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Recommended Findings

**PLANNING COMMISSION HEARING – JULY 19, 2017
RECOMMENDED FINDINGS**

**GARDINER HORSE FACILITY
USE PERMIT (P15-00394)
2002 JAMES CREEK ROAD, POPE VALLEY, CALIFORNIA
APN 016-090-021**

ENVIRONMENTAL:

The Planning Commission (Commission) has received and reviewed the proposed Revised 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 Planning Commission has read and considered the Revised Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) prior to taking action on said Mitigated Negative Declaration and the proposed project.
2. The Revised Mitigated Negative Declaration and MMRP are based on independent judgment exercised by the Planning Commission.
3. The Revised Mitigated Negative Declaration and MMRP were 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 provided that measures to mitigate potentially significant impacts to biological and water quality resources are incorporated into the project approval.
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 Commission 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.

USE PERMIT:

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

Analysis: The project is consistent with the Agricultural Watershed (AW) zoning district regulations. The definition of agriculture (NCC Section 18.08.040) means the raising of crops or livestock and includes animal husbandry, including, without limitation, the breeding and raising of cattle, sheep, horses, etc. However, in the AW zoning district, commercial boarding and training horse stables are only allowed upon grant of a use permit (NCC Section 18.20.030(D)). The proposed project is a Use Permit request to continue existing ranch and horse boarding (property owner's horses) activities with the addition of commercial activity for the board and care of horses, fostering of retired and rescued horses, and training sessions.

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 application has been appropriately filed, noticed, and public hearing requirements have been met. The hearing notice and intent to adopt a Mitigated Negative Declaration was posted on June 16, 2017, and copies were forwarded to appropriate persons on the mailing list. The public comment period ran from June 16, 2017 through July 18, 2017.

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: Various County divisions and departments have reviewed and commented on the project. Conditions are recommended which will incorporate these comments into the project to ensure the protection of the public health, safety, and welfare.

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

The project is consistent with the Agricultural Watershed (AW) zoning district regulations. The definition of agriculture (NCC Section 18.08.040) means the raising of crops or livestock and includes animal husbandry, including, without limitation, the breeding and raising of cattle, sheep, horses, etc. However, in the AW zoning district, commercial boarding and training horse stables are only allowed upon grant of a Use Permit (NCC Section 18.20.030(D)). The proposed project is a Use Permit request to continue existing ranch and horse boarding (property owner's horses) activities with the addition of commercial activity for the board and care of horses, fostering of retired and rescued horses, and training sessions.

The existing and proposed site improvements currently comply with the development regulation of the AW District, including the road and property line setbacks for residential and agricultural accessory structures, maximum parcel coverage, the 35-foot maximum building height as prescribed in County Code Sections 18.104.230.A.1, 18.104.220, and 18.104.010, and all other requirements of the Zoning Code as applicable.

Analysis: Compliance with the General Plan

The General Plan land use designation for the subject parcel is Agriculture, Watershed & Open Space and (AWOS). As proposed and as conditioned, the requested Use Permit is consistent with the overall goals and objectives of the General Plan (2008).

Animal husbandry is an agricultural use and is consistent with the General Plan goals and policies to retain agricultural uses on agricultural lands. 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.” In Policy AG/LU-2 “Agriculture” is defined in part as the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses.” General Plan Agricultural Preservation and Land Use Goal AG/LU-3 states 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.”

The project proposes a “public stable”, defined in the County Code as a facility for the commercial boarding of horses or for the housing of horses for rental, or both. The project proposes to utilize the existing barn, mare hotel, stalls, loafing sheds, pavilion, round pen, and corral, with proposed site improvements limited to already disturbed areas. The project would not remove the land from or prevent the continuation of agriculture.

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.

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 also consistent with General Plan Conservation Policy 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.

In order to determine the estimated water use of the existing development, proposed project, and the water availability, Stitt Engineering prepared three documents: Water Use Analysis – Revised May 11, 2017; Hydrology Analysis – September 16, 2015; and Water Availability Analysis – March 22, 2016. The analysis estimates that groundwater use will increase from 3.2 acre feet per year to 5.5 acre feet per year. The 2.3 acre feet per year increase includes water usage associated with horse owner visitation, workers, trainers, and students (0.09 acre-feet), the fodder production container (0.38 acre-feet), and additional horses to total the 30 maximum (1.8 acre-feet). The Water Use Analysis prepared a groundwater recharge calculation based on the local precipitation, local evaporation transpiration, change in soil water storage, and run-off. Over the 46-acre parcel, the calculation results in 28 acre-feet per year. The estimated total water usage is less than the calculated parcel recharge rate; therefore the project complies with the Napa County Water Availability Analysis requirements.

The proposed Use Permit is consistent with General Plan Goals CON-10 and CON-11, as well as the policies mentioned above that support preservation and sustainable use of

groundwater for agricultural and related purposes. The water use analysis calculations demonstrated that the project would not have a significant impact on groundwater supply and recharge rates. The project would not require a new water system or other improvements and would not have an impact on local groundwater.