

Correspondence Received at the
March 19, 2012
Planning Commission Hearing

NAPA COUNTY AFFORDABLE HOUSING
 MAXIMUM PURCHASE PRICE BASED ON INCOME LEVEL

Median income

INCOME LEVEL CATEGORY	PERCENTAGE OF AREA MEDIAN INCOME	MAXIMUM HOME PRICE
VERY LOW	50% LIMIT	\$145,000
LOW	80% LIMIT	\$215,000
MODERATE	115% LIMIT	\$300,000
ABOVE MODERATE (Workforce Housing)	180% LIMIT	\$400,000

\$43,100

\$68,900

\$99,130

\$155,160

THIS CHART ASSUMES THE FOLLOWING

Median income family of 4

\$86,200

4% INTEREST ON A THIRTY YEAR TERM
 30% NET INCOME FOR HOUSING
 REQUIRES FULL PITI AND PMI WITH 5% DOWN AND A 95% LTV
 ASSUMES A FAMILY OF FOUR W/ TWO WORKING SPOUSE AND TWO DEPENDENTS
 MAXIMUM HOME PRICE FOR A THREE BEDROOM HOME

NAPA COUNTY MAXIMUM RENT BY INCOME LEVEL

BEDROOMS	
2	3
VERY LOW	\$968
LOW	\$1,238
MODERATE	\$1,770
	\$1,119
	\$1,421
	\$2,032
	\$1,248
	\$1,566
	\$2,239

March 11, 2012

CDPC
MEETING

Red Bluff Daily News

In response to the Fresno based Orange Cove WD letter of March 10.

MAR 10 2012

Mill Creek Salmon

AGENDA ITEM
NO. 5A

Spring-run Chinook migrate upstream in the spring, hold in cold pools at high elevations, and spawn in the fall. The Fall-run move upstream in the fall and spawn in the lower reaches shortly after they arrive. The fry of both species move downstream in the spring. Chinook salmon are a cold water species. They cannot survive the summertime temperatures of lower Mill Creek.

The Los Molinos Mutual Water Company has worked for decades with Resource Agencies to prevent impacts of their diversions to anadromous fish in Mill Creek. They started screening diversions to protect fish in the 1920's, and over 20 years ago, the Mutual began a water exchange program with the California Dept of Fish and Game and Dept of Water Resources to provide transport flows for Chinook salmon in both the spring and fall. Water temperature, creek flows and fish biology are key to the timing of releases for fish survival and migration. In exchange for full creek flows when the fish need them, DWR operates two large pumps to replace irrigation flows during critical low water periods in the summer. This historic sharing program has worked well for both anadromous fish and Mill Creek water users for over 20 years. For the exchange program to work well, all the adjudicated water is needed.

Orange Cove Irrigation District owns two water rights on Mill Creek and they have every right to use that water within the service area. However, their sale of those rights to Napa Pipe will require that water be left in the stream during the summer, when anadromous fish are not present, and will deprive landowners of needed irrigation water during low flow periods. When OCID determined to sell that right for an urban development in Napa, in my mind, they became speculators without regard to the damage they may cause to local farmers and a precious resource.

Much of the decimation of the salmon populations in California lies with the elimination of flows from the San Joaquin River and export of water from the Delta. OCID, a Fresno County water purveyor, is party to this degradation of the Delta fisheries. Their original Mill Creek water scheme was concocted to replace their own mitigation responsibilities for Friant Dam, on the San Joaquin. It seems ironic that an organization that is party to the deterioration of the once magnificent salmon runs of the San Joaquin River can presume to know more about restoring salmon than people that are actually doing it on the Sacramento.

If the Napa Pipe project is successful, OCID will receive millions of dollars for only a portion of their water right. Follow the money.....

Burt Bundy, President, Mill Creek Conservancy

**CDIC
MEETING**

Napa County Planning Commission
1195 Third Street Suite 210
Napa, California, 94559

March 19, 2012

MAR 19 2012

**AGENDA ITEM
NO. 5A**

RE: Napa Pipe Project

We oppose both the developer's and County Planning Staff's proposal. While the County staff's proposal is an improvement, reflecting an admirable effort to address the many problems in developing this site, the fact remains that there is insufficient basis for the Board of Supervisors to make a Statement of Overriding Consideration exempting this project from County Growth Management System (Measure A) and the 2008 County General Plan. Rather, there are substantial reasons to not do so.

The major question still unanswered is "why are we doing this?" and more importantly, why are we doing this at this size and level of development. Where has a substantial benefit been shown that justifies this action?

There is no major need being met; there are significant problems that have an immediate and long term impact on our community. Some problems could be greatly reduced by reducing the development's size, particularly in the number of houses.

The County Staff proposal notes the economic and state mandated changes that make this project unjustifiable: Napa County's housing allocation from the State via ABAG is reduced (around 370 units for 2014 through 2022 period); our roadway and traffic congestion will remain a substantial problem due to lack of funding to change it, water resources are, with good reason, an issue throughout our region (ground water use for other than agricultural) and the State (assuming other regions will be willing/able to provide water from their sources to our county, now and in the future) and there is greater public demand for parks and open space for our health and well being.

What we would like to see is a project based on what is sustainable, compatible with Napa's rural/suburban setting, enhances the use of this space for the Napa community, and does not create/add to so many significant problems. We think that there are more alternatives than those presented.

This space offers an opportunity to meet our community's desires; i.e., affordable housing, parks/open space, employment and other uses, without adding problems

County Staff's discussion of disadvantages to the current zoning (20 acres of multi family housing @ 20 dwellings per acre; rest remains industrial) is weak and does not justify a Statement of Overriding Consideration or exempting Napa county Growth Management System and the 2008 General Plan. Some disadvantages noted are not necessarily so: public access to the river could be provided, HCD housing concerns could be addressed and the "ongoing costs to the county" (fire & public safety) seem surmountable (i.e. contracts w/Napa city to protect 304 dwelling units)

We do not necessarily oppose sustainable, carefully planned, mixed use development. We are concerned and do not want a process that becomes a bargaining game between the developer and the County. The outcome may be a compromise rather than what is responsible from both an environmental and community standard. (i.e., too often, a developer initially requests a project size they know will not be approved and then appears to be responsive to concerns by reducing the size and then the back and forth negotiating process is what happens, rather than good planning)

We previously submitted a response to the Draft EIR and appreciate the response received from Mr. Trippi and staff. While addressing each of our concerns, responses did not resolved the problem identified. (While the water use/need issue is major, we limited our response to open space/parks and traffic concerns)


Park/Open Space: The developer's response to our concern about the major population increase in using Kennedy parks trails was an inadequate resolution; i.e., increase user fees for golf, BMX and onsite building amenities. How does this alleviate the number of people who walk, run, ride bikes on the trails, use picnicking and lawn? This is especially significant since their allocated 56 acres of open space consist of 15.4 acres of sidewalk/sidewalk plantings, 3.6 acres of dry dock. This provides only 30-35 acres of actual open space for 5000+ residents. This "open space" allocation hardly provides what the trails and lawn space of Kennedy Park provide. Their EIR acknowledges the increased demand for Kennedy Park and notes "Community Parks in City of Napa (of which Kennedy park constitutes 87%) are already strained"

The County staff proposal offers more actual open space, but considering the agreement that Community parks are "already strained, allocating more open space and parks would benefit Napa county residents.

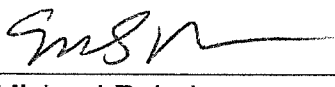
Traffic: Both the Developer and County staff's proposals create significant traffic impact to existing roads. The already saturated South County Highway 29 will see a significant deterioration of peak traffic; eight traffic corridors/intersection will have significant and unavoidable negative impacts even after mitigation. Highway 29 lacks sufficient infrastructure to accomodate the traffic generated by either proposed project.

As a solution to traffic problems, the proposed TDM coordinator is inadequate. It is acknowledged the hoped for 15% reduction is "difficult to measure or guarantee" and will have little accountability in reducing traffic.

Summary: Planning and public officials need to carefully determine what is sustainable on this site, what is compatible with our community and what will benefit the citizens of the region. While County Staff's alternative is scaled back, we remain unconvinced that either proposal is the best use of this site. The proposed project, especially the number of houses it too many, not needed and creates too many serious problems. Any project beyond what is already zoned should be voter approved due to the significant impact.



Dottie Lee
1011 Woodlawn Dr.
Napa, CA 94558



Michael Robak
1011 Woodlawn Dr.
Napa, CA 94558

Trippi, Sean

From: Chasteen Dianne K. [dchasteen@CFBF.com]
Sent: Monday, March 19, 2012 4:55 PM
To: Trippi, Sean
Cc: Napa County Farm Bureau; McDonough Nancy; Fisher Kari; Fredrickson Justin
Subject: March 19, 2012 Planning Commission Meeting re: Napa Pipe Project
Attachments: 2012-03-19 Special Planning Commission, re Certification of FEIR.pdf

The attached letter is being sent by Justin Fredrickson on behalf of California Farm Bureau Federation. If you have any questions, he can be reached at (916) 561-5673 or jfredrickson@cfbf.com.

Dianne K. Chasteen
Legal Secretary
Legal Services Division
California Farm Bureau Federation
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dchasteen@cfbf.com

**CDIC
MEETING**

MAR 19 2012

**AGENDA ITEM
NO. 5A**



CALIFORNIA FARM BUREAU FEDERATION

OFFICE OF THE GENERAL COUNSEL

2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293 • PHONE (916) 561-5665 • FAX (916) 561-5691

Sent via E-Mail

Sean.trippi@countyofnapa.org

March 19, 2012

Sean Trippi
Principal Planner
Napa County Department of Conservation,
Development & Planning
1195 Third Street
Napa, CA 94559

Re: March 19, 2012 Special Planning Commission Meeting, Napa Pipe Project

Dear Mr. Trippi:

The California Farm Bureau Federation ("Farm Bureau") is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing more than 74,000 agricultural, associate and collegiate members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

Farm Bureau appreciates the opportunity to comment on the latest Napa Pipe developments that are the subject of the Planning Commission's Special Meeting this evening. In addition to the comments herein, we incorporate by reference the comments submitted by Napa County Farm Bureau for this meeting.

The FEIR Ignores Past CEQA Precedents on Water Supply Including Napa Citizens for Honest Government v. Napa County Board of Supervisors

The Final Environmental Impact Report (FEIR) for this project speaks of three proposed water sources for the Napa Pipe project: "groundwater, imported surface water, and recycled water."¹ Imported surface water would come from the State Water Project through the North Bay Aqueduct, or would come from a transfer of Sacramento River

¹ See Master Response 2 at p. 5-4 of the FEIR's Responses to Comments chapter (Chapter 5).

NANCY N. MCDONOUGH, GENERAL COUNSEL

ASSOCIATE COUNSEL:

CARL G. BORDEN • KAREN NORENE MILLS • CHRISTIAN C. SCHEURING • KARI E. FISHER • JACK L. RICE

water from the Orange Cove Irrigation District and Mills Creek in Tehama County. The FEIR ALSO considers a fourth source—water from the City of Napa. Beyond this, the FEIR considers different methods for getting surface water to the project—including, specifically, five water purveyor options for the project, the City of Napa, the City of American Canyon, a new special district, an investor-owned utility and a mutual water company.

In the face of the FEIR's monumental and virtually impenetrable 7,000 pages of analysis, including three separate iterations of a statutorily required Water Supply Assessment, it is clear that proponents of the Napa Pipe project have left "no stone unturned" in considering every conceivable source of water that the project might potentially secure. The problem is that, having "turned" all these stones, the Napa Pipe project still lacks a credible, reliable source, or secure water source.

At the end of the day, aside from the groundwater it claims in derogation of longstanding, important policies in the County's General Plan, the simple fact is that the Napa Pipe project *has* no water supply of its own—and none of the sources or potential purveyors it has identified, in all of the FEIR's thousands of pages and supporting documents, has yet come to fruition—nor is there any certainty that any of these sources will *ever* come to fruition as the core of Napa Pipe's assumed conjunctive use proposal and related mitigation.

A review of pertinent case law reveals that, in case after case, proposed development projects like the Napa Pipe project have engaged in uncertain speculation about the availability of water—and, in case after case, courts have rejected the adequacy of such an approach to satisfy the requirements of the California Environmental Quality Act (CEQA).

Ironically, one of these cases was *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (1st Dist., 2001) 91 Cal.App.4th 342—a challenge to an Airport Industrial Area project, on formerly agricultural land, in precisely the area of Napa County, south of the City of Napa, where the Napa Pipe Mixed Use is currently proposed. Then, as now, a critical issue was the availability of necessary water supplies to serve the project. On review in that case, California's First District Court of Appeals held that the FSEIR for the proposed Airport Industrial Area project and Specific Plan proposed at the time was "inadequate in failing either to identify new sources or to report that none is available," and also "in failing to identify and analyze appropriate mitigation measures related to the alternative sources, if any."² Citing *Santiago County Water Dist. v. County of Orange* (1981), 118 Cal.App.3d 818, the *Napa Citizens* court noted that "an EIR is inadequate if the project intends to use water from an existing source, but it is not shown that the existing source has enough water to serve the project and the current users."³

² *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (1st Dist., 2001) 91 Cal.App.4th at 734.

³ *Id.* at 372-373.

A comparison of the present project to the present project's predecessor in *Napa Citizens* seems to validate the old adage that "history repeats itself." Of course, this is no coincidence, since the current conflicts between available water supplies for the proposed Napa Pipe project are the same conflicts that existed at the time of the Airport Industrial Area Specific Plan in this same area of the county. At the time, the *Napa Citizen's* court anticipated the conclusions of other courts in similar cases decided since, that an obvious and appropriate form of "mitigation measure" to address the potential adverse effects of a project in search of a water supply is to "prevent development" if identified sources of water "fail to materialize."⁴ Part of the court's criticism of the project was that this common-sense "mitigation measure" had not been adopted in *Napa Citizens*—and now, unfortunately, it appears that the Napa Pipe project is poised to make the same mistake.

The Napa Pipe FEIR is contrary, not only to the admonishment of the court in *Napa Citizens*, but also in numerous other cases. In *County of Amador v. El Dorado County Water Agency* (3d Dist. 1999) 76 Cal.App.4th 931, for example, the court's described the choice between approval of a project with available water, and one without, in the following stark terms:

In determining whether and where to permit development, a county must necessarily consider the availability of consumptive water supplies. If additional water supplies are available, growth and development are feasible. Conversely, if that water is not available, growth is necessarily limited.⁵

In *Planning and Conservation League v. Department of Water Resources* (3d Dist. 2000) 83 Cal.App.4th 892, the court observed that, "where land use planning determinations can be made on the basis of [uncertain or as yet realized water supplies, such as the "paper water" entitlements in that case], development can outpace the availability of water, leading to detrimental environmental consequences, excessive groundwater pumping, and pressure to develop additional water supplies."⁶ The *PCL* court continued with the following description of the seductive nature of representations that many water sources are available, regardless of whether they are ill-conceived and unreliable, and the unfortunate use of such inadequate water supply analyses for proposed development projects, wherein the supply of water is illusory:

[L]and use decisions are appropriately predicated in some large part on assumptions about the available water supply. There is certainly the possibility that local decision makers are seduced by [unrealistic or unfounded expectations, based on uncertain and potentially unreliable water supplies] and approve projects dependent on water little more than a wish and a prayer.⁷

⁴ *Ibid.*

⁵ *County of Amador v. El Dorado County Water Agency* (3d Dist. 1999) 76 Cal.App.4th at 950.

⁶ *Planning and Conservation League v. Department of Water Resources* (3d Dist. 2000) 83 Cal.App.4th at 914.

⁷ *Planning and Conservation League v. Department of Water Resources* (3d Dist. 2000) 83 Cal.App.4th at 914-915.

In yet another CEQA case on water supply, the court in *Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2d Dist. 2003) 106 Cal.App.4th 715 noted that “[a]n environmental impact report for a housing development must contain a thorough analysis that reasonably informs the reader of the amount of water available.”⁸ Somewhat instructively, the *Santa Clarita* court describes the basic flaw in that case:

In calculating the wet year supply, the response included 100 percent of Castaic's SWP entitlement. But because the entitlement is based on a water system that is not completed, there is no justification for believing the SWP will be able to deliver 100 percent of all entitlements, even in wet years. As for periods of “extreme drought,” the response used 50 percent of the entitlement in calculating the amount of water available. But there is nothing to suggest the SWP will be able to deliver 50 percent of all entitlements during periods of extreme drought.⁹

Thus, as with the Napa Pipe project, the project proponents in *Santa Clarita* predicated their environmental analysis of the project on various unrealistic assumptions relating to available water supplies. The court's assessment of the situation was as follows:

[T]he EIR fails to undertake an adequate analysis of how much water the SWP can actually deliver in wet, average and dry years. Without such information, the general public and its responsible officials cannot make an informed decision on whether to approve the project. The County's approval of the West Creek EIR is not supported by substantial evidence.¹⁰

In other words, per *Santa Clarita*, an EIR must reasonably inform the public concerning available water supplies for a new housing development, and any assumptions in the EIR regarding an uncertain water supply must be supported by substantial evidence.

In *California Oak Foundation v. City of Santa Clarita* (2d Dist. 2005) 133 Cal.App.4th 1219, California's Second District Court of Appeal considered a case involving a project—not unlike the Napa Pipe project—consisting of a 161-acre industrial park on previously undeveloped land, requiring approximately 386 acre-feet of water per year, in a coastal county relying substantially on imported surface water. There, the court noted that “to be adequate, the EIR must include sufficient detail to enable those who did not participate in its preparation to understand and ‘meaningfully’ consider the issues raised by the project.”¹¹ “This standard,” the court held, “is not met in the absence of a forthright discussion of a significant factor that could affect water supplies.”¹²

⁸ *Id.* at 717.

⁹ *Santa Clarita Organization for Planning the Environment v. County of Los Angeles*, *supra*, 106 Cal.App.4th at 717.

¹⁰ *Santa Clarita Organization for Planning the Environment v. County of Los Angeles*, *supra*, 106 Cal.App.4th at 724.

¹¹ *California Oak Foundation v. City of Santa Clarita*, *supra*, 133 Cal.App.4th at 1237.

¹² *Ibid.*

Finally and more recently, in the 2007 case of *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, the California Supreme Court joined the chorus of Courts of Appeals on the issue of land use approvals and analysis of available water supplies. “The future water supplies identified and analyzed,” the high court held, “must bear a likelihood of actually proving available.”¹³ “[S]peculative sources and unrealistic allocations,” said the court, “are insufficient bases for decisionmaking under CEQA. [Citing *Santa Clarita*, *supra*, 106 Cal.App.4th at 720–723.]” “An EIR for a land use project must address the impacts of *likely* future water sources, and the EIR’s discussion must include a reasoned analysis of the circumstances affecting the likelihood of the water’s availability. [Citing *California Oak*, *supra*, 133 Cal.App.4th at 1244.]”

The Supreme Court’s analysis in *Vineyard Area Citizens* continues:

CEQA [does] require that [a] FEIR show a *likelihood* water would be available, over the long term, for [a proposed housing development project]. Without an explanation that shows at least an approximate long-term sufficiency in total supply, the public and decision makers [can] have no confidence that the identified sources [are] actually likely to fully serve [a proposed development project]. An EIR that neglects to explain the likely sources of water and analyze their impacts, but leaves long-term water supply considerations to later stages of the project, does not serve the purpose of sounding an “environmental ‘alarm bell’” [cite omitted] before the project has taken on overwhelming “bureaucratic and financial momentum” [cite omitted].¹⁴

Unfortunately, the same zeal and eagerness to implement a project that led to the errors displayed in *Napa Citizens*, *Vineyard Area Citizens*, and the other precedents here cited are again on display with the Napa Pipe project. Despite the FEIR’s 7,000-pages of verbiage and analyses, the project doggedly continues to gloss over the fact that *none of the presumptive water supplies assumed by the project are in fact available*.

There is no evidence of surface water availability from the City of Napa, from the City of American Canyon, from an as yet unformed mutual water company or private utility, or from an as yet unapproved water transfer, via an as yet unbuilt connection—and, in fact, the likelihood of the required surface water becoming available from *any* of these surfaces is highly uncertain at this point. Nor is groundwater which the project assumes would be available to it, based on claimed historic overlying rights, in fact available for residential purposes, consistent with the General Plan’s longstanding policy reserving groundwater in the county for use by agriculture and in rural areas of the counties.

To our knowledge, Napa Pipe currently has no contract for water service from the City of Napa, from the City of American Canyon, or from a long-term distance water transfer via the State Water Project’s North Bay Aqueduct, and no Public Utilities

¹³ *Id.* at 720.

¹⁴ *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th at 441.

Commission or other approvals for an independent mutual water company or similar entity, or for any facilities necessary to deliver such supplies.

Groundwater is currently described in the FEIR and elsewhere as a supplemental component of a conjunctive use strategy based on the assumption that these other supplies will become available. However, as these hoped for surface water supplies may not materialize, misinformed and ill-advised approval by the Planning Commission will take the Napa Pipe project one step closer to final approval and actual construction, without the necessary water supply availability.

If the project is constructed and the project's extremely uncertain assumptions regarding the availability of surface water are not borne out, it is easy to see that groundwater will become the *de facto* supply for the project. In the words of the court in *PCL v. DWR*,¹⁵ by approving a large project "dependent on water little more than a wish and a prayer" in terms of available surface water, the Planning Commission and the county will be creating an acute risk that groundwater will become a major, if not the sole water source for the project. Such a result is not frankly disclosed or analyzed in the FEIR and, based on past precedents, it is not countenanced under CEQA. In short, the county should forbear from approving the unprecedented growth proposed in the Napa Project project where the FEIR fails, completely, to identify a source of water other than groundwater currently reserved under the county's General Plan to rural and agricultural use.

Groundwater Use by Napa Pipe Sets a Bad Precedent

There are other major concerns with the project, beyond the legal adequacy of the EIR's water supply analyses, including consistency with longstanding policies in the General Plan. For example, an issue of major concern to Farm Bureau is the precedent-setting potential of the project. Namely, if the county exempts one large housing project, and one urban user from the General Plan's longstanding policy on groundwater as an agricultural and rural source for the county, what will stop other towns and cities from seeking to tap the same source?

Whereas, based on the county's longstanding policy on groundwater, the county's existing towns and cities have been heretofore constrained, as a matter of uniform policy, to find imported or local surface water alternatives for their communities, agriculture in Napa County, including the county's conservatively estimated 11-billion dollar wine industry, has until now been built up around the assumed sanctity of this longstanding social and economic choice.

To allow one project to escape the general rule that has until now constrained other potential urban growth in the county would alter the current balance and start the county down the slippery slope to widespread urban use of the groundwater. In this scenario, the county's successful model of sustainable use of groundwater and local

¹⁵ See discussion of *PCL v. DWR*, *supra*.

surface water for agriculture and imported surface water for urban areas would be at imminent risk.

Agricultural users and urban users would enter into direct competition for limited groundwater resources. Groundwater conditions would deteriorate over time and the county's multi-billion dollar, world-recognized agricultural economy would suffer. Simply put, such killing of the "golden goose" is not prudent and it is not good policy.

The Napa Pipe Project Is Growth Inducing and Conflicts with the County's Growth Management Strategy

Paralleling the groundwater issue, Farm Bureau is similarly concerned that the project conflicts directly with the county's Growth Management System. At over 2,050 units—or even under county staff's recommended 700-945 units—the project would vastly exceed both the county's annual growth limit (currently set at 280 units through 2040), and the requirements of the county's Housing Element for unincorporated areas of the county.

At 700-2050 units, the project would be "growth inducing" by definition. Consistent with "the build it and they will come" principle of development, suddenly increasing available housing in the county by 700 to 2,050 units would predictably result in an equally sudden population surge for the county.

Approving such large and needless a project would also be unfair to other permit applicants and proposed development projects in other unincorporated areas of the county. By "carving out" a suite of special exceptions for one project, both in terms of groundwater use and exceedence of the county's allowed growth limits, the project would put other permit applicants and development projects at a disadvantage.

The project is also fundamentally at odds with the county's character as a slow growth, rural county and with county policies designed to focus future urban growth in existing towns and cities.

County Staff's Recommendation and Proposed Ordinance Should Be Revised and Expressly Conditioned

In addition to the general concerns identified above, a specific concern with the proposal immediately before the county's Planning Commission relates to certain aspects of the county staff's wording of the proposed ordinance as reflected in the county's Napa Pipe Alternatives Matrix dated February 10, 2012.

First of all, Farm Bureau strongly opposes the proposed amendment of county policy CON-51. Specifically, we believe that any approvals for the Napa Pipe project should prohibit the use of groundwater, consistent with the General Plan's longstanding recognition of groundwater as a local source for rural and agricultural use. Indeed, not only should the General Plan's policy CON-51 be left as it is, but Farm Bureau

recommends the General Plan's groundwater policy be strengthened with specific reference to the Napa Pipe project, in the form of an express condition that the project *shall not* utilize groundwater as a source of water supply.

Second, we object to the latter portion of condition 4, under Section 3 of Division V of staff's proposed Chapter 18.66 of the Napa County Code (highlighted below):

[A]ll development plan approvals submitted under and all subdivision map approvals affecting the Napa Pipe site [...] shall be conditioned to require the following components [...] 4. "Will serve" approval from a mutual water company prior to building construction and evidence that potable water is being purchased from the City of Napa or that the City of Napa is unable or unwilling to provide potable water service on terms and conditions substantially similar to other users outside the boundaries of the City of Napa.

Concerning this language, we do not believe the possible higher cost of imported surface water from the City of Napa (or another source) should be allowed to afford the project an excuse for relying on local groundwater, either partially or completely, as an alternative to available surface water supplies. Quite simply, if the project lacks an assured source of imported surface water, from the City of Napa or otherwise, *it should not be approved*.¹⁶

Mill Creek Transfer from Tehama County

Farm Bureau hereby shares and incorporates herein by reference the concerns raised in the attached February 16, 2012 e-mail from Mr. Burt Bundy of Tehama County, and also in the attached May 20, 2011 letter from the Mill Creek Conservancy.¹⁷

Conclusion

In closing, Farm Bureau cautions the county against approving an FEIR and a project that is so patently inadequate in light of virtually all of the pertinent CEQA precedents.

Secondly, Farm Bureau urges the county to resist compromising the county's longstanding policies on rural and agricultural groundwater use, as to do so would establish an extremely negative precedent for future projects to the significant detriment of the county's greatest asset—its world-renowned agricultural economy and idyllic landscape.

¹⁶ As noted above, this was precisely the conclusion reached in *Napa County Citizens for Honest Government, supra*, where the court noted that "appropriate mitigation" for a project that lacks proven water supplies includes "a mitigation measure that would prevent development if the identified sources fail to materialize." *Napa Citizens for Honest Government v. Napa County Board of Supervisors, supra*, 91 Cal.App.4th at 374.

¹⁷ See attached 2/16/12 e-mail from Mr. Burt Bundy to Napa County Supervisor Caldwell; see also attached 5/20/11 letter from the Mill Creek Conservancy to Sean Trippi of the Napa County Conservation, Planning, and Development Department.

Farm Bureau notes the obvious inconsistency of a special "carve out" for the Napa Pipe project from the county's responsible Growth Management System and opposes preferential treatment of the Napa Pipe project over other potential proposed development projects in the county's remaining unincorporated areas.

Lastly, Farm Bureau recommends the county refrain from amending the county's general plan policy CON-51, that the county expressly disallow groundwater use for the project, and that it require actual surface water entitlements as a required condition precedent to any project approval.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin E. Fredrickson", with a horizontal line extending to the right.

Justin E. Fredrickson
Environmental Policy Analyst

JEF:pkh

cc: Napa County Farm Bureau

Feb 16, 2012

Via email

Supervisor Caldwell,

My name is Burt Bundy and I am writing to you regarding the Napa Pipe Project in your county. The water for this project is proposed to come from Mill Creek, a tributary of the Sacramento River.

Orange Cove Irrigation District, located in Fresno County, has agreed to sell a portion of water rights they acquired several years ago from a couple of farmers that now use groundwater to irrigate, to Napa Pipe for their project.

This ill conceived idea could result in serious impacts to both the endangered spring-run chinook salmon and my ability to irrigate my crops.

I am a share holder and board member in the Los Molinos Mutual Water Company(a not for profit entity) and president of the Mill Creek Conservancy. I am also a former Tehama County Supervisor and past president of Tehama County Farm Bureau. I have lived here for over 65 years.

A couple of points:

The EIR for the project barely acknowledges the point that Spring-run salmon are an endangered species. The Mutual and MCC have an agreement with the Calif Dept of Fish and Game and with the Dept of Water Resources to manage water in Mill Creek for the benefit of 'Chinnok flows' and summer irrigation water for shareholders of LMMWC. This agreement provides both flushing flows for spring-run smolt and attraction flows for fall-run and spring-run adult salmon during critical times of fish passage. In exchange, when flows are short in the summer, ground water can be added to the irrigation system from DWR pumps to provide needed irrigation water during low flow periods. At this time, creek flows are too warm for salmonid survival and they are all used for irrigation. This program has worked very well for nearly 20 years and we have recovered some of the run of spring-run salmon. Any reduction of water for exchange purposes could impact this arrangement.

Proponents of the project also over estimate the water available with the water right. They offer that is a 'year-around' diversion, when, historically, is has been a 'seasonal' water right. This gross error inflates the cfs in flows available for the project. They also assume that the full diversion flows (203 cfs) are available all the time; when in fact, during the summer, flows have dropped to as low as 70 cfs. Flows below the lower diversion all but disappear during the summer.

The amount of water available isn't there, and the impacts to one of the few remaining native streams of the the endangered spring-run salmon are not addressed.

Many of our shareholders liken this sale of water to 'out-of-the area' speculators to the take over of the Owens River by Los Angeles.

I plan on attending the first hearing next week to voice my concerns. I hope that Planning Commission and Board of Supervisors look very closely at all aspects of this project before acting on it.

If I can be of any assistance in this matter, please contact me at this email or (530)384-2734.

Thank You,

Burt Bundy

May 20, 2011

Mr. Sean Trippi
County of Napa
Conservation, Development and Planning Department
1195 Third Street, Suite 210
Napa, California 94559

Subject: Napa Pipe Project EIR SCH #2008 1221110 City and County of Napa

Mr. Trippi,

The Mill Creek Conservancy is a 501c 3 Corporation formed in 1994 by local landowners dedicated to the continued preservation and management of the Mill Creek ecosystem through cooperative efforts between landowners, agencies and other stakeholders. Our organization has worked closely with the Los Molinos Mutual Water Company (LMMWC) and state and federal agencies to protect and enhance Chinook salmon and steelhead populations on Mill Creek. There are several ongoing programs in place on Mill Creek to provide water and *critical* habitat for these threatened or endangered species.

Any change of diversion or use of water originating in Mill Creek, flowing down the Sacramento River and through the Delta to the ocean could have serious impacts to the survival of these fish. Additionally, any change of current use of Mill Creek water could have impacts on agricultural uses and local land use in the Los Molinos area.

The Mill Creek Conservancy strongly opposes any commitment of Mill Creek Water to the Napa Pipe Project until a full analysis of the possible cumulative impacts to the Mill Creek ecosystem, our spring-run Chinook salmon and steelhead runs, agricultural resources, and local economy is completed and alternatives studied.

General DEIR Comments:

The Napa Pipe Project DEIR (Project EIR) does not sufficiently address impacts to the Mill Creek watershed. The use of Mill Creek water rights could result in significant impacts to the Mill Creek watershed. To fully assess impacts in the Mill Creek watershed from the Napa Pipe Project (the Project), Napa County needs to revise their Project EIR to include the following:

- Analysis of the economic and social impacts to the Mill Creek watershed and trace the chain of cause and effect from the proposed use of Mill Creek water rights.
- Re-assessment of the volume of water supply based on point of diversion at Barker Slough and not water diversions on Mill Creek.
- Analysis of cumulative effects from ongoing or planned water transfer programs.
- A full description of the affected environment in the Mill Creek watershed including programs, projects, land use, and biological resources.
- Determination if water can be transferred from a water source identified as critical habitat for spring-run Chinook Salmon and steelhead.

The Mill Creek Conservancy requests that Napa County analyze the economic, biological, social, and legal impacts to the Mill Creek watershed from the Project. In the analysis, trace the chain of cause and effect from the proposed decision to purchase and use a Mill Creek water right for the

Project. The Mill Creek Conservancy finds the precedent setting nature of the water transfer very troubling. Two percent of the Mill Creek water rights may seem small, but it could open the door for numerous other transfers of Mill Creek water, which would have a significant impact on LMMWC's operations, the price of water, agriculture, and the Mill Creek Water Exchange Program. The Mill Creek Water Exchange Program is a state and local program to provide spring- and fall-run Chinook passage flows.

The Mill Creek rights (water owned by both the LMMWC and individual water rights owners) are used together to deliver surface water through the LMMWC conveyance system and to supply flows to allow passage for spring- and fall-run Chinook salmon. Transferring water rights for use outside of the Mill Creek watershed would result in less water for use by LMMWC to convey water to Mill Creek water rights holders and could result in less participation in the Mill Creek Water Exchange Program that supplies spring- and fall-run Chinook salmon passage flows during critical times. The EIR does not address potential impacts to the LMMWC ability to convey water supplies or impacts to the Mill Creek Water Exchange Program from transferring Mill Creek water rights out of the watershed. The Mill Creek Water Exchange Program is a locally adopted habitat conservation plan and transfers out of the Mill Creek watershed are in conflict with his plan.

The estimate of water supply provided by the water right is based on hydrology at the current point of diversion. The amount of surface water available from the Mill Creek Water Right at the Barker Slough Pumping plant is not going to be the same as the amount at the current point of diversion. For example, during peak agricultural summer diversions, the Project's Mill Creek water right could not be conveyed to the Sacramento River. Water for the Project would be the only water being conveyed below agricultural diversions under these conditions and the water would quickly go subsurface and become groundwater. The Mill Creek channel is highly alluvial and porous and conveying amounts of only a few cubic feet per second to the Sacramento River is not possible. The Project water would not make it to the confluence of Mill Creek and the Sacramento River and the Project then becomes reliant on "paper water". The Mill Creek Conservancy would like to see an analysis of "real water" at the Barker Slough Pumping Plant. We also believe it is false to assume that Mill Creek water diverted from the Delta is more reliable. Once Mill Creek water entered the Sacramento River and Delta it would fall under the same restrictions as other water being conveyed from the Delta imposed by water rights decisions and biological opinions.

There are current and planned projects in the Mill Creek watershed that were not considered as part of the affected environment or cumulative effects analysis in the Project EIR. These include:

1. The Agreement for the Implementation of a Long-Term Cooperative Management Plan for Mill Creek: Parties to the agreement are the Mill Creek Conservancy, California Department of Water Resources, LMMWC, and California Department of Fish and Game. The agreement includes management of the Mill Creek Water Exchange Program
2. Bureau of Reclamation and San Luis & Delta-Mendota Water Authority Long-Term Water Transfer Program. The project will address transfers of Central Valley Project (CVP) and non-CVP water supplies that require use of CVP or State Water Project (SWP) facilities to convey transferred water.
3. The Anadromous Fish Restoration Program (AFRP).
4. The San Joaquin Restoration Program, which is considering Mill Creek as a potential location for harvesting spring-run Chinook salmon to re-establish a population on the San Joaquin River.
5. Impact to critical habitat of the spring-run Chinook salmon and steelhead populations.

Napa County also needs to address impacts to spring-run Chinook salmon or Central Valley steelhead in the Mill Creek watershed in the Project EIR.

Specific Impacts to listed Salmonid Species:

Draft EIR. The water right was initially acquired by Orange Cove Irrigation District (OCID) on the condition that the water rights be exercised as set forth in the Mill Creek Agreement. This Agreement specifies the dates which does not include the months of July, August and September. The release of Chinook flows outside the Agreement dates is at the discretion of LMMWC and it's obligation to other beneficial uses. This summer time period is when the Napa Pipe Project is proposing to transfer the water.

Appendix I, states that the Project would use long-term water transfers from outside the county in dry years. The Mill Creek Agreement and the Mill Creek Water exchange is specifically exercised in dry water years. Getting Mill Creek flows and accompanying salmonid out-migrants to the ocean is especially critical in dry years.

The Draft EIR fails to address the impact to Mill Creek special status species when flows are conveyed thru the Delta for export. Mill Creek flow diverted out of the Delta conflicts with SWRCB's Resolution 2010-0039 requiring 75% of unimpaired Sacramento River inflow to reach the ocean.

Importing surface flow from Mill Creek to the Napa Pipe Project via Barker Slough fails to address the impact to listed spring-run Chinook and Steelhead migrations thru the Delta.

The proposed Mill Creek surface water rights are in excess of the amount identified to meet the Project's expected demand and is identified as potentially available for other cities. The precedent this sets for other potentially available water rights on Sacramento River anadromous tributaries could have a cumulative negative impact on special status species.

In order for water originating in Mill Creek to be beneficial for listed salmonid species as identified in the Mill Creek Agreement and Mill Creek Water Exchange, it must contribute to the total unimpaired Sacramento River inflow. Juvenile salmonid entrainment in the Sacramento San Joaquin Delta is considered the primary source of mortality for these species. Reducing the unimpaired Sacramento River (including Mill Creek) inflow, would have a negative impact on survival of Mill Creek fall- and spring-run Chinook and Steelhead populations.

Mill Creek Conservancy believes the EIR is inadequate and the transfer of Mill Creek water out of the Mill Creek Watershed and Sacramento River Basin is illegal.

Thank You,

Burt Bundy

President,
Mill Creek Conservancy
25585 Lincoln St
Los Molinos, Calif 96055
530-384-2734
burtbundy@sbcglobal.net

Trippi, Sean

From: Bernhard Krevet [krevet@sbcglobal.net]
Sent: Monday, March 19, 2012 3:59 PM
To: Napa Pipe Project; Trippi, Sean
Cc: FONR Board bcc
Subject: Napa Pipe Final EIR - Comments by FONR
Attachments: FONR-NP-Comments-Final-EIR.pdf

**CDPC
MEETING**

**MAR 19 2012
AGENDA ITEM
NO. 5A**

To: Trippi, Sean
Subject: Napa Pipe Final EIR

Dear Sean,
please find attached a couple of comments to Final EIR of the Napa Pipe project.
Let me know of any questions you might have.
Several members of our review team will be at the 6pm meeting today.
Thanks

Bernhard Krevet, President
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March 15, 2012

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Napa County Department of Conservation, Development & Planning
Mr. Sean Trippi

1195 Third Street, Suite 210

Napa, CA 94559

Via Email: napapipe@co.napa.ca.us

Napa Pipe Final EIR

Friends of the Napa River (FONR) would like to submit comments to the Final EIR as published on February 3, 2012. We have a number of questions and comments to the responses provided by your staff to our comments to the DEIR of February 05, 2012 (#ORG17); and to the Supplement of May 02, 2011 (#ORG28), detailed in the attached pages.

In general, FONR continues to focus on the potential of the Napa Pipe development to give us, the citizens of Napa County

- 1) A truly exciting/imaginative riverfront;
- 2) Realistic/ecologically sensitive solutions to water issues and potential flooding (rising river levels);
- 3) Adherence to Napa's acclaimed "Living River Principles" which protect and promote the health of the Napa River.

Major Concerns:

1. **Flooding:** Alternative 2 would create an elevated island on the west side of the property between the river and the unelevated eastern section to be reserved for industrial use, creating potential impacts to views, access, and safety of children and seniors in emergencies:

From the Final EIR: *However, drainage patterns and the potential for flooding on the eastern portion of the site would be different than analyzed in the FEIR. Specifically, storm water flows could accumulate such that eastern portions of the site would be inundated in extreme flood events, particularly as climate change contributes to rising water levels.*

Raising the level of access roads serving the western portion of the site and implementing Mitigation Measure HYDRO-7a (construction and operation of flood gates at the railroad right of way) would ensure that access to the site would be preserved in 100-year flood events. Compliance with Mitigation

Measure HYDRO 7b would ensure that signs are installed in the railroad park area to inform park patrons of potential inundation during flood events. Implementation of HYDRO 6 would ensure compliance with FEMA flood hazard requirements and implementation of HYDRO 3 would ensure that storm water drainage systems are improved to appropriately convey and retain storm water in compliance with the County's road and street standards. These existing mitigation measures, already recommended to reduce impacts of the project, would ensure that impacts of the Modified (63 Acre) Project related to flooding and storm water runoff are reduced to less than significant.

Our questions: Is this desirable or even sufficient for the resident population to have access in flooding situations and how would emergency services access the "island?"

2. **Regulatory Settings** are discussed in **ORG17-21/26**. We offer some detailed observations and recommendations on page 2 in the attachment: "Napa Pipe Project Alternatives; Publically Accessible Trails, Parks, Open Spaces and Related Natural Resources." To better "ensure that adequate public facilities ... including parks" in the Napa Pipe project site can be maintained and open for public enjoyment for the long term, a combination of well documented conditions for an HOA (Homeowners Association) and/or LMD (Landscape Maintenance special assessment District) as detailed here should be shown.
3. **Seismic Conditions**, discussed in "**Geology, Soils, Seismicity ORG28-14; ORG28-31/33, Response ORG28-14 – Earthquakes.**" We are submitting a detailed analysis on page 6 in the attachment which concludes *"What the County must decide will be: Is it worth it to okay this large project knowing there is likely to be a dangerous and expensive natural event in this poorly accessible area in the near future, despite seismic mitigations provided by the California Building Code? Moreover, knowing these odds, is it in the best interests of public safety to concentrate people in this area 24 hours a day (i.e., to live there) as the project proposes, where they are denied the potential good fortune to be absent (i.e., off work) when the predicted event occurs?"*

In summary, we do appreciate some of the proposed design features that are in the first two alternatives, i.e. river access & design along the river; keeping some industrial artifacts; boating facilities; encouraging non-motorized and public transportation by the overall design; bike and pedestrian trails through the property connecting the river trail coming up from American Canyon to the trail in Kennedy Park; an exemplary storm water management; and sustainable design. But we have some serious concerns as detailed in the attachment.

We encourage the County to consider

- Easing the regulatory settings for publically accessible trails, parks, open spaces and related natural resources; for water supply and waste water treatment by annexation of the property to the City of Napa.
- The implications of the updated projections of population growth.

Please let us know of any questions regarding our submission.

Sincerely,



Bernhard Krevet
for the Napa Pipe Review Team

Attachments (1)

Attachment March 15, 2012

FONR Responses to Napa County Staff Comments to Napa Pipe DEIR (ORG17) and Supplement (ORG28)

Analysis of previous comments by FONR and responses by County staff:

1. FONR commented to the DEIR of February 05, 2012 (#ORG17); in the following areas:
 - Cumulative Impacts
 - Public Services & Recreation 4.12.
 - Utilities 4.13 -- Water Supply 4.13-1
 - Regulatory Setting pg 4.13-1
 - Hydrology -- Flooding & Sea Level Rise
 - Biological Resources – Section 4.4 Pg 4.4-1 ff
 - Geology, Soils – Section 4.9 Pg 4.9-1 ff
2. FONR commented to the DEIR Supplement of May 02, 2011 (#ORG28), in these areas:
 - General concerns and questions
 - Population growth
 - Kennedy Park potential overuse
 - Fill needed to elevate the project reducing flood water storage capacity
 - Climate change impact on flood protection and water holding capacity
 - Groundwater use may cause saltwater intrusion
 - Public Services must be the responsibilities of an elected government with full control and accountability to the citizens that live or use these facilities.
 - Biological Resources
 - Air Quality
 - Geology, Soils and Seismicity
 - Water Supply Assessment
 - Water and Wastewater Feasibility Study
 - Flood Water Analysis
 - Napa Pipe Project Water Transfer
 - Seismic observations and concerns.

We received mostly satisfactory replies but have additional questions and need for clarification listed below. (** indicates no further responses)

1) FONR Responses to ORG17 (submitted February 05, 2010)

Public Services & Recreation ORG17-7/13

Water Supply ORG17-14/20

Regulatory Setting ORG17-21/26

Napa Pipe Project Alternatives; Publically Accessible Trails, Parks, Open Spaces and Related Natural Resources

All three alternatives currently projected for the Napa Pipe site anticipate a homeowner's association ("HOA") as the lead responsible organization for operations and maintenance of all public project site natural resources preserved or installed by the developer. HOAs can be quite different in how they take long term responsibility for their common natural resources. This can shift dramatically as successions of new HOA Board members are selected. Institutional memory for the intent of the development installed trails, parks, open spaces, street trees shorelines and the like can become blurred and lost over time. This is not always the case to be sure, but unless there are clearly stated responsibilities memorialized in Covenants, Conditions and Restrictions (CC&Rs) and development agreements which are widely circulated and understood, HOAs tend to drift in the direction of regarding their commons as their own private membership estates and aim to exclude the outside public from access and use. HOAs over time may also minimally budget for keeping their most visible landscapes up front. Other adjacent natural resources tend to be left neglected and little HOA budget reserve is held for remedial replacements naturally needed in time. Also, common area improvements like trail sections intended for public use can go without repaving when needed. Typically, in the initial months or years after founding of a HOA the developer is a leading member and easily capable to guide commons operations and maintenance policy. This is made easier for the developer's representative to the HOA with well articulated documentation for HOA responsibilities. Remedial funds set up by the developer in a third party bank account to serve as seed money for the HOA to match for eventual replacement costs in the commons/public interface zones may be a good budgeting incentive for the HOA. Such funds can also be applied in emergencies within the commons/public interface zones for a local agency to mobilize and command forces to abate flooding during high tides coupled with winter storms for example, to quickly place sand bag walls, muck out drain structure siltation, conduct brushing, remove hazardous failing trees and other tasks to secure incidents safely. These precautions can be recommended in instituting a HOA for managing the Napa Pipe natural resource sites.

Alternatively, some jurisdictions nearby have also required developers to create tentative maps of either a HOA or a landscape maintenance special assessment district ("LMD"). With a LMD in place a local agency (or even a joint powers authority) can give professional direction and budget for long term operations and maintenance in the public spaces as well as some remedial improvements over the long term. A founding and subsequent annual LMD Engineer's Report(s) can give added strength of documentation for integrity of keeping the project's natural resources sites. This is an option that can work well and may be recommended for the Napa Pipe site. There are also nearby examples where HOAs and LMDs have been set up together forming a better combined effect to manage public/common areas (even with added backup security of third party bank accounts as noted above).

To better "ensure that adequate public facilities ... including parks" in the Napa Pipe project site can be maintained and open for public enjoyment for the long term, a combination of well documented conditions for a HOA and/or LMD as indicated above should be shown.

Alternative 1; Developer's Proposal for 135 out of 154 total acres

This Alternative seems to allow for maximum comparative public access to site parks, open spaces and shoreline and with a provision for a connected joint regional trail system (Bay, Vine and River trails together) running from end to end; but with risks associated with a poorly directed HOA for management.

The trail connection into Kennedy Park to the north is essential and this Alternative calls for a bridge for that purpose. Such a bridge would have to have a high enough clear span to allow free barge passage underneath and could be costly to construct. Coordination with the adjacent property owner for footing placements and free barge traffic would be necessary. The size, cost and coordination needed for such a bridge cannot be allowed to postpone its construction. A condition for release for occupancy in a sizable portion of the adjacent project building sites ought to be made to ensure simultaneous construction of this bridge in a timely fashion. Approaches to the bridge on both sides have to be designed to allow for full

public ease of access and use. This provision for regional public access to the river shoreline needs to ensure it is built.

A nature center is anticipated for the site. A nature center is also called for in the Kennedy Park Master Plan to be located nearby. A determination ought to be made early with the City of Napa on which nature center ought to be realistically built and resources agreed to be combined for its single location along this shared reach of the Napa River shoreline. The risk for two nature centers to be placed in close proximity would be for two eventual center operators to compete for habitually scant funding resources with a likelihood of one (or both) nature center(s) eventually shutting down.

Shoreline improvements allow for public access with small craft docking prospects included. More needs to be offered in the way of wider natural vegetated setbacks along the river with a purposeful adherence to the "Living River Guidelines" as is being done for most of the flood control project areas just a little further north.

Alternative 2; Staff Recommendation for 63 out of 154 total acres

This Alternative allows for similar public access and risks of HOA management as in the Alternative above, but less four pocket parks.

A necessary bridge connection into Kennedy Park is curiously omitted however. Instead a ground level trail connection is proposed requiring an easement arrangement with the adjacent property owner. If this arrangement cannot be made it should then be required to have it be made with the railroad company within their right of way instead. Either prospect could result in an unappealing 'dog run' of parallel chain link fences to contain trail users within industrial use areas. It would be better to require the bridge option as in the Alternative above. If not, then a condition for release for occupancy for a sizable portion of adjacent project building sites ought to be required so as to simultaneously acquire a wide enough easement to build and plant an attractive ground level trail connection north.

Housing Element Alternative 3; for 20 out of 154 total acres

This Alternative cannot realistically be expected to encourage wide public access for such a small isolated community. Risk of a HOA assuming closed control of its own commons here would not be surprising.

This Alternative has no apparent provision for connecting the regional trails system.

There is no clear option for public access to the shoreline either.

Public access to the river shoreline ought to be conditioned if this were to become a chosen option.

Much more would be left to a subsequent industrial area development to provide a fuller scope of attractive public access in parks, shorelines, open spaces and trails as is generally offered in the two Alternatives above. Expectation for this to happen with subsequent industrial build out south and west of this isolated community would remain a guess. Risks of a piece meal and less attractive public access through the adjacent industrial area could require lasting institutional memory and take generations to achieve.

Hydrology/Flooding & Sea Level Rise ORG17-27/30, ORG17-83/90

Biological Resources ORG17-31/34; ORG17-40/42, -50/78

ORG 17-32: We asked what would be the effect of Napa Pipe on fisheries and wildlife in the nearby floodplains, particularly from percussive noise. The response lists the avoidance measures to be taken and says the “proposed development would generally avoid locations with sensitive wildlife habitat, such as the marshlands and shoreline of the Napa River.” They further remind us that the marshlands are over 200 feet away and across the river, and they say the site is already disturbed by human activity. The area across the river relatively undisturbed by human activity and has been repopulating with wildlife and fisheries for years. Napa Pipe does not directly answer the question regarding percussive noise. Percussive noise, as would be created from pile driving and compaction of extensive fill required by this project, radiates from the site and is also carried by the ground independently of atmospheric noise. Percussive noise is the impact most likely to disturb marsh birds, as noted by rail expert Jules Evans (pers. comm. 2001) when commenting on proposed marsh work by the East Bay Municipal Utility District (EBMUD). It is an unavoidable short-term impact of this project. We would like to see a discussion of percussive noise impacts at distance. Effects on nesting marshland birds ought to be specifically discussed. Impact noise must be kept below 90 decibels (dB) @ 10 meters (the threshold for significant impact to rails). Caltrans (2004) reported that there was no damage to steelhead and shiner surfperch when exposed to multiple pile driving strikes that ranged from 158 to 182 dB (re 1 $\mu\text{Pa}^2\text{-s}$) at distances of 23 to 314 meters from the pile. If pile drivers can in fact range above 90dB more than 200’ (61 meters) from the source (Caltrans 2004), a level that can potentially harm birds, Napa Pipe should explain how it will minimize this potential short term impact.

ORG 17-46: The respondents updated the Table 3-7 to include NOAA (NMFS) as a permitting agency, as requested. There is ongoing monitoring in the new floodplains, but these data were not included because the study is not over. Numbers may not be conclusive at this time; but species presence is important. The respondents should report if any listed species have been observed so far during these studies. The floodplain habitat is relatively new and still developing; the fish community may change as the habitat ages.

ORG 17-68: Answer refers to ORG 17-31 which states that CDFG Code 3503 is implied. These documents are so large that few people read everything and they are more likely used as a “cookbook” or “encyclopedia” of how to work on the project. So CDFG Codes need to be included.

ORG 17-74: See response to ORG 17-69. Relevant codes need to be quoted because document may be read in pieces or out of order.

Geology, Soils ORG17-35, ORG17-79/82

ORG 17-35: The answer refers to the California Code of Regulations (CCR) Title 14 that will be followed to prevent damage from Seismic shaking. The 2009 DEIR identifies a 70% probability for a 7.0 or greater quake in the Bay Area within the next thirty years and uses the USGS as a reference. Then the DEIR states “On January 1, 2008, the State of California adopted the 2006 International Building Code (IBC) as the model code for the 2007 California Building Code (CBC). The 2009 DEIR also says ground shaking in a major earthquake at the site may get to a Mercalli rating of IX-X. The corresponding table showing the effects of Mercalli rated

shaking/damage scale modified from Perkins and Boatwright 1995. The DEIR does not show a Mercalli scale developed subsequent to development of the International Building Code, so it is not possible to determine if shaking or damage caused by a Mercalli rating of IX-X will harm buildings constructed to the new code. In a USGS reference from 1989 a Mercalli Scale is shown that describes Mercalli IX damage as follows:

IX. *Damage considerable in specially designed structures* (italics mine); well-designed frame structures thrown out of plumb. Damage great in substantial buildings, with partial collapse. Buildings shifted off foundations.

X. Some well-built wooden structures destroyed; most masonry and frame structures destroyed with foundations. Rails bent.

If “specially designed structures” refers to structures built under earthquake codes, then that should be reflected in the Mercalli scale used so reviewers can determine what damage may be to the site during a Mercalli level IX or X earthquake.

Traffic & Transportation ORG17-36/39

**

2) FONR Responses to ORG28 (submitted May 02, 2011)

General Concerns ORG28-2/7

Biological Resources ORG28-9/12

Response ORG28-11

The comment refers to use of bird nests at night by fledging young. Mitigation Measure BIO-3(a) pertains to protection of nests in active use, both day and night, as any qualified biologist would understand. Including a reference to “night” in the measure is not necessary, and no additional revision to the mitigation is considered necessary.

On the surface, the highlighted statement is correct; however, many consultants are not qualified, or are qualified in one area and (due to money or time constraints) asked to work in another. To say this does not occur is naïve. Therefore we should request that personnel identified within the EIR as “qualified” should be defined as qualified for the specific tasks at hand. This obvious requirement applies to all disciplines, and clarification can be accomplished with a definition of “qualified personnel” in an appendix. It is a simple necessary fix to ensure regulations are followed by using truly qualified people.

Air Quality ORG28-13

Geology, Soils, Seismicity ORG28-14; ORG28-31/33

Response ORG28-14 – Earthquakes.

The response directs the reader to Section A.3 of Chapter 4.9 of the 2009 DEIR where it says:

Recent estimates prepared by the U.S. Geological Survey's (USGS) Working Group on California Earthquake Probabilities indicate that the overall probability of one or more large earthquakes (magnitude 7.0 or greater) in the Bay Area is approximately 70 percent in the next 30 years. Such earthquakes are considered most likely to occur on the San Andreas, Rodgers Creek or Hayward faults. Although less information is available for the Green Valley-Concord and West Napa faults, those faults are also considered active and capable of generating large earthquakes. Assuming that the earthquake epicenter is located on a nearby segment of one of the principal active faults, ground shaking intensities of approximately IX to X on the Modified Mercalli Intensity (MMI) Scale could be expected in the Napa area. The MMI is a scale that measures the felt effects of ground shaking and is presented in Table 4.9-2.

In response to our concern regarding building the project on the alluvial soil that will also be built up with compacted fill, they state: Structural damage is a function of both ground shaking intensity and the strength of structures that are affected. Damage is typically most severe in areas of older, poorly constructed buildings. To ease fears of building on the project site they reference the California Building Code: “Detailed procedures for mitigation of seismically induced ground shaking and ground shaking amplification are contained in the CBC.”

The respondents have been selective in their references since they have chosen ones that show their project in the best light. They use the USGS to discuss probability of earthquakes (see above), but use a different source to describe the damage caused by earthquakes measuring IX and X on the MMI, though the USGS also describes the Mercalli Scale in a manner similar to descriptions given in Table 4.9-2 (Source: *Modified from Perkins, Jeanne B., and John*

Boatwright, 1995, On Shaky Ground: Association of Bay Area Governments Publication Number P95001EQK.)

So as you can see, they analyzed the possibility of strong quakes in the DIER and concede that there is a chance that violent to intense shaking may occur in the area, and is in fact likely within the next thirty years.

Here is the DEIR description of damage rated by the MMI as IX:

Heavy damage

General panic. Masonry D destroyed; masonry C heavily damaged, sometimes with complete collapse; masonry B seriously damaged. General damage to foundations. Frame structures, if not bolted, shifted off foundations. Frames racked. Serious damage to reservoirs. Underground pipes broken. Conspicuous cracks in ground. Liquefaction.

Here is a corresponding description from the USGS of earthquake damage measuring IX on the Mercalli scale:

General panic; damage considerable in specially designed structures, well designed frame structures thrown out of plumb. Damage great in substantial buildings, with partial collapse. Buildings shifted off foundations.

“Specially designed structures” are those built to earthquake building codes (California Building Code (CBC)) as referenced in the DEIR.

Here is the description of Mercalli level X from the DEIR:

Extreme damage

Most masonry and frame structures destroyed with their foundations. Some well-built wooden structures and bridges destroyed. Serious damage to dams, dikes, embankments. Large landslides. Water thrown on banks of canals, rivers, lakes, etc. Sand and mud shifted horizontally on beaches and flat land. Rails bent slightly.

Here is the USGS description of earthquake damage measuring X on the Mercalli scale:

Some well built wooden structures destroyed; most masonry and frame structures destroyed with foundation. Rails bent.

USGS reference: Abridged from *The Severity of an Earthquake, a U. S. Geological Survey General Interest Publication*. U.S. GOVERNMENT PRINTING OFFICE: 1989-288-913

So the earthquake question was discussed and presented in the DEIR. It is a little more than twice as likely as not that an earthquake with Mercalli scale readings of IX & X will occur in the Bay Area within the next 30 years. What the County Board of Supervisors must decide will be: Is it worth it to okay this large project knowing there is likely to be a dangerous and expensive natural event in this poorly accessible area in the near future, despite seismic mitigations provided by the California Building Code? Moreover, knowing these odds, is it in the best interests of public

safety to concentrate people in this area 24 hours a day (i.e., to live there) as the project proposes, where they are denied the potential good fortune to be absent (i.e., off work) when the predicted event occurs?

Site Plan Changes ORG28-15

Water Supply ORG28-16/19; ORG28-29

ORG 28-16: The respondents are correct that the 4cfs would come down the spawning reach of Mill Creek and benefit the salmon. But they ignore the caution regarding a water supply wherein species are in recovery. That this situation will require additional biologists/managers (including employees of the City of Napa) time for meetings with agencies is not discussed.

ORG 28-17: Table 1 assumes no increased water use after 2015 and water use remains the same from 2015 through 2030. Respondents refer to WSA for clarification. A footnote should direct the reader to the WSA.

ORG 28-29: Respondents cite Moyle (2002) that delta smelt may swim in slower areas during certain times of day and therefore reduce the entrainment from pumping. They do not discuss in their response where in the water column the pump intake will be (the DEIR refers only to “the best available technology”) or if it will be adjustable to minimize negative effects on pumping.

Water & Wastewater ORG28-20/25

Flood Hazards Analysis ORG28-26/28

ORG 28-27: Respondents defend their use of a 1984 USACE study of tides to determine highest tides likely in the next 100 years. They do not think the 1986 flood needs to be part of their analysis because the highest tide was included in the 1984 study. They remind us that high tides and floods do not necessarily correlate. The February 1986 flood was a 50-year event for the State of California, but resulted in the redrawing of the 100-year flood maps for Napa. By contrast the January 1997 flood was a 100-year event not equaled since 1862, yet it affected Napa less than the 1986 flood. The 1986 flood level was a locally profound event that should be included in any flood analysis.

ORG 28-28: Respondents rely on the 1984 study as “the most current, thorough study....” They do not explain how including the 1986 flood would make it less “thorough..” or what “thorough” means as it is used in their analysis.



NAPA COUNTY
FARM BUREAU

CDPC
MEETING

MAR 19 2012

AGENDA ITEM
NO. 5A

March 19, 2012

Mr. Sean Trippi
Napa County Department of Conservation, Development & Planning
1195 Third Street, Suite 210
Napa, CA 94559

Re: Napa Pipe Redevelopment FEIR Comments

Dear Mr. Trippi,

Napa County Farm Bureau offers the following comments on the Napa Pipe Final EIR documents and the multiple actions which are requested of the Planning Commission regarding General Plan Amendments, zoning amendments, FEIR certification and findings of overriding considerations, and Water Supply Assessment.

The newly released information is once again voluminous and extraordinarily complex, creating a daunting and difficult task for citizens to review. After reviewing the response to comments, the staff's recommendation and accompanying Supplemental Environmental Assessment, we come to three key conclusions: 1) **the project's water supply remains uncertain** 2) **the project greatly and inappropriately exceeds regional growth projections for unincorporated Napa** and 3) **both the staff recommendation and the developer's proposal create multiple inconsistencies with the County's General Plan objectives, policies, general land uses and programs and with the sustainable planning vision for the Bay Area.**

In addition to the comments and concerns made within this document, NCFB supports and incorporates by reference the comments submitted by the legal staff at California Farm Bureau Federation.

WATER SUPPLY ASSESSMENT & UNCERTAINTIES - Despite thousands of pages of water studies over 4 or more years, the project's water supply is still uncertain and the FEIR data is insufficient.

- If groundwater is used, then the county contradicts General Plan Goal Con-11 and Policy Con-51. The FEIR response to our multiple groundwater comments states that the project no longer proposes to amend Goal Con-11. How can that be if there is no commitment from Napa City to serve the project's water needs?

We strenuously object to the proposed general plan amendments regarding groundwater protections for agriculture, as it would set a precedent for future use of groundwater for residential needs in the incorporated or unincorporated areas. We note that the SEA clearly states on page 16 that groundwater use for the project is not desirable, as it conflicts with Con Goal 11.

- If surface water is used as crafted with a water transfer from Tehama County, the result is negative impacts to the agriculture in Tehama County and to the habitat of the Mill Creek

Watershed. As noted in the WSA a number of uncertainties remain with this imported surface water option. With the state perennially in a deficit water supply condition, it is highly unlikely that DWR would approve the water transfer.

Additionally, in multiple communications, directors of the Mill Creek Watershed have provided you with detailed information on EIR errors – citing an over estimation of water available with the water right, incorrect diversion flow analysis and the negative impacts to flushing flows for the fall-run and spring-run salmon.

In the staff alternative, surface water provided by the city of Napa (CON) remains uncertain, with no commitment from the city. Additionally, the Wes Strickland memo on the CON Water Supply Alternative dated 2/6/12 notes that deficits are projected for dry years between 2015 and 2030, with the magnitude of the deficit increased by 340 acre feet by the demands of the project. Acknowledgement of this deficit does NOT provide a reasonable assurance that there is adequate surface water from CON for the project.

EXCEEDENCE OF REGIONAL GROWTH PROJECTIONS

With the fundamental change in regional housing mandates, the perceived “need” for the project, no longer applies. The most recent ABAG/MTC planning for sustainable development in the Bay Area reflects a paradigm shift, with growth focused in core infill urban areas which are already served by transit, city services and commerce.

It is incomprehensible that after decades of seeking lower housing assignments from ABAG, that Napa County would now encourage development that far exceeds the new regional growth projections.

In a section describing “New vitality of industrial and agricultural land”, the ABAG/MTC Bay Area Plan revised on March 9th clearly states:

The Bay Area's wealth of agricultural land is unparalleled among our nation's largest metropolitan regions and provides high quality products including a world-renowned wine industry. ... For the most part, the region's remaining farmland has some policy protections from urban expansion. All of the counties outside of San Francisco have a growth management framework in place (such as urban growth boundaries or agricultural zoning). The region needs to maintain these important policy supports to ensure the viability of the agriculture industry. Industrial lands will also require some level of protection given the pressures of infill residential and office development. Bay Area Plan, Jobs-Housing Connection Scenario, pg. 15-16, emphasis added

Further, page 43 of the Bay Area Plan cites the projected housing needs for unincorporated Napa County at 280 units between 2010 and 2040. The developer's Napa Pipe plan is a 643% increase over the regional projection. The staff recommendation is a 150% to 221% increase over the regional projections.

TRAFFIC – The traffic modeling results are inaccurate, as the project does not meet the criteria for a transit-oriented development project. Hence, the 14% to 60% trip reduction factor due to the mixed use design and available transit services should not be assumed. Napa City's comment letter challenged the EIR data in very specific detail.

As analyzed at each stage of the environmental review process – the DEIR, SDEIR, SEA and FEIR - significant and unavoidable impacts are clearly expected outcomes. The FEIR indicates 14 significant and unavoidable impacts, with 9 of those related to traffic congestion.

Given the above, we urge the Commissioners to not make decisions this evening. There is insufficient evidence to certify the FEIR and many unanswered policy questions making a recommendation on rezoning and approval of the proposed General Plan amendments premature.

We appreciate the opportunity to comment and the Planning Commission's thoughtful and thorough deliberations on the input provided during this public hearing process.

Sincerely,

A handwritten signature in cursive script that reads "Dana Estensen".

Dana Estensen
President

cc: Justin Fredrickson, CFBF Legal Division
Kari Fisher, CFBF Associate Counsel
Napa County Board of Directors

March 19, 2012

COPIED
MEETING

Napa Pipe

Public Comments re: Proposal

MAR 19 2012
AGENDA ITEM
NO. 5A

Submitted by William J. Harris

3200 Soscol Ave. Apt 120

- 1. What is the median income of the prospective residents of Napa Pipe?**
- 2. Has the Law of Unintended Consequences regarding the income delta between the new residents and that of current Napa residents been examined?**
- 3. If the estimated demographic of the prospective new residents is Middle-Aged, has their persistent presence in the market place been assessed for the probable and possible impacts to the 20 and 70 year-old population?**
- 4. Has an estimate been calculated to define the prospective competitive revenue of Napa Pipe to existing Napa businesses been created?**
- 5. Has an estimate been calculated to determine the potential loss of revenue to Downtown businesses by creating a large business base very close to Downtown?**

- 6. Has there been a “normalized” average created to define the prospective impacts of existing homeowners to stay in their current homes?**
- 7. Who are the authorities that own the authority to grant or deny the required exemption to change the cap on the number of annual residential building permits?**
- 8. What statute, regulation or local ordinance imbues those authorities to grant or deny the annual cap on the number of annual residential building permits?**
- 9. Who are the authorities that own the authority to alter the county’s stated preference that groundwater be used for agriculture and for those living in rural areas?**
- 10. Have environmental studies, including the adequate number, depth and distribution of soil examination been conducted via State, Federal and EPA Statutes and Regulations?**
- 11. Have the status of industrial effluent and other water and potentially airborne pollutants been conducted?**
- 12. Do the appropriate agencies and authorities have a preliminary plan for handling the school, telecommunication, transportation, emergency services and all other infrastructure that will be required to support the estimated 5330, 2457 or 1820 additional residents projected?**
- 13. Who will be required to supply the funds to design, build and staff the entire additional infrastructure?**

- 14. Has a business case analysis been developed to determine the value to the city and county of each of the three-sized proposed undertakings?**
- 15. If a business case analysis has been developed, does it include the possible loss of revenue to the City of Napa?**
- 16. Does, or will, a business case analysis give due consideration to the probable impact to the City of Napa Small Businesses, particularly in areas of overlap and market competition between the adjoining communities?**
- 17. Does, or will, a business case analysis develop at least a raw estimate of the financial impacts of, and probable loss of, momentum and continued development of the Downtown area of the City of Napa?**
- 18. Observations of the City of Napa, including its Downtown area reveals a very large number of stand-alone and conjoined office spaces that is vacant. It is very normal for 21st Century corporations to use distributed work groups, operating seamlessly via Internet and private corporate networks. Has consideration been given to filling the existing vacant, Napa-citizen owned offices and “storefront” spaces as an alternative to creating an entire new community?**
- 19. Has a value proposition been conducted to compare the alternative of filling existing City of Napa housing for offer to the prospective residents of Napa Pipe?**

- 20. Is the location of the preponderance of jobs of the prospective residents known?**
- 21. If the location of the jobs queried in Question 20 is North of Napa, it appears that the only traffic relief would occur outside the City of Napa. Is this correct?**
- 22. Are additional routes or highway lanes planned to relieve the traffic which would begin south of Napa?**
- 23. By what authority is the planning staff's proposal for Napa Pipe allowed to bypass the existing exemption on the cap of residential building permits issued?**
- 24. Has an historical analysis regarding the impacts of replacing North San Jose's rural areas with Silicon Valley?**
- 25. Is this matter to be put forward for public referendum or other form of existing citizen consideration?**

March 19, 2012

I am Harold Kelly, 3450 Meadowbrook Dr. Napa CA.

Mr. Chairman and Planning Commission members.

I was a member of the Napa County Planning Commission during the early 1970's when the first draft of the Napa General Plan was adopted, and the first down zoning of the existing commercial zoning along highway 29 north of Napa was being accomplished, under the direction of Planning Director Jim Hickey. I understand a little of what you are facing.

The Napa County General Plan has a lot of parts but it has a two sentence concept which is unique. It is that urban development belongs in the cities and agriculture is the highest and best use of the land. These concepts is what has kept Napa County from making the mistakes of most of our neighboring counties. The counties have made the mistake of urbanizing outside of existing cities in their county.

The reason that Napa County has not developed tracts of housing in the county, outside of any city, is that all urban developments require urban services such as fire, police, water, sewer, schools, shopping, transportation and many other services which only develop in a city. A city must have a tax base to support the housing. Housing does not pay its own way and requires the tax base of some industrial and commercial

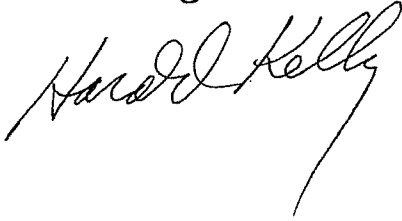
businesses that are long term job creators that in turn will support the housing.

The county through this proposed General Plan change and the proposed zoning is in effect creating a new city in the county next to the existing city of Napa. This is urban sprawl of the worst kind because you as a county will not be able to afford to provide all of the services of a city even though the speculator can paint pretty pictures and make promises. To create several special districts in the county for this one development is foolish. The county already has enough special district problems at Lake Berryessa. These were created prior to our current General Plan and should not be repeated.

Any General Plan change and the zoning changes that must go with it, need to be considered and approved only when the changes will benefit the county as a whole. The proposed General Plan change from industrial to residential will not be to the benefit of the county as a whole. These changes will be for the benefit of one speculator and the developers to whom he will sell the rezoned lands.

For you to make the necessary "overriding conditions", for the proposed infrastructure approvals needed, you will have to accept and overlook the facts that there are just too many consequential issues about this proposal that does not benefit the county as a whole. The whole plan needs to be rejected.

As long as this land remains in the county, it should remain in its current General Plan designation of Industrial. It could become a large business park or a light industrial park to benefit the county tax base. There are companies that would come to Napa County if the property size was available. A large tract of land in this location will be attractive to some businesses. Any type of housing development on this site should be required to be annexed to the City of Napa to obtain the necessary public services needed for residential developments. The county should not be in the business of creating a new city.

A handwritten signature in black ink, appearing to read "Harold Kelly". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

RECEIVED

MAR 18 2012

AGENDA ITEM
NO. 5A

Ladies and Gentlemen:

The issue is that most of us regular citizens don't have time to read any of the Environmental Reports and we're not experts in the field to be able to poke holes in the project on a professional level. But there're holes in that project, and I want the county planners to find them. I want to make sure that you can explain to us how the people who would live there could get to that village, because there's a road but I want an explanation of the logistics and the ownership of that access road. Is this a county road or is it owned by Syar Industry? There's also a mention of a bridge. I would like an explanation of the size of that bridge. Is it a walking or driving bridge? Who would build it and at what cost if it involves the citizens of Napa?

The proposed neighborhood is not a concentration camp, so Mr. Rogal should not say that he wants to keep the people in. What if the villagers want to get gas on Imola, or Silverado Tr. and shop on Trancas St.? How will this impact the city traffic? I also cannot imagine adding thousands of cars to already congested Hwy 29 and 121.

I happened to cross Butler Bridge in the middle of last week's storm. I looked down and saw the water almost at the level of the factory floor. I know that there's a plan to fill and build the project up. But that reminds me of the Marina in San Francisco and the Cypress freeway in Oakland, which became a tragic disaster in the earthquake prone area. This area is also close to a fault line. Would the planning staff take the responsibility for allowing to build on filled earth?

Thank you for your attention. I would like to hear the answers to these concerns.

Respectfully,

Beta Hyde

1024 Bayview Ave., Napa CA 94559

Robert & Lucy White

CDPC
MEETING

①

March 19, 2012

MAR 19 2012
AGENDA ITEM
NO. 5A

Sean Trippi, Principal Planner
Napa County Department of Conservation Development & Planning
1195 Third Street, Suite 210
Napa, CA 94559
sean.trippi@countyofnapa.org

Dear Planning Commission:

An integrated design relies on all the various elements to create a sound structural working project. Keith Rogul has worked with the county to adjust and readjust his vision to adapt to restrictions and limitations. The county has continually moved the target farther and farther away from a viable plan, playing with the architectural structure of the plan to the point where it would have a fragile foundation to develop and operate. The county should be there to guide the basic direction, not control and destroy the fundamental core of this project. This plan has integrity with a long term vision – meeting the demands of mandated housing in an eco state of the art community, and the goals of the General Plan*.

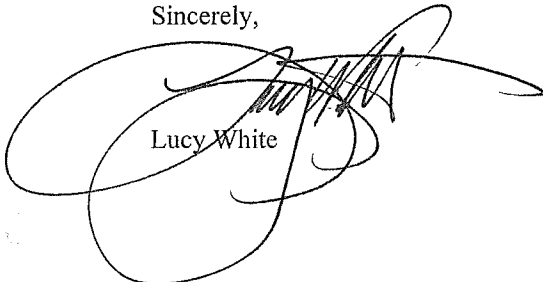
The General Plan and “State legislation..., advance the State’s goals of coordinating land use and transportation policies, reducing vehicle miles travelled and combating climate change...this Housing Element incorporates a number of policies and programs aimed at reducing vehicle miles traveled and greenhouse gas... This includes directing new housing development to urbanized areas, thus preserving open space and agriculture and placing homes close to existing job centers, transit, and services; promoting jobs/housing balance and affordable and workforce housing so that workers can find suitable housing near their places of employment; and encouraging and facilitating development of higher-density housing where appropriate. Collectively, these policies and programs will help to limit the impact of new housing development on greenhouse gas emissions and create opportunities to reduce greenhouse gas emissions from existing and future development.”

Napa Pipe meets and exceeds the requirements and objectives of the General Plan, including State required housing. It is irresponsible to delay this project. Beyond the great benefits of the development itself, there are the construction jobs, reclaimed and redeveloped land and waterways, and modern aged transportation solutions in a smart growth community.

Napa Pipe is the only viable area for the development of new housing as identified in the General Plan.* The other three option were obviously never intended to be developed and do not meet the criteria of the General Plan itself. Angwin, Moskowite Corners and Spanish Flat were the other areas identified for housing – Where are the jobs near these locations?, How do these areas reduce greenhouse emissions? What are the transit services in these areas.? The General Plan requires Site Specific readily available areas to be identified for the future housing. What options are there to the four identified areas which were chosen, through long and costly studies?

Napa Pipe was purchased in 2005, with the DEIR submitted in 2009. The county red tape has cost millions of dollars to Keith Rogul, along with whatever county funds, taxpayer funds, which were used to delay the project. The economy which would have been generated by this type of project since 2009 has been lost to this county. The project needs to break ground with the plan that Keith Rogul has submitted – the jobs need to begin, the housing needs to be built, the land needs to become useful as a community.

Sincerely,



Lucy White

3906 Silverado Trail / Calistoga, CA 94515 / 707 799 2120
Fax 707 942 4824 / lucyw@pearcenet.com / bob@wwwwhite.com

Quotes from the NAPA COUNTY GENERAL PLAN HOUSING ELEMENT follow:

***APPENDIX H-1: HOUSING SITES ANALYSIS AND INVENTORY**

State law requires that a Housing Element include an inventory of available land that is appropriately zoned and suitable for housing development to accommodate the County's RHNA. This inventory focuses on sites that are, or can be made available for housing development that could be affordable to households with moderate, low, and very low incomes (i.e., parcels that can accommodate housing at higher densities). County staff conducted site visits and a suitability and constraints analysis for each of these areas. ...four areas that would be suitable for affordable housing: 1) Angwin, Sites A and B, 2) Napa Pipe, Sites A and B, 3) Moskowite Corner, Sites A, B and C, 4) Spanish Flat, Sites A, B, C, D, E, and F

HOUSING
INTRODUCTION

Since its establishment in 1969, California Housing Element Law has mandated that California local governments develop plans to supply housing to current and future residents, regardless of income level. (h) Napa Pipe zoning is proposed for enactment per Housing Development Program H-4e. The Study Area land use designation allows for industrial uses but envisions site-specific planning, rezoning, and...

After a review of the County's progress meeting objectives outlined in the 2004 Housing Element and a summary of the County's current housing needs, this Housing Element presents the County's overall housing goals....

The objectives are applicable for the Housing Element planning period (from July 1, 2009 through June 30, 2014, or as may be amended by State law)....

Although the goals are not categorized, the policies, objectives, and programs are classified into six different categories, as follows: 1) Rehabilitation, 2) Affordability, 3) Special Needs, 4) Housing Development, 5) Removal of Governmental Constraints, 6) Energy and Water Conservation

In addition, Appendix H-1 of this document provides a summary of the sites that have been identified and will be made available for the development of housing to accommodate the County's regional housing need allocation (RHNA) for the Housing Element compliance period of January 1, 2007, through June 30, 2014....

One Coordinated Vision

Although this Housing Element addresses a range of housing-related issues specific to the unincorporated County in compliance with State law, and is primarily intended to facilitate housing affordable to all economic segments of the community, this Housing Element also furthers a vision that is shared by all jurisdictions within the County. This vision is grounded in Napa County's rural character, its agricultural economy, and each jurisdiction's commitment to combat sprawl by directing growth to urban areas. While facilitating housing in rural Napa County would appear to be at odds with this vision, the State's mandate is clear, and the sites and programs presented in this Housing Element have been tailored carefully to focus primarily on land within already designated urbanized areas of the unincorporated County...

This Housing Element's goals, policies, objectives and programs have also been coordinated with goals, policies, and action items in other sections of the Napa County General Plan. Specifically, the Housing Element is designed to further land use and transportation policies that support using a variety of strategies to address long-term housing needs (Policy AG/LU-30) and using a coordinated approach to land use and circulation, thereby promoting a healthier community (Policy CIR-4).

