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Recommended Findings

RECOMMENDED FINDINGS

PLANNING COMMISSION HEARING – SEPTEMBER 20, 2017

***Rodde Residence Private Road
Use Permit Conservation Exception Request, Application P16-00383 – UP
4028 Hagen Road, Napa
Assessor's Parcel No. (APN) 049-270-014***

ENVIRONMENTAL:

The requested Use Permit for an exception to the Napa County Conservation Regulations (Napa County Code Chapter 18.108) for construction of a new, private road is subject to the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 *et seq.*) The Planning Commission has received and reviewed the Initial Study for the Use Permit request, pursuant to the provisions of the CEQA and Napa County's Local Procedures for Implementing CEQA, and finds that:

1. The Planning Commission has read and considered the Initial Study, as well as any comments received thereon, prior to taking action on the Negative Declaration and the proposed project.
2. The Negative Declaration is based on independent judgment exercised by the Planning Commission.
3. The Initial Study and Negative Declaration were prepared and considered in accordance with the requirements of the California Environmental Quality Act.
4. There is no substantial evidence in the record as a whole, that the proposed project will have a significant effect on the environment.
5. 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.
6. 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 Planning, Building & Environmental Services Department, 1195 Third Street, Room 210, Napa, California.

USE PERMIT:

7. The Planning Commission has the power to issue approval for the Use Permit request under the Zoning Regulations in effect as applied to property.

Analysis: The proposed road improvements, consisting of asphalt paving, retaining walls and landscaping, encroach into the minimum required creek setback (County Code Sections 18.108.020 and 18.108.025). Exceptions to the County's Conservation Regulations are subject to a Use Permit, and Use Permits are subject to review by the Planning Commission (County Code Sections 18.108.040 and 18.124.010). There is no companion action

necessary for the requested Use Permit that would require action by the Board of Supervisors.

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 application for a Use Permit has been appropriately filed, and notice and public hearing requirements of Napa County Code Section 18.136.040 and CEQA Guidelines Section 15072 have been met. On August 30, 2017, notice of public hearing and intent to adopt a Negative Declaration was published in the Napa Valley Register, posted with the Napa County Clerk, mailed via first class mail to owners of property within 1,000 feet of the subject parcel, and mailed via first class mail or electronic mail to the applicant, property owner, and other interested parties who had previously requested such notice. The public comment period ran from August 30, 2017, through September 19, 2017.

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: Implementation of the proposed project will not generate ongoing groundwater or wastewater treatment demands. The private road will serve an existing residence but will eliminate the need for the residents to share an existing narrow driveway with other residential and winery traffic. The project includes no new residential or commercial development that will generate new vehicle trips on the road network in the vicinity of the property. The proposed project includes construction of landscaped bioswales alongside the improved roadway, which will serve to capture and treat stormwater runoff before the runoff is conveyed to Hagen Creek. Additionally, the road has been designed to comply with Napa County Road and Street Standards, one of the intents of which is to establish a uniform set of standards for public and private roads that strive to provide adequate safety and service in the interest of protecting public health and welfare.

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: The proposed project will improve an existing access easement, recorded prior to adoption of the County's Conservation Regulations, that currently encroaches into the creek setback required pursuant to County Code Section 18.108.025. Allowing the improvement of the easement in its current location facilitates preservation of existing vineyard area on the northern side of the easement and is consistent with General Plan goals and policies supporting agriculture as the primary land use in the County (Goal and Policy AG/LU-1, Policy CON-2[b]). Although approximately 492 feet of the approximately 1,170-foot long road will be within the required creek setback, the project has also been designed to include landscaped bioswales for capture and treatment of stormwater runoff from the road surface, in compliance with County stormwater quality control regulations intended to minimize sediment and pollutant discharge into the County's streams and waterways, including the nearby Hagen Creek. The project will not impact nor cause removal of any restorative vegetation planted adjacent to Hagen Creek (General Plan Goal CON-9 and Policies Con-11[e], CON-45, CON-47[e] and [f]). The County's Conservation Regulations (County Code Section 18.108.040) identify the Use Permit as the appropriate mechanism for allowing exceptions to the standard stream setbacks.

11. The proposed use would not require a new water system or improvement causing significant adverse effects, either individually or cumulatively, on an 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 roadway is not a development project and thus, will have no ongoing water demands that will result in extraction of groundwater over the long-term.

EXCEPTION TO CONSERVATION REGULATIONS:

12. Roads, driveways, buildings and other man-made structures have been designed to complement the natural landform and to avoid excessive grading.

Analysis: The easement and proposed road alignment are located on a portion of the property that is at the base of the adjoining hillsides and therefore, generally flat. The road is an at-grade improvement, the surface of which will generally follow the elevation of the existing ground surface. The project will require fewer than 500 cubic yards of earthwork and fewer than 50 cubic yards of soil import.

13. Primary and accessory structures employ architectural and design elements which in total serve to reduce the amount of grading and earthmoving activity required for the project, including the following elements: a) multiple-floor levels which follow existing, natural slopes; b) foundation types such as poles, piles, or stepping levels which minimize cut and fill and the need for retaining walls; c) fence lines, walls, and other features which blend with the existing terrain rather than strike off at an angle against it.

Analysis: Slopes in the vicinity of the road alignment are generally shallow, ranging from four percent to 14 percent along the steepest segments of the roadside. The proposed roadway is an at-grade improvement of an existing dirt and gravel vineyard road, with new retaining walls that will not exceed four-feet above adjacent grade along the generally flat road alignment.

14. The development project minimizes removal of existing vegetation, incorporates existing vegetation into the final design plan, and replacement vegetation of appropriate size, quality and quantity is included to mitigate adverse environmental effects.

Analysis: The project will not require the removal of any trees on the property. Landscaped bioswales proposed along the roadside will serve to capture and treat runoff from the new, impervious road surface and will be planted primarily with native grasses, thereby enhancing the vegetative landcover by replacing the ruderal, annual Mediterranean grasses and forbs with a population of native species in the small area of the bioswales.

15. Adequate fire safety measures have been incorporated into the design of the proposed development.

Analysis: The proposed project includes a 20-foot wide paved road surface and has been designed in accordance with the most recent amendments to the Napa County Road and Street Standards, one of the intents of which is to establish a uniform set of standards for public and private roads that strive to provide adequate safety and service.

16. Disturbance to streams and watercourses shall be minimized, and the encroachment if any, is the minimum necessary to implement the project.

Analysis: Over 675 feet (58 percent) of the 1,170-foot long, improved road will be outside of the required creek setback. Encroachment of the remaining, approximately 492 feet of the road into the creek setback is consistent with the alignment of the access easement recorded prior to adoption of the County's Conservation Regulations. Although a portion of the road will be within the required creek setback, the project will not result in any modification of the creek bank or the recently-completed vegetation restoration project completed along the Hagen Creek by the owner of that adjacent property.

17. The project does not adversely impact threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the county's environmental sensitivity maps.

Analysis: County Geographic Information System data do not indicate presence of any sensitive species or sensitive species' habitat along the proposed road alignment. The property has been in agricultural use for several decades, and the proposed road will be constructed within a previously disturbed and graded area that has served as a vineyard maintenance access route. Along the north side of the proposed road alignment, native vegetation – and the native species habitat that would have been fostered by that vegetation – has long been removed from the property in order to introduce wine grape vines and vineyard roads. The southern side of the proposed road is ruderal grassland, but it has also been previously disturbed and is isolated from the proximate Hagen Creek due to the intervening paved roadway that provides access to the Palmaz Winery on the adjoining parcel.

18. An erosion control plan, or equivalent NPDES stormwater management plan, has been prepared in accordance with Section 18.108.080 and has been approved by the director or designee.

Analysis: The proposed road improvements have been designed in accordance with the County-applicable, Bay Area Stormwater Management Agencies Association (BASMAA) Post-Construction Manual. The guidance in this manual is intended to ensure that stormwater runoff generated from a development is treated before the runoff enters the storm drain system, and that the quantity of post-construction stormwater runoff does not exceed the quantity of runoff generated by the pre-construction condition of a site. The impervious surface of the new road will be graded to drain into landscaped bioswales. Within these bioswales, stormwater flow will be slowed in order to allow the stormwater runoff from the roadway to percolate back into the soil, where pollutants will be filtered out through landscaping and layers of engineered soil that are specially designed for stormwater treatment. Thus, the proposed system is designed to manage both the quantity and quality of stormwater runoff before discharge of the runoff into nearby Hagen Creek. The project's stormwater quality measures have been reviewed by the County's Engineering Division staff, who recommend approval of the project subject to conditions.