



Agenda Date: 4/3/2007
Agenda Placement: 8E
Set Time: 10:30 AM
Estimated Report Time: 30 minutes

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: Draft General Plan Update Public Comment Period

RECOMMENDATION

Director of Conservation, Development & Planning and Community Partnership Manager request Board direction regarding requests for extension of the public comment period on the Draft General Plan Update and associated Draft Environmental Impact Report (EIR).

EXECUTIVE SUMMARY

After close to two years of work by the General Plan Steering Committee, County staff, and consultants, a draft General Plan Update and associated draft EIR were released for public comment on February 16, 2007, initiating a 60-day public comment period which is scheduled to end on April 17, 2007. Since February 16th, the County has received multiple requests for extension of the comment period. Some of these requests were unspecific regarding the amount of additional time desired, and others suggested up to 180 days. While County staff is supportive of some extension of time, the staff requires Board direction as to how much additional time should be provided and whether any additional public hearings should be held. See the background section, below, for a discussion of legal requirements, schedule implications, and comparisons to other Counties.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

There is no Environmental Impact for this item.

BACKGROUND AND DISCUSSION

The draft General Plan Update (draft plan) and draft Environmental Impact Report (EIR), released for public and agency review on February 16, 2007, were the products of almost two years of work by a 21-member citizen Steering Committee, County staff, and consultants. There were substantial opportunities for public input as the two documents were crafted, including a series of seven public workshops initiating the planning process in early 2005, monthly public meetings of the Steering Committee beginning in July 2005, additional public workshops on specific topics held during late 2005 and 2006, targeted outreach to the County's Hispanic community and others. In addition, there have been periodic electronic newsletters about the project, newspaper articles, and communication with staffs of the County's incorporated jurisdictions and other affected agencies.

Even after all the hard work and public outreach that has happened already, it's undeniable that the public comment period initiated by release of the draft plan and draft EIR on February 16, 2007 is a critical juncture in the planning process. Formal written and oral comments (oral comments are recorded at public hearings via transcripts) on the EIR are required to complete the environmental review process and must be responded to in the final EIR before the General Plan Update can be considered for adoption. Also, public comments received on the draft plan will be used by the Steering Committee as they prepare a revised draft for consideration by the County Planning Commission and the Board of Supervisors in late 2007 or early 2008. The public will have additional opportunities to comment on the draft plan as it evolves, both at the Steering Committee and at the Planning Commission and the Board, but comments received during the current comment period will facilitate development of a final plan that addresses the full spectrum of community concerns.

Legal Requirements & Duration of the Current Comment Period

In terms of legal requirements, the California Environmental Quality Act (CEQA) and the State CEQA Guidelines Section require a minimum 45-day public comment period for a draft EIR and suggest, but do not require, a public hearing during that period. Government Code Section 65351 requires local agencies to provide opportunities to comment during preparation of general plan amendments "through public hearings and any other means the city or county deems appropriate."

In light of these requirements and the Board's dual goals of encouraging public participation and concluding the planning process in early 2008, the staff established the comment period at 60 days, from February 16, 2007 to April 17, 2007 during which time we scheduled three formal public hearings to receive testimony - March 21st before the Planning Commission, March 28th before the Steering Committee and April 4th, an evening meeting at Yountville Community Hall. Staff have also scheduled myriad additional informal meetings and presentations to encourage public participation.

Requests for Additional Time

The Board has received multiple requests for additional time, including a written request for 180 days from a group consisting of the Friends of the River, Get a Grip on Growth, the Sierra Club, the Greenbelt Alliance, and Berryessa Trails and Conservation. Other requests for additional time (some non-specific and some for various amounts) have been received from the Farm Bureau, the County's Watershed Information Center/ Conservancy, the Napa Regional Parks and Open Space District, individual commenters, the City of American Canyon and a majority of speakers at the March 21, 2007 Planning Commission hearing. Planning Commissioners themselves expressed a desire for an additional 60 to 90 days and possibly an additional public hearing at the Planning Commission.

Other Counties

For comparison, County staff and consultants have researched the amount of time provided during the public comment periods associated with draft General Plan EIRs in other jurisdictions. Some of these planning

processes are ongoing, so it is not possible to judge their relative success.

Sonoma: 92 days from January 16, 2007 to April 17, 2007 for the DEIR

Marin: 78 days, from February 12, 2007 to April 30, 2007 for the draft plan (and 60 days for EIR)

Monterey: 51 days from August 16, 2006 to October 6, 2006

Schedule Implications

The current schedule for the General Plan Update anticipates monthly meetings of the Steering Committee through the balance of 2007 so that the Committee can consider changes to the draft plan that are necessary to address public comments received during the public comment period. Following the Committee's work, the schedule provides for consideration of the revised plan by the County Planning Commission and the Board of Supervisors in early 2008. Adoption of a revised plan (technically a general plan amendment) could only occur after certification of a final EIR, which would also permit the Board to place any proposed policies or map changes requiring a vote of the electorate pursuant to Measure J on the June or November 2008 ballot. (The February 2008 ballot will not be feasible.)

Since it is the Steering Committee's practice to discuss one element at each of their monthly meetings (and schedule extra meetings or form ad hoc subcommittees as needed), and there are seven elements in the General Plan Update, staff anticipates that a minimum of seven months will be needed for the Steering Committee to complete its work. Thus, if the public comment period ends as scheduled on April 17, we would expect the Committee's work to be completed in October or November, at which time hearings at the Planning Commission and then the Board of Supervisors could commence. (This presumes that the Final EIR can be prepared concurrent with the committee's endeavors and that all comments can be responded to efficiently.) Any extension of the comment period will elongate this schedule on a one for one basis -- that is, a one month extension will extend the project schedule by one month.

Recommendation

Staff acknowledges that the documents provided for public review are complex and long (the draft plan is 300 pages; the draft EIR is more than double that, plus technical appendices). Also, although there will be additional opportunities for public input on the plan, constructive public participation at the present juncture is vital to the successful conclusion of the planning process. For these reasons -- and despite the schedule implications described above -- staff would recommend an extension of time by anywhere from 13 days (i.e. ending April 30) to 44 days (i.e. ending May 31). A 30-day extension would end the comment period on May 17, 2007 and provide a total of 90 days for the public comment period. As mentioned above, on March 21, the Planning Commission recommended an extension of 60 to 90 days (i.e. to June 25 or July 16).

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Andrew Carey