

To the Honorable Registrar of Voters of the County of Napa: We, the undersigned, registered and qualified voters of the County of Napa, hereby propose an initiative measure to amend the County of Napa General Plan. We petition you to submit this measure to the Board of Supervisors of the County of Napa for submission of the measure to the voters of the County of Napa at the earliest general or special election for which it qualifies. The measure provides as follows:

The people of the County of Napa do hereby ordain as follows:

Section 1. Findings.

A. For the past forty years, land use policy in Napa County has been guided by two complementary principles: that agricultural and open space land should be protected and that development should occur in urban areas.

B. Large tracts of agricultural and open space land in the Angwin area have no protection from urban development. It is not consistent with Napa County land use principles to tolerate this planning oversight. The proposed amendments to the General Plan in this initiative would protect these lands in Angwin, as elsewhere in Napa County, and would recognize the desire of residents to preserve their rural community.

Section 2. Declaration of Purpose.

In enacting this General Plan amendment, it is the purpose and intent of the People of Napa County to:

A. Apply the same appropriate General Plan land use designations and principles in the Angwin area as applied in the rest of Napa County to ensure the long-term protection of agricultural and open space land and the prevention of urban sprawl.

B. Amend the text of the General Plan's Agricultural Preservation and Land Use Element to ensure no further subdivision of Public-Institutional parcels and to permit modernization of a private sewage treatment facility.

C. Maintain affordable housing overlay zoning, which allows significant affordable housing development in Angwin.

Section 3. General Plan Amendments.

This initiative hereby amends the Napa County General Plan adopted June 3, 2008, as amended through June 23, 2009, as follows:

A. The land use map of Angwin, adopted by the Napa County Board of Supervisors by Resolution No. 09-54 on May 5, 2009 (a copy of which is attached hereto as Exhibit A), is hereby amended as set forth in Exhibit B, attached hereto. (See Exhibit C for a legend of land use designations.)

Assessor-Recorder-County Clerk
Election Division

APR 26 2012



B. The Napa County Land Use Map, adopted June 3, 2008, as amended by the Napa County Board of Supervisors by Resolution No. 09-88 on June 23, 2009 (a copy of which is attached hereto as Exhibit C), is hereby amended as set forth in Exhibit D, attached hereto. This amendment incorporates the changes to the General Plan designations for Angwin adopted by this initiative, as shown in Exhibit B.

C. Policy AG/LU-20 of the Agricultural Preservation and Land Use Element of the Napa County General Plan adopted June 3, 2008, as amended through June 23, 2009, is hereby amended as shown below. Additions to the existing policy are shown in ***bold italic*** text. Text in standard type denotes the existing General Plan policy.

Policy AG/LU-20: The following standards shall apply to lands designated as Agriculture, Watershed, and Open Space on the Land Use Map of this General Plan.

Intent: To provide areas where the predominant use is agriculturally oriented; where watersheds are protected and enhanced; where reservoirs, floodplain tributaries, geologic hazards, soil conditions, and other constraints make the land relatively unsuitable for urban development; where urban development would adversely impact all such uses; and where the protection of agriculture, watersheds, and floodplain tributaries from fire, pollution, and erosion is essential to the general health, safety, and welfare.

General Uses: Agriculture, processing of agricultural products, single-family dwellings.

In Angwin, uses allowed in the Agriculture, Watershed, and Open Space designation include modernization and expansion of the existing sewage treatment facility located on the West side of Howell Mountain Road.

Minimum Parcel Size: 160 acres, except that parcels with a minimum size of 2 acres may be created for the sole purpose of developing farm labor camps by a local government agency authorized to own or operate farm labor camps, so long as the division is accomplished by securing the written consent of a local government agency authorized to own or operate farm labor camps that it will accept a conveyance of the fee interest of the parcel to be created and thereafter conveying the fee interest of such parcel directly to said local government agency, or entering into a long-term lease of such parcels directly with said local government agency.

Every lease or deed creating such parcels must contain language ensuring that if the parcel is not used as a farm labor camp within three years of the conveyance or lease being executed or permanently ceases to be used as a farm labor camp by a local government agency authorized to develop farm

labor camps, the parcel will automatically revert to, and merge into, the original parent parcel.

Maximum Building Intensity: One dwelling per parcel (except as specified in the Housing Element). Nonresidential building intensity is non-applicable.

Pursuant to Measure Z (1996), the sale to the public of agricultural produce, fruits, vegetables, and Christmas trees, grown on or off premises, and items related thereto, as well as the recreation and educational uses by children of animals, such as children's pony rides and petting zoos, and construction of buildings to accommodate such sales and animals shall be permitted on any parcel designated as agricultural produce stand combination district. (See Policy AG/LU-132.)

D. Policy AG/LU-53 of the Agricultural Preservation and Land Use Element of the Napa County General Plan adopted June 3, 2008, as amended through June 23, 2009, is hereby amended as shown below. Additions to the existing policy are show in ***bold italic*** text and deletions are shown in ~~strike through~~ text. Text in standard type denotes the existing General Plan policy.

PUBLIC-INSTITUTIONAL POLICIES

Policy AG/LU-53: The following standards shall apply to lands designated as Public-Institutional on the Land Use Map of this General Plan.

Intent: To indicate those lands set aside for those existing and future uses of a governmental, public use, or public utility nature such as a public hospital, public use airport, sanitation district facilities, government equipment yard, state or federal administrative offices, recycling-composting facilities, or any other facilities for which the determinations set forth, pertaining to criteria for eminent domain in the California Code of Civil Procedures Section 1245.230(c)(1) through (3), can be made.⁵

Consistent with Policy AG/LU-64, in Angwin, the intent of the Public-Institutional designation is to acknowledge the presence of Pacific Union College and lands appropriate for college uses and facilities consistent with Angwin's rural character. Uses allowed include agriculture (including research), classrooms and other educational uses (including to serve pre-K, elementary and secondary students), meeting rooms, offices, maintenance and utility facilities, and residences for use by students,

⁵ Determinations cited include: (1) The public interest and necessity require the proposed project. (2) The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury. (3) The property described in the resolution is necessary for the proposed project.

faculty and staff of the College, the Angwin Airport (Parrett Field) and limited commercial, community-service, medical, cultural, religious, recreational, and accessory uses essential to the needs of students, faculty or staff.

Minimum Parcel Size: Not applicable. *No further subdivision of parcels is permitted.* ~~In Angwin, further parcelization is permitted to support the college's educational mission and reconfiguration of existing parcels is permitted to comply with Policy AG/LU 66.~~

Maximum Building Density: 50% coverage and building/facilities necessary to support a student population of approximately 2,300.

Section 4. Exemptions for Certain Projects.

A. This initiative shall not apply to any development project or ongoing activity that has obtained, as of the effective date of this initiative, a vested right pursuant to state or local law.

B. This initiative shall not be interpreted to apply to any land or use that, under state or federal law, is beyond the power of the local voters to affect by the initiative power reserved to the people via the California Constitution. Nothing in this initiative shall be applied to preclude the County's compliance with state laws governing second units or the use of density bonuses where authorized by state law.

C. Nothing in this initiative shall be construed or applied to prevent the County from complying with its housing obligations under State law. The Board of Supervisors may, without voter ratification, approve a change to the amendments of the General Plan set forth in this initiative for the sole purpose of complying with the County's housing obligations if it (1) makes a finding that such a change is necessary to comply with the County's housing obligation and there is no suitable land available elsewhere in the County that may be used to satisfy that obligation, and (2) makes such a change only to the extent necessary to comply with the applicable State law housing obligation.

Section 5. Implementation.

A. Upon the effective date of this initiative, the provisions of Section 3 of the initiative are hereby inserted into the Agricultural Preservation and Land Use Element of the Napa County General Plan as amendments thereto, except that if the four amendments of the mandatory elements of the General Plan permitted by state law for any given calendar year already have been utilized in the year in which the initiative becomes effective, these General Plan amendments shall be the first amendments inserted into the Napa County General Plan on January 1 of the next year. At such time as these General Plan amendments are inserted in the Napa County General Plan, any provisions of the Napa County Zoning Ordinance, as reflected in the ordinance itself or on the Napa

County Zoning Map, that are inconsistent with these General Plan amendments shall not be enforced.

B. The date that the notice of intention to circulate this initiative measure was submitted to the elections official of the County of Napa is referenced herein as the “submittal date.” The Napa County General Plan in effect on the submittal date and the General Plan as amended by this initiative comprise an integrated, internally consistent and compatible statement of policies for the County of Napa. In order to ensure that nothing in this initiative measure would prevent the County of Napa General Plan from being an integrated, internally consistent and compatible statement of the policies of the County, as required by state law, and to ensure that the actions of the voters in enacting this initiative are given effect, any amendment to the General Plan that is adopted between the submittal date and the date that the General Plan is amended by this initiative measure shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provisions adopted by Section 3 of this initiative measure, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this initiative and other elements of the Napa County General Plan.

C. The Napa County General Plan, including the provisions amended by this initiative, may be reorganized, and individual provisions may be renumbered or reordered, in the course of ongoing updates of the General Plan in accordance with the requirements of state law.

D. The County of Napa is hereby authorized and directed to amend the Napa County General Plan, all specific plans, the Napa County Zoning Ordinance, the Napa County Zoning Map, and other ordinances and policies affected by this initiative as soon as possible and in the manner and time required by any applicable state law, to ensure consistency between the policies adopted in this initiative and other elements of the Napa County General Plan, all specific plans, the Napa County Zoning Ordinance, the Napa County Zoning Map, and other County ordinances and policies.

E. Except as provided in Section 4 of this initiative or as otherwise required by state or federal law, upon the date of insertion of the provisions of Section 3 of this initiative into the Napa County General Plan, all General Plan amendments, rezonings, specific plans, tentative subdivision maps, parcel maps, conditional use permits, building permits or other ministerial or discretionary entitlements for use not yet approved or issued shall not be approved or issued unless consistent with the policies and provisions of this initiative.

Section 6. Severability and Interpretation.

This initiative shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion of this initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the

validity of the remaining portions of this initiative. The voters hereby declare that this initiative, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this initiative that can be given effect without the invalid application. This initiative shall be broadly construed in order to achieve the purposes stated in this initiative. It is the intent of the voters that the provisions of this initiative shall be interpreted by the County in a manner that facilitates the protection for agriculture, open space, and the rural character of the Angwin area.

Section 7. Effect of Alternative Measure on the Same Ballot.

This initiative adopts a comprehensive set of policies regarding land use in the Angwin area. By voting for this initiative, the voters expressly declare that any other measure that appears on the same ballot as this initiative and conflicts with or purports to address the same subject matter of this initiative, or would affect in any way land use in the Angwin area, shall be deemed to conflict with the entire set of policies adopted by this initiative. Because of this conflict, if this initiative and any such other measure receive a majority of votes by the voters voting thereon at the same election, then the measure receiving the most votes in favor shall prevail in its entirety and no provision of the other measure shall take effect.

Section 8. Amendment or Repeal.

Except as otherwise provided herein, this initiative may be amended or repealed only by the voters of the County of Napa.

Exhibit List:

Exhibit A – The land use map of Angwin, adopted by the Napa County Board of Supervisors by Resolution No. 09-54 on May 5, 2009, as shown in the Napa County General Plan adopted June 3, 2008, as amended through June 23, 2009

Exhibit B – The land use map of Angwin as proposed to be amended by this initiative

Exhibit C – The Napa County Land Use Map, adopted June 3, 2008, as amended by the Napa County Board of Supervisors by Resolution No. 09-88 on June 23, 2009

Exhibit D – The Napa County Land Use Map as proposed to be amended by this initiative

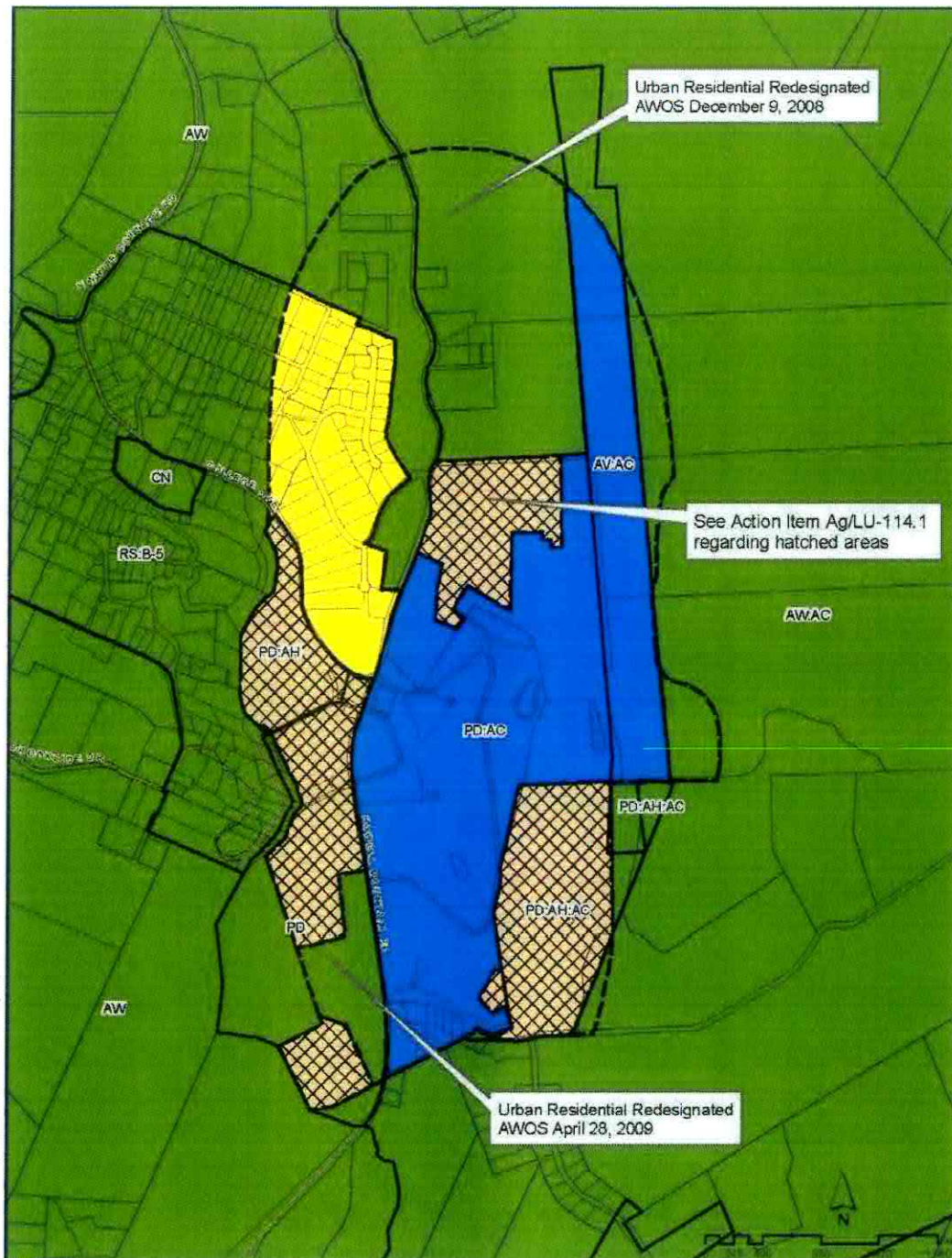
Exhibit A

The land use map of Angwin, adopted by the Napa County Board of Supervisors by Resolution No. 09-54 on May 5, 2009, as shown in the Napa County General Plan adopted June 3, 2008, as amended through June 23, 2009

AGRICULTURAL PRESERVATION
AND LAND USE



ANGWIN



Note: See Figure AG/LU-3 on Page AG/LU-67 for the location of this area.



*For illustrative purposes, this map eliminates a PD zoning designation that would be inconsistent with a new General Plan designation enacted by this initiative. (See Section 5.D. of this initiative requiring County to amend zoning to ensure consistency with the policies adopted in this initiative.)

Exhibit C

The Napa County Land Use Map, adopted June 3, 2008, as amended by the Napa County Board of Supervisors by Resolution No. 09-88 on June 23, 2009

AGRICULTURAL PRESERVATION
AND LAND USE



FIGURE AG/LU-3: LAND USE MAP

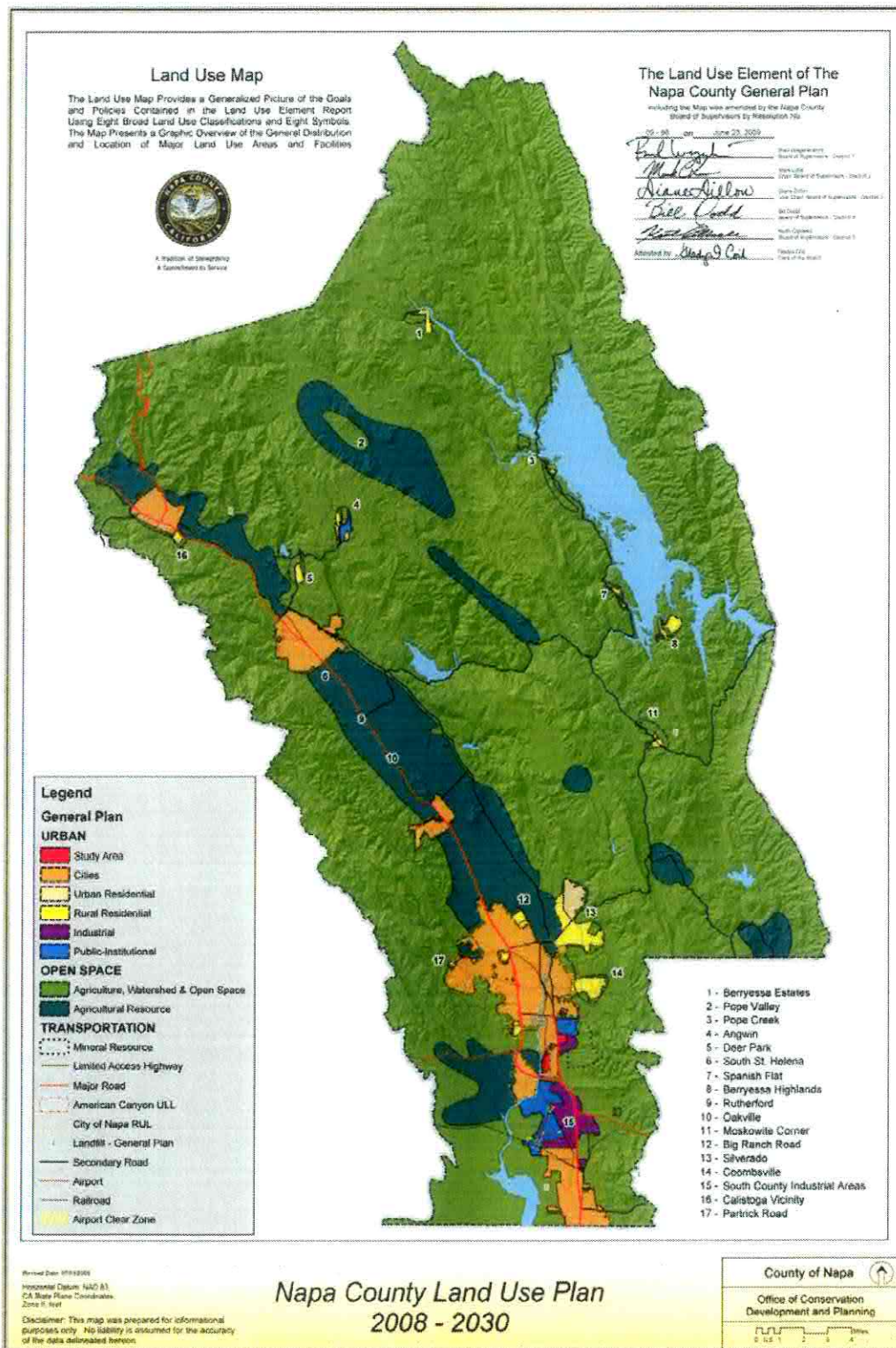


Exhibit D

The Napa County Land Use Map as proposed to be amended by this initiative

