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Agenda Date: 4/1/2009

Agenda Placement: 9B

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Hillary Gitelman, Director - 253-4805
SUBJECT: Proposed Land Use Map Amendment

RECOMMENDATION

PROPOSED LAND USE MAP AMENDMENT (PLUMA) - GENERAL PLAN AMENDMENT

Title: A RESOLUTION OF THE CONSERVATION, DEVELOPMENT & PLANNING COMMISSION OF THE COUNTY OF NAPA, STATE OF CALIFORNIA RECOMMENDING THAT THE NAPA COUNTY BOARD OF SUPERVISORS: (1) AMEND THE 2008 NAPA COUNTY GENERAL PLAN LAND USE MAP (GENERAL PLAN FIGURE AG/LU-3) TO REDESIGNATE URBAN RESIDENTIAL AREAS OF ANGWIN AND POPE CREEK; (2) AMEND GENERAL PLAN POLICY AG/LU-53 TO MODIFY THE DEFINITION OF THE PUBLIC-INSTITUTIONAL LAND USE DESIGNATION TO INCLUDE COLLEGE USES AND FACILITIES IN ANGWIN; (3) AMEND GENERAL PLAN ACTION ITEM AG/LU-114.1 TO REQUIRE RE-EVALUATION OF REMAINING URBAN RESIDENTIAL AREAS IN ANGWIN AFTER JUNE 2010; (4) AMEND OTHER SECTIONS OF THE GENERAL PLAN AS NEEDED TO MAINTAIN INTERNAL CONSISTENCY; AND (5) FIND THE MAP AND TEXT REVISIONS TO THE GENERAL PLAN WITHIN THE SCOPE OF THE PROGRAM LEVEL EIR PREPARED FOR THE 2008 GENERAL PLAN UPDATE AND CERTIFIED BY THE BOARD ON JUNE 3, 2008

CEQA Status: The project would complete implementation of Action Item AG/LU-114.1 in the Napa County General Plan and falls within the scope of the 2008 General Plan Update adopted June 3, 2008 and the program-level Environmental Impact Report (EIR) certified on June 3, 2008 adequately describes the activity for purposes of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15168(c).

Request: The Proposed Land Use Map Amendment (PLUMA) would redesignate areas of Angwin and Pope Creek from Urban Residential to other land use designations, and would make modifications to the text of the General Plan's Agricultural Preservation & Land Use Element necessary to explain the map changes and maintain internal plan consistency.

Staff Recommendation: Adopt attached resolution recommending that the Board of Supervisors approve the proposed General Plan Amendment.

Staff Contact: Hillary Gitelman 253-4805

EXECUTIVE SUMMARY

On October 15, 2008, the Planning Commission adopted Resolution No. 08-03 recommending amendments of the General Plan Land Use Map (General Plan Figure Ag/LU-3) and associated text amendments to the Napa County Board of Supervisors. On December 9, 2008, the Board of Supervisors adopted all of the recommended changes with the exception of certain changes related to the Angwin and Pope Creek areas.

On February 24, 2009, the Board of Supervisors declined to adopt the Planning Commission's recommendation for these two areas, and expressed their desire to amend the General Plan as proposed in the attached draft resolution. Pursuant to CGC Section 65356, the Board referred their proposed changes to the Planning Commission for a recommendation. The proposed General Plan Amendment is scheduled for the Board of Supervisor's final consideration of the Planning Commission's recommendation on April 28, 2009.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The project would complete implementation of Action Item AG/LU-114.1 in the Napa County General Plan and falls within the scope of the 2008 General Plan Update adopted June 3, 2008 and the program-level Environmental Impact Report (EIR) certified on June 3, 2008 adequately describes the activity for purposes of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15168(c). (See further discussion in the Background section below.)

BACKGROUND AND DISCUSSION

On April 22, 2008, the Board of Supervisors adopted Resolution No. 08-64 initiating a General Plan amendment to address the so called "urban bubbles" or areas designated Urban Residential (UR) and Rural Residential (RR) on the County's official Land Use Map. The Board resolution requested that the planning effort prioritize adjustments to UR and RR areas that are not contiguous to incorporated cities and lack adequate infrastructure for urban development, and that the planning effort seek to remove agriculturally zoned land from UR and RR areas except where specific circumstances, such as an Affordable Housing (:AH) overlay, justifies retention.

The Land Use Map & Zoning

The General Plan Land Use Map (Figure Ag/LU-3) is a component of the Agricultural Preservation & Land Use Element of the General Plan, which is required by State law to show the general distribution and general location of land uses in the County, including the use of land for housing, agriculture, industry, open space, and other uses (CGC Sec. 65302(a)). The map and the General Plan are policy documents -- expressing a long-term vision for the physical development of the County -- and are not regulatory. Amendments to the Land Use Map can be adopted by a resolution of the legislative body (the Board of Supervisors) following review under the California Environmental Quality Act (CEQA) and a hearing/recommendation by the Planning Commission, except if Measure J (1990) and/or Measure P (2008) would require approval by the voters (see below). State law allows each local jurisdiction to amend each mandatory element of the General Plan no more than four times during any calendar year (CGC Sec.

65358(b)).

Zoning is a set of regulations which establishes requirements related to the use of buildings, structures and land, and which determines the permitted location, density, and physical form of buildings and structures (CGC Sec. 65850). The County's zoning map is incorporated by reference in County Code Section 18.12.020, and may be amended by ordinance adopted by the legislative body (the Board of Supervisors) following review under CEQA and a hearing/recommendation by the Planning Commission. There is no limit on the number of zoning map or text amendments that may be adopted per year. No zoning changes are being proposed as part of the current planning effort.

General Plan & Zoning Consistency State law (CGC Sec. 65860) requires zoning ordinances and general plans to be consistent. In most cases, this is achieved by making the General Plan Land Use Map and the zoning map consistent, however the courts have held that consistency can be achieved even if the maps are not identical, since the policies of a General Plan apply in their totality (i.e. the Land Use Map cannot be viewed in isolation). To this point, the Napa County General Plan (Policy AG/LU-114) states: "In areas where the zoning and the land use designation shown on the Land Use Map are not identical, rezoning is desirable but not mandated, since consistency is achieved by reviewing the stated policies of the General Plan in addition to the Land Use Map."

A good example relates to commercial properties in Oakville and Rutherford; these communities are designated "Agricultural Resource" on the Land Use Map, but contain properties that are zoned for commercial use. General Plan Policy AG/LU-45 provides for consistency between General Plan and zoning by stating that commercial uses are permitted on commercially zoned sites (illustrated in Figure AG/LU-2). The proposed Land Use Map changes are aimed at improving the correlation between the Land Use Map and the zoning map, recognizing that the two maps have different histories and different functions that make it unlikely that they will ever be identical.

Measures J & Measure P

Measure J, adopted by the voters in 1990 and reaffirmed and extended as Measure P in November of 2008, is one reason it is unlikely that the County's Land Use Map and zoning map will ever be identical. Measures J & P require approval from the voters to re-designate areas shown on the Land Use Map as Agricultural Resource (AR) or Agriculture, Watershed and Open Space (AWOS) unless specific exceptions apply. As a result, there are areas of the County zoned for nonagricultural use which have an AR or AWOS designation, but which cannot be redesignated as UR or RR (or some other designation) without voter approval. While these areas could conceivably be rezoned for agriculture, they often consist of small parcels or have other physical characteristics which would make it misleading to designate them for agricultural use on the General Plan Land Use Map. In these instances, consistency (between General Plan and zoning) is maintained through General Plan policies such as Policy AG/LU-26, which states that a single family residence is permitted on existing legal parcels.

Measures J & P are relevant to the current Land Use Map amendments in a number of ways. First and foremost, it is important to recognize that Measure J & P do not restrict the re-designation of properties designated as UR or RR on the Land Use Map (i.e. the "bubbles") as of their effective dates, thus it is possible to shrink these areas without reference to Measure J or P. On the other hand, it is not possible to move or expand the UR or RR areas without a vote of the people pursuant to Measures J & P unless those narrow exceptions set forth in Measures J or P apply.

12 Urban and Rural Residential Areas

There are 12 different areas designated as UR or RR on the Land Use Map. Each is colored either yellow (RR) or flesh tone (UR), and contained within a thick boundary line that was established many years ago with little attention to underlying zoning or parcel lines. Of the 12 areas, seven (Angwin, Berryessa Estates, Berryessa Highlands, Deer Park, Moskowitz Corners, Pope Creek, and Spanish Flat) are not contiguous to incorporated cities, and are

identified as priorities in Resolution No. 08-64. All of these areas have some additional development potential, although in some cases (like Berryessa Estates, Berryessa Highlands, and Pope Creek), this simply means that there are already subdivided parcels that are vacant and could accommodate a single family residence. The Angwin, Moskowitz Corners, and Spanish Flat areas have development potential associated with Affordable Housing (:AH) overlay zoning on specific parcels, and -- together with Deer Park -- also have development potential associated with limited commercial (CL or CN) or planned development (PD) zoning.

The Commission and the Board have acted on changes to all 12 of the areas, most notably re-designating almost 2,000 acres as agriculture (AWOS or AR). The only outstanding questions remain whether/how to re-designate Urban Residential areas in Angwin and Pope Creek, and what related amendments to the text of the General Plan are required.

The Planning Process To Date

Pursuant to the Board's direction, planning staff first prepared a set of maps comparing General Plan land use designations, zoning, and parcel lines. On July 8, planning staff presented this material at a public workshop which was informally noticed by sending flyers to potentially affected property owners. The workshop and materials distributed at the workshop focused on explaining the potential impacts if agriculturally zoned land within the UR and RR areas were re-designated as AR or AWOS. In all cases, the conclusion was that the change would constitute a "clean up" of the County's maps, but would not affect the use of property since the property's zoning would remain the same. In fact, the net effect of the change would simply be to require that property owners seeking rezoning from agriculture to some other designation first obtain a General Plan Amendment.

On August 5, 2008, the Planning Commission and the Board of Supervisors had a study session, which involved a bus tour to visit nine out of the 12 Urban and Rural Residential areas. Specifically, the group visited the Silverado, Moskowitz Corners, Berryessa Highlands, Spanish Flat, Pope Creek, Berryessa Estates, Angwin, Deer Park, and Big Ranch Road areas. On August 20, 2008, the Planning Commission received a staff presentation and public input, and provided direction to staff. On October 15, 2008, the Planning Commission held a formally noticed public hearing, received additional testimony, and adopted a resolution recommending that the Board adopt the proposed General Plan amendment.

On December 9, 2008, the Board of Supervisors conducted a segmented public hearing, adopted three resolutions implementing the majority of changes recommended by the Planning Commission, and requested that the balance of the changes affecting the Angwin and Pope Creek areas be agendaized for further discussion. Specifically, the Board wished to discuss whether the Planning Commission's recommendation that approximately 76 parcels in the Angwin and Pope Creek areas be re-designated from UR to RR was sufficiently far reaching when it came to the community of Angwin.

On January 27, 2009, the Board of Supervisors deadlocked on the issue of whether/how to redesignate the Urban Residential areas of Angwin and Pope Creek, and on February 24, 2009, a majority of the Board indicated their support for re-designating portions of Angwin from Urban Residential to Public Institutional, and for re-designating portions of Pope Creek from Urban Residential to AWOS. Pursuant to CGC Section 65356, the Board then referred the matter back to the Planning Commission for a recommendation, requesting that the Commission provide their recommendation before April 28, 2009.

Proposed Map & Text

The Land Use Map amendments referred to the Planning Commission for recommendation by the Board of Supervisors would re-designate areas of Angwin from Urban Residential (UR) to Public-Institutional (P-I), Rural Residential (RR), and Agriculture, Watershed and Open Space (AWOS). The amendments would also re-designate an area of Pope Creek from UR to AWOS. Please see the maps included in Exhibit A to the attached

draft resolution.

The accompanying text amendments included in Exhibit A were developed by planning staff after receipt of input from representatives of Save Rural Angwin and Pacific Union College. (See letters attached.) Some of the text changes are intended to ensure that the map changes are integrated into the General Plan in a meaningful way, and to ensure internal consistency within the plan as required by law. Another text change is intended to reflect the Board's stated desire to re-examine and potentially reduce the remaining UR areas of Angwin after consideration of the pending "Ecovillage" project.

CEQA Compliance

The proposed action would complete implementation of Action Item AG/LU-114.1 in the Napa County General Plan and was analyzed to determine whether it was adequately assessed in the General Plan Update program-level Environmental Impact Report (EIR) certified on June 3, 2008. California Environmental Quality Act (CEQA) Guidelines Section 15168(c)(2) explains that a program-level EIR may be used for later activities if a lead agency finds that the action would have no new impacts and no new mitigation measures would be required.

In the current instance, the proposed Land Use Map Amendment would redesignate areas in Angwin and Pope Creek, and the proposed text changes would explain the intent of the P-I designation in Angwin and modify Action Item AG/LU-114.1 to reflect completion of the PLUMA planning process and a commitment to re-evaluate remaining UR areas of Angwin after June 2010. All of these changes are a direct result of current Action Item AG/LU-114.1, which committed the County to reexamine designated urban areas and adjust their boundaries as needed to preserve agricultural uses.

The changes proposed would have the effect of perpetuating existing land uses in the areas proposed for designation, since the area proposed for redesignation as AWOS in Pope Creek is currently agricultural open space, and the area proposed for redesignation as P-I in Angwin is currently a college campus. Because the changes would perpetuate the existing environmental setting, they would not result in any new impacts not already considered in the program-level EIR prepared for the General Plan Update, and no mitigation measures would be required. Notice of the use of the program-level EIR has been provided in conformance with CEQA Guidelines Section 15168(e).

SUPPORTING DOCUMENTS

- A . Draft Resolution
- B . Exhibit A to the Draft Resolution
- C . PUC Letter
- D . SRA Letter

Napa County Planning Commission: Approve

Reviewed By: John McDowell