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Agenda Date: 12/9/2014
Agenda Placement: 9E
Set Time: 10:15 AM PUBLIC HEARING
Estimated Report Time: 45 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: David Morrison - Director
Planning, Building and Environmental Services

REPORT BY: John McDowell, Deputy Planning Director - 299-1354

SUBJECT: Napa Sea Ranch Rezoning Appeal Hearing - File No. P14-00019-RZG

RECOMMENDATION

Consideration and possible action regarding an appeal filed by Thomas Carey on behalf of Albert Giovannoni, Trustee of the Albert D. Giovannoni Trust, to a letter issued by the Napa County Department of Planning, Building and Environmental Services on August 22, 2014, regarding the status of a pending application filed by the appellant to rezone portions of the Napa Sea Ranch property from AW - Agricultural Watershed and RS - Residential Single to MC - Marine Commercial, located at 333 Cuttings Wharf Road, (P14-00019-RG) (Assessor's Parcel Nos. 047-261-007 & 047-261-009).

ENVIRONMENTAL DETERMINATION: The proposed action, conducting an appeal of a processing status letter regarding a pending rezoning application, is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

EXECUTIVE SUMMARY

The project involves an applicant appeal of a staff determination concerning a pending request to rezone an approximately 57 acre split-zoned site to commercial use. The subject property, known as the Napa Sea Ranch, is located at the southern terminus of Cuttings Wharf Road at the Napa River. The site contains the Napa Sea Ranch boat storage business on a 10 acre portion of the site currently zoned Marine Commercial. The site also contains a 12-acre residentially zoned area, which includes a boat launch and day use/fishing area along its Napa River frontage. The remainder of the site, approximately 35 acres, is zoned Agricultural Watershed and contains a treatment pond for the neighboring Napa Valley Marina plus two storage buildings. (At this stage in processing the application, staff have not put time into an exact calculation of the amount of acreage that would be rezoned. This information was not included in the applicant's submittal materials.) The proposed rezoning would change the RS:AC (Residential Single:Airport Compatibility), and AW:AC (Agricultural Watershed:Airport Compatibility) to MC:AC (Marine Commercial:Airport Compatibility). The proposal also includes a request to amend the text of the Marine Commercial Zoning Chapter (Title 18.34) to allow overnight camping upon issuance of a Use Permit.

On August 22, 2014, the Deputy Planning Director issued a letter summarizing staff's position that the proposal was in conflict with the General Plan and asserted that an Environmental Impact Report (EIR) would be the appropriate CEQA document. The applicant filed an appeal stating that staff's conclusions in the letter were unsupported by fact, thereby constituting a prejudicial abuse of discretion. Although it is questionable whether staff's assertions are ripe for appeal, County Counsel determined that the matter should go before the Board of Supervisors given the claim of prejudicial abuse of discretion and the question of what form of CEQA document should be required.

The appeal is on a matter that was not in relation to a decision associated with a recorded public hearing, and therefore the hearing will be conducted 'de novo', or from the beginning.

PROCEDURAL REQUIREMENTS

1. Chair introduces item and requests staff report presentation.
2. Chair opens public hearing, requests testimony from appellant followed by any other interested parties.
3. After the Board has heard testimony and received evidence from the appellant, staff and interested parties, Chairman closes the public hearing.
4. A motion of intent is made and seconded to either deny or uphold the appeal, and to refer the matter to County Counsel's office for preparation of a Resolution of Findings and Decision on Appeal.
5. Chairman calls for the vote on the motion of intent to either deny or uphold the appeal, and to refer the matter to the County Counsel's office for preparation of a Resolution of Findings and Decision on Appeal.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action, conducting an appeal of a determination letter regarding a pending rezoning application, is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

The subject rezoning application will require preparation and certification of an environmental analysis document prior to any action by the County to adopt the proposed project. The currently pending appeal pertains to a letter issued by Planning Division staff concerning General Plan policy interpretation and CEQA documentation. The letter neither approves or denies the project. Board action on the appeal will merely provide direction on how the project, which is subject to CEQA, will be processed and thus the appeal does not constitute a project under CEQA. Pursuant to 14 California Code of Regulations 15378(c), the term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by the governmental agency. The term "project" does not mean each separate governmental action. Action on this appeal is necessary to assist the local agency in determining the appropriate form of CEQA document to prepare.

BACKGROUND AND DISCUSSION

The matter before the Board is an applicant appeal of an August 22, 2014 letter issued by the Deputy Planning Director concerning the processing status of a pending application to rezone approximately 57 acres located on

the west side of Cuttings Wharf Road abutting the northwest bank of the Napa River. The proposed rezoning application seeks to change the zoning designation of portions of the subject site from RS:AC (Residential Single:Airport Compatibility) and AW:AC (Agricultural Watershed:Airport Compatibility) to MC:AC (Marine Commercial:Airport Compatibility), and to amend the text of the Marine Commercial Zoning Chapter to allow overnight camping upon issuance of a Use Permit. The August 22, 2014 letter asserted that the project would be inconsistent with the General Plan and that an EIR would be appropriate.

Although there is a substantial question whether the opinions offered in the August 22, 2014 letter constitute a 'decision' appellable to the Board of Supervisors, County Counsel accepted the appeal as complete for processing on September 19, 2014, and in accordance with Chapter 2.88, Appeals, the matter was set for hearing before the Board within 90-days of submittal of the completed appeal application. Because the appeal involves a matter that was not part of a recorded public hearing, County Code Section 2.88.090.A sets forth that the matter must be heard 'de novo' or from the beginning.

STATED BASIS FOR THE APPEAL AND STAFF RESPONSE

A brief summary of Appellant's ground of appeal is provided below with staff's response. This is a summary only and staff recommends that the Board review the actual appeal, and the balance of the administrative record for more detail.

Ground of Appeal #1: Appellant contends that the Deputy Planning Director (staff) has determined in the August 22, 2014 letter *"that the requested rezoning is directly in conflict with General Plan goals and policies seeking to prevent the conversion of agriculturally designated lands to non-agricultural uses."* In making this determination, the appellant believes that staff ignores plain language in the General Plan which would allow the rezoning of the property to MC, but would not require a General Plan consistency finding until consideration of a subsequent Use Permit application.

Staff Response:

Staff's August 22, 2014 does not make a determination on the project's consistency or inconsistency with the General Plan. In the letter, the three sentences preceding the sentence (cited above) clearly states that staff's position is an opinion only, based on the evidence presented to date. The statements in the letter were intended to encourage the applicant to substantially augment their rationale as to why he believes rezoning agriculturally designated land to commercial use is consistent with the Napa County General Plan. The three prior sentences read in full as follows: *"As you are aware, State law mandates that zoning must be consistent with the General Plan. To some degree you have responded to the mandate in your submittal materials by offering opinion on the proposal's consistency with several relevant General Plan policies. However, in all due respect and recognizing that professionals can have widely disparate opinions, staff's understanding of the policies you referenced as well as other relevant General Plan policies is essentially the opposite of what you have put forth."*

Staff's opinion of the proposal's consistency with the General Plan remains unchanged. All of the subject property has a General Plan designation of Agricultural Resource (AR). Staff believe the opinions put forth in the August 22, 2014 letter properly raise questions of the proposal's inherent conflict with many aspects of the General Plan. Staff does not normally provide a detailed, policy-by-policy General Plan consistency analysis in a process status letter. However, as noted in the letter, staff had previously raised these overarching General Plan consistency concerns in several meetings and conversations with the applicant's representative. Staff even indicated that the item could be moved forward to the Planning Commission as submitted and without preparation of an environmental document, but with a staff recommendation for denial. The Commission's options would have been to deny the project, or express an intent to support the project and order a CEQA document to be prepared. The

applicant's representative responded to that option by stating a desire to expedite this proposal to the Board of Supervisors. Thus, appealing staff's project status letter was the most direct route to the Board of Supervisors.

The following lists General Plan Policies from the Agricultural Preservation and Land Use Element of the General Plan that staff believe the project is in conflict with to varying degrees as described below:

- | General Plan, Goal AG/LU-1 states: "*Preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.*" This proposal would convert agricultural land to a commercial use, which is in conflict with this goal.
- | Policy AG/LU-1 states: "*Agriculture and related activities are the primary land use in Napa County.*" This project would result replace agriculture zoning with commercial zoning. The proposed rezoning is neither enabled by this policy nor consistent with it.
- | Policy AG/LU-3 states: "*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.*" This proposal would result in expansion of the existing urbanized uses on the site resulting in approximately 35 acres of agriculturally-designated land being urbanized to Marine Commercial in conflict with this policy.
- | Policy AG/LU-9 states that the County will evaluate discretionary projects including rezonings for their potential to impact farmlands. Although the land is not presently farmed, essentially no evidence has been put forth that the land is unsuitable for farming.
- | AG/LU-12 states that no new non-agricultural use or development shall be permitted on agriculturally-designated land unless Policies AG/LU-2, 5, 26, 44, 45 or ROS-1 enable it. Policies AG/LU 2, 5, and ROS-1 have no bearing on this subject parcel. AG/LU-26, 44 and 45 are addressed independently below, but in short, these three policies allow existing commercially-zoned areas to continue but do not enable expansion of those uses onto adjoining agriculturally-designated land. This project appears in conflict with AG/LU-12.
- | AG/LU-15.5 requires buffers where commercial (and other non-agricultural uses) abuts agriculturally-designated land. The appellant's proposal offers no information on how buffers between land uses will be addressed.
- | AG/LU-21 stipulates the intent, general uses, minimum parcel size and maximum building potential for lands designated AR. The intent of the AR is: "*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 within this designation are: "*Agriculture, processing of agricultural products, single-family dwellings.*" The appellant's submittal, attached, contains no evidence or rationale on how this rezoning is consistent with this policy. At face value, changing AR land to Marine Commercial appears in conflict with the intent and general uses stipulated in this policy.
- | AG/LU-22 states that urban uses shall be concentrated in the incorporated cities and town and urban designated areas of the County "*in order to preserve agriculture and open space...*" This project appears in conflict with this policy.
- | AG/LU-24 states that commercial uses will be grouped in areas outside of those designated for agricultural uses except for those areas subject to AG/LU-43, 44, and 45. As stated below, staff do not believe this proposal to expand the amount of Marine Commercial land is consistent with both Policy 24 and Policies 43, 44, and 45.
- | AG/LU-26 discourages proposed urban developments which require urban services outside of urban areas. Designation of the entire 57 acre site to commercial zoning has some potential to result in the need for new urban services. The appellant's submittal is silent on how the project will address this General Plan policy.

- AG/LU-27 defines 'urbanized' and 'urbanizing' as "subdivision, use, or development of any parcel of land for non-agricultural purposes." The proposed rezoning to commercial use and text amendment to allow overnight camping upon issuance of the use permit meet the definition of urbanizing.
- AG/LU-28 states that "consistent with the County's longstanding commitments to urban-centered growth" that new multi-family housing and other urban uses shall be directed to the incorporated cities, town, and urbanized County areas. The proposed rezoning meets the definition of urbanizing, and the subject property is not within a city, town, or area designated for urban development in the County. The proposal is inconsistent with this policy.
- AG/LU-42 states that the County shall review non-residential development proposals to address the balance of job creation and availability of affordable housings. This policy has not been addressed in the present application.
- AG/LU-43 reads in full as follows: "Lands along the west bank of the Napa River south of the City of Napa and specific urban areas within four miles of the high water mark of Lake Berryessa are appropriate areas for marine commercial zoning and development. Action Item AG/LU-43.1: Consider amendments to the Zoning Code to allow additional commercial, residential, and mixed uses in the areas currently zoned for commercial use in the Spanish Flat, Moskowitz Corners, and southern Pope Creek areas in order to complement recreation activities at Lake Berryessa." The appellant cites this policy (and one other) as the basis for enabling the rezoning of this parcel to Marine Commercial. However, this policy does not explicitly say that expansion of commercial areas is considered. It only says that "lands along the west bank of the Napa River" are appropriate areas for marine commercial, as well as other areas around the County in the vicinity of Lake Berryessa. The policy then includes an action item stating that the existing, not expanded, Marine Commercial areas around Lake Berryessa should be considered for expanded uses. Neither the policy or action item state that expansion of commercial uses or expansion of commercially-zoned land should be considered along the Napa River. The appellant appears to have extrapolated to arrive at this interpretation. Extrapolation runs contrary to the requirements of Policy AG/LU-112 which state that land use classifications must be followed unless explicitly stated otherwise. There are 5 properties along the west bank of the Napa River containing approximately 56 acres of Marine Commercial zoning. These existing lands would be the 'lands' referred to in the policy. These lands have existed as Marine Commercial for decades preceding both the 2009 General Plan and the 1983 General Plan. Staff believes that the adoption of the 2009 General Plan, including this policy, recognized existing uses and was not intended to enable expansion of Marine Commercial zoning along the entire west bank of the Napa River south of the City of Napa as would be the case based on the appellant's arguments.
- AG/LU-44 read in full as follows: "For parcels fronting upon the west side of the Napa River south of the City of Napa which are designated Agriculture, Watershed, and Open Space or Agricultural Resource on the Land Use Map of this General Plan which have commercial zoning, additional commercial development will be allowed as follows: - All existing commercial establishments that are currently located within a commercial zoning district shall be allowed to continue to operate and use the existing buildings and/or facilities. - Additional commercial uses which are permitted by the existing commercial zoning of the parcel shall be permitted on that portion of the parcel zoned commercial." The appellant is asserting that AG/LU 43 enables the expansion of the zoning district, and then once it is expanded, the property would contain 'existing' commercial zoning consistent with this policy 44. This is a circular argument. AG/LU-44 sets forth the ability for existing commercial-zoned developments nested within AR designated land to continue, in recognition of a land use/zoning paradigm that has existed throughout Napa County for over 30 years. Commercial and non-agricultural properties established before the agricultural preserve but located within the agricultural preserve have been allowed to remain. The appellant is appear to be modifying this policy to open the door for new commercial development beyond the boundaries of existing commercial sites. If the intent of this policy is to enable expansion of commercial sites, it would be appropriate to revise the policy to expressly state this as well as define the extent of expansion that is being considered. There are several hundred acres of properties that abut the west bank of the Napa River south of the City of Napa, which in applying the appellant's rationale, would be eligible for rezoning without commensurate changes to the General Plan Land Use Designation.

- | AG/LU-45 states the existing commercial establishments that are zoned commercially but located in AWOS or AR shall be allowed to continue to operate and additional commercial and mixed residential-commercial uses which are permitted by the existing commercial zoning may be permitted "*on that portion of the parcel zoned commercial*". Figure AG/LU-2 indicates those parcels subject to Policy AG/LU-45. The subject parcel is not included in this listing, and therefore cannot benefit from the commercial uses enabled by this policy.
- | AG/LU-49 and Action Item AG/LU 49.1 pertain to airport compatibility and require rezoning applications to be reviewed by the Airport Land Use Commission. The application may be consistent with airport operations, but no evidence has been provided to date concerning how expansion of commercially-zoned lands and uses within the Airport Influence Area will be compatible with airport operations. The text amendment proposes overnight camping as a conditional use with no prescribed limits on population density, intensity, duration of stay, etc.
- | AG/LU-111 is a voter imposed policy of the General Plan commonly known as Measure J and Measure P. This policy states that land designated AR "*shall remain so designated until December 31, 2058, unless said land is annexed to or otherwise included within a city or town, redesignated to another General Plan land use category by vote of the people, or redesignated by the Board pursuant to the procedures set forth in subsections c, d, e or f*" of the policy. This proposal involves no request for a General Plan Amendment but does seek to rezone AR designated land to Marine Commercial. To approve the rezoning the Board of Supervisors must find the rezoning consistent with the AR designation. Staff and County Counsel are unclear how the Board of Supervisors could find this project consistent with the AR designation. Processing options would be: 1) apply a concurrent General Plan Amendment to the rezoning to designate the property Urban Residential, and refer the matter to the voters upon approval by the Board of Supervisors; 2) rezone the property through the voter initiative process bypassing review by the Board of Supervisors; 3) annex the property to a city or town; or 4) find that the rezoning is necessary to avoid a constitutional taking.
- | AG/LU-112 states that standards contained in the Land Use Element (such as AG/LU-21) apply to the land use categories shown on the Land Use Map. The Land Use Map designates this site as AR - Agricultural Resource. The policy goes on to state that "*[a]ll discretionary approvals shall be in conformance with these standards unless explicitly stated otherwise in this General Plan...*" This proposed rezone is in conflict with the intent and general uses identified in AG/LU-21 which contains the standards for the AR General Plan designation that applies to this site. None of the other policies in the General Plan "explicitly state otherwise" that rezoning of this property to commercial use is enabled.
- | AG/LU-114 and Table AG/LU-B states that zoning shall be consistent with the General Plan, and that in areas where zoning is not identical to the land use designation, that rezoning to a consistent zoning is desirable but not mandatory. Table AG/LU-B is the zoning/General Plan consistency table which lists which zoning designations are permissible within each General Plan Land Use Category. The title of the table states "*For Use in Considering Changes in Zoning*". Within the AR General Plan designation, the only consistent zoning designation is AP- Agricultural Preserve. This project is a non-mandatory rezoning request, and the project site has an AR General Plan designation. Therefore, AP zoning would be the only zoning designation that could be applied based on the plain language of the table.

Ground of Appeal #2: Appellant contends that staff has determined that the requested rezoning conflicts with "those provisions of the General Plan adopted by voter initiatives Measures J and P that require voter approval of any land use change to agriculturally designated property" and asserts that this is a misreading of Measures J and P.

Staff Response:

Staff believes that a proposal to establish new areas of commercially-zoned land on property designated AR in the General Plan can only be done through voter approval. As noted above, to rezone property, it must be found

consistent with the General Plan, including Measures J and P, as described in Policy AG/LU-111. The appellant is arguing that since this proposal does not result in new parcels or increase the number of dwellings, it is consistent with Measures J and P. This is only looking at a portion of what Measures J and P mandate, and the argument is silent on the requirement that zoning needs to be consistent with the overall General Plan. Subsection b of Measures J and P state that land designated AR (and AWOS) shall remain so designated. The appellant has not addressed how rezoning land to a commercial use, yet maintaining a designation of AR is consistent with this subsection. Instead, it is argued, that AG/LU-43 and 44 simply enable this rezoning without consideration of the General Plan in aggregate. Based on the appellant's rational, any rezoning that does not result in parcelization or additional residential units would not be subject to Measure J and P, and thus tactically consistent.

Staff believes that the authors of Measures J and P did not intend to enable the Board of Supervisors to approve rezoning AR and AWOS land to commercial or other non-agricultural use without voter oversight. If it had been the County's intention to enable such commercial rezonings when enacting Policies AG/LU-43 and 44, then the County would have been obliged at that point to disclose the intended purpose of the policy and its effect on Measures J and P. Given that 2008 General Plan was not referred to the voters for approval, and the findings of adoption for the plan contain no mention that rezoning of agricultural land to commercial uses would be enabled, it is staff's position that Policies AG/LU-43 and 44 were not intended as a means to enable new commercial zones on agriculturally designated land without voter approval. Policies AG/LU-43 and 44 were not intended to provide an escape clause from voter mandated Measures J and P.

Ground of Appeal #3: Appellant contends that staff has determined that "General Plan Table A[G]/LU-B stipulates appropriate zoning designations in relation to each General Plan Land Use Category for considering changes in zoning. In the AWOS General Plan Land Use Category, Marine Commercial is not permitted." Staff misstates the purpose of the Table, which is clearly labeled as "For Use in Considering Changes in Zoning". Staff's sole reliance on a[n] illustrative Table that does not provide any alternative to the AWOS Land Use Designation designation [ibid] as the appropriate 'home' for MC zoning is arbitrary.

Staff Response:

Staff believes Table AG/LU-B, "For Use in Considering Changes in Zoning", leaves very little room for interpretation. It requires that any proposal to rezone property must be consistent with the General Plan Land Use Category applicable to the subject property. Consistent with State law, zoning must be consistent with the General Plan. Consequently, the table shows that certain zoning designations are expressly allowable within each General Plan Land Use Category. Some General Plan Land Use Categories allow several zoning designations, and others only allow one. In this case, the property has an Agricultural Resource General Plan Land Use Designation, and only AP - Agricultural Preserve zoning is allowed. If a site in the AR is zoned something other than AP, it is allowed to remain. But, where rezoning is requested, the only possible zoning that can be applied in the AR is AP. Staff is not misstating the purpose of the table. Staff is also not solely relying on the table in forming its opinion that new commercial zoning on agricultural land is generally in conflict with Napa County's General Plan.

Ground of Appeal: Appellant contends that staff has determined that in order to process the rezoning and text amendment application, the most appropriate environmental document would be an Environmental Impact Report (EIR)." Staff did not do an Initial Study and did not state any basis, much less a "clear" basis, for the conclusion that an EIR is required. Appellant believes that the proposed rezoning and text amendment in itself do not result in any significant unmitigable environmental impacts, as any future development of the property would require a Use Permit and separate environmental review.

Staff Response:

Staff's August 22, 2014 letter was not intended to be a determination that an EIR was required. It is the local agency's obligation to make all reasonable efforts to adequately disclose the full potential impacts of any project under consideration. Staff believes that based on the application as it presently stands, an Initial Study will result in several areas of potentially significant impacts as follows: conversion of farm land, conflict with an adopted General Plan, increase in traffic conditions, increased demand on groundwater resources, improvements within an area subject to flooding, treatment of stormwater and waste water, potential need for public service (i.e. sewage/drinking water), potential to induce growth, and contribution to significant impacts identified in the General Plan EIR. The appellant incorrectly suggests that environmental analysis can be deferred until a Use Permit for a project enabled by the proposed rezoning is submitted. CEQA mandates that the County must look at all 'reasonably foreseeable' impacts resulting from a project. With rezonings the County is obligated to evaluate, at least on a programmatic level, the potential of for impact resulting from the new land use(s) enabled by the rezoning. In this case, the amount of land zoned for commercial use would roughly expand from 10 acres to 57 acres, and an entirely new land use, overnight camping, would become permissible in Marine Commercial districts throughout the County. The appellant has not offered any evidence to support his claim that the proposed rezoning will not result in potentially significant impacts. Since no studies have been submitted with the application to demonstrate that there would be no potentially significant impacts, staff believes that an EIR is required.

Ground of Appeal #4: Appellant contends that staff has determined that "should the Board of Supervisors wish to enact the rezoning and text amendment, they would be obligated to place their action on the ballot for voter endorsement before the rezoning could become effective." Staff provides no support for this conclusion. Appellant contends that the proposal 1) is consistent with the General Plan, therefore requiring no amendment of the General Plan, and 2) does not change the intent, maximum building intensity or minimum parcel size with the AWOS [AR] Land Use Designation. Therefore, Measures J and P do not apply.

Staff Response:

If the appellant's assertion regarding Policy AG/LU-43 are correct, and lands west of the Napa River south of the City of Napa are eligible for Marine Commercial zoning, then roughly 150 parcels and a few hundred acres of land presently designated AR and AWOS could theoretically be rezoned without a change to the General Plan or voter approval. Staff believes that this was not intended when the County adopted Policy AG/LU 43 in 2008. Recalling the lengthy and involved process leading up to the adoption of the 2008 General Plan, and the years of work that went into the EIR supporting that document, at no point was rezoning of any portion or all the west bank of Napa River disclosed, contemplated, evaluated or endorsed. Conversely, great effort went into crafting internally consistent policies that enabled the long-established nonconforming commercial, residential, and other non-agricultural uses on agricultural land to continue, but in a manner first and foremost that protects the integrity of the agricultural preserve from further urban encroachment. The appellant's proposal does not accomplish this. Instead, it seeks to rezone agricultural land to commercial use. There may be merit in such a proposal, but staff believes that for such a project to be approved, the General Plan must be amended and the amendment must be sent to the voters for endorsement.

SUPPORTING DOCUMENTS

- A . Notice of Intent to Appeal, September 5, 2014
- B . Appeal Submittal, September 19, 2014
- C . Appellant Correspondence September 22, 2014
- D . Planning Division August 22, 2014 Letter

E . Original Rezoning Submittal

F . General Plan Map, Zoning Map, Aerial Photograph

CEO Recommendation: Approve

Reviewed By: Molly Rattigan