



Agenda Date: 10/11/2005  
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## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Hillary Gitelman - Director  
Conservation, Development & Planning  
**REPORT BY:** Hillary Gitelman, Director, 253-4805  
**SUBJECT:** Joint Meeting - Board of Supervisors and Planning Commission

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### **RECOMMENDATION**

Joint Meeting of the Board of Supervisors and the Planning Commission.

1. Director of Conservation, Development and Planning will provide a status report on the General Plan Update, including work of the General Plan Update Steering Committee, and requests:
  - a. Direction from the Board and the Commission regarding potential Environmental Impact Report (EIR) alternatives and initiation of the public scoping process; and
  - b. Adoption of a resolution by the Board of Supervisors formally initiating the amendment (comprehensive update) of the General Plan.
2. Planning Commission requests Board of Supervisors' direction regarding the Commission's desire to hold public hearings on the Viewshed Ordinance (Chapter 18.106 of the Napa County Code) to determine what, if any, refinements to the Ordinance should be pursued.

### **EXECUTIVE SUMMARY**

1. The General Plan Update Steering Committee has been charged with two principal functions: assisting staff with development of an updated plan for consideration by the Planning Commission and the Board, and helping with public outreach efforts required to ensure that an updated plan is successfully adopted. Because the Planning Commission and the Board of Supervisors will need to make use of an Environmental Impact Report (EIR) when considering whether to adopt an updated plan, the Steering Committee convened a special all-day meeting on September 10, 2005 to begin defining EIR alternatives. Ideas generated at this meeting were grouped and discussed at the Steering Committee's September 28 regular meeting, and are provided in Attachment A.

Staff and Steering Committee members will provide a status report on the General Plan Update and describe the preliminary alternatives that have been developed. Commission and Board input on these alternatives and issues is desired, along with direction to initiate the public "scoping" process, during which members of the public may comment on the alternatives and issues.

In addition, pursuant to procedures adopted by the Board of Supervisors in 1992 (Resolution 92-102) and subsequently revised, the Director of Conservation, Development and Planning requests adoption of a resolution formally initiating the General Plan amendment (i.e. the comprehensive update) and making the required finding. The proposed resolution is included as Attachment B.

2. At their meeting on September 7, 2005, the Planning Commission discussed the Viewshed Ordinance (Chapter 18.106 of the Napa County Code) and heard public testimony from several individuals. Commissioner comments have been summarized in Attachment C. The Commission requests direction from the Board regarding the Commission's desire to hold a series of public hearings to determine what, if any, refinements to the Ordinance should be pursued.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

This joint hearing of the Napa County Planning Commission and the Napa County Board of Supervisors will address two topics: the General Plan Update, and the Viewshed Ordinance. More information is provided below.

#### **I. THE GENERAL PLAN UPDATE**

##### **Background**

California law requires every city and county in the State to adopt a General Plan with policies and objectives to guide land use and development. The law requires that the General Plan be comprehensive, forward looking, and internally consistent, and also requires that all zoning regulations, capital planning, and individual land use decisions be consistent with the General Plan. California law prescribes required contents of the plan and also requires environmental review before a General Plan can be adopted.

The current version of the Napa County General Plan was adopted in 1983, although some sections (known as "elements") have been updated since then. In 2004, the Napa County Board of Supervisors stated its desire to undertake a comprehensive update of the Plan; and in early 2005 the planning process began with a series of seven community meetings intended to gather public input on the scope of the planning effort. Following these meetings, the Board established a citizen steering committee to assist the staff in preparing the updated plan and to generate community support for the plan they help create. The Board also approved a contract with Pacific Municipal Consultants (PMC), who will also assist with plan preparation and public participation, and take the lead on preparation of the Environmental Impact Report (EIR).

Initial meetings of the General Plan Update Steering Committee focused on orientation (July 27, 2005), and the Baseline Data Report (August 31, 2005). Then on September 10, 2005, the Steering Committee convened an all

day work session or "charrette." The purpose of the charrette was to begin defining alternatives for analysis in the EIR.

State law requires that an EIR assess all of the potentially significant impacts of a proposed plan and include mitigation measures necessary to reduce or eliminate significant impacts. The EIR is also required to assess a reasonable range of alternatives. Even when the precise contents of the proposed plan are not yet known, it is often possible to define a range of potential alternatives so that the EIR analysis can get underway. This approach is desirable because of the time involved in planning and environmental analysis. (If plan preparation and environmental review are undertaken sequentially, the entire planning process would take substantially -- maybe years -- longer than if they are concurrent.)

If the range of EIR alternatives is carefully crafted, there should be ample opportunity to develop and refine the General Plan update while the EIR process is being completed. Then both the Planning Commission and the Board should be able to use the EIR to adopt the updated plan and make other, related policy decisions.

### **Possible EIR Alternatives**

At the September 10th "charrette," the Steering Committee successfully collaborated on the identification of ideas/issues to be captured within the range of alternatives, and began the process of grouping these ideas into logical alternatives. This process continued at the September 28, 2005 meeting of the Steering Committee, where General Plan elements related to recreation/open space and transportation were also discussed. Seven preliminary alternatives have been outlined in **Attachment A**. Each of these alternatives have been characterized both by a brief narrative description as well as the use of 17 variables - such as projected numbers of housing and jobs, for example - that have been assigned different levels for each alternative. Please note, however, that these are not 7 entirely different alternatives but, rather, variations of the other alternatives. In other words, some of these 17 variables are identical for more than one alternative.

The Steering Committee, staff, and consultants are seeking the Commission and the Board's input on the preliminary alternatives, in particular:

#### **A. Are there ideas that are *not* reflected in one of these alternatives that should be included in the analysis?**

Since we are crafting EIR alternatives early in the planning process (before we know the precise contents of the General Plan update), it is necessary to cast a wide net, and include all possible land use and policy changes that might result in physical environmental impacts. Later in the process, it will be difficult to incorporate any big ideas that are left out of the alternatives at the start.

#### **B. Are there ideas that are included in one or more of these alternatives that should be eliminated from further consideration?**

The Steering Committee was asked to be creative and not to shy away from ideas that might not be fully feasible (financially or politically). As a result, the Planning Commission and the Board of Supervisors may wish to consider whether the resulting ideas/alternatives should be adjusted before going forward.

#### **C. Are there alternatives that could be consolidated or eliminated?**

The current budget for the EIR assumes there will be three alternatives analyzed at equal level of detail, and up to four additional alternatives or variations analyzed at a lesser level of detail. Thus, we could move forward with the seven possible alternatives as outlined, unless the Commission and/or the Board see reasons to delete or add. (See Questions A & B, above.) The "final" list of alternatives does not need to be decided upon until after the public scoping process. (See Next Steps, below.)

## Next Steps

Upon receipt of the Commission/Board's input on the preliminary alternatives, and with the Commission/Board's concurrence, staff will initiate the EIR "scoping" process. "Scoping" involves seeking public comments (written and oral) on the range of preliminary alternatives and the scope of the EIR analysis.

"Scoping" is initiated by issuing a formal Notice of (EIR) Preparation, and widely distributing written information about the planning process, preliminary EIR alternatives, the scope of the EIR, and opportunities for public input. If the Notice of Preparation is issued during the week of October 17th, two public (evening) meetings and one (day time) agency meeting would occur on November 9 & 10, with a public comment deadline around December 1, 2005.

## Formal Initiation of the Process

California Government Code Section 65358(a) allows public agencies to specify procedures for consideration of amendments to their general plans. In accordance with this provision of State law, the Napa County Board of Supervisors adopted procedures by Resolution 92-102 and subsequent action. The present procedures require that the Board of Supervisors adopt a resolution formally initiating the General Plan amendment (i.e. the comprehensive update), and make the following finding: "the amendment is in the public interest and internally consistent with the Napa County General Plan both among the elements and within each element and all necessary changes are proposed to maintain consistency per Section 65300.5 of the California Government Code."

In the current instance, the precise contents of the General Plan update are not yet know, but are expected to fall within the range of ideas expressed as potential EIR alternatives in Attachment A. Because the current General Plan has not been comprehensively updated since 1983, the ongoing General Plan update is needed to ensure a forward-looking document and is therefore in the public interest. In addition, the General Plan Steering Committee, staff, and consultants have been charged with developing a comprehensive General Plan update that specifically addresses the legal requirement for internal consistency. A proposed resolution containing this finding and formally initiating the General Plan update is attached for the Board's consideration as **Attachment B**.

## **II. THE VIEWSHED ORDINANCE**

The Viewshed Ordinance (Chapter 18.106 of the Napa County Code) was adopted in 2001 after substantial public input and debate. Since that time, planning staff estimates that approximately 40 projects triggering requirements of the ordinance have been approved administratively, and 2-3 have been elevated to the Planning Commission and/or the Board for consideration.

At their meeting on September 7, 2005, the Planning Commission discussed the Viewshed Ordinance and heard public testimony from several individuals. Commissioner comments have been summarized in **Attachment C**. The Commission requests direction from the Board regarding the Commission's desire to hold a series of public hearings to determine what, if any, refinements to the Ordinance should be pursued.

## SUPPORTING DOCUMENTS

- A . Possible Alternatives for the General Plan Update EIR
- B . Resolution Formally Initiating the General Plan Update
- C . Summary of the Planning Commission's Viewshed Ordinance Discussion, September 7,

CEO Recommendation: Approve

Reviewed By: Andrew Carey