

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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Letter 1



**NAPA GROUP**  
P.O. Box 644  
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March 20, 2007

Napa County Planning Commission  
1195 Third Street  
Napa, CA

Re: Draft General Plan

Dear Chairman King and Members of the Planning Commission:

Thank you for the opportunity to speak to you today. While we appreciate that a great deal of work has been done to prepare the Draft General Plan and its accompanying Draft EIR, we believe, from an initial reading and the comments of others, that these documents are both incomplete and inadequate in addressing the challenges before us.

We are particularly troubled that future growth has been projected by trend lines of past growth. We question the assumption that growth is needed to sustain economic prosperity. How will population growth solve our housing shortage? | 1-1E

A discussion of potential drought conditions needs to be included in the analysis of groundwater, municipal water supplies, and stream base flows. Impact 4.11.5 states that "...increased well pumping could therefore result in the decline of groundwater level and accelerated overdraft (Significant and Unavoidable—All Alternatives)". Napa County is a net importer of water, yet there is no discussion about what happens to existing consumers (both Ag and residential) in a drought scenario, much less what the effects of increased population and Ag development would portend for current users. | 1-2E

While our contribution to Air Quality standards for the Bay Area is low, we nevertheless have many days that exceed air quality standards. This is projected to increase under all Alternatives. Why are we even contemplating a course that conditions will deteriorate under? | 1-3E

Generally speaking, the General Plan alternatives lack a vision for sustainability and protection of our quality of life. It is difficult, at best, to work through and between the various documents (Draft EIR, Appendices, and Baseline Data Report). Although the BDR is incorporated into the EIR by reference, notations within the EIR to specific sections of the BDR are almost non-existent. | 1-4E

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It is not clear, nor is it discussed, how any of the Alternatives will address the impaired status of the Napa River Watershed. It appears that the General Plan was written as if the Sediment and Pathogen TMDL's did not exist. Our past practices have given us an impaired river. Where is our roadmap to fixing that?

1-5E/P

These are a few examples, as our review of the necessary documents is on-going. It is our intention to provide specific language and text for consideration by staff and the advisory committee.

We ask two things of you today. First, is that you request an extension of time for review from the Board of Supervisors. Secondly, that you direct the Planning Department to revise their documents to address these fundamental questions and chart a course that gets us out of the mess we have made and delivers a sustainable course for Napa County.

1-6E

For the Napa County Sierra Club,  
Sincerely,



Elisabeth Frater  
Chair

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LETTER 1: ELISABETH FRATER, SIERRA CLUB, NAPA GROUP, MARCH 20, 2007

*Response 1-1 E:* The commenter states that the Sierra Club is troubled that future growth has been projected by trend lines of past growth. The commenter also questions the assumption that growth is needed to sustain economic prosperity. The commenter questions how population growth will solve Napa County's housing shortage. Section 4.3 of the Draft EIR discusses Population, Housing, and Employment impacts as a result of implementation of the proposed General Plan Update alternatives. Pages 4.3-9 through 4.3-11 of the Draft EIR discuss the methodology employed to analyze growth impacts as a result of implementation of the General Plan Update. The Association of Bay Area Governments (ABAG) prepares projections of growth in the Bay Area as a whole and its member jurisdictions, typically on a biannual basis. These projections generally represent the amount of growth that ABAG economists and planners believe is reasonable to expect by 2030 if existing land use policies contained in the adopted General Plan remain intact and only programmed and funded improvements are made to the region's infrastructure. ABAG population, employment, and housing projections for the adopted General Plan are presented in Table 4.3-11 on page 4.3-10 of the Draft EIR. To analyze the impacts of the proposed General Plan Update, the County retained its own economists to prepare adjusted growth projections for the EIR alternatives. Adjustments were made to reflect updated information since 2005, as well as an assessment of the amount of land available in each alternative for housing and for job creation. Projections are reasonable estimations of future conditions; however, every effort was made to be conservative (i.e., to lean toward higher numbers) in order to over-state rather than under-state potential impacts related to population, housing, traffic, etc.

Page 4.3-13 of the Draft EIR identifies Impact 4.3.2, which determined that Alternative A would have a significant and unavoidable impact on the jobs-to-housing ratio within unincorporated areas. The Draft EIR presented mitigation measure MM 4.3.2, which requires a General Plan policy that would compel new employment generating development either to produce on- or off-site housing adequate to meet the demand for Napa County housing associated with new employment. However, the impact would remain significant and unavoidable even with implementation of this measure. No changes to the Draft EIR are recommended. For additional discussion regarding the adequacy of alternatives selected for analysis and growth projections, see Alternatives Master Response 3.4.2. Also, please note that the Revised Draft General Plan Update would result in less growth than many of the Draft EIR Alternatives. (See Section 2.0 on the "Preferred Plan" for more information.)

*Response 1-2 E:* The commenter states that a discussion of drought conditions needs to be included in the analysis of groundwater, municipal water supplies, and stream flows. See Water Supply Master Response 3.4.1 for a full discussion on water supply issues. As described in appendices H, I and J of the Draft EIR and Section 4.11 (Hydrology and Water Quality) and 4.13 (Public Services and Utilities), hydrologic modeling and water supply and demand projections used in the Draft EIR include the consideration of

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drought conditions. The impact of single-dry and multiple-dry years on water supplies for the County and cities is specifically identified in Draft EIR Table 4.13.3-37 (see Draft EIR page 4.13-42).

*Response 1-3 E:* The commenter asks why new development is being considered if it will result in worse air quality. Air quality for a region is a result of all activities and development that occurs within an air basin, which for Napa County includes all counties and incorporated cities within the San Francisco Air Basin. Mitigation measures are presented in Section 4.8 of the Draft EIR to lessen air quality impacts to the furthest extent feasible by the County. Any new development would be required to adhere to the Best Available Technology and requirements set forth in additional policies and action items now incorporated in the Conservation Element under the heading of Energy, Climate Change, and Sustainable Practices.

*Response 1-4 E:* The commenter states that the proposed General Plan Alternatives lack vision for sustainability and protection of our quality of life. See Alternatives Master Response 3.4.2 for adequacy of alternatives discussion. As noted in Response 1-3 E, additional policies and action items incorporated into the proposed General Plan Update address sustainability, climate change, and energy conservation.

*Response 1-5 E:* The commenter states that it is unclear how any of the alternatives will address the impaired status of the Napa River Watershed. Please see Policy CON-47 in the Revised Draft General Plan Update, which would specifically address root causes of the river's designation as impaired. This policy and others in the Water Resources section of the Conservation Element would address water quality in the Napa River and elsewhere.

*Response 1-6 E:* The commenter asks that an extension of time for review be given and that the Planning Department should revise the documents to address the comments. The County appreciates the Sierra Club's input. On April 3, 2007, the County Board of Supervisors extended the public review comment period by 60 days. The County has accepted all comment letters received through August 2007.

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Letter 2

NAPA COUNTY GENERAL PLAN UPDATE  
As it relates to  
PROTECTION OF DOMESTIC WATERSHEDS

By  
HOWELL MOUNTAIN MUTUAL WATER COMPANY

#### INTRODUCTION:

There are eight domestic watersheds in Napa County serving Napa County residents. Together, they cover 100 square miles of Napa County's 800 square mile land mass. These watersheds are an invaluable resource. Over half the residents of the county rely on surface water from these watersheds. Long term protection of these domestic watersheds is the topic of this document. It is comprised of a specific recommendation for inclusion in the updated Napa County General Plan. This is followed by the pertinent background information on which the recommendation is based. The report is divided into the following sections.

- Recommendation for the Napa County General Plan
- Commentary on the Recommendation
- General Overview of Domestic Watersheds
- Overview of Domestic Watersheds Serving Napa County Residents
- General Overview of Prudent Management of Domestic Watersheds
- Tables And Figures

All readers, especially those involved in the regulatory process, those using land within the watersheds, and those relying on water from the watersheds are encouraged to read all the background information in order to fully understand the recommendation.

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#### RECOMMENDATION FOR INCLUSION IN THE UPDATED NAPA COUNTY GENERAL PLAN:

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.

2-1E/P

COMMENTARY ON THE RECOMMENDATION:

- The recommendation is consistent with state of California guidelines for protecting domestic watersheds. It concentrates protection on a critical zone rather than on the whole watershed.
- This recommendation provides maximum protection for the amount of regulation involved.
- It provides essential protection for the smallest, most vulnerable watersheds.
- It only affects a small, but vulnerable segment of land. (between .2% and .4% of county land)
- It does not imply that restricted activities pose a problem when located outside the protection zone.
- It is specific to the defined area related to intake structures and does not set a precedent for application in larger areas.
- It allows for future vineyard development within the protection zone, with four minor restrictions. These restrictions are already voluntarily adhered to by some vineyards in Napa County. These restrictions will help curb vineyard related problems such as have occurred in Rector, Bell Canyon, and Friesen Lakes watersheds.
- While allowing future vineyard development, the recommendation deals with the cumulative affect issue by prohibiting industrial, commercial and winery development in the special protection zones. For example, the cumulative affect of having over a dozen vineyards coupled with over a dozen wineries located in the 595 acre Friesen Lake watershed would simply be untenable. Vineyards are given precedence over wineries because premium grapes grow best in certain areas, including some protection zones, while the grapes can be processed anywhere.
- While it is entirely possible that other areas such as the perimeter of reservoirs and primary tributaries could also benefit from some form of special protection, they are not intended to be within the scope of this recommendation.

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#### GENERAL OVERVIEW OF DOMESTIC WATERSHEDS:

- **DECADES OF STUDY AND OBSERVATION:** Agencies at the federal, state, and local level have studied domestic watersheds for a long time. The resulting observations and conclusions are available and are invaluable in establishing good management practices for domestic watersheds.
- **PRIMARY GOAL OF DOMESTIC WATERSHEDS:** Domestic watersheds exist from coast to coast throughout the United States. They are used to collect surface water for human use. The primary goal is to produce high quality, low cost water for the user communities.
- **MULTITASKING:** Multitasking is a highly valued concept in our modern society. For several reasons, mostly economic, domestic watershed land is subjected to multiple uses. When domestic watershed land is used for multiple purposes, necessary care must be taken to ensure the health, safety, and welfare of the local water using communities is not compromised. Almost without exception, domestic watersheds could best be used to collect water if there were no other land uses involved. The converse is also true. Other land uses could best function if they weren't in watersheds.
- **VULNERABILITY OF DOMESTIC WATERSHEDS:** Watersheds can be damaged both by natural causes and by man made causes. Natural causes include such things as soil erosion, landslides, floods, and naturally occurring toxic materials such as mercury and arsenic. However, far and away more problems occur as a result of man's development of the land for multiple uses.
- **"ONE SIZE DOESN'T FIT ALL":** All domestic watersheds have some common features. They all have a source of surface water. They all have intake systems. They all treat and distribute the water. Yet no two are alike. They have many unique features and are often times vulnerable in very different ways. Therefore they should not all be treated alike.
- **KEY FACTORS DETERMINING VULNERABILITY:** As a result of decades of study and observation by federal, state, and local agencies, the six most significant natural factors in determining vulnerability of domestic watersheds have been identified as follows. (1) travel time to the intake for water from the furthest point of the impounded water supply, (2) The general topography of the watershed, (3) the general geology of the watershed, (4) the type of vegetation covering most of the watershed, (5) the mean seasonal precipitation of the watershed, and (6) the amount of ground water recharge to the water body. The state of California uses the six criteria to divide domestic watersheds into three categories. Namely high vulnerability, normal vulnerability, and low vulnerability. See TABLE A for the criteria used by California to make these designations.
- **IMPORTANCE OF TRAVEL TIME AND DILUTION:** There are key reasons why travel time is listed as the first criteria in determining vulnerability of a domestic water supply. First, the longer the travel time from the point of occurrence to the point where the water is used, the more time there is for corrective action to occur. Second, the longer the travel time, the greater the

2-2E/P

dilution. A good analogy would be to compare spilling a quart of oil in a bathtub full of water to spilling a quart of oil at the far end of Lake Berryessa.

- **SMALL WATERSHEDS ARE MOST VULNERABLE:** All other factors being equal, small watersheds are more vulnerable than larger watersheds because of the time of travel factor. Problems occur closer to the point of intake. Therefore there is less time to take corrective action and less chance for dilution to help. As a result, smaller watersheds should be more closely managed.
- **SOME AREAS WITHIN DOMESTIC WATERSHEDS ARE MORE CRITICAL THAN OTHERS:** Certain zones within all watersheds are more vulnerable to damage, and therefore are more critical than other areas of the watersheds. The three most critical zones are (1) the area around intake structures, (2) the area near the perimeter of reservoirs, and (3) the area near primary tributaries. (see Figure B) Again, these three zones are more critical because of shorter time of travel and less dilution. For a given amount of regulation, more benefit is achieved by applying the regulations to these zones than to the remainder of the watersheds. Protection of watersheds by establishing tighter regulations in these zones and relaxing regulations in the remainder of the watersheds actually results in better protection with less overall regulation than occurs when blanket regulations are applied to whole watersheds
- **UNDERSTANDING PROTECTION ZONES IS OF PARAMONT IMPORTANCE FOR GOOD MANAGEMENT OF WATERSHEDS:** Often times, well meaning people mistakenly try to apply to whole watersheds regulations that may only be necessary in critical zones. If successful, this results in OVER REGULATION and stifles multiple uses of the land. Usually this approach creates a backlash from advocates of multiple use of watershed land. They resist implementation of necessary regulations in the critical zones out of fear that the regulations will be applied to the whole watershed. If successful, their resistance results in UNDER REGULATION. Thus, for balance to be obtained for the good of the communities, it is essential that both regulators and land users understand the principle of protection zones within watersheds.
- **DEVELOPMENT PROJECTS WITHIN DOMESTIC WATERSHEDS:** Some development projects clearly should not be placed within domestic watersheds. An example would be toxic waste dumps. However, some development projects that pose no problems outside watersheds sometimes do if located within watersheds. This subtly should not be ignored. An example would be land uses that result in nutrient rich runoff into reservoirs. Nutrient rich runoff tends to support additional growth of algae and other forms of life in the reservoirs which in turn requires the use of more chemicals in treatment of the water and this poses health issues for local communities.
- **STATE AND NATIONAL GUIDELINES vs. SPECIFIC LOCAL REGULATIONS:** California and other states have developed GUIDELINES for assessing and protecting domestic watersheds. These guidelines help in determining the vulnerability of a given watershed and determining the size of protection zones. However, the states encourage local agencies to develop the SPECIFIC REGULATIONS most appropriate for protection of local watersheds. This is fitting because fewer issues have to be dealt with at the local level. For instance on the

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state and national level a wide range of alternate land uses such as logging, strip mining, subdivisions, and agriculture have to be dealt with. On the local level it is less diverse. The same holds true for the size of watersheds encountered. The general overview of domestic watersheds just outlined provides a sound basis for good local management.

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GENERAL OVERVIEW OF NAPA COUNTY DOMESTIC WATERSHEDS SERVING NAPA COUNTY RESIDENTS

- A VALUABLE NATURAL RESOURCE: Water is becoming a more and more valuable commodity everywhere, including Napa County. Both surface water and underground sources are utilized to satisfy demand. Over half the residents in Napa County rely on surface water collected within the county. The surface water sources are vulnerable to damage resulting from alternate land uses. To ensure the long term reliability of Napa County’s surface water resources, it is essential that alternate land uses within domestic watersheds be appropriately regulated.
- NUMBER AND SIZE: There are eight domestic watersheds in Napa County that serve Napa County residents. (see Figure A) Together, they cover 100 square miles of the county’s 800 square miles of area. They range in size from less than one square mile to 50 square miles. They are listed here by size of watershed.
 

* Friesen Lakes	595 acres	762 acre-ft
* Lake Madigan	759 acres	N.A.
* Kimball Reservoir	2,159 acres	312 acre-ft
* Bell Canyon Reservoir	3,526 acres	2,325 acre-ft
* Milliken Reservoir	6,141 acres	1,986 acre-ft
* Rector Reservoir	6,971 acres	4,600 acre-ft
* Lake Curry	10,533 acres	N.A.
* Lake Hennessey	33,314 acres	31,000 acre-ft
- COMMON CHARACTERISTICS: Napa County domestic watersheds are located in rugged terrain. They are relatively small. They all rely on man made reservoirs having intake systems. They are classified as “highly vulnerable” based on state of California guidelines. They are subjected to multiple land uses.
- VULNERABILITY: California guidelines use six criteria to determine whether a watershed has high, normal, or low vulnerability to damage. Thresholds have been established for each category. If a watershed exceeds any one of the thresholds it is considered to be highly vulnerable to damage. (see Table A) Following these guidelines, all eight Napa County reservoirs are highly susceptible to damage. Remarkably, the Friesen Lakes watershed fails not just one guideline, but five of the six. It’s time of travel is short, the terrain is too steep, it is prone to landslides, it has a lot of tree cover, it rains too much, and there is significant ground water recharge. Bell Canyon Reservoir also fails most of the six criteria. Not surprisingly, both of these watersheds have had well documented problems resulting from development and multiple land use. Rector Reservoir has experienced the highest percentage of land development in recent years and has also had resulting cumulative affect problems necessitating a new filter plant. Everything else being equal, smaller watersheds are more easily damaged, and Napa County’s domestic watersheds are small. Being classified as “highly vulnerable” to damage, Napa County domestic watersheds warrant a higher level of protection than less vulnerable watersheds.
- CUMULATIVE AFFECT: The Friesen Lakes watershed is a prime example of a watershed where cumulative affect has the potential to be a major threat. This 595 acre watershed is comprised of numerous small parcels, most of which are partly in and partly out of the

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watershed. It has provided water for the communities of Angwin and Deer Park for over seventy years. After sixty years with almost no land development within the watershed, there has been a marked increase in recent years. As currently regulated, twenty one parcels qualify to have both a vineyard and winery within the watershed. The cumulative affect of over forty vineyards and wineries in this small watershed would render it useless. Yet individual permit applications don't seem too threatening. The problem of cumulative affect is best dealt with before it becomes a problem. The Rector watershed has experienced the largest percentage increase in land development in recent years. The resultant cumulative affects required the building of a new treatment plant at public expense.

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PRUDENT MANAGEMENT OF DOMESTIC WATERSHEDS

Prudent management of domestic watersheds takes the following factors into account.

- 1) Based on physical characteristics, some watersheds are more susceptible to damage than others. Therefore, some watersheds warrant more protection than others. Thus, to apply the same “blanket” protective regulations to all domestic watersheds would result in over regulation in some cases and under regulation in others.
- 2) “Time of travel” is the most important physical feature of watersheds and has a great deal to do with their vulnerability to damage. Time of travel is the time it takes a contaminant to travel from the point of contamination to the intake structure for the community. The shorter the time of travel the greater the vulnerability. Thus, everything else being equal, smaller watersheds are more vulnerable.
- 3) Additionally, because of travel time, some zones within watersheds are more vulnerable to serious damage than others. State guidelines identify three “protection zones” as being most vulnerable, thus warranting greater degrees of protection. Failure to adequately regulate development and land use within key protection zones results in inadequate protection. Conversely, blanket application to the whole watershed, of regulations needed only for protection zones, results in over regulation.
- 4) For several reasons, mostly economic, domestic watershed land is subjected to multiple uses. To the extent that this can be done without imposing hardship on the communities using the water from domestic watersheds, this practice is advantageous. Some alternate land uses, toxic waste dumps for example, clearly pose problems and should be kept out of watersheds. Some other land uses not considered to be problematic when located outside domestic watersheds, can cause trouble when located within watersheds. Land uses that result in increased turbidity, or nutrient rich runoff are examples. Then there are some alternate land uses that have only nominal affect on use of the land for surface water collection. Based on this, it is apparent that some regulation of alternate land uses is necessary. When regulating alternate land uses within watersheds, it is imperative that there is appropriate understanding of the issues involved with the land uses in question.
- 5) Prudent management must take into account the “cumulative affect” factor. Many watersheds are subjected to not just one or two, but multiple developments and land uses. While a certain amount of development might be acceptable, multiple land uses and projects can overwhelm water treatment facilities within a give watershed. Cumulative affect issues are often missed by regulators because applications for permits usually arrive one at a time rather than all at once. Thus, in addition to what currently exists or is being proposed, prudent management of watersheds takes into account what else may occur in the future.
- 6) State and federal agencies are in the best position to provide guidelines for properly protecting domestic watersheds with regard to alternate land uses. They have exposure to the full range of watershed sizes and physical characteristics as well as to the fullest range of alternate land uses

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to which watersheds are subjected. California, along with other states, has done so. The 1999 "Drinking Water Source and Assessment Program" produced by the California Department of Health Services is an excellent document regarding guidelines for appropriate watershed management.

- 7) However, local agencies are in the best position to implement specific regulations to protect local domestic watersheds and are encouraged by the state of California to do so. Local government knows the most about the size and physical characteristics of their local watersheds. They also know about the types of alternate land uses most likely to occur in their area. For example, there is no need for a local community to protect its watersheds from strip mining if there isn't a strip mine within a thousand miles. Local agencies are also in the best position to know what problems have previously occurred within their watersheds, what problems are most likely to occur in the future, and how their treatment facilities will be impacted.
- 8) In summary, prudent management of local domestic watersheds involves specific regulations enacted by local government acting within state and federal guidelines. Watershed size, travel time, other physical characteristics, protection zones within watersheds, types of alternate land use, cumulative affect, state guidelines and local experience are each important factors in determining how to best ensure high quality, affordable surface water supplies.

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TABLE A

DRINKING WATER SOURCE ASSESSMENT AND PROTECTION PROGRAM (DWSAP)  
 SUMMARY OF KEY POINTS REGARDING SURFACE WATER SOURCES

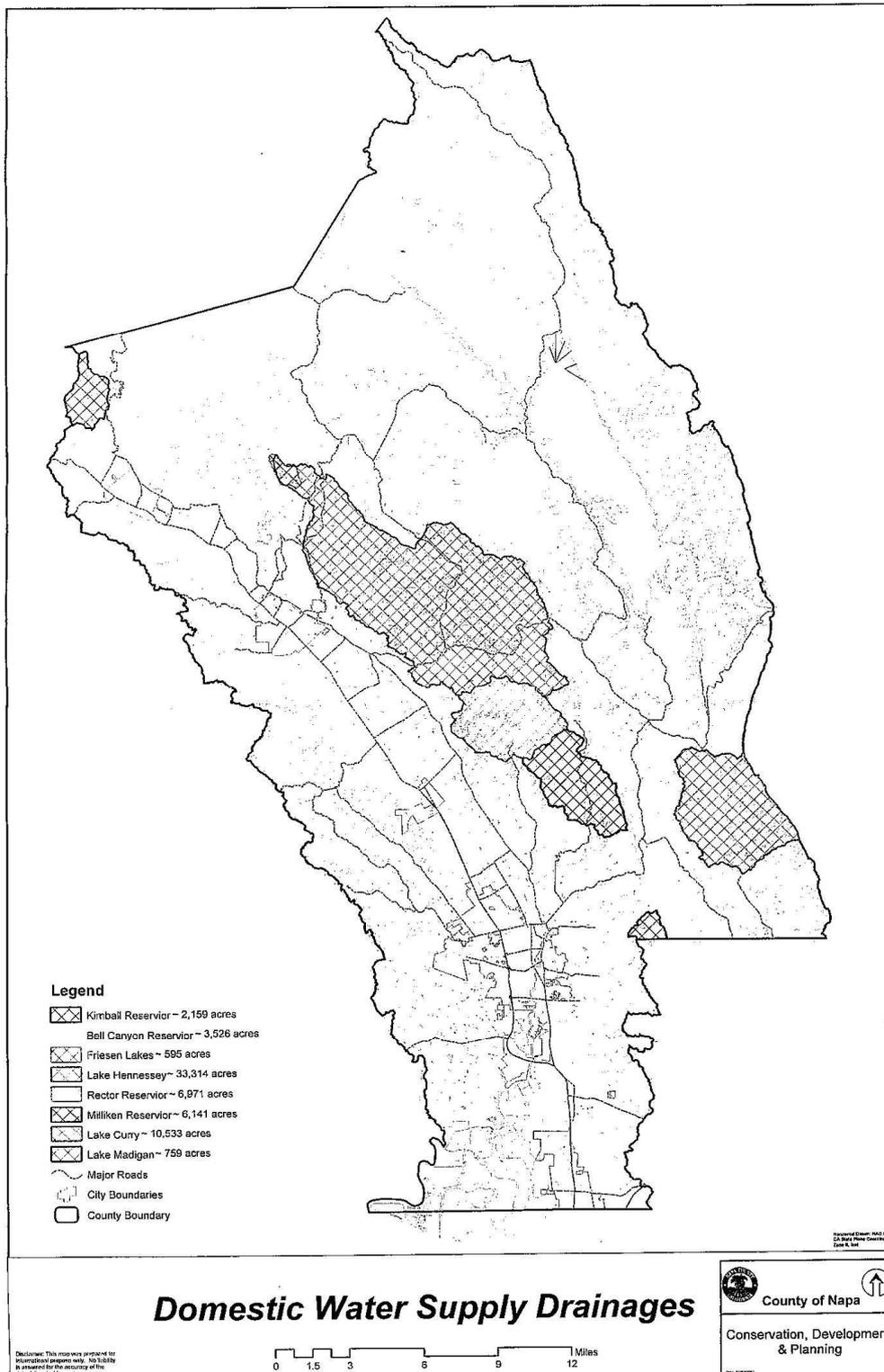
- A) The State of California has determined that 6 physical factors are key in determining a surface water source's PHYSICAL BARRIER EFFECTIVENESS. The six are:
- Travel time to the intake for water from the farthest point of the impounded water supply
  - The general topography of the watershed
  - The general geology of the watershed.
  - The type of vegetation covering most of the watershed.
  - The mean seasonal precipitation on the watershed.
  - Is there significant groundwater recharge to the water body?

2-5E/P

The state of California uses these six criteria to divide domestic watersheds into three categories; namely high, normal, and low PHYSICAL BARRIER EFFECTIVENESS. The lower the physical barrier effectiveness, the more vulnerable the watershed is to damage.

- B) To have HIGH PHYSICAL BARRIER EFFECTIVENESS, a surface water source has to have all six of the parameters listed below.
- \* Travel time of more than one year to the intake for water from the furthest point of the impounded water supply.
  - \* Flat terrain (less than 10 % slopes)
  - \* Materials are not prone to landslides
  - \* Most of the watershed is covered by grasses
  - \* Mean seasonal rainfall is less than 10 inches/year
  - \* There is no significant ground water recharge to the water body
- C) To have NORMAL PHYSICAL BARRIER EFFECTIVENESS, a surface water source has to have all six parameters fall within the following ranges.
- \* There is travel time, but less than one year
  - \* Slopes are predominately in the 10% to 30% range
  - \* Landslides are possible, but not probable
  - \* The watershed is covered by a combination of grasses, trees, and other cover
  - \* Mean seasonal rainfall is between 10 inches and 40 inches
  - \* The amount of groundwater recharge is neither significant or insignificant
- D) To have LOW PHYSICAL BARRIER EFFECTIVENESS, a surface water source has to have just one of the six parameters listed below.
- \* The source is a direct intake with no impounded water supply
  - \* The general terrain is mountainous (greater than 30 % slopes)
  - \* Materials are prone to landslides
  - \* Most of the watershed is covered by trees
  - \* Mean seasonal rainfall is more than 40 inches/year
  - \* There is significant ground water recharge to the water body

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California Drinking Water Source Assessment and Protection Program

ZONE A = 400' from reservoir or primary stream boundaries  
200' from tributaries

ZONE B = 2500' from intake

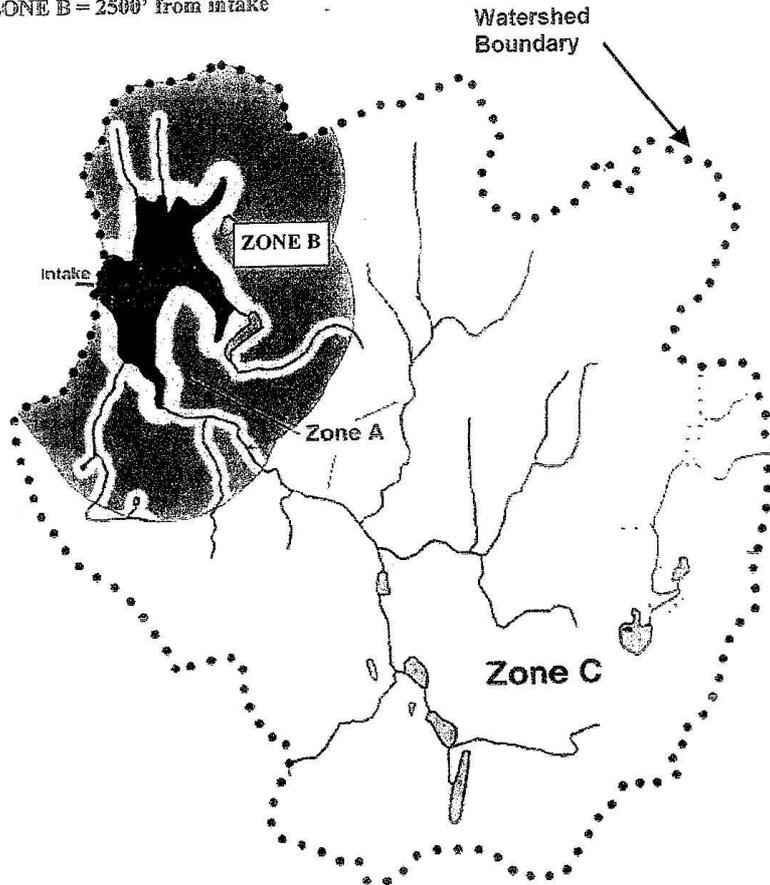


Figure 6-1. Surface water supply protection areas showing suggested zones (Adapted from Massachusetts DEP "Developing a Local Surface Water Supply Protection Plan," 1996)

January 1999 -- with April 1999 and January 2000 revisions

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LETTER 2: HOWELL MOUNTAIN MUTUAL WATER COMPANY, [UNDATED]

*Response 2-1 E/P:* The commenter would like to see included in the final General Plan a provision that 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. A policy and action item have been added to the Conservation Element of the General Plan which notes that the Conservation Regulations should be updated as required by state guidelines to include this request. (Specifically see Policy CON-45 and Action Item CON WR-3 in the Revised Draft General Plan Update.)

*Response 2-2 E/P:* The commenter gives a general overview of domestic watersheds. The County appreciates the input and has used information provided by Howell Mountain Mutual Water Company in developing additional General Plan policies and action items within the Conservation Element.

*Response 2-3 E/P:* The commenter gives a general overview of Napa County domestic watersheds serving Napa County residents. The County appreciates the input and has used the information in developing the water supply analysis included in Water Supply Master Response 3.4.1 and in edits to Conservation Element policies.

*Response 2-4 E/P:* The commenter gives a list of factors to consider in prudent management of domestic watersheds. See Water Supply Master Response 3.4.1. Additional policies and action items have been included in the Conservation Element that reflect these issues.

*Response 2-5 E/P:* The commenter provides a table containing information on key points regarding surface water sources. The County appreciates the input and has used information provided in developing final General Plan policies for the Conservation Element.

Letter 3

NAPA COUNTY GREEN PARTY

1225 Division Street  
Napa, CA 94559

March 19, 2007

Napa County, Conservation, Development & Planning Dept.  
1195 Third Street, Ste. 210  
Napa, CA 94559

Attention:  
General Plan Steering Committee, the Napa County Board of Supervisors and County staff

3-1E/P

Dear friends and neighbors;

The following document on the Precautionary Principle is being submitted for adoption into the Napa County General Plan. We are proposing that the Precautionary Principle will become policy within Napa County.

Please feel free to contact us with any questions.



Lowell Downey  
County Council, Napa County Greens  
707-257-1166

County Council Members

Glynn Baker  
Lowell Downey  
Chris Malan  
Erica Martenson  
Dr. Robert Moore  
Matt Grantham

**Proposal to add language supporting the  
Precautionary Principle to the  
Napa County General Plan**

Executive Summary:

The Napa County Green Party requests that the following language be inserted into the General Plan.

The Napa County Board of Supervisors finds and declares that:

A. Every resident, present and future, of Napa County has an equal right to a healthy and safe environment. This requires that our air, water, earth, and food be of a sufficiently high standard that individuals and communities can live healthy, fulfilling, and dignified lives. The duty to enhance, protect and preserve Napa County's environment, community health, and quality of life rests on the shoulders of local government, residents, citizen groups, and businesses alike.

B. Historically, environmentally harmful activities have only been stopped after they have manifested extreme environmental degradation or major harm to people. The delay between first knowledge of harm and appropriate action to deal with it can be measured in human lives cut short and irreversible environmental damage.

C. The Precautionary Principle and its tenets provide overarching guidance for the County and its individual departments to maintain and develop policies and regulations for a healthier Napa County. The Precautionary Principle will not only strengthen the foundation of existing laws, policies and procedures but also assist in the development of a healthy environment for current and future generations.

D. A central element of the precautionary approach is the careful assessment of alternatives using the best available science. An alternatives assessment examines a broad range of options in order to present the public with different effects of different options considering short-term versus long-term benefits and costs, and evaluating and comparing the effects of each option. This reveals options with fewer potential effects and/or greater potential benefits to health and the natural environment. This process allows fundamental questions to be asked: "Is the potentially harmful activity necessary?" "What less harmful options are available?" and "How little damage is possible?"

E. The alternatives assessment is also a public process because the public bears the ecological and health benefits and consequences of environmental decisions. A government's course of action is necessarily enriched by broadly based public participation when a full range of alternatives is considered based on input from

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diverse individuals and groups. The public is encouraged to suggest alternatives to be examined. For each alternative, the public considers both immediate and long-term benefits and consequences, as well as possible impacts to the local economy. One of the goals of the Precautionary Principle is to include residents as equal partners in decisions affecting their health and environment.

F. The people of Napa County look forward to the time when we generate more power from local renewable resources, when building and planning incorporates greater use of green building techniques, when more of our waste is recycled, when our rivers and streams adequately sustain our fisheries, when groundwater is free from contaminants, and when our foods are cultivated using sustainable and organic methods. The Precautionary Principle provides guidance to help us attain these goals as we enact laws and develop policies in such areas as transportation, construction, land use, water, energy, health, recreation, community relations, purchasing, agriculture, and education.

G. Realizing these goals and achieving a society living respectfully within the bounds of nature will take a behavioral as well as technological revolution. A precautionary approach to decision-making will move Napa County beyond finding cures for environmental ills to preventing the ills before they can do harm.

**The Napa County Precautionary Principle**

The following shall constitute the Napa County Precautionary Principle Policy. All officers, boards, commissions, and departments of the County shall apply the Precautionary Principle in conducting County affairs. In adopting the Precautionary Principle policy, Napa County preserves the authority to protect the safety and welfare of its residents.

The Precautionary Principle requires a thorough exploration and a careful analysis of a wide range of alternatives. Based on the best available science, the Precautionary Principle requires the selection of the alternative that presents the least potential threat to human health and the County's natural systems. Public participation and an open and transparent decision-making process are critical to finding and selecting alternatives. Where threats of serious or irreversible damage to people or nature exist, lack of full scientific certainty about cause and effect shall not be viewed as sufficient reason for the County to postpone cost effective measures to prevent the degradation of the environment or protect the health of its residents. Any gaps in scientific data uncovered by the examination of alternatives will provide a guidepost for future research but will not prevent protective action from being taken by the County. As new scientific data become available, the County will review its decisions and make adjustments when warranted. Where there are reasonable grounds for concern, the precautionary approach to decision-making is meant to help reduce harm by triggering a process to select the least potential threat. The essential elements of the Precautionary Principle approach to decision-making include:

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### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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1. **Anticipatory Action:** There is a duty to take anticipatory action to prevent harm. Government, business, and community groups, as well as the general public, share this responsibility.

2. **Right to Know:** The community has a right to know complete and accurate information on potential human health and environmental impacts associated with the selection of products, services, operations or plans. The burden to supply this information lies with the proponent, not with the general public.

3. **Alternatives Assessment:** An obligation exists to examine a full range of alternatives and select the alternative with the least potential impact on human health and the environment, including the alternative of doing nothing.

4. **Full Cost Accounting:** When evaluating potential alternatives, there is a duty to consider all the reasonably foreseeable short and long-term costs and benefits to public as well as private sectors of the community, even if such costs are not reflected in the price. Some of these costs and benefits may include raw materials, manufacturing, transportation, use, cleanup, eventual disposal, labor, energy, health, safety, and job creation.

5. **Participatory Decision-Making Process:** Decisions applying the Precautionary Principle must be transparent, participatory, and informed by the best available information. The County will make a reasonable effort to include the public in an appropriate manner when making decisions that may affect the environment, health, and quality of life.

#### **Policy Limitation**

The Board of Supervisors, in accordance with the policy implementation requirements set forth above, directs all officers, boards, commissions, and departments of the County to take a precautionary approach and evaluate alternatives when making decisions that could impact health and the environment, especially where those actions could pose threats of serious harm or irreversible damage. This policy does not impose on its officers and employees, an obligation for breach of which it is liable in monetary damages to any person who claims that such breach proximately caused injury nor may this policy provide any basis for any other judicial relief including, but not limited to, a writ of mandamus or an injunction. In adopting this policy, the Board of Supervisors does not intend to authorize or require the disclosure to the public of any proprietary information protected under the laws of the State of California.

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**Additional Background information on Precautionary Principle**

**WHITE PAPER**

**The Precautionary Principle  
and the City and County of San Francisco**

**The Precautionary Principle and ethics**

The Precautionary Principle is an ethical guide through this murky universe of harm, the uncertainty that is inherently part of science, and public policy. The Precautionary Principle links science with the responsible protection of human health and environmental health. All statements of the Precautionary Principle contain a version of this formula: *It is not necessary to wait for scientific certainty to take protective action.*

This has far-reaching implications for decision-making. The Precautionary Principle causes us to ask scientific questions about what we know and do not know, but it also guides us toward ethical and political questions, which science alone cannot answer:

- What are the consequences of our actions?
- Do we have better choices?
- Who will be harmed?
- Who is responsible?
- Do we know enough to act?

The ethical assumption behind the Precautionary Principle is that humans are responsible to protect, preserve, and restore the global ecosystems on which all life, including our own, depends.

**The Precautionary Principle in the United States**

The United States has endorsed international agreements that contain the Precautionary Principle—for example, the Ozone Treaty and other environmental protocols, the 1992 Rio Declaration (signed by the first President Bush), and the Stockholm Convention on Persistent Organic Pollutants (endorsed in 2001 by President George W. Bush). In addition:

- Since 1978, the International Joint Commission, a monitoring body recommending U.S. and Canadian policy on transborder issues, has called for total elimination of discharges into the Great Lakes of persistent and bioaccumulative substances. In its seventh biennial report in 1994, the Commission said: “Precaution in the introduction and continued use of chemical substances in commerce is a basic underpinning of the proposed virtual elimination strategy.” (IJC 1994)
- In 1996, the President’s Council on Sustainable Development recommended that “even in the face of scientific uncertainty, society should take reasonable actions to avert risks where the potential harm to human health and the environment is thought to be serious or irreparable.” (PCSD 1996)

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### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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Precaution is at the basis of some U.S. environmental and food and drug legislation, although the principle is not mentioned by name.

These laws incorporate foresight, prevention, and care, and many give regulators authority to take action to prevent possible but unproven harm. For example:

- Under the U.S. Toxic Substances Control Act, the Environmental Protection Agency (EPA) may halt the marketing of a new substance and require safety testing or other measures if the agency determines that the substance may present an unreasonable risk or if exposures are predicted to be significant.
- As a precautionary measure, the Food and Drug Administration requires all new drugs to be tested before they are put on the market.
- Several uses of organophosphate pesticides are to be phased out under the Food Quality and Protection Act of 1996, which requires pesticides to be proven safe for children or removed.
- The National Environmental Policy Act is precautionary in two ways: 1) It emphasizes foresight and attention to consequences by requiring an environmental impact assessment for any federally funded project, and 2) it mandates consideration of alternatives including a “no-action” alternative. NEPA is one of the best national examples of precautionary action.

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Other examples of precautionary intent abound. The Wilderness Act sets aside certain areas as nonviolable. The Occupational Safety and Health Act imposes a general duty on employers to provide safe working conditions and workplaces. The Endangered Species Act sets the overarching goal of protecting biodiversity. The Clean Water Act establishes strict goals to “restore and maintain the chemical, physical, and biological integrity of the nation’s waters.” The Centers for Disease Control have begun monitoring body burdens of a wide variety of substances, providing important data for future precautionary policies (CDC 2003).

Unfortunately, precautionary action has been the exception rather than the rule in U.S. environmental policy. Instead, even laws with precautionary intent and substance have been undermined, overridden, and poorly enforced. For example, OSHA has too few inspectors for adequate enforcement, and the Endangered Species Act is triggered only in a crisis, after major harm has occurred.

#### **E. Other supporting legal concepts**

Besides these laws and policies, at least two other strands of US law support precautionary action.

*Right-to-know* laws facilitate transparency in decision making, a key component in implementing the Precautionary Principle. For example:

- The Toxics Release Inventory, a publicly available EPA database, contains information on some toxic chemical releases and other waste management activities reported annually by certain covered industry groups as well as federal facilities.

- Labeling requirements for pesticides, foods, drugs, and other consumables provide a great deal of information that is useful to the public for evaluating potential risks.

Broadening the enforcement and requirements of such laws—listing inert ingredients in pesticides and all ingredients in cosmetics, for example—would further implement the Precautionary Principle.

*Public Trust Doctrine* is a precept of Common Law recognized by state courts in the United States. Under Public Trust Doctrine, states hold certain natural resources to be preserved for the public and future generations. For example, the California Supreme Court in 1983 defined the public trust as “an affirmation of the duty of the state to protect the people’s common heritage in the streams, lakes, and tidelands.”

The Precautionary Principle and Public Trust Doctrine share the same ethical underpinning—protection of the public good. Public Trust Doctrine gives the state a *duty* to protect certain natural resources for the greater good. The Precautionary Principle and the tools of its implementation provide *means* for carrying out that duty.

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#### **F. The Precautionary Principle in states and localities**

The Precautionary Principle was introduced to public discourse in the United States in 1998, after a conference at Wingspread in Racine, Wisconsin, which issued the statement quoted at the beginning of this document. That statement was the first to combine the principle of acting to prevent harm in the absence of full scientific certainty with primary ways to implement the principle—democratic processes, alternatives assessment; burden shifting, and goal-setting (see section III). (Raffensperger and Tickner 1999)

Since then, communities and government bodies have begun to consider and incorporate the Precautionary Principle explicitly in state and local policies, laws, and ordinances. For example:

- A bill has been introduced to the Massachusetts legislature calling for substitutions for 10 toxic chemicals, where alternatives are available, based on the Precautionary Principle.
- A bill is being drafted for the New York State legislature applying the Precautionary Principle to state-funded research on new technologies.
- The Minnesota Department of Public Health has adopted an early warning system on public and environmental health problems, citing the Precautionary Principle.
- The Los Angeles School District has adopted an Integrated Pest Management program, citing the Precautionary Principle.
- Amherst, Massachusetts has a board of health regulation requiring use of the least toxic cleaning chemicals and other products, based on the precautionary principle.
- A number of municipalities, from Denton, Texas, to Hudson, Quebec, have initiated public discussion, ordinances, policies, and plans around the Precautionary Principle.

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#### **F. Precautionary laws in California**

Several California laws embody precautionary intent although, like national and international laws and policies, they have often been interpreted and enforced in less-than-precautionary ways.

##### 1) California Environmental Quality Act 1970

In 1970 the state legislature passed the California Environmental Quality Act (CEQA), an excellent example of precautionary legislation. CEQA's major goal is to protect and maintain a quality environment for the present and the future. CEQA requires the proponent of any project requiring approval from a public agency to determine whether the project will have significant environmental impacts, and may require the preparation of an Environmental Impact Report on significant adverse impacts of the project, along

with feasible alternatives or measures (including a "no project" alternative) that minimize or remove those effects. CEQA includes a public process.

##### 2) Proposition 65—Safe Drinking Water and Toxic Enforcement Act of 1986

Proposition 65, enacted by voter initiative in 1986, requires a business to give a specifically worded warning for direct environmental and occupational exposures to their products or emissions when the product or emissions contain a chemical that is known to cause cancer or reproductive toxicity. Proposition 65 also prohibits the discharge of these chemicals to drinking water. The warning requirement gives consumers, workers, and others the chance to make a choice about their purchases and activities. The requirement to give a warning was designed to serve as an incentive to industry to reformulate products or cease the release or emission and thus avoid having to give the warning. Proposition 65 also has a citizen suit provision, which allows members of the public to take legal action to enforce the law when the government fails to do so.

#### **G. Precautionary precedents in San Francisco**

The Precautionary Principle is a unifying concept that supports many policies already established in San Francisco. Included below are examples of City ordinances enacted to protect human health and the environment and insert an alternatives approach to decision making. (See the Appendix "Resolutions Adopted/Proposed by the Commission on the Environment" for relevant resolutions adopted by both the Commission and the Board of Supervisors.)

- The Resource Conservation Ordinance was adopted in 1992 to impose certain requirements upon City departments to recycle and reduce the amount of waste they generate. The ordinance was amended in 2000 to require City departments to develop Resource Conservation Plans, make City departments accountable for reducing waste, and to add buy-recycled provisions.
- The City of San Francisco is pioneering environmentally sound ways to manage urban pests and protect public health and the environment, through its integrated pest management program (IPM). The IPM Ordinance, passed in 1996, mandates that San Francisco eliminate the use of the most toxic pesticides and use only chemical pesticides from an approved list of reduced risk pesticides.

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- San Francisco was one of the first cities to enact a resource-efficient building ordinance, adopted in July 1999, which requires standards of resource efficiency in all city buildings and calls for a series of pilot projects to demonstrate state-of-the-art green building technology. Such technology promotes maximum efficiency in energy and resource use with minimum negative impacts on the environment and human health.
- In 1999, the City and County of San Francisco adopted an Environmentally Preferable Purchasing Ordinance with the goal of reducing the health and environmental impact of products used in its operations. (This program is currently limited in scope.)
- In 2002 San Francisco became the first city in the country to ban the use of arsenic treated wood in all City construction projects. The Pressure Treated Wood Containing Arsenic Ordinance requires City departments to select less toxic alternatives when using pressure treated wood in buildings, parks, or piers.
- The Urban Forest Council Ordinance, adopted in 2001, guides the stewardship of San Francisco's trees by promoting a healthy and sustainable urban forest that benefits all San Franciscans while ensuring public health and safety. The Council's mission is to protect the community interest and ensure that San Francisco realizes the full range of tree benefits into the future.
- Less than twenty percent of the earth's original forests are still standing—and in the U.S., less than four percent. The City's ban on purchasing tropical hardwoods and virgin redwood protects is designed to reduce demand for wood from our last remaining old-growth forests in favor of sustainable alternatives.
- In June 1999, the Board of Supervisors unanimously passed a resolution urging all City agencies and departments and all medical facilities within San Francisco to eliminate mercury use in order to protect and preserve human and environmental health. This was followed by an ordinance banning the sale of mercury thermometers within the City and County of San Francisco.

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The primary idea embodied in the Precautionary Principle is vigilance against *harm*, which in turn prompts timely *action*, even in the face of scientific *uncertainty*. But that alone does not translate into sound policies protective of the environment and human health. Certain processes and norms, exemplified in many of the above examples, support its implementation. They are interwoven.

**A. Democracy and transparency**

Taking preventive action against harm means that someone has to decide what constitutes harm. Such decisions, which are ethical and political, should include those who might suffer that harm. Thus, transparency (openness and accountability) and some form of participatory decision-making are important.

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#### **B. Science to support precautionary decision making**

Society, not science, is the ultimate arbiter of policy, but good science is essential to precautionary policy. Some characteristics of precautionary science are the following:

- Preventive action in the face of uncertainty requires acknowledging scientific uncertainty. This is also essential to transparent, democratic decision-making.
- Precautionary science, like democratic processes, relies on gathering and using information from as many sources as possible.
- The Precautionary Principle encourages scientific investigations of complex systems, their interactions, and consequences.
- It places a high value on monitoring environmental conditions and changes, on reporting early warnings of harm, and on careful tracking of effects of technologies, projects, and products.
- The Precautionary Principle supports innovation in ecologically sound technologies (Ackerman and Massey 2002).

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#### **C. Alternatives assessment**

If the need for a possibly harmful product or technology is questionable, or if safer alternatives are available, society must be able to choose those better alternatives. Evaluating a single proposal or technology on its own merits raises a narrow set of questions on harm: whether or not the action might have harmful effects, how harmful it might be, and how much harm can be tolerated. These questions lead easily to the conclusion that any activity must be tolerated unless harm can be demonstrated with a high degree of certainty. The essence of risk assessment is, “How much harm can we tolerate?” The essence of alternatives assessment is, “How much harm can we avoid?” The simple act of *comparison* raises new sets of questions:

- If there are alternatives, is this one necessary?
- Why are we doing this?
- Is this the best way?
- Who benefits from the various alternatives?
- Who pays or suffers harm?
- In light of alternatives, how can we avoid or mitigate harm?
- In light of new science, should current practices be reevaluated?

As we develop more opportunities to assess alternatives, as San Francisco has done in its Environmentally Preferable Purchasing and Integrated Pest Management programs, society is trapped less often into dealing with harmful technologies after the fact. Assessing alternatives means not only choosing the best among similar options—for example, the least harmful pesticide—but stepping back and looking at bigger questions:

How do we grow the safest, most nutritious food? What are the landscape alternatives to water- and pesticide-dependent lawns? Alternatives assessment encourages the development of environmentally sustainable processes and technologies.

**D. Burden shifting**

Preventive action is impossible if technologies and practices are routinely assumed to be “innocent until proven guilty” of harmful side effects. Such assumptions often allow irreversible harm to occur before action is taken. Producers and proponents therefore must bear the burden of demonstrating and maintaining safety of products, projects, and technologies. Conducting business with transparency and full disclosure of product ingredients are also important parts of this responsibility.

**E. Goals**

Goal-setting is an important precautionary mechanism. When a goal is set, actions must change on many fronts to meet it. Goals place appropriate responsibility on producers, users, and participants in products, technologies, and projects—including governments and citizens—and hold everyone accountable without undue scrutiny or micromanagement. Goal-setting is the main leverage behind international agreements and negotiations such as the phase-out of chlorofluorocarbons (CFCs) and the effort to avert global warming. Sweden has set the goal of eliminating *all* persistent organic pollutants in breast milk, regardless of whether they have been proved to have caused harm. In California, reducing body burdens of synthetic chemicals found through biomonitoring or reducing the incidence of asthma or cancer would be possible goals requiring precautionary policies.

**F. Other precautionary opportunities**

Good precautionary policy is based on all of these elements, but many policies and actions implement some of these elements, to some degree. So long as overall policy is guided by goals supporting human and environmental health and wellbeing and by the ethics of responsibility and care, a wide range of actions may qualify as precautionary. Precaution does not work if it is only a last resort. Any number of positive and nuanced actions can and should be taken at many points during the development of technologies, processes, and practices that would eliminate the need for bans and moratoriums. Clean production—minimizing waste, eliminating use as well as release of toxic substances—has always been at the top of a precautionary agenda. The Precautionary Principle opens the door to many possible actions, laws, and policies that contribute to preventing harm to humans and the environment, learning more about the consequences of actions, and acting appropriately. The principle is a guide to making wiser decisions in the face of uncertainty.

**IV. Precaution and economics**

“How much will it cost to implement the Precautionary Principle, and can we afford it?” are legitimate questions for taxpayers and policy makers alike. Like precautionary science, precautionary economics operates in the real world, in which connections, costs, and benefits are complex and surrounded by uncertainty. Tallying the “cost” of precaution requires making true *value* judgments, which can only partially be expressed in monetary terms. (See Ackerman and Massey 2002.)

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### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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#### **A. Allocating responsibility**

The price tags on most products and technologies fail to represent their full costs in either monetary or nonmonetary terms. Methods have been developed to better account for real costs and to distribute costs and benefits more fairly. Three concepts may be particularly useful.

##### 1) Negative externalities

Negative externalities refer to harm (economic, health, social, cultural, and so forth) created when individuals or organizations take actions that benefit themselves while forcing some of the costs onto others. When a negative externality is present, the full cost of a product is invisible to producers and consumers. For example, if a manufacturer disposes of toxic waste in a local river, costs are imposed on people who use that river for drinking water, swimming, or fishing. However, that cost is not reflected in the price of the goods that manufacturer sells. In order for producers and consumers to make good decisions about how much of a good to buy or sell, the costs imposed on the river system and its users—such as illness, species decimation, or loss of habitat, livelihood, or access—must be built into the cost of the good.

Accounting for, or internalizing, negative externalities means shifting the costs back onto those who benefit, insofar as possible. This is the “polluter pays” principle. The concept of negative externalities is important in environmental policies, such as the European Union’s policy on transportation. In EU Bulletin 1.2.127 (1997), the EU explicitly adopts the approach of “internalizing the external costs of transport as a step towards developing sustainable mobility.” A number of European countries have initiated “green taxes” to internalize costs. For example, the Dutch Water Boards require polluting industries to pay a tax based on units of pollution emitted—including mercury, cadmium, copper, lead and arsenic. This raises the price of polluting products and technologies and creates a market incentive to reduce pollution emissions.

##### 2) Life Cycle Analysis

Most current production technology is incompatible with the finite nature of earth’s natural resources. Resources are extracted and consumed unsustainably, processed inefficiently, and made into products that are often discarded as waste. The use of toxic materials such as mercury, asbestos, lead, or chlorine-based chemicals in production processes can result in dangerous emissions, by-products, and ingredients in final products.

An environmental Life Cycle Analysis (LCA) is a tool that can help to quantify how much energy and raw material are used and how much waste is generated at each stage of a product’s life. Life Cycle Analysis is an emerging discipline, with guides published by institutions such as the Society of Environmental Toxicology and Chemistry and the U.S. Environmental Protection Agency.

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Life Cycle Analysis, like other numerical tools, is subject to manipulation if the intent is to hide rather than reveal costs. Ideally, LCA should also look at health and environmental impacts and bring them into the analysis, but this is rare because it is difficult to assign numbers to these factors. It is best practiced in the context of a full range of precautionary policies such as “extended producer responsibility,” whereby producers bear legal, physical, or economic responsibility for the environmental impacts of their products that cannot be eliminated by design. Extended producer responsibility provides incentives to producers to prevent pollution and reduce resource and energy use in each stage of the product life cycle, including a plan for disposal. Another related concept is lifecycle accounting, which calculates whether goods that are relatively expensive to purchase and install may turn out to save money over the longer term, due to lower maintenance, repair, or replacement costs.

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3) Performance bonds

The concept behind bottle deposits is simple: to encourage consumers to dispose of the bottle in the most desirable way (recycling) and to help cover the cost if they do not. Performance bonds apply a similar concept in construction and mining projects. Bonds paid by strip miners of public lands, for example, are returned only after the land is restored. Environmental bonding could be developed more broadly and used to assure that developers of new technologies or others seeking to use society’s resources are held financially responsible for any potentially damaging activity. (Cornwall and Costanza 2000)

**B. The magnitude of costs and savings**

Recognizing negative externalities and using Life Cycle Analysis and performance bonds would help to shift the burden of responsibility appropriately, an important aspect of precautionary policy. However, even at their best, these tools are inexact ways to account for the true “bottom line” of either precautionary action or the failure to act with precaution. That is because “costs” involve incalculable values such as life, health, and the future of our descendants and fellow species. However, it is useful to remind ourselves of the magnitude of the costs of *failing* to act with precaution, in both monetary and nonmonetary terms.

Here are some examples in which specific calculations have been made:

- Infante and Distazio estimated in 1988 that the 10-year delay in setting the risk assessment-based benzene standard will eventually be responsible for an additional 198 leukemia deaths and 77 deaths from multiple myeloma among exposed US workers. (EEA 2001)
- A Dutch calculation estimated that if the Netherlands had banned asbestos in 1965, when the evidence first suggested a link with mesothelioma, instead of in 1993, the country would have been spared 34,000 victims and 41 billion guilders

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(about \$20 billion) in building and compensation costs. (EEA 2001)

- A new policy on chemicals in the EU would require thorough testing of all existing chemicals, at a cost to manufacturers of 2.1 billion euros over 11 years, in order to “reduce the incidence of certain diseases related to chemicals (such as cancer or allergies) and reduce the risks that chemicals can pose to the environment.” The authors of the policy acknowledge that “neither the dangerous properties nor the uses of chemicals are sufficiently known,” but they point out that allergy costs are about 29 billion euros per year in Europe and that asthma cases have risen by 40 percent since the 1970s. “If the new strategy makes even a small reduction in the 29 billion of allergy costs, this will outweigh the costs of the strategy,” they conclude. (EC 2001)

- The Massachusetts Toxics Use Reduction Act (TURA) requires manufacturing firms to account for chemical use and to develop plans to reduce toxic waste, emissions, and use. From 1990 to 1999, companies reduced chemical waste by 57 percent, the use of toxic chemicals by 40 percent, and chemical emissions by 80 percent *while saving \$15 million*. This figure does not include non-quantifiable health, safety, and environmental benefits (Ackerman and Massey 2002; see also [www.turi.org](http://www.turi.org)).

#### C. The Precautionary Principle in business

Increasingly private-sector research, product development, and business practices are implicitly or explicitly being harmonized with the Precautionary Principle.

- Rigorous pre-market testing, clean production and waste reduction programs, and certification programs such as the ISO series support a precautionary approach.
- Guides such as The Natural Step (for sustainable enterprise), the Hannover Principles (for building and architecture), and the Principles of Green Chemistry direct enterprises to the ethics and science of precaution. Whole new industries are arising around the principles of sustainability.

Several corporations have explicitly invoked the Precautionary Principle in specific policies:

- In June 2001, citing the Precautionary Principle, Verizon issued a warning against excess cell phone use by children.

- Bristol-Myers Squibb has adopted this guiding statement for the company’s research: “Scientific uncertainty alone should not preclude efforts to address serious environmental, health, and safety threats.” Based on this principle, the company has developed a scorecard for evaluating processes to address these threats, and it seeks to minimize concentrations of pharmaceuticals in the environment. (BMS)

In addition, corporations often modify products and processes voluntarily to avoid harm on the basis of early warnings, when the science is still uncertain. Recently, for example, a number of companies stopped using some members of a class of chemicals called

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phthalates in toys, cosmetics, and some medical equipment and are developing alternatives for these uses. Concerns center around evidence that these chemicals are absorbed in human bodies and that some have been associated, in animal studies, with developmental and reproductive disorders and other damage.

As public awareness grows of hazards and of safer alternatives, these practices represent not only good ethics but smart business. The markets of the Twenty-First Century will increasingly demand safe products and sustainable technologies.

**D. Precaution and jobs**

In *Prospering with Precaution*, Ackerman and Massey (2002) dispel myths that strong environmental policies weaken economies and cause job loss. Among their findings are the following:

- A number of environmentally protective practices, such as recycling, create more jobs than environmentally harmful practices such as landfilling. Environmental jobs are firmly rooted in the local economy;
- Environmental spending (much like defense spending) creates proportionally more skilled industrial jobs in the private sector and fewer government jobs;
- Environmental regulations do not create mass worker layoffs. According to the Bureau of Labor Statistics, only one in 1,000 layoffs annually might be attributed to such regulation. On the other hand, environmental protection creates many more jobs annually, for a net increase.
- Environmental regulations do not drive companies to relocate to less-regulated countries. The costs of environmental regulation are small—hardly ever as much as 2–3 percent of a company’s sales revenue. Other factors such as wages and markets are the major reasons for relocation.

Precautionary policies support the economics of the present and future—rapid development in the environmentally sound business sector and appropriate spending in the present for immediate and longer-term gains in human and environmental wellbeing as well as productivity. The Precautionary Principle does not challenge the need for economic development—that is part of what is necessary for human survival—but it reminds us insistently of our larger responsibility. It causes us to ask more questions about what we are doing, and why, and what the consequences will be. It harnesses the best tools of human knowledge (especially scientific knowledge) and action (including technology) to the ethic of responsibility.

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### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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The Department of the Environment would like to give special thanks to Nancy Myers of the Science and Environmental Health Network for her excellent input on this document. We were also grateful for the thoughtful and articulate comments from: Francesca Vietor and Davis Baltz, Commonwealth; Tim Shestek, American Chemistry Council; Lena Brook, Clean Water Action/Clean Water Fund; Neil Gendel, Healthy Children Organizing Project; Tom Lent, Healthy Building Network; Janet Nudelman, The Breast Cancer Fund; Rachel Massey, Global Development and Environment Institute, Tufts University; Joan Reinhardt Reiss, The Breast Cancer Fund; Rona Sandler, City Attorney's Office, San Francisco; Katie Silberman, Center for Environmental Health; Joel A. Tickner, Lowell Center for Sustainable Production, University of Massachusetts.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 3:                   LOWELL DOWNEY, NAPA COUNTY GREEN PARTY, MARCH 19, 2007

*Response 3-1 E/P:*       The commenter requests that the presented document on the precautionary principle become a policy in the General Plan. County staff appreciates the thoughtful presentation of the precautionary principle. Many of the concepts presented have been incorporated into the Conservation Element, and the precautionary principle itself is referred to in the Implementation section of the Revised Draft General Plan Update. However the County has elected not to adopt the precautionary principle as a guiding policy within the plan.

Letter 4

*The Peter A. and Vernice H. Gasser Foundation*



433 SOSCOL AVENUE SUITE A 120 NAPA, CALIFORNIA 94559  
TELEPHONE (707) 255-1646 FAX (707) 255-4338

Joseph G. Peatman, President

May 29, 2007

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

Re: Updated Napa County General Plan – Proposed Additional  
Language on Environmental Sustainability

Dear Chairman Moskowitz and Honorable Board Members:

The Gasser Foundation is committed to the well being of the people and places that comprise Napa County. A primary goal of the Foundation is environmental sustainability, which guides its actions in all of its undertakings.

The Gasser Foundation has made a commitment to direct its philanthropy to support environmental sustainability by promoting such efforts as reduced emission of greenhouse gases, energy efficiency and building construction and building operations, use of renewable energy resources, use of recycled products in construction and operations of home, businesses and schools, water use, efficiency in water quality and healthy indoor environments. We are committed to working with the people of Napa County to promote these policies and objectives.

In reviewing the proposed update to the Napa County General Plan, specifically Energy Goal CON-14 and Energy Policies CON-55 through 61, we applaud the County's efforts to promote energy conservation and efficiency of use. Napa County has long been in the forefront of preserving agriculture and the Gasser Foundation is committed to working with the County in an effort to make it a leader in energy sustainability.

After reviewing General Plan language from other jurisdictions throughout the state, the proposed energy goals and policies set forth in the updated Napa County General Plan appear comprehensive. To provide further clarification, we request the Board consider adding additional policy language to read as follows:

4-1E/P

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

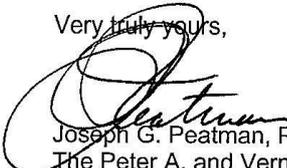
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**Policy – Promote the development and use of advanced energy technology and building materials in Napa County.** Use subsidies, expedited permit processing, density bonuses or other incentives to support implementation of photovoltaic and other renewable energy technologies to provide a portion of the County's energy needs.

4-1E/P  
cont'd

We thank you for your consideration and look forward to working with you to promote the ongoing environmental health of Napa County.

Very truly yours,



Joseph G. Peatman, President  
The Peter A. and Vernice H. Gasser Foundation

LETTER 4: JOSEPH G. PEATMAN, GASSER FOUNDATION, MAY 29, 2007

*Response 4-1 E/P:* The commenter states that they have reviewed the Napa County General Plan, specifically Energy Goal CON-14 and energy policies CON-55 through -61, and applauds the County's efforts to promote energy conservation and efficiency of use. The commenter asks that a policy be added to the General Plan that promotes the development and use of advanced energy technology and building materials in Napa County. The County appreciates the Foundation's input in this matter. A policy has been added to the proposed General Plan Update that promotes the development and use of advanced energy technology and building materials in Napa County. The commenter is referred to Climate Change Master Response 3.4.4 and to the new sub-section within the Conservation Element related to climate protection and sustainable practices for environmental health.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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Letter 5

**REVERDY JOHNSON**  
Attorney at Law  
P. O. Box 145  
Pope Valley, California 94567  
707-965-3430  
Fax: 707-965-3673

Admitted to Practice in  
California, New Mexico  
and Florida

Of Counsel to  
Scheuer, Yost & Patterson, P.C.  
Santa Fe, New Mexico

March 29, 2007

Ms. Jeri Hansen-Gill  
Public Affairs Manager  
Napa Valley Vintners  
P.O. Box 141  
St. Helena, CA 94574

Dear Jeri:

I have finally had the opportunity to give some thought to the Draft General Plan provisions concerning the "streamlined approval process" for new vineyard development.

On the surface, Action Item CON-31.1 is a benign and beneficial concept: cut down the increasingly burdensome County regulatory processes for vineyard projects that do not significantly affect matters of environmental concern. As with most matters, however, the Devil is in the details, or here, in the Mitigation Measures. I fear that MM 4.11.4, if implemented as written, would in fact result in increased costs and time for new projects, even though the County action would be limited to a determination of completeness, not discretionary approval.

5-1E/P

The County's "handle" is the grading permit and the related erosion control plan. This handle is used to lever a much broader environmental review that has little to do with grading or erosion control. Not only would MM 4.11.4 not change the scope of environmental review, it would institutionalize the broad scope of environmental investigation, even though the scale of any vineyard project is *de minimis* at less than 15 acres. In addition to an erosion control plan, consultant reports on geotechnical conditions, hydrology, water quality, groundwater, biological resources and cultural resources are mandatory. This is a boon for the consultancy professions, and there is not a superabundance of qualified professionals available. Has the County given any consideration to the economic impact of these requirements? Since by definition the project area is small, the costs per acre will make vineyard development feasible only for those with unlimited resources, a social issue with which the County and the Vintners should be concerned.

The time requirements are substantial. Apart from the sheer number of mandated reports, the nature of the investigation may be able to be done only at certain seasons. A survey of flora may

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

Reverdy Johnson  
Attorney at Law

Ms. Jeri Hansen-Gill  
March 29, 2007  
Page 2

have a window of several weeks in the spring when plants are in blossom. The presence of bird populations may require investigation during the mating season. Soils tests cannot be performed when the ground is saturated. And the preparation of an erosion control plan may well have to await the completion of all consultant reports. The end result is likely to be a two to three year period of site investigation before vineyard development work can be commenced, and unless the stars align properly, vineyard preparation or planting or both may lag another year based on the April - October constraints on ground disturbance.

5-1E/P  
cont'd

Other observations:

- The opportunity for a cooperative relationship between the wine industry and County staff disappeared years ago, and the Mitigation Measures read like an adversarial manual on how to regulate land use. If the regulation is unnecessary or inappropriate to the landowner's property, he has nothing to negotiate, only to submit, meekly or otherwise. In theory the environmental consultants should be a leavening interface, but few consultants will act as advocates. It is easier to get along by going along, and there is another project to be processed after this one.
- A project that entails a new appropriative surface water diversion will not qualify for "streamlined" treatment. Why? The diversion cannot be implemented until approval from the State, and this may constrain when the vineyard can be developed, but is it proper for the County through land use regulation to influence separate proceedings before the State? What if the existing appropriation simply needs to be modified to adjust the area of permitted water use to conform to the vineyard boundaries?
- There is a requirement that the vineyard project not lower groundwater levels offsite. This is essentially proving a negative, and how feasible is it to accomplish? If the applicant owns the land adjoining the project that is not being developed, does "offsite" mean off the project or off the applicant's land holding?
- Any vineyard development project is to maintain 60% of tree canopy and 40% of shrub cover present as of 1993, irrespective of slope, drainage conditions or nature of particular vegetation. The blanket application of this standard is (a) arbitrary, (b) irrational if changes to the land have occurred since 1993, and (c) likely to make a project physically or economically infeasible.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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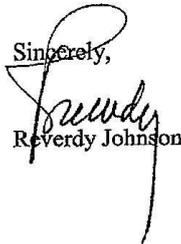
Reverdy Johnson  
Attorney at Law

Ms. Jeri Hansen-Gill  
March 29, 2007  
Page 3

- Deer fencing is precluded except for the immediate confines of a vineyard block, and any existing perimeter fencing must be removed to the extent it encloses more than a vineyard block. This requirement exists without reference to actual wildlife needs or available alternatives, and without reference to other justification for fencing - orchards, vegetable gardens, ornamental plantings proximate to residential uses, etc.
- Even though there is no County "action" as such to approve the vineyard project, the owner loses control of access to his property by having to open it up to "field monitoring" by the County and its agents. Far less intrusive would be a simple requirement that the consultant responsible for the erosion control plan provide a compliance report to the County.

5-1E/P  
cont'd

In short, my sense is that the procedures and requirements set forth in the Mitigation Measures severely undercut the distinction between ministerial and discretionary approvals and, if adopted without significant modifications, will prevent the achievement of the laudable goal in Action Item CON-31.1 of the General Plan.

Sincerely,  
  
Reverdy Johnson

RJhs  
cc: Ms. Linda Reiff  
Mr. Peter McCrea

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 5: REVERDY JOHNSON ON BEHALF OF JERI HANSEN-GILL, NAPA VALLEY VINTNERS, MARCH 29, 2007

*Response 5-1 E/P:* The commenter states that if mitigation measure MM 4.11.4 from the Draft EIR Hydrology section were implemented as written, it would in fact result in increased costs and time for new projects even though the County action would be limited to a determination of completeness, not discretionary approval. The commenter contends that the mandated reports would result in substantial loss of time and money. The commenter goes on to say that the way the mitigation measures are written would result in an adversarial relationship between land owners and County staff. The commenter also asks why projects that would require new appropriative surface water diversion would not qualify for the ministerial process. The commenter questions the requirement that vineyard projects not lower groundwater levels off-site in order to qualify for the ministerial process. The commenter states that the blanket standard of 60% tree canopy and 40% of shrub cover present as of 1993 is arbitrary and may be infeasible. The commenter questions the requirement that deer fencing be removed except for the immediate confines of a vineyard block. Finally, the commenter concludes that requiring monitoring of the site by the County and its agents is obtrusive.

Preferred General Plan policies CON-13 and CON-27 and Action Item CON NR-1 of Policy CON-27 address the intent of the mitigation measure; however, the measure provides detailed performance standards that are not addressed in the policies. This approach is consistent with public comments, which suggested reasons why some of the components of mitigation measure 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.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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Letter 6



111 Stony Circle  
Santa Rosa, CA 95401  
707.577.7261  
Internal: 323.7261  
Internal Fax: 323.7181

April 17, 2007

File: NP-07-002

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

Dear Mr. Lowe:

Thank you for the opportunity to review the Napa County Draft General Plan Update and EIR. After review of the document by our appropriate departments, listed below are comments regarding various issues PG&E has interest in. They are:

*Policy Ag/LU-27*

PG&E feels the Plan should define the term "programs mandated by the state or federal government." Without understanding what the County means by this term, it's not possible to know if this policy adversely affects PG&E. If the California Public Utilities Commission mandate that PG&E has an obligation to serve electric and gas to customers in its service territory is considered such a program then PG&E has no concerns with this policy. If the definition does not include this mandate then public utilities should be deleted from this sentence and restriction.

6-1P

*Policy Ag/LU-48*

No issue/concern.

*Policy Ag/LU-117*

No issue/concern.

*Policy CC-12*

We recommend that this wording be revised as follows:

"To the extent practicable and allowed by law, telecommunications facilities and transmission lines should avoid locations ~~shall not be located~~ within view of any scenic roadway...."

While PG&E recognizes the importance of protecting scenic views from designated scenic routes, there may be situations where alternate, less visible, locations for transmission lines are not practicable, and location along a scenic route cannot be avoided.

6-2P

3.0 COMMENTS AND RESPONSES TO COMMENTS

*Policy CC-14*

We recommend that this wording be revised as follows:

Adjacent to scenic roadways, new telephone, electric distribution, cable TV and similar utilities should be placed underground where possible.

PG&E recommends that this policy apply only to new installations along designated scenic routes, and not to existing overhead utility lines along newly designated scenic routes.

6-3P

*Policy COM-71 (f)*

No comment/concern.

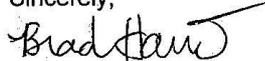
*Policy SAF-27*

PG&E feels this policy should be deleted since the Plan has not identified what levels of EMF are "acceptable". The California Public Utilities Commission (CPUC) has established an EMF policy for California's regulated electric utilities. The Policy acknowledges that scientific research had not demonstrated that exposures to EMF cause health hazards and that it is therefore inappropriate to set numeric standards that would limit exposure. In recognizing the scientific uncertainty, the CPUC addressed public concern over EMF by establishing a no cost and lowcost EMF reduction policy that utilities would follow for proposed electrical facilities. We recommend that if the County wishes to include this issue in the Safety Element, it should reference the following CPUC website on EMF:

6-4P

If you have any questions, please call me at (707) 577-7072.

Sincerely,



Brad Harris  
Land Agent

bc: Mike San Julian  
Ernie Ralston  
Rob Stiving

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 6: BRAD HARRIS, PACIFIC GAS & ELECTRIC COMPANY, APRIL 17, 2007

*Response 6-1 P:* The commenter feels that the term "programs mandated by the state or federal government" should be defined under Policy AG/LU-27. County staff have declined to make this change, indicating that the suggested policy language will be subject to implementation and interpretation as necessary in the future.

*Response 6-2 P:* The commenter proposes language changes to Policy CC-12 as follows: "To the extent practicable and allowed by law, telecommunications facilities and transmission lines should avoid locations ~~shall not be located~~ within view of any scenic roadway..." The County feels that the language presented in revised policy CC-14 is preferable as it is stricter on protecting scenic roadways.

*Response 6-3 P:* The commenter proposes language changes to Policy CC-14 as follows: "Adjacent to scenic roadways, new telephone, electric distribution, cable TV and similar utilities should be placed underground where possible." The commenter is referred to the revisions to the Community Character Element, where Policy CC-16 references the undergrounding of utilities generically.

*Response 6-4 P:* The commenter feels that Policy SAF-29 should be deleted since the General Plan has not identified what levels of EMF are acceptable. Comment noted. Policy SAF-29 has been replaced by new policy SAF-28:

Policy SAF-28: The County shall continue to monitor research being conducted under the auspices of the California Public Utilities Commission (CPUC) to define acceptable levels of exposure to electromagnetic fields (EMF). Once a specific numerical standard for EMF exposure has been adopted by the CPUC, the County's policy shall be that residential development (and other sensitive land uses such as schools, hospitals, child care sites) that would expose persons to EMF which exceeds the standard should generally not be permitted.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter 7



April 9, 2007

Hillary Gitelman, Director  
Napa County Office of Conservation,  
Development and Planning  
1195 Third Street, Suite 201  
Napa, California 94559

Dear Ms. Gitelman:

I am writing to comment on the draft General Plan update on behalf of Pacific Union College.

PUC has been an integral part of Napa County since it moved from Healdsburg to Howell Mountain in 1909. Throughout its century-long history in Napa, the College has proved itself a responsible steward of the land. PUC has not only protected the natural beauty that is Angwin, but has made it accessible to all by granting public access to an extensive network of hiking trails on some of the most spectacular portions of its property.

7-1P

At the same time as it has cherished and preserved the beauty of its surroundings, PUC has grown to become a modern, sophisticated institution of higher learning. The College today plays an important and expanding role in educating young men and women in a wide variety of fields, such as aviation, business, computer science, mathematics, foreign languages, and nursing. *U.S. News & World Report* consistently ranks PUC among the top Western regional liberal arts colleges, an achievement which should make the whole community proud.

PUC's contribution to the Napa community, however, goes beyond the first-class education it offers. The College hosts an ongoing series of cultural events, including lectures, theater, music and exhibits at the Rasmussen Art Gallery. The College supports a range of campus ministries, which enlist young people in serving God by serving their fellow man, locally and abroad. And PUC employs over 300 people, including many with doctoral degrees who are leaders in their fields.

Clearly, Angwin would not be the community we treasure today without the profound commitment, generosity, and stewardship of PUC. Napa County, too, would be a far different place without the College as an up valley center of education, culture, spirituality and economic health.

For many years, Napa County has acknowledged the important role played by PUC in the community's life. Thus the draft General Plan update contains policy LU-57, which provides: "*The County recognizes the historical significance of Pacific Union College in the Angwin community and will continue to support this time-honored institution and employer.*"

OFFICE OF THE PRESIDENT • ONE ANGWIN AVENUE, ANGWIN, CA 94508-9797 • 707-965-6211 (OFFICE) • 707-965-6506 (FAX)

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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Indeed, this provision of the County's land use "constitution" goes beyond mere recognition of PUC's importance; it constitutes a pledge of support, which PUC has clearly earned through its ongoing contribution to the community, but for which PUC is also deeply grateful.

The draft update also contains three alternative maps depicting the Angwin urban bubble. Ironically, one of those maps, labeled "scenario 2," would severely undermine the College by redrawing the boundaries of the bubble to the detriment of PUC. Adoption of scenario 2 by the County would deal a financial blow to Pacific Union College, a move which cannot be squared with the County's pledge in LU-57 to support PUC as a time-honored institution and employer.

The Angwin urban bubble was adopted in 1975 as part of the General Plan land use map after extensive public hearings. It designates the area around PUC for non-agricultural development. Continuing a policy from the current General Plan, the draft update, policy LU-53, provides that "[t]he 'urbanized' area of Angwin shown on the County's land use map shall contain institutional uses (i.e. the college), residential uses, and limited neighborhood-serving non-residential uses." Thus, while agriculture remains the highest and best use for much of the land in Napa Valley, both the current General Plan and the draft update recognize an exception for the College environs, consistent with the County's commitment to honor and support PUC.

Scenario 2 is inimical to the County's long-standing policy of support for PUC. It would redraw boundaries so as to remove 84 acres of College land from the Angwin bubble, removing the urban designation from that property, and effectively depriving the College of the ability to use the land for anything but agriculture. Such a move would affect the College negatively in several ways.

First, re-designation of the land from urban to agriculture will diminish its value, representing a multi-million dollar loss to PUC. It will do so, moreover, at a time when the College can least afford it. Because PUC is vulnerable to the same macro-economic trends affecting many small liberal arts colleges, it is working hard to ensure its future by enhancing its endowment. For the County to diminish the value of PUC's land – its principal asset – in the midst of efforts by the College to restructure the way it finances its operations would be unconscionable.

Second, re-designation of the land by removing it from the bubble will reduce PUC's flexibility to meet its future needs by restricting the property to a single use. The County adopted the urban bubble in 1975 precisely to give the College flexibility, which is why the bubble explicitly provides not only for College uses, but residential and community-serving commercial uses as well. That is sound, long-term policy. Nothing has changed in the past 32 years to warrant a departure from that approach. It is ludicrous to suggest that the protection of 84 more acres of agricultural land is paramount when Napa County already has 40,000 acres in grapes.

Third, limiting use of the land to agriculture means that its value will only be realized by selling or leasing it for vineyards. As you know, PUC is an Adventist college. Its educational mission is inextricably intertwined with the Adventist faith, which discourages the use of alcohol. The sale or leasing of PUC property for the production of wine grapes is

7-1P  
cont'd

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

therefore objectionable to many, no matter how significant the College's need for funds. It would be abhorrent for the County to change long-standing land use policy in such a manner as to force upon PUC and the Adventist community an unnecessary and divisive choice.

7-1 P  
cont'd

It is no secret that opponents of the Eco-Village are the principal, perhaps the only, proponents of the map designated as scenario 2. They hope to undermine the project by changing the urban bubble to render the project infeasible. They are misguided. In response to community input, PUC has already revised the Eco-Village proposal, confining housing to areas already designated and zoned for urban and residential use. The 84 acres which would be removed from the bubble under scenario 2 will have no impact whatsoever on the project.

The Eco-Village is not the point. That proposal should and will be debated and decided on its merits, based on a project-specific EIR. It is disingenuous to use the General Plan update, which should be focused on land use policy in the broadest sense, to attack a specific project which is still evolving and for which PUC has not yet filed an application. Attempting to redraw the boundaries of the Angwin bubble to further a narrow, anti-PUC agenda is ill-advised.

The question here is not the Eco-Village, but whether the County intends to deprive Pacific Union College of development rights, despite the County's stated commitment to support PUC. The College may or may not ever avail itself of those rights. If it does, whatever it proposes will be subject to the full panoply of land use regulations, including a very thorough, very public evaluation process. There is no need and no justification at this critical juncture in PUC's history for a change in County policy that will diminish the value of College land and deprive the College of the flexibility it needs to meet the challenges of the future.

Most importantly, there is no way to square such a change with General Plan policy LU-57: *"The County recognizes the historical significance of Pacific Union College in the Angwin community and will continue to support this time-honored institution and employer."* Lawyers tell me that, among other requirements, a General Plan must be internally consistent. In order for the General Plan to remain internally consistent, if scenario 2 is adopted, the County will have no choice but to rewrite LU-57 to read: *"The County discounts the historical significance of Pacific Union College in the Angwin community and will seek to undermine this time-honored institution and employer."*

On behalf of the entire College community, I implore the County not to move in that direction. PUC adamantly opposes any changes in the boundaries of the Angwin urban bubble.

Sincerely,



Richard Osborn  
President

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 7: RICHARD OSBORN, PACIFIC UNION COLLEGE, APRIL 9, 2007

*Response 7-1 P:* The commenter gives an introduction of the long-standing history of Pacific Union College (PUC) in Napa County. The commenter goes on to say that one of the land use maps, Scenario 2, would severely undermine the college by redrawing the boundaries of the bubble to the detriment of PUC. Furthermore, the commenter states that the adoption of Scenario 2 by the County would deal a financial blow to PUC. The commenter states that Scenario 2 would redraw boundaries so as to remove 84 acres of college land from the Angwin bubble, removing the urban designation for that property and effectively depriving the college of the ability to use the land for anything but agriculture. The commenter concludes by saying that the proposed General Plan Update Policy Ag/LU-57 is in direct conflict with the map designated as Scenario 2.

County staff appreciates PUC's concern with the scenarios presented in the public draft of the proposed General Plan. The scenarios presented were intended as options for public review and ultimately for presentation to the Board of Supervisors for approval. Based on public comments received, the Revised Draft General Plan Update proposes to eliminate agricultural lands from the Urban Residential "bubble" in Angwin. This change would not alter allowable uses on the property, since the current zoning already limits those uses. The change would also not preclude the college's development proposal, which would affect "planned development" zoned property. The college's proposed development is the subject of a separate, project-specific EIR.

Letter 8



May 16, 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 Napa County's Draft General Plan were reviewed by the St. Helena Chamber of Commerce Board of Directors and the comments contained herein unanimously approved at the Directors' regularly scheduled meeting on May 16th. The focus of the review was on those policies identified as potentially affecting the Chamber's member businesses. The St. Helena Chamber of Commerce has more than 500 member businesses, located in every Napa County community. The Chamber's Mission is **"to strengthen and promote member businesses while enhancing the unique quality of life in our community."**

In 2006, the Chamber published the results of an eighteen-month community process undertaken to define our vision for our community. The Vision focused on five areas of our members' concerns with respect to the entire county, upvalley, and St. Helena in particular. The five areas are Economic Enhancement, Water Resources, Transportation Infrastructure, Sustainable Wine Industry, and Workforce Housing. Several specific areas addressed in the Vision are pertinent to the Draft General Plan. They are:

*1. Circulation Component:*

- The St. Helena Chamber of Commerce promotes a Transportation Vision which will lead to **providing a network of roads, bike lanes, and pedestrian trails that will enhance the quality of life for residents and provide a pleasant experience for its visitors.**<sup>1</sup>
- With regard to *Circulation Goal 2* and specifically *Policy Cir-2.3* which recommends "*a study of methods to divert traffic from downtown St Helena,*"<sup>2</sup> the St Helena Chamber believes the first step in this process is to **reduce truck traffic on Main Street in St Helena.**
- The *Circulation Goal 2* would be further strengthened with specific goals aimed at **extending the local-serving roadways east and west of downtown St Helena** and adopting **the use of roundabouts to manage traffic at busy intersections north of Napa.**
- We support and embrace the full range of strategies outlined in *Circulation Goal 3* and suggest some additional concepts for *Policy Cir-3.4*, and *3.4.1* such as study and **support of local and regional efforts to provide mass transit options such**

8-1P

**The St. Helena Chamber of Commerce...**

• Strengthening the local economy • Promoting the community • Providing networking opportunities & referrals • Representing the interests of business with government

1010 Main Street, Suite A • St. Helena, CA 94574 • Tel (707) 963-4456 • Fax (707) 963-5396 • [www.sthelena.com](http://www.sthelena.com)

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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as express buses, park and ride lots, and ferry and airport shuttles; improvement of the pedestrian and bicycle lane network to be safe and convenient for everyone to move about; and encouragement for employers to provide incentives that reduce peak-hour traffic congestion, such as staggered or flexible work hours, car/van pools, and public transit vouchers

8-1P  
cont'd

*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)*

The St. Helena Chamber of Commerce supports a fair balance between preservation of our natural resources and the needs of a viable wine and agricultural industry. We believe a fair balance can be achieved if we: (a) preserve and protect the Agricultural Preserve in the Napa Valley; (b) allow the agricultural and wine industry to undertake the activities they need to economically survive and prosper; and (c) institute a tourism policy that supports this important balance.

8-2P

#### Visions and Strategies

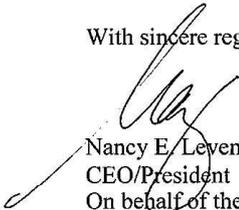
1. **Preserve and protect the Agricultural Preserve in the Napa Valley:**
  - **Support General Plan updates that protect the Agricultural Preserve while allowing balanced development opportunities for agriculture and the wine industry**
  - **Preserve Rural Urban Limit (RUL) lines in municipalities.**
  - **Support "Right to Farm" and "Right to Process" measures.**
  - **Encourage policies and development that make the entire Napa Valley (including South County) economically connected to the wine industry and that educate the community about the importance of a viable wine industry to all of Napa County's citizens.**
2. **Establish a tourism policy that preserves the Napa Valley's scenic beauty and the quality of life for its residents while supporting the agriculture/wine industry that is the foundation of the Napa Valley.**
  - **Encourage the adoption of policies that manage tourism to attract visitation that is high quality and low impact.**
  - **Support the adoption of policies that allow the entire Napa Valley to benefit from and bear the burden of tourism impacts so that we are "one valley".**
  - **Encourage and support the development of adequate infrastructure within the municipalities (and appropriate other locations in the County) to house and service quality tourists.**

<sup>1</sup> Boldface denotes text from the St. Helena Chamber of Commerce *Vision for our Community*, 2006.

<sup>2</sup> Italics indicate text from the Draft General Plan

Thank you for the opportunity to participate in the creation of your General Plan. Please do not hesitate to contact me at 963.4456 if you have any questions.

With sincere regards,



Nancy E. Levenberg  
CEO/President  
On behalf of the Board of Directors

NEL/

Enclosures: **Vision for our Community**

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 8: NANCY E. LEVENBERG, ST. HELENA CHAMBER OF COMMERCE, MAY 16, 2007

*Response 8-1 P:* The commenter provides statements on the Circulation component of the General Plan such as endorsing a Transportation Vision which will lead to providing a network of roads, bike lanes, and pedestrian trails that will enhance the quality of life for residents and provide a pleasant experience for visitors. The commenter states that in regard to Policy CIR-2.3, the commenter believes that reducing truck traffic on Main Street in St. Helena would be a first step. The commenter believes that Circulation Goal 2 would be further strengthened with specific goals aimed at extending the local serving roadways east and west of downtown St. Helena and adopting the use of roundabouts to manage traffic at busy intersections north of Napa. The commenter concludes by saying that they support the range of strategies outlined in Circulation Goal 3, but provides some additional concepts for Policy CIR-3.4 and 3.4.1. County staff acknowledges the thoughtful comments regarding truck traffic issues in St. Helena. Circulation Policy CIR-2.3 (now Policy CIR-13) includes:

*Develop and implement methods to divert traffic from downtown St. Helena to reduce congestion and improve intra-county traffic flow.*

This diversion could have the effect of reducing truck and other traffic on Main Street.

*Response 8-2 P:* The commenter gives a statement of visions and strategies regarding Policy Ag/LU-38. The County appreciates the commenter's input in the General Plan Update process.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter 9

February 26, 2007

Mr. Peter McCrea, General Plan Steering Committee, Chair  
Napa County General Plan Update  
C/O: Hilary Gitelman  
1195 Third Street, Suite 210  
Napa, CA 94539

RE: Comments on Land Use Element of the General Plan Update

Dear Mr. McCrea:

WHAL Properties, LP (a Pacific Coast company) and BOCA Company, LLC (formerly Dillingham property) would like to advise you that we are interested in, and have agreed to jointly redevelop our two parcels that combine to a total of 88 areas.

You may already be aware that the heavy industrially zoned parcels have not been used to their capacities for quite sometime, and the original industries have in fact moved to new facilities in American Canyon or out of the county. Currently, there are only a few workers located on our parcels.

9-1P

As mentioned in a letter to you dated November 2005 in response to the *Notice of Preparation of the Draft Environmental Impact Report*, we would like to express our interest in redeveloping these parcels into mixed use and residential. Our parcels are in much need of beautification so as to create an appropriate gateway into the City of Napa.

The Pacific Coast/BOCA parcels are immediately across Napa Vallejo Highway from the golf course and adjacent to the Napa Community College. This location provides a unique opportunity to provide housing and mixed use development to meet the needs of a wide range of persons, including college students, active seniors, active adults and families. Additionally, since our properties are located on the established River to Ridge Trail that joins the Napa River Bike Trail, there is also an opportunity to provide bicycle commuting into downtown Napa. Similarly our parcels are located on existing bus routes into the City of Napa, again providing accessible opportunities to commuters to leave their cars at home and not add to the roadway traffic.

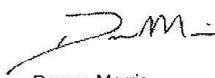
Lastly, since the Pacific Coast/BOCA parcels lack most of the environmental issues, flooding issues and airport flight restriction constraints present at the Napa Pipe site we are encouraged by the opportunity to provide land uses that will compliment and ease Napa's residential demand.

We request that you add our redevelopment intent into your general plan update documents. Our team is currently reviewing the Draft EIR and will providing our comments at a later date.

Kindest Regards,

BOCA Company, LLC

WHAL Properties, LP



Renee Mason Carter  
Project Manager  
3000 Duluth Street  
West Sacramento, CA 95691  
916-373-0148

Darren Morris  
CFO  
10600 White Rock Road #100  
Rancho Cordova, CA 95670  
916-631-6523

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 9: RENE MASON CARTER, BOCA COMPANY, LLC, AND DARREN MORRIS, WHAL PROPERTIES, LP, FEBRUARY 26, 2007

*Response 9-1 P:* The commenters represent the BOCA Company and state that they are interested in and have agreed to jointly redevelop two parcels that combine a total of 88 acres. The commenters would like to redevelop the parcels from industrial to mixed use and residential. The commenters' property is located immediately across Napa Vallejo Highway from the golf course and adjacent to the Napa Community College. The commenters request that the County add their redevelopment intent into the proposed General Plan Update. 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 will be required prior to consideration of land use changes on the sites.

**Siegel, Howard**

**From:** kellie anderson [kelliegato@gmail.com]  
**Sent:** Friday, March 02, 2007 11:08 AM  
**To:** plowe@napacountygeneralplan.com  
**Cc:** Jeffrey Redding AICP; Siegel, Howard  
**Subject:** Fwd: Extension for GP Comment Period

----- Forwarded message -----

**From:** **kellie anderson** <kelliegato@gmail.com>  
**Date:** Mar 2, 2007 10:44 AM  
**Subject:** Extension for GP Comment Period  
**To:** "Gitelman, Hillary" <hgitelman@co.napa.ca.us>  
**Cc:** "mluce@co.napa.ca.us" <mluce@co.napa.ca.us>, bdodd@napanet.net, ddillon <ddillon@napanet.net>, "bwagenknecht@co.napa.ca.us" <bwagenknecht@co.napa.ca.us>, Bob Fiddaman <fidd@earthlink.net >

Hillary,

The first sentence in the Draft General Plan reads " This General Plan represents the product of years of efforts...".

The Draft GP is 301 pages, the EIR over 1,000 and the Housing Element is 300 plus pages and the Baseline Data Report, available on line, contains detailed maps and complex data. These are interrelated documents requiring careful review and comment. The current 60 day comment period is simply inadequate for meaningful review and input by the public and interested agencies.

10-1E/P

Having attended nearly every Steering Committee meeting and workshop held in conjunction with the preparation of this document, I know the efforts and energy put into this project by Planning Staff, Consultants and Steering Committee members. The fact that these documents took *years* to create and will be guiding Napa County into the future for the next 20 years, requires a reasonable time period for comment and review.

Getting the best possible General Plan with as many comments and suggestions by residents, organizations and agencies is a critical part of the process. 60 days is simply too short to get meaningful feed back on such complex documents.

Please extend the Draft General Plan comment period.

Sincerely,

Kellie Anderson  
Angwin

3/2/2007

### **3.0 COMMENTS AND RESPONSES TO COMMENTS**

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LETTER 10: KELLIE ANDERSON, MARCH 2, 2007

*Response 10-1 E/P:* The commenter states that the 60-day public comment period is inadequate for meaningful review and input by the public and interested agencies and asks for an extension of time for the comment period. On April 3, 2007, the County Board of Supervisors extended the public review comment period by 60 days. The County has accepted all comment letters received through June 18, 2007.

Letter 11

March 28, 2007

Peter McCrea  
Chair, General Plan Steering Committee  
1195 Third Street, Room 210  
Napa, CA 94559

Dear Mr. McCrea,

Thank you for the opportunity to comment on the Napa County Draft General Plan. Though this document represents thousands of hours of diligent work, much room for improvement exists. I have attended nearly every Steering Committee meeting and County sponsored workshop during this process and realize how important the oversight of Napa County residents is in order for the final General Plan to be an accurate and useful planning tool for the next 20 years.

I will limit my comments in this letter to two specific areas of the DGP which need your careful attention. These issues, the Angwin 'Urban Bubble' and the Scenic Roadway portions of the DGP need more work and should be the topic of further detailed discussion and refinement.

As you know the, Angwin" Urban Bubble' is both a misnomer and a historical accident that does not accurately reflect the developed area of Angwin and in fact includes many acres of forest and producing agricultural land. This inconsistency between GP designation and zoning should be corrected during the General Plan update process. The Baseline Data Report prepared in conjunction with the DGP recommend "that the General Plan update should also include careful comparison of existing land uses compared to planned land uses as there are areas within the County where land use are not consistent with General Plan categories."

11-1P

Current land uses in the Angwin area as listed in the Baseline Data Report (BDR pg 9-17), are Rural Lands 55%, which typically contain vineyards on large parcels greater than 10 acres. Rural and Urban/Suburban residential development occupying approximately 19% generally consisting of low density residential. Farming and grazing uses comprising 14.5% and vacant parcels accounting for 31 % of Angwin area. In fact none of the characteristics associated with an urban designation are present in Angwin.

The accompanying aerial photograph with the existing 'bubble' superimposed (map 1) depicts the rural nature of the area, the ongoing farming activities, undeveloped forests and limited developed land with in the Urban Bubble. Additionally, the exclusion of the majority of the rural residential portion of Angwin from the bubble, documents that lack of reasonable care and rational thought involved in creation of this loosely drawn circle on the map. Clearly the purpose of such an inaccurate designation which does not follows roads, property lines, creeks, ridge tops, vegetation types, zip codes or school district boundaries was not to specifically define where future urbanization should occur and must be revised in the new General Plan.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

The existing written definition of the Angwin Urban Bubble in the current General Plan (Land Use Element pg. 2-27 attached) is "The Angwin Urban area is Pacific Union College and adjacent commercial facilities." Please note this language has been **eliminated** from the DGP. This definition is clear to specify only the College and commercial areas as 'urban' and does not note agricultural and forest lands as part of the Urban Bubble. This text should *not* be eliminated from the General Plan but should be defined and made *more* specific. I ask for your attention as to why the definition of the Angwin 'Urban Bubble' was deleted in the DGP.

One simple approach to correcting this inconsistency would be to remove the 'urban' designation from parcels which are partially within and partially outside of the bubble (parcel split by GP designation) and are zoned AW and are currently being farmed or are undeveloped forests. Removing land from the urban designation requires no Measure J vote and would protect existing productive farmlands.

To accomplish this five agricultural parcels are suggested for removal from the existing urban designation and are referenced in attached map (map 2). APN# 024-070-010, 024-080-018, 024-080-003, 024-080-022, 024-080-027 should simply be excluded in future version of Angwin Urban Bubble on the Land Use map. In addition 16 small rural residential properties ranging from approximately .25 to 5 acres including a 1.75 acre vineyard would also reasonably be removed from urban designation as they lie along the rural portion of Howell Mountain Road north of the college and are rural/agricultural in nature.

Further support for excluding these parcels from 'urban' designation is the November 5, 1997 Planning Staff Report and Recommendation that this area be removed from the Urban Bubble (see attached report page 3, area 1 and referenced map) during the last Urban Bubble revision. In addition I have included a letter from Mel Varrelman for background on this point and his thoughts as one participant in this last Urban Bubble amendment.

Three possible maps of a new Urban Bubble are included in the DGP for consideration. Scenario #2 **without** the inclusion of the rural residential area, most realistically reflects what could remotely be considered 'urban' Angwin. However, preference is given to the Angwin Alternative 2 map (Map 3 attached) which was presented in the July 2006 workshop held in Angwin and recognized by the majority of workshop attendees as the most realistic version of any future 'urban' designation. I support adopting this as the future map of the Angwin Urban Bubble in the General Plan. I strongly oppose the inclusion of Scenario 3, including Measure J vote as this clearly violates the 'smart growth' approach to development which has been the foundation of Napa County land use planning for decades and I can not support the reaffirmation of the existing bubble Scenario 1 for the reasons stated above.

The perceived need to conduct a Measure J vote to include the rural residential portion of the Angwin Village in an 'urban' designation is hugely unnecessary. These parcels are residential in nature, rural in over all character and use, and will not be benefitted in any way by inclusion in a 'urban' designation. The RS:B-5 zoning of these parcels is appropriate and presents no conflict with the AWOS General Plan designation. No statute, ordinance, policy or rational argument for inclusion of this area in a future version of the urban bubble has been presented to date.

11-1P  
cont'd

Lastly the current General Plan references the list of scenic roadways which are subject to Viewshed protection. And on December 9, 2003 Resolution No. 03-207 was passed by the Board of Supervisors to add to the list of designated public roads for projects submitted to the Viewshed Protection Program (see attached list.) This complete list is referenced in the Baseline Data Report which states "scenic corridors are a great natural resource and must be protected to future generations."

11-2P

The DGP includes no such list of designated scenic roads in Napa County. Including this short but important list of designated scenic roadways is necessary to insure their protection from the encroachment and impacts of future development. The DGP at 300 pages has room to include such peripheral information noted on page 144 including the noise level of a refrigerator, hair dryer and garbage disposal. Surely we can include this short list of designated scenic roadway in the final Version of the Napa County General Plan.

Proper review of the DGP, DEIR and the volume of data in the supporting Baseline Data Report necessitates time for careful review. A 60 day comment period is inadequate for review even by land use experts, much less the general public from whom input is supposedly sought. I encourage you to allow a full 180 days for a review of these nearly 1000 pages of complex data and conclusions. A process that has taken years of work, and will guide Napa County planning for the next 20 years, deserves not to be rushed.

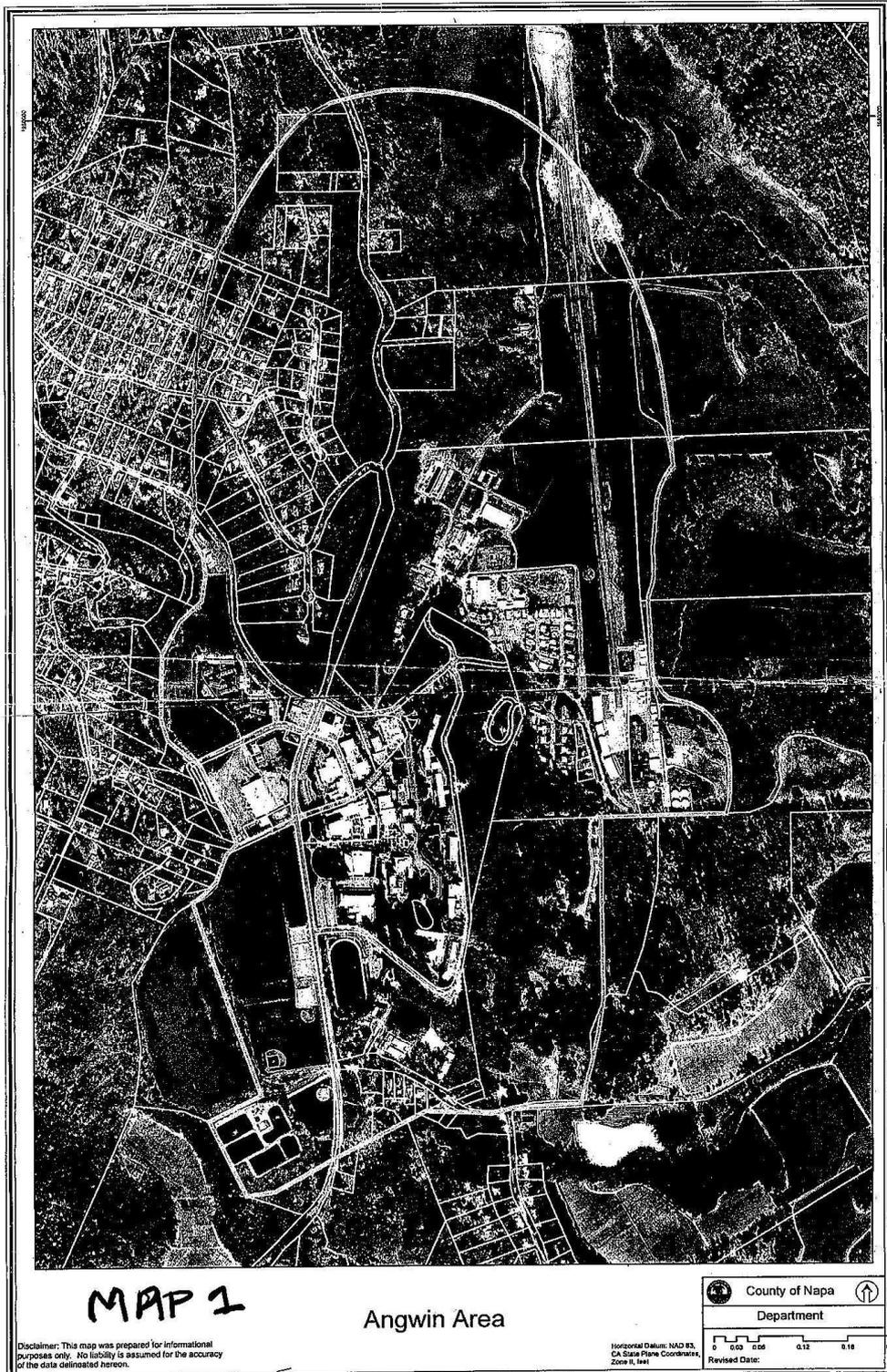
11-3E/P

Thank you for your careful review of my concerns.

Sincerely,

  
Kellie Anderson  
445 Lloyd Lane  
Angwin, CA 94508

### 3.0 COMMENTS AND RESPONSES TO COMMENTS



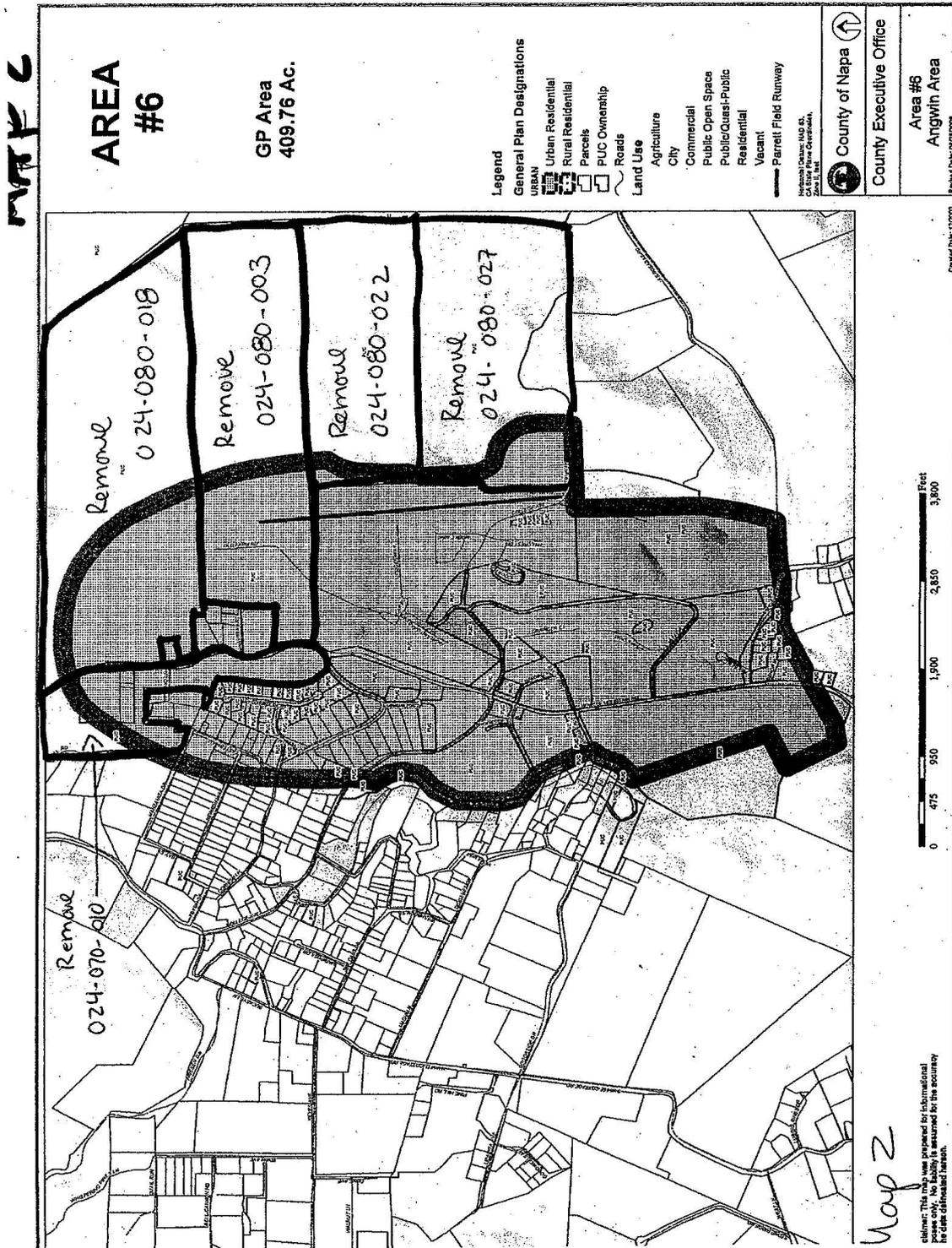
### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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Angwin Urban Area is Pacific Union College and adjacent commercial facilities.

- b) The Silverado Urban Area is the developed master-planned portions of the Silverado Country Club and Resort, and residential areas in the Silverado Community Services District approved for development prior to 1991. Residential development within the Silverado Urban Area is limited to a maximum of 1,095 units. No additional wells will be drilled in the Silverado Community Services District. Except for sources from the City of Napa, no domestic or irrigation water supplies shall be transferred into the District from outside its boundaries.
- 4.10 URBAN EXPANSION LIMITS - The County will work with the Cities, special districts, and Local Agency Formation Commission to define and establish the limits of current and future urban expansion and development. Unincorporated land included within the Rural Urban Limit Line of the 1983 Napa City's General Plan will not be further urbanized without annexation to the City, Except that day care centers will be allowed inside the RUL.
- 4.11 URBAN SERVICES FACILITIES - The County will oppose the creation of special districts planned to accommodate residential projects outside existing urban areas. The County will discourage proposed developments which require urban services and which are not proposed for urbanized areas. Existing utility systems will be used as much as possible to maximize the use of existing services and facilities and to provide a broader user base to insure the adequate maintenance and operation of such facilities. Where urban areas lack full urban services, the County will encourage means of area-wide provision of such services.
- 4.12 URBANIZING DEFINITION - The term urbanizing shall include the subdivision, use, or development of any parcel of land that is not needed for the agricultural use of that parcel.
- 4.13 URBANIZING GROWTH - The County will enact and enforce regulations which will encourage the concentration of residential growth within the County's existing Cities and areas designated for urban uses on the General Plan. However, nothing in the 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.

3.0 COMMENTS AND RESPONSES TO COMMENTS



AGENDA ITEM #9

Meeting Date: November 5, 1997  
Plan Amendment #GPA 94-17

6. Areas proposed to be changed have been designated 1 through 7 on the attached map.

Area 1 consists of approximately 118 acres located in the west/northwest portion of the existing Urban designation ("bubble"). Land use is primarily residential; the majority of the land and homes are not owned by the College. Current zoning is RS:B-5, AW and AW:AC. This area is being recommended to be excluded from the Urban bubble. Beyond this area is more RS:B-5 residential development as well as a CN zone (Marble).

Area 2 is approximately 1 acre located to the south of the airport. The area currently designated "Urban" is vacant and because of its location has limited use potential. It is designated in Zone B on the Parrett Field Compatibility Plan and zoned AV:AC. This area is proposed to be designated "AWOS".

Area 3 is located to the east of the airport, and contains approximately 8 vacant acres currently designated "Urban". Zoning is AW:AC. This area is also proposed to be designated "AWOS".

Area 4 is approximately 89 acres and includes the sewage treatment facility, recreational fields, staff housing, preschool, and elementary school. This area (currently "AWOS") is being recommended to be included in the Urban designation since it includes College-associated facilities. Current zoning is PD and PD:AC.

Area 5 is approximately 7 acres designated "AWOS" located southeast of the airport and zoned AW:AC. This is the area where the College's water treatment facility is located. The College also proposes to establish an Airframe and Power Mechanics School in that area. This area should also be included in the "Urban" designation.

Area 6 located east of the northern portion of the airport is approximately 60 acres in size and includes a large reclaimed-water reservoir for the College. Current land use designation is "AWOS" and zoning is AW:AC. The College is considering the possibility of establishing a College-owned Recreation Vehicle Resort in this area for temporary occupancy by visiting parents, prospective students, temporary faculty, and other College guests, retaining the reservoir. The College would like this area included in the Urban designation.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

Save Rural Angwin - Variance Letter

Page 1 of 2

January 17, 2007  
Peter McCrae, Chairman  
General Plan Steering Committee

Dear Peter:

This letter is to give you some of my thoughts on the new plan for Angwin. As many others, I am deeply concerned about the future of this county. Currently Angwin is one of the most beautiful and pastoral settings in the Upper Valley area.

During my time on the Board of Supervisors (20 years through 2002), the future of Angwin was visited many times. One of the last discussions relative to the "bubble" was in January 1998. While we modified the bubble to accommodate some public works, it was the general sense of the board that the "bubble" was simply used to show the developed area. The Board's interpretation at that time, consistent with prior boards, was that the "bubble" was not an indication of growth. Certainly, the area of future growth was limited to in-fill and not expanded into current agricultural lands.

11-4P

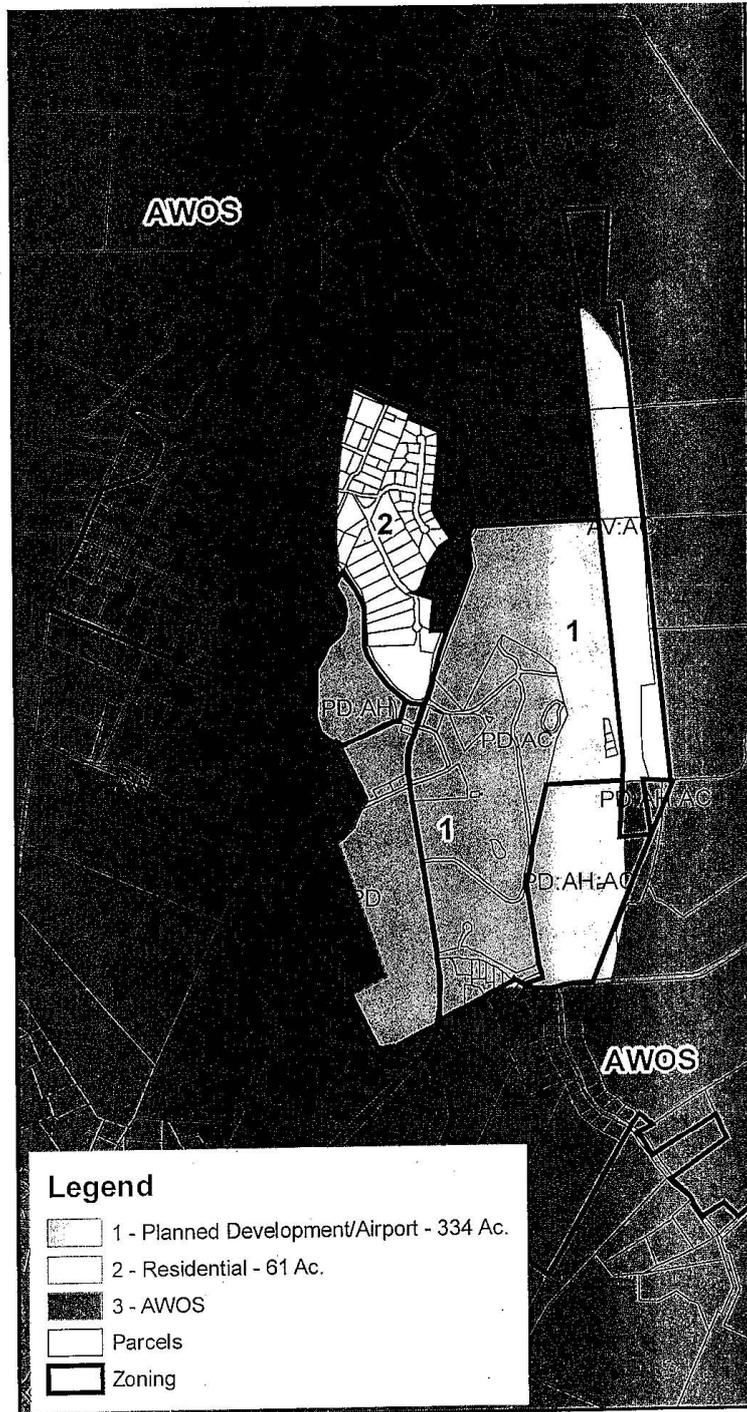
My understanding is that Triad has a plan for 591 new units. A development of this size would be a disaster for Angwin and the Up Valley area. We can always grow an area, we cannot un-grow!

The Board of Supervisors in 1968 put the county on a plan to preserve agriculture land and open space. That original concept has been honed and polished over the years. A planned development, such as the one proposed, would be a major step in unraveling the work of the past 40 years.

Best wishes in your efforts to meet the challenges of the future.

<http://www.adampease.org/SRA/VarLet.html>

3/13/2007



Scenario 2

NO MEASURE I VOTE- MAP 3

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

#### 12-1 NAPA COUNTY TRANSPORTATION DATA REPORT

protection program, applies to the California Department of Transportation (Caltrans) for scenic highway approval, and receives notification from Caltrans that the highway has been designated as a scenic highway (Caltrans 2005).

State Route segments within Napa County identified as eligible for official scenic highway designation are the following (see Figure 12-1):

- SR 28: From the intersection with SR 37 near Vallejo to the intersection with SR 221 near the City of Napa and from Trancas Street in the City of Napa to the Lake County border.
- SR 121: From the intersection with SR 221, near the Napa State Hospital, to near Trancas Street in the City of Napa.
- SR 221: From the intersection with Soscol Road to the intersection with SR 121 in the City of Napa (the entire duration of SR 221).

#### COUNTY POLICIES

The following policies were excerpted from the Napa County General Plan and related implementing ordinances.

#### SCENIC HIGHWAYS ELEMENT

The Scenic Highways Element of the General Plan presents the logic for the establishment of a system of candidate scenic roadways in Napa County (see Figure 12-2):

In Napa County many highways traverse areas of natural scenic beauty and recreational interest. These State Highway Routes and County Roads pass through the vineyards in the Napa Valley, wind through several steep and forested hills and provide access to numerous wineries, historical landmarks, state parks and Lake Berryessa. These routes provide residents and visitors an enjoyable travel experience.

The various landscapes and scenic corridors are a great natural resource and must be protected for future generations. Preservation of these scenic highways offers unique opportunities to the increasing number of Californians who live and work in urban areas (Napa County 1983).

Resolution No. 03-207, passed by the Napa County Board of Supervisors on December 9, 2003, added to the list of designated public roads for projects subject to the Viewshed Protection Program all "candidate" roadways listed in the Scenic Highways Element.

All designated scenic roadways in Napa County are listed above. Roadways added to this list by Resolution No. 03-207 are indicated by an asterisk (\*).

- American Canyon Road
- Bale Lane \*
- Berryessa-Knoxville Road \*
- Butts Canyon Road \*
- Chiles Valley Road \*
- Deer Creek Road and Howell Mountain Road (from St. Helena to Pope Valley Road) \*
- Deer Park Road
- Dry Creek Road (to Oakville Grade) \*
- Dunawall Lane
- Gordon Valley Road
- Howell Mountain Road
- Laramead Lane
- Lodi Lane \*
- Lokoya Road
- Lower Chiles Valley Road
- Mount Veeder Road
- Oak Knoll Avenue \*
- Oakville Cross Road
- Oakville Grade
- Old Sonoma Road
- Parlick Road
- Peirified Forest Road \*
- Pope Canyon Road \*
- Pope Valley Road \*
- Redwood Road
- Segg Canyon Road
- Silverado Trail \*
- Spring Mountain Road
- State Route 12
- State Route 29 (from Napa to Lake County Line) \*
- State Route 121 (from Sonoma County to Napa) \*
- State Route 128 (from Rutherford to Monticello Dam) \*
- Tubbs Lane
- Wall Road
- Wooden Valley Road \*
- Younville Cross Road \*
- Zihandel Lane \*

#### CONSERVATION AND OPEN SPACE ELEMENT

The Conservation and Open Space Element of the General Plan (emended through December 3, 1989) identifies goals and policies for outdoor recreation which address the use of national public domain lands, state parks, city and county recreation areas, hunting, fishing, swimming, boating, sightseeing, wildlife refuges and other recreation areas. Areas of outstanding scenic, historical and cultural values\* are included in outdoor recreation and the General Plan elaborates on what such areas include (p.8-1):

Land use of these purposes is concerned with preservation of attractive and appealing features in the natural and man-made landscape. These features might include the preservation of historical and architectural landmarks such as bridges and buildings made of local volcanic rock. These buildings give the county a distinctive architectural identity. It also is concerned with the potential adverse visual impact of solid waste disposal sites, auto wrecking, surface mines, signs, utility lines, etc. (Napa County 1983).

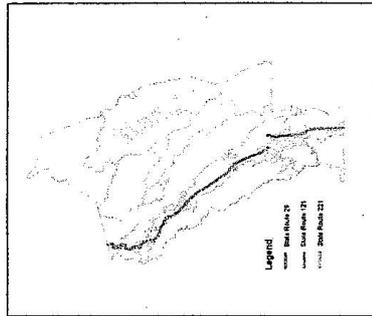


Figure 12-1: State-eligible Scenic Highways

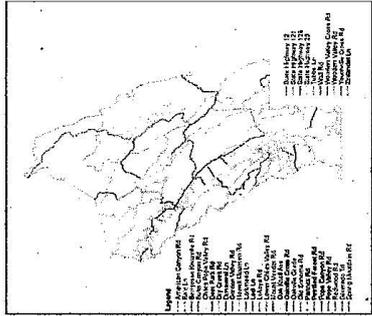


Figure 12-2: County-designated Scenic Highways

LETTER 11: KELLIE ANDERSON, MARCH 28, 2007

*Response 11-1 P:* The commenter states that the Angwin “urban bubble” and the scenic roadway portions of the proposed General Plan Update need more work and should be the topic of further detailed discussion and refinement. The commenter gives further details by saying that none of the designated urban uses are present in Angwin. The commenter goes on to say that the urban bubble representing Angwin does not follow roads, property lines, or creeks, and this was done to specifically not define where future urbanization should occur. The commenter asks why the definition of the Angwin urban bubble was deleted in the public draft of the proposed General Plan Update. The commenter suggests that the General Plan Update remove the urban designation from parcels which are partially within and partially outside of the bubble, are zoned AW, and are currently being farmed or are undeveloped forests.

County staff acknowledges that the existing “urban bubbles” are symbolic representations rather than precise land use designations. Nonetheless, they are an existing feature of the County’s General Plan, and altering them is particularly challenging because Measure J precludes re-designation of AWOS property without approval of the electorate.

Nonetheless, the proposed General Plan Update has been revised based on public comments and now removes areas currently zoned for agricultural use from the Angwin bubble. The Revised Draft General Plan Update also identifies the existing residential neighborhood of Angwin for inclusion in the bubble some day (subject to a Measure J vote).

*Response 11-2 P:* The commenter states that the current General Plan references the list of scenic roadways which are subject to viewshed protection. However, the public draft of the proposed General Plan Update includes no such list of designated scenic roads in Napa County. The commenter would like the list to be included in the General Plan Update. County staff acknowledges that the list of scenic roadways was not included in the public draft of the proposed General Plan Update; however, a map of Scenic Corridors was included in Section 4.12 of the Draft EIR as Figure 4.14-2 and the same map is now included as Figure CC-3 in the Revised Draft General Plan Update.

*Response 11-3 E/P:* The commenter states that a 60-day public review period is inadequate due to the amount of information presented and requests a 180-day public review period. As noted in Response 10-1 E/P, on April 3, 2007, the County Board of Supervisors extended the public review comment period by 60 days. The County has accepted all comment letters received through August 2007.

*Response 11-4 P:* The commenter expresses concerns over a plan including 591 new units for Angwin. The commenter states that a development of this size would be a disaster for Angwin. County staff acknowledges the commenter’s concern for development in Angwin. At the time of publication of the public draft of the proposed General Plan Update, it was unknown

### **3.0 COMMENTS AND RESPONSES TO COMMENTS**

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exactly what proposal PUC would submit to the County for review. PUC has now submitted an application for development, which is currently under review by County staff and will be addressed in a separate EIR. The Draft EIR associated with the General Plan Update appropriately assesses potential impacts associated with growth in the County at a programmatic level and includes several alternatives which assume development in Angwin that is consistent with the PUC proposal.

3.0 COMMENTS AND RESPONSES TO COMMENTS

General Plan update Draft & Eir Comments for Record.

Letter 12

From: "Cori Badertscher" <coriagent@yahoo.com>  
Subject: General Plan update Draft & Eir Comments for Record.  
Date: Mon, March 19, 2007 8:37 am  
To: plowe@napacountygeneralplan.com  
Cc: governor@governor.ca.gov,"Richard Ramirez" <r Ramirez@ci.american-canyon.ca.us>

March 19, 2007

To the Napa County General Plan Update Committee and Board of Supervisors,

I am still learning your political process and was unaware that all of my comments spoken verbally would not be put on record until i put them in writing, an so i am, here and now.

Thank you for the opportunity to have some sort of voice, being that Bob Torres may not be speaking on my behalf as a resident of American Canyon.

I write with the appearance as if i have the Verizon group behind me, defined as several people i am speaking for.

I have been to many updates, and have yet to be represented to the board of supervisors. I feel an opposition from a board member due to what i believe were over zealous developers to try and build high density housing in the Airport D section, which by the way has been met with opposition from many residents. My neighbors and friends, would like to see Estates on Oat Hill and Parks. The opposing views from residents have led to the tabling of any development in or or Oat Hill at this time. I ask the Board member who brought this up to understand the will of the people and not let this fact get into the way of our representation of a ULL.

12-1P

Fegan Creek is the line of choice, we all remember others wanting to go to Soscol Ridge and we believe that Soscol Ridge is not the choice.

We have been a great tax base in the county, with hire priced homes, more commercial structure, and a great group effort to preserve our open space as well as making our open space available to the community with walking trails and bike paths.

American Canyon has become the 2nd largest populated area in the Napa county and through the County Housing agreement have taken on quite a great amount of affordable housing, which should be met with consideration.

We will want our line to Fegan Creek, it meets our general plan commitments, we will want the Hess Vineyard as Vineyard Preservation not transitional, we would like for 2 people from American Canyon to be put onto the committee from this point forward. Perhaps as an additional change, the changes to the General Plan appear to truly affect Angwin & American Canyon as to boundaries, we should add more people to the American Canyon position.

12-2P

I find the current General Plan Flawed and inaccurate. It was presented as researched and articulate, however misrepresented as far as details.I offer a few here in writing.

We are not Vallejo, as indicated on maps

We were not contacted ahead, like other property owners of the Pipe property,an additional property for industrial, the Hess Vineyard, and yet the General Plan committee did nothing to sit and talk with the City of American Canyon regarding

12-3P

[http://www.napacountygeneralplan.com:2095/3rdparty/s...\\_id=0&mailbox=INBOX&passed\\_id=35&view\\_unsafe\\_images=\(1 of 2\)/4/19/2007 2:09:20 PM](http://www.napacountygeneralplan.com:2095/3rdparty/s..._id=0&mailbox=INBOX&passed_id=35&view_unsafe_images=(1 of 2)/4/19/2007 2:09:20 PM)

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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General Plan update Draft & Eir Comments for Record.

their proposed ULL.

We deserve local resident representation from this point on as we should've had previously.

We should be a partner with the county not opposing sides, there is a will to agree as long as the Board of Supervisors can allow our voices in the community to be heard.

We would like all of the Board of Supervisors to visit this area with one or more of our residents for a tour of this great city or at minimum a town hall meeting to introduce yourselves back into our town. We vote for the board and expected representation not to be ignored, at minimum to state why the parameters were given to the General Plan as layed out by the Board.

I am an active member in the community in which i live. We have been met with personnel changes which have devastated our structure, we are fortunateto be back on track with our new City Manager, Richard Ramirez, who is making decisions based on the health of our cities structure and environmental well being, in my opinion. We can not continue to be opponents but yet partners in a common ground. That common ground is Fegan Creek for American Canyons ULL.

This is not a campaign issue at this time, there however will be great emphasis for the city on the decisions made by this Draft document once made final. I will also seek help in this from others and again represent quite a few community people. I ask that at minimum that you add this document to your letters and give it great consideration.

We want a ULL that we can work with, not like the wrecking yards and dumps of the Napa county, to be delt with by a new city of 15 years, which is the Gateway of the Napa Valley, a place to be proud of.

Respectfully, I am only a Resident of American Canyon, what can one person do to change the views of some of the Board of Supervisors, to make a better choice for all? Thank you ,

Cori Badertscher  
3 Goldeneye Court  
American Canyon, CA 94503  
707-648-3324

P.S., I am not proficient at writing letters and wanted no ones help with its writing so that you have an honest opinion from a resident of American Canyon as i see it. I will be at the Board of Supervisors meeting to hand a copy of this letter into the records as well.

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#### Attachments:

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12:3P  
cont'd

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 12: CORI BADERTSCHER, MARCH 19, 2007

*Response 12-1 P:* The commenter notes that the ULL for American Canyon is misrepresented. The Revised Draft General Plan Update proposes an RUL for the City of American Canyon that reflects the current status of negotiations between the City and the County. (See Policy Ag/LU-130 in the Revised Draft General Plan Update and the accompanying figure.)

*Response 12-2 P:* The commenter states that besides the ULL being incorrect, Hess Vineyards should stay Vineyard Preservation, not Transitional. The commenter states that the General Plan is flawed and inaccurate. The Revised Draft General Plan Update proposes to re-designate the Hess Vineyard as AWOS, consistent with the commenter's suggestion. Also, all areas earlier proposed to be designated "transitional" are now designated as "study areas" indicating the need for further analysis prior to any change in land use on these sites. (See Policy Ag/LU-40 about Hess Vineyard and Policy Ag/LU-52 about the study area designation.)

*Response 12-3 P:* The commenter states that the County did nothing to sit and talk with the City of American Canyon regarding the proposed ULL. The commenter finishes by stating that the City of American Canyon wants a ULL they can work with. The commenter is referred to Response 12-1 P and 12-2 P.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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Letter 13

Page 1 of 1

**Sharp, Jeff**

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**From:** Lowe, Rone Patrick  
**Sent:** Tuesday, March 27, 2007 4:57 PM  
**To:** Sharp, Jeff  
**Subject:** FW: general plan

For the GP Comment file...

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**From:** Gitelman, Hillary  
**Sent:** Tuesday, March 27, 2007 1:20 PM  
**To:** Lowe, Rone Patrick  
**Subject:** FW: general plan

General Plan comment

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**From:** Bob Barbarick [mailto:Bob@balloonrides.com]  
**Sent:** Tuesday, March 27, 2007 12:49 PM  
**To:** Dodd, Bill; Luce, Mark; Moskowitz, Harold  
**Cc:** Cindy Barbarick; Gitelman, Hillary  
**Subject:** FW: general plan

Since Terry is out of town I thought I would copy each of you. And ask your thoughts.  
bob

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**From:** Bob Barbarick  
**Sent:** Tuesday, March 27, 2007 12:30 PM  
**To:** Terry Scott  
**Cc:** Cindy Barbarick  
**Subject:** general plan

Terry,  
As I was looking through the General Plan. I could not find any information concerning the Hot Air Balloon Industry. Neither could find anything about recreation activity for Hot Air Ballooning in Napa County. Would not being in the General Plan effect our industry? I would hope that this would be a oversight because of all the press and Napa County Commissioners/Supervisors time and there great effort to support the Ballooning Industry in the AP and AW of Napa County. Is there anything I can do to assist in including Ballooning in the General Plan?  
Thanks, bob

13-1P

03/27/2007

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 13: BOB BARBARICK, MARCH 27, 2007

*Response 13-1 P:* The commenter would like support for the hot air balloon industry to be included in the General Plan Update as a recreation activity. The County appreciates the comment and directs the commenter to the revised Recreation and Open Space Element, which generally addresses the issue of recreation, but does not specifically enable or preclude hot air ballooning.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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Letter 14

January 10, 2007

Napa County General Plan Steering Committee

(by hand delivery)

Dear Steering Committee Members:

I would oppose any change of land use designation in Angwin and in the County's Industrial areas, other than uses necessary to provide legitimate residential affordable housing.

As to the General Plan:

1. I am particularly concerned about Public Health, Safety & Welfare since 9/11. Even after 9/11, our Board of Supervisors has approved projects in Napa County that were intended flips to Saudi financiers of Hamas and Al Qaeda, and to laundrymen for Al Qaeda and Chinese Intelligence/Triads. Both projects centered on destination resorts, as the promise of hotel tax and glitz drove the Board to blind itself to end users and terrorist finance profiteers. During this same period, the Federal government shut down projects on San Francisco Bay catering to transients and also involving financiers of Al Qaeda, Hamas, and Triads, namely Pier 30 to 32 in San Francisco; Treasure Island, San Francisco; Oakland Estuary, Oakland; Army Island, Oakland (ref: U.S. Senator Diane Feinstein, July 2003). Other problems involving Chinese Intelligence/Triads with schemes at Napa Airport are quietly being remedied by the White House.

14-1P

What the Disney, Gordon Getty, and Bill Newsom can't have in San Francisco as primary promoters of the frustrated foregoing regional scheme, they seek to establish in Napa County. It is up to those who craft our General Plan and those who serve on the Board of Supervisors to protect the permanent residents of this county against the transnationals, and the best way to do so is through a strict and clear General Plan and proper enforcement of codes deriving from same.

Perhaps you can consider further language related to public health, safety, and welfare that prohibits approval of any project in Napa County involving terrorist funds or financiers, in keeping with the U.S. Patriot Act. Any developer should be charged with a responsibility to have investor names reviewed by appropriate Homeland Security officials with CIFUS, the Joint Terrorism Task Force (JTTF), and the Sheriff.

I believe the County is mandated to keep the transnational set's overnights away from our airports (public or private) and Napa River frontage, in the interests of national security.

2. The reason for the General Plan Update is to satisfy state requirements dealing primarily with affordable housing. "Visions" such as those of Triad Communities and the Triad Juliana group in Pope Valley, as well as the Getty-related Napa Pipe project defeat

14-2P

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

-2-

this primary goal, thus no consideration should be given to their luxury home and resort schemes in the revised General Plan. | 14-2P  
cont'd

3. The preamble of the General Plan, recognizing agriculture as the primary industry of Napa County, must be preserved, with only agriculture. There should be no change to the language in this area because tourism is the by-product of 391 agricultural producers (wineries) promoting farm products; resorts are a by-product of tourism, and are best relegated to cities within the county, and certainly not recognized as an industry in the General Plan. In fact, with 17,500 hotel and restaurant workers commuting daily from other counties, transportation ills have been exacerbated by an already out-of-control resort industry that isn't prosperous. | 14-3P

4. We must also preserve language in the General Plan that requires projects to be primarily local serving. The City of Napa is slowly spinning out of control as a destination time share center, approving projects without regard to public safety and welfare, encouraging more low wage jobs, transportation issues, and transient uses. The County has the same problem with two new resorts that are time shares, rather than homes for permanent residents, and that do not return the Transient Occupancy Tax otherwise forecast by developers. | 14-4P

5. The General Plan must continue to include what is commonly know as the "Recreation Codes." These codes are vital to the preservation of farmland; and when otherwise deemed necessary for the benefit of the majority of permanent residents. This section provides specific and clear guidance to the new Parks & Recreation Commission, and mandates that recreational uses be local-serving. | 14-5P

My understanding is that Triad Juliana has a plan to develop an 18-hole golf course on Big Lake in Pope Valley, important cattle grazing land the owners chose to abandon because of intentions in the 1990s to develop homes and private recreational facilities. While 18 permanent residences (not time shares) can be developed on 40 acre plus parcels in the vicinity, it is clear that a golf course on land designated ag-watershed would be inappropriate for just 18 homes; and would violate the General Plan as it now exists for a commercial golf course. A report by PKF and research presented to the County proved there are more than enough golf courses in Napa County to serve local residents for years to come. Even at the height of the summer, with a call a few days in advance, desirable T-off times are available. Aetna Springs can legally restore its golf course as a grandfathered use and has operated as a golf course for decades; however I believe our Recreational Codes must be preserved to prevent the type of scheme envisioned for Big Lake, across the road from Aetna Springs.

6. There are two other proposed developments that, as visions, violate the extant General Plan, one of which requires a Measure J vote (Angwin - Triad Communities), and the other of which threatens very limited industrial land in Napa County. | 14-6P

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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-3-

a. Triad Communities - Angwin. This isn't the time to permit private ownership of airports since for Homeland Security purposes they cannot receive Federal funds and are not secure. The latest plan I have seen shows the airport as part of Triad's buyout of Pacific Union College property. I think every effort should be made in the General Plan to recognize the airport as a future municipal airport.

14-7P

The Triad Communities project, if developed at a reasonable scale, won't generate sufficient property or retail sales taxes to offset the costs to taxpayers of improved roads, fire department, schools, transportation (a bus), law enforcement, and other services required. Homes are by definition "money losers" to counties, and service heavy, which is why the State of California commissioned the Smart Growth study. Smart Growth means infilling within existing city limits where infrastructure, water, waste treatment, utilities, transportation, roads, lighting, fire, law enforcement, <sup>or</sup> ~~are~~ often schools are already available. The objective of Smart Growth is to eliminate tax deficit  ~~sprawl~~ in counties.

By show of hands at a meeting in Angwin last summer, a majority opposed the Triad project. At the same hearing testimony was provided by Napa County Farm Bureau that clearly established the position of all City Councils and the Board of Supervisors -- that they support Measure J. Thus, there should be no General Plan accommodations or changes to benefit this Measure J scheme in the revised General Plan.

Agriculture provides "unburdened" income to the county, lessens needs for fire fighters, schools, and law enforcement, and provides better wages to employees than the commercial activities envisioned by Triad for Angwin. The Triad plan also takes land currently used for ag purposes, or is otherwise important watershed, with significant forests that retain run-off and prevent more serious stream flooding. This is quite different than Triad's prior projects -- Hiddenbrooke, Downtown Vallejo, and the disputed Lagoon Valley project in Solano County.

b. Napa Pipe property (approximately 154 acres of industrial land on Napa River). Don't believe developer Keith Rogal, just because he tosses around Ed Henderson's name as an investor in the project. This is still a Gordon Getty - Bill Newsom - Gavin Newsom project, like Carneros Inn -- only as Carneros employees have said "about six times bigger, taller, and right on the river with lots of different resort concepts to offer, and more restaurants and shopping."

14-8P

Keith Rogal defines "affordable housing," as high end luxury homes and cottages sold to the well heeled in fractional share schemes." The 24 affordable homes on the Carneros Inn property were replaced, without apparent mitigation, by 24 multi-million dollar vacation homes. Only 4 of those homes have ever been occupied, and then only on occasional weekends by the same families, while 4 units are unsold at this writing.

3.0 COMMENTS AND RESPONSES TO COMMENTS

-4-

“There are no permanent residents at Carneros Inn, and there won’t be at Carneros Lodge area either when the 17 cottages are finished this year. These are all fractional share programs, where up to 10 investors, many from San Francisco, buy a share in a vacation home they use for one month each year, except they don’t use them, neither does the hotel.” Of course time shares can’t charge Transient Occupancy Tax when they are already collecting property tax. But these are only a few of the problems. The Carneros Inn property, which is designated rural residential, was approved for a KOA campground, and look what the county got instead, from efforts to toss out financiers of terrorists, as an accommodation.

14-8P  
cont'd

There is no intention by the owners of the Napa Pipe property to provide legitimate affordable housing. If the Board of Supervisors were to downgrade this property to “commercial” (which it has a right to do without a Measure J vote), this project will not help the county with either Public Health, Safety and Welfare needs, low wage job problems, traffic/congestion, or port security, while on its face it violates the existing General Plan that requires any project in the county to be primarily local serving. “Affordable Housing” per their own employees is a “ruse” to get approval, with Ed Henderson lined up to help.

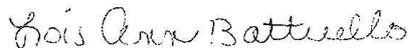
Perhaps we need specific language in the General Plan that prohibits further fractional share ownership, in addition to language that defines a home as a permanent residence.

14-9P

Therefore, other than strict additions for permanent resident affordable housing, there should be no accommodations or changes in the General Plan that tips the scales in Angwin toward Triad, in Pope Valley toward an 18 hole golf course at Big Lake, or the vision of the Getty-Newsom crowd at Napa Pipe. Getty and Newsom can afford to sit on the industrial land for years, or be encouraged to locate a clean-industry buyer of this important port property that is served by rail and barge. The county is in a position to extend special bonds for industrial development that could support the cost of much-needed dredging at the site, while attracting high paying jobs for local residents.

14-10P

Respectfully submitted,



Lois Ann Battuello  
1634 Main St.  
St. Helena  
963-8960; loisbatt@comcast.net

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 14: LOIS ANN BATTUELLO, JANUARY 10, 2007

*Response 14-1 P:* The commenter suggests that additional language is needed relating to public health, safety, and welfare that would prohibit approval of any project in Napa County involving terrorist funds or financiers. The County appreciates the commenter's concerns on this topic, which are addressed to some extent by Policy SAF-35.

*Response 14-2 P:* The commenter states that the primary reason for the General Plan Update is to satisfy state requirements dealing with affordable housing. The commenter concludes by saying that luxury home and resort schemes should be given no consideration in the General Plan. The County appreciates the commenter's concerns on this topic and has not included any policies which would promote luxury homes or resorts. In fact, Action Item Ag/LU-33.1 would require the County to develop an ordinance clarifying the distinction between residences and resorts.

*Response 14-3 P:* The commenter wishes no changes to the preamble to the General Plan. The commenter is referred to the Summary and Vision section of the Revised Draft General Plan Update, which has been substantially revised in response to public comments.

*Response 14-4 P:* The commenter states that there should be no change to the language in the General Plan Update that requires projects to be primarily local serving. The County appreciates the commenter's concerns on this topic. Revisions have been made to the General Plan Update that include policy provisions encouraging land uses that support County needs.

*Response 14-5 P:* The commenter states that the General Plan Update must continue to include what is commonly known as the "Recreation Codes." The commenter believes these codes are vital to the preservation of farmland and when otherwise deemed necessary for the benefit of the majority of permanent residents. County Code currently includes protection measures for agricultural operations in relation to recreation uses. The commenter's comments regarding development proposals in the County are noted.

*Response 14-6 P:* The commenter mentions two development proposals that she believes violate the extant General Plan, one by Triad Communities for Angwin and one that threatens limited industrial land. County staff acknowledges the commenter's concerns for the PUC property and property in the South County area. At the time of publication of the public draft of the proposed General Plan Update, no exact details were known regarding these potential projects. Since that time, several applications have been submitted for these properties, which are under review by County staff. The proposed General Plan Update has been revised and now removes areas currently zoned for agricultural use from the Angwin bubble and designates the Napa Pipe site as a "study area" indicating the need for additional analysis prior to consideration of non-industrial uses. In addition, the establishment of a bubble in Pope Valley is no longer included in the Preferred Plan.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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- Response 14-7 P:* The commenter elaborates on the first development proposal from Triad Communities that would require a Measure J vote and compromise use of the Angwin Airport as a municipal airport. The commenter is referred to Response 14-6 P and Policy Ag/LU-66 which supports the continued operation of the Angwin airport.
- Response 14-8 P:* The commenter expresses concerns regarding the affordable housing component of the development proposal for the Napa Pipe property. The commenter's remarks regarding development proposals in the County are noted. 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 that would allow require further studies prior to consideration of land use changes to the sites.
- Response 14-9 P:* The commenter states that perhaps specific language is needed in the General Plan Update that prohibits further fractional share ownership, in addition to language that defines a home as a permanent residence. The County appreciates the commenter's concerns on this topic. Please see Response 14-2 P, above.
- Response 14-10 P:* The commenter states that there should be no accommodations or changes in the General Plan that tip the scales in Angwin toward Triad, in Pope Valley toward an 18-hole golf course at Big Lake, or the vision of the Getty-Newsom crowd at Napa Pipe. The commenter is referred to Response 14-6 P and 14-8 P. No policies in the Revised Draft General Plan Update would either encourage or preclude the current development proposal being evaluated for Angwin. No change to policies related to rural recreation is proposed that would encourage additional golf courses. And no change would permit non-industrial uses on the Napa Pipe site without additional studies and a future General Plan amendment.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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Letter 15

Page 1 of 4

**Sharp, Jeff**

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**From:** Lois Ann Battuello [mailto:loisbatt@comcast.net]  
**Sent:** Sunday, February 18, 2007 8:29 AM  
**To:** CDP  
**Subject:** Safety -- looking good

Thanks you for the additions to the Safety component! Satisfies my concerns.

----- Original Message -----

**From:** Lois Ann Battuello  
**To:** [cdp@co.napa.ca.us](mailto:cdp@co.napa.ca.us)  
**Sent:** Sunday, February 18, 2007 7:39 AM  
**Subject:** Error, page 68, General Plan Update

Hello Hilary,

There is an error at the bottom of page 68 (last paragraph, last sentence) of the General Plan update, as shown online. |15-1P

In March 2002, the vote of the people in approving an initiative related to boat storage in Berryessa changed the land use designation to Marine Commercial, a new category of land use. It did not change the use to RR (rural residential). Please review the ballot measure and make appropriate changes from RR to Marine Commercial. |15-2P

With respect to Napa Pipe location, please remove the language that mentions the land was sold in December 2005 and the new owner wishes to change the use to residential with affordable housing. This is a Planning Department matter, and isn't appropriate for the General Plan, unless the Planning Department is working for the Getty - Disney - Prince Alwaleed crowd, in which case, this won't last long. The "Wall Street Journal" recently exposed Disney's schemes for California (and other areas) - February 8, 2007, front page. |15-3P

Any related developments in Napa County fly in the face of Measure J, whether it be Triad Communities, Napa Pipe, or |15-4P  
02/20/2007

the illegal Carneros Inn project, converted without notification to "fractionals" (and circumventing TOT in the process at the "Lodge" which was used to illustrate improved tax returns to the County to justify the Carneros Lodge project). Disney has a long history of being rejected in the State of California for the same schemes envisioned for San Francisco and Napa County – below is an article about their 1995 attempt to develop Newport Coast, which failed (the land owner continued with some development, however without Disney and their concepts).

15-4P  
cont'd

Gavin Newsom recently stated he is dusting off plans for Pier 30 - 32 for cruise ships (February 6, "San Francisco Chronicle"), while Disney is just waiting to sign contacts to build more cruise ships ("Wall Street Journal," Feb. 8) ... Doesn't take a rocket scientist to put two and two together, while developer Keith Rogal keeps himself busy with one of their visions for the Presidio and the Napa Pipe location.

Furthermore, I don't believe any maps should be included in the discussion of Angwin. The bubble map (first shown) is particularly deceptive, since it fails to recognize that much of the "bubble" is ag-watershed, and treats the bubble as some type of given for future development ... which it isn't. I believe that was made clear by long-term supervisor Mel Varrelman in his letter to the Steering Committee.

15-5P

Thank you.

Lois Ann Battuello

Los Angeles Times

February 23, 1995, Thursday, Orange County Edition

**DISNEY UNVEILS NEWPORT RESORT PLANS;  
DEVELOPMENT: TIME-SHARE PROJECT WOULD FEATURE 650  
CONDOS IN AN ITALIAN-STYLE MEDITERRANEAN VILLAGE  
THEME.**

15-6P

**BYLINE:** By CHRIS WOODYARD, TIMES STAFF WRITER

**SECTION:** Business; Part D; Page 7; Column 2; Financial Desk

**LENGTH:** 743 words

**DATELINE:** NEWPORT BEACH

A \$250-million time-share resort that Walt Disney Co. wants to build along the Newport Coast would offer sweeping ocean vistas, gondola rides along quiet man-made canals and overnight camping for kids, according to plans released Wednesday.

The 76-acre hillside resort would be designed as an Italian-style Mediterranean village of 650 condominiums where visitors could dine at either of two restaurants, hang out at several tennis courts, volleyball nets, poolside or at a golf course.

The main entrance will feature a six-story "main estate" building flanked by twin 109-foot towers. Designed by Italian architect Aldo Rossi, the earth-tone buildings will have tile roofs and a fake Roman aqueduct that spills into the swimming pool.

"The resort looks like it has been built over time," said Douglas M. Moreland, who is Disney's project director.

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### 3.0 COMMENTS AND RESPONSES TO COMMENTS

Set to open as early as 1997, **Disney's** Newport Coast Resort will employ about 700 people and offer restaurants, banquet halls and shopping that will be open to the public, as well as owners of the studio, one- and two-bedroom time-share units.

The project is already gaining support among local officials. Supervisor Marian Bergeson, whose district includes the Newport Coast, called **Disney's** plans "a first-class project" that is "impressive in scope and beautiful."

"I kind of had a preconceived notion on time shares, and I was very, very much impressed that this departs considerably," Bergeson said. "They have not always been that successful."

\*

Irvine Co. Vice President Carol Hoffman, whose company sold the land to **Disney** and is coordinating the master plan for Newport Coast, said the project will complement the planned mix of homes and brushland in the area.

"We are delighted to be partners with a company that maintains high standards of development. The resort is another important part of the overall planned community that is the Newport Coast," she said.

15-6P  
cont'd

But first the project, which would have to be approved by the Orange County Planning Commission, must pass regulatory muster. An environmental impact report was filed with the state Friday, which began a 45-day period in which the public or interested groups can offer comments. Copies of the environmental plan are available in public libraries or from the county, Moreland said.

The project's habitat management plan also must be approved by the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

**Disney's** Newport Coast Resort is the fifth in the company's fledgling time-share empire, and its first in California. The **Disney** Vacation Club already has 12,000 members who have paid from \$13,000 to \$25,000 to spend a week at a **Disney** time-share resort once each year for the next 50 years, according to a **Disney** time-share spokeswoman. The price range reflects different types of accommodations and the time of year selected. Prices for the Newport Coast resort have not yet been set.

**Disney** touts its program as offering more flexibility because guests don't have to book their vacations during the same week every year.

**Disney's** entry into the time-share business is being closely watched within the industry, which in the past has been dogged by bad press because of shady operators. The company started its first time-share venture, **Disney** Vacation Club resort in Orlando, Fla., three years ago and is now building two additional resorts in Vero Beach, Fla., and one in Hilton Head Island, S.C.

As such, the resort is being designed so that **Disney's** guests would not have to venture outside its gate to stay entertained. It will have four tennis courts, an "activity lawn" featuring sports like volleyball or croquet and Venetian gondolas that guests would row themselves.

Children would be able to visit a crafts barn for pottery or cooking classes, and overnight camping.

"There are lots of activities on-site, and we will also have off-site activities like day trips to Temecula wineries," Moreland said. And, of course, there will be many daily shuttles to Disneyland.

The resort is directly above the Pelican Hill Golf Course, with the main entrance at Pelican Hill Road and Newport Coast Drive in the environmentally sensitive hills south of Newport Beach.

02/20/2007

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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Page 4 of 4

The project will be terraced with a 200-foot elevation difference from the top to the bottom level, yet will be wheelchair accessible through an elaborate series of ramps. Most of the rooms will have ocean views.

----- While not approved for fractionals, the Getty - Newsom crowd is developing Carneros Lodge(now known as Carneros Inn) as a fractional scheme and have in fact sold some of the homes near the Boon Fly Cafe as fractionals.

15-6P  
cont'd

<http://www.carigberry.com/Blog.php> (Carl G. Berry, December 25, 2006).

Last week I spent a delightful few hours in the Napa wine country at Carneros Inn and their Orchards at Carneros Inn a 17-unit luxury fractional project a-building and ready for delivery this summer. Project exec. Phil Carville is an old pal from the Squaw Valley timesharing days. He has engineered an excellent development to complete the master plan of this mixed-use property: luxury hotel, terrific spa, three restaurants, etc. The hotel and fractions are managed by Plump Jack, who has a winery in the Napa Valley, restaurant in San Francisco and hotel in Squaw Valley -- no connection to Phil's earlier deal there.

Reed Anderson, late of Hemingways in Ketchum Idaho, is project sales manager. He's a talent. His spouse, Ann, is equally excellent in the hospitality set up side of the business. She's just finished a stint at the Rancho Santa Fe project.

02/20/2007

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 15: LOIS ANN BATTUELLO, FEBRUARY 18, 2007

*Response 15-1 P:* The commenter states that there is an error at the bottom of page 61 of the public draft of the proposed General Plan Update (page 68 as shown online). The commenter does not state what the error is on that page noted. The commenter is referred to the revisions made to the General Plan Update.

*Response 15-2 P:* The commenter states that on page 59 of the public draft of the proposed General Plan Update, the designation is Marine Commercial for boat storage in Berryessa and not Rural Residential. The County appreciates the information provided by the commenter. Marine Commercial is a zoning designation, while Rural Residential is a general plan land use designation.

*Response 15-3 P:* The commenter states that in reference to the Napa Pipe location, language should be removed that mentions the land was sold in December 2005 and the new owner wishes to change the use to residential with affordable housing. The commenter is referred to Response 14-8 P.

*Response 15-4 P:* The commenter states that related developments in Napa County fly in the face of Measure J. The commenter is referred to Response 14-6 P and 14-8 P.

*Response 15-5 P:* The commenter states that she doesn't believe any maps should be included in the discussion of Angwin. The commenter is referred to Response 14-6 P.

*Response 15-6 P:* The commenter attached an article that describes Disney's plans for a Newport Resort. The County appreciates the information provided by the commenter.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter 16

Request to Extend Comment Period

From: "Lois Ann Battuello" <loisbatt@comcast.net>
Subject: Request to Extend Comment Period
Date: Sun, March 4, 2007 10:40 pm
To: plowe@napacountygeneralplan.com

Dear Patrick,

I request the General Plan Comment period be extended from 60 to 120 days. 16-1P

I object to any re-zoning in Angwin to accommodate the Eco Village. 16-2P

I object to any re-zoning of the industrial Napa Pipe location, or inclusion of the site within the City of Napa. 16-3P

I support a patching up of the Memorandum of Understanding between the City of Napa and the County. 16-4P

It is quite difficult to determine which version of the General Plan to support, in view of the above, given the complexities of plans B and C, without more time to comment. 16-5E

Attached for your consideration is the rationale for my objections to rezoning to accommodate the two projects. Both defeat the County's main objectives for updating the General Plan: To mitigate traffic/congestion and to accommodate resident housing needs. 16-6P

Thank you for your time and consideration.

Sincerely,

Lois Battuello
1634 Main Street
St. Helena, CA 94574

Attachments:

Table with 2 columns: Name, Size, Type. Row 1: untitled-1.2, 2.5 k, text/html

Table with 2 columns: Name, Size, Type. Row 1: NapaDisney3-5-2007.wps, 94 k, application/octet-stream

http://www.napacountygeneralplan.com:2095/3rdparty/squir...\_ent\_id=0&mailbox=INBOX&passed\_id=17&view\_unsafe\_images=4/19/2007 2:44:58 PM

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 16: LOIS ANN BATTUELLO, MARCH 4, 2007

*Response 16-1 P:* The commenter requests an extension of the comment period from 60 days to 120 days. See Response 10-1 E/P for a discussion of public review.

*Response 16-2 P:* The commenter states that they object to any re-zoning in Angwin to accommodate the Eco Village. County acknowledges the commenter's position regarding the PUC property in Angwin. No rezoning is proposed.

*Response 16-3 P:* The commenter objects to any re-zoning of the industrial Napa Pipe location or inclusion of the site within the City of Napa. County staff acknowledges the commenter's objections to re-zoning of the Napa Pipe property. Please see earlier responses regarding designation of the Napa Pipe site as a "study area."

*Response 16-4 P:* The commenter supports the patching up of the Memorandum of Understanding between the City of Napa and the County. County staff appreciates the commenter's concern.

*Response 16-5 P:* The commenter states that it is difficult to determine which version of the proposed General Plan Update to support without more time to comment. See Response 10-1 E/P for a discussion of the public review comment period.

*Response 16-6 P:* The commenter states that she has attached a document to her letter that provides rationale for her objections to accommodating the above-referenced projects. These comments will be responded to in Letter 17 (attached document to this letter). County staff appreciates the information provided by the commenter.

Letter 17

MARCH 28, 2007

To: Members of the Steering Committee

Re: Draft EIR

I again call your attention to my January 10, 2007 letter. In that letter I revealed the intention of the owners of Napa Pipe to develop a series of themed resorts, restaurants, fractional vacation homes, and WWII historic recreations, as confirmed by several PlumpJack employees (Carneros Inn) in December and January. When I spoke to Hillary Monday, she seemed to have forgotten this. Thus, for today's revelation, I've made a blow-up for Hillary.

The "Wall Street Journal" interviewed Jay Rasulo, head of Walt Disney Corp's Resorts and Theme Parks Division in early February, and he confirmed Disney's vision, development of decentralized destination vacation homes interspersed with historic recreations, "how things work," and "how things are made" immersion projects for the kiddies, into which an Eco Village with a European tram ride would fit nicely. "While the parents are off tasting wine, the kiddies will see how gelato is made." Disney's plans are neither "new" nor are they "top secret" as depicted in the article.

17-1E

Mr. Rasulo stopped short, however, of revealing the targeted communities in California, because Napa is undergoing a general plan update and EIR process, while Gavin Newsom is trying to resurrect Pier 30-32 for Disney cruise ships, and Treasure Island. Of course many of us have known for years that Napa County is one of those targets, and I have been out there at Board of Supervisors hearings since 2001 with this "stop the rat" sign. You are welcome to have these if you wish, as a reminder not to make any Mickey Mouse decisions.

I was honored by a call from Dick Osborn March 15, who shares my interest in seeing PUC-Angwin's airport become a municipal airport so that it can be secured with Federal funds. He assured me the PUC agreement with Triad Communities does not include the airport at this time. It was welcome news. President Osborn asked me if I am familiar with Sunriver, Oregon. It is a destination vacation home/resort project with a minority of homeowners and a maximum number of tourists year-around.

President Osborn told me he worked with a five star resort hotelier, but he knew that such a large single-building project would be rejected. Couched as "workforce housing," the community would likely accept the project, only to be stunned by the final project, developed to exclude the workforce.

Unfortunately for those in the EIR planning process who have drifted so far away from the will of the voters of Napa County, the EIR is corrupt, and the process itself has been corrupted. Hillary said Monday evening that "most people favor Alternative C" which might as well be described as "The Disney Plan." Why is this corrupt? Because the

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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purpose of this update is to provide workforce housing, not tourists digs in disguise; and because residents of this county have resoundingly rejected all prior schemes for resort-luxury home-vacation homes, by votes against from 67% (Aetna Springs when the Moonies controlled the project) to 84% (Suscol Ridge in 1996). So why are we being presented with plans such as Alternative B, C, and E, all of which favor Disney? And being told that Alternative D is "extreme" because it favors conservation and preservation of watershed, open space, and agricultural lands?

17-1E  
cont'd

The goal is for workforce housing, but that isn't what we would get from Napa Pipe's developers at Carneros Inn in 2002. Instead we got fractionals for vacationers which are the scourge of law enforcement. Richard Clark, former head of Counter-Terrorism described these schemes common to Orlando, FL, often developed by Saudis, in his recently released "BreakPoint" as favored digs for cyber terrorist and terrorists planners because they come and go, and don't have to register. No one knows who they are, and their presence and visits cannot be traced. By the way, the book was released AFTER my January 10 letter, however as one of the country's top counter-terrorism analysts, with cases being handled by the White House, the Joint Terrorism Task Force, and the Eastern District of New York's federal team, I am more than familiar with methods used by 9/11 terrorists to hide their movements and identities.

Dollars for Disney are dollars for terrorist financiers, since Saudi financiers of terror hold sizeable investments in both Walt Disney Corp and EuroDisney. The most visible is Prince Alwaleed who supports Hamas. Please see the attached.

Instead of watching some of you possibly do the "perp walk" related to Federal investigations, I trust that you will preserve the reputation of Napa County by terminating the conflicted Pacific Municipal Consultants, and throwing out the pro-development schemes that voters would never support in this county since the true intentions are now quite public. The final EIR and General Plan should leave no trace of accommodations, nor means of facilitation for these schemes.

I was threatened and harassed by a representative of Triad Communities on January 29, 2007. For the record, I am a close relative of a United States Attorney and such threats are a Federal offense should I elect to report them.

17-2P

Respectfully submitted,

*Lois Ann Battuello*

Lois Ann Battuello  
1634 Main Street, St. Helena  
963-8960

Don't Rezone for Theme Parks in Napa County

See "Wall Street Journal," February 8, 2007, page B1 "The Magic Kingdom Looks to Hit the Road." Then look at historic venues, recent projects, and plans in Napa County.

A funky 1930's "Town of Carneros," where the kids can pick apples from an orchard and explore a faux post office; a contemporary "Eco-Village;" an historic recreation at Napa Pipe hailing shipbuilding and WWII industry; a recently declined "water slide destination park" by the City of Calistoga; a helicopter operator who, despite being declined rights to land anywhere he pleases in Napa County at tourist venues, has threatened "I'm still adding another half dozen helicopters (1);" San Francisco Mayor Gavin Newsom (a co-owner of Carneros Inn/Lodge, Napa Pipe, PlumpJack Winery and the developing Cade Winery that would view the "Eco-Village," now dusting off plans for Pier 30 - 32 to attract cruise ships, while the same week Walt Disney Corp's Rasulo told the "Wall Street Journal" Disney is close to signing an agreement to have more cruise ships built. In the same Feb. 8, 2007 Wall Street Journal article: a "Pirates of the Caribbean" venue developed some years ago for Treasure Island, direct references to visions of destination water-slide theme parks, and throughout references to the sale of fractional shares for destination vacationers which are also peddled at Carneros Inn. In the same article: "While the parents are tasting wine, the kids will see how gelato is made" (for a Tuscan tour, and likely also a "California Adventure" in Napa County).

17-3P

What Disney's planners need to overcome may be coming their way in San Francisco -- a way to handle millions of destination tourists each year without further congesting bridge traffic in the City. Disney and the Getty - Newsom crowd have the solution. Bring them by plane and cruise ship, and service them by ferries to various destinations, linked by the Wine Train in Napa County-- hop aboard at the Vallejo ferry stop, or Napa Pipe; or begin at a heliport and airstrip on Treasure Island -- a heliport and airstrip particularly suited to antique planes -- destinations Napa and Angwin. In other words, congest Napa County instead with rental cars, and frustrate its residential housing plans.

Note the KKR Round Pond development - a beautifully re-created Spanish hacienda with mature olive grove on Highway 128. Think of the plans presented to Napa County in 2002 for a Sulphur Springs Road estate: To develop an 1850's barn, with forge, blacksmith shop, and demonstrations of how vineyards were cultivated by draft horse and hand plough -- and an 1850's gin still. "We won't charge admission at the site, it will be collected in Napa, then the kids get off the train and are shuttled here for living history." Look at the Bale Mill, with the Disney-advised period costumes, revisionist history, and milling operations. We've had Wine Train issues to deal with since the 1980s, while the Eco Village plan for Angwin would further defeat our goals.

(1) From the January 30, 2007 handout PUC-Angwin Eco-Village at a Glance: "Airport: Protections for airport requiring waiver & release of rights of new homeowners to challenge or interrupt airport operations in any manner." Homeowners next to the airport may find disturbances by helicopter activities from which they have no relief.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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-2-

In 2002, Newsom had a star placed over the "Town of Carneros" site he owns as a future athlete's village for Olympics 2012. Thankfully, that plan was scrubbed by the U.S. Olympic Committee, while likely unaware of the latent scandal.

The owners of Napa Pipe and Carneros Inn don't develop according to their plans -- they do as they wish. They displaced approximately 75 residents and their 24 homes from the Carneros area, and have instead offered destination vacation homes. Keith Rogal revealed this scheme for Napa Pipe -- to serve other than residents of this county -- in the "Napa Valley Register" on March 4, 2007 (page A5) when he stated "To kill his project is to say 'your kids aren't welcome here, your workers aren't welcome here.'" Perhaps for the first time, Keith Rogal was being honest. The project isn't intended for Napans.

Caneros Lodge was never approved for "fractional ownership," and in fact far overstated the TOT (hotel tax) revenues anticipated for the county in October 2002 hearings. Rogal, Getty and Newsom decided to sell off cottages, thus no TOT is generated from 17 cottages in development. They have no more interest in developing housing for local residents at Napa Pipe than they had from the outset at Carneros Inn, let alone paying mitigation fees for removal of same from the Carneros location.

Below is a recent article that proves what Rogal says isn't what you will get at Napa Pipe either.

Carl G. Berry, a pioneer in the shared vacation ownership industry, on Christmas Day, 2006, wrote the following:

<http://www.carlgberry.com/Blog.php>

Last week I spent a delightful few hours in the Napa wine country at Carneros Inn and their Orchards at Carneros Inn a 17-unit luxury fractional project a-building and ready for delivery this summer. Project exec. Phil Carville is an old pal from the Squaw Valley timesharing days. He has engineered an excellent development to complete the master plan of this mixed-use property: luxury hotel, terrific spa, three restaurants, etc. The hotel and fractions are managed by Plump Jack, who has a winery in the Napa Valley, restaurant in San Francisco and hotel in Squaw Valley -- no connection to Phil's earlier deal there.

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Phil Carville didn't come to Napa Valley to market 17 cottages and a handful of luxury homes as fractionals at Carneros Inn. He is here to market the thousands of vacation homes Getty - Newsom - Rogal have planned for the Napa Pipe location.

The presenters of the Eco Village and Napa Pipe projects are hostile toward residents.

17-3P  
cont'd

-3-

The Eco Village contemplates 591 homes, with only a small fraction intended for residents or current and future PUC and St. Helena Hospital employees (the same fraction already approved for construction). The Carneros Inn project is 41 vacation homes and 86 hotel cottages on less than 25 acres. The Napa Pipe plan is 3,200 vacation residences, and an unspecified number of hotel rooms, on 152 acres. Think of the density -- ala Disney in Orlando. <http://www.wdwinfo.com/disney%2Dvacation%2Dclub>.

Here is what Walt Disney Corp has been up to in Anaheim, that also expresses the sentiments of the Newsom - Getty - Rogal - Napa Pipe crowd. Think of what this attitude would create for the county if proximate areas were considered for affordable housing, say opposite the Kaiser Road entrance to the Napa Pipe location.

<http://www1.pressdemocrat.com/apps/pbcs.dll/article?AID=/20070228/NEWS/702280371&SearchID=73273935365350>

17-3P  
cont'd

**ANAHEIM -- Disney sues city on affordable homes**

The Walt Disney Co. sued the city of Anaheim this week over a residential project that would add low-cost housing in the city's resort district.

The entertainment company has long opposed the proposal to build 1,500 condominiums and apartments, including 225 units for lower income residents, near Disney's amusement parks. Disney says residents would be out of place in a district designed for tourists.

Here is Gavin Newsom's recent position on pornography:

<http://www1.pressdemocrat.com/apps/pbcs.dll/search?crit=Anaheim>

*Published on March 2, 2007*

SAN FRANCISCO - Conservative pundits clucked their tongues after San Francisco Mayor Gavin Newsom and two other elected officials issued official proclamations commemorating the 40th anniversary of a studio that produces pornography for gays ...

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Once the Queen Mary 2 proved February 4, 2007, that large cruise ships could navigate under the Golden Gate and Bay Bridge, here is Gavin's comment:

<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/02/05/BAGOONV8865.DTL&hw=Gavin+Newsom&sn=024&sc=162>

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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-4-

Newsom praised the ship to the skies. Queen Mary 2, he said, was "extraordinary," a word he used eight times to describe the ship, its officers, its crew, and its accommodations.

<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/02/06/BUG1LNV7TA18.DTL&hw=Pier+30+32&sn=001&sc=1000>

We had a proposal in place to build at Piers 30 and 32, but we had a setback with the developer," Newsom said ...

"The facilities we have now are not world class," Newsom said. "We remain committed."

Gavin Newsom has been around deal-making meetings with Walt Disney Corp executives since 1995, the same year he made his first foray into Napa County -- his PlumpJack themed winery in Oakville. He first announced his intentions for a Napa resort in 1997. Eight years later the Carneros Inn opened.

<http://sanfrancisco.bizjournals.com/sanfrancisco/stories/1997/02/24/story6.html?t=printable>

"Newsom's other ventures include a proposed Napa County resort, a South of Market loft project and restaurants planned for Los Angeles and London."

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During the course of hearings on Carneros Lodge in October 2002, an intended flip to Saudi controlled resorts (Four Seasons and Rosewood Hotels & Resorts) was frustrated.

And here is the Getty - Newsom - Disney gadfly friend of decades, Prince Alwaleed, a key financier of Hamas, pushing along Disney in Bahrain. Apparently Disney isn't in charge of its own destiny, with a terrorist financier having his way with the company.

#### **BBC NEWS**

Disney park 'to open in Bahrain' A Saudi Arabian billionaire is in talks to open a Disney theme park in Bahrain, according to a report.

Prince Alwaleed bin Talal is discussing the proposed \$8bn (£4.1bn) scheme with potential investors, the local al-Waqt newspaper says.

Oil prices - which trebled in the five years to July 2006 - have brought massive wealth to the region.

Kuwait Finance House, the region's second largest Islamic bank, is among those in talks,

17-3P  
cont'd

-5-

the paper said. However the bank declined to comment and the Prince was unavailable.

**'Family Entertainment'**

It would not be the Prince's first foray into the world of Mickey Mouse and Goofy. He indirectly owns 10% of Euro Disney - which operates Disneyland Paris and also struck a deal late last year to distribute Disney merchandise across the Middle East and Africa.

According to the report, a study has identified the need for a "project for family entertainment".

Disney currently has 11 theme parks including in Paris and Hong Kong, and has set its sights on Shanghai where China's economic boom has created disposable income among the middle classes.

Story from BBC NEWS:

<http://news.bbc.co.uk/go/pr/fr/-/2/hi/business/6335887.stm>

Published: 2007/02/06 15:36:38 GMT

Link to Alwaleed as financier of Hamas:

Alwaleed has financial ties to US media, to the Bush Administration, and to alleged Hamas terrorists. The documentary just uncovers some of the hidden story ...

[www.amazon.com/Expos6-Saudi-Arabian-Prince-Billionaire/dp/B000CEPPY0](http://www.amazon.com/Expos6-Saudi-Arabian-Prince-Billionaire/dp/B000CEPPY0) - 102k - [Cached](#)

On February 6, 2007, "The Wall Street Journal" noted that Walt Disney Corp's plans in Shanghai have been "put on hold" as China's President Hu recently arrested his governor of Shanghai on charges of corrupt practice and "illegal dealings" with foreign corporations.

EIR consultants PMC (Pacific Municipal Consultants) may be less than independent in drafting Napa County's Environmental Impact Report, and not qualified for their contract work with the County. A number of news articles raise questions about independence. Located in Rancho Cordova, PMC's founder, Phil Carter, was instrumental in advising city formation for rural residential areas of Sacramento County, including Elk Grove and Rancho Cordova. Thousands of acres of ranch land and open space had been owned for decades by Silicon Valley developers. The new City of Rancho Cordova immediately approved plans for commercial and residential development within its limits, substantially enriching these land barons. The barons were co-defendants with Triad Communities (Eco Village at Angwin) in Solano County, but were dismissed by a judge with a pro-development bias. Triad Communities is the developer for PUC that will benefit from conversion of college properties, though their name is omitted from the EIR. Elk Grove was completely developed within 5 years of its incorporation.

The above is "top secret," just like Disney's plans at this writing.

17-3P  
cont'd

17-4E

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 17: LOIS ANN BATTUELLO, MARCH 28, 2007

*Response 17-1 E:* The commenter states that the EIR is corrupt and the process has been corrupted. The commenter states that it is corrupt because the purpose of the proposed General Plan Update is to provide workforce housing, not tourist digs in disguise. It is unclear if the commenter is speaking to the adequacy of the EIR or takes issue with the content of the public draft of the proposed General Plan Update. The purpose of a General Plan EIR is to analyze the environmental impacts of implementing a full range of General Plan alternatives. See Alternatives Master Response 3.4.2 for a discussion on the adequacy of alternatives analyzed in the Draft EIR. See Action Item Ag/LU-33.1 for the County's commitment to clarify the distinction between residences and resorts in future revisions to the zoning ordinance.

*Response 17-2 P:* The commenter states that she was harassed by a representative of Triad Communities on January 29, 2007. County staff encourages the commenter to contact appropriate law enforcement agencies with her concerns.

*Response 17-3 P:* The commenter provides an article to support her position that there should be no rezoning for theme parks in Napa County. County staff appreciates the information provided by the commenter.

*Response 17-4 E:* The commenter states that PMC (Pacific Municipal Consultants) may be less than independent in drafting Napa County's Environmental Impact Report and not qualified for their contract work with the County. The commenter provides no evidence as to why PMC is not qualified and/or why the Draft EIR for the proposed General Plan Update is inadequate. It is also unclear how the stated examples of the incorporation of the City of Elk Grove and the City of Rancho Cordova (two new cities located in a metropolitan area) relate to a General Plan Update for Napa County. It is important to note that PMC contracts directly with Napa County and that all reports produced for the County are reviewed and approved by County staff. As such, the documents represent the independent judgment of the County.

3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter 18

April 4, 2007

To: Members of the Steering Committee

Re: Draft EIR/GP language - "Irrationality of Project Inclusions" (Alt. B, C & E)

Dear Steering Committee Members,

Attached is a chart that is almost self-explanatory. One day (1) vineyard development will end, though at this time growth is forecast at 10,000 - 12,500 acres by 2030. (2) As vineyards continue to develop, demand for industrial space will continue to grow until just short of maturation and finalization of planting (assuming density has also intensified), then some demand for industrial space from the wine industry will fall off, while other needs for industrial land would continue.

18-1P

The Keyster Marston Exhibit in the EIR (Section 3.0) finds (3) that the more than 1,000 acres of industrial land, including marginal land, will run out before 2030 (A), and if 230 acres of land zoned Industrial for Boca/Pacific and Napa Pipe are removed from that inventory for other purposes, the county will have zero industrial land long before 2030, and possibly by 2020 (B).

18-2E/P

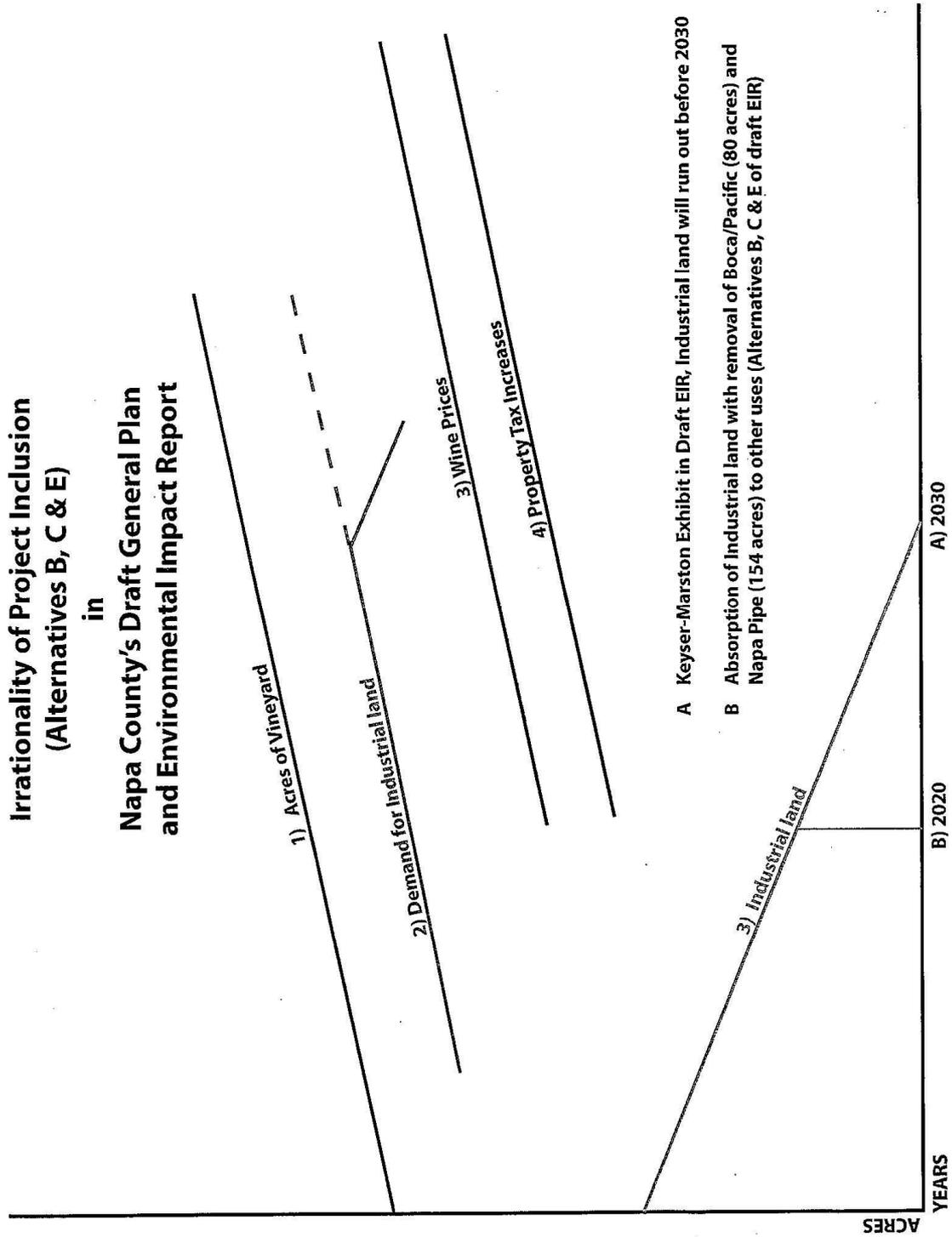
When the county still has a growth industry requiring the use of industrial land, it doesn't make sense to re-classify scarce industrial land to "transition" or for any other use.

Napa remains California's and the country's premier premium wine producing county. The ability of wineries over time to receive increasing prices (3 s/b 4), with growers also able to move up the scale, portends a healthy future from picker to producer. In economic considerations, it would be nice to see the General Plan address the ability of the county to enjoy significant property taxes from the turnover of wine country properties and wineries (4 s/b 5), all of which net increased revenues to the county. Many of the wineries "cross the line" regarding depreciation benefit, and sell at tremendously increased prices, creating higher tax bases for the county, while retaining the rural nature of the properties. As land is more scarce, values increase significantly, following a fundamental of basic economics, that shortages result in price increases.

Progress doesn't mean "build it all out," it merely means find alternatives to workforce housing/traffic, which can hopefully be achieved through Memorandums of Understanding with our cities. Billed as "progress with new jobs" Walt Disney Corp's resort/theme park mentality has turned vibrant farm districts of Orange and Ocoola County, FL into failing counties, overburdened by social services, schools, and attendant problems for low-wage earners. See Professor Rick Fogelson's analysis in the July 2001 release "Married to the Mouse" as an example of what happens when tourism takes over. Napa should not be treated as "Third World." It's tourism that failed -- eco Copia in Napa -- not farming. The county has its own boondoggle - Carneros Inn, reduced TOT.

*Lois Ann Battuello*

*1634 Main St. St Helena*



### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 18: LOIS ANN BATTUELLO, APRIL 4, 2007

*Response 18-1 P:* The commenter has attached a chart addressing the forecast for vineyard development. The County appreciates the information provided by the commenter. The commenter is referred to vineyard and winery development projections in the Draft EIR (see Draft EIR Sections 4.0 and 4.11 and Appendix B).

*Response 18-2 E/P:* The commenter states that when the County still has a growth industry requiring the use of industrial land, it doesn't make sense to re-classify scarce industrial land to "transitional" or for any other use. County staff has reviewed the proposed "transitional" land use designation and based on suggestion made by several commenters has changed that designation to "study area" indicating that further studies will be required prior to considerations of alternative land uses on the sites. Please see Appendix B in the Draft EIR for further analysis regarding the need for industrial land in the County.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

Letter 19

Page 1 of 2

**Lois Ann Battuello**

**From:** "Lois Ann Battuello" <loisbatt@comcast.net>  
**To:** <loisbatt@comcast.net>  
**Sent:** Tuesday, May 15, 2007 5:29 PM  
**Subject:** a guide to Bill & Vanessa

Re: Aetna Preserve LLC - Aetna Springs re-development

Hi Howard,

I know this might seem a bit strange, but I am hoping that you or someone you might designate can provide helpful guidance to Bill Getty who owns Aetna Preserve LLC and is re-developing the Aetna Springs property.

I do not know Bill or Vanessa Getty, however for years I corresponded with Henry Zapruder, an attorney in Washington, D.C., offering information to guide Bill through technicalities that relate to land use in Napa County.

Very sadly, Henry passed away, and since that time I have had no way to reach Bill and continue to offer guidance so that he is not compromised in any way vis a vis the county's land use laws. I don't want anyone to ever be able to approach Bill or Vanessa and say "got ya" over breaches in the county's codes and policies, and from what I observed of the development of Calistoga Ranch on Lommel Road, Robert Radavan does not appear to be familiar with the county's codes. Through a very loose interpretation of "Recreational Vehicle," as was the case with Carneros Inn, fixed units on permanent foundations were installed, and what was a public recreational vehicle park generating hotel tax for the county became a private luxury home development. I realize that the increased property tax exceeds the meager contributions of hotel tax, however this change of use more than arguably could have been taken to the voters under Measure J.

With specific reference to the project:

1. When the Moonies (New Education Foundation) owned Aetna Springs, they provided a number of units (cottages) for workforce housing. If I am not mistaken, those same units are occupied by farm workers today -- perhaps 4 - 5 cottages? Or are otherwise occupied by people who work in the county and who have meager means. I understand from an employee of the Aetna Springs project there will be no workforce housing at the site when completed. 19-1P
2. If the above is correct, would you suggest to Bill that he pay into Napa County Housing Authority (which is to assume the responsibilities of Napa Valley Housing) an appropriate sum for the development of workforce housing off premises to provide equal square footage in new housing for the displaced workers? New developments have been required to pay into affordable housing funds as mitigations, and the same standard should be applied to re-development projects, particularly one that would displace farm workers and remove affordable housing.
3. It is not clear that Carneros Lodge, for example, ever paid any mitigation fees to the county, as otherwise discussed at Board of Supervisors meetings in 2002, for the displacement of 24 units of affordable housing at the Carneros Inn (16.6 acres) where luxury homes being sold as fractionals (not approved to my knowledge by the County) are currently being sold. 19-2P
4. I assume that Bill understands that a 95-room hotel (see attached Dingman Company solicitation) cannot be developed on the property without a Measure J vote, and that this has been removed from the current project; that the number of employees listed by Dingman as more than 200 will likely be half that amount? 19-3P
5. Is the county going to require set-backs from the creek for the replacement cottages? If that is the case, should there be hearings before the Planning Commission related to this development? My understanding is that buildings are to be re-developed within existing footprints, yet that accommodations have already been made to permit the removal of the clubhouse, with relocation to another site on the property or on an adjoining parcel. My experience has been that public hearings to air changes such as this work to the benefit of project owners, helping them avoid pitfalls. I am sure the rule of maintaining the same number of square feet of covered space 19-4P

5/15/2007

3.0 COMMENTS AND RESPONSES TO COMMENTS

will be followed. Recall that a request by a property owner in Oakville to develop outside the footprint of existing structures was rejected a couple of years ago by the voters. 19-4P cont'd

6. I would hope that should Bill decide to sell adjoining parcels of land for home development, it is clearly understood that water and septic must be available on each parcel, as all are zoned ag-watershed. An exception was accorded Carneros Lodge - Carneros Inn because the parcels were designated commercial and rural residential, not ag, watershed, or open space. Thus, the ability to develop each of some 18 parcels in the Aetna project must be contingent on the availability of water and ability to perk on each of the 18 parcels. 19-5P

7. Furthermore, I hope it is understood that the larger parcels of more than 100 acres each likely cannot be subdivided. Is this area not restricted to minimum parcel sizes of 160 acres? I hope that Bill is advised of the appropriate minimum parcel size for splits at this time -- whether it is 40 acres or 160 acres in his neighborhood. One of the hardest things for people to understand, when they obviously own a number of parcels of 20 acres or less, why they cannot divide the larger parcels in a similar manner. Simply put, our land use initiative is so unique that not even many land use attorneys in the state understand these measures that have safeguarded the county since 1990. 19-6P

I am concerned that there are people in this county who wouldn't hesitate to literally attempt to extort Bill (the wealthy are often targeted for that reason) if one "i" goes without a dot, or one "t" goes without a cross. I offer the above, again, in the spirit of friendship!

As to a Napa City project, Starwood Westin Verasa Napa, I was delighted when Fortress Investment Group came forward to buy Intrawest, the project's land owner. Intrawest has Saudi investors and also owns Mammoth, and Whistler's ski resorts. Whistler's, near Vancouver, WA, is the site of the 2010 Olympic Winter Games and must be as secure as possible. Fortress can offer that type of security, in design, development, and athlete village integrity and security. 19-7P

Howard, thank you for your time and consideration. If you need to reach me, above is my e-mail. My phone is 963-8960.

Sincerely, (see notes on enclosed) 19-8P

*Jois*

In Jan., Alwaleed finalized an agreement with Disney to become exclusive licensee and distributor of Disney products/services in the Near East/Middle East/Africa. See my 3/28 letter to Steering Committee attachment - BBC News. Last week the U.S. was outraged over a Palestinian children's program where a poor substitute for Mickey Mouse appeared with a 10 yr. old girl suggesting kids learn to hate Jews, which imitating firing an assault rifle. The Al Aqsa network is operated by Hamas; however, not stated - Alwaleed owns/owned the network/facilities. Dollars earned by Disney go to Alwaleed who supports Hamas, and other Saudis who support Al Qaeda. It is not known if Hamas took advantage of Alwaleed, or Alwaleed authorized this. Alwaleed, who loathed Rafik Hariri and wished to one day "rule" Lebanon may, with assistance of Syrians, Syrian Muslim Brotherhood, be involved in Hariri's murder.

5/15/2007

**Lois Ann Battuello**

**From:** [REDACTED]  
**To:** [REDACTED]  
**Sent:** Saturday, May 12, 2007 8:47 AM  
**Subject:** Emailing: SRCH\_AetnaSprings\_GM

19-9P

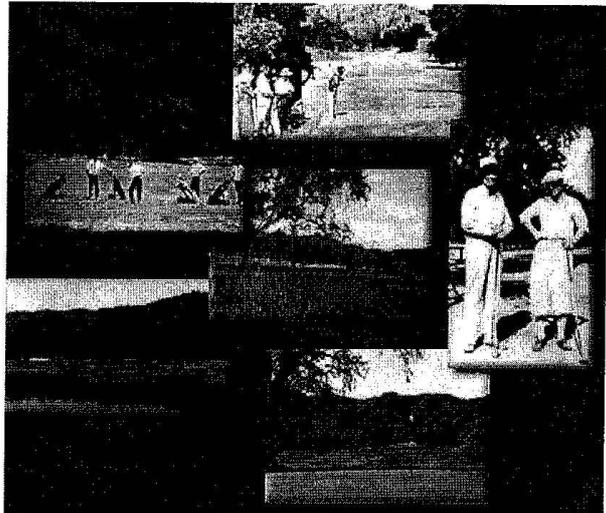


**THE DINGMAN COMPANY, INC.**  
CONSULTANTS FOR EXECUTIVE SELECTION

HOME WHO WE ARE WHAT WE OFFER SEARCHES ARTICLES CONTACT

COMING SEARCHES

Country Club General Manager/Director of Resort Operations  
Aetna Springs  
Napa (Pope Valley), California  
[www.aetnasprings.com](http://www.aetnasprings.com)



OVERVIEW

5/13/2007

What they want (really Feb. 9 JPS article) is to have someone create the conditions for fees to be collected and apply to privileges at non-club and hotels Bill - this plan would add the and possibly, if there is no measure of vote, serious notational issues

plural?

Presently under construction is a resort that will include guest accommodations, a country club, home sites, winery and vineyard, lake, restaurants and many amenities in an unprecedented setting rich in history and tradition. A portion of the project, The Aetna Springs Club is scheduled for completion in the early summer of 2007. The rest of the project, scheduled to open in late 2008, will include a 95-room luxury boutique hotel, and a private membership component which includes an 18-hole golf course, lake, boat house and beach club. More details will be revealed at a later date.

Within a year, the Club General Manager will be expected to become the Director of Operations for the whole project, a #2 role under the Managing Director, and if he/she has done well may even become the Managing Director.

**INTRODUCTION**

Aetna Springs will be the first "destination resort and private club" of its kind in the Napa Valley area bringing together the depth and quality of amenities, luxury lodging accommodations and an ultra premium winery in an incredible setting. Phase one of the resort. The Aetna Springs Club, which will open in Summer 2007, will include nine holes of championship golf, the member's clubhouse and restaurant, the golf and tennis pro shop and tennis courts.

non-historic - restaurant at this location

The property, including its Bernard Maybeck historic buildings in classic craftsman style, will be carefully restored and expanded, and what is the oldest golf course west of the Mississippi will enjoy a complete transformation under the watchful eye of master architect Tom Doak, whose course designs are shaped by having personally visited nearly every great golf course in the world - more than 1000 in all.

The hospitality experience and membership offering at Aetna Springs combines the familiar nature of the traditional country club, yet on a grander scale, with comprehensive sporting and social activities, luxury hotel accommodations, a fantastic spa and the opportunity to become shareholders in a distinct winery and vineyards.

Set in a unique winery and vineyard encompassing more than 2000 diversified acres in part of Napa known as the Pope Valley, Aetna Springs is a short drive from the village of St. Helena. The immediate area is still active agricultural land, with cattle ranching and vineyards generating the cycles of the harvest season that sets the rhythm and flow of life in the valley. Like the land it embraces, Aetna Springs will resonate with an authenticity that is absent any pretense. The resort's majestic setting will invoke a sense of place within a community where the order of the day is fellowship bound first by its holistic values followed by the Club's absolute

Measure 5 - the Julian land has always been ag. though there would be no greens fees, the equivalent is paid through membership in both ops. This is a dangerous precedent that lets D's in...

In 2002, a similar project was rejected for Sulphur Springs Ave. Leslie Rudd with re-created 1800's barn/forge/blacksmith with "fees collected in Napa" in commercial district

(includes Juliana)

19-9P cont'd

5/13/2007

commitment to quality. Aetna Springs is about experiencing the beauty of a land still vested with its original lush power, of a culture and history of pioneering spirits, of bonding with family, connecting with friends and creating memories that last a lifetime.

This prestigious project is the vision of Criswell – Radovan, LLC, in cooperation with a number of well known individual and institutional investors. The joint venture operates under the name Juliana Land, LLC and the resort property is currently using the working title: Aetna Springs. *Aetna Preserve LLC*

On completion, Aetna Springs will present a compelling lifestyle experience bringing together a number of passions while preserving its exclusivity, providing superb service and careful attention to detail in a relaxed setting. The Lodge and Club at Aetna Springs will become recognized as one of California's finest hospitality experiences and over time, will earn a reputation among the great destinations in America. The goal for the winery includes a commitment to create a wine brand worthy of recognition from the best critics in the industry and a loyal following among knowledgeable wine enthusiasts.

The viability of Aetna Springs is linked to a number of cornerstone components with the Club General Manager having full responsibility for developing and implementing an operating philosophy and a standard of hospitality that will ensure the Club's success in the following areas:

1. Through the initial opening of the Aetna Springs Club, help to position Aetna Springs as a world-class, lifestyle resort embracing a family centric orientation.
2. Become recognized as an employer of choice in the Napa/Pope Valley and adjacent communities thereby ensuring that the Club has access to the best and brightest employee resources.
3. Deliver impeccable service in a relaxed and friendly atmosphere that anticipates the needs of members and guests.
4. Make the Club an interesting place for all members of the family to enjoy, recreate, achieve personal and family goals and be compelled to share their club experience with friends and associates.
5. Ensure that the Club achieves its financial objectives in accordance with the annual plan.

**THE POSITION**

The Club General Manager is in charge of all aspects of club operations, its revenue projections, cost management, profitability, member relations and retention, service delivery according to the Club's standards assessment and in particular, people leadership. The Club General Manager will assume an active role in planning

19-9P  
cont'd

5/13/2007

and policy making for the Club and is responsible for submitting plans for the approval of ownership and the successful execution of those plans and policies.

This position reports to Duffy Keys, a former Four Seasons executive who is part of the project leadership team who will oversee the management company charged with resort operations.

Specific goals for the Club General Manager in the first year include:

- Bring an energizing vision and contagious enthusiasm that is grasped by management and the employees of the Club / Resort and is also wholly supported by the investor group.
- Oversee and develop the Club's operating philosophy and service standards for each operating department.
- Take a leadership role in devising an integrated approach to managing not only the needs of the Club and its members but also one that effectively addresses the broader resort operation and its desire to present a seamless hospitality experience for all constituents.
- Recruit and retain a qualified management team.
- Develop initial and long term financial targets for the Club operation; manage initial operations to achieve budgeted results for the partial year (2007) and first year (2008) of operations.
- Support sales and marketing that allows the department to deliver modest membership and real estate sales in the first year, with major increases in years two and three.
- Has a flexible mindset, and is a strategic thinker, utilizing a high degree of innovation and creativity in devising solutions to achieve the short and long term goals.
- Position the Club to achieve industry recognition and accolades (i.e. the 'best category'...Golf Magazine, Robb Report, Private Clubs, etc.).
- Demonstrate realistic but "stretching" business goals for self and team, allocating clear accountabilities to functional team members throughout the Club.
- Among the club's members, prospective members, as well as within the greater Napa community, establish personal relationships and demonstrate leadership that will serve to position Aetna Springs as "the" luxury lifestyle choice in the Napa Valley.

19-9P  
cont'd

The Club General Manager will initially report to Duffy Keys, on appointment of the resort's Managing Director, probably in 2008. the Club General Manager's reporting relationship will transition directly to the resort's Managing Director

Initially, the Club General Manager will direct and supervise the following:

5/13/2007

- Head Golf Professional, Sports and Recreation Manager
- Golf Course Superintendent
- Director of Human Resources
- Club Food and Beverage Manager
- Controller
- Membership Service Manager
- Other

19-9P  
cont'd

Initial staff will likely be between 40-50 people, and when the complete resort build-out is finished that number will likely grow to 200+. At normalized operating levels annual revenue from operations will exceed \$20 Million.

As the development of the resort facilities evolve (i.e. the opening of the Aetna Lodge and the amenities at Lake Luciana), the role of the Club General Manager will be expanded to serve as the Director of Resort Operations under a yet-to-be appointed Managing Director. While the exact structure has not been finalized, current thinking contemplates that the Managing Director will have a more limited number of direct reports (i.e. other Division and Department Heads would report to the Director of Resort Operations). Under this plan, the Director of Resort Operations number of direct reports would increase substantially and cut across all operating departments including those geared specifically to the private members club.

Working relationships outside of direct reports include a communications responsibility to the executive level management of Aetna Resorts, LLC, the Executive Committee of the Juliana Land, LLC ownership group and to any board or executive groups established as part of the private membership protocol.

***Position Overview***

The Club General Manager is responsible for executing the direction set forth in the annual plan in alignment with the Company's overall objectives. Key areas of responsibility include:

- Short-term and long-term planning, and development and tracking of the overall budget.
- Working with Division Heads in supporting them in the development of their individual and collective business strategies, budgets and related objectives. Translating strategy into specific operational plans, budgets and goals for all members of the resort's Planning Committee with agreed success criteria.
- Reviewing process against plans; taking action and communicating with all concerned. Keeping updated on operations and financial performance of all key areas.
- Seeking opportunities for improving profitability and cost efficiencies.

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- Driving opportunities to maximize revenues and public relations exposure.
- Reviewing, evaluating and providing feedback on weekly, monthly and quarterly reports.
- Developing metrics and systems to evaluate service delivery in accordance with Minimum Service Standards.
- Assessing commercial risks, proactive cost containment and areas for improved efficiency as part of the ongoing review and performance analysis process.
- Maintaining high personal involvement and visibility with members and guests to develop open dialog and accessibility.
- Representing the management group in dealing with the owners/investors (i.e. meetings, presentations, correspondence); involving the Planning Committee as appropriate.
- Cascades information within the company as appropriate.
- Promoting sharing of best practices and learning within the company.
- Ensuring all team members are well informed and cohesive in the company's goals and messages.

19-9p  
cont'd

*Preferred Experience*

- Bachelor's Degree; Business and Club, Hotel/Restaurant majors are an advantage as is an MBA. With a minimum of five years at the General Manager level preferred. or as a #2 position possible.
- Strong background in multi-facet resort operations (i.e. hotel, private members club, golf and tennis, residential real estate).
- Luxury resort opening experience.
- Reasonably strong in front desk operations, accounting, sales and marketing, food and beverage, grounds, repairs and maintenance, housekeeping, community involvement, working with boards and homeowner associations, and public relations.
- A solid background in creating plans, budgets and easily understood strategies combined with a history of positive results from these; should include a fairly in-depth knowledge of the accounting function, reading Profit & Loss Reports, and appropriate food and beverage cost and revenue control procedures.
- Strong customer service focus and a proven track-record of delivering exceptional service standards (five-star quality) to a highly demanding customer base.
- Significant inter-personal acumen and a comprehensive understanding of employee relations with a proven track-record in cultivating and retaining the most qualified work force in the market place; ability to achieve employer of choice status for the resort.
- Is technology minded, capable of using a broad range of business software applications.
- Exceptional presentation capabilities with an emphasis on

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written as well as verbal communications.

**Characteristics**

- Must have the ability to get the most from the employees and the ability to create a service culture that is on par with any of the country's finest exclusive, private membership programs and most respected resort operations.
- Exemplifies highest standards of honesty, integrity and discretion.
- Is highly self-motivated, entrepreneurial, competitive and results oriented.
- Leads by example, is authentic, able to lead the management team toward a common vision.
- Full comprehension of all financial matters and the ability to analyze the figures, determine corrective action, take such action effectively through the staff, and explain such actions to shareholders.
- Must be able to operate without corporate support systems for the most part; will grasp what he or she doesn't know and willingly seek out advice when needed.
- The hours required will be somewhat long, so a relatively high energy level is needed. The person should have demonstrated a balanced life between work, family, and personal time off. Keeping one's perspective and staying fresh are important.
- Given that the job is so varied and complex, being able to multi-task while keeping priorities straight is a key characteristic.
- Being able to delegate when appropriate is important, yet the resort is small enough that to be successful the person must also be quite hands on.
- Past employment decisions should show sound logic in choosing jobs and employers.
- Intelligent, articulate, and persuasive, developing consensus of those involved in the decision, before making final judgments.
- The candidate must be easy to work with, "thick skinned," and have sufficient self-assurance that does not need frequent affirmation. He or she will care both about getting results and treating people decently and ethically.
- Good presentation skills, both verbally and in writing.
- Good negotiating skills are also valued, especially if this person is adept at creating "win-win" situations.

19-9P  
cont'd

**OPPORTUNITY**

This will be an incredible chance for a well-rounded hospitality management professional having at least ten years of service to give to this opportunity. The location, the quality of the resort and its members and guests, and the quality of the owners and the management team, make this a once-in-a-lifetime opportunity.

5/13/2007

An attractive salary will be offered, along with an incentive plan that can add another 20-37.5%, a 401K plan, plus the usual health insurance and vacation benefits. The company is willing to pay for reasonable relocation costs.

Our client is an equal opportunity employer and does not discriminate on the basis of race, age, religion, color, sex, national origin, or physical handicap.

We fully respect the need for confidentiality of information supplied by interested parties and assure them that their backgrounds and interests will not be discussed with anyone, including our client, without their prior consent, nor will reference contacts be made until mutual interest has been established.

For further information on this position, please contact:

**BRUCE DINGMAN**

Or

**TIM BERNSTEIN**

**THE DINGMAN COMPANY, INC.**  
CONSULTANTS FOR EXECUTIVE SELECTION

650 Hampshire Road · Westlake Village, California 91361  
Phone: (805) 778-1777 · Fax: (805) 778-9288  
E-mail: [AetnaSprings@dingman.com](mailto:AetnaSprings@dingman.com)

19-9P  
cont'd

\_\_\_\_\_ NOD32 1916 (20061212) Information \_\_\_\_\_

This message was checked by NOD32 antivirus system.  
<http://www.eset.com>

5/13/2007

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 19: LOIS ANN BATTUELLO, MAY 15, 2007

*Response 19-1 P:* The commenter asks if the Aetna Springs project would pay for the development of workforce housing off-site. The County appreciates the commenter's concerns on this topic. However, consideration of the Aetna Springs project is not associated with the General Plan Update.

*Response 19-2 P:* The commenter asks if the Carneros Lodge ever paid mitigation fees to the County. The County appreciates the commenter's concerns on this topic. However, consideration of Cameros Lodge's mitigation fees is not associated with the General Plan Update.

*Response 19-3 P:* The commenter states that the 95-room hotel (at Aetna Springs) needs a Measure J vote. The County appreciates the commenter's concerns on this topic. However, consideration of the Aetna Springs project is not associated with the General Plan Update.

*Response 19-4 P:* The commenter asks if creek setbacks will be required for the replacement cottages. The County appreciates the commenter's concerns on this topic. However, consideration of the Aetna Springs project is not associated with the General Plan Update.

*Response 19-5 P:* The commenter notes that if adjoining parcels to Aetna Springs are sold for home development, water and septic service must be available. County staff agrees that any new development must show that water supplies and septic services are available.

*Response 19-6 P:* The commenter notes that for larger parcels (zoned ag-watershed) of more than 100 acres, no subdivision is allowed if minimum is 160 acres. The County appreciates the commenter's concerns on this topic. However, consideration of the Aetna Springs project is not associated with the General Plan Update.

*Response 19-7 P:* The commenter states that they are delighted that Fortress Investment Group came forward to buy Intrawest, the project's landowner. County staff acknowledges the commenter's reaction to this issue.

*Response 19-8 P:* The commenter provides notes and other information that describes the relationship of Alwaleed to Disney. County staff acknowledges the commenter's information on this issue.

*Response 19-9 P:* The commenter provides notes on an article providing details of a development proposal for Aetna Springs by The Dingman Company. County staff acknowledges the commenter's information on this issue.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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general plan comments

Letter 20

From: "Caetlynn Booth" <caetlynn@hotmail.com>  
Subject: general plan comments  
Date: Fri, April 27, 2007 4:36 pm  
To: plowe@napacountygeneralplan.com

---

Hello,

Here are my comments about the proposed Napa County General Plan:

Although Art and Culture is mentioned in the Economic Development element, I think it should also be added to the Community Character and Recreation & Open Space elements to benefit the local community and those who live here.

The Art and Culture mentioned in the Economic Development section suggests that the purpose of Art & Culture is to bring the type of tourist we want in Napa, to Napa, and that because we provide the art and culture they want, they'll spend more money here, and then finally, THAT will benefit us. I'm suggesting that we should invest in arts & culture for the sake of the citizens in the community here, so we ourselves can be culturally rich and develop our identity both for the wine industry, and for the part of our identity that is not wine-focused.

Through investing in the arts of this place, and the culture that exists, I think there is great potential to, with integrity, be a draw for the tourists we want. But to think a meaningful culture will emerge from investing in what we think the kind of tourist we want will want, is backwards.

Who we decide we are has consequences, and without balance, the divide between rich and poor, the "cultured" and the not-so-cultured will really become who we are, and I feel strongly that accessibility to art and culture for all residents is needed for our future, and that we need to account for that in this general plan.

20-1P

Thank you,

Caetlynn J. Booth  
www.cjbooth.com  
68 Coombs Street, Studio D-12  
Napa, CA 94559  
(707) 287-0035

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[http://www.napacountygeneralplan.com:2095/3rdparty/squir...\\_ent\\_id=0&mailbox=INBOX&passed\\_id=94&view\\_unsafe\\_images=5/1/2007 11:18:13 AM](http://www.napacountygeneralplan.com:2095/3rdparty/squir..._ent_id=0&mailbox=INBOX&passed_id=94&view_unsafe_images=5/1/2007 11:18:13 AM)

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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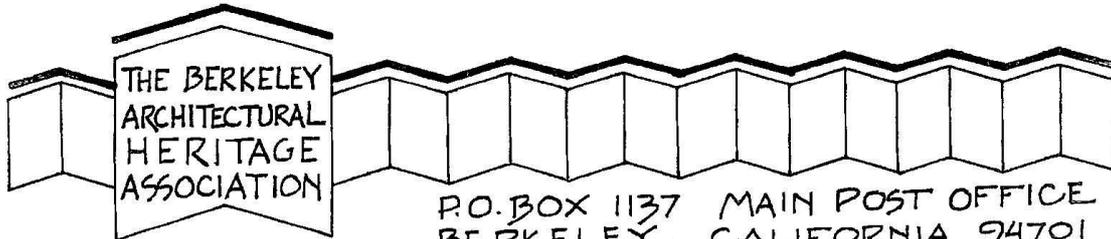
LETTER 20: CAETLYNN BOOTH, APRIL 27, 2007

*Response 20-1 P:* The commenter notes that art and culture should be included in the Community Character and Recreation and Open Space Elements of the General Plan Update as well as in the Economic Development Element. The commenter states that art and culture should be invested in within the County for the community itself and not to bring in tourists. Comment noted. The following goal and policy have been added to page 129 and page 130, respectively, of the revised Community Character Element:

- Goal CC-3: Recognize the role of the arts in contributing to the quality of life and the attractiveness of Napa County.

Policy CC-7: The County seeks to strengthen the arts community and encourages incorporation of art into the design of new public buildings.

Letter 21



P.O. BOX 1137 MAIN POST OFFICE  
 BERKELEY, CALIFORNIA 94701

TEL. 510-841-7242 FAX. 510-841-7421  
 May 19, 2007

Hillary Gitelman, Napa County Planning Director  
 Napa County Conservation, Development and Planning Department  
 1195 3rd Street, Ste. 210  
 Napa, California 94559

**RE: General Plan Comments: Cultural and Historic Resources**

Dear Planning Director Gitelman:

We have reviewed the Goals and Policies of the above section in the 2.16.06 Draft General Plan with great interest.

We are encouraged by the content represented therein and wish to compliment and to thank the Committee, staff and public who have worked so wisely and diligently to achieve these excellent recommendations.

In the realm of Historic Resources, the single most important opportunity for the County resides in Policy Proposals CC-25 and 25.1 which pertain to the relatively few absolutely world class sites which have been moldering away for decades in areas of the County with highly restrictive land use options.

The ability to re-establish historic use is essential to the most appropriate form of restoration and to the realization of an economic life with which to ensure long term preservation and sharing of these treasures.

We urge you and the Board to continue to refine and strengthen these incentives and to incorporate such policies in the final Plan.

Respectfully,

Wendy Markel, President

cc: Napa County Board of Supervisors  
 General Plan Revision Committee  
 Napa Landmarks  
 California Preservation Foundation

21-1P

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 21: WENDY MARKEL, BERKELEY ARCHITECTURAL HERITAGE ASSOCIATION,  
MAY 19, 2007

*Response 21-1 P:* The Berkeley Architectural Heritage Association supports the policies for cultural and historical resources and encourages refinement of these policies. County staff appreciates that the Association supports the policies proposed in the Community Character Element regarding cultural and historic resources. Cultural and historic resources policies have been further refined as a result of public comments received on the public draft of the General Plan Update.

Letter 22

# Berryessa Trails and Conservation

Recreation • Education • Conservation

www.berryessatrails.org  
707.966.5211

901 Cape Cod Ct  
Napa, CA 94558

March 20, 2007

Napa County Planning Commission  
1195 Third Street  
Napa, CA 94559

Re: Comments on General Plan Update

Dear Chairman King and Commissioners:

Berryessa Trails and Conservation is a non-profit organization based in Napa County that is devoted to protecting, enhancing, and fostering appreciation for our natural resources. The General Plan is the best opportunity to set a course for the future protection of natural resources and the preservation of agriculture in Napa County.

The draft General Plan, while well-organized and written in a fluid, accessible style, includes language and policies which will weaken the mandates of the current General Plan and we believe the intentions of those who put much time and effort into preparing this revision.

With competing interests in economic vitality; accommodating population growth, conservation of natural resources; maintaining a sufficient water supply; and preserving our agricultural lands, historical heritage and watershed/open space; and with the imminent challenge of global climate change, *it is imperative to clearly spell out in this General Plan the guidelines, policies, mitigations and mandates which will ensure the desired results.*

In some cases, while espousing good goals and policies, the Plan fails to provide sufficient specificity to guide the county through the next two decades. In many cases the Plan provides the support should the Board of Supervisors choose to act, but does little to ensure that action to protect the county will actually occur. In other cases, the Plan seems to back away from some of the fundamental policies that have preserved our agricultural heritage.

We present examples below, but want to stress that these are merely a few of the many more examples that we have not yet had the time to articulate, and that our review of the documentation is continuing. It is our intention to provide specific language and text for consideration by staff and the advisory committee. We believe that this will enable the staff and committee to respond more efficiently to our concerns. In order to complete that task, we ask the planning commission to support our request for additional time to analyze and comment on the general plan and EIR.

22-1E/P

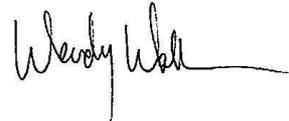
### 3.0 COMMENTS AND RESPONSES TO COMMENTS

Examples of some of our concerns

- |   |  |
|---|--|
| <p>1. There are some policies in the Agricultural and Land Use element and subsequent elements which might weaken or compromise the commitment to preserving both Agricultural Reserve and Watershed and Open Space. A couple of samples:</p> <ul style="list-style-type: none"> <li>• Policy Ag/LU-24 states the county will "discourage proposed developments outside urbanized areas which require urban services" without providing any guidance on how to implement such a vague policy. Discouragement is simply not strong enough, particularly when coupled with existing proposals for substantial residential and commercial developments that are inconsistent with an urban-focused growth policy.</li> <li>• There is an ongoing inconsistency in the draft GP about housing and jobs, starting with Policy Ag/LU-29, which states the County will meet housing needs for any new employment in unincorporated areas. In turn, the economic element seems to encourage new business in order to provide jobs for those who live in Napa. Combined, these two forces could institute a never-ending cycle of growth through a continual process of "jobs leading to housing and housing leading to jobs" as we have no means of ensuring that those who live here get the jobs created, nor that those who work here buy the housing developed.</li> </ul>  | <p>22-2P</p> <p>22-3P</p>              |
| <p>2. The introduction to the Conservation section presents the complex web of issues facing Napa County, and touches on some very sensitive areas to address: groundwater, energy use, resource management, and vineyard development, among others. However, it's not sufficiently clear, in the Goal and Policies of this element, just how Napa County will deal with all these issues and effectively support its declaration that "only by protecting our natural resources will we ensure our continued ability to benefit from cultivation of the earth." This is of particular concern in those instances where a specific threat has been identified by consultants to the county and a specific response recommended, and yet the General Plan merely "encourages" a course of action. A couple of examples:</p> <ul style="list-style-type: none"> <li>• Policy Con-4 does not specify what actions would be taken to "define &amp; identify ecologically sensitive areas and act to retain their values." These areas should be listed in the General Plan, and specific strategies need to be established that have a likelihood of retaining their values.</li> <li>• The Baseline Data Report indicates that non-native species are a threat to nearly all the biotic communities in the County and that a comprehensive approach to controlling the spread of these species and reducing their extent is <i>critical</i> to conserving the County's biological resources. The policy in Con-9 of <i>encouraging</i> the removal of unwanted and invasive non-native species is not an adequate response to this identified threat.</li> </ul> | <p>22-4P</p> <p>22-5P</p> <p>22-6P</p> |
| <p>3. The issue of climate change is dealt with in a minimalist and superficial manner. We appreciate that much is unknown about global warming and climate change. But enough alarm bells have been rung by a broad enough spectrum of scientists to establish this threat as a reality. The parameters of the potential impact on Napa need to be identified or we will be entirely unprepared to meet the challenge of climate change, or even to identify signs of that change. Equally important, the mere fact that human kind is posing a substantial threat to the environment should trigger a re-evaluation of our approach to sustainability and development.</p>  | <p>22-7E/P</p>                         |

The General Plan is our chance to set a course for Napa County for the next two decades. It is worth the time and effort to get it right. 22-8P

Sincerely,



Wendy Wallin  
Chair of the Board  
wawall@attwb.net

**RECEIVED**

MAR 20 2007

NAPA CO. CONSERVATION  
DEVELOPMENT & PLANNING DEPT.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 22: WENDY WALLIN, BERRYESSA TRAILS AND CONSERVATION, MARCH 20, 2007

*Response 22-1 E/P:* The BTC notes that some proposed policies weaken existing General Plan policies and requests additional time to comment on the EIR. County staff appreciates BTC's concern the proposed General Plan Update. Many policies have been strengthened and/or modified in response to suggestions by commenters. For a discussion of the public review period for an EIR, see Response 10-1 E/P.

*Response 22-2 P:* The commenter expresses concern that Policy Ag/LU-24 may weaken or compromise the County's commitment to preserve AR and AWOS land use designations. This policy has been revised to clarify commitment to urban-centered growth.

*Response 22-3 P:* The commenter states that Policy Ag/LU-29 is inconsistent regarding housing and jobs. The commenter is referred to Section 2.0 of this document regarding the Preferred Plan. The Preferred Plan consists of limited housing and job growth.

*Response 22-4 P:* The commenter states that it is unclear how the County will deal with all of the issues noted in the introduction to the Conservation Element. County staff has reviewed many of the policies in the Conservation Element and made substantial modifications to strengthen both policies and action items per the suggestions made by various commenters.

*Response 22-5 P:* The commenter states that Policy CON-4 does not specify what actions would be taken to "define and identify ecologically sensitive areas and to act to retain their values." Policy CON-4 has been modified to address this issue. Please also see the action items included in the Natural Resources section of the Conservation Element.

*Response 22-6 P:* The commenter states that Policy CON-9 is inadequate because it only encourages and does not require the removal of unwanted and invasive non-native species. Policy CON-9 has been modified to address this issue.

*Response 22-7 E/P:* The commenter states that climate change has been dealt with in a minimalist and superficial manner. Many new policies and action items have been incorporated that address climate change. For a comprehensive discussion of climate change, see Climate Change Master Response 3.4.4.

*Response 22-8 P:* The commenter states that the General Plan is the chance to set a course for Napa County for the next two decades and it is worth the time to get it right. The County appreciates the commenter's input and will take all comments into consideration.

Letter 23

March 18, 2007

Page 1 of 3

Peter McCrea  
Chairman, General Plan Steering Committee  
1195 - 3<sup>rd</sup> Street, Suite 210  
Napa, Calif.

RE: **TRIAD/Pacific Union College building scheme.**

Dear Mr. McCrea,

I am writing to you as a **concerned resident** of 290 White Cottage Road South in **Angwin**.  
I have been a resident since 1975 and nothing in Angwin has **disturbed** me more than the proposed **TRIAD/Pacific Union College (PUC) Phase I - 591 unit building scheme.**

We believe that consideration of the **new County Plan should be extended to more than 60 days.**

23-1P

In our little community of 1200 homes where rural living and a much acclaimed, rural College environment have existed happily and quietly for 90 years; we are now all threatened with a building scheme that would **increase the number of housing units in Angwin by 50%** (and this is only their Phase I Plan).  
While the quality of life in our tiny village is diminished by construction and shear numbers in just a couple of years; we the taxpayers and unhappy residents would have to pay for classrooms and teachers that the **quadrupling** of our local school enrollment would require.

23-2P

A huge burden would be added to our **Volunteer Fire Department and Ambulance Service** that are already **overburdened** with the community's Emergency needs.

23-3P

**Angwin is on the highest fire danger zone list.**

My heart stops to think what would happen if everyone had to evacuate "The Hill" due to a forest fire. If urban growth is allowed and the population increases by 50%+, how would we **all be able to evacuate safely?**

**The roads into Angwin were never built to support an urban traffic flow.** The traffic flow in Angwin would be doubled. We have many hairpin bends up Howell Mountain via Deer Park Road and several 25mph and 35 mph speed zones and 4 Schools and there are many blind driveways on the rural road.

23-4P

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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March 18, 2007

Peter McCrea Page 2

Deer Park Road near Viader Vineyards has a hairpin turn that has a metal traffic accident barrier that is constantly damaged and being repaired. One accident on that road (which happens frequently); can bring all traffic in and out of Angwin to a stop.

23-4P  
cont'd

There would be increased pressure on White Cottage Road which has three 15mph turns and at Ladera Winery it is 25 mph. Again, there are 'blind' driveways along this residential road and no sidewalks and no bike lanes. It was never meant to be a main thoroughfare. Service trucks and school drop offs and pickups already cause congestion.

The power service to Angwin is already at its maximum capacity and we have frequent **power outages** on the mountain. The power company will never pay the \$1,000,000.00 per mile required to upgrade the power supply to Angwin.

23-5P

Our **water wells in Angwin go noticeably lower during a drought**. The Water Company sells very high priced water. **Friesen Lakes are low in a drought year**. The Water Company does not install new service at times when water availability is lacking. How can the community grow 50%+ in size with such **water problems**?

23-6P

The proposed development in Angwin would represent an **attitudinal change** toward development for the whole of agricultural Napa County.  
The "**American Canyonization**" of the little unincorporated agricultural watershed of Angwin would be disasterous on many levels. It would destroy our mountain top community. The noise, and pollution and burden on the roads and services and the fire danger are terrible to contemplate.

23-7P

The number of units proposed should be **sprinkled all throughout unincorporated Napa County over the next 30 years according to the General Plan**. How could anybody think that the Triad/PUC proposal for a **Phase I** building scheme of **591 homes in Angwin is a good idea? (I understand other ideas like a hotel and retail center, and much more housing are in the mix too!)**

A recent anonymous telephone survey was conducted of Angwin residents asking what that person's opinion was of having 800 to 1200 new homes built in our tiny village. Needless to say, the idea went over like a lead balloon. Why were they asking about such an **even larger number of homes**? Phase II must already be in the works.

191 Homes have already been approved - none have been built yet.  
**There are vacancies** in Angwin rentals and real estate. Where is the desperate need for housing?

March 18, 2007

Peter McCrea Page 3

No Napa County resident would ever vote for the unincorporated areas of our agricultural County to be overwhelmed and changed forever by greedy TRIAD Corporation and it's **ridiculously huge building schemes.**

PUC's public relations booklet describes Angwin as having a 'breathtaking rural environment.'

What could they possibly be thinking to **blight Angwin** like this?

The **taxpayer** would be on the hook to **pay for the increase in all the county services** incurred by this development while **TRIAD would take the money and run.**

We don't want this **greedy and inappropriately sized project to destroy our community** and **Agricultural Napa County watershed.**

23-8P

Thank you for your kind attention.

Sincerely,



Jacqueline A. Captanian  
Barry B. Captanian  
290 White Cottage Rd. South  
Angwin, Calif. 94508  
(707) 965-2916

cc: Diane Dillon, Supervisor, District 3  
St. Helena Star, Doug Ernst  
Napa Valley Register  
Hilary Gitelman, Director of the Napa County Planning Dept.  
John Collins, Pacific Union College

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 23: JACQUELINE AND BARRY CAPTANIAN, MARCH 18, 2007

*Response 23-1 P:* The commenters state that they believe that consideration of the new County Plan should be extended to more than 60 days. For a discussion of public review of the Draft EIR, see Response 10-1 E/P.

*Response 23-2 P:* The commenters express concern related to the number of new housing units associated with a proposed development in Angwin. County staff appreciates the concern of all Angwin residents. A formal application has been submitted to the County since publication in February 2007 of the proposed General Plan Update. Once this application has been deemed complete, a separate environmental review will determine the impacts of proposed project. The proposed General Plan Update has been revised and now identifies a "Preferred Plan" (see Section 2.0 of this document for a detailed description). The Preferred Plan removes areas currently zoned for agricultural use from the Angwin bubble, although it neither encourages nor precludes the PUC's development proposal.

*Response 23-3 P:* The commenters express concern that increased development in Angwin will diminish fire safety. County staff appreciates the concern of all Angwin residents regarding fire safety from new development. Any proposed project will have to adhere to safety policies and address fire safety impacts specifically for that project. The commenter is referred to the fire services and hazards analyses provided in Draft EIR Sections 4.9 and 4.13.

*Response 23-4 P:* The commenters express concern regarding the rural roads in Angwin not being suited for additional development. County staff appreciates the concern of all Angwin residents regarding the adequacy of roads for additional development. Any proposed project will have to address the impact to rural roads specifically for that project. The commenter is referred to the traffic impact analysis provided in Section 4.4 of the Draft EIR which assesses traffic impacts programmatically by considering a number of EIR alternatives, several of which assume additional development in Angwin.

*Response 23-5 P:* The commenters express concern regarding sufficient power for growth in Angwin. County staff appreciates the concern of all Angwin residents regarding sufficient power for new development. Any proposed project will have to ensure that sufficient power is available for that specific project. The commenter is referred to the utilities impact analysis provided in Section 4.13 of the Draft EIR.

*Response 23-6 P:* The commenters express concern that there is insufficient water in Angwin for future growth. County staff appreciates the concern of all Angwin residents regarding water supply for future growth. Any proposed project will have to ensure that sufficient water supply exists for that specific project. See Water Supply Master Response 3.4.1 for additional information regarding water supply issues, including additional information regarding available water supply sources in the Angwin area.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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*Response 23-7 P:* The commenters express concern regarding an attitudinal change toward development for the whole of agricultural Napa County due to proposed growth in Angwin. County staff acknowledges the commenters' concern regarding agricultural for Napa County; however, the overall commitment to preservation of agricultural lands has not changed. Property owners have the right to submit applications for consideration regarding development for their parcels subject to review by County staff.

*Response 23-8 P:* The commenters note that Napa County citizens will not vote for Pacific Union College's proposed development. County staff acknowledges the concerns of the commenter regarding the PUC potential development. Any proposed project that requires a Measure J vote will require a vote from all County residents for approval. The proposed General Plan Update has been revised and now identifies a "Preferred Plan" (see Section 2.0 of this document for a detailed description). The Preferred Plan 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).

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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Letter 24

From: **Arminée Chahbazian** <[ac@arminee.com](mailto:ac@arminee.com)>  
Date: Feb 2, 2007 2:49 PM  
Subject:  
To: [peter@stonyhillvineyard.com](mailto:peter@stonyhillvineyard.com), [btorres@tfewines.com](mailto:btorres@tfewines.com), [CarolP@ci.st-helena.ca.us](mailto:CarolP@ci.st-helena.ca.us),  
[dablodgett@att.net](mailto:dablodgett@att.net), [dwall@napanet.net](mailto:dwall@napanet.net), [guyinsth@napanet.net](mailto:guyinsth@napanet.net), [jeffreichel@comcast.net](mailto:jeffreichel@comcast.net),  
[meboyet@sbcglobal.net](mailto:meboyet@sbcglobal.net), [ckunze@ix.netcom.com](mailto:ckunze@ix.netcom.com)

Dear Napa County General Plan Steering Committee,

As a concerned homeowner in Angwin, I regret not being able to attend this week's meeting in regards to the the General Plan update. Not knowing what transpired at this meeting, I still feel it important to offer my opinion on how the so-called Angwin Urban Bubble is described and its implications for development.

I support Save Rural's Angwin's position that any and all agricultural lands currently laying with the Urban Bubble be removed and exempt from future building development. There seems to be general agreement that the bubble was drawn arbitrarily to create a conveniently shaped orb on a map that did not take into consideration any existing structures or parcel use. Generally, parcels are zoned residential, commercial or agricultural for a reason. I feel proud to live in a county that treasures its agricultural potential and is careful to meet the needs of its residents and businesses. Any plan that does not look closely at the impact of shifting a parcel's designation (especially due to arbitrary and illogical line-drawing) disregards a community's history and risks serving special interest.

24-1P

I believe that it's critical to take the WHOLE into consideration when establishing rules for the future. Realizing that change here is inevitable, I do want to emphasize that it's the steering committee's responsibility to recommend solutions that serve the community of Angwin as a whole, and at least attempt to protect its shrinking natural surroundings. There is appropriate space for new residences and businesses within certain areas of the bubble, but to allow them on designated agricultural lands would be a green light to defeat Angwin's special rural character that it has always known. Difficult issues such as environmental impact, water resourcing and traffic congestion stand the chance of being easier to resolve if agricultural lands were to be removed from the Bubble in that the potential scale of future development could be reduced to a more acceptable level.

Please allow Angwin's rural character to thrive, and in so doing, re-assure the citizens of the entire county that this kind of attention is what keeps Napa County unique.

Thank you for your consideration,

Arminée Chahbazian  
tel: 707-965-2119  
[ac@arminee.com](mailto:ac@arminee.com)

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 24: ARMINÉE CHAHBAZIAN, FEBRUARY 2, 2007

*Response 24-1 P:* The commenter supports Save Rural Angwin's position regarding proposed development. The commenter believes that all agricultural land should be removed from the urban bubble. County staff acknowledges the commenter's position regarding proposed development in Angwin. County staff supports removal of agriculturally zoned land from the Angwin urban bubble, and the Revised Draft General Plan Update would effect this change. However the revised plan would neither encourage nor preclude the PUC's development proposal, which is subject to a separate project-specific EIR.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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Letter 25

-----Original Message-----

From: Gitelman, Hillary  
Sent: Tuesday, February 20, 2007 9:09 AM  
To: 'Duane Cronk'  
Subject: RE: Measure J

Duane:

Thanks (again) for your thoughtful comments and questions. I think we would definitely want to consider (1) shrinking the bubble to eliminate ag parcels; and (2) expanding the bubble to include the village as two separate policies, since only the second would be subject to a Measure J vote.

This separation is what we meant to achieve by including policies Ag/LU 53 and 54. However, it was simply easier to illustrate these concepts on one map.

Hillary

-----Original Message-----

From: Duane Cronk [mailto:cronkd@sbcglobal.net]  
Sent: Friday, February 16, 2007 11:39 PM  
To: Gitelman, Hillary  
Subject: Measure J

Hello,

I have been reading your draft and compliment you on its organization and easy to understand language.

First, a Mickey Mouse typo. Seventh-day Adventist is the correct spelling. with a hyphen and small d. 25-1P

Now, do I perceive correctly that Scenario 2 is what was Scenario 4 in the original line-up? 25-2P

It seems to make a lot of sense at first glance if redefining the urban designation of Angwin to 1) include the village along with 2) removing the three large ag parcels north of the PD zone. However, the burden and uncertainty of a tying both together in a Measure J vote becomes unrealistic. This would be apples and oranges. 25-3P

Please tell me what the result would be if a J vote failed. Would we be right back to the existing bubble? 25-4P

My hope is that the County would treat these actions the two issues, as separate policies, each on its own merits - first to remove the 3 ag parcels as a firm provision in the General Plan and second to recommend a SEPARATE policy that the Village be rezoned on its own unique merits, of course, recognizing that that 25-5P

1

action would require a J vote.

Is there a professional planning problem with treating these as two policies that which I might not understand?

The two actions are so very dissimilar it seems unrealistic to combine them. Shouldn't the County be treating each on its own merits?

Duane

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 25: DUANE CRONK, FEBRUARY 16, 2007

*Response 25-1 P:* The commenter notes that the correct spelling is Seventh-day Adventist. The County has made this change on page 43 of the Agricultural Preservation and Land Use Element in the Revised General Plan Update and elsewhere as identified.

*Response 25-2 P:* The commenter asks if Scenario 2 is the previous Scenario 4. The proposed General Plan Update has been revised and now identifies a "Preferred Plan" (see Section 2.0 of this document for a detailed description). The Preferred Plan 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).

*Response 25-3 P:* The commenter states that the Angwin designation should include the village along with removing the three large agricultural parcels north of the PD zone. Please see Response 25-2P, above, and the map presented on p. 43 of the Revised Draft General Plan Update.

*Response 25-4 P:* The commenter asks what would happen if a Measure J vote failed for the Angwin bubble. Should a Measure J vote fail, agricultural designated areas proposed for conversion would remain designated for agricultural use.

*Response 25-5 P:* The commenter states that the three agricultural parcels and village rezoning should be treated as separate issues. The County appreciates the input of the commenter regarding this issue.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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Child care and Property Rights

Letter 26

From: DEECUNEY@aol.com  
Subject: Child care and Property Rights  
Date: Thu, March 29, 2007 2:31 pm  
To: plowe@napacountygeneralplan.com

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Please make the following additions and changes in the County General Plan:

The references to Day Care should be changed to Child Care so as not be confused with Adult Care. | 26-1P

Please protect Private Property Rights and Respect The 8th amendment that guarantees our rights to property, by including the language George Bachich has suggested. | 26-2P

Respectfully Submitted, Dee Cuney

\*\*\*\*\* See what's free at <http://www.aol.com>.

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**3.0 COMMENTS AND RESPONSES TO COMMENTS**

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LETTER 26: DEE CUNEY, MARCH 29, 2007

*Response 26-1 P:* The commenter states that the reference to day care on page 93 in the public draft of the proposed General Plan Update should be changed to child care so as not to be confused with adult care. The reference to day care centers has been changed to child care centers in the revisions to the General Plan Update.

*Response 26-2 P:* The commenter suggests including the language suggested by George Bachich to protect private property rights. The commenter is referred to the revised Agricultural Preservation and Land Use Element which has retained this language (now Policy AG/LU-108).

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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General Plan

Letter 27

From: DEECUNEY@aol.com  
Subject: General Plan  
Date: Wed, April 4, 2007 7:51 pm  
To: info@napacountygeneralplan.com,bachich@direcway.com,napaeagle@napanet.net

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Don't let the games begin on the issue of global warming. Our General Plan is a land use document, not an avenue for the environmental wackos. Please Just Say No! Thank you, Dee Cuney

27-1E/P

\*\*\*\*\* See what's free at <http://www.aol.com>.

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### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 27: DEE CUNEY, APRIL 4, 2007

*Response 27-1 E/P:* The commenter states that global warming should not be addressed in a land use document such as the General Plan. County staff has received many suggestions from commenters regarding the issue of climate change and has recommended the inclusion of this topic in the proposed General Plan Update in order to thoroughly address the vision for the County to the year 2030. See Climate Change Master Response 3.4.4 for a thorough discussion of climate change.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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General Plan

Letter 28

From: DEECUNEY@aol.com  
Subject: General Plan  
Date: Wed, April 4, 2007 8:00 pm  
To: info@napacountygeneralplan.com

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Please include the Private Property Rights language in our County General Plan as suggested by George Bachich. | 28-1P

Please change any and all references to Day Care in the General Plan document to Child Care so as not to have any confusion with adult day care. | 28-2P

Thank you for your careful consideration, Dee Cuney

\*\*\*\*\* See what's free at <http://www.aol.com>.

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**3.0 COMMENTS AND RESPONSES TO COMMENTS**

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LETTER 28: DEE CUNEY, APRIL 4, 2007

*Response 28-1 P:* The commenter asks that the language presented by George Bachich regarding private property rights be included in the General Plan. See Response 26-2 P.

*Response 28-2 P:* The commenter asks that any and all references to day care in the General Plan should be changed to child care so as to not be confused with adult care. See Response 26-1 P.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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#### Letter 29

-----Original Message-----

From: Hilary DePuy [mailto:hdepuy@gawvanmale.com]  
Sent: Thursday, April 05, 2007 1:06 PM  
To: Gitelman, Hillary  
Subject: General Plan Update

Hi Hillary:

I'm curious to know whether there has been discussion about incorporating into the General Plan Update an element that would allow and encourage Napa County's independence from relying on fossil fuels, and to promote the County's independence through its own generation of alternative energies, such as wind power, hydroelectric power, and solar energy. Since, Napa County, we have, 1) high elevations whereby wind mills could be appropriate and productive; 2) the river; and 3) lots of sunshine, I believe it would a great idea to take advantage of our natural resources to eventually generate sufficient power to accommodate Napa County's consumption. There are many wineries (Honig Winery and Shafer Vineyards, for example) and other businesses (Gaia Napa Hotel and Spa, for example) which have committed to alternative energy and environmentally sustainable design.

29-1P

Please let me know your thoughts.

Hilary D.

Hilary J. De Puy, Attorney  
GAW VAN MALE, Counselors at Law  
1000 Main Street, Napa, CA 94559  
707-252-9000 /T 707-252-0792 /F

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### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 29: HILARY J. DEPUY, APRIL 5, 2007

*Response 29-1 P:* The commenter asks whether there is a separate element in the proposed General Plan Update that discusses independence from fossil fuels and energy conservation. The Conservation Element discusses energy conservation. Please see the new subsection of this element related to climate change and sustainable practices for environmental health.

3.0 COMMENTS AND RESPONSES TO COMMENTS

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Letter 30

**ROCKING MK RANCH  
5281 CHILES POPE VALLEY RD.  
ST. HELENA, CALIFORNIA 94574  
707-965-1557/ FAX 707-965-3911  
MIKE AND KELLY EOFF**

NAPA COUNTY DEPT. OF CONSERVATION,  
DEVELOPMENT AND PLANNING  
1195 3<sup>RD</sup> ST. SUITE 210  
NAPA, CALIFORNIA 94559

MAY 22, 2007

ATTN: R. PATRICK LOWE

I AM WRITING TO YOU REGARDING COMMERCIAL ZONING IN POPE VALLEY  
FOR THE BUSUNESSESS LISTED BELOW:

30-1P

POPE VALLEY STORE, GARAGE AND RECYCLING YARD, POPE VALLEY MARKET,  
POPE VALLEY FARM CENTER, POPE VALLEY FIRE STATION AND WATER  
COMPANY.

THESE BUSINESSES HAVE BEEN IN OPERATION FOR MANY YEARS WITH  
COMMERCIAL USE IN AN AGRICULTURAL ZONING. I BELIEVE THE ZONING OF  
THESE PROPERTIES SHOULD BE CHANGED TO COMMERCIAL AND IT IS  
IMPORTANT THAT ADDITIONAL ACREAGE SHOULD BE CHANGED TO  
COMMERCIAL ZONING FOR FUTURE PLANNING PURPOSES.

SINCERELY,



### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 30: KELLY EOFF, ROCKING MK RANCH, MAY 22, 2007

*Response 30-1 P:* The commenter states there are existing commercial businesses in Pope Valley that have been in operation as commercial uses in agricultural zones. The commenter believes that these properties and additional agricultural land should be rezoned as commercial. The commenter is referred to Section 2.0 of this document regarding the Preferred Plan and the treatment of Pope Valley in regard to commercial uses. Based on comments received on the Draft General Plan Update, the Revised Draft General Plan Update no longer recommends a Measure J vote to re-designate land in Pope Valley for non-agricultural uses. However nothing would preclude property owners in the area from advancing their own ballot measure or from taking advantage of the historic preservation incentive identified as Policy CC-28 in the Revised Draft General Plan Update.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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Letter 31

**Gordon Family Ranch**  
6060 Gordon Valley Road  
Napa, Calif. 94558  
5/1/07

**Patrick Lowe, Deputy Director**  
**Napa County Planning Department**

#### **General Plan Comments**

My name is Don Gordon and I live and farm in the Gordon Valley area in the eastern part of Napa County near the southern end of the Vaca Mountain Range. I have previously sent comments, which are attached, and I wish to reintroduce and add to them.

For those of you who are not familiar with the area we are a small valley approximately 300 acres 15 miles east of downtown Napa. The soils in this area are good and have been farmed for generations. Our primary crop on the valley floor is Wine Grapes with a very small acreage of Walnuts (4 acres). There are also some hillside vineyards on the more gentle slopes. The adjoining rolling hills are primarily leased out for cattle grazing.

We have a land zoning issue in this area that should be brought into conformity with the rest of the county. A majority of our valley is in an Agricultural Resource Area as defined in the Napa County General Plan (See Attached Map). We farm and have similar soil types and ground slopes as the Wooden Valley Area yet we are excluded from The Ag Preserve and the benefits of having 40 acre Zoning. We were blanket zoned several years ago into a situation of no parcel splits with less than 320 acres. (Please see attached comments submitted previously) We protested the zoning at that time but were told by staff not to worry because we were in a Ag Resource area and it would be changed to AP zoning and we would be able to have smaller lot sizes. This did not happen!! Now is the time for the county to look and rezone these designated as Ag Resource Areas.

We do not have the opportunity to farm smaller parcels and put housing on them for ourselves and our employees. Preventing the next generation from living on the ranch effectively prevents them from participating in the family farm. Preventing employee housing increases the already arduous hardship of running an efficient and successful operation. This is creating an inequity for agriculturalists in our area since we cannot share the benefits of AP zoning as other parts of the county.

31-1P

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

The parcels on the attached map all have a portion of, or are entirely within the Ag Resource Area. I propose the inclusion of all of these parcels into the Ag Preserve. This part of the county has been overlooked for years as a premium grape growing area but it has proven itself during the last 20 years and should be treated as other similar areas in the county and zoned AP.

31-1P  
cont'd

The Ag Resource line on the existing map is not at all accurate. It encompasses some, bisects others and misses several areas of prime Ag land that should be included within the Ag Resource boundary.

I propose the adjustment of the Ag Resource line on the map to include all of the parcels that include the prime soils of the Gordon valley floor. The zoning on these parcels should be changed to AP 40 to be consistent with other similar areas within Napa County. This addition to the Ag Resource Area includes no areas with more slope than what is already included in the existing Ag Resource Area. The parcels that should be included in this adjustment are Parcel's # 33-220-05, 33-180-01, 33-170-15, 33-220-07, and 33-170-02.

Attached to this letter please find:

1. History of Zoning in the Gordon Valley Area
2. Comments previously submitted
3. County Map showing Ag. Resource Areas within County
4. Map of Ag Preserves lands Napa County
5. Map Showing Existing Ag. Resource Area Gordon Valley
6. Map Showing Proposed Ag. Resource Area Gordon Valley
7. Signed support of proposal by all affected parcel owners.
8. Parcel Maps showing Parcels proposed to be changed.
9. Google map of entire Valley
10. Section showing pictures of Farms & Ranches farmed in the Gordon Valley.

Thank you for considering these points in your planning and zoning decisions. Your decisions do affect farm families that are trying to keep the family on the farm but finding it extremely difficult with zoning the way it is at this time.



Don Gordon

Gordon Ranch \* Loney Ranch \* Gordon Family Ranch \* Morgan Ranch



**Don Gordon**  
don@gordonvalley.com

**Na]**  
(707) 425-7310  
Office

**is**  
(707) 422-0169  
Fax

6060 GORDON VALLEY ROAD NAPA CALIFORNIA 94558-8611

#### 1. History of Zoning in Gordon Valley

- a. Mistakes made in the 1950's allowing liberal parcel splits thinking that Gordon Valley would be part of Fairfield some day.
- b. 1970's County saw mistake and changed to Ag Watershed 80 to 320 to split, which was overkill for some areas.
- c. 1970's first general plan designated a haphazard line as an Ag Resource area in the vicinity. This line chopped up parcels and was not at all accurate to prime Ag soils or mild slopes.
- d. 1970's Wooden Valley made Ag Preserve zoning.
- e. 1983 our family committed our entire upper rangeland ranch to 400-acre parcels and put them in Williamson Act. We held out the lower parcel with prime soils and rolling foothills to split for family housing at a later date as needed.
- f. 1990's Measure J passed which is designed to keep Agriculture in Napa County. One thing it did not address was how to zone from one Ag type zoning to another Ag type zoning. Example; Ag Watershed to Ag Resource or Ag Preserve. In many areas of our county, especially in the outlying valleys, zoning discrepancies have never been corrected.
- g. 1993 County made all Ag Watershed 320 to split thus taking away the option to split on lower parcel. We protested this change at that time and were told by staff that they were going to look at Ag resource areas individually and rezone them.
- h. From that point on it was put on the back burner and never reviewed.

31-2P

Please turn page

**What Should be Done with This General Plan**

2. All Ag Resource Areas should be reviewed.
  - a. Flawed lines should be studied and changes considered as promised in the past.
  - b. AP Zoning should be considered for other valley and low rolling foothill areas of the county.
  - c. Ag Resource lines should be more closely aligned with parcel lines for simplicity of administration.
  - d. Meet the goals of the general plan by balancing the needs of Ag Preservation and personal needs of the folks that live and work in our agricultural areas.

31-3P

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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#### General Plan Update

The Zoning in the Gordon Valley Area of Napa County should be looked at very closely. It has been haphazardly zoned in the past with little study put towards its actual use or needs of its inhabitants.

During the late 1950's it was zoned rural residential with 5 to 20 acre parcels permitted. The thinking behind this was that it would someday be gobbled up by Fairfield. This was a huge mistake and we now have homes in extremely steep and hazardous areas prone to mudslides and wildfire.

During the last Zoning change it was blanket Zoned 160 or 320 to split anything. This was an overkill in the opposite direction. We must look at this area & fine tune the zoning to more fit the soil types and individual areas. When the Ag Preserve was created they left Gordon Valley out thinking it would become part of Fairfield. I think it might be time to look towards putting portions of Gordon Valley into the Ag Preserve. Much of the area is class 1 soils and intensively farms which fits the criteria of the Ag. Preserve. As the other outer valleys it is becoming known for the premium grapes that can be grown here. The areas that are put into Ag Preserve could be Zoned to 40 acres minimum and give the opportunity to split some of the more intensively farmed areas so more buildings could be allowed.

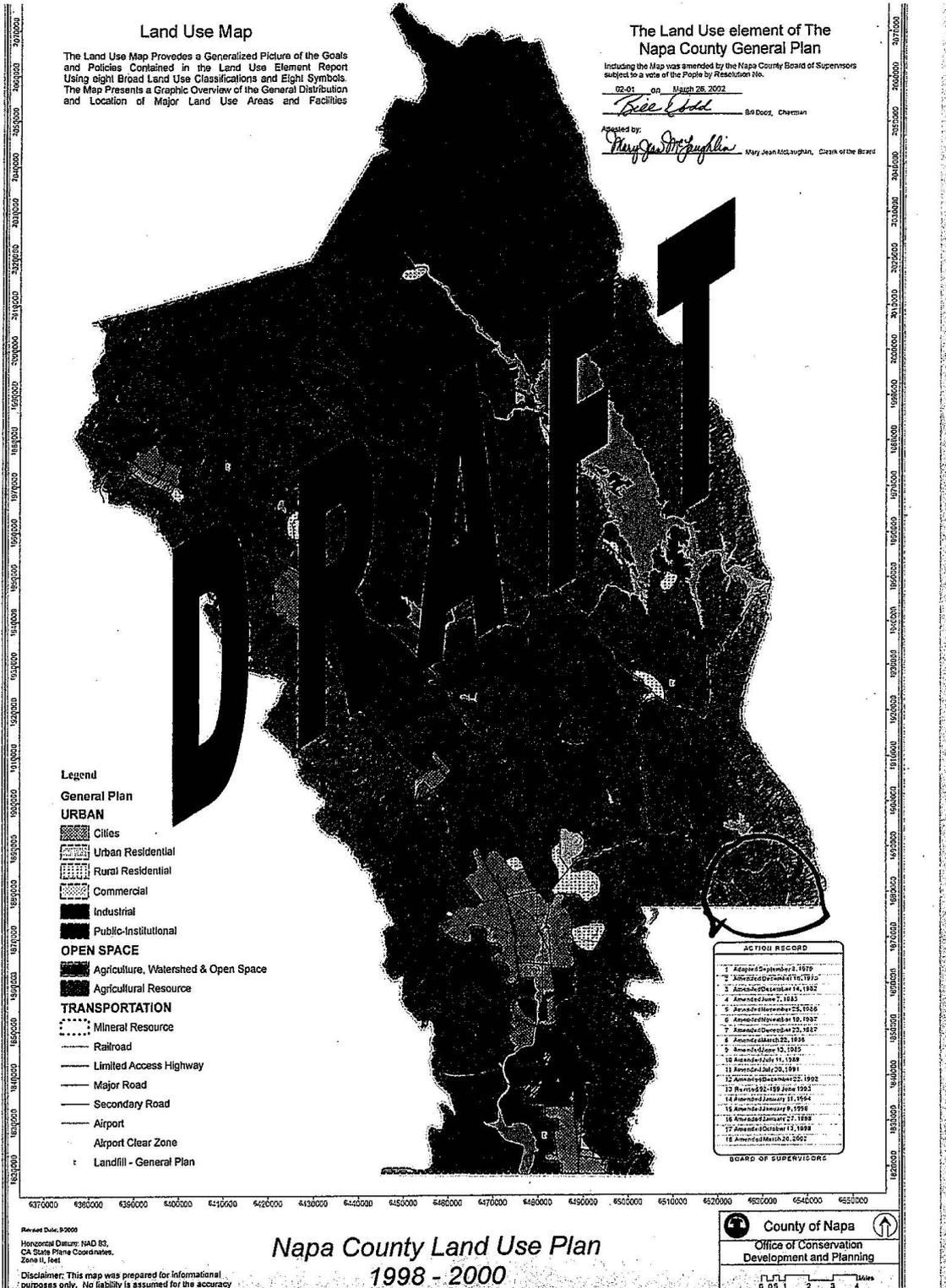
Please consider the above thoughts during the development of the new General Plan.

Don Gordon

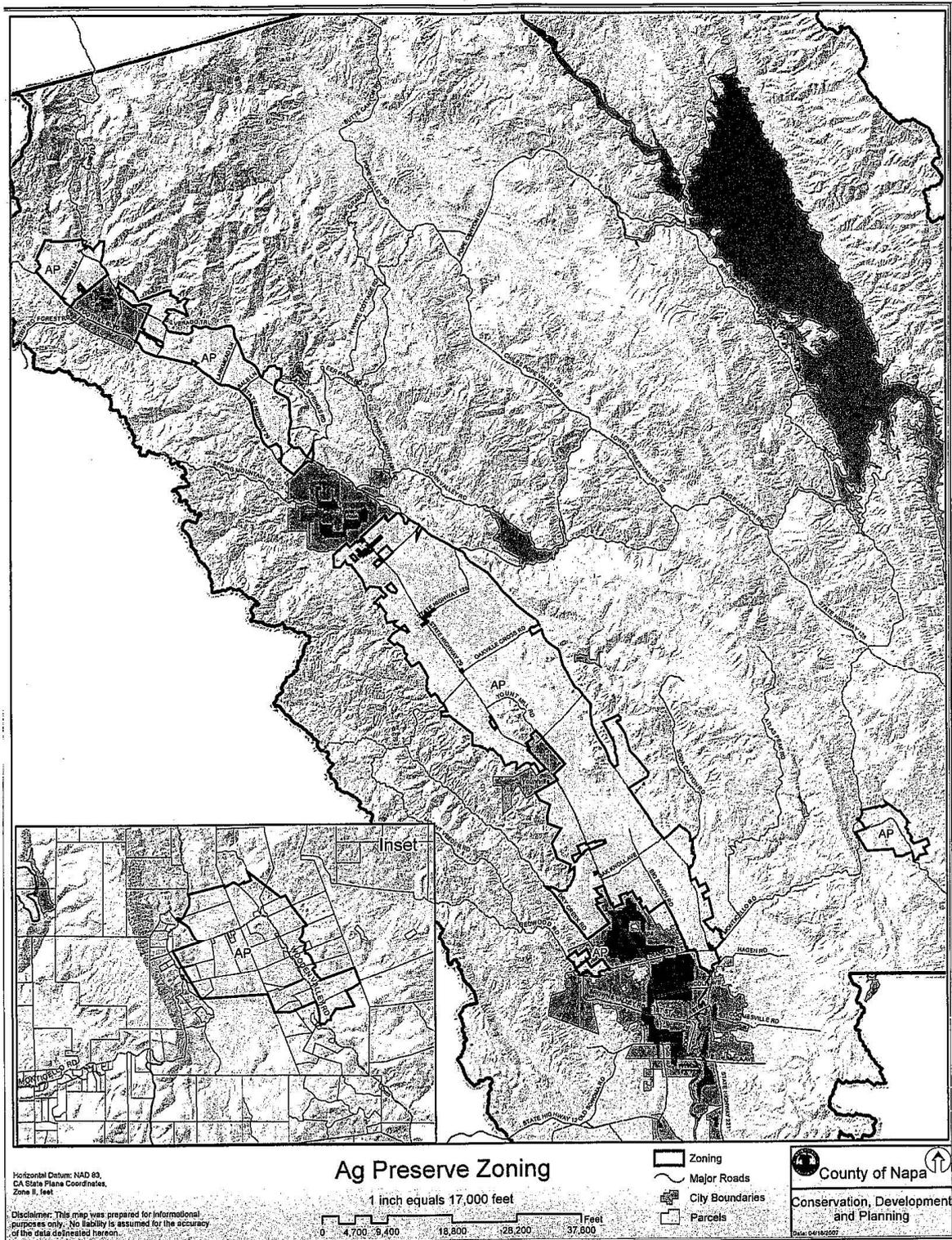
Submitted March 29, 2005

31-4P

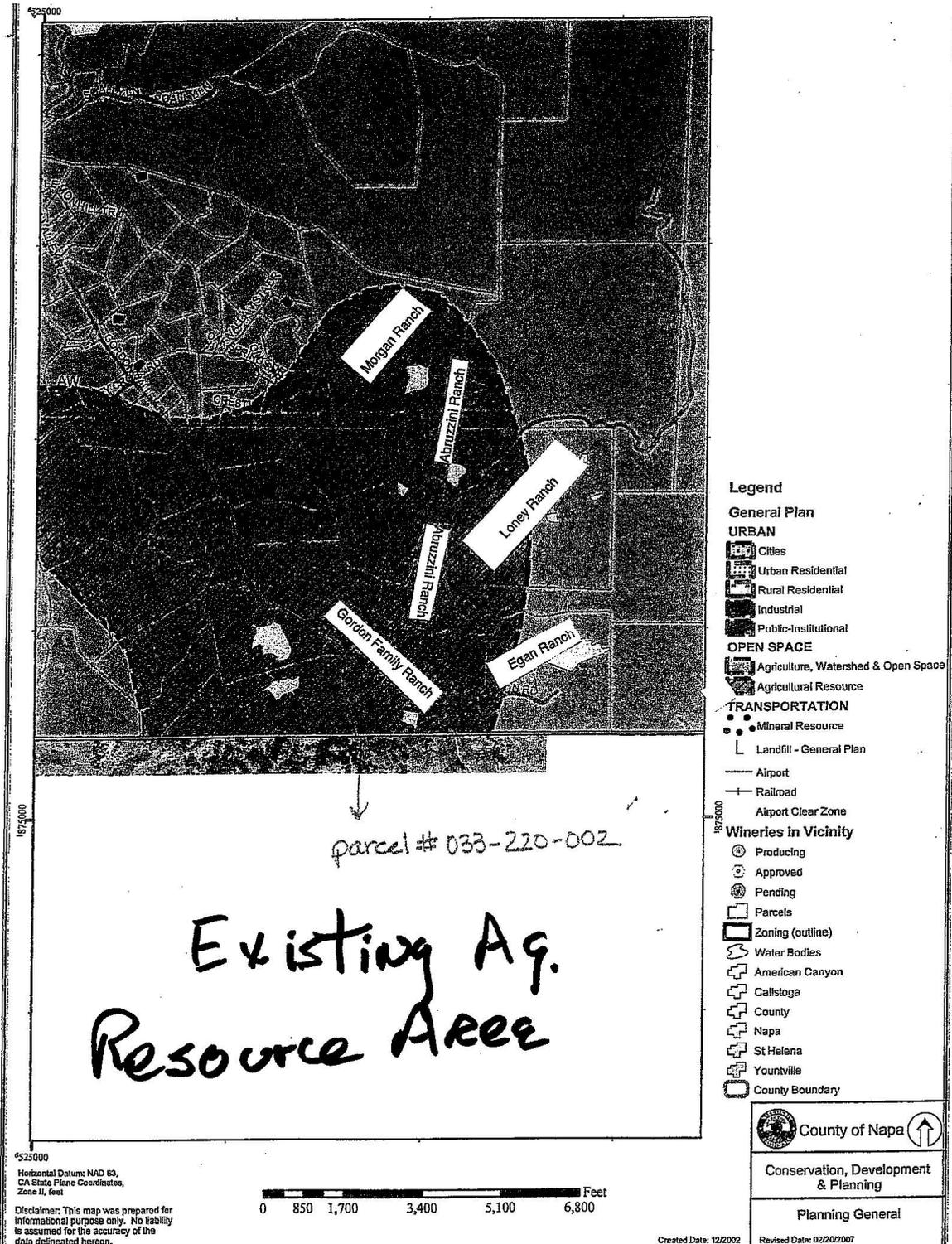
### 3.0 COMMENTS AND RESPONSES TO COMMENTS



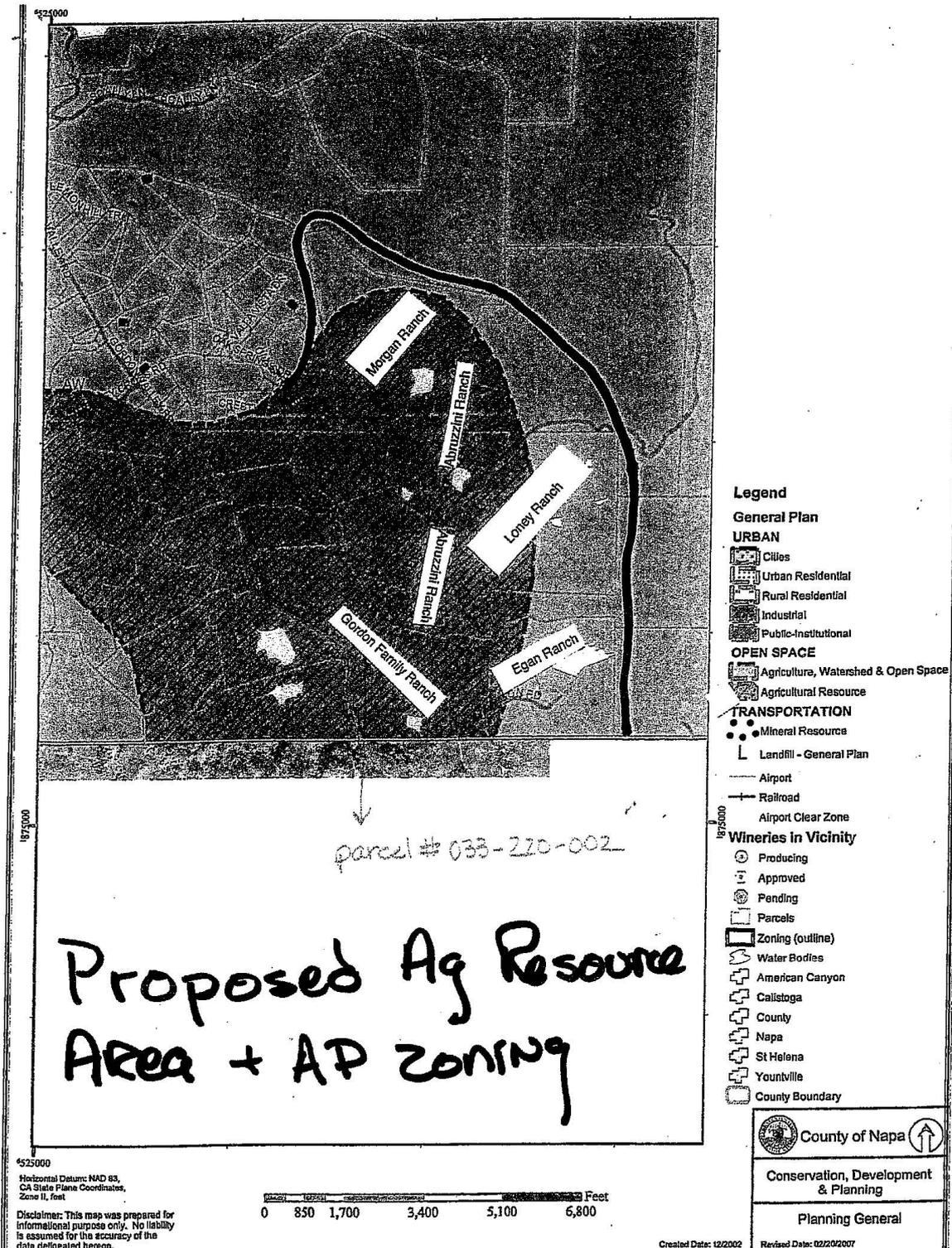
### 3.0 COMMENTS AND RESPONSES TO COMMENTS



3.0 COMMENTS AND RESPONSES TO COMMENTS



3.0 COMMENTS AND RESPONSES TO COMMENTS



3.0 COMMENTS AND RESPONSES TO COMMENTS

To Whom It May Concern:

My parcel is included in the area that is being proposed to be changed to AP zone from AW zoning. I fully support this change in zoning and feel it is appropriate for this area. Being restricted to the requirement of having 320 acres before you can make a land split is just limiting for this type of terrain. It gives us nothing to offer as incentive to bring our kids back to the farm business since they cannot even live on the property due to housing restrictions on large parcels. I fully support the proposal by Don Gordon of Gordon Family Ranch.

31-5P

Betty MacKenzie Lopez Parcel # 33-220-05  
Loney Ranch

Betty MacKenzie Lopez Date 04-12-07

Fred Abruzzini Parcel # 33-180-01  
Abruzzini Ranch Vineyards Parcel # 33-170-15

Fred Abruzzini Date 4-12-07

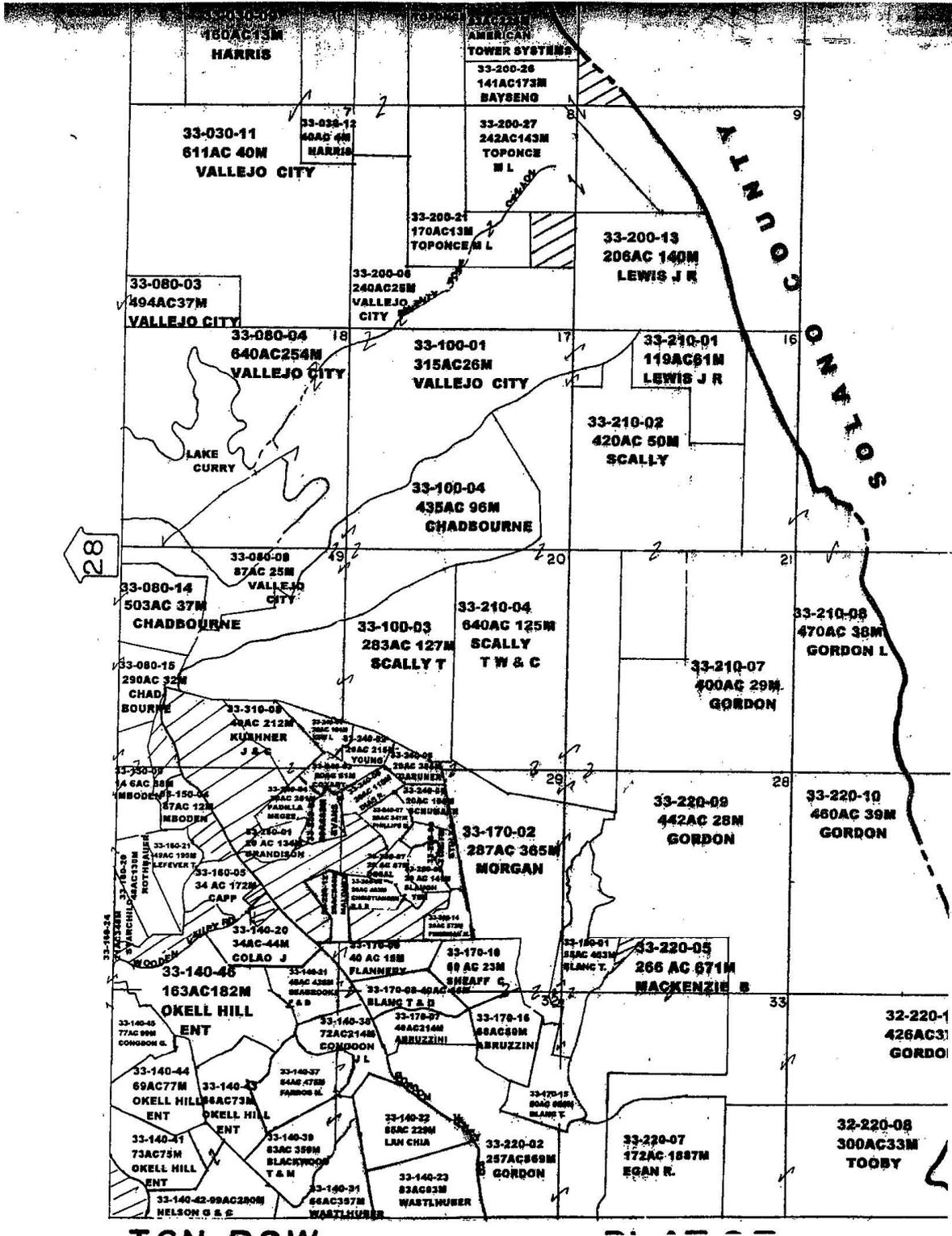
Robert Egan Parcel # 33-220-07  
Egan Ranch

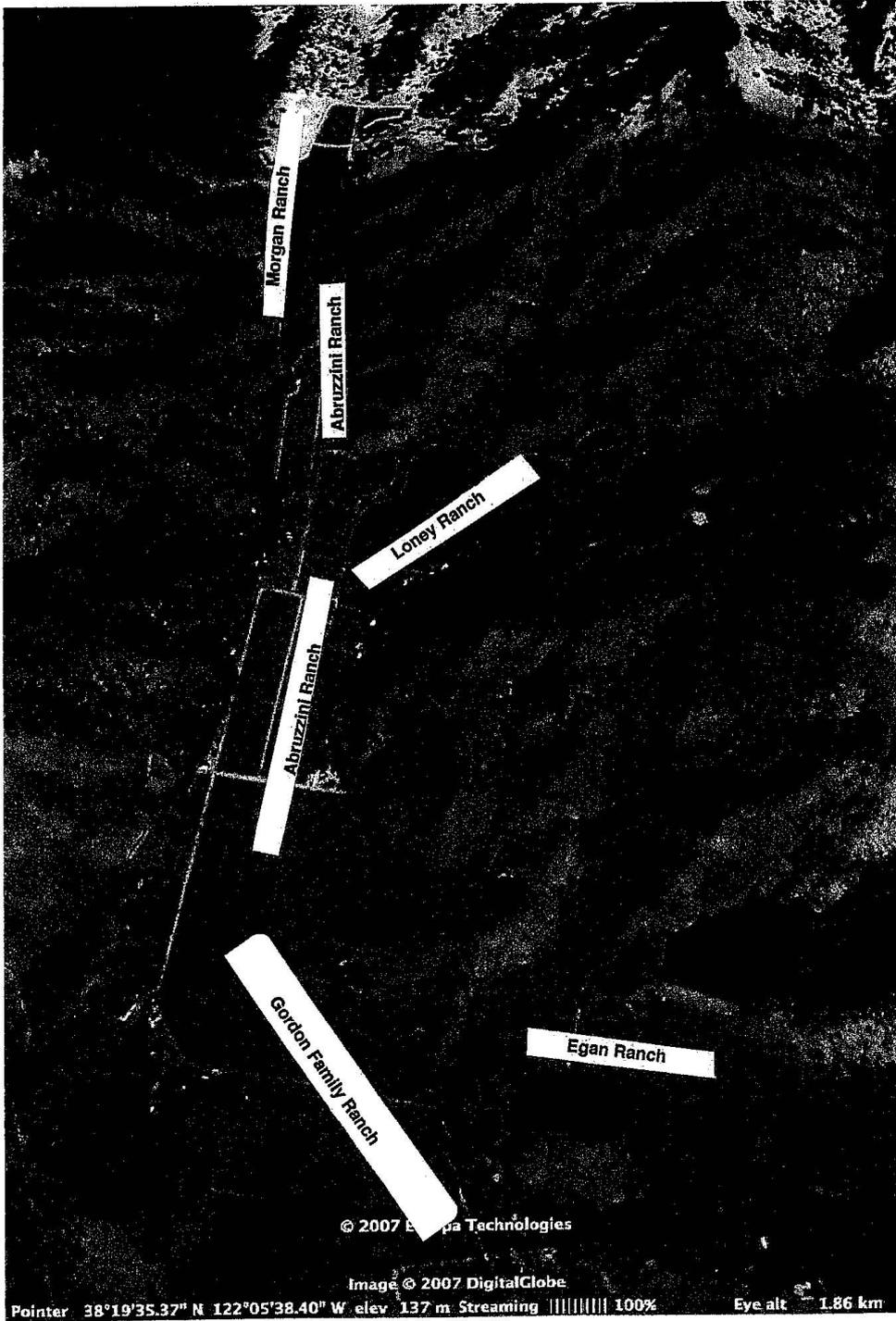
Robert D. Egan Date 4-12-07

Bill Morgan Parcel # 33-170-02  
Morgan Ranch

Bill E Morgan Date 4-12-07

3.0 COMMENTS AND RESPONSES TO COMMENTS





Gordon Valley

**Gordon Valley Pictures  
For Review as part  
Of General Plan Comments  
Submitted by Don Gordon  
Of Gordon Family Ranch  
May 1st 2007**

In Reviewing the following pictures please note that a major portion of the Gordon Valley area is not steep terrain requiring 360 acre AW Zoning. There are many acres of Valley Floor with Class One soils suitable for crops surrounded by rolling foothills within the mentioned parcels. These areas should be zoned AP with smaller parcel splits allowed similar to Napa and Wooden Valley areas which are already zoned AP.

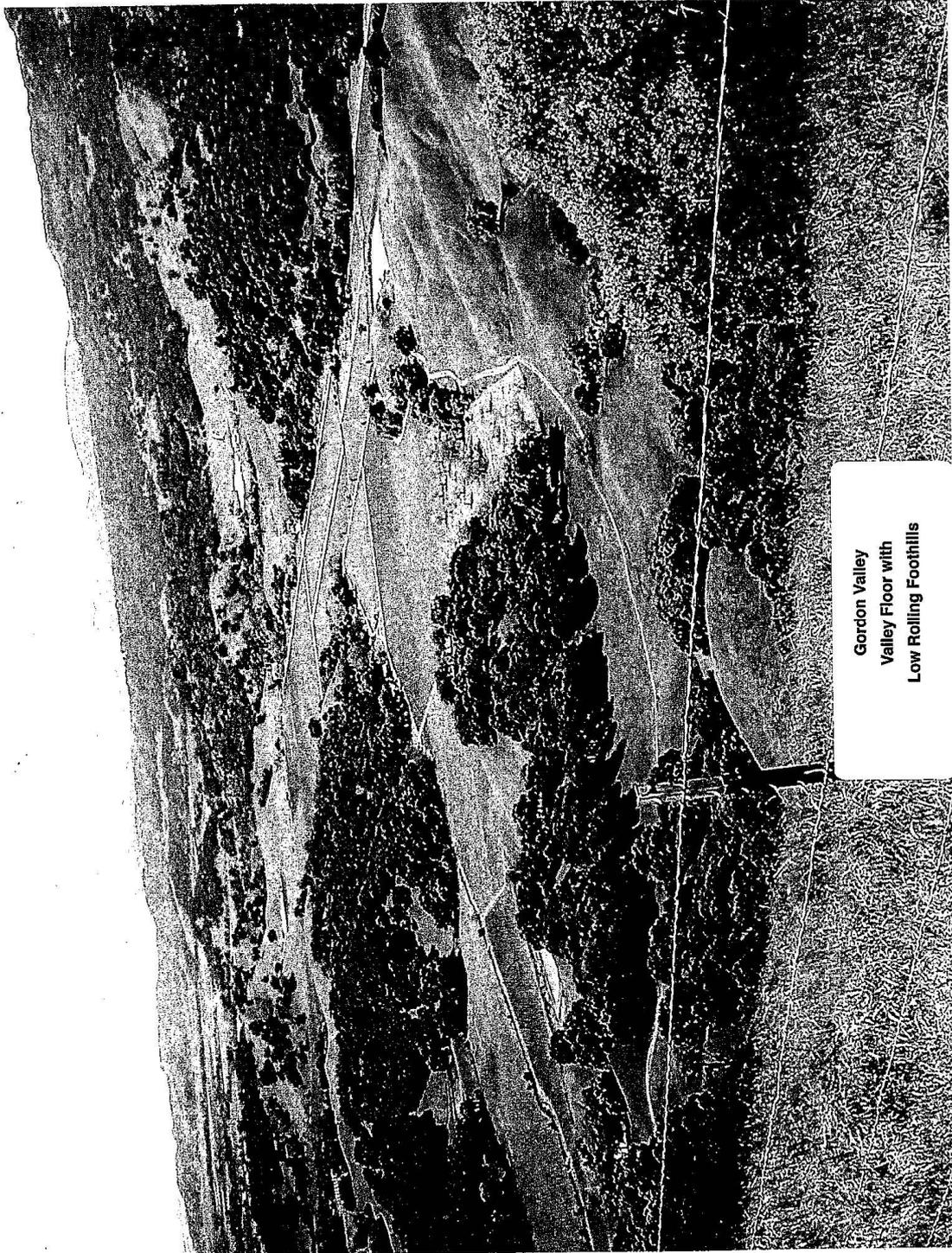
The steep rugged country surrounding this valley and foothill area has been preserved in the past by protection of Williamson Act. When the area was put under Williamson Act protection it was split into 400 acre parcels and it is the intention of the Gordon Family to keep it that way. The family made this commitment many years ago with intent of being able, if needed, to split the lower parcel for family and farm labor housing. This lower parcel along with other parcels in this proposal has Valley Floor and mild slopes. This option was removed when this area was blanket zoned in 1993 to 320 acres before splitting. This is entirely inappropriate for the lower foothills and valley floor and was a knee-jerk reaction by the county to correct previous mistakes in zoning.

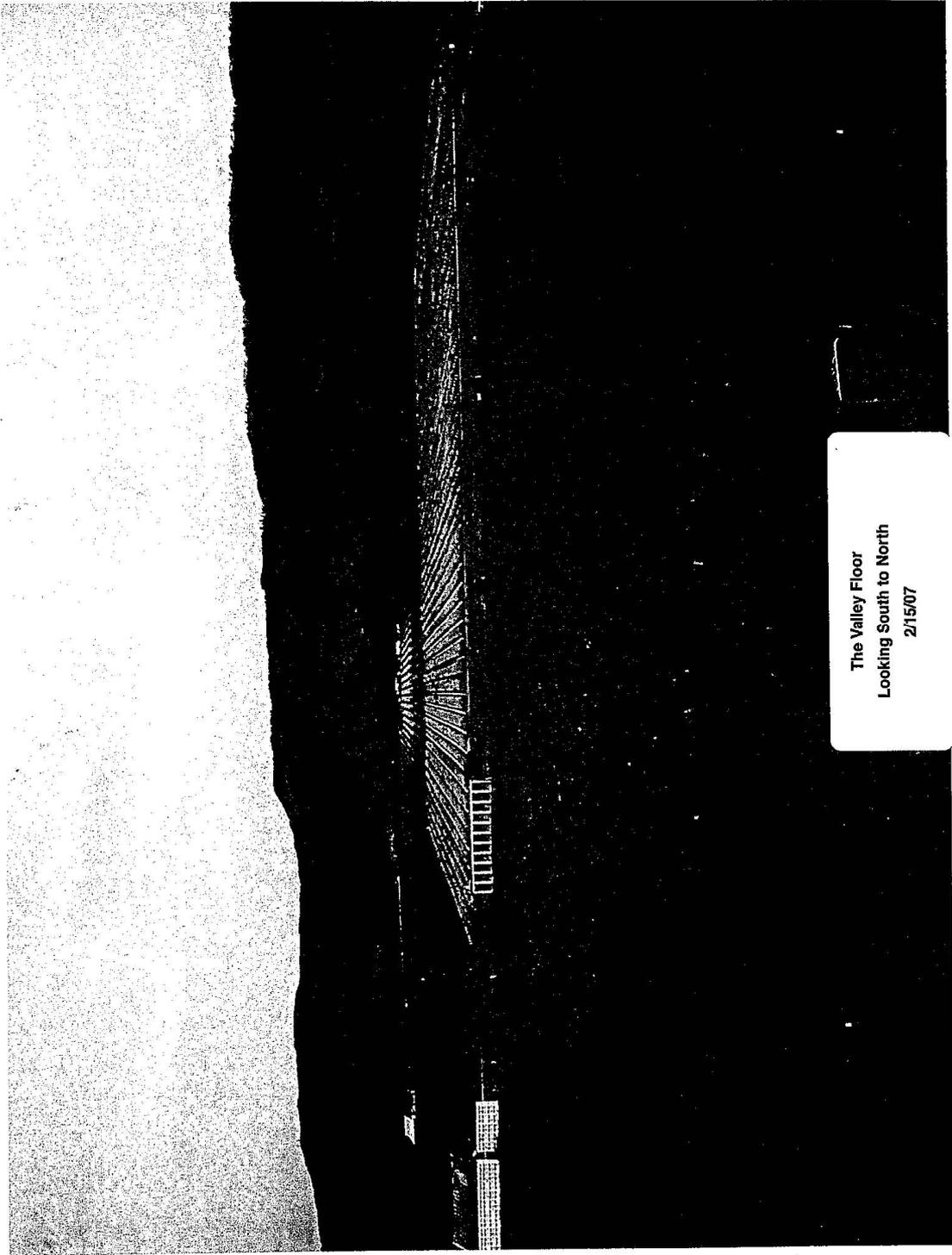
Now is an opportunity to correct an unjust and discriminating zoning decision made several years ago.

Please review these pictures along with the proposal and enlarge the Ag Resource Area in the general plan and change the zoning to AP.

**3.0 COMMENTS AND RESPONSES TO COMMENTS**

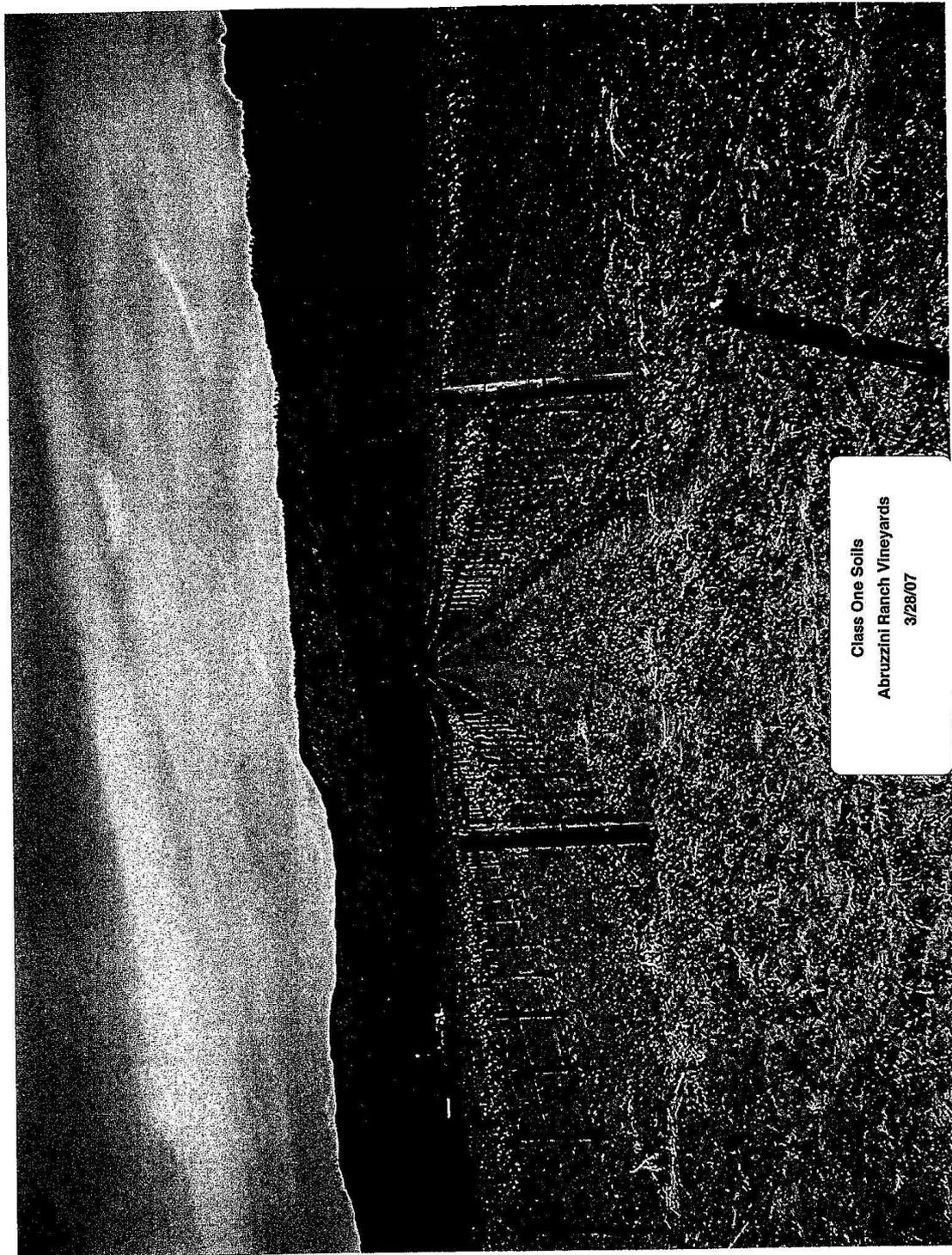
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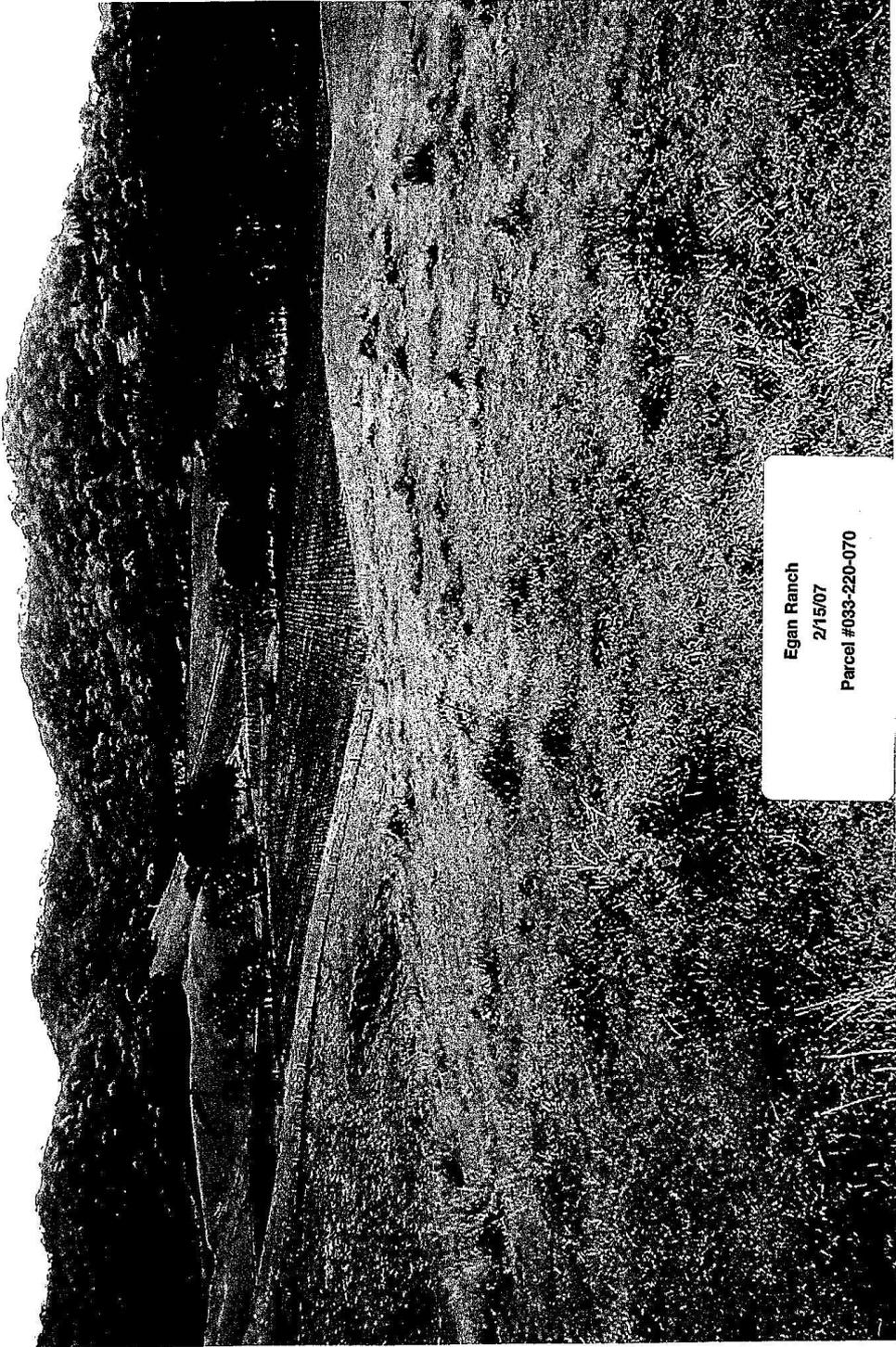


**3.0 COMMENTS AND RESPONSES TO COMMENTS**

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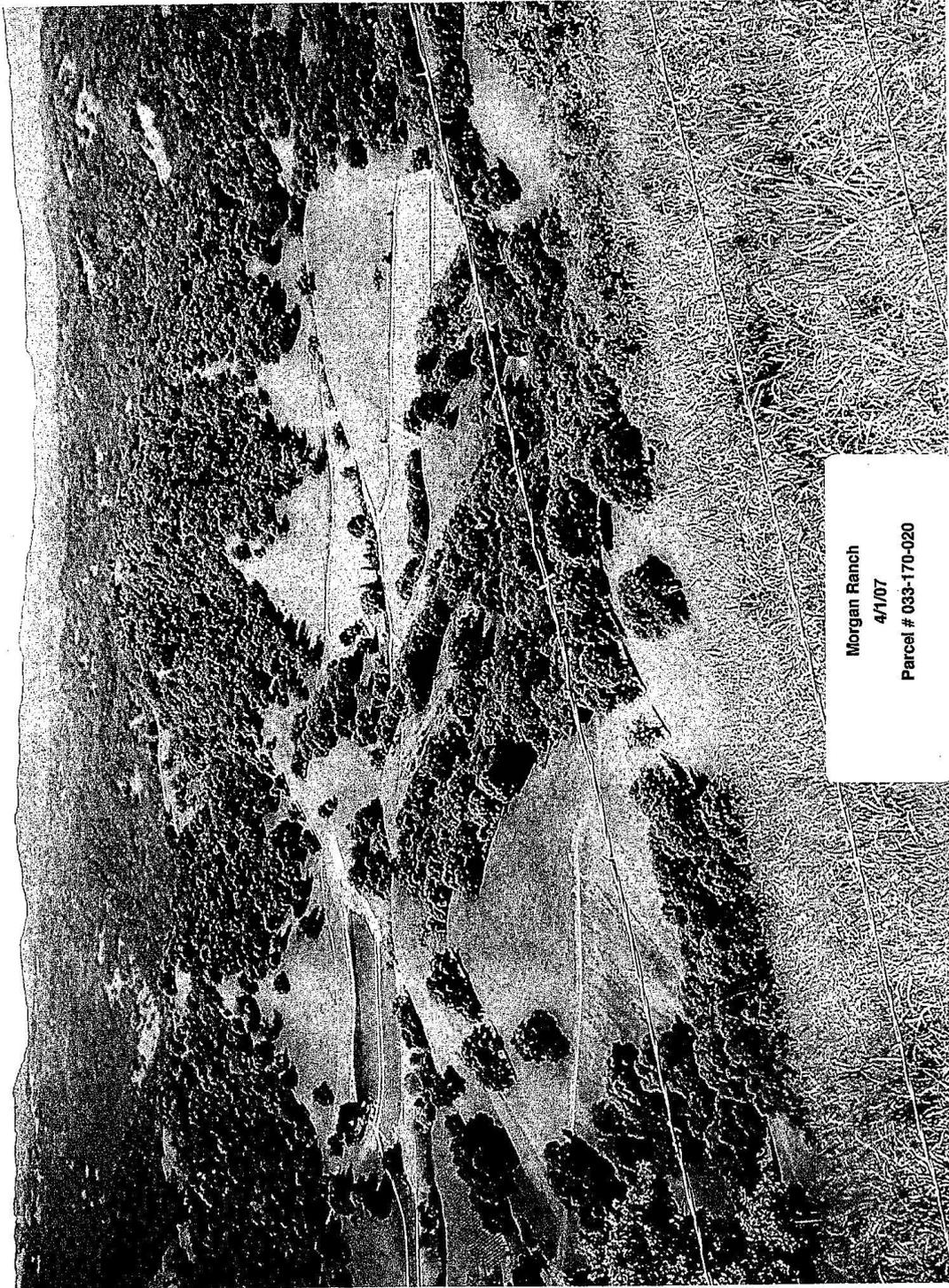


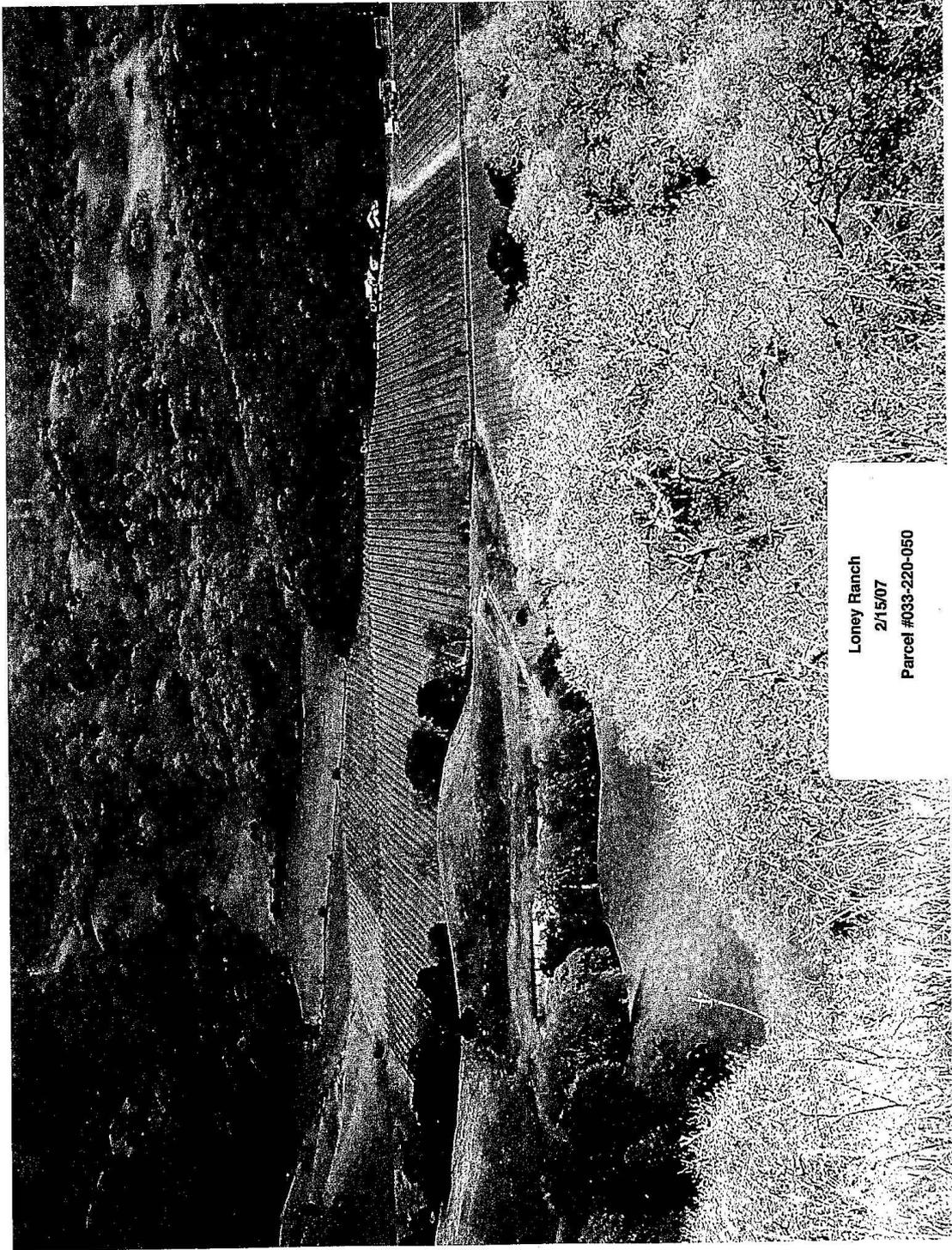
Class One Soils  
Abruzzini Ranch Vineyards  
3/28/07



### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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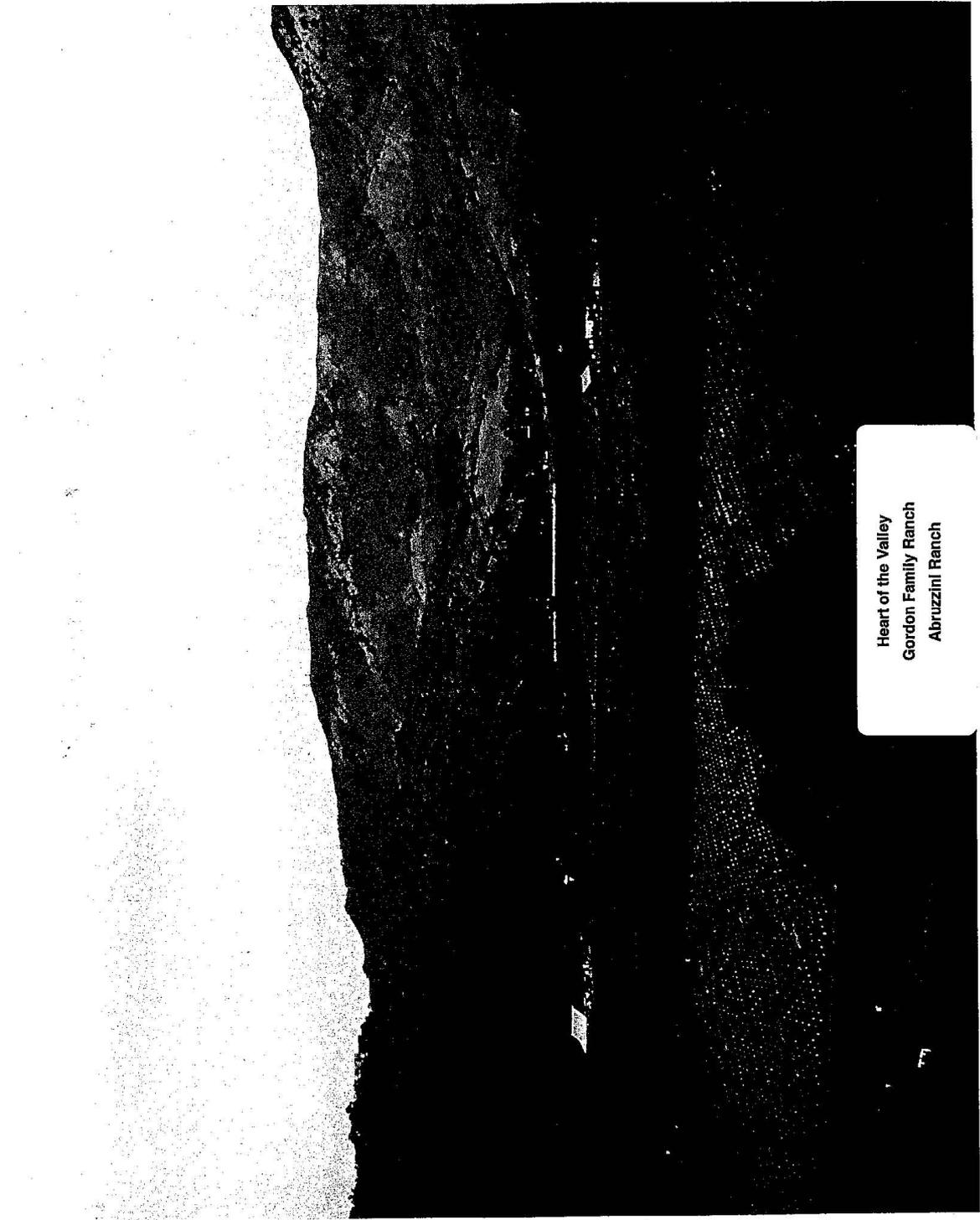




**3.0 COMMENTS AND RESPONSES TO COMMENTS**

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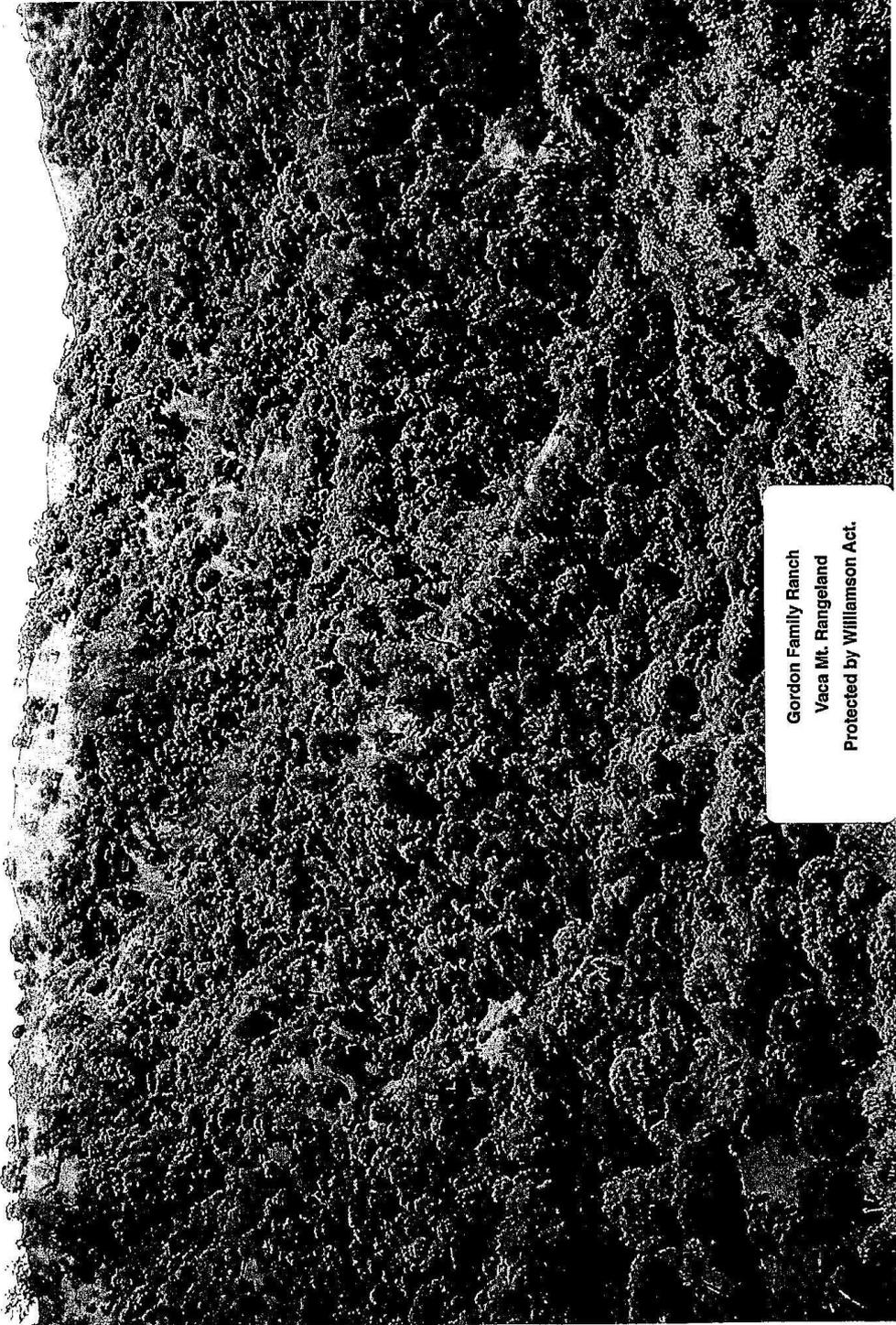


### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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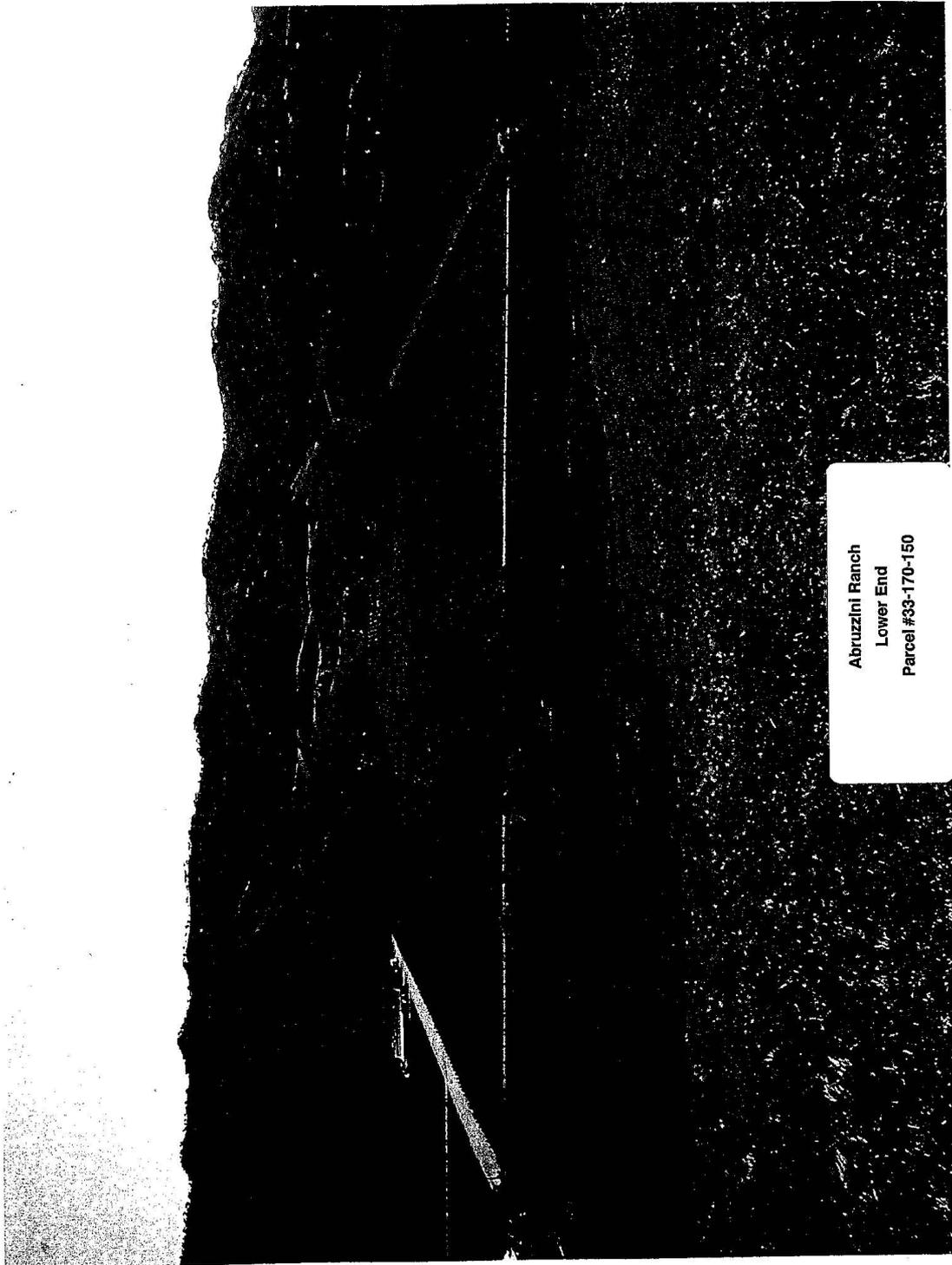
Gordon Family Ranch  
Yaca Mt. Rangeland  
Protected by Williamson Act.

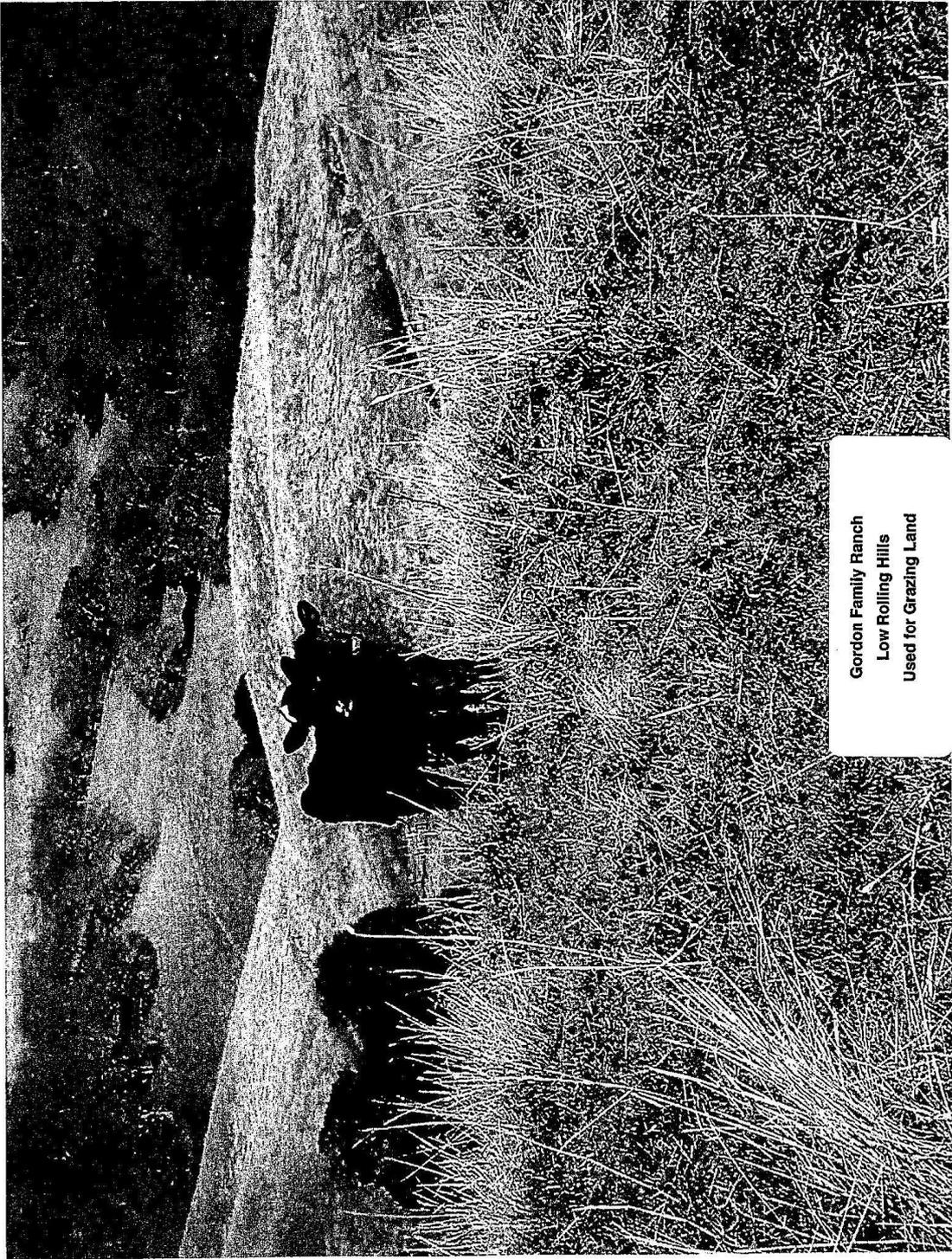


Gordon Family Ranch  
Yaca Mt. Rangeland  
Protected by Williamson Act.

**3.0 COMMENTS AND RESPONSES TO COMMENTS**

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### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 31: DON GORDON, GORDON FAMILY RANCH, MAY 1, 2007

*Response 31-1 P:* The commenter states that agricultural zoning in Gordon Valley should be changed to commercial zoning to allow for smaller lot sizes. The County acknowledges the concerns presented regarding the desire to re-designate the Gordon Family Ranch from Agricultural Resource to Agricultural Preserve (40) in order to obtain 40-acre parcels. Five parcels have been noted as comprising this property owned by the Gordon family, and the family has requested this change to County staff in previous years. At issue with re-designation is the requirement that this request be handled through a Measure J vote by all the voters in the County, which could result in the rejection of the requested change. County staff recommends several alternative methods that may accomplish this same goal that would not require a Measure J vote. The Gordon family could present an application to the County Planning Department for a (1) lot line adjustment, (2) rezone, or (3) subdivision split, or a combination of these proposals. This application could accomplish some of the same ends as what is currently being requested.

*Response 31-2 P:* The commenter presents a history of zoning in Gordon Valley. The County appreciates the information and will take the information into consideration during formulation of the final General Plan Update.

*Response 31-3 P:* The commenter presents a list of requested changes to Ag Resource Areas depicted in the proposed General Plan Update. The County appreciates the suggestions made by the commenter; however, County staff has recommended only very limited changes at this time to designations in the areas of Angwin, Berryessa Estates, and north of the Pope Creek Bridge on the west shore of Lake Berryessa (see Section 2.0, Preferred Plan). For the Gordon Family Ranch, County staff recommends following the concept presented in Responses 31-1 P by starting with a pre-application meeting with Planning Department staff.

*Response 31-4 P:* The commenter presents suggestions on how the Gordon Valley should be zoned in the General Plan Update. See Responses 31-1 P and 31-3 P.

*Response 31-5 P:* The commenter presents a signed petition requesting that the AW zoning in the Gordon Valley area should be changed to AP. See Response 31-3 P.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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Rational comments

Letter 32

From: "Gridley, Paul M." <Paul.Gridley@Anheuser-Busch.com>  
Subject: Rational comments  
Date: Wed, April 4, 2007 7:30 am  
To: info@napacountygeneralplan.com

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To Whom it May Concern:

I'm a citizen of Napa County and a believer that global warming is a real concern. However, I do NOT believe it needs to or can be addressed by the County's General Plan, which only covers the next 20 years. The effects of global warming, whatever they turn out to be, won't happen until long after this. Global warming can best be addressed by all people taking the simple steps that Al Gore talks about in the movie "Inconvenient Truth". If government is to get involved, then it must be the federal government.

32-1P

Please keep the process of revising the General Plan on track. Do not extend the comment period unless you want to turn the entire process into a never ending circus. The General Plan should NOT incorporate global warming. The Board of Supervisors should continue to conduct business in a professional manner for the benefit of all county citizens and not base everything on the ever growing demands of the very few radical environmentalists in our midst.

Sincerely,

Paul Gridley  
4601 Dry Creek Road  
Napa

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### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 32: PAUL M. GRIDLEY, APRIL 4, 2007

*Response 32-1 P:* The commenter does not believe that global warming should be addressed in a General Plan. County staff has recommended that the topic of climate change be addressed in the General Plan Update based on the number of suggestions received by commenters as well as the direction many agencies and jurisdictions are now following regarding this issue. See Climate Change Master Response 3.4.4 for a discussion on climate change and the new section entitled Climate Protection and Sustainable Practices for Environmental Health in the revised Conservation Element.

Letter 33

March 19, 2007

To Napa County General Plan Committee,  
We, the Napa Youth Sports Council (NYSC), would like to comment on the general plan update.

For background knowledge, the NYSC represents approximately 8500 youth sports players and about 1500 adult sports players. We have assisted in developing sports fields in the Napa Valley such as Harvest Middle School, NVLA, and the Redwood Middle School just to name a few. We represent organized youth track, football, baseball, softball, soccer (youth and adult) and lacrosse.

After reviewing the general plan, we believe more emphasis should be on developing sports fields, such as baseball/softball diamonds or soccer fields. We have a limited supply of land available in our community and we believe areas surrounding the Cities of this valley should be designated as community separators. These community separators are greenbelts that would allow sports fields to be developed but still give an open space feeling.

Please consider our request and if you have any questions please call upon us.

Napa Youth Sports Council



Randy Gularte  
Member of NYSC  
256-2145

33-1P

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 33: RANDY GULARTE, NAPA YOUTH SPORTS COUNCIL, MARCH 19, 2007

*Response 33-1 P:* The commenter states that the Napa Youth Sports Council (NYSC) would like more emphasis on developing sports fields in Napa County. County staff acknowledges the commenter's desire for more sports field-type recreation in the County as this type of recreational facility is generally limited in the unincorporated County areas. Recently the County has supported the formation of the Napa County Regional Park and Open Space District (NCRPOSD) to look into opportunities for increasing recreational areas. The County still supports the concept of urbanized recreational facilities adjacent or within already urbanized areas. The Recreation and Open Space Element in the revised General Plan Update proposes to prioritize trails for biking and hiking opportunities; however, the General Plan also proposes to develop a new park and recreation master plan to identify priorities, implementation strategies, and funding needs. County staff recommends becoming active in the development of this master plan and presenting additional concerns regarding sports fields to the NCRPOSD.

**Gitelman, Hillary**

**From:** Shirleen Hall. [vichyspring@sbcglobal.net]  
**Sent:** Wednesday, April 04, 2007 8:01 AM  
**To:** plowe@napacountygeneralplan.com; Dodd, Bill; Gitelman, Hillary  
**Cc:** George Bachich; Shirleen Hall.; Ed Schulz  
**Subject:** April 4 2007 Public Comment to Proposed General Plan Revision: Draft EIR Mitigation Measure Matrix MM4.1.1a and MM4.1.1b

"Shirleen Hall." <vichyspring@sbcglobal.net> wrote:

Dear Napa County official: I am appalled, but unsurprised, at what appears to be yet another attempt to cheapen the definition of Farmland in Napa County, and expand the guise under which "public projects" may swindle it without any mention of compensation, fairness, respect for the taxpayers rights, etc. What the heck is a "public project" anymore?

If the low barrier to entry becomes to avoid this "where feasible", what happened to "paying the landowner full market rate where infeasible"?

34-1E/P

We have all too much first-hand experience with County Officials thinking they own our place and can take the use of it for free, from obnoxious attempts to extort easements in return for issuing permits, on to outright theft by Administrative Fiat (Stream Setback Ordinance), and ongoing contemptibly defective public administration of projects in the surrounding neighborhood.

MM 4.1.1a allows anything goes, since anything is a public project anymore, as long as title changes hands and tax collection goes up. Please stop this nonsense right now.

MM 4.1.1b says what-- long-term preservation--by who, for how long, is that farmland also forcibly taken from the former landowner and given to Land Trust under proviso they establish an easement, or, administered by the County, or what? Nothing here provides any sort of protection against the land swindle, which as I stated earlier, is appalling, but unsurprising, considering the writers are doing most of the swindling, scheming and defective, environmental-havoc wreaking development these days.

These appear not to be mitigation measures, so much as granting public projects the license to steal all farmland in general, and cluck with consternation about stealing "farmlands of concern under CEQA".

Neither provision meets the clean smell test, except for those seeking to take from others outside the normal way land is bought and sold.

Respectfully, Ed Schulz and Shirleen Hall, APN 049-062-005

04/04/2007

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 34: ED SCHULZ AND SHIRLEEN HALL, APRIL 4, 2007

*Response 34-1 E:* The commenters are concerned that mitigation measures MM 4.1.1a and 4.1.1b are an attempt to steal farmland. Mitigation measure MM 4.1.1b specifically requires that if a development project would convert Prime Farmland, Farmland of Statewide Importance, or Unique Farmland to non-agricultural uses, one acre of farmland of equal or higher quality for each acre converted shall be protected by the applicant. This measure was required to mitigate the impact of farmland conversion incurred by the proposed General Plan Update. Mitigation measure MM 4.1.1b would result in no net loss of high quality farmland.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

Traffic noise

Letter 35

From: "Dennis Harter" <dennisdhr@msn.com>  
Subject: Traffic noise  
Date: Thu, March 22, 2007 7:56 am  
To: plowe@napacountygeneralplan.com  
Cc: "Elliot and Avis Stern" <ebstern@starband.net>,rbwtench@pacbell.net,picavis@starbanc.net,finnweld4u@yahoo.com,lindaneal@mandlvineyards.com,franco@enzowines.com,mendelcini@aol.com,ddillon@co.napa.ca.us

To: P. Lowe

We have lived on the Silverado Trail for 22 years now, and the increased traffic noise has lowered the quality of life on the Trail. We have been in contact with the County for the past 4 years trying to introduce a product that has been on the market for sometime: "RAC" Rubberized Asphalt Concrete. This product is made of ground up used tires mixed in with asphalt. Napa County has used this product before and have found it works well reducing noise and is very durability. We have been in contact with Lance Heide and now with Tom Goodman with public works, in trying to utilize this product for new projects on the Trail. The next asphalt project is going to be in Oakville, which is where we and several other neighbors live. I would like to see this product, RAC, adopted in the GeneralPlan for use on Silverado Trail on future repaving projects, including this new project for this year here in Oakville. You can go to the website [www.rubberizedasphalt.org<about:blank>](http://www.rubberizedasphalt.org<about:blank>) and see the studies done on this material.

35-1E/P

Diane Dillon is also aware of the product as well, and she can speak on this subject. Napa is a beautiful place to live, but somehow we have allowed large corporations to change the normal everyday lifestyle with increased traffic. The least we can do is try to lower the road noise for those of us that live near or around the Silverado Trail.

If you have any questions, please feel free to write or call me. Thank you, a Napa Valley citizen since 1974,

Dennis Harter  
707-944-1275

**Attachments:**

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### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 35: DENNIS HARTER, MARCH 22, 2007

Response 35-1 E/P: The commenter would like to see "RAC" (rubberized asphalt concrete) adopted in the General Plan for use on the Silverado Trail. Conservation Element Policy CON-89 includes among the list of potential County actions:

*Adopting requirements for the use of recycled base materials (e.g., recycled raw batch materials, **rubberized asphalt** from recycled tires, and other appropriate materials), if practicable, in requests for bids from public roadway construction projects. [emphasis added]*

Letter 36

February 28, 2007

From: John E. Hoffman  
2125 Silverado Trail  
Napa, CA 94558

To: Napa County Dept. of Conservation, Development and Planning  
1195 Third Street  
Napa, CA 94559

Subject: Comments Regarding the General Plan

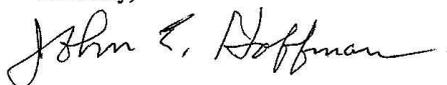
Upon Reviewing the proposed revised General Plan and E.I.R., dated February 16, 2007, I see that an example of bad planning in the old General Plan has been perpetuated in the revision. I refer to the location of the Napa City limits and R.U.L. at the northeast corner of the intersection of Trancas Street and Silverado Trail. The 5+ acre lot at that location is still shown on the map, AG/LU-3, Page 110, as an island of Napa City land, ½ mile outside the true city limits, completely surrounded by county land zoned Agricultural Preserve.

I am compelled to point out that, in spite of all the careful planning and the hours of study spent in drafting this extensive and comprehensive General Plan for intelligent future development, there is still a need for correction of a serious mistake made many years ago. Now is the time to correct this mistake. You only need to drive by this site adjacent to the intersection of two major county roads, observe the unkempt condition of this property, the weeds uncut, and compare it with the meticulously groomed vineyards all around to recognize the need to include this property into the Agricultural Preserve. The owner of this property, on several occasions, has submitted to the City Council, a totally inappropriate proposal to build a hotel on this site, but for many good reasons, including periodic flooding, it has been rejected each time.

It should be noted that this acreage was part of a large prune orchard before Silverado Trail was straightened out in the 1950's, which cut it off from the rest of the orchard. The soil is an alluvial loam, excellent for growing grapes, the logical usage, since it is surrounded by existing vineyards.

I hope you will take this opportunity to initiate a rezoning of this 5 acre parcel and include the change in the revised General Plan.

Sincerely,



John E. Hoffman

Cc: Napa Register

36-1P

### **3.0 COMMENTS AND RESPONSES TO COMMENTS**

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LETTER 36: JOHN E. HOFFMAN, FEBRUARY 28, 2007

*Response 36-1 P:* The commenter is concerned that a 5-acre parcel at Trancas Street and Silverado Trail is completely surrounded by County AP land, but within the City limits. County staff acknowledges the discrepancy with this City of Napa parcel that is surrounded by County land; however, as the property is privately owned and still technically part of the City, the County has no official jurisdiction over whether to re-designate the parcel as Agricultural Preserve.

Letter 37

For our comment log.....

-----Original Message-----

From: Webmaster  
Sent: Tuesday, April 17, 2007 3:52 PM  
To: Napa County Notifier  
Subject: RE: \*\*\* Napa County Internet Message to the Webmaster \*\*\*

Thank you for visiting our website.

You've raised a good question. I have forwarded your inquiry to our Conservation, Development and Planning Department for response as appropriate.

-----Original Message-----

From: Napa County Notifier  
Sent: Tuesday, April 17, 2007 12:14 PM  
To: Webmaster  
Subject: \*\*\* Napa County Internet Message to the Webmaster \*\*\*

(The following message was auto-generated. Do not reply to this email.)

An Internet message to the WEBMASTER has been submitted.

===== BEGIN TEXT =====

Sent : 4/17/2007 12:13:55 PM  
-  
Name : Larry Hoffman > Sender requested contact via : \* EMAIL \*  
-  
Email : larrynrrd@msn.com  
-  
Phone :  
-  
MESSAGE

The Napa River Reclamation District is not on the list of special districts in the general plan draft. Why does Napa county address some special districts and not others? The NRRD provides the same services as NSD. Why list NSD and not list NRRD?

37-1P

===== END OF MESSAGE =====

### **3.0 COMMENTS AND RESPONSES TO COMMENTS**

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LETTER 37: LARRY HOFFMAN, APRIL 17, 2007

*Response 37-1 P:* The commenter asks why the Napa River Reclamation District is not on the list of special districts in the public draft of the proposed General Plan Update. This district has been included to the list of special districts as noted.

Letter 38

APR 20 2007

April 12, 2007

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

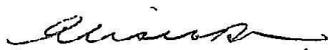
Dear Chairman Moskowitz,

We recently learned that the County is reviewing the draft General Plan as recommended by the Board's General Plan Advisory Committee. Regrettably, the Committee has recommended that the South County Rural Limit Line encroach by nearly one-third mile into the City's adopted planning area; an area that has existed since 1994. 38-1P

We believe that the draft County plan is not consistent with the goals and objectives of the community of American Canyon nor is it in the best interest of the greater community of South Napa County, given the City provides the majority of essential services to the area and is better equipped to do so both now and in the future.

Speaking on behalf of our membership we would urge the Board of Supervisors to return the County's RUL to Fagan Creek (See Attached Map).

Sincerely,

  
ELISEO P. IRA

C: Bill Kisliuk, Managing Editor Napa Valley Register  
Mike Waterman, Editor American Canyon Eagle

### **3.0 COMMENTS AND RESPONSES TO COMMENTS**

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LETTER 38: ELISEO P. IRA, APRIL 12, 2007

*Response 38-1 P:* The commenter has concerns that the public draft of the proposed General Plan Update shows the South County Rural Limit Line encroaching by nearly one-third of a mile into the City of American Canyon's adopted planning area. The proposed General Plan 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.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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Draft General Plan Errors

Letter 39

From: "Eve Kahn" <evekahn@juno.com>  
Subject: Draft General Plan Errors  
Date: Sun, March 4, 2007 11:52 am  
To: plowe@co.napa.ca.us  
Cc: hgitelman@co.napa.ca.us

---

Patrick - I made my way thru two elements in the Draft GP so far and found a few text errors that I'm passing along to you (I hope you are the appropriate person).

Summary/Vision, page 16, last sentence. "The plan...and identifies scenic roadways that will protected from significant visual changes." I can't find the list of scenic roadways anywhere. | 39-1P

Ag & Land Use, page 29. Will the 2007 ABAG projections be included instead of the 2005? | 39-2P

Page 35, Ag/LU-9 in italics says the text was in former policy 3.11. I see nothing that equates with 3.11. Former polciy 3.13 seems OK | 39-3P

Page 39, Ag/LU 20 - how do you defined 'developed areas' in this and other policies? | 39-4P

Page 39, Ag/LU 23 italicized text should refer to former policy 4.11 not 4.3. | 39-5P

Page 41, Ag/LU 29 italicized text should state former policy 4.4 with edits as the last sentence is new. | 39-6P

Page 42, Ag/LU-33. How do you define tourist-serving? This seems very ambiguous and open to wide interpretation. | 39-7P

Page 43, Ag/LU-35 & 36 have duplicate info. Look at the 1st sentence of LU35 and the last sentence of 36. | 39-8P

Page 45, Ag/LU-41. the first bullet is a duplicate of LU-42 and should have a reference to former land use policy 5.4b. the second bullet should also have a reference to 5.4b. the third bullet should reference land use policy 5.4c | 39-9P

Page 46, Ag/LU-43 is missing a reference to former land use policy 4.2 with edits. | 39-10P

[http://www.napacountygeneralplan.com:2095/3rdparty/s...\\_id=2&mailbox=INBOX&passed\\_id=19&view\\_unsafe\\_images=\(1 of 2\)4/19/2007 2:40:53 PM](http://www.napacountygeneralplan.com:2095/3rdparty/s..._id=2&mailbox=INBOX&passed_id=19&view_unsafe_images=(1%20of%204)/19/2007%202:40:53%20PM)

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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Draft General Plan Errors

Page 73, Ag/LU-87. Former land use element 4.9b has no text regarding 231 housing units. | 39-11P

Page 96, #3 uses "Growth Management Element" although there is no element in the draft GP. Should this and other references be Growth Management System? | 39-12P

Is it appropriate to include the Measure A text as appendix in the GP as the Growth management systems are based upon that initiative and subsequent ordinance? Same with Measure J? | 39-13P

Circulation element, page 121, Table CIR-B is blank | 39-14P

That's as far as I've read and analyzed so far. I will send you more edits if I find them.

Regards, Eve

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[http://www.napacountygeneralplan.com:2095/3rdparty/s...\\_id=2&mailbox=INBOX&passed\\_id=19&view\\_unsafe\\_images=\(2 of 2\)4/19/2007 2:40:53 PM](http://www.napacountygeneralplan.com:2095/3rdparty/s..._id=2&mailbox=INBOX&passed_id=19&view_unsafe_images=(2 of 2)4/19/2007 2:40:53 PM)

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 39: EVE KAHN, MARCH 4, 2007

Response 39-1 P: The commenter indicates that she cannot locate a list of scenic roadways in the public draft of the proposed General Plan Update. A list of scenic roadways was not included in the Circulation Element; however, a map of scenic corridors was included in Section 4.12 of the Draft EIR, and Policy CC-8 in the revised Community Character Element reads as follows:

*Scenic roadways which shall be subject to the Viewshed Protection Program are those shown in Figure CC-3, or designated by the Board of Supervisors in the future.*

Figure CC-3, which shows the location of scenic roadways subject to the Viewshed Protection Program, is included in the Community Character Element. There are approximately 280 miles of county-designated scenic roadways in Napa County. Although none of the roads are officially designated as Scenic Highways by the State of California, segments of Hwy 29, SR 121, and SR 221 are eligible for scenic highway designation.

Response 39-2 P: Commenter would like to know if the 2007 ABAG projections will be included instead of the 2005 projections on page 29 of the Agriculture and Land Use Element. The 2007 ABAG projections have been added as part of revisions to the Agricultural Preservation and Land Use Element.

Response 39-3 P: The commenter cannot locate former policy 3.11 on page 35, Ag/LU-9. This policy reflects former land use Policy 3.11 combined with former land use Policy 3.13, with edits. The policy number has been changed to Ag/LU-10.

Response 39-4 P: The commenter requests that Policy Ag/LU-20 define "developed areas." Policy Ag/LU-20 has been amended to read as follows:

- Urban uses shall be concentrated in the incorporated cities and designated urbanized areas of the unincorporated County in order to preserve agriculture and open space, encourage transit-oriented development, conserve energy, and provide for healthy, "walkable" communities.

Response 39-5 P: The commenter notes that in Policy Ag/LU-23 the italicized text should refer to former policy 4.11. Policy Ag/LU-23 has been edited in response to this comment to refer to former Land Use Element policy 4.11. The number on this item has been changed to Ag/LU-25.

Response 39-6 P: The commenter notes that in Policy Ag/LU-23 the italicized text should state former policy 4.4. The edits have been made to Ag/LU-29. The number on this item has been changed to Ag/LU-31.

Response 39-7 P: The commenter asks that Policy Ag/LU-33 define "tourist-serving." This change has not been made in the Agricultural and Land Use Element.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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- Response 39-8 P:* The commenter notes that Policy Ag/LU-35 and -36 have duplicate information. The edits have been made to Ag/LU-36 to delete duplicate information. The number on this item has been changed to Ag/LU-39.
- Response 39-9 P:* The commenter notes that for Policy Ag/LU-41 the first bullet is a duplicate of LU-42 and the third bullet should reference former policy 5.4c. This change has not been incorporated; however, the new policy number is Ag/LU-44.
- Response 39-10 P:* The commenter notes that Policy Ag/LU-43 is missing a reference to former policy 4.2. This change has not been made; however, the new policy number is Ag/LU-47.
- Response 39-11 P:* The commenter notes that for Policy Ag/LU-87, the former policy 4.9b has no text regarding housing units. County staff acknowledges that the new policy includes language not found in the former policy.
- Response 39-12 P:* The commenter questions the use of the term "Growth Management Element." If there is no such element, should it be called "Growth Management System"? The Growth Management System Element was included in the 1983 General Plan. Measure A expired in 2000 and the BOS extended the provisions through the Housing Allocation Program. This General Plan Update retains the growth management system, referred to as the Housing Allocation Program (Policy Ag/LU-119).
- Response 39-13 P:* The commenter asks if it is appropriate to use the text from Measure A and Measure J as growth management systems are based on those initiatives. Although there is no separate Growth Management Element in this General Plan Update, the topic of growth management is incorporated into the Agricultural and Land Use Element as Policy Ag/LU-119. The text of Measure J is included in the Agricultural Preservation and Land Use Element as specified (and required) by the initiative itself.
- Response 39-14 P:* The commenter notes that Table CIR-B in the Circulation Element is blank. Table CIR-B has now been filled in with the relevant data.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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Letter 40



**ROBERT A. KARN & ASSOCIATES, INC.**  
707 Beck Avenue, Fairfield, California 94533 Phone: (707) 435-9999 Fax: (707) 435-9988

May 21, 2007

Napa County Office of Conservation  
Development and Planning  
Attn: Patrick Lowe and Nancy Johnson  
1195 Third Street, Suite 201  
Napa, CA 94559

Re: General Plan Update and  
APN 157-120-047 (Paoli Loop Rd.)

Dear Patrick and Nancy,

On behalf of Shawn Hacker, I would like to request that the parcel indicated on the attached map, APN 157-120-047, be included in the general plan industrial designation, which will match it's current zoning designation of industrial. I would also want to request that the agricultural watershed overlay district be removed from the parcel. 40-1P

Should you have any questions, please feel free to call us at 707-435-9999.

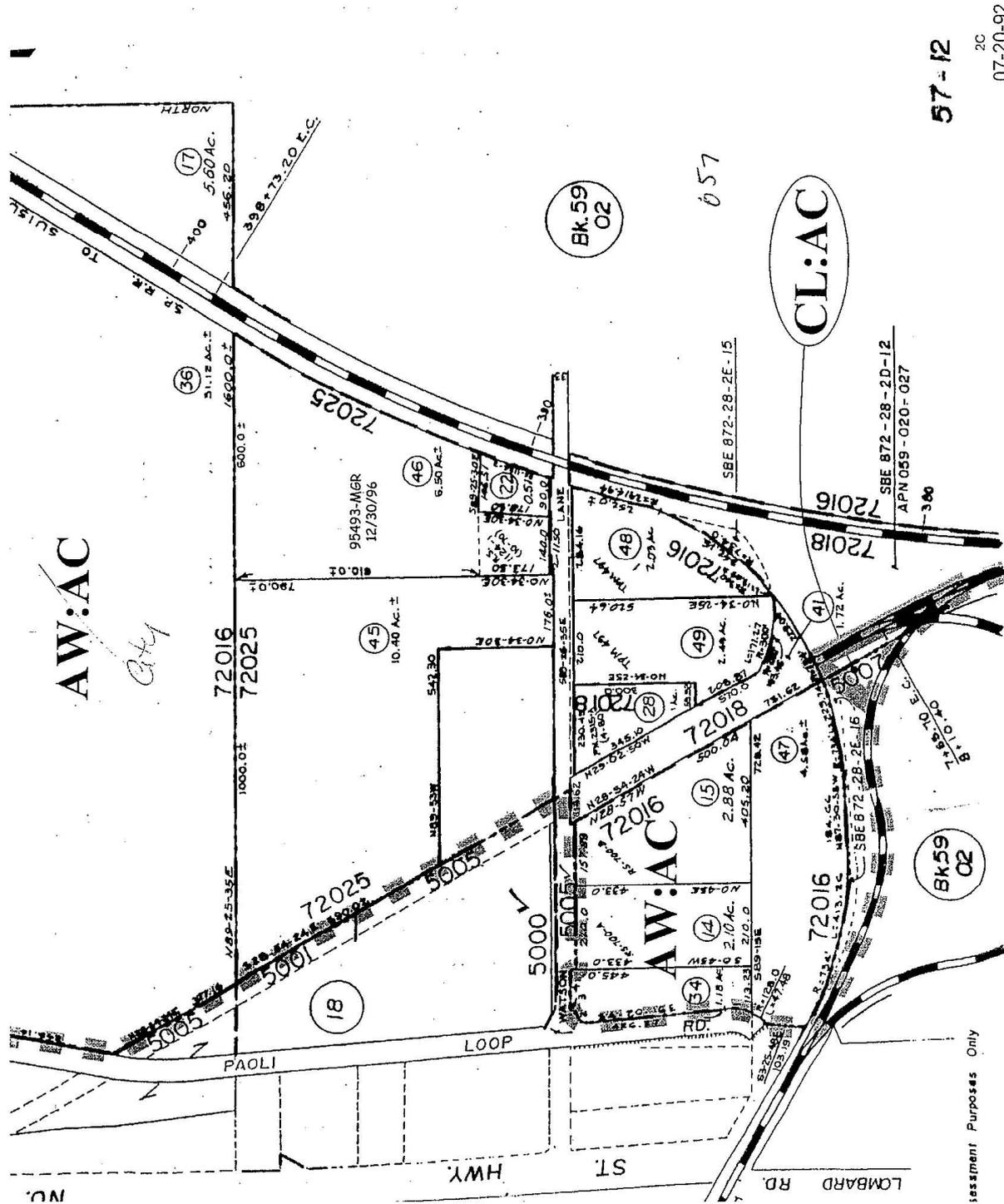
Sincerely,

ROBERT A. KARN & ASSOCIATES, INC.

Todd Anderson

Cc: Shawn Hacker

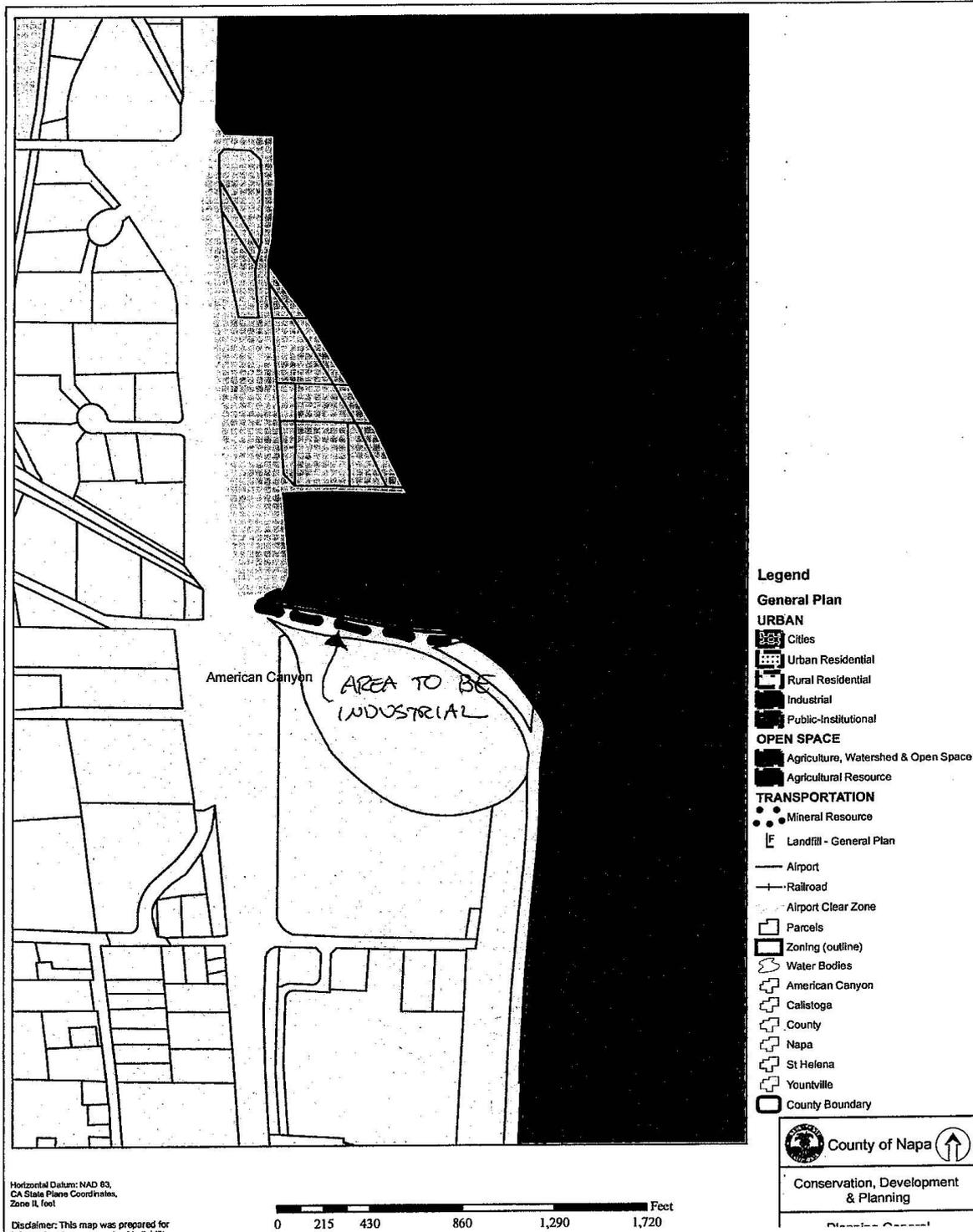
3.0 COMMENTS AND RESPONSES TO COMMENTS



57-12

2C  
07-20-92

3.0 COMMENTS AND RESPONSES TO COMMENTS



### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 40: ROBERT A. KARN & ASSOCIATES ON BEHALF OF SHAWN HACKER, MAY 21, 2007

*Response 40-1 P:* The commenter would like to request a change in the General Plan to include APN 157-120-047 as Industrial to match the current zoning and that the agricultural watershed overlay district be removed from the parcel. The County appreciates the suggestions made by the commenter; however, County staff has recommended only very limited changes at this time in the General Plan to designations in the areas of Angwin, Berryessa Estates, and north of the Pope Creek Bridge on the west shore of Lake Berryessa (see Section 2.0, Preferred Plan). The commenter may independently pursue his requested change, which would require a Measure J vote or annexation to the City of American Canyon.

Letter 41

May 7, 2007

Dear

Napa county Department of Conservation, Development and Planning

Attn: Patrick Lowe

The Kitley family as been living and vacationing in Pope Valley since the 1920s  
We are writing this letter to support a change in zoning for the Pope Valley Store,  
Garage, Pope valley Market Pope Valley Community Center Pope Valley Fire Station  
And Water Company. These areas should be granted commercial standing.

Anyone who drives by these structures can see they have been there for commercial use

A very long time.

41-1P

Sincerely,



### **3.0 COMMENTS AND RESPONSES TO COMMENTS**

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LETTER 41: DANIEL R. KITLEY, MAY 7, 2007

*Response 41-1 P:* The commenter supports the change in zoning to Commercial for properties already in commercial use in Pope Valley. Please see Response 30-1P.

Letter 42



May 22, 2007

Napa County Department of Conservation Development and Planning  
Attn: General Plan Comments  
1195 Third Street, Suite 120  
Napa, California 94559

Dear Sir or Madam:

We hereby submit the following comments to The Napa County Draft General Plan Update dated February 16, 2007 and the Draft Environmental Impact Report ("EIR") for the Napa County General Plan dated February 2007 (State Clearinghouse No. 2005102088).

The Land Trust of Napa County is a non-profit corporation working to protect the natural diversity, scenic open space and agricultural vitality of Napa County by preserving lands with significant conservation values for present and future generations and by fostering an appreciation and understanding of the natural environment. We are proud to report that in the last 30 years we have been instrumental in protecting over 50,000 acres from development (including over 20,000 acres of property subject to conservation easements).

42-1P

We are pleased to see that the General Plan update maintains general statements of support for partnerships with The Land Trust and for conservation easements generally (Policy Ag/LU-7, Policy CON-27).

However, The Land Trust of Napa County is concerned about how land use policy in Napa County could affect the way we conduct business. One of the tools we use to protect lands is a conservation easement, which is an agreement between the Land Trust and property owners which defines and limits the type of development that may take place on the property. These conservation easements are enabled by federal and state law but are strengthened by local laws and policies that support land conservation, such as the viewshed ordinance.

42-2E

Impact 4.14.1 of the EIR states:

Land uses and development under the proposed General Plan Update could result in potential alterations to designated scenic resources within the County and could alter or degrade existing views or visual quality of the County.

*Preserving Open Space and Agriculture for Future Generations*

1040 Main Street, Suite 203 · Napa, California 94559 · Phone (707)252-3270 Facsimile (707)252-1071  
info@napalandtrust.org · www.napalandtrust.org

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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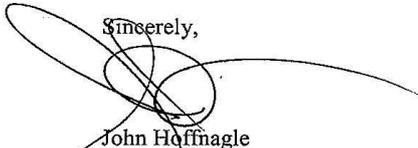
Napa County Department of Conservation  
Development and Planning  
Page 2

Napa County's Viewshed Ordinance is an instrumental policy that we cite in many of our documents where viewsheds are preserved. Therefore, if the Viewshed Ordinance is in any way diluted or certain roads are removed from protection under the ordinance, we are concerned that one of the purposes for our conservation easements will similarly be diluted.

42-2E  
cont'd

Thank you for the opportunity to comment on the General Plan Update and EIR.

Sincerely,



John Hoffnagle  
Executive Director  
The Land Trust of Napa County

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 42: JOHN HOFFNAGLE, THE LAND TRUST OF NAPA COUNTY, MAY 22, 2007

*Response 42-1 P:* The commenter supports Policies Ag/LU-7 and CON-27. The County appreciates the commenter's support for these policies.

*Response 42-2 E:* The commenter is concerned if the plan dilutes the Viewshed Ordinance in any way. The Revised Draft General Plan Update references the Viewshed Ordinance and does not propose weakening it in any way.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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Pacific Union College Eco-Village Project

Letter 43

From: "Maria Lopez" <margpelopez@yahoo.com>  
Subject: Pacific Union College Eco-Village Project  
Date: Mon, April 23, 2007 9:29 pm  
To: info@napacountygeneralplan.com

---

To the Napa County General Plan Steering Committee:

I'm writing to express my strong support for Pacific Union College's plans to increase its endowment through its Eco-Village project. During the last several months, I have seen PUC work with the community to gather perspective that will shape the project, the future of PUC, and our community. I believe the project strikes a thoughtful balance between community and college.

The project preserves what we all hold dear to our hearts and improves Angwin. For example, it saves our forestlands, but improves our current retail area. It preserves agricultural land and provides affordable housing. By creating a stable financial foundation for the college, PUC will flourish. As an employee of PUC and a resident of Angwin, I am excited about our future.

Best regards,

Maria Lopez

43-1P

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<http://mail.yahoo.com>

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[http://www.napacountygeneralplan.com:2095/3rdparty/squi...ent\\_id=0&mailbox=INBOX&passed\\_id=92&view\\_unsafe\\_images=4/25/2007 10:36:23 AM](http://www.napacountygeneralplan.com:2095/3rdparty/squi...ent_id=0&mailbox=INBOX&passed_id=92&view_unsafe_images=4/25/2007 10:36:23 AM)

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 43: MARIA LOPEZ, APRIL 23, 2007

*Response 43-1 P:* The commenter supports Pacific Union College's plans for the Eco-Village project. The County acknowledges the support on this topic.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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Letter 44

April 25, 2007

Napa County Dept. of Conservation, Development and Planning  
1195 3<sup>rd</sup> Street, Suite 210  
Napa, Ca 94559

Attn: R. Patrick Lowe

I am writing to you regarding commercial zoning in Pope Valley for the businesses listed below:

Pope Valley Store, Garage, recycling yard, Pope Valley Market, Pope Valley Community Center, Pope Valley Fire Station and Water Company.

These businesses have been in operation for a minimum of 60 and for as many as 122 years with commercial use in an agricultural zoning. I believe the zoning of these properties should be changed to commercial, and it is important that some additional acreage should receive commercial zoning for future planning purposes.

Sincerely, 

44-1P

We would appreciate your support in drafting a similar letter to Napa Co. Dept. Conservation, Development and Planning.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 44: EVELYN A. SKINNEAR, APRIL 25, 2007

*Response 44-1 P:* The commenter states that there are existing commercial businesses in Pope Valley which have been in operation as commercial uses in agricultural zones. The commenter believes that these properties and additional agricultural land should be rezoned as Commercial. Please see Response 30-1P.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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Letter 45

**Napa County General Plan: Public Comment on section,  
"Agriculture and Land Use"  
Submitted by Erica Martenson on April 4, 2007**

**I. EXPLANATORY COMMENT:** I request that information be added to the section called, "Agriculture and Land Use" in the Napa County General Plan. I am deeply concerned that this section neglects to mention several pertinent issues facing Napa County related to agriculture, including global warming, pest management, and genetically modified organisms. In addition, it focuses almost solely on the preservation of agricultural land and the "right to farm" with no mention of the quality of agriculture the County should encourage, namely socially responsible farming that mitigates, whenever possible, negative impacts on public health and the environment.

45-1E/P

The Napa Valley Vintners states on its website that it "supports farming practices that are environmentally sensitive, economically viable, and socially responsible." Likewise, one of the goals of the Napa Valley Grape Growers, according to its website, is "to promote environmentally and socially sustainable agriculture." Socially responsible agriculture should also be a goal of the County and should be reflected in the County General Plan. Currently, such language is entirely absent. I believe that the County should promote sustainable and organic agriculture by stating it as a goal within the County General Plan and by taking actions that will incentivize farmers to convert from conventional to organic and sustainable agriculture, and assist them in doing so.

(Note: I recognize that in several ways sustainable agriculture goes beyond organic agriculture by using alternative, renewable energy to run farm equipment, emphasizing fair labor practices, and so forth. However, I focus on organic agriculture, because there are clear standards for organic agriculture and a certifying agency in place to oversee the certification process, which do not exist within sustainable agriculture. Organic agriculture is a baseline goal, not the end all, that is measurable and that the County can and should encourage.)

45-2E/P

Organic agriculture is based on an ecological system of farming that emphasizes soil fertility as the key to healthy plants. Organic produce is grown without the use of synthetic pesticides and fertilizers. In California, organics are certified in accordance with the California Certified Organic Foods Act of 1990. The certification process, managed by California Certified Organic Farmers, includes inspection of farm fields and facilities, detailed record keeping, and periodic soil and water tests to insure that growers meet the organic standards.

The following are reasons the County should support organic agriculture:

1. To protect farm workers: The National Cancer Institute has found that farmers exposed to herbicides have six times the cancer risk of non-farmers. In studies of people (mostly farmers) exposed to Roundup herbicide, exposure is associated with increased risk of miscarriages, premature birth, and Non-Hodkin's lymphoma, a form of cancer. In California, reported pesticide poisonings among farm workers have risen an average of 14% each year since 1973.

2. To promote consumer health: Research shows that organic produce is healthier than conventional produce. In February 2005, the Danish Institute of Agricultural Sciences found that rats fed organic produce slept better, had stronger immune systems, and were less obese than those that ate conventional produce. In addition, several recent scientific studies have shown that organic produce has higher levels of beneficial nutrients than conventional produce.
3. To save energy and cut greenhouse gases: Conventional farming uses over 12% of our country's energy supply and more petroleum than any other industry. More energy is used to produce synthetic fertilizers than to till, cultivate, and harvest all US crops combined. Organic agriculture does not use these resource-intensive chemicals. Over 25 years of research at the Rodale Institute shows that organic farming helps combat global warming by capturing carbon dioxide in the atmosphere and fixing it into the soil, whereas conventional agriculture exacerbates global warming by producing a net release of atmospheric carbon.
4. To prevent soil erosion: The Soil Conservation Service estimates that more than three billion tons of topsoil is eroded annually from US croplands. Soil fertility and erosion are carefully controlled on organic farms using ecologically sound methods, such as cover cropping and mulching with compost.
5. To preserve water quality: The Environmental Protection Agency estimates that pesticides have contaminated the groundwater in 38 states. Organic practices do not produce this toxic runoff.
6. To promote economic vitality: Studies by Iowa State University show that organic agriculture is more profitable than conventional agriculture. Consumer demand for organics has increased 25-30% annually and is one of the fastest growing food sectors. Organics produce a higher profit margin, because at the same time that farmers aren't purchasing expensive chemicals, which cuts costs, the produce commands a higher price. Higher profits contribute to our tax base, benefiting the entire community.

45-2E/P  
cont'd

Since the general public and environment would benefit from farmers converting more acres from conventional to organic production, it is only fitting that the County and community as a whole support that objective. I, therefore, request that the following additions and changes be made to the following subsections under the section, "Agriculture and Land Use" in the Napa County General Plan:

#### **II. SUGGESTED ADDITIONS AND CHANGES:**

Issues Facing the County: Paragraphs should be added acknowledging the following issues all of which are pertinent issues that could affect agriculture in our County in the next fifty years and need to be mentioned:

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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<p>➤ Global Warming, if not reversed, will result in weather changes, flooding, and the loss of pollen viability, negatively affecting farming.</p>	<p>  45-3E/P</p>
<p>➤ Pests, such as the glassy-winged sharpshooter and vine mealy bug, and diseases, such as Pierce’s disease and leaf roll virus, must be controlled.</p>	<p>  45-4P</p>
<p>➤ Commercial plantings and field testing of genetically modified organisms (GMOs) put conventional and organic crops at risk of genetic contamination, which could result in market loss, product recalls, additional costs of testing and clean up, and lawsuits due to patent right infringement. In addition, the planting of GMOs engineered to resist Roundup would result in increased Roundup use and Roundup-resistant weeds that could take over vineyards and farms, and lead to the use of more toxic herbicides.</p>	<p>  45-5P</p>
<p><u>Cities and Other Agencies:</u> Change to: Implementation of the General Plan will require cooperation between government, industry, and environmental agencies and organizations.</p>	<p>  45-6P</p>
<p><u>Agriculture and Land Use Goals:</u> Ag/LU Goal 5—Add the word “environment,” so the goals states, “...balances the rights of individuals with those of the community and the needs of the environment.”</p>	<p>  45-7P</p>
<p>Add another goal: Promote organic and sustainable agriculture</p>	<p>  45-8P</p>
<p><u>Other Land Use Policies:</u> Add: Policies in support of organic and sustainable agriculture</p> <ul style="list-style-type: none"> <li>• The County will provide technical advice to farmers wishing to shift from conventional to organic and sustainable methods.</li> <li>• The County will provide economic incentives for farmers to convert from conventional to certified organic, such as property tax rebates or reimbursement of certification fees for the three years it takes to become certified organic.</li> <li>• The County will purchase local organic produce when available.</li> </ul>	<p>  45-9P</p>

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 45: ERICA MARTENSEN, APRIL 4, 2007

*Response 45-1 E/P:* The commenter requests that information be added to the Ag/LU Element related to agriculture, global warming, pest management, and genetically modified organisms. County staff appreciates the concern for these topic areas and notes that the issues of climate change and pest management have been addressed in the revised Conservation Element under a new section entitled Climate Protection and Sustainable Practices for Environmental Health. The commenter is specifically referred to Policy CON-3 about sustainable agricultural practices.

*Response 45-2 E/P:* The commenter describes why the County should support organic agriculture. The County appreciates the input and staff generally supports organic agriculture whenever proposed by private landowners; however, no policy has been included in this General Plan Update to make organic farming mandatory.

*Response 45-3 E/P:* The commenter states that global warming, if not reversed, will result in adverse changes in the climate that will affect agriculture. County staff appreciates the concern regarding global warming and notes that, based on suggestions by several commenters, additional policies and action items have been included in the revised Conservation Element that address the topics of energy conservation, climate change, and sustainability. See Climate Change Master Response 3.4.4 for a comprehensive discussion on climate change.

*Response 45-4 P:* The commenter identifies pests that should be controlled. The County appreciates the information presented and notes that support for an integrated pest management program is included in the Conservation Element under the Water Resources Goals.

*Response 45-5 P:* The commenter discusses the dangers of genetically modified organisms (GMO). County staff appreciates the information presented by the commenter; however, no specific policy has been included to address GMOs. County staff does support sustainable practices for environmental health as noted in the revised Conservation Element and would consider any specific concerns noted regarding this issue on a case-by-case basis.

*Response 45-6 P:* The commenter suggests a change to the Cities and Other Agencies section of the Ag/LU Element as follows: "Implementation of the General Plan will require cooperation between government, industry, and environmental agencies and organizations." This concept is generally recognized within different sections of the General Plan such as the Conservation Element.

*Response 45-7 P:* The commenter requests the addition of the word "environment" at the end of the sentence in Ag/LU Goal 5 on page 33 of the public draft of the proposed General Plan Update. This change has been made and the new goal is numbered as Ag/LU Goal 6.

### **3.0 COMMENTS AND RESPONSES TO COMMENTS**

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*Response 45-8 P:* The commenter requests the addition of another goal to the Ag/LU Element as follows: "Promote organic and sustainable agriculture." County staff appreciates this input; however, this language has not been incorporated as a goal at this time. See Policy CON-3 in the Conservation Element.

*Response 45-9 P:* The commenter suggests that three new policies be added in support of organic and sustainable agriculture as follows:

"1) The County will provide technical advice to farmers wishing to shift from conventional to organic and sustainable methods.

"2) The County will provide economic incentives for farmers to convert from conventional to certified organic, such as property tax rebates or reimbursement of certification fees for the three years it takes to become certified organic.

"3) The County will purchase local organic produce when available."

See Response 45-8 P. No goals or policies specify support of organic agriculture, although sustainable practices are encouraged in the new section of the Conservation Element. See Policy CON-3.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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#### Letter 46

Public Comment on the Precautionary Principle by the Napa County Green Party to be inserted into the General Plan

From: "Erica Martenson" <eamartenson@sbcglobal.net>  
Subject: Public Comment on the Precautionary Principle by the Napa County Green Party to be inserted into the General Plan  
Date: Thu, April 5, 2007 1:17 pm  
To: plowe@napacountygeneralplan.com  
Cc: "Bob Moore" <rlm3md@aol.com>

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The Napa County Green Party recently submitted a detailed explanation of the Precautionary Principle, which we would like to see incorporated into the General Plan. Below is a shorter description of the Principle that could be inserted into the Plan as is, as well as an explanation of where in the Plan it could be inserted.  
Sincerely,  
Erica Martenson

The Napa County Green Party requests that the following addition be made to the section of the Napa County General Plan called, "Summary and Vision," under the vision that currently states, "Napa County will respond to change and to internal and external factors in proactive ways, identifying issues before they become crises and developing innovative ways to respond."

46-1P

Napa County will respond to change and to internal and external factors in proactive ways, identifying issues before they become crises and developing innovative ways to respond, using the Precautionary Principle.  
Napa County shall apply the Precautionary Principle in conducting County affairs to protect the safety and welfare of its residents. The Precautionary Principle requires a thorough exploration and careful analysis of a wide range of alternatives. Based on the best available science, the Precautionary Principle requires the selection of the alternative that presents the least potential threat to human health and the environment. Public participation and an open and transparent decision-making process are critical to finding and selecting alternatives. Where threats of serious or irreversible damage to people or nature exist, lack of full scientific certainty about cause and effect shall not be viewed as sufficient reason for the County to postpone cost effective measures to prevent the

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### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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Public Comment on the Precautionary Principle by the Napa County Green Party to be inserted into the General Plan

degradation of the environment or protect the health of its residents. Any gaps in scientific data uncovered by the examination of alternatives will provide a guidepost for future research but will not prevent protective action from being taken by the County. As new scientific data become available, the County will review its decisions and make adjustments when warranted. The essential elements of the precautionary approach to decision-making include:

1. Anticipatory Action: There is a duty to take anticipatory action to prevent harm.
2. Right to Know: The community has a right to know complete and accurate information on potential human health and environmental impacts associated with the selection of products, services, operations or plans.
3. Alternatives Assessment: An obligation exists to examine a full range of alternatives and select the alternative with the least potential impact on human health and the environment, including the alternative of doing nothing.
4. Full Cost Accounting: When evaluating potential alternatives, there is a duty to consider all the reasonably foreseeable short and long-term costs and benefits to public as well as private sectors of the community, even if such costs are not reflected in the price.
5. Participatory Decision-Making: Decisions applying the Precautionary Principle must be transparent, participatory, and informed by the best available information.

46-1P  
cont'd

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April 05, 2007

The Napa County Green Party recently submitted a detailed explanation of the Precautionary Principle, which we would like to see incorporated into the General Plan. Below is a shorter description of the Principle that could be inserted into the Plan as is, as well as an explanation of where in the Plan it could be inserted.  
Sincerely,  
Erica Martenson

The Napa County Green Party requests that the following addition be made to the section of the Napa County General Plan called, "Summary and Vision," under the vision that currently states, "Napa County will respond to change and to internal and external factors in proactive ways, identifying issues before they become crises and developing innovative ways to respond."

**Napa County will respond to change and to internal and external factors in proactive ways, identifying issues before they become crises and developing innovative ways to respond, using the Precautionary Principle.**

Napa County shall apply the Precautionary Principle in conducting County affairs to protect the safety and welfare of its residents. The Precautionary Principle requires a thorough exploration and careful analysis of a wide range of alternatives. Based on the best available science, the Precautionary Principle requires the selection of the alternative that presents the least potential threat to human health and the environment. Public participation and an open and transparent decision-making process are critical to finding and selecting alternatives. Where threats of serious or irreversible damage to people or nature exist, lack of full scientific certainty about cause and effect shall not be viewed as sufficient reason for the County to postpone cost effective measures to prevent the degradation of the environment or protect the health of its residents. Any gaps in scientific data uncovered by the examination of alternatives will provide a guidepost for future research but will not prevent protective action from being taken by the County. As new scientific data become available, the County will review its decisions and make adjustments when warranted. The essential elements of the precautionary approach to decision-making include:

1. **Anticipatory Action:** There is a duty to take anticipatory action to prevent harm.
2. **Right to Know:** The community has a right to know complete and accurate information on potential human health and environmental impacts associated with the selection of products, services, operations or plans.
3. **Alternatives Assessment:** An obligation exists to examine a full range of alternatives and select the alternative with the least potential impact on human health and the environment, including the alternative of doing nothing.
4. **Full Cost Accounting:** When evaluating potential alternatives, there is a duty to consider all the reasonably foreseeable short and long-term costs and benefits to public as well as private sectors of the community, even if such costs are not reflected in the price.
5. **Participatory Decision-Making:** Decisions applying the Precautionary Principle must be transparent, participatory, and informed by the best available information.

46-2P

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 46: ERICA MARTENSEN, APRIL 5, 2007

*Response 46-1 P:* The commenter recommends that the perhaps the shorter version of the precautionary principle be incorporated into the General Plan Update and suggests that the principle could be added in the Summary and Vision section. County staff appreciates the concept provided by the commenter and concerns expressed by the precautionary principle. This specific principle has not been incorporated into the General Plan Update; however, some aspects of this principle may be included within policies of the revised elements as they are concerns of the County in a general sense. Also, the precautionary principle is referenced within the Implementation section of the Revised Draft General Plan Update.

*Response 46-2 P:* The commenter further recommends the precautionary principle for the General Plan Update and that a careful process for development and consideration of alternatives be conducted. County staff appreciates the concept provided by the commenter and concerns expressed by the precautionary principle. As noted in Response to Comment 46-1P, this specific principle has not been incorporated into the General Plan Update; however, some aspects of this principle may be included within policies of the revised elements as they are concerns of the County in a general sense. The commenter is also referred to Draft EIR Section 6.0 as well as Alternatives Master Response 3.4.2 regarding the process of developing alternatives for the General Plan Update.

Letter 47

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**From:** rob mcdonald [mailto:rob@thegirlsinthevineyard.com]  
**Sent:** Fri 4/6/2007 2:47 PM  
**To:** Wilson, Bruce  
**Subject:** thoughts

Hi Bruce.

Thanks for the link to the general plan. I went cross-eyed pretty quickly so thought I'd take a step back and just let you have my general thoughts.

The lives we lead are dependant on clean energy and clean water, as such we should accord them the proper importance.

All new buildings must have solar panels or alternate forms of energy generation.

New developments (like Napa pipe) must be – at the minimum – energy self sufficient, but preferably exporters of clean energy. Also, they must be built with gutters and rainwater tanks.

All water must be paid for on a use basis, doesn't matter whether you get it from the city, draw it from a well or catch it off your roof – you are metered and charged for ALL water used.

The rail line into and through the valley needs to be made available for public transit. Extend BART into the valley??

The river needs to be used for public transport. Particularly if Napa pipe goes ahead.

Electric car (read golf buggies) and bicycle parking lots need to be established at key points throughout the valley for tourists to use instead of driving. Idea is that you travel up and down the valley by train and get off to use electric carts or bikes at stopping points. When you are finished, you return the bike or cart to the lot and then get back on the train to the next lot.

Encourage development of small scale and sustainable vegetable and animal farms.

Napa downtown is a void that needs to be filled – a combination of low rise apartments with office and retail space incorporated would help develop critical mass AND lessen the pressure to develop rural areas in the county.

Anyway, there's my 2 cents worth. I'm happy to discuss more – I'm just a shocking typist.

Hope to catch up soon.

Rob

47-1P

47-2P

47-3P

47-4P

47-5P

**rob mcdonald**

***the girls in the vineyard . . .***

*napa, california  
415 235-6400*

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 47: ROB McDONALD, APRIL 6, 2007

*Response 47-1 P:* Commenter suggests that new development be energy self-sufficient and, preferably, exporters of clean energy, incorporating solar panels, gutters, and rainwater tanks. County staff appreciates the concern for energy conservation and sustainability practices. Many new policies and action items have been included into the revised Conservation Element that addresses these topics in a new section entitled Climate Protection and Sustainable Practices for Environmental Health.

*Response 47-2 P:* The commenter recommends that all water be paid for on a use basis. See Response 47-1 P above.

*Response 47-3 P:* Commenter makes suggestions for various means of public transport, including use of the Napa River, electric cars, and bicycles. The Circulation Element now includes strengthened policies that address multi-modal means of transportation.

*Response 47-4 P:* The commenter suggests development of small scale and sustainable vegetable and animal farms. Generally, property owners are free to develop their land in whatever manner is the most cost effective and feasible within the Napa County Conservation Regulations. See Policy Ag/LU-19 about local food production

*Response 47-5 P:* Commenter recommends mixed-use development in downtown Napa. Any development that would occur within the incorporated City of Napa would need to be reviewed and approved by the City Council.

Letter 48

TO: Patrick Lowe  
Napa County Conservation, Development, & Planning Dept.

Friday, April 27, 2007

FROM: Herb McGrew  
257 1248 / herbswords@attglobal.net

RE: NAPA GENERAL PLAN

Thomas Friedman in the NY Times, April 15th, 2007:

“How can America regain its international stature?  
By taking the lead in alternative energy and environmentalism.”  
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We in Napa County have an abundance of natural and human resources. Despite the county’s financial straits, we are better off than most and, rather than moaning and groaning about our problems, we should be leaders in developing aggressive and creative approaches to these problems and, for that matter, California’s problems. Too often we have been extraordinarily unimaginative and timid—“same old same old / business as usual”—in our vision.

FOR INSTANCE

- We should be building vertically.
- Our concept of “affordable housing” seems that of the “bigger is better” approach dictated by the building industry—*even for affordable housing!* That has to change.
- With our abundance of sunlight, there should never again be a building—*any new house or commercial building*—built in Napa County that is not equipped with the most sophisticated solar technology.
- If not for oil, the next century’s battle is going to be for water. Water conservation should be a constant concern. Our water rates should be *much* higher.

As usual, it’s pay now or pay later, and it’s our children and grandchildren who are going to be paying later, and paying and paying and paying—in every way, including with their health, if we don’t get on with it, now.

I realize that there is in this county a conservative old guard who are blind to these problems, and genetically, constitutionally, philosophically, and rigidly opposed to spending *anything* in the way of investing in our, our children’s, or the Earth’s future. It’s going to be up to you and all the rest of us to educate them and the youth of Napa County as to the concept of The Commons, and the increasingly critical nature of these issues.

It will take time, energy, and *courage* to do what has to be done, but it has to be done, *sooner rather than later*.

And remember: the Chinese symbol for “crisis” translates to “danger & opportunity.”

48-1P

N.B.

I will be sending a letter similar to this to the Register unless, for some reason or other, that's contraindicated.

A handwritten signature in black ink, consisting of a stylized, cursive name followed by the initials "HM".

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 48: HERB MCGREW, MARCH 4, 2007

*Response 48-1 P:* The commenter recommends that Napa County use creative approaches, such as vertical building with the most sophisticated solar technology, and require water conservation. County staff appreciates the concern for energy conservation and sustainability practices. Many new policies and action items have been included in the Conservation Element that addresses these topics. See Response 47-1.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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General Plan

Letter 49

From: "Nelia Medeiros" <neliasm11@yahoo.com>  
Subject: General Plan  
Date: Mon, March 19, 2007 8:06 pm  
To: plowe@napacountygeneralplan.com

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March 19, 2007

To whom it may concern,

I first moved to Napa County in 1970. I supported and voted for the incorporation of American Canyon and believe in "Smart Growth." I would like to see American Canyon's ULL to go up to Fegan Creek and for Hess Vineyard to be designated as an Agricultural Preserve (NOT transistional). Thank you for your consideration.

49-1P

Sincerely,  
Nelia S. Medeiros  
American Canyon Resident

Nelia Sistena Medeiros  
Realtor  
707 365-9600  
707 641-6251 (Office)  
707 558-1945 (FAX)  
RE/MAX Napa Valley  
American Canyon Office

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We won't tell. Get more on shows you hate to love  
(and love to hate): Yahoo! TV's Guilty Pleasures list.

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### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 49: NELIA S. MEDEIROS, MARCH 19, 2007

*Response 49-1 P:* The commenter would like American Canyon's ULL to go to Fagan Creek and the Hess Vineyards designated as Agricultural Preserve, not Transitional. 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 Preferred Plan also proposes that the Hess Vineyards be designated Agriculture, Watershed and Open Space (AWOS).

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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#### Letter 50

Draft Napa General Plan: Traffic

From: "Miele, Thomas CDR" <Thomas.M.Miele@usecg.mil>  
Subject: Draft Napa General Plan: Traffic  
Date: Tue, March 20, 2007 2:33 pm  
To: info@napacountygeneralplan.com,plowe@napacountygeneralplan.com  
Cc: lgarcia@ci.american-canyon.ca.us,jbennett@ci.american-canyon.ca.us,dcallison@ci.american-canyon.ca.us,  
ccoffey@ci.american-canyon.ca.us,ewest@ci.american-canyon.ca.us,ksimonds@napa.lafco.ca.gov,mlyuce@co.napa.  
ca.us,hmoskowitz@co.napa.ca.us,bdodd@co.napa.ca.us,bwagenknecht@co.napa.ca.us,ddillon@co.napa.ca.us

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Dear Mr. Lowe,

Comments/Recommendations for the Napa County General Plan: Vehicle traffic, now and in the future, is clearly one of the main issues affecting residents and visitors of Napa County. Circulation Elements that outline a policy of limited construction for new or wider roadways, and where the road system that exists today (2007) is intended to be the road system of the future, does nothing to promote commerce or provide a safe and economical environment for the residents and visitors of Napa County. I offer the following recommendations to reduce the volume of traffic and congestion on major Napa County roadways, and provide the residents with a convenient and safe way to travel to school, work, and shcp, while attracting visitors to the downtown area of the City of Napa.

50-1P

1. Extend Coombsville/Green Valley Road to Green Valley Road Solano County: As a community with no direct access to an interstate freeway, the extension of Coombsville/Green Island Road to interstate 80 through Solano County would provide a direct link to the downtown area of the city of Napa. Wooden Valley Road is not in or directly connected to the Napa Valley, although it does serve a number of wineries in that area, is a shortcut to Lake Berryessa, and provides access to I-80.

An aerial view shows that the Green Valley Road of both Napa and Solano counties was once an established throughway. The distance separating these roads is approximately one mile. Reestablishing the Coombsville/Green Valley Roadway will:

- \* Revitalize the downtown area of Napa by providing a direct link to interstate 80 and improving access to the city of Napa. Many visitors to the wine country bypass the City of Napa because it is off the beaten path of the wineries. Reestablishing this road would significantly improve visitor access to the downtown area.

50-2E/P

- \* Serve remote areas of the County while preserving the area's rural character. The Coombsville/Green Valley Road would be a scenic drive through rolling hills of vineyards. This would also give access to the Bay Area Trail, which has been mostly inaccessible to the public since acquired by Napa and Solano counties.

- \* Relieve much of the congestion on Highway 29 south of Scaicol - provides an alternate route for traffic to interstate 80, vice Jameson Canyon Road and American Canyon Road. Reestablishing the Green Valley throughway would significantly reduce traffic on Highway 29 and Soscol Avenue, and improve access to downtown Napa.

2. Increase the number of vehicle lanes on Highway 29 from four to six, three in each direction, between Highway 37 in Solano County and the Highway 121/12 interchange. Widening Highway 29 to six lanes is supported by CALTRANS and would

50-3E/P

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### 3.0 COMMENTS AND RESPONSES TO COMMENTS

Draft Napa General Plan: Traffic

clearly be the easiest solution to Napa County traffic congestion. CALTRANS support would also provide a funding vehicle for this project and possibly avert another bond measure. Widening Highway 29 will:

- \* Reduce congestion on Highway 29, and improve traffic flow through the Highway 121/12, Soscol, and Jameson Canyon interchanges, as well as the City of American Canyon.

- \* Improve the air quality of the Napa Valley by reducing the number of cars and trucks at idle or moving at slower speeds.

- \* Reduce noise levels made by vehicles at high-speed, accelerating, and braking at stoplights.

- \* Improve the safety of pedestrians and vehicle traffic through the City of American Canyon by reducing the speed limit to 45 miles per hour. Widening Highway 29 and reducing the speed limit will improve safety for students attending the new high school and middle school (no bus service), and residents crossing Highway 29 to shop at the Napa Junction shopping center (Wal-Mart and associated stores).

50-3E/P  
cont'd

3. Policy CIR-1.4: The County's roadway improvements should minimize disruption to residential neighborhoods, communities, and agriculture. In keeping with this policy, Highway 29 reliever routes should be located east of Highway 29 and terminate at roadways with direct access to interstate 80. The plan to extend Soscol Ferry, Devlin Road to American Canyon Road on the westside of Highway 29, will only serve to send Highway 29 reliever traffic through residential neighborhoods, streets constrained by design, and with no viable outlet to interstate 80.

50-4E/P

If you have any questions please feel free to contact me directly. Tom Miele, Napa County resident.

Cdr Tom Miele  
Commanding Officer  
Communications Area Master Station Pacific  
Point Reyes, CA 94956  
Work (415) 669-2001  
Home (707) 647-7720

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### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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LETTER 50: THOMAS MIELE, MARCH 20, 2007

*Response 50-1 P:* Commenter believes vehicle traffic is one of the main issues affecting residents of and visitors to the County. The County appreciates the comment and the commenter is referred to the Transportation and Circulation Element of the General Plan Update.

*Response 50-2 E/P:* Commenter recommends revitalizing the downtown area of Napa by providing a direct link to Interstate 80 and improving access to the City of Napa. Commenter points out that many visitors use the wine country bypass to avoid wineries and further recommends the reestablishment of this roadway to improve visitor access to the downtown area. Although this roadway extension is not examined in the Draft EIR (no prior interest in this connection was expressed during the preparation of the public draft of the proposed General Plan Update), it is likely that this new roadway would result in significant changes in travel patterns, potentially increasing traffic in currently rural areas in violation of proposed Policy CIR-6:

*Policy CIR-6: The county's roadway improvements should minimize disruption to residential neighborhoods, communities, and agriculture.*

Other potential impacts would be the inducement of growth in the area served by the new roadway. By reducing the impediment of lack of roadway access, this new roadway would encourage new residential and other growth along its route and potentially in other locations.

*Response 50-3 E/P:* The commenter recommends increasing the number of vehicle lanes on Highway 29 from four to six lanes (three in each direction) between Highway 37 in Solano County and the Highway 121/12 interchange and reducing the speed limit through the City of American Canyon to 45 miles per hour. Commenter further adds that this recommendation is supported by Caltrans and would reduce congestion on Highway 29, improve traffic flow, improve air quality, reduce noise levels, and improve the safety of pedestrians, students, and vehicle traffic. The Circulation Map has been revised to reflect this configuration for Hwy 29, and a new roadway classification, Rural Throughway (6-lane), has been added. This change has been reviewed by the General Plan Update traffic consultant, who determined that this change would not create new impacts not already addressed in the Draft EIR:

- Hwy 29 north of Green Island Road to the 12/221 interchange is shown in the traffic model as a 6-lane road, consistent with this change. The traffic model assumed the 6-lane roadway width.
- Hwy 29 in American Canyon is shown in the traffic model as a 4-lane roadway. However, adding capacity to this roadway (essentially a policy decision on the part of the City of American Canyon) would not significantly change traffic patterns due to the relatively few number of entry points into Napa County and would therefore not change the conclusions of the traffic study. As noted above, the width of Hwy 29 north of American Canyon is assumed in the traffic model to be six lanes, which provides sufficient capacity to accommodate traffic from a future 6-lane roadway inside the city.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS

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*Response 50-4 E/P:* The commenter suggests that for Policy CIR-1.4 the County's roadway improvements should minimize disruption to residential neighborhoods, communities, and agriculture. In keeping with this policy, the reliever routes should be located east of Hwy 29 and terminate at roadways with direct access to I-80. As noted by the commenter, proposed Policy CIR-6 expresses the County's policy to "minimize disruption to residential neighborhoods, communities, and agriculture" when roadways are improved. The full text of the proposed policy (formerly Policy CIR-1.4):

*CIR-6: The county's roadway improvements should minimize disruption to residential neighborhoods, communities, and agriculture.*