

Attachment A

Planning Commission Recommendation
Resolution No. 2024-002-PC



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org
Main: (707) 253-4417

Brian D. Bordona
Director

MEMORANDUM

To: Neha Hoskins, Clerk of the Board of Supervisors	From: Sean Trippi, Supervising Planner
---	--

Date: October 3, 2024	Re: Hess Collection - Laird General Plan Amendment P21-00055 Rezone P24-00221
-----------------------	---

On October 2, 2024, following a duly noticed public hearing, the Planning Commission acted to make the following unanimous (4-0) recommendation regarding an applicant-proposed General Plan Amendment, and Rezoning for Napa County Assessor's Parcel Numbers 057-090-065 (Hess) & 057-090-066 (Laird).

That the Planning Commission recommend that the Board of Supervisors:

1. Approve and adopt the Addendum to the 2008 General Plan Environmental Impact Report;
2. Adopt a resolution to amend the General Plan to change the property's land use designation from AWOS to I (P21-00055); and
3. Adopt an ordinance to rezone the property from the AW:AC zoning district to the IP:AC zoning district (P24-00221)

See attached Resolution No. 2024-002-PC. The project will be agendized for the November 12, 2024, Board of Supervisors hearing.

Attachments: Resolution No. 2024-002-PC

RESOLUTION NO. 2024-002-PC

**A RESOLUTION OF THE NAPA COUNTY PLANNING COMMISSION
RECOMMENDING THAT THE NAPA COUNTY BOARD OF
SUPERVISORS AMEND THE NAPA COUNTY GENERAL PLAN TO
CHANGE THE LAND USE DESIGNATION FROM “AGRICULTURAL
WATERSHED AND OPEN SPACE (AWOS)” TO “INDUSTRIAL (I)”; MAKE
NECESSARY CHANGES TO THE GENERAL PLAN MAP TO
ACCOMMODATE THE PROJECT; REZONE PARCELS APN 057-090-065
AND 057-090-066 FROM AGRICULTURAL WATERSHED; AIRPORT
COMPATIBILITY (AW:AC) TO INDUSTRIAL PARK: AIRPORT
COMPATIBILITY (IP:AC); AND ADOPT THE ADDENDUM TO THE 2008
GENERAL PLAN ENVIRONMENTAL IMPACT REPORT**

WHEREAS, on March 26, 2021, applicants Hess Collection Winery (Hess) and Kenneth and Gail Laird (Laird) applied for a General Plan Amendment, and on August 7, 2024, submitted an application for a Zone Change hereafter the “Project”; and

WHEREAS, California Government Code Section 65350, et seq. provides for the procedure to amend County General Plans at the option of local legislative bodies; and

WHEREAS, Resolution No. 05-173 establishes the County’s local procedures for initiating and processing General Plan Amendments and authorizes the Planning Commission to review and make recommendations to the Board of Supervisors on proposed amendments to the Napa County General Plan; and

WHEREAS, on June 22, 2021, in accordance with its local procedures for initiating General Plan Amendments, the Board made the required findings and initiated a General Plan amendment to re-designate approximately 281-acres located at 5750 South Kelly Road, American Canyon, CA (Hess, APN 057-090-065) and an adjoining property (Laird, APN 057-090-066) from Agriculture, Watershed and Open Space (AWOS) to Industrial (I); and

WHEREAS, Government Code section 65853, et seq. provides the procedure to amend zoning ordinances; and

WHEREAS, on October 2, 2024, pursuant to and in conformance with Sections 65854 and 65353 of the California Government Code, the Planning Commission conducted a duly noticed public hearing on the proposed General Plan Amendment and Rezoning; and

WHEREAS, the Planning Commission has received and considered the proposed Addendum to the 2008 General Plan Environmental Impact Report (EIR) along with the EIR prepared pursuant to the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 et seq.) and Napa County’s Local Procedures for Implementing CEQA. Review of the proposed project has concluded that it would not result in new significant impacts or an increase in the severity of any impacts previously identified in the GPU FEIR certified in 2008, as further explained in the CEQA memorandum. None of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR or Mitigated Negative Declaration (MND) have occurred, and thus an Addendum to the GPU FEIR is appropriate to satisfy CEQA requirements for the proposed project; and

WHEREAS, the proposed General Plan Amendment map change is attached as Exhibit A and incorporated here by reference. The proposed General Plan Amendment would change the map of the Napa County General Plan by re-designating 5750 South Kelly Road, American Canyon, CA (Hess, APN 0057-090-065) and an adjoining property (Laird, APN 057-090-066) Agricultural, Watershed and Open Space (AWOS) to Industrial (I); and

WHEREAS, the proposed rezoning ordinance (attached as Exhibit B) would change the Hess and Laird properties zoning district from Agricultural Watershed: Airport Compatibility (AW:AC) to Industrial Park: Airport Compatibility (IP:AC); and

WHEREAS, the Planning Commission considered all public testimony and evidence presented regarding the merits of the proposed General Plan Amendment, Rezone, and Addendum to the 2008 General Plan EIR; and

WHEREAS, having considered all of the evidence, the Planning Commission desires to adopt this Resolution recommending that the Board take the required actions to approve the Project.

NOW, THEREFORE, BE IT RESOLVED the Napa County Planning Commission recommends the Board of Supervisors approve the Project and take all necessary actions as follows:

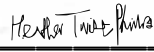
- A. Adopt the Addendum to the 2008 General Plan EIR;
- B. Approve a resolution amending the General Plan Map as depicted in Exhibit A; and
- C. Adopt an ordinance rezoning the Hess and Laird properties from Agricultural Watershed: Airport Compatibility (AW:AC) to Industrial Park: Airport Compatibility (IP:AC) as set forth in Exhibit B.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Napa County Planning Commission held on the 2nd of October, 2024, by the following vote:

AYES: COMMISSIONER Brunzell, Dameron, Mazotti, Phillips

NOES: COMMISSIONER None.

ABSENT: COMMISSIONER Dave Whitmer.


_____(Vice-Chair) by e-signature
Dave Whitmer, Chair of the
Napa County Planning Commission

APPROVED AS TO FORM Office of County Counsel By: <u>Chris R.Y. Apallas (e-signature)</u> Date: September 6, 2024 Doc. No. 119208	ATTEST: By: <u>Alexandria Quackenbush</u> Alexandria Quackenbush Date: October 2, 2024
--	---

*The following documents are attached separately as attachments B and C, respectively to the October 2, 2024, Planning Commission Staff Report.

EXHIBIT A

A RESOLUTION OF THE BOARD OF SUPERVISORS OF NAPA COUNTY, STATE OF CALIFORNIA, AMENDING THE NAPA COUNTY GENERAL PLAN TO CHANGE THE LAND USE DESIGNATION OF 5750 SOUTH KELLY ROAD, AMERICAN CANYON, CA (HESS, APN 057-090-065) AND AN ADJOINING PROPERTY (LAIRD, APN 057-090-066) FROM “AGRICULTURAL WATERSHED AND OPEN SPACE (AWOS)” TO “INDUSTRIAL (I)” AND MAKE NECESSARY CHANGES TO THE GENERAL PLAN MAP TO ACCOMMODATE THE PROJECT

EXHIBIT B

AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS, STATE OF CALIFORNIA REZONING APN’S 057-090-065 AND 057-090-066 FROM AGRICULTURAL WATERSHED:AIRPORT COMPATIBILITY (AW:AC) TO INDUSTRIAL PARK:AIRPORT COMPATIBILITY (IP:AC)

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF NAPA COUNTY, STATE OF CALIFORNIA, AMENDING THE NAPA COUNTY GENERAL PLAN TO CHANGE THE LAND USE DESIGNATION OF 5750 SOUTH KELLY ROAD, AMERICAN CANYON, CA (HESS, APN 057-090-065) AND AN ADJOINING PROPERTY (LAIRD, APN 057-090-066) FROM “AGRICULTURAL WATERSHED AND OPEN SPACE (AWOS)” TO “INDUSTRIAL (I)” AND MAKE NECESSARY CHANGES TO THE GENERAL PLAN MAP TO ACCOMMODATE THE PROJECT

WHEREAS, on March 26, 2021, applicants Hess Collection Winery (Hess) and Kenneth and Gail Laird (Laird) applied for a General Plan Amendment, and on August 7, 2024, and submitted an application for a Zone Change hereafter the “Project”; and

WHEREAS, California Government Code Section 65350, et seq. provides for the procedure to amend County General Plans at the option of local legislative bodies; and

WHEREAS, Resolution No. 05-173 establishes the County’s local procedures for initiating and processing General Plan Amendments and authorizes the Planning Commission to review and make recommendations to the Board of Supervisors on proposed amendments to the Napa County General Plan; and

WHEREAS, on June 22, 2021, in accordance with its local procedures for initiating General Plan Amendments, the Board made the required findings and initiated a General Plan amendment to re-designate approximately 280-acres located at 5750 South Kelly Road, American Canyon, CA (Hess, APN 057-090-065) and an adjoining property (Laird, APN 057-090-066) from Agriculture, Watershed and Open Space (AWOS) to Industrial (I); and

WHEREAS, on October 2, 2024, pursuant to and in conformance with Section 65353 of the California Government Code, the Planning Commission conducted a duly noticed public hearing on the proposed GPA attached as Exhibit “A” and incorporated herein by reference. The proposed GPA would change the map of the Napa County General Plan by re-designating approximately 280 acres located at 5750 South Kelly Road, American Canyon, CA (Hess, APN 057-090-065) and an adjoining property (Laird, APN 057-090-066) from Agriculture, Watershed and Open Space (AWOS) to Industrial (I). Upon close of the public hearing, the Planning Commission adopted Planning Commission Resolution 2024-002 and forwarded its recommendation on the proposed GPA and other components of the Project to the Board of Supervisors; and

WHEREAS, Government Code section 65358 (b) provides that a legislative body may not amend a mandatory element of its general plan more than four times during any calendar year but, subject to that limitation, may amend any mandatory element at any time deemed appropriate by the legislative body; and

WHEREAS, the proposed GPA to the Agricultural Preservation and Land Use Element to accommodate the Project will not result in more than four amendments to the Napa County General Plan during the calendar year 2024; and

WHEREAS, on _____, 2024, the Board conducted a duly noticed public hearing on the above-referenced General Plan Amendment, received testimony and considered the Planning Commission’s recommendation regarding the merits of implementing the proposed GPA; and

WHEREAS, having considered all of the evidence, the Board desires to adopt the proposed GPA.

NOW, THEREFORE, BE IT RESOLVED by the Napa County Board of Supervisors as follows:

- A. The Board adopts the Addendum to the 2008 General Plan EIR and finds according to the Addendum that the Project does not result in potentially significant effects to the environment. The Project is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5;
- B. Adoption of the proposed GPA will not cause the General Plan to become internally inconsistent. The General Plan comprises an integrated, internally consistent, and compatible statement of policy governing land use in the unincorporated areas of the county. The existing AWOS land use designation allows for certain types of development across the subject site. The proposed Industrial designation allows for different types of development over the same area. Changing the land use designation from AWOS to Industrial does not affect or conflict with the policies applicable to the site, nor does it otherwise amend the General Plan.

[Remainder of page left blank intentionally]

- C. The Board hereby adopts the proposed map amendment to the General Plan as set forth in Exhibit "A" attached and incorporated here by reference, and directs the Planning, Building and Environmental Services Department to integrate the changes approved above into the Napa County General Plan.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Napa County Board of Supervisors, State of California, at a regular meeting of the Board held on the _____ day of _____, 2024, by the following vote:

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____

ABSTAIN: SUPERVISORS _____

ABSENT: SUPERVISORS _____

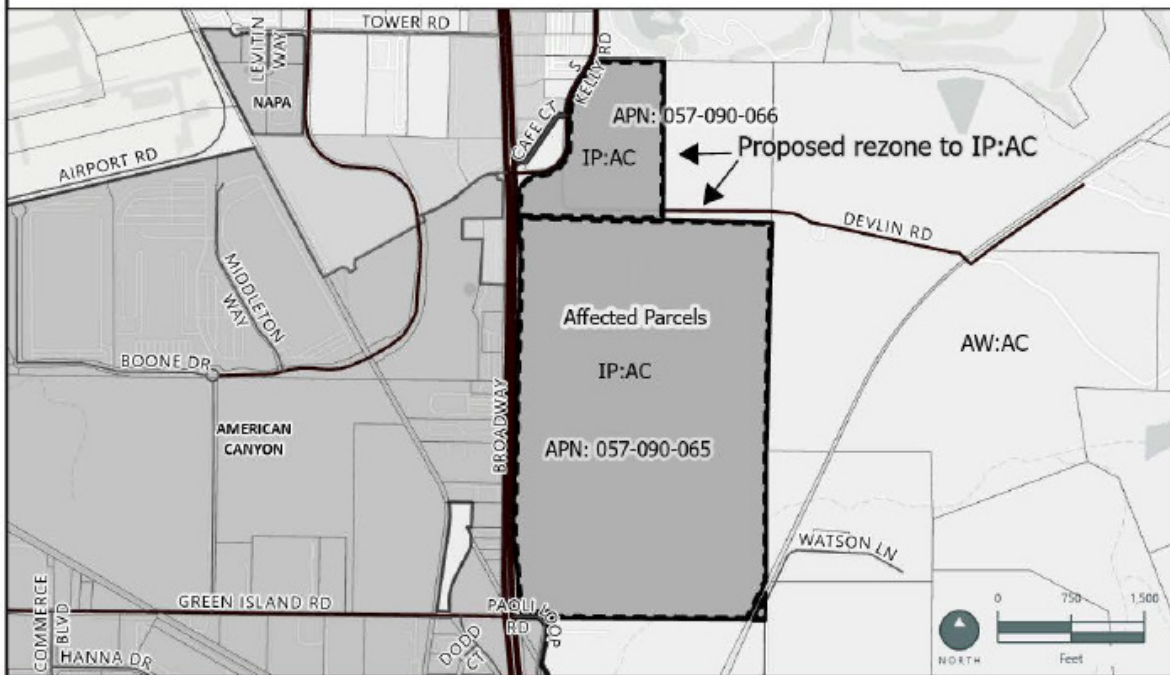
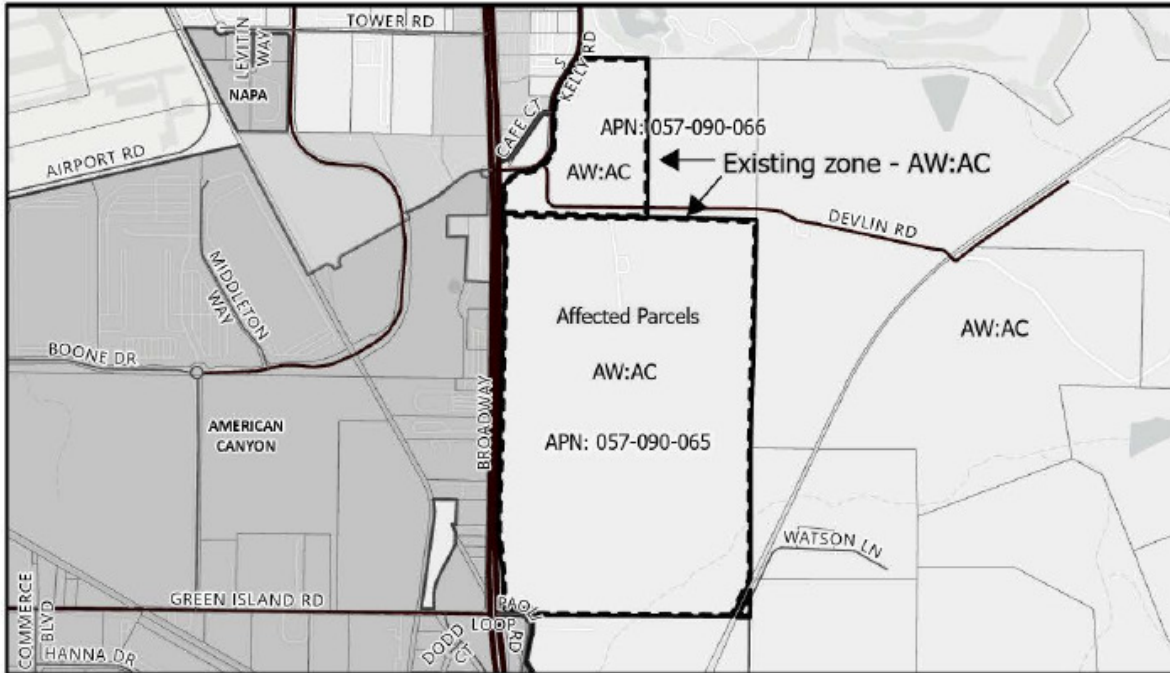
NAPA COUNTY, a political subdivision of the State of California

By: _____
 JOELLE GALLAGHER, Chair of the Board of Supervisors

EXHIBIT A - Existing/Proposed General Plan Map

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Chris Apallas</u> Deputy County Counsel</p> <p>Date: _____</p> <p>Doc. No. 119206</p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: _____</p> <p>Processed By: _____</p> <p>Deputy Clerk of the Board</p>	<p>ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors</p> <p>By: _____</p>
---	--	--

EXHIBIT A



Rezoning | P21-00055 Hess Collection - Laird

PLANNING, BUILDING & ENVIRONMENTAL SERVICES
 1195 THIRD STREET, SUITE 210
 NAPA, CA 94950
 (707) 253-4417



ORDINANCE NO. 2024-____

AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS, STATE OF CALIFORNIA REZONING APN'S 057-090-065 AND 057-090-066 FROM AGRICULTURAL WATERSHED:AIRPORT COMPATIBILITY (AW:AC) TO INDUSTRIAL PARK:AIRPORT COMPATIBILITY (IP:AC)

WHEREAS, Hess Collection Winery holds legal title to an approximately 239.83 acre parcel of real property in Napa County located at 5750 South Kelly Road, American Canyon, California, designated by Assessor's Parcel Number (APN) 057-090-065; and Kenneth E. and Gail Laird, TR, (collectively the "Landowners") hold legal title to an approximately 40.26 acre parcel of real property in Napa County, designated by Assessor's Parcel Number (APN) 057-090-066 (collectively the "Property"), and is more particularly described in the maps shown on Exhibit A; and

WHEREAS, Landowners have proposed rezoning Property from Agricultural Watershed:Airport Compatibility (AW:AC) to Industrial Park:Airport Compatibility (IP:AC) (Rezone); and

WHEREAS, after conducting a duly noticed public hearing, the Planning Commission by a vote of 4-0, on October 2, 2024, recommended that the Napa County Board of Supervisors ("Board") adopt the Addendum to the 2008 General Plan Environmental Impact Report (Addendum) and adopt the proposed Ordinance rezoning the Property to Industrial Park:Airport Compatibility (IP:AC); and

WHEREAS, thereafter on November 5, 2024, the Board held a duly noticed public hearing on the rezoning application pursuant to California Government Code Section 65856.

NOW, THEREFORE, the Napa County Board of Supervisors, State of California, ordains as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. The Board has received and reviewed the Addendum to the 2008 General Plan EIR together with the EIR pursuant to the provisions of CEQA and of Napa County's Local Procedures for Implementing CEQA. Review of the proposed project has concluded that it would not result in new significant impacts or an increase in the severity of any impacts previously identified in the GPU FEIR certified in 2008, as further explained CEQA memorandum. None of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR or Mitigated Negative Declaration (MND) have occurred, and thus an Addendum to the GPU FEIR is appropriate to satisfy CEQA requirements for the proposed project. The Board finds that:

1. Prior to taking action on the Addendum and the Rezone, the Board read and considered said Addendum; and
2. The Addendum is based on independent judgment exercised by the Board; and
3. The Addendum was prepared and considered in accordance with the requirements of CEQA; and
4. Considering the record as whole, there is no substantial evidence that the Rezone will have a significant effect on the environment; and
5. The Clerk of the Board of Supervisors is the custodian of the records of the proceedings on which this decision is based. Records are located at the Napa County Clerk of the Board, 1195 Third Street, Third Floor, Napa, CA.

Therefore, the Board hereby adopts the Addendum for the Rezone and finds according to the Addendum that the Rezone does not result in potentially significant effects to the environment. The Property is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

SECTION 3. The Board finds that pursuant to Chapter 4, Title 7, commencing with Section 65800, of the California Government Code, this Ordinance and Rezone are mostly consistent with the County's Zoning Ordinance and the following goals, policies, action items and objectives and programs of the County's General Plan:

Goals: AG/LU-2, AG/LU-5.

Policies: AG/LU-37, AG/LU-39, AG/LU-40, AG/LU-49, AG/LU-93, AG/LU-95.

SECTION 4. That the subject Property which is zoned Agricultural Watershed:Airport Compatibility (AW:AC) is hereby rezoned to Industrial Park:Airport Compatibility (IP:AC). The official zoning map shall be amended to reflect this change consistent with the requirements of Chapter 18.12. The rezoning of APN's 027-090-065 and 057-090-066 from Agricultural Watershed:Airport Compatibility (AW:AC) to Industrial Park:Airport Compatibility (IP:AC) is consistent with the Napa County General Plan (2008) in that General Plan Policy AG/LU-114 and implementing Table AG/LU-B identify IP as an appropriate zoning district for lands designated Industrial by the General Plan Land Use Map where rezoning is proposed, and the parcel is so designated.

SECTION 5. This ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 6. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of the County of Napa hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 7. A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

The foregoing Ordinance was recommended for adoption and public hearing held thereon before the Napa County Planning Commission on the 2nd day of October, 2024. The Planning Commission's recommendation was considered by the Board of Supervisors and this Ordinance was introduced, read, and passed at a regular meeting of the Napa County Board of Supervisors ("the Board"), State of California, held on _____, 2024, by the following vote:

AYES:	SUPERVISORS	_____

NOES:	SUPERVISORS	_____

ABSTAIN:	SUPERVISORS	_____

ABSENT:	SUPERVISORS	_____

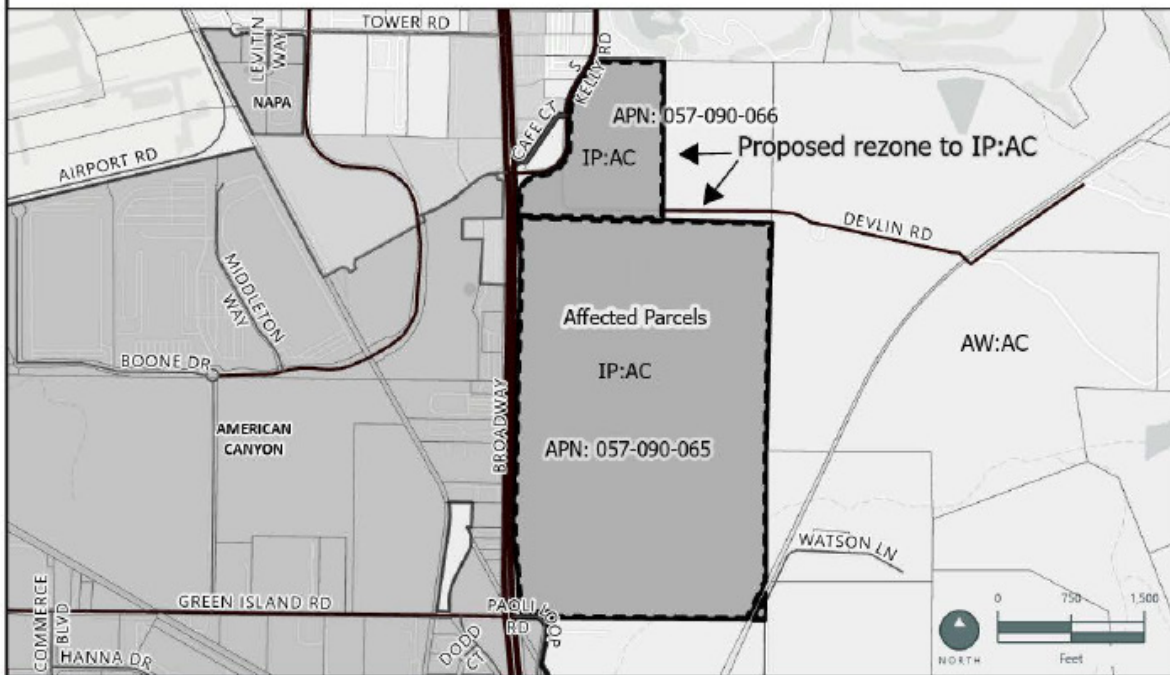
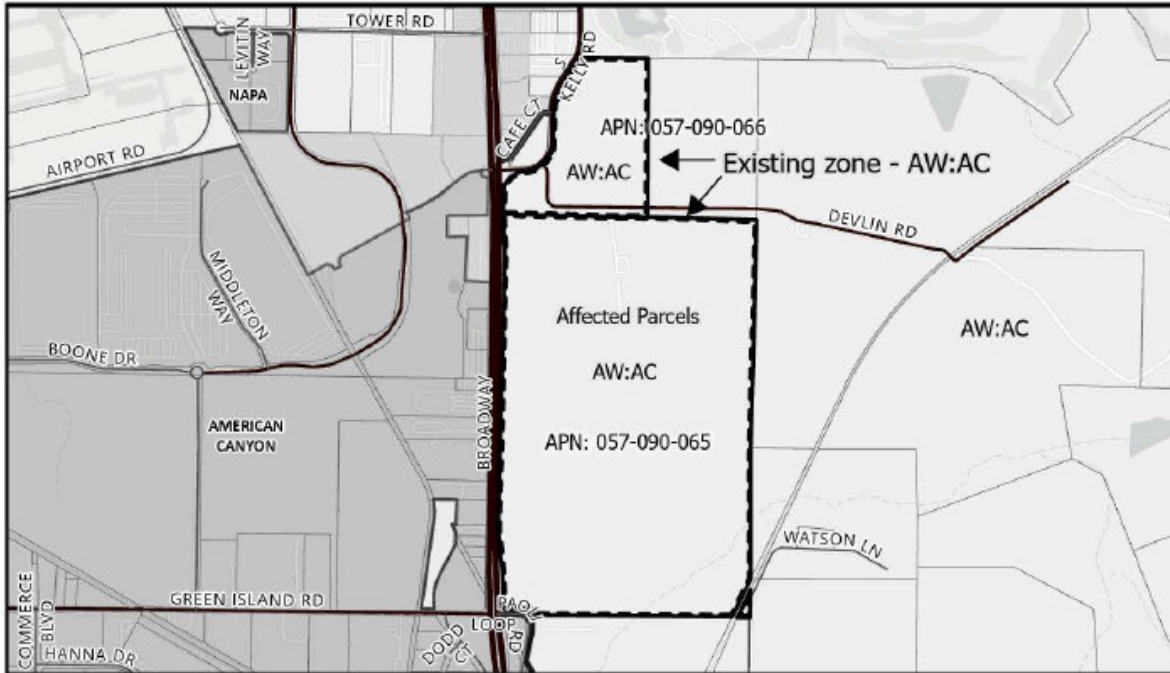
NAPA COUNTY, a political subdivision of the State of California

 JOELLE GALLAGHER, Chair of the Board of Supervisors

EXHIBIT A - Existing/Proposed Zoning Map

<p style="text-align: center;">APPROVED AS TO FORM Office of County Counsel</p> <p>By: <i>Chris R.Y. Apallas</i> Deputy County Counsel</p> <p>By: <u> /S/ Erin Cossen </u> Code Services</p> <p>Date: <u> 10/2/24 </u></p>	<p style="text-align: center;">APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: _____</p> <p>Processed By: _____</p> <p>Deputy Clerk of the Board</p>	<p style="text-align: center;">ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors</p> <p>By: _____</p>
--	--	--

EXHIBIT A



Rezoning | P21-00055 Hess Collection - Laird

PLANNING, BUILDING & ENVIRONMENTAL SERVICES
1195 THIRD STREET, SUITE 210
NAPA, CA 94950
(707) 253-4417



Disclaimer: This map was prepared for informational purposes only. No liability is assumed for the accuracy of the data displayed hereon.
by PBES staff member\Tripp\2024-04-15\ P21-00055 Hess Collection\2024-04-15\ P21-00055 Hess Collection.aprx

DATE PUBLISHED: 4/16/2024
DATE REVISED:
AUTHOR: SC
MAP SCALE: 1:18,000