



Agenda Date: 3/13/2007
Agenda Placement: 9B

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Hillary Gitelman, Director, 253-4805
SUBJECT: Summary of General Plan Amendment Initiation Process

RECOMMENDATION

Director of Conservation, Development and Planning to provide a summary of the Board's procedures for consideration of general plan amendments submitted by private parties.

EXECUTIVE SUMMARY

Anticipating receipt of an application from the Napa Pipe project proponent, Supervisor Dillon has requested review of the County's procedures regarding initiation and consideration of general plan amendments submitted by private parties. These procedures were first established in 1992 and modified in 2005 with adoption of Board Resolution 05-173 (attached). The resolution permits private parties to submit applications within the month of March each year, and provides criteria that must be met before the application can be processed.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: This is a discussion item only; no action is proposed.

BACKGROUND AND DISCUSSION

Board of Supervisors Resolution No. 05-173, adopted October 11, 2005, establishes the County's local

procedures for filing and processing general plan amendments in accordance with California Government Code Section 65358(a). The resolution essentially permits general plan amendments to be initiated in three ways: (1) by a private individual or group; (2) by the County; or (3) by a citizens initiative. The County's ongoing update of the general plan is an example of a County-initiated general plan amendment. General plan policies derived from Measure J (1990) are an example of a general plan amendment achieved via a citizens initiative.

Anticipating that the Napa Pipe project proponent will shortly initiate a general plan amendment, Supervisor Dillon has requested a summary of the process involved when general plan amendments are initiated by a private individual or group. This summary is presented below:

Step 1: One or more applications are filed with the County Department of Conservation, Development and Planning during the month of March.

Step 2: Staff of the Department prepare an agenda item and schedule a hearing by the Board to consider whether to process the application(s). Realistically, this hearing would likely occur around the first or second week in May.

Step 3: At the public hearing, the Board reviews the application(s) to determine if they are (a) in the public interest; and (b) internally consistent with the general plan and complete in the sense that they contain all changes necessary to maintain internal plan consistency. If the Board makes these findings, then they further consider (c) whether the application(s) are site specific to enable an evaluation of environmental impacts; (d) whether they include a development plan "of sufficient detail to determine potential impact on the site and surrounding area;" and (e) whether they meet one out of five additional criteria related to affordable housing, agricultural preservation, and urban-centered growth. All applications that are found to meet the required findings are referred to the Department of Conservation, Development and Planning for processing as a general plan amendment.

Step 4: The Department of Conservation, Development and Planning prepares an Initial Study regarding the proposed general plan amendment to determine whether an Environmental Impact Report (EIR) is required pursuant to the California Environmental Quality Act (CEQA). Alternatively, the Department may make the determination that an EIR is required without an Initial Study. Staff of the Department then prepares an agenda item and schedules a hearing by the Board to consider whether to continue processing the amendment. (If no EIR is required, the Department prepares a Negative Declaration and schedules public hearings at the Planning Commission and the Board for consideration and approval/disapproval of the amendment.)

Step 5: Assuming that an EIR is required, the Board will hold a public hearing and review the Initial Study and/or discuss the Department's determination that an EIR is required. If the Board determines that processing should continue, they would enter into a contract with the private project proponent(s), who would have to reimburse the County for the costs associated with EIR preparation and processing.

Step 6: Department staff prepares the EIR (draft and final) in accordance with State law, undertakes required consultation, and prepares a staff report with recommendations.

Step 7: At a public hearing, the Planning Commission makes a recommendation to the Board of Supervisors.

Step 8: At a public hearing, the Board of Supervisors considers certification of the final EIR and adoption of the proposed amendment. (If the amendment requires a vote of the people pursuant to Measure J, the Board would place the proposal on the ballot.)

Please see attached Resolution No. 05-173 for further information about this process.

SUPPORTING DOCUMENTS

A . Board Resolution No. 05-173 Regarding Processing of General Plan Amendments

CEO Recommendation: Approve

Reviewed By: Andrew Carey