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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: Proposed Land Use Map Amendment (PLUMA)

RECOMMENDATION

PROPOSED LAND USE MAP AMENDMENT (PLUMA)

Staff presentation and request for Commission direction regarding proposed changes to the General Plan Land Use Map (General Plan Figure AG/LU-3). Pursuant to Board of Supervisors Resolution 08-64, Department staff is conducting an analysis of areas designated Urban Residential and Rural Residential on the County's official Land Use Map -- areas which have been informally referred to as "urban bubbles" in the past. The principal goal of the planning process is to improve the correlation between the Land Use Map and existing zoning. Staff will present its preliminary analysis and recommendations to the Commission for discussion and direction. No formal action is being requested. Following receipt of the Commission's direction, Department staff will conduct environmental review, provide required public notice, and prepare a draft resolution for consideration and possible action by the Commission.

Staff Recommendation: Take public testimony after Staff presentation, and provide preliminary direction. Formal action by the Commission will occur at a future, noticed public hearing.

Staff Contact: Hillary Gitelman 253-4805

EXECUTIVE SUMMARY

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.

Today's presentation will provide a summary of the analysis conducted to date and the range of public comments and input received. The presentation will also describe staff's preliminary recommendations for each of the 12 Urban and Rural Residential areas, as well as recommendations associated with the boundaries of incorporated cities depicted on the Land Use Map. Staff is seeing Commission input and direction -- no formal action is requested at this time.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: This study session concerning potential future amendment of the General Plan Land Use Map is not a "project" as defined in CEQA Section 15378. Section 15378(c) sets forth that the term "project" refers to an activity which is being approved. This study session is necessary to establish the scope of the "project" that will be evaluated under CEQA as part of the future formal public hearing process. This study session does not result, either directly or indirectly, in any potential physical change to the environment.

BACKGROUND AND DISCUSSION

This agenda item is intended to provide background information on the Proposed Land Use Map Amendment (PLUMA) planning process, along with preliminary staff recommendations in an effort to facilitate Planning Commission discussion and direction to staff. The information provided below will be supplemented by a power point presentation at the hearing on August 20, 2008.

General Plan & Zoning

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.

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 current PLUMA planning effort 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) 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 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 of 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, Moskowite Corners, Pope Creek, and Spanish Flat) are not contiguous to incorporated cities, and are identified as priorities in Resolution 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 August 20, 2008, and has been used to formulate preliminary recommendations.

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 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.

In the time since the July 8 workshop, planning staff has been assembling additional maps and information for presentation on August 20, 2008. Also, 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.

Preliminary Staff Recommendations for Commission Input & Direction

Based on the information gathered to date and the material that will be presented to the Commission on August 20, 2008, planning staff is making the following recommendations:

1. Remove all agriculturally-zoned land from the Urban and Rural Residential designations except for 3 parcels with an :AH overlay in Moskowitz Corners and Spanish Flat and 101 parcels with existing urban development in Spanish Flat and Pope Creek.
2. Utilize the exception provided in Measure J to expand the Rural Residential designation in Berryessa Highlands and Berryessa Estates to include previously subdivided parcels zoned PD.
3. Adjust the boundaries of all incorporated jurisdictions to reflect actual city limits.

In addition to seeking direction regarding these preliminary recommendations -- which will be explained and illustrated for all 12 "bubbles" and all five incorporated jurisdictions at the August 20, hearing -- staff is seeking direction regarding possible redesignation of one parcel in Pope Creek and 74 parcels in Angwin from Urban Residential to Rural Residential consistent with Board of Supervisors Resolution 08-64. A power point presentation (attached) will be used to explain these recommendations and questions.

Next Steps

Following the presentation and Commission discussion/direction on August 20, 2008, planning staff will conduct environmental review, prepare required public notices and draft resolutions, and schedule the PLUMA item for hearing by the Planning Commission and then the Board. Staff may also schedule additional public workshops or undertake additional public outreach if/as directed by the Commission.

Ultimately, amendment of the Land Use Map would require approval of a resolution or resolutions by the Board of Supervisors, following their receipt of a recommendation from the Planning Commission. Planning staff hopes to schedule Planning Commission and Board action before the end of 2008, although no dates have been set.

SUPPORTING DOCUMENTS

- A . Board Resolution 08-64, Adopted April 22, 2008
- B . Text of Measure J
- C . August 20 Draft Power Point Part I
- D . August 20 Draft Power Point Part II
- E . August 20 Draft Power Point Part III
- F . August 20 Draft Power Point Part IV

Napa County Planning Commission: Approve

Reviewed By: John McDowell