



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 3/7/2012

Agenda Placement: 9D

## Napa County Planning Commission Board Agenda Letter

---

**TO:** Napa County Planning Commission  
**FROM:** John McDowell for Hillary Gitelman - Director  
Conservation, Development & Planning  
**REPORT BY:** Hillary Gitelman, Director - 253-4805  
**SUBJECT:** Eagle Vines Ordinance - P11-00094-ORD

---

### **RECOMMENDATION**

#### **GOLF COURSE RESTAURANT ZONING ORDINANCE TEXT AMENDMENT P11-00094-ORD**

**CEQA Status:** The proposed amendment is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 - Existing Facilities, and Section 15305, Class 5 - Minor Alteration in Land Use Limitations.

**Request:** Report to the Board of Supervisors regarding the Board's requested modifications to an ordinance recommended for their adoption on November 16, 2011, and recommend adoption of the revised ordinance. The revised ordinance would amend the text of the zoning code to allow restaurants and banquet facilities at existing golf courses to be open to the general public as an accessory use if the golf courses are located in the proximity of the Airport Industrial Area Specific Plan and in an area designated for urban uses by the Napa County General Plan. The Eagle Vines Golf Course is the only property which would benefit from the revised ordinance and is located at 580 S Kelly Road; APNs 057-070- 018, 057-070-001, 057-006-070.

**Ordinance Title:** AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, AMENDING SECTIONS 18.104.040 OF CHAPTER 18.104 OF TITLE 18 OF THE NAPA COUNTY CODE REGULATING EXISTING RESTAURANTS AND BANQUET FACILITIES GOLF COURSES LOCATED WITHIN ONE MILE OF THE AIRPORT INDUSTRIAL AREA.

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

**Staff Contact:** Hillary Gitelman, Director 253-4805 [hillary.gitelman@countyofnapa.org](mailto:hillary.gitelman@countyofnapa.org)

### **EXECUTIVE SUMMARY**

**Proposed Action:** That the Planning Commission report to the Board of Supervisors regarding the Board's requested changes to an ordinance that was recommended to the Board for adoption on November 16, 2011 and recommend that the Board of Supervisors:

1. Find the proposed project categorically exempt from review under the CEQA pursuant to Class 1 (Existing Facilities) and Class 5 (Minor Alteration in Land Use Limitations); and
2. Adopt the revised ordinance.

**Discussion:** On November 16, 2011, the Planning Commission recommended that the Board of Supervisors adopt an ordinance that would have defined public use restaurants and banquet facilities as legitimate accessory uses of golf courses under very specific circumstances, including proximity to the Airport Industrial Area. After a public hearing on January 10 and 31, 2012, the Board of Supervisors requested revisions to the ordinance to modify the circumstances under which it would apply so that they included a condition that the golf course be located within an urban land use designation as defined by the Napa County General Plan. As revised, the ordinance would only apply to the Eagle Vines golf course. The Board also requested that staff (a) craft a measure for the November ballot that would allow nearby Chardonnay golf course the same privileges; (b) provide the Board with further guidance about when a vote is required pursuant to Measure P; and (c) schedule a working session to discuss desired revisions to the outdoor recreation findings in Napa County Code Section 18.104.390.

Pursuant to Napa County Code Section 18.136.070, when the Board of Supervisors requests changes to an ordinance that the Planning Commission has not considered, it must refer the changes back to the Planning Commission for a report and recommendation, which must be provided within 40 days. While Section 18.136.070 does not require that the Planning Commission conduct a public hearing on the requested changes, Planning Staff has noticed this item for a public hearing and recommends that the Planning Commission treat it as such. Staff will transmit the Commission's report and recommendation to the Board of Supervisors in writing so as to meet the 40 day deadline (March 11). The Board of Supervisors is scheduled to hold a noticed public hearing on the revised ordinance on April 3, 2012.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed amendment is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 - Existing Facilities, and Section 15305, Class 5 - Minor Alteration in Land Use Limitations.

### **BACKGROUND AND DISCUSSION**

The proposed Zoning Ordinance amendment would not affect the principal use of property, but would adjust the definition of allowable accessory uses that are subordinate to existing golf courses meeting certain narrow conditions. Only the existing restaurant at the Eagle Vines golf course would meet these conditions.

The intention of the ordinance is to allow the golf course restaurant to serve members of the general public,

instead of only golf course patrons, recognizing that there are approximately 8,500 people employed in southern Napa County who have limited food service options within the immediate vicinity. Although golf courses in outlying areas of the County could potentially make a similar argument if they were near other employment centers, the specifics of the Eagle Vines setting, the magnitude of employment in the vicinity, and the history of the golf course and its existing entitlement would allow the County to distinguish it from other proposals. In this way, the proposed action would not constitute a precedent for other golf courses (either existing or proposed).

The restaurant at the Chardonnay golf course would not benefit under the proposed ordinance because it sits within an Agricultural Watershed and Open Space (AWOS) land use designation and the Board of Supervisors expressed concerns regarding the applicability of Measure P (2008) to accessory uses of a commercial nature on agriculturally designated lands. Nonetheless, the Board indicated its intent to place an item on the November 2012 ballot which would (if approved) allow Chardonnay's restaurant to be open to the general public as well.

### **SUPPORTING DOCUMENTS**

- A . Tracked Changes from 2011 proposed ordinance
- B . Proposed 2012 Ordinance tracking from current code

Napa County Planning Commission: Approve

Reviewed By: John McDowell