

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter A

P. Lowe



United States Department of the Interior

MINERALS MANAGEMENT SERVICE
Washington, DC 20240



Mr. Patrick Lowe
Deputy Director
Napa County Conservation,
Development and Planning Department
1195 Third St., Room 210
Napa, California 94559

APR 16 2007

RECEIVED

APR 19 2007

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Dear Mr. Lowe:

It is with great pleasure that I am writing today to share with you the status of the Coastal Impact Assistance Program (CIAP), established in the Energy Policy Act of 2005, administered by the Minerals Management Service (MMS), and the results of the complex allotment calculations.

In line with Secretary Kempthorne's commitment to consult closely with affected states and local governments, as well as to take into account the views of the public, we have pursued full and open discussions and a close working relationship along the way. In early spring of 2006 we requested your state's comments, those of your Coastal Political Subdivision (CPS) and broad public consultations on the draft guidelines. On September 29, 2006, those comments were reflected in the published final state plan guidelines. As another example of a close working relationship and to provide as much assistance to CIAP recipients as possible we prepared and placed on our website informal guidelines on the standard grant application process to be used by all CIAP recipients.

A - 1P

Enclosed are tables that show the Fiscal Years 2007 and 2008 state and CPSs CIAP allotment amounts. The full break out of allotment amounts and percentages for each recipient can be found at www.mms.gov/offshore/CIAPmain.htm.

After the State of California has submitted a CIAP state plan (Plan) and received formal approval of the Plan from MMS your CPS may submit grant applications for the actual expenditure of the funds. The MMS will begin accepting grant applications as of mid-October 2007.

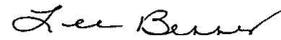


3.0 COMMENTS AND RESPONSES TO COMMENTS

2

If we can be of further assistance, please contact me at (703) 787-1710, or the Regional CIAP Representative, Mr. John Smith at (805) 389-7833.

Sincerely,

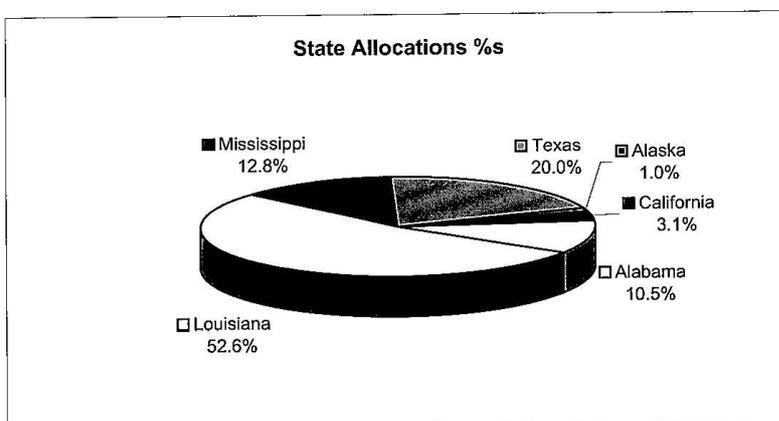


Colleen (Lee) Benner
National CIAP Coordinator

Enclosures

Coastal Impact Assistance Program
Fiscal Year 2007 and Fiscal Year 2008 Allocations

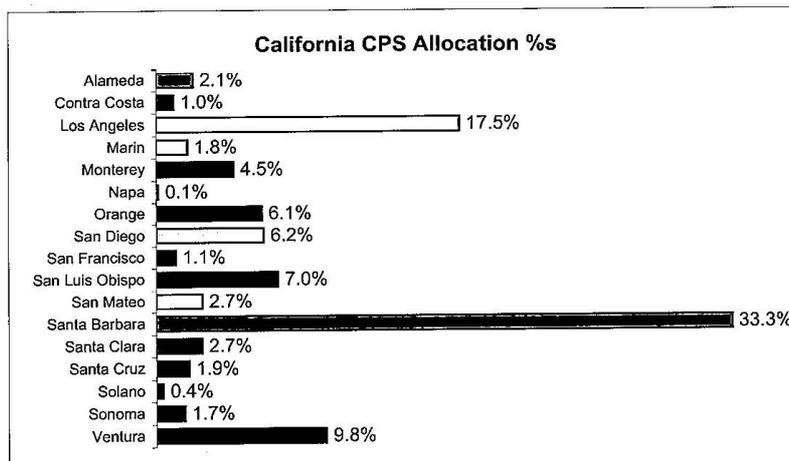
Producing State	% Allocation	Total Allocation	Amount Direct to States	Amount Direct to CPSs
Alaska	1.00%	\$ 2,425,000.00	\$ 1,576,250.00	\$ 848,750.00
California	3.07%	\$ 7,444,441.75	\$ 4,838,887.13	\$ 2,605,554.61
Alabama	10.54%	\$ 25,551,607.04	\$ 16,608,544.58	\$ 8,943,062.46
Louisiana	52.60%	\$ 127,547,898.57	\$ 82,906,134.07	\$ 44,641,764.50
Mississippi	12.76%	\$ 30,939,850.55	\$ 20,110,902.86	\$ 10,828,947.69
Texas	20.04%	\$ 48,591,202.09	\$ 31,584,281.36	\$ 17,006,920.73
Total All 6 States	100.00%	\$ 242,500,000.00	\$ 157,625,000.00	\$ 84,875,000.00



3.0 COMMENTS AND RESPONSES TO COMMENTS

Coastal Impact Assistance Program Fiscal Year 2007 and 2008 Allocations - California CPS

Coastal Political Subdivisions (CPS)	% Allocation	Total Allocation
Alameda	2.14%	\$ 55,796.28
Contra Costa	1.02%	\$ 26,482.42
Los Angeles	17.52%	\$ 456,521.10
Marin	1.80%	\$ 46,986.07
Monterey	4.49%	\$ 116,865.78
Napa	0.13%	\$ 3,370.30
Orange	6.11%	\$ 159,222.51
San Diego	6.21%	\$ 161,848.79
San Francisco	1.13%	\$ 29,350.71
San Luis Obispo	7.04%	\$ 183,485.05
San Mateo	2.67%	\$ 69,599.23
Santa Barbara	33.29%	\$ 867,491.70
Santa Clara	2.65%	\$ 69,051.44
Santa Cruz	1.90%	\$ 49,520.67
Solano	0.41%	\$ 10,699.51
Sonoma	1.65%	\$ 42,998.37
Ventura	9.84%	\$ 256,264.67
Total California	100.00%	\$ 2,605,554.61



3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER A: COLLEEN (LEE) BENNER, US DEPARTMENT OF THE INTERIOR – MINERALS MANAGEMENT SERVICE, APRIL 16, 2007

Response A-1 P: The County acknowledges the Department of Interior's commitment to work with the State and Coastal Political Subdivisions, including Napa County, to implement the Coastal Impact Assistance Program. The letter discloses the allotment amounts for Fiscal Years 2007 and 2008 for the States and Coastal Political Subdivisions. The County understands that a total of \$3,370.30 is available for the Fiscal Years and may be obtained through the Department's standard grant application process. The County may use these funds only for one or more of the following authorized uses:

- 1) Projects and activities for the conservation, protection, or restoration of coastal areas, including wetlands;
- 2) Mitigation of damage to fish, wildlife, or natural resources;
- 3) Planning assistance and the administrative costs of complying with CIAP;
- 4) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan; and
- 5) Mitigation of the impact of OCS activities through funding of onshore infrastructure projects and public service needs.

3.0 COMMENTS AND RESPONSES TO COMMENTS

BLM Ukiah Field Office

Letter B

From: Jonna_Hildenbrand@blm.gov
Subject: BLM Ukiah Field Office
Date: Mon, April 16, 2007 3:24 pm
To: info@napacountygeneralplan.com

Thank you for including BLM in your general plan and the planning process.

Just a few updates at this time. The BLM Ukiah Field Office Resource Management Plan (RMP) is no longer in "draft" form. The final was signed on September 25, 2006. Cedar Roughs has been official designated wilderness (Public Law 109-362; October 17, 2006) and no longer in "wilderness study area" status. B-1E/P

If you have any questions, please contact the BLM Ukiah Field Office.

jonna
Jonna Hildenbrand
Planning Coordinator
BLM Ukiah Field Office
2550 North State Street
Ukiah, CA 95482
707/468-4024

http://www.napacountygeneralplan.com:2095/3rdparty/squir...ent_id=0&mailbox=INBOX&passed_id=83&view_unsafe_images=4/18/2007 1:59:17 PM

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER B: JONNA HILDENBRAND, US BUREAU OF LAND MANAGEMENT (BLM),
APRIL 16, 2007

Response B-1 E/P: The Bureau of Land Management (BLM) Ukiah Field Office has informed the County that the Resource Management Plan (RMP) was approved on September 25, 2006. The Draft EIR stated that the RMP was proposed rather than officially adopted. The BLM has also informed the County that Cedar Roughs has been officially designated as wilderness. The Draft EIR presented Cedar Roughs as a "wilderness study area."

In response to the BLM comments, the text on page 4.2-18 of the Draft EIR has been changed as follows:

- FEDERAL

Bureau of Land Management

~~Proposed~~ Resource Management Plan for Ukiah Field Office Planning Area

The Bureau of Land Management (BLM) prepared the Resource Management Plan (RMP) provide direction for managing public lands within the Ukiah Field Office planning area. The RMP was signed on September 25, 2006. The purpose RMP is to provide guidance in the management of the lands and resources administered by the Ukiah Field Office of the BLM. The Plan addresses conflicts between motorized, mechanized, and non-motorized/non-mechanized recreationists; protects sensitive natural and cultural resources from impacts due to increased recreational use and other land uses; provides guidance for wind energy development; and addresses other planning issues raised during the scoping process.

The Ukiah Field Office manages approximately 270,000 surface acres and 214,000 additional subsurface acres (mineral estate) in northern California. The geographic area includes all BLM managed public lands within the counties of Marin, Solano, Sonoma, Mendocino (south of the city of Willits), Lake, Napa, Yolo, Colusa, and Glenn. Public lands administered by the field office are influenced by the large urban centers of the San Francisco Bay Region and the Sacramento Region, particularly as many of Ukiah's public land visitors come from these areas. The Ukiah Field Office area of responsibility is not a continuous geographic area of public land. The management areas are spread across nine counties, generally bounded by Humboldt County to the north, San Francisco Bay to the south, the Sacramento River to the east, and the Pacific Ocean to the west. The planning area is separated into nine management areas. The Knoxville and Berryessa management areas are partially within Napa County. The Cedar Roughs management area is entirely within the County.

The Knoxville area includes approximately 35,000 acres, including about 24,000 acres of public land. It is located north of Lake Berryessa. The Cedar Roughs area includes approximately 12,000 acres,

3.0 COMMENTS AND RESPONSES TO COMMENTS

including about 6,700 acres of public land on the southwest side of Lake Berryessa south of Pope Creek and contains the Cedar Roughs designated wilderness ~~study~~ area. The Berryessa management area covers an area includes approximately 56,000 acres, including about 15,000 acres of public land east of Lake Berryessa, around Berryessa peak. The area is on a mountain ridge that is generally inaccessible to the public. The southern portion of Blue Ridge is included in this management area and does have public access.

The reference provided on page 4.2-26 of the Draft EIR for the RMP has been changed as follows:

United States Bureau of Land Management. ~~Proposed~~ Resource Management Plan and Final Environmental Impact Statement, Volume I. Signed on June September 25, 2006.



ARNOLD SCHWARZENEGGER
GOVERNOR

Letter C

P. LOWE

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

RECEIVED

APR 13 2007

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Memorandum

Date: April 10, 2007
To: All Reviewing Agencies
From: Scott Morgan, Senior Planner
Re: SCH # 2005102088
Napa County General Plan Update

Pursuant to the attached letter, the Lead Agency has extended the review period for the above referenced project to April 17, 2007 to accommodate the review process. All other project information remains the same.

C - 1E

cc: R. Patrick Lowe
Napa County Department of Conservation
1195 Third Street, Suite 210
Napa, CA 94559

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

3.0 COMMENTS AND RESPONSES TO COMMENTS

04/10/2007 08:27 5102689207

PMC OAKLAND

PAGE 01



COUNTY of NAPA

OFFICE OF CONSERVATION, DEVELOPMENT & PLANNING

General Plan Update
Steering Committee

**Napa County General Plan Update and DEIR
Public Review Time Extension**

Steering Committee
Members:

- Chair
Peter McCree
- Vice Chair
Tom Andrews
- George Bachich
- Mary Ellen Boyer
- Jon-Mark Chappell
- Stephen Cuddy
- Debra Damm
- Tom Gamble
- Michael Haley
- James Hendrickson
- Guy Key
- Carol Kunze
- Carole Meredith
- Beth Painter
- Carol Poole
- Jeff Reichel
- Brad Simpkins
- Stuart Smith
- William Trautman
- Bob Torres
- Duane Wall

TO: State Clearinghouse

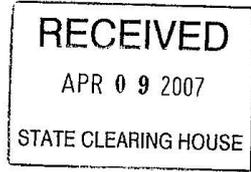
FROM: Hillary Gitelman, Planning Director

RE: SCH #2005102088 Napa County General Plan Update Draft EIR

On April 3, 2007, the Napa County Board of Supervisors extended the public review comment period for the Napa County General Plan Update and Draft EIR an additional 60 days. The original dates for public comment were from February 16, 2007 to April 17, 2007. The new closing date for public comments is June 18, 2007. Written comments can still be received at the following address:

Napa County Department of Conservation, Development and Planning
1195 Third Street, Suite 210
Napa, CA 94559
Attn: R. Patrick Lowe, Deputy Director

Or via email:
plowe@napacountygeneralplan.com



3.0 COMMENTS AND RESPONSES TO COMMENTS

**Form A
Notice of Completion & Environmental Document Transmittal**

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044
(916) 445-0513 state.clearinghouse@opr.ca.gov SCH# **2005102088**

PROJECT TITLE: Napa County General Plan Update

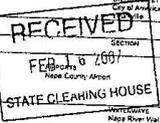
LEAD AGENCY: County of Napa **CONTRACT NUMBER:** **PROJECT NAME:** **SECTION:**

PROJECT LOCATION: Napa County **CITY/TOWN:** **LOCAL AGENCIES:** **LOCAL AGENCIES:**

DOCUMENT TYPE: **LOCAL ACTION TYPE:** **DEVELOPMENT TYPE:**

FUNDING: **PROJECT ISSUES DISCUSSED IN DOCUMENT:**

PRESENT LAND USE/PLANNING/GENERAL PLAN DESIGNATION: **PROJECT DESCRIPTION:**



State Clearinghouse Contact: (916) 445-0613

State Review Began: 2-16-2007

SCH COMPLIANCE: 4-2-2007
extended

Please note State Clearinghouse Number (SCH#) on all comments
2005102088

SCH#: **2005102088**

Please forward late comments directly to the Lead Agency

AQMD/APCD: **2**

(Resources: **2/37**)

- Project Sent to the following State Agencies**
- Resources
 - Boating & Waterways
 - Coastal Comm
 - Colorado Rvr Bd
 - Conservation **3**
 - Fish & Game #
 - Delta Protection Comm
 - Forestry & Fire Prot
 - Historic Preservation
 - Parks & Rec
 - Reclamation Board
 - Bay Cons & Dev Comm
 - DWR
 - OES (Emergency Svcs)
 - Bus Transp Hous
 - Aeronautics
 - CHP
 - Caltrans # **4**
 - Trans Planning
 - Housing & Com Dev
 - Food & Agriculture
 - Health Services
- State/Consumer Svcs
 - General Services
 - Cal EPA
 - ARB - Airport Projects
 - ARB - Transportation Projects
 - ARB - Major Industrial Projects
 - Integrated Waste Mgmt Bd
 - SWRCB: Clean Wtr Prog
 - SWRCB: Wtr Quality
 - SWRCB: Wtr Rights
 - Reg. WQCB # **2, 5S**
 - Toxic Sub Ctr-CTC
 - Yth/Adlt Corrections
 - Corrections
 - Independent Comm
 - Energy Commission
 - N.A.I.C.
 - Public Utilities Comm
 - State Lands Comm
 - Tahoe Rgl Plan Agency
 - Conservancy
 - Other:

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER C: SCOTT MORGAN, STATE OF CALIFORNIA GOVERNOR'S OFFICE OF PLANNING AND RESEARCH (OPR), APRIL 10, 2007

Response C-1 E: The purpose of the letter from the State of California Governor's Office of Planning and Research (OPR) to respond to correspondence received from Napa County informing OPR that the County Board of Supervisors had extended the review period for the General Plan Update and Draft EIR an additional 60 days to April 17, 2007. The letter served to inform all reviewing agencies.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter D

P. LOWE

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



RECEIVED

MAR 27 2007

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

March 26, 2007

Patrick Lowe
County of Napa
1195 Third Street, Suite 210
Napa, CA 94559

RE: Napa County General Plan Update, SCH# 2005102088

Dear Mr. Lowe:

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the County be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way (ROW).

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, elimination of the at-grade highway-rail crossing by closure of roadway approaches to the crossings, improvements to existing at-grade highway-rail crossings (including upgrades to existing railroad crossing warning devices both for vehicular traffic on the street and pedestrian traffic on the sidewalk, modifications to traffic control devices at highway-highway intersections near the highway-rail crossing such as installing traffic signals or adding protected left turn signal phases, etc.) due to increase in traffic volumes, and appropriate fencing to limit the access of trespassers onto the railroad right-of-way. Any project that includes a modification to an existing crossing or proposes a new crossing is legally required to obtain authority to construct from the Commission. If the project includes a proposed new crossing, the Commission will be a responsible party under CEQA and the impacts of the crossing must be discussed within the environmental documents.

D-1E/P

Of specific concern is that new development pay its fair share for rail safety mitigations improvements, every project adjacent to the rail corridor be required to install vandal-resistant fencing to prevent trespassing onto the ROW, and that any new or expansion to an existing school where children must cross the tracks to reach the school provide pedestrian improvements at the crossings and fencing to prevent trespassing.

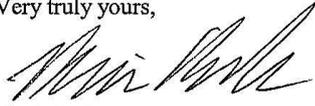
D-2E/P

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County.

3.0 COMMENTS AND RESPONSES TO COMMENTS

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,



Kevin Boles
Environmental Specialist
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Mary Zerba, Napa Valley Wine Train

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER D: KEVIN BOLES, CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC) – RAIL CROSSINGS ENGINEERING SECTION, MARCH 26, 2007

Response D-1 E/P: The CPUC informs the County that, if the General Plan Update Project includes a modification to an existing rail crossing or a new rail crossing, the Commission is a responsible party and the impacts must be discussed in the EIR. County staff appreciates this input on the General Plan. While neither the proposed General Plan Update nor the alternatives proposed in the Draft EIR (see Section 6.0 of the Draft EIR) specifically include a new rail crossing or modification to an existing rail crossing, such changes are conceivable as part of follow-on development projects. The subsequent environmental review for these development projects will identify the CPUC as a responsible agency and assess rail safety issues. There is currently limited rail use in the County; however, suggested improvements identified by the commenter could be considered as part of future subsequent project designs under the General Plan.

Response D-2 E/P: The CPUC states their concern that any new development must pay their fair share for rail safety mitigation. See response provided above. If a future project application is submitted which would affect rail safety, mitigation will be required when subsequent CEQA review is conducted at the project level.

3.0 COMMENTS AND RESPONSES TO COMMENTS

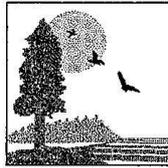
Letter E

P. LOWE

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



PAUL D. THAYER, Executive Officer
(916) 574-1800 FAX (916) 574-1810
Relay Service From TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1814
Contact FAX: (916) 574-1885

February 28, 2007

File Ref: SCH# 2005102088

R. Patrick Lowe
Conservation Develop. & Planning Dept.
1195 Third Street, Suite 210
Napa, CA 94559

RECEIVED

MAR 02 2007

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Subject: Napa County General Plan Update

Dear Mr. Lowe:

Staff of the California State Lands Commission (CSLC) has received the above referenced Draft Environmental Impact Report. Under the California Environmental Quality Act (CEQA), Napa County Conservation, Development and Planning Department is the Lead Agency and the CSLC is a Responsible and/or Trustee Agency for any and all projects which could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters.

The State acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of the State for statewide Public Trust purposes which include, waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. The landward boundaries of the State's sovereign interests are generally based upon the ordinary high water marks of these waterways as they last naturally existed. Thus, such boundaries may not be readily apparent from present day site inspections. The State's sovereign interests are under the jurisdiction of the SLC. Although from the DEIR it was difficult to determine if any of the land use planning areas would encroach onto State lands, please keep in mind that this office will need to be contacted to determine if a lease will be required.

E-1E

3.0 COMMENTS AND RESPONSES TO COMMENTS

Mr. R. Patrick Lowe

2

February 28, 2007

Please contact Nanci Smith at (916) 574-1862 regarding any leasing questions or comments.

Sincerely,



Marina R. Brand, Assistant Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044

Nanci Smith, CSLC

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER E: MARINA R. BRAND, CALIFORNIA STATE LANDS COMMISSION, FEBRUARY 28, 2007

Response E-1 E: The California State Lands Commission (CSLC) states it was difficult to determine from the Draft EIR if any of the land use planning areas would encroach on State lands. The CSLC notes that they will need to be contacted to determine if a lease will be required. The County recognizes the California State Lands Commission's role as a responsible or trustee agency for any and all projects that could directly or indirectly affect State sovereign lands, including navigable waterways (see Draft EIR pages 1.0-1 and -2). The land use map presented in the Draft EIR is not at a scale where encroachment onto State lands would be readily apparent. No encroachment onto State sovereign lands is specifically proposed under the proposed General Plan Update. However, individual projects being processed in the future would be required to contact the CSLC to determine if a lease is required. No changes to the Draft EIR are recommended.

Letter F

P. LOWE



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Division of Water Rights

1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
P.O. Box 2000 ♦ Sacramento, California 95812-2000
FAX: 916.341.5400 ♦ www.waterrights.ca.gov



Arnold Schwarzenegger
Governor

APR 12 2007

In Reply Refer
to:332:KIW:266.0

Patrick Lowe, Deputy Director
Napa County Department of
Conservation, Development, and Planning
1195 Third Street, Suite 210
Napa, CA 94559

RECEIVED

APR 16 2007

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

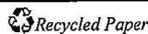
Dear Mr. Lowe:

DRAFT GENERAL PLAN UPDATE AND DRAFT ENVIRONMENTAL IMPACT REPORT
(SCH # 2005102088)

The State Water Resources Control Board, Division of Water Rights (Division), has reviewed your February 2007, Draft General Plan Update and Draft Environmental Impact Report (Draft EIR) for the proposed adoption and implementation of an updated Napa County General Plan. The following initial comments are intended to explain the Division's concerns.

1. The Draft EIR sets forth required project conditions for qualification of new vineyard development projects for ministerial erosion control plan permit processing (pages 4.11-55 to 4.11-60). Requirement 'E' indicates projects that require a new appropriate surface water diversion or a water transfer between existing subbasins would not qualify for the ministerial process. The Division recommends that vineyard development projects involving changes to existing water right applications, permits, or licenses and/or projects that require new riparian water use or a change in current riparian water use not qualify for the ministerial process as well. Projects of this nature may have potential impacts on the environment and/or senior water diverters and may involve initiation of a new water right or changes to existing water rights. F-1E
2. Please review the descriptions of State Surface Water Rights in the Draft EIR (pages 4.11-24 to 4.11-26). This section includes several inaccurate statements and language that is inconsistent with the Water Code and related Division publications. Any discussion of Water Rights should be consistent in content and language with Division publications and the Water Code. F-2E
3. The Draft EIR includes a discussion related to groundwater resources beginning on page 4.11-62. Proposed mitigation measure MM4.11.5e indicates that pump tests or hydrogeologic studies shall be conducted for all new high-capacity wells. Please define the term "high-capacity" and explain why pump tests or hydrogeologic studies would be limited to just "high-capacity" wells. Please be advised that the Division has permitting authority over subterranean streams flowing through known and defined channels. Accordingly, we recommend that mitigation measure MM4.11.5e be expanded to require future groundwater pumpers to determine if they would be diverting water subject to the Division's permitting authority. F-3E

California Environmental Protection Agency



3.0 COMMENTS AND RESPONSES TO COMMENTS

Patrick Lowe, Deputy Director

-2-

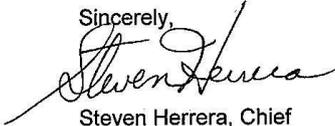
4. The regional study and modeling analysis, discussed on pages 4.11-1 and 4.11-2, focuses on five significant water storage facilities. The largest facility, Lake Hennessey, is described as having a storage capacity of 31,000 acre feet (af). Lake Hennessey is authorized pursuant to Water Right Permit 6960 (A010990). Permit 6960 allows maximum storage of 30,500 af to be put to full and beneficial use by December of 1999. The analysis included in the draft EIR suggests unauthorized storage of at least 500 af. Please be advised that Permit 6960 expired in December of 1999 and no petition for extension of time has been filed. Diversion or use of water beyond that which occurred prior to the expiration date of Permit 6960 requires an approved petition for extension of time to put water to full and beneficial use. Approval of a petition for extension of time would amount to a re-authorization of the quantity of water diverted or used beyond the quantity which was diverted or used prior to permit expiration. The analysis and discussion of water supply should therefore be revised to reflect any current limitations of the water right. In addition please review the water right permits and licenses on file for the remaining, "major storage facilities," to ensure that the discussion and analysis in your draft documents accurately reflect the authorized diversion and use of water. By copy of this letter, the City of Napa is hereby advised of the need for either a petition for extension of time or a request for license for Permit 6960.

F-4E

Thank you for the opportunity to comment on the Draft EIR. Please add me to your mailing list as the State Water Board's contact person to receive further correspondence concerning responses to our comments herein and a copy of the Final EIR. For general water rights information, please consult the Division's website at www.waterrights.ca.gov.

If you have any questions, please contact Katy Washburn by telephone at (916) 341-5386 or email at kwashburn@waterboards.ca.gov.

Sincerely,



Steven Herrera, Chief
Permitting Section

cc: State Clearinghouse
Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

Linda Hanson
Department of fish and Game
P.O. Box 47
Yountville, CA 94599

City of Napa
Director of Public Works
P.O. Box 660
Napa, CA 94559-0660

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER F: STEVEN HERRERA, STATE WATER RESOURCES CONTROL BOARD, APRIL 12, 2007

Response F-1 E: The State Water Resources Control Board (SWRCB) recommends that vineyard development projects involving changes to water rights should not qualify for the ministerial process as they have the potential to cause environmental impacts. Mitigation measure MM 4.11.4 on pages 4.11-55 through -61 of the Draft EIR presents very specific conditions a vineyard project would have to meet to qualify for the ministerial process. These conditions, including monitoring of the project to ensure that the ecosystem management goals of Napa County are supported, would result in less than significant environmental effects. A change in riparian water use would not result in a significant impact to the environment if all project conditions are met to qualify for the ministerial process. No changes to the Draft EIR are recommended.

Response F-2 E: SWRCB Division of Water Rights requests a revision to the description on State Surface Water Rights section of the Draft EIR. Pages 4.11-24 through -26 have been modified as follows:

- Surface water rights are administered through the State Water Resources Control Board (SWRCB). Two main types of water rights exist in California law: riparian and appropriative.

Riparian Rights

~~Riparian water rights are associated with property adjacent to a watercourse. Owners of such properties are allowed to use naturally flowing water from the watercourse (i.e., not including any artificial or augmented flows) for reasonable and beneficial uses. The riparian right only applies to use of water from the watercourse on the portion of the subject property that drains to the watercourse in question, and riparian water rights cannot be stored or transferred off of this portion of the property. Lands severed from a riparian parcel (e.g., land subdivision) do not continue to have riparian rights.~~

~~No permit is required from the SWRCB to establish or maintain a riparian water right; however, a Statement of Diversion is required to be reported to the SWRCB. This statement provides the water right holder with documented standing in disagreements regarding priorities and supply cutbacks during a shortage.~~

~~Riparian rights are generally senior to appropriative rights (discussed below), and unlike an appropriative right, are not lost (forfeited) by non use. Riparian right holders do not have priorities with respect to one another, and each holder has a right to a reasonable share of the total riparian water available.~~

3.0 COMMENTS AND RESPONSES TO COMMENTS

Riparian Rights

Lands within the watershed of a natural watercourse, which are transversed thereby or border thereon, with the exceptions and limitations hereinafter indicated, may be riparian. Each owner thereof may have a right, which is correlative with the right of each other riparian owner, to share in the reasonable beneficial use of the natural flow or water which passes his land. No permit is required for such use. The State Water Resources Control Board's (SWRCB) policy is to consider natural flow as not including return flows derived from use of ground water, water seasonally stored and later released, or water diverted from another watershed. In administering the California Water Code, the SWRCB is governed by the following considerations relative to the doctrine of riparian rights as applied to this State.

- 1) The riparian right exists by reason of ownership of land abutting upon a stream or body of water and affords no basis of right to use water upon nonriparian land.
- 2) In order to divert water under claim of riparian right, the diverter must use the water on riparian land but need not own the land at the point of diversions. That is, such diverter may divert at a point upstream from this land so long as permission is granted to use that point of diversion, and intervening land owners between the point of diversion and the place of use are not adversely affected by such practices.
- 3) A parcel of land loses its riparian right when severed from land bordering the stream by conveyance unless the right is reserved for the severed parcel. The riparian right also may be destroyed when purportedly transferred apart from the land by grant, contract, or condemnation. Once lost, it cannot be restored.
- 4) As between riparian owners, priority of use establishes no priority of right, i.e. one cannot claim superior right merely because water used first.
- 5) The riparian right is neither created by use nor lost by nonuse.
- 6) If there is insufficient water for the reasonable beneficial requirements of all riparian owners, they must share the available supply. Apportionment is governed by various factors, including such owner's reasonable requirements and uses. In the absence of mutual agreement, recourse to judicial determination may be necessary.
- 7) As between riparian owners, one of them may take the whole supply if necessary for strictly domestic use; that is, for so-called "natural uses... arising out of the necessities of life on the riparian land, such as household use, drinking, watering domestic animals."

3.0 COMMENTS AND RESPONSES TO COMMENTS

- 8) The riparian owner is subject to the doctrine of reasonable use, which limits all rights to the use of water to that quantity reasonably required for beneficial use and prohibits waste or unreasonable use or unreasonable methods of use or diversion.
- 9) A riparian right may be impaired or lost through prescription.
- 10) The riparian right attaching to a particular parcel of land is subject to appropriative rights established by diversion upon vacant public domain before the first valid steps were taken to acquire said parcel of land from the United States, whether diversion was made at points upstream or downstream.
- 11) The riparian right cannot be transferred for use upon another parcel of land.
- 12) The riparian right does not apply to foreign water, i.e., water originating in a different watershed cannot be used under claim of riparian right.
- 13) Water cannot be stored and withheld for a deferred use (other than regulatory storage) under claim of riparian right.

A record of water use under riparian claim should be established by filing a Statement of Water Diversion and Use with the SWRCB.

~~Appropriative Rights~~

~~Appropriative rights are water rights granted for diversions (and transfers) of water to non-riparian land (lands not adjacent to a watercourse) for reasonable and beneficial uses, including storage. Appropriative rights are subject to a seniority system, commonly referred to as "first in time, first in right," where the appropriative right holder with the longest standing right has first priority to water in a shortage. Appropriative water rights must be perfected (legitimized), and non-use results in loss of the appropriated right.~~

~~There are two types of appropriative rights: pre-1914 and post-1914 appropriative rights.~~

~~Pre-1914 Appropriative Rights. California's current permit system of appropriative water rights was established in 1914. Appropriative water rights established prior to 1914 are not subject to the permitting authority of the SWRCB, and hence do not need approvals from the SWRCB for transfers or changes in place or purpose of use. Changes in the point of diversion, however, remain subject to SWRCB approval.~~

~~Post-1914 Appropriative Rights. Since 1914, appropriative rights have been subject to the permitting authority of the state. Today, SWRCB issues and administers these permits, which specify the quantity, place, and purpose of use, as well as the point of diversion. SWRCB approval is required for any changes to the above, as well as for water transfers, and the agency may attach conditions to its permits and approvals to protect other water rights holders and public trust resources (e.g., fish and wildlife).~~

3.0 COMMENTS AND RESPONSES TO COMMENTS

Appropriative Rights

Prior to 1872, appropriative water rights could be acquired by simply taking and beneficially using water. The priority of the right was the first substantial act leading toward putting the water to beneficial use provided the appropriation was completed with reasonable diligence; otherwise, priority did not attach until beneficial use of the water commenced.

In 1872, sections 1410 through 1422 of the California Civil Code were enacted. These sections established a permissive procedure for perfecting an appropriation of water. Provisions were made for establishing a priority of right by posting a notice of appropriation at the proposed point of diversion and recording a copy of the notice with the respective County Recorder. If these procedures were not followed, the pre-1914 appropriative right did not attach until water was beneficially used.

Once acquired, an appropriative right can be maintained only by continuous beneficial use of water. Regardless of the amount claimed in the original notice of appropriation or at the time diversion and use first began, the amount which now can be rightfully claimed under an appropriative right initiated prior to December 19, 1914, therefore has, in general, become fixed by actual beneficial use as to both amount and season of diversion. The conditions under which an appropriative right may be forfeited in whole or in part are set forth under the heading "Loss of Appropriative Rights."

Successful assertion of an appropriative right which was initiated prior to December 19, 1914, where the validity of the right is disputed, requires evidence of both the original appropriation and subsequent maintenance of the right by continuous and diligent application of water to beneficial use (see California Water Code section 1202(b)). Frequently, such evidence consists of oral testimony of persons who have actual knowledge of the relevant facts. As the years pass, such testimony, dependent upon the recollection of individuals, may become difficult or impossible to secure. At least a partial remedy for this situation may be found in the procedure for perpetuation of testimony set forth in section 2017 of the California Code of Civil Procedure.

A record of water use under "Pre-1914 Appropriative Rights" should be established by filing a Statement of Water Diversion and Use of the SWRCB.

Appropriative Rights Initiated Subsequent to December 19, 1914

The two methods of appropriation existing prior to December 19, 1914, the effective date of the California Water Commission Act, are no longer available for appropriating water from surface streams, other surface bodies of water, or from subterranean streams flowing in known and definite channels. An appropriation of such water now

3.0 COMMENTS AND RESPONSES TO COMMENTS

requires compliance with the provisions of Division 2, Part 2 of the California Water Code.

The steps which now must be taken in order to initiate and acquire an appropriative water right are described under the heading "General Information Pertaining to Applications for Permits to Appropriate Unappropriated Water."

Response F-3 E: The Division asks for a definition for "high capacity" and the rationale for limiting tests/studies to only high-capacity wells. The policy within the revised General Plan Update (Policy CON-52) that incorporates mitigation measure MM 4.11.5e interprets the term "high capacity" to mean "large-capacity" wells. The policy includes an Action Item (Action Item CON WR-6) that would define the usage of large-capacity wells and establish standards for pump tests or hydrogeologic studies required for all new large-capacity wells. Studies will not be limited to only large-capacity wells as several new Conservation Element policies require protection of groundwater for all discretionary projects, identification and protection of mapped groundwater recharge areas, curtailment of any new wells where hydrogeologic studies have shown adverse well interference, discouragement of new wells in known areas of saltwater intrusion, and coordination with agencies, districts, and property owners for new groundwater data. See Water Supply Master Response 3.4.1 related to water supply for additional information on the hydrologic modeling related to surface-groundwater interaction.

Response F-4 E: The Division requests a revision to the discussion of water supply to reflect any current limitation of the water rights (Draft EIR p. 4.11-1 and -2). Table 4.11-1 in the Draft EIR described the major storage facilities in the Napa River watershed and was not intended as a representation of water rights associated with Lake Hennessey. Draft EIR page 4.13-18 specifically notes that the City of Napa's water rights for Lake Hennessey is 30,500 acre-feet annually. While it is true that Permit 6960 for Lake Hennessey expired in December of 1999, the City is currently in the process of either moving forward to license or to petition for extended time for the permit (Brun, Phil. Personal communication 11/9/07).

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter G

STATE OF CALIFORNIA – THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 942360001
(916) 653-5791



March 5, 2007

Patrick Lowe
County of Napa
1195 Third Street, Suite 210
Napa, California 94559



CLEAR
4/2/07
e

Napa County General Plan Update
State Clearinghouse (SCH) Number: 2005102088

The project corresponding to the subject SCH identification number has come to our attention. The limited project description suggests your project may be an encroachment on the State Adopted Plan of Flood Control. You may refer to the California Code of Regulations, Title 23 and Designated Floodway maps at <http://recbd.ca.gov/>. Please be advised that your county office also has copies of the Board's designated floodways for your review. If indeed your project encroaches on an adopted food control plan, you will need to obtain an encroachment permit from the Reclamation Board prior to initiating any activities. The attached Fact Sheet explains the permitting process. Please note that the permitting process may take as much as 45 to 60 days to process. Also note that a condition of the permit requires the securing all of the appropriate additional permits before initiating work. This information is provided so that you may plan accordingly.

G-1E

If after careful evaluation, it is your assessment that your project is not within the authority of the Reclamation Board, you may disregard this notice. For further information, please contact me at (916) 574-1249.

Sincerely,

Christopher Huitt
Staff Environmental Scientist
Floodway Protection Section

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

Encroachment Permits Fact Sheet

Basis for Authority

State law (Water Code Sections 8534, 8608, 8609, and 8710 – 8723) tasks the Reclamation Board with enforcing appropriate standards for the construction, maintenance, and protection of adopted flood control plans. Regulations implementing these directives are found in California Code of Regulations (CCR) Title 23, Division 1.

Area of Reclamation Board Jurisdiction

The adopted plan of flood control under the jurisdiction and authority of the Reclamation Board includes the Sacramento and San Joaquin Rivers and their tributaries and distributaries and the designated floodways.

Streams regulated by the Reclamation Board can be found in Title 23 Section 112. Information on designated floodways can be found on the Reclamation Board's website at http://recbd.ca.gov/designated_floodway/ and CCR Title 23 Sections 101 - 107.

Regulatory Process

The Reclamation Board ensures the integrity of the flood control system through a permit process (Water Code Section 8710). A permit must be obtained prior to initiating any activity, including excavation and construction, removal or planting of landscaping within floodways, levees, and 10 feet landward of the landside levee toes. Additionally, activities located outside of the adopted plan of flood control but which may foreseeable interfere with the functioning or operation of the plan of flood control is also subject to a permit of the Reclamation Board.

G-2E

Details regarding the permitting process and the regulations can be found on the Reclamation Board's website at <http://recbd.ca.gov/> under "Frequently Asked Questions" and "Regulations," respectively. The application form and the accompanying environmental questionnaire can be found on the Reclamation Board's website at <http://recbd.ca.gov/forms.cfm>.

Application Review Process

Applications when deemed complete will undergo technical and environmental review by Reclamation Board and/or Department of Water Resources staff.

Technical Review

A technical review is conducted of the application to ensure consistency with the regulatory standards designed to ensure the function and structural integrity of the adopted plan of flood control for the protection of public welfare and safety. Standards and permitted uses of designated floodways are found in CCR Title 23 Sections 107 and Article 8 (Sections 111 to 137). The permit contains 12 standard conditions and additional special conditions may be placed on the permit as the situation warrants. Special conditions, for example, may include mitigation for the hydraulic impacts of the project by reducing or eliminating the additional flood risk to third parties that may caused by the project.

Additional information may be requested in support of the technical review of

3.0 COMMENTS AND RESPONSES TO COMMENTS

your application pursuant to CCR Title 23 Section 8(b)(4). This information may include but not limited to geotechnical exploration, soil testing, hydraulic or sediment transport studies, and other analyses may be required at any time prior to a determination on the application.

Environmental Review

A determination on an encroachment application is a discretionary action by the Reclamation Board and its staff and subject to the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code 21000 et seq.). Additional environmental considerations are placed on the issuance of the encroachment permit by Water Code Section 8608 and the corresponding implementing regulations (California Code of Regulations – CCR Title 23 Sections 10 and 16).

In most cases, the Reclamation Board will be assuming the role of a "responsible agency" within the meaning of CEQA. In these situations, the application must include a certified CEQA document by the "lead agency" [CCR Title 23 Section 8(b)(2)]. We emphasize that such a document must include within its project description and environmental assessment of the activities for which are being considered under the permit.

Encroachment applications will also undergo a review by an interagency Environmental Review Committee (ERC) pursuant to CCR Title 23 Section 10. Review of your application will be facilitated by providing as much additional environmental information as pertinent and available to the applicant at the time of submission of the encroachment application.

These additional documentations may include the following documentation:

- California Department of Fish and Game Streambed Alteration Notification (<http://www.dfg.ca.gov/1600/>),
- Clean Water Act Section 404 applications, and Rivers and Harbors Section 10 application (US Army Corp of Engineers),
- Clean Water Act Section 401 Water Quality Certification, and
- corresponding determinations by the respective regulatory agencies to the aforementioned applications, including Biological Opinions, if available at the time of submission of your application.

The submission of this information, if pertinent to your application, will expedite review and prevent overlapping requirements. This information should be made available as a supplement to your application as it becomes available. Transmittal information should reference the application number provided by the Reclamation Board.

In some limited situations, such as for minor projects, there may be no other agency with approval authority over the project, other than the encroachment permit by Reclamation Board. In these limited instances, the Reclamation Board

G-2E
cont'd

may choose to serve as the "lead agency" within the meaning of CEQA and in most cases the projects are of such a nature that a categorical or statutory exemption will apply. The Reclamation Board cannot invest staff resources to prepare complex environmental documentation.

Additional information may be requested in support of the environmental review of your application pursuant to CCR Title 23 Section 8(b)(4). This information may include biological surveys or other environmental surveys and may be required at any time prior to a determination on the application.

G-2E
cont'd

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER G: CHRISTOPHER HUITT, CALIFORNIA DEPARTMENT OF WATER RESOURCES,
MARCH 5, 2007

Response G-1 E: The DWR notes that if the project encroaches on an adopted flood control plan, an encroachment permit would be required from the Reclamation Board.

None of the alternatives proposed currently require an encroachment permit from the Reclamation Board; however, any future project proposed would be subject to the appropriate General Plan policies and would be required to apply for an encroachment permit if the project encroaches on an adopted flood control plan.

Response G-2 E: DWR has attached an Encroachment Permit Fact Sheet, which is incorporated by reference in this General Plan Update and noted as the requirement for any project that encroaches on an adopted flood control plan.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter H

F. LOWE

CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM



ALAMEDA
COLUSA
CONTRA COSTA
LAKE

MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO
SAN FRANCISCO

SAN MATEO
SANTA CLARA
SANTA CRUZ
SOLANO
SONOMA
YOLO

Northwest Information Center
Sonoma State University
1303 Maurice Avenue
Rohnert Park, California 94928-3609
Tel: 707.664.0880 • Fax: 707.664.0890
E-mail: leigh.jordan@sonoma.edu

April 13, 2007

File No.: 06-1298

R. Patrick Lowe, Deputy Director
Napa County
Department of Conservation, Development, and Planning
1195 Third Street, Suite 210
Napa, CA 94559

RECEIVED

APR 16 2007

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

re: Napa County Draft General Plan and Draft EIR

Dear Mr. Lowe:

Thank you for the opportunity to comment on your Napa County Draft General Plan and Draft EIR. Below are the comments from this office. If we can be of any further assistance, please do not hesitate to contact us at 707.664.0880 or leigh.jordan@sonoma.edu.

General Plan Policy CC-15:

"Significant cultural resources are archaeological sites that have the potential to yield new information regarding prehistoric or historic people and events" (page 155)

This policy does not address those cultural resources that are significant to people for their intrinsic or traditional cultural value, as opposed to their data potential. For example, a traditional gathering area or sacred location on the landscape may meet National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR) criteria for eligibility, but yet not provide any new data potential. Data potential (Criterion D for the NRHP and Criterion 4 for the CRHR) is only one of the four criteria of eligibility.

General Plan Policy CC-21:

The County supports continued research into and documentation of the county's history and prehistory, and shall protect significant cultural resources from inadvertent damage during grading, excavation, and construction activities.

Action Item CC-21.1: In areas identified in the Baseline Data Report as having a significant potential for containing significant archaeological resources, require completion of an archival study and, if warranted by the archival study, a detailed on-site survey or other work as part of the environmental review process.

DEIR MM 4.12-1:

MM 4.12.1 The County shall provide a policy in the General Plan that requires all discretionary projects involving ground disturbing activity to comply with the following standards:

- Retain the services of a qualified archaeologist to conduct archival research and/or pre-construction cultural resource investigations on sites identified as having cultural resource sensitivity in Baseline Data Report Map 14-3, which may be updated from time to time.

Questions and comments as related to these sections stem from the use of the sensitivity maps. While understandably useful in certain contexts, these maps become static representations based on minimal variables.

H-1P

H-2E

3.0 COMMENTS AND RESPONSES TO COMMENTS

- MM4.12-1 states that the sensitivity determinations will derive from the 2005 report and that it “may be updated from time to time” (page 4.12-18). It is recommended that the processes and timing for updating this information be clearly outlined.
- As stated in the DEIR, “This analysis consisted of GIS mapping involving the identification of known cultural resource sites and their relationship with soil conditions, slopes, elevation and distance to water features” (page 4.12-9). It is unclear how this sensitivity study models historic-era archaeological resources.
- In addition, the map seemed to indicate higher sensitivity toward the lowlands. While this may be true overall, we caution that large portions of upland environments may be categorically removed from potential review.

H-2E
cont'd

We recommend participating in our Project Review Program. The main advantage in this partnership is that it assists planning department staff in their efforts to comply with CEQA in a manner that utilizes the most current database of cultural resources information.

DEIR, Page 4.12-16, comments relating to discovery of human remains:

As of 30 September 2006, the Public Resources Code has been revised to comply with Assembly Bill 2641 (AB 2641) which amends Public Resource Code Sections 5097.91 and 5097.98 relating to Native American remains and burial grounds. It is recommended that the DEIR be updated to reflect these changes in the Public Resource Code.

H-3E

Once again, thank you for the opportunity to comment on this Draft General Plan and Draft EIR. We appreciate the goals of the County and look forward to working with you in the future to continue to identify and preserve the nonrenewable cultural resources of our past.

If you have any questions please give us a call (707) 664-0880.

Sincerely,

Bryan Much
Researcher I

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER H: BRYAN MUCH, CALIFORNIA HISTORICAL RESOURCES INFORMATION SYSTEM,
APRIL 13, 2007

Response H-1 P: Commenter states that the definition of a significant cultural resource as provided by Policy CC-15 does not address those resources that are significant for their intrinsic or traditional cultural value. Policy CC-15 has been changed as follows and is now Policy CC-17:

- Policy CC-17: Significant cultural resources are sites that are listed in or eligible for listing in either the National Register of Historic Places or the California Register due to their potential to yield new information regarding prehistoric or historic people and events or due to their intrinsic or traditional cultural value.

Response H-2 E: Commenter is concerned that cultural resource sensitivity maps may become static representations based on minimal variables and recommends that the processes and timing of updating the information in the BDR be clearly outlined. Commenter is unclear on how the sensitivity map models the historic era archaeological resources. Commenter further adds that the maps indicate higher sensitivity towards the lowlands and cautions that large portions of the upland environments with cultural sensitivity may be categorically removed from potential review based on the sensitivity maps.

The mitigation measures identified in Section 4.12 (MM 4.12.1 and MM 4.12.2) are required to comply with all provisions of California Public Resources Code Section 21083.2 "Archaeological Resources." The process and timing of updates to the sensitivity maps is dependent on the discovery and/or availability of new or updated information. Any new areas or specific sites identified as having a "cultural sensitivity" or fitting the criteria as a unique archaeological resource will be added to the County's database or GIS system. The Cultural and Historical Resource Sensitivity Map (Figure 4.12.1) was based on information contained in the BDR, which used archival research to identify archaeological and historical sites and features throughout the County. The areas identified on Figure 4.12.1 were developed using the identified sites and features as a baseline and using other criteria (i.e., soils, slopes, elevations, and distance to water features) to determine areas most likely to contain unique or other sensitive archaeological or historical resources. Figure 4.12.1 identifies areas according to their "potential archaeological and historical sensitivity" which will be revised based on new discoveries and the availability of new or updated information. The upland areas may have a lower probability of containing resources, but these areas would not be excluded from further review as all areas in the County are subject to California Resources Code regulations and requirements regarding archaeological and historical resources.

Response H-3 E: The commenter recommends the Draft EIR be updated to reflect the changes in Assembly Bill 2641 (AB 2641) as they pertain to Public Resources Code Sections 5097.91 and 5097.98.

3.0 COMMENTS AND RESPONSES TO COMMENTS

The following text has been added under the last paragraph prior to Section 4.12.3 on page 4.12-6 of the Draft EIR:

- Assembly Bill 2641 (AB 2641) establishes the Native American Heritage Commission ("commission") and authorizes the commission to bring an action to prevent damage to Native American burial grounds or places of worship. The existing law under AB 2641, the California Native American Grave Protection and Repatriation Act of 2001, requires all state agencies and all museums that receive state funding to inventory Native American human remains and cultural items in their possession for return to the appropriate tribes. The bill was amended in 2006, which also amended Public Resources Code Sections 5097.91 and 5097.98, respectively. The amendments generally set forth new noticing requirements upon the discovery of Native American burial remains.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter I



Director Ward One
Harold Kelly

Director Ward Two
Tony Norris

Director Ward Three
Guy Kay

Director Ward Four
Dave Finigan

Director Ward Five
Myma Abramowicz

February 23, 2007

Honorable Chair Moskowitz and Members of the Board
Napa County Board of Supervisors
1195 Third Street
Napa, CA 94559

RE: Request for extension on comment time for the Draft County General Plan and Draft Environmental Impact Report

Dear Chair Moskowitz and Members of the Board:

The Napa County Regional Park and Open Space District Board of Directors respectfully requests that the Napa County Board of Supervisors extend the comment period on the just-released Draft County General Plan and Draft Environmental Impact Report to from 60 to 120 days.

The County Steering Committee and staff have been working for nearly two years to develop these draft documents, and over this time have produced an impressive amount of information as well as draft policies intended to serve as the County's primary planning document for the next 30 years. We do not believe we can adequately understand what has been developed and provide thoughtful comments within the currently-planned 60 day public review period.

I-1 E/P

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink that reads "Guy Kay".

Guy Kay
President, Board of Directors

Cc: Hillary Gitelman

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER I: GUY KAY, NAPA COUNTY REGIONAL PARK & OPEN SPACE DISTRICT,
FEBRUARY 23, 2007

Response I-1 E/P: Commenter requests that the comment period for the General Plan and Draft EIR be extended from 60 days to 120 days. The commenter adds that County staff and the County Steering Committee have produced an impressive amount of information over the past two years and states a 60-day comment period is not an adequate amount of time to understand what has been developed and to respond in a timely manner. Comment noted. The comment period for the Draft EIR was extended from 60 days to 120 days to allow for more public comment.

Letter J

HILLARY

CITY OF AMERICAN CANYON

Administration

Gateway to the Napa Valley



February 1, 2007

Hillary Gitelman, Planning Director
County of Napa
Department of Conservation, Development and Planning
1195 Third Street, Suite 210
Napa, CA 94559

RECEIVED

FEB 05 2007

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

SUBJECT: Napa County General Plan Update

Dear Hillary:

City of American Canyon staff have reviewed the 12/22/06 draft of the Napa County General Plan Update, Agricultural Preservation and Land Use Element. We find several inconsistencies between the County's proposed update and the City's current General Plan. This letter covers our initial and immediate concern and requests an audience before the General Plan Advisory Committee to raise this and additional issues.

A matter that the City would like to bring to your attention is the following:

The City of American Canyon's current General Plan and the General Plan EIR, which were adopted by the City Council in 1994, discusses and shows both a Sphere of Influence (SOI) and an Urban Limit Line (ULL). The adopted plan and EIR state clearly that the area designated within the ULL boundaries is the logical and orderly area for expansion of the City's boundaries. The City's plan calls for accommodation of the various categories of land use in accordance with the Land Use Plan Map, which designate Industrial and Agricultural areas within the Urban Limit Line area north and northeast of the city's current boundaries and SOI.

Nevertheless, Napa County's General Plan Update document presents a map that shows a proposed RUL line for the City of American Canyon that clearly ends at the current City limits in the northern portion of the City west of Highway 29. Policy Ag/LU-20 essentially states that urban uses will only be located in already developed areas as they currently exist in 2006. Policy Ag/LU-24 states the County will discourage developments outside of urbanized areas, yet clearly intends to develop areas north of the City of American Canyon (and within the City's adopted ULL) with industrial uses. Furthermore, the County's map of the South County Industrial Area in the proposed update to the Agricultural Preservation and Land Use Element incorporates areas within the City of American Canyon's current city limits into the County's General Plan for the area! None of the maps or policies recognize or take into consideration the City of American Canyon's existing General Plan. This is highly confounding to the City of American Canyon staff and council.

J-1 P

The October 2003 Agreement between the County of Napa and the City of American Canyon in fact recognizes (by both parties) that the City seeks to finalize its ultimate Rural/Urban Boundary based upon the boundaries set forth in the City's General Plan adopted in 1994.

300 Crawford Way, American Canyon, CA 94503 • (707) 647-4360 • FAX (707) 642-1249 • cityhall@ci.american-canyon.ca.us

LEON GARCIA
Mayor

JOAN BENNETT
Vice Mayor

DON CALLISON
Councilmember

CINDY COFFEY
Councilmember

ED WEST
Councilmember

3.0 COMMENTS AND RESPONSES TO COMMENTS

Napa County GP update letter, p. 2

The citizens and City Council of the City of American Canyon are very concerned that the County is ignoring its needs for stable and realistic economic development, as well as a logical and orderly expansion of the City's boundaries consistent with its General Plan. Many policies in our respective General Plans and agreements state that our agencies will work together to resolve our issues, and the City certainly looks forward to that occurring in the very near future.

J-1P
cont'd

If you have any questions, please feel free to contact me at (707) 647-4519.

Sincerely,



Rich Ramirez, City Manager

copies: Mayor Garcia and councilmembers
Bill Ross, City Attorney
Nancy Watt, County CEO
Sandra Cleisz, Interim Planning Director
Robert Weil, Public Works Director

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER J: RICH RAMIREZ, CITY OF AMERICAN CANYON – CITY MANAGER’S OFFICE,
FEBRUARY 1, 2007

Response J-1 P: The City of American Canyon questions the County's use of the RUL in both the General Plan and the EIR and suggests that Policy Ag/LU-24 is inconsistent with the intention to develop areas north of American Canyon. The commenter also is confused by the map of the South County Industrial Area. The proposed General Plan Update has been revised and now identifies an RUL for the City of American Canyon that reflects the current status of negotiations between the City and the County. The new RUL (see Policy Ag/LU-30 and accompanying map in the Revised Draft General Plan Update) would allow the City to expand northward, but not all the way to Fagan Creek and the City's 1994 ULL. Also, please note that the map of the South County Industrial Area has been revised (see p. 61 of the Revised Draft General Plan Update), and Policy Ag/LU-24 (now Ag/LU-26) appropriately articulates the County's intent to discourage urban developments outside of "designated urbanized areas." These areas are identified on the Land Use Map (Figure Ag/LU-3) and include the airport industrial area north of the City of American Canyon.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter K

NO. 129 0002

CITY OF AMERICAN CANYON

Administration

Gateway to the Napa Valley



March 13, 2007

Harold Moskowitz, Chairman
Board of Supervisors
County Administration Building
1195 Third Street, Suite 310
Napa, CA 94559

Dear Chairman Moskowitz,

On behalf of the City Council of the City of American Canyon, the City requests an extension on the comment period for the County's Draft General Plan Update.

As you know, the City is somewhat disadvantaged since we did not have a City appointee on the County General Plan Advisory Committee that reviewed the draft plan. This no doubt can explain in large measure why the Draft General Plan had a number of omissions and inconsistencies with respect to the City's adopted General Plan. Chief among the City's concerns are:

- A. The Draft County General Plan Maps CIR1 and SAF1 failed to label the City of American Canyon as part of the County of Napa. Instead the County maps locate Vallejo where American Canyon is actually located. If left unaltered, these maps could send the wrong message to the people of American Canyon and the rest of Napa County. Please take action to place the City of American Canyon on the subject maps and remove the reference to the City of Vallejo, in Solano County.
B. The County General Plan Advisory Committee has improperly labeled the location of the ultimate northern City boundary by moving the County's Rural Urban Limit Line (RUL - sometimes referred to as an ULL) south of Fagan Creek. The northern limit of the City has always been identified as Fagan Creek. This location was made clear as early as May 23, 1991, when LAFCO made the mandatory findings relevant to Government Code Section 56375.1 and identified the City's northern boundary as being consistent with, "...the Sphere of Influence (SOI) of the American Canyon Water District (ACCWD)." The location of the ACCWD SOI line was Fagan Creek. (See the attached LAFCO Map of the former ACCWD and page 11 of the Resolution of LAFCO forming the City of American Canyon).

K-1P

K-2P

300 Crawford Way, American Canyon, CA 94503 • (707) 647-4360 • FAX (707) 642-1249 • cityhall@ci.american-canyon.ca.us

LEON GARCIA
Mayor

JOAN BENNETT
Vice Mayor

DON CALLISON
Councilmember

CINDY COFFEY
Councilmember

ED WEST
Councilmember

3.0 COMMENTS AND RESPONSES TO COMMENTS

03/14/2007 11:15

- C. To reaffirm the City's ultimate northern boundary, the City adopted a General Plan in 1994 setting the RUL (ULL) at Fagan Creek. The City has spent the last 14 years successfully implementing the approved plan to reach this boundary.
- D. In October of 2003, the County acknowledged the City's northern boundary as Fagan Creek with its adoption of the "Housing Memorandum of Understanding (MOU) between the County of Napa and the City of American Canyon." The document in several locations identifies the City's northern boundary as Fagan Creek as depicted in the City's approved General Plan. Specifically, the MOU indicates:
- "...the City seeks to finalize its ultimate Rural/Urban Boundary based upon the boundaries set forth in the City's General Plan adopted in 1994 in order to provide adequate residential, commercial and industrial land for the City's current and planned development."
 - The document goes on to indicate:
"...the County would incorporate the City's RUL (ULL) line as part of its General Plan...that the mutual adoption of a RUL line" Section 12 of the MOU provides that the "County agrees to support the City's efforts to include parcels inside its adopted RUL (ULL) line..."

K-2P
cont'd

Based on the above, the County General Plan Advisory Committee should have understood the location of the City's RUL: instead, the County's General Plan Advisory Committee unilaterally moved the County RUL (ULL) line south of Fagan Creek. To the best of the City's knowledge, we were never formally consulted in advance that such a move was being considered by the County's Advisory Committee. In addition to extending the comment period, we are requesting the County return its RUL (ULL) to the historical City ultimate northern limit line, Fagan Creek.

- E. The City is further perplexed over the County's attempt to take the Hess property (located in the City's RUL east of Highway 29) out of the City's RUL. Specifically, the City's Agricultural designation in its Land Use Element of the General Plan makes a much stronger commitment than the County's draft "Industrial Reserve-overlay-with-an-Agricultural-twist." The City's General Plan land designation clearly does not permit any other type of land use unlike that envisioned in the County Draft Plan. In light of the uncertainties surrounding the "Transitional" designation (e.g. Napa Pipe controversy), we believe that the County should reclassify the property as Agricultural with no reference to Industrial Reserve, "Transitional," or any other permitted uses except agriculture, and replace the property as part of the City's RUL.

K-3P

3.0 COMMENTS AND RESPONSES TO COMMENTS

F. With respect to the Napa Pipe debate, the County Advisory Committee appears to have placed an extremely large urban area on the boundary of the City of Napa without consulting the Mayor and City Council of the City of Napa. Further, the City of Napa should be concerned over the stated need to place intense residential urbanization on the border of the City of Napa so as to cure, as we understand, the job-housing imbalance created by the County's rapid industrial development of lands north of Fagan Creek. Such an action is not warranted given the already established MOU with the City of American Canyon related to affordable housing (see the attached MOU with American Canyon).

K-4E/P

We would urge the County to return the Napa Pipe property to an industrial designation until an agreement with the City of Napa is reached as to what exactly should occur on the subject property. Instead of designating Napa Pipe as a "Transitional Zone" to cure the unmet housing needs of the County, the County should continue to work collaboratively with both the City of Napa and the City of American Canyon on related housing matters. The purpose of the collaboration is to meet new housing demands created by the hundreds of thousands of square feet of industrial facilities being approved for construction in the unincorporated County (North of Fagan Creek). Again, we would urge the County not to designate the Napa Pipe land as "Transitional".

G. To assist the County further in having the draft plan better reflect the needs and concerns of the City of American Canyon, attached are a series of comments that were made to your Planning Director, Ms. Hillary Gitelman, during the Joint meeting of the City's Open Space Advisory Committee and the Parks and Recreation Commission. The comments relate to how the County is approaching the draft General Plan as it pertains to the City of American Canyon. We would ask that you modify the Draft Plan to reflect the concerns of the City's Open Space Advisory Board and Parks and Recreation Commission.

K-5P

Finally, we acknowledge that the current relations at the policy level between the City and the County are strained. The existing condition is due in large measure to unilateral moves by the County's General Plan Advisory Committee to modify the City's ultimate northern border and by the City's action to further condition water "Will Serve" letters related to south County industrialization. We believe much of the tension will be mitigated by two actions:

K-6P

- 1) The County acknowledges the City's Northern City Boundary as designated by LAFCO in 1991 and the 2003 MOU and return the County's RUL to Fagan Creek.

3.0 COMMENTS AND RESPONSES TO COMMENTS

03/14/2007 11:15

NU.109 0005

2) The County supports intervention by LAFCO (as provided for in Government Code 561333) to establish reasonable principals for extending water service by the City to the industrial lands the County desires to develop north of Fagan Creek.

K-6P
cont'd

Supporting LAFCO's action with respect to 561333 will provide assurances to the County it will be able to implement its General Plan vis-à-vis the industrialization of the area north of Fagan Creek. Likewise, the above action would pave the way for the City to finalize implementation of its adopted General Plan.

Based on the above, we would ask that the County extend the comment period 60-days and during this period correctly replace the County RUL at Fagan Creek. In the event the County refers any matter related to the draft General Plan back to the General Plan Advisory Committee, we request the County appoint a City representative to the Committee before the Committee acts on the draft General Plan.

K-7E/P

Most Sincerely,

Leon Garcia
Mayor

Attachments

- C: Mayor & Council
- Mayor Jack Gingles of Calistoga
- Brian Kelly, LAFCO Public Member
- General Plan Steering Committee Members:
 - Peter McCrea, Chair
 - Tom Andrews, Vice-Chair
 - George Bachich
 - Debra Blodgett
 - Mary Ellen Boyet
 - John Mark Chappellet
 - Stephen Cuddy
 - Tom Gamble
 - Michael Haley
 - Jim Hendrickson
 - Conrad Hewitt
 - Guy Kay
 - Carol Kunze
 - Carole Meredith
 - Beth Painter
 - Carol Poole
 - Jeff Reichel
 - Brad Simpkins
 - Stuart Smith
 - Robert Torres
 - Duane Wall

3.0 COMMENTS AND RESPONSES TO COMMENTS

03/14/2007 11:20

NO. 111 0007

City of American Canyon
Community Services Department

**PARKS & COMMUNITY SERVICES COMMISSION
& OPEN SPACE ADVISORY COMMITTEE
SPECIAL JOINT MEETING
Tuesday, March 6, 2007**

**COMMENTS REGARDING NAPA COUNTY'S DRAFT GENERAL PLAN
PROVIDED BY MEMBERS OF THE PARKS AND COMMUNITY SERVICES
COMMISSION AND THE OPEN SPACE ADVISORY COMMITTEE AFTER
HILLARY GITELMAN'S PRESENTATION**

Committee Member Barry Christian asked if the General Plan could be adopted by a simple majority of the Board of Supervisor and if the technical studies were included on the compact disc. He also asked about the errata to the draft EIR which shows corrections and changes made to the EIR since it was published. He suggested that the membership of the General Plan Steering Committee be changed to add one or to representatives from American Canyon prior to the next "round" of deliberations. It was noted that American Canyon does not have representation on the County General Plan Steering Committee.

K-8E/P

Commission Chair Matthew Plate stated that the Agricultural Element has something specifically in the General Plan regarding Hess Vineyards. It proposes that the vineyards can be developed into industrial and he wondered where that came from and what the rationale is. Converting the vineyards to an industrial area takes away the rural character of the City of American Canyon and would be a visual impediment.

K-9P

Commission Chair Matthew Plate indicated that the Agricultural Element says that when agricultural land is developed that housing needs to be addressed, but it doesn't talk about transportation to and from the housing being addressed. The housing creates traffic that impacts all of our citizens.

K-10P

Commission Chair Matthew Plate indicated that one thing missing from the General Plan is American Canyon representation. American Canyon needs the help of the County in order to make the City a sustainable city. We need to have a Town Center and we need help from the County to do that. We need to be able to cross Highway 29 and we need for Highway 29 not be an impediment to our City which it is right now. Those types of things are not addressed in the General Plan, but those are the types of things we need from the County. The City General Plan has a re-use goal for the landfill. Nothing about the landfill is addressed in the County General Plan. It would be helpful if things like re-use of the landfill and access to Napa River were addressed in the County General Plan. The landfill is in the County, not the City.

K-11P

3.0 COMMENTS AND RESPONSES TO COMMENTS

03/14/2007 11:20

NO. 111 0008

Commission Chair Matthew Plate asked about the inclusion of Clarke Ranch in the Rural Urban Limit Line (RUL) due to development restrictions. He also had a question about the possibility of Clarke Ranch and Newell Open Space being included in the City limits but outside the RUL. A map in the General Plan shows Clarke Ranch being open to the public, but it is not open to the public.

K-12P

Commission Chair Matthew Plate stated that there were maps in the General Plan that were telling that the review of the Plan was not done by someone with any familiarity with American Canyon. Two maps CIR1 and SAF1 label the City of American Canyon as Vallejo.

K-13P

Commission Chair Matthew Plate indicated that he represented American Canyon on the County Parks and Open Space Committee and he noticed that the County doesn't have any parks in the unincorporated areas to support the residents in those urban bubbles. The County hasn't dedicated any resources to those residents. There should be funds for tot lots for the resident's children to have a place to play and funds for sports fields and other recreational activities.

K-14P

Commissioner Victor Rivera explained that he believes that the extension of Newell Drive is also crucial to the traffic circulation for Napa County. The City gets an enormous amount of non-resident traffic coming through American Canyon.

K-15E/P

Commissioner Victor Rivera felt that it would be better to underestimate the growth in vineyard acreage rather than over estimate it. Wine grapes are now being grown in many other areas that Napa has to compete with. At what point do we saturate the market? There are quality of life issues related to the industry such as traffic.

K-16P

Commissioner Victor Rivera also asked about the ABAG growth projections. He commented on the number of people that do not live in Napa County but drive to or through Napa County.

K-17E/P

Committee Member Novak asked how he could obtain the input given by American Canyon residents during the initial County General Plan Update public workshops.

K-18P

Committee Vice-Chair Stanfield said that it was very telling that some maps in the General Plan show the invisibility of American Canyon. If plans are being made in the County with our City as invisible there is obviously a problem. Also, the lack of representation from American Canyon is a problem. He urged the Board of Supervisors and City staff to remedy the lack of American Canyon representation on the General Plan Steering Committee immediately. As with all things there are established interests with power and emerging interests that try to get attention and in some ways we are the latter. We are now the second largest

K-19P

3.0 COMMENTS AND RESPONSES TO COMMENTS

03/14/2007 11:20

NO. 111 0009

City in the County so presumably it is time to open the door for representation to the County. | K-19P
cont'd

Committee Member Barry Christian asked if the County's proposed RUL plan for the City of American Canyon came from the Steering Committee or County staff. | K-20P

Commission Member Rivera feels that there should be a strong recommendation to alter the County's proposed RUL and expand the City's Sphere of Influence as well as correct traffic issues by having the Newell Drive extension go to Green Island Road, which will require County assistance. | K-21E/P

Resident Pam Konoval was concerned about the City being expected to continue to provide sewer and water services to areas that the County doesn't want in the City's RUL or Sphere of Influence. | K-22P

3.0 COMMENTS AND RESPONSES TO COMMENTS

03/14/2007 11:15

NO. 109 0006

CERTIFIED COPY

RESOLUTION NO. 91-18

RESOLUTION OF THE NAPA COUNTY
LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS

AMERICAN CANYON INCORPORATION

WHEREAS, a petition of the AMERICAN CANYON INCORPORATING COMMITTEE proposing a Reorganization of certain described territory was duly filed on February 13, 1990 with the Executive Officer of the Napa County Local Agency Formation Commission, hereafter referred to as "the Commission", together with supporting documents required by the rules and regulations of the Commission; and

WHEREAS, the Petition for Reorganization proposed to incorporate the Community of American Canyon as a general law city, the merger of the American Canyon County Water District into the new City, and the establishment of the American Canyon Fire Protection District as a subsidiary district of the new City, and is hereafter referred to as "the Proposal"; and,

WHEREAS, said proposal was filed with the Executive Officer in accordance with provisions of the Cortese/Knox Local Government Reorganization Act of 1985, as amended, (Title 5, Division 3, commencing with Section 56000 of the California Government Code), hereafter referred to as the "Cortese/Knox Act"; and,

WHEREAS, the American Canyon County Water District in its Resolution #601, dated May 8, 1990 requested the Commission to approve the proposal including the integration of existing governmental services into the new City; and

3.0 COMMENTS AND RESPONSES TO COMMENTS

03/14/2007 11:15

NO.109 0007

e. The American Canyon Incorporation proposal will promote the construction of additional housing, including affordable housing, needed to accommodate future new residents resulting from the planned industrial development within the Napa County Airport Industrial Area Specific Plan and from the area's general over all development.

f. Future development within the American Canyon Community could provide the Community with needed and varied shopping facilities thereby reducing vehicle trips to outlying communities.

g. The American Canyon Incorporation will allow residents and property owners to have self determination and local control over land use matters and public service needs.

WHEREAS, the Commission, in accordance with California Government Code Section 56375.1, made the following findings and determinations:

(1) The Amended Proposal is consistent with the intent of the Cortese/Knox Local Government Reorganization Act of 1988 including, but not limited to the policies contained in California Government Code Sections 56001, 56300, 56301, and 56377; and

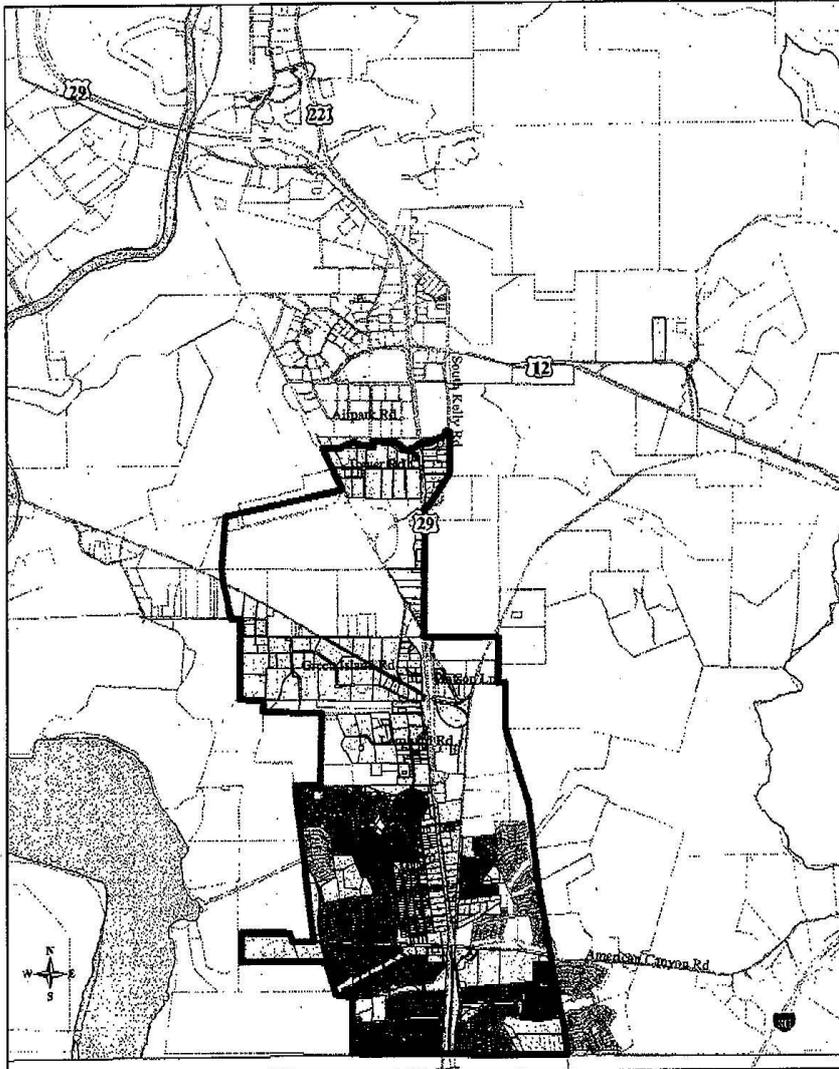
(2) The Amended Proposal is consistent with the sphere of influence of the American Canyon County Water District, the American Canyon Fire Protection District, and County Service Area No. 1; and,

3.0 COMMENTS AND RESPONSES TO COMMENTS

03/14/2007 11:15

NO. 109 0008

American Canyon County Water District



Legend

-  ACCWD Jurisdictional Boundary
-  ACCWD Sphere of Influence

ACCWD's jurisdictional boundary and sphere of influence depicted are GIS-based recreations of an original 40"x42" map available for viewing at the LAFCO office.

*Not to Scale
February 2007
Prepared by KJ/TLG*



LAFCO of Napa County
1700 Second Street, Suite 268
Napa, CA 94559
(707) 259-8645

3.0 COMMENTS AND RESPONSES TO COMMENTS

03/14/2007 11:15

NO. 109 0009

Napa County Agreement No. 6/51
American Canyon Agreement No. 2003-70

**AGREEMENT
BETWEEN THE COUNTY OF NAPA
AND
THE CITY OF AMERICAN CANYON**

This Agreement ("Agreement") is entered into and effective as of Oct. 16, 2003 (the "effective date") by and between the County of Napa, a political subdivision of the state of California ("County") and the City of American Canyon, a municipal corporation ("City").

WHEREAS, the parties recognize the importance of agricultural preservation and open space in Napa County and desire to preserve agricultural lands in Napa County so as to maintain a viable agriculture-based economy, preserve open space, prevent urban sprawl, and direct growth and development into cities and to implement the planned development of the City; and,

WHEREAS, the parties acknowledge the intent of County Measures A and J to concentrate urban tourist and retail development in existing cities, the City General Plan policy of creating an open space boundary around City development and to work together cooperatively through the Napa County League of Governments ("NCLOG") to address the parties' mutual preservation and development goals; and,

WHEREAS, in order to meet the County Regional Housing Needs Determination ("RHND") from the Association of Bay Area Governments ("ABAG") for affordable housing for the 1999-2006 housing cycle and in order to achieve certification of its housing element from the California Department of Housing and Community Development ("HCD"), the County desires to transfer a portion of its RHND allocation to the City, including housing for very low, low, moderate and above moderate income households; and,

WHEREAS, City seeks to finalize its ultimate Rural/Urban Boundary based upon the boundaries set forth in the City's General Plan adopted in 1994 in order to provide adequate residential, commercial and industrial land for the City's current and planned development; and,

WHEREAS, the parties recognize that housing and other forms of urban development are more appropriate when created and maintained within current and future City limits; and,

WHEREAS, the Jeff Baird Study concluded in the Spring of 2003 indicated that City presently has sufficient affordable housing capacity to cover a portion of County's RHND allocation; and,

WHEREAS, City is willing to assist County in meeting its affordable housing obligations in exchange for the County's support of the Sphere of Influence ("SOI") Amendments and Annexations specified in this Agreement and their completion by the Napa County Local Agency Formation Commission ("LAFCO") and other valuable consideration,

City-County Housing Agreement 2003
Page 2 of 11

including the finalization of the Rural Urban Limit Line, identified as the "City Urban Limit Line" in the City's 1994 General Plan (hereafter "RUL Line"); and,

WHEREAS, the parties acknowledge that the obligations by this Agreement shall not in any way adversely affect the existing HCD-certified City General Plan Housing Element.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

The parties will comply with the Agreement terms and responsibilities, which are set forth in three phases consisting of three time periods. The three phases are: Phase I - Short Term (from the Agreement effective date until June 30, 2006) – also referred to as the "Phase I housing cycle"; Phase II – Mid Term (July 1, 2006 until June 30, 2013) – also referred to as the "Phase II housing cycle"; and Phase III- Long Term (July 1, 2013 until June 30, 2020) – also referred to as the "Phase III housing cycle." The parties intend to coordinate the transfer of affordable units for the defined housing cycles. The beginning dates of Phase II or Phase III may be adjusted based upon the actual start date of each subsequent HCD Housing cycle by written agreement of the parties.

PHASE I: SHORT TERM (Agreement effective date to June 30, 2006)

1. **Transfer Of Units; ABAG Acceptance; Update of Housing Elements.** The parties agree to obtain ABAG approval for the transfer of three hundred ninety-four (394) affordable housing units from the County's RHND allocation to the City in the current housing cycle, to update the County Housing Element, and to work together to preserve agricultural lands and open space in the County and City while directing growth and development into cities.

a. **Reallocation Presented To ABAG:** The parties agree that on or before November 30, 2003, they will present to ABAG a joint proposal to transfer a portion of County's RHND allocation to the City, consisting of three hundred ninety-four (394) units of affordable housing from the County's RHND allocation to the City. Of the three hundred ninety-four units (394), one hundred fifty-three (153) units will be in the very low and low income category, one hundred seventeen (117) units will be in the moderate income category, and one hundred twenty-four (124) units will be in the above moderate income category.

b. **ABAG Acceptance; Update Of Respective Housing Elements:** Upon ABAG acceptance of the proposed transfer of County's RHND allocation, the parties will initiate the amendment of their respective Housing Elements in compliance with all laws, including conducting any public hearings, environmental reviews and related requirements as may be set forth in federal, state, and local laws and regulations and this Agreement. The City will initiate such amendment of its current Housing Element only if it is clearly required by applicable law. City is aware that County is attempting to enter into an Agreement/Memorandum of Understanding with the City of Napa for the transfer of a portion of County's RHND allocation to the City of Napa, and County is aware and

Housing Element/City of Am. Ctryn Agmt/
Clean Final 11-05-03.doc

3.0 COMMENTS AND RESPONSES TO COMMENTS

03/14/2007 11:15

NO. 109 0011

City-County Housing Agreement 2003
Page 3 of 11

acknowledges that the current City Housing Element has been certified by HCD. As a condition precedent to the requirement that the County, and the City if necessary, update their respective Housing Elements, ABAG must first accept the proposed reallocation of units from the County to the City and to the City of Napa. In the event that ABAG accepts transfer of County's RHND allocation to one city but not to the other, this Agreement shall become null and void and of no force and effect.

c. LAFCO Approval As Condition Precedent To Reallocation: HCD Certification of Housing Elements. The parties acknowledge and agree that LAFCO's approval of the current applications to amend City's SOI as more particularly set forth in Agreement Paragraph 2 is a condition precedent to the City's acceptance of an additional three hundred ninety-four (394) units of affordable housing within the City's jurisdictional limits, as described in Agreement Paragraph 1.a. If prior to HCD certification of the parties' housing elements, LAFCO rejects even one of the current applications to amend City's SOI, this Agreement shall become null and void and of no force and effect.

d. LAFCO Approval As Condition To City Amendment Of Housing Element. The parties further acknowledge and agree that LAFCO's approval of the current applications to amend City's SOI as set forth in Agreement Paragraph 2 is a prerequisite to City's acceptance of an additional three hundred ninety-four (394) units of affordable housing within the City's jurisdictional limits as described in Agreement Paragraph 1.a. and of approving an amended Housing Element, if necessary. The City Council will only consider formal amendment of its Housing Element, if necessary, if LAFCO approves the current applications to amend City's SOI as set forth in Paragraph 2. If LAFCO does not approve all of the three SOI amendments, then City shall have no obligation to take action to accept the additional affordable housing units described or consider and approve an amended Housing Element. The County understands that the City expects to annex these lands as soon as possible, and will support the City's efforts in that regard before LAFCO. The City understands that it will take time to negotiate the tax-sharing agreement and rezoning required prior to formal annexation. Both Parties agree that time is of the essence in annexing these parcels, and that annexation is a condition precedent to the City's participation in Phase II.

e. ABAG And HCD Approval/Certification As Condition Of This Agreement. The parties acknowledge, and agree that in the event that ABAG rejects the proposed transfer of units or in the event HCD rejects certification of the County's updated Housing Element or the City's updated Housing Element, if necessary, or the updated Housing Element of the City of Napa, this Agreement shall become null and void and of no force and effect at the option of either party.

f. Future RHND Allocation. The parties acknowledge and agree that this Agreement is not intended to, and shall not, in any manner be used to change the baseline for the City's future Regional Housing Needs Assessments ("RHNA") or RHND,

Housing Element/City of Am. Cyn Agmt/
Clean Final 11-05-03.doc

3.0 COMMENTS AND RESPONSES TO COMMENTS

03/14/2007 11:15

NO. 109 0012

City-County Housing Agreement 2003
Page 4 of 11

g. The parties agree to commence negotiation by March 15, 2004, in order to agree by the end of Phase I on an allocation schedule for any of the units described in Agreement Paragraph 1.a. not yet constructed by the end of Phase I.

2. Sphere Of Influence Amendments And Annexations.

a. County agrees to support, before LAFCO, the following SOI amendments of the City which are pending before LAFCO, as well as subsequent annexations of the designated real property subject to the SOI amendments. The areas are depicted in Exhibit "A" which is attached and made part of this Agreement by reference.

1). American Canyon Road-Floresden Road Area (Napa County Assessor Parcel Number 059-040-054) consisting of approximately 45 acres, for use primarily as a school site by the Napa Unified School District in the City.

2). Green Island Road Industrial Area, consisting of approximately 300 acres (Napa County Assessor Parcel Numbers: 057-090-080; 057-130-001 through 057-130-005; 058-030-042; 058-070-05; 058-070-007; 058-070-019 through 058-070-025; 058-070-027; 058-090-007; 058-330-002; and 058-330-004 through 058-330-009), after pre-zoning by the City, for general or light industrial use.

3). The area known as the "Eucalyptus Grove" consisting of the City's Wastewater Treatment Plant and a residual area of approximately 100 acres (Napa County Assessor Parcel Numbers 058-030-055 and 058-030-056).

b. City and County agree to negotiate and approve a Master Tax-sharing agreement relative to the SOI amendments described in Agreement Paragraph 2.a, prior to March 15, 2004.

c. City will pre-zone the parcels in the above referenced SOIs, if required, and take all other steps necessary for formal annexation prior to the end of Phase I. County agrees to support the annexation of those parcels, when presented to LAFCO for approval. The parties agree that annexation of the above referenced parcels is a condition precedent to the City participating in Phase II.

3. Code Enforcement. The parties agree to work cooperatively to address code enforcement problem areas on City's perimeter, including junkyard use permit violations, clean up of the Eucalyptus Grove (Napa County Assessor Parcel Numbers 058-030-055 and 058-030-056), and cock fighting related issues. The parties agree to monitor the progress of code enforcement efforts with quarterly review meetings.

4. Tax/Fee Sharing Agreement For Fire Services. The parties agree to adopt, by December 31, 2003, a special property tax/fee sharing agreement for fire services provided by the American Canyon Fire Protection District, in cooperation with the Napa County Fire Department, which contracts with the California Department of Forestry and Fire Protection to

Housing Element/City of Am. Cnyn Agmt/
Clean Final 11-05-03.doc

3.0 COMMENTS AND RESPONSES TO COMMENTS

03/14/2007 11:15

NO. 109 0013

City-County Housing Agreement 2003
Page 5 of 11

provide fire protection services, all relating to the southern portions of the Airport Industrial Area, as set forth in the 1986 County Airport Industrial Area Specific Plan and as identified in Exhibit "B", attached, which is incorporated by this reference.

5. County Services In American Canyon. City and County agree to explore areas in which County services will be provided in the City, similar to the manner in which library services were extended to the City.

6. Low Income Housing Project. The parties agree to work with the nonprofit housing community to build one or more joint low-income (including senior) housing projects using the parties' respective housing trust fund monies within the City on property owned or controlled by the City.

7. Extension Of Devlin Road. County agrees to extend Devlin Road to Green Island Road, as contained in Exhibit "D" which is attached and incorporated by this reference and consistent with County's Transportation Phasing Plan.

8. Park And Open Space Agency. The parties agree to support the creation of a joint power authority Park and Open Space Agency ("Agency"), and will explore the possibility of working in conjunction with other cities. A Park and Open Space Advisory Committee ("Advisory Committee") shall be established for the purpose of creating the Agency, with City having representation on said Advisory Committee. The goals of the Agency shall include the preservation of open space for public access, environmental protection and agricultural uses, and the provision of permanent open space around the City. The parties will request that the Advisory Committee consider a range of potential revenue-generating uses to help fund the Agency. This planning process will take place in conjunction with the County's General Plan Update and will identify areas and/or parcels that will be considered for potential agriculture, conservation, parks and/or open space uses. The parties agree that any lands within the City's proposed RUL Line, as determined consistent with the provisions of Agreement Paragraph 10, will not be included in any Open Space Agency jurisdiction, without City consent, except those lands that are above the 15% slope line as identified in Exhibit "C".

9. Compatibility Zone D Study And ALUC Composition.

a. Compatibility Zone D Study. The parties agree to conduct a joint study to determine the appropriate boundaries for Airport Land Use Commission ("ALUC") Compatibility Zones D and E in and around the City. The parties agree to coordinate the timing of the joint study with the City's specific plan planning process for the Oat Hill Area. The parties recognize that the ALUC is a state created agency authorized by state law to prepare, amend and approve the Airport Land Use Compatibility Plan. In conducting the joint study, the parties acknowledge and agree to work with the ALUC to the extent authorized and required by law. The parties further recognize that the ALUC is an independent agency created by state law and that the findings of the joint study would not be binding on the ALUC.

Housing Element/City of Am. Coun. Agmt/
Clean Final 11-05-03.doc

City-County Housing Agreement 2003
Page 6 of 11

b. ALUC Composition: County agrees that upon request from both the City and the City of Napa, and to the extent authorized by law, County will consider modifications to the composition of the ALUC to include representation from both the City of Napa and the City. The parties recognize that the method of reconfiguring the ALUC is set forth in the Public Utilities Code section 21670 *et seq.*

10. Land For Future Affordable Housing Needs/Adoption Of A City RUL Line. The parties agree that as part of the sharing/transfer of portion(s) of County's RHND allocations in the Phase II housing cycle, the parties will identify areas outside the City that could be used for such purposes as described below.

a. Land For Future Affordable Housing Needs: The parties recognize that land should be set aside to meet future affordable housing needs, and that County may make future requests that its RHND allocation(s) in future cycles (other than the current cycle ending June 30, 2006) be transferred to City. In the event that County requests transfer of its RHND allocations in future cycles, the parties agree to initiate a planning process that examines lands adjacent to City's boundaries (which may or may not include agricultural lands) to determine if such lands have the capability to, and should, be set aside for affordable housing. This planning process shall take place in conjunction with the County's General Plan update and will identify parcels that will be considered for potential housing in concert with an overall County agricultural conservation, park, and open space plan.

b. The basis for the City's RUL Line is from its adopted 1994 General Plan. However, the land owned by Hess Collection Winery and currently in active agricultural use (APN 057-090-065) will not be included within City's RUL Line.

c. Adoption Of City RUL Line: Condition Precedent For Participation in Phase II: Prior to the City agreeing to any transfers from the County for their RHNA or RHND in Phase II, both parties must agree to a City RUL Line, as provided in this Agreement Paragraph 10. It is understood that the County would incorporate the City's RUL Line as part of its General Plan Update, if timely accomplished or by adoption of an Ordinance confirming the City RUL Line prior to June 30, 2006. The parties further acknowledge and agree that the mutual adoption of a RUL Line as described in this Agreement paragraph is a condition precedent to the City's acceptance of any additional housing unit transfers from the County as may be required during Phase II.

d. Changes in RUL Line Not Binding on County: The County is not obligated to approve any subsequent change by the City of the RUL Line described in Agreement Paragraph 10.b. and c., unless it elects to do so. Any subsequent change in the City RUL Line by the City may only be accomplished by a 4/5 vote of the City Council.

e. Sharing Of Costs: Should any lands currently in the unincorporated areas of the County be annexed by City for the purpose of meeting future affordable housing needs in

Housing Element/City of Am. Cnty. Agmt/
Clean Final 11-05-03.doc

3.0 COMMENTS AND RESPONSES TO COMMENTS

03/14/2007 11:15

NO.109 0015

City-County Housing Agreement 2003
Page 7 of 11

future cycles as provided in Agreement Paragraph 10.a, the parties agree to develop an equitable master property tax exchange agreement to be implemented at the time annexations occur in order to compensate City for any increased cost in the provision of services associated with City's assumption of additional housing units the County may ask the City to absorb in future RHND allocation cycles. Said master property tax exchange agreement shall be finalized by March 15, 2004, or by later date if mutually agreed to by the parties.

11. **Extension Of Flosden Road.** County agrees to support the extension of Flosden Road to Green Island Road, continuing to Kelly Road, as part of its General Plan updates, if such extension is consistent with the findings of the Napa County Transportation Planning Agency.

PHASE II: MID-TERM (July 1, 2006 until June 30, 2013)

During Phase II, the parties agree to the following:

12. **Housing Units Provided To County By City.** In the event that County requests additional housing units be transferred to the City, City will have sole discretion in identifying the location and manner in which those housing units are to be provided to the County, if at all.

13. **Airport Industrial Area.** The parties will explore the possibility of either creating a joint powers authority between City, County and the City of Napa, or of entering into a memorandum of understanding between said jurisdictions for the purpose of addressing the future of the Airport Industrial Area and its impacts upon the various jurisdictions.

14. **Scenic Highway 29 Corridor.** The parties will explore the possibility of jointly developing a "Scenic Highway 29 Corridor" plan within their respective jurisdictions to develop the Highway 29 Corridor in a comprehensive and aesthetically pleasing manner.

15. **County Support For Including Parcels Within The City's RUL Line To Be Included In A Revised City Sphere Of Influence.** County agrees to support the City's efforts to include parcels inside its adopted RUL Line pursuant to Agreement Paragraph 10 to be included in a revised SOI if City agrees to accept additional housing units on County's behalf as set forth in Agreement Paragraph 12. Such action will be taken prior to the end of Phase II.

PHASE III: LONG TERM (July 1, 2013 until June 30, 2020)

During Phase III, the parties agree to the following:

16. **Future Annexation Of Lands.** County will support the annexation of lands within the City's future SOI, based upon the processes described in Agreement Paragraphs 10 and 15, provided there is mutual agreement that such annexations are needed to meet the long-term regional housing needs for the City and County.

Housing Element/City of Am. City Agmt/
Clean Final 11-05-03.doc

City-County Housing Agreement 2003
Page 8 of 11

ADDITIONAL TERMS AND CONDITIONS

17. **Hold Harmless By County.** County agrees to defend, indemnify and hold City, its elected officials, officers, employees and agents and successors and assigns of each of them (collectively, "Indemnified Parties") harmless from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, proceedings and judgments including, without limitation, reasonable attorneys' fees arising from or in any way connected with any claims against the City for damages or violation of any law resulting from any act, omission, or other action taken by the County in performance of its duties under this Agreement.

18. **Hold Harmless By City.** City agrees to defend, indemnify and hold County, its elected officials, officers, employees and agents and successors and assigns of each of them (collectively, "Indemnified Parties") harmless from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, proceedings and judgments including, without limitation, reasonable attorneys' fees arising from or in any way connected with any claims against the County for damages or violation of any law resulting from any act, omission, or other action taken by the City in performance of its duties under this Agreement.

19. **Ongoing Duties And Responsibilities.** In addition to the parties' duties and responsibilities as described in Phases I, II, and III above, the parties acknowledge and agree to perform the following on an ongoing basis during the term of this Agreement:

- a. **Regular Staff Meetings With LAFCO.** The respective staffs will meet as needed with LAFCO to address matters contained in this Agreement relating to matters within LAFCO's jurisdiction.
- b. **Regular Staff Meetings With HCD And ABAG.** The respective staffs will meet as needed with HCD and ABAG to address matters in this Agreement relating to the transfer of County's RHND allocation to the City, HCD's certification of the parties' Housing Elements, and related matters.
- c. **Participation In NCLOG Process.** To work through the NCLOG process to establish a realistic and reasonable process for future housing allocations from HCD and ABAG.
- d. **Monitoring Of Progress.** To establish performance-monitoring points for each of the items contained in this Agreement. In particular, the parties agree to establish a mechanism for evaluating and implementing the goals and responsibilities of the parties as set forth in Phase II and III of this Agreement.
- e. **Community Outreach.** City, with the support of the County, will develop a community awareness and education strategy to address regional housing needs, agricultural preservation and the more efficient use of governmental resources such as existing infrastructure.

Housing Element/City of Am. Copy Agmt/
Clean Final 11-05-03.doc

3.0 COMMENTS AND RESPONSES TO COMMENTS

03/14/2007 11:15

NO. 109 0017

City-County Housing Agreement 2003
Page 9 of 11

- f. Commitment Of Staff And Resources. To provide sufficient staff and/or resources to this process to ensure that it continues as a multi-year process, including the development of a long term funding strategy.
- g. Future Cycles And Allocation Of Housing Numbers. To coordinate their efforts in working with ABAG to explore the possibility of receiving one set of RHND numbers for all jurisdictions within the County, to be allocated as determined to be appropriate by the affected jurisdictions. Whether future RHND numbers are allocated in this fashion, both parties will re-evaluate the need for continued assistance upon the issuance of these future allocations.
20. Warranty Of Legal Authority. Each party warrants and covenants that it has the present legal authority to enter into this Agreement and to perform the acts required of it hereunder. If any party is found to lack the authority to perform the acts required of it hereunder or is prevented from performing the acts by a court of competent jurisdiction, this Agreement shall be void.
21. Assignment/Delegation. Neither party hereto shall assign, or transfer any benefit or obligations of this Agreement without the prior written consent of the other, and no assignment shall be of any force or effect whatsoever unless and until the other party shall have so consented.
22. Severability. In the event any provision of this Agreement is held to be invalid or unenforceable, the valid or enforceable portion thereof and the remaining provisions of this Agreement will remain in full force and effect.
23. Attorneys' Fees. The prevailing party in any legal action brought by one party against the other and arising out of this Agreement shall be entitled to reimbursement for its expenses, including court costs and reasonable attorneys' fees.
24. Waiver. Any waiver (express or implied) by either party of any breach of this Agreement shall not constitute a waiver of any other or subsequent breach.
25. Exercise Of Discretion. The parties recognize and agree that nothing in this Agreement is intended to nor shall be interpreted to limit the ability of the individual members of the City Council and the Board of Supervisors to exercise their discretion in whatever manner appropriate.
26. Notices. Whenever notice is to be given, it shall be in writing and delivered by personal, overnight express or courier service, with a written receipt, or sent by registered or certified mail in a sealed envelope, postage prepaid, return receipt requested and addressed as follows:

Housing Element/City of Am. Cynn Agmt/
Clean Final 11-05-03.doc

City-County Housing Agreement 2003
Page 10 of 11

City of American Canyon:

City Manager
300 Crawford Way
American Canyon, California 94503

With copy to:

City Attorney
Law Offices of William Ross
400 Lambert Street
Palo Alto, California 94306

County of Napa:

Napa County Executive Officer
1195 Third Street, Suite 310
Napa, CA 94559

With copy to:

Community Partnership Manager
County of Napa
1195 Third Street, Suite 310
Napa, CA 94559

Changes may be made in addresses to where notices are to be delivered by giving notice pursuant to this provision.

27. **Entire Agreement.** This document is intended both as the final expression of the agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement. This Agreement may be executed in counterparts, each of which shall constitute an original.

28. **Amendment.** This Agreement may only be amended in writing by an amendment authorized by the City Council and County Board of Supervisors.

29. **Recitals Adopted.** The parties hereby agree to and adopt the Agreement recitals as portions of the Agreement.

30. **Termination For Cause.** Either party may terminate this Agreement for cause of non-performance. Such termination shall be based upon sixty (60) days' notice given to the other party in the manner set forth in Agreement Paragraph 26. Such notice shall also constitute a notice of default, which shall provide the defaulting party with an automatic right to cure the default within thirty (30) days.

31. **Joint Defense In Event Of Third Party Challenges To The Agreement.** In the event of a third party challenge of any type to this Agreement, the parties agree to jointly defend the validity and implementation of the Agreement.

Housing Element/City of Am. Cnyn Agmt/
Clean Final 11-05-03.doc

3.0 COMMENTS AND RESPONSES TO COMMENTS

03/14/2007 11:15

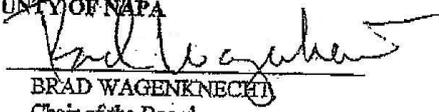
NO. 109 0019

City-County Housing Agreement 2003
Page 11 of 11

32. Extension of Dates by Mutual Agreement. The dates provided for the performance of any of the terms of this Agreement may be changed and/or extended by mutual written agreement of the parties.

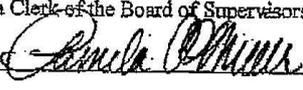
IN WITNESS WHEREOF, this Agreement was executed by the parties hereto as of the date first above written.

COUNTY OF NAPA

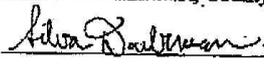
By: 

BRAD WAGENKNECHT
Chair of the Board

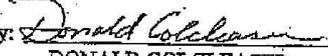
ATTEST: PAMELA MILLER
Napa Clerk of the Board of Supervisors

By: 

APPROVED AS TO FORM:
ROBERT WESTMEYER, County Counsel

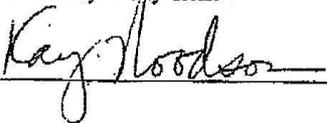
By: 

CITY OF AMERICAN CANYON

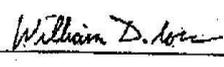
By: 

DONALD COLCLEASER,
Mayor

ATTEST: KAY WOODSON
American Canyon City Clerk

By: 

APPROVED AS TO FORM:
WILLIAM D. ROSS, City Attorney

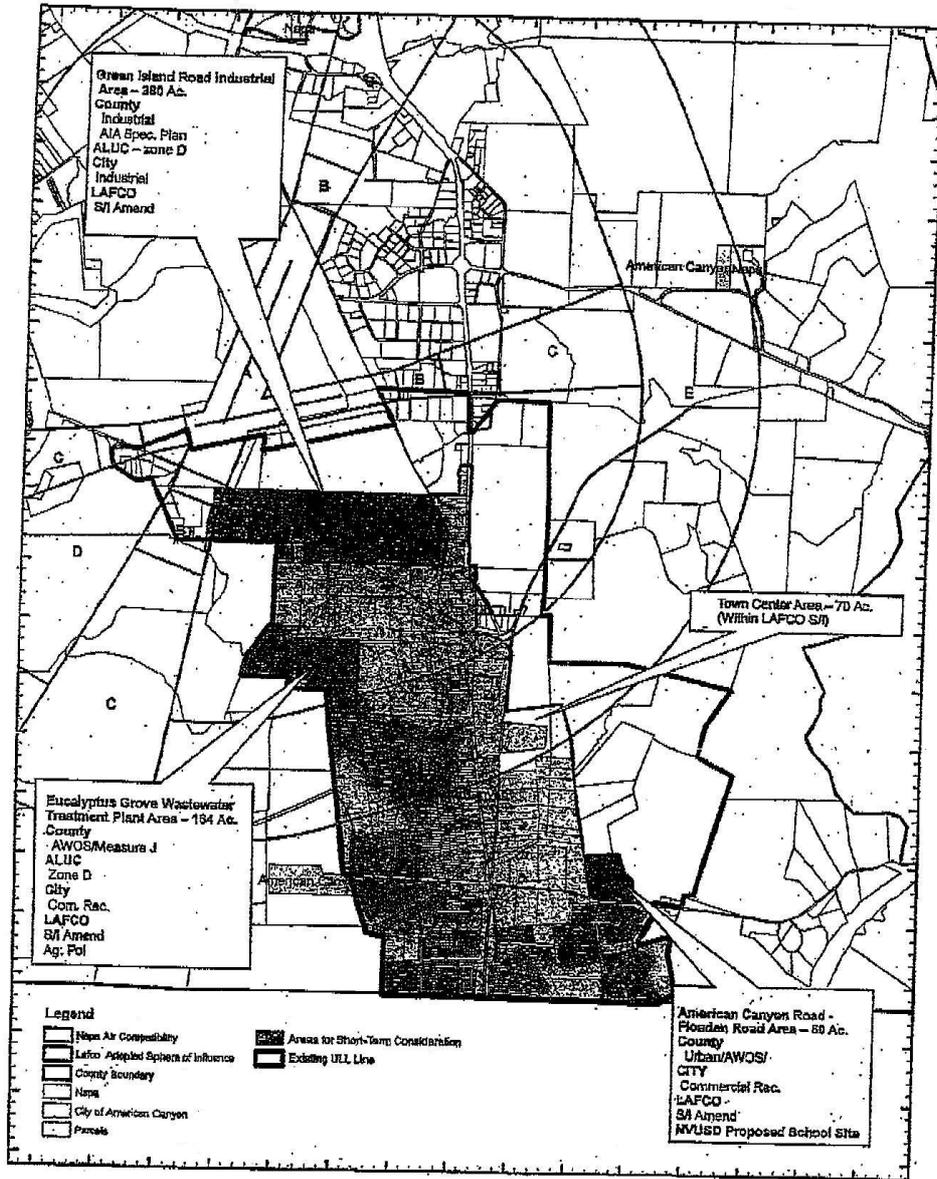
By: 

Housing Element/City of Am. Cnyn Assn/ ·
Clean Final 11-05-03.doc

3.0 COMMENTS AND RESPONSES TO COMMENTS

03/14/2007 11:15

NO. 109 0020



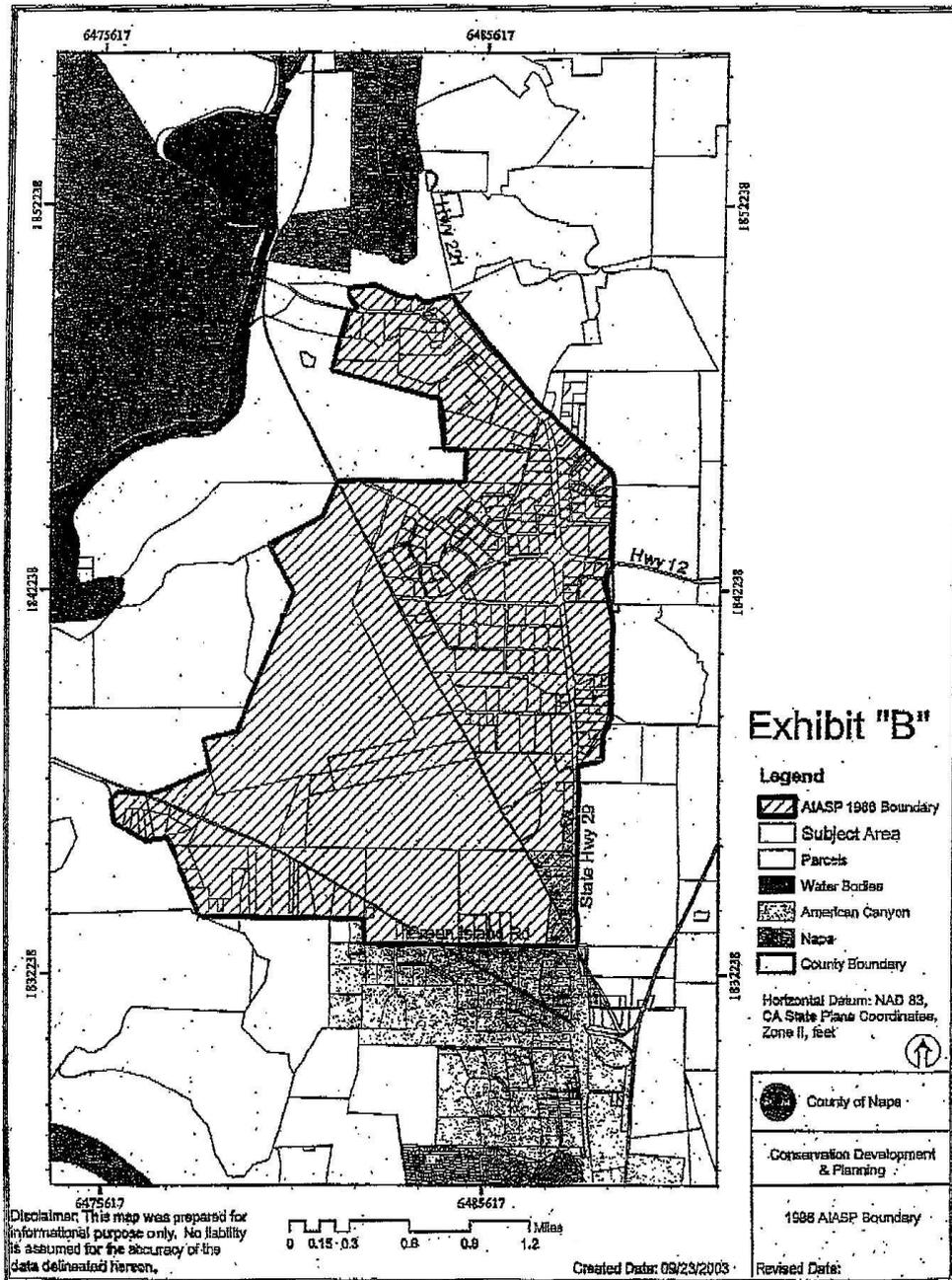
Napa County
 Conservation Development and Planning Dept.
 0 1,000 2,000 4,000 6,000 8,000 Feet

American Canyon
 Sphere of Influence Prospects

3.0 COMMENTS AND RESPONSES TO COMMENTS

03/14/2007 11:15

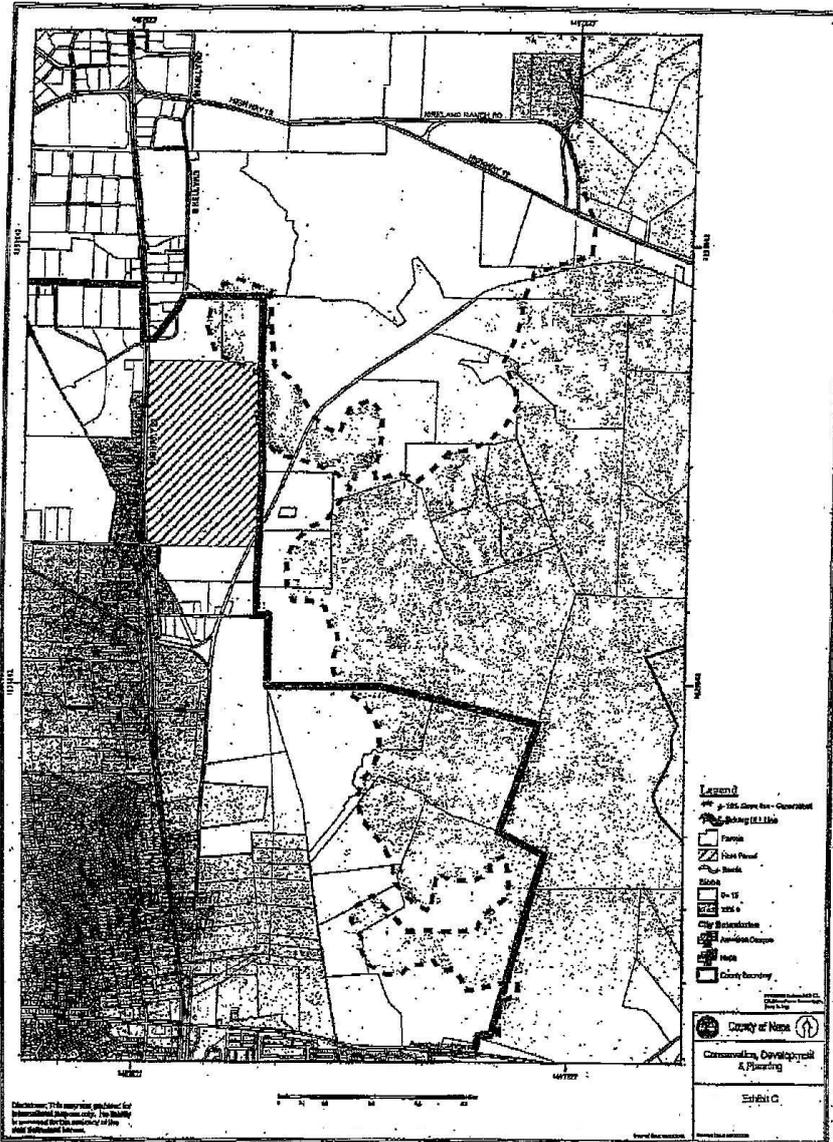
NO. 109 0021



3.0 COMMENTS AND RESPONSES TO COMMENTS

03/14/2007 11:20

NO. 111 0002

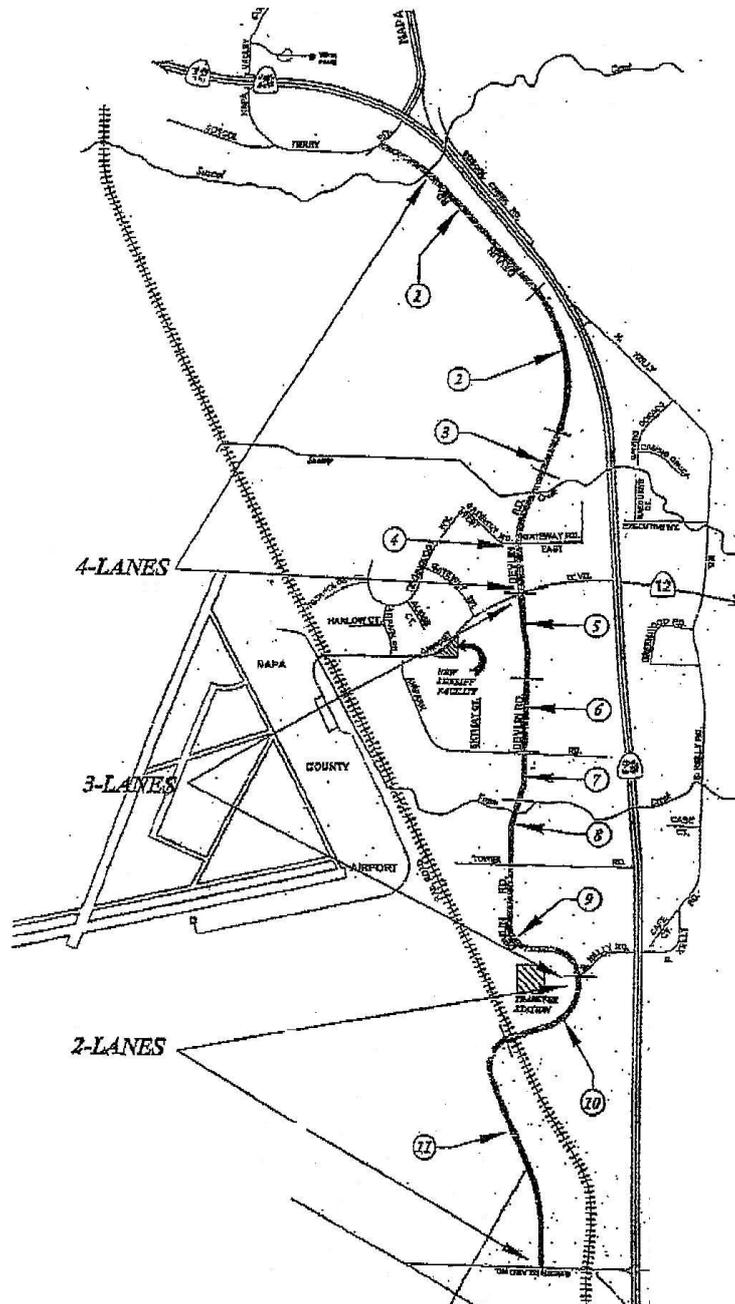


⑩	<p><i>FUTURE DEVLIN ROAD TO BE CONSTRUCTED WITH THE RECENTLY APPROVED BERINGER PROJECT. THE FULL WIDTH CONSTRUCTION OF THE ROADWAY IS THE DEVELOPER'S OBLIGATION.</i></p>	<p><i>WITHIN 5 YEARS</i></p>
⑪	<p><i>FUTURE PORTION OF DEVLIN ROAD.</i></p>	<p><i>UNKNOWN</i></p>

3.0 COMMENTS AND RESPONSES TO COMMENTS

03/14/2007 11:20

NO. 111 003



3.0 COMMENTS AND RESPONSES TO COMMENTS

03/14/2007 11:20

NO. 111 0004

Napa County Agreement No. 615-1
City of American Canyon Agreement No. _____

This Agreement is made and entered into as of December 24, 2003 by and between the County of Napa, a political subdivision of the state of California ("County") and the City of American Canyon, a municipal corporation ("City").

WHEREAS, on October 16, 2003, the parties entered into an agreement (County Agreement No. 451 / City Agreement No. ~~2003~~ hereafter "Housing Agreement," relating to the transfer of a portion of County's Regional Housing Numbers Determination to the City and other matters of mutual interest; and

WHEREAS, paragraph 4 of the Housing Agreement requires the parties to adopt, by December 31, 2003, a special property tax/fee sharing agreement for fire services provided by the American Canyon Fire Protection District in cooperation with the Napa County Fire Department, which contracts with the California Department of Forestry and Fire Protection to provide fire protection services, all relating to the southern portions of the Airport Industrial Area, as set forth in the 1986 County Airport Industrial Area Specific Plan and as identified in Exhibit "B" attached to the Housing Agreement; and

WHEREAS, paragraph 32 of the Housing Agreement states that the dates provided for the performance of any of the terms of the Housing Agreement may be changed and/or extended by mutual written agreement of the parties; and

WHEREAS, on December 16, 2003, the Board of Supervisors authorized its Chief Executive Officer to extend deadlines set forth in the Housing Agreement as necessary; and

WHEREAS, on December 18, 2003, the City Council authorized its City Manager to extend deadlines set forth in the Housing Agreement where necessary; and

WHEREAS, the parties have reached tentative agreement over the terms to be included in a special property tax/fee sharing agreement for fire services; and

WHEREAS, staff needs additional time to memorialize the terms of said agreement and to present the agreement to City's and County's governing bodies.

Silva Dobinias, County Counsel & Howard Siegel - CEO } 1/13/04
2004 12 14 8: 02 AM

3.0 COMMENTS AND RESPONSES TO COMMENTS

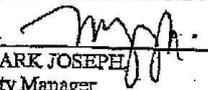
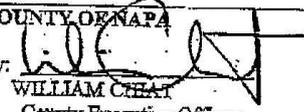
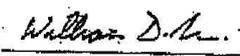
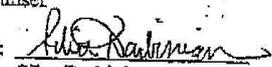
03/14/2007 11:20

NO. 111 0005

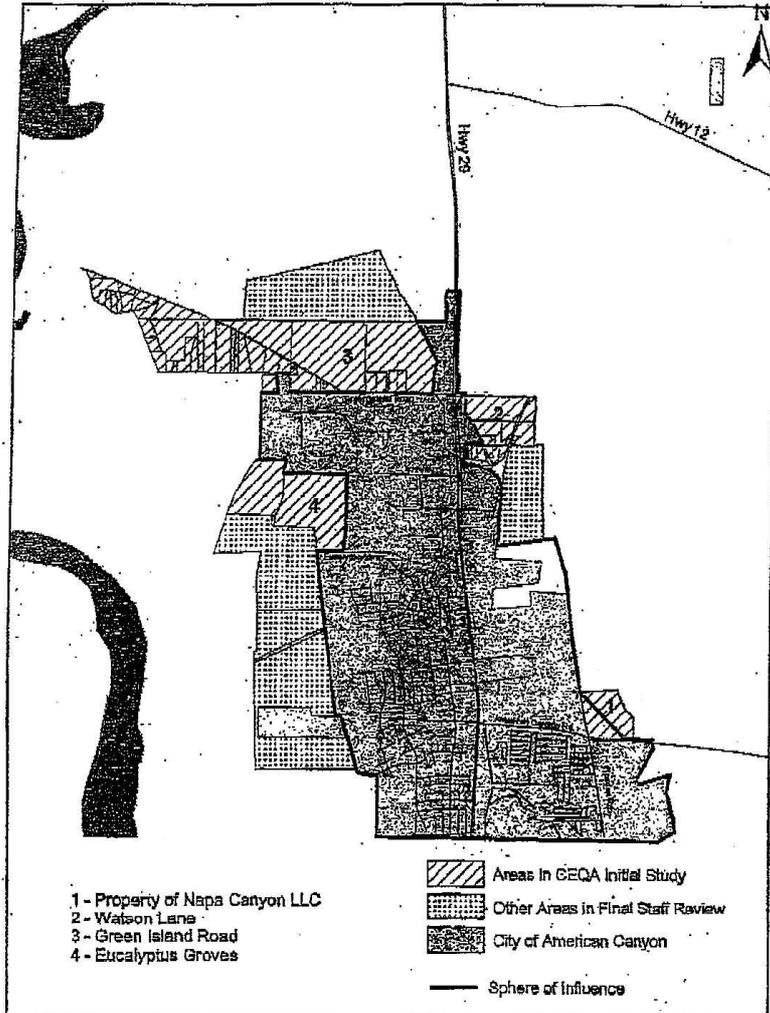
NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

The December 31, 2003 deadline set forth in paragraph 4 of the Housing Agreement is hereby extended to March 1, 2004. The parties therefore agree to adopt, by ~~December~~ March 1, 2004, a special property tax/fee sharing agreement for fire services provided by the American Canyon Fire Protection District, in cooperation with the Napa County Fire Department, which contracts with the California Department of Forestry and Fire Protection to provide fire protection services, all relating to the southern portions of the Airport Industrial Area, as set forth in the 1986 County Airport Industrial Area Specific Plan and as identified in Exhibit "B" of the Housing Agreement.

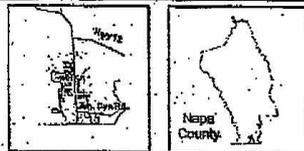
IN WITNESS WHEREOF, this Agreement was executed by the parties hereto as of the date first above written.

<p>CITY OF AMERICAN CANYON</p> <p>By: </p> <p>MARK JOSEPH City Manager</p>	<p>COUNTY OF NAPA</p> <p>By: </p> <p>WILLIAM CHEAT County Executive Officer</p>
<p>APPROVED AS TO FORM: WILLIAM D. ROSS, City Attorney</p> <p>By: </p> <p>William Ross</p>	<p>APPROVED AS TO FORM: ROBERT WESTMEYER, County Counsel</p> <p>By: </p> <p>Silva Darbinian</p>

**Comprehensive Study of American Canyon
Sphere of Influence Review - August Update**



LAFCO of Napa County
 Local Agency Formation Commission
 Last Revised: August 6, 2003
 Source: County of Napa GIS Database
 Not to scale.



3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER K: LEON GARCIA, CITY OF AMERICAN CANYON - MAYOR, MARCH 13, 2007

Response K-1 P: Commenter notes maps CIR1 and SAF1 in the proposed General Plan Update identify the City of American Canyon as Vallejo and requests that the error be corrected. The County has reviewed and revised all maps in the Revised Draft General Plan Update as appropriate.

Response K-2 P: Commenter notes that the County has improperly located the location of the northern RUL for the City of American Canyon south of Fagan Creek. The commenter provides data indicating the presence of the RUL at Fagan Creek. The commenter requests the RUL be placed at Fagan Creek.

The proposed General Plan Update has been revised and now identifies an RUL for the City of American Canyon that reflects the current status of negotiations between the City and the County. Also, please note that the City and the County apparently have different interpretations of the 2003 Housing MOU cited by the commenter. Specifically, we disagree that the MOU commits the County to recognize that line as the RUL in its General Plan. In fact, the MOU clearly envisions development of a new, mutually-agreeable RUL line after an assessment of housing needs, stating definitively "the land owned by Hess Collection Winery and currently in active agricultural use (APN 057-090-065) will not be included within the City's RUL Line."

It is also important to note that the section of the MOU (section 10) dealing with the RUL issue is associated with the potential for future housing transfers between the City and the County. In other words, the only implication of the City and the County failing to agree on an RUL line is that the City will be under no obligation to accept a transfer of housing units from the County in the next Regional Housing Needs Allocation (RHNA) cycle.

Response K-3 P: Commenter expresses confusion as to the placement of the Hess property outside the City of American Canyon RUL. Additionally, the commenter requests that the "transitional" designation be removed for the Hess property and that the property be designated for agricultural uses only. Commenter requests the Hess property be replaced as part of the City's RUL.

The proposed General Plan Update has been revised and now identifies an RUL for the City of American Canyon that reflects the current status of negotiations between the City and the County. Consistent with the 2003 MOU cited by the commenter and referred to in Response K-2, the Hess Vineyard is not included in that RUL. Nonetheless, the Revised Draft General Plan Update proposes to redesignate the Hess Vineyard from "Industrial" to "Agriculture, Watershed and Open Space" as suggested by many commenters. (See Policy Ag/LU-40 in the Revised Draft General Plan Update.)

3.0 COMMENTS AND RESPONSES TO COMMENTS

Response K-4 E/P:

Commenter notes that the County placed a large urban area (the Napa Pipe property) adjacent to the City of Napa without consulting the Mayor or the City Council. The commenter requests the County return the Napa Pipe area to an "industrial" designation instead of a "transitional" designation. Commenter further requests the County to collaborate with the Cities of American Canyon and Napa to meet the goal of reducing the jobs/housing imbalance in the County. The proposed General Plan Update has been revised and now designates the Napa Pipe site as a Study Area, indicating that further study will be required before non-industrial uses will be considered on the site.

As indicated in the Draft EIR (page 3.0-12), the land use alternatives set forth in the General Plan Update were developed by the General Plan Steering Committee during a series of meetings, and with input from, the public, affected agencies, the County Board of Supervisors, and the Planning Commission. Additionally, the proposed alternatives and designation of the Napa Pipe site were determined as a result of public and agency comments received on the NOP. In response to the commenter's housing-related concerns, the Draft EIR discusses the County's Housing Element (Draft EIR page 4.3-8) which is the County's primary policy document regarding the provision, preservation, rehabilitation, and development of housing in the unincorporated portion of the County, which includes the Napa Pipe site. The housing element identifies sites that are adequate and feasible to accommodate the County's allocation of regional housing needs. The housing element was developed with extensive public outreach. The Napa County Board of Supervisors convened a Housing Element Steering Committee to oversee the development of a draft Housing Element Update. The Steering Committee included representatives of many key local stakeholder groups, including the Napa County Farm Bureau, the Napa Valley Grape Growers Association, the Napa Valley Vintners Association, the Napa County Non-Profit Coalition, the Farmworker Housing Task Force, and the real estate community, as well as representatives from the County Planning Commission and the County Board of Supervisors. The Steering Committee meetings were conducted as public meetings. In total, the Steering Committee met with County staff and project consultants eight times during the course of the Housing Element Update project, alternating between locations in the City of Napa (South County) and St. Helena (up-valley). The Steering Committee assisted County staff and project consultants in reviewing the existing Housing Element, analyzing local housing needs and constraints, and developing updated goals, policies, and objectives. The Steering Committee also hosted two public workshops to explain the importance of a Housing Element; to present information on local housing needs, challenges, and opportunities; and to solicit input from concerned citizens and stakeholders. One workshop was held in St. Helena on May 29, 2001, and one was held in the City of Napa on May 31, 2001. To publicize these workshops, County staff sent a press release regarding the workshops to the three major local papers in Calistoga, the City of Napa, and St. Helena, and gave a short informational interview on a local radio station. Workshop attendees included residents of the unincorporated areas, representatives of non-profit organizations, and residents of some of Napa County's incorporated

3.0 COMMENTS AND RESPONSES TO COMMENTS

cities. Direct mail was also sent to interested parties. Additionally, in response to suggestions made by HCD, the County engaged in a major supplementary planning process with the cities of Napa and American Canyon to develop an integrated approach to meeting the housing needs in the area. The commenter is referred to Draft EIR (page 3.0-9) "2004 Housing Element/Housing Agreements" for a discussion regarding the MOU between the County and the cities of Napa and American Canyon, which represents effective cooperation between these affected agencies.

While County staff welcomes the City's views on the topic of Napa Pipe, several of the statements in this letter are misinformed. Specifically:

- The General Plan proposal has not "placed an extremely large urban area on the boundary of the City of Napa," since this site has been urbanized and used (for heavy industry) for many years.
- The General Plan proposal has not been developed "without consulting the Mayor and City Counsel of the City of Napa," and there are ongoing discussions between County and City staff and elected officials regarding this site.
- The General Plan proposal does not state "a need to place intense residential urbanization on the border of the City of Napa," but proposes designating this site as a Study Area, indicating the need for further site-specific planning.
- The County has not sponsored "rapid industrial development of lands north of Fagan Creek," but has seen slow and deliberate build-out of a specific plan for the area adopted in 1986.
- There are also not "hundreds of thousands of square feet of industrial facilities being approved for construction in the unincorporated County (North of Fagan Creek)." In fact, most of the airport industrial area north of Fagan Creek is already built out, and pending applications are for projects much smaller than the 700,000 square foot Hanna Court Warehouse proposal, Napa Junction Phase II and III proposal, Oat Hill proposal, and Town Center proposal pending in the City of American Canyon.

County staff acknowledges the City's (implied) suggestion that the County should pursue additional transfers of its Regional Housing Needs Allocation (RHNA) to the City rather than pursuing reuse of brownfield sites such as Napa Pipe, and this is clearly an option articulated in draft General Plan Policy Ag//LU-30. We further acknowledge the suggestion that the County work collaboratively with both cities to resolve the need for housing and the City of American Canyon's objection to re-designating Napa Pipe.

Response K-5 P:

Commenter provides comments made by the City's Open Space Advisory Committee on March 6, 2007, and asks that the proposed General Plan Update be modified to reflect the committee's concerns.

3.0 COMMENTS AND RESPONSES TO COMMENTS

These comments are responded to under Response K-8 through K-22.

Response K-6 P: Commenter requests two actions to alleviate strained relations with the County: modification of the RUL and intervention by LAFCO to establish principals for American Canyon's extension of water service to industrial lands the County proposes to develop.

See Response K-2 regarding the RUL and Water Supply Master Response 3.4.1 regarding water service to south county industrial areas. Also note that LAFCO resolved the interpretation of CGC Section 56133 in their action on October 15, 2007.

Response K-7 E/P: Commenter requests that the 60-day comment period be extended and the County RUL be replaced at Fagan Creek. Additionally, commenter requests that the County appoint a City representative prior to the approval of the General Plan if any matter is referred back to the General Plan Advisory Committee.

The 60-day comment period was extended to 120 days to solicit comments from all interested parties and affected agencies. The RUL has been revised as described in responses above. The Board of Supervisors did not change the composition of the General Plan Steering Committee, but the County has attempted to address the City's concerns in revisions to the General Plan Update.

Response K-8 E/P: Commenter asks if the General Plan is adoptable by a majority vote from the Board of Supervisors and asks if the technical studies are available on CD. The commenter also requests information about the errata to the Draft EIR reflecting changes since it was published. Additionally, the commenter notes that the current steering committee does not include a representative from the City of American Canyon and requests that the Steering Committee be changed to include one.

A majority vote from the Board of Supervisors is required to find the EIR complete and adequate and to adopt the proposed General Plan Update. The Final EIR will include errata that include minor edits made to the Draft EIR since its release for public comment. The modifications contained in the errata are based on comments received during the Draft EIR public review period and will not result in or disclose new significant environmental impacts or significant new information, nor will the errata alter the conclusions of the environmental analysis. Any changes or modifications in the errata will be provided in revision marks (underline for new text and ~~strikeout~~ for deleted text). The Board of Supervisors did not choose to expand the steering committee; however the County has attempted to address the majority of the City's concerns through revisions to the General Plan Update.

Response K-9 P: Commenter questions the designation of Hess Vineyards as Industrial and the rationale for that designation.

The proposed General Plan Update has been revised and now proposes that the Hess Vineyards be designated Agriculture, Watershed and Open

3.0 COMMENTS AND RESPONSES TO COMMENTS

Space (AWOS). Policy Ag/LU-40 notes that re-designation to "Industrial" should occur if Newell Road is extended north of Green Island Road.

Response K-10 P: Commenter asks about transportation for housing developed to serve agricultural land designations.

The Circulation Element contains provisions to provide a variety of transportation options and improvements (roadway, transit, bicycle, and pedestrian) to County residents and workers, and the County believes that the proposed Element appropriately correlates with land use policies presented in the Agricultural Preservation and Land Use Element. Section 4.4 (Transportation) of the Draft EIR identifies traffic impacts associated with implementation of the General Plan Update.

Response K-11 P: Commenter notes the City of American Canyon should have had representation during formulation of the proposed General Plan Update. Also, the commenter states that the General Plan should address re-use of the landfill and access to the Napa River.

Re-use of the landfill site has been incorporated into the Recreation and Open Space Element of the General Plan Update. Also, City and County representatives have engaged in considerable dialog about a range of issues since the draft General Plan Update was published. The status of these discussions is reflected in Policy Ag/LU-130 about the RUL.

Response K-12 P: Commenter asks about the inclusion of Clarke Ranch in the RUL and states that the ranch is not open to the public as indicated in the proposed General Plan Update.

There is nothing in the proposed General Plan Update that would prohibit the City from owning open space in the County and outside the RUL. County staff has endeavored to ensure that maps in the Recreation and Open Space Element accurately reflect publicly owned and accessible open space.

Response K-13 P: Commenter indicates that maps included in the public draft of the proposed General Plan Update show American Canyon incorrectly labeled as Vallejo. The commenter is referred to Response K-1 above.

Response K-14 P: The commenter notes the need for parks in unincorporated areas of the County to support the residents in urban bubbles. The commenter is referred to revisions to the Recreation and Open Space Element regarding the provision of recreation opportunities. Specifically, Policy ROS-22 identifies the need for recreation opportunities for the more developed, non-agricultural areas of the unincorporated County (e.g., the urban bubbles).

3.0 COMMENTS AND RESPONSES TO COMMENTS

- Response K-15 E/P:* Commenter notes the importance of extending Newell Drive and the associated benefit to County traffic circulation. The Circulation Element includes the extension of Newell Drive as far north as Green Island Road, and the County concurs that this is an important improvement.
- Response K-16 P:* Commenter recommends the County underestimate growth in vineyard acreage, not overestimate it. County staff appreciates this comment and has made every effort to be conservative when it comes to estimating future growth and development under the General Plan, including growth in vineyards. Please see Draft EIR Section 4.11, Hydrology and Water Quality, for an explanation of the vineyard development scenarios analyzed. Draft EIR Section 4.4 explains the traffic volumes assumed in the analysis and their genesis.
- Response K-17 E/P:* Commenter inquires about ABAG growth projections. Commenter notes the number of non-residents who drive to or through Napa County. Commenter is referred to Alternatives Master Response 3.4.2 for a detailed discussion on ABAG projections. The comment regarding non-residential traffic is noted, and this issue is specifically addressed in the Revised Draft General Plan Update (Objective CIR-1, p. 110) and in the traffic analysis presented in the Draft EIR. Commenter is referred to Section 4.4, Transportation, of the Draft EIR for a complete discussion on traffic volumes, travel demand, and trip distribution patterns.
- Response K-18 P:* Commenter would like to obtain the input provided by residents of the City of American Canyon during General Plan Update public workshops.
- Public input on the General Plan Update is available at the County's General Plan website at: www.napacountygeneralplan.com. See the "Library" section of the website.
- Response K-19 P:* Commenter expresses concern about a perceived invisibility of the City of American Canyon to the County as noted on maps and by the lack of American Canyon representation on the General Plan Steering Committee. The commenter is referred to Response K-1 above regarding the disposition of the City of American Canyon on maps included in the proposed General Plan Update. The commenter is further referred to Responses K-7 and K-8 regarding representation by the City of American Canyon during preparation of the Update.
- Response K-20 P:* Commenter asks whether the proposed RUL plan originated with the Steering Committee or County staff. The map was developed by staff and has now been modified based on negotiations between the City and the County. See Policy Ag/LU-130 and the accompanying map for details. Also see Response K-2.
- Response K-21 E/P:* The commenter requests that the County alter the proposed RUL and correct traffic issues by having the Newell Drive extension go to Green Island Road. The commenter is referred to Response K-2 regarding the RUL. The Preferred Plan includes the extension of Newell Drive to Green Island Road, which was also part of Alternatives B, C, and E.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Response K-22 P: Commenter expresses concern about the City of American Canyon providing sewer and water service to areas that the County does not include in the City's RUL or sphere of influence. The commenter is referred to Response K-2 regarding the RUL. The Revised General Plan Update does not propose any changes in water or wastewater service for the Airport Industrial Area.

03/26/2007 10:02

Letter L

NO. 198 0002

CITY OF AMERICAN CANYON

Administration

Gateway to the Napa Valley



March 22, 2007

Assembly Member Noreen Evans
1040 Main Street, Suite 205
Napa, CA 94559-2605

Dear Honorable Assembly Member Evans:

On behalf of the Mayor and City Council I want to again thank you for taking the time to meet with us to talk about topics of mutual interest. Indeed we have been delinquent not coming to Sacramento to spend some quality time with you and your staff to bring you up to date on the issues facing the City.

We want to especially thank you for your leadership in addressing the unique needs and issues facing residents in our Mobile Home communities; especially seniors living in most of the homes. Your legislation could have a huge positive impact for these residents, and coupled with AB 1111 could help to stabilize and provide assurances to mobile home homeowners.

We also want to acknowledge your prudent suggestion to representatives of Napa County to work collaboratively with the Cities first on housing issues rather than seeking legislative relief from meeting the housing needs of workers in Napa County. This is especially true with respect to addressing housing obligations created in large measure by the rapid industrialization of South Napa and continued expansion of agricultural operations needing an ever increasing work force to supply the labor needed in vineyards and wineries in Napa county.

In that regard, below is an excerpt from the letter we left with your staff on the specific concerns we have related to the County's Draft General Plan and how it could impact meeting the housing needs of Napa County:

With respect to the Napa Pipe debate, the County Advisory Committee (responsible for preparing the Draft county General Plan) appears to have placed an extremely large urban area on the boundary of the City of Napa without consulting the Mayor and City Council of the City of Napa. Further, the City of Napa should be concerned over the stated need to place intense residential urbanization on the border of the City of Napa so as to cure, as we understand, the job-housing imbalance created by the County's rapid industrial development of lands north of Fagan Creek. Such an action is not warranted given the already

L-1P

300 Crawford Way, American Canyon, CA 94503 • (707) 647-4360 • FAX (707) 642-1249 • cityhall@ci.american-canyon.ca.us

LEON GARCIA
Mayor

JOAN BENNETT
Vice Mayor

DON CALLISON
Councilmember

CINDY COFFEY
Councilmember

ED WEST
Councilmember

3.0 COMMENTS AND RESPONSES TO COMMENTS

03/26/2007 10:02

NO. 198 003

established MOU with the City of American Canyon related to affordable housing (see the attached MOU with American Canyon).

We would urge the County to return the Napa Pipe property to an industrial designation until an agreement with the City of Napa is reached as to what exactly should occur on the subject property. Instead of designating Napa Pipe as a "Transitional Zone" to cure the unmet housing needs of the County, the County should continue to work collaboratively with both the City of Napa and the City of American Canyon on related housing matters. The purpose of the collaboration is to meet new housing demands created by the hundreds of thousands of square feet of industrial facilities being approved for construction in the unincorporated County (North of Fagan Creek). Again, we would urge the County not to designate the Napa Pipe land as "Transitional".

L-1P
cont'd

We are optimistic that Napa County and the Cities can create solutions to our housing needs, especially if we are the responsible parties creating the need in the first place, rather than seeking extraordinary relief from the State Legislature. We will keep you posted on our deliberations.

L-2P

Lastly, we will work with your staff for a fall outing that we will sponsor allowing you and your staff to meet and greet members of the greater American Canyon Community. This would include a tour of the open space preserve (bring hiking boots), the wetlands (we'll provide the kayaks) and the innovations that the city has undertaken to meet the housing needs of the people who work in Napa County. The day's events would include a catered lunch and guests that you especially would like at the lunch. This will be a very fun and educational day.

Most Sincerely,



Leon Garcia,
Mayor

c: City Council
Harold Moskowitz, Board of Supervisors Chairman
Nancy Watt, CEO County of Napa
Jill Techel, Mayor City of Napa

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER L: LEON GARCIA, CITY OF AMERICAN CANYON - MAYOR, MARCH 22, 2007

Response L-1 P: Commenter expresses concern over the County's proposed use of the Napa Pipe property to provide an intense residential urbanization of the border of the City of Napa. The commenter is referred to Response K-4 E/P above.

Response L-2 P: Commenter states American Canyon's willingness to work together with the County to create solutions to housing needs. The County appreciates the willingness of the City of American Canyon in this matter.

3.0 COMMENTS AND RESPONSES TO COMMENTS

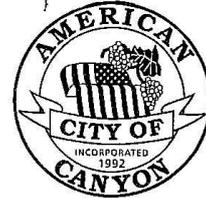
Letter M

HOWARD SIEGEL *HILLARY*

CITY OF AMERICAN CANYON

Public Works Department
April 5, 2007

Gateway to the Napa Valley



Napa County Department of Conservation, Planning, and Development
Attn: Hillary Gitelman
1195 Third Street, Suite 210
Napa, CA 94559

RECEIVED

APR 06 2007

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Dear Ms. Gitelman,

These are comments from the American Canyon Public Works Department on the draft Napa County General Plan.

- | | | |
|--|--|------|
| <p>1. Circulation Element, General. Please clarify the relationship between the County Circulation Element and the Strategic Transportation Plan being developed by the Napa County Transportation and Planning Agency. If the Strategic Plan identifies a different set of transportation improvements, will the County General Plan be amended?</p> | | M-1P |
| <p>2. Circulation Element, p. 119. Please provide additional background on freight rail transportation and its potential to remove truck traffic from roadways in the South County. Much of the existing and proposed industrial development in American Canyon is accessible from existing railroads.</p> | | M-2P |
| <p>3. Circulation Element, p. 121. Please include American Canyon Road east of American Canyon city limits as one of the major roadways summarized on Table CIR-B. In addition to being one of only two Napa County roadways with direct access to interstate 80, it is key entrance to American Canyon.</p> | | M-3P |
| <p>4. Circulation Element, Policy CIR-1.2. Please define "seamless transportation system."</p> | | M-4P |
| <p>5. Circulation Element, Policy CIR-1.7. Please clarify the intent of this policy. What innovative approaches are anticipated to be effective at providing transportation service to the County's rural areas without the need for additional roadway lanes or additional improvements.</p> | | M-5P |
| <p>6. Circulation Element, Circulation Goal 2. Please consider the opportunity to meet some of the demand for visitor transportation through transit. American Canyon would be an ideal location for visitors to lodge and obtain transit services to access the upper Napa Valley. These could include tour buses, shuttle vans, an extension of the wine train route, or other services.</p> | | M-6P |
| <p>7. Circulation Element, Policy CIR-2.2. The City of American Canyon is currently considering whether widening the State Route 29 entrance to Napa County from Solano County is necessary in order to obtain a satisfactory level of service. Please do not adopt a policy stating that capacity will not be increased on this key roadway.</p> | | M-7P |

205 Wetlands Edge Road, American Canyon, CA 94503 • (707) 647-4550 • FAX (707) 647-4367 • publicworks@ci.american-canyon.ca.us

LEON GARCIA
Mayor

JOAN BENNETT
Vice Mayor

DON CALLISON
Councilmember

CINDY COFFEY
Councilmember

ED WEST
Councilmember

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter to Ms. Gitelman
 April 5, 2007
 Page 2 of 4

- | | | |
|--|--|----------------|
| 8. Circulation Element, Policy CIR-2.2. I would recommend addressing the level of service that results from not adding capacity at the key entrances to the County. An unacceptable level of service may be incompatible with Economic Development Goal 1: maintain and enhance the economic viability of agriculture. | | M-7P
cont'd |
| 9. Circulation Element, Action Item CIR-2.7.1. Please clarify how the proposed countywide traffic impact fee would be coordinated with the traffic impact fees adopted by each of the cities in Napa County. What types of improvements would the County traffic impact fee fund? Would developments in each city be required to pay both the city fee and the county fee? | | M-8P |
| 10. Conservation Element, p. 172. The discussion of the Napa River Marshes should include an overview of the North Slough Tidal Marsh Restoration completed by the City of American Canyon in 2006 | | M-9P |
| 11. Conservation Element, Figure CON-1. The map should depict Napa River Marshes on the east side of the river in addition to the west side. | | M-10P |
| 12. Conservation Element, p. 177. The fourth paragraph should be corrected. The main Napa River groundwater basin does not underlie American Canyon. | | M-11P |
| 13. Conservation Element, Table CON-A. American Canyon is constructing a 210-kW microturbine power plant at its wastewater plant that will operate using methane gas generated by the closed American Canyon landfill. Incidentally, the City of Napa recently completed a solar array to provide power to one of its facilities. | | M-12P |
| 14. Conservation Element, Policy CON-1. Please discuss the funding mechanisms that have been considered for preserving land. | | M-13P |
| 15. Conservation Element, Policy CON-21. The North Slough in American Canyon should be included in the discussion of improving marshland habitat. There is a possibility of an environmental study area at the current corporation yard site, which may offer some advantages over the (Cargill) Napa Plant Restoration Site. | | M-14P |
| 16. Conservation Element, Goal CON-9. Please clarify that this policy applies to the main Napa River groundwater basin and that American Canyon's groundwater basin is distinct from that basin. | | M-15P |
| 17. Conservation Element, Policy CON-31. Please identify the specific policies that the County proposes to apply to encourage and/or require vineyards to use recycled water. | | M-16P |
| 18. Conservation Element, Policy CON-31.1. Please consider making a commitment to using recycled water when it becomes available a requirement for the streamlined vineyard approval process. | | M-16P |
| 19. Conservation Element, Policy CON-36. Given that the General Plan EIR finds that water impacts to be significant and unavoidable, this policy should be strengthened, amplified, and developed into specific action items. | | M-17P |
| 20. Recreation and Open Space Element, Figure ROS-4. The proposed alignment of the Bay Trail and the Bay Ridge Trail should be shown on this map. | | M-18P |

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter to Ms. Gitelman
 April 5, 2007
 Page 3 of 4

- | | | |
|--|--|-------|
| 21. Draft EIR, Figure 3.0-3. The two landfills shown in the vicinity of American Canyon are not correct. The landfill on the west side is now closed. The landfill on the east side was never constructed. | | |
| 22. Draft EIR, Figure 3.0-9. Please correctly label Broadway in American Canyon. Newell Drive is incorrectly shown as Broadway (SR 29). | | M-19E |
| 23. Draft EIR, Figure 4.2-1. Please provide a more detailed map of the Jamieson/American Canyon area so that existing land uses may be verified. | | |
| 24. Draft EIR, Figure 4.2-2. The existing American Canyon City Limits are not shown accurately on the Existing General Plan land use map. | | M-20E |
| 25. Draft EIR, p. 4.4-4. The list of freeways, highways and arterials should be clarified. American Canyon Road is a highway only East of the City Limits. Within city limits, it is an arterial. State Route 29 should be shown as an arterial within the city limits of American Canyon. Flosden Road should be identified as Flosden Road/Newell Drive. | | M-21E |
| 26. Draft EIR, p. 4.4-8. The EIR assumes that two new roadway extensions in American Canyon, Devlin Road and Newell Drive, will be completed by 2030. Please identify the proposed funding mechanism for these roadways. | | M-22E |
| 27. Draft EIR, Table 4.4-3. The EIR identifies level of Service F and E on American Canyon Road between Flosden Road and I-80, but does not recommend any mitigation measures. What is the basis for this recommendation? | | M-23E |
| 28. Draft EIR, Figure 4.4-3. The map of the Napa County Bicycle Network does not accurately show existing and planned bikeways in American Canyon. Please contact me for a draft bikeway map. | | M-24E |
| 29. Draft EIR, Table 4.4-14. Congestion in American Canyon on Broadway (SR 29) between Green Island Road and American Canyon Road is predicted to worsen by 63% for Alternative A and 54% for Alternative B, despite the General Plan Improvements. This is partly due to development in unincorporated areas. Please identify appropriate mitigation measures. | | M-25E |
| 30. Draft EIR, Table 4.4-47. The discussion of SR 29 within American Canyon implies that the congestion is the City of American Canyon's responsibility because it is approving development and installing traffic signals along its main artery. For this statement to be considered valid, the author should analyze the various contributions to traffic congestion. In all cases, the capacity of SR 29 in American Canyon should be analyzed as an urban arterial, not an expressway. | | M-26E |
| 31. Draft EIR, p. 4.4-49. All of the alternatives have significant and unavoidable transportation impacts. American Canyon will experience these impacts. Please pursue additional mitigation measures, at least for the Jamieson Canyon/American Canyon Area, the highest volume gateway to the Napa Valley. Failure to do so is not consistent with the economic development and conservation goals expressed elsewhere in the General Plan. | | M-27E |
| 32. Draft EIR, p. 4.4-50, Mitigation Measure 4.4-1c. Please clarify the reference to Table 4.4-20. Is Table 4.4-15 the correct reference? | | M-28E |

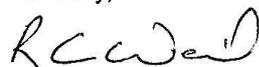
3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter to Ms. Gitelman
April 5, 2007
Page 4 of 4

- | | |
|---|-------|
| 33. Draft EIR, p. 4.4-50, Mitigation Measure 4.4-1d. The mitigation measure calls for densities sufficient to support transit services and development of pedestrian and bicycle facilities. Please discuss how this mitigation measure will be applied to the Airport Industrial Area. | M-29E |
| 34. Draft EIR, Table 4.4-15. Broadway (SR 29) from Green Island Road to American Canyon Road is incorrectly shown as a rural highway. | |
| 35. Draft EIR, Table 4.4-16. Describe the proposed widening of SR 29 between Green Island Road and American Canyon Road. Describe the proposed widening of SR 29 between SR 221 and Green Island Road. The EIR does not describe the number of lanes to be added. | M-30E |
| 36. Draft EIR, Table 4.13.3-36. The table is incorrect. It does not include the demands associated with the industrial development in unincorporated areas served by the City of American Canyon. | M-31E |
| 37. Draft EIR, p. 4.13-47. All of the alternatives have significant and unavoidable water supply impacts. American Canyon will experience these impacts as much of our service area is in unincorporated Napa County. Please pursue additional mitigation measures. Failure to do so is not consistent with the economic development and conservation goals expressed elsewhere in the General Plan. | M-32E |
| 38. Draft EIR, Traffic Report, Figure 4. Figure is incorrectly identified as a bicycle map. | M-33E |
| 39. Draft EIR, Fishery Resources Technical Report, p. 64. The report omits North Slough, which has been restored to tidal action by the City of American Canyon. Reportedly, salmon have been observed in this creek. | M-34E |
| 40. Draft EIR, Modeling Analysis for Vineyard Scenarios, Figures 1, 2, 3, and 4. No existing vineyards are shown in the American Canyon vicinity, which is not correct. Please provide additional detail of the new vineyards that would be proposed. If they are within the City of American Canyon recycled water application area, they would be required to use recycled water, not groundwater as modeled. | M-35E |
| 41. Draft EIR, Modeling Analysis for Vineyard Scenarios, Figure 7. The expected decrease of over 5 feet in groundwater levels in American Canyon is a serious concern. American Canyon is currently exploring the feasibility of developing groundwater resources to supplement municipal supplies. | |

If you have any questions, please contact me at 647-4366.

Sincerely,



Mr. Robert Weil, P.E.
Public Works Director/City Engineer
City of American Canyon, Napa County, California

Cc: Rich Ramirez, City Manager
Sandra Cleisz, Interim Planning Director

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER M: ROBERT WEIL, CITY OF AMERICAN CANYON – PUBLIC WORKS DEPARTMENT,
APRIL 5, 200

Response M-1 P: The commenter requests clarification of the relationship between the County Circulation Element and the Strategic Transportation Plan being developed by NCTPA. The Napa County Transportation and Planning Agency's Strategic Transportation Plan is a long-range plan used to identify future transportation needs county-wide and is used to determine whether County or City roadway projects are eligible for state or federal funding distributed by NCTPA.

The County's Circulation Element is a policy statement of the County Board of Supervisors which focuses on the circulation system in the unincorporated area. It is used by the County in part to plan future roadway expenditures. Please note that the Circulation Element references the Strategic Transportation Plan (Action Item CIR-10.1) and anticipates that there will be several updates to NCTPA's plan during the lifetime of the County's General Plan.

Response M-2 P: The commenter asks for additional information on freight rail transportation and the potential to remove truck traffic from South County roadways. The following text has been added to the discussion of "Rail Transportation" on page 98 of Revised General Plan Update:

- ...freight service is planned to be reestablished on a line extending from American Canyon to Schellville, in Sonoma County. This freight line has a spur which extends north to the County's industrial area and the City of Napa. Expansion of industrial uses, and the potential for new commuter service, could result in the expansion of rail operations and a concurrent reduction in truck and car traffic.

Response M-3 P: Commenter requests inclusion of American Canyon Road east of the American Canyon city limits in Table CIR-B. This change has been made to Table CIR-B as requested. Traffic volumes for American Canyon Road are:

2003: 19,160
2030: 25,170

Response M-4 P: The commenter asks for a definition of "seamless transportation system" included in Policy CIR-2.

- The County ~~should~~will work with the cities through NCTPA Napa County Transportation and Planning Agency to coordinate seamless transportation systems and improve the efficiency of the transportation system by coordinating the construction and operation of roadway, bicycle, pedestrian, and other transportation systems.

"Seamless" as used in this context refers to a transportation system in which the various components (vehicles, pedestrian, bicycle, transit, rail, etc.) are coordinated to avoid conflicts and ease transitions from one travel mode to another (e.g., bicycle paths that lead to transit stops).

3.0 COMMENTS AND RESPONSES TO COMMENTS

Response M-5 P: The commenter would like clarification of the intent of Policy CIR-1.7. Specifically, the commenter inquires what approaches will be effective in providing transportation service to rural areas without additional roadway lanes or improvements. The programs to implement this policy (now Policy CIR-10) could consist of various types of transit or paratransit services for local and intra-county service, telecommuting or other services that could eliminate the need to travel to access information and/or services, or other methods not envisioned at this time.

The following action item has been added to address this issue:

- Action Item CIR-10.1: County staff shall participate in the periodic updates of the Napa County transportation and Planning Agency's Strategic Transportation Plan (STP) and use that forum for consideration and development of innovative strategies related to the movement of people and services without increasing the use of private vehicles. The County shall seek input from experts in sustainability, smart growth, and land use planning in developing potential new strategies.

Response M-6 P: In reference to Circulation Goal 2, the commenter asks the County to consider visitor transit opportunities from American Canyon to upper Napa Valley. The updated Circulation Element contains several new and edited policies which note the needs of tourists and seek to provide transit, signage, bicycle routes, etc. that could encourage non-vehicle travel. See for example Policy CIR-30.

Response M-7 P: The commenter indicates American Canyon is considering widening State Route 29 and asks that the County not adopt a policy stating that capacity will not be increased on SR 29 (Policy CIR-2.2). The Circulation Map has been updated to show a planned width of six lanes for Highway 29 north of the City of American Canyon.

The Circulation Map does not show the planned widths of roadways in the incorporated cities and town; the width of State Route 29 at the Solano County line is a decision to be made by the City of American Canyon. Policy CIR-12 about "gateways" to Napa County would not preclude widening SR 29 at this location.

Level of service impacts are addressed in detail in the Draft EIR on the proposed General Plan Update. Please see Section 4.4, Transportation, of the Draft EIR, particularly Impact 4.4.1, Travel Demand. Tables 4.4-13 and 4.4-14 contain summaries of projected vehicle travel and level of service impacts both with and without adoption of the proposed General Plan Update.

Response M-8 P: The commenter inquires about coordination of the proposed county-wide traffic impact fee between the County and Napa County cities and the responsibility for fee payment by cities and the County. These decisions have not been made, but would be a part of any future discussions regarding establishing a county-wide fee. (See Policy CIR-19 and related action item.)

3.0 COMMENTS AND RESPONSES TO COMMENTS

- Response M-9 P:* The commenter recommends that an overview of the North Slough Tidal Marsh Restoration completed by American Canyon in 2006 be included in the Conservation Element's discussion of the Napa River marshes on page 172 of the public draft of the proposed General Plan Update.
- Information has been added to the Conservation Element under the heading of Napa River Watershed regarding the North Slough Tidal Marsh Restoration.
- Response M-10 P:* The commenter states that the Napa River marshes on the east side of the river should be shown on the map in Figure CON-1. Figure CON-1 has been amended as requested.
- Response M-11 P:* The commenter requests that the fourth paragraph on page 177 in the Conservation Element be corrected, as the Napa River groundwater basin does not underlie American Canyon. The commenter is referred to revisions to the Conservation Element. As documented in the 2050 Napa County Water Resources Study, the vicinity of American Canyon is within the Main Basin of Napa Valley (see 2050 Napa County Water Resources Study Technical Memorandum Number 5 page 3).
- Response M-12 P:* Commenter states that Table CON-A should include a microturbine power plant at the American Canyon wastewater plant and a solar array in the City of Napa.
- The microturbine power plant at the American Canyon wastewater plant in American Canyon and the solar array in the City of Napa are not included in Table CON-A as the facilities are smaller than those included in the table. Nonetheless, the Conservation Element introduction has been expanded to provide more information on local solar energy generation (see p. 159).
- Response M-13 P:* Commenter requests that discussion of funding mechanisms for land preservation be included in Policy CON-1. This request has been addressed under various policies, including CON-3, 8, 9, and 24 and Action Item CON NR-6.
- Response M-14 P:* In Policy CON-21, the commenter asks that the North Slough be included in the discussion of improving marshland habitat. The North Slough has been added to the revised General Plan and is the policy number is now Policy CON-31.
- Response M-15 P:* Commenter seeks clarification that Goal CON-9 applies to the main Napa River groundwater basin and that American Canyon's basin is distinct from the Napa River basin. The commenter is referred to revisions to the Conservation Element.
- Response M-16 P:* The commenter asks what policies under Policy CON-31.1 will be applied to encourage/require vineyards to use recycled water.
- This topic is addressed under Policies CON-61 and CON-62 to identify and support utilization of recycled water for irrigation and give priority attention to environmentally sustainable water projects.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Response M-17 P: The commenter believes that Policy CON-36 should be strengthened in light of the fact that the EIR finds water impacts to be significant and unavoidable. Water resources policies in the Conservation Element have been substantially expanded and reorganized to address this comment and others. Please see policies beginning on p. 179.

Response M-18 P: The commenter asks that the proposed alignment of the Bay Trail and Bay Ridge Trail be shown on the map on Figure ROS-4. This edit has been made to Figure ROS-4.

Response M-19 E: Commenter indicates that the two landfills shown in the vicinity of American Canyon are incorrect. Commenter requests that Figure 3.0-9 correctly label Broadway in American Canyon. Additionally, commenter requests a more detailed Figure 4.2-1 for the Jamieson/American Canyon area to verify existing land uses.

Figure 3.0-3 and Figure 3.0-9 have been updated and modified to reflect the correct information (see Section 4.0 of this document). The existing land uses illustrated in Figure 3.0-9 were based on the BDR and County Conservation and Planning Department figures. The Draft EIR contains a detailed description of the existing land uses in American Canyon (page 4.2-7) and includes a description of the land use categories and graphical overlays displayed in Figure 4.2-1 (see edits to this figure in Section 4.0 of this document). The County recognizes that its county-wide land use data base requires substantial refinement as parcel-specific information is verified.

Response M-20 E: Commenter states the American Canyon city limits are not shown accurately on Figure 4.2-2. Figure 4.2-2 has been modified to reflect the accurate city limits (see Section 4.0 of this document).

Response M-21 E: Commenter states the list of freeways, highways, and arterials be clarified (i.e., American Canyon Road, State Route 29, and Flosden Road).

The following text has been added to page 4.4-5 of the Draft EIR:

Freeways and Highways

- American Canyon Road (east of the city limits)

Arterials

- State Route 29 (within American Canyon)
- Flosden Road/Newell Drive

Response M-22 E: Commenter requests that the funding mechanism for roadway extensions in American Canyon, Devlin Road and Newell Drive, be identified. General Plan Circulation Element Policy CIR-13 indicates that the list of recommended improvements will be implemented over time as funding becomes available. Funding may include impact fees, local tax revenues, or regional, state or federal sources. (Please note that the Draft EIR analyzes alternatives with and without the list of suggested roadway improvements precisely because funding is not currently available, so the timing of their implementation is unclear.)

3.0 COMMENTS AND RESPONSES TO COMMENTS

- Response M-23 E:* Commenter states the Draft EIR identifies a LOS F on American Canyon Road between Flosden Road and I-80 but does not recommend mitigation measures to lessen the impact. The Draft EIR indicates that growth proposed under the proposed General Plan Update could cause substantial traffic increases compared to existing volumes and there are no feasible mitigation measure to lessen the impact on some roadway segments. The Draft EIR clearly states that travel demand impacts are significant and unavoidable and there is no feasible mitigation available to lessen the impacts to a less than significant level.
- Response M-24 E:* Commenter indicates the Draft EIR does not accurately display the Napa County Bicycle Network (i.e., existing and planned bikeways in American Canyon). Figure 4.4-4 has been provided to reflect the correct information (see Section 4.0 of this document for this added figure). Draft bikeway map was obtained from commenter.
- Response M-25 E:* Commenter requests that mitigation measures be identified for increased congestion on Broadway (SR 29) between Green Island Road and American Canyon Road. As indicated in Table 4.4-14, the existing PM LOS on SR 29 between Green Island Road and American Canyon Road is LOS F. The Draft EIR indicates that only 1 of the 10 segments with existing LOS F will improve under 2030 conditions even with all improvements in place. The Draft EIR further indicates that the vast majority of significant impacts would occur whether or not the General Plan is implemented (page 4.4-46). This is due to the projected traffic volumes increasing county- and region-wide and given that there are no feasible mitigation measures to improve the conditions on these segments.
- Response M-26 E:* Commenter recommends the Draft EIR analyze the various contributions to traffic congestion and should analyze SR 29 in American Canyon as an urban arterial and not an expressway. The Draft EIR includes a discussion of trip distribution patterns and other contributors to congestion (i.e., approved development and regional traffic increases). The traffic analysis and model is based on roadway capacity, not on classification. The analysis adequately analyzed conditions and capacities which are independent of urban classifications; therefore, no further response is required.
- Response M-27 E:* The commenter requests that additional mitigation measures be pursued to lessen significant and unavoidable impacts to the Jamieson/American Canyon area and indicates that failure to do so would be inconsistent with many of the proposed General Plan goals. Commenter is referred to Response M-25.
- Response M-28 E:* The commenter requests clarification on the reference to Table 4.4-20 in mitigation measure MM 4.4.1c. and questions whether the reference should be to Table 4.4-15. The commenter is referred to the revisions below and those provided in Section 4.0 of this document to correct the table references.

The commenter is correct and the following text has been changed in the Draft EIR under MM 4.4.1c:

3.0 COMMENTS AND RESPONSES TO COMMENTS

- The County shall include a policy in the General Plan that requires new development projects to mitigate their impacts and to pay their fair share of county-wide traffic improvements they contribute the need for, including improvements identified in DEIR Table 4.4-17. A countywide traffic impact fee shall be developed in cooperation with NCTPA.

Response M-29 E: The commenter requests a discussion on how mitigation measure MM 4.4.1d will be applied to the Airport Industrial Area. MM 4.4.1d is only associated with uses containing residential and commercial development; therefore, the measure would not apply to the AIA.

Response M-30 E: Commenter states that SR 29 from Green Island Road to American Canyon Road is incorrectly shown as a rural highway. Additionally, the commenter requests a description of proposed widening of various segments on SR 29 and the number of lanes to be added. Table 4.4-15 identifies roadway segments and proposed improvements and does not include roadway or segment classifications. SR 221 north of SR 29 is a 4-lane facility in the traffic model for 2030 and is not anticipated to expand beyond four lanes before 2030. SR 29 is proposed for widening from four to six lanes from 221 south to the County line (see Policy CIR-13).

Response M-31 E: The commenter states Table 4.13.3-36 in the Draft EIR is incorrect as it does not include demands associated with industrial development in the unincorporated areas served by the City of American Canyon. Table 4.13-36 was based on the 2050 Napa Valley Water Resources studies and included projected demands for all unincorporated areas in the Main Basin. The commenter is also referred to Water Supply Master Response 3.4.1 for a detailed discussion regarding water resources.

Response M-32 E: Commenter requests that additional mitigation be pursued to lessen the significant and unavoidable water supply impacts identified in the Draft EIR and further adds that failure to do so would be inconsistent with economic and conservation goals included in the General Plan. See Water Supply Master Response 3.4.1 regarding water supply issues.

Response M-33 E: The commenter notes that in the Draft EIR Traffic Report, Figure 4 is incorrectly identified as a bicycle map. This error has been noted and corrected as identified.

Response M-34 E: The commenter points out that the North Slough was restored by tidal action by the City of American Canyon and has been observed as containing salmon; however, it was omitted from the Fishery Resources Technical Report No. 64. County staff appreciates this correction to the Fishery Resources Technical Report No. 64.

Response M-35 E: Commenter states that Figures 1, 2, 3, and 4 of the Modeling Analysis for Vineyard Scenarios in the Draft EIR Appendix H do not illustrate the existing vineyards in the vicinity of American Canyon and requests additional details on new vineyards that would be proposed. If new areas are within the City's recycled water application area, they would be required to use recycled water, not groundwater as modeled. The modeling analysis provided in Appendix H by DHI Water and Environment consultants was

3.0 COMMENTS AND RESPONSES TO COMMENTS

conducted with input from staff of the Napa County Resource and Conservation Department based on GIS data from the County. The commenter does not provide information regarding the vineyards noted in the vicinity of American Canyon. County staff is not aware of new vineyards proposed within the recycled water area of American Canyon; however, any vineyard proposed for that area would follow the established regulations.

Commenter expresses serious concern over the projected five foot decrease in groundwater levels in American Canyon and adds that the City is currently exploring the feasibility of supplementing municipal supplies. Comments are noted; however, the comment is a statement of concern over decreases in groundwater level and the City's plans for supplementing its municipal water supplies. Commenter is referred to Water Supply Maser Response 3.4.1 which addresses groundwater and municipal water supply related impacts.

Letter N

HILLARY



City of St. Helena

"We will conduct city affairs on behalf of our citizens using an open and creative process."

1480 Main Street
St. Helena, Ca 94574
Phone: (707) 967-2792
Fax: (707) 963-7748
www.sthelenacity.com

April 12, 2007

Hillary Gitelman, Director
Office of Conservation, Development and Planning
County of Napa
1195 Third St., Suite 210
Napa, CA 94559

RECEIVED

APR 16 2007

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

Dear Hillary:

Selected policies in the Draft General Plan were reviewed by the St. Helena Planning Commission on April 3, 2007 and by the City Council on April 10, 2007. The focus of the review was on those policies that staff identified as potentially affecting city/county interface. The Council and Commission had the following comments:

1. Policy Ag/LU-26: The County will plan for and accommodate the distribution of population among the sub-areas of the County, giving preference to existing incorporated and urban areas. (Former Land Use Element policy 4.5)

This policy, which was carried forward from the existing General Plan needs some clarification. It appears to imply that much of the County's population should be living in our cities and other urban areas. However, it does not seem feasible to "accommodate the distribution of population". Perhaps the policy should emphasize that high density residential development belongs in existing cities or county areas designated for urban uses.

N-1P

2. Policy Ag/LU-38: The County will support the development of tourist facilities where there is a showing there would be no conflict with agriculture and the necessity for this type of service can be documented to the County's satisfaction. (Former Land Use policy 5.2)

Policy Ag/LU-39: County review of non-residential development proposals shall address the balance of job creation and the availability of affordable housing. (Derived from former Land Use Element policy 6.4)

N-2P

The City recognizes that County areas along Hwy. 29 to the north and south of the St. Helena city limits are zoned CL: Commercial Limited, which allows for tourist facilities (hotels, inns, restaurants, small retail stores and tourist information facilities). The City also recognizes that this land is somewhat limited and that expansions of these areas would not be allowed under the General Plan, and that the survival of agriculture in Napa County depends to a

\\shdata\Planning\Napa_County General Plan Update\041207 comment letter.doc

3.0 COMMENTS AND RESPONSES TO COMMENTS

certain degree on the health of tourism. That said, there was an agreement that the County commercial areas should also provide for resident serving needs, similar to those in the CN: Neighborhood Commercial district. The presence of more resident serving uses, providing jobs and services, will contribute to a reduction in vehicular trips; which should be an overreaching goal for all Napa County jurisdictions.

N-2P
cont'd

Recognizing the existing upvalley jobs/housing imbalance, the City of St. Helena also recommends that the County consider encouraging mixed commercial/residential uses within the CL and CN zones, limiting it only to residential uses that are designated as affordable or that meet the needs of the workforce.

3. *The City is in agreement with the policies that are proposed for the South St. Helena area (LU-103 – 105), but would like to see the addition of language that specifically mentions improving bicycle and pedestrian connectivity to the City of St. Helena; that recognizes the need for improving information about the availability of bus service; and that mentions exploring the possibility of diverting northbound through traffic to the Silverado Trail via Zinfandel Lane.*

N-3P

4. *Policy Ag/LU-106: The County will work cooperatively with the City of St. Helena to address shared issues affecting this area and the City.*

Many properties within the unincorporated areas are connected to City of St. Helena water (including commercial uses in Rutherford). The City recommends the adoption of a policy that pertains to the impacts that change of land use can have on water use, for example, "The County will work cooperatively with the City of St. Helena to limit land uses that may place an additional burden on the City of St. Helena water resources." Such cooperation should include project referrals for any property that utilizes city water, and support of water agreements to limit water use.

N-4P

5. *Policy Ag/LU-126: The County will coordinate with cities to establish land use policies for unincorporated lands located within their respective spheres of influence and will do likewise for unincorporated lands within any locally-adopted urban growth boundaries.*

LAFCO (Local Agency Formation Commission) has not reviewed St. Helena's sphere of influence since 1988. The official sphere for St. Helena is actually smaller than the city limits in that it excludes the Howell Mountain/ Big Rock Road area. Additionally, St. Helena's ULL (Urban Limit Line) is smaller than our city limits. The purpose of this is to preserve agricultural land within the city limits by defining where urban growth should occur. The City requests that Policy Ag/LU 126 above be modified to recognize the unique situation of St. Helena and allow us to continue to comment on land uses within a certain geographical area around the city limits, rather than our limited sphere of influence. We would like to have the County send us referrals on projects that are within the service area boundaries of the St. Helena Unified School District in addition to referrals on all properties that have City of St. Helena water connections. We are also concerned about the potential impacts that a large development in Angwin may have on the City of St. Helena and ask that we are sent referrals on that project once an application has been received.

N-5P

3.0 COMMENTS AND RESPONSES TO COMMENTS

6. Policy CIR-2.3: The County seeks to provide a roadway system that maintains current roadway capacities in most locations, and is both safe and efficient in terms of providing local access. The following list of improvements, illustrated as the County's ultimate road network in Figure CIR-1, has been supported by policy makers within the County and all five incorporated cities/town, and will be implemented over time to the extent that improvements continue to enjoy political support and funding becomes available:

North of Napa

- Intersection improvements to improve safety and traffic flow at the intersections of State Route 29 and the Rutherford Cross Road, Yountville Cross Road, and Silverado Trail.
- Construct safety and flow improvements to SR29 between Oakville and St. Helena.
- Study methods to divert traffic from downtown St. Helena to reduce congestion and improve intra-county traffic flow.

The comments of #3 above should be repeated with this policy: methods to divert traffic should include directing northbound traffic to the Silverado Trail via Zinfandel Lane; and bicycle and pedestrian connectivity should be expanded.

N-6P

7. Policy CIR-2.6: Traffic safety and adequate local access will be priorities on roadway segments and at signalized intersections where a Level of Service D or better cannot be achieved. Therefore, proposed capital improvements and development projects in these areas shall be evaluated to determine their effect on safety or local access. Projects that improve safety, improve local access, or alleviate congestion will be prioritized.

The City welcomes a policy that clearly states the County will cooperate with the City of St. Helena for traffic control (signalization) on Hwy. 29 within the city limits.

N-7P

8. Policy CON-31: The County shall work to improve and maintain the vitality and health of the Napa River. Specifically, the County shall:

- e) Use all available sources of assistance to protect and enhance the Napa River, its tributaries, and watershed, to meet or exceed water quality standards imposed by State and Federal authorities (e.g., pursue grants and other funding opportunities to assist in the identification, testing and improvement of individual septic, as well as community waste disposal systems, and to support watershed monitoring/sampling and scientific understanding to inform and develop effective and targeted management options in an adaptive and locally driven manner),...

N-8P

The City of St. Helena is proud of Sulphur Creek and York Creek and welcomes all efforts to protect and enhance the Napa River and tributaries. We would like the words above added to the policy.

8. Policy CON-44: The County shall seek cooperative partnerships with government agencies, non-profit organizations, private industry groups and individuals in furthering water conservation strategies in Napa County.

N-9P

The City of St. Helena supports the following policy suggested by the Howell Mountain Mutual Water Company:

3.0 COMMENTS AND RESPONSES TO COMMENTS

“Consistent with State of California guidelines, land within 2,500 feet of an intake structure of any domestic watershed serving residents of Napa County shall be designated as a special protection zone. Within these special protection zones, no future industrial or commercial development, including wineries, shall be allowed. With the exception of wineries, future agricultural development within these special protection zones may be allowed if in conformance with the Napa County General Plan and provided it involves no land having greater than 30% slope, utilizes permanent ground cover, is organic, and minimizes concentration of surface runoff. All other applications for land use within these protection zones shall be in accordance with the Napa County General plan and reviewed case by case on the basis they are in a special protection zone.”

N-9P
cont'd

Thank you for the opportunity to participate in the creation of your General Plan. We will welcome the input of the County Board of Supervisors, Planning Commission and staff when the St. Helena General Plan Update is under review during the next few years.

Please contact Carol Poole, Planning Director, at 967-2792 if you have any questions about our correspondence.

Sincerely,



Del Britton
Mayor, City of St. Helena

APPROVED FOR
CITY COUNCIL AGENDA
DATE: 4/4/07
CITY MGR: 139



MEMORANDUM

DATE: April 10, 2007
TO: Mayor and City Council
FROM: Carol Poole, Planning Director *CP*
RE: Review of DRAFT Policies within the DRAFT Napa County General Plan update.

Napa County has released the Draft General Plan and Draft Environmental Impact Report for public comment. The comment period has been extended to June 17, 2007.

Peter McCrea is the Chairman of the Napa County General Plan Update Steering Committee, and I have been serving at the liaison for the cities of Napa County. The focus of the Planning Commission discussion at their meeting on April 3, 2007 was on those policies in the Draft General Plan that may affect city/county interface. This does not mean that the City cannot make comments on other issues, but this report does not contain other policies.

Because the city/county interface will most likely occur around issues of land use, the Planning Commission staff report (attached) included all of the policies from the Draft General Plan chapter that is titled Agricultural Preservation and Land Use. Selected policies from the Circulation and Open Space Conservation elements that directly mention city/county interaction were also included. The narrative introduction to each element and data that places the policies within context are not included. The Council will need to access the documents to read the narrative or request that staff supply specific information at a future meeting.

The Draft General Plan and Draft EIR documents can be accessed at www.napacountygeneralplan.com, under the section titled "library". There are also CD's available upon request.

City Council Action Requested:

Review Commission comments and draft letter to Hillary Gitelman, Napa County Planning Director. Direct staff to amend comment letter as necessary.

3.0 COMMENTS AND RESPONSES TO COMMENTS

DRAFT

April __, 2007

Hillary Gitelman, Director
Office of Conservation, Development and Planning
County of Napa
1195 Third St., Suite 210
Napa, CA 94559

Dear Hillary:

Selected policies in the Draft General Plan were reviewed by the St. Helena Planning Commission on April 3, 2007 and by the City Council on April 10, 2007. The focus of the review was on those policies that staff identified as potentially affecting city/county interface. The Council and Commission had the following comments:

1. Policy Ag/LU-26: The County will plan for and accommodate the distribution of population among the sub-areas of the County, giving preference to existing incorporated and urban areas. (Former Land Use Element policy 4.5)

This policy, which was carried forward from the existing General Plan needs some clarification. It appears to imply that much of the County's population should be living in our cities and other urban areas. However, it does not seem feasible to "accommodate the distribution of population". Perhaps the policy should emphasize that high density residential development belongs in existing cities or county areas designated for urban uses.

2. Policy Ag/LU-38: The County will support the development of tourist facilities where there is a showing there would be no conflict with agriculture and the necessity for this type of service can be documented to the County's satisfaction. (Former Land Use policy 5.2)

Policy Ag/LU-39: County review of non-residential development proposals shall address the balance of job creation and the availability of affordable housing. (Derived from former Land Use Element policy 6.4)

The City recognizes that County areas along Hwy. 29 to the north and south of the St. Helena city limits are zoned CL: Commercial Limited, which allows for tourist facilities (hotels, inns, restaurants, small retail stores and tourist information facilities). The City also recognizes that this land is somewhat limited and that expansions of these areas would not be allowed

under the General Plan, and that the survival of agriculture in Napa County depends to a certain degree on the health of tourism. That said, there was an agreement that the County commercial areas should also provide for resident serving needs, similar to those in the CN: Neighborhood Commercial district. The presence of more resident serving uses, providing jobs and services, will contribute to a reduction in vehicular trips; which should be an overreaching goal for all Napa County jurisdictions.

Recognizing the existing upvalley jobs/housing imbalance, the City of St. Helena also recommends that the County consider encouraging mixed commercial/residential uses within the CL and CN zones, limiting it only to residential uses that are designated as affordable or that meet the needs of the workforce.

3. The City is in agreement with the policies that are proposed for the South St. Helena area (LU-103 – 105), but would like to see the addition of language that specifically mentions improving bicycle and pedestrian connectivity to the City of St. Helena; that recognizes the need for improving information about the availability of bus service; and that mentions exploring the possibility of diverting northbound through traffic to the Silverado Trail via Zinfandel Lane.

4. Policy Ag/LU-106: The County will work cooperatively with the City of St. Helena to address shared issues affecting this area and the City.

Many properties within the unincorporated areas are connected to City of St. Helena water (including commercial uses in Rutherford). The City recommends the adoption of a policy that pertains to the impacts that change of land use can have on water use, for example, "The County will work cooperatively with the City of St. Helena to limit land uses that may place an additional burden on the City of St. Helena water resources." Such cooperation should include project referrals for any property that utilizes city water, and support of water agreements to limit water use.

5. Policy Ag/LU-126: The County will coordinate with cities to establish land use policies for unincorporated lands located within their respective spheres of influence and will do likewise for unincorporated lands within any locally-adopted urban growth boundaries.

LAFCO (Local Agency Formation Commission) has not reviewed St. Helena's sphere of influence since 1988. The official sphere for St. Helena is actually smaller than the city limits in that it excludes the Howell Mountain/ Big Rock Road area. Additionally, St. Helena's ULL (Urban Limit Line) is smaller than our city limits. The purpose of this is to preserve agricultural land within the city limits by defining where urban growth should occur. The City requests that Policy Ag/LU 126 above be modified to recognize the unique situation of St. Helena and allow us to continue to comment on land uses within a certain geographical area around the city limits, rather than our limited sphere of influence. A referral on projects within a 2 mile radius was suggested, in addition to referrals on all properties that have City of St. Helena water connections.

6. Policy CIR-2.3: The County seeks to provide a roadway system that maintains current roadway capacities in most locations, and is both safe and efficient in terms of providing local

3.0 COMMENTS AND RESPONSES TO COMMENTS

access. The following list of improvements, illustrated as the County's ultimate road network in Figure CIR-1, has been supported by policy makers within the County and all five incorporated cities/town, and will be implemented over time to the extent that improvements continue to enjoy political support and funding becomes available:

North of Napa

- Intersection improvements to improve safety and traffic flow at the intersections of State Route 29 and the Rutherford Cross Road, Yountville Cross Road, and Silverado Trail.
- Construct safety and flow improvements to SR29 between Oakville and St. Helena.
- Study methods to divert traffic from downtown St. Helena to reduce congestion and improve intra-county traffic flow.

The comments of #3 above should be repeated with this policy: methods to divert traffic should include directing northbound traffic to the Silverado Trail via Zinfandel Lane; and bicycle and pedestrian connectivity should be expanded.

7. Policy CIR-2.6: Traffic safety and adequate local access will be priorities on roadway segments and at signalized intersections where a Level of Service D or better cannot be achieved. Therefore, proposed capital improvements and development projects in these areas shall be evaluated to determine their effect on safety or local access. Projects that improve safety, improve local access, or alleviate congestion will be prioritized.

The City welcomes a policy that clearly states the County will cooperate with the City of St. Helena for traffic control (signalization) on Hwy. 29 within the city limits.

8. Policy CON-31: The County shall work to improve and maintain the vitality and health of the Napa River. Specifically, the County shall:

e) Use all available sources of assistance to protect and enhance the Napa River, its tributaries, and watershed, to meet or exceed water quality standards imposed by State and Federal authorities (e.g., pursue grants and other funding opportunities to assist in the identification, testing and improvement of individual septic, as well as community waste disposal systems, and to support watershed monitoring/sampling and scientific understanding to inform and develop effective and targeted management options in an adaptive and locally driven manner),...

The City of St. Helena is proud of Sulphur Creek and York Creek and welcomes all efforts to protect and enhance the Napa River and tributaries.

8. Policy CON-44: The County shall seek cooperative partnerships with government agencies, non-profit organizations, private industry groups and individuals in furthering water conservation strategies in Napa County.

The City of St. Helena supports the following policy suggested by the Howell Mountain Mutual Water Company:

“Consistent with State of California guidelines, land within 2,500 feet of an intake structure of any domestic watershed serving residents of Napa County shall be designated

as a special protection zone. Within these special protection zones, no future industrial or commercial development, including wineries, shall be allowed. With the exception of wineries, future agricultural development within these special protection zones may be allowed if in conformance with the Napa County General Plan and provided it involves no land having greater than 30% slope, utilizes permanent ground cover, is organic, and minimizes concentration of surface runoff. All other applications for land use within these protection zones shall be in accordance with the Napa County General plan and reviewed case by case on the basis they are in a special protection zone.”

Thank you for the opportunity to participate in the creation of your General Plan. We will welcome the input of the County Board of Supervisors, Planning Commission and staff when the St. Helena General Plan Update is under review during the next few years.

Please contact Carol Poole, Planning Director, at 967-2792 if you have any questions about our correspondence.

Sincerely,

Del Britton
Mayor, City of St. Helena

3.0 COMMENTS AND RESPONSES TO COMMENTS

MEMORANDUM

DATE: April 3, 2007

13.1



TO: Planning Commission

FROM: Carol Poole, Planning Director *CP*

RE: Review of DRAFT Policies within the DRAFT Napa County General Plan update.

Napa County has released the Draft General Plan and Draft Environmental Impact Report for public comment. The comment period ends on April 17th, but there is a very good possibility that the Board of Supervisors will extend it for an additional 60 day period.

Peter McCrea is the Chairman of the Napa County General Plan Update Steering Committee, and I have been serving at the liaison for the cities of Napa County. We briefly discussed that the focus of this presentation to the Planning Commission should be on those policies in the Draft General Plan that may affect city/county interface. This does not mean that the Commission cannot make comments on other issues, but this report does not contain other information.

Because the city/county interface will most likely occur around issues of land use, the staff report includes all of the policies from the Draft General Plan chapter that is titled Agricultural Preservation and Land Use. Selected policies from the Circulation and Open Space Conservation elements that directly mention city/county interaction are also included. The narrative introduction to each element and data that places the policies within context are not included. The Commission will need to access the documents to read the narrative or request that staff supply specific information at a future meeting.

The Draft General Plan and Draft EIR documents can be accessed at www.napacountygeneralplan.com, under the section titled "library". There are also CD's available upon request.

Commission Action Requested:

Review policies and staff comments, request additional information if needed, give direction to staff to draft memo for review by City Council and as basis for comment letter to the County.

AGRICULTURAL PRESERVATION AND LAND USE GOALS

Ag /LU Goal 1: Preserve existing agricultural land uses.

Ag /LU Goal 2: Support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.

Ag /LU Goal 3: Concentrate non-agricultural land uses in existing urbanized or developed areas.

Ag /LU Goal 4: Provide for commercial, industrial, residential, recreational, open space and public land uses in locations that are compatible with adjacent uses.

Ag /LU Goal 5: Create a stable and predictable regulatory environment that encourages investment by the private sector and balances the rights of individuals with those of the community.

Ag /LU Goal 6: Plan for demographic changes and desired social services when siting public facilities and when considering the design of those facilities.

Policies in Support of Urban-Centered Growth

Policy Ag/LU-20: The County will be consistent with the recommendations of the already adopted General Plan and the General Plan Update adopted in 2006.

Policy Ag/LU-21: The County will encourage urbanization within the designated urban centers and urban centers within the County. The County will encourage urbanization in the designated urban centers and urban centers within the County. (Former Land Use Element policy 5.1b)

Policy Ag/LU-22: Commercial uses will be grouped in geographically compact areas outside of areas designated for agricultural uses in the General Plan (subject to any exceptions contained in this General Plan). (Portion of former Land Use Element policy 5.1b)

Policy Ag/LU-23: The County opposes the creation of new special districts planned to accommodate the new residential development in the County. The County will encourage urbanization in the designated urban centers and urban centers within the County. (Former Land Use Element policy 5.1b)

Policy Ag/LU-24: The County opposes the creation of new special districts planned to accommodate the new residential development in the County. The County will encourage urbanization in the designated urban centers and urban centers within the County. (Former Land Use Element policy 5.1b)

Policy Ag/LU-25: The County opposes the creation of new special districts planned to accommodate the new residential development in the County. The County will encourage urbanization in the designated urban centers and urban centers within the County. (Former Land Use Element policy 5.1b)

3.0 COMMENTS AND RESPONSES TO COMMENTS

Policy Ag/LU-24: The County will discourage proposed developments outside of urbanized areas which require urban services. However, nothing in this Land Use Element is intended to preclude the construction of a single-family residence, day care center or private school on an existing, vacant, legal parcel of land, in compliance with adopted County ordinances and other applicable regulations. *(Former Land Use Element policy 4.11 and 4.13)*

Policy Ag/LU-25: For the purposes of this General Plan, the terms "urbanized" or "urbanizing" shall include the subdivision, use, or development of any parcel of land for non-agricultural purposes. Engaging in nature-based recreation or nonagricultural uses that are permitted in the applicable zoning district without the issuance of a use permit, such as development of one single family house and/or second unit on an existing legal lot, shall not be considered urbanizing. *(Former Land Use Element policy 4.12 with clarifying edits)*

[Redacted text]
(Former Land Use Element policy 4.5)

[Redacted text]

Policy Ag/LU-27: Governmental uses and public utility uses shall be permitted in appropriate locations. Only those new governmental and public utility uses which specifically implement programs mandated by the state or federal government shall be permitted in non-urban areas. On parcels which are designated "Agricultural Resource" or "Agriculture, Watershed and Open Space" on the Napa County Land Use Map, Governmental uses and public utility uses existing as of 1983 shall be allowed to continue to operate and to use the existing buildings and/or facilities but shall be allowed to expand in size and volume of business only for the purpose of modernizing the facilities and meeting additional demonstrated public needs. *(Former Land Use Element policies 8.1, 8.2, and 8.3)*

Residential Land Uses

Policy Ag/LU-28: The County shall use a variety of strategies to address its long term housing needs and to meet the State and regional housing requirements in its cyclical updates of the Housing Element. In addition to working with the State and ABAG to reduce the County's regional allocation, these strategies shall include:

[Redacted text]

[Redacted text]

- ◆ Use of overlay designations to permit/facilitate multifamily housing on specific sites within other developed areas shown on the Land Use Map.

(3)

- ◆ Collection and disbursement of housing impact fees to subsidize construction of affordable housing.

~~Cooperative agreements with incorporated cities of San Francisco County will be made if conditions are able to accept additional housing requirements in exchange for other considerations.~~

~~The County has a general agreement with the Cities of Napa and American Canyon regarding housing. Given St. Helena's unique location and our ability to provide housing, we have not been able to provide the County with more housing.~~

- ◆ Actions that provide housing to farm workers and their families.
- ◆ Use of County-owned land for affordable housing where this land is no longer needed to meet the County's operational requirements and would be appropriate for housing.
- ◆ Actions to allow production of second units in all areas of the unincorporated county as appropriate.
- ◆ Other policies and programs which address the need for workforce housing.

Policy Ag/LU-29: The County will work with the Cities to see that low and moderate cost housing is provided to address the needs of low and moderate income householders in Napa County. In addition, the County will accept responsibility for meeting its fair share of the housing needs, including a predominant percentage generated by any new employment in unincorporated areas. (Former Land Use Element policy 4.4)

Policy Ag/LU-30: The County will maintain and improve the safety and adequacy of the existing housing stock in the County through application of applicable building and housing codes, and related enforcement programs. (Former Land Use Element policy 4.3)

Policy Ag/LU-31: The County will promote development concepts that create flexibility, economy and variety in housing without resulting in significant environmental impacts. (Former Land Use Element policy 4.7)

Commercial, Industrial, and Transitional Land Use Policies

~~Policy Ag/LU-34: The central business district of the County will be maintained as a dominant commercial and financial center for the surrounding area. (Former Land Use Element policy 5.1b)~~

~~This policy is consistent with the City of St. Helena General Plan which recognizes a need for a larger than the city limits.~~

Policy Ag/LU-35: The County will plan to locate industrial areas adjacent to major transportation facilities. Necessary utilities and services, including day care centers, will be planned to meet the needs of the industrially zoned areas. (Former Land Use policy 6.7)

Policy Ag/LU-36: The County will plan for the reservation of sufficient industrial property to satisfy future demands for orderly growth and economic development of the County. Non-

3.0 COMMENTS AND RESPONSES TO COMMENTS

agriculturally oriented industry shall not be located on productive agricultural lands, but should be located in areas more suitable for industrial purposes. Industrial areas should be located adjacent to major transportation facilities. (Former Land Use Element policies 6.1, 6.3, and 6.7)

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 unincorporated area. 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.

Policy Ag/LU-38: The County will support the development of tourist facilities where the County determines there would be no conflict with agricultural use and the necessity for this type of service can be demonstrated to the County's satisfaction. (Former Land Use policy 3.2)

The County's General Plan includes a number of policies of control of growth and development to maintain a balance of local working lands and other uses. The County's General Plan also includes a number of policies to protect the County's agricultural lands. The County's General Plan also includes a number of policies to protect the County's agricultural lands. The County's General Plan also includes a number of policies to protect the County's agricultural lands.

As discussed more thoroughly below, there are several commercial sites located along Highway 29 north and south of St. Helena. These sites have a County General Plan designation of Agricultural Resource. The County's General Plan also includes a number of policies to protect the County's agricultural lands. The County's General Plan also includes a number of policies to protect the County's agricultural lands.

The County zoning allows for the following types of tourist facilities with the approval of the County Board of Supervisors and subject to the following conditions:
1. Tourist facilities shall be located on a parcel of at least 10 acres.
2. Tourist facilities shall be located on a parcel of at least 10 acres.
3. Tourist facilities shall be located on a parcel of at least 10 acres.
4. Tourist facilities shall be located on a parcel of at least 10 acres.
5. Tourist facilities shall be located on a parcel of at least 10 acres.
6. Tourist facilities shall be located on a parcel of at least 10 acres.
7. Tourist facilities shall be located on a parcel of at least 10 acres.
8. Tourist facilities shall be located on a parcel of at least 10 acres.
9. Tourist facilities shall be located on a parcel of at least 10 acres.
10. Tourist facilities shall be located on a parcel of at least 10 acres.

The County zoning allows for more local selling uses:
Retail business including ice cream shops and small bakeries, health food stores (not to include delis), and other small businesses. Retail stores may be used for the sale of agricultural products, including produce, and local stores may be used for the sale of agricultural products. Retail stores may be used for the sale of agricultural products. Retail stores may be used for the sale of agricultural products.

5

Service businesses including barber and beauty shops, florists, limousine or car service, travel and dry cleaning agency, (no on-site processing), repair of personal or household items;
Child day care centers;
Medical, optical and dental offices, and related laboratory facilities (as an accessory);
Branch post offices;
Swimming pool;
Gasoline service stations, including quick-lub repair;
Video rentals;
Private schools (optional) subject to compliance with criteria specified in Section 12.10.4160;
Nurseries and garden stores including outdoor storage of plant material;
Small financial services such as branch banks and automatic teller machines, but not including drive-through banking;
Professional, administrative, executive, financial, real estate, insurance and other general business offices.

Policy Ag/LU-39: County review of non-adjacent development proposals shall take into account the balance of job creation and the availability of affordable housing. (Derives from former Land Use Element policy 6.4)

Recognizing the existing valley job base, the County shall continue to recommend that the County consider additional job creation potential in the CL and CN zones, particularly in regard to residential units and space for more office affordable.

Policy Ag/LU-40: Lands along the west bank of the Napa River south of the City of Napa and specific urban areas within four miles of the high water mark of Lake Berryessa are appropriate areas for marine commercial zoning and development. (Former Land Use Element policy 5.6)

Action Item Ag/LU 40.1: Consider amendments to the Zoning Code to allow additional commercial, residential, and mixed uses in the Spanish Flat, Moskowite Corners, and southern Pope Creek areas which are complementary to recreation activities at Lake Berryessa.

Policy Ag/LU-41: For parcels fronting upon the west side of the Napa River south of the city of Napa which are designated "Agriculture, Watershed, and Open Space" or "Agricultural Resource" on the Land Use Map of this General Plan which have commercial zoning, additional commercial development will be allowed as follows:

- ◆ All existing commercial establishments that are currently located within a commercial zoning district shall be allowed to continue to operate and use the existing buildings and/or facilities.
- ◆ Additional commercial uses which are permitted by the existing commercial zoning of the parcel shall be permitted on that portion of the parcel zoned commercial.
- ◆ Existing restaurants qualifying under this Policy that are currently located within a commercial zoning district shall be allowed to increase the number of seats

3.0 COMMENTS AND RESPONSES TO COMMENTS

accommodated within existing buildings and/or facilities on any parcel designated as a historic restaurant combination zoning district. (Former Land Use Policy 5.4a)

Policy Ag/LU-40: All existing commercial establishments that are currently located within a commercial zoning district shall be permitted to continue to operate as existing uses and/or to be converted to other uses that are permitted in the zoning district. (Former Land Use Policy 5.4)

The following are commercial establishments that are currently located within a historic restaurant combination zoning district. (See Policy Ag/LU-40 below for discussion of special use permits.)

Don & Dolores Property Company, S. Helena City, CA Commercial
Tommy's Burgers, S. Helena City, CA Commercial
S. Helena City, CA Commercial

Los Altos Commercial (S. Helena City, CA Commercial)
S. Helena City, CA Commercial
S. Helena City, CA Commercial

Policy Ag/LU-43: Legal structures and uses destroyed by fire or natural disaster may be rebuilt within three years of most recent occupancy or as otherwise approved by the County, whether or not they conformed to the zoning ordinance at the time of the fire/disaster.

Policy Ag/LU-44: Land uses in Airport Approach Zones shall comply with applicable Airport Land Use Compatibility policies. This policy shall apply to Napa County Airport and Angwin Airport (Parrett Field). (Derived from former Land Use Element policy 1.1)

Action Item Ag/LU-44.1: Use zoning and, if necessary, acquisition of development rights to implement this policy. (Former Land Use Element policy 1.1)

Action Item Ag/LU-44.2: Refer General Plan land use changes, proposed rezonings, and proposed developments in Airport Approach Zones to the Napa County Airport Land Use Commission for review and comment. (Former Land Use Element policy 1.1)

The Agricultural Preservation Element of the General Plan includes a section titled "The State's General Plan of Agriculture" that states that the State's General Plan of Agriculture is intended to provide a framework for the development of agricultural lands. The State's General Plan of Agriculture is intended to provide a framework for the development of agricultural lands. The State's General Plan of Agriculture is intended to provide a framework for the development of agricultural lands.

3.0 COMMENTS AND RESPONSES TO COMMENTS

~~Many of these properties are connected to City of St. Helena water (including commercial uses in the area). The Commission may want to discuss the necessity of a policy that pertains to the impact and change of use on water use for example. The court will work cooperatively with the City of St. Helena to include the uses that may place an additional burden on the City's water resources, unless such use has a direct benefit to the City of St. Helena by providing affordable housing.~~

Social Equity/Environmental Justice

Policy Ag/LU-107: The County shall seek to ensure that equal treatment is provided to all persons, communities, and groups within the county in its planning and decision-making processes, regardless of race, color, creed, or economic status.

Policy Ag/LU-108: The County shall provide a clear, consistent, timely, and predictable review process for all proposed projects, ensuring that all applicants are treated fairly, that staff's analysis is objective, and that decision makers and interested members of the public receive information and notice as required by law.

Policy Ag/LU-109: With the proviso that no rights are absolute, that we will all best be served by striking a balance between private property rights and all our other rights and our other important community values, this General Plan nevertheless explicitly acknowledges that private ownership provides valuable incentives for the proper care of property and the environment, that preservation of property rights is an important cultural, economic, and community value, that protection of property rights is one of the primary and necessary functions of government at all levels, and that private property rights are therefore deserving of respect and consideration whenever land use decisions are made.

Land Use Categories, Land Use Map, and Zoning Consistency

The following policies shall apply to the interpretation and use of the Land Use Map.

Policy Ag/LU-111: Figure Ag/LU-1 depicts the land use policy of the County of Napa. (Map)

Policy Ag/LU-112: The Land Use Map is a generalized illustration of land use policy as applied to lands within the unincorporated area. The information shown on the map is not intended to be parcel specific and should not be interpreted as such. Information should be interpreted at a printed or displayed scale of one inch = 1,000 feet to ensure that the intended level of specificity is maintained.

Policy Ag/LU-113: Zoning shall be consistent with General Plan land use designations. In areas where the zoning and the land use designation are not identical, Table Ag/LU-B shall be used to determine consistency for rezoning applications.

Policy Ag/LU-114: The standards shown or contained in this Land Use Element shall apply to the land use categories shown on the Land Use Map. All discretionary approvals shall be in conformance with these standards.

(9)

TABLE AG/LU-B: GENERAL PLAN/ZONING CONSISTENCY: FOR USE IN CONSIDERING CHANGES IN ZONING General Plan Land Use Category Consistent

Zoning Designations

Urban Residential

- RC- Residential Country
- RS-Residential Single
- RM-Residential Multiple
- RD-Residential Double
- PD-Planned Development
- CL-Commercial Limited
- CN-Commercial Neighborhood

Rural Residential

- RC-Residential Country
- RS-Residential Single
- PD-Planned Development
- Transitional IP-Industrial Park
- I-Industrial
- PD-Planned Development

Properties in the Transitional land use category may also have other commercial and residential zoning designations if needed to implement the intent of this land use category

~~Some properties in the Transitional land use category may also have other commercial and residential zoning designations if needed to implement the intent of this land use category~~

~~Intergovernmental Cooperation
Policy Ag/UD-115: The County will seek to coordinate with other local, state, and federal agencies to further the goals and purposes of the General Plan and use elements of the General Plan.~~

~~Policy Ag/UD-116: The County will work with the California State Lands Commission, National Commission on Public Lands, and other agencies to coordinate with other local, state, and federal agencies to further the goals and purposes of the General Plan and use elements of the General Plan.~~

~~Policy Ag/UD-117: The County will seek to coordinate with other local, state, and federal agencies to further the goals and purposes of the General Plan and use elements of the General Plan.~~

Schools

Policy Ag/LU-121: Work with the school districts serving students in the County to coordinate the provision of school facilities in conjunction with demographic changes and student populations. Also encourage incorporated areas to reserve school sites within their jurisdictions.

LAFCO (Local Agency Formation Commission) has reviewed the proposed sphere of influence for the City of Napa and agrees that the City's sphere of influence is appropriate and consistent with the Regional Growth Strategy. LAFCO has also reviewed the proposed Rural Urban Limit (RUL) for the City of Napa and agrees that the RUL is appropriate and consistent with the Regional Growth Strategy. LAFCO has also reviewed the proposed Rural Urban Limit (RUL) for the City of American Canyon and agrees that the RUL is appropriate and consistent with the Regional Growth Strategy. LAFCO has also reviewed the proposed Rural Urban Limit (RUL) for the City of American Canyon and agrees that the RUL is appropriate and consistent with the Regional Growth Strategy. LAFCO has also reviewed the proposed Rural Urban Limit (RUL) for the City of American Canyon and agrees that the RUL is appropriate and consistent with the Regional Growth Strategy.

Policy Ag/LU-127: The County recognizes the urban limit line or Rural Urban Limit (RUL) established for the City of Napa (See Figure LU-2), and agrees that unincorporated land located within the RUL will not be further urbanized without annexation to the City except as otherwise provided herein. For purposes of this policy only, engaging in uses that are permitted in the applicable zoning district without the issuance of a use permit shall not be considered urbanizing. In all cases, subdividing property shall be deemed urbanizing for purposes of this policy. *(Former Land Use Element policy 7.1 with new introductory text.)*

Policy Ag/LU-128: Notwithstanding the policies immediately above and below, day care centers and schools will be allowed inside the RUL. *(Former Land Use Element policy 4.10 – shortened and expanded to include schools.)*

Policy Ag/LU-129: The County recognizes the urban limit line or Rural Urban Limit (RUL) for the City of American Canyon depicted in Figure LU-3, and agrees that unincorporated land located within the RUL will not be further urbanized without annexation to the City except as otherwise provided herein. For purposes of this policy only, engaging in uses that are permitted in the applicable zoning district shall not be considered urbanizing. In all cases, subdividing property shall be deemed urbanizing for purposes of this policy. 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, pursuant to Policy LU-38.

Policy Ag/LU-130: Pursuant to the agreements between the County and the City of American Canyon, the County will support the City's efforts to include parcels inside its RUL to be included in a revised sphere of influence if the City agrees to accept additional housing units on the County's behalf. In addition, the County agrees to support the annexation of lands within the sphere of influence provided there is mutual agreement that such annexations are needed to meet the long-term regional housing needs for the City and County.

3.0 COMMENTS AND RESPONSES TO COMMENTS

CIRCULATION

Circulation Goal 1: The County's transportation system shall be correlated with the policies of the Agricultural Preservation & Land Use Element and protective of the County's rural character.

~~Policy CIR-1.1: Consistent with urban-centered growth policies in the Agricultural Preservation and Land Use Element, new residential and commercial development should be concentrated within already developed areas and areas planned for development where sufficient densities can support transit services and development of pedestrian and bicycle facilities.~~

~~Policy CIR-1.2: The County should work with the cities through NCIIPA to coordinate seamless transportation systems.~~

~~Policy CIR-1.3: Seek to concentrate multi-unit housing development in proximity to employment centers and services to increase the percentage of work trips taken by modes other than private drive-on automobile. Roadways outside the urbanized areas of the county shall not lose the rural character of the county.~~

Policy CIR-1.4: The county's roadway improvements should minimize disruption to residential neighborhoods, communities, and agriculture.

Policy CIR-1.5: Roadway improvements shall be designed to conform to existing landforms, and shall include landscaping and/or other treatments to ensure that aesthetics and rural character are preserved.

Policy CIR-1.6: The County supports beautification programs for roadways in the unincorporated area. Roadway beautification shall be consistent with the character of the area in which the roadway is located, and with other County policies related to preserving the character of the county including policies on signage as defined in the Recreation and Open Space Element.

Policy CIR-1.7: Seek to develop innovative approaches to providing transportation service to the county's rural areas without the need for additional roadway lanes or other improvements that would detract from the visual and community character of these areas.

Circulation Goal 2:

The County's transportation system shall provide for safe and efficient movement on well-maintained roads throughout the County, meeting the needs of Napa County residents, businesses, employees, visitors, special needs populations, and the elderly.

~~Policy CIR-2.1: The Circulation Map contained in this Element shall show the location of roadways with a 33-foot right-of-way, preserve the 33-foot right-of-way, and show the location of roadways with a 21-foot right-of-way on the Circulation Map.~~

~~Minor: Laws that from 29 feet to 33 feet. The county boundary north of CA 101 and the Sincero Trail from the City of Napa, CA 101, as contained in the 21-foot right-of-way.~~

13

3.0 COMMENTS AND RESPONSES TO COMMENTS

through force. This does not preclude modifications for safety, such as the construction of a two-way center turn lane.

Policy CIR-2.3: If the County seeks to provide a roadway system that maintains current roadway capacities in most locations and is both safe and efficient in terms of providing local access, the following criteria on improvements shall apply: (a) the County shall support projects in the form of CIR-1 that are supported by policy makers within the County and all funds in compliance with local laws and will be implemented over time to the extent that improvements continue to enjoy political support and funding becomes available.

North of Napa

The project improvements to improve safety and traffic flow at the intersections of State Route 29 and the Rafter Road, Cross Road, Youngs Hill Cross Road, and Silverado Trail (County Routes) and flow improvement in SR 29 between Graceland and St. Helena. Study methods to divert traffic from downtown St. Helena to reduce congestion and improve intra-county traffic flow.

Policy CIR-2.6: Traffic safety and adequate local access will be priorities on roadway segments and at signalized intersections where a Level of Service D or better cannot be achieved. Therefore proposed capital improvements and development projects in these areas shall be evaluated to determine their effect on safety or local access. Projects that improve safety or improve local access or allow site congestion will be prioritized.

The Commission may want to discuss whether or not it would be a policy that requires the County coordinate with the City of St. Helena for use of the corridor on SR 29 within the city limits.

The Draft EIR shows that our proposed traffic signals will push more motorists to Silverado Trail.

(14)

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER N: DEL BRITTON, CITY OF ST. HELENA - MAYOR, APRIL 12, 2007

Response N-1 P: The commenter seeks clarification on Policy Ag/LU-26 in reference to accommodating the distribution of population. This policy has been revised as suggested to clarify the County's intent for growth to occur in existing and designated urban areas. Please see Policy Ag/LU-28 in the Revised Draft General Plan Update.

Response N-2 P: The commenter refers to Policies Ag/LU-38 and -39 and notes that the City of St. Helena recommends that the County consider encouraging mixed commercial/residential uses within CL and CN zones. Please see Action Item Ag/LU-45.1, which has been added to the Revised Draft General Plan Update to implement the commenter's suggestion.

Response N-3 P: The commenter indicates that the City of St. Helena would like to see the addition of language to Ag/LU-103-105 that improves bicycle and pedestrian connectivity and information about bus service, and the possibility of traffic diversion. A new policy has been added in the Circulation Element regarding implementation of the Napa Countywide Bicycle Plan, and additional policy language has been added regarding publicizing and improving access to transit services. Changes have also been made to the area-specific policies for the South St. Helena area in the Agricultural Preservation and Land Use Element to specifically address the commenter's suggestion. Please see Policy Ag/LU-104 for specifics.

Response N-4 P: The commenters states that language should be added to Policy Ag/LU-106 that limits land uses that would be a burden on City water resources. The suggested revisions have been incorporated into the General Plan Update as Policy Ag/LU-105.

Response N-5 P: Commenter requests that Policy Ag/LU-126 be modified, as they are concerned about development in Angwin and outside of St. Helena's Urban Limit Line.

The County currently solicits and will continue to solicit the City's input on projects in the vicinity of the City, and does not see the need to memorialize this practice in the County's General Plan. For example, the County recently provided the City with the Notice of Preparation for an EIR related to development proposed in Angwin, and provided the City with a referral related to a proposed hotel north of the City where the outlet malls are located.

Response N-6 P: Commenter states that Policy CIR-2.3 should be changed to incorporate language about bicycle/pedestrian connectivity and diversion of traffic to the Silverado Trail via Zinfandel Lane. See Response N-3 above. Also, please note that Policy CIR-13 includes language related to diverting traffic from downtown St. Helena.

Response N-7 P: The commenter states that St. Helena welcomes a policy that clearly states the County will cooperate with the City for traffic control on Highway 29. Policy CIR-1.2 (now Policy CIR-2) has been edited as follows in response to this and other comments:

3.0 COMMENTS AND RESPONSES TO COMMENTS

- The County will work with the cities through NCTPA to coordinate seamless transportation systems and improve the efficiency of the transportation system by coordinating the construction and operation of roadway, bicycle, pedestrian, and other transportation systems.

Response N-8 P: Commenter requests the addition of the words "tributaries and watershed" to Policy CON-31(e). The addition has been made to the policy (now Policy CON-42(a)) per the commenter's request.

Response N-9 P: Commenter would like to add language to Policy CON-44 as suggested by the Howell Mountain Water Company. An action item has been added to this policy to update the Conservation Regulations as required by state guidelines. See Action Item CON WR-3 for specifics.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter O



RECEIVED

MAR 21 2007

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

CITY MANAGER
955 School Street
Mailing Address:
P.O. Box 660
Napa, California 94559-0660
(707) 257-9501
FAX (707) 257-9534

March 16, 2007

Patrick Lowe, Deputy Director
Department of Conservation, Planning & Development
County of Napa
1195 Third Street
Napa, CA 94559

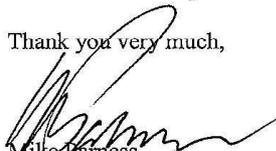
Re: Request for Extension of Time relating to Draft Napa County General Plan and EIR

Dear Mr. Lowe:

City representatives are currently discussing aspects of the Draft County General Plan and EIR with County representatives. These are lengthy and complex documents that raise planning issues of consequence for the City. We respectfully request an extension of the review time period to continue discussions prior to submitting our comments.

O-1E/P

Thank you very much,



Mike Parness
City Manager

Cc: Nancy Watt, CEO

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER O: MIKE PARNES, CITY MANAGER – CITY OF NAPA, MARCH 16, 2007

Response O-1 E/P: The commenter requested that the County Board of Supervisors extend the comment period for the Draft General Plan Update and Draft EIR. Comment noted. On April 3, 2007, the County Board of Supervisors extended the public review comment period by 60 days, for a total comment period of 120 days.

3.0 COMMENTS AND RESPONSES TO COMMENTS

When are comments due?

Letter P

From: "Sahrye Cohen" <sahryec@bcdc.ca.gov>
Subject: When are comments due?
Date: Mon, March 26, 2007 3:28 pm
To: info@napacountygeneralplan.com

Hello,

When is the comment period over for the General Plan and draft EIR? I have received two copies of the CD and the first looked like comments were due April 2 while the letter attached to the second CD has April 17th as the end of the comment period.

P-1E/P

Thanks,

Sahrye Cohen
Coastal Planner
SF BCDC

http://www.napacountygeneralplan.com:2095/3rdparty/squir..._ent_id=0&mailbox=INBOX&passed_id=47&view_unsafe_images=4/18/2007 3:42:14 PM

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER P: SAHRYE COHEN, BAY CONSERVATION AND DEVELOPMENT COMMISSION,
MARCH 26, 2007

Response P-1 E/P: The commenter requested clarification of the public comment period for the Draft General Plan Update and Draft EIR. Comment noted. The commenter, on behalf of the Bay Conservation and Development Commission, submitted formal comments to the County in a letter dated June 25, 2007 (comment letter GG). Responses to comment letter GG are provided later in this document.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter Q



Local Agency Formation Commission
LAFCO of Napa County

1700 Second Street, Suite 268
Napa, CA 94559
(707) 259-8645
FAX (707) 251-1053
<http://napa.lafco.ca.gov>

June 4, 2007

Hillary Gitelman, Planning Director
County of Napa
1195 Third Street, Room 210
Napa, CA 94559

SUBJECT: Draft General Plan Update and Draft Environmental Impact Report

Ms. Gitelman:

Thank you for presenting the Local Agency Formation Commission (LAFCO) of Napa County with the opportunity to comment on the County of Napa's Draft General Plan Update and Draft Environmental Impact Report. LAFCO will use both final documents in fulfilling its regulatory and planning responsibilities under the authority of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. These duties include, but are not limited to, approving annexations, sphere of influence updates, and special district formations, consolidations, or dissolutions.

Q-1E/P

With respect to the Draft General Plan Update, LAFCO's primary consideration pertains to the Agricultural Preservation and Land Use Element. Notably, this section enumerates the goals and policies of the County with regard to future land uses in Napa County. Particular focus is provided on new land use policies that could facilitate new or intensified urban uses requiring new or elevated public services in the unincorporated area. With these parameters in mind, LAFCO offers the following comments.

Regional Planning Issues

Policy Ag/LU-125 addresses the role of LAFCO in directing future growth and development in Napa County. This is an important addition to the County General Plan, and LAFCO welcomes the County's commitment to work with the Commission in encouraging urban-centered growth and the preservation of agricultural and open-space lands.

Q-2P

Jack Gingles, Chair
Mayor, City of Calistoga

Juliana Inman, Commissioner
Councilmember, City of Napa

Cindy Coffey, Alternate Commissioner
Councilmember, City of American Canyon

Brad Wagenknecht, Vice-Chair
County of Napa Supervisor, 1st District

Bill Dodd, Commissioner
County of Napa Supervisor, 4th District

Mark Luce, Alternate Commissioner
County of Napa Supervisor, 2nd District

Brian J. Kelly, Commissioner
Representative of the General Public

Gregory Rodeno, Alternate Commissioner
Representative of the General Public

Keene Simonds
Executive Officer

3.0 COMMENTS AND RESPONSES TO COMMENTS

*Comments on Draft General Plan Update and Draft Environmental Impact Report
June 4, 2007
Page 2 of 3*

Angwin

The Draft General Plan Update identifies two scenarios that would make substantive changes to land use designations and zoning standards involving the unincorporated community of Angwin (pages 51-58). With minor variations, both scenarios would eliminate existing agricultural zoning standards for all lands designated for urban use. Both scenarios would also redesignate a number of developed properties from agriculture to urban, which is subject to a countywide vote as required under Measure J. If implemented, it is expected that both scenarios would facilitate the expansion and intensification of urban uses in Angwin. It is also reasonable to expect that the expansion and intensification of urban uses would trigger the need for a range of new or elevated public services. The Final General Plan Update and Final Environmental Impact Report would be measurably strengthened by contemplating and addressing these needs.

Q-3E/P

Napa Pipe Area

The Draft General Plan Update redesignates approximately 250 acres of unincorporated land in south Napa County from industrial to transitional use. The subject area is located immediately south of the City of Napa and includes the former site of the Napa Pipe Company and properties commonly referred to as "Bocca" and "Pacific Coast." The intent of this redesignation is to provide flexibility to the County in redeveloping the area with a mixture of commercial, industrial, and residential uses. If implemented, it is expected that redevelopment would trigger the need for a range of new or elevated public services. The Final General Plan Update and Final Environmental Impact Report would be measurably strengthened by contemplating and addressing these needs.

Q-4E/P

Berryessa Estates/Berryessa Highlands

The Draft General Plan Update provides summary descriptions involving the unincorporated communities of Berryessa Estates and Berryessa Highlands (pages 57-60). The Final General Plan Update should recognize that these communities receive water and sewer services from the Lake Berryessa Resort Improvement District and the Napa Berryessa Resort Improvement Districts, respectively.

Q-5P

In terms of the Draft Environmental Impact Report, the document does not address specific activities or projects that would underlie the implementation process for the General Plan Update. It is LAFCO's understanding that this approach is by design and that the County will address the impacts associated with implementing specific phases of the General Plan Update as part of separate and tiered environmental documents. However, as mentioned in the preceding section regarding Angwin and the Napa Pipe area, the Final Environmental Impact Report would be strengthened by addressing the probable need for new or elevated public services to accommodate additional urban

Q-6E

3.0 COMMENTS AND RESPONSES TO COMMENTS

*Comments on Draft General Plan Update and Draft Environmental Impact Report
June 4, 2007
Page 3 of 3*

growth within these areas. Other comments regarding the Draft Environmental Impact Report include: Q-6E
cont'd

- Identify the aspects of implementing the General Plan Update that will produce projects that are contingent on LAFCO action. Specific LAFCO actions that may be engendered by the implementation of the General Plan Update include annexations, detachments, special district formations, and establishment of subsidiary special districts. The Final Environmental Impact Report and future environmental documents associated with specific projects should also reference the factors LAFCO is required to consider in the review of a proposal under California Government Code §56668. Q-7E/P
- Mitigation Measures 4.13.3.1b and 4.13.4.1 would require that the County include a policy in the Final General Plan Update to coordinate with public and private service providers to verify the availability of adequate water and wastewater services to accommodate new development projects. These mitigation measures should be amended to also require that the County coordinate with LAFCO pursuant to California Government Code §56000 et seq. Q-8E
- Figure 3.0-2 identifies Bell Canyon Reservoir as part of the water supply system of the City of Napa. Bell Canyon Reservoir is part of the water supply system of the City of St. Helena. Q-9E
- Page 4.13.53 suggests that the Napa Sanitation District is an independent special district. Napa Sanitation District is a dependent special district as defined under California Government Code §56044. Q-10E
- Pages 4.13.15 through 4.13.33 provide a summary of public water service operations in Napa County. The majority of information included in this section is drawn directly from LAFCO's *Comprehensive Water Service Study* (2004). LAFCO requests that the Final Environmental Impact Report identify LAFCO as the information source where appropriate. Q-11E

If you have any questions, please contact the LAFCO Executive Officer Keene Simonds at ksimonds@napa.lafco.ca.gov or by phone at (707) 259-8645.

Sincerely,



Jack Gingles
Chairman

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER Q: JACK GINGLES, LAFCO OF NAPA COUNTY, JUNE 4, 2007

Response Q-1 E/P: LAFCO notes that they will use both final GPU and EIR documents to fulfill their regulatory and planning responsibilities and notes that their main concern is the Ag/LU Element of the General Plan. County staff appreciates LAFCO's review of these documents as part of their governmental responsibilities.

Response Q-2 P: LAFCO notes that they welcome the County's commitment to working with the Commission on Policy Ag/LU-125. County staff looks forward to cooperating with LAFCO in regards to Ag/LU Element Policy Ag/LU-125. The County appreciates LAFCO's comments and support regarding this policy provision.

Response Q-3 E/P: LAFCO addresses the proposed Angwin development related to new or elevated public services. These needs should be addressed more comprehensively in both documents.

The proposed General Plan Update has been revised and now removes areas currently zoned for agricultural use from the Angwin bubble and identifies the existing residential neighborhood of Angwin for inclusion in the bubble someday, (subject to a Measure J vote). Neither of these actions would necessarily "facilitate the expansion and intensification of urban uses in Angwin" as suggested by the commenter. In fact, the changes would reduce the amount of land designated for "Urban Residential" uses and merely recognize an existing residential neighborhood with a "Rural Residential" designation that would carry with it a 10-acre minimum parcel size (therefore not allowing additional small lot subdivisions). The Revised Draft General Plan Update would neither facilitate nor preclude the PUC's proposed development proposal in Angwin, and the development proposal will be subject to its own project-specific EIR. The General Plan Update Draft EIR provides an appropriately programmatic analysis of potential future growth in the area by considering a number of alternatives that assume various levels of development in Angwin. The commenter is also referred to Water Supply Master Response 3.4.1 regarding water service concerns.

Response Q-4 E/P: LAFCO has public service concerns for the Napa Pipe property proposal.

The proposed General Plan Update has been revised and now designates the Napa Pipe site as a Study Area, indicating that further study will be required (along with a subsequent General Plan amendment) prior to consideration of land use changes on the site. The General Plan EIR appropriately assesses potential cumulative development and the need for services by examining a number of alternatives which assume a different mix of land uses in this area, although additional site-specific analysis will be conducted at a later date. The commenter is also referred to Water Supply Master Response 3.4.1 regarding water service concerns.

Response Q-5 P: LAFCO notes that the proposed General Plan Update should recognize that Berryessa Estates and Berryessa Highlands receive water and sewer services from Lake Berryessa Resort Improvement District and Napa

3.0 COMMENTS AND RESPONSES TO COMMENTS

Berryessa Resort Improvement District. County staff appreciates this clarification, and this information has been incorporated into the Agricultural Preservation/Land Use Element (see pp. 46 and 48).

Response Q-6 E: Commenter suggests that the Draft EIR should address probable new public services needed due to Angwin and Napa Pipe developments. See Responses Q-3 and Q-4 above.

Response Q-7 E/P: Commenter suggests identifying aspects of implementing the General Plan that will produce projects subject to LAFCO action. Commenter also suggests the EIR should reference factors LAFCO is required to consider in review of a proposal. At this time, there are no specific projects that have indicated a need for LAFCO action for either incorporation or annexation, although the Revised Draft General Plan Update articulates a proposed growth boundary for American Canyon (see Policy Ag/LU-130) that may at some point result in actions by LAFCO (i.e., an SOI amendment and annexations). At such time when a proposed project may request an action subject to LAFCO review, that information will be forwarded to the agency.

Response Q-8 E: Commenter suggests that mitigation measures MM 4.13.3.1b and MM 4.13.4.1 should include LAFCO in coordination with the County. The two mitigation measures relate to verification of adequate water supply (under SB 610 and 221) and wastewater service for development projects, which do not necessarily require an action by LAFCO. Should coordination with LAFCO be deemed necessary by the County, the agency will be informed.

Response Q-9 E: Commenter notes that Figure 3.0-2 should show Bell Canyon Reservoir as part of the City of St. Helena. The requested change has been made to the figure.

Response Q-10 E: Commenter notes that Napa Sanitation District is a dependent special district, not independent. County staff acknowledges this change in the type of special district for NSD.

Response Q-11 E: Commenter suggests that the Draft EIR Public Services section, pages 4.13-15 to -33, should identify LAFCO as a source of water service operations information. County staff acknowledges LAFCO as a source of water service operations information.

Letter R



McDonough Holland & Allen PC
Attorneys at Law

Iris P. Yang
Attorney at Law

Sacramento Office
916.325.4576 tel
916.444.3826 fax
iyang@mhalaw.com

June 5, 2007

The Honorable Harold Moskowitz, Chairman
Members of the Board of Supervisors
County Administration Building
1195 Third Street, Suite 310
Napa CA 94559

Re: Comments on the Draft Environmental Impact Report
for County General Plan Update

Dear Chairman Moskowitz and Members of the Board:

Enclosed please find a copy of a letter that the City of American Canyon submitted to the Local Agency Formation Commission of Napa County yesterday. At the suggestion of the LAFCO board, we are hereby sending a copy of that letter directly to the County as well. Please let me know if you have any questions. Thank you.

R-1P

Very truly yours,

Iris P. Yang

Sacramento
555 Capitol Mall
9th Floor
Sacramento CA
95814-4692
tel 916.444.3900
toll free 800.403.3900
fax 916.444.8934

Oakland
1901 Harrison Street
9th Floor
Oakland CA
94612-3501
tel 510.273.8780
toll free 800.339.3030
fax 510.839.9104

Yuba City
422 Century Park Drive
Suite A
Yuba City CA
95991-5729
tel 530.674.9761
fax 530.671.0990

www.mhalaw.com

IPY:jjh

enc.

cc: Mayor and Members of the American Canyon City Council
Richard J. Ramirez
William D. Ross, Esq.

1018150v1 36498/0001

3.0 COMMENTS AND RESPONSES TO COMMENTS



McDonough Holland & Allen PC
Attorneys at Law

Iris P. Yang
Attorney at Law

Sacramento Office
916.325.4576 tel
916.444.3826 fax
iyang@mhalaw.com

June 4, 2007

HAND-DELIVERED

The Honorable Jack Gingles, Chair
Members of LAFCO of Napa County
1700 Second Street, Suite 268
Napa, CA 94559

Re: June 4, 2007 Agenda Item 7(a) Comments on the County of Napa's
Draft General Plan Update and Draft Environmental Impact Report

Dear Mr. Gingles and Members of the Commission

I am submitting my comments on behalf of the City of American Canyon with respect to LAFCO's proposed letter to Napa County on its draft Environmental Impact Report and on its General Plan update.

R-2E/P

First, we would like to express our appreciation to Keene Simonds and Jacqueline Gong for taking the time to meet with the City staff to discuss our concerns. In addition, we believe the proposed revisions to LAFCO's letter to the County properly focus on the need for the County to address those land use policies that would encourage new urban uses requiring new or higher levels of public services in the unincorporated area.

The proposed LAFCO letter states that the DEIR does not address the County's specific activities or projects to implement the General Plan Update. We agree. The Draft General Plan specifically states that an Implementation Plan will be prepared after the public review process and included in the Final General Plan submitted for adoption to the Board of Supervisors. As a result, the environmental impacts of specific implementing actions will not and cannot be evaluated in the EIR. That is completely contrary to the purpose of CEQA, which is "to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment." *Citizens for Responsible Growth v. City*, 40 Cal. 4th 412 (2007); Pub. Resources Code § 21061.

R-3E

Another issue is the lack of any comment on the DEIR's discussion of the Hess vineyard site. The county and LAFCO recognize that the current zoning of the property for *Agricultural Watershed* is at variance with the current designation of *Industrial*. The County proposed to adopt a policy statement that the County would not rezone the property for non-agricultural use unless it makes a specific finding that there is no other suitable industrial land available in the unincorporated area.

R-4E/P

Sacramento
555 Capitol Mall
9th Floor
Sacramento CA
95814-4692
tel 916.444.3900
toll free 800.403.3900
fax 916.444.8334

Oakland
1901 Harrison Street
9th Floor
Oakland CA
94612-3501
tel 510.273.8780
toll free 800.339.3030
fax 510.839.9104

Yuba City
422 Century Park Drive
Suite A
Yuba City CA
95891-5728
tel 530.674.8761
fax 530.671.0990
www.mhalaw.com

1017908v2 36498/0001

3.0 COMMENTS AND RESPONSES TO COMMENTS



McDonough Holland & Allen PC
Attorneys at Law

The Honorable Jack Gingles, Chair
Members of LAFCO of Napa County
June 4, 2007
Page 2

There are several concerns with this attempted "fix." Government Code section 65860 requires that a county zoning ordinance be consistent with the county's general plan. Any resident or property owner can request a court order to require that property be rezoned to ensure consistency. Section 65860 further provides that if a zoning ordinance becomes inconsistent with a general plan because of an amendment to the plan, the zoning ordinance "shall be amended within a reasonable time" (emphasis added) so that it is consistent with the general plan. In this instance, the zoning has been inconsistent with the general plan for several years, and the proposed General Plan Update will only perpetuate, not cure, that inconsistency. This is a matter that is well within LAFCO's authority to comment upon.

R-4E/P
cont'd

Second, the Ag/LU-37 policy provides that the Hess Property would not be rezoned unless there was no other suitable industrial land available in the unincorporated area. There is no limitation in the law that suitable land must be in the unincorporated area. In looking at reasonable alternatives, the California Supreme Court has said that jurisdictional borders are simply one factor for the lead agency to take into account and "do not establish an ironclad limit on the scope of reasonable alternatives." *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 575 (1990); see also CEQA Guidelines, § 15126.6(f)(2).

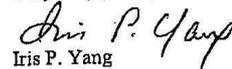
R-5P

Finally, with respect to mitigation Measures 4.13.3.1b and 4.13.4.1, we believe that it is no longer acceptable to simply state that the County will require verification of adequate water supply and wastewater service for land uses and development. Under *Citizens for Responsible Growth v. City*, 40 Cal.3d 412 (2007), the California Supreme Court held that an EIR was deficient because it "[did] not clearly and coherently explain, using material properly stated or incorporated in the EIR, how the long-term demand is likely to be met with those sources, the environmental impacts of exploiting those sources, and how those impacts are to be mitigated." *Id.* at 421.

R-6E

Thank you very much for your consideration of our comments.

Very truly yours,


Iris P. Yang

IPY:jjh

cc: Mayor and Members of the American Canyon City Council
Richard J. Ramirez

1017908v2 36498/0001

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER R: IRIS P. YANG, McDONOUGH HOLLAND & ALLEN ON BEHALF OF CITY OF AMERICAN CANYON, JUNE 5, 2007

Response R-1 E/P: McDonough Holland & Allen has provided a copy of a letter that the City of American Canyon submitted to LAFCO of Napa County. This letter has been included in these responses to comments.

Response R-2 E/P: The commenter agrees that LAFCO's letter to the County properly focuses on policies that would encourage new urban uses in unincorporated areas. The County has noted its willingness to cooperate with both the City of American Canyon and LAFCO regarding issues related to development proposal applications when they are submitted for agency review. The commenter is referred to Responses Q-1 through Q-11 as well as Water Supply Master Response 3.4.1 regarding water service provision.

Response R-3 E: The commenter states that the Draft EIR does not address the County's specific activities or projects to implement the General Plan Update because the Implementation Plan has been included in the revised General Plan Update and thus is being made available for public review and comment during the plan adoption process. An Implementation Plan has been included in the Revised Draft General Plan Update and is available for public review. The Implementation Plan repeats action items from the various elements of the General Plan Update, except for the Housing Element, which contains its own implementation strategies and quantitative objectives. All of the proposed action items in the Implementation Plan were evaluated for their potential physical effects on the environment, since they were either included in the collection of actions and policies represented by Draft EIR Alternatives B and C as described on Draft EIR page 3.0-17 and 3.0-24, or they are based on Draft EIR mitigation measures (see Draft EIR page 4.0-3). The County believes that the Final EIR, consisting of the Draft EIR plus comments, responses, required text changes, and other materials provided herein, provides a complete and adequate analysis of the anticipated environmental effects of the General Plan Update and its implementation. The commenter is welcome to submit additional comments on the Implementation Plan at any time during the public hearing process which begins at 9 AM on January 15, 2008.

Response R-4 E/P: The commenter is concerned with the Draft EIR's lack of discussion of the Hess vineyard site. The Revised Draft General Plan Update now proposes to re-designate this site as Agriculture, Watershed and Open Space (AWOS), based on the public comments received (see Policy Ag/LU-40). The revised plan also notes (Policy Ag/LU-114) that there may be instances in the County where general plan and zoning designations are not identical; this does not mean that the zoning and General Plan are inconsistent, because the General Plan consists of policies as well as maps. The Draft EIR appropriately discusses the Hess Vineyard site and the potential change to the site under various Draft EIR alternatives. Only Draft EIR Alternative E assumes that the Hess Vineyard property would be redeveloped for industrial use prior to 2030 (see p. 6.0-32 of the Draft EIR).

3.0 COMMENTS AND RESPONSES TO COMMENTS

Response R-5 P: Commenter concerned with Policy Ag/LU-37 regarding Hess property rezoning. The commenter is referred to Response R-4. The policy referred to (now Policy number Ag/LU-40) has been substantially revised in response to comments.

Response R-6 E: Commenter states that the EIR needs to demonstrate how long-term demand for water supply is likely to be met, the environmental impacts of exploiting those sources, and how impacts will be mitigated. Commenter states mitigation measures that require future verification are not adequate (MM 4.13.3.1b and MM 4.13.4.1). See Water Supply Master Response 3.4.1.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter S

From: Wadsworth, Graham
Sent: Monday, June 11, 2007 1:01 PM
To: 'info@napacountygeneralplan.com'
Cc: O'Bryon, Michael; Pollard, Laurence; Jones, Sam; Harnois, Karen
Subject: General Plan Update and EIR

Dear Sir or Madam:

I read a February 16, 2007 media release that this is the email address for comments on the Napa County General Plan Update and EIR. Please consider the following comments:

- | | |
|---|--------|
| 1) Mitigation Strategies from the Napa Area Operational Hazard Mitigation Plan should be incorporated into the policies in the General Plan, and not just referenced to be implemented in SAF-36. | S-1E/P |
| 2) Land use planning should take into account that the Napa River Flood Protection Project was designed for current watershed conditions, so potential higher base flood water surface elevations within the project limits caused by land development should be mitigated to net sum zero. A policy should be set that freeboard should be maintained so the Federal Emergency Management Agency will continue to recognize one percent chance per year "100-year" flood protection within the project limits in the City of Napa. | S-2E/P |
| 3) NPDES Phase 2 General Permit for MS4's and Total Maximum Daily Load requirements and implementation plans should be incorporated into the policies in the General Plan, and not just referenced to be implemented in CON-31 and CON-32. | S-3E/P |

If you have any questions or want clarification about these comments, please contact me at the phone number below.

Graham S. Wadsworth, P.E.
Senior Civil Engineer
City of Napa Public Works Dept.
P. O. Box 660 / 1600 First St.
Napa, CA 94559-0660
707-257-9520
fax 257-9522
www.cityofnapa.org

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER S: GRAHAM S. WADSWORTH, PE, CITY OF NAPA – PUBLIC WORKS DEPARTMENT, JUNE 11, 2007

Response S-1 E/P: Commenter notes that the mitigation strategies from the Napa Area Operational Hazard Mitigation Plan should be incorporated into the policies of the GPU, not just referenced in SAF-36. Policy SAF-36 has been revised as follows and is now Policy SAF-38:

- Policy SAF-38: The County will continue to implement the Napa Operational Area Hazard Mitigation Plan in the planning and operations of the County to achieve the goals, objectives and actions of the Plan, including:

Promoting a flood safer community

Promoting an earthquake safer community

Promoting a fire safer community

Promoting a technological and biological safer community

Reducing impacts from flooding

Reducing impacts of earthquakes

Minimizing the risk of wildfire at the urban interface

Improving the County's ability to mitigate technological hazards and agricultural threats.

A detailed list of mitigation strategies has not been included in the Safety Element in order to ensure that the General Plan remains current with changes in the Napa Area Operational Hazard Mitigation Plan.

Response S-2 E/P: Commenter notes that the General Plan Update should include a policy that freeboard should be maintained so FEMA will continue to recognize one percent change per year "100-year" flood protection with the project limits in the City of Napa. As identified in the Draft EIR on page 4.11-73, the County allows for development within designated flood areas provided that residential structures are built at least one foot higher than the 100-year flood level and that non-residential structures are either elevated similar to residential structures or provide an alternate form of flood proofing. Since release of the public draft of the proposed General Plan Update, the Safety Element has been further revised to include policy provisions that incorporate Draft EIR mitigation measures MM 4.11.3a and MM 4.11.9 that provide for maintenance of current flow rates under the 2-, 10-, 50-, and 100-year flood events as well as requiring no increase in severity of flood conditions from development. Policy SAF-24 has been revised as follows to respond to this comment and is now Policy SAF-25:

- Policy SAF-25: The review of new proposed projects ~~should~~ shall include an evaluation of the potential flood impacts that may result from the project. This review shall include an evaluation of the project's potential to affect flood levels on the Napa River; the County shall seek to mitigate any such effects to ensure that freeboard¹ on the Napa River in the area of the Napa River Flood Protection Project is maintained.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Response S-3 E/P: The NPDES Phase 2 General Permit for MS4's and TMDL requirements and implementation plans should be incorporated into policies, not just referenced (CON-31 and CON-32). The County recognizes that all requirements set by the Regional Water Quality Control Board must be met by future development projects and it is not necessary to detail out all regulatory requirements of the General Permit and TMDLs. Policy CON-50 is now revised in part (f) to include language that references NPDES Phase II requirements. Policy CON-47 specifies compliance requirements with applicable TMDL process to improve water quality.

Letter T

California Regional Water Quality Control Board
Central Valley Region

Karl E. Longley, ScD, P.E., Chair

P. LOWE



Linda S. Adams
Secretary for
Environmental
Protection



Arnold
Schwarzenegger
Governor

Sacramento Main Office
11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>

RECEIVED

JUN 13 2007

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

12 June 2007

Mr. Patrick Lowe, Deputy Planning Director
Napa County Office of Conservation, Development & Planning
1195 Third Street, Suite # 210
Napa, CA 94559

NAPA COUNTY GENERAL PLAN UPDATE AND DRAFT ENVIRONMENTAL IMPACT
REPORT

The Central Valley Water Quality Control Board (Central Valley Water Board) appreciates the opportunity to review and comment on the Napa County General Plan Update. Our jurisdiction extends to the part of the County that drains into the Central Valley or the eastern part of the County that includes the Putah Creek watershed. The San Francisco Bay Water Quality Control Board is responsible for the Napa River and the Suisun Creek watersheds. The following comments relate to the eastern part of the County.

T-1E/P

The Central Valley Water Board has adopted conditional waivers that regulate discharges from irrigated lands to surface waters of the State. Please note that managed wetlands are also subject to this waiver. The Central Valley Water Board has also adopted conditional waivers for commercial timber harvest activities. The General Plan and the draft Environmental Impact Report (DEIR) should acknowledge these regulatory requirements.

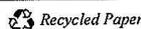
The DEIR assesses the wastewater needs in the County by comparing the wastewater treatment demand against the capacity of the various treatment systems. However, in at least one case, the listed capacity is inconsistent with the Waste Discharge Requirements and other Orders for these facilities. The DEIR identifies the capacity of the Napa Berryessa Resort Improvement District as 0.176 mgd. The Napa Berryessa Resort Improvement District is covered under Waste Discharge Requirements Order No. 95-173, which prescribes a maximum monthly average flow of 0.05 mgd. Due to overflows at this facility, the District was required to evaluate the capacity of the facility and to prepare and implement a plan to address the capacity issues. The Central Valley Water Board issued a Cease and Desist Order and imposed a sewage connection restriction. To this day, the District remains in violation of its Waste Discharge Requirements. The DEIR must evaluate the compliance history of the wastewater treatment facilities in order to determine if adequate capacity is available.

T-2E/P

The Central Valley Water Board is pleased that the County in policies CON-2 (d), CON-31 (a), and CON-35 (d) encourages advanced wastewater treatment facilities to generate recycled

T-3E/P

California Environmental Protection Agency



3.0 COMMENTS AND RESPONSES TO COMMENTS

Mr. Patrick Lowe

- 2 -

12 June 2007

water and promotes use of recycled water. Providing an evaluation of the existing facilities and a plan for these facilities to meet these policies would be very helpful.

T-3E/P
Cont'd.

Finally, while the County has recognized that Putah Creek has been identified as impaired for mercury in the Clean Water Act Section 303(d) list, the listing for Putah Creek is from Solano Lake to the Putah Creek Sinks, which is a reach outside the County boundaries. Within the County's boundaries, Lake Berryessa is listed as impaired for mercury and James Creek, tributary to Pope Creek and thence to Lake Berryessa, is impaired for mercury and nickel. Additionally, the County should have concerns that the Office of Environmental Health Hazard Assessment has issued a health advisory for fish caught in Lake Berryessa due to the levels of mercury in the fish tissue. We are aware of local and federal efforts to assess and address the source of mercury in the Putah Creek watershed. The Central Valley Water Board would be pleased if the County chooses to work with these other efforts to address the mercury issues in this watershed.

T-4E/P

If you have any questions on this matter, please feel free to contact me at 916-464-4643 or byee@waterboards.ca.gov.



BETTY YEE
Senior Water Resource Control Engineer

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER T: BETTY YEE, CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, CENTRAL VALLEY REGION, JUNE 12, 2007

Response T-1 E/P: The commenter notes the jurisdiction of the California Regional Water Quality Control Board, Central Valley Region (Central Valley Board) as well as their regulatory requirements associated with discharges to surface waters of the state. The Draft EIR specifically notes the Central Valley Board is a "Responsible Agency" associated with subsequent implementation of the proposed General Plan Update (see Draft EIR page 1.0-2) and does generally note the role of the RWQCBs in protecting surface waters from point and non-point sources of pollution. As requested by the commenter, the following is added to the Draft EIR.

Draft EIR page 4.11-24, the following change is made to the first full paragraph:

- The California State Water Resources Control Board and RWQCBs that enforce State of California statutes are equivalent to or more stringent than the Federal statutes. RWQCBs are responsible for establishing water quality standards and objectives that protect the beneficial uses of various waters in the County including Morrison Creek, and other creeks in the Planning Area. In the County, Planning Area the RWQCBs is are responsible for protecting surface and groundwaters from both point and non-point sources of pollution. For example, the Central Valley RWQCB has adopted conditional waivers that regulate discharges from irrigated lands, managed wetlands, and commercial timber activities.

Water quality objectives for all of the water bodies within the Planning Area were established by the RWQCB and are listed in its Basin Plan.

Response T-2 E/P: The commenter identifies conflicts with capacity information provided in the Draft EIR and Central Valley Board Waste Discharge Requirements and other orders associated with the Napa Berryessa Resort Improvement District's (NBRID) wastewater facilities. The commenter further notes that due to overflows at the wastewater treatment facility, a Cease and Desist Order has been issued and that the Draft EIR needs to consider this circumstance as part of its evaluation. The capacity information provided in the Draft EIR (see Draft EIR Table 4.13.4-1) identifies NBRID's wastewater treatment plant's design capacity (not its permitted capacity) at 0.176 million gallons per day (mgd). This table also notes that this facility's wet weather flows occasionally exceed the maximum RWQCB limits. Draft EIR mitigation measure MM 4.13.4.1 specifically requires (through continued implementation of County Code provisions regarding sewer service) verification of adequate wastewater service prior to project approvals. Implementation of this mitigation measure would ensure that development in the NBRID does not occur which is counter to restrictions set forth in the RWQCB's Cease and Desist Order. It should also be noted that since release of the public draft of the proposed General Plan Update and Draft EIR, the Conservation Element of the General Plan has been further modified and now incorporates Draft EIR mitigation measure MM 4.13.4.1 into its policy provisions.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Response T-3 E/P: The commenter identifies that the Central Valley Board supports the recycled water generation and use policies in the Conservation Element of the proposed General Plan Update. This support of the County's proposed General Plan Update policy provisions associated with the use of recycled water is noted. The Draft EIR includes a programmatic analysis of the environmental effects regarding the potential use of recycled water in the Coombsville and Carneros areas. Further refinements of these policy provisions in the Conservation Element have been made since release of the public draft of the proposed General Plan Update and Draft EIR.

Response T-4 E/P: The commenter identifies that Lake Berryessa is listed as an impaired waterway for mercury and James Creek is listed as an impaired waterway for mercury and nickel. The commenter also notes that the County should be concerned about the health advisory for fish caught in Lake Berryessa, and that the Central Valley Board would be pleased if the County chose to work with efforts to address mercury issues. The Draft EIR does identify that Lake Berryessa is impaired for mercury (see Draft EIR page 4.11-14) and notes the health advisory for fish caught in Lake Berryessa (see Draft EIR pages 4.6-4 and-5). The water quality impact analysis in the Draft EIR addresses potential water quality issues associated with subsequent development under the proposed General Plan Update (development and vineyard conversions) and includes mitigation measures to protect all water features (including Lake Berryessa and the Putah Creek/Lake Berryessa Watershed) in the County from these activities (see Draft EIR Impacts 4.11.1, 4.11.2, and 4.11.3). The Draft EIR mitigation measures identified under these impacts (MM 4.11.2a and b, MM 4.11.3a and b) have now been incorporated into refinements to the Conservation Element of the proposed General Plan Update, which also now includes policy provisions that include monitoring of all County watersheds to assess their health and the effectiveness of BMPs in meeting the requirements of applicable TMDL Basin Plan provisions. These provisions would apply to Lake Berryessa as well.

The following modifications are made to the Draft EIR to note the impaired status of James Creek.

Draft EIR page 4.11-14, second paragraph is modified as follows:

- Currently, the Napa River and its tributaries have been listed under Section 303(d) as water quality impaired for nutrients, pathogens, and sedimentation/siltation. The Putah Creek Watershed/Lake Berryessa is listed as water quality impaired for mercury, while James Creek is impaired for mercury and nickel. San Pablo Bay, into which the Napa River drains, has been listed as impaired for chlordane, DDT, diazinon, dieldrin, dioxins and furans, exotic species, mercury, nickel, PCBs, and selenium.

Letter U

P. LOWE



Napa County Resource Conservation District
1303 Jefferson St., Ste. 500B, Napa, CA 94559
PHONE: 707-252-4188 FAX: 707-252-4219 WEB: www.naparcd.org

RECEIVED

JUN 14 2007

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.

June 12, 2007

Mr. Patrick Lowe, Deputy Planning Director
Napa County Conservation, Development and Planning Department
1195 Third Street, Suite 210
Napa, CA 94559

Dear Mr. Lowe:

Thank you for the opportunity to comment on the draft General Plan Update and associated draft Environmental Impact Report (EIR). Thank you also for developing the necessary tools to evaluate consistency between the General Plan Update and draft EIR and to compare the draft Plan with the existing Plan. Both of these tools were extremely helpful.

U-1E/P

Your staff and the General Plan Steering Committee are to be commended for developing an impressive update to the existing General Plan, which has served Napa County well over the past decades. The overall goals of the General Plan Update remain reflective of the County's support for agriculture as a primary land use in the County while balancing several other land uses and important values, including protection and conservation of natural resources.

With regard to the draft General Plan Update, we offer the following comments for consideration:

- 1. Circulation Goal 1 should explicitly be correlated with the Conservation Element and be protective of the County's natural resources. A policy should be added to this element to encourage upgrading of roads to address concerns related to resource protection and conservation. Suggested language for a new policy is "Roadway, culvert, and bridge improvements and repairs shall be designed and constructed to minimize fine-sediment and other pollutant delivery to waterways and where applicable to allow for fish passage and migration."
2. Ag/LU Goal 5 and subsequent additional policies should encourage agricultural practices that avoid negative impacts on public health and the environment and encourage sustainable agricultural practices. Ag/LU - 5 should be amended to read, "Create a stable and predictable regulatory environment that encourages investment by the private sector and balances the rights of individuals with those of the community and the needs of the environment." In addition, consider adding a goal to the Ag/LU element to support sustainable and organic agricultural practices and consider adding a subsequent policy that requires the County to support programs that provide technical advice to farmers wishing to shift from conventional to sustainable and/or organic farming methods.
3. "In recognition of their limited impacts" should be deleted from Policy Ag/LU - 15. Small wineries and vineyards may have an impact on natural resources and other community values. The streamlined permitting process called for in Action Item Ag/LU-15.1 should reference the necessity to evaluate impacts under CEQA as part of the streamlined process.
4. The District, in our efforts to promote responsible watershed management through voluntary stewardship and technical assistance, recognizes the importance of reasonable land use policies and enforcement of those policies. We suggest some minor language change to Policy Ag/LU - 118 to

U-2P

U-3P

U-4E/P

U-5P

The Napa County Resource Conservation District is a non-regulatory agency whose mission is to promote responsible watershed management through voluntary stewardship and technical assistance.

3.0 COMMENTS AND RESPONSES TO COMMENTS

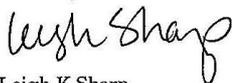
- | | |
|--|----------------|
| <p>reflect the County's commitment to enforcing existing regulations to protect the quality of life in Napa County. Suggested language is, "The County is committed to maintaining the quality of life in Napa County through enforcing regulations and codes. The County shall uniformly and fairly enforce codes and regulations, and shall assign high priority to abatement of violations that may constitute potential threats to public health or safety or that may cause irreversible environmental damage."</p> | U-5P
Cont'd |
| <p>5. Similar to #4, we suggest new language for Policy CON – 5 as follows: "The County is committed to maintaining or improving the current overall level of environmental quality found in Napa County through enacting and enforcing regulations and codes. The County shall uniformly and fairly enforce codes and regulations, and shall, with respect to enforcing regulations related to environmental quality, assign high priority to abatement of violations that may constitute potential threats to public health or safety or that may cause irreversible environmental damage. Enforcement actions shall be non-discretionary and shall be sufficient to discourage irreversible damages."</p> | U-6P |
| <p>6. Add language to Policy CON – 22 to support actions necessary to limit the spread of Sudden Oak Death. Visit the website of the California Oak Mortality Task Force for specific recommendations and State laws.</p> | U-7P |
| <p>7. We suggest adding the following measures to CON – 23 to maintain and enhance fisheries habitat:</p> <ul style="list-style-type: none"> a. Encourage leaving large-woody-debris in stream to the extent consistent with flood control considerations. b. Implement road building and maintenance practices to minimize bank failure and sediment delivery to channels. c. Encourage practices that buffer urban runoff from local storm drains. d. Ensure that sufficient flow and channel characteristics are maintained for fish passage consistent with State and Federal guidelines. e. Add "development projects and conversions" and "vineyard roads and avenues" to the list of sediment sources that need to be controlled under existing measure (f). | U-8P |
| <p>8. The District supports the goals and objectives of the Watershed Information Center and Conservancy and would like to see the following minor language change to Policy CON – 33, "The County will support the work of the Watershed Information Center and Conservancy (WICC) Board as a clearinghouse for watershed information, a forum for <u>citizen and</u> interagency discussion and cooperation, and development and coordination of <u>watershed</u> monitoring efforts and strategic planning." The word "watershed" rather than "water quality" should be used to be more reflective of the goals and objectives of the WICC.</p> | U-9P |
| <p>9. We support inclusion of a policy in the Conservation Element of the General Plan Update that is consistent with MM 4.6.1a in the draft EIR to establish a fishery monitoring program. Results from such a monitoring program, combined with results from water quality monitoring, may be the most effective and defensible way to establish a basis for de-listing the Napa River.</p> | U-10E/P |
| <p>10. We suggest a new policy in the Conservation Element related to the importance of wateruse efficiency during the spring to protect and prolong the duration of in stream flows for migrating anadromous fish such as steelhead and Chinook salmon. Along those same lines, we support a policy consistent with MM 4.11.5c in the draft EIR regarding use of water conservation measures to improve water use efficiency and reduce overall water demand.</p> | U-11E/P |
| <p>11. We support inclusion of a goal and policies related to reducing greenhouse gasses and carbon emissions.</p> | U-12P |

With regard to the draft Environmental Impact Report:

- | | |
|---|---------|
| <p>12. Review of the draft General Plan Update for consistency with the draft EIR, as detailed in the March 20, 2007 <i>Comparison of Proposed General Plan Update Policies and the Draft EIR Mitigation Measures</i>, indicates that additional work by staff and the General Plan Steering Committee may be necessary to improve the consistency among the documents. Specifically with regard to the policies in the Conservation Element and the mitigation measures contained in the Biological Resources, Fisheries, and Hydrology and Water Quality, we encourage staff and the Steering Committee to seek a balance between the standards called for in the mitigation measures and the current policies.</p> | U-13E/P |
| <p>13. The MIKE SHE model referred to in section 4.11 (Hydrology and Water Quality) will have a tendency to overestimate soil loss and sediment delivery from vineyards developed and managed under the Conservation Regulations. While it incorporates the Universal Soil Loss Equation (USLE) factor for cover crop (C), it excludes consideration of other mitigating factors such as practice (P) and length of slope (LS), thereby resulting in an overestimation. While this may be acceptable for large-scale analysis, it should be recognized that the model has serious flaws with regard to estimating soil loss and sediment delivery at the project scale and its use for this purpose should be avoided.</p> | U-14E |
| <p>14. The requirement of MM 4.11.3a and other mitigation measures in the draft EIR that require development projects not to increase the 2-, 10-, 50- and 100-year peak flow rates beyond pre-project conditions, may result in unintended consequences including possible development of a large number of flood attenuation basins throughout Napa County's watersheds. These attenuation basins would do little to retain fine sediments that are the subject of a TMDL for the Napa River and they would further retain a large portion of the coarse sediments that provide necessary habitat for steelhead and Chinook salmon and for which the County's streams are already starved. We encourage consideration of establishing thresholds of significance for peak flow based upon watershed or sub-basin characteristics and District staff is available to work with County staff to that end.</p> | U-15E |
| <p>15. The intent to provide a ministerial vineyard review process is commendable. However, the standards set forth in MM 4.11.4 are daunting and the nature of these standards, while consistent with CEQA, may be prohibitive to actual implementation. District staff is available to provide technical input to establishing alternative thresholds and/or standards for this mitigation measure. Also with regard to MM 4.11.4 the following should be considered:</p> <ul style="list-style-type: none"> a. The breeding season for ground-nesting birds encompasses nearly all of the allowable grading season. Pre-construction surveys should be allowed more than two weeks before grading, to preclude the likelihood of last-minute delays and to allow for reasonable projection of construction scheduling and costs. b. An alternative to the requirement for "individual vineyard block fencing," such as a wildlife circulation plan submitted by a qualified wildlife biologist, should be allowed. Individual block fencing may be counterproductive if it creates "inside corners" where wildlife can be trapped. | U-16E |

Thank you again for the opportunity to comment on these important policy documents that will shape the future of Napa County. We appreciate the dedication and time intensive efforts of County staff, the Steering Committee, and the consultants in preparing these documents that balance the needs and desires of our community within the constraints of existing State and Federal laws and regulations. If you have any questions regarding our comments or would like clarification, please contact me at (707) 252-4188 ext. 110.

Sincerely,



Leigh K Sharp
District Manager

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER U: LEIGH K. SHARP, NAPA COUNTY RESOURCE CONSERVATION DISTRICT, JUNE 12, 2007

Response U-1 E/P: The District commends the County staff and General Plan Steering Committee and states that the overall goals of the proposed General Plan update remain reflective of County support for agriculture and conservation of natural resources. Because the commenter states support, no response is necessary.

Response U-2 P: The commenter states that Circulation Goal 1 should be correlated with the Conservation Element to be protective of the County's natural resources. The commenter suggests a new policy in the Circulation Element to reduce pollutants from road improvements. Policy CIR-8 has been included in the revised General Plan Update to address minimization of pollutants during improvements and repairs.

Response U-3 P: The District suggests amended language to Ag/LU Goal 5 to avoid negative impacts to public health and the environment and encourage sustainable agricultural practices. The commenter suggests revisions to Ag/LU-5 and adding another policy that supports sustainable agriculture and provides technical advice to farmers wishing to convert from conventional to organic farming practices.

The Conservation Element has been revised contain policy provisions regarding sustainable agricultural practices (see Policy CON-3).

Response U-4 E/P: The commenter suggests that the text "In recognition of their limited impacts" should be deleted from Policy Ag/LU-15. The commenter also suggests that, as part of the streamlined process under Action Item Ag/LU-15.1, impacts should be evaluated under CEQA.

The Draft EIR addresses the environmental effects of policy implementation of the proposed General Plan Update. Small wineries that would meet this definition are of such size that no significant impacts are expected. Details of the suggested program would be worked out in an ordinance as suggested by Action Item Ag/LU-16.1, and the ordinance would be subject to public review prior to adoption.

Response U-5 P: The District suggests language change in Policy Ag/LU-118 to reflect the County's commitment to enforcing existing regulations to protect the quality of life in Napa County. The suggested edits to this policy were made to the Agricultural Preservation/Land Use Element.

Response U-6 P: The District suggests language change to Policy CON-5 to show that the County is committed to improving the overall level of environmental quality in Napa County. Subsequent to the release of the public draft of the proposed General Plan Update and Draft EIR, further modification has been made to the General Plan Conservation Element under CON-5 that include several of the text changes proposed for the enforcement of codes and regulations which maintain or improve the environmental quality found in Napa County.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Response U-7 P: The commenter suggests adding language to Policy CON-22 to prevent the spread of Sudden Oak Death. Subsequent to the release of the proposed General Plan Update and Draft EIR, further modification has been made to the General Plan Conservation Element under CON-24 part (f) that helps to enforce the state and federal regulations concerning Sudden Oak Death.

Response U-8 P: The District suggests adding measures to Policy CON-23 to enhance fisheries habitat. Subsequent to the release of the proposed General Plan Update and Draft EIR, further modification has been made to the General Plan Conservation Element under CON-11 through CON-14 and related Action Item CON NR-2 that includes several additional measures to protect fisheries habitat including encouraging maintenance and restoration necessary for fish passage consistent with state and federal guidelines.

Response U-9 P: The District suggests changes to Policy CON-33 for the Watershed Information Center and Conservancy to include citizen involvement. Subsequent to the release of the proposed General Plan Update and Draft EIR, further modification has been made to the revised General Plan Update Conservation Element under CON-63 that includes the proposed text changes for citizen involvement and watershed monitoring.

Response U-10 E/P: The commenter notes that there should be a policy consistent with mitigation measure MM 4.6.1a in the Draft EIR. Subsequent to the release of the proposed General Plan Update and Draft EIR, further modification has been made to the revised General Plan Conservation Element Action Item CON NR-2 that includes protective measures for fisheries, which would specifically require monitoring.

Response U-11 E/P: The commenter suggests a new policy related to the importance of water use efficiency during the spring for migrating anadromous fish. The commenter also suggests that a policy consistent with mitigation measure MM 4.11.5c to reduce overall water demand should be included in the General Plan.

The water flows in Napa County are dictated by water rights permits which are enforced by the SWRCB and/or local municipalities. Therefore, measures for the protective water levels for migrating anadromous fish are enforced by those agencies. Additionally, subsequent to the release of the proposed General Plan Update and Draft EIR, further modification has been made to the revised General Plan Conservation Element under Policy CON-11 that now includes a policy to reflect the content of MM 4.11.5c and includes measures in part (c) specifically to prolong the duration of in-stream flows.

Response U-12 P: The District supports inclusion of a goal and policies related to greenhouse gas emissions and carbon emissions. Policies have been added to address this issue in the revised General Plan Conservation Element in the new Climate Protection and Sustainable Practices for Environmental Health section.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Response U-13 E/P: The commenter suggests that the General Plan and Draft EIR should be reviewed for consistency between the two documents. The commenter also notes there should be a balance between standards called for in the mitigation measures and the current policies, especially between the policies in the Conservation Element and the mitigation measures in the Biological Resources, Fisheries, and Hydrology and Water Quality sections of the EIR. The County appreciates the input regarding the General Plan process. The County will consider the comment when evaluating proposed revisions to the General Plan prior to adoption of the policy document and certification of the EIR.

Response U-14 E: The commenter suggests that the MIKE SHE model may have overestimated soil loss and sediment delivery from vineyards. The commenter also notes that the model has flaws for project scale analysis and should be used primarily for large-scale analysis. While the commenter notes that the MIKE SHE model has flaws and does not take into account practice (P) or length of slope (LS), the commenter does not recommend a better model to use for such an analysis. As stated on page 4.11-38 of the Draft EIR, "It should be noted that these vineyard development scenarios are intended to evaluate potential County-wide water resource impacts from vineyard development by the year 2030 and are not predictions of precisely where vineyard development would occur under the proposed General Plan Update." Therefore, the modeling run analysis using the MIKE SHE model was appropriately used for the proposed General Plan Update analysis by showing flow components of the hydrologic cycle, including overland flow, unsaturated flow, evapotranspiration, and saturated flow, for the four large-scale potential vineyard development scenarios.

Response U-15 E: The commenter states that some unintended consequences may result from implementation of mitigation measures such as MM 4.11.3a, including construction of a large number of flood attenuation basins throughout Napa County's watersheds that may result in indirect impacts to the habitat of the steelhead and Chinook salmon by capturing the course sediments and not preventing fine sediments from entering the Napa River. The commenter suggests establishing thresholds of significance for peak flow based upon watershed or sub-basin characteristics.

The commenter is referred to Impact 4.11.3 on pages 4.11-49 through -54 of the Draft EIR for a discussion of increased sediment and nutrients in downstream waterways associated with continued agricultural and resource development, as well as to Appendix I (Approach to Impact Avoidance, Minimization, and Mitigation Through the County Conservation Programs and BMPs) of the Draft EIR for information pertaining to the effectiveness of attenuation basins. Additionally, mitigation measure MM 4.11.3a is considered to be in combination with mitigation measure MM 4.11.3b, which requires the implementation of Napa County Conservation Regulations (Chapter 18.108 of the County Code) in order to mitigate surface water quality impacts from land use activities consistent with and in compliance with applicable Basin Plans and Basin Plan amendments associated with implementation of the Napa

3.0 COMMENTS AND RESPONSES TO COMMENTS

River TMDL for sediment, pathogens, and nutrients. These measures would mitigate any potential impacts that flood attenuation basins would have on surface water quality.

Response U-16 E: The commenter notes that the standards for mitigation measure MM 4.11.4 in the Hydrology section of the Draft EIR are daunting and that the Napa County Resource Conservation District staff is available to provide technical input for alternative thresholds and/or standards for this mitigation measure. The commenter also suggests an alternative for "individual vineyard block fencing," such as a wildlife circulation plan submitted by a qualified wildlife biologist as this type of fencing could be counterproductive if it creates "inside corners" where wildlife can be trapped.

The County appreciates the input regarding the stringency of the mitigation measure 4.11.4, but does not recommend a change to the proposed ministerial process. Additionally, the proposed General Plan Update would include policies resulting in modifications to the County's Conservation Regulations (County Code Chapter 18.108) to provide a ministerial process for environmentally superior vineyard development projects that would not require environmental review under CEQA. This process has been proposed in order to meet the proposed General Plan Update's policy provisions for the continued promotion of agricultural activities in the County that are protective of the environment. These projects would be required to go beyond current regulatory requirements and meet performance criteria demonstrating no significant adverse effects to the environment in order to qualify for the streamlined process. Additionally, the proposed ministerial process for environmentally superior vineyard development projects was developed according to CEQA standards and specific regulatory requirements. The ministerial permit cannot be modified due to the fact that the performance criteria demonstrating no significant adverse effects are specific to CEQA standards.

Preferred General Plan policies CON-13, CON-27 and Action Items CON NR-1 of Policy CON-27 now address the intent of the mitigation measure MM 4.11.4; however, the measure provides detailed performance standards that are not addressed in the revised policies. This approach is consistent with public comments, which suggested reasons why some of the components of MM 4.11.4 are infeasible, and also suggested that the County take more time to develop the suggested program. County staff is recommending that policy makers reject MM 4.11.4 as infeasible, and adopt the policy and action items which generally call for development and implementation of a streamlined permitting program for environmentally superior projects. The specific components of such a program will have to be developed based on additional public outreach, and the resulting program will require additional environmental review.

For protection of wildlife movement corridors, the Conservation Element now includes the following regarding fencing to reduce impacts on habitat conservation and connectivity:

3.0 COMMENTS AND RESPONSES TO COMMENTS

The County shall require new vineyard development to be designed to minimize the reduction of wildlife movement to the maximum extent feasible. The County shall require the removal or reconfiguration of existing wildlife exclusion fencing to reduce existing significant impacts to wildlife movement, particularly in riparian areas, where a nexus exists between the proposed project and the existing fencing.

Letter V



California Regional Water Quality Control Board
San Francisco Bay Region

Linda Adams
Agency Secretary

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>



Arnold Schwarzenegger
Governor

June 15, 2007

Mr. Patrick Lowe
Deputy Planning Director
Napa County Office of Conservation, Development, and Planning
1195 Third Street, Suite 210
Napa, California 94559

Subject: Comments on Draft EIR for Proposed Napa County General Plan Update

Dear Patrick Lowe:

We appreciate the opportunity to comment on the County General Plan update. We focused our review primarily on the draft EIR, in order to assess whether proposed policies and measures will support attainment of Total Maximum Daily Loads (TMDLs) for sediment, nutrients, and pathogens, as well as the broader goal of protecting the beneficial uses of the Napa River and its tributaries. V-1E

Comments Relating to Attainment of the Napa River Sediment TMDL

Approximately two-thirds of the sediment that reached the Napa River during the most recent decade was human-caused. To achieve the TMDL, no more than half of the sediment reaching the Napa River can be human caused (Water Board, 2007). The General Plan update evaluates potential impacts of an additional 10,000 to 15,000 acres of new vineyards in Napa County by 2030, approximately 75 percent of which are anticipated in the Napa River watershed¹. Although additional residential and commercial development is also expected, projected future vineyard development is of a much larger scale, and therefore poses a greater threat of increasing sediment loads to the Napa River. Keeping these points in mind, and accounting for the uncertainty in our estimates both of sediment delivery rates and the future effects of BMP implementation, we offer the following comments related to attainment of sediment water quality objectives for the Napa River watershed: V-2E

- We find that the draft EIR does not adequately consider impacts caused by direct disturbance of headwater channels (e.g., all Class III channels and some Class II channels). It is critically important to provide effective stream setbacks along headwater channels in order to protect downstream water quality and habitat conditions (Alexander et al., 2007; Freeman et al., 2007; Meyer et al, 2007; Wipfli et al., 2007). Furthermore, headwaters channels comprise approximately two-thirds of the total length of channels in the Napa River watershed. These channels function as primary zones of runoff, balance sediment and nutrient inputs to downstream reaches, and provide critical habitats for native plant and wildlife species. Available information should be presented to evaluate impacts, mitigation measures, and implementation actions including adoption of effective stream setbacks, as needed to protect the beneficial uses of the Napa River.

¹ In comparison to present-day, the projected additional vineyard acreage would represent an approximately 20-to-30 percent increase in land area being cultivated for grapes within the Napa River watershed.

Preserving, enhancing, and restoring the San Francisco Bay Area's waters for over 50 years



3.0 COMMENTS AND RESPONSES TO COMMENTS

Patrick Lowe
June 15, 2007
Page 2

- Approval of new hillside development projects, and/or redevelopment projects², should require assurances of achievement of post-development average annual rates of sediment delivery to channels less than 175 percent of natural background rate or the pre-development rate, whichever is lower. We believe that this requirement will be essential to achievement of the TMDL by 2025. | V-3E
- We agree with the finding that in order to avoid channel enlargement and/or gully erosion (which are significant sources of human caused erosion and habitat degradation), peak runoff following development should not be significantly greater than pre-development. We applaud the County for proposing this mitigation measure (i.e., MM 4.11.3a). Please note that Water Board staff are available to discuss and evaluate the specific performance conditions, evaluation criteria, and methods for estimating pre- and post-development peak runoff rates and durations. | V-4E
- We suggest the County explore ways to coordinate and administer the proposed fisheries, habitat, and water quality monitoring programs called for in the draft EIR, as opposed to requiring project-specific monitoring (except as needed to document BMPs and mitigation measures). By doing so, efficiency and consistency of monitoring will be greatly enhanced and management questions can be answered expeditiously. We further encourage the County to involve academic experts in salmonid population dynamics, geomorphology, and hydrology in development and review of a study plan and to interpret results of the watershed monitoring program. | V-5E

Comments Relating to Riparian Area Protection Measures

Wetland and riparian areas are among the state's most valuable, most heavily impacted, and most threatened natural resources. They support a variety of beneficial uses and provide important water quality functions, including pollutant removal, flood attenuation, and habitat connectivity (State Board 2003). California has lost an estimated 91 percent of its historic wetland acreage, the highest loss of any state (Dahl 1990). Similarly, California has lost between 85 and 98 percent of its historic riparian areas (RHJV 2004). Loss of wetlands and riparian areas in the state contributes to significant water quality impairments. Our specific comments and recommendations are as follows:

- The draft EIR relies heavily on the County Conservation Regulations (County Code Chapter 18.108), as currently adopted, to reduce potential impacts to stream and riparian habitats to less than significant. However, stream setback widths specified therein are intended primarily to achieve pollutant filtration. To achieve other aquatic habitat and water quality functions including thermal buffering, recruitment of large woody debris, maintenance of dynamic equilibrium between sediment supply and transport capacity, and complex physical habitat structure, all of which are essential for conservation and/or recovery of native fishes, broader setbacks are needed. We welcome the opportunity to work with the County to enhance stream and riparian functions afforded through General Plan policies and implementation actions. | V-6E
-

²New hillside development projects include agricultural (e.g., vineyards, etc.) and structural (e.g., residential, commercial, and industrial development) projects. Redevelopment, with regard to agriculture, would include vineyard replants, which present an opportunity for cost effective refinement of erosion control and drainage design to achieve environmental protection goals.

Patrick Lowe
June 15, 2007
Page 3

- Mitigation Measure 4.5.2a offers a mitigation ratio of 2:1 for preservation but does not offer a ratio for restoration or creation. In the experience of Water Board staff, a 1:1 ratio is unlikely to meet the No Net Loss Policy for wetland functions in all but the most exceptional circumstances due to temporal impacts and the risk of mitigation project failure. We strongly encourage Napa County to identify a mitigation ratio that is sufficient to ensure the goals of the No Net Loss Policy³ are met.

V-7E

Comments Relating to Protection of Instream flow

We offer the following comments related to protection and/or enhancement of instream flow:

- We feel strongly that greater coordination and coupling between permit processes for land uses and water rights is needed to facilitate an integrated and consistent impact assessment, and to reduce the uncertainty associated with impact evaluations and permit approval. Both permit review processes would benefit from coordinated monitoring to refine understanding of baseline conditions with regard to streamflow, and fish and aquatic wildlife populations. We look forward to working with your staff to explore mechanisms for enhanced coordination between the State and Regional Water Boards and the County.

V-8E

We appreciate the opportunity to comment and to work with you to enhance water quality and habitat conditions in the Napa River watershed.

Sincerely,

Dyan Whyte
TMDL Program Manager

CC: Maura Moody, NOAA Fisheries, Corinne Gray, California Department of Fish and Game
Attached: references cited

³ Executive Order W-59-93

3.0 COMMENTS AND RESPONSES TO COMMENTS

References

- Alexander, R.B., E.W. Boyer, R.A. Smith, G.E. Schwarz, and R.B. Moore. 2007. The role of headwater streams in downstream water quality. *Journal of the American Water resources Association (JAWRA)* 43 (1): 41-59.
- Cowardin, L. M., V. Carter, F. C. Golet, and E. T. LaRoe. 1979. *Classification of Wetlands and Deepwater Habitats of the United States*. FWS/OBS-79/31. U.S. Fish and Wildlife Service. Washington, DC.
- Dahl, T. E. 1990. *Wetlands Losses in the United States 1780s to 1980s*. Washington, DC: U.S. Fish and Wildlife Service. Available online at: <http://www.npwrc.usgs.gov/resource/wetlands/wetloss> (accessed May 8, 2007).
- Freeman, M.C., C.M. Pringle, and C.R. Jackson. 2007. Hydrologic connectivity and the contribution of stream headwaters to ecological integrity at regional scales. (*JAWRA*) 43 (1): 5-14.
- Meyer, J.L., D.L. Strayer, J.B. Wallace, S.L. Eggert, G.S. Helfman, and N.E. Leonard. 2007. The contribution of headwater streams to biodiversity in river networks. (*JAWRA*) 43 (1): 86-103.
- Regional Water Quality Control Board (Water Board). 2007. *Napa River sediment TMDL and habitat enhancement plan, staff report*. San Francisco Bay Regional Water Quality Control Board, Oakland, CA.
- Riparian Habitat Joint Venture (RHJV). 2004. Version 2.0. *The Riparian Bird Conservation Plan: A Strategy for Reversing the Decline of Riparian Associated Birds in California*. California Partners in Flight. Available online at: <http://www.prbo.org/calpif/pdfs/riparian.v-2.pdf> (accessed May 8, 2007).
- State Water Resources Control Board (State Board). 2003. *Regulatory steps needed to protect and conserve wetlands not subject to the CWA. Report to the Legislature. Supplemental Report of the 2002 Budget Act. Item 3940-001-0001*. Available online at: http://www.waterboards.ca.gov/legislative/docs/2003/wetlands_02supprpt.pdf (accessed May 8, 2007).
- Wipfli, M.S., J.S. Richardson, and R.J. Naiman. 2007. Ecological linkages between headwaters and downstream ecosystems: transport of organic matter, invertebrates, and wood down headwater channels. (*JAWRA*) 43 (1): 72-85.

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER V: DYAN WHYTE, CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION, JUNE 15, 2007

Response V-1 E: The commenter notes their review of the Draft EIR on whether the analysis proposed provisions will support attainment of TMDLs for sediment, nutrients and pathogens, as well as beneficial uses in the Napa River Watershed. Comments provided by the California Regional Water Quality Control Board, San Francisco Region (RWQCB) are responded to below. It should be noted that since release of the public draft of the proposed General Plan Update and Draft EIR, the Conservation Element of the General Plan has been further modified to include additional water resource protection provisions.

Response V-2 E: The commenter summarizes information provided in the Draft EIR regarding existing and future sediment impacts associated with the Napa River and states that the Draft EIR does not adequately address impacts from direct disturbance of headwater channels. The commenter identifies the importance of headwater channels regarding sediment control and habitat and recommends that further analysis of this impact and possible mitigation measures (e.g., setbacks) be provided.

As identified in the methodology section of the Hydrology and Water Quality Section of the Draft EIR (Section 4.11, pages 4.11-36 through -43), the Draft EIR provides a programmatic County-wide analysis of potential water resource impacts of the subsequent activities under the proposed General Plan. This included large-scale water resource modeling (County watersheds grouped into evaluation areas – six evaluation areas were used for the Napa River Watershed). Four future vineyard development scenarios county-wide were developed to determine how changes in vegetation cover and water use (increased groundwater usage) would change overland flow conditions, water quality, and water balances. The results of this modeling and the probable location of future vineyard development were able to provide a programmatic analysis of impacts to water quality associated with activities in the upper portions of the Napa River Watershed (including areas that would be considered “headwaters”). Draft EIR Impact 4.11.7 (Changes to Drainage Patterns Leading to Increased Runoff and Streambank Erosion) and 4.11.8 (Changes to Drainage Patterns Leading to Increased Runoff and Hillside Erosion) address this potential impact and specifically identify the following on Draft EIR page 4.11-69:

Typically, upland watersheds with short, steep drainage pathways and watersheds with brushland and forest covers are more susceptible to adverse effects from alterations in runoff patterns than more gently sloping areas with grassland cover. In addition to urbanization, the conversion of forested and brushland hillside areas to cultivated crops can also significantly alter runoff and erosion (drainage patterns), altering watershed processes, especially in watersheds with unstable geology or highly erodible soils.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Biological resource impacts from conversion of land areas to vineyards and other development is quantified and addressed on Draft EIR pages 4.5-45 through -69. Given this macro-scale of analysis (the County consists of approximately 507,438 acres of land area), it is not feasible at a general plan level of analysis to pinpoint exact impacts on specific features of the Napa River Watershed. However, the Draft EIR does include mitigation measures (see MM 4.11.3a and b) that address sediment impacts through compliance with performance standards (maintenance of current water quality conditions or compliance with Basin Plan requirements). Implementation of these mitigation measures may require additional setbacks or other features in order to comply with these performance standards. It should be noted that since release of the public draft of the proposed General Plan Update and Draft EIR, the Conservation Element of the General Plan has been further modified to include these mitigation measure water resource protection provisions. No additional mitigation measures for the proposed General Plan Update are recommended.

Response V-3 E: The commenter suggests that development and redevelopment projects should be required to achieve pre-development rate of sediment delivery or post-development average annual rates of sediment delivery to channels less than 175% of natural background rate (whichever is lower) associated with the TMDL. The commenter is referred to the Draft EIR mitigation measures discussion above in Response V-2 as well as to revisions to the Conservation Element of the proposed General Plan Update that call for the County to comply with applicable Water Quality Control/Basin Plan as amended by the TMDL.

Response V-4 E: The commenter agrees with the impact analysis and the need for Draft EIR mitigation measure MM 4.10.3a regarding peak run-off control. It should be noted that since release of the public draft of the proposed General Plan Update and Draft EIR, the Conservation Element of the General Plan has been further modified to include this mitigation measure into the policy provisions.

Response V-5 E: The commenter suggests that the County explore ways to coordinate and administer the water quality and fishery mitigation measures in the Draft EIR. In response, the County has modified the Conservation Element to include policy provisions generally consisting of the following:

- Coordination with other governmental agencies and private interests to conserve and improve fish and wildlife habitat.
- Provision of mitigation measures to avoid impacts to fish and wildlife habitat.
- Prohibition of construction within waterways that may contain spawning habitat during certain seasons.
- Establishment of a program to maintain and update information (including mapping) regarding the condition of biological resources in the County (update of the Baseline Data Report).

3.0 COMMENTS AND RESPONSES TO COMMENTS

Response V-6 E: The commenter identifies concerns regarding the loss of riparian habitat and the importance of this habitat and notes that County Code provisions regarding setbacks identified in the Draft EIR are intended to address water quality protection. The commenter offers to work with the County to enhance stream and riparian functions through the proposed General Plan Update and its implementation. Draft EIR mitigation measure MM 4.6.1a specifically requires that in circumstances where impacts to riparian habitat cannot be avoided, restoration and enhancement activities will be conducted to ensure a no net loss of aquatic habitat functions and values. It should be noted that since release of the public draft of the proposed General Plan Update and Draft EIR, the Conservation Element of the General Plan has been further modified to include this mitigation measure in the policy provisions.

Response V-7 E: The commenter identifies that Draft EIR mitigation measure MM 4.5.2a does not provide a ratio for creation or restoration. Draft EIR mitigation measure MM 4.5.2a provisions for restoration or creation purposely do not specify a ratio, given that such ratios will vary depending on the sensitive biotic community that is being impacted. Since release of the public draft of the proposed General Plan Update and Draft EIR, the Conservation Element of the General Plan has been further modified to include this mitigation measure in the policy provisions that specify that the County shall require no net loss of sensitive biotic communities when mitigating the impact (rather than preservation of existing habitat).

Response V-8 E: The commenter states that better coordination between land use water right permit processing (associated with concerns with in-stream flows) is needed to fully address the impacts and that the RWQCB looks forward to improved coordination between the County and State Water Resources Control Board. This statement is noted. The Draft EIR does address potential environmental effects associated with changes to stream flows in Section 4.6, Fisheries, and Section 4.11, Hydrology and Water Quality.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter W



**NAPA COUNTY FIRE DEPARTMENT
FIRE MARSHAL'S OFFICE**
California Department of Forestry and Fire Protection
Cooperative Fire Protection Since 1932
1199 Big Tree Road
St. Helena, California 94574-9711
Phone: (707) 967-1419 Fax: (707) 967-1474

June 15, 2007

Patrick Lowe, Deputy Planning Director
Napa County Conservation, Development and Planning
1195 Third Street, Suite #210
Napa, Ca 94559

Dear Patrick,

Thank you for the opportunity to comment on the Draft General Plan and the Environmental Impact Report (EIR). I am very impressed with the draft plan that the Steering Committee has put together. From the perspective of the County Fire Department, the goals and policies of the Safety Element closely parallel many of the goals the fire department is working towards.

W-1E/P

Comments on the Environmental Impact Report:

Fire Protection and Emergency Medical Response section of 4.13 Public Services and Utilities-

The California Department of Forestry and Fire Protection formerly referred to as CDF is now referred to as *CAL FIRE*. All of the references to CDF should be changed to *CAL FIRE*.

W-2E

The Insurance Services Office has made some minor changes to their rating system. The NCFD now has a property protection class (PPC) of 6/8B. The PPC 6 is for property within 5 miles of a fire station and within 1000' of a hydrant, the PPC 8B is for property within 5 miles of a fire station but not within 1000' of a hydrant. Property that is more than 5 miles from a fire station, regardless of proximity to fire hydrants, is given a PPC 10.

W-3E

I have reviewed the potential impacts to fire protection for Napa County for all of the alternatives proposed. The mitigation measures that are offered starting with MM 4.13.1.1a through MM 4.13.1.1c do not mitigate the potential impacts of any of the alternatives. All of the mitigation measures that are proposed are already required by the codes and standards that have been adopted by the County.

W-4E

3.0 COMMENTS AND RESPONSES TO COMMENTS

An appropriate mitigation measure to all of the alternatives proposed would be similar to the one that is proposed in MM 4.13.2.1a under Law Enforcement Service and Standards. Development that results in substantial concentrations of residents and or and businesses will adversely impact fire protection services and should be required to consult with the County Fire Department to determine the impact to services and potential mitigation. Even in Alternative A, retaining the existing land use designations under the current general plan, the impact to emergency services should be reevaluated every ten years to ensure that the desired level of service is provided.

W-4E
Cont'd

Comments on the Draft General Plan:

The published draft General Plan dated February 16, 2007 varies slightly from the version that is available on the counties website so I will comment on both. The differences I noted were in Policy SAF -21 and Policy SAF-22.

W-5P

Printed Material-

Policy SAF – 21: The County shall continue to support the Napa County Fire Department in their budget requests to the legislature for state funding to provide desired levels of fire protection in Napa County.

Website-

Policy SAF – 21: The County shall continue to support the California Department of Forestry in their budget requests to the state legislature for state funding to provide desired levels of fire protection in Napa County.

Funding for the Napa County Fire Department is primarily through county property taxes and budget requests for funding is through the Napa County Board of Supervisors and not the State Legislature.

W-6P

State funding to the California Department of Forestry and Fire Protection (*CAL FIRE*) is for funding of the state mission: The Department of Forestry and Fire Protection protects the people of California from fires, responds to emergencies, and protects and enhances forest, range, and watershed values providing social, economic, and environmental benefits to rural and urban citizens.

The language in both drafts of Policy SAF-21 does not adequately address funding for either agency. If the goal is to ensure that the fire department has the appropriate funding to provide the desired level of protection and services that is what it should say.

Printed Material-

Policy SAF-22: The county supports preservation of existing fire roads/trails and development of new roads/trails meeting the California Department of Forestry guidelines requested by the local fire district board.

W-7P

3.0 COMMENTS AND RESPONSES TO COMMENTS

Website-

Policy SAF-22: The County supports preservation of existing fire roads/trails and development of new roads/trails as required by the California Department of Forestry.

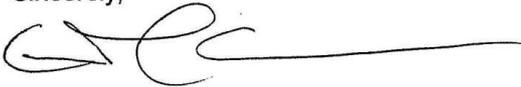
CAL FIRE does not have requirements for the development of roads or trails unless a property is being developed. Essentially if you are not constructing a structure then you are not required to build a road. Also the only fire district Board that exists in the County is the American Canyon Fire Protection District. CAL FIRE and the Napa County Fire Department encourage and support the maintenance of existing fire roads and fuel breaks but do not have the jurisdiction to require it.

W-7P
Cont'd

I believe Policy SAF -22 should be deleted from the general plan because fuel modification priorities are identified in Policy SAF – 17.

Please contact me at (707) 967-1421 if I can provide any additional information or clarification.

Sincerely,



Gabrielle Avina
Fire Marshal

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER W: GABRIELLE AVINA, NAPA COUNTY FIRE DEPARTMENT – FIRE MARSHAL’S OFFICE, JUNE 15, 2007

Response W-1 E/P: The commenter notes that the goals and policies in the Safety Element are similar to the goals of the fire department. The County appreciates the input regarding the General Plan process. The County will consider the comment when revising the General Plan.

Response W-2 E: The commenter notes that CDF is now referred to as CAL FIRE.

All references to CDF will be changed in Sections 4.1 Agriculture, 4.5 Biological Resources, and 4.13 Public Services as follows:

- The California Department of Forestry and Fire Protection–~~(CDF)~~ (CAL FIRE)

Response W-3 E: The commenter notes there have been some minor changes to the rating system by the Insurance Services Office.

The following text has been added to page 4.13-1 of the Public Services Section.

- The NCFD has an ISO rating of 6 in areas with fire hydrants and 9 in those areas of the County not having hydrants. The NCFD has a property protection classification (PPC) of 6/8B. The PPC 6 is for property within 5 miles of a fire station and within 1000’ of a hydrant, and the PPC 8B is for property within 5 miles of a fire station but not within 1000’ of a hydrant. Property that is more than 5 miles from a fire station, regardless of proximity to fire hydrants, is given a PPC 10.

Response W-4 E: The commenter notes that mitigation measures MM 4.13.1.1a through MM 4.13.1.1c do not mitigate the potential impacts of any alternatives proposed because they are already required by the codes and standards adopted by the County. The commenter suggests that an appropriate mitigation would be similar to the proposed MM 4.13.2.1a. The County appreciates this input. However, the requirements provided within mitigation measures MM 4.13.1.1a through c are not explicitly in the County Code and thus are recommended for the General Plan Update. Mitigation measure 4.13.2.1a has been carried forward in the Final EIR and the County will continue to consult with the County Fire Department as it currently does for projects.

Response W-5 P: The commenter notes that Policy SAF-21 and -22 vary slightly between the published version printed on February 16 and the online versions. The County appreciates the commenter’s correction of the published versus online versions. This correction has been noted, and the correct version of the draft General Plan Update is now located online. The correct versions of Policy SAF-21 and -22 are listed below:

Policy SAF-21: The County shall continue to support CAL FIRE and the Napa County Fire Department in their budget requests to the legislature for state funding to provide desired levels of fire protection in Napa County.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Policy SAF-22: The County supports preservation of existing fire roads/trails and development of new roads/trails meeting the CAL FIRE guidelines requested by the local fire district board."

Response W-6 P: The commenter notes that Policy SAF-21 language does not adequately address funding for the NCFD. The commenter suggests that the goal should ensure the fire department has appropriate funding to provide the desired level of protection and services. See Response W-5. SAF-21 has been revised to clarify the County's support for CAL FIRE.

Response W-7 P: The commenter suggests that Policy SAF-22 should be deleted because fuel modification priorities are identified in SAF-17. The commenter also notes that CAL FIRE and the Napa County Fire Department encourage and support the maintenance of existing fire roads and fuel breaks but do not have the jurisdiction to require it. Policies SAF-17 and SAF-22 address separate issues:

SAF-17 is focused on programs to manage the amount of fire fuel in the county;

SAF-22 addresses the preservation and development of facilities in the form of fire roads and trails.

The County feels that both policies should be retained.



Letter X

Napa County Flood Control and Water Conservation District

804 First Street
Napa, California 94559

MEMORANDUM

DATE: June 18, 2007
TO: Patrick Lowe, Napa County Planning
FROM: Richard Thomasser, Watershed and Flood Control Operations Manager
SUBJECT: Comments on DEIR and Napa County General Plan Documents

As the local sponsor of the Napa River/Napa Creek Flood Protection Project, a \$300 million dollar project designed to provide flood protection to the City of Napa, the Flood Control District has a vested interest in maintaining the level of flood protection designed into the project. In addition, the District is supportive of the efforts of the County and the municipalities in floodplain management in their respective roles as administrators of the National Flood Insurance Program (NFIP). Increase in runoff volume or rate from new development, whether it relates to agriculture, residential or commercial development may cumulatively affect water surface elevations and velocities in downstream receiving waters. If not mitigated, this may lead to an increase in flooding in FEMA-established Special Flood Hazard Zones, diminished flood protection for the Napa River Flood Protection Project or other flood protection projects within the County. Furthermore, increased runoff may result in the failure of river and stream restoration projects that are underway in the County, which are designed to reduce bank erosion and enhance fish habitat.

X-1E/P

The District appreciates the efforts made by the County to evaluate the potential impacts of new vineyard development on downstream flooding. It is unclear why the DEIR only includes an analysis of 100-year flood conditions for vineyard development under Scenario 1. The District recommends that the County also include similar analyses of peak stream flow and water levels for the other 3 vineyard development scenarios.

While residential and commercial development encompasses a much smaller area of the County, the relative effect of impervious surfaces even on a small area may be significant. The District also recommends an analysis of 100-year peak stream flow and water elevations for projected county-wide residential and commercial development build-out through 2030. It is our understanding that recently the City of Roseville, California conducted so-called "future conditions floodplain mapping" for its ultimate build-out, an approach which was lauded by FEMA. Considering such an approach for Napa County may increase County and municipal Community Ratings for the NFIP.

X-2E

1

3.0 COMMENTS AND RESPONSES TO COMMENTS

The District would also like to clarify a few matters related to the County's Stormwater Management Program:

Page 4.11-24: The City of American Canyon should be included as a co-permittee. | X-3E
Page 4.11-30: The grading season for structural projects is year-round for less than 5% and April 1st through Oct 15th for 5% slopes and greater regardless of watershed type. | X-4E
Page 4.11-47: Standard erosion control measures for structural projects are reviewed by Engineering Services within the Dept of Public Works. | X-5E

Thank you for the opportunity to comment on the DEIR and General Plan documents. Please feel free to contact me if you have questions or need clarification.

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER X: RICHARD THOMASSER, NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, JUNE 18, 2007

Response X-1 E/P: The District suggests conducting similar analysis of peak stream flow and water levels for the Vineyard Development Scenarios 2, 3, and 4, not just for Scenario 1.

Scenario 4 was analyzed to determine the 100-year flood event peak discharge and water levels. The analysis of Scenario 4 tests the effects of development of 15,000 new vineyard acres and includes an increased slope limit of 35% for both prime soils and timberlands availability. Scenarios 2 and 3 were not analyzed due to the fact that Scenario 1 tests the scenario and effects of development of 10,000 new vineyard acres, with 75% designated within Napa River Basin and 25% in Berryessa and Suisun Basins (both of which are not located along hillsides). Therefore, the analysis of Scenarios 1 and 4 represents the complete range of 100-year flood event peak discharges and water levels and is inclusive of Scenarios 2 and 3.

The water quantity results of peak water level and peak stream flow data for Scenario 4 are presented below. Total rainfall depths for the 24-hour 100-year storm condition at each of the eight locations are shown below. Also shown are the peak discharge and water level at each location for current conditions and for vineyard development Scenario 1 and Scenario 4. The percent change in the Scenario 1 peak discharge and the Scenario 4 peak discharge relative to current conditions as well as the absolute change in peak water level are also shown for comparison purposes.

Table 1: 100-yr flood condition peak discharge and water level data.

Location ¹ (number refers to location in Figure 1)	24-hr Precipitation (in)	Current		Scenario 1				Scenario 4			
		Peak Discharge (cfs)	Peak Water Level (ft asl)	Peak Discharge (cfs)	Peak Discharge (% change from current)	Peak Water Level (ft asl)	Peak Water Level (change from current ft)	Peak Discharge (cfs)	Peak Discharge (% change from current)	Peak Water Level (ft asl)	Peak Water Level (change from current ft)
NR @ SH (2)	11.0	12103.27	211.35	12953.47	7.0%	212.03	0.68	12937.19	6.9%	211.57	0.22
NR @ Napa (4)	10.5	14973.99	54.29	15032.51	0.4%	54.34	0.05	15018.44	0.3%	54.33	0.04
NR Conn (3)	10.6	12831.29	100.34	13605.97	6.0%	101.16	0.81	13589.38	5.9%	100.54	0.20
NR Carneros (6)	9.5	14485.81	0.44	14409.29	-0.5%	0.40	-0.04	14398.17	-0.6%	0.41	-0.03
SC @ NR (5)	7.3	2.88	29.28	2.87	-0.3%	29.31	0.03	2.87	-0.4%	29.23	-0.05
CC @ BC (1)	10.4	680.40	269.62	726.99	6.8%	270.27	0.66	726.43	6.8%	270.01	0.39
WVC @ SC (8)	7.9	313.33	212.25	321.03	2.5%	211.86	-0.39	330.03	5.3%	211.88	-0.37
PC @ LB (7)	8.9	5107.86	469.47	5108.42	0.0%	469.43	-0.04	5109.09	0.0%	469.46	-0.01

¹ NR @ SH: Napa River at St. Helena, NR @ Napa: Napa River at Napa, NR Conn: Napa River below Conn Creek, NR Carneros: Napa River below Carneros Creek
SC @ NR: Salvador Creek at Napa River, CC @ BC: Canon Creek @ Bell Creek, WVC @ SC: Wooden Valley Creek at Suisun Creek, PC @ LB: Pope Creek at Lake Berryessa

The results conclude that Scenario 4 would result in lower peak discharge and water levels than Scenario 1. Therefore, Scenario 4 would result in less storm water runoff during 24-hour 100-year storm conditions, and Scenario 1 would result in a larger impact to peak discharges and water levels relative to current conditions. These results present the water quantity of Scenarios 1 and 4 and do not reflect the water quality of either scenario.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Response X-2 E: The District recommends considering "future conditions floodplain mapping" for ultimate build-out similar to that done by the City of Roseville to increase Community Ratings for the NFIP. The implementation of future conditions floodplain mapping would be managed under the NPDES program carried out by public works agencies. Therefore, the County does not have authority to implement future conditions floodplain mapping.

Response X-3 E: The commenter notes that the City of American Canyon should be included as co-permittee on page 4.11-24.

The following text has been added to page 4.11-24 of the Hydrology Section.

- National Pollutant Discharge Elimination System

The County is a co-permittee on an MS4 municipal stormwater NPDES permit along with the cities of Napa, St. Helena, American Canyon, and Calistoga, and the town of Yountville.

Response X-4 E: The commenter notes that the grading season is year-round for structural projects less than 5% slopes and April 1 through October 15 for 5% slopes and greater, regardless of the watershed type discussed on page 4.11-30.

The following text has been added to page 4.11-30 of the Hydrology Section. However, the commenter's note that ground-disturbing activities can take place regardless of the watershed is inaccurate. To clarify the ground-disturbing activities period for different watershed types, further information is provided below.

Ground-disturbing activities located within the County's Domestic Water Supply Drainages are only allowed to take place during the dry season, between April 1 and September 1 of each year. Installation of winterization measures may take place during other times of the year, but must be in place by September 15 of any given year. Ground-disturbing activities located within municipal watersheds are allowed between April 1 and September 1, and ground-disturbing activities within other watersheds are allowed between April 1 and October 1.

Response X-5 E: The commenter notes that standard erosion control measures for structural projects are reviewed by Engineering Services within the Department of Public Works.

The following text has been added to page 4.11-47 of the Hydrology Section.

Structural grading permits for projects with 5-15 percent slopes allow for "standard erosion control measures" proposed by the property owner, to be reviewed by Engineering Services within the Public Works Department ~~the Building Inspection Division~~ (as required under County Code [Ordinance 1240] as well as coverage under the state's General Construction Activity Storm Water Permit).

Letter Y

CITY OF AMERICAN CANYON

Planning/Building Department

Gateway to the Napa Valley



June 18, 2007

Hillary Gitelman, Director
Napa County Department of Conservation, Development & Planning
1195 Third Street, Suite 210
Napa, CA 94559

SUBJECT: Comments on Napa County Draft General Plan Update

Dear Ms. Gitelman:

I would like to commend you on an attractive and well-designed document that is in general clear, well-organized and easy to read. It is clear that Napa County's vision is to preserve its rural, grape-growing and wine related character, and most aspects of the plan support the vision. It is generally a forward looking document that attempts to create a realistic appraisal of the near future.

Y-1E/P

The City of American Canyon Planning Department has several comments related to how the city is represented in the County's Draft General Plan, and wishes to express ideas and concerns about specific policies and proposals. We also have minor technical corrections we wish to note for improvement of the document. Following are our comments on the draft General Plan. Following these are comments on the draft Environmental Impact Report (EIR).

1. Ag/LU Goal 6 should add planning for environmental and climatic changes in the siting and design of public facilities.
2. Policy Ag/LU-6: The County needs to recognize in its tax assessment policies that agricultural land uses create large demands for farmworker housing. If this is not assessed as a property tax, which appears to be the most logical (based on acreage of vineyards and size of winery), then there should be another method of assessment and payment for the burden they place on the County and cities.
3. Policy Ag/LU-10: The County should also examine and establish criteria for production of farmworker housing on individual agricultural properties (eg. of a certain size) to be provided by an agricultural concern, and not a public agency. This would be in support of Policy Ag/LU-11 and 20, as these would not necessarily be "urban uses".
4. Policy Ag/LU-20: Please consider deleting the end of the sentence after the word County: "as they existed in 2006." It is simply unrealistic for the County to keep all urban uses to a 2006 footprint. The sentence is clear enough in its intent without the ending phrase.
5. Policy Ag/LU-28: The redesignation of former industrial sites to "Transitional" does not appear to be appropriate as this would create intense land uses in areas that are not urban centers now, nor does it appear that they should be urban centers within the General Plan's planning horizon. These areas would compete with existing urban centers for resources and attention and place the burden of providing services and resources on the

Y-2P

Y-3P

Y-4P

Y-5P

Y-6P

[3423 Broadway, Suite D-2, American Canyon, CA 94503](http://www.ci.american-canyon.ca.us) ♦ (707)647-4336 ♦ FAX (707)552-8564 ♦ www.ci.american-canyon.ca.us

3.0 COMMENTS AND RESPONSES TO COMMENTS

American Canyon comment letter on the Napa County General Plan Update
p. 2

nearby jurisdiction. Given the City of Napa's potential to serve as a vital and viable urban center, the need and opportunities for redevelopment within Napa's urban core, as well as the County General Plan Update's emphasis on concentration of urban uses in incorporated cities and urban centers, these outlier areas are likely to pull economic development and limited services away from where they are in fact needed.

Although this policy is intended to address long term housing needs, in fact the "Transitional" redesignation appears to be driven by an application for development rather than by a clear intent by the County to carefully examine and consider the consequences of such a land use designation. The presentation given to the Airport Industrial Area Committee by the applicant for one of the Transitional areas appeared to produce "high end" new urbanism-type housing opportunities, which is not likely to produce the range and numbers of housing units the County actually needs. The County should more carefully consider the results of creating a new land use designation for a specific development proposal vs. the more appropriate method of the County and its citizens determining the appropriate land uses for areas within the County.

Y-6P
Cont'd

Furthermore, the likely impacts of such development cannot possibly be taken into account with a general category labeled "transitional", which introduces serious concerns about the adequacy of the environmental review. Deferring environmental review to a later time is not adequate, since the County is taking a major step by proposing to amend the General Plan designation. Given the fact that the County wishes to reserve additional land for industrial uses (Ag/LU-36 and see comment #6 below), and that one of the "transitional" areas is in the Napa River floodplain, the County needs to reexamine these areas and eliminate the "Transitional" designation.

6. Policy Ag/LU-37: Reserving the Hess Vineyards properties for industrial use appears incongruous with the County's emphasis on the preservation of agricultural lands. The City of American Canyon sees the Hess Vineyard property as a key feature in helping to define the entry to the City from the north, and defining the edge of the City by providing a greenbelt to the north of the City. It is a vital visual resource and visual relief in the south county area that cues visitors to their having arrived in Napa County/ wine country.

It is time to redesignate the Hess Vineyards properties as Agricultural Resource. Covering this important agricultural land with industrial uses would be a detriment to all. Given that this land is clearly not needed for Industrial purposes according to the studies the County has prepared, the fact that the designation and zoning are currently inconsistent while they clearly should be consistent and in line with the County's vision, the City formally requests that the Hess properties be redesignated to Agricultural Resource.

Y-7P

As a side comment on this policy, in the case that the County were to retain the Industrial designation, the second sentence that requires a specific finding should at a minimum state that "no other suitable industrial land is available in the *south county area (including nearby incorporated areas).*"

7. Policy Ag/LU-46: The "Intent" statement is not very clear; it reads that the industrial uses you wish to encourage are "administrative facilities, research institutions", etc. (in other words, you list the ancillary uses first, after the "such as").
8. Policy Ag/LU-47: The Transitional land use designation does not appear to be clearly thought out, as it applies to only two specific properties in the County, both of which would probably be best reserved for industrial uses. Please see other comments above under item #5.

Y-8P

Y-9P

3.0 COMMENTS AND RESPONSES TO COMMENTS

American Canyon comment letter on the Napa County General Plan Update
p. 3

- | | |
|---|--------------|
| <p>9. South County Industrial Areas, page 74-75: The map of the South County Industrial Areas is described as being generally between the cities of Napa and American Canyon, however the map depicts the northern portion of the City of American Canyon as being within the South County area. This is either a mistake, or perhaps the County is considering requesting a de-annexation of the incorporated area north of Green Island Road? The City of Napa is not shown in this manner; it is shown as a distinct green color, clearly separate from the county's South County designation. Please modify the map to show only areas within the unincorporated county area. It is inappropriate to include city lands on this County General Plan map.</p> <p>The City is relieved to see that the Hess Vineyards properties are not included on the South County Industrial Areas map. In addition, please see the comments under item #5 above as they are relevant to the Napa Pipe property and Policy Ag/LU-90.</p> <p>The South County Industrial Area description refers to the Airport Industrial Area Specific Plan's 1986 adoption. That plan is 20 years old, and the General Plan includes only four policies for this area, one of which states that industrial and locally-serving uses will be encouraged consistent with that plan. It appears that the General Plan is not intending to update that plan or bring it up to current standards if necessary. Moreover, the few policies covering this area do not address the housing needs created by employment in the South County Industrial Area, which is the County's most important economic generator aside from agriculture.</p> | <p>Y-10P</p> |
| <p>10. In italic type under the South County Industrial Areas policies, is a repeat of a portion of Policy Ag/LU-37. Please see comment #6 above regarding the Hess Vineyards.</p> | <p>Y-11P</p> |
| <p>11. Policy Ag/LU-111, page 89, states that Figure Ag/LU-1 depicts the land use policy of the County of Napa. The Figure referred to is a map of the Hess Vineyards on page 44. You probably mean Ag/LU-2, on page "90", found in my copy between pp. 99 & 100? The policy should probably refer to it by title as well as by number. Likewise, the next policy on page 92 mentions the "Land Use Map", but the title of the Figure says Land Use Policy Map. Also see comment #13 below.</p> | <p>Y-12P</p> |
| <p>12. Policy Ag/LU-116, page 93 states that the County will work with the cities and LAFCO to define and establish limits of current and future urban expansion and development, however it clearly attempts to limit the City of Napa with this policy, and the City of American Canyon with Policy Ag/LU-129, while providing for urban expansion and development in the unincorporated County areas near and adjacent to both cities. Perhaps the County should define "work with".</p> | <p>Y-13P</p> |
| <p>13. The County Land Use Policy map is a bit confusing. It is labeled Land Use Policy Map on the Figure title, Land Use Map next to the top of the map, and Napa County Land Use Plan 1998-2000 at the bottom of the map! The date is confusing as well, since it's labeled "1998-2000" yet isn't the plan projecting General Plan Land Uses for a 20-year period? We are already in 2007, and this plan may not be approved until 2008, so perhaps it is a decade behind?</p> <p>In any case, assuming this is the General Plan Land Use map that the County intends to adopt and use (vs. an Existing Land Use map?), the City of American Canyon's boundaries do not reflect at a minimum the existing city limits and land uses, especially to the east of Highway 29, or the current Sphere of Influence. (Meanwhile, it appears that the City of Napa's RUL is depicted.)</p> <p>The City suggests that the map be amended to reflect Flosden Road and Newell Drive to the Town Center, and the Vintage Ranch area as planned and built. Please take a look at</p> | <p>Y-14P</p> |

3.0 COMMENTS AND RESPONSES TO COMMENTS

American Canyon comment letter on the Napa County General Plan Update
p. 4

the City's General Plan map, and contact me for the latest updated 2007 edition that reflects our latest changes. The County map shows an "Urban Residential" designation east of Hwy 29 that draws a sweeping curve where it should obviously be designated as "Cities". Also please refer to Item 6 above regarding the Industrial designation east of Hwy 29 north of American Canyon, which should be modified to Agriculture. In addition, the map in my draft is labeled page 90, yet is found between pp. 99-100.

Y-14P
Cont'd

14. On page 108, Policy Ag/LU-129 is rather shocking to the City of American Canyon! The fact that the County is attempting to set an Urban Limit Line (ULL)/Rural Urban Limit (RUL) for the City through the preparation and presentation of a General Plan Land Use Policy for the County, without "working with" the City's citizens or decisionmakers is discomfoting at the very least. The City's General Plan contains a ULL that has been adopted and is clearly the intent of the City's citizens for its future. Although it is possible that the City and County could work together to mutually amend the ULL, the presentation of this policy and its accompanying map on page 112 (Figure LU-3 or 4, depending on which page you view) does not in any way reflect an agreement of any sort. The County should not be imposing a RUL for the City as a top-down measure. In addition, it is contradictory to call out a RUL for the northern part of the City when the County plans on fully urbanizing all land uses north of the current city limits. There is no plan for a greenbelt or rural area between the City and the Airport in any of the County's documents, and indeed even the Hess property is in question according to the County's plans.

Y-15P

Additionally, the statement that the RUL shall be reassessed if and when the Hess Vineyard property is rezoned for Industrial use (pursuant to either Policy LU-38 or 37, depending on which page you view) is also quite shocking. The City believes it is critical that the Hess properties remain agricultural, which is one of the reasons that the Hess properties are within the City's ULL.

Further, the proposed expansion of the RUL to the east of the City does not match the ULL in the City's General Plan. Although the City will eventually want control (as in Sphere of Influence) over lands east of the City to gain more control over County actions on that land, there is currently no agreement for any portion of the County's proposal for the RUL as shown in your document. For your information, preservation of the hillsides east of the City is important to the local citizens.

15. Policy Ag/LU-130 again attempts to impose the County's current belief system on the City, and set limits on the County's ability to support the City's ULL or sphere of influence amendments into the future, based on the 2003 County-City MOU on Affordable Housing. Since neither entity is sure of the future of the Regional Housing Needs Allocation and whether we can agree to continue to take on additional units for the next 20 years, it is simply not logical to hold either party to an agreement that may or may not be valid at the present, much less a future, time. Holding the city hostage for all future annexations unless there's mutual agreements for affordable housing is unacceptable.

Y-16P

16. Under the Circulation Element, check that your reference to "American Canyon Transit" is still valid, given the changes that have occurred in the recent past. (page 118)

Y-17P

17. On page 119, Class III bike routes are typically not designated with pavement markings, but simply with (or without) signs. On page 120, the green box contains a "typo": the 3rd bullet has two "account" words in it.

Y-18P

18. Policy CIR-1.2: Please change "should" to "shall".

Y-19P

19. On Figure CIR-1 Circulation Map, assuming that this is the General Plan Circulation Map, it should be much larger in size and readable (11x17). In addition, it shows the word "Vallejo"

Y-20P

3.0 COMMENTS AND RESPONSES TO COMMENTS

American Canyon comment letter on the Napa County General Plan Update
p. 5

- | | |
|--|-----------------|
| <p>where American Canyon is (Vallejo is in Solano County, to the south), and it should accurately show the American Canyon city limits, which it does not. The map should depict Devlin Road in its entirety or at least within the unincorporated area, as well as Newell Drive and South Kelly Drive, as planned. These roads are key thoroughfares to provide traffic relief in the South County area and should be shown and planned for by and in the General Plan.</p> | Y-20P
Cont'd |
| <p>20. On page 129, Policy CIR-2.3 first of all contains a statement that the following list of improvements are illustrated as the ultimate road network in Figure CIR-1, which they are not, as stated above. In addition, the bullet points under "South of Napa" may or may not be accurate. Recent modeling suggests that Newell Road may extend further north than Green Island Road in the future, possibly connecting with Kelly Road. Devlin Road will assuredly not connect all the way south to American Canyon Road, but will stop at Green Island Road. Highway 29 should be widened southward to the Napa/Solano County line, since this is a regional highway serving the entirety of Napa County (and since recent City modeling shows that 75-80% of traffic on this highway does not originate in American Canyon.</p> | Y-21P |
| <p>21. Action Item CIR-2.2.1 should add: Develop and implement (or Impose) Traffic Impact Fees to fund regional improvements, including the widening of Highway 29 to the south county line.</p> | Y-22P |
| <p>22. Policy CIR-2.7, page 131 uses bad grammar! Please rewrite the sentence so that it does not end with "they contribute to the need for".</p> | Y-23P |
| <p>23. Circulation Goal 3: perhaps you should define "paratransit".</p> | Y-24 |
| <p>24. Objective CIR-3.1: perhaps by now, you know the number of miles that "X" is.</p> | Y-25P |
| <p>25. Policy CIR-3.8: Please use "shall" instead of "should".</p> | Y-26P |
| <p>26. Community Character Element: page 145, under noise, the second to last paragraph on the page states that "Projected noise levels..." The last sentence says that "noise levels associated with roadways <i>will also</i> increase." I suggest you revise that to say "are expected to" instead, because in the next 20 years, it is to be hoped that electric and hybrid vehicles with quieter engines, and modifications to the roadways such as those built with recycled rubber or other materials, could substantially alter (and lower) noise levels.</p> | Y-27P |
| <p>27. Figure CC-1 showing noise contours for the Napa Airport shows the wrong city limits for American Canyon. Please correct.</p> | Y-28P |
| <p>28. Policy CC-10, on page 153: please change "their" respective jurisdictions to "our".</p> | Y-29P |
| <p>29. Policy CC-39 and Action CC-39.1: Within the next 20 years, the Airport Master Plan projects larger and larger jets to use the Napa County Airport. Although the City respects and supports this economic generator for the County, because of the Airport's proximity to the City of American Canyon, the City wishes to make sure that the County takes some responsibility for ensuring that the jets used become quieter and use less energy over time to partially mitigate its impacts.</p> | Y-30P |
| <p>30. In the Conservation Element, on page 177 and on the accompanying map, Figure CON-2, Groundwater Subregions, the second paragraph describes 3 main groundwater basins, but the map does not reflect the North Napa Valley (NNV). This is confusing. In the second to last paragraph, the second sentence states that "...the valley floor was defined... and American Canyon is in the list. This is confusing, because American Canyon is not within the valley, but south of the actual valley, is it not?"</p> | Y-31P |

3.0 COMMENTS AND RESPONSES TO COMMENTS

American Canyon comment letter on the Napa County General Plan Update
p. 6

- | | |
|--|-------|
| 31. Under Conservation, the Water Supplies section on page 177-178 does not describe the different water supplies in Napa County and what is relied on where. For example, the American Canyon Water Service Area is not mentioned as providing the water for all of the industrial, resort, and other uses in the South County unincorporated area in addition to the City of American Canyon. Nor is the City's Urban Water Management Plan described or referred to as a document that might affect land uses in any portion of the unincorporated area. | Y-32P |
| 32. In the Conservation Element Climate Change should be further and more completely addressed. In fact, the State has adopted legislation requiring the state to develop goals, policies, and regulations pertaining to the reduction of energy use, carbon emissions, and other climate change factors. AB 32 is only the beginning of the requirement for the development of regulations on climate change, and local jurisdictions need to be in the forefront of this major issue, especially in the development of our General Plans. | Y-33P |
| 33. Water Quality, Water Use and Water Conservations Goals, CON-8: please add "and conservation" after "the responsible use..." | Y-34P |
| 34. On page 203, Policy CON-34 f), "Requiring" should be "Require". In addition, it is always more conservation-oriented to first prevent removal or destruction of riparian vegetation, than simply to require replanting and restoration. Some riparian vegetation, such as oaks older than 20 years, provide habitat values that are often very difficult to replace. | Y-35P |
| 35. Please add the word "with" after "Cooperate and coordinate..." in Policy CON-36. This policy is especially relevant given the intense development occurring in the South County Airport Industrial Area and the potential limits to the water supply picture there. The end of the policy statement "in the future" should be deleted, as the future has arrived (or revise it to "for the future" to imply ongoing cooperation). The City of American Canyon also needs the County's cooperation to set implementable water conservation goals, policies, and objectives, as those are critical to the water supply picture, as is a new fee structure. | Y-36P |
| 36. Regarding Waste Management and specifically Policy CON-64, perhaps the County wishes to do more than provide information and encourage businesses to recycle construction and demolition materials. Other counties are or may soon be enacting ordinances requiring 50% or more construction and demolition recycling and reuse. | Y-37P |
| 37. Under Economic Development, page 227, Policy E-13 raises the issues of housing and transportation that are indeed so strongly linked to economic health. The City would like to reiterate that the provision of an adequate amount of farmworker housing is key to the health of this county's economy, and the County needs to ensure that (especially larger) agricultural/vineyard /winery businesses financially support and/or establish such housing, and that the County supports such housing in agricultural areas. | Y-38P |
| 38. On page 266, Figure SAF-1: Earthquake Faults map lists Vallejo at the bottom of the map. Please delete Vallejo, and include American Canyon in its place. The West Napa fault and Alquist-Priolo zones running through the south County area affects a large portion of American Canyon, and this should be reflected on the map. | Y-39P |
| 39. Please recheck all of your maps to ensure that American Canyon is indicated correctly, both in name, and where city limits are indicated, in boundaries as well. | Y-40P |
| 40. Without an Implementation Plan, it is difficult to ascertain the level to which the County will take its General Plan policies seriously, how they will be implemented, and if the Environmental Impact Report (EIR) is adequately analyzing impacts created by this plan. | Y-41P |

3.0 COMMENTS AND RESPONSES TO COMMENTS

American Canyon comment letter on the Napa County General Plan Update
p. 7

This concludes the City of American Canyon Planning Department's comments on the Draft Napa County General Plan. The comments below pertain to the Environmental Impact Report for the General Plan Update.

- | | |
|---|-------|
| a. Under the Executive Summary table and within the document many of the Mitigation Measures state that the "General Plan shall include (or provide) a policy that requires..." yet it was difficult to find whether those policies had been included or not, and therefore see if the Mitigation Measures were included. A reference to the Specific Policy would be helpful, or perhaps the document should state that these are proposed measures, not yet included. Since it's not clear, it's difficult to tell if there would be any reduction of impacts. | Y-42E |
| b. In the Project Description Section, the Project Location Map, Figure 3.0-2 could be enhanced to name the cities on the map, and identify the locations of the items named in "Areas under the Jurisdiction of Other Agencies", on page 3.0-7, including the City of Vallejo's lands and other state and federal lands (or refer to another map that does). | Y-43E |
| c. Figure 3.0-9, Proposed Circulation Diagram shows American Canyon, but its boundaries are incorrect. In addition, a dark black line east of town is shown as "Broadway" (whereas this is Newell Drive, turning into Flosden Road south of American Canyon Road), and it appears that Highway 29 is relocating eastward, possibly following that line?! In addition, Devlin Road is shown incorrectly, and doesn't match the diagram in the Airport Specific Plan. The legend is confusing, as the road configuration (number of lanes) is inconsistent with each other and with the map. In addition, the General Plan lists Highway 29 as planned for 6 lanes, not 4. Obviously, the map needs work! | Y-44E |
| d. Under Section 4.1, Agriculture, the proposed mitigation measures do not adequately or fully address the protection or potential loss of the Hess Vineyards under Alternative A or other vineyard/agricultural lands for that matter under all alternatives. Additional measures such as the development of necessary findings prior to conversion should be proposed to prevent the conversion of these important lands under most circumstances. Related to this is the proposed redesignation of the Napa Pipe and Boca sites, which if pursued could actually increase pressures for conversion of the Hess site in direct contrast to the EIR's analysis. | Y-45E |
| e. Section 4.2, Land Use contains a description of the City of American Canyon on page 4.2-6.7. The City requests that the description be modified slightly, as follows: where it cites the population numbers, please indicated that the 1990 figure is prior to incorporation. In addition, please note that the older land uses also consist of some of the unincorporated county's first smaller lot subdivisions of post World War II housing stock supporting the Mare Island Naval Base. The City is planning the update of its General Plan, instead of "beginning the process of updating". Please don't assume that the City's ULL "is expected to be" updated—it <i>may</i> be updated or alternatively the citizens may consider it adequate as it stands. Page 4.2-11 also contains a reference to the City's General Plan which needs correction. | Y-46E |
| f. Section 4.2, page 4.2-6 the text describes planning areas, ULLs, and SOIs. The description of the Sphere of Influence is incorrect. In fact, SOIs in many counties are extended well beyond city limit lines to include lands that a jurisdiction wishes to control for the foreseeable future whether annexed or not. The description states that none of these areas "give a city any regulatory power", but an SOL in fact gives cities the power to negotiate with counties and agree on policies and development for those areas, so that if and when annexed in the future, the land uses are logical and well-planned. | Y-47E |

3.0 COMMENTS AND RESPONSES TO COMMENTS

American Canyon comment letter on the Napa County General Plan Update
p. 8

- | | |
|--|-------|
| g. Under Impact 4.2.1, the City disagrees with the analysis that Alternative A's impacts are less than significant. The retention of an Industrial designation for the Hess properties which is inconsistent with its zoning, is in fact a significant impact. It implies that the Hess properties will be converted to industrial land uses within the planning horizon and the zoning will be modified for consistency with the General Plan. The EIR needs to analyze the impacts of the conversion of these agricultural lands to industrial uses. | Y-48E |
| h. For Alternatives B and C under Impact 4.2.1, the single mitigation measure proposed cannot possibly mitigate for the conflict between land uses introduced by the redesignation of the Napa Pipe and Boca sites. There are impacts on the floodplain, on the City of Napa by introducing incompatible land uses that compete and conflict with that city's downtown area, and on industrial land uses which may continue in the area. | Y-49E |
| i. Under Impact 4.2.2, the retention of the Hess Properties in Industrial land use conflicts with several of the County's own policies protecting agricultural lands, as well as with LAFCO policies for the promotion of orderly, well-planned development that provides for the efficient provision of public services and utilities. It also conflicts with state law requiring consistency between General Plan designations and zoning, unless the county proceeds to rezone the properties to Industrial. That would in turn conflict with Policy Ag/LU-37. The retention of the Hess properties as Industrial also conflicts with the City of American Canyon's General Plan Land Use Map that shows the area as Agriculture. | Y-50E |
| j. Likewise, the redesignation of the Napa Pipe and Boca sites appear to cause impacts related to the introduction of residential and commercial land uses that would conflict and compete with the City of Napa's redevelopment plans, LAFCO policies for orderly extension of services, and with the County's own policies in support of urban-centered growth and the reservation of industrial properties for the future. The County is not "merely" altering land uses of currently developed areas, but proposing major land use modifications with numerous impacts that are not sufficiently examined. | Y-51E |
| k. The implementation of an RUL for the City of American Canyon directly conflicts with the City's Urban Limit Line in the City's adopted General Plan. The City considers this conflict significant, as the area in question is within the City's planning area and the County's proposal is not a result of consultation and negotiation with the decisionmakers or citizens of the City of American Canyon. Nor is the RUL consistent with the City's SOI, as it incorporates additional lands wherever the County wishes to extend the SOI, such as west of Green Island Road, and east of the city boundaries so that in effect, only to the north and south is the proposal consistent with the existing SOI. | Y-52E |
| l. Under Transportation, Section 4.4, Figure 4.4-1, the map of the existing roadway network does not appear to be accurate in the American Canyon area. | Y-53E |
| m. On page 4.4-47, the description of traffic on SR29 within American Canyon states that traffic "south of SR12 is composed of local traffic from American Canyon and regional traffic between...Vallejo...and the northerly portions of Napa County." Because American Canyon is listed first, and further elaborated with the statement that "significant development has occurred along SR29 within American Canyon", it appears that the EIR is assuming that the majority of traffic impacts on SR29 are caused by development in American Canyon. The City's own recent traffic modeling shows that in fact 75% or more of the traffic within American Canyon is regional traffic moving from or to points north. This should be reflected in the EIR. | Y-54E |
| n. It is unclear how the traffic model used incorporates the Napa Pipe and Boca sites into its analysis. Although all alternatives were deemed to have significant, unavoidable | Y-55E |

3.0 COMMENTS AND RESPONSES TO COMMENTS

American Canyon comment letter on the Napa County General Plan Update
p. 9

- | | |
|--|-------------------------|
| <p>impacts, it is unclear what level of development was estimated for these sites which are proposed for new land use designations, and the resulting impacts on SR29, especially through the City of American Canyon. Mitigation Measures 4.4.1b &c simply require policies in the General Plan to require traffic analyses prior to discretionary approvals (which are typically already required) and for projects to mitigate their impacts and pay associated fees and improvements. However, the EIR does not adequately analyze nor discuss the traffic impacts of the redesignation of the Napa Pipe and Boca sites to mixed use, and the mitigation measures do not adequately mitigate for these projects, which could introduce new land uses that cause unmitigable impacts that cause the entire road system in the south county area to fail. Where the Level of Service falls below LOS D, E, or F, how does the County propose to mitigate? If the County adopts the General Plan with Overriding Considerations related to Transportation impacts, how is the public assured that the Board of Supervisors clearly considered the impacts of the redesignation of these sites separately from all other significant and unavoidable impacts related to traffic?</p> | <p>Y-55E
Con't.</p> |
| <p>o. Likewise, it is not clear if the traffic modeling for the General Plan update or the Airport Specific Plan adequately analyzed the traffic impacts related to the full development of Industrial land uses in the south county area. Because the City of American Canyon has been informed that the South County Industrial Area and north American Canyon is the ideal location in all of California for wine-related distribution warehouses, and the numbers of trucking terminals appear to be increasing over other potential industrial uses, it is not clear that this has been fully analyzed or mitigated. Impacts to SR29 through American Canyon could be significant with buildout of the Airport Industrial Area.</p> | <p>Y-56E</p> |
| <p>p. In Section 4.5, Biological Resources, Figure 4.5-3 should include the purplish-gray color in the legend. These are assumed to be non-sensitive areas, but nevertheless should be labeled. In addition, the map does not clearly show the riparian habitats on the Napa Valley floor, much less within the American Canyon area. It also is likely that extensive coniferous forest exists in the Mayacamas along the western edge of Napa County.</p> | <p>Y-57E</p> |
| <p>q. The City of American Canyon commends the County for including a checklist item under Section 4.8, Air Quality, that addresses greenhouse gases and climate change. Mitigation Measure 4.8.7 could be strengthened by stating that after the inventory analysis, the County would "implement actions to reduce emissions" instead of simply seeking reductions.</p> | <p>Y-58E</p> |
| <p>r. Figure 4.10-2 shows the Alquist-Priolo Fault Zone in American Canyon as the "Green Valley Fault" whereas it is actually known as the West Napa Fault.</p> | <p>Y-59E</p> |
| <p>s. With regard to Section 4.11, the redevelopment of the Napa Pipe site for residential and mixed uses could affect the Napa River floodplain (or vice versa, especially given climate change). The Flood Zone map is difficult to read, and it is not clear how redevelopment of this site might affect the floodplain in the area and other land uses upstream and downstream of this proposed land use redesignation.</p> | <p>Y-60E</p> |
| <p>t. Under Section 4.13, Public Services and Utilities, water supply is inadequately addressed. All three scenarios for the south county area show significant and unavoidable impacts, but it is unclear if the pace of industrial development in the Airport Industrial Area was adequately analyzed or if potential high water users within the American Canyon Water Service Area (such as bottling plants and other manufacturing facilities, or resorts) were incorporated into the analysis, along with and associated with the growth of the City of American Canyon. In the implementation of the City's own General Plan, it has been found that residential, industrial and commercial users must</p> | <p>Y-61E</p> |

3.0 COMMENTS AND RESPONSES TO COMMENTS

American Canyon comment letter on the Napa County General Plan Update
p. 10

- | | |
|---|-------------------------|
| <p>introduce conservation measures and apply other mitigations in order to address the major issues related to limits on water supply. The single mitigation measure proposed by the county simply requires verification of adequate water supply prior to approvals, without addressing the core of the issue. Additional mitigation measures are necessary to further address requirements for water conservation measures, water recycling and use of recycled water, water catchments and rooftop collection systems, pacing of development, sharing of and/or agreements to reduce water entitlements from industrial users, and other measures that must be incorporated into the EIR and draft plan to adequately address the issue. Without such additional measures, the south county area could readily run out of water and find itself physically and economically limited.</p> | <p>Y-61E
Cont'd</p> |
| <p>u. Under the same section, the mitigation measure related to sewer (MM 4.13.4.1) requires verification of service prior to approvals, however again, it should introduce conservation and recycling measures that seek to reduce the amount of wastewater and its potentially toxic or problematic components.</p> | <p>Y-62E</p> |
| <p>v. Figure 4.14-2 shows that SR29 north of Green Island Road as a Scenic Corridor. This portion is adjacent to the Hess Vineyard properties. The conversion of the Hess Vineyards to industrial uses would greatly affect this scenic corridor and is potentially significant. None of the proposed mitigation measures address this potential scenario, and it is not clear that Viewshed Protection Ordinance would adequately address this impact. The EIR should introduce additional mitigation measure(s) to attempt to reduce the potential impacts to this corridor, including the "tunnel" effect that could be created with the development of industrial uses on both sides of the highway in that area.</p> | <p>Y-63E</p> |
| <p>w. Under Section 5, Cumulative Impacts, the City believes that the land use impacts are significant and have not been mitigated. First, the RUL proposed for American Canyon, although within the unincorporated area, is nevertheless proposed within American Canyon's planning area, and second, the RUL is not consistent with the LAFCO adopted SOL for the City, as its western and eastern sides are inconsistent. The RUL also conflicts with the City's General Plan and its expression of the intent of the citizens of American Canyon.</p> | <p>Y-64E</p> |
| <p>x. Further, the land use impacts related to Alternatives B and C regarding the Napa Pipe and Boca sites are cumulatively considerable and have not been mitigated to less than significant. The redesignation of these sites conflicts with the City of Napa's planning area and with LAFCO policies for logical and orderly planning of services, the change from industrial to Mixed Use is undefined and not thoroughly analyzed, and these changes conflict with the County's own policies for city-centered growth and urbanization. In addition, there are potential conflicts with floodplain policies and flood management plans.</p> | <p>Y-65E</p> |
| <p>y. Cumulative impacts to biological resources would best be mitigated through a comprehensive habitat protection and management plan that looks at the entire county or bioregion as a network. A piecemeal approach of individual biological analyses on a project by project basis has been found not to adequately protect the variety of sensitive species of plants and animals within regions.</p> | <p>Y-66E</p> |
| <p>z. Regarding Greenhouse Gases, the county needs to commit to a countywide (and state) effort to reduce emissions and energy use. This issue is indeed cumulatively considerable.</p> | <p>Y-67E</p> |
| <p>aa. Under Cumulative Water Quality and Flood Hazard Impacts, the impacts of a redesignation of Napa Pipe on the floodplain has not been analyzed enough to call them</p> | <p>Y-68E</p> |

3.0 COMMENTS AND RESPONSES TO COMMENTS

American Canyon comment letter on the Napa County General Plan Update
p. 11

- | | |
|--|-------------------------|
| <p>less than considerable after mitigation. This project especially could have impacts on both of these issues that have not been identified.</p> | <p>Y-68E
Cont'd</p> |
| <p>bb. Under Cumulative Public Services and Utilities impacts, if the County continues allowing development of residences in chaparral habitat and other fire-sensitive areas, these impacts must be deemed cumulatively considerable, as these uses cost taxpayers millions of dollars when fire-adapted vegetation communities burn, as they eventually do. The construction of residences on slopes within these areas, if adequately protected with fire safe buffers (which is not really possible), in turn cause the destruction of habitat (biological resources), which is also cumulatively considerable.</p> | <p>Y-69E</p> |
| <p>cc. Regarding cumulative impacts on water supply, please see the comments under the general section on water supply, "t" above, as this issue is largely a cumulative issue, especially with regard to development within the American Canyon Water Service Area.</p> | <p>Y-70E</p> |
| <p>dd. Under cumulative electricity and natural gas, it is assumed that the County will have the power it needs within the plan's time horizon, however it needs to also consider the promotion of alternative fuels and power sources such as solar and wind, as these technologies are likely to be increasingly used in the future within the timeframe of this plan. These technologies should be promoted both for individual homes and businesses as well as for the larger system as a whole.</p> | <p>Y-71E</p> |
| <p>ee. Under cumulative visual resources, the County contains a mitigation measure requiring development projects on County owned sites to be designed to be visually compatible, however nowhere does the plan call for the private development to be visually compatible with the character of the surrounding area. The Hess properties, if converted to another use, would not be required to protect the visual character of the area. Given the industrial designation of the west side of the road, such a conversion would cumulatively impact visual resources in the south county area.</p> | <p>Y-72E</p> |
| <p>ff. Under Growth-inducing impacts, the redesignation of the Napa Pipe and Boca sites could lead to development that induces growth in areas of the unincorporated county that are inconsistent and incompatible with surrounding uses. These redesignations would extend services, infrastructure, housing, and commercial development into areas that do not now have development and could induce additional growth around them. In addition, development of the Hess property as Industrial would also introduce major infrastructure to the east side of Highway 29, potentially inducing growth of additional urban development into agricultural areas.</p> | <p>Y-73E</p> |

This concludes the City of American Canyon Planning Department's comments on the draft General Plan and EIR. Thank you for the opportunity to comment. The City looks forward to working with the County to improve the documents and address our mutual interests.

Sincerely,



Sandra Cleisz
Interim Planning Director

Copies: Rich Ramirez, City Manager
Mayor and Council
William Ross, City Attorney

Napa County General Plan Steering Committee
Keene Simonds, Executive Director, LAFCO
Robert Weil, Public Works Director

3.0 COMMENTS AND RESPONSES TO COMMENTS

- LETTER Y: SANDRA CLEISZ, CITY OF AMERICAN CANYON – PLANNING/BUILDING DEPARTMENT, JUNE 18, 2007
- Response Y-1 E/P:* The commenter identifies that their comments on the proposed General Plan Update and Draft EIR are in regard to how the City of American Canyon is represented and how policy provisions. Comments provided by the City of American Canyon are responded to below.
- Response Y-2 P:* The commenter provides comments on Ag/LU Goal 6. The Conservation Element has been modified to include policy provisions that address the environmental effects of climate change. The commenter is referred to Climate Change Master Response 3.4.4 regarding this topic.
- Response Y-3 P:* The commenter provides comments on Policy Ag/LU-6. The County has established CSA-2 is a tax on vineyards that was established for the purpose of providing funding for farm worker housing production. No changes to the General Plan Update are necessary.
- Response Y-4 P:* The commenter provides comments on Policy Ag/LU-10. State law currently allows for farm worker housing in agricultural zones. No changes to the General Plan Update are necessary.
- Response Y-5 P:* The commenter provides comments on Policy Ag/LU-20. This policy (now Ag/LU-22) was changed in response to comments received.
- Response Y-6 P:* The commenter provides comments on Policy Ag/LU-28. The proposed General Plan Update has been revised and now designates the Napa Pipe site and the Pacific Coast/Boca site as a Study Area, indicating that further study (and another General Plan amendment) will be required prior to consideration of land use changes. However, the County disagrees with the commenter's characterization of the site, which is currently urbanized and has been part of the urban fabric of Napa County since the World War II era. The Draft EIR includes a programmatic assessment of possible land use changes on the sites by evaluating a number of different land use alternatives. Nonetheless, additional site-specific analysis will be required.
- Response Y-7 P:* The commenter provides comments on Policy Ag/LU-37. The proposed General Plan Update has been revised and now proposes that the Hess Vineyards be designated Agriculture, Watershed and Open Space (AWOS).
- Response Y-8 P:* The commenter provides comments on Policy Ag/LU-46. This policy (now Policy Ag/LU-51) was changed in response to comments received.
- Response Y-9 P:* The commenter provides comments on Policy Ag/LU-47. The commenter is referred to Response Y-6.
- Response Y-10 P:* The commenter provides comments on the discussion of the South County Industrial Area on pages 74 and 75 of the public draft of the proposed General Plan Update. This map in the General Plan Update has been revised in response to comments (see p. 61 of the Revised Draft General

3.0 COMMENTS AND RESPONSES TO COMMENTS

Plan Update). Also, please note the additional text in this section regarding the County's intent to retain the Airport Industrial Area Specific Plan as the implementing policy document in the area. Housing needs generated by employment in the AIA and elsewhere are addressed in Policy Ag/LU-31 and in the County's Housing Element.

Response Y-11 P: The commenter provides comments on the discussion of the South County Industrial Area associated with the Hess Vineyard. This policy was changed in response to comments received (see Response Y-7, above).

Response Y-12 P: The commenter provides comments on Policy Ag/LU-111. The Agricultural Preservation/Land Use Element has been revised and figure references have been corrected.

Response Y-13 P: The commenter provides comments on Policy Ag/LU-116. The County disagrees with this interpretation of this policy. The County currently works with the cities and will continue to work with the cities on development issues. No changes to the General Plan Update are necessary.

Response Y-14 P: The commenter provides comments on the County Land Use Policy Map associated with the City of American Canyon. This map has been revised (see Figure Ag/LU-3 in the Revised Draft General Plan Update) to reflect proposed land use designations, but is not the appropriate place to illustrate City policies or circulation improvements. (The County Land Use Map is rarely changed due to provisions of Measure J, and as a result of Measure J requirements, County staff would like to avoid wholesale reformatting or adjustments.)

Response Y-15 P: The commenter provides comments on Policy Ag/LU-129 associated with the proposed RUL around the City of American Canyon. The proposed General Plan Update has been revised and now identifies an RUL for the City of American Canyon that reflects the current status of negotiations between the City and the County. Consistent with the 2003 Housing MOU between the City and the County, the Hess Vineyard property is not included within the RUL.

Response Y-16 P: The commenter provides comments on Policy Ag/LU-130 associated with the proposed RUL around the City of American Canyon. This policy has been revised and is now silent on housing. Please see revised Policy Ag/LU-130.

Response Y-17 P: The commenter provides comments on the Circulation Element associated with the references to "American Canyon Transit." The reference in the Circulation Element is correct at this time. (Source: City of American Canyon web site, at http://www.ci.american-canyon.ca.us/Departments/Community_Services/ACTBusInformation.html)

Response Y-18 P: The commenter provides comments associated with information provided on the marking of Class III bike routes on page 119 of the Circulation Element as well as a typographical error on page 120. The text in the info box related to Class III routes has been revised as follows:

3.0 COMMENTS AND RESPONSES TO COMMENTS

- **Class III Bike Routes** are usually designated by pavement markings to indicate ~~signs~~ the use of bicycles within the vehicular travel lane of a roadway.

The grammar mistake on page 120 has been corrected.

Response Y-19 P: The commenter provides comments on Policy CIR-1.2 associated with the use of "should" versus "shall." The text of CIR-1.2 (now Policy CIR-2) has been further refined to provide more definite language as suggested by the commenter.

Response Y-20 P: The commenter provides comments on the Circulation Element Map regarding its scale and suggested corrections to the map. The Circulation Element Map has been corrected regarding information associated with the City of American Canyon, and additional policy provisions have been added to the Circulation Element regarding the use and scale of the map. Some of the improvements listed in Policy CIR-2.3 (now Policy CIR-13) are below the level of detail shown on the Circulation Map.

Response Y-21 P: The commenter provides comments on Policy CIR-2.3 regarding roadway improvements. The list of improvements (now in Policy CIR-13) has been checked, and it is County staff's opinion that the list is correct. The Circulation Map has also been revised to show a six-lane configuration for Highway 29 north of the City of American Canyon. Widening of Highway 29 southward to the County line falls within the City (rather than the unincorporated area) and thus is not appropriate to be designated by the County for six lanes on this map.

Response Y-22 P: The commenter provides comments on Action Item CIR 2.2.1 regarding roadway improvements. Establishment of a county-wide traffic impact fee is addressed in Action Item CIR-19.1. The development of a county-wide impact fee will require a dedicated work effort on the part of the County and the cities and towns, including the preparation (as required by state law) of a nexus study demonstrating how any proposed fee is related to the improvements it will fund. Preparation of the nexus study will require that all of the jurisdictions first agree on the list of projects to be funded by the fee.

Response Y-23 P: The commenter provides comments on Policy CIR-2.7 regarding suggested changes to the policy. The language of this policy (now Policy CIR-19) has been corrected as generally suggested by the commenter.

Response Y-24 P: The commenter provides comments on Circulation Goal 3 regarding the definition of "paratransit." Paratransit is used in this General Plan as defined by federal law. Generally, paratransit refers to a curbside transit service that picks up and delivers persons to and from specific locations.

Response Y-25 P: The commenter provides comments on Objective CIR-3.1 regarding the number of miles. This text has been modified to identify the objective of designating or constructing up to 40 miles of additional bike lanes (see Objective CIR-3 on p. 111 of the Revised Draft General Plan Update).

3.0 COMMENTS AND RESPONSES TO COMMENTS

- Response Y-26 P:* The commenter provides comments on Policy CIR-3.8 regarding suggested use of "shall." The language of this policy (now Policy CIR-33) has been corrected as generally suggested by the commenter.
- Response Y-27 P:* The commenter provides comments on the Community Character Element on page 145 regarding noise levels. Page 124 of the revised Community Character Element has been changed to state that noise levels associated with roadways are expected to increase.
- Response Y-28 P:* The commenter provides comments on the Community Character Element Figure CC-1 regarding the location of the City of American Canyon's limits. Map CC-1 has been footnoted to state that the American Canyon boundaries are shown Pre-2005.
- Response Y-29 P:* The commenter provides comments on Policy CC-10 regarding a suggested text change. Policy CC-10 has been revised with the suggested text change and is now Policy CC-11.
- Response Y-30 P:* The commenter provides comments on Policy CC-39 and Action Item CC-39.1. Jet noise is beyond the jurisdiction of the County and there is no General Plan Policy that the County could implement that would ensure that jets become quieter. No changes to the General Plan would be appropriate.
- Response Y-31 P:* The commenter provides comments on the Conservation Element on page 155 regarding Figure CON-2 and associated text discussion regarding groundwater basins. As identified in the 2050 Napa Valley Water Resources Study, the vicinity of American Canyon is within the Main Basin of Napa Valley (see 2050 Napa Valley Water Resources Study Technical Memorandum Number 5 page 3).
- Response Y-32 P:* The commenter provides comments on the Conservation Element regarding the different water supplies in the County. The Draft EIR pages 4.13-14 through -36, as well as Draft EIR Appendix J, provide a detailed description of all water supply sources in the County and where this water is generally served. The commenter is also referred to Water Supply Master Response 3.4.1.
- Response Y-33 P:* The commenter provides comments on the Conservation Element regarding its climate change discussion. The Conservation Element has been revised to contain an expanded section on climate change and energy conservation. Please also see Climate Change Master Response 3.4.4.
- Response Y-34 P:* The commenter provides comments on the Conservation Element Goal CON-8 regarding additional suggested text. The language of this goal (now Goal CON-10) has been corrected as generally suggested by the commenter.
- Response Y-35 P:* The commenter provides comments on the Conservation Element Policy CON-34 regarding suggested text changes. The suggested changes to the language of this policy are not recommended by County staff at this time.

3.0 COMMENTS AND RESPONSES TO COMMENTS

- Response Y-36 P:* The commenter provides comments on the Conservation Element Policy CON-36 regarding suggested text changes. The water resources policies of the Conservation Element have been substantially revised and reorganized. Please consult the revised policies beginning on p. 179 of the Revised Draft General Plan Update.
- Response Y-37 P:* The commenter provides comments on the Conservation Element Policy CON-64 regarding suggested changes to the approach of the policy. While this specific policy has not been changed, changes have been made in other policy provisions in the Conservation Element to address this comment. Generally, waste diversion standards are a function of state law, and Napa County is currently exceeding the 50% standard.
- Response Y-38 P:* The commenter provides comments on the Economic Development Element Policy E-13 regarding housing. The commenter is referred to revisions to the Economic Element. Also, please see Response Y-3, above. The County currently has a Community Services District mechanism in place whereby vineyard properties are paying for the provision of farm worker housing. It should also be recognized that one of the logical outcomes of Napa County's longstanding commitment to urban centered growth is that housing to support the County's agricultural industry must logically be provided within incorporated cities to some extent. This seems like a small price that cities pay to reap the benefits of a County that has retained its agrarian landscape and a strong agricultural economy.
- Response Y-39 P:* The commenter provides comments on the Safety Element Figure SAF-1 regarding a mapping label error. Figure SAF-1 has been revised to correct this error.
- Response Y-40 P:* The commenter provides comments regarding mapping in the General Plan Update regarding the proper identification of the City of American Canyon. As noted above, mapping has been corrected.
- Response Y-41 P:* The commenter expresses concerns that the proposed General Plan Update does not include an implementation plan and whether the Draft EIR can adequately address impacts caused by the implementation plan. An Implementation Plan is included in the Revised Draft General Plan Update and is available for public review prior to plan adoption. The implementation plan is based on the policy provisions and land use map of the General Plan Update, and the Draft EIR appropriately analyzes impacts associated with adoption and implementation of the General Plan by assessing a range of alternatives. No conflicts with the General Plan Update or shortcomings in the environmental analysis in the Draft EIR have been identified.
- Response Y-42 E:* The commenter expresses concerns that proposed Draft EIR mitigation measures cannot be found in the public draft of the proposed General Plan Update. The Revised Draft General Plan Update has incorporated the vast majority of the Draft EIR mitigation measures, and the commenter is referred to a matrix comparing mitigation measures and policies that is available on the County's website at www.napacountygeneralplan.com.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Response Y-43 E: The commenter suggests changes to Draft EIR Figure 3.0-2 including the inclusion of the city names and other major features. Draft EIR Figure 3.0-2 does include the city names on the figure (see the legend) as well as other major features of the County (e.g., identification of the major reservoirs and state highways). No changes to this figure are necessary to meet CEQA requirements for an EIR project description.

Response Y-44 E: The commenter suggests changes to the proposed General Plan Circulation Diagram similar to comments made in Comment Y-20P. The commenter is referred to Response Y-20.

Response Y-45 E: The commenter suggests that the mitigation measures in Draft EIR Section 4.1, Agriculture, do not adequately address the potential loss of the Hess Vineyard, which may be further enhanced by the development of the Napa Pipe and Pacific Coast/Boca sites. As noted on Draft EIR Figure 3.0-3, the Hess Vineyard site is currently General Plan designated as Industrial, and its potential conversion to an industrial use would not result in a loss of designated agricultural lands in the County (see Draft EIR page 4.1-28). However, the conversion of the Hess Vineyard was included in the analysis of impacts to state-designated Prime Farmland, Unique Farmland and Farmland of Statewide Importance. Mitigation measures MM 4.1.1a and b would provide for preservation of equal or greater farmland of importance at a 1:1 ratio for land areas lost, which is a commonly used method in the state for minimization of agricultural land loss. It should be noted that the County has gained 17,593 acres of farmland of concern under CEQA (state-designated Prime Farmland, Unique Farmland, and Farmland of Statewide Importance) (see Draft EIR page 4.1-27). Also, only Alternative E in the Draft EIR assumes that the Hess Vineyard would convert to industrial use prior to 2030. Regarding the potential of the redevelopment of the Napa Pipe and Pacific Coast/Boca sites to further induce farmland loss (such as the Hess Vineyard), the potential changes in land use pressures associated with this circumstance (under Alternative C) is addressed on Draft EIR page 4.1-27, which does not identify that it would necessitate a conversion of agricultural lands. Also see Draft EIR Appendix B regarding the demand for industrial space.

Response Y-46 E: The commenter requests corrections to the Draft EIR land use discussion regarding the City of American Canyon regarding population estimates and its general plan. While the commenter suggests that something is incorrect with the Draft EIR's discussion of the City of American Canyon's General Plan on Draft EIR page 4.2-11, the commenter does not provide any information on what is identified as incorrect.

The following text changes are made to the Draft EIR.

The following changes are made to Draft EIR page 4.2-6 (last paragraph) and page 4.2-7 (first paragraph):

- The City of American Canyon is located in southern Napa County, adjacent to the Solano County and the City of Vallejo border. American Canyon has expanded over the past decade and a half, increasing in its population from 7,700 in 1990 (prior to incorporation)

3.0 COMMENTS AND RESPONSES TO COMMENTS

and 9,700 in 2000. In 2005, American Canyon's population was estimated at 14,271 according to the California Department of Finance. American Canyon contains a mixture of old (approved by the County post World War II housing associated with the Mare Island Naval Base) and new urban land uses. Older land uses consist of heavy industrial and commercial uses scattered along Highway 29 and areas of large lot residential development along the City's periphery.

The City of American Canyon is planning on beginning the process of updating its general plan. ~~During this process the ULL shown in the existing American Canyon General Plan is expected to be updated. The ULL may be will also be updated~~ as a result of negotiations with the County stemming from the 2003 Memorandum of Understanding (MOU) related to housing issues. At present, the City's LAFCO-designated SOI essentially matches the current City boundary, with the addition of land anticipated to be included in the Town Center development. Land outside the City Limits but within the ULL is designated in the City of American Canyon as Low and Medium Residential, Residential Estate, Agriculture, Industrial, and Commercial Recreation. Areas of Low and Medium Residential (with overlays), and Residential Estate (with a Commercial Recreation overlay) are primarily located to the east of the City. Areas of Agriculture are located to the northeast, with Industrial areas located to the north, and Commercial Recreation to the west of the City Limits.

Response Y-47 E: The commenter states that the description of spheres of influence provided on Draft EIR page 4.2-6 is incorrect regarding the lack of regulatory power. The following correction is made to clarify the intent of this discussion.

Draft EIR page 4.2-6, the fourth paragraph is modified as follows:

- The purpose of a planning area, ULL, or SOI is to facilitate long-range planning and compatibility of land uses. While a defined planning area, ULL, or SOI does not give a city any regulatory land use power or authority, it acts to inform the planning process by notifying the County and other nearby local and regional authorities that the city recognizes that development within this area has an impact on the future of the city. Under state law, cities are invited to comment on development within their planning area that is subject to review by the County. However, unincorporated portions of these planning areas ultimately remain under the jurisdiction of Napa County.

Response Y-48 E: The commenter identifies that the Draft EIR fails to address the environmental effects of the conversion of the Hess Vineyard to industrial uses under Draft EIR Impact 4.2.1. As identified in Draft EIR pages 4.2-19 and -20, Impact 4.2.1 is associated with the division of an established community and is not an impact analysis associated with agricultural land conversion. The potential agricultural resource loss from conversion of the Hess Vineyard under Alternative A is addressed under Draft EIR Impact 4.1.1 (see Draft EIR pages 4.1-22 through -24).

3.0 COMMENTS AND RESPONSES TO COMMENTS

Response Y-49 E: The commenter suggests that Draft EIR mitigation measure MM 4.2.1 does not provide adequate mitigation for potential land use conflicts as well as floodplain issues with Napa Pipe. The analysis provided under Draft EIR Impact 4.2.1 specifically takes into account current land use conditions in this area (industrial uses and associated conflicts with noise, truck traffic, and vibrations) in the consideration of the impact of converting the Napa Pipe and Pacific Coast/Boca sites. Mitigation measure MM 4.2.1 (in addition to noise mitigation measures identified in the Draft EIR) sets forth design performance standards that would buffer these land uses from existing industrial operations. The commenter provides no evidence to counter the analysis and conclusions of the Draft EIR. Development of the Napa Pipe site would be required to meet County Code requirements for any development in the floodplain that are intended to protect such development from flood hazards (see Draft EIR page 4.11-73).

Response Y-50 E: The commenter suggests that the potential conversion of the Hess Vineyard would conflict with several proposed policies involving the protection of agricultural resources, LAFCO provisions, current zoning designations, and the City of American Canyon's General Plan Land Use Map. As noted on Draft EIR Figure 3.0-3, the Hess Vineyard site is currently General Plan designated as Industrial and potential development into industrial uses would complement existing land uses to the south and north of this property. The environmental effects of the conversion of this land to an Industrial designation (under Alternative E) have been addressed in the Draft EIR (e.g., agricultural conversion, traffic, public service demands [including water and wastewater], and visual impacts). While the City of American Canyon General Plan addresses the Hess Vineyard, this site is within the County and its land use controls (rather than the City). Also, please note that the Revised Draft General Plan Update now proposes to re-designate the Hess Vineyard as Agriculture, Watershed and Open Space, and Policy Ag/LU-114 explains that there may be instances in the County where zoning and General Plan map designations are not identical, yet consistency is maintained due to policy language in the plan.

Response Y-51 E: The commenter suggests that the redesignation of the Napa Pipe and Pacific Coast/Boca sites would conflict and compete with the City of Napa's redevelopment plans, County policy provisions associated with urban-centered growth, and provisions for the reservation of industrial properties for the future. The commenter suggests that there are impacts associated with this, but fails to specify what these impacts are. The Draft EIR addresses the environmental effects of these land use designation changes in its various technical sections (see Draft EIR Sections 4.1 through 4.14). The Napa Pipe and Pacific Coast/Boca sites are located in areas currently designated by the existing Napa County General Plan for urban uses (see Draft EIR Figure 3.0-3). As identified in Draft EIR Appendix B (Industrial Land Use Study, Napa County General Plan Update), all but Alternative C would provide adequate industrial land to meet projected demands. The potential changes in land use pressures associated with this circumstance under Alternative C are addressed on Draft EIR page 4.1-27. There is no evidence to suggest that the redesignation of these sites would result in physical effects to the City of Napa's redevelopment

3.0 COMMENTS AND RESPONSES TO COMMENTS

activities, especially given that redevelopment activities provide incentives to encourage revitalization and development.

Response Y-52 E: The commenter expresses concerns regarding the proposed establishment of an RUL for the City of American Canyon under the proposed General Plan Update. The environmental effects of the establishment of the proposed RUL for the City of American Canyon are addressed as part of the evaluation of impacts associated with Draft EIR Alternative C. Also see Section 2.0 of this Final EIR which assesses the impacts of the Preferred Plan and which includes a variation of the RUL based on negotiations between the City and the County.

Response Y-53 E: The commenter suggests that Draft EIR Figure 4.4-1 does not accurately reflect the existing roadway network for American Canyon, but does not provide any specifics. Draft EIR Figure 4.4-1 is intended to graphically illustrate the major roadways in the County that were evaluated in the Draft EIR traffic analysis provided in Section 4.4, Transportation. No changes are recommended to this figure.

Response Y-54 E: The commenter states that the discussion regarding SR 29 with American Canyon on Draft EIR page 4.4-47 suggests that traffic impacts to the operation of SR 29 are the result of development in the City, while City studies have identified that 75% of the traffic on SR 29 is regional in nature. As specifically noted in this discussion, the development along the SR 29 corridor in the City has resulted in additional side street accesses to the roadway, which have affected travel times and congestion on SR 29. In other words, although SR 29 is a regional facility and clearly carries more through traffic than local traffic, the traffic congestion and delays experienced in the area can be attributed to the additional traffic signals, cross traffic, and development introduced in the area in recent years, as well as to increases in traffic volumes.

Response Y-55 E: The commenter states that the Draft EIR is unclear on how it accounted for the development of the Napa Pipe and Pacific Coast/Boca sites in the traffic modeling and did not identify mitigation measures necessary to address the associated impact. Draft EIR Appendix C (The Napa County General Plan Update EIR, Technical Memorandums for Traffic and Circulation Supporting the Findings and Recommendations) specifically identifies the various development assumptions for these sites under Alternatives B and C (see Technical Memorandum Tables 1 and 2 for development assumptions). The Draft EIR also identifies all feasible mitigation measures to address traffic impacts from development under the proposed General Plan Update (MM 4.4.1a through j). In addition, the Draft EIR identifies what roadway improvements would be required to meet the County's LOS standard and why these improvements are infeasible (see Draft EIR pages 4.4-51 through -53). Since release of the public draft of the proposed General Plan Update and Draft EIR, the Circulation Element of the General Plan Update has been further modified and now includes these mitigation measures as policy provisions. Also, please note that although the Board of Supervisors may adopt Overriding Considerations associated with the General Plan Update, there will be

3.0 COMMENTS AND RESPONSES TO COMMENTS

further studies and environmental review associated with specific development on the Napa Pipe and Pacific Coast/Boca sites.

- Response Y-56 E:* The commenter states that the Draft EIR is unclear on how it accounted for the development of the Airport Specific Plan in the traffic modeling and did not identify mitigation measures necessary to address the associated impact. Draft EIR Appendix C (The Napa County General Plan Update EIR, Technical Memorandums for Traffic and Circulation Supporting the Findings and Recommendations) specifically identifies the various development assumptions for the Airport Industrial Area under each alternative (see Technical Memorandum Table 2 for development assumptions). Significant traffic impacts to SR 29 in the American Canyon area are specifically noted in Draft EIR Table 4.4-13 and 4.4-14. The Draft EIR also identifies all feasible mitigation measures to address traffic impacts from development under the proposed General Plan Update (MM 4.4.1a through j). In addition, the Draft EIR identifies what roadway improvements would be required to meet the County's LOS standard and why these improvements are infeasible (see Draft EIR pages 4.4-51 through -53). Since release of the public draft of the proposed General Plan Update and Draft EIR, the Circulation Element of the General Plan Update has been further modified and now includes these mitigation measures as policy provisions.
- Response Y-57 E:* The commenter provides comments regarding the content of Draft EIR Figure 4.5-3 regarding the color coding and location of coniferous forests in the Mayacamas (also known as the "Western Mountains"). The legend and coding of this figure specifically notes that the information is focused on sensitive biotic communities and uses a color code system to clearly show these areas. Given the scale of the figure (which is based on detailed GIS data on vegetation and habitat conditions in the County), it is not possible to provide a figure in the Draft EIR that illustrates in detail every location of sensitive biotic communities in the County. However, this GIS data is available at the County. While coniferous forest does occur in the Western Mountains, these forests are located outside of the County. No changes to Draft EIR Figure 4.5-3 are recommended.
- Response Y-58 E:* The commenter suggests the addition of a checklist item to address climate change and greenhouse gases in Section 4.8, Air Quality, of the Draft EIR as well as suggested strengthening of mitigation measure MM 4.8.7. The commenter is referred to Climate Change Master Response 3.4.4 for a further discussion of additional climate change provisions added to the Conservation Element of the proposed General Plan Update since its release in February 2006.
- Response Y-59 E:* The commenter identifies that Draft EIR Figure 4.10-2 mislabels the West Napa Fault. Draft EIR Figure 4.10-2 has been corrected and is provided in the Text Changes section of this Final EIR.
- Response Y-60 E:* The commenter expresses concerns regarding the development of the Napa Pipe site in relation to potential flood hazards associated with the Napa River. Development of the Napa Pipe site would be required to meet County Code requirements for any development in the floodplain

3.0 COMMENTS AND RESPONSES TO COMMENTS

that are intended to protect such development from flood hazards (see Draft EIR page 4.11-73).

- Response Y-61 E:* The commenter states that the water supply analysis in the Draft EIR is inadequate and fails to address growth and potential range of uses in the Airport Industrial Area, growth of the City of American Canyon, and does not provide adequate mitigation measures. As further responded to in Water Supply Master Response 3.4.1 the Draft EIR water supply analysis includes water supply and demand projections for years 2020 and 2050 as provided in the 2050 Napa Valley Water Resources Study (which includes water demands of the City of American Canyon). In addition to this anticipated water demand, the Draft EIR identifies water demands specifically associated with growth in the unincorporated County between 2005 and 2030 (including the Airport Industrial Area – see Draft EIR Appendix B for a breakdown of development in the Airport Industrial Area). Water conservation mitigation measures are provided in the Draft EIR and consist of mitigation measures MM 4.11.5c and d. These mitigation measures have now been incorporated into the Conservation Element of the proposed General Plan Update (see Water Supply Master Response 3.4.1).
- Response Y-62 E:* The commenter suggests water conservation measures in regard to sewer service impacts identified in the Draft EIR. The commenter is referred to Response Y-61.
- Response Y-63 E:* The commenter identifies that additional mitigation measures should be considered for potential visual impacts associated with the conversion of the Hess Vineyard. As previously noted, the Hess Vineyard site is currently General Plan designated as Industrial and potential development into industrial uses would complement existing land uses to the south and north of this property. Significant visual resources designated by the County (e.g., Napa County Viewshed Protection Combination District and Napa County Viewshed Protection Program) consist of key hillsides and ridgelines as viewed from roadways. However, the Draft EIR does include mitigation measures (MM 4.14.2a through d) to avoid significant light and glare from development along public roadways (e.g., SR 29). In addition, the Community Character Element includes policy provisions for the County to work with the City of American Canyon on the development and implementation of a Scenic Highway 29 Corridor plan to maintain the corridor in an aesthetically pleasing manner. Please also note that the Hess Vineyard would be re-designated as Agriculture, Watershed and Open Space under the Revised Draft General Plan Update.
- Response Y-64 E:* The commenter suggests that cumulative land use impacts to the City of American Canyon are significant and have not been mitigated. The cumulative land use impact analysis provided in the Draft EIR acknowledges that the proposed RUL for the City of American Canyon under Alternative C is not consistent with the City of American Canyon General Plan Urban Limit Line. As specifically addressed on Draft EIR page 4.2-25:

3.0 COMMENTS AND RESPONSES TO COMMENTS

Alternative C would establish a new RUL around the City of American Canyon that is different than the Urban Limit Line (ULL) illustrated in the City's current general plan. This conflict would not be considered significant, since the County's general plan is the governing document in the unincorporated area, and the proposed RUL would be consistent with the formally adopted (by LAFCO) Sphere of Influence (SOI) for the city. Also, the City-County MOU anticipated establishment of a new RUL, and the City has begun an update to its general plan which will review the ULL. Urban development within the proposed City of American Canyon RUL could result in conflicts with the Napa County Airport Land Use Compatibility Plan; however, the potential extent of this impact is not known given the uncertainty of the future mix of land uses. The mix of land uses would ultimately be determined by the City of American Canyon if and when annexation occurred, and would require review under the Airport Land Use Compatibility Plan.

Thus, no physical effects to the environment are associated with land use are expected under project and cumulative (year 2030) conditions under the proposed General Plan Update.

Response Y-65 E: The commenter suggests that potential land use conflicts associated with Napa Pipe and Pacific Coast/Boca sites (under Alternatives B and C) are cumulatively considerable and have not been adequately addressed in the Draft EIR. Environmental impacts associated with potential land use conflicts for these sites are based on their site-specific conditions and do not contribute to any other land use conflicts under cumulative conditions. The commenter provides no evidence to demonstrate that these sites would add to other cumulative land use conflicts anticipated to occur in year 2030. The commenter is referred to Response Y-49 regarding the Draft EIR's treatment of General Plan-related land use conflicts with these sites.

Response Y-66 E: The commenter suggests that cumulative biological resource impacts should be addressed through comprehensive habitat protection and management planning for the entire County rather than on a project-by-project basis. As identified in Biological Resources Master Response 3.4.3, further modifications to the Conservation Element of the proposed General Plan Update now include policy provisions that involve county-wide monitoring, conservation and restoration efforts and watershed planning (in coordination with other governmental agencies and private interest).

Response Y-67 E: The commenter suggests that the County needs to commit to county-wide (and state) efforts to reduce greenhouse gases. The commenter is referred to Climate Change Master Response 3.4.4 for a further discussion of additional climate change provisions added to the Conservation Element of the proposed General Plan Update since its release in February 2006.

3.0 COMMENTS AND RESPONSES TO COMMENTS

- Response Y-68 E:* The commenter expresses concerns regarding cumulative flooding impacts on future development of the Napa Pipe site. Development of the Napa Pipe site would be required to meet County Code requirements for any development in the floodplain that are intended to protect such development from flood hazards (see Draft EIR page 4.11-73). In addition, Draft EIR mitigation measure MM 4.11.9 requires that subsequent projects include drainage improvements that ensure no new or increased flooding impacts on upstream or downstream areas.
- Response Y-69 E:* The commenter states that continued County allowance of development of residences in fire-sensitive areas should be determined a cumulatively considerable impact. The Draft EIR does identify this impact as cumulatively considerable and identifies that implementation of mitigation measures (MM 4.13.1.1a through c and MM 4.9.4) as well as compliance with County Code provisions (Chapters 15.32 and 18.84) and Public Resources Code sections 4290 and 4291 would mitigate this impact to less than cumulatively considerable (see Draft EIR page 5.0-22).
- Response Y-70 E:* The commenter states concerns regarding the project and cumulative water supply analyses provided in the Draft EIR. As further responded to in Water Supply Master Response 3.4.1, the Draft EIR water supply analysis includes water supply and demand projections for years 2020 and 2050 as provided in the 2050 Napa Valley Water Resources Study (which includes water demands of the City of American Canyon). In addition to this anticipated water demand, the Draft EIR identifies water demands specifically associated with growth in the unincorporated County between 2005 and 2030 (including the Airport Industrial Area – see Draft EIR Appendix B for a breakdown of development in the Airport Industrial Area). Water conservation mitigation measures are provided in the Draft EIR and consist of mitigation measures MM 4.11.5c and d. These mitigation measures have now been incorporated into the Conservation Element of the proposed General Plan Update (see Water Supply Master Response 3.4.1).
- Response Y-71 E:* The commenter suggests that the County should explore alternate energy sources to meet its future needs. The commenter is referred to Climate Change Master Response 3.4.4 for a further discussion of additional alternate energy provisions added to the Conservation Element of the proposed General Plan Update since its release in February 2006.
- Response Y-72 E:* The commenter states concerns regarding the cumulative visual impacts associated with the potential conversion of the Hess Vineyard site to industrial uses. As previously noted, Hess Vineyard site is currently General Plan designated as Industrial and potential development into industrial uses would compliment existing land uses to the south and north of this property. Significant visual resources designated by the County (e.g., Napa County Viewshed Protection Combination District and Napa County Viewshed Protection Program) consist of key hillsides and ridgelines as viewed from roadways. However, the Draft EIR does include mitigation measures (MM 4.14.2a through d) to avoid significant light and glare from development along public roadways (e.g., SR 29). In addition, the Community Character Element includes policy provisions for the

3.0 COMMENTS AND RESPONSES TO COMMENTS

County to work with the City of American Canyon on the development and implementation of a Scenic Highway 29 Corridor plan to maintain the corridor in an aesthetically pleasing manner. Please also note that the Revised Draft General Plan Update has proposed re-designating the Hess Vineyard as Agriculture, Watershed and Open Space.

Response Y-73 E:

The commenter suggests that the redevelopment of the Napa Pipe, Pacific Coast/Boca, and Hess Vineyard sites could lead to the inducement of growth in other unincorporated areas of the County. The Draft EIR acknowledges that the alternatives could result in varying growth-inducing effects that in turn could result in physical effects to the environment. Anticipated environmental effects are associated with further housing issues that require workers to seek housing opportunities outside of the County, resulting in traffic, noise, and air quality impacts (see Draft EIR pages 7.0-2 and -3). However, it is speculative to suggest that unplanned growth would occur given the County's existing growth control measures (Measure J and the Napa County Housing Allocation Program [Measure A]).

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter Z

LORI



State of California – The Resources Agency
DEPARTMENT OF FISH AND GAME
<http://www.dfg.ca.gov>

ARNOLD SCHWARZENEGGER, Governor

POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500

RECEIVED

JUN 20 2007

NAPA CO. CONSERVATION
DEVELOPMENT & PLANNING DEPT.



June 18, 2007

Hilary Gitelman
County of Napa
Department of Conservation, Development and Planning
1195 Third Street, Suite 210
Napa, CA 94559

Dear Ms. Gitelman:

Subject: Napa County General Plan Update, SCH 2005102088, Napa County

This letter is intended to provide the California Department of Fish and Game's (DFG) general comments regarding botanical, wildlife and fishery impacts associated with the Draft Environmental Impact Report and Napa General Plan for development in Napa County. DFG appreciates the opportunity to discuss long term planning goals and provide guidance on opportunities to protect and restore sensitive resources in Napa County. Because of the diverse nature of Napa County and current development pressures, DFG recognizes the County's difficulty in balancing growth needs with resource protection. However, DFG believes that the two are not necessarily mutually exclusive, and long term resource protection can be achieved with proper preparation. Many future projects will have potential habitat for sensitive species and should be thoroughly assessed for presence of sensitive resources and mitigated appropriately. In addition, DFG encourages the County to continue to pursue opportunities to encourage landowners to restore degraded habitat and provide information on the many resources available to provide assistance.

Z-1E/P

DFG is concerned about the current level of existing and proposed development within the Napa County area and its impact on sensitive resources. Future impacts to native habitats and species which rely on these habitats may be cumulatively significant in the context of other related past, present, and reasonable foreseeable probable future impacts (California Environmental Quality Act [CEQA], Section 15355). Though agricultural conversion to vineyard is considered open space per the General Plan, vineyards do not contain the same habitat values that other less intensive uses might provide. Aerial photo records reveal extensive loss of native forest, grassland and oak woodland areas around the Napa River and within other watersheds of the Napa Valley, without any feasible permanent compensation for wildlife habitat loss. Though recent changes have required that conversions of native habitat minimize impacts to sensitive resources such as oak woodlands and riparian resources, development has been allowed to continue without providing any long term protections to undeveloped areas. In those cases where projects cannot completely avoid impacts to sensitive resources, lands should be set aside and maintained in perpetuity to prevent further net loss of habitats. Inclusion of wildlife corridors and avoidance areas within new development does minimize impacts but many sensitive resources require larger unfragmented tracts of habitat. For most new developments, cumulative analysis and mitigation measures have mainly relied on future CEQA documents

Z-2E/P

Conserving California's Wildlife Since 1870



3.0 COMMENTS AND RESPONSES TO COMMENTS

Hillary Gitelman
June 18, 2007
Page 2

to restrict new development and provide long term resource sustainability. DFG recommends that feasible mitigation alternatives be developed to off-set the impacts for the continual and cumulative loss of wildlife habitat including forest, oak woodland, riparian and native grassland. In order for future developments to be able to proceed with some level of confidence, the County should develop alternative mitigation options. These options could include setting aside funds for acquisition of native habitat, requiring developments to set aside an adequate portion of contiguous property, or the development of mitigation banks. Mitigation lands, banks, or set-asides should be protected in perpetuity against future development.

Appropriate mitigation ratios should be developed on a project-by-project basis and should consider the quality of the habitat in question and replace, enhance and preserve in kind habitat. Loss of oak woodland habitat can be considered cumulatively significant in most portions of Napa County, and all future development in oak woodland habitat should be mitigated at an appropriate ratio. DFG is concerned in most situations; the proposed mitigation for loss of oak woodland at a 2:1 ratio may not be adequately protective. Creation of viable oak woodland habitat requires extensive time to develop mature habitat features that many species are dependent upon. Mitigation ratios should reflect differences in habitat quality and should address temporal losses due to permanent removal of mature trees and replacement with immature trees without similar values. Having a thorough set of mitigation options in mind allows project developers to expend less time and energy on development of adequate mitigation scenarios and is a better plan for the future. In order to maximize the benefits of habitat protection, the County should also develop plans for future native habitat acquisition with an eye towards habitat value and continuity. DFG is available to assist the County in the development of a long term strategy for future development.

Z-2E/P
Cont'd

Future development within Napa County will require the expanded use of already stretched water resources in the area. The increased development of water rights in unincorporated areas and the potential effects of future development on water quality and quantity should be a focus on all future development. The "2050 Napa Valley Water Resources Study" (Study) states that in "wet years, with ample rainfall, there is currently and will be enough water for all users, though not everyone has enough capacity to store what they need. Projections for dry years, however, show users in both Napa's incorporated and unincorporated areas may not have enough water to meet all their needs through the year 2050." Therefore, as described, the County does not have sufficient water to accommodate planned build-out in dry years. In addition, DFG has concerns that the analysis does not appear to take into consideration the need to provide protective flows for fisheries and wildlife resources. Several streams in the Napa County area are fully appropriated and all streams are at increased risk of impact from water users and agricultural development. This brings into question the assumption that water will be available for future build-out in even normal and wet years. All future development analysis should thoroughly review the availability of surface water and groundwater prior to issuance of any permits. Those projects which will require storage of surface water should be reviewed in the context of National Marine Fisheries Service (NOAA Fisheries)/DFG *Guidelines for Maintaining*

Z-3E/P

3.0 COMMENTS AND RESPONSES TO COMMENTS

Hillary Gitelman
June 18, 2007
Page 3

Instream Flows to Protect Fisheries Resources Downstream of Water Diversions in Mid-California Coastal Streams (Guidelines). Completion of environmental review without imposition of protective conditions required in subsequent permits will create unnecessary delays and potential conflicts with land use objectives and sensitive resources. In review and approval of any new development that will either increase the consumptive use of an existing water right or require that the landowner acquire additional rights, the County should closely consult with the appropriate agencies prior to issuance. The County should also consider that future restrictions on already stressed surface water resources will impose further pressure on alternative sources such as groundwater or local municipalities. As such, the Study should be reevaluated to address whether there is sufficient water for build out and should not include assumed unsecured water rights without required protective fisheries flows. DFG is available to discuss proper interpretation and implementation of the Guidelines and to consult on future projects which may require additional water use.

Z-3E/P

In conclusion, DFG recommends that the Napa General Plan include meaningful disclosure of species impacts associated with long term conversion of native habitat and include appropriate mitigations to address those issues. The Napa General Plan should also identify all potential sources of water and further address future availability in the context of fisheries protection.

Z-4E/P

DFG appreciates the opportunity to comment on the Napa General Plan and we are available to meet to further discuss our concerns. If you have any questions, please contact Corinne Gray, Environmental Scientist, at (707) 944-5526; or Greg Martinelli, Water Conservation Supervisor, at (707) 944-5570.

Sincerely,



Charles Armor
Acting Regional Manager
Bay Delta Region

cc: State Clearinghouse
Via Fax: (916) 323-3018

3.0 COMMENTS AND RESPONSES TO COMMENTS

LETTER Z: CHARLES ARMOR, CALIFORNIA DEPARTMENT OF FISH AND GAME, JUNE 18, 2007

Response Z-1 E/P: The commenter notes their review of the Draft EIR and proposed General Plan Update associated with botanical, wildlife, and fishery impacts. The commenter also states that the County should continue to pursue opportunities to encourage landowners to restore degraded habitat and provide assistance. The Draft EIR provides an extensive analysis of impacts to habitat conditions in the County as well as the associated impacts to special-status plants, wildlife and fishery resources (see Draft EIR pages 4.5-45 through -69 and pages 4.6-20 through -34). It should be noted that since release of the public draft of the proposed General Plan Update and Draft EIR, the Conservation Element of the General Plan has been further modified to include additional biological resource protection provisions. This includes policy provisions that call for coordination with other governmental and non-governmental entities to conserve and improve habitat and resources in the County, as well as inclusion of Draft EIR mitigation measures from Section 4.5, Biological Resources, and 4.6, Fisheries. The commenter is referred to Biological Resources Master Response 3.4.3 regarding further details of modifications to the Conservation Element and the biological resources impact analysis in the Draft EIR.

Response Z-2 E/P: The commenter expresses concerns regarding the level of existing and anticipated future development in the County (under project and cumulative conditions) and its impact on sensitive biological resources (loss of forest, grassland, and oak woodland of particular concern). The commenter also states that the County should consider a menu of options to mitigate habitat impacts such as requiring developments to set aside funds for habitat acquisition or set aside property, or the development of mitigation banks. Finally, the commenter recommends that mitigation ratios be developed on a project-by-project basis and questions whether the proposed 2:1 ratio for oak woodlands would be adequate.

Draft EIR Tables 4.5-3 through 4.5-6 provide estimates on potential loss of biotic community and areas containing sensitive biotic communities (as defined on Draft EIR page 4.5-50). Thus, the Draft EIR acknowledges that future development under the proposed General Plan Update could result in significant impacts to habitat conditions in the County (see Draft EIR pages 4.5-56 through -67). Mitigation measures MM 4.5.2a and b provide options for mitigating impacts to sensitive biotic communities and oak woodlands through restoration, creation, and preservation (as suggested by the commenter). The oak woodland replacement and preservation ratio of 2:1 for habitat loss is based on other mitigation/preservation programs that have been prepared or are under preparation by other counties in the state (e.g., El Dorado County Oak Woodland Management Plan and Tuolumne County Oak Woodland Management Plan). The commenter is referred to Biological Resources Master Response 3.4.3 regarding further details of modifications to the Conservation Element that now incorporates mitigation measures MM 4.5.2a and b.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Response Z-3 E/P: The commenter states concerns regarding existing and future water supply demands on in-stream flows and associated impacts to fisheries and wildlife resources. The commenter recommends the utilization of the National Marine Fisheries Service/DFG Guidelines for Maintaining Instream Flows to Protect Fisheries Resources Downstream of Water Diversions in Mid-California streams. As identified in Water Supply Master Response 3.4.1, the Draft EIR acknowledges anticipated water supply impacts for the County and the cities within the County under future year conditions. This includes potential impacts to surface water features from increased groundwater usage (i.e., reductions in groundwater discharge) in the unincorporated area of the County (since groundwater is the County's primary source of water supply). The Draft EIR identifies mitigation measures (MM 4.11.5e) to address this potential impact to surface water features that have since been incorporated into the modifications to the Conservation Element of the proposed General Plan Update.

Response Z-4 E/P: The commenter requests that the County (as part of the General Plan) provide a meaningful disclosure of species impacts associated with conversion of habitats and identify appropriate mitigation. The commenter also requests that the County reevaluate water supply impacts of the General Plan. The commenter is referred to Responses Z-2E/P and Z-3E/P above.