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Findings

**PLANNING COMMISSION HEARING – AUGUST 21, 2019
RECOMMENDED FINDINGS**

**NEW LIFE COMMUNITY ADVENTIST CHURCH
USE PERMIT #P16-00210-UP
1451 AMERICAN CANYON ROAD, AMERICAN CANYON, CALIFORNIA
APN: 059-100-002**

ENVIRONMENTAL:

The Planning Commission (Commission) has received and reviewed the proposed Mitigated 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 Commission has read and considered the Mitigated Negative Declaration prior to taking action on said Mitigated Negative Declaration and the proposed project.
2. The Mitigated Negative Declaration is based on independent judgment by the Planning Commission.
3. The Mitigated Negative Declaration was prepared and considered in accordance with the requirements of the California Environmental Quality Act.
4. That there is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment.
5. That the Secretary of the Planning Commission is the custodian of the records of the proceedings on which this decision is based. The records are located at the Napa County Conservation, Development & Planning Department, 1195 Third Street, Room 210, Napa, California.
6. That considering the record as whole there is no evidence that the proposed project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends.

USE PERMIT:

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

7. 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 AW, Agricultural Watershed zoning district regulations that apply to this property. Church uses are allowed in any zoning district upon grant of a use permit pursuant to Napa County Code Section 18.120.010.B(11).

The proposed project would replace an existing dilapidated single-family residence on a small (1.8-acre), rocky, agriculture zoned parcel. The subject parcel is located just northeast of American Canyon, and adjacent to the Urban Development boundary as defined by the Napa General Plan Land Use Map. There are currently no agriculture uses on the property and no new utilities are required service the property.

8. 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 filed and notice and public hearing requirements have been met. The hearing notice and intent to adopt a Mitigated Negative Declaration were posted on July 17, 2019, and copies were sent to property owners within 1,000-feet of the project site. The public comment period ran from July 17, 2019, through August 21, 2019.

9. 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 church project as proposed and conditioned will not affect the health, safety or welfare of the County. Various County departments have reviewed the project and commented regarding grading, drainage, access, traffic, building permits and fire protection. Conditions are recommended which will incorporate these comments into the project to assure the protection of the public health and safety.

10. The proposed use complies with applicable provisions of the Napa County Code and is consistent with the policies and standards of the Napa County General Plan.

Analysis: Compliance with the Zoning Ordinance

The proposed use is consistent with the AW (Agricultural Watershed) zoning district regulations that apply to this site which permit church uses upon approval of a use permit. The facility will redevelop a dilapidated single-family residence. The proposed church building will be screened from public visibility by mature landscaping on the north and west sides, American Canyon Road and Interstate 80 on the east side.

Analysis: Compliance with the General Plan

Overall, the project was evaluated for and found to be consistent with General Plan policies concerning agriculture, protection of natural resources and wildlife habitat, water conservation, storm water control, energy consumption, air quality impacts, fire protection and public safety as set forth in the General Plan Consistency Analysis in Attachment C of the Staff Report. The goals established by the General Plan are to plan for agriculture and related activities as the primary land use in Napa County and to concentrate urban uses in the county's existing cities and urban areas. The General Plan contains the following policies that support the development of the property as a church:

AG/LU-3: The County's planning concepts and zoning standards shall be designed to minimize conflicts arising from encroachment of urban uses into agricultural areas. Land in proximity to existing urbanized areas currently in mixed agricultural and rural residential uses will be treated as buffer areas and further parcelization of these areas will be

discouraged.

Staff Response: The subject property is currently developed with a dilapidated single-family residence and existing services. The proposed church development would only feature services on Saturdays with some office uses during the week. The church development would be replacing a residential use on an agriculturally zoned property and would not include converting an undeveloped parcel. Overall, the development intensity would be less than a full time single-family residential use.

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.

Staff Response: The subject property is currently developed with a dilapidated single-family residence and existing services. The subject parcel is located adjacent to the American Canyon Urban Limit Line, however, as a currently disturbed/developed property, the proposed project is consistent with Policy AG/LU-125 and Zoning Code 18.120 which allows for church developments next to existing development. The proposed church development would only feature services on Saturdays with some office uses during the week. The church development would be replacing a residential use on an agriculturally zoned property and would not include converting an undeveloped parcel. Overall, the development intensity would be less than a full time single-family residential use.

AG/LU-8: The County's minimum agriculture parcel sizes shall ensure that agricultural areas can be maintained as economic units.

Staff Response: The subject property is currently developed with a dilapidated single-family residence and associated site development. At 1.8-acres, the parcel size is below the current standard for AWOS zoned agriculture parcels (40- and 160-acre minimums).

The General Plan also contains the following policies related to new church development projects:

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.

Response: The project site is designated "Other Land (X)" by the FMMP and is not Prime Farmland, Farmland of Statewide Significance or Unique Farmland. As such, development of the church project will not remove sensitive farmland and therefore is consistent with this General Plan 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.

Response: The subject property is currently developed with a dilapidated single-family residence and existing services and does not currently have agriculture or grazing activities on site. At 1.8-acres, the parcel size is below the current standard for AWOS zoned agriculture parcels (160-acre minimums), and over half of the property is characterized by rock outcroppings and slopes falling away towards American Canyon Road.

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.

Response: The subject property is currently developed with a dilapidated single-family residence and existing services and does not currently have agriculture or grazing activities on site. The proposed development includes natural buffer areas on the outside of the proposed development and does not feature overly intensive land development.

AG/LU-20: The following standards shall apply to lands designated as Agriculture, Watershed, and Open Space on the Land Use Map of this General Plan.

Intent: To provide areas where the predominant use is agriculturally oriented; where watersheds are protected and enhanced; where reservoirs, floodplain tributaries, geologic hazards, soil conditions, and other constraints make the land relatively unsuitable for urban development; where urban development would adversely impact all such uses; and where the protection of agriculture, watersheds, and floodplain tributaries from fire, pollution, and erosion is essential to the general health, safety, and welfare.

General Uses: Agriculture, processing of agricultural products, single-family dwellings. Minimum Parcel Size: 160 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.

Response: The subject property is currently developed with a dilapidated single-family

residence and associated site development. At 1.8-acres, the parcel size is below the current standard for AWOS zoned agriculture parcels (40- and 160-acre minimums).

AG/LU-22: Urban uses shall be concentrated in the incorporated cities and town and designated urbanized areas of the unincorporated County in order to preserve agriculture and open space, encourage transit-oriented development, conserve energy, and provide for healthy, “walkable” communities.

Response: The subject property is currently developed with a dilapidated single-family residence and existing services. The subject parcel is located adjacent to the American Canyon Urban Limit Line and the City of American Canyon. The proposed project would not be converting agriculture or open space land to urban uses.

AG/LU-26: The County will discourage proposed urban developments which require urban services outside of existing urbanized areas. However, nothing in this Agricultural Preservation and Land Use Element is intended to preclude the construction of a single-family residence, on an existing, vacant, legal parcel of land in compliance with adopted County ordinances and other applicable regulations, except on designated park land. Pursuant to State law, small child care centers are considered residential uses. Where maximum dwelling unit densities are specified in this General Plan, the population density is determined by multiplying the allowable number of dwelling units times the average persons per household in the unincorporated County as determined by the most recent U.S. Census.

Response: Although not a single-family residential development, the proposed project is replacing existing residential uses with a church development on a property that currently has existing services. Specific to the appropriateness of the project location as noted in AG/LU-125, the site is generally suited for a church development use given: i) its location within proximity to an area of residential density; ii) the generally sloping topography of the site such that views into the site are difficult from the surrounding properties and public roadways; and, iii) its location adjacent to American Canyon Road, a noise and light generating transportation corridor.

AG/LU-124: New churches or institutions providing religious instruction shall not be located within proximity to an airport, unless they are located in an area where residential uses would be compatible under the applicable Airport Land Use Compatibility Plan.

Response: The proposed church development is not located near an airport.

AG/LU-125: New churches or other religious institutions should generally be located within or adjacent to urbanized areas, minimizing the transportation needs of parishioners/members and the potential for loss of agricultural lands.

Staff Response: The subject property is currently developed with a dilapidated single-family residence and existing services. The proposed church development would only feature services on Saturdays with some office uses during the week. The church development would be replacing a residential use on an agriculturally zoned property and would not include converting an undeveloped parcel. Furthermore, the location of the project is located in close proximity to the City of American Canyon. Overall, the

development intensity would be less than a full time single-family residential use. A proposed left-turn lane for access off American Canyon Road would reduce any potential impacts to less than significant thus reducing any potential transportation needs.

11. 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 §13.15.070 or 13.15.080 of this 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 proposed project includes the demolition of an existing residential structure and repurposing the existing domestic water well for the church development. The Water Availability Analysis prepared for the project concluded that the anticipated total overall water demand for the project site would be 0.21 AF/YR (0.11 AF/YR for the church and 0.10 AF/YR for on-site landscaping needs) representing a 0.29 AF/YR decrease of the existing water demand of 0.50 AF/YR for the previous single-family residence located on the parcel.

The proposed project would not result in a substantial increase the demand of ground water supplies or interfere with groundwater recharge or lowering of the local groundwater level. According to Napa County environmental resource mapping (Water Deficient Areas/Storage Areas), the project site is not located within a water deficient area and the County is not aware of, nor has it received any reports of groundwater deficiencies in the area. Because the projected water demand for the project is below the estimated groundwater availability acre feet per year for the parcel, the requested Use Permit 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. The project will not require a new water system or other improvements and will not have a negative impact on local groundwater.