

“A”

Recommended Findings

**PLANNING COMMISSION HEARING – APRIL 17, 2018
RECOMMENDED FINDINGS**

**Blossom Creek Horse Facility
P17-00140
3547 State Highway 128, Calistoga, CA
APN 017-110-052**

ENVIRONMENTAL:

The Planning Commission (Commission) 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 Planning Commission has read and considered the proposed 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 Planning Commission.
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 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 activities with the addition of commercial activity for the board and care of 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 Negative Declaration was posted on March 28, 2018, and copies were forwarded to property owners within 1,000 feet of the subject property and all other interested parties. The public comment period ran from March 28, 2018 through April 17, 2018.

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 activities with the addition of commercial activity for the board and care of 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 project parcel has a split General Plan designation of Agricultural Resource (AR) and Agriculture, Watershed, and Open Space (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, arena, and round pen, and the proposed site improvement is limited to improvements to an existing restroom in the barn. 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.

The project is located in an area denoted as “All Other Areas” as described in the Napa County Water Availability Analysis, requiring a Tier 1 and Tier 2 analysis. For this project a Water Availability Analysis was prepared by Stitt Engineering to determine the estimated water use of the existing development and proposed project. The property is served by one well and has a 7,500 gallon storage tank.

Existing water usage consists of a main residence with landscaping and a residential garden, pasture irrigation, storage for fire protection, and the current horses boarded on site (four horses). The residential uses on the property, the pasture irrigation, and the fire protection will not change as a result of the proposed project. Water uses associated with the horse boarding (currently 4 horses) would increase with the proposed increase in number of horses proposed to be boarded (up to 12 horses). Additional water use for employees, visitors, and students would also increase the overall water use. According to the analysis, the project would create an increase in annual water demand, from 2.70 acre-feet per year to 3.53 acre-feet per year, totaling an approximate increase of 0.83 acre-feet per year.

The Water Use Analysis prepared a groundwater recharge calculation based on the “Soil Water Balance” Method, which considers local precipitation, local evaporation

transpiration, change in soil water storage, and run-off. The calculation totaled 15.4 inches per year; which over the 6.85-acre parcel, results in 8.8 acre-feet of recharge 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. There are no adjacent property wells within 500 feet of the project well; therefore a Tier 3 analysis is not required. The proposed project would not result in a substantial increase in the demand of ground water supplies or interfere with groundwater recharge or lowering of the local groundwater level.

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.