potential to significantly impact groundwater resources. The requested Use Permit Modification is consistent with General Plan Goals CON-10 and CON-11, as well as the policies mentioned above that support reservation and sustainable use of groundwater for agricultural and related purposes.

General Plan Consistency Analysis
Pridmore Property Lodging Facility
GP Amendment P17-00135
Rezone P20-00223 and
Use Permit P20-00222

The following General Plan Goals and Policies are applicable to the proposed Pridmore Property General Plan Map Amendment, Rezone, and Use Permit.

Agriculture and Land Use Element:

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

Policy AG/LU-1: Agriculture and related activities are 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.

Finding: Not in conflict

The current land use designation and zoning of the parcel allow for agriculture, agricultural processing facilities, farm management yards and offices, farmworker housing, and residential uses. As described in detail in the staff report, the parcel is currently developed with school buildings and associated infrastructure, taking up approximately 1.5 acres in the center of the 5-acre site. The property has not had an agricultural use since the school opened around 1958. At five (5) acres, with the existing infrastructure, the site has significant constraints for reuse or redevelopment into agricultural use. Due to the previous use as a school, the proposed project would not represent a physical change from an existing agricultural use, and it would not result in conversion of agricultural land to a non-agricultural use. The CL zone allows agriculture as a by-right use, so agricultural would still be a possible future use of the property. The project does not impact existing agriculture.

While the site has limited potential as a viable agricultural site, the proposed lodging facility is an opportunity to support tourism in Napa, much of which relates to wineries, which are considered agriculture. A number of wineries currently operate in the Capell Valley area including Somerston Winery, Brown Estate Winery, and Nichelini Winery to the north and Moss Creek Winery, Altamura Winery, and Jarvis Estate Winery to the south. There are a limited number of commercially zoned lands in the County and use of this property for lodging would support tourism which contributes to the economic viability of agriculture.

The County is currently looking for a concessionaire to redevelop Lake Berryessa for recreational uses. This lodging facility will provide a place for visitors to stay in proximity to the lake. Given the continued demand for lodging throughout Napa County, it is possible that

allowing lodging in areas outside of voter-protected agricultural areas may commensurately reduce pressure for such uses to locate on voter-protected lands. Additionally, east of Napa Valley and out toward Lake Berryessa there are minimal existing lodging options for visitors. Providing a lodging option in this region could help promote visitation, and the associated support of agriculture and recreational uses, to the less visited eastern portion of the county. Having lodging options in this area could lessen the length of trips contributing to a reduction in Vehicle Miles Traveled (VMT) throughout the county.

Goal AG/LU-2: Concentrate urban uses in the County's existing cities and town and urbanized areas.

Policy AG/LU-4: The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/open space, except for those lands which are shown on the Land Use Map as planned for urban development.

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-24: Commercial uses will be grouped in areas outside of those designated for agricultural uses in the General Plan (subject to exceptions contained in Policies AG/LU-43 through 45 of this General Plan).

Finding: Consistent.

The parcel is approximately 3/4 of a mile northwest of Moskowitz Corners, located at the intersection of Capell Valley Road and Steele Canyon Road. The "Lake Berryessa: Moskowitz Corners, Pope Creek, and Spanish Flat" (Map on Page AG/LU-45) area is included in the section of the general plan "Policies Specific to Geographic Areas of Napa County (Page AG/LU-31), being described as a Mixed-Use Community (Page AG/LU-48-49)." At the time of the 2008 general plan update, existing uses at Moskowitz Corners include a mobile home park, winery, tavern, cafe and grocery store, RV storage area, and two closed gas stations. The project parcel is included in the map designating the Moskowitz Corners (Map on Page AG/LU-45). For purposes of this general plan consistency analysis staff identifies the parcel as being within the broader area of Moskowitz Corners and applicable General Plan policies.

The project site is located within a former "rural residential bubble" from the 1983-2007 General Plan. In December 2008, the general plan designation of the subject property and surrounding area were changed from RR to AWOS as part of the Proposed Land Use Map Amendment (PLUMA) (Resolution No. 08-178). The prior RR designation would have been compatible with CN zoning, potentially allowing additional commercial uses in the area.

The staff report for the Planning Commission hearing recommending the PLUMA (October 15, 2008) noted that the change in the general plan designation would constitute a "clean up" of the County's maps. In acknowledgement that non-agricultural uses may be requested in the future, the report concludes that "the net effect of the change would simply be to require that property

owners seeking rezoning from agriculture to some other designation first obtain a General Plan Amendment.”

Following the PLUMA, the area surrounding the property has land use designations segmented between agricultural and non-agricultural designations. The project site is adjacent to one (1) parcel and across Capell Valley Road from one (1) parcel that have RR designation and commercial zoning (CN adjacent and CL across the road). Adjoining land uses include multiple non-agricultural uses, such as a fire station and a boat/RV storage yard. Moskowitz Corners, approximately 3/4 of a mile to the southeast, has an RR designation and contains multiple parcels with CL and CN zoning.

The addition of a lodging facility is an opportunity for visitors to the county to stay near Lake Berryessa, with closer access to lake activities and other local services. Based on estimates using County GIS, as the crow flies, the site is approximately 2.6 miles from Steele Canyon, 3.5 miles from Wragg Canyon, 4 miles from Spanish Flat Resort, and 5.5 miles from Spanish Flat. The applicant provided the following approximate travel times from the project site to various areas of the lake. Heading north: 7 minutes to Olive Orchard Day Use Area; 8 minutes to Capell Cove Launch Ramp; 12 minutes to Spanish Flat Campground & Boat Launch; 15 minutes to Oak Shores Day Use; and 17 minutes to Smittle Creek Day Use Area. Heading South: 12 minutes to Steel Canyon Boat Launch; 13 minutes to Pleasure Cove Marina; 15 minutes to Markley Cove; and 17 minutes to the Glory Hole. The proximity to the lake, presents an opportunity to support the lake area by giving visitors an option to stay closer to the lake and other activities in eastern Napa County.

The site has significant constraints for reuse or redevelopment with a viable agricultural use. This staff report and the Negative Declaration explain the limited effects the proposed lodging facility would have on surrounding properties. No agriculture would be displaced, and a buffer of fencing and landscaping would be maintained between the property and adjacent properties. The lodges would be located on the northern portion of the site and the existing vineyards are greater than 65 feet to the east and 400 feet to the north of the closest proposed lodge. Potential environmental impacts, including biological resources, groundwater use, and traffic were found to have a less than significant impact on the property and surrounding area.

Applying the UR designation and the CL zoning to this site would be compatible with the existing adjoining land uses and those at Moskowitz Corners. While the area is not expressly urban, the mix of uses and proximity to existing commercial uses, the general plan amendment and rezoning aligns with the intent of the policies to group commercial uses and urban development. Additionally, staff finds the proposed project consistent with the intent of policies to support existing commercial uses in the Lake Berryessa/Moskowitz Corners area.

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).

Finding: Consistent.

The CL zone allows agriculture as a by-right use, so agricultural would still be a possible use on the property. The applicant proposes to fence off an approximately 0.10-acre area in the

southwest corner of the site and install a barn, with the intent to allow community groups such as 4-H and local agricultural groups to use the site. While the property was used by the school, and after its closing, the site has continued the occasional use by agricultural groups. The applicant anticipates 18 events per year. Not all events would be specific to agricultural uses. This component of the project would support agricultural uses.

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-15.5: Where proposed residential, commercial or industrial development abuts lands devoted to agriculture production, the non-agricultural uses shall be required to incorporate buffer areas to mitigate potential land use conflicts as conditions of approval for subdivision or use permit. The type and width of buffer areas shall be determined based on the character, intensity and sensitivity of the abutting land uses.

Finding: Consistent

The project proposes a minimum 20 foot setback from property lines. A buffer of fencing and landscaping would be maintained between the property and adjacent properties. The lodges would be located on the northern portion of the site and the existing vineyards are greater than 65 feet to the east and 400 feet to the north of the closest proposed lodge.

Policy AG/LU-26: The County will discourage proposed urban developments which require urban services outside of existing urbanized areas...

Finding: Consistent.

The project does not require connection to new urban services. The property is already served by fire and police. The property has the capacity for on-site wastewater treatment and an existing well which has been demonstrated to have sufficient groundwater to serve the proposed project.

Policy AG/LU-34: The following standards shall apply to lands designated as Urban Residential on the Land Use Map of this General Plan.

Finding: Consistent

The amendment to change the designation from AWOS to UR is required to allow the rezoning and subsequent use permit. As previously stated, only the UR general plan designation is consistent with CL zoning, which allows commercial uses including the lodge and caretaker unit (commercial accessory dwelling unit) with issuance of a use permit. General Uses in the UR designation includes limited commercial. The proposed CL zoning and lodging facility are consistent with this use category.

The lodging facility would allow tourists to stay in the area, which provides support to other tourist-serving commercial uses such as wineries, restaurants, and local shops. This region of the County has faced significant economic challenges for many years due to operational changes at Lake Berryessa, and Moskowitz Corners is currently closed due to lack of business traffic. Approval of the project would help increase visitors staying locally in the Capell Valley Lake Berryessa area and support the economy in this region of the county.

Policy AG/LU-56: The policies set forth for each geographic area are extensions or refinements of Countywide policy. The role of these local policies is to identify more specific land uses and local conditions within the general parameters established by the County-wide goals and policies. The “Lake Berryessa: Moskowitz Corners, Pope Creek, and Spanish Flat” (Map on Page AG/LU-45) area is included in this section of the general plan, being described as a Mixed-Use Community (Page AG/LU-48-49).

Policy AG/LU-78: Moskowitz Corners. Moskowitz Corners lies at a critical crossroads and should be viewed as a staging area for the Lake Berryessa recreational area, with affordable housing for those who work in the area and services for residents and travelers. Moskowitz Corners, with its winery and vineyards, should also be viewed as a link between Lake Berryessa communities and the viticultural economy of Napa Valley.

Finding: Consistent

At the time of the 2008 general plan update, existing uses at Moskowitz Corners include a mobile home park, winery, tavern, cafe and grocery store, RV storage area, and two closed gas stations. The area is currently closed due to lack of business traffic. The addition of a lodging facility in the area could help to revitalize the area by attracting visitors to stay in the area for longer periods of time, who could in turn utilize local facilities.

Measure J and Measure P - Policy AG/LU-110 and Policy AG/LU-111

Finding: Project is not subject to Measure P.

This general plan amendment is not subject to Measure P. Measure J (adopted in 1990) and now Measure P (adopted in 2008) require voter approval of any general plan amendment converting lands designated as Agriculture, Watershed and Open Space (AWOS) or Agricultural Resource (AR) on the Napa County General Plan Land Use Map adopted by the Board of Supervisors on September 8, 1975, as amended through September 28, 2007. This property was designated Rural Residential (RR) at the time Measure J was adopted in 1990, and was not changed to AWOS until December 2008 (after the 2007 trigger date for Measure P) as part of the Proposed Land Use Map Amendment (PLUMA) process. See Figure AG/LU-3.5 AR and AWOS Lands Not Subject to Measure J on page AG/LU-71. Therefore, because the parcel was not designated AWOS on or before September 28, 2007, the parcel may be considered for re-designation without triggering Measure P requirements.

Economic Development Element

Policy E-9: The County recognizes the needs of residents in remote and outlying areas such as Angwin, Pope Valley, and Lake Berryessa, and encourages efforts to retain and attract local commercial services in these areas, in appropriate locations.

Policy E-20: Tourism at Lake Berryessa provides an opportunity to serve visitors to the lake and provide commercial opportunities that will benefit local residents and the county as a whole. The County encourages the expansion of visitor-serving uses at the lake in the locations shown on the Land Use Map and as described in the area-specific policies for Lake Berryessa in the Agricultural Preservation and Land Use Element.

Policy E-21: The County's economic development in the Lake District will focus on the continued viability of both agriculture and outdoor recreation tourism.

Finding: Consistent.

As discussed previously, this region of the County has faced significant economic challenges. Approval of the project would help increase the opportunity for visitors to stay locally in the Capell Valley/Lake Berryessa area and support the economy in this region of the county.

Conservation Element

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.

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.

Finding: Consistent.

A Water Availability Analysis (WAA) Tier 1 (CMP Civil Engineering, dated February 9, 2023) demonstrated that the estimated annual water use of 3.20 acre feet is less than the potential annual recharge of 4.98 acre-feet. The report reasonably demonstrates that the subject parcel and well has enough potential recharge capacity to serve the proposed use. The WAA Tier 2

(David H. Peterson, hydrogeologist, dated February 8, 2023) demonstrated that the proposed water use would not have a significant impact on neighboring wells within 500 feet of the project. The WAA Tier 3 (David H. Peterson, hydrogeologist, dated July 24, 2023) opined that it is unlikely that groundwater at the depth of the well, is in direct physical connection with either creek. Given that the two watercourses are about 400 and 500 feet away, a typical pumping cycle would not be anticipated to directly reach either creek and the project would not directly impact nearby streams.

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.

Finding: Consistent

A final landscaping and irrigation plan, including parking details, shall be submitted with the building permit application package for the Planning Division's review and approval prior to the issuance of any building permit associated with this permit. The plan shall be prepared pursuant to the Water Efficient Landscape Ordinance (Chapter 18.118 of the County Code) requirements in effect at the time of building permit application submittal, as applicable, and shall indicate the names and locations of all plant materials to be used along with their method of maintenance.

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.

Finding: Consistent.

At the time of construction the project will be required to comply with the California Building Code (CBC) Title 24 standards.

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].

Finding: Consistent.

As detailed in the Initial Study/Negative Declaration the project will comply with applicable BAAQMD programs to ensure potential air quality impacts are less than significant. Project conditions of approval require that during all construction activities the permittee shall comply with the most current version of BAAQMD Basic Construction Best Management Practices

Safety Element

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.

Finding: Consistent.

Plans for the proposed driveway and site circulation, shall be reviewed by the PBES Department and the Fire Department to assure that the design complies with the Napa County Roads and Street Standards to demonstrate that the project would have adequate emergency access to the project site.