

**CONFORMING AMENDMENTS PROPOSED
TO OTHER SECTIONS OF THE NAPA COUNTY GENERAL PLAN
(SECTIONS OTHER THAN THE HOUSING ELEMENT)**

Should the draft Housing Element be adopted as proposed, the additional changes to the General Plan listed below are recommended to maintain internal consistency within the Plan and to address requirements of AB 162 (2007) regarding the content of the Safety and Conservation Elements.

Please note that changes proposed to the Agricultural Preservation & Land Use Element would simplify administration of the County's Growth Management System (Policy AG/LU-119) and allow reuse of a portion of the Napa Pipe site for possible re-use, but would *not* substantively change the County's annual limit on residential building permits or allow the pending development application for Napa Pipe to proceed without further General Plan amendments, rezoning, and entitlements following preparation of a project-specific Environmental Impact Report (EIR).

A. TABLE OF CONTENTS

pp. i-ii – update title and pages of “List of Figures” to reflect recommended updates provided below

B. INTRODUCTION & SUMMARY

1. p. I-3 – omit the footnote which reads “The Housing Element was not updated in 2007, since it was updated in 2004 and not due for a state-mandated update until 2009.”
2. p. I-4 – above the heading “Using and Interpreting This General Plan,” include a short paragraph which states: “Several other documents support the General Plan and are incorporated by reference in appropriate sections. Specifically, the Housing Element cites and incorporates by reference a Housing Needs Assessment which is required as part of any Housing Element Update. The Safety Element incorporates by reference both the Napa Operational Area Hazard Mitigation Plan and the County's Flood Plain Management Ordinance. Copies of all referenced materials are available for review at the Napa County Department of Conservation, Development and Planning.”
3. p. SV-2 – After the first bullet, add a parenthetical clarification as follows: “Re-designating about 230 acres of Industrial land immediately south of the City of Napa as a “Study Area,” indicating the need for additional study to determine the appropriateness of the area for non-industrial uses. (Approximately 20 acres at the Napa Pipe site were subsequently identified as a housing site in the 2009 Housing Element Update.)”

4. On the same page – At the end of the page, add the following sentence: “The Growth Management System (Policy AG/LU-119) was simplified as part of the 2009 Housing Element Update without substantively changing the annual limit on residential building permits.”
5. p. SV-5 – Modify the last paragraph under the “Housing Element” heading to read as follows: “The 2004 Housing Element Update provided the information and analysis required by statute, identified 14 sites that were zoned for high density multi-family housing, and memorialized agreements with the cities of Napa and American Canyon whereby the two cities accepted some of the County’s state-mandated housing requirements in exchange for annexations and/or other considerations. The Housing Element was the only element that was not updated in the course of the 2008 General Plan Update, and was instead updated in 2009. The 2009 Housing Element Update eliminated three of the sites identified for high density housing in the prior version, and instead identified 20 acres of the approximately 150-acre Napa Pipe site as a location for high-density housing.”

C. AGRICULTURAL PRESERVATION & LAND USE ELEMENT

1. p. AG/LU-28 – Revise Policy AG/LU-52 as follows:

The following standards shall apply to lands designated as Study Area on the Land Use Map of the General Plan.

Intent: This designation allows industrial uses to continue pursuant to existing zoning, but signals the need for further site- or area-specific planning to assess the potential for a mix of uses in this area, including multi-family housing. Zoning to allow multi-family housing shall be permitted in this designation only to the extent provided for in the Housing Element until further planning and amendment of this section of the General Plan is undertaken ~~will be required~~ to revise the list of permitted uses, densities, and intensities, provided below. The Study Area designation is intended to be applied only to the Napa Pipe site and the Boca/Pacific Coast parcels in the unincorporated area south of the City of Napa, where sufficient infrastructure may be available to support mixed-use development.

General Uses: All uses allowed in the Industrial land use category may be permitted. (Multifamily housing is permitted on sites identified in the Housing Element.)

Minimum Parcel Size: Parcel sizes shall be as established for the Industrial designation, except on sites identified for multifamily housing in the Housing Element, where no minimum parcel sizes shall apply.

Minimum Building Density: Maximum building intensity shall be as established for the Industrial designation. (Multifamily housing shall be permitted at a density of 20 dwelling units per acre on sites identified in the Housing Element.)

2. p. AG/LU-47 – Revise the map to reflect removal of the :AH overlay zoning designation from the affordable housing sites at Monticello Road and Atlas Peak.
3. On the same page, amend the descriptive text to read as follows: “Silverado is located northeast of the City of Napa, generally along Monticello and Atlas Peak Roads. The Silverado area encompasses approximately 2,000 ~~2,325~~ acres ~~in total~~, with about one-third designated Urban Residential and two thirds designated Rural Residential. The Urban Residential area principally includes the developed master-planned portions of the Silverado Country Club and Resort and residential areas in the Silverado Community Services District approved for development prior to 1991. Pursuant to these plans and approvals, residential development within the ~~Silverado area~~ Community Services District is limited to a maximum of 1,095 units ~~in the Urban Residential area. In the adjacent Rural Residential area, there are three parcels designated as an ‘Affordable Housing Combination District,’ enabling a total of up to 231 units on these parcels.”~~
4. p. AG/LU-48 – Delete the paragraph which reads: “Silverado is one of several areas identified in the 2004 Housing Element update as a potential site for affordable housing. Three parcels, potentially accommodating up to 231 residential units, were identified for this area.”
5. On the same page, amend Policy AG/LU-90 to read as follows: “Residential development within the Silverado area is limited to a maximum of 1,095 units in the Community Services District (country club ~~Urban Residential area)~~. Development in the adjacent Rural Residential area is determined by parcel-specific zoning ~~with a cumulative ceiling of 231 units on the three parcels with an Affordable Housing Combination District designation.”~~
6. p. AG/LU-50 – Modify the paragraph about the Napa Pipe Property as follows:

“Napa Pipe is located on an approximately 150-acre ~~industrially-zoned parcel~~ site that was. The Napa Pipe site was recently (2005) purchased by new owners who filed an application for a ~~have expressed an interest in~~ mixed-use development with a substantial residential component, including affordable housing. Current tenants on the Napa Pipe site are principally involved in storage, distribution, and light assembly, and there are few heavy industrial users. ~~At present, the number of persons working on the site is quite low when compared to historical levels; many buildings are vacant or are being used as storage.~~ Napa Pipe is subject to airport overflights and is bordered by the Napa River, wetlands, and the Napa Valley Corporate Park (in the City of Napa). The site is accessible via Kaiser Road and Napa Valley Corporate Drive.”
7. On page AG/LU-57, modify Policy AG/LU 103 so it reads: “Consistent with Policy AG/LU-45, ~~all land~~ existing parcels zoned for commercial uses in the South St. Helena

area as of February 1, 1990, shall be allowed to develop with commercial uses and mixed residential-commercial uses which are permitted by the existing ~~in conformance with that~~ commercial zoning as if ~~it~~ they were designated on the Land Use Map for these uses...."

8. On p. AG/LU-61, modify Policy AG/LU 112 so it reads: "Figure AG/LU-3 Land Use Map depicts the land use policy of the County of Napa. The standards shown or contained in this Land Use Element shall apply to the land use categories shown on the Land Use Map. All discretionary approval shall be in conformance with these standards unless explicitly stated otherwise in this General Plan and the conversion of existing parcels or buildings into condominium projects or stock cooperatives shall be fully subject to all policies and objectives of this General Plan."
9. pp. AG/LU-65 through 73 – Shorten and simplify Policy Ag/LU-119, which outlines the County's Growth Management System, as follows:

"Policy AG/LU-119: The following is the Growth Management System for Napa County:

1) **Introduction**

The Growth Management System Element of the Napa County General Plan was adopted as required by Slow Growth Initiative Measure A, approved by the voters in 1980. The Board of Supervisors made the implementation of Measure A a matter of high priority. The Conservation, Development and Planning Department was given primary responsibility to prepare a Growth Management System which satisfied both the intent and letter of Measure A, while at the same time limiting government controls. Before expiration of Measure A in December 2000, the Board of Supervisors reaffirmed the policies of Measure A and the establishment of a housing allocation program, when it passed Ordinance No. 1178 on November 28, 2000. The Growth Management System Element was combined with the Agricultural Preservation & Land Use Element in the 2008 General Plan Update, and the Growth Management System was simplified in 2009 concurrent with adoption of the 2009 Housing Element Update.

The Napa County Growth Management System provides ~~Measure A and Ordinance No. 1178 provide~~ that the annual number of new housing units in the unincorporated area of the County of Napa shall be allocated so as to allow an annual population growth rate that shall not exceed the approximate historical population growth rate of the nine Bay Area counties (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Sonoma, and Solano), ~~provided that the annual population growth rate limit shall not exceed~~ or one percent in the County of Napa (adjusted for annexations and

incorporations). The annual allocation of building permits relates to permits for the construction of new residential units on a site. It does not affect permits related to rebuilding, remodeling, renovating, or enlarging existing units, moving an existing dwelling from one unincorporated site to another unincorporated site, or units exempted from the Growth Management System as specified by “grandfathering” under Section 4.2 below.

~~When the Growth Management System was originally adopted, the annual allocation for building permits for new construction of residential units in Napa County was set at 109 dwelling units. This figure was derived by using the most recent United States Census available at the time. However, since the adoption of Measure A, there have been changes in population and a new United States Census was released in 2000. Based on these changes, the new annual permit allocation to shall be 114 dwelling units.~~

~~The Growth Management System of the General Plan describes the derivation of the 114 dwelling unit (D.U.) annual allocation, the division of the annual allocation into housing type categories, the timing and methods used for issuing building permits, and the required provisions for affordable housing units.~~

~~While the Growth Management System of the General Plan is not a mandatory component of the General Plan (in the sense of Government Code Sec. 65302), it satisfies the requirement (Government Code Sec. 65302.8) that the County is accommodating its share of regional need for housing for the following reasons:~~

~~First, the 1% population growth rate approximates the Bay Area population growth rate. “Population growth rate” means the change in the total population in one year’s time stated as a percentage either increasing or decreasing, based on the census and other relevant data (as provided by the California Department of Finance’s Demographic Research Unit and supplemented by the United States Census whenever available) for the unincorporated area of Napa County adjusted for annexations and incorporations and the entirety of the nine Bay Area counties.~~

~~Second, the total number of D.U.s grandfathered will augment the annual allocation, in terms of the total number of units permitted.~~

~~Third, plans for Napa County, its constituent cities and town and ABAG, all call for city centered urban development, which reduces the unincorporated area’s proportional share of the County’s total share of the regional housing needs.~~

~~Historically, the county has seldom, if ever, reached the maximum annual allowance of the building allocations. The actual historical average number of building permits has been approximately 68 units per year, not counting second units or other exempted development as enumerated under subsection two of the Building Permit Allocation section below.~~

2) Annual Growth Rate Calculation

~~The annual allocation of residential building permits, until next updated, will be 115 ~~114~~ D.U., not counting exempted/grandfathered units. ~~This~~ ~~The~~ ~~114~~ ~~D.U.~~ allocation was determined ~~using data from the 2000 U.S. Census, in the following manner:~~ ~~Multiply the number of housing units in the unincorporated area (11,415 using the 2000 Census) was multiplied by 0.01 to account for 1% annual growth. Dwelling units permitted each year (114) may be converted to population by multiplying by the “average household size.” In the 2000 Census, there were 2.62 persons per occupied housing unit. by reviewing population data derived from the U.S. Census by Claritas Inc., The 2008 population of unincorporated Napa County (29,666) was multiplied by 0.01 to allow for a 1% growth rate, and divided by the estimated household size (2.57). The annual allocation of 115 units represents a change from the prior allocation (114 units) and from the original allocation (109 units) put in place when the Growth Management System was first adopted.~~~~

3) Review Following Census

~~The Board of Supervisors shall modify the Growth Management System and related ordinances based on data from the 2010 Census and each time the Housing Element is updated, or more frequently if so desired by the Board. ~~by July 1, 2005, again by June 30, 2009, and at least every five years thereafter to reflect any changes in the annual population growth rate for the nine Bay Area counties.~~ In setting the annual number of new housing units allocated, the Board of Supervisors shall use the most recent census and other relevant data provided by the U.S. Census, the Association of Bay Area Governments, the California Department of Finance’s Demographic Research Unit or similar sources. The annual limit shall be set by multiplying the population of unincorporated Napa County by 0.01 and then dividing by ~~for determining the number of persons per household. The calculation may be adjusted to reflect and the vacancy rate of year round housing units, and in no instance shall the new annual limit be less than the prior limit, except as warranted by the occurrence of annexations or incorporations since the prior calculation.~~ ~~The United States Census may be used as a supplementary resource whenever available.~~~~

4) Building Permit Allocation

- 1) ~~Character: "Character" is defined as "the aesthetic and physical qualities which may be controlled, including density, building type (e.g., single family detached or attached, apartment, mobile home parks), setbacks, height limits, landscaping, building coverage, color, siding material, roof overhang material, accessory buildings, parking, orientation, style and signing."~~

Regulated building types are divided into the following four categories:

- A) Category 1 is a single dwelling built by or for a permit holder (owner-builder or his contractor) who is building only one dwelling unit per year.
- B) Category 2 is any type of dwelling which requires no discretionary review, but the permit holder is building more than one dwelling unit per year. A good example would be the small-scale builder using existing lots.
- C) Category 3 is any type of residential project for 2 or more dwelling units which require discretionary review (e.g., subdivision, parcel map, use permit). A large-scale housing project would be a good example.
- D) Category 4 is housing which is affordable to persons with moderate or below moderate income *as described further below*. This category would require *a deed restriction and/or* an agreement signed by the developer ~~and the County~~; the agreement shall contain guarantees that the dwelling units would be affordable to persons of moderate or below moderate income for at least forty years.

~~Category 1 and 2 permits would be issued from those applications for residential building permits which do not require discretionary review (i.e., a use permit or subdivision approval). Category 3 (and some Category 4) permits would be issued from those applications associated with an approved project that has undergone discretionary review (which according to state law, has included environmental review and a finding of consistency with the General Plan).~~

- 2) Exempted Development:

The following types of construction are exempt from the provisions of the Growth Management System:

- A) Industrial.

- B) Commercial.
 - C) Commercial Residential (rental for less than a thirty-day period).
 - D) Replacement housing (on the same site as a pre-existing unit which has been removed, demolished or burned within the past year) ~~(but not in conjunction with #5).~~
 - E) Relocation of existing units within ~~(already in~~ the unincorporated area, ~~but not including State or federal property inside the Lake Berryessa Take Line).~~
 - F) Additions, renovations, and refurbishments of existing dwelling units.
 - G) Dwelling units located within the jurisdiction of other agencies ~~inside the Lake Berryessa Take Line.~~
 - H) Accessory buildings of any type (except dwelling units).
 - I) Guest cottages.
 - J) Dwelling units for which building permit applications were filed by July 28, 1981.
 - K) Dwelling units covered by development agreements approved prior to July 28, 1981.
 - L) Dwelling units covered by both use permits and development plans approved prior to July 28, 1981 [i.e., Silverado (280 D.U.), Meadowood (7 D.U.), and Villa Berryessa MHP (96 D.U.).]
 - M) Second units exempted pursuant to Gov. Code Sec. 65852.2.
- 3) ~~Location of Growth: The Growth Management System defines "Location" as "Within the County, including sub-area, whether inside or outside the incorporated jurisdictions, or where on a specific site." This General Plan expresses the County's policy of encouraging urban-centered growth focused in urbanized areas. Higher density development would normally occur in the urban areas as a result of the availability of water and/or sewer facilities. Preference is to be given to the urbanized (non agricultural) areas identified in the County's General Plan such as Angwin and those County islands surrounded by the City of Napa and/or the City of American Canyon.~~
- 4) ~~Timing: "Timing" is defined as "the relationship of the number of building permits issued in one year to the total number of permits issued over several years." The annual allocation of building permits shall be 114 D.U. per year.~~

Carry Forward of Annual Allocations: When an annual allocation has not been used, the remainder may be carried over three years, except for Category 4 permits, which may carry over indefinitely. ~~The remainder ("X") which is carried over from "year 1" is immediately and continuously available in "year 2" and again in "year 3" (as described in Section 6 of the Growth Management System Element). However, the remainder at the end of "year 3" must be reduced by "X" (but not made less than zero) on December 31st of "year 3."~~ Category 1, 2, and 3 permits which would otherwise cease to exist after three years at the end of "year 3" may be applied toward Category 4 permits.

4)

~~At the discretion of the Board of Supervisors, the unused allocation in Categories 1, 2, and 3 may be transferred from one category to another (including additions to, but not subtractions from, Category 4) on an annual basis. The Commission shall review the year's construction permit record and consider transfer of surplus allocations. Following their review the Commission shall forward to the Board of Supervisors their recommendations for such changes in the allocation system, as they feel are warranted for the balance of the year, along with the supporting data for their recommendations.~~

54) "Affordable" Housing: "At least 15% of the annual building permit allocation each year shall be in Category 4, and shall be affordable for those housing units permitted each year shall be for housing capable of purchase or rental by persons with moderate or below moderate income." "Affordable" means the housing cost shall not exceed 30% of the stated minimum household income adjusted for family size appropriate for the unit.

The 15% affordability housing requirement is described as follows:

~~"Income information provided annually by the Federal Department of Housing and Urban Development (HUD) and the California Department of Housing and Community Development (HCD) shall be used to determine the area median income; "Moderate" shall mean up to 120 percent of the area County median income applicable to Napa County, adjusted for family size by HCD in accordance with adjustment factors published and annually updated by HUD. Capable of purchase or rental shall mean that not more than 30% of the (gross) household income shall be spent on housing costs such as rent payment,~~

~~mortgage payment, insurance, taxes, and condominium membership fees."~~

~~Income figures are published annually by HUD and HCD. Depending on rental or sale, inflation, interest rates, down payment requirements, insurance, taxes, utility costs, and miscellaneous fees, many housing developments might qualify as "affordable."~~

Affordable housing can be of any type (detached or attached single-family, multiple family, mobile home, manufactured home, live/work loft, or other in a residential or mixed-use zone). It is estimated that mobile homes, manufactured homes, multiple family homes, and farm labor housing will meet the affordability criteria more readily than other types of dwellings. Development of affordable housing (pursuant to Category 4 in the Growth Management System) requires a deed restriction and/or written agreement with the County ~~and any designated agency~~ prior to issuance of the building permits. ~~It is the developer's responsibility to identify how the unit(s) will meet the "affordable" criteria, and this documentation will be included as part of the agreement. (See the Housing Element regarding incentives for the construction of affordable housing.)~~

~~Developers may count appreciation and tax write-off advantages to the owner into ownership affordability calculations.~~

~~The most recent HUD/HCD information will be used in calculating affordability. The most recent HUD/HCD figures at the time the unit is marketed may be used or an adjustment using the Consumer Price Index will be allowed if one year has passed and HUD or HCD has not issued a new figure.~~

- 5) No more than 85% of the annual building permit allocation each year shall be in Category 1, 2, and 3 combined, and the number within each of these three categories shall be determined based on demand, with permits approved in the order their processing is completed, until the annual allocation is used up.
- 6) Lottery for ~~Process of~~ Distributing Building Permits: ~~The Growth Management System assigns a share of the annual allocation to each of four categories of regulated development as show below:~~

**TABLE AG/LU-C:
RESIDENTIAL BUILDING PERMIT CATEGORIES, SHARES OF ANNUAL ALLOCATION, BUILDING
PERMIT AVAILABILITY DATES**

Category	Share Of Annual Allocation	Building Permit Availability Dates * January 1
1) Owner Occupied	69 D.U.	69 D.U.
2) Small Scale Builder	14 D.U.	14 D.U.
3) Large Scale Builder	14 D.U.	14 D.U.
4) "Affordable" Housing	17 D.U.	17 D.U.

* Unused permits in Categories 1, 2 and 3 will be considered for redistribution once a year, no later than November.

TABLE AG/LU-D:
MEASURE A GROWTH MANAGEMENT SYSTEM; BUILDING PERMIT DISTRIBUTION SYSTEM

Category of Regulated Development*		Annual Allocation**	Building Permit Distribution Process:	
			When Supply Exceeds Demand	When Demand Exceeds Supply
1	Owner Builder (one building permit per year)	69	First approved, first served	Lottery (Annually)
2	Small Scale Builder (2 or more permits) (no discretionary review required) (final map must be recorded)	14		
3	Large Scale Builder (2 or more permits) (discretionary review required)	14	Discretionary Review; First approved, First served	Discretionary Review; Lottery (Annually)
4	Affordable Housing (Written rent/sale price limitation agreement required)	17	May require discretionary review; Housing Agreement; First approved, First Served	May require discretionary review; Development Agreement; Lottery (Annually)

* Note that the following types of development are exempted from regulation of the Growth Management System: industrial, commercial, commercial residential (less than monthly rental), replacement housing, additions to and renovations of existing dwelling units, certain house moving, dwellings inside the Lake Berryessa Take Line,

~~accessory buildings, guest cottages, units covered by development agreements approved prior to July 28, 1981, and units covered by both development plans and use permits approved prior to July 28, 1981.~~

~~** Unused permits in Categories 1, 2 and 3 will be considered for redistribution once a year no later than November.~~

In order to distribute the shares of the annual allocation to ensure fairness to all applicants, the following two-step distribution system is recommended:

In the first step, building permits would be issued on a first-approved, first-served basis until all the permits in that allocation period for that category have been used. When the demand for permits in any category exceeds the supply available, ~~the second step process,~~ a lottery, *shall be* initiated. ~~For example, in Category 1 and 2 (in which 83 additional building permits become available each year), each applicant whose plans have received all necessary approvals can immediately receive a building permit, if one is available. The first day of each January, an additional 83 building permits are added to the Category 1 and 2 supply. Category 1 and 2 applicants whose plans are fully approved can be issued permits until there are no more permits available in the Category 1 and 2 supply.~~

In the second step, permits are issued on the basis of a lottery. Building permit applications enter a lottery when they:

- A) Are approved for issuance of a building permit; but
- B) The applicable annual allocation has been used up ~~None is available in their category,~~ and
- C) The backlog of approved applications exceeds the next available allocation of permits ~~in that category.~~

~~All applications approved in the first half year in which the supply ran out are drawn from the lottery as long as the new supply of permits lasts, until none of those approved applications is left. After all of those applications are assigned permits, the next time period of approved applications would be included in the lottery and those applications would be drawn from the lottery until they all were assigned permits. The lottery would continue until there was a surplus of permits available, which would allow a return to the first step process (first approved, first served).~~

~~For example, assume Category 1 experiences a surplus of applications during the last half of 2004, and the last available permit is issued October 19, 2004. All Category 1 applicants wishing to receive a permit between then and January 1, 2005, must wait until January 1 for permits to become available, at which time they could immediately be issued permits, if the backlog of fully approved~~

~~applications is no more than 69. If there was a backlog of 10 approved applications as of January 1, those applications would have permits reserved in their names which permits could be issued any time in the next 180 days. (If these reserved permits were not issued in 180 days, they would revert to the Category 1 supply and be available to other applicants.) If the backlog on January 1 was 77, there would be a drawing at the first opportunity. The first 69 applications drawn would have permits reserved as above, and the remaining eight would have to wait until January 1, 2006, at which time they would be guaranteed a reserved permit, as above. In this example, there would be no Category 1 permits issued in 2005 except to those applicants in whose name a permit was reserved.~~

~~The advantages of this system are as follows:~~

- ~~1) Applicants for building permits would experience minimum frustration since they would have some degree of certainty as to when they would get their permits and could plan their construction accordingly.~~
- ~~2) Applicants would realize it was to their benefit to submit complete plans as soon as they could, especially when asked for necessary additional information.~~
- ~~3) Administrative work would be kept to a minimum, since there would be no need for the County to select or grade applications by their relative merit. The choice of who gets a permit would be random, except that there would be some regard for precedence.~~
- ~~4) The main advantage of this system of distribution of building permits is that it limits governmental control. If the supply of building permits exceeds the demand for permits, there is no growth management control at all.~~

~~Various Details of the system are as follows:~~

- ~~1) Lotteries, when necessary, would be by category, with one lottery for Category 1, 2, and 3 combined, and one for Category 4. Lotteries ~~for Category 1, shall be~~ held annually until a backlog is eliminated, and shall ~~would~~ be for single permits, drawn one at a time. Lotteries for Category 2, held in January (when necessary), would be for single permits, drawn one at a time. Lotteries for Categories 3 and 4 would be held in January or later if necessary.~~
- ~~2) Fully approved applications would be listed by Assessor's Parcel Number in order of approval on a chronological master list. That number would correspond to a numbered, three part card; one~~

~~part is mailed to the applicant, one part is copied and entered in the lottery, and one part is kept on file.~~

- ~~3) Only one entry per person (household, business, corporation) could be included in each lottery. (This would not keep a contractor from building several homes, each under contract to a separate owner, nor would it keep an individual from participating in a number of separate ventures.)~~
- ~~4) Lottery cards would be dropped into a ballot box, one at a time, by the lottery secretary, mixed and drawn out one at a time by the lottery judge until all numbers have been drawn and listed in the order in which they were drawn.~~
- ~~5) A list of all the cards in the lottery would be displayed prior to the drawing; during the drawing the sequential order in which the cards were drawn would be noted on the photocopied list. All cards would be drawn and listed, even if the number of permits available was exceeded, so each applicant would be assured he was not left out of the drawing.~~
- ~~6) The drawing operation must be conducted so as to be beyond reproach; the person who draws the numbers must be someone whose integrity and involvement bespeaks honesty and objectivity.~~
- ~~7) Once the underlying discretionary County permit is "used," the permittee shall have one year (rather than 180 days) to make use of the reserved permits, by obtaining issued building permits. After one year passes, the permittee will be issued building permits as they become available consistent with the allocation procedures for new applicants.~~
- ~~8) All issued permits are subject to the UBC non use revocation provision; revoked, surrendered, or returned permits will be added to the supply of permits in the category in which they were issued, but will be made available only through lottery, in order to avoid speculation.~~
- ~~9) Permits are neither transferable upon sale of the parcel nor transferable to a different site or substitutable for a different dwelling. Minor design changes are acceptable; major structural changes can be made only in case of a) redesign for energy efficiency or b) down scaling due to economic necessity.~~

10. p. AG/LU-76 – add Policy AG/LU-131.5 to read as follows: “The County shall review on an annual basis those areas covered by this general plan that are subject to flooding as

identified on adopted Federal Emergency Management Agency (FEMA) Flood Insurance Rate Mapping (FIRM)¹ for Napa County (see Policy SAF-25 and Figure SAF-3), and ensure that this map and the County's Flood Plain Management Ordinance inform discretionary land use and development decisions."

D. CONSERVATION ELEMENT

p. CON-40 – add a new Policy CON-50 (l) to read as follows: "Recognize the importance of water resources that guard against flooding and attenuate floodwaters including those rivers, creeks, streams, flood corridors, riparian habitat, and lands that may accommodate floodwater important for the purposes of groundwater recharge and stormwater management as those areas identified on the County's adopted Federal Emergency Management Agency (FEMA) Flood Insurance Rate Mapping (FIRM)². (see also Policy SAF-25 and Figure SAF-3)"

E. SAFETY ELEMENT

1. p. SAF-2 – modify "In This Element" figure titles and page numbers to match changes recommended below.
2. p. SAF-2 –after the first paragraph under "Flooding," add the following:

"The Napa County Flood Control and Water Conservation District was established in 1951. The District is the local sponsor for the Napa River/Napa Creek Flood Protection Project, currently under construction. As portions of the Project become complete, the District submits information to FEMA to update FIRM maps for both the City of Napa and Napa County. The District also provides services within Napa County for watershed and stream concerns, including maintaining a countywide ALERT system that monitors local precipitation and stream stage in the Napa River and local creeks. This information is provided publically on the internet at <http://napa.onerain.com>.

Napa County has in operation a FEMA approved Flood Plain Management Ordinance. The ordinance is comprehensive, recognizing and mapping a number of special flood hazard areas along certain watercourses in Napa County that have been historically subject to periodic inundation (see Figure SAF-3). The ordinance manages development in these flood-prone areas to minimize the potential for flood-related losses, both public and private, thereby promoting the public health, safety and general welfare of the residents of Napa County.

¹ Flood Insurance Rate Map, Napa County, California, Map Number 06055CIND0A (index sheet), Effective Date: September 26, 2008

² Flood Insurance Rate Map, Napa County, California, Map Number 06055CIND0A (index sheet), Effective Date: September 26, 2008

The purpose of the County's Flood Plain Management Ordinance is to reduce the potential for flood related damage within the County which may result in loss of life and property, pose possible health and safety hazards, disrupt commerce and governmental services, produce extraordinary public expenditure for flood protection and relief and the impair the tax base, all of which adversely affect the public health, safety and general welfare. The ordinance seeks to perform the following:

- Protect human life and health;
- Minimize expenditure of public money for costly flood-control projects;
- Minimize the need for rescue and relief efforts associated with flooding;
- Minimize prolonged business interruptions;
- Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in floodplain areas;
- Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard to minimize future blighted areas caused by flood damage;
- Assist prospective purchasers in receiving notification that property is in a flood insurance zone;
- To establish that those who occupy the special flood hazard areas assume responsibility for their actions; and
- To improve the normal functioning of floodplains and flood zones and effectively garner and preserve the numerous environmental benefits they afford.

The County's Flood Plain Management Ordinance includes information required under GC § 65302 (g) where applicable, identifying flood hazard zones and incorporating by reference official flood insurance rate mapping (FIRM maps) approved by FEMA.³ The County further maintains floodway and floodplain mapping, identifying possible inundation areas related to the 100-year (floodway) and 500-year (floodplain) flood events, as well as a Dam Failure Inundation Map (see Figure SAF-5), documenting areas that may be subject to severe flooding in the event of catastrophic failure of one of sixteen major dams in the County. At this time, Napa County has no flooding hazards identified by the US Army Corps of Engineers or any area subject to inundation due to the possible failure of levees or floodwalls associated with the state flood protection or water supply projects. Napa County has no State defined levee protection zones, but levees do exist in the County, particularly in the Edgerley Island area. Levees in that area are within the jurisdictional area of the Napa River Reclamation District and the County's Floodplain Management Ordinance applies to development behind those levees.

In the unfortunate event of flooding, Napa County is committed to work cooperatively with all appropriate local, State and Federal agencies. A high coordination is already evident and documented in the County's adopted Napa Operational Area Pre-Disaster Hazard Mitigation

³ Flood Insurance Rate Map, Napa County, California, Map Number 06055CIND0A (index sheet), Effective Date: September 26, 2008

Plan⁴ maintained by the Napa County Office of Emergency Services (see following NAOHMP discussion)."

3. p. SAF-7 – update Figure SAF-2, "Wildland Fire Risk Evaluation" using a combined map of Local Response Area (LRA) and State Response Area (SRA) and CalFire Fire Hazard Severity maps adopted by the County on October 28, 2008, and re-title Figure SAF-2 to read "Fire Hazard Severity Map."
4. p. SAF-9 – update Figure SAF-3, "Flood Zones," to coincide with a composite of the County adopted Flood Insurance Rate Maps (FIRM) approved by the Federal Emergency Management Agency (FEMA).
5. p. SAF-15 – modify Policy SAF-1 to read as follows: "The County supports and will promote intergovernmental cooperation among local, state and federal public agencies to reduce known hazards and further define uncertain hazards. In particular, the County will work to develop cooperative working relationships with agencies having responsibility for flood and fire protection."
6. p. SAF-18 – modify Policy SAF-23 to read as follows: "New construction in flood plains shall be evaluated and placed above the established flood elevation or flood-proofed to minimize the risks of flooding and provide protection to the same level as required under County's Floodplain Management Ordinance."
7. p. SAF-18 – modify Policy SAF-25 to read as follows: "The review of new proposed projects in a floodway as mapped on the County's Flood Insurance Rate Maps (FIRM)⁵ (Figure SAF-3) shall include an evaluation of the potential flood impacts that may result from the project. This review shall be conducted in accordance with the County's FEMA approved Flood Plain Management Ordinance, incorporated herein by reference, and at minimum include an evaluation of the project's potential to affect flood levels on the Napa River; the County shall seek to mitigate any such effects to ensure that freeboard on the Napa River in the area of the Napa River Flood Protection Project is maintained."
8. p. SAF-21 – modify Policy SAF-40 to read as follows: "The County will seek to maintain the structural and operational integrity of essential public services during the event of flooding and other natural disaster, including the possible location, when feasible, of new essential public facilities outside of flood hazard zones. All critical public infrastructures intended for emergency use shall be provided with a source of alternate power."

⁴ Napa Operational Area Pre-Disaster Hazard Mitigation Plan, Adopted December 2004 - Napa County, Cities of Calistoga, American Canyon, St. Helena, Town of Yountville and selected Operational Area Partners, Napa County Office of Emergency Services, 1195 Third St. Suite 310, Napa CA 94559

⁵ Flood Insurance Rate Map, Napa County, California, Map Number 06055CIND0A (index sheet), Effective Date: September 26, 2008

FIGURE SAF-2: FIRE HAZARD SEVERITY ZONES

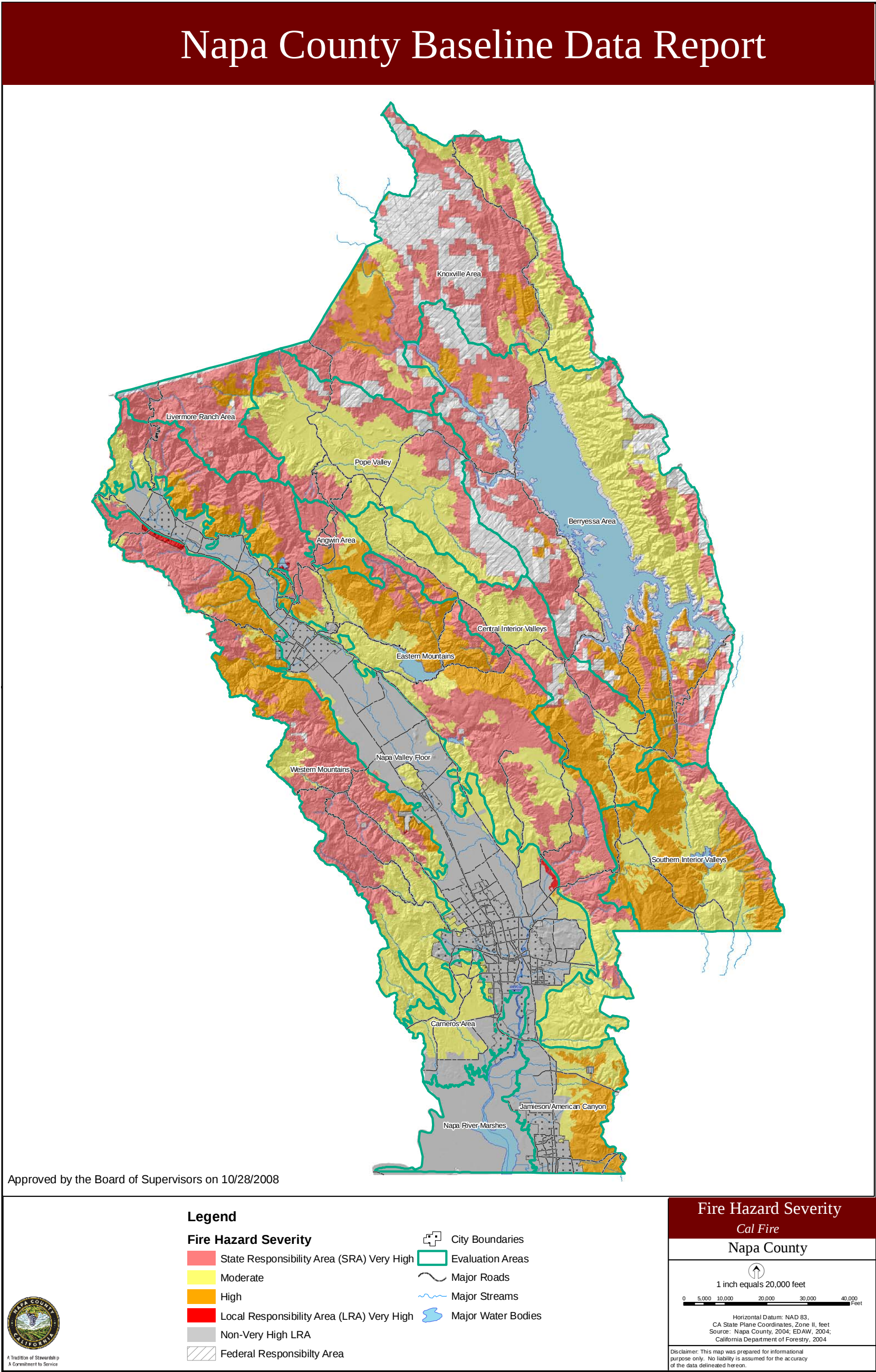


FIGURE SAF-3: FLOOD ZONES

