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**Development Agreement  
General Plan Consistency Analysis**



A Tradition of Stewardship  
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**Planning, Building & Environmental Services**

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**David Morrison**  
Director

MEMORANDUM

To: Planning Commission	From: Kelli Cahill, Planner III
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Date: March 23, 2016	Re: Caymus Vineyards Development Agreement General Plan Consistency Analysis Assessor's Parcel No. 020-200-066
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For the reasons stated herein, Staff finds the proposed Development Agreement to be consistent with the County's General Plan as follows:

**Agricultural Preservation 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.

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.

Policy AG/LU-1

Agriculture and related activities are the primary land uses in Napa County.

Policy AG/LU-2

"Agriculture" is defined as the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses. Agriculture also includes farm management businesses and farm worker housing.

Action Item AG/LU-2.1: Amend County Code to reflect the definition of "agriculture" as set forth within this plan, ensuring that wineries and other production facilities remain as conditional uses except as provided for in Policy AG/LU-16, and that marketing activities and other accessory uses remain incidental and subordinate to the main use.

Policy AG/LU-5

The County will promote an agricultural support system including physical components (such as farm labor housing, equipment supply and repair) and institutional components (such as 4-H, FFA, agricultural and natural resources education and experimentation).

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.

Policy AG/LU-13

The 1990 Winery Definition Ordinance, recognized certain pre-existing wineries and winery uses as well as new wineries. For wineries approved after the effective date of that ordinance, agricultural processing includes tours and tastings by appointment only, retail sales of wine produced by or for the winery partially or totally from Napa County grapes, retail sale of wine-related items, activities for the education and development of consumers and members of the wine trade with respect to wine produced by or at the winery, and limited non-commercial food service. The later activity may include wine-food pairings. All tours and tastings, retail sales, marketing activities, and non-commercial food service must be accessory to the principal use of the facility as an agricultural processing facility. Nothing in this policy shall alter the definition of "agriculture" set forth in Policy AG/LU-2.

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.

Policy AG/LU-21

The following standards shall apply to lands designated as Agricultural Resource on the Land Use Map of this General Plan.

*Intent:* To identify areas in the fertile valley and foothill areas of the county in which agriculture is and should continue to be the predominant land use, where uses incompatible with agriculture should be precluded, and where the development of urban type uses would be detrimental to the continuance of agriculture and the maintenance of open space which are economic and aesthetic attributes and assets of the County of Napa.

*General Uses:* Agriculture, processing of agricultural products, single-family dwellings.

*Minimum Parcel Size:* 40 acres, except that parcels with a minimum size of 2 acres may be created for the sole purpose of developing farm labor camps by a local government agency authorized to own or operate farm labor camps, so long as the division is accomplished by securing the written consent of a local government agency authorized to own or operate farm labor camps that it will accept a conveyance of the fee interest of the parcel to be created and thereafter conveying the fee interest of such parcel directly to said local government agency, or entering into a long-term lease of such parcels directly with said local government agency. Every lease or deed creating such parcels must contain language ensuring that if the parcel is not used as a farm labor camp within three years of the conveyance or lease being executed or permanently ceases to be used as a farm labor camp by a local government agency authorized to develop farm labor camps, the parcel will automatically revert to, and merge into, the original parent parcel.

*Maximum Building Intensity:* One dwelling per parcel (except as specified in the Housing Element). Nonresidential building intensity is non-applicable, but where practical, buildings will be located off prime soils.

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.

*Conclusion: Consistent*

*Analysis: The proposed project is generally consistent with goals and policies within the Agricultural Preservation and Land Use Element. The winery facility has been in operation since 1974, recognized in 1988 under Use Permit #U-438788. The current proposal requests in the relocation of the main driveway, parking, demolition of certain buildings, construction of an agricultural greenhouse, and expansion of the tasting/sales area, all other aspects considered the "baseline" are being recognized by the Use Permit Modification, draft Development Agreement and Amendment to Judgment. The project proposes the increase of wine production by 550,000 gallons implemented over two phases, and onsite improvements would ultimately result in a reduction in development area.*

## **Circulation Element**

### **Goal CIR-1**

The County's transportation system shall be correlated with the policies of the Agricultural Preservation and Land Use Element and protective of the County's rural character.

### **Policy CIR-5**

The County's transportation system shall be correlated with the policies of the Agricultural Preservation and Land Use Element and protective of the County's rural character.

### **Policy CIR-6**

The county's roadway improvements should minimize disruption to residential neighborhoods, communities, and agriculture.

### **Policy CIR-7**

Roadway improvements shall be designed to conform to existing landforms and shall include landscaping and/or other treatments to ensure that aesthetics and rural character are preserved.

### **Policy CIR-8**

Roadway, culvert, and bridge improvements and repairs shall be designed and constructed to minimize fine-sediment and other pollutant delivery to waterways, to minimize increases in peak flows and flooding on adjacent properties, and where applicable to allow for fish passage and migration, consistent with all applicable codes and regulations.

### **Policy CIR-13.5**

While not suitable for all intersections, roundabouts have a wide variety of applications, and Napa County will consider them as an alternative for intersection improvements. Roundabouts have been used extensively in Europe for several decades, and their use in the United States has grown substantially over the past several years. Research shows that they have the potential to reduce accidents, traffic delays, fuel consumption, air pollution, maintenance, and in some cases construction costs compared to more traditional intersection controls.

### **Policy CIR-14**

Recognizing limited funding for road maintenance, the County shall prioritize maintenance activities which provide safe travel for the public.

### **Policy CIR-15**

The County shall maintain and apply consistent highway access standards regarding new driveways to minimize interference with through traffic while providing adequate local access. The County shall also maintain and apply consistent standards (though not exceeding public road standards) regarding road widths, turn lanes, and other improvements required in association with new development. Application of these standards shall consider the level of improvements on contiguous roads.

#### 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.

Action Item CIR-19.1: In cooperation with the Napa County Transportation and Planning Agency, develop a countywide traffic impact fee to address cumulative (i.e., not project-specific) impacts associated with new employment. Fees shall be used to pay for the cost of network improvements listed in Policy CIR-13 as well as other transportation improvements such as transit.

#### Policy CIR-23

New uses shall provide adequate parking to meet their anticipated parking demand and shall not provide excess parking that could stimulate unnecessary vehicle trips or commercial activity exceeding the site's capacity. The concept of shared parking may be considered.

*Conclusion: Consistent*

*Analysis: The accepted "baseline" would result in a cumulative impact to area roadways requiring a left turn lane criteria under the Napa County Roads and Street Standards. The Applicant has requested an exception to this requirement, which has not yet been accepted by the Roads Commissioner as additional information is necessary to make a determination. Additionally, the draft Development Agreement has set terms that would require the payment of traffic impact fees to be used at the County's discretion on area roadways located within 5-miles of the project site. As conditioned with the left-turn lane, the project is general consistent with the goals and policies of the Circulation Element.*

#### **Conservation Element**

#### Policy CON-6

The County shall impose conditions on discretionary projects which limit development in environmentally sensitive areas such as those adjacent to rivers or streamside areas and physically hazardous areas such as floodplains, steep slopes, high fire risk areas and geologically hazardous areas.

#### Policy CON-27

The County shall enforce compliance and continued implementation of the intermittent and perennial stream setback requirements set forth in existing stream setback regulations, provide education and information regarding the importance of stream setbacks and the active management and enhancement/restoration of native vegetation within setbacks, and develop incentives to encourage greater stream setbacks where appropriate. Incentives shall include streamlined permitting for certain vineyard proposals on slopes between 5 and 30 percent and flexibility regarding yard and road setbacks for other proposals.

Goal CON-8

Reduce or eliminate groundwater and surface water contamination from known sources (e.g., underground tanks, chemical spills, landfills, livestock grazing, and other dispersed sources such as septic systems).

Goal CON-9

Control urban and rural storm water runoff and related non-point source pollutants, reducing to acceptable levels pollutant discharges from land-based activities throughout the county.

Goal CON-10

Conserve, enhance and manage water resources on a sustainable basis to attempt to ensure that sufficient amounts of water will be available for the uses allowed by this General Plan, for the natural environment, and for future generations.

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.

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.

Policy CON-48

Proposed developments shall implement project-specific sediment and erosion control measures (e.g., erosion control plans and/or stormwater pollution prevention plans) that maintain pre-development sediment erosion conditions or at minimum comply with state water quality pollution control (i.e., Basin Plan) requirements and are protective of the County's sensitive domestic supply watersheds. Technical reports and/or erosion control plans that recommend site-specific erosion control measures shall meet the requirements of the County Code and provide detailed information regarding site specific geologic, soil, and hydrologic conditions and how the proposed measure will function.

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.

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. [Implemented by Action Items CON WR-6 and9]

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.

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.

Policy CON-60.5

All aspects of landscaping from the selection of plants to soil preparation and the installation of irrigation systems should be designed to reduce water demand, retain runoff, decrease flooding, and recharge groundwater.

Policy CON-72

The County shall seek to reduce the energy impacts from new buildings by applying Title 24 energy standards as required by law and providing information to the public and builders on available energy conservation techniques, products, and methods available to exceed those standards by 15 percent or more.

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.

Policy CON-81

The County shall require dust control measures to be applied to construction



*Conclusion: Consistent*

*Analysis: As stipulated by the Amendment to Judgment, the project would remove the concrete and structures identified within the stream setback and restore the vegetation. All other project improvements would occur within existing disturbed areas with all necessary and required best management practices being implemented during demolition and construction as required under NPDES Permit.*

*Additionally, the project proposes a reduction in wine production from 1.8 million gallons in 2017 to 800,000 gallons, and in 2018 under the proposed two phased implementation plan the project would reduce production to 110,000 gallons with an increase up to 660,000 gallons in calendar year 2019. Further, the upgrade of the existing Lyve wastewater treatment system to treat both winery and domestic waste with effluent water being stored in an onsite pond to be used for vineyard and domestic irrigation, and frost protection thereby reducing the overall demand on groundwater by approximately 24 acre feet.*

## **Safety Element**

### **Policy SAF-20**

All new development shall comply with established fire safety standards. Design plans shall be referred to the appropriate fire agency for comment as to:

- 1) Adequacy of water supply.
- 2) Site design for fire department access in and around structures.
- 3) Ability for a safe and efficient fire department response.
- 4) Traffic flow and ingress/egress for residents and emergency vehicles.
- 5) Site-specific built-in fire protection.
- 6) Potential impacts to emergency services and fire department response.

*Conclusion: Consistent*

*Analysis: Under existing enforcement action, the Applicant is required to install fire suppression within Building B5, relocate the existing site access to the proposed northern location for improved traffic flow and ingress/egress consistent with Napa County Standards, construct a left-turn lane pursuant to the Napa County Roads and Streets Standards (unless otherwise determined by the Roads Commissioner) to provide safe turning from State Route 128.*

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