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Agenda Date: 10/15/2008

Agenda Placement: 9B

## Napa County Planning Commission Board Agenda Letter

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**TO:** Napa County Planning Commission  
**FROM:** John McDowell for Hillary Gitelman - Director  
Conservation, Development & Planning  
**REPORT BY:** Hillary Gitelman, Director - 253-4805  
**SUBJECT:** Proposed Land Use Map Amendment (PLUMA)

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### **RECOMMENDATION**

#### **PROPOSED LAND USE MAP AMENDMENT (PLUMA) - GENERAL PLAN AMENDMENT**

**Title:** *A RESOLUTION OF THE NAPA COUNTY CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, RECOMMENDING THAT THE NAPA COUNTY BOARD OF SUPERVISORS: (1) AMEND THE 2008 NAPA COUNTY GENERAL PLAN LAND USE MAP (GENERAL PLAN FIGURE AG/LU-3) TO IMPROVE THE CORRELATION BETWEEN THE LAND USE MAP AND UNDERLYING ZONING; (2) AMEND OTHER SECTIONS OF THE 2008 GENERAL PLAN TO CORRECT TYPOGRAPHICAL ERRORS AND MAKE OTHER NEEDED CORRECTIONS; AND (3) FIND THE MAP AND TEXT REVISIONS TO THE GENERAL PLAN WITHIN THE SCOPE OF THE PROGRAM LEVEL EIR PREPARED FOR THE 2008 GENERAL PLAN UPDATE AND CERTIFIED BY THE BOARD ON JUNE 3, 2008*

**CEQA Status:** The project would implement Action Item AG/LU-114.1 in the Napa County General Plan and falls within the scope of the 2008 General Plan Update adopted June 3, 2008 and the program-level Environmental Impact Report (EIR) certified on June 3, 2008 adequately describes the activity for purposes of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15168(c).

**Request:** The Proposed Land Use Map Amendment (PLUMA) would adjust the boundaries of areas designated Urban Residential and Rural Residential on the Land Use Map to remove agriculturally-zoned land from within these areas and to include Planned Development zoned land within the Berryessa Highlands and Berryessa Estates Rural Residential areas. The proposal would also adjust the boundaries of areas designated Cities on the Land Use Map to reflect actual city boundaries and, in the case of the Cities of Napa and American Canyon, would recognize voter-initiated growth boundaries. The proposal would also incorporate other minor corrections and changes to sections of the Napa County General Plan last amended June 3, 2008.

**Staff Recommendation:** Adopt attached resolution recommending that the Board of Supervisors approve the proposed General Plan Amendment.

**Staff Contact:** Hillary Gitelman 253-4805

**EXECUTIVE SUMMARY****Proposed Action:**

1. That the Planning Commission adopt the attached Resolution recommending to the Board of Supervisors approval of the Proposed Land Use Map Amendment (PLUMA) project.

**Discussion:**

On April 22, 2008, the Board of Supervisors adopted Resolution 08-64 (attached) initiating a General Plan amendment to improve the correlation between the General Plan Land Use Map and underlying zoning. The resolution requested that the planning effort prioritize adjustments to Urban and Rural Residential areas on the Land Use Map that are not contiguous to incorporated cities and lack adequate infrastructure for urban development, and remove agriculturally zoned land from Urban and Rural Residential areas except where specific circumstances, such as an Affordable Housing (:AH) overlay, justifies retention.

On August 20, the Planning Commission received a staff presentation and public testimony regarding options, and provided direction to staff which is reflected in the proposed resolution. Notice of today's hearing has been provided pursuant to CGC Section 65353.

The proposed resolution (attached) would accomplish the Board's stated objectives and implement Action Item AG/LU-114.1 in the Napa County General Plan by recommending adjustments to the boundaries of 12 areas designated Urban Residential or Rural Residential on the Land Use Map, and would also adjust the boundaries of areas designated as Cities to reflect actual city/town boundaries. Because there would be no change to underlying zoning, the proposed map changes would have a negligible impact on development potential and would not result in land use changes. The minor changes proposed elsewhere in the General Plan address typos and needed corrections identified since adoption of the General Plan Update on June 3, 2008. (See Exhibit A to the proposed resolution.)

**FISCAL IMPACT**

Is there a Fiscal Impact?                      No

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The project implements Action Item AG/LU-114.1 in the Napa County General Plan and falls within the scope of the 2008 General Plan Update adopted June 3, 2008 and the program-level Environmental Impact Report (EIR) certified June 3, 2008 adequately describes the activity for the purposes of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15168(c), as explained in the attached Addendum to the General Plan EIR.

**BACKGROUND AND DISCUSSION**

The General Plan Land Use Map (Figure Ag/LU-3) is a component of the Agricultural Preservation & Land Use Element of the General Plan, which is required by State law to show the general distribution and general location of

land uses in the County, including the use of land for housing, agriculture, industry, open space, and other uses (CGC Sec. 65302(a)). The map and the General Plan are policy documents -- expressing a long-term vision for the physical development of the County -- and are not regulatory. Amendments to the Land Use Map can be adopted by a resolution of the legislative body (the Board of Supervisors) following review under the California Environmental Quality Act (CEQA) and a hearing/recommendation by the Planning Commission, except if Measure J would require approval by the voters (see below). State law allows each local jurisdiction to amend its General Plan no more than four times per year (CGC Sec. 56358(b)).

Zoning is a set of regulations which establishes requirements related to the use of buildings, structures and land, and which determines the permitted location, density, and physical form of buildings and structures (CGC Sec. 65850). The County's zoning map is incorporated by reference in County Code Section 18.12.020, and may be amended by ordinance adopted by the legislative body (the Board of Supervisors) following review under CEQA and a hearing/recommendation by the Planning Commission. There is no limit on the number of zoning map or text amendments that may be adopted per year. No zoning changes are being proposed.

### **General Plan & Zoning Consistency**

State law (CGC Sec. 65860) requires zoning ordinances and general plans to be consistent. In most cases, this is achieved by making the General Plan Land Use Map and the zoning map consistent, however the courts have held that consistency can be achieved even if the maps are not identical, since the policies of a General Plan apply in their totality (i.e. the Land Use Map cannot be viewed in isolation). To this point, the Napa County General Plan (Policy AG/LU-114) states: "In areas where the zoning and the land use designation shown on the Land Use Map are not identical, rezoning is desirable but not mandated, since consistency is achieved by reviewing the stated policies of the General Plan in addition to the Land Use Map."

A good example relates to commercial properties in Oakville and Rutherford; these communities are designated "Agricultural Resource" on the Land Use Map, but contain properties that are zoned for commercial use. General Plan Policy Ag/LU-45 provides for consistency between General Plan and zoning by stating that commercial uses are permitted on commercially zoned sites (illustrated in Figure AG/LU-2).

The proposed PLUMA is aimed at improving the correlation between the Land Use Map and the zoning map, recognizing that the two maps have different histories and different functions that make it unlikely that they will ever be identical.

### **Measure J & Measure P**

Measure J, adopted by the voters in 1990, is one reason it is unlikely that the County's Land Use Map and zoning map will ever be identical. Measure J (attached) requires approval from the voters to re-designate areas shown on the Land Use Map as Agricultural Resource (AR) or Agriculture, Watershed and Open Space (AWOS) to a non-agricultural designation unless specific exceptions apply. As a result, there are areas of the County zoned for non-agricultural use which have an AR or AWOS designation, but which cannot be re-designated as Urban Residential or Rural Residential (or some other designation) without voter approval. While these areas could conceivably be rezoned for agriculture, they often consist of small parcels or have other physical characteristics which would make it misleading to designate them for agricultural use on the General Plan Land Use Map. In these instances, consistency (between General Plan and zoning) is maintained through General Plan policies such as Policy AG/LU-26, which states that a single family residence is permitted on existing legal parcels.

Measure J is relevant to the current PLUMA planning process in a number of ways. First and foremost, it's important to recognize that Measure J does not restrict the re-designation of properties designated as Urban Residential or Rural Residential on the Land Use Map (i.e. the "bubbles") as off the effective date, thus it is possible to *shrink* these areas without reference to Measure J. On the other hand, it is not possible to *move* or

*expand* the Urban or Rural Residential areas without a vote pursuant to Measure J, unless some narrow exceptions apply. These exceptions include one for properties annexed into cities, and one for properties that are unlikely to be annexed into cities and meet a number of other conditions.

Measure P, which will be on the ballot for consideration of Napa County voters on November 4, 2008, references the Land Use Map in effect as of September 28, 2007 and would extend provisions of Measure J until December 31, 2058, requiring approval of the voters to re-designate AR and AWOS lands unless certain exceptions apply. Measure P would add another narrowly defined exception related to affordable housing, and would make no other substantive changes to Measure J.

## **12 Urban and Rural Residential Areas**

There are 12 different areas designated as Urban Residential (UR) or Rural Residential (RR) on the Land Use Map. Each is colored either yellow (RR) or flesh tone (UR), and contained within a thick boundary line that was established many years ago with little attention to underlying zoning or parcel lines.

Of the 12 areas, seven (Angwin, Berryessa Estates, Berryessa Highlands, Deer Park, Moskowitz Corners, Pope Creek, and Spanish Flat) are not contiguous to incorporated cities, and are identified as priorities in Resolution No. 08-64 (see Executive Summary above). All of these areas have some additional development potential, although in some cases (like Berryessa Estates, Berryessa Highlands, and Pope Creek), this simply means that there are already subdivided parcels that are vacant and could accommodate a single family residence. The Angwin, Moskowitz Corners, and Spanish Flat areas have development potential associated with Affordable Housing (:AH) overlay zoning on specific parcels, and -- together with Deer Park -- also have development potential associated with limited commercial (CL or CN) or planned development (PD) zoning. All seven of the non-contiguous UR and RR areas are infrastructure-constrained in the sense that they are located some distance from services along twisting rural roads, and have limited access to water and/or waste water disposal systems. Berryessa Estates and Berryessa Highlands have resort improvement districts, which provide water and sewer services within the existing subdivisions, and Spanish Flat and Pope Creek have another district. Some parcels in Angwin and Deer Park are served by the Howell Mountain Mutual Water Company, and some have access to waste water treatment facilities at the hospital and college.

The five UR and RR areas that are contiguous to incorporated cities (Big Ranch Road, Calistoga Vicinity, Coombsville, Partrick Road, and Silverado) have little development potential, except for the RR portion of the Silverado area (i.e. outside of the country club), which includes some :AH overlay sites. Generally, these areas do not have access to municipal services, except for the Silverado country club (UR) area, and they rely on wells and septic systems. Also, the Coombsville area and the Silverado area overlap the MST groundwater basin, an area which has been designated as groundwater deficient.

Maps and data related to each of the UR and RR areas have been assembled and made available on the County's website. This information will be summarized during the presentation on October 15, 2008, and has been used to formulate the draft resolution.

## **Boundaries of the Incorporated Cities & Town**

Napa County's five incorporated cities/town (Napa, American Canyon, Town of Yountville, St. Helena, and Calistoga) are all depicted on the Land Use Map as orange areas, with thick black boundary lines that do not correspond to actual city boundaries. If these boundary lines were adjusted, some parcels would change from Cities (orange) to other designations (e.g. AW, RR) and colors (green, yellow). In other instances, parcels would change from designations such as AW and RR to Cities, and thus would change from green or yellow on the map to orange. In instances where agricultural land (green) would change to Cities (orange), no vote would be required pursuant to Measure J because of the exception provided in Measure J (and Measure P) for lands that are annexed

to a city.

The proposed map changes would bring the County's map into conformance with actual City/Town boundaries, and would add the voter-initiated growth boundaries of the Cities of Napa and American Canyon to the County's Land Use Map for the first time. This is being recommended so that properties lying outside the city limits but within the growth boundaries continue to be identified as properties planned for annexation, even though they will no longer be designated as part of the cities.

### **The PLUMA Planning Process To Date**

Pursuant to the Board's direction, planning staff first prepared a set of maps comparing General Plan land use designations, zoning, and parcel lines. On July 8, planning staff presented this material at a public workshop which was informally noticed by sending flyers to potentially affected property owners. The workshop and materials distributed at the workshop focused on explaining the potential impacts if agriculturally zoned land within the Urban and Rural Residential areas were re-designated as AR or AWOS. In all cases, the conclusion was that the change would constitute a "clean up" of the County's maps, but would not affect the use of property since the property's zoning would remain the same. In fact, the net effect of the change would simply be to require that property owners seeking rezoning from agriculture to some other designation first obtain a General Plan Amendment.

On August 5, 2008, the Planning Commission and the Board of Supervisors had a study session on the PLUMA planning process, which involved a bus tour to visit nine out of the 12 Urban and Rural Residential areas. Specifically, the group visited the Silverado, Moskowitz Corners, Berryessa Highlands, Spanish Flat, Pope Creek, Berryessa Estates, Angwin, Deer Park, and Big Ranch Road areas.

On August 20, 2008, the Planning Commission received a staff presentation and public input regarding the PLUMA, and provided direction to staff regarding scheduling today's hearing and development of the draft resolution.

### **Stakeholder Input**

Not surprisingly, the PLUMA process has engendered comments and questions from property owners who wish to know how the map changes would affect the use of their property and from interest groups wishing to meet their own objectives or wishing to meet the Board's objectives in a specific way. Some property owners, such as Wes Plunket, have requested no change to the Rural Residential areas where they own property (Spanish Flat). Others, such as Bob and Lucy White, have requested no change to their Rural Residential areas (Pope Creek) except to allow parcels overlapping the boundary line to be treated as wholly inside the line. Other property owners have called with questions about how the proposed map change would affect the use of their property, and have been satisfied with the answer that the map change would simply make the General Plan map consistent with the zoning map, and thus would not change the land uses permitted under current zoning. (As discussed on August 20, there is one parcel in Pope Creek which would experience a meaningful change in development potential as a result of the PLUMA.)

The Save Rural Angwin group has submitted their own suggestion regarding map changes in the Angwin area (attached). As discussed by the Commission on August 20, the SRA proposal shares some common features with the staff recommendation, but would also redesignate portions of the Urban Residential area as "Institutional" and would designate another portion for agriculture despite its underlying Planned Development zoning. As of October 1, staff has not received a comment or suggestion from Pacific Union College, although the College's views were clearly expressed during the General Plan Update process.

Since the August 20 hearing, the Commission has also received correspondence from the Farm Bureau restating

and clarifying their suggestions, which are consistent with the staff recommendation for the areas contiguous with incorporated cities, consistent with the SRA recommendation for Angwin, and suggest elimination of the remaining six areas (Berryessa Highlands, Berryessa Estates, Deer Park, Pope Creek, Spanish Flat, and Moskowitz Cor.) in their entirety.

The request to eliminate areas entirely from the Urban and Rural Residential designation should be considered in light of State requirements that the County's land use element "designate the proposed general distribution and general location and extent of uses of the land for housing, businesses..." (CGC Sec. 65302).

### **Preliminary Staff Recommendations for Commission Input & Direction**

Based on the analysis and input received to date, planning staff is recommending adoption of a resolution which would make environmental findings and recommend that the Board of Supervisors:

1. Change maps within the General Plan to remove all agriculturally-zoned land from the Urban Residential and Rural Residential designations except for several parcels with an :AH overlay in Moskowitz Corners and Spanish Flat, and about 100 parcels with existing urban development in Spanish Flat and Pope Creek.
2. Change maps within the General Plan to expand the Rural Residential designation in Berryessa Highlands and Berryessa Estates to include previously subdivided parcels zoned PD by utilizing the exemption in Measure J.
3. Change maps within the General Plan to adjust the boundaries of all incorporated jurisdictions to reflect actual city limits, adding the voter-initiated growth boundaries for the Cities of Napa and American Canyon to the Land Use Map, and making corresponding changes to land currently designated as "Cities" that falls outside the actual city boundaries.
4. Make a number of minor corrections to other figures and text in the General Plan, as outlined in Exhibit A to the resolution, attached.

### **Next Steps**

Should the Commission take action as recommended on October 15th, their recommendation would be forwarded for consideration by the Board of Supervisors at a noticed public hearing, tentatively scheduled for December 9, 2008.

### **SUPPORTING DOCUMENTS**

- A . Draft Resolution
- B . Draft Resolution Exhibit A
- C . Board Resolution 08-64, Adopted April 22, 2008
- D . Text of Measure J
- E . Save Rural Angwin proposal
- F . Addendum to the General Plan EIR
- G . Power Point for October 15 Meeting

Napa County Planning Commission: Approve

Reviewed By: John McDowell