



Agenda Date: 10/16/2007
Agenda Placement: 8D
Set Time: 9:30 AM
Estimated Report Time: 2.5 Hours

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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

RECOMMENDATION

Joint Meeting of the Board of Supervisors and the Planning Commission, with discussion and possible direction concerning the following topics:

1. General Plan Update - Process & Schedule;
2. General Plan Update - Unresolved Issues;
3. Code Enforcement Program Summary; and
4. Other Supervisor/Commissioner comments or concerns.

PLEASE NOTE: While Planning staff is seeking direction from the Board and the Commission, no final decisions will be made on the General Plan. As a result, public testimony will be limited to two hours. Interest groups are encouraged to designate spokespersons, since there will be more time available for each speaker if fewer persons wish to speak. In no event will any speaker be allowed more than three minutes.

EXECUTIVE SUMMARY

The Conservation, Development, and Planning Commission meets periodically with the Board of Supervisors to discuss items of a planning nature. The current meeting is intended to provide the Commission and the Board with an opportunity to discuss the proposed process and schedule for completion of the ongoing General Plan update, provide staff with direction regarding unresolved issues associated with the General Plan (see Background Section, below), and receive a summary of the department's code enforcement program. The Board and Commission may also wish to discuss other items related to the Department's functions and/or the Commission's duties.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

This is a discussion item only. No final decision will be made and there is no environmental impact.

BACKGROUND AND DISCUSSION

The joint meeting of the Planning Commission and the Board of Supervisors will focus on three topics: the process and schedule for the General Plan Update; unresolved issues related to the General Plan Update; and a code enforcement program summary. These topics are summarized briefly below and further information will be provided orally and via handouts and/or power point presentations at the meeting.

I. General Plan Update -- Process & Schedule

As the Planning Commission and the Board are aware, the County received substantial public input on the Draft General Plan Update and associated Draft Environmental Impact Report (EIR) -- two documents that were circulated for public comment in February-June 2007. Since the end of the comment period, the General Plan Steering Committee has been meeting to provide direction to staff regarding revisions to the plan needed to address public comments. In addition, the Planning Commission has held several hearings on some of the more complicated land use issues, and planning staff and consultants have been working on formal, written responses to the comments received and necessary changes to the Draft EIR. All of these activities will culminate later this year, when a revised draft General Plan Update is issued, together with a public notice and hearing schedule, followed by distribution of written responses to comments on the Draft EIR. The tentative schedule identified for these activities and the public hearings which follow is presented below:

- | December 3, 2007 Publication of the Revised Draft General Plan Update (with a matrix comparing proposed policies to the current general plan)
- | January 15, 2008 Hearing #1 & Presentation to a Joint Session of the Planning Commission & the Board of Supervisors
- | January 16, 2008 Hearing #2 at the Planning Commission
- | January 30, 2008 Hearing #3 & Planning Commission Action
- | February 5, 2008 Hearing #4 at the Board of Supervisors
- | February 26, 2008 Hearing #5 at the Board of Supervisors
- | March 4, 2008 Hearing #6 & Plan Adoption (& Possible Action to Place a Measure J item on the June 2008 ballot)

This schedule is subject to change and assumes that Responses to Comments on the Draft EIR (together with necessary text changes to the Draft EIR) are distributed in mid-December, and that the revised draft General Plan Update (and the "preferred" plan alternative described in text changes to the Draft EIR) falls within the range of alternatives analyzed in the Draft EIR. This schedule also assumes that revisions requested by the Planning Commission and the Board in the course of the hearing process can be accommodated without additional analysis or re-noticing.

At the October 16, 2007 hearing, County staff will briefly summarize the planning process to date, the organization of the General Plan Update, and the proposed schedule presented above.

II. General Plan Update -- Unresolved Issues

County staff and consultants are seeking direction from the Planning Commission and the Board about a number of unresolved issues. While no final decision on these or other issues would be appropriate at this time, direction from the Planning Commission and the Board would facilitate preparation of the revised Draft General Plan Update which will be the subject of formal hearings after the first of the New Year.

The unresolved issues are each described briefly below, and will be further described at the meeting on October 16th. Staff has used the term "unresolved" in reference to issues that generated divided opinions within either the Steering Committee and/or the Planning Commission or, alternatively, have resulted in opposing strong opinions from each of those two bodies.

1. Requiring New Wood Burning Stoves & Fireplaces to Comply with EPA Standards

According to information and analysis presented in the Draft EIR, residential wood burning fireplaces in unincorporated Napa County could generate between 0.92 and 1.34 tons per day of Particulate Emissions (PM10) during winter months by 2030. The San Francisco Bay Area is considered a "non-attainment" area under State PM10 standards, and PM10 emissions have occasionally exceeded the State standard in recent years (six days in 2004), usually in the winter time. Particulates are known to have health effects and elevated PM concentrations can aggravate chronic respiratory illnesses.

As a result of this analysis, and consistent with recommendations and comments from the Bay Area Air Quality Management District (BAAQMD), the Draft EIR recommends mitigation measures to reduce PM emissions and avoid local exceedences of the State PM standards. Measures include dust control measures during construction activities, enforcement of the winter grading deadline, disseminating information about agricultural burn requirements, disseminating information in support of the BAAQMD's "spare the air tonight" program, as well as measures to address wood burning stoves and fireplaces in residential construction.

This mitigation measure has been included in policies within the draft Conservation Element; however, the General Plan Steering Committee was divided regarding the necessity for and feasibility of a policy which states that "fireplaces or wood stoves for new development" shall comply with current emission standards for wood-burning stoves or be fueled by natural gas. Planning staff is seeking direction from the Planning Commission and the Board as to whether this policy should be included in the General Plan Update, or whether the mitigation measure it is derived from should be determined infeasible. If the measure is deemed infeasible, a basis for this determination must be provided.

Staff recommends that the mitigation measure be adopted, and that a policy addressing this issue be included in the General Plan. Such measures are common in other parts of the Bay Area, and constitute a modest requirement when viewed in the context of other construction requirements found in the building and fire codes. In light of these factors, rejecting the measure as "infeasible" may constitute a legal liability at the time of plan adoption.

2. Designating the Hess Vineyards as an Industrial "Reserve"

The 230-acre property known as the Hess Vineyards immediately north of American Canyon, has long been designated as "Industrial" in the County's General Plan, although it has been used and zoned for agriculture. The draft General Plan Update proposes perpetuating the current arrangement and included two related policy statements:

- 1 Policy Ag/LU-37: The properties known as the "Hess Vineyards" shall remain in agricultural zoning but shall be reserved for industrial uses to meet the county's long term need for industrial space. Prior to rezoning

these lands for non-agricultural uses, the County shall make a specific finding that no other suitable industrial land is available in the county. The 230-acre Hess Vineyard site is located on the east side of Highway 29, north of the city of American Canyon and diagonally across from Green Island Industrial Park. The site is designated on the Land Use Map for Industrial uses, but is currently (2006) zoned agricultural and is in use as a vineyard.

1. Policy Ag/LU-129 (portion): The RUL for the City of American Canyon shall be reassessed in the future, if and when the Hess Vineyard property is rezoned for industrial use.

A substantial number of public comments were received on this issue -- most suggesting that the property's General Plan designation should be changed to Agricultural Watershed & Open Space (AWOS). The property owner, however, requested that the Industrial designation remain in place, and indicated support for proposed policy Ag/LU-37. The General Plan Steering Committee and the Planning Commission have taken different positions on this issue, and direction from the Board is required. The Steering Committee supported leaving the property as Industrial; however on October 3rd a majority of the Planning Commission indicated their support for a change.

3. Creating Community Councils to Provide Public Input

In two places (concerning Angwin and Lake Berryessa), the draft General Plan Update included policy statements supporting creation of a "community council" to serve in an advisory role to the District 3 Supervisor regarding topics of concern to the local population. Public comments were largely critical of these policies and the General Plan Steering Committee recommended their removal. However, on October 3rd, members of the Planning Commission suggested that there might be merit to this idea, and requested that staff seek input from the Board.

4. Including a Map of Roads Subject to the Viewshed Ordinance

Multiple public comments on the Draft General Plan Update suggested that the Community Character Element should include a list or map showing the roads that are designated in the County's viewshed ordinance. The General Plan Steering Committee will consider this request at their meeting on October 10, 2007, and should they fail to resolve the issue, direction from the Planning Commission and the Board would be welcome.

5. Land Use Policies and Map of Angwin

The draft General Plan Update contained almost a dozen new proposed policies regarding the community of Angwin and invited public comments on changes to the land use map of the area. Substantial public input was received, including a detailed proposal from the group Save Rural Angwin, and a request for the status quo from Pacific Union College. (Both letters are attached.)

As explained in the August 15, 2007 staff report to the Planning Commission (also attached), staff requires guidance on three questions to enable preparation of a revised draft General Plan Update for consideration by the Planning Commission and the Board in early 2008:

1. Shall the County place a measure on the ballot that would change the designation of residential portions of Angwin from AWOS to "Rural Residential"?
2. Shall the County change the designation of any lands currently designated as "Urban Residential"?
3. How shall Angwin policies in the draft General Plan Update be revised in response to public comments?

Both the Steering Committee and the Planning Commission have considered these questions. The Steering Committee was unable to reach the required 2/3 majority on any Angwin questions (see Steering Committee minutes at www.napacountygeneralplan.com), and the Planning Commission was unable to reach a simple

majority on the issue of placing a measure on the ballot. Staff's recommendations have evolved since the attached August 15, 2007 staff report, and on September 19th and October 3rd, staff recommended that the Planning Commission support placement of a measure on the ballot, and support removing agriculturally zoned land from the Urban Residential area (a.k.a. "urban bubble"). Direction from the Board of Supervisors is desired.

6. Other Issues of Interest to the Planning Commission and the Board

Production of a revised draft General Plan Update and final EIR are underway, and this joint hearing would be an ideal opportunity to hear from the Planning Commission and the Board regarding any other issues they think need to be addressed in the documents.

III. Code Enforcement Program Summary

Each fall for the past several years, staff of the Conservation, Development and Planning Department has provided a summary of the code enforcement program, including accomplishments and priorities for the coming year. David Giudice, the department's code enforcement manager, will provide a brief power point summary, and invite comments from the Planning Commission and the Board.

IV. Other Supervisor/Commissioner Comments or Concerns

The Board and Planning Commission may also wish to discuss other items related to the Department's functions and/or the Planning Commission's duties.

SUPPORTING DOCUMENTS

- A . Save Rural Angwin Letter
- B . Pacific Union College Letter
- C . Angwin August 15 Planning Commission Staff Report

CEO Recommendation: Approve

Reviewed By: Helene Franchi