



Agenda Date: 4/15/2008
Agenda Placement: 9I
Set Time: 2:00 PM PUBLIC HEARING
Estimated Report Time: 1 Hour
Continued From: March 18, 2008

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Hillary Gitelman, Director - 253-4805
SUBJECT: 2008 General Plan Update/County of Napa General Plan Amendment

RECOMMENDATION

Director of Conservation, Development & Planning and Director of Community & Intergovernmental Affairs request that the Board of Supervisors receive the Planning Commission's March 5, 2008 recommendation, hold a public hearing regarding the 2008 General Plan Update, and either continue the public hearing to the Board's regular meeting of April 22, 2008 or consider adoption of a motion of intent to adopt two resolutions as follows:

1. A resolution certifying that the Final Environmental Impact Report (EIR) prepared for the 2008 General Plan Update has been completed in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the County's Local Procedure Implementing CEQA; and
2. A resolution adopting findings, a statement of overriding considerations and superseding and replacing all elements of the existing Napa County General Plan except for the Housing Element with the 2008 General Plan Update, consisting of the December 3, 2007 Revised Public Hearing Draft together with the list of errata and text changes contained in exhibits to the resolution and carrying forward the existing Housing Element.

(CONTINUED FROM MARCH 18 AND APRIL 8, 2008)

EXECUTIVE SUMMARY

The 2008 General Plan Update is the product of several years work by the General Plan Update Steering Committee, staff and consultants, and incorporates substantial input from the Planning Commission, the Board of Supervisors, County residents and other stakeholders gathered between January 2005 and the present. The proposed General Plan Update is intended to improve the "readability" of the Plan, update the Plan to reflect current conditions in the County, and provide a policy framework for sound decision making in unincorporated Napa County until the year 2030.

If adopted, the 2008 General Plan Update would result in a General Plan containing the following sections:

Introduction, Summary and Vision, Agricultural Preservation & Land Use Element, Circulation Element, Community Character Element, Conservation Element, Economic Development Element, Housing Element, Recreation & Open Space Element, Safety Element, Implementation Plan, and Glossary. The Planning Commission has provided the Board of Supervisors with their recommendations in the form of Planning Commission Resolutions No. 08-01 and No. 08-02, including a recommendation that text, goals, and policies related to water resources be relocated from the proposed Conservation Element to a separate Water Resources Element.

Copies of the 2008 General Plan Update are available at the Napa County Department of Conservation, Development and Planning, 1195 Third Street in Napa, or on line at napacountygeneralplan.com. (See Background section below for more information.)

PROCEDURAL REQUIREMENTS

1. Chair announces agenda item.
2. Chair declares the Public Hearing open.
3. Staff reports on the item.
4. Questions by the Board
5. Chair invites public comment.
6. Chair declares the Public Hearing closed or entertains a motion to continue.
7. Chair invites a motion on the item.
8. Member makes a motion on the item.
9. Another member seconds the motion on the item.
10. Board discussion and debate.
11. Chair calls for the Vote on the motion on the item.
12. Chair announces the result of the Vote.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	The proposed General Plan Update is included in the Final FY 07-08 budget and contains goals and policies that will guide decision making in the future. Although generally, these have few costs, some include action items that will require implementation actions at some point during the life of the Plan and these actions will have costs associated with them which will be included in future year recommended budgets.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The implementation actions included in the proposed General Plan Update are suggested as ways to attain the County's larger policy goals.
Is the general fund affected?	Yes
Future fiscal impact:	Fiscal impacts in future years will depend on the cost of individual implementation actions, the number of actions proposed for implementation each year, and the number of years it takes to complete each action.
Consequences if not approved:	None. The Board may choose to delete or adjust proposed policies and action items, however they would then need to consider whether the proposed

General Plan Update remains internally consistent and meets all other State requirements and whether such adjustment impacts the environmental analysis.

Additional Information:

ENVIRONMENTAL IMPACT

Final Environmental Impact Report (EIR). Prior to adopting the General Plan Update, the Board will be asked to certify that the Final EIR has been prepared in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and local procedures for implementing CEQA, that the Board has reviewed and considered the information contained in the Final EIR, and that the Final EIR reflects the County's independent judgment and analysis. As part of the Board's approval action, they will be asked to adopt CEQA findings, including findings pursuant to CEQA Guidelines Section 15091 related to significant impacts, mitigation measures and alternatives, and a statement of overriding considerations related to significant and unavoidable impacts pursuant to CEQA Guidelines Section 15093.

BACKGROUND AND DISCUSSION

General Plan Requirements

California State Law (CGC Section 65300 et seq.) requires each local agency to adopt a comprehensive, long-term plan for the physical development of the land under its jurisdiction and any land outside its boundaries that affects its planning. The law requires that general plans contain seven mandated topics or elements that collectively comprise an integrated, internally consistent, and compatible statement of policies. While there is no requirement that general plans be updated all at once, or on a given schedule (except for the Housing Element), the State recommends that they be updated every 10 years. Napa County's General Plan was last comprehensively updated in 1983, although many of its elements have been amended since then, most recently in 2004 when the Housing Element was last updated.

Napa County's General Plan Update Process

Napa County began work on a comprehensive update to its General Plan in January 2005 by holding public "visioning" meetings to ask residents and business owners what they would like addressed in the plan. On May 10, 2005 the Board of Supervisors created a 21-member General Plan Update Steering Committee to guide the planning process (Board Resolution No. 05-77), and on June 28, 2005, the Board appointed Committee members representing a broad cross-section of interests. On October 11, 2005, the Board of Supervisors formally initiated (Board Resolution No. 05-178) amendment of the General Plan pursuant to Board of Supervisors Resolution No. 05-73, and on October 21, 2005 a formal Notice of Preparation (NOP) of an Environmental Impact Report (EIIR) was issued soliciting public input.

The General Plan Update Steering Committee convened a series of monthly public meetings beginning in July 2005 to shape the plan, and in February 2007, the County released both the Draft General Plan Update and the Draft EIR to the public. During a 120-day public comment period, the County held five public hearings and received almost 300 comment letters. Following the end of the comment period, the General Plan Steering Committee, planning staff and consultants revised the draft plan to address as many comments as possible. The Planning Commission and the Board of Supervisors also held hearings on a number of the most controversial issues. Some sections of the plan, like the Agricultural Preservation & Land Use Element and the Conservation Element, were changed substantially based on the public comments received. For example, a suggested exemption from

the County's 1% growth limit was eliminated, policies supportive of bicycle travel were enhanced, Napa Pipe was redesignated as a "study area," and issues about the Napa River and global climate change were dealt with more comprehensively.

The Revised General Plan Update released to the public on Dec. 3, 2007 is the culmination of nearly three years of work and substantial public input. It is intended to perpetuate Napa County's long history of agricultural preservation and provide a policy framework for land use and development decisions in the County for the foreseeable future. A Final EIR containing public comments and responses as well as changes and additions to the Draft EIR was mailed to commenting agencies, organizations and individuals on Dec. 20, 2007 in electronic (CD) form, and hard copies have been provided to the Planning Commission and the Board of Supervisors.

In addition to the proposed General Plan Update and the Final EIR, the County has made several reading aids available to those who are interested. These include a brief summary document with answers to frequently asked questions, a matrix comparing mitigation measures in the EIR with policies in the proposed General Plan Update, and a matrix comparing goals and policies in the County's current General Plan to those in the proposed General Plan Update. These documents are available for review on the website at napacountygeneralplan.com, along with tracked-changes versions of most sections of the General Plan Update illustrating changes between the February 2007 and December 2007 draft documents.

Status of the Hearing Process & Planning Commission Recommendation

On January 15, 2008, the Planning Commission and the Board of Supervisors met in joint session to hear a presentation regarding the proposed General Plan Update, to receive public testimony, and to begin their deliberations. At that meeting, the Commission and the Board identified a list of issues for further discussion, including five "big picture" issues: (a) growth projections and policies; (b) the Urban and Rural Residential areas informally referred to as "bubbles;" (c) costs and details of the proposed implementation program; (d) water-related issues; and (e) the text, map, and policies related to Angwin. At the January 15th meeting, the Commission and the Board also discussed a number of other issues, some of which required follow-up by staff, and received written responses to comments on the plan and EIR, as well as a list of text changes recommended to the December 3, 2007 Draft General Plan Update. During the course of the meeting, the Board and the Commission directed staff to include additional text changes supporting workforce housing, data collection and assessment of cumulative impacts associated with wineries, roundabouts, periodic review of the Viewshed Ordinance and views from Lake Berryessa, and consideration of the potential for recreational use prior to abandoning unneeded rights of way. The Commission and the Board also expressed their desire to redesignate Skyline Park and/or somehow ensure its continued use as parkland, and requested an analysis of options.

On January 16, January 30, and February 6, 2008, the Planning Commission received additional testimony and continued their deliberations. At the conclusion of these meetings, the Commission directed staff to include additional changes to the text of the December 3, 2007 General Plan Update regarding growth projections and policies, the urban "bubbles," the implementation plan, and a water resources element. On February 26, 2008, the Planning Commission and the Board of Supervisors met in joint session and heard public testimony mostly focused on issues related to Angwin, the other "urban bubbles," and water resources. At the close of the meeting, the Commission and the Board provided direction to the staff on these issues.

On March 5, 2008, the Planning Commission received additional testimony, closed the public hearing and adopted two resolutions, which were previously provided to the Board of Supervisors. The resolutions contain the Commission's recommendations that the Board of Supervisors certify the Final EIR and adopt the 2008 General Plan Update based on a series of findings, referenced materials and exhibits. The Commission also requested that staff continue to work with representatives of the Winegrowers and St. Helena Hospital to resolve issues contained in their letters (received on February 29 and March 3, 2008).

On March 18, 2008, the Board of Supervisors held a formally noticed public hearing, received the Planning Commission's written recommendations, and discussed a number of outstanding issues. After their discussion, the Board voted to continue their hearing on April 8, 2008 and requested that staff provide more information about mitigation measures in the EIR, options for studying the so called "bubbles" before or after adoption of the General Plan Update, an analysis of recent comment letters, and a discussion of impacts related to the current proposal as compared to the "preferred plan" described in the Final EIR.

On April 8, 2008, the Board of Supervisors received additional public testimony, provided direction to staff on a number of policy issues, and requested further discussion on April 15, 2008. Board direction, included: (a) a decision to address the so called "urban bubbles" following adoption of the General Plan Update (with initiation of the associated map amendment on April 22, 2008); (b) a decision to eliminate the definition of "formula businesses," revise suggested Policy Ag/LU-54.5 on this subject, and add an action item to define this term in County Code and curtail these businesses in the areas adjacent to St. Helena and Calistoga in deference to these cities' policies and ordinances; (c) maintain Policy AG/LU-61 about groundwater in Angwin as currently drafted; (d) insert a sentence regarding Meadowood Resort in Policy AG/LU-103; and (e) include Policy CON-80(b) about woodburning fireplaces in new construction where residential densities exceed one dwelling unit per acre.

Today's Hearing & Next Steps

On April 15, 2008, the Board of Supervisors will continue their public hearing on the General Plan Update, take public testimony, and have an opportunity to raise their own comments and concerns and provide direction to staff. Materials and attachments provided for the Board's April 8, 2008 meeting will be used to facilitate the discussion, which will begin with discussion and direction to staff regarding the following:

- | Policy CON-13 and -14 (about wildlife habitat)
- | Policy CON-17 (about sensitive biotic communities)
- | Policy CON-18(b) (about wildlife fencing)
- | Policy CON-23 (about invasive weeds)

In addition, the Board has indicated their interest in discussing:

- | the number of times Angwin is mentioned in the description of the Preferred Plan in Section 2.0 of the Final EIR;
- | the final disposition of mitigation measures proposed for adoption as part of the County's local guidelines for implementing CEQA; and
- | other issues/questions left unresolved at the end of the meeting on April 8, 2008.

At the end of the Board's discussion/deliberation on April 15, 2008, Planning staff is hoping to have final direction on changes and revisions to the General Plan Update. If this is the case, County Counsel has requested that the Board continue their hearing until April 22 to allow for one last review for consistency by the County's legal staff. The actions proposed for April 22, 2008 are a motion of intent to certify the EIR, and a motion of intent to adopt the General Plan Update with all of the changes agreed to and reflected in the errata as of that date. If and when the Board closes the public hearing and takes these actions, they should then request that County Counsel prepare resolutions and findings in accordance with State law, including specific findings regarding significant environmental effects, alternatives and mitigation measures. Adoption of the final resolutions and findings is tentatively scheduled for May 20, 2008.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi