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General Plan Consistency Analysis

Carroll Family Vineyards
Rezone & Development Agreement P14-00111
General Plan Consistency Analysis

The following General Plan Goals and Policies are applicable to the proposed Carroll Family Vineyards Rezone and Development Agreement proposal:

Agriculture and Land Use Element:

Goal AG/LU-1: Preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.

Finding: Consistent

Comment: Rezoning will allow a recently planted small vineyard to remain on subject property and conform to zoning. Subject property is an approximately 4 acre remnant of a once larger farm.

Goal AG/LU-3: Support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.

Finding: Consistent

Comment: Rezoning enables agriculture as an allowed use on the subject property.

Policy AG/LU-1: Agriculture and related activities are the primary land uses in Napa County.

Finding: Consistent

Comment: Rezoning enables agriculture as an allowed use on the subject property.

Policy 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.

Finding: Not in conflict.

Comment: Although General Plan Policy AG/LU-35 allows further parcelization of the subject property, it is not mandated. This rezoning action would not result in parcelization and the new applied Residential Country zoning would establish a 10-acre minimum lot size for the purposes of future land division effectively prohibiting future parcelization.

Policy 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.

Finding: Not in conflict.

Comment: Subject property is designated for urban development and permitted under General Plan Policy AG/LU-35 to be subdivided into four residential lots. Rezoning would not preclude future subdivision, excepting that rezoning back to Residential Single would be necessary and would likely also require amendment of General Plan Table AG/LU-B which presently does not allow rezoning of Rural Residential land use designations to Residential Single zoning. This Rezoning results in existing agricultural land use being maintained for agricultural use.

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.

Where conversion of farmlands mapped by the state cannot be avoided, the County shall require long-term preservation of one acre of existing farm land of equal or higher quality for each acre of state-designated farmland that would be converted to non-agricultural uses. This protection may consist of establishment of farmland easements or other similar mechanism, and the farmland to be preserved shall be located within the County and preserved prior to the proposed conversion. The County shall recommend this measure for implementation by the cities and town and LAFCO as part of annexations involving state-designated farmlands.

Finding: Consistent

Comment: Subject property is not presently designated by the State as farmland. Rezoning will establish agriculture as an allowed use and as a result the State may designate the 2.1 acres of vineyard as farmland in subsequent farmland program mapping update.

Policy AG/LU-15: The County affirms and shall protect the right of agricultural operators in designated agricultural areas to commence and continue their agricultural practices (a “right to farm”), even though established urban uses in the general area may foster complaints against those agricultural practices. The “right to farm” shall encompass the processing of agricultural products and other activities inherent in the definition of agriculture provided in Policy AG/LU-2, above.

The existence of this “Right to Farm” policy shall be indicated on all parcel maps approved for locations in or adjacent to designated agricultural areas and shall be a required disclosure to buyers of property in Napa County.

Finding: Consistent

Comment: This provision is geared to protecting existing agricultural uses from future residential development and therefore has limited applicability in this circumstance. Project involves rezoning in order to allow an existing agriculture use to remain. The property is surrounded by existing residences. The Development Agreement terms include provisions to ensure farming activities do not result in significant environmental impacts to the surrounding existing residences while providing for a reasonable degree of project-related “Right to Farm” activities.

Policy 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.

Finding: Consistent

Comment: See comment on Policy AG/LU-15 above.

Policy AG/LU-35: The following standards shall apply to lands designated as Rural Residential on the Land Use Map of this General Plan.

Intent: Provide for low density residential use in neighborhoods that are in proximity to existing urbanized areas but that are currently in agriculture or where further parcelization will be discouraged. On some lands suitable for increased population density near major medical care facilities, large residential care homes may be permitted. Other land near major public recreational areas which, because of its location in relation to existing or future community services, facilities, and access roads, and because of underlying soil and geological characteristics, land slope, and minimum fire hazard, is suitable for low density residential or

mixed-use development, tourist-serving commercial development, and resident-serving commercial development.

General Uses: Single-family dwellings, day care centers, large residential care homes, existing major medical care facilities (facilities licensed with a minimum of 100 beds), private schools, agriculture, stables (and others under specified conditions). In Capell Valley and Berryessa Areas, tourist-serving commercial uses and mixed uses will also be allowed.

Minimum Parcel Size: 10 acres, except:

- All permitted commercial development, and legal residential structures in Deer Park existing on December 31, 1994, and master planned as part of St. Helena Hospital may be allowed on smaller parcels, depending on the type of facility, services available, and surroundings.
- APN 049-161-009 in the Monticello Road area may be subdivided into parcels with a minimum size of ¾ acre, and the number of total parcels after the subdivision shall not exceed four. [emphasis added]

Maximum Dwelling Density: One dwelling per parcel (except as specified in the Housing Element).

Finding: Not in conflict

Comment: Rezoning to Residential Country is an allowed zoning designation on lands designated Rural Residential. Although the Residential Country zoning district, and Rural Residential General Plan designations have a 10 acre minimum lot size, the subject parcel, like many parcels with Residential Country and Rural Residential areas, is below the minimum lot as a result of being created years before the minimum parcel size requirement was instituted. In practice, the minimum parcel size requirement under both zoning and the General Plan is a mechanism to regulate further subdivision, and is not a measure applied to existing legal lots of record created before the requirement. It is noted as well that there is a parcel specific exemption from the minimum lot size requirement for this site allowing for subdivision with a ¾ acre minimum lot size. If in the future subdivision is pursued as enabled by this policy, rezoning of the property back to Residential Single would be necessary which likely would now also trigger amendment of General Plan Table AG/LU-B.

Policy AG/LU-89: Recognize the character of this community and the quality of the environment in the review of future development projects in the Silverado area. All new development, including subdivisions, use permits, and other discretionary actions, shall conform with the General Plan Land Use Map and be reviewed to determine impacts and

mitigations related to water quality, water availability, slope stability, habitat protection, and other environmental issues.

Finding: Consistent

Comment: The terms of the Development Agreement ensure rezoning of the property does not result in any significant environmental impacts.

Policy AG/LU-91: Notwithstanding Policy AG/LU-25, the County supports provision of recycled water to the Milliken-Sarco-Tulocay groundwater deficient area for irrigation use and groundwater recharge.

Finding: Consistent

Comment: Project involves trailer transported recycled water for the vineyard use, and monitoring of the existing residential use groundwater well ensuring that the new vineyards do not result in additional groundwater demand within the Milliken-Sarco-Tulocay groundwater deficient basin.

Policy AG/LU-108: With the proviso that no rights are absolute, that we will all best be served by striking a balance between private property rights and all our other rights and our other important community values, this General Plan nevertheless explicitly acknowledges that private ownership provides valuable incentives for the proper care of property and the environment, that preservation of property rights is an important cultural, economic, and community value, that protection of property rights is one of the primary and necessary functions of government at all levels, and that private property rights are therefore deserving of respect and consideration whenever land use decisions are made.

Finding: Consistent

Comment: Rezoning will enable the property owner to retain the existing vineyard planted on the subject property.

Policy AG/LU-114: Zoning shall be consistent with this General Plan. In areas where the zoning and the land use designation shown on the Land Use Map are not identical, rezoning is desirable but not mandated, since consistency is achieved by reviewing the stated policies of the General Plan in addition to the Land Use Map. Table AG/LU-B shall be used to determine consistency for rezoning applications.

In addition to the zones listed above, AW-Agricultural Watershed uses and/or zoning may occur in any land use designation. Note: Multiple additional zoning designations currently exist within each General Plan Land Use Category and may remain in place. This table is not intended to constrain the legal use of property consistent with both zoning and General Plan Land Use Category. Also, in the Deer Park Rural Residential area, rezoning from residential districts shall be permitted to achieve minimum parcel sizes consistent with Policy AG/LU-35, and to develop, improve, and expand hospital related facilities through either expansion of the Planned Development zoning district or a future healthcare related zoning district that shall be deemed consistent with the Deer Park Rural Residential area. On parcel 049-160-009 in the Monticello Road area ,rezoning to RS may be allowed consistent with Policy AG/LU-35.

Finding: Consistent

Comment: Although the County is under no obligation to rezone the property as expressly noted in this policy, Residential Country zoning is a permissible zoning district listed in Table AG/LU-B for the Rural Residential General Plan designation. In addition, agricultural land uses can be authorized in all General Plan land use designations.

Policy AG/LU-118: The County is committed to maintaining the quality of life in Napa County through enforcing regulations and codes. The County shall uniformly and fairly enforce codes and regulations, and shall assign high priority to abatement of violations that may constitute potential threats to public health or safety or that may cause significant environmental damage.

Finding: Consistent

Comment: Rezoning of the property will resolve an existing minor violation wherein the applicant applied for the rezoning before planting the vineyard but did not complete the process. Ensuring that groundwater will be used to irrigate the project vineyard through the terms of the Development Agreement eliminates potential threat to public health, safety and welfare.

Circulation Element:

Policy CIR-19: Applicants proposing new discretionary development projects with the potential to significantly affect traffic operations shall be required to prepare a traffic analysis prior to consideration of their project by the County and shall be required to mitigate project impacts and to pay their fair share of countywide cumulative traffic improvements based on their contribution to the need for these improvements.

Finding: Consistent

Comment: Project will result in a nominal increase in the number of vehicle trips to and from the site as a result of farming activities associated with the vineyard and rezoning allowing agriculture. New trips do not change overall vehicle to capacity ratios and corresponding levels-of-service for nearby public roadways.

Community Character Element:

Policy CC-35: The noises associated with agriculture, including agricultural processing, are considered an acceptable and necessary part of the community character of Napa County, and are not considered to be undesirable provided that normal and reasonable measures are taken to avoid significantly impacting adjacent uses.

Finding: Not in conflict

Comment: Rezoning the subject property to allow agriculture uses introduces potential farming related noise impacts to surrounding existing residences that have not been subject to these community character factors in recent years. The terms of the Development Agreement apply reasonable limits on the extent of farm activities occurring at the small vineyard that will ensure adjacent uses are not significantly impacted, while also allowing farming to occur.

Policy CC-51: The smells associated with wine-making, agriculture, and agricultural processes are considered to be an acceptable and integral part of the community character of Napa County, and are not considered to be undesirable, provided that normal and reasonable stewardship is followed in the operation of the wine-making or agricultural use and that odors are controlled to the extent possible consistent with the normal operation of the use.

Finding: Not in conflict

Comment: See response to Policy CC-35 above. Vineyard operations are not typically a significant source of significant odor impacts and the terms of the Development Agreement preclude more impactful forms of agriculture on this small parcel surrounded by existing residential development.

Conservation Element:

Goal CON-11: Prioritize the use of available groundwater for agricultural and rural residential uses rather than for urbanized areas and ensure that land use decisions recognize the long-term availability and value of water resources in Napa County.

Finding: Consistent

Comment: Project will not result in additional reliance on groundwater resources.

Goal CON-13: Promote the development of additional water resources to improve water supply reliability and sustainability in Napa County, including imported water supplies and recycled water projects.

Finding: Consistent

Comment: The vineyard enabled by this rezoning action will rely on imported recycled water.

Policy CON-2: The County shall identify, improve, and conserve Napa County's agricultural land through the following measures:

d) Encourage the use of recycled water, particularly within groundwater deficient areas, for vegetation enhancement, frost protection, and irrigation to enhance agriculture and grazing.

Finding: Consistent

Comment: Import of recycled water enables irrigation of recently planted vineyards which otherwise cannot be served by the onsite groundwater well as stipulated by County Code.

Policy CON-42: The County shall work to improve and maintain the vitality and health of its watersheds. Specifically, the County shall:

e) Promote and support the use of recycled water wherever feasible, including the use of tertiary treated water, to help improve supply reliability and enhance groundwater recharge.

Finding: Consistent

Comment: See response to Goal CON-13.

Policy CON-51: Recognizing that groundwater best supports agricultural and rural uses, the County discourages urbanization requiring net increases in groundwater use and discourages incorporated jurisdictions from using groundwater except in emergencies or as part of conjunctive-use programs that do not cause or exacerbate conditions of overdraft or otherwise adversely affect the County's groundwater resources.

Finding: Consistent

Comment: See response to Goal CON-13. The terms of the Development Agreement require monitoring on the subject property ensuring groundwater use does not increase as a result of the rezoning.

Policy CON-52: Groundwater is a valuable resource in Napa County. The County encourages responsible use and conservation of groundwater and regulates groundwater resources by way of its groundwater ordinances.

Finding: Consistent

Comment: See responses to Goal CON-13 and Policy CON-51.

Policy CON-53: The County shall ensure that the intensity and timing of new development are consistent with the capacity of water supplies and protect groundwater and other water supplies by requiring all applicants for discretionary projects to demonstrate the availability of an adequate water supply prior to approval. Depending on the site location and the specific circumstances, adequate demonstration of availability may include evidence or calculation of groundwater availability via an appropriate hydrogeologic analysis or may be satisfied by compliance with County Code "fair-share" provisions or applicable State law. In some areas, evidence may be provided through coordination with applicable municipalities and public and private water purveyors to verify water supply sufficiency.

Finding:

Comment: See responses to Goal CON-13 and Policy CON-51.

Policy CON-55: The County shall consider existing water uses during the review of new water uses associated with discretionary projects, and where hydrogeologic studies have shown that the new water uses will cause significant adverse well interference or substantial reductions in groundwater discharge to surface waters that would alter critical flows to sustain riparian habitat and fisheries or exacerbate conditions of overdraft, the County shall curtail those new or expanded water uses.

Finding: Consistent

Comment: See responses to Goal CON-13 and Policy CON-51.

Policy CON-57: The County shall work with appropriate agencies and districts to develop an understanding of potential groundwater deficiencies and coordinate with private property

owners to voluntarily collect groundwater data, including implementing effective water management and conservation strategies and encouraging exploration and use of alternative (e.g., non-groundwater) water supplies where feasible to further conserve existing groundwater resources.

Finding: Consistent

Comment: The terms of the Development Agreement provide for the applicant to monitor and report groundwater use.

Policy CON-62: As stated in Policy AG/LU-74, the County supports the extension of recycled water to the Coombsville area to reduce reliance on groundwater in the MST groundwater basin and exploration of other alternatives. Also, the County shall identify and support ways to utilize recycled water for irrigation and non-potable uses to offset dependency on groundwater and surface waters and ensure adequate wastewater treatment capacity through the following measures:

d) Encourage the use of non-potable/recycled water wherever recycled water is available and require the use of recycled water for golf courses where feasible.

Finding: Consistent

Comment: While extension of the recycled water lines in the Coombsville area is not presently planned to serve the subject site, the project involve import of recycled water for vineyard irrigation purposes.

Policy CON-77: All new discretionary projects shall be evaluated to determine potential significant project-specific air quality impacts and shall be required to incorporate appropriate design, construction, and operational features to reduce emissions of criteria pollutants regulated by the state and federal governments below the applicable significance standard(s) or implement alternate and equally effective mitigation strategies consistent with BAAQMD's air quality improvement programs to reduce emissions. In addition to these policies, the County's land use policies discourage scattered development which contributes to continued dependence on the private automobile as the only means of convenient transportation. The County's land use policies also contribute to efforts to reduce air pollution.

Finding: Consistent

Comment: Although the project involves a nominal increase in the dependency of private vehicles as a result of farming and import of recycled irrigation water, the overall size of the

project is quite small and well below screening criteria for air borne pollutants.

Housing Element:

Policy H-4d: Consistent with Agricultural Preservation and Land Use Element Policy AG/LU-15.5, continue to promote planning concepts and zoning standards, such as coverage and separation/buffering standards, to minimize the impact of new housing on County agricultural lands and conflicts between future residences and agricultural uses, including wineries.

Finding: Not in conflict

Comment: This policy is geared toward new residential development occurring in proximity to existing agricultural uses and is intended to protect those existing agricultural uses. It is also intended to protect new agricultural uses occurring on land designated for agricultural use where adjacent to existing residential uses. As a rezoning action to establish a new agricultural use adjacent to surrounding existing residences, this policy is largely inapplicable excepting that is an allowable land use under the General Plan's Rural Residential designation and the terms of the Development Agreement include reasonable limitations on the extent and operation of agricultural uses on the subject property ensuring the use does not conflict with adjoining residences.