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Agenda Date: 3/18/2009

Agenda Placement: 9A

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Chris Cahill, Planner - 707.253.4847
SUBJECT: Gordon Family Ranch Rezoning Application No. P08-00425-RZG

RECOMMENDATION

DONALD GORDON / DONALD & CHRISTIN GORDON ET AL. / GORDON FAMILY RANCH REZONING - PROPOSED ORDINANCE P08-00425-RZG

CEQA Status: Mitigated Negative Declaration Prepared. According to the proposed mitigated negative declaration, if mitigation measures are not included, the proposed project would have potentially significant environmental impacts in the following area: Geology and Soils. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5

Request: Applicant-sponsored ordinance to rezone a 256.7 acre portion of the Gordon Family Ranch in Gordon Valley, far eastern Napa County, from AW (Agricultural Watershed) to AP (Agricultural Preserve) zoning. The project is located on a 256.7 acre parcel located east of Gordon Valley Road, at its intersection with Grapevine Lane, within an AW (Agricultural Watershed) zoning district. (Assessor's Parcel No.: 033-220-002). 6060 Gordon Valley Road, Napa, Calif.

Ordinance Title: *An Ordinance of the Board of Supervisors of the County of Napa, State of California, Rezoning a Certain Parcel Within the Unincorporated Area of the County from an Agricultural Watershed (AW) to an Agricultural Preserve (AP) Zoning District (Gordon Family Ranch, APN 033-220-002)*

Staff Recommendation: That the Planning Commission conduct a public hearing and forward a recommendation of approval to the Board of Supervisors.

Staff Contact: Chris Cahill, 253-4847 or ccahill@co.napa.ca.us

EXECUTIVE SUMMARY

Proposed Action:

1. That the Planning Commission recommends Board of Supervisors adoption of the proposed Mitigated Negative Declaration and Mitigation Monitoring Program, based on findings 1-5 of Exhibit A.
2. That the Planning Commission recommends the Board of Supervisors find the proposed Rezoning Ordinance consistent with the Napa County General Plan and zoning regulations based on finding 6 of Exhibit A and recommends the Board of Supervisors adopt the of the proposed Rezoning Ordinance.

Discussion:

This application proposes the rezoning of a 256.7 acre parcel, located at the foot of the Napa County portion of Gordon Valley, from AW to AP zoning. Due to a favorable climate, productive soils, and a long agricultural history, the wider Gordon Valley area has been designated Agricultural Resource by the General Plan since the first land use map was adopted in the early 1970s. While the AP zoning district is deemed to be the "appropriate" zoning district for Agricultural Resource areas (see Napa County General Plan **Table Ag/LU-B**), the whole of the Gordon Valley Agricultural Resource area is currently zoned AW. This application proposes a rezoning of one parcel, which is designated Agricultural Resource in its entirety, from AW to the "appropriate" AP zoning. No other change is proposed.

As the requested rezoning requires adoption of an ordinance amending the County's Zoning Map, this item is technically before the Commission for a public hearing and recommendation to the Board of Supervisors for their ultimate action on the draft ordinance. The Commission should consider public input, review the merits of the rezoning request, and vote either to deny the request or to forward the item to the Board of Supervisors with a recommendation for approval. Planning staff is fully supportive of the requested rezoning and we recommend approval.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

Environmental Determination:

Mitigated Negative Declaration Prepared. According to the proposed mitigated negative declaration, if mitigation measures are not included, the proposed project would have potentially significant environmental impacts in the following area: Geology and Soils. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5

BACKGROUND AND DISCUSSION

Owner: Donald and Christin Gordon et al.

Applicant: Don Gordon, Manager of the Gordon Family Ranch

Current Zoning: AW (Agricultural Watershed)

Proposed Zoning: AP (Agricultural Preserve)

General Plan Designation: AR (Agricultural Resource)

Parcel Size: 256.7 acres

Existing Land Use: Two residences (a primary residence and a farm labor residence); a number of barns, sheds, and other agricultural structures; 60 acres of producing vineyard; and upland grazing and open space areas.

Initially Submitted: June 20, 2008 **Determined Complete:** January 14, 2009

Adjacent General Plan Designation/ Zoning / Land Use:

North

AR & AWOS General Plan designations

AW zoning

Open space, rural residential, and agricultural uses; including a 42 acre open space/ rural residential parcel (Abruzzini), a 68 acre open space/ rural residential parcel (Abruzzini), a 60 acre vineyard parcel (Abruzzini), and a 266 acre vineyard, open space, and rural residential parcel (Loney-MacKenzie).

South

Solano County **Intensive Agriculture & Extensive Agriculture** General Plan designations

Solano County **A20** (Exclusive Agriculture - 20 acre minimum) & Solano County **A40** (Exclusive Agriculture - 40 acre minimum) zoning

Open space and agricultural uses; including a 78 acre open space parcel (Aiu) and a 12 acre orchard parcel (Gordon).

East

AR & AWOS General Plan designations

AW zoning

Open space, rural residential, and agricultural uses; including a 172 acre vineyard, open space, and rural residential parcel (Egan).

West

AR General Plan designation

AW zoning

Open space, rural residential, and agricultural uses; including a 109 acre vineyard, open space, and rural residential parcel (Wastlhuber), an 86 acre vineyard and residential parcel (Cheng), a one acre residential parcel (Macy), and a 54 acre open space and rural residential parcel (Rahmer).

Nearby Wineries (within one mile of the project site)

There are currently no wineries located within one mile of the subject parcel.

History and Evolution of this Application:

May 2007

Don Gordon submits comments to the General Plan Update Steering Committee requesting an expansion of the

Gordon Valley Agricultural Resource land use designation and the rezoning of Agricultural Resource designated areas of Gordon Valley from AW to AP zoning. Please see Mr. Gordon's 2007 comments at **attachment L**. No changes to the land use designations or zoning districts in the Gordon Valley area were ultimately included in the General Plan Update adopted by the Board of Supervisors in 2008.

June 2008

Don Gordon, acting on behalf of his family members (the co-owners of the Gordon Family Ranch), files **rezoning application No. P08-00425-RZG**. This is the item currently before the Commission.

January 2009

The applicant submits an archeological study, and other required information, allowing planning staff to complete the draft mitigated negative declaration. The rezoning is scheduled for a hearing before the Planning Commission.

Code Compliance History:

Having toured the property and reviewed the Department's files, planning staff is unaware of any code compliance issues on the parcel.

Discussion Point(s):

Gordon Valley

The subject parcel is located in the main stem of Gordon Valley, a small agricultural valley located in the far eastern corner of Napa County. Gordon Valley is characterized by relatively narrow branching river valleys surrounded by the ridges of the north-south running Vaca Mountains. The area stretches from Lake Curry south to Manka's Corner in Solano County and has historically been given over to agricultural uses including cattle ranching and walnut orchards. Most valley floor areas are still in intensive agricultural use, though the once-dominant walnuts have been almost entirely replaced with vineyards. Steep hillsides surrounding the valley floor are heavily wooded and mostly used for pastureland and open space.

Population densities in the area are low and the general development pattern is very similar to that of Wooden Valley (in Napa County, about 2.5 miles to the northwest) and the northern edges of Suisun Valley (in Solano County, about 1.25 miles to the southeast). The area is served by the Gordon Valley Volunteer Fire Department and the Fairfield-Suisun Joint Unified School District.

Ownership and Land Tenure

Historically, Gordon Valley was a part of Rancho Chimiles, a 17,762 acre land grant originally deeded to Jose Ignacio Berryessa in 1842. Following statehood, the entirety of the Chimiles grant was patented by Nathan Coombs and his father-in-law William Gordon. Various descendants of William Gordon remain in Gordon Valley to this day, farming much of the valley floor and the surrounding upland range as the Gordon, Gordon Family, Loney, and Morgan Ranches.

The applicants here are all heirs and descendants of William Gordon and are co-owners of the Gordon Family Ranch. They are represented by Mr. Don Gordon, who lives on the ranch and farms and manages the property on behalf of himself and eleven other family members. Napa County Gordon Family Ranch holdings include the subject parcel and five large upslope properties, located in the hills to the east and totaling roughly 2,200 additional acres. All of the Gordon Family Ranch's upslope holdings are under Williamson Act agricultural contract; the subject parcel is not.

The Subject Parcel

The rezoning application presently before the Commission proposes to convert a single 256.7 acre parcel from AW to AP zoning. The property is located east of Gordon Valley Road, at its intersection with Grapevine Lane, and is directly adjacent to and north of the Solano County line. The parcel is comprised of an area of flat valley-bottom farmland and surrounding foothills and is split down the middle by Grapevine Lane, a private right-of-way that provides primary access to a number of additional properties further up Gordon Valley. Gordon Valley Creek, Ledgewood Creek, and an unnamed tributary to Ledgewood Creek all cross the property. Soil types include Yolo Loam on the valley floor and Bressa-Dibble Complex and Dibble-Los Osos Clay Loams on upslope areas and all of the parcel's Yolo Loam soils are identified as Prime Farmland or Farmland of Local Importance on State farmland maps.

The subject parcel is currently developed with a primary residence, a farm labor dwelling, a number of barns and other agricultural accessory buildings, and slightly less than 60 acres of producing vineyard. The remainder of the property is given over to pastureland and open space uses. No new development is proposed as part of this application.

Measure J/P and General Plan Compliance

The entirety of the subject parcel is designated Agricultural Resource on the County's General Plan Land Use Map and has been so-designated since the County adopted its first Preliminary General Plan in 1969. The Agricultural Resource designation is designed to, "identify fertile valley and foothill areas of the county in which agriculture is and should continue to be the predominant land use." (General Plan **Policy Ag/LU-21**) Since at least 1983, the building intensity, minimum lot size, and other policies regarding the Agricultural Resource land use designation have been calibrated to match the County's AP zoning district. In 2008, this pre-existing connection was made explicit via General Plan **Policy Ag/LU-114** and implementing **Table Ag/LU-B**, which identify AP as the "appropriate zoning designation" for lands designated as Agricultural Resource on the General Plan Land Use Map.

Despite the fact that the subject parcel has long been clearly and consistently General Plan designated for AP zoning, it has remained under various iterations of the Agricultural Watershed zoning district (AWR until the 1970s and AW thereafter) from 1955 to the present day. The application currently before the Commission proposes the redesignation of the parcel from AW zoning to the "appropriate" AP zoning designation and is therefore fully consistent with the County's adopted General Plan. The requested rezoning also complies with Measures J and P, as it proposes no changes to the County's General Plan Land Use Map and no changes to the associated General Plan minimum parcel size or maximum building intensity limitations.

AW Zoning and AP Zoning Compared

Both the AW and AP zoning districts are primarily agricultural and are subject to largely identical use and development restrictions. For purposes of this application, the only significant differences between the two districts are that the AP district has a smaller minimum lot size (40 acres as opposed to the AW's 160) and that the AW allows a main dwelling, a residential second unit, and a guest cottage on each parcel, while the AP currently allows only a main dwelling and a guest cottage (*please note that General Plan **Action Item Ag/LU-30.1** recommends that the Zoning Code be revised to allow second units in Agricultural Resource areas, however, that code revision is yet to be introduced*).

Under the current AW zoning, the 256.7 acre subject parcel is not subdividable. Should the requested rezoning be approved, the Gordons (or some future owner) could potentially divide the property into as many as six parcels. As analyzed in more detail in the attached Mitigated Negative Declaration, a theoretical six parcel subdivision of the property would result in an increased by-right development potential of four additional residences and five additional guest cottages. Any future subdivision of the property would, however, be subject to environmental review and a separate discretionary County approval.

Rezoning Process

Chapter 18.136 of the Zoning Code outlines the process by which a parcel's zoning designation can be changed

from one zone to another. In short, upon receipt of an applicant-initiated rezoning request, the Planning Commission is required to hold a noticed public hearing. At the close of the hearing, the Commission votes to recommend either approval of, denial of, or modifications to the rezoning request. If the Commission votes to recommend modification or approval, Planning staff submits a written report on behalf of the Planning Commission to the Board of Supervisors and the rezoning ordinance is agendized for a final hearing before the Board and possible adoption. If the Commission votes to deny the requested rezoning, that denial is final unless, "an interested party requests a hearing by filing a written request with the Clerk of the Board within five days after the Commission files its recommendation with the Board." (N.C.C. §18.136.060{C})

Consistency with Standards:

Zoning

This application is limited to the rezoning of the subject parcel from the AW to the AP zoning district. Neither new development nor the further parcelization of the property is proposed at this time. The rezoning of this parcel from AW to AP will not create any new nonconforming conditions and will not exacerbate any existing nonconformity.

Building Division Requirements

The Building Division has no conditions. Please see their June 30, 2008 memo (attached).

Fire Department Requirements

The Fire Marshall has no conditions. Please see former Fire Marshal Gabrielle Avina's July 16, 2008 memo (attached).

Public Works Department Requirements

The Public Works Department notes that any future subdivision of the property would require compliance with the Country's Road and Street Standards, but has no conditions at this time. Please see their July 23, 2008 memo (attached).

Environmental Management Department Requirements

The Department of Environmental Management has no conditions. Please see their July 10, 2008 memo (attached).

Other Agencies

The Fairfield-Suisun Unified School District, the Napa County Agricultural Commissioner, and the Napa County Resource Conservation District have reviewed this application and have no conditions. The City of Vallejo Water Department comments that they will not provide water service to any new lots in Gordon Valley via their Lake Curry pipeline. (Staff would point out that the status of the City of Vallejo's obligations to the Gordon family is very much an open question. The Commission should not *necessarily* assume that the City of Vallejo's February 10, 2009 comments {attached} represent the last word on the matter.)

SUPPORTING DOCUMENTS

- A . Exhibit A - Findings
- B . Draft Rezoning Ordinance
- C . Draft Zoning Map Amendment
- D . Environmental Management Comments
- E . Fire Marshal's Comments

- F . Building Division Comments
- G . Public Works Comments
- H . Other Agency Comments
- I . Project Revision Statement
- J . Mitigated Negative Declaration and Mitigation Monitoring Program
- K . Application Materials
- L . Supplemental Materials (Applicant's 2007 General Plan Update Comments)
- M . Graphics

Napa County Planning Commission: Approve

Reviewed By: John McDowell