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November 12, 2008

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Hilary Gitelman, Director  
Napa County CDPD  
1195 Third Street, Suite 210  
Napa, CA 94559

RE: Lake Luciana Golf Course – Use Permit Application #P07-00398-UP

Dear Ms. Gitelman:

Enclosed please find a document titled "Analysis Supporting Recreation Findings Under Napa County Code §§18.104.340, .350, and .360" (the "Analysis"), which was prepared by Lake Luciana LLC for the above referenced application.

The Analysis contains several attachments, many of which are contained in the Draft Environmental Impact Report dated July 2, 2008 ("DEIR") or the DEIR's Technical Appendices. Additionally, the Analysis draws upon several documents previously prepared by Napa County, including the following:

- Napa County Baseline Data Report dated November 30, 2005;<sup>1</sup>
- Napa County General Plan Draft Environmental Impact Report dated February 16, 2007;
- Napa County General Plan Final Environmental Impact Report dated December 20, 2007;
- Napa County General Plan dated June 2008;
- Napa County General Plan dated June 7, 1983 as amended until June 2008.

Because Napa County has prepared or possesses these documents, we incorporate them by reference into the record for this application, rather than attaching copies of these lengthy documents.

The Analysis also contains two reports as attachments that have not been provided to Napa County previously. These reports are titled "Market Feasibility Study"<sup>2</sup> and "Economic and Fiscal Impact of the Lake Luciana Golf Course Proposed in Pope Valley,

<sup>1</sup> The Baseline Data Report is available online at <http://www.co.napa.ca.us/gov/departments/29000/bdr/index.html>.

<sup>2</sup> The "Market Feasibility Study" prepared by Global Golf Advisors, Inc., dated October 2008 is attached at Tab D of the Analysis.

November 12, 2008

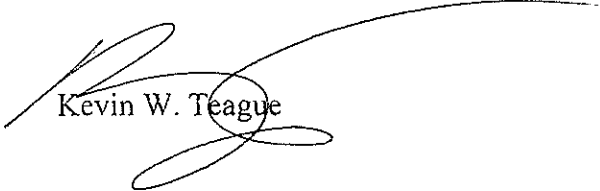
Page 2

Napa County,"<sup>3</sup> respectively. These reports contain economic analyses relating to the use permit findings addressed by the Analysis. Unrelated to the findings, we also have included the response from Origer & Associates you requested regarding the Wappo Tribe and the Granary Building. These reports do not change the proposed golf course or add new information regarding the severity of any potential environmental impacts.<sup>4</sup> Additionally, these reports do not raise any new potential environmental impacts, feasible alternatives or mitigation. For these reasons, these reports do not constitute significant new information that would require re-circulation of the DEIR.<sup>5</sup>

Thank you.

Sincerely,

DICKENSON, PEATMAN & FOGARTY



Kevin W. Teague

JRA:rml  
Enclosure

cc: Laura Anderson, Deputy County Counsel (w/ enclosure)  
John McDowell, Deputy Director CDPD (w/ enclosure)  
Ron Gee, Project Planner (w/ enclosure)  
Laura Lafler, LSA (w/ enclosure, via email)  
Lake Luciana LLC (w/o enclosure)

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<sup>3</sup> The "Economic and Fiscal Impact of the Lake Luciana Golf Course Proposed in Pope Valley, Napa County" prepared by Economic Research Associates, dated November 6, 2008 is attached at Tab F of the Analysis.

<sup>4</sup> 14 Cal. Code Regs. §15064(e) provides that economic effects do not constitute an environmental impact under CEQA unless such effects result in a change to the physical environment.

<sup>5</sup> 14 Cal. Code Regs. §15088.5(a); *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1993) 6 Cal.4<sup>th</sup> 1112.

**ANALYSIS SUPPORTING RECREATION FINDINGS  
UNDER  
NAPA COUNTY CODE  
§§ 18.104.340, .350 AND .390**

Prepared by  
Lake Luciana LLC

Submitted  
November 12, 2008

**I. INTRODUCTION**

Golf Courses have a history of compatibility and positive synergy with agriculture in Napa County. There are many examples, all unique to their own circumstance, and all compatible with agriculture, viticulture, and the Napa County environment and economy. These examples include Silverado Country Club, Napa Valley Country Club, Chardonnay Golf Course, Eagle Vines, Aetna Springs, Vintners Golf Club, Meadowood, the former Chimney Rock golf course and the former Vineyard Knolls Golf Course in Carneros. None of these courses led to environmental damage, harm to Napa Valley agriculture, or sprawl.

The Lake Luciana Golf Course proposed (“Golf Course”) in Pope Valley, designed as a natural, low-impact private 18-hole championship golf course, will be consistent with this positive golf-agriculture history in Napa County. The Golf Course will do so by its environmentally sensitive design, its sensitivity to neighboring vineyards and its low traffic private use.

The Napa County AW zoning district requires golf courses to obtain a use permit, similar to wineries or other conditional uses. In addition, Napa County must make additional specific findings to grant a use permit for a golf course use. While these findings are analyzed in detail below, in summary the zoning code requires that the golf course be appropriately located, that a demand exist for the use, that the use not significantly harm existing and potential agricultural operations, agriculture not harm the golf course, the golf course not cause growth and it must serve a local need. This Golf Course proposal exceeds all previous projects reviewed under these criteria and satisfies all of these criteria in many ways.

The Golf Course is located appropriately because it is suitable for development as golf due to its inadequate soils for viticulture or grazing, because it is hidden from public places and neighbors, because it is located where groundwater is unnecessary, and because there is demand for private, championship quality, 18-hole golf in northern Napa County.

Because there are virtually no memberships available at Napa County's other private 18-hole courses and because there is increasing local demand for private golf, there is a demonstrated need in Napa County for a private, championship quality, 18-hole golf opportunity north of Silverado Country Club.

The Golf Course does not significantly harm existing or potential agriculture operations. The site itself does not lend itself to agricultural or grazing operations due to poor soils. The adjacent property vineyard manager and consulting winemaker at the property have opined in their expert opinion that, for this site, the golf course will not harm the vineyards. Of course, Napa County has the experience through Chimney Rock that a golf course has no permanent impact on agriculture potential because land can be returned from golf to agriculture. Similarly, the Golf Course has been designed with the agricultural/viticultural setting in mind. Thus, the surrounding agriculture does not harm the Golf Course.

The Golf Course is not growth inducing. It does not require a rezone, request more density, create additional lots or develop infrastructure that can be used for other development or growth. Finally, the Golf Course serves a local need by filling the demand for private, championship quality, golf in the northern part of the County. More importantly, it provides much needed revenue to Napa County, including our public schools. The Golf Course also supplies jobs to Napa residents.

As described in detail below, Napa County's experience, the analysis in the DEIR, empirical observations, facts and expert opinions provide clear and convincing evidence that each required finding is easily demonstrated in the record.

## **II. NAPA COUNTY CODE REQUIREMENTS FOR GOLF COURSES IN THE AGRICULTURAL WATERSHED DISTRICT**

Napa County Code allows golf courses as a "park and rural recreational use" upon grant of a use permit in areas zoned Agricultural Watershed (AW).<sup>1</sup> Beginning in 1996, Napa County imposed certain standards and required findings for use permits allowing rural recreational uses.<sup>2</sup> These standards and findings are in addition to the normal findings

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<sup>1</sup> Napa County Code §18.20.030(A). Rural recreational uses are defined as follows:

...a place or facility where outdoor recreational uses that are generally unsuitable for urbanized areas are conducted, with structural development limited to customarily accessory structures which are necessary to conduct the outdoor use. "Parks and rural recreational uses" does not include campgrounds or overnight lodging. "Parks and rural recreational uses" includes motorized activities only in connection with lakes and rivers.  
Napa County Code §18.08.428

Napa County has interpreted the above definition of parks and rural recreational uses to include golf courses in several past occasions. Such examples include Eagle Vines Golf Course, Chardonnay Golf Club, Napa Valley Country Club, and the Aetna Springs Resort Golf Course. Where applicable, these past examples are addressed below.

<sup>2</sup> The findings addressed herein were adopted when Napa County Board of Supervisors unanimously passed Ordinance 1105 on April 9, 1996.

required for a use permit and apply to all parks and rural recreational uses in Napa County, including golf courses. The specific standards and findings are listed below. The analysis of each of these provisions demonstrating how each finding is met by the Golf Course is contained in Sections III and IV.

**A. Outdoor recreation – General standards**<sup>3</sup>

Section 18.104.340 of the Napa County Code provides the following general standards apply to recreational uses and facilities in Napa County.

1. Adequate water supply and sewage disposal consistent with the requirements of the county environmental management department shall be provided.
2. Adequate access for the intensity of use proposed and to accommodate access by emergency equipment as specified by the county public works department and the county fire department shall be provided.
3. Adequate on-site parking, where needed to accommodate the proposed use, shall be provided on site with a dust-free all weather surface approved by the county public works department.
4. Garbage service and litter cleanup consistent with environmental management department standards shall be provided.
5. Continuous management of the use shall be provided, through on-site supervision or an adopted state-of-the-art management plan that includes appropriate implementation.
6. The recreational use shall fully provide for appropriate buffer zones and/or fencing for adjoining agricultural and residential activities.
7. The recreational use shall fully provide for appropriate buffer zones and/or fencing for protection of adjoining habitats and erosion hazard areas.
8. Impervious surfaces shall be minimized to the greatest feasible extent.
9. Such use shall not result in the displacement of existing agricultural use, as defined in the Napa County Code.

As described in detail below, all of these standards are easily achieved by the Golf Course.

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<sup>3</sup> Napa County Code §18.104.340.

**B. Outdoor recreation – Environmental Performance Standards**<sup>4</sup>

Section 18.104.350 of Napa County Code provides the following Environmental Performance Standards apply to recreational uses in Napa County.

1. Noise. No noise shall be produced which exceeds the standards set forth in the general plan noise element and Chapter 8.16 of the Napa County Code for adjacent residential uses.
2. Odors. No obnoxious off-site odors shall be produced.
3. Dust. No dust shall be produced.
4. Nighttime Lighting. No light or glare shall be produced that is visible off-site.
5. Aesthetics. Landscaping and/or fencing shall be required as necessary to reduce adverse visual impacts to the public.
6. Fire. The use shall result in minimal added fire hazard. The use shall meet all requirements of the applicable fire protection agency for fire prevention and suppression.
7. Pests, including Weeds and Vectors. The use shall result in minimal added pest hazards. If necessary, appropriate suppression methods shall be provided.
8. Safety. Facilities shall be designed and the use shall be conducted in a manner that minimizes safety hazards to users, adjacent residences, and adjacent livestock.
9. Erosion. Facilities shall be designed to produce a minimum of soil erosion, and managed and maintained so as to promptly restore any damage from erosion.

As described below, the Golf Course easily meets or exceeds these environmental performing standards.

**C. Outdoor recreation – Findings**<sup>5</sup>

Pursuant to Napa County Code Section 18.104.390, the appropriate agency must make seven additional findings when approving a use permit for a rural recreational use in an agriculturally zoned area. The County adopted the requirement of these findings in 1996 through passage of Ordinance 1105.<sup>6</sup> As a rural recreational use in an agriculturally

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<sup>4</sup> Napa County Code §18.104.350.

<sup>5</sup> Napa County Code §18.104.390.

<sup>6</sup> The Napa County Board of Supervisors unanimously passed Ordinance 1105 on April 9, 1996.

zoned area, prior to issuing the use permit the appropriate agency must find, based on evidence in the record, that:

- A. The use is shown by evidence in the record to be appropriately located.
- B. There is demonstrated need for the use within the County.
- C. The use does not significantly affect the ability to conduct existing agriculture uses on site or nearby.
- D. The use does not significantly affect potential agricultural operations on site or nearby.
- E. The use itself would not be adversely affected by adjacent agricultural activities.
- F. The use is not growth-inducing.
- G. The use serves local needs.

As presented in Section IV below, this low impact, uniquely located golf course satisfies these findings to a greater degree than any of the golf courses previously reviewed and approved under these findings. The record contains facts and analysis, including the DEIR and expert opinions, that establish clear and convincing evidence that the Golf Course is appropriately located, has a demand, does not significantly harm existing and potential agricultural operations, or is harmed by agriculture, does not cause growth and does serve local needs.

### **III. THE GOLF COURSE MEETS OR EXCEEDS THE GENERAL AND ENVIRONMENTAL STANDARDS**

#### **A. General Standards**

Section 18.104.340 of Napa County Code provides the following General Standards for recreational uses in Napa County. As detailed below, the Golf Course meets these standards.

1. *"Adequate water supply and sewage disposal consistent with the requirements of the county environmental management department shall be provided."*

Water for irrigation is supplied by existing surface water rights. Documents and reports prepared as part of the EIR process demonstrate adequate water supply.<sup>7</sup> The golf

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<sup>7</sup> See Golf Course DEIR Technical Appendices G.2 (Balance Hydrologics, Inc. - Memorandum dated June 30, 2008 regarding water diversion from Pope Creek), I.2 (*Water Feasibility Study, Luciana Golf Course*), and I.3 (*Water Rights Letters*). See also letter from water rights counsel Joseph S. Schofield dated October

clubhouse, the maintenance facility, and the comfort stations will all be connected to a regulated water system utilizing new or existing wells. The permit for the operation of the water system will be in full compliance with the standards of the Department of Environmental Management (DEM). Sewage disposal will be handled by on-site septic systems. The Golf Course has identified septic leach field sites in compliance with Department of Environmental Management standards including adequate reserve areas.<sup>8</sup> DEM has reviewed the soil analyses and engineered wastewater generation estimates and has found that all the sites proposed for septic systems can adequately handle the proposed wastewater generated by the Golf Course facilities.

2. "Adequate access for the intensity of use proposed and to accommodate access by emergency equipment as specified by the county public works department and the county fire department shall be provided."

The existing access to the property will be improved consistent with full County Standards.<sup>9</sup> These improvements will significantly improve the safety of the existing parcels in the vicinity served by the road as well as provide a secondary means of emergency access for residents on Barnett Road. At a minimum, the access roads from the existing public roads will be improved with the following:

- Road surfaces shall be paved to a minimum width of 18 feet with a 2 foot shoulder to allow safe passing of vehicles, except where road exceptions may be granted due to constraints.
- Fire apparatus access roads shall be provided to within 150 feet of all exterior portions of the clubhouse.
- Access roads from the public and/or private rights-of-way to the Golf Course and its facilities shall comply with Napa County Road and Street Standards and shall be reviewed by the Napa County Public Works Department.
- Fire apparatus access roads shall be cleared of flammable vegetation on 10 feet of each side of the roadway. Dry grass shall be cut to less than 4" in height, ladder fuel from trees shall be removed up to 8', brush shall be cut or removed and all dead fuel shall be removed.
- Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide driving capabilities in all weather conditions. The access shall be provided prior to any construction or storage of combustible materials on site.

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10, 2008. In his letter, Mr. Schofield provides a detailed list of all documents provided to the County related to water rights for the Golf Course.

<sup>8</sup> See email correspondence from Deputy Director of the Department of Environmental Management dated April 14, 2008 and attached at Tab A.

<sup>9</sup> See Fire Department Memorandum dated April 16, 2008 attached at Tab A.

- A rapid emergency key entry system shall be installed at an approved location by the Napa County Fire Marshal's Office on any proposed gates accessing the property.

3. "Adequate onsite parking, where needed to accommodate the proposed use, shall be provided on site with a dust-free all weather surface approved by the county public works department."

A total of 47 parking spaces are proposed near the clubhouse and another 23 are proposed at the maintenance facility for employees. All parking will be required to be in designated spaces. The location of the facilities precludes the possibility of parking on any public street. All parking lots will be surfaced with a dust free asphalt or chip seal surface.

4. "Garbage service and litter cleanup consistent with environmental management department standards shall be provided."

Facilities for the storage of garbage and recyclable materials will be provided at convenient locations near the clubhouse and maintenance facility.

5. "Continuous management of the use shall be provided, through on-site supervision or an adopted state-of-the-art management plan that includes appropriate implementation."

All facilities will be staffed during use to assure the safety and convenience of the patrons. This type of private maintenance facility does not require the level of supervision to prevent disruptive behaviors that may be associated with a fully-public facility.

6. "The recreational use shall fully provide for appropriate buffer zones and/or fencing for adjoining agricultural and residential activities."

The Golf Course is not adjacent to existing residential uses or activities and is not the type of use that is incompatible with nearby vineyards. Adequate fencing will be installed to prevent trespass onto or off of the property to retrieve errant golf balls. All players will be instructed to remain on the property at all times. There is sufficient amount of land such that all future adjoining residential activities can be appropriately located to provide sufficient buffer zones and all future adjoining residential uses will be advised of the location and activities associated with the Golf Course.

7. "The recreational use shall fully provide for appropriate buffer zones and/or fencing for protection of adjoining habitats and erosion hazard areas."

The Golf Course has been designed to be compatible with the natural landscape and retains numerous areas of natural resources to be left in their native state. Further, development of the Golf Course will result in the restoration of 44 acres of native grasses and restoration of degraded streams and streambanks. All areas set aside for the

protection of natural resources will be clearly marked to avoid trespass and all members will be reminded of the necessity to comply with protection of any applicable conditions of approval related to the environment.

8. *Impervious surfaces shall be minimized to the greatest feasible extent.*

The entire golf course with the exception of cart paths is pervious. The access roads, parking lots and improved areas are the minimum necessary to provide safe access and a convenient attractive recreational atmosphere. Development of the Golf Course will have a net beneficial impact on groundwater infiltration.<sup>10</sup>

9. *Such use shall not result in the displacement of existing agricultural use, as defined in the Napa County Code*

The surrounding agricultural uses will not be displaced. There will be a removal of dead and dying vineyards and there may be minor relocation of a small amount of vines for improvement of the existing roads to County Department of Public Works Standards as well as a small area of vineyard planted by a neighbor without permission; this is not a displacement of use. In fact, the Golf Course is required to preserve one acre of farmland for each acre of state designated farmland that is converted to non-agricultural use.<sup>11</sup> This might include land not in existing operations. While the growing of grass for fairways and greens is not considered agriculture because there is no crop, it is anticipated that some agricultural activities such as the growing of nursery stock for on-site use will occur. Also, the preparation of the soil and planting of grasses will not damage the soil or degrade the site's potential agricultural use. Finally, most of the Golf Course site does not possess the type of soils and characteristics needed to grow premium wine grapes, the predominant crop in Napa County.<sup>12</sup>

**B. Environmental Performance Standards**

Section 18.104.350 of Napa County Code provides the following Environmental Performance Standards for recreational uses in Napa County. As detailed below, the Golf Course meets these standards.

1. *"Noise. No noise shall be produced which exceeds the standards set forth in the General Plan Noise Element and Chapter 8.16 of the Napa County Code for adjacent residential uses."*

The Golf Course would not result in the generation of high noise within or from the Golf Course site.<sup>13</sup> Future users of the site could be subjected to noise from adjacent

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<sup>10</sup> See DEIR at page 233.

<sup>11</sup> DEIR, page 125.

<sup>12</sup> "Viticultural Potential of the Soils on Lake Luciana Golf Course" prepared by Dr. Alfred Cass dated November 30, 2007 (DEIR Technical Appendices C.2) and "Peer Review of Report" dated January 8, 2008 prepared by Dr. Paul Anamosa (DEIR Technical Appendices C.3), attached as Tab B.

<sup>13</sup> Golf Course Draft Initial Study dated August 17, 2007, page 61.

agricultural activities, but such activities are protected under Napa County's Right to Farm Ordinance.<sup>14</sup>

2. "Odors. No obnoxious off-site odors shall be produced."

The Golf Course will not produce obnoxious off-site odors.<sup>15</sup>

3. "Dust. No dust shall be produced."

The Golf Course's access road shall be an all-weather, dust free surface per County Road and Street Standards and requirements of the Napa County Department of Public Works. Appropriate measures, consistent with Napa County Department of Public Works Standards, will be implemented during golf course and road construction.

4. "Nighttime Lighting. No light or glare shall be produced that is visible off-site."

Golf play occurs during daylight hours and does not require nighttime lighting.<sup>16</sup> Accessory uses within the Golf Course's structures that extend into nighttime hours could require interior lighting, but the DEIR provides mitigation for nighttime lighting.<sup>17</sup>

5. "Aesthetics. Landscaping and/or fencing shall be required as necessary to reduce adverse visual impacts to the public."

The Golf Course's location and placement will not be visible from Pope Valley Road or Barnett Road.<sup>18</sup> The Golf Course site's topography and distance from other roadways avoids any aesthetic impacts to Pope Valley residents and visitors.<sup>19</sup> Given its lack of visibility by Pope Valley residents or visitors, the Golf Course is appropriately located.

6. "Fire. The use shall result in minimum additional fire hazard. The use shall meet all requirements of the applicable fire protection agency for fire prevention and suppression."

The Golf Course is required to comply with the requirements of the Napa County Fire Department regarding emergency access as well as other fire prevention and suppression issues.<sup>20</sup>

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<sup>14</sup> Napa County Code §2.94.030.

<sup>15</sup> Golf Course Draft Initial Study dated August 14, 2007, page 32-33.

<sup>16</sup> DEIR page 111.

<sup>17</sup> DEIR, Mitigation Measure AES-1, page 111.

<sup>18</sup> DEIR page 109.

<sup>19</sup> DEIR pages 109-110 regarding the Golf Course's lack of aesthetic impact.

<sup>20</sup> See Fire Department Memorandum dated April 16, 2008 attached at Tab A.

7. *"Pests, including Weeds and Vectors. The use shall result in minimal added pest hazards. If necessary, appropriate suppression methods shall be provided."*

An Integrated Golf Course Management Plan (IGCMP) has been prepared for the Golf Course that outlines strategies to achieve and maintain turf health and vigor and control pests. The IGCMP outlines the appropriate use, storage, and restrictions on pesticides and BMPs to both suppress pest hazards and to prevent introduction of fertilizers and pesticides into surface, storm and groundwater (DEIR page 202).

8. *"Safety. Facilities shall be designed and the use shall be conducted in a manner that minimizes safety hazards to users, adjacent residence, and adjacent livestock."*

At this time there are no adjacent residences or any significant amount of livestock; however, there is sufficient land to provide buffers between the Golf Course and future residential or agricultural uses. The course has been designed consistent with safe golf standards.

9. *"Erosion. Facilities shall be designed to produce a minimum of soil erosion, and managed and maintained so as to promptly restore any damage from erosion."*

The Golf Course DEIR addresses the potential for erosion and provides mitigation measures and manages to reduce soil erosion to a less than significant impact, minimizing soil erosion.<sup>21</sup>

#### **IV. THE EVIDENCE CLEARLY SUPPORTS MAKING THE OUTDOOR RECREATION FINDINGS**

Since 1996, Napa County has processed several use permit applications applying the findings required under the Code for recreational uses. Specifically, use permits for the Eagle Vines Golf Course, Napa Valley Country Club,<sup>22</sup> and the Aetna Springs Resort Golf Course (Montalcino was not subject to these findings because it is not in the AW district). The County's policy and practice in past golf course applications provides context and guidance in relation to the Golf Course.

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<sup>21</sup> DEIR page 192-94. See also DEIR Technical Appendices B.1 (Integrated Golf Course Management Plan), B.2 (Private Golf Course Grading Plan, Juliana LLC), and G.1 (Water Quality Data for the Lake Luciana Golf Course).

<sup>22</sup> Napa Valley Country Club ("NVCC") was established in 1924 prior to adoption of the County's first zoning ordinance in 1955, but the Planning Commission addressed the rural recreation findings in relation to a use permit modification for NVCC in 2001. Because a major use permit modification requires findings including rural recreation findings, the Planning Commission had to make these findings in approving the 2001 modification. The November 21, 2001 staff report did not specifically call out the required findings. Instead, language resembling aspects of these findings were lumped together in the report, which summarily concluded that the findings had been met. For examples of prior outdoor recreation findings including NVCC's November 12, 2001 staff report, see Tab C.

Each required finding and the evidence supporting that finding is addressed below. As demonstrated by the facts in the record, the Golf Course satisfies the required findings and provides significantly more evidence and analysis than previous approvals supporting these findings.

A. **“The use is shown by evidence in the record to be appropriately located.”<sup>23</sup>**

“Appropriately located” in this context means that the location is suitable or it can be adapted for golf course uses. The location of the Golf Course may be the most appropriate location for a new golf course in the entire county.

Several facts support the conclusion that the Golf Course is appropriately located. First, the Golf Course location would provide the only 18-hole private championship quality golf course in Napa County north of Silverado Country Club. With increasing demand and population (detailed further below), the northern portion of Napa County has limited access to golf facilities. There is a demand for a private golf club in the northern portion of the County.<sup>24</sup> Because the Golf Course will provide golfing facilities to the northern portion of Napa County, its location is appropriate

Second, the Golf Course is appropriately located because the Golf Course site’s soils are ill suited to agricultural use.<sup>25</sup> Accordingly, the Golf Course is not displacing a viable agricultural use. As demonstrated by the reports in the DEIR’s Technical Appendices, the Golf Course’s site’s soils are not suited to premium viticulture, which is the dominant form of agriculture in Napa Valley. Further, the soils are not suitable for grazing. The conclusions reached in expert reports detailing the Golf Course site’s poor soils are corroborated by the past failure of vineyards on the Golf Course. The lack of quality soil and setting for viticulture led to the decision to site the course at the proposed location. Because the proposed rural recreational use would be located on lands that are poorly suited to agriculture, its location is appropriate.

Third, the Golf Course’s location and placement will not be visible from Pope Valley Road or Barnett Road.<sup>26</sup> The Golf Course site’s topography and distance from other roadways avoids any aesthetic impacts to Pope Valley residents and visitors.<sup>27</sup> Given its lack of visibility by Pope Valley residents or visitors, the Golf Course is appropriately located.

Fourth, water for golf course irrigation will be provided through a mutual water company via surface water rights granted decades ago by the State of California; ground water will not be used for golf course irrigation. There is no other identified site in northern Napa

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<sup>23</sup> Napa County Code §18.104.390(A).

<sup>24</sup> “Market Feasibility Study” prepared by Global Golf Advisors, Inc. dated October 2008, pages 1, 22-23.

<sup>25</sup> “Viticultural Potential of the Soils on Lake Luciana Golf Course” prepared by Dr. Alfred Cass dated November 30, 2007 (DEIR Technical Appendices C.2) and “Peer Review of Report” dated January 8, 2008 prepared by Dr. Paul Anamosa (DEIR Technical Appendices C.3).

<sup>26</sup> DEIR page 109.

<sup>27</sup> DEIR pages 109-110 regarding the Golf Course’s lack of aesthetic impact.

County that is large enough to accommodate an 18 hole golf course, that has surface water provided by a mutual water company, and that has the ability to be irrigated without using groundwater.

The evidence in the EIR and record clearly supports this location as suitable or adaptable for a golf course without significant harm to the environment. In addition, the Golf Course provides significantly more information and analysis of this finding than previous approvals.<sup>28</sup> Based on these facts, the analysis in the EIR and the permitting history, the Golf Course satisfies the required finding that the Golf Course is appropriately located.

**B. “There is a demonstrated need for the use within the County.”<sup>29</sup>**

A need is evidenced or demonstrated by demand or the lack of something wanted. In Napa County there is both a lack of and demand for this type of championship private 18-hole golf course. The Market Feasibility Study prepared and submitted for the Golf Course in order to examine demand for the Course found that there is demand for 18-hole private golf memberships in Napa, but virtually no supply of such memberships at the existing courses.

The proposed Golf Course is a private membership golf course. Golf courses continue to be popular. While public golf courses have been established in the southern portion of Napa County, the Golf Course is a private course and serves a different need. Public courses are more likely to serve tourist golfers, while private golf course members normally purchase memberships near their own communities.<sup>30</sup> There are a limited number of private golf courses in Napa County, and private course offerings have remained static in Napa County while the demand for private facilities has increased due to the increasing median age of Napa residents, retirement of the Baby Boomer

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<sup>28</sup> In past applications, Napa County’s Planning Commission has addressed these findings. For example, in the Napa Valley Country Club approval, these findings were made in a perfunctory fashion without analysis. In the Eagle Vines Use Permit, the Commission made this finding, as follows:

The use (a new golf course complex) is appropriately located. Part of the golf course is pre-existing and the location allows the use of reclaimed water, provides a buffer between the industrial development and the agricultural areas, provides an attractive landscaped entrance to the County, and allows vineyard development in addition to the golf course. There is a question regarding the actual location of the structures in relation to the centerline of the runway.

For the recently modified Aetna Springs Resort Golf Course, the Napa County Planning Commission satisfied this finding as follows: “The use is appropriately located. The golf course with club house is pre-existing. The replacement facility does not increase the overall number of uses of the facility and does not create long term impacts over the current use. The existing and proposed club house is accessory to the overall allowed recreation. The location of the proposed structures is on the parcel for which the use permit has been approved and used for decades.” On April 18, 2007, the Planning Commission approved an application for changes to the Aetna Springs Resort Golf Course. The staff report for that approval addressed these required findings.

<sup>29</sup> Napa County Code §18.104.390(B).

<sup>30</sup> “Market Feasibility Study” prepared by Global Golf Advisors, Inc. dated October 2008, attached at Tab D.

generation, and the increase in Napa County's population.<sup>31</sup> Additionally, Napa County residents have a higher median income than national or California averages; thus there is an increased demand for private golf course offerings in Napa.<sup>32</sup> Based on expert opinion, there is a demonstrated need for a private golf course in Napa County.<sup>33</sup>

The previous Golf Courses reviewed and approved by Napa County did not have any evidence of need based on documented demand.<sup>34</sup> Given the clear evidence, including expert opinion, the Golf Course satisfies the required finding that there is a demonstrated need in Napa County for the Golf Course.

**C. "The use does not significantly affect the ability to conduct existing agricultural uses onsite or nearby."**<sup>35</sup>

Vineyards will continue to be farmed on, or near, the Golf Course site in the areas with suitable soils, adequately sized properties and viable orientations. The nearby and onsite vineyard managers have opined that the Golf Course will not negatively affect the ability to conduct agriculture. A long-time and established vineyard management company farms throughout Napa Valley, Pope Valley, and for vineyards nearby the site has opined on the compatibility of golf and agriculture.<sup>36</sup> The company's opinion is that the Golf Course will not conflict with their farming operations.

This is supported by empirical evidence in Napa County. Golf courses have proven to successfully co-exist with on-site and nearby agricultural uses in several locations throughout Napa County. Both Chardonnay Golf Club and Eagle Vines each have extensive vineyards planted within the golf course.<sup>37</sup> Napa Valley Country Club,

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<sup>31</sup> The increasing age and retirement of the Baby Boomer generation has been recognized as a demographic feature in Napa County's recently updated General Plan. (See page AG/LU-6 of the Napa County General Plan.)

<sup>32</sup> "Market Feasibility Study" prepared by Global Golf Advisors, Inc. dated October 2008, pages 1, 11-13, 23.

<sup>33</sup> "Market Feasibility Study" prepared by Global Golf Advisors, Inc. dated October 2008, page 23.

<sup>34</sup> For Napa Valley Country Club, these findings were made in a perfunctory fashion without analysis. For Eagle Vines, this finding was made as follows:

Golf courses continue to be popular, the County is growing in population and the vicinity is experiencing industrial park development. All of these create more demand. In addition, another golf course may possibly close and be converted to vineyard further increasing demand.

For the recently modified Aetna Springs Resort Golf Course, the Napa County Planning Commission satisfied this finding as follows:

This is an upgrade to an existing facility that been in place since the 1890s. The clubhouse and snack bar are over 40 years old and require significant upgrades to meet the current demands of the golf industry.

<sup>35</sup> Napa County Code §18.104.390(C).

<sup>36</sup> See letter from Oscar Renteria dated November 11, 2008, a copy is attached at Tab E.

<sup>37</sup> See staff report from Eagle Vines Golf Course attached at Tab C.

Yountville's Vintners Golf Course, and Silverado Country Club are adjacent to or near existing agricultural operations. For Eagle Vines, this finding was made as follows:

The proposal includes the planting of 60 acres of vineyards on the golf course property, and vineyard operation on surrounding properties is not diminished by this proposed use.

For the recently modified Aetna Springs Resort Golf Course, the Napa County Planning Commission satisfied this finding as follows:

The facility exists and is located near existing vineyard operations. The modification will not alter the agricultural operations.

A more salient example would be the former Chimney Rock course. The golf course itself had such limited impact that vines were planted where the course was located. These are all examples of golf, in general, being highly compatible with agriculture.

Specific to the land directly adjacent to the golf course planted in vines and under existing operations, Rob Lawson of Pavi Wines, who is involved in winemaking and farming operations on the adjacent site, states that the Golf Course will not impact existing farming operations.<sup>38</sup> In fact, the Golf Course setting has little if any incompatibility with existing agriculture, let alone significantly affecting agricultural operations. As noted above, an Integrated Golf Course Management Plan (IGCMP) has been prepared for the Golf Course that outlines strategies to achieve and maintain turf health and vigor and control pests. The IGCMP outlines the appropriate use, storage, and restrictions on pesticides and Best Management Practices (BMPs) to both suppress pest hazards and to prevent introduction of fertilizers and pesticides into surface, storm and groundwater.<sup>39</sup> As such, implementation of the IGCMP will prevent impacts on adjacent agricultural operations.

For this finding, there is no better evidence than experience. Here, we have historical experience in Napa County with several golf courses that a golf course does not significantly affect existing agriculture operations. We also have the experience of the on-site, well known vineyard manager and winemaker who states that the golf course will not affect their operations. Therefore, based on the evidence, the use does not significantly affect existing agricultural operations.

**D. "The use does not significantly affect the potential agricultural operations on site or nearby."<sup>40</sup>**

The potential for future agricultural operations will not be affected by the Golf Course. This is based upon two key reasons: (1) The potential for agricultural operations on site or nearby that are not already planted does not exist in a viable manner; and (2) the

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<sup>38</sup> See letter from Robert Lawson dated November 7, 2008, a copy is attached at Tab E.

<sup>39</sup> See DEIR at page 202.

<sup>40</sup> Napa County Code §18.104.390(D).

construction and operation of the Golf Course does not preclude future agricultural operations. Because of this, the Golf Course does not significantly affect the potential for agriculture.

The DEIR (Section 4.2), as well as the experts' opinions, conclude that the specific soils at the location of the Golf Course are not suited for viticulture or cattle grazing.<sup>41</sup> Due to the poor soils, agriculture is not a viable operation at the course location. In fact, the DEIR concluded that although portions of the site are mapped as prime farmland, farmland of statewide importance, or unique farmland, with mitigation, the Golf Course does not have a significant impact. Because the potential for agriculture is low and there is no significant impact with mitigation, the Golf Course does not significantly affect the potential agricultural operations.

Assuming that the problem of poor soils could be overcome in the future, the Golf Course would not preclude changing the golf use to a vineyard use. There is precedent in Napa County for changing a golf use to agricultural use. The Chimney Rock Winery property was once a golf course, but those lands are now devoted to vineyard and winery use. This Golf Course is similar. The Golf Course use does not preclude a future agricultural use.

In a previous County analysis, the County relied upon the information provided and analyzed under the previous finding. For Eagle Vines, this finding was made as follows:

See [finding related to ability to conduct existing agricultural uses onsite or nearby] above.

For the recently modified Aetna Springs Resort Golf Course, the Napa County Planning Commission satisfied this finding as follows:

Same as [finding related ability to conduct existing agricultural uses onsite or nearby] above.

Here the Golf Course provides additional basis beyond relying on information for the previous, existing agricultural finding. As explained above, the record demonstrates that the Golf Course satisfies the required finding that the Golf Course does not significantly affect the potential agricultural operations on site or nearby.

**E. "The use itself would not be adversely affected by adjacent agricultural activities."<sup>42</sup>**

For reasons similar to the ones explained above, golf courses have proven to be compatible with adjacent agricultural uses in Napa County. As discussed above, golf courses such as Silverado Country Club, Napa Valley Country Club, Aetna Springs, Chardonnay, Eagle Vines and Meadowood operate in areas of the County without being

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<sup>41</sup> See DEIR 116-120 and supporting technical reports.

<sup>42</sup> Napa County Code §18.104.390(E).

negatively impacted by nearby agricultural operations. This observation has been documented in previous findings. For Eagle Vines, this finding was made as follows:

There are presently agricultural operations off site and vineyard is proposed to be added to this site. On the neighboring golf course, agriculture (vineyard) operations has [sic] proven to be compatible with the recreational use.

For the recently modified Aetna Springs Resort Golf Course, the Napa County Planning Commission satisfied this finding as follows:

Nearby vineyard operations would not adversely affect existing golf course activities.

In addition to the empirical evidence, a fact demonstrating that the Golf Course would not be adversely affected by existing agriculture is that the owners and builders of the course, who also own land adjacent or nearby, have proposed the Golf Course at this location. The owners have long-standing support and involvement in Napa County viticulture and they, themselves, believe there is compatibility and synergy between the agricultural operations and the Golf Course. For these reasons, the Golf Course satisfies the required finding that the Golf Course would not be adversely affected by adjacent agricultural activities.

**F. “The use is not growth inducing.”<sup>43</sup>**

The Golf Course does not induce growth because it does not create additional parcels<sup>44</sup> or cause more development than might otherwise occur without the use. The Applicant’s proposed lot line adjustments simply rearrange the existing, legal parcels into a configuration that allows a deed restricted conservation area to permanently preserve the area’s hillsides from future development. The existing baseline of potential residential development remains the same. There is no request to alter zoning or increase allowed density. After the Golf Course is constructed, limits on residential development pursuant to Napa County’s zoning and General Plan policies would remain the same as if there were no course.

The Golf Course does not involve the construction of utilities, public services, or infrastructure that could remove barriers to additional residential development beyond that which is currently allowed. Regarding economic growth, the modest number of employees proposed by the Golf Course is comparable to vineyard development or a winery, which are common features in Napa County.

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<sup>43</sup> Napa County Code §18.104.390(F). “Growth-inducing” is not defined by Napa County Code, but the term is often interpreted in the context of CEQA, which describes growth inducing impacts as those that may foster economic or population growth or the construction of additional housing. (CEQA Guidelines §15126(d))

<sup>44</sup> The Applicant’s proposed lot line adjustments simply rearrange the existing, legal parcels into a configuration that allows a deed restricted conservation area to permanently preserve the area’s hillsides from future development.

The DEIR concludes that the Golf Course is not growth inducing as that term is defined under CEQA. When evaluating cumulative impacts and growth inducement in an EIR, CEQA allows a lead agency to rely on growth projections contained in its general plan.<sup>45</sup> This allows Napa County to rely on its recently updated General Plan to analyze the Golf Course's potential for growth inducement under the finding required by Napa County Code §18.104.390(F).

As explained in the DEIR, the Golf Course would result in the construction of infrastructure on-site to serve utility needs of the Golf Course. New infrastructure to serve the golf course facilities would include wells, four septic systems and drainage facilities to collect and direct run-off. This specific new infrastructure would serve only the Golf Course and not the Adjacent Parcels. Because the on-site infrastructure would be built to a scale and located as to only serve the Golf Course, the DEIR found that it would not induce growth. As further explained in the DEIR, the Golf Course also would result in the improvement of existing dirt access roads and installation of power and telephone lines that would serve the Adjacent Parcels and the Golf Course.<sup>46</sup> These improvements do not facilitate regional travel or encourage travel from outside of the County. Nor do these improvements remove obstacles for other development.

The Adjacent Parcels and other surrounding lands are existing legal parcels that may be developed for rural residential or agricultural uses consistent with County regulations. Any residential development associated with these parcels would fall within the County's anticipated growth and not be additional growth.

The Golf Course would generate an estimated 37 new jobs. Any job growth associated would not be substantial or adverse in the County-wide context as found in the DEIR. In fact, currently there is a need for jobs in Napa County.<sup>47</sup> Similarly, the short-term construction jobs will not stimulate the need for additional housing or services in Napa County. Instead, many of these jobs will go to existing Napa County residents. Creating jobs when there is a capacity for work locally is not growth inducing.

The Golf Course does not include development of the Adjacent Parcels. Instead, these lands will be sold after imposition of restrictions on the potential development of these lands in accordance with the FEIR and Conditions of Approval for the Golf Course. Even assuming that the Adjacent Parcels are fully developed under Napa County regulations, the potential housing increase is approximately 36 units.<sup>48</sup> Even if

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<sup>45</sup> See CEQA Guidelines §15130(b)(1)(B); *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4<sup>th</sup> 859, 877.

<sup>46</sup> The improved roads will be used by the existing legal parcels, but future owners of the Adjacent Parcels would need to construct driveways to make connections to the road. Similarly, the future owners of the Adjacent Parcels would need to connect to the utilities in the future to serve their parcels.

<sup>47</sup> The last reported unemployment data for Napa County (September 2008) showed a 5.2% unemployment rate, a 1.27% increase from one year ago. Economic indicators suggest unemployment will increase over the September 2008 data. See State of California Employment Development Department statistics.

<sup>48</sup> Lands zoned AW are permitted to have one main residence and a second unit per parcel. Guest cottages do not qualify as housing units since such structures lack any cooking facilities.

considered growth, this increase is less than one percent of the County's current population and is well within the County's planned population growth. However, development of these parcels are already allowed, as with any other vacant parcel in Pope Valley. The development may occur with or without the Golf Course, and this is not additional growth resulting from the Golf Course.

Additionally, General Plan policies and zoning restrictions limit the parcel sizes and uses of nearby lands. These regulations limit the potential for growth. Measure J passed in 1990 would require a vote of the people to change the General Plan designation of surrounding properties from Agriculture, Watershed and Open Space to another designation. Passed in 1990, Measure J extends through 2021. Measure P, approved on November's ballot, extends this same requirement through 2058. Finally, these types of rural, large estate lots near the golf course preclude future subdivision expansion. By its very nature, this Golf Course can not create additional development than already permitted. Thus, this project does not remove impediments or obstacles for other development.

During the DEIR's public comment period, citizens opined that the Golf Course is growth inducing because people will want to live near the golf course. In other words, the attractiveness of the golf course will encourage additional growth. As demonstrated in the DEIR, any residential growth in the area would be at the rate established by Napa County's General Plan. More importantly, this proposed standard for growth inducement would encompass any project to which a resident arguably would want to live near. For example, parks, conservation easement areas, wineries, and vineyards would all become growth inducing as these are features that residents often wish to border. In fact, such a standard would mean any use or proposed non-use of land is growth inducing. Such absurdity is contradictory to the law and cannot be interpreted as the standard. Because no increased development opportunity is created by this Golf Course and because the EIR found no growth inducing impacts, the Golf Course meets this finding.

**G. "The use serves local needs."<sup>49</sup>**

Serving a local need means providing a benefit or to fill something that is lacking or does not exist. The record evidences that this Golf Course serve local needs in three primary ways: (1) by providing a Golf Course where there is a golf demand, (2) by providing additional revenue to the County and (3) by creating both short-term and long-term jobs locally. Each is sufficient by itself to support this finding. The Golf Course will be a private club, open only to members and their guests. As such, occasional Napa Valley tourists are unlikely to purchase memberships. Instead, the Golf Course's membership is expected to appreciably consist of Napa County residents, which is often the case at private golf courses. As mentioned above, the Golf Course would be the only championship, 18-hole golf course in Napa County north of Silverado Country Club and is one of the few private clubs in the County. Because most private club members reside near their clubs, the Golf Course will serve a large number of Napa County residents.<sup>50</sup>

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<sup>49</sup> Napa County Code §18.104.390(G).

<sup>50</sup> "Market Feasibility Study" prepared by Global Golf Advisors, Inc. dated October 2008, page 10.

Based on the above, the Golf Course will serve the local needs by providing Napa County residents with private golf course membership at an 18-hole course in the northern portion of Napa County.

The proposed Golf Course use will generate significant government revenue relative to the small-scale nature of this proposal. The revenue comes to local government from direct sales tax, direct property tax and indirect spending. Economic Research Associates analyzed the Golf Course proposed in order to estimate the economic and fiscal benefits that occur locally from the Golf Course.<sup>51</sup>

The most significant revenue is derived from property tax. The property today pays approximately \$112,000 in annual property taxes. The study found that with the Golf Course the over all value of the site and adjacent parcels of the homes as built increase significantly. The study finds that the County should receive \$1,460,000 in annual property tax revenue. This is over a 90% increase in County revenue (\$1,348,000 annually).<sup>52</sup> This includes approximately \$697,000 for local schools and \$424,000 to the County's General Fund and Library. The Golf Course provides a significant revenue source to a variety of local needs that do not exist today.

The study also found that the sales tax on the construction materials would generate \$131,000 for Napa County during the construction and would then generate \$11,000 per year in annual sales tax to Napa County. Total sales taxes generated are higher, but Napa County retains only 1.5% of the sales tax.

The study also examined job creation. Nearly \$28,000,000 of the construction budget is estimated as labor costs. ERA conservatively estimated that only forty percent of the labor will be performed by Napa County residents. Lake Luciana believes this number will be higher. Even with the conservative estimate, the Golf Course will provide 159 full time equivalent construction jobs for one year for Napa County residents to build the Golf Course. This is a significant number of construction jobs needed in Napa County. With the supply of quality construction workers in Napa County needing local work, the Golf Course serves that need. Over the long-term, the Golf Course is expected to employ 30 or more Napa County residents. As explained under the previous finding (F), unemployment in Napa County is on the rise and new Napa County jobs are needed. The Golf Course serves that local need.

While supplying a private golf course in Napa County where there is demand is sufficient to meet the finding to serve local needs, the Golf Course does more to serve our local

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<sup>51</sup> See Economic and Fiscal Impact of the Lake Luciana Golf Course Proposed in Pope Valley, Napa County, Economic Research Associates, dated November 6, 2008, attached at Tab F.

<sup>52</sup> Economic and Fiscal Impact of the Lake Luciana Golf Course Proposed in Pope Valley, Napa County, Economic Research Associates, dated November 6, 2008, page 6 makes it clear that "[i]t is extremely important to understand, however, that the above valuations presume the approval and construction of the Tom Doak-designed golf course. Without the golf course, we are of the opinion that the parcels will sell for substantially less, perhaps only one-third to one-half of the values we have used. Further, we also anticipate that the homes that would be built would most likely be of a somewhat lower standard and cost. As such, the property tax values that we have estimated would be considerably lower."

needs by providing revenue for schools, fire protection, mosquito abatement and resource conservation, and by providing both construction and ongoing jobs to Napa residents.

In previous analysis, the County did not look beyond the information needed to satisfy Finding B (demonstrated need) to meet this finding. For example, for Eagle Vines, this finding was made as follows:

The use serves local needs as covered by [the findings related to appropriate location and demonstrated need] above.

For the recently modified Aetna Springs Resort Golf Course, the Napa County Planning Commission satisfied this finding as follows:

See [other findings] above. The facility has served and will continue to serve local needs as it has since the 1890s.

The Golf Course provides significantly more information and analysis of this finding than previous approvals relative to serving the need. The record and facts clearly demonstrate that the Golf Course satisfies the required finding that it serves local needs.

## **V. CONCLUSION**

This Golf Course proposal has undergone extensive review and analyses. At the end of that review it is still simply a golf course. The analyses, facts, expert opinions and Napa County's experience all indicate that the Golf Course meets all of the required findings and exceeds all of the previous county projects reviewed under the County's findings.