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A Commitment to Service

Agenda Date: 1/21/2009

Agenda Placement: 9A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission

FROM: Melissa Gray for Gitelman, Hillary - Director
Conservation, Development & Planning

REPORT BY: RONALD GEE, PLANNER III - 707.253.4417

SUBJECT: Lake Luciana LLC - Lake Luciana Golf Course - Use Permit # P07-00398-UP

RECOMMENDATION

LAKE LUCIANA LLC. – LAKE LUCIANA GOLF COURSE - USE PERMIT APPLICATION P07-00398-UP

CEQA Status: Final Environmental Impact Report Prepared.

A Draft EIR was prepared and a public hearing was held on the Draft EIR during the 78 day public comment and review period. Written responses to comments received during the public review period have been incorporated into a Final EIR consisting of the Draft EIR, public and agency comments, responses to comments, and required clarifications and changes to the text of the Draft EIR. The Planning Commission will consider approval or denial of the project following certification of the Final EIR.

Request: Approval of a request to construct an 18-hole championship golf course, attendant buildings and site improvements including lake side recreational uses with a small boat dock and boat storage pavilion and to improve existing dirt access roads to serve the golf course and nearby parcels. Proposed activities associated with the golf course would include the following: 1) Removal of existing vegetation and grading of fairways, cart paths and ancillary buildings including installation of landscaping and irrigation systems; 2) construction of a new clubhouse building with kitchen and eating area for golfers; 3) construction of a swimming pool, small boat dock and provision of canoes, kayaks and small sailboats for use on Lake Luciana; 4) construction of a golf cart storage cave and maintenance building; 5) construction of approximately 25 stream, lake and wetland crossings including riparian habitat restoration; and 6) construction, widening and improvement of the primary access road from Lake Luciana to Pope Valley Road intersecting approximately 1,000 ft. north of Ink Grade to 20 feet except in areas where widening would impact sensitive environmental features. The proposal further includes a request for a Use Permit exception to the County's Conservation Regulations to allow portions of existing roads to encroach into the required stream setbacks and a request for an exception to the County's Road and Street Standards. The proposed golf course is located on approximately 226 acres along the northern edge of Weeks Lake in Pope Valley. The applicant has also proposed reconfiguration of 17 adjacent parcels which occupy approximately 1,180 acres generally north and east of Lake Luciana. Reconfiguration of the parcels is within the scope of the Final EIR prepared for this project, although the proposed lot line adjustments do not require Commission approval. The parcels would be sold individually following execution of a conservation easement or similar deed restriction to protect the northern ridgeline of 15 of the adjacent parcels from future development. The project site is located

approximately one mile northeast of the terminus of Barnett Road within an Agricultural, Watershed and Open Space land use designation and an Agricultural Watershed zoning district. (Assessor's Parcel #'s: 018-260-017, 018-290-001 to -013, 018-080-056 to -058, -061 and -062, 018-270-013 and -054, 018-240-009, 018-080-063 and -064) Pope Valley.

Staff Recommendation: That the Planning Commission adopt a motion of intent to certify the Final Environmental Impact Report and approve the project with conditions of approval.

Staff Contact: Ronald Gee, 299-1341

EXECUTIVE SUMMARY

Proposed Action: That the Planning Commission:

1. Adopt a motion of intent to certify the Final EIR and to approve or disapprove the Lake Luciana Golf Course Use Permit (P07-00398-UP), Conservation Regulation Use Permit Exception, Exception to the Road and Street Standards, and mitigation monitoring plan; and
2. Direct County Counsel to prepare required findings in the form of two draft resolutions and continue the public hearing to 9:00 AM or later on February 18, 2009 to allow for consideration and adoption of the final resolutions.

Discussion:

The applicant requests approval of a private 18-hole championship golf course with associated clubhouse, dining and recreation facilities on 226 acres located east of the terminus of Barnett Road in Pope Valley. The subject property is zoned Agricultural Watershed (AW), which allows agriculture, a single family home, second unit and guest cottage per legal lot by right. Parks and rural recreation uses as defined by Zoning Code Section 18.08.428 are allowed upon grant of a use permit when specific findings for rural recreation uses can be made, and upon demonstration that the use is consistent with the General Plan. This staff report focuses on the required rural recreation findings and pertinent general plan policies applicable to the golf course proposal. Staff believes the finding for a rural recreation use permit can be made and has provided recommended conditions of approval, but as detailed in the background section, the required findings and applicable General Plan policies are subject to interpretation by the Planning Commission.

Attached to this report (and distributed prior to printing of this report) is the Response to Comments volume of the Environmental Impact Report. The document is the last component of the project's Final Environmental Impact Report or FEIR. Although comments on the adequacy of the FEIR remain part of the public hearing process, the focus of this hearing should be to consider the merits of the proposed golf course use permit and compliance with required findings and General Plan consistency.

Adjacent to the proposed golf course, but not part of the golf course use permit request, are 17 parcels owned by the project applicant which will be reconfigured by a series of lot line adjustments and sold individually for future uses determined by individual owners. The reconfigured parcels will have frontage on the golf course, and the surrounding ridgeline will be placed in a conservation easement or deed restricted as open space. The FEIR analyzes potential environmental effects of proposed changes to the entire 1,180 acres associated with the golf course and adjacent parcels.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

As required under the California Environmental Quality Act (CEQA), an Initial Study was prepared for the project and determined there were potentially significant environmental effects and that a Draft Environmental Impact Report (EIR) was required. In August 2007, a Notice of Preparation was distributed to solicit comments from public agencies and interested members of the public about the scope and content of the Draft EIR. A scoping session took place on September 5, 2007 at the Planning Commission; written comments were accepted until September 14, 2007.

The Draft EIR prepared for the project was released for public review and comment on July 1, 2008 and a public hearing took place on August 6, 2007 at the Planning Commission. In response to public requests, the Planning Commission extended the comment period to September 18, 2008 for a total of 78 days. The Final EIR/Response to Comments document was provided to the Commission and to commenters on January 7, 2009. The Draft EIR, Technical Appendix and Response to Comments documents together constitute the Final EIR for the project.

Prior to approving the project, the Planning Commission must certify that the Final EIR was completed in compliance with CEQA and presented to the Commission, that the Commission reviewed and considered the information in the Final EIR, and that the Final EIR represents the lead agency's independent judgement and analysis (CEQA Guidelines Section 15090). The approval action by the Commission must also include findings pursuant to CEQA and the State CEQA Guidelines.

BACKGROUND AND DISCUSSION

Owner: Lake Luciana, LLC

Representative: Charles Shinnamon

Zoning: AW (Agricultural Watershed) District

General Plan Designation: Agriculture, Watershed & Open Space

Initially Submitted: August 1, 2007

Visitation: Anticipated average daily usage would be 60 rounds per day during the week and 100 rounds on a weekend day. Peak usage is anticipated to be about 80 rounds a day on a peak week day and 120 rounds on a peak weekend day. Anticipated peak use for charity tournaments would be 144 rounds per day. (One round is one golfer).

In addition to actual golfers, other members and guests would visit the course to accompany golfers or to use the facility for swimming, kayaking or eating. According to the applicant, the number of such members and visitors at the site for this reason would not exceed 24 persons at any given time.

Private golf course use would be restricted to members and their guests; membership is estimated to total

550 with no social memberships. Under the conditions of purchase of adjacent parcels, future owners would have the right to participate as members.

Events: 12 charity tournaments per year for non-profit organizations. No private events proposed.

Number of Employees: 37

Hours of Operation: Golf during daylight hours only (varies by season); Clubhouse use will end by 10:00 PM with all employees,

Parking: 60 total (Clubhouse - 45 spaces; Maintenance Facilities - 15 spaces)

Project Details:

Proposed activities collectively defined as "parks and rural recreation uses and facilities" under Section 18.08.428 of County Code, including development of an 18-hole private golf course and the following:

- Removal of existing vegetation associated with excavation and/or placement of fill for grading of fairways, golf cart and pedestrian pathways, and ancillary buildings and facilities including installation of landscaping and irrigation systems
- Construction of new structures and facilities including a golf clubhouse building with an eating area and exterior deck for golfers
- Construction of parking lots, golf cart storage cave and maintenance building;
- Construction of a swimming pool, small boat dock and small boat storage pavilion for canoes, kayaks, and small sailboats;
- Construction, widening and improvement (paving) of the primary access road to 20 feet (18-foot wide with a 2-foot-wide shoulder) from Lake Luciana to Pope Valley Road, intersecting approximately 1,000 ft. north of Ink Grade, except in areas where widening would impact sensitive environmental features.
- Construction of on-site septic systems and wells for potable water;
- Construction of an on-site wash station;
- Preservation of Weeks Lake and associated agricultural water lines for use in irrigating the golf course;
- Restoration of riparian habitat along an unnamed intermittent creek ("creek") and its two tributaries that drain to Weeks Lake, an irrigation water storage reservoir;
- Construction of approximately 25 stream, lake and wetland crossings for vehicular and pedestrian travel; and
- Potential future development of one residence, a second unit, and a guest cottage on the golf course parcel consistent with existing Napa County regulations.

The proposal further includes a request for a Use Permit exception to the County's Conservation Regulations to allow portions of existing roads to encroach into the required stream setbacks and a request for an exception to the County's Road and Street Standards.

In addition to the above activities, the applicant is proposing lot line adjustments to give 17 affected parcels frontage on the new access road, to preserve hillside areas, and to place the golf course on one parcel. These lot line adjustments do not require Commission approval, however they are considered in the EIR, along with possible impacts associated with removal of existing vegetation, excavation and/or placement of fill for grading of driveways/access roads and building pads, construction of new structures including one residence, a second unit and a guest cottage on each parcel; and construction of on-site septic systems and wells for potable water. As a result, the Commission is being asked to adopt related mitigation measures.

Adjacent Zoning/Land Use:

North - AW (Agricultural Watershed) - three vacant mountainous parcels, two at 160 and 540 acres in separate private ownership and one 160 acre parcel owned by the Federal Government

South - AW (Agricultural Watershed); one 89 acre vineyard track, and three vacant parcels of 77, 67 and 169 acres.

East - AW (Agricultural Watershed); two mountainous parcels of 40 and 151 acres owned by the Federal Government, and one 455 acre parcel in separate private ownership possibly still in use for cattle grazing.

West - AW (Agricultural Watershed); one 640 acre vacant mountainous parcel owned by the Federal government, and two vacant parcels of 88 and 109 acres.

Property History:

The only historical permit applications on record for the project site are for 1974 Timber Harvest Permit # TH-37374, Watercourse Obstruction/Riparian Cover Permit # WR-27374, and Water Appropriation Permit # 24045, # 24472, # 24773, # 24474 and # 24475. These applications converted approximately 2,100 acres of agricultural land from grazing and grain production to vineyards for growing premium table-wine grapes. Incidental to the vineyard conversion were removal of trees with sale of resulting fire wood, construction of new water impoundments and increased diversion of water from Pope Creek to Dick Week reservoir (Weeks Lake). A Final Environmental Impact Report # FEIR-021 was prepared for the project, published on February 24, 1976.

Code Compliance History:

The County has no record of code violations on those portions of the golf course property owned by the applicant. A portion of the golf course (portions of holes # 13 and # 14 and a portion of the proposed access road to western parcels) will be located on lands west of Weeks Lake presently owned by Juliana Vineyards LLC. The parcel (APN 018-270-011) was planted with vineyards sometime within the last two years, and it appears that the planting occurred on slopes greater than 5% and within creek setbacks possibly without County, State or Federal authorization. It appears that such work would have required a County authorized Erosion Control Plan and Grading Permit. An investigation by the Conservation Division is commencing and is considered a separate matter unassociated with the golf course and its applicants. The plans for the golf course, submitted in 2007, do not account for the newly planted vineyards. Therefore, to ensure the golf course and associated parcel access road complies with County code, a condition of approval has been included requiring that final design of the golf course be located so as not to encroach on the vineyard, and that the access road be located outside stream setbacks.

Discussion Points:1. General Plan Consistency

Section 3.2 of the Draft EIR identifies goals and policies within the Napa County General Plan that are relevant to the proposed project and identifies the project as being either "consistent" or "potentially inconsistent" with those goals and policies, noting that the "final determination of the project's consistency . . . is subject to the independent judgement of the designated County decision making body based on all evidence presented throughout the public hearing process" (Draft EIR p. 64). The following goals and policies are those with which the proposed project is identified as "potentially inconsistent:"

- | Goal AG/LU-1: Preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.
- | Policy AG/LU-4: The County will reserve agricultural lands for agricultural uses including lands used for grazing and watershed/open space, except for those lands which are shown on the Land Use Map as planned for urban development.
- | Policy AG/LU-9: The County shall evaluate discretionary development projects, rezonings, 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 farmland mapped by the State cannot be avoided, the County shall require long-term preservation of one acre of farmland of equal or higher quality for each acre of State-designated farmland that would be converted to non-agricultural uses...
- | Policy AG/LU-12: No new non-agricultural use or development of a parcel located in an agricultural area shall be permitted unless it is needed for the agricultural use of the parcel, except as provided in Policies G/LU-2, AG/LU-5, AG/LU-26, AG/LU-44, AG/LU-45 and ROS-1.
- | Policy AG/LU-20: The following standards shall apply to lands designated as Agriculture, Watershed and Open Space on the Land Use Map of this General Plan... to provide areas where the predominant use is agriculturally oriented...
- | Policy AG/LY-26: The County will discourage proposed urban developments which require urban services outside of existing urbanized areas. However nothing in the Agricultural Preservation & Land Use Element is intended to preclude the construction of a single-family residence on an existing, vacant, legal parcel of land in compliance with adopted County ordinances and other applicable regulations, except on designated park land....
- | Policy AG/LU-27: For purposes of this General Plan, the terms "urbanized" or "urbanizing" shall include the subdivision, use, or development of any parcel of land for non-agricultural purposes. Engaging in nature-based recreation or agriculturally compatible uses that are permitted in the applicable zoning district without the issuance of a use permit, such as development of one single-family house and/or second unit on an existing legal lot, shall not be considered urbanizing.
- | Policy AG/LU-99: The County shall recognize and preserve the rural character of Pope Valley by ensuring that future decisions do not adversely affect the quality of Pope Valley's environment.
- | Policy CON-2: The County shall identify, improve and conserve Napa County's agricultural land through the following measures... limit growth to minimize urban development on agricultural land and reduce conflict with the agricultural operations and economy...
- | 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...
- | Policy CON-66: The County shall promote the implementation of sustainable practices and green technology in agriculture, commercial, industrial, and residential development through the following actions....
- | Policy CON-67: The County shall promote and encourage "green building" design, development, and

construction through the achievement of Leadership in Energy and Environmental Design (LEED) standards... or equivalent programs...

Planning staff has considered the proposed project in light of these goals and policies as well as the balance of the General Plan and believes that the Planning Commission can find the project generally consistent with the plan as a whole if it determines that the proposed use is consistent with the Zoning Ordinance as a "park and rural recreation use" that does not significantly affect existing or potential agricultural uses. The applicant has submitted evidence that the project site is unsuitable for viticulture, and the Commission would have to accept and rely on this evidence, on the fact that the golf course improvements would be fully reversible, and on the fact that the predominant land use in Pope Valley is agriculture and would remain so if the project is approved (Goal AG/LU-1, Policy AG/LU-20).

To approve the project, the Commission would also have to adopt the mitigation measure related to farmland protection to ensure consistency with General Plan Policy AG/LU-9, and would have to accept a "park and rural recreation use" as not "urbanizing" pursuant to General Plan Policy AG/LU-27, even though the use does not meet the definition of "nature based recreation" provided on p. ROS-4 of the General Plan. The Commission could accept a "park and rural recreation use" as not "urbanizing" by relying on the fact that the use does not require "urban services" as referenced in Policy AG/LU-26, and that the use is supported by other policies such as Policy ROS-1, which states: "The County encourages the acquisition, location, design, management and operation of recreational open space and facilities, in ways that protect natural resources, enhance natural habitats, conserve agricultural lands, maintain agricultural productivity, and respect private property..." Accepting a "park and rural recreation use" that meets required findings in the Zoning Ordinance as not "urbanizing" would mean the project could be found consistent with General Plan Policies AG/LU-4, AG/LU -12, AG/LU -26, and CON-2. This approach would be acceptable because the Commission's charge is to assess consistency with the General Plan as a whole, including all of the relevant goals and policies (not just a few selected policies).

To find the project consistent with the General Plan, the Commission would also have to agree that the project would not adversely affect Pope Valley or alter its rural character because the golf course would not be visible from most areas, and because mitigation measures would be effective at reducing or eliminating impacts (Policies AG/LU-99, CON-27). Finally, the Commission would have to agree that the proposal sufficiently addresses sustainable practices through use of integrated pest management, energy conservation, and other features of the proposed design and operation of the facility (Policy CON-66 and -67).

2. Parks and Rural Recreation Use Required Findings

Golf courses are permitted on agriculturally zoned land upon grant of a use permit for a "Parks and Rural Recreational Use." Section 18.08.428 of County Code defines the use as follows:

"Parks and rural recreation uses and facilities" means 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.

Section 18.104.390 further specifies that parks and rural recreational uses must comply with seven required findings intended to ensure that the use is compatible with agriculture. The findings are as follows:

- A. *The use is shown by evidence in the record to be appropriately located;*
- B. *There is a 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; and
G. The use serves local needs.

This use definition and the required findings should be considered in concert with the applicable General Plan policies. Attached to this report is the applicant's detailed compliance analysis for these findings. Opponents to the project have also provided evidence to support their opinion that the project is not consistent with these findings. It should be noted that the Commission must determine on its own, based on the record as a whole, whether the project is consistent with these findings. The Commission is in no way obligated to agree with any assertions made by the Staff, applicant, or any interested party. Staff offers the following observations on the individual findings:

Appropriate Location - The proposed site is in a relatively remote part of the County, located out of sight from public roads, and is therefore less visible than other golf courses in the County.

Demonstrated Need - The applicant has provided two studies prepared by professionals with expertise in golf and market demand that indicate a need for exclusive private golf courses Napa County.

Does Not Significantly Affect Existing Agriculture - There is no agricultural use occurring on the project site. The tee box and a portion of the green for hole #14 and green for hole #13 will be located immediately adjacent to a newly planted vineyard on the west side of Weeks Lakes. A condition of approval has been including requiring the project to avoid removal of vines. Access roads serving the project and adjacent parcels will run through existing vineyards, but will result in minimal vine removal because existing roads and vineyards roads will be used to the maximum extent possible.

Does Not Significantly Affect Potential Agriculture - The applicant has provided a study prepared by viticultural specialist that indicates that premium wine grape production is not possible on the property. Opponents to the project, some of whom also have expertise in viticulture, have offered opposing opinions. Staff believes that forms of agriculture are possible on the property, but economically favorable conditions do not presently make agriculture possible, nor is it known if they will ever exist. Mitigation has been incorporated into the project to ensure the long term preservation of other State-designated farmland of equal or greater value.

Does Not Adversely Affect Adjacent Agriculture - South of the site are large vineyard tracks that are actively farmed. The project will have minimal impact those farming operations only associated with changes to access roads.

Growth-Inducing - No new parcels are being created as a result of the golf course and the associated lot line adjustments. As noted in the Final EIR, reconfiguration of parcels and provision of the access road may affect the pace of development, but would not allow or stimulate additional development that would not otherwise be possible.

Serves a Local Need - Staff has previously interpreted this finding as meaning that the use itself would provide a service that County residents would utilize. As a private golf course, the facility would only be accessible to relatively small number of members and their guests. At present, it is unclear to what extent these members would be residents of Napa County. However, Staff has not previously received Commission or Board direction on how to interpret this finding. The facility would provide result in new jobs, which would provide opportunity to local residents.

3. Parks and Rural Recreation Use Performance Measures

Golf courses are required to comply with 18 general performance standards set forth in Section 18.104.340 and 18.104.350 of Napa County Code. The standards are geared toward ensuring that the use does not result in

operational impacts either on site or off site. Projects are required to provide adequate water supply and sewage disposal, adequate access and parking, buffer zones from other uses, minimization of impervious surfaces. Performance measure require limits on noise, dust, nighttime lighting, erosion, and safety. Attached are proposed conditions of approval intended to address these code required performance measures. These conditions of approval also incorporate the required mitigation measures called for in the project FEIR. Staff believes, as condition, the project can be constructed and operated in compliance with these requirements.

4. Use Permit Standard Findings

Before issuing any use permit, the Commission is required to make seven specific required findings found in Section 18.124.070 of County Code. In summary, these findings are intended to ensure the Commission has completed all required processing requirements and that the proposed use permit has been designed in a manner to protect the public health, safety and welfare. Staff believe that the proposed project, as conditioned, complies with the requirements of County Code, and therefore, the Commission can make these required findings.

5. Road and Street Standards Exception

The project includes improvement of existing dirt and gravel access roads, including construction of new road segments and realignment of other existing segments, into paved private roads to service the golf course and the future home sites. The proposed roads are several miles in length and will be adjacent to and/or cross several in-stream ponds, Pope Creek and several other "blue-line" streams. Napa County Conservation regulations seek to minimize improvements and earth disturbance within established creek and water setbacks. In response to these requirements, the applicant is requesting an exception to the Road and Street standards to reduce the amount of road widening. The proposed reductions in roadway width have been reviewed by County Public Works and Fire Department staff who have determined that adequate general and emergency access to the project will be provided. If granted, the road exception will result in reduced grading, tree removal and earth disturbance within stream setbacks as compared to roads required to meet standard roadway widths.

It is noted that the environmental superior alternative identified in the FEIR does not include the separate project roadway connection to Pope Valley Road, and instead involves the improvement of Barnett Road. Although environmentally superior, Staff does not support project use of Barnett Road due to issues raised by neighbors over the current rural character of the dead-end road.

6. Conservation Regulations Exception

As mentioned above, the access roads serving the project result in numerous encroachments within established stream setbacks. In addition, the golf course involves earth disturbing activities within stream setbacks and along the banks of Weeks Lake. Therefore, the project requires Commission grant of an exception to the County Conservation Regulations to allow proposed improvements with required setbacks. To approve an exception, the Commission must make 7 required findings from Section 18.108.060(B) which read as follows:

1. *Roads, driveways, buildings and other man-made structures have been designed to complement the natural landform and to avoid excessive grading;*
2. *Primary and accessory structures employ architectural and design elements which in total serve to reduce the amount of grading and earthmoving activity required for the project, including the following elements:*
 - a. *Multiple-floor levels which follow existing, natural slopes,*
 - b. *Foundation types such as poles, piles, or stepping levels which minimize cut and fill and the need for retaining walls,*

- c. Fence lines, walls, and other features which blend with the existing terrain rather than strike off at an angle against it;*
- 3. The development project minimizes removal of existing vegetation, incorporates existing vegetation into the final design plan, and replacement vegetation of appropriate size, quality and quantity is included to mitigate adverse environmental effects;*
 - 4. Adequate fire safety measures have been incorporated into the design of the proposed development;*
 - 5. Disturbance to streams and watercourses shall be minimized, and setbacks shall be retained as specified in Section 18.108.025;*
 - 6. The project does not adversely impact threatened or endangered plant or animal habitats as designated by state or federal agencies with jurisdiction and identified on the county's environmental sensitivity maps;*
 - 7. An erosion control plan, or equivalent National Pollutant Discharge and Elimination System (NPDES) stormwater management plan, has been prepared in accordance with Section 18.108.080 and has been approved by the director or designee.*

The FEIR contains detailed analysis, discussion and responses to potential environmental impacts associated with the various stream setback reductions. The proposed mitigation measures and permit conditions of approval will protect wetlands and other sensitive habitat areas, and minimize disturbance to water courses and existing vegetation. The FEIR appropriately concludes that all potential impacts associated with stream setback encroachments will be mitigate to less-than-significant levels. However, it should be noted that the Commission is not obligated to approve a Conservation Regulation Exception even if all related environmental impacts can be reduced to less-than-significant levels.

It is requested the Commission keep these seven findings in mind as testimony is presented during the course of the hearing. Staff believes the purpose of the exception process is to ensure that environmental quality of a project that includes an exception is commensurate with, or superior to that of a project that does not require an exception. Staff recognizes that style of golf being proposed is one of minimal alteration to natural land forms, and mitigation measures have been proposed that reduce potential impacts to less than significant levels. Therefore, Staff recommends that the Commission grant the Conservation Regulations exception. Alternatively, if the Commission supports a golf course on the project site but feels the encroachments into stream/water body setbacks are too extensive, then it is recommended that the Commission approve the project conditioned on a requirement to return to the Planning Commission with an alternative design that reduces stream setback encroachments.

7. Environmental Impact Report

The attached Final Environmental Impact Report (FEIR) contains extensive information on environmental issues raised during the course of previous hearings. The FEIR contains to volumes and several technical appendices. The first volume is the Draft Environmental Impact Report (DEIR), and the second volume is the Response to Comments (RTC). Please refer to the FEIR for detailed analysis, discussion and responses to the following issues:

Population and Housing: (pages 78-83; Responses B8-15 and -17)

Piecemealing: (pages 30 and 84-93; Responses B8-22 to -25)

Project Sustainability: (page 13-14, 32; Responses A1-5 and B2-8)

Historical/Cultural Resources: (page 20; Responses A2-1 and -2)

Biological Resources: (pages 17, 56, 77-78; Responses A1-8, B7-1 and -11)

Hydrology and Water Quality: (pages 12-13, 90, 105, 321 ; Responses A1-5, B8-24, C1-11 and text changes)

Water Rights: (pages 24, 83, 92, 129, 132, 135 and 136; Responses A1-6 and -7, A4-1, B8-18, B8-24, C8-8, C9-2, C10-1 and -3)

8. Project Access (Traffic)

The traffic analysis prepared for the proposed project (see Appendix H.1 of the Draft EIR) contains extensive analysis and discussion on project-related impacts and contribution to cumulative traffic. Although addressed in the FEIR, the Commission must also consider a qualitative issue pertaining to how the project may, or may not change the rural character of the roads in Pope Valley. Some residents of Barnett Road have expressed heightened concern that project-related traffic will use Barnett Road instead of the new private access road located to the north. A condition of approval has been included requiring signage to direct members and visitors away from Barnett Road. Still, absent closure of access at the end of Barnett Road, it is possible some vehicles entering and existing the golf course and accessing the surrounding properties may travel on the public road. Staff believes the vineyard management use located at the terminus of Barnett Road will act as somewhat of a natural deterrent for cut through traffic to Barnett Road. Once the new northern road to Pope Valley Road is installed, it appears that there would be some inconvenience for motorists to exit the golf course road and drive through the vineyard management property to access Barnett Road.

9. Memberships

According to the applicant, only golf memberships (and not social memberships) would be provided. These golf memberships would entitle members and/or their family members and guests to use the golf course and its amenities (pool, lake). The economic analysis prepared for the proposed golf course (ERA 2008) projects that the golf course would generate approximately 15,000 rounds of golf per year due to the design of the course (exclusive, private course) with "generously spaced tee-time intervals." Membership is estimated at 400 to 500 members with an average of approximately 41 rounds per day. The Draft EIR analyzed the potential environmental effects of peak usage assumed to be 80 rounds per day on a weekday and 120 rounds per day on a peak weekend day. The EIR consultants and County staff believe the assumptions that are used in the various analyses underlying the Draft EIR are appropriately conservative (i.e., they aim to ensure that potential impacts are not underestimated). The economic report is attached (Attachment x and included as Appendix J.4 in the Response to Comments document).

The Market Feasibility Study prepared for the proposed golf course (Global Golf Advisors 2008) indicates that the number of residential parcels available at Lake Luciana would not be sufficient to support the golf club. Therefore, additional golf memberships would be needed to sustain the golf course. According to Global Golf, individuals will travel forty to forty-five minutes to play at a preferred golf course. Therefore, it is anticipated that the majority of these additional members would be Napa County residents. The Market Feasibility Study recommends the applicant investigate the merits of offering membership incentives based on residence within the County in order to promote membership by Napa County residents, however, such incentives would not be necessary to reduce the environmental impacts of the proposed project.

Public Record and Attachments

Attached to this report are application submittal materials, project graphics, applicant consistency findings, and several dozen letters from interested members of the public, and other materials in previously included in the materials associated with the Final Environmental Impact Report. The Draft EIR, technical studies, appendices and Response to Comments (RTC) documents, including all public comments on the adequacy of the EIR, were distributed to the Commission and made available to the public prior to release of this staff report and remain available electronically from the Department's webpage at www.co.napa.ca.us, or can be obtained from Staff upon request. At the conclusion of Commission deliberations, County Counsel will prepare written findings in support of the Commission's action, based on the public record as a whole, which will be brought back to the Commission at a future date for consideration.

SUPPORTING DOCUMENTS

- A . Graphics
- B . Mitigation Monitoring & Reporting Program
- C . Application
- D . Applicant Submittal - Findings
- E . Applicant Submittal - Earlier Golf Course Reports
- F . Applicant Submittal - Soils Report Peer Review
- G . Department Comments
- H . Comment Letters

Napa County Planning Commission: Approve

Reviewed By: Melissa Gray